Chief Justice Greets Bar’s New Chancellor

Bar Aids in Creation of Judicial Conduct Code

The Supreme Court of Pennsylvania’s new Code of Judicial Conduct, which includes provisions dealing with nepotism and service on commercial boards, was created with significant input from the Philadelphia Bar Association.

The new code is based upon the model code promulgated by the American Bar Association in 2007, but it also reflects the experience of Pennsylvania and the provisions that best apply to the state judiciary. It updates the version that was initially adopted by the court in 1973 and goes into effect on July 1, 2014.

In 2011, the Supreme Court of Pennsylvania established a work group, chaired by Superior Court Judge Anne E. Lazarus, to recommend proposed revisions to the Pennsylvania Code of Judicial Conduct. The work group, which included judges, lawyers and academicians, reviewed the 2007 American Bar Association Model Code of Judicial Conduct and codes from other states in making its recommendations. Others collaborating with the work group on the proposed revisions were the Philadelphia Bar Association under the leadership of Immediate-Past Chancellor Kathleen Wilkinson and the Pennsylvania Bar Association under the leadership of Bar President Forest N. Myers.

“For courts in western democracies to effectively render independent and impartial decisions, the public’s confidence in the integrity of the judicial system and its judges is essential,” Chief Justice Ronald D. Castille said in a news release announcing the changes. “The Code of Judicial Conduct is designed to foster that confidence by assisting judges in their adherence to the highest judicial and personal conduct standards. It also establishes a basis for disciplinary agencies to regulate judges’ conduct.”

The updated code includes an anti-nepotism provision (Rule 2.13), which states that in making administrative appointments and hiring decisions a judge shall be impartial, base hiring on merit and avoid nepotism, favoritism and unnecessary appointments.

Another major change in the code says that service on commercial boards is now prohibited and all judges who hold such positions have until July 1, 2015, to resign from those seats (Rule 3.11).

The new code also contains provisions dealing with bias, prejudice and harassment (Rule 2.3) and a ban on judges holding membership in any organization that practices invidious discrimination. (Rule 3.6)

In December, Wilkinson sent a letter

continued on page 7

School Chief Hite to Speak at March 11 Quarterly Meeting

By Jeff Lyons

Dr. William R. Hite Jr., superintendent of The School District of Philadelphia, will be the keynote speaker at the Association’s Quarterly Meeting and Luncheon that will be held on Tuesday, March 11.

Dr. Hite’s remarks go along with Chancellor William P. Fedullo’s focus on public education this year. Fedullo has created an Education Task Force to begin finding more that the legal community can help public education in Philadelphia and throughout the commonwealth. The Chancellor also has plans for a number of

continued on page 17
Association Names New Communications Director

The Philadelphia Bar Association has named Meredith Z. Avakian-Hardaway as its new director of communications and marketing.

Avakian-Hardaway succeeds Mark Tarasiewicz, who assumed the duties of executive director on January 1, 2014.

“The 212-year-old Philadelphia Bar Association strives to foster understanding of, involvement in and access to the justice system,” said Tarasiewicz. “It was important for us to select a director of communications and marketing who understands our heritage as well as what it takes for us to ‘raise the bar’ for our members, their clients and the public.”

Avakian-Hardaway joins the Bar Association from DuPont, where she spent nearly eight years in a variety of public relations and communications positions. Most recently, Avakian-Hardaway served as a regional public affairs manager. In this role, she led internal and external communications, including 24/7 issues and crisis communications support, for eight manufacturing plant sites in Delaware, New Jersey and Rhode Island.

Avakian-Hardaway also serves as the Philadelphia Public Relations Association's vice president for external affairs and has won the organization's Fast Track Award and Dr. Jean Brodey Award. She also recently was named a "Rising Star of PR" by PR News, a "Hero" by the American Red Cross, and a "Notable Alumni" by Temple University's Department of Strategic Communications. She is also a member of the Public Relations Society of America.

"Thousands of citizens are helped by the Philadelphia Bar Association through its mission of serving the profession and the public by promoting justice, professional excellence and respect for the rule of law," said Avakian-Hardaway. "I am honored to be a part of the team and look forward to working with some of the most talented people in Philadelphia and beyond."

In addition to giving back to her profession, Avakian-Hardaway also believes it’s important to give back to your community and heritage. She is a past chair of the Philadelphia chapter of the Armenian General Benevolent Union Young Professionals and has lead communications efforts for the annual Armenian Genocide Walk.

February CLE Calendar

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

Live & Simulcast Seminars

Feb. 4 • Dealing with Financial Institutions in Estates, Trusts and with POFs
Feb. 5 • Content of Court: Race and the Law
Feb. 7 • Civil Litigation in the Eastern District of Pennsylvania
Feb. 10 • Who is Watching You? Privacy in the Age of Terror & Twitter
Feb. 12 • Commercial Real Estate Documents: Negotiating and Drafting for Optimal Results
Feb. 14 • Uncovering and Proving Financial Fraud 5
Feb. 18 • Defending the White Collar Cases
Feb. 19 • What Every Lawyer Needs to Know about PI’s #1 Industry
Feb. 20 • 15th Annual Estate & Elder Law Symposium
Feb. 21 • Vehicle Stops and Searches in Pennsylvania
Feb. 25 • Will of the Rich and Famous
Feb. 26 • Civil Practice in Magisterial District Court
Feb. 27 • Taxes in Real Estate Transactions: What Every Real Estate Lawyer Needs to Know
Feb. 28 • RESPA/Lenders and Consumers Points of Views

Video Seminars

Feb. 3 • Update on Recent Changes to Pennsylvania and Philadelphia Tax Law
Feb. 11 • Fundamentals of Health Law
Feb. 12 • The Essentials of Copyright Law
Feb. 13 • The Essentials of Copyright Law
Feb. 15 • Law Marketing & Advertising Ethics
Feb. 18 • Second Annual Supreme Court Roundup
Feb. 21 • Collecting & Enforcing Judgments
Feb. 24 • Employment Issues and Independent Contractors

Distance Education — Live Webcasts

If you can't watch it live, sign up now & get credit when you watch it later (you've got 3 months after the webcast date).

Feb. 4 • Contempt of Court: Race and the Law
Feb. 5 • Basic Real Estate for Estate Planning Attorneys
Feb. 7 • Civil Litigation in the Eastern District of Pennsylvania
Feb. 10 • Who is Watching You? Privacy in the Age of Terror & Twitter
Feb. 11 • Drafting & Modifying Residential Agreements of Sales
Feb. 18 • Defending the White Collar Cases
Feb. 21 • Vehicle Stops and Searches in Pennsylvania
Feb. 25 • Will of the Rich and Famous
Feb. 26 • Civil Practice in Magisterial District Court
Feb. 27 • Taxes in Real Estate Transactions: What Every Real Estate Lawyer Needs to Know
Feb. 28 • Nonprofit Series: Fundraising in the Internet Era

Simulcasts from PLI

Save yourself the time and expense of an overnight trip to New York City, and take advantage of the specialized educational programs for which PLI is famous.

Feb. 3-4 • 8th Annual Patent Law Institute
Feb. 6-7 • 16th Annual Real Estate Tax Forum
Feb. 10 • Wage & Hour Litigation & Compliance
Feb. 19 • Ethics for Corporate Lawyers: Multi-jurisdictional Practice & Other Current Issues
Feb. 24-25 • Consolidated Tax Return Regulations
Feb. 27 • Venture Capital 2014: Nuts & Bolts
Feb. 28 • Asset Based Financing Strategies

Online CLE

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Membership Renewals

Due March 31

Members have until March 31 to renew their Bar Association memberships and avoid a $15 late fee.

With your Philadelphia Bar Association membership:

• You’ll attend informative workshops, meetings and special programs and receive significant discounts on continuing legal education courses offered through the Pennsylvania Bar Institute and the Philadelphia Bar Association. At sessions sponsored by more than 100 sections and committees, you’ll meet and network with colleagues who are experts in every possible legal specialty. You’ll interact with people who can help you grow your practice and thrive in your profession.

• Within our Young Lawyers Division or as part of one of our many pro bono or public service projects, you will test the broad range of your interests and make valuable contributions to the community while sharing in the proud legacy of the Philadelphia lawyer.

• You’ll have ongoing access to our ethics hotline which brings more than 25 years of ethics experience to answer your questions. In addition, you can request formal written guidance from our Professional Guidance Committee.

• Through our monthly Philadelphia Bar Reporter newspaper, The Philadelphia Lawyer quarterly magazine, our philadelphiabar.org Web site, our bi-weekly Bar Reporter Online e-newsbrief and monthly online substantive law publication Upon Further Review, you’ll receive a regular menu of information that will update you and keep you connected. You’ll also have access to online classified ads and Face- book, LinkedIn and Twitter.

www.philadelphiabar.org
Law School Students Trailblaze Path Toward Future Chancellors

By William P. Fedullo

The Philadelphia Bar Association needs to enhance its efforts with regard to outreach and relationship building with the law schools and have increased campus visits and programming.

Get Admitted to U.S. Supreme Court May 5

The Philadelphia Bar Association will move up to 50 of our members for admission to the Bar of the United States Supreme Court on Monday, May 5. The admission ceremony will be made to the full court sitting in Washington, D.C.

The court’s requirements for a group admission ceremony are very comprehensive. To review these requirements and to download the forms for admission please visit the Supreme Court’s web site at supremecourtus.gov. Select the Bar Admissions tab on the left-hand side and this will bring you to the link for the Bar Admissions Form and Bar Admissions Instructions. Please read the instructions carefully. Once you have determined that you are eligible for admission, please print out and complete the Admission Form. The instructions and guidelines are very specific and must be followed scrupulously. Do not fold the application or use clip paper clips only.

Once you have successfully completed the Admission Form, please mail it along with a check made payable to the Philadelphia Bar Association. The cost to attend the ceremony is $225 for members of the Philadelphia Bar Association which includes your application fee and a continental breakfast. Please include an additional $25 if you are an Association member and plan to bring a guest. If you are not a member of the Philadelphia Bar Association, the fee is $325. Per the Supreme Court’s rule, each inductee is permitted to bring only one guest. Please send payment to: Attn: Dawn Petit, Philadelphia Bar Association, 1101 Market Street, 11th Floor, Philadelphia, PA 19107. Do not send the application directly to the Supreme Court.

The event will be on a first-come, first-served basis and all applications must be received by 5 p.m. on Monday, March 17, 2014. If you have any questions regarding this event, contact Dawn Petit at 215-238-6367 or dpetit@philabar.org.
Barristers Fuel Pipeline of Future Attorneys

This year, the Barristers’ Association is providing outreach efforts to community organizations that support the pipeline of future diverse attorneys. “Pipeline Partners” include the Philadelphia Community Youth Court (PCYC) and the YMCA Achievers Program. The Barristers’ and the PCYC are joining forces to host an Education Forum on Saturday, Feb. 24, in which Youth Court students will hear from and interact with pre-law college students, law students and lawyers to learn more about pursuing careers in the legal field.

Additionally, the YMCA Achievers Program is seeking volunteer attorneys to speak to groups of 5th- through 12th-grade students at local YMCA branches during February and March.

If you are interested in volunteering with the Philadelphia Youth Court and/or the YMCA Achievers Program, please contact Barristers’ President Amber Racine at amracine@raynesmccarty.com.

To learn more about the Barristers’ Association and future events, visit www.phillybarristers.com.

The Philadelphia Community Youth Court was founded in July 2012 as a pilot program designed to help eradicate the school-to-prison pipeline. The PCYC’s objective is to provide training for the development and implementation of school based youth courts and a citywide community based youth court.

The YMCA Achievers Program is an academic achievement/career development initiative purposed to help teens set and pursue high educational and career goals, resulting in graduation and acceptance to an institution of higher learning. The Philadelphia Freedom Valley YMCA Achievers expands on this goal by providing developmentally based, extracurricular team mentorship and workshop activities, designed to give 5th through 12th grade students the tools they need to succeed in college and beyond.

APABAPA Lunar Banquet
Feb. 28 at Ocean Harbor

The Asian Pacific American Bar Association of Pennsylvania will hold the 2014 Lunar New Year Banquet on Friday, Feb. 28 at Ocean Harbor Restaurant, 1023 Race St. Cocktails begin at 6 p.m. and dinner is at 7 p.m. For more information, contact Jacqueline Huynh-Linenberg at jacquie.huynh@gmail.com. Tickets are available at www.apaba-pa.org.

Naturalization Speaker

Board of Governors Vice Chair Brad V. Shuttleworth welcomes new American citizens at a Jan. 23 naturalization ceremony. More than 80 people from 36 countries took the oath of citizenship at the ceremony, presided over by U.S. District Court Judge James Knoll Gardner. Retired Chief Judge Edward N. Cahn also spoke at the event, sponsored by the Philadelphia Bar Association.
FAMILY LAW SECTION

Divorce? Distributing Property? Yes, There’s an App for That

By Julia Swain

Is your client getting a divorce? There’s an app for that. Joel Bernbaum, who presented “iPadding Your Practice: The Best Apps for Family Lawyers” at the Jan. 6 meeting of the Family Law Section, said family lawyers have many practical apps available to enhance their practices.

Before navigating for apps, Bernbaum recommends organizing your tablet. Move apps into corresponding folders for ease of reference. Avoid saving each app as an individual icon so that searching for apps does not require scrolling through many screens. Folders appear on the top portion of the screen. For example, maps, calculators, clocks and photo apps should be contained in the Tools folder. A Productivity folder could contain Pages (Apple’s version of Word), Keynote (Apple’s version of PowerPoint), Numbers (Apple’s version of Excel), Fast Pace, Lexus or another legal research app and the Pennsylvania Child Support app to run quick support guideline calculations. The Mail folder should contain all emails, personal and professional, with settings set for proper display and deletion. The same guideline applies to the Calendar.

Bernbaum strongly recommends using Dropbox, an electronic delivery system for large documents such as discovery. Dropbox provides a quick way to transmit large electronic files through a password-protected file system for each client. Another highly recommended app is GoodReader for storing and accessing PDF documents. Twitter is very useful to get the most up-to-date information from the Supreme Court, appellate courts and the Rules Committee.

Some apps really impressed section members. Scanner Pro allows users to use their camera as a scanner. Docket in a Pocket provides state-specific civil and criminal case searches for any individual. Zillow provides quick real estate values and the Realtor.com app shows homes for sale. Dropbox, an electronic delivery system for large documents such as discovery, is GoodReader for storing and accessing PDF documents.

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Although Judge Victor P. Stabile anticipates spending a great deal of time listening as the newest member of Pennsylvania Superior Court, he spoke passionately to members of the Appellate Courts Committee regarding the kind of appellate judge he aspires to be, how the waiver rule affects appellate review for Pennsylvania citizens, and finally the role of politics in the judiciary.

Judge Stabile, who was sworn in on Jan. 17, marveled over the volume of work, approximately 8,500 appeals, the 15 commissioned and four senior judges of the Superior Court must confront each year. He emphasized that his sleeves are rolled up, and his philosophy is to focus on the merits of the cases that come before him. That is where he takes issue with the current application of the waiver rule.

The current trend is to find waiver more frequently than in the past. Judge Stabile agreed that waiver may sometimes be utilized to dispose easily of some of the thousands of cases on the court’s docket, and that practice is warranted where under specific and transparent rules it is clear that a rule is ambiguous or where a technicality might warrant closer scrutiny.

Submission of the collateral order rule as a prime example, Judge Stabile posited that the recent case law does not provide a great deal of consistency in terms of determining what is collateral and what is not. In actuality, it may require hours of research for a general practitioner just to become aware of the collateral order functions in his or her case, and even more to become up-to-date on the most recent ruling. The resulting ambiguity inherent in the rule thus contributes to the increasing specialization of appellate practice. Moreover, because the risk of ambiguity is on counsel, this may also frustrate the course of justice by foreclosing a client’s constitutional right to appellate review on a technicality, where the merits might warrant closer scrutiny.

That bothered Judge Stabile, who believes firmly that the rules should be written and construed to allow people to pursue their constitutional right to an appeal. Specifically, he relies heavily on the prefatory provisions of the Rules of Civil Procedure that provide for their liberal construction in order to achieve the just, speedy and efficient administration of justice. He noted that he will be sensitive to those situations where a rule is ambiguous or where a technicality might be easily remedied in order to allow a review of the merits.

Perhaps this approach stems from his general view of the role of the judiciary, which he said is “supposed to be the one, solid, steady force in society.” This same sentiment likely underlies Judge Stabile’s strong support for stare decisis, in that appellate courts should take great caution when facing a potential change in precedent.

“Amanda Dougherty, an assistant city solicitor with the Philadelphia Bar Department, Real Estate Tax Division, is an associate editor of the Philadelphia Bar Reporter.”

By Amanda Dougherty
Civil Gideon Essay Contest Honors Ken Shear

In honor of the retirement of Kenneth Shear, who served as executive director of the Philadelphia Bar Association for 37 years, the “Kenneth Shear Civil Gideon Legal Justice Essay Competition and Scholarship Fund” has been established by the Association and the Philadelphia Bar Foundation to honor Shear’s contributions to the Philadelphia legal community.

To raise an endowment to support the Essay Competition and Scholarship Fund, Immediate-Past Chancellor Kathleen D. Wilkinson and Bar Foundation President Deborah Gross are donating seed money to begin the funding of the Essay Competition and the Scholarship Fund in order to award at least one scholarship in 2014. The announcement of the scholarship was made by Wilkinson and Gross at the December Board of Governors meeting.

The purpose of the Essay Competition is to award a scholarship of $1,500 annually to a second- or third-year law student from the Philadelphia area law schools who writes the best short essay on the subject of Civil Gideon. The student must be willing to serve as an intern for 40 hours, pro bono, to assist the Philadelphia Bar Association and Philadelphia Bar Foundation with its endeavors through the Philadelphia Bar Association Civil Gideon Task Force, the statewide Access to Civil Justice Coalition and/or future statewide Access to Civil Justice Commission and/or will serve on another pro bono project of the Philadelphia Bar Association and Philadelphia Bar Foundation, which project is dedicated toward equal justice for all and fulfills the purposes of advancing civil Gideon, public education in the Philadelphia School District, and/or service to the poor.

The essay must be no longer than 10 pages or 2,500 words, whichever is shorter. The 2,500-word limitation refers to the text of the submission; footnotes may be a maximum of 1,000 words (in addition to the 2,500 word maximum for text). Endnotes are not permitted.

The essay must be in seminar paper or law journal article format only; submissions in the form of a memorandum, brief, judicial opinion or other type of legal document are not acceptable. The essay may not be previously published or currently accepted for publication in any publication other than in connection with this competition. The complete rules are available at philadelphiabar.org.

All contributions to the Fund should be in the name of the Philadelphia Bar Foundation with an indication in the memo field that the donation is for the purposes of the “Kenneth Shear Civil Gideon Legal Justice Essay Competition and Scholarship Fund”. Please mail your check to Jessica Hilburn-Holmes, Philadelphia Bar Foundation, 1101 Market St., 11th Floor, Philadelphia, PA 19107.

Ingram Award

Rebecca G. Levin (left) and Michael L. Viola present the Cheryl Ingram Advocate for Justice Award to Dabney Miller at a Jan. 14 reception presented by the LGBT Rights, Civil Rights and Immigration Law Committees at The Field House. Miller was honored for her contributions to the LGBT legal community. Levin and Viola are co-chairs of the LGBT Rights Committee.

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Fifty years ago, the Philadelphia Bar Foundation was formed with 14 attorneys as directors, and with David Berger as president. The vast majority of the directors were former Chancellors of the Philadelphia Bar Association who joined together to promote, among other things, “causes related to the legal profession of a charitable nature.” They were prescient. They created the Foundation, established the concept of life fellowships, and began its charitable work before legal aid was even a concept on the horizon.

In 1965, the first projects supported by the Foundation were the Philadelphia Legal Services for Juveniles Project and the Philadelphia Bail Project. Offices and leadership were set up for the Bail Project that was responsible for making recommendations concerning the release of a prisoner on his or her own recognizance based on a point system analysis. This support was followed by grants to the Free Law School, a Consumer Protection Project, and Community Legal Services. There was further focus in the first decade on increasing black students in law schools through support of convocations on increasing black students in law schools.

In the 1970s, the Foundation continued its support of CLS, initiated its support of PILCOP and the Support Center for Child Advocates, and created and funded the Committee for Information on the Judicial Process, whose goal was to inform the public concerning matters of public interest affecting the judicial system, including unjust criticism of the judiciary. The Andrew Hamilton Benefit began in 1978. And, with the advent of the Benefit, in the 1980s the Foundation was able to significantly increase its grant-making to the tune of $100,000.

In the 1990s, the leadership of the Bar Association and the Foundation recognized the importance and necessity of establishing an endowment to provide consistent and reliable funding for the legal services communities, and the Andrew Hamilton Circle was created. This effort was supported by Chancellors – like Deborah Willig, Abraham Reich, Lawrence Bayer, Marshall Bernstein, Bob Heim, Frank Devine, Clifford Haines, and Arthur Raynes – and Foundation leaders – like Martin Greitzer, Marshall Bernstein, Mark Aronchick, and later Gerry McHugh, Edward Chacker, Elaine Rinaldi and Bob Lane. In 1998, a Public Interest Summit was convened by the Philadelphia Bar Foundation to discuss the significant unmet funding needs of the public interest legal services communities. So much has happened in the past 50 years globally, nationally and within our own legal community. The Philadelphia legal services community has grown, not only in terms of the number of organizations providing services, but also in the breadth of those services provided, their quality as well as the sheer volume.

The Bar Foundation has also grown, not only in terms of the composition of its Board of Trustees, but in its accomplishments and mission. Our trustees are an exemplary group of lawyers and non-lawyers who are dedicated to supporting our city’s unique and amazing legal services community through the raising of moneys, the coordination of programming, and the provision of leadership. We come from diverse backgrounds, ages, legal and business practices, religious and ethnic beliefs. We recently elected to our Board Roberta Torian of Reed Smith LLP and Edward G. Biester III of Duane Morris LLP. We have joined with the Young Lawyers Division and the Delivery of Legal Services Committee of the Bar Association in welcoming a Board Observer class of 32 young attorneys to join nonprofit boards and learn the ins and outs of being on a board. Our Trustee Nilam Sanghvi leads this effort on the Foundation’s behalf. As our Executive Director Jessica Hilburn-Holmes informed you in last month’s article, we provided $603,000 in grants to 35 legal nonprofit organizations last year. We also created two new scholarship programs – The Honorable Albert W. Sheppard Scholarship Fund, and the Kenneth Shear Civil Gideon Legal Justice Essay Competition and Scholarship Fund. With funding from the R. Nicholas Gimbel Fund for Legal Excellence, we provided a three-day trial advocacy CLE for staff attorneys from the public interest community at Rutgers School of Law – Camden. And, we have supported the work of the Civil Rights Project.

In 2004, the Foundation added a grant-making program to its existing benevolent activities. The Andrew Hamilton Benefit at the National Constitution Center, on Saturday, November 9 will celebrate our past 50 years and to help us look to the future.

Our goal for our 50th is to raise the legal community’s awareness of the critical importance of, and unmet funding need for, legal assistance and services, to raise moneys to support the legal services community, and above all, to provide a constant and reliable source of funding for our legal services community for the next 50 years. As Pennsylvania Supreme Court Chief Justice Ronald D. Castille noted in October, “only one in five low-income Pennsylvanians with a critical legal problem is likely to get legal help from any source….” We will honor those who who apply for legal aid are turned away, many others never even apply because they know that legal aid organizations have severe resource restraints.”

This year, we will be holding events around the city recognizing those who have provided leadership and support to the Bar Foundation for the past 50 years. Our first event, at Berger and Montague to honor David Berger, featured Scott Reich, author of “The Power of Citizenship: Why John F. Kennedy matters to a New Generation.” We will be returning to the Philadelphia Cricket Club for our annual golf outing, on Monday, June 16, and we will have a very special Andrew Hamilton Benefit at the National Constitution Center, on Saturday, November 8. We look forward to you joining us to celebrate our past 50 years and to help assure that we will continue for another 50 years.

Deborah R. Gross (debbie@bernhardngross.com) of the Law Offices of Bernard M. Gross, P.C. is president of the Philadelphia Bar Foundation.
PRO BONO SPOTLIGHT: LEGAL CLINIC FOR THE DISABLED

Helping Man Stand Up Against Denied Claims

By John Gallagher

On May 26, 1982, Nick (client’s name has been changed), then age 16, was struck by a hit-and-run motorist, rendering him an incomplete quadriplegic for life.

Since the accident, he was ordered by his treating physicians to take measures to maintain his quality of life. He was ordered to undergo MRIs and, at age 41, to begin using a functional electrical stimulation (FES) bicycle. It provided electrical stimulation to his leg muscles, the only consistent and regular exercise he could receive to those major muscle groups. There was no doubt that Nick would benefit from having the bicycle in his home, saving him the 42-mile round trip made to Magee Rehabilitation Hospital in Philadelphia three times a week. At home was already supervised by his private nurse, rather than Magee personnel. He also was ordered to use a standing frame, enabling Nick to maintain himself in a standing position, to achieve better skin integrity, improve posture alignment and increase respiration and ventilation. Nick also drove a specially converted van. The initial conversion was not finished properly, resulting in additional repairs. The MRIs, the FES bicycle, the standing frame and the additional repairs to his van, resulted in costs that should have been covered due to the old No-Fault Law.

According to that law, Nick is entitled to lifetime payment of incurred medical costs, including the MRIs, the bicycle, the standing frame and the repairs to his van, from the Pennsylvania Financial Responsibility Assigned Risk Plan (the Plan). In the instance of the MRIs, the Plan promised Nick the costs would be covered. But when it came time to pay, they denied the cost, claiming insufficient documentation. When Nick asked for clarification, the Plan did not respond. The request for a bicycle was also denied, citing reasons such as fear of Nick burning himself if he used the bicycle in his home. Likewise, the Plan also refused to pay for the standing frame, claiming that it presented a danger to Nick if he fell out of it. The costs for the repairs to the van, paid by Nick, were also declined. As a result, the Plan owed Nick $25,979.93 in benefits.

Attempts to obtain coverage, by attorneys at the Legal Clinic for the Disabled, were unsuccessful. At that point, Magee Rehabilitation Hospital and Craig Giangiulio, director of the Pennsylvania Association for Justice, contacted me to represent Nick on a pro bono basis.

I do pro bono work because sometimes, it is the only way a plaintiff can get his well-deserved fill of justice. This was truly the case with Nick. In 2010, I filed suit. Shortly thereafter, the Plan retained a big law firm to defend it. The case, which included being buried by defendant with more than 20,000 irrelevant documents, was finally resolved when a panel, following arbitration, awarded Nick $23,443.93. I spent approximately 50 hours achieving the settlement, which, if not done pro bono, would have cost $22,500 in legal fees – fees that Nick could not afford. This case was made to order for pro bono treatment. The claim was relatively small – so small that if a regular hourly attorney’s fee were charged, under the “American rule,” the fee would have been more than the recovery – but of enormous importance to Nick, who had his much-needed good credit ruined by his otherwise inability to pay for his medical expenses. Nick could not have defended himself against a big law firm, on his own, and having a volunteer attorney made a world of difference. Doing pro bono work is a noble undertaking and by volunteering your time and expertise, you can make a real difference in the lives of individuals like Nick, who truly need an advocate.

John Gallagher is a partner at Gallagher, Schoenfeld, Surkin, Chupen & DeMisi.
A new year has brought a new and decidedly bizarre political scandal from our neighbor (and my old home), the Garden State. The Christie administration has found itself on the wrong side of a truly bipartisan voter grievance: traffic. The true nature of Gov. Chris Christie’s involvement, if any, with the George Washington Bridge debacle remains unclear, and will continue to be debated and investigated for months to come. One easily predictable development in “Bridgegate” has been Gov. Christie’s repeated acknowledgement that “mistakes were made.”

The unanswered questions are exactly whose mistakes they were, when the governor learned about them, and if efforts were made to obscure the truth.

The expression “mistakes were made” has been such a commonly used rhetorical device in American politics that it has earned its own Wikipedia entry. Presidents Nixon, Reagan, Clinton, and various other pols have used it to express to recognize a poorly handled situation, without directly taking responsibility for their actions.

I do not raise these recent headlines to offer an opinion on Bridgegate, or any other political insight. Rather, hearing the old adage “mistakes were made” called to mind one of the best pieces of advice I can offer to young lawyers. In the practice of law, mistakes will be made. Especially in litigation, junior associates are charged with juggling a number of responsibilities, such as answering discovery, producing documents, and meeting filing deadlines. In the course of a career, mistakes like missed deadlines or inadvertent disclosures can happen to the most diligent attorneys. Sometimes mistakes take the form of an embarrassing typo. The “D” key’s proximity to the “R” key once caused me to call the Emergency Room the “Emergency ‘Doom’ in defending a medical malpractice case. It’s a funny story that did not feel so funny at the time.

It has been my experience that acknowledging and taking responsibility for our mistakes is just as important as trying to avoid them, and it is the only way to properly learn from them. In busy legal practices, a number of different people have their hands on a file, be they lawyers, assistants, legal secretaries or paralegals, and there can be temptation to pass the blame on to someone else, or simply ignore a mistake until it becomes someone else’s problem. Most folks have had a co-worker like this at one time or another, who is more concerned with figuring out how to lay responsibility at another’s feet than finding a solution.

In my first (and thus far only) job in the practice of law, I was very lucky to find a firm culture that made it very easy to bring my missteps to the partners and senior associates. This is not to suggest I made a habit of yelling the sky was falling as soon as I found a problem. Rather, I learned early on to provide my bosses with a clear explanation of what had happened, how it happened, suggestions to fix it, and how to avoid a similar mistake in the future. As long as I have held up my end of that responsibility, the bosses have had my back in working out a solution.

Unlike other professions where mistakes can be permanent or even fatal, most of the mistakes made by lawyers can be fixed by an honest admission of fault and a timely correction. Even serious errors, like a lapsed statute of limitations, will only be made worse by hiding them from your boss. As I have developed professionally, and begun supervising the work of junior associates, I have tried to engender the same culture of forthrightness and personal responsibility that was established by my mentors. I want the junior associates working with me to feel they can admit their mistakes and know that, as long as they are honest about it, we will work together to find a solution.

It is my hope that young lawyers reading this will keep in mind next time they find a slipup. While this advice might seem obvious, it is never hard to find a story about a lawyer’s dishonesty in the news. It is easy to say “mistakes were made,” but it takes strength and character to look your boss or client in the eye and say, “mistakes were made by me.” It might be more difficult in the short run, but it will let your boss know that you are a person of integrity who can be trusted to help manage your caseload.

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VIP Honors Volunteer Weisgold

Philadelphia VIP recognizes Anthony B. Quinn as Volunteer of the Month for his commitment to helping low-income families remain in their homes. Quinn is a solo practitioner at Quinn Law Offices, the firm he founded in 1981. He is a real estate attorney who has represented low-income homeowners as a VIP volunteer since 2009. Thus far, he has handled 13 VIP homeownership cases.

“Tony will take on any homeownership case regardless of how complicated it is. He also stands by his clients no matter how difficult their lives may be. He goes above and beyond what we expect from our volunteers and we appreciate how hard he fights to generate a positive outcome for his clients,” said VIP staff attorney Roxane Crowley. Quinn is currently assisting a client who signed a mortgage for more than what the house was worth. All of the client’s money went to contractors and the broker who helped the client sign this mortgage is now awaiting trial in federal court. The home is in foreclosure and Tony has been working to help the client buy time until he can find other housing. Tony is trying to help the client buy a new home with a reverse mortgage. “It’s really tough to do a reverse mortgage to buy a house. It really doesn’t fit into the requirements that the federal government has in place but we can use a little creativity. I’m hoping to get him [the client] into a house,” he said. Successfully executing a reverse mortgage is a hard task but one that Quinn welcomes. He works diligently to ensure sound housing for his clients, particularly in the cold winter months.

Quinn is an experienced volunteer who uses creative lawyering to find solutions for his VIP clients.
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Although it appears as though the U.S. economy has come a long way since the financial recession, the growth rate is below historical averages. Nevertheless, E. William Stone, chief investment strategist for PNC Asset Management Group, believes 2014 will bring a year of continued modest economic expansion, with growth picking up slightly, although several soft spots will likely remain, inhibiting growth. In this month’s interview, I talked with Bill about potential implications for investors in the coming year.

How do you think economic growth in 2014 will compare to the fairly slow pace of growth in 2013?

The year 2013 was one of slow economic growth juxtaposed with a strong market, which given the easing of prior-year risks seems to finally catch up to fundamentals. Higher taxes, lackluster improvement in the job market, and frustration with political brinkmanship appear to have kept many Americans from exuberant confidence. The marked improvement in housing last year, coupled with higher asset prices, likely has been a welcome balm for investors. PNC projects the recovery will continue in 2014, at a slightly accelerated pace than in 2013, albeit with a few gaps. According to the Bureau of Economic Analysis, the U.S. economy grew at a 2.8 percent pace in the third quarter of 2013, up from 2.5 percent in the second quarter.

What gaps will potentially inhibit more robust economic growth?

As we consider the markets in 2014, we are focused on a few gaps that we believe are of concern to investors: First, the Federal Reserve (Fed) asset taper timing and leadership transition; second, unemployment; and finally, support for a continued housing recovery.

Is there any expected good news for the economy in 2014?

We expect the fiscal policy drag on the economy in 2013 to ease in 2014. Last year, Americans felt the impact of higher personal income and Social Security taxes, which cut into consumer spending. In addition the spending cuts under the sequester were a weight on economic growth. In 2014, however, taxes are not expected to increase. Spending cuts are forecasted to be smaller next year. The government shutdown resulted in a policy-impasse resolution until early 2014, when the debt ceiling will need to be addressed again in February. It is likely, given the public fury over the recent shutdown, that politicians will act on time – albeit likely at the 11th hour. The good news is that the public outcry following the partial government shutdown did not go unnoticed by politicians. The bad news is that political wrangling over programs like the Affordable Care Act may affect congressional negotiations.

How will the economic conditions overseas potentially affect our recovery here at home?

The Eurozone situation, an overhang for several years due both to the sovereign debt threats and ultimately the double-dip recession the region faced, seems to have eased some. We believe the support from the European Central Bank and cooperation among country leaders has brought needed confidence to the markets. However, we will be closely watching the economic situation, particularly among periphery nations. A recovery in Europe would be a positive for global economic growth.

We saw record highs on the Dow last year. Do you think investor confidence will continue to improve in 2014?

Our annual review of historical trends for stocks versus bonds reflects a shift in stock returns relative to bonds. The current 10-year trailing return of stocks relative to bonds now indicates an outperformance, for the first time since 2006. This comes largely as a result of the strong performance in the equity markets of the past few years, coupled with the slight correction in the fixed-income market in 2013. We believe investors should focus primarily on valuation and fundamental factors, keeping in mind their longer-term expectations, goals, and risk tolerance when making asset allocation decisions.

Overall, do you believe 2014 will be a strong year for the U.S. economy?

We believe that 2014 will bring a year of continued modest economic expansion, with growth picking up slightly, but we caution that several soft spots will likely remain that should be followed closely. We note the gaps in the U.S. economic picture – namely the unemployment rate – but are encouraged by the outlook as a whole for 2014 versus that of 2013.

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By Carol Claytor

Frontline continued from page 3

more involved with the Association this year. Many of the students sent follow-up emails to Board members affirming their commitment.

According to the students, something that is holding them back from getting involved with the Philadelphia Bar Association or any similar professional trade association is intimidation. One of the student panelists noted it was the biggest barrier to involvement, and that a more relaxed tone by the lawyers would be helpful. “Make us feel more like your colleague,” said another panelist, who added that networking events can be a “harsh” experience for students.

On the other hand, the students were also asked what they were doing to “put themselves out there.” Some Bar leaders said they feel law students should take the initiative by doing more informational interviews with lawyers and being more assertive.

One thing both the law students and the lawyers in the room seemed to strongly agree on was the disconnect between law schools and the professional bar. And so we will take what we’ve learned and turn it into actionable items to help bridge this gap.

Other law students who participated in the Bar Leaders Retreat included Angela Bronnan (Villanova), George Donnelly (Penn), Jennifer Feden (Penn), Benjamin Foster (Rutgers), Cody Kauffman (Drexel), Irene Lehne (Drexel), Danielle Newsome (Temple), Malik Pickett (Temple) and Alexi Velez (Rutgers).

I was very impressed by all of the students. There is no doubt in my mind that if they decide to stay in the area after they graduate and make this their home, they too one day could have the honor of serving as the Chancellor of the Philadelphia Bar Association.

I’d sincerely like to thank all of the law students and their respective law school faculties. The Retreat was only the first part of this discussion, as this conversation is just beginning, and will be carried through our Board of Governors meetings this year as well. We plan to talk this candid feedback as actionable items and are hopeful that it will help us strengthen the Philadelphia Bar Association for years to come. If you have an interest in participating in law school outreach activities on behalf of the Bar, I hope you’ll contact me at chancellort@philabar.org.

William P. Feldho (williampfeldho@gmail.com), Guest Host, Schaefer & DiMeo LLP is Chancellor of the Philadelphia Bar Association.

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programs so Association members learn about what is needed for a quality education for students.

As part of the relationship with the School District of Phila-
delphia, Michael A. Davis, the district’s general counsel, attended the Bar Leaders Retreat in Atlantic City, N.J. where he discussed some of the issues the district is facing.

Also at the event, the Association will present the Justice Sonia Sotomayor Diversity Award. The award publicly acknowledge,

Dr. Hite has been an adjunct faculty member at the University of Richmond School of Continuous Learning and taught school leadership courses at Virginia State University, Bowie State University and the University of Maryland.

Dr. Hite received a Bachelor of Science degree in education from Virginia Tech and a Master of Educa-
tion degree from the University of Virginia. He earned a doctorate in education specializing in educational leadership from Virginia Tech.

The March 11 Quarterly Meeting and Luncheon be-
gins at 12 p.m. at the Hyatt at The Bellevue, Broad and Walnut streets. Purchase tickets at philadelphiabar.org.

The award publicly acknowledges Dr. Hite’s dedication to enhancing the quality of education in Prince George’s County Public Schools. His efforts have resulted in significant improvements in teaching, learning, and school status. His commitment to high standards and equity has led to increased student achievement and recognition for expanding access to Advanced Placement courses during his tenure.

Dr. Hite's contributions to education and leadership have been recognized at the national level, and he has been an active member of the professional education community.

The award also acknowledges Dr. Hite's dedication to diversity and inclusion in schools, his commitment to providing opportunities for all students, and his leadership in advancing equity and excellence in education.

The award is presented to an individual or entity that has demonstrated a strong commitment to diversity, equity, and inclusion in education, and who has made a substantial contribution to improving educational opportunities for students.

The award is presented annually to an individual or entity that has demonstrated a strong commitment to diversity, equity, and inclusion in education, and who has made a substantial contribution to improving educational opportunities for students.
Chancellor William P. Fedullo (from left) is joined by Mark Sheppard, Mitchell L. Bach, Lee Applebaum and Darryl J. May for the unveiling of a portrait of the late Judge Albert W. Sheppard Jr. on Jan. 22 at City Hall.

Sheppard’s Portrait Unveiled

Philadelphia VIP has named seven new members to its Board of Directors. The new members are:

• Gaetan J. Alfano, a partner of Pietragallo Gordon Alfano Bosick & Raspanti, LLP and Vice Chancellor of the Philadelphia Bar Association. He is now an Ex Officio member of VIP’s Board of Directors.

• Philip D. Amoa, a corporate law attorney at McCarter & English LLP. He began volunteering with Philadelphia VIP in 2006 and has taken on 10 VIP cases since 2011. His pro bono work mostly includes helping low-income small business owners and micro-entrepreneurs make incorporation decisions.

• Lisa Detwiler, senior managing counsel and director at Pashagen LLC. She became a VIP volunteer in 2012 after assisting a LawWorks/small business client with an intellectual property matter.

• Lee S. Zimmerman, associate general counsel to TE Connectivity. He began volunteering with VIP in October of 2011 and has since taken on six VIP cases. He mostly assists LawWorks/small business clients as they make choice of entity decisions.

• VIP Board member Sophia Lee, chief counsel of litigation at Sunoco, Inc., has been appointed secretary of the Board of Directors.

People

Gaetan J. Alfano, partner at Pietragallo Gordon Alfano Bosick & Raspanti, LLP and Vice Chancellor of the Philadelphia Bar Association, has been appointed as an ex-officio member of the Board of Directors of the Public Interest Law Center of Philadelphia.

Stuart W. Davidson, a partner with Willig, Williams & Davidson, has been appointed to the Professionals Committee of the International Foundation of Employee Benefit Plans.

Lloyd Freeman, an associate with Archer & Greiner P.C., was honored at a Dec. 13 event benefiting the Rutgers University Alfredo Santiago Endowed Scholarship, which provides financial assistance to graduates of the LEAP Academy University Charter School in Camden who enroll full-time at one of Rutgers University’s three campuses.

H. Ronald Klasko, founding partner of Klasko, Rulon, Stock & Seltzer, LLP, recently presented “EB-5: Where are We Now?” at the annual meeting of the Mexico City Chapter of the American Immigration Lawyers Association in Bogota, Colombia.

Evan Aldman, a sole practitioner, presented the National Business Institute webinar “Winning Personal Injury Cases in Arbitration” on Dec. 18.

John Huh, an associate with DLA Piper has been appointed to the Board of Directors of the Public Interest Law Center of Philadelphia as the ex-officio representative from the Asian Pacific Bar Association.

E. Harris Baum, a shareholder with Zarwin Baum DeVito Kaplan Schaer Toddy, P.C., was a speaker at a formal reception at the Union League of Philadelphia on Dec. 9 to celebrate the relationship between Korea and the City of Philadelphia.

Sharon Humble, managing partner of Linebarger Goggan Blair & Sampson, has been accepted into the Forum of Executive Women.

Marc S. Raspanti, a partner at Pietragallo Gordon Alfano Bosick & Raspanti, LLP, presented at the ABA Health Law Institute on Dec. 10 in Washington, D.C.

Albert Piccirilli, of counsel to Montgomery McCraken Walker & Rhoads LLP, has been elected to the Board of Directors of the SeniorLaw Center.


Daniel P. O’Meara, a partner with Montgomery McCraken Walker & Rhoads LLP, will co-host “In the Workplace” on SiriusXM Radio’s Business Radio Powered by the Wharton School.

Salvatore M. DeBunda, co-managing partner of the Philadelphia office of Archer & Greiner P.C., has been re-elected to a second three-year term as president of the Pennsylvania Thoroughbred Horsemen’s Association.

Joseph F. Bouvier, a shareholder with Mattioni, Ltd., has been re-appointed as a member of the Greater Swedesboro Business Association Board of Directors.
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