We began to learn of Uber’s Pennsylvania problems in a Fall 2015 At Issue article. However, that appears to have only been the beginning. In September 2015, Uber was served with a class action lawsuit for failure to provide minimum wages, tips and other compensation to its drivers. This was claimed to be the result of misclassification of those drivers as independent contractors. Then at the end of November, Uber was slapped with a recommended fine of approximately $50 million from the Pennsylvania Public Utility Commission for violations of the Public Utility Code.

By now everyone is fairly familiar with the concept of Uber. Uber Technologies, Inc. (Uber) is a technology company that licenses a mobile or internet application (App) to connect drivers to passengers. In the United States, Uber claims ride-sharing agreements in 42 cities and states and temporary operating permits in another four states and four cities. The only states in which Uber does not currently operate are Alaska, South Dakota, West Virginia and Wyoming. Uber is not limited to the United States, but boasts operation in 65 countries. To use Uber a passenger downloads the App, establishes an account and provides electronic payment information. The App then locates the nearest available driver, who is alerted to and accepts the trip request and transports the passenger to his/her destination. Upon arrival, the fare is charged and an electronic receipt documents the details of the transaction.

Uber began operation in Pennsylvania in early 2014 and filed an application for experimental service in April of 2014. Despite the pending application, a cease and desist order was issued to Uber in July of 2014. However, Uber ignored the order citing the needs of the market for this type of transportation service. Uber was granted emergency relief to operate effective August of 2014 and continues to do so in Pennsylvania under a two-year experimental license.

Uber and its Pennsylvania drivers are currently in dispute as to whether Uber is an employer or a company that has engaged independent contractors to provide these services to the public. A Complaint filed in the Court of Common Pleas of Philadelphia in September of 2015 alleges that Uber misclassified its drivers as independent contractors as opposed to employees, causing them to miss out on compensation, including payments for mileage driven in their personal vehicles and reimbursements for fuel. The suit was initiated by UberX driver Joseph DiNoia, who began driving for Uber in October of 2014 and currently drives upwards of 50 hours per week, causing him to incur more than $300 in expenses for which he has allegedly not been compensated. The Complaint further alleges the classification of drivers as independent contractors is inaccurate given the amount of control Uber exerts over its drivers for things such as training, fare rates, and customer rating standards that allow Uber to essentially terminate a driver at-will. The only action in the litigation so far was a recently filed Notice to Remove to the Eastern District of Pennsylvania.

Uber is facing a similar class action in California federal court, which certified the class in early November. Uber has countered the allegations in California by asserting that the drivers truly are independent contractors who have the ability to choose when and where they drive and have the ability to service other rideshar-
Message from the Chair

Winter is a wonderful time for the PBA! In November, our Committee and Section Day took place in Harrisburg leading up to the House of Delegates Meeting. I am amazed by the variety and activity level of the numerous other committees and sections in the Pennsylvania Bar Association. I strongly encourage each of you to join a committee or section applicable to your practice. What you will find is a group of dedicated, welcoming attorneys who will find ways to use your talents. In the long-run you will be better for having been involved.

In late January, the PBA held our Midyear Meeting took place in St. Maarten. Hundreds of our members spent about a week at the beautiful Westin Resort St. Maarten Dawn Beach Resort & Spa. As always, it was a spectacular event that seamlessly blended dozens of social events with CLE opportunities and included ample time to explore and relax. The Midyear Meeting next year will take place in St. Kitts. You won’t want to miss it.

On Feb. 25-27, the Conference of County Bar Leaders is scheduled to take place at the Nittany Lion Inn in State College. The weather is often a shock on the heels of returning from the Midyear Meeting, but the camaraderie remains the same. The CCBL is one of my favorite annual events as it strengthens the bond between the leadership of our many county bar associations and the PBA. If you are active in your county bar association, please make this wonderful conference a priority. The month of February also kicks off the Mock Trial competition. Our hundreds of attorney volunteers organize and run this amazing program and deserve our support and thanks. The Mock Trial finals will take place this year on April 1-2 in Harrisburg.

That brings us to the PBA Annual Meeting from May 11-12 at the Hershey Lodge. That will be my final meeting as the Chair and will be the start of Joel Seelye’s year. As I write this it is hard to believe that my year as Chair is more than half over. I’ve enjoyed every minute of it and I look forward to seeing you all at the upcoming events!
Uber Faces More Problems in Pennsylvania
Continued from page 1

ing apps. Separate from the foregoing lawsuit, the California Labor Commission recently ruled that Uber’s drivers are “employees.” The ruling only applies to California, and Uber has appealed, but if followed could lead to trouble for Uber.

On the independent contractor/employee dichotomy, the Department of Labor (DOL) issued in July an Interpretive Memorandum to clarify who qualifies as an employee for purposes of the Fair Labor Standards Act (FLSA). The FLSA extends certain protections to employees, such as minimum wage and overtime pay. The previous distinction between employees and independent contractors was, as Uber drivers put forth, the right to control the individual. However, the DOL’s new test looks to the underlying economic reality of the relationship based upon factors such as:

- is the work integral to the employer’s business;
- does the worker’s managerial skill affect the worker’s opportunity for profit or loss;
- how does the worker’s relative investment compare to the employer’s investment;
- does the work performed require special skill and initiative;
- is the relationship between the worker and the employer permanent or indefinite; and
- what is the nature and degree of the employer’s control?

Although this interpretive guidance is not the law, courts will likely give deference to the DOL’s interpretation. How Uber’s more than 160,000 drivers are classified could be key to the company’s survival. For example, if deemed employees, Uber could be held liable to compensate the victims of accidents caused by their drivers, which could greatly affect the company’s overall financial success.

In addition to the above, the most recent problem to plague Uber was the Pennsylvania Public Utility Commission’s (PUC) recommendation that Uber pay a civil penalty in the amount of $49,924,800 for violations of the Public Utility Code.

Uber faces the fine after operating in Pennsylvania from February of 2014 until it received experimental authority six months later. Uber argued it was a software company whose services were not available to the public at large. Furthermore, Uber claimed it provided a needed transportation alternative, and it believed a broker license held by subsidiaries, Rasier LLC and Gegen LLC, was adequate to comply with PUC rules. Finally, Uber argued the Bureau of Investigation and Enforcement did not prove harm occurred.

The Administrative Law Judges (ALJs) disagreed finding Uber arranged a large number of trips before emergency authorization was issued by the state on a two-year experimental period, and Uber drivers had at least nine recorded accidents during that period. The ALJs found Uber violated the PUC writing, “Uber exercised substantial control over each trip offered and was therefore providing transportation for compensation.” The fine was increased due to Uber’s conduct during the investigation and litigation, including $73,000 for failing to produce required documents and continuing to operate for over a month after receiving a cease and desist order from the PUC.

Uber argued the fine should be mitigated because the benefits provided to the public are significant and meet a transportation need identified by the Commission. The Commission responded, “We are not unmindful of the public benefits offered by ridesharing services and transportation network companies. However, it is inescapable that Uber chose to launch its ridesharing service and then continued to evade Commission oversight until August 20, 2014, placing the public at risk and impeding the Commission’s mandate to apply the requirements of the Public Utility Code.”

Both sides have 30 days to respond, and then the recommendation is subject to the approval of the PUC. If approved, it would be the largest fine ever imposed by the agency.

Uber’s success in Pennsylvania may or may not be impeded by the foregoing legal obstacles. However, it is clear that Pennsylvania has not exactly welcomed Uber with open arms.

Jamie R. Schumacher received her Juris Doctorate from the University of Pittsburgh. During law school she was a legal writing teaching and research assistant. She was also a fellow of the Marshall-Brennan Constitutional Literacy Project and taught courses in constitutional law and juvenile justice to local high school students. Jamie also spent her time as a Pitt Law Ambassador, a liaison between the law school and future interested and admitted students. Before joining MacDonald Illig, she was an intern at the United States Attorney’s Office for the Western District of Pennsylvania and the Allegheny County District Attorney’s Office Domestic Violence Division.
The Artificially Intelligent Lawyer

By Maxwell Briskman Stanfield, Esq.

Picture this: You walk into the law firm Monday morning and the offices that used to be filled with young associates diligently typing and reading are now replaced with the wires and blinking lights of supercomputers. Sounds like a distant dystopian future, right? Well, surprisingly enough, that future (hopefully not dystopian in nature) may not be too far off.

C3PO, R2D2, Data from Star Trek, JARVIS from Iron Man (and the list could go on): All of these systems have superintelligence. Some are known as Droids, others as robots or supercomputers, but one thing is clear: No human can compete with them in an intelligence contest. Television and the movies do an excellent job of showing these artificial intelligences (commonly known as AI) working side by side with humans. But what would happen if, instead of working alongside or subordinate to humans, they replaced us? While we humans stand little chance matching in intelligence, we still stand a chance at winning in an emotions contest, but more on that later.

More and more, it seems that AI is replacing humans in the job market. Most modern factories and assembly lines have highly intelligent robots and robotic arms doing most of the intricate work and fabrication. Not only are supercomputers faster, more accurate and nearly error-free, they don’t have all of those pesky “problems” suffered by their skin and bone counterparts (such as the need to sleep and take vacation and sick days – other than the occasional computer virus).

While it is becoming more evident that AI can easily replace certain human roles in factory and manufacturing positions, could supercomputers really start to replace humans in professional roles – such as attorneys?

The legal profession and its leaders are starting to think so! A recent survey conducted by Altman Weil, Inc., asked managing partners and chairs a range of legal profession-related questions about industry trends, market demands and competition, pricing and alternate fee arrangements, efficiency of legal service delivery, lawyer staffing strategies, law firm growth and economic performance. The survey also included a question concerning AI in the legal workplace. Specifically, how IBM’s supercomputer Watson is working with legal organizations on a variety of applications for the legal profession. One question asked was: “Can you envision a law-focused ‘Watson’ replacing any of the following timekeepers in your firm in the next 5-10 years?” Among the possible answer choices, paralegals and first-year associates were voted the most likely groups to be replaced with supercomputers or AI.

Four- to six-year associates fared the best, with only 6.4 percent of responders believing this group to be replaced with AI. Thankfully, most who participated in the survey did not see any of this happening within the next five to 10 years (whew).

Additionally, the survey showed a differential of the responses to the time-frame portion of the question above compared to responses Altman Weil received in a 2011 survey. As it turns out, the trend appears to be going in the direction of supercomputers or AI taking over certain jobs in the legal profession. Belief that AI will take over of paralegal and first-year associates rose by 12 percent for each since 2011. Further, belief that AI will never replace human practitioners fell by 25.7 percent since 2011.

IBM’s Watson isn’t alone. The global legal powerhouse Dentons is working with and financially backing a technology company that created an application called Ross. Ross is an AI with super-intelligence that focuses on U.S. bankruptcy matters. Rather than being stand-alone, Ross uses and harnesses the power of Watson’s supercomputing abilities to "scour millions of pages of case law and other legal documents in seconds and answer legal questions.”

As this technology gains traction and becomes affordable enough to use in more law offices, it looks like it will be inevitable that some of the tedious tasks currently performed by human hands will be replaced. Surely this would have a Continued on page 5
displacement effect on a lot of entry-level legal jobs as well as many of the projects typically given to first-year associates. As with any evolution and development, as old roles fall into obsolescence, new and different roles will surely be created.

Supercomputers and AI may make legal jobs such as data entry, coding, research and other repetitive data-driven tasks a thing of the past for young attorneys, but surely the entire profession wouldn’t be replaced entirely with circuitry. The upper-level attorney work, such as negotiation and client interactions, will likely remain in the human realm. It is within this area that humans’ keen sense and mastery of emotions comes into play.

Often times, the key to a successful result in a negotiation or a proper understanding of a client’s desire is the ability to read people and their emotions. While certain technology exists today that can do a great job of analyzing the biological changes that occur when emotions are triggered, there is a connection uniquely human-to-human that technology today still can’t quite compete with. Call it intuition or the ability to read people. It is with this that the vision of supercomputers doing the majority of the low-level work and the humans doing the higher-level work comes into view. While this symbiotic relationship may still be a number of years, if not decades, away, the legal profession will surely find new and unique ways to train attorneys just starting out, who would have otherwise been the ones doing the work now done by AI.

But what if you replace all legal practitioners with supercomputers? Would we have an incredibly streamlined system with instantaneous fact checking, decision-making and guilt finding? If this were ever allowed to happen, in all likelihood the profession would forever lose any modicum of art form and creativity that existed.

It is safe to say that we have at least a good decade before we see a true supercomputer presence on a regular basis in the day-to-day legal profession, but the way technology develops at a lightening pace, that future will be here before we know it. In the words of a supercomputer: “0100101101001…”

Maxwell Briskman Stanfield is a corporate associate with Eckert Seamans Cherin & Mellott, LLC, in Pittsburgh. His practice focuses on real estate finance, corporate finance, mergers and acquisitions, securities and a wide range of matters within the hospitality industry. He is licensed to practice in Pennsylvania and California.

PBA YLD Seeks Nominations for Awards

Nominations are being accepted for the PBA Young Lawyers Division’s Michael K. Smith Award and Liberty Bell Award. Both awards will be presented at the YLD Awards Luncheon at the PBA Annual Meeting in May.

The Michael K. Smith Excellence in Service Award is presented to a Pennsylvania young lawyer who reminds lawyers of their professional responsibilities through his or her exemplary personal and professional conduct.

The Liberty Bell Award is given to a non-lawyer for his/her outstanding community service and for promoting the “blessing of liberty” guaranteed by our Constitution.

Nominations are due March 31, 2016. For nomination forms and additional information, click here or contact Maria Engles, YLD coordinator, at maria.engles@pabar.org.

PBA Young Lawyers Division Sponsors 2016 Statewide Mock Trial Competition

Beginning in January, 319 teams from 275 high schools across Pennsylvania will be competing in district and regional levels of the Statewide Mock Trial Competition sponsored by the Pennsylvania Bar Association Young Lawyers Division. Pennsylvania’s mock trial program, now in its 33rd year, is one of the largest in the nation. Teams of high school students from across the state have the opportunity to act as lawyers and witnesses in simulated civil and criminal trials before actual judges and panels of juries. Lawyers volunteer to assist students as team advisors, scorekeepers and regional coordinators. Each year, the winning team goes on to represent Pennsylvania in the national competition.

Do you have experience with the Mock Trial Program and are interested in being a juror in the 2016 Mock Trial Championship Weekend to be held April 1-2, 2016? Please click here for more details and to sign up.
Creating a Culture of Reflective Competence: How to Overcome the Epidemic of Professional Disillusionment

By Jessica Schidlow

Many enter law school with a profound commitment to social justice and a passionate desire to reimagine flawed systems; however, traditional legal education that relies on out-competing peers as the primary metric for professional success often directs students away from these values and a sense of meaning derived from their work.

While the seeds of disillusionment are sown in the classroom, they blossom as young lawyers enter the work world skeptical of the law as an instrument for change. Amid mounting systemic constraints such as long working hours, heavy caseloads, and a general lack of financial resources, the former idealist may find him or herself spiraling into the depths of moral uncertainty.

The collective result is an epidemic of disaffected lawyers and a profession that suffers disproportionately from mental health and substance abuse issues; concurrently, legal practices must contend with a generous decline in work productivity and employee satisfaction in addition to poorer client outcomes. To the greatest extent, this widespread discontent threatens the profession’s attainment of its noblest goals.

While some might think it naïve of me, I am often puzzled by what appears to be the passive acceptance of disillusionment as an inevitable side effect of the practice of law. But why are lawyers so incapable of deriving satisfaction from their work? And, how can the profession help new lawyers cultivate the requisite psychological tools to mitigate internal conflicts so that they may lead fulfilling legal careers?

Personal and, by proxy, professional development demands frequent self-reflection; thus, to thwart the aforesaid epidemic, the legal profession must adopt a culture of reflective practice. In the legal context, reflective practice refers to the process of developing awareness of the law as it relates to one’s own experiences, values and beliefs. Lawyers who effectively integrate their sense of self with the practice of law are better able to recognize and manage the social and emotional dynamics of their interactions with clients, conceptualize and achieve client goals, and, ultimately, effect change in the law. An appreciation for the broader implications of his or her role in the legal system also empowers the young lawyer to exercise judgements that favor improved ethical practices. Finally, lawyers who routinely engage in reflective practice are generally happier in their careers and less likely to suffer from mental health issues such as depression and anxiety.

Transformation of the legal profession begins in the classroom where students cultivate a conceptual framework of the law that will eventually guide them in their practice. A professional identity that reflects one’s own values and sense of purpose will enable the young lawyer to effectively overcome periods of disillusionment; however, the overemphasis on impartial legal analysis in law school forces many students to detach their sense of self from their perceived professional role. In time this disassociation leads to a significant deterioration in students’ mental health and well-being. For that reason, students would be well served by an integrative curriculum that incorporates reflective practice into the core objectives of all law school courses.

The process of self-reflection may be integrated into the legal curriculum much in the same way it is applied in graduate programs for social work or counseling. Students entering these fields are not only taught the substantive methods of treatment, but also the personal, professional and social implications of their work. By contrast, traditional legal education fails to adequately address the occupational risks associated with the practice of law and does even less to equip young lawyers with the tools to respond to them. Beyond development of the traditional “lawyering” abilities, students should refine their interdisciplinary skills with peers and faculty through on-going collaborative analysis of the unique challenges posed by a lawyers work. Doing so will help students contextualize substantive material to the practice of law in relevant and personally meaningful ways.

In a similar manner, legal practices ought to take the lead from other helping professions and adopt a clinical model that embraces both individual and group supervision. The value of supervision is that it provides a supportive environment where the supervisee can be open about his or her experience with the law and legal practice. Afforded these conditions, the young lawyer develops a greater understanding of his or her own mental and emotional processes as well as the reactive patterns that arise between the lawyer-client and supervisory relationships.

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I went about writing this brief article with more than a little trepidation. “After all,” I thought to myself, “isn’t the whole point of these ‘dear young lawyer’ articles to dispense kernels of wisdom, arcane knowledge? Should they not be authored by someone who has “been there and done that?” Oracle I am not; I’ve been practicing law for less than a year. But after some additional thought about the prompt for this exposition and the lingering doubts about my qualifications to purportedly advise a fellow lawyer, I realized that those self-perceived weaknesses might just be the credentials I need in this context. As young attorneys, we often represent a class of professionals standing at an existential crossroads of sorts – we don’t have it all figured out, we are not yet comfortable in our careers. More specifically, many of us have not yet made the names for ourselves that we hope to one day attain, nor are we as financially secure as we would perhaps like to be. So, I figured “hey,” admitting the vulnerabilities of younger attorneys may very well be a useful end in itself. If for nothing more, I write with the hope that many of our fears and challenges are shared and not one of us are in it alone.

Subterranean Young Lawyer Blues

Thanks in large part to the Great Recession, the professional climate for the American attorney is decidedly “sub-zero.” For younger attorneys in particular, the present is especially stark. It has been well publicized that the American legal profession still finds itself in the throes of what many have come to accept as a fundamental change – generally condensing and becoming less youth friendly.

Further, searching questions are being asked of law schools and their curriculum and whether graduates are adequately prepared for the realities of practice. A 2015 Barbri Field Study has revealed for instance that some 76 percent of 3L students believe that they are well prepared for the practice of law, while only slightly more than 50 percent of practicing lawyers who work with law students share that belief. Similarly, the same study indicates that where 76 percent of 3L students believe they possess sufficient practice skills, only 23 percent of lawyers working with those law students agree. It follows that the prestige of law school itself has suffered, with less young people showing an interest in joining the ranks. The American Bar Association has reported an almost 30 percent drop in nationwide law school enrollment from 2010 to 2014. Thus, a combination of financial bad timing (entering the lawyer ranks during the Great Recession) and reactionary backlash in the legal industry (e.g. employers’ dissatisfaction with the preparedness and practical ability of its new attorneys) has made it harder now for new lawyers than it has been in recent memory.

Significantly, these foregoing factors appear to be among those that have resulted in young lawyers, even those who have found jobs, feeling unmotivated in an unwelcoming profession and dislocated from those aspects of the law that first attracted them. According to another ABA study, 27 percent of graduates from the top-10 law schools consider themselves “very satisfied” with their career choice. The most satisfied graduates come from the 4th tier but only 43 percent of them report as “very satisfied.” Only 16 percent of lawyers find that their jobs afford them the opportunities to contribute to the “public good” as much as they expected when they entered the profession.

Therefore, for me – and what I imagine to be a good number of other younger practicing lawyers – the relevant questions has become: Is the situation really that bad? And if it is, how does one take these proverbial lemons and make lemonade?

Passion counts for something, so get involved

I don’t think it is too naïve to declare that, at its core, the practice of law is a labor of love, an exercise of passion, and a grappling with what truths may lie at the heart of our society. Jean Giraudoux once said of the law: “There is no better way of exercising the imagination than the study of law. No poet ever interpreted nature as freely as a lawyer interprets the truth.”

Sure, the reality of the day-to-day grind of a lowly young lawyer might tend to debunk this as hyperbole. But passion must count for something. Though younger attorneys may tend to find themselves quickly jaded by the void between the practice of law and the passion to be found therein, I have come to find that there are myriad ways to enthusiastically get involved and stay so. The PBA, for instance, boasts some 18 area-of-law sections and 52 focused committees for practitioners in most every conceivable...
You Are Not Alone

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area of law. Further, it has been my experience that participation in the events which drive these sections and committees have incredible practical use. Membership in these PBA groups readily offer networking opportunities, participation in policy-making, and (in some instances) even the chance to effect legislation.

Besides the PBA, I venture to bet that even the most cursory look around our local communities will reveal a multitude of organizations that will benefit from the insights of an attorney. Such organizations may not have the means to formally retain a lawyer’s services, but that shouldn’t stop us from helping out and from informing their members (to the extent permitted by rules of ethics, of course) despite our limited time. The law and its lawyers should be a generous cornerstone of civil society at large. I find that giving time to, say, a non-profit with members eager to learn about the law, is time well spent. Call it pro bono without the stigma of self-consciousness. Or, if you are adamant about being self-conscious about it, maybe you can throw a CLE credit or two in for good measure. Specifically, this can be achieved in various ways – group presentations on areas of the law, involvement in local discussions, mentorship, etc. Furthermore, getting out and getting involved in one’s community brings the opportunity to meet and collaborate with other very relevant professionals like fellow lawyers, judges and law makers.

Having identified these opportunities for involvement, outside the walls of the day-to-day practice of law, a greater onus should be placed on employers to accordingly urge and facilitate their young lawyers’ participation. For me, there are few things more unfortunate or emotionally stultifying than a firm’s failure to encourage (if not mandate) the social involvement of its young lawyers. I appreciate that paying a lawyer’s way to get involved in non-paying speaking engagements, presentations, etc. might not be the most intuitive business model for a law firm, but immediate monetary returns on a lawyer’s time should not be everything. Furthermore, there is something to be said for the “long game.” If the long-term success of the lawyer is predicated on the sum of the social connections he/she has developed over her career and the community involvement implicit in that, then it ought to behoove his/her law firm to support them in that regard – that makes financial sense too.

Youth, as they say, is fleeting. The current legal environment for young lawyers may not be great, but we should endeavor to make the most of it while we still have the energy to do so. Where we may be short on experience, we can make up with zeal and enthusiasm. There is more than one way to account for ourselves; let’s get to work and get involved.

Reflective Competence

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latter includes an appreciation for the connection between stress, vicarious trauma, and compassion fatigue on attorney well-being and professional responsibility.

Weekly or bi-weekly group supervision, apart from fostering a sense of community within the professional organization, encourages staff to mentally sort through multiple perspectives and to challenge powerfully held assumptions and subconscious biases. Equally, these experiences have the potential to transform outdated or otherwise ill-informed perceptions and motivate lawyers to take action where and when it may be needed most.

Restoring the reputation of the legal profession rests on our ability to humanize the study and practice of law. A critical first step in this process is adopting the art of reflective practice as a core component of legal culture. Following this interdisciplinary model is vital to ensuring that young lawyers are sufficiently equipped with the psychological tools to be able to understand and effectively respond to professional challenges and impairments and, ultimately, restore professional well-being.

With a comprehensive set of psychological tools, young lawyers will be able to embrace periods of disillusionment as opportunities to shape personal values and reexamine goals so that they may not just survive, but thrive in their legal careers.

Jessica Schidlow received her M.A. in Clinical & Counseling Psychology and worked as an Outpatient Child & Family-Based Therapist before pursuing her legal education. Jessica is an Accelerated J.D. Candidate at Drexel University’s Thomas R. Kline School of Law. She plans to sit for the Pennsylvania and New Jersey bar exams in summer 2017.

Lance M. Malcolm joined the Pennsylvania Bar in 2014 and is an associate with the Berks County firm, Prince Law Offices, P.C. He practices most frequently in the areas of family law and immigration law. Lance has been involved with several committees of the Pennsylvania Bar Association, including the Minority Bar Committee.


Tackling Your First Assignment

By Beau A. Hoffman, Esq.

You’re on a team

You finally landed your first job. Now it’s time to punt the law school “no-collaboration” mentality. You now belong to a team that is there to help you become a more successful attorney. Your “teammates” want you to quickly assimilate so you can help grow their business. Do not try to do things on your own — it will only lead to secluding yourself and creating a lower quality work product.

Make sure you go to the attorney who gave you the assignment sooner rather than later. It is important to understand that your senior attorneys want you to excel, not to see you struggle. It’s better to take them your ideas in outline form and see what they would do differently than you to spend hours of hard work on something that is ultimately not productive. Your supervising attorneys will help point you in the right direction and likely even know the exact answer to the question you’ve been fumbling over.

One of a young attorney’s biggest challenges is the fear of failure. This fear immobilizes people from using teammates who have more experience and skill. Don’t fear falling short of perfection. The reason they are your supervising attorney is because they have more experience from making the mistakes you are going to make and they learned from those mistakes how to become better attorneys. Don’t be intimidated; instead be encouraged that they already perfected the game plan for you. Try to learn as much from them as you can by watching and listening, but don’t hesitate to ask questions and show how eager you are to learn. Remember, when you succeed, they succeed as well. They are personally invested in your career.

Don’t change who you are

Teams thrive on individual personalities. A fullback can’t play quarterback and a punt return man can’t play linebacker. Each individual has specific talents and a unique personality that can contribute to a more productive work environment. The key is becoming a better form of “you” every day, not trying to become someone else. There is a reason you were hired. Embrace your talents and uniqueness — your employer obviously found them to be valuable.

It’s also important to find out your employer’s goals, objectives and vision for your career as early on as possible and identify how your unique skills and attributes can help achieve them. Do what you are best at, identify where you need the most improvement and work diligently in every moment to become a more valuable asset (be a team player).

Stick to the playbook

Understanding that your “team” has a specific game plan for each play is critical. There are most likely hundreds of prescript “playbooks” that you can and should use. Find past forms, briefs, previously filed preliminary objections, motions in limine, etc., and study the various techniques and styles that will make you successful in this particular system. If you try to re-write the playbook, you will waste time, create a less-than-satisfactory product and likely be told to start over with the exact forms you should have used the first time around. These forms will help you understand the specific techniques and style expected of you. Whether it’s ground and pound or spread offense, just like in football, each legal team has a different style. The faster you utilize the tools already in place, the sooner you will learn to be an effective attorney within a system that has already been successfully established.

The most important way to hasten this process is to utilize the support staff. These people have likely been with your employ-

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er as long (if not longer) as many of the attorneys. They know what you need and what you need to do to accomplish your next task. Seek out the advice of support staff and ask them what your supervising attorney expects in a high-quality work product. Above all else, always make them feel important (because they are) for your personal success and the success of your employer.

Rest up for the next game
You prepared all week and played the game on Saturday (you can tell I prefer college football), but now it’s Sunday. What you do on your day off is just as important. It’s as easy to get burnt out in the legal profession as it is in sports. Work your hardest in every moment to learn more and become more efficient, but relax when you are not at work. You will know you put in a hard week when you are exhausted (and even a little beat up), so it’s especially important to revive your mind and spirit in your free time. Spend time with friends. Visit family. Pick up a hobby. Read a book (a code book doesn’t count). Let your work be a valuable part of your life, but not the only part.

The saying, “work hard, play hard,” is especially true in the legal profession. Our career can easily become all-encompassing, but when properly balanced, it can be extremely rewarding. A part of the “play hard” concept is getting to know your colleagues outside of work. Find time to meet their families, go to dinner, have a drink after work or go for a hike together. It’s important to do something to bond as a team. Show them you care about them personally as much as you care about the work you do for them.

Lastly, get involved in your community. If you are not outgoing, find smaller groups with which to get involved. The legal profession’s reputation has become tarnished, and the only way to restore it to the ethically superior profession it once was known to be is to show our communities that we care about them, we will strive to produce the highest quality work possible and that we will do it with the utmost integrity. If you make the community a part of your “team,” you will have endless resources at your fingertips.

Beau A. Hoffman joined McCormick Law Firm in January 2015. He graduated from Shippensburg University, where he was a member of the football program. In May 2014, he graduated from Regent University School of Law, where he was an executive member of the Trial Advocacy Board, an associate member of the Moot Court Board, a class senator and worked as the Undergraduate Moot Court Coach. Hoffman concentrates his practice on medical malpractice defense and commercial litigation. He was admitted to the Pennsylvania Bar in 2014 and is a member of the Lycoming Law Association. Beau was born and raised in Lewisburg, PA, where he still resides with his wife, Brette.
I sat in my car for what seemed like eternity, trying to talk myself out of it. It was a networking mixer, and it awakened grave fear within me. I planned on attending it as a part of my business development efforts. The “happily ever after” I was seeking was more business, which would lead to more money and recognition for me and my team. The plan was perfect until I had to muster the courage to enter the mixer.

Walking through the door, I immediately felt uncertain, intimidated and lost. My smile was tense, my palms were sweating, and my legs were shaking when someone mercifully said “hi” to me. His greeting was the only small talk we exchanged before the instant interview began. He wanted to know where I worked and what I did there. I answered and tried to mirror his questions. But, before I could get to my “pitch,” he saw someone more important and rescued himself from my pitiful company. That was the first of many failures that night. And after a few more crashes, I left worse than I came—no new customers, no relationships and no confidence. My networking and business development efforts have changed since that night, as I have learned to care, compass and circle.

Start by caring
My first mistake that evening was my expectations. I expected to manipulate others into bringing their business to me. I expected to resolve their problems without investing in understanding their challenges. I was more concerned about my pocket and pride than their needs. My failure that night taught me to care more. Networking wasn’t about handing out cards and exploiting people, it was about caring enough to understand their needs and share a solution, whether that solution involved me or others within my network.

I learned what Zig Ziglar meant in saying, “People don’t care how much you know until they know how much you care.” If networking is about creating relationships, then caring is a great place to start.

Let the compass guide you
A compass has four cardinal directions—North, South, East and West. Our networking perspectives should mirror the compass. Imagine you’re the point on the compass where the North-South line intersects the East-West line. When you strategize about your business prospect or your career progression, you’ll naturally network North. As you should, you look for a prospect who will expand your portfolio or a sponsor who will open doors for you.

Unfortunately, few people think about networking South. In my legal career, paralegals and assistants have taught me things associates and partners didn’t have the time to teach me. In business, I’ve seen individuals deal with the consequences of failing to network South when their subordinates later became their superiors. And, in sales, I’ve seen networking South pay significantly when sales people cared about the gatekeeper.

While the North-South line represents hierarchical positions, the East-West line represents individuals on your level with skills and traits above and below yours. These individuals must not be ignored. When I was a bank manager interviewing teller candidates, I’d often ask the tellers to share their impressions of candidates based on how the candidates interacted with them prior to the interview. If candidates wowed the manager but snubbed the tellers, they didn’t get a second shot. In academic environments, I have also seen star students show little regard for average or below average students. As you network, remember the words of former President George W. Bush, while delivering the commencement address at Southern Methodist University: “To those of you who are graduating this afternoon with high honors, awards and distinctions, I say ‘well done.’ And as I like to tell C students: You too can be president.”

Make it a circle, not just a cycle
Networking should be completed and not just repeated. Many people have mastered the scene I described above, repeatedly attending mixers to acquire business. They should be commended for exemplifying the patience, practice, and poise required to excel in these environments. However, we miss the mark if we focus more on the interactions than the relationships. If networking is about relationships, we should use the initial interactions to show we care. Next, we can demonstrate our care by cultivating mutually beneficial relationships. Then, we can invite and connect individuals, who have

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When Networking Means Careworking
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demonstrated they care, into a group with the shared interest of turning interactions into relationships.

If you experienced the tense smile, sweaty palms, shaky legs and want something more, try a networking strategy that cares, compasses and circles.

Samantha Divine Jallah is an attorney in the Harrisburg area. Prior to law school, Samantha worked as an assistant vice president and retail office manager at a major community bank in Delaware. She is also the founder of Liberian Awards, Inc., a nonprofit organization that mentors college students and recognizes immigrants excelling in the Diaspora.

Beware the So-Called Sovereign Citizen

By R. Colin Power, Esq.

At some point in your career you may come across a pro se litigant whose legal arguments are so misguided that they are downright nonsensical. It is possible that you already have dealt with individuals who strongly believe that federal and state statutory laws do not apply to them. Such a person might tell you that they are “sovereign,” or separate, from the United States government. Even more bizarre, this belief may be based on inexplicable adaptations of legal history, bordering on conspiracy theory, and supported by a jumble of misinterpreted constitutional law cases interspersed with sections from the U.C.C., treaties, references to common and admiralty law, and quotations from the Magna Carta and the Bible.

If you have not yet encountered a person holding such beliefs, it is becoming increasingly likely that you will in the future. You may be surprised to learn that these are not just singular or extraordinary occurrences, but rather comprise a loosely organized movement of over 100,000 citizens nationwide—often dubbed the Sovereign Citizen movement. It is easy to see how “Sovereign Citizens,” who consider that most laws do not apply to them, quickly become entangled in the legal system. Something as simple as a routine traffic stop can become a drawn-out criminal proceeding when a defendant believes that laws requiring driver’s licenses or speed limits do not apply to him. But it is not just criminal practitioners that will have to face the so-called Sovereign Citizen argument. In an apparent form of Orwellian “doublethink,” Sovereign Citizens will often file frivolous lawsuits, while simultaneously proclaiming that the courts have no jurisdiction over them.

Perhaps a majority of Sovereign Citizens are simply misguided individuals caught up in our legal system, their biggest cumulative effect consisting of a waste of time and judicial resources. However, more extreme adherents have resorted to “paper terrorism” or even physical violence. Therefore, it is important that lawyers are able to recognize Sovereign Citizens, their ever-changing beliefs, and the possible risks involved. Only by doing so can attorneys develop appropriate strategies to prevent and combat the risks posed by such individuals.

To understand the risks adherents of this movement pose, we must first try to understand some background to the movement and underlying theories about its purpose. Classified by the FBI as an extremist domestic terrorist movement, the Sovereign Citizen movement has evolved over decades as an offshoot of other movements including the Posse Comitatus, the tax protester movement, the Patriot movement, and common-law courts. Sovereign Citizens, although born and physically residing in the United States, believe that they are sovereign, or autonomous, from our government, and therefore the laws of the United States do not apply to them. This belief is grounded in the idea that two distinct forms of citizenship exist: Sovereign citizenship and “federal” (or “Fourteenth Amendment”) citizenship. The theory states that people are born as Sovereign Citizens, whose inalienable rights are protected by the Constitution and various warped interpretations of “common” law. Sovereign Citizens also believe the Fourteenth Amendment created a second class of citizenship whose members only possess “civil rights,” as opposed to the inalienable rights enumerated in the Bill of Rights. Furthermore, they believe that most people became “federal citizens” by renouncing their sovereignty through entering into contracts with the federal or “corporate” government, and thereby became subject to its jurisdiction.
Beware the So-Called Sovereign Citizen
Continued from page 12

Such contracts are said to include birth certificates and social security cards. Proponents of sovereign theories claim that federal citizens do not enjoy the same privileges as Sovereign Citizens, and through such contracts they give up their inalienable rights submit to regulation by the federal or corporate government. Persons can regain their sovereignty by tearing up these so-called contracts, and they subsequently become immune to the jurisdiction of the federal government once again. This process is often called the redemption or “strawman” theory, where Sovereign Citizens attempt to disavow their “fictitious” citizenship in favor of their “flesh and blood” citizenship.

Attempting to understand these seemingly nonsensical theories is far less important that recognizing they exist. Notwithstanding the growth of the movement, you would be hard pressed to find a single court that has ever recognized or even seriously entertained the Sovereign Citizen theories as valid.

It comes as no surprise that persons who believe that they have reclaimed their sovereignty will go to great lengths to defend their newly acquired self-proclaimed rights. Sovereign Citizens may become frustrated when their claims of sovereignty fall on deaf ears and may lash out against the perceived enemies who try to exert jurisdiction over them. An attorney recognizing a disgruntled Sovereign Citizen should be especially aware of two risks: the risk of subtle “paper terrorism” tactics and the risk of violence.

Paper terrorism involves filling courts with incomprehensible legal documents, frivolous lawsuits, and filing fraudulent harassment liens against attorneys, their clients, or others involved in the court system. Such tactics are used by Sovereign Citizens to intimidate, harass, and threaten those who do not accept their sovereignty. A common strategy is the filing of fraudulent liens, which has the effect of clouding the title of property belonging to the target and damaging the target’s credit. Clearing the title may come at a significant cost and inconvenience to the victims of such tactics. Those dealing with Sovereign Citizens should periodically check their credit and also ensure that liens are not clouding the title to their property.

Attorneys should also be aware of the frequently utilized frivolous nuisance lawsuits. Sovereign Citizens will often file lawsuits with voluminous, dense, and frequently indecipherable legal pleadings in order to further harass their targets. Courts spend an inordinate amount of time deciphering the pleadings in order to determine if there is any merit to these deliberately construed pro se arguments. Attorneys involved in these lawsuits must be prepared to deal with these bizarre legal arguments and the significant time and expense of litigating such cases.

Finally, attorneys must remain aware of the risk of violence when dealing with Sovereign Citizens. While the vast majority of these individuals are non-violent, the paper terrorism techniques occasionally progress into more violent behavior against their targets. This trend has alarmingly become more prevalent in recent years. The Sovereign Citizen movement has received national attention in the past when extreme adherents have threatened and killed law enforcement officers and delivered death threats to judges, prosecutors, and other court staff.

By recognizing and understanding the background and theories of the movement, you will have a better understanding of what you are up against when you have a Sovereign Citizen as your adversary. The best course of action is to remain polite and respectful and be especially clear in your explanations of the law. However, as an attorney, it is your duty to always remain vigilant of the increased risks of paper terrorism and violence to yourself, your clients and the court.

Endnotes
4 See Sullivan, supra note 3, at 797-801 (noting that Sovereign Citizens may believe they have the inalienable right to travel (without obtaining licenses, license plates, or following traffic laws), the right to own property (and not pay taxes on such property, including their labor), the right to bear arms (and not follow any gun laws)).
5 Id.
7 Sullivan, supra note 3, at 797.
8 Id. at 801-02.
11 Sullivan, supra note 3, at 797-95. There are many nuances to these sovereign beliefs, which may be more bizarre than the main ideology itself. For instance, some Sovereign Citizens believe that the form and style a name is written (e.g., writing in all capital letters), the right to bear arms (and not pay taxes on such property, including their labor), the right to own property (and not pay taxes on such property, including their labor). Those dealing with Sovereign Citizens should remain vigilant of the increased risks of paper terrorism and violence to yourself, your clients and the court.
12 Theret, supra note 9, at 879-81.
13 See Theret, supra note 9, at 854.
14 Anti-Defamation League, supra note 10, at 16.
15 Sullivan, supra note 3, at 796.
16 See Theret, supra note 9, at 868; see also 60 Minutes: A Look at the “Sovereign Citizen” Movement (CBS television broadcast May 15, 2011), available at http://www.cbsnews.com/stories/2011/05/16/60minutes/main20063666.shtml.
CLE Credits

The Pennsylvania Bar Institute is approved by the Pennsylvania Supreme Court Continuing Legal Education Board as an accredited CLE provider. The PBA 2016 Conference of County Bar Leaders has been approved by the Pennsylvania Continuing Legal Education Board for up to 7 hours of CLE credits.

Get the brochure. Register online here. Registration deadline: Feb. 5, 2016

THURSDAY, FEB. 25
2:30 p.m. – 4:00 p.m.
County Bar Leader and Executive Director Roundtable
5:00 p.m. – 7:00 p.m.
PLAN Reception at Penn State Law
FRIDAY, FEB. 26
8:00 a.m. – 5:30 p.m.
Registration
8:00 a.m. – 4:30 p.m.
PBA Supermarket and Vendor Fair
8:00 a.m. – 10:00 a.m.
Continental Breakfast
8:45 a.m. – 8:50 a.m.
CCBL Introduction
8:50 a.m. – 9:50 a.m.
Leadership: The Magic of Thought
CLE credit: 1.0 substantive
10:00 a.m. – 11:30 a.m.
This is Where the Magic Happens… Your Year(s) in Bar Leadership
CLE credit: 1.5 substantive
10:00 a.m. – 11:30 a.m.
Avoiding Legal Malpractice and the Dark Magic Lurking Within the Mysterious Black Box
CLE credit: 1.5 ethics
10:00 a.m. – 11:30 a.m.
YLD Business Meeting
11:45 a.m. – 1:30 p.m.
Luncheon and Awards Presentation, Featuring Keynote Speaker Terry Madonna
1:30 p.m. – 2:00 p.m.
Break and County Bar Recognition Award Photos
2:00 p.m. – 3:00 p.m.
The Magic of Dignity for All Citizens
CLE credit: 1.0 substantive
2:00 p.m. – 3:00 p.m.
Battles as Adversaries, Not Enemies
CLE credit: 1.0 ethics
3:15 p.m. – 4:45 p.m.
Bring It On (Again)!
CLE credit: 1.5 substantive
5:00 p.m. – 6:00 p.m.
Beer & Bull/Pathways to Leadership
6:00 p.m. – 7:00 p.m.
Break
7:00 p.m. – 8:30 p.m.
Dinner
8:30 p.m. – 11:00 p.m.
Magic Show and Game Night
SATURDAY, FEB. 27
7:30 a.m. – 8:30 a.m.
Hot Breakfast Buffet
8:30 a.m. – 8:40 a.m.
CCBL Business Meeting
8:50 a.m. – 9:50 a.m.
Errant Judges: What’s a Lawyer To Do?
CLE credit: 1.0 ethics
8:50 a.m. – 9:50 a.m.
Sex with Clients
CLE credit: 1.0 ethics
10:00 a.m. – 11:00 a.m.
The Magic of Making Disorganization and Inefficiency Disappear – The Mystical Skills of Time Management and the Boundary Free Office
CLE credit: 1.0 substantive

YLD business meeting Friday, Feb. 26, at 10 a.m.
Networking opportunities
Registration fee includes all meals and Friday night’s entertainment, as well as up to 7 CLE credits.
Magic show & games Friday night!
Eliminate unnecessary verbiage  
Brief looking not-so-brief? Look for phrases starting with the words as, in, and of to eliminate unnecessary verbiage. Cutting these in your writing may significantly reduce your pages – and improve your argument!  
Examples:  
• **In my opinion**, the evidence is clear.  
• **As a matter of fact**, the plaintiff’s injury...  
• These items are **regarded as** standard business practice.  
• The statutory language is **as follows**:  
• **Of course**, the defense argues...  
• **In many cases**, the courts cite...  

Avoid lengthy paragraphs  
What happens when readers turn the page and see one long paragraph that continues on to the next page? They begin to skim what they are reading, without focusing carefully on the words. If you want your readers to pay close attention to what you wrote, break those long paragraphs down into paragraphs of manageable size. Look for different topics or thoughts that would serve as natural paragraph transition breaks. If you can’t find any, consider revisiting the substance of the paragraph and look to eliminate redundancies, get to the point faster, or reorganize to focus on the points made.  

Prefer positive words over negative words  
Sometimes words convey an attitude, and that attitude may color the reader/listener’s reaction. Consider turning negative words into positive words if you want support; do the opposite to spur a negative reaction. Examples:  
• “The agency is barred from disallowing the filing.” vs. “The agency must allow the filing.”  
• “The Commonwealth has not provided any documentation...” vs. “The Commonwealth provides no documentation...”  
• “The court did not err in granting the motion.” vs. “The court correctly granted the motion.”  
• “You’re not a bad writer.” vs. “You’re a good writer.”  

End your sentences on a strong note  
Compare “The defendant failed to meet her burden, as the trial court held.” with “As the trial court held, the defendant failed to meet her burden.”  
The second version ends with the idea that you want to emphasize and has a greater impact on the reader. It pays to end your sentences with a strong word or strong phrase.  

Prefer concrete words over abstract words  
Compare “His emotional injuries manifested themselves physically.” with “His emotional injuries caused coronary artery disease and a heart attack.” The second version is more compelling because it is more concrete and makes a stronger impact on the reader.  

When to use a semicolon  
Maybe we avoid using semicolons, because we are not sure when to use them. Use semicolons to connect two independent clauses (clauses that could stand on their own as complete sentences) when their thoughts are so closely connected that they belong in the same sentence. For example: “The life of the law has not been logic; it has been experience.”  

Choose your words for precision in meaning  
Did your client “stagger” into the room, “stroll” into the room, or “swagger” into the room? Different words paint vastly different pictures in readers’ minds. Take the time to choose precise words, especially verbs, to convey the action you want described. Precision in word choice helps you make your point.  
For example, the terms “stagger,” “stroll,” and “swagger” all convey more information than the term “walk.”  

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**Communication Tips from the PBA Plain English Committee**

The PBA Plain English Committee is dedicated to keeping “legalese” out of legal writing and making legal communications clear and concise.
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 2016-2017 PBA BLI class are due May 13, 2016.

Everything you need is on the website:

www.pabar.org/bli.asp
What’s Going on in our Counties

ZONE 1 (Philadelphia)
Zone Chair: Tamika Washington – twashington@twashingtonlaw.com

On Sept. 12, 2015, the Philadelphia Bar YLD hosted its annual Philly Game Night at Citizens Bank Park. The YLD met and engaged law students and non-YLD members alike.

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

ZONE 2 (Berk’s, Carbon, Lehigh, Northampton, Schuylkill)
No Report

ZONE 3 (Adams, Cumberland, Dauphin, Franklin, Juniata, Lancaster, Lebanon, Perry, York)
Zone Chairs: Alaina Koltash akoltash@pa.gov AND Megan Riesmeyer – mam941@psu.edu

YORK COUNTY
The Young Lawyer’s Section for York County was very busy for the latter part of 2015. In September, the YLS held its annual Wills For Heroes event, where attorneys, paralegals and staff from York county provided free estate planning documents to approximately 50 first responders and veterans in our area. In early October, we sponsored a bus trip, tailgate and tickets to see Penn State defeat Army at State College. A great time was had by all who attended that event, despite the hurricane-type weather!

In November, we sponsored a CLE for all members where lunch and CLE credit were provided. Finally, in December, at the annual meeting, elections of new officers took place and there was a roundtable discussion about upcoming events, committee structure within the YLS and new programs being offered within the bar association.

CUMBERLAND COUNTY
Since the summer YLD meeting, Cumberland County has been busy. The YLD has been modifying and updating the prior Stepping Out program, in which attorneys go to local high schools to explain to seniors areas of the law they are likely to face now that they are graduating and turning 18 (buying a car, renting an apartment, criminal penalties, etc). The program was last updated 12 years ago, and with the gracious assistance of many YLD members, the packet was updated and the presentations will get started in March.

The YLD plans to host a Hershey Bears game with the Franklin County YLD in January.

The YLD recently elected its new slate of officers for the 2016 term. We look forward to the hard work the new officers will accomplish on behalf of all YLD members in Cumberland County.

The YLD hosted its 6th annual Adopt-A-family program. Local attorneys, judges, businesses and staff adopted families from shelters in the county, and brought Christmas to those families. This year, the YLD expanded the number of families being adopted and the shelters participating in the program. The YLD elves delivered the gifts, and a local judge Santa helped deliver and hand out the gifts to the children. The YLD is grateful to the members who donated their time and resources to help bring the holiday cheer to those in need.

FRANKLIN COUNTY
The Franklin County YLD had its monthly meeting on Sept. 4 and held a happy hour at Bistro 71 on Sept. 17. The YLD participated in and contributed donations to the American Heart Association Heart Walk on Sept. 27. Since the YLD began participating in the Heart Walk, more than $12,000 in donations have been contributed.

The monthly meeting was on Oct. 2. The YLD had an “interest table” set up at the 14th Annual Bench Bar Conference of the 39th Judicial District on Oct. 9. YLD members were at the table during all breaks. Banners and brochures were made to help advertise the organization. On Oct. 22, a monthly happy hour was held at Bistro 71. On Oct. 28, the YLD presented the Stepping Out program to the Chambersburg Area Senior High School, which was well received.

At our monthly meeting on Nov. 6, officers were elected for next year. Our monthly happy hour was held at Bistro 71 on Nov. 19.

We attended the Annual Admissions Ceremony for the Franklin County Bar Association on Dec. 4 and supported our new members by sponsoring a breakfast prior to the ceremony. The annual YLD holiday party was held on Dec. 10 at The Orchards. There was an Ugly Sweater Contest and other party games with prizes for the winners.

DAUPHIN COUNTY
In October, the Dauphin County YLS held its annual Oktoberfest party, where German food was served and volleyball trophies were presented to the championship teams. A trivia night scheduled for November as part of a Zone 3 caravan had to be cancelled due to a conflict. However, the event will be rescheduled, so stay tuned! On Dec. 17, the YLS hosted its annual holiday party, where toys and monetary donations were collected for local non-profit, Vinny’s Kids.
What’s Going on in our Counties

ZONE 4 (Lycoming, Montour, Columbia, Northumberland, Snyder, Tioga, Union)
Zone Chair – Corey Mowrey – cmowrey@riederstravis.com

The Zone 4 caravan was held at Knoebel’s Amusement Park in Elysburg on Sept. 26. There were drinks and snacks at the pavilion, followed by an afternoon of perfect weather at the park.

On Oct. 9, the YLD hosted a happy hour at the Old Corner in Williamsport, which was also open to members of the bench and bar. The YLD assisted in coordinating with the Lycoming Law Association to conduct a Wills for Heroes event at the Old Lycoming Township Fire Hall on Oct. 17. It was the first Wills for Heroes event in Zone 4, and all of the time slots were filled.

The YLD held the Angel Tree Toy Drive to collect toys, games, books and clothes, which were provided to the Williamsport Salvation Army for distribution to local children over the holidays.

ZONE 5 (Bradford, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming)
Zone Chairs – Hillary Madden – hmadden@royledurney.com AND Michael O’Donnell – Michael@odonnell-law.com

LUZERNE COUNTY

The Luzerne County YLD held an outing at the Wilkes-Barre Scranton Railriders ballpark, hosted the annual Oktoberfest at the Arena Bar & Grill, sponsored a Brewery Bus Tour, organized a Halloween Movie Night involving a private screening of “Hocus Pocus” and were responsible for several break-out sessions at this year’s Luzerne County Bench Bar Conference. The YLD members also held its “Dinner with the Judges” evening.

YLD officer elections were held on Dec. 2, 2015 at a lunch meeting at the Westmoreland Club. New YLD members were welcomed at the new member admission ceremony at the Federal Courthouse and Luzerne County Courthouse on Dec. 10, the same day as the YLD holiday party. The festivities continued on Dec. 12, 2015 with a bus trip to New York City, sponsored by the Luzerne County Travel CLE Committee. Additionally, the YLD will be participating in the Big Brothers/Big Sisters Bowl for Kid Sake fundraising event in March.

LACKAWANNA COUNTY

The YLD team won the Lackawanna County Bar Association Golf Outing & Clambake at the Country Club of Scranton. The YLD hosted its 6th annual Wills for Heroes event and a Halloween and Fall Fun event, “Roba’s Pumpkin Patch Event,” at the Roba Family Farms. Members presented a free CLE breakfast titled, “Workers’ Compensation from Start to Finish.”

The Lackawanna County YLD hosted its annual New Lawyer Induction Ceremony on Dec. 4, 2015 at the Federal Courthouse. To make room for all its new lawyers, the YLD held a Boot Party on Dec. 9 at the Court Street Tavern to celebrate the YLD members who were either 38 years of age or had been practicing for five years. The YLD collected gifts for underprivileged children ages 4-12 for “Operation Dear Santa.”

MONROE COUNTY

Monroe County YLD members continued to attend mentoring lunches, participated in the Monroe County Bar Association Foundation fundraising event, volunteered at the soup kitchen at St. Luke’s Church and helped local families remodel their homes through Habitat for Humanity to accommodate children with special needs.

YLD members participated in its annual food drive collecting food for local shelters for Thanksgiving and Christmas. On Dec. 18, several new members were sworn in at the annual Swearing In Ceremony, which was followed by the Monroe County Bar Association Open House. Additionally, the YLD will be participating in the Big Brothers/Big Sisters Bowl for Kid Sake fundraising event in March.

ZONE 6 (Fayette, Greene, Washington, Westmoreland)
Zone Chairs – Joshua Camson – josh@camsonrigby.com AND Bernard John – bcj@johnandjohnlaw.com

No report

ZONE 7 (Clarion, Crawford, Erie, Forest, Jefferson, McKean, Venango, Warren)
Zone Chairs – Denise Pekelnicky – denise@nwpalaw.com

ERIE COUNTY

In September, a happy hour was held in conjunction with the Workers Compensation and Business Law Sections of the Erie County Bar Association.

In November, a happy hour was held with the ECBA Women’s Division and In-House Counsel Section.

While the event was not exclusively held by young lawyers, Erie County hosted a Wills For Heroes event on Sept. 26 at the Erie County Public Safety Building. The event was well attended and helped to provide services to dozens of emergency responders and veterans.

CRAWFORD COUNTY

Young Lawyers participated in a softball tournament, called the Black and Blue Tournament, sponsored by Crawford County CYS. The Black and Blue Tournament is a yearly event for a great cause.
In October, the Crawford County and Erie County Young Lawyers held a combined event at VooDoo Brewery in Crawford County. The two counties will be planning another combined event in 2016.

Crawford County planned a Christmas happy hour and dinner, as well as a bowling party to finish out 2015.

**ZONE 8** (Bedford, Blair, Cambria, Fulton, Huntingdon, Indiana, Mifflin, Somerset)
Zone Chair- Christopher Michelone – ctmichelone@mqlaw.com

**BLAIR COUNTY**

Lunch & Learns will continue to be scheduled by the Blair County Young Lawyers Committee in the next few months. Upcoming presentations will include S Corporations and Support. The cost is $15 per person. Invitations will be sent out as they become available, and anyone is welcome to attend.

The Blair County YLD sponsored a Wills for Heroes event on Oct. 24, 2015 at the Cypress Building on the campus of Penn State-Altoona. The event was co-sponsored by the student-run Criminal Justice Organization at Penn State-Altoona and sponsored by S&T Bank. Attorneys and legal staff from Blair County law firms teamed up with Penn State-Altoona students to prepare 33 estate plans for first responders in the Altoona area. The effort was deemed a huge success, and plans are in the works to hold another Wills for Heroes event in the Spring of 2016.

The Blair County YLD and Zone 8 are 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 and is open to any young lawyer interested in being admitted.

**ZONE 9** (Bucks, Chester, Delaware, Montgomery)
Zone Chairs- Lindette Hassan – lhassen@foxrothschild.com AND Alison Wasserman – Alison.wasserman@gmail.com

**DELAWARE COUNTY**

Delaware County Bar Association Young Lawyers Section hosted a fall social event, called OcktoBARfest. The YLS staged a charity 5k run and raised $6,000 for the Ronald McDonald House in Philadelphia. The YLS updated and amended the Section’s by-laws, held a holiday party for underprivileged children, and sponsored a CLE Seminar entitled “Social Media and the Law.”

**MONTGOMERY COUNTY**

This summer, the Montgomery YLS continued its annual traveling happy hour series and hosted a total of four happy hours around the county, which were all well attended by young lawyers, MBA officers and other seasoned attorneys. As a result of this outreach, the YLS saw a number of new faces who had not previously traveled to the bar association in Norristown. The YLD finished the summer by hosting its annual fantasy football draft party. MBA attorneys, young and old, have continued to duel against one another throughout the NFL season with the teams they picked that day.

In September, the YLS focused its time on supporting the MBA’s annual Clam Bake. This event brings many attorneys and judges together in a social atmosphere.

In October, the YLS volunteered as part of a children’s mural project at the Montgomery County-Norristown Public Library. The mural, once finished, will be prominently displayed in Norristown. The YLS coordinated an event, along with the Federal Court Committee, to bring Judges Goldberg and Kearney from the EDPA to discuss and encourage participating in the federal pro bono program that allows young attorneys to gain valuable federal court experience, while also providing much needed assistance to pro se litigants.

In November, the YLS supported the Annual Members’ Dinner, a bar-wide event which had very strong attendance. The YLS also partnered with Villanova School of Law for a networking event at Kelly’s Taproom near the school. Throughout the month of November, the YLS coordinated a coat drive with firms throughout the county agreeing to serve as drop-off locations. The coats were donated to two local organizations: “Cradles to Crayons” received the children’s coats, and Catholic Social Services of Montgomery County received adults’ coats.

In December, the YLS co-hosted a CLE with a prominent consumer rights attorney to teach young lawyers how to triage and litigate these cases. We capped the year off with a holiday party.

The YLS also finalized plans for a “Tips from the Bench” program, a four-part CLE in early 2016. Three of our judges will provide lawyers with important guidance on how to try a jury trial, utilize evidence in the courtroom, display appropriate courtroom demeanor, and capitalize on technology in the courtroom.

**ZONE 10** (Armstrong, Beaver, Butler, Lawrence, Mercer)
Zone Chairs – Kelly Harley – kharley@jklawyers.com AND Sherri Hurst – shurst@brf-law.com

**BEAVER COUNTY**

The Beaver County YLD continues to hold monthly meetings and recently the YLD and the bar association volunteered for a work day with Habitat for Humanity. The YLD also hosted its annual Oktoberfest and hosted a pajama drive; the pajamas were donated to children at our local women’s shelter. The YLD also hosted a Bowling with the Judges event and a food drive for Christmas. The social committee organized the annual family Christmas party.
What’s Going on in our Counties

BUTLER COUNTY
Butler County Young Lawyers have been having meetings and attended the Zone 10 caravan held in Butler at Brushes and Barstools. At the caravan, everyone who attended created a legal and fall-themed painting. The Young Lawyers have prepared for service projects, including gift card drives for Butler County CYS and VOICE, and volunteering at a local soup kitchen.

ZONE 11 (Cameron, Centre, Clearfield, Clinton, Elk, Potter)
Zone Chair- Daniel McKenrick – dcm230@psu.edu

CENTRE COUNTY
At the Centre County Community Super Fair on Nov. 11, the CCBA set up a table to notify the public about services the CCBA and PBA provide. The CCBA Holiday Party was held on Dec. 5 at the Hilton Garden Inn.

A Wills For Heroes event is scheduled for Mar. 19 at Penn State Legal Clinic. A happy hour and trivia night event is being planned for YLD and Penn State Law School students to network and socialize; the date and location have not yet been determined.

ZONE 12 (ALLEGHENY)
Zone Chairs- Erin Hamilton – erin.hamilton@bipc.com AND Louis Kroeck IV – lkroeck@ambylaw.com

The ACBA hosted its third annual judicial trivia night on Nov. 18. Judges and Justices from the Supreme Court of Pennsylvania, the Superior Court of Pennsylvania, the United States Court of Appeals for the Third Circuit, the United States District Court for the Western District of Pennsylvania, the United States Bankruptcy Court for the Western District of Pennsylvania, and the Court of Common Pleas of Allegheny County were in attendance for this fun and unique event.

The YLD is kicking off its annual Stepping Out Program and is recruiting volunteers. Stepping Out is a program in which attorney volunteers go into local high schools to educate students about their legal rights and responsibilities as they prepare to enter adulthood. Presentations can be scheduled at volunteers’ convenience throughout the school year, but all new volunteers must attend a training session.

This year the ACBA YLD is working on its second YLD Point of Law newsletter. In addition to highlighting upcoming events and offering articles on substantive legal topics, the newsletter seeks to engage young lawyers through more lighthearted topics and photographs from ACBA programming. The ACBA YLD is currently looking for additional submissions.

Each year, the ACBA Young Lawyers Division Public Service Committee organizes holiday parties for children living in shelters around Allegheny County, complete with cookies, juice, Santa Claus, carols, and, of course, presents! The YLD collected gifts donated by individuals and firms which are wrapped and distributed to the children during the parties.
I am a lawyer in my 30s considering options should I not wish to be “tied down” working 60 hours per week at my firm. I am compensated well as an associate and might make partner, but am asking the question: Is this where I want to be in my 40s and up? Working for a firm is enlightening and valued, and I have developed and refined a number of important skills that could be transferable and of value in the large “sanctuary” of law, or maybe outside it. The problem is, I am not sure what to do and don’t want to regret making an impulsive move without serious thought, discussion and analysis.

The length of question you ask gets to the crux of who you are and your priorities at this stage of your life, both professionally and personally. In my 25 years as a career consultant to lawyers, I have told clients, “It’s only your career over the next three to four decades we are talking about!”

At the top, law firms have equity partners, executive committees and managing partners, who in actuality run the business and ultimately decide your future with the firm. If you have been notified that you may be on a partnership track, then continued long hours and days you spend working may or may not be worth it!

As a “partner” on the firm’s letterhead, you may be asked to start to develop your own clients even if, to date, your supervising lawyer only had you contact his clients with permission. At smaller firms you may have already been working directly with clients and feel comfortable developing your own clientele.

In larger and some mid-size firms, if not on a partnership track, you may be in your 40s or older and are a staff attorney — or “service attorney” — whose employment is at the blessing of a partner at the firm who may have achieved equity partnership stature due to his/her proven business development skills. After all, the practice of law is ultimately a business, even more so since the legal recession started. Since the recession, I have had clients who may have been on “cruise control” for years as a dedicated “partner” but are now out on the street looking for employment.

In 2016, you may have to wait a while to get your own clients at the firm, as many lawyers now in their late 50s and 60s are not retiring and may not give up clients to their younger partners. There is a generational divide percolating beneath the surface at many firms; you may have observed it at your firm. The questions remain: Does the firm and practice area at your level of commitment make sense when you are in your 40s? Do you have a legitimate opportunity to carve out a practice for yourself and see yourself growing with it?

Some enlightened firms of all sizes have adopted policies including paid parental leave, flexible hours and telecommuting. Others have encouraged an entrepreneurial spirit, making one feel a real part of the firm. Others realize that a majority of associates they bring in do not look at this initial employment position as a permanent life long position, nor should you!

Ultimately, you need to speak with a seasoned career counselor who specializes in guiding lawyers through critical employment and career decisions. Is “work-life” balance important to you, or are you enticed by being part of a large structure at a firm with all its benefits, which can continue to fulfill you and provide both internal and external gratification?

Although firms are attempting to change the way they do business since the legal recession started, the model that has existed for many decades might not be enough for you now. Change is inevitable in life, in one’s professional and personal life. Ultimately, the firm will encourage you to continue to grow with it or not. Or you might make the conscious decision to move on, as your priorities and values have changed. Most firms rarely ask you what “quality of life” looks like to you!'
MARK YOUR CALENDAR!

Upcoming PBA YLD Events

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

Apr. 1-2, 2016
PBA/YLD Mock Trial Championship Weekend
Dauphin County Courthouse
Harrisburg, PA

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

July 27-29, 2016
PBA/YLD Summer Meeting*
Toftrees Resort and Conference Center
State College, PA

November 17, 2016
PBA Committee Section Day*
The Red Lion Hotel Harrisburg East
Harrisburg, PA

*YLD business meeting will take place during the event.
CLICK HERE FOR UPCOMING PBA YLD EVENTS.

PBA YLD Seeks 2016-2017 Nominations

The PBA Young Lawyers Division’s Nominating Committee, chaired by Bernard John, is accepting applications from YLD members interested in seeking nominations to run as candidates for the division’s 2016-2017 Chair-Elect, Secretary, Treasurer and ABA Representative positions. The terms for those elected will begin at the conclusion of the 2016 Annual Meeting (May 11-12, at the Hershey Lodge, Hershey PA).

If you are interested in being nominated by the Nominating Committee under Article IV, Section 2, of the by-laws, please submit your qualifications and a brief biographical sketch by March 18, 2016 to Bernard John, John & John, 96 E Main Street, Uniontown, PA 15401. Materials may also be faxed to Bernard at (724) 438-8690 or emailed to bcj@johnandjohnlaw.com.

If you wish to be nominated by petition under Article IV, Section 4 of the bylaws, please send your materials with a petition signed by at least 15 members of the YLD by Apr. 12, 2016 to the above address or fax number.

Send a copy of all materials to Maria Engles, YLD Coordinator, Pennsylvania Bar Association, 100 South Street, P.O. Box 186, Harrisburg, PA 17108, fax: 717-238-7182 or maria.engles@pabar.org.


Bernard John can be reached at (724) 438-8560 to answer any questions you may have regarding the election process.

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 April 1, 2016.