

**CHESTER COUNTY BAR ASSOCIATION  
YOUNG LAWYERS DIVISION  
OCTOBER 7, 2009**

**Announcements/Upcoming Events:**

1. The CCBA is sponsoring Casino Night at the Concord Country Club on Friday October 23 from 6pm to 11pm. Contact Lillian Taliercio for more information.
2. The YLD Annual Meeting is on Thursday December 3 at 3:45pm followed by the CCBF Annual Meeting at 4pm and the CCBA Annual Meeting at 4:30pm.

**Guest Speaker:**

Our guest speakers this month were Nannette M. Swadey, Esq. and Kathleen M. Breslin, Esq. from the Civil Pre-Trial Motions Department in Chester County. Kathleen and Nannette review and prepare Orders for all civil judges (except Judge Shenkin) and review all pre-trial motions.

Kathleen and Nannette offered several tips on civil practice in the county. First, you must put a praecipe for determination on your motions or the prothonotary will not send it over to the motions department. There are less oral arguments being heard by judges than in the past, so be sure to submit a separate request for argument if needed.

As far as serving a complaint on your defendant, always pay special attention to the return of service comments left in the remarks box by the sheriff. If you are serving a corporate defendant, always check the Department of State website for the correct names and addresses of the corporation. Also, you cannot serve a fictitious name, so be sure to check the DOS website to see if it is a fictitious name or a corporation. To serve a husband and wife, you can check the prothonotary site for divorce or custody filings to get proper addresses. If a property is vacant, you can request a forwarding address from the postmaster. It is always best to include all possible defendants during service because it is easier to stipulate defendants out rather than join in defendants later.

Lawyers typically confuse jurisdiction and venue. Jurisdiction is broader in scope and asks which state or state vs. federal. Venue asks which county within the state or which court within the federal system.

In discovery, contention interrogatories should be used sparingly. If you are served with them, you can file PO's or get a protective order. Requests for admissions can only be used to determine issues of fact and not issues of law. All motions to compel in Chesco must include a certificate of good faith by the attorney under Chesco rules.

Attorneys often confuse the gist of the action doctrine and the economic loss doctrine. As a working rule, the economic loss rule only covers products liability cases.

Finally, they offered a few final tips: be sure to check off arbitration vs. jury trial on your cover sheet; don't overplead in your complaint; always file a breach of contract and a quantum meruit

action with your mechanics' lien case because mechanics' liens are often thrown out; and most importantly, proofread and edit your work.

Kathleen and Nannette write a column called "Pretrial Pointers" that is published in the New Matter. They have a table of contents for all articles they've written. If you contact them with questions, they can share their articles with you if they are relevant. Kathy and Nanette can be reached at (610) 344-6168 and (610) 344-6131.

**Next Meeting:**

The next meeting will be held on Wednesday, November 4, 2009 at 12:00 P.M. in the Lower Level of the Bar Association building. Our guest speakers are several department chairs from the CCBA.