The Board of Governors unanimously adopted a resolution on July 20 amending Philadelphia Bar Association Bylaws Article V to provide the Board with the authority to determine, on an annual basis, member dues of each class of membership. As the practice of law undergoes a period of intensive transformation driven by technology, social and economic change and evolving client expectations, the Association must respond to these changes, including changing its dues structure, in order to represent current and future members.

### Board Resolves to Streamline Member Dues Structure

**By Reece McGovern**

The Board of Governors unanimously adopted a resolution on July 20 amending Philadelphia Bar Association Bylaws Article V to provide the Board with the authority to determine, on an annual basis, member dues of each class of membership. As the practice of law undergoes a period of intensive transformation driven by technology, social and economic change and evolving client expectations, the Association must respond to these changes, including changing its dues structure, in order to represent current and future members.

---

Join the Philadelphia Bar Association at its 2016 Bench-Bar and Annual Conference on Friday, Sept. 23 and Saturday, Sept. 24 at Harrah’s Resort in Atlantic City. The Bench-Bar & Annual Conference remains the premier event for networking and socializing with colleagues and members of the judiciary, including the opportunity to earn up to 7.5 Philadelphia Bar Association CLE credits through 18 unique course offerings. For more information and to register, visit PhilaBenchBar.org.

---

The Philadelphia Bar Association has formed its Elections Committee, chaired by Immediate Past Chancellor Albert S. Dandridge III, consisting of Butler Buchanan III, Lawrence S. Felzer, Rachel E. Kopp, Sophia Lee, Jra S. Lefran, Kevin V. Miney, Wesley R. Payne IV, Hon. Tina Maria Rago, Gina Furia Rubel, Louis S. Rulli and Brad V. Shuttleworth. Chancellor Gaetan J. Alfano, Chancellor-Elect Deborah R. Gross and Vice Chancellor Mary F. Platt serve as ex-officio members. As Secretary, Jacqueline G. Segal serves as a non-voting member. Offices for which candidates are being solicited are Vice Chancellor, Secretary, Treasurer, Assistant Secretary, 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 by Sept. 23 (at least 60 days prior to the Dec. 7, 2016 Annual Meeting) nominations in writing that, for candidates of the Board of Governors, must be signed by at least 25 members who are entitled to vote; for candidates for Secretary, Treasurer, Assistant Secretary and Assistant Treasurer, nominations shall be signed by at least 35 members who are entitled to vote; and continued on page 8
CONCIERGE CARDIOVASCULAR CARE

- Premium comprehensive cardiovascular risk identification and reduction for high stressed working professionals
- 24/7 365 access to a board certified cardiologist
- Unrestricted access to appointments
- Visits will be made at your office and at your convenience
- Advocacy for clients with insurance companies, hospitals, and any other medical professionals
- Your annual fees include unlimited visits and any non-invasive cardiovascular testing. Most tests can be performed at your office
- Tertiary care at the best hospitals in the city with minimal wait times
- $500 per month, or $425 per month per person if signing as a couple

EDUCATION
- Graduated from Northwestern University’s Feinberg School of Medicine

BOARD CERTIFICATIONS
- Meeting all requirements for maintenance of certification.
- Board Certified in Internal Medicine (ABIM)
- Board Certified in Cardiovascular Diseases (ABIM)

ACCREDITATIONS
- IAC Echocardiography
- IAC Vascular Ultrasound
- IAC Nuclear Cardiology

Call (215) 399-0690 or email concierge@asifhussainmd.com to schedule a consultation with Dr. Hussain
By Gaetan J. Alfano

On June 1, I had the pleasure of representing the Philadelphia Bar Association at Community Legal Services’ annual Breakfast of Champions. As Chancellor, I was privileged to accept the Champion of Justice Award on behalf of the Association. As I explained at the time, however, I felt like an imposter, as the true recipients should have been the staff of the Association.

As I stood at the podium and identified each staff member in attendance, the room erupted with applause. I was drowned out before I could utter the third name. It was evident that our legal community values our Association staff and enjoyed this opportunity to show their appreciation.

We are doing many things differently this year. One initiative is to provide greater visibility to the staff, the 21 people who run this 12,000-member Association day-to-day, year-after-year. Fewer than two dozen people are responsible for making sure the Association is not just surviving, but thriving. While Chancellors come and go, many on the staff steadfastly serve as the subject matter experts in the very areas that sustain our organization.

At the beginning of the year, staff presented at our Bar Leaders Retreat. This exercise helped the Bar’s attorney leadership, including me, better understand the Association’s departments and their key functions while getting to know many of the people who lead and work in the departments. Additionally, several members of staff have presented at our Board of Governors meetings throughout 2016, a relatively new phenomenon, as staff previously had operated under a “be seen but not heard” philosophy.

No longer.

Moving forward, there will be a special section of the Bar Reporter for staff news and recognition (see page 18). They are the single constant among the annual changes in Association attorney leadership. Please join me in acknowledging their hard work, commitment and dedication to the mission of the Philadelphia Bar Association.

COMMUNITY LEGAL SERVICES OF PHILADELPHIA PRESENTS
ASSOCIATION WITH CHAMPION OF JUSTICE AWARD

Chancellor Gaetan J. Alfano (second from left) with Arlene Rivera Finkelstein, associate dean for public interest programs, University of Pennsylvania Law School (left to right); Deborah L. Freedman, executive director, Community Legal Services of Philadelphia (CLS); Anita Santos-Singh, executive director, Philadelphia Legal Assistance; Sozi Pedro Tulante, city solicitor, City of Philadelphia Law Department; Barbara T. Sicalides, partner, Pepper Hamilton LLP; Joseph L. Messa, founding partner, Messa & Associates, P.C.; and Jeremy D. Mishkin, partner, Montgomery McCracken Walker & Rhoads LLP, with the Champion of Justice Award presented to the Philadelphia Bar Association by CLS at CLS’s Breakfast of Champions at the DoubleTree by Hilton Hotel Philadelphia Center City on June 1.
**YLD Update**

**Closing Out Summer, Welcoming Fall With Philanthropic Events**

*By Erin E. Lamb*

Summer is nearly over and with it the Young Lawyers Division’s (YLD) summer break. We kick off the end of summer on Tuesday, Aug. 23 with a school supply drive at Uptown Beer Garden in conjunction with our monthly happy hour. Please consider coming for a few drinks outside and bringing some pens, pencils, notebooks, crayons, colored pencils, loose-leaf paper, pencil boxes, copy paper or other school supplies for donation to Turning Points for Children. Unfortunately, the list of needs is endless both at the individual level and on an institutional level, as Philadelphia’s schools continue to be starved by the state legislature. Many families cannot afford the supplies that many of us took for granted growing up. It is natural at this time of year to think of the return to school and new beginnings, and it is very easy to do a little bit to help ease that transition for our city’s children.

Some may have been buoyed by the news that the legislature passed a 2016-2017 budget that included $200 million in basic education funding. However, the amount was exactly that – basic. The Campaign for Fair Education Funding reports that Pennsylvania’s share in funding schools will remain one of the lowest in the country and unfair, inadequate education spending remains not only the norm in Pennsylvania, but the size of the gap remains one of the largest in the country. Our eyes all turn toward oral arguments, scheduled for September before the Supreme Court of Pennsylvania, in the lawsuit brought by the Public Interest Law Center, with the support of organizations including the Philadelphia Bar Association, asking the Court to find that our judiciaries have a role in protecting the right of schoolchildren under the Pennsylvania constitution to a “thorough and efficient system of public education.”

In the wake of a very hot and tumultuous summer, with no respite from the presidential election yet in sight, it is easy to feel overwhelmed and overmatched. I see that reaction at some point in nearly everyone, regardless of age. But there are things that we can do individually that really do make a difference, and I am happy to say that the YLD will be providing those opportunities through the rest of the year for all age groups. In addition to the aforementioned school supply drive, we will hold a fundraiser for the Philadelphia Bar Foundation on Thursday, Oct. 6 at North Bowl; train high schoolers for mock trial; cook for families at the Ronald McDonald house; and donate toys and coats during the holidays. We are also working out the details for an expungement clinic. Regardless of the news cycle, and the real fears and concerns that we may share, life will go on. All we can do is alleviate some of life’s burdens and provide opportunities where we can for people to catch a break and succeed. As attorneys, we are able to conduct life-changing business that is not available to most people. Participating in the Association is one way of providing that service.

Regardless of the news cycle, and the real fears and concerns that we may share, life will go on. All we can do is alleviate some of life’s burdens and provide opportunities where we can for people to catch a break and succeed. As attorneys, we are able to conduct life-changing business that is not available to most people. Participating in the Association is one way of providing that service.

Erin E. Lamb (elamb@rawle.com), associate at Rawle & Henderson LLP, is chair of the Young Lawyers Division.

---

**YOUNG LAWYERS DIVISION DIVERSITY RECEPTION**

The Young Lawyers Division (YLD) held its annual Diversity Reception, in partnership with the Asian Pacific American Bar Association of Pennsylvania; The Barristers’ Association of Philadelphia, Inc.; the Hispanic Bar Association of Pennsylvania; and the South Asian Bar Association of Philadelphia, at Chima Brazilian Steakhouse on June 7. At the event, the YLD presented scholarships to five local law students.

Top left: Fernando Chang-Muy, Thomas O’Boyle Lecturer in Law, University of Pennsylvania Law School, gives his keynote to the reception attendees. Bottom left: Andre J. Webb, Styllades, Mezzanotte & Hassan (far left), and Erin Lamb, co-chair, YLD (far right), award YLD Diversity Scholarships to law students (left to right), J. Taylor Stewart, Rutgers School of Law; Kisha Pinnock, Rutgers School of Law; Jasmine Greene, Temple University Beasley School of Law; Ruby Delarosa, Widener University Delaware Law School; and Renu Sagreiya, Drexel University Thomas R. Kline School of Law.

---

**ATTORNEY DISCIPLINARY / ETHICS MATTERS**

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

**James C. Schwartzman, Esq.**

- Chairman, Judicial Conduct Board of Pennsylvania
- Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania
- Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania
- Former Chairman, Supreme Court of Pennsylvania Interest on Lawyers Trust Account Board
- Former Federal Prosecutor
- Selected by his peers as one of the top 100 Super Lawyers in Pennsylvania and the top 100 Super Lawyers in Philadelphia
- Named by his peers as Best Lawyers in America 2015 Philadelphia Ethics and Professional Responsibility Law “Lawyer of the Year,” and in Plaintiffs and Defendants Legal Malpractice Law

1818 Market Street, 29th Floor • Philadelphia, PA 19103 • (215) 751-2863

---

Philadelphia Bar Reporter August 2016
Lateral Moves: Ethical and Legal Consequences of Changing Law Firms
8/16/16 - 2 p.m. (2 ETH) (Video Replay)
This two-hour ethics CLE is an in-depth discussion of the legal and ethical obligations relating to lateral mobility and firm growth. This CLE program will address: current ethics opinions on point, the relevant Pennsylvania Rules of Professional Conduct, the latest case law and best practices for the moving lawyers and their future and former law firms.

Nursing Home Litigation 101
8/4/16 - 12 - 2.15 p.m. (2 SUB)
This presentation will cover the basics of nursing home litigation from both the plaintiff and defense perspectives. Topics will include documentation issues that are unique to nursing home litigation, common themes and defenses in typical nursing home litigation, and a discussion of strategy regarding expert retention. Our faculty will highlight the following topics: pre-suit/documentation, arbitration agreements, common claims, wound case, fall case, corporate negligence, expert retention and distribution of funds from recovery.

Attorney Ethics Found in Golf and Tennis
8/9/16 - 12 - 1 p.m. (1 ETH) (Video Replay)
Ethical and principled conduct is a foundational aspect of practicing law, as well as competing in the sports of golf and tennis. Both golf and tennis are played according to strict rules for fairness, just as in legal advocacy. Individuals are expected to self-regulate their actions and conform to ethical expectations, with disciplinary consequences for violations. Attorney professionals are guided by the Rules of Professional Conduct and Pennsylvania Code of Civility to maintain the integrity of the profession. This video CLE ethics hour focuses on applying valuable ethical lessons from golf and tennis to the practice of law (and vice versa).

So, Have You Updated Your Construction Contract Forms Recently?
8/10/16 - 4 - 6:15 p.m. (2 SUB)
Hosted by the Construction Law Committee of the Real Property Section
This CLE will actually explain risk transfer provisions in construction contracts so that you can effectively protect your construction-related clients. Due to the inherent risk in construction projects, contractual risk transfer provisions are important whether you represent owners/developers, contractors or subcontractors. This CLE will provide a practical and entertaining overview of indemnification provisions and insurance requirements in construction contracts so that you can better protect your clients.

VIDEO ENCORE - Strictly Speaking: Public Speaking Skills for Lawyers
8/11/16 - 12 - 3:15 p.m. (3 SUB)
Featured Speaker: Past Chancellor John E. Savoth
One of the most important skills for lawyers is the ability to speak in public, whether it be before a forum of hundreds or a conference room with only a handful of people in attendance. This course will provide attorneys with the tools to conquer any public speaking engagement, including courtroom arguments and orations, firm presentations, large audience addresses, toasts and eulogies. Through the use of video examples, former Philadelphia Bar Association Chancellor John E. Savoth will offer guidance on effective methods of delivery. Attorneys will learn practical tips and techniques to prepare them for any public speaking event.

“1 Know What You Did Last Weekend” - Effective Use of Social Media in WC Litigation
8/12/16 - 12:30 - 1:30 p.m. (1 SUB)
Hosted by the Workers’ Compensation Section
This CLE course addresses the effective use of social media in workers’ compensation cases. Areas covered include rules of evidence, how to discover social media information and how to admit it into evidence from both a defense and claimant perspective. Recent case law and new investigation techniques regarding social media will also be explored.

Discovery in a Digital World
Modern Investigative Techniques:
Cybersecurity through Computer Forensics
8/17/16 - 4 - 6:15 p.m. (2 SUB)
Sponsored by Precise
The exponential growth of data creation in modern society continually impacts litigation from cyber exposure risk management to computer forensics best practices. The proliferation of mobile devices, new communication methods and web-based platforms presents opportunities for hackers to steal data and creates discovery situations best left to computer forensics experts for assistance. This CLE presentation will explore cybersecurity risk management and cover some of the most interesting areas of electronic data sources that have changed the landscape of investigations and provide interesting stories of how those have had implications on real-world cases.

Deposition Skills Courtroom Litigators Needs to Know
8/18/16 - 12 - 3:15 p.m. (2 SUB/1 ETH)
Presented by Raynes McCarty
Ligators know that the deposition is a crucial opportunity to evaluate an adversary’s case, challenge key theories and witnesses, and to seek admissions for use in a potential summary judgment motion or at trial. Whether you are a first-year litigation associate, senior partner or a solo practitioner, come learn new skills that will maximize your effectiveness at deposition.

Avoiding Legal Malpractice
8/24/16 - 9 - 11:15 a.m. (2 ETH) – REGISTRATION IS CLOSED
8/26/16 - 9 - 11:15 a.m. (2 ETH) – VIDEO ENCORE
8/27/16 - 9 - 11:15 a.m. (2 ETH) – VIDEO ENCORE
8/30/16 - 2 - 4 p.m. (2 ETH) – VIDEO ENCORE
This is the second FREE CLE for Philadelphia Bar Association members in good standing.
This ethics CLE will examine why lawyers are being sued for malpractice. What are the areas of practice where suits are most common? Are letters of disengagement really that important? Why shouldn’t lawyers handle a real estate settlement for a friend who needs just a little help? Using your cell phone and iPad for communications with clients is certainly convenient but does it expose you to liability? Experienced faculty will delve into the who, what, where and why of being sued for malpractice and how best to avoid it.

Ethics in Sports and Entertainment
8/31/16 - 4 - 6:15 p.m. (2 ETH)
Earn your ethics and enjoy an evening at Citizens Bank Park when the Philadelphia Phillies host the Washington Nationals!
This second course in the Philadelphia Bar Association Entertainment Law CLE series adds the fun factor to earning your ethics credits. In the first hour, attendees will examine entertainment fee agreements using a sample hourly rate agreement and a contingent fee agreement. The featured speaker, entertainment lawyer, Bernie Resnick, will discuss the ethical requirements of fee agreements, with a focus on attorney’s fees in the sports and entertainment industry. In the second hour, Resnick will lead a discussion of ethics issues that attorneys typically encounter in the sports and entertainment industry, highlighting Pennsylvania Disciplinary Rules 1.5, 1.7 and 1.8. After the CLE program, attend the ball game and experience a night of the undead during Zombie Night at Citizens Bank Park as the Phillies host the Nationals. At this Phillies Theme Night, fans are encouraged to come dressed up in family-friendly Zombie attire and make-up.

TO REGISTER
Visit the CLE page at PhiladelphiaBar.org
It is a rare occasion to get insights into current trends, discovery issues, motions for summary judgment or trials specific to labor and employment cases at the federal court level. Members of the Philadelphia Bar Association’s Labor and Employment Law Committee got that opportunity when Hon. Wendy Beetlestone, U.S. District Court for the Eastern District of Pennsylvania, gave those insights and more at the Committee’s July 15 meeting.

Judge Beetlestone first explained the progression of an employment discrimination case from her side of the bench. Initially, she receives an ECF notification that a new case has been filed. Then she reads the complaint briefly to get an idea of what type of case it is, i.e., if it is legally or factually complex, has a unique fact pattern, or new legal issues. Once all defendants are represented, she will then send out a Rule 16 Notice ordering discovery to begin immediately, and not after the Rule 16 conference. Judge Beetlestone said she would expect discovery to proceed, even if a motion to dismiss was pending, and that her starting point on a discovery period is 90 days.

At the Rule 16 pretrial conference, Judge Beetlestone asks each party to tell its side of the story. Once a factual discussion has ended, Judge Beetlestone noted that it is usually clear to her if a motion to dismiss or summary judgment motion will dispose of the case. At this stage, she will also try to settle the case herself, if it is a jury case, and also ask the parties if it would be helpful to refer the matter to her Magistrate Judge. After the Rule 16 conference, Judge Beetlestone usually will not engage in settlement discussions, but emphasized that the parties can always return to the Magistrate Judge.

If there is a discovery dispute, Judge Beetlestone prefers not to have a motion filed, initially. Instead, she asks the moving party to write a letter to the court, and within two days she will schedule a telephone call to discuss and attempt to resolve the discovery issue. If the call is not successful, then she will ask for written motions.

Next, at the summary judgment phase, Judge Beetlestone requires a joint appendix and the moving party to provide an undisputed statement of facts, to which the nonmoving party must respond by admitting or denying each fact. Each fact that is admitted will go into her opinion, she explained. The day that Judge Beetlestone signs a summary judgment order and opinion, she will set a date for trial.

Judge Beetlestone then discussed various statistics of employment cases in the Eastern District of Pennsylvania over the past decade, that she said she had gathered specifically for this presentation. She noted that in the last 10 years there have been 4,729 cases opened that are designated “employment discrimination” by either the clerk or the plaintiff. She explained that this breaks down to approximately 56 percent “general” (a catch-all category that included various types of employment claims), 20 percent age, 15 percent race, 8 percent sex, and 2 percent disability discrimination cases. Out of the more than 4,000 employment discrimination cases opened in the last 10 years, almost 72 percent of the cases settled before trial and only 3.4 percent have actually gone to trial, aver-
Living in the Moment Creates Overall Improvements in Health, Productivity

By Shelli Fedullo

Consciously living in the moment and managing those moments effectively are essential to reducing stress, improving performance and feeling happier. At the June 28 meeting of the Philadelphia Bar Association Women in the Profession Committee, Past Chancellor Kathleen D. Wilkinson and Erin M. Siciliano, member, Board of Governors, shared their suggestions with an engaged audience on how to achieve that balance.

Wilkinson’s advice lead with highlighting the importance of counter-balancing stress by being energized through projects and activities we enjoy, making time for our passions. For her, involvement over the years in Association and related activities is among the passions that energize her. Having a positive outlook and surrounding ourselves with supportive and positive people also wards off stress and improves performance, she said.

Wilkinson offered the following tips on how to thoughtfully assess and improve how we manage our time and be good multi-taskers:

- What is your best time of the day to tackle what you don’t want to do? Do it then.
- What are time wasters and interruptions? Emails! Social media! Visitors! It can take 20 minutes to “reset” after an interruption. Identify time wasters and find ways to limit them.
- Can you call into a meeting that you otherwise would have to miss? Why not use the opportunity to still participate?
- Can you sometimes work from home to eliminate commuting downtime? When you are working at home, why not also do the laundry?
- Can you send emails before you get to work and set the stage for the day?
- Do you make the most of travel time on trains, planes, and automobiles (when you are not the driver)?

Another suggestion from Wilkinson was to keep healthy. Stock our office and car (“office on the go”) with healthy snacks and stay hydrated. Do not skip lunch because performance will lag for the rest of the day. Although taking a break to go for a walk may seem counter-intuitive as a time management technique, getting recharged improves productivity.

Siciliano took the floor and addressed the importance of ensuring that in meeting our professional obligations we do not neglect other parts of life that make us happy. She discussed recently published research that concluded a higher level of problematic alcohol use exists among attorneys in comparison with other professional populations. Significant levels of depression, anxiety and stress were also reported.

She cited another recent article that focused on the trait of mindfulness, the importance to attorneys, and how each stage in an attorney’s career, starting with law school, can serve to chip confidence away. Further, because attorneys are often so focused on work, taking care of themselves becomes an afterthought.

Early in her career, Siciliano said, she was under so much self-induced pressure that her supervising attorney told her that she needed to understand and accept that she would not have 10 years of experience until she actually had 10 years of experience. She commented that as competitive high achievers we have to avoid being so single-minded in our professional focus that we miss other parts of life. By being “mindful,” consciously assessing the past and examining our present choices, we can identify how to make our lives more meaningful and happy. By allowing ourselves permission to regain parts of life that we had wanted - without feeling guilty that we should be working instead - we become happier and more productive.

Siciliano realized that she missed the activities she enjoyed in college, including theater. She was asked to attend a production and actually took the time to go. She ended up being invited to audition and joined the community theater, enriching her life by pursing her passion. This led her to become more engaged in other activities she enjoys, including the Philadelphia Bar Association. The Judgmen...
Protecting Water Quality Through Scientific Data

By Regina M. Parker

Scientific data and research are necessary factors to ensuring that the Delaware River Watershed protection program is successful in monitoring, protecting, and preserving a quality water supply within the Delaware River basin, panels told attendees during the May 20 Environmental and Energy Law Committee meeting. The panels included Andrew Johnson, senior program officer for watershed protection at the William Penn Foundation; Carol Collier, senior advisor for watershed management and policy at the Academy of Natural Sciences; and William A. Davis, head of the New Jersey Department of Environmental Protection Supplemental Environmental Projects.

The Delaware River Watershed Initiative (DRWI) was designed and created to protect and restore the Delaware River basin’s water quality and to restore and maintain critical sources of drinking water in major cities including New York, Philadelphia, Camden and Wilmington.

The importance of this river is that it is the longest un-dammed river east of the Mississippi River with a watershed that is home to 15 million people, or 5 percent of the U.S. population. This program is spearheaded by a $35 million dollar grant from the William Penn Foundation.

The William Penn Foundation was founded in 1945 with a commitment to improving the quality of life in the city, including ensuring environmental sustainability and conservation efforts. The Foundation supports projects that protect and restore the Delaware River watershed’s natural environment. Johnson indicated that the grant funds a collaboration of leading conservation organizations that share the same goals to compare data to protect land, restore streams, test innovative approaches in ecologically significant places and monitor results over time.

Collier explained that the William Penn Foundation partnered with a team of scientists from the Academy of Natural Sciences, to determine where and how to allocate funds for optimal conservation. The DRWI identifies eight regional “clusters” of sub-watersheds, constituting approximately 25 percent of the total Delaware River basin, where analysis has shown that investment in targeted efforts to protect or improve water quality could deliver significant returns.

These eight clusters concentrate many of the basin's major ecological and highlight opportunities for advancing water quality. From monitoring to research, the Academy of Natural Sciences is focused on delivering scientific data that will make a measurable difference.

The Academy’s scientific team is comprised of scientists with knowledge in both physical and biological disciplines, including phyology, fisheries, macroinvertebrate studies and biogeochemistry, Collier said.

The panels explained that scientific data and research will be relied upon to identify new evidence-based methods for avoiding or mitigating key stressors threatening water quality in major metropolitan areas, including storm water runoff, agricultural pollution, loss of forests in essential headwater areas and aquifer depletion. The scientific data provides critical information for understanding how individual monitoring sites relate to each other and to the larger basin. Scientists are designing and overseeing species and water chemistry monitoring at more than 300 sites and complementing the monitoring with additional research projects.

The goal is to assess when and under what circumstances conservation strategies are producing improvements in river health to ensure that the DRWI can be as effective as possible. Successful approaches can ultimately be replicated elsewhere in the Delaware River basin and beyond, extending the reach and impact of the initiative.

Regina M. Parker (rparkerm@ahlaw.com), partner at Thomas, Thomas & Hafer LLP, is an associate editor of the Philadelphia Bar Reporter.

Dues Structure continued from page 1

Current Bylaws Section 500 provides a detailed, rigid structure for Member dues that may only be changed by amending the Bylaws. It is a general practice of metropolitan bar associations in the United States for Bylaws to vest authority in their governing body to set dues, and while no dues increase is being considered, the Bylaw change to allow the Board to determine dues on an annual basis will give the Association flexibility to respond to the needs of a changing profession.

The Resolution provides that the Board approves amendments to Article V of the Philadelphia Bar Association Bylaws for submission to the Members in accordance with provisions of Section 1101 of the Bylaws. The text of the proposed amendments will be published in accordance with the provisions of Section 1100(A) of the Bylaws.

To view the complete Resolution and Bylaws amendments, visit PhiladelphiaBar.org.

Reece McGovern (rnmegovern@philabar.org) is the communications and marketing intern at the Philadelphia Bar Association.

LAWYER OF LAWYER REFERRALS

For details on placing a Lawyer to Lawyer referral ad, contact Lana Ehrlich at 215-557-2392 or lehrlich@alm.com.

DE & NJ REFERRALS

Motor Vehicles Accidents
Slip and Fall
Motorcycle Accidents
Workers’ Compensation
Medical Malpractice
Mass Torts

1-800-LundyLaw
INJURY & DISABILITY LAWYERS
(800) 566-4952
Innsbruck, NJ & Cherry Hill, NJ
Full Referral Fees Paid

For more information on placing a Lawyer to Lawyer referral ad, please contact LANA EHRLICH at 215-557-2392 or lehrlich@alm.com.
As we announce the 2016 winners of the Philadelphia Bar Foundation Award and the Pro Bono Award, it is worth pausing to reflect on how firmly these honors are connected to the traditions inherited from the founders of our nation. While we ask the legal community to recognize and celebrate current legal aid and pro bono accomplishments, we should also challenge each other to measure where “equal justice for all” actually stands at this time in history.

The rule of law, individual rights and freedoms, justice, liberty, equality and the common good are some of the core principles reflected in the Declaration of Independence, U.S. Constitution, and the other founding documents of our country—conceived, drafted, debated and launched upon the world from right here in Philadelphia.

The mission and values of the Philadelphia Bar Foundation reflect the same set of core principles. We strive in our grants and other forms of support for nonprofit legal aid organizations to embody the Philadelphia legal community’s commitment to these ideas.

The Bar Foundation is thrilled to announce Marsha Cohen and Tad LeVan as the newest recipients of our annual awards, representing the best in legal aid, making a huge impact in the Philadelphia region, statewide and across the country.

Peter (Tad) H. LeVan Jr., LeVan Law Group LLC, is the winner of the 2016 Pro Bono Award of the Philadelphia Bar Foundation. This honor is given annually to a Philadelphia law firm or corporate legal department that performs outstanding volunteer efforts in providing legal services to those in need. The award recipient demonstrates commitment to the development and delivery of pro bono legal services in the region and contributes significantly to innovative approaches to the delivery of volunteer legal services.

LeVan’s extraordinary commitment over 15 years to pursuing a pro bono case that mushroomed into a massive, precedent-setting constitutional victory has benefited tens of thousands of disadvantaged Pennsylvanians.

Cohen and LeVan, and the esteemed past recipients of the Foundation’s awards form a direct link to the founders of our country who fought to establish a lasting foothold for justice and equality within the rule of law. Based on this kind of unique and historic tradition and rooted in the home city of Independence Hall, Philadelphia was internationally recognized as a World Heritage City in late 2015. Philadelphia earned this status primarily because of the legacy of freedom and democracy that we inherited.

Having achieved the status of a World Heritage City, the legal community should challenge itself to ask whether we are doing enough to retain this status over the next 250 years. Cohen and LeVan reflect the impressive legal aid and pro bono work that continues among many local nonprofits, law firms and corporate legal departments. But are our collective efforts adequate to uphold the American principles of justice into the future?

For example, how are the rule of law and justice affected when less than 5 percent of Philadelphia tenants have legal representation in eviction cases compared to over 80 percent for landlords? How are individual rights, freedom, and equality affected when more than one-quarter of all Philadelphians live in poverty (more than 400,000 people) – the highest poverty rate among big cities in America? Do liberty and “the common good” retain any meaning when only one in five individuals and families facing a truly critical legal problem are able to access some type of legal aid?

The international criteria for earning World Heritage status include: “representing a masterpiece of human creative genius”; “exhibiting an important interchange of human values over a span of time”; “bearing exceptional testimony to a cultural tradition”; and “associating with ideas and beliefs with outstanding universal significance.”

The exceptional work of Cohen and LeVan demonstrates that the Philadelphia legal community retains the potential to live up to our unique heritage of equal justice for all. Lawyers and the law itself have served the cause of justice since our nation’s founding. But it is time to face the challenge of establishing the new systems and increased resources needed for our city to more fully protect the common interests we share and the basic civil rights of those who are disadvantaged.

Donation Opportunity
Contributing to the Philadelphia Bar Foundation shows you care about our justice system and the assistance it provides to the community. With one contribution you are supporting all the public interest legal organizations in the Philadelphia area that serve those who need a lawyer to help them assert their legal rights but who cannot afford one. For more information, please visit www.philabarfoundation.org.

PHILADELPHIA BAR FOUNDATION FUNDRAISER AT BROOKS BROTHERS

Brooks Brothers on Walnut Street hosted a fundraiser, featuring its new women’s collection by Zac Posen, for the Philadelphia Bar Foundation on May 3, offering Philadelphia Bar Association members 25 percent savings on purchases made during the event. Brooks Brothers donated 10 percent of net sales from the event to the Foundation.

Far Left: John Lamb Jr., law student, Rutgers School of Law, and Michael C. Witsch, associate, Montgomery McCracken Walker & Rhoads LLP, show off some sharp shirts. Left: A Brooks Brothers associate helps Maureen M. Farrell, member, Board of Governors, and associate editor of this publication (right), put together the perfect professional look.
A Good Brief Can Go a Long Way for Your Client

By David W. Brown

Many lawyers relish the opportunity to argue a weighty legal issue in court, negotiate a sizable settlement at a mediation, or counsel a client about the complexities of their case, but the prospect of writing a brief has as much appeal as undergoing a root canal. No doubt, it can seem daunting to pore over the pleadings and evidentiary record in one of your files, and then bang out a 20-page brief that, depending on the venue, may include proposed findings of fact and conclusions of law. Keep in mind, though, whether you are trying to convince a judge to deny your adversary’s summary judgment motion or grant your client’s petition for workers’ compensation benefits, a strong brief can make the difference between winning and losing, especially when the judge is “on the fence” as to which way to rule. Here are a few reminders when you are working on your next brief.

Focus on the Facts—You know the facts of your case – including the subtle nuances – backwards and forwards, but the judge may not. I have read too many briefs where the lawyer glosses over the facts and then dives right into the argument, leaving the judge without a firm grasp of the case. Your argument will be more powerful and convincing if you have laid the foundation by setting out the key facts chronologically, highlighting those at the crux of your case.

Rely on Your Research—Finding the right case can tremendously strengthen your brief. Citing the black-letter principles of law already eminently familiar to the judge is not likely to enhance your chances of winning. However, if you delve into WestLaw and find a case or line of cases analogous to the unique facts of your case, that could be enough to tip the scales in your favor. Do not just cite the cases – discuss them in detail and explain, for example, why the Superior Court’s upholding of a judge’s grant of a motion in limine mandates the same ruling in your case.

Finish With a Flourish—you have carefully delineated the important facts in your case and advanced a well-crafted argument where you have analyzed the applicable case law, now you need a solid closing. In a conclusory paragraph or two, succinctly hammer home the main points of your argument, stressing why the law and facts warrant a favorable ruling by the judge.

David W. Brown (Dave@pearsonkoutcherlaw.com) is an associate at PearsonKoutcher LLP.

U.S. SUPREME COURT BAR INDUCTION

Thirteen Philadelphia Bar Association members were moved into Bar of the U.S. Supreme Court by Chancellor-Elect Deborah R. Gross, who is a member of the Bar of the U.S. Supreme Court, on May 23.

Left: Chancellor-Elect Gross (sixth from right) with Association members newly admitted to the Bar of the U.S. Supreme Court, Jennifer L. Maher, broker of record and general counsel, Firstbase (left to right); Obinna I. Abara, Abara Law Firm, PLLC; Ryan E. Peters, associate, Pepper Hamilton LLP; Douglas K. Rosenblum, partner, Pietragallo Gordon Alfano Bosick & Raspanti, LLP; Bethann Schaffzin Kagan, partner, Shein Law Center; Sonya Fair Lawrence, Thomas Jefferson University; Kurt E. Kramer, shareholder, Capehart & Scatchard, P.A.; Tracy A. Walsh, partner, Weber Gallagher Simpson Stapleton Fires & Newby LLP; Vice Chancellor Mary F. Platt; Sarah E. Holmes, Sarah Holmes Law; Jennifer Dumin, Berner Klaw & Watson LLP; and April M. Byrd, partner, Shook, Hardy & Bacon L.L.P.

WORKERS’ COMPENSATION SECTION

JULY HAPPY HOUR AT THE LOGAN

Pictured are three years of Workers’ Compensation Section judge co-chairs at the Section’s happy hour at The Logan on July 14. From the Workers’ Compensation Office of Adjudication (left to right), Hon. Denise E. Krass, 2016 co-chair; Hon. Audrey Beach, 2017 co-chair; and Hon. Tina Maria Rago, 2015 co-chair, hanging out by the fire on a 90+-plus degree day!

MEMBERS VISIT USO AT AIRPORT

Jennifer A. Etkin, Michael A Etkin & Associates (left), and Deborah Richman, Schaff & Young, PC (right), meet with Brian Loughlin, center manager, Philadelphia Airport Center USO, on July 20 to learn more about the variety of hospitality and support services the USO provides for members of the military and their families.
Top left: Lily Dideban, executive committee member, Young Lawyers Division (YLD) (left to right); Matthew Ix, student at St. Joseph’s Preparatory School and winner of the 2016 Edward F. Chacker Essay Contest; Hon. Eduardo C. Robreno, U.S. District Court for the Eastern District of Pennsylvania; Past Chancellor Edward F. Chacker; and Lauren P. McKenna, chair, Board of Governors; at the Naturalization Ceremony sponsored by the Philadelphia Bar Association at the U.S. Courthouse on July 7. Chacker presented Ix with a college scholarship for winning an essay contest he sponsors as part of the YLD Law Week and Ix read the essay at the ceremony. Bottom left: Chacker and Judge Robreno with Ix and his family. Above: New citizens take the Oath of Citizenship. Ninety-eight people from 43 countries became U.S. citizens at the ceremony.

PHILADELPHIA DIVERSITY LAW GROUP’S JUDICIAL CLERKSHIPS SEMINAR

Federal and state judges were invited to speak with the 2016 Philadelphia Diversity Law Group (PDLG) Summer Fellows and additional summer associates from the PDLG member organizations about the clerkship experience and the application process for clerkships at Blank Rome LLP on July 7.

Left: Hon. Joel Schneider, Magistrate Judge, U.S. District Court for the District of New Jersey (left to right); Hon. Sheila Woods-Skipper, President Judge, Philadelphia Court of Common Pleas; Sophia Lee, diversity chair, Board of Governors; Alan Hoffman, chairman and managing partner, Blank Rome LLP; Hon. Theodore McKee, Chief Judge, U.S. Court of Appeals for the Third Circuit; Hon. Cynthia M. Rufe, U.S. District Court for the Eastern District of Pennsylvania; and Hon. C. Darnell Jones, U.S. District Court for the Eastern District of Pennsylvania; at the PDLG’s Judicial Clerkships Seminar.

FEDERAL COURTS COMMITTEE


Far left: Judges Sanchez (left to right), DuBois and Beetlestone. Left: Attendees participate in a question-and-answer session on jury selection at the federal level.
Restoring Dignity to a Life of Marginalization

By Andrew E. Kampf

From 1986 until 2010, FD, a black Mauritanian, had lived as a member of the oppressed majority population, who are routinely marginalized, discriminated against, and even enslaved simply because of their race. FD, however, was entirely unaware of this discriminatory dynamic, due to his rural upbringing and lack of any formal education outside of Koranic religious study. In 2009, the death of FD’s father and subsequent impoverishment of his mother and younger brother forced him, the only adult male in the house, to move to the capital city of Nouakchott to find work. This change would force him to face, head-on, discrimination, slavery, torture and threats on his life.

In particular, FD, after working for months for a powerful and politically connected member of the ruling Arab minority race without pay, was arrested because he asked for his rightful earnings one too many times. The police told him that, as a black man working for an Arab man, he was a slave and therefore not entitled to payment. As punishment for requesting the salary rightfully due to him and for openly rejecting the notion that he was a slave, FD was detained and viciously tortured for six days by his own government. During the period that FD was working for free, he had become more involved with political and social activity to further the rights of the black Mauritanian majority and to put an end to slavery and oppression at the hands of the ruling Arab minority. About two weeks after he was released from jail, FD found himself right back, before the same police officers, this time after being arrested as part of a large protest against slavery and the Arabization of Mauritania. Again, he was viciously tortured, this time for one week. FD has permanent physical scars resulting from his torture. Upon release from this second imprisonment, the police chief swore he would kill FD if he ever saw him again.

FD knew he had to leave and make his way north, eventually reaching France, where his brother lived. FD never planned to remain in France. The country’s close relations with the Mauritanian government gave rise to fears that he would be forcefully returned to a place where his safety was at stake. Instead, in 2012, he flew to Philadelphia where he has lived ever since.

In early 2013, FD contacted HIAS Pennsylvania seeking assistance with affirmatively filing for asylum in the United States based on his credible fear of what would happen to him if he were to return to Mauritania. HIAS Pennsylvania staff, after vetting the case, referred the matter to Ballard Spahr LLP.

I had been practicing for two and a half years continuously developing a strong pro bono practice, but I was reluctant to take on an asylum case as it seemed like a daunting and intimidating area of law. I was convinced to provide representation with the encouragement of Jason Leckerman, partner, Ballard Spahr LLP; and Ruth Useulton, counsel, Cigna; both of whom have built up an expertise with pro bono asylum cases and who assisted with FD’s case. I soon realized that Ballard Spahr LLP, HIAS Pennsylvania and the immigration law community as a whole, including my friend and immigration attorney Chris Casazza, Law Offices of David E. Piver, could provide me with ample resources to serve FD’s legal needs. We filed FD’s asylum application in May 2013. After a three-year delay, in May 2016 FD finally had his day in Immigration Court. After a hard-fought, four-hour hearing, FD was granted asylum, allowing this impressive, hard-working, and intelligent young man an opportunity to live his life with dignity.

Andrew E. Kampf (kampf@ballardspahr.com) is an associate at Ballard Spahr LLP.

PHILADELPHIA BAR ASSOCIATION

CAREER CENTER

Post with us…
Reach thousands of candidates today!

Start at CareerCenter.PhiladelphiaBar.org
Women in Law Hackathon at Stanford Law Features Philadelphia Lawyers

By Donna Gerson

Women make up just 18 percent of law firm equity partners—up only 2 percent since 2006. “This very slow pace of change makes it seem as though the ceiling is not so much glass as impenetrable concrete,” says a white paper titled “Retaining and Advancing Women in National Law Firms” published by Stanford Law School.

How to stem the tide? Host a hackathon event to formulate innovative solutions. In Silicon Valley, a hackathon refers to a competition over the course of one or several days to create computer coding solutions individually or in teams. Caren Ulrich Stacy, founder and CEO of Diversity Lab and a thought leader in the legal profession, took that idea and created the inaugural Women in Law Hackathon in collaboration with Stanford Law School and Bloomberg Law on June 24.

Major U.S. law firms were asked to send one partner or in teams. Caren Ulrich Stacy, founder and CEO of Diversity Lab and a thought leader in the legal profession, took that idea and created the inaugural Women in Law Hackathon in collaboration with Stanford Law School and Bloomberg Law on June 24.

Major U.S. law firms were asked to send one partner - 54 law firm partners, 18 talent and diversity experts, along with nine Stanford Law students – were divided into nine teams who worked together to create innovative solutions to gender inequity issues at the upper echelons of law firms. At the “Shark Tank” style pitch competition, held on Friday, June 24 at Stanford Law, nine teams presented their ideas to a group of distinguished judges who are legal industry leaders.

Several Philadelphians participated in the Hackathon including Nina K. Markey, shareholder, Littler Mendelson P.C.; Daniel Rhynhart, partner, and Kathy E. Herman, associate, Blank Rome LLP; David A. Gerson, partner, Morgan Lewis; Deborah Epstein Henry, president, Flex-Time Lawyers LLC and co-founder and managing director, Bliss Lawyers; and Avery Blank, principal and owner, Avery Blank Consulting.

The winning team was coached by Henry. Henry and her teammates created the SMART platform, which includes an app and a dashboard. SMART stands for Solutions to Measure, Advance and Reward Talent and is a gender neutral reporting and evaluation system that promotes the retention and advancement of women by aligning firm values and culture with compensation and promotion. The goal of the SMART platform is to balance contributions and credit, realign rewards with value systems, reward non-billable hours that add value to the firm, encourage sharing previously undervalued work, and promote transparency to help disrupt unconscious bias.

The team envisioned eight pillars to the SMART platform: Billable and pro bono hours; business development; advancing diversity; quality of work; client satisfaction; lawyer development; leadership and initiative; and external visibility. Each pillar is comprised of SMART “building blocks” that serve as the foundation for the pillar and guide attorneys in determining the activities that fall into each category. Firms can customize the SMART platform by weighing and rewarding the behaviors that most align with the core values of the firm.

As the legal profession continues to grapple with issues related to women and leadership, as well as diversity and inclusion, the hackathon concept offers a promising way to bring together individuals committed to finding creative solutions and building a supportive community for innovators to create change.

Donna Gerson (dgos9@drexel.edu) is the associate dean of the Career Strategies Office at Drexel University Thomas R. Kline School of Law.

BUSINESS LAW SECTION - ABA BUSINESS BAR LEADERS CONFERENCE

A number of chairs, past and present, of the Philadelphia Bar Association’s Business Law Section attended the American Bar Association’s (ABA) 14th Annual Business Bar Leaders Conference in Chicago in May. The conference is organized by the ABA Business Law Section and provides a unique opportunity for the leaders of state and local business law sections to meet, share ideas and to learn how the ABA can assist their organizations in fulfilling their missions.

Left: Michael D. Ecker, member, Eckert Seamans Cherin & Mellott, LLC (left to right); Katayun L. Jaffari, chair, Business Law Section; William B. Rosenberg, chair, ABA Business Law Section; and Merritt A. Cole, counsel, Earp Cohn P.C.; attended the conference. Graham R. Laub, partner, Dilworth Paxon LLP (not pictured), also attended. Cole served as chair of the conference and Ecker served on the planning committee of the conference.
Overcoming Voter ID Laws to Boost Turnout

By Enrique Marquez

Voting in the United States has certainly been a tale of ups and downs for many. In the beginning, if you were not a white, male property owner, you had no vote. Upon the inception of the 15th Amendment, progress took a great leap forward and the right to vote was bestowed upon all men. Alas, progress was stunted by those who took issue with the fact that minority males were given such rights. As a result, organizations such as the Ku Klux Klan took haste to prevent this progress from occurring. States began enacting laws that inhibited the right to vote for certain demographics. The 20th century, however, was a pivotal century for voting rights. Women received the right to vote in 1920 and the Voting Rights Act was enacted in 1965. In the grand story of voting rights history, the ebbs and flows continue, and today is no exception. In a recent Philadelphia Bar Association CLE titled “Voting Rights: Where We Came From and Where We Are Going,” hosted by the Association’s Civil Rights Committee along with the Delivery of Legal Services Committee; Public Interest Section; Young Lawyers Division; the Asian Pacific American Bar Association; The Barristers’ Association of Philadelphia, Inc; and the South Asian Bar Association, a panel discussed certain improvements that can be made.

Much of the controversy surrounding the subject of voting rights today include voter identification laws and disenfranchisement (among others). Voter ID laws open up the potential to disproportionately impact and alienate certain demographics. Requiring identification in order to be able to vote objectively does not appear challenging. However, for those who have no birth certificate or live in rural areas of the United States, it provides a huge obstacle. This situation is more common than people realize. Voter ID laws are confusing. For example, people in states that have enacted these laws believe it requires them to obtain additional identification even though they already have the proper documentation. These laws shrink turnout at the polls and in an attempt to improve turnout, there are certain solutions to the problem.

Though the Commonwealth Court struck down Pennsylvania’s Republican-backed voter ID law, Pennsylvania faces a battle to increase the amount of Pennsylvanians who vote. During the 2012 elections, Pennsylvania ranked 29th in voter turnout. Even scarier is the fact that fewer than 25 percent of people in Pennsylvania cast a ballot during the 2015 elections. Among solutions discussed were same-day registration, pre-registration and auto registration. Same-day registration has the potential to provide the biggest impact. Four out of five states with the highest voter turnout have executed same-day registration.

On average, states that allow it experience an increase of at least 10 points in voter turnout. In order to tap into a pool of soon-to-be voters, Pennsylvania can allow pre-registration of 15- and 16-year-old teenagers to capitalize on the moment when the teenagers obtain their licenses at the DMV. In behavioral economics lingo, Pennsylvania can also attempt to “nudge” people into voting by providing an “opt-out” system of registering as opposed to opting in. Perhaps there may never be a stain in the voting process, and perhaps that is for the best. As America evolves and progresses into the future there are bound to be future obstacles we may need to overcome. For the moment, we all must oblige ourselves to participate in the democratic process and vote. We must also ensure that one gets in the way of that.

Enrique Marquez (Enrique.Marquez@Phila.gov) is an assistant city solicitor for the City of Philadelphia Law Department.

CLE Topic Idea?
To submit a topic idea for a CLE course or volunteer to be a course planner or presenter, contact Director of Continuing Legal Education, Tara D. Phoenix, at 215-238-6549 or tphoenix@philabaz.org.

Inaccessibility at Polling Places Discourages Disabled Voters

By Elisa C. Advani

Voting is obstructed for people with disabilities due to inaccessible polling places and misused machinery, members of the Philadelphia Bar Association’s Legal Rights of Persons with Disabilities Committee were told at the Committee’s April 15 meeting. It is federally mandated that each state have an advocacy organization that addresses this problem. In Pennsylvania we have Disability Rights Pennsylvania (DRP). DRP’s Project Director/Traumatic Brain Injury Deborah Delgado presented to the Committee. The DRP assists in providing information for people with disabilities so they can act in their best interest with regard to voting, Delgado became the facilitator of DRP in 2014 and since then has had monthly meetings with the Disabled Voters Coalition Advisory Committee to get advice on how to steer DRP’s efforts. Delgado also works closely with Centers for Independent Living, community-based services run by people with disabilities for people with disabilities.

Delgado mentioned how fortunate we are to have Pennsylvania Secretary of State Pedro Cortés back in office because he and his staff are genuinely interested in voting rights. During Cortés’s first term in office, Delgado was one of the first people to meet with him regarding issues with voting machinery. Together, they formed the Pennsylvania Voter’s Coalition and later the Disabled Voter Coalition.

The biggest problems the DRP faces are inaccessible polling places and poll workers who are not adequately trained on the machinery to properly assist voters. Delgado plans to conduct 200 polling place acceptability surveys over the next two years, and will provide a report of the findings to the Department of State and county elections directors. She is also committed to making it possible for individuals with disabilities to work at polling places. Currently, in order to work at a polling place one must commit to a 12- or 14-hour day on election days, a challenge for individuals with disabilities. One way to circumvent this requirement would be to allow for two individuals to split the shift, but this remains prohibited. Delgado also has plans to train people on how to be non-partisan poll observers and assist people in resolving any issues they may have with casting their votes. Other considerations include parking accommodations and clear and direct pathways into the polling places.

Voters with mental impairments are also being disenfranchised, since people confined in penal and mental institutions are not considered qualified absentee voters under the law. Of the six psychiatric institutions in Pennsylvania, only one has an onsite polling place. This means that for individuals in other institutions without travel privileges or transportation, even if they use the institution’s address on their registration, the right to vote is lost. “Some people might have concerns about persons with intellectual disabilities making an independent choice in political elections, but the fact is there is no intelligence test for becoming a registered voter. You have to be a resident, at least 18 years old and registered 30 days prior to the election – that is it. So we at the DRP will support whoever wants to exercise that right,” Delgado said.

Elisa C. Advani (eadvani@elisaadvaniJustice.com), associate at Pond Lehocky Stoner Giordano, is an associate editor of the Philadelphia Bar Reporter.
Selling Your Business in a Volatile Market

By Mary E. Ashenbrenner

JUDGE RIZZO PORTRAIT UNVEILING

Chancellor Gaetan J. Alfano spoke at the portrait unveiling of Hon. Annette M. Rizzo (Ret.) at City Hall on June 14. Judge Rizzo was Chancellor Alfano’s legal intern in the Philadelphia District Attorney’s Office while she was in law school.

Left: Chancellor Alfano and Judge Rizzo at the portrait unveiling on June 14.

Beestlestone continued from page 6

aging approximately 14 trials per year.
Out of the 144 employment discrimination trials held in the last ten years, 57 percent were found in favor of the defendant, 22 percent in favor of the plaintiff, 17 percent were dismissed, and 4 percent partially in favor of each side. Out of the 33 judgments in favor of plaintiffs, there was a total of $13,958,964 awarded to plaintiffs, Judge Beestlestone said. Excluding two extraordinarily large judgments in those years, the average judgment was $211,501, and the range of judgments has been $541 to $750,000 for plaintiffs. These numbers, she said, are solely from the verdict sheet, and are excluding attorneys’ fees.

Annie Kernicky (annie.kernicky@flastergreenberg.com), associate at Flaster Greenberg, is an associate editor of the Philadelphia Bar Reporter.
LEGAL ADVISORY UPDATE FROM USI AFFINITY

When Lawyers Mess Up: Current Malpractice Trends

According to the American Bar Association (ABA) Standing Committee on Lawyers’ Professional Liability, between 2008 and 2011 the top areas of practice generating malpractice lawsuits were, in order of frequency:

- Real estate
- Personal injury
- Family law
- Estate, trust and probate law
- Collection and bankruptcy

This may be seen as a deviation from a longstanding trend where lawyers who practiced personal injury law were the most likely to generate the most malpractice suits filed against them on an annual basis. The findings may be due to data limitations and the fact that the analysis is not adjusted for the number of total practitioners in each practice area, the committee cautioned.

New Exposure Areas Faced by Firms

Continued fallout from the financial crisis and the growing complexity of electronic discovery are just two of the new areas of exposure to liability for law firms. But an increase in legal malpractice litigation may be a sign that major law firms are willing to stand their ground rather than bow out early through face-saving settlement agreements.

There appears to be a growing trend that attorneys are now less likely to settle claims early on, before a claim is filed that could potentially stigmatize the firm. According to a Law 360 report (http://www.law360.com/articles/592927/legal-malpractice-cases-to-watch-in-2015), there has been a rapid rise in the media coverage of suits against law firms and attorneys, and it is becoming clearer and clearer to firms that malpractice suits do not necessarily result in a tarnished reputation.

The ABA’s Standing Committee on Professional Liability is planning to issue its next edition examining the profiles of legal malpractice claims in September 2016. For more information about legal malpractice trends and how to protect your practice, contact Jenny Shazes at USI Affinity today at (610) 537-1456 or jenny.shazes@usiaffinity.com.

For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinity.com/PhiladelphiaBar. For Lawyers’ Professional Liability and other business coverages, you can continue to visit the regular Philadelphia Bar Association Insurance Program website at www. philadelphia.bar.org/insurance. If you’d like to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 1-855-474-0007.

For over 75 years, the divisions of USI Affinity have developed, marketed and administered insurance and financial programs that offer affinity clients and their members unique advantages in coverage, price and service. As the endorsed broker of the Philadelphia Bar Association and more than 30 other state and local bar associations and with more than 30,000 attorneys insured, USI Affinity has the experience and knowhow to navigate the marketplace and design the most comprehensive and innovative insurance and benefits packages to fit a firm’s individual needs.

LAW SCHOOL OUTREACH COMMITTEE - SUMMER BROWN BAG SERIES

Direct Services Agencies Discuss Trends, Policy

By Jamie Pizzi

“The Philadelphia public interest community is one of the most vibrant in the country,” Barry Kassel, senior staff attorney, Support Center for Child Advocates, explained during the July 7 installment of the Summer Brown Bag Series titled “Hot Topics in Direct Services.” Other panelists included Thomas Ude, legal and public policy director, Mazzoni Center; Julia Simon-Mishel, public benefits unit attorney, Philadelphia Legal Assistance; and Jenna Collins, housing attorney, AIDS Law Project of Pennsylvania. The panelists discussed the daily operations of their unique public interest agencies including new methods of service and policy changes.

The introduction of “medical-legal partnerships,” where health, public health and legal sectors integrate to combat health-harming social conditions, is especially relevant in the Philadelphia public interest community. Ude, whose organization focuses on helping the LGBTQ community, described how his organization’s in-house medical service approach to the medical-legal partnership differs from that of other organizations.

“We are a less formal medical-legal partnership,” Ude said, “we don’t have written agreements with a clear delineation of how things are going to happen. We help people to address some of the social determinants of health and access to healthcare issues.” For instance, for families where only one parent has a biological relation to a child, a great deal of stress can occur in the event of a break-up or divorce. This is where the Mazzoni Center comes in, providing help with adoptions and custody, among a vast array of other issues affecting the LGBTQ community’s wellness overall.

Kassel explained his organization’s program for cases involving children with permanent medical-needs.

The holistic approach taken by The Support Center for Child Advocates address all aspects affecting a child’s wellbeing, thus ensuring adequate healthcare is a paramount concern for the organization.

Another “hot topic” presented to the panelists was the policy passed by the Philadelphia School Reform Commission complying with the Department of Justice’s new guidelines that ensure gender identity now be protected under Title Nine. Ude applauded the new policies that will keep children identifying as a gender other than the one assigned at birth from being “outed” by their schools, but all panelists agreed there is still work that needs to be done in order to ensure absolute equality.

Lastly, the importance of public interest organizations working together for the community was highlighted by the panelists. “I think the entire Philadelphia public interest community is moving towards being more interconnected,” Simon-Mishel said, as she explained how communication between agencies creates a more effective way of representing clients on a larger scale.


By Jamie Pizzi (jpizzi@philabar.org), student at Villanova University Charles Widger School of Law, is the Delivery of Legal Services Committee intern at the Philadelphia Bar Association.

Member Benefit:
Finn McCool’s Ale House
Featuring Guest Bartending Event
Aug. 18

Guest bartenders from the Philadelphia Bar Association and The Barkann Family Healing Hearts Foundation will team up for one night to shake, stir and sling drinks for your gracious and generous tips.

Money raised through tips and raffle tickets will support the 2016 Bench-Bar & Annual Conference Scholarship fund and the mission of the Barkann Family Healing Hearts Foundation, which gives financial support to those whose hearts have been broken by the sudden illness or sudden loss of life of a loved one.

Attendees will enjoy deeply discounted drinks and food. Raffle prizes include Bruce Springsteen tickets, Philadelphia Union tickets and more. To donate raffle prizes, contact Tracey McChoskey (tmccloskey@philabar.org) for more information. Registration is requested, but not required, at philadelphiabar.org.

Philadelphia Bar Association members regularly save 20 percent (excluding happy hour) and 10 percent during Thursday happy hour. Show your Philadelphia Bar Association membership card (available in the Member Center) to receive the discount. For more information, visit the Member Benefits page at PhiladelphiaBar.org.
A Mano, Italian “By Hand” in Fairmount

By Lee A. Schwartz

Townsend Wentz, the chef and mastermind behind Townsend on East Passyunk, has opened his second enterprise, A Mano, or “by hand,” this time in the hot East Fairmount neighborhood. Michael Millon, who has trained and worked beside Townsend Wentz for a decade, is the executive chef at A Mano.

The menu is divided into three groupings of appetizer offerings, pasta and main courses. Based in Italian cuisine, the dishes span the country and offer no specific region. Seasonal updates will be made.

The house-made sourdough focaccia with soft, unsalted butter was to die for -- according to my trusted companion, who is a bread authority in our family.

The pastas are all homemade. The Cauliflower Mezzaluna, for $14, is cooked in balsamic brown butter, toasted almonds and amaretti. It was wonderful, as was the Tomato Chitarra, cooked perfectly with jumbo lump crab, fava beans and roasted corn and the Parsley Cavatelli, made with escargot, beech mushrooms, bone marrow and green garlic, both for $16. Note that these pastas are the definition of “small plates.” Ordering two, for two people, may not be enough -- depending on your appetites and your wallet.

As we enjoyed our pastas, an Assorted Antipasto Board went past our table. This beautiful appetizer had meats, cheeses, roasted vegetables and other delights. While priced at $22, it looked wonderful and worth a try on our next visit.

For main courses, we enjoyed Calabrian Seafood Stew, for $34, with swordfish, prawns, scallops, mussels and cockles in a wonderful chili brodo broth. Long hots were a welcome addition. We also had one of our favorites, pan seared Skate Wing, cooked to perfection. It was paired with artichokes, caperberries, peperonata and lemon for $28. “Mmmmmmmmmmmmmmmmmmm” describes it perfectly.

The desserts all looked wonderful. We enjoyed the home made doughnuts, which were light and divine.

A Mano, located at 2244 Fairmount Ave., recently started taking reservations on their website. The restaurant has approximately 18 tables. Late in the day, sun can be a problem for diners facing 23rd Street so sit strategically. Public parking is conveniently located across the street. A Mano is cash only and is BYOB. Noise is not an issue as the restaurant has a sound deadening ceiling.

Lee A. Schwartz (Lee@schwartzjordan.com) is a divisional SchwartzJordan Law Group LLC.

INTERNATIONAL BUSINESS INITIATIVE

Obscure Moldova Presents Opportunities for Business

By J. Michael Considine

Located between Romania and Ukraine, Moldova lost a third of its population during 80 years of comminism. A special agency had to be established to deal with the diaspora, or Moldovans living abroad. The officially democratic nation has a history of political corruption and, at one point, $1 billion disappeared from the country’s state banks. Yet, its government and economic standing are improving.

Speaking live from Chisenau, Moldova, attorney Stefan Gligor and Elena Dragalin, Moldova AID, told the International Business Initiative that the agriculture, wine, information technology and real estate of Europe’s poorest, but rising, country present great investment opportunities. Startup and labor costs are low with a 12 percent income tax, but while legislation is favorable for business, implementing it is a challenge. Western investment is usually “untouchable,” and potential risks to foreign investors must be carefully considered. Tariffs are shockingly high, but not much has been done in the way of reform. However, there are opportunities in winemaking, agriculture, construction, apartments, and real estate for locals as foreigners cannot own property. Also, Moldova is fifth in the world in internet quality and many well-developed IT companies act remotely with access to free optical fiber. In September 2009, it was the first country to launch high-definition voice services for mobile phones, and the first in Europe to launch 14.4 Mbit/s mobile broadband at a national scale with over 40 percent population coverage. In 2010, there were 1,295,000 internet users with overall Internet penetration of 35.9 percent.

Moldova is known for its wine and champagne, due to the rich chernozen soil, but also its local dishes. Mamaliga, hard corn porridge, is the national dish, poured onto a flat surface in the shape of a big cake and served with cheese, sour cream or milk. Filled cabbage and grape leaves along with soups such as zama and the Russian borsch also form part of daily meals. Plăcintă, a pastry filled mainly with cheese, potatoes or cabbage, is sold on the streets. Moldovan fruits have a unique taste, but unfortunately EEU standards favor appearance over taste.

The infrastructure is good in the city of Chisenau, but not in villages. There is religious and political freedom, along with free speech in the public arena, but less than in the United States. Advance notice for searches is required and while local companies may have more influence with judges than foreign companies, government decisions may be contested in constitutional court. Appeals can be made to the European Convention for Human Rights in Strasbourg to overturn Moldovan courts.

Moldova fruits have a unique taste, but unfortunately EEU standards favor appearance over taste.

The infrastructure is good in the city of Chisenau, but not in villages. There is religious and political freedom, along with free speech in the public arena, but less than in the United States. Advance notice for searches is required and while local companies may have more influence with judges than foreign companies, government decisions may be contested in constitutional court. Appeals can be made to the European Convention for Human Rights in Strasbourg to overturn Moldovan courts.

J. Michael Considine (adventure7@juno.com), The Law Offices of J. Michael Considine Jr., P.C., is chair of the International Business Initiative.
CALENDAR OF EVENTS

Note: While the following listings have been verified prior to press time, any scheduled event may be subject to change by the committee or section chairs. Lunches are $9 for members and $15 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 Headquarters, 1101 Market St., 11th Floor, Philadelphia, PA 19107-2955.

Aug. 2
Bar Reporter Editorial Board: meeting, 8:30 a.m., 11th Floor Committee Room South.

Aug. 3

Aug. 4
CLE – Nursing Home Litigation: 12 p.m., 11th Floor Committee Room South.

Aug. 9

Aug. 10
APABA-PA Board: meeting, 12 p.m., 11th Floor Committee Room South.

Aug. 11

Aug. 12
Workers’ Compensation Section Executive Committee: meeting, 10:30 a.m., 10th Floor Board Room.

Aug. 13
CLE – How Good Is Your Legal Malpractice Insurance? 12 p.m., 11th Floor Committee Room South.

Aug. 14
Public Interest Executive Committee: meeting, 12 p.m., 11th Floor Conference Center.

Aug. 15
Public Interest Executive Committee: meeting, 12 p.m., 10th Floor Board Room.

Aug. 16
Employee Benefits Committee: meeting, 12:30 p.m., 11th Floor Conference Center. Lunch: $9.

Aug. 17
DLSC Resource Development Subcommittee: meeting, 9 a.m., 10th Floor Board Room.

Aug. 19
Social Security Disability Benefits Committee: meeting, 12 p.m., 11th Floor Conference Center.

Aug. 20
Employee Benefits Committee: meeting, 10 a.m., 11th Floor Conference Center.

Aug. 21
Disability Rights Committee: meeting, 9 a.m., 11th Floor Conference Center.

Aug. 22
YLD Executive Committee: meeting, 12 p.m., 10th Floor Board Room.

Aug. 23

Aug. 24
FREE CLE – Avoiding Legal Malpractice: 9 a.m., 11th Floor Conference Center. Register: FULL.

Aug. 25
LRS Committee: meeting, 12 p.m., 11th Floor Committee Room South.

Aug. 26
FREE CLE – Avoiding Legal Malpractice: 9 a.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.

Aug. 27
FREE CLE – Avoiding Legal Malpractice: 9 a.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.

Aug. 28
Women in the Profession Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Aug. 29
FREE CLE – Avoiding Legal Malpractice: 2 p.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.

Aug. 30
Women in the Profession Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Aug. 31
LGBT Rights Committee: meeting, 12 p.m., 11th Floor Committee Room South.

STAFF IN THE NEWS

Charlie Kltisch, director of public and legal services, visited the Albany County, N.Y. Bar Association on July 25 to provide staff and leadership with advice on how to improve their Lawyer Referral Service. Kltisch has been a volunteer consultant with the ABA Program of Assistance and Review since 2006, and has provided advice on Lawyer Referral Services to more than 15 bar associations across the country.

Tracey McCloskey, director of meetings and special events, was honored by the Workers’ Compensation Section for many years of service not only to the Workers’ Compensation Section but to the entire membership of the Philadelphia Bar Association. McCloskey has also reached the service milestone of 10 years at the Association.

Meredith Z. Avakian-Hawarday, director of communications and marketing, has completed a term as president of the Philadelphia Public Relations Association (PPRA). PPRA is the premier association for public relations professionals in the Greater Philadelphia area. Founded in 1945, PPRA is the nation’s oldest and largest independent public relations association.

Dawn Petit, meetings coordinator, reached the service milestone of 10 years at the Philadelphia Bar Association.

The Philadelphia Bar Association and Philadelphia Bar Foundation thank interns Jami Gross, Rachel Kelly, Reece McGovern and Jamie Pizzi for their hard work and dedication over the course of this summer.
People


Edward P. Kelly, partner at Raffaele Puppio, presented at a government leadership panel at the 2016 Youth Leadership Academy (YLA) in May at Penn State Brandywine in Media, Pa.

George Martin, founding partner with Martin Law, was re-elected chair of the board of trustees for Earthjustice.

Richard G. Poulsen, partner, Willig, Williams, & Davidson, presented a session titled “The Nuts & Bolts of Bargaining, Bargaining Strategies, and Media Resolutions” to explore the best practices in dealing with constituencies at a seminar organized by Labor Relations Information System.

Jay H. Ginsburg, Jay H. Ginsburg (PC) (right), and his son, Alexander J. Ginsburg, partner at Peter Bowers, PC, participated in an Army Day/Flag Day event in honor of the late Sen. John McCain.

Hon. Abbe F. Fletman, Philadelphia Court of Common Pleas, has been appointed to the American Bar Association Standing Committee on the American Judicial System for a one-year term beginning Aug. 1.

George F. Nagle, founding partner of Nagle Law, LLC, presented at the “Revitalizing Communities through New Markets” Tax Credits” program held at Drexel University.


Carolyn P. Short, partner with Reed Smith LLP, has been elected to membership in the American Law Institute.

Daniel R. Sulman was nominated by Pennsylvania Gov. Tom Wolf for a seat on the Philadelphia Court of Common Pleas.

Robert W. Zimmerman, associate with Salz, Mongeluzzi, Barrett & Bensdorff PC, was elected president of the Philadelphia Trial Lawyers Association’s Family Law Section.

Joan N. Stern, partner with Eckert Seamans Cherin & Mellott, LLC, has been elected to the board of governors of the Jewish Agency for Israel.

Michael E. Bertin, partner at Obermayer Rebmann Maxwell & Hippel LLP, was elected second vice chair of the Family Law Section of the Pennsylvania Bar Association.

James J. Quinlan, associate at Blank Rome LLP, was recently elected as the 21st president of the Brehon Law Society, a role in which he will serve for a two-year term.

Jeffrey B. McCarron, partner at Swartz Campbell LLC, received the 2016 Distinguished Defense Counsel Award from the Pennsylvania Defense Institute at its annual meeting on July 14 and 15.

Daniel J. Siegel, Law Offices of Daniel J. Siegel, LLC, has been appointed as co-chair of the Pennsylvania Bar Association Committee on Legal Ethics & Professional Responsibility.

Nikki Johnson-Huston, Law Office of Nikki Johnson-Huston LLC, has been selected to receive a 2016 Minority Business Leader Award by the Philadelphia Business Journal.

Stewart M. Weintraub, shareholder at Chamberlain, Hrdlicka, White, Williams & Aughtry, co-presented a program as part of the Pennsylvania Institute of Certified Public Accountants’ 2016 Conference on Pennsylvania Taxes at Penn State Great Valley Conference Center in Malvern, Pa., on July 27.

Winifred M. Branton, principal of Branton Strategies LLC, wrote the Pennsylvania Land Bank Resource Guide, a comprehensive guide for understanding and implementing land banks as a tool for returning vacant, abandoned and tax-delinquent properties to productive use in Pennsylvania. She also presented a session titled “Using Land Banks to Revitalize Main Street and Elm Street” at the Pennsylvania Downtown Center’s Annual Conference.

Terry L. Fronson, managing attorney at Women’s Law Project, has been elected to the American Law Institute (ALI). She is currently serving as an advisor on ALI’s project to update model penal codes for sexual assault.

“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.

Election

continued from page 1

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/administration, at sknight@philabar.org for additional information. Signatures, along with a resume and written authorization to allow a check of disciplinary records, should be submitted to Association Secretary Jacqueline G. Segal, c/o Susan Knight, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107, no later than 5 p.m., Friday, Sept. 23, 2016.

Foundation

continued from page 9

Open-handed and open-hearted philanthropy is essential to ensure that we can have a hundred – a thousand – more Cohens and LeVans to sustain the well-being of our community. Please join the Philadelphia Bar Foundation in this effort. Donate online today through our secure website at PhilBarFoundation.org, and plan to join us at our Annual Benefit Hon. No. 5 to honor our highly deserving award recipients and hear their personal challenge for the rest of us to live up to their example and safeguard our shared future.

Steven E. Bizar (steven.bizar@dechert.com), a partner at Dechert LLP, is president of the Philadelphia Bar Foundation.

PhiladelphiaBar.org August 2016
Philadelphia Bar Reporter 19
FOR MORE THAN 30 YEARS, Sidney L. Gold & Associates, P.C. has dedicated its practice to the field of employment law and civil rights litigation. The firm’s attorneys take great pride in serving as both aggressive and compassionate advocates for victims of unlawful discrimination and harassment. As a result, the Martindale-Hubbell® Bar Register has certified Sidney L. Gold & Associates as a pre-eminent law firm in the field of labor and employment law. More than 4,500 lawyers throughout Pennsylvania and New Jersey look to Sidney L. Gold & Associates to refer their clients.

With a team approach, the firm’s attorneys represent clients in all aspects of employment law litigation, including all forms of workplace discrimination, sexual harassment, wrongful termination, retaliation, whistleblower, employment contract, wage and hour, and Family and Medical Leave Act claims. A boutique practice with a small-firm atmosphere, Sidney L. Gold & Associates provides personal attention to its clients, who, at the same time, benefit from the experience and expertise of the entire team.

Sidney L. Gold & Associates is proud of its skilled attorneys and is honored by the recognition Super Lawyers® has bestowed upon this year’s recipients.