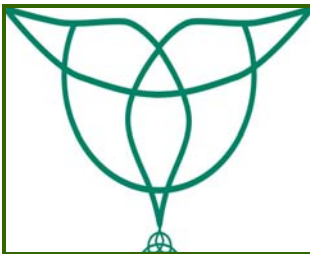




Triquetra Law

Dedicated to justice, Responsive to you.

September 2007
Volume 2, Issue 3



Inside this issue:

<i>Article</i>	<i>Page</i>
<i>Supreme Court Year in Review</i>	1
<i>Sarah Ballard Joins Triquetra as Intern</i>	1
<i>Profiling PA Supreme Court Justice Baldwin</i>	2
<i>Fixing Ledbetter—Democracy in Action</i>	3
<i>About Triquetra Law Offices</i>	4

Red Rover, Red Rover, Send Justice Kennedy Over: Triquetra’s 2006 Supreme Court Review

In 2006, Supreme Court litigants wanted **Justice Anthony Kennedy’s** vote. Why? Kennedy was on the losing side only twice all term. And, unlike 2005, when 45% of the High Court’s decisions were unanimous, 2006 turned out the highest percentage of 5-4 decisions in a decade—at 33%.

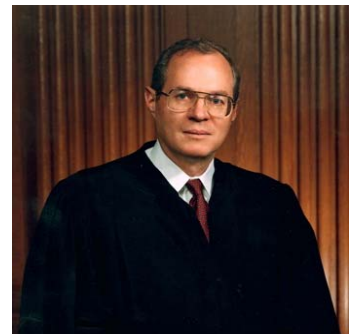
Once again, the U.S. Supreme Court solidified its central role in matters

affecting the life, liberty, and happiness of everyday Americans.

Selected highlights from the term include:

♦ ***Racial Diversity Parents Involved in Seattle School Dist. No. 1***
Striking down racial diversity efforts by two public school districts because the plans had to be strictly scrutinized and

Continued on page 4



Associate Justice Anthony Kennedy joined the High Court in 1988. Kennedy was President Ronald Reagan’s third choice (after Douglas Ginsburg and Robert Bork) for the seat of Justice Powell.

Supreme Court Opinions can be found on the [Court’s Website](#).

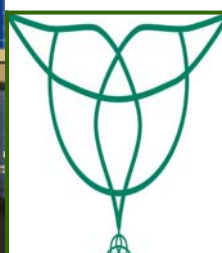
Sarah Ballard Joins Triquetra as Intern

Triquetra attorneys are thrilled to announce the recent addition of Sarah Ballard to their legal team. Sarah is a 2003 graduate of Lafayette Col-

lege. She graduated Magna Cum Laude with a Bachelor of Arts in Psychobiology and Honors in Neuroscience. Although Sarah’s long term interests include animal assisted therapy for children, her hiatus with Triquetra allows her to work on her social justice issues—equality for all.

As Sarah says, “Triquetra’s mission statement excites me. I think it’s everyone’s responsibility to work for social justice.”

Triquetra’s clients enjoy Sarah’s warm voice and helpful response. Thank you for your help Sarah!

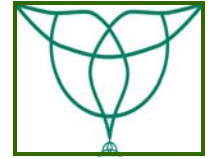


Sarah Ballard

The Lawyers of
Triquetra Law
focus our practice on ACE:
Appeals
Civil Rights
Employment
Law & Policy



Profiling Justice Baldwin: A Judicial Torchbearer



PA Appellate News: Waiver Rule Change

The [Pennsylvania Supreme Court](#) recently amended Rule 1925 of the Pennsylvania Rules of Appellate Procedure (effective July 9, 2007). Rule 1925 had become the subject of intense discussion and disagreement by many appellate lawyers, including many attorneys active in the [Pennsylvania Bar Association's Appellate Advocacy Committee](#).

Courts inconsistently invoked the Rule, and in many instances, found that appealing parties had waived entire claims and/or entire cases. Many parties found themselves out of court because they had not preserved their claims on appeal.

The old Rule required that appellants file a "Statement of Matters Complained of on Appeal" when the trial court required them to do so. The courts construed this Rule to mean that "any issues not raised in a 1925(b) statement will be deemed waived." [Commonwealth v. Lord](#), 555 Pa. 415, 420 (1998).

The [amended rule](#) clarifies what is required in the Statement of "Errors" on appeal: it extends the time for filing the Statement, specifies the necessary contents of the judge's order directing the filing of the Statement, and sets out the new requirements surrounding waiver.

In February, 2006, **Justice Cynthia A. Baldwin** was confirmed as a Justice of the Supreme Court of Pennsylvania.

Justice Baldwin served as president of the Pennsylvania State University international alumni association for several years, and was the first African American woman to preside over the [Penn State University](#) Board of Trustees. Justice Baldwin received her bachelor's and master's degrees from Penn State in English and American literature, and her law degree from the [Duquesne University School of Law](#).

Justice Baldwin is a role model in the legal community. She has served on the Board of Governors of the [Pennsylvania Bar Association](#), and as a member of the Pennsylvania Commission on Crime and Delinquency and the Pennsylvania Commission on Sentencing. Justice Baldwin received The Sylvia H. Rambo Award from the Women's Law Caucus of [Penn State's Dickinson School of Law](#) in recognition of her many contributions to the legal profession and to society.

During her career, Justice Baldwin lectured at the University of Zimbabwe Law Faculty in Constitutional Law and Jurisprudence, and was a member of a team sponsored by the [American Bar Association](#) and the National Judicial Conference that conducted judicial education programs in Malawi, Uganda and Tanzania. She was also chosen to travel to Mainland



Justice Cynthia A. Baldwin

China to participate in seminars for Chinese judges, law professors and students.

This year, Justice Baldwin was the recipient of the [ATHENA Award from the Allegheny Conference on Community Development](#). This women's leadership award emphasizes the importance of mentoring. Upon accepting the award, Justice Baldwin quoted George Bernard Shaw: "I am of the opinion that my life belongs to the whole community ... for the harder I work the more I live ... Life is no 'brief candle' to me. It is a sort of splendid torch which I have got hold of for the moment, and I want to make it burn as brightly as possible before handing it on to future generations."

Legal Notes:

Fixing Ledbetter—Democracy in Action

by Sharon R. López, Attorney at Law

In June 2007, the Supreme Court of the United States issued an opinion that provoked Congress into action. The *Ledbetter* case changed the filing deadline for “paycheck discrimination.”

Lily Ledbetter worked at Goodyear Tire for 19 years. She received an anonymous tip that her paycheck was less than the paychecks of her male colleagues. She filed a discrimination claim within 180 days of receiving this tip. Her discrimination claim resulted in a successful lawsuit with a jury award of nearly \$4 million dollars. The facts bore out that Lily Ledbetter was being paid 15% less than the lowest paid male manager and 40% less than the highest paid male manager. The employer appealed the ver-



Ledbetter testifies before Congress.

dict, claiming that Ms. Ledbetter should have filed her claim of discrimination within 180 days of the first discrete act of discrimination. In other words, the employer argued paycheck discrimination claims must be filed within 180 days of the **first discriminatory paycheck**.

The Supreme Court agreed and held that each pay-setting decision is a discrete act. Consequently, the time for filing an EEOC charge starts when the employer issues that **first discriminatory paycheck**. Because Lily Ledbetter waited to file her charge until 19 years after that first discriminatory paycheck, she filed too late and the jury verdict was reversed.

Justice Ginsberg issued a strong dissent, which asked the obvious question, “How will employees know if their paycheck is a discriminatory paycheck if employers require employees to keep pay confidential?” She also noted that Congress would likely remedy this outcome with corrective legislation.

Within days of the *Ledbetter* opinion, em-

ployment advocates and members of Congress started working on the Ledbetter Legislative fix. The House of Representatives passed the [Lily Ledbetter Equal Pay Act on July 31, 2007.](#) [[HR2831](#)]

The House bill amends the law so that the definition of unlawful employment practice includes when:

- ◆ A discriminatory compensation decision is made or adopted;
- ◆ An individual becomes subject to a discriminatory compensation decision;
- ◆ An individual is affected by application of a discriminatory compensation decision ... including each time wages, benefits, or other compensation is paid.

The aggrieved employee may recover back pay for up to two years before the EEOC charge.

The Senate introduced the [Fair Pay Restoration Act of 2007.](#) [[S1087](#)] This act also expands protection against paycheck disparities, but it carves out exceptions for systems that take seniority or merit into consideration, or systems that measure earn-

SUPREME COURT WATCH

The 2007-2008 term starts with a First Amendment case, [Washington State Grange](#). The case addresses political party affiliation on ballots. Other cases scheduled for this term cover:

- ◆ *Judicial discretion in federal sentencing*
- ◆ *Evidence requirements in discrimination cases*
- ◆ *Deceptive practices under the Securities & Exchange Act*
- ◆ *Child pornography*
- ◆ *Rights to recover losses from fiduciaries under ERISA*

For help with an appeal contact [Triquetra Law](#) 717-299-6300

ings by quantity or quality of production, or other bona fide factors.

Until one of these bills becomes law, employees are subject to the 180-day time restriction. If you suspect you are a victim of paycheck discrimination, call [Triquetra Law](#) at (717) 299-6300

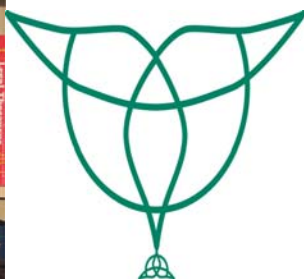
Triquetra Law Offices

Mailing address:

*The Offices at Marion Court
35 East Orange Street, Suite 301
Lancaster, PA 17602*

Phone: 717-299-6300

Fax: 717-299-6339



Sharon López, and Andrea Farney: Proud members of the United States Supreme Court Bar.

Triquetra attorneys believe that lawyers should work for social change. Consequently, many firm activities include work that promotes change in the legal profession. This summer Triquetra attorneys volunteered time with the Lancaster Bar Association to expand hiring opportunities for racial and ethnic minority law students. They also helped the Diversity Committee of the Lancaster Bar Association organize a trip to the United States Supreme Court Trip scheduled for October 2, 2007.

Triquetra also participated in the Pennsylvania Bar Association Committee & Section Day in August 2007. Some of the Committees Triquetra participated in include: The Legal Services to Persons with Disabilities Committee, The Minority Bar Committee, The Civil & Equal Rights Committee, the Appellate Advocacy Committee, and the Federal Practice Committee.

Triquetra will present two Continuing Legal Education Programs at the Lancaster Bar Association this fall. Watch for updates on our web site [News & Resources](#) Section!

The High Court Year in Review, cont'd from pg. 1

the schools failed to justify their overt race-based considerations;

◆ *Free Speech*

Morse et al v. Frederick

Agreeing that student speech rights are limited at school sanctioned and supervised events;

◆ *Fourth Amendment - Passengers*

Brendlin v. California

Deciding that everyone in a car stopped by the police has the right to challenge the constitutionality of the stop;

◆ *Fourth Amendment - High Speed Chase*

Scott v. Harris

Immunizing a police officer from lawsuit for a high speed car chase when the officer's actions put the

suspect at risk of death or serious bodily injury—as long as the officer's actions were justified by the immediate and substantial risk started by the suspect;

◆ *Jurisdiction for Civil Rights cases involving False Arrest*

Wallace v. Kato et al.

Stating that the time limit to bring a civil rights claim for false arrest under the 4th Amendment starts to run at the time of arrest or legal process, not when the conviction is set aside;

◆ *Reproductive Rights - Abortion* ***Gonzales v. Carhart et al.***

Upholding the Partial Birth Abortion Ban Act of 2003 despite the absence of an exception for the health of the mother;

“The 2006 term saw the highest share of 5-4 decisions in a decade (33%).”

◆ *Employment Discrimination - Ledbetter v. Goodyear Tire & Rubber Co., Inc.*

Deciding that sex biased unequal pay claims under Title VII must be brought within 180 days of the employer's decision to discriminate.

All of these opinions are available at oyez.org or the ABA web site.

The attorneys at Triquetra concentrate on appeals, civil rights, and employment law and policy, including constitutional litigation. Call 717-299-6300 to set up a thorough case assessment.