Serving the City for Law Week

Dr. William R. Hite Jr. (above, left), superintendent of The School District of Philadelphia, joined YLD Vice Chair Erin R. Lamb, YLD Chair Maria E. Bermudez and Chancellor Albert S. Dandridge III for Legal Advice Live! at Dobbins High School on April 27.

Shabrei M. Parker (right) was among the volunteers who offered free legal advice to city residents at Legal Advice Live! on April 27 at the Free Library of Philadelphia’s Central Branch as part of the Young Lawyers Division’s Law Week events. Other Legal Advice Live! events were held that evening at South Philadelphia High School, West Philadelphia High School and Dobbins High School.

Judy Chaverri (left photo, from left), Lauren Otero and friend were on hand for the Jack and the Beanstalk trial at City Hall on May 1 for Law Week, where city second-graders decided the fate of fairy tale characters in mock trials. Attorneys E. Douglas DiSandro Jr. (right photo, from left) and Michael Jervis talked to students at Roman Catholic High School on April 29 about careers in the law.

Prosecutor in 9/11 Case Will Speak June 19

U.S. Magistrate Judge David J. Novak, the lead prosecutor in the trial of Zacarias Moussaoui, the only person convicted to date for his role in the Sept. 11 attacks, will be the keynote speaker at the Federal Courts Committee Federal Bench-Bar Conference on Friday, June 19.

The 4 CLE credit conference will be held at the Ritz-Carlton, Philadelphia, 10 Avenue of the Arts, beginning at 8:15 a.m.

The Federal Bench-Bar Conference is a half-day educational event that is continued on page 3.

In This Issue
7 LGBT Rights Committee
9 YLD Update
11 Bench-Bar Guide
17 Election Volunteers
A perfect pair.

Adrian & Rocky. Steak & Cheese. Love & Veritext.

Love Court Reporting and Veritext Legal Solutions have joined, bringing together unsurpassed service, advanced technology, nationwide presence and superior court reporters.

EXPECT MORE - Enhanced services and technologies coming your way!

- Nationwide Court Reporting
- Realtime Depositions
- Videography
- Videoconferencing
- Video Synchronization
- Remote Depositions
- Online and Mobile Scheduling
- Document Repositories
- State-of-the-art Deposition Suites
- Native Evidence Capture
- Exhibit Management Solutions
- Privacy & Data Security

Schedule your next deposition: 888.462.6200 | LCR-calendar@veritext.com
1801 Market Street, Suite 1800 | Philadelphia, PA 19103 | www.veritext.com
It’s All About Relationships

By Albert S. Dandridge III

Last year, the Philadelphia Bar Association’s Board of Governors adopted a Statement of Diversity and Inclusion Principles, as well as a Diversity and Inclusion Action Plan. As part of the Action Plan, the Board created a checklist of items that all Philadelphia Bar Association leaders are requested to undertake by completing at least four of the listed items.

There is an extensive list of endeavors to undertake, such as, among others:
• Develop a mentoring relationship with an attorney of a different race/ethnicity, gender, religion, age, disability, sexual orientation, gender identity, marital status, veteran status, parental status, socioeconomic status or other diversity dimension.
• Mentor a law student of a diverse background.
• Mentor a diverse high school or college student interested in becoming an attorney.
• Invite a diverse attorney to Bar Association programs and events and introduce him or her to your colleagues.
• Speak with a diverse attorney about the benefits of Bar Association membership.
• Encourage a diverse attorney to run for an elected position with the Bar Association.
• Add diversity-related topics to your Division/Section/Committee/Task Force meeting agenda.
• Recommend a diverse attorney to speak on a CLE panel.
• Attend a conference or CLE seminar on diversity and inclusion.
• Attend a multi-cultural event.
• Attend a function hosted by an affinity bar association.
• Read or write an article about diversity and inclusion.
• Volunteer at a not-for-profit that serves an underrepresented community.
• Recommend a diverse attorney to sit on a not-for-profit board.
• Consider the overall diversity of perspectives, backgrounds and personalities when pulling together a team or working on a project.
• Make a contribution to a diversity and inclusion organization.

Earlier, I asked that senior attorneys reach out to diverse and other young attorneys with a sustained personal investment in such attorneys who have demonstrated that they are more than worth our time and investment in them. We can get started by following some of the guidelines in the checklist.

Today, it is more important than ever for all attorneys to build relationships. Building relationships is a critical component in becoming a successful attorney. Building relationships in a cross-cultural manner is also imperative for both young and senior attorneys. By adopting a diversity and inclusion platform the Philadelphia Bar Association is helping in that relationship building endeavor. However, such actions should not be limited to the leaders of our Bar Association. This checklist provides a barometer for all attorneys both young and senior, through the Bar Association or other vehicles, to strengthen their multicultural relationships.

Federal Bench-Bar
attended 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.

Presentations include “Effective Advocacy Before Federal Magistrates” by U.S. District Court Magistrate Judges David R. Strawbridge, Timothy R. Rice and Marilyn Heffley; and attorneys Stephen G. Console, Console Law Offices; Caren Livin, Livin Law Offices of Caren Livin; and Gino Benedetti, general counsel at SEPTA.

U.S. Court of Appeals Judges Thomas L. Ambro and Cheryl Ann Krause will be among the panelists for “Federal Appellate Advocacy — Best Practices.” Additional panelists include Robert Zauzmer, assistant U.S. attorney, Appellate Chief, Eastern District of Pennsylvania; Brett G. Switzer, chief of appeals, Federal Community Defender Office Eastern District of Pennsylvania; and Nancy Winkelman, Schnader Harrison Segal & Lewis LLP.

“The Fun Parts of a Trial – Opening, Cross-Examination and Closing” will feature U.S. District Court Judge Paul S. Diamond; Dennis R. Supplee, Schnader Harrison Segal & Lewis LLP; former Chancellor Albert C. Reich, Fox Rothschild LLP; and Carolyn P. Short, Reed Smith LLP.

Panelists for “Federal Sentencing Trends 10 Years After United States v. Booker and Sentencing Advocacy” are U.S. District Court Judges Cynthia M. Rufo and Mitchell S. Goldberg; along with Louis D. Lappin, first assistant U.S. Attorney; Leigh Skipper, chief Federal Defender; and Marc S. Raspaity, Pietragallo, Gordon, Alfano, Bosick & Raspaity, LLP.

Reports on the State of the Courts will be provided by Chief Judge Petrese B. Tucker of the U.S. District Court; Chief Judge Eric L. Frank of the U.S. Bankruptcy Court; and Michael E. Kunz, Clerk of Court, U.S. District Court.

Federal Courts Committee Vice Chair Leslie A. Mariotti and Michael A. Morse of Pietragallo Gordon Alfano Bosick & Raspaity, LLP are the course planners. Committee Chair Bruce P. Merenstein will provide welcome and opening remarks. Registration for the Federal Bench-Bar Conference is available at phi.org.
Health Care Reform a Success, Rendell Says

By Regina M. Parker

Former Gov. Edward G. Rendell was the keynote speaker at the Workers' Compensation Section Martha Hampton Award Luncheon on Friday, April 24. Lisa D. Eldridge, an associate at Martin Law, was this year's Martha Hampton Award recipient. Eldridge has practiced Pennsylvania workers' compensation law since 1988. The inaugural Friend of the Philadelphia Bar Association — Workers’ Compensation Section Award was presented to Judge Brian G. Eader, for his commitment to alternative dispute resolution for the Philadelphia workers' compensation community.

In his keynote address, Rendell discussed the Affordable Care Act (ACA). Although the ACA has been sustained by the Supreme Court as constitutional, he believes that there is a drafting error in the ACA which has become front and center in the Supreme Court case King v. Burwell. In King, the justices will examine whether it is legal to distribute tax subsidies to middle and low-income Americans who bought health insurance through the online marketplace, set up by the federal government.

Rendell explained that the ACA offered states the option of creating state run health insurance exchanges or relying on the federal marketplace, HealthCare.gov, for coverage and that the ACA is successful because affordable healthcare is being provided to Americans. In an exchange, an individual can apply for a subsidy that can be in the form of an advanced tax credit or an actual cost sharing of the premium to be paid to the provider. Of the 50 states, 16 have chosen state run exchanges and the remaining 34 rely on the federal marketplace. Rendell explained that under the ACA, premiums and subsidies are clearly granted to people who qualify for them in state run exchanges. However, there is no language included in the ACA regarding those receiving benefits in federal exchanges. One theory is that the ACA should be strictly construed and that only those persons in state run exchanges qualify for subsidies. The other theory is that the ACA should not be read or interpreted out of context. Rather, the purpose behind it is to increase accessibility and affordability for people, and therefore, the intent is to also cover those in federal exchanges.

While a decision is expected in June, the ACA has already covered 23 million Americans with health insurance coverage, Rendell said. The number of uninsured dropped from 54 million to 31 million, a 37 percent decrease. The population covered by the ACA breaks down as follows: 7 million of the 23 million came from the medicaid expansion and did not sign up on any of the exchanges. Of the remaining 16 million, 7.9 million signed up under the federal exchanges. Those 7.9 million people would lose coverage if the Supreme Court decides that the ACA does not cover them.

There are many political ramifications of the Supreme Court’s decision, Rendell said. He explained that in reality, the Republicans do not want to repeal the ACA. Its repeal would mean that 23 million Americans would lose coverage, 30 million would be denied coverage due to pre-existing conditions and hundreds of thousands of seniors would lose prescription coverage under Medicare Part D. According to Rendell, this is the last thing Republicans want to face going into the 2016 elections.

Rendell recalled four negative things said about the ACA during the 2010 debate. One criticism was that it would add to the national debt and deficit. He explained that over the next decade, the ACA will cut the national deficit by somewhere between $10-190 billion. Contrary to the criticism that the ACA would cause premiums to increase, he explained that before the ACA, healthcare premiums were increasing 10 percent per year. Since the ACA, the increase has been between 4 –7 percent. Last year, 14 of the 50 states saw premiums actually go down. The third criticism was that the ACA would be a job killer. Rendell explained that there has been a decrease in the unemployment rate and an increase in private sector jobs.

Finally, it was said that businesses were going to take healthcare benefits away from employees or make them part-time workers to avoid compliance with the ACA. Rendell explained that the Human Research Association did a study showing that less than 1 percent of corporations have done either of those things.

The American citizens are close to being unanimous with 65 percent agreeing that Congress should amend the ACA to clearly cover those people under the federal marketplace. Rendell said that the ACA will be President Obama's legacy and as much of a staple in the United States as Medicare and Social Security. Rendell takes the position that steps should be taken to improve the ACA in order to make it stronger and to eradicate defects.
Honor for Carr, Judge Lewis to Speak at June 9 Event

Catherine C. Carr, longtime executive director of Community Legal Services, will receive the Philadelphia Bar Association’s Sandra Day O’Connor Award at the Association’s June 9 Quarterly Meeting and Luncheon.

Former federal appeals court judge Hon. Timothy K. Lewis will deliver the Judge A. Leon Higginbotham Jr. Memorial Public Interest Lecture at the event.

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

Judge Lewis, now counsel to Schnader Harrison Segal & Lewis LLP in Pittsburgh and Washington, D.C., serves as a mediator, arbitrator, settlement counselor, and trial and appellate practitioner. Judge Lewis is a past co-chair of Schnader’s Appellate Practice Group.

The Philadelphia Bar Association will welcome 80 new members of the 50-, 60- and 70-Year Clubs at the Quarterly Meeting and Luncheon at the June 9 event. The Year Clubs honor attorneys who have been practicing law for 50 years or more.

Joseph H. Jacovini, chair of Dilworth Paxson LLP, will speak on behalf of the new Year Club members. The following is a list of new Year Club members:


50-Year Club

Clearly defined terms are an important component of a comprehensive and successful prenuptial agreement. On May 4, the anatomy of a prenuptial agreement was presented to the Family Law Section by attorneys Lisa Shapson, Sarah Slocum, Randi Rubin and Renzo Cerabino, a former attorney now wealth manager for BNY Mellon.

Slocum opened the panel with a discussion of Simeone v. Simeone, the seminal case on prenuptial agreements. In Simeone, the Pennsylvania Supreme Court determined that the test for validity of a prenuptial agreement was not whether or not the terms were reasonable. Instead, prenuptial agreements should be assessed under contract law. Therefore, in order to overturn a prenuptial agreement, the moving party must prove, with clear and convincing evidence, fraud, misrepresentation or duress. It was further determined that presenting and/or signing a prenuptial agreement on the day of or the eve of a wedding is not considered duress.

Although a subsequent case, Lugg v. Lugg, held that while full financial disclosure could be waived by the parties, such disclosure was still recommended by the panel to support the validity of the agreement. The practice tip suggested was to ensure that all prenuptial agreements contain an averment that each party has made a full and fair disclosure of assets and liabilities, as well as including a citation to Simeone within the body of the agreement. Rubin recommended that each party include their respective financial disclosure as an exhibit attached to the agreement.

Shapson discussed the nuts and bolts of a prenuptial agreement, stressing the importance of appropriate definition of terms: separation, marital property (as distinguished from the definition in the Divorce Code); separate property; gifts; increase in value; and income available for alimony. In negotiating the terms for a prenuptial agreement, Rubin recommended considering a client’s needs, which can differ dramatically for first time marriages versus subsequent marriages. Rubin suggested asking the client getting married for the first time, whether he/she plans to start a family and will be the stay at home parent, thereby giving up a career. In such cases Rubin suggested quantifying or otherwise considering the value of what the future stay at home parent may be giving up. Some suggestions included securing a life insurance policy, securing benefits under a retirement plan and possibly including a sunset clause after which time the prenuptial agreement would terminate.

Rubin also discussed avoiding ambiguities in prenuptial agreements by considering future triggering events such as separation of the parties. Mechanisms should be included in the prenuptial agreement not just for parties’ physical separation but also for any payments that may be due from one to the other and timing for such payments. Cerabino provided a wealth management perspective on prenuptial agreements and considers them to be a form of asset protection. It is important to consider whose assets are being protected in the prenuptial agreement, as frequently it is the parents of one of the spouses who are seeking to protect their estate. Cerabino recommended asking about any pre-agreement transfers and dispositions of assets such as trust interests, to avoid inaccuracies in disclosure statements. Best practices would be to mention any contingent beneficiary interest in any trust or estate even if such interest may never vest in the future.

The panel closed by outlining protocol for signing prenuptial agreements. It was recommended that if the attorney does not attend the signing, that he or she secure a fully signed copy of the agreement as soon as possible to ensure that the version signed contains no last-minute changes.

Julia Swain (jswain@foxrothschild.com), a partner with Fox Rothschild LLP, is an associate editor of the Philadelphia Bar Reporter.
City’s New Director of LGBT Affairs Discusses Struggle and Progress

By Elisa C. Advani

The City of Brotherly Love is in good hands with its new director of LGBT Affairs, Nellie Fitzpatrick. Just five days after Diane Sawyer's interview of Bruce Jenner on 20/20 had 17 million viewers glued to their TVs, Fitzpatrick talked about the importance of understanding the challenges faced by many LGBT individuals, and the invasion of privacy that inherently takes place when a person is discriminated against for arguably the most private aspect of their life. “It is nobody's business who you go to bed with or who you go to bed as.” And with that simple sounding statement, Fitzpatrick summed up the difference between sexual orientation and gender identity. Fitzpatrick has worked as a liaison between the LGBT community and the District Attorney’s Office and spent the majority of her career in the Family Violence and Sexual Assault Unit.

Although it should not come as a surprise, Philadelphia has a vibrant transgender community that differs from the LGB community famously represented by rainbow street signs in one of the hippest parts of town. “Our trans[gender] community is much more than just the last letter on the commonly used acronym,” said Fitzpatrick. She explained that she, like most people, is cisgender, meaning that she was born with the female gender, or “assigned gender” from birth, and she also “identifies” or knows herself to be a woman. However, an individual who knows him or herself to be a different gender than their “assigned gender” is transgender.

Fitzpatrick’s mission is to foster understanding of the issues that LGBT individuals deal with in society. In light of the Bruce Jenner interview, Fitzpatrick thought it prudent to point out that while Bruce Jenner is a pioneer for bringing this conversation to places where it has never been and has without a doubt struggled with this for many years — the struggle of Bruce Jenner is different from that of many who lack privilege. There is a trend of LGBT individuals being victimized “because of who they are or how they are perceived,” Fitzpatrick said. “Bruce Jenner will never have a hard time getting his name changed and carrying an ID that will represent the person that he is, with the proper gender marker.” She went on to say, “I am referring to Bruce Jenner as Bruce because he hasn’t given us any other name yet.

“I say this to attorneys, judges, police officers: If you aren't sure, just ask. If you don't know if you should call someone by a different name than what is on their ID, or whether to use female or male pronouns with a certain individual, it doesn't hurt to ask, and it doesn't hurt to be asked,” Fitzpatrick said.

Elisa C. Advani (ecadvani@gmail.com) is an associate editor of the Philadelphia Bar Reporter.
Advocates Point to Disparities in Public School Funding

By Heather J. Austin

Pennsylvania is 47th in the nation regarding state spending for public schools, and its funding mechanism is hampered by built-in disparities. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth, but according to Deborah Gordon Klehr, interim executive director of the Education Law Center, the state is not meeting its obligations. Klehr and Rob Dubow, speaking on behalf of Mayor Michael Nutter’s chief education officer, as well as Pennsylvania State Senator Vincent Hughes discussed efforts to address the disparities during a special Labor Day Week 20/20 program of the Young Lawyers Division on April 29.

Philadelphia, according to Klehr, receives only $13,000 per student from state funds, as compared to some suburban districts, which receive $23,000 per student. According to Hughes, Philadelphia’s Overbrook High School’s building is crumbling. The school is lacking sufficient staff, the heat does not work properly in the winter, the air conditioning does not function in the spring, and it lacks resources like computers or other technology necessary for a twenty-first century education. By comparison, Upper Dublin High School, which is not located in Philadelphia but which also falls within Hughes’s 7th District, receives $23,000 per student and is housed in a new $108 million facility. The school boasts features that include a pool, the floor of which can be raised depending on the height of the diving board being used; a state-of-the-art weather center with six flat screen televisions that are connected to radar centers rivaling those used by network television stations; a television studio and a performing arts center.

Raising taxes to close the gap, Klehr explained, has not been successful. High property taxes on properties that have little value do not produce sufficient revenue to prevent the disparities, leaving Pennsylvania’s poorest schools to receive less than the state average. Further, predominantly white school districts receive 22.5 percent more funding per student. According to Hughes, these types of race- and class-based discrepancies are embedded in the fabric of the nation and are further fueled by greed and profit. Hughes also explained that cyber-charter schools receive the same per-student funding as brick and mortar schools even though the overhead costs are nominal. According to Hughes, Gov. Thomas Wolf’s budget proposal addresses these disparities by imposing a $5,900 per student cap on cyber-charter school funding as a way to save money.

Dubow noted that the City of Philadelphia requires $85 million simply to maintain the same level of adequate state funding, local school funding has increased by more than $360 million since fiscal year 2011, and local funding is now at its highest level in thirty years. Mayor Nutter has proposed a plan to increase funding by $105 million through property taxes to provide a recurring, stable source of revenue for the school district. If implemented with Gov. Wolf’s proposal, which contemplates extensive tax relief in Philadelphia, Dubow explained that Philadelphia residents may actually see a decrease in property taxes by 2017 and the Philadelphia School District may then be able to invest rather than focus only on survival.

In the interim, the Education Law Center has focused on two paths to equality. The Education Law Center, with more than fifty other organizations through the Campaign for Fair Education Funding, is submitting a legislative proposal that will require state dollars to be directed to the districts with the most need. According to Hughes, the state is supposed to be the “great equalizer” and must provide fairness and equality through appropriate funding. In the alternative, the Education Law Center is pursuing legal action on behalf of six Pennsylvania school districts for failure to provide a system of public education that gives all Pennsylvania children an equal opportunity to meet the state imposed academic standards necessary to thrive in the world today. The matter, which was dismissed by the Commonwealth Court, will be appealed to the Supreme Court of Pennsylvania.

Philadelphia, according to Klehr, receives only $13,000 per student from state funds, as compared to some suburban districts, which receive $23,000 per student.
Mastering the art of work-life balance is a mystery to many, myself included. As young professionals, we enter our career in law with time to invest. We spend countless hours learning new areas of the law and putting in “face time” around the office. But eventually things change. Young attorneys get married, have children, buy houses and accumulate many more responsibilities outside of work. How then does one achieve this work-life balance?

Generally, work-life balance is referred to as the concept of prioritizing between “work” and “lifestyle” (health, pleasure, leisure, family and spirituality). Business leaders and professionals interpret work-life balance differently. Some look at it as allocation of time and others focus more on the quality of time being allocated between work and lifestyle. Most concede though, that it is largely individual, requires fluidity and changes during different periods of your life.

A common tip in the quest to achieve work-life balance is the concept of “being present.” Access to technology makes this difficult. Between the instant emails and addiction to social media it’s rare to see people get through even a meal without checking their phone. Creating boundaries with and distance from technology is said to be one of the easiest ways to create some degree of this mystical work-life balance.

Practical ways to create distance and boundaries include: keeping your phone off or in a different room while sleeping, eating and working; and checking emails at designated times during the day rather than as they come through. The same goes for social media. The temptation to check emails and social media can be minimized by changing your alert setting so that you have to manually log in to your accounts.

It is also recommended that young professionals be transparent with their potential employers with respect to their expectations for flexibility. Young professionals are taught when entering the work force not to ask how much time and work will be expected of them during the interview process. We are taught that work comes first; however, this often leads to dissatisfaction and burnout.

According to a recent article in Time Magazine, flexibility is so important to millennials that “most [are] willing to take a pay cut, pass up a promotion, or even relocate to manage work-life demands better.” Young professionals are more likely to stay with an employer, avoiding the high cost of turnover, when an employer offers such flexibility.

Flexibility, however, can be understandably frightening for a potential employer. Can we be as efficient working remotely or during unconventional hours? My personal opinion is yes. In fact, that is how I work. I carry a 2.5-pound laptop almost everywhere I go and have a desktop at home. Between a heavy caseload, Bar Association activities and personal time, I am much more efficient working in a flexible dynamic and my employer understands that.

Finally, there is a consensus that we, as young professionals, must be intentional and organized when scheduling time away from work. This requires that we become comfortable with the idea that we can have time away from work. For some of us, it is ingrained that in order to be successful or have job security, work must be our number one priority. Work should certainly be a priority; however, we are no good to our clients or employers if we are not healthy. I encourage all young lawyers to strive for some degree of work-life balance.

Maria E. Bermudez (mbermudez@paworkinjury.com), an associate with Martin LLC, is chair of the Young Lawyers Division.
Even those of us who are not avid social media users have noticed how it has changed the practice of law. In the last few years, social media has created new legal issues and challenges that affect a staggering number of individuals and companies, not to mention the judicial process. Facebook alone has more than one billion users. That is about one seventh of the global population and represents more than one third of those who have access to the internet. Twitter also has a large user base with more than 300 million accounts as of the first quarter of 2015. As the use of these platforms becomes more and more ubiquitous, the legal cases surrounding them will likely only increase.

Social media’s main contribution to society is not how it impacts the law, however, but its ability to connect people around the world. This central function is something that the Philadelphia Bar Foundation and its affiliated public interest law organizations can leverage to reach the constituencies that they aim to serve. Just this month, the Bar Foundation co-hosted the Twitter chat in conjunction with Law Day on May 1 from 2:30 to 4 p.m. EST. The effort was led and organized by Merith Z. Avakian-Handaway, Director of Communications and Marketing for the Philadelphia Bar Association; Caitlin Brown, Communications Manager for Community Legal Services of Philadelphia; and our very own Maya Brown, Marketing and Development Coordinator for the Bar Foundation. The vision and efforts of these three individuals are a big reason why the chat was a success.

Started in 1958 by President Eisenhower, Law Day is a day of public reflection on the role of law in the foundation of the United States. Law Day aims to enhance recognition of the importance of the rule of law to our society. With this in mind, and to coincide with the Bar Foundation’s own mission of promoting equal access to justice for all people in our community, participants in the chat were encouraged to answer questions and share stories to demonstrate how legal aid services positively impact society, using the hashtag #LegalAidHelps.

The results of this effort were significant. The ninety-minute discussion attracted more than 200 participants and generated more than 1,200 tweets. In total, people from 20 U.S. cities and international locations in the U.K. and France joined the Twitter chat. In Philadelphia and New York, the participation was enough to make #LegalAidHelps a “trending” topic. The hundreds of tweets included many insightful responses and inspiring stories from Philadelphia and around the world. Here are a few interesting ones:

From @jenniferlechner: In NC, #LegalAidHelps the economy- each dollar spent on #legalaid yields a $10 return.

From @CLSphila: #LegalAidHelps to enforce laws so that we can have #JusticeForAll not just justice for those who can afford it.

From @Legal_aid_MN: School districts were trashing lunches of kids who couldn’t pay. Hungry students can’t learn. #LegalAidHelps get new school lunch law in MN.

From @CivilLegalAid: “[My legal aid attorney] was my backbone when I didn’t feel like I had one.” #LegalAidHelps survivors of #domesticviolence.

In just a few short hours, citizens were able to share ideas and stories with legal aid organizations as well as the general public in a way that would have been impossible just a few years ago. Remarkably, days after the chat officially ended, many people are still using #LegalAidHelps to talk about important legal aid issues. Perhaps the most important part of the chat came at its close when the facilitators asked the general public and others in the legal community to support the organizations that shared their stories, missions, successes and concerns. Without continued support from all of us many of the success stories they shared would not be possible.

It is clear that Twitter and Facebook are here to stay, and given the success of this inaugural event we will continue to engage key audiences through social media to raise awareness. To enhance the mission of the Bar Foundation—to promote equal access to justice by supporting Philadelphia’s vibrant public interest law community—we need to find new ways to use social media for social good. Your input is always welcome.

By Steven E. Bizar

Philadelphia Bar Reporter    June 2015 philadelphiabar.org

Bar Foundation

Using Social Media for Social Good

Family Court Help Center Ribbon Cutting Ceremony

Chancellor Albert S. Dandridge III attended a ribbon cutting ceremony held by Family Court Division Administrative Judge Margaret T. Murphy (center, checkered jacket) to mark the opening of the new Family Court Help Center on April 6. Representatives from the Family Law Section of the Philadelphia Bar Association, Philadelphia Legal Assistance, Women Against Abuse and Women’s Law Project, as well as court administrators, participated in the event.
Bench-Bar & Annual Conference 2015

PHILABENCHBAR.COM

OCTOBER 16-17, 2015
BORGATA | ATLANTIC CITY

PHILADELPHIA BAR ASSOCIATION
Twenty-three seminars and a minimum of 8 CLE credits are available at the Philadelphia Bar Association’s Bench-Bar & Annual Conference at Borgata Hotel Casino & Spa in Atlantic City, N.J. Crump, a partner in Parks and Crump, LLC in Tallahassee, Fla., is perhaps best known for his advocacy in the Trayvon Martin case, the Martin Lee Anderson Boot Camp case, and the Robbie Tolan Supreme Court case.

Crumpl is a frequent speaker and author, which includes his critically acclaimed article, “The Police Don’t Shoot White Man in the Back: Representing Minorities in Police Brutality Cases.” His work has been featured in documentaries such as BET’s “I am Trayvon Martin: A Family’s Fight for Justice,” NPR’s “How Lawyer Got America Talking About Trayvon Martin,” and “Beating Justice: The Martin Lee Anderson Story.”

Over the years, Crump has dedicated his areas of practice in serious personal injury, wrongful death and civil rights matters. Throughout his career he has handled civil litigation matters in state and federal courts throughout the country. He was the first African-American president of the Federal Bar Association for the Northern District of Florida, first African-American chairman of the Florida State College of Law Board of Directors, and the first African-American Chair of the Tallahassee Utility Commission. He is a member of the American Bar Association, American Association for Justice, The Florida Justice Association, American Board of Trial Advocates and William Stafford Inns of Court. He was the first African American to serve as Chair of the Florida State University College of Law Board of Directors.

Crumpl has been recognized as one of The National Trial Lawyers Top 100 Lawyers, Ebony Magazine Power 100 Most Influential African Americans, and bestowed the NAACP Thurgood Marshall Award and the SCLC Martin Luther King Servant Leader Award. In spite of his immense professional responsibilities, Crump still finds time to serve his local community. He readily shares his professional and personal talents with local, statewide and national causes and charities.

Choose from 23 Seminars, Earn at Least 8 Credits

This presentation will address potential opportunities and challenges for Pennsylvania providers as they join the ranks of Medicaid expansion states. Another significant change stemming from the ACA’s implementation is the new “employer mandate,” which requires all employers with 50 or more employees to comply with certain regulations or pay a fine after 2014. The employer mandate has caused some confusion and consternation among employers, and therefore remains an important area of the ongoing discussion about health care reform. In addition to these major changes, this presentation will also take note of the ACA’s impact on hospitals and clinics thus far, with a particular emphasis on the ACA’s “pay for performance” provisions. Broadly speaking, “pay for performance” refers to initiatives that seek to improve the quality, efficiency, and value of health care. As the ACA seeks to shift away from the traditional “fee for service” model toward “pay for performance,” it is important for health care providers to navigate this shift in a way that both improves patient outcomes and lowers cost of care.

continued on page 13
BENCH-BAR & ANNUAL CONFERENCE

Seminars continued from page 12

LGBT Discrimination in the Workplace

Recent developments in employment discrimination laws based upon sexual orientation will be discussed, including changes in both state and federal law. Judicial and legislative developments will also be addressed. Panelists will also consider issues that arise in pursuing and trying sexual orientation discrimination cases. The impact of changing laws on workplace policies will be considered from the perspectives of both employer and employee.

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

Civil Gideon and Access to Justice Task Force

Six years ago, the Philadelphia Bar Association established the Civil Gideon on Task Force which has addressed both the need for a right to representation in important civil legal matters involving basic human needs, and interim steps to improve access to justice for unrepresented litigants in such cases. Philadelphia's judiciary has been an important and growing part of this effort, and has stepped in to develop and support new strategies to provide increased legal assistance and advice through court-based help centers and other ways to assist unrepresented litigants. Judges on this panel will discuss their leadership in these efforts, from assisting tenants facing eviction and homelessness in Philadelphia Municipal Court and parents facing the loss of their children in custody cases in Philadelphia Family Court, to the consideration of additional innovative approaches for the provision of access to justice that have been implemented in other jurisdictions and deserve consideration in Philadelphia. With audience participation, the panel will explore next steps that the judiciary and the bar, working together, can take to bring us closer to achieving access to justice for all.

Conflicts of Interest—And Other Ethical Issues—How They Can Be Addressed at Trial

Professional Responsibility Committee

Conflicts of interest can appear at any time during litigation. If these are not resolved in advance of trial, then the judge and litigants must resolve them just before or during trial. A panel of litigators, moderated by Hon. Denis Cohen, will address situations where conflicts of interest may affect the rights of parties and the trial of the dispute.

Why Are You Stopping Me? A Youth's Take on Seizures—Practical Methods to Inform Juveniles About Fourth Amendment Rights Regarding Seizures of a Person

Advancing Civics Education Committee

Recently, police encounters in Baltimore, Ferguson, Mo., and New York have filled the news. While the conversation has been focused mostly on race, there is a fundamental question of where an individual's right not to cooperate with police during an encounter begins and ends. This course explores how members of the legal community can effectively convey to juveniles some of the most important principles regarding seizures under the Fourth Amendment while encouraging them to critically think about their responsibilities under the law. The cases selected for this exercise provide current precedent under United States and Pennsylvania law with regard to police encounters with individuals. The course is organized in a way that will encourage students to reach reasonable conclusions about public safety and individual responsibility, through role play, discussion, and practical analysis of relevant caselaw. This course will be presented by members of the Philadelphia Bar Association's Advancing Civics Education (ACE) committee. The ACE program provides an opportunity for elementary and high school students throughout Philadelphia to interact with diverse groups of lawyers and judges while learning core constitutional principles, methods of dispute resolution, and the responsibilities of citizenship.

Succession Planning: Charting the Future of Your Law Firm

Law Practice Management & Employee Benefits Committee

Not sure about the future of your law firm? You are not alone. Most long-established businesses are concerned about succession issues. In a 2012 Altman Weil survey, Law Firms in Transition, law firm leaders identified the retirement/succession of the baby boomer generation (which makes up 35 percent of the American adult population according to Scarborough) as a key issue facing their firms. In fact, succession is the number one challenge for most law firms—not just succession at the very top but in practice groups, among relationship managers, in management, and among solo and small firm practitioners. This program will address what you need to know to define and implement a solid succession plan including:

• How to pass down opportunities to the next generation.
• How to define accountability (i.e. metrics and structures).
• How to evaluate your readiness from a benefits and compensation point of view.
• How to manage transition of leadership.
• How to develop human capital and diversity.

Product Liability Law in Pennsylvania

YLD/State Civil Litigation Section

Late last year, the Supreme Court published Tinchener v. Omega Flex. This case overturned the main case in product liability law, which was in place since 1978, and established two new methods for plaintiffs to establish a product defect. The opinion is 137 pages and answers many questions of product liability law.

Importantly, it intentionally left many questions unanswered, leaving plaintiffs and defense attorneys to advocate new positions and evidentiary issues.

It's Women's Work: Women Lawyers as Entrepreneurs

Women in the Profession Committee

Starting a business takes skill, know-how and guts. Our panelists will detail how they used their law degrees and legal experiences to launch businesses, whether they are related to the law or separate passions. The program will focus on challenges one should expect when opening a business and maintaining a legal practice and issues that women specifically face in starting businesses.

Investigating Grand Jury Procedures

Criminal Justice Section

The crux of the presentation will center on investigating Grand Jury procedures. Given all the recent controversy in Staten Island, Ferguson and of course our own Attorney General case, this session will discuss the potential abuse of those procedures, the perception that they are not fairly applied to all defendants and how the media perceives and reports on the issues. It will focus on issues of secrecy versus transparency, their use in police shooting investigations, use in political and other corruption cases, as well as the right to and role of defense counsel in the grand jury process.

The Land Bank: Investing in Philadelphia's Future

An introduction to Philadelphia’s land bank, including an overview of status and challenges facing land banks in the Commonwealth of Pennsylvania. Expert panelists will offer guidance regarding:

• Legislation authorizing land banks in the Commonwealth of Pennsylvania
• City ordinances authorizing Philadelphia’s land bank and regulations pertaining to the land bank
• How the land bank will be implemented in Philadelphia
• Practical and procedural considerations facing the implementation of the new land bank

Immigration Law in 2015: The Hottest of the Hot Topics—Issue Spotting and Addressing Immigration Law Committee

This program will address a potpourri of current and pressing immigration issues.

The New Pennsylvania Power Of Attorney Statute: What You Need To Know Now

Probate and Trust Law Section

Pennsylvania’s Power of Attorney statute was recently amended, with the most significant provisions becoming
Full conference early-bird registration rates for the Bench-Bar & Annual Conference are $399 for members and $249 for Young Lawyers Division. Early-bird registration is available until Friday, Sept. 18. Registration includes all CLE programming and all sponsored meals and events on Friday and Saturday. After Sept. 18, registration rates increase by $70. Registration is available at benchbar.philadelphiabar.org.

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. 16 and a limited number of king rooms are available at $109 (plus tax) Thursday, Oct. 15 and $259 (plus tax) for Saturday, Oct. 17. You 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.

Julia Swain, a partner at Fox Rothschild LLP, is chair of the 2015 Bench-Bar & Annual Conference. Sponsors for the 2015 Bench-Bar & Annual Conference include First Judicial District of Pennsylvania, USI Affinity, Love Court Reporting, Inc. – A Vertitext Company, BPU Investments, JAMS The Resolution Experts, LawCash, Robson Forensic, State Civil Litigation Section, Friedman LLP, RIMKUS, Widener University School of Law, Bellia Print & Design and The Legal Intelligencer. For sponsorship information, contact Tracey McCloskey at 215-238-6360 or tmccloskey@philabar.org.

For More Information
Visit benchbar.philadelphiabar.org for more information on the 2015 Bench-Bar & Annual Conference.

Seminars continued from page 13

It’s Not All Bad—Examining the Delivery of Legal Services and the Administration of Justice to Low Income Communities From a Strengths-Based Perspective

Public Interest Section
Across the criminal and juvenile justice, as well as the child welfare and civil legal service systems, there are a disproportionate number of youth and individuals from low-income communities, and a disproportionate number of individuals from communities of color. In order to effectively and ethically provide service and administer justice, attorneys and judges must take a strengths-based approach to interacting with clients and the individuals who come before them in court, using language that appropriately reflects a recognition of their resourcefulness and resilience. This session will focus on the importance of being thoughtful about language and the role that it can play in both humanizing and dehumanizing individual clients, complainants and defendants. Practitioners and judges will discuss the programs —run through courts, law schools and community-based organizations—that engage individuals and their support networks (family members or other supporters) to improve health and educational outcomes and link individuals and families to needed resources and benefit services. Whether the contact with a lawyer or a judge is through the criminal court or in civil practice, legal professionals mindful of the resilience and strengths of those they are serving can better address the multifaceted issues facing low-income individuals—and to lead better overall outcomes in individual cases and beyond.

What Works and What Doesn’t in the Courtroom

Young Lawyers Division
In addition to general practice pointers, this program will touch upon the most commonly made errors by attorneys in court, and will address specific rules and requirements that seem to cause headaches to both attorneys and judges alike. From spelled-out procedural requirements to unwritten guidelines and preferences, this program will provide thoughtfully crafted commentary on how to be a more effective advocate.

State of the Courts
Hear from the president judges of Pennsylvania’s courts for an update on the state of our courts.

Additional Bench-Bar programs include “Fifty Years After Miranda v. Arizona” from the Criminal Justice Section and “The Use of Prescription Medications in the World Of Litigation,” from the Workers’ Compensation Section.

Please note that course descriptions and panelists are subject to change.
Experience From a Three-Month Internship in the Philadelphia Legal Community

I am truly impressed by the dynamism of the Philadelphia attorneys who work together to stand by each other within their community and support many causes in their city.

Almost 20 years ago, the international law committees of the Philadelphia Bar Association and the Bar Association of Lyon, France had the brilliant idea to form a partnership in order to facilitate international networking through the annual exchange of internships of young law students. This year, I was one of the three students from the Ecole des Avocats de Lyon (literally “The School of Lawyers”) who got the chance to discover a new country, a new city and a completely different way to practice business and law.

It is always a bit scary to start a new job. It is even scarier to do so in another country, with another language. Luckily for me, I arrived in the United States the day before Thanksgiving, just in time to enjoy this typical American holiday for the very first time. On that special occasion, I was given such a warm welcome that I was no longer frightened and I had a lot to be thankful for. In a general way, I found the people of Philadelphia to be very welcoming, open-minded and quiet Francophile!

I joined Wilson Elser Moskowitz Edelman & Dicker LLP for three months under the supervision of Kathleen Wilkinson whose kindness and availability in spite of the frenzied pace of her life never ceased to amaze me. From the earliest days of my internship, Kathleen initiated me into the energy and effervescence of the Philadelphia Bar Association, whose numerous committees organize a lot of exciting events especially in the festive seasons. I have had the opportunity to attend conferences and meetings for several committees (among which were the Young Lawyers Division, the Women in the Profession Committee, the Diversity in the Profession Committee and the Philadelphia Bar Foundation). I am truly impressed by the dynamism of the Philadelphia attorneys who work together to stand by each other within their community and support many causes in their city. I was very proud to be able to bring some of that great enthusiasm home.

As my knowledge of American law was limited at first, Kathleen and Honorary French Consul Michael Scullin planned for us to visit most of the jurisdictions in the city: Superior Court, Third Circuit, City Hall, Federal Court and the Family Court in its brand new building.

The whole team at Wilson Elser ensured that my internship would be a complete and rewarding experience in a friendly and stimulating atmosphere. I had the opportunity to attend depositions, mediations, arbitrations and pre-trial hearings. I worked on insurance and dram shop cases, product liability, tax law and asbestos cases. Those tasks really helped me understand the differences between the American and French judicial systems in regard to procedure, the presentation of the legal facts and the professional practice of the attorney as a whole.

I was also invited to play a role in a mock trial organized by Robert J. Casey’s law firm in which I played “Judge Kathleen Wilkinson’s” law clerk. I have to admit that I was a very conciliatory (or improvising) law clerk since most of my legal input on the trial ended up being “I totally agree with you, your Honor!” Yet, it was a great opportunity to be part of an entire trial in just a few hours and it was a lot of fun, too.

I know for a fact that my two classmates who interned at Pepper Hamilton LLP, Volpe and Koenig PC and McElroy, Deutsch, Mulvaney & Carpenter LLP this year were as thrilled as I was with their experiences. The three of us gave a presentation to the Philadelphia Bar Association’s International Law Committee about the French legal news, as many reforms were undertaken following the economic crisis and the recent terror attacks that our country suffered. The International Law Committee has a lot of great new projects and partnerships abroad thanks to the involvement of its devoted members. The committee also organizes fascinating debates and discussions about international news and legislation. Make sure you don’t miss the next one!

In Philadelphia, the most experienced and renowned attorneys want to know everything about your achievements as an “almost” attorney! Philadelphia is a real land of opportunity and the legal community here has a great people-centered way of doing business. I can only advise my fellow French classmates to take advantage of this partnership and take a chance at it. I will be more than happy to welcome any Philadelphia law students and professionals in Lyon anytime! You will see that it is an amazing city too… A bientôt!

The International Law Committee has a lot of great new projects and partnerships abroad thanks to the involvement of its devoted members.

Elise Detry
PS: There are a lot of persons to thank for this wonderful experience and not enough space to cite them all: Kathleen D. Wilkinson Esq., the entire Wilson Elser team and especially William McDevitt Esq., Beth Spence, and Louis Jucareschi Esq.; Judge Peckrson and Judge O’Neill; Robert J. Casey; Jeremy Hoep Esq., and Michael Scullin Esq., of the Philadelphia Bar Association’s International Law Committee; Maître Jean-Michel Raynaud and Maître Thierry Brnard of the Lyon Bar Association’s International Law Committee.
**HEALTH CARE REFORM UPDATE FROM USI AFFINITY**

**IRS Issues Cadillac Tax Preliminary Guidance**

**By Brian McLaughlin**

The IRS issued Notice 2015–16 to begin the process of developing regulatory guidance regarding the excise tax on high cost employer-sponsored health coverage, commonly known as the “Cadillac Tax.” Beginning January 1, 2018, a forty-percent excise tax will apply on the cost of applicable coverage that exceeds prescribed thresholds (described later in this article). We will look at how the limit may apply with respect to the cost of coverage and methods to determine the cost of applicable coverage.

The statute provides two baseline per-employee dollar limits for 2018, $10,200 for self-only coverage, and $27,500 for coverage other than self-only. The guidance clarifies that these amounts are subject to certain adjustments, as follows: Health cost adjustment percentage will be applied to the per-employee dollar limit for 2018 to determine the actual dollar limits for that year. For taxable years after 2018, a cost-of-living adjustment based on CPI-U plus one percent will be applied to determine applicable dollar limits.

An additional amount is added to the dollar limits for qualified retirees and individuals who participate in a plan sponsored by an employer, the majority of whose employees covered by the plan are engaged in high-risk professions or who repair or install electrical or telecommunication lines. The additional amounts added to the prescribed thresholds are $1,650 for self-only coverage and $5,450 for coverage other than self-only. For 2018 and beyond, the dollar limits for an employer may be increased by an age and gender adjustment if the age and gender characteristics of an employer’s workforce are different from those of the national workforce. The amount of this adjustment is to be determined. Coverage provided under a multiemployer plan is treated as coverage other than self-only (e.g., the $27,500 threshold applies to both self-only coverage and coverage other than self-only).

This new excise tax will apply on the excess, if any, of the aggregate cost of applicable coverage of an employee for a month over the applicable dollar limit. Under the existing framework, rules similar to the COBRA rules for determining applicable premiums will be used to determine the cost of applicable coverage. Given that the regulators have provided limited guidance on determining the cost of COBRA coverage, in particular for self-insured plans and HRAs, guidance issued under section 4980I is likely to affect existing COBRA rules (section 4980B). Currently, the COBRA applicable premium must be determined for a 12-month determination period, and must be determined before the start of such period. For self-insured plans there are two methods to determine the COBRA applicable premium, the actuarial basis method and the past cost method.

Absent guidance, employers and plans must operate in good faith compliance with a reasonable interpretation of the section 4980B statutory requirements.

Briefly, the Notice outlines potential approaches to determining the cost of applicable coverage. The IRS proposes determining similarly situated individuals through mandatory aggregation, aggregating individuals by elected benefit package (e.g., PPO, HMO or HDHP). Then, individuals will be disaggregated by those who have self-only coverage and those with other than self-only coverage. This is referred to as mandatory disaggregation. In addition, the IRS is considering whether to allow permissive disaggregation, meaning separate determination of costs of coverage within family coverage based on the number of covered individuals. Another type of permissive disaggregation under consideration is disaggregation based on an employee’s similarly situated status such as bona fide employment related criteria (current employee versus former employee status, compensation, bona fide geographic distinctions, etc.). The IRS has requested comments on these various aggregation methodologies.

For self-insured plans the IRS is looking to provide guidance that will likely affect not only how the cost of applicable coverage is determined for purposes of the excise tax, but how self-insured plans determine the COBRA applicable premium as well. For taxable years after 2018, an additional amount is added to the excise tax. This is the start of a long regulatory process and additional guidance and opportunity for comments will be forthcoming.

Brian McLaughlin (Brian.McLaughlin@usi- affinity.com) is vice president of USI Affinity’s Benefit Solutions Group.

For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinity.com/PhiladelphiaBar. For Lawyers’ Professional Liability and other business coverage, you can continue to visit the regular Philadelphia Bar Association Insurance Program website at www.barriskclassicinsurance.com/PhiladelphiaBar. If you’d like to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 1-855-874-0367.

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

Clockwise from top left: Chancellor Albert S. Dandridge III and Philadelphia Bar Association Commission on Judicial Selection and Retention Chair A. Harold Datz hand out flyers in front of Liberty Place, promoting the Judicial Commission's recommended candidates ahead of the May 19 primary election; Immediate Past Chancellor William P. Fedullo hands out flyers at the corner of 8th and Market streets; Street Team members Reginald Smith and Malika Lovelace in front of 1500 Market St.

Annual Bar 5K Run/Walk Celebrates 36th Year

Clockwise from left: Chancellor Albert S. Dandridge III and Vice Chancellor Deborah R. Gross; the team from Drinker Biddle; Frank Shorter, accepting first place overall, male from WMGK's T Morgan; Faye Hellman, accepting first place overall, female from WMGK's T Morgan.
Members of the military and their families enjoyed a Philadelphia Phillies game on Mother’s Day in the Reed Smith LLP suite. Reed Smith, the Phillies and GI Tickets Foundation joined together to show their appreciation to members of the military for their service and sacrifices. GI Tickets Foundation is a non-profit that works with season ticket owners, monetary donors and professional sports teams to provide tickets to active duty military and their families to major league sporting events and concerts nationwide.

For More Information
For additional information, visit www.giticketsfoundation.org.
HIAS Pennsylvania Partners with Ballard Spahr LLP for Meaningful Pro Bono

By Lindsay D. Breedlove and Allison H. In

In 1883, American poet Emma Lazarus wrote a sonnet to raise money for the pedestal on which the Statue of Liberty would eventually stand. She described the way that Lady Liberty would welcome with "mild eyes" the millions of immigrants who would come to the United States. "Give me your tired, your poor, your huddled masses yearning to breathe free," the poem read. Because those words have since been stamped on the statue's plaque, Lady Liberty has become the unofficial greeter of immigrants to this country.

Of course, even a statue whose inspiration endures cannot provide all that immigrants need, and that is where HIAS Pennsylvania (HIAS) steps in. HIAS has been providing legal and support services to immigrants, refugees and asylum seekers in the Philadelphia region since the year before Emma Lazarus composed those inspiring words. Part of those services now includes pairing with law firms like Ballard Spahr LLP to provide pro bono representation for asylum seekers.

Nearly two years ago, Ballard Spahr collaborated with HIAS to take on the representation of a Haitian family of five that had filed a pro se asylum application. The father, a nascent Haitian politician, had built up a loyal community following that threatened the majority party's grip on a particular section of the country. After repeated death threats, and warnings from Haitian police that they could not guarantee the family's safety, the family fled to Florida, eventually making their way to the Philadelphia region.

Although the family had a strong asylum claim based on past persecution and the likelihood of future persecution related to the father's political opinions, three obstacles stood in their way. First, the father's confidence and stature — necessary to be a successful politician — meant he did not present any of the stereotypical characteristics of a victim of persecution. Second, the family's post-traumatic stress disorder made it difficult for them to remember what had happened to them when, and made them even more reluctant to talk about their experiences. These two factors contributed to the initial asylum interviewer's decision to deny the family's pro se application, a setback that only prolonged the difficult process. When Ballard Spahr got involved, a third obstacle presented itself: the family lacked any support network in the Philadelphia area, such that surviving here until an immigration judge would hear their case posed a challenge.

HIAS's ongoing support and Ballard Spahr's commitment to pro bono and their established asylum practice group provided HIAS with the resources to overcome all of these obstacles. HIAS provided the family with warm clothes and coats to survive the winter and guidance on how to obtain employment authorization for the mother and father during the time their asylum case was pending. Ballard Spahr's commitment to pro bono allowed HIAS to meet with the family many times over an extended period. HIAS was then able to develop enough of a relationship with the father to make him comfortable shedding his politician's façade, allowing for compelling testimony at the asylum hearing. HIAS could also rely on Ballard Spahr's established asylum practice group for guidance and continue its partnership with a well- respected psychologist who provided a report to explain how the family's difficulty recounting events was consistent with their having experienced those events, not contrary to it. Because of these advantages, HIAS and Ballard Spahr were able to secure asylum for the clients at the conclusion of an immigration court hearing that occurred earlier this year. A family that faced near-certain death at home will now be safe in the United States.

Despite this recent success and Emma Lazarus's poem, this country does not now and has never welcomed immigrants with "mild eyes." Working with HIAS on this case and others has provided lawyers at Ballard Spahr with the opportunity to be part of a community that helps to create a welcoming and secure environment for immigrants and refugees. For information about trainings and ways to get more involved, visit http://hiaspa.org.

Lindsay D. Breedlove (breedlove@pepperlaw.com) participated in this case while an associate at Ballard Spahr LLP. Effective May 18, 2015, she is an associate at Pepper Hamilton LLP. Allison H. In (ius@ballardspahr.com) is an associate at Ballard Spahr LLP.
Gen X Found More Ready to Take on Retirement

By Carol Claytor

When it comes to retirement preparation and investing, members of Generation X tend to be more worried, are investing more and taking more responsibility for their nest eggs than baby boomers, according to new survey findings from The PNC Financial Services Group, Inc. In this month’s interview, I sat down with Bill Whitmore, senior wealth planner with PNC Wealth Management in Delaware, to discuss these and other results from “The Perspectives of Retirement survey,” which measured the attitudes on retirement preparedness of Generation X, defined as those between the ages of 35 and 49, and baby boomers, defined as those between the ages of 50 and 68.

How much do these groups think they will need to comfortably retire? The survey revealed that more than half believe they will need $1 million or more to be comfortable in retirement. Generation X expects to need an average of $1.5 million for retirement, while baby boomers’ average expectation is slightly lower at $1.3 million. However, three-quarters of boomers have yet to reach the $1 million milestone. It is important to note that the actual amount needed to retire comfortably is dependent on the individual level of spending in retirement, the cost of living in the area of the country one may reside, and how one structures their investment portfolio among various asset classes. It is also affected by how effectively individuals have managed debt throughout their working years.

Did the Great Recession cause these groups to change any of their financial habits? One of the most challenging tasks is changing habits, particularly in managing spending, and debt and increasing savings and seeking advice. However, one outcome of the Great Recession is that we are seeing meaningful changes in financial behavior in 71 percent of all survey respondents, especially among Generation X. The survey showed that while 15 percent of all survey respondents are still coping with the effects of the Great Recession, seven out of 10 changed their financial behavior as a result. A majority of Gen X say they are investing more for retirement, compared to 37 percent of boomers.

What is driving younger investors to invest more for their retirement? Younger investors worry more that they will not have enough to live on for the rest of their lives. Three-quarters of Generation Xers agreed with the statement, “I worry that my retirement assets may not hold out for as long as I live” as opposed to 55 percent of boomers. In addition, there is greater recognition of personal responsibility for funding retirement among younger investors. When it comes to personal responsibility, 65 percent of Generation Xers responded, “I believe I am solely responsible for my retirement (no Social security, employer pension, inheritance, etc.)” vs. 45 percent of boomers.

Are workers taking advantage of employer-sponsored plans, such as 401(k) plans? Many of those surveyed know that their 401(k) or comparable plan will not be enough to get them to their retirement goal. On average, respondents invest 11 percent of their income in their employers’ retirement plan and another nine percent (on average) specifically for retirement outside of these plans. Of those who participate in a 401(k) plan at work, 70 percent are offered an employer match. Nine in 10 say that match is important to overall retirement assets. What are their views on Social Security? No matter the age, an overwhelming majority of survey respondents expect Social Security to be there for them. Ninety-four percent of all survey respondents agreed with the statement, “I have earned my Social Security through paying Social Security taxes and therefore it is owed to me.”

What are they most worried about when it comes to retirement? Healthcare concerns ran very high. Eighty-four percent of all survey respondents fear that healthcare costs will be too expensive in retirement, topping the list of all concerns among respondents. Generation X is slightly more worried than boomers with 89 percent versus 83 percent. At what age do they think they will be able to retire? Control is important to them. Nearly all survey respondents said it’s very important to be able to retire when they choose to do so. Generation Xers expect to retire younger at an average age of 63.6 years, while Boomers expect to retire, on average, at 65.5.

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

Survey Methodology - The Perspectives of Retirement Survey was commissioned by PNC to identify attitudes and behaviors of investors. The study was conducted online within the United States Feb. 13 – 25, 2015 among a nationwide cross section of 1,027 adults age 35 to 75, with total investable assets of at least $100,000 if age 45 or older, and at least $50,000 if age 25 to 44. One in five of the sample had $1 million or more in total investable assets. Twenty percent of respondents are retired. Findings are significant for the total sample at the 95 percent confidence level with a margin of error +/- 3 percent.

The material presented in this article is of a general nature and does not constitute the provision by PNC of investment, wealth management, and fiduciary services through any subsidiary, PNC Bank, National Association ("PNC Bank"), which is a Member FDIC, and to provide specific fiduciary and agency services through its subsidiary, PNC Delaware Trust Company, PNC also uses the marketing names PNC Institutional Asset ManagementSM, PNC Retirement SolutionsSM, VestMed IntersertsSM, and PNC Institutional Advisory SolutionsSM for the various discretionary and non-discretionary institutional investment activities conducted through PNC Bank and through PNC’s subsidiary, PNC Capital Advisors, LLC, a registered investment adviser ("PNC Capital Advisors"). Standalone custody, escrow, and directed trustee services; FDIC-insured banking products and services; and lending of funds are also provided through PNC Bank. Securities products, brokerage services, and managed account advisory services are offered by PNC Investments LLC, a registered broker-dealer and a registered investment adviser and member of FINRA and SIPC. Insurance products may be provided through PNC Insurance Services, LLC, a licensed insurance agency affiliate of PNC, or through licensed insurance agencies that are not affiliated with PNC; in either case a licensed insurance agent may 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. PNC does not provide legal, tax, or accounting advice unless, with respect to tax advice, PNC Bank has entered into a written tax services agreement. PNC does not provide services in any jurisdiction in which it is not authorized to conduct business. PNC Bank is not registered as a municipal advisor under the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Act”). Investment management and related products and services provided to a “municipal entity” or “delegated person” regarding “proceeds of municipal securities” (as such terms are defined in the Act) will be provided by PNC Capital Advisors, “PNC Wealth Management,” Hawthorn, PNC Family Wealth, and “Vested Interest” are registered trademarks of PNC Capital Advisors, LLC, “PNC Retirement Solutions,” and “PNC Institutional Advisory Solutions” are service marks of The PNC Financial Services Group, Inc.
CONCIERGE CARDIOVASCULAR CARE

• Premium comprehensive cardiovascular risk identification and reduction for high stressed working professionals
• 24/7 365 access to a board certified cardiologist
• Unrestricted access to appointments
• Visits will be made at your office and at your convenience
• Advocacy for clients with insurance companies, hospitals, and any other medical professionals
• Your annual fees include unlimited visits and any non-invasive cardiovascular testing. Most tests can be performed at your office
• Tertiary care at the best hospitals in the city with minimal wait times
• $500 per month, or $425 per month per person if signing as a couple

EDUCATION
• Graduated from Northwestern University’s Feinberg School of Medicine

BOARD CERTIFICATIONS
• Meeting all requirements for maintenance of certification.
• Board Certified in Internal Medicine (ABIM)
• Board Certified in Cardiovascular Diseases (ABIM)

ACCREDITATIONS
• IAC Echocardiography
• IAC Vascular Ultrasound
• IAC Nuclear Cardiology

Call (215) 399-0690 or email concierge@asifhussainmd.com to schedule a consultation with Dr. Hussain
CALENDAR OF EVENTS

Note: While the following listings have been verified prior to press time, any scheduled event may be subject to change by the committee or section chairs. Luncheons are $9 for members and $12 for non-members, unless otherwise indicated. Register online for most events at philadelphiabar.org. Unless otherwise specified, all checks for luncheons and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquarters, 1101 Market St., 11th Floor, Philadelphia, PA 19107-2955.

Monday, June 1
Family Law Section: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Tuesday, June 2
Securities Regulation Committee: meeting, 8:30 a.m., Dilworth Paxson, 1500 Market St., Suite 3500E. Committee on the Legal Rights of Persons with Disabilities: meeting, 9 a.m., 10th Floor Board Room. Health Care Law Committee: meeting, 12 p.m., 11th Floor Committee Room South. Lunch: $8.50.

Probate and Trust Section Quarterly Meeting and CLE: 12:30 p.m., Pennsylvania Bar Institute, CLE Conference Center, Wanamaker Building, 10th Floor. Philadelphia Bar Reporter Editorial Board: meeting, 12:30 p.m., 10th Floor Cabinet Room.

Wednesday, June 3
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th Floor Board Room. Insurance Programs Committee: CLE program, 8:30 a.m., 11th Floor Conference Center. State Civil Litigation Section: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Criminal Justice Section Executive Committee: meeting, 12:30 p.m., 11th Floor Committee Room South. Family Law Section ADR Committee: meeting, 4 p.m., 10th Floor Board Room.

Thursday, June 4
DLSC CLE Planning Subcommittee: meeting, 9 a.m., 11th Floor Committee Room South. Law School Outreach Committee: meeting, 12 p.m., 11th Floor Conference Center. Government and Public Service Lawyers Committee: meeting, 3:30 p.m., 10th Floor Board Room. Philly Idol: 6 p.m., World Cafe Live—Downstairs Live, 3025 Walnut St. Tickets: philadelphiabar.org

Monday, June 8
Civil Gideon Task Force: meeting, 12 p.m., 10th Floor Board Room. Civil Rights Committee: meeting, 12 p.m., 11th Floor Committee Room South. Lunch: $9.

Tuesday, June 9
Quarterly Meeting and Luncheon: 12 p.m., Hyatt at The Bellevue, Broad and Walnut streets. Tickets: philadelphiabar.org

Wednesday, June 10
Real Property Section Executive Committee: meeting, 12 p.m., Ballard Spahr LLP, 1735 Market St., 11th Floor. Intellectual Property Committee: meeting, 12:30 p.m., 11th Floor Committee Room South. Family Law Section Spring Reception: 5:30 p.m., Top of the Tower, Three Logan Square, 1717 Arch St., 51st Floor. Tickets: philadelphiabar.org

Thursday, June 11
Legislative Liaison Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Law School Outreach Committee: meeting, 12 p.m., 11th Floor Conference Center. Workers’ Compensation Section Spring Reception: 6 p.m., Manayunk Brewing Company, 4120 Main St. Tickets: philadelphiabar.org

Friday, June 12
Workers’ Compensation Section Executive Committee: meeting, 10:30 a.m., 11th Floor Committee Room South. Workers’ Compensation Section: meeting, 12:30 p.m., 11th Floor Conference Center. Lunch: $9.

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

Monday, June 15

Young Lawyers Division: Live, Lunch & Learn program, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Tuesday, June 16
Cabinet: meeting, 12 p.m., 10th Floor Board Room. Criminal Justice Section: CLE, 12 p.m., 11th Floor Conference Center. Lunch: $9.

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

Education Committee of the Probate and Trust Law Section: meeting, 4 p.m., FlasterGreenberg, Four Penn Center, 1600 John F. Kennedy Blvd., 2nd Floor. LGBT Summer Associate Reception: 6 p.m., Ballard Spahr LLP, 1735 Market St., 48th Floor.

Wednesday, June 17
Young Lawyers Division Cabinet: meeting, 12 p.m., 11th Floor Committee Room South. Business Law Executive Committee: meeting, 12 p.m., Reed Smith LLP, 1717 Arch St., Suite 3100. Legislative Committee of the Probate and Trust Section: meeting, 4 p.m., Pepper Hamilton LLP, 3000 Two Logan Square, 18th and Arch streets. LegalLine: 5 p.m., 11th Floor LRIS Offices. Young Lawyers Division Diversity Reception: 6 p.m., Chima, 1901 John F. Kennedy Blvd. Tickets: philadelphiabar.org.

Thursday, June 18
Family Law Section Executive Committee: meeting, 12 p.m., 11th Floor Committee Room South. Elder Law Committee: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Send Bar Association-related calendar items 30 days in advance to Tom Rogers, Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., Philadelphia, PA 19107-2955. Fax: (215) 238-1159. Email: TRogers@philabar.org.

Quarterly continued from page 5

60-Year Club

65-Year Club

70-Year Club
Joseph Bak

Tickets for the June 9 Quarterly Meeting and Luncheon, which begins at 12 p.m. at the Hyatt at The Bellevue, Bread and Walnut streets, are available at philadelphiabar.org.

The June Quarterly Meeting & Luncheon is sponsored by PNC Wealth Management.

Friday, June 19

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

Monday, June 22
Young Lawyers Division Executive Committee: meeting, 12 p.m., 10th Floor Board Room.

Tuesday, June 23
Housing Working Group – Civil Gideon Task Force: meeting, 8:30 a.m., 10th Floor Board Room.

Tax Committee of the Probate and Trust Law Section: meeting, 8:30 a.m., Wilmington Trust, 1650 Market St., Suite 3150.

City Policy Committee: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $8.

Wednesday, June 24
LGBT Rights Committee: meeting, 12 p.m., 11th Floor Conference Room South.

Immigration Law Committee: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Thursday, June 25
Lawyer Referral and Information Service Committee: meeting, 12 p.m., 11th Floor Conference Room South.

Law School Outreach Committee: meeting, 12 p.m., 11th Floor Conference Center. Board of Governors: meeting, 4 p.m., 10th Floor Board Room.

Friday, June 26
Section and Division Chairs: meeting, 8:30 a.m., 10th Floor Board Room.

International Law Committee: meeting, 11th Floor Conference Room South.

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

Tuesday, June 30
Women in the Profession Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.
Sampson Honored as VIP Volunteer

Philadelphia VIP recognizes Luke W. Sampson for providing legal services to low-income residents in Philadelphia. Sampson, an attorney at Bovarnick & Associates, is a dedicated VIP volunteer and friend. In his private practice, Sampson handles small to mid-sized business and general corporate litigation and business bankruptcy. Since taking his first volunteer case in 2013, he has assisted five VIP clients in both homeownership and divorce matters. Sampson has also served as the Philadelphia Bar Association’s Young Lawyers Division representative on Philadelphia VIP’s Board of Directors since January.

He is one of a small group of volunteer attorneys who take cases outside of their usual area of expertise. To Sampson, his VIP cases are opportunities to continue to serve the clients he helps in his private practice. “At Bovarnick & Associates, I see the direct impact that small businesses have on their owners. These owners have spouses and children to support, and are severely impacted if their business closes. If their business closes, they are coming to VIP for help.”

“Luke exceeds expectations as a volunteer and has truly demonstrated a commitment to helping low income Philadelphians over the past two years,” says Roxanne Crowley, VIP staff attorney. “He takes the time to get to know his clients and ensures they fully understand the details of their cases. Luke even attempted a last-minute hospital visit because he knew it could help his client obtain a better outcome.”

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Tom Rogers, Managing Editor, Philadelphia Bar Reporter, philadelphiabar.org, 1101 Market St., 11th fl., Philadelphia, PA 19107-2955 or reporter@philabar.org.

Mary Catherine Roper, deputy legal director of ACLU of Pennsylvania, received the Pennsylvania Bar Association GLBT Rights Committee inaugural David M. Rosenblum GLBT Public Policy Award on May 7.

Robert Liebengerg, a partner at Fine, Kaplan and Black RPC, was recently honored as one of the nation’s “Outstanding Women Lawyers” by the National Law Journal.

Lathrop B. Nelson III, a partner with Montgomery McCracken Walker & Rhoads LLP, has been elected to the board of directors of the Committee of Seventy, a nonpartisan government watchdog group in Philadelphia that works to achieve clean and effective government, fair elections and informed citizens.

Jeffrey C. Hampson, a partner with Saul Ewing LLP, has been selected as the recipient of the Turnaround Management Association Outstanding Contributor of the Year Award.

Fred B. Buck, a partner at Rawle & Henderson LLP, participated in the American Bar Association TIPS Section Conference on April 29 in Philadelphia.

Brett Sienksy, an attorney with Manko, Gold, Katcher & Fox, LLP, was a presenter for “Green Stormwater Infrastructure – Rainwater: Where Does It Go?” at the Overbrook Environmental Education Center.
Philadephia’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 515
Philadelphia, PA 19103
PH: (215) 569-1999 • FX: (215) 569-3870
www.discrimlaw.net