

MALCOLM J. GROSS

PARTNER



Super Lawyers®
2019

Malcolm J. Gross practices law in all areas of civil litigation including corporate law, matrimonial law, media, transactions, real estate, and construction law.

Mal has authored articles on a wide range of topics which have appeared in such national publications as *Social Work*, *Case & Comment*, and *Communications and the Law*. He also has published work in the *Pennsylvania Bar Quarterly* and the *Pennsylvania Law Journal Reporter*. Some of his articles cover press law including defamation, subpoenas, and freedom of information issues. He also writes about general-interest issues such as custody and domestic relations.

Mal frequently is invited to lecture on a variety of topics including history and law. He has lectured in law at Muhlenberg College, Cedar Crest College, and Lehigh University as well as in front of multiple Bar and community organizations, including the Lehigh County Historical Society, Pennsylvania Bar Association, Sigal Museum, and many others.

In 2004, 2006, and 2013-2019, Mal was selected for inclusion in Pennsylvania Super Lawyers editions, reserved for the top five percent of Pennsylvania attorneys, and has held an AV Preeminent® Peer Review Rating by Martindale-Hubbell® for over 30 years. Mal was also listed in the 2019 edition of *The Best Lawyers in America*®. The annual publication recognizes the top legal talent in the country through a peer review process.



33 South Seventh Street, PO Box 4060
Allentown, PA 18105-4060

✉ MGross@GrossMcGinley.com

☎ (610) 871-1312

Areas of Practice

Major Litigation
Business Law
Matrimonial and Family Law
Media and Publishing Law

Admissions

Pennsylvania
U.S. District Court
Eastern District of Pennsylvania
Middle District of Pennsylvania
U.S. Court of Appeals
Third Circuit
U.S. Supreme Court

Education

Villanova University School of Law,
J.D., 1965
Muhlenberg College,
B.A., cum laude, 1962

Professional Associations

Pennsylvania Bar Association
Bar Association of Lehigh County,
Board of Directors
Lehigh County Court,
Mediation Panel
Donald E. Wieand Barristers Inn
Supreme Court of Pennsylvania,
Hearing Committee and
Disciplinary Board,
Former Member

Community Involvement

Harry C. Trexler Trust, Chairman of the
Board of Trustees
Lehigh County Historical Society,
former President and Board
Member

Past Community Involvement

Lehigh County Bar Association, Board of Directors (2016-present)
Institute for Retired Learning, Board Member (2015-present)
Trexler Trust, Chairman (2000-present)
Da Vinci Science Center, Board of Trustees (2013-2015)
Allentown Parking Authority (2005-2012)
Muhlenberg College Board of Observers (2004-2006)
United Way of the Greater Lehigh Valley Executive Committee (2000-2004)
Muhlenberg College, Board of Associates, Executive Committee (1990-2006)
Sacred Heart Hospital Board of Directors (2000-2003)
Lehigh Valley Business Partnership Coalition on Health Care (1993-2003)
Allentown Symphony former President (1989-1999)
Easter Seal Society, Advisory Board (1996-1998)
Miller Blood Bank, Advisory Board (1996-1999)
Lehigh Valley Rape Crisis Council, Director (1989)
Pennsylvania State Democratic Executive Finance Committee, Member (1981-1986)
WLVT-TV, Channel 39 (Lehigh Valley Public Television), Chairman and Member (1969-1993)
Lehigh Valley Child Care, President and Director (1971-1979)
YMCA, Director (1971-1976)
Governor's Council on Alcohol & Drug Abuse, Member (1969-1975)
Wildlands Conservancy, President, Founder, and Director (1969-1972)
CAUSE, President and Founder (1969-1971)

Presentations

"Near v. Minnesota", Muhlenberg College, March 2014
"The Election of 1852", The Institute for Learning in Retirement, Cedar Crest College, March 2019
"Four Elections and a War", The Institute for Learning in Retirement, Cedar Crest College, March 2019
"The Trial of Aaron Burr, Carbon County Bench Bar Conference, April 2018
"The Impeachment of Andrew Johnson", Northampton County Bar Association and Kalmbach Park, April 2018
"How America Got into World War I", Cedar Crest College, November 2017
"The Impeachment of Andrew Johnson", Bar Association of Lehigh County, October 2017
"Compromise of 1850", Northampton County Bar Association, September 2017
"Impeachment of Andrew Johnson", PPL Legal Conference, September 2017
"The Trial of John Brown", Maryland State Archives, June 2016
"The Gettysburg Address", Civil War Round Table of Eastern Pennsylvania, April 2016
"Slavery and Segregation", The Institute for Learning in Retirement at Cedar Crest College, March-April 2016
"The Supreme Court of the U.S.: Its Power and Limitations", Carbon County Bar Association, February 2016
"Oliver Wendell Holmes", Northampton County Bar Association, December 2015
"Oliver Wendell Holmes", Lehigh County Bar Association, December 2015
"America and Japan – How Pearl Harbor Came", The Institute for Learning in Retirement, at Cedar Crest College, November-December 2015
"Lincoln and the Gettysburg Address", Lehigh County Bench Bar Conference in Gettysburg, Pennsylvania, October 2015
"Declaration of Independence", Salvation Army, October 2015
"Thaddeus Stevens-Assemblyman, Congressman, Abolitionist-Pennsylvania Lawyer", Monroe County Bar Association, September 2015
"The Trial of Aaron Burr", Kalmbach Park, May 2015
"John Brown", Civil War Round Table of Northampton County PA, April 2015.
"Compromise of 1815", The Institute for Learning in Retirement, at Cedar Crest College, April-May 2015
"The Declaration of Independence", PPL Electric Utilities Corporation, April 2015
"Thaddeus Stevens' Scourge of the South", Civil War Round Table of Eastern PA, April 2015
"The Declaration of Independence", Lehigh County Historical Society, March 2015
"The Declaration of Independence", Northampton County Bar Association, January 2015

Presentations (continued)

- "Who Started WWI?", The Institute for Learning in Retirement, at Cedar Crest College, October-November 2014
- "The Declaration of Independence", Lehigh County Bar Association, October 2014
- "The Trial of Aaron Burr", Lehigh County Historical Society, September 2014
- "Emancipation Proclamation", Lehigh County Bar Association, September 2014
- Conversation with children, sharing about himself, his occupation, and what he feels makes someone a good citizen of the United States, Allentown School District children at the Liberty Bell Museum, April 2014
- "The Trial and Execution of John Brown", Robert E. Lee Civil War Round Table, April 2014
- "Brown v. Board of Education", PPL Electric Utilities Corporation, April 2014
- "Local History and Culture", Muhlenberg College, Course AMS 281 Reading Allentown, March 2014
- "The Trial of John Brown", Lehigh County Historical Society, March 2014
- "Brown v Board of Education", Northampton County Bar Association, December 2013
- "Progressivism and the Progressives", Cedar Crest College's Institute for Learning in Retirement, November-December 2013
- "The Election of 1912 – The Rise of the Progressives", Kalmbach Memorial Park, November 2013
- "Progressivism and the Progressives", Cedar Crest College Institute for Learning in Retirement, November 2013
- "Brown v. Board of Education", Bar Association of Lehigh County, October 31, 2013
- "Local History and Culture", Muhlenberg College, Course AMS 281 Reading Allentown, March 2013
- "The Trial of John Brown", for The Civil War Round Table of Eastern Pennsylvania, May 2013
- "Darrow and the Violent Clash between Labor and Capital at the Turn of the 20th Century", Institute for Jewish-Christian Understanding at Muhlenberg College, May 2013
- "Thaddeus Stevens", Kalmbach Memorial Park, April 2013.
- "The Supreme Court of the U.S.: Its Power, and Limitations", The Institute for Learning in Retirement at Cedar Crest College, April 2013
- "Marbury v. Madison", Lehigh County Bar Association, April 2013
- "Three American Elections", The Institute for Learning in Retirement at Cedar Crest College, October 2012
- "Clarence Darrow, America's Legendary Litigator", Northampton County Bar Association, October 2012
- "Clarence Darrow, America's Legendary Litigator", Lehigh County Bar Association, June 2012
- "Thaddeus Stevens and Abraham Lincoln – Conflicting Leadership Styles and Tactics in a Time of Great Turmoil", Pennsylvania Bar Association Program, February 2012
- "Three Criminal Trials that Changed America Forever", The Institute for Learning in Retirement at Cedar Crest College, November-December 2011
- "The Trial of John Brown and the Last Step towards Civil War in America", Northampton County Bar Association, November 2011
- "The Trial of John Brown and the Last Step towards Civil War in America", Lehigh County Bar Association September 2011
- "Habeas Corpus – The Great Writ of Liberty", Northampton County Bar Association, November 2011
- "Habeas Corpus – The Great Writ of Liberty", Lehigh County Bar Association, February 2011
- "Three American Radicals and Why They Succeeded", The Institute for Learning in Retirement at Cedar Crest College, November–December 2010
- "Chief Justice Roger B. Taney's Tenure as Supreme Court Justice and His Constitutional Clashes with Abraham Lincoln", Northampton County Bar Association, November 2010
- "Chief Justice Roger B. Taney's Tenure as Supreme Court Justice and His Constitutional Clashes with Abraham Lincoln", Lehigh County Bar Association, February 2010
- "Thaddeus Stevens and the Radical Republicans Impact on the American Constitution and System of Government", Northampton County Bar Association, December 2010
- "Thaddeus Stevens and the Radical Republicans Impact on the American Constitution and System of Government", Lehigh County Bar Association, February 2010
- "How Speech Got to be Free Speech – World War I, The Red Scare, Two Justices, Two Dissents and a Whole New Concept for the Speech Clause in the First Amendment", Northampton County Bar Association, December 2009
- "How Speech Got to be Free Speech – World War I, The Red Scare, Two Justices, Two Dissents and a Whole New Concept for the Speech Clause in the First Amendment", Lehigh County Bar Association, April 2009
- "How Speech Got to be Free Speech – World War I, The Red Scare, Two Justices, Two Dissents and a Whole New Concept for the Speech Clause in the First Amendment", PPL Electric Utilities Corporation, June 2009
- "Regina v. Dudley", Northampton County Bar Association, April 2009
- "Regina v. Dudley", Lehigh County Bar Association, June 2008

Publications

Featured: "Protecting the First Amendment, Trustee for the Community," *Lehigh Valley Business Power Issue*, 2018

Quoted: "Kathleen Kane's absolute immunity challenged in court," *The Morning Call*, 2015

Quoted: "Supreme Court examines Northampton County man's case," *The Morning Call*, 2014

"Two Mayors and A Lawyer", Book published by Lehigh County Historical Society, 2013

Numerous Op-Ed Pieces, *The Morning Call*, 1984 - 2010

"My Year with the Supreme Court", *Pennsylvania Lawyer*, 2003

"My First Client", *Pennsylvania Lawyer*, 2003

"Jack's Five Years", Proceedings of the Lehigh County Historical Society, Vol. 43 – 2002

"Public Access to Quasi-Judicial Hearing and Records", *Pennsylvania Bar Quarterly*, 1999

"Mal's Last Term" Proceedings of the Lehigh County Historical Society, (Vol. 42 - 1996)

"Workers Compensation Exclusivity - Is Defamation an Exception?" *Pennsylvania Bar Quarterly*, 1996

"The Wronged Spouse and No Fault Divorce", Lehigh Valley Psychological Association Newsletter, 1995

"Subpoenas and Newsrooms - The Impact of Pennsylvania's New Reporter's Privilege and Newly-Interpreted Shield Law", *Pennsylvania Bar Quarterly*, 1994

"Solar Eclipse - Procedural Traps and Poor Policing Cloud the Intent of the Sunshine Law", *Pennsylvania Law Journal Reporter*, (1993)"Opinion Left Unprotected by Supreme Court Ruling", *Pennsylvania Law Journal Reporter*, 1990

"One Company's Bankruptcy Can Devastate the Small Business - 5 Steps to Protect Yourself When a Business You Deal With Goes Bankrupt", *Business Matters*, 1987

"Media Newsgathering", Case & Comment, 1987

"Lobbyists, P.A.C.'s and Kitchen Cabinets, The Secret Public Figures", *Communications and the Law*, 1985

"Libel Law - Past and Present", Case & Comment, 1983

"The Dependency Hearing in Pennsylvania Juvenile Courts", *The Barrister*, 1981

Representative Cases

DRS NEWCO III, Inc., n/k/a Night Vision systems, Inc., a DRS Technologies Company, v. Night Vision Equipment Company Holdings, Inc., f/k/a Night Vision Equipment Co., Inc., Excalibur Holdings, Inc., f/k/a Excalibur Electro Optics, Inc., William H. Grube, Jr., Phyllis Grube, William H. Grube, III and Cheryl Grube, Docket No. 2006-C-3878, Lehigh County, PA.

WMPI Land Corp. v. PP&L, Docket No. S-1188-2000, schuylkill County, PA.

Palmer J. Cotturo v. Ronald L. Angle and Sharon Angle, Docket No. C-48-CV-2006-5851, Northampton County, PA.

Mark Mendelson v The Morning Call, Inc. and Tim Darragh, Docket No. 2005-C-386, Lehigh County, PA.

Jeremy Talanca v. Press Enterprise, Inc. d/b/a Press Enterprise, Brandon R. Eyerly, Dean Kashner, James Sachetti, and Ben Timberlake, Docket No. 2008-CV-591, Columbia County, PA.

Karen Hess, D.V.M. v Walbert Animal Hospital, Inc., Linda Miller a/k/a Linda Betz, Individually and as president of Walbert Animal Hospital, Inc., Docket No. 09-3549, United States District Court For The Eastern District of Pennsylvania.

Citizens Bank of Pennsylvania v. Bucks County Custom Cycles, LLC, Alan Shankin, Salvatore J. Salvagno, Allan Dawe, Dean Bianchini, John Rafetto, Alan D. Laird, Ron Pollastrelli, Gregory N. Pappas, and Bruce Shankin, Docket No. 07-05224-29-1, Bucks County, PA.

Capital Blue Cross, Keystone Health Plan Central, Capital Advantage Insurance Company v. Stanford S. Feinberg, M.D., Docket No. 08-13899, Berks County, PA.

Natalie M. Grider, M.D. and Kutztown Family Medicine, P.C. v Keystone Health Plan Central, Inc., Joseph Pfister, Highmark Inc., John S. Brouse, Capital Blue Cross, and James M. Mead; Docket No. 01-5641, United States District Court For The Eastern District of Pennsylvania.

Rosann C. Scheetz and Kenneth L. Scheetz, Jr., Appellants v. The Morning Call, Inc.; Terry L. Mutchler; John Doe and/or Jane Doe; 946 F.2d 202 (1991).

William Wagstaff, Individually and d/b/a Wagstaff's Auto Repair, Appellant v. The Morning Call, Inc. and Kristin Casler, Appellees, 546 Pa. 262 (2001).