From the Chair

This fall, the Government Lawyers Committee will be seeking nominations for the fifth annual Government Lawyer of the Year Award. Each year, the Committee bestows its highest honor on a government lawyer who has made a difference for the profession and for the people of Pennsylvania. As in the past, the Committee selects a lawyer who is a shining example of the many lawyers who dedicate either all or part of their legal careers to public service and forsake, in many instances, the higher financial benefits of private practice. Past winners include then-Insurance Department Chief Counsel Heidi Hamman Shakely, Chief Deputy Attorney General David DeVries, Department of Public Welfare Chief Counsel Jack Kane and Deputy General Counsel Greg Dunlap.

The competition for the award over the last few years has been intense. The quality of the nominees has been diverse and remarkable. The Committee appreciates the recommendations and considers all nominations seriously. I encourage you to nominate a government lawyer who you feel is deserving of the 2002 Government Lawyer of the Year Award.

Over the last couple of years, the Pennsylvania Bar Association has invited the Government Lawyers Committee to present its award at the Committee/Section Day luncheon in November. I look forward to announcing the winner of the fifth annual Government Lawyer of the Year Award at the Holiday Inn East, Harrisburg, on Nov. 21. By announcing the winner at this larger gathering of our peers and others in the profession, we ensure that this year’s Government Lawyer of the Year Award recipient gets the recognition he or she so richly deserves for having been selected for this honor.

For more information about the award or to obtain a nominating form, log onto the PBA Government Lawyers Committee Web site at www.pabar.org/govlaycomm.shtml.

Nominations Are Now Being Accepted for the PBA Government Lawyer of the Year Award

Nomination forms are available on the PBA Government Lawyers Committee Web site at www.pabar.org/govlaycomm.shtml.

Send your nominations to Michael Shatto at the PBA, 100 South Street, PO Box 186, Harrisburg, PA 17108 or fax them to him at (717) 238-7182 by Oct. 31, 2002. The award will be presented at the PBA Committee/Section Day Luncheon in Harrisburg.

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From the Editors’ Desk

By Doreen A. McCall and Susan Hensel

For a change of pace, we thought we would use our column this issue to test your knowledge of the Government Lawyers Committee and the PBA. When you have a chance, take a few minutes and try to complete the following puzzle. If you need help solving the puzzle, turn to Page 4 for the answers. Good luck!

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Across
2. Annual meeting month
3. PBA Web site address
6. *News & Views* is the Govt. Lawyers ______
8. 2001 holiday food drive beneficiary
10. Government Lawyers Committee chair
11. PBA headquarters is located on _____ St.
13. PBA liaison _____ Shatto

Down
1. Government Lawyers Committee co-vice chair
4. 2001 Government Lawyers award recipient
5. Government Lawyer who climbed Mt. Kilimanjaro
7. 2002 PBA pro bono award recipient
9. PBA president
10. Charitable events subcommittee sponsor
12. Government Lawyers Committee formed _____ years ago
**Summer 2002 News & Views**

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**Government Lawyers Committee**

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Executive Deputy Attorney General, Office of Attorney General

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Assistant General Counsel, Governor’s Office of General Counsel

Board of Governors Liaison  
Seth A. Mendelsohn

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Special Projects  
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**www.pabar.org/govlaycomm.shtml**

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**Lunch and Learn Series**

**National Security v. Civil Liberties: A Viewpoint from Col. Thomas McShane**

By Judy Gilroy, Assistant Counsel, Governor’s Office of General Counsel assigned to the Department of Labor and Industry

In light of the Sept. 11, 2001, terrorist attacks, there is growing concern about the conflict between protecting the country from future attacks and preserving our civil liberties. Col. Thomas McShane, the director of National Security Legal Studies for the United States Army War College, offered his perspective on these issues at the Career Enhancement “Lunch and Learn” in May.

Col. McShane acknowledged that there has been a moderate backlash against people of Middle Eastern descent after the attacks. He said the challenge for the country today is to develop a national homeland security policy that does not promote racial profiling or discrimination.

He reiterated some of the steps the federal government has taken as a result of the terrorist attacks, including initiating military action in Afghanistan, establishing the Office of Homeland Security and increasing border security. The most comprehensive response was the passage of the Patriot Act in October 2001.

According to Col. McShane, the Patriot Act increases the government’s ability to gather intelligence, tightens immigration controls and includes banking and forfeiture provisions similar to those used against organized crime under the RICO antiracketeering statute. The act also establishes military commissions to try suspected terrorists.

While the Patriot Act is aimed at preventing future attacks, Col. McShane recognizes that it could also lead to infringements on our civil liberties — liberties that Americans used to take for granted. Some potential areas of concern are increased airport security, electronic surveillance and the use of software imaging in public places. There are also questions surrounding the jurisdiction of the newly-created military commissions. The most controversial actions taken so far have been the warrantless detention of suspected terrorists.

Although these and other concerns will undoubtedly be debated well into the future, Col. McShane believes that lawyers will play an integral role in their resolution.
Public Contracting in Pennsylvania

By Gary F. Ankabrandt, Deputy Chief Counsel, Governor’s Office of General Counsel assigned to the Department of General Services

The PBA’s Government Lawyers Committee, in partnership with the Office of General Counsel’s Contracts Practice Group and the Pennsylvania Bar Institute, presented a seminar in May on “Public Contracting in Pennsylvania.” Course planners OGC Deputies General Counsel Charles E. Anderson and Andrew H. Cline, Chief Counsel Gregory C. Santoro and Deputy Chief Counsel Gary F. Ankabrandt designed the seminar for commonwealth attorneys and employees whose responsibilities include the preparation or review of contracts for the procurement of supplies, services or construction. Commonwealth contractors and attorneys who represent contractors were also invited to attend to learn more about how they or their clients can do business with the commonwealth.

From contract authority and contract formation to bid protests and claims, this unique seminar, presented over two and a half days, provided accurate, current information on the laws, rules and regulations, policies and procedures that the commonwealth follows in its procurements.

Approximately 125 people attended the seminar. The overall evaluation of the program was very good. Those in attendance found the program to be very informative, not to mention entertaining.

The faculty for this seminar was comprised of leading and knowledgeable experts in the field of public procurement. Eighteen commonwealth attorneys, many of whom are members of the Government Lawyers Committee, brought a wealth of experience and skill to this course by serving as members of the faculty. In addition to the course planners, the faculty included Jan Matthew Tamanini, assistant chief counsel for the Department of General Services; Jullia A. Sheridan, deputy chief counsel for the Department of Revenue; John J. Robinson Jr., assistant chief counsel for the Department of Transportation; Thomas J. Rados, P.E. for the Department of General Services; Elizabeth A. Reilly, assistant counsel for the Department of General Services; James D. Neilson, chief counsel for the Office of the Budget; Jose E. Morales, assistant chief counsel for the Department of General Services; Doreen A. McCall, deputy general counsel for the Office of General Counsel; Joanne Lichenstein Lubart, assistant counsel for the Office of Administration; David J. DeVries, chief deputy attorney general for the Office of Attorney General; William B. Calder, supervising attorney for the Department of Environmental Protection; Roger H. Caffier, chief counsel for the Department of Labor and Industry; C. Grainger Bowman, attorney with Powell, Trachtman, Logan, Carrle, Bowman & Lombardo, P.C.; Theodore A. Adler, attorney with Reager & Adler, P.C.; and William W. Warren, attorney with Saul Ewing LLP.

From left: C. Grainger Bowman, Greg Santoro, David DeVries and Gary Ankabrandt.

Solution to the crossword puzzle on Page 2:

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**Subcommittee Reports**

### What’s Going On

#### Career Enhancement Subcommittee

Government lawyers are again gearing up for their annual fall and winter visits to Pennsylvania law schools. As in years past, the Career Enhancement Subcommittee is assembling panels of government lawyers to discuss with law school students the benefits of careers in government service. The panels feature lawyers from a range of legal offices, including the Office of General Counsel, the Office of Attorney General, the Pennsylvania Human Relations Commission, district attorneys’ offices, HUD, and U.S. Attorneys Offices.

Panels are now being formed to make presentations at Widener University School of Law, The Dickinson School of Law of The Pennsylvania State University, Temple University School of Law, the University of Pennsylvania School of Law, University of Pittsburgh School of Law, Duquesne University School of Law and Villanova Law School. Lawyers who are interested in serving on the panels or who can assist in filling the panels should contact subcommittee co-chairs Chris Carusone at ccarusone@state.pa.us or John Henderson at johnh@state.pa.us.

Additionally, the subcommittee’s “Lunch and Learn” events continue as scheduled. In May, attendees heard from Col. Thomas McShane, director of National Security Legal Studies at the United States Army War College. McShane commented on the federal government’s response to national security threats after the tragic events of September 11th. He addressed the legal issues inherent in balancing constitutional rights with the government’s interest in increased security.

This fall, the subcommittee will host Sheila Dow-Ford, executive vice president and counsel for the Pennsylvania Higher Education Assistance Agency. She will speak on the importance of disclosure, due diligence and ethical conduct by those in leadership positions. Clearly this is an important and timely topic. Finally, in November, the immediate past president of the Pennsylvania Bar Association, Reg Belden, will speak on how the PBA can enhance the careers of attorneys in the public sector.

The subcommittee is always looking for suggestions and contacts for future speakers. Should you be able to assist, please contact the co-chairs.

As a final note, the subcommittee would like to take this opportunity to thank Lisa Jo Fanelli-Greer, assistant counsel, Pennsylvania Human Relations Commission, for her years of hard work and dedication to the subcommittee. We welcome new co-chair Chris Carusone, assistant counsel, Governor’s Office of General Counsel assigned to the Pennsylvania State Police, to the subcommittee.

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#### Membership Subcommittee

As the subcommittee continues its efforts to recruit new members, we are again asking for your assistance. Our goal is for each of you to sign up just one new member. By meeting this challenge, you will be doing your part to bolster the ranks of the Government Lawyers Committee, giving it an even greater voice in the PBA. Signing up is easy. Simply log onto the PBA Web site at www.pabar.org and complete the online form.

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#### Government Lawyers Picnic in the Park

**By John Henderson, Chief Counsel, Governor’s Office of General Counsel assigned to the Department of State**

Earlier this summer, PBA Government Lawyers Committee attorneys, summer interns and family members spent a day at Hershey Park. Thanks to the efforts of the PBA Government Lawyers Committee Social Subcommittee, participants enjoyed the park and a buffet picnic dinner at a discount. Given the warm day, the buffet’s unlimited supply of ice cream was a big hit, as were the water rides. A real favorite was the new Roller Soaker ride in which not only did the riders get wet, but, thanks to spray guns on the roller coaster, so did those standing in line. A perfect chance for an intern to get even with an attorney!

Bumper cars were also a big attraction (PennDOT should look into some license revocations) as was the Great Bear ride, especially if you had the patience to wait a little longer and get seated in the first row of seats. Because the park was not overly crowded, attendees were able to spend more time on the rides than waiting in line. For those less adventurous, participants could also take in the dolphin and sea lion shows or tour Zoo America. We are definitely looking forward to doing this again next year, hopefully with even more participation.
A Career Dedicated to Public Service

A profile of Albert H. Masland, Inspector General for the Commonwealth of Pennsylvania

By Gabrielle Owens, Assistant Counsel, Governor’s Office of General Counsel assigned to the Office of Inspector General

People who work with Albert H. Masland describe him as personable, witty, professional and open-minded. They also say he is truly passionate about and devoted to government service. One need only look at Masland’s career to see that he is dedicated to serving the citizens of Pennsylvania.

When he was just 18 years old, Masland began working in government service as an intern at the State Correctional Institution in Camp Hill. While working for the Department of Corrections, Masland began to appreciate the rewards of government service. However, he put his government service on hold to attend Dickinson College, graduating in 1979 with a bachelor’s degree. He then attended The Dickinson School of Law where he earned his Juris Doctor in 1982. After graduating from law school, Masland spent several years practicing in the private sector.

It was not long before he returned to government service. A Carlisle native, he joined the Cumberland County District Attorney’s Office where he served as an assistant district attorney from 1986 to 1992, under the leadership of then-district attorney J. Michael Eakin. Masland reflects fondly on his years at the district attorney’s office. Masland said that while serving as an assistant district attorney he “always felt like [he] was doing something worthwhile.” He said that every time the jury foreman said “guilty” and every time a victim or victim’s family said “thank you,” it reinforced his commitment to the citizens of Cumberland County.

In 1991, Masland turned his attention to elected office and ran for a seat in the Pennsylvania General Assembly. He was elected to the Pennsylvania House of Representatives and served the 199th Legislative District from 1992 until 2000. While in the General Assembly, Masland was appointed to numerous committees, including the House Environmental Resources and Energy, Judiciary, Labor Relations, and State Government Committees. He also served on the Pennsylvania Commission on Crime and Delinquency, the Pennsylvania Commission for Women, the Task Force on Domestic Relations, the Task Force on DUI, the Task Force on Drugs, the Local Government Commission and the PA Futures Commission on Justice.

In October 1999, Masland was honored with the Champion of Good Government Award in recognition of his work on the Lobbying Disclosure Act of 1998. Masland, along with former Sen. David Heckler, were prime sponsors of the bill.

In December 2000, after Masland had served four terms in the General Assembly, Gov. Tom Ridge appointed him acting commissioner of the Bureau of Professional and Occupational Affairs (Bureau). The Senate unanimously confirmed his appointment. As commissioner, Masland oversaw the day-to-day functions of the bureau and served as the designee on 25 of the 27 professional licensing boards.

In April, Gov. Mark Schweiker appointed Masland inspector general. As Pennsylvania’s fifth inspector general, he is responsible for detecting and preventing fraud, waste, misconduct and abuse in executive agencies under the governor’s jurisdiction. With a staff of close to 400, the office also works to prevent welfare fraud, and investigates and initiates litigation against individuals suspected of committing welfare fraud.

Being inspector general, like being commissioner, has allowed Masland to continue his commitment to government service while also helping to safeguard the integrity of state government.

After coming to the Office of Inspector General, Masland observed what he considers “amazing” similarities between the missions of the Office of Inspector General and the Bureau. While the Bureau is charged with ensuring that only qualified individuals hold professional licenses in the commonwealth, the Office of Inspector General is charged with ensuring that only citizens who meet eligibility requirements receive public assistance benefits. In other words, being inspector general, like being commissioner, has allowed Masland to continue his commitment to government service while also helping to safeguard the integrity of state government.

His diverse interests amplify Masland’s pleasant attitude and “nice guy” image. In his time away from the office, he has taught state and local government as an associate professor at Dickinson College, coached soccer for 18 years, and spoken on numerous occasions at Dickinson College and The Dickinson School of Law of The Pennsylvania State University. In his free time, he participates in triathlons, swims, plays golf, bicycles, and spends time with his family.

After more than 17 years serving the citizens of Pennsylvania, Masland says he is hopelessly addicted to government service. Looking ahead, he said he hopes to continue serving the public for many years to come.
Close Up

Government Lawyer Sets a Good Example for Others to Follow

A profile of Seth Mendelsohn, Attorney-in-Charge of the Consumer Protection Office, Office of Attorney General

By Maribeth Wilt-Seibert, Assistant Counsel, Governor’s Office of General Counsel assigned to the Department of Labor and Industry

As the immediate past chair of the PBA’s Young Lawyers Division (YLD), Seth A. Mendelsohn knows firsthand that government lawyers can make a difference in the PBA. Seth, who was the first government lawyer to chair the YLD since the late 80s, worked hard to ensure that other members of the bar understood the issues facing not just young lawyers — but government lawyers as well.

Since his graduation from The Dickinson School of Law in 1995, Seth has been an active member of the YLD. Prior to becoming YLD chair, he served for many years on the executive council as the Zone 3 chairperson. During his tenure as chair of the YLD, Seth spent three years on the PBA’s Board of Governors. He currently serves as co-vice-chair of the PBA’s Membership Development Committee and as a member of the PBA’s Editorial Board.

“Government lawyers can play a key role in the PBA by being active in any of several committees, including the Government Lawyers Committee. ... Lawyers should strive for leadership positions ... [and] the PBA provides the opportunity for them to advance quickly if they put their minds to it.”

According to Seth, his involvement in the PBA keeps him abreast of cutting-edge topics being debated by members, including whether lawyers should disclose their lack of malpractice insurance to clients and student loan forgiveness for government and legal aid lawyers. The latter issue is of particular importance to the YLD, since many law school students graduate with law school debts in excess of $90,000 and cannot afford to enter government service. As a result, Seth says, many young lawyers have no choice but to go into private practice where they are expected to bill more than 2,000 hours a year — leaving no time for outside activities, much less involvement in the PBA.

Seth truly believes that government lawyers can play a key role in the PBA by being active in any of several committees, including the Government Lawyers Committee. He thinks lawyers should strive for leadership positions and says the PBA provides the opportunity for them to advance quickly if they put their minds to it.

Since November 2001, Seth has served as the attorney-in-charge of the Consumer Protection Office of the Pennsylvania Attorney General’s Office in Harrisburg. He is responsible for enforcing the Consumer Protection Act and educating the public about consumer rights. To that end, he has spoken at senior citizens’ centers and has worked with local police.

Seth’s approach to handling consumer complaints is to first try to mediate the claim. If this proves unsuccessful, he will file a lawsuit. One of his most recent cases involved a heavily advertised factory outlet sale in Harrisburg. Sale promotions promised high-quality merchandise at low prices. However, because of alleged violations of the Consumer Protection Act, including an unadvertised admission fee and the lack of promised financing, Seth and his office shut down the sale and have since sued the promoters.

Prior to working in the Consumer Protection Office, Seth worked for four years in the Litigation Section of the Attorney General’s Office where he defended state agencies and employees against civil rights and employment discrimination actions in federal and state courts. Before joining the Office of Attorney General, Seth worked as an assistant counsel for the Pennsylvania Board of Probation and Parole. He also served as a judicial law clerk to the late Judge Donald E. Wieand of the Superior Court of Pennsylvania. Seth co-authored the third edition of Pennsylvania Civil Practice (Lexis 1998) with Dale Shughart Jr. and Judge Kevin Hess. This legal resource is a treatise examining all aspects of civil practice.

Seth and his wife, Amy (“A.J.”), an associate with Rhoads & Sinon, LLP, live in Lower Paxton Township.
Social Subcommittee Sponsors Networking Opportunity for Summer Interns

For the second consecutive year, the Social Subcommittee-sponsored happy hour at the PBA headquarters was a big hit. The event for Government Lawyers Committee members and the Governor’s Office of General Counsel summer interns attracted a spill-over crowd. Once again interns had an opportunity to network with government lawyers who shared their insights regarding the benefits of PBA membership. As you can see from the photos, everyone had a good time.

From the look on Seth’s face, it appears he stopped to talk to one too many interns. (From left: Seth Mendelsohn and Jodi Zucco-Flitto)

Jane and Kathryn share a laugh with the interns. (From left: Jane Pomerantz, Kathryn McDermott, Mike McIlhinney and Patrick Buckley)

Jim must have missed the punch line. (From left: Jim Holzman, Leo Pandeldis and Jerry Mackarevich)
Social Subcommittee Sponsors Networking Opportunity for Summer Interns

Jason Huh takes two interns under his wing. (From left: Jeff Herbert, Alexa Yi and Jason Huh)

After spending all day with these interns, Mike looks like he could use a drink. (From left: Jason Kuratnick, Joshua Siebert, Mike Farnan, Joshua Weidner and Mike Budicak)

Do you think they saw me take that last hors d’oeuvre? (From left: Steve Turner, Roger Caffier, Jennifer Kingsley and Beth Baran)

Summer intern Maggie marvels at Scott’s contagious enthusiasm. (From left: K. Scott Roy and Maggie Whiteman)
Government Lawyers Take to the Fairways — No Need to Worry, Tiger

By Jason Huh, Assistant Counsel, Governor’s Office of General Counsel assigned to the Office of Inspector General and Paul Stahlnecker, Assistant Counsel, assigned to the State Employees’ Retirement System

Despite the threat of a thunderstorm at the Armitage Golf Club in Mechanicsburg, fair weather greeted the 23 players who participated in the first joint golf tournament sponsored by the PBA Government Lawyers Committee and the Office of General Counsel’s Summer Internship Program.

Tony Sklareski silenced everyone with his “t’owering tee shot on the second hole to win the men’s longest drive. Maggie “Freshman” Whiteman, OGC summer intern, was not to be outdone as she crushed a straight drive on No. 11 to win the women’s longest drive. Two players were rewarded for their form and precision, as both Carl Vaccaro, assistant counsel, Department of Transportation, and Paul Stahlnecker, assistant counsel, State Employees’ Retirement System, won the closest to the pin contests on Nos. 5 and 14 respectively. The first place team prize with a score of 67 was awarded to the team of Jason Huh, assistant counsel, Office of Inspector General; Andrew Clark Esq., Vartan International Group; Chris Carusone, assistant counsel, Pennsylvania State Police; and Mike “Tiger” Kim. Second place honors went to the team of Stahlnecker, Vaccaro, Sklareski, and Warren Mowery, assistant counsel, Department of Labor and Industry, with a 1-under par score of 70.

As the last team members arrived at the 18th hole, they were greeted by cheering players from the previous groups. The weary golfers retired to the Caddy Shack Bar and Grill for drinks, bragging and some good-humored teasing.

The organizers would like to thank all those who participated.

1st Place Team. (From left: Mike Kim, Jason Huh, assistant counsel, Office of Inspector General; Andrew Clark, Esquire, Vartan International Group; Chris Carusone, assistant counsel, Pennsylvania State Police)

2nd Place Team. (From left: Carl Vaccaro, assistant counsel, Department of Transportation; Tony Sklareski; Warren Mowery; assistant counsel, Department of Labor and Industry; Paul Stahlnecker, assistant counsel, State Employees’ Retirement System)

From left: Eileen Flinn, assistant general counsel, Office of General Counsel; Timothy Mark, assistant counsel, Department of Corrections; Maggie Whiteman, OGC summer intern; Dennis Jamouneau, OGC summer intern.
Worth Reading

By Gregory E. Dunlap, Deputy General Counsel, Governor’s Office of General Counsel

GмерEK & ARTZ V. STATE ETHICS COMMISSION, ET AL.


...[T]he Act in effect regulates the conduct of attorneys engaged in the practice of law and thereby infringes on [the Supreme] Court’s exclusive jurisdiction to regulate the conduct of attorneys. Zappala op., at 12.

Justice Castille also voted to affirm, but on narrower grounds. In a separate opinion, Justice Castille agreed with the petitioners that “there are aspects of the [Act] which directly and unavoidably implicates the practice of law, and thereby conflict with [the] Court’s exclusive constitutional power to regulate the legal profession.” Opinion of Castille, J., at 1. Focusing on the attorney’s broad duty of confidentiality expressed in Pa.R.P.C. 1.6, Justice Castille felt that three reporting provisions of the Act, 65 Pa. C.S. §§ 1305(b)(4) & (6) and (c), “create the very real specter of an attorney being required to inform against his client ....” Id. at 3. Consequently, said Justice Castille, “the Act inevitably and directly intrudes upon the attorney/client relationship, including the lawyer’s duty to maintain confidentiality.” Id.

For himself and Justices Nigro and Newman, Justice Saylor wrote an opinion in support of reversal. Justice Saylor attempted to re-define the separation of powers principles emanating from Article V, §10 and to accord the legislature equal standing to regulate the affairs and activities of the com-

monwealth government’s other branches. In Justice Saylor’s estimation, the General Assembly undertook to regulate the activities of frequent participants before the legislative and executive branches while remaining respectful of the Supreme Court’s exclusive authority to regulate the practice of law. For the justices untroubled by the legislation, “[t]he Act is ... noteworthy for the modesty of its impositions.” Opinion of Saylor, J., at 8. Coupling the exclusions and exceptions in the Act itself and additional protections for lawyers and their clients made in the implementing regulations, the three justices felt that an acceptable balance had been achieved. They said:

[In establishing a mechanism for monitoring and evaluating lobbyists’ influence on the political process, the legislative and executive branches have exercised substantial comity and deference in favor of this Court and other bodies charged with regulatory responsibilities in relation to persons who are lobbyists as well as members of other regulated professions. These efforts have culminated in a regulatory scheme that readily can be deemed to pertain to lobbying activities as such and not to legal practice. Saylor op., at 9-10.

In any event, to the extent that the Act entails “some degree of incidental regulation of legal practice,” the three justices found the effect “tolerable and, indeed, consistent with an appropriate understanding of separation of powers principles.” Id., at 10. “[T]he framers of the Pennsylvania Constitution,” they emphasized, “did not intend for [the Supreme] Court’s authority to be interposed as a shield to evade valid regulation of non-adjudicative activities occurring within another sphere of government.” Id., at 11. The dissenting justices concluded:

The Act is not specifically aimed at the activities of lawyer-lobbyists; rather, it seeks to further the public interest by regulating the activities of all lobbyists in Pennsylvania, lawyers and non-lawyers alike. In this effort, I discern no legislative incursion, invasion, or encroachment on any fundamental component of judicial power, authority, or function. Indeed, as a matter of comity and deference, to the extent that there is any potential disharmony with our existing rules, I would employ the Court’s board and committee structure to evaluate amendments to the rules to ensure that they accommodate this legislation. Id., at 12.

Justice Eakin did not vote. The Office of Attorney General and the State Ethics Commission have petitioned the Court for re-argument.
Speaking Engagements

Jonathan W. Kunkel, assistant counsel, Governor’s Office of General Counsel assigned to the Department of Corrections, spoke at the Dauphin County Bar Association in August on “Practice Before the State Civil Service Commission.”

Christopher D. Carusone, assistant counsel, Governor’s Office of General Counsel assigned to the Pennsylvania State Police, gave a presentation on the Pennsylvania Wiretapping Act to the Dauphin County Bar Association.

Jayne Shinko, assistant counsel, Governor’s Office of General Counsel assigned to the Department of Labor and Industry, participated on a panel addressing “Tax Issues Facing Middle District Practitioners” at the fourth annual Bankruptcy Conference sponsored by the Middle District Bankruptcy Bar Association in June.


Elections/Appointments

Neil Wise, director of the Office of Remediation Enforcement, EPA, was installed as president of the Delaware Valley Environmental Inns of Court last month.

Thomas W. Renwand, administrative law judge, Environmental Hearing Board, has been named treasurer of the PBA Administrative Law Section.

MaryAnne Wesdock, senior assistant counsel to the Environmental Hearing Board, has been named vice chair of the Allegheny County Bar Association’s Environmental Law Section and treasurer of the PBA Environmental, Mineral and Natural Resources Law Section.

Marriages

Erin Stewart, assistant counsel, Governor’s Office of General Counsel assigned to the Department of State, married Mark Verano in June. The couple honeymooned in Italy.

Joe Cigan, assistant counsel, Governor’s Office of General Counsel assigned to the Department of Environmental Protection, married Karen Jordan in June. Their reception was held at the Everhart Museum in Scranton.

Births

Michael T. Foerster, deputy attorney general, Office of Attorney General, and his wife, Amy, announce the birth of their third child, Brendan Cole, born July 1.
For the fifth year running, the Government Lawyers Committee assembled a team for the American Cancer Society’s Relay for Life. Once again this year, the team’s efforts were a success, raising more than $3,500.

The American Cancer Society asks team members to raise a minimum of $100 each. In addition, teams are required to have a member walking or running on the track for the duration of the 24-hour event. To entertain participants and those waiting to take their turn on the track, event organizers provided live music, games and other activities.

The primary goal of the Relay for Life is to raise money for cancer research and patient services. This year the event raised over $100,000.

Congratulations to all who participated in this worthwhile event, and special thanks to Paul Stahlnecker, assistant counsel, Governor’s Office of General Counsel assigned to the State Employees’ Retirement System, who served as team captain again this year. The success of the Government Lawyers team was due in no small part to his efforts.

Team members hard at work setting up camp.

Keith Fickel awaits his turn on the track.

Suffering from heatstroke, Deputy General Counsel Steve Turner wanders into the wrong camp.

From left: Team members Carol Mowery, Warren Mowery, Gina Stahlnecker and Doreen McCall pose for a photo opp.

Greg Santoro speed walks the track armed with plenty of water.

Team Captain Paul “I can melt this block of ice” Stahlnecker competes in the ice melting contest.
In Memoriam of Sharon Grottola

Since this article appeared on Sept. 4, 2001, in the Harrisburg Patriot-News, Sharon, who was an active government lawyer and chief counsel to the Milk Marketing Board, lost her courageous battle with cancer. We are reprinting this article in honor of Sharon and to inspire others who may be facing similar illnesses.

Cancer Survivor Bolsters Others

By Phyllis Zimmerman for the Patriot-News

After battling breast cancer four times, Sharon Grottola has learned that maintaining a positive attitude is her most powerful weapon.

“I feel good now. The real clue is having a positive attitude and being involved with things. A negative attitude isn’t healthy,” said Grottola, now a volunteer for the South Central Region Office of the American Cancer Society in Harrisburg.

Grottola, 52, of Dillsburg, first was diagnosed with breast cancer in 1993 when she was in her final year of law studies at Dickinson College.

“I thought, ‘Law school’s hard enough. I don’t need breast cancer on top of that!’” she recalled with a laugh.

With the exception of skin cancer, breast cancer is the most common type found in women. The American Cancer Society predicts that approximately 182,000 U.S. women will be diagnosed this year with an invasive form of breast cancer, with about 40,800 succumbing to the disease.

Grottola endured a mastectomy in 1993, followed by a series of aggressive three-hour chemotherapy treatments.

“At the beginning [of treatment], I felt really bad. The hardest thing was when I lost my hair. Then the world knew I had cancer. Before that, you couldn’t really tell. Plus, your immune system gets kicked in the butt by the chemotherapy. A week after each treatment, I was back in the hospital because I picked up something,” she said.

Grottola said her college professors were very supportive while she rallied against the disease, making tapes of missed classes for her while she was in the hospital. Her husband, Bill, was her biggest supporter.

“My husband has been my lifeline. He’s the one who took me to school and walked me to my desk. He’s the one who said to me, ‘You have to beat this.’ He was tested beyond belief,” she said of her partner of 33 years.

Son Shawn, 31, of New Cumberland, also was a great supporter, she said.

After completing a law degree in 1994 — on schedule after eight years of undergraduate work at Elizabethtown College followed by three years of study at Dickinson — Grottola passed the state bar exam and began work at the state Milk Marketing Board in 1994, where she is now chief counsel.

Despite her hard work and achievements, cancer struck again in 1997. The disease manifested this time as a neck tumor, considered by doctors as breast cancer that had spread to another part of the body, Grottola explained.

This was when Grottola became actively involved with the American Cancer Society, she said.

“When I was first diagnosed, I was so engrossed with finishing law school, I didn’t volunteer then,” she said. “Then when I was re-diagnosed, I was settled in with a new job and had time to become more attuned with it.

After withstanding yet another rough round of chemotherapy in 1997, Grottola recovered, only to have cancer return, striking twice in 1999. Early that year, she was diagnosed with a detached retina caused by a breast cancer tumor, which was combated by a series of radiation treatments. Then she discovered enlarged lymph nodes, which were since brought under control by Xelodine, a new oral chemotherapy medicine she continues to take.

“I probably will continue this treatment for life until something else comes along. I’m grateful for any new treatment they find. I had to take this because I acquired an immunity to [traditional] chemotherapy.”

Grottola also was affected by the death 3 ½ years ago of her close friend, Donna Harbold. Harbold, who was in her early 50s, died of ovarian cancer.

“After that, I sort of had a survivor’s guilt. I thought, ‘Why did she die and I didn’t?’ That’s when I realized that I can’t sit back and let others do it.”

To honor her late friend, Grottola founded Team Donna, in addition to forming a “Cancer Stinks” team replete with T-shirts depicting a skunk and a clothes-pinned nose. Teams raise money for the American Cancer Society by participating in the organization’s annual “Relay for Life” event each June and “Making Strides Against Breast Cancer” walk.

Grottola raised another $12,000 for the Cancer Society last year by baking and selling 300 dozen cookies. “I did my baking on weekends. I sold cookies at the office and by word of mouth,” she said.

“Sharon is always willing to pitch in and help. She’s a dedicated volunteer to the American Cancer Society,” said Christy Miller, income development specialist for the South Central Region Office.

Grottola also is working with a cancer support group to compile a book of cancer survivors’ stories to distribute to those newly diagnosed with the disease. She hopes to obtain a grant from the Cancer Society to pay for the book’s publication.

Her advice to those first learning they have breast cancer?

“Take all the advice that’s out there. There are a lot of people who can help. You can’t do it all alone — and keep a positive attitude.”

This article was reprinted with permission from the Patriot-News.
Government Lawyer
by Day ....
Ironman
by Night

Congratulations to Sean Robbins, assistant counsel, Governor’s Office of General Counsel assigned to the Department of Environmental Protection, who swam, cycled and ran his way into qualifying for this year’s Hawaiian Ironman World Championship. The event will be held on Oct. 19, 2002, and televised on ABC. Sean qualified at the Blackwater Eagleman Triathlon in Cambridge, Md., one of 24 events in the Ironman Triathlon series of races leading up to the world championship. Sean completed this event consisting of a 1.2-mile swim, a 56-mile bike ride and a 13.2-mile run in 4 hours, 19 minutes and 53 seconds. He came in fourth out of 219 people in his age group. Sean secured one of the 25 Ironman qualifying slots that were available for the 1,690 participants.

Watch your e-mail
for the PBA E-News!

On Sept. 16, the PBA launched its new electronic publication, featuring short news items about upcoming events, member benefits, meeting information and schedule changes, legislative alerts and other up-to-the-minute announcements. The E-News is sent to member e-mail addresses every other Monday.

In order to make sure you receive the PBA E-News, use the E-mail address submission form on the PBA Web site at www.pabar.org to provide your current e-mail address. To unsubscribe, send an e-mail to enews.out@pabar.org.

MARK YOUR CALENDARS:
American Cancer Society
Making Strides Against Breast Cancer Walk Scheduled

The Making Strides Against Breast Cancer Walk will be held this year on Oct. 5 on City Island in Harrisburg. If you are interested in participating on the Government Lawyers Committee team, please contact Social Subcommittee Co-Chair Laurie Kennedy at (717) 787-1471 or laukennedy@state.pa.us.

The Sharon Grottola Memorial Scholarship Fund at The Dickinson School of Law

A scholarship fund is being established in Sharon Grottola’s name at The Dickinson School of Law of The Pennsylvania State University. If you are interested in making a donation to the fund, please contact Rich Olon at (717) 770-0730 or Kimberly Gray at (717) 730-1598 for more information.
October 5, 2002
Making Strides Against Breast Cancer Walk
City Island, Harrisburg

November 14, 2002
7th Annual Administrative Law Symposium
PBI Conference Center, Mechanicsburg
8:30 a.m. to 4:30 p.m.

November 21, 2002
PBA Committee/Section Day
Holiday Inn East, Harrisburg

December 12, 2002
Holiday Reception and Food Drive
PBA Headquarters, Harrisburg

Stay Tuned