New Rating Approved for Judicial Candidates

By Jeff Lyons

The Philadelphia Bar Association’s Commission on Judicial Selection and Retention will now be able to rate judicial candidates as “Highly Recommended” following the approval of a resolution by the Board of Governors.

According to the resolution passed at the June 26 meeting, the commission has concluded that it would be beneficial
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Moss: Women Haven’t Come Far Enough

By Jeff Lyons

Judge Sandra Mazer Moss, whose mother was born seven months before American women won the right to vote in 1920, said women have come far, but not far enough. Moss was presented with the Philadelphia Bar Association’s Sandra Day O’Connor Award and spoke at the June 9 Quarterly Meeting and Luncheon.

Judge Moss, a distinguished neutral, is a retired judge of the Philadelphia Court of Common Pleas. The O’Connor Award is presented to a woman attorney who has demonstrated superior legal talent, achieved significant legal accomplishments and has furthered the advancement of women in both the profession and the community.

She said Vision 2020, a national organization created to celebrate the 100th anniversary of that historic event, held an awards luncheon recently. “The awardee gave a rousing speech, highlighting disparities between men and women in law, and challenging us to follow the Suffragists’ contribution to society,” she said. “It has been more than 50 years since the Voting Rights Act of 1965 was enacted into law – ending segregation of school systems. And it has come so focused on the progress we have made that we often forget those who will never be able to make a repayment, whether it be by your pro bono involvement, or your general involvement in your communities, lawyers are supremely well positioned to help those who can never pay anything back.”

She said that a countless number of people were the recipients of Leon Higginbotham’s contributions to society – and many of them probably did not even know who he was – and they will clearly never be able to pay him back.

“Although his scholarship and advocacy focused on racial issues, Leon’s fundamental objective was to help others by bringing about systematic change for all people. As a lawyer, he was unrelenting in his efforts to remove the injustices that hobbled the powerless. As a jurist, he demonstrated a deep and abiding fidelity to his oath to uphold the constitution and a powerful commitment to make its promise relevant to even the most humble of our citizens.”

Judge McKee said the late Justice William Brennan referred to Judge Higginbotham as the conscience of the legal profession. “And in so many ways, that was true. But that conscience lives in each of us. Each of us can take advantage of opportunities to do something for those who can never make a repayment. And there is still much to do!”

“It has been more than 50 years since the Supreme Court unanimously declared that the Constitution’s promise of equal protection cannot tolerate laws requiring segregated school systems. And it has been 50 years since the Civil Rights Bill of 1964 was enacted into law – ending the apartheid that was the reality of daily life for so many Americans. And, perhaps most surprisingly, all of us in this room have lived to see the election of a black president of the United States – something that I for one would have thought someone crazy for even suggesting at the turn of this still very young century,” she said.

“And, regardless of political party, we should take no small measure of pride as a society in the fact that the racism that clearly still exists was not so great as to prevent his reelection to a second term. And yet, if Leon Higginbotham were still with us, I am sure he would remind us of the injustices that still exist and the work that still must be done on behalf of those who will never be able to repay us! He would caution us against denial, a false comfort or social arrogance that could blind the legal profession to the persistence of so many injustices.”

Judge McKee concluded his remarks by paraphrasing an old saying about personal progress. “The country is not what we want it to be. But thank goodness, it is not what it was. But let none of us become so focused on the progress we have made that we stop caring about making things better for everyone, especially for those who cannot pay us back.”

Women in the Profession Committee Co-Chairs Ourania Papademetriou (left) and Regina M. Foley (right) present the Sandra Day O’Connor Award to Judge Sandra Mazer Moss at the June 9 Quarterly Meeting and Luncheon.
On June 18, a young man named Maurice ran up to me and hugged me. Maurice is a fifth-grade student at James Dobson School in Manayunk and I was there to speak at the school’s commencement. He hugged me because he knows that my firm – Rosen, Schafer & DiMeo, LLP – has been helping his school as a part of the Philadelphia Bar Association’s Support Our Schools Campaign.

Not only did I receive a hug from Maurice, but his brother, mother and grandmother also hugged me and told me what the support has meant to all of them. That exact moment with Maurice and his family, feeling the fulfillment of their hugs, was the most special moment I have experienced since becoming Chancellor.

Some of you may recall meeting Maurice as well as his wonderful principal, Dr. Patty Cruice, and his classmates, Seth, Sydni and Jaydon, at our March Quarterly Meeting and Luncheon. I also had the pleasure of judging a door decorating competition at James Dobson School a couple months ago, where Maurice, who is a talented young artist, was an instrumental part of my visit. My firm has financially supported the school through the purchase of computers and we will continue our support in every way possible.

Dr. William Hite has been particularly helpful and gracious as has School District Chief Counsel Michael Davis. I have met with City Council President Darrell L. Clarke and other Council members including Councilman Dennis O’Brien and Councilman Bobby Henon. I have constantly advocated for full funding for several reasons, not the least of which is that many of our young lawyers have told me they want to live in and stay in Philadelphia, but if this yearly funding crisis continues, they will move to a school district that better fits the needs of their children. I have met with many other school advocates who also have made it their priority to assure a quality education for all Philadelphia students. I must especially thank Judge Doris Smith-Ribner, Michael Masch, Helen Gym, Rhonda Brownstein, Shelley Beaser, Karen Buck, Assistant U.S. Attorney Rob Reed, U.S. Attorney Zane Memeger and the aforementioned Patty Cruice and many, many others. At the state level I have spoken to Governor Corbett’s general counsel, James Schultz, about this.
Flexibility, Choice Among Perks for Starting Own Firm

By Mary-Kate Breslin

When asked why he decided to go into private practice, former Pepper Hamilton LLP partner Steve Harvey responded that he thought he could leverage technology, charge lower rates, and have more flexibility with regard to marketing clients and choosing cases.

At the Philadelphia Bar Association’s second session of the Law Firm Laboratory series on June 4, Harvey was joined by fellow panelists Lee Schwartz, Kevin Mincey, and Rhonda Hill Wilson to discuss why they each decided to go into a private practice and how they got started. Created by Chancellor William P. Fedullo, the Law Firm Laboratory is a free program of ideas, strategies, and concepts for opening and cultivating new law firms.

Harvey has worked on a wide range of litigation and trial matters throughout his career, and after having worked at Pepper for nearly 20 years, he founded Steve Harvey Law. Rhonda Hill Wilson attributed her decision to go into private practice to values as well as wanting to earn a better living. “When you work for someone else, there is always a limit on what you can do,” she said. Someone else is “pulling the strings and calling the shots,” she continued, confiding that she prefers making decisions for herself. Wilson has been practicing law for nearly three decades, and opened her law firm in 1994, after working in insurance defense.

Schwartz’s reason as to why he decided to go into private practice was purely based on increased flexibility. Schwartz reminisced about wanting to major in psychology but his father would not allow it. So he majored in political science instead, and now practices family law as does his wife.

Mincey noted a split in his reasoning based on no longer wanting to take orders from people, and trying cases in which he did not believe. Mincey, a partner at Mincey & Fitzpatrick LLC, was inspired by a high school teacher to become an attorney. Wilson candidly admitted that she is not a manager, but a trial lawyer. She recognized this about herself and chose to reduce her staff. Schwartz admonished, “Being on your own can be a seven-day-a-week deal, and you have to be on board with that, and your spouse has to be on board with that.” According to Mincey, as a solo practitioner “the buck stops with you.” Mincey finds that now he is no longer a solo practitioner he finds himself attending more meetings, but he also has additional time to generate business. An avid cyclist, Harvey kidded that he can ride his bike from his home in East Falls to his office in Center City, and he continued on page 17
Unpopular People, Causes Deserve Day in Court, ACLU’s Walczak Says

By L. Anthony DiJiacomo III

In 1997, the Ku Klux Klan applied for a permit to hold a rally in Pittsburgh in early April. Mayor Thomas J. Murphy’s immediate response was “Over my dead body.” Although unneeded, Murphy gave the press two overarching reasons: first, the message of the KKK is not a message the citizens of Pittsburgh believe in; and, second, the police may not be able to protect the KKK demonstrators.

Witold “Vic” Walczak, legal director of the ACLU of Pennsylvania, represented the KKK on behalf of the ACLU and won a court order enabling the KKK to march. Walczak later spoke at the counter-rally held by the Pittsburgh community opposing the KKK’s message. Walczak was the keynote speaker at the Federal Courts Committee’s Federal Bench-Bar Conference on June 13, where he discussed why it is important that federal courts be receptive to litigation brought on behalf of unpopular people and causes. Although Walczak admitted that the ACLU is not always a popular organization, it is committed to defending civil liberties for all.

He said the KKK case “epitomizes the importance of defending speech that we abhor,” Walczak said. He explained that the case law that supports the right to hold a rally is based on cases from the 1950s and 60s involving civil rights marchers in the American South. In each case, the towns that refused to issue permits to the civil rights marchers provided two reasons: first, that the message of the civil rights marchers was not one the citizens of the town believed in, and, second, the town did not believe it could assure the demonstrators’ safety. Just as the same arguments were being made again a half-century later against the KKK, the same right existed for the KKK to hold a rally.

“Unless everyone enjoys the rights, they’re not really rights. That’s why the ACLU represents unpopular parties. The Bill of Rights is filled with counter-majority protections. The rich, the famous, the popular people are not the ones that need the protections of the Constitution; it is Unpopular People, Causes Deserve Day in Court, ACLU’s Walczak Says
Decide What Judge Should Hear Before Cross Exam

By Julia Swain

Before preparing a cross examination, practitioners ought to answer two basic questions: What do you want the judge to hear first; and, what do you want to leave the judge with, Philadelphia Court of Common Pleas Judge Mark I. Bernstein advised members of the Family Law Section on June 2.

Judge Bernstein and attorney Larry Bendesky discussed dissecting cross-examination though a presentation of clips from movies, pop culture and re-enactments by some of Philadelphia’s most accomplished trial lawyers, including Tom Kline and Bob Mongeluzzi.

The first clip showed George Bochetto, who recommended starting cross with a strong question that will interest the court. Bochetto recommended avoiding asking for a conference with the court or debating with the witness. He also urged keeping something in reserve to end on a high note.

Always be professional. Balancing competitiveness with courtesy is important and can be better achieved by trying to convince the court of your case rather than debating with opposing counsel. When dealing with a witness who refuses to answer questions, a clip featuring attorney Dan Ryan, showed how evasiveness during a courteous cross could effectively be argued to the court as a lack of credibility.

Lock them in. Cross-examination has two main goals: to add information for the court, and show that the witness is either exaggerating or spinning testimony. Locking in an answer from a witness gives the examiner the ability to follow up with either that witness or a different witness to contradict testimony and ultimately undermine credibility.

Keep it real. Often, a witness will take an unreasonable position that has no bearing to the real world. To underscore incredible testimony, using real world examples and circumstances provides a frame of reference that undermines the witness’s statements.

Be prepared. Attorney Peter Hoffman recommended examining every detail when preparing a cross exam. When facing an expert witness, all C.V. entries should be verified, all publications relevant to the case should be read, and all calculations in a report should be double-checked.

Examination as Judo. Sometimes, a witness will say something so incredible that the cross-examiner engages in badgering the witness to get a real answer. But, permitting the witness to continue down an incredible path will ultimately lead to a poor credibility determination.

Get concessions. Some witness are truthful and the most we can get on cross are concessions of facts not in dispute that benefit your case.

Always be closing. Before starting cross, decide what you want the judge to conclude. Moreover, trial preparation should start with focus on your closing. Once the destination of the case is determined, then create a path to follow, including a cross, to reach the ultimate goal.

Finally, a clip of top 10 cross-examination tips for bench trials, created by Pennsylvania Superior Court Judge Anne E. Lazarus, was reviewed. The tips included know the judge; be brief; be focused; vary questions; do not be overly pragmatic; save conclusion questions for argument; avoid hostile tactics; avoid argument with opposing counsel; limit non-essential visual aids; assume familiarity by the judge but do not leave anything out.

Julia Swain (jswain@foxrothschild.com), a partner with Fox Rothschild LLP, is an associate editor of the Philadelphia Bar Reporter.

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Panel: Glass Ceiling Can Block Women in Academia

By Elisa C. Advani

Although teachers at the public school level are predominantly female, academia is still largely a man’s world at the college and university level, panelists at a June 5 program on legal careers in academia told members of the Women’s Rights Committee.

Panelists were Monica Taylor, vice president of Alumni Relations for the University of Delaware; Vanessa Lawrence, associate professor in the Legal Studies Department at Temple University’s undergraduate business school; and LeaNora Ruffin, assistant dean of Career Development at Widener University School of Law. The panel discussed career alternatives to practicing law and some of the issues women face.

Lawrence and Ruffin both practiced law for a period before transitioning to academia while Taylor worked in fundraising and alumni affairs during and after law school. Lawrence explained that academia can provide more work-life balance as compared to law firms. “It was hard to be in a work environment where I had to tell a judge I needed to leave to pick up my child from daycare,” said Lawrence, a mother of two. Even with work-life balance, time management is a challenge especially for tenured-track professors required to research and publish in addition to their teaching responsibilities.

Interestingly, the panel members achieved their success without the help of a mentor leading the way. Lawrence, for instance, had to pave her own path being the only female African-American tenured professor at Temple University. “I did not have a mentor. I was it. There was no one like me to look up to,” she explained. Ruffin said it is not realistic or even necessary to have one single mentor guide you from undergraduate through your law career, although different people can be of help at different stages. According to Ruffin, men can be good mentors “perhaps because women take on so much in their lives, careers, marriages and families, whereas men are able to be more accessible.”

The glass ceiling is still upon us when it comes to staffing the higher positions in academia. Some statistics report women making up one third of the professor population, but as you go up the ranks into tenured status, the numbers are cut in half. As a woman it is important to recognize when breaking through the glass ceiling means leaving a particular institution. The panel advised audience members who were interested in academia to focus their job search on institutions with a commitment to diversity.

One of the biggest challenges for Taylor is having her quiet carefulness mistaken for weakness. “I am more of a listener and my male counterparts expected me to jump into any discussion. That was not my style and I was not going to change for them,” Taylor explained. She eased the tension by having one-on-one meetings to express her ideas and establish herself as a conscientious manager.

Women interested in careers in academia should volunteer to have an advantage over other candidates. Volunteering is also a good way to keep the skill set alive if you are a mother or otherwise in transition. Ruffin’s advice to audience members was to network, go on informational interviews, and “say yes more than you say no; your visibility will automatically increase.”

Elisa C. Advani (elisa.advani@phila.gov), an assistant city solicitor in the Philadelphia Law Department, is an associate editor of the Philadelphia Bar Reporter.
By Martha Fisher

Criminal justice systems across the country grapple with the challenges brought about by recidivism: convicted offenders re-entering society fall back into patterns of old behavior and commit new crimes.

In Philadelphia, approximately 23 percent of convicted offenders who re-enter society after serving county sentences (less than two years of incarceration) are arrested within one year while under probation or parole supervision, and more than 40 percent incur a new arrest by the time three years have elapsed. In the case of offenders who were incarcerated, the outlook is worse: 38 percent recidivate within a year of their release, i.e. returning citizens, and 56 percent return to crime within three years. Of the 42,482 defendants arraigned in Philadelphia in 2012, more than 30,000 had previously been arrested.

The burdens recidivism places on victims, courts, law enforcement, and citizens are monumental. The need for programs that address these issues is pressing.

In April 2014, the Philadelphia Court of Common Pleas launched a pilot program solely focused on decreasing recidivism by utilizing mentoring. The program is the brainchild of Common Pleas Judge Michael Erdos. Last year, Judge Erdos and Judge Lisa M. Rau gathered a committee of individuals consisting of local attorneys and community service leaders to operate as a working group. The goal of the group was to draft a proposal for a one-year pilot mentoring program that would run through the criminal court system of the First Judicial District and utilize mentors to guide incarcerated individuals as they return to society, i.e. returning citizens. By October 2013, a proposal was submitted to Administrative Judge John W. Herron and now-President Judge Sheila Woods-Skipper for approval.

Following the dedication of the judges and their working group, the program has emerged. Fittingly, the program is called MENTOR (Mentors Empowering Now To Overcome Recidivism).

As of the official roll-out date, April 26, 2014, more than 50 individuals from area law schools, community service organizations and church groups have submitted applications to become program mentors. MENTOR happily receives applications from ex-offenders who have successfully re-entered society, often referred to as returned citizens. In this first group of mentors, roughly 40 percent are students at Drexel University School of Law, 25 percent are returned citizens, and 35 percent are from community service and church groups. A kick-off training session for the mentors was conducted in City Hall on April 26, including presentations from several leaders in the Philadelphia re-entry community. The pairing of mentors with participants began in May 2014.

One of the most significant features of the program was designed by Judge Rau. Drawing upon her court experiences with returning citizens, she realized that MENTOR could offer an incentive to a defendant that is unavailable to mentoring or reentry programs not connected to the courts. Namely, judges are in the position to offer a “carrot” as part of a defendant’s sentence. Upon successful completion of the program, a participant will have a meaningful amount of probation, such as one year, taken off a sentence. This added incentive will serve to attract participants to the program and increase the likelihood of successful reentry.

Each mentor will be paired with his or her participant for one year and will meet in person at least twice monthly, with additional contacts by phone or email. Mentors will provide emotional support and they will also offer practical assistance with challenges such as obtaining photo identification, enrolling in drug and alcohol treatment, and finding employment.

A training manual, developed by Judge Erdos, Judge Rau, the working group and Judge Erdos’ incoming law clerk, Rachael Eisenberg, provides mentors with instructions, guidance, and useful reentry resources. Judge Erdos will hold monthly status hearings for the participants and mentors to assess the progress that each participant has made. Educational presentations will be delivered at these group hearings to guide participants on relevant topics.

The launching of this program represents...
Judge Moss continued from page 2

fragettes’ example by mounting a strong campaign for equality in our profession. She got a standing ovation,” recalled Judge Moss.

“But, as I stood applauding, I realized I had heard that speech before — almost 40 years before — when, as president of the Philadelphia Women’s Political Caucus, I and my friends, marched and picketed and lobbied to pass the Equal Rights Amendment. We were not successful. In fact, we failed miserably. Today, almost 40 percent of us are managing partners. We've come far, but not far enough. To day, almost 40 percent of us are equity partners; and less than 5 percent of us are “of counsel;” 16 percent of us are associates; 38 percent of us are “of counsel;” 16 percent of us are equity partners; and less than 5 percent of us are managing partners. "Men outearn us at every level, beyond associate,” she said. “Women equity partners earn only 89 percent of what their counterparts earn. And 96 percent of the top 100 firms in the nation report their highest paid partner is a man. "The women of our generation have paved the way — but not even halfway. It’s up to you, the next generation of attorneys, law clerks, young associates, rising partners, both men and women — to carry the torch. And you cannot rest — you cannot rest — until these statistics are eradicated," she said.

She called gender equality a social justice problem. “But, I believe with a little bit of luck, a whole lot of work, and a wealth of experience from my generation, your generation will find a viable solution. I believe a day will come when women law graduates will not only compete equally with men for associates’ job, but will continue to compete equally all the way up the corporate ladder. I believe a day will come when the courtrooms of this country are filled with lead counsel who answer to Ms. instead of Mr. I believe a day will come when this speech is no longer necessary. We can and we should. We can and we should. We can and we should.”

Then we can proudly say now everyone has an equal opportunity to succeed in the legal profession. Finally, we will have come far enough,” she said.

Judge Moss dedicated the Sandra Day O’Connor Award to her great aunts, who ran an underground railroad to get Jews out of Poland in the early days of World War II. She said the Nazis found out about it and came to the town and not knowing who to arrest, they rounded up all the Jews, and shot them in the town square. Today, her great aunts’ pictures appear in a book of Jewish history. “It’s my honor to honor them,” she said.

Several of the past Sandra Day O’Connor Award honorees join Judge Sandra Mazer Moss before the June 9 event. They included (from left) Deborah Willing, Judge Anne E. Lazarus, Judge Phyllis W. Beck, Judge Cynthia M. Rufe, Roberta D. Liebenberg, Jane Leslie Dalton, JoAnne A. Epps, Stephanie Resnick and Lila G. Roemberg.

Photo by Jeff Lyons

Marion: Bill By Value of Service

By Jeff Lyons

FORMER CHANCELLOR DAVID H. MARION called on young lawyers to address two issues to improve the reality and perception of law as a profession — judges having to ask lawyers for campaign contributions and billable hours.

Marion spoke on behalf of the new members of the Philadelphia Bar Association’s Year Clubs at the June 9 Quarterly Meeting and Luncheon. The Association recognized 73 attorneys who have been practicing for 50, 60, 65 and 70 years.

“The practice of law inevitably has its ups and downs, moments of triumph and moments of despair, anxieties and pressures as well as times of great satisfaction. Looking back, I hope my colleagues share my belief that the practice of law has been a noble and satisfying adventure, and that there is no better way to earn a living, help others, improve the community in which we live and do well by doing good,” Marion said.

Marion urged the elimination of the “disgraceful situation in Pennsylvania whereby those wishing to serve as judges must ask for campaign contributions.”

“I urge the young lawyers to do something about these two wrongs, and devise appropriate engagement arrangements that recognize that neither we nor our hours spent are interchangeable and that one wise and experienced practitioner’s several brilliant moments of strategy and advice can be worth far more than another lawyer’s many plodding hours. Let’s bill by the value of our service, not just the hours spent.”

Marion also spoke about his fellow members of the 50-Year Club. “I’ve heard it said that there are three ages of man — first comes youth, then comes middle age and then you look great! So now I am looking at our 50-Year Club and guess what — we don’t smoke! We exercise! We make love! And — thank god - we don’t smoke! We exercise!

“None of that is good for our clients. And what causes more anxiety and disillusionment for young lawyers — who are trying to build a marriage and a home, raise children and deal with new financial pressures than that one wise and experienced partner, be successful or advance in their firm by billing an ungodly number of hours that inevitably will infringe on living a balanced and meaningful life.”

“I urge the young lawyers to do something about these two wrongs, and devise appropriate engagement arrangements that recognize that neither we nor our hours spent are interchangeable and that one wise and experienced practitioner’s several brilliant moments of strategy and advice can be worth far more than another lawyer’s many plodding hours. Let’s bill by the value of our service, not just the hours spent.”

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Photo by Jeff Lyons

QUARTERLY MEETING & LUNCHEON

Year Club Honorees

50-Year Club

60-Year Club

65-Year Club

70-Year Club
Joseph Sharis

COMPASSION, KIND VOICE DO WONDERS

By Blair Clark Dickerson

As a pro bono attorney at the AIDS Law Project of Pennsylvania, I never know what I am going to encounter when I answer the phone.

The AIDS Law Project has been offering free legal services to people with HIV and AIDS for more than 25 years, helping them that they may desperately need to lead productive, secure lives.

My role is to perform a kind of legal triage, doing an initial interview with prospective clients and assessing cases and analysis for the intake review committee, which then determines the best way to proceed with the case.

I could find myself talking to a repeat client about a relatively routine — though still important — matter such as updating a will.

Other times it could be someone distraught because they fear losing their home, or frustrated they are having trouble getting the public benefits they need to survive, or angry because they believe they are facing discrimination based on their HIV status.

My experience has taught me that compassion and a kind voice go a long way. I want a prospective client to understand that I am here to listen.

From a legal perspective, questions that elicit "yes or no" answers are often the best for framing issues. But distressed clients are sometimes even more given to emotionally charged narratives. That’s fine. It’s what they need to do. My job is to listen, guide them in a productive direction and elucidate the "yes or no" answers my colleagues need to begin building a case.

I came to the AIDS Law Project after hearing about the Milton Hershey School case in 2012. The prestigious school in Hershey had refused to enroll a 14-year-old, honor-roll student because he has HIV, saying his presence would be a "direct threat" to the health and safety of other students.

The AIDS Law Project filed a federal AIDS-discrimination lawsuit and ultimately won a $700,000 settlement for the teenager and his mother. The school also was assessed $15,000 in civil penalties by the U.S. Department of Justice, which concluded it had violated the Americans with Disabilities Act.

As a former anti-discrimination investigator for the state of Delaware, the case struck a chord with me and I decided to call the AIDS Law Project.

Now, I’ve been in the office almost every Friday for more than a year, ready to offer a kind voice as a precursor to sound legal advice.

The smart, dedicated staff of the AIDS Law Project has a compassionate zeal for their work that is contagious. It has been a rewarding experience. If you are looking for a way to contribute to the greater good, do what I did and call us at 215-587-9377.

I’m a basketball fan, and in particular an admirer of the legendary UCLA coach John Wooden. His quotes, or Woodenisms, continue to inspire people decades after he retired and four years after his death.

One of those Woodenisms often occurs to me while I’m working at the AIDS Law Project.

"You can’t live a perfect day without doing something for someone who will never be able to repay you."

Blair Clark Dickerson is an adjunct instructor in the graduate program, business division, at Wilmington University. Each of his two sons has a graduate degree from Tufi University. The older is a PhD. Candidate in psychology, the younger the assistant offensive line coach for the St. Louis Rams.

Major Trends Affecting Office Workplace July 15

Are the lines between work, play and home getting blurred because of technology? In the “Major Trends Affecting the Office Workplace,” program of the X, Y, Z’s of Real Estate Program Series on Tuesday, July 15, real estate experts Carol Huff and John Gattuso will discuss the Comcast Innovation Technology Center and what changes might be coming to office layouts.

Huff, principal at Huff Equities, has spent more than 35 years in the commercial real estate business. During this time, she has saved her clients tens of millions of dollars in lease-related billings and prevented major problems from surfacing in the future once a lease is signed.

Gattuso is senior vice president and regional director of Liberty Property Trust, one of the nation’s largest real estate investment trusts specializing in office and industrial properties. At Liberty, Gattuso is responsible for operations in Philadelphia, Washington, D.C. and Northern Virginia. His current projects include the redevelopment of a significant portion of the former Philadelphia Navy Yard as well as the 59-story, 1,211-foot-high, 1.6-million-square-foot Comcast Innovation and Technology Center.

The free program begins at 12 p.m. in the 11th floor Conference Center at the Philadelphia Bar Association, 1101 Market St. Lunch is available for $8 for members of the Philadelphia Bar Association and $12 for non-members. Register at philadelphiabar.org.

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PRO BONO SPOTLIGHT: AIDS LAW PROJECT OF PENNSYLVANIA

Caplan, Mulcahy Honored by VIP

PHILADELPHIA VIP recognizes Evan Caplan and Jim Mulcahy—a dynamic attorney/paralegal pair at Cozen O’Connor—as Volunteers of the Month for helping VIP clients preserve income and maintain family stability.

Evan, a partner at Cozen O’Connor, specializes in products liability, construction law, liquor liability and complex torts. Evan began volunteering with VIP in 2003, taking on a student loan case. Since 2010, Evan has volunteered with VIP every year. “It’s gratifying to me personally to be able to help VIP clients get access to medical benefits,” said Evan, who helps clients achieve access to health care coverage, prepare legal name change applications, and obtain amended birth certificates.

Jim, a senior litigation paralegal at Cozen O’Connor, has worked with Evan on all of his name change cases and has mirrored Evan’s surplus of 150 pro bono hours. In preparation for the name change hearings, Jim helps clients complete name change documentation, client judgment searches, fingerprints and publication.

“Our name change clients come to us because they are unable to obtain government-issued identification because their birth certificates are incorrect or were never issued. Without identification, our clients are often prevented from obtaining employment, opening a bank account, or accessing benefits such as SSI. Evan and Jim are wonderful volunteers who understand the importance of these cases and are always ready to step in and help our clients,” said VIP Supervising Attorney Laurice Smith.

Jim and Evan assisted a mother who needed to get her son’s birth certificate changed prior to his matriculation in college. The son had special needs and could not navigate the name change process on his own, so the pair worked with the mother. “She needed her son’s name changed; amended birth certificates; and, I believe, a letter submitted to the college. She also had to go to the Social Security office. She had such a small window of time to get everything done,” Jim said.

He went the extra mile to help the client legally change her son’s name in time for school.

“I think we as lawyers and members of the legal profession share an obligation, not just a commitment, to give back to our community. The folks that VIP brings on as clients view the legal system as a mystery and helping them gain access to the court system is something we should all participate in as lawyers,” Evan said.
Monday, Oct. 17

12 to 1:45 p.m.
Ethics of Covering a Moving Media Target
Bar-News Media Committee
1 ethics credit, 0.5 substantive credit

Jodi Arias, George Zimmerman, Donald Sterling, Malaysia Airlines Flight 370, and the South Korea ferry disaster are just a few of the moving media targets that we are all familiar with. While news media, ethics and law are separate areas of business, the court of law and court of public opinion overlap in theory and in practice.

Members of the media are often charged with covering a story with very little detail to go on. The overarching ethical standards are fairness and accuracy above all. But who really determines what is “fair” and at what point do we measure a story for “accuracy”? On the other side of the coin are the attorneys who have an ethical obligation to their clients to preserve attorney-client confidentiality while providing zealous counsel.

Both professions require critical thinking, research, and communication skills, along with an ability to grasp how laws and ethics shape the delivery of news. Nationally known lawyers-turned-media correspondents will address the ethics of covering a moving media target in today’s society.

Course Planner: Gina Furia Rubel, Furia Rubel Communications, Inc.
Faculty: Daniel L. Cevallos, Cevallos & Wong LLP (moderator); Cherri T. Gregg, Esq., KYW Newsradio 1060; Heather Hansen, O’Brien & Ryan, LLP; and Patrick J. Murphy, Fox Rothschild LLP and MSNBC contributor.

2 to 3 p.m.
Defamation and SLAPP Suits: Where Do We Stand 50 Years After New York Times v. Sullivan?
Public Interest Section
1 substantive credit

This year marks the 50th anniversary of the landmark First Amendment case of New York Times v. Sullivan, in which the U.S. Supreme Court held that public officials (later expanded to include public figures, too) who sue for defamation must show that the defendants acted with “actual malice.” The Supreme Court’s motivating concern in adopting and repeatedly reiterating this standard over the past 50 years is to ensure that the public and the press are not chilled from criticizing and commenting on public officials, public figures, and government activities, out of fear of a defamation suit. Does it truly ensure that the fear of a defamation suit, including the costs of defending against it, does not chill the press and the public from speaking? Critics call these SLAPP (Strategic Lawsuit Against Public Participation) suits, and argue that it has become common practice for real estate developers, other commercial firms, and even some public officials to respond to public criticism with threats of a meritless suit. In September 2013, state Sen. Larry Farnese introduced an amendment to Pennsylvania’s anti-SLAPP law designed to make it easier for SLAPP defendants to get early dismissal of SLAPP suits and even recover attorneys’ fees. Advocates for the protection of reputational interests assert that the publishers of speech must act responsibly and that some check is needed on irresponsible, false speech that can cause immeasurable harm to an individual’s reputation. During this CLE, panelists with views and experience across the spectrum will share and debate these issues, which remain as relevant today as they were continued on page 12
Bench-Bar continued from page 11

when N.Y. Times v. Sullivan was decided 50 years ago.

Course Planners: Su Ming Yeh, Pennsylvania Institutional Law Project; Phoezica Williams, law clerk, Hon. Marsha H. Neifeld, Philadelphia Municipal Court.

Faculty: Pennsylvania state Sen. Larry Farnese; Geoffrey R. Johnson, Law Office of Geoffrey R. Johnson, LLC; Mary Catherine Reper, senior staff attorney, ACLU of Pennsylvania (moderator); Eli Segal, Pepper Hamilton LLP.

Dirty Tricks in Domestic Relations

Family Law Section 1 substantive credit

With emotions running high, some family law litigants play games that make the other party’s life, and sometimes the lives of their children, miserable. Examples include profane texts, video recordings of custody exchanges, email bullies, parental eavesdroppers and birthday party crashers. While these dirty deeds may not be illegal, they can cross the line of harassment or conduct contrary to the children’s best interest.

This program will explore constructive ways to deal with destructive conduct and the relief a court can offer to diffuse these difficult circumstances. Our distinguished panel includes some of the most highly-respected family law judges and attorneys in the commonwealth.

Course Planners: Julia Swain, Fox Rothschild LLP and Mark A. Momjian, Momjian Anderer LLC.

Faculty: Hon. Maria C. McLaughlin, Philadelphia Court of Common Pleas, Family Court Division; Margaret Klaw, Berner Klaw & Watson LLP; and David S. Rainer, Fox Rothschild LLP (moderator).

Do the Right Thing! – Ethical Issues Arising in Litigation

State Civil Litigation Section 1 ethics credit

This CLE session will address the ethical issues that can arise in the litigation process, both pretrial and during trial. Counsel from both the plaintiff and defense side, along with judicial perspective, will highlight the following issues: ethical issues regarding attorney conduct; representations made to court during settlement discussions; using social media in pursuit of information; and contacting employers for information.

Course Planner: Butler Buchanan III, Marshall, Dennehey, Warner, Coleman & Goggin, PC.

Faculty: Hon. George Everett, Philadelphia Court of Common Pleas, Trial Division; Civil; Hon. Pamela Pryor Dembe, Philadelphia Court of Common Pleas, Trial Division; Civil; A. Roy DeCaro, Raynes McCarty; and Daniel J. Sherry, Marshall, Dennehey, Warner, Coleman & Goggin, P.C.

False Claims Act or Whistleblower Litigation: What Every Practitioner Must Know About This Constantly Developing Area of the Law

Federal Courts Committee 1 substantive credit

Nationally known practitioners in the area of federal and state false claims act litigation will provide the Bench-Bar audience with years of unprecedented litigation experience into the unique, often confusing, and always evolving area of qui tam or whistleblower litigation. The federal government has recovered more than $39 billion since 1986. The Philadelphia federal bench along with some Bar members have handled historic false claims act cases since the passage of the Modern False Claims Act in 1986. Areas to be covered by the panel include an overview of the federal and state false claims act statutes; the unique procedural postures of these complex cases; how these complex cases are prepared and litigated; some of the pitfalls involved in this unique litigation; working with the federal and state governments in whistleblower cases; the pivotal role of the court in false claims act litigation.

Course Planner: Marc S. Raspanti, Pietragallo Gordon Alfano Bosick & Raspanti, LLP

Faculty: Michael A. Morse, Pietragallo Gordon Alfano Bosick & Raspanti, LLP (moderator); Hon. L. Felipe Restrepo, U.S. Magistrate Judge, U.S. District Court for the Eastern District of Pennsylvania; Pamela C. Brecht, Pietragallo Gordon Alfano Bosick & Raspanti, LLP; and David M. Laigae, Eckert Seamans Cherin & Mellott, LLC.

3:15 to 4:15 p.m.

Diversity and Inclusion: Lesbian, Gay, Bisexual and Transgender (LGBT) Lawyers Diversity in the Profession Committee and LGBT Rights Committee 1 substantive credit

According to NALP: The Association for Legal Career Professionals, “[t]he overall percentage of openly lesbian, gay, bisexual, and transgender (LGBT) lawyers reported in the NALP Directory of Legal Employers (NDLE) in 2013 increased to 2.19 percent compared with 2.07 percent in 2012. Percentages for both partners and associates increased.” Our panelists will discuss “best practices” to create an inclusive environment for LGBT lawyers; the importance of “straight allies” as advocates for the LGBT community; workplace policies; compensation and benefits; an update on current laws impacting the LGBT community; and mentoring.

Course Planners: Sophia Lee, Sunoco, Inc.; and Kevin V. Mincey, Mincey & Fitzpatrick, LLC

Faculty: Lawrence S. Felzer, SeniorLaw LAW Center; Cherri T. Gregg, KYW Newsradio 1060 (moderator) Su Ming Yeh, Pennsylvania Institutional Law Project; Abbe F. Fenster, Flaster/Greenberg PC; and Hon. Daniel J. Anders, Philadelphia Court of Common Pleas, Trial Division, Criminal.

New Developments in the Civil Right to Counsel and Access to Justice Movement in Pennsylvania

Civil Gideon and Access to Justice Task Force 1 substantive credit

This panel will provide an updated report on the efforts that began five years ago with the formation of the Philadelphia Bar Association’s Civil Gideon Task Force and culminate in the efforts over the past year to address the civil legal justice crisis and improve access to justice in Pennsylvania. The program will highlight the findings and recommendations contained in the report “Toward Equal Justice for All: Report of the Civil Legal Justice Coalition.” The report was presented to the Pennsylvania Senate Judiciary Committee on May 6, 2014, following the statewide access to justice hearings held in 2013. The program will address strategies underway to implement those recommendations in Pennsylvania and will also highlight innovative approaches to improving access to justice that have been implemented in other jurisdictions.

Course Planners: Catherine Carr, Community Legal Services, Inc.; Joseph A. Sullivan, Pepper Hamilton, LLP; and Merrill L. Zebe, Philadelphia Bar Association.

Faculty: Hon. Gerald A. McGugh Jr., U.S. District Court for the Eastern District of Pennsylvania; Jennifer Clarke, executive director, Public Interest Law Center of Philadelphia and tri-chair, Pennsylvania Civil Legal Justice Coalition; Steven Grumm, Esq., Director, Resource Center for Access to Justice Initiatives, American Bar Association; and Hon. Fern A. Fisher, Deputy Chief Administrative Judge of New York City.

Trick or Treat? Understanding the Interplay Of Disability, Workers’ Compensation And Tort Claims

Social Security Disability Law Committee 1 substantive credit

Learn about Social Security disability, work injury and tort claims generally and the effect they have on one another.

Course Planner/Moderator: Maria E. Bermudez-Harris Esq., Martin LLC


Dealing With High Profile Cases: A View from the Courts and the Executive Branch 1 substantive credit

From arranging physical accommodations in the courtroom to public statements on the courthouse steps, what, if anything, do judges and prosecutors have to do differently when there is a high profile case?

Faculty: Hon. Correale Stevens, Pennsylvania Supreme Court and Kathleen G. Kane, Pennsylvania Attorney General.

4:30 to 5:30 p.m.

Reentry Courts – New Opportunities for Returning Citizens

Criminal Justice Section 1 substantive credit

This one-hour panel will describe the Federal Reentry “STAR” court and its operation. Also an explanation, description and update on the newest Reentry court on the local map: the Philadelphia Court of Common Pleas Reentry Court for state paroles.

Course Planner/Moderator: Thomas J. Innes III, Esq., Defender Association of Philadelphia

Faculty: Hon. L. Felipe Restrepo, U.S. District Court, Eastern District of Pennsylvania; Byron Cotter, Director, Alternative Sentencing, Defender Association of Philadelphia; Michael L.
Bench-Bar & Annual Conference

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Green, Pennsylvania Board of Probation and Parole; Derek Riker, Chief, Division Courts Unit, Philadelphia District Attorney’s Office.

Openings with Mongo
State Civil Litigation Section
1 substantive credit

Robert J. Mongeluzzi will present his opening argument in the case of a client who was tragically killed while working at a steam plant in Philadelphia after being crushed by a 300-pound block that fell approximately 60 feet from an overhead crane. Mongeluzzi was able to establish that the defendant’s reckless conduct gave rise to punitive damages, along with eyewitness testimony which established approximately 10 minutes of uncontroverted conscious pain and suffering. The decedent client left behind a widow and five children (3 adults and 2 minors), the youngest of which (3 years old) suffers from profound hearing loss. The constellation of damages in this case – punitive damages, clear conscious pain and suffering and compelling clients – propelled this case’s settlement to one of the highest in Philadelphia County history for a single wrongful death case. Mongeluzzi’s opening statement uses state of the art technology, incorporating family photographs, scene photographs, deposition transcripts, deposition videos, critical documents and crane simulations. The seminar will also include the participation of prominent defense counsel giving a unique viewpoint on Mongeluzzi’s presentation and answer questions on the evidentiary and tactical issues to be considered in giving an effective opening statement.

Faculty: Robert J. Mongeluzzi, Saltz Mongeluzzi Barrett & Bendesky PC; Rochelle M. Fedullo, Wilson Eber Moskowitz Edelman & Dicker LLP; and John E. Savoth, Saltz Mongeluzzi Barrett & Bendesky PC (moderator).

Social Media Policies for Employees
Young Lawyers Division
1 substantive credit

The CLE will include a brief discussion of the scope of social media discovery. However, its main focus will discuss how to manage the risks of social media and how social media will affect employers’ policies regarding their employees and their web presence. We will cover recent litigation and decisions where corporations have been directly involved because of their web presence, their employees’ social media commentary, and the actions of their competitors. Faculty will offer advice on what employers are suggested to avoid, how to train employees, general policy drafting, and some general tips/ concerns. The panelists will address what needs to be done by employers to ensure that they have a sensible, risk-managed web presence; have thought about social media in a litigation hold scenario; and have policies in place to protect/educate their employees about social media risks to the company and to its employees. All attorneys get a reintroduction to the vast amount of information that can be discovered about plaintiffs and their own witnesses – it may even help counsel realize some evidence and causes of action they have been overlooking.

Faculty: Ryan G. Gatto, Global Director Compliance, Sagner Availability Services; and Laura Powers, Chief Marketing Officer, Furia Rubel Communications.

7 p.m.
Grand Reception

Saturday, Oct. 18

8:30 to 9:30 a.m.
“Witnesses, Eyewitnesses and Videotape” – Progress or Boondoggle? Criminal Justice Section
1 substantive credit

This hour-long panel explains and discusses the reforms initiated by the Philadelphia Police Department in the areas of treatment and interrogation of witnesses, procedures and protocols on conducting photo displays for eyewitnesses and the videotaping of interrogations of and statements by suspects. Why were these reforms enacted? What is the impact on criminal prosecutions? Where does Philadelphia fall nationwide in police practices?

Course Planner/Moderator: Thomas J. Innes III, Assistant Defender, Defender Association of Philadelphia.

Faculty: Philadelphia Police Commissioner Charles H. Ramsey; Marissa Boyers Bluestine, Legal Director, Pennsylvania Innocence Project; John Holloway, director, Quattrone Center for the Fair Administration of Justice, University of Pennsylvania; and Prof. David Rudovsky, Kairys, Rudovsky, Messing & Feinberg LLP and University of Pennsylvania Law School.

9:45 to 10:45 a.m.
Motion/Discovery Court Practice – The Good, The Bad and The Ugly
State Civil Litigation Section
1 substantive credit

This CLE will identify and address controversial motions, such as motions for extraordinary relief, motions to compel depositions/defense medical examinations, motions to enforce settlements, motions to disclose social media information, and motions for forum non-conveniens. Expert faculty will utilize hypotheticals and “in-court” videotaped vignettes with motions presented and briefly argued on camera, followed by brief discussions by the panel and perspectives by a judge(s), to identify certain kinds of motions that should not be filed and/or defended as a “waste of time” because the result yielded is a “fait accompli.”

Course Planner – Ronald A. Kowel, Kowel & Rush, PC.

Faculty: Hon. Lisa M. Rau, Philadelphia Court of Common Pleas, Trial Division, Civil; Peter J. Devon, manager, Discovery Court Unit and the Dispute Resolution Center, Philadelphia Court of Common Pleas; and Kelly J. Fox, Geroldmo McNulty Divis & Lewbart, PC.

Creating and Maintaining a Diverse and Inclusive Law Practice for All
Law Practice Management Committee
1 substantive credit

Panelists will provide “best practices” to create and maintain a diverse and inclusive law practice where there is equal opportunity for advancement for all. Learn about the importance of defining diversity broadly and understanding the “business case for diversity.” The discussion will focus on concrete steps to eliminate bias from business development, client relationship management and procurement.

Course Planner/Moderator: Naomi McLaurin, Director of Diversity, Philadelphia Bar Association.

Faculty: Albert S. Dandridge III, Schnader Harrison Segal & Lewis LLP; Mary F. Platt, Griesing Law, LLC; Gina F. Rubel, Furia Rubel Communications, Inc. (moderator) and Sophia Lee, Sunoco, Inc.

“Do You Know Where Your Cell Phone Is?” - Mobile Devices and Your Ethical and Legal Obligations
Professional Responsibility Committee
1 ethics credit

In this age of modern technology and the increasing use of mobile devices from iPhones to iPads, data breaches are becoming more likely, if not inevitable. Hackers, thieves, and your own employees create huge risks of liability for breached data. Lawyers must be able to navigate the ethical minefield of competently protecting their clients’ data. Moreover, lawyers must be mindful of other privacy obligations imposed by federal and state law, like the Health Insurance Portability and Accountability Act (HIPAA). Mobile communications are faster and easier than ever, and clients love it, but what are the risks to our clients? Where are the ethical pitfalls for lawyers? What does HIPAA require? Are you a “business associate” under HIPAA? What are the practical steps needed to protect your client, and yourself?

The topics to be covered among others include fundamental ethics requirements; fundamental HIPAA requirements; engagement letters; and practical steps to protect both client information and protected health information.

Course Planner: Conor McNally, Obermayer Rebmann Maxwell & Hippel LLP.

Faculty: Diana K. Ashton, Duane Morris LLP; W. Bourne Rathrauff, Bennett, Bricklin & Saltzburg LLC; Jenni K. Shedd, Obermayer Rebmann Maxwell & Hippel LLP; and Lawrence J. Tabas, Obermayer Rebmann Maxwell & Hippel LLP.

Custody at the Extremes - From Unwedded Infants to Unruly Teens
Family Law Section
1 substantive credit

There is no one-size-fits-all or “standard” custody schedule that can be used as a default in family matters. The child development process requires consideration in formulating custody schedules that meet that needs of children at the proper stages of development. Whether considering attachment theory for infants or navigating teenage years, there are many options available to family lawyers and judges to ensure that a schedule properly fits the needs of a child. Our expert panel will explore schedules suited for children at various development stages.

Course Planners: Julia Swain, Fox Rothschild LLP and Mark A. Momjian, Momjian Anderer LLC.

Faculty: Hon. Holly J. Ford, Philadelphia Court of Common Pleas, Family Court Division; Gerald Cooke, Ph.D., Cooke Forensic Psychology; David N. Hofstein, Hofstein Weiner & Meyers, PC (Moderator); and Jacqueline Vergara, Universit.
Philadelphia Custody Master

11 a.m. to 12 p.m.
So You Want to Be a Judge
Election Procedures Committee
1 substantive credit

This one-hour session will address the process involved in running for judicial office in Philadelphia. The panel will cover the role in the electoral process that the Philadelphia Bar Association’s Commission on Judicial Selection and Retention plays, including the application process, the candidate interview and the candidate’s appearance before the Commission; election law, specifically, challenges to nominating petitions and some of the practical problems that arise in petition contests, along with a discussion of recent Pennsylvania case law dealing with election law; election law as it relates to judicial retention; and changes to the ratings system employed by the Judicial Commission.

Faculty: A. Harold Datz, Haggerty, Goldberg, Schleifer & Kapersmith, PC.; (Course Planner and Moderator); William P. Pedullo, Chancellor, Philadelphia Bar Association; Prof. Louis S. Bulli, University of Pennsylvania Law School; Denise J. Smyler, Ahmad, Zaffarese & Smyler, LLC; and Sharon L. Suleta.

Medicare Liens and Set-Asides and Workers’ Compensation Liens
Workers’ Compensation Section
1 substantive credit

A plain talk primer designed to dispel myths, and to provide accurate information needed by liability attorneys as to what Medicare wants, what they can get, and what you have to do to make sure that your settlement isn’t derailed by a demand for a Medicare Set-Aside. The presentation will also discuss workers’ compensation liens and the optimum ways to resolve both the workers’ compensation case and the liability case, avoiding damage to the patient’s ability to recover under their Medicare plan. The presentation will include practical tips and techniques for accurately identifying and valuing Medicare liens.

Faculty: Hon. Ronald D. Castille, Chief Justice, Pennsylvania Supreme Court; Hon. Peter J. Cahill, President Judge, Pennsylvania Superior Court; Hon. Sheila A. Woods-Skipper, President Judge, Philadelphia Court of Common Pleas; and Sharon L. Suleta.

Effective Immigration Practice for Solo and Small Firms
Immigration Law Committee
1 substantive credit

Immigration issues cross all genres of law. Our expert panelists, which consist of practitioners in family law, employment law, and criminal law, will help attendees discover how to spot and handle immigration issues and when to solicit the help of an immigration law practitioner, while exploring the many state and local immigration laws and policies.

Faculty: Hon. Steven A. Motley, Immigration Judge, U.S. Department of Justice, Immigration; Valentine A. Brown, Duane Morris LLP; Lisa J. Jordan, Berner Klaw & Watson LLP; and Wayne Sachs, Sachs Law Group, LLC.

Business Tax Issues for Law Firms in Philadelphia
Tax Section
1 substantive credit

Expert tax and accounting practitioners will address the following issues: tips for effectively dealing with Philadelphia taxes; common tax issues for lawyers practicing in Philadelphia; what to do if you currently owe Philadelphia taxes; what do you if are audited by the City of Philadelphia; tax considerations for solo and small firms; tax consequences of your choice of entity; and new collection tactics of the City of Philadelphia Department of Revenue.

Faculty: Hon. Ronald D. Castille, Chief Justice, Pennsylvania Supreme Court; Hon. Susan Peikin Gantman; President Judge, Pennsylvania Superior Court; Hon. Sheila A. Woods-Skipper, President Judge, Philadelphia Court of Common Pleas; Hon. Martha H. Neifeld, President Judge, Philadelphia Municipal Court.
June was a truly energizing month. We began the month with our monthly Board of Trustees meeting at Saul Ewing LLP with a presentation by Jennifer Clark of the Public Interest Law Center of Philadelphia. Jenny was enthusiastic in her presentation having just come from a hearing where a class action settlement on behalf of autistic students in the Philadelphia school district had just been approved by the court. The issue was the district’s policy of moving autistic students from school to school with little or no notice to parents. The consent decree puts an end to this practice and empowers parents to take an active role in their child’s educational plan.

We were also engulfed in site visits to our grantee applicants, the Military Assistance Project, the AIDS Law Project, Atlantic Council for Capital Representation, Philly VIP, Court Appointed Special Advocates, the Nationalities Service Center, Good Shepherd Mediation Program, PA Capital Representation, Disability Rights Network and the PA Innocence Project. As you can see from this list, grantee applicants represent a wide array of critical legal services for a diverse group of clients, from veterans and the disabled, to immigrants and prisoners.

Our 50th Anniversary road trips recognizing and thanking our many donors and supporters ramped up with wonderful presentations made to the Brandeis Society Executive Board, Pepper Hamilton LLP, Hangley Aronchick Segal Pudlin & Schiller and the Large Firm Management Committee of the Bar Association. Not only does Hangley have the greatest percent participation in the Foundation at almost 100 percent, but it was the first firm to sign up for the commitment to Raising the Bar, noting that it would exceed the $300 per attorney commitment. And, Hangley attorney and Bar Foundation Trustee Wendy Beetlestone, has been nominated to become a federal district court judge. We wish Wendy the best!

The sun shined on our 26th Annual Golf and Tennis Outing at the Philadelphia Cricket Club. The courses were beautiful, picturesque and serene and our 130 golfers were in heaven. The grass tennis courts were even nicer than those at Wimbledon, and so were our 24 players (double the amount from last year!). We thank our wonderful sponsors Kessler Topaz Meltzer & Check LLP; USI Affinity; Sb1 Federal Credit Union; Marshall Dennehey Warner Coleman & Goggin, PC.; Saul Ewing LLP; Cozen O’Connor; Rust Consulting, Inc.; Buchanan Ingersoll & Rooney PC; Pepper Hamilton LLP; Reed Tech/LexisNexis; Lexus - Wilkie Lexus; The Legal Intelligencer; Reliable; Drinker Biddle & Reath LLP; Tactix Real Estate Advisors, LLC; Montgomery McCracken Walker & Rhoads LLP; Strategic Claims Services; Duane Morris LLP; Veritext; Chartwell Investment Partners; Morgan, Lewis & Bockius LLP; Manko, Gold, Katcher & Fox, LLP; PNG Bank, N.A.; Magna Legal Services; United Concordia Dental; and Law Offices of Bernard M. Gross and look forward to seeing you next year at the Cricket Club on June 15, 2015!

I am also very excited and proud to share the news that the Board Observer Program of the Philadelphia Bar Foundation and Young Lawyers Division of the Philadelphia Bar Association, co-chaired by Weber Gallagher Partner Wendy Smith and Bar Foundation trustee Nilam Sanghvi, was chosen as the recipient of the 2014 National Conference of Bar Foundations/LexisNexis Partnerships for Success Award. The concept came from Norman Weinstein, a former Bar Foundation Trustee, and David Smith, of Schnader Harrison Segal & Lewis LLP, who wanted to get young lawyers out of the office and participating in the community. The program places attorneys with legal and...
In the words of one of Philadelphia’s great sons, it’s “summer, summer, summertime!” Having reached the halfway point of my tenure as Chair of the Young Lawyers Division, I am happy to report we’ve had a busy and productive year. The YLD’s traditional activities, like the Diversity Reception, Affinity Bar Quiz, Legal Intelligencer, and various Law Week events, continue to be successful due to the hard work and planning of YLD members that have gone before us, and thanks to the attorney volunteers that continue to show up month after month.

New programs, like our speed mentoring event with the Business Law Section, have attracted new participants to the Bar Association. I think if the Fresh Prince saw the work we have done, he would say, “it’s time to sit back and unwind.” Au contraire, Mr. Smith, there is a lot more to come in 2014.

Although the YLD has a number of philanthropic projects planned throughout the year, like our school supply drive and Ronald McDonald House event, we are especially excited about this year’s fundraiser for the Philadelphia Bar Foundation. The YLD, in partnership with The Legal Intelligencer, is proud to present the Law Star Game on Oct. 1. The first of its kind for the Bar Association, the Law Star Game is a charity softball game (and sure to be a heated competition) between law firm counsel and in-house counsel at Campbell’s Field, right over the Ben Franklin Bridge. Campbell’s Field is the home of the Riversharks, and soon-to-be home of this special occasion.

Earlier this year, The Legal Intelligencer’s Don Chalphin approached us about his idea for a charity game between an all-star team of attorneys from Philadelphia’s standout law firms, and a team of the brilliant in-house attorneys that make the Delaware Valley Association of Corporate Counsel (DELVACCA). After a few months of planning, and thanks to the talented folks from the Bar Association staff, the YLD and The Legal Intelligencer have taken the Law Star Game from concept to reality.

Here’s how it works – the city’s firms have an opportunity to sponsor a player on the firm team. The firm team will face off against in-house attorneys from businesses through the Delaware Valley. The Legal Intelligencer and Philadelphia Bar Reporter will publish the team rosters and participating firms as we approach this fall classic. The firm’s logos will be highlighted with on-field signage, and on the jumbo screen, throughout the game. I am happy to announce that Post and Schell, P.C.; Fox Rothschild LLP; Saltz Mongeluzzi Barrett & Bendesky, P.C.; and White and Williams LLP are already on board for the Law Star Game. As I write this article, I keep receiving texts from YLD Executive Committee members that more firms will be signing up next week. I don’t think the question is whether spots on the firm roster will sell out, but rather how quickly.

The Law Star Game will be more than just fun for the players. Families will have access to the park’s fun zone, and there will be other entertainment throughout the game, including fireworks! Since 2006, the YLD has been able to contribute more than $165,000 to the Philadelphia Bar Foundation, the Law Star Game will continue to raise sorely needed funds. The Law Star Game will also celebrate the Bar Foundation’s 50th Anniversary. For those new to the practice, the Philadelphia Bar Foundation is a 501(c)(3) nonprofit organization that provides funding to more than 30 local legal service organizations representing those struggling with poverty, abuse and discrimination in our community.

The YLD is working overtime to make the Law Star Game a memorable night worthy of the Foundation’s 50 years of impact. Stay tuned for information on other sponsorship opportunities that will be available. Anyone with a question about the game, or who is looking to get their firm involved is welcome to contact me at beitze@whiteandwilliams.com.

Edward F. Beitz (beitze@whiteandwilliams.com), an associate with White and Williams LLP, is chair of the Young Lawyers Division.
no longer gets funny looks upon arriving to work. Having the support of family members is important when going solo. Wilson admitted that it can be difficult “when you tell someone you have a dream on how you want to live your life, and that person does not support you.”

When asked if he took clients with him when he started his firm, Harvey responded with a resounding ‘no.’ He went on to explain that his previous law firm was, and remains, a great referral source.

Mincey started out getting clients through court appointments. He made a commitment to be available by being in the Criminal Justice Center on a regular basis. His trade secret was to go into a full courtroom, dressed in a suit, and talk to the court staff for a few moments, whether or not he had a hearing at which to appear. He found that people would approach shortly thereafter asking him for legal guidance. Being active and giving back was the key for Wilson. She joined whatever organization she could join, and she served on boards as well. Wilson was raised with the credo “to whom much is given, much is required.”

Mary-Kate Breslin (marykatebreslin39@gmail.com), an assistant city solicitor with the City of Philadelphia Law Department, is an associate editor of the Philadelphia Bar Reporter.

Diverse Bar, Bench Creates “Buy In” to Rule of Law, U.S. Judge Tells YLD

By Jim Nixon

Diversity is synonymous with knowing a little about a lot, and that diversity also means exposure to, and learning from, life experiences of others through associating and sharing. U.S. District Court Judge C. Darnell Jones II said in his keynote remarks at the Young Lawyers Division Diversity Reception on June 11 at Chima Brazilian Steakhouse.

Unfortunately, at the time Judge Jones was out of law school and applying for jobs, many in the legal profession did not share these views. Judge Jones spoke about an interview he had with a particular law firm. While the hiring partner acknowledged his superior academic and personal qualifications, that partner told him to look closely at the portraits on the walls, as they did not contain a single person of color, and never would. Despite this obstacle, as well as others, Judge Jones persevered. He ended up becoming a public defender in Philadelphia, and in 1987 became the first public defender to be appointed and then elected to the Philadelphia Court of Common Pleas directly from the Defender’s Office. Prior to joining the federal bench in 2008, Judge Jones also served as president judge of the Philadelphia Court of Common Pleas.

Judge Jones noted that it is more probable than not, that a diverse bar and bench establish the undeniable fact that more people “buy in” to the rule of law for the people… all people. Judge Jones concluded his remarks quoting Mahatma Ghandi - “Be the change you wish to see in the world.”

Jim Nixon is an associate editor of the Philadelphia Bar Reporter.

Apple Tech Academy Series

Bar Association members (seated from left) Cheryl L. Gaston, Carole B. Sheffield and Olivia H. Stoner were among those who attended the first Philadelphia Bar Association Academy Apple Tech Academy session on June 4 at the Apple Store on Walnut Street. This five-part series helped members learn and better understand technology that can be of use to them whether it’s in the courtroom or their law practice.
Judicial Ratings
continued from page 1

to the voting public to add a rating category of Highly Recommended, defined as follows: “This evaluation shall be made for those extraordinary individuals who are being considered for election or appointment to a designated court and who, in addition to meeting the criteria set forth in Section II.B.1., are preeminent in the profession, exceptionally skilled in the law, possess a reputation for the utmost integrity and significantly will enhance or have enhanced the quality of the judiciary.”

“Getting excellent judges elected is the most important thing the Bar Association does,” Chancellor William P. Fedullo told the Board.

For almost 40 years, the commission has investigated and recommended candidates by their character, temperament and professional distinction, have demonstrated their qualifications for judicial office.

A candidate will receive the Highly Recommended rating only if 90 percent of the members of the Judicial Commission find that candidate to be worthy of a Recommended rating. A Recommended rating is given if a candidate is approved by 51 percent of the Commission. The Highly Recommended rating will be instituted on a trial basis through 2018, at which time it will expire unless renewed by the Board of Governors.

Can we afford to sit idly by when our help is so desperately needed? Our sense of history and our sense of justice should guide us. Help us ensure that all the children of Philadelphia will have the same opportunity for a quality education that we have had and that our children have.

Frontline
continued from page 3

crisis. I have also had the opportunity to spend a few moments with Democratic candidate Tom Wolf who assured me that if elected, funding school, especially those in Philadelphia, will be a priority.

All of us have had a quality education. As lawyers, we will ensure that our own children receive a quality education, but what about those without the resources that we have? What becomes of their children? We know instinctively that education is a way up and a way out for so many (including many of us). Can we afford to sit idly by when our help is so desperately needed? Our sense of history and our sense of justice should guide us. Help us ensure that all the children of Philadelphia will have the same opportunity for a quality education that we have had and that our children have. There should be no let up. We must support our schools, and we must press for government funding of our schools. Government must find a dedicated source of funding. Every elected official should come to understand that the opportunity for a quality education is a birthright.

There are no priorities higher than the priority for a quality education. We as lawyers must help, whether it is just a financial donation to a school or true partnership with a school. I encourage you and your respective employers to do what you can to give back to our city’s public education system. There are plenty of students like Maurice who will appreciate it more than my words can say.

If you are interested in getting involved with the Support Our Schools Campaign, contact Charlie Klinch at cklinch@philabar.org or visit philadelphiabar.org/page/SponsorASchool.

William P. Fedullo (williamfedullo@gmail.com), counsel to Roen, Schafer & DiMen LLP, is Chancellor of the Philadelphia Bar Association.

Behind the Bench
continued from page 8

sents a very significant step for the criminal justice system in Philadelphia. Dauphin County has the only other court-involved program running in the Commonwealth that focuses on mentoring. The results have been impressive; only about 12 percent of defendants engaged in the program are arrested for new crimes during the four-to-eight month period. With its new MENTOR Program, the First Judicial District has taken a trail blazing step in the Philadelphia area towards transforming offenders into law-abiding citizens. Hopefully this has taken a trail blazing step in the Philadelphia area towards transforming offenders into law-abiding citizens.

Martha Fisher works in the Human Resources Department, Legal Services Division, of the First Judicial District of Pennsylvania.
Bar Foundation  

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non-legal nonprofit boards in the Philadelphia region and gives young lawyers the opportunity to develop leadership skills, serve the community, network and learn about board memberships without incurring the financial costs of officially joining a board.

The partnership also gives the organizations new opportunities to work with local law firms and legal institutions. The nonprofit boards get a fresh perspective from a new young professional at the table. The Observer program started three years ago with 10 participating attorneys and now has more than 30 participants. The award will be presented at the annual meeting of the National Conference of Bar Presidents, the National Association of Bar Executives and National Conference of Bar Foundations on Aug. 8 in Boston. The Philadelphia Bar Foundation will receive $1,500 in funds from LexisNexis.

As we celebrate our successes and reflect on our history, we never lose sight of why we’re here. As the report issued in May from the 30-member Pennsylvania Civil Legal Justice Coalition so clearly documented, the staggering number of unrepresented low-income litigants in civil legal matters in Pennsylvania undermines the rule of law. The unmet need for civil legal assistance is profoundly impacting vulnerable Pennsylvanians and costing taxpayers millions of dollars by increasing homelessness, failing to prevent domestic violence, and increasing poverty. Moreover, as I have discussed in earlier articles, access to civil legal services in basic human needs cases provides significant economic and social benefits to litigants and their communities. The total economic impact of civil legal assistance in 2011 to Pennsylvania’s low-income individuals and families was $594 million, representing a greater than 11-fold return on the investment of $53.6 million from all funding sources.

I would like to echo Pennsylvania state Sen. Stewart J. Greenleaf’s remarks to the Statewide Coalition members: “Equal access to legal representation is one of the most critical justice issues we face today. I am pleased to see the legal community come together to offer their insights and recommendations to the Judiciary Committee.” I want to thank all those who joined us in June – who came together to offer their help to support the mission of the Philadelphia Bar Foundation – your financial donations help us to support the network of public interest legal service providers who struggle every day to meet the needs of low-income members of our community who need and deserve legal representation. You make the difference!

Deborah R. Gross (debbie@bernardmgross.com) of the Law Offices of Bernard M. Gross, P.C. is president of the Philadelphia Bar Foundation.

Bar Foundation President Deborah R. Gross presented the award for Best Team Gross (Wissahickon Course) to (from left) Chuck Gibson, Don Myers, Ade Galloway and Mike Ryan.

Militia Hill course award winners (from left) Don Donatoni, Cathy Devlin, Carl Everett, Chief Justice Ronald D. Castille (right) are congratulated by Bar Foundation President Deborah R. Gross after the June 16 Golf Classic.
Federal Bench-Bar

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the poor, the powerless, and the pitiful,” Walczak stated. “Those tend to be our clients.”

A graduate of Boston College Law School, Walczak has served as the Legal Director of the ACLU of Pennsylvania since 2004. During his time at the ACLU, Walczak has been involved with many high-profile free-speech and religious-liberty cases. Walczak helped lead a national ACLU effort to successfully end the use of discriminatory “protest zones” at presidential and vice presidential appearances, something Walczak referred to as “viewpoint-based discrimination.”

Recently, Walczak was counsel on the Whitewood v. Wolf lawsuit in the Middle District of Pennsylvania, which effectively legalized gay marriage in Pennsylvania. “The joy that the Whitewood decision has unleashed in Pennsylvania is breathtaking. I have never won a case where I have seen people literally dancing in the street and crying tears of joy,” Walczak said. “This case affirms who gay men and lesbians are; it validates their existence: it says this is equality, you are equal in the eyes of the law.” Twenty years earlier, Walczak filed a similar case and lost decisively, but things have changed.

Walczak said of the ACLU, “I believe in what we do with every fiber of who I am.” So the next time you look at a case and wonder why the ACLU is involved in it, “Come back to those first principles, [and ask] what is the principle they are fighting for and what is it that they are trying to prevent the government from being able to do to people.”

L. Anthony Defilacce III is a law student at Drexel University School of Law.

Family Wealth Transfer and Interest Rates

As interest rates have begun to creep up and the possibility of significantly higher interest rates looms, it may be increasingly important to reexamine the effects of interest rates on wealth transfer. In this month’s interview, I sat down with Martyn Babitz, National Director of Estate Planning for Hawthorn, PNC Family Wealth®, to discuss some of the family wealth transfer opportunities offered in both low and high interest rate environments.

How do interest rates affect estate planning?

Interest rates can affect two essential categories of wealth transfer. First, for intra-family loans and intra-family loans related to broader family asset transfers, the interest rate charged is tied to prevailing overall interest rates, likely providing potential wealth transfer opportunities in low interest rate environments. Second, in a split-interest transfer, such as a Grantor Retained Annuity Trust, Charitable Remainder Trust, or Charitable Lead Annuity Trust, the transferor retains an annuity or income interest in specific assets, or possibly provides such an interest to charity, and gifts the remainder interest to family members or charity. With split-interest transfers, the value of the gifted interest is determined actuarially using an interest rate derived from prevailing interest rates. Depending on the interest being gifted, a low interest rate environment could either be beneficial or detrimental to the desired wealth transfer objective.

How are the interest rates for family loans determined?

Family loans and family loans to finance asset sales to family members are subject to minimum required interest rates to avoid imputation of interest income for federal tax purposes. These rates, known as the Applicable Federal Rate, are tied to interest rates on United States Treasury obligations and are published monthly by the Internal Revenue Service (IRS). The IRS publishes the three AFR rates – short-term, mid-term, and long-term – with four different compounding periods: annual, semi-annual, quarterly, and monthly. As can often be the case with interest rates in general, as the Federal Reserve begins to signal possible policy changes, these rates have started to gradually increase from their recent historic lows.

How might a family use a family loan as a wealth-transfer strategy?

With current low interest rates, a direct loan of cash to family members or a trust for their benefit could provide a straightforward wealth transfer opportunity. For example, if a father lends $1 million to his son for a three-year term, taking back a three-year (considered short-term) promissory note with a 0.33 percent interest rate, which is the short-term AFR for May 2014, and the trustee invests the $1 million at a 6 percent rate of return, the 5.67 percent spread inures to the benefit of the transferee’s son.

What other wealth transfer strategies might make sense while rates are still low?

We believe the current low interest rate environment, combined with current valuations in certain asset classes such as equities, provides outstanding potential wealth transfer opportunities. In our opinion, in addition to family loans, Grantor Retained Annuity Trusts, Charitable Lead Annuity Trusts, and charitable donations of remainder interests in farms and residences are more favorable with a lower AFR rate. Accordingly, as rates increase, the importance of considering and implementing such strategies takes on a sense of urgency.

As interest rates move higher from their current historic lows, what are some of the estate planning vehicles you might recommend for your clients?

In a rising interest rate environment, vehicles such as Qualified Personal Residence Trusts and Charitable Remainder Annuity Trusts will likely become more attractive as family loans and other wealth transfer strategies become less optimal. Other tools such as Charitable Remainder Unitiruts, Charitable Lead Unitiruts and Grantor Retained Unitiruts will likely be unaffected by a changing interest rate landscape.

Why is it so important to keep an eye on the current interest rate environment when planning a wealth transfer strategy?

Understanding the favorable or unfavorable sensitivities, insensitivity, or neutrality to increasing interest rates with respect to wealth transfer vehicles is, in our view, a critical aspect of evaluating and implementing any wealth transition tool. This understanding is also important for helping to determine the urgency of using a specific tool that may fit an individual or family situation, or whether deferring until a possible change in interest rates occurs may be more appropriate. Low interest rates have generally created benefits and deterrents for the economy and investment markets. We believe this interest rate environment similarly offers both opportunities and drawbacks in estate planning that clients and advisors should take into consideration.

By Carol Claytor

PNC Perspectives

Family Wealth Transfer and Interest Rates

Carol Claytor can be reached at carol.claytor@pnc.com or 215-885-5679. For more information, visit pnc.com/wealth-management.

The material presented in this article is of a general nature and does not constitute the provision by PNC 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 before taking a financial plan to your particular needs. For more information, contact PNC at 1-888-762-6226.

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By Carol Claytor

PNC Perspectives

Family Wealth Transfer and Interest Rates

Carol Claytor can be reached at carol.claytor@pnc.com or 215-885-5679. For more information, visit pnc.com/wealth-management.

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Can Employer Reimburse Employee Premium?

By Brian McLaughlin

One of the more frequent questions we get from employers is whether they are able to help pay for an employee’s individual health insurance policy on a pre-tax basis. This article should help to shed some light on the topic and opinions within the industry.

The IRS recently issued a FAQ addressing the potential consequences of an arrangement where an employer reimburses employees for the purchase of individual health insurance premiums on a tax-favored basis (referred to as an employer payment plan). For this purpose, individual health insurance premiums include individual coverage purchased either inside or outside of the Health Insurance Marketplace. The FAQ follows up on earlier guidance describing these types of arrangements (Notice 2013-54).

Employer payment plans include arrangements that reimburse some or all of an employee’s individual health insurance premiums on a tax-free basis (including reimbursement through an HRA or a direct payment by the employer to an insurance company).

Under the Affordable Care Act (ACA), an employer payment plan is considered a group health plan subject to the market reforms, including the prohibition of annual dollar limits for essential health benefits and the requirement to provide certain preventative care without cost sharing. These arrangements cannot be integrated with individual policies to satisfy the ACA’s requirements. Consequently, employer payment plans will not satisfy the market reforms under the ACA and employers offering such a program may be subject to a $100/day excise tax per applicable employee (which is $36,500 per year, per employee).

An employer payment plan generally does not include an arrangement under which an employer may have an after-tax amount applied toward health coverage or may take that amount in cash compensation. But some have argued that there is a way to reimburse an employee’s individual health plan premiums on a pre-tax basis through a health reimbursement arrangement. The New York Times wrote: “The issue, at least on the surface, is language in the health law meant to make sure there are no dollar limits on the coverage for a person’s basic medical needs, which the law calls essential health benefits. The IRS asserts that a plan reimbursing employees for insurance they buy on their own cannot comply with this prohibition on annual limits because the company’s contribution is by definition limited – even though the health insurance the employee ends up buying would have no annual limits.”

The argument is that since the ACA does not specifically list insurance premiums as an “essential health benefit,” reimbursing for them does not violate the law.

Many experts and attorneys disagree with this stance though and admit the approach is very risky. “In a technical guidance issued last year and reiterated in May, the Internal Revenue Service issued a clear warning about such health reimbursement arrangements, according to eight health and tax lawyers as well as a half-dozen lobbyists and analysts who have followed the Affordable Care Act’s adoption. The guidance makes it very difficult, if not impossible, for an employer to pay for an employee’s individual insurance with tax-free dollars,” said Seth Perretta, a health and tax lawyer with the Groom Law Group in Washington.”

Another issue of offering employees tax-free reimbursements for individual health insurance plans is the potential that it disqualifies employees from receiving premium tax credits in state or federal exchanges. The ACA states that employees who are offered health insurance coverage by their employers are not eligible to receive tax credits or subsidies in state or federal exchanges, even if their income is below the acceptable threshold. Since a health reimbursement arrangement (HRA) is considered a group health arrangement continued on page 22

July CLE Calendar

These CLE programs, cosponsored by the Philadelphia Bar Association will be held at The CLE Conference Center Wannamaker Building, 10th Floor, Suite 1010, Juniper Street entrance unless otherwise noted.

Live & Simulcast Seminars

July 2 • Finance for Lawyers
July 8 • Employers’ Obligations Under the Affordable Care Act
July 9 • Get Organized and Get Things Done
July 10 • Uncovering Digital Evidence: Mobile Device Forensics
July 11 • Looking Under the Hood: Drafting Better Trusts to Accomplish Your Clients’ Estate Planning Goals
July 14 • Defamation, Libel and Slander
July 15 • Real Estate 101: Buying & Selling Residential Real Property
July 16 • 27th Annual Civil Litigation Update Encore
July 17 • Learning the Art of Negotiation
July 22 • Basics of Wage and Hour Law
July 23 • A Trial of a Federal Court Case
July 24 • The Pain Puzzle: Putting the Pieces Together
July 25-26 • 17th Annual Elder Law Institute – ILA Convention Center
July 29 • Fraudulent Transfers and Preference Litigation
July 29 • Clarence Darrow: Crimes Causes and the Courtroom
July 30 • Maimers Monarchy and Sir Thomas More
July 31 • Four County Civil Practice
July 31 • Piersing the Corporate Veil
July 31 • Workplace Investigations: A Practitioner’s View

Video Seminars

July 1 • Representing the LGBT Clients in Pennsylvania
July 8 • Advocacy for the Ages
July 14 • Corporate Compliance and Ethics
July 16 • Handling Wrongful Death Cases
July 18 • School Law
July 24 • Winning Numbers
July 25 • Ethics Petriwurz - Being Tech Savvy is the New Rule
July 28 • Taxes in Real Estate Transactions
July 28 • Workers’ Compensation Practice & Procedure
July 30 • Nonprofit Series: Fundraising in the Internet Era

Distance Education – Live Webcasts

Live Webcasts

July 8 • Employers’ Obligations Under the Affordable Care Act
July 10 • Looking Under the Hood: Drafting Better Trusts to Accomplish Your Clients’ Estate Planning Goals
July 11 • Third Annual Supreme Court Roundup
July 14 • Defamation, Libel and Slander
July 15 • Real Estate 101: Buying & Selling Residential Real Property
July 16 • Basics of Wage and Hour Law
July 17 • Where to Incorporate - Comparing Pennsylvania, Delaware and New Jersey
July 21 • Real Estate Agent and Broker Liability
July 22 • Drupal for Lawyers
July 24 • Effectively Conducting Workplace Investigations
July 28 • Nuts & Bolts of Adoption Practice in Pennsylvania
July 31 • Piersing the Corporate Veil

Simuls from PLI

Save yourself the time and expense of an overnight trip to New York City, and take advantage of the specialized educational programs for which PLI is famous.

July 1 • 15th Annual Private Equity Forum
July 10 • Doing Deals In and with Emerging Markets: BRICS & Beyond
July 16 • Fundamentals of Investment Adviser Regulation
July 22-23 • Basics of International Taxation

www.pli.org 800-932-4637
Health Care
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plan, the opinion of many attorneys is that employees who receive contributions into an HRA would be disqualified from receiving subsidies. Employees who receive a subsidy and do not disclose the reimbursement from their employer (into the HRA) could be required to repay the subsidy at tax time.

The Treasury Department has said that the government plans to offer additional guidance on the topic but final determination may ultimately have to come down to a legal challenge by a group who gets penalized. For now, the overwhelming majority of industry experts and attorneys agree that reimbursing an employee on a tax-free basis for their individual insurance premiums is not permitted by the law.

Brian McLaughlin (Brian.McLaughlin@usiaffinity.com) is vice president of USI Affinity’s Benefit Solutions Group. For more information about insurance you can access the Philadelphia Bar Association Insurance Exchange at www.usiaffinity.com/Philadelphia Bar. For Lawyers’ Professional Liability and other business coverage, you will still use the Philadelphia Bar Association Insurance Program website at www.mybarinsurance.com/Philadelphia Bar. If you want to talk to someone about insurance and benefit options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 855-874-0267.

Larry Felzer (red shirt), grand marshal of 2013 Pride Parade, presented members of the ACLU staff with a special award on June 8 for their victory in the marriage equality ruling. Pictured from left are Tiffany Walsh, Reggie Shuford, Mary Catherine Roper, Melissa Morris, and Trisha Graham.

CALENDAR OF EVENTS

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

Tuesday, July 1
Committee on the Legal Rights of Persons with Disabilities: meeting, 9 a.m., 11th Floor Conference Room South.
Women’s Rights Committee: meeting, 12 p.m., 11th Floor Conference Center.
Lunch: $8.
Philadelphia Bar Reporter Editorial Board: meeting, 12:30 p.m., 10th Floor Cabinet Room.

Friday, July 4
Independence Day: Bar Association offices closed.

Monday, July 7
Family Law Section: meeting, 12 p.m., 11th Floor Conference Center.
Lunch: $8. meeting, 12 p.m., Zarwin Baum DeVito Kaplan Schaar, Teddy, P.C., 1818 Market St., 13th Floor.

Tuesday, July 8
Real Property Section Executive Committee:
Criminal Justice Section Executive Committee: meeting, 12:30 p.m., 10th Floor Board Room.

Wednesday, July 9
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th Floor Board Room.

Thursday, July 10
Law School Outreach Committee: meeting, 12 p.m., 11th Floor Conference Center.

Friday, July 11
Workers’ Compensation Section Executive Committee: meeting, 11th Floor Conference Room South.
Workers’ Compensation Section: meeting, 11th Floor Conference Center.
Lunch: $8.

Tuesday, July 15
Civil Gideon Task Force Housing Committee: meeting, 9 a.m., 11th Floor Conference Room South.
X, Y, Zs of Real Estate: seminar, 12 p.m., 11th Floor Conference Center.
Lunch: $8.

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

Wednesday, July 16
Young Lawyers Division Cabinet: meeting, 12 p.m., 11th Floor Conference Room.

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

Federal Courts Committee: meeting, 12:30 p.m., 11th Floor Conference Center.
Lunch: $8.

Thursday, July 17
Family Law Section Executive Committee: meeting, 12 p.m., 11th Floor Conference Room South.

Legislative Liaison Committee: meeting, 12 p.m., 11th Floor Conference Room South.
Lunch: $8.

Friday, July 18
Social Security Disability Benefits Committee: meeting, 12 p.m., 11th Floor Conference Center.

The Philadelphia Lawyer Editorial Board: meeting, 12:30 p.m., 11th Floor Conference Room South.

Monday, July 21
Public Interest Executive Committee: meeting, 12 p.m., 10th Floor Board Room.

Tuesday, July 22
Cabinet: meeting, 12 p.m., 10th Floor Board Room.

Wednesday, July 23
International Law Committee: meeting, 12 p.m., 10th Floor Board Room.
Lunch: $8.

Thursday, July 24
Chancellor’s Forum: 8:30 a.m., 11th Floor Conference Center.

Thursday, July 24
Family Law Section Executive Committee: meeting, 12 p.m., 11th Floor Conference Room South.

Law School Outreach Committee: meeting, 12 p.m., 11th Floor Conference Center.

Friday, July 18
Social Security Disability Benefits Committee: meeting, 12 p.m., 11th Floor Conference Center.

The Philadelphia Lawyer Editorial Board: meeting, 12:30 p.m., 11th Floor Conference Room South.

Monday, July 28
Young Lawyers Division Executive Committee: meeting, 12 p.m., 10th Floor Board Room.

Tuesday, July 29
Women in the Profession Committee: meeting, 12 p.m., 10th Floor Board Room.
Lunch: $8.

Wednesday, July 30
Business Law Section Executive Committee: meeting, 10th Floor Board Room.
Medical Legal Committee: meeting, 12 p.m., 11th Floor Conference Center.
Lunch: $8.

Thursday, July 31
Law School Outreach Committee: meeting, 12 p.m., 11th Floor Conference Center.
Lawyer Referral and Information Service Committee: meeting, 12 p.m., 11th Floor Conference Room South.
Board of Governors: meeting, 4 p.m., 10th Floor Board Room.

Register online for most events at philadelphiabar.org. Unless otherwise specified, all checks for luncheons and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquarters, 1101 Market St., 11th fl., Philadelphia, PA 19107-2955. Send Bar Association-related calendar items 30 days in advance to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., Philadelphia, PA 19107-2955. Fax: (215) 238-1159. Email: js Lyons@philadelphiabar.org.
Gaetan J. Alfano, a partner in Pietragallo Gordon Alfano Bosick & Raspanti, LLP and Vice Chancellor of the Philadelphia Bar Association, was recently re-appointed as vice-chairman of the Delaware River Joint Toll Bridge Commission.

Matthew W. Slater, an associate with Willig, Williams & Davidson, has been certified as a specialist in the practice of workers’ compensation law by the Pennsylvania Bar Association Workers’ Compensation Law Section.

Mary Beth H. Gray, a partner in Kleinbard Bell & Brecker LLP, was a panelist at the 2014 Capital Strategies and M&A Forum hosted by Matheson Financial Advisors, Inc. in Chicago from May 12-14.

Edward W. Beitz, an associate with Williams & Smith LLP and chair of the Young Lawyers Division, has been presented with the Philadelphia Association of Defense Counsel Young Lawyer Award.

Jenai St. Hill, an associate at Reed Smith LLP, has been named to the Lawyers of Color’s Second Annual Hot List.

Saul H. Segan, a sole practitioner, discussed attorney advertising on the WWDB radio program “The Marketing of Business” on May 27.

Patrick J. O’Connor, co-founder and vice chair of Cozen O’Connor, provided the address at King’s College’s 65th Annual Commencement exercises on May 18, at Mohegan Sun Arena, in Wilkes-Barre, Pa. He received an honorary doctor of humanities degree from King’s College.

Phyllis Horn Epstein, a partner with Epstein, Shapiro & Epstein, PC, received the Pennsylvania Bar Association’s Presidential Special Achievement Award for her dedicated service as PBA Treasurer from 2011-2014 at the PBA House of Delegates meeting on May 16.

Gregg H. Kanter of Gregg H. Kanter Law Office LLC received the David Y. Hinshaw Award from the Federal Courts Committee of the New York County Lawyers’ Association.

Brian J. McCormick Jr., of Ross Feller Casey, LLP was a speaker at the American Association for Justice’s Hot Topics and Trends in Litigation Seminar in Chicago on May 27-28.


Joseph R. Pozzuolo of Pozzuolo Rodden, PC, presented of the CPE/CLE “Retirement Planning for Middle Income Families” at Penn State Doylestown Campus on May 22.

Alfred J. Carlson, a partner at Martin, LLC, was a presenter at the 13th Annual Workers’ Compensation Conference on June 2-3 at the Hershey Lodge and Convention Center, hosted by the Pennsylvania Department of Labor & Industry’s Bureau of Workers’ Compensation.

Alexis Ouseley, an associate with Pond Lehocky Stern Giordano, was a panelist at the 13th Annual Workers’ Compensation Conference on June 2 in Hershey, Pa.

Ezra Wohlgelernter, a partner with Feldman Shepherd Wohlgelernter Tanner Weinstock & Dodig, LLP has been elected vice president of the Philadelphia Trial Lawyers Association.

Deborah J. Zateeny, a partner in Zateeny Loftus, LLP, was a course planner and panelist at the 12th Annual Nonprofit Institute sponsored by the Pennsylvania Bar Institute on May 28.

Michael Mattioni, president of Mattioni, Ltd., was elected Chancellor of the Justinian Society of Philadelphia on June 2.

Robert J. Casey Jr., managing partner at Robert J. Casey, Jr. & Associates was presented with the William J. O’Brien Distinguished Service Award by the Philadelphia Association of Defense Counsel on June 3.

David L. Hyman, a managing partner of Kleinbard Bell & Brecker LLP has been selected by the Economy League of Greater Philadelphia to participate in the 2014 Greater Philadelphia Leadership Exchange.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 101 Market St., 11th fl., Philadelphia, PA 19107-2955. E-mail: reporter@philabar.org.
Philadelphia’s Employment Lawyers

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