

York Legal Record

A Record of Cases Argued and Determined in the Various Courts of York County

Vol. 134

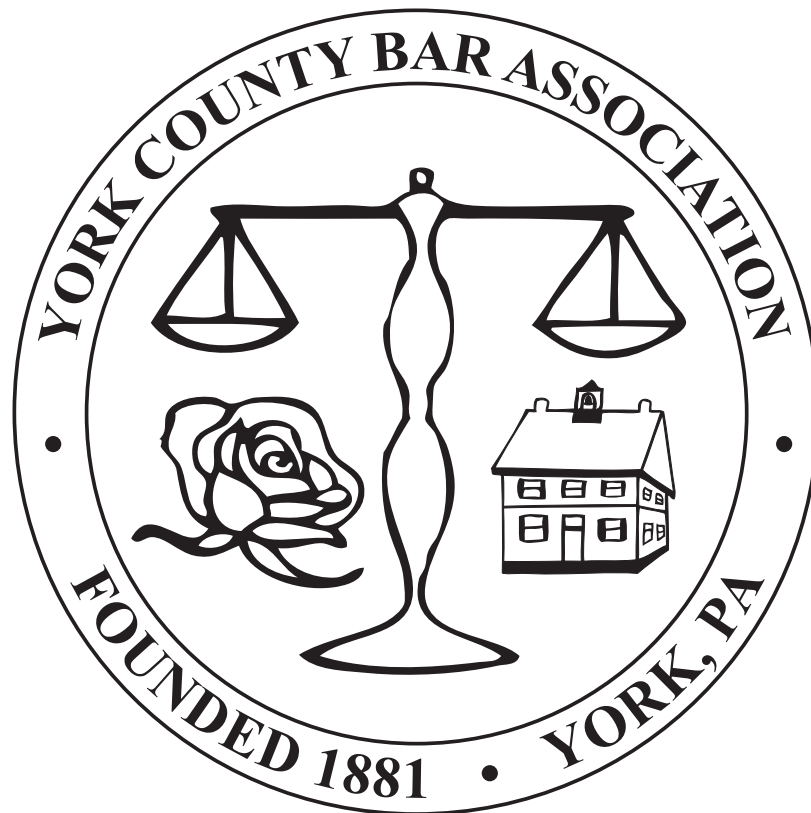
YORK, PA, THURSDAY, APRIL 23, 2020

No. 4

EMERGENCY NOTICES

1. Declaration of Judicial Emergency – through May 31, 2020
– President Judge Joseph C. Adams
2. York County Court of Common Pleas – Magisterial
District Court Offices Temporary Emergency
Operations (through May 31)
3. York County Court of Common Pleas – Judicial Center
Temporary Emergency Operations (through May 31)
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Pennsylvania Bar Association Formal Opinion

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Dated Material Do Not Delay

**Lawyers Concerned
for Lawyers**

York Support Group
Meetings 2nd Thursday of
each month

May 14, 2020 next meeting

Strictly confidential program for
anyone dealing with alcohol or
drug issues, depression, bipolar
issues, eating disorders,
gambling, etc.

For additional information and
locations of each meeting – Call
LCL 800-335-2572 or
anonymously to Cheryl
Kauffman 717-854-8755 x203 at
the York Bar Association

All information confidential

**York Bar Center
Operations Update**

**The YCBA/YCBF/York
Legal Record offices are
operating under regular
business hours (8:30 am-
4:30 pm). All business is
being conducted via
internet, telephone and
email. Please call 717-
854-8755 with any
questions or email
info@yorkbar.com
Admittance to and use
of the Bar Center is
limited to staff and key
leadership until further
notice.**

**The York Legal Record is
seeking articles**

on current legal topics such as
case law summaries, legislative
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may be of interest to
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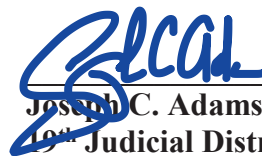
IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: 19th Judicial District : 31 MM 2020
DECLARATION OF JUDICIAL :
EMERGENCY :

DECLARATION

Per the Supreme Court's Order dated April 1, 2020 authorizing President Judges to declare judicial emergencies in their judicial districts through May 31, 2020, I declare a judicial emergency in the 19th Judicial District through May 31, 2020.

Any postponement caused by the judicial emergency shall be considered a court postponement and shall constitute excludable time for purposes of the application of Rule 600. *See Commonwealth v. Bradford*, 46 A.3d 693 (Pa. 2012) and *Commonwealth v. Mills*, 162 A. 3d 323 (Pa. 2017)."

BY THE COURT:

Joseph C. Adams, President Judge
19th Judicial District

Temporary Emergency Operations – Magisterial District Court Offices

Effective immediately and continuing through May 31, 2020, upon order of the Chief Justice of the Pennsylvania Supreme Court and the President Judge of the 19th Judicial District, this building is closed to the public, including attorneys and news media, for all activity *except* for the emergency operations listed below.

If you are not an employee, you are prohibited from entering
this building for any reason except the following:

- Preliminary arraignment to set bail for bailable offenses
- Criminal case filings by law enforcement agencies
- Preliminary hearings for incarcerated defendants only
- Arrest and search warrant application

Anyone with a fever or exhibiting flu-like symptoms will not be permitted to enter this facility for any reason.

All other hearings have been continued and will be rescheduled by notice. Acceptance of all other filings has been suspended until after May 31.

Payments may be made online or by telephone with credit card, or by U.S. mail addressed to this office.

Temporary Emergency Operations – Judicial Center

Effective immediately and continuing through May 31, 2020, upon order of the Chief Justice of the Pennsylvania Supreme Court and the President Judge of the 19th Judicial District, this building is closed to the public, including attorneys and news media, for all activity *except* for the emergency operations listed below.

If you are not an employee, you are prohibited from entering
this building for any reason except the following:

- Arrest and search warrant application
- Bail hearing or posting of bail (payment must be made electronically)
- Civil equity emergency injunction and stay
- Civil motions as individually authorized by the civil division
- Custody emergency due to threat of physical harm
- Indirect criminal contempt (ICC) for an incarcerated defendant
- Involuntary commitment, incapacitation, or guardianship emergency
- Juvenile delinquency
- Juvenile dependency
- Probation/parole violation for an incarcerated defendant
- Protection from abuse (PFA) application or hearing
- Warrant served

All other in-person hearings have been continued and will be rescheduled by notice. However, the Court may continue to schedule and conduct other matters utilizing telephone or video technology for off-site participation.

Acceptance of in-person filings, other than those related to the list above, has been suspended until after May 31. Other filings may be made electronically or by mail.

Anyone with a fever or exhibiting flu-like symptoms will not be permitted to enter this facility for any reason.

Emergency Operations Schedule (effective April 17 – May 31)

| Monday | Tuesday | Wednesday | Thursday | Friday |
|---|--|---|--|---|
| (a.m.) | | | | |
| KJP (6006) – juv. dep. CWV (6003) – PFA MDM (7003) – PFA HMN (7004) – crim. duty WDN (6002) – juv. dep./del. AAK (7001) – fam. misc. NCM (6005) – fam. misc. | KJP (7003) – juv. dep. MWF (6004) – juv. del. GMS (6001) – crim. duty SHG (6002) – juv. dep./del. JCA (7005) – juv. del. NCM (6005) – fam. misc. MDM (6003) – civ. motions | AMS (7001) – fam. motions AAK (7003) – juv. dep. JCA (7005) – juv. del. MMC (7006) – crim. duty MCK (6002) – juv. dep./del. | CWV (6003) – PFA MDM (7003) – PFA TRP (6006) – juv. dep. GMS (6001) – crim. duty JTB (6002) – juv. dep./del. AMS (7001) – fam. misc. | MWF (6004) – juv. del. MMC (7006) – crim. duty LMM (6002) – juv. dep./del. TRP (6006) – fam. misc. |
| (p.m.) | | | | |
| NCM (6005) – juv. dep. & fam. duty HMN (7004) – crim. duty CWV (6003) – civ. & orphans' duty MDM (7003) – civ. & orphans' duty WDN (6002) – juv. dep./del. AAK (7001) – fam. misc. KJP (6006) – fam. misc. | SHG (6002) – juv. dep./del. MWF (6004) – juv. del. GMS (6001) – crim. duty KJP (7003) – fam. duty NCM (6005) – juv. dep. JCA (7005) – misc. | AAK (7003) – juv. dep. AMS (7001) – fam. duty MMC (7006) crim. duty MCK (6002) – juv. dep./del. JCA (7005) – misc. | TRP – juv. dep & fam. duty GMS (6001) – crim. duty CWV (6003) – civ. & orphans' duty MDM (7003) – civ. & orphans' duty JTB (6002) – juv. dep./del. AMS (7001) – fam. misc. | MWF (6004) – fam. Duty MMC (7006) crim. duty LMM (6002) – juv. dep./del TRP (6006) – fam. misc. |

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY COURT DIVISION

The Family Division of the York County Court of Common Pleas will continue limited operations during the declared Judicial Emergency that currently extends through April 30, 2020. Set forth below are the general standards that will apply during this emergency period.

The Court has implemented measures to comply with social distancing protocols as outlined below. Hand sanitizer and bleach wipes will be available in each courtroom.

1. Protection from Abuse (PFA) proceedings, including emergency applications and petitions for temporary orders, will be held, subject to the following modifications:
 - a. Ex parte hearings will be heard throughout the day at the availability of the duty judge. Though the default times will remain 1:00 and 3:00, a party will be sent to the duty judge's assigned courtroom to await a hearing before the judge.
 - b. Final hearings will be scheduled in two courtrooms at staggered times to limit the number of participants in the final hearings. Only parties and counsel shall be permitted in the courtroom during the session in which their case is assigned.
 - c. Persons presenting filing petitions for relief or attending hearings are directed to refrain from bringing any unnecessary people, especially children, into the judicial center unless they are a witness or a party.
2. The Domestic Relations Section will continue to operate to ensure that support matters are processed, orders established and appropriate enforcement actions are maintained. All parties subject to a Support Order are required to continue to make the required payments. All payments are to be made through the PA Child Support website, www.childsupport.state.pa.us. In person payments at the Domestic Relations Office will not be accepted during the emergency period. Parties and counsel are not permitted in the judicial center during the emergency declaration to conduct business or attend domestic relations conferences or hearings. New support filings will be accepted via mail or electronically through the PA Child Support website, www.childsupport.state.pa.us. Domestic relations proceedings will be modified as follows:
 - a. All conferences that are not continued will be conducted by telephone. All parties and attorneys shall be available for a telephone conference call from the Domestic Relations Office at the scheduled conference time. Any documents that are required to be submitted at a conference must be submitted at least forty-eight hours in advance. Specific instructions on how to submit the documents are posted on the Domestic Relations Section webpage or are available by emailing the Domestic Relations Office at yorkphonereq@pacs.com.

- b. Hearings de novo and special listings will be conducted by conference call or video conference until the end of the emergency period. The Domestic Relations Office will be securing contact information for the parties and counsel of record.
- c. Limited enforcement services are being provided during the emergency period. If you have an immediate question or concern related to enforcement, please email concerns to yorkenforcement@pacses.com. Contempt hearings will be held for persons who are incarcerated pending payment of bail, and other cases deemed necessary to be heard. These proceedings will be conducted utilizing video technology with the prison, counsel, court staff and the parties. All other hearings may be continued until after the lifting of the judicial emergency
3. The Prothonotary of York is accepting filing fees and petitions related to custody. Unless the matter falls under a permissible action under the judicial emergency and involves a threat of harm to a child, parties and counsel will not be able to enter the judicial center to file and the request and appropriate fee will need to be mailed.
- a. All custody conciliation conferences will be conducted by telephone or video conference. All parties and attorneys shall provide an accurate telephone number for the conciliator to place a telephone conference call at time of the scheduled conference. Any documents that are required to be submitted at a conference shall be timely filed with the Prothonotary and must be submitted at least forty-eight hours in advance.
- b. Pre-trial conferences will be scheduled at the discretion of the assigned judge to be conducted by audio or video conferencing. These matters will typically remain on the record proceedings. Status conferences for matters already scheduled for trial may be scheduled at the convenience of the court and will be off the record, unless otherwise directed by the judge.
- c. All custody related motions court matters deemed an emergency will be heard on Wednesdays through the judicial emergency. Matters filed with a notice of presentment will be reviewed for scheduling. In the event that the court deems it an emergency matter warranting review at a motions court session, it will be specially set during the motions court block. Parties and counsel will be required to attend by video conferencing. Notice of the log in information will be emailed to counsel and the unrepresented parties. Therefore, complete contact information, including phone and email, must be provided for both counsel and any unrepresented parties on the notice of presentment. Parties are reminded to follow the appropriate process for having a matter heard before the court and should not be filing frivolous or in-properly presented motions requesting immediate review.
- d. Uncontested motions requesting entry of a stipulation into an order of Court will be processed throughout the judicial emergency, provided full compliance with the filing of all required documents.

-
- e. As a courtesy reminder, the Supreme Court has determined that the COVID-19 virus restrictions imposed by the Commonwealth and the Court do not impact current orders for custody. The court may impose severe sanctions against parents who have been found to have unreasonably withheld custody of a child. Absent a determination that a household member has been diagnosed with the virus and a determination of a risk of harm to the child, withholding custody is unreasonable.
4. Juvenile court matters will proceed as scheduled. All status review hearings have been continued unless deemed an emergency or matter requiring immediate review. Hearings will be conducted in person or by audio/video technology. Notice of the manner in which the hearing will be held will be conveyed to the participants. Counsel is responsible to notify witnesses and clients of call in/log in information for the hearing if participating by remote access. If the judge or court staff are initiating a call, accurate contact information must be timely provided.
5. The Prothonotary of York County will continue to accept new divorce filings, with appropriate fees, by mail. Praecipes to transmit are being processed and Divorce Decrees entered, when appropriate. Divorce Master Office is scheduling status conferences and hearings by audio or video conference. Uncontested motions and motions requesting special or emergency relief will be reviewed by the Motions Court judge for scheduling or assignment to the DMO for further proceedings. Motions deemed emergencies or appropriate for motions court will be specially scheduled during a motions court session on Wednesdays throughout the judicial emergency. No counsel or parties may enter the judicial center to address matters related to divorce. All filings must be completed by mail and attendance at all hearings will be by video or tele conferencing. Notice of scheduled proceedings will be emailed to counsel and unrepresented parties – therefore, exact and accurate contact information, including telephone numbers and email addresses for both parties shall be provided upon filing.
5. Attorneys and unrepresented parties in cases scheduled before a particular Family Court Judge will be notified by the assigned Judge's staff whether the matter will be continued or held. If the matter is held by video or audio conferencing, the notice of the log in/call in information will be provided.
- a. Family Court matters scheduled for an off the record status conference with a Judge shall be held by telephone or video conference, and not in person. All attorneys involved in such conferences shall provide via email to the Judge's assistant the telephone number to be used to contact them for the telephone conference. The clients shall not participate directly in the telephone conference with the Judge, but each attorney is required to have his/ her client available by telephone during the conference so that any input or decision needed from the client can be immediately obtained.
- b. Family Court Judges may, in appropriate circumstances, schedule hearings or conferences on the record in any case, including where one or more of the parties is pro se or self-represented, provided that appropriate arrangements are made in advance.



**PENNSYLVANIA BAR ASSOCIATION
COMMITTEE ON LEGAL ETHICS AND PROFESSIONAL RESPONSIBILITY**

April 10, 2020

FORMAL OPINION 2020-300

ETHICAL OBLIGATIONS FOR LAWYERS WORKING REMOTELY

I. Introduction and Summary

When Pennsylvania Governor Tom Wolf ordered all “non-essential businesses,” including law firms to close their offices during the COVID-19 pandemic, and also ordered all persons residing in the state to stay at home and leave only under limited circumstances, many attorneys and their staff were forced to work from home for the first time. In many cases, attorneys and their staff were not prepared to work remotely from a home office, and numerous questions arose concerning their ethical obligations.

Most questions related to the use of technology, including email, cell phones, text messages, remote access, cloud computing, video chatting and teleconferencing. This Committee is therefore providing this guidance to the Bar about their and their staff’s obligations not only during this crisis but also as a means to assure that attorneys prepare for other situations when they need to perform law firm- and client-related activities from home and other remote locations.

Attorneys and staff working remotely must consider the security and confidentiality of their client data, including the need to protect computer systems and physical files, and to ensure that telephone and other conversations and communications remain privileged.

In Formal Opinion 2011-200 (Cloud Computing/Software As A Service While Fulfilling The Duties of Confidentiality and Preservation of Client Property) and Formal Opinion 2010-100 (Ethical Obligations on Maintaining a Virtual Office for the Practice of Law in Pennsylvania), this Committee provided guidance to attorneys about their ethical obligations when using software and other technology to access confidential and sensitive information from outside of their physical offices, including when they operated their firms as virtual law offices. This Opinion affirms the conclusions of Opinions 2011-200 and 2010-100, including:

- An attorney may ethically allow client confidential material to be stored in “the cloud” provided the attorney takes reasonable care to assure that (1) all materials remain confidential, and (2) reasonable safeguards are employed to ensure that the data is protected from breaches, data loss and other risks.
- An attorney may maintain a virtual law office in Pennsylvania, including a virtual law office in which the attorney works from home, and associates work from their homes in various locations, including locations outside of Pennsylvania;
- An attorney practicing in a virtual office at which attorneys and clients do not generally meet face to face must take appropriate safeguards to: (1) confirm the identity of clients and others; and, (2) address those circumstances in which a client may have diminished capacity.

This Opinion also affirms and adopts the conclusions of the American Bar Association Standing Committee on Ethics and Professional Responsibility in Formal Opinion 477R (May 22, 2017) that:

A lawyer generally may transmit information relating to the representation of a client over the [I]nternet without violating the Model Rules of Professional Conduct where the lawyer has undertaken reasonable efforts to prevent inadvertent or unauthorized access. However, a lawyer may be required to take special security precautions to protect against the inadvertent or unauthorized disclosure of client information when required by an agreement with the client or by law, or when the nature of the information requires a higher degree of security.

The duty of technological competence requires attorneys to not only understand the risks and benefits of technology as it relates to the specifics of their practices, such as electronic discovery. This also requires attorneys to understand the general risks and benefits of technology, including the electronic transmission of confidential and sensitive data, and cybersecurity, and to take reasonable precautions to comply with this duty. In some cases, attorneys may have the requisite knowledge and skill to implement technological safeguards. In others, attorneys should consult with appropriate staff or other entities capable of providing the appropriate guidance.

At a minimum, when working remotely, attorneys and their staff have an obligation under the Rules of Professional Conduct to take reasonable precautions to assure that:

- All communications, including telephone calls, text messages, email, and video conferencing are conducted in a manner that minimizes the risk of inadvertent disclosure of confidential information;
- Information transmitted through the Internet is done in a manner that ensures the confidentiality of client communications and other sensitive data;
- Their remote workspaces are designed to prevent the disclosure of confidential information in both paper and electronic form;

- Proper procedures are used to secure and backup confidential data stored on electronic devices and in the cloud;
- Any remotely working staff are educated about and have the resources to make their work compliant with the Rules of Professional Conduct; and,
- Appropriate forms of data security are used.

In Section II, this Opinion highlights the Rules of Professional Conduct implicated when working at home or other locations outside of a traditional office. Section III highlights best practices and recommends the baseline at which attorneys and staff should operate to ensure confidentiality and meet their ethical obligations. This Opinion does not discuss specific products or make specific technological recommendations, however, because these products and services are updated frequently. Rather, Section III highlights considerations that will apply not only now but also in the future.

II. Discussion

A. Pennsylvania Rules of Professional Conduct

The issues in this Opinion implicate various Rules of Professional Conduct that affect an attorney's responsibilities towards clients, potential clients, other parties, and counsel, primarily focused on the need to assure confidentiality of client and sensitive information. Although no Pennsylvania Rule of Professional Conduct specifically addresses the ethical obligations of attorneys working remotely, the Committee's conclusions are based upon the existing Rules, including:

- Rule 1.1 ("Competence")
- Rule 1.6 ("Confidentiality of Information")
- Rule 5.1 ("Responsibilities of Partners, Managers, and Supervisory Lawyers")
- Rule 5.3 ("Responsibilities Regarding Nonlawyer Assistance")

The Rules define the requirements and limitations on an attorney's conduct that may subject the attorney, and persons or entities supervised by the attorney, to disciplinary sanctions. Comments to the Rules assist attorneys in understanding or arguing the intention of the Rules, but are not enforceable in disciplinary proceedings.

B. Competence

A lawyer's duty to provide competent representation includes the obligation to understand the risks and benefits of technology, which this Committee and numerous other similar committees believe includes the obligation to understand or to take reasonable measures to use appropriate technology to protect the confidentiality of communications in both physical and electronic form.

Rule 1.1 ("Competence") states in relevant part:

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Further, Comment [8] to Rule 1.1 states

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject. To provide competent representation, a lawyer should be familiar with policies of the courts in which the lawyer practices, which include the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

Consistent with this Rule, attorneys must evaluate, obtain, and utilize the technology necessary to assure that their communications remain confidential.

C. Confidentiality

An attorney working from home or another remote location is under the same obligations to maintain client confidentiality as is the attorney when working within a traditional physical office.

Rule 1.6 (“Confidentiality of Information”) states in relevant part:

(a) A lawyer shall not reveal information relating to representation of a client unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c).

...

(d) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Comments [25] and [26] to Rule 1.6 state:

[25] Pursuant to paragraph (d), a lawyer should act in accordance with court policies governing disclosure of sensitive or confidential information, including the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. Paragraph (d) requires a lawyer to act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer’s supervision. See Rules 1.1, 5.1, and 5.3. The

unauthorized access to, or the inadvertent or unauthorized disclosure of, information relating to the representation of a client does not constitute a violation of paragraph (d) if the lawyer has made reasonable efforts to prevent the access or disclosure. Factors to be considered in determining the reasonableness of the lawyer's efforts include, but are not limited to, the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer's ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use). A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to forgo security measures that would otherwise be required by this Rule. Whether a lawyer may be required to take additional steps to safeguard a client's information in order to comply with other law, such as state and federal laws that govern data privacy or that impose notification requirements upon the loss of, or unauthorized access to, electronic information, is beyond the scope of these Rules. For a lawyer's duties when sharing information with nonlawyers outside the lawyer's own firm, see Rule 5.3, Comments [3]-[4].

[26] When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients. This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy. Special circumstances, however, may warrant special precautions. Factors to be considered in determining the reasonableness of the lawyer's expectation of confidentiality include the sensitivity of the information and the extent to which the privacy of the communication is protected by law or by a confidentiality agreement. A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to the use of a means of communication that would otherwise be prohibited by this Rule. Whether a lawyer may be required to take additional steps in order to comply with other law, such as state and federal laws that govern data privacy, is beyond the scope of these Rules.

Comment [25] explains that an attorney's duty to understand the risks and benefits of technology includes the obligation to safeguard client information (1) against unauthorized access by third parties (2) against inadvertent or unauthorized disclosure by the lawyer or other persons subject to the lawyer's supervision. Comment [26] explains that an attorney must safeguard electronic communications, such as email, and may need to take additional measures to prevent information from being accessed by unauthorized persons. For example, this duty may require an attorney to use encrypted email, or to require the use of passwords to open attachments, or take other reasonable precautions to assure that the contents and attachments are seen only by authorized persons.

A lawyer's confidentiality obligations under Rule 1.6(d) are, of course, not limited to prudent employment of technology. Lawyers working from home may be required to bring paper files and other client-related documents into their homes or other remote locations. In these circumstances, they should make reasonable efforts to ensure that household residents or visitors who are not associated with the attorney's law practice do not have access to these items. This can be accomplished by maintaining the documents in a location where unauthorized persons are denied access, whether through the direction of a lawyer or otherwise.

D. Supervisory and Subordinate Lawyers

Rule 5.1 ("Responsibilities of Partners, Managers, and Supervisory Lawyers") states:

(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.

(b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.

(c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:

(1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Rule 5.3 ("Responsibilities Regarding Nonlawyer Assistance") states:

With respect to a nonlawyer employed or retained by or associated with a lawyer:

(a) a partner and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer.

(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and,

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and in either case knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Therefore, a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, must make reasonable efforts to ensure that the firm has in effect requirements that any staff, consultants or other entities that have or may have access to confidential client information or data comply with the Rules of Professional Conduct with regard to data access from remote locations and that any discussions regarding client-related matters are done confidentially.

III. Best Practices When Performing Legal Work and Communications Remotely¹

A. General Considerations

In Formal Opinion 2011-200, this Committee concluded that a lawyer's duty of competency extends "beyond protecting client information and confidentiality; it also includes a lawyer's ability to reliably access and provide information relevant to a client's case when needed. This is essential for attorneys regardless of whether data is stored onsite or offsite with a cloud service provider." When forced to work remotely, attorneys remain obligated to take reasonable precautions so that they are able to access client data and provide information to the client or to others, such as courts or opposing counsel.

While it is beyond the scope of this Opinion to make specific recommendations, the Rules and applicable Comments highlight that the need to maintain confidentiality is crucial to preservation of the attorney-client relationship, and that attorneys working remotely must take appropriate measures to protect confidential electronic communications. While the measures necessary to do so will vary, common considerations include:

¹ These various considerations and safeguards also apply to traditional law offices. The Committee is not suggesting that the failure to comply with the "best practices" described in Section III of this Opinion would necessarily constitute a violation of the Rules of Professional Conduct that would subject an attorney to discipline. Rather, compliance with these or similar recommendations would constitute the type of reasonable conduct envisioned by the Rules.

- Specifying how and where data created remotely will be stored and, if remotely, how the data will be backed up;
- Requiring the encryption or use of other security to assure that information sent by electronic mail are protected from unauthorized disclosure;
- Using firewalls, anti-virus and anti-malware software, and other similar products to prevent the loss or corruption of data;
- Limiting the information that may be handled remotely, as well as specifying which persons may use the information;
- Verifying the identity of individuals who access a firm's data from remote locations;
- Implementing a written work-from-home protocol to specify how to safeguard confidential business and personal information;
- Requiring the use of a Virtual Private Network or similar connection to access a firm's data;
- Requiring the use of two-factor authentication or similar safeguards;
- Supplying or requiring employees to use secure and encrypted laptops;
- Saving data permanently only on the office network, not personal devices, and if saved on personal devices, taking reasonable precautions to protect such information;
- Obtaining a written agreement from every employee that they will comply with the firm's data privacy, security, and confidentiality policies;
- Encrypting electronic records containing confidential data, including backups;
- Prohibiting the use of smart devices such as those offered by Amazon Alexa and Google voice assistants in locations where client-related conversations may occur;
- Requiring employees to have client-related conversations in locations where they cannot be overheard by other persons who are not authorized to hear this information; and,
- Taking other reasonable measures to assure that all confidential data are protected.

B. Confidential Communications Should be Private

1. Introduction

When working at home or from other remote locations, all communications with clients must be and remain confidential. This requirement applies to all forms of communications, including phone calls, email, chats, online conferencing and text messages.

Therefore, when speaking on a phone or having an online or similar conference, attorneys should dedicate a private area where they can communicate privately with clients, and take reasonable precautions to assure that others are not present and cannot listen to the conversation. For example, smart devices such as Amazon's Alexa and Google's voice assistants may listen to conversations and record them. Companies such as Google and Amazon maintain those recordings on servers and hire people to review the recordings. Although the identity of the

speakers is not disclosed to these reviewers, they might hear sufficient details to be able to connect a voice to a specific person.²

Similarly, when communicating using electronic mail, text messages, and other methods for transmitting confidential and sensitive data, attorneys must take reasonable precautions, which may include the use of encryption, to assure that unauthorized persons cannot intercept and read these communications.

2. What is Encryption?

Encryption is the method by which information is converted into a secret code that hides the information's true meaning. The science of encrypting and decrypting information is called cryptography. Unencrypted data is also known as plaintext, and encrypted data is called ciphertext. The formulas used to encode and decode messages are called encryption algorithms or ciphers.³

When an unauthorized person or entity accesses an encrypted message, phone call, document or computer file, the viewer will see a garbled result that cannot be understood without software to decrypt (remove) the encryption.

3. The Duty to Assure Confidentiality Depends Upon the Information Being Transmitted

This Opinion adopts the analysis of ABA Formal Opinion 477R concerning a lawyer's duty of confidentiality:

At the intersection of a lawyer's competence obligation to keep "abreast of knowledge of the benefits and risks associated with relevant technology," and confidentiality obligation to make "reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client," lawyers must exercise reasonable efforts when using technology in communicating about client matters. What constitutes reasonable efforts is not susceptible to a hard and fast rule, but rather is contingent upon a set of factors. In turn, those factors depend on the multitude of possible types of information being communicated (ranging along a spectrum from highly sensitive information to insignificant), the methods of electronic communications employed, and the types of available security measures for each method.

Therefore, in an environment of increasing cyber threats, the Committee concludes that, adopting the language in the ABA Cybersecurity Handbook, the reasonable efforts standard:

² <https://www.vox.com/recode/2020/2/21/21032140/alexa-amazon-google-home-siri-apple-microsoft-cortana-recording>

³ <https://searchsecurity.techtarget.com/definition/encryption>

. . . rejects requirements for specific security measures (such as firewalls, passwords, and the like) and instead adopts a fact-specific approach to business security obligations that requires a “process” to assess risks, identify and implement appropriate security measures responsive to those risks, verify that they are effectively implemented, and ensure that they are continually updated in response to new developments.

Recognizing the necessity of employing a fact-based analysis, Comment [18] to Model Rule 1.6(c)⁴ includes nonexclusive factors to guide lawyers in making a “reasonable efforts” determination. Those factors include:

- the sensitivity of the information,
- the likelihood of disclosure if additional safeguards are not employed,
- the cost of employing additional safeguards,
- the difficulty of implementing the safeguards, and
- the extent to which the safeguards adversely affect the lawyer’s ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use).

A fact-based analysis means that particularly strong protective measures, like encryption, are warranted in some circumstances. Model Rule 1.4 may require a lawyer to discuss security safeguards with clients. Under certain circumstances, the lawyer may need to obtain informed consent from the client regarding whether to the use enhanced security measures, the costs involved, and the impact of those costs on the expense of the representation where nonstandard and not easily available or affordable security methods may be required or requested by the client. Reasonable efforts, as it pertains to certain highly sensitive information, might require avoiding the use of electronic methods or any technology to communicate with the client altogether, just as it warranted avoiding the use of the telephone, fax and mail in Formal Opinion 99-413.

In contrast, for matters of normal or low sensitivity, standard security methods with low to reasonable costs to implement, may be sufficient to meet the reasonable-efforts standard to protect client information from inadvertent and unauthorized disclosure.

In addition to the obligations under the Pennsylvania Rules of Professional Conduct, which are based upon the Model Rules, clients may also impose obligations upon attorneys to protect confidential or sensitive information. For example, some commercial clients, such as banks, routinely require that sensitive information be transmitted only with a password protocol or using an encryption method.

C. There Are Many Ways to Enhance Your Online Security

⁴ Pennsylvania did not adopt Comment [18] in its entirety.

While this Opinion cannot provide guidance about specific products or services, its goal is to provide attorneys and law firms with guidance about how they can meet their obligation of competence while preserving client confidentiality. The following subsections of this Opinion outline some reasonable precautions that attorneys should consider using to meet their ethical obligations.

1. Avoid Using Public Internet/Free Wi-Fi

Attorneys should avoid using unsecured free Internet/Wi-Fi hotspots when performing client- or firm-related activities that involve access to or the transmission of confidential or sensitive data. Persons, commonly called hackers, can access every piece of unencrypted information you send out to the Internet, including email, credit card information and credentials used to access or login to businesses, including law firm networks. Hackers can also use an unsecured Wi-Fi connection to distribute malware. Once armed with the user's login information, the hacker may access data at any website the user accesses.

2. Use Virtual Private Networks (VPNs) to Enhance Security

A VPN, or Virtual Private Network, allows users to create a secure connection to another network over the Internet, shielding the user's activity from unauthorized persons or entities. VPNs can connect any device, including smartphones, PCs, laptops and tablets to another computer (called a server), encrypting information and shielding your online activity from all other persons or entities, including cybercriminals. Thus, the use of a VPN can help to protect computers and other devices from hackers.

3. Use Two-Factor or Multi-Factor Authentication

Two-Factor or Multi-Factor Authentication is a security method that requires users to prove their identity in more than one way before signing into a program or a website. For example, a user might require a login name and a password, and would then be sent a four- or six-digit code by text message to enter on the website. Entering this additional authentication helps to ensure only authorized persons are accessing the site. Although these forms of enhanced security may seem cumbersome, its use provides an additional layer of security beyond simple password security.

4. Use Strong Passwords to Protect Your Data and Devices

One of the most common ways that hackers break into computers, websites and other devices is by guessing passwords or using software that guesses passwords, which remain a critical method of gaining unauthorized access. Thus, the more complex the password, the less likely that an unauthorized user will access a phone, computer, website or network.

The best method to avoid having a password hacked is by using long and complex passwords. There are various schools of thought about what constitutes a strong or less-hackable password, but as a general rule, the longer and more complex the password, the less likely it will be cracked. In addition, mobile devices should also have a PIN, pass code or password. The devices

should lock/time out after a short period of time and require users to re-enter the PIN code or password.

5. Assure that Video Conferences are Secure

One method of communicating that has become more common is the use of videoconferencing (or video-teleconferencing) technology, which allows users to hold face-to-face meetings from different locations. For many law offices, the use of videoconferences has replaced traditional teleconferences, which did not have the video component.

As the popularity of videoconferencing has increased, so have the number of reported instances in which hackers hijack videoconferences. These incidents were of such concern that on March 30, 2020 the FBI issued a warning about teleconference hijacking during the COVID-19 pandemic⁵ and recommended that users take the following steps “to mitigate teleconference hijacking threats:”

- Do not make meetings public;
- Require a meeting password or use other features that control the admittance of guests;
- Do not share a link to a teleconference on an unrestricted publicly available social media post;
- Provide the meeting link directly to specific people;
- Manage screensharing options. For example, many of these services allow the host to change screensharing to “Host Only;”
- Ensure users are using the updated version of remote access/meeting applications.

6. Backup Any Data Stored Remotely

Backups are as important at home as they are at the office, perhaps more so because office systems are almost always backed up in an automated fashion. Thus, attorneys and staff working remotely should either work remotely on the office’s system (using services such as Windows Remote Desktop Connection, GoToMyPC or LogMeIn) or have a system in place that assures that there is a backup for all documents and other computer files created by attorneys and staff while working. Often, backup systems can include offsite locations. Alternatively, there are numerous providers that offer secure and easy-to-set-up cloud-based backup services.

7. Security is Essential for Remote Locations and Devices

Attorneys and staff must make reasonable efforts to assure that work product and confidential client information are confidential, regardless of where or how they are created. Microsoft has published its guidelines for a secure home office, which include:

⁵ <https://www.fbi.gov/contact-us/field-offices/boston/news/press-releases/fbi-warns-of-teleconferencing-and-online-classroom-hijacking-during-covid-19-pandemic>. Although the FBI warning related to Zoom, one brand of videoconferencing technology, the recommendations apply to any such service.

- Use a firewall;
- Keep all software up to date;
- Use antivirus software and keep it current;
- Use anti-malware software and keep it current;
- Do not open suspicious attachments or click unusual links in messages, email, tweets, posts, online ads;
- Avoid visiting websites that offer potentially illicit content;
- Do not use USBs, flash drives or other external devices unless you own them, or they are provided by a trusted source. When appropriate, attorneys should take reasonable precautions such as calling or contacting the sending or supplying party directly to assure the data are not infected or otherwise corrupted.⁶

8. Users Should Verify That Websites Have Enhanced Security

Attorneys and staff should be aware of and, whenever possible, only access websites that have enhanced security. The web address in the web browser window for such sites will begin with “HTTPS” rather than “HTTP.” A website with the HTTPS web address uses the SSL/TLS protocol to encrypt communications so that hackers cannot steal data. The use of SSL/TLS security also confirms that a website’s server (the computer that stores the website) is who it says it is, preventing users from logging into a site that is impersonating the real site.

9. Lawyers Should Be Cognizant of Their Obligation to Act with Civility

In 2000, the Pennsylvania Supreme Court adopted the Code of Civility, which applies to all judges and lawyers in Pennsylvania.⁷ The Code is intended to remind lawyers of their obligation to treat the courts and their adversaries with courtesy and respect. During crises, the importance of the Code of Civility, and the need to comply with it, are of paramount importance.

During the COVID-19 pandemic, the Los Angeles County Bar Association Professional Responsibility and Ethics Committee issued a statement, which this Opinion adopts, including:

In light of the unprecedented risks associated with the novel Coronavirus, we urge all lawyers to liberally exercise every professional courtesy and/or discretionary authority vested in them to avoid placing parties, counsel, witnesses, judges or court personnel under undue or avoidable stresses, or health risk. Accordingly, we remind lawyers that the Guidelines for Civility in Litigation ... require that lawyers grant reasonable requests for extensions and other accommodations.

Given the current circumstances, attorneys should be prepared to agree to reasonable extensions and continuances as may be necessary or advisable to avoid in-person meetings, hearings or deposition obligations. Consistent with California

⁶ <https://support.microsoft.com/en-us/help/4092060/windows-keep-your-computer-secure-at-home>

⁷ Title 204, Ch. 99 adopted Dec. 6, 2000, amended April 21, 2005, effective May 7, 2005.

Rule of Professional Conduct 1.2(a), lawyers should also consult with their clients to seek authorization to extend such extensions or to stipulate to continuances in instances where the clients' authorization or consent may be required.

While we expect further guidance from the court system will be forthcoming, lawyers must do their best to help mitigate stress and health risk to litigants, counsel and court personnel. Any sharp practices that increase risk or which seek to take advantage of the current health crisis must be avoided in every instance.

This Opinion agrees with the Los Angeles County Bar Association's statement and urges lawyers to comply with Pennsylvania's Code of Civility, and not take unfair advantage of any public health and safety crises.

IV. Conclusion

The COVID-19 pandemic has caused unprecedented disruption for attorneys and law firms, and has renewed the focus on what constitutes competent legal representation during a time when attorneys do not have access to their physical offices. In particular, working from home has become the new normal, forcing law offices to transform themselves into a remote workforce overnight. As a result, attorneys must be particularly cognizant of how they and their staff work remotely, how they access data, and how they prevent computer viruses and other cybersecurity risks.

In addition, lawyers working remotely must consider the security and confidentiality of their procedures and systems. This obligation includes protecting computer systems and physical files, and ensuring that the confidentiality of client telephone and other conversations and communications remain protected.

Although the pandemic created an unprecedented situation, the guidance provided applies equally to attorneys or persons performing client legal work on behalf of attorneys when the work is performed at home or at other locations outside of their physical offices, including when performed at virtual law offices.

CAVEAT: THE FOREGOING OPINION IS ADVISORY ONLY AND IS NOT BINDING ON THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA OR ANY COURT. THIS OPINION CARRIES ONLY SUCH WEIGHT AS AN APPROPRIATE REVIEWING AUTHORITY MAY CHOOSE TO GIVE IT.

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ESTATE 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. All persons having claims or demands against said estates are required to make known the same, and all persons indebted to said estate are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION

ESTATE OF DORIS L. GIVENS, DECEASED
Late of Manchester Twp., York County, PA.
Executrix: Julia A. Givens, 1989 Karyl Lane,
York, PA 17404
Attorney: Rand A. Feder, Esquire, Morris
& Vedder, LLP, 32 N. Duke St., P.O. Box
149, York, PA 17405-0149 04.23-3t

ESTATE OF BETTY J. GUYER, DECEASED
Late of Springettsbury Twp., York County, PA.
Executors: Harry W. Sipe and Noreen
Duppstadt, c/o 340 Pine Grove Commons,
York, PA 17403
Attorney: Robert Clofine, Esquire, Elder
Law Firm of Robert Clofine, 340 Pine
Grove Commons, York, PA 17403 04.23-3t

ESTATE OF MICHAEL L. HOKE, DECEASED
Late of York Twp., York County, PA.
Executor: Joni J. Blymire, c/o MPL LAW
FIRM, LLP, 137 East Philadelphia Street,
York, PA 17401-2424
Attorney: John D. Miller, Jr., Esquire, MPL
LAW FIRM, LLP, 137 East Philadelphia
Street, York, PA 17401-2424 04.23-3t

ESTATE OF STEVEN KELLEY, DECEASED
Late of East Hopewell Twp., York County,
PA.
Co-Administrators: Brett Kelley and Brittany
Kelley, 18145 Zeigler School Road,
Stewartstown, PA 17363
Attorney: Clayton A. Lingg, Esquire,
MOONEY LAW, 230 York Street,
Hanover, PA 17331 04.23-3t

ESTATE OF MARY F. SENFT, DECEASED
Late of North Codorus Twp., York County,
PA.
Executor: Cindy L. Terlazzo, c/o MPL LAW
FIRM, LLP, 137 East Philadelphia Street,
York, PA 17401-2424
Attorney: Christian R. Miller, Esquire, MPL
LAW FIRM, LLP, 137 East Philadelphia
Street, York, PA 17401-2424 04.23-3t

SECOND PUBLICATION

ESTATE OF MAE E. BROTHERS, DECEASED
Late of York Haven, York County, PA.
Administrator-Executor: Clint N. Leakway,
c/o J. Diane Brannon-Nordtomme, Esq.,

1450 Yocumtown Rd., Etters, PA 17319
Attorney: J. Diane Brannon-Nordtomme,
Esq., 1450 Yocumtown Rd., Etters, PA
17319 04.16-3t

ESTATE OF BRIAN JOSEPH DOWNS a/k/a
BRIAN J. DOWNS, DECEASED
Late of Dallastown Borough, York County,
PA.
Administratrix: Teresa M. Zunic Downs, c/o
Richard R. Reilly, Esquire, 54 North Duke
Street, York, PA 17401-1210
Attorney: Richard R. Reilly, Esquire, 54 N.
Duke Street, York, PA 17401 04.16-3t

ESTATE OF GLORIA ANN KNIPPLE, DECEASED
Late of West Manchester Twp., York County,
PA.
Executor: Gregory H. Gettle, c/o Gettle
Vaughn Law, LLC, 13 E. Market St., York,
PA 17401
Attorney: Jeffrey A. Gettle, Esquire,
GETTLE VAUGHN LAW, LLC, 13 E.
Market St., York, PA 17401 04.16-3t

THIRD PUBLICATION

ESTATE OF HERBERT S. W. BASLER a/k/a
HERBERT SHANNON WAYNE BASLER,
DECEASED
Late of Manheim Twp., York County, PA.
Administrator-Executor: David Craig Basler,
202 Hammersham Court, Taneytown, MD
21787 04.09-3t

ESTATE OF MARY JANE BATES, DECEASED
Late of Windsor Twp., York County, PA.
Administrator-Executor: Bonita Neuman, c/o
Amanda Snoko Dubbs, Esq., 294 Dew
Drop Road, York, PA 17402
Attorney: Amanda Snoko Dubbs, Esquire,
294 Dew Drop Road, York, PA 17402 04.09-3t

ESTATE OF TOM F. BILLET, DECEASED
Late of Springettsbury Twp., York County, PA.
Administrator-Executor: Corey A. Billet, c/o
Bellomo & Associates, 3198 East Market
Street, York, PA 17402
Attorney: Bellomo & Associates, 3198 East
Market Street, York, PA 17402 04.09-3t

ESTATE OF RUTH L. CHICK, DECEASED
Late of Springettsbury Twp., York County, PA.
Executrix: Mary Lou Rohrbaugh, c/o Stock
and Leader, 221 West Philadelphia Street,
Suite 600, York, PA 17401
Attorney: MacGregor J. Brillhart, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East 221 West
Philadelphia Street, Suite 600, York, PA
17401-2991 04.09-3t

ESTATE OF GIGI COVIELLO, DECEASED
Late of Glen Rock Borough, York County, PA.
Administrator-Executor: Charles E. Lintz,
III, 4443 Sunny Slope Road, Glen Rock,
PA 17327 04.09-3t

ESTATE OF REBECCA A. GARDNER, DECEASED
Late of Hanover Borough, York County, PA.
Executrices: Michele Smith & Debra Walker,
c/o Genevieve E. Barr, Esquire, 11
Carlisle Street, Hanover, PA 17331

Attorney: Genevieve E. Barr, Esquire, 11
Carlisle Street, Hanover, PA 17331 04.09-3t

ESTATE OF PAULINE C. GROVE, DECEASED
Late of Windsor Twp., York County, PA.
Executrix: Patricia I. Craig, c/o Eveler &
DeArment LLP, 2997 Cape Horn Rd.,
Suite A-6, Red Lion, PA 17356
Attorney: Eveler & DeArment LLP, 2997
Cape Horn Rd., Suite A-6, Red Lion, PA
17356 04.09-3t

ESTATE OF GEORGE M. HANKEWYCZ, SR., DECEASED
Late of Hanover, York County, PA.
Administrator-Executor: Annette Foreman,
413 Hood St., Chambersburg, PA 17201 04.09-3t

ESTATE OF DOROTHY HELWIG, DECEASED
Late of East Hopewell Twp., York County, PA.
Executor: Wayne W. Helwig, Jr., c/o 2025 E.
Market Street York, PA 17402
Attorney: Richard H. Mylin, III, Esquire,
2025 E. Market Street, York, PA 17402 04.09-3t

ESTATE OF DORIS A. HESS, DECEASED
Late of Spring Garden Twp., York County,
PA.
Executor: John R. Hess, Jr., c/o Richard R.
Reilly, Esquire, 54 N. Duke Street, York,
PA 17401
Attorney: Richard R. Reilly, Esquire, 54 N.
Duke Street, York, PA 17401 04.09-3t

ESTATE OF WILLIAM HAROLD HOPE, III, DECEASED
Late of York City, York County, PA.
Administratrix: Glenda Joyce Hope, c/o
2997 Cape Horn Road, A-6, Red Lion, PA
17356
Attorney: Erik D. Spurlin, Esquire, Estate
& Elder Law Firm of Erik Spurlin, 2997
Cape Horn Road, A-6, Red Lion, PA
17356 04.09-3t

ESTATE OF NORITA K. KECK, DECEASED
Late of York Twp., York County, PA.
Executrix: Michele L. Breen, c/o Stock and
Leader, 221 West Philadelphia Street,
Suite 600, York, PA 17401
Attorney: MacGregor J. Brillhart, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East 221 West
Philadelphia Street, Suite 600, York, PA
17401-2991 04.09-3t

ESTATE OF JEAN G. OROZCO, DECEASED
Late of Shrewsbury Borough, York County, PA.
Administrator-Executor: Deborah
Orozco Heatwole, 4000 Security Lane
Jarrettsville, MD 21084 04.09-3t

ESTATE OF LINDA J. ROBBINS, DECEASED
Late of West Manchester Twp., York County, PA.
Executor: MacGregor J. Brillhart, c/o Stock
and Leader, 221 West Philadelphia Street,
Suite 600, York, PA 17401
Attorney: MacGregor J. Brillhart, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East 221 West
Philadelphia Street, Suite 600, York, PA
17401-2991 04.09-3t

ESTATE OF RAY E. SANDERS, DECEASED
 Late of York Twp., York County, PA.
 Executor: Janet M. Williamson, c/o Eveler
 & DeArment LLP, 2997 Cape Horn Rd.,
 Suite A-6, Red Lion, PA 17356
 Attorney: Eveler & DeArment LLP, 2997
 Cape Horn Rd., Suite A-6, Red Lion, PA
 17356 04.09-3t

ESTATE OF LINDA M. SHOTTS,
 DECEASED
 Late of Manchester Twp., York County, PA.
 Administrator-Executor: Laura E. Regener,
 c/o Bellomo & Associates, 3198 East
 Market Street, York, PA 17402
 Attorney: Bellomo & Associates, 3198 East
 Market Street, York, PA 17402 04.09-3t

ESTATE OF ERMA K. SNYDER, DECEASED
 Late of York City, York County, PA.
 Executrix: Cheryl Ann Huber, c/o William B.
 Anstine, Jr., Esquire, Anstine & Sparler,
 117 East Market St., York, PA 17401
 Attorney: William B. Anstine, Jr., Esquire,
 Anstine & Sparler, 117 East Market St.,
 York, PA 17401 04.09-3t

**ORPHAN'S COURT DIVISION
 AUDITING NOTICE**

To All legatees creditors and person interested:
 Notice is hereby given that the following
 accounts have been filed in the office of the Clerk
 of Orphans' Court Division for confirmation
 and distribution of the balance therein shown
 to the creditors, legatees next to kin, heirs and
 others legally entitled thereto on **May 13, 2020
 at 9:00 a.m.** and will be called in the order
 named for audit and distribution by said Court,
 in **Courtroom No. 6003, on the 6th floor of the
 York County Judicial Center at 45 North
 George St. in the City of York, Pennsylvania.**

**1. MCKINNEY – The First and Final
 Account of Brenda Haschert, Administratrix
 of the Estate of Burkley Glenn McKinney,
 Late of Spring Grove Borough, York County,
 Pennsylvania, deceased, 6716-1319. (Alex E.
 Snyder, Esq.)**

**2. RUNKLE – The First and Final Account
 of Scott G. Runkle, Executor of the Last Will
 and
 Testament of Richard L. Runkle, Late
 of Chanceford Township, York County,
 Pennsylvania, deceased, 6719-0207. (David
 M. Laucks, Esq.)**

**FILED IN THE OFFICE OF THE CLERK
 OF ORPHANS' COURT DIVISION OF
 THE COMMON PLEAS COURT, YORK
 COUNTY, PENNSYLVANIA ON OR
 BEFORE APRIL 15, 2020.**

**BRYAN K. TATE
 COURT OF COMMON PLEAS OF
 YORK COUNTY, PENNSYLVANIA,
 ORPHANS' COURT DIVISION**

4.23-2t

CIVIL NOTICES

ACTION TO QUIET TITLE

**IN THE COURT OF COMMON PLEAS
 OF YORK COUNTY, PENNSYLVANIA
 CIVIL ACTION - LAW**

No. 2020-SU-000138

Action in Quiet Title

933 Stoverstown Road
 West Manchester Township
 UPI No. 51-000-15-0053.00-00000

LCO Investments, LP,
 Plaintiff

v.

Florence B. Duttera, her heirs,
 successors and assigns,
 The Township of West Manchester;
 The County of York;
 West York School District; and
 York County Tax Claim Bureau,
 Defendants

**To: Florence B. Duttera, her heirs,
 successors and assigns**

YOU ARE HEREBY NOTIFIED: That on
 January 15th, 2020, the Plaintiff filed a Quiet
 Title Action, endorsed with a Notice to Defend,
 against you in the Court of Common Pleas of
 York County, Pennsylvania, Docketed at No.
 2020-SU-000138, wherein the Plaintiff seeks
 legal title in fee simple and to terminate any
 Estate, right, title or interest that you may have
 in the Real Estate located at: **933 Stoverstown
 Road, West Manchester Township, UPI No.
 51-000-15-0053.00-00000**, pursuant to that
 certain Deed dated September 26th, 2019, and
 recorded on November 27th, 2019, from the Tax
 Claim Bureau of York County and granted to
 the Plaintiff, **LCO Investments, LP**, as shown
 in Record Book 2547, Page 6924.

**Kurt A. Blake, Esquire
 Blake & Schanbacher Law, LLC
 29 E. Philadelphia Street
 York, PA 17401**

04.23-1t

Solicitor

FICTITIOUS NAME

An application for registration of the fictitious name Keystone Caulking, 89 West Main Street, Dallastown, PA 17313 has been filed in the Department of State at Harrisburg, PA, File Date 02/20/2020 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is James Church Sr, 89 West Main Street, Dallastown, PA 17313.

04.23-1t Solicitor

NOTICE

**PUBLIC NOTICE TO
BRIANA KELLY FITZPATRICK AND
UNKNOWN FATHER**

**In Re: Adoption of Jayden Edmund
Fitzpatrick, A Minor**

A petition has been filed asking the Court to put an end to all rights you have as a parent to your child, Jayden Edmund Fitzpatrick. A Termination of Parental Rights Hearing has been scheduled for May 29, 2020, at 10:00 a.m., in Court Room No. 6005, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to Jayden Edmund Fitzpatrick (DOB: March 16, 2019), whose Father is unknown and whose Mother is Briana Kelly Fitzpatrick. 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 have a 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.

**ATTORNEY CONNECTION/
YCBA MODEST MEANS
137 East Market Street
York, Pennsylvania 17401
717-854-8755
<http://www.yorkbar.com/?page=YCBAFindEsq>**

If you cannot afford an attorney, an attorney may be appointed by the court at no cost to you if you qualify. Contact the following office for instructions and forms to complete and file.

**Clerk of the Orphans' Court
York County Judicial Center
45 North George Street
York, Pennsylvania 17401**

717-771-9288
<http://yorkcountypa.gov/component/jdownloads/send/100-adopt-forms/824-packet-for-court-appted-counsel-and-financial-affidavit.html>

Martin Miller, Esquire
Solicitor for York County Offices of
Children, Youth & Families

A prospective adoptive parent of a child may enter into an agreement with a birth relative of the child to permit continuing contact or communication between the child and the birth relative or between the adoptive parent and the birth relative. An agency or anyone representing the parties in an adoption shall provide notification to a prospective adoptive parent, a birth parent and a child who can be reasonably expected to understand that a prospective adoptive parent and a birth relative of a child have the option to enter into a voluntary agreement for the continuing contact or communication. See 23 Pa.C.S.A Section 2731, et seq.

04.16-3t Solicitor

**PUBLIC NOTICE TO
ALLIAH JANAY MEBANE AND
SHYHEEM JAMAL MILES**

**In Re: Adoption of Kartel Ruel Miles,
A Minor**

A petition has been filed asking the Court to put an end to all rights you have as a parent to your child, Kartel Ruel Miles. A Termination of Parental Rights Hearing has been scheduled for June 12, 2020, at 9:00 a.m., in Court Room No. 6005, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to Kartel Ruel Miles (DOB: January 25, 2019), whose Father is Shyheem Jamal Miles and whose Mother is Alliah Janay Mebane. 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 have a 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.

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If you cannot afford an attorney, an attorney may be appointed by the court at no cost to you if you qualify. Contact the following office for instructions and forms to complete and file.

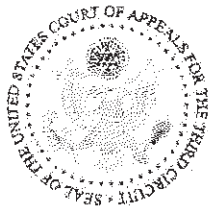
**Clerk of the Orphans' Court
York County Judicial Center**

45 North George Street
York, Pennsylvania 17401
717-771-9288
<http://yorkcountypa.gov/component/jdownloads/send/100-adopt-forms/824-packet-for-court-appted-counsel-and-financial-affidavit.html>

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04.16-3t Solicitor



**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

CHAMBERS OF
CHIEF JUDGE D. BROOKS SMITH

ALLEGHENY PROFESSIONAL CENTER
1798 PLANK ROAD
SUITE 203
DUNCANSVILLE, PA 16635
(814) 693-0570

PUBLIC NOTICE

**U.S. BANKRUPTCY
JUDGESHIP VACANCIES
District of Delaware**

Chief Judge D. Brooks Smith of the United States Court of Appeals for the Third Circuit announces the application process for two bankruptcy judgeships in the District of Delaware, seated in Wilmington. A bankruptcy judge is appointed to a 14-year term pursuant to 28 U.S.C. §152.

To be qualified for appointment an applicant must:

- (a) Be a member in good standing of the bar of the highest court of at least one state, the District of Columbia, or the Commonwealth of Puerto Rico and a member in good standing of every other bar of which they are members.
- (b) (1) Possess, and have a reputation for, integrity and good character; (2) possess, and have demonstrated, a commitment to equal justice under the law; (3) possess, and have demonstrated, outstanding legal ability and competence; (4) indicate by demeanor, character, and personality that the applicant would exhibit judicial temperament if appointed; and (5) be of sound physical and mental health sufficient to perform the essential duties of the office.
- (c) Not be related by blood or marriage to (1) a judge of the United States Court of Appeals for the Third Circuit; (2) a member of the Judicial Council of the Third Circuit; or (3) a judge of the district court to be served, within the degrees specified in 28 U.S.C. § 458, at the time of the initial appointment.
- (d) Have been engaged in the active practice of law for a period of at least five years. The Judicial Council may consider other suitable legal experience as a substitute for the active practice of law.

The selection process will be confidential and competitive. At present, the annual salary for this position is \$199,088. Persons shall be considered without regard to race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age (40 years and over), or disability. The name of the person selected will be submitted to the Director of the Administrative Office, who shall request background reports by the Federal Bureau of Investigation (FBI) and the Internal Revenue Service (IRS). In addition, a nominee for a bankruptcy judgeship may be required by the court of appeals to complete a preliminary disclosure statement. The disclosure must be filed with the court of appeals and will be considered confidential. The individual selected must comply with the financial disclosure requirements pursuant to the Ethics in Government Act of 1978, Pub. L. No. 95-521, 92 Stat. 1824 (1978) (codified as amended at 5 U.S.C. app. §§ 101-111).

The application process is entirely automated. No paper applications will be accepted. Applications must be submitted electronically by **noon on May 15, 2020**. Applications must be submitted only by the potential nominee personally. To apply, go to www.ca3.uscourts.gov for more information or call the Circuit Executive's Office at 215-597-0718.

York County Register of Wills & Clerk of Orphans' Court Open For Business!

Bryan Tate, Register of Wills & Clerk of Orphans' Court

Thank you to the citizens of York County for entrusting me as the new Register of Wills & Clerk of Orphans' Court. I'm honored to serve in this capacity to help Yorkers who are administrating an estate for their loved one, as well as assisting residents who are incapacitated, residents who are adopting a child, children who are being adopted by new parents, and those adults seeking a marriage license.

For 20 years, my predecessor Bradley C. Jacobs, retired Register of Wills, reported statistical information about the Register's office including the amount of Pennsylvania Inheritance Taxes collected each year. In February, I began writing this Op-Ed to report the data from Brad's final year in office, 2019. And then, it happened ... the Coronavirus Pandemic. Offices in York County government, as well as those in courthouses across Pennsylvania and the country, shifted their focus from tallying 2019 results and auditing those figures to shutting their offices to the public to assist in slowing the spread of COVID-19. For more than a month, we've been fielding telephone calls and emails from our constituents, setting up work-from-home opportunities for our staff, and enacting virtual processes for the work we are charged to carry out.

I am proud to report that while continuing to accept Emergency Petitions for Guardianship hearings in the Orphans' Court, the staff of the office of Register of Wills & Clerk of Orphans' Court has stepped up to offer virtual processes for the first time in history. We are keeping the office open for business while the Judicial Center is physically closed to the public.

On Friday, March 27th, the Register of Wills team held the first Virtual Will Probate ever as a test run to offer that service to Will Executors and Estate Administrators and attorneys countywide. Attorney MacGregor Brillhart and his client James Norton of York each connected to our office using webcam technology. Virtually, Chief Deputy Register of Wills Kim McPherson swore-in Norton and granted him letters testamentary as the executor of his mother's will.

On that same day, fiancés Brittany King and Brian Ishler, both of Dillsburg, became the first couple in York County to apply for a Marriage License using a similar virtual process. Using their laptop computer, King and Ishler verified their marriage applications that they had previously completed electronically. Chief Deputy Clerk of Orphans' Court Becky Foust finalized the couple's application and virtually witnessed King and Ishler signing their application, which they delivered to a dropbox at the Judicial Center. Upon receiving the signed document and payment, Foust mailed the Marriage License to the couple so they could marry.

The following week, our team began providing the virtual opportunities to all in our community. And we have been scheduling and performing Virtual Will Probates and Virtual Marriage License Applications daily. York County citizens interested in either process should contact us by phone or website at:

Wills & Estates: (717) 771-9607 or www.YorkCountyPA.gov/RegisterOfWills

Marriage Licenses & Orphans Court: (717) 771-9288 or www.YorkCountyPA.gov/ClerkOfOrphansCourt

Finally, it is my honor to provide statistical information for 2019 from the Register of Wills & Clerk of Orphans' Court. In 2019, the Register collected \$27,840,546.11 in Inheritance Tax payments from 2207 opened Estates, an increase over 2018 Inheritance Taxes collected of \$26,215,011.69 from 2,339 Estates filed. Over the past 20 years, York County Estates remitted PA Inheritance Taxes totaling \$427,731,546.11 from 39,402 Estates.

In 2019, the Commonwealth reimbursed York County through the Register's Office \$149,635.37 in Inheritance Tax Commission, an increase of \$6,231.08 over 2018 commission. Total fees collected in 2019 by the department and remitted to the York County General Fund totaled \$1,088,435.33, an increase of \$6,136.15 over 2018 fees collected.

In 2019, the Orphans' Court issued 2,335 Marriage Licenses and administrated 212 decreed adoptions. Since 2000, the department issued 46,614 Marriage Licenses and administrated 3,014 decreed adoptions.

As a side note, I'd like to provide commentary on the nearly \$430 Million in PA Inheritance Taxes collected over the past 20 years. I strongly encourage all citizens of York County to leave charitable gifts in their will. Leaving estate gifts is the only way to reduce PA Inheritance Taxes going to Harrisburg and to keep those valuable dollars in York County. By leaving a charitable bequest in your will, you can create the legacy you want for the community you love.

In closing, it is my honor to serve the residents of York County as Register of Wills & Clerk of Orphans' Court, and I thank Brad Jacobs for his 20 years of service in this role. The team stands ready to continue providing premier customer service to the citizens of our community and to the legal professionals who advise them. Please stay safe and healthy as we continue to navigate the COVID-19 State and National Emergency.

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Bryan Tate is York County Register of Wills & Clerk of Orphans' Court. The York County Register of Wills is primarily responsible for the administration of estates and to act as an agent of the Commonwealth of Pennsylvania Department of Revenue in the collection of inheritance taxes. The Clerk of Orphans' Court oversees proceedings of the Orphans' Court including maintaining dockets and files for petition of incapacitated persons, appointment of guardians, adoptions, and issuing marriage licenses. The Register of Wills & Clerk of Orphans' Court has been an elected position since 1839.

LOOKING FOR ESTATE NOTICES

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