Dalton Urges Persistence for Young Women Lawyers

By Jeff Lyons

Women lawyers have made much progress over the past several decades and the opportunities for women must improve in the future, former Chancellor Jane Leslie Dalton told Bar Association members on June 26 after accepting the Association’s Sandra Day O’Connor Award.

The O’Connor Award is presented to a woman attorney who has demonstrated superior legal talent, achieved significant legal accomplishments and has furthered the advancement of women in both the profession and the community.

Dalton entered the University of Pennsylvania Law School in 1968, the first year men in graduate school were not excused from the military draft. “At that time, the third year class in our law school had two women; the second year class had eight and our first year class had 25 women in a class of 225.”

In her second year of law school, Dalton said she interviewed for a summer position with Philadelphia law firms. “I was asked if I used birth control and if I planned to have children. I accepted a position with Duane Morris, because their interviews were excellent and did not include any such offensive questions. My one concern was that they had no women lawyers. Shortly after accepting their offer, I discovered that I was pregnant – and due in July.”

Dalton said she gathered up her courage and told David Sykes, who was in charge of the summer program. “Fortunately, his wife was expecting and he was thrilled at my news. So I arrived at the firm in May of 1970, seven months pregnant and the only woman summer associate in a firm with no women lawyers. My eldest son was born July 6. I’ve often said that the firm gave me an offer because I did not deliver in the office.”

“The stories of my early career demonstrate the progress women in the law have made. But we have not yet achieved..."
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Celebrating 25 Years of the Bar’s Women in the Profession Committee

By John E. Savoth

In 1884, Caroline “Carrie” Burnham Kilgore, the first woman attorney in Pennsylvania, graduated from the University of Pennsylvania Law School and was admitted to practice by the Orphans’ Court of Philadelphia.

In 1927, Sadie T.M. Alexander became the first African-American woman to graduate from the University of Pennsylvania Law School and to be admitted to the Bar.

These were among the stalwart women who dared to pursue an uncommon path when they entered the practice of law.

In accepting the role of “the first,” “the only,” or “one of a few,” many of our earliest women lawyers experienced personal hardship and career difficulties, yet they persevered. As a result of their perseverance, we have come into a great heritage.

Their struggles are our progress. The Philadelphia Bar Association, with a history of over 100 years, has demonstrated its commitment to promoting equal opportunity for all participation at all levels in the legal profession by both men and women lawyers.

The concerns of women in the profession and the role of women in Philadelphia law firms were identified as a priority by Chancellor Bennett G. Picker in his report to members in early 1986.

“Women have made great strides in gaining employment in law firms and elsewhere in our profession,” Picker said at that time. “I am concerned, however, that a large number of women in our profession have experienced significant problems much more subtle than those involved in gaining entry-level positions a few years ago. Issues…that often determine success. Our Association has an institutional responsibility to examine these issues.”

As a result, the Association formed the Committee on Women in the Profession to study and recommend action on issues affecting women lawyers and to promote the advancement of women in the profession.

The Committee was charged with addressing issues related to the careers and advancement of women in the practice of law in the Philadelphia area. It was to monitor existing conditions and trends, conduct special programs and make recommendations that aided in the achievement of its goals. In addition, the Committee was to consider the impact on the profession of the increasing numbers of women attorneys.

In 1998, the Philadelphia Bar Association, together with 53 original signatory law firms, adopted the “Statement of Goals of Philadelphia Law Firms and Legal Departments for the Retention and Promotion of Women.” In the years that followed, women have entered the legal profession in increasing numbers and have begun to rise to positions of greater leadership and prominence in the profession.

Nevertheless, there are still substantial discrepancies between the number of men and women who remain in the profession, who rise to leadership positions within law firms, and who achieve full participation in the profession.

More recently, the Women in the Bar Profession Committee developed a subcommittee comprised of members and leaders of the Philadelphia, Pennsylvania and American Bar Associations, representing a wide variety of experience, including partners and associates of small, medium and large law firms, in-house corporate counsels, and lawyers with government experience, to address these issues.

The subcommittee reviewed data and reports on the profession, studied initiatives of other bar associations across the country, studied the initiatives and practices of other professions and drew on its members’ experiences and the experiences of many great lawyers.

In 2007, the Committee announced “Best Practices for the Retention and Promotion of Women Attorneys,” which articulated the goals of full and equal participation of women attorneys at all levels; improving the retention rate of women attorneys; improving the rate at which law firms promote or invite women attorneys to partner status, management and leadership positions; and encouraging law firms to conduct critical evaluations of whether they are achieving these goals, and to provide measures of accountability.

Today, our award-winning Women in Profession Committee has become a national model among bar associations in the United States. The many trailblazing women attorneys who have led the way continue to serve our profession.

Lawyer Profiles continued from page 1

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Clearing the Record

Yasmeen Pasterb, Nicki Sepahi and Amina Pasterb were misidentified in a photo from the Bar Association’s 5K Run/Walk in the June 2012 edition of the Philadelphia Bar Reporter. We regret the error.

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Rendell’s Top Pointers Include Not Pointing

By Christine Soares

David Letterman may have made Top 10 lists famous, but U.S. Court of Appeals Judge Marjorie O. Rendell wrapped up the June 8 Federal Bench-Bar Conference with a list of her own—her Top 10 pointers (the 10 Ps) for oral argument.

Preparation: Judge Rendell recommended that the time to begin preparing for oral argument is when writing the brief. Planning for argument at this time brings “amazing focus” to the brief. Judge Rendell also stressed that lawyers at oral argument should know the case law cited in their briefs and the record, including important pinpoint cites. Finally, Judge Rendell suggested that lawyers tell the court in simple terms why it should decide in their favor.

Prepare an Opinion: Judge Rendell noted that lawyers should be ready to tell the court how the analysis will end in the maze of your reasoning.

Patience: Do not be frustrated or upset when the court asks questions, including questions that are irrelevant. The court, Judge Rendell noted, is only trying to understand your arguments.

Points: Judge Rendell recommended that lawyers use a conversational tone, and steer clear of the phrase “with all due respect.” Instead, Judge Rendell suggested that lawyers use phrases perceived as crediting what the court is proposing, but pushing the court in a different direction. And lawyers should not fail to concede a point because it is better for their argument, because it is not.

Practical: Judge Rendell suggested that lawyers inform the court about the practical implications of its decision. Otherwise, the court may not understand the consequences for a particular area of the law or industry.

Perceptive: Judge Rendell stressed the need to listen to the judges. Recognize, she noted, any softballs that the court throws, and do not treat them like curveballs.

Persuade: Do not lay out the issues in oral argument because the court has already read the brief. Judge Rendell recommended that lawyers focus on convincing the court that it needs to decide in their favor.

Prioritize: When writing the brief and at oral argument, Judge Rendell urged lawyers to put the strongest issue first. Judge Rendell also recommended that lawyers not waste time with weak arguments, such as arguments about jury instructions and sufficiency of the evidence.

Perspective: Judge Rendell recommended that lawyers think about the jurisprudential perspective and ask themselves: Is this case a radical departure? Although the court does not want to be an outlier, it will want to set the other courts straight if it disagrees with the other circuits. Judge Rendell also cautioned lawyers to avoid the “Fifth Floor Syndrome” by arguing an issue at the fifth floor when the court needs to be brought down to the ground floor to fully comprehend the issues.

Points/Pointing: Lawyers should give the court the exact reason to decide in their favor. And most importantly, Judge Rendell noted, do not point at the judges.

Christine Soares (CSoares@foxcrosthchild.com) is an associate with Fox Rothschild LLP.
By Mary-Kate Breslin

Rules of Civil Procedure should be interpreted liberally by judges and, in the interest of justice, may be disregarded, Dean Phillips, counsel to the Supreme Court of Pennsylvania’s Appellate Court Procedure Rules Committee, told the Appellate Courts Committee on May 30.

Phillips led the presentation by discussing specific rules and reference books related to appellate practice. There are exceptions to this forgotten rule (Pennsylvania Rule of Civil Procedure 105, specifically 105(a)) however, with specific regard to jurisdictional issues, such as failing to file something in a timely manner. Phillips also referenced a form book, “Pennsylvania Appellate Practice” by Ronald Darlington, which he believes everyone who practices appellate law in Pennsylvania should have, and use. Darlington’s is a three-volume resource that provides commentary, citations and applicable forms.

“Some of us are better than others at being concise,” Phillips commented as he switched to his next topic – word count in appellate brief writing. He discussed a recent publication from the Committee that suggested that a word count be used for briefs, rather than a page limit. The federal rules limit a principle brief to 14,000 words, which Phillips estimated to be approximately 54 pages. Pennsylvania’s Superior Court at one point attempted to initiate a 50-page maximum on briefs, however the bar did not respond favorably at that time.

“The big question is whether 54 pages will be enough for the average practitioner,” Phillips said. In approximately 25 percent of appeals in the Third Circuit, at least one the parties have requested that they be able to submit additional words in their briefs. Phillips recommended establishing a suggested word count, but enforcing it only under extreme circumstances.

“The big concept is that we are trying to reduce the amount of content in the briefs,” Phillips explained. Throughout his presentation, Phillips entertained questions and comments from the attorneys and judges in attendance. Most practitioners seem to be in favor of lower word count requirements because they must read their adversaries’ briefs. However some issues that are briefed are exceptionally complicated and a lower word count would prove challenging to practitioners.

“We will be seeing a voluntary e-filing phase within the next six months,” said Phillips. He advocated that e-filing will help the bar to handle common problems, such as losing something from the original record. Additionally, attorneys can download the Pennsylvania Appellate Rules for free on their iPads and iPhones.

Before the meeting came to a close, D. Alicia Hickok, a Commercial Litigation Practice Group partner at Drinker Biddle & Reath LLP, updated attendees on recent appellate court decisions and developments.

Mary-Kate Breslin (marykatebreslin39@gmail.com), clerk to Philadelphia Court of Common Pleas Judge Albert J. Snite Jr., is an associate editor of the Philadelphia Bar Reporter.

Nikki Johnson-Huston of the Board of Governors welcomes new American citizens at a June 14 naturalization ceremony at the U.S. Courthouse. U.S. District Court Judge Lawrence F. Stengel presided at the event, where 69 people from 33 nations took the oath of citizenship. The ceremony was sponsored by the Philadelphia Bar Association.
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Mentorship Key for Transition to Academia

**By Heather J. Austin**

Whether you want to teach or follow an administrative track, mentorship is an important key to a successful transition from the practice of law to academia, members of the Public Interest Section were told at a recent program.

Panelists for the program “Everything You Want to Know About Transitioning to Academia, But Were Afraid to Ask” were Leonore Carpenter, assistant professor, Temple University Beadle School of Law; Todd Berger, managing attorney, Federal Prisoner Reentry Project, Rutgers School of Law-Camden; Arlene Rivera Finkelstein, assistant dean for public interest and executive director, Toll Public Interest Center at the University of Pennsylvania Law School; and Cathryn Miller-Wilson, visiting Reuschlein Clinical Teaching Fellow at Villanova University School of Law. They discussed their transitions from public interest practices to academia at the May 24 program. The moderator was Prof. Louis S. Rulli of the University of Pennsylvania Law School.

Carpenter believes that she would not have gotten her job at Temple without a mentor. There is a great deal of acceptance for having a mentor who will guide you through the process. Finkelstein added that it is important to find mentors who know the layers of the institution.

While publication is not important if you are following an administrative path, it is critical for someone who wants to teach. It is much easier to get published today than in the past, according to Berger. Wilson, who became frustrated with the actions of for-profit insurance companies while she was representing clients seeking disability benefits, turned to academia to lighten her frustration to motivation to write her first piece. Wilson recommended that potential applicants identify issues that are important to them. Applicants should also build a resume that demonstrates teaching experience. Carpenter was able to demonstrate applicable experience because she initiated an external clinical program with Temple and as a result, she became an adjunct clinical director. When she applied for a full-time position, she was already known to the law school. Similarly, Wilson accepted co-ops from Earle Mack School of Law at Drexel University. Berger followed a comparable path while working for the Defender Association. Berger accepted a reduced caseload in order to teach students enrolled in the Defender’s clinical program with Penn Law School. Berger then used that experience to transition out of the Defender Association and into his position at Rutgers. Berger said applicants who do not hold positions that afford such an opportunity should consider working as an adjunct professor to acquire the necessary experience.

It is also important to know where to look for available positions. According to Berger, many clinical positions are usually posted on a list serve. A mentor in the industry will likely receive these listings and can pass them along. Berger also recommended the Association of American Law Schools, which holds a recruitment conference twice a year. Interested applicants have the option of paying to submit their resume for consideration by participating institutions from around the country.

The panelists agreed that one should expect to work just as hard in academia as a practicing attorney. However, according to Carpenter, a position in academia allows for more flexibility. Wilson agreed that she is just as busy now as she was in the public interest world, adding “what you lose in intensity with clients — you gain in intensity with students.” Moreover, according to Wilson, the pressure to publish often means that you work longer hours. It is therefore important to identify a topic that is of interest so that you will not be upset by the requirement.

**Green Tip: Dump Paper Cups for Mugs**

Every little bit helps. Every action you take to green the workplace or your residence is of value . . . which brings us to beverage cups.

Everyone has choices. You can use a paper cup, a plastic cup or ceramic mug (or flask). You can reuse each, although paper cups are limited. Again, every little bit helps.

Sometimes the challenge is making a choice available. In our fast-paced lives, if the only choice at the counter or coffee machine is a paper cup, are we likely to use anything else? If you are averaging just one paper coffee cup per day, you are contributing more than 20 pounds of waste that finds its way to a landfill each year. Starbucks alone serves more than 4 billion paper cups per year. According to Yale University, “16 billion paper cups are used for coffee each year in the United States — the equivalent of approximately 6.5 million trees.”

You may not know that Starbucks cups are not recyclable because of the plastic coating that keeps them from leaking.

Although Starbucks offers a 10-cent discount to customers who bring their own cup, there is no data readily available on how many customers are choosing that option. And, as far as those plastic and ceramic mugs go, don’t buy one. I am sure the world (and your office) has plenty from vendors or events. If you can’t find one in your office, ask a friend if they have a spare. Many local firms have chosen the better option of providing ceramic mugs for employees and visitors.

Take a small step to lighten your environmental footprint and to collectively making a big impact. Think about those 20 pounds of waste. Let’s help the reusable cup movement progress to the status of reusable bags.

Henry Balthos is vice president at Goldman Environmental Consultants and chair of the Climate Change Focus Group at The Auditing Roundtable. He is an active member of the Philadelphia Bar Association Green Ribbon Committee.

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Chancellor-Elect Kathleen D. Wilkinson presents a certificate to teacher Jerry Abernathy of Arise Academy at the National Constitution Center on May 29. More than 200 teachers and students celebrated the Advancing Civics Education program at the event. ACE is a program in partnership with Philadelphia public schools and the National Constitution Center that brings teams of volunteer lawyers and judges into 5th grade and high school classrooms to provide supplemental civics education, including the fundamental principles of citizenship, democracy and dispute resolution.

Identify Your Strengths, Women Lawyers Told

By Angie Halim

When female representation in top leadership reaches the “tipping point” of at least 30 percent in a given company, performance and profitability improves, lawyers coach Cynthia Pladziewicz told members of the Women in the Profession Committee at a recent meeting.

Women often buy into three “myths of success,” according to Pladziewicz. Those myths are that other successful people can do everything – and more – than I can do; to be successful, there is some “magic combination” of strengths, talents and skills; and whatever that combination is, I don’t have it.

Pladziewicz asked attendees to concentrate on their respective strengths and acknowledged that it is often difficult and uncomfortable for women to identify and articulate their own strengths. In interactive fashion, Pladziewicz asked attendees to participate in a strength-identifying exercise. The exercise was inspired and created by Dr. Martin Seligman, Director of the Positive Psychology Center at the University of Pennsylvania, who focuses his research and teachings on the empirical study of positive emotions and strength-based character.

Pladziewicz’s presentation and exercise encouraged introspection to identify qualities that will ultimately lead to success in any given industry. Citing a recent statistic, Pladziewicz said that only 15 percent of equity partners in the nation’s largest law firms are women. Even though women are “in the pipeline” leading up to equity partnership in solid numbers, at the very top level, that number reduces to 15 percent. She said that phenomenon is not limited to the legal field. Across the board – in industry, government, academia, military – a look at the highest levels of leadership demonstrates that women represent only 15 to 20 percent of those positions.

Pladziewicz said that women’s lead-
continued on page 19
Montco Courts Look to Instill Public’s Trust

Those who practice law in the Montgomery County courts have probably noticed a few procedural changes. According to the judicial leaders of the area, the ultimate aim of those changes is to provide for the orderly disposition of cases in order to further instill the public’s trust in the court system.

The June 6 State Civil Litigation Section Quarterly Meeting featured Montgomery County Court of Common Pleas Judges Thomas Del Ricci and Carolyn Carluccio, along with Montgomery County Court of Common Pleas Court Administrator Micheal Kehs, Philadelphia Court of Common Pleas Judge Arnold L. New and attorney Paul Troy.

The panel addressed why the changes were made, how the changes have thus far impacted the inventory of civil cases, some programs that are still in development, and tips on how counsel can get their cases to trial quicker.

Judge Del Ricci explained that the primary difference between the Montgomery County and Philadelphia County court systems is that the former is “attorney driven” whereas the latter is “court driven.” In Montgomery County the responsibility is on attorneys to keep cases moving forward and many cases have remained in the files because of scheduling issues and simple procedural errors.

The changes designed to address these issues include the designation of five full-time trial judges in Montgomery County, a stricter adherence to the rules of civil procedure, the implementation of a program similar to the judge pro tem program in Philadelphia County, and most importantly, some revised pre-praecep procedures and rules. All of these changes are designed to expedite resolution of motions and the scheduling of management conferences.

Judge Carluccio discussed the revised pre-praecep procedures. She explained that seven days prior to a pre-trial conference, counsel should send the judge a pre-trial memo formatted in compliance with Pa.R.C.P. and the local rules. Judge Carluccio stressed that during the pre-trial conference, the trial attorney should be present, as should the client (or alternatively they should be available by telephone). Further, counsel will now walk out of the pre-trial conference with a trial date certain and a scheduling order.

Kehs flagged two rules that can help keep cases moving forward: Local Rule 2.12 (obtaining a conference in front of a designated judge) and 40.19(5) (a discovery management conference). Kehs highlighted new Rule 13.03 pertaining to arbitration, and introduced a rule that is still in development that will require simultaneous filings of briefs with pleadings and will eliminate the argument praecipe system for summary judgment, preliminary objections, judgment on the pleadings, and motions for general petitions.

If a motion has been pending for a while, Troy suggested that counsel check the docket to verify that they have filed an argument praecipe. He called Rules 40.19, 2.08, and 2.12 the “keys to the castle” to get cases moving in Montgomery County. Further, he advised counsel to only file for a trial order when discovery is complete.

What is the impact of the changes thus far? Since January, the case backlog has dropped nearly 35 percent. The time between filing a praecipe to the time of a pre-trial conference has been shortened from six to seven months to four to five months. As Judge Del Ricci noted, “it’s scheduling cases that moves cases.”

Judge New praised the dedication of the leaders in both Montgomery County and Philadelphia in working together to make both court systems more efficient.

Lauren A. Strebel (lauren.a.strebel@gmail.com), a student at the Earle Mack School of Law at Drexel University, is an intern in the chambers of Philadelphia Court of Common Pleas Judge Albert J. Snie Jr.
There’s Plenty to Do This Summer in the City  

YLD Update

By Melanie J. Taylor

One of the best things about Philadelphia is that, in the summer, there is always something to do. Even in the middle of the week, you can always find something. If you are moving to Philadelphia, or just interning for the summer, here are some of my recommendations. (Note to those of you studying for the bar: stop reading now and go back to your flashcards! You can have fun again in August.)

See a Phillies game: I actually saw my first Phillies game with the Bar Association. Not a huge fan of baseball, I was surprised to find out how much fun it can be to go to Citizens Bank Park and watch a game. Philly fans are always enthusiastic. And, in addition to a chill evening hanging out with friends, there is beer, hotdogs and those giant pretzels! A must-see. I was there to watch a game with seats behind home plate. Check out the YLD E-Zine or the Bar Association website for more information.

Go to a festival: The Fourth of July is celebrated with a festival on Benjamin Franklin Parkway, followed by a concert and fireworks. The Global Fusion Festival is also being held at the Philadelphia Museum of Art. The Constitution Center and the Art Museum. Now, there are some events that are happening during the summer. The Philadelphia Fringe Festival in September is a must-see. Philadelphia also has its own film festival in October, sponsored by the Philadelphia Film Society.

Get invited to a block party: I live in West Philadelphia and during the summers, you cannot drive down the street without having to detour at some point because of a block party. They are, as the name implies, a huge, block-wide celebration of barbeque, and they are so much fun.

On my block, we have a self-designated DJ, and if we are really enthusiastic, my block captain rents a bouncey house for the kids. People bring their grills and patio furniture out onto the sidewalk and socialize with their neighbors. It is a great way to meet locals and get some good food.

Try a BYOB: Philadelphia has some truly fantastic restaurants, but going out all of the time can get expensive. An alternative to the four-star restaurant with $20 cocktails is the BYOB (bring your own beverage). I like BYO Bs because the food is still great, but the atmosphere is usually more relaxed. If you are lucky, you can find one with outdoor seating so that you can people watch while you dine.

Go to a museum: Tourists come to Philadelphia and go to the Constitution Center and the Art Museum. Now, there is also the new Barnes Foundation. However, Philadelphia has a number of other museums that are frequently overlooked. Two of my favorite museums are the Franklin Institute and the Mutter Museum. In addition to great exhibits like the Dead Sea Scrolls, the Franklin Institute also has the Tuttlemann IMAX Theater, which will be showing the “Dark Knight Rises” later this summer. The Mutter Museum, located in Center City West at the College of Physicians of Philadelphia, explores the history of medicine and houses a comprehensive collection of medical oddities. It is without a doubt the most interesting museum in the city if you like science, but tread lightly if you are easily grossed out.

This list is certainly not exhaustive. Philadelphia also has summer movie and concert series on Friday and Saturday nights at Penn’s Landing. If you are looking for something more low key, read a book in the park (I recommend Washington Square, which is usually quieter than Rittenhouse Square), or play a game of Quizzo at one of the local taverns. The weekly newspapers – the Philadelphia Weekly and the City Paper – have useful event listings. Also check out visitphilly.com.

Melanie J. Taylor (Melanie.Taylor@phila.gov), an assistant district attorney with the Office of the Philadelphia District Attorney, is chair of the Young Lawyers Division.
Out-of-State Injuries a Challenge in Workers’ Comp

By Regina Parker

The applicability of a state’s workers’ compensation laws to injuries sustained outside the state has proven to be a challenging issue. Workers Compensation Judge Sandra Craig told attendees at the June 1 CLE program “Extraterritorial Jurisdiction.” To ensure that the critical issues are properly addressed requires a thorough examination and clear understanding of Section 305.2 of the Workers’ Compensation Act, she explained.

Section 305.2 covers workers who are injured outside the territorial limits of Pennsylvania. In order to obtain Pennsylvania Workers’ Compensation Benefits, an injured worker bears the burden of proving every element of the case, including jurisdiction. Judge Craig stated that many lawyers tend to focus on the contract of hire and where the contract was made. She cautioned that this is the wrong approach. Under Section 305.2, the initial criterion of coverage is that the workers’ employment be principally localized in the state. The judge said that if you have gotten through the claimant have contracted for employment in the state. Judge Craig said that it is important to examine Section 305.2(d)(4) which defines principally localized. A person’s employment is considered to be principally localized in Pennsylvania if one of three conditions is met. First, the employer’s place of business is located within Pennsylvania. Second, the employee, whose job duties have been principally localized in any state, then you will need to show that the claimant’s work injury occurred within this State. Third, the employee, whose job duties have been principally localized in this State.”

Judge Craig explained that notwithstanding the fact that a claimant’s work injury occurred outside of Pennsylvania and the contract of hire was not in Pennsylvania, Section 305.2(a)(1) will confer jurisdiction in Pennsylvania if the claimant’s employment is principally localized in Pennsylvania. Specifically, Section 305.2(a)(1) says: “If an employee[c]..., while working outside the territorial limits of this State, suffers an injury on account of which he, …would have been entitled to the benefits provided by this act had such injury occurred within this State, such employee[c]…shall be entitled to benefits provided by this act, provided that at the time of such injury: (1) his employment is principally localized in this State.”

The judge explained that the three clauses of Section 305.2(d)(4) of the Act are all separate and distinct methods for determining jurisdiction under the Act. In Williams, although the employer did not maintain a place of business in Pennsylvania and the claimant did not work out of the employer’s premises in Pennsylvania, which would satisfy the “principally localized” requirement of Sections 305.2(d)(4)(i) or (ii), the claimant’s employment was principally localized pursuant to Section 305.2(d) (iii) which provides that “(iii) if clauses (1) and (2) foregoing are not applicable, he is domiciled and spends a substantial part of his working time in the service of his employer in this or such other state.

While the initial criterion deals with principal localization, the second, third and forth criteria all demand that the claimant have contracted for employment in the state. Judge Craig said that if you have gotten through Section 305.2(a)(1) and all of the definition in Section 305.2(d) and determined that a workers’ employment is not principally localized in any state, then you will need to show that his contract was made in Pennsylvania.

Regina Parker (rparker@mattioni.com), an associate with Mattioni, Ltd., is an associate editor of the Philadelphia Bar Reporter.
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Compton, Polman to Talk Politics at Bench-Bar

By Jeff Lyons

This year’s Bench-Bar & Annual Conference at Revel in Atlantic City, N.J., will have a decidedly political feel to it thanks to guest speakers Ann Compton of ABC News and Dick Polman of The Philadelphia Inquirer.

A total of 20 CLE seminars with a maximum of 6 credits are available at the Bench-Bar & Annual Conference. More than 400 judges and attorneys are expected to attend at the new $2.6 billion beachfront Revel.

Compton, the first woman television reporter assigned to cover the White House, will be the speaker at the plenary luncheon on Friday, Oct. 5. Compton has covered seven different presidents for ABC and has traveled around the globe with presidents, vice presidents and first ladies.

Polman, the Inquirer’s national political columnist, will present a local perspective on the presidential election at breakfast on Saturday, Oct. 6. Polman writes a daily political blog for NewsWorks, the news website at WHYY. He has covered every presidential campaign since 1988.

CLE seminars are being presented by the Advancing Civics Education Committee, Appellate Courts Committee, Business Litigation Committee, Criminal Justice Section, Diversity in the Profession Committee, Family Law Section, Professional Responsibility Committee, Public Interest Section, Real Property Section, Social Security Disability Benefits Committee, State Civil Litigation Section, Workers’ Compensation Section and Young Lawyers Division. The conference will close with a State of the Courts presentation featuring representative judges of the state and city courts.

Members who attend the full Bench-Bar & Annual Conference and register by the early-bird deadline of Friday, Sept. 14 will save $80 on their registration. The early-bird price for members is $369 and includes all CLE programming and all sponsored meals and events on Friday and Saturday, including the Friday evening reception. Public interest, government and young lawyers will pay $219 for the full conference if registered by Sept. 14.

The Bar Association is offering a special group rate to our Bench-Bar attendees. A rate of $179 plus tax is available Friday, Oct. 5 and a limited number of rooms are available at $149 plus tax for Thursday, Oct. 4. You must be a registered attendee of the Bench-Bar & Annual Conference in order to reserve a room at the group rate. Once you are registered for the conference you will receive instructions on how to make your room reservation.


Philadelphia Bar Association 2012 Bench-Bar & Annual Conference
October 5 - 6, Revel, Atlantic City - Registration Form

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Trademark Protection an International Effort

By J. Michael Considine

Traditionally, a trademark is any word, phrase or design used to indicate the origin of goods or services. More recently, trademark protection has been extended to sounds (e.g. NBC's three-tone chime of G-E-C and the two beeps in the AAMCO ads) and smells (e.g. the rubbing tone chime of G-E-C and the two beeps extended to sounds (e.g. NBC's three-word, phrase or design used to indicate),...
VIP Honors Rainey

Philadelphia VIP recognizes Debra D. Rainey for her outstanding assistance to VIP clients.

“Most clients want someone who will fight for them,” Rainey explains. “It’s a matter of making the client feel and know that someone is there for them and advising them appropriately even when the outcome may be negative.” Rainey has run her own practice, The Law Office of Debra D. Rainey, for the past four years. She initially focused on criminal, immigration and family law but has expanded to include personal injury and civil rights cases as well. Her practice works closely with social service organizations that assist prisoners and women’s rights groups.

By night, (at least Tuesday nights) Rainey is an Internet talk radio host. Her show, “For the People, Law in Plain Language,” was initially designed to give back to the community via a straight forward Ask the Lawyer format, but has morphed into a fun, informative and lively offering with a cult-like following. Podcasts of her show can be found on iTuness and www.ForThePeople.podomatic.com.

Since opening her office, Rainey has volunteered with Philadelphia VIP. “While I loved the thought of being a public defender for life, I still wanted to open my own practice.

VIP, the perfect combination, allowing me to keep my foot in both worlds.” She takes on drug forfeiture and custody cases and more recently, small claims arbitration cases with VIP.

One of Rainey’s most memorable cases, and one of her first with VIP, involved a woman in her 60s who had been living in her home for 40 years. The client’s son was charged with selling drugs in the home. Although the client ultimately lost ownership of the house, the judge was so moved by her plight that he gave her an additional 90 days to find a new place to live. This case reaffirmed for Rainey how essential it is for clients to have someone by their side, advocating on their behalf, no matter the outcome of a case.

“When VIP has had incredibly complicated cases that are seemingly impossible to refer, Debra has stepped in, often at the last minute, to provide excellent representation to our clients. She is willing to take on any challenge and, in doing so, transforms our clients’ desperation into hope,” says VIP’s Matthew Wooten.

VIP, Harvard Partner in Study

Philadelphia VIP has partnered with Harvard Law School and is participating in a study to evaluate the impact of providing legal representation to low-income individuals in divorce cases in Philadelphia. Participation affords Philadelphia VIP the opportunity to examine how it can more effectively serve low-income clients in the city and the perspective of the Harvard researchers will help quantify the impact of VIP’s work.

To date, almost 90 cases have been submitted to the study. It is anticipated that approximately 200 cases will be analyzed. Each case that is submitted is randomly assigned to one of two categories: the group of cases that Philadelphia VIP will use its best efforts to find a volunteer attorney to assist the client, or the control group, the members of which will not receive the assistance of a volunteer attorney through VIP.

This study dovetails with the Philadelphia Bar Association’s ongoing efforts regarding the right to counsel in civil proceedings. According to D. James Greiner, the assistant professor at Harvard Law School who is conducting the study, there is little quantitative information about the effect of providing legal representation to individuals in civil proceedings. Prof. Greiner is conducting other similar studies around the country to determine the impact of providing legal representation in other areas of law. This study is the only one taking place in the area.

This study would not be possible without the cooperation of the Philadelphia Court of Common Pleas Family Court Division, especially Supervising Judge Margaret T. Murphy. Later this year, Prof. Greiner will start examining the cases that are being studied. All appropriate measures have been implemented to ensure the protection of all confidential information.

Members of the Association can play a vital role in the study by volunteering to represent VIP clients in their divorce cases. In many of the family law cases handled by Philadelphia VIP and its volunteers, there are court dates looming and volunteers are sometimes asked to “jump into the middle of a case.” In contrast, in the vast majority of the cases in the study, a volunteer is able to start the divorce case at its beginning. Volunteers will have more time to meet with their clients and develop an understanding of the case and the needs of the client. Volunteers can develop their skills in drafting pleadings, discovery practice, negotiation, client interaction and statutory analysis.

Philadelphia VIP provides its volunteers with form pleadings as well as technical and practical assistance from Michael L. Viola, VIP’s family law staff attorney, and other members of the Association’s Family Law Section who serve as mentors.

To represent low-income individuals in divorce cases in Philadelphia, contact Viola at 215-523-9554 or review the current case list at phillyvip.org.

Jennifer L. Seme (jseme@gibbonslaw.com) is an associate with Gibbons, PC.
Foundation Golf/Tennis Outing Raises $120,000

Kenneth Aaron follows his tee shot during the Philadelphia Bar Foundation’s Golf and Tennis Classic on June 25 at Green Valley Country Club in Lafayette Hill, Pa.

Vice Chancellor William P. Fedullo (from left) with golf partners Frank Barken and David Searles were among the 120 golfers who played in the 23rd annual event.

Thomas G. Wilkinson returns a shot during the tennis competition. This was the first time tennis was a part of the Foundation event.

Frontline

continued from page 3

Committee and its many programs over the years have hailed from all corners of our profession. The impact of the Committee’s work in these past 25 years has left an indelibly positive mark on the practice of law in Philadelphia and beyond, including in our courts and our law schools.

Each year, our Association, through the Women in the Profession Committee, celebrates trailblazing women in the local practice of law through the presentation of its Sandra Day O’Connor Award.

The award is conferred annually on a woman attorney who has demonstrated superior legal talent, achieved significant legal accomplishments and has furthered the advancement of women in both the profession and the community.

The award was created in 1993 to recognize the important contributions that women attorneys in Philadelphia have made to the legal profession. That year, U.S. Supreme Court Justice Sandra Day O’Connor presented the first award to U.S. District Court Senior Judge Norma L. Shapiro.

Our 2012 recipient, former Chancellor Jane Leslie Dalton, has worked tirelessly for the advancement of women in the practice of law, and is the embodiment of each of the qualities represented by this prestigious award.

We congratulate Jane, and proudly salute the Women in the Profession Committee for a quarter-century of excellence – as our Association continues its work toward the advancement of equality throughout our profession.

John E. Savoth (jsavoth@smmb.com), of counsel to to Saltz, Mongeluzzi, Barrett & Bendeky, P.C., is Chancellor of the Philadelphia Bar Association.

Photos by Jeff Lyons
Bar Foundation

With Goals Accomplished, New Aspirations

As a litigator, I think of a case in terms of substance and process. The substance is the facts and the law that inform the case. The process is found in the rules of procedure that govern the matter in question. Focus on the substance alone and you may miss significant advantages available to you through the strategic use of the rules of procedure. In the nonprofit world, a “strategic plan” is similar to the process of a lawsuit—a road map to show an organization where it’s going and how to get there. In 2008, the Philadelphia Bar Foundation developed a long-term strategic plan that put in place goals and strategies to take our organization through 2012. And 2012 is now here. So it is time to report on how well we did. It’s also time to dig in and put in place another plan to guide our growth over the next few years.

One of our primary goals in that 2008 plan was to increase our capacity to give progressively larger and more consistent grants to our legal service grantee agencies. I’m pleased to report that since 2008, despite the economic crisis that started in the fall of that year, we have been able to match or increase the amount given in annual grants. Much of this capacity to give has been made possible by the strength of the Bar Foundation’s endowment for which we can thank our generous multi-year pledge donors—the Pillars of Justice, Advocates of Justice, Hamilton Circle and Life Fellows members and the YLD Hamilton Circle members.

However, we also embarked on several other initiatives to support and increase our annual fundraising, and for that I thank the Bar Foundation trustees who developed and coordinated those efforts and the attorneys who stepped up to give to our Individual Giving Campaign or donate their arbitration fees or gave a memorial or tribute gift or supported the Bar Foundation in any one of a number of different ways.

Another 2008 goal set by the Bar Foundation was to strengthen its board and engage trustees more effectively in the operations of the organization. I have to say we have an incredible and hard-working board. As I mentioned, the Individual Giving Campaign was developed and coordinated by trustees Fred Magaziner of Dechert LLP and Tom Brophy of Marshall, Dennehey, Warner, Coleman & Goggin, P.C. (and other too numerous to name) stepped up in a big way to make these annual campaigns a success. Trustees served on other committees—for the events, awards, finance oversight and the Civil Justice Center (more on that in a minute), among others—and were involved in every aspect of the Bar Foundation’s success.

In 2008, we also wanted to deepen the relationship with our grantees and strengthen the Bar Foundation’s capacity to help them in non-financial ways. In service of this goal, the Bar Foundation pulled together a group to investigate a regional model for Medical Legal Partnerships, provided training to grantees on a variety of organizational issues and continued to apply for and administer a generous grant of research hours from LexisNexis, among other initiatives. And, we’ve started evaluating the need for a centralized Civil Justice Center that would house many of our grantees, providing for an incredible array of cost savings and other less tangible but no less important benefits for our grantee agencies. I hope you saw my article in the April 2012 issue of the Bar Reporter in which I discussed this vision in more detail and my “One Great Idea” column in The Philadelphia Inquirer and Daily News that explain how a Civil Justice Center will result in a paradigm shift in the delivery of legal services to those in need in Philadelphia.

The last major goal we set for ourselves in 2008 was to increase our visibility in Philadelphia, especially among lawyers. We considered the Bar Foundation as one of our city’s “hidden treasures” but we didn’t want to stay hidden. We’ve worked hard to get the word out about our work through a variety of methods. We developed a Case for Support, increased our capabilities to send e-newsletters, developed our own website with its own URL and institutionalized our Annual Report. Many of you should have received the 2011 Annual Report with last month’s Bar Reporter, and if you didn’t, please call our office at 215-238-6337 and ask for one to be sent.

Now we are working on a new strategic plan to guide the Bar Foundation for the next three-to-five years. Despite everything we have accomplished, we continue to have big ideas and long term visions and we need a process to corral these and turn them into something we can act upon.

Tom Brophy and Doug Kreizberg of USI Affinity are co-chairs of the board’s Strategic Planning Committee. Doug’s take? “The process itself has been incredibly informative. It forces us to take the time—something busy lawyers and business professionals don’t have a lot of—to look at what we are doing, how well we are doing it, and what we could do better or differently. At the end of this, we will be a stronger, more focused organization.”

We have retained consultants to help us with this process of developing a new strategic plan. They have reviewed mountains of information and conducted interviews with people with an interest in the Bar Foundation and its continued growth and development. This month we’re holding a retreat to analyze the information gathered and start shaping the future of the Bar Foundation.

Of course, the Philadelphia Bar Foundation is your foundation, and its future is your concern as much as it is ours. If you have any thoughts or ideas that you think would inform the strategic planning process, contact our executive director, Lynne Brown, at 215-238-6347 or lbrown@philabar.org to share your insight.

Wendy Beetstone (wbetstone@hangley.com), a shareholder with Hangley Aronchick Segal & Pudlin, is president of the Philadelphia Bar Foundation.
Higginbotham’s Career Recalled in Berry’s Lecture

By Jeff Lyons

The late Judge A. Leon Higginbotham Jr. believed in the pervasive influence of the American legal process and that it could either perpetuate or eradicate racial injustice. Dr. Mary Frances Berry told members of the Bar Association at the June 26 Quarterly Meeting and Luncheon.

Dr. Berry, former chair of the U.S. Commission on Civil Rights, delivered the Judge A. Leon Higginbotham Jr. Memorial Public Interest Lecture at the event, attended by more than 500 attorneys and judges. Dr. Berry is currently the Geraldine R. Segal Professor of American Social Thought and Professor of History at the University of Pennsylvania. She has written numerous books including “Power in Words: The Stories behind Barack Obama’s Speeches, from the State House to the White House.”

Dr. Berry, a personal friend of Judge Higginbotham, said the judge believed in the importance of skilled craftsmanship in the technical aspects of the law. “If you got the technical parts right then you ought to be able to win. His 1978 opinion in a case where black workers filed a class-action employment discrimination complaint against a local union and contractors and trade associations is a classic in this regard. He upheld the right of the workers to proceed as a class but the beauty of the case was how he covered all of the bases in his findings and analysis, while making a full-throated defense of black workers victimized and excluded by the union movement.”

“Leon also believed in writing to people whose opinions and actions stood in the way of justice to persuade them of the intellectual invalidity of their views. He did this privately and publicly as in the case of the open letter to Clarence Thomas. He thought deeply committed logical analysis might have a positive effect, in fact he might shame them. He had little patience for my approach of sneakily strategizing and finding a way to win before the adversaries even knew what hit them,” she said.

“He thought the individuals involved and the public could learn lessons from open intellectual combat. I just thought some people were beyond shaming. But I heeded his advice at the Federal Trade Commission in the 1980s and 1990s, Blandina Cardenas and I labored over detailed citation-filled dissents to the artful work our colleagues issued in the vain hope that someone might be educated and moved to do the right thing.”

Dr. Berry and Judge Higginbotham first met in the 1970s during a small working conference on the law of slavery. She and the judge bonded during the conference “and from then on, he was my brother. He had to endure a great deal — helping me to make every career decision and see to it that I stayed out of too much trouble. We had a lot in common. We both went to segregated schools, we both worked while we went to school to support ourselves and pay for school. We both put up our ages to appear old enough to get a specific job. Leon and I used to tell each other stories about the miserable things that happened to us on the way in a kind of can-you-top-this contest.”

She said Judge Higginbotham loved reaching milestones — his and other peoples — and he would have loved the election of President Obama. “But he would be the first to tell us it doesn’t mean the trouble’s over. There is restlessness in the land primarily because of the economic crisis we face. Other crises would have concerned him too.”

“The availability of counsel to the indigent, who are increasing in numbers, is a major problem. “Leon would be very proud of this Bar’s continuing work on improving access to justice since its co-sponsorship of the 2006 Civil Gideon Resolution. The provision of counsel as a matter of right at public expense to low-income persons in proceedings involving basic human needs is essential if we are to have equal justice under law.”

Dr. Berry said Judge Higginbotham did what President Lyndon Johnson said he wanted when he was looking for a Southerner to help him attack Southern opposition to enforcing civil rights. She said President Johnson told him to “stand up on your hind legs and fight.” “Leon stood up on his hind legs and fought. He opposed injustice, used a powerful intellect to confront the 1980s and 1990s. Blandina Cardenas and I labored over detailed citation-filled dissents to the artful work our colleagues issued in the vain hope that someone might be educated and moved to do the right thing.”

75-Year Member Among Newest in Year Clubs

A 75-year member, one past Chancellor and three judges were among the newest members of the Association’s Year Clubs who will be honored at the June 26 Quarterly Meeting and Luncheon at the Hyatt at The Bellevue.

Louis W. Fryman, former president of the Philadelphia Bar Foundation, spoke on behalf of the new Year Club members.

The following is a list of Year Club honorees for 2012:

50-Year Club

60-Year Club

65-Year Club
Hon. Arlin M. Adams.

75-Year Club
Murray H. Shusterman.
parity with men in the workplace, both in and outside of the law. Unfortunately, women in all fields, including law, on average earn 70 percent of men doing the same jobs. Although law school classes have been 50 percent women for several decades, that has not enabled women to promote proportionally to equity partnership or firm leadership positions,” Dalton said.

The former Chancellor urged the young women in attendance not to drop out and stay involved with the legal profession. “You may have to make some changes and it will take some time, but there are so many opportunities today, you can find a way to practice law with pride and enjoyment.”

Dalton, who was Chancellor in 2007, told women to see themselves as a leader, wherever you are in your career. She also dared young women attorneys to dream big and expect obstacles and know you can overcome them with persistence and determination.

“To the men here today, I urge you to focus on the potential of women lawyers and find as many ways as possible to provide opportunities for them. Women lawyers cannot achieve parity without the support of men.”

Dalton said older women lawyers can make a difference in the career of a young woman simply by reaching out and providing support and encouragement.

Women
continued from page 8

ership “matters at a deep level” and female input contributes to “the quality of decisions being made.” When women are “engaged at the highest level of leadership,” economy and performance “thrive.”

In a study titled “Are Women Better Leaders than Men?” in the May edition of the Harvard Business Review, researchers and authors Jack Zenger and Joseph Folkman presented data from leadership studies. Their research examined 16 leadership competency categories and concluded that, based on the data, women scored significantly higher than men in 12 of the 16 categories. Women scored just slightly higher than men in three of the categories, and men scored higher than women in one of the 16 categories.

An Ernst & Young study demonstrated that when women are present at the “tipping point” of at least 30 percent in top leadership positions, profitability is increased. The theory, said Pladziewicz, is that “a voice isn’t heard until it is represented at a certain level” in any given room. Another study she cited demonstrates that when measuring group intelligence, the group’s IQ score increased as the number of females in the group increased. The theory, she said, is that female participation increases collaboration to use the power of the group to reach a better decision.

Angie Halim (ahalim@andzlaw.com) is an associate editor of the Philadelphia Bar Reporter.
Bar Staff Stalwart Calls it a Career

By Daniel A. Cirucci

The Philadelphia Bar Association was in a jam. It was 1984 and America was booming.

In Philadelphia, development finally began on the construction of Liberty Place, the first in a series of new skyscrapers that would end City Hall’s long reign as the tallest structure in town. And Philadelphia law firms were growing rapidly and starting to move west and north of their traditional corridor as they sought a piece of the burgeoning new business district that was to define the future of the city.

For the Philadelphia Bar Association there really was no choice: Keep up with the boom or perish. In the Association’s Communications Department our functions increased and diversified and our staff grew.

But a key component was missing: We needed a top-notch administrative assistant who could serve not just the Communication Department but also the executive director and the Chancellor and leadership of the association.

We needed someone who was mature, quick, well-rounded, accurate and able to handle a multitude of tasks calmly and efficiently.

That’s where Elaine Lippe came in. She was recommended to us by a fellow staffer who knew her and trusted her implicitly.

And right from the start, Elaine made herself virtually indispensable.

Elaine was trained the old-fashioned way— with a pencil and a notebook and a typewriter. She could take dictation, correct grammar and spelling errors, construct or reconstruct paragraphs, collect and relay phone messages and even make airline, hotel and dinner reservations. But she could also unjam a copier, expedite a fax and a way to make it lively and fun.

Which is to say that Elaine Lippe is a great lover of life. No matter where she is or what she’s doing, she soaks up every moment and her zest for living is contagious.

That’s why the Philadelphia Bar Association and its members and staff are going to miss Elaine Lippe now that she’s retired after nearly three decades on the job. Elaine, who resides in Plymouth Meeting, is looking forward to a new chapter in her life.

But, not to worry. Elaine’s not leaving the Philadelphia region. And she’ll still be coming into Center City regularly to enjoy all that it has to offer.

So, if you see her around, be sure to say hello. And thank her for all of us.

She’s a rare gem and one of the people who’s made the Philadelphia Bar Association what it is today.

Cant annu, Elaine!

Daniel A. Cirucci is former communications director of the Philadelphia Bar Association.

July 8 ACS Bike-a-thon an Emotional Journey

To some, riding a bike may seem like a normal outdoor activity. It can serve many purposes including recreation, exercise and even competition. To Chancellor John E. Savoth, participating in Philadelphia’s single largest biking event, the American Cancer Society Bike-a-thon, means much more.

“It’s a really powerful, emotional experience,” said Savoth, a Bike-a-thon participant who has been competing for several years now. “It’s almost as if you’re in a contemplative state at the starting point. You’re exhausted at the end, but you feel a sense of camaraderie when you cross that finish line with everyone cheering.”

Savoth’s mother, Catherine, was diagnosed with a form of bone cancer in 1960 and, as a result, had to have her left arm amputated. At the time, treatment was limited so amputation was the only answer. The youngest of three, John had to play a significant role in the household that included grocery shopping and helping his mother with various chores.

Chancellor John E. Savoth and wife Nancy take a break along the route of the 2008 Bike-a-thon.

Due to his family upbringing and strong character traits, this was a job that he took on willingly.

“Going through something like that has an overwhelming impact on the importance of character,” Savoth said on how his mother’s journey influenced his life. “It all depends on how you respond to something that you’re confronted with. True character is revealed through struggle.”

Savoth, who started cycling 10 years ago after his brother convinced him to get a road bike, decided that the Bike-a-thon was a great way to honor those who have been affected by cancer in his life. He now rides in honor of his mother; his wife’s mother, Margaret Cooper; his brother’s wife, Karen Savoth; and friends Peter Volt and Herbert Weiman Jr.

The Bike-a-thon has raised more than $18 million to help the American Cancer Society save lives by helping people stay well and get well, by finding cures, and by fighting back.

The 65-mile ride, which includes a 100-mile centenarian route, starts at the Ben Franklin Bridge in Philadelphia and ends in Buena Vista, N.J. Three additional start points are available, with seven route options in all.

As a tribute to those who have defeated cancer, and in some cases, lost their battle to cancer, Bike-a-thon participants congregate together at the end point and take part in a special survivor ceremony that recognizes these individuals.

“At one particular survivor ceremony, my mother was handed the microphone and she said, ‘Catherine Savoth – 48 years a survivor!’ The place went wild! It was an emotional and joyous time,” he recalled.

Now a survivor of 51 years, Catherine Savoth is looking forward to her son’s participation in the American Cancer Society Bike-a-thon’s 40th birthday on Sunday, July 8.

“Raising money for awareness and research is such a vital aspect of the Bike-a-thon, and it’s one of the main reasons why I got involved,” said Savoth. He knows that riding to honor his mother, a cancer survivor, and his family and friends who have also been affected by cancer is a special tribute to them. The Bike-a-thon allows him to do that.

For more information on the 40th annual American Cancer Society Bike-a-thon on Sunday, July 8, visit acsbike.org.
right to register a mark are heard initially by the Trademark Trial and Appeal Board with appeals to the Court of Appeals for the federal circuit or a U.S. district court. Although almost all non-U.S. jurisdictions provide a procedure for opposing the issuance of trademark registrations, the timing and procedure differs. The U.S. opposition occurs after examination, and other jurisdictions such as Germany provide for oppositions after registration. While the procedure in the U.S.Trademark Trial and Appeal Board resembles federal litigation, including discovery, many other countries have a streamlined procedure for trademark oppositions.

The issue in trademark oppositions is whether the applicant has the right to register the mark. Often, the issue is whether the mark is likely to cause confusion with a prior trademark right of the opposer, but the opposition may also be based on whether the mark is merely descriptive or a generic term, or whether there has been fraud in the prosecution of the application in the Trademark Office, among other possible claims.

The risk of facing an opposition based on a similar prior mark can be reduced by searching the trademark before filing an application for registration. There are a variety of searching tools for the availability of cross-border injunctive relief and the theory of trademark dilution. The theory of trademark dilution which has been relatively recently recognized in the U.S. and a few other jurisdictions, protects a distinctive famous mark without the need to prove a likelihood of confusion or competition. Even if the public is not likely to think that the products come from the same source, a famous mark can be protected under the theory of dilution, to avoid the whittling away of the distinctive nature of the mark (e.g. NASDAQ sko) or tarnishing references.

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

Nikki Johnson-Huston, an assistant city solicitor in the City of Philadelphia Law Department, received the 2nd Annual Fashioning Futures for Women Award on June 7 from The Career Wardrobe, a nonprofit organization serving women transitioning into the workforce by providing professional attire.

Scott F. Cooper, a partner at Blank Rome LLP and former Chancellor of the Philadelphia Bar Association, has been elected president-elect of the Temple University Alumni Association for the 2012-2014 term. He will serve as president of the TUAA and be a member of Temple University’s Board of Trustees from 2014-2016.

Marc Weingarten, a partner at Locks Law Firm, presented at the Annual General Meeting of the Association of Personal Injury Lawyers April 19–20 in Newport, South Wales, United Kingdom.

Deborah Weinstein, president of The Weinstein Firm, served as planning chair and panelist for the ALI-ABA video webinar program “Updating Employee Manuals 101: Doing it Right.”

Richard P. Jaffe, a partner with Duane Morris LLP, has been elected to the 2012–2013 Global Board of Directors of Association for Corporate Growth.

Steven E. Bizar and Allison Khaskelis of Buchanan Ingersoll & Rooney PC have been named winners of The 2012 Burton Awards for Legal Writing, an honor presented to attorneys who have written superior legal writing. The judges noted: “The work is exemplary, with a strong sense of legal analysis and style.”


Rochelle D. Laws of Fox Rothschild LLP has been selected to serve a three-year term on the board of directors for New Directions for Women, Inc.

Members of Zarwin Baum DeVito Kaplan Schaer Toddy, P.C. joined Philadelphia City Councilman David Oh as he welcomed the Mayor of Incheon Metropolitan City, Song Young-gil and the visiting Korean delegation to Philadelphia on May 16.

Marissa Parker of Stradley Ronon Stevens & Young, LLP co-authored “Still a Threshold Question: Refining the Ministerial Exception Post-Hosanna-Tabor,” published by the University of North Carolina Law School’s First Amendment Law Review – a student-edited legal journal that seeks to promote and protect the rights guaranteed by the First Amendment.

Rex F. Brien, a shareholder with Christie, Pabarue, Mortensenn and Young, has been elected a council member of the Pennsylvania Bar Association Civil Litigation Section, to serve for a three-year term.

E. David Chamin and Steven J. Engelmyer of Kleinbard Bell & Brecker LLP served on the faculty of the Pennsylvania Bar Institute program “Insurance Coverage and Conflicts: Duties to Insurer, Insured and Counsel in the Tripartite Relationship” on June 15.

Pepper Hamilton LLP was presented with the Hero of Justice Award from the Pennsylvania Innocence Project at the organization’s third anniversary celebration on May 23.

Kelly Dobbs Bunting of Greenberg Traurig, LLP was a speaker on the panel “Diversity in the Profession: An Open Forum,” at the mid-year meeting of the American Bar Association’s International Labor and Employment Committee, Labor and Employment Section, held in Paris May 15-17.

Carlton L. Johnson, a partner with Ancher & Greiner PC, has been appointed to serve a third consecutive one-year term on the Minority Bar Committee of the Pennsylvania Bar Association.

Phyllis Horn Epstein of Epstein Shapiro & Epstein, PC was a faculty member at the CLE program “The Family of Laws” presented by the Pennsylvania Bar Institute in May. She was also a faculty member at the CLE program “Tax Exempt Organizations From Start to Finish” presented by the National Business Institute in June.

Gary M. Samms, a partner with Obermayer Rebmann Maxwell & Hippel LLP, was the featured speaker at the May 21 CLE program on “Avoiding Legal Malpractice.”

Hayes A. Hunt of Cozen O’Connor has been named to the National Institute for Trial Advocacy’s three-member Next Generation Faculty Class of 2012.

Justice Sandra Schultz Newman, the first woman justice elected to the Pennsylvania Supreme Court, was a Woman of Heart co-honoree at the American Heart Association’s Go Red For Women Luncheon in May.

Joseph M. Manko, founding partner of Manko, Gold, Katcher & Fox, LLP, received the Civic Leadership Award at the Fifth Annual Centennial Celebration of the Fairmount Park Conservancy on April 26.

Cheryl L. Gaston, a partner with Spruce Law Group, LLC, was the course co-planner for the CLE program “Overview of the New Zoning Code.” Gaston has also been appointed to the Board of Directors of the Preservation Alliance of Greater Philadelphia.

William W. Uchi-moto, a shareholder with Stevens & Lee PC, participated in the National Asian Pacific American Bar Association Super Regional Conference May 31 to June 2 in Atlantic City, N.J.

Gaela J. Alfano, a partner with Pietragallo Gordon Alfano Bosick & Raspanti, LLP was recently re-elected to serve as vice chair of the Delaware River Joint Toll Bridge Commission.

Carol Nelson Shepherd and Roberta D. Pichini, partners with Feldman Shepherd Wohlgelernter Tanner Weinstock & Dodig LLP have been named 2012 Women of the Year by The Legal Intelligencer.


Marc S. Raspanti, a partner with Pietragallo Gordon Alfano Bosick & Raspanti, LLP presented at Allegheny County Bar Association Federal Courts Section CLE “Litigating the Healthcare Quil Tam” on May 24 in Pittsburgh.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Information may be sent to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, PA 19107-2955. Fax: (215) 238-1159. E-mail: reporter@philabar.org. Color photos are also welcome.

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