Chancellor’s Reception

Presidential Historian Beschloss to Speak

Author Michael Beschloss, “the nation’s leading presidential historian,” will be the keynote speaker at the Association’s Spring Quarterly Meeting and Luncheon on Thursday, April 3.

He is a regular commentator on PBS’s “The NewsHour with Jim Lehrer” and a contributor to ABC News. Newsweek has called him “the nation’s leading presidential historian.”

In November 2001, Simon & Schuster published Reaching for Glory, the second volume of Beschloss’ trilogy on the President Lyndon B. Johnson tapes, which covers 1964 to 1965, the most crucial year of Johnson’s presidency, including the campaign against Barry Goldwater, the Selma march, escalation in Vietnam and passage of Medicare and other cornerstones of the Great Society. Reaching for Glory has been excerpted in Newsweek and “provides an incomparable portrait of a president at work,” according to The New York Times Book Review.


Citizens Pro Bono Nominees Sought

by Daniel A. Crucci

Chancellor Audrey C. Talley is inviting Philadelphia law firms, legal departments and individuals to nominate entries for the inaugural Citizens Pro Bono Award, which will recognize outstanding volunteer efforts to help provide legal services to those in need.

According to Talley, the Association, the Philadelphia Bar Foundation and Citizens Bank will present three awards recognizing pro bono publico (for the good of the public) volunteer efforts. The first award will be presented to an individual attorney at the Association’s Spring Quarterly Meeting, at noon, on Thursday, April 3, 2003, in the Grand Ballroom of the Park Hyatt Philadelphia at the Bellevue.

Though the awards will contain a monetary component, the monetary portion will take the form of a grant to a law-related public service agency designated by each honoree. “In this way,” Talley said, “we will recognize the good works of law firms, legal departments and individual lawyers by parlaying that recognition into additional help for legal service agencies that reach out to those who need but cannot afford such services.”

Talley stressed that the awards would recognize truly extraordinary work in the pro bono area. “With the generous help of Citizens Bank these awards are designed to recognize pace-setting pro bono contributions - the type of volunteer effort that will serve continued on page 17
Voters Need All Facts When Choosing Judges

by Audrey C. Talley

Judicial elections are coming up in the spring and in the fall. “How are you going to vote?”
That’s what I want to ask ordinary Philadelphians. But I know that the average person will probably respond with silence and a puzzled look. Some people may know that we will be voting for mayor this year. And a few may even know that there is a primary election in the spring and a general election in the fall.
But judicial elections? Very few pay any attention to judicial elections at all. This year, we’re out to change that. But we need you to help us pass the word along to voters and answer some key questions, like the ones that follow:

Why should I vote for judicial candi-
dates? What difference does it make,
informed choice.

The Commission and its 120-member investigative division represents the eyes and ears of the Judicial Commission. Here’s what the voters need to know:

Judges are important because they make decisions that affect our everyday lives. Depending on the circumstances, judges can halt strikes and work stoppages, force companies, public agencies and individuals to take certain actions, overrule elected officials and impose checks and balances to protect our freedoms. In fact, there is hardly an issue of importance to everyday life that doesn’t land in front of a judge at one time or another.

And voters don’t have to guess or take a shot in the dark when they choose judges. They can make an informed choice.

That’s because the Philadelphia Bar Association’s 29-member Judicial Commission, and its 120-member investigative division, complete an exhaustive study and investigation of each of the judicial candidates. The Commission has spent count-
less hours reviewing the candidates’ backgrounds and experience before reaching conclusions about which candidates are qualified to be judges.

Each investigation into a candidate’s background consumes at least 10 hours of staff time. The 120-member investigative division represents the eyes and ears of the Judicial Commission.

Here are the factors that the Commission considers in evaluating candidates:

- Legal ability sufficient to have earned the respect of lawyers and

members of the bench.
- Trial or other experience that ensures knowledge of the rules of evidence and courtroom procedures.
- A record and reputation for excel-
- lent character and integrity.
- Financial responsibility.
- Judicial temperament.
- Mental and physical capacity suffi-
cient to discharge fully the duties of judicial office.
- Record of community involve-
ment.
- Administrative ability.
- Devotion to improvement of the quality of justice.
- Demonstrated sound judgment in one’s professional life.
- Only the Judicial Commission evalu-
ates the candidates this way – in a fair, thorough, objective and non-parti-
dan manner. And this is the only way to help foster an independent judiciary.

Furthermore, the Commission is clear and concise in its ratings. It finds judicial candidates either “Recomm-
eded” for election or “Not Recomm-
ended.” That’s easy enough for any voter to understand.

The Judicial Commission is also diverse – comprised of lawyers and non-lawyers alike. Just as important, the Commission is comprised of repre-
sentatives from each area of the Bar, and has numerous women and minor-
ity members. The Commission there-
fore, represents a wide cross-section of viewpoints from the Bar and the community. In fact, one-third of the Commission and its staff are not even attorneys. This means that non-lawyers provide their invaluable input into the Commission’s ratings, and their per-
ceptions of the candidates are very important.

Without these ratings, voters would have no objective guidance at all. That’s why it makes sense for you to pay attention to the ratings in the spring and the fall and help us inform your friends and neighbors about the elections, the evaluation process and the “Recommended” candidates.

Voters Need All Facts When Choosing Judges.

Nothing less than the independence of the judiciary is at stake.

Audrey C. Talley, partner at Drinker Biddle & Reath LLP, is Chancellor of the Philadelphia Bar Association. Her e-mail address is chancellor@philabars.org.

FRONTLINE

If you live at your desk it’s time to move to a better neighborhood

Consider the amount of time you spend at work. Why put up with sub-
standard furniture? You could have a desk that helps you to work more effi-
ciently and looks great, too.

We specialize in furniture for attor-
neys, and bring 16 years of experi-
ence to every job. Each piece is cus-
tom designed and we work to your budget. Visit our website to see our
portfolio of desks and other office furniture, or call Paul Downs to arrange an appointment.

Each candidate is reviewed by a five-
member team that includes non-
lawyers. Investigative division mem-
bers interview judicial candidates as well as lawyers, judges and others who are knowledgeable about the candi-
dates. Additional time is also spent reviewing writing samples and other factors that bear on a candidate’s qual-
ifications. Every candidate is also given up to two hours of consideration by the full Commission.

There is no mystery as to what the Commission considers. Here are the factors that the Commission considers in evaluating candidates:

- Legal ability sufficient to have earned the respect of lawyers and members of the bench.
- Trial or other experience that ensures knowledge of the rules of evi-
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- A record and reputation for excel-
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- Financial responsibility.
- Judicial temperament.
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Audrey C. Talley, partner at Drinker Biddle & Reath LLP, is Chancellor of the Philadelphia Bar Association. Her e-mail address is chancellor@philabars.org.
as a model for others. We want the awards to signify achievement worthy of emulation.” The other two awards (to a law firm and a legal department) will be presented at the Bar Foundation’s annual Andrew Hamilton Ball in November.

“We are so proud to be supporting the Pro Bono awards and the attorneys who have unselfishly devoted their time and expertise for the common good. Citizens Bank believes volunteerism is at the core of our business and is dedicated to helping those in need,” said Stephen D. Steinour, Chairman & CEO of Citizens Bank of Pennsylvania.

The 11-member Citizens Pro Bono Award Committee will be chaired by Alan M. Feldman. Nominations from all quarters are welcomed and encouraged. Those who wish to nominate law firms, individuals or legal departments for the award should send a detailed letter explaining the reason for the nomination (including supporting materials) to: Alan M. Feldman, Esq., Chair, Citizens Pro Bono Award, Philadelphia Bar Association, 1101 Market St., 11th Fl., Philadelphia, Pa. 19107.

The criteria for award winners shall be as follows:
• Demonstrated dedication to the development and delivery of pro bono legal services in and around the City and County of Philadelphia;
• Significant contributions toward the development of innovative approaches to the delivery of volunteer legal services;
• Participation in an activity that results in satisfying previously unmet needs for legal services or in extending services to under-served segments of the population;
• Successful litigation of pro bono cases favorably affecting the provision of services to the indigent;
• Successful support of legislation contributing substantially to the provision of legal services to the indigent;
• Significant pro bono activity;
• Length and breadth of pro bono commitment and experience;
• Other significant accomplishments or activities that have improved access to justice for residents of the Philadelphia area impacted by poverty, abuse and/or discrimination.

All nominations for the first award must be received by the end of the business day on Feb. 28. For more information about the awards, contact Areetha Carter at (215) 238-6351 or by e-mail at acarter@philabar.org.

Chancellor Audrey C. Talley is joined by Christopher Ritchie (left), senior vice president of the law firm banking group at Citizens Bank, and Citizens Pro Bono Award Committee Chair Alan M. Feldman.

Federal Courts Committee

Judge Giles Reports on State of Court

by Mary Ellen O’Laughlin

For the first time in many years, all the authorized judicial positions in the U.S. District Court for the Eastern District of Pennsylvania are filled, Chief Judge James T. Giles told the Federal Courts Committee at its Jan. 15 meeting.

Chief Judge Giles gave a state of the court report at the meeting and was joined by Michael Kunz, clerk of the court. He also gave the Committee an update on matters pertaining to the court, including current use of the court’s facilities, possible judicial vacancies, the timing of the relocation of the Court of Appeals, a proposed new rule, recently added fees and the next construction project.

Chief Judge Giles said there are 22 active judges, 10 regularly active senior judges and two senior judges who are available as needed. Some senior judges are no longer handling criminal matters Judge Lowell A. Reed will no longer take cases from the “wheel,” but will act as a special settlement master and will handle other matters that are assigned to him from time to time. Giles said within the next year there will be an opportunity for three

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Lighting the Way - Morris M. Shuster

by Gerald A. McHugh Jr.

Many Philadelphia lawyers have made great sacrifices in pursuit of the public interest. These include the lawyers on the front lines, pursuing careers in legal services, and members of the private bar. There is no practical way to recognize all of these individual contributions. Occasionally, however, there are acts of generosity and commitment so extraordinary the story must be told. One such story is about Philadelphia lawyer Morris M. Shuster.

Morris Shuster has been committed to the rights of individuals throughout his legal career. Since graduating from Penn in 1954, much of his practice has been devoted to defending the rights of consumers, and much of his time has been spent in improving the profession and the administration of justice. As a president of the Philadelphia Trial Lawyers Association, Mr. Shuster was an advocate for the rights of victims of injuries. As a class action litigator, now with Chimicles & Tikellis LLP, he has asserted the rights of individuals in class actions against banks and insurance companies, returning millions of dollars to individual consumers. As a faculty member at the University of Pennsylvania Law School, he has served for years to increase the caliber of advocacy and the level of professionalism among new lawyers. As a member of Penn’s Public Service Advisory Committee, he was led the Committee on State Civil Judicial Procedure. And while doing all of this, he has never stopped identifying ways in which he can lend both personal and financial support to the public interest community.

This deep involvement in the profession, and commitment to service, led him to recognize one of the most pressing problems confronting public interest lawyers. Most members of the bar understand the significant sacrifices made by attorneys who do not enter private practice, but rather accept employment in the field of legal services. What many of us fail to comprehend is that the challenge presented by a lower income is compounded by the increasing cost of legal education, and the massive debt that many law students have upon entering the bar. It is not uncommon for newly admitted lawyers to carry debt loads between $50,000 and $100,000. The salary that can be earned in a successful private practice goes a long way toward minimizing the pain of repayment. For those lawyers who choose a different path, and enter public service, such obligations can be crushing. A great many young lawyers, after two or three years in the legal services community, find that they cannot pursue other life goals such as starting a family or purchasing a home and still repay student loans on a limited salary. Many talented public interest lawyers have been chased from the field by this economic reality, and the American Bar Association has identified this problem as one of the most pressing needs of the profession.

Given his deep involvement in the profession and sensitivity to public service, it should not be surprising that Morrie Shuster has answered this call of young public interest lawyers. His selflessness, this is a case in which the facts speak for themselves. As we continue our work of making equal justice a reality, the example set by Morris M. Shuster lights the way.

The Philadelphia Bar Foundation seeks an executive director responsible for overall management of the organization. The Philadelphia Bar Foundation is a nonprofit charity dedicated to promoting access to justice for all members of the community by providing financial and other assistance to organizations offering free legal services to individuals struggling with poverty, abuse and discrimination.

This full-time, salaried position calls for a person who is analytical and creative, and who combines a commitment to social justice, leadership ability and communications skills with demonstrated abilities in fund-raising/development, financial planning/management and organizational operations. Law degree and/ or legal experience a plus, but not required. Please send or e-mail resume and cover letter with salary requirements to:

Gerald A. McHugh, Jr., Esq.
President, Philadelphia Bar Foundation
Litvin, Blumberg, Matusow & Young
1339 Chestnut St., 18th Floor
Philadelphia, Pa. 19107
gmchugh@litvin.com

Foundation Seeks Executive Director

For the most interesting, diverse, and exclusive in-house and law firm opportunities for permanent and temporary attorneys, paralegals and contract specialists, click on...

colemancalgal.com
The proposed rules for the revised mediation program in the U.S. District Court for the Eastern District of Pennsylvania as well as enhancing the climate of ADR in the greater Philadelphia region were discussed at the Jan. 9 meeting of the Association's Alternative Dispute Resolution Committee.

Local Rule of Civil Procedure 53.3: Alternative Dispute Resolution has been proposed in the federal court in accordance with the ADR Act of 1998 and includes a new Mediation Protocol. The committee encourages comments about these new proposed rules directed to the co-chairs as soon as possible. The court requires all comments from the Bar to be submitted to Michael E. Kunz, clerk of the court, on or before Feb. 28.

The committee then focused attention on the issue of promoting ADR, particularly mediation. Committee co-chair David B. Harwi posed the question: How does Pennsylvania compare to jurisdictions such as California and Florida where ADR is most developed? Harwi said that in a recent issue of Alternatives CPR publication, Layne R. Phillips, a former U.S. District Court judge and current partner in a California ADR Center, explains that there is so much mediation in California that he must limit his practice. Veteran neutral and former Florida state court judge John J. Upchurch, a partner in an ADR practice, described how his firm had to develop a process for mentoring younger associates. This was necessary because in Florida there has been a widespread problem with veteran mediators being overextended. Both practitioners limit their practices to mediation, not arbitration, and are members of practices that are spinoffs from law firms.

CPR, a well-established, nonprofit thinktank for ADR matters, is the creation of the largest international corporations and law firms in the country. More than 1,500 corporations and 800 law firms have signed the CPR Pledge, a commitment to the use of ADR. Those executing the CPR Pledge include many of the largest law firms and companies in the Philadelphia region. The list of signatories and a wealth of information, including model ADR clauses and resources, may be accessed on the Web at www.cpradr.org.

In Colorado, use of ADR in the courts is mandatory and a prerequisite to trial. This has increased ADR usage considerably.

Stephen H. Eland

Mr. Eland has extensive experience preparing and presenting patent applications in the medical field. In addition to his domestic practice, Mr. Eland maintains a significant foreign practice, with considerable experience presenting applications in the European Community and the Pacific Rim.

Mr. Eland has also been actively involved in litigation, enforcing clients' intellectual property rights, and defending clients against third party infringement claims. He has successfully litigated patent, trademark and copyright cases at both the trial and appellate levels. Mr. Eland's litigation experience also includes successfully representing clients for inter partes proceedings in patent and trademark offices in the United States, Europe, and China.

Mr. Eland received his Bachelor of Science in Mechanical Engineering, cum laude, from Drexel University in 1991. While at Drexel, he was inducted into the University's engineering societies Tau Beta Pi and Pi Tau Sigma. Mr. Eland received his J.D., cum laude, from Villanova University School of Law in 1994. At Villanova he was an editor and writer for the Villanova Law Review.

Kathleen D. Rigaut, Ph.D.

Dr. Rigaut prepares and prosecutes biotechnology patent applications related to a variety of subjects, including cancer genes, transgenic plants, RNA viruses, monoclonal antibodies, antisense technologies and compositions involved in anti-inflammatory responses.

In addition to her corporate practice, Dr. Rigaut works extensively with technology transfer offices from universities, hospitals and research centers across the country and has considerable experience in intellectual property evaluation, freedom to operate and patentability opinion work.

Dr. Rigaut oversees a global practice, having filed applications in over 20 countries, with an emphasis in the United States, the European Community, Canadian and Australian Patent Offices.

Prior to joining Dann, Dorman, Herrell and Skillman, Dr. Rigaut was a staff fellow at the National Institutes of Health, focusing her research in the fields of virology and immunology.
ADR

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erably. Also cited frequently as a critical factor in the promotion of ADR has been leadership by the business community when CEOs or general counsel decide to incorporate innovative policies into the handling of litigation and fee arrangements with outside counsel.

The Toro Company is a prime example of a nationwide company’s successful use of ADR reaping enormous benefits to the company, says Miguel A. Olivella Jr., Toro’s national mediation counsel, in the publication.

As Olivella explains, loss of control – of money, documents, reputation and time – meant litigation was simply not working for the company. After implementing a comprehensive early claims resolution process, as well as fee arrangements with outside counsel that encouraged early resolution, Toro has not had a single corporate office depopulated in 11 years and calculates that it has saved $50 million over the past six years.

In the area of employment litigation, a similar success story can be seen at Brown & Root and Halliburton companies. Since implementing comprehensive employment ADR programs, more than 4,000 cases have been processed since 1993. Almost all claims have been resolved early and amicably; less than 2 percent have required arbitration and only one case has had to be defended in litigation.

For a detailed discussion of these two programs and other examples, as well as an excellent discussion of this subject generally, see Haig, Partnering Between Inside and Outside Counsel (ACCA/West, 2000), Chapter 58: Alternative Dispute Resolution (Jack Foltz and Bennett G. Picker).

These and other models for the systemic utilization of ADR appear to be successful because they rely substantially upon the use of voluntary settlement mechanisms such as negotiation and mediation. Once established, the programs are readily acceptable to counsel and clients.

Kathleen L. Daerr-Bannon, who teaches at Fox School Business and Management, Temple University, is an arbitrator and mediator with a national practice in commercial, class action and employment matters. She is the chair of the Pennsylvania Bar Association’s ADR Committee and former co-chair of the Philadelphia Bar Association’s ADR Committee. She may be reached at KDBADR@aol.com.
The Twinning Program between the Philadelphia Bar Association and the Barreau de Lyon is now in its sixth year. Each year local law firms have hosted two or three Lyon lawyers, most here as part of the French legal system’s required two-year post-law-school graduation’s “stagiére” program. This month, we will welcome Aurelie Dantzikian (who will work at Pepper Hamilton LLP) and Laurence Chevalier. Philadelphia law firms who have been hosts in the past include Reed Smith LLP, Pepper Hamilton LLP, Duane Morris LLP and Cozen O’Connor. Since July 1997 when Michael Scullin and I first met with the Lyon Bar’s president, Andre Boyer, and Commission Internationale Director Christian Leroy to establish a Twinning Program between our two cities, we have been invited each December to Lyon for the Barreau de Lyon’s Réunion, annual law school graduation, grand reception and relevant meetings. Also in attendance are bar associations from other European and foreign cities, who have similar Twinning relationships with the Barreau de Lyon. The Philadelphia–Lyon program is the only one involving an American city.

These annual meetings in Lyon give us an opportunity to meet with the leaders of the other bars and let us exchange ideas on issues arising from our different legal systems and bar organizations. For example, in France and many civil law countries, the bar associations do not include judges, company legal experts (who function as lawyers but are not considered lawyers), magistrates, government legal personnel and others. The bar associations also serve as the credentialing organization for lawyers to practice. All of the above have the same legal training and requirements under our system and all legal disciplines can be members of the local bar association. This inclusiveness was a very different concept for the Lyon people. Issues of training, ethics, organization and purpose of the bar associations in our different countries and credentialing lawyers to practice were on the table. It also gives us the opportunity to meet the new lawyers coming to Philadelphia and see again those who

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French Lawyers Headed to Phila.

by Enid H. Adler

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Ask Right Questions Before Taking New Job

by James LaRosa and Gary Mintz

As with the start of an exercise program and a new diet, a new job is often a popular New Year’s resolution for many attorneys. The New Year is the time when many attorneys have received their job review, raises and bonuses and been told if they will become partners. If these variables have not been met to the attorney’s satisfaction, it will often be the impetus to the start of a job search. If you have received or are about to receive a job offer, or even if you are just starting your job search, there are some important questions you should get answered before making the decision to accept a job offer.

If you are presently working and your job is secure, you should be very cautious before accepting a job offer. You do not want to go from the “pan to the fire.” You therefore must be certain that you have adequately researched your potential future employer and have taken into consideration the factors that are precipitating your move. Basically, you need to be certain that reasons for leaving will be satisfied by this new opportunity.

While compensation is a very important part of the equation when considering a job offer, it is also important, to the extent possible, to evaluate how this potential new employer fits your career and/or personal goals. For instance, if you feel that you have the potential to generate business now or in the future, it is important to determine whether your new firm will support those activities, and it is important to understand the specifics of how you will be compensated for the work that you generate. If you see yourself more as someone who is an excellent attorney, but are not likely to generate much business, you want to feel secure that your potential new firm will support attorneys in that role while providing opportunities to grow professionally.

For many attorneys, personal lifestyle issues will play an enormous role in whether your potential new job is the right opportunity. Today, many attorneys do not want to, or cannot, work a significant amount of evening or weekend hours. Obviously, if this or other issues are important to you, they need to be addressed in the interview or offer process. As hard as it is to believe, many candidates think (or hope) that these issues will take care of themselves after they start and thus do not address them before they start.

Another reason for seeking new employment is to increase one’s salary. When considering a new job offer, you must make sure you are considering apples with apples. Although you may be receiving a raise in your base salary, you want to make certain that you will not incur additional expenses and that the benefits of your new firm are comparable to your old firm. Some things to compare and contrast include insurance plans, bar licensing fees, Bar Association fees, bonuses, commuting costs, city wage tax, expense reimbursement, 401K plans and raise/future earning potential. Insurance is a major expense, and many candidates do not adequately take this expense into consideration when considering a job offer. Does your present and/or future firm fully cover your dependants or do you/will you need to contribute? You should not only look at the cost of the plans, but also the amount and type of coverage you will be receiving. To plan an HMO and the other a PPO? You should educate yourself on the benefits of the different types of plans and how they will affect your particular situation.

Also, do not forget to take into consideration your 401K and other pension plans. How does your potential employer’s plan stack up against your present employer’s? Does one plan match contributions while the other does not? If there is a match when does vesting occur? Another important monetary consideration is raise/future earning potential. Although the offer may result in a temporary increase in pay, you want to be certain that your future earning potential at the new firm will also increase. Try to find out about the firm’s standard raises and bonuses. Are they tied to billable hours? If so, make sure these goals are attainable.

Other important questions to consider when contemplating a new job offer include:

- **Career growth:** Are you improving or hampering your chances at partnership, or other similar opportunities to grow professionally?

- **Billable hours:** Although on the surface the billable hour requirement may seem comparable, you want to make certain of some important issues. Does pro bono work count toward your billable hour requirement? How about business development and marketing? If there is a significant amount of travel involved, does travel time count toward your billable requirement? Depending upon the firm and the particular client, you may not be able to bill all or even part of your travel time. Also, you need to be certain that there is enough work in your department to reach your billable hour mark.

- **Firm/partner reputation:** What is the reputation of your new firm? is it known as a “sweat shop,” or does it have a good reputation for associate development? Remember, not all reputations are accurate. Some firms with great reputations can be very different.

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**FEBRUARY 2003 / BAR REPORTER**
She Thought ‘Small’ and Hasn’t Looked Back

by Melissa A. Schwartz

Two roads diverged in a wood, and I -
I took the one less traveled by,
And that has made all the difference.

I never thought that I would some-
day reflect on how Robert Frost’s poem
influenced my life as a lawyer. But each
time I read the words aloud, I realize
how much these words define who I
am as an attorney. As a fifth-year asso-
ciate at Naulty, Scaricamazza &
McDevitt, a medium-size defense firm
in Philadelphia, I made the decision
during my job search to take the road
less traveled. My classmates and I
were faced with a strong economy that
embraced the record number of
lawyers that were graduating from law
school. We also witnessed the salary
wars that took over the front page of
the paper. The large firms in
Philadelphia were significantly increas-
ing salaries for first-year associates to
prevent them from traveling to New
York or Washington, D.C. I had the
option to compete in the large firm
market, but I recognized that I wanted
to join a firm where I could build my
career and practice for the duration.

After practicing at a smaller firm for
five years, I can honestly say that I
have never had a regret. I have gained
a tremendous amount of experience
that I know I would have never
achieved at a larger firm. The associ-
ates at my firm are fortunate enough to
have extensive training from a partner
in their department. It means that
whenever I have a question or need
advice, I have the luxury of walking
into the office of the partner for whom
I work and discussing the case and
developing a strategy for litigation.

As an associate in a smaller firm, I
have also been able to deal directly
with the firm’s clients. At many firms,
the partners are strict about the inter-
action between associates and their
clients. At my firm, it is encouraged to
develop relationships with existing
clients and foster relationships with
future clients. This means that I have
the opportunity to use the firm’s sea-
sion tickets for a sporting event or meet
a client for lunch. Because I have been
able to deal directly with many clients
over a long period of time, I now have
clients requesting that I handle their
files and now have my own caseload.

Of course, there are many chal-
lenge lawyers in a small firm face.

...Continued on page 10
YLD Hears Call for More Pro Bono Work

by Catherine Pratsinakis

Anyone expecting politics as usual at the Young Lawyers Division Annual Meeting was sadly disappointed. Melissa Schwartz’s up-close-and-personal style was felt throughout the entire Rose Garden Room at the Jan. 10 Annual Meeting, where she was formally introduced as chair of the Young Lawyers Division. Fondly introducing Schwartz was her brother-in-law and good friend, Michael Kane, and mentor and supporter Wendy Bookler of Blank Rome LLP.

Schwartz’s track record is impressive and has not gone unnoticed — loving wife, caring mother, supportive daughter, successful young lawyer and pro-moter of giving back to the community.

The family pride in Schwartz’s accomplishment was readily apparent, and the recent loss of her father has only made her more determined to strive harder to help others and to appreciate life to the fullest in the process. Bookler described her as a “quiet, funny, sweet, somewhat shy, but surprisingly self-assured young woman” who “wanted more than anything else to become a lawyer.”

Most central to Schwartz’s agenda is her recognition that the pro bono commitment of lawyers in Philadelphia must increase. In fact, this is the only goal she has set so far for the year and will likely remain her top priority throughout her tenure. Her first step toward this goal of wider pro bono participation is to set up a Chancellor’s Forum to be composed of partners, associates, members of the Pro Bono Task Force set up by the Bar Association and legal clinics. The forum will brainstorm ideas about how to increase the overall lawyer commitment to those in need and assist Schwartz in laying out a plan to do just that. She expressed optimism that the bar and her efforts would help to increase pro bono participation and commitment throughout the city. “I want to leave my mark on the YLD by ensuring pro bono work becomes a part of each of us,” she said.

Former Chancellor Seymour Kurland and Artha Delight Davis pose after Kurland received the YLD’s Peretta Award.

Malpass said the main target of the newscast is the 18- to 49 age group, and the majority of the news stories broadcast are selected to appeal to that group. She said more energy goes into the newscasts in February, May and November because that’s when the television ratings and advertising rates are determined. “There will be extra stories, more (helicopter) shots, more live reports and things like that. You might think that’s a little corny, but that’s what sells shows. You get rated and paid based on how many eyeballs are tuned in to your news.”

Malpass would like to see more international events covered, but said that’s not the nature of a local newscast. She also said the major local events can double the news viewership. If there’s a major snowstorm, Malpass said you can expect about 36 minutes of storm coverage in a 23-minute news slot. “Unfortunately, the news hole for what you need is pretty small. We don’t get to do as much coverage as a newspaper or CNN, which is on 24 hours a day, seven days a week. We try to be of service to everyone and give people a little bit of everything. It’s really more of a headline service.”

Malpass said North Korea is a much bigger problem than Iraq because of the unknowns surrounding its nuclear weapons program. “The problem with North Korea is they want to sell these nuclear weapons. And guess who they want to sell them to? All these third-world countries that are so desperate to be able to threaten the U.S.”

She said the standoff with Iraq is a personal one for President Bush because his father wasn’t able to remove Saddam Hussein from power in the Gulf War.
HUNDREDS GATHER TO MEET CHANCELLOR

Chancellor Audrey C. Talley (top) greets Association members at the Chancellor’s Reception on Jan. 7. Among the well-wishers was Steven R. Sher (top), and Chief Judge James T. Giles (above) of the U.S. District Court for the Eastern District of Pennsylvania. At a dinner following the reception, Talley was introduced by longtime friend Deborah Weinstein (above right). At right, Talley jokes with Immediate-Past Chancellor Allan H. Gordon and Sunah Park while a news crew covers the event. More than 500 people attended.

CAREER CORNER

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efficient than the others. A lot of it often depends upon the partner with whom you will be working. Be certain to adequately research both the firm’s and the partner’s reputation.

• Associate retention: Are you replacing an associate that was recently fired/quit or is your hiring the result of firm expansion? If the firm has a high associate turnover, there is probably a reason for this, and the firm’s reputation regarding associate retention should be taken into serious consideration.

• Firm stability: It should go without saying, you want to make certain your new firm is on stable ground. Try to keep the above issues in mind when contemplating a new job offer. Remember, it is very common to think “the grass is greener” on the other side. Although the grass may be greener on the front lawn, be sure you take a good, long look at the back lawn.

FEDERAL COURT

continued from page 3

presently active judges to opt for senior judge status, which will then create three judicial vacancies.

If three judges are added, Chief Judge Giles said working conditions could get a little more difficult as there is not additional space in the courthouse available to house more judges. The court is currently using floors 1 through 17; floors 18 through 22 are reserved for the U.S. Court of Appeals for the Third Circuit. There is now sufficient space in the courthouse to house all the judges and there are enough courtrooms to house the current complement of judicial officers.

He said the Third Circuit has promised to move out of the courthouse at some point, but because it has not been determined where it will move or how such a move will be funded, that move will probably be eight to 10 years away. The funding issue is a problem because it was recently decided that construction monies allocated for federal courthouse projects will not be included in the President’s budget, but will be included in Congress’s budget for the judiciary. There is already a commitment for a new federal courthouse in Los Angeles and the monies allocated for that account for most of the budget. In addition, once a new location for the Third Circuit is selected, plans have to be designed and then submitted to Congress for approval, a time-consuming process. Chief Judge Giles stated that he believes that the current seven-year timetable for the submission and approval of such plans is an aggressive one.

Although the caseload in the court is small compared to other courts, all the judges are very busy. Chief Judge Giles commented that the court is always looking for ways to handle things more efficiently, while at the same time taking into consideration the lifestyle interests of attorneys in dealing with the court’s scheduling orders.

Chief Judge Giles noted that the magistrate judges are doing a great job in reviewing habeas corpus cases and commented that these are difficult cases to process, and that even obtaining the complete file is often difficult. He said that the court has not been in agreement with the Pennsylvania Supreme Court on equitable tolling issues, where the federal court reviews state court procedures in death penalty cases. He said that the Jan. 14 ruling by the Third Circuit reaffirming its 2001 decision to overturn the murder conviction of a Pennsylvania man and directing the retroactive application of the case law relied upon, will have to be reviewed by the U.S. Supreme Court and that it will provide the court with
Dalton to Serve as Chair, Kovler Vice Chair

Jane L. Dalton, a partner at Duane Morris LLP, has been elected chair of the Board of Governors for 2003. Ronald A. Kovler, a partner with Kovler & Rush, P.C., has been elected vice chair.

Dalton has served as chair of the Large Firm Management Committee and co-chair of the Women in the Profession Committee, and is currently chair of the Personnel Committee and co-chair of the Business Law Section’s Human Resources Committee. She is a member of the Business Law Section, the Public Interest Section and Federal Courts, Legislative Liaison, Women’s Rights and Professional Responsibility Committees. She is a graduate of the University of Pennsylvania Law School. Kovler has served as chair of the Association’s Compulsory Arbitration Committee and is a member of the Nominating, State Civil, Professional Responsibility and Solo and Small Firm Committees and the Workers’ Compensation Section. He is a graduate of Temple University Beasley School of Law.

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Chancellor Audrey C. Talley poses with Chancellor-Elect Gabriel L.I. Bevilacqua, Vice Chancellor Andrew A. Chirls and Board Chair Jane L. Dalton at the Board of Governors Jan. 17 retreat.

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Joseph A. Sullivan
CALENDAR OF EVENTS

Note: While the following listings have been verified prior to press time, any scheduled event may be subject to change by the committee or section chairs.

Monday, Feb. 3
Law Works – meeting, 8:30 a.m., 10th floor Board Room.
Public Interest Section Executive Committee – meeting, noon, 10th floor Board Room.
Family Law Section – meeting, 4 p.m., 10th floor Board Room.

Tuesday, Feb. 4
Philadelphia Bar Foundation Board of Trustees – meeting, noon, 10th floor Board Room.

Wednesday, Feb. 5
Delivery of Legal Services Committee – meeting, 8:30 a.m., 10th floor Board Room.
State Civil Committee – meeting, noon, 10th floor Board Room. Lunch: $7.50.
Young Lawyers Division Executive Committee – meeting, noon, 11th floor Conference Room.
Legal Rights of Children Committee – meeting, 3:30 p.m., 10th floor Cabinet Room. Lunch: $7.50.

Thursday, Feb. 6
Alternative Dispute Resolution Committee – meeting, 12:15 p.m., 10th floor Board Room. Lunch: $7.50.
Civil Rights Committee – meeting, 12:15 p.m., 11th floor Committee Room.
Philadelphia Bar Reporter Editorial Board – meeting, 12:30 p.m., 10th floor Cabinet Room.

Friday, Feb. 7
Judicial Commission – meeting, 11:45 a.m., 10th floor Board Room.

Monday, Feb. 10
Business Law Section Executive Committee – meeting, noon, 10th floor Board Room.

Tuesday, Feb. 11
Criminal Justice Section Executive Committee – meeting, noon, 10th floor Board Room.

Thursday, Feb. 13
Committee on Legal Rights of Lesbians and Gay Men – meeting, 12:30 p.m., 11th floor Committee Room.
Legislative Liaison Committee – meeting, 12:30 p.m., 11th floor Conference Center. Lunch: $7.50.

Friday, Feb. 14
Philadelphia Lawyer magazine Editorial Board – meeting, 12:30 p.m., 10th floor Board Room.

Monday, Feb. 17
President’s Day – Bar Association offices closed.

Tuesday, Feb. 18
Chancellor’s Meeting with Cabinet – noon, 10th floor Board Room.

Wednesday, Feb. 19
Section Chairs meeting with Chancellor – 8:30 a.m., 10th floor Board Room.
Workers’ Compensation Section Executive Committee – meeting, 10:30 a.m., 11th floor Conference Room.
Workers’ Compensation Section – meeting, noon, 11th floor Conference Center. Lunch: $7.50.
Adoption Committee – meeting, noon, 10th floor Cabinet Room.
Women’s Rights Committee – meeting, 4 p.m., 10th floor Board Room.

Thursday, Feb. 20
Family Law Section Executive Committee – meeting, noon, 11th floor Committee Room.
Elder Law Committee – meeting, noon, 10th floor Cabinet Room.
Investment Companies Committee – meeting, noon, 11th floor Conference Center. Lunch: $8.50.
Women in the Profession Committee – meeting, noon, 10th floor Board Room. Lunch: $7.50.

Friday, Feb. 21
Judicial Commission – meeting, 11:45 a.m., 10th floor Board Room.

Tuesday, Feb. 25
Criminal Justice Section – meeting, noon, 11th floor Conference Center. Lunch: $7.50.
Young Lawyers Division Cabinet – meeting, noon, 10th floor Cabinet Room.

Wednesday, Feb. 26
Lawyer Referral and Information Service Committee – meeting, 11th floor Committee Room.
Federal Courts Committee – meeting, 12:30 p.m., 10th floor Board Room. Lunch: $7.50.
Board of Governors – meeting, 4 p.m., 10th floor Board Room.

Friday, Feb. 28
Philadelphia Bar Foundation Finance Committee – meeting, 8:30 a.m., 10th floor Board Room.

Unless otherwise specified, all checks for luncheons and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquarters, 1101 Market St., 11th fl., Philadelphia, PA 19107. Send Bar Association-related calendar items 30 days in advance to Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, PA 19107. Fax: (215) 592-1111. Email: mailreporter@phyalaw.org.
direction on the equitable tolling issue.

Chief Judge Giles then addressed the proposed new mediation rule. The proposed Local Rule of Civil Procedure 53.3 is not designed to amend or modify the existing compulsory and voluntary arbitration program, Local Rule 53.2, nor is it designed compete with major change to the mediation procedure in the proposed rule is that the parties will be sent to participate in the voluntary mediation process only if all parties consent and only after completion of discovery, or substantial completion of discovery. The timing of the participation in the voluntary mediation program will be in sync with the trial scheduling order. Copies of the proposed new mediation rule can be obtained from the Clerk's Office. Comments on the proposed rule may be forwarded in writing to Michael E. Kunz, Clerk of Court, U.S. Courthouse, 601 Market St., Room 2609, Philadelphia, Pa. 19106, no later than Feb. 28. Chief Judge Giles commented that voluntary mediation is one of several programs available to parties who want ADR options and that the court has received that the Historical Society's construction.

Beschloss is also the author of which was a national best-seller. As literary executor for the late President, Beschloss edited her posthumously published book, World War II, which was a national best-seller.

E-mail:

by Marc Reuben

“About Schmidt” is the new film in which Jack Nicholson, playing the part of a 66-year-old retiree, plants himself center stage and does not relinquish prominence unless upstaged by other actors. This upstaging is hard to do, when the film itself is a rather unexceptional tale of an older man trying to break up a questionable romance. Sort of like the doppleganger of “Hello Dolly,” but without the music.

The fact that this little film is exceptional indeed (it is very uncinematic for the big screen) is due to the extraordinary acting of its cast. Not only is Nicholson in the best form since “Five Easy Pieces,” but his clever wittedness shines through the entire film and offers a glow when the script does not. Kathy Bates, who is a wonderful actress, upstages Nicholson in every scene they share, and the wonder of it all is the sheer joy of watching two pros wade into the thickest of a difficult scene and walk through it with an ease that would make Olivier jealous.

The film’s best surprise is Dermot Mulroney, who plays the nitwit fiancé with such expertise that one had to wait for the credits before realizing that this handsome actor had actually managed to make his body shrink and sway to the form of a flunky. I still can’t believe what I have just described.

“Adaptation,” a wonderful, dark comedy of manners, was written by Charlie Kaufman and directed by Spike Jonze. The twists and surprises it provides are worthy of Waugh, and although the words themselves are heavily influenced by the comedies of Woody Allen, Nicholas Cage, a wonderful actor, gives the performance of a lifetime in this semi-autobiographical movie that features Meryl Streep as a writer who becomes addicted to sniffing dried orchids. Chris Cooper, a haggie toothed actor who wears a baseball cap and hunts endangered flowers, provides what turns out to be the male measure of sanity in a film touched as much by neuroses as genius. Both “About Schmidt” and “Adaptation” are films about the decision-making process, as applied to eccentrics. It is interesting to watch Nicholson and Cage thread their way through the mindfields of the creative process in bringing their characters along with their scripts, and the viewer is left with the feeling that great performances, even in the face of great writing, are what remain in the memory when the lights come up.

My favorite recent film was an adventure called “Igby Goes Down,” which was a high-class soap opera with so many witty twists that it became impossible to laugh and look at the same time. Igby is played by yet another wonderful actor, Kieran Culkin (Macaulay’s younger brother), who managed at the age of 17 to carry almost the entire film. The movie was a variation of “The Catcher in the Rye,” but with some actual substance to it. One can argue that the book was actually a worthy piece of writing. I disagree. But this film, with its excellent script (on the order of “All About Eve,” if not quite as wonderful), was excellently directed, wonderfully photographed in rolling shots that provided an unbroken perspective, and acted by a superior ensemble cast. In addition to young Mr. Culkin, who really had a presence, there was Susan Sarandon as the exquisitely bitchy mother, Ryan Phillippe as the jaded older son, and Jeff Goldblum, whose situation in this film changed from scene to scene. Nothing was wasted here. The entire film was weirdly fascinating and very well handled.

More than the vacuous pages of an overrated coming-of-age novel, “Igby” was able to convey a degree of vulnerability, intelligence and humanity the book lacked. The additional dimension of “Igby” was conveyed despite the excessive wit, which, if you wanted to laugh, could easily have overpowered the rest of the film.

As conventional as was “Schmidt,” the remaining films were as unusual as they come during the holiday season, and a very welcome change from the Wagnerian fantasy and inexpert movies about idiot newwinds. The differences between these films are a pronounced view of how successful comedy can be made to work, even among idiot audiences. “About Schmidt” was certainly the least difficult film to comprehend, in terms of its comedic weight. Nicholson portrayed a man who sets off on a tour in his trailer, and who confines his learning processes to the mundane. It is the excellent and perceptive quality of the acting that fills out what would otherwise be a thoroughly ordinary story about a man who learns a few things while on the road. Nicholson’s comic timing was worthy of Jack Benny.
CBS Legal Drama Is Far From Supreme

by Jennifer Taylor

"Queens Supreme" should be added to CBS's long list of failed legal dramas, which includes last season's short-lived "First Monday," "The Court" and "Robbery Homicide Division." Although CBS bills the show as a "dramedy" and a "seriocomic drama," it is neither dramatic nor comedic, unless we're talking about "throne" humor. Indeed, when viewers first meet the show's main character, Judge Jack Moran (Oliver Platt), he is sitting on a toilet eavesdropping on a deliberating jury. Such is the humor of "Queens Supreme." "Queens Supreme" debuted on CBS on Friday, Jan. 10. The show, starring Oliver Platt ("Bulworth"), Annabella Sciorra ("The Sopranos"), Robert Loggia ("Jagged Edge") and L. Scott Caldwell ("Waiting to Exhale"), tells legal stories from the perspective of judges at the Queens County Courthouse.

The most obvious problem with the show stems from its name. Those who have not suffered through the two-day ordeal of a New York bar exam at the Javits Center, or studied at the likes of Columbia or Touro, are not likely to know that the show takes place in the trial-level court for Queens County. Rather than introduce the viewers to the show's characters, the series starts off with a harried episode in which a gun-wielding juror takes over a courtroom. This episode, titled "One Angry Man," centers around the preposterous tale of a nicotine-deprived juror fed up with never-ending jury deliberations. Judge Moran forces the hung jury to continue deliberations so he won't have to deal with his estranged wife when she drops by to get Moran's signature on their divorce papers.

The juror, after being denied a cigarette in Judge Moran's courtroom, overpowers the court officer, grabs his gun, and holds the judge, his law clerk, the court officer and five jurors hostage. Throughout the kidnapping, Judge Moran delivers cringe-inducing, long-winded sermons about life-altering moments and regrets. Predictably, Judge Moran single-handedly convinces the angry juror to surrender the gun and set everyone free. Platt, who is somewhat entertaining in the role, tries way too hard to sell his lines — lines that aren't terribly clever in the first place.

The secondary story — a potentially interesting racial-profiling case — comes to a contrived and trivial conclusion as well. The case boils down to whether an African-American man would run in a predominantly-white neighborhood wearing a velour running suit on a hot day. Judge Kim Vicidomini (Annabella Sciorra) ultimately decides the case based on some ex partee fashion advice from Judge Moran's wife. The premiere does have one bright spot — the guest appearance of Kristen Johnston as Maude, Judge Moran's estranged wife. Johnston is enjoyable as the vociferous and intimidating Maude, a lawyer-turned-fashion-designer. However, it does not bode well for CBS that the character who makes the biggest impression in the first episode is not going to be around for the rest of the season.

"Queens Supreme" is a supreme disappointment. Unless the storytelling and character development improves markedly, its reign on CBS is likely to last just a few weeks.

Jennifer Taylor is an associate in the Bankruptcy & Reorganization Department at Montgomery, McCracken, Walker & Rhoads, LLP.

Television Review

CBS Legal Drama Is Far From Supreme
Gabriel L.J. Bevilacqua, Chancellor-Elect of the Philadelphia Bar Association, has been named to the Board of Directors of LaSalle University. He was also a guest lecturer at Temple University’s Beasley School of Law, where he discussed issues affecting drug and medical device products.

John A. Knapp, a member of Cozen O’Connor, was a featured speaker at the Health Care Compliance Association’s American Hospital Association’s HIPAA Forum in San Diego on Dec. 9.

Sandra A. Girifalco, professor of law at Temple University Beasley School of Law, has been named a member of The American Law Institute and was voted best lawyer of Northwest Philadelphia for 2002 and was presented with a People’s Choice Award by the Philadelphia Bar Association for 2002.

The award was presented Feb. 8 at a luncheon during the 2003 ABA Midyear Meeting in Seattle. Comisky also spoke at the ABA Labor and Employment Law Section’s seminar “Expanding Florida Law for the Out-of-State Practitioner” in New York City on Dec. 14.

Judge Louis H. Pollak, a partner with Pepper Hamilton LLP, has been named a fellow with the American College of Trial Lawyers.

William H. Platt II, an associate with Blank Rome LLP, has been named to the Board of Directors of LaSalle University’s Explorers Club. The club promotes the interest and welfare of LaSalle University and specifically seeks to raise funds for LaSalle’s intercollegiate athletics and to maintain and advance the high culture of education.

Jeffrey I. Pasek, a member of Cozen O’Connor, has been re-elected to a two-year term on the Board of Directors of LaSalle University’s Explorers Club.

Names Are News

“People” highlights news of members’ awards, honors or appointments of a civic or community nature. Information may be sent to Jeff Lyons, Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 12th floor, Philadelphia, Pa. 19107-2911. Fax: (215) 238-1267. E-mail: reporter@philabar.org. Photos are also welcome.