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The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

February 2021
Newsletter



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Unified Judicial System of Pennsylvania Coronavirus Information

The Pennsylvania Judiciary has provided [updates](#) regarding local court operations and proceedings. The Court continues to monitor developments regarding the spread of the coronavirus (COVID-19) and its impact on court operations.

By [Order](#) of the Supreme Court of Pennsylvania, the general statewide judicial emergency declared and maintained in previous Court Orders of March 16, March 18, March 24, April 1, and April 28 ceased as of June 1, 2020. Any previous Orders in this line shall expire according to their own terms.

The Court communicates regularly with the Governor's Office and the state Department of Health for guidance on measures to continue protecting the health and safety of court users and court employees.

Contact your local court for more information or [visit their website](#). Learn more about [filing emergency PFAs](#) during this pandemic. You can also learn more about mitigating the spread of the virus at Health.pa.gov.

From the Chair

Upon admission to the Bar, we took the following oath:

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity, as well to the court as to the client, that I will use no falsehood, nor delay the cause of any person for lucre or malice."

It is worthwhile for each of us to recall why we became attorneys and the values we agreed to in embarking upon this journey. The Rules of Professional Conduct guide our activities, from arguing in Court to maintaining IOLTA accounts. The onset of technological advances, a focus of this month's newsletter, underscores the need to be cognizant of the ethical mandate imposed upon members of the profession. Let us

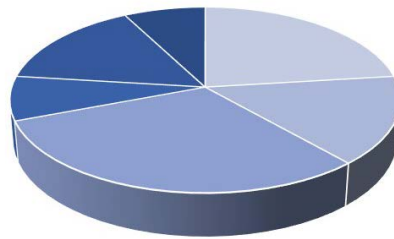


not forget our duties to the profession, our clients, and each other.

James C. Haggerty
Board Chair

Discipline Imposed

January 2021



- Informal Admonition - 3
- Private Reprimand - 2
- Public Reprimand - 4
- Public Censure - 0
- Probation - 0
- Disability Inactive - 0
- Temporary Suspension - 1
- Suspension - 2
- Disbarment - 1

Public Reprimand

[Penelope A. Boyd](#)
[Kristen Doleva-Lecher](#)
[John Joseph Grenko](#)
[Evan Shingles](#)

Temporary Suspension

[Richard J. McCague](#)

Suspension

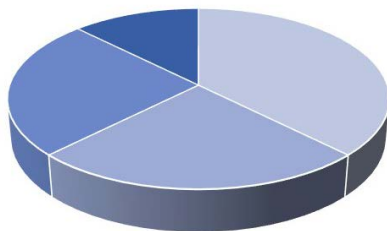
[John A. Gallagher](#)
[Larry Elliott Klayman](#)

Disbarment

[David W. Harris, III](#)

Reinstatement Granted

January 2021



- From Inactive - 3
- From Retired - 2
- From Administrative Suspension - 2
- From Disability Inactive - 0
- From Suspension - 1
- From Disbarment - 0

From Inactive Status

From Retired Status

[Charity A. Dobbins](#)
[Cynthia Ranck Person](#)
[Diane Roggen Sirulli](#)

[Joseph Frank Chvasta, Jr.](#)
[Deborah Ann de Quevedo](#)

From Administrative Suspension

[Sean Patrick Bailey](#)
[Michael Harms](#)

From Suspension

[David E. Piver](#)

Note: The above-listed reinstatements reflect only those granted by Supreme Court Order. An attorney listed above whose current license status does not reflect reinstatement has yet to submit the fees necessary to finalize reinstatement.

Upcoming Public Proceedings

We encourage you to observe our public disciplinary and reinstatement hearings, oral arguments, and public reprimands on the [Board's YouTube channel](#). View "Upcoming Public Proceedings" at the bottom of the Board's home page, www.padisciplinaryboard.org.

February 16 - Jon Ari Lefkowitz - Reinstatement Hearing
March 2 - Daniel Michael Dixon - Disciplinary Hearing
March 10 - Donald B. Moreman - Oral Argument before Supreme Court
March 18 - William H. Lynch, Jr. - Disciplinary Hearing
March 24 - William D. Hobson - Disciplinary Hearing
April 9 - Richard S. Ross - Disciplinary Hearing

Proceedings are scheduled to begin at 9:30am unless otherwise noted.

Rules

Disciplinary Board Adopts Rule Changes to Stale Matters Rule, Others

The Disciplinary Board has adopted a set of amendments to the Rules of Organization and Procedure of the Disciplinary Board in a pair of orders [published February 13, 2021](#), 51 Pa. Bulletin 781.

The first package, [Order No. 99](#), amends several of the Rules. Changes include:

1. Amendments to Rules [85.2 \(Definitions\)](#), [85.3 \(Jurisdiction\)](#), [85.8 \(Types of discipline\)](#), [91.95 \(Additional steps to be taken to disengage from the practice of law\)](#), and [93.141 \(Annual registration\)](#), to reflect the creation of the new status of permanent resignation created by the new [Rule 404 of the Pennsylvania Rules of Disciplinary Enforcement](#).
2. Amendments to [Rules 89.3 \(Filings generally\)](#), [89.164 \(Filing and service of briefs\)](#), and [89.202 \(Content and form of briefs on exceptions\)](#), to reduce the number of conformed copies to be filed with original documents from three to one.
3. Amendment of [Rule 93.27 \(Conference telephone meetings\)](#) to allow Board members to appear in meetings for the purpose of hearing oral argument by means of conference telephone or similar

communications equipment. Such meetings were previously excluded from the general rule allowing telephonic or electronic participation, but are now allowed.

[Order No. 100](#) amends [Rule 85.10](#), which defines when disciplinary matters may no longer be pursued. The disciplinary process does not have a statute of limitations as such, but Rule 85.10 serves that purpose by defining “stale matters” as those based on events occurring more than four years before the date of the complaint.

The Order addresses the application of the stale matters rule to fact situations where litigation tolls the applicability of the rule. Under the prior language, the running of the four-year limit was tolled during the pendency of any litigation that resulted in a finding that the subject acts or omissions involved civil fraud, ineffective assistance of counsel, or prosecutorial misconduct by the respondent-attorney.

The amendment adds clarity to the ending date of such litigation. Rather than declaring the time period tolled, it provides that the complaint is timely if it is filed within four years of the events, or within two years of when litigation resulting in a finding of civil fraud, ineffective assistance, or prosecutorial misconduct becomes final, whichever is later. “Becomes final” is defined as “conclusion of direct or collateral review, including discretionary review in the Supreme Court of the United States and the highest state court, or at the expiration of time for seeking the review.”

A new Note to Rule 85.10 clarifies a finding in litigation of civil fraud, ineffective assistance, or prosecutorial misconduct is not a prerequisite to the Board's jurisdiction to pursue matters presenting those issues.

The amendments take effect 30 days after publication in the Pennsylvania Bulletin, or on March 15, 2021.

CDC Corner

Handling the Funds of Others: RPC 1.15 Compliance

One of a lawyer's highest duties is to handle client funds properly. Six years ago the Supreme Court amended RPC 1.15 to enhance the safeguarding of fiduciary funds, yet we continue to see noncompliance with the Rule including the failure to maintain required records. You **must read the [Rule](#)**, but this brief summary may prove beneficial.

Keep all Rule 1.15 Funds separate from your own funds. The term “Rule 1.15 Funds” is broadly defined and includes funds received from a client or third person in connection with a client-lawyer relationship. Examples of Rule 1.15 Funds that must be deposited into a Trust Account are legal fees and expenses paid in advance, settlement funds, escrow deposits, and estate funds.

You must open at least one “Trust Account” at an approved financial institution. Absent an exemption from the IOLTA Board, you must have an IOLTA Account. The bank transmits the interest to the IOLTA Board to [fund needed legal services](#). (The IOLTA Board also publishes an informative “[Handling Funds of Others Booklet](#).”) You must also maintain an operating account for your own money.

Deposit into the IOLTA Account “Qualified Funds,” which are Rule 1.15 Funds that are nominal in amount or will be held for such a short time that the income will not justify the expense of a segregated account. All other Rule 1.15 Funds are “Nonqualified Funds,” to be deposited into a

Non-IOLTA Trust Account. Rule 1.15(p) exempts lawyers from liability if they exercise good-faith in deciding whether funds are Qualified or Nonqualified.

You may not deposit your own funds into a Trust Account except to pay necessary service charges. To avoid commingling funds, transfer fees from the Trust Account to the operating account as soon as they are earned and invoiced.

RPC 1.15(c) requires maintaining "Required records":

- Fee Agreements
- Distribution Statements.
- All Trust Account Transaction Records
- Check Register or Ledger
- Individual Client Ledgers
- Monthly Reconciliations

Monthly reconciliations will identify problems - insufficient funds checks, credit card chargebacks, and employee theft - before they escalate. Fail to reconcile monthly, and your problems will ripen into client complaints and disciplinary investigations.

If a check bounces or there is a negative balance in a Trust Account, the bank will generate a report to the [Lawyers Fund for Client Security](#) (LFCS). LFCS will ask for certain records and a written explanation. **Do not ignore that request!** LFCS may refer the matter to the Office of Disciplinary Counsel, which can subpoena the records. Failure to produce required records or comply with Rule 1.15 may result in a lawyer's temporary suspension and permanent public discipline including loss of license. Ignorance of the Rule is not a defense.

Recommended **Do's**:

- Use computer software.
- Photocopy or scan deposited items for your records.
- Use different colored checks for your Operating Account and Trust Account.
- Require that a firm principal sign Trust Account checks.

Do Not:

- Have a signature stamp.
- Make ATM withdrawals.
- Write checks payable to "cash".
- Write checks on deposited items before the funds are available.
- Give a credit card company authorization to withdraw funds from a Trust Account.

A practitioner's understanding of and compliance with Rule 1.15 are essential to an ethical practice.

Thomas J. Farrell
Chief Disciplinary Counsel

Articles of Interest

Supreme Court Allows Distance Learning for All 2021 CLE

In response to the continuing COVID-19 pandemic, the Supreme Court of Pennsylvania entered an [Order](#) on December 23, 2020, stating that all CLE credits to satisfy 2021 compliance deadlines may be obtained through completion of distance learning programs.

ABA Issues Ethics Opinion on Lawyers Working Remotely

The ABA Standing Committee on Ethics and Professional Responsibility has issued [Formal Opinion 495 \(December 16, 2020\)](#), discussing the application of Rule 5.5 of the ABA Model Rules of Professional Conduct to lawyers practicing remotely in jurisdictions to which they are admitted, but where they are not physically located.

Model Rule 5.5(b)(1) prohibits a lawyer from “establish[ing] an office or other systematic and continuous presence in [the] jurisdiction [in which the lawyer is not licensed] for the practice of law.” Some have expressed a concern whether this would prevent a lawyer who lives in one state from remotely practicing in another, such as a Pennsylvania-licensed lawyer who lives in New Jersey but is not licensed there practicing from a home office physically located in New Jersey.

The ABA Committee dismisses this concern. It states, “A local office is not established within the meaning of the rule by the lawyer working in the local jurisdiction if the lawyer does not hold out to the public an address in the local jurisdiction as an office and a local jurisdiction address does not appear on letterhead, business cards, websites, or other indicia of a lawyer’s presence.” It adds, “The lawyer’s physical presence in the local jurisdiction is incidental; it is not for the practice of law.” If the lawyer’s website, letterhead, business cards, advertising, and the like clearly indicate the lawyer’s jurisdictional limitations, do not provide an address in the local jurisdiction, and do not offer to provide legal services in the local jurisdiction, the Committee states, the lawyer has not “held out” as prohibited by the rule. The Committee found that the purpose of the rule is to prevent the unauthorized practice of law. That purpose would not be served by prohibiting a lawyer from practicing the law of a jurisdiction in which the lawyer is licensed, for clients with matters in that jurisdiction, solely because the lawyer is physically located in another jurisdiction, but for all intents and purposes is invisible there.

ABA Notes Top Five Legal Tech Stories for 2020

The American Bar Association Journal has identified its [Top Five stories about legal technology for 2020](#). Not surprisingly, innovations in response to the COVID-19 pandemic dominate the list.

The Top Five are:

- 1. The unprecedented transition to remote work.**

The need for social distancing led to an unprecedented explosion of legal interactions moving to the remote/online space. Remote working tools such as videoconferencing, e-signature, virtual notaries, and cloud computing replaced procedures that had long been conducted in person. Courts as well as private practices adapted with expansion of e-filing and virtual trials, hearings, and depositions. Continuing legal education moved online, and CLEs about videoconferencing and remote practice became hot items.

- 2. Videoconferencing became the norm.**

Videoconferencing became the new normal out of necessity for both meetings and court

appearances, even with court administrators who had previously resisted any move away from in-person appearances. Even the U.S. Supreme Court held [oral arguments by telephone](#) for the first time in its history.

3. #Barpocalypse.

The pandemic wrought havoc on bar exams. Virtual administration of bar exams suffered from technology failures, allegations of biased facial recognition tools and data breaches, and a lack of bathroom breaks. Problems also plagued in-person exams, such as test-takers alleging that bar examiners failed to provide safe, socially-distanced facilities for the administration of tests. Some ascribed declining exam passage rates in some states to the testing conditions.

4. Mergers, acquisitions, and funding rounds in legal technology

2020 saw a large number of mergers, acquisitions, and funding rounds in legal technology companies. Some argued that the pandemic was the driving force behind many of the events, but others believed this continued an overall trend of increased technology spending and growth over recent years.

5. Utah and Arizona relax rules on non-lawyer participation

A trend is developing in some jurisdictions to relax ethics rules relating to nonlawyer ownership of law firms, fee sharing with non-lawyers, and non-lawyers appearing in court. The Utah Supreme Court voted to approve a two-year trial period in which non-lawyer ownership or investment in law firms would be permitted, and also amended the state's Rules of Professional Conduct to permit fee sharing with nonlawyers upon written notice to the client. The Arizona Supreme Court approved "alternative business structures" that allow non-lawyers, defined as "legal paraprofessionals," to represent clients in court.

Law Graduate Fails Bar Exam Due to Software Glitch

A New York man experienced [#barpocalypse](#) personally when he learned that a software malfunction caused him to fail the bar examination.

Colin Darnell was disappointed, as anyone would be, when he was informed he had failed the Multistate Performance Tests (MPT) section of the New York online bar exam. However, he suspected the result may not have been correct due to problems he experienced during the test, administered by Examsoft. He requested review of his results, and learned that an entire blank page was scored with his MPT. When the filled-in page was uploaded, his score rose from 247 to 288, and he passed the exam. Darnell suspects that the blank page was uploaded by Examsoft support while attempting to resolve problems he experienced during the exam.

Lawyers Behaving Badly, Part 1: Court Roundup

This month brings several stories of lawyers disciplined or otherwise sanctioned for misconduct in court.

The 11th U.S. Circuit Court of Appeals at Atlanta [upheld sanctions for Florida bankruptcy lawyer Peter Wizenberg](#) and imposed additional penalties for his actions on appeal. Representing himself in probate and bankruptcy proceedings, Wizenberg engaged in a number of questionable tactics, including making an argument in the form of a haiku: "All know: talk is cheap; Liars can claim anything; No evidence?! Balk!" He earned additional sanctions by quoting Bugs Bunny in his

appellate brief: "So, at the very most, there were just two and only two nonglobal allegations, yes, a mere two at the most, and, to quote Bugs Bunny, as far as any specific allegations are concerned, 'That's all, folks!'"

The New Jersey Supreme Court [overturned the conviction of a bank robber](#) because the prosecutor used a photo of actor Jack Nicholson's "Here's Johnny" moment in the 1980 movie *The Shining* during closing arguments. The robber handed a teller a note that on its face was polite and nonthreatening. An issue arose as to whether this constituted the use of threat of force in order to determine the grade of robbery. In her closing presentation, the prosecutor inserted the Nicholson image to convince the jury that words that are not threatening on their face can become so in the context in which they are presented. The Court found this prejudicial error, stating: "Prosecutors must walk a fine line when making comparisons, whether implicit or explicit, between a defendant and an individual whom the jury associates with violence or guilt. The use of a sensational and provocative image in service of such a comparison, even when purportedly metaphorical, heightens the risk of an improper prejudicial effect on the jury. Such a risk was borne out here."

A lawyer involved in litigation over the presidential election did not incur discipline or sanctions, but attracted wide and derisive attention for a [motion drawing on rather curious authority – the Lord of the Rings](#). Paul MacNeal Davis, a former corporate attorney who lost his job after posting a video of himself at the January 6 incursion at the U.S. Capitol, filed a lawsuit contending that President Biden and the Congress were illegally elected and seeking to restrain them from taking office. As part of his [Amended Motion for a Temporary Restraining Order](#), he drew on J.R.R. Tolkien's classic, "*Lord of the Rings*," advancing as an argument that "Gondor has no king." He further explained, "During the course of the epic trilogy, the rightful king of Gondor had abandoned the throne. Since only the rightful king could sit on the throne of Gondor, a steward was appointed to manage Gondor until the return of the king, known as 'Aragorn,' occurred at the end of the story. This analogy is applicable since there is now in Washington, D.C., a group of individuals calling themselves the president, vice president and Congress who have no rightful claim to govern the American people."

Davis subsequently [retreated from invoking Tolkien as legal authority](#), but not before the Internet picked up on the story and had a good time with it. He complained that "other media outlets, apparently due solely to Counsel making a literary analogy (something not remotely uncommon to legal writing) have characterized this lawsuit as a mere fantasy. And perhaps they are right in a sense."

Lawyers Behaving Badly, Part 2: Social Media Roundup

A Florida lawyer was [arrested and disbarred](#) after posting a pattern of wild accusations and threats against judges and opposing counsel on his Facebook page and blog posts. A [disciplinary referee's report](#) found that Edward Lynum had made numerous and unfounded accusations against judges, especially those involved in his dissolution and child custody case. The accusations included allegations of witchcraft, Satanism, racism, child molestation, domestic terrorism, and criminal activity. He then escalated that criticism into threats of violence, stating that the judges "can't hide from my almighty God's vengeance; Like David, I will kill Goliath and hold up his bloodied and severed head with a smile on my face." On the recommendation of the referee for immediate disbarment, the Supreme Court of Florida [disbarred](#) Lynum. He was also [arrested](#) based on the threats.

Winston Bradshaw Sitton, a Tennessee lawyer, was [suspended based on a Facebook post](#) in which he appeared to advise a friend how to use the castle doctrine as a defense if she shot a

former boyfriend she had accused of abuse. After instructing on how to use less lethal loads first, Siddon wrote, "If you want to kill him, then lure him into your house and claim he broke in with intent to do you bodily harm and that you feared for your life. Even with the new stand your ground law, the castle doctrine is a far safer basis for use of deadly force." Sitton claimed the post was "dark humor" and "sarcastic," and his intent was to dissuade the woman from carrying a gun in her car, but a hearing panel found that a reasonable person would not read it that way. The hearing panel recommended a 60-day suspension, but in a [Jan. 22 opinion](#), the Tennessee Supreme Court suspended Sitton for four years, with one year to be served on active suspension and the remainder on probation.

Software for Remote Practice: A New Priority

As the COVID pandemic stretches on and law firms and practices are more and more forced to rely on remote technology, the choice of legal software adapted to distance has grown in urgency. Nicole Black, an attorney, author, journalist, and legal technology evangelist who works with MyCase, offers [suggestions for lawyers and law firms looking to upgrade their practice management software](#) to better support a remote workforce.

Her first advice is to research the provider before choosing software. She gives examples of providers who have developed advanced legal software for remote practice management. One factor a practice should carefully review when choosing a cloud-based product is how the provider, along with any of its integration partners, will be hosting the practice's confidential data. Lawyers have an ethical obligation to understand how the data will be handled by both the law practice management software company and all of the companies that provide a product that integrates with it. This includes knowing who will have access to it, how and when it will be backed up, and how the firm's data can be exported and in what format.

She also describes features the practice should look for. Some companies offer comprehensive packages that meet several functions. For remote practice, document storage, access, sharing, and collaboration features may be important. Time tracking, billing, and communication features may also be built in. Some practices find that these functions may be better served with separate applications than by a comprehensive system. Ethics opinions such as ABA [Formal Opinion 477R](#) and Pennsylvania Bar Association [Formal Opinion 2020-300](#) emphasize the importance of maintaining confidentiality and secure communications with clients and other involved parties.

Another new function offered by many companies is lead management or CRM (customer relationship management) tools. These features streamline the intake process by providing tools that manage communications and appointments with potential clients.

Black notes that remote practice compelled by the pandemic provides an opportunity for practices to move beyond outdated and impractical IT infrastructure to more modern and efficient cloud-based law practice management, both to cope with the short-term challenges of the pandemic and to offer more effective business management in the future.

When it comes to cross-examination, is less more?

Veteran trial attorney and humorist Marcel Strigberger has a [beef with how many attorneys approach cross examination](#). He thinks they try too hard to do it. Also, he observes that many seem to have learned their cross-examination strategy by watching TV programs.

For instance, many attorneys see the need to predicate their questions with flourishes such as "Isn't it a fact that ..." or "Do you really expect this court to believe that ...". He questions whether such introductions will ever elicit a different answer, such as "No, I guess I really don't expect the court to believe that."

He also cautions attorneys not to fashion their cross-examination philosophy on the exploits of Perry Mason, who had a unique knack for eliciting murder confessions by the briefest of cross examinations. 127 times out of 127.

Finally, he reiterates the advice that a lawyer should always know the answer to a question asked on cross-examination. The witness gets to answer, and too often that answer will begin, "Actually, now that you asked ..."

Sometimes less is more.

Cat Got Your Tongue? Lawyer Embarrassed by Filter

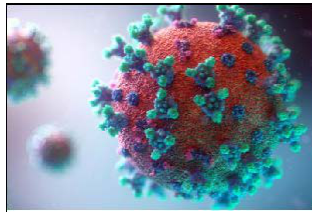
A Texas lawyer made an impression on the Court, and subsequently on the Internet, when he accidentally [turned himself into a cat](#) during a court hearing on Zoom. Attorney Rod Ponton unintentionally activated a filter that turned his image into a cute, googly-eyed kitten during the hearing. Judge Roy Ferguson was nonplussed, calmly advising him, "Mr. Ponton, I believe you have a filter turned on in your video settings." As he struggled to alter his settings, Ponton assured the court, "I'm prepared to go forward with it. I'm here live -- I'm not a cat."

Attorney Well-Being

2nd Annual Employee Wellness Summit for Law Firms

Momentum will be holding an [Employee Wellness Summit for Law Firms](#) on February 24 & 25. [Register](#) for "the premier opportunity for law firm leaders to explore the wellness practices proven to improve the well-being and productivity of legal professionals". View other [upcoming well-being conferences and events](#).





Coping with COVID-19?

LAWYERS CONCERNED FOR LAWYERS PENNSYLVANIA

Overwhelmed? Anxious?

Concerned about your own mental health or
substance use during these stressful times?

Concerned about the mental health of a
family member or colleague?

100% Confidential Helpline
1-888-999-1941

www.lclpa.org

[Lawyers Concerned for Lawyers](#) (LCL) recently issued their [2020 Annual Report](#). LCL is a confidential and safe resource for Pennsylvania attorneys and their family members who may be struggling with their mental health or substance use. An astounding one in three legal professionals will face these issues at some point in their career. Over the past 32 years, LCL has confidentially assisted and supported thousands of individuals who have faced a myriad of challenges (including grief, stress, anxiety, depression, eating disorders, gambling problems, problematic alcohol or prescription drug use, etc.), helping them navigate through dark and difficult times. Members of our profession are dying because they are afraid or unable to ask for help. If you or someone you know is struggling, please call us. You may save a life. There is help and there is hope.

[Resource Guide for the Legal Profession During COVID-19](#)

Confidential 24/7 Helpline: 1-888-999-1941

Lawyers-only support meetings

Peer and staff support & resource coordination

LCL resources are free, voluntary, & confidential

Free CLE, resources, and information at www.lclpa.org

Assessment by a healthcare professional to determine a customized treatment plan, if indicated

Around the Court



SUPREME COURT OF PENNSYLVANIA

Pennsylvania Interest on Lawyer Trust Accounts Board

PA IOLTA Board Issues 2020 Annual Report

The IOLTA Board is pleased to share with Pennsylvania's legal community their [2020 Annual Report](#). In support of their mission, they awarded grants totaling nearly \$29 million to support the

delivery of free civil legal aid to low-income Pennsylvanians. Never has there been a time in recent memory when the need for these services has been greater for low-income families, particularly in the areas of eviction and foreclosure defense and domestic violence prevention. The IOLTA Board is proud to support the critical work of their grantees in every corner of the Commonwealth to meet this historic challenge.

The IOLTA Board's [2020 Annual Report](#) features client stories from three esteemed grantees, a heartfelt testimonial from a Philadelphia-based legal aid attorney about the importance of the Loan Repayment Assistance Program, a Pottstown law firm that "Banks on Justice," and a retired attorney from Allegheny County who is one of the first to elect Emeritus Status to provide pro bono service in retirement. The IOLTA Board is extremely grateful for the voluntary financial support received from members of the private bar. The list of donors begins on [page 26](#).

If you are interested in supporting the delivery of civil legal aid through pro bono representation, contact your local bar association or [click here](#) for a list of IOLTA-funded legal aid programs. To learn more about the IOLTA Board, visit their website at www.paiolta.org or contact their office directly at 717-238-2001.

From the Pennsylvania Bar Association



Promoting Professional Excellence in the Law: Serving Lawyers in Every Practice Area in Every Corner of Pennsylvania

2020, a year marked by wide-spread disruption to "life as usual." Every person, every family, every community, and every business felt it - some more painfully than others. Lawyers and the legal profession were no exception. Judges and the courts were also significantly impacted, as were the people in need of legal intervention, justice, and assistance. As with anything in life, there are choices to be made. One can give up, sit on the sidelines, and wait it out, or pull together to find a way to move forward and learn from what happened to become stronger, wiser, and better prepared. So, the Courts found ways to conduct "socially distanced" jury trials. Appellate Courts switched to advanced communication technologies to conduct oral arguments. Lawyers and law firms pivoted to remote operations, with counsel and staff working from home. Everyone found ways to move forward, but there were significant costs (both personal and financial) and there were uncovered challenges that would need to be addressed.

Through all of it, the Pennsylvania Bar Association (PBA) was working on behalf of lawyers to address the issues that matter to you, your practice, and your clients. PBA President David Schwager assembled two task forces to help lawyers during the pandemic; one designed to address immediate needs for [resources and information](#) and one comprised of present and former jurists and leaders of the Bar from across the Commonwealth charged with ascertaining the impact of the pandemic on the delivery of legal services and the administration of justice in the state. That task force was also charged with identifying practices to mitigate those impacts and making recommendations to assure the continuity of legal services and access to justice for the

duration of the pandemic and in future states of emergency.

The PBA was a national leader in providing Pennsylvania attorneys with an [ethics opinion on working remotely](#). Their legislative department immediately took action to advocate for issues ranging from remote notarization, digital assets, custody, PPP loans, and a waiver that would allow all lawyers to access their offices to provide legal services, just to name a few. PBA committees and sections provide opportunities to connect with practitioners in all practice areas to exchange ideas, get tips, ask for help, and sometimes just express frustrations with those experiencing similar circumstances. Additionally, the February 1, 2021 edition of the Pennsylvania Bar News provides members with a front-page article “Legal Liabilities of In-office and Remote Workplace Strategies.”

Through the Pennsylvania Bar Institute (PBI), PBA's educational department offered more than 350 live online CLE options and expanded the on-demand CLE selection to over 850 courses. Whether you're searching for pandemic impacts on specific areas of practice (check out "[Ethics and the Practice of Litigating Remotely](#)" or "[Practicing Family Law in Uncertain Economic Times](#)"), lively discussion on the legal issues making headlines (try top courses "[Election Laws - Where Do We Stand?](#)" or "[Excessive Force, Police Brutality and Prisoner Rights Cases](#)"), or programs aimed to help maintain balance and manage stress (see bestsellers like [Mindful Lawyering](#) and [Work/Life Balance in 2021](#)) – the PBA has you covered with fresh live and on-demand online programming added daily.

The ongoing pandemic has shown the critical need for connection and the interdependence we all have in making our communities work well. The Pennsylvania Bar Association has been and continues to work and advocate on behalf of all lawyers and the legal system. Visit PBA's website to access and take full advantage of member benefits – and, if you are not a PBA member, you are invited to join and connect.

Please note that the Disciplinary Board of the Supreme Court of Pennsylvania and the Pennsylvania Bar Association (PBA) are separate organizations. For more information about PBA, visit their [website](#).

We Want To Hear From You...

We are always on the lookout for stories of interest relating to legal ethics, new issues in the practice of law, lawyer wellness, and funny or just plain weird stories about the legal profession. If you come across something you think might be enlightening, educational, or entertaining to our readers or social media followers, [pass it along](#). If you're our original source, there may be a hat tip in it for you.

Resources

[FAQs - For the Public](#)

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