



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



AT ISSUE

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

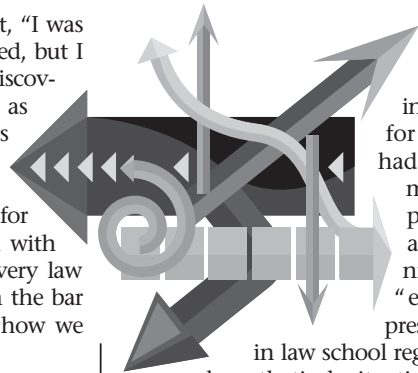
TO ALL THE YOUNG LAWYERS WHO WANT TO BECOME INVOLVED ...

By Jane T. Smedley

One of the most enjoyable aspects of being a young lawyer is taking part in "young lawyer" activities. Whether it is a community service event or a seasonal social, these activities provide valued opportunities to gather with colleagues and friends while meeting other members of the bar association. In sharing my experiences as an active member of the Young Lawyers Division of both the Lackawanna County Bar Association and the Pennsylvania Bar Association with other young lawyers, I am

often met with the same comment, "I was always interested in getting involved, but I just didn't know how." Well, as I discovered, getting involved is as simple as this — volunteer and let others know just how interested you are!

One day in January or February, I met one of my closest friends for lunch. This friend was the person with whom I had studied for almost every law school final exam, not to mention the bar exam! At lunch, we talked about how we



were adjusting to working in the setting for which we had spent so many years preparing, and recognized that the "enormous" pressures we felt

in law school regarding those hypothetical situations and fictional jurisdictions had now been replaced by the even more enormous pressures of dealing with real people who have real problems and depend on us for real results.

These dramatic changes, along with the challenge of settling into a daily routine with the goal of balancing work and play, directed us to the realization that we needed to commit ourselves to community volunteer activities, akin to those we so enjoyed prior to the pressures of law school. In the wake of the demands of law school and new jobs, we had neglected the community service programs we had so valued and had forgotten the feelings of satisfaction and fun we experienced spending time volunteering in the community. It was time to revisit our proactive participation in volunteer events and incorporate that community service into our new lives.

I was admitted to the bar in December 2001 in Lackawanna County, where the

continued on Page 4

continued on Page 3

THE ABCs OF DUI

By James A. Wells

Your mother's friend's daughter's boyfriend has been charged with driving under the influence (DUI) and now you've been asked to help him. Whether you have minimal experience in criminal law or none at all, you may in fact be quite capable of providing effective representation. This is, of course, dependent upon how complicated the matter is. If your client has a prior criminal record or has previously accepted an ARD (accelerated rehabilitative disposition), you may not want to handle his case. If the case involves a motor vehicle accident where others are injured, there are substantial consequences — both criminal and civil — mandating that your client's case be placed in the hands of an experienced criminal defense attorney. If, however, you're presented with a "garden variety" DUI case,

this article will help you make your mother proud.

The initial meeting with your client will be your first opportunity to assess whether or not you are able to accept the case. First, review the criminal complaint filed against your client. In a typical case, there are actually two counts filed for driving under the influence. The first count is generally filed under 75 Pa.C.S.A. §3731(a)(1) and alleges that your client operated a motor vehicle while under the influence to a degree that rendered him incapable of safe driving; the second count is usually filed under 18 Pa.C.S.A. §3731(a)(4) and charges that your client operated a motor vehicle while the amount of alcohol by weight in his blood was .10 percent or greater.

continued on Page 4

WINTER 2003 VOL. 27 NO. 1

BE IN THE KNOW!
UPCOMING EVENTS
ARE ON PAGE 3.

NEW RULE OF CIVIL PROCEDURE:
READ AN OVERVIEW ON PAGE 8.

CARBON COUNTY COURT?
LEARN WHERE TO LUNCH
ON PAGE 10.

WHAT'S AT ISSUE

The new year begins with much promise for what lies ahead — for the bar association, the legal profession and our communities. The Young Lawyers Division continues to endeavor to implement innovative programs and exciting events for the benefit of all of the above.



Eppolito

I am heartened by the level of interest and excitement exhibited throughout Pennsylvania for the YLD's activities.

With regard to our community-based projects, young lawyers have been visiting schools and senior facilities around the state, meeting and conversing with children and senior citizens concerning important issues facing them. In December, the Young Lawyers Division launched "Taking Hate Out of Junior and Senior High School Classrooms," a statewide educational initiative designed to increase tolerance in schools by opening dialogue between lawyers and students in areas such as stereotyping, discrimination, prejudice and hate. Because we believe that opening the lines of communication between students and adults is a critical first step in addressing the issues of intolerance and hate in our schools, the YLD has made a commitment to talk with junior and senior high school students across Pennsylvania about the escalating prejudices that often lead to violence and other problems in our schools. Through open discussions, students can talk about hate, diversity and prejudice and devise ways either to avoid or deal constructively with these problems when they arise.

During the kick-off program, which was held at Methacton High School in Montgomery County, Zone 9 YLD Co-Chair Eric Smith, Will Levay and I spoke to nearly 200 students in several classrooms. We reviewed statistics on global diversity and hate crimes and discussed various personal as well as historical

YLD Chairperson Chuck Eppolito is with the firm of McQuaide, Blasko, Schwartz, Fleming & Faulkner Inc. in Hershey.

cases of prejudice and hate caused by race, religion, creed and other factors. School faculty participated in the discussions to help address hate on a school-wide level. The goal of the program is to make schools safer by teaching students the importance of tolerance.

Additional programs will be held at junior and senior high schools throughout the commonwealth during the remainder of the school year. Similar presentations will be made in elementary schools, tailored for children of those ages. We have received an overwhelming response from teachers, parents and various organizations throughout Pennsylvania since news about the first program was disseminated. Several young lawyers have expressed interest in assisting with the implementation of these programs in their areas. If you would like to become involved in these important and rewarding programs or would like more information, please contact the PBA or me.

I am heartened by the level of interest and excitement exhibited throughout Pennsylvania for the YLD's activities.

The YLD is also distributing handbooks titled "A Guide to Legal Issues for Pennsylvania Senior Citizens." The handbook, created by the PBA Senior Lawyers Committee, is being distributed throughout Pennsylvania, often accompanied by a presentation by young lawyers. Zone 5 YLD Co-chair Jane Smedley conducted the first presentation in December at the Scranton Senior Center, where nearly 40 residents welcomed the pearls of wisdom offered during Jane's presentation and encapsulated in the comprehensive handbook.

The YLD New Admittee Conference was held Feb. 28 and March 1 in conjunction with the Conference of County Bar Leaders at the Hershey Lodge in Hershey, Pa. This conference provides new admittees with an outstanding opportunity to meet with other young lawyers in Pennsylvania as well as the leadership of the PBA and county bars across the state. There were several substantive programs offered during the two-day conference, including: "Effective Writing in the Appellate Process" (presented by Supreme Court Justice J. Michael Eakin and Superior Court Judge Richard B. Klein) and "Top Ten Dos and Don'ts for Appearing before a Judge" (presented by newly appointed federal judge for the Middle District Christopher C. Conner and Centre County Common Pleas Judge Thomas

AT ISSUE

Editor

Jennifer Walsh Clark

Associate Co-editors

Mary Kollas Kennedy
Jane Smedley

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King Kistler). There were YLD programs concerning quality of life and InCite/electronic legal research, a free PBA member benefit. The New Admittee Conference provides a unique combination of substantive enrichment and networking/social events.

In addition, the YLD continues to sponsor events throughout Pennsylvania for the benefit and enjoyment of young lawyers. Look for these events in your county/zone during the next several

continued on Page 3

GETTING INVOLVED

CONTINUED FROM PAGE 1

swearing-in tradition includes a ceremony in the morning followed by a light reception and, later that day, the county Young Lawyers Division annual holiday party. Of course, I attended those events with other new admittees and throughout the entire day we were introduced to many of the other members of the bar. Afterward, I attended a few meetings and county YLD activities and got to know some of the more active members of our county YLD. These were the same young lawyers who at the holiday party encouraged me to participate in as many YLD events as possible. Just as they promised, those activities were a great opportunity to establish camaraderie with the other members of the YLD and the senior bar and, even more important, to contribute to our community — not to mention the fact that there was always a lot of fun had by all.

During one of these activities, I expressed to one of these young lawyers an interest in becoming more involved in our YLD, and a few months later I learned of openings on our county YLD Board. Later, I received a phone call from our Lackawanna County YLD president informing me that I had won a place on the board — proof that no one forgets when you offer to volunteer!

Two of the events in which our county bar participates are the PBA's Conference of County Bar Leaders and the New Admittee Conference held in conjunction with one another. These two events usually take place in late February/early March. That year, I was selected to represent the new admittees from our county bar at the PBA's New Admittee Conference. I knew there would be some great conferences and programs, and this one certainly proved to be one!

While at the conference, I attended

numerous seminars and learned about the PBA, from the mission to the mechanics and, in no small measure, the many member benefits. I also learned of the American Bar Association and of the activities and benefits of membership in the national lawyers' organization. Some of the many sessions provided information regarding practical tips on how to organize our time, case management, client relations, substantive legal topics and technology issues facing lawyers today. Although the conference only lasted for two days, I felt as if a door had opened to a whole new world. I had gotten to know other attorneys with the same interests and desire to "get involved" across the commonwealth; I learned of the PBA's varied committees dealing with important topics ranging from children's issues to education and minority outreach; I learned of the PBA's involvement with the Mock Trial Competition; and of the free legal research program called "InCite," powered by LexisNexis. The PBA has so many benefits available to young lawyers in Pennsylvania and offers so many opportunities for lawyers to become involved and contribute to the local communities across the commonwealth!

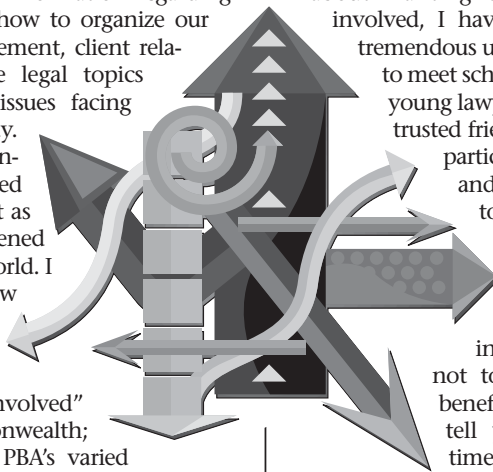
I am currently the PBA YLD Zone 5 co-chair with Ryan Blazure and involved with different committees, such as the *At Issue* Editorial Committee and the Underprivileged and Disadvantaged/Elder Law

Committee. I have attended the PBA YLD Summer Meeting and other meetings during the year, where I spent a great deal of time with esteemed members of the bench as well as renowned lawyers from across the commonwealth. From my one comment to a young lawyer in Lackawanna County about wanting to get a little more

involved, I have been exposed to a tremendous universe of opportunity to meet scholars, judges and other young lawyers who have become trusted friends and have actively participated on committees and in activities to work to make a difference in the lives of the people in our communities. The experience has been invaluable

in my professional life, not to mention the social benefits! So, although I can't tell you just how many times I have heard, "I want to get involved, but I don't

know how," the short and plain solution is simply this: Tell someone that you want to volunteer some of your time. If you don't know whom to tell, try an active member of your county young lawyers division/section (if you have one) and see what happens. If you don't have a county organization, look for the YLD zone chair for your zone in this issue or check out the PBA Web site! Your zone chair will give you all the information you need! The Web site will educate you regarding the specific types of programs the PBA YLD offers, as well as list the scheduled meetings and conferences, and you can e-mail your interest if you prefer. My advice to all who want to become more actively involved — contact your zone chair. Trust me, the PBA provides an incredible opportunity to enhance your professional career, give back to the community and create some valuable and lasting personal relationships! You won't regret it!



Jane Smedley is a law clerk to Judge Robert A. Mazzoni of the Lackawanna County Court of Common Pleas. She is a YLD Zone 5 co-chair, associate co-editor of At Issue and a board member on the Lackawanna County Young Lawyers Division.

WHAT'S AT ISSUE

CONTINUED FROM PAGE 2

months. I look forward to seeing you there! Of course, in the meantime, I invite anyone to contact me in order to discuss the YLD or any other issue of interest to you.

I would like to thank each member of my YLD board and executive council, as well as YLD Coordinator Susan

Donmoyer, for their efforts and time devoted to serving the division and association thus far during this year. I hope you all have an enjoyable winter and spring and I look forward to seeing you and/or speaking with you during the coming months!

Upcoming Events

April 23-25 — PBA Annual Meeting, Wyndham Franklin Plaza, Philadelphia, Pa.

June 6 — PBA Committee/Section Day, Holiday Inn East, Harrisburg, Pa.

Aug. 1-3 — YLD Summer Meeting, Rocky Gap Lodge, Cumberland, Md.

THE ABCs

CONTINUED FROM PAGE 1

A client will sometimes ask, “Why am I charged twice?” But, because these two counts merge for sentencing purposes, your client does not have to worry about being punished twice. These two subsections of the DUI statute merely represent alternate ways the commonwealth may establish a violation: Under §3731(a)(1), opinion testimony from the arresting officer as to the degree to which your client was intoxicated will support a violation of the statute; under §3731(a)(4), the commonwealth must present blood alcohol evidence necessary to establish a statutory violation.

The criminal complaint will also contain an affidavit of probable cause that constitutes the arresting officer’s factual summary of the case. A review of this affidavit may help you ascertain why your client’s vehicle was stopped by the arresting officer, your client’s performance during any field sobriety tests, as well as the arresting officer’s observations of intoxication.

After reviewing the complaint, you will want to interview your client as to the facts as he recalls them. Does he recall doing anything to justify being stopped by the police? Have him specifically describe any interactions he had with the arresting officer as well as his recollection of any field sobriety tests. When and where was a blood sample taken? Did he provide any statements or admissions to the arresting officer? You will then want to inquire as to whether or not your client has a criminal record or has ever been accepted into the ARD program.

Knowing your client’s prior criminal record will help you explain the potential consequences to him. It is important to remember that if your client accepted an ARD within seven years of the current offense, the current offense will be considered his second DUI.

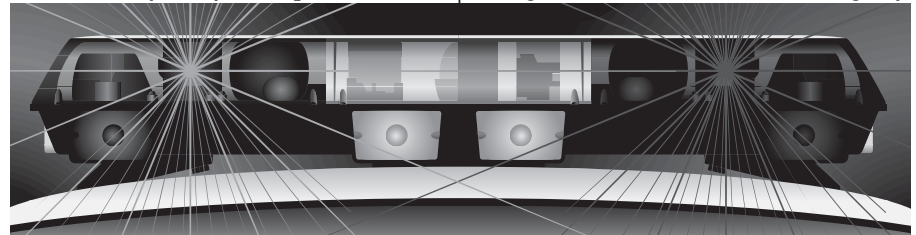
When discussing the possible outcomes with a client, I find it preferable to start by telling the client the potential consequences in the event that he is convicted for driving under the influence. The penalties are enumerated in 75 Pa.C.S.A. §3731(e). For a first offense, a conviction for DUI constitutes a misdemeanor of the second degree, carrying a sentence of 48 hours in jail and a \$300 fine (in many counties, the period of incarceration can be substituted with a longer period of electronic monitoring). As a condition of his parole, he will then have to satisfy the requirements of 75 Pa.C.S.A. §1548, which include attending alcohol highway safety

school and any treatment recommended as the result of a drug and alcohol evaluation. Finally, a conviction for a DUI requires a one-year suspension of a person’s driving license.

Such an outcome is often unsettling for a client. It is at this point, however, that you can share with your client the possible advantages of disposition of his case through the ARD program. Whether or not a particular case is appropriate for an ARD is entirely at the discretion of the commonwealth. Through the ARD program, your client will be placed on probation for a period of time (usually one to two years). As a condition of probation, your client will have to complete the alcohol highway safety school and undergo a drug and alcohol evaluation, just as he would in the event of a conviction. Upon completion of the terms of probation without further incident, however, the case will be dismissed and your client will escape having a criminal record. Finally, one of the most significant benefits of the ARD program is the ability to avoid the mandatory one-year suspension of the

commonwealth can establish a prima facie case of your client’s guilt. We’re not talking about proof beyond a reasonable doubt at this stage, so, in light of the low evidentiary threshold, it is likely that the commonwealth will be able to establish a prima facie case. You should therefore think of the preliminary hearing as an opportunity to thoroughly explore the facts of your client’s case through cross-examination of the commonwealth witnesses. You should also explain to your client that there is rarely, if ever, a strategic reason to have the client testify at the preliminary hearing. The district justice presiding over the hearing is required to resolve all questions of credibility in favor of the commonwealth. Presenting defense testimony is therefore not likely to affect the determination of whether a prima facie case exists, and you will only have tipped your hand as to the substance of testimony that would be presented in the event of a trial.

If the commonwealth is unwilling to offer your client an ARD, you will have to weigh the advantages and disadvantages of taking the matter to trial, considering any



client’s driving license. Under 75 Pa.C.S. §3731(e)(6), the period of suspension may range from 30 days to no more than a year. In most counties, a period of suspension significantly less than one year is generally offered as a condition of the ARD program. Given the significant advantages of the ARD program, it is very unlikely that your client would want to decline an offer of ARD and roll the dice by proceeding to trial.

Your first opportunity to discuss the case with the commonwealth will likely occur at the preliminary hearing. In many counties, it is possible to reach a plea agreement with the commonwealth at the time of the preliminary hearing. In that event, your client will waive his right to a hearing and either enter a guilty plea or be accepted into the ARD program at a later date before a common pleas judge.

If an agreement cannot be reached at the preliminary hearing, it will be necessary to appear at a hearing. The purpose of a preliminary hearing is to test whether the com-

potential evidentiary suppression issues as well. The most common suppression issues in a DUI case are: (1) whether the arresting officer had reasonable suspicion to stop your client’s vehicle; and (2) whether there was probable cause for your client’s subsequent arrest. If you believe that relatively significant matters of suppression are present in your client’s case, you should only continue to represent your client with the assistance and guidance of a more experienced criminal defense attorney.

The suggestions I have made in this article should serve as basic guidelines for representing a client charged with a simple DUI offense. Perhaps you will find the experience enjoyable. Who knows? Perhaps it will even be the beginning of your prosperous career as a criminal defense attorney. At the very least, the next time that friend or relative asks for your assistance, you’ll have some rudimentary knowledge of how to handle routine DUI charges. And, at the risk of stating the obvious, be sure to counsel your clients, relatives and friends not to drink and drive — then you surely can’t lose!

James Wells is an associate with Belden Law in Greensburg whose practice areas include criminal, civil and family litigation. He is also a YLD Zone 6 co-chair. He can be reached at (724) 834-0300 or jwells@beldenlaw.com.

AUTOMATIC STANDING IN GRANDPARENT CUSTODY ACTIONS

By Frank J. Ruggiero

The issues of both automatic standing and third-party standing have been heavily argued by attorneys and discussed by various trial level and appellate level courts. In short, a majority consensus finds standing if the third party establishes the status of in loco parentis and if it is in the child's best interest for the third party to have visitation or either full or partial custody. The Pennsylvania Supreme Court specifically held that there is a well-established, stringent test for this type of standing "due to the respect for the traditionally strong rights of parents to raise their children as they see fit." *T.B. v. L.R.M.*, 786 A.2d 913, 916 (Pa. Super. 2001).

To address this issue, the Legislature has codified years of case law in 23 Pa. C.S.A. §§5311-5313. While 23 Pa. C.S.A. §5311 and §5312 involve elements that are usually quite distinguishable (death and divorce or separation, respectively), §5313 has lent itself to many interpretations over this past year. The issues surrounding §5313 are more subjective, and thus are naturally more open for discussion.

Section 5313 provides that grandparents may petition for partial custody or visitation if an unmarried child has resided with her grandparents or great-grandparents for a period of 12 or more months and is subsequently removed by her parent(s) from the home. 23 Pa. C.S.A. §5313(a). The grandparents or great-grandparents may then petition the court for an order granting reasonable partial custody or visitation rights, or both, but only if these rights would be in the best interest of the child and would not interfere with the parent-child relationship. Grandparents may also petition for physical and legal custody of the grandchild if it is in the best interest of the child (1) not to be in the custody of either parent and (2) to be in the custody of the grandparent. 23 Pa. C.S.A. §5313(b). Section 5313(b) only applies to those grandparents who (1) have genuine care and concern for the child; (2) have a relationship with the child that began with either parental consent or court order; and (3) who, for 12 months, have assumed the role and responsibilities of the child's parent.

The Pennsylvania Supreme Court has interpreted §5313 to stand for the proposition that the grandparent custody and visitation statute specifically and automatically conveys standing upon a grandmother to file a complaint for child custody. See *R.M. v. Baxter, et al.* 777 A.2d 446, 451 (Pa. 2001). A more specific issue is whether the plain language of §5313(b), which grants standing to a grandparent to bring a petition for physical and legal custody of a grandchild, also applies to §5313(a), which grants standing for petitions for partial custody and visitation.

In *Baxter*, the child's paternal grandmother filed a complaint for custody, partial custody or visitation after the child was declared dependent due to his mother causing him severe physical injury. The child was placed in a foster home, with the goal of the dependency action being adoption. The Huntingdon

Section 5313 provides that grandparents may petition for partial custody or visitation if an unmarried child has resided with her grandparents or great-grandparents for a period of 12 or more months and is subsequently removed by her parent(s) from the home.

County Court sustained the appellant/mother's preliminary objections and dismissed the grandmother's complaint concluding that §5313(a) did not apply because the minor child never resided with the paternal grandmother. Further, the *Baxter* court found that although the paternal grandmother satisfied the elements of subsections (b)(1) and (b)(2), the grandmother failed to plead the existence of one of the three sets of circumstances that confirmed standing as found in subsection (b)(3).

On appeal, the Superior Court reversed and remanded the matter. While agreeing that §5313(a) did not apply, the Superior Court found that satisfaction of all elements under §5313(b) was not a prerequisite to standing because the plain language of the statute confirmed standing in petitions for physical and legal custody of a grand-

child. *Martinez v. Baxter*, 725 A.2d 775 (Pa. Super. 1999).

The Supreme Court, in its review of *Baxter*, affirmed the Superior Court's decision, holding that the elements of §5313(b) are not a prerequisite for standing to sue for legal or physical custody because the language grants standing to grandparents. The court found that the clear and unambiguous language of the statute cannot be ignored – words and phrases contained in a statute are to be construed according to the rules of grammar and according to the common and approved usage. *Com. v. Burnsworth*, 669 A.2d 883 (Pa. 1995).

In interpreting the *Baxter* decision, the Superior Court noted that grandparents have automatic standing to pursue custody and visitation pursuant to 23 Pa. C.S.A. §5313 after the child has been adjudicated dependent. See *Adoption of J.D.T. and J.T.T.*, 796 A.2d 992 (Pa. Super. 2002) (citing *R.M. v. Baxter*, 777 A.2d 446, 451 (Pa. 2001)). The Superior Court further interpreted *Baxter* to be an indication of the Supreme Court's expansive, rather than restrictive, reading of the statutory language confirming standing in matters pertaining to visitation and custody.

The boundaries of this expansive view are the subject of much discussion as well as confusion. Although §5313(a) did not apply in both *Baxter* and *J.D.T.* because the grandparents were seeking custody, there seems to be the insinuation, especially in *J.D.T.*, that the language of §5313(b) does apply in cases involving partial custody and visitation under §5313(a). Should this interpretation be correct, then the issue arises, as noted by the dissent in *Baxter*, as to whether a statute conveying to grandparents a general right to seek custody of their grandchildren would survive a constitutional challenge. This is especially so in light of the U.S. Supreme Court decision in *Troxel v. Granville*, 530 U.S. 57, 120 S.Ct. 2054, 147 L. Ed. 49 (2000). In *Troxel*, the Supreme Court held that a Washington state statute that allowed grandparents to petition for visitation at any time violated parents' fundamental right to make decisions concerning the care, custody and control of their children. *Id.* At 65-66.

The law offices of Frank J. Ruggiero are located at 960 Scranton/Carbondale Highway, Archbald, Pa. 18403, Lackawanna County. He is a general practitioner focusing in the areas of criminal defense and family law. He can be reached at fjrlaw@socantel.net.

continued on Page 7

A STRONGER YOU: THE FINAL SUPPLEMENT

By Ryan C. Blazure

If you've read my previous two articles, you know that this series is intended to inform you of various ways to make your body stronger and healthier. Along those lines, an issue has been at the forefront of professional sports, especially bodybuilding, for some time now: performance-enhancing supplements. For example, when remembering Mark McGwire's achievements at the bat, what comes to mind but the hubbub over a little white powder known as "creatine monohydrate"? In this, the last article of my series, I'd like to dispel some of the misconceptions and myths surrounding not only creatine monohydrate, but also some of its brethren sports supplements.

A QUICK FIX?

One of the biggest fallacies in bodybuilding is that there exists a magical elixir that has the power to ignite the overnight transformation of even the most feeble-bodied individual into a chiseled Adonis (or Minerva). This is simply not the case. Nothing, not even illegal steroids, can have such a drastic effect. No matter what you put into your body, there is no substitute for plain old hard work in achieving your work-out goals; they are called "supplements" because they are intended to supplement a well-balanced diet and work-out regimen.

With that said, there are a fair amount of useful supplements on the market. Please know that these substances are not intended for those with only a mild interest in working out, nor are they reserved for hard-core trainers. Before taking any supplements, you must determine for yourself what each one does before evaluating whether you need to incorporate a supplement into your routine.

PROTEIN

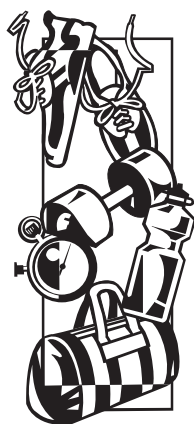
Like a good multivitamin (without iron for the guys), the importance of protein cannot be underestimated. As mentioned in my prior article, an average trainer should be consuming one gram of protein per pound of body weight per day. That's a general rule of thumb that applies to those who work out on a fairly regular basis.

Quite simply, when you work out, you tear down muscle fibers. After your work

out, your muscles respond by swelling and beginning the rebuilding process. When rebuilding, your muscles anticipate your next workout and prepare for it by building larger muscle mass. The single most important element in the rebuilding of muscle is — you guessed it — protein. Without the protein foundation, you are essentially training with one arm tied behind your back.

These days, protein supplements come in many shapes and sizes; bars, powders and ready-made shakes are a few protein supplement options. You may choose from a variety of flavors or no flavor at all, and these protein supplements are usually made out of whey and animal by-products. Pig hooves and snouts not your thing? No problem — you can look for protein supplements composed entirely of whey protein. Whatever the form or content, protein is a staple part of the trainer's diet.

ENERGY



Energy supplements are the rage not only among those who work out with weights, but with those who focus on aerobic exercises as well. Fundamentally, these substances consist of high levels of caffeine mixed with ephedra and various other compounds. While we as lawyers are no strangers to caffeine, we may not have been exposed

to the pros and cons of ephedra, which is currently under fire in several serious injury/death cases involving alleged abuse of the product.

Most recently, ephedra has been implicated in the deaths of a number of college athletes. Ephedra has an extreme "overdrive" effect on one's metabolism and can place individuals already at medical risk into the "red zone." While generally harmless in the majority of the population, one should always consult a physician prior to taking any supplement containing ephedra or any other metabolism-enhancing agents. Luckily, most of the popular energy supplements are offered in ephedra-free formulas (be sure to read all labels extremely carefully before purchasing).

So, what do these "energy" sup-

plements do? In short, they place the body in prime positioning for fat burning. Most energy supplements not only speed up the body's metabolism, they also contain diuretics that suppress appetite. Generally, it is recommended that energy supplements be taken before meals or as a pre-workout boost. This boost, in some bodies, is overwhelming and can lead to a nasty case of the "jitters," leading to an unsuccessful work out. As with most things, people react to energy supplements differently. You will have to determine for yourself, after consulting your physician, whether any type of supplement is necessary and/or productive for you.

CREATINE

Creatine has also earned itself quite a reputation. Despite the negative implications thundered by the media, creatine is a naturally occurring substance that has proven to be quite safe — not to mention effective — in moderate doses.

Basically, creatine allows your muscles to become engorged with water and, thus, larger. The end result is not just a longer-lasting muscle pump, but increased leverage that, in turn, will allow you to lift greater weight. You are taking in about one to two grams of creatine per day when following a balanced diet. However, for training purposes, this dose may be increased to around five grams per day, preferably split into morning and afternoon phases. Again, be sure to consult a medical professional before incorporating any such supplements into your health regimen.

ILLEGAL SUBSTANCES

There are two definitions for the term "illegal" when it comes to supplements: illegal for purposes of competition and illegal in the eyes of the law. Many substances, while not illegal in the "crimes code" sense, are nonetheless banned from organized sports — ephedra, mentioned above, being one such outlawed supplement.



Blazure

Ryan C. Blazure is an associate specializing in insurance defense at the Kingston law firm of Cardoni & Associates.

continued on Page 10

Recently, I have been involved in a case in Lackawanna County involving a maternal grandmother and the natural parents of two minor children. The maternal grandmother filed a complaint seeking partial custody and visitation of the children in September 2000. The natural parents were married and resided together at all times, with the exception of a four-month period in the spring of 2000. Preliminary objections were filed and, prior to the disposition of said preliminary objections, the parties were court-ordered to attend mediation. Mediation having proven unsuccessful, the maternal grandmother then filed an amended complaint for custody in May 2002 seeking partial custody and visitation. Again, preliminary objections were filed, and this time the matter was presented for argument to the trial court.

In her brief, the maternal grandmother argued that *Baxter* and its subsequent interpretation in *J.D.T.* directed

the conclusion that she had proper standing to file her complaint. The natural parents countered this argument, maintaining that §5313(a) clearly did not apply to the case because the parties were still married and resided together and that the minor children did not reside with their maternal grandmother for a period of 12 months or more and were subsequently removed by the natural parents. Further, the natural parents argued that §5313(b) did not apply because the maternal grandmother was not seeking physical and legal custody but merely partial custody and visitation. In response, the maternal grandmother argued that the language of §5313(b) allowed for the filing of the complaint for partial custody and visitation based upon the Supreme Court's expansive view on this issue. The trial court took the matter under advisement and ultimately overruled the natural parents' preliminary objections, finding

that §5313(b) and the recent decisions in *Baxter* and *J.D.T.* allowed the maternal grandmother to proceed with her amended complaint. After a motion for reconsideration was denied, the natural parents filed an interlocutory appeal and stay to the Superior Court, which was also denied. Currently, the matter is in further litigation at the trial court level.

From the cases and information referenced above, it appears that there is a clear change concerning the interpretation of grandparents' standing pursuant to 23 Pa. C.S.A. §5313(a) and §5313(b). Practitioners should note that trial courts maintain the ability to hear evidence and determine what is in a child's best interest. However, the expansive view cannot be ignored when advising clients. Most certainly, there will be continued discussions among both practitioners and the individual courts hearing such cases until the high court rules on this particular point.

NOMINATING COMMITTEE REPORT

By Steven R. Serfass

The Nominating Committee, consisting of Steven R. Serfass, A. Judd Woytek, co-chairs, and Todd P. Kerstetter, respectfully submit the following report of the Nominating Committee for the PBA/YLD elections to be held April 24, 2003, at the Wyndham Franklin Plaza Hotel in Philadelphia.

For the Office of the Chair-Elect:

James A. Wells

For the Office of Treasurer:

Justin B. Goldstein

For the Office of Secretary:

Jennifer Walsh Clark

For the Office of Division Delegate:

Lee R. Demosky

Biographical Information on Candidates

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

Chair-Elect

James A. Wells is an associate in the Greensburg firm of Belden Law where his practice areas primarily include criminal, civil and family litigation. He currently serves as PBA YLD Zone 6 co-chairperson as well as chair of the YLD's Technology Committee. Wells, a graduate of the University of Pittsburgh and the West

Virginia University College of Law, is active in his local bar association and his community. He has served as chairperson of the Westmoreland Bar Association Law Explorers Committee since 1996 and as an attorney coach to Belle Vernon High School's Mock Trial Team since 1997. He is a former chairperson of the Westmoreland Bar Association Young Lawyers Committee and a past recipient of the Westmoreland Bar's Young Lawyer of the Year Award. Additional biographical information is available directly from the candidate at Belden Law, 117 North Main Street, Greensburg, Pa. 15601, telephone (724) 834-7037.

Treasurer

Justin B. Goldstein is the current treasurer of the Pennsylvania Bar Association Young Lawyers Division. 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 chairperson of the Young Lawyers Division of the Allegheny County Bar Association and

is a member of ACBA's Board of Governors. He is also chairperson of the American Bar Association's 2003 YLD Fall Conference Host Committee and a former PBA YLD Zone 12 co-chairperson, a graduate of the PBA Bar Leadership Institute and a current 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

Jennifer Walsh 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 high school mock trial program as both a district and regional coordinator.

Clark is currently an assistant U.S. attorney in the Middle District of Pennsylvania specializing in civil defense work and is the recipient of the Lackawanna Bar Association's 2003 Exemplary Service Award. This spring

continued on Page 9

HEADING OFF FRIVOLOUS PROFESSIONAL LIABILITY LAWSUITS: OVERVIEW OF THE NEW RULE OF CIVIL PROCEDURE

By Jennifer Walsh Clark

In an effort to provide some assistance in alleviating the medical malpractice crisis from which Pennsylvania is currently suffering, the Supreme Court of Pennsylvania adopted a new rule of civil procedure Jan. 27 to be effective immediately. The rule applies to all cases alleging instances of professional liability and, in essence, places an obligation on the part of plaintiffs' attorneys to certify that the case they are filing has at least an indicia of merit.

Mechanically, the new rule, Pa.R.Civ.P.1042.1-1042.8, operates as a procedural prerequisite to proceeding with any malpractice cases, applying to all civil actions in which "a professional liability claim is asserted against a licensed professional." Rule 1042.1(b) defines "licensed professional" to include health care providers as defined by 40 P.S. § 1303.503 (section 503 of the Medical Care Availability and Reduction of Error Act), accountants, architects, chiropractors, dentists, engineers or land surveyors, nurses, optometrists, pharmacists, physical therapists, psychologists and veterinarians. Failure to identify the defendant specifically as a licensed professional in the complaint is subject to attack on preliminary objection according to Rule 1042.2(b).

Rule 1042.3 obliges plaintiff's counsel, or the plaintiff if proceeding pro se, to certify that the liability case has some arguable merit. Specifically, the rule requires that, "[i]n any action based upon an allegation that a licensed professional deviated from an acceptable professional standard, the attorney for the plaintiff, of the plaintiff if not represented, shall file with the complaint or within 60 days after the filing of the complaint, a certificate of merit signed by the attorney or party." Pa.R.Civ.P. 1042.3. If requested prior to the expiration of those 60 days, the court may grant an extension of time to file the required certificate for good cause shown, but not for a period longer than an additional 60 days. Pa.R.Civ.P. 1042.3(d). The rule contains no express limitation on how many motions for extension of time a party may timely file

Assistant U.S. Attorney Jennifer "J.J." Walsh Clark is with the Middle District of Pennsylvania. She also is the editor of At Issue.

if plaintiff can demonstrate good cause for such a request.

The certificate itself must attest to one of the following three scenarios: (1) if suing the licensed professional, the certificate must provide that another "appropriate" licensed professional has supplied a written statement that there is a reasonable probability that the defendant's care, skill or knowledge exercised fell below acceptable standards, and that such conduct was a cause in bringing about the harm allegedly suffered in the complaint; (2) if suing a defendant as one who is responsible for the licensed professionals whose care, skill or knowledge allegedly fell below acceptable standards, a certificate of merit must so identify and explain such as a basis for liability; and (3) if expert testimony is unnecessary for the prosecution of the claims, the certificate indicate as much. Rule 1042.8 contains a form certificate of merit.

Be advised, however, that in scenario (1), although the licensed professional who provides the written statement must be qualified to render such an expert opinion, he need not necessarily be the expert witness who will testify on behalf of the plaintiff at trial. With regard to scenario (2), the Supreme Court specifically notes that certificates of merit must also be filed regarding those licensed professionals for whom defendant is responsible, regardless of whether they are named defendants in the case. Additionally, should an attorney certify a case under scenario (3), that party will not be permitted later to introduce expert testimony regarding the appropriate standards of care or causation absent exceptional circumstances. Therefore, do not be hasty in certifying a case under scenario (3) unless you are absolutely sure that no expert testimony will be required later in the case.

If there are multiple licensed professional defendants in a complaint, a separate certificate must be filed as to each one. Pa.R.Civ.P. 1042.3(b). Moreover, while certificates of merit are required for any claims asserted in a counterclaim, they are not required if a licensed professional has been joined as an additional defendant by an original or

additional defendant unless joinder of the additional defendant is based on acts of negligence that are unrelated to those serving as the basis for the claim against the joining party. Pa.R.Civ.P. 1042.3 (c)(1) and (2).



Clark

Regarding discovery procedures, the new rule provides that, until a certificate of merit is filed in a case, a plaintiff is not entitled to take any discovery of the licensed professional defendant except for a request for production of documents or entry upon property for inspection and other purposes. Pa.R.Civ.P. 1042.5. The rule, however, does not preclude the licensed professional from moving for a protective order under Rule 4012 in response to those permitted discovery requests.

If the plaintiff does not comply with the certificate of merit requirements and has not otherwise moved for an extension of time to file the certificate within the time period permitted, the prothonotary "shall enter" judgment of non pros upon the filing of a praecipe by defendant. Pa.R.Civ.P. 1042.6. That rule also contains a form praecipe for your reference. Moreover, if a plaintiff causes a certificate of merit to be filed regarding the alleged liability of a licensed professional, and subsequently loses the case by verdict, order of court or voluntary dismissal, plaintiff must provide the written statement obtained from the licensed professional upon which the certificate of merit was based within 30 days. And an attorney may face court-imposed appropriate sanctions if the court determines that Rule 1042.3(a)(1) and (2) were violated and that an attorney improperly certified that a licensed professional opined in a written statement as to the reasonable probability that the skill, care or knowledge exercised by defendant fell below acceptable professional standards and that such conduct was a cause in bringing about plaintiff's injury.

continued on Page 9

NOMINATING COMMITTEE

CONTINUED FROM PAGE 7

marks the completion of her second year as editor of *At Issue*, the PBA YLD publication. Additionally, she serves on the PBA Planning Committee and as the Zone 5 YLD representative to the House of Delegates. 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.

Division Delegate

Lee R. Demosky is a non-equity partner in the firm of Meyer, Darragh, Buckler, Bebenek & Eck P.L.L.C., working out of the Greensburg office. In addition to serving as solicitor to several municipal clients, Demosky concentrates his practice in the areas of zoning and land use litigation, insurance coverage litigation, business/commercial litigation and criminal litigation. Currently serving as PBA YLD Zone 6 co-chairperson, adjunct professor at St. Vincent College and attorney coach of the St. Vincent Mock Trial Team, he is a former chair of the Westmoreland Bar Association Young Lawyers Committee.

A graduate of St. Vincent College and Widener University School of Law, Demosky has served as an assistant public defender in Dauphin County and an assistant part-time district attorney in Fayette County. Additional biographical information may be obtained directly from the candidate at Meyer, Darragh, 114 South Main Street, Greensburg, Pa. 15601, telephone (724) 853-2295.

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 co-chairs 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) and A. Judd Woytek (561 E. Market Street, Bethlehem, Pa. 18018, telephone (484) 895-2307, fax (484) 895-0208) at least 30 days prior to the first day of the Annual Meeting (i.e., on or

before March 24, 2003). 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, §. 7 of the PBA/YLD By-Laws, the election 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, §. 7 of the By-Laws. Voting will be open as of the start of the YLD business meeting.

The meeting will begin at 3 p.m. and conclude at 5 p.m. on Thursday, April 24, 2003. 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.

FRIVOLOUS LAWSUITS

CONTINUED FROM PAGE 8

If you would like to see the full text of the Supreme Court's order adopting the new rule and the rule itself, visit the Web site for Pennsylvania's Unified Judicial System at www.courts.state.pa.us. Click on "Updates," and there you will find the new rule and accompanying order dated Jan. 27, 2003.

The question now being debated among the plaintiffs' and defense bars is the effectiveness of the new rule. Some 16 other states have similar rules in place, with varying results. There are skeptics who do not believe that the new rule will in any way alleviate the current medical malpractice crisis surrounding health care and insurance costs in Pennsylvania. Perhaps the new rule alone may not have the impact for which some are enthusiastically lobbying in the medical field, but in combination with other legislative measures currently under consideration, this proce-

dural hurdle may provide some relief by lessening the load of the already overcrowded state court dockets; only Father Time will tell.

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COURTHOUSE CAFÉ

By Jenny Y.C. Cheng

Featuring Carbon County — Jim Thorpe

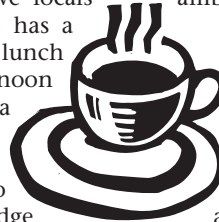
If you ever need to be in court in Carbon County, you will find yourself in the beautiful and scenic Borough of Jim Thorpe, Pennsylvania (a.k.a. “The Switzerland of America”), the county seat. As you stroll the streets of downtown Jim Thorpe, you will feel like you have stepped back in time to the Victorian Era of the late 19th century. However, if your schedule is tight due to those pesky court/legal obligations and you are looking for a bite to eat, there are several options in the immediate downtown area.

Step outside the courthouse doors and cross the street (Hazard Square), and directly in front of you will be two choices. The first is the Sunrise Diner. It is a vintage 1950s diner car with a nice selection of deep-fried items. They also have a mean meatloaf platter and good sandwiches. All of their soups and desserts are homemade every day. Unfortunately, since space is limited, there is no non-smoking section and you may come away from lunch smelling like smoke and grease. If you are lucky enough to be in Jim Thorpe during the warmer months and crave diner fare, you should take advantage of the spacious deck attached to the back of the Sunrise and

dine in the open air with a breathtaking view of the beautiful mountains in the background.

If diner food does not tickle your fancy and pub fare is more your style, then just walk about 10 feet to the right and you will be in front of JT’s All-American Steak and Ale House at the Hotel Switzerland, or what we locals fondly refer to as “JT’s.” JT’s has a nice bar if you prefer a liquid lunch to loosen you up for your afternoon court session. They also have a quaint dining room in the rear. If you decide to lunch at JT’s, you’ll probably run into Carbon County’s president judge dining there, as well many other local attorneys. JT’s has great burgers! You will certainly not walk away hungry. If you are unlucky enough to be at the courthouse at 4:30 when the courthouse closes, then take a walk over to unwind at the bar. Many of our local attorneys head over there at the end of the day to blow off some steam.

If you feel like taking a little walk to stretch your legs and breathe in some of that clean, fresh mountain air, then take a right when you leave the courthouse and walk about half a block up Broadway, where you’ll find Jim Thorpe’s ethnic restaurant section. One is a nice



little Irish place called The Emerald & Molly Maguire’s Pub. The Emerald Restaurant is upstairs and the pub is downstairs. The Emerald has authentic Irish dishes such as “bubble & squeak” and shepard’s pie in addition to the more common selections like burgers, pasta and chicken. This restaurant has a nice ambiance with a relaxing atmosphere. The service is also very good, so you can have a nice quiet lunch and still be back in time for court.

If a plate of bubble & squeak is not your style and you prefer a large pizza pie, about two doors farther up Broadway and across the street is Antonio’s Pizzeria. They make excellent flat pizza, cheese steaks and garlic knots. If you are lucky enough to be there on a day when they make their super-delicious tomato and garlic pizza, grab as many slices as you can carry. What you cannot eat is certainly worth taking home to finish later. As you can tell, it is my personal favorite!

Last but not least, after you have had your tasty lunch, you will want to top it all off with a couple of scoops of your favorite Hershey’s Ice Cream freshly dipped and placed in a crunchy cone of your choice. While there are tables (only two or three) for a fortunate few, you had better get your frozen treat to go; it will give you something to do as you walk the half-block back up Broadway to the courthouse. Bibs are recommended.

Directions: from the Northeast Extension of the Pennsylvania Turnpike — take SR 209 South through Lehighon (turn right after crossing the McCall Bridge — you will still be on 209), stay on 209 and it will lead you right into the heart of downtown Jim Thorpe. For parking, bear right around the Courthouse Square (the Asa Packer Park will be on your right) and you will see the restored Victorian train station. Just beyond the train station is the courthouse parking lot. If you do not feel like paying the \$2 for parking, there is metered parking around the courthouse.

Jenny Y.C. Cheng is a co-owner and partner of the law firm, Serfass, Serfass & Roth, P.C. in Palmerton. She is also a YLD Zone 2 co-chair and a co-chair of the Carbon County Young Lawyers Committee.

A STRONGER YOU

CONTINUED FROM PAGE 6

However, many more trainers are truly concerned about steroids. The horrors of steroid abuse are too numerous to count, so just avoid them altogether. If they are so horrible on the body, then why are they so popular? In short, because they help to achieve the look, strength, speed and endurance levels to which some athletes are constantly aspiring; infusing your body with enormous amounts of synthetic testosterone, you not only supplant your body’s natural production of this hormone, but you place your body in muscular overdrive. The end result is an impressive framework of muscle at the expense of your health.

CONCLUSION

In the space allotted here, I could never aptly explore the entire universe of available supplements. I implore you to explore your personal needs, goals, health and budget to determine whether, how much and what type of supplementation is appropriate for you, consulting a medical professional when appropriate. Keep in mind that you must have a need for any particular supplement before it becomes part of your regimen, and remember, no drug or supplement will ever replace good old hard work.

ZONE REPORTS

Zone 1

The YLD held its annual meeting Jan. 10. During the meeting, the administration change occurred and the new YLD Chair Melissa Schwartz made remarks and outlined her agenda for the year.

The YLD annual holiday party was held Dec. 11, 2002, at the Westin Philadelphia Hotel in the Georgian Room, offering heavy hors d'oeuvres and an open bar.

A Philadelphia Bar Association/PBA outreach/brown bag lunch meeting was held Nov. 20, 2002. YLD members Sheryl Baierlein and Derek Green discussed the benefits of the Philadelphia Bar and PBA YLDs with attorneys in the City Solicitor's Office. The goal of the discussion was to encourage public sector lawyers to get involved with the local and state YLDs. In addition, senior members of the City Solicitor's Office made presentations regarding the many benefits of bar membership. Finally, suggestions were made regarding how a similar presentation could be made to members of the District Attorney's Office or other public section legal agencies.

From Nov. 18 to Dec. 7, 2002, the YLD collected clothes for its annual drive for the homeless, called "Harvest for the Homeless." YLD members sorted and distributed donations Dec. 7.

The last YLD Happy Hour was held Nov. 20, 2002, at Fado. The event was sponsored by Esquire Deposition Services and included free beer, wine and food. This event was well attended and was the last YLD social event before the Philadelphia Bar Association elections.

The YLD sponsored its regular 3L (Lawyer, Life, Lunch) lunch discussion series Nov. 18 at the Philadelphia Bar Association. The November 3L discussion focused on childcare options for attorneys. Three childcare providers made presentations regarding this issue and provided useful information to attendees.

The annual Mock Trial Camp took place Nov. 9, 2002, at the Criminal Justice Center. The Mock Trial Camp is the official kick-off to the city's Mock Trial competition and it provides new and seasoned mock trial participants an opportunity to learn about this year's competition and get tips from experienced practitioners.

The November YLD Executive Committee meeting was held Nov. 6, 2002, at the Philadelphia Bar Association. The

meeting was well attended and candidates running for various positions at this year's bar elections made presentations in order to receive the YLD's endorsement. The bar elections were held Dec. 10, 2002, at the Wanamaker Building. In addition, the Philadelphia Bar Association's annual meeting also was held on that date in the Wanamaker Building.

The YLD received an award from the American Bar Association for its Legal Line program. Legal Line is a monthly, free legal information line staffed by YLD members. The YLD received 1,000 free hours of LexisNexis research time, which was donated to the Senior Law Center.

The YLD has received an enormous response from area law students wishing to participate in the Mentoring Program. The program seeks to match lawyers (typically with five or more years of practice) with law students who have similar interests. For more information, please contact Kim Jessum at Morgan, Lewis & Bockius (215-963-4753).

From September to October 2002, the YLD held its annual People's Law School at the Criminal Justice Center. The People's Law School is a six-week course that teaches attendees basic concepts in popular areas of the law (family law, landlord/tenant issues, etc.). Over 200 people participated in this program.

The first "Boo at the Zoo" event was held Oct. 13, 2002, at the Philadelphia Zoo. The event was well-attended and allowed YLD members and their families to socialize and network in a fun atmosphere while enjoying the various attractions of the zoo. Various members of the senior bar attended the event and thought that it was one of the YLD's best events to date. Considering the encouraging response, it appears that Boo at the Zoo will be an annual YLD event and planning for next year's event will start earlier in order to obtain more sponsors.

— *Derek S. Green and Darin Steinberg*

Zone 2

Berks County

Berks County had its annual Crabfest and Reading Phillies outing in July 2002.

The YLD participated in Project KidCare Oct. 26, 2002, in conjunction with the Wyomissing Police Department at the Berkshire Mall and helped approximately 200 children get identification. In early December 2002, the YLD volunteered with the Toys for Tots program in sorting toys. The YLD held its annual Christmas Party Dec. 6, 2002, and elected new officers. Other planned projects include the "Adopt a Highway" program, "Habitat for Humanity" and a trip to the Reading Royals.

Carbon County

This county finally received funding in late

October 2002. Met on Nov. 20, 2002, to plan projects for the new year. Upcoming projects include:

1. Volunteering at a soup kitchen or food drive;
2. Having a party or fun day with the kids from Big Brothers/Big Sisters;
3. Having free seminars on wills and estates at the nursing homes and senior centers and doing free wills for the elderly; and
4. Law Day presentation.

Lehigh County

Lehigh County plans to hold a party/happy hour in conjunction with Northampton County YLD to welcome newly admitted attorneys.

Northampton County

Attorneys are working with the Boy Scouts and going to the schools and speaking. Criminal attorneys are also giving talks about criminal law at the high schools. In early December 2002, the young lawyers had a Christmas party for the children of Children and Youth.

— *Jenny Y.C. Cheng*

Zone 3

Things have been fairly quiet in Zone 3 since the last report. In Cumberland County, Trisha Naylor has assumed the helm of the Cumberland County Young Lawyers Division from Greg Katshir. In November, the Cumberland County Young Lawyers Division held its annual "Casino Night," a perennial success. Proceeds from this event are distributed to the AT Children's Project to help combat domestic violence.

The Adams County Young Lawyers Division will be hosting its annual Stepping Out Program this spring. More details will follow.

Dauphin County will play host to a Zone 3 Caravan March 2. We have two corporate boxes available for a Sunday afternoon hockey game to watch the Hershey Bears play. Because space is limited, reservations will be taken on a first-come, first-served basis. A modest \$5 fee is being asked to hold a seat. If anyone has any questions about this event, please contact Renee Mattei Myers or Brett Woodburn.

— *Brett Woodburn*

Zone 5

Lackawanna and Luzerne counties both enjoyed swearing-in ceremonies, with Luzerne boasting 11 new members of the bar. Parties were held the evening of the ceremonies, which were well attended by members of the bar and the judiciary.

While it is not known whether other counties held ceremonies per se, Bradford and Susquehanna each swore in at least one new lawyer, whereas Wayne, Wyoming and Sullivan chose to maintain the status quo

continued on Page 12

ZONE REPORTS

CONTINUED FROM PAGE 11

(i.e., no new lawyers).

Members of the Luzerne County Young Lawyers Division wrapped presents for needy children while taking part in the Valley Santa program Dec. 16, 2002. The Lackawanna County counterpart, "Operation Dear Santa," was once again a huge success, providing gifts for children associated with the Boys' and Girls' Club and the Friends of the Poor.

Also in Luzerne County ...

"YLD Buddies" were instated. While Luzerne County already has a mentoring program, this new initiative was started to help new admittees with the questions they'd feel more comfortable asking a younger member of the bar.

"Law at the Mall": YLD members will man a booth at the Wyoming Valley Mall, Wilkes-Barre, in an effort to project a positive image of the young lawyer. The PBA will be contacted re CLIPS pamphlets.

In Lackawanna County, new YLD officers were elected at the annual meeting in January. The annual Boot Party was another giant success and the holiday party was very well attended by young lawyers and senior bar members, as well as esteemed members of the judiciary!

— *Ryan Blazure*

Zone 6

The Washington County Young Lawyers sponsored the Washington County Bench/Bar Winter Conference Jan. 24. Young Lawyer President Steve Moshetta reports that this annual event was once again a success. The Washington County Young Lawyers have also been busy working on the mock trial program as they have a record number of schools participating this year. Finally, plans are in the works for a summer meeting in Las Vegas and they are looking to invite other members from Zone 6.

The Westmoreland County Young Lawyers held their annual holiday meeting

Dec. 22, 2002. The meeting was well attended by both young lawyers and "older" lawyers. The next meeting was held Feb. 7 for the purpose of electing the 2003-04 officers. The slate of officers is as follows: chair, Scott Avolio; co-chair, Jim Horchak; secretary, Amber Leechalk. A post-election happy hour was held after the meeting.

Zone 6 is planning a caravan to be held March 14. It will likely be held at the Back Porch restaurant, located in Speers, Pa.

— *Jim Wells*

Zone 7

The 2002 Ontario Hockey League champions, the Erie Otters, play the Saginaw Spirit March 15 at 7:30 p.m. and Chuck Eppolito and the PBA YLD will be there. The caravan to Zone 7 features admission to the event, access to a private box during the game and refreshments, all compliments of the PBA YLD. All interested young lawyers are invited. If you would like to join us, call Kelly Mroz at (814) 456-4000 for more details. Limited seating is available, so reserve your ticket now!

— *Kelly A. Mroz*

Zone 10

I've been busy with Sue Donmoyer coordinating the upcoming New Admittee Conference. I think we've got a great program together that includes some great speakers, including Justice Eakin, Judge Conner, Judge Kline and Judge Kistler. I'm also coordinating a Law Explorers Outpost in conjunction with the local Scout Council. Our first meeting on Dec. 30, 2002, drew 18 high school students from Butler and Armstrong counties. I'm expecting an equal if not better turnout for the next meeting. I plan to have seven or eight monthly meetings, consisting of both speaker-lead presentations and practical matters, such as parsing out cases, what to expect from law school, etc. The program will be based primarily on input from the students, vis a vis their interests in various

aspects of the legal profession. Finally, the mock trial competition for Lawrence and Butler counties was held Feb. 18, 24 and 25, thanks to the great support from our judges and local attorneys!

— *Richard J. Bosco*

Zone 11

A caravan was held Nov. 2, 2002, for Zone 11. The caravan was a tailgate at the Penn State/Illinois football game. Old man winter made an early appearance in central Pennsylvania, as it was quite chilly that day. Despite the cold, however, the event was well attended by both "old" and "young" lawyers and fun was had by all. The caravan was even able to secure the presence of two of the local judges from Centre County, President Judge Charles Brown and Judge Thomas King Kistler. The day was topped off by a Penn State victory!

The holiday season brought a plethora of holiday parties in practically every county, including bar parties in Centre and Clearfield counties as well as Elk.

Now that the new year is here, preparations are being made ready for Law Day. The goal this year is to take the Law Day activity not only to the courts, but also into the classrooms.

— *Jeffrey S. DuBois*

Zone 12

On Dec. 14, 2002, young lawyers held the annual children's holiday party. We wrapped and delivered gifts to area shelters. On Jan. 14, there was a ceremony for the new admittees. The first annual skate-athon Jan. 24 raised approximately \$2,500 for Attorneys Against Hunger. On Feb. 19, Judge DelSole is slated to speak at the annual meeting. In the planning stages: night golf sometime in June and the ABA YLD meeting will be held in Pittsburgh in October — more details to come!

— *Justin Goldstein*

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Editor: Jennifer Walsh Clark

Associate Co-Editors: Mary Kollas Kennedy, Jane Smedley

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