Promoting School Success for Children in Foster Care and Other At-Risk Youths

By Amanda W. Shackelton

Studies have shown that children in foster care are more likely than their peers to experience multiple school changes and enrollment delays, be suspended or expelled, perform poorly in school, repeat grades and fail to complete high school.1 KidsVoice2 and the Education Law Center3 have partnered to improve educational outcomes for dependent and other at-risk students by seeking to eliminate enrollment delays, ensure appropriate educational placements and increase school stability.

Only Four, in the Door

Dependent and other at-risk youths frequently sit out of school due to difficulty enrolling. These delays in school enrollment negatively impact school success in a number of ways, such as increasing the likelihood that students will need to repeat classes.4 Under state law, children enrolling in school in Pennsylvania must show only four types of documentation: 1) proof of age, 2) proof of immunizations required by law, 3) proof of residency and 4) a signed Act 26 form, also known as a “parent registration statement.”5 Once a school district receives these four enrollment documents, the child is “in the door” — the school district must enroll the child and allow the child to start attending school within five business days.6

Appropriate Educational Placement

Getting “in the door” is not enough for school success; youths must be placed appropriately according to their needs and in compliance with the law. As a general rule, children should be educated in regular education classrooms in regular public schools. A child with an IEP from a prior school district must immediately receive services comparable to those described in that prior IEP and be permitted to attend school immediately.7 In addition, a child can only be placed in an Alternative Education for Disruptive Youth (AEDY) program if the child is found to be “currently disruptive” in school as a result of an appropriate informal hearing or is currently expelled for a weapons offense.8 A child with special education needs who is not currently expelled for a weapons offense can generally be placed in an AEDY program only upon findings that he or she is “currently disruptive” and the disruptive behavior is not a manifestation of his or her disability.9

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2011 Child Advocate of the Year:
Judge John C. Uhler

By Andrea Marceca Strong

The Pennsylvania Bar Association Children’s Rights Committee has established an award to recognize the accomplishments of lawyers and judges who are advocates for children within the commonwealth. The recipient must have the highest degree of professional excellence and advanced the rights of children at law. All candidates have made unique contributions to and significant achievements on behalf of children.

The committee is pleased to announce the recipient of this year’s Child Advocate of the Year Award is Judge John C. Uhler. Originally elected to the bench in 1989, Judge Uhler is currently senior judge of the York County Court of Common Pleas. In his 20-year tenure as an active judge, he served as a juvenile court judge, in addition to many other duties. Judge Uhler has worked tirelessly on behalf of juveniles across the commonwealth.

A recognized leader in juvenile justice across the commonwealth, Judge Uhler initiated Pennsylvania’s first juvenile Mental Health Court program, JUMP (Juvenile Probation United with Mental Health) in 1998. The JUMP program was recognized with the Juvenile Court Judges’ Commission’s Commonwealth of Pennsylvania Court Operated Program of the Year Award in 2005. Judge Uhler was appointed by Gov. Ed Rendell in 2008 to the State Council for Interstate Juvenile Supervision, which is charged with establishing recommendations and implementation of interstate rules relating to juveniles transferred between states. Judge Uhler served on the Interbranch Commission for Juvenile Justice, which was charged with reviewing juvenile court practices, procedural rules and professional rules of conduct in the wake of extensive judicial corruption in Luzerne County.

Described as a “true judicial role model in the area of juvenile law,”

Judge John C. Uhler (center) winner of the 2011 Child Advocate of the Year Award, is shown with PBA Children’s Rights Committee Chair Andrea Marceca Strong (left) and York County Court of Common Pleas Judge Maria Musti Cook.

Judge Uhler served as president of the Juvenile Judges’ Section from 2001-2003 and as consultant to the Pennsylvania Juvenile Delinquency Bench Book, a treatise that judges across the state find invaluable when presiding over juvenile matters. He has been passionate about addressing the issue of truancy in York County. Judge Uhler is chairman and founder of York County’s Truancy Prevention Initiative, a model youth truancy reduction program initiated for York, including its 16 separate school districts and numerous charter schools. York’s Truancy Initiative has become a model for the commonwealth of Pennsylvania. Judge Uhler’s passion for and investment in reducing truancy began in 1995. For more than 14 years, he inspired a growing broad-based community initiative without financial resources into an organization that has realistic expectancies of sustainability.

Judge Uhler has served as a

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Report Calls for Research-Based Foster Care Transitions

Editor’s note: This article first appeared in Education Week, Inside School Research, Sept. 16, 2011. It is reprinted with permission from Editorial Projects in Education.

By Sarah D. Sparks

Federal and state foster-care programs were developed decades before modern science on adolescent development, and a new report by the Jim Casey Youth Opportunities Initiative argues that the programs do not incorporate the implications of brain research when planning transitions for students leaving the system.

“Young people do not move seamlessly from adolescence to full-fledged adulthood at 18,” said Gary Stangler, executive director of the St. Louis, Mo.-based initiative, in a statement on the report. “As a nation, we need to pay attention to that if we are to change the poor outcomes that many young adults leaving foster care experience.”

The report found that nearly one in four students enter the foster care system at age 14 or older, and the majority “age out” of the system at age 18, but current programs do not require services to be based on current research on adolescent development. In particular, the report finds that many students who age out of foster care leave without the opportunity to build supportive adult relationships, including with school and college educators, to ease the transition.

You can read a summary of The Adolescent Brain - Final Paper here. You can read other entries in her blog, “Inside School Research.” Blogs do not require a subscription or registration to access.

Book Review: The Glass Castle

By Melissa P. Tanguay

The Glass Castle
By Jeanette Walls
Scribner, 2005

In Jeanette Walls’ memoir, she tells the story of her childhood, which was in reality nomadic and poverty-ridden, but — through Walls’s eyes — adventurous and exciting at the same time. The Walls family was constantly on the run, hungry and lacking the resources to fulfill their basic needs. The mother was an artist, who put more effort into creating art than caring for her four children. The father was an alcoholic, who was constantly between jobs and would squander the family’s grocery money and disappear for days. Walls and her older sister and younger brother and sister were often left to fend for themselves, constantly in and out of homes and schools and in search of food, clothes and shelter.

For those who have worked with dependent children, it is frustrating to read the account of the Walls family. These were young boys and girls who should have been under the safe wing of the state’s resources for a warm bed, fresh clothes and a hot meal. However, the mother and father constantly thwarted any intervention by local authorities, while at the same time refusing to provide for their own children. Walls’ story is fascinating at the same time that it is devastating because she never takes the perspective of a bitter adult as she recalls the hardships of her youth. Instead, Walls recognizes the strengths and weaknesses of her mother and father and the difficult times that they put the family through with humility, compassion and understanding.

In The Glass Castle, Walls offers the valuable perspective of the child in need, but from the point of view of a survivor who has overcome adversity and made it in the world. This memoir is an unforgettable “must-read” for the child advocate.
Promoting School Success for Children in Foster Care and Other At-Risk Youths

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Ensuring School Stability: McKinney-Vento and Fostering Connections

Research has shown that children who change schools frequently make less academic progress than their peers and are more likely to drop out.15 The McKinney-Vento Act and the Fostering Connections Act address this problem by ensuring school stability for two highly mobile populations of children whenever this is in their best interest.11

The McKinney-Vento Act protects homeless youths, including children “awaiting foster care placement,” by allowing them to remain at their “school of origin” even when they reside temporarily in other districts.12 Homeless children are also entitled to be enrolled “immediately,” even without “records normally required for enrollment.”13

The Fostering Connections Act protects all children in foster care, allowing such children to remain in their schools even when they change “placement[s].”14 The act also requires child welfare agencies and school districts to “coordinate . . . to ensure” that children in foster care who are changing placements either 1) remain in their current school unless this is not in their best interest or 2) are “immediate[ly]” enrolled in a new school.15 One example of an appropriate collaboration under the act can be seen in Philadelphia, where the Department of Human Services and the School District of Philadelphia have developed a detailed joint protocol to ensure educational stability for all children in out-of-home care.16

With school districts, child welfare agencies and advocacy groups all working together, we can improve the educational and life outcomes of dependent and other at-risk youths by providing them — whenever possible — with a stable and appropriate learning environment in which to grow and succeed.16

Amanda W. Shackelton joined KidsVoice in September 2010. She is a 2010 Equal Justice Works Fellow, sponsored by ALM. Shackelton earned her bachelor of arts degree in political science, cum laude, from Yale University, and her juris doctor, cum laude, from Harvard Law School. During college and law school, Shackelton interned for numerous organizations at which she advocated for or represented children, including: the Special Education Clinic at Harvard Law School, the Harvard Criminal Justice Institute, Citizens for Juvenile Justice, Lawyers for Children and Children’s Rights. She interned at the NAACP Legal Defense and Educational Fund in the summer of 2009, splitting her time between the education and political participation practice areas. While at law school, she was co-editor-in-chief of the Harvard Civil Rights-Civil Liberties Law Review.

2. KidsVoice is a nonprofit organization that provides multidisciplinary legal services to thousands of abused and neglected children in Allegheny County every year, advocating for their best interests in court and beyond. More information is available at www.kidsvoice.org.
3. The Education Law Center is a nonprofit organization that works to improve public education access and quality throughout Pennsylvania. More information is available at www.elc-pa.org.
6. See Enrollment of Students, supra note 5; 22 Pa. Code § 11.11 (2011). Importantly, education records — such as a child’s IEP or transcript — may not be required for enrollment, and a district’s failure to procure such documents is not grounds to keep a child out of school beyond the five-day limit. Id. A school district must place the child in the most appropriate educational program based on the information available at the time of enrollment; if necessary, a district may later modify a child’s schedule or program upon receiving additional information, such as an IEP.
8. See Pa. Dep’t of Educ., Basic Education Circular: Alternative Education for Disruptive Youth (2009), available at http://www.portal.state.pa.us/portal/server.pt/community/purdon’s_statutes/7503/alternative_education_for_disruptive_youth/507342 [hereinafter Alternative Education for Disruptive Youth]; 24 Pa. Cons. Stat. § 13-1317.2(e.1) (2011). The Basic Education Circular (BEC) delineates seven criteria for a “currently disruptive” student, as well as the numerous due process protections that must be present during the informal hearing process. See Alternative Education for Disruptive Youth; see also 22 Pa. Code §12.8(c) (2011). Note that a child’s current or past school suspension, current or past school expulsion for an offense other than a weapons offense, prior placement in an AEDY program, former adjudication of delinquency or conviction of a crime, or status as exiting a delinquency or Residential Treatment Facility (RTF) placement are not grounds for a new school district to place a child automatically into an AEDY program. See Alternative Education for Disruptive Youth.
10. See National Working Group on Foster Care and Education, supra note 4, at 2. In fact, it is estimated that each time students in out-of-home care changes schools, they lose approximately four to six months of academic progress. Jim Casey Youth Opportunities (Continued on Page 5)
2011 Child Advocate of the Year: Judge John C. Uhler

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panelist and lecturer on subjects including “Professionalism in the Aftermath of Luzerne County,” “Juvenile Justice,” “Juvenile Court Judge’s Expectations of Juvenile Probation,” “Children’s Rights,” “The Role of a Juvenile Court Judge” and “Transfer and Certification of Juvenile Cases.” He also has participated with numerous formal and ad-hoc committees, addressing Pennsylvania’s Juvenile Court Rules, the Code of Judicial Conduct and proposed changes to legislation in the commonwealth that affect children.

Judge Uhler was described by one nominator as “a man who demonstrates judicial leadership of the highest integrity.” Despite his retirement, he continues to work passionately on behalf of youths within our commonwealth. We are pleased to select Judge Uhler as this year’s recipient of the Children’s Rights Committee Child Advocate of the Year Award! 

Andrea Marcaccia Strong is chair of the PBA Children’s Rights Committee.

Nominations Sought for 2012 Child Advocate of the Year Award

The PBA Children’s Rights Committee is accepting nominations for the 15th annual Child Advocate of the Year Award. The award recognizes the accomplishments of lawyers who are advocates for Pennsylvania children, who exhibit the highest degree of professional excellence and who advance the rights of children.

Nominations must be received by Jan. 20, 2012.

Download the nomination application here.

Promoting School Success for Children in Foster Care and Other At-Risk Youths

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11 See Legal Center for Foster Care & Education, Foster Care & Education Q&A: How Fostering Connections and McKinney-Vento Can Support School Success for All Children in Out-of-Home-Care 1 (2010), available at http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/qa_fd_and_mv_overlap_final.pdf (provides a clear and succinct side-by-side comparison of the two acts, highlighting important differences such as the meaning of “immediate” enrollment, who makes the best interest determination and who must provide transportation under the acts.)


16 See Legal Center for Foster Care & Education, Foster Care & Education Issue Brief: Making it Work: Child Welfare and Education Agencies Collaborating to Ensure School Stability for Children in Foster Care 6 (2011), available at http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/making_it_work_final.authcheckdam.pdf. For more examples of successful and appropriate collaboration between child welfare agencies and school districts under the act, see generally id.
By Pamela S. Parascandola

Caseworkers at Dauphin County Social Services for Children and Youth know that schools are truly a “second home,” where children spend the majority of their time. Schools tend to be among the highest reporting sources. Even with that awareness, and in spite of their efforts, the agency found that in many circumstances, traditional school-based casework units were not the most effective model in meeting the needs of schools and students. Truancy remained a primary concern for a number of schools in the Harrisburg area.

Through the State Children’s Roundtable, the agency became aware of school social work outreach programs in other counties, like that in Lycoming County, and sought to adopt aspects of those programs to meet the specific concern of truancy.

Realizing the transiency of a large portion of the population of Harrisburg, Steelton and Middletown school districts and the similar challenges regarding school attendance for those districts, the agency sought to provide a consistent approach to addressing truancy. The agency decided to place experienced caseworkers, more accurately referred to as School Outreach Practice coordinators and masters degree in social work (MSW) interns, at Camp Curtain, Foose, Ben Franklin, Downey, Rowland and Melrose Elementary Schools in Harrisburg, Middletown and Steelton School Districts.

How does Dauphin County’s School Outreach Practice become involved in addressing truancy concerns?

Kirsten Johnson, MSW and School Outreach supervisor for the agency, explains a two-level approach. Initially, at “level one”, a school outreach coordinator participates in any meetings relating to assessment of a student who has exhibited any of the risk factors for dropout or truancy: poor attendance, academic or behavioral issues, suspension or a poor attitude toward school. The school outreach coordinator participates in those assessment meetings to offer resources. Students may also participate in evidenced-based curricula to develop skills to address those risk factors at “level one.” This curriculum is provided in a group setting within the school. Services at “level two” are provided in instances where a student has already missed three to five days of school, and the school has issued warning letters regarding attendance. At that level, the Outreach Practice provides more than information about resources. Effective service may require visits to the student’s home to help determine those factors underlying school absences.

Clearly, frequent school absence is a symptom of underlying factors that require attention. As Johnson stated, “Children don’t miss school for no reason. Any time a child is missing school, there is some underlying factor.” The more intensive services at level two seek to address the underlying factors.

Addressing truancy challenges requires creativity. One approach does not fit all circumstances. For example, the school outreach coordinators might visit the family’s home in the morning and offer a model for the basic routine necessary to get the child to school on time in the morning, including providing examples of an effective tone of voice and posture to awaken the child. Or, they may assist with establishment of a routine of preparation the night before.

In Schools, known for its dropout prevention program; its affiliate, Harrisburg Communities That Care; and magisterial district judges, as well as drug and alcohol and mental health programs. These partners seek to get the message out that truancy is not simply a school problem or a child welfare problem, but a community problem. One partner, the Communities In Schools program, conducts needs assessments at each school with which they work and share the assessments with the agency; level one interventions can be built around those results. Other partners, The Strengthening Families and School Matters programs, provide an alternative to fines for truancy before the magisterial district justice; if the family attends the program and attendance improves, the judge does not impose a fine.

In tracking results of the School Outreach program, the agency has seen improvement in not only attendance outcomes, but prevention. Last year, of the 134 families served by School Outreach, school attendance improved in the majority of the children. Only five of those families required entry into the formal Children and Youth Services system.

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Assessing the Quality of Child Advocacy Proceedings in Pennsylvania

By Pam Knowlton

Since 1972, children in abuse and neglect matters have had a right to legal representation through the appointment of guardians ad litem. Effective legal representation and advocacy for children in the dependency system can make a huge difference in improving the chances that fair and accurate determinations are made. However, a lack of investment in supervision, training and compensation of these child advocates continues to harm children.

While there is no shortage of lawyers committed to representing children, more work is needed for child legal advocates to be in compliance with state law, according to research conducted by Penn State Law’s Children’s Advocacy Clinic, the Juvenile Law Center and the University of Pennsylvania Law School.

Unfortunately, the results of the report, Assessing the Quality of Child Advocacy in Dependency Proceedings in Pennsylvania, echo those published by the Juvenile Law Center almost 10 years ago in Promises Kept, Promises Broken: An Analysis of Children’s Right to Counsel in Dependency Proceedings in Pennsylvania. That study highlighted significant concerns about the legal representation of children in dependency proceedings, including very heavy caseloads, inadequate time to investigate the facts and inadequate training.

“We had hoped to see significant improvements in the legal representation of children given that nearly 10 years have passed since the codification of standards of practice for lawyers of children and the last assessment of representation of dependent children in Pennsylvania,” said Jennifer Pokempner, supervising attorney at the Juvenile Law Center. “Unfortunately, considerable weaknesses still exist across the commonwealth.”

Among the report’s key findings are the following:

- Many lawyers for children are not complying with the Juvenile Act nor the American Bar Association Standards of Practice;
- Despite a uniform source of legal standards and judicial rules, practice varies widely from county to county;
- Many children and youths are not participating in their court reviews; and
- While there is no shortage of lawyers’ commitment to the job of representing children, quality suffers because of a lack of sufficient support for the lawyers, as well as a lack of supervision and monitoring of the lawyers to ensure that at least minimum basic standards are met.

The report calls for the implementation of its recommendations through the enactment of new court rules and legislation that would enhance the capacity of attorneys to provide quality representation for children and more actively involve the court in enforcing standards of practice.

The report makes the following recommendations:

- Attorneys, judges and agencies must adhere to the requirements of Act 18 and the ABA Standards of Practice;
- Attorneys need specialized training;
- Caseload size should be capped in order to promote higher quality representation;
- Compensation should be increased to reflect standards of practice;
- Youths must be involved more fully in their representation and in court proceedings as required by the law; and
- Judges should have high expectations of the attorneys who appear before them.

“Children will not receive the standard of legal representation that they deserve unless there is an infrastructure to support, guide and monitor the quality of the work of lawyers who represent them, requirements for consistent training, caseloads standards to make quality work possible and adequate funding to attract and retain knowledgeable staff,” said Lucy Johnston-Walsh, clinical professor and director of the Children’s Advocacy Clinic at Penn State Law. “We have an opportunity and an obligation to respond to the concerns raised in the report.”

Pam Knowlton is a writer in the Marketing and Communications Office at Penn State University Dickinson School of Law. She received her B.S. from Shippensburg University in 1993 and began her career at the law school in 1994, working in the Family Law Clinic. She has held several positions at the law school before joining the communications team in 2005.
Best Practices in Truancy Prevention and Representation of Youth

The fall training program of the PBA Children’s Rights Committee

Mechanisburg, Thurs., Nov. 10, 2011
PBI Conference Center
5080 Ritter Rd., Rossomonye Exit, Rt. 15
8:20 am to 4:15 pm; check-in begins at 8:00 am

In 2008, the Fostering Connections to Success and Increasing Adoptions Act was enacted into federal law. The Independent Living Services Bulletin is expected to be in final form any day now. Recently adopted Juvenile Court Rules have made positive changes to the health, education and disability needs of youth in the child welfare and juvenile justice systems.

These initiatives are shaking up the way you handle your dependency cases—and they are the focus of this year’s PBA Children’s Rights Committee fall training event. Join the panel as they focus on truancy and offer sound strategies for stopping and preventing the dangerous cycle and for effectively representing your client when a legal proceeding is unavoidable.

8:20 - 8:30 Welcome and Introduction
8:30 - 9:30 New Health and Education Juvenile Court Rules
9:30 - 10:45 Practices and Procedures Related to Older Youth
10:45 - 11:00 Break
11:00 - 12:15 Truancy and the Law
12:15 - 1:00 Luncheon (included in your tuition)
1:00 - 2:30 Creating an Effective Truancy Prevention Initiative: Bringing Stakeholders and the Community Together
2:30 - 2:45 Break
2:45 - 4:15 Best Practices in the Counties

Why you don’t to miss this program:

- A must attend for GALs: learn how your county’s practices stack up against the practices of other PA counties. Pick up “Best Practices” tips for better serving your clients.
- For the dependency and delinquency attorney: Truancy can likely lead to more serious troubles in delinquency court. Learn strategies for stopping that progression.
- Need to brush up on the Fostering Connections Act, recent changes to the Juvenile Court Rules, and the newly issued Independent Living Bulletin? This program takes a close look at the health and educations provisions laid out in all three.
- Better than a Blackberry—connect and converse with nearly 100 child advocates from around the state.

Book & Audio CD
Course Book (2011-6774) — $69
Audio CD (ACD-6774) — $39
Audio CD & Book Set (ACDS-6774) — $99
If you are ordering course materials separately, please allow two weeks after the first program for the shipment of books and 4 to 6 weeks for shipment of the CDs and book/CD sets.
Include $6.00 shipping & 6% Pa. sales tax on all book & CD orders — see enrollment/order form.

Tuition (includes course book and lunch)
Early* Standard
$299 Member—Pa., or any co. bar assn. $254
$299 Member admitted after 1/1/07 $234
$299 Nonmember $274
$99 Paralegals attending with an atty. $124
$129 Paralegals attending alone $154
$115 Judges and judicial law clers $140
$105 Judges and judicial law clers (admitted after 1/1/07) $130
*Registrations received 3 or more business days before the presentation qualify for the Early Registration Discount.

Faculty
Hon. Joan L. Byer
Family Court Judge, Judge Jefferson Circuit Court
Family Division One, Louisville, Kentucky

Kacey Conley
Director of PA Statewide After School Youth Development Network, Center for Schools and Communities, Camp Hill

Leigh E. Dalton, Esq.
Director of the York County Truancy Prevention Initiative, United Way-York

Jessica R. Feierman, Esq.
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Kirsten A. Johnson, MSW
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Team Supervisor, KidsVoice, Pittsburgh

PBI is pleased to cosponsor this program with the PBA Children’s Rights Committee

5.5 SUBSTANTIVE/1 ETHICS*
Dauphin County’s School Outreach Practice

(Continued from Page 6)

The challenge goes beyond simply getting the child to school. It is often to impress upon parents, so that they may instill in children, an understanding of the value of commitment to education as a way out of poverty.

As Johnson explains, “It really is helping parents build the connection between life outcomes that are associated with poor educational outcomes … [and helping] to build the understanding that, for example, children who do not graduate from high school are 50 times more likely to become homeless and eight times more likely to end up incarcerated.”

Simply put, “If our youth are not being educated and graduating, as a community, we are going to pay for it in the future.”

For more information about this practice, contact Kirsten A. Johnson, MSW, Dauphin County Social Services for Children and Youth, School Outreach Supervisor, at 717-780-7268 or kijohnson@dauphinc.org.

The Child’s Advocate co-editor Pamela S. Parascandola is judicial law clerk to Dauphin County Court of Common Pleas President Judge Todd A. Hoover.

Mark your calendars for upcoming PBA events

Board of Governors Meeting
Nov. 16 • Holiday Inn East, Harrisburg

Committee/Section Day
Nov. 17 • Holiday Inn East, Harrisburg

House of Delegates Meeting
Nov. 18 • Sheraton Harrisburg Hershey, Harrisburg

Midyear Meeting
Jan. 25-29, 2012 • Caribe Hilton, San Juan, Puerto Rico

Conference of County Bar Leaders
Feb. 23-25, 2012 • Marriott Lancaster at Penn Square, Lancaster

Minority Attorney Conference
March 15-16, 2012 • Omni William Penn Hotel, Pittsburgh

Check the PBA Events Calendar at www.pabar.org for more information, or call the PBA at 800-932-0311.