



FOR PENNSYLVANIA YOUNG
LAWYERS, HERE'S WHAT'S...



AT ISSUE

A PUBLICATION BY AND FOR THE YOUNG LAWYERS DIVISION
OF THE PENNSYLVANIA BAR ASSOCIATION

YLD PROVIDES FORUM FOR ISSUES CONFRONTING YOUNG LAWYERS

By Michelle Christian

Young lawyers are routinely confronted with the stress of long hours and the pressure of a new job. The stress is often multiplied by the mounting realization of ominous student loans, burdensome CLE requirements, billable hours and pro bono expectations. The silver lining for many young attorneys can often be found in professional associations, like the PBA, and more specifically, the Young Lawyers Division, where one can network, socialize and commiserate with like-minded individuals.

Ideally, upon leaving undergraduate school — debt-free thanks to mom and dad — and after being on law review and moot, finishing law school and passing the bar on the first try, some aspiring young lawyers can look forward to clerking for a judge or working for the top firms in their regions. Today scores of lawyers enter the legal field every year that aren't fresh out of law school. Many did not clerk for a judge or are unable to commit to the long hours that the big firms require. Many have family obligations and, although not in the top firms, they still worry about billable hours. For both men and women with families, finding fulfillment and balance can be very difficult.

While getting to this point in your life was not an easy task, you have persevered and are now successful, and odds are that your success will continue. From this point forward, your continued success will depend greatly on how you evaluate and define success. The PBA/YLD, as well as county bar associations, can help assist you with your continuing success, no matter how you choose to define it. It can open new doors and offer access to places that would otherwise seem to be prohibited,

or at the very least out of reach. At the same time, there are a number of roadblocks to participation: time, money, inexperience and youth.

To further complicate matters, unless your employer is on board, making time to devote to professional associations can be a daunting task. Some firms just don't get it, so you may be on your own taking time off and, more important, footing the bill. If you are not in a firm but in the public sector, your employer may appreciate your participation and even encourage it, but financing your activities is an entirely different matter. Your employer may not have the money to finance your involvement, and by virtue of you being a public interest attorney, you probably can't even afford the gas money to drive to PBA events.

Moreover, even the definition of the term "young lawyer" varies across the commonwealth. The PBA defines a Young Lawyer as follows: "A person shall automatically become a member of the YLD upon becoming a member of the PBA provided that at such time the person either has not yet attained the age of 36 years or, if such person has attained the age of 36 years, was not first admitted to the practice of law in any jurisdiction more than five years prior thereto."

Some county bar associations define a "young lawyer" as any lawyer under the age of 40, or an attorney practicing less than 10 years. Many of the counties and the state bar have conflicting age requirements. You could still be a young lawyer in your county, but not one under the PBA.

In reality, if you become active straight out of law school or even while you are in law school, you could receive YLD benefits for possibly more than 10

years. What if you are not able to be involved until later due to family, financial or other reasons? You may consequently only receive a few short years of benefits. Because of this dilemma, bar associations should commit to finding ways to keep young lawyers active by reviewing their bylaws and ascertaining if the age requirements are serving the needs of their young lawyers as well as they could be.

If you can find the time, money and energy to participate in the PBA, it will most certainly provide you with invaluable experience that can be found in no other place and therefore is well worth the effort. Through participating, you can obtain and acquire knowledge from your colleagues in other parts of the commonwealth and gain insight into other areas of the law with which you may be unfamiliar. Many events provide an opportunity to obtain CLE credits in various topics of interest and importance to young lawyers, and the networking opportunities that are provided at such events are invaluable to young lawyers seeking to advance their careers and causes. You can feel free to discuss issues, ask questions and debate topics in a comfortable and informal forum. Who knows? You may even make a few new friends.

Whereas the YLD provides a venue to meet other young lawyers, many of the events may also serve as an introduction to the Pennsylvania bar as a whole, allowing young lawyers to gain insight from more experienced members who are still "young lawyers at heart," but who may have moved on from the technical definition of young lawyer. Access

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WHAT'S AT ISSUE

Be Proud to be an Advocate for Justice

Of all my titles, the one that brings me the greatest source of pride (other than saying "I am Sara's dad") is to say



Higgins

too often our most vulnerable citizens — young children.

From the moment I decided to go to law school, I knew I wanted to be a prosecutor. Words can not express the satisfaction I feel when I can look a child victim in the eye and say, "This should not have happened to you, and I am going to make this right. This person will be punished for what he or she did."

Oftentimes, especially in drug delivery cases or DUI offenses, there is no identifiable victim, but that has never deterred my efforts to seek justice.

Richard Bay, the vertically challenged prosecutor from the NBC drama "The Practice" (the precursor to "Boston Legal"), described the life of a prosecutor best in his inspirational monologue to fellow prosecutor Helen Gamble:

"There are heroes in this world. They're called district attorneys. They don't get to have clients, people who smile at them at the end of the trial, who look them in the eye and say, 'thank you.' Nobody is there to appreciate the district attorney, because we work for the state. And our gratitude comes only from knowing there's a tide out there. A tide the size of a tsunami coming out of a bottomless cesspool. A tide called crime, which, if left unchecked, will rob every American of his freedom. A tide which strips individuals of the privilege of being able to walk down a dark street or

Bill Higgins Jr. is the district attorney of Bedford County and the current PBA YLD chair.

take \$20 out of an ATM machine without fear of being mugged. All Congress does is talk, but it's the district attorney who grabs his sword, who digs into the trenches and fights the fight. Who dogs justice day after day after day without thanks, without so much as a simple pat on the back. But we do it. We do it, we do it because we are the crusaders, the last frontier of American justice. Knowing that if a man cannot feel safe, he can never, never feel free."

It is with great pride and enthusiasm that I grab my sword every day and fight the fight to achieve justice, even when there isn't an identifiable victim there to thank me at the end of the day.

But what I do as district attorney is not unique to the area of criminal prosecution. Each one of us who has entered the noble profession of law has undertaken the responsibility of seeking justice — not just for our clients, but for the legal system as a whole. Indeed, lawyers are the last line of defense between freedom and anarchy. Hence, the formula for the destruction of freedom is the often quoted line from Shakespeare's *Henry VI*, "The first thing we do, let's kill all the lawyers."

Sadly, our profession is often attacked, albeit unjustly, by those who simply do not understand what it is that we do. Lawyers are routinely the punch line of late-night television jokes. Oftentimes, these attacks are rooted not in the legal principals for which we advocate but in the dislike of the clients or entities that we might represent. Interestingly, those who criticize the legal profession most vehemently are the quickest to change their tune once they find themselves in need of the services of a lawyer.

Not surprisingly, a young lawyer might find himself or herself overwhelmed at times by the lawyer jokes or criticism for undertaking the representation of an unpopular client or cause. This unwarranted criticism should never serve as a deterrent to zealous representation and advocacy.

President Theodore Roosevelt articulated the great divide between those who take action and those who sit back and criticize: "It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually

AT ISSUE

Editors

Livinia N. Jones,
Traci L. Naugle

Associate Editors

Ellen Kapalko, Stephanie E. Little,
Keri A. Schantz

At Issue is published quarterly by the PBA Young Lawyers Division. Editorial items, news material and correspondence should be sent to the PBA Communications Department, P.O. Box 186, Harrisburg, Pa. 17108-0186.

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strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

Lawyers have a responsibility to get in the arena and argue zealously on behalf of their client. The art of advocacy is not about winning or losing, but about putting your client or cause in the best possible position to succeed. It is about tying the law to the facts in the most advantageous way for your client,

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MEET THE NEW AT ISSUE EDITORS

Livingia N. Jones

Livingia N. Jones is an associate attorney with McQuaide, Blasko, Fleming & Faulkner, Inc. in State College, Centre County. Her legal practice is concentrated in the areas of patent and technology transfer law. Jones also represents clients in intellectual property procurement and commercial transaction matters.



Jones

Jones is PBA YLD Zone 11 chair. She is a member of the Centre County United Way Young Leaders Group and a graduate of Leadership Centre County (2003). She has received training in mediation and conflict resolution from the Center for Alternatives in

Community Justice, where she serves on the Board of Directors.

Jones is licensed to practice law in Pennsylvania and the District of Columbia and is admitted to practice before the U.S. District Court for the Middle District of Pennsylvania and the Supreme Court of the United States. Jones is recognized to practice before the U.S. Patent and Trademark Office.

She is a 1996 graduate of Oakwood College, where she received a B.S. degree in biology with a minor in chemistry. Jones received her law degree from The Pennsylvania State University Dickinson School of Law in 2000.

Traci L. Naugle

Traci L. Naugle is an associate attorney with Hippo & Fleming Law Offices in Altoona, Blair County. Her legal practice is concentrated in the areas of estate planning and estate administration. In addition, Naugle represents parents in

child dependency matters.

Naugle is PBA YLD Zone 8 chair. She is also president of the Blair County Bar Association Young Lawyers Division and serves on the Blair County Bar Association Board of Directors.



Naugle

Naugle is the Blair County coordinator for the PBA Statewide High School Mock Trial Competition. She serves on the Children's Roundtable of Blair County and the Allegheny Lutheran Social Ministries Advancement Committee.

She is a 2001 graduate of the Pennsylvania State University, with a B.A. in political science. Naugle received her law degree from The Pennsylvania State University Dickinson School of Law in 2004.

YLD PROVIDES FORUM

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to these relationships serves as another benefit as you increase your network and expand your Rolodex.

The fact that young lawyers confront these as well as other problems is compounded by the perception that such concerns may at first glance seem rather unique to them and do not affect the legal profession as a whole. Nonetheless, despite the apparent hurdles that young

Michelle Christian is an attorney in Holland, Bucks County. She practices in Philadelphia and the surrounding counties.

lawyers may face, success in one's professional and personal life can be achieved. Associations, like the PBA Young Lawyers Division, provide a forum to express your concerns and trepidations about all aspects of your life, and is just the place to meet similarly situated colleagues. So, the next time you feel overwhelmed by the pressures of being a young lawyer, visit the PBA Web site (www.pabar.org) or contact your YLD zone chair and find out how you can network and socialize with some of your young lawyer peers in the legal profession.

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so that justice can be given the best opportunity to prevail. Lawyers as a whole should collectively claim victory whenever justice is achieved.

More important, every lawyer, and especially young lawyers, should be proud of the work that they do in the pursuit of justice — regardless of the client, cause or what the critics may think.

It is not the critic that counts, but the lawyer who ignores that critic and seeks justice for his client through zealous advocacy. Be proud to fight the fight.

UPCOMING EVENTS

Oct. 19-Jan. 25 — YLD Statewide Mock Trial Competition Case Preparation

Nov. 29 — PBA Committee/Section Day, Holiday Inn East, Harrisburg

Jan. 28-Feb. 23 — YLD Statewide Mock Trial District Competitions

Jan. 29-Feb. 2 — PBA Midyear Meeting, El Conquistador Resort & Golden Door Spa, Puerto Rico

Feb. 6-12 — NABE/ABA Midyear Meeting, Los Angeles, Calif.

FOR MORE INFORMATION:

Visit the YLD Web page at:
www.pabar.org/public/yld

YLD 2007 SUMMER CONFERENCE REPORT

My First Summer Conference

When I was nominated by my local bar association to attend the PBA Young Lawyers Division (PBA YLD) 2007 Summer Conference as a new admittee, I initially welcomed the opportunity for a weekend getaway from a hectic work schedule. Shortly after arriving at Seven Springs Mountain Resort in Champion, I understood how significantly the conference would impact my future legal career. CLE classes were offered to better broaden a young lawyer's understanding of malpractice avoidance, the Pennsylvania lawyer disciplinary system, legislative and judicial relationships, mentoring relationships and ethical duties. Throughout the weekend, there was tremendous accessibility to seasoned lawyers and members of the bench. It is rare in our practice that young attorneys and Supreme Court justices interact in a casual setting. However, throughout the conference, Supreme and Superior Court justices were constant fixtures at daily and nightly functions.

Kelly A. Bray is an attorney with Vinsko & Associates in Wilkes-Barre.

Summer Conference: A Scranton Perspective

This article presents the point of view of a Scranton attorney. For those of you who don't know where Scranton is, it is located in northeast Pennsylvania, approximately two hours north of Philadelphia. It is also home of the television show "The Office." Although I cannot write like the staff of that show, I have provided my thoughts regarding the PBA Young Lawyers Division 2007 Summer Conference.

Seven Springs Mountain Resort, home of the 2007 Summer Conference, was more than I expected. I went to this conference expecting a boring gathering of attorneys sharing horrifying stories, such as the first time he or she attended motions court. To my surprise, this was not the case. The panels were interesting; they presented informative materials that are relevant to my practice. Much of the material was new. In addition, the information I knew going into the con-

Christopher A. Piazza is an associate with the law firm of Murphy, Piazza & Genello, P.C. in Scranton.

Ofentimes throughout my first year of practice, I pondered whether I was practicing to my fullest potential. There are numerous details and complexities to the legal profession that young lawyers are not aware of until they start practicing. Thus the pre-eminent way to improve upon our profession is by discussing the "trials and tribulations" of law practice with experienced veterans and peers.

It was evident throughout the conference that the PBA offers countless resources to develop one's legal skills. As new admittees, we were encouraged to offer our vision on improving and expanding the PBA. The initial event of the conference focused on the YLD zones' monthly and yearly happenings. (The state is divided into 12 zones by geographic location, with each zone having a chair or co-chairs representing young lawyers within the zone on the PBA YLD Executive Council). YLDs throughout the commonwealth partake in worthwhile community and social events, including a plethora of fundraising activities and monthly get-togethers that encourage camaraderie within our profession.

ference was presented from a different point of view. The judges on the panels were interesting and actually kind of funny.

I arrived at the conference on Thursday, while most of the other young lawyers arrived on Friday. Thursday night was not much fun, and I went to bed early since nobody was around to converse with. On Friday afternoon, things got interesting as the young lawyers started arriving. The attorneys who attended varied greatly in terms of their fields of practice, their ages and their geographic regions. There was even one law school student (Brandon) who attended.

When Friday afternoon rolled around and the New Admittee Welcome/Orientation started, I got the feeling that the conference would be much more than what I had expected. The PBA YLD executive committee began speaking and gave an overview of what to expect for the weekend. They even provided refreshments for us! The presentation was brief, and we were encouraged to mingle with the other young lawyers in the room. Needless to say, I met some interesting people and actually learned

The conference was not purely work-related. A retreat to Fallingwater, which is recognized as one of Frank Lloyd Wright's most acclaimed works, was offered on Saturday afternoon. If you were looking for a challenge, there was the opportunity to play in the annual YLD golf tournament. Nightly entertainment afforded delicious food, stimulating conversation and dancing. The PBA YLD excelled at providing a relaxed atmosphere to communicate with young attorneys throughout the state.

Most important, the conference reiterated how important the PBA is to our profession. A committee and section exists for almost every area of practice. These committees and sections are essential to the development of truly competent Pennsylvania attorneys. The PBA protects our trade as attorneys and encourages us to aspire to the highest ideals of the legal profession. I am extremely thankful for the opportunity to have attended the PBA YLD 2007 conference and I invite you to contact your local zone chair for additional information regarding the PBA. Becoming involved in the PBA YLD will be a decision you will not regret!

about some of the counties I never even knew existed.

After the panel discussions, there was time to indulge in some extracurricular activities and networking. I had a really great time during the cocktail hour and dinner. I ran into an old law school buddy who is practicing in Schuylkill. I met two really nice young ladies (known as the "Bobbsey twins"), and I met a law school student from Villanova with a business card that bettered most practicing attorneys.

Karaoke was sung, or at least attempted — I now know why we are attorneys. Everyone ate, drank and had a good time. Watching and hearing a young public defender from Berks County and the president of the PBA YLD sing karaoke was one thing. However, watching people dance (loosely called) to the music (again used loosely) was alone worth the trip from Scranton. As the festivities were going on, I had the pleasure of speaking with Pennsylvania Supreme Court Justice J. Michael Eakin. As we discussed everything but "the law," my three buddies and I were able to speak

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DON'T BURN BRIDGES BEFORE YOU BUILD THEM!

By Ellen Freedman

I had lunch today with a vendor who is also a friend. We became acquainted more than 20 years ago and I quickly came to respect her. She was detailed, precise, communicative, always good for her word and service-oriented. When the sale was over she never disappeared from the scene. When a problem arose, she always interceded to minimize the effort I needed to obtain a quick resolution. She made it clear that she was my salesperson “for life,” and that I could contact her for anything. On the occasions she could not deliver what I needed, she always graciously put me in touch with someone who could.

Over the years, we stayed in touch and continued to conduct business. I also had many occasions to refer other customers to her. I never received a bad word of feedback from those I referred.

I also came to appreciate her good sense of humor and straightforward, outspoken manner on a personal level. I found I enjoyed our animated conversations, which usually covered a gamut of business and personal topics. Thus we gradually developed a friendship in addi-

tion to our professional relationship.

When I think about it, her admirable traits are precisely those required of a lawyer who desires to successfully develop his or her practice. And as I thought of that in the back of my mind during our lunch today — always thinking about topics for my next article — she relayed two stories to me about law firms she has dealt with recently.

The first story concerned a law firm to which she recently sold a telephone system. The terms of the sale were typical: 50 percent due with the signing of the order and the remaining 50 percent due upon installation. As is her style, she didn't turn the project over to the installation team and disappear when the sale was completed, like most salespeople do. She remained at the firm overseeing the project on her own dime to make sure everything went smoothly. She was there until after 10 p.m. to assure herself everything was done right and working properly.

When she approached the partner who purchased the system and asked him to cut a check for the remaining bal-

ance, he refused. As she recalled, he stated, “Just because it works now, how do I know it'll be working tomorrow? I'm going to hold off on paying for a week or two until I'm sure it's working as promised.” When she reminded him of the terms, and the warranty that assured him of satisfaction should something go awry, he responded, “What are you going to do about it, take the system out?”

My friend works on commission. The end of the month was at hand. If she didn't return to her company with the firm's check she would have to wait an entire additional month to receive her commission. She was having dental problems and needed her commission check for an upcoming dentist appointment. So she contacted the partner at the firm and again asked for the money. The system was still working perfectly. She was advised that the check would be waiting for her at the front desk.

Much to her dismay, the check was not waiting for her and the partner was not in the office. She approached another partner of the firm and inquired about the check. She told me that the partner was unapologetic and sneered at her for coming to pick up the check in person. He said he was insulted because “in all my years as an attorney no vendor has harassed me for payment before.” She related that he went on to point out how successful the firm was based on much money they make, in order to make her feel stupid for worrying about getting paid. All she wanted was enough money for her dentist visit — not to have her nose rubbed in his firm's success.

I wish I could say that the treatment she received was an exception, but unfortunately it is not. Many lawyers treat vendors, other nonlawyers and nonclients with similar disregard and disdain. This happens so frequently, in fact, that I previously published an article on this topic.

Now pay attention to what she stated next. She said, “How does he (the lawyer) know that I'm not married to, friends with or related to someone rich and powerful who might be his next potential client?” Hmmm. Think about that for a moment. She's right. And in fact, she knows many such people. And she will share her story, relaying the

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freely and comfortably. Justice Eakin and I even discussed fishing. He advised me that the Galapagos is the best place to fish.

After karaoke ended, the room where we had enjoyed our festivities was shut down for the night. In another room at Seven Springs, a band was playing. I stopped in with my newfound friends, the two young ladies mentioned above and my law student buddy, Brandon. We talked and danced for a few hours.

The moments seemed to fall like dominos, with each moment being more memorable than the former. When the second room closed, we figured that we should not allow the night to end. Thus we proceeded to have late-night cocktails in my room. We hung around and talked as if we had been friends for years. We laughed so much that all of our faces hurt. I felt like I was back in law school. Unfortunately, the night had to end and I had to leave on Saturday. I had breakfast with Brandon and some other peo-

ple I had met. After breakfast I attended an interesting CLE program. After the CLE ended, it was time for me to hit the road. I assure you I would have stayed until Sunday if I could have, but I couldn't.

As I left, I thought about what I would write for *At Issue*. In retrospect, I initially thought I had fun at the Summer Conference because it was not what I expected. Then I realized I had a good time simply because it was a good time. The conference provided a relaxing environment with good people, very funny moments and wonderful conversation. It was also reassuring to see so many types of lawyers from very different backgrounds all in one setting and having a great time. We, as young lawyers, will experience both good and bad situations at various points in our lives. It is reassuring to know that there are plenty of good lawyers who will be there to lend a helping hand if one ever needs assistance.

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BALANCING YOUR HEALTH WITH YOUR PRACTICE

By Timothy S. Burns

In my relatively short legal career, I have learned that there are various uncertainties inherent to our profession. Some days you can be on top of the world, and other days you may wonder whether you actually graduated from law school. That is what makes our profession so interesting.

For me, the highs of legal practice have far outweighed the lows over the past few years. That is, until I experienced an unexpected life-changing event this past January.

Just days before I was scheduled to leave for the PBA's Annual Meeting in Mexico, I was hospitalized for eight days due to a serious cardiac condition — the last thing I ever expected in my early 30s. I was stunned to learn that sometime during the previous year, a virus had dramatically weakened my heart's ability to function. All the while, I simply thought I had a bad cold.

In the months since my hospitalization, I have undergone intensive cardiac rehabilitation. With the support of my family and friends, I have had what one of my doctors termed a "remarkable" recovery.

The subject of one's health is often a private subject. However, after many months of rehabilitation and reflection, I have gained a tremendous amount of insight in regard to balancing health with a legal practice. I would like to share some of that knowledge with my fellow young lawyers in the event they have to face an unexpected health crisis.

This is what I have learned:

1. Know the Warning Signs.

I have discovered that when it comes to personal health issues, lawyers can be very stubborn. I say this because I am one of those stubborn lawyers that ignored his warning signs. Last fall, I had a variety of symptoms of my ailment —

although I had no idea they were related, let alone signs of a serious cardiac condition. Despite experiencing symptoms that were not typical for a young healthy person, I delayed going to a doctor.

I have learned that whenever something concerning your health doesn't feel right, you need to get it checked. I am not talking about every cold or headache, but if you have an ailment that just won't go away, make an appointment to see your doctor. A painful blemish on your skin could be cancer, or a pain in your knee could be the early stages of a fatal blood clot. As the old adage states, it is better to be safe than sorry.

2. Listen to Your Doctors and Don't Push it.

The most difficult part of my illness was not the hospitalization; it was the rehabilitation that followed. For about

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name of the firm and the two partners, to all who will listen. Just as word of mouth can bring future clients to the door, word of mouth can prevent them from arriving as well. And for each client who does *not* arrive, there will be a geometric expansion of additional referrals that will never materialize.

The lesson to be learned here is a basic one you should never forget. Treat everyone with the courtesy and respect you would accord your best client or brightest prospect. Never assume that the "little people" can't make a significant impact on your practice development efforts over time. That includes vendors, employees, opposing counsel and even the lowliest employees of your current clients. Trust me when I say that what you put out there will come back tenfold in your future. For more about how to do this, I suggest you read "Marketing 101 Lesson for Young Lawyers," which appeared in the July 3, 2006, issue of the *Pennsylvania Bar News*.

The second story my friend related

concerned another law firm customer. During the firm's telephone installation process she had occasion to make idle conversation with one of the partners. The conversation got around to her dental problems and the fact that she was trying to get a refund from her former dentist to pay her current dentist for correcting the problem. Although the partner did not do this type of work, he spent a considerable amount of time explaining the litigation process and how she might proceed with an action against her former dentist. He made some phone calls and gave her referrals to several lawyers who might handle her case. A few days later she received some additional relevant information in the mail from the lawyer, to help her understand her potential damages even better. Not only did she relate the second story with praise for this lawyer and his firm, but she detailed the type of work they did and even gave me his business card in case I had an opportunity to refer work. She referred to this firm as a class

act; her words were a stark contrast to her description of the other firm. She mentioned that she had already had the opportunity to refer one prospective client to the firm.

Clearly, the partner of this firm was very astute. He had treated her with the care and diligence one might normally bestow on a good client or referral source. And in doing so, he further expanded his word of mouth sphere of influence.

If you are tempted to treat someone with disdain, disrespect or disregard, or to eviscerate someone in order to make yourself feel bigger or better in the process, beware. No matter how inconsequential that person may seem at the moment, know that sooner or later those actions will come back to roost. Instead, go out of your way — even when it is difficult — to treat everyone you encounter with respect. Treat them like they will control the next client you gain or the matters you will receive in the future from existing clients, because you never know when that will be the case. In other words, don't burn your bridges before you get to build them.

Ellen Freedman, CLM, is the PBA law practice management coordinator. She assists PBA members with problems that arise on the business side of their practices. She can be reached at 1-800-932-0311, Ext. 2228, or at lawpractice@pabar.org.

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four months or so, my day-to-day functioning was very limited. My cardiologists warned me that I was very weak physically and I was not to exert myself. The rehabilitation provided me with much-needed rest. Early on, I could not even open or close a garage door. By late afternoon each day, I was extremely tired and slept a lot.

I have learned that lawyers have a habit of pushing themselves — sometimes too hard. We think that a case will survive only if we are the ones handling it. If you have a health issue, put that first; the practice of law can wait. It is better to focus on your own health so that you can have a long and productive legal career.

In my case, I didn't push it (although I wanted to). I listened to my doctors and rested, and now I am able to write about the experience, enjoy our profession and, more important, enjoy life.

3. Have Health Insurance.

When operating your own law practice, the second call you should make after obtaining malpractice insurance is to get health insurance. I can not emphasize this point enough. Health insurance is not cheap, but for a young lawyer it is not as expensive as you might think. It is an investment one has to make; otherwise, if you have an unexpected health crisis the costs could be devastating.

There are different types of health insurance. For the past few years, I had a term plan that I renewed every six months — it was only a few hundred dollars for each six-month term. It was not the best plan, but it provided me with security, especially in view of my recent hospitalization. Short-term plans are great for a young person just starting out, but they typically do not cover pre-existing conditions.

In light of the cardiac rehabilitation that I would be facing, I knew I would need better coverage with my term plan ending. As a member of the local chamber of commerce, I found out that I could join its group plan with a major health provider. More important, the group plan would cover pre-existing conditions.

In the event you do not have health insurance and have to deal with an

extended hospitalization, the financial impact will be great. However, you will have some options. Hospitals typically have a discounted rate for individuals who are self-employed. You can also negotiate a rate for services rendered and can always set up a payment plan.

You may also want to consider disability insurance — that is, insurance that pays you a monthly income if your ability to work is halted or significantly decreased.

4. Have Backups.

When a sudden health crisis keeps you out of the office, you need to have precautions in place. First, keep good records, especially in relation to client files. If you are suddenly knocked out of commission, another lawyer should be able to pick up your file and easily deduce the status of your case. You should also have very competent support staff in place who can oversee the functioning of your office if you have a health crisis.

In addition to good record keeping and a strong support staff, when you are a solo practitioner it is important to have a few fellow lawyers who can fill in for you should a crisis occur. In fact, my legal malpractice insurer requires me to identify an attorney who can take over for me in time of crisis. Hopefully, this is something that will never happen. However, you should design a backup plan with one or more colleagues in the event such a situation arises.

5. Reassure Your Clients and the Court.

Until my hospitalization in January, I had never missed a hearing due to illness. Many of us have probably been to hearings in less than the best of health due to the nature of our profession. However, when you miss a hearing unexpectedly and are out of the office for over a week, your clients and the court are going to wonder what is going on.

Regardless of the situation, your support staff should tell your clients nothing more than that you were ill and that you will be fine. When you are out of the

office unexpectedly, it is very important that someone return your client's calls, even if it is just to say that you will be back in touch with them upon your return. A client does not want an unhealthy lawyer representing him or her. Anytime a client retains a lawyer, that client is putting his or her faith in that lawyer to represent their interests, and sometimes their life. The last thing one needs in an attorney-client relationship is a client who is worried that the

lawyer is dealing with serious health issues. At worst, you can always refer your client to another attorney until you return to the office.

As for the courts, it is not unreasonable to let your local judges and court administrators know what is going on with your health. If you need a few weeks to get back on your feet, most judges are considerate enough to grant you additional time in regard to scheduling hearings. In my case, I contacted my local court administrators' office early on to assure them that I would be all right and to avoid any speculation or rumors.

Eight months ago at this time, I wasn't sure if I would ever see a courtroom again. Today, I am almost fully recovered and I feel really good about life. My law practice is expanding into other counties. I have resumed my nightly workouts, and in a few days I will be in one of my favorite cities, Las Vegas. This will be my first real trip in more than eight months! In late January, I look forward to having a drink with my YLD colleagues at the PBA Midyear Meeting in Puerto Rico.

None of what is happening now would have been possible if I hadn't listened to my doctors. Thus, this is my advice to those reading this article: When it comes to your health, don't be a stubborn lawyer. Have the requisite precautions in place, and pay attention to the warning signs so that you can live a long and rewarding life, enjoy this great profession and experience good times with your friends in the PBA.



Timothy S. Burns is in his second term as YLD treasurer after previously serving a term as Zone 8 chairperson. He is the former chair of the Cambria County Young Lawyers Division. He operates a general practice law firm in Ebensburg.

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CALLING ALL WRITERS!

The YLD *At Issue* editors are now accepting article submissions. Criteria are as follows:

1. The subject matter should be relevant to Pennsylvania young lawyers.
2. Article should be approximately 1,000 to 1,500 words in length (about 2-3 pages of single-spaced text). Longer articles may be considered to run as a series.
3. Electronic submissions (MS Word) are acceptable and preferred. Please transmit electronic submissions to Traci Naugle at tnaugle@hippofleming.com or to Livinia Jones at lnjones@mqlaw.com.
4. If submitting by mail, a copy of the article may be sent to either of the following individuals: Livinia N. Jones, Esq., McQuaide, Blasko, Fleming & Faulkner, Inc., 811 University Drive, State College, Pa. 16801-6699, (814) 238-4926; Traci L. Naugle, Esq., Hippo & Fleming Law Offices, Historic Central Trust Building, 1218 11th Avenue, P.O. Box 550, Altoona, Pa. 16603-0550, (814) 943-5500.

A newsletter published by the Pennsylvania Bar Association Young Lawyers Division, P.O. Box 186, Harrisburg, Pa. 17108-0186

Editors: Livinia N. Jones, Traci L. Naugle

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