A s we approach the end of 2004, we wanted to take this opportunity to highlight some of the outstanding efforts of our Government Lawyers Committee. It is with great satisfaction that we point out that our committee has established a strong mission and traditions that we remained committed to this year.

Just to mention a few of the key events, this year we recognized the extraordinary service of a government lawyer during the November PBA Committee/Section Day meeting. Doreen McCall, chief counsel to the Pennsylvania Historical and Museum Commission, was honored as the “Government Lawyer of the Year.”

The committee also held its annual summer social gathering and our winter holiday reception in December. Although the winter gathering always provides a great opportunity for the committee to get together, the more compelling reason for the gathering is to lend our help to the community. All government lawyers who attended the reception were asked to bring at least one canned food item. In the past, we have col-

Doreen McCall Named PBA Govt. Lawyer of the Year

T he Pennsylvania Bar Association Government Lawyers Committee honored Harrisburg lawyer Doreen McCall with the 2004 “Government Lawyer of the Year” Award during a Nov. 18 luncheon held in Harrisburg. This award honors a government lawyer who has made a significant singular contribution or has dedicated his or her career to outstanding service to the profession for the benefit of the public or a governmental entity.

“Doreen is an excellent example of a government lawyer who provides outstanding pro bono legal assistance and leadership in public service,” said PBA Government Lawyers Committee Co-chair David DeVries. “For more than ten years, Doreen has donated her time and legal expertise to help needy Pennsylvanians gain access to the justice system. She is a role model and mentor for lawyers across the commonwealth.”

McCall is chief counsel to the Pennsylvania Historical and Museum Commission. Active in pro bono work, McCall is a volunteer for MidPenn Legal Services and the Dauphin County Bar Association. She has also worked at the monthly Pro Se Custody Clinics, which assist low-income people seeking custody or modification of an existing custody order. Often taking a leadership role at the clinics, McCall assisted new clinic volunteers and helped to improve the clinic’s forms and

David DeVries Honored by American Bar Association

O n Aug. 6, in Atlanta, Ga., David DeVries, executive deputy general counsel with the Governor’s Office of General Counsel and co-chair of the PBA Government Lawyers Committee, was honored with the American Bar Association’s 2004 Nelson award, which recognizes meritorious contributions to the ABA by a public lawyer. DeVries, who has been involved with the ABA Government and Public Sector Lawyer Division since its creation in 1991, chaired the division in 2000-01. During his tenure as chair, DeVries embraced the issue of loan forgiveness for law students wanting to work in the public sector but facing tremendous law school loan debt. Under his leadership, the division helped to publish a guide for law students interested in loan repayment assistance programs and drafted a model state loan forgiveness statute. The ABA subsequently created a Commission on Loan Forgiveness, to which DeVries was appointed.

From the Co-Chairs
by Alexis Barbieri and David DeVries

A s we approach the end of 2004, we wanted to take this opportunity to highlight some of the outstanding efforts of our Government Lawyers Committee. It is with great satisfaction that we point out that our committee has established a strong mission and traditions that we remained committed to this year.

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As many of you may know, the Pennsylvania Supreme Court recently approved amendments to the Rules of Professional Conduct, which take effect on Jan. 1, 2005. Therefore, we invite you to read the article about the revised rules featured in this issue. It will give you some insight into the hard work of the PBA Legal Ethics & Professional Responsibility Committee and the importance of the changes.

As Chief Justice Ralph J. Cappy explained, “[The amendments] are a reasonable and practical means of balancing the benefits of national uniformity with values that are unique and important to Pennsylvania.” Among the many amendments is the adoption of new Rules 1.0 (Terminology), 2.4 (Lawyer serving as Third-Party Neutral) and 6.5 (Nonprofit and Court Appointed Limited Legal Services Programs) and the deletion of Rules 2.2 (Intermediary) and 7.6 (Advertising a Certification).

To obtain a copy of the order and the revised rules, visit the Administrative Office of Pennsylvania Courts’ Web site at www.courts.state.pa.us.

Wishing you all the very best in the New Year.

In Memoriam
John E. Nanorta Jr., Esquire
1942 to 2004

John E. Nanorta Jr. most recently served as legislative manager for the Pennsylvania Bar Association (PBA) where he prepared the budget for and oversaw operations of the legislative department. John also spent time “on the Hill” talking with legislators and staff people to advance PBA legislative initiatives. Other duties included meeting with local bar associations on legislative matters, as well as committees and sections to keep them abreast of legislative developments and to help them in developing legislative programs to take to the PBA Board of Governors and House of Delegates for PBA endorsement. Prior to working for the PBA, John served as a regulatory analyst with the IRRC for more than 10 years.
Expanding Our Horizons
By Pamela Cross, Assistant Counsel to the Office of the Budget

Conventional wisdom (and the Bible) say, “It is more blessed to give than to receive” (Acts 20:35). William Shakespeare picked up on this theme in a passage from the Merchant of Venice which states, “the quality of mercy is not strained, it droppeth as the gentle rain from heaven upon the place beneath. It is twice blessed. It blesses him that gives and him that takes.” I wholeheartedly agree that when we give of our time, talent and treasure, we receive a double blessing.

As attorneys, we are called to a noble profession of service to mankind. Beyond providing legal representation to our clients, we often are at the forefront of helping our communities at-large through pro bono work, as well as serving on boards and assisting nonprofit organizations and various institutions. This past summer, I had the opportunity to broaden my concept of community and area of service by traveling to Tanzania, Africa, to assist a nation in need.

I had learned that one of the greatest needs of the people of Tanzania, and many other African nations, is the need for clean water. While here in the United States, we can turn on the faucet and use the water for drinking, cooking and bathing without giving much thought to its purity, it is an entirely different story in Tanzania. Typically, the water that a family must use is not conveniently found in a fresh well or piped in from a water treatment facility. Each day, after walking quite a distance in sweltering heat, women and children carry water to their homes from a stream or standing pool that is neither purified nor treated. Often the water that people use to drink and bathe in is the same water that livestock and other animals drink from and wade in. This water can be unhealthy for human consumption; it can even be deadly.

I was apprised of these conditions by Worldserve, a nonprofit organization that makes clean water available throughout Africa by providing rigs and technicians to drill fresh water wells. After hearing a stirring presentation by Worldserve, Harrisburg First Assembly of God responded by raising funds to pay the cost of drilling and installing a well in Arusha, Tanzania. The impetus to help did not stop there, however. A team was commissioned to go to Tanzania to assist in the installation and dedication of the well and to help in other areas of need. My heart resonated with the desire to go and be a part of this global outreach. I joined the team and spent 12 life-changing days in Tanzania.

While in the city of Arusha, our team achieved its primary goal: digging a well. The contractor, Maji Tech (“maji” means “water” in Swahili), drilled for two days on the grounds of the Arusha Bible School. After going down to a depth of 120 meters (approximately 400 feet), they found fresh water. When the water came gushing up everyone was so excited. This event was very significant to the students and school administrators. We could never imagine a school being in existence for 50 years without its own source of clean water. Yet this school had been faithfully educating and training students under those very conditions. The students and staff of the school were full of joy and gratitude. They were overwhelmed not only by our financial gift, but also by our action of personally coming to their nation to see this dream fulfilled. In the same spirit of giving, the school will use the water not only for its own students and staff, but also will be sharing the water with the surrounding community.

I went to Tanzania to be a blessing by lending a helping hand. I was surprised to learn that I received a blessing from the Tanzanians. My new friends received clean water. I received the inner reward that comes from fulfilling someone else’s needs and dreams and seeing others full of joy. We all indeed were twice blessed.

While in Arusha, our team also conducted a building project on the school grounds, painting and refurbishing the administration building and library. We also had the opportunity to touch the lives of many children by bringing them a message of hope and restoration through singing, dancing, drama and puppetry.

At the end of our journey, the team visited the Serengeti National Conservation Park and the Ngorongoro Crater. We saw up-close and personal the “Big 5” (cheetah, leopard, elephant, rhinoceros and cape buffalo) and other wildlife in

“There are many opportunities at home and abroad to make a difference in the lives of others. May we all endeavor to seize the moment to do acts of compassion, kindness and service in our local and global communities.”

(continued on Page 4)
Expanding Our Horizons

(Continued from Page 3)

their natural habitat. The animals were magnificent and the landscape breathtaking. It was better than television.

There are many opportunities at home and abroad to make a difference in the lives of others. May we all endeavor to seize the moment to do acts of compassion, kindness and service in our local and global communities. I believe that when we do so, the people we help, the legal profession as a whole, and we as individuals, will reap the tangible and intangible benefits of the seeds of mercy sown. While we have been equipped with the skills to practice law, I encourage you not to stop there. I vigorously recommend that you expand your horizons, your borders and your level of wisdom by seeking out opportunities to be a blessing! You have the ability to make changes in someone else’s world. Will his or her world be better or worse because you have touched it? Whatever you choose to do will make a world of difference to you and someone else.

Doreen McCall Named PBA Government Lawyer of the Year

(continued from Page 1)

instructions by making them more user-friendly. Through her recruitment efforts, McCall has helped to staff the clinics almost exclusively with government lawyers.

In addition to her pro bono work, McCall is active in the Dauphin County Bar Association Public Services Committee, co-chairs the Public Relations Subcommittee of the Pennsylvania Bar Association Government Lawyers Committee and serves as co-editor for the committee’s newsletter.

McCall is a graduate of Ohio Northern University School of Law.

From the Chairs

(Continued from Page 1)

lected hundreds of food items at the event, which we donated to the Bethesda Mission. The mission uses our donations to help feed local families who depend on its services. The Government Lawyers Committee will continue to make every effort to plan events, such as this one, to help people who are in need.

Finally, throughout the past year, our committee continued our outreach and education efforts at the local law schools, as well as through our “Lunch and Learn” series. Thank you for your involvement in all of our various programs and your commitment to the Government Lawyers Committee. We wish you a happy and healthy New Year and look forward to planning more events in 2005!

Free InCite® Enhancements Become Available

The PBA Board of Governors has voted to extend the PBA’s contract with LexisNexis to provide the InCite® service free to PBA members at least until May 31, 2006. With the contract renewal come enhanced research content and more efficient search tools.

InCite users now will have access to Pennsylvania District and County Reports, more commonly known as “D&C Reports,” as part of InCite’s state content. The D&C Reports will be available to the extent that they are part of the LexisNexis service content. Consulting the D&C Reports is of special help to practitioners with their county-to-county research of cases that have not been appealed.

Enhanced federal content will cover all 3rd U.S. Circuit - U.S. District Court cases, including Court of Appeals, District and Bankruptcy Court cases. “Mealey’s Headline and News Brief” also will be added under a new research category to be titled “Mealey’s.”

To make searching easier, a new “Get by Citation” tab will help users retrieve citations more quickly by enabling them to narrow their searches. At the same time, in statute documents, only the text and a Shepard’s signal will be displayed.

Other recent enhancements include New Jersey cases, rules, statutes and regulations, and agency and administrative materials. Combined Court searching makes research easier. The InCite library includes appellate cases for all 50 states for the past five years and all circuit court cases since 1995.

PBA members, simply go to www.pabar.org and click on the InCite logo for more details and to get started.
In the Spotlight

by Carol Mowery, Assistant Counsel, Department of Labor & Industry

Speaking Engagements

Michael Farnan, chief counsel to the Department of Corrections, and Vicci Freimuth, chief counsel to Probation and Parole, presented continuing legal education in June at PBI’s Criminal Law Symposium on “Serving State Time, Insights into the State Prison and Parole Systems.” Farnan also presented a CLE in July to the Philadelphia District Attorney’s Office on “Programs Available in the Pennsylvania Prison System.”

Terry Keating, deputy chief counsel for litigation to the Department of Insurance, presented “How to Shut Down Illegal Insurers” at a two-day seminar in Trenton, N.J., in April. The conference was hosted by the Department of Labor and included attendees from the Federal Bureau of Investigation, the Department of Justice and six state insurance departments.

Elections/Appointments

Michael Bedrin has been selected to serve as the Department of Environmental Protection’s (DEP) regional director for the Northeast Region. Bedrin worked within the Office of Chief Counsel since November 1986, and since 1999, served as DEP’s chief counsel. As chief counsel, he oversaw a staff of 75 attorneys.

Ken Bowman has been selected to serve as DEP’s regional director for the Southwest Region. Bowman has worked at DEP since 1969. Most recently, he assumed the responsibilities of the assistant regional director, where he was involved in all permit coordination, emergency response and brownfields development. Prior to that, Bowman was attorney supervisor and assistant counsel, litigating civil environmental cases involving multiple state and federal environmental statutes. He was also chief of engineering services and an air pollution control engineer at the Southwest regional office.

Susan Shinkman has been appointed to serve as chief counsel to the DEP by General Counsel Leslie A. Miller. Shinkman previously served as deputy general counsel in the Governor’s Office of General Counsel, and as chief counsel to the Office of Inspector General and the Department of Labor and Industry.

In August, Susan Hensel was named special assistant to the secretary of the Department of Revenue. Hensel was previously assistant general counsel/knowledge manager in the Governor’s Office of General Counsel and formerly served as a staff attorney in the Office of Inspector General.

Mary DiGiacomo Colins was appointed by Gov. Edward G. Rendell to a one-year term on the Pennsylvania Gaming Control Board. DiGiacomo Colins, the first woman named to the board and one of three gubernatorial appointees, was elected to the Court of Common Pleas of Philadelphia County in 1989 after serving as an assistant district attorney in Philadelphia in 1985.

Awards

Zella Anderson, department counsel for the Insurance Department, the MCare Fund, was nominated for the Jefferson Award for her work in animal rescue, animal adoption and spay/neuter programs in Central Pennsylvania. Anderson is the director and founder of the Central Pennsylvania Animal Alliance (CPAA), a 501(c)(3) charitable organization composed of individuals and more than 25 shelters and rescue groups committed to making Central Pennsylvania a no-kill community for our companion animals. Anderson devotes approximately 100 hours each month to CPAA.

Frank T. Donaghue, chief deputy attorney general of the Office of Attorney General’s Bureau of Consumer Protection; Vernon Chestnut, assistant district attorney in the Philadelphia District Attorney’s Office; Derek S. Green of the Office of Philadelphia Councilwoman Marian Tasco; and Joyce Hatfield-Wise of Washington County Children and Youth Services were selected as “2004 Lawyers on the Fast Track” by American Lawyer Media-PA. ALM-PA called them “the future leaders of the state’s legal community.”

Tracy L. McCurdy, assistant counsel, Commonwealth of Pennsylvania, Office of General Counsel, assigned to Department of State, Bureau of Charitable Organizations, is the recipient of Shippensburg University’s Outstanding Young Alumnus Award. The Outstanding Young Alumnus Award is presented to young alumni “in recognition of their outstanding achievement in their field of endeavor for the benefit of the community and society.” Tracy received the award at Shippensburg’s winter commencement ceremonies on Dec. 18.

Marriages

Carole L. Clarke, assistant counsel to the Department of State, married Jim Klingler at St. Stephen’s Episcopal Cathedral in Harrisburg on July 24.

Births

Paul Stahlnecker, assistant counsel to the State Employees’ Retirement System, and his wife, Gina, announce the birth of their daughter, Rose Marie, on Oct. 15.
Pennsylvania Supreme Court Approves Professional Conduct Rules Amendments

The Pennsylvania Supreme Court has updated a series of professional conduct rules to better serve and protect clients receiving legal services in the commonwealth and the lawyers who represent them. The action is the culmination of nearly eight years of work at the state and national levels, involving the Pennsylvania and American bar associations and the Disciplinary Board of the Supreme Court of Pennsylvania.

The court issued an order Aug. 23 amending the existing Pennsylvania Rules of Professional Conduct for the commonwealth’s nearly 55,000 lawyers. The changes take effect Jan. 1, 2005.

“These rule amendments are the product of exemplary communication and cooperation among the PBA, local bars and the disciplinary board,” said Thomas G. Wilkinson Jr., immediate past co-chair of the PBA Legal Ethics & Professional Responsibility Committee. “The committee devoted thousands of volunteer hours to assess the revised ABA Model Rules, develop recommendations and present those proposals to the PBA House of Delegates, and has since presented a series of CLE programs reviewing the significance of the amendments in conjunction with the Pennsylvania Bar Institute.”

The comprehensive evaluation came in response to concerns about a perceived and undesirable lack of uniformity in the application of state ethics codes.

Initially launched in 1997 as the American Bar Association’s (ABA) “Ethics 2000 Project,” the comprehensive evaluation came in response to concerns about a perceived and undesirable lack of uniformity in the application of state ethics codes. Based on work by the ABA at the national level, the PBA Committee on Legal Ethics & Professional Responsibility recommended amendments to the state’s professional conduct rules that were adopted by the PBA and forwarded to the state disciplinary board for its further consideration.

The board unanimously approved the suggested changes and recommended their approval to the Supreme Court.

“In most cases, the amendments are designed to state existing obligations more clearly and then to provide greater guidance through the comments,” Wilkinson said. “For example, the conflict of interest rule [Rule 1.7] has been reorganized and the comments to that rule now address conflicts that may arise during litigation, prospective conflict waivers, issues faced by lawyers with multiple clients and the concerns that may arise when lawyers perform work for a corporate client while also serving on the client’s board of directors.”

According to the Administrative Office of Pennsylvania Courts (AOPC), the changes to Pennsylvania’s Rules of Professional Conduct borrow from the national recommendations, some of which were influenced by Pennsylvania’s experience. The new state rules also preserve rules specific to Pennsylvania’s history and culture or that require conformity with existing statutes, thus achieving an appropriate balance between state and national practices.

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“This is a reasonable and practical means of balancing the benefits of national uniformity with values that are unique and important to Pennsylvania,” said Pennsylvania Chief Justice Ralph J. Cappy. “These revised rules of conduct adopt the best of the ABA’s work and preserve the best of our existing rules, in the process providing additional and more clearly understandable protections for clients of Pennsylvania lawyers.

“In recent years, we have consistently moved toward unifying rules and practices in Pennsylvania to better serve the justice system by modernizing, simplifying and clarifying that system — whether through administrative reorganizations or computerization or through revised rules like those announced today. My colleagues and I are grateful to all who have contributed to this most recent effort, both at the state and national levels.”

The AOPC stated that the more significant changes include the adoption of a new rule regarding “terminology” that more clearly defines for the public certain terms used in the legal profession. An example would be clarification of such things as a lawyer’s responsibilities regarding communicating and consulting with a client. Other rule changes address the confidentiality of information provided by a client, legal skills required for competent representation, scope of representation, fees, prohibited transactions and sale of a law practice.

“The amendments to Rule 1.17 will now allow a retiring lawyer to cease the practice of law in Pennsylvania and sell the goodwill of his or her practice so long as the notice provisions of the rule are followed,” Wilkinson explained. “The rule continues to require that there be a single purchaser, with limited exceptions. The earlier version of the rule limited such sales or purchases to instances where the lawyer was deceased or disabled.”

The order and a complete set of the revised rules can be found on the Pennsylvania Unified Judicial System Web site: www.courts.state.pa.us. ■