

Legal by Nature

Hart Law's Quarterly Newsletter



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FROM THE DESK OF AN ATTORNEY

AN INTRODUCTION FROM ATTORNEY JOHN M. HART, III

Dear Friends, Neighbors, and Members of Our Community,

Welcome to the winter edition of our newsletter. As the days grow shorter and Northeastern Pennsylvania settles into its quieter, colder season, I wanted to take a moment to personally thank you for being part of our extended Hart Law community.

Winter has a way of slowing things down just enough for reflection. Here in Northeastern PA, that reflection often happens outdoors—on snow-covered trails, along frozen rivers, in the woods after a fresh snowfall, or even during a quiet walk through our neighborhoods. The natural beauty in our own backyard is something we don't take for granted. It's one of the reasons we've built our firm the way we have.

From the beginning, Hart Law has been intentionally different. Our brand is rooted in the outdoors and in the idea that life is meant to be lived, not spent buried in paperwork, legal confusion, or stress. The law can be overwhelming, intimidating, and time-consuming. Our mission is simple: we take on the legal headaches so you don't have to. When a problem arises, you shouldn't have to worry about where to start, what kind of attorney you need or how to protect yourself. That's our job.

Whether it's navigating an unexpected legal issue, planning ahead for your family or business, or simply needing straightforward advice, our goal is to provide clarity, protection, and peace of mind. We want our clients and community members to spend less time worrying—and more time doing what matters. For many of us, that means getting outside, breathing fresh air, exploring trails, skiing, snowboarding, ice skating, hunting, biking, or simply enjoying the places that make this region special.

This newsletter is an extension of that philosophy. It's a way for us to stay connected, share useful information, highlight local businesses and stories, and continue building a firm that feels accessible, grounded, and genuinely local. We are proud to practice law here, to raise our families here, and to be part of a community that looks out for one another.

Thank you for trusting us, supporting us, and allowing us to do what we do best—so you can get back to enjoying life in the great outdoors of Northeastern Pennsylvania.

Stay warm, enjoy the season, and we'll handle the rest.
And as always — if you need a lawyer, **Be Smart. Call Hart.**

Warmly,
John M. Hart, III
Attorney & Founder, Hart Law



Miracle on Morel Street: Shopping, Santa, and Friendly Spousal Debates

BY JOHN M. HART, III, ESQ.
PHOTOGRAPHY: STOCK

It's December, and nobody can ignore what this month is all about, even if one wanted to – Christmas. This holiday is chock-full of traditions, and in many people's homes, including our own, we strive to fulfill every single custom, from decorations and shopping to listening to the classics and watching an ever-growing list of Christmas movies. One such movie that we all know and love is "Miracle on 34th Street," a beloved holiday classic that not only captures the magic of Christmas but also provides an intriguing glimpse into the legal process. So, while my beloved wife sat on the living room floor wrapping gifts and watching this classic with me this past Saturday, she was less than impressed when I started talking through the whole movie, analyzing key legal elements and shedding light on how the legal process plays out in real life – a common complaint she lodges when watching TV with me.



The Presumption of Sanity

One of the central themes in "Miracle on 34th Street" is the determination of Kris Kringle's mental state. In the film, Kris claims to be Santa Claus, leading to a competency hearing to assess his sanity. As lawyers, we recognize the importance of the presumption of sanity, a fundamental legal principle. In real-life cases, mental competency hearings are held to determine whether a person is fit to stand trial, make legal decisions, or handle their affairs. The film underscores the delicate balance between skepticism and the presumption of sanity, reminding us that such hearings can be emotionally charged.





The Burden of Proof

The burden of proof, a cornerstone of the legal process, is prominently featured in the courtroom scenes. The prosecution bears the responsibility to prove Kris Kringle's insanity beyond a reasonable doubt. This mirrors real-life criminal cases, where the prosecution must establish guilt to the same standard. "Miracle on 34th Street" emphasizes the importance of evidence and effective legal arguments. Lawyers must present compelling cases, just as we see the defense counsel doing in the movie to support Kris's claim of being Santa Claus. On a side note, there are various levels of burdens of proof. In addition to beyond a reasonable doubt, there are several others such as clear and convincing evidence, which is used in both criminal and civil proceedings, preponderance of the evidence, which is a standard in numerous civil matters, and others.



The Role of Expert Witnesses

In "Miracle on 34th Street," both parties call upon various witnesses, some as lay witnesses and others as expert witnesses to testify in Kris's favor or against him. The use of expert witnesses is a common legal strategy to provide specialized knowledge or opinions that can sway the court's judgment. Lawyers often rely on expert witnesses to present credible evidence that can support their case, just as we see in the film.

The Power of Public Opinion

The movie underscores the influence of public opinion on legal proceedings. When the post office delivers thousands of letters addressed to Santa Claus to the courtroom, it demonstrates the impact of public sentiment on the case. In real-life legal battles, public opinion, media coverage, and public perception can play a significant role in shaping outcomes, sometimes pressuring attorneys and judges alike.

The Pragmatism of Legal Outcomes

Ultimately, "Miracle on 34th Street" delivers a heartwarming message when the court recognizes Kris Kringle as the one and only Santa Claus. This decision reflects the pragmatic approach the legal system sometimes takes in resolving complex cases. While the law may be based on facts and evidence, there are instances where judges and juries consider broader societal implications, as seen in the film's conclusion.

“FAITH IS BELIEVING IN THINGS WHEN COMMON SENSE TELLS YOU NOT TO.”



Conclusion

"Miracle on 34th Street" provides a captivating look at the legal process from a lawyer's perspective, touching on numerous legal principles. What's most complex is dealing with the ongoing conversations between my wife and me when I inevitably mix up the storylines between the original movie from 1947 and the newer one from 1994, and the debate that always follows as to which one is better. Okay, really quick, let's flesh this out. The '47 version has timeless charm and nostalgia, a strong original cast (Edmund Gwenn's portrayal of Kris Kringle earned him an Academy Award), and this version stays remarkably faithful to the original story and captures the essence of the holiday spirit. On the other hand, the '94 version benefits from modern production values (sometimes people can't tolerate black and white), it has updated cultural references, and I like the change-up from the iconic scene with letters from the post office to the simplicity of a dollar bill bearing the inscription "In God we trust."

I guess you can imagine why this argument comes up almost every year, as there doesn't always seem to be a clear winner. And I'm frequently switching which movie to support or defend from year to year, but that's just the lawyer in me. Which one do you prefer?

Questions about this topic? Call Hart Law at 570-344-2626.

QUICK HIT LEGAL



Q&A



Q

Can my landlord keep my security deposit if I move out in winter?

In Pennsylvania, landlords must return your deposit within 30 days after you move out, minus lawful deductions (like unpaid rent or damage beyond normal wear). They must provide an itemized list of deductions—failure to do so can result in them owing double the deposit amount.

Q

Do I need an attorney to prepare a snow removal or plow service contract?

Yes. Even a simple seasonal contract should clearly define payment schedules, liability for property damage, and weather-related contingencies. A lawyer can draft or review terms that prevent disputes when the snow piles up.

Q

Q: What happens if I slip and fall on ice outside someone's home or business?

Pennsylvania law holds property owners responsible if they fail to reasonably clear snow or ice within a safe time after a storm. Document the conditions immediately, seek medical attention, and contact an attorney to evaluate your potential premises liability claim.



Q

Can a neighbor be forced to cut down a tree that's leaning onto my property?

If the tree is dead, dangerous, or causing actual damage, you may have a legal right to compel its removal. Healthy trees that simply hang over the line are different—you can trim branches that cross your boundary but can't harm the tree itself. When in doubt, get a written opinion before taking action.

Q

What should I do if a winter storm damages my roof or vehicle and the insurance company delays my claim?

Start by documenting damage immediately (photos, estimates). Pennsylvania law requires insurers to act in good faith; unreasonable delays or lowball offers may violate state regulations. An attorney can pressure for timely handling—or file a bad-faith claim if necessary.

Q

I'm gifting my home or car to a family member—do I still need a lawyer?

Yes. Property and vehicle "gifts" still involve legal transfers with potential tax and liability implications. A deed or title transfer must meet state recording standards, and an attorney ensures everything is properly executed and your ownership rights are safely transferred.

Q

Q: Can I write my own will after the holidays?

You can—but Pennsylvania requires specific signing and witness formalities to make it valid. Homemade wills often cause confusion or disputes later. Having a lawyer prepare a clear, properly executed will ensures your wishes are honored and your family avoids headaches.



Questions?
Contact Hart Law for
a personalized
consultation in any
practice area.
570-344-2626

The Goldilocks Model: Why Car Lotta Credit Gets Used Car Sales Just Right

Not too big, not too small—just the right blend of professionalism, compliance, and personal care.

BY JOHN M. HART, III, ESQ.
PHOTOGRAPHY STOCK

When you practice law long enough, you start to see patterns.

People walk into your office with dreams—restaurants, bars, car dealerships, construction companies—and you quickly learn which ones are rooted in preparation and discipline, and which are fueled mostly by optimism and bravado. Experience sharpens that instinct.

But Charles Pompey has never fit neatly into a category.

I've known Charles since high school. Long before courtrooms and contracts, I knew him as someone who worked—consistently, quietly, and with purpose. That didn't change when we got older; it only became more refined.

While I was in law school, Charles used to call me on Thursday mornings to see if I was free. Depending on the semester, sometimes my schedule didn't include a class that morning. When it didn't, I'd climb into the truck with him and head down to the car auctions in Harrisburg. He knew two things about me: I was buried in casebooks most days, and I was—and still am—a car guy. He knew I'd have fun.

What I didn't expect was to get a masterclass.

At the Harrisburg auto auction, things move fast. There's no time for long inspections or second guesses. And Charles wasn't there to browse—he was there to buy. Watching him work was impressive in the purest sense of the word. He was a professional.





Car-Lotta Credit and Car Sales put up an impressive spread at our annual Trunk or Treat.

**“HE WAS A PROFESSIONAL
—IN EVERY SENSE OF THE
WORD.”**

Within seconds of seeing a car roll across the block, he could spot issues most people would miss entirely. He knew which engines were prone to failure, which models hid problems in specific places, what to listen for, what to ignore, and what was a deal-breaker. All without crawling under the vehicle or overthinking it.

At the same time—and this is the part that stuck with me—he was doing the bookkeeping in his head. On the fly. He knew his maximum bid, not just based on the purchase price, but factoring in the repairs the vehicle would most likely need once it was trailered back to his shop. Labor. Parts. Risk. Margin. All calculated in seconds. Because that’s all he had.

In about an hour, he’d buy 20 to 30 vehicles.

I remember standing there, amazed—not just by the pace, but by the calm. It was high-stress, fast-moving, and Charles was entirely at ease. That’s what preparation looks like when it meets experience.

But there was something else I noticed.

Growing up, my dad knew several car dealers, and one thing always stood out to me—many of them didn’t actually like cars. Vehicles were inventory. A means to an end. Charles was different. Despite knowing every flaw a car might have, he still saw the beauty in them. Whether it was a Corvette or a Cavalier, he saw value, purpose, and uniqueness in every vehicle.

That mindset still defines his businesses today.



Those businesses—Car Lotta Credit and Car Sales and Pompey Collision—now operate in Kingston and Blakely. Together, they represent something rare in Northeastern Pennsylvania: a family-owned operation large enough to do things the right way, but personal enough to still care about every customer.

This is what I often call the Goldilocks of used car dealerships.

They aren’t a tiny, under-resourced mom-and-pop shop without systems or compliance—and they’re not a faceless national giant where customers are just numbers. They’re professional, structured, fully compliant with Pennsylvania law, and staffed with people who know what they’re doing.

And I know firsthand why that distinction matters.

Years ago, when I served as a prosecutor, I was routinely assigned cases brought by the Pennsylvania State Police against car dealerships. I worked closely with a particular trooper who knew dealer regulations inside and out. And almost without exception, it was the same type of defendant.

A small operation. No filing systems. Paperwork in disarray.

The violations were often identical—MV-1 forms not submitted to PennDOT on time, customers driving around on temporary tags far longer than legally permitted, or worse, sales tax collected but never remitted to the Commonwealth. These weren't malicious empires—they were poorly run operations without structure or oversight.

That's what separates Car Lotta.

Structure. Compliance. Systems. Accountability. Most people buy new cars for peace of mind. Warranties matter. Predictability matters. And once you buy a used vehicle in Pennsylvania—especially “as is”—you enter a very different legal landscape.

Car Lotta bridges that gap.

Because they don't just sell vehicles—they service them. With Pompey Collision and a full in-house team of mechanics, they diagnose issues quickly and repair cars throughout their lifecycle. Customers aren't abandoned when something goes wrong—they're supported.

“BIG ENOUGH TO DO IT RIGHT.”

“SMALL ENOUGH TO STILL CARE.”

Then there's the financing side—often the most misunderstood part of their business.

Car Lotta serves people with poor or limited credit. People carrying that quiet burden that shuts doors most never notice. In NEPA, where public transportation is limited, a car isn't optional—it's essential.

What makes Car Lotta different is that they don't just collect payments. They report them—including the good ones.

Many buy-here, pay-here dealers only report missed payments. Car Lotta reports positive payment history, allowing customers to rebuild credit, raise scores, and eventually qualify for traditional financing.

And when a customer outgrows Car Lotta's services? Charles is genuinely happy for them—even though it means losing their business.

That tells you everything.

We're proud to represent Charles Pompey and his family—not just because they run successful businesses, but because they do it with integrity, expertise, and genuine care for the people they serve.

I saw it at the auctions years ago. I see it today in how Car Lotta operates.

And if you're building something of your own—be smart. Call Hart.



Car-Lotta Credit's “Corporate Jet”.

SEE WHAT OUR TEAM IS UP TO IN **DECEMBER**

2025

December

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
		30	31			

CHRISTMAS IN THE CORNERS

SUNDAY DECEMBER 7, 2025

Each year, Hart Law is proud to set up a tent at Dunmore's Christmas in the Corners, inviting children to stop by and write their letters to Santa. With paper, crayons, and plenty of holiday cheer, we make sure every letter is addressed, stamped, and ready for its journey to the North Pole—just in time for Christmas. It's one of our favorite traditions and a small way we love giving back to the community during the holiday season. 🎄✉️



NEW LAWYER SWEARING IN

FRIDAY, DECEMBER 5, 2025

Each year, the Lackawanna Bar Association hosts a formal swearing-in ceremony to welcome newly admitted attorneys who have passed the bar. This year, Attorney Hart, as President of the Young Lawyers Division, had the honor of addressing the new lawyers and offering remarks as they begin their legal careers. Later that day, the YLD hosted its annual holiday gathering, bringing together new attorneys and local judges to create an informal opportunity for mentorship, conversation, and connection within the legal community.



HART LAW'S HOLIDAY CHRISTMAS PARTY

FRIDAY, DECEMBER 19, 2025

Each year, Hart Law hosts an annual Christmas party bringing together our staff, the team at The Dunmorean, and a small group of close, longtime clients. It's a night centered on gratitude—celebrating the relationships that keep our office strong and our community connected. True to his roots, Attorney Hart adds a uniquely local touch by ordering a tray of pizza from every pizza shop in Dunmore, giving guests a chance to sample different cuts, compare favorites, and enjoy a true hometown pizza tasting. It's a small detail that turns a holiday gathering into a celebration of community. 🍕🎄



STREET NAMING OF THE LATE JOHN M. HART, JR.

FRIDAY, DECEMBER 19, 2025

The City of Scranton will honor Attorney Hart's late father, John M. Hart, Jr., by renaming Cliff Street in downtown Scranton as John M. Hart, Jr. Way. The dedication will take place at 3:00 p.m. on December 19, 2025, recognizing John's lasting contributions to the city—particularly his work and advocacy on behalf of Steamtown and Scranton's historic preservation. It is a fitting tribute to a man whose passion and commitment helped shape the city he loved.

JOHN M. HART, JR. WAY

SEE WHAT OUR TEAM IS UP TO IN JANUARY

2026

JANUARY

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
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18	19	20	21	22	23	24
25	26	27	28	29	30	31

OUT IN THE WILD WITH HART LAW: BIRDS OF A FEEDER

SATURDAY, JANUARY 10, 2026

Join Hart Law for a winter morning at Lackawanna State Park as we attend Birds of a Feeder, a free community science event focused on observing and identifying local bird species. Stop by anytime between 9:00 and 11:00 a.m. at the Park Office Classroom to learn how volunteers help contribute to the 3rd Pennsylvania Bird Atlas and Project FeederWatch. Enjoy fresh coffee, connect with fellow nature enthusiasts, and take part in an easy, hands-on way to appreciate and protect the wildlife in our own backyard.



HART OF THE MOUNTAIN WINTER HIKE

MONDAY JANUARY 19, 2026

This January, Hart Law is heading up the mountain for a winter hike at the Dick & Nancy Eales Preserve on Moosic Mountain. We'll get out into the quiet beauty of winter, enjoy the sweeping views that only leaf-off season can offer, and reconnect with nature right in our own backyard. After the hike, we'll warm up back at Hart Law Basecamp with hot cocoa and good company—a perfect reminder that even in the coldest months, getting outside together is always worth it.



SHIVERFEST EXTREME KAYAK & CANOE PADDLE

SATURDAY, JANUARY 17, 2026

Hosted by the Lackawanna River Conservation Association, Shiverfest is a non-competitive winter paddle reserved for only the toughest river lovers. On Saturday, January 17, 2026, river conditions permitting, paddlers will brave approximately 2.7 miles of the Lackawanna River, launching from Parker Street Landing and finishing at Sweeney's Beach, with launch at High Noon. Participants must supply their own vessel, PFDs are mandatory, and wetsuits are strongly recommended. This year, Hart Law is proudly supporting the event, with Attorney John Hart taking on the winter paddle to help raise funds and awareness for this iconic cold-weather river tradition—and to celebrate enjoying the outdoors year-round in Northeastern Pennsylvania.



SEE WHAT OUR TEAM IS UP TO IN **FEBRUARY**

FEBRUARY

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

HART LAW WINTER WATERPARK RETREAT ❄️💧

DATE: TBD

In the heart of winter, the Hart Law team is heading indoors to recharge, reconnect, and thaw out at the Kalahari Indoor Waterpark. Our Winter Waterpark Retreat (date TBD) is a chance for our team to step away from the day-to-day demands of the office and spend a full day together enjoying well-earned downtime, team bonding, and a little warm-weather fun—without leaving Pennsylvania. Whether it's water slides, lazy rivers, or simply time to relax together, this retreat reflects our belief that a strong team is built not just in the office, but by sharing experiences beyond it.



WINTERFEST 2026

SATURDAY, FEBRUARY 14, 2026

Don't let the cold keep you indoors—Winterfest 2026 returns to Lackawanna State Park on Saturday, February 14, 2026, from 11:00 a.m. to 3:00 p.m. This free, family-friendly event takes place in the Day Use Area and around the Park Office and celebrates all the ways to enjoy the outdoors in winter. Activities include trying out snowshoes, guided hikes, birdwatching with binoculars, winter outdoor safety tips, crafting pinecone bird feeders, and warming up with s'mores by the fire. Winterfest is a perfect reminder that even on the coldest days, Northeastern Pennsylvania's great outdoors are meant to be enjoyed.



Across the Pond and On the Clock: A Winter Journey Through Ireland

BY JOHN M. HART, III, ESQ.

PHOTOGRAPHY: JOHN M. HART, III, ESQ.

A cross-country drive through Ireland became more than a getaway—it was a lesson in culture, camaraderie, and balancing the demands of work with the joy of experiencing something entirely new.



Winter has a way of sharpening perspective. Maybe it's the shorter days or the quieter pace—but November offered the perfect opportunity to step away from the office, if only briefly, and experience something entirely different. And yes, while technically Winter proper doesn't commence until December, the weather tends to state otherwise. Humor me and let me run with it. So, this "winter," that meant Ireland.

I traveled to the Emerald Isle with a small group of business colleagues—clients and realtors I work with closely and trust deeply. We flew into Dublin, rented a van, and set off across the country toward Killarney. What struck me immediately was scale. You can drive coast to coast across Ireland in under four hours. For context, it takes longer to reach Pittsburgh from Northeastern Pennsylvania. Yet within that compact landscape is more history, character, and culture than many places ten times its size.



After a few nights in Killarney, we made our way to Dingle, then up along the coast to the Cliffs of Moher, before spending an energetic night in Galway—a city alive with music, conversation, and warmth, even in the chill of late autumn. We finished where we began, back in Dublin, soaking in the final hours before returning home.



One thing became immediately clear on this trip: I understand exactly why I work with these people.

While we were fortunate enough to step away from our desks, the work never truly stopped—and that was oddly comforting. Much like my own travel style, phone always close by, these realtors and professionals operated the same way. Calls were answered. Problems were diffused. Deals were pushed forward. Whether it meant taking a client call during a Guinness-pouring class at the Guinness Storehouse, or ducking back to the hotel to revise and send out a contract that couldn't wait, we found a balance between responsibility and reprieve.

That balance doesn't happen by accident. It's built on trust—trust in your colleagues, and trust in your team back home. This is where Yeraldi was indispensable, keeping everything running smoothly while I was away. The ability to step out for a moment rests entirely on knowing things won't fall apart in your absence. That doesn't go unnoticed.

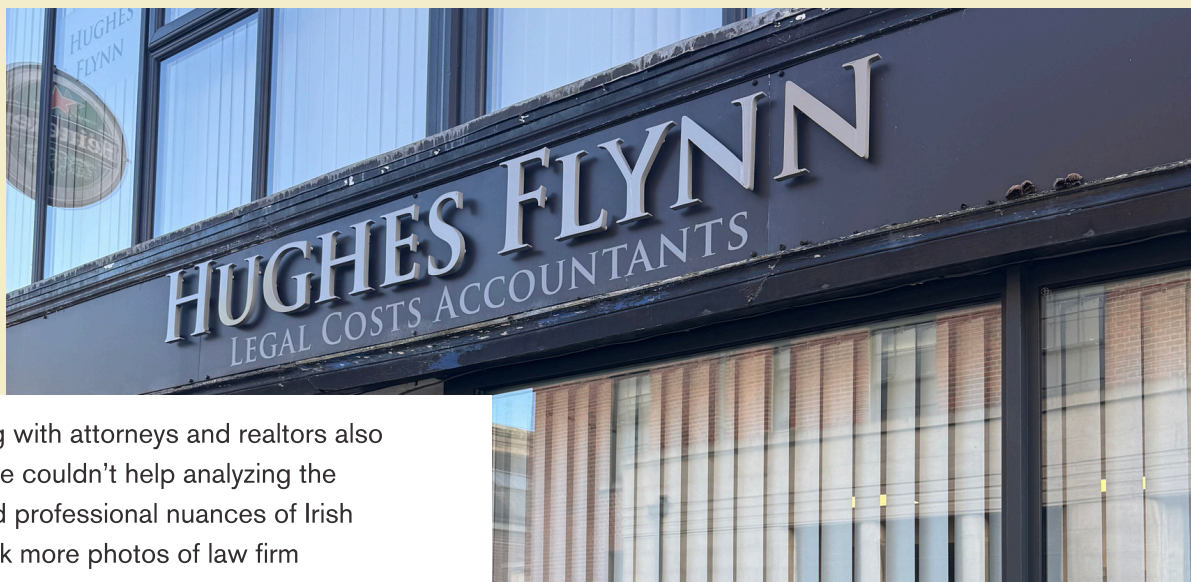




One familiar face on the trip was Ryan Barletta, whom readers may recognize from fall's Legal by Nature client showcase. Ryan was an absolute asset to the group—and the undisputed life of the party. Ireland, after all, is a country built around pubs, storytelling, and human connection—and Ryan brought all three with him.

Visually, he stood out. There's no way around it. He walked through Ireland carrying the largest cigars he could legally transport, box in hand. Ironically, he never even lit one. Instead, he'd strike up a conversation with a pub owner or bartender, trade stories about owning a bar back home, invite them to Barletta's should they ever visit the States—and gift them a cigar. Each time, it made someone's day. And more often than not, they wouldn't let him leave without a token in return: a coaster, a glass, a bar mat, a shirt. He didn't just travel through Ireland—he connected with it.





Traveling with attorneys and realtors also meant we couldn't help analyzing the legal and professional nuances of Irish life. I took more photos of law firm signage than scenic overlooks. We learned that what we call "sale pending" back home becomes "sale agreed" once a deal is in place in Ireland. We debated differences in tax systems, vehicle regulations, and compliance structures. Even on vacation, curiosity never shuts off—it just changes scenery.

Somehow, I also found myself the group's unofficial tour guide. And yes, that included driving a van from the right side, on the left side of the road, through countless roundabouts with confidence. It wasn't my first time—but it always earns a few raised eyebrows.



One of the most enjoyable parts of the trip was experiencing Ireland's food culture, town by town. We made it a point to try fish and chips in every place we visited, each with its own subtle twist—crispy batter, fresh-caught fish, and chips that always seemed to hit the spot after a long day on the road. Pub burgers were a staple as well, and anyone who's tried Irish beef knows it tastes... different. Not better or worse—just different—richer in its own way, a reflection of how cattle are raised and grazed.

We worked our way through both shepherd's pie and cottage pie, learning the distinction along the way: shepherd's pie made properly with lamb, cottage pie with beef.


Add in hearty stews, a plate of wings when homesickness kicked in, and—of course—a pint of Guinness with nearly every meal, and we found that Irish cuisine is simple, honest, and best enjoyed slowly, in good company.



Ireland in winter was beautiful, educational, and deeply human. It reminded me that while technology keeps us tethered to work, relationships—real ones—are what make that work meaningful. Whether across the ocean or back in NEPA, the balance between obligation and experience is something we all navigate daily.

From our travels to your winter season, I hope you find moments to step away, stay connected, and appreciate both the work you do and the people you do it with.



SHARE YOUR FAVORITE IRELAND SPOTS WITH US ON FACEBOOK 

Understanding Pennsylvania's New Custody Factor Changes: What Parents Need to Know



BY ALEXANDER TULANEY, ESQ

A practical overview by Attorney Alexander Tulaney on initiating timely custody modifications to keep your family's best interests on track.



Pennsylvania's custody laws received an important update in 2024 when the General Assembly amended 23 Pa.C.S. § 5328, the statute that outlines the “best interest of the child” factors. These are the criteria judges must evaluate in every custody case—whether parents are negotiating an agreement or litigating in court. And because the “best interest standard” controls all custody decisions, even small changes in the law can have meaningful effects on families.

So what changed, and what does it mean for parents seeking custody orders in 2025 and beyond? Here's a straightforward breakdown.

Why the Custody Factors Matter

When a judge is deciding who gets primary custody, how holidays are shared, or whether a relocation is permitted, they must analyze a list of factors designed to protect the child's health, safety, and emotional well-being.

These factors guide the entire case.

If a case goes to a hearing, the judge must explain on the record how each factor weighed for or against each parent. That means the factors effectively shape the outcome.

What Changed in 2024

The legislature updated §5328 to better reflect modern family dynamics and emphasize child safety. While the core list remains familiar, several factors were expanded, clarified, or strengthened.

1. Greater Emphasis on Domestic Violence

The law now places even stronger focus on:

- protection-from-abuse orders
- patterns of coercive control
- exposure to conflict

Judges must evaluate not only physical violence but also threats, intimidation, emotional abuse, and controlling behavior.

This reflects current research showing that children who witness psychological abuse experience harms similar to those exposed to physical violence.



2. Mental Health + Substance Abuse Clarified

Courts have always considered a parent's mental and physical health, but the amendments clarify that:

- active substance abuse
- untreated mental health conditions
- inability to maintain stable functioning

may weigh heavily against that parent if they impair parenting ability.

Parents seeking custody should be prepared to show treatment, stability, and a support plan.

3. Stability and Consistency Are Now Front-and-Center

The updated statute now places renewed emphasis on:

- stable housing
- consistent routines
- reliable caregiving
- minimizing disruption to a child's school, activities, and community

Judges are directed to prioritize maintaining a child's sense of security and predictability—especially for younger children.

4. Expanded Focus on Parental Cooperation

The legislature significantly strengthened the factor addressing whether a parent:

- encourages the child's relationship with the other parent
- coordinates schedules
- resolves conflict maturely
- avoids disparaging the other parent in front of the child

Courts are increasingly intolerant of parents who sabotage co-parenting. This is one of the most influential factors in custody outcomes.

5. Child's Preference Clarified

The child's preference remains a relevant factor, but the updated law clarifies that judges must consider:

- the child's maturity
- reasoning
- freedom from outside influence

The amendments ensure that the expressed preference is genuine, not coached.

What These Changes Mean for You

Whether you already have a custody order or are preparing to file, the updated factors affect your case in several important ways:

1. Judges will look closely at behavior—not titles.

Traditional roles (e.g., “he’s the dad,” “she’s the mom”) carry less weight than demonstrated conduct.

A parent who shows cooperation, stability, and emotional maturity will score better under the new framework.

2. Parents must avoid conflict—especially in writing.

Texts, emails, social media posts, and co-parenting app messages can all be used as evidence of hostility or cooperation.

3. Safety concerns will be scrutinized more seriously.

Patterns of intimidation or controlling behavior can heavily influence custody decisions.

4. Improvements matter.

Unlike criminal cases, custody courts look at progress.

A parent who has addressed mental health or substance issues can strengthen their position by showing treatment records and long-term stability.

5. Old orders may be outdated.

If your custody order is several years old, the new factors may support seeking a modification—especially if the child's needs, routines, or safety concerns have evolved.

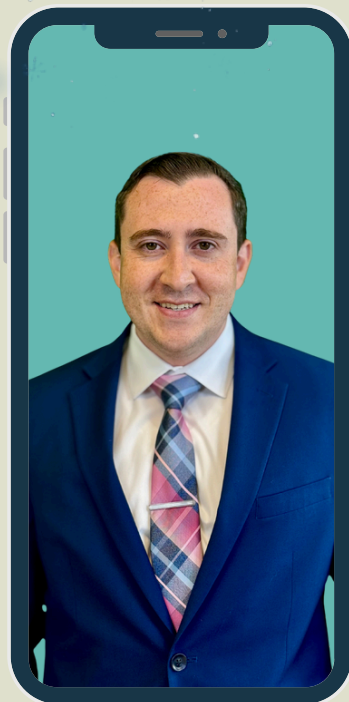
Bottom Line: The New Law Prioritizes the Child's Daily Reality

These changes reinforce a simple truth:

The court cares less about the past and far more about the child's current, lived experience.

Parents who focus on communication, stability, emotional safety, and cooperation will be in the strongest position under the updated custody statute.

If you have questions about how the factor changes may affect your custody arrangement—or you're considering filing for modification—Hart Law is here to help guide you through every step so you can focus on what matters most: your child.



The Market in Motion: Understanding Today's Housing Shift & What It Means for Buyers and Sellers



BY JOHN M. HART, III, ESQ
PHOTOGRAPHY: JOHN M. HART, III, ESQ.

*An easy, big-picture guide to understanding
the current real estate climate—and what
smart timing really means for your next
move.*



After nearly four years of volatility, the housing market is finally showing signs of shifting—but not in a single direction. Instead, we’re entering what many economists call a “transitional market”: interest rates are easing but still higher than pre-pandemic norms, inventory is slowly increasing, and buyers are becoming more selective. For the first time in a long time, both sides of a real estate deal have real leverage—depending on how they play their hand.

So what does that mean for the months ahead, and how do you know when it’s the “right time” to buy or sell? Let’s break it down.

“TODAY’S HOUSING MARKET ISN’T HOT OR COLD—IT’S STRATEGIC.”



Winter Sale!

Where the Housing Market Stands Today

Interest Rates Are Stabilizing—Finally

After a series of steep rate hikes, mortgage rates have begun to cool. While we aren’t likely to return to the ultra-low 2%–3% rates of 2020–2021, many forecasters anticipate that rates could trend toward the mid-5% to low-6% range by early 2026, assuming inflation continues to ease.”

Even slight reductions open the door for more buyers, which can help support prices.

Inventory Is Slowly Returning

The last few years saw record-low housing inventory, driving competition and bidding wars. Now, more homes are coming onto the market—still below historical averages, but enough to give buyers options they haven’t had since before the pandemic.

Prices Are Leveling Out

Home values remain high, especially in the Northeast, but price growth has slowed dramatically. Instead of double-digit appreciation, markets are seeing modest increases—or even slight corrections—in certain neighborhoods.

The takeaway: We’re moving away from the extreme seller’s market and into a more balanced one.



What Experts Predict for the Near Future

Industry analysts generally agree on three things for the next 12–18 months:

1. Rates will gradually decrease, but not dramatically.
2. Inventory will improve, but won't flood the market.
3. Prices will stabilize, with some local variations depending on demand.

In short, the market is expected to become more predictable, which is a welcome change for buyers and sellers who have felt whiplash since 2020.

Now a Good Time to Sell?

Traditionally, the fall and winter—particularly after Thanksgiving—are considered tougher times to sell. Families are busy with holidays, weather becomes a factor, curb appeal drops, and fewer buyers are actively shopping.

But the modern market has complicated that rule:

- Low competition can help sellers stand out.
- Serious buyers shopping during the winter tend to be motivated.
- Online marketing (professional photos, virtual tours) means first impressions no longer depend on sunny landscaping.

Selling during winter can work in your favor—if your home is priced correctly and positioned well against comparable listings.

The best time to sell is when:

- Your home is in good condition
- Inventory in your neighborhood is low
- Your next move makes financial sense

A home sold in January at the right price is better than a home listed in May that lingers because the market shifted.



Is Now a Good Time to Buy?

For buyers, this transitional market offers real opportunity:

- Less competition means fewer bidding wars.
- More inventory gives you better choices.
- Decreasing rates mean your payment may improve if you refinance later.

The key? Don't try to "time the bottom." The right time to buy is when the payment fits your budget and the home fits your life—not when the headlines declare a perfect market.





Bottom Line: A Smart Market Rewards Smart Planning

Real estate is rarely about guessing the future. It's about understanding the forces at play right now and acting with intention.

Whether you're buying your first home, planning a move, or thinking about selling in a season when the market usually cools down, the opportunities are there—you just need to navigate them thoughtfully. If you'd like help reviewing a real estate agreement, preparing for a closing, or understanding your rights as a buyer or seller, Hart Law is here to guide you every step of the way—inked, reviewed, and ready for your next move.

“Winter may cool the market, but it doesn't freeze opportunity.”



Quick Tips for Today's Housing Market

For Sellers

- Price it right from the start. Overpricing in a cooling market leads to longer time on market—and lower final offers.
- Winter buyers are motivated. Fewer showings, but stronger prospects.
- Improve your online first impression. Professional photos matter more than curb appeal this time of year.
- Watch neighborhood inventory. If comparable homes are scarce, it's a great time to list.

For Buyers

- Get pre-approved now. You'll be ready to act as rates dip.
- Take advantage of less competition. Winter months often mean more negotiating power.
- Prioritize condition over cosmetics. The best deals are homes that are structurally solid but lightly outdated.
- Plan for refinancing. A good home at today's rate can become a great investment when rates fall.

For Everyone

Don't time the market—time your life. Move when it makes sense for your finances, family, and future.

Questions about this topic? Call Hart Law at 570-344-2626.

CASE LAW IN A NUTSHELL

PROPERTY REASSESSMENT & UNIFORMITY

Hart Law Success Story

This year marked the first countywide reassessment in Lackawanna County since 1968, and many property owners were shocked to discover significant increases in their assessed values.

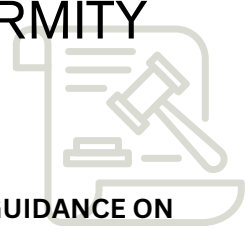
Attorney Hart represented numerous homeowners and small businesses before the Board of Assessment Appeals—and Hart Law was successful on every single appeal.

Together, these victories resulted in nearly \$500,000 in reduced property valuation, easing tax burdens for families across our community.



Quick Takeaways

- **Uniformity Over Accuracy:** Even a “correct” value can be unconstitutional if it burdens you more than comparable properties.
- **Comparables Matter:** Recent sales and neighborhood data are often the deciding factor in appeals.
- **Mass Appraisal ≠ Individual Fairness:** Countywide models are imperfect—your home’s unique traits can justify a reduction.
- **No Selective Appeals:** Taxing bodies cannot target specific categories of properties for challenges.
- **2026 Reassessment Impact:** With the first reassessment since 1968, thousands of values shifted dramatically—making this the most important year in decades to review your property’s assessment.



COMMONWEALTH COURT GUIDANCE ON REASSESSMENT CHALLENGES

Clifton v. Allegheny County (Pa. 2009)

The Pennsylvania Supreme Court held that Pennsylvania’s Constitution requires uniformity in taxation—not simply accuracy. Even if a reassessment is lawful, an individual assessment may still violate the uniformity clause if the property is valued disproportionately relative to comparable properties.

Key Point:

Uniformity requires that property owners share tax burdens equally, not perfectly.

Valley Forge Towers Apartments v. Upper Merion Area School District (Pa. 2017)

The Court ruled that taxing bodies cannot selectively appeal assessments of only large commercial properties. Such “cherry-picking” violates the principle of tax uniformity.

Key Point:

Assessment appeals must be even-handed and free from targeting or selective enforcement.

In re: Consolidated Appeals of Chester-Upland School District (Pa. Commw. Ct. 2020)

The Court reinforced that sales comparison evidence, including recent arm’s-length transactions and comparable property data, is highly persuasive in challenging an assessment. Local boards must consider this evidence—not rely solely on mass appraisal models.

Key Point:

Comparable sales and market data remain the strongest tools for homeowners contesting their new values.



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