Chancellor Jane Dalton and Shelley R. Smith, Chair of the Association’s Commission on Judicial Selection and Retention, have announced the results of the Commission’s investigation into the qualifications of candidates for Philadelphia’s Court of Common Pleas and Municipal Court in the May 15 primary election.

Dalton noted that the list of Recommended and Not Recommended candidates is still incomplete and said additional names and ratings will be announced as investigations are completed on the remaining candidates.

“We wanted to get these names and ratings out as soon as possible and invite people to learn more about how and why we rate the candidates. They can do this by visiting our Web site at philadelphiabar.org,” Dalton said.

The Chancellor pointed out that the Association’s Campaign for Qualified Judges has launched a “Voters by Jeff Lyons

Four of the leading candidates in the Philadelphia mayoral race will participate in a Chancellor’s Forum on Tuesday, April 10.

Taking part in the Chancellor’s Forum will be U.S. Rep. Chakah Fattah, Tom Knox, Michael Nutter and Al Taubenberger. The program begins with lunch at 11:45 a.m. at The CLE Conference Center on the 10th floor of the Wanamaker Building. Each candidate will have an allotted time to answer questions concerning main issues of interest to Philadelphians. During the second portion of the forum, the audience will have the opportunity to submit questions in writing on any topic. The moderator will then select several audience questions and direct them to the candidates as time permits. All declared candidates have been invited to participate in this forum. The program will be moderated by Joseph C. Vignola, co-chair of the Association’s Legislative Liaison Committee.

Fattah is serving in his seventh term in the U.S. House of Representatives. Fattah attended city public schools, the Community College of Philadelphia, the University of Pennsylvania’s Wharton School and the University of Pennsylvania’s Fels School of State and Local Government where he earned a Master’s Degree in Government Administration.

Knox, a U.S. Navy veteran, has owned, managed, and sold several of his own businesses. He served as deputy mayor for the Office of Management and continued on page 3

In This Issue ...
PRESTIGE AND PERFORMANCE. Each inspired by its own “winged B” symbol, Breitling and Bentley share the same concern for perfection. The same extreme standards of reliability, precision and authenticity. The same unique blend of prestige and performance. Whether in the Breitling workshops or in the Bentley factory in Crewe, cutting-edge technology is placed in the service of noble traditions. Symbolising this communion of ideals, Breitling participated in styling the instrumentation of the Bentley Continental models, the most powerful ever built by Bentley.

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Ten Things to Look for in a Good Judge

by Jane Leslie Dalton

“The law makes a promise – neutrality,” Justice Anthony Kennedy said. “If the promise gets broken, the law as we know it ceases to exist.”

The law’s promise of neutrality requires judges of outstanding character and integrity – mature, highly qualified public servants who bring knowledge, experience and good judgment to the bench. These are the qualities we need in judges to keep our promise to all who come to the legal system seeking justice.

What do we look for in a judge?

To begin with, a judge must have sufficient legal ability to have earned the respect of lawyers and members of the bench. By that we mean a high degree of knowledge of established legal principles and procedures and the ability to interpret and apply them to specific factual situations. Judges must demonstrate a willingness to learn new skills and knowledge essential to the performance of their judicial duties and an interest in improving judicial procedure and administration. And a judge should have trial or other comparable experience that ensures knowledge of the rules of evidence and courtroom procedures.

The ratings by the 30-member Judicial Commission follow extensive study and investigation by five-member panels of the commission’s own 120-member investigative division, which includes 40 non-lawyer members. Candidates found Recommended satisfied a cumulative review of criteria including legal ability and training, trial experience, character and integrity, judicial temperament, mental and physical capacity and community involvement. Full details can be found at philadelphiabar.org.

The following judicial candidates, listed alphabetically, were found RECOMMENDED for election to the Court of Common Pleas:

- Daniel Anders
- Linda Carpenter
- Alice Berk Dubow
- Michael Erods
- Joyce Eubanks
- Ellen Green-Creiser
- Thomas Martin
- Beverly Muldrow
- Joseph T. Murphy
- Thomas M. Novella
- J. Scott O’Keefe
- Angeles Roca
- Meredith Sgle-DeClaudio
- Sandja Weaver
- Marvin Williams
- Donna M. Woelfper

The following judicial candidates, listed alphabetically, were found RECOMMENDED for election to the Municipal Court:

- Joyce Eubanks
- Joseph T. Murphy
- Meredith Sgle-DeClaudio
- Sandja Weaver

Additional names and ratings will be announced soon.

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: Jeff Lyons, Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, PA. 19107-2911. Phone: (215) 238-6545. Fax: (215) 238-1159. E-mail: reporter@philabar.org.

Second, a judge should have a record of and reputation for excellent character and integrity. A judge’s personal and professional actions should demonstrate consistent adherence to high ethical standards. His or her integrity must be undisputed. A judge must be truthful, fair and able to disregard personal prejudices, personalities and partisan political influences so that the decisions made are based solely on the facts of the record and the law applicable to those facts.

Third, a judge must demonstrate financial responsibility, both personally and professionally. Financial responsibility means that the judge has filed proper tax returns and paid the applicable taxes. It also means there have been no judgments, liens or bankruptcy proceedings instituted by or against the judge. Financial responsibility demonstrates self-discipline and responsibility to the performance of his or her judicial duties.

Fourth, a judge should possess judicial temperament which includes patience, courtesy, impartiality, composure, fair play, humility, tact, common sense and understanding. An even temper and a well-defined sense of justice are important. Judicial temperament implies, among other things, an absence of arrogance, impatience and arbitrariness. Only with judicial temperament can a judge exercise reason free from passion.

Fifth, a judge should possess the mental and physical capacity to discharge the demanding duties of judicial office. Although good mental and physical health is required, diseases or impairments that do not prevent a person from fully performing judicial duties must be disregarded.

Sixth, a judge should have a record of involvement in public service, community affairs, pro bono activities or other volunteer efforts to improve the quality of life of others in the community. A judge should be aware of and sensitive to the diversity of the general population.

Philadelphia Court of Common Pleas President Judge C. Darnell Jones II wants to maintain the public’s confidence in the court system and decisions made by the judiciary.

“One of the things that I’ve tried to do over the past year as president judge is to be proactive. I’ve gone out to the communities; I’ve talked to people at community organizations and churches because I firmly believe in the right of the people to really know what’s going on inside their court system,” Judge Jones told members of the State Civil Litigation Section at a state of the court session on March 7.

To illustrate the court’s efficiency, Judge Jones explained that at the end of 2006, there were approximately 15,670 new filings in the criminal section and 15,036 cases were disposed of. With regard to the civil division, there were approximately 33,684 new filings and 42,000 were disposed of. “The maintaining inventory is at a manageable level,” he said. There were approximately 11,000 Orphan’s Court filings and 10,900 were disposed of. The total inheritance tax collections for 2006 were approximately $16.6 million.

Judge Jones also stressed the importance of continuing legal education and said that contribution by judges to continuing legal education benefits the entire bar. At the request of the Pennsylvania Supreme Court and the National Judicial College, Judge Jones has agreed to teach every Common Pleas Court judge how to conduct error-free capital cases because Pennsylvania is one of five states selected to benefit from federal funding. Judge Jones also spoke about the judges pro tempore program and described it as a valuable program because it provides a wealth of experience to lawyers and exposure to judges.

Another program discussed was the Judicial Education Committee, led by Judges Lisa M. Rau and Rosalyn K. Robinson. The committee sponsors approximately five judicial education sessions per month.

Judge Jones said the First Judicial District will co-host the National Judicial College in Philadelphia in May to teach judges about advanced evidence. The goal is to put Philadelphia on the map as a center for judicial education.

Also occurring in May is the voting for the selection of commissioners for the Fairmount Park Commission. Judge Jones described the selection process as “a process that invites the most qualified persons to be on that commission to make sure that the park will always be what it was intended to be when it was first created.”

The Family Court will be facing a $6 million reduction in federal funds. Judge Jones explained that this reduction will not only affect Philadelphia County but the entire nation. Judge Jones said he has petitioned the Pennsylvania Supreme Court to intercede not just at the state and city levels but also on a federal level and urges members of the bar to intercede in an attempt to restore these funds to the federal budget.

Regina Parker is an associate at Mattioni, Ltd.
Train Yourself, Panel Tells Young Lawyers

by Brian K. Sims

All attorneys need to find out what kind of super ninja lurks within them and then take responsibility for training that ninja.

Former Young Lawyers Division Chair Michael B. Hayes said lawyers must take the initiative for training “because it’s not your firm’s responsibility.” Hayes, an associate at Montgomery, McCracken, Walker & Rhoads, was a speaker at the March 6 program “Associates 101.” The program was aimed at providing associate attorneys with useful knowledge and helpful hints to navigate the sometimes murky waters of being an associate attorney.

The panel, moderated by Molly Peckman, special counsel and director of professional development for Pepper Hamilton, LLP, also included James LaRosa, president and co-founder of Juristaff, Inc.; Maini Lucre, a partner at Duane Morris LLP; and Regina Foley of Raynes McCarty.

An informal survey of attendees by Peckman revealed a diverse crowd of city attorneys, public interest attorneys and defense counsel that seemed to be split evenly between small, medium and large firms.

LaRosa spoke from the recruiter’s perspective on associate development. “One of the issues that jumps to mind first is mentorship,” said LaRosa, stressing the difference between a mentor and a manager. “A mentor is a person who helps you in personal and professional ways to deal with the stresses of working in a law firm, or practicing law. The mistake many young associates make is believing that it is up to your employer to provide a mentor. “Your firm is most responsible for finding someone who helps manage your work; that helps critique your work, and that helps you on your day-to-day assignments,” LaRosa said.

Luce, Duane Morris’ professional development coordinator, spoke about communication but stressed that all of the panel’s topics were inter-related. “In order to find a mentor you have to communicate with people; you have to get out there and be proactive. When you need a mentor, you do need to reach out to people.”

Luce added, “there’s nothing more important in your professional life than being a good communicator.” She stressed how much methods of communication have changed in the practice of law, from letters and faxes to e-mails and text messages.

“It’s so important to be careful in all of your communications to make sure that you are thoughtful about what you are saying and how you are saying it. Once it’s out there, it’s out there for all time,” said Luce.

Foley spoke about common sense and told attendees to trust their instincts. “You’ve gotten this far in your life, you’ve made it through law school, and you’ve made it into jobs. You need to trust yourself.”

“Don’t burn bridges,” said Foley. “The legal community is a small community, especially depending on the type of law you do. You are going to meet people your first year out of law school that you may encounter 15 years later.”

Foley also stressed that it is important for young associates to accept that they will make mistakes during their careers. “We are in the practice of law, mistakes will not define your success. How you handle those mistakes will.”

Foley told associates that confidence can be a key to success. “If you don’t have confidence, your employer is not going to have it in you.”

Hayes spoke about time management and told the crowd that “no matter how organized you are, or think you are, time management is something that’s going to hound you from day one of your career until the day you leave the practice.”

“Time management will go a long way to minimizing your mistakes,” said Hayes. “It’s more than getting your 8.5 hours of work in, it’s knowing where you are on your case and where those cases are going to be in the future. You have to show the partners that you work for that you have the responsibility to take on more work.”

“Everybody has their own personality and their own way to make it at a firm,” he continued. “Everyone has their own kung fu style. No firm can teach 101 different kung fu styles to each of their associates.”

“Ultimately it’s your responsibility to make your own development your own way. Find out what kind of super ninja you are and take on the responsibility of your own training and development.”

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Israel Trip Opens Door to Relationships

by Kenneth Shear

First let me tell you what this is not. It is not a full-blown report to the membership on the recent trip to the State of Israel in response to an invitation received from the Israel Bar Association. What it is, I think, are some random impressions of a trip that was unlike any other business trip taken on behalf of this Association. I am sure that the Chancellor of the Association will report fully on achievements made and positions taken regarding our activities this past month.

It’s not like I haven’t traveled on behalf of the Bar Association over the many years that I have been here. Indeed, it’s not as if I haven’t had the great opportunity to represent the Association at forums sponsored by the American Bar Association or other state and local Bar Associations across the country. Moreover, it’s not as if I haven’t had the opportunity to attend meetings on behalf of the Association even in other countries. I have – and for the most part, enjoyed these opportunities immensely.

Yet the Israel trip stands as unique. It begins with an overall motif of the Israel Bar extending an unsolicited invitation to us to come over. That motif expanded while we were there to an atmosphere of, “how pleased we are that you took the time and expense to come over and see us.” An attitude of warmth and gratitude pervaded the entire time we were being hosted by the Israel Bar extending an unsolicited invitation to us to come over. That motif continued, as well as members of the Association being instant, with e-mails and voice mail messages for public reporting of political contributions in their primary elections; this Bar Association was warmly received, and indeed, made news in the March 8 edition of the English version of one of its newspapers regarding our input.

Believe it or not, the State of Israel is a country with 34,000-plus lawyers – probably the highest per capita lawyer population in the world. Yet, it functions without a formal constitution. It seems to recognize that it is emerging from its adolescence as a state into its maturity as a member of the community of nations. Governmental representatives, as well as members of the Bar, constantly used a refrain to discuss their system as being beholden to the rule of law. They fully recognized the import of having officers of the Philadelphia Bar Association standing alongside of them. References were made to the actions that took place in this city 200 to 225 years ago. It was apparent that a strong desire was there to forge a partnership with us and with our members in order to have a mutually beneficial expansion of economic opportunities.

We left with promises to grow this relationship. From our perspective, we came away with a firm sense of continuing our involvement in what author Tom Friedman refers to as a flat world, and the fully integrated global economy. With communications being instant, with e-mails and voice technology going constantly on a 24/7 basis, this Association continues to seek ways to focus on the future and expand the economic opportunities for its members. This trip, I am convinced, greatly aided in that effort.

Israel is concentrating its exports in technology, agro and pharma. Its Bar Association knows that Philadelphia is home to some of the great lawyers helping to expand these types of businesses for its clients. Our aim in taking this trip was to aid in paving the road for these relationships to be made. In my view, giant steps were taken and more is yet to come.

Kenneth Shear is executive director of the Philadelphia Bar Association.
The Association’s 28th Annual 5K Run/Walk returns to Martin Luther King Drive on Sunday, May 20. Proceeds from the event will benefit the Support Center for Child Advocates. The 5K race features a number of competition divisions: open-individual, Bar Association members, company teams, legal teams, and male and female divisions. Runners also are divided into the following age groups: 13 and younger; 14-16; 17-19; 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 older. Awards are presented to the top three finishers in each division. Runners may also participate in a separate competition featuring legal and corporate teams. For information about the team competition, contact Michael Berkowitz at (215) 567-2010, ext. 132.

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 $40 if applications are postmarked by May 16. Registration on the race day is $50.

In addition to the 5K run, a 5K walk begins shortly after the start of the run for those individuals and families who want to participate in this important cause. Individual walk registration is $20, and family registration is $60.

Registration Now Open for May 20 5K Run/Walk

The directors of the race are Manny Pokotilow, Tom Bell, Eric Marzluf and Michael Berkowitz.

More than 800 runners and walkers took part in the 2006 5K Run/Walk that raised more than $100,000 for the Support Center for Child Advocates.

To register for the 2007 Philadelphia Bar Association 5K Run/Walk, visit active.com.
Women’s Advocates Outline Issues for City’s Next Mayor

by Michael J. Carroll

The Civil Rights Committee benefited from a century of collective experience of panel members who spoke of women’s policy issues that should be addressed by the next mayor.

Participating in the March 12 Women’s History Month presentation were:

• Carol Goertzel of PathwaysPA, talking about education and training needed to lift women and their children out of poverty, as well as the inadequate commitment presently made to address the need.

• JoAnne Fischer, of the Maternity Care Coalition, speaking about the chaotic profit-driven medical system that has failed women, especially poor and minority women.

• Carole Johnson, of Women Organized Against Rape, outlining the overwhelming needs of sexual assault victims and the serious and growing shortage of resources committed to assist victims and confront the problem.

• Cynthia Figueroa, of Women Against Abuse, noting the absence of discussion of the plight of victims of gender violence, the lack of funding to help them, and the inadequate coordination among the courts and other institutions charged with the task of intervening and helping.

• Anne Schwartzman, of the Pennsylvania Prison Society, describing a prison system that jails increasing numbers of women, absorbs an ever larger share of society’s resources, and squanders them in irrational, avoidable ways.

• Jennifer Dickson Keith, of Women’s Death Review, explaining how her organization brings to light ugly truths of how too many women die in Philadelphia from the most unnatural of causes.

The speakers gave numbers, awful numbers relayed for the hundredth, maybe the thousandth time — too many women in poverty and all the evils that travel with poverty; too many women and children abused and raped; too many uneducated and undereducated; too many women in prison with their numbers growing; no jobs or dead-end jobs with no benefits, no health insurance, no sick days; closing hospitals and opening prisons. The numbers were shocking and they shocked further through their waning ability to shock society.

It has become fashionable in recent years to mouth: “You can’t solve the problem by throwing money at it” as the purported last word in realistic policy discussions. A kernel of truth might lie within the phrase but it is wrapped in a greater falsehood, a misleading message that money spent for social purposes is almost by definition money wasted. The speakers through years of work have shown that serious social problems can be addressed if there is a commitment of adequate resources. Resources include competent leadership and dedication, but also include sufficient money commensurate with the size and scope of the problem.

The program was a reminder that there have been at least two types of great historic crimes against peoples and groups, one being the active destruction of human beings by gathering them and killing them. The other being the more subtle destruction by denying the essentials of life. The panelists outlined the destruction of women’s lives by active and passive means, subtle and not.

In the same steady ways — large and small — that the panelists have waged the battle to arrest and reverse this destructive course over decades, they looked ahead to the mayoral race as one more means to move forward.

Michael J. Carroll is co-chair of the Civil Rights Committee.
The Philadelphia Bar Association has announced the Fifth Annual Legal Writing Competition in honor of the Hon. Ruth Bader Ginsburg, Associate Justice of the U.S. 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.

This competition is open to full- and part-time law students who are in their second or third year of study during the 2006-07 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 and 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, on 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 Bar’s October Quarterly Meeting, at which time the award will be presented.

Mail entries to the Judge Ruth Bader Ginsburg “Pursuit of Justice Legal Writing Competition,” c/o Dawn Burger, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107-2911. The deadline for entries is Monday, April 30.
Welcoming New Citizens

U.S. Magistrate Judge Luis Felipe Restrepo greets new American citizens at a March 22 naturalization ceremony as U.S. District Court Judge Juan R. Sanchez looks on. Judge Restrepo is a naturalized citizen from Colombia. Sheryl A. Axelrod spoke on behalf of the Bar Association at the program, which featured 95 people from 32 nations taking the oath of citizenship.

LPM Hotline Can Help Improve Your Practice

The Association’s Law Practice Management Division offers committees with programs to help you manage your law office as well as a hotline to help you with staffing, bookkeeping and other issues. Contact the Law Practice Management Hotline at (215) 256-6514.

The Law Practice Management Division is offering programs designed to help members in many different areas. The division is chaired by Joseph A. Prim Jr. and Carl G. Roberts. For more information on any of these subcommittees, contact the committee chairs listed below:

- Vendor and Consultant Referral Program Committee – Mary Platt at mplatt@mmwr.com and Marla A. Joseph at mjoseph@workcomppa.com.
- Financial Management Committee – Joel D. Feldman at jfeldman@anapolschwartz.com and Thomas A. Brophy at tbrophy@mdwg.com.
- Technology Committee – Carl G. Roberts at cgroberts@ballardspaht.com and Daniel J. Siegel at dani@danisiegel.com.
- Business Management Committee – Margaret Klav at mklav@bernerklaw.com and Jeffrey A. Lutsky at jlutsky@stradley.com.
- Marketing Committee – Merritt A. Cole at mcole@whiteandwilliams.com and Harper J. Dimmerman at harper@harperlawgroup.com.

If you need help with staffing, bookkeeping or developing your Web site, we have the consultants to assist you! Contact the Law Practice Management Hotline at (215) 258-6514.

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Video Podcast Now Available

The Philadelphia Bar Association is offering its first video podcast this month, an exciting new addition to its already robust audio podcast library.

The featured video podcast is Richard Dreyfuss’s keynote speech from the March 26 Quarterly Meeting.

The video podcast can be downloaded onto a video iPod or similar video player. It’s just as easy as adding an audio podcast:

- Go to Apple iTunes store.
- Enter “Philadelphia Bar Association” in the Search bar. A library of the Bar Association’s podcasts appears.
- Go to “Major Events.”
- In the menu of Major Events podcasts select the “Quarterly Meeting” video file and click “Get Episode.” This will download the video podcast into the iTunes podcast library on your computer.
- Connect your iPod or similar video player to your computer.
- Under the podcast menu select the “Quarterly Meeting” video file.
- Click Update. That’s it – the video is ready to watch in the palm of your hand.

For those who already subscribe to the Bar Association’s Major Events podcast series, the video will automatically appear in your updated podcast library.

Look for more video podcasts of major Bar Association events in the future.

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Corporate Counsel Explain Outside Selection

by Eric C. Milby

When it comes to selecting outside counsel, corporations look for the best lawyer in the field regardless of the size of the firm, a pair of corporate counsel told members of the Business Law Section and Business Litigation Committee.

The panelists for the March 5 program “How to Better Serve Your Corporate Clients” were John R. Mesher and Stanley Wang.

Mesher has been the general counsel and senior vice president of Saint-Gobain Corporation, the U.S. and Canadian operations of France’s Compagnie de Saint-Gobain, since 1997. Saint-Gobain employs about 25,000 people and has seen its annual revenues grow from approximately $1.5 billion to $8.5 billion since Mesher’s arrival. His in-house department consists of approximately 23 attorneys and support staff.

Wang said that when he hires outside counsel, Comcast president Brian Roberts always asks him, “is this the best lawyer in the field?” That is the principle by which Comcast is guided. Comcast looks at the expertise and experience of the particular lawyer to find the best person for the job in each particular region and specialty.

Mesher and Wang prefer to have one “relationship partner” in each firm who serves as their primary contact person on all matters. Wang said he wants to know everything involving a legal matter once outside counsel is hired. He will review every piece of information that is sent to him down to the smallest detail, viewing it as his job. Mesher expects his in-house lawyers to handle legal matters in that geographic region. “It all works,” Wang said.

Mesher noted that the size of the firm is important when the matter is a large transaction or national litigation. Mesher likes to use firms with some international recognition because his company is based in Paris and this gives some assurance to the home office. Mesher noted that he hires the lawyer and not the law firm and many times the right lawyer for a particular matter might be in a three-person firm. Wang said that when he hires outside counsel, Comcast president Brian Roberts always asks him, “is this the best lawyer in the field?” That is the principle by which Comcast is guided. Comcast looks at the expertise and experience of the particular lawyer to find the best person for the job in each particular region and specialty.

Both companies diligently negotiate fee arrangements and were content with hourly billing. Mesher and Wang both said that budgeting is very difficult on legal matters and is not common. They said firms should show time that is written down on their bill. Firms often write down excessive time or “learning time” but it is very rarely shown as a “no charge” item on the bill and the firm loses the goodwill associated with that gesture.

As for billing guidelines, Wang explained that their initial engagement letter sets out the working lawyers, the rates, and what other charges can be included on the bill. Saint-Gobain has very elaborate billing guidelines. Mesher does not like charges for overnight delivery because anybody can scan and e-mail documents. Wang does not like overnight charges for “Saturday delivery” because they are rarely in the office on Saturdays.

When asked at the end what pearls of wisdom the panelists could offer to the audience, they agreed, “no more fruit baskets!”

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Eric C. Milby, a shareholder with Landy, Fitter, Biddle & Berger, P.C., is treasurer of the Business Law Section.
Young Lawyers Division Annual Meeting

Nochumson Focuses on Events for Members

by Jocelyn Gabrynowicz Hill

Young Lawyers Division Chair Alan Nochumson plans to build on the successes of 2006 by offering a wide array of programs and events that will attract more members of the division to Bar Association activities.

Speaking at the YLD's Feb. 21 Annual Meeting at the Doubletree Hotel, Nochumson thanked Immediate-Past YLD Chair Michael B. Hayes for his leadership in 2006. “Mike’s commitment to the legal community and to the Bar Association is an inspiration to all of us,” he said.

Along with YLD signature events such as Comedy Night and Summer in the City, Nochumson told members to be on the lookout for the new Live Lunch and Learn series, as well as the much-anticipated LawyerPalooza – a concert for lawyers by lawyers.

Nochumson, who recently started his own firm, Nochumson P.C., said “I was lucky to have a network of attorneys and professionals to lean on for guidance. Many of our members are not as lucky.” To serve that need, the YLD will host a luncheon series titled “Live Lunch and Learn.” In this 2007 luncheon series, the YLD is partnering with other bar association committees and Philadelphia organizations to address the practical concerns attorneys face as their careers progress.

“We, as a Division and as a Bar Association, also must do a better job of being engaged as Philadelphians,” he said. The YLD will continue to host its nationally award-winning program, Philadelphia 2020, as a way to educate members about issues of regional economic and political concern.

“Members of the YLD are our future business, political and civic leaders. We as a city cannot afford for our future leaders to be unengaged, uninformed, or apathetic,” Nochumson said.

During the luncheon, the YLD recognized two individuals and one organization for their contributions to the YLD and the community.

The YLD awarded Immediate-Past Chancellor Alan M. Feldman, a former YLD chair, with the F. Sean Peretta Service Award for his “Raising the Bar” campaign. The award is presented annually to an individual who has made unique or innovative contributions to the community. Raising the Bar raised nearly $1.5 million for the Philadelphia Bar Foundation and changed the face of charitable giving in the legal community.

Thomas A. Spratt Jr., an associate at Pepper Hamilton LLP, was presented with the Craig M. Perry Service Award. This award is presented annually to a young lawyer who has devoted time and energy to community-oriented activities, including pro bono and charity work. Spratt is a dedicated volunteer for the Community Bankruptcy Assistance Project. Since the 2005 reform in bankruptcy laws, CBAP has been instrumental in helping people survive financial hardship. Spratt also volunteers for Philadelphia VIP.

The YLD Vision award was presented to LexisNexis for its support and promotion of YLD programs, such as the YLD Summer in the City event.

Jocelyn Gabrynowicz Hill, law clerk to Philadelphia Court of Common Pleas Judge Mark J. Bernstein, is secretary of the Young Lawyers Division.
Everyone Can Be a Leader, Martelli Tells YLD

by Heather J. Holloway

Do you dream? Do you have an ego? Can you listen and act? Do you like to be alone? Are you organized? Do you get excited about a task? If your answer is “yes” to any of these questions, St. Joseph’s University men’s basketball coach Phil Martelli says, “You’re a leader.”

Everyone does and must lead, Martelli said during his keynote remarks at the Feb. 21 Young Lawyers Division Annual Meeting. Noting the importance of a dream, Martelli recalled his dream of coaching the St. Joseph’s team. As a child, he shared this dream, even though he had no idea what the job would entail. Asking, “what is your dream and whom have you shared it with,” Martelli cautioned against concerns that you may not be able to achieve your dreams and instead focused on the importance of recognizing and voicing your dream.

Martelli said you also need an ego and told the story of his daughter’s run for an eighth-grade student council position. When she made it to a runoff against a boy in her class, Martelli’s daughter advised her father that she was going to vote for her opponent, despite the fact that she did not believe that her opponent was the best person for the position. When he learned that his daughter’s intention was motivated by concern that she may be subjected to harassment and criticism from other boys in the class if she prevailed, Martelli suggested that his daughter vote for the best person. When his daughter reported that she won the race by one vote, Martelli never asked for whom she voted but rather expressed his hope that her ego was large enough to allow her to vote for herself.

Listening and acting are also important, but Martelli cautioned that leaders also have a responsibility to encourage others and sometimes must act alone. Recalling the success of his 2003–2004 team, Martelli noted that the most successful team members were able to lead while acting alone. These players would often practice alone, in the middle of the night. Energy and excitement also make a leader – if you are not excited and motivated by your task, why do it at all? While a leader must be a doer, he or she also has to believe that they are capable of doing, the result is greater than they could ever have imagined.

Finally, Martelli spoke about the importance of organization. Recalling his first practice as a high-school basketball coach, Martelli noted that he taught his team everything he knew about the game during the first practice. That was the only season of his career during which his team did not make the post-season. Shortly thereafter, a friend asked him for his daily or weekly practice plan. When he advised that he had none, he was told that this omission was the reason for his failure. He now credits his ability to create a plan for the season as a part of his success as a leader.

Martelli closed with words of caution. “The success of a group assures the success of an individual. It is never ever the other way around.” St. Joseph’s University basketball coach Phil Martelli told members of the Young Lawyers Division at the YLD Annual Meeting on Feb. 21.

Web check

To access the new YLD blog, visit philadelphia.wordpress.com

A new window will appear with a comment form at the end of the post. 1. Enter your name and an e-mail address – which will not be published. 2. Type in your comment and click “Submit.” It’s as simple as sending an e-mail. (There’s also a handy “Help” link at the top of the blog’s homepage that will address any technical questions.) After adding a comment, check back to see if others responded, and – just like that – a lively dialogue has begun.

Brett Schaeffer is Web editor for the Philadelphia Bar Association.
Ty Barnett to Headline YLD Comedy Night

by Brian S. Chacker

As busy professionals in the legal community, we frequently get caught up in the stresses of our daily professional lives, including the demands of billable hours, the responsibilities of representing our clients, the pressures of making partner and the building of our reputations. It is easy to forget that there is more to life than just work.

Last year, to help remind us of the need to balance social life with work life, the Young Lawyers Division of the Philadelphia Bar Association decided to try something new — a Comedy Night. The Comedy Night was huge success.

The Comedy Night was huge success, featuring Christian Finnegan of VH1’s Best Week Ever and local comic Anton Shuford as the opening act. Most importantly, it raised more than $25,000 for the Philadelphia Bar Foundation.

This year, the YLD is going bigger, with bigger name talent. This year’s Second Annual Comedy Night will take place on Saturday, May 12, 2007 from 7 to 11:30 p.m. at the Academy of Natural Sciences, located at 19th and the Ben Franklin Parkway. The entire event will be open bar and will include heavy hors d’oeuvres. It will feature comedian Ty Barnett, who was the runner-up in last season’s NBC hit, “Last Comic Standing” Further, he has appeared on the “Tonight Show” and “The Late Late Show with Craig Ferguson.”

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LAW WEEK

Continued from Page 13

are coordinated by the Association’s Young Lawyers Division with the help of scores of lawyer-volunteers. The YLD Law Week chair is Scott P. Sigman.

The following is a schedule of Law Week activities:

Monday, April 30

Monday kicks off a weeklong series of visits to Philadelphia school classrooms by volunteer lawyers with the Lawyer in the Classroom program. As part of this program, lawyers will visit different schools throughout the week to address students’ concerns about the law and the legal issues that affect them as they enter adulthood, and answer questions about the legal profession.

Tuesday, May 1

A naturalization ceremony welcoming dozens of new United States citizens will be held at the U.S. Courthouse, 6th and Market Streets in Philadelphia, at 10:30 a.m. The winner of the Edward F. Chacker Essay Contest will also read his or her essay.

Wednesday, May 2

At lunchtime, dozens of Philadelphia attorneys will gather to provide free, in-person legal advice at a Law Fair, from 12 to 2 p.m., at The Gallery at Market East in Center City. Attorneys will provide answers to legal questions on a broad range of topics, including landlord/tenant law, divorce and child custody matters, estate planning, real estate law and employment law.

Also on Wednesday, free legal advice will be given to those who call the LegalLine hotline. From 5 to 8 p.m., area residents can call lawyers at (215) 256-6555 and have their legal questions answered free and confidentially. The lawyers will staff a phone bank at Bar headquarters, 1101 Market St., 11th floor.

Thursday, May 3

The First Judicial District and Pennsylvanians for Modern Courts will sponsor the 8th Annual Juror Appreciation Day at 8:30 a.m. in the Criminal Justice Center’s Jury Assembly Room on the first floor to recognize the crucial public service performed by local citizens who respond to jury duty.

Friday, May 4

Volunteer attorneys and judges pair with high school students and “show them the ropes” of their jobs by taking them to their offices and into the courts during the Lawyer for a Day program. Several city courtrooms will be open to allow the participants to observe the proceedings. The students will meet the lawyers and judges at the Bar Association at 8:30 a.m., and all participants are invited back to the Bar Association at 12 p.m. for a concluding lunch, during which students will recount their experiences and hear from various speakers including a keynote address by Philadelphia Court of Common Pleas President Judge C. Darnell Jones II and his daughter, FOX 29 morning anchor Shenelle Jones. For additional information, visit philadelphiabar.org.

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The average income of a client with a family of four is just $24,000, placing them below the poverty level. Why then are so many of Philadelphia’s poor obtaining mortgages and home equity loans with monthly payments that exceed their income? The answer is simple – the predatory lending practices of sub-prime lenders. As a result, CLS is facing a significantly higher volume of foreclosures. While foreclosures have always existed, the causes are changing. At one time, the Consumer Law Unit of CLS worked with individuals faced with losing their homes due to a sick family member or a lost job. Now, many are walking into the office facing foreclosure because of home equity loans or mortgages they simply could not afford and for which they should never have qualified.

For example, Mary Smith lived in her home for more than 40 years. Elderly and bedridden, she was living off her Social Security income and pension. A relative needed $2,000 for a family of four is just $24,000, placing them below the poverty level. Why then are so many of Philadelphia’s poor obtaining mortgages and home equity loans with monthly payments that exceed their income? The answer is simple – the predatory lending practices of sub-prime lenders. As a result, CLS is facing a significantly higher volume of foreclosures. While foreclosures have always existed, the causes are changing. At one time, the Consumer Law Unit of CLS worked with individuals faced with losing their homes due to a sick family member or a lost job. Now, many are walking into the office facing foreclosure because of home equity loans or mortgages they simply could not afford and for which they should never have qualified.

For example, Mary Smith lived in her home for more than 40 years. Elderly and bedridden, she was living off her Social Security income and pension. A relative needed $2,000 for a mortgage company, but the lender arranged a loan for $40,000, not $2,000, and showed up at Mary’s bedside to get her to sign the loan agreement. Including taxes and insurance, her mortgage payment was more than half her monthly income. As Mary did not understand what had transpired, she did not make any payments on the loan, foreclosure proceedings were instituted, and a judgment was entered against Mary. Her home was scheduled for a sheriff’s sale.

At the time, Mary’s care was overseen by the University of Pennsylvania’s Living Independently for Elders (LIFE) program. Fortunately for Mary, her social worker discovered the sheriff’s sale notice and called the predatory lending hotline, “Don’t Borrow Trouble,” operated by Philadelphia Legal Assistance (PLA). The social worker was immediately referred to a consumer law attorney at CLS.

Together, the consumer law attorney and the LIFE social worker collected Mary’s documents. Ten days later, after meeting with Mary at her home, the CLS attorney submitted an emergency petition to stop the sale. With the help and skill of CLS, she was able to keep her home and a settlement is being worked out.

In addition to obtaining legal remedies for individuals like Mary, CLS also works on behalf of large classes of individuals being adversely affected by predatory lenders and others. In 2005, CLS filed a class action against a national mortgage servicing company that resulted in the dismissal of more than 1,200 foreclosures in Pennsylvania. The homeowners then had the opportunity to seek mortgage assistance from the Pennsylvania Housing Finance Agency and many were able to keep their homes.

Not only does CLS perform commendable work for their clients, but their attorneys and staff work hard to change local and state regulations that ultimately make an economic difference for those in our community. Whether it is helping to set up a day care program for women making the transition from welfare to work, providing a language access program to immigrants or saving a home from foreclosure, CLS holds a vitally important place in making Philadelphia a better place to live and work. The agency has a staff of 105 attorneys, paralegals and administrative personnel who are all truly dedicated to solving the legal problems of the disadvantaged in Philadelphia.

With more than 15,000 walk-ins per year, the agency is still only meeting the needs of 20 percent of those in need. No one, however, leaves the CLS office without some form of advice or a referral. The Philadelphia Bar Foundation supports Community Legal Services through grants made possible by campaigns, special events and your individual contributions. We hope you will help us to support the wonderful work of CLS and all our grantees and be receptive to our calls and letters. If we all contribute just a small amount, we can make a significant difference in the lives of so many.

Elaine Rinaldi, a partner at Cozen O’Connor, is president of the Philadelphia Bar Foundation. Her e-mail address is Erinr@cozen.com.
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More Diversity Work to be Done, Panel Says

by Shelley R. Smith

Though progress has been made, minority lawyers have yet to achieve the sense of professional comfort they perceive among their majority counterparts, a panel of minority bar leaders has concluded.

Nearly 100 people attended the Feb. 28 panel discussion meeting of the Minorities in the Profession Committee. The panelists focused on what is being done to expand opportunity within Philadelphia’s diverse legal community.

On the positive side, the panelists—Grace Manno, president of the Asian American Bar Association of the Delaware Valley; David Games, president of the Barristers’ Association of Philadelphia; Theresa Rodriguez, vice-president of the Hispanic Bar Association of Pennsylvania; Reetu Dandora, president of the South Asian Bar Association of Philadelphia, and Barbara Simmons, president of the National Bar Association, Women Lawyers’ Division—acknowledged that participation in the Bar Association by minority lawyers had increased.

The Bar’s sponsorship of diversity forums and of the activities of the Minorities in the Profession Committee has encouraged the greater involvement of minority lawyers.

So, too, has the inclusion of minority representatives on the Bar’s Board of Governors and such major Bar committees as the Commission on Judicial Selection and Retention. The Bar’s 1995 Statement of Goals for the hiring and retention of minority attorneys, signed by more than 50 Philadelphia legal employers, underscored the Bar’s commitment to addressing the disadvantages confronted by its minority constituents.

Clear from the audience reaction, however, was the concern that despite these efforts, minority lawyers still seem unsure that Bar involvement intrinsically enhances their quest for professional success. Attendees asked the Bar Association to spotlight and reward corporate policies that give law firms economic incentive to hire and retain minority lawyers. Lawyers in smaller and solo practices observed that the Bar’s diversity efforts target minority lawyers in large firms at the expense of their counterparts in other practice settings. One minority partner in a majority law firm noted the difficulty in attracting a portion of the business dedicated by corporations to “minority” firms, a problem confirmed by a corporate in-house counsel who acknowledged that this segment of the community can slip through the cracks of corporate diversity policies that set aside percentages of business for “disadvantaged” firms as traditionally defined.

The forum’s recurring theme was the frustration that the conversation about diversity is itself becoming disturbingly redundant. Years of explicit commitment by the Bar Association seem not to have had deep substantive impact on the legal profession at large, where minority lawyers are now hired more aggressively but still find long-term success elusive without the requisite mentoring and practice development. “We had these same discussions 20 years ago when I first became a lawyer,” said Chancellor-Elect A. Michael Pratt.

At the very least, Pratt’s comment suggests that current Bar leadership will not be satisfied with the diversity status quo. Pratt, Chancellor Jane Dalton, and Vice Chancellor Sadye Ladov have been united in expressing their determination to achieve meaningful progress in the immediate future.

Shelley R. Smith is of counsel at Ballard, Spade, Andrews, & Ingersoll, LLP.
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FORUM

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and Productivity under former Mayor Edward G. Rendell.

Nutter spent nearly 15 years as a member of Philadelphia City Council. He has also served as Democratic Ward Leader of the 52nd Ward since 1990 and has served as chairman of the Pennsylvania Convention Center Authority Board since 2005.

Taubenberger, the lone Republican in the race, is president of the Greater Northeast Chamber of Commerce.

The program is co-sponsored by the Criminal Justice Section and Young Lawyers Division, the Barristers’ Association of Philadelphia, the South Asian Bar Association, the Asian American Bar Association of the Delaware Valley, the Hispanic Bar Association and the National Bar Association Women Lawyers Division.

FRONTLINE

Continued from Page 3

community and be part of the broader community.

Seventh, increasingly, judges need strong administrative skills to balance the demands of long court lists and complex litigation. Effective administrative skills are necessary to dispose of cases within reasonable time limits without sacrificing the legitimate needs of individual litigants or their counsel.

Eighth, a judge’s professional life should demonstrate efforts to improve the quality of justice for all citizens. Such efforts might include, among others, active participation in the work of local, state or national professional associations and organizations.

Ninth, a judge should demonstrate sound judgment in his or her professional life. This means reliability, diligence, perseverance, common sense and attentiveness. A judge should possess good work habits and the ability to set priorities in relation to the importance of the tasks to be accomplished.

Finally, a judge must always be faithful to what Learned Hand called “the spirit of liberty.” Hand said that “the spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias.”

Only when it embraces this spirit of liberty can the law exercise true neutrality. That depends on good judges. And that is why the Bar Association identifies the most qualified candidates to recommend for judicial election and retention and why we would all do well to follow those recommendations and urge others to do the same. Only in that way can we make the right choices when we vote in the primary election on May 15.

Jane Leslie Dalton, a partner at Duane Morris LLP, is Chancellor of the Philadelphia Bar Association. Her e-mail address is chancellor@philabar.org.

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**Women in the Profession Committee**

**Judges Stress Need for Confidence**

*by Ria C. Momblanco*

Preparation, confidence and knowing how to play fair are key strategies for effective advocacy, three women judges told members of the Women in the Profession Committee at a recent meeting.

The panel on "Judicial Tips for Effective Advocacy" featured U.S. District Court Judge Cynthia M. Rufe, U.S. District Court Magistrate Judge Linda K. Caracappa and Philadelphia Court of Common Pleas Judge Marlene F. Lachman at the committee's Feb. 27 meeting.

Judge Rufe emphasized that when it comes to advocacy, confidence and preparation are critical factors. "It's the confidence that impresses people with your arguments," said Judge Rufe. It is important to remember that grooming, personal style, demeanor, and verbal and non-verbal communications each contribute to how others perceive you. "You need to communicate confidence and conviction in who you are, who you represent, what you represent, and that you've got it all together."

Preparation is part of the key to gaining and exuding confidence in your arguments. "Your preparation is what wins the case, your preparation is what puts confidence in you, and then your preparation on the law, on the facts, on the rules ... makes you a winning attorney," Judge Rufe said.

Judge Caracappa advised that good advocates practice good sportsmanship. We could probably learn a few lessons from Little League baseball where "knowing how to win and how to lose" is important, she said, and "understanding before the game even starts in little league baseball, that one side will lose today. Losing is part of the game." This translates into refraining from the urge to win every argument, especially when those arguments will probably have little or no impact on the outcome of the case.

According to Judge Caracappa, it is also important for attorneys to remember not to "mother" their clients. Instead, attorneys should give clients a fair and realistic evaluation of the case based on sound research and analysis. Judge Caracappa also advised against engaging in an argument with the judge. She acknowledged that while there is probably no such thing as a perfect trial, judges strive to give each party the fairest trial possible.

Judge Lachman recommended that an advocate should always try to get a realistic picture of how he or she is perceived by the judge, jury, opposing counsel and colleagues. She suggested asking for advice from a harsh but honest critic, such as a teenage family member.

With respect to trial advocacy, Judge Lachman noted that advocates have the important role of educating the jury about their client's case. Because of this, lawyers should be prepared to define uncommon terminology and to explain issues in a manner that makes it easy for laypeople to understand. She recommended using visual aids to help the jury in the education process. Even something as simple as a chart that outlines the testimony of a fact witness can be an effective and persuasive tool.

All three judges agreed that when presenting an argument, it is best to address the court and others with respect and to avoid theatrics. Jurors and judges often see through posturing and overstated arguments, and they can be put off by inappropriate facial expressions or subtle personal attacks on opposing counsel. Young lawyers who find themselves on the receiving end of comments or behavior that is meant to intimidate or undercut their performance should resist the urge to return like with like. The best response is to bring the focus of the discussion back to the litigation issues at hand and to react in a professional manner.

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**SUNAH IN THE CITY**

**Know Where to Find Lawyers**

*by Sunah Park*

On a recent flight, a flight attendant announced, "Is there a doctor on board?" My first reaction was, "Oh no, are we going to have to make an emergency landing (i.e., my trip is going to be delayed)?" My second thought, which I shared with my companion, also a lawyer, was, "Why don't they ever ask if there's a lawyer on the plane?"

Of course, I was joking – I doubt anyone would announce that question on a plane. But I do know that people have conversations on planes where eventually someone asks the person next to them if they know a good lawyer.

Growing up, I never knew any lawyers. I never met one until I worked at my family's Center City restaurant in the early 1990s. More than half of the customers were lawyers. But when we were launching our business, we didn't know a single lawyer we could ask for help. We ended up hiring a lawyer who was the husband of a woman my sister worked with at Reading Terminal Market. Later on, we hired another lawyer based on the recommendation of our sous-chef. I went to law school in large part because I got tired of paying our lawyers (and because the restaurant closed due to a lease that basically had us working for the landlord).

One of the benefits of my being a lawyer and being involved in the many bar associations is knowing plenty of lawyers. In fact, I know plenty of good lawyers. If I had known some of these lawyers back when my family was starting our restaurant, maybe the restaurant would still be running. But considering those three years were the hardest years of my life, I am glad I did not know these lawyers back then. For now, I consider myself very lucky that I have a considerable network of peers and colleagues whom I could refer to if anyone ever asks me on a plane if I know a good lawyer. And I can always suggest the Bar's Lawyer Referral and Information Service as well.

And by the way, my third thought after that announcement was, "Gezz, I hope the person is OK."

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**FJD to Honor Pro Bono Work April 24**

The First Judicial District's Pro Bono Committee will hold its second event to honor attorneys for their pro bono work on Tuesday, April 24 in Room 635 of Philadelphia City Hall.

The committee's mission is to create and promote a culture of pro bono service in Philadelphia's Legal Community. The April 24 event begins with a panel discussion on pro bono services and the First Judicial District and will be followed by a brief reception in the BonavitaCola Law Library. Those attending the panel discussion will be eligible to receive 1.5 hours of continuing legal education credits. The reception will include a presentation of certificates to these attorneys, along with lapel pins designed to signify their contributions.

To be included on the First Judicial District's Roll of Honor, an attorney must have been in private practice, not employed by an organization that provides free legal services, must have rendered the service to a low-income client without any fee (or expectation of fee), and must have rendered the legal services to the First Judicial District. Submissions for inclusion on the 2006 Roll of Honor concluded Jan. 12.

All members of the 2006 Pro Bono Roll of Honor are invited to attend this event for free, and should RSVP to Karen Blackburn at Karen.Blackburn@courts.phila.gov. This event will cost $75 for attorneys who are not members of the Judicial Pro Bono Roll of Honor ($59 for attorneys admitted for less than five years). Paying registrants may register online at www.pbi.org, or by calling PBI at 8000 952-4637.
**Book Review**

**“Evidence” a Must for Litigators**

2007 Edition of Pennsylvania Rules of Evidence by Judge Mark I. Bernstein, 1,047 pages, $100 (includes free online updates), Gann Law Books

Reviewed by Michael H. Gaier

Leafing through the 2007 Edition of Pennsylvania Rules of Evidence, with Comments and Annotations by Philadelphia Court of Common Pleas Judge Mark I. Bernstein, it is clear that Judge Bernstein is passionate about trial advocacy and knows evidence. Even though the text is 1,047 pages, the book is easy to use, reads well and looks authoritative on counsel’s table. This book is a must-have for any litigator’s library.

Whether the judge prepared the book for judges or for lawyers is hard to say. Counsel will find answers quickly and, with plenty of authority to cite, no matter on what side of the aisle they stand. The thousands of opinions cited are done in an accessible, easy-to-read summary-of-the-case fashion, giving lawyers a one-stop source for support for proper rulings.

Its real value, however, comes from the fact that nearly every Commonwealth Court judge in the commonwealth uses the book. It is not uncommon to be called to a sidebar conference as the trial judge starts leafing through a dog-eared copy of Judge Bernstein’s book, the same one you’ve got in your hands, with notes and annotations.

Oscar Snubs, Part II – The Sequel

So many nice people have come to life over the article written about people who did not get Academy Awards that an additional article seemed due on the subject of no winners. Of course, there are many artists who never got close to nominations and who have been submerged in public history. Brother Martin, a grizzled western star, most famously drewl out the line, “What we have here is a failure to communicate” in the 1967 film “Cool Hand Luke.” The phrase, which survived the film, became a codeword for the generation of protest.

The Oscar oddity of the age was photographer Hal Mohr, the only person who ever got a competitive Oscar without having been nominated for one. He was the artist who photographed the Max Reinhardt production of Shakespeare’s “A Midsummer Night’s Dream” in 1935 for Warner Bros. If anyone ever deserved an award for their work it was Mohr. Reinhardt was the outstanding stage director of the time in Europe. He came to America at the insistence of Hitler. Warner Bros. hired him to direct a prestigious film and lined up an all-star cast for this unique Mickey Rooney was an excellent Puck, James Cagney played a hilarious Bottom and Joe E. Brown, Olivia De Haviland, Dick Powell and Victor Jory, among others, rounded out a distinctly American cast who did a splendid job in making this production work.

Mohr, at Reinhardt’s direction, gave the black-and-white film an evocative showing, using light and reflection to evoke color where there was no color product. The texture of the cinematography remains remarkable to this day. Mohr was not nominated and Jack Warner convinced voters to write-in Mohr, who was voted an award for his work.

Kirk Douglas, who was nominated three times but not for his best work in “Detective Story” or “Paths of Glory), broke the back of the shame- ful blacklist and appeared in numerous significant films in a distinguished career. Eduardo Contell, who played the heavy during many decades of fine work, uttered the great line in the 1958 comedy “Houseboat,” when his daughter (Sophia Loren in her American debut) announces she is leaving home and will get a job. “I have given you the most expensive European education money can buy. You don’t know how to do anything!” Ralph Richardson was nominated twice for supporting roles. But his greatest work was in the 1948 Carol Reed film “The Fallen Idol,” in which he played a butler falsely accused of murder by a little boy. Not a matinee idol, Richardson managed to play a lover with his eyes, and what a performance he gave. Not nominated. Ward Bond, who narrated and acted in “The Quiet Man,” was either a cop or a priest in most of the million films in which he got second billing. He finally made it big on television in “Wagon Train” but left us too early. And Billie Burke, the immortal good witch, returned to acting when her husband Florenz Ziegfeld lost his money in the stock market crash of 1929. She is remembered as a dea l comedienne in the extensive work she did during the 1930s and ’40s. She played Topper’s wife and appeared with John Barrymore in “Bill of Divorcement” in 1952, in which young Katherine Hepburn made her film debut. Unmentioned in the last installment was Barrymore’s wonderful turn in “Counselor at Law” in 1935, in which he played an attorney trying to hide his semitic heritage. No amount of talent could make Barrymore into a “boychik,” but the film was convincing in its details.

I also include Gene Tierney, who did such wonderful work in “Leave Her to Heaven” and “The Ghost and Mrs. Muir” in the 1940s (not to mention “Laura”). She was also one of the most beautiful creatures to grace the screen.

Another great beauty was Hedy Lamar, the deeply luxurious Austrian beauty who was a discovery of Max Reinhardt. Did you know that she held the patent for the magnetic torpedo head, which helped us during the war against the very same Hitler who persecuted the likes of Reinhardt? Hedy couldn’t act either. But when she seductively appeared from behind a beaded curtain and said, “I am Tondaleyo,” caution went out the window. And Irene Dunne, a popular musical star, did a wonderful job in the 1948 “I Remember Mama,” which got a nomination along with co-stars Oscar Homolka, Barbara Bel Geddes and Ellen Corby. Oddly, John Barrymore, who was considered one of the most distinguished actors of his time, often downplayed acting. When attending the 1926 funeral of the great Yiddish actor Jacob Adler, who was eulogized as the world’s greatest performer, Barrymore denounced and said that the greatest performer to his mind was a French vaudevillian whose act consisted of farting “La Marseillaise.”

“Now that,” said Barrymore, “is a per- former!”

According To...

**What Springtime Activity Are You Looking Foward to?**

“I can’t wait to take my 1-year-old daughter out for her first bike ride.”

- Dawn M. Edge-McKendrick

“I am looking forward to spring soccer with my two sons, improving my golf game, running in the park and some landscape projects around the house.”

- Terrence R. Cook

“I can’t wait to go running along West River Drive again.”

- Marcie Seiler

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Marc W. Reuben, a solo practitioner, is an advisory editor for the Philadelphia Bar Reporter and has been writing about the arts and media since 1973.
In Their Own Words

Mock Trial Transforms Shy Student

By Sheryl L. Axelrod

One of the best things I ever did as a lawyer was volunteer, and the best reward I got was knowing I’d made a difference. To be honest, it wasn’t just me; in 2001, Lisa Washington, Khadijah Scott and I coached the Overbrook High School Mock Trial Team and on that team, there was Josie.

When we met Josie, she was tiny. She was short and thin but tiny in a more profound way, in her presence. She could enter a room unnoticed. She barely spoke and when she did, she almost whispered.

She was the challenge Lisa, Khadijah and I faced, because the team’s teacher assigned Josie the role of an “attorney” that meant she had to deliver opening and closing arguments, and Lisa, Khadijah and I weren’t going for please–don’t-notice-our-students—are-talking kind of arguments; we wanted zing. Josie also had to not only put on direct examinations, but handle objections and confront witnesses. A great cross can win a mock trial, and we set about to teach Josie to deliver one.

Actually, what we set about to do was get Josie to speak up. When we began practicing, we couldn’t even hear her ask questions. “Me Brown,” she’d almost whisper, pleading, “you weren’t in the room at the time of the shooting?” We’d move away from her and say, “We can’t hear you. Take control of the witness. Speak up!” At first, Josie tried speaking at witnesses, “MR. BROWN, YOU WEREN’T IN THE ROOM AT THE TIME,” and then disintegrated in laughter. Slowly though, over time, she learned to project her voice ... and folks noticed. Teams began awarding her the “Best Advocate” prize. Opposing coaches started commenting, “She’s a star.”

Then a funny thing started to happen. Slowly, over time, the shy, quiet, tiny person we’d met turned into a powerful, self-assured lady. This is a woman whose presence you notice.

Josie went on to graduate from the University of California at Berkeley and now is considering getting a law degree.

By Sheryl L. Axelrod

YLD COMEDY NIGHT

Continued from Page 14

Local headliner Chris Ciccia will serve as host and opening act. There will be music and dancing before and after the show. Also, there will be a silent auction featuring gift certificates to popular local restaurants, museums, day spas and local sporting events.

Comedy Night (in addition to providing a fun and relaxing social outlet) benefits the Philadelphia Bar Foundation, the charitable arm of the Bar Association. The Foundation provides funding to 50 organizations providing direct legal services to those struggling with poverty, abuse and discrimination.

We invite you to join us in making this event a success. This will be a highly publicized event. In addition to reaching more than 15,000 lawyers in the Philadelphia area through the Association’s publications, mailings and Web sites, we will be reaching out to other groups, including The Young Professionals Network, The Young America PAC and Philadelphia Forward.

It is important to take a break from our busy lives and to enjoy ourselves. Now is your chance not only to have fun, but to help a good cause in the process ... and who knows, maybe between drinks and laughs you might make some new networking contacts. So come join us for good laughs, good drinks, good food and good fun, all for a great cause. We hope to see you there:

Brian S. Chacker, an associate at Gay Chacker & Mittin, is treasurer of the Young Lawyers Division.

Sheryl L. Axelrod is an associate at Govan Ring LLP.
and highlighted sections throughout. A valid nervousness counsel may have is when the judge’s edition is more recent than your own, a concern I just had in December in Northampton County, made more real by the fact that the 2007 edition has cases through October 2006.

Judge Bernstein is well known as an evidence expert, particularly on expert testimony. He has taught judges medical malpractice evidence, the law of Frye/Daubert and other issues of scientific evidence. This expertise is evident throughout the work. For instance, if the issue is whether expert testimony is required in a particular case, Section 702(b)(8) provides eight alphabetized areas where such testimony is required, (e.g. emotional distress, future medical treatment), while §702(b)(8) gives you just as many areas where expert testimony is not required (i.e., whether a body’s organ is vital, or water running on a roadway can cause a fatal accident). If those sections haven’t answered the question, §702(b)(8) lays out even more areas where expert testimony, is not required, but is permissible (i.e., a psychiatrist can opine about a battered woman’s belief that she was acting in self-defense).

Fortunately, the book’s usefulness is not limited to the courtroom; every purchaser is entitled to use the unique online update service that allows specific key word searches and is continually updated with new cases by topic. The 2007 edition reviews nearly every case applicable to a particular rule and compares each rule’s federal counterpart. Likewise, the policy sections give the practitioner the needed arguments when an issue has never been specifically addressed in precedent.

Judge Bernstein noticeably favors the Pennsylvania rules over the federal rules. For instance, Judge Bernstein prefers Pennsylvania practice requiring the expert witness to state the factual basis of the opinion during direct examination over the federal rule where the basis is usually disclosed during cross-examination. This is where Judge Bernstein’s passion for the trial process’ search for the truth becomes evident. He wants the Rules of Evidence to allow the jury to determine which parties’ facts are more convincing, rather than which expert is the better hired gun. Similarly, he disfavors the federal rule that allows an authoritative text to be read during direct examination. He believes this puts the book’s author on trial, not the testifying expert reading it in. Since the Pennsylvania rules generally only allows the text to be read during cross examination, one can tell Judge Bernstein wants the lawyers to give the evidence to the jury. Using this book is a fine way to get that done.

Michael H. Gaier is a partner with Shaffer & Gaier, LLC.
Robert C. Heim, a partner with Dechert LLP and former Chancellor of the Philadelphia Bar Association, has assumed chairmanship of the Board of Directors of Pennsylvanians for Modern Courts.


John R. Washlick, a member of Cozen O’Connor, recently lectured at the “Pay-for-Performance – The Next Steps” seminar hosted by VHA East Coast of Feasterville, Pa. Washlick focused his lecture on “Successful Contracting for Pay-for-Performance.”

H. Ronald Klasco, the founding partner of Klasco, Kulon, Stock and Seltzer LLP, recently served as a faculty member of a Pennsylvania Bar Institute program titled “Advising the International Executive.”

Kevin E. Raphael, a shareholder with Miller, Alfano & Raspanti, P.C., was a speaker at the American Bar Association Health Law Section’s 8th Annual Conference on Emerging Issues in Healthcare Law 2007 on Feb. 21-25 in Orlando, Fla.


Stephanie J. Mensing, a partner with Wisniewski & Mensing, LLP, was a featured speaker at Philadelphia University’s “Legal Issues Facing The Freelance Designer” symposium.

Sarah E. Da- view, a member of Cozen O’Connor, served as a panelist discussing “Smart Recruiting: Finding Candidates Who Are The Right Fit” at the American Conference Institute’s 2007 National Conference on Summer Associate Program Development in New York.

James J. Eisenhowe, a partner with Schnader Harrison Segal & Lewis LLP, attended an informal roundtable discussion and reception on Jan. 27 with Prince Charles, the Prince of Wales, and other students, trustees and alumni of the Marshall Scholarship program.

Joseph H. Jacobs, chair of Dilworth Paxson LLP, recently received the American Jewish Committee’s 2007 Judge Learned Hand Award.

Jennifer A. Brandt, a member of Cozen O’Connor, recently appeared on CN8 Your Morning, The Comcast Network, to discuss the topic of taxes and divorce. She also discussed the death of Anna Nicole Smith and the custody battle for her daughter.

Michael A. Morse, a shareholder with Miller, Alfano & Raspanti, P.C., spoke at the Pennsylvania Bar Institute’s 135th Annual Health Law Institute on March 15.

Gregory J. NOWAK, a partner at Pepper Hamilton LLP, served as the moderator of a panel discussion and workshop at the 5th Annual ‘Best Execution Symposium’ on Feb. 26-27 at the New York Hilton Hotel in New York City.

Jay A. Dubow, a partner with Pepper Hamilton LLP, was a presenter at the National Business Institute’s “Effective Federal Pre-Trial Practice” conference on Feb. 22.

Joseph M. Manko, a founding partner of Manko, Gold, Katcher & Fox, and a Penn Law lecturer in environmental law, made a presentation on global warming at the University of Pennsylvania’s Institute for Environmental Studies on Feb. 28.

Julia M. Raferty, an associate with Bradley Ronon Stevens & Young, LLP, has been appointed secretary of the Professional Women’s Roundtable Board of Directors, and named chair of the group’s Board Development Committee.

James C. Schwartzman, a shareholder of Stevens & Lee, has been unanimously re-elected as vice chair of the Board of Directors of the Southeastern Pennsylvania Transportation Authority. A member of the SEPTA board since 1991, he has served as vice chairman since 1998.

Marc S. Raspant, a founding partner of Miller, Alfano & Raspanti, spoke at the Alabama Bar Institute for Continuing Legal Education’s White Collar Practice seminar on Feb. 22 at the University of Alabama School of Law in Tuscaloosa.

Michael W. Cardamone, an associate at Krasno Krasno & O’Mwudjino, P.C., recently served as a judge for the Pennsylvania Bar Association Young Lawyer Division Statewide Mock Trial Competition.

Clearing the Record

In a recent “People” news item, the name of Shawn Sauls was incorrectly spelled. The Bar Reporter regrets the error.
Introducing the extraordinary TOP OF THE PARC, a self-contained community of 8 breathtaking, newly-constructed penthouses atop the elegant new Parc Rittenhouse Condominiums and Club at 18th and Locust Streets on Rittenhouse Square.

With terraces overlooking the Square, panoramic views, lofty 10’+ ceilings and a dedicated private elevator connecting to your own indoor parking space and to the rooftop swim club and fitness center, these homes may just meet your expectations. Or remarkably, elevate them.

To ELEVATE your life in Center City, call Allan Domb at 215-545-parc for a personal appointment.