

Supreme Court Admissions Trip Planned for December

Plans are well underway for a trip to the United States Supreme Court in December, when up to 25 LCBA members may be admitted to the Supreme Court.

Scheduled for December 12-14, 2015, the trip will include bus transportation to and from Washington, D.C., dinner Saturday evening, a tour of either the Pentagon or the White House on Sunday, and lunch Monday following the Court Session. In addition to the 25 admittees, space on the bus will be available for additional LCBA members to join the trip. Costs for members will be covered by the LCBA.

The rules for admittance are: To be admitted, an applicant must have been admitted to practice in the highest court of the state for a period of at least three years before the date of application; must not have been the subject of any adverse disciplinary action pronounced or in effect during that 3-year period; and must appear to the Court to be of good moral and professional character.

At this time, there are still six spots open for attorneys who would like to be admitted. If you would like to be admitted during the trip, and haven't yet indicated your interest, contact Susan in the Bar office before May 30. Two attorneys already admitted are needed as sponsors. Please contact Liz Judd if you are willing to be a sponsor.

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Elizabeth Judd, Esq., president
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Jessica E. Weaver, Esq., treasurer
Ann H. Kline, Esq., secretary

Message from Judge Samuel A. Kline

I was asked to write an article for the Lebanon County Bar Newsletter as to what would be helpful for the average practitioner. I will focus on some observations that I have made in the years I have been on the bench and my nearly twenty years of practicing law.

Let's first focus on criminal court. Generally, I have the following suggestions:

1. *Be on time.*

To me, on time means being outside the courtroom no later than 8:15 AM so court can start at 8:30 AM. If you need to meet with your client, I would urge you to be present even earlier. We are generally in our chambers before the starting time. If a problem would arise, we can be notified ahead of the scheduled start time. Make sure all of your documents have previously been filed with the Clerk of Courts. It is frustrating when the Clerk has to interrupt the proceedings to call out for a "missing" guilty plea colloquy.

2. *Let the DA know you are there!*

With the number of new assistant DAs, they may not know who you are. It is a wise idea to introduce yourself and let them know you are ready. In particular, if you are needed in more than one courtroom, please let the DA know. President Judge Tylwalk in Courtroom #1 *always* take precedence in a multi-courtroom environment on a criminal miscellaneous day. Nonetheless, if you are

scheduled in multiple courtrooms at the same time, you should let the DA and the Court know if you are having difficulty with time issues. If we are made aware of your circumstances, we will bend over backwards to accommodate you to assure that you can be handled as quickly as possible by all the Judges.



3. *Want to avoid Call of the List for a guilty plea?* Frankly, one of the members of the Bar told me a very simple solution—schedule your guilty pleas on a non-call miscellaneous day. When I looked at the schedule for a month, there is at least one Judge every week scheduled on a criminal miscellaneous day. During many weeks, there are three Judges. The last few years, I noticed that we rarely have a guilty plea wave during a criminal miscellaneous day. If we do, it is only a few cases. We are more than willing to accommodate a wave of guilty pleas on a criminal miscellaneous day, in emergencies, and at other times. Nonetheless, people continue to complain that Call of the List is too long because of the number of guilty pleas. Control of this really lies in your hands by being punctual, by discussing the plea with your client promptly, and by moving quickly to schedule it on a criminal miscellaneous day.

4. *Unusual plea agreements.*

When you know that the plea agreement is outside of

the standard range, I suggest that you immediately notify the sentencing Judge and the DA to see if the Judge is even going to consider the plea. You

would be surprised to know that if you do that as soon as you know who the sentencing Judge is, then the worst case scenario is the case will be continued. This will not force the Judge to reject the case that day just because you simply failed to discuss with the Judge why the plea is what it is. Please discuss the PSI and the guideline ranges with your client prior to sentencing. No matter what the actual data is, it is important that your client knows that.

I will now move to custody actions that are starting to take a significant amount of court time.

5. *Explore settlement!*

I urge all members of the Bar to make one last effort to contact the opposing side as to whether the parties can reach a settlement. Each Judge handles pretrials somewhat differently in our county, but I have always made the effort to see if the case can be settled. Even if a settlement cannot be reached, then I at least attempt to narrow the issues. This will assist you in deciding the number of witnesses you need to bring if the case is contested. I am amazed at the number of times the parties are able to work out the matter the morning of the trial. If that becomes the case, please notify the Judge that you need time for

continued...

Message From President Judge Kline

continued...

possible settlement. That will allow the Judge to free up his court reporter, staff, etc. while you are attempting to resolve the issue.

6. *Keep Court Administration in the knowledge loop.* No matter how “late” you might think it is, ALWAYS give Court Administration a call if you settle a case. Let me give you an example:

During a recent civil jury trial term, we received a phone call from a member of the Lebanon County Bar. He called me at approximately 4:20 in the

afternoon on the Friday before the civil jury trial. He apologized and indicated that the parties literally reached an agreement ten minutes earlier. I thanked him for being kind and not waiting until Monday morning to inform us.

Here is why. As soon as he called me, the court staff and I were able to stay and call some sixty jurors at home to let them know that the only trial for the week was cancelled, and they did not have to report for jury duty. Had he simply waited until

Monday morning, we would have had sixty jurors show up only to be told the case settled and to go home. How would you feel as a juror in that situation? Needless to say, the County would also bear the extra cost for payment of jurors that had to show up for jury service when the case had already settled.

I hope these suggestions have been helpful. I wish all members of the Bar the very best of luck while practicing.

Judge Samuel A. Kline

State Supreme Court Adopts New Rules on Court Reporting

The Supreme Court of Pennsylvania has announced adoption of a comprehensive set of new rules governing court reporting. According to Chief Justice of Pennsylvania Ronald D. Castille, “Implementing these new rules will [help] to ensure a unified and efficient system of court reporting” to standardize these services across the commonwealth’s 60 judicial districts.

The rules go into effect June 1, 2015. To read the order and the rules, click here: [court’s order](#).



YOU AND A GUEST ARE CORDIALLY INVITED TO ATTEND
THE ANNUAL LEBANON COUNTY BAR ASSOCIATION

DINNER DANCE

ON THE 18TH DAY OF APRIL, 2015
COCKTAILS AND HORS D'OEUVRES AT 5:30 P.M.
DINNER TO BE SERVED AT 7:00 P.M.

THE COLEMAN CHAPEL
1901 CUMBERLAND STREET
LEBANON, PENNSYLVANIA 17042

R.S.V.P. BY RETURNING THE ENCLOSED CARD
NO LATER THAN APRIL 1, 2015



LCBA Welcomes New Members

Welcome to new members P. Oliver Kerwin, Esq. and Steven D.W. Miller, Esq., who joined during the November annual meeting.

P. Oliver Kerwin, Esquire, is an attorney with the Pennsylvania Governor's Office of Administration. He earned his Bachelor's Degree from Franklin and Marshall College and his Law Degree from Villanova University School of Law. His primary area of practice is in transactions, IT contracting and procurement. He was previously a member of the LCBA from 2006-2008. He was sponsored by Kandice Kerwin Hull.

Steven D. W. Miller, Esquire, is a solo practitioner with an office in Schaefferstown. He earned his Bachelor's Degree from DePauw University and his Law Degree from Widener University School of Law. His primary areas of practice are workplace safety, employment, personal injury, and Wills and Trusts. He was sponsored by Charles V. Henry III, Esquire.

Nominations for new members will be accepted during the upcoming Full Membership Meeting scheduled for Friday, May 1, preceding the Law Day Celebration. If you would like to nominate an attorney for membership, contact Susan in the Bar Office.

Upcoming LCBA Events

Dinner Dance: Saturday, April 18 at the Coleman Chapel. See page 3.

Annual Membership Meeting: Friday, May 1 at 12:30 p.m. in Courtroom No. 2, followed by Law Day in Courtroom No. 1.

Golf Match with Berks Bar: May 28. Contact Paul Kilgore at 273-7621 for more information.

Supreme Court Admission Trip: December 14, 2015. See page 1 for more details.

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Changes to procedures for Lebanon County Legal Journal

As of January 1, 2015, the Lebanon County Bar Association and the Lebanon County Legal Journal have consolidated operations. All responsibilities for the Legal Journal are now being handled in the Lebanon County Bar Association office.

Please send all notices and payments to Susan Wolf in the Bar Association office at 547 South 10th Street, Lebanon PA 17042 or by email to lebcobar@verizon.net by 11 a.m. Monday of the week in which they should be published. If you have any questions, please call 717-273-3113.

Did you know the Lebanon County Legal Journal is online? Go to lebanoncountylegaljournal.org, where ads are uploaded every Wednesday. It is also uploaded every week to the state-wide site www.palegalads.org. This site, maintained by the Conference of County Legal Journals, provides a centralized location for legal ads across Pennsylvania. Ads are searchable by key word, county, or type of ad. Most counties in the Commonwealth upload their

journals regularly. There is no cost to us to upload these ads or for you to search them.

Some legislative bills over the years have proposed the creation of a government-controlled, statewide centralized website of notices in order to “control costs” and “increase public access.” While not specifically aimed at legal journals, this legislation could affect local county control of legal journals, including their revenue.

Join a Committee!

The LCBA has more than 30 committees, each of which focuses on a specific area of bar activities. Some require more of a time commitment than others, but all have their rewards. If you are interested in serving on a committee, contact the LCBA office at lebcobar@verizon.net or 717-273-3113

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|--|------------------------------|
| Annual Meeting/Dinner | Legal Education |
| Athletic Events | Legal Journal |
| Audit | Legal Services to the public |
| Bench/Bar Breakfast (or similar event) | Legislative |
| Budget | Medical/Legal (Liaison) |
| By-Laws | Nomination |
| Civil Rules of Court | Orphan’s Court |
| Criminal Rules of Court | Outstanding Senior Award |
| Dinner Dance | PA Bar Assn. Delegate |
| Elder Law | Personnel Committee |
| Family & Domestic Law | Public Relations |
| Fee Disputes | Real Estate |
| Golf | Social and/or Special Events |
| Historic | Strategic Planning |
| Law Day | Unauthorized Practice of Law |
| Law Exploring Post | Women Lawyers |
| Law Library | Young Lawyers |

Law Day Celebration Focuses on the Magna Carta

Lebanon County will celebrate Law Day this year on Friday, May 1 with the traditional Law Day and Naturalization Ceremony at 2 p.m. in Courtroom No. 1. This year’s theme is “Magna Carta: Symbol of Freedom Under the Law,” recognizing the 800th anniversary of the Magna Carta. The ceremony will be followed by a reception in Room 306 of the Courthouse.

Elementary students and high school participants in the Law Explorer program are invited to participate in an essay contest with a prize of \$250. During the months of March and April, fourth and fifth grade classes will tour the Courthouse, including sitting in on a session of Miscellaneous Criminal Court.

LCBA Supports Local Charities



The Women Lawyers Committee purchased gifts for a family selected by Lebanon County Children & Youth Services in December. Presenting the gifts to Stephanie Swisher of CYC are, from left, attorneys Roberta Gantea, Heather Eggert and Amy Leonard.

The Public Relations Committee presented a donation on behalf of the LCBA membership to Domestic Violence Intervention in December. With DVI's Executive Director Jennifer Snyder are, from left, attorneys Heather Eggert, Michelle Calvert and Andrew Morrow.



Presenting a donation to Clair Weaver, Executive Director of Jubilee Ministries, in December are, from left Public Relations Committee members attorneys Mary Burchik and Heather Eggert.

Upcoming PBI Web Cast CLEs

**CLE Ethics fun with Sean Carter: Tuesday, April 7**

9 a.m. to 4:15 p.m. (includes lunch); Course # 8665; Credits: 6 ethics

Litigating in Orphans' Court: Thursday, April 9

8:30 a.m. to 3:30 p.m. (includes lunch); Course # 8298; Credits: 6 sub.

Who's on First? Lien priority in PA: Monday, April 13

Noon to 3:15 p.m. (includes lunch); Course # 8623; Credits: 3 sub.

The law of arrest search and seizure in PA: Tuesday, April 14

12:30 p.m. to 4:45 p.m. (includes lunch); Course # 8563; Credits: 4 sub.

Drafting & Enforcing fee agreements in PA: Wednesday, April 15

9 a.m. to 1:15 p.m.; Course # 8570; Credits: 3 sub./1 ethics (integrated)

Unemployment Compensation: Thursday, April 16

9 a.m. to 4:15 p.m. (includes lunch); Course # 8468; Credits: 6 sub.

RESPA: Friday, April 17

8:30 a.m. to 4:45 p.m. (includes lunch); Course # 8671; Credits: 3 sub./3 ethics

Corporate Compliance and Ethics: Tuesday, April 21

9 a.m. to 1:20 p.m.; Course # 8567; Credits: 3 sub./1 ethics (integrated)

The catastrophic injury case: Quadriplegia, paraplegia & spinal injury cases: Wednesday, April 22

8:25 a.m. to 3:30 p.m. (includes lunch); Course # 8495; Credits: 6 sub.

Family Law Institute 2015: Thursday, April 23 and Friday, April 24

Thursday: 8:30 a.m. to 4 p.m. (includes lunch); Friday: 8:30 a.m. to 11:45 a.m.

Course # 8775; Credits: 8 sub./1 ethics

Trial tactics, tips and techniques: Monday, April 27

9 a.m. to 4:30 p.m. (includes lunch); Course # 8552; Credits: 5 sub./1 ethics (integrated)

Tough Problems in WC 2015: Wednesday, April 29

Noon to 4:15 p.m. (includes lunch); Course # 8763; Credits: 4 sub.

16th Annual Legal Issues in an age of aging: Thursday, April 30

8:30 a.m. to 4 p.m. (includes lunch); Course # 8774; Credits: 5 sub./1 ethics (integrated)

The new PA law on entity transactions: Monday, May 4

9 a.m. to 12:15 p.m.; Course # 8894; Credits: 3 sub.

All in the family – Estate planning for the vacation home: Wednesday, May 6

9 a.m. to 1:15 p.m.; Course # 8781; Credits: 4 sub.

Selected Issues in Art Law: Friday, May 8

9 a.m. to 1:15 p.m.; Course # 8764; Credits: 3 sub./1 ethics (integrated)

Estate planning for younger couples: Monday, May 11

9 a.m. to 12:15 p.m.; Course # 8769; Credits: 3 sub.

Slicing up the pie: Property distribution in PA: Tuesday, May 12

9 a.m. to 12:15 p.m.; Course # 8789; Credits: 3 sub.

Fundamentals of Oil and gas law: Wednesday, May 13

9 a.m. to 4 p.m. (includes lunch); Course # 8659; Credits: 5 sub./1 ethics

Understanding Social Security Retirement: Thursday, May 14

Noon to 3:15 p.m. (includes lunch); Course # 8783; Credits: 2 sub.

Technology Skills Series: Basics of privacy and security: Friday, May 15

9 a.m. to 11 a.m.; Course # 8793; Credits: 2 sub.

continued

Upcoming PBI Web Cast CLEs

Technology Skills Series: Start-up and intellectual property issues for lawyers: Friday, May 15
11:30 a.m. to 1:30 p.m.; Course # 8794; Credits: 2 sub.

Technology Skills Series: How technology can get you into trouble: Friday, May 15
2 p.m. to 4 p.m.; Course # 8795; Credits: 2 sub.

My client's dead. Now what?: Tuesday, May 19
Noon to 4:15 p.m. (includes lunch); Course # 8784; Credits: 3 sub./1 ethics (integrated)

20 hot tips in family law: Thursday, May 21
12:45 p.m. to 4 p.m.; Course # 8878; Credits: 2.5 sub./1.5 ethics

13th Annual Nonprofit Institute: Wednesday, May 27
9 a.m. to 4:45 p.m. (includes lunch); Course # 8620; Credits: 5 sub./1 ethics

From File to Trial: 8 keys to success in court and beyond: Friday, May 29
8:30 a.m. to 3:30 p.m. (includes lunch); Course # 8839; Credits: 5 sub./1 ethics (integrated)

June 2015 Probate & Trust law quarterly – Portability: Throwing a wrench into traditional estate planning: Tuesday, June 2
12:30 p.m. to 2:30 p.m. (includes lunch); Course # 8944; Credits: 2 sub.

Higher Education Conference: Wednesday, June 3
9 a.m. to 5 p.m. (includes lunch); Course # 8811; Credits: 5 sub./1 ethics

Transitioning into Medicare: Thursday, June 4
Noon to 4:15 p.m. (includes lunch); Course # 8863; Credits: 4 sub.

ERISA Update: Monday, June 8
Noon to 4:15 p.m. (includes lunch); Course # 8859; Credits: 3 sub./1 ethics (integrated)

Communicating with colleagues and clients: Tuesday, June 9
9 a.m. to 12:15 p.m.; Course # 8533; Credits: 2 sub./1 ethics (integrated)

Hot topics in patent law: Wednesday, June 10
9 a.m. to 12:15 p.m.; Course # 8797; Credits: 2 sub./1 ethics

PA's new Power of Attorney: What you need to know – six months after enactment: Monday, June 15
9 a.m. to 12:15 p.m.; Course # 8889; Credits: 5 sub./1 ethics (integrated)

Equal justice under the law: The Magna Carta after 800 years: Tuesday, June 16
Noon to 4:30 p.m. (includes lunch); Course # 8648; Credits: 4 sub.

Same sex marriage in PA: An update: Thursday, June 18
8:30 a.m. to 12:45 p.m.; Course # 8585; Credits: 4 sub.

Revisiting Irving Younger's 10 Commandments (PEG): Friday, June 19
8:30 a.m. to 3:30 p.m. (includes lunch); Course # 8447; Credits: 5 sub./1 ethics (integrated)

Sentencing in PA state courts: Monday, June 22
Noon to 4:15 p.m. (includes lunch); Course # 8415; Credits: 4 sub.

Practice before the PA Human Relations Commission: Tuesday, June 23
9 a.m. to 2:30 p.m. (includes lunch); Course # 8538; Credits: 4 sub./1 ethics

General Practitioners Update 2015: Wednesday, June 24
8:30 a.m. to 3:45 p.m. (includes lunch); Course # 8549; Credits: 5 sub./1 ethics

The fear factor: How good lawyers get into bad ethical trouble: Friday, June 26
9 a.m. to 12:15 p.m.; Course # 8698; Credits: 0 sub./3 ethics

Finding the trial story: Monday, June 29
8:30 a.m. to 3:30 p.m. (includes lunch); Course # 8838; Credits: 6 sub.



Please note: The Live Group Cast CLEs are held in the Lebanon County Bar Association Office. If no one is registered one week before the date, PBI will cancel our location. Register online for all PBI CLEs at: www.pbi.org or call 1-800-247-4724. Register at least 3 business days in advance and receive a discount!