By Jeff Lyons

COMMUNITY SERVICE, PROMOTING programs to help veterans and enhancing opportunities for all attorneys will be the cornerstones of Chancellor Albert S. Dandridge III’s initiatives in leading the Philadelphia Bar Association, the decorated Marine Corps veteran said at the Dec. 9 Annual Meeting.

Dandridge, a partner and chief diversity officer at Schnader Harrison Segal & Lewis LLP, recalled the work of Bernard G. Segal and Cecil B. Moore, two legendary attorneys who helped “usher in a new sense of what it was to be a Philadelphia Lawyer.”

“I am reminded of when Attorney General William A. Schnader was joined in private practice by his Deputy Attorney General Bernie Segal. Bernie made a point of telling Gen. Schnader that he was a Jew, saying that: ‘in eminent Philadelphia law firms there are no Jews, and … the firm with which you were connected is one of them.’ General Schnader changed that. He started his own firm with Bernie Segal – a more diverse and inclusive firm. Hopefully, that type of tradition lives on,” he said. Segal served as Chancellor of the Philadelphia Bar Association in 1952-1953.

“The struggles and challenges of women in this profession are well chronicled. Some of those struggles continue, especially for women of color. In our law firms particularly, the results have been extremely disappointing. Knowing this history, I do not think that Bernie Segal would be proud of where we are today,” Dandridge said.

Chancellor-Elect Albert S. Dandridge III received a warm ovation following his inaugural remarks on Dec. 9.

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The Board of Governors has approved a Diversity and Inclusion Action Plan to ensure the Association fulfills its commitment to advancing diversity and inclusion in the legal profession.

The Diversity and Inclusion Action Plan was approved at the Board’s Dec. 18 meeting. According to the Plan, all Association leaders are expected to promote diversity and inclusion in the profession as set forth in the Statement of Diversity and Inclusion.

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Congratulations and good luck to our own MARIA E. BERMUDEZ, ESQ. on a successful and productive year as Chair of the Young Lawyers Division of the Philadelphia Bar Association.
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Love Court Reporting, Inc. is a full service company with U.S. and World Wide coverage. Our ultimate goal is to give our customers the best product available at the most competitive price.
This is Not “My Year”

By Albert S. Dandridge III

In the words of Maya Angelou, “I’ve learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.”

With all due respect and with no offense intended, it is my request and preference that you do not refer to 2015 as “my year.” I hate that term. It is my promise as your new Chancellor that you will not hear me refer to this year as “my year,” because it is in fact our year.

With that being said, let me start by telling you a bit about my call to action. As you may have heard in my inaugural speech last month at our Annual Meeting Luncheon, or as you may have read in the related media coverage, one of our main initiatives this year is community service. We as a legal community are very good at doing pro bono work and serving on boards and writing checks to charitable causes. That is fantastic and I hope we continue to provide that kind of support to our community-at-large. One thing I think we do not do enough of is spending time rolling up our sleeves and providing meaningful, hands-on support for our community members in need.

Some of you reading this may in fact volunteer in your communities, which again is wonderful and your service is appreciated. However, we, as lawyers and members of Philadelphia’s legal community, have not had an organized and concerted effort as to how we give back.

So now what? At this month’s Bar Leaders Retreat, the heads of our Sections and Committees, along with our Board of Governors and several nonprofit community leaders, will have brainstorming sessions to figure out what our community service initiative is going to look like. The final product likely will be a combination of some of the work that already is being done by our members as well as new community service opportunities for our members. Stay tuned for much more information in the following weeks.

In our beloved city of Philadelphia, the fifth-largest city in the nation, we have one of the highest poverty rates and this is simply unacceptable. We have children growing up without both parents in the household. We have young men and women who may not have real-life role models. There are kids who may not have someone to give them the proper time and attention they deserve. We all know what the result of this sort of upbringing can lead to.

In the words of Maya Angelou, “I’ve learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.” I am not saying that we have all of the answers, but I would like to believe that we have the heart and the resources to do more. Now I am asking you to give more of your least expensive yet most precious commodity, your time.

Additionally, there will be a new column in the Bar Reporter that will completely be dedicated to community service. We will be asking some of our nonprofit community partners to write these columns, tell us a bit about their respective organizations, and how members of the Philadelphia Bar Association can help.

In the spirit of collaboration and teamwork, I look forward to working with you. Thank you in advance for your service in our year together.

Albert S. Dandridge III (adandridge@schmader.com), a partner and chief diversity officer at Schmader Harrison Segal & Lewis LLP, is Chancellor of the Philadelphia Bar Association.

Gross Elected Vice Chancellor


The following candidates for Bar offices ran unopposed and will begin serving in their positions on Jan. 1: Jacqueline G. Segal, Secretary; Wesley R. Payne IV, Treasurer; Judge A. Michael Snyder (ret.), Assistant Secretary; and Mary F. Platt, Assistant Treasurer.

The following five candidates for Board of Governors were elected on Dec. 9 and will begin their terms on Jan. 1: Kathleen Kirkpatrick, Ira S. Lefton, Kevin Mincey, Jeffrey N. Rosenthal and Julia Swain.

The following seven candidates for the Young Lawyers Division Executive Committee were elected on Dec. 9 and will begin serving their terms on Jan. 1: Caitlin M. Donnelly, Melanie J. Foreman, Dana Gittleman, Lindsay H. Schoonmaker, Ashley K. Shea, Thomas J. Szymanski and Anna B. Will.
Former Chancellor Mark A. Aronchick was presented with the PNC Achievement Award at the Dec. 9 Annual Meeting Luncheon, but he said the award was not about him. “In honoring me today, you really honor the better ideals and qualities of all of us,” he said.

“The reason why PNC does such a great thing by establishing this annual award is that it gives us all a chance to think about how much good we can do for our community and for others,” Aronchick said. The PNC Achievement Award honors significant accomplishments in improving the administration of justice.

Aronchick said nothing that he had ever taken on has been more important than the fight for marriage equality. “But then, so many of you know that because this Bar Association has been in the forefront of LGBT rights for decades. Why was this case so life affirming? It was all about profound values of love, respect and dignity. And it was brought by plaintiffs — a real cross section of Pennsylvanians who showed us the meaning of courage, commitment and integrity,” he said.

“And that brings me to the real heroes in this long-running battle. Like every other great social change in our country, the courageous folks were those who over the years stood up to friends or family, in dorm rooms on parent visitor weekends, or around family dinner tables, or in small social settings and said something like ‘look into my eyes, I am gay, but I love like you love, my heart beats like your heart, please love and respect me.’ They are the people of courage. They paved the way,” said Aronchick, a shareholder in Hangley Aronchick Segal Pudlin & Schiller.

Aronchick thanked the members of his law firm, along with the members of his law firm, along continued on page 5.
Humbled Lerner Accepts Brennan Jurist Award

By Jeff Lyons

There’s an old saying that a person is judged by the company he or she keeps. After receiving the Philadelphia Bar Association’s Justice William J. Brennan Jr. Distinguished Jurist Award on Dec. 9, Judge Benjamin Lerner was humbled by being included in the group of past recipients.

“I’m mindful that the first recipient of this award, and the man for whom this award is named, started his judicial career as a state court trial judge, right across the river from here,” said Judge Lerner, who sits on the Philadelphia Court of Common Pleas. “Justice Brennan rose to become one of the greatest, most consistent defenders of human liberties and constitutional rights who has ever sat on our United States Supreme Court,” he said.

“I’m mindful also that I’m simply the most recent in a long line of distinguished judges who have been honored by this award. Judge Norma Shapiro, who won this award last year, Chief Justice Ronald D. Castile, Judge John B. Herron, one of my dearest friends and Judge L. Felipe Restrepo. And so many others,” Judge Lerner said.

“When I learned I was selected to receive the Brennan Award this year, I was filled with a multitude of emotions – gratitude and a sense of being honored by my peers. A higher honor I can’t imagine,” Judge Restrepo, who sits on the U.S. District Court for the Eastern District of Pennsylvania, introduced Judge Lerner and presented him with the award. Judge Restrepo discussed Judge Lerner’s days as chief of the Defender Association of Philadelphia and praised his work on the Common Pleas bench.

“I’m also extremely grateful to my colleagues on the First Judicial District, especially those who have sat or sit now at the Stout Center for Criminal Justice. And to the lawyers – the district attorneys, the public defenders and the private defense lawyers who do this work every day. There’s nothing glamorous about an urban criminal justice center. There’s no power, there’s often not much money, there’s no glamour, there’s recognition primarily when you fail rather than when you succeed,” he said.

“Any of the people who are parties in those cases are there because they want to be there. And that goes for both sides of the case. They’re there because there’s a crisis in their life, often a true life-and-death crisis. And they have to turn to our criminal justice system to try to obtain a measure of justice,” Judge Lerner continued.

“The judges and lawyers who work every day over there provide that measure of justice. We are not perfect and sometimes we fail. But when we fail, it’s not for lack of dedication, it’s not for lack of effort and it’s not for lack of caring. And we succeed, I believe, a lot more often than we fail. To those judges, DAs and defense lawyers I stand on your shoulders when I accept this award,” he said.

## Aronchick continued from page 4

with attorneys from the ACLU and Penn Law Professor Seth Kreimer, for their help in the case. He also thanked U.S. District Court Judge John E. Jones III, who saw the singular importance of this case, and who wrote an opinion that taught the public, both here and across the country, why our Constitution protects all of our people and why the laws that were overturned belonged, as he said, on the ash heap of history.

As a result of Judge Jones’ ruling “we saw almost no rancor, and instead emotional marriage celebration after celebration since last May. Anyone who thought that permitting same-sex marriage would diminish the institution of marriage, needs to go to these ceremonies,” Aronchick said.

The former Chancellor, who served in 1998, said the essence of his message is to always look into the eyes of each person who crosses your path, who needs some help or just a pat on the back and listen, really listen to them.

“You will see a common yearning – to be loved, respected and accepted. And when you see that, and if you know you can help, then help. Don’t ask why, just help,” he said.

“Because if you do, you will have a gift in return, second to nothing else you will ever experience. Some of the best things that have ever happened to me were a result of following this basic notion. You will get out of your head and into your heart and understand your own humanity. As my philosophers the Beatles said so long ago, ‘The love you take is equal to the love you make.’ So, let’s celebrate the good and continue to lift each other up,” Aronchick said.

## ATTNORNEY DISCIPLINARY / ETHICS MATTERS

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- Former Chairman, Disciplinary Board of the Supreme Court of PA
- Former Chairman, Continuing Legal Education Board of the Supreme Court of PA
- Former Chairman, Supreme Court of PA Interest on Lawyers Trust Account Board
- Former Federal Prosecutor
- Selected by his peers as one of the top 100 Super Lawyers in PA and the top 100 Super Lawyers in Philadelphia
- Named by his peers as Best Lawyers in America 2015 Philadelphia Ethics and Professional Responsibility Law “Lawyer of the Year,” and in Plaintiffs and Defendents Legal Malpractice Law

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The panelists agreed that honesty and integrity are key to developing your business. They emphasized the importance of establishing a strong and dependable referral network.

The panelists recommend that those starting their own practice give considerable thought to business organization from the outset. Consider hiring an attorney to formalize any partnership agreements and to assist with the process of forming a business entity.

Wilson noted that solo practice may be the best option for those who are good at practicing law but don’t enjoy the management and administrative aspects of running a firm. Mincey said that entering into an office share can be an effective way to reduce costs and build a referral network. Schwartz emphasized the importance of creating a business arrangement tailored to each attorney’s contribution to the practice.

Those starting their own practice can face considerable challenges. Attorneys must be receptive to their clients’ needs and be flexible in creating alternative billing arrangements. Mincey highlighted the importance of patience, while Harvey noted that opening your own practice takes hard work and dedication. You must view the practice as an investment in yourself and your organization, and understand that it may take time to grow your business and reach financial success.

Robin Schleifer Weiss (RSchleifer@olgklawyers.com) is an associate at Haggerty Goldberg Schleifer & Kaperosmith, PC.

By Robin Schleifer Weiss

There’s more to opening your own law office than practicing law. Law Firm Laboratory panelists Rhonda Hill Wilson, Lee A. Schwartz, Steve Harvey and Kevin V. Mincey reconvened on Dec. 3 to offer insight to other individuals considering starting their own firms, particularly with respect to business and client development, building referral networks, and the financial, staffing and management logistics to consider when starting and operating your own firm.

This was the panel’s second appearance in the Law Firm Laboratory series in 2014. The program series was designed by Chancellor William P. Fedullo as an ongoing incubator of innovative ideas, strategies and concepts for starting and nurturing new law firms and helping existing law firms of all types serve the changing needs of tomorrow’s clients.

Wilson noted that a solo practice can be the best arrangement for some attorneys, and encouraged others to consider their strengths and weaknesses when attempting to forge their legal career paths.

Wilson, a solo practitioner and litigator at the Law Offices of Rhonda Hill Wilson, PC., has been practicing law for more than 35 years, and has owned her own practice for the last 20 years. Her practice primarily involves nursing home litigation.

Schwartz has been a family law practitioner for 33 years and has run back into solo practice last year at the age of 58. Schwartz emphasized the importance of entering into solo practice for the right reasons, and recommends partnering with another attorney who can help provide services to your clients when you are on vacation or otherwise unavailable.

Harvey, owner of Steve Harvey Law, LLC, worked at a large firm for more than 18 years before opening his own firm last year. His departure was largely driven by changes in the market for legal services, as he recognized that clients desire lower rates and more flexibility in billing arrangements. Harvey has hired multiple attorneys and staff members over the last year, and emphasized that when opening your own practice, it is important to anticipate the future needs of your clients and to staff your office accordingly.

Mincey, a partner at Mincey & Fitzpatrick, LLC, was a prosecutor before branching out on his own at the age of 27. He now has a firm with five attorneys, focusing on various practice areas including criminal defense, family law and catastrophic injury. He noted that when you first open your own practice, it is important to be flexible and to market the skills you possess, rather than your concentration in a specific practice area.

He also highlighted the importance of investing in premium office space and maintaining a busy office, so that your new clients will have confidence in your abilities.

The panelists agreed that honesty and integrity are key to developing your business. They emphasized the importance of establishing a strong and dependable referral network. Wilson recommended networking outside of your own line of work and getting involved with local, state and national organizations within your practice area, which can result in referrals from attorneys in other practice areas or from other jurisdictions.

Schwartz said that it is essential to develop relationships with other professionals and to find common interests to discuss, aside from business. He noted that having a trusted referral network across various practice areas allows him to serve as a helpful resource for his clients. Schwartz and Harvey both mentioned the importance of establishing a strong online and social media presence. Harvey finds three types of networking effective: marketing one-on-one with friends and colleagues over lunch or coffee, getting involved in groups with other professionals, and reaching out to potential clients and/or referral sources through email or social media.

Mincey agreed that it’s important to attend group events, but notes that it is essential to take on leadership roles and make your presence known among your peers and colleagues. He also said that providing pro bono services can be an effective marketing tool. The panelists agreed that you should be honest about the work you are capable of handling, and should refer out cases that are beyond your level of expertise. However, it is important to follow-up with your client after you refer out their case, in order to maintain your relationship for the future.

Philippa Bar Reporter January 2015

Podcast Spotlight

Visit philadelphiabar.org for a podcast from this Bar Association event.

Use your QR code reader to link directly to this resource.
Holmes, Judges on Sweet Science of Negotiating Big Boxing Deals

Former heavyweight boxing champion Larry Holmes, a "seventh-grade dropout with a Ph.D. in common sense," talked about his boxing career and what it takes to get a fight scheduled along with Pennsylvania Superior Court Judge Jack Panella and Philadelphia Municipal Court Judge Jacquelyn Frazier-Lyde at a Dec. 17 Chancellor’s Forum.

Judge Frazier-Lyde, the daughter of former heavyweight champion Joe Frazier, was herself a boxer, recording 13 wins in 15 fights, nine of them by knockout. Judge Panella worked with attorney Charlie Spaziani on Holmes’ boxing contracts.

Holmes, who grew up in Easton, Pa., dropped out of school and tried to find something to do with his life. “I drove a truck, I worked in a clothing factory. I did everything and tried to find myself. But without an education, I knew I could box,” he said.

Many people said he wouldn’t succeed, but Holmes proved his doubters wrong. In his first fight in Scanton, Pa., he made $63, “I made $63 a fight eight times in one year,” he said, adding he won all eight bouts.

Holmes said the money was low until 1975 when he fought Roy Williams and won, but broke his hand. The hand injury brought out the detractors again, but Holmes told them he was going to become heavyweight champion. As his record improved, so did the quality of his opponents. He beat Earnie Shavers and then defeated Ken Norton for the heavyweight championship in June 1978. Holmes won his first 48 fights and ended up with 69 wins in 75 fights, 44 of them by knockout.

He lost the title in a controversial decision against Michael Spinks in 1985 and retired after losing to Spinks again in 1986. He was lured out of retirement by promoter Don King, who offered him $3.5 million to fight Mike Tyson in 1988. Tyson knocked him out in the fourth round. He retired for good in 2002.

“I first came on board with Larry for a very low-profile fight in June 1982, when Larry fought Gerry Cooney. That was my initiation by fire into the fighting game. That fight set a record for a crowd in Las Vegas, in excess of 29,000 people at an outdoor stadium built especially for the fight. The record live gate at the time was more than $7 million. Larry’s pay that day was $10 million. “Charlie always had a saying ‘don’t play games with our taxes. The eyes of the IRS are on us in light of our high profile. So report everything,” Judge Panella recalled.

He said a contract for a fight has to have clauses to protect the client. “Is it a percentage contract or a guaranteed purse contract? Are the expenses from the match deductible from the boxer’s take? What are the provisions for the broadcasting rights to the fight? All of these things are important to your client, the boxer,” Judge Panella said.

Judge Frazier-Lyde first met Holmes at her father’s gym when she was a child and Holmes was one of her father’s sparring partners. “He was also a sparring partner for Muhammad Ali. He’s a great contributor as to why those boxing matches (between Frazier and Ali) were so amazing,” she said.

Judge Frazier-Lyde said she owns all the rights to her boxing film, thanks to Judge Panella’s representation of Holmes. “So when I got into boxing, I had the opportunity to watch the dos, the don’ts and the innovation of Jack Panella and Larry Holmes. From a contract perspective, from an intellectual property perspective, it was something that I could take advantage of.”

Rating Sites Can Boost Practice

By Maureen M. Farrell

With more and more consumers searching for attorneys online, the importance of website and Internet marketing is more important than ever, members of the Solo, Small and Mid-Size Firm Management Committee were recently told.

Laura Powers, chief marketing officer for Furia Rubel Communications, and attorney Harper J. Dimmerman were the presenters at the Nov. 20 program “Navigating Avvo and Other Online Lawyer Rating Sites.”

Powers said more than 95 percent of consumers turn to the Internet when looking for a lawyer. Failure to take advantage of these marketing sites, many of which are free, leaves you solely relying on other methods of marketing. “Business cards and other methods of marketing have become marginalized,” she said. The panelists said the online presence you project and the tools you decide to use should be the right fit for you, your practice, and your brand.

Dimmerman and Powers offered opinions and information about Avvo and other law rating sites. Dimmerman said he has been able to grow his practice by taking full advantage of the various marketing tools and opportunities available through sites like Avvo. Dimmerman uses Avvo for his website presence and for sponsored advertising, as well as for the free marketing services. “It is a free for all, we must be wherever we can be these days because price is part of every decision, he said.”

When considering Avvo and other sites, it is important to, “consider whom you want to do business with and construct a presence that shows that is what you are about,” Powers said. Perform a thorough investigation of these sites. If you represent individuals, and not corporate clients, Avvo would be beneficial for you. Consider a site that is easy to navigate, like lawyers.com. Consider what sites and how many sites you want to be present on, and how much time you want to expend in this area.

However, once you become involved on a site you lose a level of control of content. On Avvo you will be subject to public client reviews. No attorney wants to be subject to a negative review but unfortunately almost any attorney, no matter how positive the result might be, can be subjected to negative and unfounded scrutiny. If this occurs, there are methods to dispute the review, but how you respond should be well thought out. In contrast, on your own website, you control the content and how it is presented. Linked In was also recommended.

In choosing sites like Avvo, firstly, you should claim your profile. Take a look at your profile on Avvo and thoroughly fill in your profile details in order to increase your rating on the site. Client reviews apparently do not a

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Bar Officers, Board of Governors for 2015

Hon. A. Michael Snyder (ret.) will serve as Chair of the Board of Governors in 2015 under Chancellor Albert S. Dandridge III.
Sections Celebrate Year’s End, Present Awards

The Family Law Section presented its Herbert R. Weiman Sr. & Jr. Award to Pennsylvania Supreme Court Chief Justice Ronald D. Castille (center) at its Annual Dinner on Dec. 4 at the Westin Philadelphia. He is joined by incoming chair Lee Schwartz and 2014 Chair Meredith Brennan.

Probate and Trust Law Section Chair Karen M. Stockmal (from left) is joined by Vice Chair Aaron Fox and Secretary Laura E. Stegossi at the Section’s Annual Reception on Dec. 4 at The Ritz-Carlton Philadelphia.

Judge Edmund Spaeth (ret.) of the Pennsylvania Superior Court received the Public Interest Section’s Hon. Louis H. Pollak Award at the Section’s Dec. 10 Awards Ceremony and Reception at the Philadelphia Marriott. Karen C. Buck, executive director of SeniorLAW Center, received the Andrew Hamilton Award. The honorees are pictured with Section Chair Su Ming Yeh.

Outgoing Workers’ Compensation Section Co-Chairs Wendy A. Fleming (second from left) and Joseph P. Turchi were thanked for their year of service at the Section’s Holiday Reception on Dec. 3 at Cescaphe Ballroom. Also pictured are Geoffrey Dlin (left) and Judge Tina Maria Rago. Judge Holly A. San Angelo, the other co-chair for 2014, is not pictured.

Photo by Jeff Lyons

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Photo by Jeff Lyons
The Tax Section held its Annual CLE Meeting and Dinner at The Ritz-Carlton Philadelphia on Dec. 11. Pictured from left are CLE speakers Kelley C. Miller, Daniel M. Dixon and Arthur R. Rosen, dinner speaker J. Andrew Crompton and Section Chair Howard S. Goldberg. The CLE program featured a discussion on developments in state taxation of e-commerce. Crompton is chief of staff and counsel to Pennsylvania Senate President Pro Tempore Joe Scarnati.

Temple University Beasley School of Law Prof. Edward D. Ohlbaum was posthumously honored with the Justice Thurgood Marshall Award by the Criminal Justice Section at its Dec. 18 Annual Holiday Reception and Awards Ceremony at the Crystal Tea Room Atrium. Pictured from left are Jeffrey M. Lindy, Ohlbaum’s wife and son, Karyn Scher and Jake Ohlbaum, and Section Chair Robert W. Muench. The Section also presented The Henry Czajkowski Award to Court Reporter, Digital Recording and Interpreter Administration, Janet C. Fasy, Deputy Court Administrator.
YLD Update

YLD Boosts Personal, Professional Development

By Maria E. Bermudez

I truly believe the Young Lawyers Division provides young lawyers with the opportunity to substantially advance their careers by providing them with a network, practical experience and education. I am grateful for the years I have spent as a member of the YLD and I am so honored to be your chair for 2015.

My journey with the YLD started five years ago, when former Chancellor Kathleen Wilkinson of Wilson Elser Moskowitz Edelman & Dicker LLP approached me with an invitation to serve as a Young Lawyers Division liaison. At the time, I thought I was doing her and both organizations a favor by being their messenger. I knew very little about the Philadelphia Bar Association, and nothing about the YLD. I was lucky to have Jennifer Coatworth of Margolis Edelstein as my co-liaison to guide me along the way. Thanks Jen!

After my first year of involvement, I could see very clearly all the benefits of being an active Bar member. I could also see that Kathleen was the one doing me the favor by getting me involved. I decided to make it official and run for a three-year term elected position on the Executive Committee. As a member of the Executive Committee, I immediately gravitated toward the community outreach projects, such as Law Week and Harvest for the Homeless. Beyond the personal satisfaction volunteering provides, I found that being of service along side of my colleagues created a bond and friendship that I am confident will be maintained throughout our careers.

I have found one of the most impressive aspects of the YLD to be the support it provides to its members in pursuing what is important to them. I have seen members be fully supported when proposing new resolutions, CLE ideas, 20/20 topics, networking opportunities or new programs. This is an attitude that was shared by our outgoing chair, Ed Beitz, and the chairs before him. I too believe that while I am leading the YLD this year, my job is to be of service to the membership, Executive Committee and Cabinet. Therefore, I welcome new ideas to move us forward as a group and as individuals.

A few years ago, with the support of the YLD, I created a new community outreach project to benefit children and teachers in impoverished areas of the city—the YLD School Supply Drive. At the time, we didn’t need another project. Anyone involved with the YLD knows our schedule is packed. However, this was something important to me. Aneesh Mehta, the chair at the time, enthusiastically agreed to put the School Supply Drive under the YLD umbrella. That year we had two corporate donations and thousands of dollars in other donated school and office supplies that filled an entire conference room at my firm. This is the spirit of the YLD—both service and supporting other young lawyers.

In addition to the obvious benefits of camaraderie, education and helping people in need, being a part of the YLD has had numerous practical advantages. We create and maintain a budget, raise funds and we coordinate with others to pull off more than 50 programs a year. I think the skills developed as part of the YLD Executive Committee have made me a better attorney and manager. They also translate into other areas of interest such as political and nonprofit board involvement.

Over the next year, I plan to work with the YLD Cabinet and Executive Committee to encourage further YLD involvement to the membership at large. I want all of our members to know that they too can use the YLD and Bar Association as a resource for personal and professional development. In order to help get this message across, and encourage further involvement, the YLD Cabinet for 2015 plans to create a task force designed to strengthen our relationship with other Bar sections, affinity bar associations and other attorney organizations in the city.

Once again, I thank the YLD and the Bar Association for giving me this opportunity. I am looking forward to what I know will be an amazing year. However, I am only able to fully commit to this service because of the support of my firm, Martin Law. I am grateful to my family at Martin Law for encouraging my Bar involvement, especially with the YLD.

Maria E. Bermudez (mbermudez@workinjury.com), an associate Martin LLC, is chair of the Young Lawyers Division.

YLD Presents Awards at Annual Holiday Party

The Young Lawyers Division celebrated a successful year at its Dec. 16 Holiday Party at the Four Seasons Philadelphia. Pictured from left are outgoing YLD Chair Edward F. Beitz; Donald Chalphin, associate publisher-sales, The Legal Intelligencer; Kay Megill, account manager, The Legal Intelligencer; Kimberly Takacs of ACE Group; Stephany Gordon; and incoming YLD Chair Maria E. Bermudez. Takacs received the Craig M. Perry Service Award, which is presented annually to a young lawyer who has devoted substantial time and energy to community-oriented activities, including, but not limited to, pro bono and charity work.

Gordon, of Drexel University Thomas R. Kline School of Law, was presented with the F. Sean Peretta Service Award, given annually to a member of the legal community who exhibits exceptional community service.

Chalphin accepted The Vision Award on behalf of The Legal Intelligencer. That award is presented to an organization that has provided outstanding support to the YLD in the fulfillment of its mission.
As we begin 2015, it is a tremendous honor for me to serve as the 37th president of the Philadelphia Bar Foundation. As a longtime member of the Philadelphia Bar Association and someone who has sat on the Bar Foundation Board of Trustees for the past seven years, I understand the responsibility that comes with this role. For me, the Foundation’s mission of “promoting access to justice for all people,” has always been part of our legacy as “Philadelphia lawyers.”

We are all familiar with Andrew Hamilton’s bold defense of New York City printer John Peter Zenger, pro bono, in the landmark libel case. When the court barred Zenger’s original lawyers for challenging the validity of the governor’s seditious libel claim and questions arose about the abilities of his court-appointed counsel, it was Philadelphia lawyer Andrew Hamilton who volunteered to take on the defense. With meticulous preparation, he prevailed, establishing truth as a defense against libel, a principle that remains a cornerstone of free speech in America to this day.

It is not the result alone, however, that made this trial significant. Hamilton’s willingness to take on an unpopular case, while representing his client ethically, zealously and skillfully, has always been a central part of the Philadelphia lawyer identity. To this day, it is an attribute that commands respect in courtrooms from Pennsylvania to California. This respect comes from the work of generations of Philadelphia lawyers who preceded us, and who built upon Hamilton’s reputation for sound advocacy. In order for this distinction to continue to hold weight, we as a community must uphold the tradition set by Hamilton and help those who may not be able to help themselves. Our help must not merely take the form of excellent advocacy; it must also reflect our collective responsibility to support their efforts, which benefit us all.

The Bar Foundation provides grants and donations to numerous pro bono organizations that provide legal services to those in need. While these services are free to the individual, they require the continued monetary support of the entire Philadelphia legal community – particularly now, with state funding scarce. There are more than 13,000 lawyers in the Philadelphia Bar Association. We all benefit from the prestige that comes from being a Philadelphia lawyer. If all of us donate to the Bar Foundation according to our means, we can ensure that public interest law organizations continue to fulfill their vital role in our community.

Over the course of my two-year term as president, I plan to work with the Bar Foundation’s Board of Trustees, the Bar Association leadership, Philadelphia law firm leaders, individual lawyers, and our many supporters to increase the funds available to the Bar Foundation for grant making. I will pursue existing initiatives such as the development of an Equal Justice Center and seek to develop new programs, partnerships and fundraising opportunities aimed at increasing access to justice. However, I will not be able to do this work alone. I hope you all share my recognition of the importance of the Bar Foundation’s mission not only to those who are in need but also to the very foundations of our legal system.

As Andrew Hamilton once nobly said, “the man [or woman] who loves his [or her] country prefers its liberty to all other considerations, well knowing that without liberty life is a misery.” I ask you to help me and the Bar Foundation to aid our public interest lawyers as they work to preserve liberty for every one of Philadelphia’s residents.

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

Photo by Jeff Lyons

Bar Foundation
What it Means to Be a Philadelphia Lawyer

By Steven E. Bizar

Rochelle M. Fedullo (from left), Steven H. Eichler, Michael P. McKenna and former Chancellor Kathleen D. Wilkinson were honored by Vice Chancellor Deborrah R. Gross, immediate-past president of the Philadelphia Bar Foundation, on Dec. 5 at the offices of Margolis Edelstein. Each was presented with a “Crystal Award” for their commitment toward building a solid foundation to support the Bar Foundation’s mission of promoting equal access to justice.

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What to Expect in 2015

By Carol Clatyon

With another new year upon us, many investors may be wondering what to expect in 2015. In this month’s interview, Eugene William (Bill) Stone, chief investment strategist with PNC Asset Management Group, shared some of his insights on what may be in store in the coming year.

What is your prediction for the U.S. economy in 2015?

We believe 2015 will be a year of continued economic expansion for the United States. Global trends indicate a divergence of growth, with the U.S. economy forecast to expand at a faster pace than this year, while some other developed countries’ economies are forecast to experience slowing growth. For the third year in a row, our outlook for the coming year includes the Eurozone as a risk factor. For 2015, the risk is an economic one to global growth. The Eurozone economy appears to be stagnating.

Looking back on the past year, what factors helped to shape where we are today?

The year 2014 was one in which divergence began to take shape, with the continued economic expansion in the United States aided by good corporate earnings and a low-interest-rate environment. Joining the United States in continued growth were the United Kingdom, Canada and a few others. Markets rewarded investors in U.S. stocks. Global markets did not fare as well, responding to slower growth and geopolitical concerns.

Do you believe volatility in the markets will continue into 2015?

Volatility returned to markets in 2014 with heightened perceived risks. Leading were geopolitical concerns including tensions in Ukraine and the Middle East. Additionally, slowing global growth forecasts have affected markets with some apprehension over the outlooks for regions including the Eurozone, China and Japan. We believe volatility is likely to remain at or above these levels in the near term, with flare-ups also possible from time to time moving through 2015.

What is your outlook for interest rates in the coming year?

With the continued strength in the U.S. economy, directionally the Federal Reserve (Fed) for the first time in many years is moving toward “monetary policy normalization” with the end of monthly asset purchases in October 2014, and anticipation of an increase in interest rates in 2015. PNC projects the Fed will make its first increase in interest rates in July 2015.

Do you think inflation will hold steady in 2015?

The Consumer Price Index has trended lower in 2014, in part due to lower energy prices. While indicators are not pointing to a structural rise in inflation, we do note that every so often markets overreact. Higher inflation does not have to be present for there to be an inflation scare. All that is needed is the potential for higher inflation.

What is your projection for the S&P 500?

Preferring to err on the conservative side, and given the downside risks to the market, we are setting the 2015 S&P fair value range estimate for the S&P 500 at 2,025-2,250, with an expected value of 2,150. The 2,150 level, assuming a dividend yield of about 1.9 percent, should provide a total return of mid-single digits. From a long-term perspective, we believe the S&P 500 appears neither wildly overvalued nor undervalued, but we believe it is positioned to provide real returns in excess of cash or bonds along with upside potential.

Will bonds continue to play an important role in investors’ portfolios this year?

Given the challenging environment, we believe it is wise to delve more deeply into the composition of the fixed-income asset class. We continue to believe in a disciplined and long-term approach to investing, and we remind investors of the importance of fixed income, not only in terms of a portfolio’s composition but also in order to help manage risk.

Carol Clatyon can be reached at carol.clatyon@pnc.com or 215-585-5679. For more information, visit pnc.com/wealth-management

Wellness Programs Get Noticed

By Brian McLaughlin

The Chicago District Office of the Equal Employment Opportunity Commission (EEOC) filed two lawsuits against employers over wellness programs where the arrangements, among other things, shifted the entire premium cost to the employee for non-participation in certain medical exams. Also in a third lawsuit, the EEOC is challenging an aggressive incentive-based program sponsored by Honeywell.

In this case, the EEOC alleges violations under the Title I of the Americans with Disabilities Act (ADA) and Title II of the Genetic Information Nondiscrimination Act (GINA). As framed by the EEOC, the relevant facts and issues are as follows. It is expected that the employers dispute some, or all, of the allegations.

Honeywell. Honeywell announced for the 2015 plan year, covered employees, and their covered spouses if applicable, would need to undergo biometric testing (a blood draw). Failure to do so would result in potential lost contributions and surcharges totaling as much as $4,000 for the year. Specifically, non-participants could lose up to $1,500 in HSA contributions and face a $500 surcharge on medical premiums. Declining the blood draw also resulted in a $1,000 tobacco-related surcharge per employee and/or covered spouse regardless of whether the employee/spouse declined the blood draw for non-tobacco reasons. Prior to implementation, two employees filed complaints with the EEOC’s Chicago District Office alleging ADA and GINA violations. Briefly, the EEOC alleges: A blood draw is a medical exam and is not job related and consistent with business necessity. Therefore, to be permitted under the ADA, the program must be voluntary. Employees failing to participate in the blood draw are penalized through lost HSA contributions and surcharges.

The EEOC believes this program is involuntary under the ADA. In addition, to avoid lost contributions and surcharges, a covered spouse must also participate in the blood draw. The EEOC alleges this violates GINA because it is an impermissible collection of an employee’s genetic information (defined to include the manifestation of a disease or disorder in a spouse as reported in the blood work).

In a press release, Honeywell strongly disputes the EEOC’s allegations and specifically states their program complies with the requirements under HIPAA and the ACA.

Orion Energy. The EEOC maintains that the employer instituted a wellness program that required medical examinations and the completion of disability-related questions through a health risk assessment. When an employee declined to participate in the program she was required to pay 100 percent of her health insurance premium. Had she...
Health Care

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participated in the program, the employer would have paid the full premium associated with her health coverage. Another component of the program required use of a Range of Motion (RM) machine to avoid a $50/month surcharge. When the employee expressed her objection to the program she was terminated from employment. The EEOC alleges the medical examination and subsequent action to terminate the employee violated the ADA.

Flambeau. The EEOC alleges employees were required to complete biometric testing and a health risk assessment consisting of blood work, measurements and a self-disclosure of medical history. In this case, the employee was unable to complete the biometric testing and risk assessment on the day indicated by the employer because the employee was on a medical leave. Once he returned from medical leave, the employee requested additional time to complete the requirements of the wellness program, but the request was rejected by the employer. Subsequently, the employer cancelled his health insurance coverage, but allowed for reinstatement at the full premium cost. The employee could not afford that cost and his insurance remained cancelled. The employer also informed employees that failure to attend the testing at the appointed time could result in “disciplinary action.” Employees who participated in the program did not have their coverage cancelled and paid 25 percent of the premium cost.

While the plan designs described above may not be the “norm,” the alleged facts provide a helpful reminder that employers need to carefully evaluate and identify potential risks in their wellness programs with employment counsel. This is particularly true in light of the EEOC action against Honeywell.

Based on the ongoing litigation, the EEOC’s statements and other informal guidance, some practices that should be avoided with respect to wellness programs include:

- Terminating employees for non-participation in a wellness program.
- Requiring the employee to pay a significant amount of the cost for health insurance coverage if the employee does not participate in the wellness program, when participating employees are required to pay little, or nothing, for coverage.
- Denying access to a benefit (including an HRA) for failing to participate in a wellness program.
- Terminating employees for non-participation in a wellness program.

In addition, in light of Honeywell, employers should carefully review the use of financial incentives to encourage participation in biometric tests, medical exams or health risk assessments. Absent clarification, any incentive (even if it satisfies HIPAA requirements) has the potential to trigger a problem under the ADA and GINA.

88 Become U.S. Citizens on Bill of Rights Day

U.S. District Court Judge Mitchell S. Goldberg (top photo) displays the citizenship certificate given to his great grandfather when he became a U.S. citizen in 1903. Judge Goldberg presided over a Bill of Rights Day naturalization ceremony on Dec. 15, which included remarks from 2014 Congressman Mike Fitzpatrick and U.S. District Court Senior Judge Norma L. Shapiro. Eighty-eight people from 42 nations became U.S. citizens at the ceremony, sponsored by the Philadelphia Bar Association.
“Cecil would never let his ‘Montford Point Marine’ attitude get too far away from him,” said Dandridge, who also trained at the segregated Marine base at Montford Point, N.C. “He led the charge as president of the Philadelphia branch of the NAACP and led the protest against the exclusionary policies at Girard College. Cecil was a community leader who challenged major corporations and institutions in efforts to increase black participation and employment.”

“Today, I believe that both Bernie Segal and Cecil Moore would speak loudly about Philadelphia being the major United States city with the highest poverty rate. One as an advocate for mankind, and the other, as an advocate for the downtrodden — they would speak out. They would also speak out about veterans having substandard health care and living in cardboard boxes under highway overpasses. They would both speak out about women and persons of color having limited opportunities to succeed,” Dandridge said.

“I want you, and us as a Bar Association, to commit to enhancing our service to our community. In this regard, I will ask every leader of our Association not only to undertake pro-bono service, which we all have committed to do, but also commit to other service to our community that is not of a pro-bono nature,” the Chancellor said. He introduced leaders of community service organizations in the city to help emphasize the need.

“I will also be asking for your help in promoting programs to help our veterans. We will commit to strengthening our outreach to the veterans’ community, including seeking legislative solutions for that community, to participate in military assistance programs, such as, among other things, counseling military personnel about predatory lending practices, and, to join in the outreach to the Veterans Administration to explain to and assist veterans in receiving the benefits that they are entitled to. The high rate of suicide in the veterans’ community is unacceptable,” Dandridge said.

“Finally, I will ask that we do all that we can to enhance the opportunities for all attorneys,” he said. “We, as a Bar Association, will propose the adoption of diversity action plans, in which the bar leadership will be asked to individually take on diversity and inclusion initiatives and responsibilities. We, the bar leadership and others, will meet in January to map out a strategy to accomplish all of these goals.”

“In my church, as in many others, we ask our parishioners to contribute their time, talent and treasure for the betterment of mankind,” Dandridge said. “I believe that no matter what your faith, each of us knows at least one person who, without question, puts service to their community as their top priority. As scripture says: ‘To whom much has been given, much is required.’ We, as attorneys and as leaders in our communities, are very good at contributing our talent, such as pro-bono matters, and contributing our treasure, we write checks — lots of checks. We are very generous with our talent and our treasure, but perhaps not so much with our time. Time is our least expensive, but most precious commodity.”

At the end of the day, it is my hope that when each of you tell people that you are a “Philadelphia Lawyer,” their response might be “thank you for your service.”
Diversity
continued from page 1

Principles and in the Diversity and Inclusion Action Plan. The Association shall disseminate the Diversity and Inclusion Action Plan within the Association and make it publicly available.

In September, the Board adopted a revised Statement of Diversity and Inclusion Principles, that states, in part: “Creating a diverse and inclusive environment is a long-term commitment to the future of the profession, and achieving diversity and inclusion is a continuing process that requires a steadfast commitment by the Bar.”

According to the statement, diversity is a broad concept that includes race, ethnicity, gender, religion, age, disability, sexual orientation and gender identity, marital status, veteran status, parental status, socioeconomic status and unique attributes, and inclusion, the harnessing of our diversity so that everyone is valued and has the opportunity to fully participate and succeed in the profession.

“The Association wants to set forth goals, metrics and track recording mechanisms for how we address and deal with diversity and inclusion issues,” said Sophia Lee, Board of Governors Diversity Chair.

Under the Plan, each Division, Section and Committee is encouraged to adopt a diversity and inclusion plan that is consistent with the objectives of the Diversity and Inclusion Action Plan or to review and appropriately modify its existing diversity plan to reflect consistency with the Plan.

According to the Plan, consistent with the Association’s bylaws, the Bar Election Committee shall encourage diverse candidates to run for elected office in the Association. The chair of the Bar Election Committee will monitor and track the demographics of the candidates for elected office and report them to the Chancellor and/ or his or her designee.

Another goal of the Plan is to strengthen relationships with affinity bar associations, diversity organizations, members and other entities. This includes publicizing diversity events, programs and announcements in the Bar Reporter, Bar Reporter Online, and YLD EZine and by other appropriate means (including social media) to the greatest extent possible. The Association will continue to collaborate, support and partner with affinity bar associations on programs and events. The Association shall maintain visibility at diversity and inclusion conferences by having Bar Leaders serve as speakers and sponsors and attend the conferences to the greatest extent possible.

Each member of the Board of Governors and other Bar leaders are asked, on an annual basis, to complete a number of items on an Individual Diversity and Inclusion Action Plan Checklist. The items include mentoring, speaking engagements, Bar Association involvement, reading related articles and other materials, among other things.

“It’s a list of suggested activities for improving on diversity and inclusion and getting better engagement on those issues,” said Lee.

In other business, seven new members were appointed to Philadelphia VIP’s Board of Directors. The new members are Anthony J. Baratta, Matthew C. Jones, Anne E. Kozul, Theresa E. Liscalzo, Steven A. Shoemaker, Philadelphia Court of Common Pleas President Judge Sheila Woods-Skipper and Matthew P. Woodward.

Rochelle M. Fedullo and Amber Racine were appointed to the Editorial Board of The Philadelphia Lawyer magazine. Maureen M. Farrell was appointed to the Editorial Board of the Philadelphia Bar Reporter.
Abraham C. Reich, co-chair of Fox Rothschild LLP and a former Chancellor of the Philadelphia Bar Association, has been selected by the Philadelphia Business Journal as one of the honorees for its 2014 Most Admired CEO Awards.

Amina Daniels, an associate at Swartz Campbell, has been named as a board observer to Dignity Housing, whose mission is to break the cycle of homelessness and poverty that confronts low-income families and individuals in Philadelphia.


Salvatore M. De-Bunda, co-managing partner of Archer & Greiner P.C., has received “Philadelphia SmartCEO” magazine’s 2014 Circle of Excellence Award for nonprofit leadership in recognition of his service as president of the Pennsylvania Thoroughbred Horsemen’s Association, representing racehorse owners and trainers at Parx Racing in Bensalem, Pa.

Bryan P. Franey of Manlove, Gold, Katcher & Fox, LLP discussed “Environmental Issues Update for Real Estate Lawyers” at the Pennsylvania Bar Institute’s 18th Annual Real Estate Institute in December.

Steve Masters, founder of JustLaw PLLC, was the featured speaker on the panel “Managing Relationships Between Developers and Community” at the Philadelphia Association of Community Development Corporations’ Symposium on Equitable Development on Dec. 10 at the Federal Reserve Bank in Philadelphia.

Philadelphia Court of Common Pleas Judge Joseph D. O’Keefe is congratulated by 2014 Chancellor William P. Fedullo at a Dec. 11 ceremony at City Hall where a portrait of the retiring judge was unveiled. He has been a judge for the Philadelphia Court of Common Pleas since 1983. He has served as the administrative judge of the Orphans’ Court of the First Judicial District since 2000.

Peter H. “Tad” LeVan Jr., founder and managing partner of LeVan Law Group LLC, has been named to the Board of Trustees of Choral Arts of Southern New Jersey.

Joseph A. Conlan, an associate with Martin LLC, recently spoke to a group of law students at an event coordinated by the Career Strategies Office at Thomas R. Kline School of Law at Drexel University.

Timothy R. Lawn, a partner in Raynes McCarty, was a co-course planner and speaker at the Pennsylvania Institute for Justice 9th Annual Medical Malpractice Seminar on Nov. 11.

Lawrence Felzer (left), director of development and finance at SeniorLAW Center and member of the Board of Governors of the Philadelphia Bar Association, received a Volunteer Service Award from ACLU of Pennsylvania, as presented by Executive Director Reggie Shuford at ACLU’s Bill of Rights Dinner in October at the National Museum of American Jewish History.
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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