By Jeff Lyons

Association members have until Friday, Sept. 17 to take advantage of early-bird pricing for the Bench-Bar and Annual Conference at the Borgata in Atlantic City, N.J. on Friday, Oct. 15 and Saturday, Oct. 16.

Full-conference admission is $349 for members and $399 for non-members, if reserved by the early-bird deadline of Friday, Sept. 17. For members of the Young Lawyers Division and government and public interest attorneys, admission is only $199. Visit philabenchbar.org for a complete registration form and pricing guide.

Hotel reservations must be made separately by calling the Borgata directly at 1-866-692-6742. Guests must reference the Philadelphia Bar Association to receive the special rate. Discounted rooms are available from Thursday, Oct. 14 through Saturday, Oct. 16, if booked by Friday, Sept. 17.

Fourteen CLE programs in a variety of practice areas are being planned for the Bench-Bar and Annual Conference. The CLE programs, in which attendees can earn up to eight hours of credit (including...continued on page 11

By Edward P. Kelly

Judge A. Leon Higginbotham Jr. was an agent of change who grew up at the height of a segregated America, Roslyn M. Brock, chair of the National Board of Directors of the NAACP, told attendees at the June 28 Quarterly Meeting and Luncheon where she delivered the annual public interest lecture named in honor of the late judge.

Brock, only the fourth woman to be national chair of the NAACP, first learned of Judge Higginbotham while she was a student at Virginia Union University when she first became active in the NAACP. Higginbotham became president of the Philadelphia branch of the NAACP in the 1960s, and the branch became one of the largest and most effective units in the country. Years later, he served as chair of a national search committee to find a new leader during the worst political crisis in the organization’s history. During her involvement with the NAACP, Brock became acquainted with this “gentle giant” whose “ethics and unsullied standards were impressive and inspiring, coupled with his wisdom, skill and legal acumen.” Brock said that Judge Higginbotham personified the adage “life is about others, and service to others is the rent we pay for the space we occupy.”

Reflecting on her election as the youngest chair of the NAACP, Brock said she appreciates a quote from Judge Higginbotham on the occasion of his appointment as one of the youngest members of the U.S. District Court for the Eastern District of Pennsylvania: “The most difficult problem in terms of human relations was the phenomenon of age.” Her election, and the appointment...continued on page 11

Future is Calling, NAACP Chair Tells Bar Association Members

Bench-Bar Discount Deadline is Sept. 17

Chancellor Scott F. Cooper (from left) with Sandra Day O’Connor Award recipient Stephanie Resnick, Association Assistant Secretary Sophia Lee and keynote speaker Roslyn M. Brock at a reception before the June 28 Quarterly Meeting.

In This Issue

4 Chancellor’s Forum
6 Guidance Update
9 Bechtle's Legacy
10 O'Connor Honoree
14 22nd Golf Classic
16 Tillman Exposed

Raymond L. Shapiro spoke on behalf of new members of the Association’s 50-, 60-, 65- and 70-Year Clubs.
Menus & recipes from the Philadelphia region’s best restaurants.

• Corporate publishing sponsorship by American Express®
• Affiliated with the national website, www.americascuisine.com. iPhone application available.
• The perfect resource for choosing the best restaurant for your clients, employees or personal use.
• Can be used to book your next catering affair.
• Great gift idea for your employees and customers.

COMING LATE FALL 2010.

CONTACT
Richard Marx, Publisher at 610.848.6022 or richard.marx@mediatwo.com for more information.

Advance orders accepted.
The attorney-client privilege is the oldest and most revered of the privileges for confidential communications recognized at law. But how many lawyers know that in Pennsylvania the privilege literally only extends to the client’s communications?

This is, in fact, the actual state of the law. A lawyer’s communications are privileged if, and only to the extent that, those communications reveal the client’s confidential factual communications. Otherwise, it is only the client’s communications that are privileged. This “one-way privilege” must change and a case before the Pennsylvania Supreme Court may finally present that chance.

The Pennsylvania Supreme Court is presently considering the case of Gillard v. AIG, on the question of whether the attorney-client privilege applies to communications from lawyer to client as well as client to lawyer. This is the second time the Supreme Court has reviewed this issue since 2007. The prior decision in Nationwide v. Fleming, in 2007, resulted in a plurality decision that could not reverse this precedent. Oral argument in Gillard is set for Sept. 14, 2010.

Your Philadelphia Bar Association is at the forefront of this critical issue impacting the practice of law in Pennsylvania. We have filed a brief as amicus curiae in the Gillard case along with the Association of Corporate Counsel, the Pennsylvania Bar Association, the Allegheny County Bar Association, and the U.S. Chamber of Commerce.

The Philadelphia Bar Association’s prior amicus brief in Nationwide also argued for making the attorney-client privilege a two-way street. The opinion Chief Justice Ronald D. Castille and Justice Thomas G. Saylor issued in Nationwide cited favorably our brief. We hope to continue moving the court on this issue in Gillard.

Also in 2007, our Board of Governors adopted a resolution endorsing legislation to protect the attorney-client privilege, the work product doctrine, and employees’ constitutional and other legal rights from governmental policies that have the effect of eroding such fundamental legal principles.

The purpose of the attorney-client privilege is to facilitate the highest quality legal representation and candid legal consultation. The protection of communications from an attorney to a client that contain legal advice, analysis or opinions is necessary to the protection of client confidences. It is impossible for communications providing legal advice not to reveal, implicitly or explicitly, client confidences exchanged during the course of the professional relationship.

A decision affirming the “one-way privilege,” will have significant adverse consequences on lawyers practicing in Pennsylvania, individuals seeking confidential legal advice, and national and international businesses with Pennsylvania operations that depend each day on receiving legal analysis and forthright opinions from counsel in order to comply with the law.

As I have noted in prior communications, purchasers of legal services now have choices to take their selection of counsel to other states. This is particularly...
‘Outrage’ Needed for Civil Gideon Success

By Albert S. Dandridge III

“Recapture the outrage” was the battle cry of Professor Russell Engler, the featured speaker at the Chancellor’s Forum on July 7 on Civil Gideon, a national movement attempting to provide legal counsel as a matter of right at public expense to low-income persons in adversarial civil matters where basic human needs are at stake.

Immediate-Past Chancellor Sayde J. Ladov commenced the Bar Association’s Civil Gideon initiative in 2009. She established a Civil Gideon Task Force to, among other things, undertake a feasibility study of whether Civil Gideon should at least be guaranteed in cases involving child custody and housing eviction or foreclosure. Chancellor Scott F. Cooper has also made Civil Gideon one of his priorities, continuing the Task Force which is now co-chaired by Catherine C. Carr and Joseph A. Sullivan.

The Task Force brought in Professor Engler, who is an acknowledged authority in the area of Civil Gideon, from New England Law | Boston, to speak at the Chancellor’s Forum. In front of a very interactive standing-room-only audience at the Bar Association’s Conference Center that included Pennsylvania Supreme Court Chief Justice Ronald D. Castille, Philadelphia Court of Common Pleas President Judge Pamela Pryor Dembe and numerous other judges, members of the bar and law students, Professor Engler eloquently made the case for Civil Gideon, especially when one side is represented by counsel and the other is not. He spoke of the inherent “outrage” that all of us felt as young children when we witnessed what we believed to be an unfair fight and asked quite simply, “where has that outrage gone?” He spoke of persons who could not afford legal counsel pitted against those who were represented, in struggles that put basic human needs and requirements at stake.

Professor Engler made the case that not only was our Bar Association on the right track in addressing this inequality as part of a larger “access to justice” concern, he also reaffirmed that, in his opinion, we were going about addressing the issues in the appropriate manner. He proceeded to lay out what he considered to be a three-pronged strategy to address the problem of absence of counsel: (1) revising the roles of the key players, such as the judges (more “active than passive” in dealing with the structural imbalance), mediators

Freedom Day Naturalization Ceremony

Past Chancellor Edward F. Chacker (left photo) meets with Niti Jethava of Julia R. Masterman High School, winner of the Edward F. Chacker 2010 Law Day Essay Contest, before a July 1 naturalization ceremony at the U.S. Courthouse. Jethava read her winning essay to the court. Board of Governors Chair Richard S. Seidel (right photo), addresses new American citizens at the ceremony, presided over by U.S. District Court Judge Eduardo C. Robreno. Approximately 85 people from 40 different nations were naturalized in the Freedom Day ceremony, sponsored by the Philadelphia Bar Association.
Earn CLEs, Network at Bench-Bar

Over the past five years of my involvement in the Bar Association, something I have noticed is how few young lawyers take advantage of the chance to attend Bench-Bar conferences. Whether it is the Association's Bench-Bar and Annual Conference in Atlantic City, N.J., or the Federal Bench-Bar Conference, I always look around the room and think that attending a bench-bar conference is an opportunity on which every young lawyer should capitalize.

We are all busy and want to get CLE credits that are most applicable to our practice area as quickly as possible and Bench-Bar conferences may offer a wider variety of CLEs than just one practice area. Yes, conferences can be costly financially. These conferences, however, are an important part of professional development.

One thing that is often overlooked by many young lawyers is the chance to learn from those experienced in other practice areas. Bench-Bar conferences offer some of the greatest trial tips no matter what area of law you practice. You get to hear from lawyers who have aged out of the YLD with substantial trial experience, other young lawyers and, most importantly, lots and lots of judges.

But it is important to keep in mind that Bench-Bar conferences offer young lawyers a lot more than just great opportunities to learn trial tips and techniques. The most advantageous part of attending a Bench-Bar conference is the connections you can make in a more social, yet still professional atmosphere.

Attend as many events as possible. Do not just attend the CLE courses and then run off to gamble in a casino or hide in your room. Do not spend the breaks between the courses on your cell phone talking to your partner or secretary to get an update on what you have missed during the two hours you have been out of the office.

The cocktail reception is often a great place to speak with judges, partners and young lawyers from other firms who can become invaluable contacts. It is amazing how much you can learn from someone who has only been practicing five years more than you. These contacts will offer great learning experiences and add to your already established network.

This year’s Bench Bar and Annual Conference will take place on Friday, Oct. 15 and Saturday, Oct. 16 at the Borgata Hotel Casino & Spa in Atlantic City. Discounted registration fees are available for YLD members. I hope to see you there.

Albertine “Abbie” DuFrayne, an associate with Petrelli Law, P.C., is chair of the Young Lawyers Division.

Panelists: Professionalism Can Smooth Negotiations

Zealous advocacy does not require aggression or confrontation, a point illustrated by Craig Circosta and James Leyden at a June 22 negotiation workshop presented by the Young Lawyers Division as part of its Live, Lunch & Learn Series.

Circosta, a partner at Ballard Spahr LLP, and Leyden, general counsel at Teleflex, Inc., engaged in a mock negotiation involving a merger and acquisition transaction. Circosta represented the seller of a company and Leyden represented the buyer. Both counsel had clients present. The program, which was approved for CLE credit, demonstrated basic negotiation techniques to educate the Young Lawyers Division audience.

After introducing the fact pattern, the presenters relayed their positions and addressed the various points at issue. Perhaps the most noticeable lesson in the mock negotiation was the level of professionalism from Circosta and Leyden. Despite differing on numerous issues, the presenters never demonstrated any hostility or antagonism. Circosta and Leyden showed that the most effective lawyer is creatively willing to compromise when necessary. It was clear from the presentation that both parties came to the table willing to negotiate and reach an understanding amenable to both sides.

Both Circosta and Leyden demonstrated that trained negotiators are able to identify issues that need to be resolved through negotiating. The parties were left with a short list of issues still in dispute that needed to be addressed and resolved. This demonstrated that frequent communication between counsel is helpful in identifying which issues truly need to be addressed and need to be resolved through negotiating.

Circosta and Leyden gave the Young Lawyers Division audience valuable insight into successful negotiating. The audience was able to witness a mergers and acquisitions transaction at the fundamental level, where the parties, at an apparent impasse, were able to quickly and successfully compromise on various issues and resolve disputes. While many believe the most important skill of an attorney is the ability to argue, Circosta and Leyden showed that the most important skill is the ability to resolve disputes effectively and efficiently.

Sarah L. Hopkins, an associate with Rubin, Fortunato & Harbinson P.C., is an associate editor of the Philadelphia Bar Reporter.

Bar Academy Tours Perrier’s Le Bec-Fin

Workers’ Compensation Bureau Judge A. Michael Snyder (left) and Chancellor Scott F. Cooper meet Chef Georges Perrier at the June 30 Philadelphia Bar Association Academy program “A Taste and Tour of Le Bec-Fin with Chef Georges Perrier.” The reception featured hors d’oeuvres and a tour of the famous Le Bec-Fin pastry kitchen, with remarks by Perrier. Nearly 60 Bar members attended.
Opinions Address Social Media Concerns

By Michael Petitti

In a review of its second social media-related ethics issue in recent months, the Philadelphia Bar Association and its Professional Guidance Committee remain at the forefront of national commentary on modern electronic communication matters still in their infancy both in terms of how they affect the practice of law and general societal behavior.

In Opinion 2010-6 (June 2010) the Committee advised that a lawyer wishing to announce his/her presence and offer his/her services in a blog where other individuals are discussing a legal problem is permitted so long as the other blog participants are not compelled to respond immediately.

In March 2009 the Committee reviewed another social networking inquiry that involved the propriety of an attorney gaining access to an individual’s Facebook page via a third party (2009-2). The Committee deemed this behavior unethical.

The June opinion represents a departure from previous interpretations of Pennsylvania Rule of Professional Conduct 7.3(a), which provides that, “A lawyer shall not solicit in-person or by intermediary professional employment from a prospective client...when a significant motive for the lawyer’s doing so is the lawyer’s pecuniary gain. The term ‘solicit’ includes contact in-person, by telephone or by real-time electronic communication, but...does not include written communications, which may include targeted, direct mail advertisements.”

Clearly the concern behind Rule 7.3a is overarching by an attorney in solicitation. As such, the Committee opined that “real-time electronic communication is limited to electronic modes of communication used in a way in which it would be socially awkward or difficult for a recipient of a lawyer’s overtures to not respond in real time” — much like expectations and the need for the Rules of Professional Conduct to advance in electronic communications when the newly adopted version of Rule 7.2(b), however.

A similar inquiry to 2010-6 was reviewed by the Committee in Opinion 2004-5 (October 2004). The issue involved attorney participation in chat rooms and the Committee opined that such participation would be prohibited when the newly adopted version of Rule 7.3a took effect in January 2005. “Opinion 2010-6 reflects the rapid advancement in electronic communications and the need for the Rules of Professional Conduct to continue.”
Immigration a Federal Issue, Panelists Say

By Heather J. Austin

Arizona is not the only state that has enacted (or is attempting to enact) legislation intended to curb the presence of illegal immigrants. According to Jorge Santana, chief of staff for Pennsylvania state Rep. Tony Payton, similar bills have been introduced in 22 states. In May, state Rep. Daryl Metcalfe introduced such a bill to the Pennsylvania Legislature.

Santana and his co-panelists, Carman Guerrero, Women’s Center of Montgomery County; Robert Nix, Phoenix Strategies; and Professor Jan C. Ting, Temple University James E. Beasley School of Law, discussed the potential legal and social implications of these bills during a recent meeting of the Civil Rights Commission; and Professor Jan C. Ting, Temple University.

In response to Metcalfe’s bill, Pennsylvania state Sen. Daylin Leach has introduced a bill designed to block such legislation. According to Santana, Leach’s counterproposal recognizes that immigration is a matter of federal responsibility and state legislation will lead to discriminatory practices. Payton and Santana cannot understand why this issue is on the table now, particularly when we are facing a budget crisis.

Ting, who was born to immigrant parents, presented statistical evidence of population growth and the extent to which the growth is attributable to illegal immigration. Ting inquired as to how we provide good jobs and resources to the members of the growing population. According to Santana, Leach’s counterproposal recognizes that immigration is a matter of federal responsibility and state legislation will lead to discriminatory practices. Payton and Santana cannot understand why this issue is on the table now, particularly when we are facing a budget crisis.

Santana agreed that a decision needs to be made; however, he also noted that we live in a republic that does not lend itself to such clean solutions. Similar debates, such as the health-care debate, prove this. As a matter of political reality, we have to deal with consensus building.

Guerrero, an immigrant victim of kidnapping from Mexico City, said illegal immigration has increased significantly as a direct consequence of NAFTA. People need to understand the consequences of free trade agreements. Nix agreed that

continued on page 12

Judges: Ethical Challenges are Same for Women, Men

By Susan Kinniry

Sometimes a CLE provides more than a break from the daily work routine. A CLE can provide a space for members of the profession to talk candidly about issues affecting our legal system, resulting in a strengthening of the system. Such was the case on June 16 at a panel discussion organized by Pennsylvanians for Modern Courts as part of the Philadelphia Bar Association’s Third Annual Women in the Profession Summit.

“Ethical Challenges Facing Judges – Do They Differ For Women,” featured panelists U.S. District Court Senior Judge Norma L. Shapiro, Pennsylvania Superior Court Judge Phyllis W. Beck (retired) and Philadelphia Court of Common Pleas Judges Patricia A. McInerney and Renee Cardwell Hughes.

Lynn Marks, executive director of PMC, offered introductory remarks, while Deputy Director Shira Goodman served as moderator. Goodman began by quoting U.S. District Court Judge Anita B. Brody, who recently addressed the Women of Distinction Luncheon. Every morning, Judge Brody explained, she would give herself a pep talk before going to court: “You have the best job in the world. Now, no impeachable offenses today.” This opened a wide-ranging discussion about judges, gender and ethics.

While women have made significant strides in advancing in the legal field, women are still underrepresented on the bench. However, in response to the question presented, all the panelists agreed that the ethical challenges facing women judges are largely the same as those facing their male counterparts. The panelists spoke not only of their ethical duties, but also more broadly about the paths that brought them to the bench.

Judge Beck, the first woman to reach Pennsylvania’s Superior Court, faced obstacles due to gender stereotypes. During one of her first cases, a prominent attorney suggested she recuse herself from a divorce case in which he represented the husband. The attorney assumed that Judge Beck, as a woman, would be incapable of rendering an unbiased decision. Recounting the story, Judge Beck laughed and admitted that she had given his request a moment’s thought – before denying it.

Recusal has been getting a lot of attention in local circles. When should a judge recuse from a case? Judges McInerney, Hughes and Shapiro spoke of the changing nature of their relationships with former colleagues, firms, professional acquaintances and even friends due to their positions as jurists. In deciding whether or not to recuse, judges must consider whether they would be able to rule impartially or whether a personal relationship could hinder decision-making.

The panelists noted that their decisions to recuse are not always based solely on their own judgments, but also based on considerations of public perception. Complicating matters further, judges often feel a competing obligation to serve their duty as judge, and not recuse. This may be a particularly tough call in smaller districts, where only a handful of judges are responsible for all cases.

It became clear that judges must also consider potential ethical conflicts that could arise during their off-the-bench conduct. Judge Hughes stressed that judges must steer clear of political activity. Judges must be ever-conscious of their own professionalism, mindful not to accept favors or preferential treatment due to their status.

Despite the challenges and tough choices judges, the panelists’ love for their work was apparent. Judge Hughes ended the session with an impassioned call for lawyers to reach out to students hoping to join the profession. She emphasized that becoming a lawyer, and now a judge, has enabled her to effectuate meaningful change.

Audience members were encouraged to ask questions and audience members and judges had the opportunity to talk further at a reception held at the conclusion of the day’s events. This type of open dialogue between judges and lawyers is important to fostering an understanding about the role of judges. Judges make up a small percentage of the legal community. Oftentimes there is confusion or misconception about how judges operate. The judiciary should not be shrouded in mystery.

It is also valuable for judges to speak to one another about problems they may encounter on and off the bench. The panelists admitted that serving as a judge can at times be an isolating experience. Greater communication may alleviate some of these feelings, as well as lead to a more self-aware judiciary.

Such programs as this are beneficial to all members of the legal profession. When members of the bench and bar come together to discuss current topics in the law and the ethical challenges we all face, mutual education can occur. This type of discussion and peer-education among judges and between judges and lawyers should be encouraged and promoted.

Susan Kinniry is a student intern at Pennsylvanians for Modern Courts. She is a 3L at Drexel University’s Earle Mack School of Law.
## 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.

### Monday, Aug. 2
**Family Law Section:** meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

### Wednesday, Aug. 4
**Delivery of Legal Services Committee:** meeting, 8:30 a.m., 10th floor Board Room.
**Rules and Procedure Committee:** meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

### Friday, Aug. 6
**Law School Outreach Committee:** meeting, 12 p.m., 11th floor Conference Center.

### Tuesday, Aug. 10
**Criminal Justice Section Executive Committee:** meeting, 12 p.m., 10th floor Board Room.
**Real Property Section Executive Committee:** meeting, 12 p.m., Gibbons PC, 1700 Two Logan Square, 18th and Arch streets.

### Wednesday, Aug. 11
**Young Lawyers Division Cabinet:** meeting, 1 p.m., 10th floor Cabinet Room.

### Thursday, Aug. 12
**Legislative Liaison Committee:** meeting, 12:30 p.m., 10th floor Board Room. Lunch: $8.
**Law Practice Management Committee:** meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

### Friday, Aug. 13
**The Philadelphia Lawyer magazine Editorial Board:** meeting, 12:30 p.m., 10th floor Board Room. Lunch: $8.

### Tuesday, Aug. 17
**Cabinet:** meeting, 12 p.m., 10th floor Board Room.
**Federal Courts Committee:** meeting, 12:30 p.m., 11th floor Conference Center. Lunch: $8.

### Wednesday, Aug. 18
**Philadelphia Bar Academy Committee:** meeting, 8:30 a.m., 10th floor Board Room.
**Workers’ Compensation Section Executive Committee:** meeting, 10:30 a.m., 11th floor Committee Room South.
**Workers’ Compensation Section:** meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
**LegalLine:** 5 p.m., 11th floor LRIS offices.

### Thursday, Aug. 19
**Family Law Section Executive Committee:** meeting, 12 p.m., 11th floor Conference Room South.
**Medical Legal Committee:** meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
**Language Access Task Force:** meeting, 12:30 p.m., 11th floor Committee Room.

### Friday, Aug. 20
**Social Security Disability Benefits Committee:** meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
**Young Lawyers Division Executive Committee:** meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
**Green Ribbon Task Force:** meeting, 12 p.m., 11th floor Committee Room South.

### Monday, Aug. 23
**Compulsory Arbitration Committee:** meeting, 12 p.m., 11th floor Committee Room South. Lunch: $8.

### Wednesday, Aug. 25
**Delivery of Legal Services Committee Management Subcommittee:** meeting, 9 a.m., 10th floor Board Room.
**Medical Legal Committee:** meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
**Women in the Profession Committee:** meeting, 12 p.m, 10th floor Board Room.
**Compulsory Arbitration Committee:** meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

### Thursday, Aug. 26
**Board of Governors:** meeting, 4 p.m., 10th floor Board Room.

### Tuesday, Aug. 31
**Women in the Profession Committee:** meeting, 12 p.m, 10th floor Board Room. Lunch: $8.
**Criminal Justice Section:** meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
**Compulsory Arbitration Committee:** meeting, 12 p.m., 11th floor Committee Room South. Lunch: $8.

### Friday, Aug. 30
**Social Security Disability Benefits Committee:** meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.
**Young Lawyers Division Executive Committee:** meeting, 12 p.m., 10th floor Board Room.
**Green Ribbon Task Force:** meeting, 12 p.m., 11th floor Committee Room South.

Register online for most events at philadelphiabar.org. Unless otherwise specified, all checks for luncheons and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquarters, 1101 Market St., 11th fl., Philadelphia, PA 19107-2955. Send Bar Association-related calendar items 30 days in advance to Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., Philadelphia, PA 19107-2955. Fax: (215) 238-1159. E-mail: reporter@philabar.org.

---

Make Sure Your Professional Announcements Are As Professional As You Are!

ANNOUNCEMENTS honoring new partners, promotions, and accomplishments are some of your firm’s most important public relations tools.

Shouldn’t your next important announcement run in the publication of record for the Philadelphia legal community?

For more information please contact David Hoeckel at (443) 909-7824 or david.hoeckel@mediatwo.com.

The Philadelphia Bar Reporter reaches over 3.5 times as many professionals within the greater Philadelphia legal community as any other legal publication. And PBR’s one-month shelf life means your important message won’t wind up in the trash on the same day it appears!
IN MEMORIAM

Perry Bechtle: Gentle Giant of the Courtroom

By S. Gerald Litvin

During the last half of the 20th century the ranks of the Philadelphia trial bar included some of the best advocates in the country. The most admirable of these masters of the courtroom may very well have been Perry Bechtle, who died May 9 at the age of 84. For those who did not know Perry or see him in action, a look back at his unique style and strength may be instructive.

Remembering a multitude of involvement with Perry Bechtle over the years, including some noteworthy battles in the courtroom, his character and style are chiseled in my memory. First, there was his unshakeable calmness. However provocative the assault on his client, and whatever the challenge at hand, Perry was always levelheaded, pensive and never rash. He did not rant and rave to show his disagreement; he did not raise his voice to emphasize his zeal; and he never laughed at some ridiculous situation or oneself. Yes, he could chuckle and he might on occasion break out in a hearty laugh at some ridiculous situation or development but, somehow, even when you were his opponent, you knew that he was never laughing at you, never "putting you down." While he championed his client's cause in the highest and noblest traditions of our profession, he was never arrogant; he was just a lawyer with a client to represent, doing his job just about as well as it could be done. Along the way, we lawyers who opposed him invariably became his friends; never his enemies.

I was fortunate enough to have known Perry over the years. We tried cases against each other; we taught trial advocacy together; and sometimes we parted together. Although he was just a few years younger than my senior, in many ways he became my big brother at the trial bar. And yet, as close as we were, until I read his obituary, I never knew that he had been shot out of the sky during World War II. Talk about humility!

While we cannot clone him, it would be an appropriate tribute to the memory of this extraordinary Philadelphia lawyer if we members of the trial bar were to adopt a Perry Bechtle-like standard of civility in all our professional conduct and relationships.

S. Gerald Litvin (sglitvin@morganlewis.com) is senior counsel to Morgan, Lewis & Bockius LLP.
Resnick Urges Mentoring for Women

By Julia Swain

“Alone we can do so little, but together we can do so much,” Stephanie Resnick told Bar Association colleagues and friends as she accepted the Sandra Day O’Connor Award at the June 28 Quarterly Meeting and Luncheon.

Resnick is chair of the Litigation Department at Fox Rothschild, where she has practiced in the area of commercial litigation for nearly 24 years. Resnick’s selection for receipt of the award was unanimous by the Women in the Profession Committee. In addition to Resnick’s outstanding legal talent and professional achievements, her strong leadership and commitment to mentoring women attorneys made her a standout amongst the nominees. The award was presented to Resnick by Committee Co-Chairs Kimberly Ruch-Alegant and Nikki Johnson-Huston.

In accepting the award, Resnick expressed her deep honor in joining such an illustrious group of prior award recipients including U.S. District Court Senior Judge Norma L. Shapiro, the first-ever award winner; U.S. District Court Judge Anita B. Brody; U.S. Court of Appeals Judge Dolores K. Sloviter; U.S. Court of Appeals Judge Marjorie O. Rendell; retired Pennsylvania Superior Court of Appeals Judge Phyllis W. Beasley; Temple University School of Law Dean JoAnne Huston.

Resnick has displayed a strong commitment to advancing women in the legal profession. From leading Fox Rothschild to become one of the first firms to publicly endorse the Bar Association’s statement of goals for the promotion and advancement of women in the profession to implementing women-friendly firm policies for part-time and maternity leave, Resnick has long been at the forefront of the legal profession in recognizing the challenges uniquely faced by women and addressing those challenges head on.

Resnick strongly endorsed the importance of mentoring relationships as the tool for developing and retaining talent that is necessary to sustain the profession.

Working together and creating opportunities for others are the two touchstones Resnick imparted in her acceptance speech. Reconciling these ideals with the demanding practices of the legal profession, she noted that she has relied upon advice she received 24 years ago from Abraham C. Reich, co-chair of Fox Rothschild and a past Chancellor of the Bar Association. This advice defined legal community, giving back to the community, mentoring, having integrity and bestowing kindness. In her two decades in the profession, Resnick has achieved these standards.

“As attorneys, we have been blessed with unique opportunities. There is a tremendous need in our profession and in our community for us to stand up as mentors and give back to the community. We need to be visible and accessible to those who are just now walking through the doors that we have pushed and held open; to serve as advocates and allies to those who have no one who will stand up and support them. When we commit to doing these things, we begin to realize the vision of success articulated by Justice O’Connor,” Resnick said.

She said mentoring relationships, whether they are formal or informal, may be the most important tool we have for developing and retaining the new talent that’s so necessary to sustaining our profession. “Mentorship doesn’t have to be difficult – it is essentially sharing what you’ve learned with someone who’s eager to learn from you. And the reverse is true.”

Resnick said a recent study on mentoring concluded that women often have decreased access to potential mentors, are less successful in finding mentors willing to invest in their career development, and/or receive fewer benefits from mentoring relationships than men do. “As a result, we lose the opportunity to connect with talented, intelligent lawyers; they see a door closed that could have helped open further, if given the chance; and our profession is diminished as so many lawyers of promise slip away to pursue other opportunities.”

“So I invite you today to look around – share your talents, experience, observations, abilities and insights. Reach out to that younger colleague who isn’t yet connected; you will be personally satisfied and your firm or employer will thank you for it down the line.”

“And to those of you who need a nudge or some thoughtful advice: Speak up and don’t be afraid to ask for help. I did. Others have faced the same challenges and have persevered and succeeded. Now they want you to succeed too. They’re ready to help,” Resnick said.

Julia Swain (jswain@foxrothschild.com), a partner with Fox Rothschild LLP is an associate editor of the Philadelphia Bar Reporter.
Embrace Change, Veteran Attorney Says

By Thomas L. Bryan

In 1960, the first televised presidential debates were held. It was also the year the Philadelphia Eagles last won a National Football League championship. It was also Raymond L. Shapiro’s first year as a practicing lawyer.

Shapiro, senior counsel at Blank Rome LLP and a mentor to many Philadelphia lawyers, including Chancellor Scott F. Cooper, was selected by the Chancellor to present remarks on behalf of the inductees to the 2010 class of the Philadelphia Bar Association’s Year Clubs at the June 28 Quarterly Meeting and Luncheon.

Shapiro began his remarks by thanking the Bar Association, the families of the inductees, and by remembering colleagues no longer present. He said his first year practicing law was an era when typewriters, carbon copies and switchboards were the norm in law firms, rather than cell phones, BlackBerrys and electronic filing.

Shapiro applauded these technological advances and urged younger attorneys to “embrace change.” At the same time he proffered advice, distilled from his long and distinguished legal career, that attorneys should remember to “stick to the basics” and “have an abiding commitment to enhance the legal process,” so as to “make it better on your watch.” To this end, he highlighted the importance of a collegial approach to legal practice, a continuing effort of civility, and “respect for our opponent and the court.”

Shapiro concluded his remarks by reminding those present that each attorney is a representative not only of her firm and her clients, but of her profession, and that we all owe a duty to represent the legal profession well. To this end, he urged us not only to serve our clients and to improve the legal system, but to add value to our communities by giving something back. Shapiro lauded the Bar Association as an example of the kind of civic or charitable institution that can be a great tool for this type of philanthropy. Shapiro told attendees to “excel as a lawyer, give back as a good citizen.”

The following members were recognized at the Quarterly Meeting:

50-Year Club

60-Year Club

70-Year Club
Arnold R. Ginsburg.

Higginbotham

continued from page 1

of a 37-year-old president and CEO months prior, represented a passing of the baton to the next generation, who represent the first generation of leaders who did not actively participate in the civil rights movement.

Brock referenced the similarities of the successes, setbacks and atmosphere of racial hostility and division in post-Reconstruction/Pre-Jim Crow America, to the challenges, opportunities, and political and social change of 2010 America. She referred to today’s hot-button political issues, including excessive taxation, health care reform, illegal immigration, rising crime rates, systemic poverty and the “browning of America.” Brock said that while America is to be commended for something back. Shapiro lauded the Bar Association as an example of the kind of civic or charitable institution that can be a great tool for this type of philanthropy. Shapiro told attendees to “excel as a lawyer, give back as a good citizen.”

The following members were recognized at the Quarterly Meeting:

50-Year Club

Higginbotham called “America’s rendezvous with destiny.” “The civil rights victories of the past were won because the NAACP challenged the nation to change through a sustained program of court actions, non-partisan political activity and educational efforts to create a new climate of public opinion,” she said. The NAACP’s mission is to create a climate that makes hope more practical and despair less convincing in a nation where our urban centers are collapsing under the weight of many factors, including inadequate health care, lack of affordable housing, unequal distribution of wealth and double-digit unemployment. Brock said that we must emphasize that education is the gatekeeper to prosperity in our nation, and that no child should look to the prison system for on-the-job training and employment skills.

Brock said her greatest challenge is to develop a clear and compelling proactive policy agenda that is focused on public education, ensuring health care access and quality, and creating economic opportunities that safeguard civil rights protections for all Americans. She challenged the Association, as guardians of liberty and justice, saying “we have an obligation and responsibility to free America’s dream from the oppressive walls of hatred, discrimination and racism. We must never forget we are one nation striving for and longing for one dream: to be free.”

The future is calling, and with your help, America will answer,” she said.

Podcast Spotlight
Visit philadelphiabar.org to listen to the podcast from this meeting.

Podcast from this meeting.

Visit philadelphiabar.org to listen to the podcast from this meeting.

Visit philadelphiabar.org to listen to the podcast from this meeting.
Phila. WTC Resources Available

By Aditi J. Oakley

The World Trade Center of Greater Philadelphia provides its local client-companies with customized resources to expand their global reach, WTCGP President Linda Mysliwy Conlin recently told members of the International Business Initiative Committee.

Among the available resources are specially tailored advice regarding international market research, risk mitigation, financing and comprehensive global strategy. The WTCGP’s market research is in-depth and personalized, Conlin said, including analysis of foreign market trends, cultural and political barriers, and advice on pairing with potential distributors and agents to facilitate international sales and distribution. Along with these benefits, the organization often hosts broadly applicable education and networking programs and publications. She said the WTCGP also provides its members with direct connections to other international trade resources and organizations in the U.S. and abroad. Through these services, the WTCGP has helped to generate more than $420 million in incremental sales for its client-companies since 2002.

Through these services, the WTCGP is funded by membership dues and by grants from government agencies (such as Pennsylvania’s Department of Community and Economic Development and the Office of International Business Development).

Conlin explained the current state of export trade in the Greater Philadelphia area, and the impact of the ongoing global economic downturn. The need for growth is apparent. According to the WTCGP, less than 1 percent of Pennsylvania and New Jersey companies currently export, a statistic on par with national figures.

After the presentation, the Initiative discussed the best role for attorneys to play in the WTCGP. Conlin highlighted the complex and confusing legal issues involved in plunging into the international marketplace, and emphasized the need for competent expert advice for WTCGP client-companies. The Initiative proposed involvement in WTCGP’s education and outreach programs and publications to help local businesses navigate common international law issues, such as business organization, franchising and subsidiary questions, international intellectual property protection and licensing, and regulatory compliance.

The International Business Initiative Committee is a relatively new committee of the Philadelphia Bar Association. Committee Chair J. Michael Comsarine Jr. said it is dedicated to attracting international businesses to Philadelphia, and helping to promote local companies’ participation on the international commercial stage. The Initiative proposes to achieve these goals by helping to make Philadelphia a more attractive city for international investment and foreign businesses, and by providing the legal and business resources and support that Philadelphia companies need to branch out abroad. To that end, the Initiative has been meeting with regional business leaders to determine how the Bar Association can help meet these goals.

Aditi J. Oakley (aoakley@thorpreed.com) is an associate with Thorp Reed & Armstrong, LLP.

Expert Witness

(Real Estate and Title Insurance)

MEDIATOR
(Commercial and Divorce)

EXPERIENCED AND EFFECTIVE
PRACTICED OVER 10 YEARS WITH A MAJOR LAW FIRM

ROBERT M. SCHWARTZ
610-212-7344
robertm.schwartz@gmail.com

This issue could not be more pressing. Last month, a Philadelphia Court of Common Pleas judge had to rely on a Superior Court opinion that found the privilege doesn’t apply, when he denied more than 300 claims of privilege. Judge Mark I. Bernstein said in Kodar v. Preferred Unlimited Inc. that he was bound by the Superior Court’s opinion in Nationwide v. Fleming because the Supreme Court’s plurality opinion was not binding and it was irrelevant that the high court granted allocatur on the same issue in another case.

Based on the Superior Court’s holding, Judge Bernstein said that the statutory attorney-client privilege in Pennsylvania is extremely limited and covers only confidential factual communications from a client to his or her attorney. It is extended to communications from an attorney to a client only if, and only to the extent that, those communications from the attorney reveal the client’s confidential factual communications, the judge added.

As an association of 13,000 members, we know full well that our member-attorneys will be directly and negatively affected by the Superior Court’s opinion. Through our amicus brief, we have urged the Supreme Court to reverse the Superior Court with a clear statement that communications made within the lawyer-client relationship are privileged when made for the very purpose of soliciting or providing legal advice. Our Professional Guidance and Professional Responsibility committees share our deep-seeded concerns on this issue.

Thanks to the tireless efforts of Board of Governors members, we continue to stay on top of this threshold issue. We extend special thanks to all those attorneys whose comprehensive work resulted in the filing of our amicus brief on the appeal in Gillard.

A key part in meeting our Association’s mission is protection of the sanctity of the attorney-client relationship and the importance of honest and open communication between attorneys and their clients. Any impediment to such open communication hurts the profession and curbs access to justice. It is time for the Supreme Court to find this untenable interpretation of the attorney-client privilege open and free trade between countries has displaced a lot of workers, specifically farm workers. Guerrero believes the vast majority of people who come to the United States illegally do so out of necessity for the purpose of finding work and seeking a better life, not to break the law. She is concerned that there is a general perception that anyone who comes into this country illegally is a per se criminal. This perception generates a social concern in terms of the stigma of illegal immigration.

Nix recognized that states have a sliver of interest in immigration, particularly in the area of crime control. However, he noted that the supremacy clause presents a preemption issue, and ultimately the federal government regulates immigration exclusively. As a result of the implicit biases that we all have, attempted enforcement of state laws will give rise to violations of the 14th Amendment, even if the language of the underlying state law is race neutral. Nix believes that the authors of these bills know that the proposed state action is preempted; however, he believes that they are trying to force this issue to come to a head.

Heather J. Austin (banustin@thorpreed.com), an associate with Thorp Reed & Armstrong, LLP, is an associate editor of the Philadelphia Bar Reporter.
From the Editor’s Desk

Phanatical Fan Has Doubts Over Mascot Suit

“THIS IS LIKE SUING SANTA CLAUS.”
Those were the words of John Speicher, the attorney of 75-year-old Grace Crass, a Wernersville woman who recently filed a lawsuit against this city’s beloved Phillie Phanatic for injuring her at a Reading Phillies game back in 2008. The suit, filed in Philadelphia, alleges that the Phanatic injured Crass’ knees when he was climbing through the stands. Crass is seeking $50,000 in damages.

After the story of the lawsuit broke, everyone started pointing to a May 2002 article in the Cardozo Law Review, which claimed that the Phanatic holds “the dubious record as the most-sued mascot in the majors.” This statistic really surprised me, as I couldn’t seem to recall hearing about the Phanatic being sued before. But after an online search, I did find some articles about him having to pay a $2.5 million judgment to a man that he “hugged too hard.” But seeing that the Phanatic has been around since 1978, it is not all that surprising that he was involved in an incident or two over the years. It can’t be easy to control your movements in that costume. If you ask me, and yes, I may be a little biased, the Phanatic can do no wrong.

By Asima Panigrahi

Civil Gideon continued from page 4

and clerks; (2) using, but also evaluating, robust and effective assistance programs (such as telephone hotlines, self-help centers, pro se offices, advice-only clinics and court-appointed legal service programs); and (3) expanding access to full representation where basic human needs are at stake and lesser forms of assistance cannot protect those basic needs.

As an expert, Professor Engler enlightened those present as to what was happening in other jurisdictions and how they were dealing with these Civil Gideon issues. With this background, he put forth a seven-step approach that has a universal application for those seeking to tackle this enormous right to counsel problem, with the availability of resources always being a consideration:

• Identify likely areas in which counsel is most needed — in categories of adversarial proceedings where basic human needs are at stake such as those involving shelter, sustenance, safety, health or child custody, as adopted in the 2006 American Bar Association resolution.

• Review available data — such as studies and reports that shed light on the impact of counsel in various types of legal proceedings.

• Put 1 and 2 together — by prioritizing areas in which counsel is needed at stake, and there is evidence that counsel has a significant impact in the outcomes of such proceedings.

• Identify areas of consensus — this allows initiatives to gain momentum.

• Obtain estimates as to the volume of cases involved — again, this involves data collection in order to deal with cost challenges.

• Identify existing resources — and make the best of them.

• Identify the best delivery mechanisms where new resources are needed — develop a model and get started.

Not only were Professor Engler’s points cogent and reasonable, they were reaffirming. Here is what the Task Force is doing, which is in keeping with Professor Engler’s recommendations:

• The Family Working Group has recommended that full legal representation by an attorney in custody cases should attach when parents are seeking to establish and/or maintain their parental/custodial rights.

• The Housing Working Group is discussing and researching how to expand the Landlord/Tenant Representation Project and the Residential Mortgage Foreclosure Diversion Project. In this regard, Philadelphia has been chosen by NPC Research of Portland, Ore., to study the effects of providing counsel in civil housing cases. The study will focus on how legal services are delivered to tenants facing eviction.

• The Communication Working Group is reaching out to the bench, bar and community at large to educate them about Civil Gideon and what the Task Force is attempting to accomplish. A link has been created on the Bar Association’s website dedicated entirely to Civil Gideon.

Asima Panigrahi (panigrahi@whiteandwilliams.com), an associate with White and Williams LLP, is editor-in-chief of the Philadelphia Bar Reporter.
Golf Classic Nets $73,000 for Bar Foundation

The day was warm and sunny and the course was in great shape when 120 golfers took to their carts for the 22nd Annual Philadelphia Bar Foundation Golf Classic on June 21. On the course there were skills competitions – straightest drive, closest to the pin, a putting contest, team and individual prizes – as well as the chance to win a lease on a Lexus donated by Wilkie Lexus….if you got a hole-in-one, that is.

Off the course, the golfers and their guests retired to the terrace of Huntingdon Valley’s beautiful club house for a Grand Cocktail Party featuring lobster, filet mignon, a scotch tasting provided by Johnnie Walker and a silent auction with items donated by area merchants, law firms, sports teams and restaurants. Through the generosity of the tournament sponsors and golfers, the Golf Classic netted more than $73,000 that will support grants for legal services for the most vulnerable citizens of our community. The Bar Foundation represents the Philadelphia legal community’s efforts to expand access to justice for all, particularly those struggling with poverty, abuse and discrimination.

The Philadelphia Bar Foundation extends its thanks to the Golf Classic Planning Committee, the sponsors, golfers and donors who made this great event a success!

120 Take Part in 22nd Annual Event

Hoez Honored by Philly VIP

This month Philadelphia VIP recognizes George Hoez Sr., Certified General Appraiser, for his outstanding volunteer assistance to VIP clients.

For more than 25 years, Hoez has appraised industrial, commercial and residential properties, including office and apartment buildings, shopping centers, hotels and motels, residences and condominiums. He serves as an expert witness for the City of Philadelphia, the U.S. District Court, and Tax Appeals Boards in Philadelphia and neighboring counties. He is an instructor and Board Member of the American Society of Appraisers.

The cost of an appraisal is impossible for VIP’s clients to afford, yet can be critically important in determining the outcome of a case. Before Hoez generously agreed to donate his services to VIP in divorce and homeownership cases, VIP clients had nowhere to turn for appraisals. Hoez was one of the only appraisers in the Philadelphia area to respond to VIP’s call for pro bono appraisal services. In a recent case, Hoez offered to visit a client’s property in the evening to accommodate the client’s work schedule.

Without his expertise and consultation, many VIP volunteer attorneys would be unable to assist clients with equitable distribution in divorce cases or in the transfer of title in homeownership cases. For his flexibility, time, and his valuable appraisal services, VIP offers its heartfelt appreciation to George Hoez.

Guidance

Conduct to catch-up with those advancements,” said Paul Kazaras, the Association’s assistant executive director and counsel to the Professional Guidance Committee.

“This opinion defines the prohibition in the rule by its character rather than its characteristics. Before now, there was a bright-line rule based upon how chat rooms and e-mail worked in the early part of this decade. The reality has now changed. Back then nobody considered blogs, Facebook, Twitter and MySpace as components of the ways that attorneys would communicate with potential clients. Now these have become important advertising venues, and the Guidance Committee hopes that this opinion will provide valuable direction to many attorneys.”

For more on the Professional Guidance Committee and its decisions, including 2010-6, visit http://www.philadelphiabar.org/page/EthicsOpinions?appNum=2.
Bar Foundation

Make Foundation Stronger, More Relevant

By Amy B. Ginensky

OK. Here’s a quick quiz.

How much of the total amount given each year in United States charitable donations is given by individuals? A) 33 percent; B) 50 percent; or C) 82 percent. If you answered “C,” you are correct!

Although the perception is that nonprofits get most of their income from foundations or corporate philanthropy, in fact, individuals like us are the backbone of philanthropic giving in the United States.

Unfortunately, as of today, that isn’t the answer for the Bar Foundation. (More on that in a moment.)

If you’ve read any of my articles over the past year and a half, you know that I see my job as president of the Bar Foundation as leading an all-out effort to raise funds to support our grants program. For me, that means keeping a lot of fundraising “balls” in the air. As everyone knows, for decades, the Bar Foundation has been successfully doing event-based fundraising with our Andrew Hamilton Benefit and the Annual Golf Classic. In fact, as I write this we’re applauding the Golf Classic Planning Committee and especially its chair, Rod Wittenberg, for one of the most successful Golf Classic events yet. My thanks to them and all the sponsors who helped us net more than $73,000 to support legal services and promote equal access to justice for all. And we look forward to the Andrew Hamilton Benefit at Lincoln Financial Field on Saturday, Nov. 6.

But as important as these two events are to the funds we distribute each year in grants, it’s clear that for the Bar Foundation to be a stable, significant source of funding for the network of public interest legal organizations we support, we have to diversify and add to our funding sources.

We have done this over the years with major initiatives to increase the Bar Foundation’s endowment, to institute an annual giving campaign, to allow lawyers to donate their arbitration fees, and to encourage memorial and tribute gifts.

All this has helped the Bar Foundation give more than half a million dollars to legal services in each of the last three years. But we can’t rest, because so much more is needed to adequately support legal services and there is much greater potential to give in our private legal community. Indeed, the answer to the question of how much of the Bar Foundation’s contributions come from individuals, is not C, not even B, and, in fact, not even A.

Recognizing the generosity of this legal community, we believe that the Foundation can increase individual giving, but to do so, it needs to ask, and to have the community understand the importance of the dollars being donated. Under the leadership of Bar Foundation trustees Fred Magaziner of Dechert LLP and Wilson Brown of Drinker Biddle & Reath LLP, we are ramping up an individual giving campaign. Indeed, Fred and Wilson have enlisted partners from 27 of the largest law firms in Philadelphia to solicit their partners and counsel, with the goal of increasing participation. In fact, they believe they can get nearly 100 percent participation. But our goal doesn’t stop there. The Bar Foundation’s aim is to become far stronger and more relevant in the eyes of our legal community in the years ahead, and that begins with our donors. So, when any of these individuals comes knocking at your door, we hope you will respond positively to their efforts with your support and with your thoughts about our organization. And, if you are not personally solicited this year, but read this article, please consider yourself solicited by me. We need your support!

The Philadelphia Bar Foundation is our legal community’s foundation. We need your contributions, but unlike many appeals, we don’t want you to give until it hurts, we want you to give based on your ability and to give until it feels good! And together, we will fulfill the mission, which we all have, of expanding access to justice to our most vulnerable populations through effective legal services. We annually fund the basic operations of the best and brightest legal services organizations in our area, while providing ongoing technical assistance and advancing best practices. This combined support has helped establish Philadelphia’s legal services community as one of the best in the nation, and ensures future organizational stability through necessary grant funding and promoting legal excellence.

Last year, 549 individuals made contributions to the Foundation. These gifts were much appreciated. This year, we are hoping to dwarf that number, but can only do it with your help. We thank Fred and Wilson, their colleagues from the 27 largest firms, and all of you who are willing to help increase individual giving in a way that is consistent with national averages and, more importantly, will allow us to, in fact, be our legal community’s foundation.

Amy B. Ginensky (ginenskya@pepperlaw.com), a partner at Pepper Hamilton LLP, is president of the Philadelphia Bar Foundation.

Philadelphia Bar Foundation
22nd Annual Golf Classic Sponsors

Pepper Hamilton LLP
Tournament Underwriter

Bar Foundation
Promoting Equal Access to Justice

Hole Sponsors
Blank Rome LLP
Drinker Biddle & Reath
Kaplan Leaman and Wolfe, Registered Professional Court Reporters
Marshall, Dennehey, Warner, Coleman & Goggin, PC
Tactix Real Estate Advisors

In Kind Sponsors
Johnnie Walker - Scotch Tasting
Reliable - Signage and Souvenir Program

Philadelphia Bar Foundation
Promoting Equal Access to Justice

Closest to the Pin
LexisNexis
Team Gross

Straightest Drive
Barownay Topaz Kessler Melzer Check LLC
Cozen O’Connor
Closest to the Pin
LexisNexis
Team Gross

USI
Affinity
Team Net

THE LEGAL INTELLIGENCER
Exclusive Media Sponsor

Hire Council
Putting Contest
Montgomery McCracken
Grand Cocktail Party
SAUL EWINING
Luncheon
TRANSFECT
Golf Carts

Philadelphia Bar Foundation
22nd Annual Golf Classic Sponsors

Bar Foundation
Promoting Equal Access to Justice

We need your contributions, but unlike many appeals, we don’t want you to give until it hurts, we want you to give based on your ability and to give until it feels good! And together, we will fulfill the mission, which we all have, of expanding access to justice to our most vulnerable populations through effective legal services.
The bastardization of nationalism is a recurrent theme when it comes to the documentary "The Tillman Story," a film by Amir Bar-Lev, director of documentaries "My Kid Could Paint Like This" (an expose’ of parents who claimed their child could produce modern artwork) and works dedicated to untravelling other false claims. This film is about lies our government created concerning the death of football star-turned soldier Pat Tillman in Afghanistan 2004.

Tillman was a safety for the NFL's Arizona Cardinals who enlisted in the service after the terrorist attacks in 2001. He served with the U.S. Army Rangers and was killed in 2004. His death was by fellow Rangers.

The fiction lasted for a few months until a nation run by thieves. The farcical element of this story is that Tillman himself was nothing like the Wagnerian hero made of him. He was an atheist and a seeker of information, who just happened to be a great athlete. His family, Irish to the core in their stubborn practicality, come across as courageous people. Tillman was a curious man, and that sets him apart from the vast majority of people who inhabit the national space. When someone waves a flag in front of the least, embarrassing. There is narration by Josh Brolin.

The Tillmans keep the fires burning. The bastardization of nationalism is a recurrent theme when it comes to the documentary "The Tillman Story," a film by Amir Bar-Lev, director of documentaries "My Kid Could Paint Like This" (an expose’ of parents who claimed their child could produce modern artwork) and works dedicated to untravelling other false claims. This film is about lies our government created concerning the death of football star-turned soldier Pat Tillman in Afghanistan 2004.

Tillman was a safety for the NFL's Arizona Cardinals who enlisted in the service after the terrorist attacks in 2001. He served with the U.S. Army Rangers and was killed in 2004. His death was by fellow Rangers.

The fiction lasted for a few months until a nation run by thieves. The farcical element of this story is that Tillman himself was nothing like the Wagnerian hero made of him. He was an atheist and a seeker of information, who just happened to be a great athlete. His family, Irish to the core in their stubborn practicality, come across as courageous people. Tillman was a curious man, and that sets him apart from the vast majority of people who inhabit the national space. When someone waves a flag in front of the least, embarrassing. There is narration by Josh Brolin.

The Tillmans keep the fires burning.

Tillman was a safety for the NFL's Arizona Cardinals who enlisted in the service after the terrorist attacks in 2001. He served with the U.S. Army Rangers and was killed in 2004. His death was by fellow Rangers.

The bastardization of nationalism is a recurrent theme when it comes to the documentary "The Tillman Story," a film by Amir Bar-Lev, director of documentaries "My Kid Could Paint Like This" (an expose’ of parents who claimed their child could produce modern artwork) and works dedicated to untravelling other false claims. This film is about lies our government created concerning the death of football star-turned soldier Pat Tillman in Afghanistan 2004.

Tillman was a safety for the NFL's Arizona Cardinals who enlisted in the service after the terrorist attacks in 2001. He served with the U.S. Army Rangers and was killed in 2004. His death was by fellow Rangers.

The fiction lasted for a few months until a nation run by thieves. The farcical element of this story is that Tillman himself was nothing like the Wagnerian hero made of him. He was an atheist and a seeker of information, who just happened to be a great athlete. His family, Irish to the core in their stubborn practicality, come across as courageous people. Tillman was a curious man, and that sets him apart from the vast majority of people who inhabit the national space. When someone waves a flag in front of the least, embarrassing. There is narration by Josh Brolin.

The Tillmans keep the fires burning.
The Borgata Spa Toccare is 54,000 square feet and includes a salon, fitness center and barbershop. Rounding out the amenities are 11 specialty boutiques offering men’s, women’s and children’s fashions, gifts, toys, housewares and absolute essentials. Sponsors include Iron Mountain, Kaplan Leaman and Wolfe Court Reporters and CourtCall.

**Phila-delphiabar.org August 2010 Philadelphia Bar Reporter**

**WebCheck**

To register for the Bench-Bar and Annual Conference in October, visit [www.philabenchbar.org](http://www.philabenchbar.org).

**Sponsorship Opportunities**

For more information on sponsorship opportunities, contact Michael Petitti at (215) 238-6542.

---

**Philadelphia Bar Association 2010 Bench-Bar & Annual Conference**

**October 15 - 16, Borgata - Registration Form**

<table>
<thead>
<tr>
<th>Registration Type</th>
<th>Mem­ber</th>
<th>Public Int. &amp; Gov</th>
<th>YLD Member</th>
<th>Non-Member</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Conference - Early-Bird if Booked by September 17:</td>
<td>$349</td>
<td>$199</td>
<td>$199</td>
<td>$399</td>
<td></td>
</tr>
<tr>
<td>Includes all CLE programming and all sponsored meals and events on Fri. and Sat.</td>
<td>$429</td>
<td>$279</td>
<td>$279</td>
<td>$479</td>
<td></td>
</tr>
<tr>
<td>Early-Bird Rates, in red</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Friday Only - Includes Reception:</td>
<td>$299</td>
<td>$149</td>
<td>$149</td>
<td>$349</td>
<td></td>
</tr>
<tr>
<td>Includes all CLE programming and all sponsored meals and events on Fri.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Friday - Reception Only:</td>
<td>$125</td>
<td>$125</td>
<td>$125</td>
<td>$150</td>
<td></td>
</tr>
<tr>
<td>Includes Fri. night event only.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saturday Only:</td>
<td>$229</td>
<td>$79</td>
<td>$79</td>
<td>$279</td>
<td></td>
</tr>
<tr>
<td>Includes all CLE programming and sponsored meals on Sat.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-CLE Credit and Guest Fee:</td>
<td>$175</td>
<td>$175</td>
<td>$175</td>
<td>$200</td>
<td></td>
</tr>
<tr>
<td>Includes all sponsored meals and events on Fri. and Sat.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Registration Type:**

<table>
<thead>
<tr>
<th>Attendee Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nickname on Badge:</td>
</tr>
<tr>
<td>Company/ Organization:</td>
</tr>
<tr>
<td>Guest Name(s):</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>City:</td>
</tr>
<tr>
<td>Phone:</td>
</tr>
<tr>
<td>Credit Card Holder:</td>
</tr>
<tr>
<td>Special Dietary Needs:</td>
</tr>
<tr>
<td>Emergency Contact:</td>
</tr>
<tr>
<td>Card Type:</td>
</tr>
<tr>
<td>Card Number:</td>
</tr>
<tr>
<td>Signature:</td>
</tr>
<tr>
<td>Mail to: Philadelphia Bar Association, 1101 Market St., 11th Fl., Philadelphia, PA, 19107-2955</td>
</tr>
<tr>
<td>or Fax to: 215-238-1159</td>
</tr>
</tbody>
</table>

Hotel reservations must be made directly with the Borgata by calling 1-866-692-6742, or visit [www.philabenchbar.org](http://www.philabenchbar.org). Reference the Philadelphia Bar Association to receive our special group rate over the dates of October 14-16, 2010. Reservations must be made by Friday, September 17.

Bench-Bar continued from page 1

ing the opportunity to earn two ethics credits), will feature judges and some of the city’s most well-known practitioners, who will use their expertise and experience to enlighten attendees. There will be presentations from the Business Law Section, Criminal Justice Section, Family Law Section, Public Interest Section and Real Property Section, along with the Young Lawyers Division, Bar-News Media Committee, Federal Courts Committee and Professional Responsibility Committee.

A dramatic re-enactment commemorating the 275th anniversary of Andrew Hamilton’s historic 1735 defense of printer John Peter Zenger will be offered for CLE credit as the opening program on Oct. 15. The case established the concept of freedom of the press and coined the term “Philadelphia lawyer.” The plenary, sponsored by the Association’s Historical Society, will include a question-and-answer session moderated by retired Pennsylvania Supreme Court Justice Jane Cutler Greenspan and Pennsylvania Superior Court Judge Correale F. Stevens. The plenary, including the performance and Q & A, provides two hours of substantive CLE credit. The performance will feature actors from Temple University’s Department of Theater.

One of the highlights of any Bench-Bar and Annual Conference is Friday night’s Grand Reception.

A State of the Court Presentation will also be offered for CLE credit as the closing program on Saturday, Oct. 16. Vice Chancellor John E. Savoth and Board of Governors Vice Chair Regina M. Foley are co-chairs of the 2010 conference.

The Borgata is designed in classic Italian style and boasts 2,000 guest rooms and suites, all of which include stylish amenities, such as floor-to-ceiling windows, 300-thread-count Egyptian cotton bed and bath sheets, and large bathrooms with granite countertops, marble walls and floors, and oversized glass-enclosed showers.

The hotel also features 12 destination restaurants that convey a world of culinary experiences. Among the establishments, acclaimed chefs Bobby Flay, Michael Mina, Wolfgang Puck, Michael Schulson and Stephen Kalt present, respectively, Bobby Flay Steak, SeaBlue, Wolfgang Puck American Grille, Izakaya and Forlpetto.

Artists such as Pearl Jam, Gwen Stefani, Sting, Carly Simon and Aerosmith have performed in the 2,400-seat Borgata Event Center and famous guests are often spotted throughout the premises. Live bands play at the Borgata’s four nightlife hotspots: Gypsy Bar, B Bar, mur.mur and MIXX.

The Borgata Spa Toccare is 54,000 square feet and includes a salon, fitness center and barbershop. Rounding out the amenities are 11 specialty boutiques offering men’s, women’s and children’s fashions, gifts, toys, housewares and

| Mail to: Philadelphia Bar Association, 1101 Market St., 11th Fl., Philadelphia, PA, 19107-2955 |
| or Fax to: 215-238-1159 |

Hotel reservations must be made directly with the Borgata by calling 1-866-692-6742, or visit [www.philabenchbar.org](http://www.philabenchbar.org). Reference the Philadelphia Bar Association to receive our special group rate over the dates of October 14-16, 2010. Reservations must be made by Friday, September 17.

| Mail to: Philadelphia Bar Association, 1101 Market St., 11th Fl., Philadelphia, PA, 19107-2955 |
| or Fax to: 215-238-1159 |

Hotel reservations must be made directly with the Borgata by calling 1-866-692-6742, or visit [www.philabenchbar.org](http://www.philabenchbar.org). Reference the Philadelphia Bar Association to receive our special group rate over the dates of October 14-16, 2010. Reservations must be made by Friday, September 17.
Committee meeting in March in San
Employment Rights and Responsibilities
published at the Mid-Winter Confer-
dent Contractor Status Under Attack
article, “The States Strike Back: Indepen-
Annual Employment Law Institute. His
at the Pennsylvania Bar Institute’s 16th
Flaster/Greenberg PC, presented a semi-
award presented by the Burton Founda-
for Legal Writing Achievement. The
Piper, has won the 2010 Burton Award
man & Smalley, P .C. participated in the
legal profession.
organization devoted to promoting the
in the States District Court for the Eastern
District of Pennsylvania.
James E. Kurack Jr., a senior associate with Obermayer Rebmann Maxwell &
& Goggin, was a guest speaker at the
T raurig LLP was a panelist representing
of China: Labor-Management Relations Today” at the 2010 midyear meeting of the
Labor and Employment Law Committee, Labor and Employment Sec-
tion of the American Bar Association on May 9 – May 14 in Istanbul, Turkey.
Robert Fitzgerald, a shareholder with
law firm, was a guest speaker at the
May 18 Wells Fargo/SRS Annual Part-
nership Meeting in Las Vegas.

NAMES ARE NEWS
“People” highlights news of members’
awards, honors or appointments of a
community or civic nature. Information
may be sent to Jeff Lyons, Senior Manag-
ing Editor, Philadelphia Bar Reporter,
Philadelphia Bar Association, 1101 Market
St., 11th fl., Philadelphia, PA 19107-2955.
Fax: (215) 238-1159. E-mail: reporter@
philabar.org. Color photos are also
welcome.

Katherine M. Keefe, a shareholder with
Marshall, Dennehey, Warner, Coleman &
Goggin, participated on a panel present-
ing “10 Things You Need to Know
About Health Care Reform: Providers,
Plains and Patients” at the PBH Health
Law Institute.

Joseph M. Manko, Carol F. McCabe, Jill
Hyman Kaplan, Jonathan E. Rinde, Mat-
thew C. Sullivan and Todd Kanterczyk
of Manko, Gold, Katcher & Fox, LLP
participated in the 15th Annual Environ-
mental Law Forum, sponsored by the
Pennsylvania Bar Institute, on April
22-23.

Doug K. Rosen-
blum, an associate with Pietragallo Gor-
don Alfano Bosick and Raspani, LLP
spoke at the Bucks County Bar Associa-
ton “Federal and
State Qui Tam Practice.”

Carl Hittinger, partner and chair of DLA
Piper, has won the 2010 Burton Award
for Legal Writing Achievement. The
award presented by the Burton Founda-
tion, a nonprofit cultural and academic
organization devoted to promoting the
legal profession.

Michael D. Hemans, a shareholder with
Flaster/Greenberg PC, presented a semi-
nar on the law of reverse discrimination
at the Pennsylvania Bar Institute’s 16th
Annual Employment Law Institute. His
article, “The States Strike Back: Independ-
ent Contractor Status Under Attack
from Coast to Coast,” was presented and
published at the Mid-Winter Confer-
ence of the American Bar Association’s
Employment Rights and Responsibilities
Committee meeting in March in San
Diego.

Thomas Anapol and Gregory Speier of
Anapol, Schwartz, Weiss, Cohan, Feld-
man & Smalley, PC, participated in the
Mass Tort Judicial Forum with Judge
Marina Corr便是 the．The forum was
designed to help attorneys achieve better
results with mass tort cases, from pre-trial
to summation through a discussion with
courts, plaintiffs and defense lawyers on
the hot topics in mass tort litigation.

George Martin, founding partner of
Martin Banks, was recently named as
vice president of the Board of Trustees
for Earthjustice, the world’s largest
nonprofit environmental law firm.

Nolan Atkinson, a partner and chief
diversity officer at Duane Morris LLP, has
been elected vice chair of the Philadelphia
Board of Ethics.

Sarah E. Davies, a member of Coxen
O’Connor, was recently honored by
The Legal Intelligencer as an “Unsung Hero” for her pro
bono work.

Natalie Hrubos, an attorney with Littler
Mendelson, P.C., presented “Creating a
Trans-Friendly Work Environment” at
the Philadelphia Trans-Health Conference
in September.

Jennifer E. Simon Lento, an associate with
Obermayer Rebmann Maxwell &
& Goggin, was a guest speaker at the
T raurig LLP was a panelist representing
of China: Labor-Management Relations Today” at the 2010 midyear meeting of the
Labor and Employment Law Committee, Labor and Employment Sec-
tion of the American Bar Association on May 9 – May 14 in Istanbul, Turkey.

Kelly Dobs Bunting of Greenberg
Traurig LLP was a panelist representing
management in a discussion of “China:
Labor-Management Relations Today” at the 2010 midyear meeting of the
International Labor and Employment Law Committee, Labor and Employment Sec-
tion of the American Bar Association on May 9 – May 14 in Istanbul, Turkey.

Robert Fitzgerald, a shareholder with
Marshall, Dennehey, Warner, Coleman &
Goggin, was a guest speaker at the
May 18 Wells Fargo/SRS Annual Part-
nership Meeting in Las Vegas.

Gina F. Rubel, founder and presi-
dent of Furia Rubel Communications,
Inc., has been named one of the 2010
Women of Distinc-
tion by The Legal Intelligencer in
association with the Women’s Law Project and the ABA Commission on Women in
the Profession.

Michele R. Punturi, a shareholder with
Marshall, Dennehey, Warner, Coleman &
Goggin, was
speaker at a Work-
ners’ Compensation Roundtable at the
Sheraton Harrisburg-Hershey on June 3.
The event, “WC Benefits, Claims Man-
agement, Litigation and Medicare Issues,”
was organized by Pennsylvania Chamber of Business and Industry.

John Mattioni, chair of the board of
Mattioni, Ltd., has been elected to serve as a member of the Board of Directors of
the Historical Society of the United
States District Court for the Eastern
District of Pennsylvania.

James E. Kurack Jr., a senior associate with Obermayer Rebn
Maxwell &
& Goggin, was a guest speaker at the
T raurig LLP was a panelist representing
of China: Labor-Management Relations Today” at the 2010 midyear meeting of the
International Labor and Employment Law Committee, Labor and Employment Sec-
tion of the American Bar Association on May 9 – May 14 in Istanbul, Turkey.

Kelly Dobs Bunting of Greenberg
Traurig LLP was a panelist representing
management in a discussion of “China:
Labor-Management Relations Today” at the 2010 midyear meeting of the
International Labor and Employment Law Committee, Labor and Employment Sec-
tion of the American Bar Association on May 9 – May 14 in Istanbul, Turkey.

Michael Mattioni, president of Mattioni,
Ltd., has been elected to serve as Secre-
tary of the Justinian Society.

Julia M. Rafferty, an associate with Strad-
ley Ronon Stevens & Young, LLP has been
appointed to the Editorial Advisory
Board of imPACT Times, a Greater
Philadelphia Alliance for Capital and
Technologies publication providing news
and resources to the entrepreneurial, life
sciences and investment communities.

Deborah J. Zateeny and Ann T. Lof
tus of Zateeny Lofthus, LLP participated at
the Nonprofit Institute sponsored by the
Pennsylvania Bar Institute on May 18.
Zateeny was a course planner and Lofthus was a panelist.

Kevin F. Berry, a partner with Duane
Morris LLP, has been appointed to a
three-year term as a hearing officer for
the Disciplinary Board of the Supreme
Court of Pennsylvania. His position was
effective July 1, and he will serve through
June 30, 2013.

Michael A. Morse, a partner with Pietra-
gallo Gordon Alfano Bosick and Ras-
parati, LLP presented the webinar “False
Claims Act Changes in New Healthcare
Reform Law.” He also presented at the
Pennsylvania Institute of Certified Public
Accountants 2010 Health Care Confer-
ence in Harrisburg in June.

Donald W. Kramer and Virginia P. Sikes,
partners with Montgomery, McCracken,
Walker & Rhoads, LLP, were speakers at
the Pennsylvania Bar Institute’s 8th An-
nual Nonprofit Institute presentation.

Michael Mattioni, president of Mattioni,
Ltd., has been elected to serve as Secre-
tary of the Justinian Society.

People

Jennifer E. Simon Lento, an associate with
Obermayer Rebmann Maxwell &
& Goggin, was a guest speaker at the
T raurig LLP was a panelist representing
of China: Labor-Management Relations Today” at the 2010 midyear meeting of the
International Labor and Employment Law Committee, Labor and Employment Sec-
tion of the American Bar Association on May 9 – May 14 in Istanbul, Turkey.

Kelly Dobs Bunting of Greenberg
Traurig LLP was a panelist representing
management in a discussion of “China:
Labor-Management Relations Today” at the 2010 midyear meeting of the
International Labor and Employment Law Committee, Labor and Employment Sec-
tion of the American Bar Association on May 9 – May 14 in Istanbul, Turkey.

Michael Mattioni, president of Mattioni,
Ltd., has been elected to serve as Secre-
tary of the Justinian Society.

Julia M. Rafferty, an associate with Strad-
ley Ronon Stevens & Young, LLP has been
appointed to the Editorial Advisory
Board of imPACT Times, a Greater
Philadelphia Alliance for Capital and
Technologies publication providing news
and resources to the entrepreneurial, life
sciences and investment communities.

“People” highlights news of members’
awards, honors or appointments of a
community or civic nature. Information
may be sent to Jeff Lyons, Senior Manag-
ing Editor, Philadelphia Bar Reporter,
Philadelphia Bar Association, 1101 Market
St., 11th fl., Philadelphia, PA 19107-2955.
Fax: (215) 238-1159. E-mail: reporter@
philabar.org. Color photos are also
welcome.
THE LEGAL DIRECTORY
IS MORE VALUABLE THAN EVER!

NEW
FOR 2010!
Search Lawyer
And Law Firm Listings
On Your Handheld!

YOU’LL RECEIVE:

> access to the online directory
> mobile application
  so you can search entries
  on the go
> the print directory

It’s all available
for one low price: $79.95

ORDER NOW–
The Next Edition Will Not Be
Published Until Spring 2011!

TO ORDER: Go to
www.thelegaldirectory.org
or call 443-909-7843
to have an order form emailed to you.

ORDER YOUR COPY
BEFORE THEY’RE GONE!

Online and in print, the 2010 Legal Directory is your most
up-to-date source of information on the Philadelphia-area legal
community, featuring hundreds of new lawyer, law firm and
government entries!

ALSO INCLUDED:

> index of area judges
> listing of law-related
  organizations
> court rules and fees
> corporate counsel section
> product and service resources
> Bar Association bylaws
  and committees
> And more!

QUESTIONS? Please contact us at 443-909-7843 or legaldirectory@mediatwo.com.
The Legal Directory | C/o Media Two | 1014 West 36th Street | Baltimore, MD 21211

www.philadelphiabar.org
Philadelphia Bar Reporter
August 2010
THE 100 MOTOR CARS OF RADNOR HUNT

September 10, 11 & 12, 2010

FEATURING STUDEBAKER, TRIUMPH MOTORCYCLES AND THE COACHWORK OF PININFARINA

Join us – one day or all three – for this most spectacular event featuring the Friday night barbecue, the Saturday road rally through scenic Chester County, the Saturday night Black-Tie Gala and capped off by a fun-filled Sunday of world-class cars and motorcycles, great food and enjoyment for the whole family.

Discounted tickets and information online at www.RadnorConcours.org

Proceeds benefit The Joan Kinnell Cancer Center at Pennsylvania Hospital.