It is impossible for me to write anything right now without my thoughts in some way touching on the pandemic that has enveloped the globe. Winston Churchill famously remarked at one point during World War II: “Now this is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.” I hope we are at least that far along.

Lobbying during the pandemic has been very unusual. I will get to what the PBA Legislative Department has been working on in a moment, but first, allow me to provide my thoughts on what it all has meant to me.

This pandemic has produced so much suffering. There is the suffering of families who lose a loved one. The suffering of those who spend long periods of time in the hospital, without their families by their side, as they undergo painful procedures and, horribly, sometimes die alone. There is the suffering of medical professionals who do everything they can and still see patients suffer and die. The economic devastation has unleashed great suffering. Workers, who had benefitted from one of the best economies in decades, have seen their previously secure jobs disappear, without any knowledge of whether they will return. Business owners, who may have worked hard for decades to build a business, have seen their creations crash and burn within weeks. A world suffering from an epidemic of loneliness prior to the pandemic has been catapulted into inconceivable isolation.

Even children, who, thank God, have been spared the worst of the pandemic, suffer the missed graduations and birthday parties, the enjoyment of sports and simply playing with friends and visiting loved ones.

Why focus on this suffering? On a personal level, it reminds me to count my blessings and also to do what I can to help others. But, while I did not think about this in the midst of some of the most intense and busy activities of my lobbying career these past weeks, writing this column has caused me to reflect, and I have come to see what the Legislative Department has done to ease suffering.

Lobbyists easing suffering? Really? Yes, really. I have never felt more dedicated to our Pennsylvania Bar Association members and the clients they serve than I have since the governor issued his stay-at-home order. The PBA listened to our members about the suffering they and their clients were enduring and the Legislative Department leaped into action. Our inspiration came from PBA Listservs, where attorneys were discussing the things that were missing because of the pandemic that they needed to serve their clients. This was causing attorneys and their clients to suffer. We heard how firms that had existed for years were shut down and how their owners and partners feared they would never reopen.

The first initiative the PBA Legislative Department took was to lobby the Department of State to allow for remote notarization of several critical legal documents in the area of health care and end-of-life decisions. We prevailed. Related to that effort, the PBA, working with others, pushed for legislation to allow for the remote notarization of all documents subject to notarization. We prevailed. We fought for an exemption from the governor’s order that initially allowed only for telework, to allow for attorneys to return to their offices, when strictly necessary and under safe conditions, to provide a broad range of services, many of which are desperately needed, especially in the midst of a pandemic. We prevailed. We fought for an exemption from the governor’s order that initially allowed only for telework, to allow for attorneys to return to their offices, when strictly necessary and under safe conditions, to provide a broad range of services, many of which are desperately needed, especially in the midst of a pandemic. We prevailed. We worked to ensure that attorneys would not be placed at a competitive disadvantage when other entities were allowed to participate in certain real estate transactions. We prevailed. We even initiated legislation that would allow all attorneys to return to work when it could be done safely. We did this as we saw almost all of Pennsylvania’s border states — New Jersey, Delaware, Maryland, West Virginia and Ohio — designate legal services as an essential service. As of this writing in mid-May, that legislation appears to be headed to the governor’s desk for an almost certain veto. During the lobbying process, however, the PBA made the important point, as we chalked up bipartisan votes at every level and in both legislative chambers, that attorneys are critical to society, which is not something that legislators often think about or maybe even believe.

Every one of these efforts, in some manner, had the effect of reducing suffering. These efforts, and
others not mentioned here, benefited society during these dark times — dark times initiated by a small microbe that probably did not exist six months ago. Sadly, we do know that this pandemic will continue to cause suffering. But you can be certain that the PBA Legislative Department will continue to serve our members’ needs and, by extension, the citizens of our commonwealth, to the best of our abilities every day.

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

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‘WAR STORIES’

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When I was a young lawyer, I appeared before Montgomery County Judge Bernard Moore for an injunction. My client was an Italian immigrant who had purchased a pizza shop from another Italian immigrant, and they had agreed to a noncompete clause that provided the seller could not open another pizza shop “within five miles” for an agreed-upon amount of time. The seller then opened another pizza shop, which was within five miles “as the crow flies,” but, by the shortest possible route one could drive between the two shops, it was 5.1 miles. My client was aggrieved, and, after he paid my retainer in cash, I brought the injunction request. Judge Moore conducted the hearing with poise and a steady hand, but the moment from that case that will always stay with me was when the judge asked the seller why he thought he could open another shop within five miles “as the crow flies.” The pizza shop owner replied, “But Judge, we don’t deliver no pizzas with crows, we deliver the pizza with cars!” The injunction was granted and the two businessmen came to an agreement shortly thereafter. Both shops stayed open.

Stephen W. Zakos
Allentown

Tell Us Your Favorite ‘War Story’

What’s the lawyer story you most love to tell when you bend an elbow with friends after hours?

Every lawyer has a favorite “war story” — a tale of a hard-won legal battle, a story with a hilarious twist, an account of an incredible escape. Pick your best can’t-top-this adventure with a judge, jury, client or colleague and write about it for us in 400 words or less. We’ll choose the best of the best to share with our readers in an upcoming issue of The Pennsylvania Lawyer magazine.

Email your “war story” to us at editor@pabar.org or mail it to Pennsylvania Bar Association, Attn. Editor, The Pennsylvania Lawyer, P.O. Box 186, Harrisburg, Pa. 17108-0186.