Bowen and Judge Dembe Focus on Struggles for Equality

By Reece McGovern

During a civil rights conference held in December 1972, an aging and unhealthy President Lyndon Baines Johnson – acting against the wishes of his doctors – slowly approached the podium to deliver his final speech. Driven perhaps by the limited time remaining in his life, Johnson chose to speak on the shortcomings of his presidency and the nation concerning civil rights. Apprehensive of the direction of the symposium, Johnson made clear his opinion on the progress of civil rights: that not nearly enough had been done. More than 40 years later, the keynote speaker of the Philadelphia Bar Association’s June Quarterly Meeting and Luncheon on June 22, William G. Bowen Ph.D., continued Johnson’s discourse.

In his Judge A. Leon Higginbotham Jr. Memorial Public Interest Lecture titled “Too Soon to Be Tired,” Bowen opened by discussing Johnson’s final speech. According to Bowen, Johnson recognized the pride and honor felt by members of the black community, but made clear that to be black in a white society “is not to stand on level and equal ground.” The dominating forces of the American past have seen whites standing on “history’s mountain and blacks standing on history’s hallow.” In light of the nation’s most recent racial turmoil involving rates of incarceration and ineffective law enforcement, a hushed audience sat in reflection of Johnson’s gravely accurate observation.

Bowen affirmed the contemporary state of civil rights compared to the experience of racial minorities during the final years of the Johnson administration. Today, black youth have a multitude of individuals to look up to as role models. The courage and eloquence of President Barack Obama was one such example provided by Bowen. As co-

continued on page 8
THEY SHOOT LAWYERS DON’T THEY?

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A View From the 50-Yard Line

By Gaetan J. Alfano

Now that we have reached the halfway point of the year, I thought this was a timely opportunity to reflect on some of the high-level progress we have made as an Association so far in 2016. Our work can be grouped into three main areas—advocating, informing and modernizing.

Advocating

As I promised in my inaugural address at our Annual Meeting in December, we have to be swift and strong about advocating for our members and our profession. We have increased our external communications significantly this year, from the number of media placements to strategic speaking engagements and beyond. Here is an overview of our first half advocacy highlights:

• We have been and continue to be very vocal about the American Bar Association’s ill-conceived venture with Rocket Lawyer, formally known as the ABA Law Connect. (Refer to my February column for more detail.) In fact, our delegates Albert S. Dandridge III and Butler (Buck) Buchanan will be attending the ABA Annual Meeting in San Francisco to present a resolution to the ABA House of Delegates to prevent an occurrence.

• We have been vocal about the need to urgently fill judicial vacancies, preferably with consideration of diverse candidates. Failure to fill these vacancies has resulted in delays in cases and threatens access to justice.

• From our Association publications to a letter to the editor in The Philadelphia Inquirer, Chancellor-Elect Deborah Gross, Vice Chancellor Mary Plant and I also have been vocal about unjust criticism of the judiciary, especially when a judge's integrity is questioned based upon ethnicity or religion.

• Continuing our advocacy against a potential sales tax on legal services, our Treasurer, Regina Foley, went to Harrisburg and met with the prime sponsors of Senate Bill 76, where she argued in opposition.

• We supported House Bill 1336 and Senate Bill 44, introducing merit selection of state appellate court judges in Pennsylvania. This resolution passed the Senate and is on a collision course with the House. The Philadelphia Bar Association joined in an amicus brief in support of the Homeowners’ League of Pennsylvania. The House will consider this bill in the coming weeks.

• Seven resolutions were passed on the following topics, listed chronologically:
  • Resolution Supporting Pennsylvania House Bill No. 1105, Which Would Prohibit Laws That Force Doctors to Provide Medically Inaccurate Information or Treatment
  • Resolution to Amend Philadelphia Bar Association Bylaws Article IV to Provide for Internet Voting in Bar Elections
  • Resolution to the American Bar Association Supporting State and Local Lawyer Referral Services
  • Resolution Opposing Pennsylvania House Bill 1800 Relating to the Use of Medical Panels in the Delivery of Legal Services Committee, where they met with executive directors of various legal service agencies to learn about who they are, what they do, and how they can be a resource.

• Association leadership and I have met with many managing partners of large and mid-sized law firms and also have presented at a number of forums to discuss how we can best serve our members.

We issued four ethics opinions on the following issues:

• Conflict of interest
• Referral fees
• Escrow duties to funding companies
• Work limits on formerly admitted attorneys

• Four well-attended and engaging Chancellors’ Forums were held in our Conference Center with notable panelists on the following topics:
  • Criminal Records as a Barrier to Equality
  • Pennsylvania’s Attorney General’s Race
  • Judicial Retirement Age
  • Proposed Sugar Drink Tax

Modernizing

While we pride ourselves on being the nation’s oldest association of lawyers, it is of course important for us to keep up with the times. From offering new, cutting-edge and free programming to our members to making technological advancements, a lot of hard work has gone into making sure we are a contemporary and progressive bar association.

• In February, we launched the Philadelphia Bar Association Continuing Legal Education (CLE) program and we are now a statewide provider in Pennsylvania, Delaware and New Jersey. We have offered over 200 CLE courses on the newest issues, legislation and regulations. At our June Quarterly Meeting and Luncheon, our members passed a bylaws change that will bring online voting to Philadelphia Bar Association elections. By moving away from the mail-in and in-person voting booth options, we will not only be saving thousands of dollars as well as countless hours of staff time, but also now will make it that much easier for the majority of our members to vote in our elections.

• Our Bar-News Media Committee has done a magnificent job of identifying and executing timely, relevant and educational Bar-wide programs, including continued on page 22
Firms’ Support Needed to Encourage Associate Pro Bono Service

By Erin E. Lamb

Last month, I was honored to be present at the unveiling of the portrait of my very first legal boss, Hon. Annette M. Rizzo (Ret.). Any portrait unveiling is a unique event (even though in our Philadelphia legal community, they seem to happen with some regularity) and certainly being present for one portraying someone I know so well was a new experience for me. These occasions tend to bring on feelings of nostalgia and reflection. I was nostalgic about our time in City Hall, the tiny role I played in her chambers, in the Mortgage Foreclosure Diversion Program and “my” merry band of interns, many of whom also were in attendance.

The nostalgia was brought on by the speeches honoring Judge Rizzo. Each person reflected on his or her own personal experience with “Annette.” Dean JoAnne A. Epps of Temple University Beasley School of Law first met Judge Rizzo when the judge was Dean Epps’s intern at the U.S. Attorney’s Office. Our own Chancellor, Gaetau J. Alfano, had mentored her when she was his intern in the Philadelphia District Attorney’s Office. Hon. Sheila Woods-Skipper, President Judge, Philadelphia Court of Common Pleas, attended Philadelphia High School for Girls, the University of Pennsylvania and Temple Law with Judge Rizzo. The dean, the Chancellor and the judge, of course, all had met her as “Annette.” Seeing all of Judge Rizzo’s friends and colleagues reminded me of one of the big changes from law school to practice: the desire to see your classmates do well professionally.

Judge Rizzo always encouraged us to keep in touch with each other, support each other and come back to chambers—and get involved with the Philadelphia Bar Association. The Association is one of the many ways we have been able to see each other without working together in our tiny offices in City Hall. We have already reaped the benefits—from having the support of our peers, fellow lawyers to consult on challenging issues and even help with job searches and offers. But seeing Judge Rizzo’s friends, many also colleagues, honoring her really drove home the importance of developing meaningful relationships with your peers and getting involved and staying involved with your legal community.

Your career will grow and change and develop no matter what you do—my own is not where it was two years ago, let alone six years ago, even though it still sometimes feels strange to talk of a career and not just a job. Mentally, it is a huge boon to go on that ride with someone alongside who understands, without you explaining outright, what you are going through, your fears and your frustrations. You end up finding those people in places where you might not expect, and as you “network”—develop relationships with human beings, usually through face-to-face contact—you are effortlessly interacting with individuals who can introduce you to those people.

The Association is a beautiful way of easily developing those relationships. There is a reason that professional associations remain omnipresent, even today. We are a place to show your humanity while still being focused on your work. The benefits speak for themselves—who will still call you by your first name at your portrait unveiling?

Erin E. Lamb (elamb@raove.com), associate at Raue & Henderson LLP, is chair of the Young Lawyers Division.

Levick Shares Stories of Progress in Juvenile Justice

By Enrique Marquez

There is an inherent difference between a juvenile and an adult, and thus Marsha Levick argues that it should be taken into consideration when sentencing juveniles who have committed grave offenses. Levick delivered an eloquent keynote address at the Philadelphia Bar Association’s Federal Bench-Bar Conference at the Ritz-Carlton Philadelphia on June 10.

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Mindful Decision-Making
7/14/16 – 8:30 – 9:30 a.m. (1 ETH)
Alternate venue - held at Saul Ewing LLP
Join us for the second program in the Business Law Section Mindfulness Series. This CLE examines mindful decision-making and how a mindful approach leads to ethical decision-making. Our faculty will provide a mindfulness foundation, offer a definition for mindful decision-making, and walk you through a process for making decisions mindfully and ethically. This interactive program will enable you to incorporate mindfulness into your decision-making process, apply the tools of mindful decision-making to a current decision you face, and leverage the skills of mindfulness to represent your clients ethically and zealously.

Mitigation and Reentry Planning in Juvenile Life Without Parole Resentencings: Responding to Montgomery v. Louisiana
7/19/16 – 12 – 3:15 p.m. (3 SUB)
Presented by the Philadelphia Bar Association Legal Rights of Children Committee, the Atlantic Center for Capital Representation (ACCR) and the Youth Sentencing & Reentry Project (YSRP)
This afternoon CLE program provides training on sentencing mitigation and reentry planning in the wake of the United States Supreme Court’s decision in Montgomery v. Louisiana that called for the resentencing of more than 300 Philadelphia men and women who were sentenced to life in prison without parole before their 18th birthdays. Join your colleagues for a step-by-step overview of sentencing mitigation and reentry planning.

VIDEO ENCORE - Nuts & Bolts of PA’s Post Conviction Relief Act (PCRA): Practice and Procedure in Philadelphia
7/26/16 – 12:30 – 3:45 p.m. (3 SUB)
Any experienced criminal law attorney knows there are different types of review possible following a conviction. Pennsylvania state law and federal laws both give a convicted defendant such options. One such method is to file a petition under the Post-Conviction Relief Act (PCRA). The Act applies to individuals who believe they were wrongfully convicted or that their sentence is unlawful. This CLE certification program will provide a step-by-step approach to handling a PCRA case with comprehensive materials which include sample pleadings for all stages.

Bridge the Gap
7/29/16 – 9 a.m. – 1:15 p.m. (4 ETH)
The Bridge the Gap program is intended to give all newly admitted PA attorneys the “know-how” which is otherwise learned through trial and error. The Supreme Court of Pennsylvania approved a rule change requiring newly admitted lawyers to complete the Bridge the Gap program by their first CLE compliance deadline. This program focuses on key issues of ethics and professionalism that are essential for all attorneys admitted to practice law.

TO REGISTER Visit the CLE page at PhiladelphiaBar.org
Past Chancellors William P. Fedullo and Kathleen D. Wilkinson represented the Philadelphia Bar Association at the World City Bar Leaders Conference (WCBL) in Barcelona, Spain, from April 13-16.

The WCBL is an international conference welcoming leaders of metropolitan bar associations around the world. In recent years, the conference has been held in Frankfurt, Montreal and Tokyo. Most recently, the 2014 World City Bar Leaders Conference was hosted by the Philadelphia Bar Association.

Attending the Conference at their own expense, Fedullo and Wilkinson met with bar leaders representing the cities of Amsterdam, Barcelona, Brussels, Chicago, Frankfurt, London, Montreal, Milan, Paris, Shanghai, Tokyo and Warsaw.

Each bar association delivered presentations over the course of the three-day Conference.

“We should not pass up this opportunity to be a world leader in bar associations,” said Fedullo. “It goes without saying that such participation enhances our reputation, increases our relevance, and provides unique opportunities for friendship and interchanges with bar leaders around the world.”

The next WCBL will be held in Tokyo in September 2017, followed by Chicago in 2018.

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**LABOR AND EMPLOYMENT LAW COMMITTEE**

**FMLA Processes Protect Employers and Employees**

By Annie Kernicky

Misuse, or suspicion of misuse, of the Family and Medical Leave Act (FMLA) creates a delicate situation where employers and employees are pitted against each other. However, there are steps employers can take to protect themselves and their employees by means of clearly defined certification processes. Employment lawyers Christine E. Burke, partner, Karpf, Karpf & Cerutti, P.C., and Paul C. Lantis, associate, Littler Mendelson P.C., presented at the Labor and Employment Law Committee Meeting on June 2 on the suspicion and misuse of family and medical leave, from both the plaintiff and defense sides, respectively.

The FMLA requires covered employers (those with 50 or more employees) to provide eligible employees with job-protected and unpaid leave for qualified reasons, including an employee’s serious health condition, pregnancy and adoption, care for a newborn, care for a family member with an illness, and military leave for a family member.

Lantis noted that initial concerns for an employer often begin pre-litigation, while the employee is still working and has requested and been approved for FMLA leave. He explained that the employer relies on a medical certification for what to expect from the employee’s leave. Under the FMLA, employers can require the employee to submit a certification from a health care provider to support the employee’s need for FMLA leave to care for a covered family member with a serious health condition or for the employee’s own serious health condition. Employer’s suspicions that an employee is overusing FMLA leave are often unfounded, he explained, the employer can request additional information if the form does not provide all the information relevant medical facts. In this situation, he suggested that employers have a clearly defined checklist such as the number of employees and hours worked.

Second, he recommended ensuring that the certification is not specific enough, she explained. She also disputed the notion of “doctor shopping” for FMLA certification, noting that employees are permitted to see physicians who they are comfortable with.

In order to prevent FMLA fraud by employees, Lantis suggested that employers have a clearly defined checklist to determine the process, beginning with threshold issues such as the number of employees and hours worked. Second, he recommended ensuring that the certification is filled out with the requisite specificity of a covered medical condition. Often, the section to describe other relevant medical facts is left blank. In this situation, he explained, the employer can request additional information if the form does not provide all the information required to determine if it should grant leave. Third, Lantis said, an employer can look at outside information, such as postings on social media, that may raise sufficient doubt about the legitimacy of FMLA use to request a recertification.

An employer can request recertification, a powerful tool, if the employee requests an extension of leave, the circumstances described by the previous certification have changed significantly, or the employee receives information that contradicts the employee’s stated reason for the continued on page 17
Hoarding Poses Complex Problems With No Easy Solutions

By Maureen M. Farrell

For those who have ever been to a home where a hoarder is living, it can be quite a shockingly dismaying experience. Hoarders are not collectors or people who tend to clutter but are classified as suffering from a DSM-V mental disorder. The American Psychiatric Unit definition includes the following characteristics: 1) difficulty discarding, 2) accumulation of stuff that prevents normal use of space, 3) distress or impairment and 4) behavior not due to some other medical or mental health condition. For example, the disorder is not classified as depression, but there can be symptoms of depression along with it. Under the federal Fair Housing Act, hoarding can also be classified as a disability and reasonable accommodations can be provided to prevent eviction and help the individual in the meantime.

On May 11, an insightful Philadelphia Bar Association CLE program titled “Hoarding Intervention and Response: Strategic Approach” was hosted by the Elder Law Committee and presented by Community Legal Services of Philadelphia’s David Wengert, MSW, Housing Unit, and Pamela Walz, supervising attorney, Aging and Disabilities Unit; at the Philadelphia Bar Association CLE program on May 11.

There are two general processes involved in assistance – engagement and enforcement. Engagement is the supportive piece. With training and practice, most social workers seek to engage with the individual. When entering a hoarder’s home, a potentially shocking experience at first blush, try to find a piece of furniture to compliment, or remark that the kitchen is nice (if the kitchen does not present hoarding issues). It is also advisable to thank the person for allowing you to enter their home.

The enforcement piece focuses on cleaning up, essentially focusing on the stuff. Philadelphia’s Licenses & Inspections department can order a cleanup, and there are various other organizations that seek to enforce or clean up the home. Enforcement without engagement does not appear to be the best possible solution to the problem. Focusing both on the individual and the cause of the trauma as well as a cleanup is encouraged.

When conducting an intervention, it is wise not to touch any of the items. Build trust and ask questions. Additionally, the basement or garage is not considered squalor and there does not necessarily have to be food, waste or rodents in their “collection of stuff.”

There are additional misconceptions surrounding hoarders and the best methods of intervention and treatment. Most importantly, though, when assisting an individual who is a hoarder, it is important to engage with the them by building rapport and focusing on a supportive environment.

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Representing Individuals in Post-Conviction Review in Philadelphia

By Melanie C. Grimes

If you are unfamiliar with Pennsylvania’s Post-Conviction Relief Act (PCRA), then you should know that approximately 600 PCRA cases are currently on the books in Philadelphia alone. The PCRA provides defendants a way to collaterally attack their convictions and sentences. At a June 7 Philadelphia Bar Association CLE, a panel including Hon. Paula Francisco Ott, Pennsylvania Superior Court; Marisa Boyers Blease, legal director, Pennsylvania Innocence Project; Professor Jules Epstein, director of advocacy programs, Temple University Beasley School of Law; Robin B. Godfrey, chief, PCRA Unit, Office of the District Attorney, City of Philadelphia; Natasha L. Lowe, supervisor, Post Trial/Appeals Unit, Office of Judicial Records, First Judicial District of Pennsylvania; Professor Thomas Place, Pennsylvania State University - Dickinson Law; and David S. Rudenstein, Law Office of Davis S. Rudenstein; explained the “Nuts & Bolts of Pennsylvania’s Post-Conviction Relief Act (PCRA): Practice and Procedure in Philadelphia.”

The PCRA only applies to defendants in custody, or those on probation or parole. Additionally, the defendant must be in custody at the time the petition is filed and at the time that relief is granted. The defendant must also file his or her petition within one year of when their judgment of sentence became final, with three exceptions.

When the direct appeal process ends, the PCRA process begins with a defendant filing a petition in the trial court raising specific challenges to his or her convictions. These challenges must not have been previously raised in the trial or appellate courts. At this time, counsel is appointed to the PCRA and his or her work begins. Attorneys assigned to PCRA cases must be willing and dedicated to put in the review necessary for each and every case.

The most critical job of PCRA counsel is to investigate the facts and the law of the case. The proper method requires counsel to take a comprehensive approach at investigating both the record and the “extra record.” To get started, it is suggested that counsel read through the client’s pro se petition, the Superior Court opinion, and the trial transcript. Meanwhile, counsel should utilize an all-inclusive checklist during his or her due diligence investigation to ensure that all possible claims are considered.

There are many considerations for defendants and counsel seeking to take advantage of the PCRA process. For example, there are qualifications the defendant must meet, time constraints, filing deadlines, and other hurdles that must be overcome. Moreover, counsel must consider previously litigated claims and the doctrine of waiver as two important limits to the availability of bringing a PCRA claim.

Of all of the grounds for relief set out in Section 9543 of the Act, ineffectiveness of counsel accounts for the majority of PCRA claims. It is important for PCRA counsel to understand the “nuts and bolts” of such claims and the three-part test that must be met in Pennsylvania in order to successfully establish a case.

Register for a video encore of this CLE program on July 26 at PhiladelphiaBar.org.

Melanie C. Grimes (Melanie.Grimes@philaba.gov) is an assistant city solicitor for the City of Philadelphia Law Department.

CLE Topic Idea?

To submit a topic idea for a CLE course or volunteer to be a course planner or presenter, contact Director of Continuing Legal Education, Tara D. Phoenix, at 215-238-6349 or tphoenix@philabar.org.

June Quarterly

continued from page 1

author of The Shape of the River, a commentary of affirmative action in America, Bowen insisted that even still we must not be deceived. Racial injustice remains a powerful force in the United States.

Bowen explained that his own field, education, can assist with closing gaps in opportunities and, as a result, gaps in outcomes – two factors of success that he maintained are not the same thing. He insisted that opportunities are deserved universally, yet success must be earned. Considering admission into highly selective universities, it is statistically proven that such opportunities greatly result in income growth and other opportunities. The “mismatch hypothesis,” in opposition to affirmative action, falsely proposes that intended recipients of educational assistance commonly fall short of achievement due to intimidation and overwhelming workloads. That observation could not be any more fallacious. In his book, Bowen points to an abundance of data showing that black students enrolled in schools where average test scores are higher than the intended recipients of educational assistance commonly fall short of achievement due to intimidation and overwhelming workloads. That observation could not be any more fallacious. In his book, Bowen

Preceding Bowen’s inspiring and hopeful speech, the Association presented the 2016 Sandra Day O’Connor Award to the Honorable Pamela Pryor Dembe, Senior Judge, Philadelphia Court of Common Pleas. The award is presented to a woman attorney who has achieved a top-ranking professional reputation, demonstrated excellence throughout her career and promoted further opportunity for women professionals. A humble Judge Dembe began her acceptance speech by honoring the past recipients who were in attendance and acknowledging the exhausting “double-shift” performed by women professionals who are also mothers. Her comments on that subject showed her wisdom and experience – as she explained to those just beginning their careers that it does indeed get better. Her career achievements are a tribute to Justice Sandra Day O’Connor and to all previous recipients of the award.

Reece McGovern (rmcgovern@philaba.org) is the communications and marketing intern at the Philadelphia Bar Association.
More Than Money: Thought Leaders for Justice

In this column I often report with pride on the accomplishments of the Philadelphia Bar Foundation. Indeed, the hard work of the nonprofit legal aid organizations we support and the generous assistance of many law firms, corporate legal departments and individuals are closing the gap in access to justice for those struggling with poverty, abuse and discrimination.

Despite solid progress, it is prudent to occasionally warn – as did Dr. Martin Luther King Jr. in 1961 – that we cannot “sit complacently by the wayside and wait on the coming of the inevitable.” Dr. King continued in his famous words, “Human progress is neither automatic nor inevitable... Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals.”

Philadelphia’s legal community has been fortunate over time to benefit from many leaders who invested “persistent effort” (Dr. King’s phrase) toward the goal of equal justice for all. At the Bar Foundation’s recent Golf & Tennis Classic on June 20, we took a few moments to honor the positive impact of former Foundation presidents and Philadelphia Bar Association Chancellors and the law firms and businesses that have supported their efforts. Although space will not allow a more expansive selection, here are some reflections about access to justice issues as shared by just a few of these leaders.

Mark A. Aronchick, shareholder, Hangley Aronchick Segal Pudlin & Schiller (President 1996; Chancellor 1998): “I saw first-hand the consistent passion and commitment of the public interest lawyers, who handle big caseloads and work under less than ideal conditions and, just as important, I saw the gratitude and love from so many clients who had nowhere else to turn... On the dark side, I often went home sad – indeed, overwhelmed – by the number of people who prey on and discriminate against our fellow citizens, particularly those who are so vulnerable. ... [W]hat we really need is an outpouring of resources, particularly funding, to scale up considerably the amount of legal services that we can provide to those in need. We should be urging all members of the Bar and our government leaders as well to exponentially increase the resources available to our legal service agencies.”

Deborah R. Willig, managing partner, Willig, Williams & Davidson (Chancellor 1992): “As the first woman Chancellor of the Philadelphia Bar Association, I saw firsthand what the Bar Association can do to secure equal access to justice for all individuals. First, we can contribute—both our time and our money. ... In addition, the hundreds of attorneys in our city who voluntarily represent individuals who cannot afford legal services help to ensure that everyone has a level playing field in the justice system. ... Access to lawyers and thereby to our system of justice, continues to be the most important issue facing the legal community.”

Louis W. Fryman, partner, Conrad O’Brien PC (President 1995): “All citizens are entitled to equal justice. The support of the agencies that serve the underrepresented of our community are essential to the well-being of our citizens. The Bar Association and the Foundation must continue to provide financial aid to those dedicated lawyers devoted to the legal protection of those underrepresented people to assure them of equal justice under the law. ... Access to justice for all was permanently engrained in the Foundation by one of the grants, ... given to an organization [HIAS] working for the benefit of new immigrants to the United States. ... To the present day, we must still provide protection, security, and safety for those seeking asylum in America.”

Kathleen D. Wilkinson, partner, Wilson Elser Moskowitz Edelman & Dicker (Chancellor 2013): “2013 was the 50th anniversary of the U.S. Supreme Court decision in Gideon v. Wainwright where a right to counsel was established in criminal cases. We applied for and got a grant from the American Bar Association to conduct statewide hearings on whether there is a right to counsel in civil cases, where one’s basic human needs, such as shelter, food, custody are at stake. ... Chief Justice Ron Castille not only supported a right to counsel in civil cases but also testified that such a right is something so basic that it should be budgeted for by the Commonwealth of Pennsylvania, just as we budget for roads and bridges.”

Amy B. Ginensky, partner, Pepper Hamilton (President 2009-2010): “I was President of the Foundation during the great recession. Seeing its impact on the nonprofits, when funding was drastically cut by almost everyone but the Foundation, taught me how much these organizations and their clients depend on all of us. ... The local community can make a real difference by supporting—each and every one of us—financially—the nonprofit legal services organizations that day to day are fighting this fight. They can’t do it alone; but they can do it and we can make it happen.”

William P. Fedullo, of counsel, Rosen, Schaffer DiMeo (Chancellor 2014): “My time as Chancellor influenced me to understand the overwhelming need we have for access to justice for all. Our very best public interest organizations can only serve about 20 percent of those in need. ... I would like to see more lawyers and law firms sponsor our public schools and get involved in the education of our young. I would also like more of our lawyers to get more involved in helping all of those who are vulnerable in our society. ... Finally, I would like to see more lawyers emulate our public interest lawyers who are the heart and soul of our legal community.”

Abraham C. Reich, co-chair of the firm, Fox Rothschild LLP (Chancellor 1995): “I witnessed the diversity of the dramatic need for legal services which existed in our community and the extraordinary talent of public interest lawyers who were prepared to service that need at a fraction of the pay which private lawyers earn. It convinced me that my professional DNA needed to include support for these worthy causes. While we should not divert our primary focus of continued funding efforts, a realistic goal would be to get the Supreme Court to approve CLE credit for lawyers in private practice representing clients in need.”

I could not agree more with all of these sentiments. The Foundation’s 28th Annual Golf & Tennis Classic was a wonderful example of how our legal community can come together to help support legal services for those in need. The Foundation greatly appreciates the many sponsors and participants in this important “competition for a cause.” Please mark your calendar and plan on attending our Annual Benefit scheduled for Saturday, Nov. 5, 2016 at the Independence Seaport Museum.

Steven E. Bizar (steven.bizar@dechert.com), a partner at Dechert LLP, is president of the Philadelphia Bar Foundation.
Amended UEGF Bill Has Striking Implications for Employers

By Susan M. Crosby

Senate Bill 876 would make several changes to the current Uninsured Employer Guaranty Fund (UEGF) rules and procedures, leaning toward the benefit of uninsured employers. On the heels of the amended Senate Bill 876’s first consideration, the Workers’ Compensation Section hosted the May 13 Philadelphia Bar Association CLE “Litigating Cases Involving Uninsured Employers.” Presenters Alfred J. Carlson, partner, Martin Law LLC, and Michael D. Schaff, founding partner, Schaff & Young, PC, gave a timely legislative update and a lively discussion regarding the impact of an uninsured employer’s failure to timely plead on the UEGF.

Prior to the UEGF’s creation in 2006, claimants generally had two options to pursue an award from an uninsured employer: the claimant could sue the employer in tort or the claimant could file for workers’ compensation, then seek enforcement of the award in the Court of Common Pleas. With its creation, claimants generally had two options to pursue an award from an uninsured employer: the claimant could sue the employer in tort or the claimant could file a claim against the UEGF. In Yellow Freight System, Inc. v. Workmen’s Compensation Board et al., 423 A.2d 1125 (Pa. Commw. 1981), the Commonwealth Court upheld the Board’s finding that failure to timely file an answer to a petition pursuant to section 812 was tantamount to not filing an answer at all leading the referee to decide the matter on the basis of the petition and the evidence presented by the claimant. But should the UEGF be bound by an adverse Yellow Freight ruling against an uninsured employer? In Evangelista v. Trexler Park Manor, 2011 WL 2803009 (Pa. Work. Comp. App. Bld.), the claimant filed a claim against Trexler Park Manor and the employer filed an untimely answer. At the hearing, claimant made a Yellow Freight motion and the workers’ compensation judge filed an interlocutory decision and order finding that she was in the course and scope of her employment with Trexler when she was injured. Subsequently, she filed a claim against the UEGF and two weeks after the UEGF filed its answer, the workers’ compensation judge issued a final decision and order in favor of Evangelista, which the UEGF appealed. The Board found that “Yellow Freight and its progeny have no applicability where a claim petition is filed against an uninsured employer.” As employer counsel, Schaff finds the Evangelista opinion well-reasoned and uses it as a tool in his practice when faced with Yellow Freight motions. As claimant counsel, Carlson feels the decision would place uninsured employers in a better litigation position than insured employers who must timely file or face Yellow Freight repercussions. As Carlson put it, it gives third-degree felons more rights than law-abiding employers. He feels that the decision unintentionally burdens claimants while affording the UEGF protections. Evangelista is not binding precedent and the Commonwealth Court has not addressed the issue, so it remains to be seen how impactful it will be.

Susan M. Crosby (Susan.Crosby@phila.gov) is a divisional deputy city solicitor for the City of Philadelphia Law Department.

Respect Experts, Receive the Testimony You Want

By Andrea M. Graf

If you practice in a field requiring expert testimony of any type, you have asked, “Doctor, could you review one more medical record before your deposition starts?” Ten minutes before the expert’s testimony, you ask that a few more records be reviewed before the expert makes or breaks your case. Some experts will review every piece of paper you show them. Some experts are eager to give testimony based on only what was presented at the initial examination or document review. Some experts fall somewhere between those extremes.

This problem arises for practitioners on both sides of the bar regardless of experience. The expert could provide testimony for medical or vocational purposes or for an ordinary sprain/strain or a more complicated latent disease claim. It is impossible to have your expert know every detail you scoured over while preparing, but it is possible to increase the chances of those extra records being reviewed if you take a few tips into consideration.

Prepare your file so that you can easily reference the specific documents for the expert’s review. Be selective in what you want the expert to review. Every primary care doctor’s note for the plaintiff’s common colds over the last ten years is unnecessary when the legal claim involves a back strain. An expert should review the recently received records so that he or she is aware of the relevant information, not hundreds of records detailing the plaintiff’s medical history.

You are charging your client for your time spent meeting with the expert, so do not waste time rummaging through files to find what you need. The expert may also charge your client an extra fee for a lengthy prep time, so be organized. Highlight the important parts of that report. Do not hand over a 12-page report and ask “does this support your opinion?” However, do not read only a few lines of that lengthy report and lead the expert to believe the entire document supports his or her opinion. The expert will be cross-examined at length if any such concessions are missed in your review of that record.

Know your audience. Does this expert prefer that you provide records for his or her review days prior to the testimony? Perhaps the expert would prefer to review those documents along with you during scheduled prep time to discuss the importance. Be prepared for anything. Finally, be polite when requesting that the expert review additional documents. While experts are surely being paid for their time, that does not mean they must review every document you come across. It may seem daunting to have your expert review everything you need before his or her testimony, but never forget that being prepared and polite can go a long way for your client’s case.

Andrea M. Graf (agraf@swartzcampbell.com) is an associate at Swartz Campbell LLC.
2016 Flag Day Naturalization Ceremony

Left: Rochelle M. Fedullo, parliamentarian, Philadelphia Bar Association (left to right); Yvette Plant, immigration services officer, U.S. Citizenship and Immigration Services; and Hon. John R. Padova, U.S. District Court for the Eastern District of Pennsylvania; at the Flag Day Naturalization Ceremony sponsored by the Association at the National Constitution Center on June 21. Ninety-two people from 38 nations became U.S. citizens at the ceremony. Right: Michael E. Kunz (left), clerk of court, is applauded for 54 years of service to the U.S. District Court for the Eastern District of Pennsylvania by Mark C. Reed Ed.D., president, St. Joseph's University, and Jeffrey Rosen, president and chief executive officer, National Constitution Center. Kunz retired on July 1 after a career as the longest-serving federal court clerk in the entire federal judicial system.

Photos by Thomas E. Rogers

2016 Flag Day Naturalization Ceremony

Advancing Civics Education Committee

2016 Culminating Event Brings Another Year to a Close

By Beth Specker

Are threats made over Facebook a crime? The Philadelphia Bar Association’s Advancing Civics Education (ACE) program drew its year to a close with the 2016 culminating event at the U.S. Courthouse on May 16 focusing on that question. More than 120 students participated from five high schools. The morning kicked off with inspirational words from Philadelphia Bar Association Chancellor-Elect Deborah R. Gross, Councilwoman Jannie Blackwell, Sen. Anthony H. Williams, Philadelphia District Attorney’s Office First Assistant George Mosee and the School District of Philadelphia Chief of Family and Community Engagement Evelyn Sample-Oates.

The students engaged in a mock trial based on *Elonis v. United States*. *Elonis* tested whether threats of violence made across state lines require proof of subjective intent to threaten, or whether it is enough to show that a “reasonable person” would regard the statement as threatening, specifically threats made via social media.

Beth Specker (bspecker@rendellcenter.org) is executive director of the Rendell Center for Civics and Civic Engagement.

Students at the Advancing Civics Education culminating event.

Delivery of Legal Services Committee Legal Aid Meet and Greet

The Philadelphia Bar Association Delivery of Legal Services Committee (DLSC) welcomed City Council Constituent Services staff and leaders of the legal aid programs who are members of DLSC at a “Legal Aid Meet and Greet” at the Philadelphia Bar Association on June 15. The bustling event allowed City Council staff to interact with DLSC leaders and learn more about resources and legal aid services available at the nonprofit organizations.

Left: Hon. Annette M. Rizzo (Ret.) (left) and Joseph A. Sullivan (center, left), co-chairs, Delivery of Legal Services Committee (DLSC); with Jennifer Kates, chief of staff, Office of Councilwoman Helen Gym; and Lance S. Haver, director of civil engagement, Office of Council President Darrell L. Clarke, at the DLSC Legal Aid Meet and Greet at the Philadelphia Bar Association on June 15. Right: City Council Constituent Services staff mix and mingle with leaders of the Philadelphia legal aid community.
There is No Place Like Home in Philadelphia

By Lori L. Lasher

Philadelphia is at its best when our legal and social services agencies and their support teams come together to help someone in crisis. When Mrs. A., an elderly widow who was being badly abused physically and verbally by her daughter, came to the Homeless Advocacy Project (HAP) legal clinic at Project HOME in February 2016, she was just looking for help with replacing her citizenship documentation and Social Security card. These critical documents were destroyed when her former home was condemned. When I met Mrs. A., she was sleeping on a couch in the hallway of her daughter’s home, trying to secure housing at Project HOME’s new subsidized housing program, Francis House of Peace.

Since Mrs. A.’s lost identification documents were needed to complete her housing application, Project Home staff referred her to the HAP clinic for help. Mrs. A. speaks minimal English, as Cantonese is her primary language, so the intake started off a little rocky. Fortunately, Mrs. A. showed me paperwork identifying Eddie Wong, a Francis House of Peace employee. I called Wong and he not only helped to explain why Mrs. A. was at the legal clinic, but he then served as interpreter during the remainder of our intake. After talking with her for a while through Wong, I was astonished to learn that she was being abused by her daughter.

Mrs. A. clearly needed a Protection from Abuse Order (PFA) in addition to paperwork assistance. I sought help from Jon Chan, one of my firm’s IT experts who is fluent in Cantonese to act as our interpreter. HAP does not handle protection from abuse cases, and since I was determined to secure Mrs. A.’s representation, HAP’s Executive Director Marsha Cohen, connected me with SeniorLAW Center’s Dana Goldberg. Goldberg assisted me as co-counsel in the PFA matter, gathering the evidence to be presented at the hearing and showing great compassion toward a very scared Mrs. A.

While the PFA proceedings were pending, on the night of Feb. 23, Mrs. A. was locked out in the rain by her granddaughter who sat in the house, ignoring her knocking and cries to be let in from the rain. Mrs. A. called me and I patched in Chan. I was almost an hour away, so I immediately called Project HOME’s Outreach Coordination Center (OCC). OCC workers rushed to pick up Mrs. A. and kept her safe and dry until I could arrive. That night, I convinced the police to force Mrs. A.’s granddaughter to let her back into the house.

On May 13, Goldberg successfully negotiated the maximum 3-year PFA order enforceable against Mrs. A.’s daughter, sparing her the ordeal of going through a fact-finding hearing.

With the help of Sister Mary Scullion, executive director of Project HOME, and Rachel Mak, deputy director of the Philadelphia Chinatown Development Corporation, Mrs. A. has been approved for housing and expects to move into a safe home with a real bed very soon.

Without the help of the organizations mentioned above, we could not have achieved these wonderful results for Mrs. A. I hope that all who read this will be just a little prouder of this city and those who work tirelessly on behalf of the homeless, the abused and the elderly.

I am honored to work in a wonderful city that has such a great network of legal and support organizations and truly caring people that made it possible for us to help Mrs. A. and really make a difference in her life.

Lori L. Lasher (llasher@reedsmith.com) is a partner at Reed Smith LLP.

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- Friday late afternoon Plenary CLE “You Heard it Through the Grapevine” - An Introduction to Wine Law Wine tasting to follow CLE
- Friday Night “Party Under the Stars” Reception & Dinner (weather permitting)
- Saturday morning “Brunch with the Bench” offering 1.5 CLE credits
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The Philadelphia Bar Association’s premier event for networking and socializing, the Bench-Bar & Annual Conference, will take place on Friday, Sept. 23 and Saturday, Sept. 24, 2016. It will be held in the brand new 100,000-square-foot Waterfront Conference Center at Harrah’s Resort in Atlantic City, N.J.

Full-conference early-bird registration rates for the Bench-Bar & Annual Conference are $399 for members and $229 for Young Lawyers Division, public interest and government attorney members. Please register by Aug. 26 to take advantage of these rates.

Following a new, earlier check-in at 9:30 a.m. on Friday, the Conference will begin at 10:30 a.m. with four concurrent 90-minute CLE programs to choose from. At noon, the Conference will shift gears with the “Rock the Room” networking luncheon where attendees and sponsors will have the opportunity to gather and connect.

During this time, attendees are encouraged to visit each sponsor’s exhibit table to learn more about the services they provide. Attendees will receive “sponsor passports” and those who visit all of the sponsors, getting “stamped” by each, will be entered in a raffle for the opportunity to win an iPad Pro® to be presented at the conclusion of the Conference.

After lunch there will be two consecutive CLE sessions each offering four concurrent programs. At 4 p.m., the “You Heard It Through the Grapevine” introduction to wine law CLE program begins and will be immediately followed by an hour-long wine tasting. To conclude the first night, a “Party Under the Stars” reception and dinner will take place, weather-permitting, on Harrah’s waterfront terrace.

Saturday will begin with a “Branch with the Bench” at 8:30 a.m. offering 1.5 CLE credits in a 90-minute program. At 10:45 a.m. the final round of CLE will take place with three concurrent programs, culminating with a Multi-Prize Giveaway Finale.

Marc S. Raspani, a partner at Pietragallo Gordon Alfano Bosick & Raspani, LLP is chair of the 2016 Bench-Bar & Annual Conference.

The 2016 Bench-Bar & Annual Conference is certain to advance the Philadelphia Bar Association’s goal to provide high-quality, low-cost legal education to those who require it. It also promises to be an exciting and enjoyable event that will benefit the careers of established attorneys and judges in a meaningful way.

For sponsorship information, contact Tracey McCloskey at 215-238-6360 or tmccloskey@philabac.org. For more information and to register please visit Philabenchbar.com.

Choose From 18 Seminars, Earn at Least 7.5 Credits

Eighteen seminars and a minimum of 7.5 possible CLE credits are available at the Philadelphia Bar Association’s Bench-Bar & Annual Conference at Harrah’s Resort in Atlantic City, N.J. on Friday and Saturday, Sept. 23-24.

The Bench-Bar & Annual Conference provides attendees with the opportunity to earn continuing legal education credit in a wide variety of areas while networking with colleagues and members of the bench. Hundreds of attorneys and judges are expected to attend.

The following programs are being planned for the Bench-Bar & Annual Conference.

Who Are Women Lawyers “Leaning In” To? The Responsibility of the Judiciary and Law Firms in Ensuring the Advancement of Women Attorneys as Stakeholders in our Profession

Course Planners: Hon. Barbara McDermott, Philadelphia Court of Common Pleas; Jennifer Coatsworth, co-chair, Women in the Profession Committee; and Amber Racine, co-chair, Women in the Profession Committee

There has been much discussion over the role of women attorneys in advancing their own success. But do others share this responsibility? If so, what roles can the judiciary and law firms play in ensuring that our profession develops women attorneys as stakeholders? Do others share this responsibility? If so, what roles can the judiciary and law firms play in ensuring that our profession develops women attorneys as stakeholders? Women attorneys in advancing their own success. But do others share this responsibility? If so, what roles can the judiciary and law firms play in ensuring that our profession develops women attorneys as stakeholders?

High-Stakes Mediations: A Look Behind the Curtain

Course Planner and Moderator: Robert W. Zammerman, Young Lawyers Division liaison to the Philadelphia Trial Lawyers Association

In this CLE presentation, plaintiff and defense attorneys will give their insight on how to prepare their clients for mediation, what information to provide a mediator before mediation, and how to successfully advocate during mediation. A mediator admired and respected by both sides of the bar will offer guidance on the best ways to present your theories, and tips on the most impactful ways to persuasively outline your case.

Medical Marijuana

The program will address the impact proposed Pennsylvania legislation regarding medical marijuana will have on employers, insurers and claimants. Topics addressed include the following:

- Overview of current medical and recreational marijuana laws (federal, state and local City of Philadelphia legislation) and what to expect in the future
- Effect of marijuana in the workplace
- Implications on private and public employers (including potential retribution from federal statutes such as the Americans with Disabilities Act) and state statutes (Pennsylvania Human Relations Act with recommendations as to updated employment policies
- Prescriptions and payment of medical marijuana under Pennsylvania workers’ compensation laws

The Epidemic of Distracted Driving

This CLE will provide an overview of distracted driving, the different types of distractions and how dangerous distracted driving can be. The presentation will also discuss how human factors experts investigate whether distraction was a contributing factor in vehicle crashes or other incidents. Expert panelists will also discuss the types of electronic devices commonly encountered in distracted-driving incidents (cell phones/mobile devices, GPS systems, vehicle infotainment systems), as well as the types of data and where the data is found for different types of devices (on the device vs. in the cloud or server). This presentation will include graphics and/or animated examples of potential or actual case work, and both presenters will allow time for Q&A following.

Arbitration 101: Top 10 Differences Between Arbitration and Trial Practice

Course Planner: Elizabeth S. Fenton, vice-chair, Business Litigation Committee

As arbitration continues to be the preferred forum for resolution of many types of complex commercial disputes, business lawyers need to know the differences between practice in the courtroom and practice before JAMS, AAA, and other ADR tribunals. Topics covered include: procedural and substantive arbitrality, discovery (especially third-party discovery), motion practice and common mistakes made by trial lawyers when a case is in arbitration.

Airbnb: What to Do?

Course Planner: Rachel Gallegos, chair, Real Property Section

This CLE will discuss the interplay between the Landlord/Tenant Act, the Innkeepers Rights Act and the myriad of Philadelphia licensing and regulations controlling rental properties. There is an assumption that you can simply post your property on the Airbnb site and start renting out the property. In fact, there are a number of regulations and laws that must be followed in order to rent your property in accordance with the law in our Commonwealth. This CLE aims to present the law behind an exciting and trendy new rental experience.

A Conversation on Access to Justice in the Civil Courts

Course Planners: Catherine C. Carr, co-chair, Civil Gideon and Access to Justice Task Force; Professor Louis Ruulli, practice professor of law and director of the Law School’s Civil Gideon and Access to Justice Task Force

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Bench-Bar & Annual Conference

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of clinical programs, University of Pennsylvania Law School; Joseph A. Sullivan, co-chair, Civil Gideon and Access to Justice Task Force; and Merrill Zebe, public interest coordinator, Philadelphia Bar Association.

From the movement for civil Gideon to the adoption of resolutions by organizations of state justices and court administrators supporting “100 percent access to justice,” national attention has recently focused on the huge numbers of litigants in civil courts who proceed unrepresented, even on matters that put essential human needs at risk. The Conference of Chief Justices has recognized the “primary leadership responsibility” of the Judicial Branch in addressing this problem and courts across the country are grappling with what they can do to understand and appropriately address the problem, and move equal justice forward.

This session will feature a conversation on the civil access to justice movement both nationally and locally. With audience participation, the panel will explore the next steps that the judiciary and the bar, working together, can take to bring us closer to achieving “100 percent access” to justice for all.

A Fresh Look – Philadelphia Family Court Welcomed Four New Judges in January 2016

Course Planner and Moderator: Julia Swain, partner, Fox Rothschild LLP

Please join the Family Law Section to hear from the newest First Judicial District Family Court judges on their perspectives on taking the bench. The judges will discuss their first-year experiences, what has surprised them, what lawyers do well, what lawyers can do better and what they wish they knew as practitioners that they now know as judges.

Drafting to Avoid Litigation and What to Do When It Happens

Course Planners: Erin E. Lamb, chair, Young Lawyers Division, and Chris Yaracs (Moderator), associate, Astor Weiss Kaplan and Mandel, LLP

This program will provide attendees with an overview of the drafting techniques transactional attorneys can use to avoid litigation over their documents, and the roles transactional attorneys can play when litigation occurs. The panelists will frame their discussion around some of the most common problems that occur when drafting the foundational documents needed to start a business, and will focus on the tension between keeping documents simple and easy to interpret while providing enough structure to avoid the costs and operational disruption of litigation. The panel will also focus on the roles transactional attorneys can play in the litigation process, including providing interpretive guidance to the litigator arguing over a document, helping the litigator understand the context in which the document was drafted, and counseling the client through litigation.

Diversity in “Practice”

Course Planners: Henri P. Marcial, chair, Diversity in the Profession Committee (Moderator) and Sophia Lee, diversity chair, Board of Governors

Building a well-rounded associate development program in each practice group, i.e. estate practice, litigation, business and transactions, criminal law, etc., will not only attract diverse candidates but will also build an inclusive firm. This CLE will address how to develop opportunities for diverse attorneys in various practice areas. Sub-topics:

- Understanding the culture/environment
- How to network and communicate effectively
- “Who’s on First?” - the who, where, what and why of the chosen practice areas

Trying Adult Sex Offender Cases

Course Planners and Featured Speakers: Hon. Jack A. Panella, Superior Court of Pennsylvania, and Hon. Corrcele F. Stevens, President Judge Emeritus, Superior Court of Pennsylvania

Cases involving adult sex offenders raise challenging issues for prosecutors and defense attorneys. Judge Corrcele F. Stevens and Judge Jack A. Panella will help familiarize the audience with important considerations in navigating the issues in these types of sensitive cases. They also will introduce the audience to the newly published Pennsylvania Benchbook on Crimes of Sexual Violence, Third Edition, recently published by the Administrative Office of Pennsylvania Courts.

Ethical Concern – Conducting Research via “Open Web”

Everyone does it – to check out movie times, to shop, to update your stock portfolio and more. In short, everyone uses Google™ or Bing™ or some other engine to search the Open Web – it has become a part of daily life. But what about the work done as legal professionals? Should lawyers be using the Open Web to conduct research? Many of them do. In fact, according to the ABA’s 2015 Legal Technology Survey Report (Volume V: Online research), well over 90 percent of researchers use “free online resources” for their research, and many of those practitioners actually start their research with such resources, most often via Google™.

This CLE presentation will answer the following questions: what are the risks? And does reliance on such resources – with respect to both investigative and legal research – place practitioners at risk of violating ethical canons? Worse yet, is malpractice implicated?

Plenary CLE: You Heard It Through the Grapevine! – Introduction to Wine Law

Course Planner: Tara D. Phoenix, director of continuing education, Philadelphia Bar Association

Alcoholic beverages are among the most regulated consumer products in the United States. Wine producers, importers, distributors and retailers require licenses through both federal and state government agencies. From choosing a business entity to drafting contracts to navigating state shipping laws to labeling and formula approval to laws and rules for grape varieties and appellations of origin, attorney guidance is needed to address some of these contemporary issues in wine law. Learn how the 2005 Supreme Court case Granholm v. Heald has affected the wine industry in the last decade.

Enhance your knowledge and find out how to counsel clients who venture into the growing wine industry. Then, join your colleagues for a wine tasting following the CLE.

Brunch With the Bench

Again we are offering the always-anticipated plenary CLE featuring a conversation with the leadership in Pennsylvania’s state courts. This year’s “State of the Courts” will include the judicial leadership from the Eastern District and Third Circuit Courts of Pennsylvania, as well as the Pennsylvania Supreme, Superior and Commonwealth Courts, the Philadelphia Court of Common Pleas and Philadelphia Municipal Court. Judicial leaders will provide brief remarks summarizing the developments in their respective Courts, as well as what attorneys can expect from the Courts in the months ahead. Each judicial leader may also address some of the following information:

- The uniqueness or peculiarities of the individual Court and what the court handles
- The limits of each Court’s jurisdiction and the types of cases that are typically heard there
- Which Courts have “original jurisdiction,” trial denovo, etc.
- New internal rules and Rules of Civil Procedure on the criminal side and/or civil side
- Overview of interesting cases that have been decided by the respective Courts over the last year

The Visual World: Discovery and Openings

Course Planner: Robert W. Zimmerman, Young Lawyers Division liaison to the Philadelphia Trial Lawyers Association

Robert J. Mongeluzzi, founder of Saltz, Mongeluzzi, Barrett & Bendesky, will present on the use of technology in discovery and at trial. The program will focus on:

- Using video and multimedia during discovery-depositions
- Presenting deposition testimony during trial
- Presenting evidence and visuals to advance your theory at trial

Mongeluzzi will offer real world examples of how to tell the story of your case through powerful visual presentations.

(Who Ya Gonna Call) - How to Navigate the Complex Web of Legal Services for a Client

Course Planner: Hon. A. Michael Snyder (Ret.), Dispute Resolution Institute

This course will provide necessary information and resources to assist attorneys in making the proper referral for a client to the appropriate legal services
Mechanics’ Lien Remedies Require a Sharp Eye

By Lane F. Kelman and Anthony M. Bottenfield

Mechanics’ liens are a unique statutory remedy that can help contractors, subcontractors and suppliers recover unpaid monies on construction projects. The statutory elements, however, require special care and attention to detail. If a party fails to meet even the slightest of requirements, its lien rights can be jeopardized.

On April 18, Cohen Seglias Pallas Greenhall & Furman, PC, partner Lane Kelman and associates Alexander Barth and Anthony Bottenfield, along with Steven Rothberg, attorney with First American Title Insurance Company, presented a CLE program titled “The Ins & Outs of the Pennsylvania Mechanics’ Lien Law.”

What is a mechanics’ lien? A mechanics’ lien is an encumbrance on real property or a leasehold that acts as security for unpaid labor, material or construction services. Mechanics’ liens are borne from statute and provide a very specific remedy that requires strict adherence.

The CLE focused on a number of the statute’s strict requirements that are often obstacles to maintaining lien rights and bringing a lien to judgment. For example, a mechanics’ lien must be filed with the prothonotary where the property is located within six months from a party’s last day of work. Six months is a very short statute of limitations and can easily lapse before the parties are prepared to escalate a dispute. Moreover, a subcontractor is required to serve a formal notice of their intent to file a lien on the owner 30 days before the lien filing.

Naming the legal owner of the real property is also an important detail. A party’s contract may identify a purported owner while the actual owner is different. It is recommended that a title search be conducted in order to identify the true owner.

Service is a tricky and possibly problematic part of perfecting a mechanics’ lien. A lien must be served by sheriff (except in Philadelphia County), or posting if service has not been effectuated, within 30 days from filing. If the mechanics’ lien is not served by the sheriff — whether there is an error, neglect or service cannot be achieved — the lien will be discharged if disputed by the owner.

Another intricacy relates to apportionment, or division, of the amount owed and assigning the amount to the location where the work was performed. The purpose is to only encumber the property where a debt is attached and not encumber innocent property.

Mechanics’ liens are most often filed against commercial properties but exist in the residential realm as well. Differences exist in the residential context such as the fact that contractors and subcontractors can waive the right to file a mechanics’ lien prior to receiving payment. Also, owners may protect themselves against subcontractors’ liens when payment is made to a general contractor unlike the commercial context.

Leaseholds are also susceptible to mechanics’ liens. Leaseholds can be liened if certain conditions are met including that a writing exists stating that the improvements, alterations or repairs are for the owner’s immediate use and benefit. However, there are certain exceptions to this rule.

A constant and consistent theme throughout the CLE was that mechanics’ liens are highly specialized statutory remedies that have strict and rigid requirements. Unlike many other areas of the law, mistakes relating to mechanics’ liens often lead to losing one’s rights as opposed to being able to ask for forgiveness.

Lane F. Kelman (kelman@cohenseglias.com) is a partner and Anthony M. Bottenfield (bottenfield@cohenseglias.com) is an associate at Cohen Seglias Pallas Greenhall & Furman, PC.
Stretch Your Travel Dollars This Summer

By Mary E. Ashenbrenner

Since the U.S. dollar continues to fare well against many international currencies, it may be a good time to venture outside the country to enjoy some attractive purchasing power beyond our borders. While companies frequently take advantage of favorable exchange rates—or the value of one currency against another—this strategy can apply to vacation planning too. For this month’s interview, I sat down with Relationship Strategist Bill Whitmore of the PNC Wealth Management® Blue Bell office to find out where American travelers might find the best deals for their dollars during this summer’s vacation season.

Mary Ashenbrenner (MA): Where can American travelers get the most bank for their buck beyond the U.S.?
Bill Whitmore (BW): For those who want to visit an English-speaking country, Australia, Canada and New Zealand are very attractive options. Because the exchange rate in Australia is about 30 percent weaker than it is the United States, Australian goods are essentially 30 percent off. The same can be said of New Zealand and Canada, where the exchange rate is 20-30 percent lower than the U.S.

MA: What about Europe, where the Euro seems to be very weak?

BW: While Norway, Sweden and Denmark may not appear at the top of many travel lists, they are becoming increasingly appealing due to their rich culture, beautiful landscapes and weak exchange rates against the U.S. dollar that are at six- to eight-year lows. Due to their economic dependency on oil and natural resources, with values at historic lows, these countries are targeting tourists who might otherwise visit London, Barcelona and other more expensive European cities.

MA: Are you also seeing favorable exchange rates in Asian countries?

BW: Thailand, the Philippines and Vietnam are becoming increasingly popular as travel destinations because of their favorable exchange rates and the overall buying power of the U.S. dollar. Often due to high interest rates, which are designed to fight inflation, many third-world countries have relatively volatile currencies. The impact of currency volatility paired with a U.S. dollar strength has brought emerging market rates to dramatic lows. Also, with its pristine beaches and weak peso, which is at an all-time low, Mexico is another affordable and attractive travel destination.

MA: What advice do you have for travelers who are planning to book an international trip?

BW: Depending on their destination, Americans today can travel abroad without breaking their wallet, but should heed a few words of caution. First, book your trip early to reserve your spot as you will be competing with many other travelers who also want to take advantage of today’s attractive foreign exchange rates. The most popular trips to some of these international destinations often fill up very quickly. Second, it may pay to pay in advance. As currency values can spike at any moment, you may want to lock in vacation pricing with your travel agency. That way, the agency purchases the foreign currency on your behalf and gives you the best deal for your dollar. Finally, for daily cash needs during your vacation, like food and souvenirs, it is smart to convert some money to the local currency before leaving on a trip. Check with your bank before you leave and order some currency while you are still on U.S. soil.

MA: Why do currency values change constantly?

BW: Foreign exchange rates can fluctuate rapidly and unexpectedly, and that volatility is based on seven main factors within each country. Those factors include macroeconomic performance, or how well a country’s economy delivers growth, creates jobs and controls inflation; trade imbalance; a Central Bank’s monetary policy; a government’s fiscal policy; major political events; unforeseen events, such as natural disasters, interest rate changes, etc.; and overall sentiment among capital market investors that affect business and trickles down to consumers.

In summary, while there is no guarantee that the dollar will be able to maintain its advantage in the coming months, it’s likely that summer travelers to certain countries will be able to stretch their vacation budget further than they could in the past given the current strength of the U.S. dollar.

The Brexit decision leaves investors with a number of uncertainties and unknowns. In many cases it is still too early to opine with any reasonable ability about the long-term impact. We would advise that a knee-jerk reaction to this vote is not likely to be a wise investment decision as history has shown. The S&P 500 has a dividend yield above 2.2 percent while the 10-year U.S. Treasury yields about 1.57 percent. This large of a yield spread in favor of stocks (or in fact any advantage of stocks over bonds) has historically provided an attractive long-term buying opportunity. While the short-term behavior of stocks is unknowable and one should expect further volatility, a wholesale liquidation of stocks is unwarranted in our view.

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Burke said that a personal certification can be as simple as an email requesting an FMLA day off.

Auntie Kernicky (auntiekernicky@flaxergreenberg.com), associate at FlaxerGreenberg, is an associate editor of the Philadelphia Bar Reporter.

Member Benefit: HotelStorm

The Philadelphia Bar Association is partnering with HotelStorm to bring exclusive hotel discounts to its members. HotelStorm negotiates hotel discounts only available to Association members, with discounts up to 55 percent. Simply search the website for your favorite destinations—whether personal or professional—and you’ll find savings of 10-55 percent over other online travel agencies. Members can login to Member Benefits at PhiladelphiaBar.org and view instructions and a discount code.

FMLA continued from page 6

absence or the continuing validity of the existing medical certification. According to Lantis, aside from recertification, employees can also require a personal certification from the employee, so long as that policy is used across the board for all types of leave.
By Shelly Lawson

Lawyers and law firms take notice: cyber criminals might specifically be targeting you because they want your data or the money in your trust account. Law firms, even small ones, are appealing targets to cyber criminals for three reasons:

- Law firms have large amounts of sensitive and confidential information that could prove to be extremely valuable.
- Law firms often have large sums of money in their bank accounts.
- Law firms tend to have weaker security protection in place on their networks and systems.

Because information on cybercrime tools and techniques is readily available online, even non-technical people sometimes pursue malicious cyber activities. They will use every tool at their disposal to attack law firms, including:

- Sending spam and phishing messages
- Installing malware to create a back door into a firm's computers
- Searching for weaknesses in security configurations so that they can exploit them
- Attacking an attorney's home computer as a way of hacking into his office system

Cyber crime is real, and a very present danger to law firms, and all firms need to work to understand the risks they are exposing themselves to so that they can reduce the likelihood of a data breach.

Insurance Coverage and Cyber Crime

Many law firms believe that cyber liability risks are already covered by legal professional liability (LPL) insurance. While LPL affords some coverage for cyber liability risks, the costs of immediate notification of all parties potentially affected by the data breach, providing credit monitoring to affected parties, investigating the incident, and managing the firm's reputation throughout the event are generally not covered.

Cyber liability coverage from USI Affinity provides affordable protection for law firms that goes far beyond traditional LPL coverage to address every aspect of a data breach, including:

- Forensic and legal assistance and expense coverage
- Coverage for response costs
- Regulatory defense and penalties coverage

Identify theft-related fraud resolution services

Shelly Lawson (shelly.lawson@usi.biz) is vice president of USI Affinity’s Bar Association Programs.

For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinity.com/Philadelphia. For Lawyers' Professional Liability and other business coverages, you can contact the regular Philadelphia Bar Association Insurance Program website at www.mylawinsure.com/Philadelphia. If you’d like to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 1-855-674-0067.

For over 75 years, the divisions of USI Affinity have developed, marketed and administered insurance and financial programs that offer affinity clients and their members unique advantages in coverage, price and service. As the endorsed broker of the Philadelphia Bar Association and more than 30 other state and local bar associations and with more than 30,000 attorneys insured, USI Affinity has the experience and knowledge to navigate the marketplace and design the most comprehensive and innovative insurance and benefits packages to fit a firm's individual needs.

By Jesse Berwanger

Immigration law has had a substantial impact on the business world today. Whether you are a citizen of the U.S., a documented working immigrant or a green card carrier, you have had to abide by regulations instituted by immigration statutes for employers to determine whether you may lawfully work in the United States. The Philadelphia Bar Association hosted an April 19 CLE program discussing immigration law, how it works and its affects titled “Business Immigration 101.” The program was presented by Matthew T. Galati and Shaun K. Staller, associates at Greenberg Traurig, LLP.

Galati explained the Immigration Nationality Act (INA), the rules for various visas, exceptions for those rules and exceptions to those exceptions. He classified the INA as the “second most confusing statute under our system of government right behind the IRS.”

Key concepts in immigration law covered what determines being subjected to the INA (citizen or foreign national), the difference between immigrant and non-immigrant workers (this includes the dual intent and whether the foreign national plans to stay to obtain a green card or is simply visiting) and the importance of having a valid status (status or visa) when in the United States as an immigrant. The presentation also discussed how U.S.-based businesses are able to hire foreign workers and the necessary requirements in order to hire for foreign workers to obtain the necessary visas. In order for a foreign worker to work for an U.S. business they must obtain an H-1B visa. This visa requires that there be a bona fide job offer by the employer and that the foreign national meets the minimum qualifications for the position, including the proper education (i.e. college degree). These requirements have been set in place to prevent businesses from hiring foreign workers and paying them less, potentially forcing American workers out of their jobs. There are many other visas based on the industry and type of work the foreign national entails to perform in the United States.

The “Holy Grail” of visas is the green card (also referred to as Form I-551) that authorizes a foreign national to work and live indefinitely in the U.S. The only way to lose a green card is to give it up, do something to make it appear that it will be given up or its revocation by an immigration judge.

Staller discussed the Form I-9. This form applies to citizens, legal permanent residents, asylum grantees and refugees. The goal of this form is to establish identity and employment authorization. Employment authorization must be valid at the time of completing form. The employer is liable for any defects in Form I-9 and is responsible for making sure it is filled out completely and correctly.

Lawyers can train employees’ human resources personnel about procedures and compliance. Depending on the size of the company, the lawyers may encourage internal audit self-checks where the lawyer will conduct an audit, without external prerogatives, to make sure all files are in order. An additional recommendation involves mergers and acquisitions. When a company is about to be bought or is about to acquire another company, they may want to conduct an audit to determine their liabilities, ensuring that all Forms I-9 are in order. This will help to avoid vast fines and maintain the legitimacy of employees’ immigration status.

Jesse Berwanger (berwangerj esse@gmail.com) is a student at Widener University Delaware Law School.

Philadelphia Bar Association CLE - Business Immigration

Attorney Disciplinary / Ethics Matters


James C. Schwartzman, Esq.

• Chairman, Judicial Conduct Board of Pennsylvania
• Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania
• Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania
• Former Chairman, Supreme Court of Pennsylvania Interest on Lawyers Trust Account Board
• Former Federal Prosecutor
• Named by his peers as one of the top 100 Super Lawyers in Pennsylvania and the top 100 Super Lawyers in Philadelphia

1818 Market Street, 29th Floor • Philadelphia, PA 19103 • (215) 751-2863
QUICK BITE

Townsend, Modern French on the Avenue

By James Zwolak

As a government employee raising two teen-age daughters who gleefully enjoy spending my every spare dime, I have not availed myself the pleasure of the fine dining renaissance of nearby East Passyunk Avenue – with its one word, mostly eponymous establishments dominating its high-end scene. “Been to Will?” Nope. “Fond?” Never. “Laurel?” Are you kidding me? I had little excuse, though, not to have tried perhaps the best of them all, Townsend. Because I knew one important character aspect about chef/owner Townsend “Tod” Wentz that the Zagat articles and other glowing reviews have never mentioned – that he is also an accomplished dart shooter in Philadelphia’s Olde English Dart League. It turns out that we also happen to shoot for the same bar – Mac’s Tavern on Market Street – Wentz for the top-end Division 2 squad, me for the lower-tier Division 9 team. Our mutual pals on his “D2” team have been torturing me with “best meal I have ever eaten” tales since the day Townsend opened. It was time to splurge.

Townsend’s bi-level space was comfortable with warm sunlight permeating our dining space during our early evening meal. A complimentary amuse-bouche of refreshing gazpacho was provided as a starter, as well as bread so yummy that my gluten-free dining companion nearly collapsed into a celiac coma after two irresistible pieces. The menu is divided into first-course and second-course appetizer options of four items each and a third course of a few main dishes. Frankly, I would have gladly inhaled an “ocho combo” of nothing but the apps, as they were all highlights. My broiled oysters, topped with spinach and bacon and swimming in silky pernod cream, would convert even defiant “oysterphobes” like my spouse. The hamachi was a tight, tasty wedge of ceviche bound with chunks of cucumber, slices of apple and infused with furikake spice and lime.

However, the other three starters we sampled escalated our umami bomb to the culinary equivalent of a double bullseye. The beef tartare was the best I’ve ever eaten – fresh, spicy and served with four generous pieces of idiazabal topped toast. The escargot “mange tout” was similarly excellent – the little guys were dosedel and served with a generous portion of bacon-sherry crème fraîche. Splendid. Finally, the special mini-leg of lamb with mushrooms and minted chicken was sublime and well worth $18.

The main courses were also expertly prepared. My wife’s roasted chicken with morel mushrooms, potato puree and peas had a perfect skin and succulent white meat. The speck-wrapped halibut was the best fish dish I have had recently – flawlessly pan-seared, with a tart, spicy bulgur-cucumber salad that added a serious kick. The only disappointing dish was my rabbit pot-eu-feu – little more than a small portion of shredded rabbit with peas and carrots in a pedestrian gravy – not worth the hefty $30 price tag.

James Zwolak (James.Zwolak@phila.gov) is a divisional deputy city solicitor for the City of Philadelphia.
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MEET AT A SMARTER LEVEL
Law Students Inspired by Summer Brown Bag Series

By Jamie Pizzi

Law students from all over the country have been attending this year’s installment of the Philadelphia Bar Association’s “Summer Brown Bag Series.” The interactive panel discussion, from 12:1-3 p.m. each Thursday this summer at the Association, allows law students to meet a host of accomplished public interest attorneys in order to gain valuable insight into the various types of public interest career and fellowship opportunities available in the Greater Philadelphia area.

“The series has given me a chance to connect with other law students and attorneys who share a passion for public interest work,” said Emily Schrank, a current intern at the Philadelphia Innocence Project and student at Villanova University Charles Widger School of Law. “During the first “brown bag” on June 2, law students obtained information about how to pursue public interest fellowships. Previous and current fellows provided advice as to how they secured their unique fellowships, highlighting the importance of diligence, planning and thoughtful networking. The panelists also shared their personal ups and downs regarding the fellowship application process and answered questions from students regarding where they should begin to look for their own fellowship opportunities.

The June 23 program discussed initiating change through policy. Panelists divulged some of their greatest accomplishments as public interest attorneys, creating an inspirational dialogue with student attendees. The stories the panelists shared provided a powerful inside look into the impact litigation has on government legislation, as well as other institutions. Students asked questions about how the panelists obtained their exciting positions, and the panelists stressed the importance of keeping an open mind and maintaining professional relationships in response. “The series has been helpful because it gives you a sense of what you’re doing right or wrong, and what you can work on in your own career as a law student to make the most impact in people’s lives, as well as how to get on a public interest track by your own pursuits,” said Omeed Firouzi, a current intern at Philadelphia Legal Assistance’s Low Income Taxpayer Clinic and student at Villanova University Charles Widger School of Law. “The fact that we’re able to converse with people who’ve embarked on careers we aspire to is pretty great because it gives you a nice frame of reference, but you also meet genuinely wonderful people who give you new perspectives that are unique.”

Through the end of July, the series will host attorneys from different public interest organizations to cover topics associated with their areas of practice. These “brown bags” are a phenomenal opportunity for law students interested in public interest work to take a quick break from their busy summer internships and immerse themselves in the wise words of public interest professionals, who were once in their very shoes.

For a full schedule of the Summer Brown Bag Series visit PhiladelphiaBar.org.

Jamie Pizzi (jpizzi@philabar.org), student at Villanova University Charles Widger School of Law, is the Delivery of Legal Services Committee intern at the Philadelphia Bar Association.

PROFESSIONAL GUIDANCE COMMITTEE OPINION SUMMARIES

2015-99T Attorney should report co-counsel’s substance abuse problem to Disciplinary Board with client’s informed consent.

2015-153T Attorney who represented couple in a recent bankruptcy cannot now represent one spouse in a divorce.

2015-157T Will providing that attorney who drew it should handle administration is not unethical but is not binding on personal representative.

2015-175T It is unethical to decline to represent a prospective client who attorney feels is unsavory.

2015-179T Attorney confidentially providing documents to Disciplinary Board re: conduct of adverse counsel in a case should not advise that attorney that he is being investigated.

2015-186T Attorney can sign contingent fee agreement with New Jersey residents for Pennsylvania case.

2015-192T Suspended attorney cannot appear for creditors at initial bankruptcy trustee hearing.

2016-12T Release in settlement of litigation against a lawyer should not include language in which adverse party agrees not to file Disciplinary Complaint, or acknowledges no ethics violation.

2016-15T Attorney handling drug liability tort work may include in fee agreements exclusion of medical malpractice claims.

2016-20T Attorney on ARD program as a result of a DUI arrest (but not conviction) does not have to report it to Disciplinary Board.

2016-29T Attorney who learns that an attorney who he is assisting in a matter continues to handle it while suspended should report same with client’s consent.

2016-31T Attorney who filed a complaint may provide copy at reporter’s request.

2016-42T Disbarred attorney may be listed on firm letterhead as “Administrative Assistant.”

2016-45T Attorney asked by law enforcement officials whether person seen on video allegedly committing a crime was lawyer’s client should neither confirm nor deny.

2016-53T Attorney may pay referral fee to estate of deceased lawyer who was on active status when case was referred.

2016-74T Attorney with conflict in domestic relations case should tell adverse party caller “Sorry unable to handle your matter” and not indicate reason.

2016-83T Attorney can monitor “public” section of adverse party’s Facebook page but cannot use deception to get into “private” section.

2016-92T Same answer as 2016-83T: re: Linked-In.

2016-98T Lack of malpractice insurance must be disclosed to clients and new clients but not in advertising.
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. Lunches are $9 for members and $15 for non-members, unless otherwise indicated. 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 Floor, Philadelphia, PA 19107-2955.

July 5
Bar Reporter Editorial Board: conference call; 8:30 a.m.

Professional Guidance – Committee
Members Only: meeting, 12 p.m., Duane Morris LLP, 30 S. 17th St., Philadelphia.

July 6
Criminal Justice Section Executive Committee: meeting, 12:30 p.m., 11th Floor Committee Room South.

July 7
Law School Outreach Committee: meeting, 12 p.m., 11th Floor Conference Center.

July 8
Philadelphia Lawyer Editorial Board: meeting, 12:30 p.m., 11th Floor Committee Room.

July 11
Family Law Section: meeting, 12 p.m., Philadelphia Family Court, 1501 Arch St., 15th Floor.

Civil Rights Committee: meeting, 12 p.m., 11th Floor Committee Room South.

Real Property Executive Committee: meeting, 12 p.m., Ballard Spahr LLP, 1735 Market St., 48th Floor, Matroon Room, Philadelphia.

July 12
Law Firm Pro Bono Committee: meeting, 12 p.m., Ballard Spahr LLP, 1735 Market St., 51st Floor, Philadelphia.

July 14

Section and Division Chairs: meeting, 8:30 a.m., 10th Floor Board Room.

Law School Outreach Committee: meeting, 12 p.m., 10th Floor Board Room.

Legislative Liaison Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Hot in the City Worker’s Compensation
Section Happy Hour: 5:30 p.m., Assembly rooftop at The Logan, One Logan Square, Philadelphia. Register: PhiladelphiaBar.org.

July 15
International Business Initiative Committee: meeting, 12 p.m., 11th Floor Committee Room South. Lunch: $9.

Labor and Employment Law Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Social Security Disability Benefits Committee: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

July 18
Criminal Justice Section: meeting, time 12 p.m., 11th Floor Conference Center. Lunch: $9.

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

July 19
Cabinet: meeting, 12 p.m., 10th Floor Board Room.


Employee Benefits Committee: meeting, 12:30 p.m., 11th Floor Committee Room South. Lunch: $9.

July 20
Immigration Law Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Federal Courts Committee: meeting, 12:30 p.m., 11th Floor Conference Center. Lunch: $9.

Board of Governors: meeting, 4 p.m., 10th Floor Board Room.

Legal Line: 5 p.m., LRIS Offices.

July 21
Family Law Section Executive Committee: Meeting, 12 p.m., 11th Floor Committee Room South.

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

YLD Cabinet: meeting, 12 p.m., 11th Floor Conference Room.

Foundation Board: meeting, 4 p.m., Drinker Biddle & Reath LLP, One Logan Square, Suite 2000, Philadelphia.

July 24
Family Law Section: meeting, time 12 p.m., 11th Floor Conference Center. Lunch: $9.

LGBT Rights Committee: meeting, 12 p.m., 11th Floor Conference Room South.


July 28
Law School Outreach Committee: meeting, 12 p.m., 11th Floor Conference Center.

LRIS Committee: meeting, 12 p.m., 11th Floor Committee Room South.

July 29
CLE – Bridge the Gap: 9 a.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.

Send Bar Association-related calendar items 30 days in advance to Thomas E. Rogers, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., Philadelphia, Pa., 19107-2955. Fax: (215) 238-1159. Email: T Rogers@PhiladelphiaBar.org.

50-Yard Line continued from page 3

From O.J. to Bill Cosby: Race, Law and Media in the 21st Century

“Meet the Messengers” breakfast program with Mayor Kenney’s new communications staff, co-sponsored by the Philadelphia Public Relations Association

The Proposed Sugary Drink Tax Chancellor’s Forum was conceived and co-presented by the Bar-News Media Committee

In addition to all of this, we also have tripled the number of benefits that we offer our members. New discounts on commercial products and services have been added monthly and the list will continue to grow. As we proceed into the second half of the year, we will continue to advocate, inform and modernize to help make this the best association it can be for you – our members.

Gaetan J. Alfano (GJA@Pietergallo.com), partner at Pietergallo Gordon Alfano Boeck & Raspanti, LLP, is Chancellor of the Philadelphia Bar Association.

Alex B. Norman, associate at Marshall, Dennehey, Warner, Coleman & Goggin, P.C., was named a Fellow of the American Bar Foundation.

Jennifer Brandt, member at Cozen O’Connor, presented “Marketing Your Law Practice” at the Section of Family Law 2016 Family Conference and Manager Contracts for Self-Funded Plans.”

Louise “Wendy” Pongraz, partner, Willig, Williams & Davidson, presented a Stafford live webinar on “Negotiating and Drafting Pharmacy Benefit Group’s program titled “Developing a Healthy Appetite for Risk.” She also spoke at a Coalition of Women’s initiatives program titled “Pick Me: Critical Self-Promotion Skills that Won’t Offend.”

Richard G. Poulson, partner, Willig, Williams & Davidson, presented a session titled “The Nuts & Bolts of Bargaining, Bargaining Strategies, and Media Resolutions’ to explore the best practices in dealing with constituencies at a seminar organized by LRIS, Labor Relations Information System.

Jim Morgan, partner at Reed Smith LLP, has been elected to the Board of Directors for ACHEVE-ability, and will serve as chair of the Board’s Development Committee.


Robert A. Korn, partner at Kaplin, Stewart, Meloff, Reiter & Stein, P.C., was appointed to the American Arbitration Association’s Master Mediator Panel for construction cases.

Deborah Epstein Henry, founder and president of Law & Reorder, spoke at the Ascent 2016 Annual conference in Washington, DC and spoke at an Ark Group’s program titled “Developing a Healthy Appetite for Risk.” She also spoke at a Coalition of Women’s initiatives program titled “Pick Me: Critical Self-Promotion Skills that Won’t Offend.”

John A. Nixon, partner at Duane Morris LLP, was selected for membership to the Executive Leadership Council.

Shannon E. McClure, partner at Reed Smith LLP, was selected for membership to The Public Interest Law Center’s Board of Directors.

Michael Viola, staff attorney at Philadelphia VIP and an attorney with Shainberg & Viola, was presented with the Deo Gratias Award by Dignity Philadelphia.

John H. McCarthy, partner at Rawle & Henderson LLP, was selected as a 2016 member of the Nation’s Top One Percent by the National Association of Distinguished Counsel.


Kenneth I. Trujillo, partner of Schnader, Harrison, Segal & Lewis, LLP was elected to the board of directors of WHYY.

Sheryl L. Axelrod, president of The Axelrod Firm, made the Chambers Diversity Shortlist for the Gender Diversity Lawyer of the Year. She was also recognized by her peers as one of the Top 100 Super Lawyers in Pennsylvania.

David N. Hofstein, founding shareholder of Hofstein, Weiner & Meyer, P.C., participated on a panel speaking on the ethics of family law to Philadelphia VIP attorney volunteers.

Priscilla J. "Sally" Mattison, of counsel to Bernard M. Resnick, Esq., P.C., co-authored an article titled “Modern Methods of Monetization for Record Producers” that was published in The Monetization of the Global Music Business – from Creators to Major Industry. She discussed the article on a panel at the 50th annual MIDEM convention.

Charles J. Meyer, executive director of ACLU of Pennsylvania, was awarded the Pennsylvania Bar Association’s David Rosenblum GLBT Public Policy Award.

David S. Wolf, shareholder at Marshall, Dennehey, Warner, Coleman & Goggin, was elected president of the Philadelphia Association of Defense Counsel.

Hon. Sheila Woods-Skipper, President Judge of the Philadelphia Court of Common Pleas, received the Drinan Award from the Philadelphia Area Chapter of the Boston College Law School Alumni Association.

Lisa W. Clark, partner at Duane Morris, was elected to The Public Interest Law Center’s Board of Directors.

Jack R. Garfinkle, associate general Counsel with PECO Energy Company/Exelon Corporation, was elected to the Board of Trustees of the Walnut Street Theatre.

Christopher D. Ball, partner at Manko, Gold, Katcher & Fox, LLP, participated as a panelist in the Chamber of Commerce Southern New Jersey’s Utility Infrastructure Summit.


“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Thomas E. Rogers, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, Pa., 19107-2955 or reporter@philbar.org.
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