I like to teach. I do not know a lot, but what I do know, I would like to think I know pretty well, and I enjoy sharing that knowledge.

One thing I have been living and studying for 22 years is the legislative process in Pennsylvania. I teach a CLE on it. Sometimes I teach the course at a meeting of one of the PBA’s sections or committees and sometimes I teach it as a lunch and learn at a county bar association. I particularly enjoy visiting county bar associations, where I meet a real mix of attorneys. When I teach, I also learn. I learn from the questions that attorneys ask and the conversations I often have before and after a course.

What I usually find is that there are some attorneys who are very plugged-in to the political scene in their county. They tend to be a little less intensely ideological than their peers who are very interested in politics but not engaged at the local level. Initially this was a bit of a surprise for me. Upon reflection, however, it makes sense. These politico-type attorneys often tend to be people who like to get things done in their communities. They understand the give and take of politics and they work with whomever they need to work with to achieve goals that they think better their communities and the commonwealth. These folks have a great degree of knowledge of the basics of the legislative process.

One thing that concerns me is when an attorney refers to a state representative as an assemblyman or assemblywoman or says other things that indicate a lack of basic knowledge regarding the legislative process. At first I thought this was a result of some attorneys moving to Pennsylvania from another state, as some states do refer to their state representatives as assemblypersons. It makes sense when you consider that on the federal level we refer to members of the U.S. House of Representatives as congressmen and congresswomen. But it is not correct in Pennsylvania. A member of the Pennsylvania House of Representatives is simply called a state representative.

Maybe I am overreacting and should not be concerned; after all, it is a small matter. But oftentimes errors in small matters are indicative of a lack of knowledge in general on a topic. Indeed, I find this to be the case when I teach my CLE course. Why does it matter? I believe it is important to the state of Pennsylvania — and to our common good — that as many lawyers as possible have a working knowledge of the legislative process. Putting aside policy preferences and political ideologies, all lawyers can bring their knowledge of the science of jurisprudence, which is integral to the public forum and the smooth running of society.

Very often the PBA fulfills this role at the Capitol by being the go-to source for matters involving the science of jurisprudence. I don’t mean to obfuscate by repeatedly using the phrase “science of jurisprudence.” The PBA’s mission statement and bylaws both state that one of the purposes of the PBA is advancing “the science of jurisprudence.” I think, quite simply, it means promoting an understanding of how the law “works” in a particular area and also how it can be improved.

The PBA has worked hard to achieve passage of several bills in the area of Title 15 dealing with organizations (both nonprofit and for profit). There were not a lot of policy changes in those bills, but there was a great deal of advancement of the science of jurisprudence. The PBA helped
make the law more understandable, efficient and user friendly. Those improvements benefit everyone: attorneys, who can more easily navigate the law; clients, who benefit from efficiencies directly; and society, which benefits in general. That’s solid work. And it is the work of the PBA.

You, however, have a role to play as well. So many legislators are not attorneys and do not know the science of jurisprudence. They lack the knowledge of how the law operates in a particular area. We need attorneys helping to fill that gap. And when they do so, it is the Legislative Department’s goal that they will be equipped with a reasonable level of understanding of the process in which they are engaging. So, why not invite us to provide a CLE in your neck of the woods? ☺

Fredrick Cabell Jr. is PBA director of legislative affairs. For additional information on the PBA legislative program, contact the PBA Legislative Relations Department at 800-932-0311, ext. 2232, or email fredrick.cabell@pabar.org.