Legal Community Welcomes 2017 Chancellor Gross

Open Letter From the Chancellor

Dear Colleagues:

Many of you want to know what we as lawyers can do to help with respect to the current immigration/civil rights/due process situation.

We appreciate your enthusiasm and passion. We want to engage and support you. I would like to take this opportunity to share with you what the Philadelphia Bar Association is doing:

• We are launching an online resource center at PhiladelphiaBar.org that will provide a listing of volunteer opportunities and be the repository of information on various topics;
• We will keep a running list of volunteer attorneys who are available on call to address specific issues for which the “experts” need research assistance, day or night;
• We will have monthly clinics on expungement, naturalization and/or adjustment of status hearings;
• We will assist in representation at the Berks County Resi-

In light of the Executive Order that President Trump signed on immigra-
tion, Deborah R. Gross, Chancellor of the 12,000-member Philadelphia Bar Association, issued the following statement on Jan. 30:

“The Philadelphia Bar Association reaffirms its support of Sanctuary Cities and the protection of civil rights for documented and undocumented immigrants. The protection of civil rights is one of the core values of the Philadelphia Bar Association, and we have a particu-

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Philadelphia Bar Association Signature Sponsor

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we have a particu-

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IN MEMORIAM

Memories – Judge Franklin Van Antwerpen

By M. Kelly Tillery

I was saddened to read of the passing of Judge Franklin S. Van Antwerpen. A true gentleman, professional and outstanding jurist. I was reminded of the time in 1988 when I had a jury trial before him – his first as a newly minted federal judge.

For some reason, Judge Van Antwerpen had been assigned to an old, long disused, musty second-floor courtroom in the U.S. Post Building in Easton, Pa. It had last been used for the filming of The Dain Curse, a CBS TV miniseries starring James Coburn in 1978. Although he was happy to tell us all about that brush with Hollywood, the glamour must have worn off, as he readily vacated that location for a more modern venue in the new Larry Holmes Building around the block only two years later.

I was defending a nearby police department and an officer in a very contentious, emotionally charged, highly publicized civil rights case. At the parties’ request, Judge Van Antwerpen had ordered all witnesses sequentially as not to taint any anticipated testimony. Unlike on television, our courtroom was, as most are, virtually empty and I knew those few in the audience were unrelated to the case, only curious observers.

My worthy opponent was a clever fellow whom I suspected might have a surprise or two in store for me, so I was particularly wary.

Toward the end of plaintiff’s case, after a lunch break on the second day of trial, I returned to the courtroom a bit early only to find an elderly couple sitting in the rear of the courtroom. Neither I nor my associate recognized them and we had no clue who they were.

Concerned that they were surprise witnesses or plants for plaintiff, I prepared to raise the issue with the judge before he had the jury brought in. Suspecting and thus subtly insinuating that something nefarious was afoot, I rather stridently, but respectfully, demanded that these two unidentified persons be removed from the courtroom.

In retrospect, I should have known I was on the wrong track as my opponent expressed total surprise and ignorance of civil immigration law. For more than two decades, the Philadelphia Bar Association has been on record calling for the removal of inappropriate and unnecessary obstacles to the legal representation of refugees.

“The United States is a country built on dreams and individuals of diverse backgrounds should be welcomed, as diversity is the fabric of our nation.”

To read the statement online, visit PhiladelphiaBar.org.

Immigrant, Civil Rights

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lar interest in making sure that the laws of our nation are fairly, faithfully and equally enforced, regardless of a person’s national origin, ethnicity or religion.

“I applaud the 17 attorneys general, including Pennsylvania Attorney General Josh Shapiro, as well as the American Civil Liberties Union, for their swift and vigorous action to protect the rights of those impacted by the Executive Order.

“An overwhelming number of Philadelphia Bar Association members have shared that they are willing and able to contribute their time and talent to ensure the protection of these rights. We are working to organize these efforts in a constructive, productive and efficient manner. We will be hosting a ‘Know Your Rights’ Continuing Legal Education course on Feb. 21. More information will be available shortly.

“A resolution that our Board of Governors unanimously adopted in September 2016, called on members of the Pennsylvania General Assembly to oppose any and all bills that would punish counties or municipalities for making the decision to disentangle local policing from enforcement of civil immigration law. For more than two decades, the Philadelphia Bar Association has been on record calling for the removal of inappropriate and unnecessary obstacles to the legal representation of refugees.

“The United States is a country built on dreams and individuals of diverse backgrounds should be welcomed, as diversity is the fabric of our nation.”

To read the statement online, visit PhiladelphiaBar.org.

Open Letter

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dental Center;

• We will have a speaker series to educate and inform on topics including the constitutionality of executive orders; and

• Last, but not least, the Philadelphia Bar Foundation will set up a separate special circumstances fund for you to provide donations supporting the legal aid nonprofit community to specifically address this focus.

We are working with the ACLU of Pennsylvania, HIAS PA, Community Legal Services, Philadelphia Legal Assistance, Nationalities Service Center, Mazzoni Center, Council on American-Islamic Relations, and the City of Philadelphia to convene a meeting this month to discuss various viewpoints.

We thank our members who have already stepped forward to provide assistance during this critical time, and encourage all Bar members to visit our website for continual updates on volunteer information, programs and other resources.

Sincerely,

Deborah R. Gross
Chancellor
Philadelphia Bar Association
chancellor@philabar.org

WORKERS’ COMPENSATION SECTION

The Philadelphia Bar Association Workers’ Compensation Section’s Charitable Events and Community Service Committee regularly collects donations for those in need in the community. Section Chairs (left to right) Amit Shah (center, left); Hon. Audrey Beach, Workers’ Compensation Office of Adjudication; and Mark L. Mazzanti; flanked by Committee co-chairs Jennifer A. Etkin (left) and Deborah Richman; show off the collection of donated socks for residents of Saint John’s Hospice, at the Section’s meeting on Jan. 13.
Frontline

Celebrating 1 Year as Your CLE Provider

By Deborah R. Gross

Happy First Birthday, Philadelphia Bar Association CLE! In February 2016, the oldest association of lawyers in the United States undertook a new endeavor, embarking on the adventure of becoming a Continuing Legal Education provider in Pennsylvania, Delaware and New Jersey.

Join us in our celebration on Feb. 15 for champagne and cake during our two-hour Chancellor’s Forum CLE on cybersecurity, free for members in good standing.

As a member, you were provided the opportunity to earn six free CLE credits, offered as two-credit courses during each of three compliance periods. This past year demonstrated our initial belief that by providing excellent, innovative, diverse and affordable CLE programming, we are helping to meet the needs of our members and the legal community. Therefore, we again are continuing with this valuable member benefit.

In its first year, Philadelphia Bar Association CLE offered more than 150 courses, which were attended by nearly 3,000 Association members and others in the legal community. Programming varied from what was trending in the news headlines, to courses in certification and mediation, to what the CLE Board has deemed mandatory.

As we proceed into 2017, we will:

• Continue to offer convenient, high-quality, low-cost CLE programs taught by leaders in our profession.
• Offer free CLE credit to members who attend training and then volunteer for the respective pro bono service opportunity, as we did with the Expungement Clinic and recent Legal Name Change Clinic.
• Continue to be a pioneer in content programming. Thus, while we introduced the mindfulness series through the Business Law Section last year, now we will expand its application and incorporate it into practice through a Bar-wide Mindfulness Initiative.
• Provide CLE credit through online programs this year.

In January, we founded a CLE Advisory Committee, chaired by Lauren P. McKenna, who served as our 2016 Board of Governors Chair and is a partner at Fox Rothschild LLP.

We express deep gratitude to Philadelphia Bar Association Director of CLE Tara D. Phoenix for her hard work to launch and lead Philadelphia Bar Association CLE. Without Tara’s dedication and devotion, we could not have accomplished all that we did in the last year.

In closing, know that your ideas, suggestions and comments are welcome. Please send any thoughts for CLE programming directly to Tara D. Phoenix at tphoenix@philabar.org.

Deborah R. Gross (drgross@ker-lau.com), of counsel to Kaufman, Coren & Ress, P.C., is Chancellor of the Philadelphia Bar Association.

Tell Us What You Think!

The Philadelphia Bar Reporter welcomes letters to the editors for publication. Letters should be typed. There is no word limit, but editors reserve the right to condense for clarity, style and space considerations. Letters must be signed to verify authorship, but names will be withheld upon request. Letters may be mailed, faxed or e-mailed to: Thomas E. Rogers, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, PA 19107-2955. Telephone: (215) 238-6345. Fax: (215) 238-1159. E-mail: reporter@PhilaBar.org.

Anniversary Chancellor’s Forum CLE, Champagne, and Cake

Celebrate Philadelphia Bar Association CLE’s first anniversary with a special Chancellor’s Forum CLE and champagne toast with cake, FREE for members in good standing.

CLE - Preventing the "Oh Ish" Moment: Dealing with Hacking and Data Breaches (1 SUB/1 ETH)

How should you handle hacking and a data breach if it happens to you, your client or your firm? This panel of experienced cyber security professionals examines this issue from a legal, insurance and IT perspective that will leave you with information to develop a cyber risk management plan that will reduce your risk of suffering a breach and limit your exposure should one occur.

To register, visit PhiladelphiaBar.org.

1-YEAR ANNIVERSARY
CONTINUING LEGAL EDUCATION
PHILADELPHIA BAR ASSOCIATION

Let me get something off my chest—I do not do enough pro bono work. I try to do it when I can, but like so many others, the pressures we face as young attorneys sometimes get in the way. This happens to all of us. Being a young attorney—whether you are at a large firm, a small practice, a solo practitioner, in-house or in any other role— involves balancing numerous demands that you face each day, and it can be daunting.

One thing we can resolve to do, however, is try. Try to do more pro bono work. Try to do something—no matter how small—to help someone who truly needs it.

My own journey with pro bono work started in law school. I was fortunate enough to be encouraged to participate in the Custody and Support Assistance Clinic at the University of Pennsylvania Law School in conjunction with Philadelphia Legal Assistance. Since then, I have not looked back, and I take every opportunity to take on custody cases in Philadelphia Family Court whenever I can. Still, I cannot help but feel like it is never enough, and the fact of the matter is that it is not.

I know that not everyone has this path. Whatever path we take, however, we—as young attorneys practicing in a time where assistance is sparse and the need is great—must dedicate ourselves to the cause. We live and/or work in a city where many people face the reality of not being able to afford the legal services they desperately need. As a member of the Philadelphia Bar Association’s Young Lawyers Division, I have been heartened to see that young attorneys in Philadelphia recognize this. They see the importance of saying “yes” to providing legal assistance to those in need.

The questions I consistently hear, though, ask how to do more, some or any at all. It can be challenging to find the time to work pro bono into one’s practice, so these are not easy questions to answer. Both law firms and young attorneys recognize the benefits of providing pro bono opportunities that both serve to develop skills and provide a valuable public service. At the same time, the tension with the billable hour remains ever-present.

I have often thought that a commitment to pro bono required not just recognition of its importance in law firms, but complete and total buy-in from all attorneys in a firm. However, participation in pro bono work can be increased not just from the top down, but from the bottom up. Young attorneys can and should take it upon themselves to tell their employers that they see the value in giving back and demand it be a part of their own developing practices. My hope is that many firms would respond favorably to this, seeing the obvious benefits it would provide.

The Association has made pro bono service a priority for 2017, but the responsibility lies in all of us to prioritize it in our own lives and practices. If our circumstances do not allow for that, then we must take it upon ourselves to change those circumstances. The stakes—the lives of the many that depend on this work—are too great.

Matthew S. Olesh (molesh@chamberlainlaw.com), senior counsel at Chamberlain, Hrdlicka, White, Williams & Aughtry, is chair of the Young Lawyers Division.

YOUNG LAWYERS DIVISION EXECUTIVE COMMITTEE ORIENTATION AT U-BAHN

The Young Lawyers Division kicked off 2017 with its annual orientation for Executive Committee members at U-Bahn on Jan. 24. Matthew S. Olesh (right), 2017 YLD chair, gave a rundown of upcoming Division events, projects and initiatives ranging from an expungement clinic, high school mock trials and Law Week, to the annual fund-raiser and happy hours. He also solicited for members to fill open Committee and Section liaison positions. Attendees discussed the roles they play as liaisons and Executive Committee members (below) in relation to the “Big Bar.”

For more information about the YLD and its plans for 2017, visit PhiladelphiaBar.org.
Effective Mediation Strategies through the Lens of Mediator, Advocate and Client
Thu., 2/2/17 – 12:30 - 1:30 p.m. (1 SUB)
Hosted by the Alternative Dispute Resolution Committee
What makes for a successful mediation? To answer this question, it is critical to understand how the roles of the mediator, the advocate, and the client come into play during the mediation process. In this CLE program, mediators Francine F. Griesing of Griesing Law LLC, Bennett G. Picker of Stradley Ronon Stevens & Young, LLP and Anthony S. Volpe of Volpe and Koenig, P.C., will discuss how to approach mediation from these various perspectives in order to reach a successful resolution for all parties.

Disabilities and Affordable Housing 101
Tue., 2/7/17 - 9 - 10 a.m. (1 SUB)
Hosted by the Legal Rights of Persons With Disabilities Committee
"Being part of the community and living as independently as possible are among the most important values and goals shared by people with disabilities, their families and advocates." When it comes to finding housing, persons with disabilities face a frustrating array of barriers. The three most common include affordability, accessibility and availability. They also may encounter discrimination. This CLE program will provide a fundamental look at affordable housing issues for persons with disabilities in Philadelphia.

Medicare Compliance Tips and Practical Guidance for Attorneys and Professional Administration of MSAs and Medical Settlement Funds
Fri., 2/10/17 - 12:30 - 1:30 p.m. (1 SUB)
Hosted by the Workers’ Compensation Section
This CLE program will provide insight into 1) how professional administration services can be beneficial to injured workers considering settlement of their future medical care, 2) new items and legislation on the horizon with the Centers for Medicare and Medicaid Services (CMS) as they relate to MSAs and professional administration, 3) new industry trends that are involving the use of professional administration on more cases and 4) tips and practical guidance for attorneys.

VIDEO ENCORE: Commercial Litigation and Law Firm Funding Survey, Updates, and Recent Developments
Tue., 2/14/17 - 12:00 - 3:00 p.m. (2 SUB/1 ETH)
A video encore that delivers a detailed survey of the rapidly growing market of litigation funding and law firm financing 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, and class actions and mass torts. This video CLE program addresses the emergence of third-party litigation funding, the current legal environment and recent legal developments and ethical considerations, as well as practical advice using case studies. Recent developments in Pennsylvania include the appeal of Bruce McKissock in the WIRC/Polymer Dynamics case regarding champerty. Other recent developments include the successful litigation of third-party funding related issues in the Delaware courts in the Charge Injection Technology case.

Chancellor’s Forum CLE: Preventing the “Oh Ish” Moment: Dealing with Hacking and Data Breaches
Wed., 2/15/17 - 4:00 - 6:15 p.m. (1 SUB/1 ETH)
Philadelphia Bar CLE Celebrates its first birthday at this Chancellor’s Forum! Join us for a champagne birthday toast and FREE CLE credit for Philadelphia Bar Association members in good standing.

New Protections for LGBT individuals in the Workplace: Fact or Fiction
Thu., 2/16/17 - 12:00 - 2:15 p.m. (2 SUB)
Hosted by the Labor & Employment Law Committee
This course will examine recent developments in employment protections for members of the LGBT community, and whether such developments will withstand appellate and legislative challenges. The course will also explore the historical evolution and consideration of sexual orientation as a protected class, and the trending direction of protections both legislatively and judicially. Practice tips from both plaintiffs’ and defense perspectives will also be discussed.

Judicial Campaign Training for Women
Sat., 2/18/17 - 12:15 - 5:00 p.m. (4 SUB)
Philadelphia University • 4201 Henry Avenue • Philadelphia, PA 19144
The Philadelphia Bar Association is proud to partner with Pennsylvania Center for Women and Politics (PCWP) at Chatham University to be the CLE provider for the Ready to Run® Campaign Training for Women event. Ready to Run® is a national network of non-partisan campaign training programs committed to electing more women to public office. Pennsylvania Center for Women and Politics (PCWP) at Chatham University is a non-partisan center whose missions is to increase women’s influence and leadership in public life in Pennsylvania and improve the quality of women’s lives by providing them with educational and training opportunities in politics and public policy. The Center integrates disciplinary knowledge, civic education and coalition building while examining the intersection of women and public policy. The afternoon CLE sessions highlight topics that include media and communications training, navigating Pennsylvania political parties, special challenges of running for judicial office and fundraising. To see the conference agenda, please visit, www.chatham.edu/cwp/education/readyturun/documents/2017/PhillyAgenda.pdf.

Know Your Rights: Addressing Deportation and Detention Issues after the Immigration Order
Tue., 2/21/17 - 12:00 – 2:15 p.m. (2 SUB)
Hosted by the Immigration Law Committee, Young Lawyers’ Division and Public Interest Section
Additional information to come.

Keeping Seniors Safe: Financial Exploitation and Safe Banking Practices
Wed., 2/22/17 - 12:00 - 1:00 p.m. (1 SUB)
Hosted by the Elder Law Committee of the Probate & Trust Law Section
Sean Blake, CFE from Citizens Bank Business Services Corporate Security and Resilience Department, will be presenting on how financial institutions investigate and prevent potential financial abuse of the elderly. Our focus will be on how guardians, practitioners and care providers can best keep their clients wards and loved safe from financial exploitation. We will discuss how guardians, practitioners and care providers can assist financial institutions in their investigations when financial abuse is suspected. The presentation will include explanations and examinations of the most common types of financial exploitation faced by the elder population, the financial institutions process for investigating potential elder abuse and steps practitioners should take to prevent financial exploitation of their clients, wards and loved ones.

*Additional courses to be added at the end of the month.

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.
WOMEN IN THE PROFESSION COMMITTEE

Social Media Expert Focuses on Art of the Blog

By Stephanie Kammer

For attorneys, expanding their practices depends, in large part, upon their reputation. But as the world expands further and further into the digital realm, how can we make the most of our professional reputations and leverage them in the ether of the Internet? There are a great many digital platforms that attorneys can and should use (Facebook, LinkedIn, Twitter, Google+, Avvo – the list goes on) to establish their presence online. A strong online presence can help expand one’s practice and widen the reach of a good professional reputation.

Of course, each digital platform comes with its own tricks and ethics pitfalls for legal professionals. To help attorneys navigate this somewhat uncertain and shape-shifting terrain, the Philadelphia Bar Association’s Women in the Profession Committee hosted Jennifer Gardella, Ph.D., on Nov. 29. Gardella, a social media expert for lawyers, lead the audience into the weeds, diving into specific ways that attorneys can leverage the Internet beyond the basics of social media.

Gardella talked about the key component of a lawyer’s online presence: search engine optimization. She covered why being “searchable” is important and shared some ways to ensure that an attorney’s name, the most fundamental marketing asset an attorney has, generates the best possible results when searched. If your name does not appear in a Google search result, you barely exist online, and Gardella shared some tips to make an online presence more Google friendly (or rather more Google-robot friendly) and more likely to land at the top of the search results.

The two primary tools attorneys can use to climb to the top of Google search results are a website and a blog. Gardella suggested maintaining a strong website and blogging regularly about your practice area, with the over-arching goal of establishing yourself as a top resource in the field. Blog content, she said, should consist of both topical and “evergreen” content, meaning information that applies broadly and has longevity. Gardella encouraged even the most self-conscious lawyers to video blog, because video content has become popular with potential clients and for business development. By generating original content on a variety of digital platforms, attorneys can use their online presence to reach potential clients. On a fundamental level, having a strong online presence can help steer people who are looking for your services to you.

Gardella said that worrying about online presence is probably the last thing attorneys want to think about. However, it is undeniable that the future is barreling toward us (for younger generations even Facebook is becoming uncool) and taking control of your online presence is a critical way to avoid becoming lost in the fray. Luckily, it seems a little bit of savvy and effort can go a very long way.

Jennifer Gardella, Ph.D. (right) with 2016 Women in the Profession Co-chairs Amber M. Racine (left) and Jennifer S. Coatsworth at the Committee meeting on Nov. 29.

Newly Formed Subcommittee Addresses Pa. Legalization of Marijuana

To address the 2016 legalization of medical marijuana in Pennsylvania, the Philadelphia Bar Association’s Business Law Section has formed a Medical Marijuana and Hemp Committee. As regulations for this recently passed law are still being issued, the Committee will educate lawyers on the current state of play for clients. For instance, lawyers need to be informed on issues from zoning to leases to seed to sale. The Committee will also be a forum to discuss ethical issues facing lawyers who are practicing in this area. Chaired by Andrew B. Sacks, managing partner and head of cannabis and hemp department, Sacks Weston Diamond, LLC, the Committee will meet once a month at a time and place to be determined. All lawyers who want to get into these brand-new areas of the law are invited to attend and join the committee.

Visit PhiladelphiaBar.org or contact Medical Marijuana and Hemp Committee Chair Andrew B. Sacks at asacks@sackslaw.com for more information.

Searchable Listing of Association Ethics Opinions Now Available at PhiladelphiaBar.org

Since 1987, the Philadelphia Bar Association’s Professional Guidance Committee has published more than 500 formal opinions on an extensive number of ethics issues arising under the Pennsylvania Rules of Professional Conduct. Topics have included conflicts of interest, attorney advertising, fee sharing, employment agreements and a variety of other issues. A descriptive word index of ethics opinions covering the period from 1987 to 2016 is now available. The index allows users to access these opinions by subject matter, as well as chronologically or by opinion number.

The index will be updated quarterly and is available under Publications, Ethics Opinions, at PhiladelphiaBar.org. For more information, please contact Senior Staff Counsel, Public & Legal Services Amy Seefeld at (215) 238-6369 or at aseefeld@PhilaBar.org.
Ecuador’s Rapid Change Needs Preventive Lawyering

By J. Michael Considine Jr.

Ecuador, where many Americans retire, has an often-inefficient court system so arbitration clauses, negotiation and creative lawyering are necessary. At a live conference with Pablo E. Bermeo, Bermeo & Bermeo of Quito, Ecuador, and Jaime Vintimilla, professor, San Francisco University of Quito, members of the Philadelphia Bar Association’s International Business Initiative learned about the business culture of Ecuador and how the legal system works within.

There have been 17 tax reforms in the last year and with little judicial independence, courts favor the government. The system is closed, and procedure changes in May 2016 resulted in claims being rejected for “bogus reasons.” Bermeo advised avoiding the courts, using preventive lawyering and consulting with legal counsel first in business matters. A judge may lose his or her job if he or she rules against the government. Arbitration clauses must be considered and are usually necessary in contracts. Ecuador honors the clauses, but “things get tricky if the government is a party.” Vintimilla, an expert in arbitration, said selecting the right panel is as important as negotiations during arbitration or litigation, to avoid a less desirable outcome.

Quantity, payer, price, type of shipping and ICC Incoterms - the time and place of delivery, defining when risk of loss shifts from the seller to the buyer, and who pays for freight and insurance - should be included in the terms of any contract. Under the notarial system, most documents must be notarized to have legal effect. Letters of credit are advisable in dealing with a new party to be sure to get paid or that goods meet quality or quantity requirements. Getting approvals can be a challenge as Bermeo experienced in a situation with corporate clients from Mexico. Development of relationships with officials is important and invoices must be signed by the recipient to have legal effect. Ecuador’s national court has no jury trials. Results vary based on the presiding judge and can be arbitrary.

U.S. retirees, increasingly moving to Ecuador, may own property there. A visa is available for U.S. citizens who invest $30,000 or have an income of $800 per month. Health care is not at U.S. levels, but high-quality care is available if you can pay.

Censorship of journalists resulted in a journalist being imprisoned for expression and a youth detained for “giving the finger” to the president’s caravan, and whistleblower laws are unenforced. Newspapers and the Internet are government-controlled as are social media platforms. The populist president has increased his power but opposition to him is growing. People no longer fear him. In February 2017 elections, the opposition has a real chance for the first time in 10 years.

Ecuador’s bar association is weak. Vintimilla says there is little disciplinary control of the lawyers. I visited the Susquilanda Law Firm in Ecuador in July 2016 where I spoke at two universities. The nationalized oil industry is open to investment and investment opportunities abound in agridustry (coffee, bananas, rice, cocoa, timber, flowers), technology, financial services, mining (gold, silver and cobalt) and tourism.

There is a new free trade agreement with Europe and Qatar invested in a port in Posorja for a 50-year concession in a private-public alliance.

J. Michael Considine Jr. (adventure7@juno.com) chairs the Philadelphia Bar Association’s International Business Initiative.
Mindfulness in Practice: Use Right Speech to De-Stress

By Jennifer Branscom

“How many people are in your shower?” Gail Silver, founder of Yoga Child Inc., asked the lawyers in the packed conference room on the 48th floor of the offices of Ballard Spahr LLP. The lawyers gathered for the fourth and final program in a successful and well-attended 2016 Mindfulness Series, created by the Philadelphia Bar Association’s Business Law Section in 2015. This series, developed and led by 2016 Section Chair Katayun Jaffari, introduced lawyers to the benefits that a mindfulness practice can bring to a lawyer’s professional career and life. The shower, as Silver explained, is the metaphor that Jon Kabat Zinn, professor and founder of the Stress Reduction Clinic at the University of Massachusetts Medical School, uses to describe the way we tend to have conversations in our minds with people who are not even in the room with us. The purpose of the December program, which was organized as a workshop, was to help lawyers be present for each moment of their practice of law and to learn to apply a specific type of mindfulness technique to the everyday legal scenario faced by lawyers. The workshop was framed in an introduction to “right speech.”

Silver led this final session with an introduction to the concept of right speech, defined as a form of engaged mindfulness practice. Silver explained that “it is a part of a path to help us reduce mental noise and anguish.” Right speech is thoughtful communication and its practice can help unite others and heal dissention. She said that right speech is not just verbal but includes written communication such as emailing and texting. She considered the ways in which practicing right speech involves adhering to the Rules of Professional Conduct and the Rules of Professional Responsibility. She said that right speech involves adhering to the Rules of Professional Conduct and the Rules of Professional Responsibility.

At the conclusion of Silver’s presentation, lawyers worked in small groups in a workshop-style setting to apply the concept of right speech and mindfulness techniques to hypothetical situations. Silver; Jaffari; and program faculty members Esther Wyss-Flamm, Kimberly Togman and Elise Kraemer; facilitated the discussions. Lawyers could consider the practice of mindfulness in dealing with various scenarios including a client meeting, a negotiation, a pro bono representation and even a partner and an associate feedback session. Each lawyer had the opportunity to participate in two different discussions. The conversations were lively and could have continued all afternoon.

Practicing mindfulness in the law provides the opportunity to pause, breathe and connect with oneself in order to moderate reactions and respond thoughtfully to clients and colleagues. It is clear that this series reinforced the importance of using mindfulness in the legal profession as another tool to enable better focus on and enjoyment of work. We thank Jaffari for introducing this important topic to lawyers in the Philadelphia legal community.

Based on the tremendous response to this and previous programs in the series, the Philadelphia Bar Association has made the Mindfulness Series an Association-wide initiative. For more information, visit PhiladelphiaBar.org.

Jennifer Branscom (branscomj@ballardspahr.com) is a practice requirements manager at Ballard Spahr LLP.
A Few of My Favorite Things

By Thomas A. Brophy

As Julie Andrews sang to boost the spirits of the von Trapp children, it sometimes helps to remember all of the wonderful things going on in our professional and personal lives.

The Philadelphia Bar Foundation is privileged to have a vitally important mission of promoting access to justice for all people in the community, particularly those struggling with poverty, abuse and discrimination. You may not be fully aware of the breadth of work we do to accomplish this mission.

The Foundation’s most well-known efforts involve providing annual unrestricted grants to more than 35 legal aid nonprofits. Approximately $5 million in grants have been awarded by the Foundation in the last five years, supporting the full range of vital services for people in need.

Looking forward to the next two years as president of the Foundation, I would like to draw attention to the many other noteworthy aspects of our operations.

The Foundation is a highly effective and multi-faceted organization of unique value for the legal community. I invite you to join us and get engaged in these programs, whether through philanthropic support, volunteering, attending our events or following us on social media. Together, we can use this comprehensive approach to close the access-to-justice gap.

Removing Barriers to Justice

SUPPORTING THE FULL RANGE OF LEGAL AID. The Foundation helps to guarantee equal access to justice for all by ensuring that a wide range of legal services are available to meet the varied needs of clients. Gaps in legal services mean gaps in our system of justice. The Foundation is committed to supporting the full range of nonprofit legal aid organizations, from education to employment, from health to housing, from youth to seniors, and from people with disabilities to immigrants.

DRAWING ATTENTION TO JUSTICE ISSUES. Through our website, social media, email blasts and special events, the Bar Foundation informs the legal community and the broader public about the importance of equal justice. We monitor and publicize the many success stories of nonprofit legal aid organizations and pro bono efforts. We encourage attorneys to fulfill their professional responsibility to support access to justice to raise confidence in the rule of law and the justice system.

Engaging the Legal Community

SERVING AS THE HUB FOR ACCESS TO JUSTICE. The Foundation engages the entire legal community and embodies its commitment to the core principle of access to justice. We involve many individuals, law firms, corporate legal departments, vendors and other businesses in philanthropic and volunteer efforts. For example, numerous law firms and corporate legal departments have participated in the Raising the Bar Campaign since 2006, with the goal of annually pledging $300 per attorney (or more) to help close the access-to-justice gap.

RECOGNIZING LEADERSHIP IN THE FIELD. The Foundation issues awards each year acknowledging and promoting excellence and accomplishment in the legal profession. For example, the Foundation’s Pro Bono Award — received in 2016 by Peter ("Tad") H. LeVan Jr., LeVan Law Group LLC — is presented annually to a law firm or corporate legal department that demonstrates outstanding volunteer efforts in providing legal services to those in need. The Honorable Louis H. Pollak Champion of the Public Interest Award — received in 2016 by Lawrence J. Beaser, partner, Blank Rome LLP — honors a lawyer, in private practice, who throughout his or her career has provided extraordinary service to accomplishing access to justice for all.

The Philadelphia Bar Foundation Award recognizes excellence in the nonprofit legal services community and was received in 2016 by Marsha I. Cohen, executive director, Homeless Advocacy Project. See our website for details about our other award programs.

Building Organizational Capacity

PROVIDING MORE THAN GRANTS. Nonprofit legal aid organizations need assistance beyond funding. The Foundation addresses a wide variety of needs in the legal aid sector, including training programs, fellowships, awards and assistance for technical and operational issues. The Foundation is in a unique position, with the ability to identify sector-wide needs and marshal the resources to address issues in effective and timely ways. EQUAL JUSTICE CENTER. The Foundation is working closely with our grantees and other partners to build an Equal Justice Center facility that will co-locate dozens of legal aid organizations and strengthen client services. This unique center will set a new national standard for inter-agency collaboration and operational impact. By sharing the same building, the organizations will improve outcomes for clients and lower costs — ensuring more efficacious use of limited resources. The community-wide social and economic benefits of the center are estimated to exceed $202 million per year.

BOARD OBSERVER PROGRAM. Five years after the Foundation first developed the Board Observer Program, it serves as a model for replication in other states. The program gives young lawyers the opportunity to learn about local legal services and other public interest organizations and develop leadership skills by serving on the boards of such nonprofits. It operates in partnership with the Philadelphia Bar Association’s Young Lawyers Division and Delivery of Legal Services Committee.

TRIAL SKILLS TRAINING. Through the R. Nicholas Gimbel Fund for Legal Excellence, the Foundation utilizes proven examples of effective training programs and makes them available for local legal aid attorneys. We offer National Institute for Trial Advocacy-style trial skills training to our grantee organizations at no cost, through an acclaimed three-day intensive program in conjunction with Rutgers Law School. We also offer a writing skills program of similar high quality and impact.

FELLOWSHIP PROGRAMS. The Foundation administers several fellowship programs in support of those committed to public service careers. The Honorable Albert W. Sheppard Scholarship Fund supports a law student clerkship position with the Commerce Case Management Program, in coordination with the Association’s Business Law Section Business Litigation Committee. The Judge William M. Marutani Fellowship subsidizes a summer internship position with a nonprofit public-interest organization, court or government entity, in conjunction with the Asian Pacific American Bar Association of Pennsylvania. The Morris M. Shuster Public Interest Fellowship Program provides awards each year to deserving public-interest attorneys to help them retire their law school debt.

JUDGE LUONGO FUND. The Foundation administers the Judge Luongo Memorial Fund in support of the Supervision to Aid Reentry, or STAR, program of the Eastern District of Pennsylvania, providing assistance and resources to ex-offenders who are reintegrating into the community, including help with employment, housing and health care.

In closing, the Foundation looks forward to working with you on the wide variety of our exciting programs. Please contact us to get involved in the only foundation in Philadelphia solely dedicated to supporting our city’s legal services community. Check us out online at www.PhilaBarFoundation.org.

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.

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PhiladelphiaBar.org

February 2017 Philadelphia Bar Reporter
Consider Implications of Dual Rep. of Grandparents

By Mary-Kate Martin

Representing grandparents in domestic relations and dependency matters can involve a multitude of challenges. The Philadelphia Bar Association’s Family Law Section hosted a CLE in October to examine problems that grandparents often face, including standing and ethical considerations of dual representation.

Family law panelists included Elaine Smith, member, Law Office of Smith & Horwitz; Lawrence W. Abel, Avalon Law Associates; Cateria R. McCabe, staff attorney, SeniorLaw Center; and James Tiderington, attorney, Philadelphia Legal Assistance. The panelists covered relevant case law and statutory law in addition to sharing helpful skills.

One question raised was how a grandparent would achieve standing in a custody or dependency case. Custody should always be a sub-part of the dependency case as dependency actions supersede custody actions, and standing is narrowly limited in dependency court. For instance, if maternal grandparents seek custody of a grandchild and they are informed that there is an active dependency action, they might first need to obtain consent from a parent in order to have standing. Pennsylvania Rules of Professional Conduct 1.7 and 1.14 were explored as they relate to the representation of grandparents in custody and dependency litigation. Rule 1.7, which addresses conflicts of interest among current clients, comes into play when a set of grandparents seeks representation by one attorney. Concurrent representation is permissible if the two grandparents remain in agreement on being represented by one attorney, as well as in agreement on their goals and expectations. According to Smith, “as a practical matter, grandparents want you to represent both of them.” If the grandparents no longer agree on

Unique Financial Challenges Face Women, Strengths

By Elisa C. Advani

Unequal pay and longer life expectancies are just two of the many reasons women need to take control of their finances now. Paul J. Brahim, CEO, BPU Investment Management, Inc., presented a Philadelphia Bar Association CLE program on Dec. 20 about issues specific to women, and how they can avoid financial pitfalls through planning and investing. Not only do women earn 82.2 percent of what their male counterparts make, but on average women work 12 years less than men due to career interruptions such as motherhood. Brahim spoke to women about “getting your financial house in order” with realistic deadlines.

“Taking control of your financial life starts with a pen and paper, writing down goals in order to see the big picture,” Brahim said. He also suggested hiring a financial planner who can help you evaluate your situation dispassionately. Whether you have professional help or are budgeting on your own, the key is to live within your means and maintain good credit. An individual’s credit score is determined by factors such as payment history, amounts owed and length of credit history.

The next crucial step for women to be financially empowered is to build a liquidity fund. Liquidity refers to the ability to access the cash without having to pay hefty penalties or part with any of the principal amount. Brahim suggested that a person’s liquidity fund be equal to 3-6 months of monthly expenses to cover unexpected life events. He also urged women to invest in disability, long-term care and life insurance policies.

When planning for retirement, Brahim suggests that his clients figure out the cost of their standard of living. Usually this is equivalent to about 75 percent of a person’s salary when they were working. Brahim cautioned, however, that retirees tend to fill their time with hobbies that cost money, and these details need to be accounted for when planning for retirement. “In my practice, I have found that surviving men are usually more financially stressed than surviving women,” he said. Women innately have the skills for survival, and Brahim seeks to educate women on the investment tools available to create a stable financial future.

Elisa C. Advani (eadvani@paworkinjury.com), associate at Martin Law LLC, is an associate editor of the Philadelphia Bar Reporter.
Contaminant based on the 2015 Flint, Michigan water crisis. Locally, perfluorinated compounds (PFCs) are the center of attention based on the discovery of PFCs in water supplies near manufacturing facilities and military bases in the Philadelphia area.

On Jan. 17, the Philadelphia Bar Association’s Environmental and Energy Law Committee hosted a CLE addressing PFCs. The panel included Committee Co-Chairs Kenneth J. Warren, Sarah B. Silver, Bryan P. Frahey and Stephen G. Harvey. The panel also included experienced practitioners, Mark R. Cuker, partner, Williams Cuker Berezofsky; and Timothy J. Bergère, partner, Montgomery McCracken Walker & Rhoads LLP, who shared their respective experiences representing residents and municipalities in current litigation and remediation activities involving PFCs. Additionally, Principal Consultant Kevin L. Long, Ramboll Environ, Inc., presented on the science behind PFCs as well as the cutting edge remedies being used to address these emerging contaminants.

The panel addressed the unique chemical properties of the classes of PFCs including their stable structure, mobility and resistance to degradation. Because PFCs were used in manufacturing as well as at fire training sites, areas impacted are widespread. PFCs are not metabolized quickly in the human body and significant health effects have been documented in individuals exposed. The panelists discussed the difficulties of proof in actions for injunctive relief associated with PFCs since these emerging contaminants are not identified as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Pennsylvania Hazardous Sites Cleanup Program (HSCLA).

The key takeaway from the panelists was that PFCs are largely unregulated and the various benchmarks that do exist are protective of the public.

The Environmental and Energy Law CLE addressed PFCs. The panelists discussed the difficulties of proof in actions for injunctive relief associated with PFCs since these emerging contaminants are not identified as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Pennsylvania Hazardous Sites Cleanup Program (HSCLA). The panelists discussed the difficulties of proof in actions for injunctive relief associated with PFCs since these emerging contaminants are not identified as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Pennsylvania Hazardous Sites Cleanup Program (HSCLA). The key takeaway from the panelists was that PFCs are largely unregulated and the various benchmarks that do exist are continuously changing. Many states have issued health advisories, and EPA maintains health advisories for perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA), two chemicals within the class of PFCs, at a level of 70 parts per trillion. EPA health advisories are non-enforceable, non-regulatory and serve to provide technical information to state agencies, public health officials and the general public on health effects and treatment technologies associated with drinking water contamination. Scientific methods are continually being refined to ensure conclusions about these chemicals are protective of the public.

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Philadelphia Bar Association leaders convened for the 2017 Bar Leaders Retreat at Tendenza in Northern Liberties on Jan. 12. In addition to panels discussing leadership, pro bono, expungement and other clinic models and the 2017 Judicial Commission, The Fun Dept. led a team-building exercise to help attendees maintain a positive work-life balance. The Retreat was sponsored by Veritext Legal Solutions.

Right: Chancellor Deborah R. Gross (center, left) with Vice Chancellor Rochelle M. Fedullo (left to right), Board Chair Kevin V. Mincey, Chancellor-Elect Mary F. Platt and Board Vice Chair Katayun I. Jaffari. Below left: Heather Herrington, chief advocate of fun, The Fun Dept. Below right: Gross with Dimitri Kipa, senior sales associate, and Gina Hardin, vice president of sales, Veritext Legal Solutions.

Member Benefit: Orangetheory Fitness

With Orangetheory Fitness, a benefit of membership, Philadelphia Bar Association members can take advantage of affordable group personal training at their very best price. Discover all the benefits of Orangetheory Fitness. Stop by a studio and staff members will explain the options so you can choose what is best for you. First time? Drop in for a free session.

The idea of Orangetheory is this: a 60-minute workout designed to push you into the Orange Zone. This creates “Excess Post-Exercise Oxygen Consumption,” or EPOC. It is what burns calories after your workout and gives you noticeable, lasting results with Orangetheory Fitness.

Corporate rates for Philadelphia Bar Association members are valid at Center City, Doylestown-Warrington and Willow Grove locations only. Questions? Contact Rob Ferrall at (215) 543-3833.

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Keeping Children in Need Where They Need to Be

By Richard G. Shephard and Evan K. Jacobs

In April 2016, we began working with Maura McInerney of the Education Law Center (ELC) to advocate on behalf of a low-income mother whose children were expelled from a school district based on a belief that she did not reside within the district.

On just five days’ notice, our client was required to attend a residency determination hearing under Pennsylvania Local Agency Law, which would determine the fate of her children’s education status. At the hearing, the mother, pro se, faced an uphill battle against the school district’s seasoned counsel made worse by an instruction from the hearing officer, who placed the burden of proving residency on the mother. Like other families living in poverty and residing with family members, this mother struggled to prove residency. Despite providing ample documentary evidence demonstrating that she and her children resided in the school district, the school board sided with the school district’s counsel and expelled the children from school – leaving them with nowhere to turn. After filing her own appeal in the Court of Common Pleas, the mother belatedly learned of ELC and asked them for assistance, which led to Morgan, Lewis & Bockius LLP’s engagement to assist with preparing briefs and arguing the case before the Commonwealth Court of Pennsylvania.

When our firm’s pro bono coordinator informed us of this unfortunate situation, we knew this was the ideal opportunity to serve a local family in need of legal representation. Being passionate about children’s educational rights, we knew that ELC, whose mission is to ensure access to a quality public education for all children in Pennsylvania, would be the perfect partner for pro bono service. ELC’s subject matter expertise and breadth of experience assisting families across the Commonwealth was a perfect complement to the resources and litigation experience that Morgan Lewis brought to the table. McInerney, despite her demanding schedule of advocating for countless children and families, worked tirelessly with us during the entire process and provided invaluable insight. Every step of the way – from interviewing our client and her family, to preparing legal briefs, to mock arguments – she provided significant guidance and expertise.

As we learned more about the facts surrounding the school board’s decision, we recognized that serious legal errors potentially occurred during the residency hearing and the findings of fact lacked support by sufficient evidence. Quickly, it became clear to us the importance of representation during seemingly routine residency hearings initiated by a school district – a luxury our client unfortunately did not have.

This case provided us more than just a bond much stronger than we foresaw occurring when we accepted the matter. We are still awaiting a decision from the court, but we are hopeful that it will render a decision that allows our client’s children to return to school in the district of their previous home. This is what is best for our client, her children and our new family.

Richard G. Shephard (richard.shephard@morganlewis.com) and Evan K. Jacobs (evan.jacobs@morganlewis.com) are associates at Morgan, Lewis & Bockius LLP.

Strategic guidance during representation was provided by Thomas J. Sullivan (thomas.sullivan@morganlewis.com), partner at Morgan Lewis & Bockius LLP.
The year 2016 was one for the books, starting with a tumultuous political scene surrounding the presidential election in the United States and the United Kingdom’s vote to leave the European Union. Both the lead up to and the aftermath of these events heightened stock market volatility, as markets consistently do not like uncertainty. For this month’s interview, I sat down with Bill Stone, chief investment strategist, PNC Asset Management Group, to discuss his expectations for the coming year.

Mary Ashenbrenner (MA): What sort of economic growth are you expecting in 2017?

Bill Stone (BS): We are anticipating U.S. economic growth of 2.2% in 2017. We expect markets to continue to watch the Fed for signals of additional interest rate increases, while tracking policy actions from central banks worldwide. Markets are tuned to the dynamics in the oil industry, monitoring supply projections and price moves. Currency movements are also key factors. Finally, we believe geopolitical concerns remain on the radar as among the biggest perceived risks to markets.

MA: How does the stock market typically behave following an election year?

BS: What normally follows in the first quarter of a presidential term is often, not surprisingly, market lows as markets try to assess the new political landscape and its impact on Washington. In addition, by looking strictly at performance of the stock market, there is some correlation to the year of the presidential term. The first two years tend to have the lowest absolute performance. The best year for markets tends to be the third year, which is a pre-election year. The third year also tends to be the year when presidential candidates begin to focus on approval ratings ahead of campaigning.

MA: Does the same hold true for the fixed income sector?

BS: History has shown that bonds tend to perform better in the first half of an election term than the second half. But, we have seen this shift with the best being the first quarter, and the worst the third quarter.

MA: Now that the inauguration is behind us, what specific changes do you see coming that investors should be aware of?

BS: The fiscal policies proposed by Mr. Trump such as increased infrastructure and defense spending and the anticipated rise in the budget deficit as a result, as well as the potential for free trade modifications, are expected to be inflationary in the United States. This is, to a large degree, fueling a rise in Treasury yields as inflation expectations continue to move higher.

MA: Do you foresee further interest rate increases in 2017?

BS: In addition to the forecasted inflationary environment under a Trump presidency, actual inflation readings have turned higher and we expect this trend to continue. Wage pressure should also persist as measures of productivity have ticked higher as of late and labor market slack continues to diminish. Based on indications that the Fed is moving closer to its mandated targets, we expect Fed tightening to continue, albeit at a gradual pace, with PNC’s Economics team forecasting two more interest rate increases in 2017.

MA: Do you consider the proposed tax reform a plus for the U.S. economy?

BS: On the tax reform front, we believe most would argue that a solid reform is much overdue and very necessary. The last effective fiscal policy was probably that of 2003, in our view. In addition, we think a repatriation holiday is seen as possibly in play for a new president, particularly at a time in history when corporations have record amounts of cash on their balance sheets.

MA: Do you have any specific advice for investors as we embark on this new year?

BS: We continue to expect the economy will remain on a track of economic recovery and we expect market volatility to be elevated from time to time following unforeseen events around the globe, and as greater clarity comes into focus following global politics, central bank action, and market-moving data. We remind investors in these times it is often appropriate and useful to take a moment to revisit their portfolio and discuss their asset allocation, as personal views and tolerances may have shifted, and/or asset performance may have caused balances to shift away from intended targets. We feel investors should continue to focus on their long-term goals, working with their advisors to develop an asset allocation that matches their risk and return objectives.

Mary E. Ashenbrenner is a senior vice president with PNC Wealth Management. The material presented in this article is of a general nature and does not constitute the provision by PNC Financial Services Group, Inc. (“PNC”) or its affiliates of investment, legal, tax, or accounting advice to any person, or a recommendation to buy or sell any security or adopt any investment strategy. Opinions expressed herein are subject to change without notice. The information was obtained from sources deemed reliable. Such information is not guaranteed as to its accuracy, and you should seek the advice of an investment professional to tailor a financial plan to your particular needs. For more information, please contact PNC at 1-888-762-6226. PNC uses the marketing names PNC Wealth ManagementSM, and Hawthorn, PNC Family WealthSM to provide investment, wealth management, and fiduciary services through its subsidiary, PNC Bank, National Association (“PNC Bank”), which is a Member FDIC, and to provide specific fiduciary and agency services through its subsidiary, PNC Delaware Trust Company or PNC Ohio Trust Company. PNC also uses the marketing names PNC Institutional Asset ManagementSM, PNC Retirement SolutionsSM, HawthornSM, and PNC Institutional Advisory Solutions for the various discretionary and non-discretionary institutional investment activities conducted through PNC Bank and through PNC’s subsidiary PNC Capital Advisors, LLC, a registered investment adviser (“PNC Capital Advisors”), Standalone custody, escrow, and directed trustee services; PNC-Insured banking products and services, and lending of funds are also provided through PNC Bank. Securities products, brokerage services, and managed account advisory services are offered by PNC Investments LLC, a registered broker-dealer and a registered investment adviser and member of FINRA and SIPC. Insurance products may be provided through PNC Insurance Services, LLC, a licensed insurance agency affiliate of PNC, or through licensed insurance agencies that are not affiliated with PNC; in either case a licensed insurance agent may receive compensation if you choose to purchase insurance through these programs. A decision to purchase insurance will not affect the cost or availability of other products or services from PNC or its affiliates. PNC does not provide legal, tax, or accounting advice unless, with respect to tax advice, PNC Bank has entered into a written tax services agreement. PNC does not provide services in any jurisdiction in which it is not authorized to conduct business. PNC Bank is not registered as a municipal advisor under the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Act”). Investment management and related products and services provided to a “municipal entity” or “obligated person” regarding “proceeds of municipal securities” (as such terms are defined in the Act) will be provided by PNC Capital Advisors. “PNC Wealth Management,” “Hawthorn, PNC Family Wealth,” and “HawthornSM” are registered service marks and “PNC Institutional Asset Management,” “PNC Retirement Solutions,” and “PNC Institutional Advisory Solutions” are service marks of The PNC Financial Services Group, Inc. Investments: Not FDIC Insured. No Bank Guarantee. May Lose Value.
Cinder Stakes Claim in High-End Beer and Food Scene

By Lee A. Schwartz

Cinder is the newest venture for John Petruce, who previously, along with his brother, was the force behind Petruce et al. This current venture that opened in November 2016 is located in the space previously occupied by Weil’s Market on Locust Street, beneath the 1500 Locust apartment building.

With 32 beers on tap and a worldwide, eclectic bottled-beer list, Cinder offers another option in the growing list of beer and high-end food experiences in Philadelphia. On the beer list is a group of beers called “Icons,” higher-end, lovely beers. My partner de jour and I enjoyed a Boulevard Tank 7, a farmhouse ale from Missouri, with that customary smooth, full-mouthed French ale feel. We also shared a La Chouffe Houbon, a Belgian Golden Ale that was a real treat.

Draft beer is served in either a small 8-ounce glass or a pint glass (16-ounce), depending on the type of beer. We enjoyed what was the taste experience of the night: a Moka Vida Speedway Stout, a coffee and mocha explosion in the mouth. It was downright ridiculous. It is a 99-point rated beer by the reviewers and worth every point.

We enjoyed what was the taste experience of the night: a paired by a spicy mayo with furikake, a Japanese, fish-based spice. The spicy mayo was perfectly made.

The menu, other than the pizza offerings, is a small-plates experience. We ordered the Poppers, lightly fried jalapeno peppers, stuffed with cloumage, a lovely, soft and creamy cheese, and served with a thick tomato conserva for dipping. We also tried the Broccoli Tempura, accompanied by a spicy mayo with furikake, a Japanese, fish-based spice. The spicy mayo was perfectly made.

Of the several different mussel dishes offered, we ordered the Flemish Red. The mussels, while small, were tasty. They were served with sausage, fennel and chilli parsley. My only suggestion would be to include more of the delicious broth in the bowl. The top half of the mussels served were unfortunately dry because of the small amount of broth.

We then finished the evening with a pizza. These were six-slice, thin-crust pizzas, that come out piping hot. We ordered Cinder’s Margarita pizza, prepared in the classic way, with loads of fresh basil, mozzarella, grated Parmesan and a sweet red sauce. It was one of the better margaritas we have had in Philadelphia. Because of the beautiful nose the pizza had, our neighbors at the next table kept staring at ours, so we gave them a slice. They loved it, too.

Service is attentive without being overbearing. The staff is eager to please and answer your questions. The pace of the servings coming out of the kitchen is good. Cinder is located at 1500 Locust St., Philadelphia. Mangia!

Lee A. Schwartz (Lee@schwartzjordan.com) is an attorney/mediator/collaborative lawyer at Schwartz Jordan Law Group LLC.

Importance of Engagement Letters

According to the American Bar Association (ABA) Standing Committee on Professional Liability, nearly 16 of all malpractice claims filed between 2008 and 2011 arose from poor attorney-client communication. To avoid this problem, attorneys should start any relationship with a client with a comprehensive written engagement letter.

Structure of an Engagement Letter

The structure of the basic engagement letter should include what the attorney needs to know to effectively represent the client and get paid for the services rendered. Some sections that are important to include:

- **Client identification.** The engagement letter should identify the client whose interests are being represented. In the case of a business, care should be taken to explain that the organization is the attorney’s client. Engagement letters in the trust and estates area should clarify the client being represented so as to avoid the misconception by relatives of the client that the attorney is the “family” lawyer.

- **Scope of engagement.** A plainly worded provision setting forth the defined scope of the legal services to be performed is one of the most important risk-management tools an attorney can have to prevent him from being exposed to potential liability for services outside of the range he intended to perform. If the ongoing representation expands beyond the original scope, an amendment to the original engagement letter can easily be made.

- **Terms of payment.** Because misunderstandings over fees are a frequent cause of nonpayment, grievances and malpractice claims, the engagement letter must set forth the monetary terms of payment, the frequency of payment, the expenses for which the client will be responsible, and a realistic outline of the steps involved in the course of the representation, along with the expected time frame.

The time taken to draft a clear and unambiguous engagement letter will pay for itself many times over by fostering positive relationships with clients, increase the likelihood of prompt payment, and reduce the possibility of a malpractice claim. For more information about how an effective engagement letter can protect your practice, contact USI Affinity today:

To learn more about LPL coverage, contact Jenny Shazes at USI Affinity today at (610) 537-1456 or jenny.shazes@usiaffinity.com.

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 1-855-674-0327. 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 knowledge to navigate the marketplace and design the most comprehensive and innovative insurance and benefits packages to fit a firm’s individual needs.

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To learn more about LPL coverage, contact Jenny Shazes at USI Affinity today at (610) 537-1456 or jenny.shazes@usiaffinity.com.
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. Luncheons are $9 for members and $15 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
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th Floor Board Room.
Criminal Justice Section Executive Committee: meeting, 12:30 a.m., 11th Floor Committee Room South.

Feb. 2
CLE - Effective Mediation Strategies through the Lens of Mediator, Advocate and Client: 12:30 p.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.

Feb. 6
Family Law Section: meeting, 12 p.m., Philadelphia Family Court, 1501 Arch St., Philadelphia.

Feb. 7
CLE - Disabilities and Affordable Housing 101: 9 a.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.

Law Firm Pro Bono Committee: meeting, 12 p.m., Blank Rome LLP, One Logan Square, 130 N. 18th St., Philadelphia.
Feb. 8
Cabinet: meeting, 12 p.m., 10th Floor Board Room.
Feb. 9
Section, Division and Committee Chairs: meeting, 8:30 a.m., 11th Floor Conference Center.
Appellate Courts Committee: 12 p.m., 11th Floor Conference Center. Lunch: $9.
Legislative Liaison Committee: 12 p.m., 10th Floor Board Room. Lunch: $9.
Cheryl Ingram Awards Reception: 5:30 p.m., The Field House, 1150 Filbert St., Philadelphia. Register: PhiladelphiaBar.org.
Feb. 10
Workers’ Compensation Section Executive Committee: meeting, 10:30 a.m., 11th Floor Conference Room South.
Philadelphia Lawyer Editorial Board: 12:30 p.m., 11th Floor Committee Room South.

Feb. 13
Civil Rights Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Feb. 14
Business Law Section Executive Committee: meeting, 12 p.m., 10th Floor Board Room.

Feb. 15
FREE Chancellor’s Forum CLE - Preventing the “Oh Ish” Moment: Dealing with Hacking and Data: 4 p.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.

Feb. 16
CLE - New Protections for LGBT Individuals in the Workplace: 12 p.m., 10th Floor Board Room. Register: PhiladelphiaBar.org.
Family Law Section Executive Committee: meeting, 12 p.m., 11th Floor Committee Room South.
YLD Cabinet: meeting, 12 p.m., 11th Floor Committee Room.
International Law Committee: meeting, 12 p.m., Pepper Hamilton LLP, 3000 Two Logan Square, 18th and Arch streets, Philadelphia.

Feb. 20
President’s Day: Offices closed.

Feb. 21
Solo and Small Firm Committee: meeting, 5 p.m., 11th Floor Conference Center.

Feb. 22
Employee Benefits Committee: meeting, 12:30 p.m., 11th Floor Committee Room South.

Feb. 23
Criminal Justice Section: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Feb. 27
Public Interest Section Executive Committee: meeting, 12 p.m., 11th Floor Committee Room South.

Feb. 28
Real Property Section Executive Committee: meeting, 12 p.m., Ballard Spahr LLP, 48th Floor, Martin Room, Philadelphia.
Women in the Profession Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Family Law Section continued from page 10
their goals or next steps, then counsel can cease representa-
tion. “Trust your instincts” and decline representation if it feels like “trouble,” she said. Furthermore, one audience member advised that to avoid the appearance of surrogate parents, there should be separate counsel for parents and grandparents.

Rule 1.14 tackles how to manage clients with diminished capacity, which primarily necessitates maintaining a normal client-lawyer relationship with the client. People are presumed to have capacity, so regardless of the client’s age or apparent memory loss, the attorney should proceed with the normal questions he or she would ask any client in a normal interview. If there is concern about medica-
tions that may be affecting a client’s capacity, such as pain medication that can cause drowsiness, then choose a
time of day to meet with the client when he or she is less likely to be affected by the medication. If an attorney does believe the client has diminished capacity, and believes that he or she may be at risk, then it is permissible to take reasona-
ably necessary protective action and, in appropri-
case, seek the appointment of a guardian ad litem, conservator or guardian.

In the end, Abel said, the “primary goal of a depen-
dency case is reunification.”

Mary-Kate Martin (MaryKate.Martin@phila.gov), deputy city solicitor for the Philadelphia Law Department, is Editor-in-
Chief of the Philadelphia Bar Reporter.

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.

Water continued from page 11
Committee hosts a series of CLE presentations through-
out the year on “hot topics” in Environmental and Energy Law including regulatory updates, nanotecnolog-
y, climate change, in-house environmental practice, supplemental environmental programs and emerging technologies. The Committee welcomes programming suggestions.

Sarah Silver (ssilver@lab-law.com) is an attorney with Largay Stevens Silver & Hollander LLP.

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 Educa-
tion, Tara D. Phoenix, at 215-238-6349 or tphoenix@philabar.org.
Elisa C. Advani, associate at Martin Law LLC and an associate editor of the Philadelphia Bar Reporter, was elected to the board of the Hispanic Bar Association of Pennsylvania.

Eli Granek, associate with Swartz Campbell LLC, presented at the Talc and Ovarian Cancer Litigation Overview Webinar on Jan. 17.

Shelley R. Smith, partner at Archer & Greiner, P.C., served as a panelist for the Philadelphia Business Journal’s 2nd Annual Economic Forecast.

Jonathan Scott Goldman, partner at Blank Rome LLP, has been appointed executive deputy attorney general in charge of the Civil Division of the Commonwealth of Pennsylvania by Attorney General-elect Josh Shapiro.

J. Bradford McIlvain, partner at Archer & Greiner, P.C., has been appointed chair of the March of Dimes Greater Philadelphia Market Board.

Daniel J. Siegel, Law Offices of Daniel J. Siegel, LLC, was elected to serve a three-year term on the board of directors of the Pennsylvania Bar Institute.

Scott Cooper, partner at Blank Rome LLP and former Chancellor, was re-appointed to the Moorestown Township Ethical Standards Board for another four-year term, effective Jan. 1. He currently serves as chair.

Eugene Mattioni, shareholder at Mattioni, Ltd., has been chosen by the Seamen’s Church Institute of Philadelphia and South Jersey to receive their 2017 Spirit of the Port Award on March 3.

Nina B. Stryker, partner at Obermayer Rebmann Maxwell & Hippel LLP, received the “2016 Distinguished Estate Planner Award” presented annually by the Philadelphia Estate Planning Council.

Martin G. Belisario, partner at Panitch Schwarze Belisario & Nadel LLP, will continue to serve on the board of directors of the World Trade Center of Greater Philadelphia and will continue to serve as the organization’s secretary.

“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, at trogers@PhilaBar.org.
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