By Jeff Lyons

Integrity, transparency and collegiality were the recurring themes at the Philadelphia Bar Association’s Decision 2015 forum for Pennsylvania Supreme Court candidates on March 19.

Moderated by Appellate Courts Committee Co-Chair Carl A. Solano, 10 of the 12 candidates seeking three seats on the state’s highest court attended the moderated forum. The candidates in attendance were Judge Cheryl Lynn Allen, Judge Nelson A. Diaz, Judge Henry J. Kennedy, Judge Susan Gaetjens, Judge Kevin P. O’Neill, Judge Conti, Judge P. Kevin败, Judge Daniel M. Ford, Judge Robin D. Gloster, JudgeWITHOUT NAME1, Judge WITHOUT NAME2 and Judge WITHOUT NAME3.

Judge Nelson A. Diaz said he has a lot in common with U.S. Supreme Court Justice Sonia Sotomayor. “We both grew up poor in public housing, were both taught by our mothers that the way to a better life was to get an education. In college or law school, we both fought with our university presidents about university hiring and admission – and we both won. As judges, we both broke barriers, though I must admit she broke a much higher barrier than I,” he told Philadelphia Bar Association members March 10 when accepting the Justice Sonia Sotomayor Diversity Award named after the first Latino justice of the Supreme Court. “I could not have been happier when the Bar Association named this award after Justice Sonia Sotomayor, who epitomizes the values we seek to provide to every young lawyer.”

“Justice Sotomayor’s appointment was a powerful symbol to every young Latina in America that they could accomplish anything. It was a sign of how far we’ve come as a nation, but it should not be an excuse for us to believe the fight for civil rights is over. Every day, we are reminded that the struggle continues,” he said.

“But as anyone who watched the news this summer can attest, minority men and women in this country still face the specter of police brutality and racial profiling. We need to end both of them.”

Judge Diaz said, “I got an education and am standing here today because I did. Friends of mine who were much smarter

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Decision 2015
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Superior Court; Judge Christine L. Donohue, Superior Court; Judge Kevin M. Dougherty, Philadelphia Court of Common Pleas; President Judge John H. Foradora, Jefferson County Court of Common Pleas; President Judge Michael A. George, Adams County Court of Common Pleas; Judge Anne E. Lazarus, Superior Court; Judge Judith Ference Olson, Superior Court; Justice Correale F. Stevens, Supreme Court of Pennsylvania; Judge David N. Wecht, Superior Court; and Judge Dwayne D. Woodruff, Allegheny County Court of Common Pleas. Candidates Judge Anne E. Covey of Commonwealth Court and Montour County District Attorney Rebecca L. Warren did not attend the forum.

The candidates discussed the implications of accepting campaign contributions and misgivings from the public about the possible appearance of impropriety.

When asked about the current workings of the Supreme Court, nearly every candidate said the court should be deciding more cases while leaving administrative duties to the Administrative Office of Pennsylvania Courts. Candidates spoke about the thousands of decisions and opinions they have authored and wondered why the Supreme Court can’t decide more cases and decide those cases faster.

Operating collegially and outside the system of politics could go a long way to improving the court’s production, one candidate noted.

The candidates were also unanimous about the need for legal representation of low-income and disadvantaged clients in civil cases, especially those cases involving children.

Allowing law students to represent indigent clients is one possible solution to the problem. Another suggestion was to give younger attorneys credit for billable hours for representing the most vulnerable clients.
Walking Point

President Lincoln’s promise was “to care for him who shall have borne the battle, and for his widow and his orphan.” Noble words indeed. Whether or not that promise has been fully lived-up to in recent years is open to debate. However, what is not open to debate is that we can do more to help those who have “borne the battle.”

As part of my remarks last December, I asked us to do more. I also asked my law partner J. Denny Shupe and Patrick J. Murphy, the co-chairs of the Bar Association’s Military Affairs Committee, to lead the way. And, as asked, they have been “walking point.” (Note: According to Wikipedia, in modern military parlance, to walk point means to assume the first and most exposed position in a combat military formation, that is, the leading of a unit through hostile or unsecured territory. The soldier on point is frequently the first to take hostile fire.)

Among a number of things, they arranged a meeting last week with the Veterans Multi-Service Center (VMC) here in Philadelphia to come up with a plan to match our attorney volunteers, law students and business school students with veterans in need of services. VMC provides services, programs, opportunity and advancement to veterans of the U.S. military and their families. VMC also serves more than 2,500 area veterans from World War II to our current active duty, guard and reserve service members, including providing meals, housing and transportation to the VA Medical Center.

The meeting was attended by Tim Williams, the executive director of VMC, his senior staff, myself, Denny Shupe, Dianna Schwartz, the executive director of the Military Assistance Project, Arlene Finkelstein, the executive director of the Toll Public Interest Center at the University of Pennsylvania Law School, and Colleen France, the director of the JD/MBA program at the University of Pennsylvania Law School.

We discussed ways in which our attorneys, Penn Law students and Penn JD/MBA students can help veterans. We discussed workshops, client intake, benefit appeals and resume writing/ interview skills, among other things. It was a very preliminary discussion, but the focus was on how we all can come together to help our veterans. I am certain that we will develop a very meaningful relationship.

Stay tuned for more information and an opportunity to help. Although I have asked Denny and Patrick to walk point, the remainder of the patrol still has to follow.

By Albert S. Dandridge III

Chancellor Albert S. Dandridge III is welcomed as the guest of honor at a luncheon presented by The Justinian Society at The Union League of Philadelphia on Feb. 24. Each year, the Justinians honor the new Chancellor of the Bar Association in a luncheon event.
With 50+ Judicial Candidates, Busiest Year Ever

By Jeff Lyons

It’s been the busiest year in the history of the Philadelphia Bar Association’s Commission on Judicial Selection and Retention. The Commission is charged with evaluating candidates for judge of the Philadelphia Court of Common Pleas and judge of the Philadelphia Municipal Court and rating them Highly Recommended, Recommended, or Not Recommended. The Commission has received in excess of 50 questionnaires from candidates seeking judicial office.

“The Commission has been hard at work since early January,” said Commission Chair A. Harold Datz. “To date, the Commission has received more than 1 million registered voters to vote on Election Day. Datz attributed the large number of applications to the fact that there will be 15 open seats on the ballot this election cycle. There are currently 12 vacancies on the Court of Common Pleas, and three on the Municipal Court. “With the large number of applications, I expect that the Commission will not finish its work until early May,” said Datz, of counsel to Haggerly, Goldberg, Schleifer & Kupersmith, P.C. He is serving as Commission chair for the fourth time.

The Commission’s ratings allow the city’s more than 1 million registered voters to make an informed choice when they head to the polls.

The Commission is composed of 30 members, four of whom are non-lawyers. The Chancellor, Chancellor-elect and Vice Chancellor of the Philadelphia Bar Association serve on the Commission, along with the President Judges of the Court of Common Pleas and Municipal Court, the City Solicitor, the Chief Public Defender and a representative from the Philadelphia District Attorney’s office. The remaining members of the Commission represent various Sections and Committees of the Philadelphia Bar Association and affinity bar associations in the city. There are an additional 120 members of the Commission’s Investigative Division – 80 attorneys and 40 lay people – selected from a broad cross-section of the Bar Association and the community.

The process begins with a prospective judicial candidate submitting a detailed questionnaire to the Commission. This questionnaire can be found on the Bar Association’s website: philadelphiabar.org. Once the questionnaire is received, it is assigned to a five-person review team from the Commission’s Investigative Division.

The assigned team completes a thorough investigation of the prospective candidate and provides a written and oral report to the Commission. The prospective candidate is then invited to appear before the Commission and set forth the reasons why they believe that the Commission should recommend them to the voters of Philadelphia. Next, the candidate is questioned by the Commission about any concerns raised in the investigation. Finally, Commission members vote by secret ballot to determine the candidate’s rating.

If a prospective candidate is found preliminarily Not Recommended, they are afforded the opportunity to appear a second time before the Commission to attempt to change the finding. If they are unsuccessful in changing the vote their status becomes Not Recommended.

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Free Speech, Religious Tolerance Collide in Charlie Hebdo Incident

By Maureen M. Farrell

“Cartoons do not kill people. Humorless fanatics do.”

That’s what Signe Wilkinson, editorial cartoonist for the Philadelphia Daily News and The Philadelphia Inquirer, said of the Jan. 7 bloodbath in Paris that occurred after French satirical magazine Charlie Hebdo published a caricature of the Prophet Muhammad. Eleven journalists and one police officer were killed by Islamic gunmen, who later attacked a kosher supermarket.

Wilkinson was among the panelists for the recent Chancellor’s Forum on the Charlie Hebdo attack and free speech, presented by the International Law Committee. Other panelists were Mark C. Rahdert, professor of law at the Temple University Beasley School of Law; Mary Catherine Roper, senior staff attorney at the American Civil Liberties Union; and Ryan Tack-Hooper, staff attorney at the Council on American-Islamic Relations. The event was held at the offices of Pepper Hamilton LLP.

Moderator and Pepper Hamilton partner Amy B. Ginesky offered a brief historical perspective to open the program. She said the Jan. 7 attack was not the first targeting the magazine, which was firebombed in 2011 after publishing cartoons of Muhammad. Following the January attack, millions took to the streets in Paris in support of the magazine and the murdered journalists. The magazine published its next edition shortly after the attack. Ginesky said there was more violence in Niger, Pakistan and Denmark.

Wilkinson explained that violent reactions depended upon how these images are interpreted. “Who gets to say whether an image is favorable or unfavorable?” she asked. Panelists said the political and social climate in which these images were presented affects the perception of the image. In a place where democracy is limited and economic conditions are poor, the anger about perceived offensive material may be more palpable and easy to incite. In the United States, we have free speech protections. We do not have the same restrictions as in Europe and other countries. Essentially, we are used to offensive material because that is part of the protection we enjoy.

Tack-Hooper talked about the Islamic perspective on the tragedy. The history of Islam aligns the church and state closely. Hooper presented two separate issues, the antipathy toward blasphemy and the violent response. “Blasphemy is akin to flag burning. There is anger with a perceived attack on identity and it can be viewed as treason. Religious identity is paramount.”

Hooper said that leading theological authorities advise that the correct response to blasphemy is to ignore it. Violence is universally condemned. Hooper does not necessarily view this as a West/East issue. The political and social construct affect perception of the images.

In the United States, Charlie Hebdo enjoys freedom of speech protections. Professor Rahdert said this was not always the case. “Today we have a thick web of constitutional decisions that this publication enjoys.” When Radhert compared the U.S. Constitutions to those in Europe, he said Europe is much more complicated. He said the Council of Europe and European Union are committed to protecting fundamental rights, even protecting human dignity. States can regulate freedom of expression. There is a balancing act of the cultural, linguistic and religious minority. Many nations have blasphemy statutes. However, this protection is expression does not seem to stop violence.

“Violence is intended to stop a conversation rather than start a conversation. We should not be afraid of controversy,” Roper said. She spoke about her work for the ACLU and focused on continued efforts to give people the right to speak, including recent litigation to strike down a blasphemy statue in Pennsylvania, defending the right of an immigrant to wear the flag of the Palestinian authority, and the right of someone to hang the flag upside down. The ACLU is constantly defending the right to speak on religious grounds, particularly for the religious minority or political grounds.

Maureen M. Farrell (maureen@maureenfarrell.com), principal in The Law Offices of Maureen M. Farrell, is an associate editor of the Philadelphia Bar Reporter.
Use iPad, Apps for Support in Courtroom

By Elisa C. Advani

If you are an attorney with an iPad, you need to take advantage of what the App Store has to offer for litigation support, members of the State Civil Litigation Section were told March 4.

Mike Murray, director of client solutions at Veritext and a litigation technology specialist, recommended apps for everything from scheduling a client intake to jury selection for trial. According to Murray, the dream of the mobile age is to be on a beach with mobile access to work as efficiently as you would in your office.

With the app Court Days Pro, litigation deadlines are easily scheduled without having to do manual calculations. For the traveling attorney, Murray recommended TripIt. It gathers all of your flight, hotel and other confirmations and creates one master itinerary for your trip. The Veritext scheduling app was Murray’s personal favorite – “it will even give you GPS directions to your depositions, and allows you to download transcripts to your device.”

There are many note-taking apps, but MyScript Smart Note in particular has a lot to offer, said Murray. This app converts handwritten notes into text. Microsoft has also released free Office apps for iPad including Word, Excel and PowerPoint. These kinds of developments “allow attorneys to be fully integrated on iPads as if they were on laptops,” said Murray.

For quick reference, Murray suggested the Rulebook app as well as your state’s civil procedure app. While there are fees associated with these apps, Murray explained that you can purchase portions of rules rather than purchasing an entire rule book.

Having access to a live feed of the transcript during a deposition is not a new invention, however, it just became easier and wireless. iCVNet is a deposition app that allows you to connect via Wi-Fi to the court reporter to see the transcript feed in real time. After a deposition transcript is done, Murray said the app iAnnotate PDF is “worth every penny of its $9.99 price tag. It even lets you electronically sign documents.” TranscriptPad is similar but tailored specifically to depositions in that it will automatically cite a highlighted portion with the deponent name, page, and line number.

Murray joked about the old-fashioned way of narrowing down a jury pool using sticky notes, but offered the iJuror app as an alternative. It lets you enter juror details such as name, age, sex, ethnicity, education level and beyond. Murray said this app can automatically search for each juror on all popular social media sites. This spurred an audience discussion about ethics, reminding all that technology evolves at a more rapid pace than the laws that govern it.

Elisa C. Advani (eadvani@hgsklawyers.com), an associate at Haggerty, Goldberg, Schleifer & Kupersmith, P.C., is an associate editor of the Philadelphia Bar Reporter.
100 Years of Workers’ Comp is No Trivial Pursuit

By Megan Dougherty

One hundred years! Really, 100 years? Yes, the Pennsylvania Workers’ Compensation Act will turn 100 years old in June. For those who may not know much about the Pennsylvania Workers’ Compensation Act, it is a remedial piece of legislation enacted as a means for workplace reformation. In exchange for surrendering the right to sue the Employer an injured worker is, with limited exceptions, entitled to no-fault benefits for a workplace injury or illness.

How about some trivia about the men and women entrusted with preservation of the “letter and spirit” of the law…

• Did you know workers’ compensation judges are appointed by the Secretary of Labor and Industry?
• Did you know that in order to become a workers’ compensation judge, an attorney must be a member in good standing of the Pennsylvania Bar and have actively practiced workers’ compensation for a minimum of five years?
• Did you know that the workers’ compensation judges operate pursuant to a Code of Ethics promulgated by the Pennsylvania Legislature which governs issues such as impartiality, appearance of impropriety and judicial demeanor?
• Did you know that in 1993, the Pennsylvania Legislature, in recognition of the demands of the position, conferred the title of workers’ compensation judge?
• Did you know the Commonwealth Court described the workers’ compensation judge, then known as a referee, as a sophisticated finder of fact?
• Did you know that the workers’ compensation judge is charged by the Pennsylvania Supreme Court with issuing “well reasoned decisions” after a full and fair hearing with the presentation of both factual and medical evidence?
• Did you know there are 17 workers’ compensation judges in the Philadelphia Office of Adjudication?
• Did you know that according to the 2013 Annual Report issued by the Pennsylvania Department of Labor Industry, the Philadelphia workers’ compensation judges were assigned 8,947 petitions?
• Did you know that in addition to hearing and deciding cases, the Philadelphia workers’ compensation judges participate in alternative dispute resolution, offering their time and talents to the mandatory and voluntary mediation program that has resulted in the resolution of countless matters?

Now you know.

Congratulations to the Philadelphia workers’ compensation judges for 100 years of dedication! We wish them well, as they continue to safeguard the rights of both the injured worker and employer within Pennsylvania.

Megan Dougherty (mdougherty@chartwell-law.com), a partner in The Chartwell Law Offices, LLP, is co-chair of the Workers’ Compensation Section.

Hampton Award Luncheon April 24

Former Gov. Ed Rendell will be the keynote speaker at the Workers’ Compensation Section Martha Hampton Award Luncheon on Friday, April 24. Lisa D. Eldridge will be the Hampton Award recipient.

Eldridge is an associate at Martin Law and has practiced Pennsylvania workers’ compensation law since 1988. She began her career as a liability associate with a defense firm and handled a wide range of cases in the practice fields of medical malpractice, personal injury and products liability. Over the last 20 years, she has represented employers, insurance companies and injured workers in all aspects of workers’ compensation litigation.

Additionally, there will be a special proclamation by Councilwoman Marian B. Tasco to recognize the contribution of University of the Arts graduate Shaina Anderson to the Arts in the Court program. This program was established to help celebrate the 100th anniversary of the Pennsylvania Workers’ Compensation Act through art.

Doors open for the event at 11:45 a.m. at The Ritz-Carlton, Philadelphia, 10 Avenue of the Arts, Plaza Ballroom. Tickets are $55 for section members and $65 for non-members.

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Philadelphia workers’ compensation judges, all appointed by the Pennsylvania Secretary of Labor and Industry, include (bottom, from left) Judges Tina Maria Rago, Denise Krass, Francine Lincicome, Scott Olin, Audrey Timm, Sandra Craig and (top, from left) Judges Patricia Bachman, Audrey Beach, Judge Manager Joseph Hagan, Judges Timothy Bulman, Lawrence Beck, Todd Seelig, Andrea McCormick, Erin Young and Marc Harrison. Judges Stephen Harlen and Holly San Angelo are not pictured.
Helping Vets is Personal for Municipal Court Judge

By Patrick J. Murphy

Thousands of U.S. troops continue to serve in Afghanistan and Iraq, which are the longest wars in American history. Less than one percent of the population have been sent over, 2.6 million to be exact, of over 300 million American citizens. Most of these troops will come home and do great things as civic assets and leaders, but unfortunately, hundreds of thousands will fall through the cracks. This is where Philadelphia Municipal Court Judge Patrick Dugan steps up, adhering to the military ethic of “leave no one behind” as he presides over Philadelphia Veterans’ Treatment Court.

Each week, Judge Dugan hears cases of veterans entering into the justice system for crimes committed. Veterans treatment courts bring a holistic approach by providing access to counseling services for drugs or alcohol, job placement, medical services and potential VA benefits. District attorneys, public defenders and support staff oversee a veteran mentorship program and a diversion program that mandates veterans graduate from the months-long program. More than 11,000 veterans would currently be incarcerated across America if they hadn’t enrolled and graduated through these life-saving veterans courts.

For Judge Dugan, this is personal. He’s a square-jawed, six-foot-tall former paratrooper with the elite 82nd Airborne Division who is married to Philadelphia Police Officer Nancy Dugan. After our nation was attacked on 9/11, he did what so few others have done, he went back into the Army at age 43. Soon afterward, he deployed to Mosul, Iraq in 2004 and then eventually as a judge advocate, to Bagram, Afghanistan in 2006.

There are 17 veterans courts across Pennsylvania and more than 220 nationally. “I am proud to say that my home state of Pennsylvania leads the nation in the number of veteran’s treatment courts, said Melissa Fitzgerald, senior director for Justice for Vets in Arlington, Va. and a native Philadelphian. “This is in part due to the leadership shown by the judges and other dedicated justice professionals who will not accept discarding our veterans when we know that treatment, supervision, accountability, mentoring and compassion works. I can think of no better example of a judge with the stubborn resolve to truly leave no veteran behind, than Judge Dugan. I have been to Judge Dugan’s courtroom several times and his commitment to the success of each and every veteran’s participation in the VTC program is inspiring and nothing short of heroic.”

Michael Brown, a noncommissioned officer who deployed overseas after 9/11, is now part of the veterans court through his work at the Philadelphia Department of Behavioral Health. Brown is amazed at how Judge Dugan connects with the veterans that come before him. “Judge Dugan runs a tight courtroom, he’s firm, but it’s pretty clear he wears his heart on his sleeve when it comes to his fellow veterans, and it makes a huge difference in turning around their lives.”

For the veterans coming home across the country, 22 of them will commit suicide every day on average. These are the ones who are falling through the cracks, most never entering into the Veterans Affairs (VA) system after leaving the military. Luckily, the Philadelphia Veterans Treatment Court and Judge Dugan have ensured more than 400 Philadelphia veterans will not end up like them when they come home. As a nation and a legal community, it’s clear more work needs to be done to ensure others live up to Judge Dugan’s example.

Patrick J. Murphy (pmurphy@foxrothschild.com), a partner at Fox Rothschild LLP, is an Iraq war veteran. Veterans Court Coordinator Lesha Sanders can be reached at 215-683-1584.

Chancellor Albert S. Dandridge III accepts a Veterans of Influence Award from the Philadelphia Business Journal on March 19 at The Union League. The Chancellor, a decorated Marine who served in Vietnam, was among those veterans recognized who have served their country and now are impacting this region’s economic health and vitality.
36th Annual 5K Run/Walk May 17; 1-Mile Dash Added

The Philadelphia Bar Association’s 36th Annual 5K Run/Walk to benefit the Support Center for Child Advocates has a new wrinkle this year – a one-mile dash.

More than 1,000 runners and walkers are expected at Memorial Hall in Fairmount Park (4231 Avenue of the Republic) on Sunday, May 17. The one-mile dash begins at 8 a.m. and the 5K Run/Walk starts at 8:30 a.m. The one-mile dash is limited to 250 runners and no race-day registration is available. Registration is $35 to participate in either the one-mile dash or the 5K Run/Walk. To participate in both the one-mile dash and the 5K Run/Walk, registration is $45.

Law firms and companies may enter 5K Run teams. A legal team comprises a minimum of three members and maximum of five members. The team may consist of male, female or both male and female runners, of any age group, all of whom must be full-time or part-time employees of your firm.

An individual registration form must be completed and signed for each team member and returned along with a completed team application and a contribution check of $400 for each team entered. For an application contact Michael Berkowitz at mjberkowitz@crbcp.com or 215-567-2010 (ext 132). The deadline for team registration is May 8.

The morning features face painting and other treats for kids. Children ages 5-10 can enter the free Buchanan Ingersoll & Rooney Kids’ Dash, a 200-yard non-competitive dash. All participants will receive a race give-away. Children-friendly activities will be offered all morning. Registration is required for each child. A parent or guardian must be present.

At least 100 volunteers are needed to help with various tasks on race day. Children age 6 and older, who can follow instructions, are welcome. Volunteers will receive a T-shirt.

Panel: Attorneys Must Take Care to Avoid Conflicts

By Luke W. Sampson

Dealing with a client’s conflict is one thing, but what happens when the scope of your representation is itself, subject to a conflict? From insurance companies to their policyholders, to multiple directors of the same corporate board, attorneys Douglas R. Widin and Arthur W. Lefco are rather familiar with complicated scopes of representation.

Widin and Lefco explained the delicate intricacies of identifying, avoiding or even waiving past, present or future conflicts of interest at a March 11 CLE program presented by the Insurance Programs Committee.

Identifying concurrent and potential conflicts of interest, Lefco explained an attorney’s obligation to examine multiple facets of various relationships and the circumstances that trigger the limitations of Rule 1.7, “You have to ask yourself, are there things about our relationship, my relationship with other people, or my relationship with myself that would preclude me from fairly and adequately representing you?”

Pointing to obvious conflicts such as representing both husband and wife in a divorce, or buyer and seller in a transaction, Lefco introduced more am-

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Personal Injury 2015: We Speak for the Victims

Program Co-Chairs:
Brendan J. Keating, Esq.
Kevin J. Collins, Esq.

Friday, May 1, 2015
9:00 – 10:00 AM
Litigation at Summit
Customary Breakfast & Registration • Exhibit Hall

10:00 – 11:00 AM
Trends and Strategies in Product Liability
Robert J. Just, Esq., Chair

11:00 – 12:00 PM
Litigation of Breaching the Bloodstream
Robert A. Cahn, Esq.

1:00 – 2:00 PM
Negotiation of the Personal Injury
Michael A. Garey, Esq.

2:30 – 4:00 PM
Conscientious Credibility
Thomas K. Dwyer, Esq.

3:30 – 5:00 PM
New Jersey Personal Injury
John J. Keating, Esq.

3:30 – 5:00 PM
Wednesday, April 29 – May 1, 2015
Bally’s Atlantic City • Atlantic City, NJ

Mass Tort

Program Co-Chairs:
Robert E. Garey, Esq.
Christopher M. Rauh, Esq.

Thursday, April 30, 2015
9:00 – 9:30 AM
Continental Breakfast & Registration • Exhibit Hall

9:30 – 10:00 AM
The Law That Governs Wrongful Deaths
Michael A. Garey, Esq.

10:00 – 11:00 AM
Rebuilding the Attorney’s Case for the Medical Malpractice
Michael A. Garey, Esq.

10:00 – 11:00 AM
Recovery of Medical Malpractice
Michael A. Garey, Esq.

11:00 – 12:00 PM
The Law That Governs Wrongful Deaths
Michael A. Garey, Esq.

12:00 – 1:00 PM
Luncheon • Exhibit Hall

1:00 – 3:00 PM
The Law That Governs Wrongful Deaths
Michael A. Garey, Esq.

3:00 – 5:00 PM
Rebuilding the Attorney’s Case for the Medical Malpractice
Michael A. Garey, Esq.

Business Torts

Program Co-Chairs:
Derek S. Eshoo, Esq.
Michael T. Nowak, Esq.

Friday, May 1, 2015
9:00 – 9:30 AM
Business Torts

9:30 – 10:30 AM
Who Has a Claim Against a Business when a Business is a Tortfeasor?
Mark P. Hourigan, Esq.

10:30 – 11:30 AM
The Law That Governs Wrongful Deaths
Michael A. Garey, Esq.

11:30 – 12:30 PM
The Law That Governs Wrongful Deaths
Michael A. Garey, Esq.

Boardwalk Seminar® 2015 Will Also Feature:

- Act of Communication
- Medical Malpractice
- Advanced Medicine for Lawyers
- Navigating通过 Marky Waters
- Avoiding Case Issues
- Criminal Law
- Personal Injury: We Speak for the Victims
- Electronic Investigation (Restricted Seminar)
- Support Staff/Marital Matrimony
- Employment Law
- Visual Strategies
- Ethics
- Women’s Initiatives’ Lunches
- Master of Advocacy

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Trends in Federal Class Actions

By Benjamin F. Johns

The importance of two recent Supreme Court cases interpreting class certification under Rule 23 of the Federal Rules of Civil Procedure could very well be overstated. That was one of the few points on which the panelists from the plaintiff and defense bars appeared to agree at a recent Federal Courts Committee meeting that was convened to commemorate the 10th anniversary of the Class Action Fairness Act.

Charles B. Casper, chair of the class action defense practice group at Montgomery McCracken Walker & Rhoads LLP, began by discussing the impact of the Supreme Court’s decisions in Wal-Mart v. Dukes in 2011 and Comcast v. Behrend in 2013. According to Casper, the Supreme Court had largely left Rule 23 jurisprudence alone for nearly a decade, following decisions it issued in the late 1990s in the context of mass torts. In the interim, some courts began imposing more rigorous requirements to the Rule 23 elements at class certification, and refused to accept all of the allegations in the complaint as true. This trend was later endorsed by circuit courts, Casper said, in decisions like Bridgeport Machines from the Seventh Circuit in 2001 and Hydrogen Peroxide from the Third Circuit in 2008. With this backdrop, Casper explained, Wal-Mart and Comcast just confirmed trends that were already occurring in various circuit courts of appeal. Casper said that Wal-Mart also revived the “near dead” commonality requirement under Rule 23(a) by imposing a requirement that common questions need to generate common answers.

Casper went on to say that in Comcast — a case which originated in the Eastern District of Pennsylvania — the Supreme Court required that there be a fit between an expert’s damages model and the antitrust theory of the case, and that a methodology of measuring damages with common proof is needed at the class certification stage. Casper remarked that he was very excited about the latter holding when Comcast first came out, as he viewed it as a possible way to require plaintiffs to prove damages and identify a formula for measuring them in connection with class certification. He noted, however, that the circuit courts that have interpreted Comcast have not embraced this view. He explained that this was because in Comcast itself, the Supreme Court said that neither party had challenged the notion that it was necessary to have a way of measuring damages on a class-wide basis in order to get a class certified. As such, this portion of Comcast has been viewed as dicta; the case is more often cited simply for the requirement that the damages theory fits the facts.

Casper believes that, based on Comcast, a fertile battle ground will be whether damages need to be calculated on a class-wide basis as part of the predominance analysis.

Ellen Meriwether of Cafferty, Globes Meriwether & Sprengel LLP, an antitrust practitioner who followed Comcast closely, pointed out that the case went to the Supreme Court on a Daubert expert issue (which had apparently not been properly preserved for appeal). Then, according to Meriwether, the Supreme Court decided the case on an issue that had not been adequately briefed by the parties. She also noted that the holding in Comcast, stating that the damages model needed to fit the theory of the case was a merits issue, not a class certification one. She also pointed out that this holding sometimes does not extend cases outside of the antitrust arena where it is not possible to measure the injuries to class members on an aggregate basis.

Michael D. Donovan of Donovan Adler LLC agreed that Wal-Mart and Comcast have no relevance in the vast majority of class actions. In his view there is a distinction between class actions that involve “aggregate damage” and “replicated proof.” In aggregate damages cases, such as securities or antitrust cases, there is a common class-wide event that affects the entire market place. In contrast, replicated proof cases, like consumer and some employment cases, do not depend on a common event. Donovan said courts have declined to apply Comcast in replicated proof cases.

The panelists also discussed some of the issues that are arising in cases involving so-called “uninjured” class members, such as data breach and Telephone Consumer Protection Act cases. One issue percolating through the courts is whether Congress can, consistent with the case or controversy provision in the constitution, create liquidated damages for uninjured people. The Supreme Court recently granted certiorari in a case presenting this issue, though later dismissed it as improvidently granted. Another, somewhat related issue is the extent to which a case can include uninjured class members. Recently, the First Circuit in Nexium affirmed a class certification ruling where there was only a “de minimis” number of uninjured class members. Hope S. Freiwald of Dechert LLP pointed out that the uninjured class member defense is frequently advanced in food labeling cases.

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

Benjamin F. Johns (BFJ@chimicles.com), a partner with Chimicles & Tikellis LLP, is an associate editor of the Philadelphia Bar Reporter.
Every campaign begins with a list of donors and supporters. The rest of the campaign is a mission to grow it into the largest list of voters that can be mobilized for Election Day. MSNBC host Ari Melber, in keynote remarks at the March 10 Quarterly Meeting and Luncheon, said one of the nation’s most pivotal lists was drafted here in Philadelphia.

“At the bottom of the Declaration of Independence was a list of leaders committed to overthrowing the British government,” said the attorney and co-host of MSNBC’s “The Cycle.”

“So while today, many pundits are talking about Hillary Clinton’s email inbox — a story that can certainly hurt her because it smacks of secrecy — politically there is a lot more riding on President Obama’s outbox — on his email contact list. Right now, a handful of insiders are quietly discussing what will happen to that valuable list for the 2016 presidential race,” Melber said.

When it comes to that list of more than 16 million names, Melber said the president has three options. “He can give Hillary the list. And that would be a huge financial and logistical endorsement. It would cement her names, Melber said the president has three options. “He can give Hillary the list. And that would be a huge financial and logistical endorsement. It would cement her

On the Republican side, Melber said the “conventional wisdom” in GOP politics is that there are only two slots in the primary — an establishment frontrunner and a conservative alternative. “But that’s not quite right. A traditional conservative alternative may make the race interesting, but if you look at recent history, they’re unlikely to win. The fact is that there hasn’t been a victorious ‘conservative alternative’ in 25 years. The party establishment has muscled in its preferred nominee every time — Romney, McCain, Bush, Dole, Bush. And today, of course, is another establishment push for Bush. Jeb Bush is aiming to raise a record-breaking $80 million to $100 million by the end of this month, according to multiple reports. Any Republican who doesn’t want another Bush has to help the party find its Obama, someone who will be able to build up a network and list of support that can rival this record-breaking establishment money.”

Melber said the two “non-establishment” Republican candidates to keep an eye on are Wisconsin Gov. Scott Walker and Kentucky Sen. Rand Paul. He said Walker is young but a political veteran and Paul won the straw poll at the CPAC conference. Paul is pushing libertarianism. He’s a different kind of candidate.”

On the current political climate, Melber said, “we are in a period of profound national political dysfunction. You can see it in a Congress that cannot fund the government or manage the debt ceiling or even host a speech by a foreign dignitary without creating an unnecessary and dramatic crisis. These are not natural disasters or man-made disasters, they are strictly politician-made disasters, and the public knows it.”
Bar Foundation

Balancing Profitability, Service as a Young Lawyer

There are a number of reasons aspiring young lawyers typically give when asked why they want to enter the profession. They could be carrying on a family tradition in the law. They might have always wanted to be a lawyer. They might even admit that they want to get into an occupation that, with elbow grease, provides a solid living. Another reason aspiring lawyers give and is the most popular – they want to help those who can’t help themselves.

Service is indeed one of the main pillars of our profession. American Bar Association Model Rule 6.1 states “[a] lawyer should aspire to render at least (50) hours of pro bono public legal services per year.” It is also a hot topic in top legal circles. Securities and Exchange Commission Chair and former Debevoise & Plimpton Litigation Chair Mary Jo White recently gave a keynote speech in Washington, D.C. highlighting the obligation lawyers have to engage in public service. “Public service,” she said, “should aspire to render at least (50) hours of pro bono public legal services per year.”

There are a number of reasons aspiring lawyers give when asked why they want to enter the profession with the huge unmet need for legal aid in our community?

“Public interest, whether directly from the perch of a public service job or by practicing in the spirit of public service.”

The Philadelphia Bar Foundation was founded in 1964 to promote access to justice for all people in the community – particularly those struggling with poverty, abuse and discrimination. We are living in a community in which one-quarter of the population lives in poverty, and 80 percent of low-income litigants go unrepresented in our courts. There is a huge unmet need for legal aid services. So how do we, as attorneys, reconcile our emphasis on service as a reason for aspiring young lawyers to enter the profession with the huge unmet need for legal aid in our community?

Part of the answer may lie in the fact that, according to the latest figures from the American Bar Association, law school enrollment of first-year law students is at its lowest level since 1973, when there were 53 fewer American law schools. There were 37,924 full-and part-time first year enrollees in 2014 – a 30 percent decline from the peak of 52,488 four years earlier.

Another reason could be student loan debt burdening recent law school graduates. One year at a top law school can easily cost as much as $80,000, leaving recent grads with little choice but to enter the private sector simply to pay back their loans, even if they want to get into public service. The ABA has gone so far as to say that, “[d]espite their deep commitment to ensure access to justice for all citizens, many law students find that the rising cost of a legal education forces them to forgo any form of public service.”

This is the crux of the problem – the reason behind the disconnect between the great need in our communities and the frustrated desire of young lawyers to fill that need. Here is the good news: young lawyers in the private sector don’t need to ignore the call for service. Don’t get me wrong – it’s all too easy to get caught up in the call for profitability, the call to bill more hours than the attorney next to you, and the call to climb the corporate ladder. After all, many young lawyers are instructed to do just that when they enter the private sector, and law firms and corporations are indeed in business to make money. But, as with all things, there should be a balance – a balance between serving your clients and serving your community.

There are no easily followed, “a-b-c,” continued on page 18
Special Enrollment, Rules for Same-Sex Partners

By Brian McLaughlin

The Centers for Medicare & Medicaid Services (CMS) announced on Feb. 20, 2015 a special enrollment period for individuals and families who did not have health coverage in 2014 and are subject to the “shared responsibility payment” when they file their 2014 taxes in states that use the federally facilitated marketplaces (FFM).

This special enrollment period will allow those individuals and families who were unaware or didn’t understand the implications of this new requirement to enroll in 2015 health insurance coverage through the FFM. For those who were unaware or didn’t understand the implications of the fee for not enrolling in coverage, CMS will provide consumers with an opportunity to purchase health insurance coverage from March 15 to April 30.

Those eligible for this special enrollment period live in states with an FFM and are currently not enrolled in coverage through the FFM for 2015, can attest that when they filed their 2014 tax return they paid the fee for not having health coverage in 2014 and attest that they first became aware of, or understood the implications of, the shared responsibility payment after the end of open enrollment (Feb. 15, 2015) in connection with preparing their 2014 taxes. If a consumer enrolls in coverage before the 15th of the month, coverage will be effective on the first day of the following month.

Effective March 27, the Department of Labor (DOL) amended the regulatory definition of “spouse” under the Family and Medical Leave Act (FMLA) so that “spouse” for purposes of FMLA rights includes a same-sex spouse, regardless of where the employee and spouse live. This means the “place of celebration” will determine whether an individual is a “spouse” under FMLA. Current FMLA regulations use a “state of residence rule,” recognizing a spouse under the law of the state in which the couple resides.

In June 2013, the Supreme Court, in United States v. Windsor, struck down the federal definition of “marriage” and “spouse” under Section 3 of the Defense of Marriage Act (DOMA), holding that same-sex marriages valid under state law are recognized at the federal level. The decision affects more than 1,100 sections of federal law that have a provision based on marriage, including the FMLA. In a nutshell, the FMLA requires certain employers to permit eligible employees to take up to 12 weeks (26 weeks in the case of caring for an injured service member) of unpaid, job-protected leave each year because of a new baby, to care for an immediate family member who has a serious health condition, or because of their own serious health condition, or because of an emergency when a family member is called to active military duty. A covered employer is required to maintain group health plan benefits for an employee on FMLA leave on the same terms and conditions as if the employee had continued to work. When the employee returns from FMLA leave, the employer must restore all the employee’s benefits.

Following Windsor, the DOL’s FMLA guidance, revised in August 2013, required employers subject to the FLM to extend FMLA rights to an eligible employee in connection with his or her same-sex spouse only when the employee and spouse reside in a state that recognizes same-sex marriage. FMLA rights related to a same-sex spouse currently do not apply to an employee residing in a state that does not recognize same-sex marriage.

Spouse, as defined in the statute, means a husband or wife. For purposes of this definition, as proposed in June 2014, final regulations now have “husband or wife” refer to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common-law marriage that either (1) was entered into in a state that recognizes such marriages or, (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state. The rule means that an eligible employee, regardless of where s/he lives, is able to:

• take FMLA leave to care for his/her same-sex spouse with a serious health condition;
• take qualifying exigency leave due to his/her same-sex spouse’s covered military service; or
• take military caregiver leave for his/her same-sex spouse.

The change entitles eligible employees to take FMLA leave to care for their stepchildren (children of the employee’s same-sex spouse) even if the in loco parentis requirement of providing day-to-day care or financial support for the child is not met. The change also entitles eligible employees to take FMLA leave to care for their stepparents (same-sex spouses of the employee’s parents), even though the stepparents never stood in loco parentis to the employee.

Brian McLaughlin (Brian.McLaughlin@usiannity.com) is vice president of USI Affinity Benefit Solutions Group.

For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinity.com/Philadelphia. For Lawyers’ Professional Liability and other business coverage, you can continue to visit the regular Philadelphia Bar Association Insurance Program website at www.mypayinsurance.com/Philadelphia. If you’d like to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 1-855-874-0267.

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For more information on placing a Lawyer to Lawyer referral ad, contact Lana Ehrlich at 215-557-2392 or lehrlich@alm.com.
A study of intergenerational wealth transfers among 3,250 families found that 70 percent of family wealth transfers fail, with heirs dissipating assets and families falling into conflict. What these families lacked was not legal, financial and tax advice but trust, preparedness and a sense of purpose, according to family wealth transfer advisors at The Williams Group. In this month’s interview, I sat down with Mary-Noelle Rasi, J.D., LL.M., senior wealth planner on PNC Wealth Management’s Mooresstown, N.J. team, to talk about the importance of passing along your values to future generations.

What can families do to avoid becoming part of that 70 percent whose wealth transfers fail?

One of the keys to success is maintaining open lines of communication among family members. Many families find it difficult or uncomfortable to talk openly about finances. Parents are frequently worried about burdening their children with financial expectations, or alternatively, have personal privacy concerns. I recommend a counterintuitive solution: the senior family members have to step out of their roles as parents and grandparents and instead become “chief family officers,” (CFOs) viewing their heirs as children in the wealth transfer conversation.

Should parents involve young children in the wealth transfer conversation?

The habit of communicating clearly with children regarding wealth and values should start early. Parents can teach children about the importance of philanthropy, for example, by having them place an offering in the plate at church: it’s something even very young children are capable of doing and understanding. As kids mature into adults, parents can begin to have honest conversations that give them early exposure to the idea of wealth transfer. That way, grown “kids” won’t be bewildered by wealth, or the responsibilities that go along with it, once it is bestowed upon them. Increasing the level of disclosure and responsibility as family members mature is appropriate and often very helpful. If a young adult makes a mistake, he or she can learn — with parents to guide — before it becomes a problem.

What happens when disagreements among family members arise?

It’s especially important for senior family members to squarely address potential disagreements, so that they can help shape solutions with the support of their wealth planners, estate attorneys and accountants. For example, if a child is involved in running a family business, he or she may inherit most of its stock, but if desired, parents could create equitable inheritances for siblings not involved in the business through the use of life insurance. The essential point is to recognize and confront latent issues before they blossom into disputes.

How should a family’s advisors work together on behalf of the family?

Basing an estate plan on family values takes a team approach, including, among others, the estate attorney, accountant and wealth planner. A wealth planner is uniquely situated in his or her capacity for maintaining a holistic perspective and availability for extensive consultation and in-depth discussion. In addition, the wealth planner can serve as a liaison and facilitator, coordinating with the other professionals.

How often should a family discuss its estate plan?

Estate planning, like transmitting family values, should be an ongoing process that the family revisits regularly and often. There is also a right and wrong time to discuss estate planning; for example, it’s not something you should bring up during the holidays, which can be distracting and tense. Consider having annual “family meetings,” and start low-key, maybe as part of a family reunion during the summer.
falls somewhere in between. Does the prosecutor have to include the client’s status on the subpoena? The ethical obligation of the prosecutor is different depending on whether this is a state or federal matter. County and state prosecutors have no obligation to detail the status but federal prosecutors do. Greenblatt advised that though the state prosecutors have no obligation, many will be reasonable and work with the defense if contacted prior to the hearing.

Engle and Greenblatt have both experienced times where prosecutors take the extreme position of “I can’t tell you anything about the investigation.” This leads to the least productive dialogue, and likely extensive litigation. However, defense counsel has an option – you can file a notice of submission with the judge. This is the document the prosecutor gives the supervising judge that gives the judge insight about what the testimony will be. This way you can start a dialogue with your client about the contents of the submission. Just remember, prosecutors are given wide deference, and may ask questions outside the scope of the submission.

The panelists offered a couple of suggestions for attorneys. If you do not know your client’s status, you must assume there are Fifth Amendment issues at play, and if an attorney is subpoenaed, he or she should obtain representation.

Lauren A. Strehel (lstrebel@lssh-law.com), an associate with Langsam Stevens Silver & Hollander LLP, is an associate editor of the Philadelphia Bar Reporter.
Set Reasonable Expectations for Yourself

By Maria E. Bermudez

The challenges facing young lawyers these days sometimes feel unbearable. I recently read a disturbing article stating that lawyers ranked fourth highest in suicide rates when compared to other professions. The article begins by telling the story of a well-established and by all accounts successful 36-year-old attorney with a promising future. It was noted that lawyers are 3.6 times more likely to suffer from depression than non-lawyers. According to the article, “there is no clear explanation” for the high suicide rates.

The statistics do not surprise me; nor am I surprised that this is an issue attorneys rarely openly discuss with one another. It is difficult to maintain the perception that you are a strong, knowledgeable, efficient, prepared and passionate advocate, when you yourself are struggling with what can be perceived by others as a weakness – specifically depression and/or anxiety. However, many attorneys know these feelings very well.

It is my personal opinion that many attorneys, especially young lawyers, suffer from disappointment based on false expectations. Young attorneys commonly choose to go to law school for one of a few reasons. A career in law means we can “fight for justice.” We go to trial advocacy and learn to fight for those who cannot fight for themselves. Growing up, either consciously or subconsciously, we learn the most prestigious careers include “doctors and lawyers.” There is also the impression that a career in law entails significant financial freedom. Things have changed, and young lawyers face a harsh reality upon entering the workforce after law school.

In this age of alternative dispute resolution, settlements are on the up and the concept of an attorney “fighting for justice” no longer satisfies client expectations. These days, on both sides of the aisle, clients are looking for a reasonable price, efficiency and practical problem solving. Therefore, a day in the life of a young lawyer often consists of researching and reporting to clients (through supervising partners) to assess potential risk and/or damages. We are often disappointed and feel empty. We are not “fighting for justice.”

Prestige, too, feels like a thing of the past. Historically, attorneys were viewed as “having widespread respect and admiration based on their knowledge and achievements.” These days, with access to the Internet, clients have a general sense of the law. The expectations are high. They want an immediate response with concrete outcomes. Without a sense of urgency, lawyers are at a disadvantage, and could potentially disappoint clients, their firm and colleagues.

Our expectation of financial freedom, as young lawyers, is pretty much delusional. Law school tuition has increased substantially since the time our supervising partners graduated, and is not at all proportionate to the salaries made now. Often frustrating for young attorneys in negotiating their salaries is that their partners do not realize this truth. Young lawyers are struggling with student loan debt in a society that views them as financially stable. There is nothing stable about having more than $100,000 in student loan debt on top of rent or mortgage and living expenses. Unfortunately, that is what a lot of young lawyers are facing today. But there is hope. I believe, as a young lawyer, we must set reasonable expectations for ourselves, our firms and our clients.

• Take charge of your practice. If you went to law school to “fight for justice” and that is still what you are looking for – know it is still out there, despite that great job offer and position you may have taken out of law school based on availability or for whatever other reason. There are many firms, government agencies and nonprofits where you can fight for what you believe in and achieve justice for the clients you are seeking to help. You may have to take a pay cut, but hey, you are doing what you want to do and may be happier in the long run.

• Set reasonable expectations. In this technology era, both firms and clients can be extremely demanding. Set boundaries. We are all expected to work hard and should work hard! However, be sure to set and value the work/life balance that is required for you to sustain your practice from the beginning. Full disclosure – I still struggle with boundaries! In my practice, I try as much as possible to give my clients timelines from the very beginning. They need to know when they will hear from you and when they are likely to have some resolution in their case. The same goes with supervising partners. You should know their expectations clearly, and they should know your ability to meet them based on your workload. I am not minimizing the need to work hard; however, you must set boundaries as you are no good to your clients or firm if you are not healthy.

• Get your money right. As young lawyers, we need to live and work within our means. While we may be viewed as a having a “prestigious” occupation with financial freedom, the reality is many young attorneys are living on a strict budget, and that’s OK. We research everything, right? Why then, don’t we research and apply our professional principles to this area of our lives? The Young Lawyers Division is committed to helping young lawyers in all areas of professional growth and this is an important one. Stay tuned :) There are many other suggestions for all lawyers in general to assist with the stress and expectations of the practice of law. I am not an expert in the field. What I do know is that many of my friends in the Philadelphia Bar Association and practice have helped me along the way. I believe that stress management and mental health are integrals parts of our profession that require ongoing attention and support from our friends and family in the profession.

Attorneys in Philadelphia and Pennsylvania in general should know that they can contact Lawyers Concerned for Lawyers at (888) 999-1941 – 24 hours a day, seven days a week, for issues related to stress, depression, substance abuse or gambling.

Maria E. Bermudez (mbermudez@paoworkinjury.com), an associate with Martin LLC, is chair of the Young Lawyers Division.

Bar Foundation

continued from page 14

1-3’ tips for achieving the balance between exceeding your billables and serving the less fortunate as a young lawyer – you simply need to commit to it. The legal profession is demanding and unpredictable. You could be prepping for trial until 1 a.m. on Tuesday, 11 p.m. on Wednesday and 5 a.m. on Thursday. We’ve all been there. We’ve all had weeks we wished we had more sleep, but the unpredictable nature of the profession is one of the reasons we entered it in the first place. It comes down to making public service a priority alongside your work life and home life.

Organizations like the Philadelphia Bar Foundation can help young lawyers in the private and public sectors alike achieve this balance. For example, the Board Observer Program jointly established by the Bar Foundation and the Young Lawyers’ Division and Delivery of Legal Services Committee, gives young attorneys the chance to observe the inner workings of nonprofit boards, gain important skills and broaden their network of contacts.

The Program has been growing steadily since its inception. This year, the Program placed 41 board observers with 30 different nonprofit organizations, (up from 33 observers and 22 nonprofits the year before), about half of which provide legal services. The Program sponsors an annual CLE on the basics of nonprofit board service and, in pairing young lawyers with nonprofit Boards, gives young lawyers a tangible way to give back to the community while gaining invaluable experience that can also extend to their private practices. When I spoke last month at the kickoff reception, the excitement was palpable. The Board Observer Program truly highlights the success that can be achieved when different parts of the Philadelphia legal community come together. As president of the Bar Foundation, I urge everyone who works with nonprofits to support the Board Observer Program and encourage nonprofits and young lawyers to get involved. We all know how tough it can be to balance the call to hit your billables with the requirement of our noble profession to serve the community; so we really should do what we can to support programs like the Board Observer Program. As always, thank you for your help.

Steven E. Bizar (steven.bizar@bipc.com), executive shareholder at Buchanan Ingersoll & Rooney PC, is president of the Philadelphia Bar Foundation.
Editor's Note: Quick Bites is a new feature that will include reviews of lunch and dinner destinations in Philadelphia.

By Michael Budner

The Fat Ham, 3131 Walnut St.

I know, I know – 31st and Walnut? Who has time to take that long of a lunch and go that far from Center City? I headed over to The Fat Ham for lunch with co-workers. We took a cab there from One Liberty Place, ate a well-paced, yet leisurely lunch, and walked back all in 65 minutes. You read that correctly; expand your lunch horizons.

We split several things, but I will start with the dish you are waiting for: Hot Chicken. If you’ve heard anything about The Fat Ham, there’s a 99 percent chance it was about the Hot Chicken, and for good reason. Having had the pleasure to try “Gus’s World Famous Fried Chicken” in Memphis last year, largely considered to serve some of the best hot chicken in all of Tennessee, I speak with some, albeit limited, experience. While I can’t say that Chef Kevin Sbraga’s University City outpost outdoes Gus’s, the hot chicken is damn good. What defines hot chicken is the cayenne pepper (and other spices) actually being incorporated into the frying batter as opposed to buffalo wings, for instance, in which the chicken is fried in a “plain” batter and the spice is added in the form of a sauce post-frying. The battered outside is crisp, crunchy, seasoned and spicy. The inside is tender and impeccably cooked. Two pieces of fried chicken (one white, one dark) sit on top of a slice of brioche bread smothered in ranch, which sops up the grease and counteracts the heat.

The pork belly was less exciting. While I always love a good pork belly, the preparation lacked pizzazz and the portion was noticeably small. The top was slightly crispy, but the rest was on the mushy side, and not the “cut-with-a-spoon-like butter” softness that I often enjoy in slow-cooked pork belly. The crispy Brussels sprouts on the side were a crowd-pleaser and disappeared faster than anything else on the table.

The baked mac and cheese was fairly unremarkable as well. Served in a cast-iron dish, it lacked the crust on top and on the sides that makes baked mac and cheese the best. The Serrano ham shaved on top added some salty complexity, but couldn't save the dish.

While two of the dishes fell short in their execution, the hot chicken made the entire trip worth it. The ambiance is great and I look forward to heading back for dinner when I can enjoy the extensive bourbon selection. Not the best lunch I’ve had this month, but definitely worth a try and it’s not as far from Center City as you think!

V Street, 126 S. 19th St.

As the soon-to-be husband of a vegan, I have had my fair share of mediocre meatless cuisine, but V Street is not among those meals. Chefs Rich Landau and Kate Jacoby, formerly of Horizons fame, and the power duo behind the wildly successful Vedge, bring us V Street, boasting a menu of vegan street food from around the world.

At V Street, the name of the game is bold spices. To start off, the Peruvian fries are served in a plastic basket, reminiscent of your favorite cheese fries. These are not your ordinary cheese fries, though. The thick, perfectly cooked wedges are doused with fiery aji amarillo sauce, olives, and crushed peanuts (I skipped the cilantro, as always).

The Piri Piri Grilled Tofu was our favorite dish. All tofu should be cooked so well. The grill-charred outside gives way to a tender, moist inside. This is by far the spiciest dish on the menu, but the chermoula ranch (served on the side) and the black-eyed pea salad, over which the tofu is served, team up to balance out the heat. Definitely a must-order.

The Mushroom Dan Dan Noodles, a Sichuan classic, put on Philadelphia’s culinary map by cult-favorite Han Dynasty, is my second favorite version of the dish (second only to, you guessed it, Han Dynasty). The spicy sesame sauce and succulent mushrooms complement continued on page 21

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Mike Vogel (mvogel@tp4c.org) is CEO of Turning Points for Children.

PRO BONO SPOTLIGHT:

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HAP, Landlord Fight to Keep Family in Home

When Homeless Advocacy Project (HAP) Board Chair Margie Morris, a partner at Reger Rizzo & Darnall LLP, met Patricia at a HAP legal clinic at the Eliza Shirley emergency shelter last summer, Patricia had been notified of her termination from subsidized housing. Thanks to Margie’s dedication, which included several days spent in Philadelphia Housing Authority (PHA) offices waiting for hearing officers to meet with her, Patricia avoided all but certain homelessness.

In Margie’s words: Patricia came to the HAP clinic seeking legal assistance as her subsidized housing had been terminated. Patricia lived in “Section 8 housing,” which is administered by the PHA. All households adults in subsidized housing must verify their income bi-annually in order to establish continued eligibility and the household share of the rent. Proof of income is satisfied with three current consecutive pay stubs (current is defined as dated within the last 60 days).

Patricia, with a steady job, is paid weekly and has sequential pay stubs. Her daughter’s job, however, is “on-call” and she is unable to produce consecutive pay stubs. In October 2013, when the household was up for their review, Patricia provided three consecutive pay stubs along with two from her daughter. Furthermore, Patricia explained her daughter’s “on-call” job status and inability to produce three consecutive pay stubs. Patricia was never notified that what she presented was not adequate. Yet in February 2014, PHA paid no rent to the landlord and notified Patricia that she had been terminated from the subsidized housing program for failure to provide three pay stubs to verify household income. Fortunately, the landlord did not immediately seek to evict Patricia for non-payment. He considered Patricia a model tenant and contacted PHA on her behalf.

I contacted PHA to advocate for Patricia on the grounds that her termination was inconsistent with PHA’s own procedures. The agency agreed to re-enroll Patricia in the subsidized housing program. When the time for the household’s next review approached, I decided to be proactive to avoid a repeat of the previous experience. I confirmed to PHA by email that current pay stubs for Patricia and her daughter would be presented at the scheduled review meeting. Patricia attended the review meeting accompanied by our paralegal, Joan. PHA, however, told Patricia that since she has been removed from the program, she needed to re-apply for Section 8 housing all over again and produce 32 documents (including original Social Security card and raised-seal birth certificate) at the next meeting.

Patricia, the landlord and I met with PHA and the agency representative admitted that they “had not really looked at the daughter’s proof of income” that had been previously submitted. Since she could not produce the requisite consecutive pay stubs, they agreed that her 2013 W-2 and 2013 federal income tax return would suffice. The landlord offered to obtain the documents from the IRS website at his own cost so that Patricia’s tenure could be ensured. After I attended several additional meetings with PHA, Patricia was officially reinstated to the Section 8 program. She has marked her calendar to gather her pay stubs for her future recertification hearings.

HAP is incredibly grateful to Margie Morris in her efforts to save a mother and daughter from family homelessness. On Thursday, April 9, HAP will celebrate its 25th anniversary by honoring Margie Morris and the 24 former HAP board presidents who have worked so hard to make HAP the success it is today. For information about HAP’s Anniversary Benefit from 5:30 to 8 p.m. at Hotel Sofitel Philadelphia on April 9, contact Leonora@haplegal.org.

For More Information
Contact Leonora@haplegal.org for more information about HAP’s 25th Anniversary Benefit on April 9.
the bouncy, tender noodles. They will make you sweat, but you will be crawling back for more.

I am usually partial to beer with anything like it and it's phenomenal. The former is simple – mustard and 'Lokum at the Bazaar.' The latter is another simple one – Turkish coffee, bourbon and slightly sweet syrup. It's the perfectly balanced drink when he is hard at work planning the next week's meeting.”

I highly recommend this restaurant for people looking to try something new and if you don't normally eat vegan, food, you will be delighted, get over there to see it for yourself!

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Michael Budner (MBudner@sbmb.com) is an associate at Saltz, Mongeluzzi, Barrett & Bendeky, PC.

Think a cloudy yellow cocktail that’s served in a Collins glass and drinks like a honey mustard pretzel. The latter is another simple one – Turkish coffee, bourbon and slightly sweet syrup. It’s the perfectly balanced drink when he is hard at work planning the next week’s meeting.”

I highly recommend this restaurant for people looking to try something new and if you don't normally eat vegan food, you will be delighted, get over there to see it for yourself!

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The Commission anticipates that a rating of Highly Recommended will allow the best candidates to stand out in a crowded field. The new rating is being tested in this and the 2017 election cycle, after which the Commission will decide whether to make the new rating category permanent.

“The members of the Commission take this process very seriously. Members of the Commission and the Investigative Division have been very generous with their time,” said Datz. “The Bar Association staff has been very supportive.”

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People

Robert Schwartz, executive director of the Juvenile Law Center, has been announced as the recipient of the fourth annual Mark Hardin Award for Child Welfare Legal Scholarship and Systems Change by the American Bar Association Center for Children and the Law. The award will be presented at the center’s national conference on July 24 in Washington, D.C.

Stewart M. Weintraub, a shareholder Chamberlain, Hrdlicka, White, Williams & Aughtry, helped lead advanced income, sales and use, and property tax seminars co-sponsored by the American Bar Association Tax Section and the Institute for Professionals in Taxation March 16-20 in New Orleans.

Louis B. Kupperman, a partner with Obermayer Rebmann Maxwell & Hippel LLP, has been appointed to the Board of Directors of the Delaware Valley Regional Finance Authority by the Commissioners of Chester County.

Kassem L. Lucas, a partner with Pepper Hamilton LLP, has been named one of 2015’s most influential black lawyers by Savoy magazine.

Hillary J. Moonay, a partner with Williams Family Law, P.C., co-presented “Microsoft Excel for Family Lawyers,” a CLE course sponsored by the Bucks County Bar Association.

Elizabeth A. Gocke, an associate with Obermayer Rebmann Maxwell & Hippel LLP, has been appointed co-chair of the Philadelphia Chapter of the Risk Management Association’s Young Professionals Committee.

Marc S. Raspani, a partner with Pietragallo Gordon Alfano Bosic & Raspani, LLP, presented at the Annual Meeting of the North Carolina Fellows of the American College of Trial Lawyers on March 21 at the Inn at Biltmore Estate in Asheville, N.C.


Anthony R. LaRatta, a partner with Archer & Greiner P.C., has been named as a Fellow to The American College of Trust and Estate Counsel. He presented the CLE program “Writings Intended As Will” at the Cape May County Bar Association on March 25.

Thomas N. Sweeney, an attorney with Messa & Associates, P.C., served as the course planner for a Pennsylvania Association of Justice continuing legal education course “What’s It Worth?”, a course aimed at educating attorneys on valuing real cases on March 10.

Adam Green, owner and managing partner of The Green Firm LLC, has been recognized by Drexel Magazine as one of the university’s “outstanding alumni” through its 40 under 40 program.

Steven J. Engelmyer, chair of the Litigation Department at Kleinbard L.L.C., was a faculty member at the Pennsylvania Bar Institute’s Commercial Litigation Institute on March 18 where he discussed the relationship between insurers, insureds and their appointed defense counsel.

Lewis F. Gould Jr., a partner with Duane Morris LLP, has been named chair of the Pennsylvania Lawyers Fund for Client Security Board by the Pennsylvania Supreme Court.


Kevin E. Raphael, a partner with Pietragallo Gordon Alfano Bosic & Raspani, LLP, presented “Academic Medical Centers’ Obligations Under Title IX” at the Pennsylvania Bar Institute’s Health Law Institute on March 13.

Christopher Scott D’Angelo, a partner with Montgomery McCracken Walker & Rhoads LLP, was a featured speaker at the 12th National Conference on Class Actions: Recent Developments in Quebec, in Canada and the United States. The seminar, hosted by the Quebec Bar Association, was held in Montreal March 26-27.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, PA 19107-2955 or reporter@philabar.org.
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