By Jeff Lyons

Every child in Philadelphia has a civil right to a quality public education, regardless of zip code, neighborhood school assignment or poverty, School District Superintendent Dr. William R. Hite Jr. told members of the Philadelphia Bar Association at the March 11 Quarterly Meeting and Luncheon.

“Given this right, we are squarely focused on investing in the future of the schools and in the future of Philadelphia,” Dr. Hite said. He spoke of the School District’s Action Plan and investment strategy that includes four ambitious goals:

• 100 percent of students graduating, ready for college and career.
• 100 percent of 8-year-olds reading on grade level.
• 100 percent of schools with great principals and great teachers.
• All the revenue needed to make great schools and zero deficit.

He outlined activities to help achieve the goals, including decision-making authority at the school level; proactive recruiting, hiring, development and evaluation; cost-effective services provided to schools, from food to bussing to maintenance to curriculum and coaching; and investments in innovation, including three new high schools.

“This is critical because we can’t predict what the district will look like in five years,” Dr. Hite said.

It will cost an additional $320 million to accomplish these goals, Dr. Hite said. Included in that cost is early literacy intervention; school climate programs that work; advanced placement classes; expanded CTE offerings; and expansion of students graduating, ready for college and career.

More from Quarterly Meeting
Dean JoAnne Epps accepts the Justice Sonia Sotomayor Diversity Award. Page 4.
GPS
We Have It The Sheriff Doesn't...

Guaranteed
Subpoena Service, Inc.

Voted Best Process Server In
New Jersey, New York,
Pennsylvania & Connecticut

Why Would You
Use Them?

1-800-672-1952
or 215.905.5532
(FAX) 800.236.2092 - info@served.com - www.served.com
60 Years Later, Are We Living Up to Brown v. Board of Education?

By William P. Fedullo

Next month will mark the 60th anniversary of Brown v. Board of Education, the landmark U.S. Supreme Court ruling that has reverberated through the decades right up to the present time.

This is the historic case in which the court declared state laws establishing separate public schools for black and white students unconstitutional. The decision overturned the Plessy v. Ferguson decision of 1896, which allowed state-sponsored segregation, insofar as it applied to public education.

Handed down on May 17, 1954, the Warren Court’s unanimous decision stated, “Separate educational facilities are inherently unequal.” As a result, de jure racial segregation was ruled a violation of the Equal Protection Clause of the 14th Amendment of the United States Constitution. This ruling paved the way for integration and was a major victory of the civil rights movement.

So here we are, in 2014, 60 years later. I can’t help but ask myself and ask all of you, are we living up to the spirit of that ruling when we look at the problems faced by The School District of Philadelphia and Superintendent Dr. William Hite to find ways to help our public schools as they navigate their way through a difficult and critical period. Please visit philadelphiabar.org for more information on how you can get involved with this important initiative.

Educate ourselves – This year, we’re using Chancellor’s Forums and other programs as opportunities for lawyers to be fully informed about the issues, including how the funding works and what it takes for a quality education.

I sincerely appreciate the countless people, law firms and other organizations and institutions that have already “raised their hands” to help. As some of you know, my wife Shelli and I, in addition to being lawyers, both at one point served as teachers in Philadelphia’s public school system. Those experiences will be something we take with us wherever we go.

Now with this platform and opportunity, this is a chance for all of us to make a difference. By helping our public schools, we’re also helping to better our city and our profession.

Additionally, to mark the 60th anniversary of the Brown v. Board of Education decision, we are hosting signature events during Law Week that I hope you will find special and meaningful. In particular, we are partnering with the Barristers’ Association of Philadelphia to host a...
Embrace Differences, Epps Says of Diversity

By Lauren A. Strebel

Real diversity lies in an embrace—a celebration of difference, Temple University Beasley School of Law Dean JoAnne A. Epps said in recorded remarks in acceptance of the Justice Sonia Sotomayor Diversity Award at the March 11 Quarterly Meeting and Luncheon.

Dean Epps was in China speaking at a conference and was unable to attend the program, but said “I am profoundly grateful for the opportunities that I have been given: to do more than I or my parents ever dreamt was possible. We have worked hard as a nation to remove the barriers that once shut people out on the basis of their race, gender or orientation, and both the justice and I have been able to dream bigger dreams as a result of that work. But I’d like to suggest to you now, and I believe that Justice Sotomayor would agree, that diversity is more than access. It’s more than tearing down fences, opening doors and removing barriers that might exclude.”

Previous recipients of the diversity award include Justice Sotomayor, Philadelphia Diversity Law Group, the Laicouras Committee, former Chancellor Andre L. Dennis and Nolan Atkinson.

Epps, dean of the law school since 2008, was awarded the prestigious honor for her commitment to promoting diversity and equal participation in the legal profession. She is admired for her active involvement in the legal community including her participation in both the American Bar Association and Philadelphia Bar Association.

Diversity means more to Epps than categories such as skin color and gender. “True diversity means difference. Often, it means difference in ways that are unexpected, unusual or uncomfortable, but at the same time incredibly delightful. When we embrace difference in others, we often gain a new appreciation for our own unique contributions as well. When we understand diversity not as an accommodation of difference but as a celebration of it, we open our eyes to horizons and possibilities far beyond anything we had dreamt was possible. The opportunity to see the world, and ourselves, from another’s perspective is one that will always challenge us, dare us, to dream more.”

In Epps’ opinion, achieving diversity does not mean we have to personally give something up, such as power, status or opportunity. She suggests instead that when people come together who are different they wind up better than they were before.

Lauren A. Strebel (lauren.a.strebel@gmail.com) is an associate editor of the Philadelphia Bar Reporter.
Kenneth E. Kobylowski, the New Jersey Commissioner for Banking and Insurance, shared fascinating insights into the affects of Superstorm Sandy to the New Jersey insurance community at the first formal program of the Bar Association’s newly established Committee on Insurance Practice.

Kobylowski noted in opening that Sandy generated more than 460,000 insurance claims, which are now 99.3 percent closed. The average claims ran from $6,000 for a homeowner’s insurance claim, to $52,000 for the average flood claim. A total of $4.2 billion has been paid out, thus far. These claims are likely higher than they otherwise might have been, because Kobylowski determined that costly hurricane deductibles would not apply in New Jersey. The result was huge savings for homeowners and huge claim payouts for the insurance industry.

Kobylowski declared hurricane deductibles because there is a fairly simple two-part test in New Jersey for when to apply them. This test is when the storm is a “named hurricane,” and when there are “sustained winds of up to 74 mph or more,” where “sustained” means lasting for one minute or more. Just before Sandy made landfall in New Jersey, it was downgraded to a post-tropical cyclone. Therefore, despite its widespread destruction, the hurricane deductibles that would have saved the insurance community a great deal in claim payouts were inapplicable.

Kobylowski noted that many people in the insurance community complained. After all, if you cannot apply the deductible for a storm like Sandy, when can you? However, as far as the commissioner was concerned, the simple legal test made it a relatively simple call.

Kobylowski took this same approach when reviewing complaints by policyholders. For instance, in New Jersey the policyholder can voluntarily elect for a 5

---

**INSURANCE PRACTICE COMMITTEE**

**N.J. Official: 460,000 Claims from Sandy**

*By Amanda J. Dougherty*

New Jersey Banking and Insurance Commissioner Kenneth E. Kobylowski said $4.2 billion in claims have been paid from Superstorm Sandy. Continued on page 18.
Donald C. Marino, a True Philadelphia Lawyer

By Daniel A. Cirucci

Hold on with one hand, let go with the other.

That's what I think of when I think of Donald C. Marino, who served as Chancellor of the Philadelphia Bar Association at the relatively young age of 44 in 1984 and passed away recently.

Don was a true Philadelphian who was immensely proud of his hometown. Mentored by the legendary Michael Rainone and others, Don also took great pride in his Italian American heritage.

And as a trial lawyer who often did criminal defense work, Don was not hesitant to associate himself with the trial bar and law firms but it will be great for the city. Nobody doubted Don Marino’s love for the city or his respect for its heritage. And with Don's leadership, the Philadelphia Bar Association that traced its history back to the founders of our nation, stepped forward and endorsed Liberty Place. And that broke the logjam and called the dots.

All of this not only gave the bar association a bright new profile but it helped fuel the growth of the profession during a very critical time.

And then Philadelphia Bar Association Executive Director Ken Shear's office and Chancellor Don Marino walked into Executive Director Ken Shear's office and said: "Why don't we take the lead and say it's time to put the gentlemen's agreement aside and get the city moving?" This project will not only be great for lawyers and law firms but it will be great for the city.

And in this way, close to those he loved, Don was equally at home in the broader world and represented the city well at American Bar Association conferences and events throughout the country. Just as he served as Chancellor of the Justinian Society of Italian-American lawyers, he segued into the role of Chancellor of the entire bar with ease. At an early age, he quickly recognized that he could and would lead a huge, diverse, exceptionally talented community of lawyers through a period of rapid growth and dramatic change.

Yes, he held onto tradition and heritage with one hand but he was never afraid to let go with the other.

Here's a good example: in 1984 the city was caught up in a controversy that only Philadelphia could concoct. A longstanding "gentlemen’s agreement" held that no building could be taller than the top of Billy Penn's hat on City Hall. The result was City Hall surrounded by flat-topped, wide buildings that looked like a bunch of refrigerators squatted down in Center City.

Our skyline was less than boring, it was non-existent – and this at a time of unprecedented growth and prosperity when other cities were defining themselves by dramatic new signature skyscrapers that topped, wide buildings that looked like a bunch of refrigerators squatted down in Center City.

The result was that Don was a combination of Hemut Jahn.

He called it Liberty Place and it was created by that dusty old gentlemen’s agreement and redefine the corridor west of City Hall and north of Market Street. He called it Liberty Place and it was characterized by the soaring architectural design of Hemut Jahn.

But nobody seemed to want to step forward and say “C’mon, let’s build this thing.”

And then Philadelphia Bar Association Chancellor Don Marino walked into Executive Director Ken Shear's office and said: "Why don't we take the lead and say it's time to put the gentlemen's agreement aside and get the city moving?" This project will not only be great for lawyers and law firms but it will be great for the city.

And with Don's leadership, the Philadelphia Bar Association that traced its history back to the founders of our nation, stepped forward and endorsed Liberty Place. And that broke the logjam and called the dots.

The result was that Don was a common guest not just on news public affairs telecasts but also on daytime talk shows and call-in programs.

Don also broke the rules for attracting bar association guest speakers bringing in media, sports and entertainment personalities to regale big audiences of lawyers, judges, business, civic and community leaders.

All of this not only gave the bar association a bright new profile but it helped fuel the growth of the profession during a very critical time.

And then Don Marino’s year as Chancellor was over.

And he simply walked away from it. He had no ulterior motive in serving as Chancellor. He sought no further glory nor fame. He was available to serve if asked. But he subsequently never interjected himself into the affairs of the association or attempted to second-guess any of his successors.

Don Marino obviously relished his year as Chancellor and held tight with one to all that he accomplished and all of the fond memories that flowed from that. But, with the other hand he simply let go.

He returned to the practice of law, later moved into Old City and then he and his beautiful wife of 48 years, Vinnie, relocated to the Jersey Shore to be close to their son, Justin and two grandchildren.

And in this way, close to those he loved, Don Marino spent his remaining days.

He was a life of service and loyalty; a life of love and friendship; a life well-lived!
Court Program Raises $3.1 Million for City Schools

A Sequestration Program structured by Commerce Court Administrative Judge John W. Herron has received $3.1 million earmarked for The School District of Philadelphia that will be used to “improve the quality of the education provided to city children.”

In a letter to Chancellor William P. Fedullo, Judge Herron said the Sequestration Program accommodates the city’s request to expedite consideration of matters involving unpaid real estate taxes of owners of commercial properties. In its petitions, the city asked the court to appoint a sequestrator to collect the rents due in order to pay the outstanding taxes.

Since the program began in October 2013, 448 sequestration cases have been filed. Judge Herron wrote that 223 cases are still active, 197 were discontinued, and 18 resulted in the appointment of a sequestrator by default. As of March 12, five matters were scheduled for hearings.

“I am well aware of your initiative to support the Philadelphia schools and thought you might be interested in this special program designed to do just that,” Judge Herron wrote.

The Commerce Court Case Management Program is a specialized court focused on resolving commercial disputes.

Chancellor Fedullo has made a priority of helping The School District of Philadelphia this year.
The Philadelphia Bar Foundation’s Trustees were recently treated to a presentation by Eileen Heisman, president and CEO of National Philanthropic Trust (NPT), who transformed NPT into the largest, independent provider of donor-advised funds in the U.S. She was recently named the 2014 Outstanding Fundraising Professional by the Association of Fundraising Professionals.

Eileen informed us that the vast majority of the giving in this country comes from individuals, not corporations or foundation grants. She emphasized that it was important to have lofty goals, which can only be achieved when the passion or compassion is combined with an understanding of the need and necessity.

It cannot be stressed enough that the need in our city is vast. Recently, it became quantified when a study by Columbia University found that in our nation we were able to reduce poverty from a rate of 26 percent in 1967, to 16 percent in 2012, but in Philadelphia, the Pew Foundation data for 2013 reported that the number of individuals living below the poverty level in the city of Philadelphia has increased, and comprises 28 percent of our residents. Individuals living at or below poverty are frequently unable to meet basic human needs: access to health coverage, a living wage or unemployment insurance, food, housing and education. Poverty is a vicious cycle from which escape becomes increasingly difficult.

This is why our financial support is so extremely crucial to the health and success of the City of Philadelphia, and in turn, to each and every Philadelphia resident. Access to civil legal assistance enables those living at or below the poverty level to stop unlawful foreclosures, obtain wages, halt domestic violence, keep their families together, or fight against discrimination, just to name a few of the sorts of cases the Foundation’s grantee agencies handle daily.

As part of the Bar Foundation’s 50th year, we have had the special privilege of interviewing past presidents of the Foundation, to learn about their achievements and to be motivated by their passion. One thing is very clear – they are extremely proud of their legacy, as they have every right to be. Nevertheless, each has felt there was much more to accomplish. For example, Marty Greitzer helped with the formation of the Andrew Hamilton Circle by creating a challenge match. Amy Ginensky spearheaded a major gifts campaign during her presidency and along with her husband, Andy Rogoff, became the first Pillars of Justice. However, Marty and Amy and other past presidents also wanted to establish a legacy society whereby the Foundation would benefit from planned gifts, bequests, and charitable remainder trusts. The idea, however, has never been fully implemented.

Consistent with Eileen Heisman’s advice, our lofty goals for our 50th have been formulated – $5 million brought in through various ways such as new Andrew Hamilton Circle members; a June 16 Golf and Tennis outing at The Philadelphia Cricket Club with the use of two golf courses and more than 30 grass and clay tennis courts; an Oct. 1 Young Lawyers Division Softball Tournament at Campbell Field in Camden; a 50th Anniversary Gala Nov. 8 at the National Constitution Center honoring our past presidents; a dinner at Justice Sandra Newman’s house; and an Equal Justice Center.

To this, we are also officially adding the creation of the Legacy Society. I believe that a number of past trustees and presidents have already made bequests in their wills to the Foundation, but we will now formally memorialize those gifts in writing. We invite you to join us in providing security for our legal services community for the next 50 years. Only you can make the difference.

Deborah R. Gross (debbie@bernardmgross.com) of the Law Offices of Bernard M. Gross, P.C. is president of the Philadelphia Bar Foundation.
Dying Veteran Gets Will, Control, Peace

Ethan Fogel, a partner at Dechert LLP, has been saying “yes” to pro bono for his entire career, but he showed a new level of dedication to serving those most in need when he jumped into action on a Friday afternoon this past November to draft a last-minute will for a U.S. military veteran dying from cancer.

Earlier that day, a social worker at the VA Medical Center in West Philadelphia had contacted the Homeless Advocacy Project seeking help. She explained that she was working with a patient who was dying from cancer and something was weighing very heavily on his mind: he wanted to make sure that the modest money he had managed to save from his Social Security disability benefits over the years would go to his disabled sister, with whom he was close. For weeks, the veteran and his social worker had tried to ensure that this final wish would be carried out, but barrier after barrier arose. The veteran, who had a lengthy history of homelessness and health problems, received help managing his money from a nonprofit agency. He also worked with an intensive case manager from a different agency. Each played a role in safeguarding his savings, and each gave him different instructions about how to proceed. One recommended a power of attorney, but failed to realize that it would no longer be valid after the patient’s death. The other suggested that absent a will, they would have no choice but to return any remaining funds to the Social Security Administration. By that afternoon, the outlook was bleak. HAP lawyers contacted the agencies involved and attempted to broker a solution, but no compromise could be reached. The veteran was distraught and, unsure whether or not he would survive the weekend, running out of time.

That same afternoon, attorneys from Dechert were volunteering at a HAP legal clinic at a Center City shelter. When Ethan, a longtime HAP volunteer and board member, heard about the veteran’s situation, he didn’t hesitate to act. With only the name of the veteran and his social worker, Ethan hailed a taxi and went directly the VA Medical Center. With the help of colleagues Amy Ulberg and Megan Horwitz back at the firm, Ethan drafted documents that represented the veteran’s wishes at his bedside, with the veteran’s doctor and social worker serving as witnesses. Later, the case manager told HAP that the help Ethan provided did more than just solve the veteran’s legal problem; it gave the man one of the few opportunities he’s ever had to exercise some control over his own life, something that was incredibly meaningful for him at that difficult time.

He died two weeks later with the peace of mind that his modest estate would be going to his sister, as he wished.

Since its founding, the Homeless Advocacy Project has provided free legal services to more than 27,000 homeless individuals and families in Philadelphia. HAP could not do this work without the generosity of the hundreds of lawyers and paralegals who, like Ethan, Amy, and Megan, are quick to say “yes” to helping someone in need.

Meg Retz is a staff attorney at Homeless Advocacy Project.
Information posted on social media websites can be used against an employee in a workers’ compensation claim, panelists told attendees during the March 7 Workers’ Compensation Section CLE program, “I Know What You Did Last Weekend: Use of Social Media in Workers’ Compensation Litigation.”

The panel included Workers’ Compensation Judge Todd B. Seelig; Alfred J. Carlson, partner at Martin LLC; Scott Catron, senior vice president, Titan Investigative Alliance, LLC; Christian Davis, partner at Weber Gallagher Simpson Stapleton Fires & Newby LLP; and Ashley Drinkwine, attorney at Carpenter McCadden & Lane LLP.

The panelists explained that when the validity of a workers’ compensation claim is at issue, a personal investigator may be hired to conduct video surveillance. In recent years, the surveillance has expanded to include virtual searches and monitoring of the employee’s social media accounts, such as Facebook, Twitter, Instagram, etc. The purpose is to demonstrate any discrepancy in what the claimant says is happening and what he is actually doing. The panel members agreed that if the employee posts information or photographs that contradict the allegations, such information can be submitted into evidence against the employee. One should have no reasonable expectation of privacy in material that is posted on social networking sites.

Currently, there are no published decisions in the Commonwealth of Pennsylvania concerning the legal and ethical implications for attorneys or their clients regarding the use of social media and what to instruct a client concerning this issue, panel members said. However, it should be noted that in other jurisdictions throughout the country, attorneys have faced severe ramifications for making the wrong representations to a client, including suspension of the license to practice law. For those representing the employee or claimant, it is recommended that clients be instructed on how to utilize privacy settings in order to limit access to friends and family. The panel agreed that it is unethical for an attorney to instruct a client to take down the Facebook page or to remove photographs. Attorneys should be reminded that the Pennsylvania Rules of Professional Conduct § 3.4(a) prohibits an attorney from unlawfully obstructing another party’s access to evidence or unlawfully destroying or concealing evidence. Defense attorneys must also be mindful on how to instruct their clients. The panelists explained that it would be unethical for those representing the employer or insurance carrier, to hire an agent to friend the claimant on a networking site.

As it relates to a request for information from a claimant’s online social networking site, the law is clear that there has to be some kind of reasonable predicate for such a request. The court will not allow a fishing expedition; such information will be allowed if the worker is suspected of exaggerating his or her injuries because they had posted certain comments or photos on the public portion of their social networking profile. Consistent with the decision in Largent v. Reed, Case No. 2009-1823 (C.P. Franklin, Nov. 8, 2011), it must be shown that the requested information from the claimant’s social site is inconsistent with what is being plead and thus is relevant and reasonably calculated to lead to the discovery of admissible evidence.

Information that is posted on social media websites can be used against an employee in a workers’ compensation claim. One should have no reasonable expectation of privacy in material that is posted on social networking sites.

Regina M. Parker (RParker@tthlaw.com) is an associate with Thomas, Thomas & Hafer LLP, and is an associate editor of the Philadelphia Bar Reporter.
By Jeff Lyons

Alan M. Feldman, Carol Nelson Shepherd and Ezra Wohlgelernter had one thing in common back in 1986. They each wanted to control their own destinies. And with that, they formed a small law firm that has become one of the best-known personal injury firms in the region.

Feldman, Shepherd and Wohlgelernter were the speakers at the inaugural Law Firm Laboratory program on March 17 championed by Chancellor William P. Fedullo. The Chancellor said the Law Firm Laboratory is an ongoing incubator of innovative ideas, strategies and concepts for starting and nurturing new law firms and helping existing law firms of all types meet the changing needs of tomorrow’s clients.

One of the most important things needed to go out on your own, Feldman said, is an entrepreneurial spirit. He said a background of running a business is helpful, but not essential.

“One thing I knew I needed was a line of credit. In a contingency fee practice, there are going to be dry spells. There are going to be periods of time when there’s nothing coming in. And to get from here to there, you need cash in the bank,” said Feldman, who served as Philadelphia Bar Association Chancellor in 2006. He said when he started out, his first application for a line of credit was denied, so he took out a second mortgage on his house and another loan as the basis for his financial wherewithal.

When going out on your own, it’s important to decide if you want to go solo or be part of a small firm.

Feldman knew he didn’t want to be a sole practitioner. “I needed someone to bounce ideas off of, to talk to and to cover for me. I knew I wanted a small firm.” That’s when he reached out to Shepherd and Wohlgelernter. The firm is now known as Feldman Shepherd Wohlgelernter Tanner Weinstock & Dodig LLP.

It’s important to choose your partners with care, Feldman said. “My partners are truly my blood brothers and sisters. I trust them with my life. I trust them with my career. I would trust them with anything. They have my back and I have theirs. And for us, that’s the only way we could conceive of having a partnership. And when we’ve made decisions to add additional lateral partners, that has been consideration number one. Are they as devoted to the enterprise and each other as we are? Talent and having a book of business matter too. But that foundation is having a sense of common enterprise of all for one and one for all.

Then there’s the actual physical location of the office to consider. “Carol shot down our first idea for an office at the Ben Franklin at 9th and Chestnut,” Wohlgelernter said. “We were looking at space for our current needs. Carol had the vision to say we need to think about space for the future and also as a potential feeder of business.”

Feldman said their office space is a reflection of their practice. “If you’re in a people practice like we are, and meeting clients, it has always been very important to us to have a nice appearance and a welcoming appearance. And that is something we’ve worked on ever since we’ve been together.”

In the initial phase of our practice building, Wohlgelernter said “we were called upon to do a lot of the non-legal tasks that at first are fun. What phone system should we have for three lawyers and one secretary – that’s kind of an easy thing to figure out. And then there’s copy machines and things like that. And then you realize it’s 4:30 in the afternoon and you haven’t done a stitch of work. So the balance of building and remaining true to that mission statement that caused you to start that practice has to be balanced. We ended up outsourcing many of those tasks so we could back to what we wanted to do in the beginning – practice law all the time. And that is a very difficult transition to make as a small business.”

continued on page 19

We proudly announce
The Honorable Sandra Mazer Moss (Ret.) has joined
The Dispute Resolution Institute upon her retirement from the Common Pleas Court of PhiladelphiaJanuary 2014Cases Now Being Accepted for ADR with Judge Moss

ATTORNEY DISCIPLINARY / ETHICS MATTERS
STATEWIDE PENNSYLVANIA MATTERS
NO CHARGE FOR INITIAL CONSULTATION

Representation, consultation and expert testimony in disciplinary matters and matters involving ethical issues, bar admissions and the Rules of Professional Conduct

James C. Schwartzman, Esq.

• Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania
• Former Federal Prosecutor
• Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania
• Chair, Pennsylvania Interest on Lawyers Trust Account Board
• Selected by his peers as one of the top 100 Super Lawyers in Pennsylvania and the top 100 Super Lawyers in Philadelphia
• Named by his peers to Best Lawyers in America in the areas of ethics and professional responsibility and malpractice

1818 Market Street, 29th Floor, Philadelphia, PA 19103
(215) 751-2863

Visit philadelphiabar.org for a podcast from this Bar Association event.

Podcast Spotlight

Fledgling Partners Wanted to Control Destiny

Chancellor William P. Fedullo (form left) with Carol Nelson Shepherd, Alan M. Feldman, and Ezra Wohlgelernter at the inaugural Law Firm Laboratory program.
Attorneys are not always comfortable as salespeople but practices cannot thrive without client acquisition and business development, members of the Law Practice Management Committee were told March 20.

Lisa Peskin, CEO of Business Development University, stressed the importance of being purposeful and having a game plan when it comes to networking face-to-face or through social media. Networking is an ongoing effort, said Peskin, and in order to get the most out of it, attorneys need to engage in activities that will help them meet prospective clients; have a process in place for keeping in contact; and have the right attitude and motivation.

If you are not already on LinkedIn then you need to be, said Peskin. LinkedIn is not Facebook. Facebook is for keeping in touch with “friends” whereas LinkedIn is about establishing “connections.” Peskin said attorneys should connect with business owners, employers, and people they have worked with in the past. Connections are classified as 1st, 2nd, and 3rd connections. “The power of LinkedIn is not necessarily in your 1st connections, but rather your 2nd connections,” said Peskin.

“It takes about three seconds to make an impact on someone who clicked on your LinkedIn profile,” said Peskin, so having a photograph, ideally a professional headshot, is crucial. Your headline will also help to make an impact. The headline tells your story and if it is not customized it will default to your law firm name or your title. Peskin strongly recommended customizing the headline to mention your area of expertise, for instance, “Helping clients protect their intellectual property.”

Peskin also pointed out that you should use keywords in your headline and summary that will help people find you in searches, i.e. your profile should be “search engine optimized.” LinkedIn allows you to include up to three websites on your profile and while most attorneys only have one website for their firm, Peskin suggested using that space to direct people to specific pages within the firm website.

When it comes to generating new business, Peskin pointed out the public profile feature on LinkedIn. Only your 1st connections can see your private profile, but everyone can see your public profile which contains certain information that you customize in under “Settings.” Your public profile should include things like work phone number, email address, honors, awards, and other recognitions.

While as an attorney you should be careful not to accept an endorsement for a skill you do not possess, endorsements help when it comes to search engine optimization. You should not hesitate to ask a satisfied client for his or her recommendation on LinkedIn so that others can see it. Peskin suggested customizing your LinkedIn address to make it user-friendly and include it on your business card and in the signature line of your email to get prospective clients to see your profile and learn about your practice.

Elisa Advani (elisa.advani@phila.gov) is an assistant city solicitor with the Philadelphia Law Department.
The Business Law Section will feature William H. Clark Jr. as its Second Annual Giants of the Business Bar on Wednesday, April 23.

This event is part of a series of programs in which the Business Law Section recognizes legal giants who have had a significant impact on the practice of business law in Philadelphia and beyond.

While Clark is best known for his work writing the Pennsylvania business corporation and other entity laws, the discussion will include his activities in a number of other areas.

He drafted and directed the successful lobbying effort for the North Dakota Publicly Traded Corporations Act on behalf of a coalition of activist investors led by Carl Icahn. The North Dakota statute is the first shareholder-friendly corporation law in the country, and the discussion of this topic will include consideration of the current state of public company corporate governance.

He serves as reporter for the Model Nonprofit Corporation Act. Following on the theme of the previous topic, this discussion will include consideration of the current state of nonprofit governance.

He was the reporter for a uniform law regarding disclosure of the beneficial owners of business entities. Preparation of this statute was in response to an on-going effort both nationally and internationally to involve lawyers in fighting money laundering and terrorist financing. Developments in this area over the next few years are likely to affect every lawyer, regardless of area of practice.

He drafted the Model Benefit Corporation Legislation and is spearheading its adoption around the country. To date 20 jurisdictions including Pennsylvania have authorized benefit corporations. Benefit corporations pursue a “triple bottom line” of positive results for profits, people and the planet. The ultimate goal of this effort is to move the economy generally to what Clark describes as a system of “shared and durable prosperity.”

Jazz and Rainmaking

Steve Goodman (left), renowned jazz pianist and senior partner at Morgan Lewis & Bockius LLP, is interviewed by The Philadelphia Inquirer’s Karl Stark at a night of Rainmaking and Jazz on March 13 at Chris’ Jazz Cafe. Goodman offered insights on client development, retention and growth.

This event will be held from 5 to 6:30 p.m. at Eckert Seamans Cherin & Mellott, LLC, Two Liberty Place, 50 S. 16th St., 22nd Floor. The formal program will run from 5:30 to 6:15 p.m. Before and after the program a selection of craft beers along with hors d'oeuvres will be available for everyone to taste and enjoy. There is no cost for members of the Philadelphia Bar Association to attend however registration is required by April 17. To register, visit philadelphiabar.org.
As chair of the Young Lawyers Division, I am frequently asked by new attorneys how to get involved in the Philadelphia Bar Association. I typically tell them that most of the young lawyers on the YLD Executive Committee got their start when a friend or co-worker brought them to one of our events, they liked what they saw, and volunteered to help organize the next one. Often I receive emails from lawyers who see my name in the Bar Reporter or the Association’s website, and I try to direct those folks where help is needed, like the high school mock trial tournament.

The point I try to get across is that, at nearly all levels, getting “involved” in the Bar Association means volunteering. Bar Association leaders and committee members volunteer their time, talent, networks and resources to better the profession and the community. Sometimes this means not getting home as early as you (or your family) would like, and sometimes it means taking time out of the weekend. By no means do I make this point to discourage young lawyers from participating in the YLD. As I have made known, the personal fulfillment that comes from the Bar’s Association’s philanthropic efforts have been well worth the effort. Moreover, I have not found a better way to get to know the Philadelphia legal community, and to be known by that community.

For anybody looking to get their feet wet in Bar service, the various Law Week events provide great opportunities to volunteer. What is Law Week? May 1 is Law Day, a celebration of the rights and benefits bestowed upon all citizens through the United States Constitution. In support of this celebration, the YLD coordinates a number of events and programs aimed at educating students about the Constitution, its history, our courts, and the legal profession generally.

For example, the YLD is proud to be coordinating “Lawyer in the Classroom” on Tuesday, April 28 and Wednesday, April 29, sending young lawyers to area schools to share their experiences of being an attorney, to promote the importance of education and to answer students’ questions about the law. On Friday, May 2, the Bar Association and YLD will be taking students out of the classroom and into the courtroom with the “Lawyer for a Day” event. The Goldielocks Trial, also on May 2, is a highlight of the YLD’s year. Experienced and young lawyers alike, and even our judiciary, dress up and perform the trial of Goldielocks and the Big Bad Wolf for area elementary school students.

In addition to reaching out to students, the YLD will be reaching out to the larger community to offer legal advice and guidance to those in need. The YLD is coordinating Legal Advice Live on April 28, and sending volunteer attorneys to various branches of the Philadelphia Free Library. Volunteering for this event does not require expertise in any particular field of law, but rather the attorneys offer general guidance and direction, and hopefully put people on the right track. We also need volunteers for LegalLine on Wednesday night April 30, to provide legal guidance at the Bar Association’s legal advice hotline. These Law Week programs require a lot of time and energy from the members of the YLD Executive Committee, and the Bar at large, and volunteers are sorely needed each year. It is certainly nice to see young lawyers come out to the YLD happy hours, and that is one way to network with the legal community. An even better way, in my humble opinion, is to volunteer your time, and take this opportunity to show your colleagues that you care about the profession, and the impact lawyers can have on the city. To volunteer for these events, please do not hesitate to email me, YLD Chair-Elect Maria Bermudez, (mbermudez@paworkinjury.com) or Vice Chair Erin Lamb (erinelamb@gmail.com). Erin and Maria are doing much of the heavy lifting on Law Week, as well as the Bar staff, and I thank them for that.

Edward F. Beitz (beitze@whiteandwilliams.com), an associate with White and Williams LLP, is chair of the Young Lawyers Division.
French Intern Observes Differences in U.S. Law

**By Clarisse Richard**

As part of my law course as a French law student I must complete two different internships of six months. One of them can be done abroad. What a chance for a student like me to be able to go abroad and try to learn to practice common-law law and observe American lawyers. This sounded good on paper but not easy to actually accomplish. How to explain my status and therefore my value to American lawyers? How to explain that I have passed the bar exam but that I am not a lawyer yet? How to explain my internship that is part of my law curriculum? How to explain that I have passed the bar exam but that I am not a lawyer yet?

I have actually studied law for five years at University in Lyon (a public entity), then I passed the bar exam and entered the Lyon School of law (a private entity), and I’ll take a final exam at the end of this year before swearing on oath and finally have been elected as a judge. It was very impressive for me – and finally have been elected as a judge. It was very impressive for me. I had understood properly. And they were saying because I wanted to make sure that I had understood properly. And they were always extremely patient with me. I could feel they were at my disposal. Very different from French administration—let’s say, is not quite as accommodating when you don’t immediately understand how Social Security payments work, for example. I realized then that I was in a country definitely different from France: I mean, the USA!

Indeed, throughout my internship I have had the chance to observe and identify all the differences between the two practices of law. For instance, I had great occasions to attend several trials in commercial and bankruptcy courts. I had a chance to watch a jury trial with witnesses and cross-examinations. In France, jury trial is available only in criminal cases, and only under certain circumstances. Also, we don’t have the procedures of discovery or depositions or even cross-examination. I noticed that during a trial, American lawyers each have to put forward their case. They lead the proceedings, while the role of the judge is more passive. For instance, I had a chance to watch a jury trial with witnesses and cross-examinations. In France, jury trial is available only in criminal cases, and only under certain circumstances. Also, we don’t have the procedures of discovery or depositions or even cross-examination. I noticed that during a trial, American lawyers each have to put forward their case. They lead the proceedings, while the role of the judge is more passive. For instance, the process of discovery is, generally speaking, a private matter, performed by lawyers in accordance with prescribed procedure, whereas in France, the process of collecting evidence is a public function conducted by the court. In France, the judge is neutral and independent but the court has the task to clarify the issues and help the parties to make their arguments. It was appealing to see how the lawyers here paint with a very broad brush in their arguments, including background facts that did not seem to be directly related to the case. In my opinion, their presentations are more affected than those of French lawyers. From this, I could notice that civil law procedure is “inquisitorial” and common law procedure is more “adversarial.”

Among my experiences during my stay in the U.S., I had the chance to meet several judges. They explained to me the complex U.S. legal system, with the separation between the federal and the state systems. They also presented their careers that sounded unusual for me. For instance, they may have first worked as a public defender, then as a private lawyer and finally have been elected as a judge. It was very impressive for me – all the more so since in France, lawyers and judges are.

Continued on page 16

---

**Abelson Legal Search**

Since 1990 we have been the trusted, “go to” legal recruiters for our client corporate legal departments and law firms, of all types and sizes, throughout legal communities in Pennsylvania, New Jersey and Delaware.

We identify and recruit for our clients’ attorneys and paralegals in all legal specialties and at all levels of experience on a temporary or permanent basis; facilitate successful firm and practice group mergers; staff document review projects of all sizes.

We assist all level and types of skilled attorneys and paralegals to help maximize their career opportunities.

(215) 561-3010
www.AbelsonLegalSearch.com
VIP Honors
Trish Cramer as Top Volunteer

Philadelphia VIP proudly recognizes Patricia “Trish” G. Cramer as Volunteer of the Month for promoting community economic development as she assists micro-entrepreneurs and nonprofit organizations in Philadelphia with their legal needs.

Trish is an attorney at Ballard Spahr LLP in the firm’s Business and Finance Department. She assisted clients at our 2013 MLK Small Business Clinic and has been a VIP volunteer since. With the help of her colleague Yunhee Kim, an associate at Ballard Spahr LLP, she has taken on four VIP cases helping nonprofit organizations and micro-entrepreneurs make incorporation, choice of entity and corporate governance decisions.

Trish says her firm’s support of pro bono service, coupled with VIP’s inclusion of transactional volunteer opportunities, make it possible for her to commit to pro bono service.

“Ballard is a strong supporter of pro bono work and one of the nice things that VIP does is provide transactional opportunities for lawyers,” Trish said, “including the nonprofit work that I like to do. I particularly care for nonprofit governance counseling.”

Trish recently helped La Finquita, a community garden occupying an owner-abandoned vacant land in South Kensington. Trish and Yunhee donated 38 pro bono hours to the organization, helping them decide the type of entity to form and assess whether to apply for 501(c)(3) tax-exempt status and/or to partner with existing 501(c)(3) organizations. “They were wonderful, smart, goal-oriented individuals and it was a pleasure working with them,” she said of the La Finquita group. In the end, La Finquita decided to become a Pennsylvania nonprofit corporation and to partner with other organizations on various projects.

International Law
continued from page 15

two different practices and they essentially are not interchangeable.

Another interesting experience stemmed from an invitation from the International Law Committee. Two other French interns, also part of this exchange, and I were asked to do a presentation entitled “Class Actions in France and in Europe.” What a treat for us to present this hot topic among about 30 lawyers some of whom have been using this procedure for years. Once again, it was an opportunity for us to point out the differences between European traditional legal systems and the more liberal developments in the U.S. legal system.

Finally, culturally speaking, I have been thrilled to work in such an environment. For lawyers in France, advertising their skills and services to potential clients is supervised – and extremely circumscribed – by the National Council of Bars, whereas in Philadelphia I spotted lawyers’ advertisements on the subway and on huge panels along the motorway or even on a church office program! Networking looks like a key point in U.S. practice or business development. Can we conclude that American lawyers are selling services to clients and so have a mercantile practice, whereas French lawyers are serving their clients with honor, loyalty and selflessness as in the time of chivalry? To minimize this Manichean view I would rather say that French lawyers would tend to be more conceptual, while American could be considered to be more pragmatic. When I come back to France, French lawyers may not consider me as lawless if I suggest them to settle and avoid trial but they might consider me as unethical if I manage to settle a case in a very practical/commercial way and moreover make money on the case.

My time at Mc Elroy, Deutsch, Mulvaney, & Carpenter was rich both in terms of intellectual practice and social relationship. I would like to thank all of the lawyers, secretaries and paralegals who have been very welcoming and in particular Michael Scullin who has been a very concerned supervisor.

Even though there will always be a gap regarding “legal behaviors” between our two countries, the growing globalization of the world economy, based on a closer integration and cooperation among states, makes us lessen the differences between our various legal systems.

Also, even if these differences still exist in practice they are reduced in people’s minds as we become accustomed to them. From now on, I’ll have a much broader mind and an elevated vision of how to complete my mission as a future French lawyer.

Christine Richard is a student in the Lyon Ecole des Avocats (Lawyers’ School) who expects to graduate in November.
90-Day Waiting Period Regulations Issued

By Brian McLaughlin

For plan years beginning on or after Jan. 1, 2014, a group health plan and a health insurance issuer (the carrier) offering group health insurance coverage may not apply any waiting period that exceeds 90 days. This rule applies to both grandfathered and non-grandfathered plans.

On Feb. 20, 2014, final and additional proposed rules were issued. The following outlines notable changes from previously issued proposed regulations:

Effective Date. The final regulations apply to plan years beginning on or after Jan. 1, 2015. For plan years beginning in 2014, employers may comply with either the previously issued proposed regulations or the final regulations.

Bona fide Employment-based Orientation Period. A waiting period is the period that must pass before coverage for an employee or dependent who is otherwise eligible to enroll under the terms of a group health plan can become effective. To be otherwise eligible to enroll in a plan means that an individual has met the plan’s substantive eligibility conditions (such as being in an eligible job classification or achieving job-related licensure requirements specified in the plan’s terms). So, the maximum 90-day waiting period does not have to begin until the first day after the substantive eligibility conditions are met.

The final regulations indicate that a reasonable and bona fide employment-based orientation period can be a substantive eligibility condition and the proposed rule offers a one-month orientation period. The idea is that, during an orientation period, an employer and employee could evaluate whether the employment situation was satisfactory for each party, and standard orientation and training processes would begin. One month would be determined by adding one calendar month and subtracting one calendar day, measured from an employee’s start date in a position that is otherwise eligible for coverage.

For example, if an employee’s start date in an otherwise eligible position is May 3, the last permitted day of the orientation period is June 2. Similarly, if an employee’s start date in an otherwise eligible position is Oct. 1, the last permitted day of the orientation period is Oct. 31. If there is not a corresponding date in the next calendar month upon adding a calendar month, the last permitted day of the orientation period is the last day of the next calendar month. For example, if the employee’s start date is Jan. 30, the last permitted day of the orientation period is Feb. 28 (or Feb. 29 in a leap year). Similarly, if the employee’s start date is Aug. 31, the last permitted day of the orientation period is Sept. 30.

Relieved Employees/Employees Changing to and from Eligible Job Classifications. The final regulations provide that a former employee who is relieved may be treated as newly eligible for coverage upon rehire and, therefore, a plan may require that individual to meet the plan’s eligibility criteria and to satisfy the plan’s waiting period anew, if reasonable under the circumstances. For example, the termination and rehire cannot be a subterfuge to avoid compliance with the 90-day waiting period limitation. The same analysis would apply to an individual who moves to a job classification that is ineligible for coverage under the plan but then later moves back to an eligible job classification.

Multi-employer Plans. Multi-employer plans maintained pursuant to collective bargaining agreements have unique operating structures and may include different eligibility conditions based on the participating employer’s industry or the employee’s occupation.

On Sept. 4, 2013, the Departments issued a set of frequently asked questions (FAQs) stating that if a multiemployer plan operating has an eligibility provision that allows employees to become eligible for coverage by working hours of covered employment across multiple contributing employers (which often aggregates hours by calendar quarter and then permits coverage to extend for the next full calendar quarter, regardless of whether an employee has terminated employment), the Departments would consider that provision designed to accommodate a unique operating structure, (and, therefore, not designed to avoid compliance with the 90-day waiting period limitation).

The final regulations include the following example. Eligibility rules should carefully be reviewed for compliance with the 90-day waiting period rules as well as the employer penalty provisions and nondiscrimination rules.

While it is permissible under the 90-day waiting period rules for a plan to use substantive eligibility conditions (e.g., job classification) to deny coverage to certain employees, have a waiting period of an additional month during a “bona fide employment-based orientation period,” and impose a new waiting period for rehired employees and/or employees changing to and from eligible job classifications, raises issues for large employers subject to the employer penalty beginning in 2015.

In addition, having less generous eligibility rules for lower paid employees or protected classes can also violate various nondiscrimination rules.

Brian McLaughlin (Brian.Mclaughlin@usiaffinity.com) is vice president of USI Affinity Benefit Solutions Group. For more information about insurance you can access the Philadelphia Bar Association Insurance Exchange at www.usiaffinity.com/Philadelphia Bar. For Lawyers’ Professional Liability and other business coverage, you will still use the Philadelphia Bar Association Insurance Program website at www.myphilinsur- ance.com/Philadelphia Bar. To talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 855-874-0267.

For more than 75 years, the divisions of USI Affinity have developed, marketed and administrated insurance and financial programs that offer affiliation clients and their members unique advantages in coverage, price and service. As the endorsed broker of the Philadelphia Bar Association and more than 30 other state and local bar associations, and with more than 50,000 attorneys insured, USI Affinity has the experience and know-how to navigate the marketplace and design the most comprehensive and innovative insurance and benefits packages to fit a firm’s individual needs.
wind deductible, which creates a higher deductible in the case of an event like Sandy, but a lower annual premium. Many policyholders complained that it was unfair to enforce their policies’ high wind deductibles, due to the devastating impact of Sandy. Kobylowski, citing the benefits policyholders had already received through lower premiums over the years, refused to hear such equitable arguments. He saw no reason to make what he viewed as a purely political decision to help constituents.

In the end, New Jersey saw neither a large number of non-renewals of policies, nor a large reduction in the number of insurers offering new policies in the state. The insurance industry did not flee the state, and Commissioner Kobylowski asserted that this is due to the strict, fair adherence to both the regulations and the policies when reviewing complaints by policyholders and insurers. That is not the case for all states, he noted. In fact, standards vary from state to state and even across the same region, leading to disparity.

Nevertheless, the Kobylowski had no high hopes for insurance reform across the states that might homogenize regional standards. Regional regulation would require regional oversight, which he seemed to dismiss. Perhaps in support of this position, Kobylowski pointed to the performance of FEMA’s National Flood Insurance Program, where NFIP adjusters requested washer and dryer serial numbers to process claims where flooding had literally destroyed the entire house. Then there is the Federal Insurance Office, created by Dodd-Frank; Kobylowski noted wryly that nobody really knows what exactly they do.

In short, insurance regulation is likely to remain in the hands of the state, and to determine your benefits you must continue to look to state law and your individual policy, for the present.

Amanda J. Dougherty (amanda.dougherty@phila.gov), an assistant city solicitor with the Philadelphia Law Department, is an associate editor of the Philadelphia Bar Reporter.
of high performing charter schools.

“So in short our new case for investment is as follows. We know what works and we have a plan. Individual children benefit tremendously – high school graduates earn 40 percent more over their lifetimes than high school drop-outs; college completers earn 129 percent more,” Dr. Hite said.

“Great schools sustain neighborhoods and contribute meaningfully to the local economy,” bringing with them increased revenue, decreased social costs and a high quality workforce.

“We what are we saying we is not outrageously. We would need $1 billion to get us up to per pupil funding of Pittsburgh, $800 million to get us up to New York state and $370 million to get us up to New Jersey. So it’s not outrageous, and it’s also not easy,” he said.

“I am pleased that the attorneys in our city have stepped up to support our efforts in a significant way. I would like to thank people like Alan Cannoiff at P & R Associates, who had already partnered with the Mitchell School, a high needs K – 6 school and Assistant U.S. Attorney Rob Reed for all of his efforts at Strawberry Mansion High School. Their contributions have been invaluable to these school communities so I would like to publicly thank them for their commitments,” Dr. Hite said.

“We invite you to join your colleagues in supporting our work. In addition to advocating for much needed funding, particularly at the city and state level, we encourage you to volunteer as your colleagues have done. I am pleased to be able to invite you to support our schools through a new program born out of conversations with your chancellor, Bill Fedullo,” he said.

Dr. Hite said our children should have the opportunity to learn outside of the classroom by having an opportunity to interact with caring adults and participate in extracurricular activities that complement the instructional program. Many of these opportunities for our children must be created intentionally with the help of external partners.

“The Bar has volunteered to lead a new effort to solicit financial and volunteer support for our schools by matching businesses with schools. This program will be launched in April under our Office of Strategic Partnerships. There are three levels of support:

• Level 1: Volunteer to create a multi-year relationship with a school and build out a plan of investment and opportunities to volunteer based on a plan developed with the principal and school community.

• Level 2: Support a specific program or investment in a targeted school (e.g., support an art program, technology). There will be a menu of supports that will be posted on April 7 based on the needs of schools.

• Level 3: Cash donation to a targeted school

“Our goal is to identify one partner for every school. This is a multi-year project, and I hope that we can count on your support. The Bar has been a great champion of this effort,” Dr. Hite said.

“We need resources – in the form of additional funding, human capital, and community support – to enact our plan. This work will ultimately determine the future of our great city and the opportunities for our youngest citizens to access a rich, rigorous, high-quality education. Every child can learn. Every school can be great. All of us can help. That is our foundation moving forward. We ask you and all Philadelphians to join us,” Dr. Hite said.

Law Firm Lab

continued from page 11

From the beginning, Feldman said you need to think about how you want to brand yourself. “Who are you? What kind of firm do you want to be? Why should any clients or referring lawyers come to you? What makes you different from the lawyers and law firm that you’re competing with? That’s probably one of the most important questions you have to ask yourself.”

“We were approachable,” said Wohlgelernter, when comparing the fledgling firm to other “big boys” doing the same kind of work. “It’s all about relationships. And relationships take time. And that’s why all of us, up until this day, have taken roles in trial lawyer associations, community organizations, public interest law to develop that message. People know we’re out there and approachable.”
For many people, taxes are the largest expense their estate will have to pay. With proper planning, though, some estate taxes can be mitigated. For this month’s interview, I sat down with Greg Klipstein, wealth planner for PNC Wealth Management®, to review the three broad categories of taxes that affect many wealthy families—federal transfer tax, state death tax, and federal income tax.

Most people have heard of the federal gift tax, which falls under the category of transfer taxes. What is the gift tax and how does it work?

The federal gift tax and the federal estate tax are designed to impose a tax on gifts (during life or at death) to one’s heirs. Briefly, everyone currently has a $5.34 million inflation-adjusted “applicable exclusion amount credit” for lifetime or death time gifts to others. Making a “taxable” gift during life reduces—the amount of that $5.34 million credit that would otherwise be available at one’s death. Everyone can also currently give $14,000 to any donee (or number of donees), free of gift tax, under the so-called “annual gift tax exclusion,” which does not reduce the $5.34 million applicable exclusion amount credit.

As a quick aside, using one’s applicable exclusion amount credit and annual gift tax exclusions wisely matters because the federal gift and estate tax is 40 percent of the difference between a 100 percent tax-free exclusion amount credit and annual gift tax, under the so-called “annual gift tax exclusion,” which does not reduce the $5.34 million applicable exclusion amount credit.

To avoid depriving your beneficiaries of that wealth, you should provide that specific and sufficient assets be set aside and used for this purpose. In addition, these assets should be sufficiently liquid to pay these expenses when they are due. Although calculating estate tax can be complex, you should estimate what the amount of your estate tax may be, so that you can arrange to replace that wealth.

In addition to gift and estate taxes, are there other transfer taxes to be aware of?

The Generation-Skipping Transfer Tax is another federal transfer tax that is imposed on property you transfer to an individual who is two or more generations below you, such as a grandchild or great-nephew. Not surprisingly, the IRS wants to levy a tax on property as it is passed from generation to generation at every level. The purpose of the GSTT is to keep individuals from avoiding estate tax by skipping an intermediate generation. A flat tax rate equal to the highest estate tax rate then in effect is imposed on every generation-skipping transfer you make over a certain amount. Currently, some states also impose their own GSTT. You should check with an attorney or your state to find out what may be subject to your state’s GSTT, and how and when to file a state GSTT return.

Are there death taxes at the state level as well?

States also impose their own death taxes. You should be aware of what the death tax laws are in your state and how they may affect your estate. There are three types of state death taxes: estate tax, inheritance tax, and credit estate tax—also called a “sponge tax or pickup tax.” Some states also impose their own gift tax and/or generation skipping transfer tax.

What are the federal income tax considerations?

Generally, there are three federal income tax considerations. First, the income taxation of trusts. If your estate plan includes the use of a trust, you need to know that a trust may be an income tax-paying entity. The trustee may be required to file an annual return and pay income taxes on trust income. Second, keep in mind the decedent’s final income tax return. Your personal representative or surviving spouse has the duty of filing your last income tax return that covers the tax year ending on the date of your death. Finally, there is the income taxation of your estate, which is considered a separate income tax-paying entity. Your personal representative must file and pay income taxes on any income your estate receives, such as income from interest on bonds, or dividends from stock.

Carol Claytor, senior vice president and trust director, PNC Wealth Management can be reached at carol.claytor@pnc.com or 215-585-5679. For more information, visit pac.com/wealthmanagement.

The material presented in this article is of a general nature and does not constitute the provision by PNC of investment, legal, tax or accounting advice to any person, or a recommendation to buy or sell any security or adopt any investment strategy. Opinions expressed herein are subject to change without notice. The information was obtained from sources deemed reliable. Such information is not guaranteed as to its accuracy. You should seek the advice of an investment professional to tailor a financial plan to your particular needs. For more information, please contact PNC at 1-800-706-0209.

The PNC Financial Services Group, Inc. (“PNC”) uses the names PNC Wealth Management®, Hawthorn, PNC Family Wealth® and PNC Institutional Investments® to provide investment and wealth management, fiduciary services, FDIC-insured banking products and services and lending of funds through its subsidiaries, PNC Bank, National Association, which is a Member FDIC, and uses the names PNC Wealth Management®, Hawthorn, PNC Family Wealth® to provide certain fiduciary and agency services through its subsidiary, PNC Delaware Trust Company. Brokerage and advisory products and services are offered through PNC Investments LLC, a registered broker-dealer and investment advisor and member of FINRA and SIPC. Insurance products and advice may be provided by PNC Insurance Services, LLC, a licensed insurance agency affiliate of PNC, or by licensed insurance agencies that are not affiliated with PNC; in either case a licensed insurance affiliate will receive compensation if you choose to purchase insurance through these programs. A decision to purchase insurance will not affect the cost or availability of other products or services from PNC or its affiliates. Hawthorn and PNC do not provide legal or accounting advice and neither provides tax advice in the absence of a specific written engagement for Hawthorn to do so.


© 2014 The PNC Financial Services Group, Inc. All rights reserved.

For hosting the interviews and Barristers’ President Amber Racine for helping to make this all possible.

Actor Henry Winkler and his wife, Staci, often bring their four children along to the set of “Happy Days,” the show that launched Winkler’s career. Winkler has said that he enjoys being a dad more than acting.

By Carol Claytor

Frontline
continued from page 3

commemorative event at Mother Bethel A.M.E. Church on Friday, May 2.

During the event, we will show a video featuring several prominent judges and lawyers who discuss how the Brown v. Board of Education decision impacted them. I’d like to thank all of the people who participated in the filming of this video, as it is important to capture these stories both for current and historical purposes. I’d also like to thank Cherri Gregg from KYW Newsradio for hosting the interviews and Barristers’ President Amber Racine for helping to make this all possible.

Also, there are lots of other events and activities planned for Law Week. I’d like to give a “shout out” to our Young Lawyers Division for their continuous dedication to and support of Law Week. Within just one week our YLD volunteers will participate in Legal Advice Live!, Lawyer in a Classroom, Lawyer for a Day, “Goldilocks” and “Big Bad Wolf” mock trials, as well as poster and essay content.

For more information on Law Week and our “Sponsor a School” initiative, please visit philadelphiabar.org.

In closing, I’d like to salute the efforts of Philadelphia lawyer William T. Coleman Jr., who played a major role in assisting Thurgood Marshall in civil rights cases such as Brown v. Board of Education. With that, I’ll leave you with these words:

“None of us got where we are solely by pulling our bootstraps. We got here because somebody – a parent, a teacher, an Ivy League crony or a few nuns – bent down and helped us pick up our boots.”

— Thurgood Marshall

William P. Fedullo (williampfedullo@gmail.com), counsel to Brown, Schriver & DiMeo LLP, is Chancellor of the Philadelphia Bar Association.
Note: While the following listings have been verified prior to press time, any scheduled event may be subject to change by the committee or section chairs. Lunches are $8 for members and $12 for non-members, unless otherwise indicated.

**Tuesday, April 1**
Committee on the Legal Rights of Persons with Disabilities: meeting, 9 a.m., 11th floor Committee Room South.
Women’s Rights Committee: meeting, 12 p.m., 10th floor Cabinet Room.

**Wednesday, April 2**
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th floor Board Room.

**Thursday, April 3**
Appellate Courts Committee: meeting, 12 p.m., 10th floor Board Room.
Chancellor’s Forum: 4 p.m., 11th floor Conference Center. Admission free to Bar Association members, law student members.

**Friday, April 4**
Workers’ Compensation Section Executive Committee: meeting, 10:30 a.m., 11th floor Committee Room South.
Workers’ Compensation Section: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

**Monday, April 7**
Family Law Section: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

**Tuesday, April 8**
Real Property Section Executive Committee: meeting, 12 p.m., Criminal Justice Section Executive Committee: meeting, 12 p.m., 10th floor Board Room.

**Thursday, April 10**
Legislative Liaison Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

**Friday, April 11**
Social Security Disability Benefits Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
The Philadelphia Lawyer magazine Editorial Board: meeting, 12:30 p.m., 11th floor Committee Room South.

**Tuesday, April 15**
Civil Rights Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
Employee Benefits Committee: meeting, 12:30 p.m., 11th floor Committee Room South. Lunch: $8.

**Wednesday, April 16**
Cabinet: meeting, 12 p.m., 10th floor Board Room.

**Thursday, April 17**
Family Law Section Executive Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

**Friday, April 18**
Good Friday: Bar Association offices closed.

**Monday, April 21**
Public Interest Executive Committee: meeting, 12 p.m., 10th floor Board Room.
Banking and Commercial Finance Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

**Wednesday, April 23**
Medical-Legal Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.
Chancellor’s Forum: 12 p.m., 11th floor Conference Center. Lunch: $8.

Register online for most events at philadelphiaabar.org. Unless otherwise specified, all checks for luncheons and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquarters, 1101 Market St., 11th fl., Philadelphia, PA 19107–2955. Seoul Bar Association-related calendar items 30 days in advance to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., Philadelphia, PA 19107–2955. Fax: (215) 238–1159. Email: jlyons@philabar.org.

---

**Bench-Bar continued from page 1**

interest and government attorneys. Early bird registration is available until Friday, Sept. 19. Registration includes all CLE programming and all sponsored meals and events on Friday and Saturday. After Sept. 19, registration rates increase by $70.

Special Borgata hotel room rates are available for our Conference attendees. A rate of $189 (plus tax) for a king room is available Friday, Oct. 17 and a limited number of king rooms are available at $199 (plus tax) Thursday, Oct. 16 and $249 (plus tax) for Saturday, Oct. 18. You must be a registered attendee of the Conference to receive this group rate. Once you are registered for the Conference, you will receive instructions on how to reserve your room.

Rochelle M. Fedullo, a partner with Wilson Elser Moskowitz Edelman & Dicker LLP and Projects and Programming Advisor to the Chancellor, is chair of the 2014 Bench-Bar & Annual Conference.

Sponsors for the 2014 Bench-Bar & Annual Conference include Insurance Adjustment Bureau, Inc.; Love Court Reporting, Inc.; Robert Half Legal; Robson Forensic, Inc.; USI Affinity; US Legal Support; and ALM. For sponsorship information, contact Tracey McCloskey at 215-238-6360 or tmccloskey@philabar.org.
Katayun I. Jaffari, a partner with Ballard Spahr LLP, has been named Special Corporate Counsel to DirectWomen, an initiative to increase the number of women on the boards of public companies.

Ronald J. Harper, a partner with Harper & Paul, has been elected president of the Susan G. Komen Philadelphia Board of Directors.

Keely Stewart, an associate with Pepper Hamilton LLP, has been selected for the 2014 Fellows Program of the Leadership Council on Legal Diversity, a national organization made up of the legal profession’s top general counsel and managing partners.

John F. Gullace, a partner with Manko, Gold, Katcher & Fox LLP, discussed a panelist on the March 5 webinar “Allocating CER-CLA Liability: Divisibility or Section 113 Equitable Contribution.”

Michael E. Bertin, a partner with Obermayer Rebmann Maxwell & Hippel LLP, recently presented at the Family Law Society of Drexel University School of Law.

Stephen A. Jannetta, a partner with Morgan, Lewis & Bockius LLP, received the President’s Service Award at the Pennsylvania Bio Annual Dinner and Awards Celebration on March 12.

Kenneth Racowski, of counsel to Wilson Elser Moskowitz Edelman & Dicker LLP, has been elected to the Board of Directors of the Public Interest Law Center of Philadelphia.

Kathleen D. Wilkerson, a partner with Wilson Elser Moskowitz Edelman & Dicker LLP and Immediate-Past Chancellor of the Philadelphia Bar Association, was awarded the 2014 Gilbert Nurick Award during the 48th Annual Seminar of the Conference of County Bar Leaders in State College.

Nancy J. Winkler, a partner at Eisenberg Rothweiler Winkler Eisenberg & Jack PC, was recently a panelist at The Legal Intelligencer’s “Women in the Profession” roundtable.

Brenda Hustis Gotanda, a partner at Manko, Gold, Katcher & Fox, LLP moderated “Urban Stormwater Management: Philly, Camden and Beyond” at the Tri-State Sustainability Symposium on March 7.

Stewart M. Weintraub, a shareholder at Chamberlain Hrdlicka, moderated “When to Settle – Audit Strategies to Avoid Litigation” and “Payments in Lieu of Taxes by Nonprofit Organizations: Fiscal and Political Issues” co-sponsored by the American Bar Association Tax Section and the Institute for Professionals in Taxation in New Orleans.

Thomas J. Duffy, principal of Duffy & Partners, has been named to a three-year term on the Board of Directors of the Homeless Advocacy Project.

Elise A. Fialkowski, a partner with Klasko, Rulon, Stock & Seltzer, LLP, chaired the presentation “Guess Who is Coming to Campus – Government Site Visits, Audits and Inspections” at the NAFFSA Region VIII conference in Pittsburgh.

Melanie A. Leney, an associate with Montgomery McCraken Walker & Rhoads LLP, has been elected to the board of trustees of the Alice Paul Institute, a nonprofit whose mission is to promote gender equality.

Todd D. Kantorczyk, a partner with Manko, Gold, Katcher & Fox, LLP, spoke at Conestoga High School Career Day symposium on March 13.

Ellen Bailey, a partner with Eckert Seamans Cherin & Mellott LLC, was recently appointed to the Foundation Board of Directors of the Richard Stockton College Foundation.

Kaitlyn M. O’Neill, of the Law Office of Lloyd Z. Remnick, was a guest lecturer at Professor Remnick’s class as part of the Event Leadership Executive Certificate Program at Temple University’s School of Tourism and Hospitality Management.

Bernard M. Resnick, principal in Bernard M. Resnick, Esq., PC, recently moderated and presented “The IAEL Master Class: Knowing Your Fans – Keeping it Legal,” at the 48th Annual MIDEM conference in Cannes, France.

People

Bankruptcy Attorney Honored

Natalie D. Ramsey (left) and Robyn Forman Pollack present the David T. Sykes Award to Barry D. Kleban on behalf of the Eastern District of Pennsylvania Bankruptcy Conference and Consumer Bankruptcy Assistance Project. Sykes was one of the founders of both the Conference and CBAP and the award memorializes his efforts to maintain the high professional standards of his fellow bankruptcy attorneys and to also assist the underserved of Philadelphia.
Love Court Reporting, Inc. is a full service company with U.S. and World Wide coverage. Our ultimate goal is to give our customers the best product available at the most competitive price.
Philadelphia’s Employment Lawyers

FOR MORE THAN 30 YEARS, Sidney L. Gold & Associates, P.C. has dedicated its practice to the field of employment law and civil rights litigation. The firm's attorneys take great pride in serving both aggressive and compassionate advocates for victims of unlawful discrimination and harassment. As a result, the Martindale-Hubbell® Bar Register has certified Sidney L. Gold & Associates as a pre-eminent law firm in the field of labor and employment law. More than 4,500 lawyers throughout Pennsylvania and New Jersey look to Sidney L. Gold & Associates to refer their clients.

With a team approach, the firm's attorneys represent clients in all aspects of employment law litigation, including all forms of workplace discrimination, sexual harassment, wrongful termination, retaliation, whistleblower, employment contract, wage and hour, and Family and Medical Leave Act claims. A boutique practice with a small-firm atmosphere, Sidney L. Gold & Associates provides personal attention to its clients, who, at the same time, benefit from the experience and expertise of the entire team.

Sidney L. Gold & Associates is proud of its skilled attorneys and is honored by the recognition Super Lawyers® has bestowed upon this year's recipients.

SIDNEY L. GOLD & ASSOCIATES, P.C.
1835 Market St., Suite 515
Philadelphia, PA 19103
PH: (215) 569-1999 • FX: (215) 569-3870
www.discrimlaw.net