The COVID-19 pandemic has changed our lives in ways that we could have never imagined. Speaking for myself, I did not have a total life disruption plan. I doubt many of us did. All our lives’ rhythms have been altered, and what makes all this even stranger is the uncertainty of when all will be back to “normal.”

In such times of uncertainty, with events moving faster than ever, the need for timely and accurate information is of critical importance. The Philadelphia Bar Association has pivoted and redeployed resources to become your trusted source of the latest information that will help you and your practice navigate through the crisis. We are constantly monitoring and disseminating the latest news from the courts, the federal government, the state, the city and surrounding counties. We are delivering the news on multiple platforms: email, Facebook, LinkedIn, and Twitter. More importantly, we have created a one-stop resource on our website at www.philadelphiabar.org for all of the latest information.

Our Section listservs are active with timely discussions about critical practice-area specific topics related to COVID-19. We are adding additional COVID-19 specific programming to our CLE schedule and increasing the number of courses available free to members. Our pledge is to quickly deliver to you the information you need to make decisions.

Meanwhile, we continue to keep the business of the Association moving forward. Our Section and Committees are meeting regularly via Zoom. Our Lawyer Referral Information Service received over 500 calls and made 223 referrals during the first two weeks of the shutdown. The Young Lawyers Division recently scheduled a Zoom happy hour complete with Quizzo. On page 7 of this issue, take a look at the services and resources available from our member benefits partners to help your practice.

We want you know that we are here for you—providing information and opportunities for connection. Please reach out with suggestions on what more we can do. We are here to help! Be well.

Harvey Hurdle Jr. (hhurdle@philabar.org) is the executive director of the Philadelphia Bar Association.
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Dear members of the Philadelphia legal community:

I am proud to announce my candidacy for the position of vice chancellor of the Philadelphia Bar Association and would be grateful for your support. These are turbulent times for all members of the legal community and the most vulnerable members of our broader community. These unprecedented challenges require experienced leadership, persistent advocacy, depth of understanding and creative problem-solving to adapt quickly to changing circumstances. Over the coming months, I hope to prove to you that I am ready to confront these challenges head-on.

I am a commercial litigator, private mediator and arbitrator, and a partner in Weir & Partners LLP, a complex commercial litigation boutique in the heart of Center City, having practiced law continuously since 1984.

A PROVEN LEADER AND CONSENSUS BUILDER FOR THE CHALLENGES AHEAD

I have served on the Board of Governors since 2011, first as an elected member of the Board, then as Chair of the Board in 2013, and thereafter as Secretary and Treasurer. Prior to that time, I served as chair of the Business Litigation Committee, and was honored to be named the Business Law Section’s “Chair of the Year” and one of only two recipients of the Court’s Commerce Judge Pro Tem Award. In addition to my current role as Treasurer, overseeing the fiscal solvency of a multi-million-dollar budget, I sit on the Commission for Judicial Selection & Retention.

I am a longtime member of the Brandeis Law Society and a proud affiliate member of the Barristers Association, Justinian Society and Brehon Law Society. I received Villanova Law School’s distinguished alumnus award in 2018, after having taught trial advocacy there since 2004, served proudly as president of the Villanova Inn of Court and mentored young diverse lawyers and law students.

I am national co-chair of the Commercial & Business Litigation Committee of the ABA’s Section of Litigation. I also have served as a member of the House of Delegates of the Pennsylvania Bar Association and in a leadership role in its Federal Practice Committee.

As chair of the Pennsylvania Jewish Coalition, I advocate for hate crime legislation, cultural awareness and security funding for non-profit institutions. As former chair of the Jewish Community Relations Council, I advanced initiatives for pluralism, dialogue and intergroup understanding.

COMMITTED TO DIVERSITY, ACCESS TO JUSTICE AND PRO BONO SERVICE

Over more than three decades of leadership, I have come to believe in the critical goal of access to justice, the need to maximize diversity and inclusion and the importance of serving as a voice for the voiceless, an advocate for democratic institutions and the rule of law and a defender of the judiciary when under attack. These needs will only grow more pressing in the days and years ahead. I believe strongly in the obligation of pro bono service for all lawyers. I value the role of the Philadelphia Bar Association as a convener and advocate to advance the needs of lawyers both locally and statewide, elevating the reputation of our profession at a time of divisive rhetoric.

With the support of past chancellors and affinity groups, I hope to listen and learn, to bring together a multiplicity of voices, and to strengthen our community in general and our profession - and the clients we serve - in particular.

I hope that you will join with me in advancing these goals and share your thoughts and ideas for how best to achieve them. I will be sharing my own ideas and policy platform with you in the coming months.

Thank you. Stay safe and well.

Marc
Marc J. Zucker
(215) 241-7792 | mzucker@weirpartners.com
Tell Us What You Think!

The Philadelphia Bar Reporter welcomes letters to the editors for publication. Letters should be typed. There is no word limit, but editors reserve the right to condense for clarity, style and space considerations. Letters must be signed to verify authorship, but names will be withheld upon request. Letters may be mailed, faxed or e-mailed to: Brittany Anne Robertson, Communications Associate, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, PA 19107-2911. Periodicals postage paid at Philadelphia, PA POSTMASTER: Send address changes to Philadelphia Bar Reporter, c/o Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, PA 19107-2955. Telephone: (215) 238-6300. Association Web site: philadelphiabar.org. Newspaper e-mail address: reporter@philabar.org. The editorial and other views expressed in the Philadelphia Bar Reporter are not necessarily those of the Association, its officers or its members. Advertising rates and information are available from Shawn D. Phillips at American Lawyer Media, 1617 JFK Boulevard, Philadelphia, PA 19103. Telephone: (215) 557-2940 or e-mail sphi@alm.com.

I Love Technology—Sort Of

By A. Michael Snyder

I've always had a love of technology—except when I don't. I was the typical tech-geek nerd in high school. I truly thought it was cool that my high school, Central, had its own cyclotron (atom smasher for those not tech-obsessed). I learned coding when the only programming language out there was Fortran, a technical programming language that made everything complex. We had a teletype terminal at Central that allowed us to gain access to a giant computer at a university in Michigan, I think.

So, the process was, you first wrote out your program, then you logged onto the computer from the terminal, where you entered your program, one character at a time. Then, you sent the entire batch of code off to the computer, and you sat, and you waited, and you hoped that it ran right. And if you had one little tiny error in the massive amount of typing, the program didn't run, or it got stuck in a loop, or any of a number of other problems. And then, because it was 1964, there were no debugging programs, and you had to go back to the beginning and look at the printout of your program, and reread it character by character, checking it against your original handwritten program, to try and find the error.

By the time I got to college, we had some newer languages: Cobol and Report Program Generator, designed to make printing text a bit easier. However, this meant that the way you wrote the program was that you had a massive pad that had sheets that had hundreds of columns printed on them. To write the program, you had to blacken tiny individual boxes in the columns, and then transfer that sheet into the computer, usually by using something called a keypunch, a typewriter-like device that punched little rectangular holes into a card with 80 columns on it, and then get all that information into the computer by another device called a card reader, which took the stack of cards containing the program or data, and fed it high speed into the computer.

Now, of course, this meant that if the cards got bent, or had a torn corner, the card reader would jam. You had to stop the machine, undog the jam, and generally punch a bunch of new cards. Or, if you accidentally dropped a stack of cards—which you knew would happen—you had to manually reorder the cards. Oh, and lest I forget, there was the great fun of using another device, called a verifier, after you punched the cards on the keypunch. The verifier took the punched cards, fed them one at a time onto a verifying station, and then you had to rekey the information that was on the card. If there was a discrepancy between what you now keyed and the original card, the machine locked up, and you had to figure out where the error was—either on the original card or on what you just keyed. By the way, this was my summer job in college, for eight hours a day, keying and relaying information onto cards. It was mind-numbing.

So, you can see why I began to not be too much in love with technology: None of this saved me any time. There were no nice large screens with lots of colors on them. There were no apps, there were no icons, and everything took forever. My love affair with tech became more of a love-hate relationship.

In time, of course, technology advanced dramatically. We can do stuff now that we never thought we could do 50 years ago, and with almost no effort. However, we’ve often paid a price for this amazing technology. We are surgically attached to our devices. Until a few weeks ago, I, along with many others, bemoaned the fact that people were losing the knack of having a face-to-face conversation with someone else. People were losing the ability to connect in a meaningful way. The romance that I had with technology was starting to sour.

Now, along came COVID-19, and safety concerns have made us practice social distancing. Schools, shops, restaurants, and even the offices of the Philadelphia Bar Association are closed. Those of us who teach in one of the law schools or universities have had to devise different ways of teaching without being in the same room with our students. We’ve needed to find new ways of connecting.

And so, surprise of surprises, technology has beckoned to us with a very sexy electronic hand. “Use me,” it says. “I will make things better for you. I will give you a chance to connect with one another when you can’t touch each other. I will provide you with tools to teach when you and your students are all over the place.”

Out of necessity, we’re listening once again to this siren call. For now, tech is providing us with a way to connect when we have been forced to disconnect from the joy of in-person contact. Now, I hope that our protective strategies will defeat the spread of this horrible virus. I hope that we can, once again, enjoy the normal elements of life: a meal in a restaurant, an evening out with friends, a show, a sports event, even a meeting with colleagues. But for now, I think that I love tech again . . . maybe.

Hon. A. Michael Snyder (Ret.) (msnyder@adrdri.com) is the 93rd Chancellor of the Philadelphia Bar Association.
Historically, the YLD Chair has used her/his April editorial as an opportunity to preview the Division’s cornerstone program—Law Week. During Law Week, which takes place the last week of the month, members of the YLD host various community outreach programs, encouraging positive interactions between Philadelphians of all ages and the legal system. This year’s theme “Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100,” is sure to facilitate lively intergenerational, cross-community participation. However, due to COVID-19, Law Week as traditionally celebrated, is on hiatus. Nevertheless, the YLD remains committed to providing Law Week programming to the community. We are pooling our resources and thinking creatively about how to deliver programs like Lawyer in the Classroom, Legal Advice Live, and the poster and essay contest virtually. These efforts are a testament to the YLD’s willingness to step up during times of transition and its continuing commitment to the Philadelphia community. Please be on the lookout for calls to volunteer!

Speaking of transitions, perhaps, like me, you are finding the transition to the remote workplace a bit cumbersome. Admittedly, I am not the best at working from home. There are so many distractions, and I often feel scattered. Recently, a colleague of mine shared some advice that I found quite helpful. With his permission, I pass it along to you.

First, take inventory of your work universe, starting with your inbox. Create a sub-folder named something along the lines of “Action Needed.” Then sort those emails! If the email can be deleted, delete it. If you can reply in less than two minutes, reply and then delete it. If it is something date specific, calendar it and then delete it. If the email is simply information needed for another day, file it. Otherwise, move the email into the Action Needed folder to be addressed at the designated time.

Now that your inbox is in tip-top shape, sort paper mail/clutter in the same fashion. Next, review your calendar to make sure you are on top of pending deadlines. While going through your emails, snail mail, and calendar, begin making your To Do list(s). The goal is get everything out of your head/inbox and on paper, thereby putting your mind at ease so you can focus on projects or cases without worrying about the other things you are not doing. At this point, you should have a (relatively) empty inbox, a clear desk, and an organized calendar. Use your list(s) to identify what needs to get done now—in the short-term and in the long-term. Make a short list for each day and get to work!

Hillary N. Ladov (hladov@goldbergsegalla.com), associate in Goldberg Segalla’s Global Insurance Services practice, is chair of the Young Lawyers Division.

When You Need

- Social Media Searches
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Despite these uncertain times, the Philadelphia Bar Foundation has continued to make progress with the Equal Justice Center (EJC) project, set to open in 2022. We’re so grateful for the outpouring of support from our local legal community and the broader Philadelphia community. I want to share some project highlights and recent news that exemplify the wide range of attention and engagement the EJC is receiving. Now, more than ever, Philadelphia needs an Equal Justice Center to meet the needs of the most underserved members of our community.

In early March, members of the EJC leadership gathered from Philadelphia’s philanthropic, law firm, and business communities for a project update breakfast in downtown Philadelphia. Speakers included David Cohen, Senior Vice President and Chief Diversity Officer at Comcast, Pennsylvania Attorney General Josh Shapiro, Congresswoman Mary Gay Scanlon, Robert Heim, past Chancellor of the Philadelphia Bar Association and a partner at Dechert LLP, and Jennifer Clarke, Executive Director of Public Interest Law Center, one of our nonprofit partners. We were thrilled with attendance at the event and received enthusiastic responses to the program. As Cohen mentioned in his remarks, the Philadelphia business, legal, and philanthropic communities have a financial and moral imperative to see this project through to completion. This first-in-the-nation facility will bring significant economic and social benefits to our region and become a model for the poverty line. Jessica explained how the center will have on Philadelphia’s population living below the poverty line. Jessica explained how the center will become a “one-stop-shop” for individuals and families that need assistance from more than one organization. Judge Lewis discussed the moral imperative of the EJC, noting that “[w]e have a responsibility to ensure that those who are less advantaged have the same access to courts that the most advantaged among us have.”

Judge Lewis also authored an opinion piece in the Philadelphia Citizen, calling the Equal Justice Center “the most important endeavor ever undertaken” in achieving equal access to justice. Judge Lewis highlighted the benefits that the EJC will have not only for the clients and nonprofits serving them but for Philadelphia as a whole.

The Pro Bono Institute spotlighted the Equal Justice Center on their blog and interviewed Jessica Hillburn-Holmes about the project for their newsletter. Jessica referenced Philadelphia’s record of innovation and said, “Philadelphia is perfectly situated for the EJC model, as the public interest community in our city has a long-established history of collaboration.” Jessica shared how co-locating these nonprofit organizations will allow for more efficacy and better communication between agencies to help clients further.

The Philadelphia legal and business community is providing unflagging support for this vital project. The Philadelphia Equal Justice Center defines innovation in legal aid, and we are excited to have many individuals, organizations, and companies participate in the project’s future.

For more information on the Equal Justice Center’s development, please contact Jessica Hillburn-Holmes (jhillburnholmes@philabarfoundation.org | (215) 238-6347), Executive Director of the Philadelphia Bar Foundation, or visit www.philaequaljusticecenter.org, where you may donate to the project online. Contact Laura Powers (lpowers@philabarfoundation.org | (215) 238-6372) at the Bar Foundation for information on multi-year pledge gifts.

Leslie E. John (john@ballardspahr.com), partner at Ballard Spahr LLP, is president of the Philadelphia Bar Foundation.

For details on placing a Lawyer to Lawyer referral ad, contact Shawn D. Phillips at 215-557-2340 or sphillips@alm.com.
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**Have an Ethics Question?**

The spread of COVID-19 has caused major disruptions among lawyers, the courts and our clients. Nevertheless, lawyers are still bound by the Rules of Professional Conduct. Are you prepared to address the ethical issues that may arise in this rapidly changing legal landscape? The Philadelphia Bar Association’s Ethics Hotline is a free confidential service for Pennsylvania attorneys. Call 215-238-6328.
CORONAVIRUS RESPONSE - ASIAN PACIFIC AMERICAN BAR ASSN. OF PENNSYLVANIA

Statement Regarding Anti-Asian Racism Associated with COVID-19

The Asian Pacific American Bar Association of Pennsylvania (APABA-PA) denounces the increase in racist attacks and xenophobic profiling against members of the Asian Pacific American (APA) community in the wake of the global coronavirus (COVID-19) outbreak.

Amid public fear and panic about the COVID-19 outbreak, there are increasing reports across the country of attacks targeting APA communities linked to racist assumptions about who has COVID-19. For example, in San Fernando, CA, a 16-year-old APA boy was physically attacked at school after being accused of having COVID-19 because he is an APA. In Plymouth, IN, two men were denied service at hotels due to the false assumption that they were Chinese and carrying COVID-19. In New York City and in Philadelphia, APAs were physically and verbally assaulted in subway stations or trains, in incidents being investigated as COVID-19-related hate crimes. The fact that COVID-19 was first detected in Wuhan, China has, at times, led to APAs being stereotyped as infected with the virus, and this racist assumption hurts APA communities all over the country. These and other racist attacks harm APA communities and the larger community by stoking animus between groups when it is important to be as cooperative as possible.

We must denounce anti-Asian bias and racial intolerance and stop it from becoming normalized.

As part of this effort, APABA-PA urges the media, elected officials, and community leaders to help stop the spread of xenophobia and misinformation by only sharing confirmed and verifiable information pertaining to COVID-19, how it spreads, and what actions we can take to ensure the best protection for everyone. In addition, APABA-PA encourages providing information about all measures that impact APA communities in multiple languages so that those who are limited-English proficient are able to access important information in a timely manner.

APABA-PA continues to encourage local efforts to curb xenophobia, such as city officials reminding the public that it is safe to support local APA-owned businesses to the extent possible while adhering to social distancing and quarantine rules, such as grocery and convenience stores, and takeout and delivery food services, and to support their APA neighbors.

COVID-19 is an important public health challenge that is also causing widespread economic harm. It does not discriminate by race. The harm caused by COVID-19 will be greater if we allow it to divide us, and eradicating the virus will depend on our ability to work together.

APABA-PA encourages anyone who encounters or witnesses attacks or harassment to report it to 911 immediately and request language assistance from law enforcement entities if needed. In Philadelphia, reports can be made to the Philadelphia Commission on Human Relations (PCHR) at (215) 686-4670 or leave a voice message at the 24-hour hotline at (215) 686-2856. Reports can be made anonymously. In Pennsylvania, reports can also be made to the Pennsylvania Human Relations Commission (PHRC) at (717) 787-4410.

Founded in 1984, APABA-PA (https://apaba-pa.org/) represents the interests of the APA law students, lawyers, and judges and the APA community across the Commonwealth of Pennsylvania by supporting the advancement of APA attorneys and promoting justice, equity, and legal access, especially for all APA communities.

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EXECUTING ESTATE PLANNING DOCUMENTS FROM A SOCIAL DISTANCE

By Justin H. Brown, Ross E. Bruch, and Karen A. Fahnery

All pandemics have one thing in common—they force people to think about health, well-being, and mortality. For estate planning attorneys, clients’ needs remain the same. Social distancing, however, has thrown hurdles in front of the routine, causing our Section members to jump into action to formulate creative solutions to the most ritualistic area of trust and estate law: document executions.

Prior to the coronavirus, clients typically signed their wills, financial powers of attorney, and health care powers of attorney in front of a notary and two witnesses in the lawyer’s office. Social distancing now forecloses this routine. The Pennsylvania Electronic Transactions Act (PETA), which allows electronic signatures for some transactions, expressly states that PETA does not apply to wills, codicils, or testamentary trusts (some believe that a lifetime trust is a “testamentary trust”). These documents require “wet” signatures. Because Pennsylvania law does not require notarization or witnessing of such documents, many lawyers are now e-mailing documents to their clients and advising them to print and sign them in the safety of solitude, with the expectation that documents will be re-executed when normalcy resumes.

Lawyers are facing greater hurdles with the execution of financial powers of attorney because the execution requirements in Pennsylvania mandate the signatures of the principal, two witnesses, and the acknowledgment before a notary. Social distancing and stay-at-home orders have made power of attorney executions challenging and impractical. It is sometimes impossible to procure the in-person presence of two witnesses and a notary when people have been ordered to stay at home. When witnesses are available and circumstances are compelling, some lawyers have left their homes to observe executions on back porches or by peering through windows. Some have even conducted “drive-by executions,” where documents are held out of car windows for signature. Executions now include gloves, masks, gowns, and disinfectant wipes to clean pens, tables, chairs, and clipboards.

Some members of our Section have advocated for a revision of the notary laws in Pennsylvania so that residents who are most in need of these documents are able to execute them in spite of social distancing. Pennsylvania’s current Uniform Law on Notarial Acts permits both traditional notaries (those notaries signing by “wet” signature) and electronic notaries (those notaries signing by “electronic” signature). Regardless of the type of notary, the signatory must be in the physical presence of the notary. Pennsylvania prohibits remote online notarization (RON), which would authorize notaries to observe signings through electronic means, such as Skype, Zoom, or FaceTime. Recognizing this shortfall in the law and the dire need for modernization in this time of social distancing, some Section members quickly advocated for RON so that powers of attorney could be executed remotely. At the writing of this article, we are pleased to report that there are two bills pending in the legislature that would enable powers of attorney to be remotely notarized, although there is still a need to address the mechanics of executions consistent with PETA and where the principal, witnesses, and notary are physically in different locations.

The hurdles of social distancing and its effect on the trust and estates practice may serve to accelerate the modernization of Pennsylvania law, particularly regarding the execution of estate planning documents. It could be a significant legacy for both our community and Section members.

Justin H. Brown, partner at Pepper Hamilton LLP, is the Immediate-Past Chair of the Probate and Trust Law Section; Ross E. Bruch, vice president of Wealth Planning at Brown Brothers Harriman, is the Section’s secretary, and Karen A. Fahnery, of counsel to Heckscher, Teillon, Tevill & Sager, P.C., is chair of the Section’s Technology Committee.

CONTINUING TO HELP OUR CLIENTS THROUGH COVID-19

By Tracey E. Diamond

Law firms have had to make comprehensive adjustments to our usual way of doing business in light of the COVID-19 pandemic. In particular, it is important for law firms to zealously represent our clients, while always ensuring their health and safety, as well as the health and safety of attorneys and staff. This has become particularly challenging in light of state and local ordinances mandating that our practices move to a remote work environment.

In addition to ensuring that each attorney and staff member has the physical capabilities and equipment to work remotely, law firms should be mindful of the following:

• If your office is in a jurisdiction subject to a stay-at-home order, is your firm considered to be an “essential” or “life-sustaining” business, allowing it to remain in the workplace?
• Are teleworkers expected to be available 24/7, during working hours, or only when remote meetings and appointments are scheduled ahead of time?
• Will you prohibit or restrict the size of in-person meetings?
• Are all our employees aware of security requirements in place to prevent data breaches or other loss?
• Are there any confidential or privileged company documents that cannot be taken from the workplace?
• Do you have adequate equipment in place to handle a complete teleworking environment?

An effective remote work policy needs to include a mechanism for tracking time worked, including overtime, for non-exempt employees, as well as meal and rest breaks in states where these are mandated. It is also important to comply with state law requirements to reimburse business expenses incurred by remote workers.

At Pepper Hamilton, we have modified our operations as needed and also have set up an online COVID-19 Resource Center for our clients as they work through their own operational challenges. We continuously update this section of our website with news and developments, tools, and recommendations. This is a completely free service that we are offering to our clients.

We also have assembled a COVID-19 Task Force of Pepper Hamilton and Troutman Sanders attorneys who are available to help our clients navigate this evolving public health crisis. They represent diverse practice areas and industries, across multiple geographies. These attorneys have authored blogs sharing their insights on topics ranging from cybersecurity concerns for government contractors to the increased use of telemedicine among healthcare workers.

A key part of this Resource Center is our client toolkit. Through this, we have compiled best practices to create policy templates that our clients can reference to help protect their own employees as they navigate the COVID-19 crisis. It also includes tips on how best to communicate these policies to both internal and external audiences.

We are working through historic and unprecedented times. We are working hard to assist our clients in continuing business operations, with the least amount of interruptions, so that our clients can continue to provide vital goods and services to the business community and the public. In that regard, we can serve as valuable resources for our clients, guiding them through this uncertainty.

Tracey E. Diamond (diamondt@pepperhamilton.com) is counsel with Pepper Hamilton LLP.
Pandemics, Politics & Policy Changes, Oh My!

Thu., 4/20/20 - 12:30 - 1:30 p.m. (1 SUB) – SPEAKER LIVE via WECBAST

2020 is bringing unprecedented stock market volatility with the COVID-19 pandemic, presidential elections & new tax legislation taking effect. This presentation covers timely topics impacting individuals and business owners, including a perspective on how these factors are influencing the stock market, review new provisions in the CARES Act and the SECURE Act, where financial planning and estate planning opportunities exist for individuals given market volatility and policy changes, and the impacts of legislation on business owners and employer-sponsored retirement plans.

VIDEO ENCORE: Telemedicine: Criminal & Regulatory Overview

Thu., 4/20/20 - 3:30 - 4:30 p.m. (1 SUB) – VIDEO ENCORE WECBAST

On April 9, 2019, the Department of Justice Criminal Division announced federal inducements and law enforcement actions in one of the largest health care fraud schemes involving telemedicine and durable medical equipment marketing executives. This changing highlights the need for providers of telemedicine services to verify their compliance efforts. This informative video encore CLE program, panels provide an overview of the investigation and expected changes in the industry and recommendations for health care providers. The program also provides an overview of key regulatory considerations to mitigate the possibility of civil enforcement actions.

Updates on CDRs, the New SSA Proposal and Helpful Practice Tips

Fri., 4/20/20 - 12:30 - 1:30 p.m. (1 SUB) – SPEAKER LIVE via WECBAST

Hosted by the Social Security Disability Committee

This CLE will provide an update on the Social Security Administration’s (SSA) new proposal to change the frequency of continuing disability reviews (CDRs). Panels will provide an overview of a CDR case and focus on strategies to ensure the medical improvement standard is applied in these cases. Finally, panels will offer practical tips and sample letters to help prevent common pitfalls in these cases.

VIDEO ENCORE - The Legal and Practical Implications Facing Employers with a Remote Work Force

Tue., 4/20/20 - 10:30 a.m. - 11:30 a.m. (1 SUB) – VIDEO ENCORE WECBAST

A 2018 study found that more than 60 percent of the world’s work force works at least one day a week remotely. Now, with the COVID-19 crisis and the mandated “stay-at-home” orders, the rise of the “remote work force” comes with new practical and legal challenges for employers to navigate. This video encore CLE will examine the following challenges, among others: immigration and visas, tax issues, foreign worker compensation and other insurance issues, management and productivity, and organizational policy issues.

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
VIDEO ENCORE - Demonstrative Evidence, Psychology of Persuasion and the Psychology of Settlement

Wed., 4/15/20 - 3:00 - 5:00 p.m. (1 SUB/ 1 ETH) – VIDEO ENCORE WEBCAST

This CLE program addresses the latest in demonstrative evidence, scams, and malware that have surfaced since the pandemic, as malicious actors attempt to take advantage of unsuspecting people in their home offices. The program will then delve into the legal best practices that many employees (and employers) must be aware of. Hear important tips on how to ensure cyber hygiene in a work-from-home environment.

VIDEO ENCORE - Recent Legal Challenges to No-Poach Provisions in Franchise Agreements

Thu., 4/23/20 - 3:00 - 4:00 p.m. (1 SUB) – VIDEO ENCORE WEBCAST

This video encore program will examine the recent governmental and private plaintiff challenges to no-poach provisions in franchise agreements, the early judicial decisions on what standard of review should apply, the challenges courts are likely to face in applying competition rules governing supply-side dual distribution systems to buy side resilients and what these antitrust challenges mean to the future use of no-poach or no-hire provisions in commercial contracts.

How to Pivot Your Business During a Pandemic: What Lawyers Must Know

Fri., 4/24/20 - 12:30 - 1:30 p.m. (1 SUB) – SPEAKER LIVEN via WEBCAST

As one government has mandated “shelter in place” to expedite curbing the spread of the Coronavirus, law firms everywhere are scrambling to keep their doors open, retain their clients and save their teams. It can be a frightening time, especially for those law firms who have not planned ahead. This program will examine: what every client needs from you, right now, and how to provide it to them; how to use simple marketing technology to get and stay connected to your clients; and how to leverage social media channels to attract new clients even during this pandemic. Attend and learn the top three actionable steps that every lawyer can take to renew their service commitment to their clients and referral networks.

Scaling the Wall of Public Chargeability: New USCIS and U.S. DOS Forms and Rules

Tue., 4/28/20 - 12:30 - 2:45 p.m. (2 SUB) – SPEAKER LIVEN via WEBCAST

Hosted by the Immigration Law Committee with the American Immigration Lawyers Association Philadelphia Chapter

Effective February 24, 2020, both the United States Citizenship and Immigration Services (USCIS) and the U.S. Department of State (DOS) instituted new rules and new forms pertaining to financial self-sufficiency which all immigrants seeking lawful Permanent Status are now required to complete. These forms are onerous, extremely difficult to complete and most confounding. In this program, panelists will address the practical implications of the new rules, while reviewing how to complete the forms line-by-line. Finally, panelists offer guidance on how to simply/steer clear of the document collection process.

CORONAVIRUS DISEASE 2019 (COVID-19): Key Employment Law Issues

Wed., 4/29/20 - 12:30 - 1:30 p.m. (1 SUB) – SPEAKER LIVEN via WEBCAST

Hosted by the Labor and Employment Committee

On March 11, 2020, the World Health Organization (WHO) declared the COVID-19 coronavirus outbreak as a pandemic. Covid-19 has changed the way businesses function. Employers are balancing exposing their workforce to contagion against maintaining operations. In this informative program, our speakers will share their expertise on workplace safety issues, issues for workforce that travel, remote work, immigration issues, healthcare/NPPA issues, wage and hour issues, employee leave/ADA issues, and discrimination/harassment/EEO issues, among others, in the context of Covid-19. They will also address the 1 families First Coronavirus Response Act, the federal legislation signed on March 18, 2020, that includes an emergency expansion of the Family Medical Leave Act (FMLA) and a new federal paid sick leave law, among other things.

**Additional courses may be added within the month.**

TO REGISTER Visit the CLE page at PhiladelphiaBar.org
COVID-19’s Effect on Law Students

By Spencer Miller

Schools across the country have moved classes online in response to the COVID-19 pandemic. Some schools have even transitioned to pass/fail grading systems to alleviate pressure for students who are dealing with bigger problems. This article summarizes a few challenges unique to the law school experience and advocates for a pass/fail grading system.

Many 1Ls are wondering: how will I improve my first-semester grades if classes become pass/fail? How can law review base acceptance on pass/fail grades? 2Ls might add: how am I supposed to complete my clinic hours? What about my internship credits? Most importantly, many 3Ls are thinking: how will I get hired during this crisis? What does this mean for the bar exam?

In fact, bar exam issues transcend all classes. It is difficult for law schools to track independent learning at home, which implicates concerns for doctrinal courses. A 3L may be able to coast through electives, but can law schools expect the majority of 1Ls to learn torts and contracts online? Virtual exams may also introduce academic integrity concerns for some students. To members of the legal community, these topics probably just trigger unpleasant flashbacks and cold sweats. Unfortunately, students now have to overcome the arduous requirements of law school added challenges.

This article is not meant to suggest law students are unduly affected by the spread of COVID-19. Everyone is living through the same pandemic. Rather, this article recognizes that COVID-19 pushes the rigor inherent to law school to new levels. And given the competition that characterizes much of law school, it follows that many students (and faculty) are contentiously debating a pass/fail grading system. Some individuals have become fiercely protective of traditional letter grades, which neatly translate to GPA points. Others, however, believe that a pass/fail grading system is understanding of the hardships that COVID-19 is forcing upon many students. There is also a spectrum of options between traditional grading and a pass/fail system.

Hardships extend beyond illness to include complications that “unleveled the playing field.” For example, one of my classmates is a mother of six children. COVID-19 adds layers of complexity to her law school journey, and her support system is limited due to social distancing. We now hold our group meetings at 9:00 p.m., after her children go to sleep. The situation is not ideal, but we make it work because COVID-19 is affecting people in different ways. Some law schools also condition scholarships on academic performance, which presents additional concerns. A pass/fail system benefits people like my classmate and others who are facing different priorities at the moment.

Law schools are understandably hesitant to shift grading systems because they serve both internal and external purposes. But as society operates at its lowest common denominator during this complicated time, it seems unreasonable for law schools to maintain traditional grades. From an employment perspective, perhaps this is an opportunity for the legal community to ensure its patience with law schools and students alike. The gravity of COVID-19 certainly warrants mutual compassion.

Spencer Miller (smille58@law.villanova.edu) is a 2L at the Villanova University Charles Widger School of Law. Any opinions expressed are solely his own and do not express the views or opinions of Villanova Law.

CORONAVIRUS RESPONSE - REMOTE WORKING WELLNESS

Mindfulness and the Ways It Can Help Ease Our Suffering in the Midst of a Pandemic

By Courtney Schulnick

Mindfulness is defined as paying attention on purpose in the present moment nonjudgmentally. Given the fast-paced world that we live in, we often find ourselves in what is referred to as “autopilot mode,” constantly doing and never taking time to simply pause and check in with ourselves. Living this way—totally unaware that we have gotten lost in the past or have been worrying about the future—can lead us to burnout.

Attorneys are particularly well-suited for mindfulness because as problem-solvers, we are so accustomed to forward and backward-thinking that it becomes very challenging for us to focus on the present moment. Whether on the lookout for legal issues or reflecting on past cases to guide us in what to do (or not do) in our current cases, we often fail to appreciate the importance in just taking time to be in this moment. Additionally, as zealous advocates for our clients, it is so commonplace for us to sweep our own emotions under the carpet out of concern that if we expose our own fears and worries to others, we might be perceived as weak or incompetent by our clients, adversaries, and even our colleagues. As a result, we tend to internalize our feelings. When we internalize our feelings, we carry around arousal in our bodies, both in the form of stress hormones, as well as in the form of agitated thoughts and emotions.

Now, if we add having to deal with a pandemic to the underlying factors noted above, it makes perfect sense that we may be feeling extraordinarily overwhelmed and incredibly challenged to just “be” in the moment. We may be worrying about our physical and financial wellbeing, as well as the safety of our loved ones. While it is very natural to feel fear and anxiety during a time of uncertainty, there are ways in which mindfulness can help us to anchor to the “here and now” so that we can lessen our suffering.

A regular practice of mindfulness meditation strengthens our ability to be in the present moment, even if the circumstances are less than ideal and not what we wish for them to be, because we learn ways to more skillfully deal with stressful situations. We become more resilient to what is and gain the ability to recognize when we are lost in thought or are catastrophizing situations. This awareness allows us to foster greater care towards ourselves and others and, in turn, better serve the needs of our clients.

To learn more about my mindfulness programs that are being offered via Zoom, please visit www.courtneyschulnickmindfulness.com or call me at (856) 261-8875.
**CORONAVIRUS RESPONSE - TECHNOLOGY: REMOTE WORKING**

**How to Work Remotely Right Now**

**By Daniel J. Siegel**

Consider the following scenarios, based on emails I received after the governor issued his order closing all non-essential businesses:

1. Everyone—I am forced to disconnect my office computer in about an hour or so, to take home, where I have no computer or INTERNET CONNECTION. I have to choose an ISP and learn how to get back on the internet to start working. Talk about a babe in the woods! So I am not on email till I get my ISP, get set up, and learn stuff. Please call me at home for anything important, including telephone or virtual meetings, etc.

2. What good is working from home? When I log into my computer all I see are a few things, but I can’t work this way.

   For years, lawyers have been told to be prepared for the catastrophe that would keep them out of their offices for an extended time. They have been warned, but most disregarded the warnings. The most common responses were either “it won’t happen to me” or “I’ll deal with that later.”

   There was the Meridian Fire. There were hurricanes and blizzards. And things like the flu, which can force suddenly had to move their operations off-site and work remotely.

   As for the technology needed to transfer their businesses: law offices improve their workflow through the use of technology.

   Correia first acknowledged that lawyers were particularly affected by the new work-from-home mandate due to their reliance on in-person networking and referral marketing to drive their businesses. In this new environment, lawyers must focus on content marketing. The traditional way to go about it is to utilize search engine optimization or pay-per-click campaigns that rely on keywords. However, people don’t search for lawyers this way, said Correia. People search for lawyers by typing specific questions into the search engine. And many more people are searching for lawyers on their own online more than ever before.

   To take advantage of this, Correia advised lawyers to create short-form blogs in which the headlines are specific questions that are answered in the body of the blog posts. But what if you don’t like to write? Then, create a podcast, said Correia. Don’t like to talk into the void of a microphone? Make a video instead. There are multiple ways to address the needs of people looking for lawyers without relying on traditional SEO. The point is to create content and push it out for people to find it.

   Correia also recommended using an email service, such as MailChimp, to achieve two goals: 1) for lawyers to get into the cadence of producing content; and 2) to regularly communicate with people via email.

   As for the technology needed to transfer their businesses online, Correia recommended that lawyers begin with their intake system, or how they receive and respond to inquiries. He recommended using a virtual or real receptionist that can guide a potential client to the next step after initial contact. Studies show that if you engage consumers and give them a next step, 90% convert to become your client before finding another firm, Correia said. He also recommended adopting a customer relationship management software to track leads. Finally, lawyers need to figure out how to get paid online. For this, Correia recommended learning how to use electronic signatures and choosing an e-payment provider.

   Other technology that lawyers need to quickly understand is how to use social media to build broader referral relationships and to distribute content. They also need to learn how to use cloud services to store and access information from anywhere, and a file management system to keep it all organized. To protect their and their clients’ information, lawyers need to get serious about data security. Correia recommended the immediate steps of learning how to encrypt a document in two different ways and to share a document with a colleague via a secure method.
For Your Entertainment: The Association’s Publications & Podcasts Archives

Did you know that the Philadelphia Bar Association’s website hosts an archive of all its print and online publications, as well as podcasts—that are all absolutely free?

ONLINE AND PRINT PUBLICATIONS


To access the archives:

- Go to the Association’s website at philadelphiabar.org, and select “Publications” from the main menu.
- From the “Publications” page, use the side navigation menu to select your publication.
- In the side navigation, under “Philadelphia Lawyer,” select “Archives.”
- The Philadelphia Lawyer archives page features issues from 1999 to the present.
CORONAVIRUS RESPONSE - PUBLICATIONS & PODCASTS ARCHIVES

- If you select an issue from 1999—2007, you can only view the features from each issue.

- If you select an issue from 2008–present, you can view every section and article from the issue as individual PDFs. From there you can download or print.

Philadelphia Bar Reporter

- In the side navigation on the "Publications" page, select "Philadelphia Bar Reporter."

- From the archives page, you can select issues to view.

Bar Reporter Online

- From the navigation on the "Publications" page, select "Bar Reporter Online," then select an issue to read.
CORONAVIRUS RESPONSE - PUBLICATIONS & PODCASTS ARCHIVES

YLDetails

- From the navigation on the "Publications" page, under "Young Lawyers Division," select "YLDetails Archive," to be taken to the archives page.
- From the archives, select an issue to view as a PDF.
- You also have the option of choosing "View Current Issue" from the "Publications" page.

PODCASTS

The Association's website also has an archive of podcasts—also free and available for your consumption. Listen to podcasts from "Hot Interviews with Very Cool People," a series of interviews with "movers and shakers" from the legal community and beyond or listen to remarks from Chancellor Snyder and Association Executive Director Harvey Hurdle Jr. from the 2019 December Annual Meeting Luncheon.

To access the archives:

- Starting on the Association's home page, from the drop-down menu under "Publications," select "Podcasts" to go to the Podcasts page.
- Select a category, such as "Hot Interviews with Cool People," to be taken to a list of available podcasts for listening and downloading.
PHILADELPHIA BAR ASSOCIATION, AFFINITY ASSOCIATIONS, & PLSE

Bar Leaders Unite to Press for Pardon Reform

By Tobey Oxholm

The United Way has concluded that criminal history records are a major reason that families cannot escape poverty for decades. That’s because convictions keep people from jobs, careers, credit, housing, and other opportunities long after their sentences have been fully served. With 25,000 people returning every year from federal, state, and local jails and prisons, Philadelphia’s inheritance from the war on crime and mass incarceration will include whole neighborhoods imprisoned in poverty.

On March 11, leaders of four bar associations—the Barristers’ Association of Philadelphia, Inc., the Louis D. Brandeis Law Society, the Hispanic Bar Association of Pennsylvania, and the Philadelphia Bar Association—came together with the Hon. Brandon Flood, secretary of the Board of Pardons, to discuss the pardon process in Pennsylvania and how “civic forgiveness” can be expedited for the tens of thousands of Philadelphians who have turned their lives around and now are striving to be productive citizens.

“I felt that the meeting was truly productive,” said Hon. A. Michael Snyder (Ret.), Chancellor of the Philadelphia Bar Association. “The Secretary heard from each of us in leadership that while we appreciate all that has been done over the past year by the Board of Pardons to reform the system, we all are committed to seeking further improvements in the pardon process.”

“The meeting was a historic one in the leadership of the associations agreeing on this initiative, convening, and moving as a unit,” said Tianna K. Kalogerakis, Immediate-Past President of the Barristers’. Philadelphia Bar Association Chancellor-Elect Lauren P. McKenna agreed: “The fact that we were all able to be there sent a strong message of our commitment.”

The meeting was arranged by Philadelphia Lawyers for Social Equity and hosted by Vice Chancellor Wesley R. Payne and Felix Yelin, Brandeis’ Chancellor, at their law firm White & Williams.

PHILADELPHIA BAR ASSOCIATION - WORKERS’ COMPENSATION SECTION

An Interview with George Martin: The Workers’ Comp. Committee Becomes a Section

By Caroline E. Gentilcore

This year, the Workers’ Compensation Section of the Philadelphia Bar Association celebrates its 25th anniversary. Twenty-six years ago, the Workers’ Compensation Section of the Philadelphia Bar Association was still categorized as a committee. In 1994, George Martin, the founding partner of Martin Law, and Peter Weber, the founding partner of Weber Gallagher, were cochairs of the committee.

During their time as cochairs, Martin and Weber made it a priority to get approval from the Board of Governors for the Workers’ Compensation Committee to obtain full Section status. At the time, the Workers’ Compensation Committee was rapidly growing into one of the larger and more active committees within the Philadelphia Bar Association. Martin felt that the Committee had earned the right to become a Section.

Accordingly, Martin brought the proposal to the 1994 Chancellor of the Philadelphia Bar Association, Lawrence J. Beaser. Chancellor Beaser, who had been a great supporter of the committee, agreed, and the proposal was brought before the Board of Governors. In 1995, the Board of Governors approved the request and the Committee was raised to a Section.

Thereafter, Martin served as the Workers’ Compensation Section’s first representative to the Board of Governors. In the years following, Martin continued to advocate for the Section and pushed to host social events so that all of the membership could have the opportunity to interact outside of the adversarial atmosphere of the courtroom. In 1995, the first Workers’ Compensation Holiday party was held, which is an event that is still held annually. The Section then began hosting its annual Spring Party. Martin feels that it is the social atmosphere of the Section that has contributed greatly to its growth and success: “The professionalism and cordiality which we have always had in the Workers’ Compensation community is an important reason why those of us who practice workers’ compensation enjoy doing it and continue to do so long beyond retirement age.”

Caroline E. Gentilcore, an associate at Thomas, Thomas & Hafer, LLC, is cochair-elect for the Workers’ Compensation Section for 2021 and is presently a member of the Section’s Marketing and Communications Committee.
Dog Bite Cases in Pennsylvania

By Leah Cilo

“Dog bites man” is an aphorism in journalism that describes an ordinary, everyday occurrence. But is anything ever ordinary after lawyers get ahold of it? Dog bites, like pepper-corning, rolling barrels, and baby cribs, take on a whole new meaning when they become the subject of litigation.

On Feb. 12, the Association hosted, with the help of The Philadelphia Association of Paralegals, a lunchtime program entitled “Defending a Dog Bite Case in Pennsylvania” that was presented by Carol Ann Murphy, who is a partner at Margolis Edelstein and who has defended numerous civil dog bite cases.

Murphy began the lecture by dispelling a commonly held belief that every dog gets one free bite before the owner is held liable. She noted that, in actuality, “one bite can take you down in any given case” in Pennsylvania. In the Commonwealth, civil responsibility is predicated on knowledge that Rover is vicious and there is no imposition of absolute liability upon owners for failing to confine or control their dogs. Specifically, the Superior Court held in Rosenberry v. Evans, 48 A.3d 1255 (Pa. Super. 2012), that a landlord needed actual, not constructive knowledge of a dog’s dangerous propensity and that it cannot be inferred by visiting the rental property. The case law also holds that dog’s dangerous propensity, because people often post them to social media posts about the dog. These are all great ways to fill in a picture of the dog’s nature and reputation.

With regard to defenses, Murphy also noted that provocation is a defense and that this incitement does not necessarily have to be physical, including gestures and motions made toward a dog. Bending down while Spot is eating your corns, rolling barrels, and baby cribs, take on a whole new meaning when they become the subject of litigation.

While driving, have you ever asked yourself “How did I get here?” and realize the last minute or more was a complete blur? If so, you are guilty of distracted driving. The Philadelphia Bar Association partnered with The Philadelphia Association of Paralegals to present a highly informative CLE, “Driver Distractions, Cell Phones and In-Car Devices,” on March 11, thanks to Kevin O’Brien, partner at Stampone O’Brien Dilsheimer Law; and Dr. Justin Schorr, president and principal collision reconstruction engineer at DJS Associates.

There are three types of driving distractions: manual (hands off wheel), visual (eyes off road) and cognitive (not paying attention). If you have a touchscreen in your vehicle, you are distracted in all three ways when looking at and touching that screen. Another problem is using distracted driving by others as an excuse to exhibit the same behavior, like changing the radio station or checking directions. In just two seconds, cars traveling at 60 mph can cover almost 200 feet.

For several years, car manufacturers have automatically included a “black box” (a/k/a event data recorder or EDR), with the latest models recording every electronic event, such as the car’s speed and opening-closing of doors. EDR data is event-based, locked in once the event occurs. There are experts who can determine from an injury whether it was caused by the dog attempting to retreat rather than attack. Studies also show that bite injuries typically occur to boys between the ages of five and nine who were roughhousing with a dog. Mom was right when she told you to leave that dog alone.

When a dog bite case lands on your desk, attorneys should gather as many facts as possible by requesting veterinary records, viewing the house where the dog is living, meeting with the owners, determining if the dog is a rescue or is from a puppy mill, talking to the neighbors, and examining social media posts about the dog. These are all great ways to fill in a picture of the dog’s nature and reputation.

In addition, Ms. Murphy suggested finding out if the dog lived in another household or with a breeder and what its behavior was like in the prior setting. Researching a dog’s history might reveal abuse or trauma that demonstrates that the bite was the result of a triggering event. These background facts are critical in determining whether to settle, to motion for dismissal, or to try a case.

Murphy also noted that beware of dog signs are not necessarily an admission that a dog is aggressive or has a dangerous propensity, because people often post them to scare intruders. Again, research is key.

Dogs co-evolved with humans, and our behaviors are fundamentally intertwined. The case law and statutes involving them reflect that close relationship. Dogs do not only share our lives and live in our houses, they also get their day in court.

Leah Cilo (lcilo@paworkinjury.com) is an associate at Martin Law LLC.

Eyes on the Road: Driver Distractions

By Judy Stouffer

While driving, have you ever asked yourself “How did I get here?” and realize the last minute or more was a complete blur? If so, you are guilty of distracted driving. The Philadelphia Bar Association partnered with The Philadelphia Association of Paralegals to present a highly informative CLE, “Driver Distractions, Cell Phones and In-Car Devices,” on March 11, thanks to Kevin O’Brien, partner at Stampone O’Brien Dilsheimer Law; and Dr. Justin Schorr, president and principal collision reconstruction engineer at DJS Associates.

There are three types of driving distractions: manual (hands off wheel), visual (eyes off road) and cognitive (not paying attention). If you have a touchscreen in your vehicle, you are distracted in all three ways when looking at and touching that screen. Another problem is using distracted driving by others as an excuse to exhibit the same behavior, like changing the radio station or checking directions. In just two seconds, cars traveling at 60 mph can cover almost 200 feet.

For several years, car manufacturers have automatically included a “black box” (a/k/a event data recorder or EDR), with the latest models recording every electronic event, such as the car’s speed and opening-closing of doors. EDR data is event-based, locked in once the event occurs with a date-time stamp. And, if you didn’t pay attention to the setup prompts when pairing your phone with your car’s Bluetooth technology, you may be automatically sharing everything on your phone. That includes metadata (e.g., detail about a picture on your phone) and deleted data—continued on page 21.
Secondary Traumatic Stress and Compassion Fatigue: Strategies to Support Lawyers and Judges

By Mary LeMieux-Fillery

This timely panel discussion was hosted by the Wellness and Immigration Law Committees on March 12 to address how repeated exposure to traumatic case details that judges, lawyers, and other court personnel face daily can, over time, increase the risk of developing secondary traumatic stress and compassion fatigue. Panel members were Dr. Ariane Thomas, lecturer in Educational Practice, associate director for Professional Training, Human Development and Quantitative Methods Division at the University of Pennsylvania; Hon. Gwendolyn Bright, Court of Common Pleas, Trial Division–Criminal, First Judicial District of Pennsylvania; Rep. Joanna McClinton, Pennsylvania House of Representatives; Deborah Watson-Stokes, assistant district attorney, Municipal Court Unit, Philadelphia District Attorney’s Office; and Hon. Lori Dumas, Court of Common Pleas–Family Court, Juvenile Division, First Judicial District of Pennsylvania; Hon. Gwendolyn Bright; Rep. Joanna McClinton; Deborah Watson-Stokes; and (onscreen) Dr. Ariane Thomas at the March 12 CLE.

Thomas first explained secondary trauma, which results from when you have not experienced the trauma personally, but you have empathized so much over time with your client that you experience symptoms of trauma. As lawyers and judges, we have to give a lot of mental energy to our cases. Thomas stated, and the emotional stress we feel being exposed to these issues leads to secondary trauma.

Next, Thomas described “burnout,” which is when you have put out so much and are so emotionally overloaded that you have no more to give. Burnout makes people overwhelmed, Thomas explained, leading to stress and an inability to cope.

“When you associate your self-worth with the amount that you are able to help others or with the outcomes of cases . . . these scenarios create stress,” explained Thomas. “If we don’t reach out for support . . . this creates additional risk factors for not having a good work/life balance and therefore, can lead to additional stress.”

Bright then explained, “that we are always engaged in an internal juggling act, and we don’t think about the issues the secondary stress causes us and how it impacts both our ability to function, both at work and in our everyday life.” Bright suggested developing strategies to help you center yourself each day. For example, she enjoys placing fresh flowers on the bench in her courtroom.

McClinton spoke about how being a new attorney adds another layer of stress. Attorneys are highly invested in the outcomes of their cases, so it is important to learn how to lose gracefully and how to deal with the pressures of the job without being overcome by the challenges and the vices readily available to lawyers and judges. To replenish herself, she takes time out on Sunday to spend time with her godchildren; and she schedules time to work out.

Watson-Stokes was trained from an early age to internalize stress and to keep moving. She stated that she learned how to compartmentalize the emotional issues in her cases so that she could keep her work experiences from bleeding into her personal life. Her secret to combatting secondary stress is to pour into people by mentoring as many young lawyers as possible.

Dumas reiterated that, “it is no easy task to be responsible for someone else’s life, and it is very difficult at times to maintain an emotional balance to keep your own sanity.” Therefore, it is critical to make sure that we take the time to devote to ourselves. We need to take the time to figure out what helps us to turn the world off. Then, we have to be intentional about pursuing things that make us happy and peaceful.

Mary LeMieux-Fillery is an associate with the Law Office of Eric A. Shore and is Editor-in-Chief of the Philadelphia Bar Reporter.
Individuals and families experiencing homelessness often have complex legal problems, and access to legal services can be a challenge. That is where the Homeless Advocacy Project (HAP) steps in. My pro bono experience with HAP—an organization that exists to provide free civil legal services and advocacy to reduce the frequency and duration of homelessness in Philadelphia—began within weeks of starting as an associate at Schnader. The firm’s pro bono committee chair, Stephen Fogdall, gave me the assignment after attending a HAP legal clinic at a homeless shelter in West Philadelphia where he met Maria.* A kind-hearted woman struggling to meet the special needs of her child, Maria needed assistance applying for Supplemental Security Income (SSI) benefits for her adopted daughter Madeline.*

Madeline is a beautiful teenager who has been diagnosed with severe mental health issues that significantly impact her ability to function. Because her birth mom suffered from addiction, Madeline was born with neonatal abstinence syndrome. In addition to developmental issues, Madeline has been hospitalized for depression and suicide attempts. Despite ongoing treatment, Madeline continues to experience debilitating mental health symptoms. Making matters worse, she was wrongfully denied prescription medications by her insurance company while we were developing her SSI claim. By working with HAP, I was able to advocate for Madeline to successfully receive SSI benefits and obtain her needed medications. Maria gave me a huge hug as we walked out of the Social Security office for the last time, having finally secured the SSI benefits for Madeline that are critical to her ongoing medical care. I received a call from Maria not even a week later: would I help her formally adopt Madeline? During the process of applying for SSI benefits, I learned that Madeline was not legally her daughter. Maria was awarded temporary guardianship of Madeline when she was just a few weeks old. All Maria had to prove their relationship was a torn up, old court order, which she carried around every day in her wallet. I knew a formal adoption was crucial not only for officially uniting the family, but also to ensure that Maria had access to state-sponsored benefits, such as cash assistance and food stamps.

While I continue to assist Maria and Madeline navigate the adoption process, I find myself reflecting on Maria’s kindness and resiliency. With such limited means and without much assistance, could I even imagine agreeing to financially and emotionally support a friend’s child with special medical needs? The short answer is no; Maria’s generosity is awe-inspiring. The underlying problem here—a lack of access—has become so apparent to me. Through HAP, individuals and families experiencing homelessness are connected with volunteer attorneys who are able to navigate the system, make the phone calls, and advocate on their behalf. I am grateful to HAP for the opportunity to become connected with a client with such a big heart who just needed an advocate in her corner—someone to ensure that she and her daughter obtain the benefits they are entitled to.

* Names changed to protect privacy.

Alexandra A. Fahringer is an associate at Schnader Harrison Segal & Lewis LLP and focuses her practice on real estate and corporate law. For more information about how to volunteer for HAP, contact Madeline Sherry, Esq., Volunteer Coordinator, at msherry@haplegal.org.
Ending Overuse of Philadelphia’s Cash Bail

By Hayden Nelson-Major

For years, activists and organizations, including the Philadelphia Community Bail Fund (PCBF), the Youth Art & Self-Empowerment Project (YASP), the Defender Association of Philadelphia, and the #No215Jail Coalition, have fought to end Philadelphia’s overuse of cash bail. These organizations have exposed the substantial harms caused by pretrial detention and led a chorus of voices calling for reform.

Building on this work, the American Civil Liberties Union of Pennsylvania (ACLU-PA) launched a court-watching program in March 2018. Over the course of two years, ACLU-PA staff and a team of volunteers observed and documented over 2,000 preliminary arraignments (initial bail hearings). At these hearings, defendants “appear” from police districts by videoconference, and, although public defender representatives are present, they are unable to confidentially consult with their clients.

Under the Pennsylvania Rules of Criminal Procedure and the Pennsylvania Constitution, arraignment court magistrates must conduct an individualized assessment of a defendant’s likelihood to appear at future court dates and comply with the bail bond, impose cash bail only if necessary and after consideration of a defendant’s ability to pay, and afford robust procedural safeguards before ordering pretrial detention.

After an extensive mediation process, which also involved the Defender Association and the district attorney’s office, the parties reached agreement on several recommendations for reform. The parties, however, were unable to reach agreement on the legal standards that magistrates must follow when deciding what conditions of release to impose on defendants and when they may deny bail.

The special master has urged the Court to adopt those recommendations and resolve the disagreement as to the legal standards. Law professors, former prosecutors, criminal defense attorneys, researchers, and juvenile justice advocates filed amicus curiae briefs also urging the Court to do the same.

One of the petitioners who bravely challenged these practices has been in pretrial custody for over a year because he is too poor to purchase his freedom. For this individual, and the hundreds like him, change cannot come soon enough. In coordination with the powerful leadership of community activists, the ACLU-PA will continue to push for an end to wealth-based pretrial detention in Pennsylvania.

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Distractions

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like phone calls and texts you thought were gone for good. Deleted items do not disappear—they move to an unallocated space on your phone, which deletes items only when the history is full. Unless you delete items frequently, all deleted data may be stored on your phone and downloaded to the EDR.

EDRs have the capacity to store years of information. Even with a factory reset, deleted data is still stored and recoverable forensically. Think twice before allowing a rental car to download your phone’s data! To determine what data elements are available for specific vehicles, visit BERLA (https://berla.co/vehicle-lookups/). When investigating a distracted driving case, be sure to send a letter to preserve and examine the data as soon as possible with as many specifics as possible. Cell phone records are not a reliable source compared to the actual cell phone or EDR.

For collision cases, establish whether driver distraction was involved and whether that impacted the physics of the crash. For severe injury resulting from accidents involving a tractor trailer, collision avoidance systems that should have been standard issue by manufacturers, such as Mack, Volvo and Freightliner, may warrant a product liability action.

I attended this CLE via webinar, another great feature for all live CLEs, which the Bar has offered since 2016. Note that distance learning for Pennsylvania attorneys is limited to six credits from accredited providers per compliance period. The Bar is not only an accredited provider, but also offers members six free CLE/CJE credits—via three-two-credit courses—annually for specific sessions.

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However, our observations revealed systemic violations of the Rules and, more fundamentally, defendants’ constitutional rights. Hearings averaged less than three minutes and lacked the hallmarks of due process. Magistrates often imposed cash bail based on charge alone and without regard to ability to pay. In fact, court-watchers witnessed magistrates routinely ignore defendants’ objections that they would be unable to pay the cash bail imposed. As a result, many defendants were detained pretrial solely because they could not afford their bail.

Given the endemic failure to abide by the law and the resulting devastation wrought on poor Philadelphians, the ACLU-PA filed a petition with the Supreme Court of Pennsylvania on behalf of PCBF; YASP; and 10 individuals held on bail they could not afford. Last summer, the Court took the extraordinary step of invoking its King’s Bench jurisdiction and appointing a special master to oversee an inquiry into the alleged systemic violations.

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Philadelphia Takeout: A Lifeline to Keep Local Restaurants Alive

By James Zwolak

O’Neal’s Pub (www.onealspub.com) owner Greg “Spoonie” Rand isn’t going to be on a Netflix show like “Chef’s Table” or run a mini-empire of nationally renowned Philly restaurants like Michael Solomonov or Steven Starr. He’s just a regular guy who has a loyal cadre of customers, dang good wings, and treats his dozen longtime employees like they’re family.

Spoonie is taking a serious financial blow this month, as O’Neal’s usually receives a ton of March Madness business. He almost decided to completely close on St. Paddy’s Day but woke up at 5 a.m. with an epiphany and elected to open O’Neal’s for takeout, as he felt he could not let his employees and regulars down.

Spoonie is also helping his staff navigate the thicket of filing unemployment claims and is rapidly compiling a generous six-figure Go Fund Me donation for them. And Spoonie’s new daily Facebook Live adverts are must-see viewing.

In short, Philly restaurant owners—most of whom are independent small businesses—are really hurting. Here are some of the ways you can help:

• Buy an online gift card, or three, for your favorite restaurants. The restaurants receive an immediate infusion of much-needed cash; you have a pre-paid happy time when this ends. Win-Win.
• Hop on Instagram and follow your favorite restaurants. Most of them are posting lovely photos of specially curated takeout menus that will seriously whet your appetite.
• Order directly through the restaurant’s website. As Inquirer food writer Michael Klein aptly pointed out, third-party delivery sites like Caviar or Grubhub suck up 20% of your order for pickup and 25-35% for delivery (not that my 20-year-old Uber Eats Uberfan cares one whit). You want every penny to go to the restaurant.
• Go beyond your comfort zone and try places you might not otherwise think about. An awesome deal circulating through my friends’ social media feeds is South Philly’s Giordano Garden Groceries (https://giordanogardengroceries.com/): where only $35 nets you 24 veggie/fruit/nut/dairy items. My Duane Morris (I don’t hold that against her) friend Barb’s two boxes arrived with awesome freebies like chocolate-covered pretzels and focaccia from High Street on Market. She’s excited.
• Obviously, avoid ordering takeout from chains. As Inquirer food writer Michael Klein aptly pointed out, third-party delivery sites like Caviar or Grubhub suck up 20% of your order for pickup and 25-35% for delivery (not that my 20-year-old Uber Eats Uberfan cares one whit). You want every penny to go to the restaurant.
• Obviously, avoid ordering takeout from chains. You know Cheesecake Factory is hyping their “free delivery,” but resist the temptation. The only takeout I’ve tried since quarantine was the excellent $50 Kang Gai plate for two from the nationally hyped Thai joint Kalaya; you get a SUPER spicy (and yummy) chicken curry with pandan, cilantro, and coconut rice, along with a mellow beef stir fry. My wife couldn’t handle the spice that meant two extra lovely lunches for me. Another weekend-only special we want to try is Nord’s three-course $25 “Dutch Dinner” menu, which includes a soup, main dish, and dessert (along with owner Joncarl Lachman’s heavenly house-baked bread). Barb is also trying one of Queen Village seafood mainstay Little鱼’s $25 Fluke Hoagie or Hamachi Rice Bowl specials. A true bargain for that pricey spot.

But that’s just my South Philly/QV hood. Get on the ‘Gram, follow your muse, order takeout, and enjoy! And hey, call O’Neal’s—you’ll probably get Spoonie directly—and order a sinner and some corned beef to go! Tell him I sent you.

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Making the Most of Working From Home: Ideas for Yourself and Your Kids

As of the total number of cases of COVID-19 continues to rise, according to the Centers for Disease Control and Prevention (CDC), more and more businesses have closed their doors and sent their employees home to work. Many people may be finding it difficult to stay stuck inside during self-quarantine. We have compiled a short list here of ideas to help you make the most of your time at home.

Productivity at Home

Stay productive at home with these ideas!

• Read a Book: How often in your busy life do you have the opportunity to read that book that has been sitting on your shelf? Staying at home, at the very least, gives you back your normal commute time that you can now commit to plugging away at a new book. Looking for suggestions? Check out The New York Times bestseller list here (https://www.nytimes.com/books/best-sellers/).
• An Early Spring Clean: As the virus continues to spread, there has been a heightened focus on cleanliness. What better way to make use of your time stuck at home than to get a jump on your spring cleaning? The CDC has provided a resource page for cleaning your home in order to best protect against the COVID-19 virus. Disinfecting your house aside, maybe it’s time to organize your closet, clean out the “junk drawer” in your kitchen, or wipe down your child’s toys. Whatever tasks you have been putting off or haven’t found the time for, now is the time to tackle them and make the most out of your quarantine...

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