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## *Pennsylvania Legal Services*

"EQUAL JUSTICE UNDER THE LAW"

November 26, 2001

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The Honorable Thomas P. Gannon  
Chairman  
House Judiciary Committee  
Pennsylvania House of Representatives  
49 C East Wing  
Harrisburg, PA

Re: Comments Related to Public Hearing for HR 110

Dear Chairman Gannon:

Thank you for the opportunity to submit these comments related to HR 110, involving current practices and costs associated with the publication of legal notices. It is my understanding your Committee is looking at these issues both with respect to governmental publication and private publication of such notices. As the Executive Director of Pennsylvania Legal Services, a program that administers state funding for civil legal aid programs, representing clients across the state, I appreciate this opportunity to comment as follows:

- **Governmental Publication of Notices.** As members of the General Assembly are well aware, there are frequent notices published by various branches of state government which can dramatically affect the interests of the clients we represent. This can especially involve proposed and final rulemaking. Topics affecting our clients can range from court rules governing procedures of our courts to agency rules governing eligibility for various programs.

We believe strongly that the publication of these important governmental actions, or proposed actions, should be widely disseminated in a manner intended to reach the maximum number of people, through a variety of means. Costs should always be a consideration in the operations of government. At the same time, it is very important that people who might be impacted by governmental action become aware of the action, or intended action. It might be helpful, for example, to publish notices of governmental actions on the world wide web. This should be seen as a supplement to publications such as the Pennsylvania Bulletin, which people know and expect to be the location of official notices. The Pennsylvania Bulletin could only be replaced through a concerted effort to educate the public about new means of publicizing important actions.

- **Private Publication of Notices.** Our clients can be impacted in a variety of ways with regard to this type of publication. Examples of subjects which might require the publication of legal notices by low income people can include the following:
  - ◆ As a means of notifying an opposing party in a legal proceeding that the proceeding is taking place, when that party cannot be located.
  - ◆ As a means of publishing legally required notices; such as the opening of an estate or the initiating of an action to quiet title to real property.

Our clients are sometimes dramatically affected by the costs of publication. While there are legal avenues available for low-income people to proceed in our courts *in forma pauperis*, these avenues do not provide funds to pay the costs of publication. Especially in more urban areas, with newspapers of larger dissemination, the costs can be very significant. In Philadelphia, the advertising cost for a quiet title action is about \$1,500. The inability of people to afford these types of costs can make the difference between blight and productive use of a property. If a person cannot pay the costs involved to administer an estate and pass a property onto a rightful heir, or if a person cannot pay the costs to advertise a quiet title action, properties may remain in a status of legal limbo, having not passed to a rightful owner. People will not invest in or fix up such properties and sometimes abandon them instead.

In conclusion, it would serve the interests of justice, by according all people equal access to the processes of our civil justice system, and it would help to avoid blight, if the sometimes high costs of legal publication could be avoided. This could be done by creating a governmental fund from which such publication costs could be paid or by changing the types of notices required, to less costly or free types of publication. For example, some county bar associations offer less costly means of publishing notices. With regard to governmental publication, care should be taken to assure the general public is adequately aware of intended or actual government actions.

Thank you for your consideration of these comments.

Very truly yours,



Samuel W. Milkes  
Executive Director