

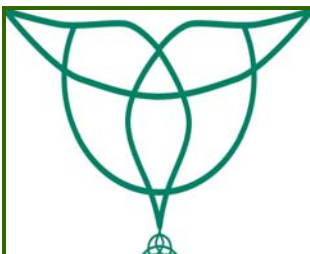


Triquetra Law

Dedicated to justice, Responsive to you.

November 2006

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The Lawyers of Triquetra Law focus our practice on:

Appeals

Civil Rights

Employment Law & Policy

Andrea C. Farney Joins Triquetra Law

The attorneys of Triquetra Law Offices are pleased to announce Andrea C. Farney is joining our practice.

Ms. Farney joins the firm after 16 years of experience. She is licensed to practice law in Minnesota and Pennsylvania. Ms. Farney's most recent legal experience focused on law & policy related to domestic violence legal resource development. She was a Policy Analyst with the National Resource Center on Domestic Violence.

Ms. Farney brings a wealth of legal experience to our firm. Her practice in Minnesota focused on family

law and poverty law. Ms. Farney donated her time, legal expertise and legal advice to many community-based organizations.

Ms. Farney has published several articles in national publications. Many of these articles are available on <http://www.vawnet.org>.

Her work with the firm will focus on employment law & policy, civil rights litigation, and appellate advocacy. Ms. Farney is a member of the National Employment Lawyers Association, and she is admitted to the U.S. Supreme Court Bar, and Pennsylvania's Eastern District Federal Court.



Andrea C. Farney

Ms. Farney is a classically trained percussionist. When not practicing law she can be found in the percussion section of the Keystone Concert Band.



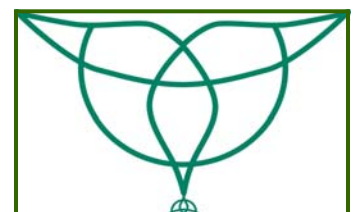
Triquetra Law Expands Shareholders

Triquetra Law Offices recently added a new shareholder. Our legal practice will continue to focus on Appeals, Civil Rights Litigation, and Employment Law.

We are a progressive, for-profit law firm. All of the shareholders of Triquetra

believe in using the law as a tool to achieve social justice. Our boutique law firm focuses our legal work in discrete areas of the law, and we strive to develop a friendly and accessible attorney-client relationship with all our of clients.

Find out more about us by visiting <http://www.triquetra.com/>





Chief Justice Roberts (2006). From the Collection of the Supreme Court of the United States.

Supreme Court Trip Planned

The U.S. Supreme Court is the highest appellate court in our nation. The individual rights guarded by the nine Supreme Court Justices also protect our democracy. Equal justice under the law is not just a statement over the Court door, but a charge these justices must fulfill everyday.

This is a challenging and difficult job. Over 7,000 civil and criminal cases are filed with the Supreme Court every year. Once a litigant files a case and the Court grants review, the parties submit briefs and the Court schedules argument. The Court hears more than 100 oral arguments in each term, beginning in October and ending in June. Generally two arguments are scheduled on an argument day, with each side using 30 minutes to advocate its position. Oral argument is the last advocacy opportunity before the Court issues a final decision.

Frequently, the Court issues decisions on previously argued cases. The Chief Justice or the justice who authored the opinion will read the decision from the bench. Reporters are seated inside the main hall and quickly write their news stories as the opinion is read out loud. Spectators also pack the courtroom.

The lawyers of Triquetra Law started attending oral argument five years ago. Our first visit was on December 11, 2001, argument day in *Gore v. Bush*.

We make the pilgrimage nearly twice a year. We read the briefs and predict the questions each justice will ask. This term arguments are held through

April 2007. We have two trips planned for this term, one on December 3, 2006, and one during the week of March 19, 2007.

The December 3, 2006 arguments address the question "Can promoting racial balance be used as a factor in assigning children to a particular public school?" The cases are *Parents Involved v. Seattle School District No. 1*, and *Meredith Jefferson County Board of Education et al*. Copies of the Merit briefs can be found at the link below:

<http://www.abanet.org/publiccd/preview/briefs/home.html>

The spring 2007 arguments have not been scheduled yet.

Until this past year, the journey to Washington DC frequently included an overnight stay. This was necessary so we could get in line (by 5:30 a.m. outside) to enter the Court. On days where the Court heard controversial issues, even this strategy did not guarantee our attendance at argument. The magnificent courtroom has limited seating for the public.

This past April, we were admitted to the United States Supreme Court Bar. We had two sponsors from the Lancaster County Bar Association, Susan Grosh and Francine Taylor. Chief Justice Roberts granted Attorney Taylor's three motions for admission as she stood at the podium.

Now that we are admitted, we wait indoors and are seated inside the bar right in front of the justices. Getting admitted is fairly simple, but it does take some planning.

You need the following to gain admission:

- Two non-family sponsors who are admitted to the US Supreme Court Bar.
- A certificate of good standing from your state bar that also indicates you have been admitted for three or more years.
- A check for \$100.00.

Bar admission information is available at

<http://www.supremecourtus.gov>.

The best part about attending argument is seeing and hearing history in the making. Although many of the significant arguments can be heard on the Internet, there is nothing like the real thing. A very good web site for listening to Supreme Court arguments and downloading opinions is <http://www.oyez.org>. You can download many of the opinions to your iPod.

If anyone is interested in joining us on our trips to the Supreme Court, please contact us at (717) 293-6300. We are also willing to sponsor attorneys for admission.

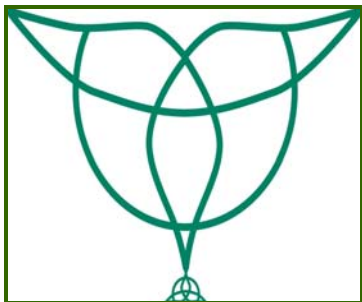


Andrea Farney and Sharon López after their Supreme Court Admission April 18, 2006

Regarding Chief Justice Roberts:

"His swearing-in marked the first addition to the Court in more than 11 years - the longest stretch without a new member since 1823. And at 50 years old, Roberts became the youngest Chief Justice since John Marshall took the bench in 1801 at the age of 45. This combination of factors - the age of the other Justices and Roberts' relative youth - suggests the potential for substantial influence on the Court for many years to come."

Oyez.org Biography, 2005



Legal Notes:

Appeals, Reconsideration, Stays & Supersedeas

At Triquetra Law, we choose to focus our legal abilities in three areas:

- Appeals
- Civil Rights
- Employment Law & Policy

We chose these areas because we saw a need for this type of work in the legal marketplace.

Appellate Advocacy:

We all worked in legal practices where appeals were supported when necessary, but there was never enough support for appellate advocacy. We noticed that many experienced and accomplished litigators were challenged by appellate practice, and sometimes missed opportunities for advocacy. The appellate rules contain one such opportunity for advocacy in the rule for reconsideration, stays, and supersedeas found at Pennsylvania Rule of Appellate Procedure 1701 *et seq.*

The general rule states that the court is divested of its power and jurisdiction once a litigant files a notice of appeal. The lower court's order remains in effect and cannot be disturbed pending the appeal. Consequently, the party aggrieved by the decision must obey the objectionable order while the appellate court reviews the decision.

There are two exceptions:

- A Motion for Reconsideration
- A Motion for Stay and Supersedeas

Motion for Reconsideration:

The aggrieved party can choose to file a Motion for Reconsideration with the trial court. This must be filed within 30 days of the final order. However, because this strategy is aimed at giving the trial court an opportunity to correct an error without the necessity of appellate review, advocates should file the Motion for Reconsideration as quickly as possible. An example of this strategy in the family law context is *Moore v. Moore*, 535 Pa. 18 (1993).

In *Moore*, the trial court in a custody case failed to hear testimony regarding the likelihood that the parents would encourage contact between the child and the non-custodial grandparents. After receiving a Motion for Reconsideration alleging this failure, the court granted reconsideration and heard additional testimony. On appeal, the Pennsylvania Supreme Court affirmed a court's authority to take this action provided the motion is filed within 30 days of the final order, and the trial court expressly grants the motion within the 30-day time period.

Stays & Supersedeas:

Filing a notice of appeal allows an aggrieved party to seek a remedy on appeal, but the lower court order remains in effect while the appeal is pending. The only exception to this rule is the Stay and Super-

sedeas Rule.

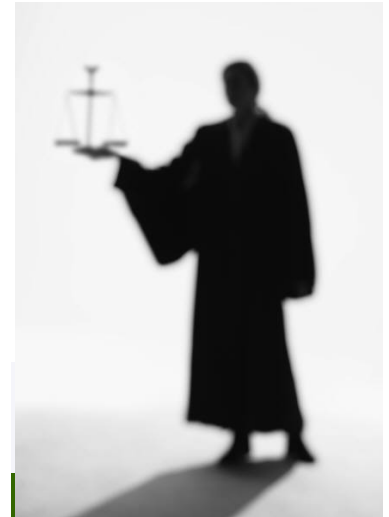
This type of motion is useful when the aggrieved party alleges there is an emergency and/or irreparable harm will result if the lower court's opinion remains in effect pending appeal. The rules regarding stays and supersedeas start at Pa.R.A.P. 1732 *et seq.*

The criteria for granting these motions are as follows:

- You are likely to prevail on the merits.
- You will suffer irreparable harm without the stay.
- The other parties will not suffer harm.
- Public policy supports the relief requested.

This appellate strategy is useful where the court made a clear error below or a strong public interest supports a more deliberate approach. For instance, in *Cmmlth v. Martorano*, 535 Pa. 178 (1993), the court found that releasing a criminal defendant while the Commonwealth filed an appeal would not be in the public interest and ordered a stay pending appeal. The court issued this order even after the jury was unable to reach a unanimous verdict.

An excellent resource on appellate practice and procedure in Pennsylvania is West's Pennsylvania Appellate Practice (2006 ed.) by Darlington *et al.* Also consider contacting Triquetra Law if you or your client are looking for legal information and advice on appellate practice.



"A lawyer uninvolved in the trial, and therefore unaffected by what occurred there, is more objective about the strength of arguments."

Anthony Vetrano, quoted from the Pennsylvania Lawyer, January—February 2004.



Sharon R. López, founding partner of Triquetra Law Offices.

Triquetra Law Offices

Mailing address:

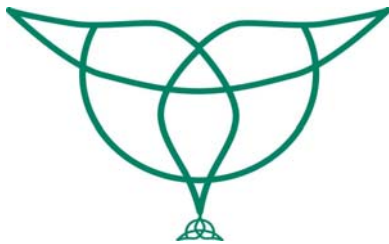
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<http://www.triquetralaw.com>



Dedicated to justice - Responsive to you

Our mission:

The lawyers of Triquetra Law embrace our responsibility as legal engineers of social change by providing zealous, high quality legal services.

We believe:

We believe that justice sometimes requires an advocate, and in the immortal words of Dr. Martin Luther King Jr.:
"Laws only declare rights; they do not deliver them."
Where Do We Go from Here: Chaos or Community? (1968).

How we practice law:

- We partner with clients by listening and providing options
- We problem-solve with clients in response to their identified needs
- We zealously pursue worthy legal claims and remedies on behalf of our clients
- We offer full representation through appeal, where appropriate
- We view our advocacy as a means to give clients a voice in our justice system

Triquetra Law Offices

"A progressive law firm dedicated to justice and responsive to you"

Triquetra Trains Lancaster Area Paralegal Assoc.

The Lancaster Area Paralegal Association (LAPA) held its first Annual Conference on October 20, 2006. Triquetra Lawyers were invited to train the participants on employment issues, both to enhance the participants' ability to identify issues for clients and to protect their own individual rights.

The day-long conference included presenters from other local law firms and covered a variety of topics. Triquetra Lawyers provided an overview of employment and the law. The presentation covered issues such as employment at will, privacy

in the workplace, employment contracts, wage and hour issues, wrongful termination, severance agreements, Family Medical Leave, and discrimination issues. Notably, discrimination is prohibited in all stages of employment: when an employer fails to hire, fails to promote or terminates employees because of their race, national origin, gender, age or disability. Of particular interest to the participants was information on sexual harassment in the workplace and the Equal Pay Act.

Triquetra Lawyers covered

some important "Dos & Don'ts" for employers. For instance, employers should:

- *Include employment contract disclaimers in personnel manuals
- *Develop policies that address access to personnel files
- *Request a criminal records history when it relates to job suitability
- *Guard against retaliation claims by responding quickly to discrimination complaints

A copy of the power point presentation is available on the Triquetra web site **News & Resources** page at

<http://www.triquetralaw.com/resources>.

For more information about the Lancaster Area Paralegal Association, visit their web site at <http://www.lapaparalegals.com>.

