

NEED MORE INFORMATION?

Townships interested in learning more about the Township Legal Defense Partnership should call PSATS or sign in to connect.psats.org, click on the "Resources & Services" tab, and scroll down to the Legal Defense Partnership.

"Knowing that we have the expertise of PSATS through the Legal Defense Partnership helps out a lot and makes us feel more supported."

— Keri Miller, Chair,
Gregg Township, Centre County



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PSATS' TOWNSHIP LEGAL DEFENSE PARTNERSHIP

Join Townships from
across the State
to Make Your Voice
Heard in the Courts



A Member Service
of the Pennsylvania State
Association of
Township Supervisors



PARTICIPATING IN PSATS' TOWNSHIP LEGAL DEFENSE PARTNERSHIP

Why This Program?

Townships continue to be faced with an overwhelming and growing number of lawsuits. These court cases can, and do, set a statewide precedent that can affect all townships in Pennsylvania.

That's why the Executive Board of the Pennsylvania State Association of Township Supervisors established the Township Legal Defense Partnership: to support townships in litigating legal disputes that have **statewide implications**.

How the Program Is Funded

PSATS funds the Legal Defense Partnership through **voluntary contributions from member townships**, nearly 1,200 of which participate in the Partnership. Townships that believe they are involved in a case that could have statewide implications may apply for assistance through the program to fight the case.

The Legal Defense Partnership is not an insurance program protecting your township against the possibility of a lawsuit or guaranteeing victory once a case is undertaken. PSATS, with advice from legal counsel, participates in cases that have the potential to affect townships statewide. Funds will be allocated only for those cases that meet the criteria of the Legal Defense Partnership.

In establishing the Partnership, the PSATS Executive Board has taken an important step in advancing the cause of township government.

How Cases Are Selected

PSATS selects cases based on the following criteria:

- **Statewide significance of the case** — Does the case have a statewide interest?
- **Appellate-level cases** — Most statewide issues are likely to reach final resolution in Pennsylvania's appellate-level courts. Also, most cases at the common pleas level require substantially more time

involvement than at the appellate level and therefore would create an undue drain on PSATS' finances.

How PSATS Will Participate in Selected Township Court Cases

After deciding to get involved in a court case that meets the Legal Defense Partnership's criteria, PSATS will direct legal counsel to file an *amicus curiae* (*friend of the court*) brief on behalf of the township and work in conjunction with the township's solicitor throughout the adjudication of the case.

How to Contribute to the Program

Contributing to the program is simple and affordable. Your annual dues statement already includes your township's annual voluntary contribution to the Legal Defense Partnership based on population.

If your township wishes to make its contribution to the fund, simply pay the amount due.

Why Should Your Township Contribute?

No township is immune to the financial devastation that a lawsuit can bring. As proven in the past, townships from all over the state can be adversely affected by a court decision in a township hundreds of miles away.

A nominal contribution to the fund can be beneficial to your township even if it is never directly involved in a court case requiring financial assistance.

Keep PSATS Informed

Once a lawsuit involving your township is filed, please notify PSATS so that it can monitor the case. To request formal assistance for an appellate-level court case, your solicitor or the board of supervisors should send a letter or email to PSATS' executive director outlining the details of the case, along with supporting documents. Upon receipt, PSATS will contact you.

RECENT CASES AND ONGOING EFFORTS

PSATS' Township Legal Defense Partnership has been giving townships a collective voice in the courts for more than 20 years, and 2018 was no different.

The Partnership participated in a number of cases, including these:

- The Commonwealth Court upheld a zoning ordinance that permitted unconventional gas development in a township's residential/agricultural zoning district.

Referencing the *amicus curiae* brief that the PSATS Legal Defense Partnership had filed on behalf of the township, the court warned that the cost of undertaking an environmental impact analysis "could lead municipalities to decide not to engage in zoning at all in order to save precious taxpayer resources. . . ."

- Other cases in which the Legal Defense Partnership is participating involve wireless mini-cell towers, the Right-to-Know Law, the authority of home rule municipalities, supervisors' compensation set by the township auditors, and the authority of elected auditors to surcharge when the township uses a CPA.

Townships' ongoing support will enable the Partnership to continue its important role in cases that affect townships statewide.

