From the Chairs

The Government Lawyers Committee had a very productive fall 2000, and we want to highlight two accomplishments of which we are quite proud.

This past fall, the Pennsylvania Bar Association Board of Governors and House of Delegates considered, and with some minor modifications approved, the report and recommendation of the Government Lawyers Committee regarding a Model Mediation Executive Order and Policy. The order and policy encourage mediation for all agencies in the Commonwealth of Pennsylvania.

As you know, the model executive order and policy are the result of the hard work of the Government Lawyers Committee Special Projects Subcommittee. Special Projects Subcommittee Co-Chairs Herb Nurick and Steve Turner undertook the difficult task of presenting the model order and policy to the PBA, and we congratulate them and the entire subcommittee for the result. Their hard work paid off!

The high point of Committee/Section Day for our committee occurred at the luncheon when the Government Lawyer of the Year Award was presented to Jack Kane, chief counsel for the Department of Public Welfare. The presentation of the award at the luncheon allowed us, as a committee, to demonstrate our pride in being government lawyers by honoring one of our best and brightest in front of our professional peers in the PBA.

We thank everyone who participated in making Committee/Section Day, especially the presentation of the Government Lawyer of the Year Award, a success.

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From the Editors’ Desk

By Doreen A. McCall and Susan Hensel

This edition of News & Views highlights the activities of our busy Government Lawyers Committee members and profiles Jack Kane, the third recipient of the Government Lawyer of the Year Award. You will also get a glimpse at the man behind the Commonwealth Court of Pennsylvania in our profile of G. Ronald Darlington, executive administrator, and learn more about Mary Catherine Frye from the U.S. Attorney’s Office. Their distinguished careers in public service are an inspiration for all government lawyers.

Because News & Views is a publication for government lawyers written by government lawyers, we invite you to help us keep members of the committee informed on topics of interest by contributing to the newsletter. If there is a significant case you have been involved in, new developments in a particular area of law, or even a light-hearted legal experience you would like to share with your peers, we would like to hear from you. We would also like to hear from you if you are interested in writing for the newsletter or if you have an idea for an article, feature or profile.

If interested in contributing to the newsletter or joining the committee, please e-mail us at either dmcall@state.pa.us or shenseljar@state.pa.us. We look forward to hearing from you.

Clarity Award Nominees Sought

The Plain English Committee of the Pennsylvania Bar Association is accepting nominations for the Clarity Award, which honors the use of clear writing by legal professionals. The committee is soliciting nominees who best exhibit and promote the use of plain English in their legal writing.

The award will be presented at the PBA Annual Meeting on May 10 in Pittsburgh.

Nominations are due by April 2. For more information about the award, contact Louann Bell at the PBA at (800) 932-0311, ext. 2276. Nomination forms are also available on the PBA Web site at www.pabar.org/01clarityaward.shtml.
Subcommittee Reports

What’s Going On

Career Enhancement
Building on the success of its “Leaders on Leadership Lunch and Learn” speakers series from last year, the subcommittee has expanded the number of speakers for 2001.

The first 2001 “Lunch and Learn” took place on Feb. 7, with a presentation by William Cashman of First Union Securities. Cashman discussed various areas of financial planning. His presentation provided attendees with insights into how to better plan their personal finances.

On Tuesday, April 3, Elisabeth Shuster, chief counsel for the Pennsylvania Human Relations Commission, will offer her insights into leading and motivating attorneys, and discuss the role of leadership in the public sector.

The final speaker before a summer hiatus will be William Costopoulos, a prominent local trial attorney, who will share his experience of balancing an intense, high-profile legal practice with an equally fulfilling private life.

In addition, the subcommittee is involved with making presentations at Pennsylvania law schools, providing students with panel discussions regarding the merits and benefits of pursuing a legal career in the public sector. Presentations have been scheduled at Dickinson, Widener, University of Pennsylvania, Villanova, University of Pittsburgh, Temple and Duquesne Schools of Law. Coordinators for the panels are looking for assistants and panel participants. Any attorneys interested in helping should contact John Henderson at (717) 783-1520 or (johnh@state.pa.us) or Lisa Jo Fanelli-Greer at (717) 772-5128 or (LisaJoGreer@aol.com).

Social Subcommittee Report

The subcommittee sponsored the Government Lawyers Committee’s third annual holiday reception and food drive, which benefited the YWCA of Greater Harrisburg. As in past years, the festive event was a huge success — more than 75 members of the committee attended the reception.

In addition to the reception and food drive, the subcommittee also organized a group of volunteers to wrap holiday gifts donated to the YWCA for distribution to families in need. The subcommittee looks forward to scheduling this volunteer opportunity again this year.

The subcommittee welcomes ideas for new events and social awareness projects. Please contact Suzanne Hueston or Laurie Kennedy with any suggestions or comments.

Services to Members

The subcommittee continues to move forward with its project to develop a home page for the committee’s Web site that will serve as an informational resource for persons interested in exploring employment opportunities with a given agency or in a particular field. We have developed a survey to be distributed to all state, local and federal agencies in Pennsylvania that we have been able to identify as employing full-time attorneys. The survey is designed to provide pertinent details on the structure and activities of specific agency legal offices, qualifications for employment and contacts for future information. Once assembled, the entries on the home page will be searchable by subject area.

The surveys have been issued to, and returned by, most Commonwealth agencies and subcommittee members are processing the responses. Other agencies will receive their surveys in the near future, and courtesy of the PBA, they will have the option of filling them out electronically. The subcommittee is excited about this project, which it views as a complement to its Government Lawyers Directory.

New Feature

Worth Reading

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


In December, the Supreme Court of Pennsylvania issued an opinion regarding the appealability of court orders issued in declaratory judgment actions filed pursuant to the Declaratory Judgments Act (DJA), 42 Pa.C.S. §§7531 et seq. In essence, the court ruled in Nationwide Mutual Insurance Co. v. Wickett, Nos. 63-65 W.D. Appeal Docket 1999 (Pa. Dec. 22, 2000) (per Nigro, J.; Saylor, J., dissenting), that any order of a court declaring “rights, status, or other legal relations,” whether expressed affirmatively or negatively (and irrespective of the procedural posture in which the declaration occurs), is an immediately appealable final order. The order is final and appealable, the court ruled, regardless of other characteristics of finality prescribed by the Pennsylvania Rules of Appellate Procedure and case law.

The court held that the Pennsylvania Rules of Appellate Procedure themselves allow the legislature, by statute, to define particular classes of orders to be final and, therefore, appealable. Section 7532 of the DJA, the court ruled, by its express terms renders certain orders issued under the DJA to be final and appealable. Under the court’s opinion in Wickett, any order issued by a court acting under the DJA that has the effect of declaring rights, status or other legal relations is a
Several committee members got into the holiday spirit by showing off their gift-wrapping talents at the YWCA of Greater Harrisburg. During the holiday season, the YWCA collected gifts including toys, games, clothing and personal items that were donated by area individuals and businesses. Committee volunteers donated a weekday evening to sort the items, fill out the wish lists of the program participants, and wrap the gift items. The YWCA then distributed the items to residents and families in need. The holiday gift-wrap event provided government lawyers with an opportunity to socialize with co-workers and lend a helping hand to the YWCA. The YWCA staff could not have been more appreciative of the volunteers who donated their time and effort to make the holiday season special for less fortunate families.

Participating committee members included Karen Barrow, Susie Blanton, Vici Freimuth, Amy Herne, Laurie Kennedy, Jonathan Kunkel, Doreen McCall, Jane Pomerantz, Todd Shamash, and Erin Stewart. While many members expressed interest in the event, participation was limited due to the size of the room at the YWCA. Next year the committee co-chairs will work with the YWCA to accommodate all members interested in participating in this great and worthwhile event. Thank you to all who volunteered.

By Laurie Kennedy, Deputy Chief Counsel, Department of Banking

Jane, Todd, Erin, and Karen prove that lawyers are multi-talented.

“Wow, we didn’t work this hard at the office today.”

Todd wishes that some of the gifts were for him.

Pennsylvania Bar Association
ANNUAL MEETING 2001:
A NEW PLAYING FIELD FOR LAWYERS

May 9-11, 2001 • Omni William Penn Hotel, Pittsburgh

Featuring:
Honorable D. Michael Fisher, Attorney General of Pennsylvania
Featured panelist, Election 2000 and the Courts: A discussion of law, policy and fundamental constitutional rights

Edward Rendell,
former Mayor of Philadelphia
Luncheon speaker and featured panelist, Election 2000 and the Courts
Also speaking at the YLD luncheon

Dr. Laura Tyson,
Dean, Haas Business School, University of California at Berkeley, and former economic adviser to President Clinton
Women in the Profession Conference luncheon speaker

For more information, visit www.pabar.org or call (800) 932-0311.
Government Attorneys Help Bring Holiday Cheer to Needy Families

By Suzanne N. Hueston, Assistant General Counsel, Governor’s Office of General Counsel

On Dec. 12, the Government Lawyers Committee held its third annual holiday reception and food drive at the PBA headquarters in Harrisburg. The event was a huge success — with more than 75 government lawyers joining the festivities. It also served two important purposes: providing an occasion for committee members to take time out of their hectic schedules to socialize with each other and serving as a terrific opportunity to donate to the YWCA of Greater Harrisburg.

Every government lawyer who attended the reception was asked to donate canned goods to the cause, and hundreds of food items were collected. The canned goods were given directly to the women and children living at the YWCA and to families in the community who depend on the YWCA’s services.

In addition to the hot hors d’oeuvre and cocktail reception, James M. Sheehan, co-chair of the Government Lawyers Committee; PBA Vice President Timothy J. Carson and YWCA CEO Kathy McKorkle addressed the group. Sheehan and Carson thanked the government lawyers for their hard work in representing the Commonwealth and for their unwavering commitment to the committee. McKorkle spoke of the ambitious programs the YWCA sponsors and explained how the donated food would directly benefit each and every resident living at the YWCA.

Everyone left the reception with the true spirit of giving. The Government Lawyers Social Subcommittee will continue to make every effort to plan events, such as this one, which help people in need in our community.

Enjoying the spirit and success of the evening: Michael Shatto, PBA section relations coordinator; Suzanne Hueston, assistant general counsel, Governor’s Office of General Counsel; Tim Carson, PBA vice-president; Kathy McKorkle, YWCA CEO; Laurie Kennedy, deputy chief counsel, Department of Banking; James M. Sheehan, general counsel, Governor’s Office of General Counsel; and Cathy McCormack, special assistant to the general counsel, Governor’s Office of General Counsel.
Mediation in Commonwealth Agencies

By Melinda Nowak, Hearing Officer, Insurance Department

Recognizing the growing importance of mediation as an alternative to litigation, the Government Lawyers Committee formed a Special Projects Subcommittee in July 1999. The subcommittee was charged with developing a method for encouraging the use of mediation by state, county and local agencies in the Commonwealth of Pennsylvania and preparing a model mediation policy agencies could use. The subcommittee was chaired by Herb Nurick and Steve Turner.

The subcommittee heard from mediation experts, including law professors Nancy Welsh and Bob Ackerman from The Dickinson School of Law of The Pennsylvania State University; received information from Chris Carlson, co-executive director of Policy Consensus Initiative; and gathered and reviewed numerous proposals and initiatives from various state and federal sources.

After reviewing the materials, the subcommittee drafted a proposed executive order and model mediation policy. Both were approved at the Sept. 6, 2000 subcommittee meeting. The subcommittee adopted a resolution recommending that the PBA encourage the use of mediation by state, county and local government agencies; promulgate the model mediation policy for use by state, county and local government agencies; and offer the proposed executive order to Gov. Tom Ridge to promote the use of mediation in executive agencies under his jurisdiction.

In December, the PBA House of Delegates and Board of Governors approved the model mediation policy. The policy adopted by the PBA defines mediation as a voluntary, informal process through which a mediator assists parties in reaching a mutually acceptable resolution of their dispute. The parties themselves control the outcome, as opposed to having the outcome determined by an adjudicator, such as an arbitrator, administrative law judge, or the agency.

By promoting mediation, it is hoped that parties to disputes can reach an earlier resolution, which will reduce the amount of time, expense, anxiety and uncertainty usually associated with litigation; minimize the chance that a dispute will escalate; and preserve the parties’ relationship. The committee hopes that mediation will allow parties to find win/win solutions, which generally are not possible in adversarial proceedings.
“Unwaivering Commitment’ Earns John A. “Jack” Kane the Government Lawyer of the Year Award

By Erin E. Stewart, Assistant Counsel, Department of State

The Government Lawyers Committee recently made its presence — and its pride in the work accomplished by government lawyers — known before a large crowd of colleagues in the Pennsylvania Bar Association. During the Nov. 30 Committee/Section Day luncheon, Committee co-chair James M. Sheehan presented the third Government Lawyer of the Year Award to John A. “Jack” Kane, chief counsel to the Department of Public Welfare.

Kane has served the citizens of the Commonwealth tirelessly since 1976 when he began his legal career with the Department of Public Welfare. Appointed chief counsel in 1983 by Gov. Dick Thornburgh, Kane was reappointed by Gov. Tom Ridge in 1995. As the top attorney for the largest executive agency in the Commonwealth, Kane and his staff are charged with overseeing the legal affairs of numerous and varied program areas that provide critical services to the most vulnerable members of the public such as children, the mentally ill, and the poor. Kane has led his staff and agency through many challenging changes to state and federal laws which affect the day-to-day operations of all of the programs administered by the Department of Public Welfare.

As Sheehan and PBA President Marvin S. Lieber presented the award to Kane, Sheehan noted, “Jack Kane deserves this award not only for his unwavering commitment to the Department of Public Welfare and the people of Pennsylvania, but also for the way he has conducted himself during his career.”

The Government Lawyer of the Year Award was created by the Government Lawyers Committee to recognize and honor government lawyers who have made significant singular contributions or who have dedicated their careers to serving the public as government lawyers. Kane joins Heidi Hamman Shakely and David J. DeVries as recipients of this award. ■
In the Spotlight
Compiled by Carol Mowery, Assistant Counsel, Department of Labor and Industry

Media Appearances
Deputy General Counsel Sandra Stoner provided commentary for the Pennsylvania Cable Network’s (PCN) presentation of Superior Court arguments in December.

Honors
Philadelphia County Deputy District Attorney Raymond Harley, a career prosecutor, was recently awarded the prestigious Justice Thurgood Marshall Award by the Criminal Justice Section of the Philadelphia Bar Association. In a presentation which took place in the Mayor’s Reception Room and Conversation Hall, Harley was honored by the bench and bar for his nearly 30 years of dedicated public service.

Philadelphia County Assistant District Attorney Hugh Burns of the Appeals Unit received the 1999-2000 Outstanding Appellate Advocacy Award from the Pennsylvania District Attorneys Association, and was named the premier appellate capital litigator in Pennsylvania.

Pedro Cortes, executive director of the Governor’s Advisory Commission on Latino Affairs, received his master’s degree in public administration from The Pennsylvania State University in December.

Charles Daniel Shields, a prosecutor with the Pennsylvania Public Utility Commission’s Office of Trial Staff, again served as master of ceremonies in the 2001 Harrisburg St. Patrick’s Day Parade. Shields is president of the Irish-American Dauphin County Ancient Order of Hibernians and is a chieftain (board member) for the Friendly Sons of St. Patrick of Harrisburg.

Appointments
Sharon Grottola, chief counsel of the Pennsylvania Milk Marketing Board, was selected to serve as U.S. counsel for the International Association of Milk Control Agencies.

Deputy Attorney General Michael A. Farnan has been promoted to attorney-in-charge of the Harrisburg regional office, Bureau of Consumer Protection, Office of Attorney General.

Speaking Engagements
Leslie M. Grey, deputy attorney general with the Bureau of Consumer Protection, participated as a guest speaker at the PBA/Erie County Bar Association’s “Stepping Out” program for approximately forty 12th-grade students at McDowell High School in Erie.

Marriages
Gabrielle J. Skoll married Mark Owens on Dec. 2. Skoll is a staff attorney in the Office of the Inspector General.

Births
Thomas J. Gohlser, assistant counsel to the Department of Revenue, and his wife, Amy, welcomed their first daughter, Hannah, on Nov. 24.

Cynthia A. Fillman, assistant counsel for the Department of Public Welfare, and her husband, Eric, welcomed their third child, Noah David, on May 26. He joins siblings Angela and Adam.

David Bleicken, assistant counsel to the Department of Banking, and his wife, Marianne, announced the birth of their son, Peter David, born on Jan. 13.

Correction
In the Fall 2000 issue of News & Views, we incorrectly identified Sabina Howell as assistant counsel to the Department of State. Howell is counsel to the Pennsylvania Securities Commission.

PBA Hosts Mid-Year Meeting
By Martin A. Toth, Pennsylvania Bar Institute

Puerto Rico’s El Conquistador Resort and Country Club was the setting for PBA’s mid-year meeting in November. The gathering was a mixture of business and pleasure, with attendees taking part in tours of the island, CLE presentations, the traditional golf tournament and business meetings.

Concurrent with the business sessions were continuing legal education programs for those attendees desiring CLE credits. These sessions included “Estate Planning for Lawyers,” “Land Use Practice,” an ethics presentation and “Cross Examining the Expert Witness.”

Leisure tours included hiking in the rainforest, horseback riding at Hacienda Carabali, visits to Old San Juan and St. Thomas. A bioluminescent bay excursion gave PBA members a look at the natural wonder of the Caribbean.

The Young Lawyers held their business meeting and The Dickinson School of Law of The Pennsylvania State University hosted a reception for meeting attendees. The highlight of this year’s mid-year meeting was Saturday’s “Justiciability and Justice” discussion moderated by PBA Past President Jim Mundy and focused on how political issues end up being accepted by and decided on by the courts.

This year’s meeting culminated with a black tie-optional dinner and dance.
Executive Deputy Attorney General Stresses Management Skills

As the director of the Public Protection Division of the Office of Attorney General, Alexis Barbieri uses her management skills every day. She described the basics of good management at a luncheon sponsored by the Career Enhancement Subcommittee.

The Public Protection Division, where Barbieri serves, encompasses a wide variety of offices involved with the public trust, such as the Bureau of Consumer Protection, Charitable Trusts and Organizations, Antitrust and Civil Rights Enforcement. The division has recently become responsible for consumer advocacy in the area of health care and is involved with issues of tobacco enforcement and the tobacco settlement.

Barbieri is a graduate of the University of Pennsylvania and the Widener University School of Law. She began her legal career as a clerk for Judge Vincent A. Cirillo of the Pennsylvania Superior Court. She then worked in private law practice before coming to the Commonwealth, first as a staff attorney for the Department of Transportation and later in the Tort Litigation Section of the Office of Attorney General.

Barbieri said that the most important thing to remember as a manager is that there is almost always a place for everybody. A manager should learn the strengths and weaknesses of subordinates and play to those strengths. For example, attorneys who enjoy courtroom confrontation should be utilized there, while those who do not should be assigned to areas of work where they are more comfortable. Attorneys who are not strong at detail work could be paired with those who are. Understanding the interplay of personalities is one of the greatest challenges a manager faces. Communication and listening are the most effective ways to meet those challenges.

Senior Judge Promotes Community Involvement as a Form of Leadership

As attorneys, we are often asked to take leadership roles in our communities. These roles can become long-term commitments that are both rewarding and time-consuming. Dauphin County Senior Judge Clarence Morrison delivered those messages at the “Leaders on Leadership Lunch and Learn.”

Morrison, who is from Charleston, S.C., earned both his undergraduate and law degrees from Howard University in Washington, D.C. Former Gov. Richard Thornburgh appointed Morrison to the Dauphin County Bench in 1980. He became the president judge in 1994.

Morrison became active in the community as a Cub Scout master and through his church. He has served as the director of both the Dauphin County NAACP and the Harrisburg Housing Authority. He jokes that some of his temporary community commitments were in reality much more than that; they lasted for years. Although Morrison advocates community service, he cautions that it should not interfere with work or family.

Morrison believes that attorneys should never forget that “it is a privilege to practice law.” He recommends that attorneys should be familiar with both the judge and opposing counsel in every case. He also advises that the bench should respect counsel and believes that the less involvement by the judge the better.

The next speaker in the series will be Elisabeth Shuster, chief counsel for the Pennsylvania Human Relations Commission, on April 3, 2001.
Close Up

An Opportunity to Do Justice

A profile of Mary Catherine Frye, Chief of the Civil Division, U.S. Attorney’s Office, Middle District of Pennsylvania

By Judy Gilroy, Assistant Counsel, Department of Labor and Industry

The Civil Division of the U.S. Attorney’s Office handles all cases brought against the federal government and civil actions brought by the federal government. As chief of the Civil Division in Harrisburg, Mary Catherine Frye represents the U.S. government in cases which include immigration, Medicare fraud, personal injury, medical malpractice claims against the Veterans’ Administration, and Equal Employment Opportunity Commission claims. About half of her time is spent supervising eight attorneys in the office, and the other half litigating cases. She also gets involved in facilitating settlements of difficult cases.

It’s interesting work with wonderful, dedicated people, and it’s an opportunity to do justice.

Frye came to the U.S. Attorney’s Office with a broad range of experience. After graduating from Oberlin College in Ohio and the University of Pennsylvania School of Law, she became an associate with the firm of Reager, Selkowitz and Adler in Harrisburg. Frye then became a staff attorney with the Pennsylvania State Education Association, and later, chief counsel for the Pennsylvania Association of Elementary and Secondary School Principals. In 1994, she moved to the Civil Division of the U.S. Attorney’s Office as chief counsel.

Frye considers the job “interesting work with wonderful, dedicated people.” She also enjoys the “opportunity to do justice.” She finds the most rewarding cases to be health care fraud cases. Providers found guilty of defrauding government programs in civil court are liable for treble damages as well as penalties, remedies not available in the criminal justice system. Frye explains that those damages “deter fraud as well as make the government whole.”

Recently, the number of fraud cases the office handles has declined relative to other types, including immigration cases. This is largely due to the number of immigrants fighting deportation, most notably illegal Chinese immigrants currently housed in a facility in York. Another substantial portion of the office’s caseload deals with prisoner lawsuits. The Middle District of Pennsylvania has the largest federal prison population in the country.

Frye finds federal court practice different from county and state court practice in several significant respects. “Federal practice is very standardized and very efficient. Cases move through the system.” Counsel for the federal agencies themselves handle investigations and administrative proceedings. The U.S. Attorney’s Office then enters the case when it reaches the District Court level. The District Court serves the function of a trial court in the federal system and it is where the office does the majority of its practice.

Frye is proud that she chose a career in public service representing the people of the United States. She considers it “a fabulous opportunity and a challenge.”

AHERF Update

Since the sale of the Allegheny Health, Education and Research Foundation’s (AHERF) eastern affiliates in the fall of 1998 and the spin-off of its western affiliates in the summer of 1999, efforts to hold the individuals responsible for AHERF’s demise have continued in earnest. In February of 2000, the Attorney General’s office supplemented its $78 million bankruptcy claim. To recover misappropriated endowments underlying its claim, the office filed suit against certain officers and directors, as well as Tenet Healthsystem Philadelphia, the Philadelphia Health and Education Corporation and the Philadelphia Health and Research Corporation. In the spring of 2000, three AHERF officers were charged criminally by the Commonwealth on nearly 1,500 separate counts for, among other things, unlawfully “liquidating and/or borrowing” approximately $52 million in restricted charitable endowments. The preliminary hearing on those charges is ongoing and could last through April.

In the meantime, a plan of reorganization has been proposed by the trustee that projects a return to unsecured creditors of approximately five cents on the dollar, while the trustee, creditors committee and others continue to pursue a variety of other cases against individual officers and directors. It is likely that the bankruptcy case will conclude while all of the above litigation works itself through, none of which is expected to wrap up soon.
Close Up

Steering the People’s Court

A profile of G. Ronald Darlington, Executive Administrator of the Commonwealth Court of Pennsylvania

By Maribeth Wilt-Seibert, Assistant Counsel, Labor and Industry

After graduating from The Dickinson School of Law and spending one year in general practice with a small law firm, G. Ronald Darlington learned that Commonwealth Court President Judge James S. Bowman was looking for an administrative assistant. Darlington knew very little about Commonwealth Court, but applied and was offered the job. He soon discovered that Bowman was the “greatest mentor a young person could ever have.”

After three years with the court, Darlington was appointed prothonotary at the age of 29 and in 1986, he became executive administrator of the Commonwealth Court of Pennsylvania. He is currently working for his fifth president judge and has developed a specialty in appellate procedure, which is unique in state appellate practice.

Pennsylvania’s Commonwealth Court was established in 1970. Most state intermediate appellate courts are divided between civil and criminal, but Pennsylvania’s Commonwealth Court is the only intermediate court of which Darlington is aware that deals almost exclusively with governmental law. Darlington believes that with its body of expertise in state administrative law, Commonwealth Court has served Pennsylvania very well. He believes Commonwealth Court is, in many ways, the “Peoples’ Court.” It affects more people directly than any other court because it deals with public issues like workers’ compensation, unemployment, electric utilities and air/water regulations.

How powerful do you want your government to be? Commonwealth Court answers that question. The court serves as a check on local and state government and deals with both the substance and procedure of government action. What did government do? How did government do it? Did it follow the law?

The majority of cases first come before a panel of three judges. However, a non-sitting judge can object to any court opinion. If four judges object to the panel’s decision, a court opinion cannot be filed. The full court of nine members can then hold a judicial conference followed by argument.

Darlington reads every circulating opinion of every judge in every case and can comment on or make recommendations to the judges on the cases. Commonwealth Court publishes 35-40 percent of its opinions. It affirms the decisions of state agencies 75-80 percent of the time. Workers’ compensation and unemployment compensation cases constitute the largest areas of the court’s case law. Additionally, there has been substantial growth in original jurisdiction cases brought by state prisoners. These cases spiked to 800 in 1997 before recently dropping to a still high 300.

I am pleased that government service has given me the opportunity to be part of my community.

On Jan. 1, 2000, the court instituted a mandatory mediation program. Parties can also request mediation or the court can require mediation based upon the docketing statements submitted. The largest category of cases referred and mediated successfully are workers’ compensation cases. By Dec. 31, 2000, 301 cases had been referred to mediation and 129 had been successfully mediated.

In 1986, Darlington co-authored a treatise on Pennsylvania appellate practice. The second edition was published in 1996 and is updated annually. Since 1991, he has taught a senior level seminar on Pennsylvania Appellate Practice at Widener University School of Law. Darlington was elected as a member of the Board of Trustees of The Dickinson School of Law of The Pennsylvania State University and received their “Outstanding Alumni Award” for the year 2000. Darlington is the immediate past chair of the Administrative Law Section of the Pennsylvania Bar Association. Darlington says he is pleased that government service has given him the opportunity to be part of his community.
March 21  ENVIRONMENTAL LAW FORUM 2001  
Harrisburg Hilton and Towers  
Harrisburg, PA  
9:00 a.m. to 5:00 p.m.

March 21  FUNDAMENTALS OF PENNSYLVANIA CIVIL PRACTICE & PROCEDURE  
PBI/PBEC Education Center  
Philadelphia, PA  
8:30 a.m. to 4:30 p.m.

March 22  ENVIRONMENTAL LAW FORUM 2001  
Harrisburg Hilton and Towers  
Harrisburg, PA  
8:30 a.m. to 4:30 p.m.

April 3  LEADERS ON LEADERSHIP SERIES  
Guest Speaker: Elisabeth Shuster  
Chief Counsel, Pennsylvania Human Relations Commission  
Dauphin County Bar Association  
12:00 p.m.

LEADERS ON LEADERSHIP SERIES  
tba  
Guest Speaker: William Costopoulos, Esq.  
Dauphin County Bar Association  
12:00 p.m.

May 9-11  PBA ANNUAL MEETING  
Omni William Penn Hotel  
Pittsburgh, Pennsylvania

Stay Tuned