Youth courts initiative aims to educate and improve the futures of local students

By Jason W. Poore, Esq. and Geoffrey F. Sasso, Esq.

If you wandered into a school in Philadelphia today you might see something that did not exist a few years ago – student lawyers zealously defending their fellow classmates in front of juries made up of other students. What you would be seeing is a youth court program in action. Recently, the Pennsylvania Bar Association, in collaboration with the Young Lawyers Division of the Philadelphia Bar Association, started a youth court at School of the Future in West Philadelphia. Training has been ongoing since early February, and the school hopes to hold its first hearing in May 2017.

Research has shown a causal link between youths who are suspended or expelled for school-related disciplinary offenses and the likelihood that these youths will become involved in more serious criminal activity as adolescents and adults. This demonstrated school-to-prison pipeline is most often seen in cases involving youths from impoverished, urban areas that oftentimes lack appropriate role models and/or an adequate support network. Youth courts is a program that aims to combat this pipeline by educating and rehabilitating youth offenders early and allowing their classmates to take an interest in the process. The focus is on restorative justice as opposed to the “zero tolerance” punishment model, which has been shown to be ineffective. The program has been gaining traction in Pennsylvania, and particularly in the tri-state area, with participating schools in Norristown, Chester and Philadelphia.

A typical youth court involves a hearing for a fellow classmate (respondent) who has admitted to committing a minor disciplinary offense, i.e. truancy, disrupting a class, etc. The respondent is represented by a youth advocate, who argues his client’s case before both the student jury and a student judge. The youth advocate makes opening and closing statements and the jury asks the respondent questions. The questions focus on what happened, who was harmed, and how it can be fixed and avoided in the future. At the conclusion of the hearing, the student jury deliberates and provides a disposition. Because the purpose of youth courts is rehabilitative and not punitive, the jury is only authorized to issue a restorative disposition, such as requiring the respondent to apologize to anyone harmed by his/her behavior. The respondent is advised of the jury’s decision and must follow through in order to avoid involving the school’s administration – an option which, oftentimes, carries with it the risk of heftier penalties such as suspension or expulsion. Once the respondent fulfills the obligations imposed by the court, the infraction is removed from his or her permanent record. The goal is to help students grow and mature while at the same time keeping them in school.

The concept of youth courts is not

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entirely new. There have been community-based youth court programs for truancy in York County where the local bar initiated the program nearly a decade ago. A probation office-based program has been operating in Erie County since the 1970s. The current program is supported by the Pennsylvania Bar Association and Philadelphia Bar Association and its Young Lawyers Division and has seen a significant outpouring of volunteer support from the Philadelphia legal community. Attorneys who participate in the program help with training youth court participants in the mechanics of a hearing, the basics of questioning to obtain relevant information, and the duties and importance of their roles in the hearing. These attorney volunteers have found their efforts with the program to be extremely rewarding. In addition to knowing that their efforts help educate students and improve their chances for future success, many of the volunteers find great joy in watching the students take an interest in the legal process and approach their fact-finding responsibilities seriously.

The students have been highly engaged in the program and eagerly embrace the opportunity to transform dispute resolution and disciplinary outcomes in their learning environment. At the same time, our involvement has been an eye opening and encouraging experience in providing an opportunity to witness firsthand the many exciting programs in Philadelphia schools.

Michael W. Jervis, Esq.
“It’s encouraging to watch the students work through the hypothetical youth court situations during our sessions. They weigh the factors involved and truly seem to understand the importance of their roles. I have enjoyed watching their thought processes grow.”

Alison J. Russell, Esq.
“It’s always rewarding to see your work as an attorney pay off, but youth court is in a league of its own in that regard. Watching the students take ownership in the program has been a highlight and I am excited to see the program continue to grow.”

Robert H. Bender, Esq.
“Insanity has been defined as ‘doing the same thing over and over again and expecting different results.’ Innovative programs aimed at steering our youth in the right direction and away from the criminal justice system are imperative. Youth courts is a proven innovative program that ties together law, justice, education, and the community in ways that very few other programs can. The goal of the new initiative is to create enough interest to make youth courts a statewide institution. The youth court will continue at School of the Future and we hope you will consider joining us.”

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Fear and loathing after law school: Easing the anxiety of young lawyers entering the profession

By Jacob R. Lauser, Esq.

“Do not worry about tomorrow, for tomorrow will worry about itself. Each day has enough trouble of its own.”

It sounds easy enough, doesn’t it? But it’s hard not to worry about life’s challenges and circumstances. When we consider the possible negative outcomes of our endeavors and their potential detriment to our lives and personal happiness, we naturally experience a sense of dread or apprehension.

Scientists say it is fundamentally this ability to process the negative outcomes of prior events and project them onto future scenarios that uniquely enables us to make good decisions. I’m not talking about basic cognition. Even animals learn to avoid painful situations they’ve encountered before. I’m talking about the singularly human ability to conjure nightmare scenarios for ourselves and then react emotionally to them, as if we had already experienced the possible detriment we foresee.

We call this emotional response fear, angst, anxiety, concern, consternation, worry and a dozen other names. Whatever the title though, fear influences many of our decisions and actions, both as human beings and as lawyers, and very few people can overcome their deepest fears without the empathy, encouragement and support of other human beings, especially when our fears manifest themselves in life’s many challenges.

Each semester, my clinical law interns are asked to consider and write about their greatest fears, unfulfilled dreams and underlying motivations, and to then relate them to their interactions with clients. This exercise is intended to reinforce the client-centered practice model we teach. But invariably, it begins a much deeper conversation about their worries about life and their future careers as lawyers.

By design, I use it as an opportunity to acknowledge their fears, but also to explore the many positive outcomes possible. I assure them they are not alone in their fears (as so many feel), and I remind them that even terrible outcomes present amazing opportunities to overcome adversity and to better help others overcome similar challenges.

Hoping to ease the anxiety of other young lawyers, I want to highlight a few of the most common fears expressed by my students and share some of the same encouragement I lend them. It’s no replacement for professional counseling or advice, but I thought it could help assuage some of the fear new lawyers often face as they first enter the legal profession.

Fearing failure

I think we can all relate to this one. What happens if, despite our best efforts, we fail? Or worse, if we’re “just not good enough,” despite our best efforts?

I cannot answer these questions fully, but I can share my own negative experiences and positive outcomes: of graduating law school in 2009 with good grades and extensive practical experience, of passing the Pennsylvania bar exam without difficulty, but then being unemployed for over a year, despite sending out nearly 3,500 resumes and applications across the country. Of failing the California bar exam twice (once by a single point), before finally passing it, but only after I had left a law practice management job there, because I couldn’t afford to live on a non-attorney salary any longer. I can describe struggling to start a solo family law practice, initially finding great success, but then fighting fierce competition from recent graduates and a difficult economy just to make a living. On the other hand, I can share how I became licensed in eight jurisdictions, relocated and finally fulfilled a deferred dream of becoming a law professor, while being blessed with a wonderful wife and four beautiful children. I can also share the amazing experience of mentoring students and other young lawyers in a job I truly enjoy, all after nearly a decade of hard work and patience.

After all this, I have learned that the most important thing is not to allow a fear of failure, or failure itself, to diminish your resolve to keep working toward success, to learn from any mistakes, and to seek help in accomplishing your goals. Do not be afraid of rejection or criticism. Seek out the assistance you need to move forward and keep trying! In short, don’t give up and don’t wallow in your struggles. Learn from them and grow in the process.

Even Thomas Edison, a mediocre inventor himself, who famously rejected the electrical genius of Nikola Tesla, became known as the “Wizard of Menlo Park,” because of his stubborn attitude and refusal to quit. When criticized about...
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10,000 failed battery experiments he had conducted, Edison reportedly said, “I have not failed. I have just found 10,000 ways that won’t work.” Despite his many failures and miscalculations, we still know him today as the inventor of the lightbulb, phonograph, electric voting machine, motion pictures and dozens of other modern inventions. Emulate his resolve (if not his stubbornness), and you aren’t likely to go wrong.

Fearing the heavy burden of responsibility

Many young lawyers also fear having more responsibility than they can reasonably handle. One of my students expressed her fear of endangering the lives and safety of her clients by her inexperience or oversight.

My response was that lawyers do often carry great responsibility, and sometimes our professional failures can have grave consequences for our clients’ personal well-being. This can be a heavy burden to bear as a new attorney.

When I was first admitted to practice, I was terrified of “screwing up” and not only getting sued for malpractice, but also getting disbarred and driven into poverty. Not because I was inept, but because of the many cautionary tales I had heard from ethics professors. So, I loaded up on malpractice insurance (far more than I needed) and shied away from complex cases, just to be “safe.” I eventually changed my approach (and my insurance), but it took time and a lot of confidence building to overcome those fears as a solo attorney with little outside help.

I give my students several tips for overcoming this fear. First, own the responsibility and commit to excellence in all of your work. You will never be faulted for spending the extra time to understand your responsibilities and do an excellent job for your clients. Sometimes this requires a lot of hard work, research and extra effort, but it is well worth the confidence and expertise it builds. Secondly, seek mentoring from an experienced attorney you respect. This can go a long way in learning the ropes and avoiding catastrophe. Also, take responsibility for any mistakes you do make and learn from them as you go. Finally, when you do fail (and you will at times), recommit to your role anew each time and work harder to succeed. These are essential attitudes to have, and with time and experience, they will lend a sense of confidence and achievement that only comes with tackling the heavy burden of responsibility with a true sense of purpose and resolve.

Failing the expectations of others

What if we disappoint our family and friends? What if we let our boss down? Will we get fired? Will we lose the respect of our peers or colleagues? This fear brings with it self-doubt, feelings of inadequacy, low self-esteem and just plain old discouragement.

Hopefully, you are someone with the support and encouragement of family, friends and other professionals. This support can go a long way in feeling validated, loved and useful, despite any difficulties you face in your professional life.

Sometimes, though, even the people who love us fail in this task, and it falls on us to surround ourselves with people who will lift us up and not put us down. I have found incredible support from other young attorneys facing these fears, and I tell my students not to ignore the connections and camaraderie available through their local and state young lawyers groups. Sometimes just having other people to talk to, who understand what you’re going through as a fellow attorney, can make all the difference in overcoming fear. Develop those healthier relationships where needed and be an encouragement to others as well!

Achieving professional success but feeling unfulfilled by it

I tell my students that they should expect to feel unhappy or unfulfilled at some point in their legal careers. Being a lawyer is difficult work that wears on us emotionally and physically. It’s only natural that they might feel overworked, underappreciated or dissatisfied with their chosen career at some point.

Feelings of dissatisfaction sometimes come from poor self-care and lost priorities. Reassessing and reorienting ourselves on a regular basis can help alleviate the stress contributing to these feelings. I recommend that they practice healthy and sound personal habits (exercise, proper eating, sleep, etc.) to help in that regard.

But I also acknowledge that many attorneys make bold life changes and career choices. In fact, the September 2016 issue of Washington Lawyer (D.C.) magazine, a special food and law issue, describes several attorneys who became successful chefs or restauranteurs after practicing law. While some mentioned dissatisfaction at work, they mostly described an unrealized dream or underlying passion which drove their career change. One even noted that their appreciation for the law had only grown after leaving practice, and that they saw it as an invaluable part of their business training.

I ask my students to examine their motivations in becoming lawyers and to decide whether they are realistic or appropriate, considering their personal goals.

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Then, I recommend regularly reassessing those goals and accomplishments, being mindful of what they feel is most important in life. There are many lawyers who have found fulfillment in doing something different after a career in the law. If they want to do something different in life at some point, it’s perfectly okay to do too. I even share my own unrealized dream of becoming an engineer and tell them they just might find me working for NASA one day instead of teaching the law!

**Not attaining security and prosperity**

Law students and lawyers alike fear the burden of lifelong debt and a general lack of prosperity in the new economy. For nearly a decade now, this has topped the list of practical concerns, with greater competition for fewer lucrative jobs and mounting student loan debt. I myself face this challenge, having graduated at the beginning of the economic collapse with a heavy debt load and chronic underemployment.

Little by little though, we have seen continued improvement in the job market, and, finally, after years of stagnation, salaries are increasing and employment is stabilizing. In confronting this situation, I tell my students to take maximum advantage of the generous student loan repayment programs available, which are designed to lessen the monthly burden of student loan repayment as they begin their careers. These include the Income Based Repayment (IBR), Income Contingent Repayment (ICR) and REPAYE programs, which each offer a form of loan forgiveness (with tax effects) after 25 years.

There is also the Public Service Loan Forgiveness Program, which forgives loans after 120 regular monthly payments for those serving in qualifying federal and state government or non-profit legal services offices, and those jobs are, at long last, becoming more prevalent. Some qualifying positions include district attorneys, public defenders, legal aid counsel, court clerks, pro bono facilitators, and a host of related attorney and legal support positions. There are even state bar programs providing loan repayment scholarships and grants for such lawyers in many states, Pennsylvania included.

I tell my students to take comfort in the fact that student loan debt is such a big problem in our nation that it cannot be ignored forever. If young lawyers continue to responsibly service these loans under existing programs, it is likely they will benefit from whatever long-term solution is eventually proposed, as it must be at some point.

Although no one can guarantee financial prosperity, I am still a firm believer that those who apply themselves and work hard, despite difficult circumstances, have a stronger potential to benefit from their efforts than those who do not. So, I encourage my students and other young lawyers to keep working hard, despite their worries in this regard.

**Conclusion**

Obviously, I cannot address every concern expressed by young lawyers in a single, short article. These are complex and nuanced issues we all face. But I maintain that there are few other opportunities in life that enable people to have such a positive influence on the lives of others than a career in law. We can find encouragement and support as attorneys if we are willing to accept the responsibility, face the challenges and overcome the fears we all face, to move forward together, not alone.

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Day One, March 2017

At 6 a.m., I hear the alarm going off as usual. I slip quietly out of bed and into the warm yellow light of the bathroom. I breathe in deeply and slowly exhale five times. Those few quiet moments are key to the long, sad day I have in front of me. I am ready now at 6:45 a.m. I sing “Good Morning, Patience” a few times over to my daughter and then gently nudge her out of bed to begin the morning ritual. I make three breakfasts and three lunches. As my daughter finishes, I sing my son into the day to continue the chain of rising I had begun at 6:00.

After a thorough discussion about our dreams the night before that were filled with flying cars, clouds made out of candy and stars, we throw on our shoes at the same time and run for the door a minute or two behind, as usual. I drop the children off at their respective schools for the day. I never like to say goodbye to them, and my stomach always aches just a little bit each time I do it, no matter how many years have passed or the number of goodbyes said.

A short drive further and I walk into my law firm. I smile at the receptionist and make my way through the halls and floors of lawyers, all older than me, studiously hunched over their desks. It seems everyone has children far older and far less demanding than mine, and their office work seems to get started well before I arrive. In my head, I say, “Okay, breathe, Whit, and keep your chin up. You have a lot of grief to hold today.”

I reach my small office tucked behind a printer at the end of a hallway with not a window to spare. As soon as I unpack my things and turn on my computer, my intercom rings in, “Whitney, your first clients have arrived.”

When I greet the grieving family members, I remember the first and last meeting I had only a short time ago with their beloved and now dead family member. It was sudden, they said. It was quick, they said. It was sad, they said. I smile and explain to them that I am an estate attorney, and I will be probating the estate and doing all the things necessary once a person dies. Their eyes start to glaze as I describe, in possibly too much detail, the many tax returns involved in this particular case. The meeting ends, they thank me and even offer me words of encouragement about how much their loved one liked me, liked our firm. I think it gave them relief to know I knew him.

As they leave, the next grief-stricken family arrives to tell me their own very sad story of the end of their mom’s life. It is always sad. Each of these lives, each of these stories become a part of me as a person and as an attorney. My sad day goes on. I have three deaths on this day. A sudden heart attack. Old age finally catching someone. A young child’s very tragic accident. After the third appointment of the day, I walk to the bathroom, still smiling, and, after looking under each stall to make sure I was alone, I cry. I don’t cry long. After all, I have been an estate attorney for a couple of years now and am becoming an old friend of death.

It is time to studiously hunch over my desk. After a long line of emails and voice messages, it is time to go home, as usual a minute or two behind. Dinner is halfway done, and the candles on the table are dripping their wax, reminding me how fleeting life is. My children chuckle as they kick each other under the table and stir their unwanted vegetables around their plates. My husband abruptly asks me how my day was, knowing that, as an attorney, I would not tell him much. It was sad, I say. We all look at each other for a moment and then the night goes on. I wash the dishes, I wash the children, I help with undone homework.

After I tuck my young children into bed and finish work on my electronic device, I think about those three deaths and how lucky I am, despite the rush of my day, despite leaving my children, despite the never-ending work load, despite the sadness I feel, for the opportunity to have been their attorney and to be part of the death ritual that we all must endure if but only once.

By 11:00, tired from the weight of the day, I curl up next to my husband and fall far into my dreams.

Whitney O’Reilly is a member of the Trust, Estate and Wealth Preservation Section of Unruh, Turner, Burke & Frees law firm outside Philadelphia. Her practice is focused in the areas of trusts and estates, asset protection, wealth preservation and elder law. Whitney has a background in estate planning and estate and trust administration and has written extensively for the firm on these topics. She graduated in the top few students in her law class. She has an estate planning certificate and recently completed her master’s degree in taxation from Temple Law School. She is a full-time life enthusiast, a mom of two wild and wonderful children. She is married to a brewer.

One day in the life of Whitney O’Reilly, Esquire

By Whitney O’Reilly, Esq.
Why do young lawyers need an estate plan?

By Elle Van Dahlgren, Esq.

You've probably said it: “I don't need a will – I don't have anything anyway!” However, most young lawyers' families would benefit greatly from proper estate planning if something should happen to you. Here are a few scenarios that may give some insights into why young attorneys need to engage in estate planning to protect their family and their assets.

You work in a larger firm, are on partner track, bought your first home – whether with your spouse/partner or by yourself – and may have a child or be considering having a child.

Many young adults are sure that they do not need estate planning.

If you're married, everything just goes to your spouse and then your kids, right? So why do you need to have any estate planning documents in place?

Well, for starters, estate planning includes a lot more than a will. Every adult needs a financial power of attorney, and it is never a bad idea to have a medical power of attorney or health care directive (also called a “living will”). None of us can predict a car accident, a rare illness or other situation that renders us unable to manage our own lives, and these documents guarantee that your agent can make financial and medical decisions for you if you cannot.

And what about your child? If you don’t make it home one night, does the babysitter know who to call? Does the person the babysitter calls have the legal right to take custody of your children until you have either recovered or a permanent guardian can be appointed? And is the most likely person to step up to become guardian of your child the person you would actually want to raise them? While this is almost certainly the most difficult part of estate planning for young parents, it is also the part that has the most significant day-to-day impact on your children if you cannot care for them.

In addition, estate planning is often best accomplished with a team of people around you. For example, having sufficient life insurance (and naming the proper beneficiaries of that life insurance – whether a trust to benefit your child, your spouse or someone else entirely) and perhaps disability insurance can significantly benefit your spouse or children for years to come. Your firm may have provided you with a smaller policy, but what happens if you are no longer able to bring home your paycheck? Will those policies actually be enough to maintain the life you want for your family?

You decided to open your own law firm. You have committed to your practice and haven't found the right “someone” yet or just opted not to marry. You are heavily involved in running the business and spend your spare time with your friends and family.

You probably have at least four different insurance policies to protect your business. Maybe you even went the extra mile and purchased life and/or disability insurance to ensure your business can continue and your staff will be OK if something happens to you. But have you protected your personal assets in the event someone sues your business? Asset protection mechanisms like irrevocable trusts can mean the difference between the end of your business because of a lawsuit and the end of your entire financial stability – such as your ability to keep your home.

Furthermore, unlike the married attorney in the previous scenario, your law practice or partner cannot make financial or medical decisions for you if something happens to you. Your parents, siblings, or friends need to have legal authority to manage your finances or make medical decisions for you. And the state will decide who inherits if you pass away – excluding your long-term life partner or maybe the beneficiaries you actually want to inherit. Providing for the people you want to benefit in your estate plan can be quite fulfilling – and ensures your wishes are achieved in the event of your disability or death.

You married early, had at least one child, and the pressures of law and life...
interfered with your familial bliss. You separated or divorced, and you now have a custody arrangement for your child.

Although your ex may be entitled to become your child’s legal guardian, that doesn’t mean that they have to manage any inheritance you leave for your child. Leaving your child’s inheritance in a trust can ensure that your child has the opportunities you dream about for them, and the person you appoint as trustee can help make sure it happens.

In addition, if your child has a disability or other unique needs that qualify him or her to receive public benefits, having a properly structured trust for his or her benefit can help ensure that the child has the best quality of life possible. You can ensure your child has access to camps, advanced medical care (e.g., dentistry or orthodontia) beyond what is covered by state funding and other opportunities to advance their quality of life, all while still ensuring they can qualify for public benefits like Medicaid or SSI.

Estate planning isn’t just about the money and control when you die; it’s also a gift to your loved ones. You begin a conversation with them about your wishes, goals and hopes if you cannot be in their lives yourself. You remember to tell them that you love them, and you take a little more time to pay attention to them and their needs – if only for a little while until the business of life get in the way again. And you give them permission to make really hard decisions because you told them in advance what you might want in that situation. Many of my younger clients come into my office begrudgingly but leave feeling so much better about the guidance and help they have provided for their loved ones, knowing that they have provided significant comfort during a very difficult time.

Elle Van Dahlgren owns Elle Van Dahlgren Law LLC. She helps families develop their estate plans and navigate the probate, trust and “death tax” implications after someone passes away. Elle attended University of Iowa College of Law. Elle is admitted to practice in Pennsylvania and Delaware.
What your clients want you to know about elder law

By Aviv Bliwas, Esq.

The power of attorney is critical. There is no more powerful tool in the elder law attorney’s arsenal than a properly drafted power of attorney. And there is no greater enemy to the best asset protection strategy than a poorly drafted power of attorney. There are a few key clauses that are essential to the elder law attorney:

1) **Gifting.** I realize some clients don’t want unlimited gifting and, as long as you have thoroughly explained the consequences, the client's wishes control. But are you explaining the consequences? Sometimes when I can’t do unlimited gifting, I can’t protect assets AT ALL, and the nursing home and/or government gets everything. Explaining that to clients often makes them change their mind on the importance of unlimited gifting clauses.

2) **Change or add beneficiaries.** This is a key power that I have agent’s exercise in almost every asset protection plan.

3) **Compensation.** Although many family members have no problem acting as agents for free, allowing some flexibility to compensate them is often helpful with planning. If the alternative is more money to the nursing home or government and nothing for heirs, many clients probably prefer the family member get paid for all the hours they spend.

4) **Trusts.** Creating or amending trusts is something that comes up often enough that you should make sure the power is in there, just in case. Family situations change and there have been multiple occasions where I have a family member on government benefits who will lose them if I don’t have the ability to create or amend a trust.

5) **Appoint a successor agent.** If there is no viable agent, we are going to end up in court for guardianship, which is expensive and lengthy. Elder law attorneys sometimes have only days to implement a plan or the clients start losing money. Allowing a designated person or agent to appoint a successor agent can be the difference between a successful plan and a guardianship that costs the client tens of thousands of dollars in fees and lost assets.

**Wills**

Every single will should have a supplementary/special needs trust clause.
When Spell Check Is Not Your Fiend

By Mary Ann Robinson, Esq.

I teach at a religiously-affiliated law school, and we have a wonderful campus minster who often sends emails to explain upcoming religious holidays. Last fall, he sent a thoughtful school-wide email explaining the significance of Yom Kippur. Unfortunately, the greeting began with “Hell all.” Of course, he immediately sent an apology and a correction, even though we all knew he meant to say “Hello all.” This is one of those embarrassing moments when spell check cannot help us — when we use the wrong word rather than the wrong spelling.

Using the wrong word is a common error that spell check frequently does not catch. Sometimes these mistakes happen because we type a completely different word that has similarities in spelling. Sometimes these mistakes happen because there are similar words (often homonyms) that are easy to confuse. How can we as writers avoid these mistakes? One way is to have a list of common mistakes that we can use to double-check our writing.

Below is a list of some of these words. Some of these have been compiled from other sources, and some of these come from my experience in writing and teaching. This list includes both words that can be easily confused and words with well-understood meanings that are easy to type wrong.

**Affect/Effect**

“Affect with an ‘a’ means ‘to influence,’ as in … The rain affected Amy’s hairdo. Affect can also mean, roughly, ‘to act in a way that you don’t feel,’ as in, She affected an air of superiority.…

Effect has a lot of subtle meanings as a noun, but to me the meaning ‘a result’ seems to be at the core of all the definitions. For example, you can say, ‘The effect was eye-popping,’ or ‘The sound effects were amazing,’ or ‘The rain had no effect on Amy’s hairdo.’”

**Appraise/Apprise**

Appraise means to value something. I hoped my Pokémon cards would be appraised at a high value.

Apprise means to tell someone something. I was apprised that my Pokémon cards were worthless.

**Capitol/Capital**

The Capitol is the seat of the U.S. government; if not capitalized (no pun intended), it means a building where a legislature meets. President Theodore Roosevelt said that the capital building in Harrisburg, Pennsylvania, was the “handsomest building” he ever saw.

Capital can mean wealth. I want to raise enough capital to start a business giving tours of Harrisburg’s capital building. Or capital can refer to the seat of a state government. Harrisburg is the capital of Pennsylvania.

**Complement/Compliment**

A complement is something that brings something else to completion. His new hat was the perfect complement to his outfit.

A compliment is an expression of praise. I complimented him on his new hat.

**From/Form**

This is my personal downfall. We all know what these mean; it is just so easy to type the wrong one.

**It’s/Its**

It’s is the contraction of “it is.” Its is the possessive of it.

**Principle/Principal**

“If you can replace the word with ‘rule,’ spell it -le. … Otherwise, spell it with -al.”

Proponents of the Equal Rights Amendment wanted the Constitution to include the specific principle that civil rights may not be denied on the basis of one’s sex.

I am looking forward to meeting the new principal at my daughter’s school.

If you have a trust fund, you should invest the principal wisely.

**Public/Public**

I once assigned a memo problem to my students where the analysis turned on whether something was found in a “public place.” The first memo that mistakenly talked about a “pubic place” evoked a wry smile. The fifth one did not. The word “public” is part of many legal rules, so it is important to double-check this one to make sure we have used the correct word.

**Statue/Statute**

Legal writers mix these two frequently.

**Two/Tow**

This is another example of words that are easy to type incorrectly.

We need to be careful proofreaders, and spell check is one useful tool for us. Another useful tool is to create and keep a list of words like these that are frequently mistyped or misused. We can then use that list to check our documents and emails for mistakes. If we are typing in Microsoft Word, it is easy to use the “Find” feature to check for each of these words in the document to make sure they are spelled and used properly. Doing so not only can help us avoid making embarrassing mistakes, but also can help us avoid distracting and confusing our readers through improper word choice.

Mary Ann Robinson is a professor of law at the Villanova University Charles Widger School of Law.

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1 “Spell check is not your fiend” was a proofreading admonition that arose among my former legal writing colleagues at Widener University Delaware Law School, including Professors Iva Ferrell, Alison Kechner, Susan King and Jean Sharge. Original authorship is unknown.


4 Ross Guberman & Gary Karl, Deal Struck, The World's Best Drafting Tips 71 (2014)
Weapons On School Grounds: The En Banc Goslin Decision

By Joshua Prince, Esq.

Recently, on Feb. 16, 2017, the Superior Court, en banc, in Commonwealth v. Goslin, 2017 PA Super 38, vacated the conviction of Mr. Goslin for possessing a pocketknife on school property, finding that the trial court erroneously denied him the defense that he possessed it for “other lawful purposes” and specifically held that an individual may lawfully possess a weapon on school grounds, provided it is possessed for a lawful purpose.

The succinct factual background of Goslin’s charging involved his possession of a pocketknife on school property during a school conference relating to his son’s putative violation of a school policy. Goslin, a carpenter who uses his pocketknife for work, came directly from work to the conference. During the conference, when school officials contended that Goslin’s son violated the school policy by having a pocketknife on school grounds, Goslin pulled out his pocketknife, placed it on the table and asked whether he was in violation of the school policy. While there was no dispute that Goslin never threatened anyone with the knife and that the blade remained closed the entire time, there were disputed accountings by school officials of the way in which he placed the knife on the table. As a result, he was charged and convicted with possessing a weapon on school grounds, pursuant to 18 Pa.C.S. § 912(b).

Initially, Goslin represented himself, pro se, on appeal. A split panel of the Superior Court issued a decision affirming the trial court conviction, with a dissent by the learned jurist Alice Dubow. Thereafter, with the help of counsel, Goslin petitioned the court to vacate its decision, reconsider the case en banc, and permit new briefing and oral argument. On Sept. 8, 2016, the court granted the request.

The main issue before the Superior Court was the defense provided for in 18 Pa.C.S. § 912(c), which declares:

(c) Defense. — It shall be a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course or is possessed for other lawful purpose.

In the briefs that were submitted, inter alia, Goslin pointed out the statutory text, which provides two separate and distinct clauses: (1) to possess and use weapons in conjunction with a lawful supervised school activity or course; and (2) to possess weapons for other lawful purposes. He further argued that the laws of the commonwealth, in general, define that conduct which is unlawful, not that which is lawful. Hence, any conduct that is not otherwise unlawful, is lawful conduct. While he provided a number of examples of the unintended consequences of the commonwealth’s position and the court’s prior holding, one of the most powerful was the following:

A single mother, who is required to drop her child off at school on her way to work would now be deprived of her inalienable constitutional right to keep and bear arms in defense of herself for the entire day, as she must drop her child off on school property.

In reviewing the arguments, the court agreed that the clauses were separate and distinct and declared that “the plain meaning of the phrase ‘other lawful purpose’ is an aim or goal different from, or in addition to, an aim or goal described in the first clause of Section 912(c), i.e., in conjunction with ‘a lawful supervised school activity or course.’ The second clause of this subsection, thus, serves as a catchall provision.” Furthermore, in rejecting the trial court’s conclusion that the “other lawful purpose” language is limited by the first clause, the court held that the second clause “expands the defense to include any additional or different lawful reason not otherwise mentioned in the first clause of Section 912(c), regardless of whether it is school-related. To conclude otherwise, would make ‘possessed for other lawful purpose’ redundant with ‘possessed and used in association with a lawful supervised school activity or course.’”

Accordingly, based on the Goslin decision, an individual in entitled to the defense found within Section 912(c), if he/she is in lawful possession of a weapon on school grounds, provided that it is possessed for a lawful purpose. However, if the individual is in unlawful possession of a weapon or if a weapon is possessed for an unlawful purpose, the individual would not be entitled to the defense.

Joshua Prince is chief counsel of the Firearms Industry Consulting Group, a division of Prince Law Offices PC, where he practices in the niche area of firearms law, handling cases at the federal and state level for federal firearms licensees (FFLs/gun dealers), ranges/clubs and individuals. At both the federal and state levels, he actively defends the 2nd Amendment of the U.S. Constitution and Article I, Section 21 of the PA Constitution. He has presented for the Pennsylvania Bar Institute on Firearms & Estates, as well as for numerous local bar associations on all topics related to firearms law. He co-authored an article, “The Inalienable Right to Stand Your Ground,” recently published in the St. Thomas Law Review, 27 ST. THOMAS L. REV. 32 (2015), available at http://stthomaslawreview.org/articles/v27/1/prince.pdf.

1 For purposes of full disclosure, Joshua Prince was appellate counsel for Goslin in having the Superior Court vacate its original decision and grant reconsideration en banc, and thereafter, litigating the matter before the Superior Court en banc.

Endnotes continued on page 12
12 tips & tricks for Listserv “netiquette”

By Sipi Gupta, Esq.

Listservs are excellent tools for practitioners to share information and strategies. Following are some general tips and etiquette to follow when using a Listserv, and maximize effectiveness while you’re at it. Even Ms. Manners would be impressed!

1. State concisely and clearly the topic of your comments in the subject line. This allows members to respond more appropriately to your posting and enables members to search the archives by subject.

2. Use a signature tag on all messages. Include your name, firm, location and email address.

3. Be courteous. Avoid using all caps, as this means you are yelling.

4. Do not post anything in a Listserv message that you would not want the world to see or that you would not want anyone to know came from you.

5. Include only the relevant portions of the original message in your reply.

6. Remember that every message posted will be received as an email by every subscriber to the list. Send your replies to the entire list only when it contains information from which everyone can benefit. Remember that simply hitting “Reply” will send your message to the entire list.

7. Send messages such as “thanks for the information” or “me, too” directly to individuals — not to the entire list.

8. Use discretion: Refrain from sending non-work related messages.

9. Consider deleting extraneous information such as disclaimers, other address headers when forwarding messages to the Listserv.

10. If you would like to share a document, first confirm that the Listserv supports attachments.

11. If you have a direct question for organization, contact its administrators directly to ensure that your inquiry is addressed.

12. If you would like to leave the Listserv or have other questions about managing the Listserv, the Listserv administrators with your request.

Endnotes: Weapons on School Grounds (continued from page #)


3 As Goslin explained in his brief, this would seemingly include a stun gun, mace/pepper spray, a firearm carried pursuant to a valid license to carry firearms issued pursuant to 18 Pa. C.S. § 6109, or any other item, for which the mother possessed in the absence of being at the school in a capacity which necessitated her possession of the item.

Furthermore, a serious question would arise pursuant to Section 912(b) as to whether the mother would be precluded, in perpetuity, regardless of whether delivering a child to school, from having a weapon in the vehicle, since it was utilized, on one occasion, to transport the child to school. See, Section 912(b) declaring, in part “A person commits a misdemeanor of the first degree if he possesses a weapon...in any conveyance providing transportation to or from any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school.”

New benefit for law student members!

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Members will need to provide their PBA member number when enrolling for the discount. (Not sure of your PBA member number? Call the PBA Member Services at 800-932-0311.)
Greensburg Salem High School Wins PBA Statewide Mock Trial Competition

Greensburg Salem High School in Westmoreland County won the 34th Annual Pennsylvania Bar Association Statewide High School Mock Trial Competition, which took place at the Dauphin County Courthouse in Harrisburg on March 24 and 25. Greensburg Salem High School also won the 2001, 2005, 2006 and 2007 PBA Statewide High School Mock Trial competitions.

Greensburg Salem High School will represent Pennsylvania in the national mock trial finals to be held May 11 – 13 in Hartford, Connecticut.

The Greensburg Salem High School Mock Trial Team is composed of students Erica Faulk, Brianna Franzeno, Charity Hipple, Mary Joy, Aislinn Lowry, Jeremy Mauser, Elizabeth Rullo, Claire Simpson, John Stafford and Dennis Zedalis. The teacher coach is Beth Simone. The attorney advisor is Eric Dee.

Joining the Greensburg Salem High School team in the final round of competition was Roman Catholic High School in Philadelphia. The Roman Catholic High School Mock Trial Team is composed of students Christian Dellavella, Joseph Doherty, Ryan Frank, Nicholas Hamilton, Paul Keene, Josh Picciotti, Joseph Pizzo and Justin Vespasiani. The teacher coach is John Pensabene. The attorney advisor is Steven Patton.

The Roman Catholic High School team also competed at the state level of competition in 2015 and 2016.

Chief Magistrate Judge Susan E. Schwab, U.S. District Court for the Middle District of Pennsylvania, presided over the final round of competition. The statewide competition is coordinated by the PBA Young Lawyers Division.

“These finalists have demonstrated the highest level of critical-thinking and effective communication skills that are needed to rise to the state championship level of competition,” said Joel C. Seelye of Altoona, chair of the association’s Young Lawyers Division. “We congratulate these students, along with the teacher advisors, and legal and community volunteers who shared their time and their expertise in helping them achieve excellence.”

Twelve additional teams participated in the state championships, including the following:

Abington Heights High School (Lackawanna County), Bensalem High School (Bucks County), Devon Preparatory School (Chester County), Dubois Area High School (Clearfield County), Eden Christian Academy (Allegheny County), Jenkintown High School (Montgomery County), McDowell High School (Erie County), New Brighton Area High School (Beaver County), Spring Grove High School (York County), Trinity High School (Washington County), Upper St. Clair High School (Allegheny County) and Wyoming Seminary College Preparatory School (Luzerne County)

This year, 294 teams from 252 high schools competed in district and regional levels of Pennsylvania’s mock trial competition — one of the largest in the nation.

Through the competition, eight-member student teams are given the opportunity to argue both sides of the case in an actual courtroom before a judge. The students, who play the roles of lawyers, witnesses, plaintiffs and defendants, are assisted by teacher coaches and attorney advisors in preparing for competition. Volunteer lawyers and community leaders serve as jurors in the trials. The juries determine the winners in each trial based on the teams’ abilities to prepare their cases, present arguments and follow court rules.

This year’s hypothetical case is a criminal trial to determine whether the defendant is guilty of committing an act of arson that destroyed an advanced automobile plant.

The case was written by Jonathan A. Grode of Philadelphia, Paul W. Kaufman of Philadelphia, Koltash and Stanford University student Talia Charme-Zane, an alumna of the Pennsylvania mock trial program and former captain of the Central High School team in Philadelphia.

The co-chairs of the Mock Trial Executive Committee are Jonathan D. Koltash of Harrisburg and Jennifer Menichini of Scranton.

The Pennsylvania Cable Network recorded the final round of the competition, which aired statewide on April 1, April 2 and April 6. The Pennsylvania Bar Foundation, the charitable affiliate of the PBA, provided funding support for the broadcast.
Upcoming PBA Events

Starting
April 3  Avoiding Legal Malpractice Seminars
Get list of seminars and registration info.

April 19  207 Third Circuit Judicial Conference
Lancaster Marriott at Penn Square
Get more information.

April 20  Civil Litigation Section Regional Dinner
Loews Philadelphia Hotel
Get more information. Register online.

May 10-12  PBA Annual Meeting*
Omni William Penn Hotel, Pittsburgh
Get the brochure. Register online.

May 11  PBA Women in the Profession (WIP) Annual Conference
Omni William Penn Hotel, Pittsburgh
Get the brochure. Register online.

July 26-28  Young Lawyer Summer Summit
The Penn Stater Hotel and Conference Center, State College

* YLD business meeting will take place during the event.

CLICK HERE FOR UPCOMING PBA YLD EVENTS.

Calling all writers!
The YLD At Issue editor is now accepting article submissions.

- The subject matter should be relevant to young lawyers.
- Articles should be no longer than 1,200 words. Longer articles may be considered to run as a series.
- All submissions must include a short author biography and a digital photo of the author (300 dpi resolution preferred).
- Electronic submissions (MS Word) are preferred.

Submit articles to:
Keli Neary
kmnearyesq@yahoo.com

and

Aaron Schwartz
aschwartz@attorneygeneral.gov

Articles for the next issue are due June 1, 2017.
Upcoming Wills for Heroes Events

- **April 22** Hampton Inn Matamoras/Milford, Pike County
- **April 22** Community College of Philadelphia, NE Campus, Philadelphia County
- **April 29** Old Lycoming Township Volunteer Fire Company (Station #14), Lycoming County
- **May 6** Chester County Public Safety Training Center, Chester County
- **May 11** United States District Court, Philadelphia County
- **May 20** Beaver County Bar Association, Beaver County
- **May 20** Community Foundation of the Endless Mountains, Susquehanna County
- **May 20** Upper Dublin PD and FD, Montgomery County
- **June 3** Quentin Volunteer Fire Co., Lebanon County
- **June 7** Community College of Philadelphia Center for Business and Industry, 3rd Floor, Philadelphia County
- **June 10** Lancaster County Public Safety Training Center, Lancaster County
- **June 10** PBI, Cumberland County
- **June 17** Pennsylvania Judicial Center, Dauphin County
- **Sept. 16** Lancaster County Public Safety Training Center, Lancaster County

Check the [YLD Wills for Heroes webpage](http://www.pabar.org/yld) throughout the year to see events or to sign up to volunteer.

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**PBA Bar Leadership Institute**

The PBA Bar Leadership Institute provides **emerging leaders**, representing a broad cross-section of the **diversity of the PBA membership**, with an opportunity to **learn about the PBA** while actively participating in key meetings. Participation in the Bar Leadership Institute provides numerous opportunities to **network with PBA members and leadership** and helps **build lasting relationships** that will serve as an invaluable resource for future success.

The Bar Leadership Institute **looks to the future** of the organization by **developing well-informed, committed leaders** who will serve the PBA for many years to come. It familiarizes participants with the day-to-day operation of the association, provides a foundation on **governance and policy issues** and introduces the participants to PBA staff and resources.

If you know a young leader, reach out and encourage him or her to apply.

If you are a young leader, visit the PBA website for details and to **complete an application**.

Applications for the 2017-2018 PBA BLI class are due May 5, 2017.

Everything you need is on the website: [www.pabar.org/bli.asp](http://www.pabar.org/bli.asp)
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