The Philadelphia Bar Association has been known for its influence in the area of good works in Philadelphia, and beyond. Helping to provide access to justice for all is a cornerstone of its mission. In the last few years, it has taken an active role in the effort to stem the eviction crisis in Philadelphia. It demonstrated its position by hosting a Chancellor's Forum titled “Right to Counsel for Low-Income Tenants” on March 11. Panelists, including Neil Steinkamp, managing director of Stout Risius Ross, LLC; Rasheedah Phillips, managing attorney in the Housing Unit of Community Legal Services; Ethan D. Fogel, partner at Dechert LLP; and Eva Gladstein, deputy managing director for health and human services for the City of Philadelphia; discussed the findings of the Association’s groundbreaking study, performed pro bono by Stout. Catherine C. Carr, co-chair of the Association’s Civil Gideon and Access to Justice Task Force, moderated. The task force celebrated its 10th anniversary in 2019. Response to the Chancellor’s Forum included coverage on television and radio, and an editorial by The Philadelphia Inquirer calling for the full funding of an eviction defense fund.

The task force’s participation in the solution to the eviction crisis has been extensive. Beginning in 2016, the task force engaged with the courts, city government and others to address the growing problem of evictions in Philadelphia, and the negative effects on society. After working closely with Philadelphia City Council, public hearings were organized and held on March 20, 2017 where leaders of the Association and members of City Council called for a right to counsel for low-income tenants facing eviction. These hearings led to the city’s allocation of $500,000 in fiscal year 2018 for the creation of the Philadelphia Eviction Prevention Project, and another $950,000 for fiscal year 2019. Additionally, Mayor Jim Kenney created an Eviction Task Force in October 2017, which included active service of members from the Association’s task force.

The March 11 forum featured the November 2018 report “The Economic Return on Investment of Providing Counsel for Eviction Defense,” which estimated that for every $1 invested in legal representation, Philadelphia saved $2.50 in costs associated with evictions such as homelessness, health care, food insecurity, and incarceration. The report also found that providing counsel saved the city $1.5 million annually.

In this issue, the Philadelphia Bar Association continues to advocate for the rights of tenants and to provide access to justice for all.
Visit PhiladelphiaBar.org/Renew to continue to take advantage of all the Philadelphia Bar Association has to offer, including:

- Significant discounts on a wide variety of national brands and retailers, including our newest, GE Appliances (25% savings on appliances) and Philadelphia Runner (10% savings on gear)
- Legislative programs to champion your interests
- Free and low-cost CLE courses - members receive six free CLE credits*
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Questions? Contact Manager of Member Services Andrea Morris-Tracey at amorris@philabar.org or (215) 238-6313.

*Free continuing legal education programs chosen at the discretion of the Philadelphia Bar Association.
Our Magic

I think that we each have a “magic” age, the age we always stay somewhere deep inside, despite what the mirror and calendar may tell us. It is the age that when, looking back, you first can recognize yourself as the person you are today. Of course, we change, some of us more than others, but still, I think we each have fundamental timeless versions of ourselves filtering our experiences and informing our choices. You may be thinking, what is this? Pseudo-psychology?
Pseudo-philosophy? You may also be thinking the concept that our past influences our present is nothing new. Please let me give you some context for my musings and ask for the benefit of the doubt.

I write this a few weeks before our Spring Quarterly reception and dinner, “Honoring our History,” on April 16. That night, we will celebrate the recipients of our Bar Medal, Mark A. Aronchick and Abraham C. Reich; our immediate past Chancellor Mary F. Platt; and our colleagues who have been in practice for 50, 60 and even 70 years. About a month later, our son will graduate from the University of Pennsylvania Law School, and will go on to become a Philadelphia lawyer. This all has made me think about how years can zoom by, sometimes at light-speed. It has made me think about our history, about our future, about what bridges the decades separating the newest and the most senior members of our profession and about what bridges our many other differences. I think about what keeps us connected as members of the most enduring bar association in the nation – what is the commonality? This brings me to the magic part of each of us.

We have a “magic” age, the age when, looking back, you first can recognize yourself as the person you are today. Of course, we change, some of us more than others, but still, I think we each have fundamental timeless versions of ourselves filtering our experiences and informing our choices. You may be thinking, what is this? Pseudo-psychology? Pseudo-philosophy? You may also be thinking the concept that our past influences our present is nothing new.

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Whether you reached your magic age five months, five years or five decades ago, I believe that what led, or even compelled, us to become lawyers – a passionate belief in justice – was nascent within each of us then and draws us together now. I do not mean to suggest we each had an “ah-ha” moment when it suddenly dawned on us that we were destined to become lawyers. I am not even suggesting that we could identify or understand what it was that eventually called us to this profession, but it was already there, waiting to be discovered.

Even if we are separated by decades and whatever else makes us different from each other, we are bound together by shared beliefs and values. They are integral to and deeply rooted in who we are as individuals, and are constants in our profession. We believe that ensuring justice and access to the courts to every member of the public and protecting the underserved and vulnerable are moral imperatives. We have a passionate belief in the rule of law and are dedicated to fundamental fairness in its application. We believe that the rights of others are as important as our own, and we will advocate for them as fiercely. We are infused by the justified optimism that we can make a difference, and this optimism keeps us inspired – perhaps for a half century, or longer.

If you are thinking that my description of our magic selves as lawyers is idealistic, you are right, but that does not make my description wrong. As I work and speak with association members at many different stages in their careers, all with very diverse personal and professional backgrounds, what strikes me again and again is the power of the shared principles and immutable values that transcend our differences. I believe that the timeless, fundamental part of each of us always calls out for justice and fairness. It is who we are. We listen and then join together to advocate and act. It is what Philadelphia lawyers always do.

Rochelle M. Fedullo (Rochelle.Fedullo@wilsonelser.com), partner at Wilson Elser Moskowitz Edelman & Dicker LLP, is Chancellor of the Philadelphia Bar Association.

As part of its Boots on the Ground initiative, in November 2018, the Business Law Section sponsored a field trip to The National Constitution Center for sixth, seventh and eighth-grade students at the McKinley School in North Philadelphia.
The Young Lawyers Division is engrossed in preparations for its biggest week of the year: Law Week. The week-long program focuses on community outreach and encourages positive interactions between Philadelphians and the legal system. This year, Law Week takes place April 29 to May 3. Each day, the YLD will offer different programs for the public.

On Monday, April 29 and Tuesday, April 30, young lawyers will visit schools for a program called “Lawyer in the Classroom.” Our young lawyers go to classes from elementary through high school to talk with students about why they became lawyers, the requirements to become one and what life is like as a young lawyer. They will also discuss Law Week’s theme: “Free Speech, Free Press, Free Society.” Discussions are driven by the students’ input and questions, and their questions are always entertaining—if you are volunteering, be prepared to answer the inevitable question about your salary.

On Wednesday, May 1, the YLD hosts “Legal Advice Live,” where young lawyers volunteer at various branches of the Free Library of Philadelphia. Members of the public can walk in without an appointment for help with their legal problems. Some questions can be answered on the spot, while others are referred to LRIS attorneys and legal services non-profits for further help. Later that evening, we will host our regular Legal Line, where Philadelphians can call in with their legal questions.

As part of our Law Week programming, we also host poster and essay contests. Elementary school students submit posters based on the Law Week theme, while high school students write essays based on the theme. The winner of the essay contest will present his or her essay and receive an award at a naturalization ceremony on Wednesday. This year’s theme of “Free Speech, Free Press, Free Society” is sure to be poignant as people from all over the world become United States citizens.

On Thursday, May 2, high school students will visit the Bar Association and the courts for the “Lawyer for a Day” program. These students will hear from prominent speakers at the Bar Association before visiting various courtrooms, both criminal and civil, to see what practicing law is really like in Philadelphia. Our wonderful judges often take the time to speak with the students—please be prepared to answer the inevitable question about your salary.

On Friday, May 3, the week closes out with our Goldilocks Trials, wherein City Hall graciously opens its courtrooms to second-grade students from schools across the city. After listening to an opening speech (given last year by Mayor Kenney!), the students will go to courthouses in small groups. There, Philadelphia Court of Common Pleas judges preside over the fairytale trials of Goldilocks, the Three Little Pigs, and Jack and the Beanstalk. YLD members play the litigants, and the students learn about the court system by serving as jurors for the cases.

By the end of the week, we at the YLD are both proud and exhausted. We need hundreds of volunteers to make Law Week so great, so please visit the Association’s YLD webpage and contact me to volunteer!

Michaella Tassinari (michaella.tassinari.kfyk@statefarm.com), attorney at Robert J. Casey, Jr. & Associates, is chair of the Young Lawyers Division.
Equal access to justice is expressed in so many ways. One factor that is often overlooked is the need for broad availability of high-quality research tools, which can make a critical difference in case management for people in need. The Philadelphia Bar Foundation is proud to play a role in leveling the playing field in this important area of law. For the past seven years, we have partnered with LexisNexis to make its Research Grant Program available to Foundation nonprofit partners.

The LexisNexis Research Grant Program provides valuable online research time, tools and training to legal aid lawyers who often lack the financial resources to access the commercially available research platforms used by their counterparts in government and private practice law. The LexisNexis legal research hours provided through the grant program enable recipients to conduct the authoritative research required to develop effective case strategies on behalf of their clients.

The nonprofit organizations that receive these services through the Foundation’s partnership grant with LexisNexis include: the Homeless Advocacy Project, Justice at Work, Legal Clinic for the Disabled, Mazzoni Center Legal Services, Pennsylvania Immigration Resource Center, Philadelphia Lawyers for Social Equity, Philadelphia Volunteer Lawyers for the Arts, Public Interest Law Center, Regional Housing Legal Services, SeniorLAW Center, Support Center for Child Advocates, Women’s Law Project and Women Against Abuse.

These organizations serve the legal needs of so many vulnerable people across our community. And while they are among the most innovative and successful legal service nonprofits in the country, they face a potentially crippling combination of challenges—reduced funding, shrinking budgets and an ever-rising level of client need. Viewed through this lens, the value of the LexisNexis Research Grant is even greater than the generous dollar figure it represents. Public interest lawyers are better equipped to structure claims involving asylum, withholding of removal, protection under the Convention Against Torture, cancellation of removal for lawful permanent residents and non-residents and motions to terminate based on improper designations of convictions under legal “terms of art” that are defined by immigration case law.

Regional Housing Legal Services has used the grant to research zoning laws that could be used to advance a housing development benefiting low-income people in the five-county Philadelphia metro area. They are able to review case law and state statutes governing manufactured homes, which low-income clients use at a higher rate than average, and case law and HUD regulations on fair housing and the designation of units for people with autism.

The SeniorLAW Center uses LexisNexis for its caseload of landlord-tenant, homeownership, custody and victim-services matters. In one case, SeniorLAW Center staff attorneys used LexisNexis to inform their representation of a senior citizen involved in an ejectment trial against her son, who had caused extensive damage to the property. The woman held the home’s title in trust for a third party, and the SeniorLAW staff attorney used LexisNexis to research trust and property issues as well as possible new defenses to an ejectment action. Thanks in part to the technical support they received, SeniorLAW Center was successful in obtaining an order ejecting the son from the woman’s property.

Women Against Abuse uses the LexisNexis grant to research legal issues that arise in representing domestic violence survivors in Protection From Abuse cases. Child custody and support cases. In one instance, a Women Against Abuse attorney used LexisNexis to research the way the Pennsylvania courts have defined unconsciousness as it pertains to the crime of rape in the Pennsylvania crimes code. The research was a key factor in the legal argument in a Protection From Abuse case that the client was unconscious within the definition of the law and therefore incapable of consent.

These are merely a few examples illustrating the importance of the LexisNexis Research Grant Program and the priceless value it provides to the most vulnerable members of society. The Philadelphia Bar Foundation and the agencies that benefit from this research grant are deeply thankful to LexisNexis for its continued generosity and support.

Donate to the Philadelphia Bar Foundation

Please consider making a gift to the Philadelphia Bar Foundation in 2019. With your support, the Foundation strengthens the provision of free legal services in our justice system and the delivery of civil legal aid in Philadelphia. Through various programs, services and partnerships, in conjunction with annual grants and other support provided to almost 40 legal aid nonprofit partners, the Foundation promotes access to justice for all people in the community. You can make a difference in the lives of tens of thousands of people in need across Philadelphia and our region by donating today at PhilaBarFoundation.org/donate.

ATTORNEY DISCIPLINARY / ETHICS MATTERS

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James C. Schwartzman, Esq.

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• Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania
• Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania
• Former Chairman, Supreme Court of Pennsylvania Interest on Lawyers Trust Account Board
• Former Federal Prosecutor
• 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 as Best Lawyers in America 2015 Philadelphia Ethics and Professional Responsibility Law “Lawyer of the Year,” and in Plaintiffs and Defendants Legal Malpractice Law

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Chancellor's Mentoring Initiative Kick-Off

Chancellor Rochelle M. Fedullo launched her Mentoring and Professional Development Initiative on Feb. 27. The initiative pairs Philadelphia Bar Association members as mentors and mentees of all ages and experiences to build meaningful relationships for professional and personal growth.

Left: Chancellor Rochelle M. Fedullo (seated, right) and Regina M. Foley (at podium), cochair of the Mentoring and Professional Development Initiative with Nicole D. Galli (not pictured), with (left to right) Arly Smith-Pearson, attorney, Philadelphia Legal Assistance; Hon. Sandra Mazer Moss (Ret.), distinguished neutral at the Dispute Resolution Institute; Amber M. Racine, attorney at Raynes Lawn Hehmeyer; Butler Buchanan III, shareholder, Marshall Dennehey Warner Coleman & Goggin, P.C.; and former Chancellor Rudolph Garcia; at the initiative kick-off on Feb. 27.
Imagine you are in your 30s, and your spouse has been diagnosed with a potentially fatal type of cancer.

Now, imagine you have a toddler, and you just found out you are pregnant with your second child. You also work full-time as a Philadelphia schoolteacher, have few childcare resources and must take your spouse in for treatment five days each week, all the while dealing with your morning sickness and dragging along your toddler—and later, your newborn infant.

This scenario is almost exactly the one that Patty Hogan faced when her husband, Sean, a Philadelphia firefighter, was diagnosed with a rare cancer in 2012. They had not been married long, and Patty just wanted to fix this thing and get back to their happy, almost fairy-tale love. Sadly, Patty could not fix her husband’s cancer, and Sean Hogan passed away in 2013.

Instead of wallowing in her grief—not that anyone could have faulted her if she had—Patty looked around her for something she could indeed fix. The first thing she thought of was how tough it was to arrange and pay for all childcare expenses when a parent is undergoing cancer treatment.

Enter the Sean E. Hogan, Sr. Foundation, a 501(c)(3) nonprofit organization whose mission is to help alleviate some of the financial burden families with children experience after a cancer diagnosis. The Foundation provides assistance with childcare expenses for families with a parent or guardian diagnosed with any type of cancer. In addition to defraying childcare expenses in such difficult situations, the Foundation assists parents undergoing cancer treatment with school tuition, sports fees and summer camp tuition/fees. It raises money through runners and sponsors at the Broad Street Run and similar events; donations, fundraising and memorial dinners; and through grants, like the Wells Fargo Community Grant at the Fairless Hills Branch.

This incredibly worthwhile charity will be the focus of the Workers’ Compensation Awards Luncheon at the Sheraton Society Hill on Friday, May 3. Founder, Patty Hogan, will speak about her experience and the Foundation’s work, and receive a donation from the Workers’ Compensation Section. Attendees will also be encouraged to donate with cash or checks.

You can learn more about the great work that Patty and the Foundation do at www.seanstrong.org.

Hon. Sandra R. Craig (sacraig@pa.gov), Workers’ Compensation Office of Adjudication, is a cochair of the Workers’ Compensation Section.

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Parenting Coordination in Philadelphia
Mon., 4/1/19 - 12:30 - 2:00 p.m. (1.5 SUB)
Hosted by the Family Law Section; lunch and section meeting sponsored by SoberLink
Held at the Family Court Philadelphia, 1501 Arch St., 15th Floor Training Room
This program will provide attendees with valuable information regarding the new Parenting Coordination Rule and how it will be implemented in Philadelphia. In addition, panelists will discuss when parenting coordination is appropriate for a case and will provide practice tips and recommendations for how best to use parenting coordination.

Tax Reform: Dealing with the 20% Business Income Deduction (Section 199A) and the Interest Deduction Limitation (Section 163(j))
Mon., 4/1/19 - 3:00 - 6:15 p.m. (3 SUB)
Hosted by the Tax Section
There are now final regulations under Section 199A and proposed regulations under 163(j), two key provisions under tax reform. This program will address how these regulations work and the planning challenges and opportunities for tax professionals, including points of overlap between the rules. Panelists will discuss practical issues faced in connection with preparation of tax returns under these new rules, including solutions to deal with the complexity of and remaining uncertainties under these new rules.

VIDEO ENCORE - Paperless Chase:
iPad Best Practices for Lawyers
Wed., 4/10/19 - 12:30 - 2:00 p.m. (1.5 SUB)
Bring your iPad and learn basic tips to effectively and innovatively use technology in your practice. Attorneys always look for ways to set themselves apart from their colleagues, in the 21st century that includes the use of technology. This video-encore CLE program will help introduce innovation to your litigation practice, and demonstrate efficiencies that attorneys can use on a daily basis using your iPad. From preparing cases, to mediation, arbitration and trial, keep everything at your fingertips without carrying stacks of paper documents and case notes. Learn how to create simple presentations, present evidence in the courtroom, display pictures and documents at a deposition, or present evidence at an arbitration, mediation or trial. Learn from an experienced litigator and “iPad guy” how to master the basics and effectively incorporate and maximize the use of an iPad into your practice.

Immigrant Communities in Philadelphia: The City’s Welcoming Policies and an Update on “Sanctuary Cities” Litigation
Wed., 4/3/19 - 12:00 - 1:00 p.m. (1 SUB)
Co-hosted by the Public Interest Section, the Immigration Law and Government & Public Service Lawyers Committees
This CLE will explore Philadelphia’s Welcoming City Policies with Philadelphia City Solicitor, Marcel Pratt, and the city’s Director of Immigrant Affairs, Miriam Enriquez. The program will address the impact of immigrants in Philadelphia, the city policies that have nationally labeled Philadelphia a so-called “sanctuary city” and the city’s lawsuit against the federal government to protect these policies and secure crucial federal funding.

VIDEO ENCORE - 2nd Annual Liberty AND Justice: Moving From Some to ALL - Social Justice Conference in Philadelphia
Tue., 4/9/19 - 10:00 - 3:30 p.m. (5 SUB)
This video-encore presentation includes sessions featuring progressive social justice advocates addressing critical topics in social justice lawyering, including, human toll of U.S. immigration policies, legalized exclusion - the racial wealth divide, criminal justice reform, LGBTQ and youth in foster care and homelessness and participatory defense - lawyers as activists. Attend this video-encore for informative and inspirational education focused on social justice advocacy in the Philadelphia region.

Immigrant Communities in Philadelphia: The City’s Welcoming Policies and an Update on “Sanctuary Cities” Litigation
Wed., 4/3/19 - 12:00 - 1:00 p.m. (1 SUB)
Co-hosted by the Public Interest Section, the Immigration Law and Government & Public Service Lawyers Committees
The program will address the impact of immigrants in Philadelphia, the city policies that have nationally labeled Philadelphia a so-called “sanctuary city” and the city’s lawsuit against the federal government to protect these policies and secure crucial federal funding.

Immigrant Communities in Philadelphia: The City’s Welcoming Policies and an Update on “Sanctuary Cities” Litigation
Wed., 4/3/19 - 12:00 - 1:00 p.m. (1 SUB)
Co-hosted by the Public Interest Section, the Immigration Law and Government & Public Service Lawyers Committees
The program will address the impact of immigrants in Philadelphia, the city policies that have nationally labeled Philadelphia a so-called “sanctuary city” and the city’s lawsuit against the federal government to protect these policies and secure crucial federal funding.

Ethical Obligations of “Supervising” and “Subordinate” Lawyers
Thu., 4/11/19 - 9:00 - 11:15 a.m. (2 ETH) – LIVE and WEBCAST
Tue., 4/16/19 - 9:00 - 11:00 a.m. (2 ETH) – VIDEO ENCORE
Tue., 4/30/19 - 4:00 - 6:00 p.m. (2 ETH) – VIDEO ENCORE
FREE CLE for Philadelphia Bar Association Members in good standing!
This 2-hour CLE, presented in two episodes in the Professional Life of a Lawyer, will illustrate issues arising under Pa. RPC 5.1-5.3 and the dilemma each presents for lawyers. Panelists will address effective and ethical procedures to comply with the RPC when faced with those or similar issues. Additionally, since 2013, lawyer “competence” has also required knowledge of “the benefits and risks associated with relevant technology.” Panelists will offer practical guidance for complying with the technology requirements.

Utilizing State NAP Tax Credits to Make Impactful Investments in Your Community
Fri., 4/12/19 - 9:00 - 10:30 a.m. (1 SUB)
Presented in partnership with Philadelphia Association of Community Development Corporations
In this timely program, hear from participants, corporate donors, and program specialists on successful strategies for securing and using NAP tax credits, as well as other resources available at the Pennsylvania Department of Community and Economic Development. The NAP program offers tax credits to businesses in exchange for financial contributions to registered 501(c)(3) non-profit organizations, working in low-income and distressed neighborhoods. Funds from contributions can assist in providing support for various community and economic development activities such as job training, crime prevention, housing rehabilitation and weatherization, diversity initiatives, rural transportation initiatives, and blight elimination.

TO REGISTER Visit the CLE page at PhiladelphiaBar.org

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
**How to Handle UEGF Claims, Including Changes After Act 132**
Fri., 4/12/19 - 12:30 - 1:30 p.m. (1 SUB)

Hosted by the Workers’ Compensation Section
With the recent enactment of Act 132 (2018), the requirements for bringing the Uninsured Employers Guaranty Fund into litigation and receiving payment therefrom have changed significantly. This course will address these changes and the manner in which the claimant and uninsured employer will now have to proceed with litigation. In this lunch presentation, panelists will address what is involved with representing uninsured employers individually from a defense perspective, and how to file claims against uninsured employers and the UEGF from a claimant perspective. Additionally, the panelists will examine how to handle intricate uninsured employer cases, using sample cases. Special focus will be placed on how to file and manage claims against the UEGF in the wake of Act 132, which was signed into law on Oct. 24, 2018, and implemented amendments to the UEGF provisions.

**VIDEO ENCORE - Cybersecurity:**
Top 10 Things Attorneys Need to Consider
Mon., 4/15/19 - 12:00 - 2:00 p.m. (1 SUB/1 ETH)

Every day it seems that an attack or cyber-breach is reported in the news. It is clear that cybersecurity for law firms cannot, will not and should not be ignored. Unlike other threats to our clients that are more sporadic, cybersecurity is a daily threat and the law firm is the front line of the assault on our client’s data. This video-encore CLE will address the top 10 tips law firms should consider when assessing whether their systems are “secure” enough to satisfy their ethical obligations and how to approach cybersecurity.

**Appellee Rule Making and Recent Amendments to the Pennsylvania Rules of Appellate Procedure**
Wed., 4/17/19 - 12:00 - 1:00 p.m. (1 SUB)

Hosted by the Appellate Courts Committee
This CLE will explore the Pennsylvania Rules of Appellate Procedure. Featured speakers, two current members of Pennsylvania’s Appellate Court Procedural Rules Committee, Robert M. Palumbo (Vice Chair) and Rancanda M. Laidacker, will address the appellate rule-making process, the recent amendments to the Pennsylvania Rules of Appellate Procedure, and suggestions concerning current and future rules.

**HR for Solos, Small Firms & Small Businesses**
Thu., 4/18/19 - 12:00 - 1:00 p.m. (1 SUB)

Hosted by the Solo and Small Firm Management Committee
In this program, panelists will examine human resources issues facing solos, small firms and small businesses, including drafting of employee handbooks, compliance with state and federal laws and regulations, the Philadelphia Fair Practices Act, FMLA requirements and leave policies.

**Notions on Oceans of Criminal Motions: A Map and Guidebook to CP Criminal Motions Court**
Mon., 4/22/19 - 12:30 - 2:00 p.m. (1.0 SUB/0.5 ETH)

Hosted by the Criminal Justice Section
The program offers “how-to” guidance by those present and overseeing cases every day in Criminal Motions Court. Panelists will address the return of property, forfeiture, fugitives from justice cases, bail motions, Nebbia hearings, the ethics involved in these hearings and so much more. This is a “must-attend” program for all attorneys practicing in criminal motions court.

**VIDEO ENCORE: Neutrality, Finality and Morality: An Ethical Perspective on Mediation**
Tue., 4/23/19 - 12:00 - 2:00 p.m. (2 ETH)

This lively, fast-paced video-encore CLE program will address potential ethical obstacles in mediation and creative ways to break an impasse. Experienced mediators will offer guidance on creative ways to resolve the “impossible” case. Attendees will hear different perspectives regarding when to terminate the mediation or seek other solutions. The panelists will provide specific techniques that attorneys can begin using immediately to make the next mediation more productive.

**Construction Accident Investigation 101**
Wed., 4/24/19 - 12:30 - 2:45 p.m. (2.0 SUB)
Sponsored by Fleisher Forensics
This program will provide attendees with an opportunity to obtain insight regarding construction liability matters. Panelists will offer guidance regarding how to approach a construction case and what issues may arise during the litigation. Experienced panelists will address application of Occupational Safety and Health Administration regulations; contract; statutory employer and borrower servient issues; what to ask for in depositions, discovery requests and preservation letters; and many other issues using case studies and examples.

**Bridge the Gap**
Thu., 4/25/19 - 9:00 a.m. - 1:15 p.m. (4.0 ETH)

The Bridge the Gap program is intended to give all newly admitted Pennsylvania attorneys the “know-how” that is otherwise learned through trial and error. The Supreme Court of Pennsylvania approved a rule change requiring newly admitted lawyers to complete the Bridge the Gap program by their first CLE compliance deadline. This program focuses on key issues of ethics and professionalism that are essential for all attorneys admitted to practice law.

**The State of the U.S. Court of Appeals for the Third Circuit: Its Ongoing Work, Its Future Challenges**
Thu., 4/25/19 - 4:00 - 5:00 p.m. (1.0 SUB)
Co-hosted by the Federal Court and Appellate Courts Committees
Chief Judge D. Brooks Smith will address the state of the United States Court of Appeals for the Third Circuit. The Chief Judge will discuss challenges faced by the Third Circuit including an increase in oral arguments, innovations in the court, the lingering effects of the government shutdown and more.

**VIDEO ENCORE: Damages Issues in Medical Malpractice Cases**
Fri., 4/26/19 - 10:00 - 11:00 a.m. (1 SUB)

In this video-encore presentation, panelists address a variety of issues regarding medical malpractice cases including, calculation and presentation of evidence on damages under MCARE, different theories of damages under the Pennsylvania Wrongful Death Act and Survival Act and other theories to maximize or minimize damages in medical malpractice cases in a courtroom.

**The Reintroduction of Reconsideration in Pennsylvania**
Fri., 4/26/19 - 12:30 - 1:30 p.m. (1 SUB)

Hosted by the Social Security Disability Committee
The Social Security Administration has re-implemented Reconsideration across the country including Pennsylvania, scheduled to begin in April of 2019. This timely luncheon CLE will address how the Bureau of Disability Determinations will implement Reconsideration; the determination process; and provide practical tips for Social Security practitioners.

**Nuts and Bolts of SBA Lending**
Mon., 4/29/19 - 12:30 - 1:30 p.m. (1 SUB)

Hosted by the Small Business Committee
This program will provide attendees an understanding of the Small Business Administration lending process. The program will address information regarding certain lending programs, qualifications for borrowers, specifics of loans and the process. This is an important program for anyone with a small business client that may need capital and is having, or may in the future have, a difficult time obtaining loans from traditional lenders. The program will also provide insight into how loan proceeds may be used.

**VIDEO ENCORE: Annual Pennsylvania Rules of Evidence Refresher with Professor Jules Epstein**
Mon., 4/29/19 - 4:00 - 5:30 p.m. (1.0 SUB/0.5 ETH)

This video-encore is an annually anticipated and widely acclaimed evidence law refresher, presented by Professor Jules Epstein. The program examines recent evidence decisions in Pennsylvania, as well as the law of witness and record privilege. Professor Epstein will also highlight developments in the area of forensic science, social media evidence and more.

**Social Media and Open Government in the Digital Age: The Legal and Ethical Implications**
Tue., 4/30/19 - 12:30 - 1:30 p.m. (1 ETH)

Hosted by the Government and Public Service Lawyers Committee
While applications and platforms like Twitter, Facebook and Instagram offer tremendous opportunities for public servants to reach large audiences, these social media sites often blur the line between personal and professional conduct. This presentation will provide information on the ethical, First Amendment, intellectual property and government transparency issues related to the use of these platforms, answering questions such as: Are Tweets and Facebook posts by public officials automatically considered public records that must be retained? Is reweeting, linking to a webpage, liking a picture, following or commenting on a video considered a government transaction? Do I need to obtain permission to use non-city content, such as music or logos, on social media? Can I remove negative comments from a government social media account or block certain users?

*Additional courses may be added within the month.*
Self-Care for Those Who Work With Traumatic Cases

By Leah Cilo

It is no surprise that lawyers who work as advocates for abused children and vulnerable adults or as public defenders often suffer from emotional exhaustion. What is surprising is how rarely legal education and advocacy organizations prepare them for dealing with inevitable vicarious trauma that comes working day in and day out with vulnerable populations. In an attempt to address this institutional oversight, the Philadelphia Bar Association and the Support Center for Child Advocates co-presented a CLE titled “Vicarious Trauma and Burnout: Supportive Self-Care Strategies When Working with Clients in Crisis” on Feb. 25. Panelists were Alexandra Dolan, training coordinator at the Support Center for Child Advocates; Meghan Johnson, program manager for the Center for Excellence in Advocacy at the Support Center for Child Advocates; and Jodi E. Schatz, director of intake and pro bono services advocacy at the Support Center for Child Advocates.

Framing the issue, Johnson said that attorneys and social workers who witness the suffering of clients on a daily basis, and who are charged with helping these individuals, need to be aware that this type of empathy-driven, deeply personal work can have a negative emotional impact. Witnessing individuals lose electricity, housing or custody of their children can affect the person trying to help them and can result in vicarious trauma. The most effective way to handle this occupational hazard is to have a self-care or self-preservation plan in place.

The initial step in creating such a plan is remembering why you chose to go into a helping field and being mindful of the rewards, however minor, that it actively provides. A member of the audience who is employed by Community Legal Services shared her motivation for working in public advocacy was to help make the world more just and that the rewards can be as simple as helping individuals with their utility bills. Keeping these two thoughts in mind goes far in keeping focused and not dwelling on loss and trauma. A panelist referred to this approach as maintaining compassion satisfaction and remembering the rewarding parts of the job in the wake of emotional challenges.

Another tool for creating a self-care plan is to be aware of “what is in your emotional backpack,” which are the specific experiences and memories that inform your reactions to witnessing trauma in a professional setting. For instance, knowing that having children might make it more difficult for you to work with distressed children is key to preparing yourself emotionally.

Additionally, it is important for advocates to prepare their loved ones for the professional stress that they will inevitably take home. Being vigilant in your occupation is not easily turned off, and it is better for your family to understand that dynamic. One of the panelists shared story of a man working in public advocacy who would tell his partner at the end of the workday that he either had a “duck day” where everything rolled off his back, or a “sponge day” where everything was internalized, to set the tone for the evening. Creating this kind of warning system is useful in maintaining domestic understanding.

Schatz said that “in order to do our work, we first need to take care of ourselves.”

Leah Cilo (kiloj@passworkinjury.com) is an associate at Martin Law LLC.

No-Poach Agreements Versus Antitrust Law

By Ernest D. Holtzheimer

For those who may not be familiar with no-poach agreements, they have historically been agreements between two or more companies not to compete for each other’s employees, such as by not soliciting or hiring them. No-poach agreements are considered “naked” if they are not reasonably necessary to any separate, legitimate business collaboration between the employers. The Department of Justice views naked no-poach and wage-fixing agreements as per se unlawful because they eliminate competition in the same irredeemable way as agreements to fix product prices or allocate customers.

The Business Law Section’s Antitrust Law and Franchise Law Committees cohosted a CLE titled “Recent Legal Challenges to No-Poach Provisions” on Feb. 27. The program, led by panelists John Radice, partner at The Radice Law Firm, PC; Christopher Young, partner at Pepper Hamilton LLP; and Charles S. Marion, partner at Blank Rome LLP, examined recent governmental and private plaintiff challenges to no-poach provisions in franchise agreements and what such challenges mean for the future use of no-poach or no-hire provisions in commercial contracts.

Litigation against no-poach agreements is not a new phenomenon. Several years ago, a group of Silicon Valley companies, including the likes of Google and Apple, settled a nationwide no-poach class action for more than $400 million. Animation studios, including The Walt Disney Co. and DreamWorks Animation LLC, have also settled no-poach cases brought by the animation specialists they employ. Most recently, enforcement efforts have turned to franchisors who have begun including no-poach provisions within their master franchise agreements, restricting franchisees from poaching the employees of other franchisors of the same brand or a corporate-owned franchise location (e.g. the franchisee of an Arby’s in Philadelphia would be restricted from soliciting the employees of a second Arby’s franchise in King of Prussia). A recent study has shown that upwards of 60 percent of franchise agreements have some type of no-poach provision, though some are significantly limited in terms of the level of employee and/or geographic scope.

Likely due to the high profile no-poach class action litigation matters mentioned above, in 2016, the DOJ and Federal...

By Regina M. Parker

With the emergence of technology and expansion of electronic data, lawyers must continue to possess a level of competence to maintain the knowledge and necessary skill to keep abreast of changes in the law and the benefits and risks associated with relevant technology.

The Criminal Justice Section hosted the Annual Pennsylvania Rules of Evidence Refresher with Professor Jules Epstein on Feb. 28. Epstein is a professor of law and the director of Advocacy Programs at Temple University Beasley School of Law. He is a former partner at Kairys, Rudovsky, Messing & Feinberg, LLP, where he remains of counsel.

The first thing that attorneys must remember is that, like anything else, electronic evidence must be authenticated. If the evidence is non-testimonial, such as tangible or digital documents, recordings or writings, they must be shown to be authentic. The Supreme Court of Pennsylvania’s Committee on Rules of Evidence has proposed a change to the state’s rules by adopting Pa.R.E. 902(13) and (14), which allows self-authentication of electronic evidence, such as computer files, social media posts, cell phone data and other electronic evidence, in lieu of live testimony. Professor Epstein explained that the evidence must be sufficient to support a finding that the item is what the proponent claims it is. However, just because it is authenticated does not mean that the evidence will be admitted. Epstein stated that even with the adoption of self-authentication, electronic evidence may be precluded because of admissibility challenges under hearsay, relevancy, the Confrontation Clause or other Rules of Evidence.

There are several challenges regarding the authentication of electronic evidence. To authenticate electronic documents, such as emails, webpages, or texts, it is best to identify the source of output, i.e., the cell number or specific email address. Epstein cautioned that reliance only on an email address from a publicly available email provider is insufficient to prove authentication. The mere fact that the electronic data came from a person’s phone or social media page without more may prove insufficient to authenticate for admissibility. Epstein explained that additional direct or circumstantial evidence is required to support or substantiate that the person created the account, authored the message or posted the photos.

Professor Epstein explained that ownership of electronic evidence is another issue that must be addressed when dealing with electronic evidence. For example, although Facebook ultimately owns the page, professor Epstein explained that a person’s page is not a business record of Facebook. Therefore, the evidence is not authenticated, even if Facebook sent the records indicating that it is part of their records.

Electronic evidence has become increasingly important in civil and criminal litigation. Therefore, it is important for attorneys to address authentication and admissibility issues when relying on electronic data in support of proving a case.

Regina M. Parker (RParker@tthlaw.com), partner at Thomas, Thomas & Hafer LLP, is an associate editor of the Philadelphia Bar Reporter.

Understanding Protection From Abuse, Remedies

By Mary LeMieux-Fillery

A recently passed law, the Protection from Sexual Violence and Intimidation Act, covers the gap in the Protections from Abuse Actions statute as it covers individuals who are not family or household members. The PSVI applies to adults and children and allows for petitions to be filed on behalf of a minor against an adult. Guidance and practice pointers regarding the handling of PSVI cases and PFA cases from start to finish were given during “Representing Clients in Domestic Violence Matters,” hosted by the Family Law Section, on March 4.

Panelists included Hon. Christopher Mallios Jr. of the Philadelphia Court of Common Pleas, Eileen S. Horgan of the Women Against Abuse Legal Center and Eleni P. Belisonzi, assistant district attorney in the Philadelphia District Attorney’s Office. Kathleen O’Malley of the Women Against Abuse Center moderated.

The panelists first addressed how the law defines abuse, which can include physical abuse, sexual assault, threats of violence, false imprisonment, physical or sexual abuse of children and stalking or harassment. The legislative intent behind the PFA is to stop present acts of abuse and to prevent future occurrences. Family, household family members and those related by affinity have standing to file under the PFA. Also, a parent, adult household member or guardian ad litem may seek relief on behalf of a minor child.

Before a petition for PFA can be issued, there must be a hearing in front of a judge. Panelists said a PFA should be filed early in the day, preferably prior to 2 p.m., so the process can be completed on the same day.

PFA orders must be served on the defendant. Under the PFA, any competent adult can make service, however it is advisable to have the police assist with service to prevent any issues. If service has not been effectuated and there is a criminal or custody case pending, or if the client is on probation or parole, the defendant can be easily served on their court date.

Relief under the PFA includes protection and no-contact orders. These orders direct the defendant to refrain from abusing, stalking or harassing the plaintiff and can also exclude the defendant from the residence or restore possession of the residence to the plaintiff.

Discovery in PFA cases is not available unless it is ordered by the judge. However, medical records, photos, witnesses and police reports, text messages, social media and phone records are admissible and can provide important pieces of evidence to support a PFA petition. In addition, certified criminal records can be persuasive if they are related to a past conviction for continued on page 19
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A Lesson in Tax Exemptions

By Fionna Farrell

The Probate and Trust Law Section held its 2019 March Quarterly Meeting and CLE: “One Year After The Tax Cuts and Jobs Act (TCJA): Drafting and Planning in Light of the Higher Exemptions” on March 5 and featured a lengthy discussion and practical guidance over the ins and outs of estate planning tax exemptions. Amy C. Quigg of Valley Forge Financial Group was the course planner, and featured panelists were Justin C. Esposito of Pepper Hamilton LLP; Jonathan H. Lander of PNC Wealth Management; and Erin E. McQuiggan of Royer Cooper Cohen Braunfeld LLC.

The panelists began by discussing how volatile tax policies have become over recent years; this volatility has led to the evasion of the state tax and to increased income taxes. Simultaneously, exemption amounts have increased from estate tax, jumping to $11 million in 2018 and $11.4 million in 2019. Meanwhile, affordability remains, and alimony payments are no longer taxable to recipients or deductible to the payer; the standard deduction has also doubled.

An elaborate discourse on portability was next. Portability is defined as a circumstance in which the first spouse to die who has not used their unused exclusion amount can be survived by the remaining spouse. Portability is not inflation-adjusted; the state must file a 706 agreement in order to file for portability. The goods and services tax is not portable and can be lost with subsequent spouses.

Lawyers must learn to accommodate clients who are above or below the exemption tax. They may do this via the employment of one of several tax exemption plans, the first of which is the AB plan. In this plan, the first $11 million out of $50 million goes to a credit shelter trust; the remaining $39 million is issued to a Qualified Terminable Interest Property trust. This method is “tried and true;” and there exists a higher certainty of the results, which are also not subject to potential changes in law. This method preserves the GST, and the surviving spouse may maintain the power of appointment over both trusts. However, there is no basis for adjustment in this plan, and clients will need to divide up assets, which may drive investment decisions.

Another option is the multi-QTIP plan, where the QTIP trust is first funded with the amount that is equal to the GST plan exemption. The balance would fall under the traditional QTIP trust, and the estate would then make portability charges. This plan preserves the GST and ensures creditor protection, but it does not adjust for inflation, and changes in law could enact imminent changes over the plan. There does not exist a fractional reverse QTIP trust election; trusts must be fully divided out.

A third possible plan is the disclaimer credit plan, which is an outright bequest to a surviving spouse that provides the option for the surviving spouse to disclaim a trust for personal benefit. In this plan, one is relying upon a person who has just lost their spouse to disclaim $11 million, which may prove problematic. This is a very simple plan that relies immensely upon the trust and comfort level of the client. The numerous deficiencies of this plan are that it allows appreciation to remain outside of the state of the surviving spouse, it leads to an increase in exemption, which will impact clients, and it can cap a client’s credit formula.

Several concerns were addressed over the roles of corporate fiduciaries and trust protectors. Ultimately, corporate fiduciaries aren’t fond of discretionary acts and will remain reticent. One should continuously be aware of this upon considering their client’s tax exemptions in the optimal, most cogent and productive manner.

Fionna Farrell is a senior at Central High School in Philadelphia.
Register Today for the Phila. Bar Charity Run/Walk

The Philadelphia Bar Association Charity Run/Walk benefiting the Support Center for Child Advocates will be held on May 19, 2019, at Memorial Hall in Fairmount Park. This year’s Run/Walk is a milestone achievement as it marks the 40th Anniversary of the Charity Run/Walk and the Association’s continuing efforts to combat and improve the lives of abused and affected children. Since its inception in 1979, the Charity Run/Walk has raised more than $2 million in support of these efforts. The event includes a 5-kilometer (3.1 miles) race and the 5-kilometer walk. In addition, to commemorate the 40th anniversary, a 10-kilometer (6.2 miles) race has been added. Anyone may run or walk as an individual in the Open Competition. Members of the Association are included, at no extra charge, in a special Bar Competition, in addition to the Open Competition. There is also a free 200-yard non-competitive Kids’ Dash for children ages 5-10 sponsored by Buchanan Ingersoll & Rooney PC.

Online registration is now open and accessible for individual entries through May 17, 2019 at www.phillybarcharityrun.com. The deadline for mail-in registration forms, which can also be downloaded from the site, is May 10.

Applications and information for the Caesar Rivise, PC-sponsored Legal Team Competitions may also be obtained online and downloaded at www.phillybarcharityrun.com. The deadline for receiving team registrations is Friday, May 10, 2019. If you have questions regarding team sign-up, please contact Magdalena Lozada at mlozada@caesar.law.

Registration for the Kids’ Dash is on the day of the event.

The individual 5K walk entry fee is $25 and the fee is $35 for the Open and Bar Association Competition 5K race, if the registration application is postmarked by May 10. For those registering for the 10K race, the individual entry fee for the Open and Bar Competitions is $45, if the registration application is postmarked by May 10. Individuals can register in person at the office of Caesar Rivise, PC, 1635 Market St., 12th Floor, Philadelphia, Pa, 19103, on May 16 and 17, between 9:00 a.m. and 4:00 p.m. Online registration is also available at www.runsignup.com. A service fee is added for online registrations. Pre-registration is encouraged as entry fees on the day of the event increase to $45 for the 5K run and $55 for the 10K run.

At this time, the Philadelphia Bar Association has already been joined by the following corporate-level sponsors: Firstrust Bank; Buchanan Ingersoll & Rooney PC; Caesar Rivise, PC; Philadelphia Runner; Veritext; The Legal Intelligencer; USA Track & Field; and Philadelphia Parks & Recreation.

In addition, to date, the following law firms have signed on as legal sponsors: Akin Gump Strauss Hauer & Feld LLP; Cozen O’Connor; DLA Piper; Drinker Biddle & Reath LLP; Fox Rothschild LLP; Ofit Kurman, Attorneys At Law; Pepper Hamilton LLP; and Stevens & Lee PC. There is still time to be a sponsor of the race. For information regarding the levels of sponsorship and for being listed on upcoming advertising, please call Manny Pokotilow at (215) 567-2010.
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Resolution  
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alone power over rule-making.” The First Judicial District of Pennsylvania Philadelphia Municipal Court Civil Division Local Rules provides in Rule 126 that for a residential lease, eviction can occur after 21 days after judgment for possession. HB 71 would amend a law that dealt with time frames for eviction of a tenant after judgment for possession, and such law was suspended by the Supreme Court in 1966. By accelerating the time for evictions, HB 71 would cause many Pennsylvanians human suffering, family disruption and financial damage. It would increase homelessness because of difficulty finding alternative housing in only 12 days and increase unemployment, as lack of a permanent address or facilities to prepare for work can render a person unemployed.

Lack of shelter can cause the disruption of children’s education and harm to their well-being, and can even cause the destruction of families through the loss of child custody because the parent has no home. In addition to the human suffering, homelessness also creates a strain on public finances as government agencies must provide costly resources to handle the resulting social and shelter problems.

It is very important for tenants to have time to access information about their rights and obtain legal representation not only before judgment, but also after judgment for possession. The City of Philadelphia has recently invested substantial funding into tenant representation through the Philadelphia Eviction Prevention Project, and the impact of a shortened time for eviction would seriously undermine the effectiveness of the program. Additionally, “The Economic

Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants,” prepared for the Philadelphia Bar Association by Stout Risius Ross, LLC in 2018, documents in detail the hardships tenants suffer from eviction, the costs to the city from displacement and disruption caused by eviction, and the benefits of expanded legal representation and other resources for tenants facing eviction.

To view the full resolution and the report by Stout, visit PhiladelphiaBar.org.

No-Poach  
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Trade Commission placed a regulatory enforcement spotlight on no-poach agreements by issuing guidance stating that it is illegal for competitors to agree not to compete with one another on the terms of employment. Since the DOJ’s guidance was released, no-poach provisions found in franchise agreements have been attacked by politicians, state attorneys and private plaintiffs. Sens. Cory Booker and Elizabeth Warren, for example, have introduced S. 2480, a bill that would prohibit agreements, including agreements between franchisors and franchisees, that restrict employers from soliciting or hiring another employer’s employees or former employees. In addition, following up on its 2016 guidance, in 2018 the DOJ issued a press release stating that the agency is actively investigating and prosecuting companies that enter into no-poach agreements.

Fast food franchises, such as Arby’s, Carl’s Jr., Auntie Anne’s, Papa John’s and Little Caesars, have been large targets. On July 9, 2018, attorneys general from 10 states and Washington, D.C., including California, New Jersey, New York and Pennsylvania, penned letters to eight restaurants’ franchisors joining in the fight, alleging that such provisions between horizontal competitors for labor are unreasonable restraints of trade that are per se violations of the Sherman Act. Franchisors have typically countered that the provisions pass muster under the rule of reason because they are between vertical competitors and have pro-competitive benefits.

The legal challenges to no-poach provisions in franchise systems raise interesting questions about the appropriate standard of review and the application of antitrust laws to buy-side labor markets. The program’s panelists predicted that courts will continue what they have been doing, not giving plaintiffs a resounding victory in terms of finding no-poach agreements as illegal per se, and ruling based on the specific facts of each such agreement/provision.

Ernest D. Holtzheimer (EHoltzheimer@mmwr.com) is an associate at Montgomery McCook Walker & Rhoads LLP.
The Payoff: When Rights of One Mean Rights for All

By Ryan Allen Hancock

Pro bono work is immensely gratifying—especially when you advance not only the rights of your client but that of other individuals in the community as well. This is one of the main reasons that I co-counseled cases with the mission-driven Public Interest Law Center. I firmly agree with its approach of using high-impact legal strategies to advance the civil, social and economic rights of communities in Philadelphia.

One such example of the recent vindication of our client’s individual rights as well as the broader community’s was through our representation of Bonnie Haines.*

Haines is a person with significant mobility disabilities, and, on her behalf, we filed a federal case under Title VIII of the Civil Rights of 1968, otherwise known as the Fair Housing Act, pursuant to 42 U.S.C. § 3604(f) in which we asserted claims against her landlord for disability discrimination, failure to provide reasonable accommodations and retaliation for asserting her legal rights.

As we alleged in our complaint, Haines lived in her apartment for 15 years, but, beginning in 2012, the building’s elevators started to break, leaving her stranded for days or weeks at a time. She withheld rent, as she was legally entitled to do, and she told her landlord that the broken elevators were a problem for her due to her disabilities. Rather than engaging in a discussion with Haines about possible solutions, the landlord tried to impose a new lease that disclaimed any responsibility to maintain elevators. When Ms. Haines refused to accept that term, her landlord threatened to evict her and then shut down the elevators in her wing for two months of repairs. Haines was unable to leave her apartment during that time, missing religious services, regular bridge tournaments started to break, leaving her stranded for days or weeks at a time. She withheld rent, as she was legally entitled to do, and she told her landlord that the broken elevators were a problem for her due to her disabilities. Rather than engaging in a discussion with Haines about possible solutions, the landlord tried to impose a new lease that disclaimed any responsibility to maintain elevators. When Ms. Haines refused to accept that term, her landlord threatened to evict her and then shut down the elevators in her wing for two months of repairs. Haines was unable to leave her apartment during that time, missing religious services, regular bridge games with friends, social gatherings and doctor’s appointments, all the while trapped in her home.

As discovery in the lawsuit was winding down, we were able to reach an amicable settlement between Haines and her landlord for undisclosed financial considerations. Equally important, Ms. Haines’ landlord agreed to adopt written policies complying with applicable federal, state and local fair housing laws for the hundreds of units they own or manage.

Lawsuits like Haines’ matter. In Philadelphia, there is an extreme shortage of secure, affordable rental housing, and individuals with physical disabilities who rely on Supplemental Security Income are among the groups most severely affected. Often, the older housing that is the most affordable is the least accessible. And landlords are not necessarily interested in incurring any additional expense to accommodate individuals with disabilities. There are laws in place that can protect tenants, but they are often ignored, and tenants are often unaware of their legal rights.

Information is power. Publicized written policies help level this power imbalance between landlords and tenants. These policies inform tenants of their rights and serve as a reminder to landlords of their responsibilities under the law. Resolving our client’s issues with her landlord most certainly benefited her but educating a large landlord and “nudging” it to adopt written policies also benefits the larger community. That is a satisfying day’s work.

Ryan Allen Hancock (rhancock@wulawlaw.com) is of counsel to Willig, Williams & Davidson.

*Name changed to protect privacy.
Bar Food, Bar Atmosphere Done Right

By Lee A. Schwartz

In the constant search for a bar atmosphere and good bar food, my Loving Trusted Companion and I have scoured Philadelphia from north of Northern Liberties to south of Snyder Avenue. The are many pretenders, but few contenders. Chick’s, however, is the real deal. Chick’s is not pretentious restaurant fare hidden in a tavern. This place is a bar, with simply very good bar food and plenty of options to choose from.

We have been to Chick’s on three occasions, all dinners, (they also serve brunch, which my L.T.C. reminds me we have yet to enjoy) and have yet to be disappointed. Here are a few of the highlights:

The Meatballs, on the Small Plates section of the menu, is simply great. A combination of pork, ground beef and veal, these bad boys are served three-to-an-order and are the size of a smallish tennis ball. They are covered in cheese and a sweet red gravy; which is very good. If you are a meatball aficionado, or if you just like meatballs, they are a must-order.

On our last visit, we ordered the Mussels for the first time. These are the large, New Zealand mussels, which we love. There are four varieties, and we ordered the Bistro Mussels with shallots, garlic, wine, Créme Fraiche, lemon aioli and thyme. They are served with a ton of house-made fries, and the mussels were succulent and tasty.

I ordered the Wake and Bake Burger. This is one of the better burgers in Philadelphia. It is two custom blended patties, Cooper sharp cheese, bacon jam (finely chopped bacon in butter, decadently smeared on both sides of the burger’s Brioche bun), topped with a fried egg, sweet onion and lettuce. Baby, oh baby. Excellent. You can order it with fries or a salad. I had this all-American favorite, a ground beef masterpiece, with a Caesar salad and an Evil Twin Brewing IPA. Break the yolk and smear it around. Are you kidding me?

On a prior occasion, our friend ordered the Caprese Sandwich, made with fresh mozzarella, a heavy helping of roasted peppers, crispy eggplant and pesto, on beautiful Italian bread. It looked and was lovely.

Chick’s also offers a wide variety of pizzas and large plates. On our last visit, the table next to us ordered the Four Cheese Mac and Cheese pizza. Very creamy, it was served crusty, just as we like it. This may make its way to our table at our next visit, especially if the Grands accompany us there.

Chicks is located at 1805 Washington Avenue. For easier parking, cross Washington going south and you will find more convenient options. Also, the beer list is exceptional, with approximately 25 selections on tap. Enjoy.

Lee A. Schwartz (LAS@LeeASchwartz.com) is the owner of the Schwartz Law Firm LLC.

Quick Tip from USI Affinity

Giving Business Advice Versus Legal Advice

Lawyers must become accustomed to the risk of giving advice. A lawyer’s role and duty is to give advice—advice that might not be well received, advice that when followed might not result in the best outcome, advice that even when objectively correct ends up placing the lawyer in a defensive posture. It is simply the cost of doing business, the business of law.

In fact, the risks associated with giving advice are inherent in all businesses. Your landscaper can advise you to plant a particular tree or shrub that dies, or your plumber can advise you to fix your leaky pipe with a “permanent seal” that ends up being not so permanent. Yet, lawyers are held to a very high standard and are viewed as having all the answers. Laypersons may not expect or understand that law is not a science and that there are no perfect solutions to any one legal problem. Moreover, clients may expect an attorney to give legal advice as well as general counsel. And, we regularly provide that general counsel without giving it a second thought.

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Norman Weinstein, of counsel to Galfand Berger, LLP, was honored by Philadelphia City Council as a result of his hard work on behalf of injured workers and Philadelphia’s labor community.

Sophia Lee, partner at Blank Rome LLP, has been appointed as the firm’s chief diversity and inclusion officer.

Sherry L. Horowitz, owner of Sherry L. Horowitz, Attorney at Law, is a certified member of The Million Dollar Advocate’s Forum.

Michael B. Schaadle, partner at Blank Rome LLP, was inducted as a fellow of the American College of Bankruptcy on March 15 in San Diego, California.

Bruce W. Ficken, member at Cozen O’Connor, has been selected as a Philadelphia Inquirer 2019 Influencers of Law Award recipient in the category of Business Litigation.

Deborah R. Willig, partner at Willig, Williams & Davidson and first woman Chancellor, received the Inquirer Influencer of Law Lifetime Achievement Award from the Philadelphia Media Network at its awards luncheon in Philadelphia on March 26.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Thomas E. Rogers, senior managing editor, Philadelphia Bar Reporter, at trogers@PhilaBar.org.

Mary LeMieux-Fillery (mlemieux-fillery@paworkinjury.com), associate at Martin Law LLC, is an associate editor of the Philadelphia Bar Reporter.

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the same or a similar incident that led to the filing of the PFA.

The plaintiff bears the burden of proof in PFA hearings and must prove their case by a preponderance of the evidence. The law allows the case to be resolved by agreement and if no agreement is reached between the parties, the judge can conduct a hearing to determine whether to grant the final order. Continuances, default judgments and discontinuances can also be granted. The final order requires the defendant to be subject to the firearms and weapons prohibition, which requires the defendant to relinquish all weapons.

PFA violations can be enforced by remedies for civil or criminal contempt. Civil contempt remedies include imprisonment until the defendant either complies, or demonstrates intent to comply, with the provisions in the order. For both civil and criminal contempt charges, the defendant can face imprisonment for up to six months and fines up to $1,000.

PhiladelphiaBar.org

Mary LeMieux-Fillery (mlemieux-fillery@paworkinjury.com), associate at Martin Law LLC, is an associate editor of the Philadelphia Bar Reporter.

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