Scottolino to Speak; Honors for Bekelja

By Jeff Lyons

The Workers’ Compensation Section will present its inaugural Lifetime Achievement Award to Joseph S. Bekelja at a luncheon featuring keynote remarks by novelist and Philadelphia lawyer Lisa Scottolino on Wednesday, April 15. Admission includes a copy of Scottolino’s new book.

Bekelja, a partner with Margolis Edelstein, has been a “teacher, leader, mentor and role model not just for workers’ compensation attorneys but for all attorneys,” said Workers’ Compensation Bureau Judge A. Michael Snyder, one of the Section’s co-chairs. The April 15 program is being co-hosted by the Women in the

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Bar’s 5K to Mark 30th Year on May 17

By Jeff Lyons

Since its inception in 1979, more than 20,000 runners have run nearly 100 miles in the Bar Association’s annual Charity Run. This year’s 30th Anniversary Run will take place Sunday, May 17 along Martin Luther King Drive adjacent to the Philadelphia Museum of Art.

More than $2 million has been raised in the event’s 30-year history, including $400,000 for the Support Center for Child Advocates. The event includes a 5-kilometer run/walk as well as a quarter-mile run for children between the ages of 5 and 10. “We’re encouraging people to bring their spouse and children so the whole family can enjoy the event,” said Charity Run co-chair Manny D. Pokotilow.

The race was created after Pokotilow competed in his first New York City Marathon. As chair of the Association’s Sports and Recreation Committee, he was looking for an event that would positively portray the Bar Association as well as raise money for a charity. Pokotilow was able to organize the first race thanks to a partnership with the local Diabetes Association.

The race became a Bar-only run about five years ago. Members of the Philadelphia Bar Association

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Spring is finally here – hurray! After such a gloomy winter of despair, we all need a little sunshine, rebirth and renewal.

Spring is such a wonderful time for hope and optimism. It’s about Easter and the resurrection. It’s the season for Passover and liberation. Trees and flowers are budding, opening day approaches, and our general outlook on life brightens with the blooms.

It’s a fitting season to shake off our self-absorption and brush away our obsession with the economy. It is high time that we take a seventh-inning stretch and look at bigger issues beyond our wallets and consider our responsibility as Philadelphia lawyers.

Life moves on. Many other issues besides money sorely need our attention.

Let’s consider, for a moment, the issue of gay and lesbian rights. The spring 2009 issue of CJ: Voices of Conservative/Masorti Judaism, titled “The Freedom Issue,” abounds with articles supporting gay and lesbian rights. This is a direct reflection of actions by the Conservative movement’s Committee on Jewish Law and Standards, which voted in 2006 to allow gay men and lesbian women to be ordained as rabbis and to allow rabbis to perform same-sex commitment ceremonies.

It’s ironic to note that the conservative Jewish movement seems comfortable in supporting the rights of gays and lesbians, while the reaction across America is still mixed. In New Jersey, for example, efforts abound to move from domestic partnership to full marriage equality. Here in the Commonwealth, the state House is currently considering a bill that would amend the Pennsylvania Human Relations Act to include protections for LGBT (lesbian, gay, bisexual and transgender) folks in areas such as public housing and employment.

I am proud to report that a legion of supporters from the Philadelphia Bar Association – the LGBT Rights Committee, the Civil Rights Committee, the Public Interest Section and the Young Lawyers Division – introduced a resolution to support this bill, which the Board of

Governors voted overwhelmingly to adopt last month.

That’s the good news. Across the country, the California Supreme Court has been hearing arguments surrounding recently passed Proposition 8, which defines marriage in the California Constitution as solely between a man and a woman. The question before the California Supreme Court (which last year issued its support of marriage equality) is fundamentally whether the voters of California can, by ballot question, remove a right granted to a minority.

While opponents of Prop 8 have organized and rallied to this cause, there is growing consensus that the California Supreme Court will allow the marriage equality ban to stand.

The Philadelphia Bar Association has a long and distinguished history in supporting non-discrimination and equal treatment for all Americans. We applaud Continued on page 14
Did you ever consider what you might look like 10, 15, 20 years from now? Did you ever go back to your photographs as a child and compare what you looked like then to what you look like now? There are some of us who see friends or relatives that we haven’t seen in years who might say, “You haven’t changed a bit!” And then there are other friends who won’t say anything to you, but might be thinking, “What happened to him or her over the years?”

I think to some extent these same questions are being asked by observers of our profession as we go through our present economic crisis. What will we look like as we emerge from this recession, and what will we look like in times of full prosperity that we are confident will return?

A number of weeks ago an article appeared in The New York Times that asked these questions as they related to what the general economy might look like once this recession is behind us. The author concluded that at least for the short term, we will be looking at contraction in various sectors of the economy. For example, we will see the financial sector having fewer banks, fewer investment houses, fewer market traders, etc.

For the retail sector, it is likely that we will be seeing fewer retail businesses, leading to fewer stores, having fewer employees.

The manufacturing sector might see fewer automobile makers, which would then lead to fewer automobile dealerships, fewer automobile sales people and fewer automobile mechanics.

And on it will go. If the logic follows, what does that mean for the legal profession? What will our profession look like? We are already experiencing the shock of seeing colleagues laid off accompanied by significant numbers of support personnel. Are we seeing the beginnings of a significant shakeout that will result in fewer firms or smaller firms resulting in the need for fewer lawyers, resulting in fewer support personnel, resulting in fewer legal support services, etc.? Late last month, we experienced the sadness of seeing Wolf Block, a venerable Philadelphia legal institution, announce that it would be closing its doors in the coming months.

These are uncharted waters where our best minds are being challenged to guide us through this crisis. There will always be a need for legal services. I would suggest, however, that new forms and formats will be taking shape as we move into the second decade of the 21st century. Are you aware that new ideas are evolving that would create the “virtual law firm?” Partners and associates would be joined nationwide via the Internet. Consider the changes that would be put into place with regard to the billable hour, the vast reduction of overhead expenses, office space and other support services. These “formats” are already emerging and other new formats are being discovered as you read this.

So going back to my original question: Did you ever think you would look like this as you either advanced into middle age or headed toward your retirement years? We are going through some significant changes and what we look like as we go forward may be quite different from what we look like right now. I invite you to join me in conversation as we ponder these questions going forward.

Ken Shear is executive director of the Philadelphia Bar Association. His e-mail address is kshear@philabar.org.

Perspectives

Weak Economy Changing Legal Landscape

By Ken Shear
FASTER, BETTER VALUE, RELIABLE. CASE DISMISSED.

Our firm depends on the smart use of technology to thrive in this fast-changing legal world.

Filing time-sensitive trial documents to on-line litigation support and e-discovery requires a service we can trust. And getting the productivity tools to share documents, email, calendars and tasks among our busy associates and paralegals makes choosing Comcast an open and shut case.

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Health Care Reform Discussion

U.S. Rep Alyson Schwartz (second from left) meets with members of the Health Care Law Committee on March 23. Rep. Schwartz, along with Michael B. Laign (standing) of Holy Redeemer Health System and Karl A. Thallner Jr. (right), discussed President Obama’s new health plan and health reform under the new administration. The program was held at Reed Smith LLP. Committee Co-Chair Nancy Weinman (left) was the moderator for the program, which was attended by more than 60 people. Rep. Schwartz touched on her role as vice chair of the powerful House Budget Committee and as member of the House Ways and Means Committee and laid out the efforts underway to move forward comprehensive health care reform this year. She highlighted expanded access to meaningful, affordable coverage; increased use of innovation and technology; incentives for effective delivery systems; and a renewed commitment to preventive efforts as key measures necessary for reform.

Take Online Judicial Retention Poll

The Philadelphia Bar Association’s Commission on Judicial Selection and Retention is currently conducting a poll regarding those judges who will be standing for retention election in November 2009.

Again this year, the Association is also conducting an interim poll relating to judges in the Court of Common Pleas in the fourth year of their terms and Municipal Court judges in the second year of their terms.

All members of the bar in Philadelphia are urged to fill out the questionnaire. The poll will remain available until 5 p.m. Friday, April 17. If you are unable to, or prefer not to complete the poll electronically, you may receive a copy of the poll through the mail by contacting Charles Klitsch, Esq., the Association’s director of public and legal services at cklitsch@philabar.org or by calling Klitsch at (215) 238-6326. You must provide your name and Supreme Court identification number to receive the ballot.

Bar’s Judicial Commission Reviewing Candidates

The Association’s Commission on Judicial Selection and Retention is hard at work reviewing candidates for the Court of Common Pleas and Municipal Court for the May 19 primary election.

Candidates for those judicial offices who do not participate in the Judicial Commission’s process are automatically “Not Recommended.” Candidates who do participate complete a detailed questionnaire. Each candidate is then interviewed by an investigative team comprised of both lawyers and lay people.

The investigators then interview lawyers and judges identified by the candidate and others who are not suggested by the candidate. The investigative team’s findings for each candidate are presented to the Judicial Commission. The candidate then appears before the Commission. After making a brief opening statement, the candidate answers questions posed by the Commission. The Commission then votes on whether to recommend each candidate.

“The Judicial Commission serves an invaluable function as it is the gatekeeper for those lawyer candidates who wish to become a judge,” said Chancellor Sayde J. Ladov. “It also serves the incredibly important function as it is the gatekeeper for those lawyer candidates who wish to become a judge,” said Chancellor Sayde J. Ladov. “It also serves the incredibly important function as it is the gatekeeper for those lawyer candidates who wish to become a judge.”
President Judge: Layoffs, Furloughs Probable Due to City Budget Crisis

By Heather J. Holloway

After 90 days in her new position as president judge of the Philadelphia Court of Common Pleas, Judge Pamela Dembe reported on the state of the court during the State Civil Litigation Section’s March 4 meeting. While improvements will be made to the electronic case filing system, Commerce Court and mass tort program, each are operating successfully.

The budget crisis, however, may bring about unwanted changes that Judge Dembe is trying to avoid.

The court transitioned to mandatory ECF without incident. Minor adjustments are needed; however, docketing of electronically filed documents is more or less instantaneous. Orders will soon be issued electronically, as well. Judge Dembe anticipates drastic long-term changes to electronic capabilities. She advised counsel to consider the effect that long-term changes may have on their firms, such as decreased mailroom staffing and storage space requirements and increased computer training needs.

Two new judges have settled into their Commerce Court assignments happily. Judge Dembe is reviewing the Commerce Court and evaluating the need for adjustments to the scope of cases handled by this court. One consideration is the assignment of commercial real estate matters to one specialty judge.

Judge Dembe also reported on efforts to expand and rebuild the mass tort program. The effort has been successful, as measured by the increased number of mass tort filings and requests for consolidation and transfer to the mass tort program. The increase shows that attorneys are finding the mass tort program to be more user friendly and fees generated from increased filings provide the court with much needed revenue.

Since assuming her new position, Judge Dembe has been addressing the budget crisis, which is forcing the court to reinvent itself. At the start of fiscal year 2009, last summer, the court had a $114.5 million budget. By mid year, the court had lost 6 percent of its budget.

With actual and expected decreases, Judge Dembe expects that the budget will plunge to approximately $92 million within one-and-a-half years of the initial 2009 budget. Planning at this point is difficult without a budget figure.

The court has been dealing with a zero growth budget for 10-15 years, reducing personnel by approximately 32 percent over the last 25 years. Since June 2004, personnel have decreased by approximately 10 percent. The court currently employs approximately 1,900 people. If the $92 million budget becomes reality, Judge Dembe expects that there will be approximately 170 layoffs and furloughs occurring once every two weeks or during a block in August. Furloughs present special challenges and require careful planning. Friday furloughs cause a loss of pension credit for Friday, Saturday and Sunday. Monday furloughs, however, will not affect the weekend pension credit. Judge Dembe is also considering stripping many services that are not legally required. The jury pool may be decreased, slowing the pace of jury trials. Specialty courts, including the drug and treatment courts, community courts, and the Commerce Court may be cut. The court is also inquiring as to whether personnel will volunteer for layoffs. Judge Dembe, however, is sensitive to the issue of the potential job loss and is doing her best to avoid taking these cost-saving measures.

Heather J. Holloway, an associate with Tharp Reed & Armstrong, LLP, is an associate editor of the Philadelphia Bar Reporter.
I have friends who say I work in the suburbs. My office is located in the Spring Garden/Fairmount area at 16th and Spring Garden streets. Because I work in the ‘burbs, I frequently eat lunch at the office. I share this because my lunch ritual gives me the opportunity to spend a lot of time with the administrative staff in our office. In fact, without them, I would not be writing this article. (Really— they gave me the idea during lunch last week.)

I should say that my lunches are spent with five to seven women who would rather talk about “Dancing with the Stars” and whose dog did what to the Fumo trial and property tax increases, than legal work or clients. I cannot tell you how refreshing it is (I have to admit that I prefer those topics to work also). Through our lunches I keep up to date about what is going on in everyone’s family (one woman’s daughter tried out for “American Idol” in New York City) and social lives. Sometimes we might talk about a client or a case, but most of the time we share funny stories that we experienced or heard. And generally, we spend a lot of time sharing funny stories that we have found that insights about a case or a representation (or an article for the Bar Reporter) can come from anyone. Sometimes, we as attorneys are too close or too involved in a matter and miss the bigger picture. Consulting the support staff in our office has been invaluable to our effectively advocating for our clients.

The best mock jury panels that we consult are comprised of our support staff. Our staff has been asked to review surveillance films and doctor depositions, and to evaluate our clients’ credibility as well as arguments that will be presented during trial. I cannot tell you how many times prior to a deposition, trial, arbitration or settlement conference, I sat down with the secretaries and paralegals in our firm to discuss the case and their opinions about our strengths and weaknesses. Definitely, no demand or negotiation takes place without consulting the people who I consider part of our family.

As a young(er) attorney, I had never worked with a legal assistant or paralegal. Learning to work together was a completely new and foreign adventure. Frankly, it took me a while to get the hang of that dynamic. Over time, however, I began to appreciate the true value of the administrative staff and the paralegals with whom I work. The more open to assistance I was, the lighter my burden became. In turn, I grew into a more efficient and effective advocate for my clients.

Many legal secretaries and support staff have been in the legal profession for longer than we have. They have seen, experienced and know more about the workings of the law firm or the court system than we, as young attorneys, could imagine. These experiences are valuable assets and are vital to the success of any firm. More importantly, they make our jobs as lawyers so much easier.

I have learned that our relationships with the administrative staff in our firms are what we make them. You can consider them employees who should answer to you and who are not worthy even to ask an opinion of; you can consider them assistants who handle only administrative tasks and nothing more; or you can consider them colleagues worth consulting with about your various client representations. I would suggest that the latter is the way to go. I know that I do, and it has helped to make our relationship one that is more than simply attorney-secretary. They are my friends and my respected colleagues.

Each year, on or around Administrative Professionals Day (I know it is old fashioned, but I still call it Secretary’s Day), I make a point of taking everyone out to lunch. There is nothing more interesting than looking around the restaurant at other professionals and their assistants and watching what are essentially two strangers eat together. For my part, I could not imagine not knowing and respecting the people I work with beyond the office framework.

This year, Administrative Professionals Day is Wednesday, April 22. It is a day to recognize the work of secretaries, administrative assistants, receptionists and other administrative support professionals. While some people may feel that Secretary’s Day may be a little out of fashion, we all should give great kudos to all the great people that help to lighten our burdens. I have been lucky enough to have had (and currently have) some great ones.

This year, make sure to show those people who keep your practice going how much you appreciate their dedication and effort on your behalf. I know that I will and do everyday.

Brian S. Chacker, an associate with Gay Chacker & Mittin, P.C., is chair of the Young Lawyers Division Executive Committee. He can be reached at (215) 567-7955, or by e-mail at bchacker@gaychacker-mittin.net.

Support Staff Lighten Our Burden

By Brian S. Chacker

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YLD Update

“No one is more cherished in this world than someone who lightens the burden of another.” - Author Unknown

Gerry Dee Headlines Comedy Night May 9

Laugh away the night while supporting a worthy cause at the Young Lawyers Division’s Fourth Annual Comedy Night, Saturday, May 9 from 7 to 11:30 p.m. at The Franklin, 222 N. 20th St.

Gerry Dee of NBC’s “Last Comic Standing” will headline the event, which will include an open bar, hors d’oeuvres, a silent auction and a DJ. Tickets are $65 in advance and $80 at the door.

All proceeds benefit the Philadelphia Bar Foundation, which provides funding to approximately 30 local legal services organizations. For sponsorship information, please contact Tracey McCloskey. To donate silent auction items, contact Abbie DuFrayne at adufrayne@petrellilaw.com. Contact Brian Chacker at bchacker@gaychacker-mittin.net for sponsorship information. Visit philadelphiabar.org to purchase tickets for this event.

Visit philAWDelphia.wordpress.com to see what the Association’s young lawyers are saying.
Volunteers Needed For Law Week, April 27-May 1

By Michael Petitti

Volunteers are needed to help with Law Week activities, Monday, April 27 through Friday, May 1, as the Association marks Law Week 2009 with a host of special events and services reaching out to thousands of citizens throughout Philadelphia.

Volunteer lawyers will offer free legal advice, welcome new American citizens, visit children in classrooms and accompany inner-city students into the courts. The theme of this year’s Law Week is “A Legacy of Liberty: Celebrating Lincoln’s Bicentennial.”

All Law Week activities are under the direction of Association Chancellor-Elect Scott F. Cooper, and are coordinated by the Association’s Young Lawyers Division with the help of scores of lawyer-volunteers. The YLD Law Week co-chairs are Abbie DuFrayne, Kelly Gastley and Carey Chopko.

The following is a schedule of Law Week activities and contact information.

Monday, April 27 - Lawyer in the Classroom: Monday kicks off a week-long series of visits to Philadelphia school classrooms by volunteer lawyers with the Lawyer in the Classroom program. As part of this program, lawyers will enthusiastically 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. If you are interested in volunteering for the Lawyer in the Classroom program, please contact Josh Ryan at Joshua.ryan@dlapiper.com.

Wednesday, April 29 - Legal Advice Live! At lunchtime, dozens of Philadelphia attorneys will gather to provide free, in-person legal advice during the Legal Advice Live! program from 12 to 2 p.m. at the Central (Main) Branch of the Philadelphia Library, located at 1901 Vine St., and other satellite branch locations throughout the city. Attorneys will provide answers to legal questions on a broad range of topics including personal injury, medical malpractice, landlord/tenant law, divorce and child custody matters, wills and estate planning, real estate law and employment law. If you are interested in volunteering for Legal Advice Live! please contact Kristin McKenna at KMcKenna@stradley.com or Chris Guth at guth@blankrome.com.

Also on Wednesday, April 29, 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) 238-6333 and have their legal questions answered confidentially without a fee. The lawyers will staff a phone bank at the headquarters of the Philadelphia Bar Association, 1101 Market St., 11th Floor. If you are interested in volunteering for LegalLine, please contact Stephanie Mensing at smensing@wm-law.net.

Thursday, April 30 - Juror Appreciation Day: 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 at 1301 Filbert St. to recognize jurors.

Dozens of Philadelphia attorneys will gather to provide free, in-person legal advice during the Legal Advice Live! program on April 29 from 12 to 2 p.m. at the Central (Main) Branch of the Philadelphia Library, located at 1901 Vine St., and other satellite branch locations throughout the city.
FEDERAL COURTS COMMITTEE

Measuring Impact of Hydrogen Peroxide Decision

By Kathryn C. Harr

Whether the Third Circuit’s Hydrogen Peroxide decision, 2008 U.S. App. LEXIS 26871 (3d Cir. Dec. 30, 2008), levels the playing field or changes the landscape for class actions was the subject of a luncheon co-sponsored by the Federal Courts and Business Litigation Committees on March 13.

Moderated by the U.S. District Court Judge Jan E. DuBois, the panel tackled the issues of how the decision, which addresses the way in which courts analyze a class certification motion, will affect practitioners’ strategy, approach to discovery, and selection of experts.

Explaining that the decision “laid out new markers” for the analysis of the predominance requirement for class certification, Anthony J. Bolognese of Bolognese & Associates, LLC, one of the firms representing the plaintiffs in Hydrogen Peroxide, added that this will become a battleground issue. The decision may create a tension between findings on class certification issues and findings on the merits of the case.

Steven E. Bizar, a partner at Buchanan Ingersoll & Rooney, P.C., responded that a district court deciding certification will now examine more issues in the wake of the decision, including weighing the parties’ experts.

Agreeing that the decision raises many procedural issues, Barbara Sicalides, a partner at Pepper Hamilton LLP, cited its potential effect on the timing of class certification hearing and the increased possibility of an evidentiary hearing.

The decision also may affect whether a court allows the bifurcation of class and merits discovery. Both the plaintiffs’ and defense lawyers on the panel agreed, however, that bifurcation is becoming a less practical alternative generally, given the potential expense of conducting two rounds of discovery.

In antitrust matters, the application of the Hydrogen Peroxide decision will likely focus around the ability of plaintiffs to demonstrate that impact can be proven on a class-wide basis. Bolognese emphasized that while the markers may have changed, the essential question remains the same, whether impact can be proven with common evidence, not whether impact has been proven, at the class certification stage.

Ultimate issues like those regarding impact will still remain with the purview of the fact finder at trial, Bolognese explained. To hold otherwise would create a greater standard on class certification than at summary judgment, for example, in effect, structurally re-aligning the process of litigation.

When asked whether the amount of motions to decertify classes will increase, Sicalides noted that, similarly to the Supreme Court’s decision in Bell Atlantic v. Twombly, which prompted an increase in motions to dismiss, the actual application of the decision will likely be less rigorous than the defense bar would hope. Another potential effect, though, may be that plaintiffs will narrow product definitions and class periods when defining the class.

The panel had differing opinions on the value and length of an evidentiary hearing. While Bizar believed it would be similar to a preliminary injunction hearing depending on the type of case, Bolognese believed that if the dispute centered around the experts, deposition testimony and moving papers would be enough to rule, rather than a hearing. Judge DuBois added that given the volume of paper judges are often asked to review, seeing witnesses in person may be preferable.

Kathryn C. Harr, an associate with Trujillo Rodriguez & Richards, LLC, is an associate editor of the Philadelphia Bar Reporter.
The concept of self-defense dates back to the Middle Ages, when feudal lords undertook to defend their castle and the inhabitants therein. In modern times, a self-defense claim shifts the burden of proof from the defendant to the Commonwealth, according to an assistant district attorney and a criminal defense attorney.

Matthew Perks of the District Attorney’s Office and Burton Rose were panelists for the Feb. 27 CLE program “Self Defense: Defending Your Person and Your Property Under the Law,” sponsored by the Young Lawyers Division, Criminal Justice Section, LGBT Rights Committee, Women’s Rights Committee and Women in the Profession Committee. The course planners were Stephanie Mensing and Brad Shuttleworth.

The self-defense statutes are located at Section 505, 506 and 507 of the Code, with 505 containing the most important principles of self-defense and each subsequent section building off of 505. The panelists stressed that the statutes were very lengthy and complicated and require careful analysis if one planned to justify a client’s actions based on self-defense.

Self-defense employs an objective standard, “What would a reasonable person do in the situation?” with a subjective color: that person’s level of fear of bodily harm or death. One example was the “imperfect justification” concept as it relates to voluntary manslaughter – the belief that use of deadly force is not reasonable in a particular situation. In the McClain case, the defendant was found guilty of voluntary manslaughter even though he shot a man who was violently attacking a woman in the hallway of his apartment building. The jury found that his justification was “imperfect.”

There are three factors to consider when using deadly force: the defendant had a reasonable belief that deadly force was necessary to prevent serious bodily injury or death; the defendant did not violate the duty to retreat (although the duty to retreat is not applicable to one’s dwelling or workplace, and provocation – the defendant cannot provoke or exacerbate the situation. The panelists provided some examples to show that these situations are extremely fact sensitive and hard to generalize, including one case involving a shooting in a crack house and another involving a business owner who shot and killed a robber who had already held up his bar twice before.

After a brief discussion of protection of property, the focus turned to House Bill 40. The bill has been introduced in Pennsylvania and is already the law in 15 states. Depending on your point of view, the bill is known as the “Stand Your Ground” statute or the “Shoot First” statute, and would eliminate the duty to retreat. There are a number of public policy concerns with the bill, including gang warfare and road rage situations.

Finally, three members of the Maxercise Training Academy gave a demonstration of self-defense techniques. They teach self defense to a level of controlling the situation and stress that one try to retreat whenever possible. The goal is to defend yourself while avoiding the need to kill an attacker.

Edward P. Kelly, a partner with Astor Weiss Kaplan & Mandel, LLP, is an associate editor of the Philadelphia Bar Reporter.

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30th ANNUAL 5K SUNDAY MAY 17
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BENEFITS THE SUPPORT CENTER FOR CHILD ADVOCATES
Veteran Runner Offers 5K Training Tips

By Manny D. Pokotilow

Anyone can run 5 kilometers (3.1 miles) if they give themselves sufficient time and have the motivation to do it. Novice runners can follow this safe, conservative training plan and be ready for the Bar Association’s 30th Annual 5K on Sunday, May 17.

A good, conservative and safe way to accomplish this goal for beginners and shape challenged runners, is as follows.

• First, and most importantly, go to a good running store and buy a pair of the best-cushioned, comfortable and well-fitting running shoes after consulting with one of the salespeople, who is preferably a runner.

• Find a track made of cinder or a synthetic material that will cushion the shock as opposed to running on a hard surface.

• Adopt a three-day-per-week running plan with at least 48 hours between each run. The body needs 48 hours to heal after each run.

• On days one and two (remember these days should not be consecutive), try to walk three miles – 12 laps around a quarter-mile track. You can also do this on the street, but make sure you have bought those new running shoes.

• On day three, after walking one half mile, try to jog (I tend to use “jog” and “run” interchangeably) a full quarter mile. When you start jogging, relax and do not start running at a pace that causes you to be out of breath. One rule of thumb is that you should always be able to talk while jogging. If you have a friend with you, talk to him/her, if not, talk to yourself out loud, just to make sure you are not breathing too heavily. After the first quarter mile of jogging, walk the next quarter mile and then try to run another quarter mile.

• If you can’t run another quarter mile, continue to walk until such time as you feel you can run again. See how many quarter miles you can run on an alternating walk/run basis for each quarter mile.

• Continue to walk/run every other day until you can ultimately run a quarter mile and walk a quarter mile for three miles. It should be noted that for some of you, this may happen the first day while for others it may not happen until after many days of running.

• The next time you run, start with a quarter-mile walk, followed by a half mile (two laps) of a slow jog. After you complete that half-mile jog, walk the next quarter mile and see if you can do another one half mile.

• After you have reached a point where you can walk a quarter mile, followed by one half mile of jogging, for an entire three miles, you’re ready to try jogging almost all of the way.

• On your next outing, warm up with at least a one quarter-mile walk, start jogging easily and jog for as long as you can. If you can make the whole three miles, you have succeeded and are ready to run the entire 3.1-mile distance. If you cannot complete the entire three miles, run for as long as you can and walk until you feel like running again.

• On the day of the run, arrive at least one half hour early so that you can pick up your running number and walk around the starting line to warm up. Do not start too fast. Starting too fast is the worst mistake you can make and it is easy for your adrenaline to start you off too quickly. But, the adrenaline of participating is good for carrying you the whole distance, even if you had never completed 3.1 miles before.

With the above pattern, you will easily be able to participate in the Bar Association 5K Run/Walk and you will comfortably finish, whether by walking or by running the entire way. The important thing is that you are outside, you are making yourself healthier and you helped to participate in an incredibly important benefit run for abused children.

Manny D. Pokotilow, a partner with Caesar, Rivie, Bernstein, Cohen & Pokotilow, Ltd., is co-chair of the Association’s Charity Run Committee and a past participant in the New York City Marathon.

5K

continued from page 1

WebCheck

Please visit charityrun2009.com or active.com for more information on the 2009 5K Run/Walk.

The Philadelphia Bar Association is being joined as a sponsor by additional corporate level sponsors: FirstTrust, Buchanan Ingersoll & Rooney, PC, Wawa, The Legal Intelligencer, Iron Mountain, USI Affinity, Veritext L.L.C., and The Philadelphia Runner. Joining the Run as legal sponsors are the law firms of Akin, Gump, Strauss, Hauer & Feld, L.L.P.; Anapel, Schwarz, Weiss, Cohan, Feldman & Smalley, P.C.; Archer & Greiner; Caesar, Rivie, Bernstein, Cohen & Pokotilow, Ltd.; Cozen O’Connor; DLA Piper; DrinkerBiddle; Fox Rothschild LLP; Marshall, Dennehey, Warner, Coleman & Goggin; Morgan Lewis; Pepper Hamilton LLP; RatnerPrestia; Raynes McCarty; Sandals & Associates, P.C.; Schander Harrison Segal & Lewis LLP and WollBlock. In addition to the legal sponsors, the law firms of Barrack, Rokos & Baccie; Semanoff, Ormsby, Greenberg & Torchia, LLC and Thorp Reed & Armstrong, LLP have contributed to the Run as legal supporters.

Everyone who participates will receive a t-shirt. At the finish line after the run, there will be a variety of refreshments, giveaways and other post-run activities.

Anyone interested in running or walking may obtain a race application at Caesar, Rivie, Bernstein, Cohen & Pokotilow, Ltd.; 1635 Market St., 11th Floor; Philadelphia, Pa. 19103, or by calling 215-567-2010. Online registration is available at www.active.com. For more information, please contact any of the following: Eric S. Marzul at charityrun2009@crbcp.com, 215-567-2010 (ext. 130); or Tom Bell at tbell@soglaw.com, 215-887-2050 (ext. 107).

Law firms and companies may enter teams in the 5k run by calling Michael Berkowitz at 215-567-2010 (ext. 132) or e-mail mjb@crbcp.com for team applications. The deadline for team registration is May 8.
To marry the person they love, the right to health care coverage, for pensions, for basic protections involving housing and employment.

In essence, these are the same civil rights that the Philadelphia Bar Association has been arguing in support of for much of its history.

It is time to stop focusing on ourselves and turn our focus outward. There is great work to be done, and as Philadelphia lawyers, we are called to service in the name of justice.

Let us learn from the lessons of history, remembering that a fascist dictator came to power in Nazi Germany during a similar period of economic turmoil, using hate mongering of others to consolidate his power.

Let us remember our parents or grandparents, who, despite living through the Great Depression, while facing bread lines and soup kitchens and record levels of unemployment, never stopped focusing on the world beyond. There really is a reason why they are called "the greatest generation."

Let us embrace the optimism of spring to renew ourselves to causes beyond ourselves and fully earn the honor and title of being a Philadelphia lawyer.

Sayde J. Ladon, a principal with Offit-Kueman, is Chancellor of the Philadelphia Bar Association. Her e-mail address is chancel-lord@philabar.org.
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Resolutions Keep Board Busy in First Quarter

By Brian K. Sims

The first quarter of 2009 has been an active few months for the Philadelphia Bar Association and its Board of Governors. From January through March, resolutions regarding funding of civil legal aid programs, amendments to the Association’s charter, screening of lateral attorneys, the Association’s disability insurance policy, and a bill to add sexual identity protections to the Pennsylvania Human Relations Act were all considered.

In January, the Board heard from Angus Love, the chair of the Association’s Public Interest Section and Michael Frolik from Community Legal Services, regarding a 2005 resolution passed by the Board supporting the filing of an amicus curiae brief in support of plaintiffs in Vélazquez v. LSC, a seminal case regarding restrictions on civil legal aid programs that receive some of their funding from the federal Legal Services Corporation. The issue of such restrictions has arisen again and the Public Interest Section recommended that the Chancellor send a letter to U.S. Sen. Arlen Specter to oppose federal restrictions inconsistent with this position. The Board supported this recommendation and letters were sent from Chancellor Ladov to Sens. Specter and Robert Casey as well as Gov. Ed Rendell.

Also at the January Board meeting, Brian Franzel, the co-chair of the Association’s Charter and Bylaws Committee, presented a resolution to amend the bar association charter, the oldest charter of any bar association in the country. According to Franzel, the proposed amendments were in an effort to reflect the Association’s commitment to diversity and to be gender neutral, as well as several substantive issues regarding the Bar Association’s former responsibilities to remove “incompetent or guilty” person from the practice of law and to maintain a law library.

Finally, the Board heard from former Chancellor and current delegate to the American Bar Association House of Delegates, Abraham C. Reich, regarding a proposal under consideration by the House of Delegates concerning lateral screening issues. Reich spoke of the Association’s previous support of a resolution in 2008 and urged similar support in 2009. Paul Kazars, assistant executive director of the Association, who has personally handled thousands of ethics inquiries, spoke in support of the proposal as well. According to Kazars, screening in Pennsylvania has been positive and given the increased mobility of lawyers, without the screening mechanism many of the attorneys would have been unable to find positions.

The Board voted to support the resolution once again and at the February Board of Governors Meeting, Reich, along with Andre Dennis, the Association’s other delegate to the ABA House, reported that the Philadelphia Bar Association’s position on Proposal 109 was both helpful and influential in garnering enough support to pass the measure. Also presenting at the February meeting were Wesley R. Payne and Carl H. Delacato Jr., the Association’s co-chairs of the Insurance Programs Committee. The Committee is responsible for the general oversight of insurance programs offered to the members of the Association and at the time, the endorsed disability insurance program of the Association was written with American International Group. Payne and Delacato noted that the Association’s endorsed broker of record, USI Affinity had recommended moving the Association’s disability insurance program from AIG to New York Life as a result of a number of positive components that New York Life could offer Association members.

The Insurance Programs Committee reviewed the program with AIG and compared the benefits available to Association members if the program were to be moved to New York Life Insurance Company. After doing so, the Committee recommended the transfer of the endorsement, effective July 1, 2009. The Board agreed and directed the Association to act accordingly.

Finally, in March the Board of Governors heard from Larry Felzer, co-chair of the LGBT Rights Committee regarding a resolution co-sponsored by the LGBT Rights Committee, Civil Rights Committee, Public Interest Section, and Young Lawyers Division in support of House Bill 300, currently under review by the Pennsylvania House of Representatives. The bill, which was presented in early March by Rep. Dan Frankel (D-Pittsburgh) with a record 76 co-sponsors, seeks to amend the Pennsylvania Human Relations Act to include protections from discrimination on the basis of “sexual orientation” and “gender identity or expression.” Felzer noted that existing Pennsylvania law provides basic legal protections against discrimination on the bases of race, color, religion, ancestry, age, national origin, handicap or disability, education and the use of a guide dog, but not “sexual orientation” or “gender identity or expression.”

Felzer also reminded the Board that 13 Pennsylvania municipalities and 20 states have already enacted civil rights laws including protections based on sexual orientation and gender identity or expression and that the Board of Governors had previously supported similar resolutions in 1999 and 2002. The Board agreed and the resolution was passed, authorizing the Chancellor to take steps in support of the bill, which include communication of its position to members of the Pennsylvania General Assembly and the general public.

Scottoline continued from page 1

She then graduated cum laude from the University of Pennsylvania Law School in 1981, where she served as an associate editor of the University of Pennsylvania Law Review.

She began her legal career with a clerkship for President Judge Edmund B. Spaeth Jr. of the Pennsylvania Superior Court. When the clerkship ended, she joined Dechert, Price & Rhoads as an associate. In 1986, she left the firm to raise her newborn daughter and began writing legal fiction part-time. In 1994, Scottoline re-entered the legal world as an administrative law clerk to Chief Judge Dolores K. Sloviter of the United States Court of Appeals for the Third Circuit, while beginning a new career as a fiction author with the publication of her first novel.

Scottoline’s writing career began with Everywhere That Mary Went, published in 1994 by HarperCollins Publishers. The novel became a bestseller and was nominated for the Edgar Award, the most prestigious award given in crime fiction, awarded by the Mystery Writers of America. Her second novel, Final Appeal, was also nominated for and received an Edgar Award.

Since then she has written 11 more legal suspense novels, all of which have appeared on bestseller lists, including The New York Times, Wall Street Journal, USA Today, Los Angeles Times, Entertainment Weekly, and Publisher’s Weekly. Scottoline presently has 9 million copies in print in the United States, not including audio, e-book and various large print editions. Internationally, Scottoline is published in 23 countries. Her novels include: Everywhere That Mary Went (1994); Final Appeal (1995); Running from the Law (1996); Legal Tender (1997); Rough Justice (1998); Mistaken Identity (1999); Moment of Truth (2000); The Vendetta Defense (2001); Courting Trouble (2002); Dead Reckon (2003); Killer Smile (2004); Devil’s Corner (2005); Dirty Blonde (2006) and Daddy’s Girl (2007).

Scottoline has also joined the faculty as a visiting professor at The University of Pennsylvania Law School to teach a course she created, Justice and Fiction, and she writes a weekly column for the Philadelphia Inquirer called “Chick Lit.”

The luncheon begins at 12 p.m. in The Crystal Team Room on the 9th floor of the Wanamaker Building, 13 and Market Streets. Tickets to the luncheon are $50 for Association members and includes a copy of Scottoline’s new book, Look Again. Tickets are $45 for YLD members and $60 for nonmembers. Visit philadelphiabar.org to purchase tickets for this event.
In 1978, Jimmy Carter was president. Unemployment was 6.1 percent and a first-class stamp cost 15 cents. “Annie Hall” won the Oscar for best picture in 1978 and the first “test-tube” baby was born.

And in 1978, a group of Philadelphia Bar Foundation supporters conceived of the first Andrew Hamilton Ball to raise money for the Bar Foundation and its mission of providing equal access to justice for all.

During its 30-plus years, the Ball (which became the Gala in 2006) has raised millions of dollars to help the Philadelphia Bar Foundation give grants to the Philadelphia public interest legal organizations that ensure a fair and just society, help the poor, care for our children and the elderly, address health and disability issues, focus on issues affecting women and improve community welfare.

But nothing we have seen in the past 30 years has been anything like the economic crisis we are experiencing now. Sure there was Black Monday in 1987, the savings and loan debacle, the burst of the tech bubble and the economic repercussions of 9/11. But not since the Great Depression have we been faced with this kind of economic challenge.

So, how do nonprofits raise money in times like these? And for the Bar Foundation specifically, what do we do about our special event fundraisers that have been such a valuable source of funding for grantees as well as an opportunity to show that Philadelphia lawyers care?

In these challenging times one could fairly ask, “Why have this event at all?” Our answer is that it provides an important source of funding for our nonprofit legal services grantees and is an opportunity for our entire legal community to come together in support of the public interest bar.

We would be sticking our heads in the sand, however, if we just did what we always do. Philadelphia lawyers do care about our public interest community, but all of us are facing today’s economic reality and tightening our belts. While the Bar Foundation needs to provide an opportunity for all of us to come together this year to show our support, it also needs to do so in a way which reduces the costs and maximizes the amount we can allocate to our grantees.

So, after 31 years, the Andrew Hamilton Gala is changing, at least for this year. Just as black tie became optional and the Ball became the Gala, the Andrew Hamilton Gala is becoming the Andrew Hamilton Benefit.

On Saturday, Nov. 21 at 7 p.m. at the Please Touch Museum in Memorial Hall in Fairmount Park, Philadelphia lawyers will gather as they have since 1978 to support the Philadelphia Bar Foundation and the public interest organizations it funds. However, we will be doing everything possible to reduce the cost of a ticket (subscriber tickets will be half of what they were last year) so that as many of us as possible in the legal community can attend and raise as much grant funding as possible. Although the details have not been all nailed down, it will be a wonderful, though less formal and expensive evening, with food, drink, dancing and sharing of common purpose.

Wendy Beerstein, Bar Foundation treasurer, and our former Chancellor, A. Michael Pratt, are co-chairing the Benefit, and leading the charge. As Wendy reports they are well on the way to accomplishing these goals. “We’ve assembled a team of out-of-the-box, creative thinkers who are volunteering their time and effort to deliver a high-quality event within tight cost controls. We’re pushing our vendors for every penny of saving. We’re looking for freebies wherever we can get them. We’re determined to do everything we can to raise significant funds for our grantees while throwing the party of the season,” she said.

The Andrew Hamilton event is too storied and has too much tradition to let it go. Conceived through the creative energies of Paul Carpenter Dewey, Chancellor of the Philadelphia Bar Association in 1978; Marvin Comisky who had been a Chancellor as well as a past President of the Bar Foundation; and Catherine Apotheker, the Ball quickly became the Bar Foundation’s major fundraiser. On the 20th anniversary of the event, then-Chancellor Edward F. Chacker wrote, “Twenty years ago, who would have predicted that the Andrew Hamilton Ball would become one of the city’s leading social and charitable events? Then as now, the Philadelphia legal community realized that lawyers must take the lead to guarantee equal access to justice.”

At Ed said, lawyers have a special responsibility to help the poor, children, the disabled and those who are especially vulnerable in times of crisis have access to legal representation. The Andrew Hamilton Benefit is the public symbol of the Philadelphia legal profession’s commitment to this notion. The event helps not only the public interest legal organizations and the clients they serve, but the legal profession itself. By showing that it cares about our justice system and the assistance it provides to the community, the profession grows in stature.

In today’s world, we can all save money by attending a less fancy party. What we can’t do is not continue to be there for the public interest legal community. So mark your calendars and join us on Nov. 21 to celebrate the strength of our legal community and reaffirm together that Philadelphia lawyers care.

Amy B. Ginensky, a partner at Pepper Hamilton LLP, is president of the Philadelphia Bar Foundation.

**WebCheck**

To contribute to the Philadelphia Bar Foundation, visit the foundation’s page at philadelphiabar.org.

**By Amy Ginensky**

**Changing Times Call for Changing Gala**

By Amy Ginensky

**Bar Foundation Golf Classic June 22**

The Philadelphia Bar Foundation’s 21st Annual Golf Classic is moving to a new location.

The event will be held Monday, June 22 at Huntingdon Valley Country Club in Huntingdon Valley, Pa.

The general fee for players is $375. Members of the Young Lawyers Division may play at a discounted fee of $350. Price includes all greens fees, golf cart, lunch, refreshments, dinner and cocktails.

Several levels of sponsorship are available. Tournament Underwriters ($15,000) get a banner hung at clubhouse entrance; name on the front cover of the souvenir program as sponsor of the event; distribution of skills competition prizes to winners; eight players plus four additional guests to cocktail reception; and VIP parking for golfers. Other levels include Tournament Cup/Skills Prize Sponsor ($7,500), Luncheon, Cocktail Buffet, Reception or Putting Contest Sponsor ($5,000) and Hole Sponsor ($2,000). For more information, contact Lynne Brown at (215) 238-6347.

**Huntingdon Valley Country Club will host the 21st Annual Philadelphia Bar Foundation Golf Classic on Monday, June 22. Visit philadelphiabar.org to register.**
Meet Italian-American Media at April 22 Event at City Hall

The Bar-News Media Committee, in partnership with The Justinian Society, will host an “Italian-American Media Night” on Wednesday, April 22. The cocktail party and Italian food sample, along with the media meet and greet will take place from 5 to 7 p.m. in the Mayor’s Reception Room of City Hall.

Confirmed members of the media who will be in attendance include Joanne Calabria, vice president of public affairs, CBS 3; Pat Ciarrocchi, news anchor, CBS 3; Dr. Mike Cirigliano, health correspondent for FOX 29; Joe De Felice of The Italian Tribune Delaware Valley Presser; Stephanie Esposito, reporter for WFMZ Channel 69 News; A.J. “Buddy” Fortunato, publisher of The Italian Tribune; Anthony Gargano, sports talk radio host, 610 AM WIP; Dom Giordano, host of “The Big Talker” 1210 AM; Marnie Hall, gossip columnist for philly.com; Gina Passarella, reporter for The Legal Intelligencer; Justin Pizzi, news reporter, NBC 10; Letizia Rubino, news producer, NBC 10; and Sue Serio, weather reporter, FOX 29.

Special guest Lorraine Ranalli will be on hand to sign copies of her latest book, Gravy Wars (www.gravywars.com). Ranalli is best known as a Philadelphia radio and TV personality and writer.

The cost of the event is $25 per person. Space is limited. Reservations will be taken on a first-come, first-serve basis.

To register for the event, please contact The Justinian Society at 215-545-0706 or justinian-uta@att.net.

Teaching the Teachers

Pennsylvania Supreme Court Chief Justice Ronald D. Castille and U.S. District Court Judge C. Darnell Jones II address teachers in the Supreme Court Courtroom at City Hall on March 6 at a Conference on the Judiciary presented by Supreme Court of Pennsylvania, the Pennsylvania Commission on Judicial Independence & PennCORD. Chancellor-Elect Scott F. Cooper (left) meets with a group of teachers. The program gave teachers more background on the Pennsylvania and U.S. Constitutions and featured a mock Supreme Court argument.

Disaster Planning

Get the latest resources from the Philadelphia Bar Association’s Disaster Planning Committee

philadelphiabar.org
Entries Sought for Ginsburg Legal Writing Contest

Entries are now being accepted for the Philadelphia Bar Association's Seventh Annual Legal Writing Competition in honor of the Honorable Ruth Bader Ginsburg, Associate Justice of the U.S. Supreme Court.

The co-chairs of the competition are Kathleen D. Wilkinson, partner at Wilson Elser Moskowitz Edelman & Dicker LLP and secretary of the Association and Diane Penney Eldelman, Assistant Dean for International Programs, Associate Professor of Legal Writing, Villanova University School of Law.

The Bar Association recognizes the importance of excellence in legal analysis and writing skills, and seeks to award a student enrolled in an American Bar Association-approved or provisionally approved Philadelphia-area law school for authoring a top-quality competition submission. This year the judges for the competition are Brandi L. Brice, City of Philadelphia Law Department; Professor Candace Mueller-Centeno, Villanova University School of Law; Assistant Dean Arlene Rivera Finkelstein, University of Pennsylvania School of Law; Professor Sydney T. Howe-Barksdale, Widener University School of Law; Professor Ellie Margolis, Temple University Beasley School of Law; Professor Lisa T. McElroy, Drexel University Earle Mack School of Law; Linda D. Perkins, Philadelphia District Attorney's Office; U.S. District Court Judge Gene E.K. Pratter; Professor Sheila Rodriguez, Rutgers University School of Law – Camden; Teresa F. Sachs, Post & Schell, P.C.; Professor David A. Sonenshein, Temple University Beasley School of Law; and Troy H. Wilson, Wilson & Wilson.

“Over the last six years, the Association has received numerous excellent essays, making it very difficult to select the winner,” said Wilkinson. “Fortunately, this year as well as in the past, we’ve had excellent judges from the legal community, the bench and the law schools participate in judging the essays. The judges award grades on many aspects of the quality and thoroughness of the written papers.”

“Excellent legal analysis and writing abilities have always been important to a lawyer's success, and have become even more crucial in this economy. The fact that the Bar Association rewards high-quality student work shows the Association’s commitment to encouraging excellence in law students,” said Edelman. This competition is open to full- and part-time law students who are in their second or third year of study during the 2008-09 academic year at one of the following six institutions: Drexel University Earle Mack School of Law, University of Pennsylvania Law School, Rutgers University School of Law - Camden, Temple University Beasley School of Law, Villanova University School of Law and Widener University School of Law (Delaware Campus).

Part-time law students in their third or later year of study are also eligible. 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 or for a law journal. 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. Entries must be received by Friday, May 8 at 4 p.m.

The author of the winning submission will receive a cash award of $2,500, the publication of the winning submission in The Philadelphia Lawyer, on the Bar Association’s web site and/or in an appropriate Bar Association publication. The winner will be invited to the Quarterly Meeting of the Bar Association in October 2009, at which time the award will be presented.

Legal Directory continued from page 1

whenever possible — of federal, state and local courts, judges, government offices and official; • Local court fee schedules; • A roster of law-related organizations, including officers, boards and staff; • Bar Association bylaws, contacts and committees; • Corporate counsel listings for major local firms; • A special “Product, Service and Expert Testimony Guide” tailored to the legal community.

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The Legal Directory 2009 is the only official directory of the Philadelphia Bar Association — don’t be fooled by imitators that omit crucial information you need.

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Commission continued from page 6

for retention.”

A decision of whether to recommend a judge or not requires the votes of a majority plus one of the members or 17 votes. The Judicial Commission is a diverse group of 30 members. According to the Association’s bylaws, the members include the Chancellor, Chancellor Elect and Vice Chancellor, the District Attorney of Philadelphia, the City Solicitor, the Chief Defender, the U.S. Attorney for the Eastern District of Pennsylvania, the chairs of certain specified sections and committees, the president judges of the Philadelphia Court of Common Pleas and Municipal Court, presidents of certain minority bars and four “civilians” who are not members of the bar, among others.

“Our Commission is comprised of lawyers from all walks of practice as well as members of the community. The unsung heroes of the judicial commission are the members of the investigatory teams who do the exhaustive legwork that helps the commission to make their decisions. Forming the public when the commission has done its work of finding candidates qualified or not qualified. So often, the public knows nothing more than the name and ballot position of the candidate. The Bar Association's role of letting the public know if that judge has been found qualified or not is a key component of the judicial process,” Ladov said. The Commission will publicize and advertise its ratings for the primaries in the spring. They will also be posted on the Bar’s Web site.
I recently attended the joint meeting of the Minorities in the Profession and Civil Rights committees because the co-chairs of both committees are my friends. But the topic of discussion quickly got my full attention. The very knowledgeable panelists discussed the recent decision rendered in In re Salas Compean, an interim decision by the Attorney General which stated that noncitizens facing removal proceedings are not entitled to effective counsel under the Sixth Amendment in the United States immigration courts. The panelists discussed the disturbing trend of the “criminalization” of immigrants and their difficulty in obtaining citizenship.

This past February marked the 35th anniversary of my family’s emigration from Korea to Philadelphia. I can’t remember the technical details of how we progressed from being “aliens” to citizens but I remember the joyous day when my family and I were sworn in at the federal courthouse in the ceremonial courtroom. As a naturalized citizen who considers herself blessed to be an attorney, I felt pangs of guilt as I listened to the speakers describe the cases of those less fortunate whose quest for citizenship failed or were denied, especially those with limited English proficiency. Financial and language barriers make the process of becoming a citizen that much more daunting.

Years ago, as part of the Korean American Lawyers Association, I volunteered to assist Korean immigrants in their application for citizenship even though I know nothing about immigration law. Student volunteers from the local law schools and lawyers of all practice areas gathered on a Saturday in April to do likewise. The long application form and its multitude of questions challenged my limited Korean vocabulary. “Have you ever been a prostitute?” or “Have you ever been a habitual drunkard?” are not questions I’ve ever asked polite company in Korean (or in English, actually). Using mime gestures just didn’t seem right. Luckily, the supervising attorney translated those questions for me and the other volunteers and, luckily, the applicants all answered in the negative. I volunteered for a few years after that initial experience but asking those questions never failed to make me squirm. As I listened to the speakers on that panel, I wondered if any of the applicants I helped in the past actually became citizens.

If anyone is interested in assisting individuals with their applications for citizenship, the Philadelphia American Immigration Lawyers Association, HIAS and Council, Nationalities Service Center and the Pennsylvania Immigration and Citizenship Coalition are co-sponsoring National Pro Bono Citizenship Weekend in Pennsylvania on Saturday, April 18 in Philadelphia and State College and on Sunday, April 19 in Allentown. Any attorney can provide pro bono service at this event by assisting eligible immigrants of limited means with their applications for citizenship. Training is mandatory and available on Friday, April 3 at HIAS and Council. Please contact Jamie Johns at 215.832.0922 or e-mail hiascitizenship@gmail.com. Just be forewarned that those questions are still on the application form.

Sunah Park, a partner at Thorp Reed & Armstrong, LLP, is editor-in-chief of the Philadelphia Bar Reporter.
Philadelphia VIP Presents Annual Awards

Philadelphia VIP, the hub of pro bono in Philadelphia, honored its outstanding volunteers from 2008 on Feb. 25. As the pro bono arm of the Bar Association, VIP recruits and trains volunteer attorneys to handle pro bono cases for those most in need in our community.

The awards ceremony was held in the Ceremonial Courtroom at City Hall, with a reception afterward in the Law Library. More than 200 volunteers, friends and family joined the staff and board of VIP to present awards to individuals, firms, corporations, and businesses who provided outstanding service to VIP and VIP’s clients in 2008.

The Justice William J. Brennan Jr. Award is given to firms, corporations and individuals who have provided the highest level of service to VIP and its clients. The Brennan Award is VIP’s highest honor, and is named after Justice William J. Brennan, a member of the U.S. Supreme Court and a loyal supporter of legal services to the poor. The plaque presented to recipients includes a quote from Justice Brennan: “Lawyers occupy a strategic role in the ordering of our society. This position affords members of the legal profession a vital role in taking affirmative, responsible, and progressive actions to meet current problems and avert future crises. You have met this challenge through your pro bono efforts in Philadelphia. I salute you.”

The Brennan Award winners included Blank Rome LLP; Pepper Hamilton LLP; Buchanan Ingersoll & Rooney PC; Segal, McCambridge, Singer & Mahoney, Ltd.; Robert W. Claypole; Herbert R. Weinman; Elizabeth C. Goodell; and Erica L. Goodman.

The Philadelphia Bar Association, in conjunction with Community Legal Services, founded VIP in 1981 and has been an ardent supporter of its efforts since that time. VIP Executive Director Sara Woods said the Chancellor’s Award “reminds us of the special relationship VIP shares with the Bar Association and its Chancellors, as well as the significant commitment the Bar Association has made to promoting pro bono service in Philadelphia.”

The Philadelphia VIP Chancellor’s Award recognizes firms, corporations and individuals who have given significant amounts of their time and talent to Philadelphia VIP clients.

“For our firm recipients, this means more than 10 percent of the firm’s attorneys have accepted cases through VIP in 2008. Finally, VIP recognizes outstanding individuals, both solo practitioners and attorneys at small firms, who have taken three or more VIP cases in 2008,” Woods said.

The Chancellor’s Award was presented to the following law firms: Anderson Greenfield; The Beasley Firm LLC; Berger & Montague PC; Dechert LLP; DLA Piper LLP; Feldman, Shepherd, Waldholzermer; Tanner, Weinstock & Dodge; Law Offices of Michael E. Fingerman; Fox Rothschild LLP; Gay Chacker & Minin, PC; Hangley Aronchick Segal & Pudlin; Kovler & Rush, PC; Lipsky and Brandi; Madden & Tufano, LLC; Martin, Banks, Pond, Lehocky & Wilson; McArdle & English, LLP; McElrath & Fullum, P.C.; Ominksky & Ominksky P.C.; Reilly, Janick & McDevitt, PC; Saltz Mongeluzzi Barrett & Bendesky, P.C.; Schnader Harrison Segal & Lewis LLP; Silverman & Foderia, P.C.; Smith & Horowitz, Attorneys At Law; Spector Rosen Kodorff & Willis; and White and Williams, LLP.

Individual recipients of the Chancellor’s Award included: Stanley Akinji; Carrie Boyle; Robert P. Cocco; Shaela Cruz; Samantha E. Dalton; E. Carolyn Hochstadtter Dicker; Harper J. Dummerman; Craig Gottlieb; Cheryl P. Jacobs; Miriam N. Jacobson; Shanece I. Johnson; Ilya A. Lipin; Edward H. Morris III; Maria Palladino; Donald Parman; Debra D. Rainey; Suzanne Root; Gregory L. Schell; Clair M. Stewart; Michael E. Sosic; Dana L. Tanzini; Roseann E. Weisblatt and S. Jerry Weissman.

The Philadelphia VIP Pro Bono Program Award is given to pro bono programs at law schools and professional organizations that have collaborated extensively with VIP in 2008 to match clients, students and attorneys in the pursuit of equal access to justice. The Pro Bono Program Award was presented to the Executive Committee of the Bar Association’s Family Law Section; Rutgers University Law School - Camden; Temple University Beasley School of Law and Villanova Law School Lawyering Together Program.

The Philadelphia VIP Business Recognition Awards are given to businesses in the Philadelphia region that have provided outstanding support and services to VIP in 2008. The Business Recognition Award was presented to Aracor Search and Abstract Services, Inc.; James DeCrescenzo Reporting; Lawyer Title Insurance Corporation; The Legal Intelligencer; and Reliable.

The Philadelphia VIP Government Recognition Awards are presented to government entities or individual government employees who have provided outstanding support and services to VIP. The Government Recognition Award was presented to the First Judicial District of Pennsylvania Residential Mortgage Foreclosure Diversion Program.

The Philadelphia VIP Legal Services Recognition Award is presented to members of our legal services community who partner with VIP on individual cases, provide expertise in substantive areas, serve as wonderful resources for volunteers, staff and clients, and without whom VIP could not function. The Legal Services Recognition Award was presented to the Consumer Bankruptcy Assistance Project and Edgardo J. Reyes, Community Legal Services, Inc.

The VIP People’s Choice Award is presented to individuals who have provided outstanding support and services to the staff of Philadelphia VIP. The VIP People’s Choice Award was presented to Kimberly M. Dolan; Jeff Lyons, senior managing editor, publications, Philadelphia Bar Association; Kathy A. O’Neill; Philadelphia Court of Common Pleas Judge Annette M. Rizzo; Peg Rubin; and Susan Knight, Geraldine Long and Joan Weingrad of the Philadelphia Bar Association Finance Department.

VIP Honors Matthew Olesh

This month Philadelphia VIP recognizes Matthew Olesh, an associate with Dechert, LLP, for his outstanding volunteer assistance to VIP clients.

Since taking his first VIP case in September 2007, Olesh has taken seven pro bono cases in the areas of home ownership and family law. Olesh can be relied upon to take on an urgent matter with little notice, and shows his commitment to his clients by attending training sessions and building his skills and knowledge in new substantive areas.

His clients share Philadelphia VIP’s appreciation of his good work. In one instance Olesh helped one client obtain physical custody of her child who was living almost two hours from Philadelphia in a remote area inaccessible to public transportation. The opposing party deliberately challenged the client’s attempts to see the child. With Olesh’s dedication, the client’s yearlong struggle to see her child was rejuvenated and ultimately validated. VIP honors Olesh for his contributions and enthusiasm as a young lawyer in service of low-income clients.

Philadelphia VIP understands the every day demands and time constraints that its volunteer attorneys face. VIP values all volunteers and recognizes with this honor those who handle multiple VIP cases, dedicate numerous hours to complex matters and take on cases outside of their general practice area.

Philadelphia VIP volunteers serve their clients with compassion and offer them much-needed assistance.

ATTORNEY DISCIPLINARY / ETHICS MATTERS

Pennsylvania and New Jersey matters • No charge for initial consultation

Representation, consultation and expert testimony in matters involving ethical issues and the Rules of Professional Conduct

James C. Schwartzman, Esq.
Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania • Former Federal Prosecutor
Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania

Pennsylvania Interest on Lawyers Trust Account Board

Dana Pirone Garrity, Esq.
Representing attorneys in disciplinary/ethics matters for 10 years • Author/Speaker on ethics matters

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(215) 751-2863

Philadelphia Bar Association

Philadelphia Bar Association

April 2009 Philadelphia Bar Reporter
Wednesday, April 1
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th floor Board Room.
Quarterly Meeting and Luncheon: meeting, 12 p.m., Park Hyatt Philadelphia at the Bellevue. Tickets: $55, philadelphiabar.org.

Thursday, April 2
Senior Lawyers Committee: meeting, 12 p.m., 10th floor Board Room.

Friday, April 3
LGBT Rights Committee: meeting, 8:30 a.m., 10th floor Board Room.

Monday, April 6
Family Law Section: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Tuesday, April 7
Philadelphia Bar Foundation Board of Trustees: meeting, 12 p.m., 10th floor Board Room.
Compulsory Arbitration Committee: meeting, 12 p.m., 11th floor Committee Room South. Lunch: $8.
Committee on the Legal Rights of Persons with Disabilities: meeting, 12 p.m., 11th floor Committee Room.

Wednesday, April 8
Women in Intellectual Property Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
Appellate Courts Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Thursday, April 9
Investment Companies Committee: meeting, 11 a.m., 11th floor Conference Center. Lunch: $8.50.
The Philadelphia Lawyer magazine Editorial Board: meeting, 12:15 p.m., 11th floor Committee Room South.
Legislative Liaison Committee: meeting, 12:30 p.m., 10th floor Board Room. Lunch: $8.

Friday, April 10
Good Friday: Bar Association offices closed.

Monday, April 13
Business Law Section Executive Committee: meeting, 12 p.m., 10th floor Board Room.

Tuesday, April 14
Criminal Justice Section Executive Committee: meeting, 12 p.m., 10th floor Board Room.
Professional Responsibility Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
Alternative Dispute Resolution Committee: meeting, 12:15 p.m., 11th floor Committee Room South. Lunch: $8.

Wednesday, April 15
Federal Courts Committee: meeting, 12:30 p.m., 10th floor Board Room. Lunch: $8.
LegLine: 5 p.m., 11th floor LRIS offices.

Thursday, April 16
Family Law Section Executive Committee: meeting, 12 p.m., 11th floor Committee Room South.
Law Practice Management Division: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
Environmental Law and Toxic Torts Committee: meeting, 12:30 p.m., 10th floor Board Room.

Friday, April 17
Social Security Disability Benefits Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Monday, April 20
Real Property Section: meeting, 11:30 a.m., 11th floor Conference Center. Lunch: $8.
Public Interest Section Executive Committee: meeting, 12 p.m., 10th floor Board Room.
Young Lawyers Division Cabinet: meeting, 12 p.m., 10th floor Cabinet Room.
Law Practice Management Division Executive Committee: meeting, 12 p.m., 11th floor Committee Room South.

Tuesday, April 21
Section Chairs: meeting, 8:30 a.m., 10th floor Board Room.
Employee Benefits Committee: meeting, 12:30 p.m., 11th floor Committee Room South. Lunch: $8.

Wednesday, April 22
Medical Legal Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
Attorney Career Development Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Thursday, April 23
Health Care Law Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.50.

Friday, April 24
Labor and Employment Committee: meeting, 12 p.m., 11th floor Committee Room South. Lunch: $8.

Monday, April 27
Young Lawyers Division Executive Committee: meeting, 12 p.m., 10th floor Board Room.
Minorities in the Profession Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Tuesday, April 28
Criminal Justice Section: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
Women in the Profession Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Wednesday, April 29
LegalLine: 5 p.m., 11th floor LRIS offices.

Thursday, April 30
Lawyer Referral and Information Service Committee: meeting, 12 p.m., 11th floor Committee Room South.
Elder Law Committee: meeting, 1 p.m., 10th floor Board Room. Lunch: $8.
Board of Governors: meeting, 4 p.m., 10th floor Board Room.

Register online for most events at philadelphiabar.org. Unless otherwise specified, all checks for luncheons and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquarters, 1101 Market St., 11th fl., Philadelphia, Pa. 19107-2955. Send Bar Association-related calendar items 30 days in advance to Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., Philadelphia, Pa. 19107-2955. Fax: (215) 238-1159. E-mail: reporter@philabar.org.

Area law school students who have demonstrated an interest in and involvement with Jewish religion, law or ethics will be honored at the Brandeis Law Foundation scholarship luncheon on Tuesday, April 21 at 12 p.m. at the Union League of Philadelphia, Broad and Sansom Sts.

According to Mayer Horwitz, President of the Foundation, the scholarships will be awarded in the name of Philadelphia Common Pleas Court Judges Abra- ham J. Gafni (Ret.) and Sandra Mazer Moss. “This is our way of recognizing these two outstanding jurists, perpetuating our heritage and passing something onto future generations,” Horwitz said. “Judges Gafni and Moss are worthy role models for these future lawyers.”

The Judge Abraham J. Gafni award is a $1,000 cash prize given to a second- or third-year Jewish law student at a Philadelphia area law school who has demonstrated an interest and involvement in Jewish religion, law or ethics. The Judge Sandra Mazer Moss Award is a $1,000 cash prize given to a single-parent law student at a Philadelphia area law school who strives for personal achievement, success and excellence in the law.

Brandeis Law Society Chancellor Louis Posel praises the work of the Foundation and encourages everyone to attend the luncheon. “This event is especially gratifying,” he said.

The event is chaired by Philadelphia Bar Association Chancellor and Brandeis Law Society member Sayde Joy Ladov who notes that all area law school deans have been invited to the luncheon along with members of the local judiciary.

Tickets for the luncheon are $65 for members of the Bar and $25 for judges, law clerks, law students and public interest lawyers. Tables of 10 can be purchased for $500. For tickets, indicate the number of attendees and price category and send it along with a check made payable to the “Brandeis Law Society” to Mitchell H. Klevan, Esq., 1515 Market St., Suite 1410, Philadelphia, PA 19102. Visit www.brandeislawsociety.org for more information.

The Brandeis Law Foundation is the charitable arm of the Brandeis Law Society.

The Louis D. Brandeis Law Society is a Jewish law society, dedicated to advancing and enriching the personal and professional interests of members of the Bench and Bar. It promotes opportunities for leadership development, social interaction, education and community service.

Brandeis Foundation Scholarship Luncheon April 21
William J. Leonard, a partner with Obermayer Rebmann Maxwell & Hippel LLP, was recently reappointed to the Board of the Pennsylvania Intergovernmental Cooperation Authority.

Steven K. Migrigogna, a partner with Archer & Greiner, P.C., has been named a Fellow of the Litigation Counsel of America.

Joseph M. Manko, a founding partner of Manko, Gold, Katcher & Fox, LLP, participated in a panel on “Liquid Assets: A Philadelphia Perspective,” presented by the Fairmount Water Works’ Schuykill Soundings at the Fairmount Water Works Interpretive Center in Philadelphia.

Amy B. Ginensky, a partner with Pepper Hamilton LLP and president of the Philadelphia Bar Foundation, recently was a panelist on a program titled “How Did the Media—Now, Old and Battered—Cover the ’08 Election?”

Jill Friedman, an adjunct professor at Rutgers University-School of Law-Camden, has been elected to the Board of Directors of New Jersey Volunteer Lawyers for the Arts.

H. Ronald Klasco, founding partner of Klasco, Rulon, Stock & Seltzer LLP, recently spoke at the Mid Winter Business Meeting of the Florida Association of Realtors in Orlando. He also spoke at the Annual Immigration Law Conference of the American Immigration Lawyers Association, South Florida Chapter.

Patrick Meehan, Nick Centrella, Patricia Hamilt and Jud Aaren, shareholders with Conrad O’Brien, P.C., recently discussed “Are You Ready for the Friday Afternoon S.E.C. or D.O.J. Subpoena?” at a CLE program sponsored by the Delaware Valley Chapter of the Association of Corporate Counsel.


Deborah Hong, a partner with Stradley Ronon Stevens & Young, LLP, has been appointed to the Board of Trustees of the Zoeza Institute to be a member of its Advisory Board. The Zoeza Institute is a nonprofit agency that provides programs for children in dependent care living situations.

Martin Weinberg, partner and chair of Obermayer Rebmann Maxwell & Hippel LLP, was inducted into the 2009 class of the Drexel Athletic Hall of Fame on Feb. 15.


Steven A. Scoclini, a partner with Stradley Ronon Stevens & Young, LLP, has been named to the board of directors of the Main Line Chamber Foundation.

Patricia Giordano, an associate with Feldman, Shepherd, Wohlgelernter, Tannen, Weinstock & Dodig, recently served as a co-instructor for the New Jersey Skills & Methods Course Winter 2009 seminar on the topic of New Jersey Civil Trial Preparation.

Brian K. Sims, the Staff Counsel for Policy & Planning at the Philadelphia Bar Association, has become a 2009 State Political Leaders Fellow at the Center for Progressive Leadership. The CPL State Political Leaders Fellowship is a yearlong leadership development program for a select group of organizational leaders, future candidates, community organizers, and progressive activists across the state. Sims has also been elected chair of GALLOP (Gay and Lesbian Lawyers of Philadelphia).

Carolina C. Spaventa and Gabriela Arce de Smith of Stradley Ronon Stevens & Young, LLP, have been appointed to the Hispanic Bar Association of Pennsylvania and the Hispanic Bar Association Legal Education Board. Spaventa has also been appointed as an alternate member for the Philadelphia Zoning Code Commission.

Louis K. Kupperman, a partner with Obermayer Rebmann Maxwell & Hippel LLP, has been unanimously elected to the Board of Directors of the Chester County Chamber of Business and Industry.

Stephen M. Packman, a partner with Archer & Greiner, P.C., has been designated a Fellow of INSOL International, a worldwide federation of insolvency professionals, after successfully completing INSOL’s intensive, nine-month “Global Insolvency Practice Course.”

Judge Arlin M. Adams, Admin Justice Edward J. Kohler, Jr., and Judge Timothy J. Ryan, all New Jersey Superior Court Judges, are participating in a panel discussion on civility and professionalism in the courtroom and practice Oct. 20 to Nov. 1 in Camden, N.J.

Bruce S. Katcher, a founding partner of Manko, Gold, Katcher & Fox, was a panelist for “Green Power: Harnessing the Potential of Alternate Energy Sources” at the New Jersey Bar Association’s Annual Meeting in Atlantic City. He discussed alternative energy sources and how they may be harnessed in New Jersey.

Howard P. Dwoskin, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, served as a course planner for the seminar “How to Win the ‘Fall Down’ Case.” The seminar was presented to the Pennsylvania Bar Institute and the Pennsylvania Bar Association Litigation Section in February.

Kevin J. Ketch, an associate with Obermayer Rebmann Maxwell & Hippel LLP, served as a panelist at the American Bar Association’s Section of Litigation 2009 Insurance Coverage Committee CLE Seminar on March 7 in Tucson, Ariz. Ketch has been appointed to a two-year term as co-chair of the Asbestos Subcommittee of the American Bar Association, Section of Litigation, Insurance Coverage Litigation Committee.

Michael C. Gross, a partner with Manko, Gold, Katcher & Fox, LLP, spoke on “Environmental Due Diligence” and “Environmental Permitting” at the Lorman Education Services seminar “Zoning, Subdivision and Land Development in Pennsylvania” on March 5 in Allentown, Pa.

Barry L. Cohen, a partner with Thorp Reed & Armstrong, LLP, spoke at the Pennsylvania Bar Institute’s Gulf Coast CLE Conference on protecting a company’s brands and marks, and participated in a panel discussion on civility and professionalism in the courtroom and practice Jan. 30 to Feb. 1 in Marco Island, Fla.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Information may be sent to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, PA 19107-2955. Fax: (215) 238-1159. E-mail: reporter@philabar.org. Color photos are also welcome.
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