A staunch advocate for women in the legal profession, Mary F. Platt, a litigator at Fineman Krekstein & Harris P.C., ascended as the Philadelphia Bar Association’s 91st Chancellor at the Annual Meeting Luncheon at Hyatt at The Bellevue on Dec. 5 on a platform of membership growth based on engagement and value and a strategic plan that will keep the Association focused on its core values and goals over time.

As the first woman equity partner at Montgomery McCraken Walker & Rhoads LLP, Platt is a champion for women in the law. “I was fortunate to be hired by Montgomery McCraken because the women lawyers there formed a women’s lawyers group soon after I started working. Our group persuaded the Management Committee to adopt a maternity leave policy, and helped women lawyers become partners and develop business,” she said. “I joined the [Association’s] Women in the Profession Committee when I was a young partner because it helped me network with women lawyers outside my firm. They became my good friends, and worked with me on programs to help women lawyers advance in our profession.”

Platt talked about the role of the legal community in improving the justice system. “In our country, lawyers and judges are the system of justice. So in addition to doing our jobs, we have an obligation to work toward improving our laws and ensuring equal access to justice for all. I became involved in our Association because it gave me opportunities to fulfill this obligation,” she said. “For this reason, it is important that the Philadelphia Bar Association stands up for the core values that we share as attorneys—namely, respect for the rule of law and the judiciary, separation of powers, constitutional rights, access to justice, the independence of the judiciary, diversity and inclusion, and civil rights.”

However, she discussed the obstacles that face bar associations today. “Like all bar associations, we face financial challenges, because lawyers are not joining the Association in the same numbers as they did earlier in my career,” Platt said. “My goal next year will be to encourage everyone in our legal community to be members of our Association because of all we do to improve our profession, increase access to justice, and defend the core values that protect our democracy.”

Also at the Annual Meeting Luncheon, President Judge Marsha H. Neifield of the Philadelphia Municipal Court was presented with the Justice William J. Brennan Jr. Distinguished Jurist Award, and the PNC Achievement Award was presented to both Alfonso Madrid, of the Law Office of Alfonso Madrid, and Bennett G. Picker, senior counsel at Stradley Ronon Stevens & Young, LLP and former Chancellor. In addition, the Association honored Lizzy Wingfield, the winner of the 2017 Justice Ruth Bader Ginsburg “Pursuit of Justice” Legal Writing Competition.

President Judge Neifield has worked to empower victims while holding first-time misdemeanors offenders accountable and pro...
Diversity

continued from page 1

the federal judiciary and leaders of the Department of Justice reflect the rich diversity of the nation’s population, and so that all Americans and participants in our justice system may have confidence in the integrity and fairness of our system.

The Philadelphia Bar Association is committed to promoting diversity, a broad concept that includes race, ethnicity, gender, religion, age, disability, sexual orientation and gender identity, martial status, veteran status, parental status, socioeconomic status, our unique attributes and inclusion, harnessing our diversity so everyone is valued and can fully participate and succeed in the profession. The Association has adopted a Statement of Diversity and Inclusion Principles “to evidence its strong commitment to promoting full and equal participation in the Association, our profession, and the justice system by all persons, and to eliminating bias in the legal profession and the justice system.”

According to the U.S. Census Bureau’s population estimates for 2016, the U.S. population is 72.6 percent white, 17.8 percent Hispanic of any race, 12.7 percent black or African-American, 5.4 percent Asian and 0.8 percent American Indian and Alaska Native. Five percent report being some other race and 3.2 percent report being two or more races. Also, according to the census 49.2 percent of Americans are male and 50.8 percent female.

Over the first 11 months of the current administration, the President has nominated 59 individuals to serve on the U.S. Supreme Court, the U.S. Circuit Courts of Appeals and the District Courts, of which 91 percent are white and 81 percent are male; 57 individuals to serve as U.S. Attorneys overseeing the nation’s federal districts, of which 98 percent are white and 94 percent are male; and the least diverse judicial nominees of any President in the past 30 years.

After the Board of Governors adopted the resolution, Chancellor Deborah R. Gross, Chancellor-Elect Mary F. Platt and Vice Chancellor Rochelle M. Fedullo wrote letters to Senators Casey and Toomey and to Senate Committee on the Judiciary Chair Charles Grassley expressing the Association’s concerns and requesting that they carefully consider the importance of diversity in Judicial and Department of Justice nominees.

To view the full resolution, visit PhiladelphiaBar.org.

---

Board Adopts 2017 Pro Bono Task Force Report

The Board of Governors unanimously adopted a resolution on Dec. 12, 2017 adopting the 2017 Pro Bono Task Force Report and changing the name of the Large Firm Pro Bono Committee to the “Law Firm Pro Bono Committee,” which will create a mentoring program to implement recommendations of the Report.

In December 2001, Chancellor Allan Gordon appointed a Pro Bono Task Force to rigorously and comprehensively evaluate the need for, and the delivery of, pro bono legal services to the needy, disadvantaged and disenfranchised in Philadelphia. The 2002 Pro Bono Task Force issued a comprehensive report with recommendations to the legal community to renew and expand its commitment to the delivery of pro bono legal services.

Immediate Past-Chancellor Deborah R. Gross appointed a new Pro Bono Task Force in December 2016, chaired by Hon. Annette M. Rizzo (Ret.) and John P. Lavell Jr., and representing a diversity of perspectives in the Philadelphia legal community. The Task Force was asked to examine the state of pro bono legal services in Philadelphia, to report on how far we have come in the intervening 15 years, and to provide recommendations to encourage and expand pro bono work.

The 2017 Pro Bono Task Force sought to build on the foundation laid in the 2002 report to assess what progress has been made in implementing the recommendations made in that report, and to provide recommendations to continue progress in the future.

The 2017 Pro Bono Task Force was divided into four subcommittees (Private Practice; Public Interest Organizations; In-House and Government; and Attorneys in Transition and Legal Assistants) to gather data identifying challenges and obstacles to pro bono work, and recommend specific actionable solutions. The four subcommittees reconvened and composed the 2017 Pro Bono Task Force Report, a comprehensive guide to the challenges facing the provision of pro bono services in each of the four categories and offering actionable solutions to increase pro bono participation, harness the untapped potential within groups of attorneys who presently do not engage in pro bono activities, enhance coordination among pro bono programs and provide much needed support to a greater share of those in need.

To view the full resolution and the 2017 Pro Bono Task Force Report, visit PhiladelphiaBar.org.

---

Board Adopts 2018 Association Budget

The Board of Governors adopted a resolution on Dec. 12, 2017 to approve the Philadelphia Bar Association’s 2018 Budget.

The 2018 Chancellor will appoint a Budget Enhancement Task Force to develop recommendations to the Board to increase revenues and reduce expenses, with the goal of closing the projected budget deficit for 2018 in an amount of at least $100,000. The Budget Enhancement Task Force will report back to the Board by the February 2018 Board of Governors meeting.

To view the full resolution, visit PhiladelphiaBar.org.

---

2018 Philadelphia Bar Association Budget

Sources of Funds

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Membership Dues</td>
<td>$1,830,000</td>
</tr>
<tr>
<td>Lawyer Referral Service</td>
<td>527,000</td>
</tr>
<tr>
<td>Committee Programs</td>
<td>42,000</td>
</tr>
<tr>
<td>Publications</td>
<td>100,000</td>
</tr>
<tr>
<td>Interest and Dividends</td>
<td>65,000</td>
</tr>
<tr>
<td>Royalties</td>
<td>425,000</td>
</tr>
<tr>
<td>Affiliate Services</td>
<td>40,000</td>
</tr>
<tr>
<td>Special Events</td>
<td>102,500</td>
</tr>
<tr>
<td>YLD Program</td>
<td>15,000</td>
</tr>
<tr>
<td>Annual Sponsorship Program</td>
<td>50,000</td>
</tr>
<tr>
<td>CLE</td>
<td>496,554</td>
</tr>
<tr>
<td>Outside Groups</td>
<td>83,000</td>
</tr>
<tr>
<td>Catering</td>
<td>21,700</td>
</tr>
<tr>
<td>Total Revenue</td>
<td>$3,797,754</td>
</tr>
</tbody>
</table>

Application of Funds

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Services</td>
<td></td>
</tr>
<tr>
<td>Lawyer Referral Service</td>
<td>83,211</td>
</tr>
<tr>
<td>Committee Activities</td>
<td>40,000</td>
</tr>
<tr>
<td>Meeting Services and Special Events</td>
<td>183,200</td>
</tr>
<tr>
<td>Phone, Internet and Technology</td>
<td></td>
</tr>
<tr>
<td>Rent</td>
<td>165,410</td>
</tr>
<tr>
<td>Total Program Services</td>
<td>1,737,729</td>
</tr>
</tbody>
</table>

Support Services

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Salaries</td>
<td>1,750,240</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>679,952</td>
</tr>
<tr>
<td>Stationery, Postage and Office Expense</td>
<td>40,325</td>
</tr>
<tr>
<td>Total Support Services</td>
<td>2,470,517</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>4,208,245</td>
</tr>
<tr>
<td>Change in Net Assets</td>
<td>($410,492)</td>
</tr>
</tbody>
</table>
Supporting and Connecting You With Our Philadelphia Legal Community

By Mary F. Platt

Happy New Year! As we start 2018, I encourage you to support and connect with our Philadelphia legal community by renewing your membership and actively participating in the Philadelphia Bar Association.

The Association needs you, and our legal community needs the Association. As I discussed in my inaugural address at our Annual Meeting Luncheon last month, lawyers and judges are the guardians of justice in Philadelphia, and our Association enables them to play this role. While there are many wonderful legal associations in our community, ours is unique in that it connects everyone in our city’s legal community; providing opportunities for all of us to work together to advance our careers, improve our justice system and serve our legal community and community-at-large.

The Association brings the Philadelphia legal community together to defend our core values—namely, respect for the rule of law and the judiciary, separation of powers, constitutional rights, equal access to justice, the independence of the judiciary, diversity and inclusion and civil rights. While we are a nonpartisan organization made up of members with different political views, our commitment to the rule of law and our justice system unites us.

Our Association speaks for members on issues relating to these core values and provides opportunities for our Sections and Committees to propose to our Board of Governors improvements to laws, legislation and court rules. Upon Board approval, our Association champions these improvements to our courts and lawmakers in City Hall, Harrisburg and Washington, D.C.

Your membership allows you to engage in these activities and serve your interests. Our Sections, Young Lawyers Division and Committees offer many opportunities to network, hone leadership skills and develop life-long relationships with lawyers that will benefit your career and make your job more satisfying. I urge you to visit PhiladelphiaBar.org and join a Section that focuses on your practice area and Committees that focus on your interests.

New young lawyer members automatically become members of our robust Young Lawyers Division.

In addition to connecting members with other Philadelphia lawyers, our Association connects the bench and bar by working closely with the courts to improve our system of justice, ensure equal access to justice and serve our community. We also connect other Philadelphia legal associations. Our Diversity in the Profession Committee connects leaders of affinity bar associations who work together to make our legal community more diverse and inclusive, and our Delivery of Legal Services Committee connects 38 legal service agencies that work together to improve access to justice in Philadelphia.

My 2018 initiatives focus on supporting all of these activities, serving other member needs and the Philadelphia legal community; and adding value to membership. They include:

• Developing a plan that will set goals for the Association based on our core values, as well as strategies to achieve these goals;
• Promoting diversity and inclusion in our profession;
• Increasing access to justice and opportunities for members to provide pro bono service;
• Revitalizing and making technology the focus of the Law Practice Management Committee;
• Promoting healthy practices like mindfulness, meditation and nutrition via a new Wellness Committee;
• Reestablishing a Mid-Size Law Firm Management Committee that will focus on the needs of lawyers in mid-size firms;
• Increasing programming by the Women’s Rights Committee on legal issues that are impacting women in our society;
• Hosting Community and Chancellor Forums that focus on issues of concern to our legal community;
• Finalizing and adopting revisions to our Association Bylaws; and
• Much, much more!

I invite your input and encourage your participation with respect to these initiatives. I also encourage you to take advantage of the following member benefits:

• Attend CLEs for credit at low cost or for no credit fee of charge;
• Enjoy significant discounts on a wide variety of products and services that you use in your practice and personal life, and special pricing at several venues including the Kimmel Center for the Performing Arts, Holman Premier Partners, the Pyramid Club and Philadelphia Sports Clubs;
• Receive member discounts on Association events, subscriptions to award-winning print and digital publications, professional guidance on ethics issues and access to our Career Center;
• Use new and improved insurance brokerage services from USI Affinity and with our Ardent Rewards Visa Credit Card; and
• Publish your articles or commentary in The Philadelphia Lawyer magazine and the Philadelphia Bar Reporter newspaper, or Upon Further Review, our online legal news publication.

Everyone in the Philadelphia legal community should want to be a member of our Association because of all that we do for our city’s legal community and its residents. Thank you for supporting our Association with your membership!

Mary F. Platt (mplatt@finemanlawfirm.com), attorney at Fineman Krekstein & Harris P.C., is Chancellor of the Philadelphia Bar Association.
Happy new year!

With the busy holiday season behind us, it is time to look forward to what promises to be a great 2018 for the Philadelphia Bar Association and its Young Lawyers Division. The YLD’s many stalwart annual events and programs will continue, including Law Week, Legal Line and Bootcamp. We will once again devote our time and talent to vitally important efforts to provide access to justice by supporting the Philadelphia Bar Foundation and spearheading expungement clinics in our community. We will continue to promote diversity and inclusion through our support of the diversity scholarship reception and through partnerships with the various affinity bar associations. Finally, we will continue to enjoy the host of valuable benefits of Association membership, including timely and relevant CLE programs and networking opportunities.

I am thrilled to also welcome into the fold this year the Senior Lawyers’ Committee and YLD Mentoring Program, which promises to provide participants with invaluable advice and counsel.

I am excited and honored for the opportunity to serve as your Chair this year, and I hope to help us further raise the bar. As a division we do so much, and I am proud to say that we do it well. However, there is always room for improvement. In 2018, I would like our collective focus to be on continuing, improving and expanding our important access to justice initiatives; helping to foster increased participation by diverse attorneys within our ranks; and promoting Association membership to our colleagues and friends. More details to follow in the coming weeks and months, but suffice it to say I am confident that with your continued leadership and support we will take big steps toward achieving these goals.

To those who have already committed to help with all our important YLD initiatives, THANK YOU! You are the lifeblood of this organization and are to be commended. For those who have not yet been actively involved, I would love to meet you! Not only is your participation necessary to our continued success, I promise you will find the experience both gratifying and rewarding. If you are looking for an outlet to give back to the community; if you are interested in building or expanding your professional network; if you are searching for interesting and practice-relevant CLE programming; or if you are simply seeking to mix and mingle with your colleagues in the Philadelphia legal community—the Association and the YLD are for you.

Visit PhiladelphiaBar.org and please join us!

Vincent N. Barbera (barberav@whiteandwilliams.com), associate at White and Williams LLP, is chair of the Young Lawyers Division.

YLD Annual Holiday Party, Award Ceremony and Gift Drive

The Young Lawyers Division held its Annual Holiday Party, Award Ceremony and Gift Drive at James restaurant in Philadelphia on Nov. 30. Members brought toys and donations for Turning Points for Children. Turning Points provides programs that help families in raising safe, healthy, educated and strong children. The YLD also presented the F. Sean Peretta Service Award and Craig M. Perry Service Award and the Vision Award.

Top, left: Matthew S. Olesh, 2017 YLD chair (left) and Vincent N. Barbera, YLD chair, and Turning Points for Children’s Markia Wilkinson, home certification specialist (second, left), and Eartha Holland, director of development, with toys and donations for Turning Points. Bottom, left: Sarah Schindler, 2017 YLD financial secretary, with Peretta Award recipient Jason W. Poore. Bottom, right: Dana Gittleman, 2017 YLD vice chair, with Perry Award recipient Colin Burke. The Free Library of Philadelphia was the recipient of the Vision Award.
Unified Giving: A Dynamic Approach to Support

By Thomas A. Brophy

Providing Long-Term Sustainability

Giving projections are also favorable under this model due to reduced Foundation expenses in seeking donations and sponsorships at multiple times during the year. Our board members will turn their attention to developing deeper, mutually beneficial relationships with donors and constituents. Unified giving commitments will provide the Foundation with more flexibility and will allow us to restructure our event model to maximize revenue and reduce costs. We will investigate and plan for new types of events to generate additional gifts while simultaneously raising awareness for the Foundation’s work in strengthening the civil legal aid community in Philadelphia.

The Foundation is always striving to find innovative solutions to the legal aid challenges in our city. More than a quarter of all Philadelphians live below the federal poverty line and only 1-in-5 low-income individuals and families in Philadelphia receive the civil legal assistance needed to address crucial problems affecting their lives. This lack of access to justice compromises an individual’s ability to exercise their basic rights and fully participate in our economic and civic systems.

It is important to note that the Unified Approach to Giving does not affect individual contributions which are a substantial part of the Foundation’s revenue through the year. Every individual donor that gives a gift to the Foundation is valued. There are many worthy organizations to donate to, and we appreciate each Foundation gift in every amount.

For more information on our new approach, or to understand how your firm can be involved, please reach out to me directly. I look forward to hearing from you and to helping you move forward in this new partnership model with the Foundation.

Thomas A. Brophy (tabrophy@mdwcg.com), president and CEO at Marshall Dennehey Warner Coleman & Goggin, P.C., is president of the Philadelphia Bar Foundation.

Funding the Future of Legal Aid

Join us as we advance access to justice and the delivery of civil legal aid in Philadelphia. You can make a difference in the lives of thousands of people in need across Philadelphia and our region.

Philadelphia Bar Foundation
Donate today at www.PhilaBarFoundation.org

ATTORNEY DISCIPLINARY / ETHICS MATTERS
STATEWIDE PENNSYLVANIA MATTERS
NO CHARGE FOR INITIAL CONSULTATION

Representation, consultation and expert testimony in disciplinary matters and matters involving ethical issues, bar admissions and the Rules of Professional Conduct

James C. Schwartzman, Esq.

- Chairman, Judicial Conduct Board of Pennsylvania
- Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania
- Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania
- Former Chairman, Supreme Court of Pennsylvania Interest on Lawyers Trust Account Board
- Former Federal Prosecutor
- Selected by his peers as one of the top 100 Super Lawyers in Pennsylvania 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 Defendants Legal Malpractice Law

1818 Market Street, 29th Floor • Philadelphia, PA 19103 • (215) 751-2863
DEC. 15, 2017 BILL OF RIGHTS DAY NATURALIZATION CEREMONY

Left: Philadelphia Bar Association Chancellor-Elect Rochelle M. Fedullo (right) with Hon. Harvey Bartle III, U.S. District Court for the Eastern District of Pennsylvania (center, left); Ben R. Wolf, vice president of the Pennsylvania Society Sons of the Revolution; and Ayodele A. Gonsallo of HIAS Pennsylvania; at the Bill of Rights naturalization ceremony sponsored by the Philadelphia Bar Association at the U.S. Courthouse on Dec. 15. Right: Sixty-one people from 30 countries became U.S. citizens at the ceremony.

CRIMINAL JUSTICE SECTION - FORUM WITH DISTRICT ATTORNEY KRASNER

The Philadelphia Bar Association Criminal Justice Section hosted a public forum with then District Attorney-Elect Larry Krasner on Dec. 20. Krasner discussed the progress that his transition team had made since his election and his plans for the Office of the Philadelphia District Attorney. To listen to an audio recording of the forum, visit PhiladelphiaBar.org.

Left: Philadelphia District Attorney Larry Krasner (center) with 2017 Chancellor Deborah R. Gross (left), Chancellor Mary F. Platt (right), and Thomas Ivory (center, left) and James F. Berardinelli, 2017 Section chairs at the forum.
Workers’ Compensation Section

Workers’ Comp Wraps Up Another Year of Giving

By Deborah B. Richman

The Workers’ Compensation Section closed out 2017 with several opportunities for members of the Section and the Philadelphia Bar Association to donate resources, toys, clothing, time and more to a variety of charitable organizations and causes in the Greater Philadelphia Region.

On Nov. 30, the Section provided and served lunch to nearly 300 hungry homeless men at St. John’s Hospice in Philadelphia. On the menu was ham, baked ziti, meatballs, sautéed string beans, sweet potatoes, TastyKake pies and Turkey Hill drinks. The monetary donation used to purchase the food was provided by Chartwell Law Offices; Del Collo & Mazzanti LLP; Dickie, McCamey & Chilcote, PC.; Gross & Kenney, LLP; Krasno, Krasno & Oywadino; Martin Law LLC; PearsonKoutcher LLP; Pond Lehocky Stern Giordano; and Schaff & Young. Any leftover food was sent to other shelters. In addition to the food, the firms gave St. John’s $2,900 for use in future programs. The lunch servers included Mary Wagner and Christine Berry, Angie Chernitsky and Denise Owens, Joseph Ring, Kayla Kieszek and Mark Davis, Laura Brooke and Mindy Levin, Alexis Handrich, Christopher Fox and Ruxandra Osgood, Jennifer Erkin and Deborah Richman. At the Section’s Halloween Happy Hour on Oct. 26 and the CLE program on Nov. 17, it collected money, including a donation from Pond Lehocky Stern Giordano, and donations in-kind for Women Against Abuse. Throughout the fall, the Section collected monetary donations and sold socks as part of the “Show Your Stripes Fundraiser” to raise money for the Philadelphia Ronald McDonald House. Each house is responsible for 90 percent of its own funding, and the mansion on 39th and Chestnut streets is currently under construction to enable it to increase the number families it serves annually from 800 to 1,900. The Section also collected toys and monetary donations for Philadelphia Toys for Tots at its annual holiday party held at the Downtown Club on Dec. 6.

During 2017, the Section made monetary donations to Saint John’s Hospice, USO, PAWS, Mother’s Home, Children’s Village, Alex’s Lemonade Stand, Cradles to Crayons, Texas SPCA, Women Against Abuse, Aid for Friends and Philadelphia Toys for Tots. Section members are looking forward to a wonderful 2018 full of charitable activities and events.

Deborah B. Richman (drichman@tthlaw.com), associate at Thomas, Thomas & Hafer LLP, is a cochair of the Workers’ Compensation Section Charitable Events and Community Service Committee.

For more information on placing a Lawyer to Lawyer referral ad, please contact LANA EHRLICH at 215-557-2392 or lehrlich@alm.com.
LRIS refers potential clients to approximately 175 attorneys.

LRIS attorneys are in good standing, have professional liability insurance and must meet certain experience requirements.

LRIS attorneys practice in more than 150 areas of law.

In 2016, LRIS received 26,802 inquiries and made 10,844 referrals.

If You Have Someone You Cannot Help… Refer Them to Us!

Questions?
For questions, contact Director of Public and Legal Services Charlie Klitsch at (215) 238-6326 or cklitsch@philabar.org.
Reflections on Successfully Reinvigorated Committee

By Maureen M. Farrell

It has been an energizing year as chair of the Philadelphia Bar Association’s Solo, Small, and Mid-Size Firm Management Committee. The growth of the Committee was exciting for several reasons.

First, it mirrored the vibrancy of the solo, small and mid-size firms located in the Greater Philadelphia Region. Philadelphia houses its share of large firms, but solo, small and mid-size law firms make up nearly two-thirds of firms in Pennsylvania. According to the Lawyer Standard Report, produced in 2005 and published by the American Bar Foundation in 2012, approximately 64 percent of firms in Pennsylvania are comprised of 50 or fewer attorneys.

Second, in a breakdown among Association Sections, memberships of two Sections are comprised of near or above 50 percent solo and small firm practitioners. Also, nearly one-third of membership of the three largest standing Committees are comprised of solo and small firm practitioners.

In addition to the growth of the Committee, its most important objective was to seek greater membership participation. Understanding what members value is always an ongoing process. An Association survey of membership taken in 2016 showed that networking and business development were among the members’ highest priorities. Networking is uniquely relevant to solo, small and mid-size firm owners who must engage in business development to survive in this competitive market, and strategic networking was the mission picked for the Committee this year.

This year the Committee hosted four networking happy hours. Two of the happy hours followed programs at the Association and two were hosted at a local spot known for its craft beers and convivial atmosphere. Picking a space that was conducive to networking was essential. Too large and cold of a space and networking opportunities dissolve.

The Committee offered diverse and relevant panels and programs reflecting the legal community this year. These programs were hosted both solely by the Committee and with other Sections and Committees. They included “Strategic Networking;” “Trial Technology on a Budget;” “Power of Attorney Is Not Just a Form;” “Minimize Tax Exposure and Liability Exposure by Choosing the Right Entity;” “Avoiding That ‘Big Little Lie’ Navigating Fee Mistakes When Making Getting Paid a Reality;” and “Business Development for Small and Mid-Size Firms;” and a run/walk benefitting the Homeless Advocacy Project, collections for Woman Against Abuse and serving lunch with the Workers’ Compensation Section at St. John’s Hospice. There is power in teamwork and partnership.

But nothing can be accomplished without great support. Thank you to all who gave a hand in support of the Committee’s growth, and special thanks to the Association staff members who worked tirelessly at events and behind the scenes to contribute to the Committee’s success. With the new year here, I hope that if you are a solo practitioner or part of a small firm you will consider joining the Committee and sharing new ideas. For more information and to join the Committee, contact Maureen Farrell at maureen@maureenfarrell.com or visit PhiladelphiaBar.org.

Maureen M. Farrell, 2017 chair, Solo, Small and Mid-Size Firm Management Committee (right) with Nicole D. Galli, principal, Law Offices of N.D. Galli LLC (left) and Margaret Klaw, partner, Berner Klaw & Watson LLP, at the Committee’s meeting on March 16.

Chancellor Mary F. Platt (third row, center) and Farrell (front row, left) with members of the Committee and friends at Athleta in Philadelphia during the Committee’s Fun Run/Walk on Aug. 24. The event was a Committee fundraiser for the Homeless Advocacy Project.

Maureen M. Farrell (maureen@maureenfarrell.com), chair of the Solo and Small Firm Management Committee and principal at the Law Offices of Maureen M. Farrell, Esq., is an associate editor of the Philadelphia Bar Reporter.
JANUARY CLE COURSES

VIDEO ENCORE - Classifying Workers - Employee or Independent Contractor? A Complicated Decision.
Fri., 1/15/18 - 12 - 1 p.m. (1 SUB)

Many employers classify some workers as independent contractors. However, a worker’s employment status is not determined by his/her title. A worker’s status is a question of law, determined under the Fair Labor Standards Act and the accompanying regulations of the Department of Labor, and by the Internal Revenue Service. This video encore CLE program will present an overview of the various regulations and case law controlling whether a worker can be classified as an independent contractor, as well as the penalties associated with misclassification.

Cross-Examination Series Part 3: Advanced Cross-Examination - Pulling It All Together
Wed., 1/10/18 - 12:00 - 2:15 p.m. (2 SUB)

Hosted by the State Civil Litigation Section

A crucial skill for all litigators is the ability to highlight the weaknesses in an opponent’s case through cross-examination. This series of CLE programs developed will explore how to exercise essential legal, tactical and verbal skills to present an effective and successful cross-examination. In this, the last part in the series, Larry Bendosky and Judge Mark I. Bernstein (Ret.) bring a host of friends to discuss their approaches to cross (on video) and dissect great cross-examinations presented by video reconstruction.

VIDEO ENCORE - Drinking Water Contamination
Fri., 1/12/18 - 12 - 1 p.m. (1 SUB)

Safe and available drinking water is essential to human life. The Safe Drinking Water Act is designed to ensure that public water supplied to homes and businesses is potable and that consumers are alerted to the presence of contaminants or risks. As chronicled in media reports, lead contamination from pipes and other aging infrastructure is the subject of litigation not only in Flint, Mich., but also in other cities including Philadelphia, Chicago and the District of Columbia. In this video encore, the panel will discuss the legal issues arising out of the presence of traditional and emerging contaminants in drinking water.

VIDEO ENCORE – Expunging and Sealing Criminal Records
Tue., 1/16/18 - 12:30 - 1:30 p.m. (1 SUB)

Attend this program and gain a clear understanding of the process to be able serve as a volunteer attorney in an expungement clinic.

This video encore CLE course examines the legal processes for getting criminal records expunged and sealed. Attorneys attending this course will gain a practical understanding of: the overview - why expungements; which hurdles can be expected in the expungement process; how to read a criminal record; what is eligible for expungement; and how to exercise essential legal, tactical and verbal skills to present an effective and successful cross-examination. In this, the last part in the series, Larry Bendosky and Judge Mark I. Bernstein (Ret.) bring a host of friends to discuss their approaches to cross-prose (on video) and dissect great cross-examinations presented by video reconstruction.

VIDEO ENCORE - Elder Investment Fraud and Financial Exploitation (EIFFE): Ethical Traps for Lawyers and Navigating the Challenges of Diminished Financial Capacity
Wed., 1/17/18 - 12 - 2 p.m. (2 ETH)

This video encore CLE program, originally presented with the Philadelphia Bar Association, Pennsylvania Department of Banking and Securities, American Bar Association Commission on Law and Aging, Investor Protection Trust, Investor Protection Institute and the First Judicial District of Pennsylvania will present the demographic and physiologic changes occurring in the U.S. and Pennsylvania populations that increase the likelihood that lawyers will deal with diminished financial capacity and EIFFE in their work and in their families; pose ethical and practical dilemmas that challenge lawyers and provide tips for addressing those dilemmas; and teach indicators of EIFFE and suggest options for assisting victims. Presenters are national and Pennsylvania experts on EIFFE, financial capacity and ethical rules.

Cybersecurity: How to Represent Clients in an Insecure, Post-Equifax World
Wed., 1/24/18 - 12:00 - 2:15 p.m. (1 SUB/1 ETH)

This CLE will address how and why the landscape of cybersecurity has changed and why it needed to change post-Equifax. Panelists will discuss how security and technology can and should play a role in almost every client representation. From intellectual property to mergers and acquisitions, this program will examine how security can play an important role in the everyday practice of law. Panelists explore a number of breaches, including Equifax, and the lessons law firms and all businesses should learn. Panelists will also deconstruct a cyber incident and what factors contribute to it being designated as a breach.

SORDA Shake Up: Why Everything You Thought You Knew May Be Wrong!
Thu., 1/25/18 - 12:30 - 2:00 p.m. (1.5 SUB)

This past summer, the Pennsylvania Supreme Court declared SORDA (Sexual Offender Registration and Notification Act) punitive in Commonwealth v. Muniz, but left the question of “what now?” unanswered. Since then, lower and intermediate courts have started to fill in the gap, but many issues remain unclear. This session will discuss the Muniz decision, its progeny in the trial and superior courts, and the effect on thousands of registrants.

If I Went Back to Private Practice, How I Would Do Things Differently - A Judge’s Perspective
Fri., 1/26/18 - 12:30 - 1:30 p.m. (1 SUB)

Hosted by the Workers’ Compensation Section

In this lunchtime CLE, workers’ compensation judges explore possible ways they might do things differently if they went back to private practice. They will provide tips to practitioners regarding brief writing, presenting testimony, conducting depositions, time management and the handling of exhibits.

New Tax Rules Affecting Employee Compensation
Tue., 1/30/18 - 9:00 - 11:15 a.m. (2 SUB)

Hosted by the Tax Section and the Employee Benefits Committee

On Dec. 22, the 2017 Tax Act was signed into law, the most comprehensive set of changes to the Internal Revenue Code since 1986. A number of the changes affect executive compensation and employee benefits. Attend this advanced two-hour CLE program to learn about tax changes affecting employee compensation and a business’s bottom line, including: new 162(m) rules and their impact on non-profits and golden parachutes, changes to the Work Opportunity Tax Credit, employer and employee treatment of fringe benefits, and much more.

Challenges to the Rule of Law and Democracy: A Comparison Between the U.S. and Israel
Wed., 1/31/18 - 9:00 - 10:30 a.m. (1.5 SUB)

Co-hosted by the ACLU, Public Interest Section and Civil Right Committee

In this CLE program, Israeli human rights lawyer Michael Sfard and ACLU-PA litigator Molly Tack-Hooper will address some of the unprecedented challenges to the rule of law and democracy facing their respective countries today. They will discuss their strategies, including the role of the courts, relevant case law and the various results of their efforts.

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

TO REGISTER
Visit the CLE page at PhiladelphiaBar.org

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
Confidential Help Available for Lawyers in Crisis

By Elisa C. Advani

Lawyers struggle with substance abuse more commonly than other professionals, and the stigma and shame around addiction make it harder for legal professionals to seek the help they need. This was the message presented at a Philadelphia Bar Association Community Forum and CLE, sponsored by Caron Treatment Centers, titled “Addiction and the Legal Profession” on Nov. 13.

The featured speaker was addiction recovery advocate and attorney Brian Cuban of CubanSpeaks LLC, who recently published his second book titled “The Addicted Lawyer.” Cuban practiced law for nearly 20 years while his substance abuse overpowered his life and led him to poor decisions. He took on cases he probably was not qualified for, got high in the courthouse bathroom, and even traded NBA playoffs tickets to his dealer in exchange for cocaine. He has been sober for 11 years and travels the country sharing his story to help others. “Lawyers are people too, and people bring the baggage of their lives to the profession… Allowing yourself to be vulnerable and explore that baggage can be a key element in addiction recovery,” Cuban said.

The panel also included Laurie J. Besden, executive director of Lawyers Concerned for Lawyers of Pennsylvania, Inc. LCL provides confidential, free, supportive services to lawyers, judges, and law students, and offers a hotline at 1-888-999-1941. More information can be found at www.lclpa.org. Besden credits the LCL with saving her life after a battle with substance abuse.

Link Christin, executive director of the legal professional program at Caron Treatment Centers, started a residential program for legal professionals. “Lawyers have the highest rate of addiction, and the highest rate of depression,” he said. Christin explained that the disease of addiction hijacks one’s brain, very much like cancer or diabetes or hypertension, but it has the stigma around it that prevents lawyers from asking for help. He believes that a residential program for legal professionals can be the right environment for lawyers with addiction who need to take a break from their professional and/or home life.

Matthew Miclette, also on the panel, is a policy associate at the Leonard Davis Institute for Health Economics, and policy director and Action Tank member for the Mayor’s Opioid Task Force. He continued on page 22

NOV. 16, 2017 ASSOCIATION BOARD OF GOVERNORS MEETING

Immediate-Past Chancellor Deborah R. Gross (left to right); Robert S. Tintner; Link Christin; Brian Cuban; Matthew Miclette; Laurie J. Besden; and program moderator Debbie Epstein Henry, DEH Consulting; at the Philadelphia Bar Association Community Forum and CLE on Nov. 13.

Immediate-Past Chancellor Gross (center) with James Figorski, staff attorney, Dechert LLP (left to right); Marissa B. Bluestine, executive director, Pennsylvania Innocence Project, Temple University Beasley School of Law; and Lauren Fine and Joanna Visser Adjetian, codirectors, Youth Sentencing & Reentry Project; at a reception held at the Philadelphia Bar Association, after the meeting, in honor of YSRP.

Left: Immediate-Past Chancellor Deborah R. Gross (right) presents Gail Walker Hearn, wife of the late former Chancellor Peter Hearn, with an In Memoriam resolution in his honor at the Board of Governors meeting on Nov. 16.
Bar Officers, Board of Governors for 2018

CABINET
CHAIRMAN
Mary F. Platt
Finneman Krekstein & Harris P.C.
Ten Penn Center
1801 Market St., Suite 1100
Philadelphia, PA 19103
(215) 893-8707
MPlatt@finemanlawfirm.com

CHAIRMAN-ELECT
Rochelle M. Fedullo
Wilson Elser Moskowitz Edelman & Dicker LLP
Two Commerce Square
2001 Market St., Suite 3100
Philadelphia, PA 19103
(215) 606-3917
rochelle.fedullo@wilsonelser.com

VICE CHAIR
Hon. A. Michael Snyder (Ret.)
Dispute Resolution Institute
Two Logan Square
18th & Arch streets, Suite 660
Philadelphia, PA 19103
(215) 568-6190
msnyder@adrdri.com

SECRETARY
Marc J. Zucker
Weir & Partners LLP
The Widener Building, Suite 500
1339 Chestnut St.
Philadelphia, PA 19107
(215) 241-7792
mzucker@weirpartners.com

TREASURER
Regina M. Foley
Raynes McCarty
1845 Walnut St., 20th Floor
Philadelphia, PA 19103
(215) 568-6190
rfoley@raynesmcclarry.com

ASSISTANT SECRETARY
Jennifer S. Coatsworth
Margolis Edelstein
The Curtis Center
170 S. Independence Mall W.
Suite 400E
Philadelphia, PA 19106
(215) 931-5836
jcoatsworth@margolisedelstein.com

ASSISTANT TREASURER
Matthew S. Olesh
Chamberlain Hrdlicka
1515 Market St., 15th Floor
Philadelphia, PA 19102
610-772-2313
molesh@chamberlainlaw.com

CHAIR
Katayun I. Jaffari
Ballard Spahr LLP
1735 Market St., 51st Floor
Philadelphia, PA 19103
(215) 864-8475
jaffarik@ballardspahr.com

VICE CHAIR
Amber M. Racine
Raynes McCarty
1845 Walnut St., 20th Floor
Philadelphia, PA 19103
(215) 568-6190
amracine@raynesmcclarry.com

COUNSEL
Lawrence J. Beaser
Blank Rome LLP
One Logan Square
130 N. 18th St.
Philadelphia, PA 19103
(215) 569-5510
beaser@blankrome.com

BOARD OF GOVERNORS
Benjamin R. Barnett
Dechert LLP
Cira Centre
2929 Arch St.
Philadelphia, PA 19104
(215) 994-2887
ben.barnett@dechert.com

Edward F. Beitz
White and Williams LLP
One Liberty Place
1600 Market St., Suite 1800
Philadelphia, PA 19103
(215) 569-6277
beitz@whiteandwilliams.com

Meghan E. Claiborne
City of Philadelphia Law Department
1515 Arch St.
Philadelphia, PA 19102
(215) 683-5370
nicholas.kamau@philapost.com

Angela D. Giampolo
Giampolo Law Group
319 S. 12th St., Suite 1F
Philadelphia, PA 19107
(267) 909-0490
angela@giampololaw.com

Wendy C. Hess
Landau, Hess, Simon & Choi
190 N. Independence Mall West
Suite 602
Philadelphia, PA 19106
(215) 925-0705
whess@LHSCimmigration.com

Francesca A. Iacovangelo
McCan & Wall, LLC
1500 JFK Blvd., Suite 1100
Philadelphia, PA 19102
(215) 515-7644
fiacovangelo@mccannwalljurylaw.com

Katayun I. Jaffari
Ballard Spahr LLP
1735 Market St., 51st Floor
Philadelphia, PA 19103
(215) 864-8475
jaffarik@ballardspahr.com

Nicholas S. Kamau
City of Philadelphia Law Department
1515 Arch St., 15th Floor
Philadelphia, PA 19102
(215) 683-5370
nicholas.kamau@philapost.com

Susan M. Lin
Kairys, Rudovsky, Messing, Feinberg & Lin LLP
The Cast Iron Building
718 Arch St., Suite 501 South
Philadelphia, PA 19106
(215) 925-4400
slin@krlawphila.com

Neil C. Maskeri
Young Basile Hanlon & MacFarlane P.C.
1835 Market St., Suite 2710
Philadelphia, PA 19103
(215) 687-5775
maskeri@youngbasile.com

Amber M. Racine
Raynes McCarty
1845 Walnut St., 20th Floor
Philadelphia, PA 19103
(215) 568-6190
amracine@raynesmcclarry.com

Teresa M. Rodriguez
trodriguez.esq@gmail.com

Jennifer L. Seme
Gibbons P.C.
One Logan Square
130 N. 18th St., Suite 1210
Philadelphia, PA 19103
(215) 446-6287
jseme@gibbonslaw.com

Michael A. Taylor
American Disability Alliance
1650 Arch St., Suite 2501
Philadelphia, PA 19103
(844) 773-6123
AdamT@AmericanDisabilityAlliance.com

Michael T. van der Veen
Law Offices of Michael T. van der Veen
1219 Spruce St.
Philadelphia, PA 19107
(215) 515-6892
mtv@mvlaw.com

Appointment TBD

YOUNG LAWYERS DIVISION
Chair
Vincent N. Barbera
White and Williams LLP
One Liberty Place
1600 Market St., Suite 1800
Philadelphia, PA 19103
(215) 683-7137
barberav@whiteandwilliams.com

Michaela Tassinari
Chair-Elect
Robert J. Casey Jr. & Associates
1500 Market St., Suite 2500 West
Philadelphia, PA 19102
(215) 841-3040
matt@atlaslaw.com

Appointment TBD

SECTION CHAIRS
AND REPRESENTATIVES
Eric S. Siegel
Chair, Business Law Section
Dechert LLP
Cira Centre

Philadelphia Bar Reporter January 2018

PhiladelphiaBar.org
Removing Poverty as Justice System Punishment

By Adriana K. Gonzalez

How much does it cost to be poor? The Philadelphia Bar Association co-presented a CLE with Community Legal Services, Inc. and Public Citizens for Children and Youth titled “The Criminalization of Poverty in America: How Will Philadelphia Respond?” on Nov. 14. Panelists were Justice Kevin M. Dougherty, Supreme Court of Pennsylvania; Larry Krasner, Philadelphia District Attorney; Peter Edelman, Carmack Waterhouse Professor of Law and Public Policy at Georgetown University Law Center; William M. Cobb, Deputy Director, Campaign for Smart Justice at ACLU; and Sharon Dietrich, litigation director at Community Legal Services, Inc. The program was moderated by Donna Cooper, executive director at Public Citizens for Children and Youth. The panel discussed Edelman’s new book, “Not a Crime to Be Poor: The Criminalization of Poverty in America.”

Edelman began by referring to Ferguson, Missouri as an example of the many municipalities nationwide that use their policies in a manner that disproportionately affects their low-income citizens. Ferguson, like many other cities, fines citizens for various minor offenses and then arrests and imprisons those who cannot pay the fines imposed.

Similarly, the suspension of driver’s licenses for unpaid debt to municipalities, often unrelated to driving violations, is another practice Edelman said has an outsized impact. The debts that can trigger the loss of a license range from parking violations to unpaid probation fees. In turn, losing one’s driver’s license can lead to the loss of employment, which itself can cause or exacerbate a multitude of other issues related to poverty. This leaves many with the impossible choice to either drive illegally and risk further punishment or lose their livelihood.

Minorities are not immune to these practices either, Edelman said, with many minorities and their families forced to bear the cost of diversion programs, drug testing, and residential programs. Edelman said the increase in the referral of schoolchildren to law enforcement rather than resolving issues within the school system, is a major contributor to this as well.

However, Pennsylvania is no stranger to some of the other practices discussed. Last year, the state suspended 70,000 driver’s licenses and requires individuals on probation to pay $25 per month simply for being on probation. Magisterial judges issue arrest warrants for nonpayment of fines associated with minor offenses, such as public drinking or jumping subway turnstiles. While the effects of these practices are felt far and wide, Edelman distills the cause of the criminalization of poverty to four practices: high fines and fees for minor offenses, high rate of arrest for nonpayment of those fees, cash bail and lack of counsel willing or able to take these cases on.

Inextricably tied to these factors is the interaction between policing, race and poverty. “The intersection of race and poverty is the most dangerous place in town,” Edelman said as he described the over-policing and unequal treatment by the legal system faced by minorities.

Remedies included the barring of civil asset forfeiture of properties unrelated to illegal activity and the end of cash bail. Krasner said, “You don’t take people’s property away unless that have been convicted, personally, of a crime and the asset involved meets the requirements that it was an instrument of a crime or proceeded a crime.” He continued by discussing “sweat bail” where individuals must go to check-in centers and perform tasks. Sweat bail is effort and time, and according to Krasner has been used successfully in Washington, D.C. for 30 years.

Adriana K. Gonzalez (Adriana.Gonzalez@Phila.gov) is an associate city solicitor in the City of Philadelphia Law Department.

Resolutions Possible After Landmark Protz Decision

By Regina M. Parker

Is it possible to limit exposure in workers’ compensation claims following the June 20, 2017 Supreme Court of Pennsylvania’s ruling in Protz v. Workers’ Compensation Appeal Board (Derry Area School District)? This question was answered in the affirmative during the Philadelphia Bar Association CLE hosted by the Workers’ Compensation Section titled “Reaching Reasonable Resolutions in the Absence of Impairment Rating Caps” on Nov. 17. The panel included Matthew B. Estingler, associate at The Chartwell Law Offices, LLP, and Frank J. Udinson, associate at Martin Law LLC.

For 21 years, the Pennsylvania Workers’ Compensation Act provided the means in which employers could limit a claimant’s benefits to 500 weeks by requiring a claimant to submit to an impairment rating evaluation after 104 weeks of compensation benefits. Employers have utilized the impairment rating process to modify a claimant’s disability status from total to partial, thus capping the receipt of indemnity benefits at 500 weeks. The panel explained that this 500 week clock was a helpful tool utilized by both claimants and employers in evaluating cases for the possibility of settlement and determining future value of claims.

In light of the June 20 decision in Protz, the impairment rating process is no longer a viable option. The decision struck down the impairment rating process as unconstitutional. The panel agreed that the decision potentially took away the incentive to settle, and that it will be more challenging to evaluate claims after Protz. Claimants now have more leverage than the employers, Udinson said. He said that without a cut-off point in the receipt of benefits, it could lead to an unrealistic value of cases. Udinson pointed out that we are seeing higher settlement demands because we are now dealing with the possibility of lifetime claims.

However, Estingler said that there is still hope for the employer. He noted that there are other methods and strategies that can be utilized in order to get the clock running on a claimant’s receipt of benefits. Several viable options include performing Labor Market Surveys, funded employment and independent medical evaluations for termination of benefits or a work release. The panel agreed that following the Protz decision, we can expect to see more job offers, more people back to work and more suspensions. These approaches will aid in determining future value of claims.

The panel explained that following Protz, we have seen the parties argue for and against retroactivity. The decision continued on page 22.
PHILADELPHIA BAR ASSOCIATION CLE - REAL PROPERTY SECTION

Update on State of Eminent Domain in Pennsylvania

By Pamela E. Thurmond

There has been a focus in recent years on gentrification, neighborhood revitalization and property rehabilitation. Eminent domain is a tool that has been used to for those purposes to effectuate community improvement and redevelop-

ment. The Real Property Section’s Eminent Domain & Appraisals Committee held a Philadelphia Bar Association CLE on Nov. 21. Panelists were Marjorie Stern Jacobs, attorney at law, and Lawrence S. Rosenwald, of Lawrence S. Rosenwald, P.C. The program focused on key decisions from the Commonwealth Court in 2017.

In the case of McMaster v. Township of Berwind the court held that a township’s redirection of storm water onto an owner’s property was not a de facto taking under the eminent domain law because the injury was “abatable, preventable or repairable” and thus it declined to award consequential damages. The panel also discussed the difference between a trespass and an eminent domain action. An intrusion to property may start as a trespass, but then becomes a de facto taking, subject to eminent domain law, if it becomes permanent. The panel went on to discuss the differences between trespass and eminent domain causes of action, through its discussion of the Cmi net Corporation case where the court held that an owner who suffered damage to his property due to negligent or tortious acts, had a cause of action in trespass and not eminent domain.

An owner who suffered damage to his property and the panelists used the case of North Strabane Township to discuss the perils in property identification by the condemning authorities. In Fuller v. Lehigh-Northampton Airport Authority, the court grappled with what order the various category of damages should be paid out and ultimately found it should be just compensation first, then delay damages and finally, other charges like mortgage fees. In Szabo v. Commonwealth of Pennsylvania, Department of Transportation the court found that PennDOT had the obligation to get it right and denied preliminary objections when PennDot’s plans, filed with the declaration of taking, lacked sufficient detail. Lastly, in McAnally v. Commonwealth of Pennsylvania the panel talked about issues that face the court regarding who has standing to contest condemnation actions.

PHILADELPHIA BAR ASSOCIATION CLE - WOMEN IN THE PROFESSION COMMITTEE

Jurors Bring Experiences, Biases, Attitudes to Court

By Megan N. Harper

Presentation of the facts is more important to a jury than an attorney’s gender or race. All facts presented in a case, however, will be filtered through a juror’s own experience, pre-existing biases and attitudes including those regarding gender or race, said Ann T. Greeley Ph.D. Such experiences, biases and attitudes, for example, may lead jurors to believe that women should be nicer and men stronger. Male attorneys may get bonus points for showing emotion, whereas female attorneys may not.

When considering the impact of gender or race in the composition of a trial team, context is critical, Dr. Greeley said. Whether a trial attorney is representative of a minority group depends highly on where the case is being tried. Similarly, a man or a woman may be perceived as more effective depending on the subject matter of the case.

Dr. Greeley said that jurors want the perspectives of a certain race or gender at issue in a case represented at counsel table, but tokenism should be avoided. Having an attorney of a certain race or gender does little to help a case if their only task is to handle demonstrative evidence. She said that there is no one rule that a party must have a certain person assigned to a certain type of case.

More important are preparation and respect, which equals credibility in the eyes of the jury.
Addressing Ethical Issues Arising From Social Media

By Tyler Tassone

The growth in popularity of social media has led to a host of new ethical issues relating to how attorneys conduct themselves on its various platforms and how to counsel clients on managing their own social media accounts. With more than 2.8 billion active social media users worldwide, roughly 37 percent of the world’s population, it is becoming increasingly important for attorneys to develop a familiarity with social media and how clients may be using it. The Environmental and Energy Law Committee presented a Philadelphia Bar Association CLE titled “Putting Your Best Face Forward Managing Your Social Media Presence” on Nov. 29 featuring Bryan P. Franey, partner, and Stephen D. Daly, associate at Manko Gold Katcher & Fox LLP.

Daly led a discussion of the ethical questions that can arise from an attorney’s use of Twitter in relation to ongoing litigation. He posed a hypothetical and challenged participants to evaluate whether a defendant’s attorney’s tweets in response to a plaintiff’s attorney’s tweets publicly criticizing the defendant company violated any ethical rules. Daly talked about how these tweets can implicate PA Rule of Professional Conduct 3.6(a) that prohibits attorneys from making publically disseminated extrajudicial statements that have a substantial likelihood of materially prejudicing an adjudication. He also talked about the exception under PA Rule 3.6(c) that allows an attorney to make an otherwise prohibited statement if the statement is made to protect the client from undue prejudicial effect of recent publicity. Daly said that the Rules of Professional Conduct set the bar for attorney conduct and that they should hold themselves to a higher standard.

Franey discussed the importance of counseling clients on the use of Facebook. He said that there is an ethical duty to counsel clients on their use of social media under PA Rule 1.1. Franey talked about the need for attorneys to avoid violating ethical rules while also putting their clients in the best position for litigation.

The discussion turned to focus on PA Rule 3.4 providing attorneys shall not unlawfully obstruct another party’s access to evidence, or alter, destroy or conceal evidence. As an example, he talked about the highly publicized case involving the former Trump administration foreign policy advisor, George Papadopoulos, who deactivated his Facebook account containing communications with Russian foreign nationals. This action was viewed as an attempt to conceal evidence. Franey talked about the New Jersey case United Airlines v. Gatto where an adverse inference was continued on page 26.
By Laura E. Laughlin

How do you answer the questions “who is my client?” and “when is a client relationship formed?” This discussion is timely for the numerous holiday parties where you saw relatives or old friends, who asked you for advice while sipping cocktails and eating hors d’oeuvres. Engaging in this sort of conversation and offering some helpful advice to your friend or relative may seem innocent, but it can have consequences. This is even more so if you work for a larger firm that may have conflicts with opposing sides of the legal issue you were discussing at that party.

The Professional Responsibility Committee hosted a Philadelphia Bar Association CLE titled “Who Is My Client?” on Dec. 8. Leading the discussion were Brian P. Flaherty, member at Cozen O’Connor; Paul C. Heintz, partner at Obermayer Rebmann Maxwell & Hippel LLP; and Committee Cochairs W. Bourne Ruthrauff and Deborah A. Winokur. This program was free for Association members in good standing.

Even if you may think that there was no client relationship formed during the holiday party, courts have held that it is the reasonable belief of the client that controls the situation, not the lawyer’s expectation. The panel told attendees to be clear about the relationship between yourself and the other person, and to confirm this relationship, or lack thereof, in writing. Rule of Professional Conduct 1.18 outlines this as an attorney’s duty to a prospective client.

A sticky situation that can arise when representing a corporation is what duty is owed to the employees of the corporation. The panelists said to give an “Upjohn warning,” based on Upjohn v. United States, to the corporation’s employee. This clarifies for the employee that you represent the corporation, not the employee, and that confidentiality of any statements made by the employee are decided solely by the corporation.

This issue came up in the 2016 Pennsylvania Superior Court case of Commonwealth v. Schultz. In this case, the Pennsylvania State University’s general counsel spoke to Gary Schultz, Penn State’s former senior vice president of business and finance, about the Jerry Sandusky investigation without clarifying the relationship with an Upjohn warning. The general counsel disclosed to the grand jury what Schultz told her, in what Schultz thought was confidential, attorney-client protected communications. The court held that it was Schultz’s reasonable belief of the relationship, not the general counsel’s belief or intent.

Sometimes lawyers are faced with a situation where someone wants to pay for legal services for another. In these situations, the relationship is with the person you are

continued on page 26
Sections Celebrate 2017, Present Awards

Real Property Section

Above, left: Eileen Quigley, 2017 Real Property Section Chair (center, right) and Alexander F. Barth, 2017 Section Treasurer, present Jeffrey Stubbs and Ruth Salters of Ready, Willing & Able with the Section's Good Deed Award at the Section's Reception and Awards Ceremony at The Ritz-Carlton Philadelphia on Nov. 28. Above, right: Quigley and Richard L. Vanderslice present Judy F. Berkman, senior counsel, Regional Housing Legal Services, with the Section's Harris Ominsky Award at The Ritz-Carlton Philadelphia on Nov. 28.

Probate and Trust Law Section

Laura E. Stegossi, 2017 Probate and Trust Law Section chair (left to right); Rise P. Newman, Section chair; Justin H. Brown, 2017 Section vice chair; and Scott S. Small, 2017 Section secretary; at the Section's Annual Meeting and Cocktail Reception at The Ritz-Carlton Philadelphia on Dec. 5.

Workers' Compensation Section

Hon. Tina Maria Rago, 2017 Workers' Compensation Section Charitable Events and Community Service Committee cochair, with a U.S. Marine Corps representative of Toys For Tots at the Section's Annual Holiday Party at the Downtown Club in Philadelphia on Dec. 6.

Photos by Thomas E. Rogers, unless otherwise credited
Family Law Section

Above, left: Richard B. Bost, 2017 Family Law Section chair, accepts a plaque in recognition of his year of service from Ann Funge, Section chair, at the Section's Holiday Party, Annual Meeting, Award Ceremony and Gift Drive at James restaurant in Philadelphia on Dec. 7. Above, right: Funge presents Thomas Kenney, court psychologist, Philadelphia Family Court, with the Section's 2017 Herbert R. Weiman Sr. & Jr. Award at James on Dec. 7.

State Civil Litigation Section

Left: Brad S. Rush (left) and Erin Siciliano, 2017 State Civil Litigation Section cochairs, present Ronald A. Kovler, Kovler & Rush, P.C. (center, left), and former Chancellor Rudolph Garcia, inaugural Section cochairs, with the Honorable Alex Bonavitacola Award at the Section's Annual Reception and Award Presentation at Estia in Philadelphia on Dec. 13.

Public Interest Section

2017 Celebrations (cont.)

Criminal Justice Section

Above, left: James F. Berardinelli (left) and Thomas Ivory (right), 2017 Criminal Justice Section cochairs, present Hon. Theodore A. McKee, Chief Judge, U.S. Court of Appeals for the Third Circuit, with the Section’s Thurgood Marshall Award at the Section’s Annual Reception and Award Presentation at McCormick & Schmick’s in Philadelphia on Dec. 20. Above, right: Chief Judge McKee and his daughter, Emilia McKee Vassallo, associate at Ballard Spahr LLP, at McCormick & Schmick’s on Dec. 20.
Philadelphia's legal community is coming together to assist victims of Hurricane Maria, both those who remain in Puerto Rico and those evacuating to Pennsylvania following the fifth strongest hurricane to ever hit the U.S. Attorneys from the City of Brotherly Love have been tireless in their efforts to gather and send materials and money to victims who remain in Puerto Rico, but also to collaborate and plan legal clinics, CLE programs and fundraisers for those who have evacuated to Philadelphia.

More than three months have passed since Hurricane Maria lashed the 3.4 million American citizens living in Puerto Rico with sustained winds of 155 mph on Sept. 20, 2017, yet most of the island (only slightly larger than the state of Connecticut) is still without electricity, making this blackout the largest major power outage in U.S. history. Without electricity and crucial amenities, many people are fleeing the island out of necessity. Many of them are coming to Pennsylvania. A recent report by the Center for Puerto Rican Studies at Hunter College estimates that more than 56,000 Puerto Ricans are expected to evacuate to the Keystone State before 2019. Already, many school districts, local governments and social service agencies in southeastern Pennsylvania are strained to meet the needs of large numbers of Puerto Rico evacuees. A Disaster Assistance Center set up in Philadelphia helped more than 2,000 people between October and December. School districts in the greater Reading/Lancaster area have enrolled more than 500 young Puerto Rican evacuees in their schools. The Lehigh Valley has more than 200 new students from Puerto Rico.

In response, the Hispanic Bar Association of Pennsylvania, the Toll Public Interest Center at the University of Pennsylvania Law School and the Philadelphia Bar Association are organizing pop-up pro bono FEMA legal clinics, a disaster relief CLE and fundraisers.

The Toll Public Interest Center will host the pop-up pro bono FEMA legal clinics. The first one will take place on Saturday, Jan. 20 at Esperanza College, 4261 N. 5th St., Philadelphia. For more information, visit ceibaphiladelphia.org.

The Association will host the disaster relief CLE at its headquarters on the afternoon of Tuesday, January 30, 2017. To register for credit, visit PhiladelphiaBar.org.

HBAPA is coordinating the clinics and the CLE, plus organizing an event on the evening of Jan. 30 at Conversation Hall, City Hall Room 201, to benefit Puerto Rico and its evacuees. Mayor Jim Kenney will deliver the keynote address and HBAPA will present the La Justicia Award to Dr. Carmen Feho San Miguel, executive director of Taller Puertorriqueño. For more information, visit hbapa.net. Contributions are voluntary.

There is much to do to help Puerto Rico and Philadelphia lawyers are doing their part. If you are already lending a hand, muchas gracias! If you have yet to roll up your sleeves to help Puerto Ricans on the island or in Philadelphia, please come join us.

Will Gonzalez (will.gonzalez@ceibaphiladelphia.org) is the executive director of Ceiba.
Juror Biases
continued from page 15

of a jury, according to Dr. Greeley. Even so, biases and attitudes regarding gender and race can impact a juror’s perception of an attorney’s credibility. There are three components of credibility: expertise, trustworthiness and likability.

A juror may have preconceptions of an attorney’s level of expertise or competence based upon their race or gender. If there is a congruence between expectation and reality, it may impact an attorney’s credibility. The opposite may also be true. The scene from “My Cousin Vinny” where Marisa Tomei’s character took the stand as an automotive expert quickly came to everyone’s mind when discussing this topic. Dr. Greeley admits there may be a benefit to jurors having low expectations of an attorney based upon preconceived notions of gender or race.

When it comes to trustworthiness, people who made the mistakes…without being defined by their poor choices.”

Picker has been a pioneer in expanding diversity in the alternative dispute resolution field.

“Only when women, people of color and other minorities are selected [as neutrals] on a regular basis, will we and those we serve be enriched by the experiences, perspectives and wisdom that will result from their selection,” he said.

A loyal volunteer with the Consumer Bankruptcy Assistance Project for more than 10 years, Madrid has consistently represented clients facing financial challenges pro bono and encouraged others to do so.

“I am in awe of my fellow bar members at how quickly and consistently Philadelphia attorneys rise to the occasion when needs are shown,” he said.

Addiction Help
continued from page 11

said, “Nationally, over 8 percent of people have a substance abuse disorder, which is on par with conditions like diabetes, but we treat it like something else…it gets treated like a criminal-justice or law-enforcement problem, and not like a health problem.”

Philadelphia Bar Association Professional Guidance Committee Cochair Bob Tintner is committed to helping lawyers in crisis. He has found often that lawyers he helps with disciplinary and ethical issues are simultaneously battling substance abuse. “They often go hand-in-hand,” he said, “we need to address this

head on, be more sensitive about it.”

People usually find help once they have hit ‘rock bottom’ and the panel members talked about how rock bottom does not have to mean the worst imaginable place.

“I don’t like the term rock bottom,” said Caban. “I prefer recovery tipping point.” The goal is to find recovery at the highest possible level. For more information on the well-being of lawyers, the panel suggested looking at the Path Report published by the American Bar Association at americanbar.org.

Elisa C. Advani (eadvari@paworkinjury.com) associate at Martin Law, is an associate editor of the Philadelphia Bar Reporter.

Protz
continued from page 14

was silent on this issue. We have also seen employers present argument that claimant’s have not properly preserved the constitutional challenge to the impairment rating process or modification of benefits. Claimants, of course, present argument to the contrary, the panelists said. These arguments are applied on a case by case basis, and there remain many uncertainties in the law. The panel said that these ambiguities in the law are incentives to encourage settlement.

The panel concluded by talking about the recently introduced Pennsylvania House Bill 1840 that will essentially reinstate the impairment process. It says that the impairment rating process itself was not unconstitutional. Rather, the way the act provided for updates involving the standards was unconstitutional. If this house bill is enacted, the retroactive question becomes a moot point.

Regina M. Parker (RParker@tthlaw.com), partner at Thomas, Thomas & Hafer LLP is an associate editor of the Philadelphia Bar Reporter.

Megan N. Harper (Megan.Harper@Phila.gov) is a deputy city solicitor in the City of Philadelphia Law Department.
Implementing a Successful Buy-Sell Funding Strategy

Mary Ashenbrenner (MA): What are some of the things business owners should take into consideration to help confirm adequate funding of a buy-sell agreement?

Sal Patti (SP): After carefully considering what terms should be included in your buy-sell agreement, it is equally important to craft a funding strategy that is aligned to the plan so those terms can be carried out. Acquiring an appropriate amount of life insurance coverage, properly structuring ownership and beneficiary designations, and aligning the type of life insurance policy with the terms of the buy-sell agreement are critical to implementing a successful funding strategy.

MA: What is the best way to achieve proper funding, without going overboard?

SP: Scientists say a planet is in the “Goldilocks zone” when it’s at an optimal distance from its sun to support life. The planet cannot be too hot or too cold. We believe buy-sell funding also has a Goldilocks zone of sorts in that parties to a buy-sell agreement will seek to find an optimal funding level. Acquiring a life insurance policy with too much death benefit will result in unnecessary premium expenses. Acquiring a life insurance policy with too little death benefit may lead to cash flow issues, shareholder conflicts, and possible time-consuming litigation. A key is acquiring sufficient life insurance protection to avoid creating cash flow issues for the business that negatively affect operations going forward. It might not be necessary to buy coverage equal to the full amount of the company's buy-out obligations when a shareholder retires.

MA: What are the tax considerations?

SP: The Internal Revenue Code contains several tax provisions specific to life insurance policies that have the potential to create unexpected negative tax issues. For example, while life insurance death benefits are generally received as tax-free income, some transactions will cause the death benefits to be taxable.1 The internal growth of cash values inside a policy generally do not trigger an income tax, but they could be subject to the corporate alternative minimum tax.2 Also, there is often confusion over the deductibility of life insurance premiums, which are not deductible as a business expense when the business is the owner and beneficiary of the policy.3 Each of these tax issues may be addressed with proper planning. Buy-sell agreements should be drafted by attorneys with the advice of tax professionals.

Running a successful business requires you to have one eye focused on the day's tasks and the other focused on tomorrow’s opportunities and challenges. Buy-sell agreements are one tool business owners may use to help provide for the continued success of a business should unexpected events occur. Proper funding of the obligations helps to assure your plans are carried out exactly as you wish.

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

The material presented in this article is of a general nature and does not constitute the provision by PNC Financial Services Group, Inc. (“PNC”) or its affiliates of investment, legal, tax, or accounting advice to any person, or a recommendation to buy or sell any security or adopt any investment strategy. Opinions expressed herein are subject to change without notice. The information was obtained from sources deemed reliable. Such information is not guaranteed as to its accuracy. You should seek the advice of an investment professional to tailor a financial plan to your particular needs. For more information, please contact PNC at 1-888-762-6220.

PNC uses the marketing names PNC Wealth Management® and Hawthorn, PNC Family Wealth® to provide investment, wealth management, and fiduciary services through its subsidiary, PNC Bank, National Association (“PNC Bank”), which is a Member FDIC, and to provide specific fiduciary and agency services through its subsidiary, PNC Delaware Trust Company or PNC Ohio Trust Company. PNC also uses the marketing names PNC Institutional Asset ManagementSM, PNC Retirement SolutionsSM, Vested Interest®, and PNC Institutional Advisory SolutionsSM for the various discretionary and non-discretionary institutional investment activities conducted through PNC Bank and through PNC’s subsidiary PNC Capital Advisers, LLC, a registered investment advisor (“PNC Capital Advisers”). Standalone custody, escrow, and directed trust services; FSC-insured banking products and services; and lending of funds are also provided through PNC Bank. Securities products, brokerage services, and managed account advisory services are offered by PNC Investments LLC, a registered broker-dealer and a registered investment advisor and member of FINRA and SIPC. Insurance products may be provided through PNC Insurance Services, LLC, a licensed insurance agency affiliate of PNC, or through licensed insurance agencies that are not affiliated with PNC; in either case a licensed insurance affiliate may receive compensation if you choose to purchase insurance through these programs. A decision to purchase insurance will not affect the cost or availability of other products or services from PNC or its affiliates. PNC does not provide legal, tax, or accounting advice unless, with respect to tax advice, PNC Bank has entered into a written tax services agreement. PNC does not provide services in any jurisdiction in which it is not authorized to conduct business. PNC Bank is not registered as a municipal advisor under the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Act”). Investment management and related products and services provided to a “financial entity” or “obligated person” regarding “proceeds of municipal securities” (as such terms are defined in the Act) will be provided by PNC Capital Advisers. “PNC Wealth Management,” “Hawthorn, PNC Family Wealth,” and “Vested Interest” are registered service marks and “PNC Institutional Asset Management,” “PNC Retirement Solutions,” and “PNC Institutional Advisory Solutions” are service marks of The PNC Financial Services Group, Inc.

Where are the great candidates hiding?

Do you have great jobs to offer but still have a hard time attracting candidates?

Philadelphia Bar Association is the prime resource to finding the high performers in our niche.

Post today or visit the Career Center to create a customized recruiting solution with an array of various products to help find those great candidates you need to succeed.

careercenter.philadelphiabar.org
What is Tail Coverage and Why Do I Need It?

LeGAL ADvisorY uPDAte from usi AffinitY

Tail coverage may be provided for a limited period of time in which to report a claim after a policy expiration. Although edgy Williamsburg transplants like Barcade and Fette Sau are super tasty and/or great fun, a plain old Manhattan-based restaurateur – like the kind Ed Rendell would have begged to locate to Philly back in the day – is still welcome.

And for sure, “the guy,” if he has not dined here already, would love Walnut Street Café. This swanky new space on the ground floor of the Cira Center is run by partners from the acclaimed New York restaurant, Rebelde. Partner/Chef Daniel Eddy has opened an ambitious, all-day menu to cater to both the office workers at Cira Center during the day and the citywide crowd in the evening.

I have not had the opportunity to try Walnut Street’s raved-about breakfast pastries, but dinner alone is well worth the journey. Although there is a stellar wine list, we dived straight into cocktail land. The rye-based concoctions The Rebellion and 3 Up 3 Down, with ingredients such as cynar, byrrh (you win if you don’t have to look them up in a dictionary) and mole bitters, were smooth and gave the wives that ordered them their instant happy faces. On the other hand, I went all in on the mescal/habanero bomb High Risk, High Reward, infused with elderflower and aperol. Its jackpot payoff tasted nothing like the adolescent favorite Monte Alban “pre-worm” sips, but rather channeled the remote Scottish Isle of Islay with uber-peaty notes of a strong Bruichladdich. A great start.

The dinner menu is appropriately minimal and uniformly excellent. The main course was a wondrous creation topped with Parmesan; a crispy, wafer thin “creouton,” and a hint of anchovy dressing. A must-order. Though pricey at $16, an expertly seared pair of large sea scallops were pan-roasted and presented atop a gorgeous puree of carrots, ginger, butter and quinoa. The flatbread, topped with a generous portion of littleneck clams, cream, chilli oil and chive was certainly the most interesting non-pizza flatbread I had tried in a while.

For mains, we passed on the $95 porterhouse splurge-for-two and stuck with the well-executed basics. My wife’s pasta carbonara with smoked pancetta, pecorino and a surprise of beet mushrooms passed her stringent “eating Italian out” standards. The chicken with mushrooms and Marsala sauce was a large portion and good value. My burger with caramelized onion, cheddar and fries was certainly the equal of some reviews we have read, we thought this place out. Noise levels are totally reasonable, and the servers were phenomenal. I think this New York transplant might be staying awhile.

James Zwolak (James.Zwolak@phila.gov) is a divisional deputy city solicitor in the City of Philadelphia Law Department.

Quick Bites: Walnut Street Café

By James Zwolak

Although it just seems like it, there is no golden rule that the only restaurant concepts emigrating from New York City have to arrive directly via the Brooklyn/Fishtown express train. Although edgy Williamsburg transplants like Barcade and Fette Sau are super tasty and/or great fun, a plain old Manhattan-based restaurateur – like the kind Ed Rendell would have begged to locate to Philly back in the day – is still welcome.

And for sure, “the guy,” if he has not dined here already, would love Walnut Street Café. This swanky new space on the ground floor of the Cira Center is run by partners from the acclaimed New York restaurant, Rebelde. Partner/Chef Daniel Eddy has opened an ambitious, all-day menu to cater to both the office workers at Cira Center during the day and the citywide crowd in the evening.

I have not had the opportunity to try Walnut Street’s raved-about breakfast pastries, but dinner alone is well worth the journey. Although there is a stellar wine list, we dived straight into cocktail land. The rye-based concoctions The Rebellion and 3 Up 3 Down, with ingredients such as cynar, byrrh (you win if you don’t have to look them up in a dictionary) and mole bitters, were smooth and gave the wives that ordered them their instant happy faces. On the other hand, I went all in on the mescal/habanero bomb High Risk, High Reward, infused with elderflower and aperol. Its jackpot payoff tasted nothing like the adolescent favorite Monte Alban “pre-worm” sips, but rather channeled the remote Scottish Isle of Islay with uber-peaty notes of a strong Bruichladdich. A great start.

The dinner menu is appropriately minimal and uniformly excellent. The main course was a wondrous creation topped with Parmesan; a crispy, wafer thin “creouton,” and a hint of anchovy dressing. A must-order. Though pricey at $16, an expertly seared pair of large sea scallops were pan-roasted and presented atop a gorgeous puree of carrots, ginger, butter and quinoa. The flatbread, topped with a generous portion of littleneck clams, cream, chilli oil and chive was certainly the most interesting non-pizza flatbread I had tried in a while.

For mains, we passed on the $95 porterhouse splurge-for-two and stuck with the well-executed basics. My wife’s pasta carbonara with smoked pancetta, pecorino and a surprise of beet mushrooms passed her stringent “eating Italian out” standards. The chicken with mushrooms and Marsala sauce was a large portion and good value. My burger with caramelized onion, cheddar and fries was certainly the equal of some reviews we have read, we thought this place out. Noise levels are totally reasonable, and the servers were phenomenal. I think this New York transplant might be staying awhile.

James Zwolak (James.Zwolak@phila.gov) is a divisional deputy city solicitor in the City of Philadelphia Law Department.

LEGAL ADVISORY UPDATE FROM USI AFFINITY

What is Tail Coverage and Why Do I Need It?

Tail coverage may be provided for a limited period of time in which to report a claim after a policy expiration date, usually from 30 to 60 days. Some policies offering tail coverage require that the claim be first made before the expiration date of the policy, but provides additional time after expiration to report the claim to the insurer.

Claims-made policies will provide free extended reporting period (ERP) coverage to an insured for a much longer period of time, if certain conditions are met. These conditions might include a certain number of years of continuous coverage by the same insurer, and the lawyer’s retirement from practice. But this is the exception, not the rule.

The bottom line: Malpractice policies only provide coverage for one year, and in order for an attorney to have coverage in force at all times, a policy must be purchased every year. The failure to do so could allow a gap in coverage, meaning that once a new policy is purchased, coverage will be lost for any prior acts. This is something most attorneys want to avoid, as going bare is definitely not in their best interest.

For more information about defending malpractice allegations, contact Rich Balasa, senior professional liability consultant at USI Affinity, today at (800) 265-2876 x 11444.
Member Benefit: Philadelphia Sports Club

The Philadelphia Bar Association is thrilled to offer a member-exclusive benefit with the Philadelphia Sports Club! Take advantage of two preferred corporate membership offers:

The PSC Regional Membership: allowing you to enjoy all Philadelphia Sports Clubs locations only:

- $0 joining fee,
- Receive the rest of the enrolling month free,
- $29.99 per month (retail rate $39.99), and
- A $59.99 corporate annual fee applies when enrolling/converting.

The Corporate Passport Membership: allowing you to enjoy all Elite clubs in Philadelphia (applies when enrolling/converting).

Social Media Ethics continued from page 16

made against the plaintiff who deleted his Facebook account containing information pertinent to the litigation. He also talked about the dangers of client relationships and how to manage the content of a social media page, including the account’s privacy settings, but you can’t advise a client to delete or destroy any information that has potential evidentiary value.”

Tyler Tasone (Tyler.Tasone@flastergreenberg.com) is an associate at Flaster Greenberg.

Client continued from page 17

Franey said, “You can instruct your client about how to manage the content of a social media page, including the account’s privacy settings, but you can’t advise a client to delete or destroy any information that has potential evidentiary value.”

Tyler Tasone (Tyler.Tasone@flastergreenberg.com) is an associate at Flaster Greenberg.

invite people to contact you through your website or other social media platform. If you receive confidential information, offer advice, or the person believes from the communication that you represent them, it could be viewed as a client relationship.

If you are unsure of the ethical consequences of a situation, the Philadelphia Bar Association Professional Guidance Committee has a hotline you can use to get free legal advice by calling (215) 238-6238.

Laura E. Laughlin (lel@freiwaldlaw.com) is an associate at Freiwald Law.
J. Denny Shupe, partner at Schnader Harrison Segal & Lewis LLP, has been appointed by the American College of Trial Lawyers’ president to chair its Special Problems in the Administration of Justice Committee (U.S.).

Michael Torchia, member at Seamanoff Ormsby Greenberg & Torchia, LLC, received the Honorable Joseph Nardi Jr. Distinguished Service Award from Rutgers-Camden School of Law on Nov. 30.

Sandra A. Jeskie, partner at Duane Morris LLP, received a 2017 Diversity Award from the Diversity Law Institute on Nov. 3.

Daniel E. Rhynhart, partner at Blank Rome LLP, has been appointed to the Corporate Council of the Children’s Hospital of Philadelphia.

David N. Hofstein, shareholder at Hofstein, Weiner & Meyer, P.C., began his two-year term as president of the national Foundation of the American Academy of Matrimonial Lawyers.

Philip Voluck, co-managing partner at Kaufman Dolovich Voluck, LLP, will present a program titled “The ABC’s of EEO (Equal Employment Opportunity) Laws in the Workplace” on Jan. 26 at the PA and Delaware Valley Chapter of the Community Associations Institute symposium at the Arrowhead Lake Community Association in the Poconos.


David A. Nasatir, partner at Obermayer Rebmann Maxwell & Hippel LLP, moderated a Center City Proprietors Association Event that brought the city’s leading developers together to discuss the changes affecting Center City Philadelphia and the surrounding neighborhoods.

Neil A. Morris, principal at Offit Kurman, presented with others to the Delaware Valley Workers’ Compensation Trust Annual Meeting of Municipal Managers, on the interplay of the Workers’ Compensation Act and the Heart and Lung Benefits law as they relate to workers’ compensation claims, and simultaneous Township employment actions in Horsham, Pa. on Nov. 16.

Angela D. Giampolo, principal at Giampolo Law Group, received the 2017 Business Leadership in Diversity Award from Fisher Phillips during the Pennsylvania Society Weekend in New York City on Dec. 2.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Thomas E. Rogers, senior managing editor, Philadelphia Bar Reporter, at trogers@PhilaBar.org.
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 as 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.

With a team approach, the firm’s attorneys represent clients in all aspects of employment law litigation, including all forms of workplace discrimination, sexual harassment, wrongful wage and hour, and Family and Medical Leave Act claims. A boutique practice with a small-firm atmosphere, Sidney L. Gold & Associates provides personal attention to its clients, who, at the same time, benefit from the experience and expertise of the entire team.

Sidney L. Gold & Associates is proud of its skilled attorneys and is honored by the recognition Super Lawyers© has bestowed upon this year’s recipients.