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Dauphin County Bar Association

June Newsletter

President's Message



Just One More...

Change the way you look at things and the things you look at change. ~ Wayne W. Dyer.

Our Bar Association is hard at work!

Come out and join us... you have time for



Just One More...

Law Week 2012



The Dauphin County Bar Association celebrated Law Week 2012 with a number of events and we thank those members who participated this year. "Ask a Lawyer" held once again at Strawberry Square for the week, reached 243 "clients" and the attorneys who donated their time addressed issues that included criminal law, custody, landlord/tenant, real estate and trusts and estate issues. Thirty-one (31) DCBA members and 13 members of the Central Pennsylvania Paralegal Association participated over the lunch hour and many said that they had done this for years and would continue to volunteer for "Ask a Lawyer" in this enjoyable event.

The Back to School Program organized by the YLS and Judge Cherry served 108 classrooms in the Harrisburg area with 71 volunteer lawyers. The theme for Law Week was "No Courts, No Justice, No Freedom".

On May 1, 2012, three members of the Executive Committee of the Bar attended the Naturalization Ceremony at the Dauphin County Courthouse and helped to welcome over 30 new citizens. This is an inspirational event and Judge Bratton was eloquent in his remarks to the new citizens and their families.

Brett Woodburn and Steve Williams represented the DCBA when they each made appearances on WITF Smart Talk Radio and Smart Talk TV to discuss timely legal issues and respond to questions. Thanks to both for their time and wisdom!

And finally, it was our pleasure to have Judge John E. Jones, III of the PA Middle District speak to the membership at the Law Day Breakfast at the Harrisburg Hilton. Judge Jones always has a message that is timely and relevant and he encouraged all attendees to communicate the good work of the profession and of the merits of our legal system here in the United States. "No Courts, No Justice, No Freedom!"

Law Day Breakfast Meeting



DCBA President Brett Woodburn with guest speaker Hon. John E. Jones, III.



DCBA new member Matthew Campbell, Hon. John E. Jones, III, President Judge Hoover, DCBA new member Howard Newstadt and DCBA President Brett Woodburn.



Malinda Elliot, President, Central Pennsylvania Paralegals Association presents Donna Bridi with the PA Paralegal Scholarship Award.



DCBA Law Day Committee Member Renee Mattei Myers presents Jennifer Storm with the Liberty Bell Award.

“Ask a Lawyer” Booth

We would like to thank the following individuals for volunteering their time to work the “Ask a Lawyer” Booth at Strawberry Square during the week of April 30 through May 4, 2012. This year, 243 individuals were assisted.

<i>William L. Adler</i> <i>John R. Beinhaur</i> <i>Thomas E. Brenner</i> <i>Catherine A. Boyle</i> <i>John A. Davidson</i> <i>James R. Demmel</i> <i>Christopher A. Dreisbach</i> <i>Paul E. Edger</i> <i>Jennifer L. Ellis</i> <i>Nicholas A. Fanelli</i> <i>Lawrence G. Frank</i> <i>Richard R. Gan</i> <i>Corky Goldstein</i> <i>Charles A. Hooker</i> <i>Philip M. Intrieri</i>	<i>David H. Judy</i> <i>Dale E. Klein</i> <i>Cheryl L. Kovaly</i> <i>Francis J. Lafferty, IV</i> <i>Melissa M. Leininger</i> <i>Melissa B. Melewsky</i> <i>Douglas R. Roeder</i> <i>Patricia J. Romano</i> <i>Marianne E. Rudebusch</i> <i>J. Michael Sheldon</i> <i>Kelli Brownnewell Statt</i> <i>Tracy L. Updike</i> <i>Dean A. Weidner</i> <i>Brett M. Woodburn</i>
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The following Paralegals from the Central Pennsylvania Paralegal Association were also on hand to help out.

<i>Linda Eshelman</i> <i>Susan Gelber</i> <i>Faith Henry</i> <i>Lauren Huff</i> <i>Cathy Kohr</i> <i>Barbara Lauver</i> <i>Cathi Leigh McAdams</i>	<i>Ellen Myers</i> <i>Kimberly Perez</i> <i>Ann Marie Schur*</i> <i>Mary Sprunk</i> <i>Heather White*</i> <i>Catherine Wright*</i>
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**Individuals who volunteered multiple times during the week.*

Lawyers & Judges Go Back to School

<i>John M. Abel</i> <i>Karen M. Balaban</i> <i>Andrew W. Barbin</i> <i>Amanda A. Batz</i> <i>Nora F. Blair</i> <i>Joshua D. Bonn</i> <i>Judge Cherry</i> <i>Rosemary Chiavetta</i> <i>David R. Chludzinski</i> <i>Judge Coates</i> <i>Casey A. Coyle</i> <i>Michael J. Crocenzi</i> <i>Shawn M. Curry</i> <i>John A. Davidson</i> <i>Joseph D'Annunzio</i> <i>Shamaine A. Daniels</i> <i>Robert H. Davis, Jr.</i> <i>Bryan E. DePorcell</i>	<i>Judge Dowling</i> <i>Paul D. Edger</i> <i>Andrew R. Eismann</i> <i>Jennifer L. Ellis</i> <i>Andrew M. Enders</i> <i>Jeffrey A. Ernico</i> <i>David J. Evenhuis</i> <i>Ronald L. Finck</i> <i>Peri Fluger</i> <i>James J. Franklin</i> <i>Richard E. Freeburn</i> <i>John W. Frommer III</i> <i>Corky Goldstein</i> <i>Elizabeth J. Goldstein</i> <i>Schaun D. Henry</i> <i>Emily Long Hoffman</i> <i>Anthony M. Hoover</i> <i>Joel C. Hopkins</i>	<i>Randall G. Hurst</i> <i>Judge David Judy</i> <i>Dale E. Klein</i> <i>Jonathan W. Kunkel</i> <i>Edward G. Lanza</i> <i>Amanda LoPiccolo</i> <i>Joseph A. Massa, Jr.</i> <i>Laurie L. McGowan</i> <i>John J. McNally III</i> <i>Karen W. Miller</i> <i>Kathleen Misturak-Gingrich</i> <i>Sherrill T. Moyer</i> <i>James R. Moyles</i> <i>Francis X O'Brien</i> <i>Elizabeth L. Pettis</i> <i>Michael D. Pipa</i> <i>Michael D. Reed</i> <i>Edwin A.D. Schwartz</i>	<i>Matthew A. Sembach</i> <i>Thomas F. Smida</i> <i>Gail Guida Souders</i> <i>Edward F. Spreha, Jr.</i> <i>Kelli Brownnewell Statt</i> <i>Craig J. Staudenmaier</i> <i>Daniel W. Stern</i> <i>Richard B. Swartz</i> <i>Todd F. Truntz</i> <i>Melissa Van Eck</i> <i>Hilary P. Vesell</i> <i>Bruce J. Warshawsky</i> <i>Lauren S. Weldon</i> <i>Russell R. Wert</i> <i>James D. Young</i>
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IOLTA NEWS



New IRS Credit Card Reporting. Effective January 2012, all credit card processors (e.g., LawPay, etc.) and 3rd party payment aggregators (e.g., PayPal) are required to report **gross** credit card transactions to the IRS on its form 1099-K. In the case of attorneys, the regulation does not make a distinction between credit card transactions deposits to a trust or IOLTA bank account or an attorney's operating bank account. The 1099-K is only intended to be "informational," and the processor should include a merchant industry code on the 1099-K that identifies the recipient as a law firm. While it is not yet clear, it would be consistent with other IRS requirements that the taxpayer may be required to explain the differences between the law firm's income and the amounts reported on the 1099-K (e.g., trust account credit card deposits would likely need to be explained/reconciled since they may not be reportable income). The processor is also required to assure the law firm's federal tax ID matches the law firm name on the IRS's records (there are limited characters on the form 1099 for the law firm name, so it is important that the beginning letters of the law firm name on the form 1099 match those of on the IRS records). Effective January 2013, the IRS imposes a 28% withholding penalty if the name and TIN numbers do not match the IRS records. Some processors have begun charging "TIN-Matching Fees" (Taxpayer Identification Number) or similar charges. Please note that all IOLTA accounts have the TIN of the PA IOLTA Board, not the law firm. **Law firms should exercise care to assure their TIN is used on credit card processing agreements.**

Committee Notes



The mission of the Dauphin County Bar Association **Fee Dispute Committee** is to resolve client complaints concerning fees and costs charged by its members for professional services. Participation, while encouraged, is voluntary and there is no charge for the service. There are eleven (11) members who are assigned cases as client complaints are received by the Executive Director of the Association. Typically a member will attempt to resolve one or two (1 or 2) cases annually. The members do not hold hearings or receive sworn testimony. Rather, resolution is attempted based upon written submissions by the parties usually followed by phone conversations. Contrary to the expectations of some clients, the Committee member does not assume the roles of advocate for either interest. Needless to say, the Committee member is not compensated for his or her time. The written fee agreement required by the Rules of Professional Conduct often become the key document for consideration. It is not the function of the Committee to make findings concerning the value of services based upon outcome or efficacy. Further, complaints concerning alleged malpractice or illegal activities are properly directed elsewhere. Essentially, the Committee's function is to attempt to mediate disputes based on the assumption that time, monetary resources and energy are best saved for other, more important endeavors. The Committee is successful in resolving approximately 75% of its assignments.

Bar Briefs



Amy C. Foerster, a partner in Saul Ewing's Commercial Litigation Practice and co-chair of its Higher Education Practice, has been selected to receive the National Association of College and University Attorneys' (NACUA) "First Decade" Award for 2011-2012. The "First Decade" award recognizes an individual who has made extraordinary contributions to NACUA in her first 10 years as a member. Foerster has been a member of NACUA since 2008. As co-chair of the Higher Education Practice, Foerster advises clients on many issues impacting institutions of higher education, including Title IX (sexual misconduct), student discipline and codes, policy preparation and implementation, Title IV federal student aid, information security, and a plethora of other compliance-related matters. She also counsels institutions of higher education regarding employment issues and tenure disputes. She is frequently asked to speak and write about higher education compliance issues on a national level.



James L. Goldsmith, president and shareholder of Caldwell and Kearns is the new Zone 3 Governor of the PBA House of Delegates. This encompasses Adams, Cumberland, Dauphin, Franklin, Juniata, Lancaster, Lebanon, Perry and York counties. Jim will hold this position for a term of three years.



Bridget E. Montgomery of Eckert Seamans has been appointed co-chair of a PBA Task Force to recommend revisions to the Pennsylvania Code of Judicial Conduct by PBA President Tom Wilkinson. Also appointed to serve on the committee is Royce L. Morris of Goldberg Katzman. The task force has been asked to complete its work during the 2012-13 bar year.



William T. Tully, Esquire has joined the law firm of Owens Barcavage & McInroy, LLC.

MILLER PRO BONO PROGRAM

The Miller Pro Bono Program has been providing *pro bono* student research assistance to public service providers for almost nine years. The program continues to grow and strengthen and as always, has more students interested in providing research assistance than attorneys submitting requests.

The *pro bono* program provides a wide spectrum of services to legal services attorneys, public defenders, public interest law firms, and private attorneys with *pro bono* cases. These services include:

- Case law and statutory research on specific, identified legal issues
- Analysis and research based on case specific fact patterns
- General investigation into ongoing/reoccurring legal questions

Additional information on our program can be found in The Pro Bono Handbook, which can be found at http://law.psu.edu/file/Public%20Interest/2011_2012_Public_Interest_Handbook.pdf.

As the coordinator of the program, Kate Cramer Lawrence, assigns and monitors all requests and is available to assist throughout the process.

If you are interested in accessing free law student research assistance, please send an email to kmc32@dsl.psu.edu, or visit http://law.psu.edu/academics/research_centers/center_for_public_interest_advocacy/miller_pro_bono_program to fill out a request form.

Pro Bono Performance

So far in calendar year 2012, our Pro Bono Program has:

Assisted 351 clients (based on new cases)
Donated 1,391 hours of legal services (based on closed cases)
Valued at \$208,710
Conducted 4 Pro Se Clinics

Additionally, our Lawyer Referral Program has fielded 1,955 calls and referred 1,256 clients, including 32 clients who qualified for our Modest Means Panel. Thanks to all those who help maintain this tradition of community services.

Law Firms

Marshall, Dennehey, Warner, Coleman & Goggin



Attorneys

Bernadette Barattini
Thomas S. Cook
Karen L. Cummings
Marsha Mills Davis
Phillip A. Drumheiser
Paul Dominic Edger
Donna L. Fisher
Jodi M. Frankel
Samara A. Gomez
Kevin L. Hall
Beth S. Harris
Raymond C. Hedger Jr.
Nathaniel M. Holmes
Darren J. Holst
Debra M. Kriete
Dawn L. Lisi
Brian E. McDonough
Justin J. McShane
Debra R. Mehaffie
Scott R. Mehok
Roger B. Meilton
Jessica E. Mercy
Kristin K. Messner
Louis J. Michelsen
John G. Milakovic
Karen Wetzler Miller
Karen E. Minehan
Kendra A. Mohr
Virginia L. Montgomery
Amy M. Moya
Philip J. Murren
Patricia J. Romano
James H. Turner

June 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5 5:00 p.m. CAMP Opening Dinner	6 11:30 a.m. lunch 12:00 Noon CLE "Surviving a Media Inter- view" Featuring: Hon. Yvette Kane; Edward Marsico, Jr.; Bridget Montgomery; Edward Spreha, Jr.; & Ivey DeJesus https://www.dcba-pa.org/ pdfs/ even- Ads/060612WTPCLEflyer. pdf	7 8:30 a.m. - 3:30 p.m. Board of Directors Retreat	8	9
10	11 4:30 p.m. DCBA Bar Foundation Meeting	12 11:30 a.m. lunch 12:00 Noon CLE "Department of Environ- mental Protection CLE" Featuring: Hon. Michael Krancer, Secretary DEP https://www.dcba-pa.org/ pdfs/ eventAds/061212flyer.pdf 4:00 p.m. CAMP/Public Utility & Administrative Law Practice	13 9:00 a.m. Custody Meeting 12:00 p.m. - 1:00 p.m. CLE Committee Meeting 5:00 p.m. Mancke Wagner & Spreha Triennial Bash	14 9:00 a.m. Custody Clinic 4:30 p.m. - Technology Committee Meeting	15	16
17	18	19 4:00 p.m. CAMP/Public Service Practice	20	21	22	23
24	25	26 11:30 a.m. lunch 12:00 Noon CLE "Appellate Advocacy, in Brief Writing and Oral Argu- ment" Featuring: Hon. Hannah M. Leavitt & Hon. Robert Simpson https://www.dcba-pa.org/ Calendar/Signup.aspx? EventNo=186 4:00 p.m. CAMP/Corporate Counsel Presentation	27	28	29	30

July 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 4:00 p.m. CAMP/ Criminal Law Program	4 DCBA Closed	5 No Volleyball	6	7
8	9	10 11:30 a.m. lunch 12:00 Noon CLE "Forensic Accounting Tools What's New!" Featuring: Charles L. Kern, Kern & Company https://www.dcba-pa.org/ Calendar/Signup.aspx? EventNo=187	11	12	13	14
15	16	17 9:00 a.m. Custody Clinic 4:30 p.m. CAMP/Civil Litigation	18	19 4:30 p.m. - Board of Directors Meeting 6:00 p.m. Volleyball Picnic	20	21
22	23	24 11:30 a.m. lunch 12:00 Noon CLE "The Hazelton Immigration Ordinance: Myths, Realities, The Law and Politics" Featuring: Linda Kaiser Conley, Esquire and Ilan Rosenberg, Esquire https://www.dcba-pa.org/ Calendar/Signup.aspx? EventNo=188 5:300 p.m. CAMP Closing Reception	25	26 DCBA & CCBA Joint Golf Outing https://www.dcba-pa.org/ pdfs/ even- tds/07262012summergolffou ting.pdf DCBA & CCBA Joint Picnic https://www.dcba-pa.org/ pdfs/ even- tds/ 2012PicnicDraft.pdf	27	28
29	30	31				



SAVE THE DATE



Thursday, July 26, 2012

DCBA & CCBA Joint Golf Outing & Picnic

<https://www.dcba-pa.org/pdfs/eventAds/07262012summergolffouting.pdf>
<https://www.dcba-pa.org/pdfs/eventAds/2012PicnicDraft.pdf>



Saturday, November 10, 2012
DCBA Day on Your Own in
New York City



Mancke, Wagner & Spreha Triennial Open House

Wednesday, June 13, 2012

5:00 p.m. to ?

The Law Firm of Mancke, Wagner & Spreha is pleased to invite you and your guests to AN OPEN HOUSE at their offices located at 2233 North Front Street, Harrisburg, PA 17110; (717) 234-7051. Hors d'oeuvres and refreshments available. Additional parking located at Webclients.net (next door), Temple Ohev Sholom (1 block North) and Governor's Plaza North (1 block South). Hope you can join us!

John B. Mancke
P. Richard Wagner
Edward E. Spreha, Jr.

July Newsletter Deadline

If you would like an event advertised in our newsletter, please submit it by the deadline below to liz@dcba-pa.org.

NO LATER THAN Friday, June 22, 2012.

Thank you.