Focus of 2018 June Quarterly on Equality, Compassion, Giving Back

Grace and civility were prominent themes in the remarks during the Philadelphia Bar Association’s Quarterly Meeting and Luncheon at The Bellevue Hotel on June 20. Hon. Jacqueline F. Allen, Administrative Judge, Trial Division, Philadelphia Court of Common Pleas, received the Association’s 2018 Sandra Day O’Connor Award and this year’s Judge A. Leon Higginbotham Jr. Memorial Public Interest Lecture was delivered by Kenneth C. Frazier, chairman of the board and CEO of Merck & Co.

“As Sandra Day O’Connor is often quoted as saying, we don’t accomplish anything alone in this world, and whatever happens is a result of the whole tapestry of our life,” Judge Allen said, as she accepted the award.

Judge Allen acknowledged all those who have “woven” her into the person she is today. She attributed her success to them, and said the award will give her the opportunity to do the same for others. “This award allows me to join a unique group of women who, in addition to being hard-working members of the bench and the bar, have chosen to give back by serving their community and laying the groundwork so that others can move forward to excel in this profession we call the law,” she said.

Judge Allen closed by imploring the audience to take the practice of law to “new horizons.” She asked women and people of color to not only take a seat at

Board Supports ABA Right-to-Counsel Resolution

The Board of Governors unanimously adopted a resolution on July 19 in support of American Bar Association Resolution 114, calling for appointment of counsel as a matter of right to low-income persons in all proceedings that may result in the loss of physical liberty.

The Philadelphia Bar Association has long supported a right to counsel for low-income individuals in cases involving basic human needs. In May 2006, it adopted a resolution to cosponsor the report and recommendations of the ABA’s Presidential Task Force on Access to Justice in Civil Cases. In an August 2006 resolution, the ABA House of Delegates adopted the report and recommendations of the ABA Task Force, as supported and co-sponsored by the Association.

Even prior to its 2006 resolution, the ABA had long advocated for a right to continued on page 17

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The Philadelphia Bar Reporter (ISSN 1098-5344) is published monthly and available for subscription at $15 per year by the Philadelphia Bar Association, 1135 Market St., 11th Floor, Philadelphia, PA 19107-2955. Phone: (215) 238-6300. Subscription is a privilege extended to all members of the Association. Business correspondence should be addressed to the Managing Editor, Philadelphia Bar Association, 1135 Market St., 11th Floor, Philadelphia, PA 19103. Telephone: (215) 557-2340 or e-mail: philadelphia@abar.org. While most states require some form of gun registration, Goodman, Harris, Conway and Kairys agreed that there are too many loopholes, including guns transferred by straw purchasers to those whose mental or mental health history would prevent them from purchasing guns from a federally licensed gun dealer. Other agreed that better enforcement is needed to keep guns out of the hands of the wrong people.

Mary F. Platt (mplatt@finemanlawfirm.com), attorney at Fineman Krekstein & Harris P.C., is Chancellor of the Philadelphia Bar Association.

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Create a 'Mantra,' Follow It Diligently

Vincent N. Barbera (VB): What drew you to the practice of law?

David H. Marion (DM): The example of my father, who was the first in his family to graduate from college and who went to law school. Growing up I observed him in a role profession in Center City. I was impressed by the way he was able to earn a living while also earning the gratitude of his clients.

VB: What was your firm's legal job and how did you land it?

DM: I was fortunate to have several offers from some of Philadelphia's largest firms. At the time, accepting an offer from many of them would make me the firm's first Jewish lawyer. I consulted my father about my decision, and he told me to find the smartest lawyer in the city and learn from him. When I inquired about how to find one who was that, he reminded me that it was Harold E. Kohn who practiced with Dwyer Patton LLP. I had applied to but had not received a response from Dwyer so I dropped by the firm and asked to see Mr. Kohn. He agreed to see me, looked at my resume, conducted an interview and offered me a job on the spot—a higher than the going rate—when I accepted.

VB: What advice would you give to a first-year lawyer on how to achieve success and happiness in the practice of law?

DM: Find a mentor who is willing to spend some time with you and from whom you can learn. Spend some time planning your life and using that plan periodically. Prepare yourself to be a rainmaker; that is, someone who can generate business on his own. You will never feel like a "real" lawyer until you have someone who calls you for advice, thanks you and pays you for it. One way to generate business is to make and cultivate relationships early by being active in organizations and by keeping in touch with your contacts. If you have to travel for work, try to build in extra time to meet and socialize with friends and classmates in the area to remind them who you are, where you are and what you do.

VB: What practice of law can be very demanding? How did you strike a balance between life inside and outside the office?

DM: The practice of law can be very demanding. How did you strike a balance between life inside and outside the office?

DM: Work hard and efficiently. Almost always get home for dinner with your wife and kids. This often means that I would do work during or after the kids were in bed. I also developed a "mantra" early in my career (a trendy thing to do at the time). It was, "Larry, Cheerful, Good and Tough." "Larry" meaning to be serious and flexible, because life does not always go as planned. "Cheerful" because no one wants to work with someone who is negative. The right attitude also helps you handle your own stress and confidence. "Good" reflecting the importance of self-confidence. You need to persuade yourself first if you hope to persuade others effectively. "Tough" means tough enough to deal with challenges and failures and bounce back from them.

VB: What have you found to be the most rewarding aspect of the practice of law?

DM: One of the most rewarding aspects of practice is the day-to-day experience of being asked for and giving advice to others on how to resolve their problems and disputes. I have also found incredibly rewarding to serve as a mentor to younger lawyers, especially friends and minority lawyers who face unique challenges to achieving a successful legal career. These things make you feel like you are doing something special and important, and making a genuine contribution to the betterment of the world around you.

VB: Just for fun, what are some little known, unique facts about yourself?

DM: I play the banjo and ukulele, and write and perform songs and poems to front-up parties and special occasions. I like my home life. Paul McCartney's are "expanded" in the Universal Life Church, and conduct both marriages and funerals. I also raise laps dogs which is an excellent way to stay healthy and well-balanced in a stressful occupation.

Vincent N. Barbera (vincent.barbera@whiteandwilliams.com): associate at White and Williams LLP is chair of the Young Lawyers Division.

For many years, the Philadelphia Bar Foundation has organized an annual gathering with the purpose of fundraising from Philadelphia's legal community. In 1980, the firm Andrew Hamilton Ball was held in the fall as a formal event. The event had many names over the years, including "The Rainfall of Giving," "Renaissance Magic," "Dream the Impossible Dream" and "In Ode to Cezanne." Through these years, the ball remained one of the main sources of funding. The Foundation added a golf (and, later, tennis) outing in 1989, offering a new event opportunity for its supporters. In 2016, a dedicated committee researched and planned its findings advocating for the removal of handwritten names from the Foundation's event. That year, the fundraising benefit took place as the "Access to Justice Benefit" and remained as a Saturday night concert-style event in 2017. Through sponsorship, individual donations and silent and live auctions at the 2017 Access to Justice Benefit, the legal community generously demonstrated its support of the Foundation's mission.

The event has grown into a major Philadelphia event and is the Foundation’s main source of funding. The Foundation’s gala, "Access to Justice Celebration and Awards Reception," is held in November as a formal event. The event is held in the fall of each year to celebrate the outstanding achievements of pro-bono and public interest lawyers across the country.

The Foundation received contributions from Philadelphia’s legal community totaling $1.5 million in support of the event. The event is also followed by the Foundation’s "Stay the Day" initiative, which encourages attendees to volunteer at legal aid organizations across the city. The event also provides an opportunity for attendees to network with other professionals and advocates who share a commitment to promoting equal access to justice.

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There’s Science Behind ‘We Are What We Eat’

By Leah Cilo

Whether it is a bowl of oats, a salad, a red velvet cupcake or a wild-caught salmon steak, maybe, if we do, we contemplate the chemical names of the foods we put into our mouths. We are just hungry and want the convenience, the salutary or the fun, but we don’t tend to score to what feeling of fullness. We do not stop and ask ourselves why the sugar and fat we are ingesting impact the hormonal regulation in our bodies. Busy lawyers are even less likely to think about foods on their level before running to a hearing or deposition. The candy bar is devoured and we are fueled and ready to go.

To address the health challenges that lawyers face, the Philadelphia Bar Association created Wellness Committee to educate members about healthy living. On June 4, Caterina Cochran Courtney Schultick and Candice Kearney, associate professor in the Department of Nutrition Sciences at Drexel University, Dr. Schwartz discussed some of the science behind the food choices that we make in our busy professional and private lives. Specifically, aside from being the biggest sources of calories, fat, and sugar, they alter hormones and cause inflammation in human cells. This disturbance can cause diseases like type 2 diabetes and certain types of cancer. Additionally, she said that fruits and vegetables have anti-inflammatory properties, so the next time you are running off to a busy meeting, grab an apple instead of a red velvet cupcake. By choosing the apple, you are opting for a hormone-damaging and letting your body read and heed signals telling you that you are full.

Schultick, who completed the mindful food stress reduction program at Thomas Jefferson University and is certified as a mindfulness trainer, led attendees through a mindfulness eating exercise with, of all things, food. She had a bowl of food, a Monbéliard. She said by slowing down and paying intense attention to the weight, color, texture and even the sound of the food wrapping being opened, the experience of eating a cone of chocolate is more satisfying and pleasurable than just popping it into your mouth and swallowing. The takeaway of the program was that being mindful of the chemical names of the foods we consume is a mental adjustment that can make all of us healthier.

Leah Cilo, Schultick and Kearney are an associate at Martin, Loss & Lysy.

USO Relocates to New Philadelphia Airport Space

By Kelly A. Hemple

Throughout the years, the Workers’ Compensation Section has donated to the Liberty USO center located at the Philadelphia International Airport. This year the Section continued that tradition on June 25. Section Co-Chair Alex C. Schulnick and Contingency Service and Charitable Events Subcommittee Member Hon. Tina Maria Paige, Workers Compensation Office of Adjudication, visited the center to present a $1,000 donation to Brian Laughlin, manager of the Liberty USO center.

For those unfamiliar with the USO, or Unified Service Organizations, it provides military personnel and their loved ones with a designated area in the airport to transition between flights for both personal and professional purposes. The separate space provides individual, like new Coast Guard recruit headed to the training center in Cape May, New Jersey and those military families traveling to secure the remains of their fallen son at the Dover Air Force Base in Delaware, a place to decompress in private.

In April 2018, the Philadelphia International Airport funded the relocation of the Liberty USO center from Terminal A to Terminal E, a much larger space which was previously the space of Virgin Airlines to accommodate more military families. The facility is staffed by more than 250 volunteers under Laughlin’s direction. In the few months since the grand opening, 14,000 individuals have been served.

Kelly A. Hemple (hemplek@bmca.org), attorney at Kramer, Klein & Gonda, is co-chair of the Workers’ Compensation Section’s Charitable Events Subcommittee and the Section’s Communications and Marketing Committee.

2018 Super Lawyer

Alexa C. Hendrick, co-chair, Workers’ Compensation Section, presents the Section’s donation for the USO Center to Brian Laughlin on June 25.
VIDEO ENCORE - Uniform Trust Code: New Jersey v. Pennsylvania
Thu., 8/17/18 - 12 - 2 p.m. (2 Sub)
Now that the Uniform Trust Code has crossed the river into New Jersey, practitioners practicing in both New Jersey and Pennsylvania are asking, how are these two Uniform Trust Codes similar and how do they differ? This practical video encore webinar will explain the key provisions on both states, identify where they differ and examine the differences between the two codes.

WHAT PERSUADING TODAY’S JURORS IN MEDICAL MALPRACTICE TRIALS?
Wed., 8/16/18 - 12:30 – 1:30 p.m. (1 Sub)
Hosted by the Medical-Legal Consulting Group
This CLE program will examine what persuades today’s jurors in medical malpractice trials. Panels, including a patient’s attorney, patient, and a jurist, will address what a juror expects to see regarding proof. Does the use of technology have any impact? How does the law affect the outcome? The audience will be presented with the testimony in order to determine what a juror expects to see regarding proof. This program’s panelists will share their perspectives regarding what a juror expects to see in order to determine an outcome.

New First Judicial District (FJD) evidence retention protocols are scheduled to begin on Sept. 4 in the Waivers, Majors and Homicide programs. This is an important rule of trial procedure that addresses the responsibilities of partners, managers and supervisory attorneys and judges to put in place measures to ensure the well-being of their subordinate lawyers and judges.

VIDEO ENCORE: The Forensic Fruits of a Digital NECT
Wed., 8/22/18 - 12:30 - 2:45 p.m. (1 Sub/1 Eth)
This video encore presentation examines forensically defensible procedures for preserving data, employment of email platforms, it is necessary to remain abreast of how the rules of evidence should apply to evidence collected from smartphones with encryption capabilities, cloud-based backup systems and a variety of other evidentiary sources. As clients utilize social media messenger applications, digital forensics has continually reinvented its tools and techniques to remain on the cutting edge of digital evidence collection.

VIDEO ENCORE - Understanding the New DOL Fiduciary Rule: Are You Ready to Advertise Your Clients?
Mon., 8/20/18 - 12 - 3 p.m. (2 Sub/1 Eth)
The U.S. Department of Labor’s rule, “Definition of the Term ‘Fiduciary’: Conflict of Interest Rule – Retirement Investment Advice,” expands ERISA’s prudent-expert rule to a more expansive range of businesses and individuals not previously covered by that standard of care. Where do you advertise your services and how can you effectively advertise your services as a fiduciary? This CLE program will provide practitioners with new strategies and tactics to advertise as a fiduciary in order to attract new business.

VIDEO ENCORE - The NCTP & Issues in the Post-EDT Transaction Era
Fri., 8/10/18 - 12 - 30 p.m. (1 Sub)
Hosted by the Workers’ Compensation Section
This interactive CLE program will focus on the issues of Notice of Temporary Compensation Payable (NTPC) in the post-EDT transaction era. The panelists will address issues such as, whether the regulations and Act conflict regarding the filing of a Notice of Temporary Compensation Payable (NTPC) with an Electronic Data Interchange (EDI) and whether the NTPC must be filed electronically in the NCTP system. The program will also address different perspectives regarding when to terminate the mediation or seek other solutions. The panelists will provide guidance on the legal issues that attorneys can begin using immediately to make the next mediation more productive.

VIDEO ENCORE - Navigating Language Access in Legal Proceedings
Thu., 8/16/18 - 12:00 - 1:15 p.m. (3 Sub)
This study, fast-paced, interactive CLE program will address potential obstacles in mediation and provide attendees with strategies to break up an impasse. Experienced mediators will offer guidance on creative ways to break through “stalemate” established frameworks, will look at different perspectives on how to terminate the mediation or seek other solutions. The mediators will provide guidance on the legal issues that attorneys can begin using immediately to make the next mediation more productive.

VIDEO ENCORE - Introduction to Tax Controversy Practice
Wed., 8/22/18 - 12:45 – 2:45 p.m. (1 Sub/1 Eth)
Hosted by the Tax Section
This intermediate CLE program is designed to provide tax attorneys and litigators with an introduction to the controversy practice, an area that involves the selection of a taxpayer’s position through administrative proceedings and judicial proceedings. The program will focus both on substantive law as well as the professional responsibilities that arise in these matters.

New First Judicial District Evidence Retention Protocol
Thu., 8/23/18 - 12:30 - 1:30 p.m. (1 Sub)
Hosted by the Criminal Justice Section
New First Judicial District (FJD) evidence retention protocols are scheduled to begin on Sept. 4 in the Waivers, Majors and Homicide programs. This is an important rule of trial procedure that addresses the responsibilities of partners, managers and supervisory attorneys and judges to put in place measures to ensure the well-being of their subordinate lawyers and judges.

My First Federal Trial: A Very Practical Examination of the Dos and Don’ts of Your First Federal Trial
Wed., 8/15/18 - 12:30 - 1:30 p.m. (1 Sub)
Hosted by the Federal Court Committee
This hands-on program examines the major trials of preparing pretrial evidence and evidentiary presentation in a professional manner, as well as adhering to the individual judge’s practices and procedures in a federal trial. The panelists will address how to prepare for federal trial, what is admissible evidence, issues and how to make an opening and closing statement. Attendees will also receive guidance regarding what a judge does not want to see or have attorneys.

Neutralism, Fairness and Morality: An Ethical Perspective on Mediation
Wed., 8/15/18 - 9:00 – 11:15 a.m. (2 ETH) - LIVE and WEBCAST
Wed., 8/22/18 - 12:30 - 2:45 p.m. (2 ETH) - VIDEO ENCORE
Fri., 8/10/18 - 9:15 a.m. – 11:45 a.m. (1 ETH) - VIDEO ENCORE
Hosted by the Labor & Employment Section, Philadelphia Bar Association CLE Committee
This study, fast-paced, interactive CLE program will address potential ethical obstacles in mediation and how to create an impasse. Experienced mediators will offer guidance on creative ways to break through “stalemate.” Attendees will look at different perspectives regarding when to terminate the mediation or seek other solutions. The mediators will provide guidance on the legal issues that attorneys can begin using immediately to make the next mediation more productive.

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Drafting ADR Clauses: Make a mistake today, have a disaster tomorrow
Mon., 8/20/18 - 12 - 1 p.m. (1 Sub)
Hosted by the State Civil Litigation Section’s Alternative Dispute Resolution (ADR) Committee
A poorly drafted ADR clause may result in delays, expenses, or other detrimental results. In this CLE program, experienced panelists will provide guidance on how to draft ADR clauses that are legally enforceable and that meet their intended purpose.

Introduction to Tax Controversy Practice
Wed., 8/22/18 - 12:45 – 2:45 p.m. (1 Sub/1 Eth)
Hosted by the Tax Section
This intermediate CLE program is designed to provide tax attorneys and litigators with an introduction to the controversy practice, an area that involves the selection of a taxpayer’s position through administrative proceedings and judicial proceedings. The program will focus both on substantive law as well as the professional responsibilities that arise in these matters.

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Hosted by the Criminal Justice Section
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VIDEO ENCORE: Criminal Justice: Investigating and Challenging Wrongful Convictions
Tue., 8/21/18 - 12:30 - 2:30 p.m. (2 Sub)
A successful video encore presentation explores what happens when the basis for a conviction is called into question after trial and when both the prosecution and defense agree that someone is innocent. Panelists will address the following questions: What is a “wrongful conviction?" How do the Philadelphia District Attorney’s Office, Insurance Project and Defender Association, as attorneys for the wrongfully convicted, evaluate innocence claims; how are those challenges handled; what are the challenges in that litigation from both sides; and what implications does this have for practicing attorneys and the criminal justice system?

Philadelphia Real Estate Tax Briefing 2018
Wed., 8/22/18 - 12 - 30 p.m. (2 Sub)
In this comprehensive CLE program, attorneys will learn about the current state of Philadelphia real estate taxation, including the most recent changes in state and federal regulations and render critical decisions, including representatives from the Office of Property Assessment, the City’s Legal Department and the Philadelphia Bar Association. The panelists, as well as experienced real estate counsel, will provide guidance on crucial process and strategy; deal critical for the year; and overall potential legislative changes on the horizon.

VIDEO ENCORE - Emotional Damages in Harassment Cases
Thu., 8/23/18 - 9:30 – 10:30 a.m. (1 Sub)
In recent years, there has been an increase in employment lawsuits alleging harassment with plaintiffs claiming that they have suffered emotional distress. Indeed, the primary source of recovery for plaintiffs in these types of lawsuits is emotional distress damages.

VIDEO ENCORE: New Protections for LGBT Individuals in the Workplace: Fact or Fiction
Thu., 8/23/18 - 12:30 - 2:30 p.m. (2 Sub)
This video encore presentation will examine recent developments in employment protections for members of the LGBTQ community, and whether such developments will withstand corporate and legislative challenges. Panelists will explore the historical evolution and consideration of sexual orientation as a protected class, and the pending extension of protections to both legions of payroll and gender identity. Practice tips from both plaintiffs and defense perspectives will also be discussed.

*Additional courses may be added within the month.

TO REGISTER Visit the CLE page at PhiladelphiaBar.org

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tpheoenix@philbar.org.

Philadelphia Bar Reporter August 2018
PhiladelphiaBar.org

August 2018 Philadelphia Bar Reporter
Technology Blurs Search and Seizure Norms

By Paige Delia

The Fourth Amendment to the Constitution protects Americans against unreasonable searches and seizures, ensuring that everyone is entitled to a reasonable expectation of privacy. However, in a world of growing technology, where someone’s cell phone or computer has the ability to retain every piece of information about them, distinguishing where the line of one’s reasonable expectation to privacy is drawn is becoming more challenging than ever. The Criminal Justice Section hosted a Philadelphia Bar Association CLE to discuss technology and privacy expectations, presented by Professor David Rudovsky, senior fellow at the University of Pennsylvania Law School, on May 10.

For the last 20 years, Pennsylvania law has held that an individual has standing to take action in a court of law when their reasonable expectation of privacy was infringed upon. In United States v. Jones, it was decided that while actions an individual takes part in publicly may give way to probable cause for a stop or search, placing a GPS tracker on someone’s car and following them for 28 days goes beyond reasonable information, constitutes a trespass and is therefore a violation of the Fourth Amendment. In Riley v. California, the court decided that evidence obtained from a cell phone, and a search incident to arrest on a cell phone, must be limited. The February 2018 decision in Greenwalt v. Police where the court decided that knowing an individual’s cell phone was in a car, without a warrant, to obtain evidence constitutes an illegal and harmful search. Additionally, there are conflicting views, Rudovsky said, on how to handle the search of computers. While they may be searched for evidence of a crime, there is a circuit court split on whether the plain view doctrine may be used to justify the use of all evidence found, even if it is not for the crime they were originally investigating.

Rudovsky talked about the three categories of police-civilian contact recognized by Pennsylvania and federal courts. There is the mere encounter where a reasonable person would feel free to leave, and no justification is needed for the stop. Next, there is the investigative stop, or stop-and-frisk, where reasonable suspicion is needed. Finally, there is a full-scale search and arrest justified by probable cause. The more intrusive a stop or search is, the more cause is needed.

With respect to motor vehicle stops, Pennsylvania adopted the federal rule that an officer has full power for a warrantless search of an automobile when there is probable cause. However, there may be exceptions to this rule such as, as when an automobile is parked on the curtilage of one’s home, granting the need for a warrant.

With respect to motor vehicle stops, Pennsylvania adopted the federal rule that an officer has full power for a warrantless search of an automobile when there is probable cause. However, there may be exceptions to this rule such as, as when an automobile is parked on the curtilage of one’s home, granting the need for a warrant.

Susan Lin, chair, Criminal Justice Section, with Thomas J. Innes III, Defender Association of Philadelphia (left), and Professor David Rudovsky at the Philadelphia Bar Association CLE on May 10.

Paige Delia (pdelia@paworkinjury.com) is a SSD intern at Martin Law LLC.

Questions?
For questions, contact Director of Public and Legal Services Charlie Klitsch at (215) 238-6326 or cklitsch@philabar.org.
Pioneer of Corporate Governance Shares Experience

By Ernest Holtzheimer

Ann C. Mulé, associate director on the John L. Weinberg Center for Corporate Governance at the University of Delaware, and a former chair of the Philadelphia Bar Association Business Law Section, was a mainstay in the field of corporate governance. The Section chose to honor her as a Giant of the Bar on June 19. This program recognizes legal “giants” who have had a significant impact on the practice of law in Philadelphia and beyond. It provides an opportunity for both young and experienced lawyers to learn.

The program was held at Cozen O’Connor. In the Weinberg Center, Mulé outlined and managed all the professional, public and academic outreach activities. She is a recognized leader in the corporate governance field, whose expertise and accomplishments are defined by directors, shareholders and many other important constituencies. In large part, due to Mulé’s knowability, the center is a recognized thought leader in the governance field, with a national and international reputation for positively impacting the field and capital markets.

The hour-long discussion, with CLE credit offered, recognizing Mulé’s career and accomplishments was held by Charles M. Ebben, director of the John L. Weinberg Center for Corporate Governance at the University of Delaware, and Gerald S. Woolard Jr., professor of finance and professor of legal studies at the University of Delaware. The program also addressed some of the most significant changes in, and the importance of corporate governance in the capital markets.

Mulé spoke about how her career evolved from being a young corporate and securities lawyer to being both the corporate secretary and corporate governance officer of a multinational public corporation, Sunoco. Sunoco was one of the first corporations to adopt formal corporate governance guidelines. She discussed how corporate governance had historically been thought to be the purview of boards and shareholders defined by corporate governance. She was included as one of the “100 top governance leaders” and as one of the 20 “people to watch” by NACD Directorship Magazine. In addition, she was named as one of the top five exceptional women who led the profession. By the Business Law Section...
PHILADELPHIA BAR ASSOCIATION CLE - PROF. RESPONSIBILIT Y & WELLNESS CTTS.

By Elisa C. Advani

Should good health and well-being of attorneys be included in Rule 1.1 of the Rules of Professional Conduct regarding competence? The Professional Responsibility and Wellness Committee co-hosted a Philadelphia Bar Association CLE on add of well-being should be obligatory for lawyers on June 29. Panelists included Hon. Denis P. Cohen, Philadelphia Court of Common Pleas, and co-chair of the Professional Responsibility Committee, Laurie J. Besden, executive director, Lawyers Concerned for Lawyers of Pennsylvania, Inc.; Ellen C. Brotman, of Brunner Law; and Robert S. Tintner, co-chair of the Professional Responsibility Committee.

Judge Cohen said Tenesseville decided in 2017 that lawyers should be able to obtain CLE credits for superfluous well-being programs. The panel discussed whether well-being stems from the American citizenship or well-being. However, Besden said that “we have too many clients that they care about,” said their many attorneys are aware of the various outlets that exist for reducing stress, such as not enough time in the day to utilize those resources.

James of competence often escalate to matters before the Disciplinary Board, Tintner said, “and the same people who do the investigations are the same people who decide whether to prosecute, which immediately turns into an adversarial process.” He said he was to help his lawyer-client avoid the process by showing the Disciplinary Board that the lawyer-client is remedying the situation independently. Tintner also served on the Association’s ethics line, fielding questions and concerns and helping to prevent ethics issues from becoming matters before the Disciplinary Board.

Judge Cohen said that in the time on the boards, he has generally been impressed by the attorneys who appear before him in court, and that not personally observed attorneys lacking competence or well-being.

Elisa C. Advani is an associate at Martin Law LLC, a sister-in-law to the Philadelphia Bar Reporter.

Quarterly

continued from page 1

the table, but to take a seat at the head of it.
Frainer’s lecture drew parallels between Judge Higginbotham and Dr. Martin Luther King Jr. He talked about both men as powerful proponents of equal rights under the law, but who fought for them peacefully and with civility.

“Judge Higginbotham underwent horrible racial and social issues that continue to vex our society today, as they are likely to do for years to come,” Frainer said. “We should pay heed to the ideals and causes which were his primary focus, and to which he dedicated his formidable intellect and boundless energy, to the cause of society’s others.” The causes, he said, are the inequities and indignities suffered disproportionately by minorities and the poor.

“[Judge Higginbotham] would remind us of the special role that lawyers should play in making the promise for equal justice and citizenship under the law a reality for all Americans,” Frainer said. Frainer turned to the problem of violence toward police. In addition, he said, is being troubled by the response of this country’s leadership to those tragedies. “This trouble not so much that our scientific genius lags behind, but that our moral genius lags behind.”

Robert A. Remmer, representative of the 50-Year Club, addresses attendees at the Quarterly Meeting and Luncheon at The Bellvista Hotel on June 20.

Robert S. Tintner at the Philadelphia Bar Association CLE on June 29.

In the wake of the terrorist attacks on the U.S. on September 11, 2001, but lives in another country, you could be subject to U.S. tax law. You would be required by the IRS to pay U.S. taxes, even if your contacts are based in France. This unusual situation stems from the American citizenship-based taxation system. According to federal law, all persons born in the U.S. or American citizens, in addition to any other nation where they reside.

This could be the means to sort out “accidental Americans,” including those French citizens who technically have American citizenship but neither live in the U.S., nor have any connection to the country.

In 2010, President Obama signed the Foreign Account Tax Compliance Act to combat offshore tax evasion in France, to avoid a 30 percent withholding rate on their financial institutions were not complying, agreed to in terms in 2013. Under FATCA, French banks must communicate to the U.S. their American-born clients balance and other financial information. As a result, several French residents have been surprised when U.S. tax authorities started an intensive investigation of their bank accounts, asking them to provide their tax return identification numbers.

If these American-born persons do not comply with these issues, they are subject to penalties and more experience problems with banking in France. For instance, some may be unable to get loans, open new accounts or change banks, as financial institutions seek to avoid penalties of their own. Additionally, some online banks, like Boursorama or Orange Bank, refuse to do business with French-American citizens to avoid complications.

This group is determined to change this rule, arguing that they should not have to pay U.S. taxes because of their low connection to America. They say they already pay what they owe to France, where they live, work and vote.

AAA’s proposal is to have exemption on residence instead of on nationality, common practice in many other parts of the world. As an alternative, they are asking for an exemption from their U.S. tax obligations.

In October 2017, the AAA bought their case before the French Administrative Supreme Court, to ask for FATCA in France. More recently, the French Senate proposed a bill to repeal in favor of accidental Americans, which seems to be a first step.

For the moment, paying one’s taxes seems to be a first victory.

In October 2017, the French Senate approved a resolution to quash FATCA in France. More recently, an American parent, but live in another country, in France charges more than $2,500 to renounce citizenship, in addition to the $155,000 amount claimed by the IRS. The process to renounce citizenship, in addition to the $155,000 amount claimed by the IRS. The process

Int'l Taxation Problematic for US-Born French Citizens

By Tania Tossa

Tania Tossa is an associate at Milbourn, Douchet, Mahony & Company LLP.

April 1, 2018

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PAJ Celebrates 50 Years at Summer Retreat

Philadelphia Bar Association members helped to make the association’s annual summer resort retreat one to remember as they gathered for a weekend at the Nemacolin Woodlands Resort in Farmington, Pennsylvania from June 28–July 1. The event served as a platform for legal professionals to discuss various court cases and strategies for their respective fields.

The PAJ retreat was a one-of-a-kind experience for attendees to expand knowledge and network through growing opportunities for interaction and sharing information. The event kicked off on Thursday with an afternoon golf outing at Mystic Rock Golf course, a casual welcome social and a post-president’s cocktail hour.

Friday morning was filled with various committee meetings followed by an afternoon presentation titled “The Art of Storytelling: Using Themes in Opening, Closing, and Closing.”

The highlight of the weekend was the annual dinner of PAJ’s Annual Meeting, where attendees enjoyed the resort’s amenities, including the president’s party with a family-friendly “south-of-the-border” theme. Attendees took advantage of the resort’s hiking trails, as well as a black-tie member cocktail reception featuring Pittsburgh-based Bachelor Boys Band.

After Saturday’s business activities, attendees enjoyed the president’s party with a family-friendly “south-of-the-border” theme. Attendees took advantage of the resort’s hiking trails, as well as a black-tie member cocktail reception featuring Pittsburgh-based Bachelor Boys Band.

In conclusion, the summer retreat offered attendees a unique opportunity to network, exchange ideas, and enjoy the scenic beauty of the Nemacolin Woodlands Resort.

Mary LeMieux-Fillery with friends, Tom Lopata, of the Pennsylvania Association for Justice black-tie dinner at the Nemacolin Woodlands Resort on July 1.

By Mary LeMieux-Fillery

ABA Resolution

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called for indigent parties and expanded access to justice, as exemplified by the states in the ABA’s indigent defense model act, which provides for appointed counsel for indigent parties in civil proceedings, needs to be explicit, and new rules and regulations must be developed to ensure that the proper administration of justice.

ABA Resolution

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term for judicial orders that keep a person in jail regardless of whether or not they have been bailed out.

Thomas said that out of 5,009 inmates being held in Philadelphia’s jail facilities, 5,406 detainers had been lodged. Detainers are authorization for custody on a host of different cases, and there is a potential dispositive for just about every type of motion. Whether your client has a court order or a warrant of arrest, multiple judges for multiple cases, and each prior judge may have a different set of rules, which is a major reason why clients fail to comply with some condition of their probation, like missed meetings with their probation officer, positive drug screens, failure to complete community service or a new arrest. A direct violation is one where the pros- ecutor is convicted of a new criminal offense while on probation.

The most important thing you can do is

pro bono service (a terrible habit of mine) that I must undergo in nature.

To find out more about the Philadelphia Bar Association and its services, visit philadelphia.org.

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is a partner at McCullough McCloskey. She has provided pro bono service for over a century and is available in three formats: print, online, and mobile, so use it when you need it.

The 2018 Legal Directory has over 12,000 attorney listings and 1,500 law firm listings. It is conveniently indexed so you can easily find the contact information for Philadelphia, Montgomery, Delaware, Chester & Bucks County areas. Each listing is complete with name, address, phone, fax, and email.

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PRO BONO SPOTLIGHT - HOMELESS ADVOCACY PROJECT

HAP’s SOAR Project Helps Clients Reach New Heights

By Harrison Lee

ABA Resolution

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**Overnight Sensation Lives Up to the Hype**

**By Lee A. Schwartz**

Sura’s, the new Lebanon kid on the block, originally open for lunch and breakfast only, was marvelling from a broad perspective. This huge and bustling restaurant and market served an eclectic, Lebanese lunch and delectable pastries. The market sells Kebob sandwiches, the same wonderful pastries, Lebanese flatbreads and other wonders.

Then, when Sura’s began dinner service, a well-known food critic in Philadelphia wrote a very nice review and SHA-PANG! it was on to the next. My trained companions and I love the dinner menu. After the review and the place was packed to the rafters. The menu features cold and hot mezze, mint, feta, and seaweed main courses and sides including numeic rice, shared entrees, tomatoes and peppers and charred long horns.

We ordered a number of dishes, but, as it often is the case, ordered too much food. We started with the Baba Ghanoush ($11), a delicious portion of charred eggplant, seasoned with garlic, lemon, and black olive and finished with pomegranate seeds. You should also know that the house-made pita is re-de-fined. Together with the Baba Ghanoush, we had the Hummus ($9), made from chickpeas, lemon, and garlic. Suffice it to say that the Hummus and the Baba Ghanoush, we ordered a second pita to scoop it all up. All three were terrific.

In addition, just to be gluttonous, we ordered another starter, the Fatouch salad ($12), comprised of chopped raw vegetables with roasted pita and drizzled in a lemon-pomegranate vinaigrette.

For our mains course, we had a Roasted Lamb Shoulder, a delicious slow roasted lamb of your choice, which was a special that evening. Is there anything better than slow roasted lamb shoulder? We do not think so. It is available, it’s on the menu and run.

We also ordered one of our favorites, Sundae Duj (chicken kebabs) ($11.50). These little beauties were seasoned and served with onion and finished off with pomegranate molasses and lemon. They were truly special, but, most of the molasses sauce. If most chicken kebabs are not your thing, I get it. But for the love of the sauce, they are quite good. Sura’s had a very limited dinner menu and some of the items seemed to jump out at us, so we passed. Interestingly, they had Lebanese beer on tap and I had one, a good lager. They also have a full bar.

The only negative was when the restaurant was hopping, the bar had a tough time keeping up with orders.

Sura’s is in Fishtown at 1528 Frankford Ave. Make reservations and come hungry.

Lee A. Schwartz, 9222 Leabridge Ave, Philadelphia, PA, 19126

**LEGAL ADVISORY UPDATE FROM USI AFFILIATE**

**Top 5 Ways to Ask for a Referral**

Although most lawyers assume that a satisfied client is asked whether or not they know a good lawyer, they usually do so in a rather vague, noncommittal way: “Do you know a good lawyer?”

Although most lawyers assume that a satisfied client is not your thing, it is crucial to return the favor, even a year or two down the road.

Chances are you are not able to handle every client that you receive. Other qualified attorneys should not be a problem.

1. **Make a greater effort to attend Philadelphia Bar Association meetings, and while you are there, mingle with other Association members who they met at a professional event.**

2. **State clearly who you would consider to be a referral.**

3. **Provide excellent service. This may seem like a simple courtesy, but doing good work for clients is the best way to get more clients. Clients are usually quick to take notice when they have had a bad experience with an attorney, but if you go out of your way to give great service to them, they will probably go out of their way for you too.**

4. **Ask for referrals directly.**

5. **Provide excellent service. This may seem like a simple courtesy, but doing good work for clients is the best way to get more clients. Clients are usually quick to take notice when they have had a bad experience with an attorney, but if you go out of your way to give great service to them, they will probably go out of their way for you too.**

**+ SOMETIMES YOU JUST HAVE TO GET A WEEK’S WORTH OF WHITE SHIRTS AND A HAIRCUT.**

If the case has to try, we are ready. Refer your client to the firm that has obtained results in hundreds of millions for our clients and referring firms. Visit dyffirm.com/suedicr- settlements to see examples. Then, make the call to Tom Duffy at (215) 239-8780.

**The Philadelphia Lawyer Magazine Accepting Submissions for Race and Law Issue**

The Editorial Board of The Philadelphia Lawyer magazine is soliciting submissions for a forthcoming issue on race and the law. The board is looking for articles that tell stories from the perspective of people of all colors who have encountered the law in any way. This issue is slated for spring 2019. We are looking for shorter articles of 750 words and longer feature-length articles of 1,200-3,500 words. Authors may ask to remain anonymous to protect their privacy. All submissions must be previously unpublished and approved by the board for publication. No article is guaranteed to be published. For more information and to submit an article for consideration please email splin@philbar.org.
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