

*the*WRITS

THE OFFICIAL PUBLICATION OF THE BUCKS COUNTY BAR ASSOCIATION



SPRING 2018

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Bucks County March for Our Lives

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From the Editor...



Then and Now

I saw guns and sharp swords in the hands of young children

And it's a hard, and it's a hard, it's a hard, it's a hard

And it's a hard rain's a-gonna fall

(Bob Dylan, 1963)

Growing up, I always felt that I was born ten years too late. I should have been at Woodstock. Or maybe in San Francisco for the Summer of Love. I should have been protesting the Vietnam war on my college campus. Alas, the first prime time war was (thankfully) essentially over before my thirteenth birthday.

But I did have a rebellious streak. The generation gap was very real. Surely, the youth had better ideas than their parents or teachers. Our ideas and ideals would ultimately prevail. "Don't trust anyone over 30" made perfect sense to me. But the 1970s were not the 1960s. Other than perhaps the rise of disco music, the relative prosperity and peace of the "me" decade left little for rebellious youth to get excited or upset about.

I got all fired up and was ranting about the unfairness of it all to my lunch buddies, one of whom duly responded to the effect of: "Well, why don't you do something about it?"

So I did.

I recall a protest gathering of sorts in college (although Frisbees and hacky sacks were present) in response to the recently enacted requirement that all males register with the Selective Service System on their 18th birthday. We chanted, "one, two, three, four, we won't fight Exxon's war!" I formally registered as a conscientious objector and years later watched the Gulf War on television.

My own protest "career" had peaked a few years earlier in the ninth grade with a lunch boycott I organized in my Junior High School. Our cafeteria would sell a few snack

items each day: soft pretzels, cookies, ice cream and the like, in addition to a full hot lunch. I would often brown bag it, and supplement my nutritional needs accordingly. So one day, the lunch lady explained that there were no snacks for sale that day. What?, Why? Because the "C" lunch has misbehaved the prior day. I got all fired up and was ranting about the unfairness of it all to my lunch buddies, one of whom duly responded to the effect of: "Well, why don't you do something about it?"

So I did. There was no social media, and I was certainly far from being an alpha leader in the school. But I did have access to the office ditto machine. (Sorry post baby boomers, you're just gonna have to google this one.) So I made up a ditto suggesting a lunch boycott for the following Monday, and surreptitiously ran off several dozen copies. The next day, I quietly placed a few on each lunch table, and even slid a few under the door to the teacher's lounge. As fate would have it, as I sat down to eat with my friends (with my heart slightly pounding), the class clown grabbed the microphone to the cafeteria P.A. system and talked up the lunch boycott. Everyone got fairly riled up while Howard Balaban (his real name) commanded the room, or at least until a lunch proctor turned off the P.A. and grabbed back the microphone.

Over the weekend, I contemplated in equal measures whether I was dismayed to have not received credit for the possible boycott or relieved that someone else had become the focal point. In any event, come lunchtime Monday, there were brown bags as far as the eye could see! On a day in which hot lunch sales typically exceeded 100, only five lunches were sold! The school took a big hit and the students' actions were noticed. The lunch boycott took on a life of its own, and students (and some teachers?) continued to brown bag it for the rest of the week. As a result, Principal John Parker (his real name) scheduled an assembly to discuss our concerns! That's right, thanks to me, some 200 students got out of class on a Friday afternoon. It became something of a gripe session, but never again would sales of snack items be withheld as a punishment.

This bit of comic relief makes for a lousy segue. I could not be sadder with regard to the recent events at Marjory Stoneham Douglas High School, or with the scourge of gun violence generally, but I could not be prouder of the reaction of so many of its students. According to the *Washington Post*, since 1999, more than 187,000 students attending at least 193 primary or secondary schools have experienced



Bucks County Bar Association's "Mediation Moments" Takes Home PBA Award

2018 COUNTY BAR RECOGNITION BY THE PENNSYLVANIA BAR ASSOCIATION

Lancaster, PA: The Bucks County Bar Association (BCBA) received the 2018 County Bar Recognition Award presented by the Pennsylvania Bar Association and its Conference of County Bar Leaders for "Mediation Moments," a project of the Alternate Dispute Resolution Committee.

Georgeann R. Fusco, Chair of the Alternate Dispute Resolution Committee, BCBA, led the effort to highlight mediation as a resource available to attorneys and the public for resolving disagreements. "We are proud of the recognition of Mediation Moments for bringing attention to mediation as a valuable option in resolving civil and family matters," stated Georgeann R. Fusco. Ms. Fusco added, "Mediation Moments are short videos, found on the Bucks County Bar Association website, which speak

to the basics of the mediation process." Mediation is the voluntary meeting of the parties to a legal dispute with a neutral lawyer who has been trained in the mediation process, and who assists the parties in resolving their dispute. In addition to the videos, more details on mediation and the complete list of Bucks County Bar Association Mediators Recommended for Placement on List of Bucks County Court of Common Pleas, Mediation Program, Approved Attorneys, can be found by visiting <https://www.bucksbar.org/community-resources/mediation-program>.



The mission of the BCBA is to promote and support programs, organizations, and individuals throughout Bucks County who are engaged in activities designed to foster respect for the rule of law, the advancement of rights, liberties and protections under the law as well as activities which have as a principal purpose the advancement of social justice for the individuals, families and communities of Bucks County. For the community, the BCBA serves as a resource offering education, legal assistance and financial resources for community members demonstrating need. ➦



I could not be sadder with regard to the recent events at Marjory Stoneham Douglas High School, or with the scourge of gun violence generally, but I could not be prouder of the reaction of so many of its students.

a shooting on campus during school hours. Utilizing the communication tools of the day, the MSD students successfully took a local tragedy and made it a national crusade. On March 24, young people turned out in Washington, D.C., in numerous cities throughout the country and across the globe, and right here in Doylestown, to March for Our Lives. (One local attendee shares his experience elsewhere in this issue.) The leaders effectively connected with other students, organizations and the media. The messaging seemed straightforward: Vote for change.

I was impressed with one of the organizer's comment the next day that this is not a sprint, but a marathon. Change always is. Once again, youth has led, and we would be wise to follow. ➦

-Scott L. Feldman

We Welcome Your Feedback!

Thanks for your interest in *theWRITS*. Please send all comments, questions, submissions to: WritsEditor@BucksBar.org.



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Welcome to the Bucks County Bar Association's Lawyer Referral and Information Service (LRIS) serving all of Bucks County. The LRIS is a public service of the non-profit Bucks County Bar Association. Each year the LRIS responds to thousands of callers, referring them to attorneys with experience in the appropriate area of law or to area agencies able to provide assistance.

Persons identified as needing legal representation and who do not claim inability to pay an attorney will be referred by LRIS to a participating attorney. LRIS participation is open to all Bucks County Bar Association members having their primary office in Bucks County. You can contact the LRIS at **215-348-9413**. ➦

Interview with Commissioner Robert G. Loughery

By Susan E. Dardes

I T WAS ONCE AGAIN MY HONOR and pleasure to sit down with one of Bucks County's finest — our Commissioners — and talk about promises and passions for the future.

Just before Easter, I talked to Robert ("Rob") Loughery, the Chairman of the Board of Bucks County Commissioners. Commissioner Loughery has served on the Board of Commissioners since 2011, and has been elected the Chair by Commissioners Marseglia and Martin six times since 2012. A resident of Bedminster Township, he is the first Commissioner in over thirty-five years to call Upper Bucks his home.



I inquired how it was that the Chairman came to be a Commissioner. Loughery succeeded Jim Cawley when he was tapped to become Lieutenant Governor of Pennsylvania, completing Cawley's term and running for a full term in 2011. He has long had an interest in public administration, so he majored in policy and management studies, with a concentration in the public sector, while at Dickinson College, in Carlisle. In between sophomore and junior years, he interned in his hometown of Warrington, for the Township Manager.

He also met fellow Dickinson alumnus Jim Greenwood that summer, when as part of a school project, he needed to write a grant for playground funding. At a subsequent visit, he met again with State Senator Greenwood in Harrisburg, and interned for him the spring and summer of senior year. Eventually, Rob became Greenwood's driver, then campaign manager, when Jim Greenwood ran for Congress. He likewise ran Charlie Martin's and Mike Fitzpatrick's local campaigns.

Rob's other work after college was with the Youth Services of Bucks County. He held leadership roles in the county's industrial development corporation and its redevelopment

authority, whereby he established the Enterprise or "EZone" in Bucks, to target and coordinate areas for economic development in order to bring jobs to the County. Economic development through thoughtful real estate development led to the start of Rob's real estate consulting business in 1999, which is in its fifteenth year. This business background was a boon to the Board, as the start of his term saw unprecedented population growth in the County.

I asked him what he would do as our Commissioner, if he had a 1 billion dollar windfall in his budget, and no restrictions were placed on the spending. It's all about the worker,

he said. Bucks County is a wonderful place to live but affordable housing for young married couples is still a long way off. Commissioner Loughery would help people venture to become more productive, provide training and

I asked Loughery what he would do as our Commissioner, if he had a 1 billion dollar windfall in his budget, and no restrictions were placed on the spending. It's all about the worker, he said.

workforce development for skilled laborers in, for instance, metal fabrication, mechanics and auto repair. He would strengthen our public transportation system, so that the blue collar worker could get to a job even if that job was on the opposite end of the county. And, no doubt that Bucks has made strides in allocating prison beds as part of a pilot program, for inmates needing mental health care and addiction recovery, yet Loughery sees a demand for additional treatment facilities. An epic crisis facing Bucks



Loughery said he'd like to deepen and strengthen the sense of community in Bucks County, by bringing back the small towns and boroughs such as Yardley and Bristol, where newly growing families tend to settle.

County right now is opioid addiction, especially among middle aged middle class men. Our county prisons are overcrowded, he told me. Second chance return to work programs project reduced recidivism.

Right now, he is blessed with a wonderful and dedicated staff which helps him compile data on all the County's programs; it's just a matter of breaking down silos among the various departments to get the data and then implement it to adjust to those needs.

If you asked him what he would wish to be his legacy as a Commissioner, it would be the various decisions he has made while in office, which are influenced daily as a husband and father of three teenage daughters. He said he'd like to deepen and strengthen the sense of community in Bucks County, by bringing back the small towns and boroughs such as Yardley and Bristol, where newly growing families tend to settle. Because it's changes within the family unit which in turn affects the citizens that Bucks County serves. Infrastructure and physical rehabilitation and repair of buildings is part of the equation, but fostering "relationships and fellowship," as he put it, is equally or more valuable. He doesn't want our government to grow; rather, he would like to hold to, or better, shrink the Bucks County government workforce, if possible. In essence, allocate taxes prudently, being as efficient and effective as possible.

Does the Commissioner aspire to higher political office, such as a run for Congress? I asked, as I did with his other colleagues, and he, too, said no. He is happy on Court Street, working alongside Martin and Ellis-Marseglia.

Indeed, the more I inquired, the more similarities I found among the three Commissioners. Conserving open space juxtaposed with job opportunities and a booming population is a dynamic with which they wrestle. There can always be additional preventative measures taken

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for children at risk. Safety in schools is measured and addressed by Emergency management services, and while drug use is pervasive in public and private schools, the crisis crosses all age groups.

My take, as a Bucks Countian for these many decades and as one who keeps up from the sidelines?

They've all got my vote. ➦

JUDGE CLYDE WAITE RECEPTION

February 2, 2018





THE AFRICAN AMERICAN MUSEUM OF BUCKS COUNTY

By Marion Freiberg

Judge Waite has befriended the emerging African American Museum of Bucks County (AAMBC) in a big way. At his February 2 tribute dinner, he let the over-200-person crowd know that he boldly supports its mission and goal. Why is that? What is this new museum?



The AAMBC is a new museum; it is mostly a mobile museum at the moment, but certainly making its mark on the county. Through its educational efforts, the museum seeks to throw a spotlight onto the contributions of Bucks County's African American "Hidden Figures," past and present, such as Judge Waite. The museum's mission is to act now to capture disappearing history and widen appreciation of the many enormous African American contributors of Bucks County.

Both Judge Waite and the AAMBC know that appreciation grows and deepens when it is personal. As Judge Waite said, "There's a need for interaction between the races, the ethnic groups, the socio-economic groups. We need to get together to know one another on a personal level which makes for a fully functioning community."

The AAMBC could not agree more. The museum seeks to have a personal impact through its educational programs. For example, the museum recently held an afternoon program for families called "Hidden Figures," where old and young alike not only heard stories of African American

heroes but got to dress up/reenact as those heroes.

And, last Fall, the AAMBC partnered with the Peace Center to bring 32 young people to Washington, DC to share their personal experiences of discrimination and harassment on the floor of the House of Representatives. Then, the museum followed up with a community meeting about next steps to take to increase inclusion and understanding.

If the AAMBC's mission touches you, if you'd like to be part of realizing its mission, please support this young, emerging 501c (3) non-profit with a donation towards its continuing programming as well as its goal to have a permanent home in the county. You can donate online on the museum website, www.infoaambc.com, or contact us at aambcmuseum@gmail.com.



LOST

My husband and I spend winters in Vero Beach, along Florida's Treasure coast. As a result, I must navigate unfamiliar terrain. Fortunately, I have not only an iPhone with a Google app but an in-dash navigator.

Vero is confusing as all streets are numbered. Avenues travel north, streets east. We are too far from the ocean to ascertain direction from the shoreline and with so many bays and lagoons, traversing a bridge does not mean you are traveling east. So much for natural landmarks. Learning these roads made me flash back to my first days in Bucks County.

By osmosis, we learn the pathways of our native land. At the New Jersey shore, when I grew up, the Garden State Parkway provided numbered exits from 1 to 168 for a straight shot from the GW Bridge to Cape May. You can drive half asleep and still not miss a mile marker.

Then we have the Atlantic, on the left heading south and the right heading north. Jughandles and circles easily correct wrong turns. Route numbers are dissimilar, Rtes. 37, 88, 70, 35.

All this changed when I moved to Bucks County to be a Public Defender. After a six-month stint in the prison, new PDs are assigned to preliminary hearings. I drove a manual 1966 122 Volvo. With a stick it was impossible to drive while consulting a map.

"Take the back roads" to the lower end, advised my colleagues, never 95 or the Turnpike. "Every District Justice office is right off Edgely Woodbourne."

A typical day consisted of a 10:00 am assault case at DJ Ritter's, a 1:00 pm bad check at DJ Manto's and a 3:00 pm retail theft at DJ Spadacino's.

So many times, I pulled over, found a pay phone to call the District Justice's wife for directions, which were usually provided by the police officer waiting for my arrival.

The upper end was even more of a mystery but at least Perkasio was a direct shot after turning left onto 5th Ave. off Route 313.

Roads changed names from town to town and their numbers (332, 232, 413, 313, 532) were similar. Signs didn't reveal direction.

So many times, I pulled over, found a pay phone to call the District Justice's wife for directions, which were usually provided by the police officer waiting for my arrival.

I rarely made it on time unless one of the court reporters drove me. Fortunately, the hearings rarely began at the appointed hour.

I used to beg Cindy Simpson Pratt to drive to Doylestown in the mornings rather than meet me at Judge Orazi's in Morristown even though she lived in Feasterville. A native, Cindy had conquered the lower end and treated me to many free lunches at her mom's house. We also clocked some serious Marshalls time on the way back to Doylestown.

I feel proud of my painfully acquired but slight lower end navigational skills. Trial by fire is a quick learning curve. I now know at least five different pathways to motor from Doylestown to the lower end. Montgomery County is a different story. ✎
— Nancy Larkin Taylor

By Jared F. (Central Bucks High School East, Class of 2020)

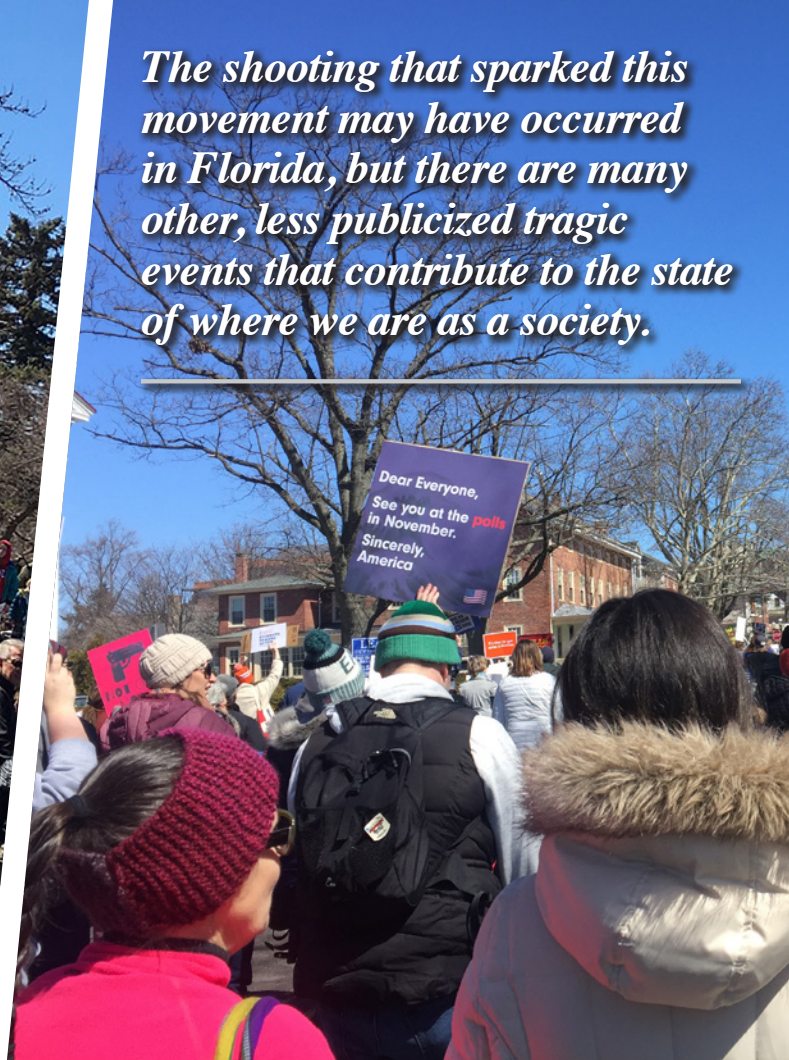
Finally, the day came for the march. My uncle dropped us off and the first thing we heard was the chant, "Enough

is enough! Enough is enough!” There were thousands of people in the street, and I immediately knew I made the right decision. The area around me was familiar and comforting. Even though Washington, DC is our nation’s capital, that march would not have resonated with me the same way my hometown march did. We walked through the streets, chanting and seeing old friends, until we arrived at the Doylestown courthouse, fired up. There





The shooting that sparked this movement may have occurred in Florida, but there are many other, less publicized tragic events that contribute to the state of where we are as a society.



were speakers set up all around, resembling a concert. Music played while everybody continued to file into the area, waiting in anticipation for the speeches to begin.

The first speech was a slam poem written by a senior from my school. Since she spoke at our school walkout, I knew what to expect but I was excited to see how other people would react to her poem. Her words left deafening silence followed by enthusiastic applause. After her speech, there were many more powerful orations shared with the crowd. One speaker especially stuck with me: Annie, from Lenape Middle School. She talked about how her father bought a

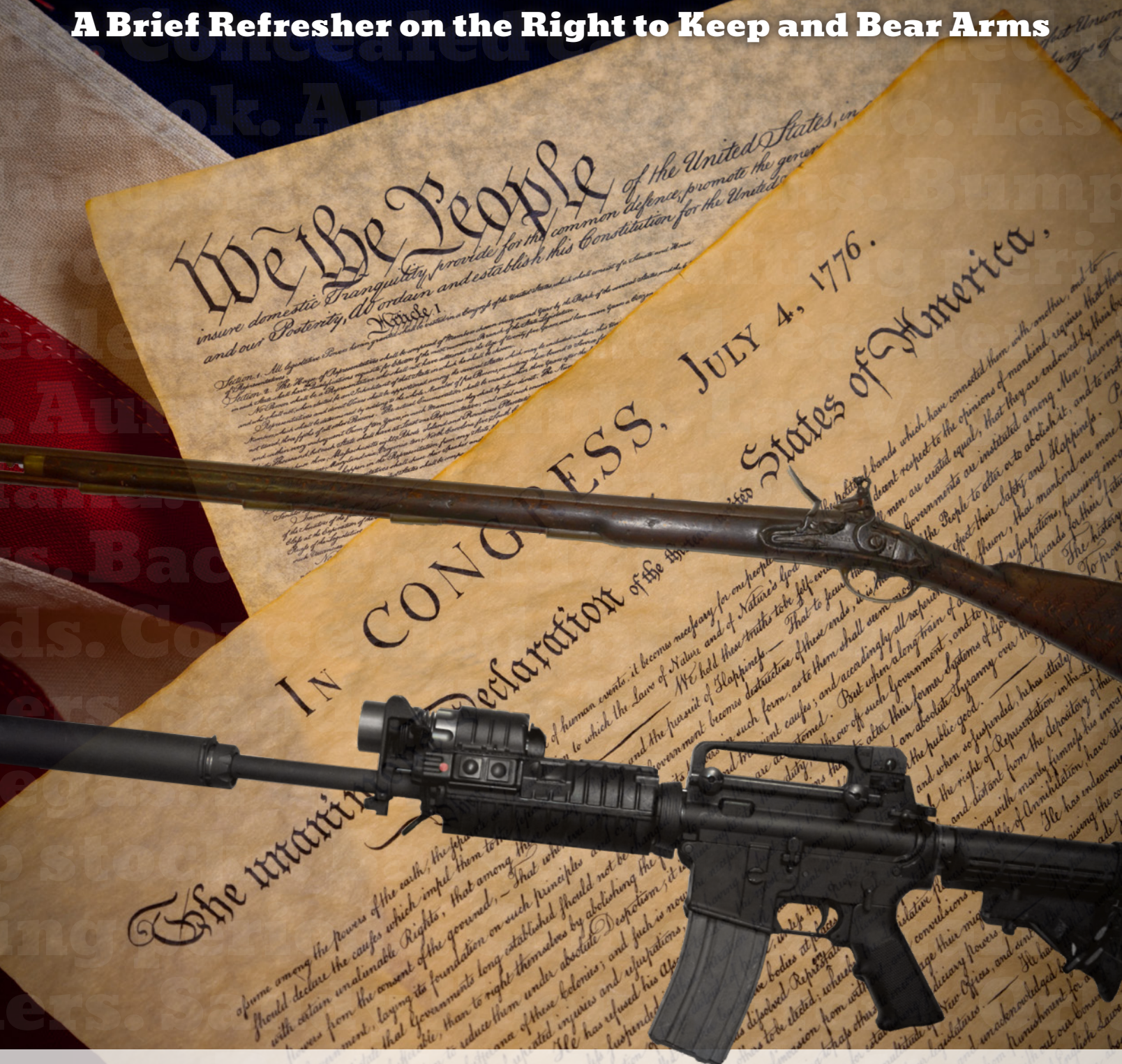
gun and constantly threatened suicide, and how it could have been avoided if proper background checks were completed. She said her father was mentally unstable and thus it left her with an unbelievably hard upbringing. There were other personal stories shared. I was left with the lingering thought, all of this is happening in my country, my state, my hometown, my peers. The shooting that sparked this movement may have occurred in Florida, but there are many other, less publicized tragic events that contribute to the state of where we are as a society.

I admired the courage of the speakers, standing up in front of thousands of people and speaking from their hearts. I left the march feeling encouraged to do more, wanting to spread good. The moment I turn 18, I will register to vote and vote out politicians that do not agree to common sense gun safety and reform. Personally, I want the minimum age to purchase a gun raised to 21 years of age, the banning of fully automatic assault weapons and much more thorough background checks. I do not believe this is too much of a stretch for congress, but if it is, my generation and I are prepared to vote them out of office. I am committed to helping end this problem because of the inspiration from the March for Our Lives, the survivors of the Parkland, FL shooting and all those who continue to be affected by gun violence in our society. 🗳️



THE SECOND AMENDMENT

A Brief Refresher on the Right to Keep and Bear Arms



By Theresa Martin Golding, Esquire



Gun Violence in America

Sandy Hook. Aurora. Orlando. Las Vegas. Parkland.

**Assault weapons. Bump stocks. Background checks.
Waiting periods. Concealed carry. Armed teachers.**

The conversation about guns and gun violence in America has reached a fever pitch. Children are marching in the streets. High school students are confronting politicians. The National Rifle Association, and its backers, are standing their ground and pushing back. Legislators on both sides of the aisle are waiving the Constitution. As we all know, Americans have certain rights under the Constitution, such as freedom of speech, freedom of assembly and freedom from unreasonable searches and seizures. But what right exactly were the Founders protecting when they drafted the Second Amendment to the Constitution? The answer is far from clear.

The Second Amendment

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

The Second Amendment is one sentence, sectioned by three commas, and lacks any incontrovertible legislative history connected to its drafting that would explain the Founders' intent. Did the Founders intend that all Americans should have an individual right to keep and bear arms, or was that right meant to be for the collective good, to provide for a well-regulated militia that would be able, *a la* the minutemen, to ensure the security of the free state? No one knows. Great legal minds have studied the issue at length and in depth and have disagreed, sometimes vociferously, on the proper interpretation of the Second Amendment.

[i]n the absence of any evidence tending to show that possession... has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument.

— *United States v. Miller*, 307 U.S. 174 (1939)

Though ratified in 1791, the Second Amendment has had a very quiet history in the federal courts until relatively recently. Indeed, the first full analysis of the Second Amendment by the Supreme Court of the United States did not occur until 2008.

One of the earliest SCOTUS cases involving the Second Amendment was *United States v. Miller*, 307 U.S. 174 (1939). Jack Miller and Frank Layton were indicted for feloniously transporting a sawed-off shotgun in interstate commerce. Miller and Layton demurred alleging, among other things, that their indictment offended the Second Amendment. The demurrer failed. SCOTUS unanimously held that

[i]n the absence of any evidence tending to show that possession or use of a 'shotgun having a barrel of less than eighteen inches in length' at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense.

Id. at 178.

Some would argue that *Miller* confirmed the belief that the right protected by the Second Amendment was a collective right related to preservation of a well-regulated militia. Indeed, the Court stated:

With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view.

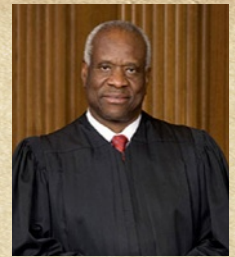
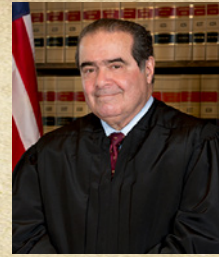
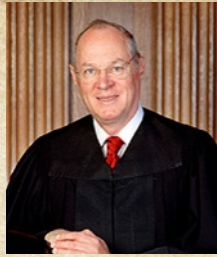
Id.

D.C. v. Heller

Fast forward to 2001. Handgun violence was plaguing our nation's capital. In an effort to reduce the resulting deaths and injuries, the District of Columbia passed ordinances generally prohibiting the possession of handguns. It was a crime to carry an unregistered firearm, and the registration of handguns was prohibited. Further, lawfully-owned firearms had to be kept unloaded or locked when in the home. Dick

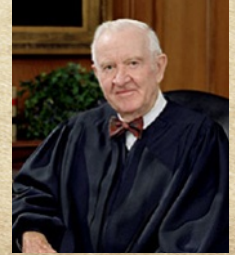
The Majority

Justice Alito
Justice Kennedy
Justice Roberts
Justice Scalia
Justice Thomas



The Dissents

Justice Breyer
Justice Ginsburg
Justice Souter
Justice Stevens



Courtesy Collection of the Supreme Court of the United States
Photographer, Steve Petteway

Heller, a special officer at a D.C. judiciary building, lawfully carried a handgun while on duty. He attempted to register a handgun for use in his home, but that registration was denied. *D.C. v. Heller*, 554 U.S. 570, 574–76 (2008). A sharply divided SCOTUS held that D.C.’s ban on handgun possession in the home and the requirement that weapons be rendered inoperable in the home violated the Second Amendment. The Court held, for the first time, that the Second Amendment protected an individual right to keep and bear arms separate and apart from any collective militia-related purpose.

Justice Scalia wrote the majority opinion and he was joined by Justices Roberts, Kennedy, Thomas, and Alito. Both the majority and the two dissenting opinions summarized below are extensive, and a full exposition of them is well beyond the scope of this article.

The Majority Opinion

Scalia, an originalist, performed a lengthy linguistic review of the structure of the sentence and the historical meaning of each of the operative words that comprise the Second Amendment with the goal of determining what the voters of the eighteenth century would have understood the Second Amendment to mean. His conclusion was that our forbearers would have believed that the Second Amendment codified their pre-existing right to keep and bear arms for their own individual protection.

But what to make of the mention of a “well regulated Militia?” Scalia opined that the operative clause — *the right of the people to keep and bear Arms, shall not be infringed* — was controlling. The prefatory clause — *A well regulated Militia, being necessary to the security of a free*

State, — is in the nature of a prologue and “does not limit or expand the scope of the operative clause.” *Id.* at 578. Further, Scalia believed that even if he were to consider the prefatory clause along with the operative clause, he would reach the same conclusion in that an individual right to keep and bear arms furthers the purpose of an effective militia. *Id.* at 688. The prefatory clause “announces the purpose for which the right was codified . . . [it] does not suggest that preserving the militia was the only reason Americans valued the ancient right...” *Id.* at 599.

The Dissents

The dissents of Justices Stevens and Breyer, joined by each other and by Justices Souter and Ginsburg, are pointed and somewhat heated. Stevens’ historical research diverges from that of Scalia. Stevens argues that history shows that the Second Amendment was drafted in response to the Founders’ concern that the creation of a national standing army would threaten the individual militias, and hence the sovereignty, of the individual states, and that eighteenth-century Americans would have understood it to mean exactly that.

The Second Amendment was adopted to protect the right of the people of each of the several States to maintain a well-regulated militia. . . . Neither the text of the Amendment nor the arguments advanced by its proponents evidenced the slightest interest in limiting any legislature’s authority to regulate private civilian uses of firearms. Specifically, there is no indication that the Framers of the Amendment intended to enshrine the common-law right of self-defense in the Constitution.

Id. at 637.



A sharply divided SCOTUS held that D.C.'s ban on handgun possession in the home and the requirement that weapons be rendered inoperable in the home violated the Second Amendment. The Court held, for the first time, that the Second Amendment protected an individual right to keep and bear arms separate and apart from any collective militia-related purpose.

— *D.C. v. Heller*, 554 U.S. 570, 574–76 (2008)

The dissenters object to the majority's decision to ignore the prefatory clause's reference to a well-regulated militia being necessary to the security of a free state ("That is not how this Court ordinarily reads such texts . . ." *Id.* at 643) and the majority's unsatisfactory attempts to distinguish the precedential holding in *Miller* (that the Second Amendment must be interpreted and understood as relating to the preservation of a well-regulated militia).

Until today, it has been understood that legislatures may regulate the civilian use and misuse of firearms so long as they do not interfere with the preservation of a well-regulated militia. The Court's announcement of a new constitutional right to own and use firearms for private purposes upsets that settled understanding, but leaves for future cases the formidable task of defining the scope of permissible regulations.

Id. at 679.

Further, Breyer argues that no matter what right is enshrined in the Second Amendment, it is not absolute. The government is permitted to regulate the interests that it serves. *Id.* at 681. For example, as we all know, the right to free speech can be, and is, regulated. One may not yell "fire" in a crowded theater for example. Therefore, even if there is an individual right to keep and bear arms in the Second Amendment, which Breyer disputes, that right can be regulated by government.

Thus, irrespective of what those interests are — whether they do or do not include an independent interest in self-defense — the majority's view cannot be correct unless it can show that the District's regulation

is unreasonable or inappropriate in Second Amendment terms. This the majority cannot do.

Id. D.C. held hearings, reviewed studies and counter-studies, took evidence and came to the conclusion that the ordinances in question were appropriate solutions to the gun violence problems the city was facing. Breyer opined that D.C.'s judgment, while some might disagree with it, was "nevertheless supported by 'substantial evidence.' . . . [T]he District's decision represents the kind of empirically based judgment that legislatures, not courts, are best suited to make." *Id.* at 704–705.

Culture Wars and the Power of Messaging

Love it or hate it, most people agree that the NRA has done a remarkable job marketing the idea that the individual right to bear arms is sacrosanct and that any gun control legislation violates the Second Amendment. Indeed, the NRA proclaims on its website that "Firearm ownership is a constitutional right, and that means government has very limited power to restrict it."¹ Public opinion appears to have been affected by such marketing campaigns, and many advocates on both sides of the issue have come to believe that the government's hands are tied when it comes to gun control. But is this true?

Retired Chief Justice Warren Burger, a conservative, said the following during an interview conducted in 1991:

This has been the subject of one of the greatest pieces of fraud, I repeat the word fraud, on the American public, by special interest groups that I have ever seen in my lifetime... If the militia which was going to be the state army was going to be well regulated, why shouldn't 16 and 17 and 18 or any other aged persons be regulated in the use of arms the way an automobile is regulated?²

Heller was decided in 2008, 27 years after Justice Burger's comments, and it is currently the law of the land. Is it correct, therefore, that the government's hands are tied and any attempt to regulate the right of the people to keep and bear arms violates the Second Amendment? Not exactly.

Heller does *not* stand for the proposition that the government must keep its hands off our guns. Rather, *Heller* specifically recognizes that there are limits to our Second Amendment rights stating that

1 <https://www.nraila.org/second-amendment/>

2 https://www.youtube.com/watch?v=Eya_k4P-iEo

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feature

[o]f course the right was not unlimited . . . we do not read the Second Amendment to protect the right of citizens to carry arms for any sort of confrontation, just as we do not read the First Amendment to protect the right of citizens to speak for any purpose.

Id. at 595. The majority further clarifies that nothing in *Heller* should upend longstanding prohibitions on the possession of firearms by the mentally ill or by felons, or prohibitions on carrying firearms into schools or government buildings. It does not affect the prohibition of dangerous and unusual weapons or regulations on the commercial sale of firearms. *Id.* at 626–627. The only weapons that are protected by the Second Amendment are those that are “in common use at the time.” Handguns were found by the Court to be in common use in D.C. at the time of the *Heller* decision, and their prohibition, therefore, ran afoul of the Second Amendment.

What Happens Next?

As Justice Breyer predicted, the *Heller* decision encouraged legal challenges to gun control laws throughout the nation without providing the courts with any standards by which to adjudicate those challenges. *Id.* at 718–719. The lower courts have developed their own tests for evaluating the constitutionality of gun control measures, with mixed results. No Second Amendment case has been decided by SCOTUS since *Heller*.

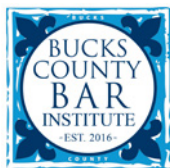
The NRA has done a good job of controlling the conversation for decades, but is now facing perhaps its most formidable opponent in years — a group of students who survived a mass shooting at their high school in Parkland, Florida. Recent polls indicate that a majority of Americans, weary of mass shootings and gun violence, are frustrated and are demanding some form of increased gun control. Change is in the air.

What is certain is that the Second Amendment, as interpreted by the *Heller* decision, does not prevent the government from enacting gun control legislation. How far that legislation goes, how the courts handle the inevitable challenges to the legislation and whether any appeals make their way to SCOTUS or prompt a revisiting of *Heller*, remain uncertain.

Though passions run high on the topic of guns, the one thing we can all agree on is that the gun violence plaguing our country needs to end. We may not agree on the method, but at least we start with a common goal. And we must welcome all into the conversation, including the young voices whose childhoods have been so affected by violence and the threat of violence and who stand on the cusp of taking over from us the reins of government and the judiciary. ↗



Second Annual BCBA Business Law Institute



The Business Law Section, in conjunction with the MCLE Committee, is pleased to announce the upcoming Second Annual Bucks County Bar Association Business Law Institute. The all-day event, being held at

BCBA on **Tuesday, May 8, 2018**, consists of (10) separate one-hour CLE Seminars addressing various business and commercial related topics that are sure to be a benefit for all members of the Association. The Agenda for the institute is listed below. This highly anticipated event is sure to fill up fast, so please register in advance. Look for marketing material from the BCBA in the *Law Reporter*.



Course Planners:

H. Jeffrey Brahin, Esquire, and Jeffrey G. DiAmico, Esquire

MCLE Committee Chair:

Richard C. Howard, Jr., Esquire

2nd Annual Bucks County Business Law Institute – May 8, 2018

8:30 – 9:30	Keynote Panel: Update from the Injunction Practices Committee, Led by The Honorable Robert J. Mellon, <i>Bucks County Court of Common Pleas</i>	
9:30 – 9:45	<i>(Break)</i>	
9:45 – 10:45	Counseling Start-Up Companies Through Private Funding, Alexander S. Radus, Esquire, <i>Fox Rothschild LLP</i>	A Litigator's Perspective on Contract Drafting, Timothy J. Duffy, Esquire, and Denise M. Bowman, Esquire, <i>Hill Wallack, LLP</i>
10:45 – 11:00	<i>(Break)</i>	
11:00 – 12:00	Receiverships 101, Paul Lang, MBA, Esquire, <i>Gallant and Parlow, P.C.</i>	Letters of Intent (Who, What, When, Where, Why), Peter J. Smith, Esquire, <i>Semanoff Ormsby Greenberg & Torchia, LLC</i>
12:00 – 1:00	LUNCH	
1:00 – 2:00	Defending Confessions of Judgement: Strategies for Striking Off and Opening Judgments Entered by Confession, Dennis L. Abramson, Esquire, <i>Gilbert B. Abramson & Associates</i> , and H. Jeffrey Brahin, Esquire, <i>Brahin Law Offices</i>	Counseling Clients on Emerging Intellectual Property Issues, David T. Shoneman, Managing Director, <i>Darwin IP Advisors LLC</i> ; Edward J. Howard, Esquire, <i>Howard IP Law Group, P.C.</i> ; Douglas J. Ryder, Esquire, <i>Ryder, Lu, Mazzeo & Konieczny LLC</i> ; and Joseph F. Murphy, Esquire, <i>Caesar Rivise PC</i>
2:00 – 2:15	<i>(Break)</i>	
2:15 – 3:15	Negotiating Contracts with Government Entities, David J. Truelove, Esquire, <i>Hill Wallack, LLP</i> , and Jeffrey P. Garton, Esquire, <i>Begley, Carlin & Mandio, LLP</i>	Employment Law Issue Spotting, Patricia Collins, Esquire, <i>Antheil Maslow & MacMinn, LLP</i>
3:15 – 3:30	<i>(Break)</i>	
3:30 – 4:30	Who is Your Client? Ethical Issues for Corporate Counsel, The Honorable Jeffrey G. Trauger, <i>Bucks County Court of Common Pleas</i> ; Victoria White, Esquire, <i>Ethics Counsel for the Pennsylvania Bar Association</i> ; and Jeffrey G. DiAmico, Esquire, <i>Semanoff Ormsby Greenberg & Torchia, LLC</i>	

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Not Your Average 529 Plan

[Education Planning, Part 1]

By Marianna Goldenberg, CDFA

So, let's start with a refresher. What is a 529 college savings plan (spoiler alert: no longer just college)?

A 529 plan is a tax-deferred account with contributions invested in a selection of mutual funds or exchange-traded funds. Later, those assets can be withdrawn tax free if used for *qualified expenses*. These contributions are not deductible on your federal tax return, but many states offer a state tax deduction for contributions made to 529 plans. And yes, Pennsylvania is one of those states!

How Much to Contribute

- The IRS allows for an annual gift tax exclusion of up to \$15,000 *per recipient* for individuals (\$30,000 for married couples) annually without gift-tax consequences.
- Under a special election, accelerated gifting is allowed with a one-time gift to a 529 plan of up to \$75,000 *per recipient* for individuals (\$150,000 for married couples), to be contributed and prorated over five years — without incurring federal gift tax or using the donor's lifetime gift tax exclusion.

The fees, expenses, and features of 529 plans can vary from state to state. 529 plans involve investment risk,

including the possible loss of funds. There is no guarantee that a college-funding goal will be met. In order to be federally tax-free, earnings must be used to pay for qualified higher education expenses. The earnings portion of a nonqualified withdrawal will be subject to ordinary income tax at the recipient's marginal rate and subject to a 10-percent penalty. By investing in a plan outside your state of residence, you may lose any state tax benefits. 529 plans are subject to enrollment, maintenance, and administration/management fees and expenses.

Defining a Qualified Expense

It's important to know, "What is considered a *qualified expense*?" Withdrawals from 529 plans to fund qualified expenses are tax free. With the 2018 Tax Cuts and Jobs Act, the answer to this question has changed. Let's take a closer look.

Traditionally, qualified expenses were those incurred at an eligible postsecondary school. These included the following:

- Tuition, fees, books, supplies, and equipment
- Room and board that is included in the cost of attendance

In 2018 qualified expenses have been expanded to include expenses incurred at an eligible elementary or secondary school.

- The purchase of computer or peripheral equipment, computer software, or Internet access and related services used primarily by the student during any of the years he or she is enrolled at an eligible postsecondary school



Under the new act, however, qualified expenses have been expanded to also include expenses incurred at an **eligible elementary or secondary school.** These K–12 expenses are capped at \$10,000 in tuition per designated beneficiary during a tax year.

The State Tax Deduction Loophole

The state tax deduction for contributions may provide incentive to put money into a 529 account and then take it right back out. Why? In theory, you could put money in a 529 account, get a state tax deduction, and then take that money right back out to pay for qualified expenses. With the new tax act, this loophole is especially helpful since funds can also be used for elementary and high school education. Some of the states that do offer the deduction are not happy about this “loophole,” fearing it will reduce revenue. So, don’t be surprised if you see changes to these rules in the future.

A Closer Look at 529 ABL Accounts

Lesser-known 529 ABL (Achieve a Better Life Experience) accounts were established in 2014 to allow disabled beneficiaries (or their families) to save in a tax-deferred account. These accounts do not count as an asset for state or federal aid eligibility until they exceed \$100,000. Some states also offer state tax deductions for

contributions up to certain limits. And again, PA is one of those states!

The tax act has opened up the ability to roll over up to the annual gift limit amount (\$15,000 for 2018) from an existing 529 account into a 529 ABL account for the same beneficiary. This is great news for parents of children with disabilities who previously opened traditional 529 plans for those children. The existing 529 plans will count against any state or federal benefits, and many of these children won’t incur the qualified expenses of the traditional 529 plan. The new rollover provision will allow them to start transitioning those accounts over from 529s to 529 ABLs. Although this process may take a few years, it will help them avoid the current scenario of taking taxable nonqualified withdrawals and making new contributions.



529 ABL accounts were established to allow disabled beneficiaries to save in a tax-deferred account that can be used for education, job training, health care, etc.

The definition of qualified disability expenses is much more flexible for the 529 ABL account. These expenses can include the following:

- Education
- Job training and support
- Health care
- Housing
- Financial management

Stay tuned for Not Your Average 529 Plan – Retirement and Estate Planning, Part 2.

This article will explain how 529 plans can be used for other planning goals such as retirement, estate planning and multi-generational wealth transfer. ➡

The author is a financial consultant with CURO Wealth Management.



Controller Neale Dougherty

By Scott L. Feldman

On the one hand, Neale Dougherty could not be more proud of the fact that he was part of the wave of the first Democratic row officers elected to serve Bucks County in some 35 years. On the other hand, he quickly volunteered that the Controller's office is perhaps the least political office in Doylestown. On the one hand, Neale's calm demeanor and soft spoken-ness are indicative of one who spent eighteen years in commercial insurance (yawn). On the other hand, he is an avid black diamond skier whose children are champion level age group ski racers themselves.

A recent chat with the new Controller revealed these and other interesting dichotomies.

Neale readily explained that "our core mission is to make sure Bucks County tax dollars are spent appropriately." The Controller is ultimately responsible for the overall County annual budget of some \$420,000,000, and is authorized to examine the accounts and official acts of all officers or other persons who collect, receive, or disperse the County's money. The office thus has auditing responsibilities for the nineteen Magisterial District Courts, all of the local municipal tax collectors and the various County offices (such as District Attorney, Recorder of Deeds, Sheriff, and Prothonotary). It turns out some of these offices have not been audited in a decade or more. These will be prioritized. In addition, thousands of vendors serve the County; the office reviews the individual contracts and the adherence to them.

Neale was sworn in on January 2, and attended a salary board meeting the same day. In all, the transition was smooth and professional. He likes to keep busy and is

committed to doing the necessary research on the issues at hand in order to succeed. By devoting the hours and days necessary, Neale feels he leads by example. He similarly enjoyed his previous "very satisfying" four-year tenure on the New Hope-Solebury School Board. There, he served three years as chair of the Finance Committee and the fourth as President. This followed the aforementioned career in commercial insurance. Why the change? He saw the need and wanted to get involved.

The work of the thirty-person Controller's office is almost entirely deadline driven. The volume of work comes from many sources in the form of daily, weekly, and monthly responsibilities, and must be completed. Kim Doran has been First Deputy to the office (and occasionally acting Controller) for more than a quarter century. Her vast experience is invaluable.

Neale is often tasked with reassigning and changing individual co-workers' responsibilities in order to maximize overall effectiveness. Among the initial challenges has been "making sure practices comply with the policy at a minimum." Neale discovered that certain longstanding practices have unfortunately followed the "that's the way we've always done it around here" credo rather than a stated policy or best practice. One example cited was the untimeliness of expense reports. Neale looks forward to gently reeling in some of these practices and the office becoming more efficient.

The Controller's office web page, <http://www.buckscounty.org/government/RowOfficers/Controller>, contains a treasure trove of reports and information. A comprehensive 100+ page Comprehensive Annual Financial Report is available. The fiscal 2017 report is presently being audited and will similarly be available to the public by the end of May.

The Controller also serves on the County retirement board, salary board and prison oversight board.

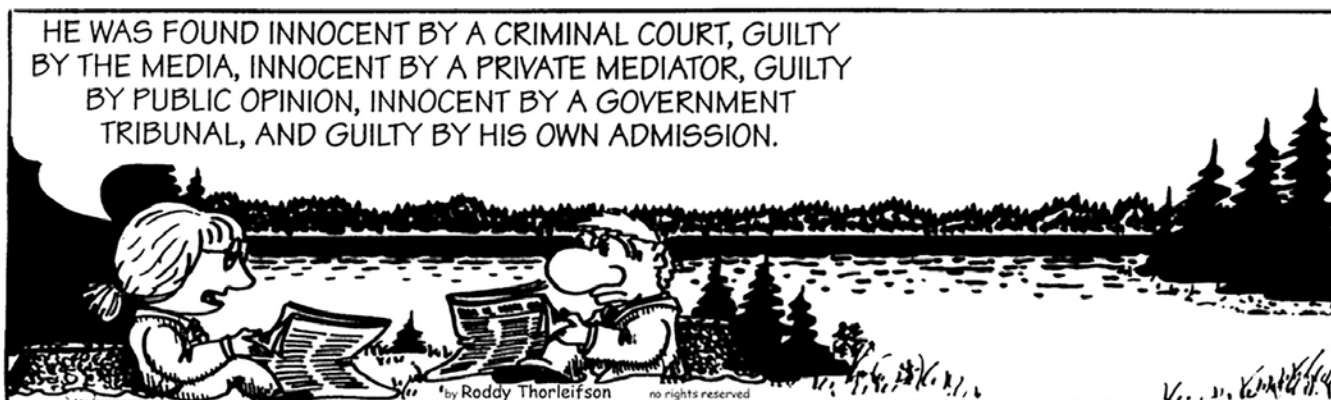
The Dougherty home in Solebury Township is sports and animal driven. Neale and Lorraine, a private practice oncologist and hematologist, are very involved with their children's varied academic and athletic pursuits. In addition to ski racing, twelve-year-old James and ten-year-old Lizzie also play lacrosse and soccer. Neale founded the local youth lacrosse program and remains very active as a coach. The family has two Newfoundlands, a large breed known for its pleasant disposition, as well as two cats. Neale is well read, absorbing several newspapers each day. He enjoys reading biographies, and recently read *Skydog, the Duane Allman Story*. 🐾

BCBA - BLOOD - DRIVE

April 3, 2018



Sidebar



2018 MOCK TRIAL COMPETITION

The Case of a Drunken Whistleblower

By Jeremy D. Puglia

Was Silva Morel unlawfully fired for blowing the whistle on a \$5,000,000 bribe? Or was he fired for disseminating company secrets on his YouTube channel and getting drunk at a company dinner? This was the hypothetical civil trial put on by 16 of our local Bucks County schools during the 2018 Mock Trial Competition.

This year, the final trial was an epic battle between Central Bucks South High School and Bensalem High School. The result was a 7–5 Jury Vote in favor of Bensalem, with 5 of the 12 Jurors scoring the match by a 1-point margin!

Congratulations to all the participating schools, and to Bensalem for winning our District for a second year in a row!

Each year the Young Lawyers Division of the BCBA volunteers its time for this amazing competition. Specifically, the Chair-Elect of the YLD is named Coordinator of the Bucks County District. Running the Mock Trial Competition has been informally dubbed a “rite of passage” for being named YLD Chair the following year. No work, no play – right? This year we were able to cobble together 22 trials. That is 22 Judges; 22 sets of Juries; and 22 Bailiffs. What was, and continues to be, a daunting task, was made so much easier because of the level of support from the Bench and the Bar.

THE BENCH: I cannot state with enough emphasis how grateful I am to the following Judges, all of whom were so gracious (and flexible) with their time during the Competition:

J. Robert O. Baldi	J. Brian T. McGuffin
J. Wallace H. Bateman	J. Raymond F. McHugh
J. William J. Benz	J. James M. McMaster
J. Daniel Finello	J. Robert J. Mellon
J. Jeffrey L. Finley, P.J.	J. Michael W. Petrucci
J. C. Theodore Fritsch, Jr.	J. Cynthia M. Rufe
J. Lisa Gaier	J. John J. Rufe, ret.
J. Michael W. Gallagher	J. Jeffrey G. Trauger
J. Gary Gilman	



I also want to thank the right hands — the extension of every Judge — their Judicial Assistants. Thank you Katy, Jessica, Stacy, Aimee, Nina, Sandy, Ann, Beth, Regina, Kate, Kathy and Karen for your help, and for putting up with all my emails, phone calls and schedule changes.

THE BAR: This year, the Bucks County Bar Association Attorneys knocked it out of the park. Nearly 150 local attorneys volunteered their time (some on multiple nights). I wanted to make this list, not only to commend those who are on it, but also to use it as a tool for recruiting. Before the Competition began, Judge Brian T. McGuffin said, “The Mock Trial Competition is, in my no longer humble opinion, the most effective community outreach the Bar Association participates in each year.” I could not agree more. As a Bar Association, we often look for opportunities to let the community know “WE ARE HERE!” Well, the Mock Trial Competition is an annual opportunity to show the community, and these students, that we support them and that we care.

Take a look at the list, and talk to your fellow attorneys that you don’t see – coworkers and friends. Ask them to volunteer next year. Take them out for a drink afterwards. (How else do you think Litske keeps getting her “All-Star” Jury to volunteer?) Let’s get everyone involved. This is one community outreach event that we can all get behind!

The “Objection of the Year” took place in a Trial presided over by Judge Baldi:

STUDENT: “Objection, your Honor. This is a narrative answer.”

JUDGE BALDI: *(Pauses for a moment. A puzzled look overtakes him.)*

“I’m sorry. A narrative answer? What sort of answer would you like him to give?”

Thank You Volunteers!

Janine Alexander
 Rusty Allen
 Carolyn Angelaccio
 Erin Aronson
 Tim Barton
 Dave Baun
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 John Benson
 Tom Blackburn
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 Abby Tuttle
 Max Twer
 Jessica VanderKam
 Joanna A. Waldron
 Douglas Wayne
 Sara Webster
 Debbie Weinman
 Matthew Weintraub
 Melanie Wender
 Keith Williams
 Jordan Yeager

Additionally, a special thanks goes to Steve Heckman (Bucks County Court Administrator) and Sherri Wohrle (Assistant Court Administrator – Calendaring), for all the time put into getting the Courthouse ready each night. This event is simply not possible without your help.

Finally, thanks are also due to the Sheriff's Office and Courthouse Security, who were asked to stay late each night to accommodate the after-hours traffic. And thank you to Bobby who cleaned the Courtrooms before every single match.

The 2018 Mock Trial Competition has ended. The YLD is looking forward to hosting another successful competition in 2019, with the torch of Coordinating being passed to Erin Aronson. Thanks again to everyone who made it possible.

Good talk. See you out there. 🗣️



EYEWITNESS TO NCAA BASKETBALL HISTORY: VILLANOVA'S WILD RIDE AT THE FINAL FOUR

By Chris Serpico

When Villanova finished disposing of Texas A&M in the Elite Eight round of the 2018 NCAA college basketball tournament, I looked at my wife, Maureen, and said, "We gotta get to the Final Four this year."

As Villanova Law grads, we've become huge fans over the past 35 years, and our loyalty has been richly rewarded with the team winning NCAA championships in 1985 and



2016. Few loyalists will ever forget coach Rollie Massimino's Wildcat's historic upset of the highly favored Georgetown Hoyas in Lexington, KY, in what many still refer to as "the perfect game" where Villanova shot a record 78.6% from the floor to defeat Georgetown, 66–64. It took an additional 36 years, but in 2016,

under coach Jay Wright, the Wildcats again took home the National Championship in Houston, TX, when they defeated North Carolina 77–74 on a last-second shot by Kris Jenkins.

But we wondered whether the magic would run out before we had the opportunity to see our favorite team win a championship. So when a friend with season tickets asked if we would want to join them in San Antonio, TX, for this year's tournament, we couldn't say NO. Thus began our excellent adventure.

This year's tournament coincided with the 300th anniversary of the city of San Antonio. The newly refurbished Alamodome was prepared to host almost 70,000 rabid college basketball fans. This year's Final Four featured two traditional powerhouses; Kansas and

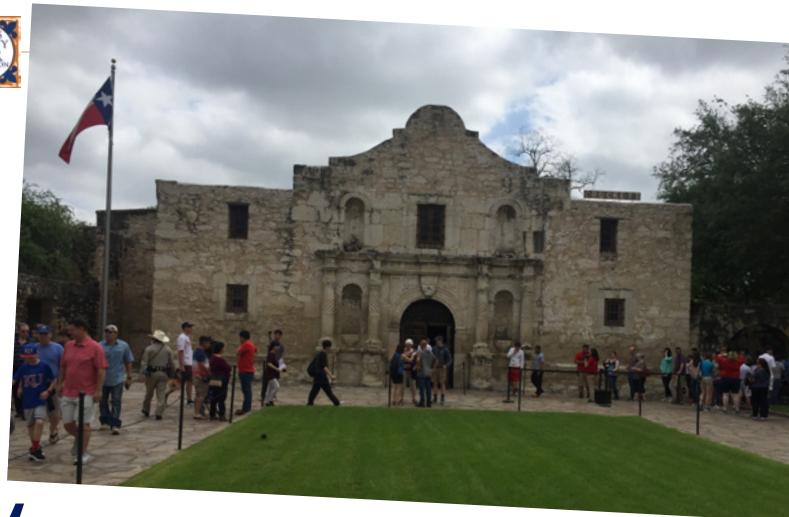
Michigan, as well as an endearing underdog — Loyola of Chicago (a rare 11th seed that had defeated a number of more highly touted programs on the way to the final weekend), and of course, our favorite, Villanova. It is hard to believe that our relatively small school of 6500 students was now poised to be on the same level as such "blueblood" basketball powers as Kentucky, Duke, North Carolina, and Kansas, but that would certainly be the case if they were able to return to Philadelphia with the championship trophy.

When we arrived in San Antonio on the Friday night before the Semi-Finals, we were delighted to find that the University had reserved several bars along the famous Riverwalk to host Pre-Game parties for Villanova alum. We spent the night before the semi-final game partying at a piano bar called Howl at the Moon. The following day featured a private party for about 2500 Villanova fans at the Institute of Texas Culture, featuring Texas delicacies such as Tacos, Po Boys, and Tamales, as well as unlimited



supplies of Lone Star Beer. We mixed and mingled with friends and former college basketball greats like Kerry Kittles, Harold Jenson, and Charles Barkley. From there, we all marched in tandem to the Alamodome. We tried to suppress our excitement through the first game where Michigan was ultimately able to subdue spirited but undersized Loyola of Chicago, and then

we turned our attention to the Main Event: Villanova versus Kansas. What was expected to be a close game, quickly turned into a rout as Villanova couldn't miss a shot. Before seven minutes had elapsed, the Cats were leading 22–4, and the game was essentially over. Just prior to tip-off, we found ourselves surrounded by Kansas fans who began



When we arrived in San Antonio, we were delighted to find that the University had reserved several bars along the famous Riverwalk to host Pre-Game parties for Villanova alum. We spent the night before the semi-final game partying at a piano bar called Howl at the Moon. The following day featured a private party for about 2500 Villanova fans at the Institute of Texas Culture, featuring Texas delicacies such as Tacos, Po Boys, and Tamales, as well as unlimited supplies of Lone Star Beer. We mixed and mingled with friends and former college basketball greats like Kerry Kittles, Harold Jenson, and Charles Barkley. From there, we all marched in tandem to the Alamodome."

screaming at the top of their lungs every time Villanova touched the basketball. Just as I began to think that my eardrums would explode before halftime, the knock-out blow that Nova delivered within the first ten minutes of the game quieted the Kansas faithful for the duration.

The next 48 hours moved very slowly as we waited for the Championship Game on Monday night. However, on Easter Sunday we dutifully attended Mass with 4500 fellow Villanovans at the Hyatt Regency Ballroom. What started as a traditional Roman Catholic Service quickly evolved into a mini pep rally. I knew we were in for something different when the celebrant of the Mass, Father Peter Donahue, (the University President and a former director of Villanova's Theater Program) initiated a cheer for the basketball team. When he read the Gospel passage about Christ's meeting some of his disciples on the Road to Emmaus after his crucifixion, he slyly inverted the phrase "on the Road to San Antonio." Later in the Mass, the congregation prayed that the Lord would enable the basketball team to deliver more baskets than the Easter Bunny.

After a tour of the Alamo that Sunday afternoon, my wife and I reunited with our friends to continue to prepare for the Big Game, which for us meant continuous drinking and eating until tip-off on Monday night.

Finally, the time arrived, and we were ready. Although Michigan started strong, they couldn't keep up with the Wildcats' fast pace on offense, especially the unexpected performance of Donte DiVincenzo, whose 31 points off the bench set an NCAA record. When it was all over, Villanova had won its second NCAA championship in three years by the score of 79-62.

Even though we felt stressed throughout the tournament believing that Villanova's good fortune was due to expire, it turned out that the Wildcats were the first team since UCLA back in 1968 to defeat both of its opponents in the Final Four by 16 or more points.

Now that we're back in Doylestown, we're still reliving the wonderful memories of a long weekend that will stay with us for the rest of our lives. Go Cats!!! 🐾

Congratulations to David Twer for winning the YLD March Madness Bracket Tournament, one point ahead of Eric George. Both had correctly picked the Villanova Wildcats as Champion.

BCBA events

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Pro Bono Honor Roll

October 1, 2017 through March 31, 2018

Below is a list of all the attorneys who have volunteered their time to provide high quality legal assistance for clients of Legal Aid of Southeastern PA in Bucks County. They have achieved a range of favorable outcomes for LASP clients — from obtaining final PFA orders for victims of domestic violence, to preparing wills for seniors, to obtaining bankruptcies and expungements in order to provide someone a second chance. On behalf of all LASP clients, I would like to extend a special thanks to all who continue to volunteer their valuable time in order to make a difference.

Jennifer Pierce, Managing Attorney for LASP's Doylestown Office & Pro Bono Coordinator for Bucks County, 215-340-1818 x205 or jpierce@lasp.org

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March 15, 2018





Tech Tips From a Recovering Geek: Social Media Privacy?

By Jason R. Weiss, Esquire



Who can see that picture you post on your social media accounts while on vacation? Your friends? Friends of friends? Everyone? While many people know and understand the workings of privacy settings on various social media platforms, there are countless other users who

are unaware of even how to access privacy settings. With Facebook data leaks to entities like Cambridge Analytica, not everything is in your control. However, when you are able to take steps to help safeguard your information, pictures, and videos, you should. For those of you with children using social media, it is of the utmost importance to protect their accounts to the best of your ability.

For the most part, social media platforms generally allow you to set your entire profile to private. This means that only your accepted friends and contacts can see what you post and when. If you are concerned with other users coming across your profile or account, be sure to make your account private or for friends only. Short of deleting your account, this is about the most privacy you can have using social media.

Just about every social media platform also allows users to pick and choose their privacy settings by category. For example, Facebook allows you to select who can see your posts, how other users can contact or find you, who can tag you in posts and photos, and how the company can use your data. Similarly, LinkedIn allows you to limit how the company uses your data as well as who can see your profile and activity. Further, because LinkedIn is designed more for employers,

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TOP: Michael A. Smith (b. 1942), *New Orleans* (detail), 1985. Gelatin silver chloride print. 7 1/2 x 19 1/4 in. James A. Michener Art Museum. Museum purchase funded by Anne and Joseph Gardocki. BOTTOM: Catherine Jansen (b. 1950), *Grandson and Calf* (detail), from the series 1008, 2014. Archival inkjet print. 18 x 72 in. Courtesy of the artist.



employees, and employment opportunities, you are able to change your privacy settings based on your employment history and/or goals. Finally, other social media platforms like Instagram and Twitter have less content and complexity and therefore, have fewer privacy settings. However, you are still able to set who can and cannot see your data and posts and create some semblance of privacy. Be sure to check both the web and mobile versions via their respective Apps as privacy settings may vary on the websites and phones/tablets.

Regardless of your need or desire for privacy, it is important to periodically review your privacy settings on all of your social media accounts. The companies update and change privacy settings frequently, leaving you exposed if not corrected.

Happy Computing





Top 5 Protest Songs

The Music Snob's Top 5 List:

1.

What's Going On
Marvin Gaye



2.

War
Edwin Starr



3.

Monsanto Years
Neil Young



4.

If it Were Up to Me
Cheryl Wheeler



5.

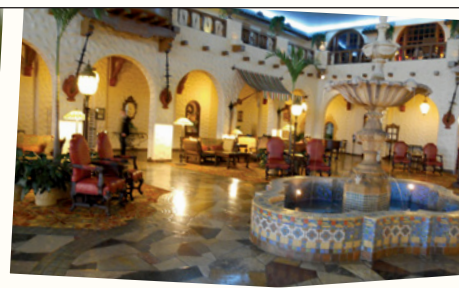
Blowing in the Wind
Bob Dylan



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