The Philadelphia Bar Association has formed its Elections Committee, which is chaired by Past Chancellor Mary F. Platt and consists of Jennifer S. Coatsworth, Chancellor Rochelle Fedullo, Lawrence S. Felzer, Francesca A. Iacovangelo, Niki Ingram, Sayde J. Ladov, Lauren P. McKenna, Kevin V. Mincey, Chancellor-Elect Hon. A. Michael Snyder (Ret.), Patrice A. Toland, Michael T. van der Veen and Kathleen D. Wilkinson. As Secretary, Jennifer S. Coatsworth serves as a non-voting member.

Offices for which candidates are being solicited are Vice Chancellor, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer and five seats on the Board of Governors. Each Board seat carries a three-year term.

Association members may become candidates for any of these offices by filing with the Secretary on or before Oct. 15 for the Dec. 12, 2019 Annual Meeting, nominations in writing which, for candidates of the Board, must be signed by at least 25 Members who are entitled to vote; for candidates for Secretary, Treasurer, Assistant Secretary and Assistant Treasurer, shall be signed by at least 35 Members who are entitled to vote; and for candidates for Vice Chancellor, shall be signed by at least 100 Members who are entitled to vote.

Individuals who wish to run for any of the above-named offices should contact Susan Knight, CFO/Director of Administration, at sknight@philabar.org for additional information. Signatures, along with a resume, and written authorization should be submitted to Association Secretary Jennifer S. Coatsworth, c/o Susan Knight, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107, no later than 5 p.m., Tuesday, Oct. 15, 2019.
Wes Payne
Candidate for Vice Chancellor of the Philadelphia Bar Association

As a member of the Philadelphia Bar Association, I have championed diversity in our profession and service to the greater Philadelphia community.

I will remain a strong advocate for the Association and the legal profession by engaging in work that achieves our mission to serve the interests of our members and provide guidance and leadership to our profession.
The Test of All Tests

By Shelli Fedullo

Although it has been 37 years since my last written test, I sometimes still dream that I forgot I was enrolled in a course until the morning of the exam, and completely panicked and clueless, I ran to class. When I get there, I find out that the exam is open-book (so there is hope) and run to my locker to get my textbook. But then, I cannot open the locker because I forgot the combination. When I run back, the classroom is no longer there. There are multiple variations on this theme, and sometimes the place where I am taking the test is right out of an Escher print. Apparently, performance anxiety is not just an old friend, but a lifelong companion. I suspect it shares its time with some of you, as well.

Exams are on my mind because after two months of cramming, three years of law school, four years of college and often after accumulating substantial student loan debt, hundreds of soon to be Philadelphia lawyers (all without watches or cellphones and with their stuff in clear, quart-size plastic bags) recently spent two days at the civic center taking the “Test of All Tests.”

Even those of us who crammed for, and took, the Test of all Tests, also known as the bar exam, when cellphones were still science fiction - or maybe a James Bond gadget - still have vivid memories of the experience, especially around areas of law we learned. Test, also known as the bar exam, when cellphones were still science fiction - or maybe a James Bond gadget - still have vivid memories of the experience, especially around areas of law we learned. Most of us were in a state of panic, running back and forth trying to get textbooks, getting them to and from the lockers, getting back to the test, and completely forgetting that the exam was open-book (so there is hope) and run to my locker to get my textbook. But then, I cannot open the locker because I forgot the combination. When I run back, the classroom is no longer there. There are multiple variations on this theme, and sometimes the place where I am taking the test is right out of an Escher print.

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The Board Observer Program is gearing up for another year connecting young lawyers with boards of legal services nonprofits. The BOP, founded in 2011, is the brainchild of David Smith, chairman of Schnader Harrison Segal & Lewis LLP, and Norm Weinstein, a former trustee of the Philadelphia Bar Foundation. Both men had board training as young attorneys through the Jewish Federation. They realized that young attorneys at their firms were expected to engage in board service – both to give back to the community and to expand their networks – but faced two main barriers. Many young attorneys could not meet the financial requirements of board service, and most boards were only recruiting people with board experience. Smith and Weinstein approached the Bar Foundation about starting a board training program, and started BOP with a partnership among the Bar Foundation, the Delivery of Legal Services Committee, and the Young Lawyers Division.

Since 2011, the program has expanded. Originally, YLD members could only observe boards of legal services organizations from the DLSC. As applicant pools grew, and as YLD members expressed interest in serving on boards that tapped into their interests outside of legal services, other nonprofit organizations were added as part of the program.

The BOP has been a resounding success for both Board Observers and participating organizations. Observers are encouraged to get as involved with their boards as possible. They attend board meetings, attend CLEs on different aspects of board service and join board committees. Board Observers benefit from the program’s training by gaining a better understanding of board service. Also, they can network with people outside of their normal professional circles and learn about law outside of their main practice area, all while giving back to the Philadelphia community.

Boards benefit from eager young lawyers providing help where needed, and from the perspectives of young lawyers, which may be lacking, especially on boards with high fundraising requirements. In fact, numerous Board Observers have been invited by their boards to join after their program year ended. Aside from staying on as full board members, past Board Observers remain involved in BOP. Matt Olesh, a member of the inaugural class of Board Observers and a former YLD chair, continues to serve on BOP’s steering committee. Nilam Sanghavi, a Bar Foundation board trustee, helped to get the program started in 2011 and has been one of its leaders ever since.

When I served as a Board Observer for Justice at Work, I was a year out of law school, and a previous Board Observer on the board mentored me. I was assigned to a committee and included meaningfully in discussions. When my year ended, I was asked to stay on as a full board member, and I remain on the board today. My experience is just one of many – CASA and Friends of Chester A. Arthur are among the many organizations that have had Board Observers stay on as full board members.

The deadline to apply for the 2020 BOP is Sept. 6. Don’t miss out on this invaluable opportunity for young lawyers.

Michaella Tassinari (michaella.tassinari.kfyk@statefarm.com), attorney at Robert J. Casey, Jr. & Associates, is chair of the Young Lawyers Division.
Young lawyers play important roles at the Philadelphia Bar Foundation and in our legal aid community as a whole. I am inspired by the deep interest that new attorneys have in pro bono service and legal aid, as well as the unique perspectives they bring to our work.

The Bar Foundation provides opportunities specifically focused on engaging young lawyers, including the Board Observer Program. We partner with the Philadelphia Bar Association’s Young Lawyers Division on various initiatives, and the YLD holds an annual event to benefit the Bar Foundation.

The Board Observer Program provides young lawyers with the opportunity to volunteer and serve on a nonprofit board of directors for one year. This program is a collaboration between the Philadelphia Bar Foundation, the Delivery of Legal Services Committee and the YLD. In 2014, the BOP received the LexisNexis “Partnerships For Success” Award of the National Conference of Bar Foundations in acknowledgment of this innovative and successful bar foundation/bar association partnership.

Board Observers learn about local legal services organizations and other nonprofits while gaining leadership skills and strengthening their professional networks. The program facilitates a yearlong placement on a nonprofit board, mentorship, networking opportunities and educational opportunities, such as CLEs and lunch-and-learns. Board Observers are exempt from the customary financial obligation of a board contribution—an obligation that might otherwise serve as an obstacle to board service for young attorneys who are just starting their careers.

Participating nonprofits benefit from the energy and ideas of these young lawyers, as well as the opportunity to join BOP events throughout the year. After completing their BOP service, many Board Observers continue serving in nonprofit board leadership roles. Past Board Observers have initiated innovative fundraising and program ideas for nonprofits in the Philadelphia region. This year, the Bar Foundation has two Board Observers of our own who attend board meetings, serve on committees and actively participate in our events.

We are currently accepting applications for 2020 Board Observers and participating nonprofit organizations. Applications can be found online at www.philabarfoundation.org/BOP. The deadline to submit applications is Sept. 6.

Young lawyers can also learn about our work through the YLD’s annual fundraiser to benefit the Philadelphia Bar Foundation. Over the years, YLD members have come up with creative ways to engage their peers in support of legal aid.

I hope that you’ll join us on Sept. 10, from 6–9 p.m. for this year’s YLD Fundraiser: “Keep Calm and Play Ping Pong.” This year’s event will be held at SPIN Philadelphia, featuring a sponsored table tennis tournament, catered food and open bar. Attendees will have a chance to learn more about our work and our partners, all while enjoying an evening of fun in support of legal aid.

Tickets and sponsorship packages are available now at www.philabarfoundation.org/2019YLD. Please join me in encouraging our colleagues to attend this unique and entertaining ping pong event.

I am hopeful that the next generation of lawyers will stay involved with the Philadelphia Bar Foundation and share our commitment to legal aid. Thank you to the many young lawyers who are already involved with our work and to those who have made an effort to welcome new attorneys into our community. We greatly appreciate your support.

Leslie E. John (john@ballardspahr.com), partner at Ballard Spahr LLP, is president of the Philadelphia Bar Foundation.
Workers’ Compensation Section Celebrates with a View, While Benefiting Worthy Charity

The Workers’ Compensation Section took in the picturesque scenes at Water Works by Cescaphe at its annual Spring Party on June 19. Attendees enjoyed the views of the iconic Boat House Row stretched out along the Schuylkill River and the Art Museum perched dramatically above the venue. The forecast for stormy weather did not discourage members from showing up for the event, or from donating to the event’s charity, Alex’s Lemonade Stand Foundation. The section raised over $2,000 for this outstanding organization.

Kelly Hemple of Krasno, Krasno, & Omrudinjo, one of the section’s cochairs, also volunteered at the Alex’s Lemonade Stand Foundation’s telethon earlier that week to encourage others to donate to this worthy cause. The section was happy to donate to such a great organization, while also enjoying the company of attorneys, workers’ compensation judges, commissioners for the Workers’ Compensation Appeal Board and their guests.
PHILADELPHIA BAR ASSOCIATION CLE - YLD BOOTCAMP SERIES

Ins and Outs of Discovery Court: A great start to the YLD Boot Camp Series

By Jordan Strokovsky

The Young Lawyers Division has reorganized its annual Boot Camp Series into several CLE and other educational programs geared toward newer attorneys. “Ins and Outs of Discovery Court” was hosted on June 7 and featured Peter Divon, manager of the Discovery Court Program at the Philadelphia Court of Common Pleas. Divon is often referred to as “Master of Discovery Court.” For those who do not know, Divon has over 16 years of service in the court, and he oversees about 30,000 motions and over 2,400 settlement conferences each year. Despite the court’s information systems being down at the time, Divon took the time to present. His candid and frank advice included tips for success in discovery court.

• Show up early. If you are running late, call discovery court and they will let Divon know.
• You never know how much time you will get to argue, so your argument should be concise, unless the judge asks you any further questions.
• Be prepared. If you think you will need an exhibit or letter, make sure you have it with you. Also, do not forget to tab your exhibits.
• There is no uniformity in discovery court, so you cannot bank on how one judge rules on an issue with a different judge presiding.
• You must present your motion only after making a good faith effort. “A good faith effort is what have you done before you filed your motion, what have you done after you filed your motion, and what have you done on the date of your hearing,” Divon said. List all completed tasks on the certificate of good faith.
• As a young attorney, make sure you hang around and observe other arguments. Even if your issue gets resolved, and you get to leave before other arguments start, it is still important to stay and learn. You can catch the nuances of the judge’s demeanor, gain an understanding of how the court rules on other issues you may encounter and understand the difference between a good oral argument and a bad one.
• Finally, your first time showing up to or arguing at discovery court can be daunting, but at least know Divon is there to help.

The YLD thanks Divon for presenting its first Boot Camp CLE of 2019. If anyone has any ideas for future Boot Camp programming, email me at the contact below. Keep an eye out for upcoming programs in the 2019 Boot Camp series.

Jordan Strokovsky (jordan@actionafterinjury.com) is the founder of Strokovsky LLC.

Panelists (left to right) Jordan Strokovsky and Peter Divon at the June 7 YLD Bootcamp CLE.

Photo by Thomas E. Rogers
AUGUST 2019 CLE/CJE COURSES

Biased? Me? - Decision-Making and Litigating in a Divided Nation
Tue., 8/6/19 - 9:00 - 11:15 a.m. (2 ETH) – LIVE and WEBCAST ■
Thu., 8/8/19 - 4:30 - 6:30 p.m. (2 ETH) - VIDEO ENCORE
Thu., 8/29/19 - 9:00 - 11:00 a.m. (2 ETH) – VIDEO ENCORE
FREE CLE for Philadelphia Bar Association Members in good standing!

This timely program will address the various legal challenges that undocumented minors face. The program will cover the different legal reliefs that may be available to protect these minors' rights and strategies to re-frame issues for success. A “Must Attend” program for all practice areas.

Wild World of Jury Selection
Thu., 8/8/19 - 12:00 - 2:15 p.m. (2 SUB) - LIVE and WEBCAST ■

Hosted by the State Civil Litigation Section
Join your colleagues on a journey into the “wild world of jury selection” with Judges Marlene F. Lachman and Lisa M. Rau. The judges and experienced trial attorneys will offer insight and guidance into proper and improper styles in dealing with potential jurors, including an update on Trigg v. Children’s Hospital of Pittsburgh. Panelists also address current rules that are in place and areas where a rule is not necessarily on point. An entertaining and practical program for any trial attorney!

Alternative Treatments in Chronic Pain Management: Ethically Treating Outside of Opioids
Fri., 8/9/19 - 12:30 - 2:45 p.m. (2 ETH) - LIVE and WEBCAST ■

Hosted by the Workers’ Compensation Section
In this two-hour ethics program, interventional pain medicine specialist Dr. H. David Qu, alongside defense and claimant’s counsel, examines different methods of pain management available to claimants outside of opioids, outlines the current state of the opioid crisis and focuses on both basic and advanced alternative methods of treating and managing pain. During the presentation, the attorneys will address the ethical issues with recommending or approving of each type of treatment, including the impact of Rule 2.1 to act as an appropriate advisor to their respective clients.

VIDEO ENCORE: Getting Your Head Out of the Cloud: Digital Assets in Estate Planning and Administration
Mon., 8/12/19 - 12:00 - 1:30 p.m. (1.5 SUB)

This video-encore program offers attendees a valuable primer on protection from abuse cases from start to finish, including contempt actions. If you handle protection from abuse actions in Philadelphia, don’t miss this encore.

Understanding the Legal Rights of the Most Vulnerable: Representing Undocumented Minors During the Current Administration
Tue., 8/13/19 - 12:00 - 2:15 p.m. (1 SUB/1 ETH) - LIVE and WEBCAST ■

This timely program will address the various legal challenges that undocumented minors and their families are facing in the current political landscape. Panelists will also talk about the different legal reliefs that may be available to protect these minors’ rights and legal interests. Topics discussed will include SIJ, asylum, custody proceedings involving unaccompanied minors, public benefits and medical insurance.

VIDEO ENCORE - Getting Your Head Out of the Cloud: Digital Assets in Estate Planning and Administration
Wed., 8/14/19 - 12:30 - 2:30 p.m. (1 SUB/1 ETH)

It has become the norm to store personal tangible assets, such as documents, photographs or videos and financial or business records in the cloud or on a digital device or other software-sharing platform. As a result, digital asset planning is now a critical component of any estate and business succession plan. This timely and practical video-encore program will specifically familiarize Pennsylvania practitioners with the transitory nature of legislation which governs digital assets in 2019, allowing them to plan for the statutory change while also abiding by current federal and state laws.

Compulsory Arbitration Tips and Techniques: The Good, The Bad, The Ugly
Thu., 8/15/19 - 12:30 - 1:30 p.m. (1 SUB) – LIVE and WEBCAST ■

Hosted by the Solo, Small Firm Management Committee and State Civil Litigation Section
In this practical luncheon program, experienced panelists - a plaintiff’s attorney, a defense attorney and the Arbitration Center Director - provide tips, techniques and “dos and don’ts” to help make the Arbitration Program an efficient, meaningful and productive endeavor. Learn practice pointers on a range of topics from preparing clients for testimony, handling the difficult panelist and submission of briefs.

VIDEO ENCORE: Ins and Outs of Discovery Court
Tue., 8/20/19 - 12:00 - 1:00 p.m. (1.5 SUB)

New civil practitioners often present or defend discovery motions. Whether it’s your first or hundredth time at discovery court, there’s always more to learn. The Discovery Court Program operates in accordance with the Alternative Motion Procedures set forth in Philadelphia Rule of Civil Procedure 208.3. In this video-encore presentation, hear an overview of the process, insight into what the court appreciates (and doesn’t) and answers to common questions regarding procedures.

Equity and Adequacy: Funding and Equal Access in Philadelphia’s Public Schools
Wed., 8/21/19 - 12:00 - 1:30 p.m. (1.5 SUB) - LIVE and WEBCAST ■

Hosted by the Legal Rights of Children Committee
How are our public schools funded in Pennsylvania? Do all students have equal access to resources and opportunities in traditional public schools and charter schools across Pennsylvania and in Philadelphia? This timely “back-to-school” program will provide an overview of the state funding system for Pennsylvania’s public schools, and the legal framework and equity issues presented in funding statewide as well as within the charter sector in Philadelphia. Join your colleagues and advocates for this examination of the issues with funding and equal access in Philadelphia’s public schools.

The Cases That Bring City Government to Federal Court: A Discussion of the City’s Most Significant Litigation in Recent Times
Wed., 8/21/19 - 12:30 - 1:30 p.m. (1 SUB) – LIVE and WEBCAST ■

Hosted by the Federal Courts Committee
Please join your colleagues to hear a candid conversation with Philadelphia’s chief legal officer, City Solicitor Marcel S. Pratt. Serving as a general counsel to the mayor and his administration, City Council, and all city departments, agencies, boards and commissions, he leads the Law Department’s diverse legal practice covering federal, state and local agency litigation and legislation. Hear guidance regarding issues and cases brought in federal court where the City of Philadelphia is a party; as well as the Law Department’s representation in all litigation, with particular emphasis on federal cases.

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
TO REGISTER Visit the CLE page at PhiladelphiaBar.org
By Felix Yelin

As the nation debated the appropriateness of using Holocaust imagery to discuss detention facilities, the Philadelphia Bar Association and Louis D. Brandeis Law Society presented a special Chancellor’s Forum titled “When the Rule of Law Fails: Lessons of the Holocaust” on June 19. The standing-room-only audience listened to a panel featuring Don Greenbaum, a World War II veteran and concentration camp liberator; Ernest Gross, a Dachau concentration camp survivor; and Justice David N. Wecht of the Supreme Court of Pennsylvania. Association Chancellor Rochelle M. Fedullo, herself the daughter of a Holocaust survivor, introduced the panel.

Greenbaum discussed being under the command of General George Patton’s Third Army in Europe. He landed on Omaha Beach, earned a Purple Heart and fought in the Battle of the Bulge. On April 29, 1945, Greenbaum was part of the division that helped liberate approximately 32,000 prisoners from Germany’s Dachau concentration camp. He encountered a horrible stench emanating from the camp as they approached (which remains in his nostrils to this day) and recalled seeing the tortured survivors and the piles of dead bodies. Greenbaum avoided talking about his experiences for years until he heard people denying the Holocaust. He was soon introduced to Gross, who thanked Greenbaum for liberating him.

Gross occasionally used humor to avoid breaking down while relaying his emotional tale. He recalled facing anti-Semitism while growing up in a large Romanian family. At 15 years old, he and his family were forced into a ghetto in Hungary for several weeks under squalid conditions. Shortly after, his family was deported to Auschwitz in May 1944. He described seeing his mother and sister for the last time before they were sent to the gas chamber. He had to convincingly lie about his age to a skeptical Nazi guard to avoid death. Gross described working until exhaustion in a labor camp, and learned the need to be selfish with what little food and comforts he had to survive. He was eventually sent to Dachau to be executed. Fortunately, he was liberated almost immediately. Today, he strives to make people smile.

Using a PowerPoint presentation, Justice Wecht outlined the key Nazi regime figures who helped effectuate their genocidal policies, often using legal mechanisms (most were developed and implemented by lawyers). He spoke passionately about the rise of anti-Semities found within the extremes of the left and right. Justice Wecht was married at the Tree of Life Synagogue in Pittsburgh, the location of the October 2018 hate crime where 11 people were killed and six injured after a gun man opened fire. He said that this continued on page 15

Below: The Large Firm Management Committee held its LFMC City Wide Summer Associates Reception at Water Works on July 10. Connie Lee (far left) and Shonterra Jordan (third from right) were recipients of the Large Firm Management Committee Public Service Award. They are pictured with (left to right) Large Firm Management Committee Cochair Vince McGinnis (second from left) and Ben Barnett (far right); along with Chancellor Rochelle M. Fedullo (third from left); and Hon. Juan R. Sánchez, Chief Judge of the U.S. District Court for the Eastern District of Pennsylvania.

Above: Roberta (Bobbi) Liebenberg (on left) with Women in the Profession Committee Cochair Niki Ingram at the Women in the Profession Committee Meeting on June 25. Liebenberg is a leading national advocate for the promotion and retention of women in law. Along with her colleague Stephanie Scharf, she presented “WALKING OUT THE DOOR: Why Do Women Leave Big Law?” based upon one of the latest surveys on issues affecting women in the legal profession.
Telemedicine Takedown: A Regulatory Overview

By Mary LeMieux-Fillery

On April 9, the Department of Justice charged 24 individuals, including the CEOs, COOs and others associated with five telemedicine companies; the owners of dozens of durable medical equipment companies; and three licensed medical professionals responsible for over $1.2 billion in Medicare losses. The Business Law Section’s Health Law Committee hosted “Telemedicine—a Criminal and Regulatory Overview” on June 18, which examined the impact of the recent enforcement action in one of the largest health care fraud schemes involving telemedicine and durable medical equipment marketing executives. The panelists were Amy Markopolous, counsel to the chief of the Health Care Fraud Unit, Criminal Division, Fraud Section at the U.S. Department of Justice; Anna Ferreira-Pandolfi, HHS-OIG special agent and co-lead agent at EDPA/National Telemedicine Takedown; Catherine Wagner, trial attorney in the Criminal Division, Fraud Section at the Department of Justice, and co-chair of the National Telemedicine Takedown; and Nicole J. Aiken-Shaban, associate at Reed Smith, LLP.

The defendants in this action were prosecuted for prescribing back, shoulder, wrists and knee braces that were not needed. Essentially, durable medical equipment companies were prepaying for braces from doctor’s office referrals, and the scheme was operated by offshore telemedical companies running call centers that targeted elderly people. The call centers would cold call elderly individuals with the goal of selling them braces that were not medically necessary, and then bill the costs of the braces back to Medicare.

The panelists talked about relevant portions of this enforcement action and provided recommendations for providers of telemedicine services to ensure compliance with key regulatory provisions in an effort to mitigate the possibility of civil enforcement actions.

When addressing licensure, corporate practice issues and reimbursement, the panels said that telehealth and telemedicine and what communications qualify under these definitions, are very state-specific so it is encouraged to check the jurisdictional laws to see what is included under these definitions.

The panelists said that it is essential to verify the licensure of telehealth and telemedicine services providers and to be aware of the fee restrictions on corporate practice. In Pennsylvania, the DOH provides the guidance on coverage for telehealth and telemedicine. The panelists added that planning to provide telehealth and telemedicine services requires contacting the DOH so that they can review the proposal to make sure that it comports with the regulations for coverage, licensure and reimbursement.

Concerning reimbursement, it was pointed out by the panelists that there are specific requirements that must be met for reimbursement on the federal level under Medicare Part B. In general, the goal for Medicare coverage concerns the geographic access areas, meaning remote or rural areas where there are doctor shortages or difficulty accessing health providers. Concerning Medicaid, the panelists said that there are very state-specific rules concerning reimbursement, and under Medicaid, states have the ability to make determinations on coverage issues. When continued on page 15
The Changing Landscape of Eminent Domain

By Brittany Anne Robertson

Recent court decisions in the realm of eminent domain prompted the Eminent Domain and Appraisals Committee to present “Pennsylvania Eminent Domain Law – 2019 Update” on June 17. The CLE provided an update and overview of changes related to statutory and regulatory law and local court procedures concerning eminent domain and condemnation law. Eminent Domain and Appraisals Committee Cochairs Marjorie Stern Jacobs and Lawrence S. Rosenwald participated as the program’s panelists.

Jacobs and Rosenwald guided the audience through the latest updates by examining cases that had come down through the courts in recent years. Jacobs prepared the audience with the disclaimer that in addition to presenting the cases, she and Rosenwald would provide informed comments based on their combined 40-plus years of personal experience in the subject matter, which were in no way reflective of the association or “management.”

Rosenwald touched on the Tarlini case, where property belonging to the Tarlinis, which was adjacent to the Parx Casino in Bensalem, Pennsylvania, was condemned by the Pennsylvania Turnpike Commission for a construction project. The Tarlinis provided evidence that a hotel was the “highest and best use” of the property, after which the Tarlinis were awarded an amount—much higher than initially offered by the commission—commensurate with that use.

Cases involving de facto takings—where an entity, in exacting its eminent domain powers, deprives an owner of the use of their property—and de jure takings—where an entity legally obtains the property—were presented by Jacobs. Particularly notable, she said, was a case involving PENNDOT and a landowner who creatively argued that his property was inherited through a chain of title beginning with William Penn, which preceded the establishment of the Commonwealth, and, thus, negated PENNDOT’s authority to condemn. The court ended up ruling that the Commonwealth is sovereign and has the right to condemn property, no matter how that right was acquired.

One case, presented by Rosenwald, began as a de jure taking case before turning into a de facto one. After the de jure taking had been resolved between the property owner and the Pennsylvania Turnpike Commission, the owner, who had long-standing plans to expand her veterinary hospital, learned that the work that the commission was going to do would flood part of her property. She filed for a de facto taking and was the only side to present evidence. PENNDOT argued that the owner admitted this could be abated, but because she was not abating it, had not lost use of her property. The court pointed out that it was the owner, not PENNDOT, who presented evidence that if changes were made, it could be abated. Under the circumstances, the property had been condemned, so the de facto taking was upheld.

Rosenwald noted this case as part of a growing trend of decisions that favored condemnees. Courts, nowadays, are more likely to rule a de facto taking has occurred, especially if the condemnor does not present contrary evidence, the panelists said. The lesson here, according to Rosenwald, is to present evidence if you can.

By Tianna K. Kalogerakis

Recent rule changes in the Superior Court of Pennsylvania have affected practice, and the Appellate Courts Committee hosted “Effective Practice in the Superior Court” on June 26 to address them, along with other tips for practicing in Superior Court. The panelists were President Judge Jack A. Panella and Judge Maria McLaughlin, both of the Superior Court of Pennsylvania.

As an initial matter, regardless of the nature of the case, whether it be criminal, civil or family, every practitioner must follow the applicable rules of procedure to preserve issues for a potential appeal, the judges said. This means for instance, lodging objections at the appropriate time with specificity and making post-trial motions. Issues not raised before the trial court will not be considered by the Superior Court and are subject to waiver. President Judge Panella, who has served on the Superior Court for 16 years, noted the court’s approach to waiver has shifted from a reluctance to finding waiver, to looking to find it.

The judges said that practitioners should assess what a client stands to gain or lose from a successful appeal and discussed the opportunities to file an appeal when a judgment, collateral order or interlocutory order is entered. A case with multiple docket numbers must be accompanied by notices of appeal filed for each. In criminal matters, President Judge Panella said that if the judgment and sentence was not stated at the conclusion of the matter, the practitioner should ask for the judgment of sentence to be entered to enable an appeal to be filed therefrom.

In civil matters, the filing of a motion to reconsider will not toll the 30-day window to appeal from the order entered. “To exercise a litigant’s ability to directly appeal from a collateral order, the judges said that attorneys should research whether sufficient precedent exists to deem their type of order collateral. In interlocutory appeals not of right, petitioners must file with the trial court a request to have the order certified pursuant to 42 Pa.C.S. § 702(d), but even with the certified order, the Superior Court may not accept a petition for permission to appeal. If a trial court denies certify continued on page 15
Philadelphia Law School Outreach Committee: How We Work Together

By Pam Mertsock-Wolfe

Philadelphia area law school public interest administrators share a fondness for collaboration and cooperation. The Law School Outreach Committee is composed of administrators from pro bono/public interest and career development offices from Widener University Delaware Law School, Drexel University Thomas R. Kline School of Law, Rutgers University Law School (Camden location), Temple University Beasley School of Law, the University of Pennsylvania Law School and Villanova University Charles Widger School of Law. LSOC operates as a committee under the auspices of the Public Interest Section, and, as such, we can leverage our individual skillsets and institutional strengths to collectively benefit our students and to avoid unnecessary duplication. Our bipartite goal is to provide students with numerous opportunities to network with members of the Philadelphia area legal community as well as with other students (their future colleagues) and to be an integral part of the association.

The Committee

LSOC meets bimonthly for an average of six meetings annually at the association offices. One of our meetings, a summer retreat, takes place right after graduation, in that sweet spot in the schedule when we can exhale and discuss the year’s successes and challenges and confirm the upcoming year’s goals. For this retreat, we gather at a member’s home or offices for good food and conversation. The committee is led by a chair, and each member of LSOC leads or co-leads one of our annual efforts or events.

Summer Brown Bag Series

For summer interns at the many legal nonprofits in the Philadelphia area, LSOC hosts weekly panel discussions at the association on specific topics — substantive, such as immigration, or professional development, such as the fellowship process. Panelists include attorneys from Philadelphia legal services and government agencies who discuss their work and their own public interest paths. The agenda includes time for students to meet and converse with panelists.

Summer Reception

For this mid-summer gathering, a committee member secures a center city law firm to host students and practitioners. The atmosphere is lively and inspiring. The reception and the Brown Bag series offer law students who attend law schools from across the nation, interning in the Philadelphia area for the summer a warm welcome to the city and an opportunity to engage with local law students.

Student Recognition

LSOC successfully proposed to the association and the Public Interest Section the establishment of two separate awards for students to recognize their proven commitment to pro bono efforts and to public interest work, including clinics, pro bono, externships and leadership in student organizations. For both awards, nominations are submitted to law school administrators, and LSOC’s budget includes funding for a small check as part of one of the awards.

Conference

“Liberty & Justice: Moving from Some to All,” a collaboration between the association and students from the LSOC schools, with support from law school administrators, convenes community activists, law school faculty and practitioners each winter to speak at a day-long conference on such social justice issues including immigration, criminal justice reform, ethics and lawyer activism, LGBTQ people and youth in foster care, participatory defense, the racial wealth divide, restorative justice and trauma in our streets and systems.

Joint Pro Bono Projects and Philly Alternate Spring Break

In past years, students from LSOC schools have worked together on joint pro bono projects and through a local Alternate Spring Break. Administrators confirm training, supervision and work assignments with local legal service providers for both efforts. Philly has great cheese steaks, if not the warm climate of NOLA and Key West, and for students who cannot afford to travel for spring break, either for relaxation or service, this local option provides the opportunity to gain valuable experience and exposure and to volunteer with local agencies.

Pam Mertsock-Wolfe (pmertsoc@camden.rutgers.edu) is director of the Pro Bono & Public Interest Program at Rutgers Law School, Camden location, and chair of the Law School Outreach Committee.
Inspiration and Calls to Action at Quarterly Meeting

By Meghan Manley

The Quarterly Meeting and Luncheon, at the Bellevue Hotel on June 24, brought both messages of inspiration as well as calls to action. The event opened with words from Paul Brahim of BPU Investment Management, and continued with remarks from Justice Sonia Sotomayor Diversity Award recipient Hon. Petrese B. Tucker, Former Chief Judge of the U.S. District Court for the Eastern District of Pennsylvania, and Charisse R. Lillie, CEO of CRL Consulting LLC, who was chosen to deliver the Hon. A. Leon Higginbotham Jr. Memorial Public Interest Lecture.

On the event’s theme of diversity and inclusion, Brahim offered personal anecdotes to point to the value of difference in its various forms. Presenting his own diverse generic makeup through the assemblage of unconventional marriages and unlikely associations in the low-income, culturally diverse neighborhood of his youth, Brahim talked about the importance of diversity, not just in one’s own identity, but also through one’s experiences. “Experiential diversity leads to a sort of cognitive diversity. It’s the way that we think and the way that different people think differently than us. Each of them are inextricably intertwined with the other,” he said. Brahim quoted a verse from the Bible, “If the foot should say that because I am not a hand, I do not belong to the body, would that make it any less than a part of the body?” He continued, “We cannot function as separate parts. Each has a role and each role is as important as the other.” Brahim cited higher success rates among teams with greater diversity of race, gender and background. He said, “My experience says that diversity is good. My professional training demonstrates that diversity is good. So for those who stand for, those who fight for and those who live for diversity and inclusion, I thank you.”

Judge Tucker spoke about her dedication to diversity and inclusion, acting as a committed mentor to underrepresented groups within the legal profession, especially women of color. Upon accepting the award, Judge Tucker said, “This award is about my commitment to establishing equality within the legal profession—equality regardless of race, gender or disability.”

Referring to the Rooney Rule, a rule intended to increase minority representation among head coaches, she mentioned her own attempts to expand the hiring pools to minorities, many being major successes. Judge Tucker gave a call to action and said, “People in the legal field. Paying tribute to Judge Higginbotham. Lillie focused on his contributions to a world of law lacking the necessary representation of people of color. Clerking for the judge as a law student, Lillie referred to him as a “force of nature [whose] belief in the promises of equality never wavered,” deeming him “the ultimate public servant.” She said many people shared this sentiment about Judge Higginbotham, and that the late U.S. Supreme Court Justice William J. Brennan once said that the judge had “a rare combination of sensibilities; the analytic disposition of a lawyer and the personal awareness of discrimination’s sad legacy.” Judge Higginbotham’s contributions extended beyond his work on the bench, she said. Combining scholarship and activism, he attempted to bring awareness to overlooked issues dating back to colonial times, using the “impartial, clear and intellectually rigorous eye” he used in his legal analyses. However, with contributions on and off the bench, she said, Judge Higginbotham strived to mentor and teach individuals entering the law profession, instilling benchmark traits of justice, fairness and equality.

Lillie made a plea to those in the room to continue the work of diversifying the legal field in Philadelphia to achieve the best outcomes for all. “The work is complex, [law firms] have the capacity to create environments where diversity and inclusion is a core value, requiring leadership and training and retraining,” she said. “Please do not be deterred.”

Meghan Manley is the 2019 Summer Public Interest Intern at the Philadelphia Bar Association and a student at Widener University, Class of 2020.
connection reignited his realization of the continued rise of anti-Semitism.

The audience was given the opportunity to ask the panelists questions. William Fedullo, Chancellor Fedullo’s husband and a former association Chancellor himself, spoke tearfully about the rise of modern anti-Semitism and the continuing need to learn about the Holocaust. Others raised questions about the rule of law, the rise of extreme political movements and sought additional advice.

Greenbaum and Gross said they frequently tell their tales to ensure the horrors of the Holocaust are not forgotten. With anti-Semitism on the rise, they worry about an imminent future where nobody will be alive to serve as a first-hand witness the Holocaust’s horrors.

Felix Yelin (yelin@whiteandwilliams.com) is an associate at White and Williams LLP.

Telemedicine

Telemedicine continued from page 11

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August 2019

Philadelphia Bar Reporter
I first volunteered for a case with the Support Center for Child Advocates in 1987. After that case was over, I did not take another case for a long time. In fact, I have been ducking Jodi Schatz, the volunteer director at Support Center for Child Advocates, for almost 20 years. This has not been easy, since she is my wife.

One of the reasons I had not volunteered for a case in so long, was that I was no longer practicing law, but running a small business, so I was concerned about my ability to adequately represent a child in need. However, after hearing how many kids in Philadelphia needed lawyers and attending Child Advocates' training, "How to Handle a Child Abuse Case," I could not put it off any longer.

My client, Isaac*, is a 17-year-old boy who is up against the system on multiple fronts. While not a native English speaker (English is his third language), he has had to navigate the school system, the foster care system, the health care system, the immigration system and the legal system. While interesting and tragic, it is not necessary to talk about Isaac’s back story except to know that he is a recent immigrant, his biological family is out of the picture and he is gay.

Because he is an immigrant, he must obtain legal status to stay in the U.S. Fortunately, HIAS (a great organization that provides legal and supportive services to immigrants, refugees and asylum seekers) is helping Isaac with his immigration status. Because he cannot go back to his family, we have been trying to find him a foster home.

It turns out that my fears of not being qualified to help Isaac were unfounded. Once I stepped into the courtroom as an attorney for the first time in over 20 years, I might have been uncertain as to where to sit or if it was my turn to speak, but my anxiety disappeared. All that mattered was getting the judge to understand Isaac's needs. It certainly did not hurt that Child Advocates provides every volunteer with a full-day training, including 6.5 hours of CLE credit, and a half-day of courtroom observation, and that they take their name — Support Center for Child Advocates — very seriously. When I have run into a tricky issue in my case, in-house social workers and attorneys have been there to provide support. At the same time, I see how busy they are, so I know that my being on this case, and in Isaac’s life, does make a difference.

Finally, there is no question that my interactions with Isaac, the Child Advocates staff and the court have made a difference in my life, too. Rather than feeling burdened by the time my case takes, there is little in law more rewarding than being able to represent a child who has had the cards stacked against them their whole life – and I even find myself asking what else I can do for Isaac.

Dean Jerrehian is the president of JadeYoga, manufacturer of top-quality, eco-friendly yoga mats. The next “How to Handle a Child Abuse Case” is on Oct. 23 at the Philadelphia Bar Association.

* Name changed to protect privacy

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**Lessons For All Who Seek To Persuade**

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QUICK BITE: AMBROSIA

Ambrosia

By Lee A. Schwartz

Ambrosia is defined as “something very pleasing to taste or smell.” The name of this new Italian eatery is spot on. In the old Sandy Diner location at 231 S. 24th St., near Fitler Square, this 45-seater is a small space, and makes a significant contribution to the BYOB, neighborhood-style restaurant scene in Philadelphia.

Owners Fredi Loka and George Profi come out of other standout restaurants in Philadelphia. Loka cooked at La Vigna, Casta Diva and Il Villaggio. Profi continues to own Profi’s Créperie in the Reading Terminal Market.

My trusted companion and I dined at Ambrosia on two occasions with two other couples. Everyone was more than pleased with their choices.

The menu is more than adequate with 12 appetizers and salads, seven pasta offerings (all pasta and bread is made in house) and eight entrees, both meat and fish.

We ordered a special on our first visit, a cold gazpacho with feta cheese. The soup had a touch of a kick, but even for my trusted companion, who abhors heat, it was delicious. If you get there in the immediate future, this soup is a sure winner. We also enjoyed the grilled octopus, cooked perfectly (one minute too long, and it has the consistency of rubber bands). My trusted companion ordered the grilled artichokes, served on focaccia, with warm ricotta and basil pesto; just delicious.

For dinners, our friend ordered the house-made pappardelle in a red sauce with ragu. He loved it and it looked divine. We also order the grilled gnocchi, a lovely, soft potato gnocchi, with tomato and ricotta salata. This is a large portion, which our friend ate half of and said “uncle.” She took the rest home.

I ordered the swordfish special the first night and the monkfish the second night. Both were lovely, accompanied with roasted vegetables. The monkfish was also served with beautiful mussels. My trusted companion ordered the airline chicken. I unnecessarily worried that it was going to come in a 3-by-5-inch plastic tray, but it did not. It was actually very similar to a flattened, brick chicken. It is a flattened thigh and drumstick, sliced thickly with assorted vegetables. My trusted companion highly recommends it.

Ambrosia has a lovely dessert menu. We tried the perfectly made tiramisu (a ranking tool for me of good Italian desserts) and various gelatos. Very good.

We give this new addition four stars, and highly recommend it. The only downside is it is a bit noisy, but try to sit in the back, away from the crowd. We did on our first visit and it helped. Mangia.

Lee A. Schwartz (LAS@LeeASchwartz.com) is the owner of Schwartz Law Firm LLC.

QUICK TIP - USI AFFINITY: MY BENEFIT ADVISOR

5 Ways to Advance Your Company Culture

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1. Share & Inspire a Compelling Mission
2. Perpetuate Company Principles & Values
3. Clearly Articulate Expectations
4. Foster Excitement & Celebrate Success
5. Build Trust Through Open Communication

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Michael Bertin, partner at Obermayer Rebmann Maxwell & Hippel LLP, has been elected as Chair of the Pennsylvania Bar Association’s Family Law Section.

John R. Bielski, attorney at Willig, Williams & Davidson, was named an Unsung Hero in The Legal Intelligencer’s 2019 Professional Excellence Awards in recognition of work that helped to permanently enjoin Pennsylvania’s Voter ID law.

Steve Harvey, owner of Steve Harvey Law LLC, has joined the board of directors of Citizens for Pennsylvania’s Future (Penn Future).

Lauren Hoye, partner at Willig Williams & Davidson, spoke at the 2019 biennial convention of the American Federation of Teachers Pennsylvania, held in Philadelphia on June 28–30.

Nikki Johnson-Huston, of the Law Office of Nikki Johnson-Huston LLC, has been selected as United States of America’s Ms. Philadelphia and will be participating in the United States of America’s Ms. Pennsylvania pageant on Sept. 29.

Roberta “Bobbi” Liebenberg, senior partner at Fine, Kaplan and Black, was honored by The National Law Journal as one of the country’s “Elite Women of the Plaintiffs’ Bar” at an awards dinner in New York on July 18.

Eileen Murphy, attorney with Bernstein. Klaz & Watson, served as a Case Law, Rules & Legislative Updates panelist at the Pennsylvania Bar Association’s Family Law Section Summer Meeting held in Orlando, Florida, from July 11–14.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Thomas E. Rogers, senior managing editor, Philadelphia Bar Reporter, at trogers@philabar.org.
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