From the Chair

Once again, I want to thank the Pennsylvania Bar Association for giving the Government Lawyers Committee an opportunity to present the Government Lawyer of the Year Award at the Committee/Section Day luncheon in November. I especially want to express my appreciation to PBA President Reg Belden for graciously bestowing the award on behalf of the committee in my absence. Each year, the winner of the award is a shining example of the many lawyers who dedicate either all or part of their legal careers to public service and forsake, in many instances, the higher financial benefits of private practice. The opportunity to honor our award winner during Committee/Section Day is vitally important to all members of the Government Lawyers Committee, and we value this occasion to recognize one of our own at a larger gathering of our peers. I also congratulate this year’s winner, Deputy General Counsel Gregory E. Dunlap. During his twelve years of exceptional public service to the Office of General Counsel, Greg has made tremendous contributions to the Commonwealth, to the government bar and to the practice of law.

Also in News & Views, you will find an important notice regarding membership renewal in the Government Lawyers Committee. Please remember that, because we are organized as a PBA committee rather than a section, you must reaffirm your membership in the Government Lawyers Committee each year. If you have not already done so, I hope each of you will take the time today to complete the form and send it in to the PBA. I know that I am “preaching to the choir” because almost everyone reading this is a member of the committee, but I ask that you continue to recruit your friends to join the committee.

Finally, please note that in “From the Editors’ Desk,” Doreen and Susan provide some information regarding the PBA’s Pro Bono awards. I strongly encourage you to take some time to nominate someone you believe exemplifies the spirit of pro bono and is deserving of this award.

Dunlap Named “Government Lawyer of the Year”

Gregory E. Dunlap of Harrisburg has been named “Government Lawyer of the Year” by the Government Lawyers Committee. He received the award Nov. 30, from PBA President H. Reginald Belden Jr. during the PBA Committee/Section Day luncheon in Harrisburg.

Dunlap has served for 12 years as deputy general counsel in the Governor’s Office of General Counsel (OGC), where he has been the litigation coordinator. He is known for his virtually encyclopedic knowledge of case law and jurisprudence, particularly in the areas of constitutional and administrative law. He frequently supplies OGC lawyers with timely and insightful digests of current legal developments.

(Continued on Page 3)
From the Editors’ Desk

By Doreen A. McCall and Susan Hensel

From securing protection from abuse orders to preparing wills for terminally ill patients, government lawyers are committed to providing legal services to those in need. We remind you of their dedication to providing pro bono services now because the PBA is again seeking nominations for its annual Pro Bono awards.

We join the PBA in encouraging you to nominate a government attorney who has selflessly dedicated his or her legal talents to assist those who may otherwise have been unable to secure legal representation. The PBA awards are designed to recognize attorneys who are outstanding in the pro bono arena. Among the nominating criteria are the following:

- The lawyer practices in Pennsylvania.
- The lawyer is not employed by an organization that has as its primary purpose the provision of free legal services to the poor.
- The lawyer has provided direct delivery of legal services in civil matters with no expectation of receiving a fee.
- The lawyer has made an outstanding contribution to the provision of legal services to the indigent without charge.

To nominate someone you know who is deserving of the award, visit the PBA Web site at www.pabar.org/02probonoaward.shtml or contact David Keller Trevaskis, the PBA’s new pro bono coordinator, at (800) 932-0311, ext. 2236. Nominations are due no later than April 5.
Report from PBA Government Lawyers Committee Meeting

By Erin E. Stewart, Assistant Counsel, Governor’s Office of General Counsel assigned to the Department of State

Members of the Government Lawyers Committee came out in force for the Pennsylvania Bar Association’s fall 2001 Committee/Section Day meeting held in Harrisburg in November.

The subcommittees reported on their accomplishments and provided an outline of their goals for future projects and programs. In order that the great work already done by the committee can continue to grow for the benefit of all government lawyers, emphasis was placed on the need for new ideas and more volunteers.

The Services to Members Subcommittee unveiled the advances made to the government lawyers Career Information Center Web site. The site provides details on the structure and activities of specific agency legal offices, qualifications for employment and contacts for additional information. The subcommittee is diligently working on obtaining more information to make the Web site as complete as possible for attorneys or law students seeking information on the various types of practice areas that are available for government lawyers. For more information, visit the site at www.pabar.org/govtlawyers.

The real highlight for the committee came during the luncheon when PBA President Reg Belden presented the Government Lawyer of the Year Award to Deputy General Counsel Greg Dunlap of the Governor’s Office of General Counsel. This is the second year that this award has been given during the Committee/Section Day luncheon. To have one of our own lawyers recognized before our peers in the PBA was a great moment for all government lawyers.

Subcommittee Reports

What’s Going On

Membership Subcommittee

With memberships in the Government Lawyers Committee set to expire on April 30, the subcommittee has been working to encourage current members to renew their registrations. If you have not yet received your annual membership application, you should receive it shortly. As you know, you can also sign up for the Government Lawyers Committee online at www.pabar.org.

We ask that you renew your own registration and, if you know of any government lawyers who are not members, assist the subcommittee in recruiting them.

Social Subcommittee

On Feb. 12, members of the Social Subcommittee met to plan the calendar of events for 2002. As soon as the schedule is finalized, all PBA Government Lawyers Committee members will be notified. There is one definite event, however, that you can mark on your calendars now — the Relay for Life. On June 22-23, the Government Lawyers Committee team will be participating in the Relay for Life, which benefits the American Cancer Society. Paul Stahlnecker, assistant counsel to the State Employees’ Retirement System, has volunteered to serve as team captain. If you are interested in participating, please contact Paul directly at (717) 237-0373 or pstahlneck@state.pa.us.

Dunlap Named “Government Lawyer of the Year”

(Continued from Page 1)

“Greg’s quiet professionalism and formidable legal talents have earned the respect of the governors and general counsels he has served and the judges before whom he has appeared,” said General Counsel and Government Lawyers Committee Chair James M. Sheehan.

Dunlap is a member of the OGC Management Committee. He also serves as counsel to the State Board of Education, the Pennsylvania Public Television Network Commission and the Governor’s Office of Public Liaison. In addition, he serves as the General Counsel’s liaison to the chief counsels of the Education and State departments, the State System of Higher Education and the Office of the Budget. He serves as co-chair of the Federal/State Relations Practice Group. Dunlap also is responsible for coordinating the Judicial Advisory Commissions on behalf of the OGC.

“In short, there are few lawyers who have given so much of themselves to public service,” said Sheehan. “Greg truly exemplifies the highest standards of government practice.”
After a successful first year of honing their gift-wrapping talents, committee members once again volunteered to help brighten the holidays for YWCA residents. Several members of the committee helped fill residents’ wish lists from an assortment of gifts — including games, toys, appliances, clothing and personal care items — that were donated to the YWCA by area individuals and businesses. Volunteers selected and wrapped the gifts for each family member and prepared them for delivery by the YWCA to those in need.

The YWCA staff could not have been more appreciative and said that, without the government lawyers’ assistance, they could not possibly have wrapped all of the gifts in time for the holiday. Committee members left the event filled with the holiday spirit, knowing that their efforts helped to bring a little extra joy to many Harrisburg-area children and their families.

Participating committee members included Gladys Brown, Laurie Kennedy, Doreen McCall, Todd Shamash and Erin Stewart.

'Twas the night before Christmas and all through the "Y," government lawyers volunteered to give gift-wrapping a try.

The packages were wrapped with precision and care, even St. Nicholas did not have their flair.

The lawyers were hustling to get the job done; Erin Stewart wore sneakers and joined in the fun.

When all of a sudden the job was complete, the government lawyers felt good — but dead on their feet.
In the summer 2001 edition of this newsletter, we reported on Gary Ankabrandt, assistant chief counsel of the Department of General Services, Procurement and Governmental Operations Unit, who was training for his first marathon on Oct. 28 of that year as part of the Leukemia and Lymphoma Society’s Team in Training. Despite a few obstacles along the way, Gary succeeded in completing the Marine Corps Marathon in Washington, D.C., in an impressive 4 hours, 16 minutes and 42 seconds. This was no small task considering that a few weeks before the race, Gary developed painful Achilles tendonitis, which flared up at mile 5 of the 26.2-mile course. And if completing the race wasn’t enough to be proud of, he also raised $6,430 for the Leukemia and Lymphoma Society. In fact, Gary raised more than any other Marine Corps marathoner in the Central Pennsylvania Chapter of Team in Training. He describes the experience as “great.”

To prepare for the marathon, Gary logged over 600 training miles in two countries, four states, two provinces and many Central Pennsylvania communities. While vacationing in Nova Scotia, he received a questioning look from a motel employee when he asked the employee, “Where is a good place to run?” and then added that he intended to run 17 miles. As Gary explained, “When training for a marathon, you continue the program despite the occurrence of other things in your life, such as vacations and weekends with the family.”

Much of Gary’s willpower came from the Leukemia and Lymphoma Society’s Team in Training program. Gary ran the marathon in honor of two individuals: Don Martin, a Hodgkin’s disease survivor who lives in Gary’s neighborhood, and Cathy Foley, Gary’s former co-worker who lost her battle with lung cancer. Both were an inspiration for Gary in the long months of training for the marathon. During the race when he began to experience pain and stiffness and when his running was reduced to almost a walk, it was his thoughts of Don and Cathy; those of his wife, Bonnie, “a great supporter;” and all of the people who had donated to his cause that kept him going to the end. He reflected, “They were doing this through me and I couldn’t let them down.”

“This was a great feeling to give him the ‘high five’ at mile 8 and to shake his hand at the finish. He’s now part of the family.”

In fact, “honor patient” Don Martin, who met Gary through the Team in Training program, traveled to Washington, D.C., along with his and Gary’s wife to watch Gary participate in the marathon. As Gary raced along the course, they raced around the city, including trips on the Metro, to cheer him on at as many locations as they could. It was as exciting an experience for Don, a first-time honor patient, as it was for Gary. Gary said, “It was a great feeling to give him the ‘high five’ at mile 8 and to shake his hand at the finish. He’s now part of the family.” At the end of the race, Don presented Gary with a clock engraved with the word “Congratulations” and his name. In addition, upon completing the marathon, Gary received a medal and a salute from a U.S. Marine.

Team in Training participants commit to raising a certain amount of money for the Leukemia and Lymphoma Society. The total amount raised by Team in Training for the Marine Corps Marathon this year was more than $3 million. The money funds research for leukemia, lymphoma, Hodgkin’s disease, myeloma and other types of cancers. At a luncheon held the day before the marathon, an eight-year-old boy thanked the Team in Training participants for their fundraising efforts so that others would not lose a younger brother like he did. Through research efforts such as those funded by Team in Training, the survival rate for people with Hodgkin’s disease has dramatically increased from 40 percent in 1960 to 83 percent in 1993.

This year’s Marine Corps Marathon also brought to mind another group of heroes. The marathon’s course ran past the Pentagon and the destruction caused by the attack of September 11. From the singing of the Star Spangled Banner at the beginning of the race to a “wave” of runners chanting “USA” as they passed below an underpass along the route, there was a feeling of patriotism and brotherhood among the
Getting the Message Out in the Age of Technology
Government Lawyers Use Technology to Promote Agency Accomplishments

In an effort to let Pennsylvania know about the accomplishments of the state’s Office of Inspector General and how Pennsylvanians can help combat fraud, government lawyer and then-Press Secretary Susan Hensel put together a team that produced what may well be the Commonwealth’s first all-media annual report. Inspector General Robert DeSousa, who is also a government lawyer, wanted to make the report available to the public in formats that would be user-friendly and convenient to view. To that end, he asked Hensel to develop a hard copy annual report but also to take it digital, making it available on the office’s Intranet, on the Internet and on CD-ROM.

To accommodate those without the time to do the reading, the office also created a five-minute video version of the report. In the video, DeSousa highlights his office’s achievements, including the fact that it saved and collected more than $140 million for Pennsylvania through its welfare fraud prevention and prosecution efforts. The video is packaged along with the report on the CD-ROM, through the PA PowerPort on the Internet and on the Office of Inspector General’s Intranet.

“We titled the report Fighting Fraud in the Age of Technology so it only made sense to take advantage of all available technologies to get our message out,” DeSousa said. “The Office of Inspector General routinely taps technology to assist in its investigations, and we wanted to do the same in reporting our accomplishments back to taxpayers.”

Traditionally, the Office of Inspector General only produced a hard copy report, which it then mailed to a wide range of individuals and entities. By putting the report online, the Office of Inspector General instantly made it available to anyone with Internet access.

“While we envision printing at least some hard copies of future reports, our goal is to put increasing emphasis on a digital product,” Hensel said. “Not only does it broaden our audience, but it is a cost-effective, efficient means of communication.”

Also cost-effective was the way the Office of Inspector General produced its CD-ROMs. Because the Office of Inspector General emphasizes the use of technology in its day-to-day operations, it was equipped to produce the CDs in-house.

“A vendor quoted us a price of $15 per CD,” Hensel said. “We produced them in-house for the cost of the blank CD, or about a dollar a copy.”

“The annual reports are all about getting people to view or read them so that they know where and how to report fraud,” Hensel said. “We are committed to continuing to identify new ways to encourage people to pick up a copy, or better yet, click their mouses to report fraud.”

To view the report and video, visit www.state.pa.us and enter keyword “Inspector General.”

Going the Extra Mile, Part 2: Assistant Chief Counsel Runs Marathon for Charity
(Continued from Page 5)

participants as they shared a common goal. Gary reflected that passing by the city’s monuments helped keep his mind on things other than the physical discomfort of the race.

Will Gary run another marathon? When he started training for the Marine Corps Marathon, he swore it would be his “one and only.” But like many first-time marathoners, he’s gotten the “itch.” He is considering taking part in a marathon closer to home next time and giving himself the flexibility of opting out of the race if he is not ready or develops an injury. He has also inspired others to take the plunge. After receiving Gary’s fundraising letter, a former co-worker and his wife decided to run the Steam Town Marathon in Scranton in early October.

Whether raising money for cancer research or running for the pure joy of accomplishment, Gary provides an inspiration to all of us to set our goals high and never doubt that they are worth pursuing. Congratulations, Gary!”
Federal Court Reviews PUC Challenges

By Maryanne Reynolds Martin, Assistant Counsel, Pennsylvania Public Utilities Commission

The legal ramifications of the federal Telecommunications Act of 1996 continue to be challenged in federal courts on several fronts. One of the quiet, but persistent, battles is being waged by the Pennsylvania Public Utility Commission (PUC) and other state commissions across the country. The battle addresses core concepts of federalism, not the technicalities of telecommunications law. State commissions have asserted that they, as undisputed “arms of the state,” are entitled to the state’s sovereign immunity from private party suit in federal court. A majority of federal appellate courts have rejected the commissions’ claims on the grounds that immunity has been waived based on court findings that Congress could have preempted the states altogether from the field of local telephone regulation. The courts deem the authority to continue regulating local telecommunications to be a “gift” or “gratuity” from Congress with conditions attached. One of the conditions is waiver of immunity from private party suit, per 47 U.S.C. § 252(e)(6). Another condition is the prohibition of state court review of certain state court determinations pursuant to 47 U.S.C. § 252(e)(4). The PUC has challenged the lawfulness of these conditions.

The PUC’s position enjoys some support among federal appellate courts, in particular the Fourth Circuit, which has upheld similar immunity claims brought by state commissions in Maryland and North Carolina. The adverse majority position is held by the Third, Fifth, Seventh and Tenth Circuits.

The PUC is a “state commission” as that term is defined in the Federal Telecommunications Act of 1996, 47 U.S.C. § 151 et seq. Section 252 of the Act requires telephone companies to submit proposed interconnection agreements to the PUC for approval. The review process includes consideration of whether the agreement complies with the substantive provisions of Section 251, which sets forth duties and obligations of telecommunications carriers for the development of competitive markets.

The PUC acted to approve rates, terms and conditions of certain interconnection agreements in 1997 and 1999. Aggrieved telephone companies filed two complaints in federal district court. The complaints are considered appeals of PUC decisions. The United States Department of Justice intervened and joined the telephone companies in urging the court to deny Pennsylvania’s immunity. The district court denied the PUC’s immunity claims. Recently, the United States Court of Appeals for the Third Circuit affirmed the denials of immunity in companion decisions. MCI Telecom. Corp. v. Verizon Pa., Inc., 271 F.3d 491 (3d Cir. 2001), reh’g denied, petition for stay of mandate filed; Bell Atlantic-Pa., Inc. v. Pennsylvania Pub. Util. Comm’n, 273 F.3d 337 (3d Cir. 2001), petition for reh’g denied.

Both Pennsylvania cases remain active. The PUC is preparing to timely petition for further review in the Supreme Court of the United States.

Reflecting the majority view of federal appellate courts, the Seventh Circuit has opined that waiver of immunity may be found if a state has not affirmatively refused to exercise the regulatory authority granted to it by Congress. MCI Telecomm. Corp. v. Illinois Bell Tel. Co., 222 F.3d 323, 344 n. 10 (7th Cir. 2000), cert. denied; see also MCI Telecomm., 271 F.3d at 525-26 (Ambro, J., concurring). Thus, state commissions that have not affirmatively refused this grant of authority are now viewed as “regulating on behalf of Congress” and are not immune from suit. MCI Telecomm. Corp. v. Bell Atlantic-Pa., 271 F.3d 491, 510 (2001).

The PUC is arguing that the Constitution protects the states from private party suit in federal court and preserves a state’s right to have state public utility commission decisions reviewed in state court.

The PUC is arguing that the Constitution of the United States protects the states from private party suit in federal court and preserves a state’s right to have state public utility commission decisions reviewed in state court. Under the Third Circuit’s interpretation of the federal act, federal courts assume that either the state or its public utility commission has voluntarily accepted the conditions, including waiver of immunity from private party suit, and has therefore waived these key constitutional protections.

The essence of the PUC’s argument is that the Pennsylvania Public Utility Code imposes a duty upon the PUC to regulate.

The essence of the PUC’s argument is that the Pennsylvania Public Utility Code imposes a duty upon the PUC to regulate. Of particular significance is Chapter 30 of the Public Utility Code, 66 Pa. C.S. §§ 3001-3009, because it introduced the opportunity for telephone competition in Pennsylvania prior to passage of the federal act. However, because the PUC has (Continued on Page 10)
A Profile of Thomas W. Renwand, Administrative Law Judge, Environmental Hearing Board

By Mary Anne Wesdock, Senior Assistant Counsel, Environmental Hearing Board

Raised in a family where public service was honored, it is not surprising that Pennsylvania Environmental Hearing Board (board) member and Administrative Law Judge Tom Renwand loves his job. Renwand, one of five judges at the board, is the only judge sitting in Pittsburgh. The board was formed in 1972 and hears and decides appeals from the Pennsylvania Department of Environmental Protection.

The board is a quasi-judicial agency that functions much like a trial court. Cases are heard de novo. When appeals are filed they are immediately assigned to a judge who handles the matter to conclusion. Litigants file pleadings, motions and petitions; engage in discovery; take part in hearings; and submit briefs. Following a hearing, the proposed decision, along with the briefs and other pertinent documents, are circulated to the other judges for their review. All final decisions require a majority of the board. Appeals from board decisions are made to the Commonwealth Court.

“Serving on the Environmental Hearing Board is the greatest privilege of my legal career. The cases are extremely interesting and challenging. Usually there are several issues to resolve, most of which require expert testimony.”

“Serving on the board is the greatest privilege of my legal career,” says Judge Renwand. “The cases are extremely interesting and challenging. Usually there are several issues to resolve, most of which require expert testimony.” Typical cases include a citizen’s group appealing the granting of a coal-mining permit or a corporation appealing the denial of an air permit. “The quality of the attorneys appearing before the board is very high. Without exception, the attorneys regularly appearing before the board are all excellent and represent their clients in the highest tradition of the profession.”

Judge Renwand, who was appointed by Gov. Ridge and confirmed by the Pennsylvania Senate in May 1995, also credits counsel with eliminating a backlog of the board’s cases.

The board strives to resolve all cases within two years of filing and now has fewer than 20 cases that are more than two years old. For the past two quarters, Judge Renwand has not had any backlogged cases.

Judge Renwand, who was a partner with Meyer, Unkovic & Scott in Pittsburgh before his appointment to the board, began his legal career in Erie with Knox McLaughlin Gornall & Sennett. He credits John McLaughlin, the managing partner at Knox McLaughlin and the father of U.S. District Judge Sean McLaughlin, with developing his interest in both environmental law and litigation. “Mr. McLaughlin taught me many things including the need to be fully conversant with the Rules of Civil Procedure and Evidence and the need to pay extremely close attention to detail. He was a great trial lawyer and a wonderful mentor.”

Judge Renwand has also not forgotten what it is like to be a trial attorney.

Judge Renwand has also not forgotten what it is like to be a trial attorney. Recognizing that litigation can be very stressful for clients, attorneys and witnesses, he strives to make sure that the hearings proceed as smoothly and as stress-free as possible. He will conduct site views at the request of litigants. He also has held hearings at locations convenient for the parties. “I realize attorneys are working on more than one matter in more than one jurisdiction. Therefore, I try to accommodate them when I am scheduling hearings and deadlines. I try to be liberal in granting extensions if it does not harm the opposing party.”

The most difficult — but also most important — part of the job is making a decision. Hours are spent after the hearings pouring over the record and briefs to make sure that the right decision is made. “It is absolutely imperative that we ‘get it right,’” he said. ■
Close Up

Putting Technology to Work for Pennsylvania’s Supreme Court

Profile of Charles W. Johns, Prothonotary of the Supreme Court of Pennsylvania

By Alexis L. Barbieri, Executive Deputy Attorney General, Office of Attorney General

It has been more than a decade since Charles W. Johns became prothonotary of the Supreme Court of Pennsylvania. His appointment to this position is the culmination of many years of serving as an attorney in the public sector.

Johns, who is not a Pennsylvania native, first came to the Commonwealth as a freshman at Duquesne University in Pittsburgh. There, he pursued his undergraduate education, graduating with degrees in history and philosophy. After college, Johns joined the Navy and served one year in Vietnam. When he left the Navy, he returned to Pittsburgh and discovered that most of his peers had become lawyers. While teaching high school and pursuing a master’s degree in history, Johns decided to go to Duquesne University School of Law. He got his first taste of working in the public sector when he interned in the Allegheny County District Attorney’s Office.

In 1974, after passing the bar exam, he landed a job as an assistant district attorney, a job he held for six years. In January of 1980, he made not only a geographical move, but also a public sector career change, moving from Pittsburgh to Philadelphia to become counsel to the court administrator in the Administrative Office of Pennsylvania Courts (AOPC).

When Johns first became counsel to the court administrator, there was only one other attorney working for the AOPC. At that time, the two attorneys worked mainly in defense litigation, defending judges who were sued. As the office evolved, the lawyers’ responsibilities expanded and they began to handle employment discrimination litigation, which included wrongful discharge and failure to promote claims.

In 1990, Johns was hired as deputy circuit executive for administration with the Third Circuit Court of Appeals. However, shortly after arriving at the Third Circuit, then-Chief Justice Nix and Justice Flaherty offered him his current position with the Supreme Court of Pennsylvania.

It did not take long for Johns to realize that the court system was in serious need of modernization and restructuring. When he first assumed the position of prothonotary, the Philadelphia office handled all of eastern Pennsylvania and all of the administrative functions of the court — and had a crushing amount of filings. Along with advancing computerization, Johns redistributed the workload among the counties served by the court.

Under the reconfiguration, the Philadelphia office was restricted to handling filings for Philadelphia County only. Johns transferred all of the administrative functions to the Pittsburgh office, which continued to handle the same counties that it had handled previously. The Harrisburg office was reconfigured to handle the filings for all of those counties given up by Philadelphia — and now has the largest geographical area.

Over the years, the number of filings has increased dramatically, especially in the miscellaneous docket, which covers prisoner litigation. In addition, on the discretionary side of the court’s jurisdiction, Petitions for Allowance of Appeal have increased from approximately 2,000 to 2,600 per year. The increase in the Petitions for Allowance of Appeal on the discretionary side has generated a significant workload for the court, because these petitions are carefully considered at many different levels by the court’s law clerks and the justices. In spite of the significant increase in the various dockets, the new docketing system enables cases to be handled and disposed of faster than before.

Thanks to Johns’ efforts and his emphasis on technology, the filing process has been streamlined and data is transferred from the appellate courts by computer.

Thanks to Johns’ efforts and his emphasis on technology, the filing process has been streamlined and data is transferred from the appellate courts by computer. For example, when an attorney files a Petition for Allowance of Appeal, all relevant information is electronically transferred to the Supreme Court and the intermediate court is notified of the appeal. For example, when an attorney files a Petition for Allowance of Appeal, all relevant information is electronically transferred to the Supreme Court and the intermediate court is notified of the appeal. The increase in the Petitions for Allowance of Appeal on the discretionary side has generated a significant workload for the court, because these petitions are carefully considered at many different levels by the court’s law clerks and the justices. In spite of the significant increase in the various dockets, the new docketing system enables cases to be handled and disposed of faster than before.

(Continued on Page 10)
Overall, Johns feels that one of the benefits of being prothonotary is the interaction between the court and practicing lawyers. According to Johns, he has had a great experience serving as prothonotary and has enjoyed working with a wonderful staff who have varied and interesting backgrounds and are fascinating to work with. Also, it has been a tremendous challenge to keep the court operating efficiently and to assist the bar in moving cases as quickly as possible.

Reflecting on his career, Johns observed that the practice of law has changed dramatically over the years. The major law firms have expanded their practice to multiple locations, which, from Johns’ perspective, has allowed better and quicker handling of litigation matters. Because the prothonotary has offices in Philadelphia, Harrisburg and Pittsburgh, Johns gets the opportunity to be in each one of those cities periodically and always looks forward to revisiting the place where his legal career began in Pittsburgh.

Pennsylvania Bar Association committees have a limited life span and so do committee memberships. Under the PBA’s bylaws, a committee is created or extended at the annual meeting and continues in existence until the following annual meeting. When the current term of the Government Lawyers Committee officially ends prior to this year’s annual meeting, scheduled for May 1, 2 and 3, so do all of its memberships.

The PBA House or Board may vote to extend a committee’s life from year to year, but that extension does not automatically renew the committee’s memberships. It is imperative that all Government Lawyers Committee members sign-up annually so that the Committee will continue to grow both in numbers and in strength.

You are encouraged to return your application to the PBA as soon as possible before the current term ends on April 30. To join the PBA Government Lawyers Committee or to renew your membership, mail or fax the sign-up form you already received to the address or number below or visit the PBA Web site at www.pabar.org and click “Committees Info” and then “Committee Sign-up brochure.” You may submit the online membership application electronically or by faxing it to (717) 238-7182 or mailing it to: Sabrena Jutzi, PBA, PO Box 186, Harrisburg, PA 17108-0186.

On Jan. 31, 2002, the PUC filed its most recent amicus curiae brief in the matter of Verizon Maryland, Inc. v. Public Serv. Comm’n of Maryland, Nos. 00-1531 & 00-1711 (U.S.), petition for cert. granted, wherein the Supreme Court is reviewing the pro-state immunity decision of the Fourth Circuit. The questions before the court concern state commission determinations in an “enforcement” context, but it appears the outcome is likely to materially impact Pennsylvania’s cases.
In the Spotlight

Compiled by Carol Mowery, Assistant Counsel, Governor’s Office of General Counsel assigned to the Department of Labor and Industry

Honors/Awards

John Contino, executive director of the State Ethics Commission, was the recipient of the Council on State Ethics Laws (COGEL) Outstanding Service Award. The award was presented at the 23rd annual COGEL conference held Dec. 2 – 5, in Lexington, Ky.

Kerry Nelson, Lori Kier, Patricia Miller, Mary Rugala and A.J. D’Angelo, of the Philadelphia Environmental Protection Agency’s Office of Regional Counsel, were awarded certificates of commendation for outstanding work in federal environmental litigation.

Speaking Engagements

Robert J. DeSousa, Commonwealth of Pennsylvania inspector general, gave the commencement address at Bloomsburg University for the December graduates, and spoke on patriotism and the keys to success in the aftermath of the September 11 attacks on America.

Jim Holzman, deputy chief counsel, Office of General Counsel assigned to the Department of Labor and Industry, and James Johnson, chief hearing officer for the Pennsylvania Insurance Department, spoke at the Pennsylvania Bar Institute Administrative Law Symposium in October regarding privacy/disclosure of documents and other information held by government agencies and private parties.

Jason Huh, assistant counsel, Office of General Counsel assigned to the Office of Inspector General, spoke on the topic of public assistance liens at a December CLE entitled “Liens and Minors and Heirs ... Oh My!”

Jeffrey J. Wood, chief counsel, Office of General Counsel assigned to the Department of Aging, presented an overview of services for older adults to the Allegheny County Bar Association on Jan. 10.

Elections/Appointments

Jill Fluck, supervisor for the Legal Services Section, Office of General Counsel assigned to the Department of Corrections, was appointed treasurer of the Government Law Section of the Dauphin County Bar Association.

Robin Hittie, deputy chief counsel, State Ethics Commission, was elected president of the Northeastern Regional Conference on Lobbying (NORCOL), and will serve in this position for the upcoming 2003-2004 NORCOL Conference.

Jonathan Kunkle, assistant counsel, Office of General Counsel assigned to the Department of Corrections, was appointed chair of the Government Law Section of the Dauphin County Bar Association and, as part of that position, will serve on the board of directors for the association.

Michael M. Kline, assistant counsel, Office of General Counsel assigned to the Department of Transportation, was appointed to a three-year term as a delegate to the Association of Yale Alumni, representing the Yale Club of Central Pennsylvania.

Gerard M. Mackarevich, chief counsel, Office of General Counsel assigned to the Pennsylvania Commission on Crime and Delinquency, was recently elected to the board of governors for the St. Thomas More Society of Central Pennsylvania, an organization of lawyers of Roman Catholic faith.

Margie Morris, legal counsel for PUC vice-chairman Robert K. Bloom, was elected president of the Northeastern Regional Conference on Lobbying (NORCOL), and will serve in this position for the upcoming 2003-2004 NORCOL Conference.

Births

Christine Bright, assistant counsel, Office of General Counsel assigned to the Department of Labor and Industry’s Unemployment Compensation Board of Review, and her husband, John, welcomed their son Benjamin William on Dec. 11.

Robin Grenoble, assistant counsel, Office of General Counsel assigned to the Department of Labor and Industry’s Unemployment Compensation Board of Review, and her husband, Scott, welcomed their daughter Alexandra on January 10.

Paul Jordan, assistant counsel, Office of General Counsel assigned to the Department of Labor and Industry’s Unemployment Compensation Board of Review, and his wife, Kathy, welcomed their son Jack on Dec. 13.

Announcements

Virginia L. Breighner, assistant counsel, Office of General Counsel assigned to the Office of Administration, united with Anne Montgomery in a civil union ceremony in Vermont on January 23.

Kathryn Herron, assistant counsel, Office of General Counsel assigned to the Department of Revenue, became engaged to Nathan Silcox and is planning a fall 2002 wedding.

(Continued on Page 12)
The Office of Chief Counsel for the Department of Environmental Protection is organizing bowling teams to participate in the Bowl for Kids Sake 2002 Lawyers Challenge, sponsored by Big Brothers Big Sisters of the Capital Region. Each team member will raise at least $75 in pledges to benefit Big Brothers Big Sisters. The teams will bowl at the ABC West Lanes in March.

Paul Stahlnecker, assistant counsel, Office of General Counsel assigned to the State Employees’ Retirement System, is organizing a Government Lawyers Committee team for the American Cancer Society’s Relay for Life to be held on City Island in Harrisburg on June 22-23. If you are interested in participating, please contact Paul at (717) 237-0373 or pstahlneck@state.pa.us.

The Career Enhancement Subcommittee had scheduled a “Lunch and Learn” program focusing on career growth for Sept. 11, 2001, but due to the terrorist attacks on America that day, the program was postponed until Nov. 7. The events of September 11 have caused many of us to reflect on our lives and goals, including the search for meaning in our work. Therefore, the “Lunch and Learn” program featuring David Behrend, director of Career Planning Services in Ardmore, Pa., was strangely well timed. During his presentation, Behrend quoted a statement by journalist Bill Moyers about how our lives should be charged with passion and mission and how our work should be a gift of ourselves. Behrend noted that an increasing number of lawyers have discovered that they want to use their legal skills in non-traditional ways, sometimes entirely outside of the legal profession.

Behrend has a master’s degree in education from Temple University and has been in private practice as a career counselor for the past 17 years. Nearly 50 percent of his practice involves helping lawyers make career decisions.

He pointed out that each one of us is responsible for our own career. No matter what job you currently hold, he believes that job is an entry to something else from which you can profit. However, he said, you have to reflect on your goals and market yourself. According to Behrend, the keys to success are opportunity, action and result. He believes a more satisfying work life can be within everyone’s reach if they use these three steps.

A one-year license to the online 2002 PBA Lawyers Directory and Product Guide is available EXCLUSIVELY through the PBA Store located on the PBA Web site: www.pabar.org.
**Holiday Reception and Food Drive Benefits YWCA**

*By Laurie Kennedy, Deputy Chief Counsel, Governor’s Office of General Counsel assigned to the Department of Banking*

On Dec. 13, 2001, the Government Lawyers Committee (GLC) held its fourth annual holiday reception and food drive at the PBA headquarters in Harrisburg. Once again this year, government lawyers came together to enjoy the festivities and to do their part to make the holidays happier for the residents of the YWCA of Greater Harrisburg. The holiday reception has become a tradition of the GLC and the festive event was again well attended.

Thanks to the generosity of committee members, we collected hundreds of canned goods for the women and children living at the YWCA. The YWCA was grateful for the committee’s generosity. The donated canned goods are filling the shelves of the residents’ kitchens, directly benefiting every resident of the YWCA.

To complement the holiday food and spirits served, Government Lawyer Committee Chair Jim Sheehan thanked those in attendance for their continued commitment to the Commonwealth, the committee and the community.

The Social Subcommittee wishes to thank PBA Section Relations Coordinator Michael Shatto for his assistance in planning this wonderful holiday event.

The subcommittee welcomes ideas for new events and social awareness projects for the subcommittee to sponsor. Please contact Suzanne Hueston at (717) 787-9349 or me at (717) 787-1471 with any suggestions.

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*Pennsylvania Bar Association Government Lawyers Committee Chair Jim Sheehan (far right) thanked attendees for their continued commitment to the Committee.*

*Susan Hensel, assistant general counsel, Governor’s Office of General Counsel (left), and Erin Stewart, assistant counsel, Governor’s Office of General Counsel assigned to the Department of State (right), catch up on old times.*

*Bob Tomaine, assistant counsel, Governor’s Office of General Counsel assigned to the Department of Education (left), and Jonathan Kunkel, assistant counsel, Governor’s Office of General Counsel assigned to the Department of Corrections (right), enjoy the traditional GLC reception.*
Photo Highlights: Annual Holiday Reception and Food Drive

(Left to right) Don Morgan, executive director, Dauphin County Bar Association; Jessie Smith, chief deputy attorney general, Office of Attorney General, Torts Litigation Section; and Reg Belden, president, Pennsylvania Bar Association, enjoy the festivities.

Jorge Augusto (left) and Dave Kennedy (right), assistant counsel, Governor’s Office of General Counsel assigned to the Department of Agriculture, unwind after a busy day at the office.

Government Lawyers anxiously await the caterer’s arrival.

PBA Government Lawyers Committee Special Projects Co-chair Steve Turner displays a rare moment of silence.
Photo Highlights: Annual Holiday Reception and Food Drive

(Left to right) Jessie Smith and Don Morgan pose with Larry Boyle, deputy chief counsel, Governor’s Office of General Counsel assigned to the Department of State, and his wife.

Carter Frantz, assistant counsel, Governor’s Office of General Counsel assigned to the Department of Banking (left), and Ken Serafin, chief counsel, Governor’s Office of General Counsel assigned to the CAT Fund (right), reminisce with colleagues.

Once again, Government Lawyers show their generosity by donating bags of canned goods for the YWCA of Greater Harrisburg.

(Left to right) Inspector General Bob DeSousa allows Jim Holzman, deputy chief counsel, and Roger Caffier, chief counsel, Governor’s Office of General Counsel assigned to the Department of Labor and Industry, to share in his photo-op.
May 1-3
PBA Annual Meeting and Committee/Section Day
Hershey Lodge & Convention Center
Register online at www.pabar.org.

May 2
Government Lawyers Committee Meeting
Hershey Lodge & Convention Center
10:45 a.m. - 12:15 p.m.

May 22
Career Enhancement Subcommittee-sponsored Lunch
featuring Col. Thomas McShane on balancing constitutional rights with post-9/11 security needs
Dauphin County Bar Association

June 22-23
American Cancer Society’s Relay for Life
City Island, Harrisburg
noon - noon

Stay Tuned