



Les Commentaries

de Lavoisier

“Closing time-every new beginning comes from some other beginning’s end.” - Semisonic September 2011

Letter from the Editor

Dear Colleagues,

We are making some changes to WALS for the future, which we hope will create more opportunities for our members.

As you know, WALS was originally founded to bring an educational component back to the First State Capitol, and to promote professionalism among area lawyers by allowing the historic facilities of the First State Capitol to be utilized by area lawyers for conferences and legal meetings, and by providing a forum for area lawyers to “present” CLE’s related to their particular practice interests or expertise, as well as to allow area lawyers to

meet their CLE requirements on a local, cost effective, basis.

It also served as a vehicle for continuing the pre-existing functions of the “Blackstone Club,” which, like other WALS programs, have been extended over the years to include educators, as well as lawyers. (And we use the term “educators” broadly, as “anyone still interested in learning, and passing it on,” whatever the member’s particular occupation).

We have found over the years that the CLE events for lawyers have been largely successful and highly attended, and we wish to expand our offerings to continuing education programs for our teachers and other educators, and to

Tullamore Dew Profiles Janet Lynne Hart



Janet creating at her art table

Janet comes to WALS through her husband, Lou, and enjoys the fun and camaraderie among the professional membership. She is a native of Martins Ferry but has lived her adult life here in Wheeling.

Among her interests are artwork, cross country skiing at Whitegrass, blues and classic rock

music, reading novels on Kindle, her Airedale Terrier, Bristle (a bristle brush describes her best!), volunteering through the Junior League of Wheeling and the Museums Committee of Oglebay Institute, and church.

She has an identical twin sister who lives in Occoquan, Virginia

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Sir Peter Quimsley, FRIAS.

Design Champion

City of Weelaine, Scotland



As an advocate of historic preservation, I like to defend my investment in one of Weelaine's old historic buildings by telling anyone who will listen that, "Weelaine will be a great city again, but not necessarily in my lifetime."

What once made Weelaine great will do so again—it's centrality to the most populated area of the country, it's location on the national highway system and Forth River (important not just for transportation but for ensuring an adequate water supply for otherwise parched generations to

come), and the fact that future energy needs and policy will necessarily require the densities of scale for delivery and use attainable historically only in a city's core.

But of all of the contributing assets to Weelaine's historic greatness, perhaps most important was the willingness of its citizens to harness an entrepreneurial spirit that utilized the natural and cultural resources of the city and its environs to become leaders and innovators in the fields of industry and commerce.

Judging from their insistence on architectural excellence

and beauty in building their homes, businesses, and city center, they embraced this spirit with a civic pride that has been all but lost in the grind of modern time.

So at a time when the city has suffered great trauma—in this case, decades old economic decline compounded by the larger reality of a country-wide economic slump and high unemployment rate, and perhaps collateral damage from the Yanks' heightened sense of malaise post 9/11 (as thoughtfully described by George Packer in "Coming Apart," *The New Yorker*, 9/12/11), it is natural to want to "clear the deck" of the

rotting infrastructure, to start over and demolish much of the downtown in the hope that new development will spring up in its place.

It's not going to happen anytime soon.

Many of the old entrepreneurs with a vision of pride for the city are gone; retiring, moving to points south, or... dead.

There is hope that some of the younger generations that have been born and bred in Weelaine sense its future potential and have moved back home to live, engage in their business and professions, and raise

their families. However, they are hampered not only by the contraction of demand for their own products or services created by a declining population, but mostly by an attitude of resignation to decline. This resignation promotes the conventional wisdom that retail and other businesses and institutions can only succeed outside the historic downtown (like at the Highlands Kilt Factory development), and the concomitant attitude that only suburban development out in the county (or worse, downtown) is worthy of significant tax abatements and other public incentives.

There is something definitely wrong with the picture when such development is allowed significant tax relief and/or “incremental tax financing,” but someone who preserves and restores a building of

historic or cultural value in the downtown is rewarded only with significantly higher property taxes.

Additionally troubling is the conventional wisdom that there is not much left of value in the downtown stock of businesses and architecture built when Weelainge was at its height.

But this is not the view expressed by a consensus of individuals at the federal, state, and local level more than a decade ago when they all cooperated in the development of the plan for the Weelainge National Heritage Area.

Then, the city gladly accepted the benefits of millions of dollars in funding from the federal government to celebrate its architectural and historical infrastructure (with the design and construction of the



The old school building.

Weelainge Artisan Center, Intermodal Center, and Heritage Port).

Since then, “official” Weelainge has used its resources to promote preservation sparingly, but with great success when it did—as with its partnership in saving the Old Weelainge Theatre, and in designating its first historic district—Chapel Hill Row.

This commentator believes it prudent for the city at this juncture not to welcome more “suburban” projects into the downtown (such as a stadium in the center of a historic neighborhood, which will only add to its

decreasing tax base), but to start to rebuild and preserve what is left of its valuable infrastructure.

The well-worn idea that the wholesale clearing of dilapidated structures in the downtown will ipso facto lead to new development has just not been borne out by experience (especially in this time of economic constraint).

We do not challenge the city’s use of its resources to demolish buildings without any “redeeming historical or architectural value;” but we do urge careful selection. There are buildings the city is

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eager to demolish that do retain significant architectural value and still contribute to the historic and cultural fabric of the city.

Indeed, the City has at its disposal one of its own agencies—The Weelainge Historic Buildings Commission, who would be pleased to consult with the City in connection with any intended demolition projects.

Seeking such consultation would at least show the City has not completely given up on its prior commitment to preserve and protect its historical architectural treasures.

In fact, stabilizing certain architectural gems, otherwise intended for destruction, if only for re-development in the future, would not only keep the decade-old promise made by the city to preserve its

historic and cultural heritage, but would also be a welcome source of construction jobs for local workers.

One example is the former school house and Imperial Pool building at the end of 14th street. Aside from its present dilapidated state, this building retains basic structural integrity and is an architectural wonder that not only anchors the historic 14th street area, but is also highly visible to interstate travelers—much like Mount DeCastle Abbey, another target of intended demolition (and subject of this commentators column in the August, 2010 edition of “*The Commentaries*”), which, despite the claim of its present owner that “no decision has yet been made,” will be demolished in the near future, probably on some early Saturday

morning while the community sleeps, because its predecessor owner, The Diocese of Weelainge-Charlton (who also owns the Weelainge Foundling Hospital) made that unilateral decision years ago when it chose to “defer maintenance” on the historic structure and not replace the roof when leaking started its slow demise.

In that regard, it was rather disingenuous for the Weelainge Foundling Hospital to arrange a media “tour” of the historic structure recently to publically demonstrate the bad shape of the building when the Diocese had all but sealed the buildings fate years earlier with its own inaction.

But what the predecessor owner of Mount DeCastle Abbey did not do is what the city *can do* with the former Imperial Pool

building.

It should use the considerable expense it would otherwise have to spend to demolish the building to replace the roof and bell tower only, clean up the outside of the structure to make it presentable, and stabilize it from further deterioration until it can find an entrepreneur willing to buy back the property, complete its renovation, and put it back into productive, adaptive use.

There are other infrastructure building projects where the city might spend what surplus monies it has to promote or even just encourage development in the downtown, while preserving its historic and cultural treasures. For example, it could recommit to the Weelainge Heritage Plan by opening up the

Northern Gateway to Weelainge and the river (at the present location of the Weelainge Inn — a structure whose architecture is admittedly not one of “redeeming” historic value).

That idea, adopted and promoted by community consensus more than ten years ago, has apparently been lost to official and non-official Weelainge since.

Another opportunity would be for the city to tap into the nationally exploding “small house” movement and encourage, subsidize, or develop plans for modest yet architecturally harmonious town houses to fill such rents in the urban fabric as the one along lower 15th street caused by the former demolition of historic houses that stood in the place of the parking lot “extension” to the former Robinson’s lot.

Finally, the former Robinson building itself could be easily and economically turned into a first class, rent-subsidized (at least in the beginning) market house, where budding city entrepreneurs and/or artists could display and sell their wares in separated cubicles of varying sizes (such market bazaars, long lost to Weelainge, but still wildly popular in other historic European cities).

A focus on these kinds of developments would not only save what is best of the unique architectural and cultural heritage of Weelainge, but would put people to work. It would start the re-building of the downtown in small, but sure, incremental steps, and ultimately, start the process of

making downtown Weelainge a great city once again.

And it will happen in Weelainge, trust me, but not necessarily in my lifetime.

But then again, that’s no excuse for not working for that future now. After all, we have the greatest gift at our disposal to get started—we are still alive; and can still enjoy, after a day of “restoration” work well done, a wee bit of Highland Park. 🌀

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

Prior “musings” of Sir Peter Quimsley, FRIAS, can be accessed in The Commentaries at the WALs website: www.firststatecapitol.com



Weelainge Historic “small houses.”



Along McColloch street.

Letter from the Editor, continued from page 1

promote the talent and expertise of all of our members in the educational and consulting pursuits of WALs.

Alternately, we have found that there is less interest these days in the bi-monthly social events that originated with The Blackstone Club, and attendance at the strictly social events has been consistently low over the last few years.

Accordingly, we thought it best to focus on expanding the educational opportunities of all our members, and educators; in particular, by developing continuing education programs for teachers and school administrators, as well as providing similar opportunities for all our educators for “presentations,” and in addition, to add networking and referral opportunities for all our members, by offering consulting services and/or educational presentations to individuals, private businesses, or public bodies in the areas of

interest to WALs (what we call the “3E’s”— “Education,” “Employment,” and the “Environment.”)

“In doing so, we hope WALs will become West Virginia’s first “Think Tank.”

Should opportunities for particular educational “expertise” be sought that cannot be handled by WALs on an “in-house” basis, WALs will either refer the consulting entity or person to an appropriate member or members, or work with them on a collaborative basis to meet the educational needs of the consulting entity or person, working out an agreement with the participating member(s) in advance, and on an ad hoc basis, for any compensation to be provided.

The only decrease in membership benefits will be the discontinuance of the bi-monthly socials, to be replaced with a “Spring Update and Social Event,” and continuation of our

“Annual Awards Banquet” in December. This change has the added advantage of allowing us to decrease the amount of dues for WALs members, and to expand our membership and educational programs state-wide, as the WALs Foundation has done with its Mock Trial Program.

Accordingly, for next year, membership in WALs will be offered statewide, and dues will be decreased to \$100.00 per person, (\$150 per couple), or \$10 per month by credit card deduction. Members will still be entitled to free Luncheon CLE’s; use of the Class Room, Conference Room, and Club Room facilities, subject to availability and by pre-arrangement with Barb; receipt of our “periodic” publication, *The Commentaries*, (issued several times a year—*see back issues at firststatecapitol.com*), attendance to the two social events related above, and other educational opportunities to be announced from time to time.

In addition, members will be given the opportunity (but not required) to provide a 100 words or less description of their field of expertise, specialization, or outside interests to post on a proposed new “Network” link on the WALs website.

We hope you will continue your participation in, and support of WALs, and look forward to seeing you at the Annual Awards Banquet which will be held on December 8, 2011.

Mark your calendars now! 

Your Editor,


State of the Environment



From those who don't even believe in the "science of global warming," to those who for one reason or another are unwilling to consider or speak of it, the unusual excesses of "weather events" (or "weather weirding," as Thomas Friedman referred in the op-ed pages of *The New York Times*) over the last few years — hurricanes, tornadoes, flooding, draughts (worst this year—without much discussion—in the state of Texas) are written off by the mainstream media without comment or consideration of whether or not we are possibly entering into a future when destructive weather events become the norm, and communities and cities will be continuously under threat from excessive weather caused by man-made climate change.

This excessive weather will not only affect many individual communities or cities and their inhabitants, but major policy initiatives in the country, including attempts to reduce the deficit, and revive the economy at a time when large outlays of federal and state aid for repeated weather emergencies and disasters are already all too common.

Yet no one seems to be discussing the relationship between recent "weather weirding" and climate change even as a *possibility* at the national level.

Though we like to boast one of the world's greatest (if not the greatest) system of higher education, we wonder here at WALSH how so many of our country's leaders, or potential leaders, are blind to scientific consensus, or for that matter, why we are still debating evolution nearly 100 years after the Scopes Trial?

In any event, as an educational service to our members, we commend to you what we believe to be some reputable sources on the link between "weather-weirding" and global warming, so you can arouse some Texans at your next cocktail party.

1. A comprehensive two part article about extreme weather and climate change, including examples from North Dakota, Tennessee, and Hurricane Katrina.

Carey, John. 2011. "Storm Warnings: Extreme Weather Is a Product of Climate Change." *Scientific American*: <http://www.scientificamerican.com/article.cfm?id=extreme-weather-caused-by-climate-change>

2. An easy to read article showing new, scientific links from climate change to flooding.

Monbiot, George. 2011. "Climate change and extreme flooding linked by new evidence." *The Guardian*: <http://www.guardian.co.uk/environment/georgemonbiot/2011/feb/16/climate-change-extreme-weather>

3. An article that addresses global warming, the facts behind weather, and the disagreements and conclusions from scientists. Also contains a great chart (in true USA Today fashion) that documents Hot/Cold Extreme Events Ratio throughout the decades.

Vergano, Dan. 2011. "Climate report links extreme weather events to global warming." *USA Today*: <http://content.usatoday.com/communities/sciencefair/post/2011/09/climate-report-links-2011-extreme-weather-events-to-global-warming/1>

Profile Continued from page 1

(near Washington, DC), who they claim are a “whole” person when they are together. Janet has two grown children and one granddaughter in Wheeling. She has traveled in many interesting corners of the world with Lou.

Her favorite place in the world is Oglebay Park and you will find her at

Oglebay pool every summer weekend. Swimming at Oglebay, walking Bristle in the park, then dinner at Ye Olde Alpha with a beautiful suntan is a perfect day for her.

She has produced and sold thousands of Victorian Wheeling Christmas cards and note cards, demonstrating her love of Wheeling. She has honed in on improving

her skills at watercolor painting by taking lessons over the years, and many pen & ink drawings for art lovers in the region.

You will see her latest creation soon in the conference room of WALSA; a watercolor of a Victorian door in the Center Market area of Wheeling 

You may visit Janet’s website at: www.janethart.weebly.com.



The Nevsky Prospect Today.

La Cerca - Chapter 18

When Gallagher responded to Fidanzo's email, he had been checking his email and relaxing with his Russian students in the only Irish pub in St. Petersburg—O'Hooligan's.

They had come with Gallagher to St. Petersburg for a "literary and philosophical" tour of the historic city, and to meet up with several exchange students from the UK who were flying into St. Petersburg that weekend. The students were going to accompany them back to the University in Kaliningrad for the start of their program.

Like his Russian students, Gallagher had never met the students from his own country, and did not know their names—except for the student leader, Michael

Murphy, whose contact information he had been given. He knew only that they were all from The Queens University of Belfast, in Northern Ireland.

O'Hooligan's had been set as the meeting place, and just as Gallagher excitedly hit the "send" button to Fidanzo, his student Nikita approached, followed by three other students who Gallagher could see at once were not part of his Russian contingent.

"Professor Gallagher, the students from your country have arrived! Come, let me introduce you," Nikita said as he excitedly waved in the three men.

"This is Michael Murphy. This, Rory Flanagan, and the third, Mr. Kevin Gray".

Gallagher hardly heard the first two names; such was his excitement

of having just replied to Fidanzo about Schmidt.

But the last name spoken by Nikita abruptly focused his thoughts. He hoped he had heard it wrong.

He looked at the student intently.

"Kevin Gray?" he asked.

The young man stepped up to Gallagher, his hand outstretched,

"Yes sir; Kevin Gray, sir,"

A sickening dread building, Gallagher had yet a need to continue:

"Where are you from in the UK, Kevin?"

"Northern Ireland; County Antrim, sir."

"And how old are you Kevin?"



O'Hooligan's Pub.

Kevin chuckled, "Don't worry, I am old enough to drink, I was 22 in October!"

Gallagher did the math in his head, and felt as if his very soul was leaving his body. He mustered his last bit of courage,

"And do you have any brothers or sisters?"

"Twin sisters, sir. Rouen and Colleen just finished high school this year. And I have heard we have something in common, Professor Gallagher. I heard your father died in The Troubles, as did mine in 1984."

Continued on page 10

Gallagher averted his eyes from the gaze of the young man, while the text of the newspaper he had long ago memorized came back to him with such vividness that he could have been reading it at that very moment:

“Thomson Gray, aged 27, married to the former Kate O’Leary, was the father of three children: one boy, Kevin, 8, and two twin girls, Rouen & Colleen, aged 4.”

With the recognition of the identity of the young man standing in front of him, Gallagher experienced for himself the *spectral* and *surreal* nature of St. Petersburg—descriptors used by a number of Russia’s great nineteenth-century writers according to Marshall Berman’s philosophical review of Modernity, *All That is*

Solid Melts in the Air—one of the books Gallagher was using in his course in Kaliningrad.

Had Gallagher met the young man years before, it would have been enough to send Gallagher on a drinking binge to escape the guilt he had finally been able to repress in his new life as a “Professor of Moral Philosophy.” But Gallagher had not been drinking to excess for some time, and the temptation didn’t even occur to him.

It had been his love of teaching, which he described to others as “finding himself,” that finally filled the void that alcohol had played in his life for several years after his return from Germany.

He had convinced himself that as a teacher, he was now

nurturing life, rather than escaping from it; but the meeting of Kevin Gray nonetheless stirred old doubts and fears of what he had thought was his “redemption.”

So while he was able to avoid draining the drinks in front of him, he nonetheless felt a need to flee, to be alone, for a while, to collect his thoughts.

Entrusting his duties to the student leaders, he took leave of the students with an excuse of being suddenly ill, and needing to get some air walking the prospect, alone.

As he started, his own presence became surreal, so focused his thoughts had become—as to what this meeting meant in the destiny that was his life. What was expected of him, now? Now that



Along the Nevsky Prospect.

Schmidt, as well as his past guilt were both unexpectedly resurrected on the very same day?

As he walked, he tried to change the focus of his thoughts on the many unusual things, real and imagined, that were part of the history of the Nevsky Prospect, all related not only by contemporary writers like Berman, but also Russia’s nineteenth-century greats—Dostoevsky, Pushkin, Gogol, Chernyshevsky, Biely, Mandelstam.

He had been walking for some time when he realized he had long left the Nevsky Prospect and was approaching the Neva waterfront,

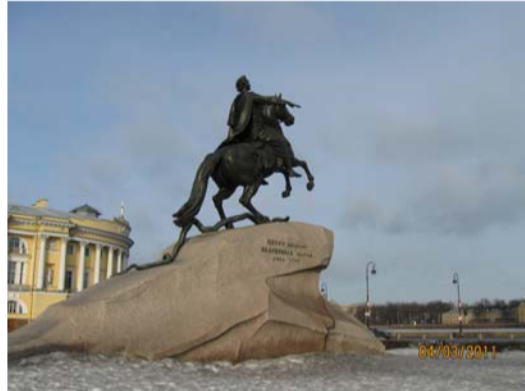
the bridge to the Naval Museum and Rostral Columns looming in front of him. Instead of crossing the bridge, he turned left and walked along the bank of the Neva, coming soon to Senate Square and Etienne Falconet's equestrian statue of Peter the Great, immortalized in Alexander Pushkin's "The Bronze Horseman."

Gallagher looked up the massive granite base to the bronze icon, faded but still glittering in the sun and mused:

"Peter I—who killed or maimed thousands of workers in building this ghostly city, and yet considered 'the Great,' by history."

He thought of Pushkin's great poem, and the irony of his own standing in the world. One of his own students had referred to him just that week as a "Great Professor," "the best she had ever had." He imagined himself sitting atop the great bronze horse; and Kevin Gray, in the place of Evgeny, shaking his fist upwards.

"... You'll reckon with me yet." 



"The Bronze Horseman."

Prior issues of The "Commentaries," including prior chapters of LaCerca can be accessed on the WALs website: www.firststatecapitol.com

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



Off the WALs:

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

NEWS FLASH: Stay tuned...mock trial program to reach 10,000 student participants this year!!!

UPCOMING WALS EVENTS

WALS UPCOMING:

WALS Annual Banquet - **December 8, 2011**



CLE NOON SERIES - 60 min.

Wednesday -October 5, 2011 - Westlaw Next

by Matthew St. John, Esq.

Wednesday -November 2, 2011 - WALS & Wheeling Area Chamber of Commerce:

WV SUPREME COURT JUSTICE *Brent D. Benjamin*

MORNING SESSIONS - up to 3.6 hrs.

Friday -October 28, 2011- Managing Technology Within a Lawfirm

by Mark Bassingthwaite, ALPS Risk Manager

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Friday -December 2, 2011 - Morning With the Judges XVII - TBA



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