Bar Unveils Podcasts

Association Programs Available for Download

by Mark A. Tarasiewicz

Members can now take the Philadelphia Bar Association “on the go” with the official April 1 launch of the Association’s comprehensive new Podcast Center, offering a large audio library of interviews, speeches, panel discussions, Chancellor’s columns and more available for free download at philadelphiabar.org.

Eight podcast categories are available on the site: Major Events, Speaker Programs, Chancellor’s Column, Member Benefits, Legislative Update, Hot Interviews with Very Cool People, Career Corner and Law Practice Management. Together, they feature more than 35 original podcasts produced by the Philadelphia Bar Association. Additional categories will be added in the future.

Association podcasts can be listened to directly on your computer using your media player software, or you can “subscribe” to one of the above categories and automatically download the latest podcasts to your MP3 player, such as an Apple iPod.

You can now download the Bar meeting you missed and listen to it on your train ride home, or while exercising at the gym or laying on the beach. You can also listen to interviews with the region’s top “movers and shakers” in and outside of the legal community, hear about the latest updates to your Association.

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Dangerous Plan Would Make Criminal Files Public

by Alan M. Feldman

“Innocent until proven guilty.” Perhaps no legal precept is better known or more widely appreciated by the American people. This simple but powerful legal maxim, in four short words, describes our nation’s fundamental legal philosophy: that until a person’s guilt is proven by the state, that person must be considered an innocent man or woman.

That’s why the Philadelphia Bar Association was concerned when the Administrative Office of Pennsylvania Courts proposed to put all criminal court records on the Internet, with easy (and free) access for all. Our concerns about this plan were these:

• The Internet records would include arrest records, even where there was no subsequent criminal conviction.

• Although errors in criminal court records are a frequent occurrence, there were insufficient safeguards to assure accuracy of online records, and no procedure for correction of mistakes.

• It was too easy to misidentify the person to whom an internet criminal record belonged, since the only identifying information was the person’s last name and year of birth.

In actuality, by the time we learned about this project, the AOPC had already posted criminal court records to the Internet in almost all Pennsylvania counties. Perhaps in part based upon our Association’s resolution in October of 2005 expressing concerns described above, the AOPC deferred posting records to the Internet for Philadelphia and Allegheny Counties. We were also pleased to learn that the AOPC was accepting public comment on its proposal.

The Internet is a powerful tool. It can be used to convene a public hearing on March 2. Along with Commissioner Williams and others, and myself (representing the Bar Association) were there in Harrisburg, before a panel chaired by retired state Supreme Court Justice Stephen Zappala, to submit written materials and offer testimony. To my knowledge, no other Bar Association participated or commented on the proposal.

Here are the positions we took, and why:

• Arrest records on the Internet. Is it wrong to allow the public to learn when someone has been charged with a crime? Of course not. Newspapers and other media announce such things all the time. But there are news reports about alleged criminal activity happening right now. The individual rights concern is not impacted until later. If, as a result of subsequent events, the charges are dropped, the case is dismissed or the person is acquitted, is it fair to maintain that person’s arrest record on the Internet forever? Should that individual, never convicted of a crime, be tainted with the suspicion of being a criminal for the rest of his or her life?

We say no. Citizens could lose (or gain) respect by knowing that they have no place online as part of a community. Never convicted of a crime, an innocent man or woman could learn when someone has been charged with a crime.

• Correction of errors.

Arrest records can’t be used legitimately to make employment decisions. They can’t be introduced in a court of law as proof of a criminal history. And they have no place online as part of a person’s “criminal record.”

We say no. Citizens could lose (or gain) respect by knowing that they have no place online as part of a community. Never convicted of a crime, an innocent man or woman could learn when someone has been charged with a crime.

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Chancellor’s Forum on Judicial Selection April 28

State Sen. Anthony Williams, who represents Pennsylvania’s 8th District, will be among the panelists at the Pennsylvania Bar Association’s Chancellor’s Forum on Judicial Selection, which will be held at the Pennsylvania Convention Center on April 28 from 12 to 2 p.m.

Sen. Williams is one of the sponsors of Senate Bill 100, which would amend the Pennsylvania state Constitution to adopt a new judicial selection system for Philadelphia.

The bill would establish “a means to better ensure a strong, qualified, and diverse bench for Philadelphia County through creation of (a) specified criteria and (b) a judicial selection committee for potential judges for the Common Pleas and municipal courts.” Other panelists will be announced in the upcoming weeks.

The Chancellor’s Forum will be held in the 11th floor Conference Center of Bar Association headquarters, 1101 Market St. For more information, visit philadelphiabar.org.
Section/Committee Spotlight: Professional Guidance

Answers to Ethics Questions Just a Phone Call Away

by Jeff Lyons

As staff counsel to the Association's Professional Guidance Committee, Paul J. Kazaras fields between 500 and 400 phone calls a year from members looking for advice about their own conduct. “People call and say ‘this is my situation and this is what I’d like to do, is it ethical for me to do it?’” said Kazaras, the Association’s assistant executive director. Kazaras said he gives informal guidance over the phone; but pointed that, “we also get requests for formal written opinions, which are the ones that are posted on the Web site and in the Bar Reporter.” Kazaras tells all callers that their communications regarding guidance questions are strictly confidential. That way “callers are able to speak freely about their concerns.”

When a request for a formal opinion is received, Kazaras assigns it to a member of the committee to research and present to the committee at its monthly meeting. “Once the issues are discussed and a consensus reached, a formal opinion is written and sent to the inquirer and that’s what gets published!” Before a formal guidance request goes out to the committee, Kazaras redacts it so no personal information is revealed. When the committee offers a formal opinion, members don’t know to whom it is being rendered. “It’s completely anonymous,” he said.

Under the direction of former Chancellor Abraham C. Reich, chair of the Committee in 1987 and 1988, the Committee’s operations were revamped and for the first time guidance was rendered in a “hotline” format handled in-house. “At that time, in addition to the calls we received 50 to 40 requests for written opinions a year. Starting in 1988, new ethics rules took effect, and there was no body of formal opinions on any topic. Over the years, as our library of opinions has grown, people call or they look on the Web site and find an opinion that’s on point,” Kazaras said.

The committee has about 25 active members, including a federal judge. “It’s mostly private practitioners. On occasion we’ve had the involvement of those who work as in-house counsels as well. The members are a mix of large-firm lawyers, people from medium-sized firms and sole practitioners.”

“On the phone, there’s a give and take in what is addressed because of the nature of a personal call. A lot of times I explain the differences between professionalism and ethics, because a lot of time the callers are asking about professionalism rather than ethical matters,” Kazaras said. There also is a lot of risk management that goes on in the phone calls. A caller may have an ethics question but there may be something that he or she is doing that puts him or her at risk for a malpractice suit. That needs to be pointed out. The opinions are advisory only and are not binding. “If someone depends on our advice and the Disciplinary Board thinks that advice is wrong, the fact that they came to us in good faith and relied on it will certainly be taken into consideration,” he said.

“If someone calls the Disciplinary Board to ask a question, the Board refers them to us. That’s the best source of referrals,” he said. “Questions cover every conceivable area—solicitation, advertising, fee issues, conflicts of interest. If you can think of it, over the past 18 years I’ve had a call about it. People avoid problems by asking what to do. That’s how we all learn. I do worry about those who move ahead when they are not sure of the ethical issues involved. That isn’t good for them or for the profession,” Kazaras said.

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Appellate Courts Committee

Judge Rendell Urges Protection of Courts

by Brian K. Sims

If you are an attorney in Pennsylvania, regardless of your politics or your practice area, U.S. Third Circuit Court of Appeals Judge Marjorie O. Rendell has a message for you: Protect the judiciary.

Speaking to the Association’s Appellate Courts Committee on March 8, Pennsylvania’s first lady asked all in attendance to be wary of sensationalism in the media surrounding judicial decisions at all levels.

Specifically, Judge Rendell pointed to the effects that both the media and partisan politics have had on the practice and perception of U.S. courts in recent years. Speaking from an extremely unique position as both a renowned member of the judiciary as well as the wife of Pennsylvania Gov. Edward G. Rendell, Judge Rendell has a vantage point unlike any other member of the Third Circuit.

“It’s somewhat frustrating to hear people talk about the appellate courts with a total lack of understanding of what judges do, and how judges decide cases,” said Rendell, referring to the “activist judge” label placed on many members of the judiciary by members of the media and the political arena.

The “activist judge” label is a relatively new moniker that was first introduced in President Bush’s 2004 State of the Union address, and which has quickly become a part of the political landscape. The term has been adopted by Republicans and Democrats alike to describe and debase judges at all levels.

As Judge Rendell pointed out, her court “decides cases, not issues,” and the label “activist judge” is simply unfair in the vast majority of rulings handed down from the bench. She points to the highly publicized Schiavo case that was touted by many in the media as the “Right to Die” case.

While the issue may have been about an individual’s right to die, the actual case itself had little to do with brain damage or feeding tubes, and much more to do with legislative authority and procedural fairness. This was a fact that seemed lost in the nationwide press coverage that focused on the issues in the state court case.

“Appellate courts decide about the reasoning of the lower court’s decision, not the result,” said Judge Rendell. “We don’t have a result in mind. If you do have a result in mind, then you’re an activist judge.”

Judge Rendell likened appellate practice to “painting by numbers or painting within the lines.” She described the intricate maze by which judges arrive at their decisions.

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Philadelphia Court of Common Pleas President Judge C. Darnell Jones II discusses his plans for his tenure at the March 1 meeting of the State Civil Litigation Section.
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27th Annual 5K Run/Walk Set for May 21

by Jeff Lyons

The 27th edition of the Association’s 5K Run/Walk takes off on Sunday, May 21 along the Schuylkill River on Martin Luther King Drive (formerly West River Drive) adjacent to the Philadelphia Museum of Art. The event benefits the Support Center for Child Advocates.

The race features several competition divisions: open-individual, Bar Association members, company teams, legal teams and male and female divisions. Runners are also divided into the following age groups: 13 and under; 14-15; 16-19; 20-24; 25-29; 30-34; 35-39; 40-44; 45-49; 50-54; 55-59; 60-64; 65-69; 70-74; 75-79; and 80 and over.

Awards are presented to participants in all divisions.

Silver bowls will be awarded to the first-place male and female finishers. DOLFIN running wear will be awarded to the first-place male and female in each age group. Medals will be awarded to the first-, second- and third-place finishers, male and female, in each age group. T-shirts will be presented to all participants who finish the run and walk. Special prizes will be presented to participants who collect more than $250 in pledges.

Registration for Bar Association members automatically includes members in a separate open bar competition. The entry fee for Bar Association members running in the 5K is $35 if postmarked by May 17 and in-person registration begins at 7:15 a.m. The 5K run starts at 8:30 a.m. and the 5K walk begins at 8:55 a.m.

For more information, or to learn more about becoming an event sponsor, contact Eric S. Marzluf at (215) 567-2010, extension 130 or by e-mail at charityrun2006@crbcp.com; Tom Bell at (215) 887-2050, extension 107 or by e-mail at tbell@soglaw.com; or Sandra Lavini at (215) 925-1913, extension 126 or by e-mail at Sandra@advokid.org.

More than 700 runners and walkers participated in the 2005 5K Run/Walk to benefit the Support Center for Child Advocates.

Reward your employees — and your company — with real savings.

In these times when retirement plan balances are down and health care costs are up, your employees may be feeling the pinch. That’s where Delaware Valley TransitChek can help.

It’s a simple, tax-break benefit that can pay for itself.

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Show your employees you care with Delaware Valley TransitChek.

It’s the only locally run, non-profit TransitChek program specifically for commuters who live and work in the Delaware Valley.


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Not many people know about the Philadelphia Bar Foundation. Even fewer understand what we do.

We raise money from lawyers, law firms and companies dealing with lawyers and law firms. We give operating grants each year to local organizations that provide direct civil legal services to people who need help the most – the poor, the disadvantaged, victims of abuse and neglect.

I know lawyers receive many requests for support from various charities – cultural institutions, educational initiatives, health care concerns. The direct mail pieces, e-mails and constant appeals can become overwhelming. There are many charities deserving of your attention, but as lawyers, I feel we have an obligation to give back to the profession that has supported us and given us the opportunity to make a good living. We have a duty to try to improve access to justice for those who can't afford private legal counsel.

That said, as you're making decisions about where to direct your charitable giving for legal services, you might ask whether or not it would make sense to give directly to the organizations, rather than give to the Bar Foundation, which then acts as a “middle man” and forwards the funds to grantees. The Foundation is actually much, much more than a “middle man.” We are your agent, serving as research assistant and safeguard to ensure your money goes to a worthy and reputable cause.

The answer as to why give to the Foundation comes in five easy pieces.

• We do your homework for you. There are dozens of local legal services providers. It would take weeks of your time to review financial statements, meet with the staff and examine the caseloads to determine whether the organization is worthy of your donation. The Bar Foundation does your due diligence for you – we have a well-established application process. Organizations submit formal proposals detailing such information as mission, staff qualifications, financial statements and strategic plans. Our grants committee meets individually with the executive director of each organization to review its application and talk about current needs.

• Our “seal of approval” allows organizations to seek other funding. Often other major funders will ask an applicant organization if it has the support of the local legal community. Approval from the Philadelphia Bar Foundation gives these organizations the approval they need so that local and national funders will provide additional funding.

• The whole is greater than the sum of the parts. Our grantee organizations are quite varied. They range in size from offices with just a few paid staffers to those with dozens of employees and multi-million dollar annual operating budgets. We bring them all together every month for (sometimes very spirited) meetings to discuss local legal services needs and ways that they can work together on important issues.

• We provide the safety net. Many local lawyers and law firms are familiar with the activities of some of our larger grantees. I'd bet that recognition factor decreases precipitously when we start talking about some of our smaller grantees. These organizations are doing terrific work, but they don't have the staff or the marketing budget to get the word out about their mission. Support from the Bar Foundation is an important part of their overall operating budget – sometimes the primary means of support. We provide support to those organizations that might not otherwise be able to attract major donations from law firms, and smaller donations from individuals.

• We act as a central repository for information about legal services in Philadelphia. We're working to improve statistics about the number of hours donated to pro bono services, the types of cases, the number of clients served, etc. All the individual organizations keep their own statistics – we can collect that information to provide a comprehensive picture of the terrific work that is being done in Philadelphia, and the

Bar Foundation More Than a Middle Man

by Robert D. Lane Jr.

Well done is better than well said.

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continued on page 20
by Stacey Z. Jumper

Philadelphia’s Commerce Program alternative dispute resolution mechanism provides parties with an inexpensive option to finally resolve a conflict in the courts, Court of Common Pleas Judge Howland W. Abramson told members of the Business Litigation Committee on March 10.

The procedures for participation in this program, dubbed the “Abramson Protocols,” are set forth on the Commerce Court’s Web site at courts.phila.gov along with the forms necessary to apply to this program.

Judge Abramson said the ADR program is a blend between traditional ADR procedures and a Superior Court appeal. Parties must agree to participate in this program and file an application with the Commerce Court. The judge to whom their case is assigned makes the decision as to whether that case will be accepted into the ADR program. If accepted, the parties select an arbitrator or arbitrators who agree to be bound by “The Code of Ethics for Arbitrators in Commercial Disputes.” While the arbitrator(s) decide the factual issues and eventually apply the law to the facts, it is the three-judge panel, consisting of the judges then sitting on the Commerce Court, who decides the legal issues. Judge Abramson said that ideally the parties will submit a statement of facts to the panel along with their briefs on the legal issues. The panel will then hold oral argument on the legal issues and issue a written legal opinion that the arbitrator will be bound to apply. Judge Abramson described the relationship between the judges and the arbitrators as “give and take.” If the judges find that they need more facts, they will refer the issue to the arbitrator for fact-finding, before making their final decision.

While Judge Abramson does not want to discourage the use of other forms of conflict resolution, he said that this is a good option for parties wishing to obtain the attributes of a Superior Court appeal at a lesser expense. Because the ADR program provides a party with a decision from a three-judge panel, there is no right to an appeal. When discussing the difference between the Commerce Program panel and the three-judge panel in the Superior Court, Judge Abramson noted that the Commerce Program is armed with facilities and resources that are on par, if not superior to the Superior Court. He noted that Commerce Program judges, unlike Superior Court judges, are specialized in commercial law.

Judge Abramson discussed what prompted the judges in the Commerce Program to create this ADR program. He said he had been presented with a case where the costs to try the case had become substantially more than the amount at issue. The parties wanted an inexpensive final resolution to the case, but wanted their right to a three-judge panel. The Commerce Court constructed this alternative procedure to address cases where legal expenses are or may become vastly more than what the case is worth.

The Commerce Court judges considered three common issues that concern
Make Time to Volunteer for Law Week

by Michael B. Hayes

I confess. I am an unabashed baseball fan. Every spring, I anxiously wait for baseball season to start and hope against hope that this will be the year the Phillies again bring home the World Series. It is only natural, I guess. After all, spring is the season of renewal, a time of promise and hope. Ask me where the Phis will finish in the National League East this year, and I’ll give you the upright index finger. Question whether the Phis will be playing in October and I’ll nod my head (up and down, up and down) with solemn resolution.

Will my story change halfway through the season, as the dollar-dog-days of summer reach their peak? Maybe. OK, probably, but that’s beside the point. My point is, December notwithstanding, spring “tis the season.” It is the season to dream big dreams, to take some chances, to go out there and do the things you have been promising yourself for far too long you would absolutely get around to doing as soon as...

If you have been putting off getting involved with the YLD – because of work commitments, things going on in your life, or even the winter doldrums – there is no better time than the present for you to take a chance on the YLD and participate in one of our many programs. In fact, in less than a month (from May 1 through May 6) the YLD will host Philadelphia Law Week 2006 – and we need your help!

To kick off Law Week 2006, the YLD will present several scholarship awards to deserving Philadelphia students through the annual Edward F. Chacker Essay Contest (for high school students) and the YLD Law Week Poster Contest (for 4th-, 5th- and 6th-grade students). The winner of the Essay Contest will also have the honor of reading his or her essay aloud during a Naturalization Ceremony scheduled to take place at the National Constitution Center on Monday, May 1.

In addition, throughout Law Week, the YLD will be sending out groups of volunteer young lawyers to local schools to talk with kids about our profession, our individual experiences as lawyers and the importance of education. The “Lawyer in the Classroom” program has been growing in popularity, with the number of lawyer volunteers and participating schools increasing each year. Lawyer in the Classroom doesn’t require any preparation or experience, and literally takes only an hour to do. Most importantly, Lawyer in the Classroom puts a face to our profession for hundreds of Philadelphia students.

One of our most visible Law Week outreach programs is the Law Fair, set this year for Wednesday, May 3 from 12 to 2 p.m. at the Gallery at Market East mall on Market Street. The Law Fair is essentially a free legal clinic, open to the public, staffed by young lawyer volunteers. Our volunteers consult with members of the public who have legal questions, often referring individuals to the many legal services organizations or to the Association’s Lawyer Referral Information Service.

We cap off Law Week with our annual Lawyer for a Day event for Philadelphia high school students on Friday, May 5. From 9 a.m. to 12 p.m., young lawyer volunteers will take small groups of students to different law firms in Philadelphia.

How to Volunteer for Law Week 2006

Contact the following people to volunteer for Law Week 2006 programs:

Lawyer in the Classroom:
- Hope Caldwell (215) 636-1154, hcaldwell@cdicorp.com

Law Fair:
- Kristen McKenna (215) 751-9666, kmckenna@efm.net

Lawyer for a Day:
- Scott Sigman (215) 753-5900, ssigman@bochettoandlentz.com

continued on page 18
PODCASTS
continued from page 1
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• Law Practice Management – This newest benefit for Association members includes business solutions for lawyers from a wide range of experts.
• Spring Fund-Raisers Planned
The Legal Clinic for the Disabled’s 4th Annual Spring Celebration & Silent Auction will take place Thursday, April 6 at Blank Rome LLP’s Comisky Conference Center, 18th & Cherry streets. Tickets are $40 and include four beverages and hors d’oeuvres, music by Melody Gardot and John Train. For information or tickets contact Tom Prettyman at (215) 587-5353 or tprettyman@mageerehab.org.

• The Homeless Advocacy Project’s April Benefit will take place Thursday, April 20 from 5:30 to 8 p.m.

in the Conservatory of the Park Hyatt Philadelphia at the Bellevue. The evening will feature complimentary hors d’oeuvres and drinks in addition to dancing. An auction with a wide variety of items including sports memorabilia, dinners at top restaurants, original artwork, collectibles, and much more. For tickets ($50 per person) or for information on sponsorship, please call Miraenda Murray at (215) 525-9588.

• BIAS & Council Migration Service will hold its annual fund-raising event beginning the week of April 17, 2006. In accordance with LSC’s multiyear funding policy, grants are available for only specified service areas. A listing of those service areas for each state, and the estimated grant amounts are included in Appendix-A of the Request for Proposals. Applicants must file a Notice of Intent to Compete (NIC) to participate in the competitive grants process. Please refer to www.ain.lsc.gov for filing dates and submission requirements. The NIC is available from the RFP. Please e-mail competition inquiries to Participation@nic.gov.
Mara Liasson autographs a copy of the Philadelphia Bar Reporter for Chancellor Alan M. Feldman before the March 23 Quarterly Meeting and Luncheon.

QUARTERLY
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said Chirls, the seventh WolfBlock partner to serve as Chancellor. “We tried to expand our ties to organized bars and others in justice systems around the world.”

“As a result, our message and our programs got out in many languages. For the first time that anyone knows about, our Bar Association was the subject of feature articles or broadcasts in languages other than English. We made the news in Russian, Polish, Greek and Spanish. And we reached people who until last year didn't know what lawyers could do for them,” Chirls said.

Liasson talked about politics, which she said “is a word that comes from the Greek polis, that means many, and thus, that means blood-sucking insects.”

Liasson said those numbers are why she is used to Democratic advantages on health care, the economy and on domestic issues, but this is unprecedented. “What a lot of Republicans see as the real reason for the White House’s stumbles is that there is no one in the first term operated like a well-oiled political machine that was feared by both its supporters and its opponents. And now they seem to have turned into the gang that couldn’t shoot straight, and I’m not referring to the vice president,” she said.

The way the White House handled the Dick Cheney hunting accident is an example of the administration suffering from a case of the “second-term stumbles,” she said. “It seems that every other week there’s another political catastrophe, small or large. You have the vice president’s shooting incident, the leaking of the Katrina video-tape, the arrest of a White House domestic policy aide for shoplifting and the biggest and most spectacular collapse recently, the collapse of the Dubai ports deal.”

She said the Dubai ports deal also brought out resentment by the Congress over White House secrecy, lack of communication, high-handedness, not to mention their concerns about the White House’s basic competence and execution.

“Big majorities of people think an Iraqi civil war is unavoidable. In all of his speeches, the president has been repeating that he is optimistic about success in Iraq, but also that he’s realistic. He understands the problems and knows there’s been a learning curve. He understands why people are disheartened and why Americans are worried about the war,” Liasson said.

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“I think that Iraq looms over everything else that happens this year politically,” Liasson said. “The outcome of the war more than anything else will determine how history views the Bush presidency,” she said. President Bush has admitted spending all the political capital he gained after his re-election on the war with Iraq, she said.

“The war is very unpopular. A majority now says it wasn’t worth it, either in lives or money. A majority of Americans are now pessimistic that we’ll be able to succeed in Iraq and that there will be a stable, pro-Western democratic government there,” she said.

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Federal Courts Committee
Panel Debates Workings of High-Profile Trials
by Jeff Lyons

The public interest and need to know make some trials more high profile than others, a veteran journalist told members of the Federal Courts Committee at a March 22 panel discussion.

Panelists for the event included U.S. District Court Judges John E. Jones III and Michael Baylson and Philadelphia Inquirer reporter George Anastasia, all having personal experience with sensational trials. Judge Jones presided over the “Intelligent Design” trial in the Middle District of Pennsylvania last year. Judge Baylson was the judge in the Philadelphia city corruption case, and Anastasia has covered several organized crime trials as well as the murder trial of Thomas Capano, who was convicted in the death of his mistress, Ann Marie Fahey.

“It could be the political case with a bug found in the mayor’s office. Or it could be a 10-year-old killed outside of his school and the perpetrators are brought to trial. The media pays attention to that because there’s a public interest and a need to know why and what’s going on,” Anastasia said.

“Sometimes, [the media’s] roles and agendas conflict with the legal community’s agenda. What makes it a compelling story is often the human element - the ‘why’ behind all of this. We’re there covering a trial, but we’re looking for something else,” he said.

Judge Jones called his famous trial “a doozy” and said the court was able to conduct the proceedings without a hitch due to a great deal of preparation and planning and to some forethought as to the role of the press and the need to keep the trial as open as possible.

Judge Baylson said the dynamics of a criminal trial are much different than a civil trial because the defendant and the press both have to be considered.

“[Televised trials are not] a star chamber process. It ought to be available to the public as often and as frequently as it can be,” Anastasia said.

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provided so that a criminal record is attributed to the right person. At the same time, the identification data should not be so personal as to compromise that person's safety and security.

The present AOPC system uses just last name and year of birth, which is plainly inadequate. For example, in a recent Philadelphia phone book, there were 12 Mary Greens, 14 people named Jose Gonzalez, 26 John Millers, 51 named Robert Jones and 45 with the name of Charles Williams. If just two people with the same name, like these, have similar dates of birth, there is a reasonable likelihood of mistakes and consequences. To minimize such concerns, we agree with the AOPC’s plan to add a date of birth identifier, but suggest that also including the last four digits of a person's Social Security number would help even more to avoid instances of misidentification.

If we really believe that “innocent until proven guilty” is more than a sound byte, we need to make sure that, particularly in this era of ever-expanding access to information, individual rights are not sacrificed on the altar of cyberspace. We’ll publish the AOPC’s decision on the Bar Association’s Web site as soon as it’s issued.

Alan M. Feldman, a partner at Feldman, Shepherd, Wohlgelernter, Tanner and Weinstock, is Chancellor of the Philadelphia Bar Association. His e-mail address is chancellor@philabar.org or afeldman@feldmanshepherd. His phone number is (215)567-8300.
Civil Rights Leaders Mark Struggles of U.S. Women
by Michael J. Carroll

The Civil Rights Committee marked March's observance of Women's History Month by hosting a panel of women civil rights leaders at its March 2 meeting. The speakers included Mexican Consul Rocio Vazquez Alvarez; Barbara Easley-Cox, a member of the Black Panther Party in the 1960s and 1970s and lifelong advocate for justice; Maria Quiñones-Sanchez, a political activist who works with the Puerto Rico Federal Affairs; and Ellen Somekawa, longtime leader of Asian Americans United.

Easley-Cox used the words “race and class” more than once in her passionate recognition of history and call to action. Such words seem disfavored in “mainstream” political discourse these days when used separately and are almost bannered when paired. Many consider “race and class” antiquated concepts falling outside of “legitimate” discourse and debate. Easley-Cox finds them timely and relevant as do many of her colleagues who encounter race and class as barriers every day of their lives.

Easley-Cox saw the fight for women’s rights as a battle tired to the struggle for the rights of all, and one that did not end at the U.S. border. There was a wisdom born of years of struggling for justice in her remarks, not the least of these was her closing remark: “If you cannot make decisions that had traditional sense. It is in the most profound sense a truly

15th Anniversary of the Public Interest Section

Don’t Neglect Life Outside of Workplace
by L. Felipe Restrepo

The practice of law can be all consuming: dealing with clients, judges, opposing counsel, deadlines and billable hours, intrasite. Unless we’re vigilant the things that really matter can be easily obscured by the ma-

Pro Bono Opportunities

Representatives from several public interest law agencies were in attendance at the Feb. 26 meeting of the Women in the Profession Committee, where they dis-

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16 APRIL 2006 / BAR REPORTER

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1. Felipe Restrepo is a partner with Kovner and Restrepo.
appellate judges analyze the arguments, research the applicable case law, and navigate their way toward a decision that is both appropriate and supported in the law. “We don’t sit there and say, which would be better, which would be fairer. That’s not the way that courts think. We go through the maze,” she said.

As a result of the recent trend, Judge Rendell has noticed that the judiciary is not as insulated from partisan attacks and name-calling as it once was. She stressed the need for members of the bar to step to the aid of those under fire and to protect the independence that the courts need in order to function.

“People think the independence of the judiciary makes judges free to get up in the morning and do whatever they want. The independence of the judiciary gives judges the freedom to get up in the morning and do the right thing,” she said.

Judge Rendell asked everyone in attendance to be diligent in defense of the bench. She asked for the aid of those under fire and to protect the independence that the courts need in order to function.

“Take issue with things. When you see an article about an opinion, and they’re talking about the decision or sensationalizing issues that are only secondarily related to the outcome of a trial or appeal,” said Rendell. “You’d be surprised at how many people really do read letters to the editor and inform the public,” said Rendell. “You’d be surprised at how many people really do read letters to the editor.”

Brian K. Sims is an associate with the Law Offices of Mark F. Seltzer, P.C.

STATE CIVIL

continued from page 8

The Legal Directory 2006 will be available in early April, and you won’t want to miss the newest, most comprehensive resource for the Philadelphia-area legal community. This is your last chance to order your copy at a special pre-publication price.

This year’s edition – available in early April – includes listings for more than 1,500 law firms and 17,000 attorneys in Philadelphia and the surrounding counties, Delaware and New Jersey.

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groups of students out into the courtrooms of the city to observe hearings and trials in real civil and criminal actions. We take care of finding appropriate courtrooms for our students and volunteer lawyers to visit, and the judges generally make a point to acknowledge the kids and young lawyers participating. My apologies for getting all “broken-record” on you, but again, volunteer participation in Lawyer for a Day doesn’t require any experience or preparation — just the willingness to take some time out for the benefit of some terrific young people.

At luncheon, the Lawyer for a Day students return to the Bar Association offices for a special program featuring Lori Wilson, a reporter with NBC 10 News. Wilson joined NBC 10 in November as a general assignment reporter. Additionally, she is a contributor to NBC 10’s lifestyle and entertainment show, “10.”

Before joining NBC 10, Wilson worked from 2002 to 2005 as a morning anchor, weekend anchor, entertainment reporter and general assignment reporter at WGCL in Atlanta. Prior to joining WGCL, Wilson was a news anchor and health reporter at KSLA in Shreveport, La.

If you’re interested in learning more about Law Week, check out our full calendar of Law Week events at the YLD Web page at philadelphiabar.org. The success of Law Week depends on young lawyers who are ready, willing and able to give up an hour or two to give something back to the community and help put our profession’s best foot forward in the public eye. As I mentioned before, there’s no better time than the present — and we definitely could use your help.

This year, the YLD has decided to tackle some laughs, dancing, food, fun and drink — all in support of a very good cause — onto the end of Law Week. On Saturday, May 6, the YLD will host its annual fund-raiser for the Philadelphia Bar Foundation in the form of a Comedy Night at the Academy of Natural Sciences on the Ben Franklin Parkway. Up-and-coming comedian Christian Finnegan, whose resume includes repeated appearances on the Dave Chapelle Show and Comedy Central, will appear as our comedic headline for the evening, which will also include a silent auction, DJ, dancing, some tasty food and an open bar.

Philadelphia Style magazine is so firmly convinced that the YLD Comedy Night is going to be a cover-age-worthy young-Philadelphia happening that they’ve decided to co-sponsor the event. If all that somehow wasn’t enough to pipe your interest, plans for a sponsored after-party at one of Philly’s new hot spots also are in the works — for YLD attendees of the Comedy Night and their guests only.

Maybe the best part of the whole deal is the cost for the YLD Comedy Night event — only $55! Tickets are limited for the Comedy Night — and they are already going fast — so if you’d like to get out for a laugh-filled night on the town for a good cause (and only $55!), hop onto the YLD Web page and register for the Comedy Night ASAP.

For the record, the Phils will finish 95 – 69, winning the National League East, and then proceed to cruise through the playoffs to a six-game World Series victory over the Toronto Blue Jays, restoring balance to the universe in the process.

Michael B. Hayes, an associate at Montgomery, McCracken, Walker & Rhoads, LLP, is chair of the Young Lawyers Division.

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Mozart’s Genius Endures Time

by Marc W. Reuben

There are some to whom musical criticism means discussion of the written score, or of the peculiarities in individual performances that attend the work of certain performers. But more than any other subject for criticism, the music of Wolfgang Amadeus Mozart gives the lie to the mechanical method of reviewing that is practiced by just about every back in the business. You cannot describe the music of Mozart as if it were notes on paper. Nothing this man wrote appeared according to formula. It was music that was hanging around in the air and Mozart plucked it out of the air for everyone to enjoy. All respect to the many giants of music, Mozart is the one true genius loved by all. I do, however, like the notice that the late Harold Schoenberg gave Wolfgang in his weekly music column in The New York Times, when Schoenberg admitted, “Mozart is the most art.” Nothing more perceptive or succinct has been said about the composer.

Mozart was born in Austria in 1756. His father, Leopold, was a musician in the employ of one of the Hapsburg princes. Leopold was quick to see the talent of his near-infant son, and he taught both to perform and compose. Nothing Leopold ever gave us in writing was as brilliant as the work his son composed from the age of three and the father soon realized that he was eclipsed by his tiny scion. Father and son soon toured Europe and when Leopold was called to court service, his son soon toured Europe and when Leopold was called to court service, his son accompanied the child on tour. Mozart shone as a performer and composer almost from the time he could first walk. His compositions eclipsed by his tiny scion. Father and son soon toured Europe and when Leopold was called to court service, his son accompanied the child on tour. Mozart shone as a performer and composer almost from the time he could first walk. His compositions had been written upon by other composers, but from his own perspective. He was not a trailblazer in composition. But within the confines of the classical tradition, he created more happy and interesting variations in composition than any of his contemporaries. Beethoven didn’t particularly like Mozart, but his first great symphonic works were patterned in the style of Mozart. Haydn, the father of all mid-European composers of the time, simply thought Mozart the most brilliant.

Scholarship and theater have taught us that Mozart was a great child, and remained so throughout his short life-time. He was a nomadic businessman, an obscure scamp, a prankster and a mischievous teller of dirty jokes; this correspondence to his sister Nanerl has the tone of a wicked little boy. He died at age 35 in 1791. His music has never been out of style. He wrote 41 symphonies, more than two dozen piano concertos, a score of grand operas (many of which are the greatest in the repertoire), the immortal flute and oboe concertos, the horn concertos, even a work for the glass harp invented by Benjamin Franklin. There were songs, liturgical pieces and hundreds of sonata works for various instruments, serenades such as ein kline nachtmusik – thousands of individual pieces of work. His operas dealt with politically hot topics of the time and were often censored. The Marriage of Figaro is both anti-royalist and the most charming and wonderful of all the operas about love in all its incarnations. The demon lover Don Giovanni then paired with a libretto by Lorenzo DaPonte, the friend of Casanova, the exultant Zauberflote (The Magic Flute) the great comic opera that created the germ of an idea (Leit-motif) upon which Richard Wagner created his operas.

There is nothing slippery about this music. The inspiration apparently came fully formed into his mind. The themes and orchestrations, as odd as they may have seemed to more conservative heads of the time, were perfectly formed and framed. What is more, they are all delightful. There is some treasure in everything Mozart wrote. Little pieces are little and the major works are awe-inspiring. In his work we see the mind of a curious genius and a convivial writer, for salon songs and symphonic masterpieces. Those who celebrate his life celebrate joy and awe. But mostly joy. Recommended recordings of Mozart’s music include:

• “The Symphonies,” conducted by Eric Leinsdorf with the London Philharmonic, from the 1960s.
• “Don Giovanni,” a surprisingly wonderful 1965 recording featuring Nicolai Ghiaurov as the wicked Don and conducted by Otto Klemperer. Any recording of any Mozart opera featuring the immortal bass-baritone Ezio Pinza is worth having, including the live 1956 Giovanni conducted by Bruno Walter.
• “The Marriage of Figaro” several recordings conducted by Herbert von Karajan.

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“My computer. You can be connected to more kinds of information through your computer moreso than any other piece of equipment.”
The Philadelphia Bar Association is pleased to announce the Fourth Annual Legal Writing Competition in honor of the Hon. Ruth Bader Ginsburg, Associate Justice of the United States Supreme Court. In so doing, the Bar Association recognizes the importance of excellence in legal analysis and writing skills, and seeks to award a student enrolled in a Philadelphia-area law school for authoring a top-quality competition submission. The deadline for submissions is Friday, April 28.

This competition is open to full- and part-time law students who are in their second or third year of study during the 2005-06 academic year at one of the following five institutions: University of Pennsylvania School of Law, The State University of New Jersey, Rutgers (Camden) School of Law, Temple University Beasley School of Law, Villanova University School of Law, Widener University School of Law (Delaware Campus). Students must be in good standing at their institutions. The submission may not have been published previously, although it may have been prepared in connection with a law school course. The submission also may not have been submitted for any other competition during the time when it is under consideration for this competition, until after the time when awards are announced. The submission must be the work of one author alone (joint submissions will not be considered), and the author must certify that the submission has been prepared without substantial editing from others.

Candidates may submit a law review quality submission on any topic relating to rights, privileges and responsibilities under federal law. The author of the first place submission will receive a cash award of $2,500, the publication of the winning submission in The Philadelphia Lawyer magazine, the Bar Association's Web site, and/or in an appropriate Bar Association publication. The winner of the First Place award will be invited to the Quarterly Meeting of the Bar Association in October 2006, at which time the award will be presented.

WEB check
For guidelines about the Fourth Annual Justice Ruth Bader Ginsburg Legal Writing Competition, visit philadelphiabar.org.

Ginsburg Entries Due by April 28

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BAR FOUNDATION continued from page 9

generous contributions of our many lawyers and law firms. As you can see, a donation to the Bar Foundation means your contribution will definitely reach the needy here in Philadelphia. I hope you will support the Philadelphia Bar Foundation and its ongoing efforts to provide access to justice for Philadelphians who need help. Please consider making a contribution – even if it is just $2 a week, through payroll deduction. If enough local lawyers make this commitment, we can make a BIG difference in the amount of funds teh Foundation is able to provide to local organizations. Call Maureen Mingey, the executive director of the Bar Foundation, at 215-238-6534 to get the necessary payroll deduction information.

If you would like to contribute using your credit card, you can do so online at philadelphiabar.org. Thank you – there are many who need your help.

Robert D. Lane Jr., president of China Infrastructure Investment Partners LLC, is president of the Philadelphia Bar Foundation.

Web check
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12th & Arch Streets
Franklin Institute
Science Museum
222 N. 20th Street
5th Floor

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The CLE Conference Center
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10th Floor, Ste. 1010

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20 APRIL 2006 / BAR REPORTER
YLD Helps Greet Newest Citizens

Palace ceremony at the U.S. Courthouse as U.S. District Court Chief Judge Harvey Bartle III looks on. Nearly 110 people from 28 nations were sworn in at the event, sponsored by the Philadelphia Bar Association.

Mozart interpretations with outstanding casts.

- The Budapest String Quartet issued many celebrated Mozart chamber performances, including the six viola quartets.

- Listening to Mozart serenades while reclining on a blanket on the hill at the old Robin Hood Dell, breeze whispering through the trees in the park, a bottle of wine (white) nearby was the best date to which I ever took any girl. I remember the final performances at the Dell, and how the wonderful Charles Munch, a Frenchman with the delicate baton that he warded atop his head to coax the most delicate sounds out of the orchestra, made the music seem part of nature. That lovely breeze still carries that music somewhere in space, where the angels sing Mozart all the time.

- When asked what he imagined the world would be like after atomic conflict, Albert Einstein shrugged and said “No one will be left to play Mozart.”

- The wonderful operatic recordings from the mid-1950s at Glyndebourne conducted by the likes of Fritz Busch and Thomas Beecham and the precious few recordings of operatic music sung by the brilliant Brazilian soprano Buda Saya, which can lull you to peaceful sleep on a cool summer evening.

- Three of the operas (“The Abduction from the Seraglio,” “The Magic Flute” and “Don Giovanni”) were recorded in the 1960s under the baton of the German maestro Casadesus with the Cleveland Orchestra formed by the great French pianist Robert Casadesus.

- The horn concertos performed by Robin Hood Dell, breeze whispering through the trees in the park, a bottle of wine (white) nearby was the best date to which I ever took any girl. I remember the final performances at the Dell, and how the wonderful Charles Munch, a Frenchman with the delicate baton that he warded atop his head to coax the most delicate sounds out of the orchestra, made the music seem part of nature. That lovely breeze still carries that music somewhere in space, where the angels sing Mozart all the time.

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Deborah Epstein Henry, founder and president of Hex-Tone Lawyers LLC and of counsel to Schnader Harrison Segal & Lewis LLP, was a speaker at the Feb. 11 Feminist Law Professors Annual Conference, “Women Lawyers as Contingent Workers in the Academy and Practice: Back to Piece-work?”, at the University of Pennsylvania Law School. She also spoke on Feb. 9 at Harvard Law School Office of Career Services, Harvard Women’s Law Association and the Alliance of Indepen- dent Feminists on “Making the Practic- e of Law Fit Your Life: Alternative Work Arrangements and Flexible Work Options”.

Joan C. Arnold, a partner at Pepper Hamilton LLP, was the monthly semi- nary guest speaker at the International Tax Institute, Inc.’s February luncheon where she present- ed on “Ethical issues facing lawyers when clients are operating in non-U.S. jurisdictions”.

Mark Momjian, a partner at Schnader Harrison Segal & Lewis LLP, appeared as a guest speaker for a Villanova Law School class seminar and lectured on issues of family law and professional ethics on Jan. 26.

Jonathan B. Spiegel, a partner at Manko, Gold, Katcher & Fox, LLP, was recently elected as a member of the Montgomery County Redevelopment Authority board for a term extending through 2010.

Albert S. Danbridge III, a partner at Schnader Harrison Segal & Lewis LLP, was a planner for “Preparation of a Disposition Agreement” at the Thirteenth Annual CLE Conference on Wills, Trusts & Estates sponsored by The Pennsylvania Bar Institute on March 30 and 31.

Charles J. Meyer, a partner with Fox Rothschild LLP, participated in the Child and Adolescent Psychiatry Resident Didactic Program sponsored by The Children’s Hospital of Philadelphia. Meyer’s presentation to fellows in the CHOP program dis- cussed the responsibilities and role of the psychiatrist/therapist in custody matters.

Carl A. Solano, a partner at Schnader Harrison Segal & Lewis LLP, served as a member of the faculty for a seminar titled, “Strategies for Drafting and Opposing Petitions for Discret- ory Appellate Review,” held at the CLE Conference Center in the Wana- maker Building in Philadelphia.

Phyllis Horn Epstein, a shareholder in Epstein, Shapiro & Epstein, PC, spoke on “Alternative Careers in Law: Opportunity or Exploitation” at the Thirteenth Annual CLE Conference “Update for Feminist Law Professors” at the University of Pennsylvania Law School on Feb. 11.


Albert Momjian, a partner at Schnader Harrison Segal & Lewis LLP, was a moderator for the program “Public Service to Compliment Your Career” at the Pennsylvania Bar Association’s Public Service Institute on March 9.

Jacob C. Cohen, a member of Cozen O’Connor, recently participated in the Third Annual CLE Conference in Columbus on March 15 and 16. He co-presented the program “An Insider’s Look at How the Pennsylvania Disciplinary Process Works: A Practitioner’s Primer.”


Charles J. Meyer, a partner with Fox Rothschild LLP, was recently re-elected as chair of the Penn- sylvania State Ethics Commission. Fry- man was appointed to the State Ethics Commission in March 1998, reappointed in March 2001, and elected to his first term as Chair in May 2002.

Kevin E. Raphael, a share- holder with Miller, Allison & Raspanti PC, spoke on “The Waldo in the Woods: The Threat of Private Payor Claims During, or After, a False Claims Act Case,” at the Pennsylvania Bar Institute’s 12th Annual Health Law Institute on March 15 and 16.

Jay A. Dubow, a partner at WolfBlock, recently presented the con- tinuing legal education course “Effe- cive Federal Pre-Trial Practice for Pennsylvania Attorneys”.

Sponsored by the National Business Institute, was held onFeb. 22.

Marina I. B. Lewis, a share- holder at Miller, Allison & Raspanti, PC, spoke at the Christian Legal Society at the University of Pennsylvania Law School on March 25.

Nadeem A. Bezar, a partner with Koblitz Gordon Robin, recently participated in the seminar for the New Jersey Institute for Continuing Legal Education on Dec. 7, 2005 titled “Nursing Home Claims: Beyond The Basics” in Jamesburg, N.J.

Michael G. Brennan, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, participated in a mock trial of an amusement ride claim and a legal roundtable discussion involving amusement industry safety experts and consultants at the AIMS Safety Seminar sponsored by the Amusement Industry Suppliers and Manufacturers Association.

Christopher J. Huber, an associate with Pepper Hamilton LLP, has been elected to the board of directors of the Greater Philadelphia Chapter of the American Civil Liberties Union.

Names Are News

“Names Are News” highlights news of members’ awards, honors or appointments of a civic or com- munity nature. Information may be sent to Jeff Lyons, Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, Pa. 19107-2911. Fax: (215) 238-1267. E-mail reporter@philabs.org.

Photos are also welcome.
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