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THE NEWSLETTER OF THE  
WESTMORELAND BAR ASSOCIATION  
VOLUME XXXIII, NUMBER 2  
JUNE 2021

*It Was The Best of Times, It Was The Worst of Times*

## Practicing During the Pandemic

### LAW IN THE TIME OF COVID-19

As we come to terms with our new normal, our post-pandemic lives, many of us may look back on the last 15 months with enormous sighs of relief. While other parts of the world are still in the trenches fighting COVID-19, we seem to be getting closer to victory. Even though our fight was bad, it wasn't all bad. The pandemic changed the way we do business across all industries, and some of it was for the better—Zoom, curbside pickup, the ability to work remotely, less crowded spaces, more time outdoors.

We asked our members to look back and tell us what got their thumbs up and thumbs down votes while practicing law during the pandemic.



#### David DeRose

**BEST:** The best things to grow out of the pandemic are the cooperative efforts and patience of the people with whom you work each day, extending themselves to adjust to new and sometimes more complicated ways to process and complete matters. Perhaps we all took for granted the “business as usual” practices that existed prior to March of 2020—not anymore!

**WORST:** The worst thing about practice during the pandemic is the lack of regular, face-to-face contact with our clients, staff members who have been and are working remotely, and with fellow members of our Bar. Practicing law for so many of us is all about building and maintaining relationships

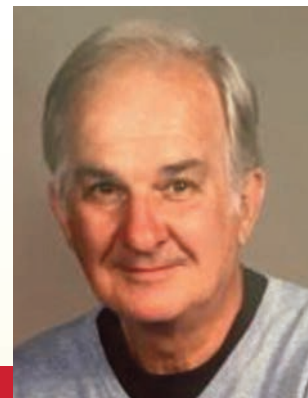
which is best achieved in person. Email, Zoom, phone, and FedEx have greatly aided us and will continue to do so, but they do not replace a friendly handshake or smile and having the ability to better assess the tone of someone's voice, their expressions and their demeanor. Of

*continued on page 18*

## Remembering R. Jerry Little

*Editor's note: R. Jerry Little passed away on Friday, February 26, 2021. He is survived by his wife, Christine, and children, Cayce (Marcel) Little Pastoor, of Pittsburgh, Brad (Ashley) Little, of Charlotte, N.C., and Allison (Jordan) Little Sromek, of New York, N.Y. He is also survived by six grandchildren: Catelyn, Carter, Hudson, Ethan, Morgan, and Dutch. Memorial contributions may be made to the University of Pittsburgh and UPMC Fight COVID-19, or Oakmont Carnegie Library.*

*by Daniel Joseph, Esq.*



Our dear friend, Jerry Little, passed away on February 26, 2021, from COVID-19 after a 25-day hospital stay. He died in the arms of his wife of 46 years, Chris, ending his long battle with this disease.

A wonderfully courteous lawyer, Jerry practiced with keen knowledge, diligence, and integrity. After graduating from Shadyside Academy, he attended Bethany College and then went on to Ohio Northern Law School. He began his law practice in the offices of Irving Green, Louis Ceraso, Aaron

*continued on page 8*

IN  
THIS  
ISSUE

2

President's  
Message

3

Annual  
Meeting  
Recap

9

Spotlight  
on Alex  
Brown

11

Jury  
Trial  
Verdicts

13

To-Wit:  
by S.  
Sponte

19

New  
Member  
Sketches

President's Message

# Together We Are Better

by Judith Potoka Petrush, Esq.

I am writing this message filled with gratitude for my family, co-workers, our membership, fellow Board members, and our WBA staff. This past year has proven beyond a reasonable doubt that with the support of others, we are resilient and able to persevere.

To our membership, I want to express my deepest sympathy for the loss of friends and family and acknowledge the missed opportunities, and personal and financial losses of this past year.

Our Association owes much thanks to our Past-Presidents

Scott Avolio, Joyce Novotny-Prettiman, and John Ranker for their dedication, time, and hard work for the WBA and on our new building. Truly, they all are now veteran construction project managers! We are also indebted to Dennis Persin, Chris Haidze, and past Young Lawyers Chair George Miller for their Board service and continued willingness to volunteer their time to the WBA. Our Executive Director, Alahna, and staff, Susan and Jessica, successfully navigated everything that 2020 threw at them and we are truly fortunate to have them. Thank you all so much for your stewardship, energy, and positive attitudes!

During my year as WBA President, I plan to honor their efforts by giving our members many opportunities to use and enjoy our new headquarters. When we gather at events this year, we plan to incorporate projects to serve the greater community, too. For the first such event, we collected our gently used clothing for a clothing donation drop-off event at the WBA during the week of May 3 to support

the Greensburg YWCA Thrift Shop and PA Workwear Program. This week-long clothing drive in honor of Mother's Day featured a Thirsty Thursday event at the WBA on May 6.

I ask the membership to help promote our online presence: Please like and follow our social media (Facebook: facebook.com/westbar; Twitter: @westbarPA) and check our website (westbar.org) as we feature our new headquarters, events, and our members. The Board wants to hear your ideas and feedback. We really appreciate your calls, emails, and responses to member surveys.

Soon, you will be hearing more details about our Capital Campaign (see page 4) and we hope that you will support that effort.

I challenge our Committees to increase their engagement of members by continuing to offer hybrid events where members may attend either in-person or virtually. Our new home is perfectly suited to accommodate all members in an inclusive manner.

The WBA Board and staff, along with our Activities and Bench/Bar Committees, are planning fun and public-health responsible events. Our July meeting will be held at Hempfield Park on July 30 with a presentation of awards and a lot of food, fun, and softball. We are organizing a Bench/Bar Conference in September; details will be announced soon. Our Holiday Dinner Dance promises to be something historic—literally historic,



Above: The WBA Pitt Law Class of 1993. (L to R) John Petrush, Jackie Knupp, Judi Petrush, and Past-President John Ranker



Left: WBA Ski Patrollers Judi Petrush and Past-President John Greiner

at one of our most history-filled locations in Westmoreland County.

I am truly honored to serve as WBA President and I hope that you all are looking forward to enjoying the benefits of WBA membership! We are connected by our experiences and united in the desire to make our legal community better.

Together, we are better, and can make a meaningful difference in Westmoreland County. ■

Judi

# New Leadership Elected at Virtual Annual, Special Meetings



*Outgoing President Scott E. Avolio passes the ceremonial gavel to incoming President Judith Potoka Petrush at the Annual Meeting held on April 5, 2021. Judi will serve a one-year term as President.*

At the Annual Meeting of the Westmoreland Bar Association held on Monday, April 5, Judith Potoka Petrush assumed the office of president.

An attorney for 27 years, Judi is an Assistant District Attorney for Westmoreland County. A Mount Pleasant native, she earned her undergraduate and law degrees from the University of Pittsburgh. Judi succeeds Scott E. Avolio and is serving a one-year term as President.

Due to the restrictions on indoor gatherings, the meeting was held virtually via Zoom.

## ELECTION RESULTS

Eric E. Bononi was elected to a one-year term as

Vice President and Leo J. Ciaramitaro was chosen to serve a three-year term on the Board of Directors.

Adam J. Long was elected to serve a five-year term on the Membership Committee. Michael T.

Korns was elected to serve a five-year term on the Building Committee; and David S. DeRose was elected to serve a one-year term.

## PRESIDENT-ELECT DENNIS PERSIN RESIGNS

Following the elections, President-Elect Dennis N. Persin announced his resignation from the Board of Directors, citing the need for knee surgery that would prevent him from fulfilling his obligation. “I am grateful to have spent time on the board,” said Dennis. “I can tell you that each and every decision that was made by the board was made with the best interest of this association and the

membership in mind in order to preserve the assets that we had acquired over the years. I’m proud to see the new people stepping up to fill the slots on this board, and I urge anyone else who has an interest: don’t wait until there may not be enough gas in the tank—get in early and participate. It’s well worth the time and the effort that we have all put in.”

President Scott E. Avolio thanked Dennis for his service: “While you may never get to hold the title as President, you were instrumental in many decisions that will forever be a new course for the bar association,” he said.

*continued on page 8*

## Maureen Kroll Elected Vice President at Special Meeting



WBA President Judith Potoka Petrush called a Special Meeting of the Westmoreland Bar Association on Thursday, April 29, 2021, to elect a vice president to fill the seat left vacant by the elevation of Eric E. Bononi to president-elect at the April 5 Annual Meeting.

At the special meeting, which was held virtually via Zoom, the quorum of attendees elected Maureen S. Kroll, who was serving her second year on the board as a Director, to a one-year term as Vice President ending on April 4, 2022. Maureen is a sole practitioner in North Huntingdon.

Maureen’s election leaves a vacant Director position on the board; it is expected to be filled at a Special Meeting to be held in conjunction with the Softball Game & Picnic & Awards Ceremony in July. ■

## the sidebar

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# Building Capital Campaign: We Can Do This!

by Joyce Novotny-Prettiman, Esq.,  
and David DeRose, Esq.

The Capital Campaign for our new building has been on hold for some time due to the uncertainty brought about by the pandemic. With the increased optimism about effective COVID-19 vaccines and the ability to return to in-person meetings, excitement about being able to fully open and to utilize our new, very accessible, and technologically advanced headquarters is growing. So ... without further ado, it is time to begin our Capital Campaign!

More details will be provided in the coming months, but in the meantime WBA members will receive a mailing about the Capital Campaign. A few quick facts:

- Pledges can be made over a five-year period and our window to accept pledges may be extended due to concerns regarding the pandemic.



The former headquarters of the Westmoreland Bar Association, located at 129 North Pennsylvania Avenue in Greensburg, was sold to AssetGenie, Inc., of Greensburg, on April 23, 2021, for \$300,000.



The new headquarters of the Westmoreland Bar Association, located at 100 North Maple Avenue in Greensburg.

- All gifts will be recognized and gifts of \$1,000 or above will be prominently acknowledged at the new building in proportion to the size of the gift.
- Gifts may be made in honor of or in memory of someone special to you.

When we are able to safely meet in person, the Capital Campaign Committee which we are chairing, will invite members to a meeting to launch the Campaign. We expect to do so later this summer through a presentation that will include facts and figures about our investment in our new building and the financing currently in place. Members are encouraged to submit questions to us or to the WBA staff. The Committee also understands that our new building project is possible, in part, due to the support that so many members gave to the capital campaign held when our previous building was acquired and renovated. As part of this process, we also intend to permanently acknowledge members who supported those initial efforts.

We all have a new appreciation for how important it is to gather in person and how lucky we are to be part of the WBA and its tradition of bringing members together so that we can interact with each other, and through that process, better serve our members.

When the WBA conducted a capital campaign 30 years ago, the goal was accomplished, the debt was paid off early, and our previous headquarters served us well for many years. At the present time, we have many more members and the benefit of our investments working to make this dream of a new building become a reality. We can do this and ensure the financial strength of the WBA for many generations of Westmoreland County attorneys who will follow us.

The Capital Campaign Committee currently consists of the WBA Board of Directors, the Building Committee, Dara DeCourcy, Adam Long, Nicole Pardus, and John Ranker. Anyone who would like to join the Capital Campaign Committee should contact the WBA offices to volunteer.

We have no doubt we can do this! ■

# Mediation and COVID-19

by Caitlin Bumar, Esq.

The COVID-19 pandemic has affected most aspects of the legal profession over the past year and mediation is no exception. This unprecedented time period has brought about significant changes in practice which may persist into the foreseeable future. To gain some insight into the current state of mediation in Westmoreland County, I spoke with Judge Gary Caruso about his mediation practice, the changes caused by COVID-19, and his journey from judge to mediator.

## MEDIATION AND COVID-19

In reflecting on mediation practice in the past year, Judge Caruso first notes the most dramatic difference—all mediation proceedings are currently being conducted via Zoom. As with any shift of that magnitude, it has had both positive and negative

## LAW IN THE TIME OF COVID-19

ramifications. On the plus side, remote mediation has necessarily eliminated travel for parties and counsel as well as travel fees for the mediator. This has resulted in a significant cost savings to the parties. Procedurally, mediations are being conducted in the same way as they would be in person, but Judge Caruso has noticed that the parties are inexplicably more efficient and succinct in their presentation. There is less repetition and “much less small talk between the parties and the mediator.”

Of course, there are also certain drawbacks that come along with remote mediation. Judge Caruso feels that the lack of in-person contact inhibits the building of trust between

the parties and the mediator—especially with the plaintiff. This trust is essential in ensuring that the plaintiff feels like the mediation process is fair and that settlement is a good decision.

In considering whether the pandemic has caused an increase in demand for mediation, Judge Caruso notes that the demand for mediation has been steadily increasing long before the onset of COVID-19—at least since he began his mediation practice in 2014. There is no doubt that mediation was the preferable solution for many litigants in 2020 while the court systems in every county were closed for indefinite periods of time. Mediation was able to provide litigants



The Hon. Gary P. Caruso

*continued on page 6*



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## Mediation and COVID-19 *continued from page 5*

with an opportunity for settlement and compensation within a reasonable time frame, versus the uncertainty of waiting for an opportunity to place their cases on trial lists with no definitive timetable.

When asked if remote mediation will continue once the major effects of the pandemic have ebbed, Judge Caruso states that he does not believe that this will be a decision that is made by himself or his fellow mediators. Insurance companies and defense firms almost certainly realize the significant cost savings of remote mediations and will want to continue them indefinitely. He believes, however, that plaintiffs' attorneys would probably prefer return to in-person mediation which has the benefit of the trust-building relationship with the mediator.

### FROM JUDGE TO MEDIATOR

Judge Caruso began his career as a mediator in May of 2014, initially to have something to do with his time after retiring from the bench. He has kept at it since then because he finds it enjoyable and rewarding. He is able to meet interesting people and keep up with developments in the law while providing an in-demand service to the Westmoreland County legal community.

Comparing the roles of judge and mediator, Judge Caruso enjoys that he is able to be involved more intensively

in the negotiations and pursue aggressive mediation strategies without accusations of prejudice. He is able to offer constructive criticism to both parties in order to offer realistic assessments of their cases. He also enjoys the more investigative role that comes along with being a mediator—looking for facts that can be presented objectively to each side that point out strengths and weaknesses. In any case, his experience as a judge has been invaluable in his work as a mediator.

Having conducted many settlement conferences in his time on the bench, Judge Caruso developed a belief that most parties would genuinely prefer to settle a case rather than proceed through the protracted litigation and attendant stress that comes with a trial. He has noticed that many parties are, in fact, more than willing to engage in good-faith mediation to avoid the delays and uncertainties of trial. For example, many plaintiffs are subjected to a deposition and, finding the experience unpleasant, wish to avoid a trial.

Judge Caruso believes that mediation can be helpful and productive in nearly all cases. The key element is discovery: discovery should be substantially completed before mediation is attempted. Parties must be able to produce the maximum amount of evidence to allow the mediator to have an accurate assessment of both parties' cases in order to conduct a meaningful mediation.

In closing, Judge Caruso has three important tips for the members of our bar on participating in a successful mediation: "Preparation, preparation, and preparation!" You must know your case inside out, and you must comprehensively prepare not only yourself but your client and the mediator. One crucial component for both sides is a thorough and timely mediation statement. Plaintiff's counsel should be prepared to articulate damages precisely and anticipate all reasonable defenses. Defense counsel should provide their client with a realistic look at the risks and expenses of trial versus the benefits of a settlement. Prepared attorneys allow for productive mediation and resolutions that benefit all parties involved. ■

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To feel that your hours are filled to overflowing, that you can barely steal minutes enough for sleep, that the welfare of many is entrusted to you, that the world looks on and approves, that some good is always being done to others,—above all things some good to your country,—that is happiness.

*Anthony Trollope, The Duke's Children,  
Written in 1879 about English barristers*

# Coping Skills: How to Take on Pandemic Stress ... and Win!

We all know that the practice of law is stressful, even in the best of times. Once you add the uncertainty and challenges of a pandemic, do we even have a chance of making our lives bearable? So many attorneys are dealing with the stress of practicing law while also taking on the tasks of home-schooling children, sharing at-home workspace with other family members, changing procedures to adapt to a remote work environment, finding vaccine appointments, and trying to help clients who have the additional stress and financial challenges brought on by COVID-19. These challenges are overwhelming and, at times, seem insurmountable.

You need to start by being honest with yourself about how you are handling the additional stress of a pandemic. The truth is that everyone needs to employ some tried-and-true coping mechanisms as the pandemic continues to disrupt lives and livelihoods.

The good news is that there is help available—you just need to know where to look.

The internet is the Wild West when it comes to seeking help and you may

face more stress with information overload if you craft a Google search about coping skills. For a more concentrated list of options, consider reviewing the information compiled by the PA Lawyers Concerned for Lawyers. Check out the “Resources” tab on their website at [lcpa.org](http://lcpa.org). There are links to phone numbers, articles, CLEs, TEDTalks and so much more. Of course, if you need to reach out to talk with someone, confidential help is always available at 1-888-999-1941.

LAW IN THE TIME OF  
**COVID-19**



Coping mechanisms come in many different shapes and sizes. Some of the things that you can do to cope with pandemic stress and anxiety are things that you need to work at and cultivate over time. Mindfulness seems to be the buzzword for all things that soothe pandemic woes. Mindfulness is a very broad category and includes practices such as meditation, journaling, yoga, breath work, gratitude practices, and emotional freedom tapping just to name a few. These are habits you try to form over time, and that work better with more practice. Hopefully you

have found stress relief by trying out some of these options.

If you are looking for

some great go-to immediate stress busters, try the article in the LCL resources by Renee Engelin, Ph.D., entitled “3 Ways to Feel Better Right Now.”<sup>1</sup> This article discusses techniques that can get you through an emotional moment and move you away from panic.

Dr. Engelin’s first tip sounds simple, but it is key to bringing calm to any situation—breathe it out! Breathing is a proven way to calm your emotions. It

is a technique that can be used anytime or anywhere. That is powerful. The technique of Box Breathing is part of military and police training. In order to practice this technique, you breathe in for four seconds, retain the breath for four seconds, slowly breathe out for four seconds and finish the “box” with four seconds with your lungs emptied before you repeat the process.

The second tip: work it out. Research has found the moderate exercise is a proven way to elevate your mood. Take a walk, play with your pet, try Zoom Zumba, fit a short jog into your schedule—all of these things will most likely improve your mood. You can see results in only 30 minutes a day. If you are too busy to take time out to exercise, break this into 10-minute sessions throughout the day.

If physical activity does not work for you, Dr. Engelin’s third tip is write it out! Use an old-fashioned pen and paper to help you get your worries out of your head and onto paper. One suggestion is that you write a letter of thanks to someone, expressing your gratitude for something they have done or for some way they have made a difference in your life.

These techniques can be helpful to you long after we say goodbye to pandemic stress. Take care! ■

<sup>1</sup> <https://tinyurl.com/engelin-article>

## Remembering R. Jerry Little *continued from page 1*

Kress, and David DeRose. Later, John Ceraso and David Regoli joined the office. Subsequently, Jerry, David, and Aaron went on to share space. Jerry's practice consisted of estate work, real estate transactions, solicitorships, and representing local businesses.

In 2020, Jerry decided to close his office, but kept his license active. He was in great health, walking at least three miles per day, going to the gym weekly, and was conscientious of his diet. Jerry was an unlikely candidate for this horrible disease.

He is survived by his wife and constant companion, Chris. They made an ideal couple, always being gracious, kind and giving to their friends and community. He is survived, as well, by his three loving and accomplished children, Cayce Little Pastoor and her husband, Marcel, of Pittsburgh, Brad Little and his wife, Ashley, of Charlotte, N.C., and Allison Little Sromek and her husband, Jordan, of New York, N.Y. His six grandchildren—Catelyn, Carter, Hudson, Ethan, Morgan, and Dutch—referred to him as “Bear” and loved him dearly. Jerry and Chris took frequent road trips to visit their children and grandchildren or delighted in having them come *en masse* to their home in Oakmont.

Jerry was preceded in death by his parents, Ralph and Stella Little. His mother was part-owner of Jerome Motors in New Kensington and his father was a long-time, well-respected pharmacist in New Kensington. Both of his parents were avid golfers and passed their love of golf on to Jerry. In addition to golf, he greatly enjoyed reading and loved to discuss books with others.

Aaron Kress's memory of Jerry began as his young neighbor approached him with a dilemma. Jerry explained to Aaron about his upcoming date with a beautiful girl he wanted to impress, so Aaron graciously offered his Porsche 356, which Aaron noted had a very small back seat. Still, Jerry, who

drove an old Volvo from his parents' dealership, borrowed the car and took Chris on the date, allowing Aaron to attest to his part in the matchmaking.

As David Regoli recalls, “I was fortunate enough to spend fifteen of

**“Jerry was a passionate, energetic, and hardworking lawyer. He was also a true and generous friend whose loss is beyond measure to his family and many friends.”**

my thirty years as a lawyer seeing Jerry on a daily basis. I can't recall one time that I ever saw him raise his voice or disrespect opposing counsel or another party. To say he was truly a gentleman's lawyer and class act would not do justice to the man that he was and how he lived his life.”

One of Jerry and Chris's favorite destinations—and where they often traveled—was the island of Anguilla. Symbolically, the island mirrored their lives together, that being one of calm and simplicity. When one of their vacations to Anguilla neared, Jerry would become very excited that he

and Chris would soon be flying to the island they loved so much and would be able to spend time together, with walks on the beach and snorkeling. As a couple, they had a knack for keeping life peaceful. As hosts to their many dinner parties at their home, they were unmatched in both elaborate cuisine and hospitality. What a fantastic team.

As Judge Donetta Ambrose succinctly summed it up, “Jerry was a passionate, energetic, and hardworking lawyer. He was also a true and generous friend whose loss is beyond measure to his family and many friends.”

Years ago, a group of us began lunching together almost daily at the Denny's restaurant in New Kensington. The discussion often involved current events, family, the law, or our travels. No matter the subject, Jerry's opinion was one of tranquil observation.

His friends, of which there were many, will miss him forever. In all the time I knew Jerry, I never heard him speak ill of anyone. It was almost impossible to get him to argue, which somewhat frustrated me. That said, he was a true pleasure to be around. I am certain that his friends will always cherish their memories of Jerry, remembering him as the finest kind of gentleman. ■

## New Leadership Elected

*continued from page 3*

Per the WBA bylaws, upon Dennis's resignation, Judi Petrush assumed the office of president and the newly elected vice president, Eric Bononi, assumed the office of president-elect, leaving the office of vice president vacant.

Continuing to serve on the Board are Directors Angelea Allen Mitas and Maureen S. Kroll; Past President Scott E. Avolio; Treasurer Patsy A. Iezzi, Jr.; and Secretary/Executive Director Alahna O'Brien.

### WESTMORELAND BAR FOUNDATION ELECTION RESULTS

The annual meeting of the Westmoreland Bar Foundation immediately followed the WBA virtual meeting. Todd T. Turin, Richard H. Galloway, Timothy J. Geary, Caleb Crousey, and The Hon. Christopher A. Feliciani were unanimously reelected to the WBF Board of Trustees. They will each serve through 2024. ■



# Spotlight on Alex Brown

*Editor's note: Alexander Brown is the new Chair of the WBA Young Lawyers Committee. His one-year term began at the 2021 Annual Meeting, held April 5 via Zoom. An associate with Meyer Darragh in Greensburg, his practice consists of civil litigation with a mix of commercial, appellate, civil rights, employment/labor, insurance defense, property rights, municipal, and school district issues. Other election results for the Young Lawyers Committee included Nicole Pardus, Vice Chair; Maria Rossi, Treasurer; and Gina Cerilli Thrasher, Secretary.*



**Q WHAT JOBS HAVE YOU HELD PRIOR TO BEING AN ATTORNEY?**

**A** During high school, I was a food server at UPMC Weatherwood Manor. In college, I washed dishes in

Grove City College's cafeteria and called prospective students for the admissions office. During summers in college, I cut grass for the Municipal Authority of Westmoreland County, interned on a US Senate campaign, and performed general maintenance work at Twin Lakes Park. When I attended Case Western Reserve for law school, I worked as a tour guide for prospective law students during the school year, externed for Chief Judge Joy Flowers

Conti of the US District Court for the Western District of Pennsylvania, and worked as a summer law clerk at Goehring, Rutter & Boehm in Pittsburgh.

The prosecuting attorney was future Congressman Conor Lamb.



**Q WHAT IS THE FUNNIEST THING THAT'S HAPPENED TO YOU AS AN ATTORNEY?**

**A** My first job after law school was clerking at the US District Court for the Western District of Pennsylvania in Pittsburgh. The court set aside a half day for middle school students to learn about the federal courts by observing a mock trial. I was recruited to be the criminal defendant in the mock trial. My character, a high school student, was accused of threatening someone using rap lyrics posted on Facebook. The prosecuting attorney asked me to perform the rap while on the witness stand. After doing that, the prosecuting attorney asked if I was considered a popular student. My answer: "Well, my rap on Facebook did receive 53 likes." The whole courtroom laughed at the prosecuting attorney. The prosecuting attorney then intensely and effectively cross-examined me, resulting in my character's conviction by the middle school jury.

**Q WHAT IS THE QUALITY YOU MOST LIKE IN AN ATTORNEY?**

**A** I most respect attorneys who fight hard for their clients and treat their opposing counsel professionally.

**Q WHAT IS YOUR FAVORITE JOURNEY?**

**A** My favorite journey is my family's tradition of visiting my relatives in the Atlanta suburbs and then visiting our relatives' eastern Alabama lake house during the summer.

**Q WHAT IS YOUR GREATEST REGRET?**

**A** Graduating in three years instead of four years from Grove City College. Saving money and time by graduating early was not a bad decision. But if I stayed for a fourth year of college, I could have completed a double major in economics and run cross-country for one more season.

**Q WHO ARE YOUR HEROES IN REAL LIFE?**

**A** My mom and dad, who showed me the importance of working

*continued on page 10*

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# Spotlight on Alex Brown *continued from page 9*

hard in school and in whatever jobs or activities I participated in, no matter how temporary they were. My grandpap is also a real-life hero for teaching me how to hunt and enjoy the outdoors.

## Q WHAT ADVICE WOULD YOU GIVE TO ATTORNEYS NEW TO THE PRACTICE OF LAW?

**A** Do not go it alone. Find a good attorney mentor who can take you under their wing and provide you with numerous learning opportunities. Also, learn to enjoy and excel in legal writing. Good writers stand out in this field.

## Q WHAT IS THE BEST ADVICE YOU EVER GOT?

**A** My boss, Bernie Matthews, has told me multiple times that “it takes ten years to build a practice.” This advice reflects the truth that doing good work is more important than landing big clients early on in an attorney’s career. Being a good attorney is what makes you ready for the big moments as your career progresses.

## Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

**A** Landing a federal judicial clerkship after law school. Knowing that I could write and reason like a federal judge was a confidence booster

before beginning to practice law.

## Q WHEN AND WHERE WERE YOU HAPPIEST?

**A** I learned that I passed the Pennsylvania bar exam while with family and law school friends as we were walking into a playoff baseball game in Cleveland in October 2016. I had no idea the bar results were being released that day, so I did not understand why my phone starting blowing up with text messages as I was walking into the stadium. Some of my attorney friends had been watching the Pennsylvania bar results for me and I did not even know it. It was nice to be with my family and law school friends for that moment.

## Q WHAT IS IT THAT YOU MOST DISLIKE?

**A** Dilatory tactics in discovery. There is no need to run up client bills with pointless discovery battles. Accomplishing substantive litigation goals or amicably resolving a case is a far better use of client resources.

## Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

**A** I don’t consider myself an extravagant person. But I greatly enjoy my family’s traditional Mother’s Day celebration at the Summit Inn in Fayette County. That is a neat, historical place with really good food.

## Q WHAT DO YOU DO BESIDES BEING AN ATTORNEY?

**A** I am active in local politics as chair of the Westmoreland County Young Republicans and also serve on New Stanton Borough Council.

## Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

**A** Honesty. You need friends to tell you what you need to hear, not what you want to hear.

## Q WHAT CAREER, OTHER THAN YOUR OWN, WOULD YOU LIKE TO ATTEMPT?

**A** Being a baseball player agent or front office executive. Some of my cousins have been minor league baseball players and my aunt’s husband was a general manager or front office executive for many years. The problem is, I quit playing baseball in second grade, which is not a preferred trait for people who try to get in that field.

## Q WHAT IS YOUR MOTTO?

**A** The only easy day was yesterday. That is the Navy Seals motto, but when I was a younger Boy Scout, I remember the older kids in the troop saying that. ■

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**MARCH 2021 CIVIL TRIAL TERM**

Of the thirteen cases on the March 2021 Civil Jury Trial list, three settled, seven were continued, one was terminated, and two proceeded to a jury trial.

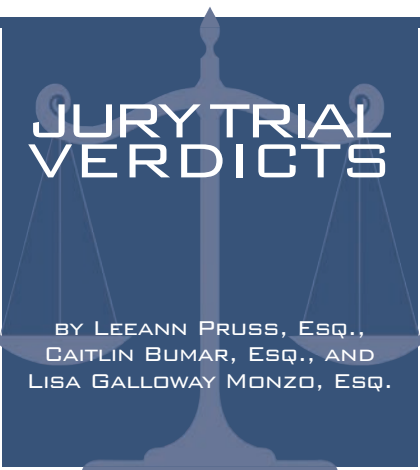
**STEVE'S AUTO & TRUCK REPAIR, LLC**

**v.**

**THE CITY OF LATROBE  
NO. 5506 OF 2018**

*Cause of Action: Negligence*

On June 20, 2018, Plaintiff's business location in Latrobe, Westmoreland County, was flooded and suffered damages. According to the business owners, Steve Bly, Jr., and Heather Bly, the flooding occurred because Defendant failed to properly maintain a storm water drainage culvert running parallel to the side of the business. Mr. Bly testified that prior flooding had occurred at the business in August 2013 when the culvert failed to properly route storm water underneath the roadway and away from the property.



Plaintiff argued that Defendant was on notice of the poorly maintained culvert because the 2013 flood was documented on the front page of the Latrobe Bulletin, he sent letters and made phone calls after prior flooding events, an employee of the Defendant inspected the culvert after the August 2013 flooding, and a minor repair to a catch basin was completed in April 2018. An expert testified on behalf of Plaintiff that the poor condition of the pipes was ongoing and conspicuous prior to March 2018, and created a reasonably foreseeable risk of flooding.

Plaintiff sought damages in the amount of property lost, particularly tools utilized in the auto repair business, and for lost profits.

Defendant argued that it did properly maintain and repair the culvert with routine inspections and as-needed repairs. Defendant also argued that the evidence presented only showed the condition of the culvert after the flooding event, and that the significant rainfall in the area on June 20, 2018, caused a catch basin to collapse and crush one of the pipes at the culvert, which resulted in the flooding at issue. Since Plaintiff had no evidence that the culvert was damaged prior to the flooding event, Defendant argued that Plaintiff could not establish notice of the deteriorated condition or the necessary element of causation.

*Trial Dates:* March 2-4, 2021

*Plaintiff's Counsel:* David A.

Strassburger and Lydia A. Gorba, Strassburger McKenna Gutnick & Gefsky, Pgh.

*continued on page 12*



**Stephen L. Meyer**

Patent Agent, USPTO Reg. 71312  
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## Jury Trial Verdicts *continued from page 11*

*Defendant's Counsel:* Donald H. Smith, Lewis Brisbois Bisgaard & Smith, Pgh.

*Trial Judge:* The Hon. Chris Scherer

*Result:* Verdict in favor of the Plaintiff in the amount of \$182,500.

### UMH SALES AND FINANCE, INC.

V.

### DEREK AND KATHRYN AUEN AND CTS CONSTRUCTION EXCAVATION, INC.

NO. 4192 OF 2016

*Causes of Action: Negligence—Breach of Contract—Unjust Enrichment*

Plaintiff sells mobile homes for placement on property owned or leased by individuals. Defendants Derek and Kathryn Auen purchased a modular home from UMH, which was to be placed on property owned by the Auens. As part of their purchase, the Auen Defendants contracted with Defendant CTS Construction Excavation, Inc., to perform excavation work for the basement of their home. Defendant Derek Auen was an employee of Defendant CTS Construction and worked as their employee for CTS during the project.

On January 31, 2016, at the property owned by the Auens, a portion of the foundation wall on which the Auens' modular home had been placed collapsed, resulting in damage to both the foundation and their mobile home. As a result, UMH alleged that it suffered damages of more than \$50,000 in remedying the damage to the foundation and the mobile home.

Plaintiff alleges that they and the Auen Defendants are parties to a purchase agreement and addendum, which required the Auen Defendants to provide a basement and foundation suitable for UMH to crane set the modular home purchased by the Auens in place on the property. Plaintiff avers that the Auen Defendants breached the contract between the parties.

Plaintiff also alleges that the Auen Defendants and Defendant CTS Construction were negligent in their duty to provide a site, including basement and foundation, suitable for UMH to crane set the Auen mobile home on the property, specifically averring that the Defendants collectively failed to meet this duty by digging the basement too deep, causing the grade to be too high prior to the setting of the home, using inadequate/unsuitable backfill based on the soil and site conditions and failing to attach required L-brackets at the base of the basement walls. Plaintiff further alleges, in the alternative, that the Defendants are liable to Plaintiff for unjust enrichment, as Plaintiff conferred benefits on Defendants in the form of work and/or repairs to the property and it would be inequitable for Defendants to retain the benefit of Plaintiff's payment for such work.

Defendants Auen allege that although there was a purchase agreement and an addendum between the parties, neither of those documents required the Auen Defendants to provide a basement and foundation suitable for UMH to crane set the modular home. Instead, the damage to the foundation and the home

were caused by the failure to place the L-brackets to secure the home, which was the obligation of Plaintiff UMH or one of its subcontractors and not the obligation of the Auens.

Defendant CTS Construction contends that it entered into a contract only with the Auens, that Defendant CTS Construction performed its contract in a good and workmanlike manner, and that it is not responsible because any damages to the Plaintiff were the direct and proximate cause of the negligence of the Plaintiff or its subcontractor for failing to properly install the modular home on the foundation.

*Trial Dates:* March 9-10, 2021

*Plaintiff's Counsel:* Christopher A. Cafardi, Cafardi Ferguson Wyrick Weis & Gabriel LLC, Sewickley

*Defendants Auens' Counsel:* John M. O'Connell, Jr., O'Connell & Silvis, Gbg.

*Defendant CTS Construction Excavation, Inc.'s Counsel:* Thomas W. Smith, Mears, Smith, Houser & Boyle PC, Gbg.

*Trial Judge:* The Hon. Rita Donovan Hathaway, President Judge

*Result:* Verdict in favor of the Defendants. No damages were awarded. ■

## Pandemic Restrictions Lifted

Following state and CDC guidelines, the WBA has returned to full capacity as of May 31, 2021. Fully vaccinated people are not required to wear a mask; however, you may if you would like. Unvaccinated people should wear a mask. This is the honor system. We will not inquire about your vaccination status. Please stay home if you do not feel well.

We encourage Committee Chairs to hold hybrid meetings, enabling members to attend in person but also have the option to attend virtually by logging into the meeting via Zoom.

Please contact Jessica at [westbar.org@westbar.org](mailto:westbar.org@westbar.org) to set up a Committee meeting with a Zoom attendance option.

# To-Wit: And Give My Love To Rose

by S. Sponte, Esq.

Although I am pretty much retired now, I am in the marrow of my bones still very much a lawyer. No doubt that's why from time to time I yet enjoy taking my midday repast at *Sans Merci*, that dangerously undistinguished near-the-courthouse eatery where, come noontime, many of my favorite colleagues also congregate for assumption of the same culinary risk. As they say, the three most important reasons for the success of a business are location, location, location, and that certainly applies here. *Sans Merci* is only one block from the hospital.

Service being what it is there, we always have plenty of time to chat, enough time, in fact, to read and commit to memory an entire volume of the Decennial Digest; in the entire

history of *Sans Merci* that would be the first time any patron ever had occasion to constructively use the word "digest." That day's spontaneous conversation turned to a contracts case one colleague

**“As lawyers, we need to be up on these things. I mean, who known when one of our clients may become involved in a gravid bovine transaction gone awry?”**

was currently litigating; at issue was whether or not there had been a mutual meeting of the minds so as to create an enforceable agreement. Recalling my freshman contracts class, I mentioned the possible applicability of "Rose of Abalone," thinking, of

course, that everyone would instantly comprehend the reference. To my utter astonishment, though, no one had a clue; to them the memory of "Rose" was as cold as the mammary gland of a female necromancer.

"Well then, what about the Rule in Shelley's Case," I tangentially inquired, or "The Rule Against Perpetuities? Do either of those ring a bell?" The unanimity of their negative reactions was the first undisputed response we have ever had in the entire history of our luncheon encounters.

Now come on, who doesn't remember that the Rule in Shelley's Case decrees that a real estate conveyance from A to B for life,




*continued on page 14*

G

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**Daniel Joseph**

# To-Wit: And Give My Love To Rose

*continued from page 13*

remainder to the heirs of B, is a conveyance in fee simple to B. And except for those having lunch with me that day, who doesn't know that the Rule Against Perpetuities voids *ab initio* any conveyance of land, the complete and untailed ownership of which has no possibility of fully vesting within 21 years of a life or lives in being at the time of the conveyance. As for Rose, you must certainly recall it involved the sale between farmers of a prize and valuable show cow that neither knew was expecting, and who therefore was entitled to the calf.

As lawyers, we need to be up on these things. I mean, who knows when one of our clients may become involved in a gravid bovine transaction gone awry? And yet, despite the faith I take in the scope and breadth of my intellectual recall, I couldn't help but

sense there may be other significant legal apothegms out there that I do not remember but need to. So, the first thing I did when I got back to my computer, well, I mean the first thing I did after checking emails, Facebook, Groupon and my favorite erotica websites, was to search for them, and, spoiler alert, I found some.

I suggest you read what follows with the fullness of your intellectual prowess, however meager. I'm submitting this piece for accreditation as a CLE, making this the first article I've ever written that may be worth your effort to remember.

**THE RULE IN BESSIE MAE MUCHO'S CASE**—Shortly after Witchhazel, Texas, enacted an ordinance prohibiting women from dancing in public with eggplants, Bessie Mae was indicted for swiveling

on Main Street in a passionate and solitary mambo, salaciously clutching an offending nightshade one to each bosom. Her appeal made it all the way to SCOTUS which, despite the ordinance's inherent gender bias and total lack of substantive due process, upheld her conviction anyway, holding that, all other things aside, eggplant is universally disgusting.

**VITO'S OF NORTH HOLLYWOOD**—Second only to *Rose* in the pantheon of contract litigation, this matter evolved when the parties failed to come to a meeting of the minds regarding whether the \$30,000.00 eight-carat diamond ring that buyer had purchased for his new chippie from a popular and well-connected jeweler was or was not paste. Although the facts seemed to support the buyer, every tribunal that heard the case ruled for the seller, and to this very day scholars posit that the outcome was in some way influenced, however subtly, by the jeweler's many associates.

**THE OTHER RULE AGAINST PERPETUITIES**—Arising from the common law of the highlands of Northwest South-Central Scotland, this doctrine from the fourteenth century, before it became settled law, was litigated more often than haggis is thrown up. It provides that a conveyance of real estate from A to B for life, remainder to the heirs of B, may be converted into a fee simple conveyance to the heirs of B by election, if said heirs, or any one of them, are in severe need of ready cash and have broadswords immediately at hand.

So now, if ever we should chance to share a luncheon together, you have the wherewithal to be a satisfactory companion. And if there is only one thing you take away from this presentation, just one thing, please let it be this: avoid the Surimi Rangoon Supreme at all costs. ■

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## where in the world IS THE WBA MEMBER?



On March 17, 2021, Tim Geary left Springer Mountain in Georgia to begin his journey to thru-hike the Appalachian Trail with a goal of completing all 2,190 miles and reaching Mount Katahdin in Maine by October 2021.

Along the way, he has been raising money for the Westmoreland Bar Foundation and the AIM at Melanoma Foundation in memory of his wife, Gillen, who passed away in April 2020 after a seven-year battle with melanoma.

Due to an injury, Tim, known as "Papa Smurf" on the trail, had to put his hike on hiatus after logging 215 miles in 32 days. He expects to be back on the trail in late June.

To show your support of Tim and Gillen, make a donation to the Westmoreland Bar Foundation at [westbar.org/timonthetrail](http://westbar.org/timonthetrail) or to the AIM at Melanoma Foundation at [support.aimatmelanoma.org/fundraiser/3186973](http://support.aimatmelanoma.org/fundraiser/3186973).

**THE APPALACHIAN TRAIL**

Westmoreland Revisited

# Here's Mud In Your Eye<sup>1</sup>

A glance back to one of Westmoreland's first industries.

by Daniel J. Ackerman

In the last decade of the eighteenth century, Pennsylvania was the only state among the former colonies which produced more grain than its inhabitants could consume. Yet, for farmers in the western counties, it was difficult and expensive to transport excess grain by packhorse and wagon across the formidable obstacle of the Allegheny Mountains to eastern markets when harvests exceeded domestic demand. The growers' frustrations were resolved by reducing volume and weight by distillation to create a product which was both easier to transport and of greater value—whiskey.



Daniel J. Ackerman



The more densely populated East provided a ready domestic market for liquor, which was also exported to Native American tribes in exchange for pelts. On the frontier, where cash was scarce, whiskey was the only commodity that had a standard value, with the worth of other goods being measured against it. This stability was maintained, in part, because courts licensed public houses and regulated the price of liquor. However, the end product of the farmers' efforts and the money it generated made a tempting target for taxation, which in turn, would lead to the Whiskey Rebellion in 1794. But that is another story.<sup>2</sup>

Six years later, after the failed insurrection, those formidable mountains were crossed in 1800 by migrants from Bucks County, including a Mennonite farmer, Henry Oberholtzer, who brought his family of 13 and all their worldly possessions by covered wagon on a journey that lasted six months. The settlement they established, two miles northeast of the present-day town of Scottdale, was called Overton, now known as West Overton, and the Oberholtzers, whose name was later anglicized to Overholt, began farming on 263 acres. The family was noted for two talents—weaving and distilling rye whiskey, family traditions which had originated in Germany.

Henry's son, Abraham, who at age 16 was learning the weaving trade, also directed the distilling process located in the farm's log cabin still house, which produced just enough whiskey for personal use, a common practice on the frontier. In fact, it was so prevalent that at the time, it was estimated that there were around 600 stills operating in the southwest corner of the commonwealth.

Abraham's modest efforts at distilling soon grew into a small cottage industry producing 15 gallons a day out of a larger stone still house built in 1813. That was the year his father, Henry, died, and Abraham, then age 29, purchased the interest of his brother, Christian, in the family farm for \$50 an acre.

From his original modest output, daily production soared as the size of the stills were increased three times: to 168

*continued on page 16*

<sup>1</sup> A drinking toast to good health. Some believe it was derived from the story of Jesus restoring eyesight to a blind man by smearing mud over his eyes.

<sup>2</sup> See "Judge Alexander Addison and the Whiskey Insurrection," *the sidebar*, November–December 2006.

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## Here's Mud In Your Eye *continued from page 15*

gallons in 1814; 212 gallons in 1823; and 324 gallons in 1828. With the construction of yet another new stone distillery in 1832–33, Abraham began turning out 55,000 gallons of “Old Farm” whiskey a year.

In a step toward what would now be called vertical integration, Abraham, now 50, built a flour mill on the property in 1834, eliminating the need to transport grain from the farm to be milled elsewhere, and then back again to the distillery. In the mid-1850s, he brought two sons, Jacob and Henry, into the business as partners.

Before we push on with the history of the business, however, let's digress and take brief note of a family matter. Abraham and Maria Overholt's daughter, Elizabeth, married an impecunious farm worker named John W. Frick, and the newlyweds established their home in the farm's tiny stone springhouse. There, on December 19, 1849, Elizabeth gave birth to a son, baptized as Henry Clay Frick, more of whom we will hear about later.

Abraham and his sons, Jacob and Henry, now had a growing concern on their hands at West Overton where “Old Farm Pure Rye Whiskey,” one of the first brands to be advertised nationally, was being produced in a new five-and-



a-half-story brick distillery. And around the distillery, a small village grew to house and service company employees.

When expansion became a consideration, Henry and Jacob looked toward the Youghiogheny River and built an additional, more modern plant at Broad Ford (a now-nonexistent hamlet in Fayette County, near Connellsville) where they would produce a new

product under the label of “Old Monongahela,” that would bring the A. Overholt Distilling Company to another level.

The deaths of Jacob, at age 56 in 1859, and Abraham, at age 86 in 1870, brought new—and mostly family—members into the management of the company. Eventually, and certainly to no one's surprise, the reins of the company passed to Abraham's grandson, who had already honed his credentials as a businessman, and one might even say mogul, in the coal and coke industry—Henry Clay Frick. Frick would bring in his friend, Andrew Mellon, as a new one-third partner, as well as Andrew Mauck, who was placed in charge of operations. The latter was responsible for the relabeling of the product as “Old Overholt” in 1888.

The path the company was on was not without detours and its operations were almost completely curtailed by two major fires at the Broad Ford plant, one in 1884 and the other in 1905. Before the 1905 conflagration, the plant, in addition to the distillery, included a grain elevator, granary, four warehouses, a bottling house, and storage capacity for 88,000 barrels of whiskey. Rebuilding and improvements followed each fire.

Then, in 1919, Frick died, making Mellon the dominant partner in the company. That same year, Congress passed the National Prohibition Act that became effective January 17, 1920. What happened next was fraught with irony.

When Warren G. Harding became president in March 1921, he appointed Andrew Mellon as Secretary of the Treasury, and it was the Treasury Department, through its Bureau of Internal Revenue, that was charged with the enforcement of the Prohibition Act. The result, as you can see, was that the new Secretary was in charge of enforcing the prohibition law, but was also running a distillery.

The act, however, did not ban all liquor. It provided for certain exemptions, for which the department could issue licenses allowing the continued manufacture of spirits. One exemption permitted sales for use in religious observations, which gave rise to an increase in the number of “pastors”

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who, shall we say, were not exactly ordained. Another exemption was provided for those who manufactured “medicinal” whiskey. As a result, the West Overton distillery was closed; the Broad Ford operation was licensed to continue making whiskey under the medicinal exception; and Mellon sold his interest in the Overholt company, a status that lasted until the repeal of Prohibition in 1933.

The end of Prohibition did not rejuvenate the business to the extent that owners may have expected. Drinking habits had changed, and rye whiskey was viewed as pretty much out of style.

The last of the Overholt brand produced here in Western Pennsylvania was bottled in 1951. The brand name was adopted by a few subsequent distillers, survivors of a struggling industry, and the “Old Overholt” label can be found on retailers’ shelves, though one has to bend down to see it.

It is now produced by Beam Suntory, which celebrates the brand’s 210 years of continuous production and boasts of a “new look, a different filtration method to enhance flavor, stronger proof, and two limited releases ...” all of which is happening in Kentucky.

Fortunately, the continued existence of the brand and its exposure to the public, in a way, enhances the profile of The West Overton Village and Museums which carefully preserves the buildings and history of one of Westmoreland County’s first industries. ■



**SOURCES**

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# Practicing During the Pandemic *continued from page 1*

course, that pales in comparison to the sickness and loss of life of some of our clients and colleagues.



**Kim Houser**

**BEST:** There was little to do in the law practice, so we closed piles of ancient files. We found and filed homeless documents. We found documents and files that were 30+ years old, got them scanned in, and

## LAW IN THE TIME OF COVID-19

cleared them out. Cleaned and sanitized everything. Then I ran fire calls for 9 months (dream job). We marketed for more corporate work, added great staff, now we are busy being lawyers again. I love America.

**WORST:** Worst thing was there was little to do!



**Kelly Eshelman**

**BEST:** The best part is less travel time because of virtual meetings.

**WORST:** I think the worst part of practicing is the uncertainty about procedures from courtroom to courtroom.



**Dara DeCourcy**

**BEST:** The ability to work remotely.

**WORST:** The isolation.



**Richard Schimizzi**

**BEST:** Zoom bankruptcy meetings and conferences thereby avoiding a trip to Pittsburgh.

**WORST:** Impossible to practice effectively from home when [Governor] Wolf shut down the law offices.



**Maureen Kroll**

**BEST:** I was fortunate that my children and new granddaughter and I were able to be together throughout the year. That was the best! However participating in hearings via Zoom or telephone was my favorite work result of COVID. The time and stress saved going up and down the highway or turnpike made a huge difference in my time management.

**WORST:** The worst was missing the in-person social interaction with friends and colleagues. I did participate in all of the PA Bar solo and small firm section offerings of wine tasting, chocolate tasting, and others, plus all of the free CLEs. At least it felt like you had some consistent contact with others going through the same issues with their practice.

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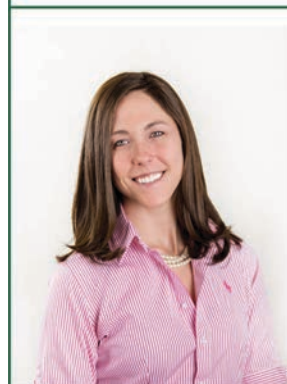
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**Linda Broker**

**BEST:** My staff, secretary and paralegal, always excellent employees, have been even better during the pandemic in terms of their work and their attitude and support. In addition, my attorney colleagues and the Bar Association and the many agencies that I have frequent contact with, such as the Westmoreland County Assistance Office and the Westmoreland County Area Agency on Aging, have all been extremely cooperative and understanding of my clients' needs.

**WORST:** My law practice is primarily Elder Law and Disability Law and Estates and Trusts. Therefore, the impact of the pandemic on my elder law clients has been enormous. Many of my clients have died. Most of my families have not been able to visit their loved ones in nursing homes for months. It has been truly heartbreaking.



**Irv Freeman**

**WORST:** Changes to CLE rules for 2021 about carryover of distance education. Should be made permanent.



**Vince Quatrini**

**BEST:** Our firm has always invested in technological changes, and so when COVID-19 struck, we were ready, sending employees to work from home with a nearly seamless transition. Those preparations were further bolstered with more technology, including a modified phone system for many employees and the purchasing of VoIP phones for others, creating an at-home environment that was just like sitting at your desk, intercom and all.

All the while, we kept a small and rotating number of staff coming into the office to handle mail and process fee payments and bills. And the firm has begun a cautious return to letting a small number of clients into the office as well, all while following safety

procedures, including masking, distancing and sanitizing. Still, the lion's share of work has been—and continues to be—completed virtually, a scenario we believe is here to stay, for better or for worse. As we continue to adjust to the “new normal,” we have embraced working remotely. We continue to invest in tools to help our staff maintain high productivity, at home.

**PANDEMIC RESTRICTIONS EASING**

With the number of fully vaccinated people going up, and the number of COVID infections and deaths going down, restrictions on gatherings and face masks are going away. Governor Wolf promises all restrictions in Pennsylvania will be lifted by June 28 at the latest. Even so, getting back to normal won't look quite the same. ■

## New Member Sketches



**Sophia Al Rasheed** has been admitted as a participating member of the WBA. With a dual major in politics and philosophy, she earned a bachelor's degree from the University of Pittsburgh and her J.D. from the Temple University Beasley School of Law. She is an associate with Fair Shake Environmental Legal Services in Pittsburgh.

**John Eric Bumbaugh, Jr.**, son of WBA member John Eric Bumbaugh, was admitted as a participating member. John Eric received his bachelor's degree in business from Saint Vincent College and his juris doctor degree from the University of Pittsburgh. He is an associate with Bumbaugh & Nicola in North Huntingdon.



**Elizabeth R. Echard** has been admitted as a participating member of the WBA. Elizabeth earned both a bachelor's degree in sociology/criminal justice and her J.D. from Duquesne University. She is an Assistant District Attorney in Westmoreland County.

**Hannah Fortini** has been admitted as a participating member of the WBA. She earned a bachelor's degree in biology from Washington & Jefferson College and her J.D. from Penn State Law. She is a staff attorney with Laurel Legal Services in Greensburg.



**Mallard S. George** was admitted as a participating member of the WBA. Mallard received his bachelor's degree in political science from Allegheny College and his juris doctor degree from the University of Pittsburgh. He is an associate with Bumbaugh & Nicola in North Huntingdon.

**Julie Zappone** has been admitted as a participating member of the WBA. Julie earned her bachelor's degree in biology/English from Washington & Jefferson College and her J.D. from Duquesne University. She is a Program Director/Instructor at the Westmoreland County Community College in Youngwood. ■



100 North Maple Avenue  
Greensburg, PA 15601-2506

[www.westbar.org](http://www.westbar.org)

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PERMIT #678

## CALENDAR OF EVENTS

*All committee meetings and activities will be held at the WBA Headquarters or virtually via Zoom. Visit [westbar.org](http://westbar.org) for more information about activities and CLE courses, and **register online**.*

For PBI CLE courses, call 1-800-932-4637 or visit [pbi.org/westmoreland-county](http://pbi.org/westmoreland-county).

### JUNE

- 14** WBA & Courthouse closed in observance of Flag Day
- 15** [CLE] Alcohol Monitoring and Best Practices, Noon to 1 p.m., 1S
- 17** [PBI CLE] Equitable Distribution in Divorce 2021, 9 a.m. to 12:15 p.m., 3S
- 18** WBA closed
- 22** [PBI CLE] Understanding and Responding to Changes to the Tax Code 2021, 9 a.m. to 12:20 p.m., 3S

- 24** [PBI CLE] Tough Problems in Workers' Compensation 2021, 9 a.m. to 1:30 p.m., 4S
- 29** [PBI CLE] Judges & Practitioners Highlight Best Practices in Social Security Disability Litigation 2021, 9 a.m. to 1 p.m., 2.5S 1E
- 30** [PBI CLE] Home and Community-Based Services for the Medically Needy 2021, 9 a.m. to 12:20 p.m., 3S

### JULY

- 5** WBA & Courthouse closed in observance of Independence Day

**Please update your files to reflect our new address:  
Westmoreland Bar Association  
100 North Maple Avenue • Greensburg PA 15601-2506**



## How Stress Affects Lawyers

Stress affects all people and all professions. Stress in the legal profession, however, is well-documented. Lawyers work in an adversarial system with demanding schedules and heavy workloads, which may contribute to increased stress levels.

Lawyer assistance programs are available to help lawyers manage stress effectively. Contact Lawyers Concerned for Lawyers for help: [www.lclpa.org](http://www.lclpa.org).

LAC Committee members:  
Joyce Novotny-Prettiman, Tim Geary,  
Jim Antoniono, Chris Skovira,  
Linda Broker, Stuart Horner,  
Tom Shaner, Linda Whalen.

# Alcohol Monitoring and Best Practices

— Live & Via Zoom — 1 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

## Presented by the Family Law Committee

This course is designed to give Family Law Professionals specific knowledge on how to manage cases that involves one or both parents being accused of abusing alcohol while parenting child(ren). The presentation will start with first-hand examples that document Chris's knowledge and understanding of the dynamics involved with successful parenting when Alcohol Use Disorder is presented. This course explores the facts around the disease of Alcohol Use Disorder and how it plays into developing parenting plans around child custody decisions and safety. Lastly, best practices will be reviewed around testing and both compliant and non-compliant behavior. Ultimately the attendees will leave with an enriched knowledge base of how to implement new technology that meets specific goals of parenting and child safety while maintaining the Best Interest of the Child and not weaponizing the disease of Alcohol Use Disorder.

Lunch sponsored by Soberlink

\*Catered from Myriam's Table in Ligonier

### Speaker:

\*Chris Beck, VP of Business Development

Soberlink

### June 15, 2021 Alcohol Monitoring and Best Practices

Name: \_\_\_\_\_

Attorney ID #: \_\_\_\_\_

E-mail: \_\_\_\_\_

#### Pre-Registration Fees

\_\_\_ In Person - WBA Members - \$30/credit

\_\_\_ Via Zoom - WBA Members - \$30/credit

\_\_\_ In Person - Non-Members - \$50/credit

\_\_\_ Via Zoom - Non-Members - \$30/credit

#### Non-Credit:

\_\_\_ FREE

\_\_\_ Enclosed is my check made payable to the Westmoreland Bar Association.

\_\_\_ Bill my \_\_\_ MasterCard \_\_\_ VISA \_\_\_ DISCOVER for

\$ \_\_\_\_\_ (Amount).

Card # \_\_\_\_\_

Expiration Date \_\_\_\_\_ 3-digit code \_\_\_\_\_

Credit Card Billing Address \_\_\_\_\_

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 100 North Maple Avenue, Greensburg, PA 15601, **by 12 pm June 11, 2021**

**Tuesday,  
June 15, 2021  
12:00pm - 1:00 pm**

**WBA Headquarters &  
Via Zoom**

Seminar Fees:

#### PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm June 11, 2021.)

#### CLE Credit

WBA Members - \$30 per credit hr.  
Non-Members - \$50 per credit hr.

#### Non-Credit

FREE

**Upon registration, the Zoom link and handouts will be e-mailed to you the day prior to the seminar.**

#### Westmoreland Bar Association

100 North Maple Avenue

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at 724-834-6730, or by email at westbar.org@westbar.org.

# Authority to Sign



An accredited provider for the PA Board of Continuing Legal Education

— Via Zoom — 1 Substantive Credit Available

## Topics of Discussion:

1. What is required for an individual to have the legal capacity to sign documents as a part of a real estate transaction?
2. Who can sign on behalf of an incapacitated person?
3. Who is authorized to sign for an estate? And what about trusts and trustees?

We'll also discuss the requirements for Powers of Attorney and who is authorized to sign for business entities.

## Speaker:

**\*Eric Weinheimer, AVP and Associate Counsel**  
Old Republic Title Insurance Company

**Wednesday,  
July 7, 2021  
12:00pm - 1:00pm**

## Via Zoom

### Seminar Fees:

#### PRE-REGISTRATION:

(Must be received at the WBA office by 12 pm July 6, 2021.)

#### CLE Credit

WBA Members - \$30 per credit hr.  
Non-Members - \$30 per credit hr.

#### Non-Credit

FREE

**Upon registration, the Zoom link and handouts will be e-mailed to you the day prior to the seminar.**

#### Westmoreland Bar Association

100 North Maple Avenue

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

[www.westbar.org](http://www.westbar.org)

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### Authority to Sign

Name: \_\_\_\_\_

\_\_\_\_ Enclosed is my check made payable to the Westmoreland Bar Association.

Attorney ID #: \_\_\_\_\_

\_\_\_\_ Bill my \_\_\_\_ MasterCard \_\_\_\_ VISA \_\_\_\_ DISCOVER for

E-mail: \_\_\_\_\_

\$ \_\_\_\_\_ (Amount).

### Pre-Registration Fees

\_\_\_\_ WBA Members - \$30

Card # \_\_\_\_\_

\_\_\_\_ Non-Members - \$30

Expiration Date \_\_\_\_\_ 3-digit code \_\_\_\_\_

### Non-Credit:

\_\_\_\_ FREE

Credit Card Billing Address \_\_\_\_\_

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 100 North Maple Avenue, Greensburg, PA 15601, **by 12 pm July 6, 2021.**

# Money and Ethics



An accredited provider for the PA Board of Continuing Legal Education

— Via Zoom — 1 Ethics Credit Available

## Topics of Discussion

1. Information regarding the funds associated with Real Estate Transactions
2. Fees and Compensation
3. The Fraud Triangle
4. Fiduciary responsibilities
5. Steps to mitigate fraud and internal controls

### Speakers:

**\*Christina Camp, CFE Agency Administrator**

Old Republic Title Insurance Company

**\*Judy Nemeth, Agency Manager**

Old Republic Title Insurance Company

**Wednesday,  
July 7, 2021  
1:15pm - 2:15pm**

### Via Zoom

#### Seminar Fees:

##### **PRE-REGISTRATION:**

(Must be prepaid & received at the WBA office by 12 pm July 6, 2021.)

##### **CLE Credit**

WBA Members - \$30 per credit hr.

Non-Members - \$30 per credit hr.

##### **Non-Credit**

FREE

**Upon registration, the Zoom link and handouts will be e-mailed to you the day prior to the seminar.**

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Fax: 724-834-6855

www.westbar.org

For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at 724-834-6730, or by email at westbar.org@westbar.org.

### July 7, 2021 - Money and Ethics

Name: \_\_\_\_\_

Attorney ID #: \_\_\_\_\_

E-mail: \_\_\_\_\_

#### Pre-Registration Fees

\_\_\_\_ WBA Members - \$30

\_\_\_\_ Non-Members - \$30

#### Non-Credit:

\_\_\_\_ FREE

\_\_\_\_ Enclosed is my check made payable to the Westmoreland Bar Association.

\_\_\_\_ Bill my \_\_\_\_ MasterCard \_\_\_\_ VISA \_\_\_\_ DISCOVER for

\$ \_\_\_\_\_ (Amount).

Card # \_\_\_\_\_

Expiration Date \_\_\_\_\_ 3-digit code \_\_\_\_\_

Credit Card Billing Address \_\_\_\_\_

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 100 North Maple Avenue, Greensburg, PA 15601, **by 12 pm July 6, 2021.**



*You are cordially invited to attend the*  
***Presentation of New Members***  
*of the*  
***Westmoreland Bar Association***  
**Tuesday, July 27, 2021**



*The court en banc will recognize the newest members of the WBA at the annual  
New Members Ceremony scheduled for  
Tuesday, July 27, 2021,  
in Ceremonial Courtroom #3 at the Westmoreland County Courthouse at  
3:00 p.m.*

*Attorneys eligible to participate in this presentation:*

***Sophia Al Rasheed***  
***Mark D. Brooks***  
***John Eric Bumbaugh, Jr.***  
***Lucy A. Burgunder***  
***Elizabeth R. Echard***  
***Chelsea Forbes***  
***Hannah Fortini***  
***Mallard S. George***  
***Nathan L. Gess***  
***Rebecca Gida***  
***Ryan H. James***  
***James Kane***  
***Nicholas Kennedy***  
***Richard B. McGiffin***  
***Frank J. Pallone, Jr.***  
***Charles W. Phillips II***  
***Katherine L. Pomerleau***  
***Matthew R. Schachte***  
***Julie Zappone***  
***Kathryn Pruss Zeltwanger***



***RSVP by July 19, 2021***  
***to the WBA Office 724-834-6730***  
***or register online at [www.westbar.org](http://www.westbar.org)***



# SOFTBALL GAME & PICNIC & AWARDS CEREMONY

**JULY 30 @ 3-7 PM  
MAZEROSKI FIELD,  
HEMPFIELD PARK,  
GREENSBURG**



**SOFTBALL** Players and spectators of all ages are needed on Friday, July 30, at 3 pm as the WBA softball players choose teams at Mazeroski Field at Hempfield Park. Bring your lawn chair and/or your glove and come on out to the ballpark!

**PICNIC** After the game, join us for a picnic in Pavilion D with food & refreshments catered by Rizzo's in Crabtree.

**AWARDS** Now that we are able to meet in person, we will also be presenting the Outstanding Young Lawyer and Committee of the Year Awards.

**RSVP BY FRIDAY, JULY 23  
TO 724-834-6730, EMAIL  
WESTBAR.ORG@WESTBAR.ORG,  
OR ONLINE AT WESTBAR.ORG.**





An accredited provider for the PA CLE Board

# Bridge the Gap — Video

4 Ethics Credits Available

**Friday,  
August 13, 2021  
9:00 am - 1:15 pm  
WBA Headquarters**

**PRE-REGISTRATION:**

(Must be prepaid & received at the WBA office by 12 pm August 12, 2021.)

CLE Credit

WBA Members- \$35 per credit hr.  
Non-Members - \$55 per credit hr.

Non-Credit  
\$10 Flat Rate

Waived for Young Lawyers  
(practicing 10 years or less)

**WALK- IN:  
CLE Credit**

WBA Members - \$45 per credit hr.  
Non-Members - \$55 per credit hr

**Non-Credit  
\$20**

Waived for Young Lawyers (practicing 10 years or less)

**Pizza and Soda will be provided.**

**Westmoreland Bar Association**

100 North Maple Avenue  
Greensburg, PA 15601  
724-834-6730

Fax: 724-834-6855

www.westbar.org

For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at 724-834-6730, or by email at westbar.org@westbar.org

As a courtesy of the Westmoreland Bar Association, this seminar is being offered **FREE** to **newly admitted WBA attorneys** who are required to complete the Bridge the Gap program by their first CLE compliance deadline.

**PROGRAM FORMAT**

This four hour program produced by the PA CLE Board consists of the following sections.

- ◆ Introduction from the Chief Justice
- ◆ Communications
- ◆ Practice Management
- ◆ Fiduciary Requirements
- ◆ Overview of the PA Supreme Court Disciplinary System
- ◆ Outreach Programs & Resources

**Moderated by:**

Kim R. Houser, Esquire  
Mears, Smith, Houser & Boyle PC

You may pre-register for this seminar by visiting the westbar.org website. You must "LOG IN" to register.

**Bridge the Gap — August 13, 2021**

Name: _____	Enclosed is my check made payable to the Westmoreland Bar Association.
Attorney I.D. # _____	Bill my _____ MasterCard _____ VISA _____ DISCOVER for
Address: _____	\$ _____ (Amount).
Email: _____	Card # _____
Phone: _____	Expiration Date _____
	Three digit security code on back of card _____
	Credit Card Billing Address _____

**\* PRE-REGISTRATION Fees: 4 Ethics credits available**

- \_\_\_\_\_ I am a Newly Admitted Attorney, WBA Member
- \_\_\_\_\_ I am a Newly Admitted Attorney, Non-Member - \$20 FLAT FEE
- \_\_\_\_\_ \$35 per credit hour, WBA member
- \_\_\_\_\_ \$55 per credit hour, Non-member

**\*To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 100 North Maple Avenue, Greensburg, PA 15601, by 12 pm August 12, 2021.**