



# Monroe County Brief

Published for the Monroe County Bar Association

September 1, 2008

Volume 13 Issue 3

*President's Message:* By Gerard J. Geiger, Monroe Bar Association President.

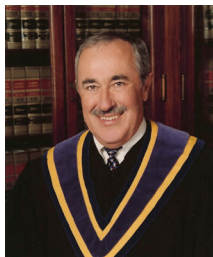
*"A horse is a horse, of course, of course"*

School is now back in session and it is that time of year for our annual Bench/Bar conference. As your Bar President, I encourage everyone to sign up if you have not already done so because it promises to be one of our best conferences yet.

This is our 12<sup>th</sup> annual conference. It will be held once again at the Fernwood Resort in Bushkill on September 26, 2008.

We have listened to your comments from past conferences and have made a concerted effort to include programs that will be of interest to all. I wish to extend a special "thank you" to Judge Maggie Worthington who volunteered her time to act as a liaison between the bench and the bar and has regularly appeared at our early morning bench/bar committee meetings to plan this year's event.

With her assistance and the work of our bench/bar committee, we were able to obtain two very distinguished speakers this year.



First, we are pleased to have the Honorable J. Michael Eakin, Justice of the Supreme Court of Pennsylvania, present a seminar on brief writing on the morning of our conference. Justice Eakin is very entertaining. I have had the pleasure of listening to several of his presentations and have never been disappointed. Justice Eakin is a graduate of the Dickinson School of Law and is a former District Attorney for Cumberland County. He is well-known in legal circles for the unorthodox way he pens his opinions. That is, he enjoys writing his opinions in poetic verse. One of his well-known opinions is his dissent in Noel v. Travis, where he disagreed with the majority, who found a criminal defendant not guilty of DUI after riding his horse while intoxicated. Justice Eakin wrote (in part):

*A horse is a horse, of course, of course,  
And no one can talk to a horse of course  
That is, of course, unless the horse is the famous Mr. Ed.  
Go right to the source and ask the horse  
He'll give you the answer that you'll endorse.  
He's always on a steady course. Talk to Mr. Ed....  
A horse is a horse, of course, of course,  
but the Vehicle Code does not divorce  
its application from, perforce,  
a steed, as my colleagues said.  
"It's not vague" I'll say until I'm hoarse,  
and whether a car, a truck or horse  
this law applies with equal force,  
and I'd reverse instead.  
Because I cannot agree this statute is vague or ambiguous, I respectfully dissent."*

--Noel v. Travis, 857 A.2d 1283, 1289 (Pa. 2004). Justice Eakin is proof that the practice of law is not incompatible with a healthy sense of humor.

Second, C. Dale McClain, President of the Pennsylvania Bar Association, will be our special guest speaker at lunch. President McClain is from Montgomery County and is unique among PBA presidents in that he is a solo practitioner. Traditionally, past PBA Presidents have been from large firms because the time commitment required of a PBA President demanded the support of a large office. Dale is known for his appearance at work without a tie. When he was sworn in this year at a House of Delegates meeting, a large contingent of lawyers from Montgomery County paraded into the conference room "sans tie" in his honor. President McClain is a former classmate of Judge Peter O'Brien, who will introduce him at the luncheon. Feel free to appear at the conference without a tie in Dale's honor.



Finally, you may have noticed that Monroe County has acquired several properties near the Courthouse for future expansion. Our Bar Association has a direct interest in the strategic planning related to these expansion plans. Judge Vican has recognized the importance of our Bar's input in planning the expansion of Court services. I am hopeful that our annual bench/bar panel discussion can include a discussion on how the members of our bar can facilitate the growth of legal services in Monroe County.

I hope to see you on September 26. --Jerry Geiger

### Upcoming Events

September 26, 2008  
12th Annual Bench Bar Conference  
Fernwood Resort  
Go to [www.monroebar.org](http://www.monroebar.org) for registration form

October 19, 2008  
Bus Trip to NYC  
Seats are still available

November 10, 2008  
Member Luncheon Meeting and CLE  
Thai Thani Restaurant

November 22, 2008  
Mock Trial Invitational  
Pleasant Valley High School

December 6, 2008  
Holiday Party  
Mountain Springs Lake Resort  
Reeders, PA

More information to follow

### Lunch & Learn



Do you have any ideas for Lunch and Learn programs that would appeal to our MCBA members? Please give the MCBA office a call or send an email to [skenny2@monroebar.org](mailto:skenny2@monroebar.org). We are currently scheduling our program for November and December of 2008 and into 2009. We want to hear from you!!



### Membership Updates

Please check the MCBA website [www.monroebar.org](http://www.monroebar.org) for daily updates on membership infor-

#### New Members:

Christopher S. Brown  
Law Office of Thomas F. Dirvonas  
11 North Eighth Street  
Stroudsburg, PA 18360  
570-421-5653 Fax: 570-421-0816  
Email: [chris@dirvonas.com](mailto:chris@dirvonas.com)

Franks S. Checho  
First National Bank of Palmerton  
PA Route 209 & Gilbert Road  
P.O. Box 127  
Gilbert, PA 18331  
610-824-2340 Fax: 610-681-1977  
Email: [fchecho@fnbpalmerton.com](mailto:fchecho@fnbpalmerton.com)

Jennifer Menichini  
Carl J. Greco, P.C.  
Professional Arts Building-4th Floor  
327 N. Washington Ave.  
Scranton, PA 18503  
570-346-4434 Fax: 570-346-4442  
Email: [jmenichini@cjgrecolaw.com](mailto:jmenichini@cjgrecolaw.com)

Louis A Margiotti  
Attorney at Law  
4 Fox Run Lane  
East Stroudsburg, PA 18302  
570-233-2536 Fax: 570-2232538  
Email: [louislaw@blackonyx.net](mailto:louislaw@blackonyx.net)

#### New Contact Information:

Bernard Anderson  
529 Sarah Street  
Stroudsburg, PA 18360  
570-872-4546  
Email: [poconojustice@gmail.com](mailto:poconojustice@gmail.com)  
Website: [poconojustice.com](http://poconojustice.com)

Christopher Jones  
Office of the Attorney General  
Criminal Prosecution Section-16th Floor  
Strawberry Square  
Harrisburg, PA 17120  
Email: [cjones@attorneygeneral.gov](mailto:cjones@attorneygeneral.gov)

Jeffrey Kash  
Email: [jkashesq@verizon.net](mailto:jkashesq@verizon.net)

Shawn P. Phillips  
Thomas, Thomas & Hafer  
3101 Emrick Blvd, Suite 310  
Bethlehem, PA 18020  
610-332-7012 Fax: 610-868-1702

Brandon R. Reish  
Cramer, Swetz & McManus, P.C.  
711 Sarah Street  
Stroudsburg, PA 18360  
570-421-5568 Fax: 421-5720  
Email: [breish@cmslawyer.com](mailto:breish@cmslawyer.com)

Richard R. Tomsho  
Chambers of President Judge Platt  
Lehigh County Courthouse  
455 W. Hamilton Street  
Allentown, PA 18101  
610-782-3393

Jason Vichinsky  
51 Lenox Avenue, Apt #3  
East Stroudsburg, PA 18301  
570-972-0028  
Email: [jhvlaw@yahoo.com](mailto:jhvlaw@yahoo.com)

## Upcoming PBI CLE Programs

The following PBI seminars have been scheduled and will be held at the MONROE COUNTY BAR CENTER, 913 MAIN STREET, STROUDSBURG, PA.

To register call the Pennsylvania Bar Institute at 800-937-4637.  
Early Registration fees are available.

### Wednesday, September 17, 2008

#### Uniform Trust Act: A Practical Update

4 hours substantive/0 hours ethics  
12:30 pm to 4:45 pm  
Registration begins at 12:00 pm  
Members \$224/Nonmembers \$244

### Thursday, October 2, 2008

#### 3<sup>rd</sup> Annual Diversity Summit

5 hours substantive/1 hour ethics  
8:30 am to 4:30 pm  
Registration begins at 8:15 am  
More information to follow

### Friday, October 10, 2008

#### Electronic Discovery Technical Realities of Legal Issues

3 hours substantive/1 hour ethics  
9:00 am to 1:30 pm  
Registration begins at 8:45 am  
Members \$119/Nonmembers \$139

### Wednesday, October 22, 2008- Groupcast

#### Email & Blogs: Employer Liability, Policies and Prevention

3 hours substantive/0 hour ethics  
9:00am to 12:15pm  
Registration begins at 8:45am  
Members \$204/Nonmembers \$224

### Thursday, October 23, 2008-Groupcast

Practical Pretrial Practice  
3 hours substantive/1 hour ethics  
9:00 am to 1:15 pm  
Registration begins at 8:30 am  
Members \$184/Nonmembers \$204

### Wednesday, October 29, 2008-Satellite via Internet

12<sup>th</sup> Annual Family Law Update  
4 hours substantive/0 hour ethics  
8:30 am to 1:00 pm  
Registration begins at 8:00 am  
Members \$224/Nonmembers \$244

### Friday, November 7, 2008

#### Recent Developments in Assessment Law & Procedure in PA

3 hours substantive/0 hour ethics  
9:00 am to 12:30 pm  
Registration begins at 8:45 am  
Members \$119/Nonmembers \$139

### Wednesday, November 12, 2008- Groupcast

#### Elder Law Update

3 hours substantive/0 hour ethics  
9:00am to 12:15pm  
Registration begins at 8:30am  
More information to follow

### Tuesday, November 18, 2008

#### Business Insurance

4 hours substantive/0 hour ethics  
9:00 am to 1:30 pm  
Registration begins at 8:45 am  
Members \$119/Nonmembers \$139

### Wednesday, December 3, 2008

#### Solving Drivers Licensing Problems

6 hours substantive/0 hour ethics  
9:00 am to 5:00 pm  
Registration begins at 8:45 am  
Members \$129/Nonmembers \$149

## On a personal note..

### Congratulations to

**Aaron DeAngelo** on his recent marriage.  
**Ellen Schurdak** and **Domenic Sbrocchi** on their recent marriage.  
**Lori Cerato** and **Dave Christine** on their recent engagement.  
**Kim and Matt Dewalt** on the birth of baby girl, Emily Logan, 6lbs 10 oz on July 23, 2008.

### Condolences to-

**Teri Miles** on the loss of her father, Irving S. Karpe.

## Welcome 2008-2009 Judicial Law Clerks

### **President Judge Ronald E. Vican**

Diane L. Dagger	517-3927
Victoria Anellino	517-3932
Mary Phillips	517-3960

### **Judge Linda Wallach Miller**

Matthew Schmidt	517-3934
Daisy Rosa	517-3935

### **Judge Jerome P. Cheslock**

Michelle Thoman	517-3930
-----------------	----------

### **Judge Margherita Patti Worthington**

Amy Iorio	517-3931
Francesco Mazzotta	517-3926

### **Judge Arthur L. Zulick**

Christine Tartamella	517-3939
----------------------	----------

### **Judge Jonathan Mark**

Brandie Belanger	517-3974
------------------	----------

The Monroe County Courthouse-A History  
 By John C. Appel, Professor of History,  
 East Stroudsburg State College  
 An Address to the Monroe County Museum Association  
 Friday, October 2, 1981

Part III-  
 Construction Begins on the Courthouse Addition

The administrator of the construction was Adolph L. Rake of East Stroudsburg. His first task was to relocate the Dreher dwelling house to an adjoining lot. This work began on December 18, 1933; and in January, 1934, the construction was in full swing with four shifts working day and night (by flood-lights). The aim was to hasten towards the CWA deadline while employing as many workers as possible. Severe winter weather occasionally interrupted the progress. Nevertheless, it was possible to lay the cornerstone on Monday, March 19. There was no ceremony; but the Commissioners - George Woolbaughm, Harry F. Makes, and Peter Van Buskirk - and President Judge Shull attended and observed documents deposited in the cornerstone, covering the courthouse officary and the annex construction personnel and facts.

The Commissioners let the contracts for the building materials in January, 1934, and succeeding months: Nicholson sandstone from Nicholas Carlucci, \$14, 230; steel from Bethlehem Fabricators; brick from Amzi Zacharias; lumber and hardware divided among four local dealers; roofing slate from Albion Vein Slate Company of Bangor. The later contracts for window, doors, stairways, iron rails, and flooring went to local lumber companies, the Jamestown Metal Desk Company, Grand Rapids Store Equipment Company, the Ironworkers Company of Philadelphia, and the Lehigh Tile and Marble Company of Allentown.

Within less than a year after construction began, the annex was ready for occupancy. The new courtroom was opened in September, 1934, for the fall term. Visiting Judge William C. Thomas of Carbon County presided over the first case, hearing a civil suit by the New York, Susquehanna and Western Railroad against the Traders Flour and Feed Company.

The most recent addition to the Monroe County Courthouse was opened for occupancy in September 1980. The President Judge was James R. Marsh who had succeeded Judge Arlington Williams in 1978. The first official judicial action in the new courtroom number 3 was an equity case hearing conducted by Judge Harold A. Thomson, Jr., on September 29, 1980. Actually, the new courthouse construction cannot be said to be completed because the renovation of the old building and its annex was an integral part of the plan for courthouse expansion; and that part of the is yet to be finished.

In order to expand the courthouse facilities, the county commissioners has to acquire more land. Unlike acquisitions for the previous building projects, this plan required multiple land purchases. However, they added up to less than a half-acre. These lots were obtained over a period of twelve years, beginning with the purchase on Monroe Street in March, 1966 and ending with the Rubino property on 6th Street in March 1978. By that time, the first steps in construction had taken place with the engineering borings and drawing in January, 1978.

The cost of the 1978-1981 construction was \$4,048,98.66. It contracts sharply with the 1934 annex at \$80,000, and the 1890 building at \$70,000, and the 1836 structure at no cost to the taxpayers. The methods of financing were different, too, for the latest building: state revenue sharing funds, \$1,827,146.23; and a general obligation term loan of \$2,500,00 from the Security Bank.

The general contractor was the Vito Construction Company of Stroudsburg. Sub-contractors were: plumbing by R.J. Groner, Stroudsburg; heating and air conditioning by Corbit's, Inc. of Reading; electrical by Albarell Electric, Inc. of Bethlehem. The chief architect-engineer was RKR-Hess Associates of Stroudsburg plus consultants from Washington, D.C (Gwrshen Neckler Associates) and Bethlehem (T.J. Reismier Co.).

Modern technology was considered and applied. Solar energy was investigated but ruled out as uneconomical. For the first time, a general air-conditioning system was adapted to the entire building complex; and oil heat was the basic source of heat. Instead of stone, plate glass and pressed concrete gave the new building its form. A low stone wall around the courtyard gives an impression of continuity with the old building; for the stone's color nearly matches that of the earlier structure. However, this stone comes from a different quarry. It is Briar Hill Stone of the Eastern Stone Service at Malvern, Pennsylvania.

The county population figure of the 1980 census reached 69,409- the highest in the County's history. This population growth, plus a continuing expansion of county government's involvement in the social, cultural, and economic affairs of its citizenry requires more office space. The responsibilities of county government are unlikely to diminish as the county grows in population, industry, and cultural aspirations. Moreover, the Reagan administration's determination to shift political and social responsibilities from Washington to the states will be felt on courthouse square.

What will be the future of this county seat? First, there is no guarantee that it will always be in Stroudsburg. In the face of the present space limits for facilities and with the more rapid development of other parts of the county, there could be thoughts about establishing a new county seat. Secondly, there is already movement towards bringing the 19th century prison up to 20th century standards and requirements. Thirdly, in the light of the County's history in this century alone, we can be certain that we have not thought of all of the services the public will expect from county government in the 21st century. Further construction will occur to accommodate that expansion of services and to achieve efficiency by the consolidation of dispersed facilities. Finally, another idea is certain: The county unit is so fundamental in a democratic society that here will always be a county, with a courthouse to which we must all repair at some time or other. The 67 counties of Pennsylvania have such unique historical roots that the consolidation of counties into a fewer number would face insuperable obstacles. There will always be a Monroe County with its own courthouse; and in the next century its history will need to be updated.

~~~~~

***Please make a donation to the Monroe County Bar Foundation to restore the Monroe County Courthouse Bell Tower. Checks may be sent to the Monroe County Bar Foundation, 913 Main Street, Stroudsburg, PA 18360.***

**Monroe County Bar Association  
Twelfth Annual Bench Bar Conference**

September 26, 2008  
Fernwood Hotel and Resort  
Bushkill, PA

8:30 a.m. - 9:00 a.m. Astor Room-Conference Registration - Vendor Expo - (Coffee, Tea, Danish)

All CLE programs will be held in the Conference Room, Second Floor  
Attendance at all CLE sessions will provide three substantive credits and one hour ethics credit.

9:00 a.m.-10:00 a.m. CLE ***“Courthouse Update from the Prothonotary and Court Administrator”***  
Presented by: George Warden, Prothonotary and Clerk of Courts & Lyn Bailey, Court Administrator  
Moderated by: David J. Williamson, Esq.

10:00 a.m. - 10:15 a.m. Break

10:15 a.m. - 11:15 p.m. CLE ***“Malpractice Avoidance Seminar: Handling Client’s Funds”***  
Presented by: Robert H. Davis, Jr., Esq. & Gina Sage, USI Affinity

*Conference members who attend this session will receive a 5 percent discount on their PBA-endorsed malpractice insurance.*  
11:15 a.m. - 11:30 a.m. Break

11:30 a.m. - 12:30 p.m. CLE” ***“Brief Writing”***  
Presented by: The Honorable J. Michael Eakin, Justice, Pennsylvania Supreme Court

12:30 p.m. - 2:00 p.m. Lunch-Astor Room

***State of the Bar***  
Gerard J. Geiger, Esq., President, Monroe County Bar Association

***Special Guest Speaker***  
C. Dale McClain, Esq., President, Pennsylvania Bar Association  
Introduction by Senior Judge Peter J. O’Brien

2:00 p.m. -2:15 p.m. -Conference Room, Second Floor

***State of the Bench***  
Hon. Ronald E. Vican, President Judge  
43rd Judicial District Court of Common Pleas

2:15 p.m. -3:30 p.m. CLE

***Bench Bar Panel Discussion***  
**43rd Judicial District Court of Common Pleas**  
Hon. Ronald E. Vican, President Judge  
Hon. Linda Wallach Miller  
Hon. Jerome P. Cheslock  
Hon. Margherita Patti Worthington  
Hon. Arthur L. Zulick  
Hon. Jonathan Mark  
Moderated by: Gerard J. Geiger, Esq.

3:30 p.m. - 4:30 p.m. Astor Room

Cocktail Reception Hors d’oeuvres  
Vendor Expo

***Call the Monroe County Bar Association at 570-424-7288 to reserve your space today!***

## **Monroe County Bar Association**

### **Executive Board**

Gerard J. Geiger, President

Alan P. Young, Vice-President

Stephen M. Higgins, Secretary

Jennifer H. Sibum, Treasurer

### **Members at Large**

Thomas V. Casale-Immediate Past President

David J. Williamson

Jane Roach Maughan

Brandon R. Reish

## **Monroe County Bar Association**

913 Main Street  
Stroudsburg, PA 18360

570-424-7288

Fax: 570-424-8234

### **Staff**

Susan L. Kenny, Executive Director  
skenny2@monroebar.org

Rosalie Richardson, Office Assistant  
rrichardson2@monroebar.org

Lesliegh Pope, Office Assistant  
lpope2@monroebar.org

Website: [www.monroebar.org](http://www.monroebar.org)

**Look for new changes on the  
Monroe County Bar Association website.**

**New look. New layout. Easier Navigation. Online Lawyer Referral.**

**[www.monroebar.org](http://www.monroebar.org)**

Monroe County Bar Association  
913 Main Street  
Stroudsburg, PA 18360