



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



# AT ISSUE

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

## PENNSYLVANIA HIGH SCHOOL STUDENT LAWYERS GEARING UP FOR 2007 MOCK TRIAL COMPETITION

By Bill Higgins Jr.

What will be the most important legal battle to be decided in 2007? To many, it may be any number of issues pending before the Pennsylvania or U.S. Supreme Courts, but to over 2,500 students from more than 250 schools throughout Pennsylvania, it is the case of *Anderson v. Williams*. As you read this article, high school students all over Pennsylvania are scrutinizing, analyzing and dissecting the case materials (available for viewing at [www.pabar.org](http://www.pabar.org)) in preparation for the 2007 Statewide High School Mock Trial Competition.

This year's mock trial problem centers around a series of threatening remarks that appeared on a high school-run Internet chat room. The plaintiff is Jamie Anderson, a Lincoln High School senior, who used the school's chat room as a means to stay on top of her/his academic pursuit of the highly coveted valedictorian scholarship. The plaintiff was tied with defendant Taylor Williams for top spot in the class until his/her concentration was completely wrecked after reading threatening postings in the chat room between March 6 and March 10, 2006. The cyber-stalker sent Jamie additional threats on March 11, 2006, via an anonymous e-mail, a message that also included a link to a threatening Web page. The plaintiff contends that these statements caused her/him severe emotional distress, resulting in lower grades and loss of the valedictorian scholarship. Anderson alleges that the defendant was the person who posted the threatening remarks in order to cause Anderson to lose the valedictorian scholarship. Williams' actions, according to Anderson, violated the State of Barrister's

*Bill Higgins Jr. is the District Attorney of Bedford County and chair-elect of the PBA Young Lawyers Division.*

recently enacted civil cyber-stalking statute. All events, characters and documents created for the 2007 case are fictional.

The 2007 mock trial case was initially drafted by the Illinois State Bar Association as a criminal case for mock trial. It was substantially rewritten for the Pennsylvania competition by Jonathan A. Grode, a third-year evening student at Temple University James Beasley School of Law. Jane Meyer, a prior Mock Trial Committee chairperson and current member of the



National Mock Trial High School Championship Board of Directors, completed the final version of the problem in collaboration with Grode.

One of the largest in the nation, the PBA/YLD Mock Trial Competition gives high school student teams from across the state the opportunity to act as lawyers and witnesses in simulated civil and criminal trials before volunteer judges and panels of juries. Most of the judges and members of the juries are practicing attorneys and judges.

Each year since 1985, lawyers, educators and community-minded individuals

have volunteered to assist students as team advisors, scorekeepers and regional/district coordinators. Regional and district competitions will begin in February and continue through March. The top 12 teams in Pennsylvania will then advance to the state finals, which will be held March 30-31, 2007, in Harrisburg. The state champion will represent Pennsylvania in the National High School Mock Trial Competition, to be held May 10-12, 2007, in Dallas, Texas.

Last year's Pennsylvania state champion was Greensburg-Salem High School. Under the direction of Teacher/Advisor Judith Washburn and Attorney/Advisor Westmoreland County Common Pleas Judge Richard McCormick, Greensburg-Salem proudly represented our great commonwealth at the National Mock Trial Championship in Oklahoma City by finishing fourth in the nation. One of our students, high school junior Danielle Waugh, earning individual honors as one of only four student attorneys in the nation receiving the 2006 Outstanding Advocate Award. Undoubtedly, Greensburg-Salem intends to defend their state title and return to the national finals, but with over 250 teams poised to challenge them, it will be no easy task.

Any interested young lawyer — or any lawyer for that matter — is welcome and encouraged to volunteer and participate in the mock trial experience. We can always use jurors, judges, bailiffs, timekeepers and coordinators, at all levels of the competition: local (district), regional and state. To my knowledge, we have never rejected an interested volunteer. The 2007 Mock Trial program is co-chaired by two young lawyers: Jennifer Clark and Bill Higgins Jr. **Interested volunteers should contact Maria Engles at 1-800-932-031, Ext. 2223.**

## WHAT'S AT ISSUE

### YOUR 2007 RESOLUTION: TO GET INVOLVED

Welcome to 2007. Instead of all of those easily breakable resolutions that everyone makes for the New Year, I want you to do something that is easy to stick to and will provide you with lifelong benefits from something you are already a part of: I want you to get involved in the PBA and PBA Young Lawyers Division. It is time to attend a meeting and create *your* statewide network of lawyers.

Chances are you will have questions in your mind over the next three to five years about your career, salary, location, experience level and a host of other issues that confront all lawyers as we begin our careers. You will also need to generate your own business and refer

*Justin Goldstein is the current chair of the PBA Young Lawyers Division.*

business out to other lawyers. You may need to develop leadership skills and find out about alternative careers. All this and more is waiting for you in the state bar. Even those with only an hour a



*Goldstein*

month to devote to the state bar can find a way to participate through our young lawyer or substantive committees. Check out <http://www.pabar.org/public/yld/about/Committees/yldcommpreferencform.asp> to sign up.

We are also continuing to fill out liaison ranks with young lawyers from substantive committees. If you are active in a substantive committee and want to serve as the YLD liaison to that committee, contact us to see if a liaison is still needed. You can reach me at [justin.goldstein@nationalcity.com](mailto:justin.goldstein@nationalcity.com).

Make 2007 the year you take action and get involved in the PBA.

## AT ISSUE

Editor  
Hope Caldwell

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## YLD LENDS HELPING HAND THROUGH PRO BONO GRANTS PROJECT

Accessing critical legal research tools has just gotten easier for seven legal services agencies thanks to the Pennsylvania Bar Foundation, the Pennsylvania Bar

Association Young Lawyers Division (PBA/YLD) and LEXIS-NEXIS

The research hours are distributed through the Pennsylvania Bar Foundation-PBA/YLD Pro Bono Grants Project, an initiative that annually solicits grant applications from the legal services community. This year, eight organizations sought in excess of 1,600 hours of legal research time.

"The Pro Bono Grants Project was created in partnership with the Pennsylvania Bar Foundation to foster and support programs that enable the delivery of pro bono legal representation throughout the commonwealth," notes the Justin

B. Goldstein, chair of the PBA YLD. "It's just one of the ways the YLD and the Foundation work together at the state level to help to ensure that all citizens have equal access to justice."

Pennsylvania Bar Foundation President Karen Balaban wholeheartedly agrees. "Having access to legal research tools is an essential part of providing meaningful access to justice. Thanks to LEXIS-NEXIS, the Pro Bono Grants Project is to play a small role in helping to meet the research needs of these organizations dedicated to making access a reality."

The seven grant recipients are: CASA of Allegheny County, the Homeless Advocacy Project, Philadelphia Volunteers for the Indigent Program, Public Interest Law Center of Philadelphia, Support Center for Child Advocates, Women Against Abuse and Women's Law Project.



*From left, YLD Chair Justin Goldstein, Pennsylvania Bar Foundation President Karen M. Balaban, YLD Immediate Past Chair J.J. Clark, Lexis Nexis Representative Jennifer Collette and YLD Chair-Elect Bill Higgins Jr.*

# BRINGING CHANGE TO HARRISBURG AT 30

By Sheila M. Flanagan

For some young lawyers, handling the daily stresses of working as an associate at a law firm is enough of a challenge.

Not for Lisa Bennington, who, at the age of 30, decided to run for Pennsylvania state representative of the 21st Legislative District, which comprises sections of the City of Pittsburgh, including Shadyside, Morningside, Lawrenceville and Bloomfield, as well as parts of the North Hills, including Etna, Millvale, Reserve, Ross and Shaler. Bennington not only unseated incumbent Frank J. Pistella, who had been in office since 1978, but also won by a 58 percent margin.

Bennington, who resides in the Morningside section of Pittsburgh, has been an associate with the Pittsburgh family law firm of Pollock, Begg, Komar & Glasser, L.L.C., since 2002. She was inspired to run for state representative when she realized that there were no women from southwestern Pennsylvania serving in the state House of Representatives. As a graduate of Winchester-Thurston High School, which was an all-female institution at the time of Bennington's attendance, and Chatham College, an all-women institution, Bennington was shocked that this dearth of women existed in the House in the year 2006.

In fact, by following the sage advice of her campaign manager, Jann Chirdon, to knock on doors in her district in the months leading up to the May 2006 primary, Bennington found out that she was not the only one concerned with this matter.

"The biggest issue [among constituents] was that there weren't women serving in the House from Southwestern Pa.," Bennington said. Bennington acknowledged that the uproar over the legislative pay raise passed by the General Assembly in the early morning hours of July 7, 2005, also spurred voters in her district to turn out and vote for her.

Motivated by her experience on the campaign trail, when Bennington begins her term this January, one of her main objectives will be to make jobs in the legislature more accessible to people with families. One idea Bennington has to accomplish this objective is to devise a system that would allow legislators

with family obligations to be able to participate in debates and voting by phone or video at times when they cannot be physically present in Harrisburg.

Bennington's objectives also will be shaped by the situations she has observed everyday in her practice as a family law attorney. For example, Bennington aims to make health care more affordable and accessible. Bennington cited the recurring scenario where a couple divorces and the dependent spouse, who was unemployed during the marriage, is left without health insurance as a reason why the idea of having health insurance tied to employment needs to be re-examined.



*Bennington*

**NAME:** ELISABETH BENNINGTON

**OCCUPATION:** DIVORCE ATTORNEY AND STATE LEGISLATOR FOR THE 21ST DISTRICT

**EDUCATION:** CHATHAM COLLEGE, B.A. IN PSYCHOLOGY, DUQUESNE UNIVERSITY SCHOOL OF LAW, J.D.

**HOMETOWN:** PITTSBURGH

**BEST VACATION:** COSTA RICA WITH MY HUSBAND, BRAD

Bennington is also excited at the prospect of being able to make a difference in the area of domestic relations law, particularly as to statutes relating to custody, support and Protection From Abuse. To Bennington's knowledge, she will be the only family law practitioner in the House of Representatives, and thus she is determined to focus on this area of the law.

In addition to playing a role in shaping the law, Bennington is focused on continuing her practice of family law.

"My biggest struggle will be not to lose my identity," said Bennington, who sees herself as a lawyer rather than a "career politician." Bennington appears undaunted at the prospect of balancing her time between practicing law and acting as a state representative. She notes that there isn't any case file she will not

be able to access on her laptop from Harrisburg.

Bennington encourages young lawyers to consider a run for political office or, even if they don't run, to at least get involved in political campaigns. "I think we need a fresh, young perspective in the state legislature," said Bennington. For those who do consider a run for office, Bennington offers the following advice: "Get your support network around you because you're going to go through something slightly traumatic." For Bennington, that support network consists of her husband, Brad Korinski, an associate with the Pittsburgh law firm of Thomson, Rhodes & Cowie, her family and friends and her invaluable campaign manager, Jann Chirdon.

Bennington also observed that when it comes to soliciting donations for a campaign, it is best to start with the people you know because most people will be glad to help in any way they can. One of the first actions Bennington took when she decided to run for state representative in January 2006 and realized that she had only five months until the primary election was to send an e-mail to everyone she knew asking for donations for her campaign. Within about a week, Bennington had a significant amount of financial support to kick off her campaign.

For those young lawyers who don't have the desire or the time to run for political office, Bennington offers the following advice: "Number one is to stay involved in the issues and know that every single vote counts."

Bennington also suggested helping out on other worthwhile candidates' campaigns by knocking on doors or making phone calls. She said that you can always support a candidate with your time, even if you do not have the funds to contribute to a campaign financially.

It is clear that Bennington's life will not be boring starting this January. Bennington, who began her time at Chatham College as a drama major before switching to psychology, has fed her love for drama every day in Family Court.

Bennington's own dramatic flair has enhanced her ability to serve as a zealous advocate on behalf of her clients. There is no doubt that Bennington will bring the same passion to her job as state representative when she is debating the issues that matter most to her constituents.

*Sheila M. Flanagan is an associate with the family law firm of Wilder & Mahood, P.C., in Pittsburgh.*

# 'TOUR DE PENNSYLVANIA' PHOTOS



**P**BA President Ken Horoho journeyed across the commonwealth through September and October 2006 as the PBA presented its "Tour de Pennsylvania." Starting Sept. 5, 2006, with a Zone 11 luncheon in State College, the tour stopped at more than 20 locations throughout Pennsylvania.

The goal of the tour was to further communication with local bar associations through personalized visits in each of the PBA zones. Those attending the events had the opportunity to talk with PBA leadership about issues facing lawyers in Pennsylvania. In this way, the PBA helped make local bars aware of what the association has to offer and heard firsthand how it can better serve Pennsylvania lawyers.



# CLOSING A 28-YEAR CHAPTER TO START ANOTHER ...

By Christina G. Sloss

Last fall, Pennsylvania lost one of its most well-respected jurists. Judge Joseph A. Del Sole left the Pennsylvania Superior Court in September 2006. Judge Del Sole's judicial career began in 1978 on the Allegheny County Court of Common Pleas. In 1984 he joined the Superior Court, where he served a term as president judge. While serving the bench, Judge Del Sole held numerous committee positions, including co-chair of the Pennsylvania Supreme Court's Special Committee of Judicial Education and chair of the Survival Committee of the Council of Chief Judges of State Courts of Appeal. In addition, he has been an adjunct professor at Duquesne University School of Law since 1994, where he teaches Pennsylvania Civil Procedure.

Although leaving the bench closed a chapter in Judge Del Sole's life, he is far from retired. He has since become Of Counsel at the law firm Del Sole Cavanaugh, L.L.C., in Pittsburgh, where he offers mediation and arbitration services. The author, one of his former law clerks, recently sat down with the judge to talk to him about his judicial career.

**Christina G. Sloss [CGS]:** So how's retirement?

**Judge Del Sole [JDS]:** [Laughing] If you can call it retirement. It's a change of jobs, but it's going well. I'm enjoying it. It's different after 28 years on the bench.

**CGS:** You first went on the bench in 1978, in the Allegheny County Court of Common Pleas.

**JDS:** Yes. I was appointed by Governor [Milton J.] Shapp. There were three vacancies in Allegheny County at the time, and he appointed three of us — the Chief Justice [Ralph Cappy] was appointed that day, Judge [Eugene] Strassburger from Common Pleas and myself. I was initially in the Family Division. I went to the Civil Division in late '78 and spent the first months mediating cases at the request of Judge Flaherty, who later became Chief Justice Flaherty. Then I became the calendar control judge for a number of years, and I was elected to the Superior Court in 1983.

**CGS:** Was that your first election?

**JDS:** I should back up. The three of us that were appointed in 1978 were elected

to the Common Pleas Court in 1979. We ran and were all successfully elected in 1979, and then I ran for the Superior Court in 1983, which was a statewide race. I was fortunate to be elected at that time. I served on the court from January 1984 until I retired in the beginning of September of this year.

**CGS:** Before you were appointed to the Court of Common Pleas, had you considered running for judge?

**JDS:** No, I really hadn't. It was sort of fortuitous; there were vacancies and I thought I'd put my name in and see what happens. I received a fine rating from the Allegheny County Bar Association Judicial Committee. Gov.



**Del Sole**

members. As part of that expansion the legislation permitted the governor to appoint all eight vacancies, half had to be Republican and half Democrat. The terms of those eight were staggered, so two of the expansion seats were up in 1983. In addition, three of the original seven members of the court were ending their active judicial service.

**CGS:** Who joined the court with you that year?

**JDS:** Judge Beck and Judge Montemurro, who had been appointed as part of the expansion, were elected to full terms, and Judge Peter Paul Olszewski and Judge Patrick Tamilia were also elected that year.

**CGS:** I thought maybe you were the last one standing, so to speak.

**JDS:** No, actually Judge Tamilia is the last of that class that is still there. He's serving in a senior capacity and has been for some time.

**CGS:** Did you consider staying on the court as a senior judge?

**NAME:** JOSEPH A. DEL SOLE

**HOMETOWN:** PITTSBURGH

**EDUCATION:** LL.M. — UNIVERSITY OF VIRGINIA SCHOOL OF LAW, LL.B. — DUQUESNE UNIVERSITY SCHOOL OF LAW, B.S.M.E. — CARNEGIE INSTITUTE OF TECHNOLOGY (NOW CARNEGIE MELLON UNIVERSITY)

**FAMILY:** WIFE KAREN, THREE CHILDREN AND FIVE GRANDCHILDREN

**LAST BOOK READ:** *FIASCO* BY THOMAS E. RICKS

Shapp was in the last months of his final term, and he had a nominating committee to review candidates that requested to be considered for the vacancies. At that time the committee was basically sending to the governor the names of the candidates that received very fine ratings from the bar association, and I think that was a catalyst for him to consider me because I had not been politically active in any great way prior to my appointment.

**CGS:** How has the Superior Court changed?

**JDS:** When I joined, the court had 15 members. There had been seven members until the late '70s. The constitution was amended to allow the General Assembly to expand the court. The General Assembly did pass a statute and expanded the court by eight additional

**JDS:** At times, but I decided that given the number of years of services that I had on the bench, if I wanted to try my hand at something different, I would be better served by trying it earlier rather than waiting another 10 years to do it. I think every judge considers whether to take senior status. I did consider it; I just decided it was not for me.

**CGS:** So you joined the court in 1984, and then you were elected president judge in 2000?

**JDS:** Well, I was elected at the end of 2000, and the term began in 2001. I was fortunate that my colleagues elected me to that position and I served in that capacity until Kate Ford Elliott was elected president judge and she began her term in 2006.

*Christina G. Sloss is an associate at Lynch Weis, L.L.C., in Cranberry Township, Butler County.*

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# PBA HOLDS FIRST DIVERSITY SUMMIT IN PHILADELPHIA

By Hope Caldwell

The PBA recently held its first ever Minority Bar Committee Diversity Summit in Philadelphia. On Nov. 29, 2006, more than 200 attorneys from across the commonwealth attended the day-long conference, which featured many speakers and a networking reception. Doug Gatson, senior vice president and general counsel of Comcast Cable Communications, was the keynote speaker that morning.

"I had heard of him before and was very impressed to hear him speak because it was great to see that there is advancement for minority attorneys and it was very inspirational," said Shawane Lee, a young attorney who co-chairs the Philadelphia Bar Association Minorities in the Profession Committee.

Lee also went from her seat in the audience to the podium in order to moderate a panel discussion of various minority bar committees and associations from across the state. The panel

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included Marilyn Martinez-Walker from the Allegheny County Bar Association Hispanic Attorney Committee and Paul Ellis, president of the Homer S. Brown Law Association, also in Pittsburgh.

"What was great about this conference was that it expanded beyond Philadelphia," Lee said. "And they expanded the definition of minority by inviting PBA Gay/Lesbian Rights Committee, as well as the women's organizations."

The afternoon sessions focused on the judiciary, the Legislature and other Pennsylvania agencies for one report. One session was titled "Report on Construction of the Educational Pipeline for the Development of Lawyers of Color in Pennsylvania," and they also focused the last program on diversity in law firms



*Approximately 200 people attended the first Diversity Summit.*

and corporate legal departments.

"The inaugural Diversity Summit was a good first step in collecting the Pennsylvania interests and providing an arena to discuss where we are and what is available," said Justin Goldstein, YLD chair.

To learn more about PBA events go to the Web site, [www.pabar.org](http://www.pabar.org).

## JUDGE DEL SOLE

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**CGS:** A lot of people do not know what the president judge does. Can you explain?

**JDS:** The president judge has the ultimate administrative responsibility for the court. The court is a fairly substantial institution. It has a budget of over \$26 million a year and over 250 employees. A lot of those employees are hired strictly by the judges — like the chamber staff — but then there are a number of employees that work for the court, like Central Legal Staff, filing officers and fiscal officers, and so your responsibility is to manage those offices in conjunction with the office heads.

**CGS:** During your time on the bench, have you witnessed changes in the law that you are particularly satisfied with or not satisfied with?

**JDS:** We had a huge change in the domestic area with the passage of the Divorce Code in 1980, which created the

concept of marital distribution. I think that was a very necessary change in order to provide fairness to parties to a marriage that was dissolving. We have also seen changes now in professional liability cases with certificates of merits, all of which I think are a good thing.

**CGS:** It is often said that there is an extremely high rate of dissatisfaction within the profession. To what would you attribute that?

**JDS:** I think there is a lot more competition within the bar and a lot more pressure. Maybe there is too much emphasis on the adversarial nature of the profession as opposed to the professional nature of the profession. To the extent it fosters the adversarial nature of our work, I think we do a disservice to the profession because it should be more of a problem solving. Lawyers shouldn't be the "hired guns" for their clients as much as they should be the bodyguards;

you should be there to protect the client and try to resolve the case.

**CGS:** What you are talking about is also just a nicer way to treat a colleague.

**JDS:** Well, the golden rule still applies; treat people the way you want to be treated and try to find solutions. The goal is to solve the problem for the client, not to win the case. If everyone participates in the solution, they are going to be much more satisfied with the outcome.

**CGS:** You must have mixed emotions leaving the bench after 28 years.

**JDS:** I've enjoyed the profession, both in practice and on the bench. It's been personally rewarding. The opportunity to help shape the law in the commonwealth, particularly on the appellate court, and to be part of deciding cases that become the law for a state of 12 million people. To be part of that process was a wonderful opportunity for me.