



# Commentaries

Stand In The Place Where You Live.™

February 2009

## Letter from the Editor

Dear Members,

**W**elcome to a new year at WALs. We have some exciting programs in the works this year, including a Heritage Green Symposium on October 2 & 3, 2009, which will be open to the public, and at which we hope to have entrepreneurs, academics, and environmental scientists discuss opportunities for local green industries and jobs.

Mark your calendars now.

To complement the symposium, WALs will be engaged in a Downtown Business Survey this year to seek input from local residents and would-be entrepreneurs as to what ideas for a downtown local business they have, what talents, experience and background they bring to such a vision, and what impediments exist for them in starting up a new local business.

We hope to prepare a report on our findings for city officials and other interested parties in urging smart, community-based development in the historic downtown.

If you would like to participate in the work of the survey, let Barb know within the next two months. When we seek survey information, you too will be asked to give your ideas, so start thinking of what your alternate downtown business is going to be!

We hope you enjoy tonight's entertainment with Roger Hoard, and appreciate any feedback on the new social format.

Cheers,

O'C of D

## Tullamore Dew Profiles

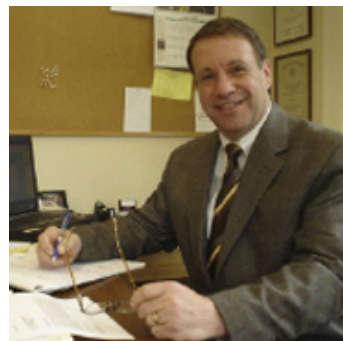
### Ron Kasserman

**R**on Kasserman, better known as Kazz, was born in an Army hospital in Fort Lee, Virginia on November 17, 1955, where his parents, Lt. Ronald Wesley Kasserman and Opal Pearl Koerner Kasserman, families with deep roots in Marshall and Ohio counties, were stationed. After completing his tour of duty, Ron's father graduated from Cornell Law School in Ithaca, New York and moved back to Wheeling to practice law, retiring after 40 years of practice.

Ron graduated from Wheeling High School in 1974, West Virginia University (cum laude) in 1978 and West Virginia University College of Law in 1982.

Since 1982 he has practiced many different aspects of law, including real estate, divorce, corporate law, criminal defense, civil litigation

and appellate cases. From this broad base he now concentrates on injuries,



wrongful death, insurance, wrongful terminations of employment and discrimination. He personally knows the anger and embarrassment associated with being wrongfully fired, and the pain and limitations from a broken neck and lower back surgery. He also knows how the law can "level the playing field" for the underdog.

Ron has tried more than 100 cases as lead counsel and has successfully argued cases before the West Virginia Supreme Court of Appeals and the

Continued on Page 7



Sir Peter Quimsley, FRIAS

# Design Champion

My post over the last few months has included inquiries of why you Yanks haven't heard from me since the August, '08 issue of the Commentaries. Sad to say, we Scots are experiencing a bit of the old economic meltdown ourselves, which prompted my employer not only to cut off my supply of aged single malt, but to (can you believe it?), lay me off. Me. The "Design Champion." For six months! As you might imagine, I have been at wits end. You may think it would be relaxing, what with all the thinking a Design Champion could do with a half-year of unstructured time. But no! Rather, it was a nightmare, or to be more exact, nightmares, every night.

A recurring dream was that all over the city, people were building big, impersonal boxes in the center of our historic town, without any thought of good design, without any thought of the historic context in which such edifices were to stand.

The worst of the nightmares

featured completely undistinguishable monolithic cubes, evocative of that big impersonal, unidentifiable slab in the movie, 2001, a Space Odyssey (odd choice of year).

The worst dream was just the other night, when a new structure loomed in my subconscious—built of sheet steel on a concrete base, without any windows, without doors, without any identification of what the building was, or stood for. Perhaps this was a bunker to be used by a society under siege, perhaps a building housing a secret business. But why so monumental and uninviting? So private? It was as if it emerged from a ground cleared of any trace of history with nary a glance-back to its predecessors, its neighbors. Not at all consistent with the old city's heritage, or character.

In my dream, I ran (but only with difficulty) to City Hall and demanded to see the Prefect of Development. "Is it possible that this could happen everywhere, that

the whole downtown could lose its identity, abandon its heritage, to impersonal bumps of concrete and steel?"

"Well, Sir, we are a tad short on police protection, and people have to protect their businesses."

Still dreaming, a cold sweat building, I then crawled (but only with difficulty) to see the Prefect of Public Planning.

"Sorry, Sir Peter, but you see, the schools are gone, residential building a thing of the past, but we do have a lot of surface parking. We need to play to our strength, you know. And frankly, I'm annoyed that only the suburbs get the new strip malls and industrial parks!"


One last stop (but only with difficulty). To the High Commissioner of Historic Weelaine.

"How about you, Sir?"  
"Tell me it can't happen?"

"Not to worry, old boy. Better to not have any windows. Out of sight, out of mind, you know."

I awoke with a start, beads of sweat forming on my brow. The phone was ringing. It was Sir Makin Parkum, of Weelaine City Council.

"Sir Peter, we think we may have been a bit hasty in laying you off. Seems that some of our colleagues have been having nightmares themselves. We're willing to put you back to work, with a peace offering of Highland Park, aged 18 years, to be exact."

"Thank God, Sir," I replied. "And thanks for ringing me up!" 

[Any resemblance of the city of Weelaine to any existing city in the United States of America is strictly coincidental.]

# The State of Justice:

## Like Politics, all Justice is Local



Lecturing on our country's "rule of law" in a former Soviet country that has often been identified in the West as deficient in that department, your editor was surprised to get the barbed questions that challenged the very premise of which we spoke.

"Are American Indians really citizens of the United States?"

Not an easy question to answer.

"Well, yes, American Indians are "also" citizens of the United States, but... [Here discuss Reservations...]"

"Will Dick Cheney go to jail after the election for war crimes?"

"Will George Bush go to jail for illegal surveillance of American citizens?"

"Well, that would happen only if it were determined that they should be prosecuted after investigation, and [Here discuss our system of justice, which considers everyone innocent until proven guilty.]

"But we have seen on the news a well respected law professor of your

country who has said on American television that Vice President Cheney may have admitted to illegal torture; surely someone will investigate that?"

Not an easy question to answer.

"You see, the way it works in the U.S. is that it would be up to the Attorney General, or Congress, or more likely, perhaps, a local U.S. Attorney that would have jurisdiction over the alleged criminal event, perhaps a U.S. Attorney from D.C., perhaps a U.S. Attorney from the Eastern District of Virginia...to cause an investigation to be conducted, if he or she believed a criminal act may have occurred..."

"Does Obama believe in the "rule of law?"

"Of course he does."

– [But we admit that we would have felt much better if the first thing President Obama had said after being elected President was that "torture is the against the law, and this administration will not violate the law," rather than just telling the world, "We don't do that, and we need to move on,"

which has been interpreted by some of our critics as telegraphing implied, if not express, immunity from his Administration to the extent laws were violated by the last.

Rather, (and whether or not the Justice Department under President Obama decided to investigate) it would have been good to hear a word of support in that context about our country's determination to be a country where the "rule of law" governs. And despite disparate political or social beliefs as to whether or not "water boarding" constitutes illegal torture, we would hope that the issue is controlled "as a matter of law," not by Presidential opinion or prerogative.]

Since we returned to the states, we have been thinking about those questions and the challenges to the "rule of law" in our own country, as well as the challenges to the rule of law in the former Soviet countries.

We would have liked to ask our students what they thought of the report in The New York Times of February 1, 2009, that contained a picture of

President Ramzan A. Kadyrov of Chechnya, holding a "golden pistol," and which informed that he has been accused of "personally participating in torture." Or about the article in BusinessWeek of February 9, 2009 which recounts how human rights attorney Stanislav Markelov, who represented Chechens allegedly abused by the Russian military, and an accompanying journalist were gunned down in broad daylight in Moscow on January 19<sup>th</sup>, 2009, after leaving a press conference. And I might have questioned why the author of that article, reporting from Russia, had to be so careful not to raise the question of whether or not the murders may have been state sanctioned

We imagined the answer: "Well, you see, the way it works, is that there is usually a local prosecutor, who would investigate a local murder, and who would determine who was responsible, and it would be up to them to determine whether or not it involved any one "higher up."

Continued on Page 4

# The State of Justice

Continued from Page 3

And the thought struck me a little later, when reading the February 15th issue of The New York Times, and its front-page story featuring a local case involving the “rule of law” right here in West Virginia – the case of Caperton v. A.T. Massey Coal, No. 08-22, to be argued March 3 in the United States Supreme Court.

Like politics, all Justice is local.

Whom a U.S. Attorney in the Eastern Division of Virginia ultimately chooses to investigate, or prosecute, can have national and even international repercussions on “the rule of law,” but the story of any such prosecution will originate locally, in the Eastern Division of Virginia. And how each one of our Justices of the Supreme Court of Appeals acts in West Virginia, can affect the “rule of law” nationally

– and the perception of it internationally as well.

Though beliefs in the West about Justice have changed somewhat with changing circumstances over the ages, a fundamental idea of “Justice” elucidated as early as Socrates has it that “Justice” emerges at the top – in society in general – from the collective virtue or excellence (arête) of each and every individual practitioner or “craftsman” of justice in doing his or her job well – every lawyer, every Judge, every lawmaker, every official at every level of government – federal, state, county, city.

When a lawyer allows a witness to shade the truth, when a lawmaker, Judge, or other official dispenses or delays justice based on political favoritism, or for personal or political advantage, it is not a “trifling matter” of injustice just because it may have involved one case, or occurred in small

claims court or in State court only. It is nonetheless corruption, of the system, and of the “rule of law” in general.

And those that may engage in such “trifling matters” of injustice may think that others – other citizens, other members of the Bar – can overlook such small injustices upon the rationale that “it’s how the game is played.” But our experience is that even those hesitant to confront each and every “little injustice,” even those willing to “overlook” for a period of time, or willing to give the “benefit of the doubt,” will do so when it becomes personal, like Coalhouse Walker, Jr., of “Ragtime” fame.

“Is it true that in America if you are rich you get better representation than if you are a poor person?”

“Is it true that some Judges take contributions for election from lawyers and then give favors to those lawyers?”

Not easy questions to answer.

It makes you reflect upon the good news and the bad news of our individual “responsibility” towards the “rule of law.”

The good news is that many of us have the luxury of not having the responsibility in our local place to actively deal with corruption, or injustice, at the highest levels of government.

The bad news is that all justice, like all politics, is local, and that what we all have to ask ourselves, each and every one of us, is whether or not each of us is taking the responsibility of being the best craftsman of justice here at the local level, in our jobs, in our own places.

Not an easy question to answer. 



Mark your calendars for future meetings:

April 24, June 25, Aug. 28, Oct. 30 and the Wheeling

Academy of Law and Science Christmas

Awards Banquet on Dec. 10, 2009.

# La Cerca - Chapter 11

What Gallagher didn't know when he returned to Germany to find Schmidt was that Schmidt had in one sense already returned home, but not in Germany. Rather, he had returned to his place of birth in Brest, now part of Belarus.

Schmidt's father, also a university professor, was from the Prussian town of Konigsberg. It was that city's association with the German philosopher Immanuel Kant that led Schmidt's father to study philosophy, and become himself a professor of philosophy. He too had studied at the University of Leipzig as a young man, and returned home to Konigsberg to teach Kantian philosophy at the Albertina University.

It was while at the university that Schmidt's father met and fell in love with Schmidt's mother, a beautiful Polish Jewess named Eugenia, who started out as one of his ablest students, and ended up marrying him within a year of finishing her university studies.

Schmidt's colleagues were less scandalized

by the fact that he was twenty years Eugenia's senior than the fact that a "well respected German professor" had married a Jew. When Eugenia became pregnant soon after their marriage, the hostility of his colleagues got worse. "You know, Schmidt," they would say, "Anyone who has a Jewish mother is a Jew!" It was this growing anti-semitism that caused the couple to consider moving out of Germany prior to the birth of their child.

But where to go? Schmidt's only living relative was an older brother, who was sympathetic with their plight, but also lived in Germany, in Weimar. Eugenia was an only child, but her parents were still alive, residing in Brest, which was then still part of Poland. So it was to Brest that the couple moved, to live temporarily with Eugenia's parents. And it was in Brest, in January of 1939, that Georg Schmidt was born.

The year 1939 was an eventful one for Brest as well. In August, the Germans and Russians had entered into the secret Ribbentrop-Molotov



The Brest Fortress

non-aggression pact, whereby Russia and Germany had agreed to divide and occupy Poland. In September of 1939, Poland was invaded by Germany, the Germans advancing easily to Brest, during which invasion the "well respected German professor" was killed at the Brest Fortress by his own countrymen, while defending his wife's homeland from the German onslaught.

Within days, the victorious Germans handed Brest over to the Red Army, which had advanced from the East, and had prior "claim" to the Brest region under

the Ribbentrop-Molotov agreement.

The next day – on the same day that Eugenia buried her husband– the Germans and Red Army "paraded" through the streets of Brest in a shared display of triumph, as if their display of power would soothe the beast of hatred and fear that their combined efforts had created.

After the death of her husband, the fact that Russia and not Germany was the new master of Brest did not alleviate Eugenia's fear for her son's safety. Even the new

Continued on Page 6

## La Cerca

continued from P. 5

regime expected Germany to eventually renege on the secret pact and to re-invade Brest. This in fact it did in 1941, with the only difference being the nationality of the defenders of the second Brest invasion. As the Germans again mercilessly attacked the Brest Fortress, it was countless Russians, rather than Poles, who bled.


But even before the Germans unleashed Project Barbarossa in 1941, Eugenia had already made arrangements to send her son to live with his uncle in Weimar, who pledged to keep secret the identity of Georg's mother, and care for the child as his own, hoping that the youngster's best chance for survival was to be thought of as fully German. Eugenia never regretted sending young Georg to her brother-in-law for his safety, but after doing so, she became one of the many war-ravaged women of Brest who never smiled again; and when the Germans did come again in 1941, her spirit for survival was spent. Thousands of Jews in Brest were murdered by the German invaders in 1941 and 1942. Eugenia and her parents were among the dead.

Georg was to learn of his early history from his uncle, but only much later, long after the war, long after East Germany had been incorporated into the USSR. As a child, he would ask his uncle how it was that his own country, a country of philosophers and musicians before the Nazis came to power, how it was that it could have killed his father's people; how it could have killed his mother, just because of her ethnic background. It was in these conversations that Schmidt learned to be wary of all authority, in whatever guise, even of his own country. And it was during these conversations that he would sometimes blame his own uncle.

"Uncle, how could you have let it happen?" – at which times his uncle would only bow his head, and apologize again and again for being powerless to stop the Nazis – powerless to change his countrymen's prejudice and racial hatred.

So it was in Schmidt's youth, before he ever studied at the university of his father, before he ever picked up a book of philosophy, that Georg learned the true meaning of "freedom" – that for him to have acted differently

from his uncle or his "fellow countrymen," to have acted "autonomously" from the masses who blindly followed a ruthless leader, he would not only have had to be smart enough – about history, about human nature, to know when his country was on a mission of suicide – but would also have to have been strong enough; strong enough to say, "No!" "Not in my name," "A thousand times No!" – even in the face of a crowd consumed with hate – a crowd that would suffocate your every freedom, and even the air that you breathe, given half a chance.

So he learned, and studied, and became a teacher of men. And it was one of those cyclical ironies of history that one perceives only if listening, that is was yet another "secret" agreement between the Russians and Germans that brought Schmidt back to Brest in 1984, to his place of birth, to be "rehabilitated." 

To see earlier chapters of La Cerca visit <http://www.firststatecapitol.com/commentaries.shtml>.

# Kasserman

continued from P. 1


United States Court of Appeals for the Fourth Circuit in Richmond, Virginia. Although he is a plaintiff's litigator, he has never sued a doctor for medical malpractice and continues that policy.

Ron's wife, Beth, is the firm's bookkeeper. Their son, Brandon, and his wife, Raegan, live and work in the Wheeling area. Ron and Beth's daughter, Lace, is a college student. The family attends the Vineyard Christian Fellowship Church in Wheeling.

His personal interests include family, friends, hunting (all seasons - archery, gun and black powder), fishing, wine making, cooking, golf, mushrooming and knife throwing. He professes to be the fastest squirrel skinner on Earth. In 1982, West Virginia Secretary of State A. James Manchin appointed Ron as a West Virginia Ambassador of Jurisprudence Among All People.

Kazz says he has had two big chances to show off for the Blackstone club. "First, I 'presented' to the group a few years ago on topics of home winemaking, with samples, grilled venison, with samples, and how to field dress (gut) a deer, using a beautiful young Bud Lite girl in a brown leotard

with a white tail attached, as my 'deer.' Second I 'presented' last year on the topic of 'The Art of Being Politically Correct,' which gave me license to try to entertain while being somewhat crude and rude. In baseball terms, I don't want to 'strike out' and for this third time at bat I may possibly be even more controversial. My life is blessed because of Jesus Christ."

He continues: "Any long time friends and family can attest that I'm no saint, sometimes quite the opposite. The quest for 'the best,' and sometimes attaining it, still leaves a longing that can be dangerous, destructive and lonely. The good news is that from that place, self-honesty will bring Jesus as a guide, with samples of Heaven. I've been blessed with miracles of love after tragedy, physical healing, loyal friends and even business success - all when I let Jesus be my guide in what I did. Some folks believe in fate and coincidence, and are still looking for "the best." After more than 50 years of exposure to God, Nature, church and prayer by my parents, friends, wife and children, I am compelled to take this opportunity to say that "fate and coincidence" are the lesser choice, as blessings from Christ are available, simply for asking." 



# Off the WALS:

News of the Wheeling Academy of Law & Science (WALS) Foundation

As we like to say, "If those who believe in the Justice system don't educate the public, those who don't will."

by Barbara Knutsen  
Executive Director

According to statistics,  
West Virginia is number

one in the country for prescription drug abuse; prescription narcotics are the leading cause of death for West Virginians under 45.

Our mock trial program has been addressing prescription drug abuse for the last two years, at a time when the abuse has been on the rise.

When I presented a seminar on the WALS Foundation mock trial project at the 16<sup>th</sup> Annual WV Substance Abuse Prevention Conference last November, I learned about the severity of the prescription abuse problem among our youth. A new program, LOCK it UP, encourages parents to lock up all prescription drugs in the home.


Our mock trial program is in full swing for the 2008-09 school year. We started early this year and will finish up in Ohio

County public schools in the next few weeks and move towards more expansion.



"Judge" Christina Terek visits with Madison Elementary School students after a WALS mock trial

I'll be going to Kanawha County in April for the fourth year. This year we hope to grant two requests — one from our grantor and another from an attorney who participated as "Judge" last year — to take our show "on the road" to their children's schools.

Reviews show teachers found this role-playing very helpful and fun while educating the students about the workings of our justice system. It also sends a strong message that making bad choices about substance abuse could lead to a day in court where 12 strangers decide one's fate. 

# Upcoming Blackstone Club Meetings & CLEs

Tonight - Feb. 27, 2009 - BLACKSTONE CLUB - **Entertainment by Roger Hoard**  
**Continuing Legal Education Seminars for LAWYERS**

April 7, 2009 - Ohio County Bar Association and the Wheeling Academy of Law and Science are partnering to bring you our 1st Spring Fling and CLE (free to all Bar members); Affordable Technology and Sound Management for a Profitable Law Practice in Difficult Economic Times; presentation by Barry Hill, Sol H. Weiss and James Ronca from the Philadelphia-based law firm of Anapol, Schwartz, Weiss, Cohan, Feldman, Smalley, PC; "Attorneys Changing to Succeed in Today's Economy." This FREE CLE will culminate with a Happy Hour of spring-themed hors d'oeuvres and refreshments for participants.



May 8, 2009 - Morning session, up to 3.0 CLE hours, with presenters from The Cyril H. Wecht Institute of Science and Law

June 12, 2009 - Morning with the Judges XII - Honorable Frederick P. Stamp, Jr., USDC, Northern District and another judge TBA - up to 3.0 CLE hours

## Continuing Legal Education Seminars for Paralegals/Legal Assistants

March 5, 2009 - NOON CLE series - 50 min. session; Anna M. Morgan, CP

April 2, 2009 - NOON CLE series - 50 min. session Witness/Client Interview by Ron Kasserman, Esq.

---



Wheeling, WV 26003-3582  
1413 Eoff Street  
First State Capitol