

STATEMENT OF TESTIMONY
HOUSE JUDICIARY COMMITTEE - HOUSE RESOLUTION 110

FRIDAY, SEPTEMBER 6, 2002

PITTSBURGH, PENNSYLVANIA

My name is Charles Keller and I am Senior Counsel in a Washington, Pennsylvania law firm, Peacock Keller Ecker & Crothers. I am a past president of the statewide Pennsylvania Bar Association.

I have experience in two areas which may be relevant to the subject of House Resolution No. 110. For 22 years, I served as editor of the official legal journal in Washington County, The Washington County Reports, and nearly 50 years ago I organized and served as the first president of the statewide conference of County Legal Journal Officers. My second credential is that as an active, practicing attorney in a broad spectrum of the law, I have become intensely familiar with the importance of public notice in the operation of the legal and judicial system in Pennsylvania. I know its strengths and its weaknesses, and, I might add, its increasing cost.

I have had the opportunity to read from the testimony presented to this Committee at the Harrisburg hearings last November. I know you have been exposed to a broad spectrum of interests and there is not much factually new which will be presented to you here today.

I want to keep my remarks brief, but perhaps I can provide a perspective which I hope will be helpful.

In the last 50 years, I have participated at least a half dozen different times in industry and legislative studies on the subject of public notice and legal advertising. Frankly, most of what I have read from your prior testimony, although eloquently stated, was very similar to

testimony given in prior studies. The one element which you are addressing which is new is the potential use and impact of the Internet for public notice and legal advertising purposes.

There are three points I would like to make, and I have selected these in response to the kinds of questions you have put to prior witnesses before this Committee.

My first point is that I hope you will not underestimate the importance of public notice and legal advertising in the operation of government, but particularly the legal system. It is not just that the legislature has passed laws for more than a century supporting the idea of public notice of matters with legal significance. And it is not just that due process requires broad public notice at tax sales and mortgage foreclosures and bankruptcies as well as civil litigation involving title to land, the formation or dissolution of corporations and a host of other legal events of public importance. It is not just that the "right to know" is of compelling importance. Surely it is all of these factors which have caused us to develop such a comprehensive system of public notice and legal advertising. So I hope you will not underestimate the importance of continuing this practice.

Secondly, with specific regard to the legal journals of the commonwealth, they occupy a special niche. Although authorized by law, the actual creation of a legal journal in any county depends on an order from the Court of Common Pleas designating a publication as the "official legal journal of the county." A designation by the court creates a special relationship between the legal journal and the court system of each county. And so it is that legal journals publish court opinions, trial lists, court notices, and other material of importance to the operation of the court system at no cost or low cost to the courts.

My experience is that in Washington County, The Washington County Reports presents the single source for legal advertising which is relied on primarily if not exclusively by the legal, banking, real estate, and other involved communities.

Questions have been raised about the dual nature of legal advertising, “in a newspaper of general circulation and in the county legal journal.” I believe that the truth is that each advertising medium reaches different segments of the public. On behalf of the legal journals, I can tell you with some certainty that virtually all of the benefits of legal advertising among lawyers and judges and those who work with them comes from advertising in the legal journal. In Washington County, we are served by at least four newspapers of general circulations, none of which carry all of the legal advertising. Only the Washington County Reports covers all of the legal advertising. It is worth noting that many public notices, as in bond issues and public bidding, do not require dual advertising and therefore appear only in newspapers of general circulation. In addition, it is worth noting that the cost of legal advertising in a legal journal is usually less and often substantially less than general newspaper advertising. Moreover, most costs for legal advertising are borne by litigants and persons doing the advertising and are not borne by local government.

The Washington County Reports, like the Pittsburgh Legal Journal and many other journals across the state, are owned by local bar associations and are operated for the benefit of the court system and people who rely on our legal system. I urge you to recognize and protect the enormous service provided by these specialty publications.

My third and final point is that the development of the Internet as a medium for providing public notice and legal advertising is still in its infancy. The changes in the

technology, and especially the rate of change, are mind boggling to all of us. Valid public notices require a guarantee of accuracy and authenticity which web pages do not yet exhibit.

Our law office is completely computerized and networked and yet I note that our lawyers rely on the printed word in Purdons and the Pennsylvania Bulletin and our Legal Journal and a host of other documents and publications which come to us. Would this experience suggest to me that the Internet is not suitable now, if ever, to replace the print media for public notice and legal advertising?

I have appreciated this opportunity to offer this testimony and I hope it may be helpful to you. I wish you well in your further deliberations.