# Some justices guilty of voicing their inner muse

POETRY, FROM PAGE A-14

of the mustang and Mustang alike." Further, to the tune of "Mr. Ed." the sitcom about a talking horse, he held:

A horse is a horse, of course, of course //but the Vehicle Code does not divorce // its application from, perforce //a steed, as my colleagues said.

"It's not vague" I'll say until I'm hoarse // and whether a car, a truck or horse // this law applies with equal force //

and I'd reverse instead. Finally, he concurred, in limerick form, that two auto shops in Limerick, Montgomery County, had names that

were too similar: "Limerick Auto' and 'Limerick Collision'

Are so close one may clearly

That the two were the same, So a limerick I frame, And join in my colleagues'

### **Breakfast brouhaha**

The late William F. Cercone, who served on the Superior Court of Pennsylvania, further disappointed a disgruntled Denny's customer. with his lighthearted take on the man's suit over whether he owed \$2 for undercooked sausage sent back at a Westmoreland County Denny's restaurant

Sausage and eggs! Sausage and eggs! \$2.02 he refused to pay So now in court it's for us to sav.

Sausage and eggs! It wasn't the price, the parties contend. It's the principle, they pretend.

Sausage and eggs! \$2.02 involved. A sum so easily resolved. But no give or take here. They insist on a legal atmosphere.

Oh, in Uncle Sam's land, any person in court may protest. But, dear Lord, the Judge says: From this test, please give me rest.

On the other end of the state, the late U.S. District Court Judge Edward R. Becker denied a request for dismissal in a rhyming 1972 opinion finding that a New York shipping company owed a Pennsylvania sailor lost wages, because the "long arm" of the law required them to do so:

A New York shipowner which, to its later dismay // ıea a ship in

In the year of Our Lord 1972 // Could be served in a suit there by seafarer who // Claimed that his wages were long overdue.

... The defendant shipping company's office is based in New York City // and to get right down to the nitty gritty.

it has been brought to this Court by long arm service, // which has made it extremely nervous. // Long arm service is a procedural tool // founded upon a "doing business" rule.

But defendant has no office here, and says it has no mania // to do any business in Pennsylvania.

### **Rhyming on crime**

Legal professionals say stylized opinions are a bit too cutesy for criminal cases. But the late District Court Judge Robert S. Gawthrop III found a way to make it work in an unpublished opinion upholding a cocaine conspiracy conviction:

To press a cause of rank frivolity //Would not fill this court with jollity. // Though counsel was a courtroom terror // He could not seed the case with error;

So nothing now could be much grander // Than witnessing his posttrial candor. //Lawyers tend to look facetious // Pressing issues merely specious.

Frank candor sure beats false bravado // Defending Claudio Rosado.

This is how I see the moral //Instead of never-ending quarrel // A broken record, crying "foul" //It's sometimes best to throw the towel.

Thus, before the bar of court // This defendant must report. //He shall have to do his time, //For punishment must fit the crime. // And that will have to end this rhyme.

#### **Book belongs in the gutter**

The late Justice Michael A. Musmanno, an appellate attorney for suspected anarchists Ferdinando Nicola Sacco and Bartolomeo Vanzetti, who later presided at the Nuremberg trials, also gained fame on the Pennsylvania Supreme Court bench. That was thanks, in part, to a 1966 obscenity case in which he railed against the Henry Miller's book "Tropic of Cancer," a 1934 novel that was overtly sexual and was banned in the U.S. until 1961. which led to the charge that the book violated American obscenity laws.

In this case, his dissent is more prose than poem:

"... To say that 'Cancer' is worthless trash is to pay it a compliment. 'Cancer' is the sweepings of the Augean stables, the stagnant bilge of the slimiest mudscow, the putrescent corruption of the most noisome dump pile, the est morass of putrefaction

.. 'Cancer' is not a book. It is malignancy itself. It is a cancer on the literary body of America. I wonder that it can remain stationary on the bookshelf. One would expect it to generate self-locomotion just as one sees a moldy, maggoty rock move because of the creepy, crawling creatures underneath it.'

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## business workshop

## New domain extensions

Companies that own federal trademark registrations should mark their calendars

Why? Because that is when a newly formed "trademark clearinghouse" will launch. The purpose of the clearinghouse is to protect trademark owners as the Internet Corporation for Assigned Names and Numbers (ICANN), the group that creates Internet domain name space, opens up for registration unprecedented new types of "top level" domain name extensions.

While ".com" is currently the top level extension of choice for most businesses, companies the world over will soon be able to create new extensions, and set rules for who can register domain names within them. Whatever your industry, there is likely to be a new top-level extension unveiled in the coming years that will describe it.

For example, suppose you own a consulting company called Yinzer Consulting.
Your current Web address might be <yinzerconsulting.com>. Soon, new "top-level" extensions like .consulting will be eligible for creation by a company or industry group, which could then allow registration within the extension, such that someone could register < yinzer.consulting>.

You should want your company to be the one that gets to register that domain. While the domain name registration system traditionally has been "first come, first served," the trademark clearinghouse amends this rule for the new extensions.

Whenever a new top-level extension is created (which will occur on a rolling basis), trademark owners participating in the clearinghouse will be afforded a "sunrise" period in which they can register the domain corresponding with their trademark before the

general public has the opportunity to do so. Additionally, after the sunrise period is over, participation in the clearinghouse means would-be poachers will be warned should they attempt to register a domain name that corresponds with a trademark

registration in the clearinghouse. While they will not be prevented from proceeding, they will be placed on notice that the registration could conflict with a mark owner's rights (and your company, as the mark owner, would be notified, too).

The cost of registering one trademark in the clearinghouse is \$145 per year. Go to www.trademark-clearinghouse.com for more information.

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Business workshop is a weekly feature from local experts offering tidbits on matters affecting business. To contribute, contact Business Editor Brian Hyslop at bhyslop@post-gazette.com.

# Arbitration bill opposed by trial lawyers

By Amaris Elliott-Engel The Legal Intelligencer

A bill that would change the state's arbitration laws for the first time in more than 30 years has drawn the support of the Pennsylvania Bar Association, but has been met with opposition from the Pennsylvania Association for Justice trial lawyers group.

The PBA says the measure would streamline arbitration procedures, while trial lawyers argue that it would give arbitrators equal powers to judges.

Among other criticisms, the trial lawyers say the bill threatens to limit parties' ability to appeal decisions through a grant of immunity to arbitrators and a "loser-pays" rule in litigation to enforce or vacate arbitrators' awards. Mark Phenicie, legislative counsel for PAJ, argued it's unnecessary, "an answer searching for a problem.

Backers of the Revised Uniform Arbitration Act, includ-

ing PBA President Thomas G. Wilkinson Jr., say the law would pull together the disparate threads of state procedural arbitration rules into a single workable body. The House passed a similar bill unanimously in its last session, but it stalled in the

The proposed legislation would: require arbitrators to disclose conflicts of interest to lawyers and parties; require third parties to provide discovery; and codify that arbitrators, just like judges, would have immunity for their decision-making.

"The National Conference of Commissioners on Uniform State Laws is recommending some revisions and their revisions all seem to make sense in Pennsylvania," said state Rep. Glen Grell, R-Cumberland, the primary sponsor.

The changes are designed to unify all of Pennsylvania's procedures for arbitration, such as how to proceed with arbitration, how to secure an arbitration

award and how to challenge an arbitration award, said Mr. Wilkinson.

"It does not undermine substantive rights, including the existing right to a jury trial or the existing right to challenge the enforceability of an arbitration agreement," he said.

Mr. Phenicie said the legislation is a "wholesale rewrite of the Uniform Arbitration Act."

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# Court OKs church invites at Pa. school

CHRISTMAS, FROM PAGE A-14

home with students about nonschool events. Students were also permitted to distribute birthday party invitations, Valentines and other material.

The girl hoped "to share her religious faith with her classmates," according to the opinion. Alliance Defending Freedom,

a conservative Christian legal group based in Scottsdale, Ariz., backed the family's appeal.

"America's public schools should recognize the constitutionally protected freedom of students who wish to hand out these kinds of fliers," said Matt Sharp, the group's legal counsel. "A flier cannot be banned just because some element of religious faith is a part of it. On the contrary, the First Amendment specifically protects religious speech."

Lawyer John Freund, who represented the school district, did not immediately return a message left at his office.

The Rev. Charles Kollar, pastor of Innovation Church, said in an email to the Pocono Record last week, "In this case, [we had] a common-sense decision to allow children to invite other children to after-school activities. ... Whether the invitation is for a religious or non-religious event should not be a factor." At the time the suit was filed,

the pertinent school's policy read:

"Any requests from civic organizations or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to or by students, sending promotional materials home with students, graduation prizes, or fundraising must be examined to insure that such activities promote student interests primarily, rather than the special interests of any particular group."

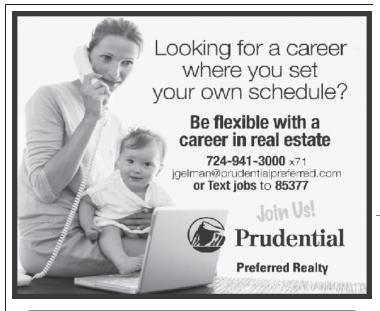
# ipso facto

Michael Kenney is an associate professor of international affairs at the University of Pittsburgh Graduate School of Public and International Affairs. His coursework and field research focuses on terrorism, counterterrorism and homeland security. The PG's Ipso Facto blog spoke with Mr. Kenney about counterterrorism here's a preview:

Ipso: What's the next big issue on the horizon? What will everyone be talking about?

**Kenney:** The reemergence of lone wolves, individuals who engage in acts of terrorism without support from larger organizations. The success on the counterterrorism side has led to more lone wolves. Also, cyber has been a great concern, but there's been fewer issues of cyberterrorism, which is different from cyber attacks. Here in the U.S., the reemergence of far-right groups — white supremacists, sovereign citizens — there's been an uptick.

For the full Q&A, visit the PG's Ipso Facto blog at http://communityvoices.sites. post-gazette.com





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# Everyday financial issues are on their minds

MONEY, FROM PAGE A-14

comprehensible and the computations of tax should be transparent and relatively simple, yet few taxpayers today can confidently say they understand the tax code or even that they have correctly computed their tax liabilities," wrote Nina Olson, the national taxpayer advocate, in her annual report to Congress.

And the complexity of the code allows sophisticated taxpayers or the people they hire to 'find loopholes that enable them to reduce or eliminate their tax liabilities," Ms. Olson said.

It's this last point that fuels the tax preparation business. We are all afraid we will miss a deduction. "No one wants to feel like a 'tax chump' — paying more while suspecting that others are taking advantage of loopholes to pay less," Ms. Olson

wrote in an earlier report. So the fact that you are asking the question because you are unsure what you might have left on the table is a good indication that it's time to hire a tax professional or get some tax software.

If you decide to hire a professional, choose carefully. The Taxpayer Advocate Service has some helpful tips at www.taxpayeradvocate.irs.gov. Search for "Choosing a Tax Preparer." For example, you should stay

clear of preparers who guarantee refunds or base their fees on a percentage of the refund.

Q: We are downsizing our home so that one of us might be able to eventually go part time to make it easier on the family and spend more time with the kids. Right now we both are working full time. What is the best way to prepare for one of us going part

A: Practice makes perfect. Or at least it gets you close to doing things well. Before going cold turkey on one full-time job, practice for as long as you can living on the one income that you will be relying upon. I would try it for at least six months but ideally, one year. The longer you practice, the closer you get to understanding what it will be like to make ends meet during the holidays, birthdays, vacation season, etc.

I would also boost your emergency fund — going beyond the recommended three to six months' worth of living expenses. Get as close to 12 months of living expenses as you can. With a one-income household, you want to make sure you have a solid emergency

Q: My brother is having serious financial troubles. He doesn't want money from me, and I don't have any to

give anyway, so that's not the problem. It's that he seems stuck and helpless as things spiral out of control. Luckily, he still has a decent paying job (though the company appears to be at the brink

of closing up shop). I know his budget is already pretty tight, but there may be additional room to cut. What can I suggest or do to help get him unstuck? I know he's responsible for his own life, but I would hate to just sit there and watch things fall

apart. A: Start by being honest. Say that you are concerned — in a nonjudgmental way — about his financial situation. And here's the key to moving forward with your good intentions. Ask if he wants help from you to organize his finances. I have a rescuer personality, too, but you can't help someone if they don't want your help.

If he accepts the help, start with his budget. Point out things you think he may be able to cut. Share your financial failings. Suggest financial tools that have helped you.

If he refuses your assistance, don't be offended. It's often hard to help the people closest to you. Trust me, I speak from experience. So be ready to provide a list of resources such as the contact information from a

nonprofit consumer-counseling agency. You can find one in his area by going to www.debtad-

vice.org. In the end, do what you can. If your help is rebuffed or your brother still stays stuck and things fall apart, just be as supportive as you can afford to be.

Michelle Singletary, Washington Post Writers Group: singletarym@washpost.com.



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