



THE WESTERN PENNSYLVANIA TRIAL LAWYERS ASSOCIATION'S

THE ADVOCATE

Volume 26, No. 1
Fall 2013

UPCOMING EVENTS FOR WPTLA

A 2-credit **CLE program** is scheduled for **Wed, Dec. 11, 2013** at the **Koppers Bldg in Pittsburgh**. Member Rick Lettieri will discuss Social Media in Litigation.

We welcome our Junior Members to join us for dinner on **Tues, Jan. 21, 2014** at the **LeMont Restaurant in Pittsburgh**. Business Partner Gene Scanlon will say a few words, and a 1-credit CLE on practicing before the PUC will take place after dinner.

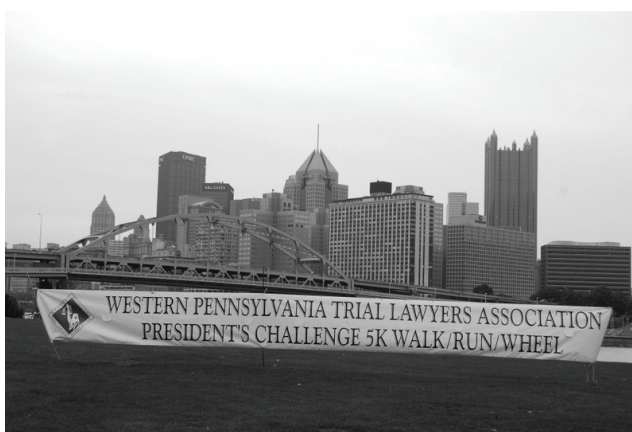
Tues, Feb. 18, 2014 is the date of a 3-credit **CLE program, presented by Robson Forensic**, at the **Koppers Bldg in Pittsburgh**.

Our annual **Membership Meeting** is set for **Thurs, Mar 27, 2014** at the **Rivers Casino in Pittsburgh**.

Save the date for our **Annual Judiciary Dinner** on **Fri, May 2, 2014** at **Heinz Field in Pittsburgh**.

PRESIDENT'S CHALLENGE 5K A ROUSING SUCCESS

By: Sean J. Carmody, Esq.



Below, President Chad Bowers begins the race.



On September 21, 2013, WPTLA held the 13th annual President's Challenge 5K Run/Walk/Wheel event along the North Shore Riverwalk to benefit the Pittsburgh Steelwheelers. Over 225 people registered to race, walk, or wheel the 3.1 mile course, which took place during a light but steady rain. The family-friendly event had approximately 30 children under the age of 15 participate. Place winners in each category received trophies. All youth participants received medals.

I would like to thank all of the sponsors, participants, and volunteers who made the event a truly positive experience. A special thanks to all those Western Pennsylvania Trial Lawyers Association members who came out with family and friends to support the event. The race was covered by all 3 local news stations and raised \$32,000.00 for the Steelwheelers. The donation will be ceremoniously presented to the Steelwheelers at the Annual Judiciary Dinner in May 2014.

With continued support from our membership, partners, and sponsors we hope to build upon the success of the event. *More photos on p. 4.*



President
Charles F. Bowers III

The Advocate
Vol. 26, No. 1, Fall 2013
Published quarterly by:

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TRIAL LAWYERS
ASSOCIATION**

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A Message from the President ...

By: Charles F. Bowers III, Esq.

Dear Fellow Members:

As I have the honor and privilege to address all of you through this President's Message Forum, I am sure that I am not alone amongst past Presidents who have approached this opportunity racking their brain for something meaningful to expound upon. As this message is being written, we have just completed the organization's most visible and rewarding endeavor, that is the annual 5K Run/Walk/Wheel event to support the Pittsburgh Steel-wheelers. I am pleased to report that the 2013 event was a great success. Sean Carmody and his committee should be commended for the healthy turnout in spite of the threat of bad weather. As you are aware, we have had enormous success with this event and with continued hard work from the committee and our dedicated administrative staff, I know that it will continue to grow and thrive. Our use of Jampole Communications to promote this event along with our other signature events has heightened awareness of all of our events and generated positive exposure to our organization, the causes we support, and our role as lawyers in the community. At the 2013 5K Run/Walk/Wheel event we were fortunate to have major news media coverage of the event from our local TV stations, WPXI, KDKA, and WTAE.

However, the various event committees, our crack staff, and Jampole can't do it alone. We need your help and support. We must have our membership become more involved in all of our signature events and our community outreach projects. Without your support, attendance, and help, events like our community outreach projects and the 5K Run/Walk/Wheel event will wither and die. In the past we have had success with our community outreach programs, like Habitat for Humanity. I know that Chris Miller, our community outreach chair and his committee partnered with Habitat for Humanity in 2013 to participate in a community service project. The event was held in early November at ReStore in Beaver Falls, Pennsylvania. Chris Miller's committee is also exploring potential ProBono opportunities for our membership in the future. In May 2013, our community outreach program selected Pittsburgh Cares for the Spring 2013 event. Unfortunately, this event was not well attended by our membership. This was particularly disappointing as the location (downtown Pittsburgh) was chosen for its central location.

I am now using this soap box to urge, cajole, and coax the membership towards greater participation in our signature events and community outreach programs. The benefits of greater participation are many and they are enormous. With greater participation, we will increase our visibility in the community, we begin to change the negative perception of trial attorneys with the general public, we will provide Jampole with more "ammunition" to promote our events and community outreach and WPTLA as an organization in general. I know for a fact that it will make you feel better about yourself and fill you with a sense of accomplishment in helping your fellow man. I know that we cannot all be everywhere at once. I know that I am asking you to donate what we as lawyers have that is most precious to us, that is our time. By committing a few hours to our signature events and to our community service projects, you will be helping our organization, your fellow lawyers, and the public at large. But the best reason, and the reason above all else, is that it is the right thing to do.



WPTLA RETREAT RECAP

By: Charles F. Bowers III



On Tuesday, August 27, 2013, the Western Pennsylvania Trial Lawyers Association Board of Governors held their annual Board Retreat at Peek 'N Peak Resort in Findley Lake, New York. Peak 'N Peak Resort is located approximately 30 minutes from Erie, Pennsylvania in Western New York. The retreat location was chosen so as to continue to engage our membership from the Erie area and the northern counties of the Western Pennsylvania Trial Lawyers Association. To that extent, it was successful as many local Western Pennsylvania Trial Lawyers Association members attended. The retreat was attended by enthusiastic board members.

The retreat began with a board meeting at which 34 board members participated. At the meeting, members of the various committees of the organization along with the organization heads were chosen and committees filled. Many topics were discussed which included the focus and vision of the incoming president, Charles F. Bowers III for 2013/2014. After the board meeting concluded, the board retired to a rousing game of mini-golf. Two man teams were chosen and a small wager was included as an incentive for all to perform at their best. Laurie and Maria provided much needed refreshment on the course. Unfortunately, those refreshments did not improve the level of play. The team of Bowers-Fawcett tied with the team of Rudert-Paul at the end of 18. A playoff on the score card gave the victory to the team of Rudert-Paul. Shortly thereafter a dinner banquet was held that was also well attended by our Erie and northern members. At that banquet a raffle was held which raised additional funds for the Steelwheelers.

The following morning the association presented a two hour CLE program. This CLE program focused upon subrogation and related issues. Special emphasis was placed upon the effect of subrogation upon our cases and clients. Topics discussed included the Affordable Care Act, Medicare, and ERISA. Sixteen individuals attended the CLE. The CLE program was followed by golf on the upper course at Peek 'N Peak. Peek 'N Peak's upper course was a regular tour stop on the Nationwide tour. The challenging layout was tackled by the membership with fun for all.

The retreat was a great success and a terrific bonding experience for those in attendance. My hope is that future presidents continue this worthwhile and fun event. A special thanks to Laurie and Maria for all that they did and do to make the retreat and all of our events a success.

We Welcome our newest Business Partner ...

Lisa Caligiuri
lcaligiuri@iwpharmacy.com
412-258-0054



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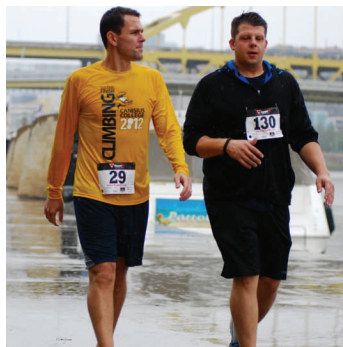
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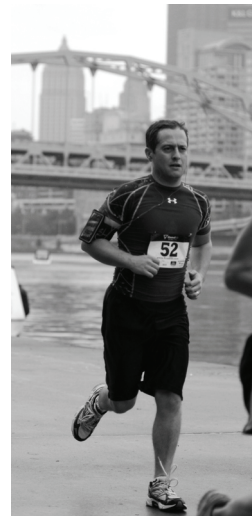


Member photos from our 5K Run/Walk/Wheel event held on Saturday, September 21, 2013



Clockwise from top left: Mitch Dugan; Tom Will and wife Beth trying to beat the downpour with their daughter Alexa; Max Petrunya with Tim Chiappetta; Mark Milsop; Past President Bill Goodrich with his "best friend"; Sandy Neuman and daughter Emilee; Pete Giglione; Steve Barth; Dave Landay and daughter Paige; Past Presidents Carl Schiffman and Josh Geist, with Juliana and James Geist; WPTLA Female category winners Sandy Neuman, Lauren Kelly, and Jill Schiffman; Liz Chiappetta with pals Emily Camerota and Adrian DeGori; and Warren Ferry and Chuck Alpern.

See the full array of photos at www.wptla.org/community-service. Click on "2013 5K Event Photos".





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GIVING BACK – PRO BONO WORK

By: Erin K. Rudert, Esq.

WPTLA, as an organization, strives to improve the image of trial lawyers in the community in part by donating and volunteering our time to various charitable causes throughout the year. The Pittsburgh Steelwheelers exist thanks in large part to the contributions from our members over the past 13 years. We have helped Habitat for Humanity build homes in Beaver and Westmoreland Counties, and helped The Pittsburgh Partnership with a Beautification Saturday project.

As WPTLA President Chad Bowers touched upon his President's Message, these are all great activities, but many times, member participation is low. Many members are willing to volunteer their time, but cannot participate in the specific activities on the dates and times set by WPTLA. This article is a reminder that there are things we each can do, on our own time, to give back to the community in a positive way to help better the public's perception of trial lawyers. One specific way to accomplish this is through pro bono work.

The Pennsylvania Rules of Professional Conduct specifically address a lawyer's duty to provide public service through voluntary pro bono work: "A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities for improving the law, the legal system or the legal profession, and by financial support for organizations that provide legal service to persons of limited means." Pa.R.P.C. 6.1.

It is tempting to satisfy this moral and ethical duty by writing a check to an organization, or reducing a contingent fee on a personal injury case. However, those activities, while honorable in their own right, do not advance the mission of WPTLA to create and enhance a positive opinion of trial lawyers among the general public. Volunteering your time as a pro bono attorney places you face to face with an individual client, who but for your generosity with your time, would likely go without representation and recourse. This type of impact, while possibly focused on one individual, goes a very long way to create goodwill in the community in general.

Pro bono work is increasingly more important and more needed given the recent economic developments that have left many agencies that previously provided pro bono services underfunded and understaffed. Many of our members already participate in pro bono work:

Frederick Goldsmith is a volunteer member of the Legal Committee of the American Civil Liberties Union for the Greater Pittsburgh Chapter. He also serves as cooperating counsel with ACLU staff attorneys in civil rights cases at a highly reduced fee.

Bonnie Kift accepts volunteer and reduced-fee appointments from federal court for civil rights cases and previously handled cases for the ACLU.

Christine Zaremski-Young, Erin Rudert, Lawrence Gurera, and Robert Fisher are participating members of the ACBF Divorce Law Project, providing free representation to indigent individuals in no-fault divorces. Ms. Zaremski-Young also provides tax preparation assistance to individuals during tax season.

Pete Giglione coaches a moot court team at Duquesne.

National Pro Bono Week was October 21-25, 2013. Now is the perfect time to pledge your time to provide pro bono services to those in need, as many volunteer organizations are looking for volunteers to pledge time for the 2014 calendar year. Pro bono appointments are available in all areas of legal practice. In many instances, you do not need to have particular experience in the area of law to volunteer, as no cost training is available through many of the pro bono programs. For pro bono opportunities in Allegheny County, please visit www.pittsburghprobono.org. All counties maintain a list of attorneys who are willing to perform pro bono services on file with the Lawyer Referral Service, and many counties provide additional pro bono services and clinics through their County Bar Associations. To get involved in your county, start by contacting your local bar association for information.

ALLEGHENY COUNTY ARBITRATION LIMITS INCREASE

By: Mark E. Milsop, Esq.

Allegheny County has now increased its arbitration limits from \$25,000.00 to \$35,000.00 dollars. This is a long awaited development. The change is already effective.





C/O Robert W. Eyler
83 Westminster Place
Pittsburgh, PA 15209
reyler@comcast.net

November 5, 2013

Dear WPTLA Members:

The Steelwheelers would like to thank the Western Pennsylvania Trial Lawyers Association for its extraordinary generosity as exhibited through the President's Challenge 5K over the past 13 years.

The great success of the run again this year can be attributed to the efforts of Sean Carmody, Chair, the President's Challenge Committee, Laurie and Maria and the generosity of the members of the WPTLA. The 5K run also provides the supporters of the Steelwheelers an opportunity to join the members of the WPTLA to show their support.

WPTLA's contributions to the Steelwheelers over the past thirteen years have continued to allow us to focus on providing competitive sports opportunities for people with disabilities. The money raised is used to fund competition and equipment for the wheelchair basketball team and quad rugby team. On November 2nd and 3rd the Rugby team hosted teams from Ottawa, D.C., Philadelphia, Grand Rapids, Columbus and Charlotte for the 11th Annual Steel City Slam Quad Rugby Tournament in Slippery Rock. It is no coincidence that the tournament started shortly after the inception of the first President's Challenge 5K. The proceeds from the run allow us to run a first class tournament, which is highly anticipated by rugby teams every year. Last year the basketball team attended Nationals for the first time in quite a while and look to repeat the feat again this year.

On behalf of the Steelwheelers' Board, Officers and Members I thank you for your most generous contribution and for continuing to be the life blood of the Steelwheelers through the President's Challenge 5K, and for your efforts to make it such an outstanding success.

With great appreciation,

The Pittsburgh Steelwheelers

STRONG TURNOUT FOR LEGISLATIVE MEET 'N GREET

By: Joshua P. Geist



On September 17, 2013, WPTLA hosted a legislative meet 'n' greet at Storms Restaurant in Pittsburgh. Eighteen state legislators attended the event. There were also several members of Pittsburgh's City Council in attendance. More than thirty WPTLA members and guests also turned out for the happy hour. The purpose of the happy hour is to build relationships between WPTLA members and elected officials. Given the fact that there are very few local state House or Senate races this year, the strong turnout is evidence of a strong commitment that many local state legislators have to our organization and the clients we represent. It is extremely important that we continue to maintain our current relationships and foster new ones with elected officials. The following is a list of state representatives and senators in attendance:

Representative Byran Barbin
Senator Jay Costa
Representative Paul Costa
Representative Margo Davidson
Representative Anthony DeLuca
Representative Frank Dermody
Representative Hal English
Senator Jim Ferlo
Representative Dan Frankel
Representative Ed Gainey
Representative William Kortz II
Representative Robert Matzie
Representative Erin Molchany
Representative Brandon Neuman
Senator Matt Smith
Representative Pam Snyder
Senator Timothy Solobay
Representative Jesse White

WPTLA's Bi-Annual Membership Directory
is being worked on by WPTLA staff.

If you have any changes to your information, please contact the Association office before the end of the day on Friday, Dec. 6, 2013.

After that date, changes cannot be accepted.

Member ads are due by Friday, Dec. 13, 2013.





CIRCUMSTANTIAL EVIDENCE OF SERVICE OF ALCOHOL TO A VISIBLY INTOXICATED PERSON

By: Lawrence E. Kelly, Esquire

The issue in a dram shop liability case is often whether or not there is sufficient evidence of visible intoxication to defeat the Defendant's Motion for Summary Judgment. The issue will ultimately be whether or not there is sufficient evidence that the intoxicated person was visibly intoxicated when that person was served alcoholic beverages.

The seminal case is *Fandozzi vs. Kelly Hotel, Inc.*, 711 A.2d 524 (Pa. Super. 1998). In that case, the Court held that **circumstantial** evidence was sufficient to create a jury question with respect to whether the patron was served alcohol in the defendant-bar at a time when he was visibly intoxicated. 711 A.2d at 529.

When considering a Motion for Summary Judgment, the record must be viewed in a light most favorable to the non-moving party. *Fandozzi*, 711 A.2d at 525. The Dram Shop Act is violated when alcohol is sold, furnished or given to any person visibly intoxicated. A violation of the Dram Shop Statute is deemed negligence per se. *Id.* The facts in *Fandozzi* are as follows. The decedent, Anthony Shish, arrived at the defendant-bar between 9:00 P.M. and 9:15 P.M. The record is unclear with respect to how long Shish was in the bar and how many drinks he was served while he was there. Shish left the defendant-bar between 10:00 P.M. and 11:00 P.M. Testimony established that when Shish left the defendant-bar he walked across the road and fell down in the middle of the street. The witness noticed that Shish was staggering and his speech was slurred. *Id.*, at 526.

Another witness testified that Shish appeared to be highly intoxicated and was staggering and fell in the middle of the street. That witness also testified that Shish smelled of alcohol and had slurred speech. *Id.* At 3:30 A.M., approximately 5-1/2 hours after Shish left the bar between 10:00 P.M. and 11:00 P.M., state troopers found him on the side of the road with a head injury. A blood sample was taken at 4:54 A.M., which revealed a blood alcohol content of .214. *Id.*

The plaintiffs offered expert testimony to establish that Shish's blood alcohol content while at the defendant-hotel would have been .30 and he would have been displaying visible signs of intoxication. *Id.*, at 527.

The defense argued that the appellants offered no direct evidence that Shish was served alcohol at the time when he was visibly intoxicated. However, the Court held that the plaintiffs produced sufficient **circumstantial** evidence to create a jury

question on the issue. The Court specifically held:

We conclude that a plaintiff can prove dram shop liability in the absence of direct eyewitness evidence that an individual was served alcohol at a time when he or she was visibly intoxicated. *Id.*, at 527.

The Court in *Fandozzi* recognized that Pennsylvania Courts have refused to find the existence of a material issue of fact with respect to visible intoxication solely on the basis of expert relation back testimony. *Id.*, at 528. Hence, this Court should not use expert relation back testimony to find as a matter of law that there is no evidence of visual intoxication at the time of service.

The Court in *Fandozzi* stated that they did not view the expert opinion of Dr. Winek as itself creating a material issue of fact with regard to whether or not the decedent was exhibiting visible signs of intoxication. *Id.*

The Court stated that if the decedent consumed the equivalent of 14 drinks and had a blood alcohol content of .30% a jury could reasonably infer that the decedent was exhibiting visible signs of intoxication inside the defendant, Kelly Hotel, even in the absence of expert testimony. *Id.*, at 529.

Even though an expert is not absolutely necessary, dram shop liability cases often include expert testimony which relates back the blood alcohol content of the intoxicated person at the time of service. The expert can also provide testimony concerning visible intoxication based upon alcohol levels currently in the blood of the intoxicated person.

If there is more than one liquor licensee involved in the case, I often start with the last establishment where the patron was drinking. Normally, that establishment will unequivocally state that they did not serve the patron because they were "visibly intoxicated". I then go to the next establishment where the patron was served and continue on until I get to the first establishment where they were served. Ultimately you will obtain evidence from the actual liquor licensee of visible intoxication, and if your time line is accurate, then in that event, one liquor licensee will provide damaging testimony to the previous liquor licensees where the patron was being served alcohol.

Continued on Page 9



CIRCUMSTANTIAL EVIDENCE...(Continued from Page 8)

I also heavily rely on the testimony of the police officer if it was an automobile accident case. The police officer who often arrives at the scene shortly after the accident will certainly provide testimony concerning a field sobriety test and observations whereby it is apparent that the driver is visibly intoxicated.

The police officer's testimony can also establish circumstantially that the patron was visibly intoxicated at the time that they were served alcoholic beverages. In fact, often times I ask the police officer if you observed the condition of the driver and you were a bartender would you have served her alcoholic beverages. Ultimately it is important to realize that the *Fandozzi* case does not require direct evidence of visible intoxication but allows for circumstantial evidence sufficient to defeat the Motion for Summary Judgment and sufficient to support a jury verdict at the time of trial. My experience has always been if you get past the Motion for Summary Judgment there is a pretty good chance that the case will settle because liquor licensees know that it is highly prejudicial to go before the jury when there is evidence that they were serving for profit a patron who ultimately got in his car and injured another driver or himself.

Other evidence that I look for as part of my discovery in a dram shop liability case include security videos which are often times kept by the liquor licensees and credit card receipts.

Again, these items can be used to provide the circumstantial evidence necessary to get by a Motion for Summary Judgment and move your case forward toward resolution.

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Discoverability, Admissibility and Uses;

Making Sense of the Case Law; Providing Practical Advice

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1. discoverability
2. authentication and admissibility
3. uses

Presenter: Richard N. Lettieri, Esq.

E-Discovery Counsel and WPTLA Member

Wednesday, Dec. 11, 2013

9:00 a.m. - 11:15 a.m.

Registration at 8:30 a.m.

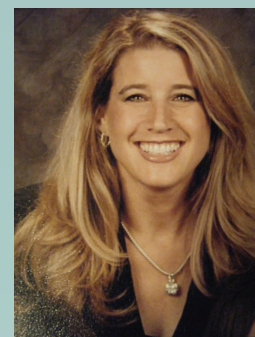
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436 Seventh Ave

Pittsburgh, PA 15219



SPONSOR SPOTLIGHT



NAME: Robyn Levin

BUSINESS/OCCUPATION:

Covered Bridge Capital—a funding specialist

FAMILY: I have 2 daughters Gabrielle and Jordan, a son Andrew and a canine son Jack.

INTERESTS: I enjoy spending time with my family and friends, traveling and cooking

PROUDEST ACCOMPLISHMENT: I have 3 bright, kind, beautiful children

FUNNIEST/WEIRDEST THING TO HAPPEN TO YOU ON THE JOB: A woman called me requesting an advance of one million dollars. She had soft tissue and had 3 months of treatment. I offered her \$500.00 and she said "that will do"!!!!

FAVORITE RESTAURANT: any great sushi restaurant

FAVORITE MOVIE: Breakfast at Tiffany's

FAVORITE SPORTS TEAM: Philadelphia Phillies

FAVORITE PLACE(S) TO VISIT: Western Pennsylvania.....

WHAT'S ON MY CAR RADIO: Top 40

PEOPLE MAY BE SURPRISED TO KNOW THAT: After college I graduated from The Restaurant School.

SECRET VICE: Gummy bears and "The Voice"





BY THE RULES

By: Mark E. Milsop, Esq.

There is at least one defense firm that has begun to routinely seek counsel fees when required to travel for the deposition of an expert witness or treating physician. I was recently able to defeat such a motion. I am writing this article to share with our membership information helpful in formulating a successful response to such a request.

The motion I encountered was based upon Pa. R.C.P. No. 4008 and a trial court decision in *Davis v. Pennzoil Co.*, 38 Pa. D. & C.2d 289 (Allegheny County 1965). Rule 4008 provides:

Rule 4008. Oral Examination. Limitation If a deposition is to be taken by oral examination more than one hundred miles from the courthouse, the court upon motion may make an order requiring the payment of reasonable expenses, including attorney's fees, as the court shall deem proper.

The key term in the rule is “may.” As such, the award of expenses and fees is discretionary, and not mandatory.

Although there is limited case law concerning Rule 4008, a non-binding Common Pleas Court decision, *Davis v. Pennzoil Co.*, *supra*, contains some discussion of Rule 4008. *Davis* is a commercial case that was filed in Pittsburgh by the plaintiff, a resident of Toronto, Canada. The case arose in the early years of discovery¹. The question was whether under Rule 4007, now rescinded, and Rule 4011, the plaintiff was required to appear for deposition in Pittsburgh. The Court held that in the absence of an offer to pay the plaintiff's expenses, a protective order should be entered. The Court did not make any order or resolve any issue for the payment of counsel fees for travel to a deposition. However, in its discussion the Court referenced Rule 4008 and stated:

Pennsylvania Rule of Civil Procedure 4008 makes the imposition of such expenses and fees a matter of individual discretion. The fact that a nonresident plaintiff has chosen this forum is not the ultimate determinative of whether or not he must appear for a deposition at his own expense. In reaching an

equitable result, the nature of the case, the importance of the deposition, the financial status of the parties, the feasibility of using written interrogatories, the importance of cross-examination by home counsel and the difficulty of briefing correspondent counsel must all be considered:

Davis, 38 Pa. D. & C.2d at 291-92, citing 4 Goodrich-Am. § 4008-5.

The first factor articulated in *Davis* was the nature of the case. Such a consideration was specifically noted in *Halula v. Sigler*, 58 Pa. D. & C.2d 147 (Mercer County 1972), a case in which fees were denied under Rule 4008:

By the language of the rule, its application is, therefore, left to the reasonable discretion of the court. Costs which might be ordered to be paid by plaintiff are not recoverable against either of defendants regardless of the outcome. Therefore, the expenses would be forthcoming from plaintiff if he would desire to proceed with the action. It was represented that plaintiff has been incapacitated as a result of this accident for two and one-half years and has but recently qualified for Social Security for medical reasons as a result of this accident. The effect of the proposed order, therefore, would be to cause a serious financial strain upon plaintiff or to make it impossible for him to go forward with the action and, in effect, to reduce whatever verdict he might obtain by the expenses he was required by the order to incur in order to prove his case. Such a result, in this court's opinion, is inequitable and unconscionable.

Halula, 58 Pa. D. & C.2d at 148-149.

Based on the rationale in *Halula*, the award of fees will seldom be appropriate in a personal injury action.

It is also specifically noted that the *Davis* Court did not suggest that its factors were exclusive. Additional factors to consider include:

Continued on Page 11

¹ At the time of the *Davis* decision, discovery depositions were still a relatively new phenomenon and were not necessarily understood to be routine. As such, a different result may have been reached if decided today.



BY THE RULES ... (Continued from Page 10)

- a. Is the deponent an expert witness retained by counsel or a fact witness?
- b. Is the Defendant being represented by an insurance company? If so, the finances of the defendant should not be a concern to the court.
- c. Although Rule 4008 does allow the award of fees, it does not mandate them and requests and awards of such fees are not customary in Western Pennsylvania.
- d. Did plaintiff's counsel agree to reimburse defense counsel for out of pocket costs?
- e. Is plaintiff's counsel agreeable to allowing defense counsel to participate telephonically in the deposition?
- f. Do the issues in the deposition involve complex issues which alternate counsel could not reasonably prepare for or is the deposition a straightforward or routine deposition? Similarly is the substance of the witness' testimony truly and fairly in dispute?
- g. Are there, in fact, defense firms/lawyers in the immediate area who could be asked to serve as local counsel? Internet research as well as sites such as Super Lawyers or Martindale Hubble may be helpful to show the existence and competence of lawyers in the area.
- h. Would it be difficult to expect the witness to appear locally? For example, a treating physician is often difficult to schedule for a deposition, and would be next to impossible to arrange to travel. In addition, the interruption of a medical practice of a treating physician for a full day is exactly the type of inconvenience to the medical profession that Rule 4020 serves to prevent.
- i. Has the noticing attorney travelled at his or her own expense to prior matters precipitated by the defense?

As may be noted from the foregoing, this writer is of the belief that the parties should bear their own expenses (absent unique circumstances). If you decide to request reimbursement of expenses from defense counsel, it is not likely that the court will be as sympathetic when defense counsel tries to request expenses from you in the same case.

The issue facing me was that I had a treating orthopedic surgeon who treated the client locally. By the time of trial, the doctor had relocated. Under these circumstances, the need to travel to the treating doctor was beyond my control and the equities were in my favor. However, even where you have retained an out of town expert, travel expenses relative to a doctor's deposition in a personal injury case is a cost that the insurance companies are quite capable of pay-

ing for and the result should not be different. In my opinion, when an insurance company is paying the costs of defense, this factor should in almost all cases be a predominant factor.

-REMINDER - OPPORTUNITIES FOR JUNIOR MEMBERS

By: Steven M. Barth, Esq.



I wanted to take the time to remind our members that a Junior Member Level is available for students who are enrolled in or currently attending law school. This membership is perfect for law clerks who work at your firm and are law students, or any other law students you may know. The reduced dues fee for Junior Members is \$35 and includes free admission to the January 21st LeMont Restaurant dinner meeting, as well as opportunities to network with trial attorneys. All Junior Members are paired with a member attorney to act as the Junior Member's mentor. The Junior Membership is valuable from the standpoint of providing law students, who will shortly be new attorneys, access to our membership's knowledge, experience, and guidance. This membership can also provide publication opportunities for Junior Members via The Advocate, which is a great way to diversify a resume. Please think about sponsoring any law clerks or law students you know so that they can access this great organization, or encourage your law clerks and any other law students to join the organization. As the free dinner provided with the member is the January 21st dinner at LeMont, now is the time for Junior Members to join to get the most out of their membership opportunities!

Also, all memberships received by December 6, 2013 will be included in the bi-annual Membership Directory, to be published in the Spring of 2014.

Go to www.wptla.org/join-wptla. Click on *Click to Join/Renew* for online membership.





COMP CORNER

By: Thomas C. Baumann, Esq.

Please Use the Justice Partners

As many readers will know, the Pennsylvania Association for Justice has many justice partners who pay the organization to secure the status as a PAJ Justice Partner. In return for supporting the organization, the partners are displayed on the Home Page of the PAJ website and have limited access to the mailing lists and email contacts for members of the organization. The success of the business partner program depends on our members using the partners for the services that they provide that enable us to do our jobs. If the partners are not able to generate sufficient revenue to justify their support, the organization will face a decline in revenue. If each reader of this column would use a business partner for services integral to his or her practice, the success of the program can be assured.

For those that practice Workers' Compensation, you need to know that our business partners include pre-settlement funding companies that will fund Workers' Compensation cases. Many of you have been faced with clients who have a legitimate claim but who are in desperate financial need due to a denial by the carrier. I have had a justice partner fund a case where my client told me he was seeking pre-settlement funding from a T.V. Ad. I was able to steer him to the justice partner and he was able to secure a much lower rate of interest with the justice partner versus the firm advertising on television. As part of the program the pre-settlement funding companies have to agree to charge a reduced interest rate in exchange for serving as a justice partner.

As many of you know, some of the insurance carriers are pushing structured settlements. The carriers will often present a structure proposal prior to formal mediation. PAJ has structured settlement business partners who will attend mediations with you or at least be available by phone. On several occasions where my client was interested in structure, I have been able to secure a more lucrative structure through the use of a PAJ business partner rather than using the carrier's chosen structured settlement company. Even if that particular scenario does not play out, you will have someone in your corner effectively advocating for the right numbers on your client's behalf with the knowledge of the current structured market place necessary to best serve your client's interests.

Many of you recommend to your clients that they use the

Claimant oriented mail order pharmacies. All three (3) main companies working in this area are now PAJ business partners. The more work you can steer to these companies, the better off we all will be.

If you have had success with business partners, please make sure you tell others who may have need of those services about that success. Those others need not be members of the organization, though you can certainly encourage them to join as the business partner program is merely another part of the service of the organization that provides help to us all.

Anti-Worker Legislation

As readers will know from past columns, Anti-Worker Legislation has been introduced in

Harrisburg. One Bill presently before the House Labor Committee provides for the adoption of coordinated care organizations on the panel list. The CCO would effectively replace the panel and permit employers to limit treatment with the CCO for the duration of the claim. The said Bill remains in Committee as of this writing.

A second potential Bill has surfaced which is being pushed by the Department of Labor & Industry but not yet introduced. A Bill may yet be introduced before winter. The Department would completely overhaul utilization review in a manner which would make it expensive and onerous for Claimants to pursue. Furthermore, following trends in other states, the Department would introduce the concept of evidence-based medicine and treatment guidelines to control the scope of medical care in the Commonwealth. Seriously injured people and those that suffer from chronic pain would likely be renditioned to a treatment wasteland.

PAJ opposes both the introduced Bill and the proposed Bill as currently written. Leadership is working actively with other stake holders affected by the proposed legislation. If you are not a member of a Law pac, please consider joining. If you know people who should be part of our organization but who are not, please encourage them to join. There is strength in numbers and we must all do our parts.





JUDGES' CHAMBERS
COURT OF COMMON PLEAS
MERCER COUNTY
MERCER, PENNSYLVANIA 16137

JOHN C. REED
JUDGE

October 21, 2013

Laurie J. Lacher, Executive Director
Western Pennsylvania Trial Lawyers Association
909 Mount Royal Boulevard, Suite 102
Pittsburgh, PA 15223-1030

Re: 2013 Annual Dinner Recognition Plaque

Dear Ms. Lacher:

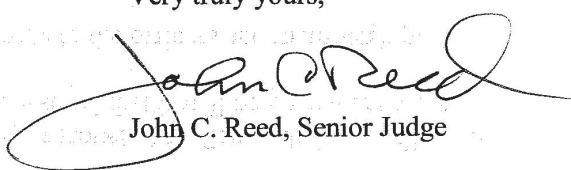
Today, Richard W. Epstein, Esq. delivered to me the recognition plaque that was presented to me *in absentia* at the Trial Lawyers' Annual Dinner on May 3, 2013. As you may remember, my wife and I were unable to attend the annual dinner because we were in Texas during the week of the annual dinner.

The recognition plaque is absolute gorgeous! As a Senior Judge, I will no longer have any chambers to display the plaque, be assured that it will be prominently displayed in our home.

Please extend my thanks and gratitude to the officers and membership.

Again, I apologize for the delay in extending my appreciation; however, as I explained, I just received the plaque today.

Very truly yours,



John C. Reed, Senior Judge



HOT OFF THE WIRE!

By: Chris Hildebrandt, Esq.

UNITED STATES DISTRICT COURT

In a UIM trial, it is permissible to admit evidence of (1) the amount of insurance premiums paid (2) the limits of coverage (3) the amount of coverage available from a third-party and (4) the amount recovered from a third party.

Noone v. Progressive, No. 3:12cv1675 (M.D. Pa. May 28, 2013)

The plaintiff was injured in a motor vehicle collision wherein her car was struck by an underinsured motorist. The plaintiff filed suit against her underinsured motorist (“UIM”) carrier, Progressive, alleging breach of contract and bad faith conduct.

Progressive filed a Motion in Limine seeking to preclude the plaintiff from entering into evidence: (1) the amount of premiums the plaintiff paid on the policy; (2) the limits of UIM coverage available under the policy; and (3) the amount of liability coverage available to the tortfeasor and/or the amount recovered from the tortfeasor. Progressive’s position was that the premiums paid, amount of UIM coverage purchased, amount of liability coverage available to the tortfeasor and amount recovered from the tortfeasor are irrelevant and would improperly suggest to the jury a specific award.

The trial court analyzed the argument pursuant to Fed. R. Evid. Rules 401, 402 and 403, concluding that the evidence was admissible. The trial court reasoned that the subject of the case is the alleged breach of a contract for UIM insurance, thus “it is important that the jury understand the limits of the tortfeasor’s liability insurance, and the amount that plaintiff received from that insurance.” Likewise, the trial court determined that it was not “overly prejudicial to the defendant for the jury to know the amount of coverage that plaintiff purchased or the amount that she paid for the policy,” noting that this information “will assist the jury in completely understanding and evaluating the case.”

SUPERIOR COURT OF PENNSYLVANIA

Where a UIM insurer failed to adjust its reserve and failed to articulate a reasonable basis for disregarding a claim for future lost wages, finding that the UIM insurer acted in bad faith and entering a verdict, including punitive damages with a 5:1 ratio to compensatory damages, was proper.

Grossi v. Travelers, No. 828 WDA 2012 (Sept. 24, 2013)

In a 2-1 decision (Mundy, Donohue for the majority; Bowes filing a dissenting opinion), the Superior Court, in disposing of cross-motions for post-trial relief, in essence upheld a judgment against Travelers for approximately \$1.478 million.

In December 2006, the plaintiff was severely injured in an automobile collision. The tortfeasor had total liability insurance limits of \$3 million, and the plaintiff was also insured under a Travelers’ policy providing underinsured motorist (“UIM”) coverage of \$300,000.

Travelers set an initial loss reserve of \$1,000 for any potential UIM claim. In April 2008, the plaintiff demanded the full UIM policy limits, having obtained an expert opinion that his lost earnings would exceed \$4.25 million. The plaintiff demanded UIM arbitration in May 2008. The plaintiff settled his claim against the tortfeasor in March 2009 for \$950,000. In August 2009, a UIM arbitration award of \$4 million was entered in the plaintiff’s favor. In September 2009 the plaintiff sued Travelers for bad faith pursuant to 42 Pa. C.S.A. § 8371.

The trial court found that Travelers had violated § 8371 and awarded interest on the \$300,000 UIM policy, attorney fees, costs, and punitive damages of over \$1.2 million, for a total judgment exceeding \$1.48 million.

On appeal, the Superior Court denied Travelers’ contention that JNOV should have been entered. Of note, while the Superior Court agreed that Travelers was not required to “blindly” accept the plaintiff’s assertion of a future wage loss, Travelers also could not “blindly” reject the claim without a reasonable, rational basis for doing so. Here, the Superior Court determined that an UIM insurer cannot simply reject a UIM claim “on the basis of an inherent uncertainty with estimating damages, without engaging in any particularized analysis or investigation of the individual claim.”

One aspect of the plaintiff’s bad faith claim was an allegation of an unreasonable delay in investigating the plaintiff’s UIM claim. While the Superior Court reiterated that such a delay, alone, does not rise to bad faith, a delay accompanied by “inexcusable periods of inactivity, unreasonable assumptions, and inadequate communication” does evidence bad faith conduct.

Continued on Page 15





HOT OFF THE WIRE ...*(Continued from Page 14)*

Travelers also challenged the punitive damages award, claiming (1) no such award was warranted; and (2) the award was “not reasonably related to the interests of punishment or deterrence.” The Superior Court swiftly dispatched of Travelers’ first claim, noting that “no additional showing beyond establishing bad faith conduct under section 8371 is required to permit the imposition of punitive damages. Travelers’ second claim was also rejected; the Superior Court concluded that regardless of the manner in which the trial court calculated punitive damages, the ratio of punitive damages to compensatory damages was no greater than 5:1 (thus within the accepted range demonstrative of “due process,” while still achieving goals of deterrence and retribution).

Judge Bowes, in his dissenting opinion, stated that he found it “contrary to common sense to impute bad faith to Travelers for appraising the UIM claim at less than three million dollars when Mr. Grossi himself compromised his claim for \$950,000 when coverages existed far in excess of that settlement.” Judge Bowes opined that Travelers was entitled to JNOV because the evidence failed to establish, by clear and convincing proof, the existence of ill will or self-interest by Travelers.

A plaintiff's selection of limited tort does not warrant the granting of summary judgment against the plaintiff where the plaintiff has demonstrated injuries related to the automobile collision, changes to her daily life due to the injuries and a cessation of medical treatment due to the loss of health insurance benefits.

Cadena v. Latch, No. 1891 MDA 2012 (Sept. 13, 2013)

This case stems out of an automobile collision which left the plaintiff with back, neck, eye and shoulder injuries. The plaintiff missed approximately one week of work. Plaintiff filed suit and after the close of discovery the defendant filed a Motion for Summary Judgment, seeking to have the case dismissed as the plaintiff’s injuries did not cross the limited tort threshold of a “serious injury.” The trial court granted the defendant’s motion, determining that the plaintiff returned to work within two weeks of the collision, continued to perform her duties as an accountant, opened her own business, stopped receiving medical treatment eight months after the collision and never sought any further medical treatment.

The Superior Court reversed the trial court, reasoning that the plaintiff demonstrated that she was diagnosed “with no less than eight ailments” which were directly related to the collision and was able to articulate how her daily life has changed as a result of her injuries and continuing pain. In addition, although the plaintiff had ceased medical treat-

ment, the record demonstrated that the plaintiff had no health insurance and was unable to continue to pay for treatment. Noting that an impairment “need not be permanent to be serious,” and that the decision as to whether a plaintiff suffered a serious injury “should be made by the jury in all but the clearest of cases,” the Superior Court concluded that the trial court abused its discretion in granting the defendant’s Motion for Summary Judgment.

REMAINING CALENDAR OF EVENTS

Wed, Dec. 11, 2013

2-credit CLE program

Social Media in Litigation

9:00-11:15 a.m.

Registration available at 8:30 a.m.

Koppers Bldg, Pgh

Tues, Jan. 21, 2014

Dinner Mtg/CLE Program

Welcome Jr. Members

4:30 - Board Meeting

5:30 - Cocktails

6:15 - Dinner w/ Remarks by
Honorable Eugene Scanlon,
of Scanlon ADR Services

7:00 - 1-credit CLE

Practice Before the PUC

LeMont Restaurant, Pgh

Tues, Feb. 18, 2014

3-credit CLE program

Presenter: Robson Forensic

9:00 a.m. - 12:30 p.m.

Registration available at 8:30 a.m.

Koppers Bldg, Pgh

Thurs, Mar. 27, 2014

Annual Members Dinner

Election of Officers/Board

4:30 - Board Meeting

5:30 - Cocktails

6:15 - Dinner

Rivers Casino, Pgh

Fri, May 2, 2014

Annual Judiciary Dinner

5:00 - Cocktails

7:00 - Dinner & Program

Heinz Field, Pgh





Each year, WPTLA sponsors a Scholarship Essay Contest for high school seniors in the Western District of PA. Three winning essays are chosen by a committee as the best of those submitted. These winners are invited to attend the Annual Judiciary Dinner, where they are presented with a certificate of their achievement, along with a \$1,000 scholarship award. Below is the one of 2013's three winning essays.

For hundreds of years the state of Pennsylvania has been sitting on a large deposit of Marcellus Shale that runs through the Northeastern United States, but it was not until recently that drilling companies discovered the natural gas found in the rock. As national oil reserves began to run dry and the cost of overseas oil continued to increase, the desire for new local natural resources began to escalate. In light of tough economic times, many cities like Pleasantville, Pennsylvania have welcomed the presence of companies like New Horizon Drilling because the leasing costs and royalty checks are a big help to rural areas with no outside industry aside from farming. Despite this economic benefit, many residents like George and Martha are opposed to the tactics of companies like New Horizon Drilling. In their case, George and Martha are worried about the agricultural impact of the fracking process, yet are being pressured by their neighbors and the company to lease their farm due to the "Rule of Capture".

In the Commonwealth of Pennsylvania, the "Rule of Capture" law has existed for over a century and has recently been applied to the oil and gas drilling industry. One of the first cases to involve the "Rule of Capture" was *Acton v. Blundall* (1843) over the issue of percolating groundwater between a cotton mill and a coal pit. The final ruling stated that "ownership of land includes the ownership of everything else below the surface", and that draining a neighbor's groundwater was considered "loss without legal harm" (pifer). Since the 1800's the Commonwealth has enforced this ruling, leaving farm owners like George and Martha at a disadvantage against big drilling companies. In today's world, the "Rule of Capture" is not used to settle simple disputes over groundwater; instead, drilling companies use it as a tool to bully owners into signing the lease for Marcellus Shale drilling. In the case of Pleasantville, Pennsylvania, New Horizon Drilling representatives have managed to convince George and Martha's neighbors to lease their land to the company, but still require a lease from George and Martha's property to complete the unit. By having a complete unit, New Horizon Drilling would be able to extract all of the natural gas together, without having to bypass George and Martha's farm, thus saving money.

If George and Martha continued to refuse to sign the lease, their neighbors and New Horizon Drilling would suffer economically, because extra piping would have to be placed in order to bypass their 200 acre farm. Less gas would be extracted in the process, resulting in fewer royalty checks to the surrounding owners. Although it is reasonable to see why George and Martha's neighbors would pressure them to sign, this is another result of the "Rule of Capture". According to Pennsylvania State Law, drilling companies are unable to drill more than a "few hundred feet" from the drilled shaft ("Rule of Capture"), although they can legally drill right up to the property line of the un-leased farm (Knowledge Problem). This loophole allows companies like New Horizon Drilling to intimidate the local farmers into signing leases with them. By preying on the economically downtrodden farmers of rural Pennsylvania, companies are ignoring the potential environmental impacts that people like George and Martha are worried about, and are causing neighbors to pressure each other into signing the agreement in order to bring more money into the area.

The "Rule of Capture" is an outdated precedent that should be abandoned to help the local farmers of the Commonwealth of Pennsylvania. The agricultural and environmental fears of farmers like George and Martha are not uncommon or unrealistic, and it is absurd that drilling companies can threaten and bully farmers into contracts just to make a profit. Because there is no way for farmers to physically see where the well-bore begins and the drilling stops, the farmers have no choice but to trust that the company is honestly following the agreement, or lack thereof (Knowledge Problem). Currently, there is no established regulation of the Marcellus Shale drilling companies to ensure that they are within the limits of the leased property (Knowledge Problem). This means that drilling companies can drill as far as they want and virtually no one will notice because there is no supervision of Marcellus Shale drilling practices, and any captured gas would be in the possession of the company due to the "Rule of Capture". All of these facts combined almost make it an incentive for companies such as New Horizon Drilling to be dishonest in their drilling practices. Because of the "Rule of Capture", New Horizon Drilling will not only be making a profit off of George and Martha's gas, but it also could be endangering George and Martha, despite the fact that they were against the fracking to begin with.

Since George and Martha were concerned that the fracking would hurt their agricultural production, they refused to sign the lease with New Horizon Drilling. Although there is not any drilling happening on George and Martha's property, there are still many adverse effects that can occur due to the "Rule of Capture". Because George and Martha are the only farmers in Pleasantville who opposed the drilling, New Horizon would not have the incentive to be overly careful around the property line because any stray fractures, even inadvertent ones, could potentially cause the migration of natural gas onto New Horizon's leased property, thus enacting the "Rule of Capture". As technology has advanced, the hydraulic fracking process has become increasingly more destructive. As a comparison, the first fracking project used about 1,000 gallons of napalm mixed with sand and injected it underground; the shale was then fractured with 600 horsepower of pressure. Today, most fracking techniques inject millions of gallons of freshwater, chemicals, and sand into the shale, breaking it up with 40,000 units of horsepower; that much pressure is enough to cause small earthquakes in the shale ("Myth and Realities"). Because current fracking techniques are able to trigger small earthquakes, it is not unrealistic to expect the tremors to spread to George and Martha's farm and cause similar fractures in the shale underneath their property. This could cause the gas to migrate into George and Martha's water well or irrigation system, causing contamination to themselves and the crops they grow. Additionally, in order to construct the drills themselves, it is necessary for companies

Continued on Page 17





like New Horizon Drilling to make accommodations on site for the fracking process. This includes the building of access roads, drilling pads, compressor stations, and pipelines in order to begin the drilling, all of which can directly affect the field and soil on the site (Madden). Most access roads take the most direct route possible, cutting through miles of viable crops, and leaving behind a large, scar-like road to the site. These preparations are not only an eyesore to the community, but can cause affect forest fragmentation, wildlife, and land use (Madden). In the overall scheme of the drilling process, these are only a few of the worries George and Martha could face because of Marcellus Shale drilling, making it easy to see why the couple chose not to sign the lease with New Horizon Drilling.

Throughout the Commonwealth of Pennsylvania the "Rule of Capture" has been viewed as the legal precedent for sub-terrain disputes between property owners and companies. Past court cases have supported the "Rule of Capture" and recently, the law has been adapted to fit the disputes between the Marcellus Shale drilling companies and local farmers. Although the "Rule of Capture" has worked in the past, it is too out of date for the current times because it allows big drilling companies, like New Horizon Drilling, to bully farmers into leasing their property to the companies. Without the "Rule of Capture", farmers like George and Martha would find it easier to stand up to the big drilling companies without being pressured by their neighbors. If the "Rule of Capture" did not exist, then the risky fracking processes of drilling companies would be discouraged, because any gas that migrated to a leased property would not be the possession of the company. Because the "Rule of Capture" encourages the drilling of Marcellus Shale, it also contributes to the possible environmental effects of the fracking process. Although there is an increased need for additional income during these tough times, the environment should not be made to suffer as well. The probative value of the economy does not outweigh the importance of having a stable, clean environment.

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Submitted by Emily Pirt, of Shaler Area High School

MEMBER PICTURES & PROFILES



Name: Christine Zaremski-Young

Firm: Edgar Snyder & Associates, LLC

Law School: Duquesne University School of Law

Year Graduated: 2005

Special area of practice/interest, if any: Complex Litigation and Commercial Motor Vehicle Cases

Most memorable court moment: Receiving my first favorable appellate ruling.

Most embarrassing (but printable) court moment: I wouldn't say it was "embarrassing," but rather "awkward." The first Motion that I was assigned to argue after I passed the bar and was admitted to practice was a Motion for Recusal that another attorney in our firm filed.

Most memorable WPTLA moment: I never seek to be amazed by the internal strength and positive attitudes possessed by our Come Back Award Winners at the annual ceremony.

Happiest/Proudest moment as a lawyer: Being able to help a catastrophically injured and totally incapacitated client receive the medical care that he needed.

Best Virtue: Compassion.

Secret Vice: It's not exactly "secret," but I definitely drink way too much caffeine. That and cookies.

People might be surprised to know that: When I was in college I had an internship with the Allegheny County Coroner's Office.

Favorite movie (non-legal): "A League of Their Own"

Favorite movie (legal): I have a soft-spot in my heart for "Legally Blonde."

Last book read for pleasure, not as research for a brief or opening/closing: "Goodnight, Goodnight Construction Site" written by Sherri Duskey Rinker and illustrated by Tom Lichtenheld. It's a staple before putting my son to bed every night.

My refrigerator always contains: Diet Dr. Pepper

My favorite beverage is: Diet Dr. Pepper

My favorite restaurant is: Bistro 19

If I wasn't a lawyer, I'd: Own a "doggie daycare"





*The Western Pennsylvania Trial Lawyers Association
& the Pittsburgh Steelwheelers would like to thank
the following for their financial support of the recent
5K Run/Walk/Wheel event.*

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...Through the Grapevine

Congratulations to **Vice President Lawrence M. Kelly**, of Luxenberg Garbett Kelly & George, who has been appointed by the Disciplinary Board of the Supreme Court of Pennsylvania to serve on the Board for a three-year term. In his new role on the Board, Larry will review decisions involving discipline made by the hearing committees, sit with other members to hear oral arguments when requested by the respondent, and serve on Board committees.

Our best to The Honorable Sean J. McLaughlin, who resigned as Chief U.S. District Judge from the U.S. District Court of the Western District of Pennsylvania.

And congratulations to The Honorable Joy Flowers Conti, on being named Chief Judge of the U.S. District Court of the Western District of Pennsylvania.

Congratulations to Past President **Louis M. Tarasi, Jr.**, of Tarasi & Tarasi, for having been named in the 2012 Edition of ***Best Lawyers in America***, in the practice areas of Mass Tort Litigation, Medical Malpractice Law - Plaintiffs, Personal Injury Litigation- Plaintiffs, Product Liability Litigation and Product Liability Litigation - Plaintiffs. In addition, ***Best Lawyers***, has named **Louis M. Tarasi, Jr.** as the "Pittsburgh ***Best Lawyers*** Mass Tort Litigation **Lawyer of the Year**" for 2012.

Best wishes to **Member Marc S. Resiman**, of Gelman & Reisman, who was recently married.

Past President Jason E. Matzus has joined the firm of Gismondi & Associates as a principal. He can be reached at 310 Grant St, Ste 700, Pittsburgh, PA 15219. P: 412-281-2200 F: 412-281-6302.

Member Andrew G. Sykes, of Sykes Elder Law, has been certified as an elder law attorney by the National Elder Law Foundation. Only 44 Pennsylvania attorneys have been recognized as a certified elder law attorney.