



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



AT ISSUE

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

HIPAA TIPS: RELEASE OF MINORS' MEDICAL RECORDS

By Mary Ann La Rock

What does HIPAA have to say about releasing the medical records of minors? In short, the HIPAA Privacy Rule (Rule) basically defers to state laws regarding the ability of a parent or legal guardian to obtain health information about a minor child. Therefore, HIPAA did not significantly change the laws concerning the release of medical information related to minors.

Generally speaking, the Rule permits a covered entity to disclose to a parent, or to provide the parent access to, a minor child's protected health information when and to the extent it is expressly permitted or required by state law (including case law). The Rule also addresses those instances where a parent is not considered the child's personal representative and, therefore, would not generally be able to obtain the minor's health care information. Those exceptions essentially track the ability of minors to obtain health care services without parental consent. There are three specific exceptions described herein.

First exception: A parent is not considered the personal representative of the minor when state law does not require the consent of a parent or other person before a minor can obtain a particular health care service. Under Pennsylvania law, a minor is defined as a person under the age of 18. Most commonly, parents will be the personal representatives of the minor and are thus entitled to make health care decisions for the minor. In typical cases, the parents as personal representatives have access to the minor child's health information.

However, there are exceptions to this principle; pursuant to Pennsylvania law, a minor may be considered emancipated and be able to make health care decisions for himself if the minor has graduated high school, has married or has been pregnant (obviously limited to female minors). A minor who has received a judicial decree of emancipation may also consent to his own care, as can a minor who has married or has borne a child. Be advised that the "borne" exception is limited to female minors; a minor father cannot consent to medical care for his children unless he is married.

Minors can also consent for their own care in certain circumstances without parental consent as listed below:

1. Minors can consent for the testing and treatment of venereal diseases and diseases reportable under the Disease Protections and Control Law of 1955, which is published by the Department of Health.

2. Case law has recognized the right of minors to receive contraceptives without parental consent. Physicians should exercise their best medical judgment in providing contraceptives to minors.

3. Minors can consent to the testing of and treatment for pregnancy. However, this does not include abortions. Pursuant to the Abortion Control Act, if a pregnant woman under the age of 18 seeks an abortion, the physician

continued on Page 5

IS PROFESSIONAL COURTESY DEAD?

By Nicole Gerson

No, but it is breathing heavily. When you talk to older attorneys about this, they all complain that it is not like the old days — and blame the younger attorneys. Of course, there will always be a few "problem" attorneys, regardless of age. But more and more, the experienced attorneys that I know complain that the newer, younger, more inexperienced attorneys lack professional courtesy.

OK, so what do they mean by "professional courtesy"? The unwritten rules are as follows:

1. Always keep your word — yes, even if it is not in writing. The difficult part of this may be remembering what you said, so you should always keep a detailed memo in your file or a calendar-style log book of telephone calls containing the gist of your conversation and any agreements you made with opposing counsel, for your benefit as well as theirs.

2. Grant extensions of time/continuances when they are requested by opposing counsel if the request is reasonable — unless, of course, such a continuance causes a problem for your client. This includes requests made simply because your opposing counsel is too busy or, miraculously, has a personal life. This goes hand-in-hand with trying to accommodate opposing counsel's schedule.

3. *Never* insult or personally attack opposing counsel in pleadings, motions or letters. If you do not like or trust the other attorney, that's fine, but that information is not relevant to the matter before the court. As an officer of the court, you have an obligation to keep filings relevant and treat opposing counsel with civility, even if they are too immature to do the same. (If you absolutely must return an insult, be sure to do it privately and orally. There is

continued on Page 3

**LEARN ABOUT THE 2004 YLD
OFFICER CANDIDATES!**

GO TO PAGE 4.

WHAT'S AT ISSUE

Many of us have seen the billboards that feature a pregnant woman — or a baby — stamped with the words “potential lawsuit.” The tagline reads, “To



Seelig

lawyers, all PA patients look the same.” For many of us who do not practice in the medical malpractice field, these statements are a disturbing broad-brush attack on the profession.

We have all also heard the many lawyer jokes, such as, “What do you call 100 lawyers at the bottom Search Term Begin Search Term End of the sea”? I think it is time for lawyers, especially young lawyers, to stand up for this noble profession and remind the public and ourselves of the difference lawyers have made in this country and the world.

I think when lawyers see a baby, rather than a potential lawsuit, they think of the potential that baby has to grow up and take advantage of all the freedoms and opportunities provided by this country. However, without lawyers, one wonders what future this baby would have. Because of lawyers and judges, that baby will no longer grow up in a country where he or she will be forced to go to a particular school based upon the color of his or her skin. If that baby one day is accused of a crime, he or she will have the right to an attorney and right to a jury of his or her peers. Regardless of sex, that baby will someday have the right to vote. When that baby seeks a job someday, he or she will have the right not to be discriminated against because of race, gender or age. The list of personal and civil rights that have been recognized or implemented because of lawyers is endless.

However, lawyers have not stopped their fight for personal and civil rights with this country. Rather, they see the “potential” a baby has in other countries. The American Bar Association and its members have sent thousands of

THIS BABY HAS ‘POTENTIAL’ THANKS TO LAWYERS: LET’S STAND UP FOR THE PROFESSION

lawyers, professors and judges abroad to help countries write or rewrite their constitutions, reform criminal justice systems, develop environmental regulations and more.

When someone starts in with a joke about what to do with a number of lawyers, I have a response. What do you do with 34 lawyers in Philadelphia? You write the greatest governing document in human history, the American Constitution. Of the 55 men assembled to write the Constitution, 34 were lawyers (The Constitutional Convention and the Formation of the Union 389 [Winton U. Solberg ed., 2d ed. 1990]). Of those 39 who signed the final draft, 20 were lawyers (Id. at 390-408). Putting together a bunch of lawyers has produced some wonderful things.

I think it is time for lawyers, especially young lawyers, to stand up for this noble profession and remind the public and ourselves of the difference lawyers have made in this country and the world.

So many lawyers perform community service on school boards, councils, charities and religious organizations. Lawyers also contribute their time and money to political causes. In short, when it comes to public service, I find that no other profession compares.

I am excited to be serving on the PBA Public Relations Task Force put together by our PBA president, Tom Golden. I think lawyers need to stand up for their profession. I hope all of you will do your part in explaining to your clients, friends and neighbors all the good things lawyers do. When my two-year-old son someday asks his Daddy and Mommy what we do when we go to work, I look forward to telling him that we are lawyers, and lawyers help people. And I hope to tell him that rather than a potential lawsuit, he is actually viewed as human being that has unlimited potential to do anything, because of the freedoms and liberties that lawyers have fought for.

Judge Todd B. Seelig is a workers' compensation judge in the Philadelphia District. He is also the current chair of the PBA Young Lawyers Division and an adjunct professor at Villanova University School of Law.

AT ISSUE

Editor

Jennifer Walsh Clark

Associate Co-editors

Jenny Y.C. Cheng
Jane Smedley

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.

Division Officers: Hon. Todd B. Seelig, Chairperson; Charles Eppolito III, Immediate Past Chairperson; James A. Wells, Chair-elect; Jennifer Walsh Clark, Secretary; Justin B. Goldstein, Treasurer; Lee R. Demosky, Division Delegate; Amy J. Mendelsohn, ABA/YLD District Representative

Zone Chairpersons: At-large: James E. Ellison, Frances Fattah, Natalie Klyashtorny; Zone One: Derek S. Green, Marla A. Joseph, Scott P. Sigman; Zone Two: Jenny Y.C. Cheng, A. Judd Woytek; Zone Three: John P. Basial, Brett M. Woodburn; Zone Four: Julieanne E. Steinbacher; Zone Five: Ryan C. Blazure, Jane Smedley; Zone Six: Lane M. Turturice; Zone Seven: Kelly A. Mroz; Zone Eight: William J. Higgins Jr.; Zone Nine: Nicole Gerson, William H. Levay, Eric B. Smith; Zone 10: Jennifer Gilliland-Vanasdale; Zone Eleven: Jeffrey S. DuBois; Zone Twelve: Nathan J. Prepelka, Hilary N. Snyder

PBA Staff:

Jayanne Hayward, Coordinator for the YLD;
Lisa L. Granite, Editorial Liaison

The materials printed herein are of general reference and are subject to interpretation consistent with state and federal laws.

©2004 Pennsylvania Bar Association Young Lawyers Division

Upcoming Events

May 12-14 — PBA Annual Meeting, Hershey Lodge & Convention Center, Hershey

May 13 — YLD Business Meeting, Hershey Lodge & Convention Center, Hershey

July 30 - Aug. 1 — YLD Summer Meeting, Nittany Lion Inn, State College

PROFESSIONAL COURTESY

CONTINUED FROM PAGE 1

nothing worse than a written insult returning to bite you in the behind. Trust me, I have used it to my advantage before.)

4. Do not lie to opposing counsel or the court on behalf of your clients. Aside from being a breach of the Code of Professional Conduct, this is also unethical. The only thing we have sole control of in this business is our integrity and reputation for honesty. Do not, I repeat, do NOT relinquish that power over your career!

5. Do not take any case too personally or get too caught up in your client's position. It will cause you to lose your objectivity, which will not benefit anyone. This also includes not blaming opposing counsel for the other party's sleazy position and chutzpah in disagreeing with your client's position. You are both representing your clients' interests, not your own.

6. If you think opposing counsel is doing something so wrong that it may rise to the level of malpractice, pick up the phone to warn him or her rather than exploiting the situation. In the end, this will pay off tremendously for you.

7. Do not fax emergency documents late on Friday afternoons or the evening before a holiday. This is just nasty.

8. Return phone calls and respond to letters. If you do not have an answer, let them know. An added benefit of getting into this habit is that most complaints made to the Disciplinary Board by clients about their attorneys are due to the failure to return phone calls.

9. Do not work up a case just to create attorney's fees. This does not really benefit anyone, including you, as it will anger your client and most certainly opposing counsel. Plus, these attempts are not so cleverly veiled as you might think — so you aren't fooling anyone.

10. Do not practice "legal blackmail," which is often referred to as nuisance value. You should be careful what cases you accept. Again, your integrity is at stake here, and taking cases just to try to settle for nuisance value is designing a reputation you may not be comfortable living with and judges certainly won't respect.

As you can see, these guidelines will not only benefit the legal community at large, but also improve your relations with the bench and the bar, which will

Nicole Gerson is a Philadelphia attorney who serves as a Zone 9 co-chair.

inevitably benefit you by virtue of the quality and quantity of your client base. So, there are plenty of reasons for you to practice law with professional courtesy and civility.

I recently had a case where an attorney (who had been practicing for less than 10 years) broke almost every rule above. Believe me, it did not benefit either of us. To begin with, he filed what I considered to be a nonsense case. In fact, I considered it to be legal blackmail, especially when one of his earliest letters threatened to sue if he did not get what he wanted, which was to buy a product for significantly less than its value (Rule 10). When we began to fight the case, he threatened to subject my clients to his thorough, far-reaching and unyielding investigation (Rule 10). This method had been successful for him in the past, but he clearly underestimated me in this case.

At one point, I had to cancel two days of depositions because of overwhelming schedule conflicts, and he responded with a motion for sanctions, even though there was more than a month left in the discovery period.

As the case proceeded, in his answer to my motion to dismiss, he resorted to insulting me (Rule 3). I can assure you that did not ingratiate him to me. It turned out that the complaint that he filed alleging fraudulent misrepresentation, among other things, was the same form complaint he used in every case. So, the alleged "misrepresentations" were the same ones that every defendant made to all of his clients (Rule 4). In short, when he was pressured to support his clients' alleged damages, some claims were withdrawn (Rule 4).

In addition, on Christmas Eve he faxed over 100 requests for admissions (Rule 7). Other letters were frequently faxed late in the afternoon or on weekends. At one point, I had to cancel two days of depositions because of overwhelming schedule conflicts, and he responded with a motion for sanctions even though there was more than a month left in the discovery period (Rule 2). Fortunately, the judge refused to support him, denying the motion and sanctions that he requested.

In my story, the sad part is I think he really believed in his case. But he got too caught up in how evil he believed my clients were and lost track of the real case,

not to mention his objectivity as a professional (Rule 5). He was also pursuing attorney's fees, which he failed to realize still had to be reasonable and rationally related to the case (Rule 9). The actual damages in this case, if he could prove everything he alleged, were only \$1,500, yet the attorney's fees exceeded \$40,000! There simply is no excuse for the behavior exhibited by this lawyer; this is the type of attorney who gives us all a bad name.

At the settlement conference, opposing counsel demanded \$850,000 in damages. At the conclusion of the conference, he walked away with a mutual release and no money. I truly believe this outcome was based in large part on the letters that he wrote to both my clients and to my office. It appeared as though he was more interested in attorney's fees than in justice. Unfortunately, nobody won in this case and everyone walked away unhappy. His clients were unhappy because they lost the case and walked away with nothing. His office was unhappy because of the time and money he spent on this case. My clients were unhappy because of the high legal fees they had to spend in defending a nonsense case. And I was unhappy because I spent so much time and aggravation on this case, which only led to an unhappy client that may or may not remain a client.

While there was nothing I could do to prevent this case from continuing as long as it did, clients are practical and simply do not want to see their hard-earned money spent defending a ridiculous case. They do not understand that everyone has a right to file a lawsuit, even if there is no basis.

So, in the end, since my opposing counsel lacked true professional courtesy and civility, we all walked away losers. It did not have to be that way. Had he been civil and reasonable, my clients would have paid a nuisance value settlement, his clients would have made some money, my clients would have saved legal fees and everyone could have been happy.

The moral of my story is that professional courtesy and civility can only benefit you. I still believe it is alive and well, despite what we hear, because I have been practicing law for almost 10 years and this is my very first outrageous opposing counsel story. The majority of attorneys that I have met and worked with were professional, courteous and civil — as it should be.

NOMINATING COMMITTEE REPORT

By Steven R. Serfass

The PBA/YLD Nominating Committee, chaired by Steven R. Serfass, respectfully submits the following report of the Nominating Committee for the PBA/YLD elections to be held on Thursday, May 13, 2004 at the Hershey Lodge and Convention Center.

For the Office of the Chair-Elect:

Jennifer J. Clark
Derek S. Green

For the Office of Treasurer:

Justin B. Goldstein

For the Office of Secretary:

Amy J. Mendelsohn

Biographical Information on Candidates

Biographical information is based on the information supplied to the Nominating Committee by the candidates.

Chair-Elect

Jennifer J. Clark, the current PBA/YLD secretary, is a graduate of Bucknell University, the University of Minnesota and Villanova University School of Law. Clark served as a member of the Bar Leadership Institute Class of 1999 and was a member of the executive council as the Zone 5 chair from 2000-02. She has also been active in the PBA/YLD Statewide Mock Trial Competition as both a district and regional coordinator, received the Lackawanna County Bar Association's 2003 Exemplary Service Award and currently serves as a voting member of the PBA House of Delegates and a member of the PBA Planning Committee.

Clark is an assistant U.S. attorney in the Middle District of Pennsylvania specializing in civil defense work and serves as secretary of the Federal Bar Association's Middle District of Pennsylvania Chapter. This spring marks the completion of her third year as editor of *At Issue*, the PBA YLD publication. Additional biographical information is available directly from the candidate at the Office of the U.S. Attorney, Federal Building, 235 N. Washington Avenue, P.O. Box 309, Scranton, Pa. 18501-0309, telephone (570) 348-2800.

Derek S. Green serves as chief legislative aide and counsel in the office of Philadelphia City Councilwoman Marian B. Tasco. He also serves as counsel to the Philadelphia City Council

Committee on Public Health and Human Services.

Green, a graduate of the University of Virginia and Temple University School of Law, is admitted to practice in Pennsylvania and New Jersey. Since 2000, he has served as PBA/YLD Zone 1 co-chair and has been a member of the Philadelphia Bar Association's YLD executive council since 2001. A graduate of the Bar Leadership Institution Class of 2000-01, Green currently serves on the PBA's Government Lawyers Committee. He is a former member of the PBA/YLD Bylaws Committee, Membership Development Committee and previously served as secretary of the Minority Bar Committee. Additional biographical information is available directly from the candidate at 7151 Boyer Street, Philadelphia, Pa. 19119, telephone (215) 205-4988.

Treasurer

Justin B. Goldstein is the current PBA/YLD treasurer. He is a fiduciary officer with the National City Bank of Pennsylvania and is admitted to practice in Pennsylvania and West Virginia. He graduated from the State University of New York at Albany with a B.A. in Political Science and earned his J.D. from the University of Pittsburgh School of Law, where he was a member of the Appellate Moot Court Team. Goldstein currently serves as the immediate past chairperson of the Young Lawyers Division of the Allegheny County Bar Association as well as a member of ACBA's Board of Governors. He also served as chairperson of the American Bar Association's 2003 YLD Fall Conference Host Committee and as PBA/YLD Zone 12 co-chair. He is a graduate of the PBA Bar Leadership Institute and a volunteer with Big Brothers/Big Sisters of Greater Pittsburgh. Additional biographical information is available directly from the candidate at 20 Stanwix Street, 16th Floor, Loc. #25-163, Pittsburgh, Pa. 15222, telephone (412) 644-7605.

Secretary

Amy J. Mendelsohn works for the Pennsylvania General Assembly as an attorney in its Legislative Reference Bureau. The Bureau is a nonpartisan agency of the Legislature that advises and assists members in the drafting of legislation. Prior to joining the legislative branch, she was in private practice for five years.

Mendelsohn currently serves as the Young Lawyer District Representative for Pennsylvania to the American Bar Association. She is also a PBA/YLD executive council member. In 2002, Mendelsohn was selected for a two-year term as a fellow of the ABA Real Property, Probate and Trust Law Section, for which she also serves as a vice-chair of the Public Information and Web Content Committee. This past fall, she coordinated disaster legal relief efforts to assist victims of flooding in Northeastern Pennsylvania in conjunction with the Federal Emergency Management Agency, the PBA/YLD and the ABA.

Mendelsohn is a magna cum laude graduate of the Dickinson School of Law of the Pennsylvania State University. She received her undergraduate degree, magna cum laude, from James Madison University. Additional biographical information is available directly from the candidate at Room 641 Main Capitol Building, Harrisburg, Pa. 17120-0033, telephone (717) 787-2142.

Additional nominations

Under Article IV, §. 4 of the PBA/YLD By-Laws, additional nominations for any office except that of Chair-Elect may be made only by means of nominating petitions prepared and submitted in accordance with the following requirements:

- a. Satisfy all qualifications under Article IV, §. 3 of the By-Laws.
- b. Each petition shall be endorsed by at least 15 members of the YLD.
- c. Each petition shall be accompanied by a brief biographical sketch of the background and qualifications of the candidate.

- d. Each petition must be received by the chair of the Nominating Committee (Steven R. Serfass, 232 Delaware Avenue, P.O. Box 195, Palmerton, Pa. 18071, telephone (610) 826-2100, fax (610) 826-8082) at least 30 days prior to the first day of the Annual Meeting (i.e., on or before April 12, 2004). Petitions which do not fulfill the requirements of this section will not be reported out by the Nominating Committee. If petitions are received, the co-chairs of the Nominating Committee shall notify all candidates who were chosen by the Nominating Committee by letter, mailed at least 15 days prior to the first day of the Annual Meeting.

Election Procedures

In accordance with Article IV, Section 7 of the PBA/YLD By-Laws, the election

Steven R. Serfass is a partner/shareholder in the firm of Serfass & Cheng Law Offices, P.C. in Palmerton.

HIPAA TIPS

CONTINUED FROM PAGE 1

must ordinarily obtain the informed consent of the patient and her parent or guardian before performing the abortion. The consent of only one of the minor's parents is required or, if the parent will not consent, the minor may seek an order from the court.

4. Minors can consent for the medical care and counseling related to the diagnosis or treatment of a substance abuse problem.

5. Minors 14 years of age and older may consent to mental health treatment if they substantially understand the nature of their voluntary treatment.

Second exception: The parent is not considered the personal representative of the minor when a court determines (or other law authorizes) someone other than the parent to make treatment decisions for a minor. For example, a court may grant authority to an adult other than the parent to make health care decisions for the minor, or the court may make the decision itself.

Incidentally, when courts place a minor in the Child Welfare System, a number of individuals generally get involved in the child's care. Typically, the County Children and Youth Agency (Children and Youth) becomes the child's legal custodian, which is not to be confused with the child's legal guardian.

Mary Ann La Rock is in private practice in Palmerton with the law firm of Serfass & Cheng Law Offices, P.C.

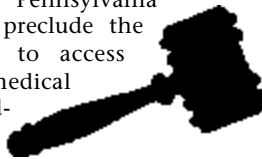
CALL ELLEN...

the PBA's Law Practice Management Coordinator, with your questions about equipment purchases, computer technology or human-resources issues.

Call PBA LPM Coordinator
Ellen Freedman at the
PBA LPM Hotline:
Ext. 2228 at
1-800-932-0311

In such cases, Pennsylvania law does not preclude the parents' right to access the minor's medical record. Children and Youth can, however, consent to the routine examination and treatment of the child and is entitled to the child's health information. The agency generally places the child in the physical custody of a foster parent or relative and, because HIPAA regulations permit the release of information to those involved in the patient's case, the foster parent would have access to the minor's health information as it pertains to their ability to care for the child. For minors in the Child Welfare System, Pennsylvania law distinguishes between routine and nonroutine treatment; a child's parent is still required by law to consent to each instance of nonroutine care, including nonemergency surgery, cosmetic surgery or experimental treatment. Absent the parent's consent, a court order is needed to proceed with nonroutine treatment.

Third exception: The parent is not considered the personal representative of



the minor when a parent agrees to a confidential relationship between the minor and a physician. For example, should the parent of a 16-year-old patient agree when a physician asks if she can talk with the child confidentially about a medical condition, the parent would not be the child's personal representative with regard to that particular care. In the event that the parent later revokes such consent, the physician may maintain the confidentiality of the prior communications with the child to the extent that the physician relied on the parent's consent.

Lastly, notwithstanding state law, the Rule permits a provider to elect not to treat a person as the personal representative of a minor if the provider has a reasonable belief that the minor has been or may be subjected to abuse or neglect by such a person; if treating such person as a minor's personal representative could endanger the minor and the provider; or if, in the exercise of professional judgment, the provider decides that it is not in the best interest of the minor to treat the person as the minor's personal representative.

NOMINATING REPORT

CONTINUED FROM PAGE 4

of officers, with the exception of the ABA/YLD Representative, shall be held at the Annual Meeting of the PBA/YLD. In order for an election to be valid, there must be at least 15 members of the YLD who are eligible to vote present at the Annual Meeting of the YLD in order to constitute a quorum for the transaction of business. In order to be binding, the election must be made by a majority vote of those eligible members present and voting, pursuant to Article VIII, Section 7 of the By-Laws. Voting will be open as of the start of the YLD business meeting.

The meeting will begin at 4 p.m. and conclude at 5:30 p.m. on Thursday, May 13, 2004. At the YLD Business Meeting, the Nominating Committee will have a table where the Business Meeting is being conducted. At the table, we will have a computerized list of YLD members. In order to obtain a ballot, the prospective voter must check in. If the voter's name is on the list as a current YLD member, he or she will be provided

with a ballot. If the voter's name is not on the list, he or she will have to pay YLD dues immediately in order to obtain a ballot. The computerized list will determine who is a current member. If voters are uncertain of their membership status, they are encouraged to check with PBA to confirm their membership well in advance of the meeting. Unless a three-way race develops between now and the election meeting, votes will be counted at the end of "Old Business." Results will be announced during "New Business." If a three-way race develops between now and the election meeting, voting will end approximately one hour and 15 minutes after the start of the business meeting. This cutoff is to permit the Nominating Committee sufficient time to count (and double count) the votes and to certify the results. In the event that a runoff election is required, the two highest vote getters in the three-way race would participate in the runoff election.

The Nominating Committee wishes the best of luck to all of the candidates.

BOOK REVIEW

OK, so it's been a while since my last installation of book reviews. Once again, I couldn't stay away from those legal/cop thrillers and felt compelled to share my impressions and recommendations (or warnings, as the case may be) with you.

I must admit that *The Bone Vault* (Scribner, 2003) was the first book I'd read by Linda Fairstein. As you may guess, Fairstein apparently modeled her main character after herself: Alexandra Cooper is a tough-as-nails assistant district attorney in Manhattan working in the Sex Crimes Unit (sound familiar, SVU fans?). Fairstein worked that same job for 25 years, and her writing proves it! In this book, (her fifth novel with ADA Cooper) Fairstein not only captures the fast-lane life a prosecutor in New York suffers daily, but she also gives unbelievable insight into the New York museum scene.

In the first few pages, they discover a body at the Museum of Natural History. Cooper is (a little too) conveniently already on the scene, attending a gala to introduce a new collaborative project involving the Museum of Natural History, The Cloisters and the Metropolitan Museum of Art. Guess where they find this body? Yep, in a sarcophagus. Maybe a little cliché for a museum, but the book really takes off from there.

Of course, Cooper and her team of compatriots, detectives Mike Chapman and Mercer Wallace, eventually get to the bottom of this one, but the information on the various museums is truly interesting and, frankly, information I would never have read a history book to learn. The facility with which Fairstein paints the historical backdrop is expert. And, of course, the victim is an intern who worked on one of the exhibits, implicating worldwide suspects and motives...

HEY, AVID READER HERE

By Anonymous Avid Reader

I really can't say enough about the plot in this book. It isn't your run-of-the-mill whodunit. And you can't read this book if you are looking to just "veg out." This is a thinker, but it definitely pays off. You may even find yourself planning a trip to the museums to see the exhibits for yourself, where you can impress all your friends with your newfound museum knowledge!

A Cold Heart (Ballantine Books, 2003) is another Jonathan Kellerman hit involving Dr. Alex Delaware, the psychologist who consults with the police department — at least that's what the reviews say. I must admit, not a huge fan of this one. Why? Well, this plot is too much of a stretch to be believable; I never get lost in the book.

The basics here are the same as Kellerman's 16 other Dr. Delaware adventures: a

strange killing, likened to another strange killing, leading to a serial killer with a bizarre psychosis. In this one, budding artists with seemingly no connection to one another keep dying. It starts with Baby Boy Lee, a has-been guitarist with impeccable artistry and technique, who turns up dead outside the joint where he is playing his latest gig. (See, aren't clichés annoying?) But Dr. Delaware already knows Baby Boy, since the guitarist always enlisted the help of — guess who — Dr. Delaware's recent ex-girlfriend to repair his prize guitars. Soon after discovering Baby Boy's body, Juliet Kipper is murdered at the gallery where her paintings are being shown. No obvious motive, save for the mandatory ex-husband who pays her lots of alimony. Detective Milo Sturgis enlists the help of the good doctor, and the adventure proceeds somewhat predictably from there.



I say predictably, yet this plot presents a lack of realism because of its odd nature — even for psychos. To make matters even more far-fetched, there is a story line revolving around Dr. Delaware's former girlfriend and his current girlfriend, the usual love triangle conundrum. Two more bodies lend to the fray, frustrating the efforts to connect the killer to these artist victims.

There are a few things I liked about the book, including some of the clues pointing to the oddball magazine journalist as the top suspect. This trail leads Dr. Delaware to his college, searching for other articles he may have written. Why Dr. Delaware is doing this legwork instead of the police, I can't understand, and no explanation is offered.

Anyway, I must say that the end of the book is somewhat gratifying, despite the hard-to-swallow pages leading up to the conclusion. I can't exactly put my finger on why I didn't like this book more, except to say that the plot (and some of the other stuff thrown in that doesn't exactly qualify as plot) is just too weird to accept. But, if you like the prior Dr. Delaware installments, this one isn't too awful and you will enjoy the ultimate resolution. Don't cancel any dentist appointments to sit home and read it, though.

Now, if you read both and think I'm crazy for thinking that the plot of *A Cold Heart* is any more far-fetched than the one in *The Bone Vault*, I can understand where you are coming from. But, the story lines, background information and the way the edge-of-your-seat scenes are written in *A Cold Heart* cannot compare to *The Bone Vault*. As a matter of fact, I cannot think of any edge-of-your-seat scenes in *A Cold Heart*, at least not that made me sit there, teetering. But, read them and see for yourself. Sometimes it beats catching up on treatise supplements.