Registration Now Open for Bench-Bar at Revel

By Jeff Lyons

Registration is now open for the Philadelphia Bar Association’s 2012 Bench-Bar & Annual Conference to be held at the new beachfront Revel resort in Atlantic City, N.J., on Oct. 5 and 6.

The Bench-Bar & Annual Conference provides attendees with the opportunity to earn CLE credit while networking with colleagues and members of the bench. Hundreds of attorneys and judges are expected to attend.

Maria A. Feeley, a partner at Pepper Hamilton LLP, is chair of the Bench-Bar & Annual Conference. Molly Peckman, director of professional development at Dechert LLP, is programming chair of the conference. Jeffrey S. Gross, a principal with Batt & Gross, is serving as sponsorship chair and Jennifer Segal Coatsworth, an associate with Margolis Edelstein, is sponsorship vice chair. Regina Foley of Raynes McCarty is chair of the scholarship subcommittee.

“The Bench-Bar & Annual Conference is always one of the highlights of the year for our members, but we are particularly excited to announce that this year’s conference will be going back to the Boardwalk to the brand new beachfront hotel and resort, Revel in Atlantic City,” Feeley said. “This year’s conference will provide our members with an opportunity to earn CLE credits while networking and socializing with colleagues and members of the judiciary in a world-class resort that truly stands apart in terms of its style, architecture, atmosphere and beauty.”

Members who attend the full conference and register by the early-bird deadline of Friday, Sept. 14 will save $80 on their registration. The early-bird price for members is $369 and includes all CLE programming and all sponsored meals and events on Friday and Saturday. Public interest, government and young lawyers will pay $219 for the full conference if registered by Sept. 14. Hotel reservations for Revel will be available soon.

The Philadelphia Bar Association’s Bench-Bar & Annual Conference will be held October 5-6 at the new $2.4 million Revel in Atlantic City, N.J.
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A New Law Requires all Pennsylvania Voters to Produce Photo Identification Each Time They Vote.

Many of you received an email from our Bar Association last month urging members to oppose the so-called “voter ID” bill that was signed into law by Governor Corbett on March 14. In the email, we urged you to contact your state senator through the Legislative Action Center on our website to express your opposition to the bill as an unnecessary impediment to the exercise of a citizen’s right to vote.

Far from forwarding a particular political agenda, our Association's public opposition to voter ID laws, which began ten years ago, is grounded in our commitment to equal access to justice for all.

As Lyndon B. Johnson put it, “the vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.” For Americans our vote is our voice, and any attempt to restrict that most vital tenant of democracy should concern all of us.

Philadelphia lawyers have a long history of pro bono work dating back to Andrew Hamilton’s defense of John Peter Zenger in 1735. Philadelphia attorneys and local public interest legal organizations worked on nearly 50,000 cases at low or no cost last year alone. This commitment to access to justice has been one of the guiding tenets of the Bar Association for more than 200 years.

It should come as no surprise that of specific concern to the Bar Association and many of our partners in the public interest law community is the fact that disenfranchised populations stand to be the most affected by the new voter ID law. It is easy to think that everyone has a valid and accessible photo ID, but research shows that simply is not the case.

The Brennan Center for Justice at NYU School of Law found that as many as 11 percent of U.S. citizens – more than 21 million individuals – do not have government-issued photo identification. Of this 11 percent, the elderly, disabled, minorities, youth and women are disproportionately represented with 18 percent of American ages 65 and up and 25 percent of voting-age African-Americans reporting that they do not have a government-issued photo ID.

These disenfranchised populations often face challenges in obtaining an ID including lack of transportation and funds. The reality is that those who are least likely not to have an ID are those who are least able to get it.

While this onerous requirement is purportedly intended to curb voter fraud, the County Commissioners Association of Pennsylvania testified before the House State Government Committee that it found no evidence of voter impersonation fraud substantiated by a search of case records and anecdotal information from counties. In their words it is “a solution to a problem which doesn’t exist.”

Similarly, the Brennan Center found that individual voter fraud targeted by legislative efforts such as voter ID laws “is exceedingly rare; one is more likely to be struck by lightning.”

In addition to adding hurdles for disenfranchised populations and doing little to curb fraud, the Pennsylvania law infringes on justice for everyone.

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While efficiency and transparency have always been primary goals of the Court of Common Pleas, Civil Trial Division’s Complex Litigation Center, the focus of the March 7 State Civil Litigation Section meeting was the court’s Mass Tort Programs and recently issued General Court Regulation No. 2012-01, In re: Mass Tort and Asbestos Programs.

Attending the quarterly meeting was a panel of judges and decision-makers including Hon. John W. Herron, administrative judge of the Trial Division, Hon. Allan Tereshko, supervising judge of the Civil Trial Division, Hon. Sandra Mazer Moss, coordinating judge of the Complex Litigation Center, and Stanley Thompson, director of the Complex Litigation Center. Each panelist took a moment to update attendees regarding various changes and modifications to the Mass Tort Program, and then facilitated a question-and-answer period.

Last fall, the Complex Litigation Center recognized a growing backlog of cases, particularly in the Asbestos Program, and issued a Notice to the Bar on Nov. 28 inviting feedback regarding consolidation, reverse bifurcation and punitive damages. After reviewing existing protocols, and receiving numerous written responses, the court took steps to revise its processes. In February, the court issued General Court Regulation No. 2012-01, In re: Mass Tort and Asbestos Programs.

One of the leading causes of the backlog of cases is the large number of out-of-state filings. In 2011, out-of-state filings accounted for 47 percent of asbestos cases alone in Philadelphia. Philadelphia, as a venue, is appealing to plaintiffs because it offers an urban jury experience, as well as an efficient court system. The Asbestos Program in particular is experiencing a backlog as asbestos cases increased in numbers overall. Last year alone there was an increase in the current caseload of 101 cases, bringing the total inventory to 770. In response to this significant increase, the new regulation limits pro hac vice counsel to no more than two trials per year, and encourages out-of-state attorneys to take the Pennsylvania Bar exam. Judge Herron explained “we are in the early stages of saying whether these protocols are going to be helpful or not.”

Another change introduced in GCR 2012-01 was the addition of a mediation program. After a case has been assigned a trial date, and once summary judgment motions have been ruled upon, parties will be encouraged to mediate at an expense shared by all parties involved in the litigation. Five mediators were identified in the new regulation and their contact information was provided. “We wanted to start out with a limited group so we could see how it works,” Judge Herron explained. A new program in the Asbestos Program is the assignment of a case administrator to oversee the administration of a case. The administrator is responsible for coordinating the scheduling of depositions, medical examinations, and other necessary tasks to ensure the efficient handling of the case. This program is expected to improve the overall efficiency of the court system and reduce the backlog of cases.

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By Seymour I. Toll

On March 12, The Philadelphia Inquirer published the obituary of Charles Taylor who died on the first of the month in New Hope. It recalled how he and his wife Anita ran Taylor’s Country Store. From 1964 to 1987 it was a memorable and hospitable gourmet deli on Sansom Street and a favorite lunch-schmoozing venue for a number of lawyers. In keeping with its singular spirit, our brother “Arnie” Winicov used to take a break from his practice by his unpaid playing of an upright piano near the deli’s front door.

Back in 1973, I was the first editor of The Retainer, a weekly tabloid newspaper the Bar Association launched in 1972 and distributed at no cost to its members. To encourage spending time away from our calling, I captioned the paper’s third page “The Rest of Our Lives” and published articles there that were about anything but the law. “D. Gustibus” was my pen name when I wrote about food, and this piece was done with an affection and gratitude that are with me still.

For those who have come to know – and therefore to love – Taylor’s Country Store, there’s nothing anyone need tell them about this unique establishment. If we were to say anything, it’s simply to reaffirm our widely shared affection for what Anita and Charlie Taylor have created these past few years.

For those who have yet to experience this special Philadelphia blessing, a vignette may give you a hint of what is in store.

After many years at their old stand a block away, last month Anita and Charlie Taylor moved to their new location at 1609 Sansom St. They opened at the beginning of October as they had promised. They were not only up to their necks in well-wishers, but in all the tasks which had to be done to complete their top-to-bottom remodeling of a three-story building.

Among the many unfinished things were the new upper front windows. They had no glass, so the Taylor’s opened without it. There may have been nothing in the windows but the glass had flowers on them.

Taylor’s Country Store is a delightful sandwich restaurant, a shop that tacks some of the best cheeses in town as well as other attractive specialty foods, and a Center City retreat. But above all, it is a benign condition of the spirit. Like any institution, it is what it is because of the people who run it.

Once you get to know Anita and Charlie Taylor you will develop the feeling that you are not a guest in their shop but an adopted member of their large and affectionate family. They are warm and generous souls with distinctly different styles. Charlie is droll, unflappable and always able to serve whimsy when others are fresh out of it. Like Anita, he will do anything to accommodate a friend. Anita is like a favorite sister with an earthy and concerned good humor.

The Taylors are occasionally assisted by some of their kids who show youthful evidence of their parents’ warmth. There are also other students behind the sandwich counter who share in the familial informality of the place.

If you spread such amicable qualities on some of the nicest sandwiches in town, you get the full flavor of the Country Store and what it offers.

Probably the one sandwich that has given the Taylors’ their special culinary reputation is the Country Store hoagie. As a serious student of hoagies, we believe this one has no peer in town. Like all of their sandwiches, it’s made of the finest ingredients very generously laid on. It is a $1.25 feast, and in seasonable weather a perfect take-out lunch for Rittenhouse Square. The sandwiches listed in chalk on the slate blackboard change from time to time, and are likely to include such delectations as Swiss cheese, corned beef, Polish ham and tomato ($1.85), smoked salmon, cream cheese and tomato on pumpernickel ($1.65) and white turkey and smoked Gruyere ($1.60).

Our favorite beverage at this time of year is the Vermont natural cider that is aged in keg and is crisp and bitey. This 30-cent pleasure will make you sneer at all carbonated beverages. The Taylors’ continue their long-standing tradition of serving coffee and tea on the house.

In addition to the handsome, well-kept cheeses, the Taylors also stock crusty loaves of French bread and dark pumpernickel along with such seasonal goodies as gingerbread houses at Christmas, and, as the spirit moves them, delicious charcuterie like bockwurst. While the dessert menu is limited, it is memorable. The crown jewel is the cheesecake, although the rich dark chocolate cake has nothing to be modest about.

The new Country Store is much larger than its predecessor. It’s clear after watching it closely for more than a month that not only has nothing been lost in the transition, but some delightful new things have been added. Among these is a sidewalk terrace that in fair weather is a charming place to take lunch and watch the strollers on Sansom Street. The food is served at the ground-floor counter and above it are three attractive dining areas with brightly covered tables and jolly bentwood chairs.

The Taylors have made a special effort to free these dining areas and have created an inviting atelier effect by employing a big skylight and opening the street walls with large windows (all the glass is now in, by the way).

The white walls are punctuated by many of those items which Charlie and Anita used with such shaggy eclecticism in their old place, things like modern prints, an old retired wall clock, a Victorian hat rack and a reproduction of laughing cherubs which is class kitch.

It’s all very informal, very spontaneous and full of the nicest kind of camaraderie. It is in short, not really a restaurant but a warm, hospitable and lived-in home.

It tastes, looks and feels like no other place in town. With people like the Taylors, there is not only hope for downtown Philadelphia but for mankind as well.

Seymour “Spence” I. Toll (SToll@larssonlaw.com), former editor of The Retainer, is of counsel to Larsson & Scheuritzel.

The Rest of Our Lives

Taylor’s Country Store

Charlie Taylor at the cheese table at Taylor’s Country Store from the Nov. 15, 1973 issue of The Retainer.
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Media Coverage is Focus of Forum on DSK Arrest

By Maura L. Burke

Unusual perspectives on gender, the law and the media were offered at the March 15 Chancellor’s Forum “The Arrest of Dominique Strauss-Kahn: A Comparative Study of French and U.S. Law and the Media.”

Strauss-Kahn, former director of the International Monetary Fund and Socialist party candidate for the French presidency, was arrested and charged with sexually assaulting a hotel maid in New York City in May 2011. The charges were subsequently dropped.

Panelists included Emilie Lounsberry, a reporter for The Philadelphia Inquirer; Professor Irène Théry, a sociologist with Ecole des Hautes Études en Sciences Sociales; and Michelle Madden Dempsey, associate professor at Villanova University School of Law. The panel was moderated by Philadelphia Court of Common Pleas Judge Gary S. Glazer.

The event was co-sponsored by the Institut des Hautes Études sur la Justice, Paris; the International Law Committee; and International Law Society of Villanova University School of Law.

Lounsberry, also an assistant professor at The College of New Jersey, began with a presentation on the intersection of sex, gender and law in the news media, highlighting the significant international media attention garnered by Strauss-Kahn’s arrest. News stories involving allegations of sexual abuse and rape are often difficult for the U.S. news media because reporters have the freedom of press, but also the responsibility to be fair to both the victim and the accused. Fair reporting in the Strauss-Kahn case was important because of the sexual nature of the crime, the high profile of the accused, the credibility of the victim and its impact on French and U.S. relations.

Next, Professor Théry described France’s initial shock at the arrest of Strauss-Kahn and its eventual shift in perception as the news coverage continued. Particularly disturbing to the French people was the media coverage of Strauss-Kahn’s arrest and so-called “perp walk” because this portrayal of the accused seemed inconsistent with “innocent before proven guilty.” As the investigation continued, attitudes in France shifted and were aided by the publication of the 25-page report outlining why the charges were dismissed, which revealed how the U.S. justice system protects both the victim and the accused.

Professor Théry extrapolated on this idea of fairness and the presumption of innocence for the accused, positing a parallel theory of the “presumption of veracity” for the victim. The presumption of innocence focuses on the facts, whereas the presumption of veracity is grounded in the words or allegations of the victim. Professor Théry argued that this theory does not contradict the presumption of innocence, but in fact compliments it and provides balance in the justice system.

Finally, Michelle Madden Dempsey, associate professor at Villanova University School of Law, presented a critique of the New York City District Attorney’s decision to charge and ultimately release Strauss-Kahn. Dempsey opined that although Strauss-Kahn’s “perp walk” as it was portrayed in the media was unfair, the decision to arrest Strauss-Kahn and act quickly was well-grounded. Weighing in favor of the prosecutor’s decision to make an arrest was the unlikelihood of extradition, and also race and class dynamics. By taking the word of the victim, an illiterate African-immigrant housekeeper, the prosecutor demonstrated that no one, not even a powerful man like Strauss-Kahn, was above the law. Dempsey also praised the prosecutor’s diligence in choosing to submit the 25-page dismissal report and explain the basis for its dismissal of the charges, however, Dempsey did criticize the prosecutor’s dismissal of the charges, opining that in light of the strong circumstantial evidence a “courageous prosecutor” could have ethically brought this case to trial.

Maura L. Burke (mburke@foxrothschild.com) is an associate with Fox Rothschild LLP.

Parental Leave Policies Explained

By Regina Parker

According to a survey of the top 50 best law firms for women, on average, women receive 14 weeks of paid maternity leave, but on average only take 12 weeks. Men receive just six weeks, but on average only take two weeks.

During a recent meeting of the Women in the Profession Committee, panel members discussed the nature of parental leave policies in Philadelphia law firms. Panels included past Chancellors Jane Leslie Dalton and Deborah R. Willig, along with Wanda Flowers and Laura C. Mattiacci.

Are employers legally obligated to provide parental leave following the birth of a child? The panelists explained that the Family and Medical Leave Act (FMLA) guarantees an employee, male or female, who has been working at least a year for a company with 50 or more employees the right to job protection, 12 weeks of unpaid leave to recover from a serious medical condition, including pregnancy. However, the FMLA does not require an employer to offer paid leave. Depending on your company’s policies, you may be eligible to use sick, vacation or other leave time to maintain your salary while on leave. Even though there is no requirement that paid leave be offered to employees, the Equal Employment Opportunity Commission (EEOC) requires the employer to comply with the law, including the Americans with Disability Act. The EEOC will investigate charges of discrimination related to an individual’s pregnancy in workplaces of 15 or more employees.

The panelists agreed that there may be a distinction between large firms and some of the smaller firms. Large firms tend to have generous policies in place. For example, some large firms offer 12 weeks off and if you have a doctor’s certification, you can get up to 16 weeks of paid leave. Some large firms have also addressed the current trend of men in

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Spring Heralds Arrival of Law Week

by Melanie J. Taylor

Spring is my favorite time of year. Not only does it mean warmer weather, but also that it is time for Law Week. Tuesday, May 1 is Law Day, which the American Bar Association and the Philadelphia Bar Association celebrate to raise awareness of the rights and benefits bestowed upon Americans through the U.S. Constitution.

In Philadelphia, the Young Lawyers Division sponsors various programs throughout the week of Law Day, each designed to introduce non-attorneys, particularly students, to the courts, the practice of law and civics education. These public service events include Legal Advice Live!, Poster and Essay Contests, Lawyer in the Classroom, LegalLine, the Goldilocks Trials and Lawyer for a Day:

This year, the ABA’s theme for Law Day is, “No Courts, No Justice, No Freedom” – a sentiment that could not be more fitting for the times. Although the recession is purportedly over, it is still affecting state and municipal governments’ budgets, which in turn affects funding for court systems and public interest legal services organizations. This greatly impacts the most vulnerable among us, who have no remedy but the courts to defend basic necessities like their homes or the ability to feed or even see their children.

Philadelphia is fortunate to have an active legal community dedicated to guarding the rights of citizens who may not have the resources to afford legal representation. This dedication extends not only pro bono representation, but also various Bar Association-sponsored legal education programs for non-attorneys. Indeed, many of these legal education programs occur during Law Week.

I, like many of you, became a lawyer because I believe in a system of rules and justice, a system that is unfortunately invisible to those who either do not know how to access it, or who cannot afford to. I hope that the young attorneys and attorneys who are young at heart will consider giving a few hours to help individuals and especially kids understand the rights that Americans enjoy but too often do not fully appreciate or understand. It can be a refreshing reminder of why the law and lawyers are so important to our way of life.

Law Week 2012 will begin on Monday, April 30, and conclude on Friday, May 4, and the YLD needs volunteers. Please see below for a description of the week’s events, and remember to check the YLD EZine for the contact information for the program chairs.

Legal Advice Live! Monday, April 30: Legal Advice Live! kicks off the week with dozens of Philadelphia attorneys gathering to provide free, in-person legal advice from 12 to 2 p.m. at four branches of the Free Library of Philadelphia: Central (1901 Vine St.), Ramonita de Rodriguez (600 W. Girard Ave.; Spanish-speaking attorneys needed); Haverford (5543 Haverford Ave.); and Donatucci (1935 Shunk St.). 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.

Poster, Essay Contests and Naturalization Ceremony – Tuesday, May 1: As part of Law Week, the YLD will sponsor a poster and an essay contest around the theme of Law Day. Winners of the poster contest receive U.S. Savings Bonds. The winner of the Edward F. Chacker Essay Contest – named after the former Chancellor of the Bar Association – will read aloud his or her essay at a naturalization ceremony at the U.S. Courthouse in Philadelphia, welcoming dozens of new U.S. citizens. The winner of the essay contest also receives a $1,000 college scholarship paid for by Chacker.

Lawyer in the Classroom: Tuesday, May 1 – Thursday, May 3: This program features lawyers visiting different schools throughout the week to answer questions about the legal profession and to address students’

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Nonprofit Keys to Success: The Four Cores

By Thomas L. Bryan

Four core competencies are needed for nonprofit organizations to function successfully, University of Pennsylvania Professor Fernando Chang-Muy recently told a Bar Association workshop on organizational effectiveness.

The four competencies are a board of directors; human resources systems; programs that adapt to the needs of the stakeholders; and operations (which encompass the way you bring in money, allocate money, tell your story, and the way you deal with physical plant and technology), Chang-Muy, the Thomas O’Boyle Lecturer in Law at the University of Pennsylvania School of Law, said. The program was the initial seminar of the Young Lawyers Division Law, Lunch and Learn series and was co-sponsored by the Delivery of Legal Services Committee and the Philadelphia Board Observation Program.

Board members present were encouraged to evaluate what systems they had in place to address these four core “competencies.” In an organizational setting, systems (such as a hiring and firing policy and committee, or an effective system to gather and analyze feedback from stakeholders) not only act to keep the organization running smoothly but can be tasked to evaluate and respond to changes. Chang-Muy stressed the importance of effective systems, not only in achieving the goals of the nonprofit, but in constantly self-evaluating so that the organization can change and adapt to new challenges.

Some time was also spent focusing on the usefulness of committees within nonprofits. A fundraising committee addresses fundraising, aside from developing a fundraising plan, should also evaluate the organization’s fundraising. A governance committee deals with nominating board members, establishing and updating bylaws, recruiting and mentoring. A personnel committee addresses human resources issues. A program committee looks at the programs and what systems are in place to evaluate the programs and their effectiveness (both quantitatively and qualitatively). A finance committee is responsible for establishing a budget, contact information auditing, brochures, marketing, and technology. Finally a facilities committee deals with all the issues surrounding the building or physical plant.

There are also different phases of development for nonprofits, although not every start-up will follow these phases exactly. The first phase is “start-up,” usually where one or two individuals come together around an idea and the focus should be on programs. If the nonprofit survives, there will be a transition period before the second phase.

The focus in the second phase should be building infrastructure at the board of directors and staff level. Once the nonprofit is staffed the focus becomes evaluating mission impact. The final goal of a nonprofit should be to shut their doors because the programs have been so effective and the fundraising so healthy that the mission has been accomplished and the original need no longer exists.

Thomas L. Bryan (thomaslbryan@gmail.com), an attorney with the Philadelphia City Law Department, is an associate editor of the Philadelphia Bar Reporter.

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When Family Law and Bankruptcy Intersect

By Julia Swain

Bankruptcy provides a remedy for many individuals by alleviating financial pressures through discharge of indebtedness and permitting retention of homes where mortgages are in default. However, in the family law arena, bankruptcy can bring a divorce action, along with the relief available under the Pennsylvania divorce code, to a quick halt through the automatic stay.

While support, custody and PFA actions can proceed despite a bankruptcy filing, a motion for relief from the automatic stay that includes an economic relief can proceed. David L. Grunfeld highlighted the intersection of bankruptcy and domestic relations at the Family Law Section meeting on March 6.

When an individual files for bankruptcy an automatic stay is immediately issued preventing creditors, including a divorcing spouse, from pursuing economic relief against the debtor. Under the Bankruptcy Code, Section 362(b)(2)(A)(vi), relief is not needed to simply secure a divorce decree; however, all other remedies for economic relief under the Divorce Code are put on hold pending the bankruptcy proceeding.

As such, discovery, special relief seeking any form of economic remedies (such interim distributions, sale of a real estate, pay off of liabilities), and claims for equitable distribution must wait to be addressed. If the non-debtor spouse cannot wait to proceed with a divorce action that includes economic claims, then a motion for relief from the automatic stay must be filed and approved by the bankruptcy court.

The automatic stay does not apply to claims for child support, spousal support, alimony pendente lite and alimony. The Bankruptcy Code, as amended in 2005, under Section 362(b)(2)(A)(ii), continues the exception for these actions from the automatic stay, defined as “domestic support obligations.” This includes establishment, modification, paternity, enforcement, continuation of wage attachment, reporting to credit bureaus, tax intercept, license suspension, medical obligations and collection from property that is not an asset of the bankruptcy estate as defined by Section (14A) of the Bankruptcy Code. The exception probably also includes any obligations that are in the nature of support such as duty to pay liabilities and debts.

A bankruptcy proceeding and the automatic stay have no impact upon custody litigation, under Section 362(b)(2)(A)(vi) of the Bankruptcy Code. Relief from the stay is also not needed in a Protection from Abuse action, under Section 362(b)(2)(A)(vi), to pursue an order of protection. However, relief from the stay is required to seek economic relief associated with a PFA such as lost wages, property damage, counsel fees and medical expenses.

Support and alimony obligations are not dischargeable in bankruptcy, under Section 523(a)(5). In Chapter 13 bankruptcy cases, support obligations of the debtor are considered a number one priority. Liens created by support obligations are also non-dischargeable under Section 522(f)(1)(A).

Obligations under a divorce settlement agreement or family court order are non-dischargeable under Section 523(a)(15) and can be enforced without seeking relief from the automatic stay. The debtor’s share of assets awarded in an agreement or order, however, are transferred to the bankruptcy trustee, including property acquired within 180 days after filing, under Section 541(a)(5)(B).

The Bankruptcy Code is codified at Title 11 U.S.C. §101, et seq. Sooner or later, most family lawyers must deal with a bankruptcy filing during the pendency of a domestic relations action. While consulting with a bankruptcy attorney is prudent, any licensed attorney may file a proof of claim on his/her client’s behalf, file a motion seeking relief from the automatic stay and appear in the bankruptcy court to present a motion.

Julia Swain (jswain@forsubchild.com), a partner with Fox Rothschild LLP, is an associate editor of the Philadelphia Bar Reporter.

ELC Hires Executive Director

The Education Law Center Board of Directors has named attorney Rhonda Brownstein new executive director of the statewide, nonprofit law center. She will assume this position on June 4.

Brownstein led the nationally respected Southern Poverty Law Center’s legal program through the development and implementation of major strategic and operational changes. Under her leadership, she expanded the legal department from five attorneys in Alabama to 25 in five states spread over the Deep South. She was lead and co-counsel in many complex class action federal and state lawsuits on behalf of public school students, children in the criminal justice system, and other at-risk populations. Most of the cases she brought in her 25 years of practicing law were strategically designed to have the broadest impact.

“I look forward to joining the talented staff at ELC and being part of an organization whose work I have respected for many years,” said Brownstein. “I was fortunate to have collaborated with ELC when I was at the Southern Poverty Law Center, so I know firsthand the high quality of their work. I share their passion for ensuring that all students have access to good public schools.”

Brownstein grew up in Philadelphia and is a graduate of Northeast High School. She is a magna cum laude graduate of the Pennsylvania State University and received her Juris Doctorate from Temple University School of Law. She spent time in Pittsburgh as a legal services attorney before taking her position at the Southern Poverty Law Center.

“The Board is confident that Rhonda Brownstein will continue ELC’s long history of providing quality legal services, with a passionate commitment to public education,” said Board Chair Gail Danckert. “With appreciation to Len Rieser for his unwavering integrity, quiet persistent and outspoken voice for children educationally at risk and to Janet Stotland, the previous executive director, who lead ELC for more than 30 years with an irresistible commitment to children, the Board is pleased to welcome Rhonda Brownstein to continue ELC’s high-quality work with a sound commitment to public education.”

The Education Law Center is a nonprofit legal advocacy and educational organization dedicated to ensuring that all of Pennsylvania’s children have access to a quality public education.
Between a woman and her doctor. In the second trimester, the decision is potential fetus and maternal health the court instituted to have an abortion. To balance protecting the life of a Fourteenth Amendment extend to a woman's decision the use of contraceptives.

In the third trimester, the state can be treated as a fundamental right, and the courts would likely uphold any regulation that did not oppose a “severe burden” standard, the right to choose would no longer be voted on soon. In December 2011, Pennsylvania signed into law a requirement that abortion clinics meet the same safety standards as ambulatory surgical centers. The new law includes unannounced inspection of abortion clinics. The abortion clinics have six months to comply, and they may apply for waivers under the grandfather provisions. Pennsylvania’s 22 abortion clinics are reviewing the regulations and applying for exceptions.

Between 1973 and 1992, the court heard 19 different abortion cases, and there was a huge move in opposition to abortion and a harassment of those who provided abortions, including the murders of seven doctors who performed abortions.

In Planned Parenthood v. Casey, 503 U.S. 833 (1992), the court decided the constitutionality of several Pennsylvania abortion regulations. The court, in a plurality opinion, upheld the constitutional right to have an abortion but lowered the standard for analyzing restrictions of that right to the “undue burden” standard. At issue was the Pennsylvania Abortion Control Act, which was challenged as unconstitutional under Roe v. Wade. The Act required informed consent; spousal notification; parental consent; and a 24-hour waiting period before obtaining an abortion. The Act also required certain reporting requirements on abortion clinics. Under the “undue burden” standard, the right to choose would no longer be treated as a fundamental right, and the courts would likely uphold any regulation that did not oppose a “severe and drastic” burden on a woman’s ability to obtain an abortion if the restriction was rationally related to a governmental purpose. The only provision that the court struck down was the provision requiring spousal consent. Since then, 35 states have enacted partial-birth abortion bills. However, most of the bans were overturned as vague. Then, Congress enacted an almost identical law to the states’ bills termed the Partial Birth Abortion Ban Act of 2003, which prohibited a form of late-term abortion. The court upheld its constitutionality in Gonzales v. Carhart, in 2007.

Most recently, the issue of ultrasound bills has been on the forefront. Pennsylvania and Virginia have gotten significant press related to the ultrasound bills. Virginia’s governor signed into law a bill that requires women to have an abdominal ultrasound exam before an abortion. Prior to signing it into law, language that required vaginally invasive examinations was removed. In Pennsylvania, the bill requiring ultrasounds before abortions was tabled, preventing any possibility that the ultrasound bill would be voted on soon.

In December 2011, Pennsylvania signed into law a requirement that abortion clinics meet the same safety standards as ambulatory surgical centers. The new law includes unannounced inspection of abortion clinics. The abortion clinics have six months to comply, and they may apply for waivers under the grandfather provisions. Pennsylvania’s 22 abortion clinics are reviewing the regulations and applying for exceptions.

Tracy noted that reproductive rights debates will be ongoing, and the new legislation may give rise to new challenges to existing law.
Bar’s 33rd Annual 5K is May 20; Register Now

The 33rd annual Philadelphia Bar Association 5K Run/Walk will be held Sunday, May 20 with more than 1,000 runners and walkers expected to participate. The 5K benefits the Support Center for Child Advocates.

The 5K Run begins at the entry to Martin Luther King Jr. Drive (West River Drive), next to the Philadelphia Museum of Art at 8:30 a.m. The Walk begins at 8:35 a.m. The registration fee for Bar Association members is $40. General registration for the 5K Walk is $20. Family registration for the Walk is $60. There is no fee to compete in the Buchanan Ingersoll & Rooney 200-Yard Kids Dash for children ages 5 to 10. The Kids’ Dash begins immediately after the Run/Walk start. All participants will receive a race give-a-way. Registration is required for each child. A parent or guardian must be present.

Law firms and companies may enter 5K Run teams. For an application contact Michael Berkowitz at mjberkowitz@cbtp.com or 215-567-2010 (ext 132). Deadline for team registration is May 6.

Neill W. Clark has won the Legal Competition for a record 13 consecutive years. His friends at Philadelphia Runner will award $200 to the first registered Philadelphia Bar Association runner who beats Neill’s 2011 time. When you beat your 2011 Race time, you’ll receive a Brooks gift at Philadelphia Runner. So, start training now to take Brooks home with you. All recipients who beat their 2011 Race time will be notified by email.

Pick up your race packet in advance when you register by May 15. Packets are available on Friday, May 18 from 10 a.m. to 7:30 p.m. at Philadelphia Runner, 1601 Sansom St. Registered participants can receive 20 percent off Brooks footwear, apparel and accessories at all three Philadelphia Runner stores. Visit www.philadelphiarunner.com for store locations.

Silver bowls will be awarded to the first-place male and female runners in the 5K Run; Philadelphia Runner gift certificates will be awarded to the first-place male and female runners in each age group; and commemorative awards will be given to the first-, second- and third-place finishers, both male and female, in each age group. T-shirts will be given to all participants who finish the Run or the Walk.

Waste and Recycle. Save Trees.
Lose 41 Pounds, Help Environment
It’s often like panning for gold or searching for a needle in a haystack. Sure, we live in a digital age, but when you look at your snail mail, how much of it do you read? Estimates are that we throw away most of it, unopened.

You may have a recycle bin where you put those circulars, catalogs (Ben Franklin sent the first in 1744) and solicitations. Is that worthy of commendation? Here’s a pat on the back, but you can do a lot better. Take a look at www.41pounds.org - 41 pounds is the average amount of junk mail each of us gets each year.

The total is staggering. Annual junk mail production across the nation puts the equivalent of the annual greenhouse gas exhaust of 9 million cars into the atmosphere. It takes the wood of about 100 million trees to make all that mail.

The 41 pounds organization will help you eliminate your junk mail (for all adult members of your household for five years for a one-time fee of $41). It’s not the only one. The Direct Mail Association has a free tool available at http://www.thedma.org/DMAChoiceOnlineInfo.pdf. Do Not Mail http://donotmail.org/ offers another free way to notify major catalog, coupons, credit card offers, phone books and circular services to take you off their list.

So, don’t be satisfied with recycling. Source elimination is the way to go. Make that extra effort to notify those who constantly send you notices, catalogs and solicitations that you want to be removed from their list, or shifted to email.

Parental Leave continued from page 7

Lose 41 Pounds, Help Environment

Frustrated? Here are two other tips. For first class mail, write “return to sender.” The original sender will have to pay the postage and most will get the hint and delete your address from future mailings. Also, Justice Potter Stewart once said pornography is difficult to define but he knew it when he saw it. The U.S. Postal Service agrees that you have the right to deem mail offensive. To do this, download the USPS “Application 1500” from the link in the References section located at http://about.usps.com/forms/app-forms.htm. Submit this form to your local post office and anything you deem explicit will be filtered out of your mail delivery.

Tieing one or more of these steps will make a difference. Think of how much better you’ll feel by eliminating, or at least lightening, those extra 41 pounds.
Frontline
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Budget and Policy Center has reported that voter ID legislation will cost at least $11 million to implement in the first year alone. Expenses include statewide public education efforts, training and oversight of poll workers, provision of photo ID cards, and additional efforts to provide, receive and review provisional ballots and alternative ballots.

While many charitable organizations struggle to provide essential services in the current economy, this $11 million would be better spent providing access for the poor, the elderly and other disenfranchised populations, not denying them that most American of rights.

It is not surprising that the issue of voting rights is at the forefront of national discussion as we approach the November general election. With voter ID legislation introduced in 34 states, the issue is popular despite the fact that the Justice Department recently opposed similar laws in Texas and South Carolina.

The Philadelphia Bar Association is joining a broad-based and diverse coalition of citywide organizations including the Committee of Seventy, Pennsylvania NAACP, Pennsylvania American Civil Liberties Union, Philadelphia City Commissioners and the Philadelphia AFL-CIO to conduct a nonpartisan campaign to educate voters about the requirements of the voter ID law and to let citizens know where they can get an ID if they currently don’t have an acceptable form. All 17 members of City Council have named liaisons to the coalition.

Notwithstanding any legal challenges that might occur, it is important to let voters know which IDs will be accepted at the polls and where to go if they don’t have one.

Voter ID is not an issue that falls along political party lines. No one should be denied the right to vote because they lack an acceptable form of identification.

Speculation abounds as to the effect the new voter ID law will have on the elective process, but for the Philadelphia Bar Association and our public interest partners, it is clear who the losers will be: those in underserved populations who are denied the right to vote.

John E. Savitt (jsavitt@zenbk.com), of counsel to to Saltz, Mongeluzzi, Barrett & Bendisky, P.C., is Chancellor of the Philadelphia Bar Association.

April CLE Calendar
These CLE programs, cosponsored by the Philadelphia Bar Association, will be held at The CLE Conference Center, Wanamaker Building, 10th Floor, Suite 1010, Juniper Street entrance unless otherwise noted.

Live & Simulcast Seminars
April 3 • Cross Examination at the Movies
April 4 • Performance on Trial: Courtroom Magic
April 5 • What Estate Planning Attorneys Need to Know About Florida Law
April 9 • Secrets, Lies and Legal Drama
April 10 • Green Vehicles: Emerging Liability Issues
April 11 • The Surprisingly Useful Things Legal Writers Can Learn from Fiction Writing
April 12 • Winning Numbers: Accounting & Finance for Lawyers
April 13 • Internet Law Update
April 15 • Guardianship 101
April 16 • UMI/UMI
April 17 • Civil Practice in Magisterial District Court
April 18 • Sheriff’s Sales in PA
April 19-20 • 8th Annual Employment Law Institute (PA Convention Center)
April 19 • Family Law Institute
April 20 • Land Use Institute
April 23 • Environmental Issues Affecting Oil and Gas Development
April 24 • Effective Corporate Negotiations Skills
April 25 • Contract Law in the Electronic Age
April 26 • 13th Annual Legal Issues in an Age of Aging
April 27 • Ethics Putnamri
April 30 • Anatomy, Injuries & Surgeries
• 15th Annual Federal Securities Law Forum

Simulcasts from PLI
April 3 • Pension Plan Investments
April 9-10 • Consumer Financial Services Institute
April 11 • Securities Offerings
April 12-13 • Bankruptcy & Reorganizations
April 16 • Private Placements & Other Financing Alternatives
April 17 • Asset Based Financing

Distance Education – Live Webcasts
If you can’t watch it live, sign up now and get credit when you watch it later (you’ve got 3 months after the webcast date).
April 4 • Guardianship 101
April 5 • What Estate Planning Attorneys Need to Know About Florida Law
April 9 • Secrets, Lies and Legal Drama
April 11 • Judgment Collection Strategies
April 12 • Environmental Issues Affecting Oil & Gas Development
April 16 • UMI/UMI
April 17 • Sheriff’s Sales in PA
April 18 • Contract Law in the Electronic Age
April 18 • Five County Criminal Practice
April 22 • Anatomy, Injuries & Surgeries
April 25 • Seating Law and Liability

SORNA
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practitioners should be aware of non-SORNA offenses when negotiating plea agreements. Stalking, indecent exposure, open lewdness, and certain statutory sex offenses are included in the list of non-SORNA crimes.

Similar to the Adam Walsh Act, SORNA categorizes offenses as Tier I, II or III. Tier I offenses requires offenders to report for 15 years, Tier II requires reporting for 25 years, and Tier III mandates life reporting. Pennsylvania requires offenders to report every 30 days for the duration of the applicable reporting period.

Angie Halim (ahalim@pnbdlaw.com) is an associate editor of the Philadelphia Bar Reporter.

www.pbi.org
800-932-4637

Judge Pollak Honored
Philadelphia Bar Association Director of Diversity Naomi K. McLaurin speaks at the Earle Mack School of Law at Drexel University Law Diversity Awareness Week event on Feb. 29. U.S. District Court Senior Judge Louis J. Pollak (seated) was presented with the school’s Diversity Award.
YLD Update
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concerns about the law and the legal issues that affect them as they enter adulthood.

Legal Line – Wednesday, May 2: Free and confidential legal advice will be given to those who call the LegalLine hotline from 5 to 8 p.m. The lawyers will staff a phone bank at the headquarters of the Philadelphia Bar Association, 1101 Market St., 11th Floor.

“Goldilocks,” “The Big Bad Wolf,” and “Jack and the Beanstalk” Mock Trials – Friday, May 4: Volunteer judges from the Philadelphia Court of Common Pleas and attorneys dressed as fairy tale characters will use the facts from “Goldilocks,” “The Three Little Pigs” and “Jack and the Beanstalk” to present mock trials to nearly 300 Philadelphia grade school students at various courtrooms in City Hall. Spanish-speaking attorneys are needed for this program as well.

Lawyer for a Day – Friday, May 4: The culminating event of the Bar Association’s Law Week 2012 celebration, volunteer attorneys from the Philadelphia Bar Association will accompany approximately 100 Philadelphia students from 14 different high schools into the Criminal Justice Center to witness live court proceedings.

Melanie J. Taylor (Melanie.Taylor@phila.gov), an assistant district attorney with the Office of the Philadelphia District Attorney, is chair of the Young Lawyers Division.

Get Connected With Bar Classifieds

Positions Available: For law firms or companies with vacancies that need to be filled.

Positions Desired: For attorneys looking for a specific job situation, whether full-time, part-time, contract or any other type of work.

Rent/Own Space: Real estate listings where you can advertise available office space.

Vendor Services: Where court reporters, expert witnesses and other non-lawyer professionals can offer their services to Philadelphia Bar Association members.

A Member Benefit of the Philadelphia Bar Association classifieds.philadelphiabar.org

Ginsburg Essay Contest Deadline is May 9

Entries are now being accepted for the Philadelphia Bar Association’s 2012 Justice Ruth Bader Ginsburg Pursuit of Justice Legal Writing Competition.

Candidates may submit a law review quality submission on any topic relating to rights, privileges and responsibilities under federal 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. Entries must be received by Wednesday, May 9 at 4 p.m.

This competition is open to full- and part-time law students who are in their second or third year of study during the 2011-12 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 Beasly 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.

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.

The co-chairs are Bar Association Chancellor-Elect Kathleen D. Wilkinson, partner at Wilson Elser Moskowitz Edelman & Dicker LLP, and Diane Pennyes Edelman, Director of International Programs and Professor of Legal Writing, Villanova University School of Law.

Competition judges include U.S. District Court Judge Gene E.K. Pratter; Board of Governors Chair Brandi J. Brice; Young Lawyers Division Chair Melanie Taylor; Ira Johnson Ferrell, Widener University School of Law (Delaware); Wanda Flowers, Wanda Flowers and Associates and chair of the Business Law Section; Deborah S. Gordon, Drexel University Earle Mack School of Law; Karen M. Gottlieb, Wilson Elser Moskowitz Edelman & Dicker LLP; Sandra A. Jeskie, Duane Morris LLP; Anne Kringle, University of Pennsylvania Law School; Mitch Nathanson, Villanova University School of Law; Robin Nilson, Temple University Beasly School of Law; and Sandra Simkins, Rutgers School of Law – Camden.

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

All entries should be sent to Dawn Petit, c/o Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107. For more information, contact Petit at 215-238-6367 or email dpetit@philabar.org.
Update Department of Labor Information for 2014

By Brian McLaughlin

Over the past months we have addressed many different topics related to Health Care Reform. Recent DOL notices give us a good opportunity to update you on previously discussed topics that will impact many employers in 2014.

The Department of Labor (DOL) recently issued Technical Release 2012-01, providing some helpful FAQs on various Patient Protection and Affordable Care Act (PPACA) topics, generally applicable in 2014. Briefly, the guidance:

- Indicates that automatic enrollment will not take effect in 2014, as previously expected;
- Suggests that the proposed W-2 safe harbor in determining the affordability of employer-based coverage will be included in future guidance;
- Offers clarification on how to determine who is a full-time employee for purposes of the penalty, including a six-month extended look-back period that may be helpful to certain employers with seasonal employee populations;
- Provides that an employer will not be penalized during the time a new full-time employee spends in a 90-day waiting period;
- Clarifies that employers can still condition eligibility for coverage on certain employment classifications (e.g., part-time vs. full-time); however, no waiting period in excess of 90 days may be imposed on otherwise eligible individuals; and
- Discusses how the 90-day waiting period will be measured.

While this guidance is not formal or binding, it provides insight into what the various agencies responsible for health care reform implementation are thinking on a number of issues. The following further summarizes this recent guidance.

Automatic Enrollment

PPACA directs an employer with more than 200 full-time employees (and subject to Fair Labor Standards Act) to automatically enroll all full-time employees in one of the employer’s health benefit plans, subject to any applicable waiting periods, as permitted by law. The DOL announced that this requirement would not be effective until guidance is issued, and thought such guidance would be available by 2014. The DOL acknowledges that automatic enrollment guidance will not be ready to take effect in 2014, further delaying the timeframe for employers to comply.

Affordability Safe Harbor

In 2014, large applicable employers (generally defined to mean employers with 50 or more full-time employees) could be subject to an assessable payment (a penalty) if any full-time employee receives a premium tax credit or cost-sharing subsidy to purchase coverage through the Exchange and the employer does not offer full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage under an eligible employer-sponsored plan, but that coverage is either unaffordable or does not provide a minimum value.

An employer will be considered to provide affordable health coverage if the employee’s cost for self-only coverage does not exceed 9.5 percent of the employee’s household income. In Notice 2011-73 issued last year, the IRS offered a proposed safe harbor that, subject to certain rules, would allow an employer to substitute W-2 wages of the employee (which the employer knows) for household income (which employers generally would not know) when determining whether coverage is affordable. The DOL further acknowledges that a W-2 safe harbor will be included in future guidance.

Full-Time Employees

The DOL announced that the future guidance should allow employers to use a “look-back/stability period safe harbor” for determining whether an employee (other than a new-hire) is a full-time employee. It is expected the guidance will allow look-back and stability periods not exceeding 12 months.

Future guidance is expected that will address whether a new hire is a full-time employee for purposes of assessing the penalty. It is expected to provide employers, in certain circumstances, up to six months to determine if a newly hired employee is a full-time employee for purposes of assessing the penalty.

Based on this preliminary guidance, determining whether a new hire is a full-time employee will be based on the particular facts and circumstances. Generally:

- If a newly hired employee is reasonably expected to work full-time on an annual basis and does work full-time during the first three months of employment, the employer must be offered coverage under the employer’s group health plan as of the end of that period in order to avoid the possibility that the employer would be subject to a penalty after the end of that three-month period.
- If, based on the facts and circumstances as of the time of hire, it cannot reasonably be determined that a newly hired employee is expected to work full-time, the guidance will allow the employer an additional three-month period for the determination.

It is expected that a penalty will not be assessed on an employer during the extended six-month period with respect to that employee.

90-Day Waiting Period

Effective for the first plan year that begins on or after January 1, 2014, the PPACA will prohibit a group health plan or a group health plan insurance carrier from imposing any waiting period that exceeds 90 days.

The DOL indicates that, at least for the first three months following an employer’s date of hire, an employer that sponsors a group health plan will not, by reason of failing to offer health coverage to the employee during that three-month period, be subject to a penalty during those months.

Many employers make distinctions in eligibility for coverage based on full-time or part-time status, as defined by the employer’s group health plan (which may differ from the standard under the PPACA – 30 hours per week). Although this could pose discrimination problems under the new nondiscrimination rule, Code Section 105(h) and/or Code Section 125, when such distinctions are in favor of highly compensated individuals, the new waiting period rule does not require the employer to offer coverage to any particular employee or class of employees, including part-time employees. Instead, the law merely prohibits requiring an otherwise eligible employee to wait more than 90 days before coverage is effective.

Furthermore, nothing in PPACA penalizes small employers for choosing not to offer coverage to any employee, or large employers for choosing to limit their offer of coverage to full-time employees, as defined in the employer shared responsibility provisions (30 hours per week).

The DOL suggests that future guidance will retain the requirement that the 90-day waiting period begins when an employee is otherwise eligible for coverage under the terms of the group health plan.

Under this approach, if a plan were to provide that full-time employees are eligible for coverage without satisfying any other condition, and an employee were hired as a full-time employee, the waiting period (if the employer were to choose to impose one) for that employee would begin on the date of hire and could not exceed 90 days. Eligibility conditions that are based solely on the lapse of a time period would be permissible for no more than 90 days.

Other conditions for eligibility under the terms of a group health plan would generally be permissible, unless the condition is designed to avoid compliance with the 90-day waiting period limitation. This may include eligibility conditions such as full-time status, or a bona fide job category.

The upcoming guidance is also expected to address situations in which, under the terms of an employer’s plan, employees (or certain classes of employees) are eligible for coverage once they complete a specified cumulative number of hours of service within a specified period (such as 12 months). It is anticipated that such eligibility conditions will not be treated as designed to avoid compliance with the 90-day waiting period limitation, so long as the required cumulative hours of service do not exceed a number of hours to be specified in that guidance. This number has not yet been determined or released by the agencies.

Comments are requested on how this possible approach would apply to plans that credit hours of service from multiple different employers and plans that use hours banks.

2014 is fast approaching. Employers should monitor these developments and await further formal guidance from the various agencies. Employers who have populations of full-time employees who are not eligible for benefits should take steps to understand the potential implications of the employer penalty on their organization. Employers with waiting periods in excess of 90 days should review their plan terms and prepare for compliance with the 2014 requirements.

Brian McLaughlin is vice president of USI Affinity’s Benefit Solutions Group.

For more than 75 years, the divisions of USI Affinity have developed, marketed and administered insurance and financial programs that offer affinity clients and their members unique advantages in coverage, price and service. Our programs offer clients, from associations to financial institutions, the edge they need to both retain existing and attract new members and customers. As the undisputed provider of affinity groups representing over 30 million members, USI Affinity has the experience and know-how to navigate the marketplace and offer the most comprehensive and innovative insurance packages available.
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could get feedback,” said Judge Horrocks, though he expressed a desire to add more names to the list of mediators in the future. More changes include no reverse bifurcation of mass tort cases without agreement by all parties, and deferment of punitive damage claims in mass tort cases.

Thompson provided some details regarding the present condition of the Mass Tort Program inventory, major non-jury and expedited cases. Mass tort cases make up approximately 25 percent of the civil case inventory, which is about 35,000 cases. The appeal rate is around 33 percent, which he described as positive.

Judge Moss focused her discussion on day-to-day operations. “Motions, meetings, and mediation — that sounds like the three ‘M’s for success,” said Judge Moss. Joining her in May will be Judge Arnold L. New, who has been reassigned from the Commerce Program, to co-coordinating judge of the Complex Litigation Center. Judge Tereshko also touched on the Mortgage Foreclosure and Eminent Domain Programs. Mortgage foreclosure cases have a built-in and inherent delay, and the eminent domain program still has a large inventory remaining, in part because of condemnation issues with the Convention Center.

Later this year, the court will once again invite suggestions from the bar regarding the new protocols and it may take steps to revise these protocols further. “In the end, the goal is to improve the system,” Judge Moss said.

Mary-Kate Breslin (marykatebreslin39@gmail.com), law clerk to Judge Albert J. Snite Jr., Philadelphia Court of Common Pleas – Civil Division, is an associate editor of the Philadelphia Bar Reporter.

Philadelphia Bar Association 2012 Bench-Bar & Annual Conference October 5 - 6, Revel, Atlantic City - Registration Form

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Bench-Bar & Annual Conference Cancellation and Refund Policy

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Mail to: Philadelphia Bar Association 1101 Market St., 11th Fl. Philadelphia, PA, 19107-2955 or Fax to: 215-238-1159

Bench-Bar continued from page 1

Revel, with 1,800 guest rooms filling 47 floors and more than 6 million square feet of space, officially opens on Memorial Day Weekend. The $2.4 billion glass Revel is located on 20 beachfront acres on the Boardwalk between South New Jersey and South Connecticut avenues.

Revel features 14 restaurants featuring world-class chefs including Jose Garces, Marc Forgione, Robert Wiedmaier, Alain Allegretti and Michel Richard. The Row, Revel’s shopping area, has 55,000 square feet of retail shops.

There is also a 35,000-square-foot spa at Revel, where you can pamper yourself with a relaxing massage, a soothing facial, a meditative yoga class or a core workout. The spa includes hydrotherapy pools, steam, sauna and more.

Sponsors for the 2012 Bench-Bar & Annual Conference include USI Affinity, Love Court Reporting, Lein Negotiation Counsel, Lexis Nexis, Iron Mountain, O’Neill Consulting Corporation and the First Judicial District. For sponsorship information, contact Aimee Cirucci at 215-238-6342 or at acirucci@philabar.org. Learn more at philabenchbar.com.

Philadelphia Bar Association 2012 Bench-Bar & Annual Conference at Revel, Atlantic City - Registration Form

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Civil Justice Center - Idea Whose Time has Come

By Wendy Beetlestone

I have used this space in the past to encourage your firms to sponsor Philadelphia Bar Foundation events and for you to attend them, to convince you that a donation to legal services is the right thing to do, to tell you about the inspirational work of our grantees, and to fill you in on some of the Foundation’s initiatives. This column is different: Its sole purpose is to encourage you to get behind an idea. The idea is simple – a Civil Justice Center for our grantees.

In 2008, the Bar Foundation Board of Trustees went through a detailed planning process to develop a multi-year strategic plan for the organization. One of the long-term goals we set was to “evaluate the rationales for and practicality of purchasing or constructing a legal justice center for the Foundation and interested grantees.” Well, time has passed, as it is wont to do, and the time for that evaluation is now.

First, we know that this idea has been championed before. And, based on that experience and our own conversations we know that it will be extremely difficult to move the concept from an idea into reality – there are so many moving parts and so many obstacles that could make it impossible to achieve. But, second, it is a great idea and if we don’t put our best efforts into getting it done, who else will?

For the past several months, a small but dedicated committee spearheaded by Bar Foundation trustee Rick Cantor and Bar Foundation grantee executive director Mark Schwartz of Regional Housing Legal Services, has been gathering information, talking to stakeholders, developing partnerships and investigating funding.

Not surprisingly, the idea of having a building that would house most of our grantee agencies under one roof is pretty popular. Scratch that – it is a wildly popular idea. And, people are very interested in helping the Foundation make it happen. Of the tremendous amount of work he has put into this project, Cantor said, “We’re trying to turn a vision into a reality – one that will be a model of collaboration and cost-effectiveness.”

A Civil Justice Center would create possible efficiencies for the legal services organizations in a number of areas: centralized intake procedures, multi-use conference rooms, unified IT arrangements, libraries and other infrastructure. Organizational synergies and cost-cutting opportunities would be created through shared resources freeing up more dollars for legal personnel – attorneys and paralegals who would increase the capacity to provide legal services to the underserved.

It would also allow our grantees the freedom to plant roots without the constant worry of lease expirations, space searches and office moves.

This type of arrangement would improve service for the clients of our legal services organizations as well. Clients often have several legal problems that cannot be resolved by one organization – a solution requires a visit to multiple agencies in different locations. A one-stop Civil Justice Center would provide an easily accessible solution.

Furthermore, the building could be a magnet for law students and young lawyers eager to provide pro bono legal help as well as gain some boots-on-the-ground experience.

Despite all the enthusiasm that exists for this idea, the Bar Foundation trustees and I have to be grounded in the fiscal reality of making this happen. Quite apart from the logistical difficulties associated with trying to bring many organizations under one roof, finding the right financial mix for this undertaking will not be easy.

But, we believe that the Bar Foundation is the only entity in the legal community that is positioned to take the lead on a project of this magnitude. If it is going to happen, we need to remain optimistic while being cautious and realistic as we move forward. We commit to spending a tremendous amount of our time and our focused energy to do everything we can to make it happen. In return, we will be asking for your support as we continue to move beyond the concept into something more concrete.

Wendy Beetlestone (wbeetlestone@hangley.com), a shareholder with Hangley Aronchick Segal & Pudlin, is president of the Philadelphia Bar Foundation.

Foundation Hires Development Director

LIZABETH B. MACORETTA has been hired as the new development director for the Philadelphia Bar Foundation. She began work at the Foundation on March 27.

A graduate of Dickinson School of Law of the Pennsylvania State University, Macoretta practiced law in Philadelphia for several years before turning to legal recruiting. While working as a legal recruiter she learned a lot about the Philadelphia legal community, knowledge that will be invaluable in her new position with the Bar Foundation. She also worked as executive director of West Mt. Airy Neighbors community association. With West Mt. Airy Neighbors, Macorettta met the challenges of fundraising in tough economic times. She spearheaded successful membership and annual giving campaigns. Through her efforts, West Mt. Airy received several new foundation grants. Skilled at managing large events, Macorettta orchestrated one of the most successful fundraisers in the organization’s history. “With the Bar Foundation, Liz will use her experience and knowledge, her creativity and her concern for our city and its citizens to advance the Foundation’s mission of promoting equal access to justice,” said Foundation Acting Executive Director Lynne E. Brown.
Don’t Put Off Business Succession Planning

By Jackie B. Lessman

This interview series conducted by PNC Wealth Management Senior Vice President Jackie Byrne Lessman, CFP®, explores topics relevant to the legal community ranging from investment management, wealth planning, and trust and estate administration services.

In an interview with Jonathan Lander, J.D., L.L.M., senior vice president and senior wealth planner at PNC Wealth Management, we discuss the issues facing clients as they plan for the succession of their business.

Jackie Lessman: Results of PNC Wealth Management’s Wealth and Values Survey showed that while 77 percent of business owners say that they have wills, only 33 percent indicated they had a business succession plan. Jon, to help us better understand the plan, can you explain what exactly this type of plan is and why it is important to establish one?

Jon Lander: A business succession plan is a coherent, organized process by which ownership of a business can be transferred over time or on the occurrence of a triggering event—such as retirement, disability or death—and allows for the least possible disruption to the business, the family or the payment of taxes. More often than not, a plan is not in place because it is difficult for a business owner to imagine not being the captain of his or her ship. Nevertheless, succession planning is not a code word for retirement. Rather, it gives the business owner the opportunity to ask himself or herself the difficult and important questions surrounding the succession process to help preserve the business for the owner’s family or obtain maximum value for the business should it be sold. The process for crafting a plan will help facilitate conversations about the owner’s and family members’ future needs, provide a family forum where everyone’s expectations can be communicated, and ultimately, map out the future direction of the business and family involvement.

Jon, you mentioned the process used to create a business succession plan. Can you talk through some common elements and steps of the process?

Each succession plan is uniquely different since the considerations and circumstances vary, but there are some common threads that run through the questions that most business owners face when thinking about a business transition. Thinking about these questions well in advance of the transition event is critical to ensuring a successful business transition. The questions are legion, but examples of some of these questions include:

What if you were not there? Is there anyone who could replace you? Would your partners continue the business? When do you want to leave? What is your business worth? Are your spouse or children involved? Do they even want to be involved? Does your family expect the business to support them? Do all of your children own a piece of the business?

With the answers to these questions, the plan begins to evolve, at which time transition documents and techniques are then evaluated. Wills need to be drafted and the use of life insurance should be assessed. Special consideration may be given to business-owned life insurance and IRS reporting requirements, as well as some potential dangers hiding in older life insurance policies. In addition, other techniques for transitioning a business would be considered including grantor retained annuity trusts and sales to intentionally defective grantor trusts.

There are myriad of options and combinations of techniques available to develop a successful transition plan, but it can be navigated with the help of professional guidance.

It would be assumed that the business plan would be revised when a major change that affects the business occurs, but how often should a plan be reviewed?

One thing that every business owner should consider is having an annual business succession “fire drill.” Gather family or partners together and ask them to state where the business’ important documents are (including the owner’s will), the identity and contact information of the company and owner’s attorney, accountant, banker and other key advisors. Simply knowing this information can save indecision and confusion should the owner suddenly not be there.

Always remember, the goal is to transfer the business without damaging its operations, hurting the owner’s family, or paying too much income, gift, estate or generation-skipping transfer taxes. The owners should consider putting together a succession plan as soon as possible after the business begins and review it periodically. Failing to plan could undo a lifetime of work, leaving the owner’s family without a secure financial future.

Jackie Byrne Lessman, CFP® (jacqueline.lessman@pnc.com; 215-585-5831) is a senior vice president with PNC Wealth Management. For more information, visit pnc.com/wealthmanagement.

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NEW WAYS TO CONNECT TO US!
Chef Makes Magic at Bistro 7 in Old City

By Skinny D’Beckol

Bistro 7
7 N. 3rd St.
Old City (BYOB)
(215) 931-1560
www.bistro7restaurant.com

You feel de minimis just by entering into and under Bistro 7’s heightened ceilings and whirling overhead fans. A huge cylindrical silver air vent captures your eyes on the right, opening them wide. Its girth is big enough for bodies to hide in. Two windows appear midway to the floor below the ventilator, diverting your attention as your pupils dilate in the dimness. A pale pallor of green encom

WINGED HAVEN
renote Sophia Lee, ventured onto the stage of Old City. They entertain with foods grown by and acquired from local organic farmers, generating pristine pres-tiditation, as the seasons allow. The chef’s platters grace and challenge your contemporary bistro- vision. For instance, order this appetizer: Burgundy-Braised Wild Boar Rillette ($13).

What appear before you on a bolt-white plate are three lacunious, glistening ruby cherries, an eerily beige Egyptian

Feasts to Famine

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The "greenery" and tables are otherwise naked, but for the tiniest, incandescent, flickering, fiery faux candlelights in the middle of each of said tables, encased squarely below translucent small glass marbles. They make the blandness seem sparkingly, opaquely magical.

Michael O’Halloran is the chef-magician, whose bag of tricks had been displayed at White Dog and Fork before he and his wife, attorn

The cherry gelee, an eerily beige Egyptian relic with my lips, and tasted the strip of "earthly" field that had been previously tilled. "Kindly tell me how you make this amazing appetizer apparition!"

"It’s simply done, Skinny," the chef chooses his words sarcastically.

"For the Wild Boar Rillettes, we take a Pennsylvania just-slaughtered wild boar’s shoulder and braise it ‘sous vide’ [in vacuum packing] with red burgundy, star anise, black peppercorns, garlic and onions at 180 degrees for anywhere from 10 to 16 hours, depending, of course, on the size of the shoulder. We remove the shoulder from the sous vide bag, strain and de-fat the cooking liquid and shred the shoulder with the clarified liquid, some butter and some rendered boar fat until it reaches a mousse-like consistency; and then season with salt and more cracked black pepper. We then portion the rillettes (the spread) into two-ounce crepe over caraway cream, crispy sweetbreads, toasted-milk mayonnaise beneath a sauce Bordelaise [$28]. But,” he adds “it may take a few minutes; we start from scratch.”

As every lawyer learns, there is no trick for excellence: only arduous, detailed work works. Bistro 7 sets the bar.

ARCANUM ARCANORUM

Skinny D’Beckol (rbockol@msn.com), a sole practitioner, is an advisory editor of the Philadelphia Bar Reporter. Read his reviews online at bockol.com.

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Philadelphia VIP Honors Reed Smith’s Warring

Philadelphia VIP recognizes Robert E. Warring for his outstanding volunteer assistance to VIP clients.

Warring, an associate in the commercial litigation group at Reed Smith LLP, is familiar with pressure. “The stakes are very high in complex cases involving large corporations,” he said. “But sitting across the table from a client who is about to lose his home really personalizes the litigation.”

He joined Reed Smith in 2009 after a federal clerkship and was recruited by a partner in the firm to work on a Philadelphia VIP case within a few months. “It has been really rewarding,” he said. “And I have gained valuable legal skills and experience. There is a very strong culture of pro bono at Reed Smith. Our Tangled Title Team, a group of attorneys, paralegals and staff handling pro bono cases involving clouded title to property, meets every month to discuss ongoing cases. Meeting with the team has provided a valuable resource and I have learned so much from participating.”

One of Warring’s first pro bono cases involved a civil forfeiture petition filed by the DA’s office after the client’s adult son was arrested for dealing drugs at the property. He was able to resolve the case in the client’s favor after months of negotiation by arguing that his client had no knowledge of the illegal activity and ultimately reaching an agreement whereby the son cannot return to the property. “The DA’s office was very fair,” he said. “The client is trying to care for her grandchildren and other children at the property and losing it would have inflicted a serious hardship on all of them.”

In another case, Warring represented a client for two years in an attempt to obtain title to his home through adverse possession. The client, in conjunction with his mother before him, has been in possession of the property for approximately 40 years, although neither name is on the deed. The client is indigent and the house is in major need of repairs. Obtaining title to the property may permit the client to secure much-needed funds to make those repairs. The direct client contact required in these and other VIP cases gives Warring a great deal of professional and personal satisfaction. “It’s an experience I wouldn’t have without working with VIP,” he said.
Sarah E. Davies, a member of Cozen O’Connor, has been appointed as the newest member of the Girard College Board of Managers.

Marc S. Raspanti, a partner with Pietragallo Gordon Alfano Bosick & Raspanti, LLP, presented at the Criminal Justice Section 2012 American Bar Association Mid-Year Meeting on Feb. 3 in New Orleans.

Henry C. Fader, a partner with Pepper Hamilton LLP, has been appointed to the Medical Standards Development Task Force of the Respite Care Providers’ Network.

Priscilla J. [Sally] Mattison, of counsel to Bernard M. Resnick, Esq., PC, presented “The Artist’s Team in the U.S.” as part of the International Association of Entertainment Lawyers session on “Building Your Artist’s Brand as a Business” at the 46th annual MIDEM conference in Cannes, France.


H. Ronald Klasko, founding partner of Klasko, Rulon, Stock & Seltzer, LLP, discussed the EB-5 investor visa program at the South Florida Chapter Conference of the American Immigration Lawyers Association.

Louis Fryman, a partner at Conrad O’Brien PC, has been re-elected as chair of the Pennsylvania State Ethics Commission.

Amit J. Shah of Martin Banks was a faculty member for the Pennsylvania Bar Institute CLE program “Workers’ Compensation Issues Involving the Larger Employer” on March 1.

Sarah E. Davies, a member of Cozen O’Connor, has been appointed as the newest member of the Girard College Board of Managers.

Peter J. Neeson, a partner with Rawle & Henderson LLP, received the American Bar Association Tort Trial & Insurance Practice Section’s James K. Carroll Award for outstanding leadership qualities and service to the section on Feb. 4.

James Kazuch, a shareholder at Caesar, Rivise, Bernstein, Cohen and Pokotilow, Ltd., was a panelist at the Mid-Year Meeting of the International Association of Defense Counsel program “Protecting Intellectual Capital – Trade Secrets, Non-Competes, Non-Disclosures and Employment Agreements.”

Brenda Hutsis Gotanda, a partner with Manko, Gold, Katcher & Fox, LLP, will be a panelist at the Sustainability Symposium PA/NJ 2012 at the Franklin Institute on March 29.

Neddem Bezar, a partner with Kalbry Gordon Robin Shore & Bezar, presented “Social Media and the Law” at the 14th Annual Conference of the North American South Asian Law Student Association at the New York University School of Law on Feb. 18.

Scott W. Reid, a member of Cozen O’Connor, was honored by the Black Law Students Association of Widener University School of Law at its Second Annual Trailblazers and Pioneers Banquet.

Albert J. Carlson III, a partner with Martin Banks, was a panelist for the CLE seminar “Mandatory Mediation Two Years Later: Success or Failure?” on March 2.

J. Gordon Cooney Jr., managing partner of Morgan, Lewis & Bockius LLP’s Philadelphia office, has accepted the role of United Way of Southeastern Pennsylvania 2012-2013 Campaign Chair.

Robert R. Baron Jr., a partner with Ballard Spahr LLP, has been elected to a three-year term on the Board of Trustees for the Philadelphia History Museum at the Atwater Kent.


Irwin W. Aronson, a partner with Willig, Williams & Davidson, presented “Election, Abandonment and Collections Law in Public Housing” to the annual conference of the Pennsylvania Association of Housing and Redevelopment Agencies in Harrisburg on March 6.

Theresa N. Almendarez, a partner with Galifan Berger, LLP, moderated the panel discussion “Handling The Workers’ Compensation Case” on March 21.

“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.


Brian J. McCormick Jr., a partner with Sheller, P.C., was a panelist at the CLE seminar “Qui Tam Litigation – Pitfalls for the Whistleblower/Pitfalls for the Whistleblower’s Counsel” at the American Association of Justice’s Winter Convention in Phoenix, Ariz., on Feb. 11.

Herbert Bass, Mark E. Needle and David B. Snyder of Fox Rothschild LLP recently co-authored the new treatise “Pennsylvania Eminent Domain.”

Louis B. Kupperman, managing partner of Obermayer Rebmann Maxwell & Hippel LLP’s Berwyn office, has been reappointed finance chair and a member of the executive committee of the Republican Committee of Chester County. He has also been elected vice chair and appointed to the executive committee of the Chester County Chamber of Business and Industry’s Board of Directors.

Kevin E. Raphael, a partner with Pietragallo Gordon Alfano Bosick & Raspanti, LLP, presented at PBI’s 18th Annual Health Law Institute on March 14 at the Pennsylvania Convention Center.

Marc S. Jacobs, a partner with Galifan Berger, LLP, moderated the panel discussion “Handling The Workers’ Compensation Case” on March 21.

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Louis Fryman, a partner at Conrad O’Brien PC, has been re-elected as chair of the Pennsylvania State Ethics Commission.

Amit J. Shah of Martin Banks was a faculty member for the Pennsylvania Bar Institute CLE program “Workers’ Compensation Issues Involving the Larger Employer” on March 1.

Peter J. Neeson, a partner with Rawle & Henderson LLP, received the American Bar Association Tort Trial & Insurance Practice Section’s James K. Carroll Award for outstanding leadership qualities and service to the section on Feb. 4.

James Kazuch, a shareholder at Caesar, Rivise, Bernstein, Cohen and Pokotilow, Ltd., was a panelist at the Mid-Year Meeting of the International Association of Defense Counsel program “Protecting Intellectual Capital – Trade Secrets, Non-Competes, Non-Disclosures and Employment Agreements.”

Brenda Hutsis Gotanda, a partner with Manko, Gold, Katcher & Fox, LLP, will be a panelist at the Sustainability Symposium PA/NJ 2012 at the Franklin Institute on March 29.

Neddem Bezar, a partner with Kalbry Gordon Robin Shore & Bezar, presented “Social Media and the Law” at the 14th Annual Conference of the North American South Asian Law Student Association at the New York University School of Law on Feb. 18.

Scott W. Reid, a member of Cozen O’Connor, was honored by the Black Law Students Association of Widener University School of Law at its Second Annual Trailblazers and Pioneers Banquet.

Albert J. Carlson III, a partner with Martin Banks, was a panelist for the CLE seminar “Mandatory Mediation Two Years Later: Success or Failure?” on March 2.

J. Gordon Cooney Jr., managing partner of Morgan, Lewis & Bockius LLP’s Philadelphia office, has accepted the role of United Way of Southeastern Pennsylvania 2012-2013 Campaign Chair.

Robert R. Baron Jr., a partner with Ballard Spahr LLP, has been elected to a three-year term on the Board of Trustees for the Philadelphia History Museum at the Atwater Kent.


Irwin W. Aronson, a partner with Willig, Williams & Davidson, presented “Election, Abandonment and Collections Law in Public Housing” to the annual conference of the Pennsylvania Association of Housing and Redevelopment Agencies in Harrisburg on March 6.

Theresa N. Almendarez, a partner with Galifan Berger, LLP, moderated the panel discussion “Handling The Workers’ Compensation Case” on March 21.

“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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