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Joanne Sommer, Esquire baking with her granddaughter.

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SUMMER 2020



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PRESIDENT'S MESSAGE



Daniel Keane *Bucks County Bar Association President*

My Fellow Members of the Bar:

While the last few months have been trying, I am extremely proud of how our Association leaders, members and staff have responded and performed. It would have gone largely unnoticed if we allowed the pandemic to take its course while we faded into the background and waited it out. But the Board of Directors, Section/Division/Committee Chairs and BCBA

staff actively sought out opportunities to continue to play meaningful roles in our members' lives, and the results have been tremendous.

The Association's regularly held monthly meetings moved from in-person to Zoom but never missed a beat. The court re-opened for regular business in June and, due in part to a series of State of Bucks County Courts video conferences, our attorneys were prepared to return to the courtroom. Event planning never stopped, and we are now in a position in which we are working to safely hold in-person events in the Fall. All of this was due to the work that was put in during the pandemic shutdown, and it has truly been a team effort.

The June 3rd Protection From Abuse Court Day is an excellent example of the potential of our membership. Just three days into the re-opening of the courts, Association members and staff worked in concert with the Bucks County Courts and Legal Aid of Southeastern PA to dispose of two and a half months' worth of cases in one day. The pro bono work of our members to provide meaningful representation to so many litigants shows the impact we can have on our community.

I am also pleased to report that our membership numbers have increased from this time last year. The Member Services Committee, under the leadership of Melanie Wender, has been one of our most active committees this year and their work has certainly paid off. The Association used the last few months to highlight the benefits of membership and non-member attorneys have taken notice and joined.

We now look to the next few months to see how we can make the best of the future opportunities available to us, and the First Annual Likely Last Local Hybrid Virtual In-Person George Lear Memorial Oktoberfest Bench Bar Conference on September 25/26 is the immediate focus. While we were looking forward to holding Bench Bar 2020 at Skytop Lodge, governmental restrictions on the facility made that impracticable so we shifted gears and the staycation conference was born. Jeremy Puglia and the Bench Bar Committee have worked hard to plan a conference held right here in our back yard that is worthy of being called Bench Bar. It is common knowledge that Bench Bar CLEs are among the best of the year and, with this year's CLEs all being conducted virtually, we are able to make the CLEs available to many more members. Thursday and Friday afternoon feature outdoor receptions that will allow attendees to spread out and stay safe while enjoying the company of other members. And Friday afternoon golf at the scenic and historic Northampton Valley Country Club is sure to be a great time. The early responses have put us on track to have one of the highest Bench Bar member participation rates in the history of the Association and we look forward to having you join us.

While it is important that we continue our efforts to ensure that the Association thrives, we should also be considering what part we can play in the evolving social landscape, both as an Association and as individual attorneys. Lawyers are often consulted in times of trouble, and that is as true for individuals seeking advice from lawyers as it is for the community seeking direction from the Association. We are most people's first contact with the justice system and we have an opportunity to be ambassadors for everything that is good about our justice system, while also helping to shape that system into what it needs to be going forward. The Association provides a place for attorneys to share ideas and collaborate, and that will continue.

I look forward to what we can accomplish over the next few months and I continue to ask for your support. While no one is certain what the future holds for our businesses, schools or the world in general, the BCBA leadership and staff are working to remain flexible and innovative to ensure that, regardless of the circumstances, we can continue to offer services. With that in mind, please consider what role you can play in the Association, whether it is sharing ideas, participating in meetings or events, or volunteering for one of the many pro bono opportunities that the Association makes available. Collectively we determine the success of the Association.

— Daniel Keane Bucks County Bar Association President

We Welcome Your Feedback!

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





From the Editor...



Jason R. Weiss Editor, Bucks Writs

A lost year.

Lately I have been hearing from folks all over that 2020 is and will forever be a "lost year" for obvious reasons. While I certainly understand the sentiment, I have chosen to see this most unusual and difficult time as an opportunity and at times, enjoyable. This is certainly not to downplay the severity of the pandemic or the terrible effects it has had on our society and the world as a whole. However,

being "stuck" at home with my kids was mostly great, with a little horribly traumatic mixed in.

The difficulty of both parents working from home full time while caring for two toddlers is certainly not lost on me. The many hours (or days) of screaming, by both child and parent Whether it was just sitting down to have lunch together or all huddled on the couch while mom and dad worked and the kids watched the latest and greatest from PBS Kids, I will always remember the little bit of good that came from this time.

alike, are not my fondest memories. But, looking back at the months we were able to spend together as a family will always bring a smile to my face. Whether it was just sitting down to have lunch together or all huddled on the couch while mom and dad worked and the kids watched the latest and greatest from PBS Kids, I will always remember the little bit of good that came from this time.

I hope our members and everyone reading this can do the same.. — Jason R. Weiss

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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.



Pro Bono Honor Roll

January 1 through June 30, 2020

THANK YOU to all attorneys who volunteered their valuable time this winter and during COVID-19 this spring. You directly increased access to justice for Bucks County residents. Thank you, too, to those who gave financial support through donations and arbitration allowances. Legal Aid of Southeastern PA could not assist as many low-income, vulnerable individuals without all of you.

— Jennifer Pierce, LASP Doylestown Managing Attorney & BCBA Pro Bono Committee Chair



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Welcome to CLERKLAND!

LIFE BEHIND THE CURTAIN: THE LAW CLERK EXPERIENCE

By John P. Uetz, Esquire, Law Clerk to the Honorable Charissa J. Liller; and Thomas J. Nolan, Jr., Esquire, Law Clerk to the Honorable Robert J. Mellon

veryone remembers the iconic scene from the classic film The Wizard of Oz when Dorothy's dog, Toto, pulls back a curtain to reveal that the Great Oz is nothing more than a man creating an illusion of a powerful wizard. While certainly not as dramatic, being a judicial law clerk is akin to this experience in that we get to live "behind the curtain" — or perhaps more accurately, behind the black robe — every day.

For many attorneys, judges can be intimidating. It can be easy to forget that judges are mere mortals amidst the pomp and circumstance of courtroom proceedings. However, as law clerks, we are privy to the unfiltered thoughts of judges on a daily basis... and sometimes we even get to overhear them singing to themselves in the hallway.

A law clerk's day starts by taking the elevator up to the 6th floor of the courthouse and proceeding to what is affectionately known as "Clerkland." Clerkland is a collection of contiguous half-wall cubicles that house the judicial law clerks. This layout helps to facilitate passionate debates among clerks about a variety of asinine topics, such as whether a banana is classified as a berry and what is or is not a meme. But more importantly, it encourages open dialogue and allows us to work together to provide the best possible product for the judges.

Of course the bulk of a law clerk's day is spent researching legal issues and drafting memos and opinions. Receiving feedback from judges is an invaluable way to develop and

improve legal writing skills for younger attorneys. It is also a great way to learn the difference between a court filing office and a foot doctor, as one clerk found out when she mistakenly referred to the Prothonotary as the "Podiatrist" in an opinion submitted to the judge.

While we spend much of our time at our desks, our best stories come from sitting in on court proceedings. For example, PFA court has inspired an informal list of foods alleged to be used in altercations, which currently includes

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ice cream and maple syrup. Although sitting in court is not always exciting, law clerks gain unique and valuable insights by observing proceedings and subsequently hearing judges' thoughts on the credibility of witnesses, effectiveness of attorneys, and merits of cases.

A law clerk's job is a unique position, unlike any other job in the legal field. It is constantly changing, with each day bringing a new case or a new legal issue. Pivoting from a criminal appeal to a land use case is a common occurrence in Clerkland. Whether you are just beginning your legal career, or looking for a new challenge, the law clerk experience will make you a better attorney and advocate. When their clerkships come to an end, clerks leave the courthouse with an understanding of many areas of the law, a year or more of real-world legal writing, a collection of stories that will be told throughout their legal careers, and an experience that they will carry with them forever.

The signature quote from the famous scene in The Wizard of Oz is "Pay no attention to that man behind the curtain!" However, as clerks we do get to know the women and men behind the black robes. Our discussions with judges highlight the importance of remembering that judges are human beings. So, the next time you find yourself in front of the bench, think of the person "behind the curtain" and the clerk by their side. Oh, and finally, be nice to the clerks!



John P. Uetz, Esquire, Law Clerk to the Honorable Charissa J. Liller



Thomas J. Nolan, Jr., Esquire, Law Clerk to the Honorable Robert J. Mellon

By Joanne Sommer, Esquire



ast weekend, I was babysitting my five- and one-year-old granddaughters. My five-year-old granddaughter is at that "what is?" stage and was asking me all kinds of guestions such as: "When you see the globe with the countries on it, why doesn't the water and the land parts fall off?" Anyway, I digress.... One of her other questions was: "Mom Mom, what work do you do?" I assumed she was talking about work work as opposed to the work it is doing the stereotypical "woman's work" like cooking, cleaning, and finding fun activities for the kids, so I said that I was a lawyer. She then asked me to describe in language a five-year-old could understand, what a lawyer does. Of course, my husband, a retired law enforcement officer, smirked and mumbled a few things under his breath, which shall not be repeated here. (The obligatory "but not you honey" followed.)

So, I thought and stuttered a bit all the while wondering just what it is that a lawyer does and how to describe it to someone who genuinely had never heard of the concept or the job title. I mean, how do you explain that there are all kinds of lawyers including those who are good, bad or indifferent, prepared and unprepared, ethical and unethical, genial and obnoxious and that these people generally specialize in any number of areas of the law (she didn't know what "law" was either but did seem to nod when I told her that the "law" was what her parents told her to do).

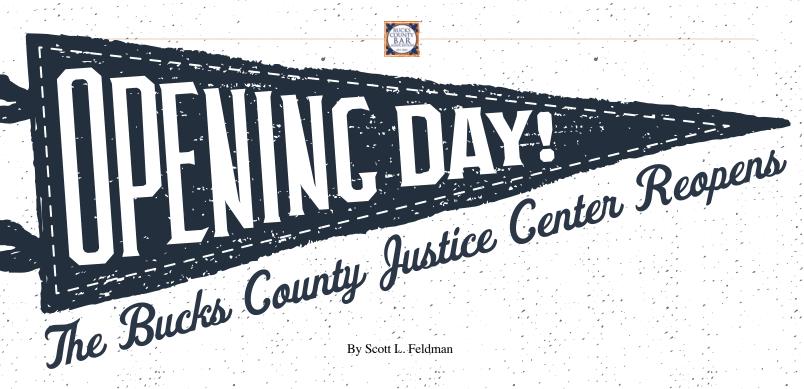
I finally created a hypothetical story in which my grand-daughter disobeyed her parents (the law) and was sent to time out. She asked me, her lawyer, to negotiate her conditional release, in exchange for an hour "on the outside" weeding the vegetable garden. I asked for a hug as a retainer and told her I'd expect at least five more hugs if I was successful in bargaining with her parents for her release. Unfortunately, her parents countered with an hour of weeding and an hour spent picking up the clothes thrown on the floor of her room. That was almost a deal breaker for my client but ultimately, she agreed and was released from time out.

My granddaughter thought a bit and finally said that the lawyer hadn't gotten a good deal as she wouldn't have agreed to clean up her room because it would take longer than the time out period....Obviously, if I had been her lawyer, I would not have gotten the hugs that had been promised.



My granddaughter thought a bit and finally said that the lawyer hadn't gotten a good deal as she wouldn't have agreed to clean up her room because it would take longer than the time out period....Obviously, if I had been her lawyer, I would not have gotten the hugs that had been promised.

So, can you help me figure out how to explain to a five year old (or anyone else for that matter) what a lawyer does? I'm not sure I did justice to the concept. I'm still working on a better example but was having difficulty explaining that I could protect her chalk drawings from being copied by her little friends with a little copyright litigation.



t was a bright sunshiny day. People gathered from all around, some having arrived on foot and others by car. There was a certain anticipation and perhaps, some nervous energy, as the masses queued up to get in. Yes, after a prolonged wait, it was... opening day!

Yet, no one sang Take Me Out to the Ballgame, nor was there any sighting of hot dogs or popcorn. There were giveaways! But, alas, it consisted of empty plastic bags to be used only once and then discarded.

As I write this article, major league baseball has finally returned, but it was back on June 1, 2020, after several long months, that the Bucks County Justice Center was again open to the public. The decision to open, and determination of the process to do so safely, was not taken lightly.

President Judge Wallace H. Bateman was at the center of this ongoing process. In a recent interview, he was quick to point out that the Justice Center and the Courts never really closed. As we all struggled with the sudden impact of the pandemic, and its effect on schools, offices and our collective sanity, the business of the Court of Common Pleas went on. His Honor points out that the Court Administrator's office was staffed every day ("a very high level of commitment"). Other row offices, such as the Register of Wills, remained open by appointment. Judges sat on the Bench to rule on various emergency matters, typically in the criminal and family law arena.

Judge Bateman received information and guidance from all directions. The Supreme Court of Pennsylvania (AOPC)



has authority to determine Court business throughout the state, and did so via a series of comprehensive, yet evolving, Orders. These Orders mandated certain matters, while leaving certain other matters subject to the discretion of the individual counties. Accordingly, Judge Bateman has issued eighteen (18) such "Emergency Orders" thus far, providing the Bucks County legal community with critical information and changes.

The Bucks County Commissioners, along with Dr. David Damsker, Director of the Bucks County Department of Health, provided regular updates and directives to the Courts. The Department of Prisons provided its updates as well. Meetings were held with fellow Judges ("the sixth floor was great; the attitude was 'whatever we have to do, we'll do'"), as well as with the District Attorneys and Public Defenders offices. Staff worked tirelessly with a can-do spirit. The Courts' own information technology specialist, David S. Gomez, was





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instrumental in accommodating its rapidly evolving needs. Video capabilities for arraignments and other proceedings have increased significantly.

Judge Bateman continually expressed his appreciation to all of these individuals, departments and organizations, and did not want to leave anyone out. It was a true team effort to obtain and share relevant and emerging information for the purpose of making the best possible decisions.

Among those singled out for his dedication to optimizing communication between the Bench and Bar was Daniel Keane, President of the Bucks County Bar Association, and Sean Gresh, Vice President. Dan adds:

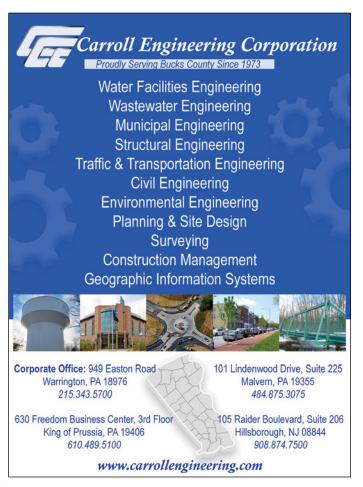
Throughout the emergency court closure the Association stayed in constant contact with the Bench and Court Administration to ensure the effective exchange of information. Circumstances were changing on an almost daily basis and it was important that our members remained aware of how to access the courts. It was also important that our members were ready to return to court in June and I think the information we were able to provide helped our members in that transition.

A large part of that communication was via a series of Zoom meetings wherein Judge Bateman and others shared updates in real time with members of the Bar. The first such meeting was limited to 100 participants and was (virtual) standing room only. As the popularity of these updates was immediately recognized, future meetings were expanded so that several hundred interested lawyers could simultaneously listen in. Judge Bateman acknowledges that in hindsight these sessions could have begun earlier in the shutdown.

Finally, planning for reopening on June 1 began in earnest. Pedestrian traffic patterns and entrance protocols were established and maps prepared. Waiting tents were erected

by the parking lot and main entrance. Yes, plastic bags for placing one's personal items through screening were purchased (although they have since been phased out). Judge Bateman offered kudos to the Sheriff's Department and security personnel ("they didn't hesitate to offer up whatever was needed"). Concerns of excessive delays getting into the building due to social distancing failed to materialize.

The Courts were back in business, and the various common sense restrictions that remain are continually evaluated. Judge Bateman's final expression of gratitude was to all of the attorneys, litigants and staff who are wearing their masks in the Courtrooms.





BUCKS COUNTY BAR ASSOCIATION PRESIDENT DAN KEANE RECENTLY ANNOUNCED AN EXCITING AND AMBITIOUS NEW PROJECT FOR THE

BCBA. Planned in conjunction with the Bucks County Bar Foundation, under the leadership of President Jessica Pritchard, the Children's Advocacy Initiative (CAI) will provide lawyers as Child Advocate or Guardian Ad Litem to represent children involved in the justice system.

The CAI's mission is that no child should ever face the court system alone without an Advocate standing beside him or her, advocating for the child's needs and wishes. The Bucks County Guardian Ad Litem's office currently already handles the large and complex caseload of children involved in the juvenile court dependency system. The CAI intends to fill the gap for those children who are not adjudicated dependent but involved in the court system through no fault of their own. Initially the CAI's focus will be on children serving as victim-witnesses in the criminal justice system and children who are involved in high-conflict custody cases. Family Court Administrative

Judge James McMaster and District Attorney Matt Weintraub have expressed both the need for and the support of such a program.

Since March, my CAI committee co-chair Tim Barton and I have worked with BCBA Executive Director Greg Nardi and President Dan Keane to develop a framework for the CAI including recruitment, training and fundraising. A preliminary announcement of the Initiative in March 2020 elicited interest from 20 lawyers to serve as the first volunteers for the program.

The first volunteer training is anticipated in Fall 2020 with a goal of volunteers being assigned cases by the end of this year. If you are interested in serving as a volunteer Child Advocate or Guardian Ad Litem or would like more information, please contact Greg Nardi at: greg.nardi@ bucksbar.org. As we move closer to finalizing the training plans and requirements, notices will be sent to those who have indicated their interest. Please note, potential volunteers will need to commit to six consecutive hours of training before being assigned a case.

The CAI's mission is that no child should ever face the court system alone without an Advocate standing beside him or her, advocating for the child's needs and wishes.

If you are looking to make a difference in a child's life this might be the job for you. If you would like opportunities to be involved with CAI other than as a Child Advocate or Guardian Ad Litem, please contact Greg Nardi at BCBA. We need assistance with clerical support, fund raising, grant writing and of course, financial donations will help. We ask that all financial donations be sent to the Bucks County Bar Foundation specifically noted for the CAI.

This is an ambitious project that both President Keane and President Pritchard are spearheading and it will only succeed with your involvement and assistance. Please call and get involved!!



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A Pandemic

By Kim Litzke

JUNE 3, 2020 WAS THE DAY.

There were 160 PFA cases. Every case that had been filed prior to mid-March and continued to a date after that, as well as new filings in the second half of March, April and May, went to an ex parte hearing before a judge but the final hearings were not scheduled while the courts were closed. When the court started figuring out how to reopen, discussions centered on how the PFA backlog could be cleared. Bucks County has a long history of an attorney volunteer program so that domestic abuse parties would have representation. The volunteer program has enabled us to serve all parties that needed relief from the court on the one day a week for PFA hearings. Bucks County Court of Common Please hears all PFA cases on Wednesdays, which allows the other days of the week for judges to hear support, custody and divorce matters.

June 3, 2020 was a first. Previously, the largest list I've ever seen cleared in one day was 50 cases. I had no idea how we were going to handle the volume that was building. As we got closer to reopening, much thought and coordination had to go into a plan to resume functioning. We needed to keep people (parties and lawyers) safe at a time when everyone feared being exposed to the virus. We needed to make sure parties were well represented when in their final hearings. The court devised a plan that four different judges would be in four different courtrooms one day and we could spread out the amount of people that would still need to come



to the court house by staggering the report times. The Court figured out cleaning, requiring masks, arranging chairs for social distancing and even an elaborate plan to get through security. Even with all that, how were we going to be able to get 160 cases heard in one day?

We put out the call. We told previous volunteers and attorneys that had never volunteered about our plan. They learned what safety precautions were in place and they said they were willing to come. But then we told them what we were asking of them to make this work. We were asking them to work for two weeks prior to the big day to represent

two to three times more clients than they ever previously represented by calling their opposing counsel in advance of the day. The volunteers barely batted an eye. They got on the phones. They called their clients. They called opposing counsel. They worked with the coordinator in their courtroom to get their questions answered and kept the coordinator aware of the status of their cases.

On the morning of June 3, 2020, I woke up thinking that we were as prepared as we were ever going to be and hopeful that we could we pull it off smoothly. It worked. It was amazing to see 42 volunteer attorneys work

Backlog

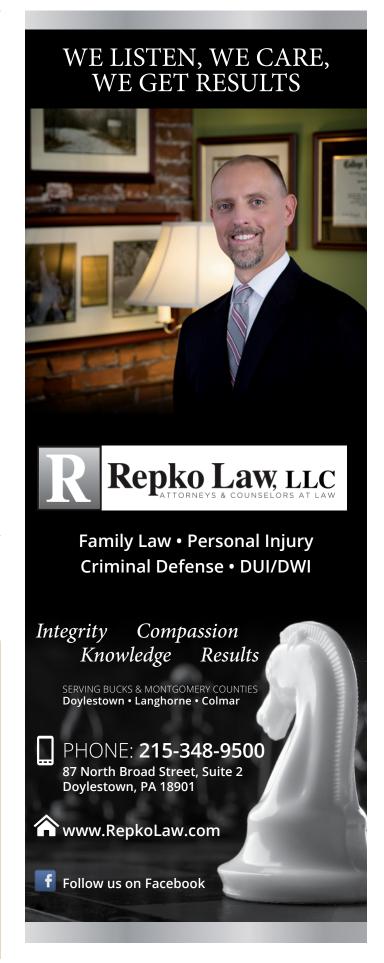
together to serve the parties and clear the backlog. Each case got the attention it needed to be sorted out so that final orders were entered where appropriate, continuances were granted if necessary and other matters disposed of in a way where the parties understood the result. It was an amazing experience for everyone involved.

I would like to encourage you to volunteer for PFA Court. If you were a volunteer that day, you are part of a club that will forever remember "that day." But please, if this inspires you at all to want to be part of helping others in a world where everyone needs help... please volunteer on a regular Wednesday for a regular PFA list. It is still a wonderful way to do something good with your talents, interact with other professionals with the same goals, and get yourself in front of the judges who absolutely appreciate the volunteers who serve. If you are interested in representing plaintiffs please contact Randi Riefner at Legal Aid or for defense representation contact Kristen Norcross at the Bucks County Bar Association.

Thank you to the following individuals, all of whom were instrumental in clearing the backlog on June 3, 2020.

Cynthia Bashore Chris Brill Paul Brownstein Dawn Burke Jahn Chesnov Tim Duffy **Stephanie Gonzales** Linay Haubert Alyssa Heinrich Jack Hetherington Steve Jones David Juall Dan Keane Josephine Lee Jeff Liebmann Russell Manning Kris Michael Hillary Moonay

Tom Panzer Jessica Pritchard Jeremy Puglia Robert Repko Amy Schnecker Carol Shelly Michael Shelton Chris Simcox Mindy Snyder **David Sowerbutts** Amir Stark Mark Stollee Patrice Tisdale Joseph Visco Sara Webster Melanie Wender Shari Williams **David Woosley**





BUCKS COUNTY REGISTER OF WILLS/CLERK OF ORPHANS' COURT: LINDA BOBRIN

By Chris Serpico

It's been said that "necessity is the mother of invention."

So when the coronavirus struck in early March, and pursuant to Governor Wolf and President Judge Bateman's directives, the Bucks County Courthouse essentially shut down on March 17th, hundreds of engaged couples in Bucks County were left wondering how in the world they were going to be able to obtain the license required for them to legally "tie the knot" in Pennsylvania.

Although the virus shut down much of the Commonwealth, and the rest of the country for that matter, there were a few counties that moved the application process online, including York, Dauphin, and Philadelphia.

But they offered the service exclusively to their own residents. Only in Bucks County was the opportunity provided to citizens from anywhere in the country to apply for a marriage license valid for the state of Pennsylvania.

"We thought there had to be a way, with the technology available to us, where we could help people who were stuck at home. After we got things together we were able to get it approved and then we moved forward," said Bucks County's Register of Wills, Linda Bobrin, when I interviewed her at her office.

Bobrin had been in office for a little over two months when the pandemic forced all of Bucks County's administration offices to shut down. During what is traditionally one of the busiest times of the year for people looking to get marriage licenses, Bobrin and her staff figured out a way that people could still access services they desperately needed,

especially at a time when marriage often was necessary to allow one partner to obtain or maintain health insurance coverage through their partner's insurance plan.

Bobrin's innovative solution was commented on by newspapers throughout the area, including the *Bucks County Courier Times*, the *Erie Times-News*, and *The New York Times!*

Bobrin had been in office for a little over two months when the pandemic forced all of Bucks County's administration offices to shut down.

But that wasn't the only innovation Bobrick came up with. Because she recognized that despite the ongoing health crisis, estates would still need to be opened, her office introduced their "Fast Track Option," a pilot program that utilizes technology to open estates. By setting up an account after going online to www. buckscounty.org/rowocrecords, attorneys and laypersons can fill out an online form and submit necessary documents, such as the original will and the original death certificate, required to open an estate. Once the Register is supplied with the necessary documentation by regular mail, arrangements are made to set up a video-conference call to make necessary payments by credit card, and to swear in the Executor or Administrator.



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the beneficiary's estate. In addition, we are able to prepare both simple and complex wills, charitable trusts, foundations, irrevocable life insurance trusts, living wills, powers of attorney, anatomical gift provisions, lifetime gifting arrangements, family real estate partnerships and other creative estate planning arrangements.



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After the original signed documents are reviewed and accepted, the estate is opened, and Short Certificates are issued.

As an additional service to the community, the Bucks County Register of Wills now offers a discounted marriage license to military veterans AND first responders and medical personnel during the pandemic. The prevailing cost of a marriage license, usually \$83.00, is now discounted for those on the front lines of the pandemic, to \$63.00, as a gesture of gratitude "to those who put their health and safety on the line at this difficult time."

Due to the virus, access to their sixth-floor office is currently limited, and all visitors must first check in with security officers at the entrance to the Administration Building. Filers can also use the drop box located outside the security check in.

During what is traditionally one of the busiest times of the year for people looking to get marriage licenses, Bobrin and her staff figured out a way that people could still access services they desperately needed, especially at a time when marriage often was necessary to allow one partner to obtain or maintain health insurance coverage through their partner's insurance plan.

Ms. Bobrin could not have imagined the challenges she would face when she was inaugurated on January 7th, a few months after sweeping into office with three other newly elected row officers who replaced incumbents who had held their positions for years. But with her legal training, as well as her nearly thirty years of on the job experience, she was prepared to rise to the occasion.

She credits her staff for being exceptionally versatile and hard-working during this difficult time, especially her First Deputy, Doug Wayne (who is also a Bucks County attorney), and her Second Deputy, Colleen Strunk.

When the coronavirus has passed (and it will pass...eventually), it will be

interesting to recognize positive changes that have occurred in response to the emergency. Linda Bobrin's efforts in the Register of Wills' Office will almost certainly stand out in that regard, and for that she deserves much credit.



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