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*Pennsylvania  
Unemployment  
Compensation  
Newsletter*

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## IMPORTANT NOTICE TO PENNSYLVANIA CORPORATE EMPLOYERS

***Representation by legal counsel at unemployment compensation hearings is now required!***

On February 3, 2005, the Pennsylvania Commonwealth Court issued a decision which has a dramatic impact upon the handling of unemployment compensation claims by Pennsylvania employers.

In the case of *Harkness v. Unemployment Compensation Board of Review, No. 150 C.D. 2004*, the Court held that corporate employers may act before the Unemployment Compensation Referee only through an agent "duly authorized to practice law."

The Court's decision involved a two-step analysis.

First, the Court determined

that appearing before a UC Referee involves the cross-examination of witnesses, offering and objecting to evidence, and possibly making opening and closing statements. All of this is tantamount to the practice of law.

Second, such practice of law, though deemed acceptable in the past, is unauthorized. While the Unemployment Compensation Law permits claimants to be represented by counsel or some other duly authorized agent, the same is not true for employers.

Given the Court's decision, corporations may no longer be represented at hearings by non-lawyers, including human resource represen-

tatives, accountants, or financial advisors. These are just some examples of individuals who have previously provided such services and who may no longer effectively do so.

The law firm of Thomson, Rhodes & Cowie, P.C., has experience representing employers in matters before UC Referees, the Unemployment Compensation Board of Review, and the Commonwealth Court.

For more information concerning our qualifications, services and fees, please contact Harry Rosensteel at (412) 316-8686 or Margaret Hock at (412) 316-8647. Or, feel free to send us an e-mail us at: [mmh@trc-law.com](mailto:mmh@trc-law.com).



ATTENTION READERS, the editors of Thomson, Rhodes & Cowie Pennsylvania Unemployment Compensation Newsletter invite you to submit questions you may have dealing with unemployment compensation issues. The editors will compile questions received and periodically provide answers to recurrent issues. Submission of a question is no guarantee that an answer will be provided, but we will make every effort to answer as many questions as possible. Of course, for specific legal advice the reader should seek counsel from a qualified unemployment compensation attorney.

Send questions to: Margaret M. Hock, Esquire, Thomson, Rhodes & Cowie, P.C., 1010 Two Chatham Center, Pittsburgh, PA 15219.

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