By Thomas Rogers

This year, a Pennsylvania Senate bill was unanimously passed and a House of Representatives bill was introduced providing for the expungement of certain convictions for individuals who remained free of arrest or conviction for a number of years. Specifically, Senate Bill 166 provides for expungement of certain second degree, third degree and ungraded misdemeanors and House Bill 1175 seeks to allow individuals to eliminate mostly non-violent convictions from their criminal history records.

The Board of Governors unanimously adopted a resolution on June 25 in support of SB 166 and HB 1175. It calls for individuals to have a fair shot at opportunities that would otherwise be closed to them due to mistakes made early in life. Employment and housing can be unobtainable when applicants have minor past offenses on their records that outshine their skills or qualifications. Similar laws exist in neighboring jurisdictions, like New Jersey, and have had no negative impact on law enforcement.

“A prior record can seriously inhibit folks in finding employment, housing and secondary degree educations... more than inhibit: actually bar them from successful...”
Zacarias Moussaoui was the head of an al-Qaeda guest house, also know as the “Holiday Inn Express for Terrorists.” Before traveling to the U.S. for flight training he had caused so much conflict among members of a Malaysian cell he was almost kicked out of the 9/11 plot until Osama Bin Laden personally intervened. He remains the only person convicted of a role in the 9/11 attacks.

At the June 19 Federal Bench-Bar Conference held at The Ritz-Carlton, Philadelphia, Hon. David J. Novack, a former federal prosecutor now a U.S. Magistrate Judge in Richmond, Va., gave the luncheon presentation. Judge Novak, the federal prosecutor who tried Moussaoui and his trial, Judge Novack described Moussaoui as a middle-class Frenchman of Moroccan descent who was highly educated in London before he become radicalized and moved up the al-Qaeda ladder. A hopeful pilot hijacker assigned to fly a plane into the White House, Moussaoui entered the U.S. in February 2001 on a Visa waiver. Judge Novack viewed this as a critical fact as this waiver program allowed Moussaoui to enter with limited scrutiny for 90 days, but had strict penalties for any overstay including arrest, detention and expulsion.

Moussaoui enrolled in an Oklahoma flight school where he gained limited flight experience on a Cessna airplane before being kicked out because he was “a terrible pilot.” Nonetheless, in August 2001, Moussaoui joined a Minnesota jet school, where he was assigned to flight instructor Clancy Prevost who Judge Novack deemed the “little-known hero of 9/11.” Prevost, troubled by Moussaoui’s cash payment, lack of airline affiliation, and radicalized religious views, pressed his employer to call the FBI. The FBI took Moussaoui into custody on Aug. 16, 2001 based upon the Visa violation. For two days, Moussaoui repeatedly lied about what he was doing before invoking his Miranda rights. However, the FBI was unable to search Moussaoui’s hotel room and residence. No criminal warrant was available because Moussaoui was being held on an immigrant offense and FBI headquarters denied a request for a Foreign Intelligence Surveillance Act warrant.

After the 9/11 attacks, the FBI uncovered critical documents leading to the other hijackers and key managers in the al-Qaeda enterprise with Moussaoui’s belongings. Moussaoui was then charged with six counts of conspiracy, three of which were death-eligible. Prior to trial, Moussaoui plead guilty to conspiracy, while denying his potential role in the 9/11 attacks. A bifurcated trial commenced on whether Moussaoui should receive the death penalty.
“Amazing Grace” is a Christian hymn published in 1779, with the words written by John Newton, an Englishman who was a former slave-trader.

In 1785, Richard Allen, born into slavery, became a lay preacher at St. George’s Methodist Episcopal Church in Philadelphia. His friend, Absalom Jones, also born into slavery, was a Methodist preacher as well. Their preaching was restricted to an early morning service and they attracted black congregates to the church, as well as to surrounding areas near the church where they held “bible studies,” for the black members of the community. Amazing grace.

During the normal Sunday morning services, blacks and whites were allowed to sit together during worship and prayer. However, in 1791, the white congregates started to get resentful and at a Sunday worship service, Allen and Jones, as well as several other black congregates, were asked to leave the main sanctuary and be segregated in the balcony. Allen, Jones and the others were on their knees praying and asked the usher who was demanding their relocation if he could wait until they at least finished their prayers. He refused. After finishing their prayers, Allen and Jones led the black members on an exodus out of St. George’s. They formed the Free African Society, a non-denominational mutual aid society that assisted fugitive slaves and new migrants to the city. During the severe yellow fever epidemic in 1793, Jones and Allen mobilized the black community to care for the afflicted white residents of Philadelphia, under the commonly mistaken belief that blacks could not contract that disease. Allen, Jones and others found an available lot on Sixth Street near Lombard Street. Allen negotiated a price and purchased the lot in 1787 to build a church. How sweet the sound.

Under the dual leadership of Allen and Jones, “The African Church” was organized as a direct outgrowth of the Free African Society. Over time, most of the members of the Free African Society chose to affiliate with the Episcopal Church, although Allen and Jones wanted to affiliate with the Methodists. The African Church, with Jones, then became the African Episcopal Church of St. Thomas in 1792, located at Fifth and Adelphi streets. The church is now at its fifth location in the Overbrook Farms section of Philadelphia. In 1795, Jones was ordained as a deacon and in 1802 as a priest, becoming the first black man ordained in the United States as an Episcopal priest. As a result, St. Thomas is known as the “Mother Church” for black Episcopalians. Allen and some others wanted to continue in the Methodist practice so they withdrew from “The African Church.” He also wanted a new denomination where blacks could worship in dignity without racial oppression. Allen called their new congregation the African Methodist Episcopal Church (AME). The property at Sixth and Lombard streets became Bethel AME Church in 1794. It is now known as “Mother Bethel” African Methodist Episcopal Church, which sits on the oldest parcel of real estate in the United States owned continuously by African-Americans. In 1799, Allen was ordained as the first black Methodist minister.

In 1816, Allen united four African-American congregations of the Methodist Church in Philadelphia; Salem, New Jersey; Delaware; and Maryland. Together they founded the independent denominational of the AME Church, the first fully independent black denomination in the United States. In April 1816, Allen was elected bishop of the AME Church. That same year, black members of Charleston’s Methodist Episcopal Church withdrew over disputed burial grounds and affiliated with Allen’s new AME Church, and became “Mother Emanuel” AME Church. The Reverend Morris Brown, Sr. had organized “Mother Emanuel” and later came to Philadelphia to succeed Allen as the second bishop of the AME denomination. His son, Morris Brown, Jr., became a member of St. Thomas. That saved a wrench like me. Allen and Jones both opposed slavery and presented petitions to Congress and to the President of the United States voicing their opposition. Both Allen and Jones had purchased their wives out of slavery by working long hours, before each obtaining their own freedom. Jones also established schools and supportive services for the black community in Philadelphia. Mother Emanuel was burned to the ground in the 1820s for opposing slavery. In 1830, black representatives from seven states gathered at “Mother Bethel” for the first Negro Convention. Allen presided over the meeting. The Convention occurred after the 1826 and 1829 riots in Cincinnati, when whites had attacked blacks and destroyed their businesses. After the 1829 rioting, 1,200 blacks had left that city to go to Canada. I once was lost.

Jones died at his home in Philadelphia in February 1818. His ashes are entombed in the altar of the Reverend Absalom Jones Chapel at The African Episcopal Church of St. Thomas, and a memorial stained glass window commemorates his life and work. Allen died at his home in Philadelphia in March 1831. He is buried at “Mother Bethel” and his grave remains on the lower level of the church. All three churches have been at the vanguard of the Civil Rights Movement. After almost 200 years, the congregation at St. George’s reached out to the congregations of Mother Bethel and St. Thomas to heal the old wounds. Now they often worship together. But now I am found.

On June 17, 2015, a 21-year-old white racist was welcomed to a “bible study” at “Mother Emanuel.” With unimaginable hate in his heart, he proceeded to slaughter nine innocent church members. It was common knowledge that “Mother Emanuel” has long been a site for community organization around civil rights. Surely its history had to have been taught to this gunman. Was blind.

Police arrested the killer the morning after the attack. At his arraignment he was addressed by members of the families of those who were slain. In a breathtaking act of grace with biblical proportions, they forgave this so-called “young warrior” for his transgression. But now I see.

Albert S. Dandridge III (adandridge@schmader.com), a partner and chief diversity officer at Schnader Harrison Segal & Lewis LLP, is Chancellor of the Philadelphia Bar Association.
WORKERS’ COMPENSATION SECTION

Section Adopts Diversity and Inclusion Action Plan, Creates Subcommittee

In support of Chancellor Albert S. Dandridge III’s initiative to advance diversity and inclusion in the legal profession and to enhance opportunities for all attorneys, the Philadelphia Bar Association Workers’ Compensation Section is proud to announce the adoption of its own diversity and inclusion action plan and the formation of the Diversity and Inclusion Subcommittee of the Workers’ Compensation Section.

The purpose of the subcommittee is to use the talents and abilities of the Philadelphia Bar Association membership to educate the Workers’ Compensation Section, including private law firms and businesses upon request, on diversity and inclusion issues; to develop strategies for the recruitment and retention of diverse individuals within the Workers’ Compensation Section; and to engage in community outreach, in conjunction with other subcommittees.

For its inaugural year, the Diversity and Inclusion Subcommittee will be chaired by Charece Z. Collins, associate at Weber Gallagher Simpson Stapleton Fires & Newby LLP. Additional members of the subcommittee will be Alexis C. Handrich, associate at Pond Lehocky Stern Giordano; Caroline Diehl, associate at Weber Gallagher Simpson Stapleton Fires & Newby LLP; Anish A. Desai, associate at Berman Voss.

2015 Irvin Stander Award Recipient Announced

On an annual basis, the Workers’ Compensation Section seeks nominations for the Irvin Stander Award. This award is given by the section in memory of Workers’ Compensation Judge Irvin Stander, a Philadelphia judge who was well known for his prolific writings on workers’ compensation and zoning law. Judge Stander was also a founder of the first law course on Workers’ Compensation at Temple University law school, now the Temple University Beasley School of Law.

The Irvin Stander Award recognizes an outstanding graduating law student who demonstrates legal acumen or scholarship in the area of administrative law or workers’ compensation. The recipient receives a $2,500 prize to defray the cost of the annual bar examination and a plaque commemorating this honor.

The Workers’ Compensation Section is proud to announce that the 2015 Irvin Stander Award recipient is Katie Varrati, a 2015 graduate of the University of Pennsylvania Law School.

Varrati, originally from a small town in western Pennsylvania, graduated at the top of her class from the University of Cincinnati. Under the supervision of Professor Sophia Lee at the University of Pennsylvania Law School, Varrati authored a paper on the history of workers’ compensation law in Pennsylvania titled “Among the Exceptions that Became the Rule: Compensation for Horseshoe Injuries Under Pennsylvania’s Workmen’s Compensation Law.” The paper traces how Pennsylvania was an early leader in compensating horseplay injuries. Professor Lee called the paper “comprehensive and original, nicely tracing the evolution of Pennsylvania’s own workers’ compensation regime and how it fits within workers’ compensation law nationally.” After taking the Bar examination, Varrati will begin practicing law at the Washington, D.C. office of Morgan Lewis & Bockius LLP in the firm’s labor and employment practice group.

The Workers’ Compensation Section congratulates Varrati on her receipt of this prestigious award.

COMMISSION ON JUDICIAL SELECTION AND RETENTION

Chair Thanks 2015 Commission

Every other year, the Philadelphia Bar Association’s Commission on Judicial Selection and Retention evaluates judicial candidates in a concerted effort to inform voters on those running for judicial office. The Commission’s evaluations are based on criteria such as legal ability, experience, temperament, administrative ability, integrity and devotion to improvement of the quality of justice.

To quote Chancellor Albert S. Dandridge III, “I call this Commission James Brown, because they are the hardest working group I have ever seen.” So far during the judicial election cycle of 2015, the Commission interviewed and rated 57 primary candidates while meeting once a week from Jan. 11 until May 1. However, the Commission has not yet completed its work. It is in the process of evaluating and rating 24 current sitting judges on the Court of Common Pleas and Municipal Court of Philadelphia who are seeking retention.

“As chair of the Commission, I cannot completely express my gratitude and admiration to my fellow members, as well as the staff of the Philadelphia Bar Association, who have worked so hard to make this process a success,” said A. Harold Datz, chair, 2015 Commission on Judicial Selection and Retention.

Pictured are the members of the Philadelphia Bar Association’s 2015 Commission on Judicial Selection and Retention. For more information on the Commission, visit philadelphiabar.org.
Board Opposes Mandatory Accrual Accounting Legislation

By Thomas Rogers

Professional service firms, including law firms, are currently allowed to report income using the cash method of accounting. The cash method of accounting reports income as it is received and expenses as they are paid.

House Resolution 1, also known as the Tax Reform Act of 2014, was introduced in the U.S. House of Representatives in the previous session of Congress. House Resolution 1, along with a similar draft bill prepared for introduction in the U.S. Senate, would have required professional service firms to use the accrual method of accounting. Under the rules of the accrual method, income must be reported in the calendar year in which the services are delivered, regardless of whether the corresponding cash for such services is received that year. Conducting business by the accrual method may cause law firms to suffer financial hardship by being taxed on income that has not yet been received, and may never be received. While neither bill was passed in the previous session, mandatory accrual accounting proposals remain “on the table.”

The Philadelphia Bar Association adopted a resolution opposing the mandatory accrual method legislation on July 27. By doing business under the accrual method, there would be an increase in taxes on law firms and other professional services businesses and an increase in administrative costs to change from the cash method of accounting. These extra financial constraints would render law firms, specifically, unable to offer clients flexible fee arrangements as payment would be required at the time of service. Essentially this would reduce access to justice for clients who rely on these flexible arrangements. “Accrual accounting would put more pressure on law firms to demand retainers to reduce the risk of having to pay taxes prior to being paid. Currently, many firms representing startup companies often receive payment only if and when the company can raise capital,” said Graham R. Laub, chair of the Tax Law Section, who presented the resolution along with Jennifer A. O’Leary, vice chair of the Tax Law Section.

The Philadelphia Bar Association opposes any proposed legislation, regulations or other governmental measures that would require law firms and other professional service businesses to now compute taxable income on the cash receipts and disbursements method of accounting to convert to the accrual method of accounting, accelerating their tax payments.

To view the entire resolution, visit philadelphiabar.org.

OFFICE OF DIVERSITY

Pipeline Programs: Pathways to Diversity and Inclusion

By Naomi K. McLaurin

There are numerous pipeline programs aimed at increasing diversity and inclusion in the legal profession. The following programs target elementary school, high school students and law school students.

Barristers’ Association of Philadelphia

According to Amber M. Racine, past president of the Barristers’ Association, “[i]n recent years, Barristers’ presidents have added programming that reached out to the community at large.” In 2013, the Barristers’ launched its pipeline programming, partnering with the Philadelphia Community Youth Court, YMCA Achievers Program and the Law School Admission Council’s Discovery Law Program in order to connect with diverse elementary and high school students.

Said Racine, “[w]e launched our ‘Pipeline Partners’ Program to expose students of ALL ages, some as young as eight-years-old, to the possibilities of becoming a lawyer. We want to show them that there are lawyers who look like them, come from similar households, and in some cases, overcame many of the same obstacles with which they are grappling today.” Volunteer attorneys visit students at their schools throughout the year, and the Barristers’ Association holds an Annual Education Forum during Black History Month to further engage children and teach them what it means to be an attorney. “We want to teach them that their dreams are feasible, even if their path hasn’t always been easy,” added Racine.

To date, the Barristers’ Association has spoken to more than 500 students throughout Philadelphia. Racine, an attorney at Raynes McCarty, serves as co-chair of the Philadelphia Bar Association’s Women in the Profession Committee.

The Philadelphia Diversity Law Group

According to Sophia Lee, co-president of the Philadelphia Diversity Law Group (PDLG), “the PDLG Fellows Program is more than an opportunity for finding a summer job; it is a pathway for law students to become a part of the Philadelphia legal community after graduation. The Fellows Program is the PDLG’s signature program aimed at increasing diversity and inclusion in the legal profession in the ‘City of Brotherly Love and Sisterly Affection.’” Launched in 2003, the program provides diverse students completing their first year of law school with opportunities to be considered for summer jobs with PDLG members.

The Fellows Program is open to law students “who have overcome significant obstacles in the pursuit of a legal career, come from a disadvantaged background or come from a background that is underrepresented in the Philadelphia legal community.”

In addition to their jobs as summer associates/law clerks, the Fellows participate in training seminars and workshops. Notably, diverse students working in the Philadelphia region through other programs, such as the Montgomery Bar Association’s (MBA) diversity committee, “[t]his is the seventh year of our Robert E. Slota, Jr. 1L Diversity Summer Internship Program. Similar to the PDLG program, we provide participants with summer internships within Montgomery County law firms as well as expose them to different legal career opportunities through our summer speakers bureau.”

The MBA’s diversity committee also hosts its annual Day in Court Program where diverse high school students spend a day observing courtroom proceedings and meeting with judges, the chief public defender, a member of the district attorney’s office and a representative from law enforcement. In its Teach Law Program, MBA members visit the participating school to teach a substantive legal topic each month throughout the year.

As a result of these high school programs, Keir Bradford-Grey, chief public defender for Montgomery County, was inspired to create the Montgomery County Public Defender Office Policy Internship Opportunities Program for rising and graduating seniors. “[T]he will be able to see what happens to youth once they are arrested and placed into the juvenile justice system. It is a real learning experience,” Bradford-Grey said.

Lee, chief counsel in litigation at Sunoco, Inc., serves as the diversity chair for the Philadelphia Bar Association. She played a pivotal role in the Philadelphia Bar Association’s adoption of its Diversity and Inclusion Action Plan and Checklist in December 2014.

Montgomery Bar Association

According to Marilou Watson, intellectual property partner at Fox Rothschild LLP and chair of the Montgomery Bar Association’s (MBA) diversity committee, “[t]his is the seventh year of our Robert E. Slota, Jr. 1L Diversity Summer Internship Program. Similar to the PDLG program, we provide participants with summer internships within Montgomery County law firms as well as expose them to different legal career opportunities through our summer speakers bureau.”

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Naomi K. McLaurin, Esq. (nmclaurin@philabar.org) is director of diversity of the Philadelphia Bar Association.

philadelphiabar.org
Breadth of Experience Shared at BLS/YLD Speed 180 Program

By Amanda J. Burke and Bert Bender

On July 8, members of the Business Law Section (BLS), in conjunction with the Young Lawyers Division (YLD), met for the Speed 180 Program hosted by Reed Smith LLP. While the Philadelphia Bar Association has hosted speed networking events in the past, the aim of this year’s event was reflected in its new name. The “Speed 180” program was designed to turn the usual one-to-one, one-way mentoring model on its head and to provide more of a back and forth dialogue where the younger attorneys and older attorneys could learn from each other and make multiple meaningful connections, both inter-generationally and among themselves.

Young practicing attorneys, as well as some recent graduates studying for the bar exam and current law students, gathered to gain valuable, hard-earned insight from leaders of the Philadelphia legal community. The mentors present for the event represented the entire spectrum of today’s vibrant legal profession, including big-law partners, solo practitioners, public servants, up-and-coming associates and attorneys who have moved away from the law into other areas like private equity. The common factor linking all mentors was their willingness to provide candid and valuable insight to the young attorneys gathered.

In keeping with the theme of “speed networking,” the evening was divided into four 12-minute sessions with allotted break times that allowed the participants to continue the conversation and exchange contact information. Each table was assigned a topic focused on developing and maintaining the skills necessary to thrive in today’s evolving legal world. The topics included practical advice on building your personal brand, developing teamwork and leadership skills, creating value in the work that you do and surviving (and thriving) during your first year as an attorney. However, the topics also served as a jumping off point for more varied discussions tailored to the unique interests of each table. The setting allowed the mentors to highlight their experiences and facilitated open and honest discourse during the sessions. The communication between the mentors and young attorneys throughout the evening proved to be provocative and inquisitive, as young attorneys discovered new methods, options and approaches to handle today’s challenging legal market and evolving client expectations. “I was really happy to see how engaged everyone was. The young attorneys and law students continued on page 18
Summer of Successful Programming by YLD

By Maria E. Bermudez

This summer has been very exciting for the Young Lawyers Division! Over just the past few months, we have sold out or maxed out registration for several major events. Earlier this year, we discussed the many programs and opportunities the Young Lawyers Division (YLD) has to offer young attorneys, including professional outreach, legal education and community outreach. Under these three umbrellas the YLD set out to coordinate over 50 programs this year. I am proud to report that with half of 2015 under our belt, we continue to exceed our goals.

As stated in the July edition of this publication, Philly Idol was a huge success. We sold out the June 4 event with over 200 people registered and we were able to raise over $20,000 for the Philadelphia Bar Foundation. We are immensely grateful to all of those who participated and generously donated to make our annual signature fundraiser a great success.

Also in June, we were proud to co-host the annual YLD Diversity Reception on June 17 to honor five outstanding law students in the Philadelphia area. The event was held at Chima Brazilian Steakhouse and we definitely packed the room. It was a great night with a particularly inspiring message from our keynote speaker, Virginia G. Essandoh, J.D., chief diversity officer at Ballard Spahr LLP, who discussed diversity and inclusion within the legal profession.

In July we held two events that were also greatly successful. The sold-out YLD Annual Affinity Bar Association Quizzo Championship was held on July 14. There were over 115 people registered and it turned out to be a night to remember. Congratulations to Erin Lamb, YLD chair-elect, and the Filbert Street Hooligans, representing the Brethren Law Society, for bringing home the trophy.

The YLD continues to support the Bar Foundation by designating 100 percent of the proceeds to the winning team’s choice of public service agencies supported by the Bar Foundation. Our professional outreach committee is also making moves this summer. The YLD partnered with the Business Law Section for yet another packed event, the BLSPYLD Speed 180 Program, on July 8. Reed Smith LLP was kind enough to host our speed networking event, providing great meeting space, food and refreshments. Over 50 people attended the event with approximately 40 mentees ranging from law students to sole practitioners and other experienced attorneys. Everyone seemed to enjoy the topics, which focused on the softer skills of practicing law such as building a brand and maintaining positive relationships in firm life. We thank the Business Law Section and Reed Smith for helping to put together such a great event.

The legal education and mentoring committee is also making moves this summer. The YLD partnered with the Business Law Section to host the 2015 Annual Mentor Match. Over 50 attorneys participated and generously donated to make our annual signature fundraiser a great success.

August 2015 Philadelphia Bar Reporter
More than 100 attorneys poured into Field House in Center City on July 14 to compete in the 2015 Annual Affinity Bar Association Quizzo Championship, sponsored by U.S. Legal Support. Participating affinity bars included: the Asian Pacific American Bar Association of Pennsylvania, the Barristers’ Association of Philadelphia, Brehon Law Society—Philadelphia, the Justinian Society, Louis D. Brandeis Law Society and the South Asian Bar Association of Philadelphia. The South Asian Bar Association of Philadelphia was competing to defend their title after last year’s championship win. However, this year, a new name was added to the championship trophy: Brehon Law Society—Philadelphia!

Individual affinity bar team names were more creative than ever this year. From team “I’m Just Here for the Beer,” to team “Barrister’s Beauties” to winning team, the Brehons’ “Filbert Street Hooligans,” there was no shortage of commentary in between rounds.

Quizzomaster Ed Beitz, immediate past chair of the Young Lawyers Division (YLD), returned for his third year despite the annual taunting from the crowd follow- ing his challenging questions. In honor of Bastille Day, Beitz dedicated one entire round to all things France. Other question topics included: LGBT marriage rights, Bruce Willis movies and North American geography. Greenland is a part of North America—just in case anyone was wondering.

During the intermission, some affinity bar team members mixed and mingled while others strategized how they would dominate the second half of the competition. By the end of the final round, the teams were eager, but they would dominate the second half of the competition.

For Erin Lamb, the YLD chair-elect, this was her third time competing in the Affinity Bar Association Quizzo Championship, sponsored by U.S. Legal Support. Participating affinity bars included: the Asian Pacific American Bar Association of Pennsylvania, the Barristers’ Association of Philadelphia, Brehon Law Society—Philadelphia, the Justinian Society, Louis D. Brandeis Law Society and the South Asian Bar Association of Philadelphia. The South Asian Bar Association of Philadelphia was competing to defend their title after last year’s championship win. However, this year, a new name was added to the championship trophy: Brehon Law Society—Philadelphia!

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The event proceeds from the Annual Affinity Bar Association Quizzo Championship are awarded to a Philadelphia Bar Foundation grantee of the winning team’s choice. The Filbert Street Hooligans decided to donate the $1,100 to Women Against Abuse, an organization that provides quality, compassionate and nonjudgmental services to persons experiencing intimate partner violence, and works to end domestic violence through advocacy and community education. In addition to raising money for charity and proving to be the most knowledgeable affinity bar in the competition, the Brehons retain bragging rights... until next year!

Maya J. Brown (mbrown@philabar.org) is the marketing and development coordinator for the Philadelphia Bar Foundation.
The legal profession faces a great paradox: there has never been more attorneys in America and yet there has never been a greater unmet need for legal representation among the poor and underprivileged members of our communities. The gulf between attorneys and those who need but cannot necessarily afford to pay for representation seems poised to grow even larger. The Pennsylvania Interest on Lawyers’ Trust Accounts (IOLTA) Board, which grants money to legal nonprofit organizations under the jurisdiction of the Pennsylvania Supreme Court, projects that it will be forced to cut the funding that it provides to pro bono legal services by 5 percent in the coming year. Moreover, the Supreme Court of Pennsylvania recently reduced by almost 15 percent the amount of each attorney’s registration fee that is appropriated to the IOLTA program. The combined effect of such funding cuts will eliminate a significant portion of the public funding for nonprofit legal service providers and potentially have a devastating effect on the programs and organizations that rely on the money to serve the needy. Some legal service providers are already beginning to feel these cuts. Precisely because there has never been a more urgent need for public interest funding and to insist that funds from our attorney registration fees continue to be earmarked for public interest legal service providers even if an increase in registration fees becomes necessary.

In addition to serving as a source of unrestricted operating funds, the Philadelphia Bar Foundation advocates for the pro bono groups it supports. From the Homeless Advocacy Project to the Juvenile Law Center, the Bar Foundation supports a professional network of public interest organizations that provide legal services to the most vulnerable members of society, many of the same people that IOLTA funding helps every day. For years, the IOLTA program has been an innovative way to raise money to provide legal services to those in need relatively painlessly: by collecting and using the interest earned on client-attorney trust accounts. The program generates revenue not only from interest on its trusts, but also through other revenue streams including class action residual funds, the income provided by the Access to Justice Act, money allocated under the Homeowner Assistance Settlement Act, and, importantly, attorney registration fees. The attorney registration fees are especially important to IOLTA funding today because during the still-too-recent financial crisis, IOLTA trusts earned less than half of the revenue that they had grossed in prior years.

IOLTA funding, therefore, supports civil legal assistance to the indigent, improves the administration of justice in American courts, allows for public education about legal issues, and provides scholarships and clinical instruction to law students. The organizations funded by IOLTA, like those the Bar Foundation funds and supports, help the most underrepresented members of the community, from homeless veterans suffering from post-traumatic stress disorder to the victims of domestic violence.

The positive impact of IOLTA funding is broad—not only does it improve the lives of legal aid recipients, but it also has a far-reaching effect on the overall economy. Every dollar invested in pro bono legal aid has more than a $10 rate of return. In 2011 alone, the $53.6 million invested in Pennsylvania’s civil legal services yielded $594 million in income and savings while supporting 2,643 jobs. The good promoted by the IOLTA program reverberates throughout the community because the unmet need for legal aid costs the state of Pennsylvania financial resources. Each year, the state hemorrhages millions of dollars because impoverished Pennsylvanians are not advised to assert their right to federal benefits. Without the proper guidance and not knowing that they can...

**Bar Foundation**

**Bridging the Gap: The Importance of IOLTA Funding in the Fight for Equal Access to Justice**

By Steven E. Bizar

The legal profession faces a great paradox: there has never been more attorneys in America and yet there has never been a greater unmet need for legal representation among the poor and underprivileged members of our communities. The gulf between attorneys and those who need but cannot necessarily afford to pay for representation seems poised to grow even larger. The Pennsylvania Interest on Lawyers’ Trust Accounts (IOLTA) Board, which grants money to legal nonprofit organizations under the jurisdiction of the Pennsylvania Supreme Court, projects that it will be forced to cut the funding that it provides to pro bono legal services by 5 percent in the coming year. Moreover, the Supreme Court of Pennsylvania recently reduced by almost 15 percent the amount of each attorney’s registration fee that is appropriated to the IOLTA program. The combined effect of such funding cuts will eliminate a significant portion of the public funding for nonprofit legal service providers and potentially have a devastating effect on the programs and organizations that rely on the money to serve the needy. Some legal service providers are already beginning to feel these cuts. Precisely because there has never been a more urgent need for public interest funding and to insist that funds from our attorney registration fees continue to be earmarked for public interest legal service providers even if an increase in registration fees becomes necessary.

In addition to serving as a source of unrestricted operating funds, the Philadelphia Bar Foundation advocates for the pro bono groups it supports. From the Homeless Advocacy Project to the Juvenile Law Center, the Bar Foundation supports a professional network of public interest organizations that provide legal services to the most vulnerable members of society, many of the same people that IOLTA funding helps every day. For years, the IOLTA program has been an innovative way to raise money to provide legal services to those in need relatively painlessly: by collecting and using the interest earned on client-attorney trust accounts. The program generates revenue not only from interest on its trusts, but also through other revenue streams including class action residual funds, the income provided by the Access to Justice Act, money allocated under the Homeowner Assistance Settlement Act, and, importantly, attorney registration fees. The attorney registration fees are especially important to IOLTA funding today because during the still-too-recent financial crisis, IOLTA trusts earned less than half of the revenue that they had grossed in prior years.

IOLTA funding, therefore, supports civil legal assistance to the indigent, improves the administration of justice in American courts, allows for public education about legal issues, and provides scholarships and clinical instruction to law students. The organizations funded by IOLTA, like those the Bar Foundation funds and supports, help the most underrepresented members of the community, from homeless veterans suffering from post-traumatic stress disorder to the victims of domestic violence.

The positive impact of IOLTA funding is broad—not only does it improve the lives of legal aid recipients, but it also has a far-reaching effect on the overall economy. Every dollar invested in pro bono legal aid has more than a $10 rate of return. In 2011 alone, the $53.6 million invested in Pennsylvania’s civil legal services yielded $594 million in income and savings while supporting 2,643 jobs. The good promoted by the IOLTA program reverberates throughout the community because the unmet need for legal aid costs the state of Pennsylvania financial resources. Each year, the state hemorrhages millions of dollars because impoverished Pennsylvanians are not advised to assert their right to federal benefits. Without the proper guidance and not knowing that they can...
Power Partner Tutoring Program: Tutors Are Real Heroes

By Dr. Adrienne Jacoby

In real life, Superman does not fly out of the sky and solve our worst problems. In real life, we need to be supermen and women. It is everyday individuals who make a difference. We are capable of recognizing a problem; and the courage to do what is right comes from doing something about it. This is exactly what nonprofit programs like PHILADELPHIA READS does every single day.

In Philadelphia, many law firms and large businesses participate in the PHILADELPHIA READS Power Partner tutoring program for young children. This civic engagement activity makes a huge difference for the children involved but also for the heart and souls of the tutors.

We have many attorneys as volunteers, along with other law firm staff. Why? Studying law allows a person who has a strong sense of justice to see where there are defects in the system and to work constructively and effectively to create change. In this sense, studying law offers the idealistic person a realistic way to make a difference in the world. This is perhaps why those in the legal profession make great tutors. For example, a few years ago, we received a note from Judge Marjorie O. Rendell, U.S. Court of Appeals for the Third Circuit, who told us about receiving a letter from a student she tutored during the first year of the Power Partner program. The young woman, now a psychologist, wrote to thank her for inspiring her and helping her do well in school at the tender age of 7. Judge Rendell wrote, “The fact that she reached out to me after all these years to thank me was simply wonderful...so very rewarding. My law clerks this year are looking forward to having this little diversion from ‘brief’ reading.”

Reading proficiency is one of the greatest gifts we can impart to youngsters because it is the doorway to success in school and to any chosen walk of life. This is urgent work, since fully half of Philadelphia schoolchildren are already reading below grade level by fourth grade. Every young person deserves the opportunity to achieve their full potential. In today's society, education is one of the primary means through which young people realize their potential as individuals and as citizens.

By being a tutor you can make a difference in a child's life with an impact that can last forever. Looking into a child's eyes when they finally understand and succeed gives the tutor a huge feeling of joy and the satisfaction of a “job well done.” Our volunteers know that the only lasting way to improve education is for all of us to do what we can to help our children succeed.

Below are some comments from teachers and parents. Reading them will make us all understand the importance of being a tutor:

• Penrose Elementary School: “On Wednesdays, the day we attended Philly Reads, very few of my students were absent from school. At times, they came to school ill. The positive consistent one-on-one attention from coaches as they helped the kids with reading, writing, spelling, etc., will have a life-time impact on each child who participated.”

• Parent comments, Southwark School: “My daughter loves reading with her coach”… “I am so happy my daughter has this opportunity”… “My son’s reading skills have improved so much”… “I love seeing my child read and talk about his special reading friend.”

Below is a list of Power Partners in the Philadelphia legal community:

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Saul Ewing LLP

Dr. Adrienne Jacoby (ajacoby@philareads.org) is the executive director of PHILADELPHIA READS.

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Family Court Help Center Offers Clients Valuable Assistance

By Lauren A. Strebel

The new Help Center at the Family Court of Philadelphia, which opened this April, has already helped hundreds of litigants navigate their custody cases. Located on the 11th floor next to the Clerk of Courts, the Help Center is open from 12-3 p.m., Monday through Friday, on a first-come-first-serve basis.

The Family Law Section presented information on the Help Center and how attorneys can assist litigants on July 6. The participants included Meredith Brennan, co-chair, Family Law Advisory Council, Philadelphia VIP; Molly Callahan, legal center director, Women Against Abuse; Jesse Krohn, staff attorney, Philadelphia Legal Assistance; and Joe Kaminski, liaison to the Help Center.

In Philadelphia, about 85 percent of custody litigants appear pro se. This statistic is a cause for concern, the panel explained, because custody cases can affect a child’s entire future. The Help Center is looking to improve custody litigants’ access to justice by providing enough information to allow them to make intelligent decisions regarding their individual cases.

It is important to clarify that the Help Center does not offer legal advice, said Callahan. Instead, volunteers at the center provide forms, pamphlets, and options, ultimately leaving the choice of how to proceed on the litigants. Volunteers can also assist by helping prepare a better pleading, explaining complicated legal jargon or providing a roadmap so a litigant knows what to expect in court. At the end of the day, the guidance volunteers provide to litigants can make a huge impact.

When a litigant seeks assistance at the Help Center, he or she must sign two things: (1) a sign-in sheet, which is used to document certain information that the Help Center gathers to improve resources based on demand and (2) a Help Center Agreement Form, which explains that no attorney-client relationship is being entered into. The panel explained that unless an attorney knows the litigant or the opposing party, he/she does not need to worry about any other potential conflicts-of-interest.

As a volunteer, it is important to ask questions and have litigants talk about their different options. For instance, there are certain criteria for filing expedited motions — ask the litigant enough questions so she can decide for herself whether she meets the criteria. If she does not, provide her with information on another motion or form that is available.

There are four computers available for litigants to use to fill out their paperwork. Should a language barrier arise, volunteers have access to Language Line—a translation service. The location of the Help Center was also strategic—once a litigant receives assistance, he/she can walk over and file the documents next door.

The Help Center is primarily staffed by volunteers. Why should attorneys volunteer? The Help Center provides a venue for attorneys to assist people with cases that affect their day-to-day lives without having to dedicate months of time to do so. Any attorneys interested in volunteering at the Help Center should contact the Family Law Section.

Lauren A. Strebel (L.Strebel@lssh-law.com), an associate with Langsam Stevens Silver & Hollaender LLP, is an associate editor of the Philadelphia Bar Reporter.
Youth Justice Project Helps Stabilize Low-Income Youth

By Elisa C. Advani

Low-income youth in Philadelphia face a number of obstacles in their paths to stable and secure adulthood. Legal services organizations can only help them by collaborating and sharing resources, members of the Philadelphia Bar Association were told on July 13. Attorney Claire Grandison, a Stoneleigh Emerging Leader Fellow; and attorney Jamie Gullen, of Community Legal Services (CLS), Employment Unit created the Youth Justice Project to develop a more holistic approach to representing low-income youth. The project aims to build a coalition of advocates working on behalf of youth to share resources, streamline referrals, develop best practices for youth-representation and advance needed policy changes to ensure that youth receive the support necessary to transition successfully into adulthood.

The age bracket that Grandison and Gullen focus on is from 16-26. Grandison assists youth who are cut off from their Supplemental Security Income (SSI) when they turn 18, as the system is set up to automatically review SSI benefits when a claimant reaches that age. A staggering 71 percent of claimants are cut off after this review process in Pennsylvania. This is concerning, especially since youth lose vital financial support as they leave high school and there is strong evidence showing that brain development continues to about age 26,” Grandison said. She is currently working diligently to get the cut-off rate for 18-year-olds down to at least the national average of 55 percent. As part of her fellowship, Grandison helped produce an educational video instructing youth on the steps to take to preserve their benefits. For example, they should “go to the doctor, go see a vocational rehabilitation counselor and try to get an attorney to represent them at the SSI hearing,” said Grandison.

CLS serves, on average, 11,000 low-income clients per year with legal issues including consumer protection, public benefits, employment and housing and utilities rights. For Grandison and Gullen, young people are in particular need of these supports from the legal community because many of their legal rights and responsibilities change during the transition to adulthood and they often face multiple legal issues simultaneously. In Philadelphia, the unemployment rate for youth ages 16-24 is 29 percent; for youth ages 16-24 who do not have a high school diploma, the unemployment rate is 60 percent; and over 75 percent of CLS youth clientele have zero income. “Most of that 75 percent would probably qualify for benefits, and they are not accessing them,” said Gullen.

Gullen pointed out that in low-income communities, youth are often stripped of their adolescence because of setbacks like incarceration, teen pregnancy or foster care. Therefore, they are actually still transitioning into adulthood into their early- and mid-twenties, even though many statutes and regulations state that adulthood begins at the age of 18.

Gullen shared an anecdote about a 19-year-old client and her one-year-old son who endured extreme poverty and periods of homelessness when the mother was unable to find or keep a job. After finally landing a position in a mailroom, she was fired once her background check came back. To the young mother’s surprise, she essentially had a criminal record for an incident that occurred years prior while she was still in school. She was involved in a fight with a boy who had been harassing her, which led the school police to charge her with a summary citation for disorderly conduct. Gullen and her team not only helped this young woman to a more stable future, but they helped amend the regulations that allowed juvenile summary citations to appear in an individual’s background check.

Community outreach is of utmost importance.

One of Grandison’s goals is to have a Spanish version of the educational video, as well as all of their materials translated into Spanish. Gullen talked about another project where volunteers go into communities and conduct intake for criminal records expungement. The project is successful in that volunteers have been able to file the proper paperwork and get records expunged without further meetings with the client beyond the initial intake. These legal services and others are what Philadelphia youth need to work toward a brighter, more stable future.

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VETERANS IN OUR COMMUNITY

Soldier, Attorney and Family Man

By Lauren A. Strebel

Ryan Peters wears many hats. Peters, who saw multiple combat deployments to Iraq and Afghanistan, is currently a lieutenant commander in the U.S. Navy Reserve, assigned to SEAL Team Eighteen. He is also an associate at Pepper Hamilton LLP, where his practice is concentrated in commercial litigation. Additionally, he is actively involved in the Union League, Veterans Multi-Service Center and the Philadelphia/South Jersey USO. Beyond all of that, he is a loving husband and father of three.

How does he manage to juggle it all? A self-proclaimed early riser and night owl, his mantra “you can sleep when you’re dead” seems to be one explanation. A second is the invaluable skills he developed in his military service that他 has successfully implemented in his daily life: time management, an ability to work effectively on teams, prioritizing and remaining calm under pressure. He uses these skills every day at Pepper Hamilton, in his extracurricular activities and at home.

So why did Peters decide to go to law school? He realized that his special skillset developed in his military training was not easily transferrable to civilian life, at least not without a graduate degree. Peters chose the law path, partially because he always had an interest in law and because he recognized the versatility of a law degree.

By the time he enrolled in his first course at Rutgers Law School, Peters had been out of school for six years. He realized he was out of his element on the first day of class when he chose to take notes with a pencil and paper while all of his classmates opened up their laptops. However, compared to combat, law school, even the bar exam, was not as stressful as it was for most of his peers.

After law school, Peters completed one year at Pepper Hamilton before being called back to active duty in October 2013. At that point he had been out of the military grind for four years – but he jumped right back in as SEAL team leadership without missing a beat. When asked whether he would prefer to be in the office or in the field, Peters said there are some days where he would prefer to be out there. However, on days when it is cold or raining, he is happy to be in the office with a hot cup of coffee. Overall, though, he prefers to be at home, close to his family and friends.

So what is next for Ryan Peters? Hopefully politics. Peters is on the Burlington County Republicans’ freeholder ticket this year.

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MEMBERSHIP OUT AND ABOUT

DLSC Retreat July 10

Council President Clarke at City Policy Committee Meeting June 23

Darrell L. Clarke, president, Philadelphia City Council, addresses the City Policy Committee on June 23.

Citywide Summer Associates Event June 23

Professor Louis S. Rulli, University of Pennsylvania Law School (left to right); David Hyman, Government Relations Counsel for the Philadelphia Bar Association; Karen C. Buck, co-chair, Delivery of Legal Services Committee; Joseph A. Sullivan, co-chair, Delivery of Legal Services Committee; Chancellor Albert S. Dandridge III; and Leonard Rieser, Sheller Center for Social Justice; at the annual Delivery of Legal Services Committee retreat, held at Montgomery McCracken Walker & Rhoads LLP, on July 10.

Deborah L. Freedman, executive director, Community Legal Services, addresses attendees at the June 23 event held at the Pennsylvania Academy of Fine Arts.

P.J. Koob (left) accepts the Large Firm Management Committee Public Service Award from Vincent R. McGuinness Jr., co-chair, Large Firm Management Committee, at the event.
Employers Face Looming Reporting Deadline

By Brian McLaughlin

The new reporting forms required under the Affordable Care Act’s employer mandate rules are not due until January 31, 2016 but employers should be actively collecting the necessary data to fulfill this requirement now.

Under the Code, applicable large employers (those with 50 or more full-time employees) are required to complete Forms 1094-C and 1095-C detailing offers of health coverage to full-time employees (FTEs). In addition, self-insured employers will need to report information on those covered under the health plan. The IRS uses the forms to help determine whether an employer owes a penalty payment under the employer mandate; or an employee is eligible for subsidies to purchase coverage in the marketplace.

Planning Ahead

Beginning early in 2015, the first required reporting period, employers should be working to understand and track data needed to complete the forms. In addition, any mid-calendar year changes that impact affordability or the nature of health plan coverage offerings will affect the information employers have to report on a monthly basis. Employers are typically connecting to payroll providers and other third parties to aid in preparation of these forms. However, the employer remains responsible for the accuracy and timeliness of filings and must be the one to produce the information that must be collected during the calendar year to satisfy this requirement.

The C-Forms

Form 1094-C is a summary form used to transmit all Forms 1095-C to the IRS. It provides specific employer-level data. Form 1095-C is used to report information about offers of coverage to each FTE of the employer. Each FTE who was a FTE for at least one month during the calendar year must receive a Form 1095-C by February 1, 2016.

Employers offering self-insured health plan coverage will need to report to the IRS those members who have health plan coverage through the self-insured plan for at least one month during the calendar year. Employers may use Form 1095-C to report information regarding MEC to the IRS and to covered individuals. Penalties may apply for failure to file these forms or furnishing incorrect or incomplete forms.

The penalties range from $30 per form up to an annual maximum amount of $250,000, or $100 per form up to an annual maximum of $1.5 million. For the 2015 calendar year, employers acting in good faith to comply with the reporting requirements will not be subject to penalties for errors. The IRS, however, will not provide any relief for failure to timely file or furnish the statements. These penalties are separate for any assessments under the employer mandate. ALEs may be subject to a penalty if any FTE receives a premium tax-credit or cost-sharing subsidy to purchase health insurance through the marketplace.

Important Things to Note

Following are some important details to note as employers work toward the deadline: For 2015 only, medium-sized employers (50–99 FTEs) eligible for relief from the employer mandate will need to complete these reporting requirements for CY 2015 and certify eligibility for the relief. Regardless of an employer’s plan year, reporting is done based on the calendar year (January–December). Required data is reported for each month of the calendar year, with some opportunities to report on a 12-month basis.

1095-C reports information about each full-time employee; it also provides information on employees and family members covered by the self-insured plan. The 1094-C transmittal form is used to report to the IRS summary information for each employer and to transmit all forms 1095-C.

By Amanda J. Dougherty

“Be authentic.” That was the running theme of the 2015 Young Lawyers Division (YLD) Diversity Reception at Chima Brazilian Steakhouse on June 17. The YLD co-hosted this reception along with the Asian Pacific American Bar Association of Pennsylvania, the Barristers’ Association of Philadelphia, the Hispanic Bar Association of Pennsylvania and the South Asian Bar Association of Philadelphia. Veritech Legal Solutions, formerly Love Court Reporting, sponsored the event.

At the reception, scholarships were awarded to a select group of diverse law students who presented outstanding backgrounds. For 2015, there were five scholarship recipients: Luz Denise Negron-Bennett, Anannya Tripathy, Effi Taylor, Jasmine Williams and Lindsey Burgos. Corresponding to the trend of women’s growing numbers in the legal profession, all of this year’s recipients are women. Additionally, four of these women hail from Philadelphia’s own Temple University Beasley School of Law.

YLD executive committee members Shabrei M. Parker, Daniel J. Gillin and Courtenay R. Dunn, who selected the scholarship recipients, gave the introductions. Parker explained in her opening remarks that she encourages young people to become involved in the YLD early on in order to engage in their local community. In fact, during the first hour of mixing and mingling, prior to the formal presentation, connections were being made. As often occurs with the aid of delicious hors d’oeuvres and plentiful refreshments, several young attorney continued on page 22
Are you (or do you know) a law student who is interested in public interest work? If so, there are many factors to consider, and representatives of the Military Assistance Project (MAP), Homeless Advocacy Project (HAP), Juvenile Law Center (JLC) and Hebrew Immigrant Aid Society (HIAS) discussed the path to a successful future in the public interest sector during the Law School Outreach Brown Bag Lunch Program on May 28.

Sarah Pitts, the pro bono project director and staff attorney for MAP; Alexandra Muolo, an Independence Foundation Fellowship recipient affiliated with HAP; Karen Lindell, a Skadden Foundation Fellowship recipient affiliated with JLC; and Stephanie Lubert, an Equal Justice Works AmeriCorps Legal Fellow with HIAS were either introduced to their respective organizations through their network (including mutual friends and professors) or through the Public Interest/Public Service (PIPS) law fair. Once they secured internships, all developed relationships that helped them to become more firmly rooted within their respective organizations.

According to Diana Schwartz, executive director of MAP; Jenny Pokempner, supervising attorney at JLC; and Phillippe Weisz, managing attorney with HIAS; there is a common core in what public interest employers are looking for in a potential candidate. Each seeks interns who are interested in the mission of their respective organizations. They seek applicants who understand what the organization does and who want to be a part of their team.

An internship candidate need not focus on one area of public interest to the exclusion of all others. However, it is necessary to demonstrate a sincere interest in the field in which they are applying. And, while first year law students may not appear to have the relevant experience, they can demonstrate a sincere interest through law school course selection, participation in law school clinics, volunteer activities and any on-the-ground experience that will allow them to become familiar with the community that they seek to serve. For some public interest organizations, such demonstrated commitment may prove more valuable than, for instance, law review and other traditional markers of a successful law school experience.

Constant updates to a master resume that can be tailored for any specific job opportunity may help a candidate to easily identify relevant skills that may attract a potential employer. If it appears that the candidate lacks the skills or experience relevant to the position they are seeking, it may prove helpful to get feedback from others. Sometimes it is difficult to appreciate the versatility of one’s own talents. However, if their resume still does not reflect relevant experience, candidates should be honest and explain why they are passionate about pursuing a position in a particular field.

As one panelist put it, once an internship is secured, one should look at the forest while still in the trees. In other words, interns should gather as much as possible from the internship experience while they are in the position. For example, interns should use the opportunity to develop a good writing sample for future use, demonstrate their work ethic and develop relationships. A successful intern will understand that the internship is not a law school clinic, and will need to transition from law school to the professional setting, being resourceful and willing to work hard.

As Weisz explained, fellowship recipients are often selected from a pool of former interns. Those seeking fellowship opportunities will want to follow the same tips that proved helpful in securing the internship by remaining in touch with their colleagues after the internship concludes. The interview process can prove scary and intimidating, and it helps for the candidate to identify someone who they can work with and gain valuable feedback from during mock interviews. The fellowship application process is a collaborative effort for which candidates can prepare by honing their skills and developing their networks as early as possible.

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.
Imagine you are in the shoes of B.G. You are a native Spanish speaker who speaks very little English and reads no English at all. Your daughter, T.R., speaks some English and some Spanish and has been struggling in school since the first grade. You do not know about special education services that could assist T.R. until she is in the eighth grade, when your family is referred to truancy court. Then, when T.R. is in ninth grade, you attend a meeting with school personnel, who provide you with a 32-page report, only in English, and tell you—for the first time—that T.R. has an intellectual disability. In fact, you then learn that T.R. actually has a learning disability, not an intellectual disability. Later, you discover that the school district only evaluated T.R. in English, despite knowing she speaks very little English.

Like other parents, B.G. is trying to advocate for what is best for her child. Unlike other parents, however, her lack of proficiency in English has prohibited her from effectively communicating with the school district. As a result, school personnel decide that, as we learned to use interpreters to communicate with our clients, we gained a greater appreciation for the language barriers B.G. and T.R. face every day. Adding special education issues into this mix makes an already complex and personal issue even more challenging. Although the system initially failed B.G. and T.R., we and our co-counsel at the Law Center empowered B.G. by bringing her back into the dialogue with the school district and helping her ensure that T.R. has access to the free and appropriate education to which she is entitled.

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Well-structured estate and trust plans can help to create a family legacy. To make sure an individual’s intentions are properly carried out, conversations about family beliefs, values and relationships should be at the forefront of the estate and trust planning process. In this month’s interview, I sat down with Mark Hasenauer, senior wealth planner with PNC Wealth Management®, who underscores the importance of family communication.

Carol Claytor (CC): What is the first step that a family can take to identify its desired legacy?

Mark Hasenauer (MH): We recommend and often facilitate a personal discovery process with families. Such a discussion enables the family members to shape and articulate their wealth transfer plans and the legacy they wish to leave behind. Focusing on appropriate questions during that conversation, and noting why certain things are important, will naturally lead to how an estate plan and trust vehicles should be crafted.

CC: Is that a difficult conversation for families to have with each other?

MH: Family legacy questions may appear to be difficult at first; however, we have found that the answers to these questions often lead to legacy goals that typically complement estate and trust planning objectives. The family members want peace of mind that comes from knowing their plans will be carried out as they intended, without disruptions or oversights that could result in unnecessary taxes and expenses or actions that may conflict with their goals.

CC: What are the major areas of focus during a legacy conversation?

MH: There are three themes that comprise the legacy that families hope to reflect in their estate plans—family beliefs, values and relationships. In order to reveal the true character or rationale behind each thought and action, how you ask the question is as important as the question itself.

CC: What do you mean by “family beliefs?”

MH: Beliefs may be derived from an emotional connection to wealth and how money influences decisions in life, career and family relationships. We work with families who have experienced wealth transfers in various ways and have found that their personal experiences influence the beliefs that form the foundation of a thoughtful and effective estate plan. Sample questions under this theme might be:

- What are your core beliefs?
- What character qualities are hallmarks of your family?
- What opportunities do you want to create for stewardship of wealth?

CC: How is that different than “family values?”

MH: Values are the actions behind your beliefs. Personal historians search for the “thread,” or passion, that flows through a family and its individual members to explain behavior, relationships, and traditions. By knowing the family’s values, we may identify biases toward wealth and its potential to help or do harm. Here are a few questions to consider when articulating family values:

- What is the most important thing to you which wealth can provide?
- What values have influenced you, positively and negatively, that you want to communicate and capture?
- What do you want the generation beyond your lifetime to know about you and your family?

CC: How do family relationships influence trust and estate plans?

MH: We believe gaining a historical perspective on family relationships is as important as the current state of the family’s financial affairs. History provides information on the qualitative aspects of wealth beyond the quantitative data, helping to explain the behavioral response to financial decision making that has been passed down based on a family’s beliefs and values. The following family relationship-based questions will help uncover some very important insights:

- How much control do you want and why?
- Should your plans provide incentives or some form of compensation to help achieve a certain standard, preferred career choice or lifestyle consideration?
- Who is in the best position to manage, preserve and protect your family’s wealth?

CC: What is the most common mistake you see when it comes to trust and estate planning?

MH: Unfortunately, many families avoid discussing their estate and trust plans openly among themselves. After a death, heirs may be surprised to learn that certain assets were left in trust, and that others are named in a fiduciary capacity. The element of surprise can upset even the best-laid plans, possibly leading to resentment, litigation or costly mistakes.

By asking appropriate questions that focus on each family member’s beliefs, values and relationships, resources will typically be allocated at the right time, to the right people, in the right amount and in the right manner, providing peace of mind now and connections to future generations.

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access federal disability and Medicaid funds, disadvantaged Pennsylvanians struggle in silence while state and local governments unnecessarily spend tax funds to combat homelessness and the myriad other effects of poverty. When Pennsylvanians have access to representation, however, indigent individuals are able, with the help of their attorneys, to access the aid that allows them to remain in their homes, for example, and the federal funds are circulated through the economy.

In spite of the good that IOLTA funding does throughout the Commonwealth, nonprofit organizations currently face an unwarranted and unprecedented decrease in that revenue. The 2015-2016 grants made available by the IOLTA program to legal nonprofits are projected to be 5 percent less than those provided in the 2013-2014 year. Not only will pro bono work potentially receive less money from the IOLTA program, but IOLTA also faces a cut to one of its principal revenue streams. The $35 portion of the attorney registration fees that are typically allocated to IOLTA will be reduced to $30. The attorney registration fees amount to millions of dollars and a significant part of the IOLTA budget, so this $5 cut could have significant ramifications for the individuals that IOLTA grants serve.

What can as members of the Philadelphia legal community do to ensure that vital legal service organizations receive the funding that they need to function? The Bar Foundation stands behind the IOLTA program and advocates that its funding should not be cut. Along with the legislature and the judiciary, practicing attorneys should support the IOLTA program so that the most vulnerable in the community do not go without representation. To do that, decision makers in Pennsylvania need to prioritize equal access to justice and increase the revenue going to the IOLTA program. Specifically, the Supreme Court of Pennsylvania, if necessary, should raise attorney registration fees to make up for the reduction in the amount of that funding typically given to the IOLTA program. Practicing attorneys should support rather than protest an increase in their registration fees because some public interest legal service providers in the region cannot sustain themselves without undiminished IOLTA revenue.

The importance of the IOLTA program does not end with the nonprofit legal organizations that it supports—the effects of the funding are felt throughout the Philadelphia region, and the Commonwealth. The city’s legal community should ensure that IOLTA continues to support the pro bono work that bridges the justice gap on worthy programs at a time.


2. In 2005, the revenue generated by interest rates on IOLTA accounts was approximately $12 million. By 2012, the trusts were only generating $4 million dollars of revenue. Pennsylvania Interest on Lawyers’ Trust Accounts Board, https://www.paiolta.org/about-pa-iolta/revenues/ (last visited July 7, 2015).


Steven E. Bizer (seb@bpc.com), an executive shareholder at Buchanan Ingersoll & Rooney, PC, is president of the Philadelphia Bar Foundation.
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active in attending various conferences and Asian Bar Associations, and has been the Asian Pacific American and the South. Each woman was especially engaged in ing attorneys had to bring to the legal field. intrigued to hear what these young, aspir-

was apparent that the crowd of attendees

networks.

Thus, both the law students and younger

different areas of law, or at firms in which

introductions to colleagues practicing in

legal field to expand their professional
during her time in law school.:

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. Luncheons are $9 for mem-

bers and $12 for non-members, unless otherwise indicated. Register online for most events at philadelphiabar.org. Unless otherwise specified, all checks for lunches and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquar-
ters, 1101 Market St., 11th Floor, Philadelphia, PA 19107-2955.

Aug. 4
Bar Reporter Editorial Board: meeting, 8:30 a.m., teleconference.
Women’s Rights Committee: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Aug. 5
Criminal Justice Section Executive Com-
mittee: meeting, 12:30 p.m., 11th Floor Committee Room South.

Aug. 6
Law School Outreach Committee: Brown Bag Lunch Program, 12 p.m., 11th Floor Conference Center.

Government and Public Service Lawyers Committee: meeting, 3:30 p.m., 10th Floor Board Room.

Aug. 10
Civil Rights Committee: meeting, 12 p.m., 11th Floor Committee Room South. Lunch: $9.

Aug. 12
Intellectual Property Committee: meet-
ing, 12:30 p.m., 11th Floor Committee Room South. Lunch: $9.

Aug. 13
YLD Networking Happy Hour and School Supply Drive: 5:30 p.m., Tavern on Broad, 200 S. Broad St., Philadelphia. Registration not required.

Aug. 14
Workers’ Compensation Section Execu-
tive Committee: meeting, 10:30 a.m., 11th Floor Committee Room South.


ukNITE: 12 p.m., 10th Floor Board Room.

Philadelphia Lawyer Editorial Board: meeting, 11th Floor Committee Room South.

Aug. 17
Criminal Justice Section: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Aug. 18
Employee Benefits Committee: meet-
ing, 12:30 p.m., 11th Floor Committee Room South. Lunch: $9.

Aug. 19
YLD Cabinet: meeting, 12 p.m., 11th Floor Committee Room South.

Legislative Committee of the Probate and Trust Law Section: meeting, 4 p.m., Pepper Hamilton LLP, 3000 Two Logan Square, 18th and Arch streets, Philadelphia.

Legal Line: 5 p.m., 11th Floor LRIS Offices.

Aug. 21
Social Security Disability Benefits Com-
mittee: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Aug. 24
YLD Executive Committee: meeting, 12 p.m., 10th Floor Board Room.

Aug. 25
Women in the Profession Committee:
meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Compulsory Arbitration Committee: meeting, 12 p.m., 11th Floor Committee Room South.

Tax Committee of the Probate and Trust Law Section: meeting, 8:30 a.m., Wilm-
ington Trust, 1650 Market St., Suite 3150, Philadelphia.

CALENDAR OF EVENTS

RECEPTION
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to get introductions to colleagues practicing in different areas of law, or at firms in which they might want to move in the future. Thus, both the law students and younger members of the bar were able to use this bar event to expand their professional networks.

However, all focus shifted to the scholarship recipients as Parker, Gillin and Dunn began describing the backgrounds and qualifications of each woman. It was apparent that the crowd of attendees was fully engaged with the presentation, intrigued to hear what these young, aspir-
ing attorneys had to bring to the legal field. Each woman was especially engaged in her community. Tripathy is a member of the Asian Pacific American and the South Asian Bar Associations, and has been active in attending various conferences and events throughout her time in law school. Neogn-Bennett is not only active in her law school and local communities, but she encourages her five children to have the same sense of community responsibility and engagement.

The keynote speaker was Virginia G. Essandoh, J.D., chief diversity officer at Ballard Spahr LLP. The highlight of her speech was diversity and inclusion in the profession, but with a particular emphasis on the individual contribution. She noted that it is most usual to think of the institu-
tional role of inclusion, such as recruiting strategy, firm-wide promotion policy, and such other top-down approaches. How-
ever, she thinks of diversity as a two-way street, and presented some important guidelines for the young recipients, such as being open to inclusion, asserting oneself in the firm and fostering connections.

Most of all, Essandoh emphasized that young attorneys of diverse backgrounds must be authentic. She noted that success and authenticity are really the “art of not reacting, but responding, to deal with uncomfortable situations.”

Most of all, Essandoh emphasized that young attorneys of diverse backgrounds must be authentic. She noted that success and authenticity are really the “art of not reacting, but responding, to deal with uncomfortable situations.”

Taylor seemed to have fully appreciated this advice. She stated after the speech that in her career, she intends to promote diver-
sity by “encourag[ing] diverse individuals in the legal profession to live by the words of William Ernest Henley: ‘it matters not how straight the gate, how charged with punishments the scroll, I am the master of my fate, I am the captain of my soul.’”

And why is diversity important? Every attorney would say that extra eyes on a brief, or new ears to listen and provide feedback on oral argument are invaluable. Williams and Tripathy both agreed that embracing diversity, both diversity of ideas and perspectives, is necessary for profes-
sional and personal development. Cer-
tainly, the future colleagues and firms who interact with these women will benefit from the fresh energy, responsibility and authenticity they will surely bring to their practices.

Amanda J. Dougerry (amanda.dougerry@ philadelphia.gov) is an assistant city solicitor for the City of Philadelphia, is an associate editor of the Philadelphia Bar Reporter.
Implicated by Proposed Amendments to the Federal Rules of Civil Procedure” on May 15. The program covered amendments that will go into effect in December 2015 and how they impact a lawyer’s ethical duties, including the tension between the obligation to cooperate with opposing counsel and a lawyer’s duty to their client.

**People**

Charles J. Meyer, shareholder at Hofstein Weiner & Meyer, P.C., has been elected president of the Pennsylvania Chapter of the American Academy of Matrimonial Lawyers.

Gregg Kanter, of Gregg H. Kanter Law Office LLC, served on the panel of the University of Pennsylvania Law School’s CLE program titled “Ethics Issues Implicated by Proposed Amendments to the Federal Rules of Civil Procedure” on May 15. The program covered amended rules that will go into effect in December 2015 and how they impact a lawyer’s ethical duties, including the tension between the obligation to cooperate with opposing counsel and a lawyer’s duty to their client.

Kathleen D. Wilkinson, partner at Wilson Eber Moskowitz Edelman & Dicker LLP, will present “Leading with Confidence” at the Sixth Annual Philadelphia Diversity & Leadership Conference, an event hosted by the Pennsylvania Diversity Council, in Philadelphia on Sept. 1. The National Diversity Council is a nonprofit organization that brings together the private, public and nonprofit sectors to discuss the many dimensions and benefits of a multicultural environment.

Suzanne S. Mayes, chair of public and project finance at Cozen O’Connor, has been elected president of The Forum of Executive Women for a two-year term, beginning July 2015. The Forum of Executive Women is a membership organization of more than 450 influential women representing diverse businesses in the Greater Philadelphia region.

**YLD Programming**

continued from page 7

The families were genuinely appreciative of our service. Thank you to all of the volunteers who organized and made this event a success.

Next on the YLD community outreach agenda is our summer-long school supply drive. We are accepting donations at firms around the city, including Fox Rothschild, LLP; Margolis Edelstein; Minckely & Fitpatrick, LLC; and Rawle & Henderson, LLP. All donations benefit Turning Points for Children, a nonprofit organization dedicated to supporting families in raising safe, healthy, educated and strong children. We will be concluding the summer long school supply drive at a networking happy hour on August 13 at Tavern on Broad. We look forward to seeing you all there!

In closing, I sincerely thank all of the hard working Executive Committee members who have organized these and all of our other events. Your service to the Young Lawyers Division of the Philadelphia Bar Association is invaluable and I truly believe we make a difference.

Maria E. Bernades (mbernaudesign@gmail.com), an attorney advisor with the Social Security Administration, is chair of the Young Lawyers Division.
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