



# Client Matters

## Consider the Law Before You Use Your Cell Phone While Driving



Dave Hershey

Under existing Pennsylvania law, there are two vehicle code violations that may apply to use of electronic devices while driving. First, you may not operate a vehicle while wearing or using one or more headphones or earphones. There are three exceptions: 1) hearing aids; 2) cellular telephones that provide sound through a headset to only one ear; and 3) communication equipment used by drivers of emergency vehicles or motorcycle riders wearing helmets equipped with communication devices. While some states have banned texting while driving, as of this date, texting while driving has not been specifically addressed in Pennsylvania. Some of the newest technology may be prohibited, depending on its use.

For example, portable communication devices with two earphones are a violation. Portable communication devices used to listen to music, surf the web, or view video (even through one earphone) is a violation (parents, make your driving-age children aware).

The second, more general vehicle code prohibition is careless driving. That law provides, "any person who drives a motor vehicle in careless disregard for safety of persons or property is guilty of careless driving...". This law is quite broad in its interpretation. If you are texting while driving and cause an accident, it would probably be considered careless driving by our courts. In some instances, use of a cellular telephone which materially contributes to an accident, unsafe lane changes or erratic driving may also be considered careless driving. The Pennsylvania General Assembly is currently considering a new law to cover distracted driving--stay tuned!

For more information on this topic or any other topic related to Traffic Law, please contact David Hershey at [dhershey@cmlaw1.com](mailto:dhershey@cmlaw1.com) or call 800-615-0115.

## Finders Keepers, Losers Weepers: Fact or Fiction?



Shawn Curry

Recently, following my son's school Christmas program, I went to my car to unload some goodies that Santa had delivered to the class. While returning to the school, I found a \$10 bill in the parking lot. For a moment, I was reminded of the childhood phrase, "finders keepers, losers weepers." I returned the \$10 bill to the main office at the school assuming that someone finding their pocket a little lighter might inquire about the missing money.

The moral and ethical implications of the above scenario can certainly be debated. However, as a criminal defense attorney, the practical question is: Could failure to return or report the lost money or item carry criminal consequences? The answer: Yes.

Under the Pennsylvania Crimes Code, a person who takes control of the property of another that has been lost, mislaid, or delivered by mistake is guilty of theft if he/she intends to deprive the rightful owner of the property and fails to take reasonable measures to restore the property to the rightful owner. [18 Pa.C.S.A. § 3924. Theft of property lost, mislaid, or delivered by mistake.] The severity of the penalties associated with this crime will be based upon the value of the item. More common factual scenarios subjecting an individual to criminal prosecution for this crime include, but are not limited to, taking a misplaced purse or a voucher left in a slot machine at a casino.

"Finders keepers, losers weepers?" Fiction.

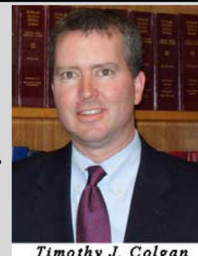
For more information on this topic or other criminal matters, please contact Shawn Curry at [scurry@cmlaw1.com](mailto:scurry@cmlaw1.com) or call 800-615-0115.

**"I did what my conscience told me to do, and you can't fail if you do that." — Anita Hill**

Tim Colgan presents

## Free Seminar on Divorce and Custody Without Going to Court

Colgan Marzzacco presents a **FREE** seminar on a new approach to divorce, custody and child support.



Timothy J. Colgan

- **Where:** The Homewood Suites, 200 Masonic Drive, York, PA.
- **Date:** January 14, 2010
- **Time:** 7:00 p.m

The concept of Collaborative practice by attorneys was developed in 1990 by a Minnesota lawyer who wanted to find an alternative to the destructive nature of traditional divorce and custody litigation. In a Collaborative case, both parties hire specially trained Collaborative lawyers and pledge to adhere to certain principles throughout the case. The goal of all involved is to resolve the couple's disputes in an open and respectful manner, with the final goal being an agreement that meets the needs and interests of both parties. In many cases, the collaborative nature of the process will result in reduced legal fees for the parties involved.

The seminar will offer information on how the process works, the time the process takes to complete and cost of the process. We will also address questions from the participants. The seminar is free but seating is limited so please either call or email us at [info@cmlaw1.com](mailto:info@cmlaw1.com) to reserve your spot today.



## Going Green by Julie

We at Colgan Marzzacco, LLC understand the importance of decreasing our carbon footprint. We have begun taking steps to "go green." Here are some of the things we're doing around the office:

- Shredding and recycling copy paper, newspapers, phone books and magazines.
- Recycling cardboard, plastic, ink cartridges and batteries.
- Turning off computers and office equipment daily.
- Using email instead of paper.

Need ideas for your home? Save energy and money by adjusting your thermostat, install energy efficient light bulbs and unplug unused appliances. Wash clothes in cold water and hang to dry. Walk or bike when you can. Use a water filter at home and use a refillable water bottle. Finally, use your community's recycling program—or push to start one!

These little things add up. Together, we can all help improve the health of our planet. Click [www.grist.org](http://www.grist.org) or [www.planetgreen.discovery.com](http://www.planetgreen.discovery.com) for more. Think green!