Decades ago, it was common for attorneys to eagerly enter the workforce and remain with that same first employer for the entirety of their career. Even now, I am sure you can think of at least two partners at your firm who are proudly touted as “lifers.” While being a “lifer” is certainly an admirable feat (and one that I myself aimed for originally), it is by no means the reality for most young attorneys in today’s legal market. What happens when, like me, you become a mid-level associate and realize that the firm where you work is no longer a good fit?

The hardest part of any transition is realizing that it is time for a change. The firm where you work may not be a bad place, you may even love the work you’re doing and your co-workers even more, but something is just not right and you start to look around. If you’re like me, you may feel an immense sense of guilt for sneaking around without your employer’s knowledge and abandoning your original goal to become a “lifer.” You keep looking and, as luck would have it, you interview at a new firm and get an offer. What happens now?

While we all have moments where we want to throw that file on our desk in the trash and say, “Good riddance,” or walk into that unpleasant partner’s office and say how you really feel, that’s definitely not the route to go. Too many times have I witnessed associates (and even partners) give notice and so badly damage the relationship with a firm that there is no hope of ever doing business again. And that is the key: The practice of law is challenging, thought-provoking and groundbreaking (at times), but it is also a business.

From a young age, my mother repeatedly told me never to burn my bridges. A testament to her thoughtfulness, I do not think I truly realized how critical this advice was until I accepted an offer at a new firm. How do you properly give notice? What do you do to make sure that the firm you’re leaving is not offended? Some people care about these issues; others do not. I would argue that those who do not are being short-sighted. After all, no matter how bad the work environment, the firm provided the foundation for your legal career. Of course, there are instances where the work environment is so bad that you simply do not care about your employer’s feelings, but even then I would caution against a bad break.

What then can an associate who is leaving his firm do to ensure a clean parting of ways? The answer is seemingly simple, but often not followed: show your appreciation and do what needs to be done to appropriately leave without causing too much harm.
What a great summer! Our members continue to do great work all across our state. However, too often the great work done by our members goes unrecognized. We need your help correcting this problem. If you see a fellow young lawyer doing something great in your county, we want to know. We want to make sure that our members’ individual efforts to help make our communities and our profession better receive the recognition they deserve. If you see somebody doing something great, let us know. Email our Young Lawyer Division coordinator at Maria.Engles@pabar.org or email me at JBayer@kanepugh.com. We will make sure that individual receives the recognition they deserve.

Our Division had a remarkably busy summer. Our 2015 Summer Meeting and New Admittee Conference took place at Seven Springs from August 5 to 7. For those of you who made it, thank you. It was great returning to Seven Springs, and the conference was terrific. For those of you who did not make the conference, please put it on your calendar next year! I’d like to thank Chief Justice Thomas Saylor, our guest speaker on the first evening, and Centre County President Judge Thomas Kistler, who spoke to us on the second night. In between those two nights was a full schedule of CLE offerings and outdoor offerings at Seven Springs. I’d like to individually thank every presenter of all the terrific CLE offerings and the members of our Division who worked tirelessly to plan and organize the Conference, but I don’t have enough space in this column. However, I will share my opinion that if you are a young lawyer interested in learning more about the practice of law and building a network of friends from across the state – the Summer Conference is your best opportunity to accomplish those goals.

As always, at our Summer Meeting, I learned a lot about the practice of law, I learned about the great work of our members across Pennsylvania, and I had a great time with my friends and colleagues who are active in our Division. I hope you’ll plan on attending again next year or come out and join us for the first time.

One item I want to leave you with is a brief overview of the Wills for Heroes Program. The Young Lawyers Division supports the Wills for Heroes Program all across the state of Pennsylvania. It is our largest pro-bono undertaking. For those of you who do not know, the Wills for Heroes Program was created after Sept. 11, 2001 in response to the need for our first responders to have a simple estate planning document in place. The Wills for Heroes volunteers perform this work for first responders on a pro-bono basis. Please go to the Pennsylvania Bar Association’s website and look at the upcoming calendar of Wills for Heroes events. We have several events every month going on all across the state. We need volunteers like you to participate in these events. Most often you get CLE credit for participating in the event. More importantly, you come away knowing that you helped thank our first responders for all the hard work and sacrifice those individuals make.

Our next formal meeting will be at Committee and Section Day on Nov. 19, 2015 in Harrisburg. Please mark your calendars, and I hope to see you there!
How To Lateral Without Burning Bridges
Continued from page 1

much disruption. Before you even give notice, rehearse what you are going to say. This step is critical because what you say when you give notice sets the tone for your departure. In my case, I made a list of all of the things my firm had done for me: helped build my confidence, showed me how to be a respectable attorney, allowed me to see the practice of law first hand. Your list may not be as easy if you are truly miserable (and, let’s be honest, many of you are).

Giving notice (whether to your first real legal job or beyond) is never easy. To say it brings up a mix of emotions is an understatement. Even after giving notice, I felt as if I was going to throw up for a week (a feeling others have confirmed having). But, what you need to remember is you get one shot to do this right. Do not blow it. There are competing schools of thought, but my view is that giving notice is not the time to air your grievances with your current employer. That’s not productive and undoubtedly won’t be well received. The damage is done and you are already out the door, so why rub salt in the wound? Be gracious, appreciative and thankful that you are a young attorney who can switch jobs in a not-so-great economy.

Congratulations! You took the high road and managed to give notice in a mature and thoughtful manner. How do you handle the next two weeks or 30 days before you formally end your time at the firm? Simply giving notice in a respectful manner is not enough. You likely have cases you are running, or, at the very least, staffed on, that will require transitioning. There are likely procedures the firm would like you to follow as you start to wind down. Even though you have given notice, you do not want to check out. Trust me, I know it’s hard to resist coming in at 11:00 a.m. and leaving at 2:00 p.m. because “Who cares?” Well, your current employer cares and notices every action you take during the notice period.

You may have developed all the goodwill in the world during your time at a firm, but it is how you handle your departure that the powers-that-be will remember. Why undo all of that now? For this reason, you should immediately take care of any administrative work required by the firm once you give notice. Then, start transitioning your cases to other attorneys. We have a duty, as members of the bar, to our clients. You should not then, upon giving notice, disappear for a week or simply leave a file on a coworker’s desk without explanation. Instead, take the time to explain your role in a case to the newly assigned attorney and ensure that there is no disruption in competent representation for the client.

You’ve worked hard during your notice period and it is now your last day. How exciting! Just as first impressions matter, so does your last. Do not walk out the door at noon without so much as a goodbye. Take the time to individually say goodbye to partners you have worked with. Granted, this may be unrealistic and time-consuming, but at least try to get to those partners who have truly impacted you. And, lastly, never underestimate the value of a thank-you note. In my case, I wrote a thank-you note to the managing partner, the chief operating officer, and the name-sake of the firm, all persons I value and respect, to reiterate my gratitude and appreciation for the experiences that helped shape me into the young attorney I am.

Your reputation is everything in the practice of law. I am sure most of you reading this article can, like me, think of a story about a former law school classmate or associate that is less than flattering. You may laugh about it or cringe (or both). Either way, leaving a firm can be done the right way and how you handle yourself during the departure process is paramount. Burning a bridge with a former employer is never the right move and, as hard as it may be, taking the higher ground is always the better option.

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What We Can Learn about Tone from Taylor Swift

By Mary Ann Robinson, Esq.

Definitions of tone from the Merriam Webster online dictionary¹ include the following:

“[T]he quality of a person’s voice . . . [A] quality, feeling, or attitude expressed by the words that someone uses in speaking or writing.”

Taylor Swift is widely praised under the first definition of “tone,” but it is the second definition that is important to us as lawyers as we labor to establish the right tone in our correspondence. Ms. Swift’s recent open letter to Apple explaining her decision to withhold her latest album from Apple’s new steaming service² provides a helpful example of how to establish a polite but firm tone. Such a tone can help foster a feeling of respect in the recipient and also engender cooperation.³

Whether we are writing letters to clients or to other lawyers, the tone we use helps establish our relationship with the reader. How will the reader perceive us? How will our readers think we perceive them? It is rarely helpful to use a tone that suggests pomposity, is insulting, or is sarcastic. Much more helpful is a tone that establishes respect for the reader.

Ms. Swift’s letter establishes that tone of respect from the beginning. She opens by stating that the purpose of the letter is to give an explanation for her decision to hold back her most recent album from Apple’s new streaming service. Why explain herself? An explanation is necessary, she says, because she considers Apple one of her “best partners in selling music.” She compliments Apple as having “truly ingenious minds that have created a legacy based on innovation.” This opening accomplishes two things: the first is to notify the reader/recipient of her decision, and the second is to articulate her respect for the reader/recipient. Tone and content intermix to suggest an informative and collegial attitude, which is remarkable given the nature of the message she is delivering. She is actually refusing to cooperate with Apple’s proposed business model, but rather than saying this in a threatening way, she says this in a respectful way, as if it is a natural consequence flowing from this situation.

This tone of respect and cooperation continues throughout the letter. Ms. Swift makes it clear that she is speaking not just for herself, but for other artists, writers, and producers who also disagree (respectfully, of course) with Apple’s proposal not to pay the artists, writers and producers during the free trial period of Apple’s streaming service. She expresses appreciation for Apple’s goal of paid streaming, but also explains the hardship on those who will not be paid during the trial period. Ms. Swift draws a parallel between these hardworking artists, writers and producers and the “innovators and creators at Apple [who] are pioneering in their field.” Once again, the respect is evident; the tone is collegial and collaborative; the attitude is one of cooperation and admiration.

How can we use Ms. Swift’s example for our own correspondence? There are at least three things we can emulate.

1. In any correspondence, show respect for the recipient. Be courteous and friendly. Don’t be condescending. (Try to adopt this respectful tone from the beginning — the opening paragraph establishes what your attitude is to your reader and creates a first impression that will be difficult to change.)
2. Avoid making threats — even if you must demand an action, it can be done as if you are explaining the consequences rather than making threats. For example, rather than ending a demand letter with the threat of lawsuit that will send the recipient into bankruptcy, try explaining that if your request is denied, your client will have to protect herself by seeking damages equal to her losses. Your tone should not be threatening: the lawsuit and possible damages are simply the consequences of refusing your request.
3. Look for common ground between you and your reader. If possible, emphasize your common interests and indicate your desire to collaborate or cooperate. Reinforce your cooperative attitude in your closing by offering to discuss the issues, answer questions or provide more information.

The tone of your correspondence is as important as the content because the tone will affect how open your reader is to the content. Striking the right tone in your legal correspondence will help establish a better relationship between you and your reader. It may even help you achieve the result you want, just as the tone in Ms. Swift’s letter could be credited for encouraging Apple to change its position.⁴

Notes:

3 In this situation, cooperation was quickly forthcoming; Apple reversed its position http://www.billboard.com/articles/news/6605573/fallout-from-taylor-swifts-letter-apples-eddy-cue-answers-9-burning-questions (last visited Aug. 1, 2015)
It is something that we have all done. It is something that none of us has enjoyed. It is something most of us will never have to do again (at least willingly). It is—the bar exam. Everyone has their own horror story about the bar exam, whether it is a personal experience or bestowed upon them through urban legend. The bar exam is obviously a mainstay in the legal profession. The proverbial gatekeeper from “law school graduate” to “Esquire.” While the practicality and transferability of the knowledge needed to pass the bar exam versus the real world knowledge needed in the daily practice of law can be argued both ways, one thing is certain: the bar exam probably isn’t going away anytime soon. However, it is evolving.

In recent months, there has been some movement in the bar exam world. With the summer exam having just occurred (at the time of this writing), it is an appropriate topic for discussion. Almost every developed country has some type of bar examination for purposes of determining the qualification of a candidate for admission to practice law in any given jurisdiction. Here in the United States, Massachusetts was the first state to have a written bar exam in 1885. At this point, the bar exam wasn’t anything like what we think of today. This bar exam, 130 years ago, consisted only of essays. The multiple-choice portion of the exam (aka, the Multistate Bar Exam or MBE, as its known) was not added until 1972.1

As you can imagine, other than the MBE, which is standard in every state in the United States (except Louisiana2, where they like to do their own thing), each state ended up developing different takes on essay questions, performance tests, time allotments for review and response, number of days of total examination, etc. This can be attributed to the evolution of different state laws and procedures. Unlike other professions that require competency examinations for admission to practice and have relatively uniform exams—for example, physicians3 or certified public accountants4—the bar exam is currently far from uniform.

However, this fracturing is slowly becoming more uniform. In recent news, the State Bar of California’s board of trustees voted to reduce the famous (arguably infamous and one of the most difficult bar exams in the country) three-day bar exam to two days. Not surprisingly, this has many young, veteran California attorneys in an uproar. The sentiment usually goes like this, “If we had to suffer through three days, so should everyone else! It is a right of passage.” As a successful taker of that exam, I tend to agree! While the change won’t take effect until July 2017, its implementation is far from a true surprise. There has been chatter for months that California would make a move of this nature. While the Bar Examiners of California claim that scoring will be adjusted to maintain the famously high standards, it will certainly make sitting for the California Bar Exam more enjoyable and yes, less expensive5 (indeed, I just used the word “enjoyable” in an article about bar exams).

Before California announced the truncation of its exam, New York was making headlines in announcing that it will be adopting the Uniform Bar Exam. For those who are unfamiliar, the Uniform Bar Exam (UBE) is a standardized bar examination developed by the National Conference of Bar Examiners (NCBE). The UBE consists solely of the MBE, the Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT). The UBE offers the portability of scores across state lines and as of June 2015, the UBE has been adopted by 16 states.6,7

The chief judge of New York, Jonathan Lippman, states numerous reasons for New York’s adoption of the UBE. For example, Judge Lippman cites the fact that employment prospects are still grim and that law school enrollment has dropped. Further, he believes that the UBE allows for better job prospects because the UBE offers more flexibility.8 Judge Lippman goes on to say that he hopes New York’s adoption will create a domino effect among other states for purposes of adopting the UBE. The heart of his statement boils down to this: “[the adoption of the UBE] is a huge step towards a national, uniform bar exam for the entire country [which is] not only desirable but necessary for the mobile, interconnected society in which we live.”9

The takeaway word from the previous paragraph is uniformity. As licensed attorneys, while we have the option of waiving in to most states and/or just taking an abbreviated portion of that state’s bar exam, this process still seems to be clunky, costly and outdated. With the current state of affairs in the legal job market and the ever-changing way clients and companies are utilizing attorneys, having a uniform bar examination would make the fluidity of work much more accessible for attorneys who are either just starting out or want to more easily move to another jurisdiction. For those who practice in the courtroom,
there are obviously still a number of hurdles insofar as state-specific rules of procedure and ethical guidelines. However, it seems that having a uniform bar examination and then allowing each state to continue to set its own standards of qualification for the ethical portion of the bar exam (the Multi-state Professional Responsibility Examination, or MPRE) is a good starting point for progress towards uniformity.

One of my favorite thought activities is to imagine how I can make a given process, task or operation flow more efficient. Until some of the “bigger” bar exam states (i.e., California, Florida) take the challenge of adoption, the UBE still might be a tough pill to swallow for the rest of the country. One option might be to divide the country into “zones” (similar to time zones) and have a uniform exam for each zone, thereby allowing any person who passes an exam to practice law anywhere within that given zone. While this idea is pure conjecture, I am certainly not the only person who has thought of creative ways to help cut down on the splintering of the bar exam.

The trend towards the uniformity is here and certainly picking up speed in today’s legal market. Now, it seems it is only a matter of time. And finally, no matter what your thoughts are on the bar exam and its process, one thing is sure: no one will ever understand the Rule Against Perpetuities.

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1 https://getbarmax.com/the-bar-exam-a-brief-history/
2 While it can be discussed in much greater detail, the reason Louisiana does not follow other standards when it comes to bar examination is because Louisiana follows a civil law system, which is very different from the law in other states.
3 The United States Medical Licensing Examination (USMLE) is a multi-part professional exam sponsored by the Federation of State Medical Boards (FSMB) and the National Board of Medical Examiners (NBME). Physicians with an M.D. degree are required to pass this examination before being permitted to practice medicine in the United States. http://www.usmle.org
4 The Uniform Certified Public Accountant Examination is the examination administered to people who wish to become U.S. Certified Public Accountants. The CPA Exam is used by the regulatory bodies of all fifty states plus the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands and the Northern Mariana Islands. http://www.aicpa.org/BecomeACPACPAExam/Pages/CPAExam.aspx
5 http://abovethelaw.com/2015/07/california-bar-exam-cut-from-three-days-to-two/
7 AL, AK, AZ, CO, ID, KS, MN, MS, MO, NE, NH, NY, ND, UT, WA, WY. https://www.ncbex.org/exams/ube/
8 http://www.nytimes.com/2015/05/06/nyregion/new-york-state-to-adopt-uniform-bar-exam.html?_r=0
9 http://www.nytimes.com/2015/05/06/nyregion/new-york-state-to-adopt-uniform-bar-exam.html?_r=0
Confessions of a Job Seeker

By Samantha Divine Jallah

Someone recently asked me “Why don’t you have a job?” and I did not have an answer to the question. I was prepared for many questions, but not the most important one. After digging deep, “why” have come up with something. I say “we” because, in many ways, my journey has been like Cinderella’s: it has taken many godmothers (and godfathers, too) to get me ready for the ball – I mean, practice of law!

For a while, I was comfortable just being Cinderella. I could not see beyond the rags of my reality. I desperately wanted to acquire a prestigious position as an aspiring new lawyer, but feelings of inferiority persisted. I did not finish in the top ten of my class, was not on law review, and was not invited to join moot court. These “shortcomings” clouded my vision until “we” uncovered the traits of a strong work ethic and an attractive experience.

My journey of self-reflection and evaluation has led to a defined brand I can market to employers. In collaboration with my network of “fairy godmothers,” I formed valuable partnerships. They introduced me to mentors and sponsors within their networks, giving me opportunities to cultivate my own career-sustaining relationships. Now that their work is close to completion, I finally see what they saw in me from the beginning.

Allow me to tell you (and remind myself) why I have the profitable traits of a great lawyer and business leader.

1) I am persuasive. And I can prove it. At 13, I convinced my mother — a strong-minded person by any standard — to leave the country she loved during war. Why was this important? There were other persuasive parties — adults who she respected much more than me — who had her ear and wanted her to stay. I was David against many Goliaths in a culture where children were to be seen and not heard. There I won my first great, life-changing, battle, and I have never looked back.

2) I am a negotiator. Except for my short stint as the youngest child, I have been a middle child most of my life. I had to live with being less perfect than an awesome older brother and needing less attention than a younger brother. I negotiated my time and attention well. I aimed for win-win situations and often achieved them. However, when that wasn’t possible, I had no problems fighting for what I believed. Being a middle child toughened me up for those fights.

3) I am a good manager. I have led high-performing and low-performing teams. From those experiences, I learned you’re only as strong as your team. I have learned many things along the way and reflected on the things I would do differently. I know you can teach many things but, you can’t teach people to care. I know engagement and retention are possible and profitable if you value people as individuals first. I know that not everyone wants to rise. That’s okay. I know that not everyone wants to live up to her potential. That’s frustrating. Overall, I know the role of a good manager is meeting people where they are and working to get them to their goals in a mutually beneficial way.

4) I am a leader. As the CEO of Liberian Awards, Inc., I saw a problem and began to solve that problem. The problem was that young immigrant minorities were not seeing successful people who came from their backgrounds. They lived in a “Do as I say, not as I do” cycle; that disconnect between what was said and what was done led students to not attend or complete college. Our organization solves this disconnect problem by showcasing immigrants who have excelled in business, art, academia, medicine, law and nonprofits. Our community now sees immigrants that live what they say, and that reality inspires and gives hope to future generations.

My most important leadership role began in law school when I became a mother twice. I am COO of the Jallah household serving two precious future leaders (who are 17 months apart). I lead by example. That means I do not quit. I did not quit law school because God’s timing did not coincide with mine. I finished the semesters strong, while working through the nights with constant interruptions from the future leaders needing food, wanting attention, fighting colds or reaching developmental milestones. I manage logistics well. I can literally feed three human beings at once while reading in front of a computer. It is an art. I strongly encourage learning by making it fun. Purple pancakes, anyone? I delegate so that others have an opportunity to develop and I stay near just in case I am asked to help. I correct without degrading, because respect and self-esteem matter. I listen to learn. Most importantly, I have learned not to take myself too seriously. After all, I am still Cinderella, and now I have a job.

Now if someone asks me, “Why don’t you have a job?” I have an answer. I am looking for my prince. Before I did not believe I had reasons to seek, or be found by, a prince. Today, I am actively looking and believing I deserve that prince as much as the next person, if not more. I am not only ready for the ball but, I am confident that princes will find me attractive.

Samantha Divine Jallah is assistant counsel to the Department of Health. A recipient of the 2014 National Association of Women Lawyers Outstanding Student Award, Samantha formerly served as an intern for the Hon. Judge Calvin Scott, Jr., the Superior Court of Delaware, a law clerk at a litigation firm in Atlanta, GA, and a corporate law intern at the Coca-Cola Co. She is the founder of Liberian Awards, Inc., a nonprofit organization that mentors college students and recognizes immigrants excelling in the Diaspora.
Third Circuit Court of Appeals Imposes Arbitrary Standard in FMLA Case

By Sarah Martin, Esq.

A lot of media coverage points out that the United States lags behind the rest of the world in requiring employers to provide leave for illness and maternity. The only protection many American workers have is the Family Medical Leave Act of 1993 (FMLA), a federal law that protects some workers’ jobs when they need to take leave to care for their own (or an immediate family member’s) serious medical condition. 29 U.S.C. § 2601, et seq.

To be eligible for up to 12 weeks of unpaid, job-protected leave, an employee must have worked at least a year for an employer with 50 or more full-time employees within 75 miles of where she works and, during that year, must have worked a minimum of 1,250 hours. Id. at § 2601. The serious medical condition must require continuing treatment or inpatient care in a hospital or similar facility. Id. The federal regulations define “inpatient care” as “an overnight stay in a hospital.” 29 C.F.R. § 825.114.

On May 22, 2015, the Third Circuit Court of Appeals adopted an arbitrary standard for determining what constitutes an overnight stay. This harmful decision places yet another hurdle in the way of employees whose livelihoods depend on holding on to their jobs during a period of illness.

In Bonkowski v. Oberg Industries, Inc., Jeffrey Bonkowski left work early on a Monday afternoon after experiencing chest pain and shortness of breath. 992 F. Supp. 2d 501 (W.D. Pa. 2014) aff’d, 787 F.3d 190 (3d Cir. 2015). That evening his wife took him to the emergency room, but the hospital did not admit him until shortly after midnight – early Tuesday. After tests showed no complications with his various pre-existing medical conditions, the hospital released him about 19 hours after his admission. The next day, Oberg Industries fired Bonkowski claiming he walked off the job on Monday.

Bonkowski sued, alleging that his former employer violated his FMLA rights by terminating him. Oberg Industries argued Bonkowski could not show that he had a serious medical condition that entitled him to FMLA job-protection because he did not meet the “overnight stay” requirement. In granting summary judgment for the employer, the district court explained that neither the statute nor the corresponding regulations defined an “overnight stay,” so it had to consider the ordinary meaning of the word. The court consulted several dictionaries before determining that “an ‘overnight’ stay at a hospital is a stay from sunset on one day to sunrise the next.” Id. at 511. The court held that, because Bonkowski was not admitted to the hospital until Tuesday – well after Monday’s sunset – he had not shown he had a serious medical condition and, therefore, could not succeed in his lawsuit.

On appeal, the Court of Appeals for the Third Circuit rejected both the district court’s sunset-sunrise approach and a totality-of-the-circumstances approach proposed by the plaintiff. Instead, the court held “that ‘an overnight stay’ means a stay in a hospital… for a substantial period of time from one calendar day to the next calendar day as measured by the individual’s time of admission and his or her time of discharge.” 787 F.3d at 199.

Despite purporting that the selected approach “constitutes an objective ‘bright-line’ criterion,” the court left for another day the task of explaining what “a substantial period of time” means, though it did mention that “a minimum of eight hours would seem to be appropriate.” Id. at 209-10.

Because Bonkowski was admitted and discharged from the hospital on the same calendar day, the court held that he had not shown a serious medical condition entitling him to job-protected leave under the FMLA, despite that he had been hospitalized for 19 hours. Bonkowski did not allege, and the court did not consider, whether Bonkowski had a serious medical condition under the other “serious medical condition qualification” continuing medical treatment. 29 U.S.C. § 2611.

Judge Fuentes’ dissent highlighted the arbitrary nature of the majority’s calendar-day approach. A variety of logistical factors can impact admission times (e.g., the location of the hospital, the time of day or day of the week, transportation challenges and seasonal weather) which, in turn, make the approach inequitable.

The dissent proposes the “totality-of-the-circumstances” approach, which the majority had rejected because it would be “more difficult for both employers and employees to predict whether a specific set of circumstances rises to the level of ‘an overnight stay’… and lead to additional litigation in the future with possibly inconsistent results.” 787 F.3d at 214. The dissent counters that the facts normally considered in a totality-of-the-circumstances approach (e.g., length of admission, assignment to a room, comprehensive testing and treatment, etc.) are seldom matters of dispute and, therefore, that problem will infrequently arise.

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This Third Circuit precedent will lead to a host of anomalies; a person admitted to the hospital at 10 p.m. and discharged at 6 a.m. the next day may receive job-protection under the FMLA, whereas a person who is admitted at 2 a.m. and discharged at 9 p.m. does not, despite being hospitalized 11 hours longer. Moreover, logistical factors are not taken into account; for instance, delays in admission may occur where the hospital is faced with more emergent patients and those needing immediate intensive care. Additionally, the precedent neglects the public policy implications of this approach in that one doctor may let a patient stay a few more hours than necessary in order to protect her employment, while another doctor may discharge a similarly-ill patient as soon as possible — without any thought of the employment consequences.

Bonkowski v. Oberg Industries, Inc creates yet another hurdle for a worker seeking job-protected medical leave. The approach created by the Third Circuit Court of Appeals is arbitrary and, as explained by the dissent, inequitable. Attorneys who represent employees must now be extra aware that a client’s hospitalization does not automatically trigger employment protections under the FMLA. These attorneys should make sure to perform a thorough intake in which they ask potential clients about the exact dates of hospitalizations. If a client’s stay at a hospital does not satisfy the “calendar-day” approach, the attorney should collect information regarding any and all follow-up treatment received by the client after his hospitalization in order to instead pursue a possible FMLA claim under the “continuing treatment” prong.

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Views from an Armchair Judge

By George C. Miller Jr., Esq.

In beginning this ironically immodest discussion, it is worth noting a split of thought within the legal profession concerning judicial clerkships. Some say these positions offer extra training in the law, meriting recognition and distinction. Others believe that clerkships are impractical. For my money, “it depends.”

Most judicial law clerks will know little of client interaction, rainmaking, billing practices, and all manner of pre-filing and pre-trial procedures to which courts are rarely privy (thankfully so). Still, my fellow clerks are undoubtedly some of the finest legal thinkers, writers and researchers you’ll meet, at least under the age of 30. To say that nets less value than practical skills may depend on your practice.

Most will agree, in any event, that great lawyers are a patrimonial product of “means, motive, and opportunity.” In most instances, law clerks are motivated by present intellectual and prospective pecuniary gains. Some enjoy vicarious power. Others, myself included, aspire to take the bench. In pursuing those goals and others, judicial law clerks have the unique opportunity to observe and interact with numerous attorneys, including their respective judge. This they do while doggedly increasing the effectiveness of their legal pros (poetry in the case of Justice Michael Eakin).

Those opportunities provide the law clerks the means to become truly gifted attorneys. That’s important, because attorneys have multiple duties to the law, the court, our brothers and sisters in the law, our clients and the legal profession as a whole. That observation motivates this not-so-humble submission.

Empirically, some attorneys simply aren’t that skilled. We can ignore this observation, opting for the pretense of kind excuses, or we can take action. For a judicial law clerk, each hearing with previously unknown counsel can feel like a blind date. Will I be impressed? Humbled? Will they seem awkward? Do they dress appropriately? Are they prepared to embark on this journey? In a word, and relevant to their clients, are they a “keeper”? This is an apropos analogy; these keepers can become the court’s “better half,” providing the law and arguments that avoid confusion and hasten disposition of the case.

Enter the Armchair Judge; rarely a doer, often an observer, always a critic. As my resume and background proudly attest, I am privileged to have served at the pleasure or with the assistance of several jurists. An equal boon has been the related exposure to my fellow judicial law clerks. A candid observation: all law clerks critique the attorneys appearing before their judge. In some instances, the word “critique” is far too kind.

The most important consideration is why some attorneys draw fire from Armchair Judges. It isn’t personal, but practical. It is a common observation that the courts of every state and federal jurisdiction are overworked and under-
At least once a month, an attorney will stroll to counsel table carrying a coffee, swiping through his cell phone, or worse, wearing tennis shoes (I’ve heard tales of Crocs)...

The list is not exhaustive. To attorneys, I propose the following corrective question: “Is the action I’m presently taking something so unbecoming of an attorney that my clients could have made the same presentation had they not hired me?” If the answer is yes (or even maybe), do right by your clients and stop the offending behavior.

Here’s hoping we meet again.

George C. Miller Jr. is an attorney licensed in three states, a judicial law clerk and an adjunct professor of Trial Advocacy. He is a 2010 graduate of Saint Vincent College and a 2013 graduate of Ave Maria School of Law, both of which he attended on academic scholarships. In 2014, he founded a solo practice, Miller Legal, in downtown Greensburg, Pennsylvania. He is unmarried, doesn’t believe in “free time,” and spends what little he has with his dog and family. George is prepared for the umbrage some of his attorney colleagues will take in reading his statements. To them, he says, “appeal me!”

George C. Miller Jr.
What is Your Quality of Life?

By Gerardina L. Martin

As young lawyers with diverse backgrounds and life experiences, we have many unseen obligations. We need to consider what our lives look like now and in the future. We are joining the sandwich generation, where many of us have young children and aging parents, creating a number of obstacles to our health and well-being. At different stages of our lives, this balance is going to change, and we want to stay equalized by stabilizing our demands and our self-care.

We are called to do pro-bono work, as well as fight for our place at the table of our firm. We are called to participate in our kids’ school functions and after-school activities. We are called to extended family functions and to help our parents as they discover their new needs in retirement. All the while, we still have obligations to our clients to promote justice and improve the quality of the legal system. Sometimes we need to take a deep breath and realize we are not alone. In our profession, stress is expected, but we do not have to sacrifice our health and well-being in order to provide a quality service for our clients.

The Quality of Life and Balance Committee of the Pennsylvania Bar Association has the mission of identifying “…issues relevant to attorney’s efforts to balance their professional and personal lives. The goal of the Committee shall be to serve as a vehicle for the dissemination of information, materials and resources the Committee determines may assist attorneys in maintaining and improving their overall quality of life. The Committee strives to empower attorneys by engaging in activities and educational programming designed to assist attorneys in their professional and personal well-being.”

Self-care strategies are available and can help you find stability and calm in an otherwise unstable and hectic world.

The Committee is made up of Bar members from across the state, who are in various walks of life, from rural, urban, and suburban communities. The Young Lawyers Division of the Pennsylvania Bar Association has several purposes, including helping our members meet their obligations. Whether you are a litigation or transactional attorney, full-time or part-time, in a solo firm or a large firm, you have many interruptions and distractions that can wear you down and cause burn-out, thereby preventing you from meeting your obligations. Self-care strategies are available and can help you find stability and calm in an otherwise unstable and hectic world.

Stretch several times a day, take a few deep breaths, move your eyes from the computer screen. These seem like simple techniques, but we forget to add them to our daily routine. Talking with someone about how it feels to have aging parents and students with special needs seems like a natural occurrence, but when can we find the time?

The Quality of Life and Balance Committee can help us to stay focused and maintain our equilibrium by offering a CLE or panel discussion to our members. Simply reach out by contacting the Committee Chairs: Christopher Gvozdich at cgvozdich@gvozdichlaw.com and Julie Steinbacher at JSteinbacher@paeldercounsel.com. They can offer tips, techniques, and sessions to us all over the state, and they are willing to come to our offices, universities and student associations to provide us with helpful resources to achieve Quality of Life.

Gerardina L. Martin is the Director of the Learning Assistance and Resource Center at West Chester University. She has an M.M. in Piano Pedagogy, an M.A. in English, an M.Ed. in higher education, a J.D., and is currently working on completing a Ph.D. in higher education. She writes and edits for several law and learning assistance journals and serves on the Pennsylvania Bar Association’s Quality of Life and Balance Committee.
Uber in Pennsylvania: Is It Allowed to Operate... and Can Municipalities Say “No”?

By Lauren Gailey, Esq.*

Executive Summary

Uber Technologies, Inc. began to operate its “ride-sharing” services—which use a smartphone app and GPS technology to connect passengers with the company’s drivers, who then pick them up in their own private vehicles — in Pennsylvania in early 2014. Uber’s entry into the state’s transportation market soon made clear that, as things stood, Pennsylvania’s regulatory apparatus was ill-equipped to handle such a novel business model. Two important issues emerged: (1) whether Uber is permitted to operate in Pennsylvania at all, and, if so, (2) whether municipalities can “veto” Uber’s operation.

1) The Pennsylvania Public Utility Commission (PUC) granted Uber a two-year “experimental license” to operate throughout most of Pennsylvania—but, notably, not in Philadelphia — on Nov. 13, 2014. The license is, however, conditional. In order to retain the PUC’s permission to operate legally, Uber must accept and comply with a list of conditions requiring drivers to undergo background checks, vehicles to be at most eight to 10 years old, Uber to provide insurance to cover time periods during which vehicles are used for ride sharing, and drivers to notify their insurance companies that they are engaging in ride-sharing activities.

2) If the municipality is statutorily granted the authority to regulate the taxi cab industry, the PUC lacks the necessary jurisdiction to permit Uber to operate and is, in essence, “preempted” by the local agency. This is the case in Philadelphia, where taxi services are regulated by the Philadelphia Parking Authority pursuant to a statutory grant of authority from the General Assembly, and Uber’s two-year PUC permit does not, therefore, apply. Unlike Philadelphia, a municipality that wishes to bar Uber from operating but has not been granted the authority to regulate taxi services must attempt to challenge the PUC’s order in court. Because the courts’ review of administrative agency actions is highly deferential, however, a municipality in this situation faces an uphill battle that is unlikely to succeed.

Factual Background

Ride-sharing companies such as Uber and rival Lyft use a smartphone app to connect passengers with drivers, who then pick the passengers up and transport them to their pre-arranged destinations. Uber neither employs these drivers in a traditional sense nor owns the vehicles; rather, drivers use their own personal vehicles and “partner” with Uber, which takes 20 percent of their earnings. Since its start in San Francisco in 2010, Uber has expanded its operations to 230 cities worldwide. Uber began to operate in Pittsburgh in March 2014 but did not seek a transportation brokerage license from the PUC, the agency charged by the General Assembly with the regulation of taxi cabs and other professional driver services. The statute provides that “[n]o person or corporation shall engage in the business of a broker in this Commonwealth”—that is, “one who sells, provides, furnishes, contracts, or arranges for . . . transportation” — “unless such person holds a brokerage license issued by the commission.” On June 5, 2014, the PUC filed a complaint alleging that Uber was acting as a broker without PUC authority. For its part, Uber “avers that it is not a broker, but instead, is a software company that licenses a smartphone application.” In June 2014, the PUC’s investigative arm petitioned two PUC administrative law judges for an interim emergency order enjoining Uber from operating during the pendency of the proceedings. The PUC argued that Uber’s unlicensed operation “unilaterally deprived the Commission of its obligation to ensure driver integrity, vehicle safety and the maintenance of sufficient insurance coverage.” The judges agreed that the lack of oversight as to vehicle insurance and inspection and driver records “could be catastrophic” in the event of an accident and ultimately granted the PUC’s request to enjoin Uber from operating in Pennsylvania without a PUC license on July 1, 2014.

After a series of hearings in August 2014, the administrative law judges recommended in September that the PUC deny Uber’s application for a license. The judges explained that, while they recognized the potential value of Uber’s ride-sharing services, Uber nonetheless had not “sustain[ed] its burden of demonstrating that it is also committed to protecting the public — both drivers and passengers.” Meanwhile, although the General Assembly was expected to consider amending the PUC’s regulations to cover ride-sharing under the new category of “transportation network services,” several attempts at such bills failed.

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*The author is an associate in Jones Day’s Pittsburgh office. The legal analysis and opinions discussed in this article are those of the author and do not express the opinions of Jones Day or any of its clients.
Discussion

1) Uber currently operates under a two-year PUC license in most Pennsylvania counties.

On Nov. 13, 2014, the PUC rejected the administrative law judges’ recommendation and voted 4-1 to grant Uber a two-year experimental license applicable to forms of transportation that, like ride sharing, do not fit within the PUC’s existing categories. The license would enable Uber to operate legally throughout most of Pennsylvania, with the exception of the nine counties that were not included on its application, as well as Philadelphia, where taxi service is governed by a local agency rather than the PUC.

Importantly, Uber’s PUC license is conditional; for it to have legal effect, the PUC must issue a certificate of public convenience. This, in turn, would depend upon Uber’s willingness and ability to satisfy a list of conditions. The conditions include:

• background checks for drivers;
• use of vehicles not more than eight to 10 years old;
• insurance coverage for vehicles while operating for ride-sharing purposes, and
• written notification by drivers to their personal insurance companies of their participation in ride sharing.

While the PUC did appear willing to take the ride-sharing companies’ concerns into account and modify some rules accordingly, the board made clear that the list of conditions was the agency’s “final offer” and “not a negotiation.”

Once Uber accepts the PUC’s conditions — it was given until Jan. 5 to do so, and there has been no indication that it has not — it has 30 days to comply. Two PUC board members noted that “[m]any of the conditions set forth . . . by the PUC mirror Uber’s existing operating practices . . . as well as state regulations already in place.” Other PUC board members, however, have indicated that compliance is by no means a guarantee. Vice Chairman John Coleman, who voted against Uber’s license, wrote in his dissenting opinion that, while he respected his colleagues’ willingness to accommodate the new ride-sharing technology and ensure its safe use, he remained “very skeptical that [Uber] will satisfy these conditions.” Board member John H. Cawley, “who reluctantly voted yes,” was even more forceful, saying, “Let me put it in plain English, Uber. This is your last chance with this commission . . . to abandon [your] anarchist ways and to finally become a responsible, lawful corporate citizen.”

2) Municipalities generally lack “veto power” over PUC orders permitting ride sharing.

A municipality’s power to evade the PUC’s grant to Uber of a two-year license to operate is a more complicated issue. An important threshold question is whether the PUC has the authority to permit ride-sharing activity in that municipality in the first place. Philadelphia provides an important example. When UberX, Uber’s most popular service and the version operating in Pittsburgh, officially debuted in Philadelphia on Oct. 24, it encountered “staunch resistance;” the Philadelphia Parking Authority (PPA) impounded its vehicles and imposed $1,000 fines, and the head of the Philadelphia Taxi Association compared it to terrorist organization ISIS. The PPA “considers ride-sharing companies [to be] unlicensed cabbies because they do not have taxi medallions, which can run as much as a half-million dollars.”

Because the PPA regulates taxi service in Philadelphia, the PUC’s order does not apply there. This is a result of the operation of the Parking Authority Law, also known as “Act 94.” This law initially placed the PUC in charge of regulating taxi services throughout the state. However, Chapter 57 amended this law to instead charge the PPA “with regulating the taxicab and limousine activities that take place in the City of Philadelphia.” The net result is that the PUC lacks jurisdiction over taxi services where Chapter 57 assigns authority to the PAA: within the city, originating within the city, or centrally dispatched from a point outside the city to a point within it. These are thus outside the PUC’s control, and “[t]he PUC cannot ... invest itself with authority or powers not ... within the legislative grant.”

Where the PUC does have jurisdiction to issue Uber a license to operate within a certain geographic area, the question becomes whether a municipality can “veto” — or, more precisely, mount a successful court challenge to — that PUC action.

Two factors make that unlikely. First, administrative law is marked by a highly deferential standard of review, and review of the actions of the PUC, an agency, is no exception. A court is obliged to affirm a PUC finding except where 1) there has been a constitutional violation, 2) there has been an error of law, or 3) “the crucial findings are not supported by substantial evidence.” Although the third factor might initially appear to be a promising avenue of attack for a litigator saddled with bad facts, the word “substantial” here is a misnomer, as the Commonwealth Court has required only “such relevant evidence as a reasonable mind can accept as adequate to support a conclusion.”

Second, Pennsylvania’s courts have on many occasions rejected challenges to PUC orders that require municipalities to permit certain activity. In East Lampeter Township v. Pennsylvania State Horse Racing Commission, for example, the Commonwealth Court applied that generous definition of “substantial” and concluded that “the necessary documentation needed to proceed on [the] application” and “a slide presentation which addressed the concerns of the local community” were sufficient to uphold against a municipality’s challenge a PUC order permitting the operation of an off-track betting facility.

The court, perhaps fearful of criticism, included in its opinion a reminder that “[t]he legislature has vested wide discretion with the [PUC], and the Court must grant deference to the latter’s orders unless there is a clear abuse of discretion.” The Supreme and Commonwealth Courts were equally deferential in rejecting challenges brought

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by a borough and another state agency to PUC orders permitting, respectively, the operation of a private sewage service that connected to public systems, and a solid waste landfill. Given such a deferential standard of review, it is hardly surprising that municipalities’ challenges to PUC orders permitting certain conduct tend to find little traction.

Conclusion
In November 2013, Uber obtained a two-year experimental license from the PUC to operate in every Pennsylvania county except Philadelphia, where taxi service is governed by a local regulatory authority, and a few other counties that were not included on its application. This PUC license is conditional, however; once it agrees to the conditions, Uber must, within 30 days, ensure that its drivers undergo background checks, the vehicles used are no more than eight to 10 years old, insurance coverage is provided while drivers are operating their personal vehicles “on the clock,” and drivers notify their personal auto insurance companies of their ride-sharing activities. If Uber does not meet these requirements, its license is subject to revocation. Given several PUC board members’ reservations about Uber’s ability to fulfill the license’s conditions, its compliance will likely be carefully monitored — and strictly enforced.

The coverage area of Uber’s license extends only to areas that fall under the PUC’s jurisdiction. Where a local regulatory agency such as the Philadelphia Parking Authority has been statutorily granted the authority to regulate taxi service, the PUC’s ride-sharing rules and licenses have no effect. For this reason, Philadelphia’s ban on most ride sharing remains in effect despite the experimental licenses granted to Uber and its competitors by the PUC.

If a municipality lacks its own regulatory authority, however, it is unlikely to be able to, in essence, “veto” the PUC’s grant of a license to Uber would, therefore, be a tall order.

Uber Endnotes
3 Id.
7 PUC Order, at 1-2.
8 Id. at 4.
9 Id. at 3.
10 Id.
11 Id. at 13-16.
12 Lyons, supra note 4.
13 Id.
14 Id.
15 Id. A similar license was granted to Lyft on Dec. 18, 2014. Levy, supra note 1.
17 McQuade, supra note 16. The PUC granted ride-sharing companies temporary authority to operate until the experimental license could go into effect. Lyons, supra note 4.
18 Identical conditions have been imposed upon Uber and Lyft. Levy, supra note 1 (discussing conditions with respect to Lyft).
19 Lyons, supra note 4.
20 Levy, supra note 1. Because Lyft complained that the eight-year rule would “wipe out one-third of [its] driving force in Pittsburgh,” the PUC has “all but approved” a new rule raising the age-of-vehicle limit to ten years. Id.
21 Lyons, supra note 4. With respect to the insurance issue—one of the most complicated—Uber would “provide insurance coverage from the time a driver opens the app until he logs off the system,” while “the driver’s personal auto insurance policy would be in effect” at all other times. Id.
22 Id. The PUC hoped that this notification require-
Magna Carta
The Cornerstone of Common Law
By Paul R. Cleveland, Esq.

King John was not exactly the best ruler England ever had. When he succeeded his brother Richard I “the Lionheart” to the throne in 1199, England was at the apex of its power in the medieval period. Through a series of dynastic alliances and wars over the past 50 years, almost half of what is now France was under English rule, forming what historians now call the “Angevin Empire.” Yet, thanks to harsh punishment for a revolt by his nephew and his insistence on marrying the fiancée of a powerful French noble, John had alienated his vassals and driven them right into the arms of the King of France, Philip II. A mere five years into John’s reign, almost all of England’s continental possessions had been conquered by France, and John spent the next 10 years fighting long and costly wars in a vain attempt to win them back.

By 1215, John was in a precarious position. Thanks to his reform of English law, he was already unpopular with many of the leading lords and barons of England, who saw the centralization of the justice system as a threat to their own power. Combined with the embarrassment in France and the crippling debt that resulted, the situation was ripe for a rebellion against the King. Many of the earls and barons of England openly revolted against John’s rule and raised an army to fight the King. Faced with civil war, John had no choice but to open negotiations with the barons in order to save his crown. In June of 1215, the two sides met at the field of Runnymede, about 20 miles outside of London, to find a solution to the crisis.

What followed was one of the most important documents in the history of Western civilization. With the Archbishop of Canterbury, Stephen Langton, acting as mediator, the King and his rebellious vassals agreed upon a compromise. The King granted concessions to the barons, proclaiming guarantees of the rights and privileges of “free men” that would not be usurped by royal authority. In exchange, the barons reaffirmed their loyalty to King John and, at least for the time being, ended the threat of open rebellion. On June 15, 1215, King John and the rebel barons affixed their seals to what has become known as Magna Carta, or Great Charter.

Most of the protections of Magna Carta have lost their significance over the intervening centuries, such as those regarding the castle guard duties of knights and the proceedings of forest courts. Yet there is another guarantee that could have been taken from a modern constitution. The British Library, which holds two of the four extant copies of the 1215 charter, translates that clause as follows:

“No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.

This sentence of Magna Carta, written eight centuries ago, provides the foundation upon which the right to due process in common law jurisdictions is based.

The concept of due process was not foreign to the world at large, considering its presence in the complex Roman legal system. However, Roman law was only an influence on the legal system in medieval England, and Magna Carta was not put into place against the backdrop of a complex legal system. In 13th-century Western Europe, government was feudal in nature, which was based upon personal loyalty rather than the rule of law. In English feudalism, the majority of the common people were serfs, called “vileins,” who were bound to the land upon which they worked and thus owed their loyalty to the lord that owned the land. These lords held that land as a vassal to a noble of higher rank, an agreement in which the vassal pledged financial and military support to the liege in exchange for a title and a grant of land, which included the villeins bound to that land. Vileins, and therefore most of England’s people, were thus not “free men” as defined in the clause of Magna Carta, but as the feudal system declined and serfdom was abolished, the protection
Magna Carta

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of due process evolved into a fundamental tenant of the common law system.

The English feudal hierarchy of villeins, vassals, and liege lords worked its way up to the King, who was the source of temporal power within his realm and upon whose consent the entire system was based. While it was relatively uncommon, the King was fully within his right to revoke a landed title from a vassal as punishment. In other words, a feudal king was supremely powerful and would be today called an absolute monarch. With such immense authority in the hands of the crown, the concept of a King willingly agreeing to his vassals to limit his own power was a revolutionary idea. King John certainly did not want to limit that power, but he chose to do so to save his crown, and thus inadvertently paved the way for what later became the concept of “rule of law.”

Oddly enough, with the significance it is given today, Magna Carta was not taken very seriously when it was first enacted. In fact, within a few months of the agreement, both King John and the rebel barons had revoked their agreement to the charter and open war had broken out in England. King John himself died in October of the following year, and his nine-year-old son ascended to the throne as King Henry III. The war continued for several years, and the forces loyal to the King eventually emerged victorious. However, after the rebellion, Magna Carta returned to the forefront as a way to rebuild the country and ensure peace between King and subject.

Henry III reissued the charter in 1216, 1217, and 1225, and his son Edward I codified the charter as a statute of the realm in 1297. In this form, Magna Carta became one of the bedrocks of the English legal system. Over the centuries, Magna Carta became a symbol for those who opposed royal authority in England, even when the document itself did not actually support those causes. This “idealized” Magna Carta became particularly important as power in England shifted from the crown to Parliament. Magna Carta in this context was upheld as the origin of the rights of the common people and foundation of Parliament’s supremacy – even though it was written well before Parliament even formally existed and was only an agreement by the King to restrict power he otherwise could lawfully exercise. As with many great historical documents like our own Declaration of Independence and Constitution, the interpretation of Magna Carta changed over time based upon England’s political and social climate. Modern historiography has corrected much of those incorrect assumptions of Magna Carta’s meaning and purpose, yet even that analysis still leaves the fact that the document was a decisive part in the evolution of the Anglo-American common law system.

June 15, 2015 marked the 800th anniversary of the sealing of Magna Carta at Runnymede. Although most of the 1297 statute has been repealed, three clauses of Magna Carta have remained in full legal effect in England and later the United Kingdom for over 700 years: the freedom of the Church of England, protection of the City of London’s special status, and the all-important guarantee of due process. The Fifth and later the Fourteenth Amendments, and their various state equivalents, are merely the American interpretation of this ancient legal concept. King John may have been only trying save his own skin when he sealed Magna Carta in 1215, but in the process he enacted one of the most important documents in the history of law.

Paul R. Cleveland, Esq. is the law clerk to The Honorable David F. Bortner, Chester County Court of Common Pleas. He received his J.D. from Drexel University and has been a licensed attorney in Pennsylvania since October 2014.

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Art Enthusiasts Enjoy the Art and Architecture of Pittsburgh’s Federal Courthouse

By Hayley A. Haldeman, Esq.

When one thinks of Pittsburgh’s federal courthouse, the building’s art and architecture are unlikely to be the first thoughts that come to mind. But on Friday, March 27, the federal courthouse hosted 50 Mattress Factory patrons for a behind-the-scenes tour of the courthouse’s art and architecture. The Mattress Factory is a contemporary art museum and experimental lab featuring site-specific installations created by artists in residence from around the world.

Leading the tour was deputy clerk Michael Palus, who showed the group four different courtrooms and highlighted the building’s architecture, history and visual art. “I always look forward to the opportunity to show off the hidden beauty of our courthouse. It was a pleasure to share it with a group who had a real knowledge and appreciation of our building’s artwork.”

The group attended through the Factory 500, the Mattress Factory’s premiere membership program. The Factory 500 tours private collections, artist studios, local businesses and other interesting arts destinations in Pittsburgh several times throughout the year.

Factory 500 Chair Susan Lammie enjoyed the tour. “Never having been in the Federal Courthouse myself, it was surprising to me to see such large-scale artwork, front and center, in the courtroom. It has such a presence. I kept thinking about the context provided by the courtroom and our judicial system and the effect the art has on its captive audience.”

Palus additionally discussed the courthouse’s role and interaction with the community. In addition to courthouse tours and programs for regional students, the district court’s Community Outreach Committee presents a rotating art exhibition in the courthouse lobby that features local artists and arts groups. This Committee is chaired by District Judge Nora Barry Fischer and comprised of court employees, clerks, and fellow District Judges Mark Hornak and Cathy Bissoon. The community outreach initiative is an outgrowth of the Third Circuit’s Committee on Courts & Community, which is chaired by Third Circuit Judge Marjorie Rendell and is intended to better connect the federal courts with the people and communities they serve.

Following the tour, Factory 500 members attended an artist talk and reception at Jones Day. Laura Ellsworth, partner-in-charge of Pittsburgh’s Jones Day office, welcomed the group and introduced the office’s art collection, which includes works by Aaron Henry Gorson, Henry Koerner, and William Pfahl.

The reception also included a presentation by Pittsburgh artist Ron Donoughe. He discussed his work in Jones Day’s collection and his “90 Neighborhoods” project, for which Donoughe did an on-site painting in each of Pittsburgh’s 90 neighborhoods.

As current chair of the Allegheny County Bar Association’s Arts & the Law Committee, I helped coordinate the tour. Last year, we did a similar tour for the ACBA, and it introduced a new perspective on the Courthouse. It was interesting to re-do the tour with the Factory 500. The majority of members are not lawyers but were fascinated by the building’s history and the intersection of arts and the law.

Palus also noted the group’s interest in the judicial system generally. “I wanted to make sure that I was prepared for any questions about our building’s art. And there were many! But there were also just as many questions about what goes on daily in the courthouse and our federal court system. I wasn’t planning on talking about our court, but it was especially gratifying that so many were interested in what we do, not just the building in which we work.”

For more information about joining Factory 500, please visit www.mattress.org.

Hayley A. Haldeman is an associate at Jones Day in Pittsburgh. Her practice focuses on civil litigation in federal and state courts. Hayley is a member of the Pennsylvania Bar Association and the Allegheny County Bar Association and is on the executive committee of the ACBA Arts & the Law Committee.
Each year, countless young (and more seasoned) lawyers and judges volunteer hundreds of hours to the Pennsylvania Bar Association Young Lawyers’ Division Mock Trial Competition. Because of these volunteers, high school students from across the state are given an opportunity to engage the Pennsylvania courts in a positive and educational way. These students are taught teamwork, provided an opportunity to work on public speaking, and learn how the legal process works. As a team they spend weeks preparing a case strategy – both as the plaintiff and as the defendant – so that they can argue cases before juries full of lawyers, inside real courtrooms, before Court of Common Pleas judges. The winner of each region competes in the state competition for an opportunity to represent Pennsylvania in the National Mock Trial competition.

Without our volunteers, none of this would be possible. As the co-chairs of the Mock Trial Competition, there are not words to express our gratitude to those who volunteer their time. Where would we even begin? Fortunately, this year, we don’t have to. Quigley Catholic mock trial team — this year’s state champion — sent the Mock Trial State Mock Trial Executive Committee a letter thanking the Pennsylvania Bar Association for providing it with such a wonderful opportunity. The team’s letter, to the right, says it better than we ever could.

On behalf of the Mock Trial Executive Committee, thank you to all of the young (and not so young) lawyers who volunteer for this wonderful program. For those members interested in getting more involved or who have additional questions about the Mock Trial program, please contact Maria Engles at maria.engles@pabar.org.

Dear Pennsylvania Bar Association,

The Quigley Catholic mock trial team and coaching staff would like to thank you for allowing us to participate in the National High School Mock Trial Competition. The competition in Raleigh was an especially meaningful experience for each member of our team, and we could not be more grateful to you for sponsoring our team. Competing at the highest level in mock trial was a wonderful opportunity for us, and we have learned important skills that we will use not only in next year’s competition season but in life as well. Our weekend in Raleigh was not only an educational experience but also an opportunity for us to bond as teammates and friends. We were able to participate in exciting activities such as pin trading with students from around the country, a scavenger hunt around the beautiful city of Raleigh, hearing a speech from Supreme Court Justice Antonin Scalia, and celebrating a great competition at a dance with all of our fellow competitors. We worked very hard to prepare for Nationals, and we are proud that we could represent Pennsylvania with a 13th place finish. Thank you again for giving us the opportunity to participate in such a unique and rewarding experience!

Mr. Timothy Waxenfelter-Head Coach
Ms. Jennifer Popovich Esq.-Attorney Adviser
George Burnet VII-Captain
Edward Jacob Stumm
Emily Cronin
Gabrielle Ingros
Ellen Kruczek
Thomas Belsterling
Megan Gannon
Austin Kuntz
Annamarie Lovre
Emily Chinchilla
Sarah Belsterling
If You Missed the 2015 YLD Summer Meeting, Don’t Make the Same Mistake in 2016!

The PBA YLD Summer Meeting is the perfect venue to kick-off the Bar Leadership Institute. Each year the new class of 10 members gathers for the first time to meet PBA leaders, other young lawyers from around the state, and participate in an excellent variety of CLE programs geared to young lawyers.

Members of the 2015-2016 class noted this year’s Summer Meeting provided an opportunity for one-on-one interaction with high level Pennsylvania Bar Association leaders, including PBA President Bill Pugh, President Elect Sara Austin, Vice President Sharon Lopez, and Immediate Past President Frank O’Connor.

“It makes a difference when you have an opportunity to socialize with leaders and get to know them. I certainly never thought I would have the chance to talk one-on-one with the Chief Justice of the Pennsylvania Supreme Court,” said one class member. “I left the meeting feeling welcomed and connected with a large network of young lawyers from every area of practice, including solo practitioners, associates at large firms, in-house counsel, and government counsel. This meeting was a great way for me and other young attorneys to expand my potential referral network beyond my local county and law school classmates. I would encourage all young lawyers to get involved in the YLD. This conference made me wish I got involved in the YLD sooner … I’m close to aging out!”

To learn more about the Bar Leadership Institute, please visit the PBA website: www.pabar.org/bli.asp. Applications for the next class will be available in the spring of 2016. Young lawyers who have questions or would like to learn more about BLI may contact PBA staff, Susan Etter, Susanetter@pabar.org.

Uber in Pennsylvania

Continued from page 14


37 Germantown Cab, 97 A.3d at 412 (citing 53 Pa. Consol. Stat. §5714(c)).


41 Id.

42 Id.

43 Ridgway, 480 A.2d at 1255-57 (“This Court’s scope of review of matters such as this requires that we affirm the decision of the PUC unless there has been a violation of constitutional rights or an error of law or unless the crucial findings are not supported by substantial evidence.”).

44 Commw., Pa. Game Comm’n v. Commw., Dep’t of Env. Res., 555 A.2d 812, 813 (Pa. 1989) (describing the standard of review in a similar case as follows: “the court’s review of such decision was limited to errors of law or violations of constitutional rights”).
How Associates Disappoint, or How To Succeed in a Firm

Q I am an associate within a law firm and trying to understand and get insight into why some of my colleague associates make partner and others fall by the wayside and leave the firm? Can you explain some of the factors in the decision-making process?

A Mark Herrmann, Esq. had a short article discussing “How To Fail As An Associate” and “What Drives Partners At Firm Nuts.” In a Law 360 article, Hermann noted six ways to disappoint a senior partner: 1) not being visible enough; 2) not taking ownership of your work; 3) not being thorough; 4) not being pleasant with all staff; 5) not knowing how to talk on the phone; and 6) not sowing the seeds of business development at the firm.

Herrmann explains the real ways associates can screw up and become an unsatisfactory candidate for a promotion.

Blow stuff off. When asked to do something, don’t do it, do it late, or make the fewest revisions possible to get the partner off your back. Partners want documents to be final and out the door as quickly as possible. Partners want associates who act like partners — taking responsibility for completing a job, treating work like it matters. Partners will hold such associates close because they make a difference at the firm.

Think of drafts as drafts. If you provide a draft that requires the partner to suggest new arguments, delete existing ones, and fix typos and grammatical errors, you are unlikely to be asked again. Partners want to work with a person who makes their life easier. Providing a final, perfect, polished work as your first draft indicates you’re smart and helpful, and you’ll be asked to help with the next case or project. No one ever failed to make partner by being too conscientious!

Don’t fret the details. Failure to read all the cases could result in being blindsided by a horrifying case the opponent cites in an opposition brief. Partners are extremely busy in a well-functioning law firm, which is a business, lest we forget! Partners are trying to attract new business, provide strategic advice and ensure all work reflects the firm’s standards. Read the whole case, deposition description or contract.

Think new business drops like manna from heaven. Associates need to lay the groundwork for the business they hope to develop in future years at the firm. Some associates publish an article showing their interest and ability to stay current. Each article written raises your personal profile, shows expertise and will be used in future business development purposes, thereby creating opportunities to enhance your reputation as an associate at your current firm or to pursue other career opportunities.

In another recent article, “You Can’t Be Great At Everything,” Keith Lee notes that the legal profession attracts people who want to win and strive to be the best at what they do. In law school, students compete in class rank, law review and the trial team. But Lee notes that once lawyers actually enter the profession, it soon becomes clear: you can’t be the best at everything!

In small and solo practices, lawyers going out on their own need to wear many hats and spend time on things not requiring a law degree, e.g. IT support, marketing, filing — work that needs to be done, but was done for you at a BIG law firm. In such areas, doing “B” work might be sufficient. Ultimately, lawyers need to focus on their core strengths and give an “A+” effort on those areas, while acknowledging that it’s okay to give less effort in others. You need to be the best for your clients. I am personally not terrific dealing in certain areas of technology; fortunately it doesn’t impact on my work with clients.

In my 20 years of counseling and guiding lawyers through career and employment transitions, I have found litigators who really didn’t like litigating—the adversarial relations, stress and anxiety. On the other hand, the “service partner,” the lawyer who writes great briefs and churns out work but never does any business development, may become expendable, dependent on a partner’s business sources for his livelihood. This is especially the case since the legal recession, which has demonstrated that the practice of law, although a noble profession, is in reality a serious business, whether it be a solo practice or big law partnership.

As my clients know, I came up with the “Behrend Gratification Index” with the belief that lawyers’ work should be around 75 percent gratifying; 66 2/3 percent is just passing; 50 percent is totally unacceptable; 90 percent is probably unrealistic unless you are in a terrific solo, small partnership or reaching the top of a large firm-managing partner. What is your BG Index at this stage of your legal career?

David E. Behrend, M.Ed., Director of Career Planning Services For Lawyers in Ardmore, PA (www.lawcareercounseling.com) serving the career needs of lawyers going through career or employment transitions. To e-mail him questions for future “Career Corner Columns,” use yld@pabar.org.
ZONE 1 (Philadelphia)

As part of Philadelphia Bar Chancellor Albert S. Dandridge III’s Boots on the Ground Community Initiative, the Young Lawyers Division (YLD) is continuing the school supply drive launched at the June 9 quarterly meeting and luncheon. Donations will benefit Turning Points for Children, a non-profit organization dedicated to supporting families in raising safe, healthy, educated and strong children. The YLD continues to work and publicize this important initiative; there is more information, below, about next events.

The Philadelphia Bar Association YLD held its 2015 Annual Affinity Bar Association Quizzo Championship on July 14. The event sold out, and the winning team’s award (which was 100 percent of the registration fees from the event) was given to Women Against Abuse.

The Philadelphia Bar YLD also hosted a happy hour and collection in support if the bar’s school supply drive on Aug. 13 at Tavern on Broad.

The Zone 1 YLD is planning another Caravan to reach out to area PBA membership and young lawyers.

ZONE 2 (Berks, Carbon, Lehigh, Northampton, Schuylkill)

No report

ZONE 3 (Adams, Cumberland, Dauphin, Juniata, Lancaster, Lebanon, Perry, York)

CUMBERLAND COUNTY

In May, the Cumberland County YLD finished up its Law Day presentations to county elementary schools about the 800th anniversary of the signing of the Magna Carta. In addition to the Law Day presentations, the YLD donated books about the Magna Carta to all county elementary schools and libraries. In June, the YLD attended a Harrisburg Senators baseball game and held an after-work meeting followed by a happy hour. The annual summer picnic was held jointly with the Dauphin County Bar Association. At the picnic the two YLDs held a friendly competition and played several lawn games to see which YLD would take home the trophy. Although the CCBA YLD did not win, everyone who participated in the competition had a great time. In the coming months, we are looking to become more involved with Dickinson School of Law and increase our student membership. We are planning on co-sponsoring the new student orientation with Dickinson School of Law and look forward to getting to know the students. We are also in the process of updating the Stepping Out program for high school seniors. This program details the new rights and responsibilities of adulthood. We are looking forward to presenting this useful information to our local high schools.

DAUPHIN COUNTY

The Dauphin County Bar Association YLS volleyball league began on May 14 and concluded in August with a picnic and playoffs. This season, 20 teams comprised of lawyers, judges and staff, gathered to play volleyball and socialize each Thursday night through the summer. The YLS also participated in the annual invitational challenge with the Cumberland County Bar Association YLD in July at the DCBA/CCBA annual picnic. This year, the competition was a lawn games Olympiad and included corn hole, can jam, bocce ball and horseshoes. For the second year in a row, Dauphin County brought home the trophy to Harrisburg. We sent a new admittee to the PBA YLD summer meeting in August and held the annual wine/beer tasting event for September at the Vineyard and Brewery at Hershey.

FRANKLIN COUNTY

The Franklin County YLD had its Law Day activities on May 1, which included our normal mock trial, and was a rousing success. Nikki Huffman was the chair of Law Day this year and did an amazing job. Some YLD members walked in the 3rd Annual Walk a Mile in Her Shoes to benefit Women In Need on May 1. The YLD volunteered for the Franklin County Legal Services Book Sale from May 7–10. On May 11, we helped serve breakfast refreshments to the jurors for Juror Appreciation Day and put the posters on display that were submitted by attendees of the Law Day celebration. The YLD held a Wills for Heroes event on May 16. On May 21, we had our monthly YLD happy hour. On June 5, FCBA YLD fielded a team in the Race Against Poverty, for which YLD was also a sponsor. Some of members walked, while others ran. Vice President Tracy Ross was essential to our involvement in the Race Against Poverty. The monthly YLD happy hour was held at the Bistro, and the monthly meeting was well attended.

YLD happy hours were held on July 16 at University Grille in Shippensburg and Aug. 20 at Good-ta-go in Chambersburg.

The monthly meeting was held on Sept. 4. The YLD will participate in and contribute donations to the Heartwalk.
LANCASTER COUNTY

Lancaster County YLS members continue to volunteer on the last Thursday of every month at the Boys and Girls Club of Lancaster. On May 21, the YLS conducted its second quarterly happy hour as a networking mixer with the Lancaster Young Professionals. On June 29, the YLS sponsored a lunchtime seminar with MidPenn Legal Services to encourage YLS members to participate in the LBA’s Volunteer Attorney Program. The YLS had its third quarterly happy hour in August. The YLS will be conducting a volunteer build with the Lancaster Area Habitat for Humanity (tentatively scheduled for September). The YLS conducted a CLE program “Working with Financial Experts” on Sept. 3.

LEBANON COUNTY

The Lebanon County Young Lawyers hosted a happy hour in May at the newly opened Foundry Craft Grillery in Lebanon. The well-attended event was an excellent opportunity to gather our members and to experience the newest restaurant in town.

YORK COUNTY

The York County Young Lawyers Section has been busy as usual this summer, hosting events for the bar at large to attend. In April, the YLS had a very successful happy hour, where attorneys and judges, young and old, were able to network, socialize and enjoy each other’s company outside of court. In June, the Young Lawyers co-hosted its annual family picnic for the entire bar association, family and friends. As in years past, this event was held at the York Revolution baseball stadium and featured a fun-filled evening of baseball, kiddie games, food, drinks and fun. The family picnic is a favorite event for many of our members and was very well attended again this year. In July, the YLS held a second well-attended happy hour event for the summer, with the hopes of introducing some of our summer interns, associates and law clerks to the lawyers of York County. We have several events coming up for the rest of the year, the highlight of which will be our bus trip to Centre County for a Penn State football game and tailgate. The YLS has reserved a 55-passenger bus, purchased a block of tickets to the game and partnered with a local caterer to host a great tailgate for our members on Oct. 3. Anyone attending the game on that date is welcome to join our tailgate.

ZONE 4 (Lycoming, Montour, Columbia, Northumberland, Snyder, Tioga, Union)

On Sept. 26, the Zone 4 Caravan was held at Knoebel’s Amusement Park in Elysburg with drinks and ice cream at the pavilion, followed by an afternoon at the park.

ZONE 5 (Bradford, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming)

LACKAWANNA COUNTY

Lackawanna County held a poster contest and celebrated the day with music and entertainment from the Scranton High School Knight Rhythms. Throughout the month YLD members volunteered their time in local schools for “Lawyers in the Classroom.” Then, at the end of the month, the YLD raised more than $9,000 to benefit Kim Moraski, Esq. and her family at the Annual Law Month Benefit & Cocktail party. Edwin A. “Chip” Abrahamsen, Jr., Esq. received the 2015 Margaret Gavin award. The YLD ventured out on its annual Seneca Lake Wine Tour on Aug. 22. YLD members competed in the Lackawanna County Bar Association golf outing at the Country Club of Scranton on Aug. 28.

MONROE COUNTY

Monroe County YLD members sponsored the annual fairy tale mock trial event for 5th graders across the county as part of the county’s law day event. This year’s criminal trial involved the characters from “Despicable Me.”

The YLD is working on a wine/beer tour to raise money for the Monroe County Bar Association Foundation (tentative date: Oct. 17) and is also in the midst of planning another Habitat for Humanity project.

LUZERNE COUNTY

The YLD had another strong showing at the Luzerne County Bar Association annual golf tournament and outing. Continuing on its charitable work, the Lackawanna County YLD ran a smoothie stand at the St. Joseph’s festival and Monroe County YLD members provided assistance at the local soup kitchen.

Luzerne and Lackawanna had another social mixer at the Woodlands Inn & Resort on Aug. 6. The Luzerne County YLD held its meeting at Conyngham Brewing Company on Aug. 12 and cheered on the New York Yankees’ feeder team, the WBS Railriders, on Aug. 20 at the WBS stadium.
What’s going on in our counties

ZONE 6 (Fayette, Greene, Washington, Westmoreland)

WASHINGTON COUNTY

YLD recently held its election. Beginning Jan. 1, 2016, the YLD officers will be: Josh Camson, president; Brian Lucot, president-elect; Rachel Wheeler, secretary; and Matthew Fischer, treasurer.

ZONE 7 (Clarion, Crawford, Erie, Forest, Jefferson, McKean, Venango, Warren)

CRAWFORD COUNTY

Crawford County had a movie night, where members of the group watched “Fast and Furious 7.” Additionally, the group went to VooDoo Brewery for a happy hour. A tour and tasting at Lago Winery also was attended by many. In August was a trip to a Pittsburgh Pirates game.

ERIE COUNTY

The Erie County Young Lawyers Division has been exceptionally active. In May, the group had a leadership meeting and a happy hour at the Tap House. In June, the Zone 7 Caravan was held at Presque Isle Downs and Casino. It was well attended by many young lawyers from both Erie and Crawford Counties. In July, a happy hour with the Erie County Real Estate and Estate and Trusts Sections was held at Rum Runners. In August, the YLD hosted a Seawolves baseball game event for young lawyers and their families. In September, another happy hour is scheduled with the Business and Workers’ Compensation Sections of the Erie County Bar Association at Cloud 9. Also, in September, many of the young lawyers participated in a Wills For Heroes event on Sept. 26.

ZONE 8 (Bedford, Blair, Cambria, Fulton, Huntingdon, Indiana, Mifflin, Somerset)

The Blair County YLD is organizing a group of young lawyers to be sworn in at the Supreme Court of the United States. It will be scheduled on an argument day, so space is limited. Please contact the Zone 8 Chair Chris Michelone at ctmichelone@mqblaw.com if you are interested.

Anyone in Zone 8 who is interested in being on the mailing list for events in the Zone, please email Chris Michelone, Zone 8 chair, at ctmichelone@mqblaw.com

ZONE 9 (Bucks, Chester, Delaware, Montgomery)

CHESTER COUNTY

The Chester County Bar Association Young Lawyers Division promotes and preserves the interests of its younger members by encouraging professional development through educational and service programs and activities. The YLD offers the benefits of meeting and socializing with other members of the Chester County Bar Association and encourages young lawyers to participate in the general activities of the association.

Meetings are held on the first Wednesday of each month at noon at the Chester County Bar Association building. Lunch is provided at no cost to CCBA Members.

Additionally, the CCBA YLD is planning to create an event similar to that of Philadelphia’s Homeless Advocacy Project to help homeless people obtain birth certificates. It is expecting to hold a pilot event this summer with a larger scale event in the fall. The YLD had its annual Phillies night in August and planned to have a Second Amendment and sporting clays CLE event in September.

DELAWARE COUNTY

Delaware County Young Lawyers Section had a very successful Bench/Bar Conference in June, where the YLS put on two CLEs. In September, it will host a “summer’s end” get-together for the bar association and a charitable 5k race that benefits the Ronald McDonald House in Philadelphia. The YLS is in the process of organizing a CLE featuring the county’s president judge. In December, it will stage a holiday party for low income families in the area, complete with a visit from Santa and presents for the kids.

MONTGOMERY COUNTY

On June 4, judges from the Eastern District of Pennsylvania held a special induction ceremony in the Montgomery County Courthouse. The Montgomery County YLS worked with the sponsoring Federal Courts Committee to encourage young lawyers to take advantage of the unique opportunity. Thirty-two individuals participated; the majority were young lawyers.

Through May and June, the YLS participated in the Inaugural
MBA Section Challenge to sell raffle tickets in support of Legal Aid of Southeastern Pennsylvania. The YLS won the challenge by banding together to sell nearly 300 raffle tickets. The Section Challenge generated over $3,000 to support Legal Aid.

This summer the YLS continued its annual traveling happy hour series in various parts of the county. The first two events were a great success; YLS members came out, as well as MBA officers and other more seasoned attorneys. At the end of June, the YLS hosted a fantasy football draft party for the MBA-facilitated fantasy football league.

The YLS is planning a series of CLEs for the fall. The bench has been excited to help create a series of “how to” CLEs for new attorneys. The YLS is also arranging with a prominent federal practitioner to present a CLE on how to triage federal consumer rights’ cases.

ZONE 10 (Armstrong, Beaver, Butler, Lawrence, Mercer)

BEAVER COUNTY
The Beaver County Young Lawyers Division hosted its annual charity golf outing for the Variety organization and donated an adaptive bike to a child in need. The YLD also volunteered at a jamboree held by Best Friends Inc., an organization that helps children and adults with special needs learn to socialize in the community. In August, the YLD volunteered to help build with Habitat for Humanity and hosted a local happy hour with other members of the bar association.

BUTLER COUNTY
The Butler County YLD has been holding meetings and is planning a Wills for Heroes event. The YLD also attended the Butler Bar Association Bench/Bar in September.

ZONE 11 (Cameron, Centre, Clearfield, Clinton, Elk, Potter)

CENTRE COUNTY
On Aug. 5, the Centre County YLD held a Meet the Judge Night. The meet and greet with Judge Cohn Jubelirer included a discussion on appellate advocacy. The PBA YLD Zone 11 Caravan, Tussey Mountain Wingfest, was held on Aug. 13. The YLD had a softball team in Centre County Rec League from May and until late August.

ZONE 12 (Allegheny)

Desk to 5K Program: Every fall, the Allegheny Bar Association YLD BLI class engages in a meaningful project to assist the community or the greater bar association. This year, our BLI class focused on a Desk to 5k program, which promoted health through a 5k race that raised money to provide prom wear for high school students in need. The initiative also included a regular running club, as well as a yoga session, at the ACBA annual bench bar.

Backpack Project: The ACBA YLD continues to participate in the ACBA Backpack Project. This project creates backpacks full of school supplies for hundreds of underprivileged students in Pittsburgh.

Point of Law Newsletter: This year, the ACBA YLD released its first-ever YLD newsletter. In addition to highlighting upcoming events and offering articles on substantive legal topics, the newsletter seeks to engage young lawyers through more light-hearted topics and photographs from ACBA programming.

Annual Golf Outing: The ACBA Young Lawyers Division’s annual golf outing was held at Pittsburgh National Golf Course on Friday, Sept. 18.

YLD Book Club: The ACBA YLD recently started a monthly book club to allow young lawyers to meet in a more informal setting. This month, the club will be reading New York Times bestseller “Go Set a Watchman” by Harper Lee.

Monthly Happy Hours: Throughout the last year, the ACBA YLD has offered monthly happy hours so that young lawyers can socialize at different locations throughout the city. Keep an eye out for a list of events to be released in the next few weeks.

Lunch and Learn Programs: For the last several years, the ACBA YLD has hosted a number of lunch and learn events in order to offer a wide range of programming to young lawyers in Allegheny County. Last year’s lunch and learn events included topics such as marriage equality and focusing on a healthy work life balance. This year’s events will be announced soon.

Avoiding Legal Malpractice Seminars
Get the current listing of ALMS locations, dates and times, from Sept. 11 through Dec. 4, including the mail-in reservation form. To register online, click here to reach your PBA-member My Dashboard page. Under the Events heading on that page, click on Register for an Event.
MARK YOUR CALENDAR!

**Upcoming PBA YLD Events**

**November 19, 2015**
**PBA Committee & Section Day***
The Red Lion Hotel Harrisburg East
(Previously called the Holiday Inn East)
Harrisburg, PA

**January 27-31, 2016**
**PBA Midyear Meeting***
Westin St. Maarten Dawn Beach Resort & Spa
St. Maarten, Netherlands Antilles

**February 25-27, 2016**
**PBA Conference of County Bar Leaders (CCBL)**
Nittany Lion Inn
State College, PA

**April 1-2, 2016**
**Mock Trial Championship Weekend**
Dauphin County Courthouse
Harrisburg, PA

**May 11-12, 2016**
**PBA Annual Meeting***
Hershey Lodge
Hershey, PA

*YLD business meeting will take place during this event.

CLICK [HERE](#) FOR UPCOMING PBA YLD EVENTS.

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**Upcoming Wills for Heroes Events**

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<tr>
<th>Date</th>
<th>Event Details</th>
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<tr>
<td>Oct. 3</td>
<td>Lackawanna County Emergency Communication Center (911 Center), Lackawanna County</td>
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<tr>
<td>Oct. 10</td>
<td>Birdsboro American Legion, Berks County</td>
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<td>Oct. 10</td>
<td>Pittsburgh Firefighters I.A.F.F. Local No. 1, Allegheny</td>
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<tr>
<td>Oct. 17</td>
<td>Lancaster County Public Safety Training Center, Lancaster County</td>
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<td>Oct. 17</td>
<td>Old Lycoming Township Volunteer Fire Company, Lycoming County</td>
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<td>Oct. 24</td>
<td>Penn State Altoona, Blair County</td>
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<td>Oct. 31</td>
<td>Cumberland County 911 Call Center, Cumberland County</td>
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<td>Nov. 7</td>
<td>Pike County Emergency Training Center, Pike County</td>
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<td>Nov. 14</td>
<td>Moon Township Police Department, Robert Morris University, Allegheny County</td>
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<td>Nov. 21</td>
<td>Chester City Fire Department Station #82, Delaware County</td>
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<td>Jan. 30</td>
<td>University of Pittsburgh Police Department, Allegheny County</td>
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If you are interested in volunteering for a Wills for Heroes event, please contact Maria Engles, YLD coordinator, at maria.engles@pabar.org or 1-800-932-0311 x 2223.

Check the PBA Wills for Heroes webpage; events are frequently added.

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**Calling All Writers!**

The YLD *At Issue* editors are now accepting article submissions meeting the following criteria:

1. The subject matter should be relevant to young lawyers.
2. Articles should be no longer than 1,200 words. Longer articles may be considered to run as a series.
3. All submissions must include a short author biography and a digital photo of the author (300 dpi resolution preferred).
4. Electronic submissions (MS Word) are preferred. Please submit articles to Jonathan Koltash at jonathan.koltash@gmail.com.
5. Articles for the next issue are due by **Dec. 1, 2015**.