Wilkinson to Outline Agenda for 2013 as She Becomes Bar’s 86th Chancellor

Kathleen D. Wilkinson will become the sixth woman Chancellor of the Philadelphia Bar Association when her term begins on Jan. 1, 2013.

Chief Justice Castille to Receive Brennan Award

By Jeff Lyons

Pennsylvania Supreme Court Chief Justice Ronald D. Castille will be presented with the Association’s Justice William J. Brennan Jr. Distinguished Jurist Award at the Annual Meeting Luncheon on Tuesday, Dec. 4.

The award recognizes a jurist who adheres to the highest ideals of judicial service. Any member of the state or federal bench, whether active or retired, who has made a significant, positive impact on the quality or administration of justice in Philadelphia is eligible for consideration. Examples of accomplishments worthy of nomination include innovations in court administration, implementation of pioneering case management techniques, assumption of a leadership role in areas affecting the administration of justice, publication of a significant opinion, article, or other scholarly work, or the like.

According to one nomination, Chief Justice Castille “has adhered to the highest ideals of judicial service and integrity through a most challenging period in 210-year history. Her term begins on Jan. 1, 2013. In an address on Dec. 4 at the Hyatt at The Bellevue, she will discuss her plans – including her commitment to making the Association more inclusive – and reinforce her personal philosophy that one can be soft-spoken, courteous and respectful while remaining a highly effective advocate.

Wilkinson will also highlight “wherecontinued on page 14
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I began my term as Chancellor with a column titled “Bar Membership Enriches Work and Makes Life More Meaningful.” I explained why joining the Philadelphia Bar Association was the best choice I ever made when I arrived in Philadelphia from my early years growing up along the North Jersey shore.

Certainly, the Bar Association is how I met people, made connections and developed lasting, cherished friendships.

But more importantly, the Bar gave me the reason why I am most proud to be a Philadelphia lawyer. As Philadelphia lawyers, we are distinguished by our unparalleled service to the community. Pro bono service and community volunteerism are more than just a professional commitment for Philadelphia lawyers. They define us.

And so I want to dedicate this column to those who have proudly carried on the 210-year legacy of the Philadelphia Bar Association through their service commitment to our Bar this year. As I look back at what we have accomplished, nothing would have been possible without them.

It has been a privilege and an honor to lead such a talented group of individuals, and to watch them do such impressive work for our members, our justice system and the broader community.

In particular I would like to thank Brandi Price for her exceptional level of commitment to the tough job of chairing our Board of Governors. She led us with strength, resolve and good humor, and we are all proud and grateful for her service to our Bar this year.

I am also grateful to our entire Board of Governors for their dedication and vigilance with so many issues of importance to our membership and practice this year.

I also want to thank Judge Marjorie O. Rendell, Judge John Milton Young and Jenimae Almquist, as well as former National Constitution Center President.

Bar to Elect Officers, Board Members

The Philadelphia Bar Association’s Annual Election of officers and members of the Board of Governors will be held on Tuesday, Dec. 4, from 8:30 a.m. to 6 p.m. on the Ballroom Level of the Hyatt at The Bellevue, Broad and Walnut streets. Officers to be elected are Vice Chancellor, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer and five members of the Board of Governors for three-year terms.

According to Article IV, Section 406, Paragraph B, “The election shall be by (1) secret mailed ballot and (2) paper ballot or voting machine. In addition, Members may vote electronically over the Internet to the extent permitted by law pursuant to procedures established by the Board to preserve the confidentiality of the Member’s vote and the integrity of the voting process. Voting machines, if available, shall be preferred for in-person voting, unless there is an election at which there is no contest. The position of the nominee on the ballot shall be determined by lot. The drawing of lots shall be conducted by the Judge of Elections not less than 25 days before the Annual Meeting in the presence of the nominees and/or their representatives. The form of the ballot shall be prescribed by the Board. A ballot shall be sent by the Association by mail to every Association member eligible to vote at least two weeks prior to the date set for the Annual Meeting. A mailed ballot shall not be counted unless it has been received at the office of the Association no later than 10 a.m. three business days prior to the date set for the Annual Meeting and in such manner as to preserve the confidentiality of the Member’s vote. The Judge of Elections shall count the mailed ballots after the polls have been closed.”

Ballots were mailed Nov. 16 and were due by Nov. 29 at 10 a.m.

Candidates for office are: Albert S. Dandridge III and Joseph A. Prim Jr., Vice Chancellor (elect one); Sophia Lee, Secretary; Wesley R. Payne IV, Treasurer; Jacqueline G. Segal, Assistant Secretary; Mary F. Platt and Judge Michael Snyder (ret.), Assistant Treasurer (elect one); and Natalie Klyashtorny, Rachel E. Kopp, Emily B. Marks, John J. O’Malley, Brad V. Shurtleforth and Dawn M. Tancredi, Board of Governors (elect five).
Access to Justice Boosts Economy, Panel Says

By Mary-Kate Breslin

Judges and lawyers alike gathered at a Nov. 13 Chancellor’s Forum to discuss the growing need for legal services for low-income individuals, and to strategize ways to bridge the justice gap. The program provided insights into developments in both Pennsylvania and New York, as well as proposed initiatives.


Pennsylvania Legal Aid Network intake workers have to turn away approximately half of the individuals in search of legal assistance. Additionally, 1.7 million Pennsylvanians live in poverty, meaning those individuals have an annual income of about $11,000. These were some of the staggering statistics provided by moderator Karen C. Buck, executive director of the SeniorLAW Center in Philadelphia, and co-chair of the Bar Association’s Housing Working Group of the Civil Gideon Task Force.

“Fundamental access to justice affects all of our lives,” continued Buck in her opening remarks. She used the Philadelphia Municipal Court Civil Division’s Landlord and Tenant Court as an example of the kind of legal services most needed by low-income residents. So far in 2012, approximately 27,000 cases have already been filed in Landlord and Tenant Court, and of those 92 percent were disposed of without a lawyer for the tenant. Residents face critical legal issues in their lives that affect their livelihood, survival, family and security. Particularly needy individuals are those with disabilities, victims of domestic violence and the elderly.

How do you make a difference? “Jump in feet first,” encouraged Judge Fisher, director of the New York State Courts Access to Justice Program. She described members of the legal community as being “guardians of the justice system” and placed the onus on that community to ensure that access to justice becomes a reality. A member of the American Bar Association Standing Committee on continued on page 20

Pond Lehocky Welcomes Three New Attorneys

Pond Lehocky Stern Giordano is proud to announce the addition of three new attorneys to their constantly growing Workers’ Compensation and Social Security Disability Firm.

Christopher Cara earned his J.D. from Villanova University where he was a three-year recipient of the Deirdre L. Bailey Leadership Scholarship, was a member of the Pro Bono Society and earned the top grade in his Spring 2012 Workers’ Compensation course.

Allison Eberle-Lindemuth received her J.D. from Widener University in 2011 where she made the Dean’s List each semester and graduated top of her class. Allison was a member of the Widener Law Journal and served as an Academic Support Fellow for Contracts I and II.

Andrew Ruder graduated with a J.D. from Rutgers University in 2012. During Law School Andrew was a member of the Rutgers Law Journal where his comment, “The Use of Risk Assessment Tools in Formulating Individualized Sentencing Programs,” will be published in the next volume.

The three new additions establish Pond Lehocky as the largest firm of its kind, nearly tripling its size in just over two years with 17 Workers’ Compensation and Social Security Disability attorneys.
Day Forward Program Aids Med-Mal Disposition

By Benjamin F. Johns

Philadelphia Court of Common Pleas Judge Allan L. Tereshko discussed the First Judicial District’s inventory of medical malpractice cases at a recent meeting of the Medical Legal Committee.

Judge Tereshko credits the Day Forward Program – an initiative designed to reduce case backlog and move major jury trial cases to resolution – as a reason for the increasingly fast disposition of these cases. Cases that qualify for the Day Forward Program are promptly scheduled for a mandatory case management conference after they are initiated. The cases are also assigned to a case management track with a set schedule depending upon whether they are expedited (13 months from filing to trial), standard (19 months), or complex (28 months). Judge Tereshko described these tracks and deadlines associated with them as self-enforcing. The cases are tracked aggressively to ensure that they adhere to this schedule, and the court is complying with these standards in about 95 percent of its cases. Judge Tereshko described this figure as “outstanding” for such a large urban court.

Notwithstanding the pace of the majority of the cases in the Day Forward Program, medical malpractice cases can take longer to reach conclusion given their complexity. As a result, there will likely be a few medical malpractice cases from 2009 that are still pending after that year’s Day Forward Program concludes at the end of this year. These cases will be assigned to the team leader judge who becomes responsible for the next Day Forward program in 2013. The mandate to this judicial team leader will be to try or settle these cases, according to Judge Tereshko. He noted that there is an informal goal to get the inventory of cases that have exited the program to below 100. Judge Tereshko presented data to illustrate the Day Forward Program’s effectiveness in resolving cases. Approximately 99.8 percent of the 1,088 cases filed in 2000 have concluded. As of Oct. 1, the court had also disposed of 90 percent of the 484 cases from 2009. In addition, the court has already disposed of 59 percent of the 2010 case inventory, and 25 percent of the 2011 inventory. Judge Tereshko also provided data on recent verdicts of civil cases that went to trial. Of the 426 matters initiated in 2011, 25 of them have already proceeded to jury trials. Fourteen of these trials ended in defense verdicts, while 11 of them ended in plaintiff verdicts totaling $65 million. In 2010, there were 34 jury verdicts; 26 of these were defense verdicts, while eight were plaintiff verdicts. Judge Tereshko explained that the low number of medical malpractice cases that go to trial reflects the fact that many of them settle.

Benjamin F. Johns (bfj@chimicles.com) is an associate with Chimicles & Tikellis LLP.
WCAB Appeals Process to Improve with Web System

By Regina M. Parker

The handling of appeals before the Workers’ Compensation Appeal Board (WCAB) will change for the better with the introduction of a web-based information system that will provide a means for electronic filing of appeals, cross appeals, requests for supersedeas and the submission of briefs and other documents. Workers’ Compensation Section members were told at a Nov. 2 CLE.

Panelists included Workers’ Compensation Appeal Board Chair Alfonso Frioni Jr. and Workers’ Compensation Appeal Board Commissioner Sandra D. Crawford.

Frioni explained that on Sept. 17, 2012, the Department of Labor & Industry implemented Phase 1 of the Workers’ Compensation Automation and Integration System (WCAIS) that will activate new functionality for the WCAB and Helpline. Parties will be able to search, view and obtain information on the status of appeals in WCAIS, he said.

It is expected that Phase 2 of WCAIS will be implemented in the fall of 2013. Users will be able to conduct business electronically with the BWC and the Workers’ Compensation Office of Adjudication. Frioni explained that features of the system will include round-the-clock access to file petitions and requests online, manage documents and claims, and electronic communication with all program areas. Phase 2 will include mandatory filing of most claims-related forms through electronic data interchange.

Electronic filing will ultimately result in changes to the WCAB rules, including manner of service and circulation of continued on page 21

2013 Philadelphia Bar Association Budget

Sources of Funds

<table>
<thead>
<tr>
<th>Source</th>
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<td>Committee Programs</td>
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<td>Public Program</td>
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<td>Other Sources of Revenue</td>
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Application of Funds

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<td>(Legal subscriptions and malpractice insurance)</td>
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Notice to Potential Judicial Candidates

The Commission on Judicial Selection and Retention of the Philadelphia Bar Association evaluates the qualifications of persons seeking appointment or election to the Philadelphia Common Pleas and Municipal Courts.

Individuals who wish to be considered for appointment or who are considering filing for the 2013 primary election as judicial candidates should contact the Commission on Judicial Selection & Retention, c/o Charles J. Klitsch, Esq., the Bar Association’s Director of Public and Legal Services, to obtain a Judicial Evaluation Questionnaire, the Commission’s Guidelines for Evaluation of Attorney and Judge Candidates and Bylaws of the Philadelphia Bar Association.

In order to ensure that each candidate receives a full and fair evaluation, the completed questionnaire must be returned by Monday, Dec. 3, 2012 to “Judicial Commission” at 1101 Market St., 11th Floor, Philadelphia, PA 19107-2911. Also, candidates who have previously been evaluated by the Commission are invited to contact the Association to determine whether their ratings are current by calling Mr. Klitsch at (215) 238-6326. Individuals are reminded that under the Commission’s Guidelines, any candidates who do not participate in the Commission’s evaluation process will receive “Not Recommended” ratings if they continue to pursue either appointment or election.

Gaetan J. Alfano, Esquire
2012 Chair, Commission on Judicial Selection and Retention

Real Property Section Annual Meeting

Real Property Section Chair-Elect Richard Vanderstlice (left) joins Cheryl L. Gaston, Anne Bovaird Nevins and Section Chair Brad Begelman at the Real Property Section’s Annual Meeting & Luncheon on Nov. 8 at Loews Philadelphia Hotel. Gaston was presented with the Section’s Harris Ominsky Good Deed Award. Nevins, senior vice president of market development with the Philadelphia Industrial Development Corporation, was the keynote speaker at the program.
IP Enforcement Rights Getting Better in China

By J. Michael Considine Jr.

Enforcement on intellectual property rights in China is improving, members of the International Business Initiative Committee were told at a recent meeting.

Speakers Robert Gaybrick, a partner and co-chair of the Intellectual Property Practice of Morgan, Lewis & Bockius LLP in Washington, D.C.; Jennifer Groves, a partner in the Washington, D.C. office of Eckert Seamans Cherin & Mellott, LLC; and Zhang Rou Yu, an associate in Yingke Law Firm in Beijing, led the discussion. They said China has made it a focus of its policy to establish its own IP industry. China has more patent litigation than any country in the world. The judicial system is not as independent or transparent as ours. Yet “knockoff” products abound in Beijing’s Silk Street Mall and the issue of infringing products is being litigated. IP violations can entail liability for the mall as well as the Chinese patent number on a product. A false

Foreign companies should apply for a patent within one year of a U.S. application before publication or use here or in China. A U.S. application is published in 18 months. Publication in the U.S. may ban an application for a patent in China. U.S. patents do not apply in China. A PCT application may be obtained in the courts. China is not as liberal in the U.S. as standards for patenting software. Patentability varies throughout China. There is more patentability in southern China, and more enforcement in cities like Shanghai, Beijing and Guangzhou. Chipco uses national standards for enforcement. Certain judges specialize in IP enforcement. It can take two to four years for approval of a patent. Prior application does not grant a right to the patent but filing as early as possible is wise because it starts the “clock ticking” on damages. Chinese patents last 20 years from the date of filing.

Disputes should be arbitrated. The arbitration system is often better than the courts. Contracts involving IP in China should have an arbitration clause.

Injunctive relief is available with the Patent Affairs Administration, which cannot award damages. It is fast and relatively cheap. Filing does not preclude also filing in court for damages. Most infringement is by 3rd parties not in contract with the patent holders. Help is available through government relations and lobbying. American companies have a huge problem with IP in China. Some use an advocate like a trade association to get the government to take action. This is done without informing the media, giving the violator a chance to save face.

Companies use the International Trade Commission to prevent or stop the importing of infringing products into the U.S. It can issue an exclusion order so Customs will block the items entry. European countries permit extra seizures. The Department of Justice can initiate a criminal action for infringement seeking damages and imprisonment. Another option is the U.S. District Court. At one time there were law firms in China that specialized in closing down of infringing operations. Local police can be used to shut down operations, after an infringement action is filed. Without prior notice to the infringing party local police may enter premises and seize records to preserve evidence. Usually these cases settle.

To do investigation, an insider can be hired to get informants on false software or other infringing products. Fake businesses can be established. Local police can be used under a procedure called A.I.C. Under popular, a member of the Communist Party can be interrogated. There are no depositions, requests for production of documents, or request for inspection or medical examination but a party may seek a court order to obtain and examine the evidence.

Damages awarded may include the profits of the infringer or financial losses of the owner of the IP. There are no

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Greener Choices Coming from Phone Makers

By Henry Balikov

A few months back, we talked about electronic gadget disposal. When it came to cell phones, we said that passing them on should be one of your choices. They can be passed within family/friends, donated to charity or our military. The same could apply to Blackberry products, iPhones and other PDAs.

Let’s look at this from the other end of the process. Would you buy the new iPhone 5 or Galaxy SIII, if you knew it was full of toxins? Many of you are already familiar with Apple’s “issues” involving the concentration and presence of toxic chemicals. There was a lot of controversy over Apple’s withdrawal from the EPEAT green electronics registry, which many governments and companies use to determine their electronics purchasing policies.

Yes, there are choices we all can make as consumers and customers. This is as true of what we do at our law offices as what we do at home. More organizations are involved with delineating the toxic content of products. For mobile phones, PDAs and other electronics, there is concern about metals such as lead and mercury, as well as organic chemicals.

Here are some of the changes you will see in newer PDAs and phones:

• Avoiding the need for cabling through simplified design;
• Using mercury-free LCD displays and arsenic-free glass;
• Using bromine- and chlorine-free printed circuit board laminates; and
• Moving to less toxic, reactive phosphorous-based flame retardant chemistries.

Tell your firm’s IT manager and procurement team that they may find the new healthysuff.org study useful. It ranks 36 different phones released in the last five years based on the relative concentration and presence of toxic chemicals. Ten mobile phone manufacturers, including Apple, Motorola, Hewlett-Packard, LG Electronics, Nokia and Samsung were included in the study, which was a joint effort between Ann Arbor-based Ecology Center and ifixit.com.

Samsung phones had the highest average rating for the least amount of toxins of all phones tested. While Apple showed the greatest improvement of any manufacturer in the study among phone models released in the last five years, none of the phones tested was free of toxic chemicals.

“Even the best phones from our study are still loaded with chemical hazards,” said Jeff Geerhart, research director at the Ecology Center and founder of Healthy-Stuff.org.

“These chemicals, which are linked to birth defects, impaired learning and other serious health problems, have been found in soils at levels 10 to 100 times higher than background levels at e-waste recycling sites in China. We need better regulation of these chemicals, and we need to create incentives for the design of greener consumer electronics.”

“Requiring your purchasing people to evaluate toxicity as one of their criteria is a step in the right direction. Maintaining and repairing devices dramatically improves their usable lifespan. If we double the length of time the average piece of electronics is used, we could halve the amount of e-waste created. If we take care of our devices and fix them when they break, we can improve on that figure. We can still do better by keeping reusable electronic devices out of landfills and incinerators through donation.”

Henry Balikov is vice president at Goldman Environmental Consultants and chair of the Climate Change Focus Group at The Auditing Roundtable. He is an active member of the Bar Association’s Green Ribbon Committee.
Holiday Advice for the Networking Newbie

By Melanie J. Taylor

Networking – holding an impromptu conversation with a total stranger – is an important skill and I am glad that I learned how to do it early on in my career. Being active in the Philadelphia Bar Association has shown me that this city is a close-knit legal community. Moreover, the law has a steep learning curve. I had to make new contacts, even within my own office, to have someone to call when I needed help, advice, or an introduction.

I will not pretend that talking to strangers is easy. Thus, with the holidays coming up, and with them the dreaded holiday party, I thought that I would offer a few tips on what I have learned over the years to make networking easier. Everyone has a different networking style, but if you are new to it, or simply do not like to network, try these strategies.

First, if you choose to drink at all, go light on the liquor. It is perfectly understandable to have a drink to calm your nerves. However, I do not recommend having more than two drinks total at an event, or one drink per hour. Everyone has experienced that law school event where someone under the influence either said or did something inappropriate, or even worse. This is neither attractive, nor helpful to your career.

Next, find someone (whom you do not know) and start a conversation. Most of us bring a friend or colleague to these functions to share our pain, and we just talk to them for the entire event. However, the point of networking is to meet new people, not to talk to ones you already know. Make sure to separate. Then strike up a conversation with someone! I usually do it at the refreshment table. Mention the catering, or complement the person’s shoes or bag. Once you have exchanged a few pleasantries, make your introduction. Bam! You have a new contact.

A tip for the more advanced: if your wingman is still talking to someone, either get their attention or find someone else to bring over to your group. Therefore, feel free to excuse yourself politely at some point to go back to the refreshment table or bar and find someone else to bring over to your group.

Finally, the hard part, what to talk about. I recommend not talking too deeply about work unless you share practice areas with your new contact or know someone at their firm. Instead, discuss the news or things that interest you. People are much more likely to remember you and invite you to their events if they think that you are an interesting person, not because you are a good lawyer.

If you are looking for work, mention that later in the conversation, and then only briefly. You want to be remembered as Marathon Guy, not Out of Work New Lawyer Number 23. Even if you are not looking for a job, be sure to get your new contact’s card and write anything noteworthy from the conversation on the back. If a week or two later you see something that might interest them, say an article or an event, you have a great and completely unselfish reason to reach out to them and make a stronger connection.

Well, this is my last YLD Update column as chair of the Young Lawyers Division. It has been a fantastic year! Thank you to Aneesh Mehta, the chair elect, who always gave useful feedback and went to meetings that I could not attend. My cabinet – Matthew Laver, Roxane Crowley, Todd Zamostein and Ed Beitz – did a wonderful job of managing their committees and helping event chairs with their programs. Thank you to the 2012 Executive Committee, who planned and executed all of the programming. I have received a lot of compliments about the YLD, and all of it is thanks to you. Finally, thank you to the Bar staff. Your professionalism makes managing this Division look much easier than it actually is. Best of luck to everyone in 2013!

Melanie J. Taylor (Melanie.Taylor@philba.gov), an assistant district attorney with the Office of the Philadelphia District Attorney, is chair of the Young Lawyers Division.
Immigrants’ Modern Day Exodus Detailed by Author Nazario

By Angie Halim

Pulitzer-Prize winning author Sonia Nazario shared the remarkable story of a determined Latin American teen as he traveled to the United States in search of his mother, who had left Honduras to find work to support her family.

Nazario, the author of “Enrique’s Journey” and speaker at an Oct. 31 Chancellor’s Forum, explained that the face of the common immigrant is changing. In the past, most immigrants have been males entering the U.S. unlawfully to work for their families back home. That has changed in recent years, however, and now approximately 51 percent of illegal immigrants in the U.S. are now women and children. Nazario described the family disintegration in Latin America as a result of women leaving their children and their families to— in many cases — raise the children of other families in the U.S.

Discovering that this phenomenon is tragically commonplace propels Nazario on her own journey to interview women and their families in Latin American countries. She learned that many women make the impossible decision to leave their children for what they believe is the only option to ensure their children’s survival. These women are separated from their families for five, 10 or more years, and the impact on their children is devasting. In interviewing many families, Nazario witnessed the profound determination borne out of this devastation. She chronicled one young man’s odyssey in her book.

Enrique was born and raised in Honduras, where the 44 percent unemployment rate drives many families into poverty and starvation. Enrique’s mother left when he was five years old to travel to California to find work. In his mind, Enrique thought his mother disappeared and he pled with God and anyone who would listen to bring his mother home. Nazario explained that he went from being a lonely boy to a troubled adolescent. After 11 long years without his mother, Enrique went on a search to find his mother. Armed with nothing more than a scrap of paper with his mother’s telephone number, he attempted to travel through Mexico by risking his life riding freight trains. What with Nazario describes as “gritty determination,” Enrique attempted eight trips than spanned 122 days and 12,000 miles.

Nazario joined Enrique in Honduras and spent several months taking the same journey he took. She discovered that “a small army” of children are leaving their homes— alone — in search of their mothers by traveling north across Mexico by gripping onto the sides or underbellies of freight trains. These children, said Nazario, embark upon this “incredible adventure” that is “harrowing” beyond imagination. The trip is fraught with physical danger from gangsters whose only objective is stealing any amount of money from the young travelers. If the travelers have no money to give, death is imminent. Even when safe from gangsters, though, riding trains is inherently physically dangerous. Many children are mutilated or killed. To Enrique, though, those obstacles were nothing compared to his desire to reunite with his mother, said Nazario.

Nazario wrote this book to shed light on what she calls a “modern day exodus.” She hopes to humanize immigrants, particularly in places such as rural Pennsylvania where immigration is viewed as a threat. One of the first local anti-immigration laws in the nation originated in Hazleton, Pa. In such places where there are “sudden influxes” of immigrants and periods of rapid change, it’s “easier to demonize than try to understand,” said Nazario. Through her book and through Enrique’s story, she hopes to highlight immigrants’ remarkable determination to seek out better opportunities.

China continued from page 8

punitive damages. Attorneys fees and costs may be awarded. The fee to file a complaint is proportional to the damages claimed, usually a percentage. These fees are awarded if the plaintiff prevails.

There is progress, but more needs to be done. There are pending World Trade Organization cases on quotas on how many U.S. movies may be released in China.

The speakers offered practical advice for clients with intellectual property. Assume there will be infringement if a product is not manufactured in China; make plans 18 months in advance to protect your I.P.; get Chinese partners after doing due diligence; consider withholding key technology; if you have a joint venture your partner may produce unauthorized products at night while doing business with you in the daytime so be careful; and you must restrict access to technology by employees in the U.S. and have protection protocols.

The International Trade Commission did §332 investigations on I.P. in China. U.S. businesses lost $48 billion in profits in China in 2009 ($27 billion of which was for information technology and medical, $18 billion for high technology and $11 billion for consumer goods.) Infringement of intellectual property cost U.S. companies $24 billion in copyrights, $6 billion in trademarks and $1 billion each for patents and trade secret. American companies spent $5 billion on enforcement. To protect trade secrets, employment agreements should have an arbitration clause permitting injunctive and other relief with the option to go to court of the arbitration relief is not effective. Foreign judgments are not enforceable but arbitration awards are.

J. Michael Considine Jr. is chair of the International Business Initiative Committee.

FJD Celebrates Pro Bono

Chancellor John E. Savoth (from left) joins Philadelphia Court of Common Pleas President Judge Pamela Pryor Dembe, Philadelphia Municipal Court President Judge Marsha H. Neifield and Judge Kenneth J. Powell Jr. before the First Judicial District’s Pro Bono Publico Awards program on Oct. 24 at City Hall.

Sonja Nazario signed copies of her book “Enrique’s Journey” following the Oct. 31 Chancellor’s Forum.

Angie Halim (angie@halimlawfirm.com), principal in the Law Offices of Angie Halim, LLC, is an associate editor of the Philadelphia Bar Reporter.
We, like any charitable organization, have been faced with a difficult fundraising environment. Thus, the main challenge has been to bring in the door every dollar we could. Our goal has been to each year maintain or increase our level of funding to our grantees.

spending policy allows.

Under the calm and steady leadership of our Executive Director Lynne Brown we have held expenses below budget. With the enthusiastic professionalism of Liz Macoreta, our first ever full-time development officer, we have met our budgetary goals for our events, the Andrew Hamilton Gala and the golf tournament, and believe that we will meet or come close to meeting our fundraising goals in most other categories. However, as I write, it does not appear that we will, as we have in past years, receive significant pres funds. In years past, these very welcome but unpredictable contributions have allowed us to make grants at a level far in excess of our baseline fundraising capacity. That is likely to happen again – just not this year.

We have known for some years now that that we have been lucky. We knew that the pattern of baseline fundraising supplemented by forutious financial shots from a source we cannot control, was not the best way of achieving our goals of a predictable and steadily rising source of funding for our grantees. Accordingly, we focused a considerable amount of effort on how to shift the paradigm as we developed our second Five-Year Strategic Plan. The plan, which was approved by the Trustees in November and which covers the years 2013-2017, contains goals, initiatives and objectives designed to build on our existing fund raising activities while diversifying our fundraising sources and building the endowment.

For example, the plan seeks to increase the participation of young attorneys as Bar Foundation donors and ambassadors. It also seeks to reach out to that growing sector of Philadelphia lawyers, in-house attorneys, as well as a smaller law firms and transactional attorneys – none of which have traditionally been engaging with the Bar Foundation. The plan is structured to be used as a working document and the goals and objectives outline a practical as well as an aspiration course for the Bar Foundation to follow. You can view the strategic plan on our website, www.PhilaBarFoundation.org.

The strategic plan also commits the Foundation to continue to explore and pursue the establishment of a Civil Justice Center to house grantee organizations and other legal nonprofit groups. A central building could free up funds to provide more professional staff to fill that need by creating organizational synergies and cost cutting opportunities through shared resources, amenities, and staff. The Foundation is working with a developer, architects, funding sources and with each of the legal services organizations to determine the feasibility of a Civil Justice Center. Deborah R. Gross, who will take over as president in January 2013, has asked me to continue to lead this effort along with my fellow trustee, Rick Cantor, which I am thrilled to do. With the strategic plan in place, an engaged Board of Trustees, an energized staff and Debbie at the helm, the Foundation is well-positioned as it heads toward its 50th anniversary in 2014. It has been an honor and a privilege to serve as its president. I have no doubt that the next few years will see it grow from strength to strength as it increases its capacity as a source of financial support and other assistance to the legal community while seeking to inspire, as it has me, all Philadelphia lawyers to focus their philanthropic and volunteer efforts on access to justice.

Wendy Beetlestone (wbeetlestone@hangley.com), a shareholder with Hangley Aronchick Segal Pudlin & Schiller, is president of the Philadelphia Bar Foundation.
400 Attend Andrew Hamilton Gala at Barnes

The Bar Foundation Pro Bono Award was presented to Fox Rothschild LLP. From left are Managing Partner Mark Silow, firm Co-Chair Abraham C. Reich, Wendy Beetlestone, Magdalena Schardt, Prince Altee Thomas, Mary Anne Lucey and Chancellor-Elect and Gala Co-Chair Kathleen D. Wilkinson.

Mary Catherine Roper of the ACLU of Pennsylvania received the Philadelphia Bar Foundation Award at the Nov. 3 Andrew Hamilton Gala. From left are Roper, Reggie Shuford of the ACLU, Philadelphia Bar Foundation President-Elect Deborah R. Gross and Gala Co-Chair Andrea J. Cho.

Bar Foundation President Wendy Beetlestone (above, from left), former Chancellor Mark A. Aronchick, Judge Diane Welsh and David Smith. Colin McCaddin and Margaret O’Neill (right) were among those enjoying the festivities.

Mary Catherine Roper of the ACLU of Pennsylvania received the Philadelphia Bar Foundation Award at the Nov. 3 Andrew Hamilton Gala. From left are Roper, Reggie Shuford of the ACLU, Philadelphia Bar Foundation President-Elect Deborah R. Gross and Gala Co-Chair Andrea J. Cho.

Former Association Chancellor and Bar Foundation President Edward F. Chacker salutes dancers from The Rock School during the Andrew Hamilton Gala at the Barnes on the Parkway. More than 400 people attended the event. The Gala celebrated the $333,000 in donations pledged as part of the special 2012 Access to Justice campaign.

Reggie Shuford and friends enjoy themselves at the Gala.

Gala volunteer Maureen Smith with Dr. John Detre and Wendy Beetlestone.
Castille
continued from page 1

the court’s history. His substantial output of articulate, consistently well-reasoned opinions over the last 19 years has earned him the respect of all segments of the bar. In addition, his leadership in diverse areas of judicial administration has brought national stature to Philadelphia and Pennsylvania.”

Chief Justice Castille, a former Philadelphia District Attorney and decorated Vietnam veteran, was first elected to the high court in 1993 and has served as chief justice since January 2008. Also being honored at the Dec. 4 event will be Richard C. Glazer, the first elected chair of the Philadelphia Board of Ethics and executive director of the Pennsylvania Innocence Project, who will be presented with the PNC Achievement Award. That award recognizes significant accomplishments in improving the administration of justice.


Wilkinson
continued from page 1

we have been, and where we are going”, as a bar association. Her vision for the future includes the creation of new initiatives focusing on generational transition and leadership opportunities for women, attorneys of diverse backgrounds and young lawyers new to the profession.

Wilkinson completed her undergraduate studies in political science and education at Kean College in two and a half years. She attended Villanova University School of Law where, on her very first day on campus, she met Tom Wilkinson, her future husband of 27 years. A member of the Commercial Litigation Department at Cozen O’Connor, he presently serves as president of the Pennsylvania Bar Association. While the Wilkinsons did not plan on overlapping terms as leaders of the state’s two largest bar associations, they share a common passion for advancing the interests of the legal profession.

Wilkinson joined the Philadelphia office of Wilson Elser Moskowitz Edelman & Dicker LLP in 1984, where she excelled to become one of the early women equity partners in a law firm that employs 800 lawyers around the country.

A litigator with more than 30 years of experience, Wilkinson built her practice on defending complex cases involving construction, insurance, professional liability, medical devices and pharmaceuticals, and a variety of other products. She has also served as a judge pro tem and discovery master, earning the respect of the bench and bar.

Among her leadership roles at the Bar Association, Wilkinson has served as co-chair of the Women in the Profession Committee and chair of the State Civil Litigation Section. She was elected as a member of the Board of Governors, then assistant secretary and later secretary of the Association. Wilkinson was elected Vice Chancellor in 2010 and served as Chancellor-Elect last year.

Wilkinson serves on numerous pro bono and civic boards, and is a founding member of Villanova Law’s J. Willard O’Brien American Inn of Court and served as the Inn’s first woman president. In 2008, she received the Pennsylvania Bar Association’s Anne X. Alpern Award – the highest award given to a Pennsylvania woman attorney.

Kathleen and Tom Wilkinson have three children: Lindsey, a first-year student at Villanova Law; Lauren, a junior at Franklin & Marshall College presently studying in France; and Michael, an eighth grader at Episcopal Academy.

Residents of Haverford, Pa., the Wilkinson family can also be found enjoying their beloved Cape May, N.J., where they are active in several community organizations.

Join us on Tuesday, Dec. 4, for a memorable afternoon, as we welcome our 86th Chancellor, Kathleen D. Wilkinson, at the Association’s Annual Meeting Luncheon.

Philadelphia Bar Association Annual Meeting Luncheon
Tuesday, Dec. 4 at 12 p.m. at the Hyatt at The Bellevue, Broad and Walnut streets

• Inaugural remarks by Kathleen D. Wilkinson, 86th Chancellor of the Philadelphia Bar Association
• Presentation of the Justice William J. Brennan Jr. Distinguished Jurist Award to Pennsylvania Supreme Court Chief Justice Ronald D. Castille
• Presentation of the PNC Achievement Award to Richard C. Glazer

Please make ______ reservations for the Philadelphia Bar Association’s Annual Meeting Luncheon. Tickets are $55 for members and $70 for non-members. Checks should be made payable to the Philadelphia Bar Association.

Name: _____________________________________________
Firm/Employer: _______________________________________
Address: ____________________________________________
Phone: ___________________________ Fax: _______________________
E-Mail: _______________________________________________
Credit Cardholder: _______________________________________
Credit Card Type: Visa MasterCard American Express
Card number: ___________________________________________
Expiration date: ___________________________ Signature: ___________________________

Return to: Annual Meeting
Philadelphia Bar Association
1101 Market St., 11th floor
Philadelphia, Pa. 19107-2955

Credit card payments should be faxed to Bar Headquarters at (215) 238-1159 • Purchase tickets online at philadelphiabar.org

Lisa Woolbert, chair, Philadelphia Museum of Art Craft Show (from left) with Elisabeth Agro, Nancy M. McNeil Associate Curator of American Modern and Contemporary Crafts and Decorative Arts Philadelphia Museum of Art; Chancellor-Elect Kathleen D. Wilkinson; Bar Academy Co-Chair Judge Michael Snyder (ret.); and Nancy C. O’Meara, show manager, Philadelphia Museum of Art Craft Show at a VIP look at the Craft Show at the Convention Center Nov. 8.
BOOK REVIEW

New Edition Can Aid Commercial Litigators

Business and Commercial Litigation in Federal Courts, Third Edition
Edited by Robert L. Haig
11 volumes
$1,351
American Bar Association and Thomson/West

Reviewed by Abraham C. Reich and Joshua Horn

The American Bar Association and Thomson/West have published a third edition of “Business and Commercial Litigation in Federal Courts,” which is an update and addition to the eight-volume treatise second edition published in 2005. We are happy to report that the third edition is even better than the first and second efforts. This now 130-chapter, 11-volume work remains an extremely valuable tool and authoritative work for all commercial trial lawyers, regardless of their experience, or if they practice with a large firm, small firm or in-house. The latest iteration further demonstrates that the editors and authors remain on the cutting edge of the law and litigation.

Like its past efforts, the treatise is a compilation of chapters written by some of the most seasoned trial lawyers throughout the United States. Some of the chapters were penned by some of the leading members of the Philadelphia Bar and distinguished jurists, such as H. Robert Fiebach (issue and claim preclusion); Abbe E. Fleitan (government entity litigation); James D. Pagliaro (class actions); Mathieu J. Shapiro (director and officer liability); Sandra A. Jeskie (contracts); Kelly D. Eckel (contracts); U.S. District Court Judge Paul S. Diamond (director and officer liability); U.S. Court of Appeals Judge Jane Roth (coordination of litigation in state and federal courts); U.S. District Court Judge Michael M. Baylson (contracts); and U.S. District Court Judge Petrese B. Tucker (government entity litigation), as well as lawyers of national stature like David Boies (litigation technology); and Stephen D. Susman (techniques for expediting and streamlining litigation).

The treatise is objective in its approach and provides a broad overview of the law, as well as practice tips and forms that all commercial trial lawyers will find of use. Like the second edition, this treatise is the result of seven years of evolving law, but contains 34 new chapters devoted to cutting edge and developing areas of the law. This edition, like the prior editions, provides unique and practical advice for any trial lawyer, regardless of level of experience. Among others, the treatise contains new chapters addressing burgeoning areas of the law, such as: internal investigations, international arbitration, regulatory litigation with the SEC, derivatives commodities and futures; occupational safety and health claims; privacy and security; white collar crime, interplay between commercial litigation and criminal proceedings; Foreign Corrupt Practices Act; False Claims Act; and information technology, to name a few.

One of the practical aspects of third edition are the step-by-step practice guides that cover every aspect of a commercial case, from pre-litigation considerations, drafting of pleadings, discovery, motions in limine, trial preparation, jury selection, trial presentation, as well as appellate practice before the U.S. Supreme Court. These practice guides will give you the tools to handle a case regardless of prior experience. In doing so, the treatise provides 63 substantive law chapters that cover common areas of commercial litigation. Moreover, the treatise includes sections on strategies and client counseling, as well as procedural and practice checklists, which will help you focus your case in the proper direction.

Another great feature that the treatise continues to offer are the forms that follow most of the chapters. Among other things, there are sample complaints, motions, discovery and jury instructions. In addition, the treatise has specialized chapters in discrete subject areas, with specifically tailored forms and practice tips for those distinctive areas of the law.

This detailed work is a valuable tool for any trial lawyer because it provides a relative newcomer with an easy to comprehend window into a new area of the law, as well as fresh ideas for the seasoned lawyer. The wait for the third edition of “Business and Commercial Litigation in Federal Courts” was well worth it. This work is a reference tool that all commercial trial lawyers should have within arms-reach.

Abraham C. Reich and Joshua Horn are attorneys with Fox Rothschild LLP.

BlueCat Latin Inspired Kitchen

1921-29 Fairmount Ave. (267) 519-2911
www.bluecatrestaurant.com

“BlueCat” is seemingly ly a one-worded pet kitty’s name used in its Latin translation. Owners-Chefs Guy Shapiro and Lucille “Luli” Canuso have cat-nipped together astonishingly sized portions of Cuban-Chilean-Mexican platters (with flashes of Ukrainian and Italian allusions) at prices conducive to be internationally neighborly.

The first thing you see on your left is a mesmerizing mural of the eponymous hollow huge blue feline former alley-dweller, winking south in your direction. Bright gray rectangles provide the flooring, and grayish-tan bricks around about the open kitchen and throughout the cozy well-windowed appointments. The tables are marbled metal, which resonate more solidly as you place your home-brought wine bottles upon them (moreover, a State Store is a few doors away). The waitpersons are most welcoming, adorned in black T-shirts with a non-feral pawed creature emblazoned at left chest.

Please note that each table has a bottle at its center, filled with oils, pickled vinegar and long soaking red chili peppers. If you are a naturally born heat-eater, squirt the container’s tongue-igniting liquid luxuriously on any and all foods as you see fit for your pleasure. Immediately order Cod Fish Tacos ($12) for the table so that you may review the menu in festive pleasure. The tacos are batter-dipped fillets topped with avocado flesh, pico de gallo relish (jicama, jalapenos, shredded cabbage, chopped red bell peppers, radish slivers and thinnest swaths of sweet onion), and chipotle mayo. They meld upon an undercoating of two soft, round, blue corn tortillas. The sight of it all brightens the surrounding patrons to bursting with oils and “ahhs” and “oles.” The fish-fritters are scrumptiously crisp. Pico de gallo portions are no less than artistic and perfect on the palate. The blue tortillas are toasted and comforting. Your tongue is hit as if it were a piñata, with freshness and finesse.

Other starting favorites are Papas Rellenas ($7), mushed potato croquettes, pillows of spuds filled to bursting with braised chicken and peas; or Empanadas ($8), flaky compartments in which have been folded spinach, mushrooms and oaxaca cheese. Vegan soups are also luxuriously rich. A bowl of Sopa de Calabaza ($7) pummles fresh pumpkin and heated peppers into a golden puzzle that your soupspoon will treat with the seedy privacy and the privilege it deserves. Sharing is impossible. A quartet of pastr y Whist Pies (market price) are off the menu (and must be ordered in advance). Each mirrors the image of a laughable burlap dressing “innnie” whose center is sizzling with a tiny hidden pork ball. Biting into the surprise is scintillating and redolent of garlic.

Meat entrées are humbling in tumbling height and girls. Carne Asada ($22) is a marinated and grilled flank steak, sliced into a mound of morsels, hovering over plantain-potato mash and salsa verde, topped to mid-ceilings with frizzled onion circles and strips. This is a prisoner’s “last request” repast, in which he or she acknowledges guilt with chagrin, and is simultaneously chastened for whatever crimes committed to sustain the ultimate penalty.

Now use the flask at the center of the table to pour atop the beef with abandon. Fried asparagus spears crisscross your pearly white, palatal plate, adorned at its rim with a sharp, serrated, steel steak knife. The flank is flagrantly fragrant in Latin spices and seems tickled by the crimes committed to sustain the ultimate penalty. Now use the flask at the center of the table to pour atop the beef with abandon. Fried asparagus spears crisscross your pearly white, palatal plate, adorned at its rim with a sharp, serrated, steel steak knife. The flank is flagrantly fragrant in Latin spices and seems tickled by the crimes committed to sustain the ultimate penalty. Now use the flask at the center of the table to pour atop the beef with abandon. Fried asparagus spears crisscross your pearly white, palatal plate, adorned at its rim with a sharp, serrated, steel steak knife. The flank is flagrantly fragrant in Latin spices and seems tickled by the crimes committed to sustain the ultimate penalty. Now use the flask at the center of the table to pour atop the beef with abandon. Fried asparagus spears crisscross your pearly white, palatal plate, adorned at its rim with a sharp, serrated, steel steak knife. The flank is flagrantly fragrant in Latin spices and seems tickled by the crimes committed to sustain the ultimate penalty.
It has been said that democracy is the worst form of government except all the others that have been tried. At the end of a meeting, a Philadelphia judge sincerely admitted that we could use Churchill’s statement to describe the American law system.

I spent my entire summer here in Philadelphia, working as a legal intern at the law firm of Sigman & Zimolong, LLC for Scott Sigman, and by far this has been the most exciting and interesting experience of my life. I really feel very thankful to everyone who led me through this eager challenge, including Philadelphia judges, lawyers and members of the Bar Association.

I came to Philadelphia this summer from my home country of Italy where I am attending my last year of Bocconi Law School in Milan. (To become a lawyer in Italy, we have a combined Bachelor and Master of Science curriculum that lasts five years, after that you have 18 months of an apprenticeship, and then you are required to take the Italian Bar exam.)

Prior to coming to Philadelphia this summer and being fully immersed with bench and jury trials at the Criminal Justice Center and City Hall, I had never been through a trial in court. In Italy, our education is more focused on books and in class learning, although my university is very advanced and very close to the American approach. After this experience, I am actually now considering a return to Philadelphia to complete an LL.M.

Most of my time this summer was spent in criminal court and comparing the American and Italian criminal systems is very hard. The two countries’ models are so different. From my own observations, it appears that the Pennsylvania criminal justice system is faster and more efficient than the Italian criminal system (although I heard many Philadelphia lawyers complaining about timing and scheduling).

I truly loved observing many trials from start to finish at the Criminal Justice Center. In particular, I vividly remember one case in which our client, who was charged with aggravated assault against two police officers among other charges, had been seriously and permanently injured by one of the officers. The judge presiding over the case allowed me to really be part of the action – I was able to sit behind counsel table through voir dire, opening statements, direct and cross examinations of the many witnesses, and the closing arguments. After a half-day deliberation, the jury returned with their verdict – and we won! Not guilty. I was so touched seeing the family of our client crying in tears of joy after a long and stressful wait.

Taking part in the jury selection was really unbelievable for me – in the European system, jurors and jury trials really do not exist (except in cases involving “blood crimes” like murder where a modified jury is used where two judges and six citizens who are appointed sit in judgment and one of the two judges sitting on the jury presides over the trial). Instead, in Italy, most of the cases are decided by a three-judge panel at the trial level.

However, my main concern about the American jury system that I repeatedly asked Scott about was how it was possible to leave the important decision of pronouncing innocence or guilt to people who have no legal background. I have come to understand that the answer is “common sense,” a concept that cannot be taught in school. Jurors are instructed to use their common sense and it seems to work. This kind of “natural law” leads

continued on page 21
Election Over, ACA Implementation Moves Forward

By Brian McLaughlin

While the election results have retained the current balance of power in Washington, they will likely cause significant change for those involved with employer-provided benefit programs. With the path to a legislative repeal of health care reform now effectively closed, the Obama administration is expected to move forward in earnest to establish the rules for full implementation in 2014. We expect to see a torrent of guidance in the coming months – complex information that will shape the choices employers will face in addressing the needs of their employees.

Key issues that we expect to be addressed soon include:

- Details of how the employer penalty provisions will work, including information about the levels of coverage that will be needed to avoid penalties, the interplay of employer plans and the Exchanges, and the availability of safe harbors and other methods for mitigating the penalty assessments;
- Further guidance and analysis of the rules for determining full time employee status – a key factor in assessing the pay or penalty impact;
- The establishment of the state Exchanges, the benefits that must be offered under them and the involvement of the federal government in those states that decide not to fully implement them;
- As the number of state opting against implementing state run Exchanges grows, will the federal exchange be built in time to meet the 2014 deadline.
- The cost impact of the transitional reinsurance fee that will be imposed on plans in 2014, 2015 and 2016 – currently rumored to be up to 2 percent of plan costs and likely to be a factor in employers’ decisions about how to proceed with plan offerings moving forward; and
- How the new nondiscrimination rules affecting non-grandfathered insured plans (and perhaps impacting existing rules that apply to self-insured plans) will work and how they will affect an employer’s ability to create plan options that address employee needs within the added cost framework of health care reform.

There is much work to be done and many questions to be answered, but the expected guidance will help us to move from rough estimates of what health care reform means to employers to specific game plans for addressing these issues as we move forward to 2014. Ideally, we will have sufficient information to allow us to do this work as we move into the early days of 2013. Also, there remain legal challenges to health care reform that are expected to play out in the near future and the results may impact certain provisions of the law. We will, of course, be monitoring developments closely and will be addressing these issues and opportunities as they emerge.

Brian McLaughlin (Brian.McLaughlin@usiaffinity.com) is vice president of USI Affinity’s Benefit Solutions Group. For more information about insurance and benefits options for Philadelphia Bar members, visit http://www.mybarinsurance.com/philadelphia.

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

We expect to see a torrent of guidance in the coming months – complex information that will shape the choices employers will face in addressing the benefits needs of their employees.

December CLE Calendar

These CLE programs, cosponsored by the Philadelphia Bar Association, will be held at The CLE Conference Center, Wanamaker Building, 10th Floor, Suite 1010, Juniper Street entrance unless otherwise noted.

#### Live & Simulcast Seminars

**Dec. 3**
- How to Document a Settlement Agreement
- Off to a Good Start (Up) – Representing the Start-Up Company, From Formation to Financing

**Dec. 3-4**
- PLI - Disclosure Documents Institute: Preparing for Proxy Season & Trends
- Slicing Up the Pie: Property Distribution in Pennsylvania
  - Springing the Law: Trying Cases in the Court of Public Opinion

**Dec. 4**
- Slicing Up the Pie: Property Distribution in Pennsylvania (Community College of Philadelphia, Northeast Regional Center)
- Discovery in Bad Faith Claims: In-House Counsel in Trouble
- Powers of Attorney: Simple Documents, Complex Problems
- 10th Annual Real Estate Institute

**Dec. 5-6**
- 10th Annual Real Estate Institute
- In-House Counsel in Trouble
- Powers of Attorney: Simple Documents, Complex Problems
- 10th Annual Real Estate Institute
- iPad for Legal Professionals

**Dec. 10**
- How PA’s Courts Will Rebuild PA’s Cities
- Setting Your Case and Sleeping at Night

**Dec. 11**
- Deposing the Artful Dodger
- Cybercrime: Handling the Computer Intrusion Case

**Dec. 12**
- Condominium and Homeowner Associations
- Your First Support Case

**Dec. 12-13**
- PLI - Understanding the Securities Laws 2012

**Dec. 13**
- Criminal Law Update 2012
- Enhancing Your People Skills for Attorneys (Encore)

**Dec. 14**
- Corporate Compliance and Ethics
- Doing Business in China

**Dec. 18**
- How To Draft an Ordinance
- Anatomy of Law: Back and Knee

**Dec. 19**
- Pennsylvania’s Uniform Trust Act: Pitfalls & Solutions
- Young and Old, Fresh and Experienced: How To Take Winning Depositions - Two Perspectives

**Dec. 21**
- Trends in Municipal Finance
- Family Law Practice in Bucks Chester Delaware & Montgomery Counties

#### Video Seminars

**Dec. 3**
- Can a Single Masterpiece Sustain a Lawyer’s Lifetime? and Other Questions that Cross a Lawyer’s Mind

**Dec. 6**
- Disciplinary Disposition for Attorneys & Judges

**Dec. 7**
- Ethics of Handling Evidence and Discovery

**Dec. 10**
- Estate Planning for Retirement Assets

**Dec. 11**
- Can a Single Masterpiece Sustain a Lawyer’s Lifetime? and Other Questions that Cross a Lawyer’s Mind

**Dec. 12**
- Overview of the New Philadelphia Zoning Code

**Dec. 13**
- Disciplinary Disposition for Attorneys & Judges

**Dec. 14**
- The Mobile Lawyer - Security Campus

**Dec. 18**
- Legal Malpractice Coverage Issues

**Dec. 19**
- Piercing the Corporate Veil

**Dec. 20**
- Construction Defect Litigation: Claims and Coverage

**Dec. 21**
- What to Do When You Receive the “OMGT” Letter

**Dec. 27**
- Disciplinary Disposition for Attorneys & Judges

**Dec. 28**
- Can a Single Masterpiece Sustain a Lawyer’s Lifetime? and Other Questions that Cross a Lawyer’s Mind

**Dec. 28**
- Managed Health Care

**Dec. 31**
- Reinsurance Principles and Practice
- Residential Real Estate Closing Documents

#### Mark Your Calendar

**Mar. 12-13** 18th Annual Health Law Institute

For more information about insurance and benefits options for Philadelphia Bar members, visit http://www.mybarinsurance.com/philadelphia.
How to Turn Assets Into Income for Retirement

In this month’s interview, I sat down with Jim Sandidge, senior analyst of retirement products with PNC, who understands some of the keys to a successful retirement. One of the most important aspects of retirement, according to Jim, is income planning. That is, you need to make sure that you maintain a steady and comfortable income stream that is designed to last throughout your retirement years.

What is retirement income planning?

Jim Sandidge: Retirement income planning is the process of converting savings and investments from all available sources – Social Security, pensions and other employer-sponsored plans, as well as the taxable, tax-exempt and tax-deferred portions of an individual’s portfolio – into a stream of payments for life.

How is the psychology of wealth distribution different than wealth accumulation?

Retirement is an exciting time of freedom and new beginnings, but it can also lead to feelings of uncertainty as you leave the familiar behind. The best antidote for that type of insecurity is to have a clear vision of what you want out of retirement, clearly communicate your wishes to your investment professional, and get the planning process started early – when there is more time to align that process with your goals.

How is risk different for retirees?

All investors face inflation risk and market risk, but retirees must consider balancing longevity risk and greater healthcare risk. According to Thomson Reuters, inflation, as measured by the Consumer Price Index, has increased in 70 of the past 88 years. Therefore, in order to maintain your desired quality of life when you retire, it is critical that your investments keep pace with inflation.

Healthcare costs have been rising faster than inflation (at about 5 percent per year) for the past 10 years. Data compiled by the Bureau of Labor Statistics indicated that in 2008 (the most recent data available) individuals aged 65 and over spent $4,658 on healthcare annually. Assuming annual increases of 4.5 percent over the course of a 30-year retirement, the annual healthcare expenditure could grow to $19,173 by the end of the 30-year period and result in total healthcare costs for the 30-year period of $309,472 or $618,944 for a couple.

Because of the uncertainty surrounding healthcare, i.e., how much you may spend and how much costs may rise in the future, it may be important to allocate some of your savings to cover healthcare expenses, and to consider long-term care insurance and health savings accounts.

Market risk, also known as the risk of investment loss, is a concern for all investors, but for retirees who have started drawing money out of their portfolios, recovering from big investment losses is often even harder. Furthermore, without the security of a paycheck retirees may find it more difficult to sit tight in the face of a major market decline.

continued on page 19

Pennsylvania Labor & Employment Law

By Jackie B. Lessman

How is the psychology of wealth distribution different than wealth accumulation?

Retirement is an exciting time of freedom and new beginnings, but it can also lead to feelings of uncertainty as you leave the familiar behind. The best antidote for that type of insecurity is to have a clear vision of what you want out of retirement, clearly communicate your wishes to your investment professional, and get the planning process started early – when there is more time to align that process with your goals.

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and CEO David Eisner, for their dedication to the expansion of our Advancing Civics Education (ACE) program into additional elementary schools to provide supplemental civics education – including the fundamental principles of citizenship, democracy and dispute resolution.

Special thanks also to Gaetan Alfano for chairing our Commission on Judicial Selection and Retention, Cathy Carr and Joe Sullivan for chairing our Civil Gideon Task Force, and Maria Feeley for chairing our incredibly successful Bench-Bar & Annual Conference at the spectacular new Revel in Atlantic City.

I am also especially grateful to my wife, Nancy, and our three boys, Alex, Nate and Evan, for their wonderful support and patience through a high-energy year of programs, events and conferences.

And special thanks to my law firm, Salz, Mongeluzzi, Barrett & Bendesky, P.C., for allowing me the time to devote to working on behalf of our city’s legal community.

And although space constraints won’t allow me to thank our entire Bar staff by name, I must recognize the outstanding dedication and talent of Ken Shear, Paul Kazanas, Mark Tarasiewicz, Tracey McCloud, Charlie Klitzch, Susan Knight, Naomi McLaurin, Jeff Lyons, Wes Terry, Dawn Petit and the other members of the staff, all of whom work extremely hard to ensure that everything we do is an overwhelming success.

Speaking of Ken, I would be remiss if I did not, once again, extend well-deserved congratulations to him on the announcement of his retirement at the end of 2013, after more than 37 years of dedicated service and inspiring leadership.

Ken has left an indelibly positive mark on the oldest association of lawyers in the United States. Our Bar has grown, thrived and won regional, statewide and national recognition under his direction. We remain a model for many other associations and have benefited tremendously from his experience.

It hardly seems possible that this year has come and gone so quickly. But the calendar doesn’t lie. It’s good to know that our Association is in excellent hands, as we proudly welcome our new Chancellor, Kathleen Wilkinson, on Jan. 1, and our new Chancellor-Elect, Bill Fedullo.

Kathleen will lead and serve this great Association with grace and dignity, and I wish her the very best for a highly successful year.

It’s been an honor to serve as Chancellor, and I am thankful for this opportunity. I had the good fortune to work with a team of consummate professionals, which made the job more enjoyable and, yes, easier.

We traveled an incredible journey during this past year – and it’s been wonderful to be a part of it.

John E. Savath (jsavath@zebkb.com), of counsel to Salz, Mongeluzzi, Barrett & Bendesky, P.C., is Chancellor of the Philadelphia Bar Association.

PNC Perspectives

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History shows that every 30-year period since 1950 has included at least one bear market as severe as 2008. Thus, even though major market declines may be rare, over the course of a 30-year retirement, the chances of you encountering one are fairly high. Having a solid asset allocation strategy in place is critical to addressing this potentially devastating risk.

Longevity risk – the risk of running out of money – differs from the other risks in that you have some ability to control it. If you have a plan that monitors the cash flowing in relative to expenses, you may be able to adjust your discretionary spending in order to keep your income and expenses in balance. Also, keep in mind that longevity risk does not occur overnight. If you are meeting with an investment professional on a regular basis, he or she may be able to suggest ways to modify spending with a goal of keeping this risk in check.

What are the keys to a successful wealth distribution strategy?

Because retirement income planning requires you to understand and manage these risks discussed previously, it is important to work closely with your investment professional to craft a plan that addresses your unique needs and objectives.

As part of the planning discussion, you will need to set realistic assumptions about the amount of principal you can withdraw from your portfolio each year given your personal circumstances and objectives. For instance, some individuals may seek to maximize cash flow in the early years of retirement when they plan to be more active and spend more money. Others may be more concerned with maximizing cash flow in later years to ensure their portfolios keep pace with inflation over time.

Whatever your objectives, it is crucial to communicate them clearly to your investment professional and to get the planning process started early. The sooner you start the conversation with your investment professional, the better your retirement is likely to be.

PNC Wealth Management. For more information, visit pnc.com/wealthmanagement

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BlueCat

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($18) except to say that, as presented, the “Ox” and “Tail” are humongous enough to be at least two words. This slaughtered beast is slowly simmered with root vegetables immersed in red wine and a thick veil stock. It emerges from its baccanalian bath as huge bones of clinging, softened, superbly fat-marbled, grainy chunks of tenderness. Overwhelmed, you want to exclaim out loud the 1950s Latin compliment, “Luli, you got some ’splainin’ to do!”

Grilled or pan-seared whole fish may be ordered specially. Mango, quinoa, smoked tomato mole, salad greens, squash, eggplant or rice and beans are amply partnered or “troised” to complement the seasoned sea dweller.

You shall be awash in Latin phrases. EXEMPLI GRATIA, ARROZ CON POLLO Y CHORIZO

Shelley D. Bachol (shbachol@pnc.com), a sole practitioner, is an advisory editor of the Philadelphia Bar Reporter. Read his reviews online at bachol.com.

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Justice continued from page 4

Delivery of Legal Services. Judge Fisher described the legal services gap as impacting, not only low-income individuals, but the middle class as well. Areas of the law exhibiting the most significant need are housing and consumer credit. To help address some of these problems, New York will require bar applicants to fulfill 50 hours of pro bono legal services effective 2015.

To illustrate the difficulties faced by unrepresented litigants, Judge Lazarus suggested that attendees imagine themselves in a foreign country where they do not speak the language. She encouraged fellow judges to help “level the playing field” by allowing certain continuums that would allow pro se litigants to present their cases appropriately. Judge Lazarus also suggested writing letters to law firm partners in recognition of pro bono representation.

is not sheltered as costs of litigation from ethical prohibition.

2012-56T Attorney who previously represented estate of which four children were heirs cannot now represent ex-wife of decedent in claim against an estate asset, a business company.

2012-66T Attorney leaving firm has duty to report to Disciplinary Board failure of supervising attorney to notify clients of his administrative suspension and continuing practice.

2012-67T Where attorney is asked to write will giving significant bequest to another client of attorney, digital video of meeting with estate planning client is recommended.

2012-68T Attorney should not accept gift from adverse party in estates litigation despite expressing interest in the item.

2012-75T Attorney should not give “end-of-matter” gifts to client when purpose is to motivate future referrals.

2012-78T It is improper to advance costs of treatment for workers compensation client.

2012-87T It is improper to send prospective defendant a copy of complaint proposed to be filed, provided client consents and there is a present intent to file the complaint.

2012-88T Meeting with both husband and wife in a divorce is a non-waivable conflict.

David J. Grunfeld, an attorney with Auer Weiss Kaplen & Mandell, LLP, is a member of the Professional Guidance Committee.

Judge Lazarus was elected to the Superior Court in November 2009 and she is the first woman from Philadelphia to be elected to any statewide office. Sen. Greenleaf pointed out that issues are won in a democracy by educating the public. He suggested that when battling legislative issues – and seeking additional funding to meet the growing legal services demand – start by telling the human story. There is an abundance of stories that can be publicized in ways that can influence public opinion, and as a result, the legislature.

“We not only change lives, but we build up the economy,” concluded Buhl, clinical law professor and director of Clinical Programs at the Gittis Center for Clinical Legal Studies at University of Pennsylvania Law School. “It’s about the type of society we value.”

Mary-Kate Brelin, clerk to Philadelphia Court of Common Pleas Judge Albert J. Suite Jr., is an associate editor of the Philadelphia Bar Reporter.
and helps people on a daily basis in making definitive decisions (like changing a job, for instance) and it is that same sense that enables non-law trained people to consider evidence and decide guilt or innocence. I guess in Italy thanks to the Enlightenment (Age of Reason) we have a more intellectual view of justice.

The other huge difference in systems deals with the selection of judges. In Italy, legal careers are split, you can either become a judge if I hadn't been committed in these groups, and she told me: “It's about relationships, I am happy to participate in these groups.

I asked a young lawyer how it was possible that long day of work. Along with Scott, who is a member of many of these organizations, I attended meetings of the Philadelphia Bar Association's Board of Governors, Criminal Justice Section, Lawyers Club of Philadelphia, Brandes Law Society, Temple American Inn of Court, Philadelphia Criminal Inn of Court and Temple Law Alumni Association.

I have to say that I have never seen so many busy people offering their free time to work with these groups and social activities in their spare time, and everybody seems to be happy to participate in these groups.

I asked a young lawyer how it was possible and she told me: “It's about relationships, I would never have met you or spent time with a judge if I hadn't been committed in these activities.”

The Philadelphia legal experience was great, and after I return home, I will try and put this instruction into practice.

Workers' Compensation Section: Annual Holiday Reception, 6 p.m., VIE (by Cescafe), 600 N. Broad St. RSVP at philadelphia.bar.org.

Thursday, Dec. 6
Young Lawyers Division CLE: 12 p.m., 11th floor Conference Center. Lunch: $8.
Philadelphia Bar Reporter Editorial Board: meeting, 12:30 p.m., 10th floor Cabinet Room.
YLD Holiday Party: 6 p.m., Tir Na Nog, 1600 Arch St. RSVP at philadelphia.bar.org.

Friday, Dec. 7
LGBT Rights Committee: meeting, 8:30 a.m., 10th floor Board Room.

Monday, Dec. 10
Business Law Section Executive Committee: meeting, 12 p.m., 11th floor Conference Center.
Tuesday, Dec. 11
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th floor Board Room.
Insurance Programs Committee: meeting, 8:30 a.m., 11th floor Conference Center.
Committee on the Legal Rights of Persons with Disabilities: meeting, 9 a.m., 11th floor Committee Room.
Cabinet: meeting, 12 p.m., 10th floor Board Room.

Workers’ Comp continued from page 6

and committed many lawyers and judges are to the many law-related organizations after a long day of work. Along with Scott, who is a member of many of these organizations, I attended meetings of the Philadelphia Bar Association's Board of Governors, Criminal Justice Section, Lawyers Club of Philadelphia, Brandes Law Society, Temple American Inn of Court, Philadelphia Criminal Inn of Court and Temple Law Alumni Association.

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Workers’ Comp continued from page 6

decisions, Frioni said. For example, if an electronic appeal is filed and a brief uploaded online prior to oral argument, the parties will not be required to bring a copy of the brief to oral argument. WCAIS will ultimately result in a paperless system.

While the parties may no longer be required to submit paper briefs during oral argument, Crawford reiterated that preparation is key in making the best first impression to the Board. She offered tips for oral argument:

• Don’t assume that the Board knows who you are. The parties need to identify themselves and who they represent.
• Don’t assume that the Board is familiar with your case. Advise the Board which petition is at issue and the remedy that is being sought.

• Reduce the facts to the relevant facts. Keep it simple. Remember, a 50-page brief does not persuade the Board one way or the other. If you need to submit a 50-page brief, include a summary with the brief.
• Be courteous to opposing counsel and be mindful of each other’s time.
• Try not to be too adversarial if the claimant is present.
• Don’t bad mouth the judge. You only need to inform the Board if the judge made a legal or factual error.
• Don’t waive oral argument.
• Do take time to be specific in the appeal form and make your brief consistent with the appeal form.

Attorneys interested in registering for WCAIS access should visit www.wcais.pa.gov.

Regina M. Parker, an associate with Thomas, Thomas & Hafer LLP, is an associate editor of the Philadelphia Bar Reporter.

Linda A. Kerns, principal in the Law Offices of Linda A. Kerns, LLC, has been appointed to a seat on the Pennsylvania State Board of Nursing.

Mitchell L. Bach, a member of Eckert Seamans Cherin & Mellott, LLC, was presented with the Hatan Torah award by The Society Hill Synagogue of Philadelphia on Oct. 13.

Barbara Anisko, a principal with Kaplin, Stewart, Meloff Reiter, Stein, P.C., has been certified as a life member of both the Million Dollar and Multi-Million Dollar Advocates Forum.

Ronald J. Shaffer, a partner with Fox Rothschild LLP, was recently re-elected chair of the SeniorLAW Center’s Board of Directors.

James S. Ettelson, a partner with Thorp Reed & Armstrong, LLP, participated in the National Business Institute’s “Real Estate Law: Advanced Issues and Answers” seminar in Philadelphia on Nov. 1.


Mary Beth Gray, a partner with Kleinbard Bell & Brecker LLP, presented “Pitfalls Liability of Successor ESOP Trustees” at the ESOP Association’s 2012 Las Vegas Technical Conference & Trade Show on Nov. 8.

Michael C. Gross, a partner with Mankel, Gold, Katcher & Fox, LLP, has been elected to serve on the Board of Directors for the Delaware Valley Green Building Council.

Stewart Eisenberg, co-founder and senior partner of Eisenberg, Rothweiler, Winkler, Eisenberg, & Jeck P.C., was recently a presenter at a civil justice training seminar at the Philadelphia Office of the District Attorney sponsored by the National Center for Victims of Crime.

Howard M. Klein, a partner with Conrad O’Brien PC, has been admitted to the American College of Trial Lawyers.

Brenda Hustis Gotanda, a partner with Mankel, Gold, Katcher & Fox, LLP, has been elected to serve on the Board of Directors for the Delaware Valley Green Building Council.

Ryan W. O’Donnell, a shareholder with Volpe and Katcher, P.C., has been selected to the inaugural class of Bucks County Courter Times’ and The Intel- lucer’s “Bucks County Forty Under 40” program.

Theodore “Ted” Simon, principal in the Law Offices of Theodore Simon, was the keynote speaker for the plenary session of the 2012 Bucks County Annual Bench Bar Conference on Oct. 5 at the Turf Valley Resort, Ellicot City, Md.

Marc S. Raspani, a partner with Pietragallo Gordon Alfano Bosick & Raspanti, LLP, has become a Fellow of the American College of Trial Lawyers.

Urmika Devi, an associate with Duane Morris LLP, was presented with the sixth annual Duane Morris Pro Bono Award on Oct. 27 during the annual firm meeting in Boca Raton, Fl.

Benjamin F. Johns, an associate with Chrimicles & Tikel-lis LLP, has been elected to the Board of Directors of The Dickinson School of Law Alumni Society.

Richard Jurewicz, a senior partner with Gal fantas Berger, LLP, was a course planner and speaker for PBI’s “Handling the Catastrophic Spinal Cord Injury Case” on Oct. 5.

Christopher Scott D’Angelo, a partner with Montgomery McCracken Walker & Rhoads LLP, served as co-director for the 2012 International Corporate Counsel College, organized and presented in Europe each year by the International Association of Defense Counsel.


Robert L. Sachs Jr., managing partner of Shrage, Spivey & Sachs, has joined the Board of Directors of SeniorLAW Center.

Murray S. Levin, a partner with Pepper Hamilton LLP, spoke at the Union Internationale des Avocats 56th Congress in Germany held Oct. 31 - Nov. 4.


John Mirabella of Duffy + Partners was a faculty member at the Pennsylvania Asso- ciation for Justice 7th Annual Medical Malpractice Seminar on Nov. 20.


Howard L. Meyers, a senior partner with Morgan, Lewis & Bockius LLP has been named chair of the Pennsylvania Horticultural Society’s Board of Directors.

Kelly Dobbs Bunting, a shareholder with Greenberg Traurig, LLP, was the course planner and moderator of the panel “Wars and Rumors of Wars: ‘The Ob- ligations of an Employer to its Foreign-Based Employees in a Crisis,” at the 18th Annual Business Lawyers’ Institute CLE on Nov. 15.

Robert T. Szostak of Rubin, Blickman, Steinberg and Gifford, P.C. presented “Views from a Plaintiff’s Attorney” to physicians and attorneys at Einstein Medical Center Montgomery as part of the Anatomy of a Lawsuit CME/CLE program sponsored by the Montgomery County Medical Society, Montgomery Bar Association and Abington Memorial Hospital on Nov. 13.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Information may be sent to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, PA 19107-2955. Fax: (215) 238-1159. E-mail: reporter@philabarb.org. Color photos are also welcome.
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For more than 30 years, Sidney L. Gold & Associates, P.C., has dedicated its practice to the field of employment law and civil rights litigation. The firm’s attorneys take great pride in serving both aggressive and compassionate advocates for victims of unlawful discrimination and harassment. As a result, the Martindale-Hubbell® Bar Register has certified Sidney L. Gold & Associates as a pre-eminent law firm in the field of labor and employment law. More than 4,500 lawyers throughout Pennsylvania and New Jersey look to Sidney L. Gold & Associates to refer their clients.

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

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