



Monroe County Brief

Published for the Monroe County Bar Association
December 1, 2010

Volume 15 Issue 4

President's Message:

This is our final newsletter of the year and my last message as President. My one-year term has passed quickly, but I will certainly remember the experience for a lifetime. Last year when my term began, I thought, "A year is way too long." Now, as I near the end of that term, I'm thinking, "A year is way too short." I guess the old saying: "time flies when you having fun" holds true, as I certainly had fun this past year. However, I now look forward to "passing the torch" to our newly elected President, David Williamson, who I'm sure will enjoy the experience as much as I have. Below are just a few highlights of the past year, along with some upcoming events, I hope you will consider participating in.

My most enjoyable memory was during the May 2010 dinner meeting at Stroudsmoor, where we honored our most senior member, Alex "Buzz" Bensinger, for his 60th anniversary of practice. Buzz and his family attended the ceremony and he appeared truly honored by the recognition. I know I was certainly honored to have the privilege to preside over such a memorable occasion. Buzz is not only our most senior member, but also one of the most active, who regularly participated in member meetings and bar activities.

In September 2010, we also held our 14th Annual Bench Bar Conference at Fernwood. It was once again a huge success and I want to thank the members of the bench bar committee for putting together another great program. Plans are already in the works for what will be another stellar program in 2011.

On November 20, 2010, we held the Mock Trial Invitational Tournament at East Stroudsburg High school. Many of our members volunteered to judge, and I want to thank them, along the Honorable Jon Mark and Honorable Mike Muth, for their work and dedication in making the program such a success every year. If you have never judged this competition, I urge you to give it a try. Watching the students perform as lawyers and witnesses is guaranteed to bring a smile to your face. We'll be looking for volunteers again in the Spring.

Upcoming events, include the YLD Blood Drive in honor of our late member, Phil Mattes, on December 6th, and please don't forget to join us on December 13th for the Mass Swearing In Ceremony at 3:00 p.m., immediately followed by our Holiday Open House at the bar center. Also, I hope you'll join us on December 11th at the Lodge at Mountain Springs Lake Resort for our annual Holiday Dinner. This year we are honored to be joined by the current Pennsylvania Bar Association President, Gretchen Mundorff, and her husband, Donald Heckathorne. Please join us so we can show our special guests a great "MCBA" time.

In closing, I have been honored to serve as President of the Monroe County Bar Association in 2010 and I look forward to my continued participation in the many worthy activities the association performs. I hope you and your families have a peaceful and joyful holiday season and I look forward to seeing you "in court" in 2011!

Steve Higgins



**Join us at the 2010 Holiday Dinner
at the Lodge at Mt. Springs Lake Resort.
Saturday, December 11, 2010**

The Monroe County Bar Association will hold its annual Holiday Dinner at the Lodge at Mountain Springs Lake Resort in Reeders, PA on Saturday, December 11, 2010. The evening begins at 7:00 pm with a cocktail hour (cash bar) with butlered Hors d'Oeuvres and the music of the Charlie Cole Trio. Dinner will be served beginning at 8:00 pm featuring your choice of entrées including Prime Rib, Roast Filet of Salmon with Crisp Potato Crust or vegetarian selection.

The annual Holiday Dinner is a favorite event of the members of the Monroe County Bar Association as is the location at the Lodge. The food is always excellent and the atmosphere is cheerful and festive.

We are delighted to announce that the Pennsylvania Bar Association President, Gretchen A. Mundorff and her husband, Donald Heckathorne, will be attending our Holiday Dinner this year.

We are making a chart for dinner table seating, as was done with the recent retirement dinner for Judge Cheslock. It will be helpful to us to have your reservation as soon as possible for this festive event. For those of you who have already made invitations, please send a note to the MCBA indicating your seating preference.

If you have friends or colleagues with whom you wish to sit, or if you need more information on the Holiday Dinner, please contact the MCBA office by calling 570-424-7288.

**2011
Monroe County Bar Association**

Executive Board

David J. Williamson, President

F. Andrew Wolf, Vice-President

Jane Roach Maughan, Secretary

Lori J. Cerato, Treasurer

Members at Large

Stephen M. Higgins-Immediate Past President

Todd W. Weitzmann

Jeffrey A. Durney

YLD President-TBD

YLD Corner
IN MEMORY OF PHIL MATTES
16th ANNUAL RED CROSS BLOOD DRIVE
SPONSORED BY
THE YOUNG LAWYERS DIVISION
OF
THE MONROE COUNTY BAR ASSOCIATION

We need volunteers for set-up (beginning at 11:00 to 11:30 A.M.), escorts, refreshment service and clean up (at 6:00pm). If you would like to donate blood, please plan to show up between 12:00 P.M. and 6:00 P.M.

**WHERE: First Presbyterian Church of Stroudsburg
575 Main Street, Stroudsburg**

**WHEN: Monday, December 6, 2010
12:00 Noon -- 6:00 P.M.**

The Young Lawyers Division of the Monroe County Bar Association is sponsoring a Red Cross Blood Drive in memory of Phil Mattes. Phil was a long time blood donor and a founding member of the Young Lawyers Division of the Lackawanna Bar Association as well as an active member of the MCBA.

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 800-932-4637.
 Early Registration fees are available.

<p><u>Wednesday, December 8, 2010-Groupcast</u></p> <p>Land Use and Zoning 101</p> <p>3 hours substantive/0 hours ethics 9:00 am to 12:15 pm Reg at 8:30 am Members \$224/Non members \$244</p> <p><u>Friday, December 10, 2010-Groupcast</u></p> <p>Death and Taxes Encore</p> <p>5 hours substantive/1 hour ethics 9:00 am to 4:30 pm (includes lunch) Reg at 8:30 am Members \$274/Non members \$294</p> <p><u>Wednesday, December 15, 2010-Groupcast</u></p> <p>Financial Fraud</p> <p>4 hours substantive/0 hours ethics 12:00 pm to 4:15 pm (includes lunch) Reg at 11:30 am Members \$254/Non members \$274</p>	<p><u>Friday, December 17, 2010-Groupcast</u></p> <p>Municipal Liability Actions</p> <p>4 hours substantive/0 hour ethics 9:00 am to 1:15 pm Reg at 8:30 am Members \$274/Non members \$294</p> <p><u>Tuesday, December 21, 2010-Groupcast</u></p> <p>2010 Criminal Law Update</p> <p>4 hours substantive/0 hours ethics 12:00 pm to 4:15 pm (includes lunch) Reg at 11:30 am Members \$254/Non members \$274</p> <p><u>Tuesday, February 8, 2011-Groupcast</u></p> <p>Winning the Fall Down Case</p> <p>4 hours substantive/0 hours ethics 12:00 pm to 4:15 pm (Includes lunch) Reg at 11:30 am More information to follow</p>	<p><u>Thursday, February 11, 2011-Groupcast</u></p> <p>Independent Contractor v Employee: Repercussions of Misclassifications</p> <p>3 hours substantive/0 hours ethics 12:00 pm to 3:15 pm (Includes lunch) Reg at 11:30 am More information to follow</p> <p><u>Thursday, February 24, 2011-Video Replay</u></p> <p>Attorney Internet Use: Ethics, Social Media & Web Based Research</p> <p>1 hour substantive/1 hour ethics 12:00 pm to 2:00 pm Reg at 11:30 am Members \$89/Non members \$99</p>
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Upcoming Events

16th ANNUAL RED CROSS BLOOD DRIVE-
First Presbyterian Church of Stroudsburg
 575 Main Street, Stroudsburg
 Monday, December 6, 2010
 12:00 Noon -- 6:00 P.M.



Holiday Gathering
Mountain Springs Lake Resort
 December 11, 2010



Pictorial Directory Photographs
Lawyers Lounge
 December 13 & 14, 2010
 10AM-3PM



Mass Swearing In Ceremony
Courtroom #1 3:00 PM
 December 13, 2010
Reception /Holiday Open to follow at the
Bar Center at 4:00 PM

Lunch & Learn Seminar Series:

Reserve the date on your calendar now!!

December 9, 2010

“Human Factors: “Accidents and Traffic Safety”
Part 3 of the Human Factors’ Series
Presented by: Bernard Telatovich, P.E., Esq.
To be held at the Bar Center
Lunch will be served at 11:30 am.
Program begins at 12:00 Noon-1:00 pm.



This third seminar in the series is a continuation of the first two seminars but focuses on the aspects of accidents, with an in depth focus on Traffic Safety, Accidents, and studies and discussion to address the answer to the question “WHY?”. It is not necessary to have attended either of the first two seminars in this series to benefit from this one.

January 12, 2011

2nd Annual Pro Bono Conference
The Cramer Room, Burnley Employment and Rehabilitation Services
 4219 Manor Drive, Stroudsburg, Pennsylvania
Topic: Mortgage Foreclosure Crisis
Approved for 3 substantive CLE Credits. (Free to those who accept 2 Pro Bono Cases in 2011)



Membership Updates

Please check the MCBA website www.monroebar.org for daily updates on membership information.

New Members

Stephan A. Cornell
 Law Clerk-J. Zulick
 Monroe County Courthouse
 Stroudsburg, PA 18360
 570-517-3939
 Email: scornell@co.monroe.pa.us

Kevin P. Foley
 Foley, McLane, Foley, McDonald & MacGregor, P.C.
 26 North Sixth Street, 2nd Floor
 Stroudsburg, PA 18360
 570-424-1757
 Fax: 570-424-2764
 Email: kpf@foleylawfirm.com

Jacob M. Kesterke
 Attorney at Law
 4804 Marshalls Creek Road
 East Stroudsburg, PA 18301
 570-236-9354
 Email: jkesterke@hotmail.com

New Members, cont.

Charles R. Murphy
 Law Clerk-J. Vican
 Monroe County Courthouse
 Stroudsburg, PA 18360
 570-517-3932
 Email: cmurphy@co.monroe.pa.us

Contact Information/Address changes

We are currently updating our database of member’s contact information for the 2011 Pictorial Directory. Please check the MCBA website for up-to-date contact information.

Photographs for the directory will be taken at the Monroe County Courthouse Lawyer’s Lounge on Monday 12/13/10 and Tuesday, 12/14/10 from 10AM to 3PM. There is no appointment needed to have your photograph taken and there is usually no wait.

Please forward your contact information changes to the MCBA office via email to info2@monroebar.org or via fax to 570-424-8234.

MCBA Website

We have made a few changes on our website.

Due to some unsolicited and suspicious emails received by our members which were being sent through our membership directory on our website, we have created two membership directories.

The first directory is for public viewing and can be found under “About MCBA”. The directory contains no email information; only name, address and phone number.

The second directory is for our members and can be found under “Member Information” (soon to be changed to “Member’s Only”). This directory will include email addresses as well as other contact information. You must use a password to enter this “Member’s Only” area. Call or email the MCBA office to get the password.

Other information contained in the “Member Information” area includes MCBA Bylaws, Mentoring Call List, Online Monroe Legal Reporter and Wednesday Geeky Tips.

2010 Mass Swearing in Ceremony

To All Monroe County Bar Association Members:

Each December, the Monroe County Bar Association sponsors a Mass Swearing In Ceremony at the Monroe County Courthouse. *The ceremony is open, not only to new attorneys who just recently passed the Pennsylvania Bar Exam, but also to any attorney who wishes to be admitted to the Bar of Monroe County.*

This year, the ceremony will be held on Monday, December 13, 2010, at 3:00 p.m. in Courtroom One with members of the judiciary of the 43rd Judicial District present. Following the ceremony, there will be a reception at the Monroe County Bar Center from 4:00 p.m. to 7:00 p.m. for the newly admitted attorneys, their colleagues, families and friends.

All members of the Monroe County Bar Association are encouraged to attend the Mass Swearing In Ceremony and Reception to witness this memorable occasion and to welcome the newly admitted attorneys into the Bar of Monroe County.

If you are interested in participating in the Mass Swearing In Ceremony, attending the reception or would like more information, please contact the Monroe County Bar Association office at 570-424-7288 by December 1, 2010. Additional materials on the procedure for admission to the Monroe County Bar can be found on the MCBA website http://www.monroebar.org/pages/Procedure_for_Admission.html under "Legal Links"

Come one...Come all...



Join in the festivities
at the
Holiday Open House
for
Members, Friends and Family
hosted by the
Monroe County Bar Association



Monday, December 13, 2010 4:00 pm to 7:00pm
at
The Monroe County Bar Center
913 Main Street, Stroudsburg, PA

Appetizers and adult beverages will be served

All are welcome!!

PBA Unauthorized Practice of Law Committee Update
 Submitted by James F. Marsh, Esq.

September 8, 2010 Meeting:

A Maryland Non-Pennsylvania Attorney, a brother-in-law of a Pennsylvania licensed attorney's client, negotiated a settlement a matter which the Pennsylvania licensed attorney obtained a significant recovery for the client without disclosure to the Pennsylvania licensed attorney. This raised the following issue: If the Maryland Attorney did not become involved in the Pennsylvania Court System but merely negotiated a settlement resulting from the recovery obtained by the Pennsylvania licensed attorney, was the Maryland licensed attorney engaged in the unauthorized practice of law? Evidently the Pennsylvania lawyer was unaware that his brother-in-law had negotiated a settlement in Maryland for the Pennsylvania case. This issue arose when the Pennsylvania lawyer demanded a referral fee from his brother-in-law who refused to pay him. A letter will be sent to the Pennsylvania attorney requesting additional information before this issue can be decided by the Committee.

A second issue was sent to our Committee regarding a Craigslist Listing where an individual posted that he is "90% cheaper than a lawyer, but I serve you better and win more cases". He then lists a menu of services provided and the fees for those services: He does provide "Disclaimer: I am not a lawyer, I cannot represent you in court or I am not suppose give, you advice, but can, however, give you my opinion and that opinion is based on 30 years of representing people from divorces to winning prisoners freedom and factually, I personally represented people for seventeen (17) years — that now circumstances now prevent me from doing so (it is believed that this individual is currently in prison. I know the court system like you know your backyard. I am very professional, and very good with a winning track record. A cease and desist letter will be sent to this individual.

An issue was raised in Monroe County where Robert F. Sciarrone, "a pro se litigant on behalf of Aurelio and Jazmine Murillo" filed a pleading in the Monroe County Court of Common Pleas which was the same pleading which was filed in the United States District Court for the

Eastern District of Pennsylvania. Mr. Sciarrone acknowledges that he is not a lawyer and refers to himself as a "Pro-Se Litigant on behalf of Aurelio and Jazmine Murillo". The record was clear on its face that Mr. Sciarrone was engaged in the unauthorized practice of law and a cease and desist letter will be sent forthwith. As an aside, this case had been previously dismissed by the United States District Court for the Eastern District of Pennsylvania. A new motion was filed by Sciarrone on behalf of the Murillos asking the Federal Court to reinstate the case. This the court refused to do. At this juncture Aurelio Murillo, upon learning that the Federal Judge refused to reinstate it said he was going to "put a bullet in the head" of the judge. Evidently Murillo has been arrested at least six (6) times on charges related to robbery, assault and weapons offenses. The issue is currently in front of Judge Miller and is a result of a slip and fall at Great Wolf Resorts, Inc.

November 10, 2010 Meeting:

As indicated in my (report) on July 22, 2010 our committee has engaged LegalZoom in a battle regarding "legal documentation preparation services". This baffle continues to heat up. A letter was sent to LegalZoom indicating that our committee was about to complete an opinion addressing the issue of the unauthorized practice of law as it relates to so called legal documentation preparation services. In response LegalZoom sent us correspondence vehemently denying that they were aged in the unauthorized practice of law. My "take" of their letter reminded me of alternative pleadings wherein a party argues "I did not do it" and in any event I had the right to do it. LegalZoom quoted numerous cases which supposedly supported their position. What they left out was the fact that they already entered into consent decrees with a number of States wherein they agreed not to continue offering these legal documentation preparation services. This matter will be further discussed with the Board of Governors of the PBA to determine our next step in our "crusade".

Another issue to come before the committee was the matter of a realtor who was engaged in a business sale which did

hot include real estate. The question was raised as to whether this constitutes the unauthorized practice of law. After some discussion, it was decided that before the UPL Committee reaches a decision it would be appropriate to raise the issue with the Pennsylvania Bureau of Professional and Occupational Affairs. Finally, for those of you who do not know, the state Capitol, Harrisburg, is on the verge of going broke. In anticipation of going broke the city has hired a New York firm which specializes in municipal bankruptcy and other related matters. The committee has researched this New York Law Firm and has been unable to determine whether this firm has a registered office in Pennsylvania. It was decided that a more complete investigation was necessary. It is particularly interesting that this New York Law Firm agreed to represent Harrisburg "for nothing". Bond Issues Anyone?

2011
Important Dates to Remember
 Mark your calendars!!

January 19, 2011
 Annual Member Meeting
 Liquid Martini Bar
 Fellowship Hour 6:00 PM

February 10, 2011
 Women's Luncheon & Fashion Show
 Siamsa Irish Pub
 12:00 Noon

March 29, 2011
 March Member Meeting & CLE
 Stroudsmoor Country Inn

April 29, 2011
 Law Day Fairy Tale Trials/Luncheon

May 1, 2011
 Law Day Race

May 20, 2011
 Support Staff Luncheon

September 30, 2011
 Bench Bar Conference

October 16, 2011
 NYC Bus Trip

November 19, 2011
 Mock Trial Invitational

On a personal note..

Congratulations to:

The firm of Newman, Williams, Mishkin, Corveleyn, Wolfe & Fareri, P.C. is pleased to announce David L Horvath, Esq. has become a shareholder in our firm. David concentrates his practice in wills, trusts, estate planning and administration, real estate transactions and liquor license law.

Condolences to:

Jane Maughan, on the passing of her mother, Bridget Cotter Duffy.

Judge Therese Ann Hardiman, on the passing of her father, Edward J. Hardiman, Esq. long-time member of the Monroe County Bar Association.

William A. Watkins, on the passing of his mother, Nell B. Watkins.

If you have had an event in your personal or professional life that you would like to share with the members of the Monroe County Bar Association, please contact the MCBA office at 570-424-7288 or email to info2@monroebar.org.

Monroe County Bar Association

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