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THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
VOLUME XXXIV, NUMBER 2
APRIL 1, 2022

WBA to Break Ground on New Headquarters in June

by Caitlin Bumar, Esq.

Our beloved Westmoreland Bar Association is facing a crisis common to all counties in rural western Pennsylvania—the loss of our younger generations to the sweet siren song of the urban lifestyle. Distressingly, Westmoreland County had the seventh largest natural population decline of all counties across the United States in 2020.¹ This decline is, of course, reflected in the demographics of our Bar Association, with the age strata skewing decidedly toward the octogenarian end of the scale.

So how do we keep our vital, younger generations practicing law in Westmoreland County? What are the concerns of our Millennial and Generation Z attorneys? The crushing six-figure student loan debt? The existential despair of living under late-stage capitalism? The slow-burning horror of watching our planet die? How do we convey to these young bucks (and a few does) that we “hear them” and we “see them?”

The answer is clear: we’re going green. In that vein, the Westmoreland Bar Association is proud to announce

¹ This is actually true. <https://triblive.com/local/westmoreland/aging-in-place-westmoreland-among-tops-in-nation-for-natural-population-loss/>.



Architect's rendering of the WBA's new headquarters compound located in scenic Seward, Pa., a mere 35 miles from Greensburg's city center. Groundbreaking is scheduled for June.

its new Sustainable Headquarters Initiative! Phase One of the initiative involves the demolition of the current building and the transfer of operations to a new, more sustainable compound—a move sure to draw the interest and participation of the younger set.

Our current headquarters, while only recently built and generally considered by members of our association to be “ok” and “pretty nice,” is simply excessive. The building has been described by one anonymous member as “just too frou-frou.” The building is awash in unnecessary and gaudy *accoutrement*—audio-visual equipment, chairs, and functioning

bathrooms. When attending a meeting, one might imagine oneself dining at a well-appointed table at the Ritz instead of a place of modern legal goings-on.

The only remedy for such a problem is to look to the favored (and entirely voluntary) housing choice of the Millennial—the Tiny House. Closing is already pending on a three-acre parcel, conveniently located in Saint Clair Township outside of scenic Seward, Pa.—a mere 35 miles from the Greensburg city center. Located on the pastoral site of a former mushroom farm (four-wheel-drive access only), the plot will host the

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President's Message

It's About Time

by Justin Log, Esq.

I have to admit that I'm overjoyed to be writing my first message to the bar. In case you haven't been counting, I'm the 463rd president of the WBA, a distinction that most of you have already enjoyed, and I have to admit that I'm slightly puzzled as to why in the hell it took so long. Not that I'm not grateful



for this honor that you have bestowed upon me. I appreciate the fact that I received 64% of the votes cast, when, of course, I would have certainly done a good deal worse had there been another candidate.

But hey, it was 18 years ago when I first came on the board as the third sergeant-at-arms, and gradually moved through the ranks as the wine steward, then chaplain (three years running), and most of you will recall the fine job I did as the dues collector (though I see

that some of you naughty boys and girls are still a bit tardy with your remittance). Oh well, better late than never, I always say.

The first item on my agenda for the coming year, and I'm not exactly sure of how to put this, is the poor image you have created for the public. This adversarial stuff has always made a lot of people unhappy, and they complain about being charged, especially when they have been in the right all along, just as they have always told you, despite that terrible verdict. To counter this, I propose the creation of a pro bono month, where for thirty days you do all your legal work free of charge. I'd suggest one of the summer months when you can take the family to the shore, tend to the garden, maybe even fish a little, so you won't have too

“This adversarial stuff has always made a lot of people unhappy, and they complain about being charged, especially when they have been in the right all along, just as they have always told you, despite that terrible verdict.”

much of your time to give away, and you will still look good if a reporter asks for a comment.

Next, and almost as important, is diversification of your business. Yes, I know it's a profession, not a business, but you mustn't think that way anymore if you want to be competitive. Consider making use of some of the unused space in your office. You say you don't have any unused space—well then, make some if you have to. Get rid of your library or file room, you know it's there just for show anyway, or vacate office space by encouraging some of the older members of your firm to retire, or ask for volunteers to work from home. Then fill those spaces with something that will bring in some traffic, like a vape shop, or a pastry emporium, and make sure that it is something that you and your coworkers will also enjoy.

I'm so thrilled to be at the helm of such a fine organization, and I promise you I'll do my best. In the next issue of *the sidebar* I'll discuss some ideas I have about physical fitness, the advantages of being bilingual, and how to slip out of CLEs without being caught. 🙇

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Courthouse Garage Closure Sparks Judicial Ire

Relations between the common pleas court and the county commissioners, which in the past have been described as pleasantly tepid, are now near the boiling point with the commissioners' announcement that the underground parking garage where the judges park will be closed for six months or more. "Structural flaws," without further elaboration, are the reasons cited for the closure.

Yet, is it possible that the present courthouse—the fourth on the same site—may instead be succumbing to a century-old prediction, and that its time is simply up? When President Judge Alexander McConnell spoke at the courthouse's 1908 dedication ceremony, he opined that "it would probably stand as long as the combined years of the previous three courthouses that stood on that site, a period of 114 years."¹

So you don't have to reach for a calculator, the time between his remark and 2022 is, in fact, 114 years.

The current bench, however, takes no interest such metaphysical reasoning; they just want a place to park their cars, and they are ready to fight for it.

At a recent judges' meeting, two judges agreed that obtaining a parking spot in downtown Greensburg was their main reason for seeking the office. One of the newer members suggested, since the courthouse plaza will also be closed, that they conduct a protest

¹ See *This American Courthouse*, Saint Vincent College Center for Northern Appalachian Studies, 2007, p.9.



The Westmoreland County Commissioners authorized an emergency closure of Courthouse Square and the two-level underground parking garage to repair "structural flaws." Work is expected to take six months to complete. Some judges are suggesting a six-month sabbatical may be in order.

in St. Clair Park culminating in a robe-burning ceremony, but some of the senior members demurred saying they thought that was going a bit too far.

The commissioners, in an attempt to mollify an angry bench, announced that they would lease a lot in Arona, from an unnamed official, and run a shuttle from there to the courthouse, leaving at 8:30 in the morning and returning at 4:10 in the afternoon. This offer ignited a chorus of negative responses from the judges, none of whom had ever even heard of Arona.

One judge, celebrated for her efficiency, and who usually leaves somewhere around two o'clock, wondered what she would do to fill in the time prior to departure.

Others expressed concern about getting wet on rainy days while getting on and off the shuttle. Arguments were advanced that a six-month judicial sabbatical was the simplest answer, and one judge said he would settle for nothing less than limousine service between his home and chambers. Negotiators from both groups have agreed to meet again on Wednesday.

Meanwhile, it is apparent to most observers that the courthouse dome is leaning somewhat slightly toward Otterman Street, and some think that by the end of this year or next it will supplant the Caffe Barista. And if that isn't enough, owners of parking lots in Greensburg have announced that monthly rates will henceforth be \$7,500. 🙄

the sidebar

the sidebar is published bimonthly as a service for members of the Westmoreland Bar Association. Letters to the Editor should be sent c/o WBA, 100 North Maple Avenue, Greensburg, PA 15601-2506, fax 724-834-6855, or e-mail westbar.org@westbar.org. the sidebar welcomes submissions from members or non-members. Please submit to the Articles Editor, c/o WBA.

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WBA to Break Ground on New Headquarters in June *continued from page 1*

new Westmoreland Bar Association Compound. The centerpiece of the facility will be the 400-square-foot tiny office built entirely of recycled shipping containers.

Now you may be thinking, “Gee, this is the most forward-thinking idea I’ve heard in quite some time! But what of our treasured WBA staff?” Owing to space restrictions, staff will take turns at the singular desk-combination-Murphy-bed while the others tend the bean plots.

Hemp-fiber yurts will replace our present conference rooms; rental fees to be reasonably set, hot-yoga attire optional. In keeping with the health-conscious attitude of the youth, all traditional alcoholic beverages at Bar Association functions will be replaced by a selection of lightly flavored kombucha, fermented in-house.



A couple of our Gen Z attorneys take advantage of the rustic scenery to take the perfect selfie with our property manager, Nub.

Of special interest to our up-and-coming Gen Z attorneys—the rustic scenery provides great opportunities for the perfect selfie. Just imagine the amount of Instagram “likes” garnered by a selfie with our property manager, Nub, in the hot-yoga yurt.

The Sustainable Headquarters Initiative Fundraising Drive is already in progress, so please consider giving today! Space constraints prevent the dedication of any formal donor plaque, however an even more exciting reward scheme has been organized specially for this drive.

Bronze Circle members will receive a sack of beans. Silver Circle members will receive a slightly larger sack of beans. Gold Circle members will receive the Silver Level bean sack along with a firm handshake.

Help us bring the WBA into the 21st Century for the benefit of our youth— donate today! 🙌



Somerset Trust Company Welcomes Greensburg Resident



Jason Yuhas
Vice President &
Senior Wealth Officer

Somerset Trust Company welcomes Jason Yuhas! In his new position as Vice President & Senior Wealth Officer, Jason brings over twenty years of experience in the industry to STC Trust & Investment Management. In collaboration with our customers, Jason and his team create plans to reach your financial goals, then help you execute those plans. We answer the hard questions and provide the right solutions at competitive prices. We can help with:

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Custody Trial with No Exhibits Stuns Westmoreland County

Judges, court staff, counsel still trying to understand how this could happen

by *Rebecca K. Fenoglietto, Esq.*

It was a day that will live forever in the halls of the fourth floor of the Westmoreland County Courthouse.

A trial was brewing. A custody trial. The seasoned and slightly ornery Judge Holliday had prepared his staff for the day. The expert report. The parade of witnesses each side would bring to vouch for their client's superb parenting abilities. Healthy snacks! They give their children healthy snacks! They limit screen time! They read to their children! And then there were the exhibits. Oh, those exhibits. The Our Family Wizard email exchanges. The screenshots of texts. The damaging Facebook posts. The photos. Would there be enough exhibit stickers for the onslaught?

Father was represented by the seasoned attorney Wyatt "Every Email Matters" Earp. As expected, he entered the courtroom wheeling in his files like he was securing the Electoral College ballots. Thinking he had this case in the bag, his smirk filled the room.

Mother went a different direction and had hired Billy "I'll Win You Your Kid" Kidd. He wasn't known much around these parts. He even went to the wrong fourth floor and wound up staring at the big dome in the old part of the courthouse before being redirected to the correct fourth floor by the kindly deputies.

Billy finally made it to the right courtroom. And then it happened. He opened up his briefcase, took out one legal pad, two pens, and the most recent court order. That was it.



The courtroom was abuzz. Where are the exhibits? The emails? The screenshots? The posts? The photos? Where are the photos of Mother and the kids reading together and eating healthy snacks?

The trial was set to begin at 9 a.m. At approximately 9:20 a.m., the judge entered the courtroom. He wasn't going to let anyone tell him when to start his trial, even though he was the

one who set the time for trial. By then, word had gotten out that there was a stranger in town who was going to try a custody case without exhibits. Observers crammed the courtroom. Folks started drifting into the hallway of the fourth floor. The one without the dome.

At 9:21, Billy Kidd put on his case. With one witness, one legal pad, two pens, and the most recent court order. At 10 a.m. he put down his pen. He was done.

At 10:01 a.m., Wyatt Earp started his case. And as he proceeded, he could see that no emails, no screenshots, no photos, not even the certified copy of his client's log showing every minute he had spent with his child doing things like reading and eating healthy snacks, was going to make a bit of difference. He was done at 10:30 a.m. Both sides had rested.

The gasps from the spectators were audible. The court staff was at a loss. Father was fuming, as he had spent hours upon hours culling the perfect

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New Law Firm to Take Root in Westmoreland County

The Philadelphia law firm of Schwartz, Timken, Underwood, Forrestal, and Fluff has announced that they have purchased the old Royer's building in Greensburg, which will be used as a Westmoreland County satellite for the firm which now employs 4,535 lawyers worldwide.

A spokesperson for the firm indicates that initially 168 attorneys will work out of Greensburg. He noted, "Westmoreland seemed like a good fit for us as a growth market, and it easily beat out the other U.S. contenders: Vagrancy, Utah; Squint, Ky.; and Naples, Fla."



The announcement caused an emergency meeting of the WBA Building Committee, and it is rumored that the committee has hired an architect to draft plans for a four-story vertical addition to the WBA facility at 100

North Maple Avenue in anticipation of the arrival of the lawyers from STUFF, as the firm is known in Philly.

The Wall Street Journal has aptly referred to STUFF as the Walmart of the legal world. Its offices are open 24 hours a day and it is

anticipated that the support staff for the Greensburg office, which will include 315 paralegals, 200 admins, 56 investigators, and a janitorial department of 34, just might be enough to ensure sufficient in-house legal disputes—at least for a while—that clients from the community might not be needed.

Known for aggressive advertising (it has been acquitted several times of burning competitors' billboards), its print and media ads always conclude with the catchphrase, "At STUFF, you're not just another client—you're a number." 🗿

Custody Trial with No Exhibits Stuns Westmoreland County *continued from page 5*

emails, texts, screenshots, and photos to prove to the court and the world at large that his parenting abilities were exemplary. He would later go home and make a scathing Facebook post about it all.

The judge rendered his decision from the bench, and like all custody orders it had something in it to agitate both sides. It would make great fodder for Father's Facebook rant.

Mother was grateful (enough). As she thanked her attorney, he said, "Weren't nothing, ma'am." Because literally, it was nothing. Just a legal pad, two pens, and the most recent court order.

But to those who saw it go down, who actually witnessed a custody trial with no exhibits, it was everything. 🗿



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From MDJs to The Supremes:

Choosing Judges by Any Way Other Than Our Present System

The above title could possibly suggest that *the sidebar* has some latent dissatisfaction with our current bench. Nothing could be further from the truth. Some of our best friends are judges, although admittedly a whole lot more best friends are not. Is there a better way of judicial selection? Legal scholars and civil libertarians have pondered this for years and are unanimous in their conclusions. Of course there is! And due to our federal system which allows each state to chart its own course we can look to other states for inspiration. Consider what our neighbors are doing.

Ohio has adopted the silent auction model where lawyers place a check into a sealed envelope which is collected by the county treasurer, who, after three days, opens the envelopes and—voila!—the judicial seat goes to the highest bidder. Unsuccessful bidders get their money back after the deduction of a 30% service charge. It sounds crass and commercial, but it is much cheaper than television ads and billboards.

Maryland has a hereditary system, which is even more economical, where the first-born child (regardless of sex—they are very progressive) inherits their parent's seat on the bench.

Delaware uses a hybrid system which retains traditional voting, but disqualifies any candidate who belongs to a political party, freeing the system from a lot of messy and counter-productive things like party loyalty. It is extremely popular with the

public, and all a prospective candidate has to do is to show that they have been registered as an Independent for five consecutive years.

New York's take on this is the most complex. In a well-meaning attempt to achieve diversity, judges are presented to the electorate in categories embracing all ages and heights. For example, one seat must be filled by a teenager, one by a Generation X candidate, one a Millennial, then a Baby Boomer, and a Geezer. You get the idea. The height categories are easier, as they are only small, medium, and large. Last year's group photo of the N.Y. Court of Appeals is a real hoot.

New Jersey has adopted the old flowerpot system of the colonial period, so only one-third of the judges are trained in the law, with laypersons seated on each side of him/her on the bench—like flowerpots—who usually remain silent, and whose main function is to ensure that no Latin phrases or big words make their way into the court's opinions,

So there you have it. We would like to see the WBA endorse one of these models at their next meeting. And for those who have no judicial aspirations, there will be a screening of *My Cousin Vinny* in the next room. 🙌



If We Only Knew You Better

Here we are in a quandary: the deadline for the April issue has come and gone and we are embarrassed that we lack the ammunition to lampoon the members of the bench. The legal community's favorite indoor sport has always been making fun of judges, so our disappointment, as you can imagine, is palpable.

In the storied past, we had no such problems. We had judges, or I should say a judge, who would interrupt a trial to perform an impromptu marriage in the presence of the jury, and then pass the hat among all those in the courtroom to help the newlyweds along. There was one who was given *sub salento*, the nickname of a Greek god and endorsed on national television a form of judicially inflicted punishment that was at least unusual, if not, dare we say, cruel. Another admonished his clerk not to use big words or quotes from historical sources in opinions, because everyone would know that he didn't write them. As a result, we reveled in, and were sometimes taken aback by, their uniqueness and their departure from the mold that made them human, and even sometimes likeable.

But what is to be said of the present bench? They are upright, dignified, meticulous in habit and demeanor. That is all very well and good, but it doesn't help this April issue of *the sidebar* one damn bit. You can't imagine the extra space we had to fill with less interesting items because of their rectitude. So, dear reader, in the hope of publishing a more lively April issue in the future, please inform us of any judicial gaffes, slip-ups, *faux pas*, miscalculations, or gaucheries which you might observe from your vantage point in the well of the courtroom—which, we know is a tall order—that will show that our bench is just like the rest of us. 🙌

Marriage Court and County Still in the Honeymoon Phase

With last year's implementation of a new division focusing solely on marriage ceremonies, the Court of Common Pleas continued its trend toward specialization. And rightfully so, for of all oral contracts, it is the one with the most lasting consequences; and yet, because of the broad nature of its opaque terms, it is a compact often fraught with misunderstanding, leading to arguments—and even breach of the commitment—which, of course, transports the parties to another overworked division of the court.

The marriage court's only judge, Terrance Groom, was elected to his first term on the bench in November, and



Westmoreland County's new Marriage Court is presided over by The Hon. Terrance Groom, who will conduct ceremonies anywhere, anytime, and anyhow, provided mileage, buffets, and libations are covered by the county and/or the parties.

was immediately assigned to this new post by the president judge, who some say took a strong exception to some of Groom's perceptions of the strengths and weaknesses of our court while a candidate. The P.J. stated that "Judge Groom is a good fit for such an innovative assignment." The new jurist is presiding in a temporary courtroom located in the courthouse's Upper Park section.

The need for this specialization became

obvious when the news media reported that the divorce rate following marriages conducted by the present bench was twelve times the national average. The new courtroom is the only one in the commonwealth to contain an organ, and the judicial staff consists of two fulltime bridesmaids, two ushers, and a 4-foot-tall ring bearer.

Adding his personal touch, Judge Groom chose the carpeting, some chintz draperies, and a 18-inch bronze of Lady Justice and her familiar scales for his bench, behind which he prominently hung on the wall a 3-foot-wide plaque reading, "*Non est viro nupa timere mortem*" (No married man need fear death).

The judge indicated that he is also available for off-site ceremonies, for which the county will pay mileage, provided buffets and alcohol are available.

He liberally gives way to any couple's request for a nontraditional ceremony. Recently, he presided over the marriage of Pamela Anne Astor, the eldest daughter of Mr. and Mrs. John Phillip Astor of Lago de Vita and Palm Springs, to Harry Bolt, the sixth son of Mr. and Mrs. Rusty (Slim) Bolt of West Aspirin, Fayette County, where he administered vows in the first of three moving rollercoaster cars at the Idlewild Park & Soak Zone.

Using a variation of the same theme, next month he plans to join a young lineman for the power company and his sweetheart, where the service will be conducted aloft in the baskets of two bucket trucks arched over the front lawn of the bride's family home. The media will be notified of the time and place, once the couple settles their argument over the date. 🙌

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To-Wit: Balancing Act

by S. Sponte, Esq.

No, that's still not right," she said with the confident impertinence of a secretary who has been with me way too long. Then she gave me that look. She's the only human being extant who gets away with it, giving me that look. But after so many years as my loyal, devoted, and highly capable secretary/friend/personal assistant/confidante/royal pain in the patootie, I dare do nothing that either aggravates her or leaves a scar. She knows way too much.

"It's your fault," I explained, but she just rolled her eyes and walked out of my office. "I'll come back when you're feeling less cantankerous," she shot back, but we both knew she didn't mean it. She's never been able to avoid me that long.

There's only one thing in the world that could possibly cause this kind of rift between us, and no, it isn't sex. That's never caused a rift. What it is

is the same thing that's been causing a rift between us for nigh on to thirty-two years. We were preparing a first and final account of a simple estate, trying to get everything to balance.

It should be really just a matter of taking the starting balance, subtracting the expenses, adding the income, and voila, we're done. But in my practice, it's always been more like voila, we're screwed.

If we could have worked it out to the penny, that would have been a nice thing. It would also have been a first thing. Truth is that in all of our years together, we have never, not once, not ever, got an estate to balance, including, yes, dear client, the one we did for you.

I wish I could tell you what the problem is, but I can't. It should be really just a

matter of taking the starting balance, subtracting the expenses, adding the income, and voila, we're done. But in my practice it's always been more like voila, we're screwed.

For years it's been my hunch that it's that damned starting balance that throws everything off. Either that or it's the income or the expenses or the addition or the subtraction. I'm pretty sure the problem lies in there somewhere.

Now I know what you're thinking. You're thinking he's in practice almost forty years now, figure ten estates a year, he's probably done nearly four hundred estates for sure. Well, if that's what you're thinking, congratulations.

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To-Wit *continued from page 9*

Your math skills are already way better than mine.

Yet despite such admitted deficits, every estate I've ever handled has balanced to the penny, at least by the time I'm done with it. Assuming, as I always have, that my tribulations in the law aren't all that different from the tribulations endured by many of my colleagues, I am going to share with you my balancing act secrets.

1. If you have more cash to distribute than you should, you can fix this by increasing your fee.
2. If you have less cash to distribute than you should, you can fix this by reducing the executor's fee.
3. If the difference between the cash you have and the cash you should have differs by nine or any multiple thereof, your adding machine is on the fritz and not even God could straighten it out. Take a guess at the correct balance and work backwards from there.
4. If, by careful application of the above techniques, the damned thing still doesn't balance, hire an accountant. They won't be able to fix it either, but they're so easy to blame.

If you find any of these techniques useful, feel free to adopt them, *eo instante*, as your own. I have no pride of authorship here, as they were all my secretary's ideas anyway. It seems that when it comes to anything math-related, I'm not nearly that clever by half, whatever that means. 🙇

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Corrections & Amplifications

- In the August 2021 “Where in the World” feature, we incorrectly identified The Hon. John Blahovec as the president of Bolivia. The former president judge does not hold that position, nor has he ever been to Bolivia, though he has an uncle with a retirement home in Peru. Judge Blahovec politely informed us that upon close examination it appears the man in the photograph is actually Judge Caruso. We regret any inconvenience or embarrassment to these judges or to the people of Bolivia.
- In the same issue, which announced plans for the September Bench/Bar Conference at Seven Springs, it was noted that spouses were welcome at the conference. Several of our members, however, applied a rather broad interpretation to that notice and the WBA board, now looking forward to this year's conference, wishes to emphasize what they thought was clear—that the invitation is extended solely to a member's *own* spouse.
- The venue for the WBA Easter Egg Hunt and Axe Throwing Contest was noted in the March issue as being held at Chick's Lounge in Bradenville, which is incorrect. Chick's Lounge is in Hunker. 🙇

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Spotlight on Eugene Musk

Editor's note: Eugene Musk is the new Marketing Director for the WBA. The younger, unaccomplished brother of Elon Musk (SpaceX, Tesla, richest man in the universe), Eugene is anxious to make his mark on Westmoreland County on his way to conquering the world.

by Joyce Novotny-Pretiman, Esq.

Q WHY DID YOU DECIDE TO TAKE ON THE CHALLENGE OF THIS POSITION WITH THE WBA?

A Well, I'm right out of college and I really need the money. I was going for the pre-med course track but it



just seemed way too hard, so I figured I am a good talker and marketing just seemed to be the next best thing for me. And I love a challenge—I can't think of a bigger challenge than trying to get people to like a bunch of lawyers! Hey, who even expects me to succeed?

Q WHAT OTHER JOBS HAVE YOU HAD TO PREPARE YOU FOR THIS JOB?

A Well, my first job was on a farm, so I have been shoveling a lot of horse sh*t for a long time. Some might say that's the perfect background for this job since I

am used to being around some smelly, messy stuff.

Q WHAT TYPE OF MARKETING INITIATIVES DO YOU HAVE PLANNED FOR THE WBA?

A First, we are going to get out there in the community and show people all of the great things lawyers do, voluntarily, to help out their fellow citizens. I have found two members willing to help with this initiative and they have some really great things to share. One attorney has 10 volunteer hours with the food bank and it only took him 20 years to get those under his belt. The other one has some great ideas about things she would like to do. Who wouldn't want to hear about this stuff?

Second, we are planning to get T-shirts made for the WBA members who will walk a mile for a cause—any cause, and we have a lot of great causes we can support. There is the Turkey Trot to help save our local turkeys, or at least I think that's what it is all about. There are local shelters we can help to show



we are all for sterilization ... at least in certain situations.

Third, we are working on a gun bash as a fund-raiser—we will kill two birds with one stone. We can raise some money for *pro bono* efforts and we can get some guns out there and stir up some crime and business for our members.

Q ARE YOU GETTING ALONG WITH THE OTHER STAFF MEMBERS AT THE WBA?

A Well, I think they really like me—they just don't know the real me yet.

Q DO YOU HAVE A CRIMINAL RECORD?

A You know, no one asked me that question during the interview process.

Q WHAT IS YOUR FAVORITE THING ABOUT THE WBA?

A Nothing really. I'm coming up blank. 🙄



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LawSpeak

The legal mind has little use for math, except when it comes to fees.

Sir Isaac Newton

Westmoreland Reimagined

Frontier Accountants

by Diggory James Aberforth, Esq.

During the eighteenth century, particularly on the frontier, no profession or trade was more valued than that of the accountant. In the area which is now Westmoreland County, where the illiteracy rate among settlers was approximately 75 percent (a good ten percentage points higher than today), only one out of thirty people knew how to count. A fertile field for an accountant indeed, but there were few of them to meet the need, for the more sophisticated practitioners in Europe had calculated the distance and time and hardship it would take to get to the New World and decided that the trip wasn't worth their effort.

A rudimentary form of counting had been passed along in certain families, where children were taught to count to five by opening the fingers of their left hand and then touching each one with the index finger of their right hand. Very few discovered that ten could eventually be reached by switching hands.

It's hard for us today to imagine the impediments this imposed on our ancestors. Parents had to round up the entire family and bring everyone to the accountant's office to determine the number of children they had—and if a year later another child was born, they all had to go back again.



If a doctor said he could treat them for their ills and injuries in eight months (few things have changed), it meant nothing to the patient, who would show up at the physician's office two or three times a week to inquire if it was his turn yet.

Real estate holdings were described in terms of rods and perches, which mathematicians today are still trying to decipher, and it is estimated that about half of the deaths resulting from duels were caused by gunshot wounds to the back because at least one of the participants could not accurately calculate ten paces before firing.

So accountants began to prosper, while the less talented lawyers frittered

their time away representing criminals and reprobates or by seeking political office.

By 1794, the Hanna's Town counting house of Oliver Sum & Sons employed 35 full-time accountants and owned one-eighth of the county's real estate, due largely to the fact that it held a patent on the times table, not to mention the fact that it had made out handsomely in calculating the whiskey tax imposed three years earlier.

When the first income tax was imposed to finance the Civil War, Sum & Sons established 438 branch offices throughout states loyal to the Union. As taxation became a way of life, by 1914 the firm expanded to include subsidiaries such as IBM, H&R Block, and Fred's Financial Services.

Today, thanks to our frontier forbearers, lawyers looking for part-time employment to supplement their income may call Sum & Sons, toll-free, at 724-610-1771 and speak with Ollie, the founder's great-grandson, on extension 100, provided they are willing to undergo an interesting and interminable interlude of rock music punctuated by frequent messages of self-praise. 🙌

Lawyers' Exchange

(Free to all members of the WBA)

LEGAL SECRETARY/RECEPTIONIST Irwin based law firm seeking legal secretary/receptionist. Good people and computer skills are desired. Full time or part time. Salary commensurate with skills and experience. Interested candidates should submit their résumés to jessica@mddclawoffice.com.



by Joyce Novotny-Prettiman, Esq.

It seems everyone is worried about wellness these days, and quite honestly, it's just too much. Really, it's time for people to just get over it! Life is hard. We can't change that—and why try? Life isn't fair. We know that—and that's not going to change.

So, here are some suggestions to keep you from falling into the wellness trap that everyone is yapping about.

First, do not waste your time on silly things like exercise. Walking, jogging, biking—it's all crap. You will feel more

relaxed if you sleep in, watch television, and prop your feet up whenever possible. The idea of moving all about and causing yourself to sweat is not attractive. It seems to me that twisting your body into quirky postures, otherwise known as yoga, is inviting pain, strain, and sprain into your world. Worse yet, when you go outside to exercise it seems you leave yourself open to having an allergic reaction to all of the crud that floats around out there. Vitamin D is rather overrated as well, so keep yourself out of the sunshine.

Second, the idea of giving up alcohol and nicotine seems inhumane. These are the crutches that we use to get ourselves through the day. Why in the world would we want to cast these things aside only to white-knuckle it until it's 5 o'clock somewhere? A little booze in your coffee is medicinal. A little smoke break is uplifting. Don't succumb to the crazy pressure to give these things up. We need these things. We want these things. We all know we can't do without these things. Why try?

Third, isolate yourself from your co-workers, friends, and family. The idea of taking time to visit with all of these people sounds truly exhausting to me. These people just want to burden you by talking about their problems. If we spend too much time talking, we will not have time to get some work done and make some money. The best part of the pandemic was that we all had an excuse to avoid the annoying people we really don't like to talk to anyway.

Misery loves company, so give me a call and we can share a cocktail and maybe have a smoke—but I want to make it clear that I am not going to dilly dally around visiting when my drink goes dry. You can put that in your pipe and smoke it! 🍷

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Wed.-Thurs., Rivers Casino
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Daniel Joseph

The WBA Is Looking for Friends

In this time of isolation and anxiety it's not easy being an association. Of course, we have very generous donors, for which we are thankful, but something fundamental is missing. We are short on friends. Donors fill our coffers, but would they give up their Saturday golf game to attend our daughter's wedding, as a friend, albeit begrudgingly, would? If we were children, would donors offer us the last cookie in the bag and say they weren't hungry? No, such indications of affection are missing, and we are at our wits' end as to what to do about it.

Shakespeare's "Let's kill all the lawyers" line in *Henry VI* hasn't made our quest for friends any easier. We

tried changing our name when it was the Westmoreland Law Association, which had the harsh tone of a vigilante group, rejecting proffered names such as The Warm Hearted Lawyers Inc., and Attorneys At Play United, only to come up with the drab name of the Westmoreland Bar Association. A name which hasn't made the friendship thing any easier.

But please understand we are not looking for superficial relationships; rather, we yearn for a real Damon and Pythias type of commitment. If you are inclined to do so, please complete and deliver the form below, along with a recent photo of yourself, to 100 North Maple Avenue. 🍷

Friendship Application Form

Please complete our new revised form using a No. 2 pencil. For answers requiring more than a one-word response, kindly adhere to the standards set forth in Strunk and White's *The Elements of Style, Third Edition*.

- 1) If you have a Facebook account, state the number of people you have already befriended. If it is more than twelve, do not complete the rest of the form, for clearly you are already spread too thin to enter into a meaningful friendly relationship. You may reapply next year if the number has been reduced to twelve or less, or fourteen or less if accompanied by a note from your doctor.

- 2) State the number of actions filed by you which have been dismissed for filing beyond the Statute of Limitations. If more than three, please explain. _____

- 3) Do you presently have any imaginary friends from your childhood? If so, state his or her name and where you imagine they live. _____

- 4) Have you ever tendered an offer of friendship to a foreign government? If so, please state the year and the longitude and latitude at which they may be found.

- 5) Do you presently have, or have you ever had, any friends named Rowland?

- 6) Would you give a friend \$20,000 with no questions asked? How about \$50? If so, use the drop box at 100 North Maple Avenue—sorry, we do not accept checks or credit cards at this time. _____

Signed: _____ Date: _____

Bookshelf

2021's Best Books About the Law

There's No Fee If ...

by Norman Musk

The Wall Street Journal's review of Mr. Musk's most recent offering describes it as "the most exciting and interesting book ever written about contingent fees." The centerpiece of his 976-page tome highlights the case of Warren U. Pleasant, Esq., who bravely undertook on a contingent fee the cause of Mathew Wink, a self-taught inventor who sued General Dynamics for patent infringement alleging that its oxygen pump in the F-98 supersonic fighter manufactured for the Air Force, copied to a T Wink's patent for a hydraulic mouse trap.

Pleasant, living up to his name, trudges uncomplainingly through eighteen years of litigation, and \$123,000 from his own bank account, only to find that the Supreme Court has remanded the case for a new trial because the trial judge, as sometimes happens, failed to instruct the jury that their deliberations may, in fact, continue beyond lunch.

While the conclusion is well known, Professor Musk handles the fact that all of the participants in this litigation passed away before a verdict was reached in the second trial, with a sensitivity rarely found in an academic.

The Impossible Dream: The Life of Tommy Auditor

by Andrew Masters

Even as a small boy growing up on Clay Avenue in Jeannette, Tommy Auditor had a firm grasp of what he wanted to do when he grew up. Tommy dreamed of someday becoming an executor. His parents, of course, were perplexed by his revelation. His dentist father and school teacher mother did their best to gently push him in another direction, pointing out that while there had been family members who had become paralegals, lawyers, and even a favorite uncle who was a notary public, no one had ever been a fiduciary. Could they afford his education without going into debt and would this fragile physical constitution be up to the demands that would be imposed upon him?

Years later, undeterred, Tommy worked as a valet, parking cars for a local funeral home, to pay his way through the Orphans' Court Institute of Technology in Harrison City, where he had a double major in *required notice to beneficiaries*, and *extensions of time for filing elections by surviving spouses*. Having graduated *cum laude*, he established an office in the Kahanawitz Building in Greensburg, where he advertised himself as a freelance executor.

To his dismay, he soon found that the skills he had so assiduously honed were ignored and the mantle of executor was being bestowed upon clumsy, clueless relatives of the deceased, or even worse, upon lawyers who wrote themselves into the will.

In desperation, he wrote his own will and named himself as executor, but there was something about that which continued to bother him. What could he do? He was too proud to just become an administrator for estates of intestate decedents, and so he aimed even higher—he would run for an office—perhaps for a seat on the Orphans' Court in the next election. His struggles in support of that goal lead to an exciting and unexpected ending.

Blowup!

by *Terry A. While*
Clark Felonchase came to the U.S. Attorney's office in the early 1970s, a time when groups such as the Symbionese Liberation Army, the Weathermen, and the Black Panthers were prominent subjects on the evening news.

As indiscriminate bombings in California began to proliferate, the DOJ decided that strong measures were necessary

and pleaded with Congress to take action.

Pulling out all the stops, Congress passed legislation imposing a tax on bombs. The act provided that licensed industries could make explosives and distribute them to the military, mine operators, and demolition companies, but made it a crime for any individual "person" to possess explosives, bombs, or incendiary devices, unless they were used in conjunction with religious practices or had "therapeutic value." Those who did not qualify for such an exemption were required to pay an excise tax on their bombs to the Department of Revenue.

In November 1976, Felonchase, seeking strict enforcement of the law, charged Wendell Coyote, of California, with criminal tax evasion when he entered Pennsylvania during a promotion tour.

The indictment cited him as a notorious violator of the act, having been seen many times in the possession of a bomb by a great many people.

The bombs in question were manufactured by the Acme Company, a subsidiary of the entertainment giant Warner Brothers, who often used Mr. Coyote—known on the Warner lot and to close friends as Wylie—in short animated films. At trial it had been proven that Coyote's contract with Warner Brothers gave Coyote full control of acquiring props, costumes, and shooting locations.

Being a perfectionist, Mr. Coyote had a strict criteria for the bombs he got from Acme. They had to be round and black with a rope-like fuse which would emit sparks. On detonation, they had to produce a large red and yellow starburst with the

word "BOOM" in the center, which would leave him with a covering of black soot across his face.

The case of *U.S. v. Coyote* was eventually heard by the Supreme Court, which found that Mr. Coyote is, as he claimed, an animated carnivore, and therefore not a "person" under the act. In a *per curiam* decision, the Court vacated the charges against him, and Coyote went on his way to light up the landscape with his chosen devices.

The Flies Have It

by *Vernon Goldwin*
Traces hour by hour the origin, triumph, and departure of the theatrical group known as The BarFlies from their humble beginnings where they entertained waiting litigants in district magistrates' offices during the 1960s, to their annual appearances as the focal point of our Bench/Bar Conferences, where some of their productions were so successful that they were later purloined and staged on Broadway spawning several decades of laugh-filled litigation.

The scripts written by Dwight Millipede and directed by Johann Gnat were clever beyond words, offering wholesome entertainment aimed at offending just about everyone. Year by year, the props, costumes, and musical numbers of these storied Millipede-Gnat productions became more and more lavish to the point that their cost eventually accounted for seven-eighths of the bar association's annual budget and undoubtedly were responsible for the eventual auctioning of the WBA's North Pennsylvania Avenue offices at a tax sale in 2020, all in the pursuit of good fun. 🎭



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CALENDAR OF EVENTS

All committee meetings and activities will be held at the Palace Theatre unless otherwise indicated.

APRIL

29 Courthouse and WBA offices closed for Arbor Day

MAY

9 Nominating Committee for Sanctions and Disbarment, all day, lunch provided

10 Civil Division Lunch & Learn, Noon
Prime rib served on the patio, no casual dress please.

11 WBA Directory Photographic Touchup Committee, Noon

12 Criminal Division Lunch & Learn, 1:30 p.m.
Roast beef sandwiches at District Court 10.

18 Admiralty Committee, 4 p.m. at Twin Lakes

19 Family Division Lunch & Learn, 4:15 p.m.
Beef scraps and water stew at Upper Park.

24 [CLE] How to Raise Fees in an Inflationary Economy

27 [CLE] Basics in Exploiting Younger Lawyers, Part II, 4 p.m.

27 through most of June Courthouse closed in observation of Memorial Day

The Best of 2021

Editor's note: As you may already know, the sidebar engaged the Pittsburgh public relations firm of Will & Shan't to poll the WBA membership concerning their perception of what positive events shone through the last dismal year. Below are their findings.

Best travel experience: Motoring the Pennsylvania Turnpike to Sideling Hill and back.

Best movie: The rerelease of Alfred Hitchcock's 1953 masterpiece, *Murder at the Inn of Court*.

Best social interaction: Getting a haircut.

Best economic news: Your 2006 Buick LeSabre is now worth \$63,000.

Best restaurant service: IHOP (Wednesdays only).

Best book: Agatha Christie's *Witness for the Interpleader*.

Best CLE: "Threats and Intimidation as a Settlement Tool" (available on tape at the WBA).

Best run courtroom: Courtroom No.13 (Wednesdays only).

Best advertising slogan for those looking for a "Tough" lawyer: "When Dismemberment of Your Opponent is Not Nearly Enough, Call Mucous & Mucoid."

Best place to practice law: Not here! 🙄

Mike Ferguson's 21st Annual Personal Injury and Auto Law Update

— LIVE — 2 Substantive Credits Available



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Topics of Discussion:

1. Significant case law update.
2. New considerations in UM & UIM cases.
3. Handling a Wrongful Death & Survival Action.
4. Q & A

Speaker:

***Michael D. Ferguson, Esquire**
Ferguson Law Associates

April 7, 2022 - Mike Ferguson's 21st Annual Personal Injury and Auto Law Update

Name: _____

Attorney ID #: _____

Pre-Registration Fees

____ WBA Members - \$35/credit (\$70 total)

____ Non-Members - \$55/credit (\$110 total)

Non-Credit:

____ \$10

____ Waived for Young Lawyers
(practicing 10 years or less)

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\$ _____ (Amount).

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Expiration Date _____ 3-digit code _____

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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 April 6, 2022.**

**Thursday,
April 7, 2022
12:00pm - 2:00pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm April 6, 2022.)

CLE Credit

WBA Members - \$35 per credit hr.

Non-Members - \$55 per credit hr.

Non-Credit

\$10

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

\$10

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided.

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724-834-6730, or by email at

westbar.org@westbar.org.

Eating, Sex, and Exercise Disorders - When Enough Isn't Enough

— LIVE — 1 Ethics Credit Available



An accredited provider for the PA Board
of Continuing Legal Education

Food, sex, exercise – all may involve a variety of commonly enjoyed experiences that are healthy, essential parts of our lives. But when any of them become a major focus in your life, are difficult to control, and are disruptive or harmful to you or others, they may be considered part of a compulsive, disordered, or addictive behavior. When enough is no longer enough.

No matter what it is called or the exact nature of the behavior, if it results in damage to self-esteem, relationships, career, or your physical and/or mental health, you may need help to manage it.

Recent studies have shown that there has been a dramatic increase in impairment due to alcoholism, addiction, and mental health disorders among members of the legal profession. The statistics are compelling and clearly indicate that 1 out of 3 attorneys will likely have a need for substance use or mental health services at some point in their careers.

Mr. Quinn will discuss:

1. The symptoms and causes of eating, sex, and exercise disorders, including early warning signs.
2. The physical, psychological, and social impact of these disorders on the individual, their family members, co-workers, and organizations/firms.
3. Well-being strategies that really work.
4. The free services that Lawyers Assistance Programs provide to lawyers, judges, their family members, and law students.
5. A close look at what barriers exist that prevent lawyers and judges from seeking the help they need.
6. The role that education plays in breaking the stigma and fear associated with addiction and mental illness in the legal profession.

Speaker:

***Brian S. Quinn, Esquire**

Education & Outreach Coordinator

Lawyers Concerned for Lawyers of PA, Inc.

April 28, 2022 - Eating, Sex, and Exercise Disorders - When Enough Isn't Enough

Name: _____

Attorney ID #: _____

Pre-Registration Fees

____ WBA Members - \$35/credit

____ Non-Members \$55/credit

Non-Credit

____ \$10

____ Waived for Young Lawyers

(practicing 10 years or less)

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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 April 27, 2022.**

**Thursday,
April 28, 2022
12:00pm - 1:00pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm April 27, 2022.)

CLE Credit

WBA Members - \$35 per credit hr.

Non-Members - \$55 per credit hr.

Non-Credit

\$10

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

\$10

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided.

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Introduction to Trusts

— LIVE — In Person & Via Zoom — 2 Substantive Credits Available



An accredited provider for the PA Board of Continuing Legal Education

There are many public misconceptions surrounding trusts. Some clients associate trusts only with tax avoidance. Others believe trusts are reserved for the ultra-wealthy. In truth, trusts are a versatile estate planning tool that are more commonly used in certain circumstances to achieve non-tax goals. Whether a trust is appropriate requires a nuanced conversation between the attorney and client.

This program will focus on basic trust concepts for the non-trusts and estates attorney. Additionally, we will discuss potential trust solutions through issue spotting.

Speakers:

***David A. Finui, MBA**

Executive Vice President, Director of Wealth and Capital Management

***Scott D. Porterfield**

Vice President, Wealth Management Advisor, Oil and Gas Management

***Nicholas A. Urban, J.D.**

Assistant Vice President, Personal Trust Officer

***Christiana E. Chmielewski, J.D.**

Assistant Vice President, Personal Trust Officer

Lunch sponsored by



May 24, 2022 - Introduction to Trusts

Name: _____

Attorney ID #: _____

Phone _____

Pre-Registration Fees

___ WBA Members \$25 (flat fee)

___ Non-Members \$50 (flat fee)

___ In-Person

___ Via Zoom

Non-Credit:

___ FREE

___ In-Person

___ Via Zoom

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\$ _____ (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 May 23, 2022.**

**Tuesday,
May 24, 2022
12:00 pm - 2:00 pm
WBA Headquarters &
Via Zoom**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm May 23, 2022.)

CLE Credit

WBA Members - \$25 (flat fee)

Non-Members - \$50 (flat fee)

Non-Credit

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WALK- IN:

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WBA Members - \$25 (flat fee)

Non-Members - \$50 (flat fee)

Non-Credit

FREE

Lunch will be provided.

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WE NEED YOU FOR LAW DAY 2022!

Defining and refining the words of the Constitution might be our oldest national tradition. Throughout our nation's history, we have changed the Constitution through many different avenues and for a plethora of reasons and causes. And although most of us are familiar with the formal way to change the Constitution, through the amendment process, it is by far not the only means to make refine the blueprint of our government. Many changes to our constitutional system have come to exist even without formal amendments. Constitutional meaning has evolved over time even as the text has not.

As in years past, we are asking Westmoreland Bar Association members to volunteer for classroom visits in Westmoreland County schools during the month of May 2022.



FAST FACTS

- Written in 1787, the Constitution was signed on September 17, but it wasn't until 1788 that it was ratified by the necessary nine states.
- The U.S. Constitution was prepared in secret, behind locked doors that were guarded by sentries.
- Established on November 26, 1789, the first national "Thanksgiving Day" was originally created by George Washington as a way of "giving thanks" for the Constitution.
- Of the written national constitutions, the U.S. Constitution is the oldest and shortest.
- The original Constitution is on display at the National Archives in Washington, D.C. When the Japanese bombed Pearl Harbor, it was moved to Fort Knox for safekeeping.
- More than 11,000 amendments have been introduced in Congress. 33 have gone to the states to be ratified and 27 have received the necessary approval from the states to actually become amendments to the Constitution.

To volunteer, register online at www.westbar.org/lawday, email westbar.org@westbar.org, or return the form below via fax (724-834-6855) or mail **TODAY**.



YES! SIGN ME UP FOR LAW DAY!

To volunteer for Law Day 2022, register online at www.westbar.org/lawday, email westbar.org@westbar.org, or return this form via fax (724-834-6855) or mail to Westmoreland Bar Association, 100 N Maple Ave, Greensburg PA 15601, **TODAY**.

Name _____

Phone (preferred) _____ Email _____

School/School District Preference _____ Grade(s) Preference _____

Availability (weekdays in May) _____ Times _____

Capital Campaign

Thank you to the following individuals who have pledged over \$250,000 to our Capital Campaign! Add your name to the list and help us reach our stretch goal of \$300,000 by June 30.



Joyce Novotny-Prettiman
John N. Ward

Counselor

Gary P. Caruso
Samuel R. Coury
Eric H. Dee
John J. Driscoll
Kelly M. Eshelman,
Eshelman Law Office, LLC
Elizabeth Staite Male
Joseph Massaro
Welty & Welty LLP
–George V. Welty
–Douglas J. Welty

Advisor

The Hon. Daniel J. Ackerman
Ament Law Group, P.C.
–W. Robert Ament
–John W. Ament
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