Ethics of Covering Moving Media Targets Opens Bench-Bar Conference at Borgata

Register by Sept. 19 and Save $70

A panel of nationally known lawyer/media correspondents will address the ethics of covering a moving media target in today’s society at the Opening Plenary session of the two-day Bench-Bar & Annual Conference on Friday, Oct. 17 at Borgata in Atlantic City, N.J.

Members of the media are often charged with covering a story with very little detail to go on. The overarching ethical standards are fairness and accuracy above all. But who really determines what is “fair” and at what point do we measure a story for “accuracy”? On the other side of the coin are the attorneys who have an ethical obligation to their clients to preserve attorney-client confidentiality while providing zealous counsel.

Both professions require critical thinking, research, and communication skills, along with an ability to grasp how laws and ethics shape the delivery of news.

The panel will be moderated by CNN legal analyst Daniel L. Cevallos, Cevallos & Wong, LLP; and includes Cherri T. Gregg, KYW Newradio 1060; Heather Hansen, O’Brien & Ryan, LLP; and Patrick J. Murphy, Fox Rothschild LLP. The course planners for the program, presented by the Bar-News Media Committee, are Gina Furia Rubel, Furia Rubel Communications, Inc. and Meredith Avakian-Hardaway, director of communications and marketing for the Philadelphia Bar Association.

Ethics of Covering Moving Media Targets

Law Stars Take Field
October 1

By Edward W. Beitz

The Young Lawyers Division, along with The Legal Intelligencer, is proud to present the inaugural Law Star Game, a new Philadelphia Bar Association charity softball classic to benefit the Philadelphia Bar Foundation.

This firm counsel vs. in-house counsel softball slugfest is scheduled for Wednesday, Oct. 1, from 5 to 8:30 p.m., at Campbell’s Field, home of the Camden Riversharks. Without a doubt, there have been many outstanding games throughout the years, but none quite like this one.

The Philadelphia Bar Association’s annual Gold Sponsors are:

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- LawPay
- LexisNexis

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5 Taking Credit
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Martin law has six (6) attorneys who have been CERTIFIED AS SPECIALISTS in the practice of WORKERS’ COMPENSATION law by the PA. Bar Association’s section on workers’ compensation law as authorized by the PA Supreme Court.
Bar Associations and the news media can help put pressure on the U.S. Senate to move more quickly to approve federal judicial nominees, attendees at a recent Chancellor’s Forum were told. Panelists included U.S. District Court Chief Judge Petrese B. Tucker; Nan Aron, president, Alliance for Justice; and Ed Williams, state director and senior counsel to U.S. Senator Robert P. Casey Jr.

The program was moderated by University of Pennsylvania Law School Prof. Louis Rulli, the Philadelphia Bar Association’s pro bono chair.

Four attorneys – Wendy Beetlestone, Mark Kearney, Joseph Leson and Gerald Pappert – were nominated in June by President Obama to fill vacancies on the bench in the Eastern District of Pennsylvania. But the timetable for their confirmation by the U.S. Senate remains uncertain.

“Up until recently, the situation in this state was unconscionable,” Aron said. “There were nine vacancies on your courts, most of them in district courts. But as a result of a number of nominations a few weeks ago, the number of vacancies here has declined. Up until those nominations were made, one seat was vacant for more than 700 days and two seats were vacant for more than 400 days. I’m very pleased with the recent development in the state but I should also say if progress has been made, it really does show that progress can be made. But progress can’t be episodic. It must be sustained,” Aron said.

Chief Judge Tucker said a full compliment of judges in the Eastern District of Pennsylvania is 22 active judges. “We have five vacancies, with four people being nominated. We have 18 senior judges. That means we have more senior judges than we do active judges at this point. And if we didn’t have the senior judges, we’d be in big trouble. But only three of the senior judges have a full compliment of cases. Some don’t do criminal cases as a senior judge and some don’t do pro se cases. They can pick and choose. Not only do they get a reduction in the number of cases they get, they can reduce the kinds of cases they are assigned. And that impacts the active judges and the kinds of cases we all get,” she explained.

“I hope the four people who have been nominated can come on board by the end of the year. Unfortunately, they get caught up in the politics of the situation and it becomes very difficult. It impacts everyone. Help from the Bar Association and other professional groups helps to move things along,” Chief Judge Tucker said.

Williams said Sen. Casey and Republican Pat Toomey, despite philosophical differences, have forged a cooperative process to recommend candidates to the White House. President Obama has deferred to home state senators to select and nominate judges for the federal bench. Williams said the process created by the senators includes an intense interview by a bipartisan committee of 20 individuals that is the basis for their recommendations to the White House.
Young at Heart at 105, He Advocates Moderation Except for Acts of Kindness

What is the key to reaching the age of 105? According to Daniel M. Rendine Sr., Esq., who reached that magnificent milestone on July 24, 2014, the key is living a life of moderation. Dan Sr. counseled, “I would take a drink, but I won’t let a drink take me. You should never overdo anything except for acts of kindness.”

Dan Sr. still gets enjoyment out of reading (“I read everything”) and watching television (“Mostly the Golf Channel”). In the Italian tradition, he will take a bit of wine with his meals (“but only a bit”), which are often lovingly prepared by his devoted son, Jury Commissioner Dan Rendine Jr. (“My proudest accomplishment.”)

I recently spent a wonderful afternoon with Dan Sr. and Dan Jr., in which I had the chance to inform the Rendines that they were the joint recipients of this year’s Cesare Beccaria Award, an award given each year by the Philadelphia Bar Association Criminal Justice Section and the Justinian Society. Dan Sr. replied with typical modesty, “Why me?” I think the answer to his question is obvious to anyone who knows him and will become obvious to you as you read this article.

Both Dan Rendines have had particularly distinguished careers and have spent much time in service to others. I know Dan Jr. will forgive me, but the focus of this article will be Dan Sr.

Dan Sr. was born in New York on July 24, 1909. His name at birth was Daniel M. Misrendino. While he was a child in Manhattan, he worked as a shoe salesman. M. Misrendino. While he was a child in Manhattan, he worked as a shoe salesman.

When asked what inspired him through life, Dan Sr. responded that he was zone chair of the United Fund. As noted above, we found that Dan Sr. devoted son, Jury Commissioner Dan Rendine Jr., a graduate of Temple University Law School, practiced law in Philadelphia from 1936 until 1994.
Keep Technology Simple in Mediation, Panel Suggests

By Maureen M. Farrell

When using technology in mediation, attorneys should keep animation simple, be credible and not use technology just for the sake of using it, panelists told members of the Medical Legal Committee at a recent meeting.

Panelists included Judge Sandra Mazer Moss (ret.), a distinguished neutral with the Dispute Resolution Institute; Philadelphia Court of Common Pleas Judge Lisa M. Rau; and Jerry P. Roscoe of JAMS The Resolution Experts.

After viewing two different versions of three-dimensional renderings of two different procedures, panelists were asked for their opinions of the animations. Judge Moss was very impressed with the first one because it was very simple and easy to understand. Additionally, it was easy to grasp the theory being propounded. She stressed the importance of simplicity as opposed to what was viewed in the second rendering that appeared to be more convoluted. She expounded that one or two sentences can be more effective than lots of words in your presentation.

Panelists further explained about the importance of picking and choosing what you put in your presentation. “When you are seeing technology from the other side, try to ask yourself how credible is that animation and how much of that is advocacy,” Judge Rau said.

Roscoe talked about the mediator’s perspective as opposed to a perspective for trial. “The mediator’s perspective concerns more about the conveyance of information than the admissibility of information.”

“During mediation there are lots of different audiences and with your technology you must persuade not only the judge, opposing counsel, the parties, and the lien holder,” said Judge Rau. Both Judges Moss and Rau said not to discount the lien holder and the value of the case from their perspective.

Although the percentage of the use of technology is still relatively small, estimated by panelists as anywhere from 10 to 25 percent, Judge Moss believes the percentage “is going up and that lawyers are realizing that technology can be an asset in mediation.”

Always keep in mind the length of your presentation – five minutes or less was an ideal. As the lengths of the videos increase, attention spans tend to decrease exponentially. Bringing in the actual product can be just as effective.

“Be creative, think outside the box,” Judge Moss said. Although animation was not used much by defense counsel, she talked about the use by defense counsel of a surveillance video in a suicide case.

Judge Moss discussed different options that could be offered for families as part of the settlement. Families might feel a sense of closure if these were provided. “An apology, a safety lecture, a plaque, destroying something that happened at the hospital,” were examples.

These remedies, like the use of technology, should be carefully considered and strategic when used, but if used properly, can be very effective.

Maureen M. Farrell (maureen@mfarrell.us.com) is principal in The Law Offices of Maureen Farrell.

Frontline

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something for the community and do it right with a sense of responsibility.

As a member of the Philadelphia Bar Association for more than 75 years, Dan Sr. has views on how the Bar Association has changed over the years. He said the Bar Association is far more welcoming and inclusive than it was in the early days of his career. He said that now, the Bar Association is more active in community affairs for the good and welfare of the community and that he is especially happy that we are focusing on students.

He is very happy at the direction in which we are heading and he has great hopes for the future. (He had some things to say about our present Chancellor which I will not share, but which I will treasure forever.)

One of the joys of the elder Dan’s life has been the game of golf. His brother-in-law taught him to play in the 1940s and he fell in love with the game. He became an extremely proficient player who achieved an almost pro-like handicap of +2. His golf history includes shooting a 29 on the front nine of Bala Golf Club (his overall score was 64). He also has shot his age several times beginning in his early 70s. He has had five holes-in-one in his career including three at Bala Golf Club, one at Boca Raton and one at Gulph Mills. His favorite club was a 5-iron and if he had to pick an all-time foursome to play with (besides his son) he would pick Walter Hagen, Gene Sarazen and Jack Nicklaus. His favorite “modern” golfer is Tiger Woods but, as he said, “I think age has caught up to Tiger.” Dan Sr. played golf through age 100 but now he gets his golf “fix” by watching the Golf Channel.

Dan Sr. has had to make some concessions to age. Since his hearing isn’t what it used to be, he will look at your face and try to read lips. If he forgets some of the landmarks of his life, he calls out to his son Dan to provide him with a keyword. Once Dan Jr. provides the right word, his memory kicks in and Dan Sr. regales you with another great story. When talking about his favorite singers, he runs down a list that includes Al Jolson, Frank Sinatra, Tony Bennett, et al, but his absolute favorite was Enrico Caruso (our younger readers should look him up). Dan Sr. tells a hilarious story about being mistaken for Tony Bennett. (There is a resemblance.) It is clear that his enjoyment of things outside the law has made his life so special. He misses his beloved wife, Teresa, who died at age 94 in 2006.

He clearly loves his son, Dan, and he adores his two grandchildren and his two great-grandchildren.

His passion for the law continues unabated. The first thing he reads each day is the news about law-related subjects. His favorite thing about the practice of law was all of the wonderful lawyers he met over the years. He feels a special kinship to all his clients who resided their trust in him as their lawyer. He still feels a very special kinship with the Justitian Society and Philadelphia Bar Association.

One of the special elements in the research for this story about Dan Sr. was the treasure trove of articles and artifacts that young Dan lent me regarding his father’s career. Dan Jr. indicated that his mother saved everything related to his husband’s career. Among the more amazing of the artifacts is a copy of The Stangle from March 1960, a Legal Intelligencer from July 8, 1949 and the 1927 South Philadelphia High School yearbook featuring all the graduates of that year including young Daniel Mistendino and a young man named Harry Litwack, who achieved fame as Temple’s basketball coach. Looking back at that yearbook is an interesting walk though history in an especially tumultuous year. Looking at all of the young graduates’ faces you realize that they were all about to face the Great Depression and a world war that would impact their lives forever. Of that entire class, one man endures. He was imbued with both a sterling work effort and a sunny optimism that he retains to this day. He has acquired a sage wisdom that great age brings but he remains eternally youthful because of his approach to life.

So in answering Dan Sr.’s question regarding his upcoming receipt of the Cesare Beccaria Award of “Why me?” the answer to your question Dan, is that you exemplify all the finest traits of a Philadelphia lawyer. You have lived a joyous and memorable life and you are a wonderful family man. You have served well your clients and your community. You inspire us with your wisdom, your humor, your sweetness and your humility. You are someone we all should emulate.

That’s why, Dan. Happy birthday!

William P. Fedullo (williamfedullo@gmail.com), counsel to Roen, Schofer & DeMato LLP, is Chancellor of the Philadelphia Bar Association.

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Philadelphia Bar Reporter August 2014 philadelphiabar.org
Women are different than men. They are more concerned with connections, are responsive to people and careful with relationships. Women are often undervalued by the men who evaluate them but who do not share the same set of values. But women often undervalue themselves because they see themselves as deficient rather than different. Executive coach and psychotherapist Gail J. Cummings recently addressed the Women in the Profession Committee and explained that women are socialized to think in this way and that their behavior is habituated but can be overcome.

At an early age, girls know what they want and express it. Using the example of a study of female responses to a request for a pizza order, Cummings noted that 3-year-old girls responded by stating exactly what they wanted on their pizza; 8-year-old girls responded, “I don’t know”; and by age 13, the girl responded “what do you want.” Over time, girls become women who suffer with self-doubt in a way that boys-turned-men do not. Regardless of where you are in your career, there are still times when you do not know what you are doing. As professionals, women often fear a new assignment, fearing that they cannot succeed unless they have previously done the same task successfully; whereas, men have a “let-me-at-it” attitude. And when women do succeed, they often downplay their own success staging, for example: I got lucky, it was easy, I didn’t do anything, or it was all due to someone else. Again, women are concerned with connections and want people to like them.

Cummings explained that this behavior can be overcome if women first notice what they are doing. Once the behavior is realized, women can start to credit themselves with their successes. Noting that it takes five positive experiences to overcome one negative experience, Cummings suggested that women start to make deposits in their emotional bank account by giving themselves credit for the many successes that they often downplay, such as graduating school, passing at least one bar examination, or securing a good internship or job.

She also encourages women to develop a support group of other females, with one caution. “Stay away from the ‘queen bee’ type of woman who believes there is only space for one woman in the room,” she said.

August 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

August 1 • Family Law for the Non-Family Law Practitioners
August 4 • Cybersecurity Law I
August 5 • Hot Topics in Fiduciary Litigation
August 6 • A Day on Real Estate
August 8 • Cloud Computing
August 12 • Dynamic Presentation Skills for Lawyers
August 18 • Trials of the Century II
August 19 • Key Elements of Pennsylvania Civil Practice and Procedure

August 20 • Hot Topics in Capital Cases - Part II
August 21 • Financial Aspects of Divorce
August 25 • Contract Drafting Landmines
August 26 • Trial Skills, Tactics & Taps
August 27 • Time Mastery for Lawyers
August 28 • Social Media
August 29 • Ethics: Paternity An Old, Dead Poet’s Take on Justice, Mercy and Getting Mine
August 30 • The Lawyer’s Guide to Understanding Franchise Law

August 31 • Social Media

Video Seminars

August 3 • Communication Essentials
August 7 • Nonprofit Series: Nonprofit and the Political Process
August 11 • Ethics: Paternity-The Success Formula
August 14 • Philadelphia Bar Mar. 2014 Probate & Trust Law Section Q&A
August 15 • Ethics: Paternity-An Old, Dead Poet’s Take on Justice, Mercy & Getting Mine
August 18 • Sophisticated Issues in Lien Diversitry & Priority
August 22 • David Binder on Pennsylvania Evidence
August 25 • Ethics: Paternity: Being Tech Savvy is Now the Rule
August 26 • Ethics: Paternity-The Success Formula
August 27 • Ethics: Paternity-An Old, Dead Poet’s Take on Justice, Mercy & Getting Mine
August 29 • Recent Developments in Assessment Law in Pennsylvania

Distance Education — Live Webcasts

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).

August 1 • Rules of the Road - Fundamentals of Auto Litigation
August 4 • Contract Drafting Landmines
August 5 • A Day on Real Estate
August 7 • Social Media
August 8 • Cloud Computing
August 11 • The Impact of the Affordable Care Act on Medicare
August 13 • “A Few Good Men” - Developing and Presenting Your Case
August 14 • How to Obtain and Use Digital Evidence
August 15 • Anatomy for Lawyers: Back and Knee
August 16 • Key Elements of Pennsylvania Civil Practice and Procedure
August 20 • Hot Topics in Capital Cases - Part II
August 21 • 11th Annual Animal Law Conference
August 22 • Family for the Non-Family Law Practitioner
August 26 • Financial Aspects of Divorce
August 27 • The Lawyer’s Guide to Understanding Franchise Law

Simulcasts from PLI

Save yourself the time and expense of an overnight trip to New York City, and take advantage of the specialized educational programs for which PLI is famous.

August 4-5 • The Evolving World

Women Urged to Take Credit for Their Successes

By Heather J. Austin

Women in the profession committee acknowledge that women do indeed face conscious and unconscious bias in the workplace. But many allow their own lack of self-value to become a barrier to success. These are internal barriers that exist only within them, even when criticism may be deserved. Explaining that a woman’s confidence will suffer a blow when she, for example, makes a mistake. Cummings advised that it is important to keep the mistake in perspective. There are too many details in the practice of law, and you are going to make mistakes. You can, however, fix them and move on. Say “I am sorry” once and only once, as apologizing repeatedly makes it appear as though you lack confidence. Do not jump to the conclusion that you are going to get fired. Instead, build your confidence by owning, repairing and learning from the mistakes.

Unlike men, Cummings explained that other women understand these challenges. She encourages women to read the biographies of women who have made it in the male-dominated workforce. She also encourages women to develop a support group of other females, with one caution. “Stay away from the ‘queen bee’ type of woman who believes there is only space for one woman in the room,” she said.

Heather J. Austin (heather.austin@wilsonelser.com), an associate with Wilson Elser Moskowitz Edelman & Dicker LLP, is Editor-in-Chief of the Philadelphia Bar Reporter.
Online Crowdfunding an Alternative for Nonprofits

By Annie M. Kelley

Five years ago, crowdfunding was virtually unknown. Today, chances are that someone you know is running a Kickstarter campaign.

Panelists Michael Adler, managing partner of the Law Office of Michael E. Adler; Al Migliaccio, CEO and founder of JAMIS Sales Success; and Kevin Provost, founder/CEO of CrowdCampuses and coPhilly, discussed crowdfunding, including the practical applications, the importance of the technology platform, and some legal pitfalls at a June 30 Live, Lunch and Learn program presented by the Young Lawyers Division. The panel focused mainly on donation-based crowdfunding, and especially how crowdfunding can be used by nonprofits. There are two basic kinds of crowdfunding: “Donation-based” or “rewards-based” crowdfunding, where an individual or company asks for money from the public and in return offers a baseball cap, or a sample product or something else with minimal financial value; and “equity-based” crowdfunding, where a company raises money in exchange for stock or a debt instrument.

Donation-based crowdfunding has always been legal, and while Internet platforms are a new trend within the last four years, crowdfunding in America dates back to 1884. When the American Committee for the Statue of Liberty ran out of funds for the statue’s pedestal in 1884, the New York World newspaper urged the public to donate money toward the pedestal, and raised more than $100,000 in six months, a huge amount in those days. Today, donation-based crowdfunding is run through Internet sites like Kickstarter and Indiegogo. Kickstarter campaigns have raised more than $1.2 billion. While some forms of equity-based crowdfunding have been legal for many years, the equity-based market exploded with enactment of the JOBS Act in 2012. Today there are hundreds of Internet sites where companies raise money for stock or debt, including Fundrise (real estate), Patch of Land (real estate debt), and OurCrowd (technology). Migliaccio explained that crowdfunding allows nonprofits to close the gap between the money they need and the traditional sources of money, such as grants and donations from members. The Internet and social media allow a nonprofit to find both general and niche audiences, and nonprofits with a particular cause in a local community can now reach a global audience commonly motivated by any cause. As technology costs have fallen, new audiences online and opportunities to reach non-traditional donors are flourishing.

While most crowdfunding campaigns raise less than $10,000 and the average campaign raises $15,000, the trend is “going straight up,” and six-figure campaigns are growing. Migliaccio explained that because businesses and nonprofits need to raise funds that are not being met by traditional sources, there is a wide gap between the needed resources and traditional lending intuitions, grant makers, and friends and family donations. Online tools are the solution to supplement the lack of traditional funding. The Internet and use of social media allow a group to find both general and niche audiences, and nonprofits with a particular cause in a local community can now reach a global audience commonly motivated by any cause.

From the perspective of a board member or nonprofit organization, Provost noted three important steps to gain new donors, which are attract, engage and retain donors. Typically, a nonprofit’s narrative is put in a short video to engage a donor why at this moment in time their donation is important to help a cause. Effective crowdfunding for a nonprofit takes time, resources and money, but the opportunities are enormous. As a starting point, the panelists suggested that a nonprofit review the information provided by Kickstarter and Indiegogo. YouTube also just began a crowdfunding capability.

Annie M. Kelley (Annie.Kelly@flastergreenberg.com), an associate with Flaster/Greenberg PC, is an associate editor of the Philadelphia Bar Reporter.
YLD Update
continued from page 1

been some exciting developments in the past month as we approach the big game.

Since we first announced the game in the July Bar Reporter, the law firm team has been filling up fast. I am happy to announce the firm lineup currently consists of Blank Rome LLP; Cozen O’Connor; Fox Rothschild LLP; Martin LLC; McCarter & English LLP; Pepper Hamilton LLP; Post and Schell P.C.; Saltz Mongeluzzi Barrett & Bendesky, P.C.; and White and Williams LLP. There are still a few spots left on the team, but we expect it to fill up quickly as more firms sign on to support the Bar Foundation, and to take part in the fun. In an incredible display of trust, the Riversharks are giving the YLD access to the park’s jumbo screen, so the players and fans will get to see their names (and their firm’s name) up in lights.

The lawyers on the firm roster will have the opportunity to meet and face off against in-house attorneys from the Delaware Valley Association of Corporate Counsel (DELVACCA). The in-house team will include attorneys from AmeriHealth Caritas, AMTRAK, Johnson Matthey, Open Systems Technologies, Penske, PHH Mortgage Corporation, QlikTech, SAP, Sunoco and The Graham Company. The YLD and the Bar Association extend our deep appreciation to these companies and their counsel for taking part in this exciting new tradition.

Of course, the Law Star Game will not just be for lawyers on the field. If this is not enough already, did I mention the Home Run Derby? The whole event will kick off with a display of strength and bat speed as we see which attorney can hit the most dingers. Space for the Home Run Derby will be limited, so keep your eye out when registration opens in the next few weeks. During the game, attendees can show off their arms at the Speed Pitch machine. Unfortunately, as the YLD Chair, I will be very busy making sure the event runs smoothly, and probably will not get a chance to demonstrate my fastball.

At this point, you are probably thinking, “Speed Pitch? Home Run Derby? Carousel! Sumo suits? What’s next, fireworks?” That’s right, fireworks. The evening will be capped off by a pyrotechnic fireworks display along the majesty of the Ben Franklin Bridge.

As I mentioned above, we expect the firm roster to be full shortly, but that will not preclude other firms and businesses from lending their support to this worthwhile cause. Over the next few weeks, members of the YLD Executive Committee will be soliciting sponsors for team managers, Home Run Derby, Speed Pitch, carousel, Fun Zone and other opportunities. These sponsorship opportunities are also limited, however, and any interested organizations should contact me as soon as possible at beitz@whiteandwilliams.com with any questions.

In case you cannot already tell, I am beyond proud and excited that the YLD is hosting this event and doing its part to advance the Bar Foundation’s goal of equal access to justice. The Philadelphia Bar Foundation is a 501(c)(3) nonprofit organization that provides funding to more than 30 local legal service organizations representing those struggling with poverty, abuse and discrimination in our community. The Law Star Game will be a truly memorable night for the Philadelphia legal community, and a worthy tribute to the Bar Foundation’s 50-year history; I hope to see you at the game on Oct. 1!

Edward F. Beitz (beitz@whiteandwilliams.com), an associate with White and Williams LLP, is chair of the Young Lawyers Division.

Workplace Trends

Chancellor-Elect Albert S. Danbridge III (from left) meets with Carol Huff and John Gattuso before the July 15 X, Y, Z of Real Estate program “Major Trends Affecting the Office Workplace.” Huff and Gattuso discussed the Comcast Innovation Technology Center and changes that might be coming to office layouts in the near future. Huff is principal at Huff Equities and Gattuso is senior vice president and regional director of Liberty Property Trust.

Podcast Spotlight
Visit philadelphiabar.org for a podcast from this Bar Association event.

Use your QR code reader to link directly to this resource.
programs from the Criminal Justice Section, Family Law Section, Public Interest Section, Real Property Section, State Civil Litigation Section, Tax Section, Workers’ Compensation Section, Young Lawyers Division, Diversity in the Profession Committee, Election Procedures Committee, Federal Courts Committee, Immigration Law Committee, LGBT Rights Committee, Law Practice Management Committee, Professional Responsibility Committee, Social Security Disability Law Committee and the Civil Gideon and Access to Justice Task Force.

The Bench-Bar & Annual Conference will also feature a State of the Courts program with representative judges from Pennsylvania and Philadelphia courts as well as a three-hour “Swanky Soiree” on Friday, Oct. 17 at MIXX nightclub at Borgata.

Full Conference early-bird registration rates are $379 for members and $229 for Young Lawyers Division members and public interest and government attorneys. Registration for non-members is $529. Early bird registration is available until Friday, Sept. 19. Registration includes all CLE programming and all sponsored meals and events on Friday and Saturday.

Special Borgata hotel room rates are available for Conference attendees. A rate of $189 (plus tax) for a king room is available Friday, Oct. 17 and a limited number of king rooms are available at $109 (plus tax) Thursday, Oct. 16 and $249 (plus tax) for Saturday, Oct. 18. You must be a registered attendee of the Conference to receive this group rate. Once you are registered for the Conference, you will receive instructions on how to reserve your room.

Rochelle M. Fedullo, a partner with Wilson Elser Moskowitz Edelman & Dicker LLP and Projects and Programming Advisor to the Chancellor, is chair of the 2014 Bench-Bar & Annual Conference. She is President of the Legal Intelligencer and Access to Justice Task Force.

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By Deborah R. Gross

**Bar Foundation**

**Stepping Back to Reflect, Reinvigorate, Retreat**

JULY WAS A TIME TO reflect, reinvigorate and retreat. The Trustees of the Bar Foundation attended a planning retreat at my house where we focused our energies on the major fundraising activities on which we will be embarking for the remainder of 2014 — a cocktail reception at CasaBlanca, the home of retired Pennsylvania Supreme Court Justice Sandra Schultz Newman on Sept. 19, and the Andrew Hamilton Benefit Gala at the National Constitution Center on Nov. 8. We were energized with new ideas and issues proposed. The Board agreed to the challenge of raising $100,000 for our 50th anniversary year. We concluded our retreat with wine and hors d’oeuvres with the executive directors of the legal service nonprofit organizations. Much can be accomplished when we step outside our usual routines and disconnect from the everyday hustle and bustle.

More than 30 executive directors, attorneys and a judge, all involved with the delivery of legal services community, stepped away from the everyday hustle and bustle and attended a retreat at Montgomery McCracken Walker & Rhoads LLP in July as well. This is a remarkable and dedicated group of individuals whose average tenure at their position is about 16 years. There are many who have served as executive director for 20 years or more, and then there are a few who are very new to the job. Each has a passion and fervor that I so admire.

This group is devoted to “ensuring fairness for all in the justice system — regardless of how much money one has,” a concise nine-second sound bite that we learned from Martha Bergrak, the executive director of Voice for Civil Justice. One of the goals of Voices for Civil Justice is to raise awareness in the media of the “vital role of civil legal aid in helping people protect their livelihoods, their health and their families.”

After conducting a survey, Voices for Civil Justice learned that the public is largely unaware of the existence of civil legal aid. While each of the legal services organizations has its own focus and specialty, the public does not understand that legal aid covers many diversified and expanded activities and services. These activities and services come in the form of access to justice commissions, which Pennsylvania Supreme Court Chief Justice Ronald D. Castille, state Sen. Stewart Greenleaf and the Philadelphia Bar Association are urging be funded in Pennsylvania. These services include self-help centers such as the Landlord-Tenant Center, medical-legal partnerships, expanded pro bono models such as those set up at our many law firms in Philadelphia and even increased ease of access to information. Money raised by all of our organizations is needed to not only provide civil legal aid but also to increase public awareness to enable access.

Finally, July is when the Bar Foundation seeks your help in honoring law firms, legal departments and legal aid attorneys who have tirelessly advocated through time, resources and civic influence to ensure access to justice. This year marks the 11th anniversary of the Pro Bono Award and the 35th anniversary of the Philadelphia Bar Foundation Award.

A proud part of the Bar Foundation’s long tradition of supporting Philadelphia-area legal services organizations is the awards presented each year at the Andrew Hamilton Benefit — the Pro Bono Award and the Philadelphia Bar Foundation Award (formerly known as the Apotheker Award). The Pro Bono Award honors a local law firm or corporate legal department that engages in significant pro bono work and promotes pro bono volunteerism in the community. The Philadelphia Bar Foundation Award honors a public interest attorney working in legal services in the Philadelphia area and is accompanied by a $2,500 prize. We need you to nominate candidates for these awards by Friday, Sept. 26. Guidelines and nomination forms can be found at www.philabarfoundation.org.

Deborah R. Gross (debbie@bernardmgross.com) of the Law Offices of Bernard M. Gross, P.C. is president of the Philadelphia Bar Foundation.

**Pro Bono Award Recipients**

2013 - TE Connectivity
2012 - Fox Rothschild LLP
2011 - Blank Rome LLP (Kathy Ochroch & Grant Palmer)
2010 - Hangley Aronchick Segal & Pudlinc; Gay Chacker & Mitrin, P.C.
2009 - Dechert LLP; Berner Klav & Watson LLP
2008 - PECO Legal Department
2007 - Cozen O’Connor; Saul Ewing LLP
2006 - Pepper Hamilton LLP
2005 - Ballard Spahr LLP
2004 - Schnader Harrison Segal & Lewis LLP; Margaret A. McCausland, Esq.
2003 - Morgan Lewis & Bockius LLP; Hecker Brown Sherry & Johnson LLP

**Philadelphia Bar Foundation Award Recipients**

2013 – Judith Bernstein-Baker, HIAS Pennsylvania
2012 – Mary Catherine Roper, American Civil Liberties Union of Pennsylvania
2011 – Thu Tran, Community Legal Services
2010 – Ourania “Rainy” Papa-demetriou, Philadelphia VIP
2009 – Catherine C. Cattr, Community Legal Services
2008 – Karen Buck, SeniorLAW Center
2007 – Len Reiser, Education Law Center
2006 – Frank Cervone, Support Center for Child Advocates
2005 – Louis D. Ruilli, University of Pennsylvania Law School
2004 – Pedro Rodriguez, Action Alliance for Senior Citizens
2003 – Sue Osto, National Clearing House for the Defense of Battered Women

**Summer Associates Reception at PAFA**

Approximately 150 summer associates were welcomed by the Large Firm Management Committee for a night of networking and learning more about the Philadelphia Bar Association on July 15 at the Pennsylvania Academy of Fine Arts. U.S. Court of Appeals Judge Cheryl Krause (at podium) was the keynote speaker for the night.
Members Gets Primer on Affordable Care Act

By Julia Swain

Despite the rough start, the Affordable Care Act (ACA) is now easily accessible and has provided health insurance to more than 300,000 previously uninsured Pennsylvania residents. Highlights on the ACA were presented to the Family Law Section by Joanne Grossi of the U.S. Department of Health and Human Services (HHS) on July 7.

On a national level, since ACA marketplace opened in 2011, 8 million people have signed up for health insurance. The U.S. uninsured rate dropped from 18 percent to 13.4 percent by the middle of April 2014.

The ACA improved or eliminated many prior problems with health insurance. More than 3 million young adults (including 95,000 in Pennsylvania) up to age 26 can remain on their parents’ health insurance. Lifetime limits and annual limits for services were eliminated.

Subscribers can no longer be denied coverage or charged a higher premium for a pre-existing condition.

The ACA placed strict limitations on insurance companies, who must now spend 80 percent of all premium dollars on subscribers’ medical services, instead of bonuses to their corporate executives. Insurance companies are required to report to the HHS that they are adhering to this policy and reimburse subscribers any amounts left over. This policy has resulted in more than $2 billion in consumer rebates over the past two years.

Pennsylvania participates in the federally facilitated marketplace run by HHS. As of Oct. 1, there were fewer than 1.3 million uninsured in Pennsylvania, and of that number about 600,000 qualified for the marketplace. The other half actually would qualify for Medicaid if the governor had chosen to participate in the Medicaid expansion program.

As of April 15, more than 318,000 people enrolled in the marketplace in Pennsylvania and another 41,000 who entered the marketplace wanting to get insurance actually qualified for Medicaid under the current rules.

The Pennsylvania marketplace offers private health insurance coverage through providers including Independence Blue Cross and Aetna. People get to pick from one of four levels of coverage — bronze, silver, gold and platinum. A bronze plan covers 60 percent of medical costs, with the subscriber responsible for the rest. A platinum plan covers 90 percent of medical costs, with the subscriber responsible for the rest.

Federal government subsidies are available for single people earning up to $47,000 a year and for a families of four with a household income of $95,000 a year. Lower earning individuals and families may qualify for additional financial assistance, bringing health insurance premiums as low as $150 and $109 per month, respectively.

Applications can be submitted online, over the phone, through the mail or in person. The toll-free call center is open 24 hours a day, seven days a week, and is available in Spanish and English at all times. In addition, assistance is offered in 150 other languages. Internet web chat assistance is available 24 hours a day, seven days a week. Enrollment applications are also screened for Pennsylvania’s Children’s Health Insurance Program and Medicaid qualification.

Although open enrollment closed on March 15, anyone experiencing a qualifying life event can still enroll in the marketplace. These include marriage, divorce, having or adopting a child, losing coverage or changing jobs. The next open enrollment period runs from Nov. 15 to Feb. 15.

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

Bar Association Leaders Welcome New Citizens

Board of Governors Diversity Chair Sophia Lee (above, left) was the guest speaker at a June 16 naturalization ceremony in honor of Flag Day at the U.S. Courthouse. The ceremony was presided over by U.S. District Court Judge Cynthia M. Rufe and also featured remarks from U.S. Rep. Mike Fitzpatrick (second from left) and U.S. District Court Judge Edward G. Smith (far right). Vice Chancellor Gaetan J. Alfano (at right) addressed new citizens at a July 1 naturalization ceremony, as U.S. District Court Judge Eduardo C. Robreno looks on. Both programs were sponsored by the Philadelphia Bar Association.
Advocates Explain Aid for Immigrant Children

By Jeff Lyons

The packed Conference Center at the Philadelphia Bar Association fell silent as the video played, as children from Central America told heart-wrenching tales about their harrowing journeys to the United States to avoid violence and abuse and to become reunited with their families.

The July 24 Chancellor’s Forum “Unaccompanied Immigrant Minors: The Humanitarian Crisis Not Just at Our Borders” featured panelists who talked about what their organizations are doing to help the thousands of children who have been streaming across the nation’s southern border in recent weeks. Speakers for the program included Nicole Boehner, United Nations High Commissioner for Refugees (UNHCR) protection associate; Elizabeth Yaeger, HIAS PA; Peter Gottemoller, Lutheran Children and Family Services; Steve Larin, Nationalities Service Center (NSC); and Cathi Tillman, executive director, La Puerta Abierta.

“The world is a mess,” Wendy Castor Hess, chair of the Immigration Law Committee, said as the program began. “Syria, Egypt, Russia, Ukraine. On a personal level I wake up every morning and wonder what’s going to get better. What can I do? What should I do? But today, we have an opportunity to do something. In our tiny little world in Philadelphia we have a crisis now. We have a crisis at our borders. We have a crisis everywhere.”

Hess said there will be between 52,000 and 90,000 children coming across our borders in the next year, if they’re not here already. “And many of them are 3 years old, 5 years old, 10 years old. This is a crisis of proportions that we’ve never seen in this country. What can we do? What should we do?”

Judith Bernstein-Baker, executive director of HIAS Pennsylvania, said people can help out in the crisis in several ways. “We need help from the family law bar to represent children who are eligible for special immigrant juvenile status. Second, we need help from immigration attorneys. And third, we need interpreters. And we need foster homes. Those are the four immediate things to think about.”

Jeanne Barnum, a partner at Schnader Harrison Segal & Lewis LLP, urged attorneys in attendance to volunteer, even if not a family law practitioner. “I’m a commercial litigator and I primarily practice in New Jersey. If I can do it, you can do it. HIAS and NSC will get you the training. So volunteer.”

Boehner said UNHCR is the United Nations agency mandated to provide international protection to refugees. She said UNHCR has recommended that the governments involved recognize that they are dealing with newly emerging forms of displacement. “We’re seeing new patterns and policy has not yet caught up.”

UNHCR also recommends that regional and national frameworks for ensuring international protection be strengthened and harmonized. “There’s a lot of work that can be done outside of the United States in other countries in the region,” Boehner said.

She said the root causes of the situation need to be addressed. “That is quite a large task and a long-term recommendation, but it has to start now because we’re already late.”

Yaeger is the supervising youth advocate attorney at HIAS. She said the video that was shown at the program shows the risks people are willing to take to escape violence and persecution. “It’s not a decision that’s made lightly for someone to put themselves through that,” Yaeger said after interviewing hundreds of undocumented immigrant children, more than half of them appear to be eligible for relief and protection in the United States. “We as a country have a strong legacy of having laws designed particularly to protect

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Ginsburg Essay Submission Guidelines

- Submissions must be no longer than 20 pages or 5,000 words, whichever is shorter. The 5,000-word limitation refers to the text of the submission; footnotes may be a maximum of 2,000 words (in addition to the 5,000 word maximum for text). Do not use endnotes.
- Must be in 12-point Times New Roman font. Footnotes must be in no smaller than 10-point Times New Roman font.
- Must be in seminar paper or law journal article format only; submissions in the form of a memorandum, brief, judicial opinion or other type of legal document are not acceptable.
- May not be previously published or currently accepted for publication in any other publication other than in connection with the Judge Ruth Bader Ginsburg Pursuit of Justice Legal Writing Competition.
- Must have 1-inch margins on all sides.
- Must be submitted in electronic form via email to dpetit@philabar.org unless submission of a hard copy is requested and approved. Requests for submission of a hard copy should be made by emailing dpetit@philabar.org or by calling (215) 238-6367.
- Must be submitted with only the title on the first page of the submission. Each set of submissions shall be accompanied by a separate one-page document stating the author’s name, law school, expected date of graduation, telephone number(s), email address(es), mailing address(es) and an abstract of no longer than 100 words describing the thesis of the submission. This document, which shall be signed by the person submitting the entry, shall also certify the word count of the submission and certify that the work is solely the work of the author. The author must also certify that the text of the submission is no longer than 5,000 words, and the footnotes are no longer than 2,000 words.
- Other than as noted on the one-page document identifying the author and describing the submission, the submission may not otherwise refer to the identity of the author or the author’s law school. This includes direct identification by name, or indirect identification by, for example, reference to the size or location of the law school, and the like.
- Receipt will be acknowledged.
- A submission that does not comply with any of the requirements will be rejected without further review.
- Must be received by no later than 4 p.m. on Friday, Oct. 3.

Comisky/DiBona Award Nominees Sought; Deadline is Sept. 8

The Jewish Society and the Louis D. Brandeis Law Society Foundation are seeking nominations for the Lifetime Achievement Award in Memory of Marvin Comisky and Judge Fred DiBona, which, if a nominee is selected, will be awarded at the Philadelphia Bar Association’s Bench-Bar & Annual Conference on Friday, Oct. 17, at Borgata in Atlantic City, N.J.

The Lifetime Achievement Award is not limited to an area of practice or an advocate for a particular cause. Rather, the purpose of the award is to recognize an outstanding member of the bench or bar who, at a minimum, satisfies the following qualifications: acts as a superb mentor and advisor to clients, the Bar, the judicial system and/or the community; makes a difference in the lives of others irrespective of race, ethnicity, religion, disability, gender or sexual orientation; demonstrates a willingness to do what is right although sometimes unpopular; demonstrates legal acumen or scholarship; and exhibits great humility.

A charitable contribution will be made on behalf of the recipient to an organization of the recipient’s choice.

Nominations should include the nominee’s name, address and a statement of the nominee’s qualifications. Nominations should be sent to the attention of Thomas H. Chiacchio Jr. at The Chiacchio Firm, 2005 Market St., Suite 840, Philadelphia, PA 19103 or may be emailed to chiacchio@chlaw.com. Nominations must be received no later than Sept. 8, 2014.

Immigration

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Many of the children find people here who can be sponsors for them. We offer fingerprinting and that’s one of the things that has to happen before they can be released to the sponsors.”

Larín is the son of Salvadoran immigrants who fled violence decades ago. “I’m very familiar with the hardships families face when fleeing violence and the difficulties they have leaving other family members behind.”

Tillman’s group started out helping families who had no mental health support in the region. “Without a Social Security number, plain and simple, it’s almost impossible to get mental health services.” She said La Puerta Abierta started to train bilingual practitioners to provide these services and has been doing it for the past four years.

Program co-sponsors include Esperanza Immigration Legal Services; HIAS Pennsylvania; Juvenile Law Center; La Puerta Abierta; Nationalities Service Center; Public Interest Section; Criminal Justice Section; Family Law Section; Immigration Law Committee; Lutheran Children and Family Service; Pennsylvania Immigration and Citizenship Coalition; Support Center for Child Advocates; United Nations Association of Greater Philadelphia; and AJC Latino-Jewish Coalition.
It’s just too easy to say “no.”

Americans are beginning to acknowledge, often privately, the importance of sound mental health. We read and hear stories of unconscionable acts of crime committed by people with mental health disorders, only to discover intervention at an earlier stage may have prevented the aggravation of an already desperate situation.

We read and hear stories of those who have been failed by systems specifically designed to provide help and support for people dealing with various types of mental illness.

We turn off the television, close the web browser, and forget – until it happens again.

Red tape and bureaucratic indifference abound. Lost paperwork, lapses in insurance coverage and, at times, a sheer lack of resources or personal gumption contribute to the fact that those who need the most help among us happen to be the ones who hear the word “no” most often.

The First Judicial District’s Mental Health Court (FJDMHC), a specialty court that exists at the Common Pleas and Municipal Court levels, is a coordinated effort to support defendants with serious mental illnesses. It is Pennsylvania’s first re-entry Mental Health Court.

“We balance treatment, justice and public safety,” said Philadelphia Court of Common Pleas President Judge Sheila Woods-Skipper, a member of the original working group who developed FJDMHC and presiding judge of the Common Pleas iteration of the program. “The results produce returning citizens who are able to better manage their mental health issues while maintaining a crime-free life.”

The program seeks to identify defendants who are prepared to accept a higher level of court supervision in exchange for being placed in treatment facilities outside of jail. Candidates for the program are referred to FJDMHC in a variety of ways including, but not limited to, prison mental health personnel, family members and defense counsel; and usually one of the seven dedicated public defenders who specialize in the defense of clients with mental health issues. Additionally, Assistant District Attorney Noel DeSantis, who represents her office in Common Pleas Mental Health Court, has been integral in targeting cases appropriate for FJDMHC.

“Many of the defendants who don’t usually have people applauding their successes, encouraging them through difficult times,” said Judge Woods-Skipper. “We save lives by building futures.”

The fifth anniversary of Mental Health Court was held on Sept. 18 in Courtroom 905 of the Stout Center for Criminal Justice.

“Having processed 320 cases in 2009, the program boasts a 10 percent recidivism rate among those who have completed court supervision. Furthermore, in addition to the drastic effect proper treatment has on the lives of these offenders, the success of the program can be measured in ways that go beyond incarceration savings and reduced recidivism. FJDMHC participants come from all walks of life and find themselves achieving in ways even they may not have dreamed prior to their enrollment. They find jobs, obtain housing, attend school and reunite with families. Perhaps most importantly, they begin the process of building their very own support systems facilitated by improvements to their own mental health and the relationships formed while participating in the FJDMHC.”

It’s amazing to see the difference that a diverse team of supportive individuals can make in the lives of defendants who don’t usually have people applauding their successes, encouraging them through difficult times,” said Judge Woods-Skipper.

Get Connected

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

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-employee professionals can offer their services to Philadelphia Bar Association members.
When providing direct client services, Karenina Wolf feels most fulfilled by helping low-income families with their legal needs.

Karenina is a dedicated volunteer who has demonstrated a desire and a commitment to providing pro bono legal assistance to low-income families, said VIP Staff Attorney Michael Viola. “She was working for Philadelphia Legal Assistance as a family law paralegal when she began volunteering with VIP as an interpreter. She continued to volunteer throughout law school and accepted a VIP case after passing the bar. Through her work and volunteer experiences, Karenina has come to understand the effects poverty has on our clients and is therefore able to provide competent and compassionate services.”

Karenina is a very client-centric volunteer who feels most fulfilled when providing direct client services.

When she enrolled in law school, she found it difficult to adjust to a daily routine that did not involve working with clients. “VIP was a very important part of my life when I was in law school because I really enjoyed working with clients. I started law school and I went from working with clients, or working in an office doing rewarding work to sitting behind a desk, listening to lectures and going home to study all night. So it was the total opposite and I had a really rough time,” Karenina said.

Rather than drop out, Karenina decided to attend law school part-time to allow her time to volunteer as an interpreter with VIP. Her volunteerism helped her remember why she went to law school in the first place, which was to achieve equal access to justice. “It [volunteering with VIP] made a huge difference in my life,” Karenina said.

After becoming an attorney, Karenina attended a VIP Divorce CLE training that she says has equipped her with the materials and instructions necessary to competently represent clients seeking a divorce and has also helped develop her practice in this area of the law. She is now assisting a Spanish-speaking client seeking to obtain a divorce decree.

Karenina is a dedicated volunteer attorney and language interpreter who provides outstanding pro bono legal services to low-income families in Philadelphia. VIP applauds her passion and shared interest in helping families with critical legal needs.

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What Does the Hobby Lobby Decision Mean?

By Sean Ireland

The Affordable Care Act (ACA) requires employers to provide healthcare that covers all forms of contraception at no cost. Two private companies, Hobby Lobby and Conestoga Wood Specialties, had no problem with the majority of the contraceptive mandates by the law but were not willing to offer coverage for emergency contraceptives, like Plan B, and other abortifacients. They argued that the ACA violated their rights under the Religious Freedom Restoration Act, passed in 1993, which prevents laws that substantially burden a person’s free exercise of religion.

What was the decision?

By a vote of 5-4, the U.S. Supreme Court ruled that “closely held” businesses don’t have to comply with the ACA’s requirement to offer contraceptive coverage as part of their health plan if the coverage violates the owner’s religious views.

Why is it important?

The decision upheld the Religious Freedom Restoration Act (RFRA), but for the first time, the court stated that this right is now extended to for-profit corporations. From legal analyst Stuart Taylor:

“...In a very detailed analysis of the various steps you go through under this law, first, can you invoke protection at all if you’re a for-profit corporation. The court said yes. Then, does it substantially burden your religious exercise. The court said yes, because these companies have objections to providing contraception coverage, and then they go on and say ‘is this the government’s least restrictive means they could use to serve the need of the women who want the contraceptives,’ in this case. And the court said no; they have other ways they could do it. The government couldn’t pay for it or they could use an accommodation they are already using for nonprofit religious employers.”

Does this apply to all companies?

The court’s decision applies to “closely held” companies, basically defined as those that aren’t publicly traded and have the majority of their stock owned by an individual or small group of individuals, such as a family. At the same time, there’s nothing in the wording of the decision that limits the type of company that can bring a claim based on the RFRA. The problem for these larger companies that have dispersed ownership is that they’ll have to prove that all owners or shareholders share the same religious purpose needed to have a legitimate objection. Therefore, although it’s possible, the hurdles these larger corporations will face would likely be insurmountable.

What does this mean for employees?

If an employer opts out of covering contraceptives, employees can still opt to purchase them directly through a retail outlet, but they wouldn’t be covered by their insurance plan.

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For more information on placing a Lawyer to Lawyer referral ad, please contact LANA EHRLICH at 215-557-2392 or lehrlich@alm.com.
REIT Cycles, Trends Explained

By Carol Claytor

Real Estate Investment Trusts (REITs) have been on a blistering pace so far this year, which is very different from 2013 when they underperformed the S&P 500. In this month’s interview, I sat down with Philadelphia Investment Director for PNC Wealth Management, David F. Huizing, CFA, to discuss what may be contributing to this recent uptick in REITs.

What is an REIT?

Real Estate Investment Trusts, or REITs, have been in existence for about 50 years, but were mostly private and not well understood until many began to go public in the early 1990s, garnering interest from the investing community. The structure allows investors to purchase a share of a REIT, which provides ownership in a real estate firm exposed to the fundamentals of corporate real estate with the advantages of investing in a comparatively more liquid asset – a publicly traded stock. An investor can participate by purchasing the stocks of individual REITs or by investing in REIT mutual funds or exchange-traded funds. A successful asset allocation to REITs aims to provide income generation and growth potential with the portfolio diversification benefits of owning REIT shares.

How does REIT performance relate to the real estate industry?

Real estate is a cyclical industry. And while REIT cycles are not easy to predict, they often mirror what is happening in the real estate industry. The cycles include depression, characterized by high vacancies and low rents; then gradual recovery, during which leasing activity accelerates, occupancy rates stabilize, and rents rise; followed by a boom cycle – with high occupancy, owners begin to raise rents and construction adds new supply. Finally, overbuilding and downturn follows, which is when too many owners try to cash in on high profits and cause overbuilding, which in turn causes vacancies to rise and rents to begin to decline. And the cycles repeat once again.

How have those cycles played out in recent history?

Let us look at the past decade or so. REITs entered a boom period in 2000. Eventually, the real estate market became overheated, with rising property values financed by ever-increasing borrowing, exacerbated by the use of mortgage-backed securities. Peak to trough, Feb. 7, 2007, through March 6, 2009, REITs tumbled a painful 73 percent (based on the FTSE NAREIT All Equity Index).

How can REITs recover from such a significant downturn?

Macroeconomic issues are not something within REITs’ control. At the depths of the recession, REIT management teams were faced with serious challenges to their businesses, and many responded by reworking their balance sheets. Firms were able to issue equity once the capital markets opened up in 2009, although often times at dilutive terms. And to the near-term dismay of many investors, many REITs also cut their dividends in response to lower cash flows and efforts to preserve capital. Some REITs, however, were able to maintain the dividend or pay it through a special stock option granted by the Internal Revenue Service during the crisis. REITs were able to survive reasonably well through the Great Recession. Management teams appear to have made tough decisions that did not always please shareholders, but in hindsight they appear to have helped with the REITs’ survival.

How does the current environment look for REITs?

The nature of real estate is that it is always changing and responding to trends and the economy. Real estate is largely a function of supply and demand. The biggest positive to the current environment is that there has not been a huge buildup of supply or new construction, therefore demand is naturally absorbing available space. New commercial real estate supply is at multi-decade lows, given the slowdown in new projects during the financial crisis. Real estate experts believe we are still in the early innings in the real estate cycle, which generally is pretty long. The old adage of “location, location, location” holds significant merit in commercial real estate. Properties are successful as long as they are in the right location and in the right markets. Ultimately the value of real estate comes back to what is the value of the land; the use may change over time, but good locations can generally adapt.

What real estate sector is performing well right now?

Different property types are recovering at different rates. Apartment REITs are performing well in 2014, after having a tough 2012 and 2013. Apartments have benefited from a decline in home ownership while there has been a lack of new capacity coming on board. There has been some building of apartments and conversion in order to help meet demand, which is expected to be absorbed over time.

Carol Claytor can be reached at carol.claytor@pnc.com or 215-585-5679. For more information, visit pnc.com/wealthmanagement.

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By David F. Huizing, CFA

REITs entered a boom period in 2000. Eventually, the real estate market became overheated, with rising property values financed by ever-increasing borrowing, exacerbated by the use of mortgage-backed securities. Peak to trough, Feb. 7, 2007, through March 6, 2009, REITs tumbled a painful 73 percent (based on the FTSE NAREIT All Equity Index).
Remembering David Rosenblum

Compiled by Lawrence S. Felzer

When David Rosenblum, legal director of Mazzoni Center, died suddenly and unexpectedly at age 47 on May 2, it was a major loss not only for LGBT individuals who he fought so passionately on behalf of but for everyone who was directly or indirectly impacted by his work and community service. We asked a few people who knew David best to share their recollections of David.

Staff and Legal Advisory Board of Mazzoni Center: When David Rosenblum joined our staff in 2011, it was in many ways the natural culmination of a lifetime’s work in civil rights, and a fitting return to his roots. Back in 1996 as a young attorney just a few years out of law school, David was a founding board member of the Center for Lesbian and Gay Civil Rights, which housed the very first direct service legal clinic for LGBT individuals in Philadelphia. Years later that legal clinic would become a program of Mazzoni Center — the very program he returned to helm. David had dedicated his career to advancing the rights of those who were marginalized, and speaking up for those who did not have a voice.

In thinking about David, the word that so often comes to mind is “tireless” — because he was tireless in promoting the work of our legal department, and spreading awareness about the issues that impact our clients and our communities. Through community and media outreach, through a quarterly newsletter he helped to launch, and through the numerous presentations he made at public and private events throughout the region, David was always working to ensure that the LGBT community understood their rights, and that lawyers understood better how to help us.

His boundless enthusiasm extended to colleagues as well: he always had time (and an abundance of good humor) to answer our questions, or to explain the nuances of a legal decision and how it might impact our work. He ran a dynamic internship program, engaging with anywhere from six to 20 law students each semester, and served as an adjunct professor for Temple Law School’s clinical program in Sexual Orientation and Gender Identity Law. His generosity of spirit and intellect made him a natural and passionate teacher, and we know from talking with many of these former interns that their experience with David will reverberate long into their lives and careers.

Although we sometimes wondered where his energy came from, we believe it is heartbreakingly to imagine that David is no longer with us.

Tiffany Palmer, Esq. (of Jenner & Palmer, P.C.): I met David Rosenblum in 1998. He was a founding board member of a fledgling nonprofit that later became the Center for Lesbian & Gay Civil Rights and Equality Pennsylvania in Philadelphia. Founded in 1996, it was the first dedicated LGBT direct legal services organization in the country. I was the first staff attorney, funded by an Equal Justice Works fellowship from 1998-2000. David was a trial attorney for the Equal Employment Opportunity Commission and I admired him as an “experienced” and seasoned employment lawyer. I was 26. I realize now he was only 31 at that time.

We worked together in many capacities over the years. He chaired the LGBT Rights Committee of the Philadelphia Bar Association. He was the chair of the Gay and Lesbian Lawyers of Philadelphia.

In 2002, David and I were on the planning committee for Lavender Law when it came to Philadelphia. He chaired our committee and David oversaw every detail, from panels to the goodie bags. We decided to create a career fair at Lavender Law. We wondered if students would be “out” enough to attend. We wondered if firms would send anyone. Well, they did. And big firms sent recruiters. We were thrilled and had no idea at the time what it could become. David and I worked together to create what is now the largest minority career fair in the country.

In 2011, he became director of legal services of Mazzoni Center. His career had come full circle, as he now directed the legal department of the organization he helped to start back in 1996. This organization was the successor to the Center for Lesbian & Gay Civil Rights and Equality Pennsylvania, assuming its full caseload and staff. He took a struggling entity nearly closed down to budgetary constraints and breathed new life into it, as only David could do.

In recent years, as legal director, David became the spokesperson for the undeserved and most oppressed members of the LGBT community. He took on Pennsylvania’s Voter ID laws and articulated the impact these would have on these communities. The focus on the need for direct legal services for low-income LGBT people was finally becoming part of the conversation—because David was loud enough, funny enough and determined enough to make people listen.

I still have an email in my inbox from David, informing me that he had just filed a federal Title VII case in the Eastern District of Pennsylvania, asserting that a trans woman’s termination from an ice skating rink in Exton was unlawful sex discrimination, based on the EEOC’s holding in the Macy case, which expanded the definition of sex discrimination to include gender identity. It was the first post-Macy case filed in the Eastern District. He was only 47 and accomplished more for LGBT rights and employment rights than most people do in their lifetimes. He had big plans. Now we must carry out those plans without him.

Let us honor his legacy in all the LGBT rights work we do going forward.

Lawrence S. Felzer (lfelzer@seniorlawcenter.org) is development director at SeniorLAW Center.

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CALENDAR OF EVENTS

Note: While the following listings have been verified prior to press time, any scheduled event may be subject to change by the committee or section chairs. Lunches are $8 for members and $12 for non-members, unless otherwise indicated.

**Tuesday, Aug. 5**
Philadelphia Bar Reporter Editorial Board: meeting, 12:30 p.m., 10th Floor Cabinet Room.
Employee Benefits Committee: meeting, 12:30 p.m., 11th Floor Committee Room.

Room South. Lunch: $8.

**Thursday, Aug. 7**
Lawyer Referral and Information Service Committee: meeting, 12 p.m., 11th Floor Committee Room South.

**Friday, Aug. 8**
The Philadelphia Lawyer magazine Editorial Board: meeting, 12:30 p.m., 11th Floor Committee Room South.

**Tuesday, Aug. 12**
Criminal Justice Section: meeting, 12:30 p.m., 10th Floor Board Room.

**Tuesday, Aug. 19**
Cabnet: meeting, 12 p.m., 10th Floor Board Room.

**Wednesday, Aug. 20**
Young Lawyers Division: meeting, 12 p.m., 10th Floor Board Room.
LegalLine: 5 p.m., 11th Floor LBIR offices.

**Thursday, Aug. 21**
Family Law Section: Executive Committee: meeting, 12 p.m., 11th Floor Committee Room South.

**Monday, Aug. 25**
Young Lawyers Division: Executive Committee: meeting, 12 p.m., 10th Floor Board Room.

**Wednesday, Aug. 27**
LGBT Rights Committee: meeting, 12 p.m., 11th Floor Committee Room South.

**Thursday, Aug. 28**
Board of Governors: meeting, 4 p.m., 10th Floor Board Room.
People

Reginald T. Shuford, executive director of the ACLU of Pennsylvania, has been named a 2014 Minority Business Leader in Philadelphia by the Philadelphia Business Journal.

Virginia O. Essandoh, chief diversity officer at Ballard Spahr LLP, has been named a Fellow of the College of Law Practice Management, a nonprofit organization for legal professionals.

H. Ronald Klasko, founding partner of Klasko, Rulon, Stock & Seltzer, LLP, recently presented an update on United States Citizenship and Immigration Services policies with respect to the EB-5 immigration visa program at the Association to Invest In the USA Conference.

David J. Shannon, a shareholder in Marshall Dennehey Warner Coleman & Goggin, was a featured speaker and moderator for a cyber liability panel at the 8th Annual ExecuSummit E&O Insurance Conference in Uncasville, Conn., in June.

Kathleen D. Wilkinson, a partner in Wilson Elser Moskowitz Edelman & Dicker LLP and immediate-past Chairman of the Philadelphia Bar Association, has begun a three-year term on the Pennsylvania Bar Association Board of Governors.

Linda A. Kerns, principal in the Law Offices of Linda A. Kerns, LLC, has been elected to a four-year term as associate general counsel of the Philadelphia Republican City Committee.

Richard L. Scheff, chair of Montgomery McCracken Walker & Rhoads LLP, has been elected to Gettysburg College’s Board of Trustees for a four-year term.

Laurie Magid, an Assistant United States Attorney in the Eastern District of Pennsylvania, has been elected president of the Columbia Law School Association.

Rebecca Levin, an associate with Jerner & Palmer, P.C., has been recognized as one of the National LGBT Bar Association’s 40 LGBT legal professionals under the age of 40.

Daniel Jack, a partner at Eisenberg, Rothweiler, Winkler, Eisenberg & Jack, P.C., recently lectured on chest pain and moderated the CLE program “Emerging Topics in Med Mal: Tying Urgent Care & ER Cases” hosted by the Pennsylvania Association for Justice at the Top of the Tower in Philadelphia.

David F. Stern, a partner with Pond Lehocky Stern Giordano, was a speaker at the Pennsylvania Association for Justice’s Annual Update for Civil Litigators on June 27 in Bedford Springs, Pa.

Kevin E. Raphael, a partner in Pietragallo Gordon Alfano Bosick & Raspani, LLP, has been named vice chair of Education for the American Health Lawyers Association Fraud and Abuse Practice Group for the 2014-2015 term.

Josh J.T. Byrne, a partner with Swarte Campbell LLC, has been named as a Hearing Committee member serving the Disciplinary Board of the Supreme Court of Pennsylvania.

Kelly Dobbs Bunting, a shareholder in Greenberg Traurig, LLP, recently accepted two roles with the American Bar Association’s Section of International Law. She will serve as the section’s liaison with the ABA’s Labor and Employment Law Section and as a member of the Steering Group for the International Employment Law Committee.

Lloyd Freeman, an associate with Archer & Greiner P.C., has been named to the Board of Directors of the American Red Cross of Camden and Burlington Counties.

Lathrop B. Nelson III, a partner in Montgomery McCracken Walker & Rhoads LLP, has been appointed to the Appellate Court Procedural Rules Committee of the Supreme Court of Pennsylvania.

Marc S. Raspani, a partner in Pietragallo Gordon Alfano Bosick & Raspani, LLP, presented at the 17th Annual Florida Chapter of the American Board of Trial Advocates Convention on July 18 in Palm Beach, Fla.

Stewart M. Weintraub, a shareholder with Chamberlain, Hrdlicka, White, Williams & Aughtry, was recognized by the Institute for Professionals in Taxation with its Special Award for his dedication and service to the organization on July 1 at the Institute’s Annual Conference in Phoenix, Ariz.

Stewart Eisenberg, a senior partner and co-founder at Eisenberg, Rothweiler, Winkler, Eisenberg & Jack, P.C., recently presented “How to ID and Preserve Evidence for a Crawfishworthiness Case Following a Caratrophic MVA” at the Delaware Trial Lawyers Association’s 2014 Annual Convention.

People highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, PA 19107-2955. E-mail: reporter@philabar.org.
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