

# Lehigh Law Journal

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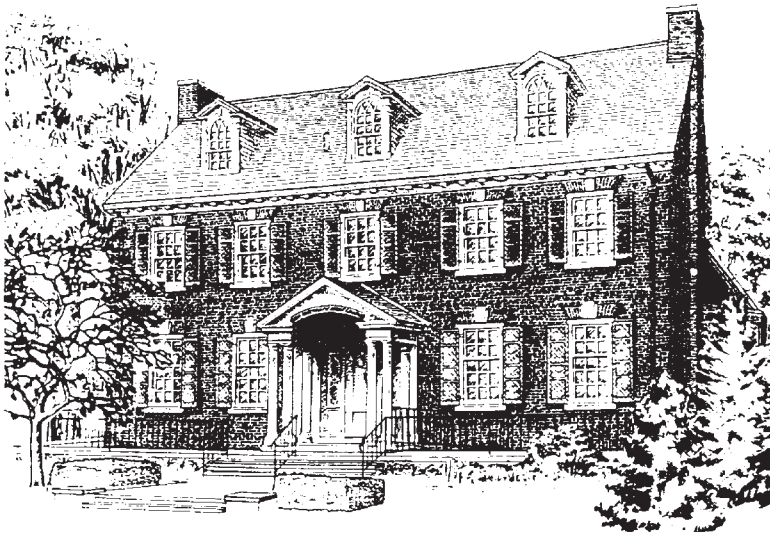
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Vol. LVII

Allentown, PA Friday, March 17, 2017

No. 38

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LEHIGH LAW JOURNAL

(USPS 309560)

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Amy was formerly Partner at Saltzman, Gordon & Kruzel, where she represented clients in divorce, support, custody, and protection from abuse matters, and had been appointed as a Parenting Coordinator in high conflict custody cases. Amy represents clients at trials, hearings, conciliation conferences, support conferences, *de novo* hearings, and settlement conferences. Amy also drafts, briefs, and presents oral argument in the Superior Court of Pennsylvania, Eastern District, and serves as a mediator in divorce, custody, and support matters. She is also involved in teaching Positive Conflict Resolution & Mediation Skills at the Easton Area Middle School. Amy volunteers with the Leukemia and Lymphoma Society and currently serves on the Executive Leadership Board.

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3-10, 17, 24, 31

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DIAMOND, DENI THURMAN EYER, ROBERT ROMERIL,  
CLINT WALKER AND SONIA WALKER, APPELLANTS vs.  
BETHLEHEM CITY COUNCIL, APPELLEE

*Motion to Quash—Zoning Ordinance—City Revitalization and  
Investment Zone—Political Subdivision—Standing—Aggrieved  
Party—Historic Preservation Act—Municipalities Planning  
Code—Statutory Interpretation—Plain Meaning.*

The Appellants challenged the enactment of an amendment to the City of Bethlehem's (the "City") zoning ordinance which rezoned the district around Martin Tower. The Appellee and Intervenor filed motions to quash the Appellant's appeal. The Court quashed the appeal because the Appellants lacked standing to challenge the amendment of the City's zoning ordinance. The Court further held that the appeal would be properly quashed even if the Appellants had the requisite standing because the City complied with the procedural requirements of the Municipalities Planning Code (the "MPC") when enacting the zoning amendment. Last, the Court held that the Appellant's reliance in their Notice of Appeal on the incorrect section of the MPC was a *de minimis* error which did not divest the Court of jurisdiction.

In the Court of Common Pleas of Lehigh County, Pennsylvania—Civil Division. No. 2016-C-0180. Christmas City Hotel LLC, Doing Business As Hotel Bethlehem, Donegal Square LLC, Taylor Family Partnership, Rocco Damato, Electra Damato, Steven Diamond, Barbara Diamond, Deni Thurman Eyer, Robert Romeril, Clint Walker and Sonia Walker, Appellants vs. Bethlehem City Council, Appellee.

MARC KAPLIN, ESQUIRE, on behalf of the Appellants.

WILLIAM LEESON, ESQUIRE, on behalf of the Appellee.

JAMES SMITH, ESQUIRE, on behalf of the Interested Parties/  
Intervenor.

#### MEMORANDUM OPINION

REICHLEY, J., April 14, 2016. The within matter involves Appellants' challenge to the enactment of an amendment to the City of Bethlehem's zoning provisions which rezoned the district around Martin Tower, a 21-story office building in the City. Appellants



filed the within appeal in the Court of Common Pleas on January 13, 2016. On February 19, 2016, Appellee filed a motion seeking to quash the appeal on procedural grounds. Intervenor filed a similar motion to quash on February 24, 2016. The Court heard oral argument on April 5, 2016 and took the matter under advisement. For the reasons set forth here, Appellee's Motion to Quash and the Intervenor's Motion to Quash are GRANTED and Appellants' appeal is QUASHED and DISMISSED.

#### FACTUAL AND PROCEDURAL BACKGROUND

Martin Tower is a 21-story office building on the outskirts of the City of Bethlehem.<sup>1</sup> In 2013, the City of Bethlehem obtained a City Revitalization and Investment Zone (CRIZ) designation from the Commonwealth of Pennsylvania. The CRIZ is a specially designated area within the City in which developers may access state income and sales tax funds generated by businesses which move into the zone to subsidize development within the zone.

In January of 2015, the developers of the Martin Tower property began meeting with City of Bethlehem officials in order to change the zoning of the property from CM-LTN<sup>2</sup> to Office Mixed Use (OMU). This would permit, *inter alia*, (1) the demolition of Martin Tower, (2) construction of up to 350,000 square feet of one-story, non-residential square footage on the property, and (3) construction of approximately 1.3 million square feet of new retail buildings on the property. (Appellants' Brief in Opposition to Intervenor's Motion to Quash Land Use Appeal, March 9, 2016, at 4.)

Pursuant to state law, drafts of the OMU amendment were presented to the City Planning Commission at a public meeting on August 13, 2015. After consideration by the Bethlehem City Planning Commission, the proposed amendment was also presented to the Lehigh Valley Planning Commission (LVPC). Based

<sup>1</sup> The City of Bethlehem is divided between Northampton and Lehigh County. Martin Tower is located on the Lehigh County side of the dividing line, thereby conferring subject matter jurisdiction and proper venue upon this Court.

<sup>2</sup> "Landmark Conservation and Traditional Neighborhood Development Overlay District." City of Bethlehem Zoning Ordinance, Art. 1303.02.

on input from the Lehigh Valley Planning Commission, the amendment proposal was then brought before Bethlehem City Council on October 6, 2015, where several members of the public who reside or operate businesses in the downtown area voiced opposition to the draft amended ordinance.

On October 20, 2015, the draft proposed amendment was approved by City Council subject to further revisions being made prior to the final reading and adoption.<sup>3</sup> The ordinance proposal as amended by City Council is what the parties refer to as the “November Draft OMU Amendment.” Pursuant to Section 609(c) of the Municipalities Planning Code (MPC), any amendment proposed by a body other than the city planning agency had to be submitted to the City Planning Commission for review at least 30 days before final adoption by the City Council.

On November 5, 2015, Louise Kelchner, the City Clerk for the City of Bethlehem, forwarded the November Draft Amendment to Darlene Heller, the Administrative Secretary to the City Planning Commission. The message from Ms. Kelchner to Ms. Heller requested that Ms. Heller circulate the draft ordinance to the members of the Planning Commission for review and comment.

It is undisputed that Ms. Heller forwarded the November draft to the members of the Planning Commission on November 12, 2015. The president of the City Planning Commission scheduled a public meeting of the commission for consideration of the November amendment on December 7, 2015, but subsequently cancelled the meeting.

On December 8, 2015, Bethlehem City Council held a public hearing on the November draft OMU. Following the hearing, that version of the draft was adopted on December 15, 2015.

The instant appeal was timely filed on January 13, 2016 pursuant to Section 11002.1-A of the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. §11002.1-A, challenging the procedural validity of the OMU Amendment adoption process.

<sup>3</sup> Appellants do not challenge the procedural compliance exercised by the parties with respect to the August draft of the OMU.

Appellee filed a Motion to Quash the Notice of Appeal on February 19, 2016. Intervenor<sup>4</sup> filed a motion to quash on February 24, 2016. The parties filed briefs and the Court heard oral argument on April 5, 2016 and took the matter under advisement.

This Opinion follows.

## DISCUSSION

There are three procedural challenges raised in the two Motions to Quash the notice of appeal that are currently before the Court for review:

1. Whether Appellants filed their appeal under the wrong statute?
2. Whether Appellants have standing to pursue the appeal?
3. Whether Appellants have a meritorious argument that the zoning ordinance was enacted pursuant to the MPC?

### *Whether Appellants Filed Their Appeal Under the Wrong Statute*

The Notice of Appeal was filed pursuant to the MPC. Bethlehem is a third-class city, which therefore places it under the purview of the MPC. 53 P.S. §10102.

Under the MPC, there are two procedural mechanisms by which a matter may be brought before the Court of Common Pleas: (1) challenges to the validity of a land use decision (53 P.S. §11002-A(a)); and (2) challenges to the validity of an ordinance (53 P.S. §11002-A(b)). Land use decisions are the “final adjudication of any board or other body granted jurisdiction under any land use ordinance or [the MPC] to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.” *Id.* §10107. Enactment of a zoning ordinance or amendment of an

<sup>4</sup> HMLP-MT, LP, RMLP-MT, and SEH & Eaton Holding, LP, tenant-in-common owners of the Martin surrounding acres.

existing zoning ordinance is not a “land use decision,” but is subject to appeal for any procedural irregularities surrounding enactment or amendment of the ordinance.

In this case, Appellees are challenging the propriety of the Notice of Appeal because the appeal was taken pursuant to Section 11002.1-A(a), not Section 11002-A(b).<sup>5</sup> Section 11002.1-A expressly restricts itself to “all appeals challenging the validity of a land use decision.” *Id.* §11002.1A. By contrast, Section 11002-A(b) applies to “[c]hallenges to the validity of a land use ordinance raising procedural questions or alleged defects [sic] in the process of enactment or adoption.” *Id.* §11002-A.

Based on this, Appellee maintains the Court does not have jurisdiction. From a strict statutory reading, Appellee is correct that the appeal was taken pursuant to the wrong section of the MPC. The instant appeal challenges the process of the adoption of an ordinance, not a land use decision. Accordingly, the statutory section that must be met is Section 11002-A(b) as opposed to Section 11002.1-A. Section 11002.1-A(a) limits its applicability “to all appeals challenging the validity of a *land use decision* on the basis of a defect in procedures prescribed by statute or ordinance.” 53 P.S. §11002.1A(a) (emphasis added). By contrast, Section 11002-A(b) applies to “[c]hallenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption.” 53 P.S. §11002-A(b). However, from a practical standpoint, this is a distinction without a difference because under the applicable section, jurisdiction is nonetheless properly conferred to the Court of Common Pleas.

Section 11002-A(b) provides:

Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption shall be raised by appeal taken directly to the court of common pleas of the judicial district in

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<sup>5</sup> Notice of Appeal, ¶4 (“This appeal arises under Section 1002. 1-A of the [MPC], 53 P.S. § 11002.1-A, which grants exclusive original jurisdiction in the Court of Common Pleas to hear challenges to the procedural validity of the enactment of ordinances and amendments.”).

which the municipality adopting the ordinance is located in accordance with 42 Pa.C.S. § 5571.1 (relating to appeals from ordinances, resolutions, maps, etc.).

53 P.S. §11002-A.

Under 42 Pa. C.S.A. §5571.1, the statute expressly applies to “any appeal raising questions relating to an alleged defect in the *process of* or procedure for enactment or adoption of any ordinance, resolution, map or similar action of a political subdivision.” 42 Pa. C.S.A. §5571.1 (emphasis added).

Because the correct statutory section would confer jurisdiction on the Court of Common Pleas, the Court finds that the defect in the Notice of Appeal referring to the incorrect statute is a *de minimis* error. The end result under either method confers jurisdiction upon this Court. Accordingly, this allegation in the motion to quash is DISMISSED.

*Whether Appellants Have Standing to Pursue the Appeal*

Appellee’s next argument is that the Appellants lack standing to pursue their appeal. Intervenor’s reiterate this argument in their Motion to Quash.

As noted above, challenges to the process of the adoption of a zoning ordinance fall under the purview of Section 11002-A. 53 P.S. §11002-A(b). That section provides, “Challenges to the validity of a land use ordinance raising ... alleged defects in the process of enactment or adoption shall be raised by appeal taken directly to the court of common pleas ... in accordance with 42 Pa.C.S. § 5571.1.” 53 P.S. §11002-A(b).

Section 5571.1 provides that “this section shall apply to any appeal raising questions relating to an alleged defect in the process of or procedure for enactment or adoption of any ordinance, resolution, map or similar action of a political subdivision.” 42 Pa. C.S.A. §5571.1(a)(1). It further requires that all appeals to the Court of Common Pleas must be filed within thirty days of adoption of the ordinance. *Id.* §5571.1(a)(2), (b)(1). The burden of proof is that the appellant must show there was a failure to strictly comply with the requisite statutory procedure. *Id.* §5571.1(e)(1).

However, Section 5571.1 is silent as to who has standing to pursue such an appeal. The Commonwealth Court has long held “persons having standing to appeal from the enactment of a zoning ordinance because of defects in the process of adoption must be persons who have appeared before the governing body.” *Northampton Residents Association v. Northampton Township Board of Supervisors*, 14 Pa. Commonwealth Ct. 515, 520, 322 A.2d 787, 791 (1974). The court went on to state:

[C]hallenges to the validity of a zoning ordinance are spoken of throughout the MPC as being brought only by a ‘landowner’ or by a ‘person aggrieved’. We believe it reasonable to hold, therefore, that an appeal raising the question of an alleged defect in the process of enactment of a zoning ordinance may be brought only by a ‘landowner’ whose land is directly affected by the ordinance in question, or by a petitioner who is clearly a ‘person aggrieved’.

*Id.* at 521, 322 A.2d at 791.

A person is “aggrieved” under the MPC when he or she has “a[n] ... interest in the outcome of the litigation ... that is ‘direct, immediate, and substantial.’” *Miravich v. Township of Exeter*, 6 A.3d 1076, 1078 (Pa. Commw. 2010). A party may not utilize the zoning appeals process to challenge the possible location of a competing business. See *In re Farmland Industries, Inc.*, 109 Pa. Commonwealth Ct. 304, 315, 531 A.2d 79, 84 (1987) (“It is clear therefrom that Farmland is using this process to impede the location of a competitor in its trading area. We cannot allow zoning appeals to be used as a method to deter free competition.”).

The Commonwealth Court has focused on geographic proximity in assessing whether a party seeking to challenge the enactment of a zoning ordinance satisfies the standard of being a “landowner” or “person aggrieved” by the ordinance. *Cf.*, *Weston v. Zoning Hearing Board of Bethlehem Township*, 994 A.2d 1185, 1190 (Pa. Commw. 2010) (appellant “aggrieved” where land was within 400 feet of applicant’s land), and *Appeal of Hoover*, 147 Pa. Commonwealth Ct. 475, 483, 608 A.2d 607, 611 (1992) (party is aggrieved when property is 200 yards away from subject area), with

Society Created to Reduce Urban Blight (SCRUB) v. Zoning Hearing Board of Adjustment of the City of Philadelphia, 951 A.2d 398, 404 (Pa. Commw. 2008) (three property owners lacked standing to challenge a sign when their properties were located 1.2, 1.5, and 8 miles, respectively, away from the sign), and Farmland Industries, supra (no standing for owners of a property 1/2 mile away from challenged zoning area).

Most of the Appellants are landowners whose property falls anywhere from 1.3 miles away (Hotel Bethlehem) to 2.3 miles away from the district where the proposed rezoned area is located. Based on the existing case law, as a general rule, parties located within 400 yards of a zoning location generally have standing, while parties outside of an 880-yard radius (half a mile) generally do not have standing. Because all of the Appellants in this case, except possibly the Taylor Family Partnership, are located more than a mile away from the rezoned area, case law establishes the Appellants lack standing to assert they are aggrieved parties.

Appellants contended at oral argument that standing should not be based on geographical proximity alone. To the contrary, they assert they are aggrieved by the ordinance because of the impact it will have on them as businesses. In Appellants' Brief in Opposition to Bethlehem City Council's Motion to Quash Land Use Appeal, Appellants explained their standing as follows:

As stated in Appellants' Notice of Appeal, Appellants assert that they will be detrimentally impacted by development under the OMU Amendment which will allow for the demolition of the Martin Tower and the [sic] creation of new 'downtown' area on the outskirts of the City *which will drain resources and patrons from the Downtown area of the City in which they operate their businesses and/or reside.*

(Appellants' Brief in Opposition to Bethlehem City Council's Motion to Quash Land Use Appeal, March 9, 2016, at [9] (emphasis supplied).)

Appellants' basis for standing is therefore focused on the perceived detrimental economic impact the ordinance will have on their businesses. This is especially true for the only Appellant

who may qualify for standing based on geographic proximity, the Taylor Family Partnership. The Partnership owns property located .4 mile away from the Martin Tower, where the Partnership operates a gas station business. The Partnership claims that because the proposed rezoning amendment would allow for construction and operation of a gas station, the Partnership has standing to object to the procedural compliance by City Council in the enactment of the zoning amendment in question.

However, Pennsylvania case law expressly prohibits parties from challenging zoning matters on appeal for the purpose of influencing trade and commerce. *Farmland Industries, Inc.*, supra. Consequently, even if geographic proximity were not an issue, Appellants' rationale in support of their argument that they have standing is legally insufficient to recognize their claim.

Finally, Appellants asserted standing to challenge the amendment of the zoning ordinance under the Historic Preservation Act, which provides in relevant part:

The Attorney General, the commission, any political subdivision, person or other legal entity may maintain an action in an administrative tribunal or court for the protection or preservation of any historic resource of this Commonwealth.

37 P.S. §512.

The only appellate case interpreting this language is *Friends of Atglen-Susquehanna Trail, Inc. v. Pennsylvania Public Utility Commission*, 717 A.2d 581 (Pa. Commw. 1998), in which the Commonwealth Court determined an association of individuals seeking to prevent the demolition of a historic bridge had standing to petition for review of a PUC order which would allow for the abolition of certain railroad crossings. In the current matter, the Appellants have not established, nor do they allege they are part of, an organization focused on preserving Martin Tower. The *Friends of Atglen-Susquehanna Trail, Inc.* case involved an association of individuals whose focus was a preservation effort for the bridge. The parties in this case are business owners and residents who are challenging the passage of the zoning ordinance because of the



perceived adverse impact on their business and the downtown area of the City of Bethlehem. The Appellants have not formed themselves into an association or unincorporated body to challenge the demolition of Martin Tower as a historic building. Even if they had formed such an association, they would still not have standing because the question of enactment of the zoning ordinance in the area of Martin Tower is substantially different from any petition for injunctive relief to prevent the demolition or razing of Martin Tower. To be blunt, that issue is not before the Court and is not ripe for consideration at this time.

Appellants have cited a decision by the Mercer County Court of Common Pleas in the case of Mercer County Citizens for Responsible Development v. Springfield Township Zoning Hearing Board, 81 D. & C.4th 175 (C.P. Mercer Co. January 17, 2007), as a persuasive erudition on the question of granting standing to the Appellants. In Mercer County, the Mercer County Court of Common Pleas concluded “standing” could be granted to any interested party who objected to a zoning ordinance without regard for geographic proximity or a claim of unfair business competition. While this Court respects the decision of a court of concurrent jurisdiction, the undersigned finds that decision to be an improvident expansion of the definition of standing, and we do not accept Appellants’ contention on this point.

For the foregoing reasons, the Court finds Appellants lack standing in this case to pursue the action before the Court. For that reason, the Motions to Quash filed by Appellee and Intervenors are GRANTED.

*Whether Appellants Have a Meritorious Argument That the Zoning Ordinance Was Enacted Pursuant to the MPC*

While the Court has already concluded Appellants lack standing to pursue the within appeal, the Court will nonetheless address the final issue. Appellee argues that even if the Appellants have standing in this matter, the issue they are raising is belied by the record and therefore meritless. Accordingly, for the sake of providing this matter a full and complete review, the Court will address that issue.

The substantive law applicable to this matter is Section 609 of the MPC. Under Section 609, “[i]n the case of an amendment other than that prepared by the planning agency, the governing body shall submit each such amendment to the planning agency at least 30 days prior to the [governing body’s] hearing on such proposed amendment to provide the planning agency an opportunity to submit recommendations.” 53 P.S. §10609(c). Under the MPC, the governing body in this case is Bethlehem City Council. *Id.* §10107.

The record on appeal indicates that after consideration of the amended language of the proposed zoning reclassification at the City Council meeting on November 4, 2015, the Clerk of City Council formally submitted the zoning amendment in question to the Secretary to the City Planning Commission, Darlene Heller on November 5, 2015. Appellants assert Ms. Heller did not forward the Draft Amendment to the members of the commission until November 12, 2015. Using the November 12, 2015 date as a starting point, Appellants assert that less than thirty days passed between the date the plan went to the Commission and the date when City Council adopted the zoning ordinance amendment on December 8, 2015.

Appellee submitted a notarized affidavit from Ms. Heller as an exhibit to its brief filed on February 19, 2016. In her affidavit, Ms. Heller indicated: “I am the Secretary to the Bethlehem Planning Commission, having been reappointed by the Commission at its reorganizational meeting on February 12, 2015. I have served in that capacity since at least 2002.” (Affidavit of Darlene Heller, February 19, 2016, at p. 2.) Ms. Heller’s affidavit goes on to confirm that she received the Draft Amendment on November 5, 2015 but did not forward it to the members of the Commission until November 12, 2015. (*Id.*)

The salient issue is whether the act of providing the Draft Amendment to the Secretary to the Bethlehem Planning Commission satisfied the City of Bethlehem’s statutory obligations under Section 609. That section requires that in the case of an amendment other than that proposed by the [city] planning agency, “the gov-

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Book your rooms now for our Annual Bench Bar Conference. The Bench Bar Committee is hard at work designing Baltimore related CLE's and great Social Events to include receptions, a Pub Crawl and an Orioles Baseball Game.

You can take advantage of our special room pricing 3 days before and 3 days after the conference if you want to extend your stay.

Contact the Royal Sonesta to Book your room:

Single and Double Rate \$189

Triple Rate \$209

Quad Rate \$229

(Taxes and Service Charges not yet applied)

See BALC Website for online booking link or call the hotel directly: Ms. Sheila Carey, In-House Reservationist, 1-410-347-9735 and use Group Code 1007LKLKLL)

## **Lawyer Referral Service Registration Form:**

If you are interested in LRS participation, please return the completed application, along with the appropriate fee as noted below. All checks should be made payable to: **LAWYER REFERRAL SERVICE.**

\*\*The registration fee for **BALC MEMBERS** is \$75.00 per year; this includes membership on **two (2)** referral panels and subpanels. Each panel is bolded and you may choose as many subpanels as you like, covered under the panel price. You may elect to participate in more than two panels at an additional cost of \$30 each.

1 PANEL: \$75.00	4 PANELS: \$135.00
2 PANELS: \$75.00	5 PANELS: \$165.00
3 PANELS: \$105.00	6 PANELS: \$195.00

\*\*The registration fee for **NON-MEMBERS** is \$120 per year; this includes membership on **two (2)** referral panels and subpanels. Each panel is bolded and you may choose as many subpanels as you like, covered under the panel price. You may elect to participate in more than two panels at an additional cost of \$30 each.

1 PANEL: \$120.00	4 PANELS: \$180.00
2 PANELS: \$120.00	5 PANELS: \$210.00
3 PANELS: \$150.00	6 PANELS: \$240.00

The Lawyer Referral office receives phone calls from clients requesting services from attorneys. At this time, the office will obtain all needed information from the client and contact the attorney to schedule. They are entitled to a half-hour consultation with the attorney for a \$25 fee. An information sheet will be faxed to each attorney, which needs to be completed at the end of each consultation.

**The referral form must be faxed back to the LRS office upon completion of the consultation. Client fees are pre-paid to the LRS office. Fees are determined by the attorney for any services requested after the consultation.**

Please notify the LRS office if you are unavailable to accept referrals due to vacations, etc. This will ensure no clients are referred to your office while you are away. **Please note that screening of clients is not permitted – no telephone consultations prior to the client coming in unless specified on the referral form. All attorneys must contact the client within 3-5 business days upon receipt of referral.**



*NewsLine 7*

Participating Attorney: \_\_\_\_\_

PA ID Number: \_\_\_\_\_

Law Firm:

\_\_\_\_\_

Address:

\_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Direct Fax: \_\_\_\_\_

Are you fluent in other languages (if so, which)?

\_\_\_\_\_

Please indicate if you are licensed in any other state – please list states.

\_\_\_\_\_

Are you a current member of the Bar Association of Lehigh County?

\_\_\_\_\_

Will you accept jail calls or make house calls? If yes, please specify.

\_\_\_\_\_

Do you make night or weekend appointments? \_\_\_\_\_

Will you handle telephone consultations?

\_\_\_\_\_

My Insurance Carrier: \_\_\_\_\_

Policy No. / Amount of coverage: \_\_\_\_\_ / \_\_\_\_\_

Policy expiration date:

\_\_\_\_\_

**\* PLEASE PROVIDE A COPY OF INSURANCE LIABILITY FORM**

## LAWYER REFERRAL SERVICE APPLICATION

I further agree that I will not charge nor solicit any fees other than the **\$25.00** referral fee for the first conference, of one-half hour in duration, with the referral client. As part of the initial conference, I will advise the client in writing as to what further legal action I feel is required, if any. It is understood that the initial conference is for legal advice only and does not include the preparation of letters or legal documents and further that I will be compensated for any additional legal services in an amount to be agreed upon in writing by myself and the referral client.

Any complaints submitted to the Bar Association of Lehigh County regarding attorneys who are members of the Lawyer Referral Service will be reviewed by the Lawyer Referral Committee and subsequently by the Board of Directors. Any actions will then be determined. **All referrals must be processed within 3-5 business days. Any attorney who fails to process three (3) referrals within such period will be terminated from the program.**

In consideration of the Bar Association of Lehigh County maintenance of the Lawyer Referral Service, I agree:

That the information herein contained may be furnished to any prospective client in connection with the operation of the Lawyer Referral Service; that I may withdraw my registration at any time upon five (5) days written notice to the Lawyer Referral Service and will promptly notify the Lawyer Referral Service in writing of the disposition of the client's case referred to me and that I in no event will hold or claim to hold the Lawyer Referral Service, the Bar Association of Lehigh County, any officer, trustee, member or employee to any liability in connection thereof with the use of the Lawyer Referral Service.

I certify that I am a member in good standing of the Supreme Court of Pennsylvania and of the Bar Association of Lehigh County.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**I HEREBY CERTIFY THAT I AM COMPETENT TO REPRESENT CLIENTS AND WILLING TO ACCEPT REFERRALS IN THE FIELDS OF LAW SELECTED ON THE ATTACHED PAGE.**

## NewsLine 9

### Administrative

- Housing Authority
- Public Utility Commission
- Social Security
- VA Benefits
- Pension
- Transportation

### Collections

- Bankruptcy
- Collections / Creditors
- Foreclosures
- Identity Theft
- Student Loans

### Business/ Corporations

- Corporations / Partnerships

### Civil Litigation

- Consumer Disputes
- Personal Property Damage
- Contract Disputes
- Lemon Law

### Civil Rights

- Discrimination / Defamation
- Civil Rights

### Criminal

- Assault and Battery
- Drugs / DUI
- Traffic
- Felony/Misd/Expung.
- Juvenile
- C & Y Investigations

### Elder Law

(are you associated with AAA? )

### Education Law

- Special Education
- Discipline Cases

### Family

- Adoption
- Support / Custody
- Divorce / Spousal Support
- PFA
- C & Y investigations

### Health Law

- Medical Malpractice
- Medicare / Medicaid
- HIPPA Violations
- Mental Health

### Immigration

### Intellectual Property

- Copyright
- Trademark
- Patent

### Labor

- Employer
- Employee
- Union
- Wrongful Termination
- Unemployment Compensation
- Worker's Compensation

### Military

### Real Estate Property

- Boundary Disputes
- Business Properties
- Closings / Settlements
- Easements
- Landlord Rights
- Tenant Rights
- Residential
- Zoning

### Taxation

- Property Tax
- School Tax
- State Tax
- Personal Income Tax

### Tort

- Auto Accidents: Plaintiff
- Auto Accidents: Defend.
- Auto Warranty
- Insurance
- Personal Injury
- Product Liability

### Traffic

- License Suspension
- Moving Violations

### Wills / Estates

- Estates / Trusts
- Inheritance Taxes
- Preparation of Wills
- Probate of Wills

Other: \_\_\_\_\_

# MODEST MEANS PROGRAM APPLICATION

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Please complete all the information on the application, including the waiver portion, and return it to the attention of the Modest Means Program Coordinator, along with a copy of the **declaration sheet** from your malpractice insurance policy. The \$50.00 panel fee is also required with the application. Should you have any questions regarding the Modest Means Program or the application, please call Erin at 610-433-6204 x 19 or email at [ehudson@lehighbar.org](mailto:ehudson@lehighbar.org).

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Name: \_\_\_\_\_

Attorney ID: \_\_\_\_\_

Firm: \_\_\_\_\_

Office Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email Address and/or Web Site: \_\_\_\_\_

Month & Year of Pennsylvania Bar Admission: \_\_\_\_\_

Law School Attended: \_\_\_\_\_

Date of Graduation: \_\_\_\_\_

Undergraduate School Attended: \_\_\_\_\_

Other Courts to Which Admitted: (Please indicate dates of admission)

\_\_\_\_\_

Foreign Languages: \_\_\_\_\_

Best Method of Contact: \_\_\_\_\_

\_\_\_\_\_

## **CLE UPDATE for the week of: March 17, 2017**

### **PBI Group Cast Seminar "Foreclosure Proceedings: A Guide to Navigating the Legal Landscape of Home Foreclosure" Monday, March 20, 2017**

#### SO, YOUR CLIENT IS FACING FORECLOSURE...

And undoubtedly hitting you with one question after another:

- *How long may I stay in my house if I don't pay my mortgage?*
- *How can I avoid foreclosure on my house?*
- *Do I have to file for bankruptcy?*

Whether this is your first, fifteenth, or fiftieth foreclosure case, this program will provide valuable guidance for steering your client through or around the foreclosure process.

#### HOW DO NEW FEDERAL AND STATE REGULATIONS IMPACT THE FORECLOSURE PROCESS IN PENNSYLVANIA?

PBI's panel will discuss:

- The new CFPB regulations providing new protections for struggling borrowers
- The Act 91 process, effective September 1, 2016, providing general information regarding the HEMAP program and homeowner rights

#### DO YOU KNOW THE PROCESS WELL ENOUGH TO EFFECTIVELY REPRESENT YOUR CLIENT?

No worries! Reserve your seat today for a seminar targeted to novices and experienced alike. Learn how to understand and use the legal documents intrinsic to each stage of the process, side-step trouble areas, and explore available bankruptcy options. Plus: pick up a few strategies for employing alternatives to foreclosure.

#### GO FROM A TO Z WITH A COMPREHENSIVE AGENDA

- The Real Property foreclosure process
- Alternatives to foreclosure
- Case law and legislative update
- Bankruptcy

**Registration and Breakfast: 8:30 AM**

**Seminar: 9:00 AM – 1:15 PM**

**4 Substantive Credits; Tuition: \$249.00**

**To Register Call PBI @ 1.800.932.4637**

New Jersey CLE credits may be earned by submitting to the New Jersey CLE Board upon an audit request, your Pennsylvania CLE Board report as documentation of programs attended and credits earned. You can get a copy of this report at [www.pacle.org](http://www.pacle.org).

All courses accredited through the Bar Association of Lehigh County and courses accredited through the PBI being held at BALC qualify toward New Jersey requirements.

CLE Update 2

**BALC LUNCH AND LEARN SEMINAR**

**"The Compromise of 1850 and the Role of the  
Constitution and Law in American Life as the  
Civil War Approached"**

Presented by: Malcolm Gross, Esq.

**Tuesday, March 21, 2017**

This program will cover the struggle to avoid the path to Civil War by adoption of a compromise regarding numerous points of difference between the north and south. In 1850 the surviving greats of American history came together in an effort to save the Union. Henry Clay, Daniel Webster, William Seward, John C. Calhoun, Thaddeus Stevens and others all labored to arrive at answers to the problems of slavery. The result was a "Compromise" which instead of solving the problems, fueled the legal and political struggles between not only the north and south but the political parties.

Attorney Malcolm J. Gross is a founding partner of Gross McGinley, LLP, headquartered in Allentown, where he has long represented media interests, including representing them in their pursuit of access to government records. Malcolm J. Gross was born in Allentown, PA. He graduated from Muhlenberg College, cum laude in 1962, with a Bachelor's Degree in History and Political Science. He earned his J.D. from Villanova University School of Law in Philadelphia in 1965 and was admitted to the Pennsylvania Bar that year. While at Villanova, he was an editor of the Law Review. Mr. Gross also is admitted to the United States District Court for the Eastern District and Middle Districts of Pennsylvania, the United States Court of Appeals for the Third Circuit and the Supreme Court of the United States.

Attorney Gross has written on a wide range of topics, and his articles have appeared in such national publications as *Social Work, Case & Comment*, and *Communications and the Law*. He also has published work in the *Pennsylvania Bar Quarterly* and the *Pennsylvania Law Journal Reporter*. Some of his articles cover press law including defamation, subpoenas, and freedom of information issues. He also writes about general-interest issues such as custody and domestic relations.

In 2004, 2006, and 2012, Attorney Gross was named a Pennsylvania Super Lawyer, reserved for the top 5 percent of Pennsylvania attorneys, and holds an AV Rating by Martindale-Hubbell Legal Directory.

**BALC Lunch & Learn Seminar**

**Registration & Lunch: 11:45 AM; 1 Substantive Credit**

**Seminar: 12:15 PM – 1:15 PM**

**Tuition: Members \$40.00; Non-members \$55.00**

**To Register Call Nancy @ 610.433.6401 Ext: 16**

**E-mail: [cle@lehighbar.org](mailto:cle@lehighbar.org)**

CLE Update 3

**PBI Group Cast Seminar  
"30<sup>th</sup> Annual Civil Litigation Update"  
Wednesday, March 22, 2017**

ENHANCE YOUR PRACTICE WITH UPDATES IN KEY AREAS OF  
CIVIL LITIGATION.

- Motor vehicle law; Products liability
- Recent legislation; Ethical issues
- Developments in PA civil procedure

FINE TUNE YOUR KNOWLEDGE

- Analyze recent important decisions from the Pennsylvania state and federal courts
- Learn from leading practitioners
- Maximize your time with relevant updates, valuable practice tips and convenient locations
- Attend a full day of CLE with faculty members who will educate, engage and enrich you

**Registration and Breakfast: 8:30 AM**

**Seminar: 9:00 AM – 4:15 PM**

**5 Substantive & 1 Ethics Credits**

**Boxed lunch included with tuition**

**Tuition: \$299.00**

**To Register Call PBI @ 1.800.932.4637**

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**PBI Group Cast Seminar  
"Selecting and Influencing Your Jury"  
Thursday, March 23, 2017**

Jurors will tell you how to win your case...if you learn to listen to their clues. Dr. Jones's practical advice will transform your perspective of the jury process and provide meaningful tools to help you win cases.

Videos of mock jury deliberations and post-verdict interviews, coupled with Dr. Jones's practical analysis, will transform your perspective of the jury process and provide meaningful tools to help you win cases.

Knowing how jurors respond – what they look for and what they ignore – allows you to concentrate on the effective methods Dr. Jones provides for:

- Shaping your case
- Refining your opening statement
- Witness preparation and presentation
- Closing arguments for maximum effect in the jury room

**Registration and Breakfast: 8:00 AM**

**Seminar: 8:30 AM – 3:30 PM**

**6 Substantive Credits; Tuition: \$299.00**

**To Register Call PBI @ 1.800.932.4637**

**PBI Group Cast Seminar  
"Public Contracting in Pennsylvania"  
Friday, March 24, 2017**

There have been numerous important changes over the last few years in law and policy concerning public contracting with the Commonwealth of Pennsylvania. Keep up to date with these changes, as well as the improvements in procedure, with respect to vendors, contractors and individuals attempting to enter into contracts or win bids from the Commonwealth in procurement, services, public works and real estate.

Learn from Commonwealth attorneys, private practice attorneys and Commonwealth personnel with many years of experience in public contracting on how to deal with the common and emerging issues that are faced by attorneys representing clients who currently do business or wish to do business with the Commonwealth. This program will cover the various procurement methods, cooperative purchasing, bids, auctions, sales of Commonwealth real estate, real estate rentals, bid protests and debarment.

**Registration and Breakfast: 8:00 AM**

**Seminar: 8:30 AM – 4:15PM**

**5 Substantive & 1 Ethics Credits (Integrated)**

**Boxed lunch included with tuition; Tuition: \$279.00**

**To Register Call PBI @ 1.800.932.4637**

**PBI Group Cast Seminar  
"Privacy, Confidentiality and Disclosure of Mental  
Health Information in Pennsylvania"  
Monday, March 27, 2017**

HEAR EVERYTHING YOU NEED TO KNOW ABOUT  
MENTAL HEALTH INFORMATION

- The right to Privacy
- Professional Standards
- HIPAA
- PA Mental Health Laws
- Social Media Considerations
- Act 147
- Duty to Warn
- Act 112
- Subpoenas, Court Orders and Privilege
- EHR Incentives
- Breach Notifications
- Health Care Reform

**Registration and Breakfast: 8:30 AM**

**Seminar: 9:00 AM – 4:15 PM; Tuition: \$299.00**

**Boxed lunch included with tuition**

**5 Substantive & 1 Ethics Credits (Integrated)**

**To Register Call PBI @ 1.800.932.4637**



**PBI Group Cast Seminar**  
**"The Law of Arrest, Search and Seizure**  
**in Pennsylvania"**  
**Wednesday, March 29, 2017**

Through the use of hypotheticals demonstrating "real-life" scenarios, learn how common Fourth Amendment issues are handled in an engaging and practical format.

Listen as the prosecution, defense counsel and judges provide their perspective on Fourth Amendment suppression issues and strategies, and approaches to litigation.

Receive a copy of David Rudovsky's book: *Arrest, Search and Seizure in Pennsylvania* with your tuition and analyze recent legal developments as David delivers his ever popular Fourth Amendment update.

**Registration and Boxed Lunch: 11:30 AM**  
**Seminar: 12:00 PM – 4:15 PM; Tuition: \$249.00**  
**3 Substantive & 1 Ethics Credits (Integrated)**  
**To Register Call PBI @ 1.800.932.4637**

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**PBI Group Cast Seminar**  
**"The Medicaid Application Process"**  
**Tuesday, April 4, 2017**

There are many facets of Medicaid benefits planning that must be mastered in order to successfully navigate the waters of this complicated area of law. This course will introduce you to the basics of Medicaid such as:

- Eligibility rules for single persons and married couples
- Spend-down techniques; Asset transfer rules
- Basic planning strategies to help properly advise your clients – and keep you from committing malpractice

You also need to convince the Department of Human Services of your client's eligibility. Learn how to fill out the PA 600L application for Medical Assistance in a way that is most advantageous to your client. You will come away knowing how to avoid common mistakes when completing the PA 600L in order to prevent unnecessary delays and efficiently obtain the desired result for your client.

You will learn how to interface with the various players involved, deal with such issues as penalized gifts, caregiver agreements, prepaid funeral expenses, purchasing personal items for the applicant or spouse, post eligibility planning and post-death issues, including sale of an exempt home and dealing with filial responsibility.

**Registration and Boxed Lunch: 11:30 AM**  
**Seminar: 12:00 PM – 4:15 PM**  
**4 Substantive Credits; Tuition: \$249.00**  
**To Register Call PBI @ 1.800.932.4637**

**PBI Group Cast Seminar**  
**“What Every Lawyer Needs to Know**  
**About Florida Law”**  
**Wednesday, April 5, 2017**

FLORIDA IS STILL A POPULAR PLACE TO  
VACATION AND RETIRE

With its sunshine, beaches, tax-friendly policies and long-standing reputation as both a great vacation and a retirement destination, your clients, your family, or even you may need to understand some of the key aspects of estate and real estate law in Florida. Join two Florida attorneys who will share the critical things you must know if you are representing clients who own property or will reside in Florida.

CRITICAL AREAS WHERE FLORIDA LAW MAY DIFFER FROM  
OTHER STATES

- **Homestead** – Explore debtors and creditors rights on Florida real property and learn how the homestead law impacts the passing of property to heirs, tax obligations and claims by creditors.
- **Probate Administration** – Discover the nuances of Florida estate administration that may snag out-of-state counsel. Learn when you need to retain local counsel.
- **Trust Administration** – If your client is moving to Florida, or owns property in Florida, does the estate plan you designed for a Pennsylvania resident still work? Can you use post-mortem techniques to correct an estate plan and avoid unforeseen problems under Florida law?
- **Real Property** – get a core understanding of how to title real property in Florida, what you need to know about Florida Land Trusts Statute, how Florida has become a target for investments by foreign nationals and how to manage the impact of that trend on buyers. Focus on the key distinctions in Florida law as they relate to residential and commercial properties.

This course is a must attend for anyone whose clients or family are Florida residents or may be Florida bound in the future.

**Registration and Boxed Lunch: 11:30 AM**  
**Seminar: 12:00 PM – 4:15 PM**  
**4 Substantive Credits; Tuition: \$249.00**  
**To Register Call PBI @ 1.800.932.4637**

CLE Update 7  
**PBI Group Cast Seminar**  
**“Sean Carter Presents – The Ethical Lawyer”**  
**Thursday, April 6, 2017**

Sean Carter is the founder of Lawpsided seminars, a company devoted to solid legal continuing education with a healthy dose of laughter. Mr. Carter graduated from Harvard law School in 1992. His ten years of legal practice focused on corporate securities and mergers and acquisitions.

**Morning Sessions:**

**YELP, I’VE FALLEN FOR SOCIAL MEDIA  
AND I CAN’T LINKEDOUT:**

Facebook, Twitter, LinkedIn, and the other social media tools have become ubiquitous in our high-tech society. And while social media can undoubtedly help lawyers to enhance their networks of colleagues, clients and prospective clients, it can also ensnare the unwary in a web of ethical violations.

**THE TRUTH, THE WHOLE TRUTH AND  
NOTHING BUT THE TRUTH:**

In this eye-opening program, Sean will deal frankly with the very human inclination for dishonesty and explain how to avoid the traps from which dishonesty most often springs.

**SHOW ME THE ETHICS!:**

While it is important for lawyers to be compensated for their services, it is even more important for lawyers to use ethical billing and collection practices in securing such compensation. Drawing on examples provided by current and past nominees from his annual Ethy Awards for the worst ethical behavior, Sean will provide a poignant reminder of how NOT to bill clients and collect fees.

**Afternoon Sessions**

**DON’T TRY THIS AT HOME:**

Lawyers on our favorite legal dramas – Boston Legal, The Practice, L.A. Law – often act in ways that would cause significant trouble for actual lawyers. In this multimedia presentation, Sean demonstrates some of the worst of TV lawyer behavior and explains how similar (although less severe) behavior sometimes creeps into the actual practice of law.

**LOOSE LIPS SINK PARTNERSHIPS:**

One of the most sacrosanct duties for lawyers is the duty of confidentiality. Sean Carter will explore the contours of the rules concerning lawyer confidentiality.

**FAIL BETTER:**

In this presentation, the speaker will discuss how even hidden and seemingly benign biases based on race, gender, religion, disability and sexual orientation can affect even the most fair-minded person.

**Registration and Breakfast: 8:30 AM**  
**Seminar: 9:00 AM – 4:15 PM**  
**6 Ethics Credits; Tuition: \$279.00**  
**Boxed lunch included with tuition**  
**To Register Call PBI @ 1.800.932.4637**

CLE Update 8

**PBI Group Cast Seminar  
"The Lawyer's Compass"  
Friday, April 7, 2017**

Lawyers are different. Their role in society in general, and the legal system in particular, places great responsibility in their hands. Ethical rules call upon attorneys to exercise that responsibility in a manner that differentiates them positively. Despite this opportunity, the legal profession suffers from ever declining levels of public perceptions of attorneys' value to society and trustworthiness. At the same time, technology and competition threaten professional opportunities. Future success and fulfillment resides in learning how to expand trust and confidence in every lawyer as a practitioner and in the profession in general. Doing so requires a comprehensive review on how each attorney can harness the power of trust, the key driver in successful relationships, to enhance their personal and professional lives. *The Lawyer's Compass* focuses your attention on the critical interplay between character and competencies and how they combine to build trust in client relationships.

- Learn how and why trust is the primary driver of success in the attorney/client relationship and in your practice
- Discover how your character is derived from your values and actions
- Identify your individual personality type and how this guides your actions daily
- Walk through a comprehensive review of the Model Rules of Professional Conduct to uncover its inherent system of values and aspirations
- Learn professional competencies that will help you quickly build trust in client relationships
- Discover a system for identifying and managing the 4 expectations that every client holds in every engagement
- Explore how to derive congruence, satisfaction and contentment in legal practice
- Build your own lawyer's compass to guide your efforts in building future personal and professional fulfillment and success
- Take an opportunity to reflect on how to become "The Aspirational Lawyer"

**Registration and Breakfast: 8:00 AM**

**Seminar: 8:30 AM – 3:30 PM**

**3 Substantive & 3 Ethics Credits (Integrated)**

**Tuition: \$299.00**

**Boxed lunch included with tuition**

**To Register Call PBI @ 1.800.932.4637**

CLE Update 9

**PBI Group Cast Seminar  
"The Intersection of Estates and Civil Litigation"  
Monday, April 10, 2017**

UNDERSTAND WHAT HAPPENS IN EXISTING LITIGATION WHEN  
A LITIGANT DIES

- How does the litigation continue?
- Does an estate need to be opened?
- Do parties need to be substituted?

EXPLORE WRONGFUL DEATH AND SURVIVAL ACTIONS AND THE  
SUBSEQUENT CONSEQUENCES ON A DECEDENT'S ESTATE

- Ensure your familiarity with these causes of actions and what is encompassed by each: proper parties, statute of limitations, etc.
- Delve into the allocation of proceeds between Wrongful Death and Survival Action claims
- Review inheritance tax implications and discuss issues related to valuation of proceeds from survival actions

ANALYZE TAX ISSUES ASSOCIATED WITH THE RECEIPT OF  
LITIGATION PROCEEDS

- Look at allocation and reporting of the proceeds from pre- and post-death causes of action and what the death tax consequences are
- Dig into income tax liability issues for estate beneficiaries

DISCUSS THE ETHICAL AND MALPRACTICE ISSUES FOR ESTATE  
ATTORNEYS

**Registration and Breakfast: 8:30 AM  
Seminar: 9:00 AM – 12:15 PM; Tuition: \$249.00  
2 Substantive & 1 Ethics Credits  
To Register Call PBI @ 1.800.932.4637**

Don't forget – if you want to see an up-to-date schedule of CLE courses being held at BALC, log on to: [www.lehighbar.org](http://www.lehighbar.org)

At the top of the home page point on 'CLE Seminars' and on the drop down menu click on 'CLE Seminar Listing', open the file and see what's scheduled. For more course information, go to our 'Calendar' and click on the date of the course you are interested in for full information. It's that easy!

CLE Update 10

**BALC LUNCH AND LEARN SEMINAR**

**"System Change: Youth Courts and Time Banks"**

Presented by: David Keller Trevaskis, Esq.

**Tuesday, April 11, 2017**

Sharing the work of distinguished legal scholar and activist Edgar Cahn, along with his wife, Dr. Christine Gray, PBA Pro Bono Coordinator, David Trevaskis, will explore their dynamic work on affecting systems change and building stronger communities through legal innovation. Youth Courts and Time Banking, two of Professor Cahn's most powerful innovations in system change, will be showcased. This material is part of a new course of study being pursued by law schools and other institutions of higher learning across the Commonwealth. The presenter will highlight the ethical issues that such efforts raise.

David Keller Trevaskis, Esq., is an attorney and former third grade teacher with a Master's Degree in Education. He is the Pro Bono Coordinator for Legal Services for the Pennsylvania Bar Association (PBA), responsible for assisting local bar associations, legal services programs and other groups who offer pro bono legal services across the Commonwealth. Trevaskis coordinates the PBA's pro bono placement efforts, using the PALawHelp.org and PApobono.net technologies to expand the resources for the neediest among us. He runs the PBA's Pro Bono Office and the wide range of that work is viewable at <http://www.pabar.org/public/probono/probonohome.asp>.

Trevaskis is a frequent presenter across Pennsylvania on civil legal aid and pro bono issues and is recognized as a national expert in public education about the law. He is the recipient of the 1996 Philadelphia Bar Association's Leon J. Obermayer Education Award, a 2000 President's Award from the Pennsylvania Bar Association for the Project PEACE anti-violence program he developed and still coordinates, the Philadelphia Bar Association's Young Lawyer Division's 2002 F. Sean Peretta Service Award, and a 2004 Chester County Bar Association President's Award. In 2006, Trevaskis was the second recipient of the Compass Award, which was first given to United States Supreme Court Justice Sandra Day O'Connor. During that same year, Trevaskis received the President's Citation from the Indiana Bar Association and the LEAP-Kids Lifetime Achievement and Mentor Award. In 2007, Trevaskis received the President's Award from the Delaware County Bar. Trevaskis was one of ten inaugural Gavel Award winners from Community College of Philadelphia in 2009.

**BALC Lunch & Learn Seminar**

**Registration & Lunch: 11:45 AM; 1 Ethics Credit**

**Seminar: 12:15 PM – 1:15 PM**

**Tuition: Members \$40.00; Non-members \$55.00**

**To Register Call Nancy @ 610.433.6401 Ext: 16**

**E-mail: [cle@lehighbar.org](mailto:cle@lehighbar.org)**

CLE Update 11

**BALC LUNCH AND LEARN SEMINAR**  
**2 HOUR SPECIAL**

**"Changing Firms:  
Guidance for Law Firms and Attorneys"**

Presented by: Ellen Freedman, CLM

**Wednesday, April 12, 2017**

In recent years, lawyers have become far more mobile. What was once an occasional occurrence – a lawyer's departure from one firm to join another – has become an everyday event. The increased mobility has generated numerous legal and ethical issues and disputes. Compounding the situation, no neat framework exists to address the interests of the departing lawyer, the lawyer's old firm, the lawyer's new firm, and most importantly, the client.

This program will outline the ethical, legal and practical issues these situations raise, and provide advice on how attorneys can address such matters while fully complying with their ethical obligations to the firms and their clients. This program identifies the best practices for both the former firm and the lawyer.

Ellen Freedman serves as the Law Practice Management Coordinator for the Pennsylvania Bar Association. In that capacity she assists PBA's members with management issues and decisions on the business side of their practice, including areas like technology, bookkeeping procedures, human resources, risk management, setting up a practice and so forth. PBA members are encouraged to contact Ellen through the 800 "Hot Line" at PBA headquarters, (800.932.0311 Ext: 2228) or through e-mail ([lawpractice@pabar.org](mailto:lawpractice@pabar.org)).

Ellen Freedman is founder and President of Freedman Consulting, which assists Delaware and Lehigh Valley law firms with mergers, partner compensation issues, strategic planning, management of projects in such areas as technology, financial management, time and billing, facilities, human resources, and providing computer training ad hoc or in a classroom setting.

Ellen holds the designation of Certified Legal Manager through the Association of Legal Administrators (ALA), the credentialing body for the CLM degree. She was one of the first 20 in the nation to have achieved this designation. She holds a Certification in Computer Programming from Maxwell Institute, a Certification in Web Site Design from Temple University, and a B.A. from Temple University, where she also did two years of graduate studies in Criminology.

**BALC Lunch & Learn Seminar**

**Registration & Lunch: 11:45 AM; 2 Ethics Credit**

**Seminar: 12:15 PM – 2:15 PM**

**Tuition: Members \$60.00; Non-members \$75.00**

**To Register Call Nancy @ 610.433.6401 Ext: 16**

**E-mail: [cle@lehighbar.org](mailto:cle@lehighbar.org)**

**CLE Update 12**  
**BALC CLE REGISTRATION FORM**

**Name:** \_\_\_\_\_

**PA Sup.CT.ID** \_\_\_\_\_

**Member of the Bar Association of:**  Lehigh  Northampton  
 Other \_\_\_\_\_  Legal Support Staff

Register by: **Phone** 610.433.6401, Ext. 16; **FAX** 610.770.9826;

**E-Mail** cle@lehighbar.org or **Mail** your registration to:

BALC, 1114 Walnut Street, Allentown PA 18102.

**March 21: "The Compromise of 1850 and the Role of the Constitution and Law in American Life as the Civil War Approached"**

Registration and Lunch: 11:45 AM; Seminar: 12:15 PM – 1:15 PM

**April 11: "System Change: Youth Courts and Time Banks"**

Registration and Lunch: 11:45 AM; Seminar: 12:15 PM – 1:15 PM

**April 12: "Changing Firms: Guidance for Law Firms and Attorneys" – 2 Hour Special**

Registration and Lunch: 11:45 AM; Seminar: 12:15 PM – 2:15 PM

**April 13: "Important New Developments in Personal Injury Law"**

Registration and Lunch: 11:45 AM; Seminar: 12:15 PM – 1:15 PM

**April 18: "Vaccine Refusal/Delay: Medical and Legal Implications – Facts Do Matter:"**

Registration and Lunch: 11:45 AM; Seminar: 12:15 PM – 1:15 PM

**April 21: "Video Compliance Camp – April 2017"**

Earn up to 2 Ethics and 7 Substantive Credits

**April 25: "Mini Video Compliance Camp – April 2017"**

Earn up to 1 Ethics and 2 Substantive Credits

**TOTAL AMOUNT ENCLOSED \$** \_\_\_\_\_

Please make checks payable to & mail to: **BALC**, 1114 W Walnut St, Allentown PA 18102.

The CLE Department wants to continue to welcome walk-ins to the Lunch & Learn seminars but we may no longer be able to offer lunch to those who wish to attend but have not pre-registered. The department kindly requests, whenever possible to pre-register at least one or two days prior to a seminar. This is necessary in making arrangements for handouts and apprising the caterer.

To Register:

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Name of Malpractice Insurance Carrier:

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*(Please remember to attach a copy of the declaration sheet from your policy with this application)*

❖ **Please answer the following questions:**

1. Have you ever been disciplined by the Disciplinary Board of the Pennsylvania Supreme Court or by a disciplinary authority in another jurisdiction? \_\_\_\_\_

*(If you answered yes to this questions, please provide a brief explanation in a separate letter and forward it to the attention of the Lawyer Referral Coordinator. Both your application and the letter should be marked “personal and confidential”).*

2. Are you fluent in a language other than English? Please indicate which language(s)

\_\_\_\_\_

**MODEST MEANS PROGRAM WAIVER**

By its approval of an attorney for membership on the Modest Means Program panel, the Lawyer Referral Service Committee assures the public that the attorney is a member of the Bar in good standing and is qualified to practice law. The Committee also assures the public that the attorney adheres to, and will continue to adhere to, the recognized ethical standards of the profession as well to the Modest Means Program’s stated purpose under its operating rules. In furtherance of its obligation to the public, the Lawyer Referral Committee requests the following information:

*I hereby authorize the Bar Association of Lehigh County’s Modest Means Program to examine any and all material which is presently on file or which may hereafter be filed with the Disciplinary Board of the Pennsylvania Supreme*

*Court, the Pennsylvania Lawyers' Fund for Client Security, the Judicial Inquiry and Review Board (JIRB), the Judicial Conduct Board and/or the Court of Judicial Discipline or successor bodies as part of my application to the LRS and during the period that I am a member of the Modest Means Program.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

ID #: \_\_\_\_\_

- ❖ **Please sign below to indicate that you have read the following statement and agree to comply with those requirements:**

*I elect to become a member of the Modest Means Program and agree to accept the following flat fee / hourly rate cases. I understand that the purpose of the Bar Association of Lehigh County Modest Means Program is to provide legal services at a substantially reduced rate to individuals who fall within the financial guidelines as outlined in this application.*

*By participating in the MMP, I agree in the event of a fee dispute with a MMP client, to sign the agreement for binding common law arbitration before the Bar Association of Lehigh County's Fee Dispute Committee and to abide by any decision rendered by that Committee in such a fee dispute.*

*By signing below, I agree to cooperate fully with the Lawyer Referral / Modest Means Coordinator in resolving any disputes or complaints which may arise during my participation in the Modest Means Program.*

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Attorney Name:** \_\_\_\_\_

**ID #:** \_\_\_\_\_

**Please select the appropriate areas of referral:**

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- Child Support Conference (Defendants Only)**  
**\$150.00**
- Child Support Hearing (Defendants Only)**  
**\$60.00 per hour**
- Child Custody Conference (Defendants Only)**  
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- Uncontested Divorce** **\$275.00 plus costs**
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- Bankruptcy – Chapter 7** **\$500.00 plus costs**
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- Simple Wills (Husband & Wife)** **\$125.00**
- Power of Attorney**  
**\$40.00**
- Health Care POA & Living Wills**  
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**\*Prices assume in office visits for the initial conference and execution of documents. Any additional provisions or work or out of office visits are done at \$60.00 per hour.**

**YOUNG LAWYERS DIVISION**  
**HAPPY HOUR**

**April 6, 2017 @ 5:30 pm: Bar Louie**

**Stay tuned for details of additional  
upcoming Young Lawyers Division events!**

*YLD events are a great opportunity to meet and  
network with other young attorneys.*

*Guests are welcome!*

Questions or requests for future Happy Hour  
Locations?

Email: [kcnoonan@noonansatlaw.com](mailto:kcnoonan@noonansatlaw.com)

## *The Lawyers Lunch Table*

A treasured tradition is returning for all Lawyers and Judges. There is a standing reservation for Lunch at **Bell Hall**, 612 W. Hamilton St, on the 1<sup>st</sup> Thursday of the month, 12PM. Please come out enjoy some camaraderie with other colleagues.



Please RSVP to:  
Robert Donatelli  
610-391-1800  
[redonatelli@nmmlaw.com](mailto:redonatelli@nmmlaw.com)



**“First 100 Days”**

Topic: How Will the New Administration’s Policies Affect Business?

Presented by:

**Lehigh Valley Consortium of Professional Organizations**

Monday, May 22, 2017 4:30 PM

@ The Barristers Club, 1114 W Walnut St. Allentown, PA. 18102

**Panel Discussion from Leaders throughout the Region:**

**Don Cunningham**, President & CEO at Lehigh Valley Economic Development Corp.

**Dr. Kamran Afshar**, the Region’s Preeminent Economist, Kamran Afshar Associates.

**Dr. Christopher Borick**, Prof of Political Science/ Dir of Polling Institute,  
Muhlenberg College

Event Registration 4:00 PM

Panel Discussion 4:30 PM

Networking Mixer 5:30 PM

RSVP by: 5/18/17 to [kmesch@thebarristersclub.com](mailto:kmesch@thebarristersclub.com)

The Lehigh Valley Consortium of Professional Organizations is an interdisciplinary organizations that aims to serve professionals throughout the Lehigh Valley and help foster networking opportunities. Our membership consists of:

- The Bar Association of Lehigh County
- The Estate Planning Council of the Lehigh Valley
- The Lehigh Valley Chapter of the National Association of Insurance and Financial Advisors
- The Pennsylvania Institute of Certified Public Accountants of the Lehigh Valley
- The Society of Professional Engineers of the Lehigh Valley
- Greater Lehigh Valley Realtors
- The Risk Management Association of the Lehigh Valley
- American Planning Association, PA Chapter-Lehigh Valley/Berks Section
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## **Sponsorship Opportunity**

**“First 100 Days”**

**Topic: How Will the New Administration’s Policies  
Affect Business?**

**Presented by:**

**Lehigh Valley Consortium of Professional  
Organizations**

**Monday, May 22, 2017 4:30 PM**

@ The Barristers Club, 1114 W Walnut St. Allentown, PA. 18102

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Event Registration 4:00PM

Panel Discussion 4:30PM

Networking Mixer 5:30PM

Make checks payable to:

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1114 W Walnut St

Allentown, PA 18102

*NewsLine 18*  
**2017 Calendar**

**March**

**March 28:** New Member Welcome Breakfast 8am

**March 28:** LCPA Lunch & Learn 12pm

**March 31:** Bench Bar Committee Meeting 12pm

**April**

**April 6:** YLD Happy Hour at Bar Louie 5:30pm

**April 7:** Family Law Committee Meeting 12pm

**April 14:** BALC Office Closed

**April 19:** Barristers Inn 5:30pm

**April 20:** Board Meeting 4:30pm

**May**

**May 1:** Law Day Luncheon 12pm

**May 3:** Spring Event at Coca Cola Park

**May 17:** Barristers Inn Banquet

**May 18:** Board Meeting 4:30pm

**May 22:** LVCPO Event 4:30pm

**May 29:** BALC Office Closed



*NewsLine 19*

**NOTES**

*NewsLine 20*

**NOTES**

erning body shall submit each such amendment to the planning agency ... .” 53 P.S. §10609(c). “Planning agency” is defined in the MPC as “a planning commission, planning department, or a planning committee of the governing body.” 53 P.S. §10107. In the matter before the Court, the amendment in question constituted changes proposed by the City Council at its meeting on November 4, 2015.

Appellants ask the Court to interpret this language to find that the governing body’s duties under Section 609 are not satisfied until actual receipt by or transmission to the members of the planning agency. Based on this interpretation, Appellants maintain the requirement for submission was not satisfied until Ms. Heller forwarded the November Draft to the individual members of the planning commission on November 12, 2015. However, this interpretation conflicts with the precise language of the statute.

In construing a statute to determine its meaning, courts must first determine whether the issue may be resolved by reference to the express language of the statute, which is to be read according to the plain meaning of the words or consistent with the unique definitions provided in the statute. 1 Pa. C.S.A. §1903(a). “When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.” 1 Pa. C.S.A. §1921(b). “Words and phrases shall be construed according to rules of grammar and according to their common and approved usage.” 1 Pa. C.S.A. §1903(a).

The MPC uses the term “planning agency,” and defines that term as a commission, department, or committee. 53 P.S. §§10107, 10609(c). Based upon a strict reading of the statute, submission of the amendment to Ms. Heller on November 5, 2015 satisfied the City of Bethlehem’s obligation under Section 609(c) as of that date. Tellingly, the MPC does not place a burden on the governing body to transmit the draft of an amendment to the members of the planning agency directly. Rather, the statute provides for submission to the agency as a collective body. Consequently, the City Council hearing on December 8, 2015, thirty-three days after the submission of the amendment to Ms. Heller, was proper because the

proposed amendment had been submitted to the city planning agency more than 30 days prior to Council's consideration of the amendment.

Despite Appellants' assertions, the language of Section 609 does not explicitly require consideration by the individual members of the City Planning Commission for any specific length of time, or that the individual members of the planning commission must record the date upon which they received the text of any proposed amendment. As a result, once the proposed November amendment was transmitted to and received by the Secretary of the City Planning Commission, the statutory requirement for consideration of the amendment by City Council was met.

While Appellants may disagree with the manner of consideration by the City Planning Commission of the November amendments, their disagreement is best directed to the General Assembly to amend the language of Section 609 to require greater specificity in the consideration of zoning amendments, or to resort to the political process and request City Council to reconsider the zoning amendment passed last year. The only matter properly reviewed by this Court is the narrow question of procedural compliance by City Council related to enactment of the zoning amendment. The policy considerations behind the amendment are better left to the other branches of state and local government.

Because the City of Bethlehem strictly complied with the MPC's procedural requirements, Appellants' underlying issue on appeal is meritless.

## CONCLUSION

In sum, the Court finds that Appellants' reliance in their Notice of Appeal on the incorrect statutory section is a *de minimis* error that does not divest this Court of jurisdiction. However, because Appellants are advancing this appeal for what they acknowledge to be reasons founded in the economic aspects of competition between the downtown area of the City of Bethlehem and the Martin Tower District, and because Appellants fall outside the generally accepted geographic scope of landowners impacted

by zoning ordinances pursuant to appellate case law, the Court finds that Appellants lack standing to pursue the instant appeal. The Court further finds that Appellants do not have standing under the cases pertaining to historic preservation efforts because they are not a group whose purpose is the preservation of Martin Tower as a historic landmark. Finally, even if Appellants had standing, the City of Bethlehem strictly complied with the procedural requirements set forth in the MPC applicable to the submission of a proposed zoning amendment to the planning agency. Accordingly, the Motions to Quash filed by Appellee and the Intervenors are GRANTED and the within appeal is DISMISSED.

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ORDER

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AND NOW, this 15th day of April, 2016, upon consideration of the Motion to Quash the Notice of Appeal, filed by Appellee on February 19, 2016, and Intervenors' Motion to Quash, filed on February 24, 2016, and after argument held April 5, 2016,

IT IS ORDERED said motions are GRANTED for the reasons set forth in the accompanying Memorandum Opinion. The Notice of Appeal filed January 13, 2016 is hereby QUASHED and DISMISSED.

**ESTATE AND TRUST NOTICES**

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

**FIRST PUBLICATION**

**Berresford, James N., Sr.,** dec'd.

Late of Allentown.

Executrix: Ann E. Schmidt c/o Robert Van Horn, Esquire, 123 North Fifth Street, Allentown, PA 18102.

Attorney: Robert Van Horn, Esquire, 123 North Fifth Street, Allentown, PA 18102.

**Bodnar, Mary a/k/a Mary M.**

**Bodnar,** dec'd.

Late of the Township of Whitehall.

Executor: Michael W. Bodnar, 4187 Cartier Drive, Allentown, PA 18104.

Attorneys: Peters, Moritz, Pischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064.

**Bodock, Catherine,** dec'd.

Late of Allentown.

Executor: David Grow c/o Michael D. Recchiuti, Esquire, 1502 Center St., Suite 202, Bethlehem, PA 18018.

Attorney: Michael D. Recchiuti, Esquire, 1502 Center St., Suite 202, Bethlehem, PA 18018.

**Brady, Jeanette M.,** dec'd.

Late of Bethlehem.

Executor: David R. Brady, 32 Leonard Terrace, Roseland, NJ 07068.

**Davis, Patricia R.,** dec'd.

Late of the Township of Whitehall.

Executrix: Lori Ruth McLaughlin c/o Ellen M. Kraft, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017.

Attorney: Ellen M. Kraft, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017.

**Decker, Dolores N.,** dec'd.

Late of Allentown City.

Executrices: Barbara A. Decker, Maryann S. Muschlitz and Margaret A. Decker c/o C. Thomas Work, Esq., P.O. Box 679, Reading, PA 19603.

Attorneys: C. Thomas Work, Esquire, Stevens & Lee, P.O. Box 679, Reading, PA 19603.

**Gall, Darlene Marie,** dec'd.

Late of 4551 Oak Hill Road, Emmaus.

Executor: William M. Gall, Jr., 1637 W. South Street, Allentown, PA 18102.

**Gery, Robert Paul,** dec'd.

Late of Allentown.

Administrator: David A. Dopsovic, 2504 Pinoak Lane, Reston, VA 20191.

**Jones, Evelyn E. a/k/a Evelyn Hague Jones,** dec'd.

Late of Allentown City.

Executor: Willard Jones, II,  
3063 Athena Drive, Bethlehem,  
PA 18017.

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**Lance, Alice W. a/k/a Alice M.**

**Lance**, dec'd.

Late of 225 N. Sterling Street,  
Allentown.

Personal Representative: Robert  
H. Lance c/o James A. Ritter,  
Esquire, Gross McGinley, LLP,  
111 E. Harrison St., Suite 2,  
Emmaus, PA 18049-2916.

Attorneys: James A. Ritter, Es-  
quire, Gross McGinley, LLP, 111  
E. Harrison Street, Suite 2,  
Emmaus, PA 18049-2916.

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**LaSalle, Antonio Felix**, dec'd.

Late of Allentown.

Administratrix: Leticia LaSalle  
c/o Rebeca Torres, Esquire, 432  
N. 7th Street, Allentown, PA  
18102.

Attorney: Rebeca Torres, Es-  
quire, 432 N. 7th Street, Allen-  
town, PA 18102.

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**Merlo, Antoinette Rose a/k/a  
Antoinette R. Merlo**, dec'd.

Late of Orefield.

Personal Representative: Mi-  
chelle M. Moyer c/o Peter P.  
Perry, Esquire, 1600 Lehigh  
Parkway East, 1E, Allentown,  
PA 18103-3097.

Attorney: Peter P. Perry, Es-  
quire, 1600 Lehigh Parkway  
East, 1E, Allentown, PA 18103-  
3097.

---

**Merz, Marlene N.**, dec'd.

Late of Allentown.

Executor: Matthew J. Merz c/o  
Charles A. Waters, Esquire,  
Steckel and Stopp LLC, 125 S.  
Walnut Street, Suite 210, Slat-  
ington, PA 18080.

Attorneys: Charles A. Waters,  
Esquire, Steckel and Stopp LLC,

125 S. Walnut Street, Suite 210,  
Slatington, PA 18080.

---

**Oswald, Ruth Irene**, dec'd.

Late of Allentown.

Executor: David S. Oswald, 608  
N. 41 St., Allentown, PA 18104.

---

**Roth, LaRue K.**, dec'd.

Late of Allentown.

Executrix: Michele J. McLaugh-  
lin c/o Noonan Law Office, 526  
Walnut Street, Allentown, PA  
18101-2394.

Attorneys: Noonan Law Office,  
526 Walnut Street, Allentown,  
PA 18101-2394.

---

**Wetzel, Vicki a/k/a Vicki M.  
Wetzel**, dec'd.

Late of Wescosville.

Executrix: Michele Friedman.  
Attorneys: Jeffrey S. Fleischaker,  
Fleischaker Law, LLC, 825  
North 12th Street, Allentown,  
PA 18102.

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**SECOND PUBLICATION**

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**Bachman, Holly D.**, dec'd.

Late of Slatington.

Executor: George B. Bachman  
c/o Fitzpatrick Lentz & Bubba,  
P.C., 4001 Schoolhouse Lane,  
P.O. Box 219, Center Valley, PA  
18034-0219.

Attorneys: Fitzpatrick Lentz &  
Bubba, P.C., 4001 Schoolhouse  
Lane, P.O. Box 219, Center Val-  
ley, PA 18034-0219.

---

**Cadwell, Elizabeth R. a/k/a  
Elizabeth Rhue Cadwell**,  
dec'd.

Late of 5290 Northwood Drive,  
Center Valley.

Administratrix: Kathlyn Good-  
win a/k/a Kathlyn Louise  
Goodwin, 607 Jefferson Ave.,  
Jermyn, PA 18433.

Attorneys: William G. Malkames, Esquire, Malkames Law Offices, 509 W. Linden Street, Allentown, PA 18101, (610) 821-8327.

**Christman, Bessie A.**, dec'd.

Late of Allentown.  
Executor: John O. Stover, Jr., 537 Chestnut Street, Emmaus, PA 18049.  
Attorney: John O. Stover, Jr., Esquire, 537 Chestnut Street, Emmaus, PA 18049.

**Conway, Mary E.**, dec'd.

Late of Macungie.  
Administratrix c.t.a.: Laura Knopf c/o Noonan Law Office, 526 Walnut Street, Allentown, PA 18101-2394.  
Attorneys: Noonan Law Office, 526 Walnut Street, Allentown, PA 18101-2394.

**Coyne, Nancy Lynn a/k/a Nancy L. Coyne**, dec'd.

Late of Whitehall.  
Executor: Martin J. Coyne, Jr. c/o The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102.  
Attorneys: Larry R. Roth, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102.

**Cressman, Lois E.**, dec'd.

Late of the Township of Whitehall.  
Executor: Daniel D. Cressman c/o Dionysios C. Pappas, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020.  
Attorneys: Dionysios C. Pappas, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020.

**DeSanctis, Vincent H.**, dec'd.

Late of the Township of Upper Macungie.  
Administratrix: Jennifer Lynn DeSanctis c/o Jamie Michael McFadden, Esq., 3055 College Heights Blvd., Suite 2B, Allentown, PA 18104.  
Attorney: Jamie Michael McFadden, Esq., 3055 College Heights Blvd., Suite 2B, Allentown, PA 18104.

**Fischer, Carol E.**, dec'd.

Late of the City of Allentown.  
Executor: Frederick H. Fischer c/o Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726.  
Attorney: Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726, (610) 838-6563.

**Grossman, Naomi R.**, dec'd.

Late of South Whitehall Township.  
Executor: Seth Grossman c/o Wiener and Wiener LLP, 512 Hamilton Street, Suite 400, Allentown, PA 18101.  
Attorneys: Wiener and Wiener LLP, 512 Hamilton Street, Suite 400, Allentown, PA 18101.

**Hart, Gail Evelyn a/k/a Gail E. Hart**, dec'd.

Late of the City of Allentown.  
Executrix: Valerie Springfield, 55 Catawba Place, Jim Thorpe, PA 18229.  
Attorney: Michael J. Garfield, Esquire, 2588 State Route 903, P.O. Box 609, Albrightsville, PA 18210.

**Hayes, John S. a/k/a Jack Hayes**, dec'd.

Late of the Borough of Emmaus.



Co-Executors: Marianne D. Hayes, 1006 Liberty Street, Emmaus, PA 18049 and John M. Hayes, 7987 Salem Bible Church Road, Macungie, PA 18062.

Attorneys: Edward A. Fedok, Esquire, Stevens & Lee, 840 West Hamilton Street, Suite 521, Allentown, PA 18101.

---

**Holzbaaur, Sallie**, dec'd.

Late of Allentown.

Executor: Scott Holzbaaur, 274 Meany Rd., Wrightstown, NJ 08562.

---

**Jacobs, Jeffrey M.**, dec'd.

Late of North Whitehall Township, Schnecksville.

Executors: Stacy A. Stevenson and Jeffrey H. Jacobs c/o Charles W. Stopp, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Attorneys: Charles W. Stopp, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

---

**Knerr, Mary Y.**, dec'd.

Late of Lynn Township.

Co-Executors: Robert Knerr and Barbara Mantz c/o Charles W. Stopp, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Attorneys: Charles W. Stopp, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

---

**Krause, Nancy L. a/k/a Nancy Krause**, dec'd.

Late of 7190 Heather Rd., Macungie.

Executor: Scott B. Krause, 1017 S. Krocks Road, Allentown, PA 18106.

Attorney: William G. Malkames, Esquire, 509 W. Linden Street, Allentown, PA 18101, (610) 395-8634.

---

**Otter, Monica M.**, dec'd.

Late of Heidelberg Township.

Executor: Gerald Otter a/k/a Gerald N. Otter c/o Eric R. Strauss, Esquire, Worth, Magee & Fisher, P.C., 2610 Walbert Avenue, Allentown, PA 18104. Attorneys: Eric R. Strauss, Esquire, Worth, Magee & Fisher, P.C., 2610 Walbert Avenue, Allentown, PA 18104.

---

**Seagreaves, Angela a/k/a Angela A. Seagreaves**, dec'd.

Late of the Township of Upper Macungie, Orefield.

Executors: Scott C. Bruder, 2681 Summerbrooke Drive NW, Kennesaw, GA 30152 and Donald H. Seagreaves, 5919 Chapmans Road, Orefield, PA 18069.

Attorneys: Neil D. Ettinger, Esquire, Ettinger & Associates, LLC, Peachtree Office Plaza, 1815 Schadt Avenue, Whitehall, PA 18052.

---

**Sell, Robert W.**, dec'd.

Late of Allentown.

Executor: Glenn R. Sell a/k/a Glenn Robert Sell c/o John O. Stover, Jr., Esquire, 537 Chestnut Street, Emmaus, PA 18049. Attorney: John O. Stover, Jr., Esquire, 537 Chestnut Street, Emmaus, PA 18049.

---

**Shoemaker, Byron L.**, dec'd.

Late of Allentown.

Co-Executors: James M. Wood and Nancy L. Matyascik c/o Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219.

Attorneys: Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219.

**Smerek, Stella**, dec'd.

Late of Upper Saucon Township.

Trustee: Rodney Slota, 3880 Hopewell Drive, Center Valley, PA 18034.

Attorney: T. Benjamin Traud, Esq., 3055 College Heights Blvd., Ste. 2A, Allentown, PA 18104.

**Smith, Victor G.**, dec'd.

Late of Washington Township.  
Co-Executors: Timothy F. Geiger and Deborah A. Geiger c/o Zator Law, 4400 Walbert Avenue, Allentown, PA 18104.

Attorneys: Christopher M. McLean, Esquire, Zator Law, 4400 Walbert Avenue, Allentown, PA 18104.

**Tettemer, Ramona A.**, dec'd.

Late of the Borough of Coopersburg.

Executrix: Elizabeth McDonald, 41 North 7th Street, Coopersburg, PA 18036.

Attorney: Kristofer M. Metzger, Esquire, 6666 Passer Rd., Suite #3, Coopersburg, PA 18036.

**Wood, Claire E.**, dec'd.

Late of Upper Macungie Township.

Executrix: Gail E. Hertzog c/o Amanda Racines Lovett, Esquire, Gardner, Racines & Sheetz, 3968 Maulfair Place, Allentown, PA 18103.

Attorneys: Amanda Racines Lovett, Esquire, Gardner, Racines & Sheetz, 3968 Maulfair Place, Allentown, PA 18103.

**THIRD PUBLICATION**

**Allen, Edda Fiamma a/k/a Edda F. Allen**, dec'd.

Late of 2232 29th Street, Allentown City.

Administrator CTA: Mark J. Merolla, 1508 Meadowlark Road, Reading, PA 19610.

Attorneys: Gilbert M. Mancuso, Esquire, Brumbach, Mancuso & Fegley P.C., P.O. Box 8321, Reading, PA 19603-8321.

**Bear, Joyce I.**, dec'd.

Late of Whitehall, formerly of Germansville.

Executors: Richard W. Bear and Nancy J. Zimmerman c/o Steckel and Stopp, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Attorneys: Charles W. Stopp, Esquire, Steckel and Stopp, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

**Davis, Thomas R., Jr.**, dec'd.

Late of the Township of Salisbury.

Administratrix: Doreen Davis c/o Jamie Michael McFadden, Esq., 3055 College Heights Blvd., Suite 2B, Allentown, PA 18104.

Attorney: Jamie Michael McFadden, Esq., 3055 College Heights Blvd., Suite 2B, Allentown, PA 18104.

**Druckenmiller, Gerald R.**, dec'd.

Late of Emmaus.

Co-Executrices: Eileen Druckenmiller and Flossie A. Walls c/o Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.

Attorneys: Rebecca M. Young, Esq. and Lia K. Snyder, Esq.,

Young & Young, 119 E. Main Street, Macungie, PA 18062.

**Eisele, Joan L.**, dec'd.

Late of Whitehall.

Executrix: Rebecca Kahle c/o Judith A. Harris, Esquire, Norris, McLaughlin & Marcus, P.A., 515 W. Hamilton St., Suite 502, Allentown, PA 18101.

Attorneys: Judith A. Harris, Esquire, Norris, McLaughlin & Marcus, P.A., 515 W. Hamilton St., Suite 502, Allentown, PA 18101.

**Hartman, Elva C.**, dec'd.

Late of New Tripoli.

Executor: Ronald R. Hartman c/o Keith W. Strohl, Esq., Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slat- ington, PA 18080.

Attorneys: Keith W. Strohl, Esq., Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

**Hartman, John Carey a/k/a**

**John C. Hartman**, dec'd.

Late of 112 N. 10th St., Allentown City.

Administrator: Thomas S. Hartman, 1815 Augusta Dr., Jamison, PA 18929.

Attorney: Stephen A. Shelly, Esq., 525 West Broad Street, Quakertown, PA 18951.

**Heil, Wayne H.**, dec'd.

Late of Bethelhem.

Executrix: Kathleen Heil c/o Bruce W. Weida, Esq., 245 Main Street, Emmaus, PA 18049.

Attorney: Bruce W. Weida, Esq., 245 Main Street, Emmaus, PA 18049.

**Hunsberger, Hilda A. a/k/a Hilda Hunsberger**, dec'd.

Late of Whitehall Township.

Co-Executrices: Lisa Heiney and Tina M. Hunsberger c/o Amanda Racines Lovett, Esquire, Gardner, Racines & Sheetz, 3968 Maulfair Place, Allentown, PA 18103.

Attorneys: Amanda Racines Lovett, Esquire, Gardner, Racines & Sheetz, 3968 Maulfair Place, Allentown, PA 18103.

**Kerezi, Alexander R.**, dec'd.

Late of Catasauqua Borough.

Executrix: Sally Ann Kerezi, 236 Pennsylvania Avenue, Catasauqua, PA 18032.

Attorney: James C. Omdahl, Esquire, 54 South Commerce Way, Suite 172, Bethlehem, PA 18017.

**Ludwig, Robert J., Sr.**, dec'd.

Late of 5508 Thornberry Court, Whitehall.

Executrix: Katherine M. Trapani c/o Linda S. Luther-Veno, Esquire, 2204 Walbert Avenue, Allentown, PA 18104.

Attorney: Linda S. Luther-Veno, Esquire, 2204 Walbert Avenue, Allentown, PA 18104.

**Makoul, Mona**, dec'd.

Late of Whitehall.

Executrix: Esther M. Court- ight, 3501 Chain Dam Road, Easton, PA 18045.

**Moore, Robert L.**, dec'd.

Late of the Borough of Emmaus.

Administratrix: Jane M. Trenor c/o Amanda Racines Lovett, Esquire, Gardner, Racines & Sheetz, 3968 Maulfair Place, Allentown, PA 18103.

Attorneys: Amanda Racines Lovett, Esquire, Gardner, Racines & Sheetz, 3968 Maulfair Place, Allentown, PA 18103.

**Peters, Robert R.**, dec'd.

Late of Center Valley.  
Executrix: Susan E. Yaich c/o  
Emily A. Zettlemoyer, Esquire,  
Zettlemoyer Law Office, LLP, 53  
North 3rd Street, Emmaus, PA  
18049.

Attorneys: Emily A. Zettlemoy-  
er, Esquire, Zettlemoyer Law  
Office, LLP, 53 North 3rd Street,  
Emmaus, PA 18049.

**Polce, Anthony J.**, dec'd.

Late of Macungie.  
Personal Representative: Guy A.  
Polce c/o Peter P. Perry, Es-  
quire, 1600 Lehigh Parkway  
East, 1E, Allentown, PA 18103-  
3097.

Attorney: Peter P. Perry, Es-  
quire, 1600 Lehigh Parkway  
East, 1E, Allentown, PA 18103-  
3097.

**Reznick, Joseph A.**, dec'd.

Late of 5896 Beverly Hills Road,  
Coopersburg.

Executrix: Mary Ellen Reznick-  
Lipina c/o Linda S. Luther-  
Veno, Esquire, 2204 Walbert  
Avenue, Allentown, PA 18104.  
Attorney: Linda S. Luther-Veno,  
Esquire, 2204 Walbert Avenue,  
Allentown, PA 18104.

**Robatin, Michael E. a/k/a Mi-  
chael Robatin**, dec'd.

Late of Allentown.  
Executrix: Michele S. Boyle,  
3024 Fernor St., Allentown, PA  
18103.

**Ross, Constance F.**, dec'd.

Late of Allentown.  
Executor: Joseph L. Ross, Jr.  
c/o Fitzpatrick Lentz & Bubba,  
P.C., 4001 Schoolhouse Lane,  
P.O. Box 219, Center Valley, PA  
18034-0219.

Attorneys: Fitzpatrick Lentz &  
Bubba, P.C., 4001 Schoolhouse  
Lane, P.O. Box 219, Center Val-  
ley, PA 18034-0219.

**Roy, Juliette A. a/k/a Juliette  
Anna Roy a/k/a Julie A. Roy**,  
dec'd.

Late of Whitehall Township.  
Executrix: Jessica A. Bates c/o  
Helen Z. Stauffer, Esquire, 70  
Hemlock Drive, Gilbertsville, PA  
19525.

Attorney: Helen Z. Stauffer,  
Esquire, 70 Hemlock Drive,  
Gilbertsville, PA 19525.

**Sidor, Helen**, dec'd.

Late of Whitehall Township.  
Co-Executors: Anita Motsko  
and Donald J. Sidor c/o Ed-  
ward H. Butz, Esq., 7535 Wind-  
sor Drive, Suite 200, Allentown,  
PA 18195-1014.

Attorney: Edward H. Butz, Esq.,  
7535 Windsor Drive, Suite 200,  
Allentown, PA 18195-1014.

**Silnik, Stephen J., Jr.**, dec'd.

Late of the City of Allentown.  
Executrix: Tracy A. Wolf c/o  
Amanda Racines Lovett, Es-  
quire, Gardner, Racines &  
Sheetz, 3968 Maulfair Place,  
Allentown, PA 18103.

Attorneys: Amanda Racines  
Lovett, Esquire, Gardner, Ra-  
cines & Sheetz, 3968 Maulfair  
Place, Allentown, PA 18103.

**Sinnott, Anne F.**, dec'd.

Late of Bethlehem.  
Executrix: Anne Sinnott  
Skutches, 301 East Washing-  
ton Ave., Bethlehem, PA 18018.

**Smith, Lois I.**, dec'd.

Late of Allentown.  
Co-Administrators: Ronald W.  
Smith and Sharon Esther Smith

c/o Jon A. Swartz, Esquire,  
7736 Main Street, Fogelsville,  
PA 18051.

Attorney: Jon A. Swartz, Es-  
quire, 7736 Main Street, Fogels-  
ville, PA 18051.

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**Smith, Robert W. and Lois I. Smith, dec'd.**

Late of Allentown.

Robert W. Smith and Lois I. Smith Living Trust Dated De-  
cember 5, 2006.

Settlers: Robert W. Smith and  
Lois I. Smith.

Co-Trustees: Ronald W. Smith  
and Sharon Esther Smith.

Attorneys: Jon A. Swartz, Es-  
quire, Swartz & Associates,  
7736 Main Street, Fogelsville,  
PA 18051-1616.

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**Somers, Barbara L. a/k/a Barbara Lynn Somers, dec'd.**

Late of Wescosville.

Executor: Thomas Kenneth  
Somers, Sr., 1487 Morning Star  
Drive, Wescosville, PA 18106.

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**Stauffer, Raymond T. a/k/a Raymond Thomas Stauffer, dec'd.**

Late of Whitehall.

Executor: Donald E. Stauffer.

Attorneys: Jeffrey S. Fleischaker,  
Esquire, Fleischaker Law,  
LLC, 825 North 12th Street,  
Allentown, PA 18102.

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**Stoddard, Louise A. a/k/a Louise Adele Stoddard, dec'd.**

Late of 5302 Pennsylvania  
Street, Whitehall Township.

Executor: Stephen J. Stoddard  
c/o The Roth Law Firm, 123  
North Fifth Street, Allentown,  
PA 18102.

Attorneys: Larry R. Roth, Es-  
quire, The Roth Law Firm, 123

North Fifth Street, Allentown,  
PA 18102.

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**Torrence, Dennis P., dec'd.**

Late of South Whitehall Town-  
ship, Allentown.

Executrix: Louella M. Torrence  
c/o Victor F. Cavacini, Esquire,  
Gross McGinley, LLP, 33 South  
7th Street, P.O. Box 4060, Al-  
lentown, PA 18105-4060.

Attorneys: Victor F. Cavacini,  
Esquire, Gross McGinley, LLP,  
33 South 7th Street, P.O. Box  
4060, Allentown, PA 18105-  
4060.

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**Walck, Craig R., dec'd.**

Late of Macungie.

Administrator D.B.N.: Robert B.  
Roth, Esquire, The Roth Law  
Firm, 123 North Fifth Street,  
Allentown, PA 18102.

Attorneys: Robert B. Roth, Es-  
quire, The Roth Law Firm, 123  
North Fifth Street, Allentown,  
PA 18102.

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**Weaver, Marjorie E., dec'd.**

Late of the Township of Lower  
Macungie.

Executor: Linwood L. Gehris  
c/o Gregory R. Reed, Esquire,  
Attorney-at-Law, 141 South  
Broad Street, P.O. Box 299,  
Nazareth, PA 18064-0299.

Attorney: Gregory R. Reed, Es-  
quire, Attorney-at-Law, 141  
South Broad Street, P.O. Box  
299, Nazareth, PA 18064-0299.

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**NOTICE OF INCORPORATION**

NOTICE IS HEREBY GIVEN that  
Articles of Incorporation have been  
(are to be) filed with the Department  
of State of the Commonwealth of  
Pennsylvania at Harrisburg, Pennsyl-

vania, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988 (P.L. 1444, No. 177), by the following corporation:

The name of the corporation is:

**THE MILL IN  
GERMANVILLE, INC.  
JEFFREY R. BOYD, ESQ.**  
7 East Philadelphia Avenue  
Boyertown, PA 19512

M-17

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NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed with the PA Dept. of State on June 23, 2016 for the purpose of creating a Limited Liability Company pursuant to the provisions of the Limited Liability Company Law of 1994 (P.L. 703, No. 106, §4) by the following:

KD ADVOCACY, LLC  
RONALD E. CORKERY, ESQ.  
CORKERY & ALMONTI  
352 Fifth Street  
Suite A  
Whitehall, PA 18052  
Telephone: (610) 437-9867

M-17

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NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with and approved by the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania for the purpose of obtaining a Certificate of Incorporation pursuant to the Pennsylvania Non-profit Corporation Law of 1988, as amended. The name of the corporation is:

SPARTAN TOUCHDOWN CLUB  
The Articles of Incorporation were filed on November 28, 2016.  
ROBERT G. MOFFETT, ESQ.  
415 West Broad Street  
Quakertown, PA 18951

M-17

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NOTICE

NEWTOWN COURT HOMEOWNERS  
ASSOCIATION, INC.

has been incorporated under the provisions of the PA Nonprofit Corporation Law of 1988.

TIMONEY KNOX, LLP  
400 Maryland Drive  
P.O. Box 7544  
Fort Washington, PA 19034

M-17

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NOTICE

In the Court of Common Pleas of  
Lancaster County, Pennsylvania  
Orphans' Court Division

No. 2017-2499

IN RE: BABY BOY REDDY a/k/a  
JAYDEN REDDY, A Minor

TERMINATION OF PARENTAL  
RIGHTS OF KATHLEEN REDDY

TO: KATHLEEN REDDY

You are hereby notified that a Petition to Terminate your Parental Rights has been filed against you, asking the Court to terminate all rights you have to your child(ren), Baby Boy Reddy a/k/a Jayden Reddy (born October 11, 2016). The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. 6 (Orphans' Courtroom), on the Third Floor of the Lancaster County Courthouse, situate at 50 North Duke Street, Lancaster, Pennsylvania, said hearing to be held on April 17, 2017 at 9:00 o'clock a.m. If you do not appear at this hearing, the Court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child(ren). You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be

ended by the Court without your being present.

You are also notified that following the hearing to consider ending your rights to your children, an adoption hearing may be held, as a result of which the Court may decree that an adoption take place whereby your child(ren) shall be adopted by another and all parental rights with respect to the child(ren) shall be placed in another.

YOU HAVE THE RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator  
Court Administrator's Office  
Lancaster County Courthouse  
50 North Duke Street  
Lancaster, PA 17602  
Telephone No. (717) 299-8041  
M-17, 24

NOTICE

In the Court of Common Pleas of  
Lehigh County, Pennsylvania  
Civil Action—Law

No. 2016-FC-1099

JUANA DIAZ RODRIGUEZ  
Plaintiff

vs.

JAHIR HERNANDEZ RAMIREZ  
Defendant

IN DIVORCE

To: The Defendant JAHIR HERNANDEZ RAMIREZ

The above-captioned action involves a proceeding against you in divorce alleging the marriage of the parties is irretrievably broken. It has been filed in the Court of Common Pleas of Lehigh County to the above

number and term on August 16, 2016.

NOTICE TO DEFEND AND  
CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the court. A judgment may also be entered against you for any other claim or relief requested in these papers by the plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the office of:

CLERK OF COURTS—CIVIL  
DIVISION

Lehigh County Courthouse  
455 Hamilton Street  
Allentown, PA 18105  
(610) 782-3148

Plaintiff alleges that the parties separated on or about March 2014 and there is no property subject to equitable distribution and has filed a 3301(d) affidavit to that effect. Please take notice that if you do not file a counter-affidavit claiming alimony, division of property, attorney fees or expenses before a divorce decree is granted, you may lose the right to claim them.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment entered against you without further notice for the relief requested by the plaintiff.

LEHIGH LAW JOURNAL

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You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES

TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lehigh County Bar Association  
Legal Referral Service  
P.O. Box 1324  
Allentown, PA 18105-1324  
Telephone (610) 433-7094

DAVID VAIDA, ESQ.  
Attorney for the Plaintiff  
137 N. 5th St.  
Allentown, PA 18102  
(610) 433-1800  
dvaida@vaidalaw.com

M-17



REALTORS  
WANT TO  
SELL  
HOUSES ... LAWYERS  
WANT TO  
PROTECT  
YOUR  
INVESTMENT

Lawyers are the impartial participants in your real estate transaction. You want the house. The realtor wants to sell it. What if there is a legal problem at settlement? Who is watching out for you and your rights?



*Don't take a chance ...  
consult your attorney.*



The cancer clinic gives her a death sentence.

*A lawyer says she has the right to live.*

Her health plan rejects her claim.

*A lawyer says they can't.*

Her boss "lets her go."

*A lawyer gets her job back.*

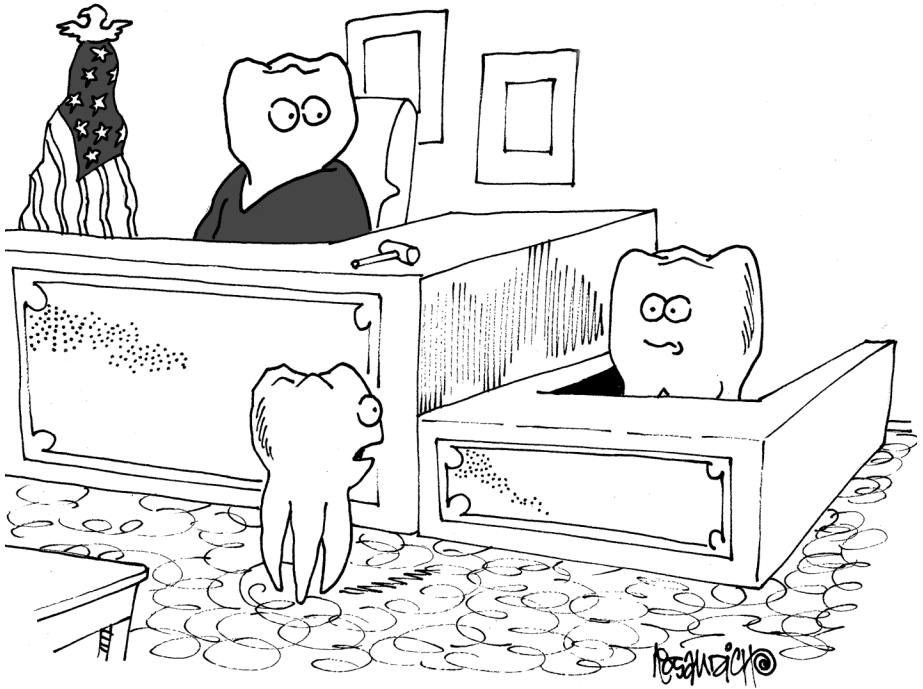
Her landlord tries to evict her.

*A lawyer won't let him.*

The clinic gave her a death sentence.

*A lawyer gave her hope.*

You have rights. Lawyers protect them.  
Pennsylvania Bar Association  
Bar Association of Lehigh County



"Do you promise to tell the tooth, the whole tooth and nothing but the tooth?"



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**PERIODICAL PUBLICATION**

\* Dated Material. Do Not Delay. Please Deliver Before Monday, March 20, 2017