5 years after the historic Brown v. Board of Education ruling, Philadelphia Inquirer Editorial Page Editor Harold Jackson started first grade at an all-black elementary school in Birmingham, Ala. “If my parents ever thought the Brown decision meant my four brothers and I might one day attend an integrated school, I never heard them say it,” said Jackson, the keynote speaker at the May 2 program "Remembering the Legacy: Brown v. Board of Education 60 Years Later" at Mother Bethel A.M.E. Church. The program was sponsored by the Philadelphia Bar Association and the Baristers’ Association of Philadelphia.

The program also included remarks from former Gov. Edward G. Rendell, who criticized the lack of state funding provided to The School District of Philadelphia. A 16-minute video, featuring Philadelphia attorneys and judges and their recollections of the impact of the Brown decision on their lives, was also premiered. Those interviewed on the video include Clarence D. “Clay” Armbrister, president, Girard College; Nolan N. Judge Theodore A. McKee, chief judge for the U.S. Court of Appeals for the Third Circuit, will deliver the Judge A. Leon Higginbotham Jr. Memorial Public Interest Lecture at the Philadelphia Bar Association’s June 9 Quarterly Meeting and Luncheon. Judge Sandra Mazer Moss, a longtime judge on the Philadelphia Court of Common Pleas, will receive the 2014 Sandra Day O’Connor Award at the event.

Judge Moss, now a distinguished neutral with Dispute Resolution Institute, was the 2007 recipient of the Philadelphia Bar Association’s Justice William J. Brennan Distinguished Jurist Award. The Philadelphia Bar Association’s Sandra Day O’Connor Award is conferred annually on a woman attorney who has demonstrated superior legal talent, achieved significant legal accomplishments who criticized the lack of state funding provided to The School District of Philadelphia.

Access to Justice Panel Urged for Pa.

The creation of a first-ever Access to Justice Commission to serve as a vehicle for studying and implementing measures to expand access to justice in the commonwealth is among the key recommendations released by the Pennsylvania Civil Legal Justice Coalition.

There are a staggering number of unrepresented low-income litigants in civil legal matters, and that lack of representation by lawyers adversely impacts the quality of justice for everyone in the Pennsylvania continued on page 14

60 Years After Brown, Education Gaps Remain

By Jeff Lyons

FIVE YEARS AFTER THE HISTORIC BROWN v. Board of Education ruling, Philadelphia Inquirer Editorial Page Editor Harold Jackson started first grade at an all-black elementary school in Birmingham, Ala. “If my parents ever thought the Brown decision meant my four brothers and I might one day attend an integrated school, I never heard them say it,” said Jackson, the keynote speaker at the May 2 program "Remembering the Legacy: Brown v. Board of Education 60 Years Later" at Mother Bethel A.M.E. Church.

The program was sponsored by the Philadelphia Bar Association and the Baristers’ Association of Philadelphia. The program also included remarks from former Gov. Edward G. Rendell, who criticized the lack of state funding provided to The School District of Philadelphia. A 16-minute video, featuring Philadelphia attorneys and judges and their recollections of the impact of the Brown decision on their lives, was also premiered. Those interviewed on the video include Clarence D. “Clay” Armbrister, president, Girard College; Nolan N.

Judges McKee, Moss Headline at June 9 Quarterly Luncheon

Judge Theodore A. McKee, chief judge for the U.S. Court of Appeals for the Third Circuit, will deliver the Judge A. Leon Higginbotham Jr. Memorial Public Interest Lecture at the Philadelphia Bar Association’s June 9 Quarterly Meeting and Luncheon. Judge Sandra Mazer Moss, a longtime judge on the Philadelphia Court of Common Pleas, will receive the 2014 Sandra Day O’Connor Award at the event.

Judge Moss, now a distinguished neutral with Dispute Resolution Institute, was the 2007 recipient of the Philadelphia Bar Association’s Justice William J. Brennan Distinguished Jurist Award. The Philadelphia Bar Association’s Sandra Day O’Connor Award is conferred annually on a woman attorney who has demonstrated superior legal talent, achieved significant legal accomplishments continued on page 19

Congratulations and good luck to our partner MATTHEW L.WILSON, ESQ. on a succesful and productive year as Chair of the Workers’ Compensation Section of the Pennsylvania Bar Association.

In This Issue

- 4 Federal Bench-Bar
- 5 Documenting City
- 10 Bar Foundation
- 13 35th Annual 5K

Access to Justice Panel Urged for Pa.

By Joseph A. Sullivan

The creation of a first-ever Access to Justice Commission to serve as a vehicle for studying and implementing measures to expand access to justice in the commonwealth is among the key recommendations released by the Pennsylvania Civil Legal Justice Coalition.

There are a staggering number of unrepresented low-income litigants in civil legal matters, and that lack of representation by lawyers adversely impacts the quality of justice for everyone in the Pennsylvania

continued on page 14

continued on page 19

continued on page 18

continued on page 14

continued on page 18

continued on page 19
BB
Bench-Bar & Annual Conference
2014
BORGATA | ATLANTIC CITY

REGISTER TODAY AT PHILABENCHBAR.COM

SAVE THE DATE | OCTOBER 17-18, 2014
Frontline


“[w]e are a better people than what these laws represent, and it is time to discard them into the ash heap of history.”

- U.S. District Court Judge John E. Jones

There is a well-known proverb in the law - “the wheels of justice turn slowly, but grind exceedingly fine.”

However, sometimes the opposite is true. Sometimes things happen quickly. When I began writing this month’s column, the subject matter was to be marriage equality in Pennsylvania. The plan was to advocate strongly on behalf of the Philadelphia Bar Association’s resolution that was passed unanimously in January 2014, supporting marriage equality, and to present all the compelling arguments on behalf of marriage equality.

You may remember that in my inaugural speech in December 2013, I referenced the fact that we were the first bar association anywhere to form an LGBT Rights Committee and one of the first to endorse marriage equality. We spoke about the fact that this is truly the bar association of inclusion and that we planned a Chancellor’s Forum to discuss the landmark Windsor case. We noted that “justice is for all, or it is for none.”

It was also my intention to note how proud I am of our Board of Governors which in January passed that very strong resolution in favor of marriage equality. I also wanted to thank the members of the Philadelphia delegation to the Pennsylvania Bar Association for advocating on behalf of a very similar resolution before the Pennsylvania Bar Association.

I know we all spent time discussing with other delegates from other counties the need to pass this resolution and thankfully it did pass.

I was going to thank those who spoke at that recent Pennsylvania Bar Association meeting in Hershey, including past Pennsylvania Bar President Bob Fiebach and our Board of Governors member Larry Felzer. Both spoke eloquently and forcefully about the need to support marriage equality in Pennsylvania. To be sure, unlike in our delegation, there were some dissenters among some of the other delegations but the resolution passed by overwhelming voice vote.

Of course, the struggle to achieve marriage equality did not begin this year. There have been many mothers and fathers of this issue and they all deserve our thanks and praise. My thought was to salute them and to advocate for quick and decisive action.

Thankfully, as we saw on May 20, the law sometimes acts quickly and sometimes the eloquence and the force of an argument by a brilliant jurist is so all encompassing that all one can say is “please read this opinion.” Judge Jones, by his opinion, has provided a sweeping endorsement of marriage equality. His opinion recognizes the tide of history. Pennsylvanians now have the right to marry the person whom they love. It is that simple and that compelling.

May 20 was something of a magical day for the Philadelphia Bar Association and especially for our brothers and sisters in the LGBT community. When we found out about Judge Jones’ ruling, we issued a statement that urged Gov. Corbett not to appeal the decision, “so that those who have suffered from inequality under the law can at long last enjoy the full protections that the Constitution guarantees. We are finally joining our brother and sister states of Delaware, New York and New Jersey in recognizing the fundamental right to marry, so that lesbian and gay couples and their families will rightfully receive the many legal and financial protections afforded to heterosexual couples. As the Pennsylvania Constitution provides, all people have the right to pursue their own happiness.”

Thankfully, a few hours later, Gov. Corbett made a reasoned and principled decision not to appeal Judge Jones’ ruling despite his own misgivings about marriage equality. I think it is important to respect the feelings of those like Gov. Corbett and some of those in the Pennsylvania delegation who for religious reasons had misgivings. But it is equally important to reiterate that we belong to a country that continues on page 21

Earn 8.5 CLE Credits at Oct. 17-18 Bench-Bar

A total of 8.5 continuing legal education credits will be available at the Philadelphia Bar Association’s Bench-Bar & Annual Conference at Borgata in Atlantic City, N.J. on Friday and Saturday, Oct. 17-18.

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

One of the highlights of the event include the closing State of the Courts discussion featuring the president judges of Pennsylvania’s appellate courts as well as the Court of Common Pleas and Philadelphia Municipal Court. Programming will be presented by the Criminal Justice Section, Family Law Section, State Civil Litigation Section, Public Interest Section, Real Property Section, Workers’ Compensation Section, Law Practice Management Committee, Diversity in the Profession Committee and Bar-News Media Committee. Additional programming will be announced soon.

Another highlight is the reception on Friday night, set for Borgata’s MIXX nightclub. Registration for the Bench-Bar & Annual Conference is under way. Full conference early-bird registration rates are $379 for members and $329 for Young Lawyers Division members, public interest and government attorneys. Registration for non-members is $529. Early bird registration is available until Friday, Sept. 19. Registration includes all CLE programming and all sponsored meals and events on Friday and Saturday. After Sept. 19, registration rates increase by $70.

Special Borgata hotel room rates are available for our Conference attendees. A rate of $189 (plus tax) for a king room is available Friday, Oct. 17 and a limited number of king rooms are available at $199 (plus tax) Thursday. Oct. 16 and $249 (plus tax) for Saturday, Oct. 18. You continued on page 14
Federal Bench-Bar Conference June 13

A state of the courts presentation and keynote remarks by Winold “Vic” Walczak, legal director of the ACLU of Pennsylvania, are among the highlights of the Federal Courts Committee’s Federal Bench-Bar Conference on Friday, June 13.

The Federal Bench-Bar Conference is a half-day educational event that is always eagerly anticipated by federal court practitioners and judges. Attendees will spend the morning hearing panel presentations by both judges and practitioners on topics of current interest in the Eastern District of Pennsylvania.

The conference will begin with opening remarks by Danielle Banks, chair of the Federal Courts Committee, followed by an introduction of the program by Bruce P. Merenstein, course planner and vice chair of the Federal Courts Committee. Registration begins at 8:15 a.m. at The Rittenhouse House, 210 W. Rittenhouse Square. To register for the Federal-Bench Bar Conference, visit pbi.org.


U.S. District Court Judge Legrome D. Davis and attorneys Catherine M. Recker, Robert A. Zauzmer and moderator David Rudovsky will discuss “The Use of Social Media to Investigate, Prosecute, and Defend Criminal Charges.”

Following a short break, U.S. District Court Chief Judge Petrese B. Tucker, U.S. Bankruptcy Court Chief Judge Eric L. Frank and Clerk of Court Michael E. Kunz will present a report on the state of the courts.

The last panel discussion, “Ethical Issues During Depositions: Hypothetical Scenarios,” features U.S. District Court Judges Paul S. Diamond and Gerald A. McHugh, Jr., along with former Chancellor Abraham C. Reich and moderator Dennis R. Suplee.

The program concludes with Walczak’s keynote remarks “With Liberty and Justice for All!” Walczak, the son of a Polish Holocaust survivor, will address why it is important that federal courts be receptive to litigation brought on behalf of unpopular people and causes.
R & D lab. And I think that's a good thing to be. It's not of the Mural Arts Program. Our function is that nation's problem with an anti-graffiti network that bore the seeds first to have a massive graffiti problem, and to attack that city in the country to have massive gang wars. It was the conducted in a laboratory and Philadelphia is the nation's idea of the great experiment. A great experiment gets in which women wielded influence.

In 2008, Katz realized that Philadelphia was the only large American city that lacked its own historical documentary program. Since then, he has worked to build and expand HMP. The company's first ongoing series, "Philadelphia, The Great Experiment" documents Philadelphia's expansive history and will eventually cover 14 episodes. He recently launched additional documentary ventures including "The Women of Philadelphia." This six-part series will tell the history of the city through the lens of its women and will focus on different civic sectors in which women wielded influence.

"The idea of doing something like this and trying to encapsulate, even in 14 episodes, what it is that Philadelphia is, is really a big challenge. What's the purpose of Philadelphia? What's our function? We came up with the idea of the great experiment. A great experiment gets conducted in a laboratory and Philadelphia is the nation's laboratory. Philadelphia had a lot of firsts. It was the first city in the country to have massive gang wars. It was the first to have a massive graffiti problem, and to attack that problem with an anti-graffiti network that bore the seeds of the Mural Arts Program. Our function is that nation's R & D lab. And I think that's a good thing to be. It's not that we're the center of money, or the center of power or the center of art and culture. We're the center of incubation of ideas."

That same notion of research and development carried through in the 19th century when the nation was industrializing, Pittsburgh was the steel capital. Philadelphia had specialty crafts in the 18th century – people made silver and books and arts and crafts and all kinds of fine things. These were done with specialty labor, Katz explained. "We became a specialty labor town for manufacturing. The idea of the workshop of the world, which we called ourselves, wasn't because one industry dominated by making cars or steel. We made everything. We weren't just the center of democracy – this city is extraordinarily 1776 conscious. We're not an 18th century city. We're a 19th century city. Philadelphia was a place where the railroads basically standardized the business of railroads. Until that point, every railroad in the country had their own gauges and they had their own equipment. A guy named William Sellers, who was the chairman of the Franklin Institute, came up with this idea of standardizing everything. There were 90,000 people in the city working to build locomotives for the Baldwin Locomotive Works. At one point, Baldwin had 40 percent of the world's market for building locomotives. We were the research and development center for the railroad, which changed America. We don't take much credit it for it, but that's one of the other things we also do well, which is not to take much credit for anything."

Starting the documentary series took money. "When I took that $450,000 that we had and decided what story we wanted to tell. And everyone thought we'd tell 1776. But that's not a Philadelphia story. That's America's story. Philadelphia's story is 1876. So the first episode we did was called "The Floodgates Open: 1865-1876." Katz said he can't watch it. "Think back to the first brief you ever wrote and pulling it off your shelf and reading it. You would need medical care because it couldn't be very good because it was the first thing you ever did."

Katz said this episode tells the stories that no Philadelphians knew. "This story about engineers is very important. If you look at the Pennsylvania Academy of Fine Arts and Look at the architecture, what you're seeing in those big columns are pistons. And the idea of the pistons and the way the sunroof works in the building is like a factory. Because the engineers who were the board of directors of PAFA believed in efficiency and they wanted a factory to produce art. If you look at the Centennial of 1876, the board was made up of engineers. And what they wanted to do was show the great engineering prowess of Philadelphia and of the country. All of the buildings were designed to be taken down and all the parts were put back into the market when the fair was over."

The two most pressing needs facing the School District of Philadelphia are funding and quality teachers and programs for students, Superintendent Dr. William R. Hite Jr. told members of the Young Lawyers Division on May 12.

Dr. Hite has been the Superintendent for almost two years and has addressed many challenges during that time that extend beyond just simple math. The District is “like a monopoly that is breaking apart” said Hite, and the new model needs to be better. Despite closing 31 facilities, eliminating 5,000 positions, instituting various cost efficiencies, stopping authorizing charter schools for one year, reducing administration costs to less than 3 percent and acquiring two concessionary labor contracts, the District still has a $216 million deficit.

Closing schools and eliminating positions are not easy decisions and according to Dr. Hite, “if we are going to make these hard choices, then the District needs to be better off than it was before.”

Dr. Hite’s focus is on “investing in the outcomes of students.” High school graduates earn 40 percent more over their lifetimes than dropouts, and college graduates earn 129 percent more. His “Vision for Success” includes 100 percent of students graduating from high school and entering college or the workforce; all eight-year-olds being able to read; access to great teachers regardless of which school students attend; and 100 percent funding with zero dollars wasted. Every student has a right to a high quality education and it should not be “a function of where you live, a lottery system, or your parents’ salary,” Dr. Hite said.

Dr. Hite described some of the ways the District can become more flexible. While standards and quality control are of utmost importance, there is also a need to shift some of the important decision-making authority to the people who are closest to the students of each school. Having the right principals at the schools is paramount. Dr. Hite personally conducted 112 interviews, resulting in the hiring of 58 new principals. He also mentioned that the District is opening three new schools and while that might not seem feasible given the budget crisis, it is necessary to create new high school design models to motivate youth and offer activities that will develop their talents. Dr. Hite recently spoke to a student who asked him not to cut some of the best teachers in exchange for teachers who do not want to be there. Dr. Hite assured the student this would not happen. He believes in matching individuals with certain skills to neighborhoods that require those skills and while teacher seniority is important “it should not be the sole factor” in staffing decisions. Dr. Hite does not believe in a top-down approach to problem-solving and he said the District “needs student voices.” Students’ needs extend beyond what can be bought; they need teachers and principals who believe in them.

When asked what lawyers can do to help the District, Dr. Hite urged the Young Lawyers Division to serve as mentors and role models for Philadelphia youth.

Elisa C. Advani (Elisa.Advani@phila.gov), an assistant city solicitor with the Philadelphia Law Department, is an associate editor of the Philadelphia Bar Reporter.
Making the Leap to Private Practice at June 4 Program

Interested in learning what it’s like to start your own firm? In the second session of the Law Firm Laboratory series, a diverse cross-section of panelists will discuss why they decided to go into a private practice and how they got started on Wednesday, June 4.

With topics ranging from how they got their first clients to what marketing strategies they have used, this informative and insightful program is one you won’t want to miss. Panelists include Steve Harvey, Steve Harvey Law LLC; Kevin V. Mincey, Mincey & Fitzpatrick, LLC; Lee A. Schwartz, Lee A. Schwartz, Attorney at Law; and Rhonda Hill Wilson, Law Offices of Rhonda Hill Wilson, P.C. Created in 2014 by Chancellor William P. Fedullo, the Law Firm Laboratory is a free program series and ongoing incubator of innovative ideas, strategies and concepts for starting and nurturing new law firms and helping existing law firms of all types serve the changing needs of tomorrow’s clients.

There is no cost to attend this program, which begins at 12 p.m. in the 11th Floor Conference Center at the Philadelphia Bar Association, 1101 Market St. Lunch is available to those who register in advance for $8 for members of the Philadelphia Bar Association and $12 for non-members. Register online at philadelphiabar.org.

Trapped?

In this economic climate, keeping your clients is more important than ever. For partners and practice groups, the right firm is crucial. We know the Pennsylvania legal market. We will find you the right firms that have the practice areas, support and billable hour rates to enable you to keep and cultivate clients and enjoy practicing law again.

We’ve been there. We get it!
One of the hallmarks of the Patient Protection and Affordable Care Act (ACA) which was signed into law in March 2010 is the elimination of pre-existing condition clauses imposed by health plans. Candy Marrero, president of Worksite Benefits of the Capital District, LLC, in Albany, N.Y. discussed the details of the law at the May 9 Workers’ Compensation Section CLE program, “The Affordable Care Act: Potential Impact on Workers’ Compensation and Medicare Secondary Payer Compliance.”

The idea of the ACA is to make quality and affordable health care available to all Americans, Marrero said. She explained that approximately $1,000 per year is added to the cost of an individual’s health insurance to offset the cost of those who are uninsured. The ACA will eliminate this problem by getting people to take health insurance, she said. This will probably be accomplished based on the penalties that are associated with not taking the insurance. If a person is uninsured for more than three months in 2014, that individual may incur a tax penalty and that penalty will be applied when the individual file a 2014 income tax return. In 2014, the penalty is $95 or 1 percent of your income, whichever is greater. It is anticipated that the amount of the penalty will increase every year.

Marrero pointed out that the Affordable Care Act encompasses many areas. One area is that the ACA eliminated pre-existing condition clauses and exclusions for both children and adults. The elimination of pre-existing clauses will prove beneficial to injured workers receiving workers’ compensation benefits. She explained that if an injured worker purchased a policy under the ACA and settles his or her workers’ compensation case so that the carrier is no longer paying for medical coverage, the policy under the ACA will cover this worker due to the elimination of pre-existing condition clauses.

However, it is important to note that many injured workers may not even be eligible to purchase subsidized health insurance under the Affordable Care Act. Under the ACA, taxable income is considered in determining whether a person is eligible to purchase subsidized medical coverage. This will eliminate injured workers whose only source of income is workers’ compensation that is non-taxable income. If income is lower than the threshold, the system will direct people to medicaid for coverage. In instances where an injured worker settles his or her workers’ compensation case, he or she could use the settlement proceeds to purchase coverage off the marketplace without a subsidy. Income is not considered if you are not looking for a subsidy.

Marrero explained that the ACA is a work in progress. While it may currently prove beneficial to those receiving workers’ compensation benefits, it is anticipated that over the course of time, there may be changes to the ACA that would eventually place the ultimate responsibility for medical treatment back on the workers’ compensation carrier. As of now, the ACA does not mention workers compensation injuries. Therefore, as of 2014, people cannot be denied health insurance for any pre-existing health condition, including conditions caused by work injuries.

Regina M. Parker (RParker@tthlaw.com), an associate with Thomas, Thomas & Hafer LLP, is an associate editor of the Philadelphia Bar Reporter.
Volunteers Ease Child Custody Case Backlog

There is a rising tide in Philadelphia that has nothing to do with global warming or the Schuylkill River. Child custody court filings in Philadelphia have increased at a staggering rate. According to the Administrative Offices of Pennsylvania Courts, there were more than 27,000 child custody-related filings in Philadelphia Family Court in 2012, over a 6 percent increase from the number of custody-related filings from 2011. As the vast majority of Philadelphia Family Court litigants are pro se, it is believed that more than 80 percent of these filings are submitted by unrepresented parties.

According to a report by the Philadelphia Research Initiative of the Pew Charitable Trust in 2012, the poverty rate in Philadelphia is 31 percent for families with children. There are thousands of custody filings each year being made by people living below the poverty level who could never afford an attorney.

Unfortunately, Philadelphia Legal Assistance, the local Legal Services Corporation affiliate that would advise and represent low-income parties in child custody matters, simply does not have the resources to stem the tide of cases. Due to the volume of cases filed, custody matters currently being filed in Philadelphia may not get their first court listing until June 2015. While there are situations when parties can obtain earlier court dates, parties may still have to wait 60 to 90 days before their first court appearance. Other counties in the Commonwealth require the parties to attend and pay for parenting classes and other programs before a case is scheduled for court. These programs are intended to help minimize conflict in child custody cases. However, a large percentage of the parties filing in Philadelphia cannot afford such programs and Family Court does not have the resources to provide them free of charge. Philadelphia Family Court and the Philadelphia Bar Association’s Family Law Section are collaborating on creative, low-cost ways to help manage these cases; however, more can be done by other members of the Philadelphia legal community.

One way attorneys can help address this problem is to volunteer to handle child custody cases through one of the local pro bono legal service agencies. Many low-income clients are referred to Philadelphia VIP for assistance. In 2012, almost 300 custody cases were opened by Philadelphia VIP. That number increased in 2013 and may increase further by the end of 2014. Philadelphia VIP is currently not able to connect each of these clients with volunteer attorneys as more volunteers are needed to assist with these custody cases. Philadelphia VIP has been able to find volunteer attorneys to represent low-income clients for about 25 percent of these custody cases.

Some of these clients are assisted by volunteers, like Julia Swain, a partner at Fox Rothschild LLP who provides direct legal representation and legal advice over the telephone to clients. Fox Rothschild litigation associates also volunteer their services. “My custody cases with VIP are among the most gratifying that come across my desk. The people who turn to VIP truly need our assistance, and I am proud to be able to spend some of my time helping them” said Matthew Olesh, an associate with Fox Rothschild. And, according to Fox Rothschild associate Melissa Dolin “I helped a father who, prior to my representation, was only permitted to spend a few hours with his daughter every week. With my help, he was able to obtain weekend and vacation time. Without legal representation, my client would never have been able to get the quality time with his daughter that he wanted and deserved.”

To help encourage volunteers to handle cases, VIP offers CLE trainings in a variety of areas, including child custody. If the attendee volunteers to take a case, there is no charge for the CLE credits. In April 2014, Fox hosted a CLE training on child custody law and more than 40 attorneys attended. The program was presented by Swain, a past chair of the Family Law Section; Susan Gibson, an associate at Fox Rothschild; and Michael L. Viola, the family law staff attorney at Philadelphia VIP. Judge Maria McLaughlin, who regularly hears child custody cases in Family Court, also participated.

Handling child custody cases through VIP or other legal service agencies offers several advantages to newer attorneys or attorneys who do not regularly handle family law matters. Volunteering to take a child custody case affords an attorney the opportunity to expand his or her practice; learn and develop some expertise in a new area of law; and, lead to a new clientele base. Further, the skills that attorneys already have for their paying clients are readily transferrable to child custody cases. Attorneys can develop or sharpen their trial and negotiation skills by handling child custody cases through Philadelphia VIP. To find out more about ways in which you can volunteer time with Philadelphia VIP, please visit www.phillyvip.org.

VIP Honors Dina Ronsayro

Philadelphia VIP proudly recognizes Dina S. Ronsayro, a partner at Astor Weiss Kaplan & Mandel LLP, as Volunteer for the Month, for helping at-risk children and families.

Ronsayro’s practice areas include family law, personal injury and general litigation. Dina uses her family law expertise to advise VIP clients, and to mentor other volunteer attorneys on family law dispute resolution. Through her representation and mentoring, she has donated more than 40 pro bono hours to low-income clients since her start with VIP in 2009.

Dina says she finds her “advice” cases to be most rewarding because she gets to help many more clients navigate the Philadelphia Family Court system. “They [the clients] just want someone to talk to and explain the process. Someone to explain what happens in a courtroom or other simple things that people take for granted. They have no clue about these things. The relief in their voices after hearing what to expect is rewarding,” Dina shared.

Michael Viola, VIP’s in-house family law staff attorney, said Dina is one of Philadelphia VIP’s strongest supporters. “During the past five years, she has been involved in more than 20 cases. She has served as a volunteer handling a case and as a mentor to other volunteers. Dina also assists VIP by providing legal advice to clients that VIP is unable to fully represent. For these ‘advice only’ cases, Dina’s promptness in responding to a request to assist a client is legendary.”

Dina says she values pro bono services because “we [lawyers] are privileged enough to have good jobs and clients who can afford us. It is our obligation as members of society to give back to our community.”

VIP applauds Dina’s commitment to helping VIP clients resolve legal issues that are critical to the stabilization of their families.
May was a momentous month. It started off with my speaking at a Law Day naturalization ceremony welcoming 80 new citizens from 46 different countries. For more than 10 years, I have brought a class from William Penn Charter School to observe a naturalization ceremony. This year was special. I was able to give the welcoming remarks as the representative of the Philadelphia Bar Foundation and the Philadelphia Bar Association. The naturalized citizens spanned a range of ages and were so very excited to experience the freedoms and rights that we as Americans have.

Unfortunately, many of us who are born here, take these rights for granted. As lawyers, we can appreciate the importance of our democratic rule of law, the right (and responsibility) to vote, the right (and responsibility) to know our rights, the right to have violations fairly judged on a level playing field, and the responsibility, as members of the Bar to ensure that those less fortunate have equal access to justice. The Bar Foundation for 50 years has provided the opportunity for Philadelphia lawyers to show we understand and appreciate these freedoms and rights by funding many legal nonprofit organizations who assure access to justice for all.

As part of the Bar Foundation’s 50th year celebration to thank those who have supported us and to increase the awareness of our legal community about the Bar Foundation, we are holding events across Philadelphia. Buchanan Ingersoll Rooney, PC hosted a May 9 luncheon where we debuted our new three-minute long video and PowerPoint about the work of the Bar Foundation to approximately 25 attorneys and presented our 50th Anniversary Crystal Awards to Steve Bizar, current vice president and trustee of the Foundation and Andrew Hamilton Circle (AHC) member; Rudy Garcia, former Gala chair and AHC member; Douglas Coopersmith, AHC member; and Howard Scher, AHC member.

Less than one week later, on May 15, Saul Ewing LLP hosted a Foundation 50th Event to 20 attorneys titled “Learning Lessons Today from the 19th Century’s Greatest Lawyer – John G. Johnson.” As Saul partner Fred Strober described, Johnson was not only a phenomenal lawyer and civic leader whose innovative business transactions helped the city’s growth, he was an extraordinary philanthropist. Carl Strehlke, adjunct curator of the John G. Johnson Collection at the Philadelphia Museum of Art, showed examples from the collection and continued on page 11.

Philadelphia Bar Foundation
26th Annual Golf & Tennis Classic

Monday, June 16
Philadelphia Cricket Club
Register Now at philabarfoundation.org

Don’t Delay!
Space is Limited!
described the extraordinary impact of Johnson’s philanthropy. Johnson’s collection, which he willed to the city, is a significant percentage of the museum’s collection. Following the showing of our video, Ballard Spahr LLP’s Leslie John, a current trustee and secretary of the Foundation, presented the 50th Anniversary Crystal Awards to Robert Louis, current trustee of the Foundation and to Frederick Strober, an Andrew Hamilton Circle member and former Gala chair. Other Bar Foundation honorees from Saul, who were unable to attend, were former Bar Foundation President Gabriel Bevilacqua, AHC member Carl Everett, as well as major donor and longtime supporter, Carby Devlin.

The Bar Foundation made a 50th Anniversary presentation to the Board of Governors on May 29. In June we are looking forward to more celebratory 50th events at the Brandeis Society, Pepper Hamilton LLP, Hangley Aronchick Padlin & Schiller, our annual Golf and Tennis Outing on June 16 at the Philadelphia Cricket Club, and a Legal Writing CLE, at Rutgers Camden on June 27. The CLE, made possible by funds from the R. Nicholas Gimbel Fund for Legal Excellence, is free for public interest lawyers.

Remember your support of the Foundation is crucial to assuring access to justice for people living in poverty. Individuals with low incomes need legal representation to protect their homes, families, health, public benefits and livelihood, basic freedoms and rights which being an American citizen should guarantee. Thank you for helping to break down the access to justice barriers. Please keep up your good work because unfortunately, the war on poverty, which President Lyndon Johnson declared 50 years ago, has not ended.

Deborah R. Gross (debbie@bernardmgross.com) of the Law Offices of Bernard M. Gross, P.C., is president of the Philadelphia Bar Foundation.
Compassion, empathy, and intuition are among the feminine qualities that make women stand out as litigators and mediators, Judge Sandra Mazer Moss (ret.) recently told members of the Women in the Profession Committee. Judge Moss spoke about how she learned to use her femininity to her advantage in litigation and mediation throughout her career path.

Judge Moss left a legacy as an innovator when she retired from the Court of Common Pleas of Philadelphia County in November 2013, but in the beginning she had to pave her own way in a “man’s world.” As the first woman attorney in the Major Trials Division of the City Solicitor’s office, Judge Moss’ co-workers did not initially welcome her with open arms. She was assigned difficult cases where jurors were particularly sympathetic towards the plaintiff, such as claims from a grieving widow. Judge Moss embraced the challenge and saw that she was profiled for these cases specifically because she is a woman and jurors could be more compassionate towards her as well. Judge Moss now serves as a distinguished neutral with Dispute Resolution Institute.

Judge Moss urged women litigators to ask for cases they find interesting and if a new challenge is met with fear, “fear can be the best motivator.” As a judge she saw too many women who would write the motions but send a male counterpart to argue them.

As a woman it is easier to ask for help, so when Judge Moss was assigned to the asbestos program she asked the lawyers from both sides to teach her about the issues and the law. Women also have an innate ability to host and entertain, which led Judge Moss to the idea of a long-range planning meeting that became an annual barbecue at her beach house to strategize with counsel.

Judge Moss highlighted some qualities women possess as mothers that translate well in a courtroom. An opening or closing statement to a jury should be delivered with the same ease a mother has when reading a bedtime story to her child. A mother knows what her child is thinking or feeling without him saying a word. Women need to maximize that intuition and perception as litigators.

Women have what it takes to be good negotiators. Judge Moss disagrees with the stereotype that women are not tough enough at the bargaining table. She said, “We can speak softly and carry a big stick.” She gave an example of a case she mediated involving surviving family members of air crash victims. The defense attorney was a woman with a soft demeanor who opened by saying she was very sorry for the plaintiffs’ loss and she understood that the case was about more than just money. Sensitivity and empathy are often the intangible consideration a plaintiff needs, and that attorney ended up not only negotiating a favorable settlement on behalf of her client but she also made a lasting impression on Judge Moss.

Judge Moss concluded that women need to recognize their value in mediation and litigation, find their voice, and ask for projects and promotions.

Elisa C. Advani (Elisa.Advani@phila.gov), an assistant city solicitor with the Philadelphia Law Department, is an associate editor of the Philadelphia Bar Reporter.
35th Annual 5K Draws 1,300 Runners, Walkers

Team Gavel to Gravel (above), consisting of judges and employees of the First Judicial District, gathers before the May 18 race. Meredith Brennan (right), chair of the Philadelphia Bar Association's Family Law Section, and daughter Quinn were among the participants. There also was Buchanan Ingersoll & Rooney's 200-Yard Kids Dash for children ages 5 to 10. The 35th Annual 5K Run/Walk benefits the Support Center for Child Advocates.

Michael Riccio, a paralegal at Community Legal Services, was the overall winner of the race. His time was 16:00.

Neill Clark with Faye Hellman. Clark won the Bar Association division of the race for the 14th time in the last 15 years.

Meredith Unger won the women's division of the race.
courts, according to a report released May 6 at a Senate Judiciary Committee hearing. The report also observes that the lack of representation negatively affects the courts’ administration of justice and undermines the rule of law, leaving many litigants unable to protect their legal rights and obtain appropriate remedies.

The report does not stop with evidence of social injustice, however. It goes on to highlight significant economic downsides that may not be as apparent to the average citizen. The report concludes that the unmet need for legal aid costs the state money, including direct economic benefits statewide and in local communities, and hurts taxpayers to the tune of millions of dollars by increasing homelessness, failing to prevent domestic violence, and exacerbating other social maladies. These include greater unemployment, disruption of children’s education and family stability, and residential dislocation due to evictions and mortgage foreclosures that might have been avoided.

In “Toward Equal Justice for All: Report of the Civil Legal Justice Coalition,” the 30-member group, which includes Philadelphia Bar Association representatives, cites several economic studies across the nation, including a recent analysis that found that for every additional dollar spent on legal aid in Pennsylvania, there is a $11 return to the state and its residents.

The coalition recommends the creation of a first-ever Access to Justice Commission to serve as a vehicle for studying and implementing measures to expand access to justice. Such a commission would be a kind of “blue ribbon” panel that might include judges, legislators, community and business leaders and others seeking ways to ensure that more Pennsylvanians get a meaningful “day in court” when their homes, safety, access to children and other basic needs are put at risk in lawsuits filed by public and private parties.

The Judiciary Committee, which conducted hearings in Philadelphia, Harrisburg and Pittsburgh throughout 2013 on the issue of access to the courts, accepted the Coalition report with appreciation. “Equal access to legal representation is one of the most critical justice issues we face today,” said Pennsylvania state Sen. Stewart Greenleaf. “I am pleased to see the legal community come together to offer their insights and recommendations to the Judiciary Committee.”

The 78-page report exhaustively documents through live testimony, and extensive written statements and studies, the magnitude of the problem and the numerous negative results of failing to address the fundamental needs among poor Pennsylvanians, whose ranks have swelled in the wake of a recession that began in 2008 and only recently has shown signs of receding. “Some folks have called this crisis a ‘perfect storm’ of sustained and severe cuts in federal and state funding for legal services,” says Jennifer Clarke, a tri-chair of the Coalition, “and a decline in other sources of funding that has led many legal aid agencies across the state to close offices, lay off legal staff, and cut back dramatically in the numbers of clients served. This funding crisis has been all the more devastating when the numbers of Pennsylvanians needing legal representation and who cannot afford to pay for it have grown to record highs.”

Sam Milkes, another tri-chair of the Coalition, adds: “State and national studies estimate that, even with the growth of pro bono by lawyers in private law firms, 80 percent of the critical legal needs of low-income people go unmet for lack of funding and support.” Jim Greenan, a Pittsburgh attorney who serves as the other tri-chair of the group, puts it most simply: “There is an enormous need for help that current resources just cannot address.”

Perhaps no one makes a better case for expanding legal services to those whose basic needs are at stake than those individuals with serious legal needs who stepped forward to share their stories of struggle for themselves and their families. Their testimony, perhaps more powerful than any statistics, demonstrate the real-world impact of being unable to get one’s claims – or defenses to claims by others – adequately heard in a courtroom.

One witness, a veteran with a worn but determined look on his face, testified that, after a lifetime of employment, he became unable to work after collapsing from a heart condition. Without income for the first time in his life, he fell behind on his mortgage payments and was served by the sheriff with foreclosure papers on the small trailer he called home. He did not have the information or skills needed to obtain disability benefits that he was entitled to, and that could have helped with the mortgage payments or to stop the foreclosure. And, as he frankly stated, he did not have the first clue about how to find help in the process.

Another witness, a woman who had been repeatedly subject to vicious abuse at home, in desperation appeared in court on her own, trying to obtain a protection from abuse order against her child’s father. She had never been in a court before, and did not know to bring witnesses to support her claims. Nor did she know that she could subpoena people to testify about the abuse, and so, in her hearing, there were no witnesses to testify on her behalf. Her plea was rejected.

In both of these cases, and as many others who had been to court without a lawyer testified, it was only after they “were lucky enough” to get help from lawyers that these individuals were able to achieve fair outcomes for themselves and their families.

To address the growing gap between client need and the availability of legal help, the coalition’s report includes several key recommendations to stanch the harms to those without lawyers.

The three most basic recommendations are that the Pennsylvania Supreme Court, as noted, establish an Access to Justice Commission to develop and implement practical and effective ways to expand access to justice. This process would call on the Commission to design and promote strategies to increase levels of public, private and volunteer resources and funding to address the need for more legal representation so dramatically outlined in the eloquent testimony of ordinary Pennsylvanians at the hearings. This recommendation already has a track record to support it: 32 states already have such commissions.

Next, the report calls upon the Pennsylvania legislature to appropriate an additional $50 million each year for civil legal services to address the immediate crisis in access to justice. Given the benefits on a social and economic level as documented in the report, this expense is one that is likely to be recouped, at least in the long term, with a net gain to Pennsylvania taxpayers.

Finally, the report calls for further work towards establishing a right to counsel in civil legal matters in which fundamental needs are at stake.

Joseph A. Sullivan (sullivanja@pepperlaw.com) is special counsel and director of pro bono programs at Pepper Hamilton LLP.

---

Bench-Bar

continued from page 3

must be a registered attendee of the Conference to receive this group rate. Once you are registered for the Conference, you will receive instructions on how to reserve your room.

Rochelle M. Fedullo, a partner with Wilson Elser Moskowitz Edelman & Dicker LLP and Projects and Programming Advisor to the Chancellor, is chair of the 2014 Bench-Bar & Annual Conference.

Sponsors for the 2014 Bench-Bar & Annual Conference include Diamond Sponsor, USI Affinity; Signature Sponsor, Love Court Reporting, Inc.; Partner, First Judicial District of Pennsylvania; Gold Sponsor, Insurance Adjustment Bureau; Silver Sponsors, JAMS The Resolution Experts and Robson Forensic; Bronze Sponsors, CourtCall LLC, Family Law Section, MCS E-Document Service, Pain Management & MRI, Robert Half Legal, US Legal Support, Widener University School of Law and The Legal Intelligencer. For sponsorship information, contact Tracey McCloskey at 215-238-6360 or tmccloskey@philabar.org.
19th Set of FAQs Issued for Affordable Care Act

By Brian McLaughlin

Frequently asked questions (FAQs), prepared jointly by the Departments of Labor (DOL), Health and Human Services (HHS), and the Treasury (collectively, the Departments), have been issued with respect to various Affordable Care Act (ACA) requirements, including their effect on COBRA and CHIPRA notices. The DOL issued updated versions of the COBRA model general notice and model election notice that reflect that the Marketplace is now open and that better describe special enrollment rights in Marketplace coverage. They are available at: www.dol.gov/ebsa/cobra.html.

In addition, proposed regulations issued last month indicate that the model notices will no longer be contained as an appendix to the regulations, but solely on the DOL’s website.


The model notices are available in modifiable, electronic form.

Effective the first plan year that begins on or after Jan. 1, 2014, all non-grandfathered group health plans must comply with annual cost-sharing limitations on out-of-pocket maximums that are the same as the limits that apply to HSA-qualified high deductible health plans.

With respect to an out-of-network provider, the amount in excess of the allowed amount (also known as balance billing) does not have to count toward the out-of-pocket maximum. In the FAQs, the Departments indicate that a plan that chooses to count out-of-network spending towards the out-of-pocket maximum may use any reasonable method for doing so.

For example, if the plan covers 75 percent of the usual, customary, and reasonable amount (UCR) charged for services provided out-of-network and the participant pays the remaining 25 percent of UCR plus any amount charged by the out-of-network provider in excess of UCR, the 25 percent of UCR paid by the participant may reasonably be counted, in full or in part, toward the out-of-pocket maximum without including any amount charged above UCR paid by the participant.

The Departments indicate that a plan may include only generic drugs toward the out-of-pocket maximum, if medically appropriate (as determined by the individual’s personal physician) and available, while providing a separate option (not as part of essential health benefits) of electing a brand name drug at a higher cost sharing amount. If, under this type of plan design, a participant or beneficiary selects a brand name prescription drug in circumstances in which a generic was available and medically appropriate (as determined by the individual’s personal physician), the plan may provide that all or some of the amount paid by the participant or beneficiary (e.g., the difference between the cost of the brand name drug and the cost of the generic drug) is not required to be counted towards the annual out-of-pocket maximum.

For ERISA plans, the SPD must explain which covered benefits will be made available to the individual’s out-of-pocket maximum.

In determining whether a generic is medically appropriate, a plan may use a reasonable exception process. For example, the plan may defer to the recommendation of an individual’s personal physician.

A non-grandfathered group health plan must provide coverage for in-network preventive items and services, as determined by USPSTF recommendations, and may not impose any cost-sharing requirements (such as a copayment, coinsurance, or deductible) with respect to those items or services.

The USPSTF recommends that clinicians ask all adults about tobacco use and provide cessation interventions for those who use tobacco products. Plans may use reasonable medical management techniques to determine the frequency, method, treatment, or setting for a recommended preventive service, to the extent not specified in the recommendation or guideline regarding that preventive service.

The Departments will consider a group health plan or health insurance issuer to be in compliance with the requirement to cover tobacco use counseling and interventions, if, for example, the plan or issuer covers without cost-sharing: screening for tobacco use; and for those who use tobacco products, at least two tobacco cessation attempts per year. For this purpose, covering a cessation attempt includes coverage for: Four tobacco cessation counseling sessions of at least 10 minutes each (including telephone counseling, group counseling and individual counseling) without prior authorization; and All Food and Drug Administration (FDA)-approved tobacco cessation medications (including both prescription and over-the-counter medications) for a 90-day treatment regimen when prescribed by a health care provider without prior authorization.

These are examples only. It is possible to satisfy this preventive care mandate without offering all of the items listed above, but employers so doing should consult with counsel.

Health FSAs may now allow up to $500 of unused amounts remaining at the end of a plan year in a health FSA to be paid or reimbursed to plan participants for qualified medical expenses incurred during the following plan year, provided that the plan does not also incorporate a grace period.

The FAQs indicate that unused carry over amounts are not taken into account when determining if the health FSA satisfies the maximum benefit payable limit strong under the excepted benefits regulations.

The ACA requires a 4-page summary of benefits and coverage (SBC) and uniform glossary to be provided to plan participants. The Departments will not impose penalties on plans and carriers that are working diligently and in good faith to provide the required SBC content in an appearance that is consistent with the requirements.

The enforcement relief continues to apply; the Departments’ approach to implementation continues to be marked by an emphasis on assisting (rather than imposing penalties on) plans that are working diligently and in good faith to understand and come into compliance with the new law.

By Brian McLaughlin (Brian.Mclaughlin@usiaffinity.com) is vice president of USI Affinity Benefit Solutions Group.

For more information about insurance you can access the Philadelphia Bar Association Insurance Exchange at www.insurefav.com/Philadelphia Bar. For Lawyers’ Professional Liability and other business coverage, you will still use the Philadelphia Bar Association Insurance Program website at www.mypbaisurance.com/Philadelphia Bar. If you want to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 855-874-0267.

For more than 75 years, the division of USI Affinity has developed, marketed and administered insurance and financial programs that offer affinity clients and their members unique advantages in coverage, price and service. As the exclusive insurer 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 know-how to navigate the marketplace and design the most comprehensive and innovative insurance and benefits packages for its firm’s individual needs.

Clark Featured as Business Giant

Business Law Section Chair Michael D. Ecker (from left), Lisa Jacobs and William H. Clark Jr. gather at the Section’s Second Annual Giants of the Business Bar program at Eckert Seamans Cherin & Mellott, LLC on April 23. The program recognizes legal giants who have had a significant impact on the practice of business law in Philadelphia and beyond. Clark is best known for his work writing the Pennsylvania business corporation and other entity laws. Jacobs served as moderator.
June is here, with summer right behind. Along with the warm weather comes one of the Young Lawyers Division’s finest traditions, the annual Diversity Reception. Each year, the YLD awards five scholarships to students of diverse backgrounds. The goal of the YLD Diversity Scholarship is to identify and support future leaders in the profession from diverse backgrounds who demonstrate both a desire and commitment to practicing law in the Philadelphia area.

If you have never attended, I highly recommend registering for this event, which will take place on Wednesday, June 11 at Chima Brazilian Steakhouse, 1901 John F. Kennedy Blvd. This year the YLD is honored to have Judge C. Darnell Jones II of the Eastern District of Pennsylvania as our keynote speaker. The Diversity Reception, among a number of other Bar Association programs, is a great reminder about the value of diversity, if for no other reason than the exposure to other points of view. At least for me, learning about folks from a different background or walk of life has helped me identify and appreciate our similarities. It makes me a better advocate, a better neighbor and (I like to think) a better person. The Diversity Reception is free to Bar members, and only $15 to non-members.

June also brings a new event to the Bar Association calendar. Back in January, I was approached by Mike Ecker, chair of the Business Law Section, and a member at Eckert Simon Chrin & Mellott, LLC, about his idea for a business development mentoring event. For all the great legal seminars and educational opportunities available to help attorneys better serve their clients, there seems to be a lack of practical instruction on how to get those clients in the first place. Certainly, I missed the class on legal networking when I was in law school.

Mike’s idea was to offer some practical lessons and advice on effective networking techniques, like how to work a room, fine-tune an elevator speech, and how to appropriately follow up with, and maintain, new contacts. Rather than a panel format, Mike suggested a more interactive program. Participants would be grouped at tables with an experienced and successful mentor in the art of making connections. After an opportunity to hear some tips and tactics, and ask questions about one aspect of networking (e.g., working a room), the attendees would move to the next table and hear from a different networking mentor on a different topic (e.g., the elevator speech).

One of the great things about working with the Bar Association is that, in just five months, this idea went from a discussion to a reality. On Wednesday, June 25 at 5:30 p.m., the Business Law Section and the YLD will present a “speed mentoring” event, also taking place at Chima. This two-hour event will include time for networking. The ability to meet, connect, impress and retain new clients is an invaluable skill for attorneys, just like legal writing and oral advocacy. I am glad to be part of this effort to help young attorneys build their own client base, and looking forward to learning a few things myself.

Edward F. Beitz (beitze@whiteandwilliams.com), an associate with White and Williams LLP, is chair of the Young Lawyers Division.

YLD Members Fan Out for Law Week Activities

YLD volunteers at Free Library of Philadelphia locations offered free legal advice on April 28. Drinker Biddle & Reath LLP sponsored the Legal Advice Live program at the Donatucci Branch with volunteers Rachel Share, Andrew Reeve and Katie Bailey. Blank Rome LLP (left) volunteers Juan Cruz, Rachel Gallagher, Melanie Carter, Antonio Burrell, Kaitlin Picco and Maribel Rivera visited the Ramonita de Rodriguez Branch; and White and Williams LLP volunteer Michael Jervis (top left), along with Siobhan Cole, Vincent Barbera and Kimberly Havener worked the Haverford Branch. Eileen Murphy and Matthew T. Stone (above) were among the volunteers at the Library’s Central Branch.
John Coyle, Eileen Murphy, Brian Kisielewski (who played the giant), Daniel J. Gillin (who played Jack) and Neill W. Clark were the trial team for the case against Jack of Jack and the Beanstalk fame on May 2. Other courtrooms featured the trial of Goldilocks and one session was held in Spanish.

Philadelphia Court of Common Pleas Judges (from left) George W. Overton, Marlene F. Lachman, Annette M. Rizzo, Lisette Shirdan-Harris, Idee C. Fox and Angeles Roca were among those who presided over Goldilocks and Jack and the Beanstalk trials in City Hall on May 2. Also shown are Chancellor William P. Fedullo and Chancellor-Elect Albert S. Dandridge III who addressed the student-jurors before the trials.

Drexel University School of Law Prof. Donald F. Tibbs (left) spoke to Philadelphia high school students at the conclusion of Lawyer for a Day activities on May 2. This Law Week program involved attorneys taking groups of students into courtrooms to watch trial proceedings and meet with judges.

Young Lawyers Division Chair Edward F. Beitz, Vice Chair Erin Lamb and Chair-Elect Maria E. Bermudez examine posters submitted by elementary school posters for the Law Week Poster Contest. A Law Week essay contest for high school students brought in more than 50 essays for consideration.

Young Lawyers Division Vice Chair Erin Lamb talks with seventh-graders at Gen. George A. McCall School about her job. Attorneys visited classrooms talking to students from elementary to high school about careers in the law.
Brown

continued from page 1

Atkinson Jr., partner and chief diversity officer, Duane Morris LLP; Philadelphia Bar Association Chancellor-Elect Albert S. Dandridge III, partner, Schnader Harrison Segal & Lewis LLP; Judge James T. Giles (ret.), counsel, Pepper Hamilton LLP; U.S. District Court Judge C. Darnell Jones II; Judge Lydia Y. Kirkland (ret.), president, The Judicial Council, Clifford Scott Green Chapter; Clarisse R. Lillie, vice president of community investment, Comcast Corporation and president of the Comcast Foundation; U.S. Court of Appeals Chief Judge Theodore A. McKee; Bernard W. Smalley Sr., senior counsel, Tucker Law Group LLC; U.S. District Court Chief Judge Petrese B. Tucker; Philadelphia Bar Association Chancellor William P. Fedullo; and Barristers’ Association of Philadelphia President Amber Racine. The video can be seen at philadelphiabar.org.

“I really don’t think the majority of black parents in Birmingham in 1959 thought their children would ever attend integrated schools,” Jackson said. “But more did begin considering that possibility after the Brown decision was quickly followed in 1955 by Martin Luther King’s successful boycott to integrate Montgomery’s buses.”

Jackson told the audience he went to college with Cheryl Brown, the younger sister of Linda Brown, whose family filed the lawsuit against the Topeka, Kansas, Board of Education that led to the 1954 Supreme Court decision that all public schools in America should be integrated.

In the meantime, Jackson said black children in Birmingham continued to attend segregated schools under the so-called “separate but equal” system, which did an excellent job of keeping blacks and whites separate, Jackson said, but deserved an “F” in the equal category. Black schools were given outdated books, if any. They lacked adequate supplies and resources, and classrooms were often packed because there weren’t enough teachers. “Yes, I know, some of you are saying I’m describing today’s schools. And isn’t that a shame?”

Jackson said black students weren’t constantly being reminded of the obstacles to their achievement that they couldn’t control. “We didn’t think about our books being old, because our teachers rarely if ever mentioned it. We didn’t think about sharing books, because that was just the way it was. If our classrooms lacked supplies to do certain projects, we didn’t do them. Teachers were expected to control their classrooms – and they did, or got help from the principal or a gym teacher. And despite all those stories you hear, gaining control rarely involved corporal punishment, although it was allowed. Oh, and by the way, we were still taught art and music,” he recalled.

Rather than discuss the academic limitations we faced, our teachers were constantly telling us that the only obstacle to achieving any goal was ourselves. I truly believed them when they kept a straight face and said we could grow up to be president. That doesn’t mean every child became a successful adult. I grew up with more than a few who ended up on the outs, as people used to say. But given the circumstances, it’s surprising that so many of us did succeed. I give credit to a corps of dedicated teachers, who in an integrated world might have chosen more lucrative professions. And I give credit to parents, like mine, who believed fervently that education lowers all barriers.”

Those parents included the Rev. John Rice, the pastor of Jackson’s church, who was the father of another child who started her education in Birmingham’s segregated schools at the same time as Jackson. “We all knew Rev. Rice’s daughter was special, especially when we saw the 10-year-old playing hymns on the piano for the adult choir. But we never thought that Condoleezza would grow up to one day become the first African American woman appointed secretary of state,” he said.

When it came time for Jackson to attend an integrated school, he didn’t want to go. “I was doing just fine at Samuel Ullman High School when they decided to close it before my senior year. I was reassigned to Ramsey High School, which already had a small number of black of students, but in 1970 it suddenly became 50 percent white and 50 percent black,” Jackson said. He had been around white kids before, through his church. But he found the Ramsay kids were quite different. “I had never considered that some white teenagers took drugs, abused alcohol, and had unwanted pregnancies. I never saw any of that on ‘Leave it to Beaver’ or ‘Father Knows Best.’”

But the biggest shock for Jackson was to finally see the academic advantages that a white school had, advantages that, despite the Brown decision, black schools continued to be denied.

“It wasn’t just the quality of the books, the equipment in the science labs, or the more appealing dietary choices in the cafeteria that got me. It was my recognition that I had not learned as much as students in my class, black and white, who had always attended Ramsay. That ‘ah-ha’ moment could have prompted me to simply admit I wasn’t as good as those students. Instead, it motivated me to prove I was better. And in the end, I was voted the boy “most likely to succeed” in my senior class.”

But today’s reality, Jackson said, is that 60 years after Brown, we again have segregated schools, not only in the South but in the North. These schools are trying to educate children with inadequate resources.

“There’s no excuse for that. Philadelphia public schools would be more integrated if more parents of every race could depend on them to provide a quality education in a clean, safe environment. Philadelphia’s schools could be better funded and staffed if the people who should care the most about the city’s schools stopped looking elsewhere for answers. If the city needs a bigger tax base to fund education, then it should put more money into the schools to make them more attractive to people with the means to pay higher taxes. Those taxpayers would include 21st-century businesses that need a well-educated workforce, which means as much to them or more than incremental decreases in a wage tax,” Jackson said.

Finally, if you want better schools, Jackson said you need better students. “Most of the children in Philadelphia’s schools have dreams and aspirations that they know can only be achieved with a good education – and that’s what they want. They don’t lack the intellect to succeed, they lack the tools and they lack the encouragement. Too many sell themselves short because no one is pushing them. They don’t need coddling. They don’t need to be mislabeled as academically challenged. Or given grades they don’t deserve to make them feel good about themselves,” he said.

“We certainly didn’t get that in Birmingham’s segregated schools. What we did get was the truth: You don’t have to lower your goals because they are higher than anything you see around you. Living in a deprived neighborhood just means you have to work harder to get out of it,” he said.

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

Podcast Spotlight

Visit philadelphiabar.org to watch the Brown vs. Board of Education video.

Web Check

Check
Bar Year Clubs to Add 73 Members

Seventy-three new members of the Philadelphia Bar Association’s 50-, 60-, 65- and 70-Year Clubs will be honored at the June 9 Quarterly Meeting & Luncheon for their years of service to the bar. Former Chancellor David H. Marion will speak on behalf of his fellow Year Club members at the event. The following is a list of Year Club honorees for 2014:

50-Year Club

60-Year Club

65-Year Club

70-Year Club
Joseph Shanis
Volatility and Retirement Assets

Markets volatility – the daily changes in the prices of stocks or bonds – is an important topic that deserves special consideration when managing retirement and pre-retirement assets. It certainly affects the value of one's retirement portfolio. In this month’s interview I sat down with Kevin Wilson, senior investment advisor with PNC Wealth Management, to discuss how to deal with the inevitable volatility as it relates to retirement planning.

What causes market volatility?

There are many things that cause market volatility, including reactions to economic data and global conditions, market news, world events, political disruptions, unforeseen catastrophic events, expectations about the future, corporate announcements, and so on. While the timing and severity of volatility are generally unpredictable, the presence of market volatility over time is virtually assured.

What role does time horizon play when considering the effects of volatility on one's retirement portfolio?

Volatility has proven to be even more troublesome to investors who have a shorter investment holding period. Market declines are not predictable, so trying to time them is an unreliable tactic. What we do know is that over the long term stocks have tended to produce significant positive returns, that is, returns after inflation. We also know by looking at history that the longer-term upward trend in stocks includes shorter periods of market declines or disruptions. An investor rarely experiences the average in any given year; rather the investor can experience significantly higher- or lower-than-average returns.

How much volatility might an investor expect to see in any given year?

The declines during a calendar year can be steep, averaging close to 15 percent, even if the final result for that year is satisfactory. Without proper planning, a retiree could make less-than-optimal decisions should the market environment prove difficult. Many retirees were faced with such circumstances after the technology bubble burst in the early 2000s: following the events of Sept. 11, 2001; and during the financial crisis and subsequent market declines in 2008-09. Since the S&P 500® historically has experienced a large decline – defined as a 20 percent drop in stock values – about every 2 1/2 years, retirees and pre-retirees are particularly vulnerable to market shifts. The primary considerations when developing a retirement strategy include having appropriate asset allocation, rebalancing systematically, building a cash cushion, establishing an income floor, and staying invested.

How does appropriate asset allocation help to protect a retirement portfolio against market volatility?

Asset allocation is at the heart of investing for retirement because it includes an understanding of and risk tolerance level for many things, including volatility. A mix of assets can reduce volatility through diversification. We believe selecting an appropriate asset allocation is a good place to start to manage your retirement portfolio and volatility.

What does the term “income floor” refer to?

"Income floor" pertains to cash generated from a retiree’s investment portfolio. Retirees dependent on monthly income streams may find an income floor approach reassuring. The income floor method can bring peace of mind. While markets may fluctuate, the portfolio is structured to generally yield enough to help cover basic needs. Through this method we would structure the income floor portion to help meet such needs while maintaining a portfolio asset allocation that is aimed at preserving capital, managing risks, and attempting to ward off inflation.

Why is it important to stay invested during retirement, even in the face of volatility?

Managing retirement assets just before or during retirement brings with it different characteristics in that you sometimes are no longer working, your investment holding period is shorter, and the need is there to confirm assets last throughout your retirement period. These situations may decrease your risk tolerance level. It’s important not to panic with volatility. Rather, creating a long-term strategy and not swaying from it with market moves is the best way to achieve retirement investment goals.

Carol Claytor can be reached at carol.claytor@pnc.com or 215-585-5679. For more information, visit pnc.com/wealthmanagement.

The material presented in this article is of a general nature and does not constitute the provision by PNC of investment, legal, tax or accounting advice to any person, or a recommendation to buy or sell any securities or adopt any investment strategy. Opinions expressed herein are subject to change without notice. The information was obtained from sources deemed reliable. Such information is not guaranteed as to its accuracy. You should seek the advice of an investment professional to tailor a financial plan to your particular needs. For more information, please contact PNC at 1-800-762-6200.

The PNC Financial Services Group, Inc. (“PNC”) uses the names PNC Wealth Management®, Hawthorn, PNC Family Wealth® and PNC Institutional Investments® to provide investment and wealth management, fiduciary services, fiduciary-insured banking products and services, and lending of funds through its subsidiary, PNC Bank, National Association, which is a Member FDIC, and uses the names PNC Wealth Management® and Hawthorn, PNC Family Wealth® to provide certain fiduciary and agency services through its subsidiary, PNC Delaware Trust Company. Brokerage and advisory products and services are offered through PNC Investments, LLC, a registered broker-dealer and Investment Adviser and member of FINRA and SIPC. Insurance products and advice may be provided by PNC Insurance Services, LLC, a licensed insurance agency affiliate of PNC, or by licensed insurance agencies that are not affiliated with PNC; in either case a licensed insurance affiliate will receive compensation if you choose to purchase insurance through these programs. A decision to purchase insurance will not affect the cost or availability of other products or services from PNC or its affiliates. Hawthorn and PNC do not provide legal or accounting advice and neither provides fiduciary or investment advice in the absence of a specific written engagement for Hawthorn to do so.

PNC Wealth Management®, Hawthorn, PNC Family Wealth® and PNC Institutional Investments® are registered trademarks of The PNC Financial Services Group, Inc. Investments: Not FDIC Insured, No Bank Guarantee, May Lose Value, Insurance: Not FDIC Insured, Not Bank or Federal Government Guaranteed. May Lose Value. © 2014 The PNC Financial Services Group, Inc. All rights reserved.
Recognizes the separation of church and state. It is misleading to think of same-sex marriage as strictly a social issue as opposed to a legal issue. Marriage, as an institution, affects more than 500 things in your legal life. To think it is only a social issue and not a legal issue is really missing the point. Because of the separation of church and state, you should respect gay marriage from a legal standpoint. For instance, you cannot logically say divorce is alright but gay marriage isn’t, because both are against the tenets of some religions, but those religious bans should not impact what we do civilly. No one whom I know of in the legal community says seriously that divorce should be disallowed on religious grounds.

On a personal note, I am so happy for the many friends of mine who can now marry in Pennsylvania or be assured that their marriage in another state is recognized in Pennsylvania. There are so many to thank for this wonderful victory. The lawyers from the ACLU and former Chancellor Mark Aronchick and his firm Hangley Aronchick should be especially commended. Mark and his firm spent countless pro bono hours on this case and we are very proud of their efforts. Mark assures me that he will still do a Chancellor’s Forum, but now from a winning perspective.

Obviously we are thankful for the wisdom and insight and brilliant legal opinion by Judge Jones. We would love to bring him to Philadelphia for a Chancellor’s Forum.

Again, I want to thank the leadership in our LGBT legal community. I will mention only a few of you but all of you deserve our gratitude. Among the initial leaders in forming the LGBT Committee, we must thank one of my predecessors as Chancellor, Andy Chipers, and Abbe Fleitman who both spoke out courageously at the inception of this movement. There are many others to thank including Michael Viola, Rebecca Levits, Larry Felzer, Judge Dan Anders, Judge Ann Butchart, Rue Landau and many, many others, including supporters such as Jeff Lindy.

Finally, our thoughts are also with the memory of David Rosenblum, who died much too young and a little too early to see Judge Jones’ decision. I think of how passionate and devoted David was to the cause of equal rights too early to see Judge Jones’ decision. I think of how passionate and devoted David was to the cause of equal rights.
Pennsylvania Supreme Court Justice Corrie F. Stevens (left) and Pennsylvania Supreme Court President Judge Emeritus John T. Bender were recently honored by Superior Court for their past service as president judge of the court.

Andrea Toy Ohta, a partner with Pepper Hamilton LLP, received a Lifetime Achievement Award from The Legal Intelligencer on May 29.

David H. Pittinsky, a partner with Ballard Spahr LLP, received a National Cancer Specter, was recently elected to the Board of Directors of the Public Interest Law Center of Philadelphia.

Katayun I. Jaffari, with Ballard Spahr LLP, was honored by the Support Center for Child Advocates at the Center’s 2014 Annual Benefit Reception & Auction on April 9.

James C. Schwartzman, a shareholder with Stevens & Lee, has been elected to the Board of the Kimmel Cancer Center at Jefferson, a National Cancer Institute designated cancer center and a part of Thomas Jefferson University.

Pamela C. Brecht, a senior associate with Pietragallo Gordon Alfano Bosic & Raspani, LLP, served as Qui Tam co-counsel and presented at the New Jersey Association for Justice, Inc.’s Boardwalk Seminar 2014 in Atlantic City, N.J. on May 2.

Theodore “Ted” Simons of the Law Offices of Theodore Simons was asked by the Pennsylvania Bar Association’s Civil Litigation Section to join a panel of experts to focus on “High Profile Cases in the Media” at the section’s retreat at the Omni Bedford Springs Resort, Bedford, Pa.

Eugene Mattioni, shareholder with Mattioni, Ltd., was named The Ports of Philadelphia Maritime Society’s 2014 “Person of the Year.”

Twelve members of the Philadelphia Bar Association were sworn in May 5 to practice before the U.S. Supreme Court in Washington, D.C. The group also got to chat with Justice Ruth Bader Ginsburg, who stopped by to congratulate them on their induction. Pictured from left are Lisa M. Shanap, Aneesh A. Mehta, Margaret Klav, Robert W. Muench, Eric H. Weltz, Anttony J. Gallo, Chancellor William P. Fedullo, Thomas Ivory, Paul E. Bomze, Megan Watson, James Funt and Phyllis M. Parlier.

David M. Ladov and Stephanie Winegrad, partners with Obermayer Rebmann Maxwell & Hippel LLP, presented at the Pennsylvania Bar Institute’s Family Law Institute.

Michael L. Detweiler, a shareholder in Marshall Dennehey Warren Coleman & Goggin, was a featured speaker at the Pennsylvania Bar Institute’s Travel Law seminar on May 1.

Scott Etish, an associate with Gibbons P.C., has been elected to the Board of Directors of SquashSmarts, a nonprofit academic and athletic mentoring program for Philadelphia public school students.

Samuel H. Pond and Jerry Lehocky, partners with Pond Lehocky Stern Giordano, appeared on the “Today in Philly Labor” radio show on WWDJ 860-AM on April 23. Pond also spoke to Drexel University School of Law’s Biddle Law Society on May 12.

Enid H. Adler of the Law Office of Enid H. Adler received a “Legacy Humanitarian Award” from the Marian Anderson Historical Society at a 75th Anniversary Gala Event at the African American Museum on May 31.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, PA 19107-2955. E-mail: reporter@philabar.org.
Love Court Reporting, Inc. is a full service company with U.S. and World Wide coverage. Our ultimate goal is to give our customers the best product available at the most competitive price.
Philadelphia’s Employment Lawyers

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

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

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

SIDNEY L. GOLD & ASSOCIATES, P.C.
1835 Market St., Suite S15
Philadelphia, PA 19103
PH: (215) 569-1999 • FX: (215) 569-3870
www.discrimlaw.net