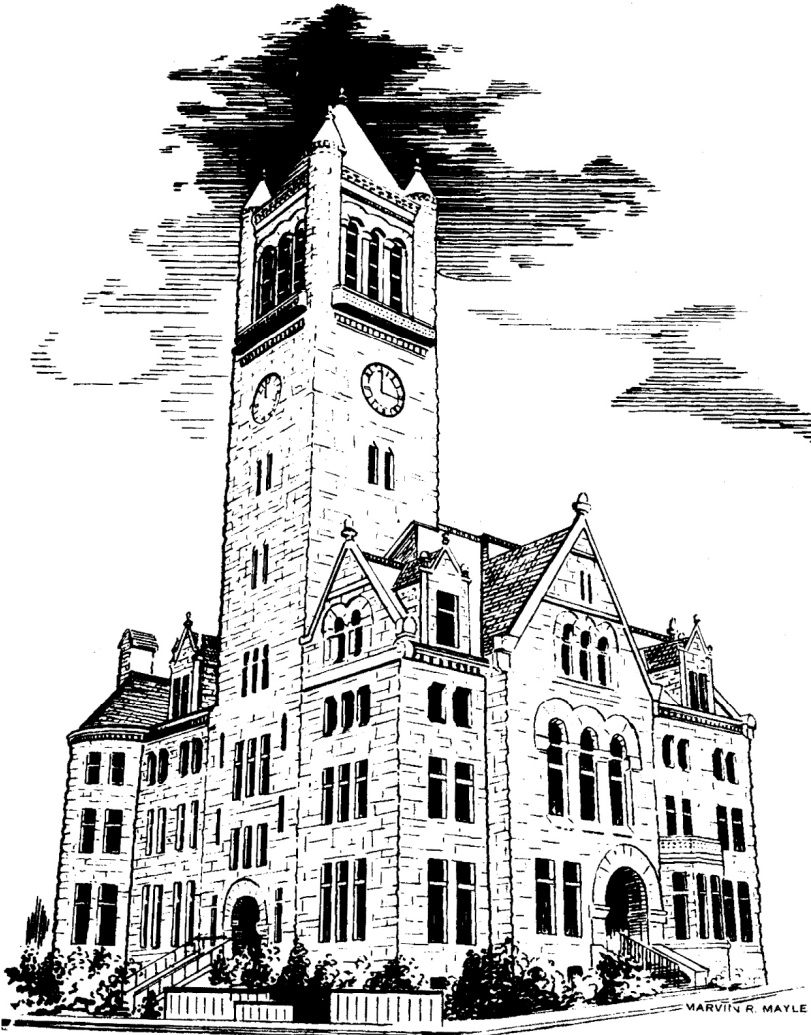


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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

MIRIAM FIKE, late of North Union Township, Fayette County, PA (3)

Executrix: Brenda A. Alicastro
116 Short Road
Markleysburg, PA 15149
c/o P.O. Box 14
Murrysville, PA 15668
Attorney: Robert C. Klingensmith

MARY CATHERINE JENKINS, late of Georges Township, Fayette County, PA (3)

Administrator: Michael Jenkins
c/o Adams & Adams
55 East Church Street, Suite 101
Attorney: Jason F. Adams

EUGENE LEPRE, late of Dunbar Township, Fayette County, PA (3)

Executor: Robert R. Lepre
9 Greenwood Road
Pittsburgh, PA 15221
c/o Frayer Law Offices
250 Mt. Lebanon Boulevard, Suite 207
Pittsburgh, PA 15234
Attorney: Dale P. Frayer

EMOGENE POSICK, late of Washington Township, Fayette County, PA (3)

Executor: Aaron Anderson
114 Branch Avenue
Belle Vernon, PA 15012
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

Second Publication

JOAN A. BARCHETTI, late of Uniontown, Fayette County, PA (2)

Executor: Christopher Scott Barchetti
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

CHRISTOPHER RAY CAVANAUGH, late of Luzerne Township, Fayette County, PA (2)

Personal Representative:
Sandra E. Cavanaugh
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

DANIEL L. CHESSE, late of South Union Township, Fayette County, PA (2)

Personal Representative: Gertrude S. Chess
c/o Watson Mundorff Brooks & Sepic
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

JOYCE COFFMAN, a/k/a H. JOYCE COFFMAN, a/k/a H. J. COFFMAN, late of Connellsville, Fayette County, PA (2)

Executrix: Karen S. Coffman
c/o 120 South Third Street
Connellsville, PA 15425
Attorney: David B. Reiss

DONNA COOLEY, a/k/a DONNA JEAN COOLEY, late of North Union Township, Fayette County, PA (2)

Administrator: Jacquelin Fritts
170 North Gallatin Avenue
Uniontown, PA 15401
c/o 4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

RENELDA THOMAS, a/k/a RENELDA A. THOMAS, a/k/a RENELDA ANNE THOMAS, late of Uniontown, Fayette County, PA ⁽²⁾

Co-Executors:

Nancy L. Otto
44370 Maltese Falcon Square
Ashburn, VA 20147
and Lori A. Frazee
5660 A Wade Court
Frederick, MD 21703

JANET ANN MIRALLES, a/k/a JANET MIRALLES, late of Perryopolis, Fayette County, PA ⁽¹⁾

Executor: Anthony Miralles, III
125 Howie Road
Waynesburg, PA 15370
c/o Meyer Law Office, P.C.
136 East High Street
Waynesburg, PA 15370
Attorney: Brandon K. Meyer

First Publication

JOHN M. ANTOON, late of Uniontown, Fayette County, PA ⁽¹⁾

Administrator: John M. Antoon, II
c/o 4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Carl E. Micarelli

HERSHELL D. MORGAN, late of Uledi, South Union Township, Fayette County, PA ⁽¹⁾

Executor: Richard W. Morgan
80 Ivy Drive
Lancaster, MA 01523
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

EVELYN K. CRIST, a/k/a EVELYN KATHERINE CRIST, late of North Union Township, Fayette County, PA ⁽¹⁾

Personal Representative: Evelyn M. Crist
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

MARJORIE W. SCHROEDER, late of Bullskin Township, Fayette County, PA ⁽¹⁾

Executrix: Suzanne M. Clark
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

PAULINE C. ESPER, a/k/a PAULINE ESPER, late of Connellsville, Fayette County, PA ⁽¹⁾

Co-Executors: Constance Johnson and Paul Mongell, Jr.
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

VERONICA THERESA LOWE, a/k/a VERONICA T. LOWE, late of Georges Township, Fayette County, PA ⁽¹⁾

Personal Representative: Brenda L. Trump
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

LEGAL NOTICES

NOTICE

Estate of Joshua Paul Atkins a/k/a Joshua P. Atkins a/k/a Joshua Atkins, Deceased. Late of S. Connellsville Borough, Fayette County, PA. D.O.D. 2/12/18. Letters of Administration on the above Estate have been granted to the undersigned, who request all persons having claims or demands against the estate of the decedent to make known the same and all persons indebted to the decedent to make payment without delay to Lauren Dawn Atkins, Administratrix, c/o Martin K. Brigham, Esq. and Charles P. Hehmeyer, Esq., 1845 Walnut St., 20th Fl., Philadelphia, PA 19103. Or to her Attys., Martin K. Brigham and Charles P. Hehmeyer, Raynes Lawn Hehmeyer, 1845 Walnut St., 20th Fl., Philadelphia, PA 19103.

(3 of 3)

NOTICE LEGAL ADVERTISEMENT

Notice is hereby given that a hearing is scheduled for Wednesday, June 13, 2018, at 9:30 a.m., before The Honorable Joseph M. George, Jr., in Courtroom No. 5, of the Fayette County Courthouse, for the sale of the South Side Elementary School by the Connellsville Area Board of School Directors.

Interested persons may appear at the aforementioned hearing to offer testimony in favor of or in opposition to the proposed sale.

Connellsville Area Board of School Directors

(3 of 3)

NOTICE OF VOLUNTARY DISSOLUTION OF LITTLE PRINTING CO. INC.

NOTICE IS HEREBY GIVEN THAT the shareholders and directors of LITTLE PRINTING CO. INC., a Pennsylvania corporation, with an address at 45 North Gallatin Avenue, Uniontown, Fayette County, Pennsylvania, have approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

Watson Mundorff & Sepic, LLP
Jarod A. Illar, Esquire

NOTICE OF VOLUNTARY DISSOLUTION OF OGLEVEE, LTD.

NOTICE IS HEREBY GIVEN THAT the shareholders and directors of OGLEVEE, LTD., a Pennsylvania corporation, with an address of 104 Rilla Drive, Connellsville, Fayette County, Pennsylvania, have approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

Watson Mundorff & Sepic, LLP

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY PENNSYLVANIA
 CIVIL DIVISION
 NO.: 1 of 2018 GD

**DOLLAR BANK, FEDERAL SAVINGS
 BANK,**

Plaintiff,
 vs.

**GREGORY LYONS, HEIR OF THE
 ESTATE OF NANCY E. LYONS, AND
 KELLY HARVEY, HEIR OF THE ESTATE
 OF NANCY E. LYONS, AND JOSEPH
 OLSZEWSKI, HEIR OF THE ESTATE OF
 NANCY E. LYONS, AND DANIELLE
 OLSZEWSKI, HEIR OF THE ESTATE OF
 NANCY E. LYONS, AND THE UNKNOWN
 HEIRS OF THE ESTATE OF NANCY E.
 LYONS,**

Defendants.

Schedule of Distribution will be filed by the Sheriff on the date specified by the Sheriff no later than thirty (30) days from sale date. Distributions will be made in accordance with the schedule unless exceptions are filed within ten (10) days of the filing of the Schedule.

Kristine M. Anthou, Esquire
 Grenen & Birsic, PC
 One Gateway Center, 9th Fl
 Pittsburgh, PA 15222
 (412) 281-7650

Notice of Sheriff's Sale of Real Estate on October 11, 2018 at 10:30 AM in the Fayette CO. Courthouse 61 E Main St, Uniontown, PA 15401.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF GREGORY LYONS, HEIR OF THE ESTATE OF NANCY E. LYONS, KELLY HARVEY, HEIR OF THE ESTATE OF NANCY E. LYONS, JOSEPH OLSZEWSKI, HEIR OF THE ESTATE OF NANCY E. LYONS, DANIELLE OLSZEWSKI, HEIR OF THE ESTATE OF NANCY E. LYONS, AND THE UNKNOWN HEIRS OF THE ESTATE OF NANCY E. LYONS OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE BOROUGH OF BELLE VERNON, FAYETTE COUNTY, PA. HAVING ERECTED THEREON A DWELLING BEING KNOWN AND NUMBERED AS 17 GRAND AVE, BELLE VERNON, PA 15012. DBV 2951, PG 674, PARCEL NO 01-04-0164.

Dollar Bank, Federal Savings Bank vs Gregory Lyons, Heir Of The Estate Of Nancy E. Lyons, Kelly Harvey, Heir Of The Estate Of Nancy E. Lyons, Joseph Olszewski, Heir Of The Estate Of Nancy E. Lyons, Danielle Olszewski, Heir Of The Estate Of Nancy E. Lyons, and the Unknown Heirs of the Estate of Nancy E. Lyons, at Execution No. 1 of 2018 GD in the amount of \$23,677.03.

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION

RONALD NARA III, :
Plaintiff, :
v. :
ERIE INSURANCE COMPANY, : No. 2150 of 2016, G.D.
Defendant. : Judge Linda R. Cordaro

OPINION

CORDARO, J.

May 14, 2018

SUMMARY

Before the Court for consideration is the Motion for Partial Summary Judgment filed by Defendant in a motor vehicle tort case. Specifically, Defendant asks this Court to find that Plaintiff cannot recover non-economic damages as a result of a motor vehicle collision, as Plaintiff was covered by a limited tort option. The Court finds that reasonable minds could differ as to whether Plaintiff suffered a serious injury, which would allow him to recover non-economic damages, and that the issue is proper for the jury to determine. Therefore, the Court denies Defendant's Motion for Partial Summary Judgment.

BACKGROUND

Plaintiff, Ronald Nara III, alleges that he was driving a vehicle on or about October 18, 2015 when another vehicle collided with his. Complaint at ¶¶4, 6. The other driver is not a party to the present lawsuit.

After the collision, Mr. Nara had to be cut out of his vehicle, placed on a backboard, and taken to Allegheny General Hospital. Def.'s Mot. for Summ. J., Ex. C (Dep. of Ronald Nara) at 14, 23. There, Mr. Nara underwent surgery for a ruptured spleen. Id. at 21, 24-25. The surgery included a splenic artery angiography and embolization, and a coil was placed around his spleen. Id. at 24. Mr. Nara was put on pain medication as a result of the surgery, and he also had trouble sleeping. Id. at 24, 64-65.

In addition to the ruptured spleen, Mr. Nara suffered a left leg and knee injury in the collision. Id. at 15-17, 21, 29. The injury included torn ligaments, a pulled hamstring, and a damaged meniscus. Id. at 21, 30. Mr. Nara did not have any movement in that leg for the three or four days he was in the hospital. Id. at 23. As a result of his leg injury, Mr. Nara was on crutches for two-to-three weeks when he got home, and had trouble walking and doing normal activities for another month after that. Id. at 25, 31. He was unable to do his job, which required heavy lifting. Id. at 46-47. Mr. Nara also suffered a lower back injury, injuries to his head and face, chest pain, and stomach cramps as a result of the collision. Id. at 15, 17, 21-22, 35, 65.

After the collision, Mr. Nara settled his negligence claim with the driver of the other vehicle. Def.'s Mot. for Summ. J. at ¶4. Mr. Nara also had an insurance policy with Defendant, Erie Insurance Exchange. Complaint at ¶17. Mr. Nara was covered under a policy issued to his grandparents by Erie Insurance. Def.'s Mot. for Summ. J. at ¶5. He was covered under the limited tort option, which-as discussed more fully infra-allows an insured to recover non-economic damages from an accident only when the accident results in a serious injury to the insured. *Id.* at 6.

Mr. Nara now seeks to recover damages from Erie Insurance. Erie Insurance subsequently filed a motion for partial summary judgment, claiming that the limited tort option bars Mr. Nara from recovering non-economic damages. Oral argument on this Motion was held on May 2, 2018.

DISCUSSION

After the relevant pleadings are closed, a party may move for summary judgment as a matter of law. Pa.R.C.P. 1035.2. In order to be granted a motion for summary judgment, the moving party must show that "there is no genuine issue of material fact and that such a party is entitled to judgment as a matter of law." *Buckno v. Penn Linen & Unif. Serv., Inc.*, 631 A.2d 674, 675 (Pa. Super. 1993). Further, "the court must examine the record in the light most favorable to the non-moving party, and all doubts must be resolved against the moving party." *Id.* at 675-676. In summary judgment proceedings, "the court's function is not to determine the facts, but only to determine if a material issue of fact exists." *Banker v. Valley Forge Ins. Co.*, 585 A.2d 504, 507. Summary judgment should only be granted in cases that are free and clear from doubt. *Washington v. Baxter*, 719 A.2d 733, 737 (Pa. 1998), citing *Marks v. Tasman*, 589 A.2d 205 (Pa. 1991).

For purposes of considering a motion for summary judgment, the record consists of pleadings, depositions, answers to interrogatories, admissions, affidavits, and reports by expert witnesses. Pa.R.C.P. 1035.1. Pennsylvania courts have held that summary judgment "cannot be used to provide for trial by affidavit or for trial by deposition." *Troy v. Kampgrounds of Am., Inc.*, 581 A.2d 665, 669 (Pa. Super. 1990) (citing 1 *Goodrich-Amran* (2d) § 1035.1 at 455); *Stimmler v. Chestnut Hill Hosp.*, 981A.2d 145, 154 (Pa. 2009).

For insurance litigation, plaintiffs are only permitted to recover non-economic damages under the limited tort option when they have a "serious injury" as defined in §1705 of the Motor Vehicle Financial Responsibility Law. That statute defines a serious injury as "a personal injury resulting in death, serious impairment of body function, or permanent disfigurement." 75 Pa. C.S. §1705.

The Pennsylvania Supreme Court in *Washington* held that a trial court should ask two questions in determining whether there has been a "serious impairment of body function" for the purpose of summary judgment:

- 1) What body function, if any, was impaired because of injuries sustained in a motor vehicle accident?
- 2) Was the impairment of the body function serious?

Washington v. Baxter, 719 A.2d 733, 740 (Pa. 1998), citing DiFranco v. Pickard, 398 N.W. 2d 896, 901 (Mich. 1986). The Pennsylvania Supreme Court goes on to explain that, "[g]enerally, medical testimony will be needed to establish the existence, extent, and permanency of the impairment" and that "[i]n determining whether the impairment was serious, several factors should be considered: the extent of the impairment, the length of time the impairment lasted, the treatment required to correct the impairment, and any other relevant factors." *Id.* An injury or impairment does not have to be permanent to be serious. *Id.*; Cadena v. Latch, 78 A.3d 636, 640 (Pa. Super. 2013), citing Robinson v. Upole, 750 A.2d 339, 342 (Pa. Super. 2000).

If reasonable minds could differ on whether the insured has suffered a serious impairment, then the question should be presented to a jury to determine. Washington at 740. Only when reasonable minds could not differ, and the injury to the plaintiff is not serious, then the trial court should grant the motion for summary judgment. *Id.* In all but the clearest of cases, the ultimate determination should be made by the jury. *Id.*

This Court is persuaded here that reasonable minds could differ on whether Mr. Nara suffered serious injuries that would allow him to recover damages under his insurance policy.

As a result of the motor vehicle collision, Mr. Nara ruptured his spleen—a bodily organ. He needed emergency surgery to repair his spleen after being rushed to the hospital. As a result of the splenic injury, Mr. Nara had trouble sleeping and suffered stomach cramps. He was treated with Oxycodone and other pain medication.

Mr. Nara also suffered injuries to his head, face, back, and left leg. He had no movement in his left leg while in the hospital, and was on crutches for several weeks afterward. His lower-body mobility was limited for months afterward, which interfered with his ability to work, exercise, and participate in athletic activities. Mr. Nara had to find new employment as he was unable to do the heavy lifting he was required to do at his previous place of employment. He also suffers from intermittent lower-back pain.

Erie Insurance points out that since the collision Mr. Nara has resumed walking and working out, and that he even worked as a physical trainer at a gym. However, Mr. Nara did not begin working as a physical trainer until several months after his accident, and when he did start, he was only able to demonstrate upper-body workouts. Further, an injury does not have to be permanent to be serious.

Erie Insurance also points to two cases where the trial court held that the insured was not able to recover non-economic damages because of the limited tort selection. In

Tankel v. Scheidt, the plaintiff had only back and neck pain from his injuries, he never treated at a hospital or emergency room, never missed work, and no activities were impeded. Tankel v. Scheidt, No. 130601380, 2014 WL 4412656, at 1 (Phila. Court of Common Pleas, Aug. 1, 2014), *affd*, 121A.3d 1136 (Table) (Pa. Super. 2015). In Huynh v. Blount, the plaintiff suffered back and neck injuries, felt pain after standing for an hour, and did not seek medical treatment immediately following the accident. Huynh v. Blount, No. 130203285, 2014 WL 3709703, at 1-3 (Phila. Court of Common Pleas, June 19, 2014), *aff d*, 120 A.3d 380 (Table) (Pa. Super. 2015).

Both of those cases are factually distinguishable from the one presently before the Court. In both of those cases, the plaintiffs did not seek medical treatment immediately following their accidents. Mr. Nara, on the other hand, had to be cut out of his car and rushed to the hospital to undergo surgery to fix his ruptured spleen. The injuries that those plaintiffs suffered only included back and neck pain. Along with the ruptured spleen, Mr. Nara suffered from a left leg injury, as well as injuries to his head, face, and back. Unlike the plaintiffs in Tankel and Huynh, Mr. Nara also missed work for a significant amount of time due to his injuries.

Based on the extent of Mr. Nara's injuries, reasonable minds could differ on whether he suffered a serious impairment that would allow him to recover non-economic damages from his insurer. Therefore, the question should be presented to a jury to determine.

CONCLUSION

As a result of the foregoing analysis, this Court denies Defendant's Motion for Partial Summary Judgment.

BY THE COURT:
Linda R. Cordaro, J.

ATTEST:
Nina Capuzzi Frankhouser
Prothonotary

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SENTENCING UPDATE CLE

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Thursday, June 28, 2018
2.0 CLE Credits

This seminar will provide an overview of recent amendments to the 7th Edition Sentencing Guidelines (amendments 1, 2, 3 and 4). It will include updates related to specific sentencing related statutes as well as an update on the development of the Commission's risk assessment tool.

Target Audience - This seminar targets individuals who already have a comprehensive understanding of sentencing guidelines and sentencing statutes and only need current updates.

The seminars are approved for CLE credits. Certificates of attendance and CLE forms will be distributed at the completion of the training sessions. Attorneys must directly return the CLE Request Form to the Pennsylvania CLE Board along with their payment.

Seminars are free of charge to anyone involved in Pennsylvania's criminal justice system. To register, please complete the online registration at <http://pasentencing.us>. You will be emailed a confirmation approximately one week prior to the seminar date. If you require special assistance, please inform the PA Commission on Sentencing prior to the seminar.

PRE-REGISTRATION IS REQUIRED
with PA Commission on Sentencing
Online Registration: <http://pasentencing.us>

Thursday, June 28, 2018
1:00 p.m. to 3:15 p.m.
Fayette County Public Service Building
First Floor Conference Room
22 East Main Street, Uniontown

LUNCH AND LEARN**THE IMPAIRED LAWYER – A Call for Action**

Presented by

Brian S. Quinn, Esquire
Education and Outreach Coordinator
Lawyers Concerned for Lawyers of PA

Wednesday, June 13, 2018

1.0 Ethics CLE Credit

Recent studies show that there has been a dramatic increase in impairment due to alcoholism, addiction and mental health disorders among members of the legal profession.

As LCL's Educator, Mr. Quinn will discuss the early warning signs of impairment, how best to approach the impaired individual and the LCL services that are available to lawyers, judges, their family members and law students.

A practicing lawyer with over 40 years of experience, Mr. Quinn will also share his own story of addiction and impairment and the role that Lawyers Concerned for Lawyers played in saving his life and restoring his place in the legal profession.

REGISTRATION:

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