



Monroe County Brief

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President's Message:

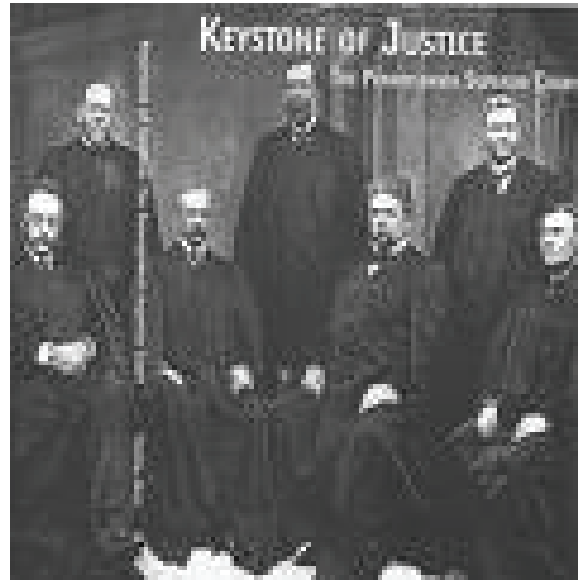
As I write this I am planning to attend another annual event run by members of the Pennsylvania Bar Association called the Conference of County Bar Leaders (CCBL). The CCBL events are a kick-off for the New Year for our state's bar leaders and provide means to improve the effectiveness of our Bar Association on many fronts. I look forward to it for other reasons as well, particularly the chance to meet informally with lots of folks from across the state who share interests and concerns. Like my predecessor, Jerry Geiger, I know first-hand from last year's CCBL sessions how effective our MCBA has been and how much respect is shown to our volunteers and to our staff for our work. You are well served.

That said, I also acknowledge that, given the economic downturn, this is a difficult time in many serious ways for the people of our region. Moreover, the recent indictments, arrests and pleas of some horribly-failed leaders in Luzerne County, Pennsylvania have added to the dark cloud over all of us, with even more arrests coming. Like anyone else who violates the law, people who break the public trust must be held accountable. We all want due process given, resulting in certain punishment for these offenders because of the great harm they have done.

The rule of law in our society sets us apart from so much of the rest of the world. It is the foundation of our system of justice under law. When fallen Judges and others put greed and illegal, unethical schemes above their oaths to serve the people of Pennsylvania, they wound our system of justice deeply. To help heal the wound, those of us who choose to lead must redouble our commitment to our constitutional system of government generally and our Courts in particular. Our response must be immediate and strong; it should voice fundamental support of our legal system. Because of the damage these criminals have done to the respect and public credibility of our Courts, we must reassert ourselves to repair the public perception of our Courts.

Despite the truly unspeakable offenses by two past

Continued on page 2



**Superior Court to hear Oral Arguments at
Monroe County Courthouse
April 28-29, 2009.
Reception planned for Monday, April 27, 2009**

The Monroe County Bar Association is pleased to announce the Pennsylvania Superior Court will convene in Courtroom #1 of the Monroe County Courthouse to hear oral arguments on Tuesday, April 28, 2009 and Wednesday, April 29, 2009. MCBA President Alan P. Young will give welcoming remarks at the opening of the court session. The Superior Court panel will include Judges Correale F. Stevens, Maureen Lally-Green and Richard B. Klein.

The Superior Court was established in 1895 by the Pennsylvania General Assembly. Its purpose was to hear appeals from certain decisions of the Courts of Common Pleas of the Commonwealth (county judges). Over the years the state legislature has expanded the Superior Court's jurisdiction. Today, the Superior Court decides appeals that affect almost every aspect of life and commerce in the state of Pennsylvania. The Superior Court is made up of nine judges. Except for cases in which the court specially orders consideration by en banc panel of nine judges, the court continues to sit in three-judge panels.

To commemorate the event, the Monroe County Bar Association will host a reception in their honor on Monday, April 27, 2008 at Lawnhaven at the Stroudsmoor County Inn. The reception which will offer passed hor d'oeuvres and open bar will begin at 5:30pm and conclude at 7:00pm. Most importantly, the reception will provide an opportunity for local attorney to meet and converse with the Superior Court Judges. All members of the Monroe County Bar Associations may attend at no cost. Non-members or spouses may attend at a cost of \$35.00 per person.

Invitations to the receptions will be mailed shortly and those wishing to attend must R.S.V.P. by April 20, 2009.

President's Message, cont.

President Judges in Luzerne County and by many others, including attorneys who have abused roles there, our system of justice must continue to function and to thrive. I am confident that our Courts will punish all of those criminals for their unfathomable breaches of the public trust.

This is also a year for both a judicial election and a judicial retention vote in Monroe County - Judge Cheslock is retiring from the Bench, and Judge Worthington is up for a retention vote for a second ten-year term. That means voters will choose a new public servant to be on the Bench of the Monroe County Court of Common Pleas and will decide whether Judge Worthington continues to serve on the Bench. We must all speak out – the new Candidates, Bar Association members and Citizens alike – about the importance of the election and the retention votes to our community, and our fundamental commitment to be served by well-qualified and able Judges.

The Judges of our Court serve this community with honor and pride. Each and every day that they step into our Courthouse, they choose to resolve very hard problems fairly and morally for the good of this community. Without each of their sincere personal commitments, seasoned with wisdom and common sense, the rule of law would falter as it has so tragically in Luzerne County. In that light, I ask you all to support and defend our sitting Judges personally and to speak out about the high quality of our Bench in the coming judicial campaigns. It is really up to us: who but the Bar is better to speak about the importance of the rule of law and to the quality of justice in Monroe County as part of the election and retention votes? In doing so, our Bar Association members will help voters make more informed choices about electing and retaining two individuals to serve faithfully as Judges of the Court of Common Pleas.

The reasons for all of us to speak out are truly compelling. To help heal our public wounds, all citizens should publicly endorse the importance of the rule of law and reaffirm the quality of our Judges in Monroe County. Our community also deserves to be well informed in the judicial election and judicial retention votes. So please speak out as well because we are voting both to elect a new Judge and to retain another.

To the members of this Bar, I offer my thanks for my election and send greetings as President for 2009. The Executive Committee and staff of the Monroe County Bar Association, as well as all of its other committees and all its volunteers, are already into another year of hard work leading important Bar Association events. High school Mock Trials have just been completed, and there are even more events on the horizon. Our goal remains simple – to provide the vision and leadership needed for the community that we all serve. It is a truly important job we do, not just this year but every year. So get to it, and to do it well.

Alan Young

The **Monroe County Bar Association Golf League** is accepting registrations for its **Fifteenth Season**, scheduled to begin on **Wednesday, May 6, 2009**. (Open to all MCBA members, family and friends.)

The league will play as follows:

Beginning May 6, 2009– Wednesday Evening Tee Times begin at: 5:00 pm:

First Half of the Season will be played at Mt. Manor CC Green fees–9 holes (walk) \$10 (ride) \$15

Beginning approx. July 15, 2009– Wednesday Evening Tee Times begin at: 5:00 pm

Second Half of the Season will be played at Glenbrook CC Green fees–9 holes (walk or ride) \$20

League Fee: \$100.00 (Money from league fee sponsors the award party and purchases trophies and prizes.)

New Members: You must submit three practice rounds (attested scores from any rated course)

OR a USGA handicap card to the MCBA office by April 24th in order to establish a handicap.

Returning Members: You may use your handicap from the 2008 season.

Tournament Format: Nine hole handicap with points awarded on both stroke and match play.

Non Tournament Play: Join us for weekly rounds of golf but not involved in tournament play. Handicap not required. League fee still required.

Questions/Info: Call the MCBA office at 424-7288. email: skenny2@monroebar.org

Upcoming Events

March 24, 2009

Member Meeting and CLE
Pocono Inne Town
Stroudsburg, PA
12:00 Noon—1:30 pm

“Ethics Stimulus Package”

Presented by:

David Fitzsimons, Esquire

Free to all members current in their MCBA Dues

April 27, 2009

Superior Court Reception
Lawnhaven at Stroudsburg Country Inn
5:30pm-7:00 pm

Members of the MCBA may attend at no cost.
Non-members and spouses \$35 per person

Lunch & Learn

March 24, 2009

“Ethics Stimulus Package”

Presented by:
David Fitzsimons, Esquire

Pocono Inne Town
Stroudsburg, PA
12:00 Noon—1:30 pm



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. We are currently scheduling our programs for July and August 2009. We want to hear from you!!

Membership Updates

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

New Members:

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The **Monroe County Brief** is now available in an electronic version.

If you have email and receive the weekly e-letter from the Monroe County Bar Association, you will receive the **Monroe County Brief** via email. Hard copies will no longer be sent to you.

With the electronic version, you can peruse the newsletter on your own computer or print it to read at a later date. Current and past issues are also posted on the MCBA website under “Member Information”.

If you have any questions, feel free to call the MCBA office at 570-424-7288.

YLD Corner

As the YLD President for the MCBA, I feel the CCBL conference will enhance my presidency in three ways. First, I feel it was a tremendous asset to meet and be around other excited and energized young lawyers. I try to be the “energizer bunny” among young lawyers in Monroe County and at times I feel my own batteries are drained. The CCBL Conference recharged my batteries so I can continue being the “energizer bunny” in Monroe County.

The CCBL Conference was also a great opportunity to further enhance my relationships with members of the MCBA Executive Committee. I sat next to Gerry Geiger during the Legal Aid dinner Thursday night and we had great conversations about fairy tale trials, Gerry’s semester in Germany, and making homemade beer! I was able to spend time with Alan Young and his wife during the reception following the dinner. I had not really talked with Alan prior to our time at CCBL. But, it was great to hear him compliment me on my energy level and encourage me to continue to get young lawyers involved. I was also able to spend time with Steve Higgins. Steve, Victoria and I talked about the parameters of Steve’s daughter’s cell phone use...a seemingly disconnected topic from CCBL. But, it was a great conversation and a great time. Finally, I was also able to spend time with Susan and thank her for her tireless work as the MCBA Executive Director. We truly do have a welcoming, hardworking bar association.

Finally, I was able to garner some new ideas about how to get young lawyers involved in Monroe County. I feel I may develop a YLD needs assessment. The needs assessment will solicit interests in three areas: volunteer, social and professional. Once I get the results I can work with Susan and Lesliagh and put together an action plan. I do not want to do too much. I want to do a few things really well. In particular, I would like to do 1 volunteer activity really well, 1 social activity really well and 1 professional activity really well. I feel if I focus on these three activities, I can be successful. I plan on throwing my needs assessment idea out to the YLDers at our happy hour on Friday and see what they think.

In sum, the CCBL Conference recharged my batteries, was an opportunity to enhance my relationships with MCBA Executive Committee members, and gave me some good ideas about how to get other young lawyers involved in our county.

Thank you!
Teddy Michel
MCBA YLD President 2009

Join the YLD at Marita’s Cantina on Friday, March 6, 2009 4:30pm-6:00 pm

Unauthorized Practice of Law

The following is a recap of the PBA ULP Committee meeting held on January 14, 2009 at Harrisburg, PA as submitted by James F. Marsh, Esq.

The first claim discussed originated in Monroe County. A paralegal having left the office of her attorney employer appears to have gone into business for herself. As we all know a paralegal is restricted to performing services under the auspices and control of an attorney. In this case it appeared abundantly clear that this person was offering numerous services to the public including but not limited to “Business Incorporations, Partnership Agreements, Uncontested Divorce, Paternity Petitions, Adoptions, Wills and in their words “and much more””. The chairman was directed to file a Cease and Desist Order with the “lawyer wannabe”. Additionally, because of the blatant nature of the violation of the Pennsylvania Unauthorized Practice of law statute, it was suggested that if the paralegal did not positively respond to the Cease and Desist letter then Injunctive Relief might be sought from the Court.

Another issue taken up by the committee was also an issue arising out of Monroe County. A Philadelphia collection agency was attempting to steer or effect litigation on behalf of others by pleading “mark to the use of” and filing the same with the Prothonotary in an attempt to assume the position of Plaintiff in a previously filed case which gave rise to a judgment. The committee has directed me to contact the Monroe County attorney who filed this claim to obtain more information prior to sending a Cease and Desist Order.

Volunteers Needed for Law Day Race

Volunteers are needed to help on race day for the Law Day Race. The race will be run on Sunday, April 26, 2009 at the Morey Elementary School on West Main Street. Check in runs from 8:30am to 9:45am and the race begins at 10:00 am. Volunteers are needed for check-in, to set up the course, to hand out water, waste management and to help record times.

Please contact the MCBA office if you are interest in helping. Thank you.

Volunteers Needed for Fairy Tale Trials

Volunteers are needed for the upcoming Law Day Fairy Tale Trials. The theme this year will be based on Batman. Volunteers are needed to be Defense and Prosecuting attorneys and witnesses. We also need volunteers to escort the kids on the courthouse tour prior to the trials.

The Law Day Fairy Tale Trials will be held on Friday, May 1, 2009. The tours begin at 10AM and the trials begin at 10:30am. There is a lunch at the Pocono Inne Town for all those who have helped with the trials.

Please contact the MCBA office if you are interested in helping. Thank you.

SAVE THE DATE

Support Staff Luncheon
May 7, 2009

Treat your support staff to a lunch at the Bar Center.
It’s a great way to show you appreciate the job they do.

Members Meeting
May 27, 2009
Crescent Lodge
Paradise Twp, PA

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.

Tuesday, March 17, 2009

Preliminary Criminal Procedures

3 hours substantive/1 hour ethics
9:00 am to 1:30 pm Reg begins at 8:30 am
Members \$204/Non members \$224

Friday, March 20, 2009

Criminal Law Update

4 hours substantive/0 hours ethics
12:00 pm – 4:30 pm Reg begins at 11:45 am
Members \$119/Non members \$139

Wednesday, March 25, 2009-Satellite via internet

22nd Annual Civil Litigation Update

5 hours substantive/1 hour ethics
9:00 am to 4:45 pm Reg begins at 8:30 am
Members \$244 Nonmembers \$264

Thursday, March 26, 2009-Groupcast

Who's on First? Lien Priority in Pennsylvania

4 hours substantive/0 hour ethics
8:30 am to 12:45 pm Reg begins at 8:00 am
Members \$214 Nonmembers \$234

Tuesday, March 31, 2009

Current Issues in Medical Malpractice

6 hours substantive/0 hours ethics
9:00 am to 5:00 pm Reg begins at 8:45 am
Members \$129/Non members \$149

Thursday, April 2, 2009

E-Discovery

5 hours substantive/1 hour ethics
9:00 am to 5:00 pm Reg begins at 8:45 am
Members \$129/Non members \$149

Monday, April 6, 2009

"A Man for All Seasons" and a Lawyer's Search for Integrity

0 hours substantive/1 hour ethics
12:00 pm to 1:00 pm Reg begins at 11:45 am
Members \$39/Non members \$49

Tuesday, April 7, 2009

Speaking to Win: The Art of Effective Speaking for Lawyers

6 hours substantive/0 hours ethics
8:30 am to 3:45 pm Reg begins at 8:00 am
(Lunch will be included)
Members \$274/Non members \$295

Wednesday, April 15, 2009

Advising Troubled Companies

3 hours substantive/0 hours ethics
1:00 pm to 4:15 pm Reg begins at 12:30 pm
(Lunch will be provided)
Members \$224/Non members \$244

Thursday, April 16, 2009

Ethics Issues for Non-Lawyers in the Law Office

0 hours substantive/1 hour ethics
12:00 pm to 1:00 pm Reg begins at 11:45 am
Members \$39/Non members \$49

Friday, April 17, 2009

Feldman on Long Term Care Planning

3 hours substantive/0 hours ethics
9:00 am to 12:15 pm Reg begins at 8:30 am
Members \$214/Non members \$234

Wednesday, April 29, 2009-Groupcast

Loan Documentation

2 hours substantive/1 hour ethics
8:30 am to 3:30 pm Reg begins at 8:00 am
Members \$344/Non members \$364

Thursday, April 30, 2009-Groupcast

Handling the Dog Bite Case

4 hours substantive/0 hour ethics
12:00 pm to 4:15 pm Reg begins at 11:30 am
(Lunch will be provided)
Members \$224/Non members \$244

Thursday, May 14, 2009-Groupcast

Using Trusts in Basic Estate Planning Practice: Primary Techniques and Tax Considerations

4 hours substantive/0 hour ethics
8:30 am to 12:45 pm Reg begins at 8:00 am
More information to follow

Thursday, May 14, 2009-Groupcast

Sophisticated Estate Planning Techniques: Using Trusts for the High Net Worth Client

4 hours substantive/0 hour ethics
1:00 pm to 4:45 pm Reg begins at 1:00 am
(Lunch will be provided)
More information to follow

On a personal note..

Congratulations to

Megan & Brian Coyne on the birth of Mackenzie Anna Coyne born 12/9/08 8lb 4oz 20 3/4 inches.

Teddy & Cindy Michel on the birth of Nicholas Reilly born 12/16/08 8 lb 19 inches.

Condolences to-

Tim McManus— on the passing of his mother
David Ceraul—on the passing of his stepfather
Alan Young— on the passing of his mother
Bill Cramer—on the passing of his father-in-law
Tom Dirvonas—on the passing of his mother
Scott Amori—on the passing of his grandmother

MCBA Pro Bono Program

The MCBA would like to thank the following attorneys who agreed to participate in the Statewide Mock Trial Competition:

Barney Anderson
MDJ Kristina Anzini
Victoria Avellino
Jeremy Bolles
Christie Bower
Lori Cerato
Dan Corveleyn
John Dewitsky
Michelle Farley
Barb Fitzgerald
Michael Gazza
Jerry Geiger
David Gordon
Stephen Higgins
Leo Jackson
T. Axel Jones
MDJ Jolanna Krawitz
Jason Labar
The Hon. Jonathan Mark
Chad Martinez
Joseph McDonald
Caroly Moser
MDJ Mike Muth
John Prevoznik
Brett Reigel
Daisy Rosa
Rob Saurman
Jennifer Sibus
Richard Tomsho
Michael Ventrella
Alison Wasserman
David Williamson
Dominick Yezzo
Alan Young
The Hon. Arthur Zulick

2009
Monroe County Bar Association
Executive Board

Alan P. Young, President

Stephen M. Higgins, Vice-President

Jennifer H. Sibum, Secretary

David J. Williamson, Treasurer

Members at Large

Gerard J. Geiger-Immediate Past President
Jane Roach Maughan
F. Andrew Wolf
YLD President-James T. Michel

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

New Look. New Layout. Easier Navigation. Online Lawyer Referral.

www.monroebar.org

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