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- **A “Voice” in Strengthening Your...**

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**Board Supports Pennsylvania’s Patient Trust Act**

By Thomas E. Rogers

The Board of Governors unanimously adopted a resolution on Jan. 21 in support of House Bill 1105, also known as the Patient Trust Act. The Patient Trust Act prohibits laws that force doctors to provide medically inaccurate information or treatment or gag them from sharing relevant medical information. Specifically, the Patient Trust Act prohibits mandates that force doctors to provide a patient with information that is not medically accurate or medically appropriate, or provide a medical service in a manner that is not evidence-based and appropriate for the patient. “Medically accurate” is defined as information that is verified or supported by the weight of peer-reviewed medical research conducted in compliance with accepted scientific methods, recognized as correct and objective by leading medical organizations with relevant expertise, or recommended by or affirmed in the medical practice guidelines of a nationally...
Meet Your Legal Career Specialists for 2016

PATRICIA MOSESSO  President
Patricia has been involved in the selection, evaluation and management of attorneys, paralegals and other legal staffing for most of her career. While serving as a corporate officer in a major international corporation, she directed the entire legal function. Patricia taught paralegals corporate law and job search preparation, and successfully managed the placement office of a paralegal school. Patricia continually strives for a deeper understanding of the needs of the legal community in order to meet the specific needs of clients.

JUDITH CAMIEL  Director, Attorney Career Development
Judy brings a wealth of experience to Morgan Wentworth based on her familiarity with the greater Philadelphia area legal and judicial community resulting from her tenure as Administrator to the Lawyers’ Club of Philadelphia for the last twelve years. Her ability to connect with individuals at all stages of their careers and her empathetic nature serve her well in assisting attorneys through critical career decisions. A master’s degree in Counseling and Human Relations prepares Judy to understand and value the needs of the various parties in order to bring about a successful association.

KAREN ASH  Director of Staff Recruitment
Karen streamlines the hiring process by eliminating time-consuming tasks such as reviewing endless unrelated resumes or interviewing inappropriate candidates. Karen’s clients and candidates appreciate her in-depth style – matching skills, experience, and temperament with firm culture, practice areas, and business needs.

ERNEST G. SZOKE  Chairman
After a distinguished career as Chief Legal Officer of a U.S. subsidiary of an International multi-million dollar company, Ernie devotes his time as an entrepreneur, building and assisting start-up companies. His work as an attorney and legal executive have given him the breadth of knowledge he uses to advise Morgan Wentworth’s management and recruiting team in their efforts to grow Morgan Wentworth. “Ernie” also connects well with candidates who need coaching and advice in reaching their career goals.
ABA’s Rocket Lawyer Program: Buyer Beware

By Gaetan J. Alfano

For the past 60 years, the American Bar Association (ABA) has supported local and state bar association lawyer referral programs. Historically, bar associations have used fee income derived from referred cases to enhance pro bono and public service efforts, to increase public understanding of and respect for the rule of law and to assure meaningful access to justice. These goals mirror the ABA’s core values.

To assure the achievement of these goals, the ABA adopted model rules. These rules require that referral services carefully screen all attorney applicants, requiring ongoing proof of malpractice insurance coverage, setting objective and verifiable experience requirements on certain practice panels and surveying all referred clients to ensure customer satisfaction.

The ABA’s new venture with Rocket Lawyer is a sharp departure from its own model rules and core values. The Rocket Lawyer program, marketed as ABA Law Connect, states in its Terms of Service that the consumer is “solely responsible for assessing the quality, integrity, suitability and trustworthiness” of the referred attorney. In short, the American Bar Association hypocritically allows Rocket Lawyer to use its logo and imprimatur without holding Rocket Lawyer to quality assurance standards of the model rules. In so doing, the ABA has diminished its brand promise and misleads the public.

In essence, the ABA is telling consumers “caveat emptor” – or let the buyer beware when choosing an attorney referred by the ABA. In practical terms, consumers are on their own.

Good luck with that.

In contrast, the Philadelphia Bar Association is an ABA-certified lawyer referral service and proudly displays the “Meets ABA Standards” logo in its advertising. In keeping with the model rules, our Lawyer Referral and Information Service (LRIS) screens all applicants, requires proof of malpractice insurance, requires its practice panels to have objective and verifiable experience and actively engages with referred clients to ensure their satisfaction. Our LRIS fulfills all of the quality assurance standards the ABA has conveniently ignored in its relationship with Rocket Lawyer.

We also do more. At the Philadelphia Bar Association LRIS, for every one person who is referred to an attorney in private practice, two other people are given guidance by our intake attorneys to find free legal assistance or other solutions to their problems. There is no such public service component to Rocket Lawyer.

Our Immediate Past Chancellor Albert S. Dandridge III recognized the problems implicit in the ABA’s venture with Rocket Lawyer. He wrote a strong and compelling letter to ABA President Paulette Brown in October 2015 on behalf of the Philadelphia Bar Association. In his letter, he expressed his deep concern about the recently announced relationship between the ABA and Rocket Lawyer.

I very much commend Chancellor Dandridge for approaching this serious matter directly and for effectively communicating the troubling risks related to the ABA’s relationship with Rocket Lawyer. This relationship remains a concern for many state and local bar associations. For the betterment of our members and the communities we serve, the Philadelphia Bar Association will continue to be vocal about the superiority of our Lawyer Referral and Information Service over that of the ABA Law Connect.

To learn more about the Philadelphia Bar Association LRIS, visit: http://www.philadelphiabarlawyers.com.

Gaetan J. Alfano (GJAlfano@gmail.com), partner at Pietragallo Gordon Alfano Boies &RAPAINTS, LLP, is Chancellor of the Philadelphia Bar Association.

Chancellor’s Forum March 1:
The Pennsylvania Attorney General Race

With the upcoming Primary Election for the Pennsylvania Office of Attorney General less than three months away, several of the candidates seeking election will gather for an interactive panel discussion about the 2016 race. Candidates will discuss a variety of topics including their individual platforms as well as many of the pressing legal issues facing Pennsylvanians. The Forum will be immediately followed by a wine and cheese reception.

Visit PhiladelphiaBar.org for more information and to register.
Networking Is a Process That Goes Far Beyond a Crowded Reception

By Erin E. Lamb

Networking is a word that people discuss without a true understanding of it. In my second year of law school, it was March and I still had no summer job. The economy had crashed in the fall and a paying job was out of the question. After I admitted how lost I felt, a friend passed my resume onto the judge with whom he interned. I walked into City Hall Courtroom 275 for an interview on a muggy, rainy day.

I did not know it, but I was already networking. My friend trusted me enough to pass on my résumé. The judge’s clerk thought my friend was a smart and hard worker. She liked that I had spent the summer before organizing the beach access guide for the New Jersey Department of the Public Advocate. She hired me. I spent a full year interning there. When I graduated without a job, both she and the judge guided me. After a few months out of work, and a temporary fellowship, I became a clerk. The previous clerk – now my friend – took me to a Young Lawyers’ Division (YLD) meeting.

One of those members asked me to run for an elected position. A woman recognized my name from being the judge’s clerk and asked me to run with her. We won! For the first time, I was routinely around lawyers that I had not gone to law school with and did not appear in the courtroom where I worked. I even joined the court’s softball team and led them to an illustrious playoff berth (followed by a championship the following year).

I threw myself into Philadelphia Bar Association events like Law Week. As we planned toy drives, people asked questions about what kind of work I wanted to do and shared their own experiences. I developed a small family of interns and kept up to date on them. I chatted about résumés and firms with my fellow YLD Executive Committee members before taking a position with one of the judge’s previous clerks – who I had become familiar with through Inn of Court.

This story underscores a few points about networking. It takes work, luck, and time (this story takes place over seven years). It takes putting yourself into positions that might be outside your comfort zone. It is about developing relationships and trust – and you can do that just as well in a blond wig to play Gold E. Locks during Law Week as you can in the courtroom.

When we held the YLD Orientation and I looked out over the Executive Committee and its liaisons, made up of what felt like a sea of former interns, lawyers I had met in the courtroom, a softball team member’s wife and people who simply had come to an Association event and been buttonholed by members of the Executive Committee, it became obvious that the Philadelphia Bar Association is the easiest way to develop those relationships. I am lucky, but I am not unique. I hope to see more young lawyers take advantage of these opportunities.

Erin E. Lamb (elamb@rawle.com), associate at Rawle & Henderson LLP, is chair of the Young Lawyers Division.
2/5/16 - 12:30 - 2:30 p.m. (2 SUB)
Pennsylvania will soon be the first state in the United States to utilize and adopt the new “future crimes” sentencing legislation. This law will allow the use of predictive analytics in reference to sentencing a defendant. Essentially, the potential may exist for defendants to be given prison sentences for crimes they have yet to commit. Find out how the law will be implemented by the PA Sentencing Commission and by the court, judges and lawyers. Understand how this new, groundbreaking law will impact sentencing disparities based on location, race and income.

For Sale! – Understanding 204 Pa. Code Rule 1.17
2/3/16 - 12:30 - 1:30 p.m. (1 ETH)
The Pennsylvania Supreme Court has posted some important potential changes to Pennsylvania Rule of Professional Conduct 1.17. If those changes are adopted by the Court, for the first time attorneys will be able to sell specific parts of their practices when transitioning out of business. This luncheon CLE will not only review those potential changes (that may have been adopted by the time of this presentation) but will also touch upon the ethical issues that come along with preserving the value of a practice in the event of death or disability of the attorney.

Making Your Voice Heard: Advocacy and Lobbying 101
2/11/16 - 10 a.m. - 12:15 p.m. (1 SUB/ 1 ETH)
What really happens at the intersection of law and politics? This program will offer lawyers a practical introduction to the subject of advocacy and lobbying with an update on recent changes in the law.

Tips and Practice Tools from the WC Bench including a 2016 WCAIS Update
2/12/16 - 12:30 - 2:30 p.m. (2 SUB)
Workers’ compensation judges will provide practical tips regarding the legal practices and procedures in their courtrooms. They will offer tips on WCAIS and discuss the March, June, September and December 2015 releases and updates. They will address the use of the tabs on the Dispute Summary, including the following communication tools: requests, judge communications, and instructions from the judge. Finally, they will examine the Interested Parties update form.

ABA Lead Law Leadership Training (Pt. 2): Lead Your Firm-Lead Your Community (video)
2/16/16 - 9 a.m. - 12 p.m. (3 SUB)
This program is part 2 of the ABA Lead Law Leadership Training. Experienced faculty will examine leading through conflict and crisis. The program will highlight effective leadership of a practice group or client project. Finally, a panel of distinguished and accomplished bar association leaders explain the importance of active participation in the organized bar and the need for forward-thinking lawyer leadership in helping the organized bar address the difficult issues facing both the legal profession and society.

INSIDE-OUT: In-House Counsel Expectations of Outside Counsel on Environmental Matters
2/17/16 - 12 - 1 p.m. (1 SUB)
In this invaluable and practical CLE program, three leaders from prominent in-house legal departments will share their in-house expectations of outside counsel in handling environmental and energy law matters.

Considering ODR in the Dispute Resolution Archetype and Its Impact on Lawyers and Ethical Considerations
2/23/16 - 12 - 2:15 p.m. (1 SUB/1 ETH)
Online transactions have forever changed the way we interact, negotiate and communicate. Online Dispute Resolution (ODR) is now available and this form of ADR is growing fast. ODR explains the many diverse and unique applications of doing conflict resolution online. This CLE program will highlight the challenges and opportunities of online mediation and how the online environment will affect the role of those who are concerned with dispute resolution just as it has brought changes to those who practice law. Find out about the benefits and challenges and how the process works through several mediums.

Outlook for 2016: Private Equity M&A
2/24/16 - 12:30 - 1:30 p.m. (1 SUB)
This CLE discussion will include a review of the key drivers expected to impact 2016 M&A activity. Jamey Montgomery Scott’s Chief Economist Guy Lebas, and Managing Director Brendan Tierney, will highlight the following topics: interest rates, inflation, economic growth, availability of debt and equity capital, as well as trends in valuations.

Antitrust Pharmaceutical Patent Settlement Litigation After Actavis
2/25/16 - 12:30 - 1:30 p.m. (1 ETH)
In mid-2013 the U.S. Supreme Court held, in Federal Trade Commission v. Actavis, that certain pharmaceutical patent settlements may be subject to antitrust scrutiny under a rule of reason analysis. The Actavis decision focused on “reverse payment” settlements where the alleged infringer/generic manufacturer is granted a license to enter prior to patent expiration and receives some additional consideration. This CLE will explore how Actavis has unfolded in the lower courts, what issues have been relatively resolved and what issues are still lurking on the horizon.

Effective Nonprofits and Board Promising Practices
3/1/16 - 12:30 - 1:30 p.m. (1 SUB)
Are you serving on a nonprofit board or considering it? Come learn what a lawyer acting as a board member needs to understand about their legal and fiduciary duties and how to effectively advance the organization’s goals and mission. This CLE will address the special issues facing lawyers who serve as board members, as well as provide best practices to improve board performance and productivity.

Smart Phone & Social Media Evidence in Family Law Litigation
3/2/16 - 9 a.m. - 12:15 p.m. (2 SUB/1 ETH)
This CLE will teach attendees how to integrate raw data collection from personal electronic devices and social media participation into an overall legal strategy, including discovery-related issues and boundaries. It will also explore what happens when the data is unavailable or seemingly unavailable and how to effectively incorporate experts.

Probate Meets Real Estate: What You Don’t Know Can Hurt You!
3/3/16 - 12:30 - 2:30 p.m. (2 SUB)
The Probate and Trust Law Section, along with the Real Property Section, presents the March 2016 Probate & Trust Law Section Quarterly. Expert practitioners will answer trust and estate practitioner questions about how to best deal with real property in estate and trust planning and administration, as well as real estate practitioner questions regarding understanding how the trusts and estates world impacts interests in real estate.

Non-Recourse Funding in Commercial Litigation
3/4/16 - 12 - 2:15 p.m. (1 SUB/1 ETH)
This informative new CLE topic delivers a detailed introduction to the rapidly growing market of litigation funding for business disputes by third-parties. This type of innovative financing is being utilized by boutique practices and large, national firms for cases that include contract breaches, business torts, intellectual property infringement, misappropriation of trade secrets, shareholder and consumer claims, class actions and mass torts. Lawyers representing business clients and corporate counsel need to know how non-recourse funding works and how it can be used to finance meritorious claims; manage firm, corporate and legal department budgets; and reduce the risk of loss.

TO REGISTER Visit the CLE page at PhiladelphiaBar.org

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
As Technology Evolves, Firms Need to Watch Who is Watching Them

By Jon-Michael Olson

Technology is liberating. It allows us to run every aspect of our lives, free from geographical and time limitations. However, for all the convenience that technology imparts, it creates problems with far-reaching damage. We constantly hear reports regarding the theft of confidential information from well-known websites and companies, or the contents of allegedly secure cloud storage being made public. Unfortunately, for lawyers we mostly wave off these stories. But, according to security experts and lawyers in the latest in the X, Y, Z’s of Real Estate program series titled “The Evolution of Technology and the Modern Day Law Firm,” 80 percent of security attacks are aimed at businesses that retain large amounts of confidential client information. From trade secrets, agreements, intellectual property, finances and any personal identifiable information, this information is heavily sought after and law firms are often easy targets due to a lack of awareness and knowledge of technology security. The Philadelphia Bar Association hosted the panel featuring Carol Huff, principal of Real Estate Investment Strategies; Sandra A. Jeskie, partner and chair of the information technology and telecom practice group at Duane Morris LLP; John J. Sroka, chief information officer for Duane Morris LLP; and Michael H. DeThomas, founder of Trigon Technology Group, LLC on Dec. 1.

Unfortunately, the adoption of the necessary security measures is not a simple solution. For most law firms, the security tools and practices can be prohibitively expensive. Additionally, with each security measure and device, there must be time-consuming continued on page 16
Immigration Challenges Facing U.S.

By Stephanie Kammer

On Dec. 15, 2016, the Immigration Law Committee presented a panel titled “U.S. Immigration Policy in 2016 in Light of ISIS” to consider a question many of us may be asking ourselves given the current political climate, “What did I do when Donald Trump proposed religious tests in America?” This question was first posed by journalist and author, Fareed Zakaria. The meeting was led by Immigration Law Committee Chair Wendy Castor Hess, partner at Goldblum & Hess, and featured speaker Judith Bernstein-Baker, executive director of HIAS Pennsylvania.

Today, the main avenues of legal immigration into the U.S. include a corporate portion, a K1 fiancé visa, and a visa-waiver pilot program. The Committee considered how these policies are being impacted since the rise of ISIS (or maybe more accurately, since the advent of certain rhetoric surrounding ISIS). The impact is acutely felt in refugee resettlement and the political issues that attend it.

Bernstein-Baker began the meeting by painting a vivid picture of the global refugee crisis, specifically the Syrian refugee crisis. Some staggering and elucidating statistics and facts were brought to light: four million Syrians have fled Syria and an estimated 11 to 12 million have been displaced internally, and while the Syrian refugee crisis is the biggest and most serious at the moment, there are 60 million people displaced (either internally or externally) around the globe, the highest number since World War II.

Syrian refugees undergo exhaustive screening processes including biometric scanning, background checks against Department of Defense and Central Intelligence Agency databases, among others, and interviews with Department of Homeland Security officers. Security checks for refugees, the vast majority of whom are women and children, can take up to three years and are especially long for those fleeing from areas where ISIS is known to be active. Right after the Vietnam War the U.S. accepted 207,000 refugees; after a decline following the terrorist attacks of Sept. 11, 2001, the number is now down to around 80,000 refugees a year.

The conversation then turned to the xenophobia taking hold in current political debates, as represented by the vitriolic comments of presidential hopeful Donald Trump suggesting a ban on Muslim immigrants and an explicit religious test for immigration and travel. The American Security Against Foreign Enemies Act of 2015 (H.R.4038) recently passed the U.S. House of Representatives and is now before the Senate. The bill would require more security checks for refugees, Bernstein-Baker believes that the bill will make security clearance for refugees an indeterminately long process. She drew a parallel between the proposed legislation and the immigration restrictions of the 1920s that kept many Jewish refugees from the sanctuary of the U.S. during World War II.

Committee members ended the session by brainstorming ways to show their support for refugee resettlement, their opposition to House Bill 4038, ways to raise awareness, ways to dispel fear and to make an impact on the ugliness and intolerance sprouting up around the dialogue on immigration law and refugee resettlement.

The meeting marked a beginning for discussion and reflection on what our moral and legal obligations as attorneys and individuals might be to ensure peace, understanding and acceptance in our communities and to strengthen, what might be said to be a universal value, of welcoming the stranger.

Stephanie Kammer (stephanie.kammer@phila.gov) is an assistant city solicitor for the City of Philadelphia.

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Challenges of Representing Children With Special Immigrant Juvenile Status

By Enrique Marquez

Regardless of how it has been characterized, everyone has knowledge of the influx of immigrants to this country. Unfortunately, many of those who come here for a better life or in refuge are children. Furthering the crisis is the fact that these children are often who federal law characterizes as “unaccompanied children” or children under the age of 18 who have no status in the U.S. and who are essentially alone. Most notable has been the increasing number of these children crossing the border in recent years. HIAS Pennsylvania’s Elizabeth Yaeger, staff attorney, and Catherine Feeley, Stoneleigh Emerging Leadership Fellow, presented this subject to the Family Law Section at their meeting on Jan. 4.

Reasons vary regarding the explanation of this phenomenon. Many of these children come from Central American countries with murder rates mirroring the rate of children who are fleeing those countries. Nonetheless, it has become a challenge for the U.S. to deal with these children.

Many of these children come from Central American countries with murder rates mirroring the rate of children who are fleeing those countries.

Once a child is settled in a potential new home, there are certain tools lawyers can use to find a more permanent status for the child. While the child lacks lawful immigration status, they may be eligible for family-based adjustment of status, humanitarian relief (such as asylum) and more. However, an extremely common form of relief is what is called Special Immigrant Juvenile Status (SIJS).

Congress provided this avenue to Lawful Permanent Resident Status for undocumented children who have been “abused, neglected and/or abandoned” by a parent or both parents. This process consists of two phases whereby a lawyer will obtain an order that establishes the dependency of the child or establishes custody; whether the parent(s) continued on page 11
Bar Foundation

On New Year’s Reflections and Resolutions

"And now we welcome the new year, full of things that have never been.” – Rainer Maria Rilke

As the calendar turns, it is valuable (and humbling) to look back at recent accomplishments and to make plans for a successful new year. The Philadelphia Bar Foundation’s Board of Trustees uses a formal strategic planning process to manage this kind of long-term analysis, preparation and tactical implementation.

In 2015, the Foundation proudly provided $629,000 in grants to 38 legal services organizations in Philadelphia. Thanks to your generous giving, this represents an increase in our total awards of more than 14 percent over the prior year. The Foundation also presented tens of thousands of dollars in individual fellowships and awards during the last year, recognizing excellence in legal services leadership and supporting the next generation of champions for justice.

We strongly believe in the professional responsibility of all attorneys to create fairness in Philadelphia through support for civil legal aid. The Foundation’s grantees annually serve many thousands of the most vulnerable individuals and families in our community. These non-profit organizations provide no-cost or low-cost legal services to families in poverty, people facing discrimination, children and the elderly, the homeless, recent immigrants, those with disabilities and facing health crises and victims of abuse and neglect.

To continue changing lives and promoting access to justice, the Foundation is committed to evaluating and strengthening our work. There remains a gap both in justice and in resources to meet the needs of our community. As described in the “Report of the Civil Legal Justice Coalition to the Pennsylvania State Senate Judiciary Committee” (April 2014), the access to justice gap in our community “adversely affects the quality of justice for those unable to afford counsel, negatively impacts the Courts’ administration of justice, and undermines the rule of law.” While attorneys in Philadelphia can feel proud about the impact of their philanthropy, both individually and collectively, we must and should do more.

In 2016, the Foundation plans to focus on the following strategic priorities, aimed at furthering the impact of their philanthropy, both individually and collectively. We must and should do more.

Philanthropy. We had a good year in 2015, increasing our grant awards and holding successful fundraising events. Going forward, the Foundation is committed to working more closely with major donors. We will also diversify our fundraising from young attorneys, a broader range of law firms, corporate in-house counsel and businesses serving the legal field. In addition to strengthening our existing events, the Foundation will pilot new programs featuring our grantees and substantive exploration of hot topics. Our fundraising initiatives will challenge our grantees, the pro bono efforts of the private bar, and related matters. Behind the scenes, the Foundation will increase its capacity through related changes in staffing and technology. Our donors, event sponsors, partners and grantees can look forward to enhanced opportunities for interaction, visibility and recognition.

To continue changing lives and promoting access to justice, the Foundation is committed to evaluating and strengthening our work.

By Steven E. Bizar

Donation Opportunity

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

By Steven E. Bizar (steven.bizar@bipc.com), an executive shareholder at Buchanan Ingersoll & Rooney PC, is president of the Philadelphia Bar Foundation.

Philadelphia Bar Reporter

February 2016
My practice has come full circle. At the outset of my career, I arrived in Philadelphia after graduating from Rutgers School of Law - Newark and began at the Defender Association of Philadelphia, then located above Stouffer’s Restaurant on Chestnut Street, helping people accused of a crime. Several years ago, I began my involvement with the Pennsylvania Innocence Project at Temple University Beasley School of Law helping people convicted of a crime.

In between, I have been a trial lawyer – mainly on the civil side. At the Defender Association of Philadelphia, I interviewed clients and represented people at bail hearings in a room on the ninth floor of City Hall, down the hallway from the holding cells. I loved the bail hearings. I felt I was actually helping people.

Several years ago, when I was invited to work with the PA Innocence Project, first as a donor, then as a board member, now an officer, all I really wanted to do was help people.

And now, as a volunteer, the Pennsylvania Innocence Project has given me and my colleagues at my firm, Buchanan Ingersoll & Rooney PC, that opportunity and then some. We helped write an amicus brief in the Pennsylvania Supreme Court that resulted in the Commonwealth of Pennsylvania, for the first time, joining the other 49 states in permitting expert testimony regarding the reliability of eye-witness testimony. Previously it had been barred without exception.

We helped write an amicus brief in the Pennsylvania Supreme Court that resulted in the Commonwealth of Pennsylvania, for the first time, joining the other 49 states in permitting expert testimony regarding the reliability of eye-witness testimony. Previously it had been barred without exception.

We have worked to secure the DNA testing of the murder weapon where, until recently, DNA testing was not possible. The DNA performed on other objects from the murder scene did not match that of the convict. If, as we expect, the murder weapon has DNA evidence that does not belong to the convict, it should warrant a new trial. We currently are working to help an inmate who has been incarcerated for nearly 20 years for shaking a baby to death. Our client was convicted of killing his girlfriend’s toddler – by shaking her. No one ever saw him touch the child. He was charged with the murder because he was the one who discovered the child unconscious on the floor. Likely she had fallen from her crib where she had been napping. The only evidence that the child was murdered, rather than died, from an accidental fall, was the opinion testimony of medical experts who said the death could not have been the result of an earlier fall or a short fall from a crib - it had to be the result of violent shaking. That notion, that the death had to have been the result of shaking, has recently been debunked as junk science. There is new science that has demonstrated that the triad of trauma the child suffered is not necessarily the result of shaking and the expert testimony from trial should not have been admitted into evidence, or at least contrary evidence should have been adduced. Without a new trial, our client has no hope of release unless he confesses to a crime he never committed.

I can think of nothing more gratifying than the possibility that our help could secure the retrial and acquittal of one who was wrongfully convicted.

Howard D. Scher (howard.scher@bipc.com) is a shareholder at Buchanan Ingersoll & Rooney PC.
On Dec. 18, President Obama signed bipartisan legislation for a year-end spending and tax package. As part of the package, Congress enacted a two-year delay of the ACA Excise Tax (Cadillac Plan Tax) provision. As such, the tax now goes into effect after Dec. 31, 2019 (and not after Dec. 31, 2017 as currently scheduled).

This is welcomed news for employers who are currently looking at mechanisms to mitigate this potential tax burden. The Cadillac Plan Tax is a 40 percent nondeductible excise tax on the value of health insurance coverage that exceeds $10,200 for self-only coverage and $27,500 for coverage other than self-only (e.g., family coverage). The legislation also made the following additional ACA-related changes:

- Permits a tax deduction of any Cadillac Plan Tax assessment (whereas the original version of the law did not permit a tax deduction) and suspends the medical device excise tax for two years and the annual fee on health insurance providers (the Health Insurer Tax) for one-year.
- The Consolidated Appropriations Act of 2016 (the “Act”) permanently changed the pre-tax transit benefits to be at parity with parking benefits. As a result, the Act retroactively increased the 2015 transit benefits from $130 to $250. For 2016, the transit and parking pre-tax benefits are $255.

Employers are required to correct Forms 941 and W-2 by amounts in excess of $130, whether provided by the employer or through a compensation reduction arrangement. For example, if an employer provided an employee with a transit pass worth $200, but taxed the employee $70 ($200-$130), then the employer is required to correct the 941 and the W-2 to reflect the $70 as tax-free benefits. Another example, if an employee enrolled in a compensation reduction arrangement and purchased a $200 transit pass, $130 pre-tax and $70 post-tax, the employer is required to correct the Form 941 and the employee’s W-2 to treat the $70 as pre-tax.

Notice 2016-06 provides the following procedures to reduce administrative burden: Repay or reimburse employees for over-collected FICA Tax (including any additional Medicare tax) for all four quarters of 2015; the reimbursement or repayment must be completed prior to filing the Form 941 by the employer. If the employer takes advantage of the administrative procedures outlined in the Notice, the employer will not have to file a Form 941-X or Forms W-2c (the Forms ordinarily filed to make corrections).
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Hon. Mitchell S. Goldberg, U.S. District Court for the Eastern District of Pennsylvania, Judicial Liaison

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While 2015 may have begun on a rather quiet note, several events through the summer months last year brought moments of significant volatility to the markets. Leading the way was the question of when the Federal Reserve Board would raise interest rates. As we embark upon 2016, I sat down with Eugene William (Bill) Stone, chief investment strategist with PNC Asset Management Group, who shared his insights on what investors may expect in the coming year, given rising interest rates and other uncertainties both here and abroad.

Mary Ashenbrenner (MA): What is your prediction for the U.S. economy in the coming year?

Bill Stone (EWS): We believe the economy will continue to grow in 2016. The expansion that began in July 2009 has crossed the six-year mark. Perception may seem to show that this is a long time for an economy to be in expansion, but we do not believe that in historical terms it is long at all; in reality, it can be viewed as shorter than average when considering this was primarily a mortgage-driven crisis.

MA: Do you believe that the increase in interest rates is a good sign for the U.S. economy?

EWS: The Fed raised interest rates in December 2015 for the first time since 2006. We reminded investors that the reason for raising interest rates is a good one: our view is that it marks a return to normal policy because the economy has improved since the days of the Great Recession. With the economy on a stronger path than during the years following the financial crisis, we feel there is less need for extraordinary interest-rate policy. Following this first rate increase, PNC expects additional upward moves of interest rates to be slow and gradual.

MA: Do you predict more market volatility as a result of the rising interest rates?

EWS: The markets have been keenly focused on the Fed's stance on interest rates. Thus, we do expect that with rising rates and the slow removal of extraordinary monetary policy, which served as a salve of sorts, volatility will likely rise. PNC economists predict after the first rate hike in December 2015, there will likely be three more in 2016.

MA: What risks do you foresee that investors should be aware of in 2016?

EWS: As we consider the markets in 2016, we are focused on a few uncertainties we believe are of concern to investors, including the timing of further Fed interest rate hikes; global growth concerns, leading with China; the ongoing impact of low oil prices; divergence in monetary policy; geopolitics and terrorism threats; and wages and inflation expectations.

MA: To what extent will China’s slowing economy affect U.S. investors?

EWS: In 2015 there was a turn in the economic outlook for China’s economy and a sharp upshift in its stock markets. Data out of China certainly seem to indicate a slowing of growth from recent years, in our view. But growth of just under 7 percent is forecast, which is still quite strong comparatively.

MA: Are lower oil prices good or bad for investors?

EWS: We view the drop in oil prices as a mostly positive dynamic. Lower gasoline and energy costs are a direct positive to consumers, putting more money in pockets that can be used to fuel spending. In addition, businesses, particularly heavily energy-reliant manufacturers, stand to gain from lower expenses. Hardest hit are economies largely tied to oil, such as Russia. In addition, energy companies saw a sharp drop off in earnings in 2015. We see this pressure easing a bit in 2016—while a sharp rise in oil prices is not expected, we believe the large negative impact from the fall in prices looks to be largely complete.

MA: What are your concerns over wages and inflation in the coming year?

EWS: While the labor market is much improved since the recession, wage growth has been tepid, only recently improving a bit. Wage growth is imperative to continued improvement in the jobs market. Inflation has been kept at bay, and a material pickup is not likely in the near term, in our opinion.

MA: What is your outlook for stocks versus bonds in 2016?

EWS: Market declines are not predictable, so trying to time them is an unreliable tactic. What is observable is that over the long term, stocks have tended to produce significant positive real returns after inflation. Stocks, having been on a six-year bull run, continue to push higher, while the outlook for bonds is now shadowed by rising interest rates. We believe that stocks provide an attractive risk/reward for investors interested in retaining real purchasing power over time and who have a sufficient holding period to withstand periods of market volatility.

Mary E. Ashenbrenner (mary.ashenbrenner@pnc.com or 215-585-1041) is a senior vice president with PNC Wealth Management.

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Patient Trust Act

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recognized accrediting organization.

Laws are being enacted in states like Alaska, Florida, Texas and others that prohibit providers from communicating important health information, mandating unnecessary procedures or outdated modes of care and force doctors to give patients an adequate, ideologically driven care. Pennsylvania’s 2012 Act 13 limits the right of health care providers to use toxic franchising chemical information, except to treat a specific potentially exposed patient, by cloaking toxic chemical information as trade secrets and mandating a confidentiality agreement from the provider limiting use of that information to that patient, thereby restricting their public health obligations to protect third parties from harm from exposure to such chemicals.

According to a number of physicians’ groups in The New England Journal of Medicine in October 2012, “physicians are increasingly overstepping their boundaries by considering and enacting unprecedented numbers of measures that inappropriately infringe on clinical practice and patient-physician relationships and improperly intrude into the realm of medical professionalism, often without regard to established, evidence-based care guidelines.”

The Patient Trust Act is supported by major medical associations in Pennsylvania, including the Pennsylvania chapter of the American College of Obstetricians and Gynecologists (representing 1,300 physicians across the Commonwealth), Pennsylvania Association of Certified Nurse-Midwives and Pennsylvania Academy of Family Physicians, as well as the Pennsylvania Chapter of the National Association of Social Workers, CeasefirePA and Penn Environment.

“We have an opportunity in Pennsylvania to intervene in a troubling trend, here in Pennsylvania and throughout the nation, of lawmakers requiring doctors to provide medically inappropriate, inaccurate and misleading information to their patients. We owe it to the public and to our colleagues in the medical profession,” said Carol Tracy, executive director, Women’s Law Project.

The Philadelphia Bar Association urges the General Assembly and the Governor to take all necessary steps required to enact the Patient Trust Act to protect the rights and interests of patients and the medical professionals who treat them.

To view the complete resolution, please visit PhiladelphiaBar.org.

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Committees continued from page 13

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CLE Topic Idea?
To submit a topic idea for a CLE course or volunteer to be a course planner or presenter, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.

JANUARY 2016 NATURALIZATION CEREMONY

training on their proper usage and afterwards retention is often like a sieve. Finally, as one lawyer in attendance bluntly stated, “Lawyers don’t want to be geeks.” However, it is paramount for us to realize that our daily technological habits can put ourselves, our firms, and our clients at risk by unwittingly exposing confidential information to the public.

For example, using a personal Internet-based email provider, like Gmail or Yahoo, to correspond with our clients and firm, exposes all that information for public access. Even having a Gmail window open allows Google to record all the keystrokes entered on any open windows, and have that information become publicly accessible. Using Dropbox to store confidential documents is very susceptible to a data breach. Following monetary or confidential information requests from ostensibly innocuous emails, aka phishing emails, without further scrutiny, is a rampant occurrence. And finally, being aware that people can be a liability is often overlooked. Notably, the easiest and cheapest method to breach any firm is through its janitorial staff. They can gain information by taking pictures through their phone, or appropriating any documents from a desk during off hours. It is common knowledge among security experts that the janitorial staff, for firms overseas, are likely paid by some intelligence office for information.

Fortunately, there are some solutions. There are products, such as Microsoft 365, that offers a more secure platform to store and send email messages for a reasonable price. There are many signs of phishing scams, including obvious spelling and grammatical errors, sender’s unrecognized domain address and the unusual time the email was sent. Software also exists that scans for phishing emails. The careful vetting of all employees and vendors, having an enforced “no cell phone” policy for the cleaning staff, and the installation of cameras or employee scanners can help meet security concerns regarding personnel. Ultimately, as keepers of vast amounts of confidential information, we must be aware of the security implications of our technological habits, even if it means being geeks.

Jon-Michael Olson (Jon-Michael.Olson@Phila.gov) is an assistant city solicitor for the City of Philadelphia.
BUSINESS LAW SECTION ANNUAL RECEPTION

Graham R. Laub, 2015 chair of the Philadelphia Bar Association's Business Law Section (left); Katayun I. Jaffari, 2016 chair, Business Law Section; and Justin P. Klein, partner, Ballard Spahr LLP (far right); present the Albert S. Dandridge III Diversity Award to Mark S. Stewart, chair, Ballard Spahr LLP; at the Section’s Annual Reception at Estia on Jan. 19.

Katayun I. Jaffari, 2016 chair of the Philadelphia Bar Association’s Business Law Section; Arthur Newbold, partner, Dechert LLP (center right); and Graham R. Laub, 2015 chair, Business Law Section (far right); present the Dennis H. Replansky Memorial Award to Daniel O’Donnell, chief executive officer of Dechert LLP; at the Section’s Annual Reception.

THE BARRISTERS’ ASSOCIATION OF PHILADELPHIA

(Top) Kevin Harden Jr., chair, Criminal Justice Section and president-elect of The Barristers’ Association of Philadelphia, Inc.; and (Right) Chancellor Gaetan J. Alfano (third from right) with Justice Juanita Kidd Stout Woman of Distinction Award recipient Phoebe Haddon, chancellor, Rutgers University-Camden; Outstanding Young Lawyer Award recipient Amber M. Racine, co-chair, Women in the Profession Committee; Leigh M. Skipper, chief federal defender, of the Outstanding Organization Award recipient Federal Community Defender Office of the Eastern District of Pennsylvania; Hon. William F. Hall Award recipient Hon. Lori A. Dumas, Philadelphia Court of Common Pleas; Shabrei M. Parker, president, The Barrister’s Association of Philadelphia, Inc.; and Kevin Harden Jr. at The Barristers’ Association of Philadelphia, Inc.’s annual Dr. Martin Luther King Jr. Memorial Breakfast at the Loews Philadelphia Hotel on Jan. 18.

PHILADELPHIA ASSOCIATION OF PARALEGALS

Chancellor Gaetan J. Alfano (far left) swears in the 2016 officers of the Board of Directors of the Philadelphia Association of Paralegals at the group’s annual meeting at Davio’s Northern Italian Steakhouse on Jan. 12.
CALENDAR OF EVENTS

Note: While the following listings have been verified prior to press time, any scheduled event may be subject to change by the committee or section chairs. Lunches are $9 for members and $12 for non-members, unless otherwise indicated. Register online for most events at philadelphiabar.org. Unless otherwise specified, all checks for luncheons and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquarters, 1101 Market St., 11th Floor, Philadelphia, PA 19107-2955.

Feb. 1

Feb. 2
Philadelphia Bar Reporter Editorial Board: meeting, 8:30 a.m., conference call.
Section and Division Chairs: meeting, 8:30 a.m., 10th Floor Board Room.
Legal Rights of Persons With Disabilities: meeting, 9 a.m., 11th Floor Committee Room South.
Law Firm Pro Bono Committee: meeting, 12 p.m., Blank Rome LLP, One Logan Square, 130 N. 18th St., Philadelphia.
Professional Guidance Committee: meeting, 12 p.m., Duane Morris LLP, 30 S. 17th St., Philadelphia. Members only.

Feb. 3
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th Floor Board Room.
Rules and Procedures Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Feb. 4
Real Property Executive Committee: meeting, 12 p.m., Ballard Spahr LLP, 1735 Market St., 48th Floor, Mattoon Room, Philadelphia.

Feb. 5

Feb. 8
Public Interest Executive Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Feb. 9
Business Law Section Executive Committee: meeting, 12 p.m., 10th Floor Board Room.
CLE - For Sale! - Understanding 204A PA Code Rule 117: 12:30 p.m., 11th Floor Conference Center. Registration: PhiladelphiaBar.org.

Feb. 10
APABA-PA Board: meeting, 12:30 p.m., 11th Floor Committee Room South.
Elder Law & Guardianship Committee: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Feb. 11
Cabinet: meeting, 12 p.m., 10th Floor Board Room. Legislative Liaison Committee: meeting, 1 p.m., 11th Floor Committee Room South. Lunch: $9.

Feb. 12
Workers' Compensation Section Executive Committee: meeting, 10:30 a.m., 11th Floor Committee Room South.
CLE - Tips and Practice Tools From the Worker's Compensation Bench: 12:30 p.m., 11th Floor Conference Center. Registration: PhiladelphiaBar.org.
The Philadelphia Lawyer Editorial Board: meeting, 12:30 p.m., 10th Floor Board Room.

Feb. 15
President's Day: offices closed.

Feb. 16

Feb. 17
Legal Line: 5 p.m., LRIS Offices.

Feb. 18
Philadelphia VIP Board: meeting, 8:30 a.m., 10th Floor Board Room.
Family Law Section Executive Committee: meeting, 12 p.m., 11th Floor Committee Room South.
Immigration Law Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.
YLD Cabinet: meeting, 12 p.m., 11th Floor Committee Room.

Feb. 19
Civil Gideon Task Force: meeting, 12 p.m., 10th Floor Board Room.

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

Feb. 23
Women in the Profession Committee: 12 p.m., 10th Floor Board Room. Lunch: $9.
Employee Benefits Committee: meeting, 12:30 p.m., 11th Floor Committee Room South. Lunch: $9.

Feb. 24
LGBT Rights Committee: 12 p.m., 11th Floor Committee Room South.
Federal Courts Committee: 12:30 p.m., 10th Floor Board Room. Lunch: $9.

Feb. 25
LRIS Committee: meeting, 12 p.m., 11th Floor Committee Room South.

Send Bar Association-related calendar items 30 days in advance to Thomas E. Rogers, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., Philadelphia, Pa., 19107-2955. Fax: (215) 238-1159. Email: TBruger@ philabar.org.

Cadillac Tax
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On December 28, 2015, the IRS issued Notice 2016-4 that provides an extension of the deadlines to provide Forms 1095-C to individuals and Forms 1095-C and 1094-C to the IRS and provides other related guidance. For 2015 only, individuals who rely upon other information received from employers or carriers about their coverage need not amend their returns once they receive their Forms 1095-C or any corrected Forms 1095-C. Individuals need not send this information to the IRS when filing their returns but should keep it with their tax records.

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For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinityex.com/PhiladelphiaBar. For lawyers’ professional liability and other business coverage, you can continue to visit the regular Philadelphia Bar Association Insurance Program website at www.mybarinsurance.com/PhiladelphiaBar. If you’d like to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 1-855-874-0267.

For over 75 years, the divisions of USI Affinity have developed, marketed and administered insurance and financial programs that offer affinity clients and their members unique advantages in coverage, price and service. As the endorsed broker of the Philadelphia Bar Association and more than 30 other state and local bar associations and with more than 30,000 attorneys insured, USI Affinity has the experience and know-how to navigate the marketplace and design the most comprehensive and innovative insurance and benefits packages to fit a firm’s individual needs.
Katherine L. Vaccaro, partner at Manko, Gold, Katcher & Fox, LLP, has been appointed to serve on the Board of Directors of the Chester County SPCA. She will work with other members of the board to support the SPCA’s mission of putting “human” back into humane animal treatment and advocate on their behalf.

Karen C. Buck, executive director of SeniorLAW Center, has been awarded the Independence Foundation Public Interest Senior Attorney sabbatical for 2015-16. Throughout January and February 2016 she will be traveling to Iceland, Japan, New Zealand and Canada, meeting with leaders and advocates in access to justice and elder justice issues.

Mohamed N. Bakry, associate at Marshall Dennehey Warner Coleman & Goggin, P.C., has been appointed co-editor of the DRI Diversity Committee’s “Diversity Insider” newsletter.

Marc P. Weingarten, partner at the Locks Law Firm, LLC, has been named a Senior Fellow of the Litigation Counsel of America (LCA).

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

Michael E. Scullin, counsel to McElroy, Deutsch, Mulvaney & Carpenter, LLP, was a presenter at the tenth Global Temple 2015 at Temple University on Nov. 18, 2015. Scullin was featured in the keynote program on “Europe’s Migration Challenge.”

Patrick J. Murphy is serving, as of January 2016, as the Acting Secretary of the U.S. Army as Eric Fanning steps out of the role temporarily.

Stewart M. Weinstein, SAL&T practice chair, along with Jennifer Weidner Karpchuk, associate at Chamberlain, Hrdlicka, White, Williams & Aughtry, have co-authored updates to the 2016 edition of the “Pennsylvania Tax Handbook.”

Hon. Sheila A. Woods-Skipper, President Judge of the Philadelphia Court of Common Pleas, was recently appointed by the Pennsylvania Supreme Court as chair of the Administrative Governing Board.

Robert D. Liebenberg, partner at Fine, Kaplan and Black, R.P.C., was named to the board of directors of the American Antitrust Institute.

Pamela C. Brecht, partner at the law firm Pietragallo Gordon Allan Bosick & Raspanti, LLP, presented at the American Conference Institute’s 3rd Advanced Forum on False Claims & Qui Tam Enforcement on Jan. 21-22, 2016. She spoke on the “Best Practices to Facilitate Global Settlements.”

Kathleen D. Wilkinson, Past Chancellor and partner at Wilson, Elser, Moskowitz, Edelman & Dicker LLP, will moderate the National Conference of Bar Presidents (NCBP) workshop titled “How to Raise the Bar Through Online Communities and Personal Relationships” in San Diego on Feb. 5. Wilkinson is a member of the executive council of the NCBP.

Amber M. Racine, co-chair, Women in the Profession Committee, and associate at Raynes McCarty, received the Outstanding Young Lawyer Award, and Hon. Lori A. Dumas, Philadelphia Court of Common Pleas, received the Hon. William F. Hall Award at The Barristers’ Association of Philadelphia’s annual Dr. Martin Luther King Jr. Memorial Breakfast on Jan. 18.

Bradley Smith, associate at Galland Berger LLP, won first place in The College of Workers’ Compensation 2015 writing competition for his article titled “Holding a Square Peg and Choosing Between Two Round Holes: The Challenge Workers’ Compensation Law Faces with Uber and the Sharing Economy.”

Hon. Jacqueline F. Allen was recently appointed by the Pennsylvania Supreme Court as the Administrative Judge of the Philadelphia Court of Common Pleas - Trial Division.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Thomas E. Rogers, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, Pa., 19107-2955 or reporter@philabar.org.

MARCH 3, 2016 5:30pm – 9:00pm
THE RITZ-CARLTON HOTEL, PHILADELPHIA
FUNDRAISER & COCKTAIL PARTY
TO BENEFIT:
Sheller Center for Social Justice
Temple University Beadley School of Law

Enjoy cocktails and heavy hors d’oeuvres, followed by a performance by Montae Russell of highlights from the life of Supreme Court Justice Thurgood Marshall.

The Clarence Darrow Award will be presented to Stephen Sheller and the Sheller Center Social Justice Award will be presented to Morris Dees.

Paddle raise to benefit the Sheller Center, with remarks by Robert F. Kennedy, Jr.

Cost: $500 per person, or $750 couple
Donation is tax deductible

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