For most of my life, summer has been my favorite season. I am not ready to declare fall my favorite now, but it is getting very close. From a PBA legislative perspective, this fall has been a humdinger!

As my longtime readers know, the work of the General Assembly has its own seasons. To quote the book of Ecclesiastes or, if you prefer, the Byrds, “To everything there is a season …” Neither the Bible nor the Byrds mention anything about a time to pass bills. So, I will take up the charge.

If I could draw a graph — and I most decidedly cannot — it would have a vertical axis labeled with the months of the year over a two-year period (a legislative session is two years) and a horizontal axis labeled bills passed into law. (I know there might be a more technical way to say that, but I went to law school because I could not do math!)

The line on the graph would start out at the bottom of the left-hand and then when you hit June of the first year it would shoot up. Then it would dip down to zero for the summer. The line would tick upwards in the fall and be pretty flat for the for the rest of the year. Year 2 of the session would start out flat, gradually increase and then explode upward in June. The summer would take us back to zero and then in late September through mid-October you would see the largest uptick of all as everyone scrambles to get their bills on the governor’s desk before the de facto end of session in mid-October, rather than the de jure end of session on Nov. 30. For about the last 10 years or so, the General Assembly has not cast votes in the period after the election known as sine die because it is not considered good government to do so. The reason being that you would have legislators voting who would never have to face the electorate again. In the past, sine die was a time of much mischief when unpopular bills — read: tax increases — would receive a vote.

So, it is usually the fall of the second year of session that gets quite exciting for many lobbyists. Well, the fall of the first year was cracking for the PBA! Occasionally, maybe once or twice a session, the PBA has a member testify at a hearing. This past fall, we had members testifying at three different hearings in a span of five weeks! What is extra special is that at two of those hearings, only the PBA presented testimony. A hearing with only one testifier is called an informational meeting.

One informational meeting was regarding the Family Law Arbitration Act (House Bill 1366). This is a bill drafted by the PBA Family Law Section and is a major priority for the PBA Legislative Department. Two members of that Section, Carolyn Zack and Robb Bunde, gave a thorough explanation of the PBA’s initiative and deftly answered the thoughtful questions posed by members of the House Judiciary Committee.

At another informational meeting, William Clark, the longtime Title 15 “guru” of the PBA Business Law Section, summarized and explained the major changes the PBA is proposing with regard to the Business Corporation Law. Several years ago, the PBA led the enactment of major changes to the Nonprofit Corporation Law (Act 67 of 2013). And in another session, the PBA was the driving force behind passage of changes to partnership law and laws affecting LLCs, LLPs and LPs. (Act 170 of 2016). House Bill 2057 will make much needed changes to update and improve business law. At a mere 259 pages, it is one of the smaller bills in this series.
of laws. Passage of such large and complex bills would be near impossible but for the leadership of the PBA and the trust and respect the Legislature has for the PBA in general, and the Business Law Section in particular.

But all is not sunshine and roses; occasionally the PBA must oppose legislation. Senate Bill 78, known as Kayden’s Law, came out of a horrific tragedy involving a child custody situation. The PBA Family Law Section has identified many aspects of the bill that, while well-intentioned, would have devastating unintended consequences. Because of the concerns raised by the PBA, and other organizations, many changes have already been made to the bill. Yet, the bill still contains aspects that are troubling. Helen Casale, chair of the Family Law Section, had the unenviable task of explaining the PBA’s opposition at a hearing before the House Judiciary Committee. Despite the tension, she provided testimony that will assist legislators in making possible further changes that will greatly improve the bill.

This has been an extraordinary fall for the PBA’s legislative efforts. With a lot of hard work and a little bit of luck, these efforts may just bring forth passage of legislation in the spring for the betterment of the law and the practice of attorneys and their clients. ⚖

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