



PNA LEGAL UPDATE

LEGAL AND LEGISLATIVE ISSUES AFFECTING THE NEWS INDUSTRY

A supplement to Headlines & Deadlines

Editorials

The Intelligencer (Doylestown)

Improved law could be better

Legislative Update

The Senate and House Appropriations Committees began hearings on Governor Tom Wolf's **2017-18 budget proposal** this week. Senator Eichelberger has introduced **Senate Bill 374**, which would allow school districts to avoid public notice requirements. He has also circulated a **co-sponsorship memo** for a bill that would create a statewide database of public notices and eliminate notices in newspapers. In addition, the Senate asked the PA State Police about numerous issues, including the use of body cameras. Senator Greenleaf (R-Montgomery) has circulated a co-sponsorship memo and plans to re-introduce legislation amending the Wiretap Act enabling police officers to use body-worn cameras. The Senate also inquired about Civil Asset Forfeiture, legislation (**Senate Bill 8**) introduced by Senator Folmer (R-Lebanon), which allows law enforcement to take possession of property of persons suspected of a crime, often before a charge or conviction.

Legal Issues from Around the Commonwealth

Newspaper sued for reporting on school board executive session

LNP Media (Lancaster) was sued this week by Manheim Township school board member William Murray over articles and editorial coverage about closed door meetings. An anonymous source provided a recording of one private meeting to the newspaper. Murray's suit includes counts for defamation, invasion of privacy, and a wire tap violation. The newspaper has said that it will vigorously defend the lawsuit. Read more from **LNP (Lancaster)** and **PennLive/The Patriot-News (Harrisburg)**

Commonwealth Court grants access, affirms RTKL civil penalty against Philly DA

In consolidated cases dealing with access to emails, email-related records and the interplay of the RTKL and litigation discovery, the Commonwealth Court affirmed the trial court orders requiring the Philadelphia District Attorney to produce responsive records and pay a \$500 fine for acting in bad faith. Read the opinion in **Office of the District Attorney of Philadelphia, et al v. Bagwell**

Bill to remove school notices from newspapers faces criticism

A Blair County state senator is once again pushing legislation that would allow Pennsylvania's 500 school districts to bypass local newspapers and post their legal ads in several other ways, including on district websites. **The Herald-Standard** (Uniontown) explores the problems with this,

In This Issue

[Editorials](#)

[Legislative Update](#)

[Legal Issues from Around the Commonwealth](#)

[Legal Hotline: Estate Notices](#)



Legal Hotline

Do you have a question for the Legal Hotline?

Contact 717-703-3080



LEGAL QUESTION?
CALL
717-703-3080

The Legal Hotline is not meant to be legal advice.

Legal Update PDF

Visit the PNA website for a **printable PDF** of this week's Legal Update.

and similar, proposals and highlights the importance of keeping legal notices in newspapers.

Rep. Maher looks back on 40 year career in House

Rep. John Maher (R- Washington) reflects on the past two decades as a member of the Pennsylvania House of Representatives, including his work with Bill Northrop, Sr., VP of the Observer-Reporter (Washington), to amend the Right to Know Law. Read more from [The Almanac \(McMurray\)](#)

Executive session testimony leads to Sunshine Act convictions

A Honesdale Borough Council member was threatened with prosecution if he testified about an allegedly improper executive session during a summary trial. The council member testified, and two borough council members were found guilty of violating the Sunshine Act. Read more from [The Wayne Independent \(Honesdale\)](#)

From the Hotline

Q: An advertiser wants to run an estate notice and only include the name of the deceased and an address for the executor. Is that enough information?

A: No. Estate notices are required to have more information.

The Pennsylvania Probate Code, [20 Pa.C.S. § 3162](#), requires the personal representative of an estate, immediately after the "grant of letters," to place a notice in one newspaper of general circulation published at or near the place where the decedent lived, or in the case of a nonresident decedent, at or near the place where the letters were granted. Notice must also be placed in the designated county legal journal, if one exists. Both notices must run once a week for three successive weeks.

The law also requires estate notices to include the name and address of the personal representative, and the notice must request all persons having claims against the estate to notify the personal representative or his attorney, and anyone indebted to the decedent to make payment without delay. Estate notices also contain the name of the decedent and the general location where the decedent lived, typically the municipality and county of residence.

Estate notices typically follow this general template:

ESTATE NOTICE Estate of [name of decedent], late of [municipality of residence], County of [county of residence], Pennsylvania, Deceased. Letters of Administration on said Estate having been granted, and all persons indebted thereto are requested to make immediate payment, and those having claims or demands against the same will present them without delay for settlement to: [name and address of the personal representative and name and address of attorney, if any]

Estate notices containing only the name of the deceased and the executor's address do not comply with the Probate Code's requirements. Failing to comply with the notice requirements of the Probate Code could result in a legal challenge during estate administration.

Newspapers should not give legal advice to advertisers, and advertisers with questions about the probate process should be directed to an attorney or the local bar association for a referral.

As always, this is not intended to be, and should not be construed as, legal advice. Please contact your newspaper's attorney or the PNA Legal Hotline at (717) 703-3080 with questions.

Teri Henning, President | terih@pa-news.org | 717-703-3076
Holly Lubart, Director, Government Affairs | hollyl@pa-news.org | (717) 703-3032
Melissa Melewsy, Media Law Counsel | melissam@pa-news.org | 717-703-3048

Pennsylvania NewsMedia Association
<http://panewsmedia.org> | 717-703-3000

