



# Solo & Small Firm Section News



Vol. 32 No. 3 • FALL 2017

## SECTION REPORT

### From the Chair

By Sara A. Austin, Esq.

#### THE SECTION IS MOVING ...

Yes, you read that right, the Section is moving — moving forward with both continuing and new initiatives, that is. Let me tell you a bit about some of them to ensure you know what your Section is doing for you.

First, the Section continues to sponsor the hands-down best Conference for solo and small firm practitioners. Mark the 2018 dates on your calendar now: July 25-27 at the Omni Bedford Springs.

Next, the Section continues to offer quarterly lunchtime webcasts on different topics of interest to solo and small firm attorneys. The Savvy Solo & Small Firm programs are free to Section members; all you need to do is register. The most recent session will be offered on September 29<sup>th</sup>, a presentation by Runwell Solutions on websites and personalized email (including the how-tos and why and why not for both). Keep your eyes peeled for the next program. Also, if you have ideas for future topics, please let me know.

And there is more. PBA President López has as her hallmark project for the year an emphasis including millennials and mothers. One thing those groups share with all other members of our Section is that we all work differently — whether from a traditional office, home office, completely mobile, or something else. As do all Section members,

millennial lawyers and lawyers who are mothers want ways to stay connected and work differently. We as a Section want to encourage these lawyers to stay in the practice of law and stay connected. President López has asked our Section to establish a working task force to create a one-stop shop for lawyers who are looking to work remotely using technology and who want to stay connected (to the Section and Bar Association). We need volunteers to meet and create this tool kit. The tool kit might contain tips for staying connected to your practice wherever you are and for staying connected to the Section and PBA without attending face to face meetings; best practices and policies for working remotely; ethical guidelines or checklists for lawyers with remote offices; a technology checklist for keeping a remote office running smoothly and protecting confidential information; and tips for working with non-tech users (clients and other

attorneys). The tool kit will be in one place on the PBA web site. This is a member benefit that allows attorneys looking to engage in work this way an easily-accessed resource. Please email me at [saustin@austinlawllc.com](mailto:saustin@austinlawllc.com) if you are willing to help on this task force.

And there is even more. An outgrowth of the Family Tree (go to the link on the Section’s page of the PBA website after you log in) so that we have a better idea of where our Section members practice geographically and in what substantive practice areas. This will enable us to be better able to refer matters to our members when the need arises. But to do that we first need to compile the Tree’s leaves into



Sara A. Austin

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## The Hard Way (Or, Hopefully, Not)

By John C. Brydon, Esq.

All of us encounter situations from which we learn. Some of what follows I learned the hard way; some I learned from observing other attorneys learn the hard way; some are situations which were handled properly. I offer what follows in the hope that you might benefit from what we did right, and also so you might learn from (and avoid) our mistakes.

In no particular order:

### 1) You will be asked for free advice (and will be drained financially if you are not ready for this).

You will get calls, or unscheduled office visits, asking for information. The caller will take your time and your knowledge, but will not hire you because you just told them what they didn't previously know. I wonder how many of us have spent significant time explaining divorce procedure or the probate process, only to find that the recipient of our information then decided they had enough information to file on their own.

Part of the service provided by an attorney involves knowing substantive law and procedure. That information is not gained without a significant expenditure of time, effort and money. We get paid to provide that information. Anyone can fill in a form; it is knowing which form to use and what to put on it for maximum effect that is of value. A grocery store's "stock in trade" is bread, milk etc. An auto store's "stock in trade" is spark plugs and motor oil. Your "stock in trade" is your time, effort and knowledge. Don't give away your stock in trade.

### 2) You will find that most people expect to pay for legal services, but

**some will first want to "test the waters" and see whether you really believe you should be paid.**

Instead of giving away valuable information over the phone, or at a party or the grocery store, suggest that the person schedule an appointment and oh, by the way, have the client bring a check to pay for your time. Some of these casual contacts will not follow up, and that's fine. You won't have wasted your resources on someone who doesn't intend to hire you or pay you anyway. If your client is well-intentioned, he or she will come in to see you and will pay you. So, be pleasant but firm.

Having said all this, I am happy to answer minor questions over the phone or at the grocery store. I never charge for this, particularly if the person calling is an established client. I do try to have my antennae twitching if the conversation starts going beyond one simple question. Then it is time to suggest an office conference.



John C. Brydon

### 3) You will invest yourself in your practice, but only you and your immediate family (and other lawyers) will understand how stressful, draining and rewarding the practice of law can be.

People, in general, seem to assume that lawyers have it easy and make lots of money. You and your family know how much time and effort is invested just to keep the doors open, let alone to prosper. I've observed attorneys who are well-regarded in their communities. They are almost always friendly, don't act as though they are better than other people and appear to have well-established

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## From the Chair

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a directory of sorts — by geographic region and by practice area. Volunteers are sought to help do that. You don't need to go anywhere, but leaves can be emailed to you to help compile. Please contact Ken Milner at [kmilner@krautharris.com](mailto:kmilner@krautharris.com) if you are willing to assist.

And there is yet more. By the time you read this, the Section will have launched its mentoring program for those less-experienced in a matter or the practice generally to be matched up with a more-experienced attorney. The program includes both one-time matches (for example, someone needs help diffusing a situation with opposing counsel in a case in his/her county or needs another set of eyes to review a document) and long-term matches (an attorney new to solo or small firm practice needs general guidance in both practical and substantive matters). It also includes what is thought of as reverse mentoring, where a more seasoned practitioner is mentored by a less-experienced attorney; often this is in the area of technology but not always. Again, this can be a one-time match or something longer term. If you have not yet signed up to be a mentor or mentee, please do so.

Yes, the Section is moving. Make sure you move with us — stay engaged, take advantage of the benefits of membership, and volunteer for something the Section is doing.

*Sara A. Austin, a partner in the Austin Law Firm L.L.C. in York, is the immediate past president of the PBA. She is also a past president of the Pennsylvania Bar Institute, Chair of the PBA Solo and Small Firm Section and member of the PBA Commission on Women in the Profession. She is a past president of the York County Bar Association and a Pennsylvania delegate to the American Bar Association.*

## Commentary

### What's Wrong with PA Voting Districts? A Brief Introduction to Gerrymandering

*By Barbara Shah, Esq.*



*Barbara Shah*

For those of us who live in Pennsylvania, are U. S. Citizens, and register and vote in elections, you probably don't know the numbers of the legislative and Congressional districts you live in, your state representative and state senator, or your Congressman or woman. Even if you do know who these people are, it's a safe bet you don't know the outline of the district that person represents. And if you've been around for a while, it's also a safe bet that the size, shape, and number of these legislative districts have changed in the past 15-20 years. Why do they change, and who is in charge of drawing these district lines?

Let's talk about U. S. Congressional Districts first. About 100 years ago, although the Constitution itself doesn't say how many Members of Congress there are supposed to be, the total number was set at 435. There are always two senators from every state, so that does not change, unless a new state is admitted to the union. The Constitution does require that all of the 435 members of Congress should represent approximately the same number of people, uniformly across the country. Every 10 years, there is a census taken, and population shifts or population growth is determined. For the most part, northern industrial states have been losing population, while western and southern states have gained population. That means that congressional seats must be "reapportioned" among the states. After the 2000 Census, Pennsylvania lost two representatives, and after the 2010 census, it lost one additional representative. These seats were shifted to states with a population growth. Pennsylvania now has 18 congressional representatives.

Under the United States Constitution, it is the duty of Pennsylvania to "reapportion" its Congressional districts by reducing the number of Congressional districts and redrawing the lines of areas represented. However, the Census also illustrates shifts in population within Pennsylvania. Generally, western Pennsylvania has been losing more population than Eastern Pennsylvania so the three Congressional seats which have been eliminated over the past 17 years have all been from Western Pennsylvania.

The Constitution is not specific as to how states reapportion or redraw their district lines, leaving it up to the states. In Pennsylvania, our Constitution grants that power to the state legislature. Not surprisingly, they have become "creative" with drawing those boundary lines. When the Pennsylvania State legislature was dominated by Republicans after the 2000 Census, they created a wide-ranging and weird-shaped Congressional boundary line when they redrew the 19th Congressional district lines to pit two popular Democratic Congressmen against each other (Mascara and Murtha). Then after the 2010 Census (and Murtha's death) they redrew the lines and put a large portion of Murtha's district into the 12th district,

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## What's Wrong with PA Voting Districts

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which was then won by Republican Keith Rothfus. Much of the rest of it was incorporated into a long, thin 18th district which is represented by Republican Tim Murphy.

The numbers of voters in the district are fairly uniform, but through “packing,” the legislators draw voting districts where, say, 90% of the voters are Democrats, and other districts where the Republican dominate, by 53% or 55%. Alternatively, they may pursue a tactic of “cracking,” where they split up heavily Democratic areas into smaller sections and combine each of them with rural Republican areas to dilute their voting effect.

As a result, although Pennsylvania voters generally vote 51% Democratic and 49% Republican (or in the reverse as in the last Presidential election), there are five Democrats and 13 Republicans in the Pennsylvania Congressional delegation. This is not to imply that this is only a Republican tendency — in places where Democrats dominate the state legislatures and the legislatures determine the Congressional district boundaries, they have done the same.

The term “gerrymander” (pronounced “Jerry-mander”) was introduced into the language more than 200 years ago when this technique was used by former Massachusetts Governor Elbridge Gerry to produce a district shaped like, what news organizations compared to a salamander. They then began calling it a “gerrymander.” Pennsylvania, having weak election and contribution disclosure laws, has been a prime example of gerrymandering for the country. Should something be done about this? What can be done about this? Does it make a difference if you are a Republican or a Democrat?

## GERRYMANDERING DOES NO FAVORS TO EITHER POLITICAL PARTY – OR THE VOTERS

As stated, Pennsylvania voters now have five Democratic and 13 Republican Congressional members, despite the fact that, even in the 2016 election when President Trump carried Pennsylvania with 48.6% of the popular vote, and Republican congressional candidates received 52.5% of the popular vote, Republicans won 13 (more than 72%) of all Pennsylvania congressional seats. However, these statistics are somewhat misleading as two Republican candidates and one Democratic candidate ran unopposed (Pennsylvania Congressional Districts 3, 13 & 18). Those districts certainly must be considered “safe” districts” for the incumbents. Generally, a “safe district” is one in which the winner receives 67% or more of the votes cast for that office.

Surveying the rest of the Pennsylvania Congressional districts during the last three Congressional elections where the district lines have not been changed during this period, (2012, 2014, and 2016), the results are not really surprising. Nationwide, during the 2012 election, 90% of the incumbents running for office were re-elected, and in 2014, 95% of Congressional incumbents were re-elected (despite the 11% rating that Congress received in the polls). In 2016, when the White House changed hands, 97% of all Congressional incumbents were reelected.

In Pennsylvania, for election year 2012, the last year there were contests for all 18 Congressional seats, the Republican candidates for Congress in Pennsylvania won 49% of the total vote for Congressional Candidates, but they received more than 72% of the Congressional seats - 13 out of 18. How did this happen?

In Districts 1, 2, 13, 14, and 17, the winning Democrats received between 60.5% and 89% of the total votes cast in those districts, while the winning

Republicans in the rest of the districts received between 51.8% and 65.9% of the total votes cast.

In 2014, two of the districts had no general election contests. That is, there was no opponent on the ballot. In District 14 there was no Republican and in District 18 there was no Democrat. Obviously, that resulted in at least some under-votes. That is, persons not voting for any Congressional candidate in that district, preferring to leave a blank on the ballot rather than vote for the unopposed candidate of the other party. It is troubling to think that more than 11% of the seats for Pennsylvania Congressional delegation were uncontested that year. In 2016, there were three unopposed candidates, one Democrat (District 13), and two Republicans (Districts 3 and 18) leaving more than 16% of Pennsylvania Congressional district elections without a contest. Assuming this state of affairs resulted in more under-votes for the Democrats, they still collected 46% of the total vote for Congress, while securing less than 28% of the Congressional seats.

Despite what appears to be an obvious advantage to the Republicans, why might they be willing to end the practice of gerrymandering in Pennsylvania? The answer is: if you have a relatively “safe seat,” that is, one which the opposing party is unlikely to win in the next election, your party leaders have the whip hand over you. Assuming that most candidates run for office to do good for their constituents, even the ones who didn't vote for them, if they refuse to toe the party leadership's political line, they are likely to be “primaried.” In other words, their own party will recruit and support a candidate who will do their bidding and have them run against the incumbent in the next primary election. Then what happens is that local issues and concerns get ignored and every election is more

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## What's Wrong with PA Voting Districts

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and more about national issues. The parties get more and more polarized as the Congressional representatives strictly follow their party leadership, and gridlock occurs in Washington — something we have become familiar with.

How this situation came to be and what can or should be done about it is the subject of my next article.

*Barbara Shah was born in Western Illinois. She graduated with a BA in the Teaching of Social Studies from the University of Illinois (U-C Campus) with minors in German and Philosophy. She attended Duquesne Law School, evening program, while working full time during the day as an outside salesperson. She began practicing law sharing office space with an established Bethel Park lawyer, doing real estate closings in exchange for rent. Barbara is a self-taught trial lawyer with extensive experience in divorce, support, custody, and estate cases.*

### Casemaker Mobile App

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## Commentary

### Impairment Rating Evaluations Declared Unconstitutional — What You Need to Know

*By Levi S. Wolf, Esq.*



*Levi S. Wolf*

**T**he Pennsylvania Supreme Court recently handed down a blockbuster decision which effectively eliminated a tool often used by workers' compensation carriers to reduce, or, in some cases, eliminate, the wage loss portion of injured workers' claims. Let's explore what you need to know about the decision and its implications.

The case, *Protz v. WCAB (Derry Area School District)*, No. 6 WAP 2016 and No. 7 WAP 2016, decided June 20, 2017, laid to rest an issue which had been languishing in the courts for years and causing much uncertainty for workers' compensation practitioners; namely, whether the Pennsylvania Legislature could cede legislative authority to the American Medical Association to decide which injured worker met a threshold for impairment to allow him or her to continue to receive total disability.

The statutory scheme, before it was struck down, basically allowed for an employer to seek an Impairment Rating Determination (IRE) of an injured worker after the injured worker had received 104 weeks of total disability benefits. The IRE was to be performed under "the most recent edition" of the American Medical Association's Guides to the Evaluation of Permanent Impairment. When this provision was added to the Workers' Compensation Act in 1996, the AMA Guides were in their Fourth Edition. Currently, they are on their Sixth Edition. The changing Guides served to highlight the problem for the majority of the Court — the AMA could issue new Guides at will and substantively change an injured worker's entitlement to wage loss benefits.

There is no arbitrary end to total disability wage loss benefits under the Workers' Compensation Act. Theoretically, one could receive total disability benefits for one's lifetime. However, receipt of partial disability benefits is limited to 500 weeks (roughly 9.6 years). What the IRE provisions of the Act added in 1996 was a method for the employer and its insurance company to switch claimants from total disability to partial disability, and thus to limit the length of time the injured workers could receive benefits. Essentially, once the injured worker had received 104 weeks of total disability and had reached maximal medical improvement under the Guides, the employer could seek to modify the claimant's benefits from total disability to partial disability by showing that the claimant's injuries did not meet the threshold laid out in the Guides of 50% of total body impairment. The practical effect of this change, for most claimants, was minimal, because the vast majority of injured workers in our Commonwealth do not have wage loss claims lasting longer than 11 years. However, for those few seriously injured individuals who did have wage loss claims lasting more than 11 years, the IRE provisions of the Act provided insurance companies with a powerful tool to

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## The Hard Way (Or, Hopefully, Not)

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priorities that include work, family and fun. Someone who isn't really close to you can have no idea of the price you pay for your profession. If your client leaves knowing that you valued her or him as a person, and feels you did a good job, I believe that is the best you can do. None of us can control what "others" think; we can control how we live our lives and conduct our practices. From there, let the chips fall where they may.

### **4) You will be tempted to take a financial or ethical shortcut.**

DON'T. Some cheating is obvious, such as diverting (stealing) money from an escrow fund for personal use. Other violations are less obvious and usually involve some form of rationalization. Your good name, your integrity is a bit like virginity. Once it is gone, you can't get it back. Once your reputation is fouled, that will follow you for the rest of your career and, indeed, the rest of your life.

These moral compromises should be avoided primarily because they are wrong. You and I share a great privilege and responsibility: we are officers of the court. We should do right simply because it is right. I recognize that there are those who are restrained only because of possible adverse consequences. For any who might consider committing an ethical violation, please let me point out that the gains are usually short-term and rarely do these offenses/crimes go undetected in the long run. So, for your sake, and that of your family, choose to do right.

Please also choose to do right for the sake of the rest of us. When one attorney commits a moral or ethical offense, the rest of us inevitably suffer. The percentage of attorneys who

commit these failures, is small. Nonetheless, we have difficulty proclaiming to the public that the law is an honorable profession when too many of us still do not practice honorably. Even one is too many.

### **5) You will find that other attorneys are an invaluable source of information and advice.**

Years ago, when I was in a partner in a mid-sized firm in Erie, the younger attorneys would sometimes play a game at lunch. We would go look up an obscure statute, and then go into the office of one of the senior partners, who always worked through lunch. We would present a hypothetical scenario as though we were seeking an answer for a client, based on the obscure statute. Almost without exception, and without looking it up, he would close his eyes and then start giving us the details of the statute. It seemed that if he learned something once, it stayed with him forever. There were other, very accomplished attorneys in the firm as well. So, when I was with that firm, I had available quite a few valuable resources when I had questions.

Now I am part of a much larger "firm," and I have available to me far-reaching, valuable resources. You do as well. Of course, I am referring to the Solo and Small Firm Listserv. Here is what I know about taxes: I pay them. There are times, even in my practice, when tax questions arise. I have presented those questions to the Solo and Small Firm Listserv and, without fail, I have received a prompt answer.

I have had a lot of good things happen in my life; one of the best, in the context of my legal career, is finding out about and utilizing the Solo and Small Firm Listserv. You will find knowledgeable attorneys, state-wide, who will be generous in sharing their time and knowledge. There will also be times when you can give back by answering some other at-

torney's question. Many County Bar Associations have local listservs that can be extremely valuable as well. If you don't know whether your county has a listserv, contact your local bar association headquarters. If they don't have a listserv, perhaps you could start one.

I have more of these "You will..." matters in mind, so look for them in a future newsletter. If you would like to suggest a "You will..." idea, please send it to me, Mary or Arlene. If it's printed, you will be acknowledged.

*John C. Brydon has been a solo attorney at Brydon Law Office for 12 years in North East, PA. John's practice is limited to residential real estate, drafting wills, powers of attorneys and helping to administer estates. John has been married for 40 years and has three married sons, seven grandchildren, four dogs, 11 hens, one canary and a bunch of goldfish.*



### **Interested in contributing to the next Solo & Small Firm Section newsletter?**

We welcome any awards, updates on committee activities or projects or on matters affecting Solos. Please email your article and a brief bio in Word format, as well as a high-resolution (300 dpi) author photo to the editors, Arlene Ann Dudeck (aad@sdlo.com) and Mary E. Schellhammer (mesesq@wpia.net).

## Impairment Rating Evaluations Declared Unconstitutional

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effectively eliminate their wage loss benefits. The 50% threshold changed from Edition to Edition of the Guides.

Justice Wecht, writing for the Court, acknowledged the basic principle that the General Assembly alone has the power to make laws, and it cannot constitutionally delegate that power to any other branch of government or to any other body. The Commonwealth Court below had acknowledged that, despite this seemingly broad prohibition, “the General Assembly may delegate authority and discretion in connection with the execution and administration of a law to an independent agency or an executive branch agency where the General Assembly first establishes primary standards and imposes upon others the duty to carry out the declared legislative policy in accordance with the general provisions of the enabling legislation. The court explained that, when the legislature chooses to so delegate, two critical limitations apply: first, ‘the basic policy choices must be made by the [l]egislature;’ and second, ‘the legislation must contain adequate standards which will guide and restrain the exercise of the delegated administrative functions.’” (Citations omitted.)

Rather than striking all of Section 306(a.2), or undertaking a severability analysis, the Commonwealth Court declared the law unconstitutional only “insofar as it proactively approved versions of the AMA Guides beyond the Fourth Edition without review,” since it had been the Fourth Edition which was in effect as of the time the relevant provisions of the Act were adopted. The Supreme Court went further and struck the entire provision as unconstitutional, reasoning that the scheme ceded too

much authority to the AMA to craft substantive law.

Justice Wecht further explained that by any objective measure, the authority delegated to the AMA in Section 306(a.2) of the Workers’ Compensation Act was “broad and unbridled.” He noted that:

[t]he General Assembly did not favor any particular policies relative to the Guides’ methodology for grading impairments, nor did it prescribe any standards to guide and restrain the AMA’s discretion to create such a methodology. Without any parameters cabining its authority, the AMA would be free to: (1) concoct a formula that yields impairment ratings which are so inflated that virtually every claimant would be deemed to be at least 50% impaired; or (2) draft a version of the Guides guaranteed to yield impairment ratings so miniscule that almost no one who undergoes an IRE clears the 50% threshold; or (3) do anything in between those two extremes. The AMA could add new chapters to the Guides, or it could remove existing ones. It could even create distinct criteria to be applied only to claimants of a particular race, gender, or nationality... As these hypotheticals illustrate, the General Assembly gave the AMA de facto, unfettered control over a formula that ultimately will determine whether a claimant’s partial -disability benefits will cease after 500 weeks. (Internal citations and footnotes omitted.)

Because of these defects, the Court struck down the law, even after engaging in a severability analysis.

The full implications of the Protz decision have not yet been realized. Any employer which was in the process of attempting to seek an impairment rating or to modify a claimant’s benefits from total to partial disability will certainly have to cease its efforts. Since the Supreme Court gave no guidance on the retroactivity of its decision, however, it is less clear

what will happen to claimants whose benefits were modified from total to partial disability long ago, either by the provided-for administrative process or by an unappealed decision after litigation, which would presumably be subject to waiver defenses. The use of vocational experts and labor market surveys to establish a claimant’s ability to work will almost certainly increase. Each claimant’s situation is fact-specific, and should be evaluated by a certified specialist workers’ compensation lawyer to give the best opportunity for an optimal outcome.

*Levi S. Wolf, Esquire is the managing attorney in the Pottstown law firm of Wolf, Baldwin & Associates, P.C., practicing mainly in Montgomery, Berks, and Chester Counties. He was a member of the inaugural class of attorneys who were certified as specialists in the practice of workers’ compensation law by the Pennsylvania Bar Association’s Section on Workers’ Compensation Law as authorized by the Pennsylvania Supreme Court. He can be reached at 610-323-7436, or by e-mail to [LWolf@wolfbaldwin.com](mailto:LWolf@wolfbaldwin.com).*



**PBA Committee/  
Section Day**

**Nov. 16**

**The Red Lion Hotel  
Harrisburg**

# THE PRIMER SERIES: Title Searches

By George B. Kaufman, Esq.

Introduction by Arlene Ann Dudeck, Esq.

Welcome to the latest version of The Primer Series where we interview practitioners about specific areas of practice and the law. In this issue, we discuss one of the first areas many young lawyers were taught when starting out in practice. Although real estate transactions have changed throughout the years, searching a title is still an important craft to learn, even if you just want to review your own property's title or need to obtain basic information on a property at a client's request.

Many thanks to Mary's husband, George Kaufman, for sharing his expertise and words of wisdom. And now – everything you wanted to know about title searches.

Q

**1. What is a title search?**

A

A title search is a review of the public records to determine the status of the title to a piece of real estate. The purpose of the search is to determine what liens, charges, or claims there might be against the property. The objective of the search is to provide the purchaser with good title to the property or the mortgage lender with the first lien position on the property.

Q

**2. Do any statutes or regulations govern title searches?**

A

While there are no specific statutes governing a title search, a familiarity with the laws of real property, lien priority, and requirements for certain legal documents are necessary to do a title search. In addition, the searcher should be familiar with local ordinances affecting property, regulations concerning environmental issues and any other areas of the law that effect title to real estate.

Q

**3. How many years does a title search cover?**

A

The general time period for a title search is 60 years.

Q

**4. What offices and indexes need to be checked to perform a title search?**

A

The answer to this question will vary from county to county depending on how the records are kept in each county. At a minimum, a search would require a review of the records in the Recorder of Deeds Office, the Prothonotary's Office, the Tax Claim Bureau and may include the Register of Wills Office. The searcher must be familiar with how each county keeps records and what indexes must be reviewed to insure that the search is complete.

Q

**5. Does the search reveal water/sewer/municipal or tax liens?**

A

Yes a complete title search would reveal the existence of water, sewer, municipal and tax liens.

Q

**6. What steps should be taken to complete a title search for a purchaser or a lender?**

A

The completion of a title search generally results in the issuance of a Title Insurance Policy for the purchaser or the lender. The requirements of the title insurance company must be followed in order for the policies to be issued. Generally, the searcher completes a report on the title to the title insurance company who then issues the policy based upon the results of that report.

Q

**7. Have title searches changed since you have been practicing?**





## The Primer Series: Title Searches

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**A** There have been two major changes in title searches during the time I have been practicing. The first change is technological. The computerization of real estate records has changed the way title searches are performed. When I initially began doing title searches, the searcher was required to manually review the various indexes and documents relating to the title to the property. This often meant reviewing documents by going through old records that were stored in the various record keeping offices. Today much of the records are computerized and may be reviewed on computer in the record keeping offices or online. The second change has been the increased use of title insurance. At the beginning of my practice, title insurance was unheard of in the part of the state where I practice. Over the years, the requirement of title insurance has been greatly increased and has now become almost routine item in the purchase or financing of a property.

**Q** 8. What is the difference between a title search and a current owner search?

**A** Title search covers a specific period of time, generally 60 years. A review of all of the owners of the property during that 60-year period must be completed in order to do the title search. A current owner search only checks the status of the title to the property during the time period that the current owner has been the owner of the property.

**Q** 9. Do title searches cover mineral rights?

**A** This question does not have a simple answer. Whether the search covers mineral rights is determined by the purpose of the search. My practice has been in an area where title to the coal underlying the property can be an issue. More recently, natural gas rights have also become an issue in the area where I practice. In order to determine mineral rights, it is generally necessary to do a more comprehensive title search which may extend back much further in time than the traditional 60-year period covered by a title search because coal and natural gas rights have been frequently severed from the surface title. A mineral search would often go back to the original title to the property. This of course creates an additional expense for the client and the needs and requirements of the client determines whether this type of search is done.

**Q** 10. What tips would you give to someone starting out in practice that has to perform a title search?

**A** Searching a title requires that the searcher be familiar with how the records pertaining to real estate are contained.

The only way to learn this is to actually go through the process of searching titles. There is no substitute for experience. At the beginning of my practice there were many attorneys who were very helpful in showing me around the public records. It is also helpful to get to know the employees in the various record keeping offices because they can be of great assistance in reviewing the records in

their respective offices.

**Q** 11. Do you need to be an attorney to perform a title search?

**A** There is no legal requirement that title searches must be performed by an attorney and increasingly title searches are being performed by non-attorneys. However, knowledge of the laws concerning title to real estate is essential to a proper title search and one should seek a knowledgeable real estate attorney to ensure one's title to a property.

*George B. Kaufman is a graduate of Franklin and Marshall College and the University of Pittsburgh School of Law. He is a sole practitioner in Somerset County, focused on real estate and estate planning and administration. He is an active board member of the Somerset Historical and Genealogical Society.*



**PBA Midyear Meeting**

**January 24-28, 2018**

**Casa Marina Resort  
Key West, FL**

## We're Not All Playing with the Same Toys

By Norma Chase, Esq.

And, even when we are, we're not all using them the same way. Two people can have the same hardware and software but follow different practices. This reflects differences in needs, preferences, and work styles.

Being aware of the differences is particularly important in the context of communication with clients. A fair number of my clients are of modest means, and my toys really are bigger than theirs. The practices that are ideal for me may not be feasible for them. From my end, I have to step down the technology. From the client's end, electronic communication may entail stepping up.

With that in mind, I offer some tips:

Most clients have smartphones. Unfortunately, sometimes that is the only computer the client has. Find out whether the client has a desktop or laptop computer, and also determine (in either case) whether the client has the ability to print attachments. If printing attachments is not feasible for the client, send a hard copy of anything you need to be absolutely sure it is read. I don't believe people who claim to be able to read and comprehend 17-page PDFs on a smartphone.

If the client has a penchant for sending screen shots of text messages (unfortunately common in family law cases), urge the client to learn how to incorporate text messages into emails. (It also helps if the client who is reporting a text conversation specifies who said what.) All of my own text messages, incoming and outgoing, end up in my email; this facilitates sharing. Android users can check out this link for instructions on how to set this up: <http://tinyurl.com/SMSpreservation>

Direct clients to sources of free or cheap software, such as viewers for files created with programs that the client is unlikely to own. Where words are concerned, WordPad is still included with Windows. It is an option for the client who needs an alternative to composing messages on a smartphone screen, has a desktop computer, but does not have a full-featured word processor.

If you send a Word document, save it in a backward-compatible format. Try opening it with WordPad to see if it displays reasonably well.

There is one recurring situation that I find frustrating: client (or potential client) receives something by postal mail that requires immediate attention, such as a notice of the presentation of a motion. I naturally avoid giving telephone or email advice about a document I haven't read, and I prefer to read the document before any in-person meeting. Client doesn't have a copier, a scanner, or a fax machine. Client disclaims — credibly or otherwise — the ability to get to a copy center, convenience store, or library. Client is likely to resort to sending me a string of smartphone pictures, one for each page of the document. I use up all of my concentration ability figuring



Norma Chase

out what the document says, and so have none left with which to figure out what it means. The best solution I have found is to urge the client to download a smartphone app for PDF creation.

It isn't always easy to bridge the gap, and most of the accommodations are made on our end. I like to think, though, that the client's skill set is improved a bit in the process. And, if I can use electronic communication efficiently with most of my clients, I free up time and energy for paper communication with those few clients for whom the electronic approach is truly not an option.

*Norma Chase graduated from the Duquesne University School of Law in 1978 and has been engaged in solo practice in Pittsburgh since her admission to the bar the same year. Her practice emphasizes family law and appellate work, including briefwriting for other attorneys. Her web address is [www.genericlawyer.com](http://www.genericlawyer.com), and her email address is [normac@genericlawyer.com](mailto:normac@genericlawyer.com).*

A promotional banner for the Pittsburgh Bar Association (PBA) with a dark blue background and glowing blue lines. It features three social media icons: Twitter, Facebook, and LinkedIn. The text reads: "Follow us on Twitter @pabarassn", "Find us on Facebook: @pabarassn", and "Join the PBA on LinkedIn".

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# How I Have Lived for 150 Years

By William F. Hoffmeyer, Esq.



*Introduction by Mary E. Schellhammer, Esq.*

*For those of you who don't know Attorney William F. Hoffmeyer, he has practiced law in York County for a million years. That is no exaggeration. I have known him for most of my PBA life, spanning 27 years, and he has always looked and acted the same as he does today. He appears ageless (I mean that literally), as he is unchanged by the passage of time, which has prompted endless speculation as to whether Bill could possibly be a supercentenarian. His intellect remains sharp and his energy abundant. His love for life, the law and lawyers has never waned, and is awe aspiring. So, tongue in cheek as it might seem, what Bill says is likely true. Enjoy, and stay focused, my friends. He is likely the most interesting man in the world.*

Okay! I have finally decided after several years of debating this with myself that I am going to "Come Out." Over the past 20 or 30 years, at least, any number of people with different areas of interests or different areas of sexuality or different areas of ethnicity or whatever have "Come Out." So I decided it is time for me to "Come Out." (Deep breath.) I am 150 years old! (Whew!) I finally decided that if fruitarians (those who only eat fruit after it has fallen from the tree, not any live fruit) or dietarians (those who are profoundly demanding that everybody must follow their diet) or any other "tarians," including Nixonatarians, LBJatarians, Trumpatarians, Boston Patriotatarians, et. al., have "Come Out," why can't I "Come Out?"

I am constantly being mistaken for a person who is considerably younger than my actual age, and I felt that, because of that, I really

should give some explanation as to how I have made it for 150 years (at least this time around — this confession will not get involved in the concept of previous lives — that is for a different article).

Under any circumstances, I will give you several reasons why I have reached 150 and don't look too much over 60.

First of all, I identify myself as an "Attorney." I am not interested in being identified in any other capacity whatsoever. I thoroughly enjoy the practice of law (almost all the time) and cannot think of any other profession, occupation, or trade available to me in this world that I would prefer to pursue.

After having practiced law for approximately 125 years, I can't think of any other profession, job, or trade which I would want to pursue.

There are several methods which I have used to reach this pinnacle of my career. First of all, I stopped smoking many years ago when I reached four packs of straight Camels, 12 cigars, and 12 pipes every 24 hours. When I reached the age of 30, I came to the conclusion it was time to stop it once and for all, cold turkey, if I wanted to live to be 150 or more. So I quit!

Next, there was a time that I could gladly devour an entire quart of ice cream without blinking an eye. I finally decided that perhaps that ice cream might be clogging my arteries and my blood vessels. So I stopped that. I also stopped fried foods, greasy French fries, greasy bacon, and all other greasy foods that have a tendency, to which all medical personnel have attested, to clog arteries and create wonderful opportunities for strokes and heart

attacks. For a number of years I have eaten, basically, the Mediterranean diet or the Norse diet as modified by the preferred foods for an O+ blood type as recommended by Dr. Peter J. D'Adamo. (See supra.)

Fortunately for me, when I reached the age of 12 my father bought me a used York Barbell "press bench," and I have been lifting weights at least three out of seven days per week ever since and taking brisk walks at least five out of seven days. Both of those exercises take at least an hour. I also religiously read [Men's Health](#) or [Men's Fitness](#) magazine. For the ladies there is a [Women's Health](#) and [Women's Fitness](#) magazine. These magazines have wonderful exercises detailed for your physical health and many phenomenal recipes for your digestive health.

I basically like most people I meet. Those that I don't like when I meet them, I somehow manage to actually, eventually, come to at least tolerate, if not learn to like.

Also, although I put in 60 to 80 hours a week in my practice, I attempt to do so in a somewhat relaxed manner. When I say relaxed, I have learned to handle stress and to sort of send it out the window and to take frequent breaks of two to three minutes, which for me is walking to the coffee machine, pouring a cup of coffee (from which I probably won't drink more than one sip), and go back to work. I also enjoy walking

*(continued on page 12)*

## Member Spotlight: How I Have Lived for 150 Years

*Continued from page 11*

through the office occasionally and meeting and greeting members of the staff and keeping in contact with them.

The one big area for me is boating. There is nothing as relaxing as being on the water, near the water, or sitting on a boat, running a boat, or whatever when it comes to being in a boat. To bring that much closer



*Lady Louie*

to home, I have decorated our entire office in a nautical motif (just check out the Hoffmeyer & Semmelman website at [www.hoffsemm.com](http://www.hoffsemm.com)). If you get seasick, please don't check out our website.

I also enjoy biking. I have never been a jogger, I have never been a runner, and I never figured out how people can enjoy doing that, especially when they end up with arthritis of the knees, etc., etc., or knee or hip replacements, but I thoroughly enjoy biking. I have biked all over the Eastern Shore, one of my favorite spots to spend a relaxing time, and on the York County and Baltimore County Rail Trail.

I used to enjoy hiking in the woods but having had Lyme Disease three times I have decided that that doesn't make too much sense, particularly since more and more articles suggest that the ticks are becoming more and more prevalent. Not only are they on deer but they are now on rodents and squirrels, which are spreading them even more quickly and further than ever before.

I enjoy teaching and lecturing and writing. That also gives me an opportunity to release the tensions from the practice of law and to view the fact that I am providing, hopefully, some worthwhile education to the other members of the Bar who are practicing this profession which I have come to love so much over the past 125 years.

I do take some supplements, i.e., a multi-vitamin for those over 50 (I have been taking them for a long time), several Nitric Oxide pills a day, a Garlinase garlic tablet every day, and several Collagen tablets every day.

More importantly, I have recently reacquainted myself with Dr. Peter J. D'Adamo, who is the author of the books [Live Right for Your \(Blood\) Type](#), [Eat Right for Your \(Blood\) Type](#), and [Cook Right for Your \(Blood\) Type](#). The current edition of [Live Right for Your Blood Type](#) is a revised and updated revision of his original book which came out in 1996. I was very into it at one time and, of course, it ended up in my library and I forgot about it until a good friend of mine, who works for a book company, recently gave me the most recent edition. I reacquainted myself with the diet which the good doctor recommends for those of us with O+ blood type. In each of the four blood types he suggests the food you absolutely should be eating, the food that is somewhat neutral and is okay to eat, but it is up to you and, lastly, the food you should never eat.

It is his position, and from friends and clients I can fairly strongly support this, that many of the disease problems we have and many of the health problems we have are caused

by improper diets based upon our blood type and other issues involved with our human systems.

One of my favorite publications, [Bottom Line/Health](#), in its February, 2016, edition, contained an article by the editor entitled "90 is the new 70." She stated that, allegedly, more than one-half of all people born today will live to 100, and then there are those of us who have already been there, done that ☺!

Incidentally, I make note here that I have no financial interest in any of the subjects I am discussing which I happen to take or adhere to in this article. I just feel that it is important to share this information. In fact, so far I have purchased over 70 copies of the good doctor's book, and have given a copy to every member of my staff and to a number of my friends and acquaintances and other persons who I feel would find it interesting and beneficial.

Well, whew, I got it off my chest. There you have it. That is how I have managed to live to 150 years and practiced law for quite a few of those years, and hope to be able to continue to practice for some additional time. I will be the first to tell you that if I start having problems with appropriately handling my cases and problems with dementia, etc., and I am strongly advised to get the hell out of the practice and do something else, I will do my best to comply. However, since many cases of dementia and Alzheimer's are proven not to be dementia and Alzheimer's, I hope to be able to stave off or eliminate that entirely. In fact, shortly before I dictated this article, there was an article in the paper about Kris Kristofferson who has been treated for early Alzheimer's for several years until he finally consulted with a doctor who determined his whole problem was the fact that he was suffering from Lyme disease. He was placed on different medication and, according

*(continued on page 13)*

## Member Spotlight: How I Have Lived for 150 Years

*Continued from page 12*

to the article, all of the symptoms of Alzheimer's have disappeared from good old Kris.

Since I am dictating this article in the middle of May, shortly after the House of Delegates meetings for the PBA, I sincerely hope to spend most of my weekends on board my boat, the Lady Louie, named after my daughter who passed away in 2006 from breast cancer. Although it may have had nothing to do with it, I do know that when Louie was growing up she truly had an affinity for food that I would not consider to be the most wholesome food in the world, i.e., loaves of white bread, dishes of French fries, and other such foods.

Whether you follow my suggestions or don't follow my suggestions may you live long and prosper and consider the fact that changing your diet and instituting an exercising program, might drop those extra 20, 40, 60, 80, 100, etc., pounds off of you which, if you continue, you probably will have a stroke or a heart attack and if you change your entire concept of diet, exercise, etc., you might live to 150 or longer too. See ya. ☺

*Attorney Hoffmeyer is a graduate of Franklin & Marshall College and The Dickinson School of Law. He is a member of The American College of Real Estate Lawyers and acts as an Expert witness throughout Pennsylvania in defective real estate title issues and malpractice of attorneys, title agents and title underwriters. He lectures frequently throughout Pennsylvania on various legal issues as well as presenting nationally broadcast seminars to attorneys.*

## Photos From the Annual Conference



*Pictured from left: Sara Austin, Justice David Wecht, and Mary Schellhammer*

*Pictured from left: Michael Krimmel and Hon. Mary Hannah Leavitt*



*Pictured from left: Ken Milner, Arlene Dudeck, and Richard Raiders*

*Pictured from left: Kim Lengert and Jennifer Ellis*



# From the Editors

By Arlene Ann Dudeck, Esq. and Mary E. Schellhammer, Esq.

Wow — a lot has happened since the last issue and that was only a few months ago. We can't help but thank our Members for the great job they did with the articles submitted for this issue. We are thrilled with the level of participation and hope that it continues to grow.

Thank you to our Section Chair, Sara Austin, who has called all of us to participate in the initiatives of the PBA — important ones like flexible work schedules and mentoring, which affect every Solo and Small Firm lawyer. These initiatives will assist all of our Section Members now and in the future.

We had another successful Solo and Small Firm Conference at Bedford Springs in July. We've included pictures from the Conference throughout this issue but also invite you to check out the pictures on the PBA website. A new addition to the Conference, thanks to Ken Milner, was the Section Tree. Attendees were invited to place a leaf on the tree which, depending on the color of the leaf, indicated their geographic area and depending on the placement of the leaf, their area of practice. Pictures were also taken of each attendee placing their leaf, together with pictures of PBA executives and each vendor who presented at the Conference. Completion of the Tree provided a resource to assist Members in referring or collaborating with other Members based on an area of law or location within the State. Please take advantage of this unique "directory" by accessing the pictures posted by PBA at <http://www.pabar.org/public/sections/sol09/>.

Finally, we wish to acknowledge the following Members and their corresponding events:

➤ Barbara Shah hosted a fundraising event at her home on July 15, featuring drinks, hors d'oeuvres, snacks and an opportunity to learn more about Project Hope and Fairness.

Project Hope and Fairness is headed by Barbara's cousin, Tom Neuhaus, and has the goal of truly helping West African cocoa farmers.

➤ We (Mary and Arlene) presented at a retirement fair sponsored by Lockheed Martin in Johnstown. We had an opportunity to meet many employees and to discuss matters such as estate planning and family law in a one-on-one environment. Thanks to Lockheed Martin for inviting us.

➤ Our condolences go out to



Arlene Ann Dudeck



Mary E. Schellhammer

Harold Goldner on the passing of his father and to George Kaufman and Mary Schellhammer on the passing of George's father. Our thoughts are with these Members and their families.

Our next issue will be the Holiday Issue to be published prior to Thanksgiving. Please don't hesitate to contact us if you have something you'd like to contribute. We appreciate all the submissions by our Members.

Until next time...

