

*the*WRITS

THE OFFICIAL PUBLICATION OF THE BUCKS COUNTY BAR ASSOCIATION



SUMMER 2018



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Jessica A. Pritchard
Bucks County Bar
Association President

PRESIDENT'S MESSAGE

Dear BCBA Members:

Expectations. As a family law attorney, I spend much of my time managing the expectations of my clients. I frequently tell them not to anticipate certain outcomes. One would think that I would manage my own expectations. I did not.

When I began this year as President of the Bucks County Bar Association, I expected to implement some of my ideas to provide additional services to our members, seek out some new sponsors and plan great parties and events.

Earlier this year our executive director resigned after having been in the position for one year. Instead of the plans above, the next few months were dominated by the search for a new executive director. Rather than a year where the executive director would do most of the implementation and behind the scenes work, the extra duties fell on me, Board members and our amazing staff. The pressure of the search, just a year after the last one, could have taken a significant toll. However, it did not. The Executive Director Search Committee and the Board of Directors gave extra time and effort to find an excellent and qualified candidate for the position and were successful.

As I write this in early July, Gregory Nardi started his first day at the Bucks County Bar Association. When you read this, he will have been on the job a mere month or so. He is profiled in this edition in an article written by our immediate Past President, David Truelove. The next time you are in the Bar Association, make it your mission to introduce yourself to Greg. It's my expectation that he will be with us for a long while.

“With a new executive director in place, my expectations for a fruitful and fun-filled remainder to this year are renewed.”

With a new executive director in place, my expectations for a fruitful and fun-filled remainder to this year are renewed. Greg is ready for immediate challenges and I plan to challenge him. As this final quarter of the year begins, I look forward to a well-attended and well-planned Bench Bar Conference in Hershey, Pennsylvania in September. I look forward to a record number of attendees, particularly first-time attendees. I look forward to reaching out to new members of the BCBA and insure that they become involved in the many diverse educational opportunities and events we have here. I look forward to our 8th annual Women's Power Summit on October 18, 2018. This year's theme will be “Empowering Women Through Politics — How and Why?”

Being here as this new phase begins at the Bar Association, I believe that the members have expectations about how their membership should benefit them. Membership at the Bucks County Bar Association should, and does, provide opportunities that cannot be achieved anywhere else. Meeting the expectations of our members is our priority. Greg Nardi and the Board will work to identify the ever-changing needs of the membership and address those needs. There is a realization that we must provide benefits to warrant loyalty and continued membership in this organization.

Your expectations will be met. 📌

We Welcome Your Feedback!

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



BCBA Mission Statement



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. The BCBA aims to uphold legal and ethical standards in the legal community. For members, the BCBA offers an important platform for education, professional development and networking. For the community, the BCBA serves as a resource offering education, legal assistance and financial resources for community members demonstrating need.



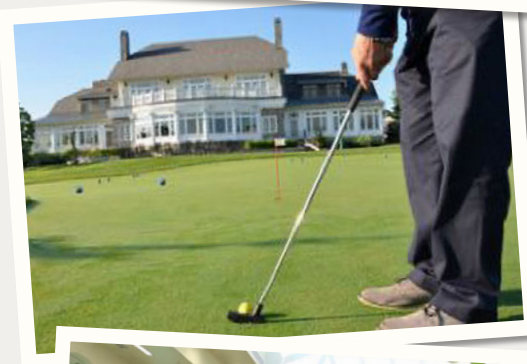
Bench Bar Preview — See You in September!



Need that chocolate fix? Well, then you are in luck. The Bench Bar Conference is coming up again and will be held at Hershey this year. It is scheduled for September 20 – 22nd. It is sure to be a great conference. Not only is it close and a quick drive from Bucks County but has a beautiful hotel, good food, interesting CLEs, plenty of chocolate, and lots of socializing with your colleagues and the bench. You will not want to miss the plenary session where James Fitzgerald, a retired FBI agent who was involved in the Unabomber and Jon Benet Ramsey cases, will share his experiences with us. There is a full slate of CLEs. In addition, Friday afternoon participants will be able to enjoy the beautiful Hershey golf course or enjoy the spa and an organized lunch with other Bench Bar participants. There is plenty to do.

That evening we have the opportunity to have dinner at the Hershey Gardens and the Butterfly Atrium. The weekend wraps up with a Marijuana Law roundtable with the bench on Saturday morning. Tons to do with lots of CLE credits. Don't forget to sign up and book your hotel room soon.

This will be a great Bench Bar that you will not want to miss! If you have any questions please contact Bench Bar Conference Chair Julie Goldstein, jgoldstein@foxrothschild.com. Don't miss this year! 🐘



Need a Lawyer?

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**. 🐘



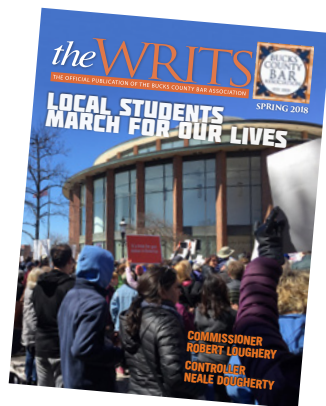
From the Editor...



My Tripawd

The Spring issue of *the Writs* — featuring a cover photo and essay from a 16-year-old guest writer who attended the March for Our Lives in Doylestown — generated more feedback than any previous issue with which I have been associated as Editor. Two people called (one anonymously) to

voice their displeasure, and two e-mails were written to the President of the Bar Association. One of the writers expressed concern that *the Writs* had covered a “significant political issue” and may have “cross(ed) the line between journalism and advocacy” while the other flat out accused *the Writs* of “adopt(ing) a political agenda.” These letters resulted in a spirited discussion at the May 2018 BCBA Board of Directors Meeting and the creation of an “Ad Hoc Committee on Editorial Policy Issues Concerning Bucks County Bar Association Publications.”



Several thoughts here as Editor. Initially, it should be noted that additional feedback of a much more positive nature was also received. Second, *the Writs* is of course a publication by and for the Bucks County Bar Association and its individual members. Any member may submit content for publication and no such submission has ever been withheld or censored. Here, neither of the referenced letter writers wished to be published or otherwise provide any article expressing a “counterpoint.”

Finally, with a nod to Richard Nixon’s infamous “Checkers speech,” it seems the right time to change the narrative. In 1952, while running as Eisenhower’s Vice President, and somewhat under siege for various fundraising improprieties, Nixon spoke on national television about his black and white cocker spaniel, “Checkers.” Not coincidentally, his political fortunes immediately improved and the rest, as they say, is history.

The Writs is of course a publication by and for the Bucks County Bar Association and its individual members. Any member may submit content for publication and no such submission has ever been withheld or censored.

My dog is now a Tripawd, a clever term to describe a three-legged dog or cat. “Utlely” the goldendoodle — half poodle and half retriever — was named for the Phillies second baseman in late 2007. At the time, Chase Utlely was a two-time all star and had placed eighth in the MVP voting that year, but had come up small in the post season as the Phillies were swept by the Colorado Rockies. In a leap of faith, my family chose to name our pup after a mere up and coming local athlete known for playing the game “the right way.” We had no idea he would soon become a beloved and legendary fan favorite on a world championship team, who ten years later is still playing the game (with the Los Angeles Dodgers) the right way. Chase is being celebrated again as he has recently announced his retirement, effective at the end of this season.

My family also never imagined how our dog would eventually live up to his namesake’s spirit and determination.

Utlely was always very active and could be a bit mischievous. His puppy-hood behaviors had lasted a good four years. When he started limping around the first of this year, it was hard to tell if he had been injured or even which paw he was favoring. Several X-rays, examinations and veterinary referrals followed. Despite a regimen of rest and a combination of pain medications, he was still limping and clearly in pain. It turns out that the culprit was a small mass on the “elbow” of his left forelimb, and by late February, following a biopsy, we had the definitive diagnosis of osteosarcoma, or bone cancer.

This was essentially the worst case scenario. We were now referred to an oncologist and two days after our initial consult, at our behest, Utlely’s leg was amputated. The alternative was dire and unacceptable. He would have been on increasing doses of pain medication, until it was time (weeks later?) to end his suffering. Instead,

he has now completed his regimen of six chemotherapy treatments and his prognosis is good. He should live for another year or longer.

There is an online community of “tripawd” owners and I take some solace in their “tails” and advice. There are photos of three-legged dogs chasing balls, swimming and simply enjoying a dog’s life. A lot of us have found that what is most remarkable is a dog’s ability to live in the moment. There is no longing for his missing limb, no “woe is me” and just the same wags, licks and playing as before. Sure, Utley had to learn to “do his business” on

My dog is now a Tripawd, a clever term to describe a three-legged dog or cat. There is an online community of “tripawd” owners and I take some solace in their “tails” and advice. There are photos of three-legged dogs chasing balls, swimming and simply enjoying a dog’s life. A lot of us have found that what is most remarkable is a dog’s ability to live in the moment.



three legs, and in his case, in the midst of several March snowfalls, but the instincts were there, the spirit was willing, and he surely taught us more as he adapted than the other way around.

Our household looks different as well. One of the biggest obstacles for a front leg tripawd is the tendency for the remaining front paw to slip forward on hardwood or tile floors. So for his safety much of the downstairs of our home is now covered by a motley collection of brightly colored yoga mats! We would have it no other way. 🐾

—Scott L. Feldman

In Memoriam

Marijo M. Murphy, Esquire
*passed away 2/3/18
at 75 years old*

- BCBA Member since 10/1986
- BCBA Treasurer 2013 – 2014;
- founding members of the BCBA Women Lawyers’ Division
- Chair of the BCBA Family Law Section



Honorable John P. Fullam
passed away 3/8/18 at 96 years old

- Former U.S. District Judge (E.D.Pa.)
- BCBA Member since 1/1980

Marvin L. Portney, Esquire
passed away 5/14/18 at age 85

- BCBA President 1991 – 1992
- BCBA Member since 1/1/69

Harry J. Glosser, Jr., Esquire
passed away 6/3/18 at age 72

- BCBA Member since 1/1/1971

Edward J. Zanine, Esquire
passed away 6/6/18 at age 49

- BCBA Member since 11/19/2015

Anthony A. Mandio, Esquire
passed away 6/18/18 at age 93

- BCBA Member since 1/1/1963



BCBA HIRES GREG NARDI AS ITS NEW EXECUTIVE DIRECTOR

— By David Truelove

IN JUNE, after an intensive, exhaustive search, the Bucks County Bar Association hired Greg Nardi as its newest Executive Director,

succeeding Stacey Mulholland, who accepted a position with the Delaware River Basin Commission. Over 120 initial applications were reviewed by the BCBA Personnel Committee, which whittled the number down to a handful, leading to individual interviews by the Personnel Committee and, ultimately, the Board of Directors, culminating in Nardi's hiring.

Nardi is a 22-year Army veteran, whose most recent assignment was serving as University Department Head and Professor of Military Science and Leadership (Army ROTC program) at Temple University. Among his achievements in that role included increasing the ROTC program enrollment by over 40%, improving program retention, and receiving consistently high ratings for his performance in the program.

Nardi is a 1995 West Point graduate, with an MBA obtained while on active duty. Among his active duty Army assignments were Fort Carson, Colorado, Fort Hood, Texas, and tours of duty in Iraq and Afghanistan, respectively. His duties and responsibilities were noteworthy for operations and logistics management at US and foreign locations, bases and assignments. He is married and the father of four children, and is active in his sons' Boy Scout Troop, and enjoys watching his children play lacrosse and field hockey. Socially, he is a member of the William Penn Chapter of the Association of the United States Army where, as an Executive Council member he has integrated cadet participation in social, service and developmental events effectively linking Army ROTC to the community. He is also a committee member of the Malvern Memorial Cabin Foundation, and annually organizes a 5k and golf tournament, raising over \$15,000 in support of this non-profit organization.

Many of the final Executive Director candidates presented impressive resumes and backgrounds, and superior interviewing skills. However, Nardi's overall experience, demeanor, and record of dedicated hard work prompted



Greg Nardi is a 22-year Army veteran, whose most recent assignment was serving as University Department Head and Professor of Military Science and Leadership (Army ROTC program) at Temple University. A 1995 West Point graduate, Nardi earned an MBA while on active duty. Among his active duty Army assignments were Fort Carson, Colorado, Fort Hood, Texas, and tours of duty in Iraq and Afghanistan, respectively.

his elevation as the top candidate. BCBA President Jessica Pritchard oversaw the process, participated both on the Personnel Committee, and as a Board member in the selection process, offers this observation of Nardi:

"I am excited that Mr. Nardi has agreed to join us. With his hiring, we hope to usher in a new phase to the Bucks County Bar Association. As a member service organization, Mr. Nardi will help us seek new resources and services for our members, help seek additional sources of funding and, as always, help provide excellent opportunities for members to network and improve their professional lives. Nardi has all the skills necessary to bring the Bucks County Bar Association to that next level of service."

BCBA thanks interim Executive Director Dave Breidinger who, as in 2017, stepped into the breach to run the organization during the search process, providing effective leadership and management of the Association, ensuring seamless operation during the interim period. ➡

A fond farewell from Liz Fritsch, LASP's longtime Executive Director

Dear Bucks County colleagues and supporters,

As some of you know, I have decided it is time for me to step down from my position as Executive Director of Legal Aid of Southeastern Pennsylvania (LASP). I will be leaving at the end of July of this year.

Leading LASP for the past 21 years has been an incredibly stimulating and rewarding job. It has demanded much from me and given me much in return. Over the years I, and the program, have been provided with many opportunities and faced more than a few challenges. At times the going has been rough. But LASP has survived and, in fact, grown stronger despite it all. And much of this is due to colleagues and friends like you.

I arrived at LASP to find a committed and excellent staff, many of whom had dedicated their whole professional careers to providing legal assistance to low-income and vulnerable individuals and families facing urgent legal

problems. I also soon discovered how rich LASP was in the number and generosity of its friends and supporters. The future success of LASP, and my own success, I quickly realized, would be dependent upon my ability to hold onto, nurture and develop that incredible staff and that wonderful family of LASP's supporters, like those of you reading this note, who have donated so generously of your time and monies. You have also supported and sustained me personally, and it is you who have inspired and motivated me to try a little harder and do a little more each day.

But is it time for me to move on to make way for new leadership and fresh energy and ideas at LASP. I ask you to help the new Executive Director at LASP just as you helped me for so many years. As for me, I am not done yet. I want to continue to work on issues I believe in and I look forward to new opportunities and challenges. (And a little more time off.) ✍

— **Liz**
Elizabeth Wood Fritsch, Esq.



Legal Aid of Southeastern PA's Bucks County staff members join Elizabeth Wood Fritsch, Esq. She departs at the end of July after more than 20 years with LASP.

Front row (from left): Elizabeth Wood Fritsch, Esq.; Tesla Thomas, Staff Attorney; Carol Wilbur, Office Manager, Doylestown; Mitsue Shafer, Paralegal/receptionist. Back row: Robert Kim, Staff Attorney; Mardi Busanus, Protection from Abuse (PFA) volunteer; Rhonda Sherrod, Staff Attorney; Jennifer Pierce, Managing Attorney of LASP's Doylestown office; Randi Riefner, Legal Assistant. Other LASP Bucks staff missing from the photo: Rodlena Sales, Managing Attorney of the Bristol office; Barbara Kaner, Staff Attorney; Maryjane Kelley, Staff Attorney; Pat McCorkle, Office Manager, Bristol.



Pro Bono Honor Roll

April 1 through June 30, 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

A

Richard Abramson
Anita Alberts
Harry Agzigian
Hugh Algeo
Judith A. Algeo

B

Mitchell Baylarian
Sheena Bediako
Begley,
Carlin & Mandio
John Benson
Joseph Blackburn
John D. Blumenthal
Ronald R. Bolig
Gerald Bowen
Denise Bowman

Kevin Bradway
Jeffrey Brahlin
Christopher Brill
Paul Brownstein

C

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Stephen K. Carr
Tracy Cassel-Brophy
Jahn Chesnov
Domenic Cicchinelli
Peter J. Classetti
Andrew Cordes
Stephenn Corr

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Gary Deck

Michael J. Doneson
Jeffrey Drake
William Dudeck

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James Esposito

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Bryan Ferris
Elizabeth Fineman
Jacqueline Fishman
Grae Flanagan
Judith & Carl Fonash
Georgeann Fusco

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Richard Gennetti
Martin Ghen
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Joshua Goldblum
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Amir M. Stark
Michael Sternberg
Gregory Sturn
Frank Sullivan

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Tiffany Thomas-Smith
Elizabeth Tomlinson
Jeffrey Toner
Chimdi Tuffs
Abigail Tuttle

W

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Edward Wild
Clair Wischusen
Peter M. Williams
Shari Williams
Donald Williford
David Woosley

Y

Brittany Yurchyk

Z

Jeffrey Zimmerman



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Ten impressive Bucks County students, each of whom have given back to their communities in their own way, are one step closer to achieving their educational dreams. Due to the generosity of the Bucks County community, the Bucks County Bar Foundation awarded these ten students with \$18,000 in scholarships. Both the number of students and amount awarded were the most in the Foundation's history.

Each year, the Bar Foundation, which serves as the charitable arm of the Bucks County Bar Association, awards two scholarships to Bucks County students, the William Penn Scholarship and the Thomas E. Mellon, Jr. Scholarship. The William Penn Scholarship is given to students who are interested in pursuing a career in law or a law-related field and demonstrate academic excellence, wide ranging extracurricular activities and leadership. The Thomas E. Mellon Jr. Scholarship, named after one of the Bucks County Bar Association's most ardent supporters, is presented to candidates who have shown extraordinary commitment to public service and/or community service. Both of these scholarships are the result of individual contributions to the Bar Foundation throughout the year, including at such events as the St. Patrick's Day Party and the Annual Golf Tournament.



The William Penn Scholarship is given to students who are interested in pursuing a career in law or a law-related field and demonstrate academic excellence, wide ranging extracurricular activities and leadership. The Thomas E. Mellon Jr. Scholarship, named after one of the Bucks County Bar Association's most ardent supporters, is presented to candidates who have shown extraordinary commitment to public service and/or community service.

This year's William Penn Scholarships were presented to the following high school seniors:

- **Lauren Miller from Pipersville**, a senior at Central Bucks East
- **Nikolas Antonucci from Doylestown**, a senior at Central Bucks East
- **Owen Sienko from Langhorne**, a senior at Holy Ghost Prep
- **Daniel Mainieri III from Sellersville**, a senior at Pennridge High School
- **Daniel Cohen from Jamison**, a senior at Central Bucks South

This year's Thomas E. Mellon, Jr. Scholarships were presented to the following high school seniors:

- **Samantha Kusters from Langhorne**, a senior at Neshaminy High School
- **Alyssa Dallmer from Warrington**, a senior at Central Bucks South
- **Humna Rub from Doylestown**, a senior at Central Bucks West
- **Tatiana Rose Spinosa from Quakertown**, a senior at Perkiomen School
- **Shefali Raghavan from Yardley**, a senior at Pennsbury High School

The scholarship recipients along with their families and members of the Bar Foundation Board attended a reception in their honor at the Bucks County Bar Association building on Wednesday, May 16, 2018. 📍



Bucks County Bar Foundation Organizes 3rd Annual “Learning with Lawyers” Program

This past May, the Bucks County Bar Foundation organized and participated in the 3rd Annual “Learning with Lawyers” program in 5 elementary schools across Bucks County. Armed with picture books about the founding of our country and gavel-shaped pencils, our Bucks County Bar Association members ventured into these 5th grade classrooms to have interactive discussions not only about the written material, but how this material pertains to modern life in our country. Over 600 students were engaged in thoughtful discussion about our rich history and how the decisions of yesterday continue to impact today’s world. Feedback from teachers, students, and volunteers indicate that a good time was had by all involved!

Thanks to the hard work of the Board’s president, Tina Mazaheri, Esquire, the Board Foundation was awarded the 2018 Birdsall Impact Grant from the Pennsylvania Bar Foundation! In addition to money, the Pennsylvania Bar Foundation also sent 100 gavel pencils, 600 pocket US Constitutions, 20 US Constitution posters, and 600 preamble bookmarks. These rewards will be used by the Bucks County Bar Foundation to enrich the libraries and lives of the children of Bucks County.

The Bucks County Bar Foundation thanks the Pennsylvania Bar Foundation for its generous support, and the following members for donating their time and efforts to substantially growing this wonderful program:

Maureen Carlton	Josephine Lee	Robert Repko
William Casey	Charissa Liller	Carol Shelly
Susan Eisenberg	Angela Lorenz	Mindy Snyder
Scott L. Feldman	Barbara Lyons	Adam Tanker
Christina Finello	Susan Maslow	David Truelove
Rachel Fingles	Tina Mazaheri	Donald Veix
Jamie Jamison	Ryan Mellon	Melanie Wender
Dermott Kennedy	Dawn Padanyi	Jordan Yeager
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	Jennifer Pierce	

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Sept 16, 2018 – Jan 6, 2019

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Rob Evans (b. 1959), *Flight Pattern*, 2001, Digital print on paper, H. 15.75 x W. 24 inches, James A. Michener Art Museum, Museum purchase.



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Bucks County Recorder Of Deeds

Robin Robinson

— By Chris Serpico

When Robin Robinson stepped forward to run as the Democratic Party's candidate for Recorder of Deeds last year, she had a "gut feeling" that it was "her time." After all, she had run for office before, and although she had come close to winning, she could sense that the mood of the electorate was yearning for change. From her vantage point as the Executive Assistant for County Commissioner Diane Ellis-Marsegia for the previous decade, she enjoyed a unique spot in which to assess the Democratic row officers' chances for success, and she could sense that 2017 was going to result in the election of Democrats, not only in Pennsylvania, but especially in Bucks County. She knew this could be her chance, and she was right.

When the results were tabulated, she had defeated incumbent Joseph Szafran by almost 4100 votes. (In fact, the 65,546 votes she received constituted more votes than any other Bucks County Democrat had received in the past with the exceptions of former Congressmen Peter Kostmayer and Patrick Murphy).

So what was the secret of Robin's success? "It was mostly a matter of good timing, and hard work. I knew that nobody was going to outwork me when it came to meeting voters at events and going door to door. And I think the positive impression I had made in my previous efforts helped me as well."

There's no question that her persistence paid off. And as anyone who knows Robin Robinson is aware of, the phrase "giving up" is not in her lexicon.

Born and raised in Southern California, Robin moved to Bucks County when her late husband, Mark Rosenthal, took a job on the East Coast as the General Manager of Bloomingdales in Willow Grove. Together with their two children, Sam and Emma, the family moved to Buckingham, where Robin became deeply involved with the local Democratic organization.

Having earned her degree in communications from San Diego State University, and with strong organization skills gained from her previous work experiences both as a regional manager for Neiman Marcus Department Stores,



and later in real estate, Robin quickly was recognized as a person to be reckoned with in Bucks County politics. It may have taken a few years, but her dedication finally paid off with her win last November.

The Recorder of Deeds is responsible for permanently maintaining the integrity of all land records and other documents entrusted to the office as well as the collection and monthly distribution of county and state fee and real estate transfer taxes for the state, township, boroughs and school districts. As one can well imagine living in a county with such a historic place in American history, some of the documents on file with the Bucks County Recorder's Office go way back in time, as far back as 1684. Although the office no longer prepares bound books, all official records are filmed and retained in microfilm and microfiche modes. The Recorder's Office, which currently employs approximately 20 people, handles a large variety of documents in addition to the deeds and mortgages most often associated with the office.

Able assisting Robin with her duties is her First Deputy, Gail Humphrey, who brings to the position a keen understanding of state government, having worked in Harrisburg in various governmental capacities for over 15 years, before taking on her current position. For the past two years, Gail served as the First Deputy for Montgomery County Recorder of Deeds Jeanne Sorge.

When I asked Robin what were the most "unusual" documents that she had come across thus far in the



Because Robinson feels it is extremely important to make every effort possible to protect these historic treasures, she has made it her “personal mission” to preserve Bucks County’s history by doing whatever she can to save more than 500 old deed books that are in desperate need of restoration.

Recorder’s files, she mentioned records relating to the emancipation of Negro slaves, dating back to the late 1700s.

The impact of those emancipation proclamations was riveting, and it made her appreciate that educating citizens to the history contained in such ancient records is of paramount importance. “If we know our history, maybe we won’t end up repeating mistakes we’ve made in our past.”

Because she feels it is extremely important to make every effort possible to protect these historic treasures, she has made it her “personal mission” to preserve Bucks County’s history by doing whatever she can to save more than 500 old deed books that are in desperate need of restoration. She noted that some deeds filed during and shortly after the Civil War were actually made from “blue paper” taken from material used to make the uniforms of Union soldiers who served in the army during the War Between the States.

To address this critical need, Robin has initiated the Deed Book Restoration Project. Although all of the deeds impacted have already been scanned into the Recorder’s software system, Robin believes it is imperative to do whatever is necessary to preserve the original books, and there’s no time to waste.

Even though there is some financial support for such a purpose allocated through the state’s Record Improvement Fund which pursuant to Pennsylvania law imposes a \$5 assessment upon all recorded documents for the purpose of “improving the record,” it will take additional efforts on the part of dedicated vendors and generous contributors interested in preserving Bucks County history to make her initiative succeed. She has also applied to the PA Historical Museum Commission for a grant to help underwrite the cost of the restoration efforts, and she’s asked anyone interested in assisting the project to reach out to her office.

To that end, she has made efforts to make the office more accessible when using social media. Information on the office can now be found on Facebook: @BCRecorderofDeeds; Twitter: BucksROD; and Instagram: BucksCountyROD.

In an effort to make the Recorder’s office more accessible to all Bucks County citizens, Robin has made sure to take the office “on the road.” So far, she has made sure to “bring the office” to folks living in Warrington, Warminster, and Penndel at their Community Day Events. She’s learned that it’s important to alert Bucks County citizens, especially seniors, of ongoing scams being perpetrated by companies that mislead new residents into believing they have to purchase a copy of their deed at costs approaching \$100 from those companies when that is not so. In an effort to alert older citizens to such swindlers, she’s made sure to have booths manned at various Senior Expos hosted by Bucks County’s state representatives, both Republican and Democrat.

“I look at the Recorder of Deeds Office as a non-political office. My goal is to make the office run as efficiently as possible so that it serves the needs of all Bucks County’s citizens.” In accordance with that philosophy, she has sought to bring a thoroughly professional approach to the office. From using the latest technology available to keeping the premises clean and sparkling, (even if it means helping to clean the office herself), to making sure that as a “full-time” Recorder of Deeds, she is at the office every day, Robin Robinson has every intention of making the Bucks County Recorder of Deeds Office the very best it can be.

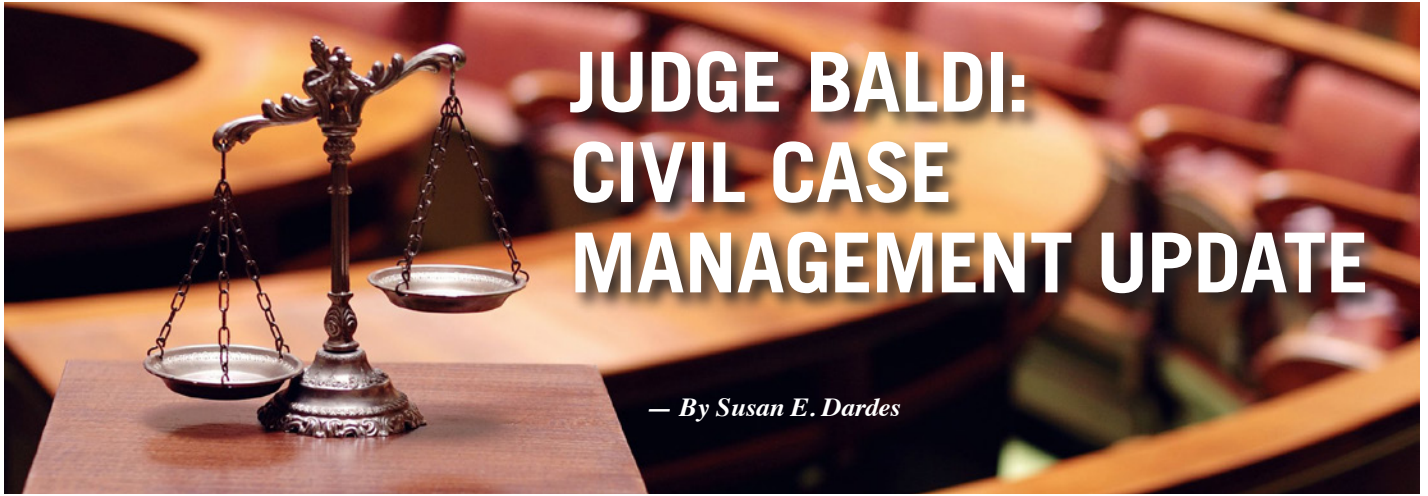
And for anyone who doubts her ability to deliver on that promise, you can be assured that based on her track record, SHE WILL SUCCEED!!! 📌

BUCKS COUNTY BAR FOUNDATION
GOLF OUTING

June 25, 2018







JUDGE BALDI: CIVIL CASE MANAGEMENT UPDATE

— By Susan E. Dardes

I always get the plum tasks for *the Writs*, and my recent interview was no exception.

I had a chance, albeit a brief one, to visit with Judge Robert Baldi, in his chambers, to discuss how the County is progressing with its backlog of civil cases. The short answer is that there really is not much of a backlog at this point, but the longer story is that an extraordinary effort went into this backlog reduction.

Appointed to the Bucks County bench by Governor Ed Rendell in July 2009, Judge Baldi was elected to his first full term in November of that year. President Judge Finley appointed him to be the Administrative Judge of our Civil Court division in 2012, whereupon he was told that Bucks County had one of the highest civil backlogs in the Commonwealth. More than half of the counties in Pennsylvania, it was discovered, had more than ¼ of their civil inventory aged at over two years, and Bucks was one of those counties. The Chief Justice of the Pennsylvania Supreme Court personally spoke to Judge Finley about this, delivering an admonishment that the situation was unacceptable and needed reconciling.

Judge Baldi's first response was to meet with Court Administration and Prothonotary staff to assist him in developing a plan to reduce the backlog. In this endeavor, the Judge determined that the 2012 statistics were flawed, which in turn, had generated inaccurate reports

for Court Administration and the Prothonotary. The new starting point then became January 1, 2013, with a case load of 13,499 pending and "older than 2 years." Judge Baldi provided me with a statistical overview of all civil cases filed and where applicable, disposed of, in the Court of Common Pleas from 2013 – 2017.



Bucks County had one of the highest civil backlogs in the Commonwealth. As of January 1, 2013, there was a case load of 13,499 pending and "older than 2 years." As of December 31, 2017, Bucks County has reduced its pending civil case load to 5,209 cases, with no more than 23.6% aged over two years.

Despite the existence of Bucks County Local Rule *261 which allows litigants, without the intervention of a Judge, to have their case placed on the trial list, many cases linger on for years. Judge Baldi contends the large backlog was due to the attorneys and litigants, not the Court system. He pointed out that historically once a case is certified as ready for trial the case is generally given a trial date within six to eight weeks. We had a situation where in theory Court intervention was not necessary, but none the less a significant backlog developed. But lawyers get busy, clients get obdurate, other priorities take over, and the tendency to litigate continues. And, there were a significant number of cases which were incorrectly labeled with the wrong year of filing or not marked as "settled" when, in fact, they had

been settled. Some were also improperly classified as a civil "action" — a contract or tort claim — when they were, in reality, a civil "other" case, such as a mechanic's lien or an execution on a district justice's judgement. So it became everyone's task to fix.



With monumental help from both Stephen D. Watson, Esq., Legal Review Officer, and Beth Schecter, the Judge's invaluable assistant, a system was implemented whereby a computer generated case management program now requires a case to take one of four paths: 1) Praecipe to Settle, Discontinue and End; 2) Try the case by a date certain (as with a medical malpractice case); 3) Enter into an Approved Case Management Order Stipulation or, 4) Meet with Judge Baldi for a Case Management Conference ("CMC"), to sign an Agreed Case Management Order.

The hardest part of this process, the Judge will readily admit, was not his presiding over the CMCs, but the back room work both Steve and Beth did in identifying and bringing those cases to him. There was an upgrade to the Courthouse computer software in the mix. And keep in mind that some 70 new civil cases are filed each day in Bucks County.

Still, the Judge doesn't want anyone to accuse our court system of slowing them down. He was adamant about this when I mentioned my days as a law clerk in Chester County, and how overwhelming their process felt to me as a young lawyer.

He stressed the value of Bucks local Rule *261, which states that after the completion of discovery, either party may move the matter to compulsory arbitration or trial. In fact, after a matter has been pending in our court system for at least one year, Judge Baldi intends to use a Case Intervention Order in concert with Rule *261 to "wake people up," and require that they certify the case for trial within seven months from the date of the Case Intervention Order. If neither party files a praecipe in accordance with Rule *261 within that 7-month period, the Judge will, sua sponte, issue a Case Management Order that will set a date for the case to be certified as ready for trial.

No surprise that Judge Baldi's resolve and his staff's hard work has and continues to pay off. As of December 31, 2017, Bucks County has reduced its pending civil case load to 5,209 cases, with no more than 23.6% aged over two years. None of this involved added taxpayer expense, which is worth noting.

What's more, if Judge Baldi has his way (I'll take that bet), he will get every civil litigator into a courtroom within 7 – 9 weeks after their initial request for a trial date. And people say you can't herd cats! 🐾



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If you and your immediate family members could have anything in the world that you ever wanted, what would it be? Money, fame, power?

For me, it would be good health and access to good healthcare services! Most of my friends, colleagues and acquaintances have the same opinion when it comes to the most important things in life. Unfortunately, a great many of the individuals who reside in Bucks County, one of the most affluent areas in the Commonwealth of Pennsylvania, are unable to afford to pay for healthcare. These individuals cannot afford health insurance or to compensate a doctor, dentist or other healthcare provider to meet their basic health needs.

The Ann Silverman Community Health Clinic has been striving to fill this void in the community for twenty-four years. The health clinic was formerly known as the Free Clinic of Doylestown, which opened in 1994 and became an independent non-profit organization in 1997. In honor of Ann Silverman, a devoted board member, the Free Clinic was renamed the Ann Silverman Community Health Clinic in 2008. Over the years, the Clinic has expanded its services and its mission. It now provides FREE healthcare — medical, dental and social services — to low income (less than 250% of the Federal Poverty Level), uninsured residents from any part of Bucks County. The Clinic serves all ages and provides care for the entire family. It accomplishes this through the utilization of more than 230 professional, medical, mental health, dental and social service volunteers and a small core of paid staff. Dedicated clinic volunteers include physicians, nurses, dentists, dental hygienists, dental assistants, clerical workers and others.

The Ann Silverman Community Health Clinic is located in space donated by Doylestown Hospital at 595 West State Street in Doylestown. Individuals who wish to attend the clinic start with a brief telephone screening and then a face-to-face meeting with one of the clinic's social workers to determine eligibility. Patients are assisted by clinic staff and volunteers in obtaining free prescription medications



through completion of pharmaceutical company applications. The clinic's policy is to refrain from prescribing any type of narcotic drugs.

Board members and staff successfully conduct two fundraisers annually. One is the Designer Handbag Bingo Night held this year on April 20, 2018 at the Ben Wilson Senior Center in Warminster. The second is the Annual Golf/Bridge Tournament scheduled for July 16, 2018 at the Doylestown County Club. The net proceeds of these events will help to support the Clinic. Anyone interested in attending these events or in volunteering at the clinic may contact us at 215-345-2260 or freeclinic@dh.org. We are always seeking additional Spanish interpreters! 🗣️



The Top 10 Reasons

Why the BCBA Dispute Resolution Committee is Happening!!

—By Georgeann R. Fusco, Chair

- 1.** We won the 2018 Pennsylvania Bar Association County Bar Recognition Award for “Mediation Moments”!! “Mediation Moments” are videos located on the BCBA website explaining the benefits of mediation. Thank you to Barbara N. Lyons, Esquire, and Joseph A. Chellew, Esquire, for their outstanding performances and to Robert Whitley, Esquire, for his outstanding filming and editing.
- 2.** We maintain the list of approved attorney mediators on the BCBA website and the Bucks County Court of Common Pleas website. If you need a mediator, please check out this list.
- 3.** Attorneys can now complete and submit their mediator application for placement on the Mediator List directly from the BCBA website.
- 4.** We updated the Dispute Resolution Alternatives Brochure, which is available on the BCBA website and at local offices such as the Bucks County Prothonotary’s Office, Bucks County District Justices’ Offices and Bucks County offices of Legal Aid of Southeastern PA.
- 5.** The Dispute Resolution Alternatives Brochure has been translated into Spanish, Polish and Russian with all versions available on the BCBA website and at the local offices listed above. Thank you to our sponsors: Law Office of Marcia Binder Ibrahim, LLC (Spanish translation); Dorian, Goldstein, Wisniewski & Orchinik (Polish translation); and Barbara N. Lyons, Esquire (Russian translation).
- 6.** Good Shepherd will conduct Basic Mediation Training at the BCBA on August 22 – 24, 2018. Thank you to our sponsors: Covenant Bank and Barbara N. Lyons, Esquire.
- 7.** Barbara N. Lyons, Esquire, and Hillary Moonay, Esquire, will co-present a CLE about mediation during the BCBA Bench Bar Conference to be held September 20 – 22, 2018 at the Hershey Hotel.
- 8.** Barbara N. Lyons, Esquire, presented the Mediation for Civil Litigators Continuing Legal Education course (“CLE”) on April 11, 2018 at the BCBA.
- 9.** We supported, through a BCBA Resolution, the Statewide Alternative Dispute Resolution Commission, which is a commission that would coordinate mediation throughout Pennsylvania.
- 10.** We meet four times a year. Our next meeting is October 12, 2018 at 8:30 a.m. at the BCBA. New members are welcome.

The mission of the Dispute Resolution Committee is to educate the public about alternative means to resolve disputes and to assist the Bucks County Bar Association membership in their position as mediators. ⚡





Not Your Average 529 Plan

[Education Planning, Part 2]

— By Marianna Goldenberg, CDFA

In **Not Your Average 529 Plan — Part 1** we reviewed basic definitions and uses of 529 and 529 ABLE plans for education planning. In Part 2 we are going to discuss non-traditional ways to use 529 plans, specifically for retirement and estate planning.

Estate Planning

While 529 plans are commonly used for education savings, they can also be used for tax-efficient estate transfer. This can be done through a process called forward gifting or superfunding. This process takes advantage of a unique provision in Section 529 of the IRS Code that allows people to gift five years' worth of contributions in the present year without incurring a gift tax consequence. If you remember from Part 1, the IRS allows for an annual gift of up to \$15,000 per recipient for individuals (\$30,000 for married couples) annually without gift-tax consequences (as of 2018).



Let's break this down in an example for a married couple.

Now – December 31, 2018

Standard gift is made:
\$15,000 x 2 individuals = \$30,000

Anytime in 2019

Forward gift contribution is made:
\$15,000 x 5 years x 2 individuals = \$150,000
(assuming 2018 limits)

2020 – 2023

No gift

By following this method, you'll have removed **\$180,000** from your estate by gifting it, tax-free, between 2018 and 2019. You can then continue this process in 2024.

Keep in mind, even though contributions to a 529 plan are revocable (owner can claim their contributions back), plans are treated as completed gifts to the account beneficiary, and the 529 account value is removed from the taxable estate.

Let's say you maxed out with your pre-tax retirement plan contributions and would like to save more for your retirement. Your income doesn't allow you to make a deductible IRA contribution or a contribution to a Roth. What else can you do? Open up a 529 plan with you listed as the owner and beneficiary.



Retirement Planning

Let's say you maxed out with your pre-tax retirement plan contributions and would like to save more for your retirement. Your income doesn't allow you to make a deductible IRA contribution or a contribution to a Roth. What else can you do? Open up a 529 plan with you listed as the owner and beneficiary.

Yes, you can be both the owner and beneficiary of a 529 plan, and here's why you should.

1. Your contribution gets you a state tax deduction or credit depending on your state rules. In Pennsylvania, it's a deduction up to \$15,000 (that gift tax limit again).
2. Your account grows tax-deferred with compounding returns as long as you keep money in the account.
3. When you withdrawal the money in retirement, you will incur a tax (just like it would from the retirement account) and 10% penalty because the money is not being used toward qualified education expenses. BUT your income tax bracket will potentially be lower since you're no longer receiving income from employment. You will also only pay the tax and penalty on the earnings portion, not on what you put in.
 - Note that each withdrawal from the 529 plan contains a pro-rata portion of earnings and principal. You cannot just take out the principal and avoid the tax and penalty.

Education Legacy Planning

What happens if there is still money in a 529 after the beneficiary has completed their education? You can use these funds for future generations.

You can move the beneficiary up or down the family tree, naming the beneficiary's child, parent, or even yourself as the replacement beneficiary. Account beneficiaries can be changed as many times as you want and not create any tax implications with that process. This means that any excess funds in your 529 plan can remain there to be passed down from generation to generation in your family (unless your 529 plan has a restriction). ➡

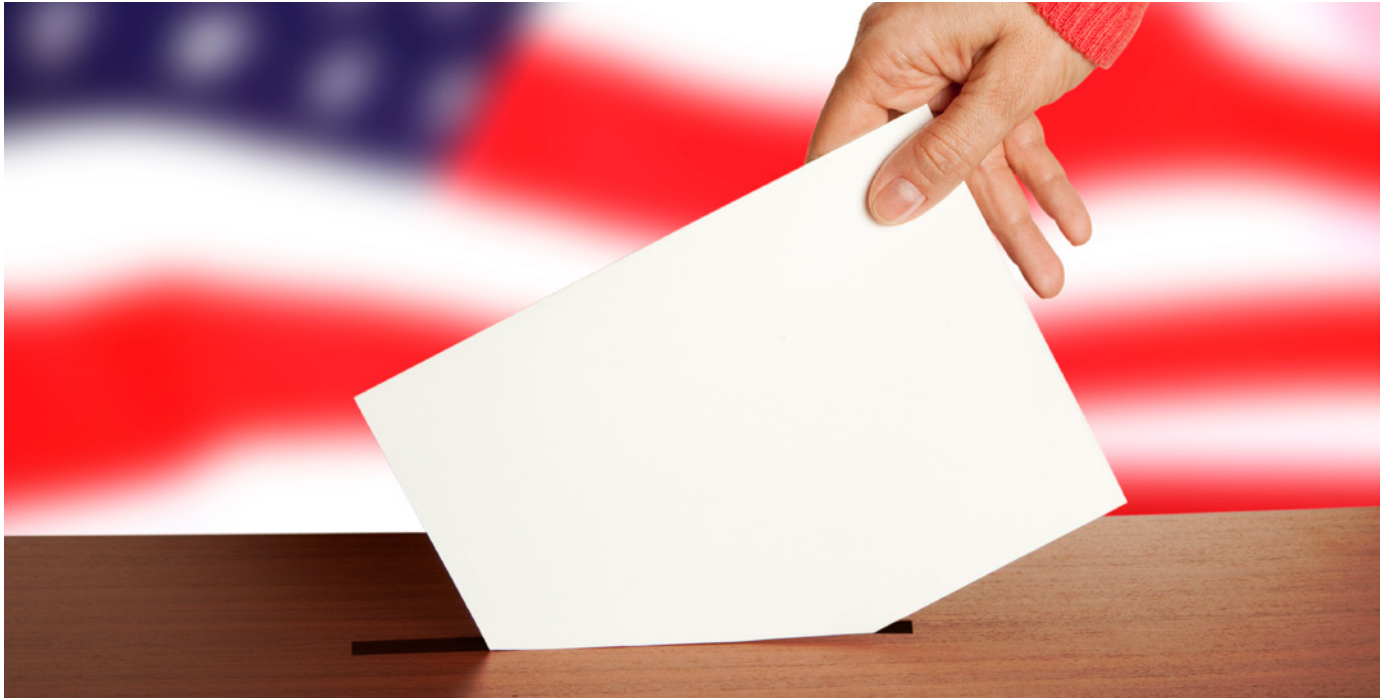
The author is a financial consultant with CURO Wealth Management

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.



ADVANCING DEMOCRACY: Trends In Election Policy

— By Kathy Boockvar



Not to be sentimental, but why not?

As I write this article on the Fourth of July, I think — what could be more patriotic than writing about policies to advance democracy on the birthday of our democracy?

I'll start with the disheartening but then shift to the motivational. Among 32 of the world's most developed democratic countries, the U.S. ranks 26th for voter turnout;¹ only about 60% of our voting-eligible population turned out to vote in 2016.² Additionally, a much smaller percentage of American voting-age citizens are registered to vote as compared to nearly all other developed democratic countries: about 70% of US voting-age citizens were registered in 2016, contrasted with 91% in Canada and the United Kingdom, 96% in Sweden, and 99% in Slovakia.³

The reasons for these differences are many, but I will focus here on three overarching issues: 1) confidence that our vote will be counted accurately and securely; 2) ease of voter registration and voting; and 3) belief that our vote matters and our voice will be heard.

I. Voter Confidence in Election Security

Sadly, a majority of Americans believe it is very or somewhat likely that a foreign government will try to interfere in this year's elections, according to a new Axios/ SurveyMonkey poll.⁴ Perhaps even more distressing, fewer Americans say they feel "very confident" that votes will be accurately counted — only 24% — down from about 35% just two years ago.⁵ Americans feel greater trust and confidence in their vote being counted when using paper ballot voting

1 *U.S. Trails Most Developed Countries in Voter Turnout*, Pew Research Center (May 21, 2018), <http://www.pewresearch.org/fact-tank/2018/05/21/u-s-voter-turnout-trails-most-developed-countries/>

2 *America Goes to the Polls*, <https://www.nonprofitvote.org/documents/2017/03/america-goes-polls-2016.pdf/>

3 *U.S. Trails Most Developed Countries in Voter Turnout*.

4 Axios/Survey Monkey Poll, <https://www.axios.com/exclusive-poll-majority-expects-foreign-meddling-in-midterms-515c9556-be3e-4d51-b575-ff3ae47af205.html>

5 *Id.*

systems; they are more worried about electronic voting machines getting hacked than they are worried about tampering with paper ballots.⁶

In Pennsylvania, our voting system and network security are very strong, and thankfully, there is no evidence that our voter rolls, voting machines, or vote results have ever been penetrated or compromised. The Commonwealth and county boards of elections are vigilant in monitoring and assessing any potential vulnerabilities, and regularly take comprehensive additional measures to make our elections more secure.

The PA Department of State (DOS) works closely with all 67 counties, as well as experts from state and federal Homeland Security agencies, Center for Internet Security, National Guard, PA Emergency Management Agency, state and county IT professionals, and other experts to fortify the security of our election process.⁷

No voting systems in Pennsylvania, including vote-tallying components, are connected to the internet, nor are official election results transmitted through a network. A layered set of protections is in place to secure our voter registration database. The Commonwealth's networks are continuously monitored and vulnerability assessments performed, with vigilant review of any alerts and actions taken as needed.⁸

In addition, by the end of 2019 all PA counties will select new voting systems with voter-verified paper ballots,⁹ to ensure that we are voting on the most secure, auditable, and accessible equipment available. All PA voters will thereafter vote on a paper ballot, either by hand-marking a ballot or by using a ballot-marking voting machine. Under either method, voters will be able to review and confirm their voting selections.¹⁰ The ballots will be scanned and retained by the voting systems for audits and recounts; no voter will walk out with a printout of their votes. Paper ballots will also enable robust post-election audits, ensuring that irregularities will be discernible and election results more verifiable. PA will also be upgrading our voter registration systems in the next few years, to add even more security and advanced functionality.



Despite being considered one of the top four swing states in the country, Pennsylvania is usually in the middle of the states when it comes to voter turnout. Of the generally-recognized 10 – 15 battleground states in 2016, Pennsylvania was near the bottom in turning out its voting-eligible population. The most well-established methods of increasing voter turnout — across party lines and among all demographics — are made by improving the ease of voter registration and voting options, while not sacrificing any security or integrity.

Hopefully, increased knowledge about the security and verifiability of our elections will bolster Americans' confidence that their vote counts — literally and figuratively.

II. Ease of Registration and Voting

Despite being considered one of the top four swing states in the country, Pennsylvania is usually in the middle of the states when it comes to voter turnout.¹¹ Of the generally-recognized 10 – 15 battleground states in 2016, Pennsylvania was near the bottom in turning out its voting-eligible population.¹²

The most well-established methods of increasing voter turnout — across party lines and among all demographics — are made by improving the ease of voter registration and voting options, while not sacrificing any security or integrity. Examples include same-day registration, automatic

6 *Id.*

7 *Have you ever wondered how state and county election officials secure elections?*, <http://www.votespa.com/About-Elections/Pages/Election-Security.aspx>

8 *Id.*

9 *Department of State Tells Counties to Have New Voting Systems in Place by End of 2019*, PA Department of State Press Release, <http://www.media.pa.gov/Pages/State-Details.aspx?newsid=276> (April 12, 2018)

10 *Id.*; see also *Department of State Invites Bids on New Paper Record Voting Systems*, PA Department of State Press Release, <http://www.media.pa.gov/Pages/State-Details.aspx?newsid=273> (April 2, 2018)

11 *America Goes to the Polls*, pp. 10, 12, <https://www.nonprofitvote.org/documents/2017/03/america-goes-polls-2016.pdf/>

12 *Id.*



Other voting access options being explored across the country are Vote Centers. There are several variations, but most commonly voters are provided with the option to vote at any vote center in their county. Benefits include voter accessibility (voters can vote near home, work, school, or any other preference), significant cost savings, near-elimination of voters appearing in incorrect polling places, and reduced need for provisional ballots.

registration, online registration, no-excuse absentee voting, and vote centers. Of these, Pennsylvania only offers online registration, which was implemented in 2015, and which already registered our one millionth voter in February 2018.¹³ The enactment of many of these other measures may be an effective way to engage more voters and improve voter turnout.

A. Same-Day Registration and Automatic Registration

Same-day voter registration (SDR) allows voters to register to vote or update their voter registration at their polling place or designated locations, and vote that same day. Currently, there are 17 states plus the District of Columbia that have same-day registration.¹⁴ The impact on voter turnout is remarkable: since 1996, voter turnout in SDR states has been on average 7 – 13 points higher than states without SDR.¹⁵

Importantly, states with same-day registration use stringent means to ensure voter eligibility and protect against fraud, including:

- All SDR states require prospective SDR voters to show ID demonstrating proof of identity and residency;
- Several states require Election Day registrants to vote by provisional ballot, so that eligibility may be fully confirmed before their vote is counted; and

- Several states require same-day registrants to sign an affidavit or oath that they are eligible and have not already voted, and many states have criminal penalties for fraudulent voting.¹⁶

A wide range of states have embraced SDR: urban and rural; Republican, Democratic, and Independent; states as different as Iowa, Wyoming, New Hampshire, North Dakota, and California, and results have been very positive.

Automatic Voter Registration provides that when eligible citizens apply for or utilize public services, such as applying for a driver's license, Social Security benefits, public services, or classes at a public university, they will be automatically registered to vote unless they choose to opt out. If applicants do not decline, their information is securely sent to election offices, who contact the applicants to confirm registration and any additional information needed.¹⁷

Approximately 12 states and the District of Columbia have approved automatic voter registration, and 20 other states have introduced similar proposals.¹⁸ (Fun fact: North Dakota is the only state that does not require any voter registration.¹⁹)

Automatic registration will lead to more accurate rolls and ensure that only eligible citizens will be registered to vote. Many of these public services already collect citizenship and other information needed for voter registration eligibility

13 *Pennsylvania's Online Voter Registration Hits 1M Milestone*, U.S. News and World Report, <https://www.usnews.com/news/best-states/pennsylvania/articles/2018-02-26/pennsylvanias-online-voter-registration-hits-1m-milestone> (February 26, 2018)

14 National Conference of State Legislatures (NCSL), <http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>

15 *America Goes to the Polls*, p. 20, <https://www.nonprofitvote.org/documents/2017/03/america-goes-polls-2016.pdf/>.

16 NCSL, <http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>

17 Brennan Center, *Case for Automatic Voter Registration*, https://www.brennancenter.org/sites/default/files/publications/Case_for_Automatic_Voter_Registration.pdf

18 Brennan Center, *Automatic Voter Registration*; <https://www.brennancenter.org/analysis/automatic-voter-registration>

19 *North Dakota....The Only State Without Voter Registration*, <https://vip.sos.nd.gov/pdfs/portals/votereg.pdf>



determinations — so the data being used is current as voters update their information for these other public services.²⁰ This leads to increasing voter registration while at the same time increasing the accuracy and integrity of the voter rolls.²¹

Governor Wolf has advocated for both of these registration advances for Pennsylvanians, and hopes to work with the General Assembly to enact legislation such as those introduced this term.²²

B. No-Excuse Absentee and other voting options

Pennsylvania requires voters to have one of a limited number of reasons to vote absentee, including those related to one's job, illness, disability, or service in the military,²³ and still utilizes antiquated mail timeframes and burdensome requirements for people with disabilities. In contrast, 27 states and the District of Columbia have no-excuse absentee voting, which allows voters to vote absentee by choice, for any reason or no reason at all.²⁴ Approximately 10 of these states have expanded this policy to provide voters the opportunity to request absentee status permanently and receive an absentee ballot automatically each election.²⁵ The impact of these options on turnout appears to be greatest for seniors and voters with disabilities; studies have found that people with disabilities were 6.9% more likely to vote where they had the option of no-excuse absentee voting.²⁶ The Wolf administration and county election directors have been developing model legislation, and hopefully Pennsylvania voters will see the benefit of this option available soon.

Other voting access options being explored across the country are Vote Centers. There are several variations, but most commonly voters are provided with the option to vote

at any vote center in their county.²⁷ Benefits include voter accessibility (voters can vote near home, work, school, or any other preference), significant cost savings, near-elimination of voters appearing in incorrect polling places, and reduced need for provisional ballots.²⁸ Thirteen states of diverse partisan and demographic inclinations allow vote centers. Voters still continue to vote only for the slate for which they are eligible. Combining vote centers with no-excuse absentee voting, voters gain substantial flexibility in their options for voting.

III. Voters' Belief that their Vote Matters and their Voice is Heard

In the end, voter engagement will not increase meaningfully unless we enact reforms that assure voters that their vote matters and their voice is heard. Two major complications are gerrymandering and money in politics. The public is overwhelmingly in favor of redistricting reform: enabling independent commissions to oversee the drawing of district lines, prohibit participation by elected officials, and forbid consideration of political affiliations or previous election results.²⁹ PA had a real opportunity to enact this reform this term, before legislators looking to defeat it attached poison pill amendments and recessed for the summer.³⁰ Also critical is campaign finance reform, limiting the oversized influence of money in politics; several bills were introduced this term restricting campaign contributions and increasing transparency and reporting.³¹

Though the clock may be about to run out on redistricting reform in time for this census, hopefully the General Assembly will enact many of these measures to boost citizens' confidence that their vote matters, strengthen registration and voting options, and advance democracy for Pennsylvanians. ➦

20 Brennan Center, *Case for Automatic Voter Registration*

21 Brennan Center, *Automatic Voter Registration*; <https://www.brennancenter.org/analysis/automatic-voter-registration>

22 Governor Wolf Announces 21st Century Voting Reform Plan for Pennsylvania, <https://www.governor.pa.gov/governor-wolf-announces-21st-century-voting-reform-plan-pennsylvania/> (March 26, 2018)

23 <http://www.votespa.com/Voting-in-PA/Pages/Voting-by-Absentee-Ballot.aspx>

24 *Voting by Mail and Absentee Voting*, MIT Election Data & Science Lab, <https://electionlab.mit.edu/research/voting-mail-and-absentee-voting>

25 *Id.*

26 U.S. Election Assistance Commission White Paper, *Eavs Deep Dive: Early, Absentee And Mail Voting* (Oct 17, 2017), <https://www.eac.gov/documents/2017/10/17/eavs-deep-dive-early-absentee-and-mail-voting-data-statutory-overview/>; *Defining the Barriers to Political Participation for Individuals with*

Disabilities," Thad E. Hall and R. Michael Alvarez, p. 4 (May 14, 2012), <http://elections.itif.org/reports/AVTI-001-Hall-Alvarez-2012.pdf>

27 National Conference of State Legislatures, <http://www.ncsl.org/research/elections-and-campaigns/vote-centers.aspx>

28 *Id.*; *Use of Vote Centers on the Rise Nationwide*, Pew Charitable Trusts, <http://www.pewtrusts.org/en/research-and-analysis/articles/2015/01/15/use-of-vote-centers-on-the-rise-nationwide>

29 See, e.g. *Poll Shows Strong Bipartisan Opposition to Partisan Gerrymandering*, <https://www.commoncause.org/democracy-wire/poll-shows-strong-bipartisan-opposition-to-partisan-gerrymandering/>

30 *Time running out for Pennsylvania gerrymandering reform*, <http://www.buckscountycouriertimes.com/news/20180627/time-running-out-for-pennsylvania-gerrymandering-reform>

31 Governor Wolf Announces 21st Century Voting Reform Plan for Pennsylvania

ATTORNEYS MAKING A DIFFERENCE



Susan Maslow, Esquire

The Bucks County Women's Advocacy Coalition

As we are all aware, the family model of working dad and stay-at-home mom is a thing of the past. Consider:

- 42% of mothers are sole or primary breadwinners for their family
- 75% of women with at least one child between the ages of six and 17 worked outside the home in 2016
- For women with children under six and under three-years old, respectively, the percentage of working mothers in 2016 was 65.3% and 63.1%.¹

The workplace, however, has been slow to adapt to this changed reality. Despite the advances women have made, systemic barriers continue to prevent many from achieving economic security. These women struggle to keep up with the demands of caring for children, supporting their families and, in many cases, also serving as caregivers for aging parents.

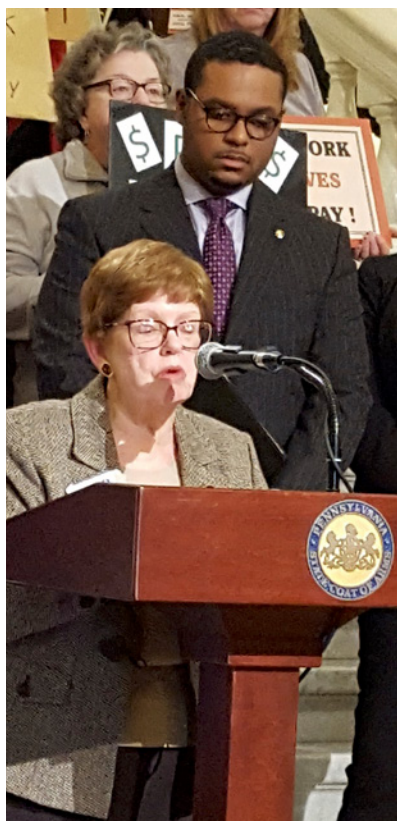
As an individual partner, Board Member, and Chair of the Leadership & Governance Committee of the Bucks County Women's Advocacy Coalition, attorney Susan Maslow is in the forefront of a long-term effort to address the needs of women in Bucks County. Initially hired to pursue a Section 501(c)(4) status for the BCWAC, Maslow was so impressed with the organization that she not only joined, she provided all her legal services free of charge. "I was just so impressed with its 100% volunteer 'work force' and

Maslow appreciated the intelligence, professionalism and dedication of the BCWAC volunteers. "[A]t a time in our nation when we no longer seemed to be listening to each other, I was comforted by a group that wanted to pursue nonpartisan advocacy on a consistent basis with specific action priorities in mind."

their commitment to non-adversarial collaboration with other area non-profits in promoting the health and welfare of women and their families," Maslow said. Maslow appreciated the intelligence, professionalism and dedication of the BCWAC volunteers. "[A]t a time in our nation when we no longer seemed to be listening to each other, I was comforted by a group that wanted to pursue nonpartisan advocacy on a consistent basis with specific action priorities in mind," Maslow said.

The BCWAC, celebrating its tenth anniversary, addresses women's issues in a unique fashion. First, it listens to women across Bucks County, asking about their needs and concerns. Second, it partners with local organizations throughout Bucks County that are working on the front lines providing services to women and families. There are currently 43 organizations that partner with the BCWAC

¹ 1975 – 2016 Annual Social and Economic Supplements, Current Population Survey, U.S. Bureau of Labor Statistics: Labor force participation rate of mothers by age of youngest child

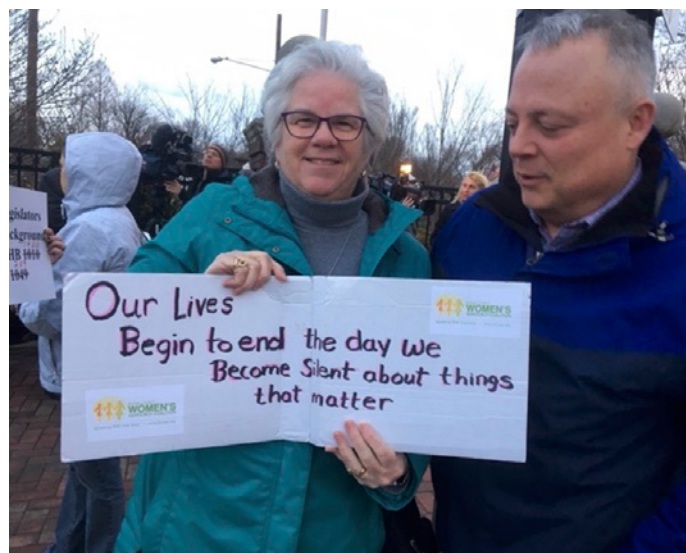


including the Bucks County Opportunity Council, Woods Services, Rolling Harvest Food Rescue, and the Maternity Care Coalition. Third, individual partners volunteer with the BCWAC to work toward its principles-based goal of systemic change. Volunteers read and track legislation, and offer input and work with legislators on both sides of the aisle to craft solutions to problems facing Bucks County women. The BCWAC has over 250 individual partners.

As Maslow explains, “[r]ather than providing services to individuals, [the BCWAC] is working to educate and advocate around opportunities for systemic, long-term change so that every woman has the essential tools (health care, shelter, a fair wage, food sources) she and her family need. I love the fact that we help people debate intelligently and that the Coalition annually identifies action priorities in an effort to be sure we can measure success or adjust course when necessary.”

The fact-based, bipartisan, diligent work of the BCWAC has earned it the respect of Bucks County-based legislators and Pennsylvania state officials. Indeed, elected officials consult with the BCWAC, asking for its opinion of and recommendations with regard to proposed legislation. Legislators also respond to requests by the BCWAC for legislation to address issues affecting their constituents.


For example, one issue brought to the attention of the Pennsylvania state legislature by the BCWAC is benefit cliffs. The system currently in effect in Pennsylvania can penalize a lower-income, hard-working woman who receives a raise from her employer. A small raise can push a woman’s salary over an arbitrary limit or “cliff” in the system, causing her to lose benefits such as subsidized child-care. The net result of a small raise, therefore, can be a substantial financial set-back. The BCWAC is working with state legislators to draft legislation that will remove those cliffs and instead step down benefits gradually as wages increase.



“Rather than providing services to individuals, [the BCWAC] is working to educate and advocate around opportunities for systemic, long-term change so that every woman has the essential tools (health care, shelter, a fair wage, food sources) she and her family need. I love the fact that we help people debate intelligently and that the Coalition annually identifies action priorities in an effort to be sure we can measure success or adjust course when necessary.”

Maslow and the other volunteers at the BCWAC understand that systemic change can come slowly, but they are not deterred. As recent past-president Tam St. Claire explains, “[t]his is not a sprint. This is a long-haul, a marathon. ... We take small steps. We chip away at the systemic barriers. ... we persist; we don’t give up on our principles.”

When asked if she had any particular goals for the BCWAC going forward, Maslow said that she would like to see the number of organizational partners reach 50 and would like individual partners to grow by at least 10 percent. Finally, Maslow said “More lawyers would be great!”

Information about the work of the BCWAC, its ten principles, volunteer opportunities, and more can be found at <http://bcwac.org/>. 

— By Theresa Martin Golding, Esquire

Background Checks:

Employers' Compliance With The Fair Credit Reporting Act

— By Kyong Ha Growney, Esq.

Conducting a background check for an applicant for employment or a current employee seems pretty straightforward. However, if an employer orders background checks through a third party company, who is in the business of compiling background information, the employer is subject to the Fair Credit Reporting Act of 1970 ("FCRA"). Employers who conduct background checks themselves and do not use a third party company are not subject to the FCRA.

"Consumer reports" under the FCRA include criminal records, motor vehicle records, employment history, credit checks, education checks, etc. Before an employer can obtain and/or use "consumer reports" from a third party company, it must comply with all of the requirements of the FCRA.

There are four main compliance requirements under the FCRA related to consumer reports obtained or used for employment purposes:

1. **Initial Notice and Disclosure** — Before obtaining a consumer report, an employer must give the applicant/employee a "clear and conspicuous" disclosure that a consumer report may be obtained. The notice must be a standalone document without any other notices or unrelated information. The notice should not be included in the application for employment.
2. **Written Authorization** — The employer must also obtain written consent from the applicant/employee before obtaining a consumer report. Employers can combine the initial notice and

disclosure with the written authorization into one document.

3. **Pre-Adverse Action Notice** — If an employer plans to take adverse employment action based on information in a consumer report (e.g. turning down an applicant for employment or terminating an employee based on criminal records or motor vehicle records), the employer must provide a pre-adverse action notice. This notice must be in writing and must include a copy of the consumer

the pre-adverse action notice. The notice must contain: the name, address, and phone number of the reporting agency; a statement that the reporting agency did not make the adverse decision and cannot give specific reasons for it; that the applicant/employee can dispute the accuracy or completeness of any information in the consumer report; and that the applicant/employee has the right to obtain an additional free copy of the report from the reporting agency within 60 days.



report and a description of the applicant/employee's rights under the FCRA. The intent of this notice is to give the applicant/employee a reasonable period of time to contest the accuracy or legitimacy of the report's contents.

4. **Final Adverse Action Notice** — If the employer plans to continue with its adverse action (e.g. deny employment or terminate employment) based on the consumer report, the employer must provide the applicant/employee with a final notice of adverse action after a reasonable period of time has passed from

Employers who fail to comply with the FCRA can be liable for actual damages, penalties, costs, and attorneys' fees. In addition, if it is determined that there was "willful noncompliance," an employer may also face punitive damages. In recent years, there has been an increase in both individual and class action lawsuits against employers for violation of the FCRA. Given the potential exposure involved, employers should review their policies and practices relating to background checks to ensure compliance with the FCRA and consult with legal counsel prior to obtaining any consumer reports or taking any adverse employment actions based on such reports. ✎

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Currency

— By Nancy Larkin Taylor

Currency is a word that usually means money, cash, moolah, etc. But other things can serve as currency as well, especially in winter sports.

I found that out on a skiing trip to France in 2015.

On just my second run on my second day in the Alpine resort of Tignes, I slipped and fell.

It really hurt. I wasn't certain whether my arm was broken but I decided to sit on the slope until the ski patrol stopped, just to make sure.

I was about to get a lesson in international currency trading.

The next thing I knew I was being raced head-first downhill on a stretcher, trying to wave to my son as I caught him out of the corner of my eye ascending the ski lift.

My French rescuer was hardly warm and fuzzy. As I lay on the stretcher at the bottom of the hill, he began his cross examination about whether I had purchased insurance with my ski ticket that day.

"Mais non," I replied.

"Then you must pay for the rescue," said he.

"Send me a bill," I replied. "But let me get off the slope now s'il vous plait. I need medical attention."

He demanded I give him 300 Euros first, about \$450 at the time.

"I don't have cash with me and I'm not walking to the lodge for a credit card swipe in this condition," I told him.

"Alors, I will take your skis and poles," he replied.

I had used my brand-new — and rather expensive — pink skis for exactly one day and a half.



Since my son and I could not grab my skis from his greedy French hands and run to the tram, he won that argument. I was ski-less.

After a time, I grudgingly accepted the rough logic in the trade. In the U.S., we pay more for daily ski tickets but rescues are free. In France, apparently, you only get a free ride down if you fork over several more Euros for "l'insurance."

In retrospect I would have paid a thousand dollars for a ride down the hill if necessary, so I shrugged it off and accepted it as the cost of doing business.

However, for the next 12 months, I was hounded by Tignes Ski Resort representatives, demanding 300 Euros for my stretcher ride.

These letters put the U.S. collection threats for garnishment and property seizure to shame. They were on police-like stationary. I feared immediate imprisonment the next time I stepped on European soil.

Only after I sent several letters on letterhead, with the help of my French friend Eric, in which I proposed they sell my brand-new skis and poles for much more than 300 Euros



was I left alone. Although I have not been back to Europe since, there may be a surprise bench warrant waiting for me at Orly Airport.

Fast-forward to this winter. I was back on the slopes, this time in Big Sky, Montana.

On a bright sunny Tuesday, we took a day off and drove to West Yellowstone to rent snowmobiles and view the Grand Tetons.

It being a weekday, we had the miles of trails to ourselves. After lunch, my sister Sue decided she wanted to drive, so her husband climbed on the back.

She was traveling only about 15 miles per hour when she banked, heading off the trail.

She tried to straighten out but she hit the gas instead of the brake. It turns out you should never wear mittens while operating motorcycle-like handle bars. Five-finger gloves are needed for the fine motor skills needed to control the snowmobile.

Sue found that out too late as the stuck throttle caused the machine to accelerate off the trail and into a tree. Her shoulder and hip both slammed into the tree trunk.

This would have been bad enough if we were near civilization. But we were 10 miles from any spot where an ambulance could reach. Sue had to endure the agony of being dragged on a stretcher the whole way, inhaling gas fumes and gagging on snow.

It wasn't until a week later that she was out of the woods, figuratively as well as literally. The hip surgery had gone well, the drugs were effective and she was recovering nicely.

Sue lives near Hershey. On all our ski trips, she supplies Hershey kisses by the bag full. After her collision we moved the party from Bozeman to Billings where the hospital was located. Her husband used the left-over chocolate as currency to bribe the staff.

Then we upped our game and decided to donate our left-over case of beer to her heroic rescue party. Not wanting to stroll into the hospital lobby with the bottles, we discreetly asked a nurse if she could connect us to our heroes so we could thank them and present them with the beer

Her response? "What kind?"

I flashed to the movie "Almost Famous" when groupie Penny Lane was sold to the next band in town for \$50 and a case of beer and through tears, she asked, "What kind?"

The next day, the nurse instructed us on where and when to meet the snow patrol in the parking lot.

It felt like a drug deal. Our heroes were very gracious and grateful for our parting gift.

Later that day, the nurse told me what they had said when she asked if they wanted the beer. "What kind?"

My sister received far superior treatment after the news of our gift passed through the hospital pipeline.

It turned out Corona is solid currency in Montana. 🍸





BCBA -ANNUAL SOFTBALL GAME-

June 7, 2018



The Young Lawyers were once again victorious at the Second Annual Judge John J. Rufe Softball Game. With a score of 9 – 0, the Young Lawyers take the "W" for the 7th year in a row.



Top 5 recording artists
shunned by the Rock and
Roll Hall of Fame

The Music Snob's Top 5 List:

1.

Doobie Brothers



2.

Little Feat



3.

King Crimson



4.

Jethro Tull



5.

Todd Rundgren



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