O’Connor: Get Politics Out of Judiciary

By Heather J. Austin

"Compelling judges to become politicians has almost destroyed the traditional respect for the bench." These words were spoken by Roscoe Pound more than 100 years ago and echoed by retired U.S. Supreme Court Justice Sandra Day O’Connor during the June 12 Quarterly Meeting. O’Connor attended the meeting to commemorate the 20th anniversary of the Philadelphia Bar Association award that bears her name.

O’Connor expressed her concern that the idea of having one’s day in court and the merits of one’s case being decided without passion or prejudice is being eroded by threats to judicial independence, namely the need to raise money to compete in partisan judicial elections. The cost of a judicial election is steadily rising, and while many states did not reach the $1 million mark until the year 2000, Pennsylvania reached it in 1989.

Citing the recent Supreme Court case, Caperton v. A.T. Massey Coal Co., Justice O’Connor discussed the serious risk of judicial bias that is created when a judge fails to recuse himself and rules on a case involving one of his financial donors. According to Justice O’Connor, we have no way of knowing if the donation actually affected the judge’s decision in that case, but it gives the public a strong reason to have doubts. The mere appearance of impropriety undercuts the public’s confidence. Rightly or wrongly, there is a perception that judges are accountable to money and partisan politics, not just the law. And, because 70 percent of the public, according to Justice O’Connor, we have no way of knowing if the donation actually affected the judge’s decision in that case, but it gives the public a strong reason to have doubts. The mere appearance of impropriety undercuts the public’s confidence. Rightly or wrongly, there is a perception that judges are accountable to money and partisan politics, not just the law. And, because 70 percent of the public, according to Justice O’Connor, we have no way of knowing if the donation actually affected the judge’s decision in that case, but it gives the public a strong reason to have doubts. The mere appearance of impropriety undercuts the public’s confidence. Rightly or wrongly, there is a perception that judges are accountable to money and partisan politics, not just the law. And, because 70 percent of the public, according to Justice O’Connor, we have no way of knowing if the donation actually affected the judge’s decision in that case, but it gives the public a strong reason to have doubts. The mere appearance of impropriety undercuts the public’s confidence. Rightly or wrongly, there is a perception that judges are accountable to money and partisan politics, not just the law.

The conference is a bi-annual gathering of the leadership of big-city bar associations to share experiences of current business trends and issues affecting the legal profession or the court system in urban areas. About half of the agenda focuses on international commercial issues and commercial regulation of lawyers. The other half focuses on social justice and the delivery of legal services.

"It was an amazing experience meeting with bar leaders from major bar associations from around the world," said Chancellor Kathleen D. Wilkinson. "We are very excited to have been chosen as the host city for the next World City Bar Leaders Conference in 2014. This is a wonderful opportunity to showcase the city, as well as share ideas and best practices continued on page 15
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New Education Law Committee to Examine Access, Development

By Kathleen Wilkinson

In a statement issued on June 19, Gov. Tom Corbett signaled that he is serious about working with the state legislature, city government and Philadelphia School District to solve the continuing financial problem of the district for the long term. We commend the governor on his position because such cooperation is critical, as no budget issue is more pressing.

When Superintendent Dr. William R. Hite Jr. announced that nearly 3,800 school district employees would lose their jobs because of the district’s financial crisis, the word “doomsday” became more than just a metaphor for a catastrophic budget. It heralded an unacceptable scenario for tens of thousands of students left without teachers, programs and services essential to an effective learning environment.

While both district and teacher representatives have been outspoken about where the blame lies, the reality is that we are faced with education issues that affect everyone. Businesses across the city have a vested interest in helping to ensure that the district’s fiscal crisis is resolved in a way that protects our children from even further calamity. This includes our legal community, which joins other major sectors in the city whose workforces are a major driver of the local economy.

The City Council has accepted a series of measures to stem the district’s fiscal crisis. They’ll tell you that they’re proud of the role their public education played in helping them on the path to success.

We need our schools to continue to nurture today’s students because they are the promise for our future – the next generation of city professionals and civic leaders. There must be an ongoing pipeline of educated young people to accept the jobs that will continue to move our city and its economy forward.

As Judge Rendell said, ensuring that our schools provide an education that will give opportunity to all our children is “a societal imperative, not a political issue.” This year, I created an Education Law Task Force chaired by Joshua Richards of Saul Ewing LLP to focus on education law, including pre-K to 12th grade, as well as colleges and universities. I am pleased to announce that the Task Force has been formalized into a standing committee of the Association, the Education

Many lawyers, judges and other leaders of our legal community are products of Philadelphia’s public school system. They’ll tell you that they’re proud of the role their public education played in helping them on the path to success.

Law Committee.

The new committee, co-chaired by Richards and Mary Gay Scanlon of Ballard Spahr LLP, will provide a forum to examine important initiatives affecting education, recent developments in the law and the Bar’s role in this area. Our Association has not had an Education Law Committee in many years, and there is no more important time than now to examine the critical issues of access to education, development of our youth, and the intersection of the law at all levels.

The committee will also study the expansion of youth courts in Philadelphia and the Bar’s role in assisting that effort. City Council has accepted a series of recommendations for setting up youth courts in schools that work in tandem with the juvenile justice system.

The courts are devoted exclusively to

Tell Us What You Think!

The Philadelphia Bar Reporter welcomes letters to the editors for publication. Letters should be typed. There is no word limit, but editors reserve the right to condense for clarity, style and space considerations. Letters must be signed to verify authorship, but names will be withheld upon request. Letters may be mailed, faxed or e-mailed to: Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, PA 19107-2955. Telephone: (215) 238-6360. E-mail: reporter@philabar.org.

Continued from page 1

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Bench-Bar

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for the full conference is $519.

In addition to the Law Practice Management track, CLE seminars will be offered by the Business Litigation Committee, Civil Gideon and Access to Justice Task Force, Criminal Justice Section, Diversity in the Profession Committee, Family Law Section, Insurance Programs Committees, Professional Responsibility Committee, Public Interest Section, State Civil Litigation Section, Women in the Profession Committee, Workers’ Compensation Section and Young Lawyers Division. The conference will close with a State of the Courts program featuring the president judges of Pennsylvania and Philadelphia courts.

We are pleased to offer a special REV-EL hotel room group rate to our Bench-Bar attendees. A rate of $179 plus tax is available Friday, Oct. 4 and a limited number of rooms are available at $149 plus tax for Thursday, Oct. 3. You must be a registered attendee of the Bench-Bar & Annual Conference in order to reserve a room at the group rate. Once you are registered for the conference you will receive instructions on how to make your room reservation.

Sponsors for the 2013 Bench-Bar & Annual Conference include USI Affinity; The First Judicial District of Pennsylvania; iDiscovery Solutions; Insurance Adjustment Bureau, Inc; Franklyn Legal; JAMS, The Resolution Experts; Kaplan, Leaman & Wolfe Court Reporting & Litigation Support; Love Court Reporting; M. Burr Keim Company; Esquire Depositon Services; Robinson Forensic, Inc.; State Civil Litigation Section; US Claims Inc; and Willie Lexus. For sponsorship information, contact Tracey McCloskey at 215-238-6360 or tmccloskey@philabar.org.
FEDERAL COURTS COMMITTEE

Simon Discusses Knox Case, Media Matters

By Benjamin F. Johns

Ted Simon, a prominent attorney who concentrates in “white collar, blue collar and no collar” criminal defense work, discussed his representation of American college student Amanda Knox during keynote remarks at the June 7 Federal Bench-Bar Conference.

Knox, a Seattle native, was convicted by an Italian court in 2009 of murdering her roommate while studying abroad, and was sentenced to serve 26 years in an Italian jail.

Simon worked with Knox’s Italian attorneys to successfully overturn her conviction in 2011. Knox was subsequently released and returned to her family in the United States. Simon showed clips of the emotional press conference convened upon her return. Recently, however, the Italian Supreme Court reversed Knox’s acquittal and remanded the case for reevaluation by the trial court. The Supreme Court reached its decision on March 26 and will be issuing a supporting written opinion sometime this summer. Simon said that he does not expect the trial court to convict Knox because there is no evidence implicating her in the murder, and noted that she is not required to travel back to Italy for these proceedings.

Simon, president-elect of the National Association of Criminal Defense Lawyers, highlighted several differences between the American and Italian judicial systems that were prominent in the Knox case. Unlike our adversarial system, Italy is a hybrid with an inquisitorial component, where the judges are more actively involved in the fact finding and prosecuting the case. In the Knox case, the jury at the trial court and the intermediate appellate court panel both consisted of six lay people and two judges. Both legal and factual errors can be appealed, but the appellate panel has the ability to actually make factual findings if an error has been found. Perhaps the most significant distinction between the two systems in the Knox case was interaction between civil and criminal cases. Certain incriminating statements allegedly made by Knox during lengthy interrogations in a foreign language were introduced at her criminal case based on developments in a civil case pending against her.

Another aspect of the Knox case that Simon discussed was the knife that the prosecution claimed to be the murder weapon. The knife was recovered in the kitchen of Knox’s boyfriend at the time (and co-defendant in the case). Simon

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120 Attend Federal Bench-Bar Conference

U.S. Bankruptcy Court Chief Judge Eric L. Frank (top left, at left), Clerk of Court Michael E. Kunz and U.S. District Court Chief Judge Petrese B. Tucker presented the State of the Court at the June 7 Federal Bench-Bar Conference at The Rittenhouse Hotel. Committee Vice Chair Danielle Banks and Chair Ann Thornton Field (above right) greet Chief Judge Tucker. U.S. District Court Judges Gene E.K. Pratter (left photo, from left), Mitchell S. Goldberg and Cynthia M. Rufe were panelists for the seminar "Identifying and Avoiding Judges’ Top Five Pet Peeves on Summary Judgment."

Panelists for the seminar "Making an Effective Sentencing Hearing Presentation" (above, from left) were Michael J. Engle, Ann C. Flannery, Peter F. Schenck, U.S. District Court Judge Mary A. McLaughlin and Peter F. Vaira. At right (from left), Ellen R. Rogoff, Joshua Bachrach, U.S. Magistrate Judge Henry S. Perkin, former Chancellor Edward F. Chacker, Danielle Banks and (seated) Chief Judge Tucker discussed "Mandatory Settlement Conferences - Useful Tool or Antiquated Albatross?"
Mongeluzzi: Make Mediation a Presentation

By Benjamin F. Johns

"Mediation is not a negotiation — it is a presentation," trial attorney Robert J. Mongeluzzi told attendees at the Alternative Dispute Resolution Committee program "How to Win Your Case at Mediation" on June 10.

While there are obviously substantive differences between personal injury and commercial cases, preparation for the mediation presentation does not depend upon the subject matter. Since most cases ultimately settle, the mediation is the culmination of the representation. Mongeluzzi stated that he begins preparing for the mediation on the first day the client walks into his office.

Mongeluzzi observed that, from his experience dealing with insurance companies, the ultimate decision maker for the insurer is almost never actually in the mediation room. For this reason, it is important to consider how to best influence this remote decision maker. Where the case involves a death or catastrophically injured person, Mongeluzzi’s firm accomplishes this through the use of a “settlement film.” This is a video of the victim and/or family members showing who the person was and how they have been harmed. Mongeluzzi said that there is a full-time lawyer at his firm who generates settlement films. Such videos are often more effective at reaching the decision maker than any mediation memo.

In addition to knowing the law and facts pertinent to your case, Mongeluzzi stressed the importance of also being mindful of the political and practical big picture. As an example, he made a point of telling his out-of-town mediation adversary about how the American Tort Reform Association had recently named Philadelphia the “top litigation hell hole.” Mongeluzzi greeted these folks by saying “welcome to Hell.” In another case, the defendants insisted that they were likely to prevail on a key issue in the Pennsylvania Supreme Court. Mongeluzzi responded by telling them that the case was unlikely to even make it to the Supreme Court until 2015, which is a mayoral election year that will probably have a large democratic voter turnout. Such an election could change the composition of the court.

Mongeluzzi discussed several of the building blocks that are important for both mediation and trial preparation. He described his own self-imposed rule to never use a word in court or at a deposition that he would not use while sitting at a bar. Mongeluzzi explained that he does not want the jury to think that he is any smarter than they are. When questioning witnesses — particularly experts — he will ask them to explain a certain area to “us” (as opposed to “me”) so that both he and the jury are part of the learning process together.

Another key building block is the deposition, at which Mongeluzzi said cases are won or lost. He offered insight from his extensive experience taking continued on page 19.

For details on placing a Lawyer to Lawyer referral ad, contact Lana Ehrlich at 215-557-2392 or lehrlich@alm.com.
ACE Ends Year with Mock Supreme Court Case

By Jim Nixon

More than 200 teachers and students gathered at the U.S. Courthouse on May 30 to celebrate the Advancing Civics Education (ACE) Program’s annual culminating event, where the students argued and decided a U.S. Supreme Court case.

ACE is a partnership between the Philadelphia Bar Association, Philadelphia School District and the National Constitution Center that brings teams of volunteer lawyers and judges into city classrooms to provide supplemental civics education, including the fundamental principles of citizenship, democracy and dispute resolution.

Following an introduction by Nycole Watson, chair of the culminating event, and welcoming remarks by Ace Committee Vice Chair and Philadelphia Court of Common Pleas Judge John M. Younge as well as U.S. District Court Judge Gene E.K. Pratter, the students were given an introduction to J.S. v. Blue Mountain School District, the featured case of the event. Philadelphia Court of Common Pleas Judge Genece E. Brinkley, incoming vice chair of the ACE Program, and Eleanor Barrett discussed the case with the students.

An interactive discussion ensued in which students were paired with attorneys in small groups to facilitate a discussion of the Blue Mountain case. The students favoring one side over the other, J.S. or Blue Mountain School District, were assigned attorneys and teacher coaches to assist them in refining their arguments to present to a mock U.S. Supreme Court, which was comprised of nine student justices to hear oral argument.

Following the oral arguments, themock justices voted unanimously, 9-0, in favor of Blue Mountain. The court stated that their decision was not so much based on the arguments of the students, but rather on the facts of the case. Both teams, as well as the judges, performed extremely well and reveled in the opportunity to showcase their oral communication skills.

A special presentation was also made to immediate past ACE Committee Vice Chair Jenimae Almquist.

The day concluded with a presentation of certificates to students and teachers, a luncheon at the courthouse cafeteria and a video presentation by the National Constitution Center.

The ACE program continues to grow and looks forward to a successful summer library program for elementary students and renewed enthusiasm for its signature high school program that will kick off in September.

For more information concerning the ACE program or to volunteer, please contact Judge John Younge at John.Younge@courts.phila.gov.

Jim Nixon (jnixonlaw@gmail.com) is a staff attorney with the Superior Court of Pennsylvania.

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Diverse Leaders Overcame Obstacles

By Lauren Strebel

Four of the Philadelphia Bar Association’s young leaders talked about diversity, leadership, and what it takes to be successful at the May 21 Chancellor’s Leadership Institute.

The panel was moderated by Nikki Johnson-Huston, the Diversity Chair of the Philadelphia Bar Association’s Board of Governors, and featured Kevin Harden Jr., of the Executive Board of the Baristers’ Association of Philadelphia; Neil C. Maskeri, president of the South Asian Bar Association of Philadelphia; Teresa M. Rodriguez, Board Member of the Hispanic Bar Association of Pennsylvania, and Kay Kyungsun Yu, of the Board of Governors of the Philadelphia Bar Association.

While in college at Kutztown, Harden noticed his ability to keep a cool head while mediating issues between opposing racial groups. This experience led him to law school. When describing some of the everyday challenges of being a diverse attorney, he described how some days in his position as an assistant district attorney “every person I prosecute looks like me.”

Rodriguez developed a passion for migrant farm workers, and knew a J.D. could help her serve that community. “The interpreter is here” is a phrase she hears all too often when entering a judicial proceeding. She noted her dissatisfaction that the legal profession does not reflect the clients that are served. But she knows that eventually, businesses and firms will have to diversify in order to meet the growing need for interpreters and bilingual staff.

Discovering early the harsh realities of U.S. immigration laws during her own family’s struggles, Yu pursued a law degree to help others navigate the system. At the beginning of her career, being a woman, Asian and having a youthful appearance “did not help.” To combat any preconceived notions based on looks alone, she learned how to be a really good lawyer. Her suggestion: Go out and get really good at what you do.

Maskeri was actually on track to becoming a doctor when he decided to veer off course, against his parents’ expectations.

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2013 Philadelphia County Court Rules

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Humor Can Help Your Practice

By J. Michael Considine Jr.

Can a playful spirit, a light heart, joking and laughter help you be successful? Used wisely, it can help build bonds with clients that will help your practice, according to Henri de Jongste.

De Jongste, a lecturer at FH Dortmund University of Applied Sciences and Arts in Dortmund, Germany, author of a number of articles on Humor in International Business Contexts and member of the International Society for Humor Studies, led a discussion on humor and business at a recent meeting of the International Business Initiative Committee. Humor helps us get along with others, which is crucial to success with human clients. De Jongste set up a Forum on Humor in Culture and researched humor in international business to see what people laughed at. Humor can be very positive but it must be understood.

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Bar Leaders Welcome Citizens

Vice Chancellor Albert S. Dandridge III (above) addressed new citizens at a June 14 naturalization ceremony at U.S. District Court before U.S. District Court Judge Cynthia M. Rufe. Lynn Doyle of the Comcast Network also spoke to the new citizens. Board of Governors Assistant Secretary Jacqueline G. Segal (right) welcomed 70 new citizens from 42 countries at a June 20 naturalization. The June 20 program was presided over by U.S. District Court Judge Thomas N. O’Neill Jr. and also featured remarks from William T. Hangley. Both events were sponsored by the Philadelphia Bar Association.

Pennsylvania Labor & Employment Law

By James A. Matthews, III
Fox Rothschild LLP
Philadelphia

In an original work prepared exclusively for The Legal Inteligencer, Philadelphia Labor & Employment attorney James A. Matthews, III offers a comprehensive overview and analysis of federal, state and local law governing the Pennsylvania workplace, with a historical perspective to aid in understanding and applying an often complex and counter-intuitive body of law.

Mr. Matthews discusses the background and modern application of the principle of employment-at-will and the contractual, statutory and public policy exceptions; common law tort claims in the workplace; employee privacy, employee loyalty; wages & hours; benefits & leaves; health & safety; labor relations and collective bargaining; and other issues affecting the workplace.

To see what’s inside visit: www.thelegalintel.com/labor
By Annie M. Kelley

Getting a potential client in the door is only the first step. “Closing” that new client is the step that actually matters. While attorneys want to avoid coming across like pushy salespeople, attorneys should in fact be selling professionals.

Lisa Peskin, CEO of Business Development University, presented a seminar at the Women in the Profession Committee meeting on May 28 to explain the process of running an effective first meeting with a prospective client. Peskin explained that closing actually has to be done at the front end of a prospect appointment, through first establishing a relationship and setting mutual expectations for the process of representation.

Peskin pointed out the difference between a “suspect” and a “prospect” client. A suspect is one whom you are not sure yet has a need for your services and other criteria upfront so that you can express yourself and your services the best. And not go forward. “Let’s make a list of reasons it makes sense to go forward,” she said. “If I do this, can we move forward?”, or, for those with trouble making decisions, the Ben Franklin close: “If I sign this letter of engagement”; the assumptive close: “All I need now is for you to sign this letter of engagement”; the conditional close: “If I do this, can we move forward?”, or, for those with trouble making decisions, the Ben Franklin close: “If I do this, can we move forward?”. Setting limits upfront allows either side to walk away if it is not a good fit.

After establishing a rapport and determining if the business relationship is a fit, a few of Peskin’s favorite “closes” include the alternative choice close: “I’ll be in town next Tuesday or Thursday, which is better for you?”, the assumptive close: “All I need now is for you to sign this letter of engagement”; the conditional close: “If I do this, can we move forward?”; or, for those with trouble making decisions, the Ben Franklin close: “Let’s make a list of reasons it makes sense to go forward, and not go forward.”

“Close” the New Client Through Referrals

A great way to set both your and the client’s expectations is to also prepare an exit strategy. For example, saying, “I know today I hope to find out as much about you so I can figure out whether I will be able to help you. All I ask is that you do the same, and let me know if you don’t think I’m the best fit.” Setting limits upfront allows either side to walk away if it is not a good fit.

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Podcast Spotlight

Visit philadelphiabar.org for a podcast from this Bar Association event.
Humor
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and appreciated because it can be more challenging in intercultural settings.

What is funny varies among cultures. Each has different styles of irony. Investigate humor norms in a country where you will do business. The British like puns and irony with a straight face; French youths have verlan, the Austrians schmah. It is said the German joke book is the shortest in the world, yet Germans are just as humorous as anyone. Germans find humor is not often appropriate in business, their politicians rarely joke in public and self-deprecating humor does not go over well. Humor in business is rare in Japan. Outside of Amsterdam, parts of Holland share a relatively conservative, Calvinistic culture with a Bible belt, which frowns upon extravagance. Yet each person in a culture is unique. Humor is the great icebreaker, a game people play. It is being playful. The goal of playfulness is not usually material but shared relaxation and pleasure. Jokes often involve unusual situations. Humor can create psychological closeness and bonding or relieve tension but also be used as a weapon. A sense of humor is a gift yet most of us can learn this skill. Explore the sense of what is funny and not funny with another person and build on this. Learn to gao xiao (make fun in Chinese). People often respond and want a humor part of the relationship. Canned jokes can be used but spontaneous humor in conversations can be constructive and invite the listener to play along in a fantasy world where odd things happen.

Humor can open a heart so there is more persuasiveness in the message. It keeps people interested. Excessive seriousness can bore a listener. Humor is linked to creativity. If it is recognized as humor, it can relieve a tense moment. Humor relieves stress. It is a nice way to begin or end a conversation. Leave them laughing.

What makes something funny? One factor is incongruity – a non-normal development of a situation. Look for opposites. The unexpected, done playfully and without too much impact on a situation, can lead to laughter. Under expectations violation theory, the closer people are to you, the more lenient you are with them when they violate your expectations. Jokes can be told very seriously or while smiling. Dutch and British humor is often told seriously. People may expect a signal when something is funny. The segue – speaking faster or changing the voice – prepares the listener. Body language is a signal and so are the clothes of clowns or funny dress. A lack of signals may make the impact greater. Humor can be outrageous such as some of the Monty Python Flying Circus skits. In a takeoff on one of its skits, at the funeral of Graham Chapman, John Cleese reverently spoke softly about the deceased, stating it was great to work with him and he was in great thereafter. Cleese repeated respectful euphemisms for his passing such as “he’s in a better place.” To a crowd of mostly Python fans he blurted out “Good riddance to the bastard! I hope he fried!” They saw humor in this. I would not recommend you state this at a funeral! Humor can also result from psychological relief.

There are humor taboos. Usually a joke gone wrong is not the end of the world. Avoid religion. Be careful about criticism. Overjoking can threaten the serious nature of a presentation. Telling unfunny jokes can lead to loss of face and embarrassment. Some people don’t “get” a joke and become confused. Humor can also be the manifestation of power. The more powerful person has more liberty. Humor may exclude. Sarcasm expresses superiority over what is laughed at.

People may pretend to understand a joke when they don’t. There is a human tendency to want to support each other. Humor requires involvement and cooperation. It is an invitation to share a light heart, but the appreciation of it must be shared. Humor is a way of sharing. It requires a receptive listener. It is at its best when people co-construct humor and go along with it. It should fit the context and be understandable to be successful. It shows people think alike and builds feelings of mutual understanding and trust.

J. Michael Conduit Jr. (adventure7@juno.com) is chair of the International Business Initiative Committee.

FAMILY LAW SECTION

Drug Testing Process Explained

By Julia Swain

PHILADELPHIA LAWYER and forensic science consultant Heather Harris explained the drug testing process at the June 1 meeting of the Family Law Section. Drug testing, Harris said, analyzes the drug testing process at the June 1 meeting of the Family Law Section. Drug testing, Harris said, analyzes the product of metabolism after drugs are introduced into the body.

The most common drugs of abuse are broken down into the following categories: stimulants; hallucinogens; depressants; analgesics; and cannabinoids.

Stimulants include amphetamine, methamphetamine, cocaine and Adderall. Stimulants provide energy and euphoria. They also reduce appetite. With increased use, anxiety and paranoia develop, which cause users to self-medicate with benzodiazepines such as Valium and Xanax.

Hallucinogens include PCP, LSD, Ketamine, mushrooms and peyote. Hallucinogens cause synesthesia where users report symptoms like tasting colors and hearing rainbows. Some hallucinogens, such as PCP, are more appropriately called a dissociative. The dissociative drugs create a separation between consciousness and body. This explains why PCP users do not feel much pain and, thereby, can engage in risky behavior. Paranoia is a common side effect of hallucinogens.

Depressants are some of the most dangerous drugs because they not only depress feelings but they actually depress the brain stem, which controls necessary bodily functions like breathing. Depressants include alcohol, benzodiazepines and some analgesics. They decrease anxiety, lower inhibition, cause relaxation and impair coordination.

Analgesics include opiates such as morphine, codeine, and heroine. Analgesics’ main function is pain relief.

Cannabinoids include marijuana. Cannabinoids relieve pain, nausea and vomiting. They cause relaxation. Cannabinoids are used to increase appetite for people in chemotherapy. They also cause red eyes, dilated pupils and slow reaction times.

The four main processes in the body related to drug use are absorption, diffusion, metabolism and excretion.

Absorption can happen through various methods. The oral method is used for pills, mushrooms and other drugs that can be mixed into concoctions. The intravenous method, which is the most effective method, gets the drug directly into bloodstream. Inhalation is mainly smoking but includes snorting. Finally, there is the transdermal method used for drugs such as nicotine patch and pain medication patches that provide a very potent form of pain relief similar to morphine. Once drugs are
JUNE QUARTERLY MEETING

Rendell: Education Offers Opportunity to All

By Lauren A. Strebel

Equal education for all is one of the most important ways to close the gaps facing minorities today. U.S. Court of Appeals Judge Marjorie O. Rendell said while presenting the Judge A. Leon Higginbotham Jr. Memorial Public Interest Lecture on June 12.

Ensuring that schools provide education that will give opportunity to all children is a societal imperative, not a political issue. “Only through education will we achieve a world [Judge Higginbotham] challenged us to seek,” Judge Rendell said.

“I have advocated for civics education in our schools, believing that giving every child a sense of who they are, citizens with responsibilities, and the understanding that they and their voice are important in our society and in our democracy, is a way to improve and promote equality.” She urged everyone to check out the Civics website, founded by Justice Sandra Day O’Connor in 2009, which is designed to teach young people about the U.S. government and democracy.

Judge Rendell admitted that when Chancellor Kathleen A. Wilkinson first asked her to deliver this lecture, she declined thinking it too big an undertaking. But over the following weekend, she came across two articles, an op-ed written by Judge Higginbotham and another commenting on an address he gave to a Senate Judiciary Committee subcommittee on the Constitution, federalism and property rights.

Both were about affirmative action, not as a matter of law, but as a matter of policy. She took finding these articles as a sign that she should deliver the lecture.

She recalled first reading the op-ed article in a ski lodge on Nov. 5, 1995. The article discussed the opportunity gaps between white males, women and minorities. Judge Higginbotham wrote about the continued need for affirmative action to remedy the disparity. Quoting from the article, “anti-discrimination laws simply forbid employers from discriminating, but they do not encourage employers to take proactive steps to recruit, hire and retain qualified women and minorities.”

Judge Higginbotham’s article stated “there is no moral or economic justification to dismantle affirmative action while glaring disparities still remain as to the opportunity gaps of women and minorities.” While addressing the Senate judiciary committee, he warned that “ultimately, this country will pay a heavy price for neglecting women and minorities.”

As we await the Supreme Court’s decision on Fisher v. University of Texas at Austin, Judge Rendell noted “whatever we might think of affirmative action as a legal matter, Judge Higginbotham made a good case for it as a matter of social policy.”

Even 18 years after Judge Higginbotham’s warning, race and gender inequality still persists. African-American families have a median household income of $38,000 whereas white families make $62,000. White women earn only 77 cents for every dollar that white men earn. “Has the urgency about inequality that Leon spoke about gone by the wayside?”

Judge Rendell asked. “Through minorities are better represented in corporate and political circles, diversity as a policy has taken a back seat to the ‘urgent situation[s] of the week.’ What can we be doing to push for the equality and diversity without running afoot of the law? “I suggest that part of the answer lies, as it has since Brown vs. Board of Education, in equal education.”

Pointing to statistics, Judge Rendell said about 73 percent of African Americans and 78 percent of Hispanics attend predominantly minority schools. Teachers in those schools have less experience, less training and fewer advanced degrees.

About 85 percent of minority students read below their reading level. Further, there is still a gap between the number of minorities who go to college compared to non-minorities.

In closing, Judge Rendell praised Judge Higginbotham for keeping discussions of equality relevant and urgent throughout his career. Even when the law dictated an unfavorable outcome, Judge Higginbotham used his opinions to advocate change. He always felt that lawyers “must be the visionaries in our society, the nation’s architects, who renovate the place of justice and redesign the landscape of opportunity in our nation.”

“Now that he is gone, it is our job to carry on this fight,” Judge Rendell said. “What can we do to help? Advocate for equal resources in all of our schools by writing to your local representatives. Take it a step further by tutoring, mentoring or volunteering in programs that help close the gap.”

Lauren A. Strebel (lauren.a.strebel@gmail.com) is a student at Earle Mack School of Law at Drexel University.

Roomberg Thankful for Acceptance

By Jeff Lyons

Although only two of the 33 newest members of the Association’s 50-Year Club are women, the times are “a changing,” Lila G. Roomberg said while speaking on behalf of her classmates at the June 12 Quarterly meeting.

“In our law schools, 40 percent of the students are women. And as they develop their skills and contribute to the community, we will see their representation grow,” said the 2000 winner of the Sandra Day O’Connor Award.

She said her law firm, Ballard Spahr LLP and the Bar Association welcomed a raw girl from Brooklyn and gave her the opportunity to become a Philadelphia lawyer. She later became the firm’s first woman partner. “Nowhere else would I have been given the opportunity but here in Philadelphia,” she said.

“Fifty years ago I was a girl. I got old on the job,” she joked.

The Year Club honorees included:

50-Year Club


60-Year Club


70-Year Club

Herbert Brenner.

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

Podcast Spotlight

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

Use your QR code reader to link directly to this resource.

Lila G. Roomberg, a past recipient of the Sandra Day O’Connor Award, spoke on behalf of the newest members of the Association’s 50-Year Club.
Past recipients of the Association’s Sandra Day O’Connor Award gather at the June 12 Quarterly Meeting. Pictured (standing, from left) are U.S. District Court Judge Anita B. Brody, Women in the Profession Committee Co-Chair Regina M. Foley, U.S. Supreme Court Justice Sandra Day O’Connor, Lynn A. Marks, U.S. District Court Judge Cynthia M. Rufo, Pennsylvania Superior Court Judge Anne E. Lazarus, Roberta D. Pichini, Stephanie Rosnick, Dean Johnnie A. Epps, Roberta D. Liebenberg, Women in the Profession Committee Co-Chair Lauren P. McKenna, U.S. Court of Appeals Judge Dolores K. Sloviter, U.S. Court of Appeals Judge Marjorie O. Rendell, Chancellor Kathleen D. Wilkinson, former Chancellor Jane Leslie Dalton and Marina Angel. Seated from left are Judge Phyllis W. Beck, U.S. District Court Judge Norma L. Shapiro and Lila G. Roomberg. Not pictured but in attendance is former Chancellor Deborah R. Willig. Other O’Connor Award recipients include the late Justice Juanita Kidd Stout, Leslie Ann Miller, the late Judge Judith J. Jamison, Chief Defender Ellen T. Greenlee and former Chancellor Audrey C. Talley.

Women Need More Gains, Judge Lazarus Says

By Jim Nixon

In accepting the Association’s Sandra Day O’Connor Award on June 13, Pennsylvania Superior Court Judge Anne E. Lazarus noted that women have made major advancements in the profession, but much more needs to be accomplished.

The O’Connor Award is conferred annually on 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. Justice O’Connor was in attendance for the presentation of the award, which has now been given for 20 years.

Judge Lazarus said that while women currently outnumber men on the Superior Court, Pennsylvania lags behind many states in the number of women who are elected to the state Senate and General Assembly. Additionally, she said that Pennsylvania has yet to have a woman governor and that Philadelphia has yet to have a woman elected to serve as mayor. She urged all in the profession, not just women, to work on the cause of advancing women’s issues and serve as mentors to professionals from all backgrounds regardless of gender.

Judge Lazarus was both humbled and honored to receive the Sandra Day O’Connor Award and thanked her colleagues, staff, friends and family, many of whom were in attendance for the presentation, including her husband, Mitchell Klevan, as well as her mother-in-law, whom the judge considers as her own mother. Judge Lazarus also thanked the Louis D. Brandeis Law Society, of which she is a past chancellor and now serves as the current president of its foundation.

Judge Lazarus spoke of tikkun olam, the Jewish concept of healing the world. Judge Lazarus was raised in New York City, attended law school at Temple University, and received her LLM there and has lived in Philadelphia ever since. Prior to being elected as a trial judge in Philadelphia, Judge Lazarus practiced with a major law firm and served as general counsel to the Philadelphia Orphans Court. After being elected to the Common Pleas Court, Judge Lazarus became the first woman to serve as coordinating judge of the Criminal Division. In 2009 Judge Lazarus won election to the Superior Court of Pennsylvania, making her the first and only woman from Philadelphia to win a statewide election.

Jim Nixon (jnixonlaw@gmail.com) is a staff attorney with Superior Court of Pennsylvania.
Shortly after graduating from law school, I was in Chicago when someone asked me if I was “proud to be a Philadelphia lawyer.”

Having not grown up in the area, or around the legal profession in general, I was unaware of the term. And while the story of the term “Philadelphia Lawyer” is oft repeated, I think it bears repeating again to understand the type of ideals on which the Philadelphia Bar Association would later be founded. The moniker traces back to a case against a poor printer named John Peter Zenger who was charged with sedition. Zenger was unable to secure any counsel among the New York Bar and Philadelphia lawyer Andrew Hamilton accepted the case pro bono and won.

Hamilton famously said, “the first duty of society is justice.” It is our duty as members of the Philadelphia Bar to keep lit Andrew Hamilton’s torch for justice, and there is no better way to embody the spirit of the Philadelphia lawyer than to provide pro bono assistance to those who would otherwise be unable to afford an attorney.

As a part of our annual Law Week activities, we’ve hosted an event called Legal Advice Live. The event features a free, two-hour ask-a-lawyer opportunity with dozens of volunteer attorneys gathering to provide free, in-person legal advice at select Free Library of Philadelphia branches.

This year, we were fortunate to have Chancellor-Elect Bill Fedullo serve as a volunteer at one of the library branches. As an active member of the bar, Bill has had an opportunity to serve on many committees and volunteer in many activities, however, he made it a point to note to the YLD Executive Committee that this was one of the more personally fulfilling activities he’s had the opportunity to participate in, a sentiment echoed by numerous other volunteers.

Accordingly, we are pleased to announce that the YLD will be extending this program to offer Legal Advice Live! again this fall. While we are still in the process of coordinating the times and locations, we are soliciting for volunteers now.

In the meantime, there are still many outstanding opportunities to give back to your community. The YLD will be hosting a school supplies drive to benefit Philadelphia schools. If you are interested in helping us serving a collection point of materials or would like to donate, contact Maria Harris at MHarris@paworkinjury.com.

Aneesh A. Mehta (amehta@vklaw.com), an associate with Fox Rothschild LLP, is an associate editor of the Philadelphia Bar Association’s Philadelphia lawyer.

Family Law

continuing from page 11

distributed, metabolism occurs. The purpose of metabolism is to take the molecules from the various drug compounds that do not belong in the body and turn them into molecules that can easily be eliminated. Metabolism happens mainly in the liver, after which those molecules are excreted.

Most drug testing labs follow the Substance Abuse and Mental Health Services Administration Mandatory Guidelines, set by the federal government. The five main drugs tested for are marijuana, cocaine, amphetamines, opiates and PCP. When reviewing a lab report, it is important to know what drugs were tested for, also referred to as the scope of the report. The scope should be clearly set forth on the report. Test samples could be urine, a swab inside the mouth, hair or blood. Blood is the only sample that can give information on the level of impairment. Urine will show what drugs were used over a relatively short time frame. Hair has the benefit of longevity, but environmental exposure reduces reliability. Hair closest to the scalp is most reliable; particularly with a large enough sample size of 50 to 150 strands. Blood has the shortest window of detectability.

Chain of custody is another important issue with drug tests. A sample should be tested right after it was taken from the subject, or as close as possible to that time. The location of where the sample was stored and the conditions under which the sample was stored are also important factors. Heat, light and exposure to chemicals can alter blood and urine samples. Drug tests typically utilize a two screen testing process. The first screen is very sensitive and tests for very small levels of compounds found in a variety of drugs. The first screen produces many false positives. If a positive result is triggered, then a second screen or the confirmation test is used, which is much more specific. Instrumentation for the second screen is mandated by federal law. Finally, Harris noted that drug tests will not indicate the quantity of drugs used, but rather the presence of compounds associated with the drugs for which the tests were administered.

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

YLD Will Extend Legal Advice Live! This Fall

By Aneesh A. Mehta

YLD Diversity Reception

Photos by Mark Tarasiewicz

Family Law

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Julia Susin (jsusin@foxrothschild.com), a partner with Fox Rothschild LLP, is an associate editor of the Philadelphia Bar Reporter.
World City Bar
continued from page 1
for city bar association initiatives.”

“The conference will bring to our city the highest level conversation on issues of international law and human rights,” Cooper said. “And it confirms that Philadelphia is a leading city among legal centers in the world.”

He said the conference gives attorneys the opportunity to see what legal developments are occurring in the rest of the world before they show up in the U.S.

Cooper laid groundwork to bring the conference to Philadelphia during the Tokyo conference in 2010. Cooper and former Chancellor Rudolph Garcia attended the 2011 conference in Montreal and made a presentation inviting a conference to Philadelphia. Cooper added it was a true team effort by Philadelphia bar leaders to bring the conference here. The only other U.S. cities represented in the conference are New York and Chicago. Previous conferences were in New York (2001), Paris (2003), Shanghai (2004), Chicago (2006) and London (2008).

Wilkinson spoke at a roundtable program in Frankfurt about the Philadelphia Bar Association’s Civil Gideon efforts and the statewide Civil Justice Gap hearings hosted by the Pennsylvania Senate Judiciary Committee. She also met with the presidents of the Barcelona and Montreal Bar Associations to make final arrangements to establish twinning programs with both bar associations. “These programs will be similar to our longstanding twinning program with the Lyon Bar Association, where we send Philadelphia law students to France and French students come here,” Wilkinson said.

Cooper, who presented “Developing Legal Issues from an American Perspective” in Frankfurt, said having the conference in Philadelphia will help raise the city’s global profile. The Philadelphia Bar Association is a member of Global Philadelphia, an organization that promotes the development of an international consciousness within the region and to enhance the region’s global profile.

In past conferences, Philadelphia bar leaders showcased the city’s commerce court, our seat as a major arbitration center, the court’s efforts on mortgage foreclosure and our sophisticated legal practices, as well as the challenges of conducting business in the United States.

Delegates to the World City Bar Leaders Conference in Frankfurt, Germany assemble for a group photo. The conference will be in Philadelphia in 2014.

Frontline
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nonviolent and misdemeanor offenders, who are tried and sentenced by other students in an effort to curb their behavior before they reach the level of Common Pleas Court. At hearings last summer, school district officials said they supported the concept in principle.

The committee will also facilitate our award-winning Advancing Civics Educa-

Program which over the past five years has placed more than 150 volunteer lawyers and judges into 18 public high schools and three elementary schools to provide supplemental civics education, including the fundamental principles of citizenship, democracy and dispute resolution.

This summer, the program is being expanded into local library branches as part of the Free Library of Philadelphia’s summer literacy program.

Retired U.S. Supreme Court Justice Sandra Day O’Connor advocates in favor of civics education and founded a program (www.c Civics.org) that schools may adopt without charge. Justice O’Connor, who was also a featured speaker at last month’s Quarterly Meeting, strongly urged our members to use their legal knowledge and education to teach young people about civics.

“The best defense against threats to judicial independence is a culture in which citizens appreciate and respect the rule of law,” Justice O’Connor said, “and the key to creating that culture is education.”

Programs such as ACE and Civics help “bridge the gap” where the needs are most urgent—and as a service for a model for other successful community partnerships.

There is no greater state or local government priority than ensuring a sustainable future for quality public education in Philadelphia.

In the meantime, we must continue to do what we can by addressing these important issues publicly and helping our schools in innovative ways. If you are interested in learning more about the work of our new Education Law Committee, please contact me at chancellor@philabar.org, or Committee Co-Chairs Joshua Richards at jrichards@saul.com or Mary Gay Scanlon at scanlonm@ballardspahr.com.

Kathleen D. Wilkinson (Kathleen.Wilkinson@ wilkinson.com), a partner with Wilson Elser Moskowitz Edelman Dicker, is Chancellor of the Philadelphia Bar Association. A version of this article originally appeared in the June 28 edition of The Legal Record© 2013 ALM Media Properties, LLC. All rights reserved. Used with permission.

Leadership
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ions, to pursue a J.D. He described the difficulty he had with a client who only corresponded with the partners, even though as an associate he was personally assigned the case. Circumstances changed once he had the opportunity to meet the client in person and show him his professionalism and skills.

The panelists agreed that joining their affinity bar associations and eventually taking on leadership positions was a smart choice. They noted how their involvement had positively affected their professional and personal relationships.

How, as a young and diverse lawyer, do you obtain the respect and opportunities that are typically given to more senior lawyers? Produce high-quality work and constantly develop your craft. What do you when someone treats you negatively? Know that sometimes people are just having a bad day, and their negative demeanor probably has nothing to do with your race or youth.

An audience member raised a question about tokenism. Harden’s suggestion: Avoid becoming the “token voice.” Once you do so, you will be capped at doing only those “token” activities. Instead, try to take on the most substantive, difficult tasks.

Lauren A. Strebel (lauren.a.strebel@gmail. com) is a student at Earle Mack School of Law at Drexel University.
25th Annual Bar Foundation Golf Classic

Caesar D. Williams tees off at Green Valley Country Club in Lafayette Hill. More than 110 golfers participated in the annual event.

Bar Foundation President Deborah R. Gross and USI Affinity’s Brian McLaughlin present the USI Cup to the winning foursome of Cathy Devlin, Pennsylvania Supreme Court Chief Justice Ronald D. Castille, Don Donatoni and Carl Everett at the June 24 Golf & Tennis Classic. The foursome also won the LexisNexis Cup.

Manny D. Pokotilow (left) waits for a serve during the tennis portion of the event. A total of 17 players participated in the tennis. Kevin Boyer (right) recorded a hole-in-one on the 8th hole, his first-ever ace in his golfing career. Boyer played as a guest of Weir & Partners LLP.
Nominate a Worthy Attorney, Firm for Recognition

By Deborah R. Gross

Recently, we have seen the number of individuals seeking assistance increase and the public funding to provide legal assistance decrease. As noted in each of our Pennsylvania attorney annual registration forms, “there is a crisis of unmet legal needs among the indigent in Pennsylvania and throughout the nation. Comprehensive legal needs studies have concluded that four out of five low-income persons with legal needs have no access to lawyers, and one of every two persons who is eligible for and seeks assistance from a legal aid office is turned away because of a lack of resources.”

Yet despite this serious drop in public funding and increase in need, the public interest legal community in Philadelphia has continued to provide quality legal services, leadership and vision. We are both fortunate and unique to have the strong nonprofit legal community that we have in Philadelphia. We set an example for many other cities and they often look to us for advice.

Each year, the Philadelphia Bar Foundation recognizes the hard work and extraordinary efforts of a public interest attorney through the awarding of the Philadelphia Bar Foundation Award. We seek your suggestions for the 2013 award recipient.

Past recipients of the award include: Professor Louis D. Rulli, University of Pennsylvania Law School (2005); Frank Cervone, Support Center for Child Advocates (2006); Len Reiter, Education Law Center (2007); Karen C. Buck, SeniorLAW Center (2008); Cathy Carr, Community Legal Services (2009); Ourania “Rainy” Papademetriou, Philadelphia VIP (2010); Thu Tran, Community Legal Services (2011); and Mary Catherine Roper, ACLU of Pennsylvania (2012).

Additionally, the Philadelphia Bar Foundation recognizes annually one – or more – Philadelphia law firm or corporate legal department that has demonstrated outstanding volunteer efforts to help provide legal services to those in need by conferring the Philadelphia Pro Bono Award. As former Chancellor Abe Reich remarked to me recently in reflecting on Fox Rothschild’s receiving the Pro Bono Award last year, “Giving back through pro bono work is a badge of honor as important as announcing large verdicts.” The Trustees of the Bar Foundation agree.

We seek your suggestions for nominations for the 2013 award recipients. Past award recipients include Hecker, Brown, Sherry & Johnson LLP and Morgan, Lewis & Bockius LLP (2003); Margaret A. McCausland and Schnader Harrison Segal & Lewis LLP (2004); Ballard Spahr Andrews & Ingersoll LLP (2005); Pepper Hamilton LLP (2006); Cozen O’Connor and Saul Ewing LLP (2007); PEKO/Esclon Legal Department (2008); Dechert LLP and Berner Klaw & Watson LLP (2009); Gay Chacker & Mirkin, PC, and Hangleby Anouchchk Segal & Pudlin (2010); Blank Rome LLP (2011); and Fox Rothschild LLP (2012).

It is important for us to show our appreciation to those lawyers and law firms and/or corporate law departments who enable our legal system to uphold our promise of equal justice under law for all. We hope these awards will inspire others to follow the example of service set by the recipients. Please provide your nominees’ names and a brief summary to support your nomination to jhilburnholmes@philabar.org.

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

Why I Give…

I give to the Philadelphia Bar Foundation because I am confident the funds are being allocated to some of the finest public interest agencies in the country. Giving to the Foundation allows me to give to all of these stellar organizations. Having been involved in the grant-making process as a past leader of the Bar Association, I know an organization does not become a grantee of the Bar Foundation without being carefully vetted. The Bar Foundation is efficient in its work and knowledgeable about the legal services community. The grantee agencies are all “blue chip” organizations. The Foundation continues to excel as an organization that fosters a collection of worthy organizations that need resources. Giving to the Bar Foundation is a very easy “give” for me to make.

Portrait Unveiling

U.S. District Court Judge C. Darnell Jones II (left) is greeted by Vice Chancellor Albert S. Dandridge III at a ceremony where Judge Jones’ portrait was unveiled in City Hall on June 11. Judge Jones is former president judge of the Philadelphia Court of Common Pleas. Dandridge presented remarks on behalf of the Bar at the ceremony.

Philadelphiabar.org

July 2013 Philadelphia Bar Reporter
Three Generations Serve Philadelphia’s Seniors

By Richard J. Conn and Jason Belmont Conn

For 35 years, SeniorLAW Center has proudly served seniors in our community. The need for the organization’s services is at an all-time high and only increasing. Twenty percent of Pennsylvanians are now age 60 or older and this population needs attorneys who can respond to its legal needs to provide assistance with issues relating to housing, elder abuse, financial exploitation, consumer problems, grandparent custody, and personal and end-of-life planning needs.

The commemoration of SeniorLAW Center’s 35th Anniversary has been an opportunity for us to reflect on our family’s long and continuing relationship with this invaluable organization. Three generations of our family have volunteered pro bono for SeniorLAW Center, in large or small firms, in-house counsel or government counsel, when we say that we do it gladly and as part of our responsibility to the public and the profession.

The cases referred by SeniorLAW Center are not always complex, but they are important and can make a big difference to the people who seek our help. For instance, in a business or landlord and tenant dispute, a lawyer can provide a voice to someone who has been ignored, or avoided, because he or she is not perceived as being important or powerful. Or we may prepare a will, even when the client has no substantial assets, to provide the client with the comfort of knowing that he or she has recognized important people by bequeathing personal belongings to them. And, then there are the sad times, when assistance is vitally necessary to prevent neglect or abuse.

But we are sure that we speak for each and every attorney who has taken assignments from SeniorLAW Center, in large or small firms, in-house counsel or government counsel, when we say that we do it gladly and as part of our responsibility to the public and the profession.

The dedication of Richard Conn and Jason Belmont Conn is an example of the many sole and small practitioners who do pro bono work as part of their normal routine without much fanfare.

The late patriarch of our family, Jeffrey B. Conn, volunteered with the organization for more than 20 years. He did it out of an old-fashioned sense of duty, professional responsibility and personal obligation to share with those in need. He is an example of the many sole and small practitioners who do pro bono work. Sometimes, when assistance is vitally necessary, the clients are not always right, their legal positions are not always winners, and sometimes they can be just the least bit stubborn, but by having a lawyer on their side they can have their day in court, know that their dignity has been recognized, and in turn feel better about the legal system as a whole. Although these statements could apply to anyone who seeks legal assistance — young or old, rich or poor, without organizations like SeniorLAW Center, access to the courts and to justice would not be available to many who need it.

And the lawyers who volunteer do get personal rewards. There is the genuine gift of feeling good about yourself and the heartfelt gratitude we get again and again from our clients. There is also the more tangible benefit of valuable experience working on matters that may not otherwise come up in the office, or in the courtroom, and in interacting with the wide variety of people whose only common thread is that they have lived long enough to qualify for services. Finally, we have also been enriched by knowing, and working with, the talented and dedicated staff at SeniorLAW Center.

We encourage all lawyers to take advantage of the opportunities SeniorLAW Center provides to do meaningful pro bono work, and to support it financially, so that it will continue to be a valuable resource for many years to come. Personally, we hope to continue to have these opportunities for many years, and maybe even another generation.

Richard J. Conn and Jason Belmont Conn are father and son. Richard Conn is a sole practitioner and a member of the Board of Directors of SeniorLAW Center and has served as a volunteer attorney for its clients for the past 35 years. Jason Belmont Conn is Assistant Deputy General Counsel at Comcast Corporation and began serving as the third generation of SeniorLAW Center volunteers from his family in 2007 when he began his legal career at a Philadelphia law firm. For more information on SeniorLAW Center, please visit www.seniorlawcenter.org.
Mongeluzzi continued from page 6

depositions and, in one instance, being deposed himself. He explained that he was very nervous going into the deposition, but that after the lawyers asked him the preliminary background questions he became more relaxed. As a result, Mongeluzzi now tends to jump right away, and the 93 million mile distance between the earth and the sun. When the witness said that this was the best ballpark estimate he could provide, Mongoeluzzi asked him if that response was just as honest and truthful as all of his other testimony.

Benjamin F. Johns (BFJ@chimicles.com) an associate with Chimicles & Tikellis LLP, is an associate editor of the Philadelphia Bar Reporter.

Goat Hollow
300 W. Mount Pleasant Ave.
(267) 428-5672
www.goahollow.com

If your culinary favorites are concoctions of mussels and “frites,” here is the brasserie to order “C’Heart Blanche.” Moreover, the olfactory and oral cues at this long-silh-shaded lit bar, can make your nostrils expand exponentially, and your lips purse profusely. There exists a mellifluous smell of a myriad draft beers, cask beers and poured from bottled beers.

This is an upscale blue-collar neighbors’ shebang with an eclectic crowd of artists, weavers, stacking knitters, hatters, furriers, factory workers, printers, bakers and candle-stick-makers. And most importantly to lawyers, who are transfixed by fabulous bivalve mollusks, fries and extraordinary hopes: other like-minded attorneys. The atmosphere is “neo-art-tap-with-soundless-overhead-sports-TV.”

To your left as you enter, a “standard” brick faux-façade and a low mid-room iron Vermont fireplace ruminate as garnish. Every table is butcher block and without linen; chairs mahogany. The ceilings and many walls are black and industrial. There are brighter rooms to occupy, including one thinner rectangle with reigning in and devouring the sweat of morsels. It sits solely to sop up the underlying broth as you progress like an overseer. A well-padded roll straddles the edge of the table, which is an unforgettable pink, ribald remoulade, into which you will be dousing even your fingers. The oysters are nestled so cozily that you hate to disturb them. But, you won’t regret having prodded them awake, dunked them in sauciness and pompously chewed them to oblivion. The warm spiced pieces, bedmate by bedmate, are swallowed with an unavoidable snort, in pillowed gulps.

Mongeluzzi

I order the Goat’s Fried Oyster ($4) to join me and the Smoked Brisket with greens and horseradish sauce ($11), magnificent-crowned and drowned in just-melted provolone ($11). Ask for more remoulade as well. Fried spuds appear to be a Harpo Marx wig atop the highest edge of the platter, and a smirking quartered pickle at its bottom seems to get the joke. The brisket is pull-apart mawie at its smokey center and tenderly burly around its edges, emboldened by the promiscuously placed provolone. Dip a forkful in the remoulade, corralling the meat into its resting place between your lips, and allow your mind to wander aimlessly, without a worry. Then linger over lager. Chef Glickman’s tutelage pervades and prevails.

Adopted with legs, immersed in white wine and flavored by chile de arbol; #3 (“Sedgwick”), an herbal moules-mass in red wine, upon which scurry tomato bits; and #4 (“Durham”), perfumed by basil, white wine and mozzarella. If you order all four, you may share and play as if the table were a “Lazy Susan.” Flex your mussels. Just remember to hold onto that puffy roll you rode in on.

Kindly order the Goat’s Fried Oyster Sandwich (sans bread if you wish) ($10). The marine bivalves arrive asleep, covered in golden breadcrumbs atop verdant lettuce. Three sauces share the bed, one of which is an unforgettable pink, ribald remoulade, into which you will be dousing even your fingers. The oysters are nestled so cozily that you hate to disturb them. But, you won’t regret having prodded them awake, dunked them in sauciness and pompously chewed them to oblivion. The warm spiced pieces, bedmate by bedmate, are swallowed with an unavoidable snort, in pillowed gulps.

Have at elbow’s length a draft of Sly Fox O’Reilly’s Stout ($5.50), Pan Belgian Amber ($6), Old Dominion Cherry Blossom Lager ($6), Weyerbacher Heresy ($6) or Dock Street West of Center Pale Ale from a cask. I’m one who grew up with Schmidts, Ballantine, Blatz, Pils, Pabst Blue Ribbon and Miller High Life in quart bottles. They tasted, to me, like thirst-quenching liquids redolent of malts, alcohol and hopped-up ambrosia. The newest prideful brewing creates aftertastes of chocolate, coffee, cherries, oranges, pine, grapefruit, grass, birch, chamomile and/or wet hay. Bert and Harry are so far away.

I order a Yeungling Lager ($4) to join me and the Smoked Brisket with greens and horseradish sauce ($11), magnificent-crowned and drowned in just-melted provolone ($11). Ask for more remoulade as well. Fried spuds appear to be a Harpo Marx wig atop the highest edge of the platter, and a smirking quartered pickle at its bottom seems to get the joke. The brisket is pull-apart mawie at its smokey center and tenderly burly around its edges, emboldened by the promiscuously placed provolone. Dip a forkful in the remoulade, corralling the meat into its resting place between your lips, and allow your mind to wander aimlessly, without a worry. Then linger over lager. Chef Glickman’s tutelage pervades and prevails.

MACTE VIRTUTE; FLOREAT

Skinny D’Bockol (rbockol@msn.com), a sole practitioner, is an advisory editor of the Philadelphia Bar Reporter. Read his reviews online at bockol.com.
Justice O’Connor

continued from page 1

lic perceives judges to be influenced by campaign contributions, even scrupu-
lous judges are losing the confidence of the people.

Beyond the serious problem cre-
ated by the fact that so many people perceive judges to be politicians in
robes, a number of recent studies indi-
cate that judges can be influenced by
campaign contributions. Judges who
need to raise money to keep their jobs
or support their children are having a
harder time living up to the promise to
provide justice to the rich and poor
alike. To end this problem, Justice
O’Connor encouraged the Bar As-
sociation to continue efforts to reform
the judicial selection process. But she
said that is not enough.

The best defense to threats against
judicial independence is a culture in
which people respect the rule of law.
Education is the key to creating that
culture. For her part, since retiring,
Justice O’Connor has been working
with experts in the law, technology and
education to develop www.Civics.org
for teachers and students alike. The
website includes lesson plans and social
networking tools, as well as 17 free
games, some of which allow students to
play the role of a lawyer, judge or
member of Congress, and other games
that teach the art of effective legal writ-
ing. This tool is now available, as is a
new iPad app – Pocketlawfirm – and
Justice O’Connor encouraged all to
take advantage of the free resources.

Heather J. Austin (heather.austin@ wilsonsleiter.com), an associate with Wilson
Eskridge: Eshkenazi & Dicker LLP;
is Editor-in-Chief of the Philadelphia Bar
Reporter.

Nearly 900 people attended the June 12 program at the Hyatt at The Bellevue, where
Justice Sandra Day O’Connor (ret.) discussed judicial selection and civics.

HEALTH CARE REFORM UPDATE FROM USI AFFINITY

Additional Info on COBRA, Form 720, Wellness

By Brian McLaughlin

With this month’s article, we’d like to provide additional information on three topics: The COBRA Model Election Notice, the revised Form 720 for purposes of reporting and paying the patient-centered outcomes research fee (the PCOR Fee) and lastly, final rules on employment-based wellness programs.

The DOL has revised its model COBRA election notice to help make qualified beneficiaries aware of other coverage options available in the new Marketplace. As with all earlier model notices, in order to use this model election notice properly, the plan administrator must complete it by filling in the blanks with the appropri-
ate plan information. Use of the model election notice, when appropriately completed, will be considered by the DOL to be good faith compliance with the election notice content requirements of COBRA.

For more information, visit:
• Model Notice for employers who of-
er a health plan to some or all employees http://www.dol.gov/ebsa/pdf/FLStwi
     thplan.pdf
• Model Notice for employers who do not offer a health plan http://www.dol. gov/ebsa/pdf/FLStwi

For the revised COBRA model election
notice, including a redline version of
the May 2013 changes, visit http://www.
dol.gov/ebsa/cobra.html.

The IRS has issued a revised Form 720 for purposes of reporting and paying the patient-centered outcomes research fee (the PCOR Fee) by July 31. Part II of the Form now contains a specific line item for the PCOR Fee. The instructions also indicate that self insured plans can use any reasonable method for calculat-
ing the average number of lives for plan years ending in calendar 2012 that are subject to the first filing date (July 31), as opposed to the more detailed methodolo-
gies spelled out in earlier guidance. This
relief will also extend to some additional plan years subject to being filed and paid in 2014, as well.

The revised form can be found at
and the instructions are available at

Form 720 is a quarterly excise tax
form, but the PCOR Fee is only filed with the second quarter filing and relates to the plan year ending in the prior calen-
dar year. The instructions provide more detailed methodologies for determining average lives for subsequent filings and also provide instructions for filers that use the Form 720 for other excise taxes, as well. PCOR Fees for insured plans will be paid directly by the carriers.

The U.S. Departments of Health and Human Services, Labor and the Treasury
continued to move forward to implement
the health care law today, by issuing final
rules on employment-based wellness pro-
grams. The final rules support workplace
health promotion and prevention as a
means to reduce the burden of chronic
illness, improve health and limit growth of
health care costs, while ensuring that
individuals are protected from unfair un-
derwriting practices that could otherwise reduce benefits based on health status.

The final rules continue to support “participatory wellness programs,” which
generally are available without regard
to an individual’s health status. These
include programs that reimburse for the
cost of membership in a fitness center;
that provide a reward to employees for
attending a monthly, no-cost health edu-
cation seminar; or that reward employees
who complete a health risk assessment,
without requiring them to take further
action.

The rules also outline standards for
nondiscriminatory “health-contingent
wellness programs,” which generally
reward individuals who meet a specific
standard related to their health. Examples
of health-contingent wellness programs
include programs that provide a reward
to those who do not use, or decrease their
use of, tobacco, or programs that reward
those who achieve a specified health-
related goal such as a specified cholesterol
level, weight or body mass index, as well
as those who fail to meet such goals but
take certain other healthy actions.

Today’s final rules ensure flexibility for
employers by increasing the maximum
reward that may be offered under ap-
propriately designed wellness programs,
including outcome-based programs. The
final rules also protect consumers by
requiring that health-contingent well-
ness programs be reasonably designed,
be uniformly available to all similarly
situated individuals, and accommodate
recommendations made at any time by
an individual’s physician based on medi-
cal appropriateness.

The final rules will be effective for plan
years beginning on or after Jan. 1, 2014.

The rule was issued May 29. To view
the final rule visit http://www.ofr.gov/
inspection.aspx

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mation about insurance and benefits options
for Philadelphia Bar members, visit http://
www.mybarinsurance.com/philadelphia/

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individual needs.
Simon explained that the prosecution had selected this knife as a potential murder weapon because it was “particularly clean.” The tests performed by the prosecutors using a controversial method of DNA testing called low copy number found Knox’s “profile” on the handle and the victim’s wounds or blood.

Simon noted that this low copy number methodology is very unreliable and frequently appears on the national news with a set of prepared talking points to highlight the basic facts about the case. Simon also advised against making a “no comment” remark to the press, because invariably that is something from which the public will draw a negative conclusion. He gave an example of a high-profile matter where he had just been retained and knew very little about the case. Simon said that he told the press there that his work was preliminary, but that from speaking with the suspect’s parents he could not imagine how the allegations could be true.

Benjamin F. Johns (BF@chimicles.com) an associate with Chimicles & Tikellis LLP is an associate editor of the Philadelphia Bar Reporter.
Housing Rebound Fortifies Household Balance Sheets

By Jackie B. Lessman

Demand for housing is being buttressed by rock bottom mortgage rates and significantly improved affordability. Even though jobs and income growth have been modest, they have nevertheless been persistent. As a result, home sales are picking up and the steady absorption of supply is supporting home prices. Also, house price growth is accelerating as the inventory of highly affordable “distress” homes is absorbed and markets are left with more expensive non-foreclosed properties.

Has lower inflation helped to ease the stress on household budgets?

To a lesser extent, benign consumer price inflation is relieving some stress on households. Annual CPI growth ranged from 1.7 percent to 1.9 percent between the second and fourth quarters of 2012. Last year’s drought had also led to record crop prices over the summer but the pass-through to broader inflation was limited because food comprises a relatively small share of the CPI basket in the U.S. It’s actually unemployment, not inflation, that is the overriding concern for monetary policymakers. What effect has persistent unemployment had on the HESI?

The nation’s unemployment rate has had a relatively small effect on moving the U.S. HESI’s value during the fourth quarter. The jobless rate declined to 7.8 percent in the fourth quarter of 2012 from 8.7 percent in the fourth quarter of 2011. However, the nearly one percentage point decline over the past year is much smaller than the more than 11 percentage point turnaround in house price appreciation. As is consistent with a healing economy, layoffs are occurring at a very low pace. However, lingering uncertainty among employers about the impact of Federal fiscal austerity and the resilience of the economic recovery is restraining the pace of hiring. As a result, there is little “churn” that characterizes healthy labor markets. How is the HESI likely to behave throughout the remainder of this year?

Looking ahead, our national HESI will likely edge up until the fourth quarter of 2013 before it resumes its downward trend. House price appreciation is expected to cool off throughout the rest of 2013 as the rush to acquire cheap housing dissipates and the initial rebound in prices gives way to a trend pace of appreciation whereby prices rise in line with income and demographic trends. What are your expectations for unemployment and inflation for 2013?

Despite ongoing payroll growth, the unemployment rate will come down gradually as moderate job creation is partially offset by labor force growth. We expect the jobless rate to decline to 7.3 percent in the fourth quarter of 2013 from 7.8 percent in the fourth quarter of 2012. Finally, consumer price inflation will likely edge up throughout 2013, thanks to improved aggregate demand and stronger pricing power of firms. However, with unemployment still high and energy prices contained, inflation will remain benign and is expected to average 2.1 percent in 2013.

When do you foresee household stress levels returning to a more normal level?

It will take at least until 2016 for the economy to approach full employment, which means that although things are moving in the right direction, a return to “normal” levels of stress for households is still several years away.

Jackie Byrne Lessman, CFP® (jacqueline.lessman@pnc.com; 215-585-5831), PNC Wealth Management Senior Vice President. For more information, visit pnc.com/wealth-management

* Household Economic Stress Index = (unemployment rate) + (CPI inflation rate over the past year) – (Case-Shiller home price index rate of change over the past year) A higher value indicates a higher level of stress.

For more information, please contact PNC at 1-888-762-0620.

Deborah R. Willig, a partner with Willig, Williams & Davidson and former Chancellor of the Philadelphia Bar Association, has been named to the Board of Directors of Juvenile Law Center.

Eric H. Weitz, a partner with Mesa & Associates, P.C., and vice chair of the Board of Governors of the Philadelphia Bar Association, has been appointed to the Board of Directors for the Pennsylvania Patient Safety Authority.

David L. Hyman, a managing partner with Kleinbard Bell & Brecker LLP, has been selected by the Economy League of Greater Philadelphia’s Leadership Exchange Recruitment and Selection Committee to participate in the 2013 Greater Philadelphia Leadership Exchange.


Ade B. Galloway, an associate with Buchanan Ingersoll & Rooney PC, has been named to the Lawyers of Color Hot List honoring early- to mid-career minority attorneys in the Eastern region.

Theodore Simon, of the Law Offices of Theodore Simon, has been appointed to the Board of Directors of the Theodore F. Jenkins Memorial Law Library.

Lawrence S. Felzer, director of development and finance at SeniorLaw Center, was honored by the Temple Law Alumni Association with the Diversity Leadership Award on June 10. He was honored by Philly Pride Presents by being named Grand Marshal of Philadelphia’s 25th Annual Gay Pride Parade on June 9.

Kathleen Shay, a partner with Shaprio Ullman & Morris LLP, has been appointed a member of the board of directors of Pennsylvania Bio, the statewide trade association representing the Commonwealth’s life science industry.

Carlon L. Johnson, a partner with Archer & Greiner PC, was awarded the Temple Law Alumni Association Service Award for exemplary service to the Association.

Phyllis Horn Epstein, a shareholder with Epstein, Shapiro & Epstein, PC, has been elected as a Fellow of the American College of Tax Counsel.

Nancy J. Winkler, a partner with Eisenberg Rothweiler Wiendl Eisenberg & Jeck P.C., has been elected president of the Philadelphia Trial Lawyers Association.

Thomas J. Giordano Jr., a partner with Pond Lehocky Stern Giordano, spoke to members of the MS Society in Philadelphia on June 5 where he discussed how different types of Social Security Disability may be available to those living with multiple sclerosis.

Kathryn G. Legge, a senior associate with Griesing Law LLC, presented “The Top Five Legal Considerations for your Social Media Marketing Strategy” at the GSMI Social Media Strategies Summit on June 13 in New York City.

Robert M. Goldich, operating shareholder for the Philadelphia office of Greenberg Traurig, LLP, has been elected president of the Board of Directors of Family Services of Montgomery County.

Valerie Harrison, vice president for legal affairs and general counsel at Arcadia University, has been elected to the Public Interest Law Center of Philadelphia’s Board of Directors.

Joseph D. Mancano, a partner with Pietr gallo Gordon Alfano Bosick & Raspanti, LLP, has been elected to a three-year term on the Board of Trustees of St. Joseph’s Preparatory School.

Nina M. Gussack, a partner with Pepper Hamilton LLP, received the 2013 Rainmaker Award from Transformative Leadership Awards at its recent annual dinner in New York City.

Jay M. Levin, counsel to Reed Smith LLP, co-edited “Property Insurance Litigator’s Handbook,” a guidebook outlining strategies and law for litigating a property insurance claim from the time of loss through trial and appeal.

Henry Yampolsky, a senior associate with Galfand Berger, LLP, was the keynote speaker for a naturalization ceremony on May 15 at the National Museum of American Jewish History.

George F. Nagle, a partner at Sorin Rand LLP, presented “Strategies for New Markets Tax Credit Deals” at the 22nd Annual ABA Forum on Affordable Housing held in Washington, D.C., on May 23.

Gaetan J. Alfano, a partner with Pietr gallo Gordon Alfano Bosick & Raspanti, LLP, was recently re-elected to serve as vice chairman of the Delaware River Joint Toll Bridge Commission for the 2013-2014.

Carolyn Hochstader, of E. Carolyn Hochstader Dicker, LLC and adjunct professor at The Wharton School, recently served as a Judge in the 10th Annual Ben Franklin Invitational hosted by the University of Pennsylvania Law School.

Deborah Epstein Henry, founder and president of Law & Reorder, discussed “How To Make Temp or Contract Work for You” at a New York State Bar Association program in New York City on May 8. She was a speaker at a Latham & Watkins Women’s Leadership Academy program “How to Effectively Self Promote & Gain Executive Presence” in Chicago on May 15.

Neil C. Maskeri, an associate with Volpe and Koenig, P.C., was recently named to the Board of Directors of Family Services of Montgomery County.

Robert D. Liebenberg, a partner with Fine Kaplan and Black, R.P.C., was recently named Chairman of DirectWomen and gave a speech at the Sandra Day O’Connor Board Excellence Award Luncheon in New York City. DirectWomen is the only national organization whose mission is to identify and train qualified and experienced women lawyers to serve on the boards of public companies.

Stewart Eisenberg, co-founder and senior partner of Eisenberg, Rothweiler, Winkler, Eisenberg, & Jeck P.C., was recently elected to the American Board of Trial Advocates.
Philadelphia’s Employment Lawyers

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

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