School District, Law Firm Lab Among Fedullo’s Plans for ‘14

By Jeff Lyons

A commitment to the School District of Philadelphia as well as the establishment of a “Law Firm Laboratory” will be two of the signature initiatives Chancellor William P. Fedullo will focus on during 2014, the new Chancellor told Bar Association members at the Dec. 10 Annual Meeting Luncheon.

Fedullo, counsel to Rosen, Schafer, & DiMeo LLP, has twice served as Chair of the Commission on Judicial Selection and Retention, as well as Chair of the Campaign for Qualified Judges, Bar-News Media Committee and Co-Chair of the Historical Society. He has twice served as Co-Chair of the State Civil Litigation Section in addition to serving on the Board of Governors.

He noted that 2014 will mark the 60th anniversary of Brown v. Board of Education, the landmark U.S. Supreme Court ruling that has reverberated through the decades right up to the present time. “Are we living up to the spirit of that ruling when we look at the problems faced by the School District of Philadelphia and throughout Pennsylvania?” Fedullo asked.

“So going forward, we will ask the tough questions that need to be asked but we will not stop there. We have reached out to the School District of Philadelphia and to school Superintendent Dr. William Hite to find ways to help our public schools as they navigate their way through a difficult and critical period. I look out into the audience and I look at the dais behind me and I can say without fear of contradiction that the one thing we all have in common is that we all received a good education. Certainly a good enough education to help us to go to law school and become a lawyer. Many of you got this education through the School District of Philadelphia,” Fedullo said.

“And I could give you scores of examples — but the point is: Is this same education and same opportunity available to our children now? It breaks my heart when I see articles telling us that the school district needs paper and tissues and no. 2 pencils. We have to do more and do better,” he said.

Fedullo said he is appointing a task force headed by Judge John Younge and Jeff Lindy as co-chair to begin the fundamental task of finding more ways to help public education in both the city and the commonwealth.

“So we will be talking not just today but throughout my year as chancellor and then Al’s (Chancellor-Elect Albert S. Dandridge III) year and then Gaetan’s (Vice Chancellor Gaetan J. Alfano) year about the things that matter in education and our voice will be strong because it is the voice of 13,000 lawyers.

He said the Association will be speaking to fundamental issues such as the lack of an adequate and fair funding formula that is harming children everywhere.

More from Annual Meeting
Judge Norma L. Shapiro accepts Brennan Award; Former Chancellor Sayde J. Ladov presented with PNC Achievement Award.

Page 11.

Alfano to Become Chancellor in 2016

Gaetan J. Alfano, a name partner of Pietragallo Gordon Alfano Bosick & Raspanti, LLP and former Chair of the Board of Governors, will serve as Chancellor of the Philadelphia Bar Association in 2016. Alfano ran unopposed and was elected by voice vote at the Dec. 10 Annual Meeting.

He will serve as Vice Chancellor in 2014 and Chancellor-Elect in 2015 before becoming Chancellor in 2016. Alfano served on the Board of Governors of the Philadelphia Bar Association from 2007-2010 and was Chair in 2009. He was chair and vice chair of the Philadelphia...
The Business Law Section will present its Dennis H. Replansky Memorial Award to Howard L. Myers and the inaugural Albert S. Dandridge III Diversity Award to Leslie E. John at its Annual Dinner on Tuesday, Jan. 21 at Estia, 1405 Locust St. beginning at 5:30 p.m.

Dennis Replansky, a former Business Law Section chair, passed away in 1994 at the age of 51 and was among the Bar’s most esteemed and beloved members. In 1997, the Section established the Award in recognition of his career as a lawyer and his contributions to legal, civic, religious and other charitable causes.

Myers, a partner with Morgan, Lewis & Bockius LLP, through his years of accomplishments and service, continues the line of award recipients who exemplify the abilities and qualities that honor Replansky’s memory, and whose lives are exemplars to other lawyers.

John, a partner with Ballard Spahr LLP, will receive the inaugural Albert S. Dandridge III Business Law Section Diversity Award. The award is to publicly acknowledge, recognize and honor an individual or entity that has demonstrated a strong commitment, and has made a substantial contribution, to diversity; and promotes full and equal participation and inclusion in the legal profession.

Howard L. Meyers

Leslie E. John

The 2013 Chair of the Year is Jeffrey L. Vagle, chair of the Cyberspace and E-Commerce Committee. His commitment, leadership and industry are deeply appreciated by the Section and by those who have directly benefitted from the many programs offered by the Committee.

The 2013 Committee of the Year is the Small Business Committee, chaired by Katayun I. Jaffari. The Committee has put on fascinating and well-attended seminars that are a genuine boon to the Bar. The Section is enriched by such an active and productive committee.

The Annual Dinner is sponsored by Ballard Spahr LLP; Huron; and Pepper Hamilton LLP.
Election continued from page 1

Bar Association Commission on Judicial Selection and Retention, Business Law Section, State Civil Litigation Section, Appellate Courts Committee and Rules and Procedure Committee.

The candidates for Bar line offices were unopposed and will begin serving their terms on Jan. 1. The officers are Jacobline G. Segal, a partner with Fox Rothschild LLP; secretary, Judge A. Michael Snyder (ret.), a distinguished neutral with The Dispute Resolution Institute, assistant secretary; Wesley R. Payne IV, a partner with White and Williams LLP; treasurer; and Mary F. Platt, counsel to Griessing Law, LLC, assistant treasurer.

The five candidates seeking seats on the Board of Governors were also unopposed. The new Board members, who took office Jan. 1, are Lawrence Feifer, director of development and finance at SeniorLAW Center; Lauren McKenna, a partner with Fox Rothschild LLP; Jeremy A. Menkowitz, an associate with Morgan, Lewis & Bockius, LLP; Peter Newman, a partner at Feldman, Shepherd, Wohl & Boger; and Erin Siciliano, an associate with Wilson, Elser, Moskowitz, Edelman & Dicker LLP.

Education Task Force Will Strive to Impact Lives of City’s Students

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: Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, PA 19107. Phone: (215) 238-6300. Fax: (215) 238-1159. E-mail: reporter@philabar.org.

By William P. Fedullo

“Let us think of education as the means of developing our greatest abilities, because in each of us there is a private hope and dream which, fulfilled, can be translated into benefit for everyone and greater strength for our nation.” – John F. Kennedy

As lawyers, we know instinctively that justice and equality demand the promise of a quality education. Without it, the promise of opportunity and growth is a broken promise.

As we enter the second half of the school year, the School District of Philadelphia is still navigating treacherous fiscal waters.

Faced with a $304 million budget gap, the District had sought $180 million in new revenue from the state and city and $133 million in labor concessions. As of mid-November, it had received $112 million in increases from the state and city, but just $17 million of that is in recurring funds. And it had reached no agreement with its unions.

As a result, according to the Philadelphia Public School Notebook, the District is still operating schools with shrunken staffs, sparse instructional materials, inadequate counseling services for students and classes at their contractual maximum.

In my inaugural address to the membership last month, I said that we would ask the tough questions that need to be asked about this crisis.

Last month, joined by Chancellor Elect Al Dandridge and Executive Director Mark Tarasiewicz, I met with Philadelphia School Superintendent Dr. William Hite, School District General Counsel Michael Davis, and Stacy Holl- land, the District’s Chief of Strategic Partnerships, to discuss ways to help our public schools as they navigate through this difficult and critical period.

To this end, I have created an Education Task Force, co-chaired by Philadelphia Common Pleas Court Judge John M. Younge and attorney Jeffrey M. Lindy, to work on the fundamental task of finding more ways that the legal community can help public education in our city and commonwealth.

The Education Task Force will identify new areas to lend support, supplementing existing collaborations such as the Association’s Advancing Civics Education program (ACE), our initiative launched in 2008 in which teams of volunteer lawyers and judges teach a civics curriculum in city schools and libraries.

The ACE program has been an extraordinary success, due in no small measure to the stellar leadership of Judge Younge, Nycole Watson, Judge Gence E. Brinkley, James R. Nixon Jr., past chair Jeniame Almiqut, and invaluable assistance from a number of key judicial leaders and supporters.

Our Education Task Force, working with Stacy Holland as our liaison, will seek to identify areas in which our Bar Association can focus its energies most effectively to directly impact the lives of students.

Several of our Philadelphia law firms already have existing relationships with “adopted” schools. Ballard Spahr’s multi-faceted pipeline program with Constitution High School is just one example of a successful collaboration. I have asked our Task Force to examine these successful models, as well as models in other jurisdictions such as Washington, D.C.

The Task Force will speak to funda-
Trailblazing Women Leaders Share Journeys

By Jeff Lyons

Two of the most respected women in the American Bar Association – Laurel G. Bellows and Roberta D. Liebenberg – discussed their career paths and visions for women during a recent Chancellor’s Forum.

Bellows is a former president of the ABA and also served as chair of the ABA House of Delegates as well as president of the Chicago Bar Association. Liebenberg is chair of the ABA Commission on Women in the Profession and a partner with the Philadelphia law firm of Fine, Kaplan and Black, R.P.C. She has also chaired the Women in the Profession Committee of both the Philadelphia and Pennsylvania Bar Associations. Liebenberg is also chair of the ABA Task Force on Gender Equity. The two addressed an audience of nearly 100 people on Nov. 25.

Bellows didn’t dream of becoming a lawyer when she was a child. “I never knew a lawyer and didn’t have any teachers in my family. In my generation, you got to be a nurse or a teacher, so my father sent me off to become a nurse or a teacher. I became neither.”

Bellows said that when she got a great job in business out of college, her mother would call her every single day and say “graduate school.” “The lesson I got was not ‘be a lawyer’ but economic independence. That’s a lesson I think that women are not learning. If you come from a middle-class background, you are not getting the economic independence lecture. But if you come from a situation where in order to eat, you have to work, then the issues regarding child care and questions regarding if you’re going to work aren’t real issues. They’re a matter of survival.”

“My mom always spoke to me about economic independence. There wasn’t a spare dollar around. We weren’t poor but we were definitely not wealthy. I believe our women, not our men, are not listening to a message that has disappeared about the need to be independent and the need to be able to take care of yourself in the event of divorce or disaster of some kind,” Bellows said.

She said law school gave her every opportunity. “I was called on all the time and put under pressure all the time, differently than my male peers. That led me to believe that I could answer the questions, because nobody told me what law school was about. I didn’t understand what it took to succeed. I interned at the district attorney’s office and later went to work at a medium-sized firm because the senior partner was willing to have a woman do litigation. But he died at age 45 and the law firm fell apart. I went looking for a job. I knew I wanted to try cases but no woman in the universe was being hired to try cases,” she recalled.

“I started to practice law with a man who believed in the capabilities of a woman. He felt a woman would be able to make a better connection with a jury than a man and he also said he didn’t think a woman, due to the economic circumstances of the time, would be able to go out and start her own law firm and steal his clients,” she said, adding that she later married the man.

Her Bar Association involvement came about as a need for camaraderie with other young lawyers. “I got hooked on that camaraderie and kind of learned a bit more about advocacy.”

Bellows credits her involvement with the Chicago Bar for making her a better public speaker. “For those of you who are afraid of the microphone, you need to speak publically, but you can learn to do it. If I would speak about something that meant a lot to me, about which I was passionate, I could easily speak. Over the last 30 years or so, that’s been a talent and a love. It’s wonderful to be able to communicate your thoughts to other people. And it is crucial if you want to be a leader.”

When it comes to mentoring and helping other attorneys, Bellows is a fan of “paying it forward.” “When she is asked for a favor she helps but not because she expects a favor in return. She asked members of the audience that when asked to do something for someone, to do that favor without even thinking about it.

“Make it a reflexive yes. I will help you if you promise to me, eye to eye, that you will pay it forward to someone else. It’s a lesson that I’ve learned and it’s served me well. I don’t have time for people who will use the favor only for themselves. I have time for the people who are willing to do things for other people,” she said.

Liebenberg, recipient of the Philadelphia Bar Association’s Sandra Day O’Connor Award in 2008, started law school when women were just starting to enter the profession in numbers. Her first child was born while she was in law school.
Want to make a federal judge unhappy? Then don’t adhere to basic protocol like appearing on time, being prepared, knowing your case, and being respectful toward your adversary. This was among the advice shared by U.S. District Court Judges Timothy J. Savage and L. Felipe Restrepo at a recent Federal Courts Committee meeting on the do’s and don’ts in federal court.

Judge Savage shared a number of his pet peeves, most of which shared a common denominator: lack of preparation. Some lawyers fail to take the time to read their judge’s policies and procedures (which are posted on the Eastern District’s website), or to speak with other practitioners to learn about the unwritten preferences of their assigned judges. The hallmark of a good lawyer, Judge Savage said, is to learn about both your adversary and your judge. If the lawyer is unprepared, the court will generally assume that he or she does not care about the case.

Another problem area is the lack of civility. The panel agreed that there is no place in written submissions for personal attacks on an opponent. Other pointers related to writing were to avoid legalese and adverbs, not to spend a large amount of space on the applicable legal standard, and to concede losing arguments or issues. Additional judicial pet peeves include motions to dismiss that contain factual content, and summary judgment motions that turn on credibility determinations.

Some of the problems seen by judges can be avoided by exercising judgment and common sense. Judge Gene E.K. Pratter, who was in attendance, shared a story about a deposition where the parties called chambers because they could not agree on whether to break for lunch or keep the deposition going straight through. Something other than lunch was ordered by the court in response. Everyone agreed that calling chambers during a deposition is very rarely a good idea and should be avoided whenever possible.

The panel also discussed their preferences at oral argument. Judge Restrepo said that if you do not know the answer to something, there is no shame in saying so. Oral argument is not the time to rehash arguments made in a brief. Judges are looking to close any holes and make sure they understand the record so they can make an informed decision. Judge Savage will thoroughly know the record and usually have a draft opinion prepared on the occasions where he holds oral argument. That said, he can be persuaded at argument that something in the draft should be changed. Judge Restrepo added that he will encourage parties to concede or narrow the issues at oral argument. The panel strongly encouraged firms to give their younger attorneys an opportunity to participate in oral argument.

Benjamin F. Johns (bfj@chimicles.com), a partner with Chimicles & Tikellis LLP, is an associate editor of the Philadelphia Bar Reporter.
For mediators, one’s assessment of fairness is often at odds with one’s neutrality. For lawyers, being a good negotiator is often at odds with being completely honest. These were some of the issues discussed at the Dec. 4 Alternative Dispute Resolution (ADR) Committee CLE which featured Pennsylvania Superior Court Judge Anne E. Lazarus and Judge Abraham J. Gafni (Ret.), now a law professor, arbitrator and mediator.

On whether it is a good idea for a mediator to ask for the parties’ bottom line of what they would accept, Judge Gafni says he is not interested in the bottom line. “Lawyers always try to tell me their bottom line but I don’t want to hear it because (a) I don’t believe them and (b) I am going to try to get them to move away from it anyway.” He explained that lawyers in mediation do not always want to reveal the true bottom line because they want to protect the client’s interest. He added, “if you tell me your true bottom line and somewhere down the line you move away from it, as the mediator I do not want you to feel embarrassed that you are somehow compromising your position.” Judge Lazarus agreed that parties should not lock themselves into a bottom line and mediations run more smoothly “when people are not entrenched in their point of view.” Judge Lazarus said lawyers “when communicating with a judge are obligated to have candor with the court.” However, judge or not, if we consider a mediator the functional equivalent to a judge we should strive for honesty while still protecting the client’s interests, she said.

The judges both agreed mediators should steer clear of assigning a valuation at any stage in the process. Judge Gafni resists it “as much as possible.” One ethical pitfall that Judge Lazarus touched on was that if the mediator’s valuation is much different from what an attorney may have discussed with his client, the mediator “could be interfering with the attorney-client relationship.”

Judge Lazarus suggested that when presented with a situation that seems unfair, rather than a mediator saying it is unfair, he should remind the parties that there were several issues set forth in the briefs that should be discussed before coming to a final number, but “should not align [himself] with either side.”

The panelists also discussed whether “bracketing,” or narrowing the gap between the parties’ positions to facilitate a resolution, is ethical. The panel agreed that while it can be helpful to suggest certain parameters, bracketing is a delicate process which, when done by a mediator, can be as unethical as valuation. Judge Gafni suggested “rather than determining the numbers, mediators should encourage the parties themselves to engage in the bracketing.” The members of the panel concluded that while mediation can be a first step to settlement, settlement does not always occur, and according to Judge Lazarus, mediation “generally leaves much more satisfied clients than a settlement conference.”

Elisa Advani (elisa.advani@phila.gov) is an assistant city solicitor in the Philadelphia Law Department.

Mediators are often asked to assign a valuation to a case. Judges Gafni and Lazarus both agreed mediators should steer clear of assigning a valuation at any stage in the process. Judge Gafni resists it “as much as possible.” One ethical pitfall that Judge Lazarus touched on was that if the mediator’s valuation is much different from what an attorney may have discussed with his client, the mediator “could be interfering with the attorney-client relationship.”

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**McKeon: No Titles Needed to Lead**

*By Amanda J. Dougherty*

“As long as you have between six at night and six in the morning, anything can get done.” These are fitting words from Jami Wintz McKeon, chair-elect for international powerhouse Morgan Lewis & Bockius, LLP. McKeon was the featured speaker at the year’s final installment of the Chancellor Leadership Institute on Dec. 5. McKeon spoke on a number of subjects, including her career path, leadership, women in the profession and advice for young attorneys.

Notwithstanding McKeon’s headline-grabbing ascension at Morgan, she describes the start of her career as “not particularly auspicious.” In fact, there was no particular path that she followed; attending law school was merely the result of not having any other plan. After graduating, McKeon set the bar high, getting up every day with “the goal not to be fired.” Still, she felt engaged and was happy to go to work every day. Most important to her success, though, was that she embraced leadership opportunities. She involved herself in the Philadelphia Bar Association. When offered a high-responsibility management position at her firm in addition to her regular duties, she accepted. When invited to move to San Francisco to open three new offices, she packed her bags. Now that she has been brought back to Philadelphia as chair-elect, she plans to continue to practice law in order to maintain close relationships with clients and greater credibility with colleagues. Truly this exemplifies the type of leadership in which McKeon believes: leadership by example.

Throughout her speech McKeon’s belief in leading by example was apparent. Regarding leadership generally, she stated “what we do for a living is all about relationships.” The key is to be a leader by example in every relationship you create. She observed there are many leaders at Morgan who exercise leadership every day, but who many not have a title. McKeon recalled that when she entered the workplace women didn’t have a definite path, but the basic rules of hard work, dedication and enthusiasm were essential and set everybody apart, male and female. She also hopes these fundamental characteristics will continue to set women apart, and also that as more and more women do rise to leadership roles it will become less unusual, causing less debate over whether a woman should be considered for certain leadership roles. After all, when she began at Morgan, there were no female partners; now, a woman will chair the entire firm.

Amanda J. Dougherty (amanda.dougherty@phila.gov) is an assistant city solicitor in the Philadelphia Law Department.
In honor of the retirement of longtime Philadelphia Bar Association Executive Director Kenneth Shear, who served the legal community for more than 37 years, Immediate-Past Chancellor Kathleen D. Wilkinson and Bar Foundation President Deborah R. Gross announced that the Philadelphia Bar Association, in partnership with the Philadelphia Bar Foundation, have established the “Kenneth Shear Civil Gideon Legal Justice Essay Competition and Scholarship Fund” to honor Shear’s contributions to the Philadelphia legal community.

To create an endowment to support the Essay Competition and Scholarship Fund, Wilkinson and Gross are donating seed money in order to award at least one scholarship in 2014. The announcement was made at the Dec. 19 meeting of the Board of Governors.

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

Because of Shear’s service to the Philadelphia Bar Association, holding the distinction of being the longest serving executive director in the 211-year history of this organization, his service to the Philadelphia Bar Foundation as its first executive director and his years of service as a trustee to the Foundation, his tireless work with bar leadership to build the Philadelphia Bar Association into the most highly respected metropolitan bar association in the United States, it is appropriate to recognize him with a scholarship in his name which is consistent with his goals and achievements over the years, Wilkinson and Gross told the Board.

All contributions to the Fund should be in the name of the Philadelphia Bar Foundation with an indication in the memo field that the donation is for the purposes of the “Kenneth Shear Civil Gideon Legal Justice Essay Competition and Scholarship Fund.” Contributions can be sent to Jessica Hilburn-Holmes, Philadelphia Bar Foundation, 1101 Market Street, 11th Floor, Philadelphia, PA 19107. In other business, the Board of Governors approved a resolution honoring Shear for his 37 years of service to the Board of Governors.

Breaking Legal News

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Access the best source of legal news and information—on the go, wherever you are. All news, articles and content are complimentary through September 30.
Sections Host Annual Events, Present Awards

Public Interest Section Chair Amara Chaudhry-Kravitz (from left) helped present the Section’s Andrew Hamilton Award to Marissa Boyers Bluestine, Legal Director for the Pennsylvania Innocence Project, with the help of former Chancellors Robert C. Heim and Edward F. Chacker on Dec. 11. The Section also presented its Hon. Louis J. Pollak Award to U.S. Magistrate Judge Timothy R. Rice, who could not attend the program.

Tax Section Chair Howard S. Goldberg (from left) is joined by panelists David Schectman, Taylor A. Romigh and Wendi L. Kotzen at the Section’s Annual Meeting and Dinner on Dec. 16 at The Ritz-Carlton. Center City District President and CEO Paul R. Levy addressed the Section at the dinner portion of the event.

The Workers’ Compensation Section held its annual reception on Dec. 4 at Vie (by Cescaphe). The 2013 Section co-chairs were honored for their service. Pictured from left are Judge Holly A. San Angelo (2014 co-chair), Judge Stephen J. Harlen, Lauri A. Kavulich, Adam M. Taylor, Wendy A. Fleming (2014 co-chair) and Joseph P. Turchi (2014 co-chair).

Incoming Family Law Section Chair Meredith Brennan (from left) joins Ourania Papademetriou and 2013 Chair Michael E. Bertin at the Section’s Annual Dinner at the Pyramid Club on Dec. 17. Papademetriou was presented with the Section’s Herbert R. Weiman Jr. Award.

The Probate and Trust Law Section held its Annual Meeting and Reception on Dec. 9 at the Four Seasons Hotel Philadelphia. Shown from left are Susan G. Collings, Philadelphia Court of Common Pleas Judge Joseph D. O’Keefe, Judith B. Stein, Aaron H. Fox and Karen M. Stockmal.

State Civil Litigation Section Co-Chair Butler Buchanan helped the Section honor Court of Common Pleas Judge Pamela Pryor Dembe at the Section’s Dec. 9 Annual Reception at Estia. Dembe was honored for her work as president judge.
Fedullo continued from page 1

– not just in Philadelphia. “Fixing this problem will require forceful leadership from the business community of Philadelphia of which we are an integral part,” he said.

Fedullo will ask the task force to consider programs such as a model from Washington, D.C. that will allow firms to partner with individual schools as well as asking to reinvigorate existing bar supported programs such as Philadelphia Futures and Philadelphia Reads. He also plans to use Chancellor’s Forums and other programs as an opportunity for lawyers to be fully informed about the issues, including how the funding works and what it takes for a quality education.

“As lawyers we know instinctively that justice and equality demand the promise of a quality education. Without it, the promise of opportunity and growth is a broken promise. We will work to see that the promise is never broken. You see, our heritage, the present state of our profession and our city and the future of our justice system, are all indelibly linked.”

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Fedullo said he will create a task force to review the Bar’s Judicial Commission and its process in 2014 and make substantive recommendations that we would like to implement by the next round of judicial elections in 2015. The Commission evaluates judicial candidates to help voters make decisions about candidates for judicial office. The Commission’s evaluations are based on criteria such as legal ability, experience, temperament, administrative ability, integrity and devotion to improvement of the quality of justice.

They are the guardians of justice. There is no higher calling in the law than to serve as a judge. So it’s no surprise that we want the finest people on the bench. The best prepared, the fairest, the most independent-minded judges possible.”

Fedullo also asked Bar members to call on Congress to increase funding so that the federal judiciary can meet its constitutional obligation to provide justice in a timely and effective manner. “Let us be clear. We respect the judiciary. We honor the judiciary. We depend on the judiciary. They are the guardians of justice. There is no higher calling in the law than to serve as a judge. So it’s no surprise that we want the finest people on the bench. The best prepared, the fairest, the most independent-minded judges possible.”

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Brennan Award Another First for Judge Shapiro

By Regina Parker

U.S. DISTRICT COURT SENIOR JUDGE Norma L. Shapiro has achieved many firsts in her career – first woman to serve as a law clerk on the Pennsylvania Supreme Court; first woman partner at Dechert LLP; first woman to serve on and chair the Philadelphia Bar’s Board of Governors; and first woman to be appointed to the United States District Court for the Eastern District of Pennsylvania. On Dec. 10, she added another first as she was presented with the Association’s Justice William J. Brennan Distinguished Jurist Award, the first woman federal judge to receive the honor.

Upon acceptance of the award, Judge Shapiro said “today will always be especially memorable because this award is from the members of the Philadelphia Bar Association who were in many ways responsible for my being a jurist at all.”

She said she is proud to be a Philadelphia lawyer. “It’s wonderful to have had an occupation where you cannot only earn a living but find it intellectually satisfying and most important to me, socially useful as we engage in the pursuit of justice,” she said, adding that a judge has given her the opportunity improve the world a little. “To receive this award as jurist of the year from the Philadelphia Bar Association is very meaningful.”

The award is given to a judge who adheres to the highest ideals of judicial service. When she was appointed in 1978, she was one of only eight female federal judges in the country. She was also the 12th female jurist in U.S. history.

In addition to her extraordinary judicial and legal qualities, she has been described as a humanitarian. She has a history of taking on and resolving difficult and important issues. She spent 18 years correcting overcrowding and other serious issues in the Philadelphia prison system. She also spent 10 years changing the public housing in Chester from one of the worst in the U.S. to one of the best.

Judge Shapiro has received numerous awards including the American Bar Association’s John Marshall Award for her dedication to the improvement of the administration of justice; the prestigious Meador-Rosenberg Award of the Association; and the Pennsylvanian’s Sandra Day O’Connor Award, and in 1991 she received the Philadelphia Bar Association’s Sandra Day O’Connor Award, and in 1991 she received the Federal Bar Association’s Bill of Rights Award.

The Brennan Award recognizes significant accomplishments in the creation of Civil Gideon.

The award is given to a judge who served as Chancellor in 2009, pledged to continue to educate judges, lawyers and laypersons in the importance of the creation of Civil Gideon.

Ladov Touts Civil Gideon in Acceptance Remarks

By Jim Nixon

WITH A NOD TO GEORGE WASHINGTON and her friend, Pennsylvania Superior Court Judge Anne E. Lazarus, former Chancellor Sayde J. Ladov accepted the Association’s PNC Achievement Award at the Dec. 10 Annual Meeting Luncheon.

Quoting Washington, Ladov said, “The true administration of justice is the firmest pillar of good government.” She said that this quote and its meaning have been an integral part of her 36 years of practicing law. She said it is incumbent on every lawyer to enhance the administration of justice to make society function properly as a civilization.

Ladov spoke of Gideon v. Wainwright, the landmark U.S. Supreme Court case that gave defendants in a criminal case the right to an attorney. Ladov noted that this concept took years to evolve and opined that Civil Gideon, a goal of hers, will also be years in the making. Ladov said she feels honored to have played a role in helping that dream become a reality and pledged to donate part of her honorarium for the award to the Bar’s Civil Gideon Task Force and to the Louis D. Brandeis Society to endow a lecture series on the benefits Civil Gideon would bring to our society. Ladov quoted President John F. Kennedy stating, “If a free society cannot help the many who are poor, it cannot save the few who are rich.” Ladov, who served as Chancellor in 2009, pledged to continue to educate judges, lawyers and laypersons in the importance of the creation of Civil Gideon.

Ladov spoke of her work with the Bar Association in serving as chair of the Oversight Committee of the Lawyer Referral and Information Service, which she began in 1996 and described as a labor of love. She noted that it has served as a practice-building tool for many attorneys that also raises hundreds of thousands of dollars for the Bar Association each year.

Ladov thanked Judge Lazarus, who nominated her, as well as her law partners and the staff, specifically noting outgoing Executive Director Ken Shear, among others. She stated her continued pledge to serve the Bar Association and urged to never stop working to advance the cause of true administration of justice.

The PNC Achievement Award recognizes significant accomplishments in improving the administration of justice.
PRO BONO SPOTLIGHT: HIAS PENNSYLVANIA

Fearing Retribution for Political Views, Mauritanian Refugee Gains Asylum

By Eric D. Freed

In late 2011, I responded to an email request from my colleague, Greg Fliszar, who was seeking a firm attorney with trial experience to handle a hearing in an immigration case. When Greg and I spoke, he explained that the client, MP, had fled Mauritania to avoid being arrested and imprisoned for a fourth time. His “crime” was being active in an opposition political party and speaking at demonstrations in Mauritania in support of equality for black citizens of his country, who were systematically excluded from most aspects of public life by lighter skinned, Arabic-speaking elites – frequently referred to as “White Moors.” MP was certain that if he was sent back frequently referred to as “White Moors.”

I knew nothing about immigration law, and even less about the country of Mauritania. On satellite maps, Mauritania appears to consist of nothing but the sand-colored Sahara desert. It is bordered by Algeria, Mali, Western Sahara, and Senegal, and the Atlantic Ocean on the west. I knew that MP was a Muslim, and I am a Jew. He spoke no English. On the surface, we could not be more different. But something about MP’s story, and the realization that if I did not volunteer, he might have to confront the process on his own, led me to agree to take his case.

I quickly found that the hyper-technical, ever changing Immigration Court rules rendered my 30 years of practice in state, federal and bankruptcy courts almost totally useless. The thought of non-English-speaking asylum seekers attempting to navigate this system without the help of experienced counsel is frightening, but that is how the system operates.

Luckily, I had the assistance of the HIAS Pennsylvania’s attorneys, who presented a CLE program that explained how the asylum process works, and provided me with a thick briefing book full of forms and memos that explained the do’s and don’ts of immigration law practice. Philippe Weisz, HIAS’s managing attorney, responded to all my questions.

With the help of a wonderful Fulani interpreter, I learned MP’s story. Orphaned as a teenager, he had lived with his father’s second wife – his stepmother, in Nouakchott, the capital of Mauritania, until he escaped the country. After he became active in a political party that was seeking the democratization of Mauritania, he was arrested and thrown in jail three times. He was so afraid of the police that he started sleeping in the homes of friends, afraid that if he slept at home he would be taken in the night. After each of his arrests, he was beaten and then thrown into a crowded, filthy, insect-infested jail cell with barely enough room to sit down, no bathrooms, and no food except for what the prisoners’ own families brought to them. After he was released from jail the last time, the police told him that they would be back to further “interrogate” him.

At his asylum interview, MP’s “credibility” was questioned because the officer did not understand how he escaped Mauritania. During several phone calls to his aunt in France (who also speaks no English) she agreed to provide an affidavit explaining what she had done to secure MP’s passport. We also obtained affidavits from several other members of the political party, who had witnessed the arrests. A coherent and credible story emerged. We helped him to obtain his work papers, and after weeks of pounding the pavement, he got a job as a busboy at a restaurant on Rittenhouse Square. (No one has ever been happier about being hired as a busboy).

After months of preparation, the day of MP’s merits hearing finally came, and he arrived an hour early at my office, dressed in his best clothes. His testimony was better than I had dared hope; clear, concise and passionate in a controlled but credible way. After a few desultory cross-examination questions from the government attorney, the government informed the judge that they would no longer oppose the grant of asylum, and the judge agreed. As MP Greg and I stepped out of the courtroom, MP gave both of us bear hugs with tears in his eyes. He called his aunt in France, who was also crying. I have never had a more satisfying day in court.

At some point in the process, I decided that no matter how many hours it took to prepare for MP’s trial, I had to devote the necessary time. It was really a matter of life or death for him, and I would never be able to forgive myself if I did not give his case the attention it deserved. I also felt strongly that in a way, my representation of MP was a way for me, the grandson of immigrants who came here foreclosed on it. Unbeknownst to her, the woman paid close to $20,000 on the home before the bank foreclosed on it. Unbeknownst to her, the person who sold her the house took out a mortgage on it. “I wound up making a deal with the banks that allowed her to keep the house and her family was allowed to stay there. She was petrified about losing the house that she lived in for many years and thought she owned. So that was a good result,” he said.

Dean is a seasoned volunteer who seize...
Low-Carbon IT Solutions to Cut Your Energy Bill

By Nancy S. Cleveland

Information technology has advanced the way in which law firms operate, but it has also significantly increased the cost of operation. Computers, monitors, servers, printers, scanners and paraphernalia like power strips all contribute to your energy bill, and your carbon footprint.

Low-carbon IT refers to finding ways to boost efficiencies and reduce energy use and associated costs in the area of information technology, and it can work for your firm. Companies that have committed to more effectively managing their energy consumption saw between 2 and 10 percent annually.

If you’re thinking that low-carbon IT sounds like an expensive investment, consider three easy and free ways to better manage your firm’s energy use. First, configure office computers to enter sleep mode when inactive. If you’d like to outsource this task, your service vendor certainly can help, but it can also be done free of charge with the help of online guides. Second, consolidate office printers. The savings from making the switch from individual printers at each desk to sharing workgroup printers ranges from 30 percent to as much as 60 percent. Third, be smart about your power strips. Like computers, power strips can be put to sleep when they aren’t in use. Look for “smart” power strips that make use of timers and motion sensors to save energy. For more information and guidance about these low-carbon IT ideas, visit energystar.gov.

Of course, choosing energy efficient equipment from the get-go is the best option for your firm in reducing energy consumption. Equipment approved by the EPA ENERGY STAR program will provide optimal energy efficiency. To earn an ENERGY STAR label, equipment must aid in greenhouse gas reduction and efficiently use energy without sacrificing function.

Nancy S. Cleveland is a member of the Green Ribbon Committee, a LEED accredited professional, and a principal and co-founder of Resonate LLC.

Barristers to Honor Dandridge at MLK Breakfast on Jan. 20

Tickets are now available for you to join the Barristers’ Association of Philadelphia, Inc. on Monday Jan. 20 for the annual Dr. Martin Luther King Jr. celebration. As a part of its annual programming, and in memory of Dr. King, the Barristers promotes professional excellence by honoring local attorneys and jurists who have made important, long lasting contributions to the Philadelphia community. The Barristers’ 2014 honorees, like those who have come before them, are dynamic change agents and represent the very best of Dr. King’s dream.

The program will be held from 8 to 10 a.m. at Loews Philadelphia Hotel, 1200 Market St., where the group will salute 2014 honorees for a job well done. The Hon. William F. Hall Award will be presented to Philadelphia Bar Association Chancellor-Elect Albert S. Dandridge III. The Dr. Martin Luther King Jr. Award for Outstanding Service to the Community will be presented to The Lomax Companies. The Outstanding Young Lawyer Award will be given to Charles M. Gibbs. The Woman of Distinction Award will be presented to Carol Horne Penn.

Immediately following the breakfast, the Barristers will host its second annual Young Orator’s Program at the Philadelphia Electrical and Technology Charter High School, located at 1420-22 Chestnut St. There, Barristers and local law students will teach high school students effective ways to advocate for themselves, their families, and ultimately, their communities through persuasive and informational speech in hopes of inspiring these students toward becoming the next generation of Philadelphia lawyers.

Direct all questions regarding the Barristers’ Annual Dr. Martin Luther King, Jr. Memorial Breakfast to barristersmlk-breakfast@gmail.com or Monique Myatt Galloway, Barristers’ President-Elect and Breakfast Co-Chair at mgalloway@ktmc.com. Direct all questions regarding the Barristers’ Annual Dr. Martin Luther King, Jr. Service Project to Sekou Campbell, Young Orators Program Chair at scampbell@ktmc.com. For more information on the event or the Barristers’ Association, visit www.phillybarristers.com.
Bar Foundation

35 Organizations to Share $603,000 in Grants

By Jessica Hilburn-Holmes

Remember the bumper stickers and buttons from years ago that urged us to “think globally and act locally”? As I approach the one-year anniversary of my appointment at the Philadelphia Bar Foundation, I find myself reflecting on this adage. I left the Philadelphia area for college, law school, and eventually a life overseas. After a decade and a half of living in the Netherlands, and a career of diplomacy, war crimes prosecutions, and international tribunals, my world was a million miles (well 3,800 miles) away from Philadelphia. A few years ago, when the opportunity to return to the U.S. presented itself (my husband had a professional opportunity stateside and we were facing the parent and progeny realities of our demographic), it was only after a hefty amount of soul searching that we boarded a ship (yes, a ship) for “home.” What drove me to that decision and what sustains me today, is both the hope and the challenge presented by the City of Philadelphia.

First the challenge: there is no denying the aching need of a city of 1 million people, with a poverty rate of 28 percent – higher according to some measures than the nation of India. Among the most pressing needs to be met is the need to close the “justice gap.” State and national studies repeatedly show that 80 percent of serious legal needs of low-income people go unmet due to grossly insufficient funding. The recent national study commissioned by the Public Welfare Foundation and The Kresge Foundation – “Expanding Civil and Legal Aid: Strategies for Branding and Communications,” found that 82 percent of voters support the idea of providing legal representation to low-income people fighting injustices involving basic human needs (e.g., matters involving personal, familial, and economic security that threaten the basic survival of too many of our citizens). In the minds of voters across the nation, this is a matter of fairness.

And that brings me to the hope: Philadelphia, as the cradle of our democracy and the historic heart of one of humanity’s greatest achievements – a carefully crafted system of self-government – of the people, by the people, and for the people – that balances liberty with equality and justice. A system that recognizes that these basic rights – dignity, freedom, equality and justice – are inherent, indivisible, inalienable and universal. A system that depends for its success on the notion that the promotion, protection and fulfillment of these rights is our shared responsibility.

Therein lies the hope.

This past year the Grants Committee reviewed 37 applications and conducted site visits of one-third of those applicants. The total amount of funding requested was just more than $900,000. The Grants Committee review process is thorough, time consuming and includes, thanks especially to the services of committee member John Urofsky, an in-depth examination of each agency’s financial statements. For 2014, in addition to providing unrestricted operating grants to the many well-recognized agencies we traditionally fund, per the Grants Committee recommendation the trustees agreed to add two new grants: one to Ceasefire PA, for their Philadelphia Courtwatch activities designed to empower victimized communities to communicate to the court the community impact of gun crimes; and the second to an innovative, collaborative, and highly successful, court-based project, the Philadelphia Landlord/Tenant Legal Help Center, that assists unrepresented low-income tenants in Philadelphia facing eviction and navigation of the legal system. (See August article for more details.) In all, the Foundation issued 35

continued on page 18

2013 Grantee Organizations

• ACLU of Pennsylvania
• AIDS Law Project
• Atlantic Center for Capital Representation
• CeaseFirePA
• Community Legal Services
• Consumer Bankruptcy Assistant Project
• Court Appointed Special Advocates
• Disabilities Rights Network
• Education Law Center
• Esperanza Immigration Legal Services
• Face to Face Legal Center
• Friends of Farmworkers
• HIAS Pennsylvania
• Homeless Advocacy Project
• Juvenile Law Center
• Legal Clinic for the Disabled
• Mazzoni Center Legal Services
• Neighborhood Service Center
• Pennsylvania Capital Representation Project
• Pennsylvania Health Law Project
• Pennsylvania Immigration Resource Center
• Pennsylvania Innocence Project
• Pennsylvania Institutional Law Project
• Pennsylvanians for Modern Courts
• Philadelphia Landlord/Tenant Legal Help Center
• Philadelphia Legal Assistance
• Philadelphia VIP
• Philadelphia Volunteer Lawyers for Arts
• Public Interest Law Center of Philadelphia
• Regional Housing Legal Services
• SeniorLaw Center
• Support Center for Child Advocates
• Women Against Abuse Legal Center
• Women’s Law Project
• Women Organized Against Rape

2013 Grants Committee

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• Each Rubin Bernstein, Law Firm of Ralph S. Pinkus
• Linsey Bozzelli, Blank Rome LLP
• Richard L. Cantor
• Andrea Cho, US Trust Bank of America
• Athos D. Drury, Philadelphia Landlord/Tenant Legal Help Center
• Mark Ferguson, Pennsylvania Innocence Project at Temple University
• Hon. A. Michael Snyder (ret.), The Dispute Resolution Institute
• congregation – Tuesday, January 14, 2014

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• Lawrence F. Walker, Cozen O’Connor
YLD Update

Task Force to Engage Law School Students

By Edward F. Beitz

Though I do not intend to stay quite so inside the box for the remainder of my tenure, it is probably best that, for my introductory column, I begin by introducing myself. As you can see from the name above that striking picture of a young civil defense attorney, my name is Ed Beitz, and I have been given the honor of serving as Chair of the Young Lawyers Division of the Bar Association for the 2014 term. For those of who you attended the YLD Holiday party in December, this piece will be a touch repetitive, so I will understand if you choose to skip to the final paragraph.

I doubt I would be the first to say that I initially started working with the Bar Association under a vague notion that I wanted to volunteer my skills to something unfamiliar with the Philadelphia Bar Association and that gratitude with enthusiasm to serve our Bar Association. 2014, I will do my best to remain so grateful, and match my usual day-to-day, and frankly I thought it might look good on a resume. Serving as a liaison to the YLD Executive Committee was a great introduction to the Bar. In that first year, I helped plan networking events, volunteering my time teaching civics to local students and making new and lasting friendships among my fellow young lawyers.

One of those new friends was our outgoing Chair Aneesh Mehta. Aneesh helped me see pretty quickly that I wanted to volunteer my skills to something outside my usual day-to-day, and frankly I thought it might look good on a resume. Serving as a liaison to the YLD Executive Committee was a great introduction to the Bar. In that first year, I helped plan networking events, volunteering my time teaching civics to local students and making new and lasting friendships among my fellow young lawyers.

As a member of the YLD Cabinet for two years, I have been coordinating our law school outreach, attending activity fairs at the area law schools and holding Q&A sessions for students. I am encouraged by the number of students who attend YLD events and volunteer their time in response to this outreach. One concerning thing has been the number of students, even 3Ls, who are still unfamiliar with the Philadelphia Bar Association and the opportunities available for professional development through the YLD. This is something I would like to address. In the next year, I will create a task force on the Executive Committee charged with formalizing our outreach efforts so that, by the end of 1L year, the students in our area law schools know how to access the YLD and take advantage of our resources.

I am also excited that my time as chair will coincide with 60th Anniversary of the U.S. Supreme Court’s decision in Brown v. Board of Education. In coordination with the Barristers’ Association and the Bar at large, we plan to dedicate programs for this year’s Law Week to that momentous decision and turning point in American history. Our efforts will not only celebrate this anniversary, but hopefully serve as reminder that change does not come without struggle, and that as attorneys we have the power to continue the fight for equality at all levels of our society.

I would also like to echo our new Chancellor Bill Fedullo’s call for the legal profession to rally behind our local schools. Whether education equality is a fundamental right, or simply the right thing to do, I would like to pledge the YLD’s support to him, and aid his efforts to the very best of our abilities.

I thank the YLD and the Bar for this opportunity. I never expected this, and do not take the YLD’s confidence in me for granted. To those who attended the Holiday Party, accepting this position before so many friends and colleagues, and especially my fiancé Clare, was something I will never forget. As I look ahead YLD 2014, I will do my best to remain so grateful, and match that gratitude with enthusiasm to serve our Bar Association.

Edward F. Beitz (beitz@whiteandwilliams.com), an associate with White and Williams LLP and was accepted as a teacher/consultant with the Philadelphia Writing Project. The Vision Award was presented to White and Williams LLP.

YLD Presents Honors at Holiday Party

More than 120 people gathered for the Young Lawyers Division Holiday Party and Toy Drive at Bru on Dec. 12. Pictured from left are Alex Braden, Samuel Reed III, Robert Devine, immediate-past YLD Chair Aneesh A. Mehta and YLD Chair Edward F. Beitz. The YLD presented its Craig M. Perry Service Award to Braden, an associate with Reed Smith LLP. The F. Sean Peretta Service Award was presented to Reed, a teacher/consultant with the The Philadelphia Writing Project. The Vision Award was presented to White and Williams LLP and was accepted by Devine. The YLD also collected unwrapped toys for donation to Project HOME and Cradles to Crayons.
On Jan. 21, the Business Law Section will bestow its inaugural Albert S. Dandridge III Diversity Award upon Leslie E. John, partner, Ballard Spahr LLP. Best known for its Diversity Action Plan, this award is yet another step that the Section has taken to demonstrate its commitment to diversity and inclusion in the legal profession.

**Diversity Action Plan**

Upon recognizing that the Section was lacking in the “inclusion, participation and involvement of attorneys from underrepresented groups in Section programs and activities,” its executive committee formed a task force consisting of Rachel E. Branson, Dandridge, Eric C. Milby and Barbara T. Sicalides. Although a collaborative effort, past Section Chairs Sandra A. Jeskie and Lee Applebaum are quick to credit Dandridge as the driving force behind the plan’s creation.

The task force was charged with “recommending specific ways the Section could improve its current initiatives to encourage active involvement in the Business Law Section and its committees by lawyers regardless of race, ethnicity or religious background, national origin, gender, sexual orientation, disability, age, geography or work environment (large, small and mid-size firms, sole practitioners, government lawyers, in-house counsel, judiciary, part-time, full time).” It focused on four areas: Section environment; leadership; outreach; and professional development. Under each area, the task force recommended action steps in order to meet its charge.

The plan was proposed by the task force in December 2009 and adopted by the Section’s executive committee in May 2010. The entire plan is available at philadelphiabar.org. It continues to serve as an excellent model for sections and committees seeking to create their own diversity action plan.

**Business Law Section Diversity Award**

In 2012, under Wanda E. Flowers’ leadership as Chair, the Section established the Business Law Section Diversity Award. The award is to publicly acknowledge, recognize and honor an individual or entity that has demonstrated a strong commitment, and has made a substantial contribution, to diversity; and promotes full and equal participation and inclusion in the legal profession.

The award shall be granted to an individual or entity that has made a substantial impact upon the Philadelphia legal community.

In January 2013, Dandridge received the Award at the Annual Reception. Dandridge is a partner and chief diversity officer at Schnader Harrison Segal & Lewis LLP, and chair of the Securities Practice Group. His legal work is concentrated in municipal and corporate finance matters, and he regularly counsels major public companies, broker-dealers and investment advisors on their securities reporting and financing requirements.

Before joining Schnader, Dandridge served as associate director of Small Business and International Corporate Finance in the Securities and Exchange Commission’s Division of Corporation Finance.

Dandridge is the Chancellor-Elect of the Philadelphia Bar Association. He is the treasurer and a member of the executive committee of the Philadelphia Diversity Law Group, Inc. (PDLG), which is committed to fostering inclusion and participation of a more diverse group of lawyers in the Greater Philadelphia Region. He is the former Chair of the Business Law Section. As previously mentioned, Dandridge is credited with drafting the Section’s diversity action plan. He has served on the boards of the Philadelphia Bar Association, Community Legal Services, and the Agent Orange Litigation Settlement.

As a decorated Vietnam combat veteran with the U.S. Marine Corps, who was awarded, among many honors, the Bronze Star with Combat “V” for Valor and the Purple Heart, Dandridge lived, and continues to embody, a community that its central to the legal profession. The award shall be granted to an individual or entity that has made a substantial contribution, to diversity; and promotes full and equal participation and inclusion in the legal profession. The award shall be granted to an individual or entity that has made a substantial impact upon the Philadelphia legal community.

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As a decorated Vietnam combat veteran with the U.S. Marine Corps, who was awarded, among many honors, the Bronze Star with Combat “V” for Valor and the Purple Heart, Dandridge lived, and continues to embody, a commitment to diversity and inclusion in all walks of life. Recently, Dandridge was awarded The Legal Intel-
Exclusion Portability May Force Planning Change

By Carol Claytor

For married individuals, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 added a new portability provision that allowed a surviving spouse to take advantage of any unused applicable exclusion amount (the amount of property that can be sheltered from federal estate and gift tax) of a spouse that died in 2011 or 2012. Shortly thereafter, ATRA permanently extended the portability of the unused applicable exclusion amount and established an inflation adjusted lifetime applicable exclusion amount of $5 million. The portability provision would seem to make estate planning simpler and there may be a lesser need to employ the commonly used A/B trust structure, but there are a few tradeoffs to consider.

What do you mean by A/B trust structure?

Prior to portability, many married couples set up an A/B trust arrangement for estate tax planning purposes. When executing this plan, the assets of the first spouse to die would be transferred in an amount up to that individual’s applicable exclusion amount to a “B” or credit shelter bypass trust, to benefit the surviving spouse and children, thereby bypassing the surviving spouse’s estate and using the deceased spouse’s exclusion amount that would otherwise be lost if all the deceased spouse’s assets went directly to the surviving spouse. Any amounts not going to the B trust would be transferred to the surviving spouse outright or by using an “A” or marital trust, and would qualify for the federal marital estate tax deduction so the surviving spouse would not owe any estate tax on the deceased spouse’s death. Although these assets would be includable in the second spouse’s estate, the second spouse’s applicable exclusion would be available to use if the second spouse died. When utilized properly, this A/B trust structure allowed the couple to utilize both of their individual exclusion amounts. The availability of portability gives couples more tax planning options.

What is different now that the portability provision is permanent?

Under the portability provision, an individual’s assets could be transferred entirely to the surviving spouse and the estate could elect to transfer the unused applicable exclusion amount to the surviving spouse. The surviving spouse would then have an applicable exclusion amount equal to the sum of his or her own basic exclusion amount plus the transferred amount, which could then be used to reduce or eliminate the federal estate or gift tax liability. Given this scenario in 2013, it may be possible for a surviving spouse to establish a $10,500,000 applicable exclusion amount to shelter property from federal estate and gift taxes.

What are the considerations associated with using the portability provision for estate planning purposes?

There are three primary considerations. First, if an individual re-maries after the death of a spouse, the unused applicable exclusion amount of the previously deceased spouse will no longer be available. Second, the unused applicable exclusion amount that is transferred to a surviving spouse is not indexed for inflation. If the property transferred to a spouse appreciated after the death of the first spouse, the ultimate value of the property could exceed the unused exclusion amount and could trigger a federal estate tax liability. Because a credit shelter trust can freeze the first deceased spouse’s estate from appreciation, bypass trust planning is still a valuable tool for some couples. Finally, to make the unused applicable exclusion election, a federal estate tax return will need to be filed within nine months of the deceased spouse’s death even if federal estate tax is not owed.

What do you suggest for married couples affected by the new law?

Most likely their estate plans and related documents may need to be reviewed with their attorney and other advisors and perhaps revised. Each person’s situation is unique and these issues can be complex. For guidance on these matters, individuals would be well served by seeking advice from qualified estate, tax and wealth planning professionals.

Chancellor’s Forum

continued from page 4

Her first job was doing anti-trust work, even though she had never studied it in law school. She was living in Richmond, Va., at the time and said there were only 20 licensed women lawyers in the city. “We formed the Metropolitan Richmond Women’s Bar Association because there were no role models. There were no mentors. We shared property from federal estate and gift taxes.”

She said at law firm meetings, the few women associates and one minority associate had to go through the back door and then through the kitchen to enter the meeting. “It was quite a culture shock.”

She left Richmond and came to Philadelphia. Now with two children, she was determined to become a partner at her new firm. “I had wonderful mentors and sponsors who pushed me in the right direction.”

Along with two other women, she started the first women-owned law firm which concentrated in complex commercial litigation. “For those of you thinking about going out on your own, there’s nothing like the fear of eating cat food that will incentivize you to go out and get business,” she said.

Her involvement with the Bar Association began when a member of the ABA Litigation Section reached out because the section was looking for women in leadership. “I became very active in the ABA Litigation Section. And as I became active in the section, I also became active in the ‘big’ ABA.” Former ABA President Jerome Shestack got her involved with the ABA Commission on Women in the Profession.

“I am passionate about moving the needle and ensuring that women advance and succeed. It’s appalling, given the number of women who’ve been graduating from law school over three decades that we are where we are. One of the things that we do best is raise a little hell. I think we’ve been too quiet, I think we’ve been way too polite and I think we need to make some progress.”

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Tuesday, Jan. 28
Criminal Justice Section: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Women in the Profession Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Wednesday, Jan. 29
Zoning and Land Use Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Environmental Law Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Thursday, Jan. 30
Elder Law Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Note: While the following listings have been verified prior to press time, any scheduled event may be subject to change by the committee or section chairs. Lunches are $8 for members and $12 for non-members, unless otherwise indicated.

Public Interest Section Executive Committee: meeting, 12 p.m., 10th floor Board Room.

Tuesday, Jan. 14
Cabinet: meeting, 12 p.m., 10th floor Board Room.

Wednesday, Jan. 15
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th floor Board Room.

LegalLine: 5 p.m., 11th floor LRIS offices.

Thursday, Jan. 16
Family Law Section Executive Committee: meeting, 12 p.m., 11th floor Committee Room South.

Friday, Jan. 17
Workers’ Compensation Section Executive Committee: meeting, 11th floor Committee Room.

Workers’ Compensation Section: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Appellate Courts Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

The Philadelphia Lawyer magazine Editorial Board: meeting, 12:30 p.m., 11th floor Committee Room South.

Monday, Jan. 20
Martin Luther King Jr. Day: Bar Association offices closed.

Tuesday, Jan. 21
Business Law Section Annual Dinner: 5:30 p.m., Estia, 1405 Locust St. Tickets: philadelphiabar.org.

Thursday, Jan. 23
Board of Governors: meeting, 4 p.m., 10th floor Board Room.

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 fl., Philadelphia, PA 19107-2955. Send Bar Association-related calendar items 30 days in advance to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., Philadelphia, PA 19107-2955. Fax: (215) 238-1159. Email: jlyons@philabar.org.

CALENDAR OF EVENTS

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grants for a total of $605,000 in funding.

This is the time of year for reflection and resolution. Moreover, it is an historic moment for the Philadelphia Bar Foundation, our 50th Anniversary. It is an opportunity to reflect on what has been accomplished and to celebrate the leaders who made these achievements possible. It is also an opportunity to recognize the enormous amount of work yet to be done and to resolve – as

the Association and presented him with a framed portrait, similar to those of former Chancellors on display in the Bar Association Board Room. The portrait will be displayed in the Bar offices.

The Board also approved a resolution supporting the establishment of a Pennsylvania Access to Justice Commission.

Prof. Louis Rulli presented the resolution to the Board, saying the Bar’s Civil Gideon Task Force and a statewide coalition have been working throughout the year to make the commission a reality.

Following three legislative hearings across the state, Rulli said two major recommendations were made. One was for a major increase in funding for civil legal aid. “There’s no substitute. We have to find ways to fund access to justice in our civil courts.”

The second was to move forward and establish an access to justice commission in Pennsylvania. Rulli said 31 states now have such commissions and “we hope that Pennsylvania will be the 32nd.”

“The need for permanency, leadership, visibility, structure and partnership is here in order to make the necessary moves forward as a commonsense and as a nation for access to justice,” Rulli said.

The Board also approved the appointment of Philip Amos, Lisa Derweiler, Hope D’Orey-Gay and Lee Zimmerman to the board of Philadelphia VIP for three-year terms.

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But I ask you: are we living up to the spirit of that ruling when we look at the problems faced by the School District of Philadelphia and throughout Pennsylvania?

The one thing we all have in common as lawyers is that we all received a good education – certainly good enough to graduate law school. Is this same education and same opportunity available to our children now?

We have to do more, and do better. We must do this to ensure a brighter future for our children and for our city.

U.S. Supreme Court Justice Thurgood Marshall said “none of us got where we are solely by pulling ourselves up by our bootstraps. We got here because somebody – a parent, a teacher, an Ivy League crony or a few nuns – bent down and helped us pick up our boots.”

And so – as we remember how far we’ve come – let us be mindful as well of the distance we must still traverse.

For more information about the Education Task Force or to volunteer for a Task Force project, contact Judge John M. Young at john.younge@courts.phila.gov, or Jeffrey M. Lindy at jindy@lindylawfirm.com.

William P. Fedullo (williamfedullo@gmail.com), counsel to Roven, Schaefer & D’Allesio LLP, is Chancellor of the Philadelphia Bar Association.

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the lawyers and responsible citizens – to meet those challenges, to close the justice gap, and to do better at meeting the basic needs of everyone in our community. As we toasted to the New Year, I would be remiss if I failed to raise my glass and offer my sincerest thanks to the Philadelphia legal community that has so warmly welcomed and embraced me in my new role. It is wonderful to be home again.

Jessica Hildurn-Holmes (jhildurnholmes@philabar.org) is executive director of the Philadelphia Bar Foundation.

Bar Foundation

ional issues such as the lack of an ad- equate and fair funding formula, and how the Bar can effectively advocate for attention to education funding. We will also host educational forums so that our members are fully informed about what it takes to achieve a quality education.

Additionally, the Task Force will support myriad ways in which the Philadelphia legal community currently engages with the public schools, such as the YLD Mock Trial competition, Law Week programs including Lawyer in the Classroom, Lawyer for a Day and the Chacker Essay Contest, the First Judicial District’s Goldblacks program, Philadelphia Reads, moot court, debate teams, mentoring, internships, youth court, school supply drives, and pro bono representation of Philadelphia students/families regarding education issues, and more.

This year will mark the 60th anniversary of Brown v. Board of Education, the landmark U.S. Supreme Court ruling declaring segregation in public schools unconstitutional. The Association will partner with the Baristers’ Association of Philadelphia to mark this important anniversary with a diverse set of programs in May during Law Week.

Education Task Force or to volunteer for a Task Force project, contact Judge John M. Young at john.younge@courts.phila.gov, or Jeffrey M. Lindy at jindy@lindylawfirm.com.

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People

Ellen Meriwether, a partner with Cafferty Clobes Meriwether & Sprangell LLP, has been appointed to the Board of Directors of the Public Interest Law Center of Philadelphia.

Mark A. Arochick, a shareholder with Hangley Arochick Segal Pudlin & Schiller and former Chancellor of the Philadelphia Bar Association, was honored by Jewish Social Policy Action Network on Nov. 25 with its Social Justice Award.

Joseph E. Murphy, a sole practitioner, recently visited India, Ethiopia and Malaysia to meet with government officials and industry leaders where he discussed compliance and ethics issues.


Marc A. Goldich, an associate with Reed Smith LLP, has been elected to the board of directors of the Welcoming Center for New Pennsylvanians.

Joseph M. Manko and Bryan P. Franey of Manko, Gold, Katcher & Fox, LLP presented “Practical Tips for Buying and Selling Contaminated Property” at the Pennsylvania Bar Institute’s 17th Annual Real Estate Institute on Dec. 5.

Karolien M. Vandenberghe, an associate with Clark Hill Thorp Reed PLC, has been honored by the German American Chamber of Commerce of Philadelphia as its Member of the Year 2013 in recognition of her contributions in the development of a continuing legal education program for the Chamber.


Alan M. Feldman, co-managing partner of Feldman Shephard Wohlgelernter Tanner Weinstock & Dodig LLP and a former Chancellor of the Philadelphia Bar Association, has been appointed to the Pennsylvania Interest on Lawyers’ Trust Accounts board by the Supreme Court of Pennsylvania.

Melissa M. Boyd, a partner with High Swartz LLP, has been elected to serve as vice chair of the Montgomery Bar Association’s Family Law Section.

Michael E. Scullin, counsel to McElroy, Deutsch, Mulvany & Carpenter, LLP, recently moderated a panel discussion examining Philadelphia’s role on the international stage as part of the Global Philly 2013 festival.

Brenda Hustis Gotanda, a partner with Manko, Gold, Katcher & Fox, LLP kicked off the Greenbuild 2013 International Conference and Expo in Philadelphia in November as a tour captain on the first tour of the Conference “Philadelphia: Manufacturing Center for the World.”

Jill Friedman, acting assistant dean of Pro Bono and Public Interest at Rutgers School of Law-Camden, has been appointed to the New Jersey State Bar Association’s Pro Bono Committee.

Shanese J. Johnson, principal of Shanese I. Johnson & Associates, P.C., was recently appointed to the Board of Directors of Behashi, a full-service HIV/AIDS case management agency with a special interest in serving low-income people of color with HIV disease.

Matthew Skolnik of Wileznt, Goldman & Spitzer PA. presented the 2013 “Bridge the Gap” ethics CLE program for New Jersey attorneys newly admitted to the Pennsylvania Bar on Dec. 8.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send information to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, PA 19107-2955. Fax: (215) 238-1159. E-mail: reporter@philabar.org. Color photos are also welcome.
Philadelphia’s Employment Lawyers

FOR MORE THAN 30 YEARS, Sidney L. Gold & Associates, P.C. has dedicated its practice to the field of employment law and civil rights litigation. The firm’s attorneys take great pride in serving both aggressive and compassionate advocates for victims of unlawful discrimination and harassment. As a result, the Martindale-Hubbell® Bar Register has certified Sidney L. Gold & Associates as a pre-eminent law firm in the field of labor and employment law. More than 4,500 lawyers throughout Pennsylvania and New Jersey look to Sidney L. Gold & Associates to refer their clients.

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