

**E-Commerce and Internet Law**

## Internet Privacy FAQs

By Mark R. Stabile

**P**rivacy issues have become a hot topic on the Internet. Following is a discussion of some of the frequently asked questions regarding privacy and data collection on the Internet.

*Q. "Why should I care about privacy on the Internet?"*

A. If you surf the world wide web, you should be aware of the potential for "giving away" personal information to the web sites and the potential uses of such information. Have you ever completed an on-line survey? Did you include your e-mail address? Your name? Your mailing address? If so, did you have a clear under-

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standing as to how this information would be used, including whether it would be sold to third parties or used to send future unsolicited information to you?

Is your browser set to automatically accept all "cookies"? Although in many cases, cookies can be useful (e.g., such as to fill

up an online "shopping cart" or to remember a password required to view a particular "free" news site), cookies also provide the site owner with a way to track your usage of the site. Cookies cannot disclose who you are or where you live unless you voluntarily provide this information and then allow a cookie to be set.



**Mark R. Stabile**

*Q. "Should I be concerned about privacy issues when designing and maintaining my web site?"*

A. There is growing public concern with Internet privacy issues and it is becoming more common for people to look for a privacy statement before spending significant time (and money) at a web site. There have been calls by Congress and the Federal Trade Commission to consider whether government regulation of Internet data gathering is appropriate. In the private sector, efforts have focused on demonstrating that market forces will require appropriate protections without government regulation. For example, earlier this year, IBM announced that it would refuse to advertise on any web site that did not feature an appropriate privacy policy. As a result, it is in your best interests to

consider privacy issues with respect to your presence on the web.

*Q. "Is it illegal to collect, use and/or sell personal data that I collect on my web site?"*

A. That depends upon from whom you collect the data, and possibly, upon where you and/or visitors to your site are located. Currently, there are virtually no general restrictions under U.S. law that address collection and use of personal information on the Internet. However, the Children's Online Privacy Protection Act (which will be effective completely in mid-2000), does restrict online collection of personal data from children under the age of 13. In

*continued on page 2*

## ALSO INSIDE

*The Unintended Consequences of Confidentiality Agreements in the Auction Context . . . . . 3*

*Legislative Update—Reporting for Work During a State of Emergency . . . . . 4*

*Interview with the President . . . . . 5*

*Firm News . . . . . 6 & 7*

*Publications, Speeches, and Appearances . . . . . 8*

*Includes special inserts from the International Business Group and/or Healthcare Practice Group*

## Internet Privacy FAQs

*continued from page 1*

addition, in October 1998, the European Union Directive on Data Protection became effective. The EU Directive will be implemented as EU member states adopt regulations to provide basic privacy assurance with respect to personal data collected from their citizens—more than 10 EU member states have either adopted or proposed legislation implementing the Directive. In

should clearly disclose to the user (i) how personal data will be used (including whether it will be sold or otherwise provided to third parties), (ii) how a user may prevent personal data from being collected, (iii) how a user may obtain additional information regarding the use of this information (e.g., by e-mail, snail mail, or telephone), and (iv) how a user may “opt out” of particular uses of

Internet service provider and web site hosting company alleging that it had engaged in false and deceptive trade practices by failing to abide by its stated privacy policy; the FTC brought a similar action earlier this year against the owner of a web site providing financial information to young investors.

*Q. “Why should I have a privacy policy?”*

A. Taking a “best practices” approach to privacy issues will reduce your risk of legal liability and user dissatisfaction. If you are in regulated industry, a privacy policy may be an express or implied requirement; even if you are not currently subject to privacy regulations, it is likely that the FTC will seek regulation unless most web sites adopt privacy policies. More importantly, a properly drafted and implemented privacy statement can provide a business advantage. Users will be more likely to provide information that is accurate and valuable if your site has a comprehensive privacy policy. If properly prepared and enforced, a privacy policy can become a tool that inspires customer confidence in your site and enhances your online business.

 *For more information, please contact [mstable@cohenlaw.com](mailto:mstable@cohenlaw.com)*

*...A “best practices” approach to privacy issues will reduce your risk of legal liability and user dissatisfaction.*

addition, Canada is in the process of approving similar legislation. Moreover, if you are in a regulated profession (healthcare, for example), you may be subject to special requirements regarding collection, use and security for data collected on the Internet.

*Q. “How can I address privacy concerns that visitors to my web site may have?”*

A. Prepare and adopt a web site privacy statement. This statement should be easily accessible by links from your initial page as well as any other page on which data may be collected. Privacy statements

personal data (e.g., such as receipt of unsolicited e-mail).

*Q. “Will a privacy policy give me immunity from legal liability for collection and use of personal data on my web site?”*

A. No. Among other things, because of the global nature of the Internet it will be difficult to determine and comply precisely with privacy laws in all jurisdictions in which your web site can be accessed. Moreover, a privacy policy that is not followed can lead to legal troubles. In 1998, the FTC brought an action against an

# The Unintended Consequences of Confidentiality Agreements in the Auction Context

By Christopher B. Carson

The domestic mergers and acquisitions market exceeded \$900 billion in 1997 and \$1,772 billion in 1998. By all accounts, 1999 will certainly exceed the 1998 level of activity. With the unprecedented volume of strategic combinations at every level, in every industry and in all geographic corners, the attention paid to certain types of “form” documents has noticeably diminished. Confidentiality agreements are frequently hurried into place to propel forward the *substance* of a given transaction (typically, visits to the data room, target sites or management presentations). In our experience, these documents are seldom negotiated or considered in depth, and are generally viewed by strategic planning professionals as uniform in both scope and substance. Unfortunately, these “standard” documents have potentially troubling implications if they are not thoughtfully tailored to the situation at hand.

Most modern confidentiality agreements used in the auction context include some or all of the following five features. First, there is a contextual statement giving the reason for providing information to the bidder. Second, various protective devices are imposed, intending to prevent the misuse of and safeguard the target’s sensitive proprietary data. Third, there are specific exceptions to the application of the protective provisions. Fourth, there are provisions that preclude hiring away the target’s employees, particularly those employees operating in commercially sensitive areas (for example, the research and development arm of a pharmaceutical company). Fifth, there are provisions that preclude the bidder from making an uninvited run at the target or accumulating publicly avail-

able shares in the target, in each case either alone or with others (“standstill provisions”).

Provided they are properly crafted, these agreements have several well-known beneficial effects in the auction context. These effects were clearly articulated many years ago in the *General Portland Cement* case. First, the agreements promote the free exchange of information between a target and its suitors, and they facilitate the creation of a level playing field prior to the negotiation of the definitive documentation. Second, they promote the maximization of shareholder value by promoting friendly, *solicited* combinations without unduly restricting the possibility of a bidding contest. Third, they provide reasonable time for a range of qualified bidders to evaluate the target. Finally, they allow the target to solicit interest from more than one potential bidder at a time, while still controlling the timing of the ultimate sale.

The possible negative implications of these agreements are not as well-known, and relate primarily to unintended consequences. Many negative implications arise in the wake of failed transactions. The busted deal, of course, is anything but rare. It has been estimated that since 1992 in the U.S. alone more than 2,000 publicly-announced mergers have been scrapped prior to completion. Confidentiality agreements can become potent weapons in future contexts if they are overly broad, deliberately vague or unduly restrictive. For example, in a hostile



Christopher B. Carson

takeover context, litigators defending a target under siege will generally look at all prior contractual commitments between the uninvited suitor and the target for litigation fodder. In several recent contests for corporate control, the alleged breach of a confidentiality agreement written years earlier—and in a different context—was grounds for complaint by the target’s lawyers.

These agreements have also been used out of context to block the recruitment of key personnel years after the confidentiality agreement was signed. Overly lax confidentiality language can encourage the dissemination of information among competitors in violation of the antitrust laws. An improperly crafted (or missing) standstill feature in the auction context can quickly turn an orderly sale into a quagmire of litigation or a publicly embarrassing hostile contest for corporate control. To avoid creative mischief later on, it is critical that such agreements be precisely crafted and tailored to a particular context.

We live in the golden age of the strategic acquisition. The most logical buyer of any business enterprise is the enterprise’s own competition—a frightening prospect if the transaction fails or is completed with another bidder. Confidentiality agreements are careful balancing acts between the compulsion to share and the critical need to safeguard information regarding the company. Like all balancing acts, the tools used should be carefully selected for the particular job at hand, and with an eye to the possible uses and abuses of such tools in the future.

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# Legislative Update—Reporting for Work During a State of Emergency

By Joseph M. McDermott

For those employers who remain uncertain as to how to treat employees who call off from work due to a state of emergency, the Pennsylvania Legislature has recently passed legislation that prohibits disciplining or terminating these employees in certain situations.

Act 22, titled *Employee's Failure to Report to Work During a State of Emergency*, specifically prohibits an employer from disciplining or terminating an employee for failing to

work must be due to a closure of the roads either in the county where he or she resides or in the county of the employer's place of business. Accordingly, the Act would apply if the Governor declares a state of emergency that results in



Joseph M. McDermott

entitled to damages in the amount of wages and benefits lost, as well as court costs and reasonable attorneys' fees.

It is important to note that this Act is not applicable to a wide range of employees, including the following:

- Drivers of emergency vehicles
- Essential corrections personnel Police
- Emergency service personnel
- Hospital and nursing home employees
- Pharmacists
- Essential healthcare professionals
- Public utility personnel
- Employees of television stations engaged in gathering and disseminating news
- Road crews
- Oil and milk truck delivery personnel

Unfortunately, the law provides no guidance or definitions as to who would be considered "essential" corrections personnel or healthcare professionals, so caution should be exercised in disciplining such employees for failing to come to work under these special circumstances.

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*Act 22...specifically prohibits an employer from disciplining or terminating an employee for failing to report for work during a state of emergency as declared by the Governor.*

report for work during a state of emergency as declared by the Governor. However, employers are not obligated to pay employees for a workday on which the employee fails to report due to road closures. While the statute might be most applicable during upcoming inclement winter weather, it is not limited to snow or ice conditions. In fact, the Act specifically dictates that an employee's failure to report to

the closure of roads in the appropriate counties.

For violations of this law, employees have the right to bring a civil action against the employer within the ninety (90) day statute of limitations. If successful in bringing such a suit, the employee is entitled to an injunction ordering the employer to revoke the disciplinary action or penalty and, if necessary, to reinstate the employee. Employees are also

## Interview with the President

**T**he following is from a conversation with Charles Brodbeck, President of Cohen & Grigsby as well as a lawyer who has dedicated 25 years to finance and real estate.

*Q. Recently, Cohen & Grigsby ran an ad that states, "A lawyer who doesn't understand your business doesn't deserve your business." Do you agree with this thought?*

A. Absolutely. Today, clients expect and want more than legal advice; they want you to address their problems. Often, those problems have more to do with business than the law. To help them, you must understand their business.

This is an underlying principle of our firm. Our lawyers aren't just legal advisers, they're business advisers. That's the extra value we bring.

*Q. What does it mean and why is it so important to understand a client's business?*

A. It means discussing goals and priorities. It means paying attention to your clients' personalities and the way they approach business decisions. It means knowing everything—from knowing who the competition is, to understanding which raw materials are critical to the client, to recognizing the potential for global commerce.

When a lawyer understands a client's business, something akin to a partnership develops. It makes the entire process more meaningful, more rewarding, and more enjoyable.

*Q. How does this "understanding" affect your particular areas of the law?*

A. One of my key areas is financing. Often, clients have not gone through a financing previously or have done so only sporadically but in either event are not entirely comfortable with the process.

Since I've been doing financings for the last 25 years, I know the questions that need to be asked.

Moreover, because I know my clients' goals, their current financial situation and the manner in which they approach issues, I can help them in their decision-making as to the appropriate means of financing, etc.

*Q. What will you do to understand your client's business?*

A. In addition to a lot of reading, I visit my clients, tour their facilities, meet their people, and generally talk with them about their business.

*Q. What have other Cohen & Grigsby lawyers done?*

A. Our lawyers learn about their clients' industries in a number of ways. They read publications. They're involved in numerous professional organizations and councils. They attend seminars, participate in forums and do all they can to stay abreast of the issues.

For example, we have several attorneys whose practices include e-commerce matters. To better understand the web, many of them have learned HTML programming.

*Q. What advice would you give to a law student or new associate on this topic?*

A. One thing I keep reminding myself is the importance of listening more and talking less. You can't understand a client's business if you're doing all the talking.



Charles Brodbeck

I would encourage every lawyer to become a specialist in their clients' areas of business. I would advise them to periodically step back from the daily tasks for a client that occupy our time—the document preparation, the meetings, and the details. Then they should ask themselves, "What is the client's overall goal, and what does this client want to achieve." In other words, I want them to see the forest as well as the trees.

*Q. Cohen & Grigsby is also running an ad that states, "A lawyer who doesn't return messages is definitely sending one." Would you comment?*

A. The law is a service business, and a significant part of that service is communication. Our clients deserve to be apprised of developments and to have their concerns addressed and allayed.

*Q. What can lawyers do to become better at returning phone calls?*

A. Today, everybody has a lot of pressures. Everyone has demands on their time. If a client has a question, it becomes one more item on their rather lengthy list of things that need to be addressed. They want to get it off their list as soon as possible, so they can move on to the next matter.

That tends to make every concern a front burner issue. That means every message must be returned as promptly as possible.

The key is to communicate, communicate, communicate. We need to keep clients, as well as our colleagues, up to speed. E-mail is a tremendous tool. Through e-mail, I can respond to clients while I'm on hold, on my computer, or even on an airplane, any time of the day or night.

*continued on page 8*

## Cohen & Grigsby Welcomes Eight Attorneys!

**T**homas C. Wettach joins Cohen & Grigsby's Litigation Group as a Director. Mr. Wettach focuses his practice on intellectual property advice and litigation, and he counsels manufacturing and advanced technology companies on technology protection and solutions for related legal issues. In addition to his patent, trademark, copyright infringement, unfair competition and trade secret litigation practices, a substantial amount of Mr. Wettach's work concentrates on licensing all forms of intellectual property, as well as protecting trade secrets and confidential technology. Prior to joining Cohen & Grigsby, Mr. Wettach had been a partner at Titus & McConomy since 1993.

**David I. Cohen** joins Cohen & Grigsby's Business/Tax Group as a Director. He regularly handles divestitures, acquisitions and reorganizations and advises technology related businesses on financing, development, licensing and confidentiality agreements, contracts for management information systems and executive compensation, as well as general tax matters. Mr. Cohen has assisted companies and institutions in manufacturing, healthcare, education, and service industries in the acquisition and licensing of technology. Prior to joining Cohen & Grigsby, he had been a partner at Titus & McConomy since 1995.

**Meryl Macklin** joins Cohen & Grigsby's Litigation Group as a Director. Ms. Macklin focuses her practice in complex business litigation including real estate litigation, antitrust litigation, securities litigation, accountants' liability litigation, environmental litigation and major contract and business tort actions. She has represented clients in a wide variety of manufacturing, service, and communications businesses. Ms. Macklin earned her B.A. from Yale University in 1980 and her J.D. from the Boalt Hall School of Law at the

University of California at Berkeley in 1984. She is a member of the State Bar of California and is an active speaker and writer on numerous litigation topics. Ms. Macklin also served as the Editor-in-Chief of the California Litigation Review from 1995-98. Prior to joining Cohen & Grigsby, Ms. Macklin was a partner with the firm of Christa & Jackson in Los Angeles, California.

**Gerald J. Iwanejko, Jr.** joins Cohen & Grigsby's Litigation Group as an Associate. He concentrates on patent trademark and copyright law and deals with all aspects of technology protection, including patent prosecution, licensing and litigation. After earning a degree in electrical engineering from Pennsylvania State University in 1987, Mr. Iwanejko served as an officer in the U.S. Navy where he gained extensive experience in electrical, nuclear, mechanical, materials and computer engineering. Prior to joining Cohen & Grigsby, he had been an associate at Titus & McConomy since 1995.

**Christine L. Wettach** joins Cohen & Grigsby's Litigation Group as an Associate. Ms. Wettach focuses her practice in environmental law. She earned a degree in chemistry at the University of North Carolina and earned her J.D. from the University

of Pittsburgh in 1995. Prior to joining Cohen & Grigsby, Ms. Wettach was with the firm of Babst, Calland, Clements and Zomnir.

**Joshua A. Hajek** joins Cohen & Grigsby's Litigation Group as an Associate. Mr. Hajek's primary area of practice is litigation. He earned his B.A. from University of North Carolina in 1994 and is a recent graduate of Wake Forest School of Law.

**Ellen Freeman** joins Cohen & Grigsby's Business/Tax Group as an Associate. Ms. Freeman's primary area of practice is international law. She earned her M.A. from Odessa State University in 1989 and a Masters Degree from the University of Pittsburgh Graduate School of Public and International Affairs. She is a recent graduate of the University of Pittsburgh School of Law. Ms. Freeman is fluent in Russian and Ukrainian.

**Michael A. Pollner** joins Cohen & Grigsby's Business/Tax Group as an Associate. Mr. Pollner's primary areas of practice are corporate law and litigation. He earned his B.S. from the University of Maryland in 1996 and is a recent graduate of the University of Pittsburgh School of Law.

## Cohen & Grigsby Names A New Director

Cohen & Grigsby, P.C. elected Patrick S. Healy as a Director of the firm. Mr. Healy is in the Business and Tax Group, concentrating his practice in finance, banking and real estate law, with an emphasis on tax-exempt municipal and authority finance; and corporate and governmental law. He also concentrates in Section 103 Federal Tax Code matters. Pat received a B.A. in economics from George Washington University in 1980 and his J.D. from the Catholic University of America Columbus School of Law in 1989, where he was the associate editor of the Catholic University Law Review. He is a member of the National Association of Bond Lawyers and the Pennsylvania Association of Bond Lawyers, as well as the Allegheny County and the Blair County Bar Associations.

## Cohen & Grigsby Presents

### 2000 Labor and Employment Law Update Seminars

Cohen & Grigsby's Labor & Employment Law Group will be hosting its fifth annual in-depth briefing reviewing developments in labor and employment laws and regulations that have emerged in 1999 and important issues to watch for in 2000.

#### Healthcare Labor and Employment Law: 1999 Review and 2000 Outlook

Thursday, January 13, 2000  
8:30 a.m.-12:30 p.m.  
Hospital Council of Western Pennsylvania  
Warrendale, PA

#### Labor and Employment Law: 1999 Review and 2000 Outlook

Thursday, January 20, 2000  
12:30 p.m.-4:30 p.m.  
Sheraton Inn-Pittsburgh North  
Warrendale, PA

The seminars are offered at no charge to clients and friends. For more information, please contact Jenny Pearson at (412) 297-4863 or visit our website at [www.cohenlaw.com](http://www.cohenlaw.com).

### E-Commerce Seminar

On November 17, 1999, Cohen & Grigsby's E-Commerce and Internet Law Practice Group and GUI Design, LLC cosponsored a seminar entitled *E-Commerce—Basics For Establishing an Internet Site and Navigating Legal Issues While Conducting Business on the World Wide Web*. In a recent Wall Street Journal article, Forrester Research reported that \$43 billion of hard goods were sold over the Internet last year in business to business transactions and projected that the number could reach \$1.3 trillion by 2003—an annual growth rate of 99 percent. With this rapidly accelerating widespread use of the Internet, establishing a presence on the Internet has become an integral part of business. The seminar focused on the basics of how to design a website and how to navigate the developing legal landscape of the world wide web, including creating enforceable agreements, tax issues, privacy issues, engaging in electronic commerce, and doing interstate and international business.

Cohen & Grigsby's E-Commerce and Internet Law Practice Group represents clients doing business on the Internet, or interested in expanding their business operations onto the Internet. New legal and regulatory requirements challenge companies moving to utilize the Internet's open and global range. Cohen & Grigsby provides value-added solutions to help clients address the numerous complex legal issues that can arise when engaging in e-commerce.

Informational seminars such as this are offered at no charge to clients and friends. For more information on this and future seminars, please contact Allys Hurley at (412) 297-4959, [ahurley@cohenlaw.com](mailto:ahurley@cohenlaw.com) or visit our website at [www.cohenlaw.com](http://www.cohenlaw.com).

## Non-Profit Organizations Practice Group Formed

Cohen & Grigsby's has formally established a new Non-Profit Organizations Practice Group to coordinate the bundle of services it offers to meet the unique needs of non-profit organizations. This Group provides a comprehensive set of highly sophisticated legal services to its clients in the non-profit sector and includes attorneys from the Firm's three major practice areas: business and tax, labor and employment, and litigation. These attorneys have substantial experience in successfully handling the unique legal and regulatory issues and transactions which affect this rapidly

growing business sector. As general counsel, board members and executive officers, our attorneys have been actively involved in the formation and ongoing operation of numerous non-profit entities. This Group is closely aligned with the Firm's Healthcare Practice Group which serves a large number of non-profit healthcare entities. However, the Non-Profit Organizations Practice Group also serves numerous non-profit clients having no substantial connection to the healthcare industry. Among these are colleges and universities, public broadcasting companies, religious organizations,

community groups and social service agencies, trade associations, grant making organizations and foundations. Representative services include general corporate and tax matters; administrative and regulatory matters; finance; labor and employment; real estate; fundraising and charitable solicitation; risk management and litigation; governmental affairs; and intellectual property.

For more information, please contact Allys Hurley at (412) 297-4959, [ahurley@cohenlaw.com](mailto:ahurley@cohenlaw.com) or visit our website at [www.cohenlaw.com](http://www.cohenlaw.com).

## Publications, Speeches, and Appearances

### BUSINESS/TAX

**Lawrence Lebowitz** presented "How to Employ Foreign Workers" at a seminar sponsored by the Pittsburgh Hi-Tech Council, Pittsburgh, PA, December 9, 1999

**Lawrence Lebowitz** presented "How to Employ Foreign Workers" at a seminar sponsored by the Pennsylvania Bar Institute, Pittsburgh, PA, November 17, 1999

**Lawrence Lebowitz** presented "How to Employ Foreign Workers" to the Pittsburgh Human Resources Association, Pittsburgh, PA, October 12, 1999

**Mario Santilli, Jr.** spoke at a Pennsylvania Bar Institute seminar, "Fundamentals of Estate and Trust Administration," in Pittsburgh, PA on September 21, 1999 and in Harrisburg, PA on September 29, 1999

**Neil Siegel** was quoted in "Taxing the E-Commerce Boom" in the Electronic Commerce Special Report, *Pittsburgh Business Times*, September 10-16, 1999

**Mark Stabile** was quoted in "Pennsylvania Focuses on Legality of Web Deal Signatures" in the Electronic Commerce Special Report, *Pittsburgh Business Times*, September 10-16, 1999

### LABOR AND EMPLOYMENT

**Ronald Andrykovitch** and **Donald Ladov** presented "Vital Update and Preview of Emerging Labor and Employment Law Issues and Trends Affecting Long Term Care" at the Leadership Health Care Fall '99 National Long Term Care Conference in Pittsburgh, PA, November 9, 1999

**Ronald Andrykovitch** presented "Hiring Right and Firing Right - Staying Afloat in the Changing Sea of Legal Liabilities" and "Sorting Out the Fair Labor Standards Act - The Department of Labor is on the Prowl" at the Maryland Assisted Living Association's 3rd Annual Fall Conference in Solomons, MD, November 8, 1999

**Ronald Andrykovitch** presented "Minimize the Risk of Employment Lawsuits: Hiring Right, Firing Right, and Preventing Harassment Claims" and "Sorting Out the Fair Labor Standards Act - The Department of Labor is on the Prowl" at the American Association of Homes and Services for the Aging's 38th Annual Meeting in Chicago, IL, October 25, 1999

**Ronald Andrykovitch** and **Valerie Faeth** wrote "Beware of Tunnel Vision: How to Handle Leave Requests Under the Workers' Compensation Act, ADA and FMLA" for *Assisted Living Success*, October 1999

**James Brown** spoke on employment litigation to the American Subcontractors Association in Pittsburgh, PA, December 2, 1999

**James Brown** moderated a panel of Federal

Judges at a plenary session of The Employment Law Institute West in Pittsburgh, PA, on November 18, 1999. The topic was "How the Decisionmakers Decide Cases: The Judges Speak." The Institute was sponsored by the Pennsylvania Bar Institute.

**James Brown** presented "Mediation in Employment Litigation" at the Capital Area Society for Human Resource Management's 6th Annual Human Resource Conference and Legal Seminar in Harrisburg, PA, November 3, 1999

**James Brown** presented "Mediation in Employment Litigation Cases" to the Johnstown and Somerset Human Resources Managers Association in Johnstown, PA, October 13, 1999

**Scott Hardy** and **John Lyncheski** wrote "The Postman Syndrome" for *ADVANCE for Providers of Post-Acute Care*, September 1999

**Scott Hardy** and **John Lyncheski** wrote "Zero Tolerance: The Best Medicine for Workplace Violence" for *Assisted Living Success*, September 1999

**Anne Lavelle** presented a seminar on the Americans with Disabilities Act and Workers' Compensation to the Industry for Workers' Compensation Reform in Greensburg, PA, October 29, 1999

**John Lyncheski** will present "Techniques for Solving Emerging Employment Issues as We Approach the New Millennium" and "Handling Legitimate Terminations in the Era of a Litigious Workforce" at the American Society on Aging's 46th Annual Meeting in San Diego, CA, March 25-28, 2000

**John Lyncheski** will present "Hiring Right and Firing Right: Avoiding Employment Lawsuit" for the American Health Lawyers Association, March 2 & 3, 2000

**John Lyncheski** wrote "New Union Organizing: Are You Prepared?" for *Assisted Living Success*, November 1999

**John Lyncheski** wrote "Return of the Union" for *ADVANCE for Providers of Post-Acute Care*, October 1999

**Joseph McDermott** taught "Current Issues in Health Law" for the University of Pittsburgh School of Law's Current Issues in Health Law course, November 2, 1999

### APPOINTMENTS

**Charles Cohen** and **David Kalson** are adjunct professors at the University of Pittsburgh School of Law, teaching "Enterprise Organization and Finance"

**Lawrence Lebowitz** has been again appointed as an adjunct professor at the University of Pittsburgh School of Law, teaching Immigration Law

**John Lyncheski** has been selected as a Dispute Resolver with the American Health Lawyers Association Alternative Dispute Resolution Service

**Mark Stabile** was appointed to the Finance Committee of the Allegheny County Bar Association

## Interview with the President

*continued from page 5*

Some lawyers in our firm proactively contact their clients to keep them apprised of their case, rather than wait for a benchmark date or a phone call. We want all of our attorneys to be proactive.

*Q. Do you have a personal policy about returning phone messages?*

A. I try to return messages as soon as possible, ideally on the same day. If travel or meetings prevent me from doing so, my secretary notifies the client that I'm unavailable and will call the next day.

*Q. How is that different than other lawyers? Other law firms?*

A. To be honest, I don't really worry about what other law firms are doing. What's important to me is how our attorneys respond. We want to do it better.

*Q. What sort of message does the lawyer who DOES return messages send?*

A. I think it says, "You are important to us and we are responsive to your needs."

☐ *For more information, please contact [cbrodbeck@cohenlaw.com](mailto:cbrodbeck@cohenlaw.com) or [ahurley@cohenlaw.com](mailto:ahurley@cohenlaw.com)*

*The information in this publication is for the purpose of informing and educating our clients about various aspects of the law and is not intended to be used as legal advice. If you have questions concerning any of the topics, please contact your Cohen & Grigsby attorney.*

For reprints of articles or speeches, call Jenny Pearson at (412) 297-4863.

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