The Philadelphia Bar Association has filed a brief as a friend of the court in support of the judicial litigants seeking to declare as unconstitutional PA Act 72, which rolled back pay raises for certain elected officials, including pay raises for judges, but which did not lower the salaries of numerous other state officers.

The brief emphasizes the Association’s mission to preserve and protect judicial independence, and calls for the Supreme Court of Pennsylvania to ensure that the judges of the state can perform their duties without worry of political reprisal.

The Equal Justice Conference brings together all components of the legal community to discuss equal justice issues as they relate to the delivery of legal services to the poor and low-income individuals in need of legal assistance. The emphasis of this Conference is on strengthening partnerships among the key players in the civil justice system. Through plenary sessions, workshops, networking opportunities and special programming, the Conference provides a wide range of learning and sharing experiences for all attendees.

The Equal Justice Conference will be held in Philadelphia from March 30 to April 1. The conference’s theme is “Commitment, Service and Empowerment: Let Justice Ring.”

To read the complete brief, visit philadelphiabar.org.
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Pro Bono Heroes to Convene in Philadelphia

by Alan M. Feldman

As I watched the recent memorial services for the late Coretta Scott King, I couldn't help but think about her extraordinary journey and her lifelong commitment to the principles of freedom and equal justice for all. I heard the words of her late husband once again, recalling Rev. Dr. Martin Luther King Jr. proclaiming "Let freedom ring" from the steps of the Lincoln Memorial at the great March on Washington in 1963.

And I also thought about this Bar Association, its progressive tradition and the upcoming national Equal Justice Conference which we will host from March 30 through April 1 here in Philadelphia, just a few blocks from the Liberty Bell and Independence Hall. Appropriately, the theme for this conference, sponsored by the American Bar Association and the National Legal Aid and Defender Association, is "Let Justice Ring." The opening of this ABA/NLADA Conference will be a very proud moment not just for this Association and our legal community but for the entire city as well.

The Equal Justice Conference brings together a broad cross section of the legal community to discuss equal justice issues as they relate to the delivery of legal services to poor and low-income individuals in need of legal assistance. The emphasis of this conference is on strengthening partnerships among key players in the civil justice system. Through plenary sessions, workshops, networking opportunities and special programming, the conference provides a wide range of learning and sharing experiences for all attendees. Pro bono and legal services program staff, judges, corporate counsel, court administrators, private lawyers, paralegals and many others attend this annual event.

Many of our own local legal service programs and public interest lawyers will be in the spotlight at this conference, and rightfully so. In fact, our own Marsha Levick, legal director of the Juvenile Law Center, and Suzie Turner, chair of Derchert LLP's pro bono practice, are acting as co-chairs of our Host Committee. They have done a terrific job in providing the conference with a distinctive Philadelphia "flavor," which may be most evident in the party (dance your feet off!) for conference registrants featuring local culinary favorites on Friday evening, March 31 at the Bellevue.

One of the highlights will actually occur on the eve of the Conference, Tuesday, March 28, when we convene a special "Civil Gideon" Symposium at the National Constitution Center, focusing on the development of a right to counsel in certain civil cases. This issue, of intense interest to many segments of the legal community, will be addressed by scholars from around the country. The symposium will be open to all without charge and is cosponsored by the University of Pennsylvania Law School, Temple University's Beasley School of Law, Political and Civil Rights Law Review and the ABA and NLADA.

Of course I cannot possibly enumerate the more than 60 program topics and countless speakers and participants that are included in the three days of workshops programs and other events. But all of the Conference details are available at our Web site at philadelphiabar.org and you can register on site at Loews Hotel beginning on March 29. If you are able to attend the conference you will gain a rich, new understanding of the true meaning of "equal justice for all" and you will meet some of the true heroes of our profession from throughout the United States.

But regardless of whether you attended the conference, I'm still asking you to make a special effort this year to help our legal services agencies which are funded in part through the Philadelphia Bar Foundation. We're calling this new campaign "Raising the Bar" and we're asking every law firm in our bar community, large and small, to contribute at least $500 per lawyer to the Philadelphia Bar Foundation, Philadelphia Volunteers for the Indigent Program and/or to the legal services organizations of your choice. Wendy Beetlestone and Kathleen Wilkinson are leading this effort under the direction of Bar Foundation President Robert D. Lane Jr.

Founded in 1965 as the charitable arm of the Association and devoted to the support of legal service agencies, the Bar Foundation's mission is to promote access to justice for all citizens in the region, particularly those struggling with poverty, abuse and discrimination. The Foundation provides grants and technical assistance to legal service organizations that have demonstrated both a need for financial support and an effective program for assisting clients.

Our campaign seeks to substantially increase support for legal services organizations in 2006 and beyond. Here's how you can help:

- Make direct donations to the Philadelphia Bar Foundation. During 2005, the Bar Foundation funded 29 legal organizations with grants ranging in size from $2,000 to $100,000.
- Make a direct donation to any of the Bar Foundation's Beasley School of Law "Pro Bono Heroes" segments.

Visit the Philadelphia Bar on the Web at philadelphiabar.org • Look for Bar Reporter Online e-newsbrief every Monday morning
The Association's Probate and Trust Section prides itself on its strong relationship with the Philadelphia Orphans' Court.

"I'm pleased that we have such a strong and open communication with the Orphans' Court," said Section Chair Mary Jane Barrett. "We've worked closely with Orphans' Court Administrative Judge Joseph B. O'Keefe to develop local rules to implement electronic filing and the process and operation aspects. The court is very sensitive to requests of the bar. Judge O'Keefe has also been very receptive to requests from the bar," she said.

Help for Register of Wills

The section also has been working with the Register of Wills office to help implement a computerization project. "They've been independent in the past and we're pleased they've asked us to get involved," Barrett said. "Three past chairs of the section have been meeting with register's staff and technology folks as they develop the software. We've made some positive contributions to this project. We think it will be rolled out in late summer. They've asked if they could do a demo for us in June," she said.

Section Quarterly Meetings Offer CLE

Barrett said the section has a tradition of three quarterly lunch meetings that include two-hour CLE programs. "We have a hard-working education committee that comes up with programs and speakers. That's one of the foundations of the section's presence and activities," she said.

The section's next quarterly meeting is Tuesday, March 7. The program, titled, "Are Storm Clouds on the Charitable Horizon?" will include discussions on the pitfalls and opportunities related to the use of common charitable planning techniques during a period of heightened scrutiny by Congress and the Internal Revenue Service. The topics to be covered include:

• Analysis of proposals in Congress and elsewhere to tighten the rules on private foundations, donor-advised funds, supporting organizations and other charitable vehicles.
• The new Form 1023 (Application for Recognition of Exemption) and Form 990 (Return of Organization Exempt from Income Tax) - valuable insight into the compensation and governance issues addressed by the recent changes to these forms.
• Conservation Easements - new IRS requirements for charitable gifts of conservation easements (including new Form 8323 and attachments), brief overview of conservation easements as estate planning tools and discussion of established elements required by the IRS to qualify for a charitable deduction (including easement purpose, prohibited uses and perpetual life).
• The faculty includes Jaffray Louise Edens, senior planner, Environmental Management Center, Brandywine Conservancy, Inc.; Frederick J. Gerhart, partner with Dechert LLP; Kathy C. Mandelbaum, director of the Graduate Tax Program and associate professor of law at Temple University Beadle School of Law, and Eric J. Vieland, of counsel at Montgomery, McCracken, Walker & Rhoads, LLP. The course planners are Paula M. Jones of McCarver & English LLP, Laura E. Stegoski of Blank Rome LLP, Judith B. Stein, vice president of Wilmington Trust Company, and Jeffrey C. Wolken, vice president of wealth advisory services at Wilmington Trust Company.

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Civil Liberties at Center of Intelligent Design Case

by Brian K. Sims

The “intelligent design” case pitting a group of parents against a Pennsylvania school board was as much about religious freedom as it was about the improper actions of the school board, one of the attorneys involved in the case told a recent Chancellor’s Forum.

The Jan. 24 Chancellor’s Forum, “Inside the Intelligent Design Case: A First-Hand Look at a Landmark Legal Battle,” featured remarks from Eric Rothschild and Steve Harvey, both partners with Pepper Hamilton LLP. Rothschild and Harvey, who along with attorneys from Americans United for Separation of Church and State and the ACLU, successfully challenged a 2004 decision by the Dover School Board to include in the district’s biology curriculum information referencing the concept that life is so complex that it must have been the product of an intelligent being.

As Chancellor Alan M. Feldman noted during his introduction, this case, the first to challenge the constitutionality of teaching intelligent design, and perhaps the most notorious case of its kind since the “Scopes Monkey Trial” of the mid 1920s, garnered “local, regional, national and international attention.”

The question, according to the testimony of a Dover parent, as quoted by Rothschild, was “What am I supposed to tolerate?” In total, eight families from Pennsylvania and New Jersey brought a constitutional case against the Dover Area School District which was decided in December 2005 by Judge John E. Jones III in the U.S. District Court for the Middle District of Pennsylvania. Judge Jones ruled that the school board’s attempt to insert intelligent design into the science curriculum violates the constitutional separation of church and state:

“This is a bar that has a great tradition of protecting civil liberties including the areas of religious freedom. And that’s what this case is all about,” said Rothschild. He proceeded to quote several Dover School Board members who had made statements to the media regarding the religious foundations of our country and the need for religious instruction in the classroom.

Rothschild discussed the presentation of complex scientific testimony and evidence that was geared toward answering the question of whether “creationism” was science or philosophy. He quoted from Darwin’s 1859 treatise, “The Origin of Species” and referenced both the “Scopes Monkey Trial” and the 1987 Supreme Court case of Edwards v. Aguillard, in which the court found the teaching of creation science to be unconstitutional.

Harvey’s statements focused less on the question of evolution v. creationism and more on the question of whether the Dover School Board members had an improper purpose for promoting intelligent design. He began, as Rothschild had, by quoting directly from the testimony of a witness in the trial. Harvey’s witness was a school board member whose statements about his knowledge and motivations for promoting intelligent design were included in the board’s decision-making process and subsequent trial proved to be overwhelmingly false.

“At trial, we made the credibility of the defendants an issue,” said Harvey. “We were confident that we could refute the court’s impression and that the court wouldn’t be too complex or the deadline too urgent. And so my involvement as part of the litigation team in the intelligent design case began. I wasn’t the lone associate to respond ‘yes’ when asked to help with this new case. And, along with these other Pepper associates, I quickly became a part of the litigation team in the intelligent design case. I was happy to find the time – all the while, praying silently that the new assignment wouldn’t be too complex or the deadline too urgent. And so my involvement as part of the litigation team in the intelligent design case began.

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Did you know that you can walk up and down the streets of Philadelphia without leaving the comfort of your office chair? In fact, you can take a trip to the Eiffel Tower without having to board an airplane.

Dan Giancaterino, Internet librarian at Jenkins Law Library, met with members of the Solo and Small Firm Committee on Feb. 9 and demonstrated just how many places you could go with the click of a mouse and an Internet connection.

According to Giancaterino, search engines such as Google and Yahoo along with other major Web sites like Amazon and Microsoft are making much more than textual information available on the Internet. Giancaterino likened the wealth of information available on the web to Charles Dickens’ famous quote, “It was the best of times, it was the worst of times.” That is because you can now enter an address into a site such as maps.A9.com and almost instantly you will have a bird’s-eye view of that building in 24 major cities, including Philadelphia. In fact, you can actually take a virtual walk around this building. While you have all of this information at your fingertips, Giancaterino cautioned that certain privacy and security issues are raised by these close-up views. In fact, on certain sites, you can “walk” up and down Market Street, and see close-up shots of whoever happened to be waiting for the bus or whizzing by on their bicycle at the time these pictures were taken.

Likewise, on a downloadable program called Google Earth, you can take a virtual tour of the Eiffel Tower or even your own backyard. Google has taken satellite imagery of millions of locations across the Earth and compiled this information for viewing by anyone with an Internet connection on earth.google.com.

As Giancaterino stated, “mapping concepts are the coolest thing going on right now, but also the scariest thing going on right now.” Imagine being able to search for a simple thing like notaries in Philadelphia. Instantly, a map appears with locations marked all over the map where notaries are located. Click the links again, and you may be able to view the actual building the notary is located in. While you do not have to pay for this information, it does not come for free. Sites like Google and Yahoo have developed this technology in an attempt to provide a more creative and innovative way of offering advertising to consumers, according to Giancaterino. While the map and links will be displayed on your screen, so will a column of sponsored content.
Federal Courts Committee

Program to Spotlight High-Profile Cases

by Beth Huffman

U.S. District Court Judges Michael M. Baylson and John E. Jones III, along with George Anastasia, veteran crime reporter for The Philadelphia Inquirer, will be the panelists when The Association’s Federal Courts Committee presents “High Profile, High Publicity Trials: Observations from the Bench and the Press” on Wednesday, March 22.

The luncheon event will be held at the The CLE Conference Center, located on the 10th floor of the Wanamaker Building, at 12 p.m.

Both Judge Jones and Judge Baylson have recently presided over controversial trials. Judge Baylson presided over the much publicized Philadelphia corruption and bribery trial that involved Philadelphia city officials and the “pay-to-play” attitude prevalent in the city. The controversy surrounding that much-publicized trial included the death of one of the defendants just prior to the start of the trial and jury problems. In 2003 Baylson issued a decision that ordered election officials to begin printing all election materials in both English and Spanish for any precinct where registered Hispanic voters constitute more than 5 percent of those on the rolls.

Judge Jones issued his decision in the landmark case of Kitzmiller v. Dover Area School District in December 2005, holding that it was unconstitutional to teach intelligent design within a public school science curriculum. Another of his notable cases came in 2003 when he struck down portions of Shippensburg University’s speech code on the basis that they violated First Amendment free speech guarantees. He also issued a decision affirmed by the U.S. Supreme Court that the U.S. Department of Agriculture’s Milk-Mustache® campaign did not infringe the free speech rights of the producers. Anastasia has been covering organized crime and various criminal proceedings throughout the country for 35 years. His work has also appeared in Penthouse, Playboy and The Village Voice, and he has served as a consultant for ABC’s Primetime, the Discovery Channel and the History Channel. Anastasia is the author of several books, including The Last Gangster, which is the story of Ron Previte, “Skinny” Joey Merlino and Philadelphia organized crime.

Steven E. Bizar of Buchanan Ingersoll, chair of the Federal Courts Committee, will serve as moderator for the discussion.

Registration for the event is available at philadelphiabar.org or by calling (215) 238-6300.

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LegalLine Devotes Evening to Calls from Russian Speakers

by Charles J. Klitsch

Philadelphia has a diverse population, with 17.7 percent of residents speaking a language other than English at home, according to statistics compiled by the United States Census Bureau in 2000. While diversity is one of our greatest assets, it also creates challenges for the delivery of legal services. For members of Philadelphia’s immigrant communities, navigating the American legal system can be a daunting task.

Among the fastest growing of these groups is the Russian community. According to the 2000 Census, 13,254 Philadelphia residents speak Russian at home. Thousands more Russian speakers live in the suburbs.

On Feb. 8, the Association reached out to the Russian speaking community with volunteer lawyers giving free legal advice over the telephone in Russian. LegalLine in Russian was the brainchild of Immediate-Past Association Chancellor Andrew A. Chirls. The Young Lawyers Division and the Committee on Law Practice for New Americans teamed up to sponsor the outreach. They quickly gained the support of the Russian Coalition of Pennsylvania to help publicize the program in the Russian community and to help recruit the volunteer lawyers needed to handle the calls.

Before the program began, Julia Swain, a lawyer and native Russian speaker, translated the Association’s telephone greeting into Russian. At 5 p.m., the phone rang “zdravstvui,” (hello) the caller began. “Dobryi vechir,” (good evening) replied the volunteer, and the first caller was soon receiving legal advice. Dozens more calls followed.

Serge Bespalov, a partner at Bespalov & Gross, P.C., and president of the Russian Coalition of Pennsylvania, was pleased with the community’s response. “The phones were ringing off the hook all evening,” Bespalov said. “It has been more than a success.”

Committee on Law Practice for New Americans Chair Matthew Baxter, former YLD Chair Natalie Klyshtormy and Henry Yampolsky, Civil Litigation Section liaison to the YLD Executive Committee, joined Swain and Bespalov answering callers’ questions.

Bespalov echoed the sentiments of all the volunteers. “Providing a program like this means so much to the community, filling an important need for legal information. We will do this again.”

Charles J. Klitsch is the Association’s Director of Public and Legal Services.

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Foundation Seeking to Raise the Bar for Pro Bono Funding

by Elaine Rinaldi Bailey

“My name is William. I’m 15 years old. I’ve been diagnosed with Tourette’s Syndrome which affects my speech and causes physical tics and has made going to school very tough — other kids bully me and even hit me. Many teachers don’t know how to deal with me, and I felt very alone; scared and hopeless. I really didn’t see much point of going on, and was thinking about killing myself. Recently, though, my mother found a volunteer attorney who knows about education law. She and my mom are working with the school district so I can get the education I need. I don’t know what we would have done without the attorney’s help.”

As President-Elect of the Philadelphia Bar Foundation, I am dismayed to say that far too many in our community are faced with similar legal challenges. Notwithstanding the hours that many of you give to providing pro bono services to address the legal needs of those less fortunate in our community, the demand continues to increase at a disproportionate rate.

Ergo, the “Raising the Bar” Campaign. The Philadelphia Bar Foundation is joining forces with our Chancellor to raise the overall level of giving by law firms to legal service organizations in Philadelphia. Alan M. Feldman has made this Campaign one of the hallmarks of his year as Chancellor. Bar Foundation President Bob Lane and I have pledged our full support to ensuring that we increase funding to better meet the ever increasing need for legal services to the poor.

This is more than just a one-year campaign. Rather, the leaders of the Philadelphia legal community are dedicated to making this a permanent part of law firm charitable giving, well into my tenure as President of the Bar.

continued on page 10
The “Raising the Bar” campaign will ask each firm to make a significant financial contribution to legal services organizations—whether it be to the Bar Foundation, the Support Center for Child Advocates, Community Legal Services or the many others that provide legal services to the poor in Philadelphia. The goal is to “raise the bar” so that each law firm gives a donation equivalent to at least $300 per lawyer for each of the lawyers in its Philadelphia office. Other cities such as Boston, New York, Cleveland and Atlanta already surpass this $300 goal. We in Philadelphia can do better.

I think of it—$300—that’s approximately the value of one billable hour per year on average. I know your firms receive many credible requests for support from worthy organizations in our community. As an anchor of the economy here in Philadelphia, our law firms receive innumerable calls for charitable giving to organizations addressing a myriad of important needs, be they education, community development, medical or arts and culture. I know many partners have agreed to undertake the challenge and encourage others to join us as well. I hope you’ll agree to join Alan, Bob and me in this effort. And I hope that you will continue your support next year when Jane Dalton and I take over the reins. We’re all working together on this, and we need your help. Wendy Beetlestone (WBeetlestone@hangley.com) and Kathleen Wilkinson (Kathleen.Wilkinson@wilsonelser.com) have agreed to undertake the challenge and chair the “Raising the Bar” campaign. You will be hearing from all of us!

With all of our combined efforts, we can succeed in making Philadelphia a place where the less fortunate can truly have “equal access to justice.”

—Eileen Harwit Kirkby is a partner at Cozen O’Connor and president-elect of the Philadelphia Bar Foundation.

WEB SEARCHES
continued from page 6

Not only can you search these popular sites from the Internet, certain information is now available at the tip of your fingers as long as you have a cell phone with text messaging capabilities. If you send a text message inquiry to either 46645 (Google) or 92466 (Yahoo) on your cell phone, Giancaterino said that in no time you will receive information such as driving directions, currency conversions or the location of the nearest movie theater, all for the price of a text message.

Go to books.google.com. You can enter a search term and books relevant to that topic will appear. If you click on the link offering more results from a certain publication you will see actual pages from that book containing your requested information. Likewise, if you are looking for publications citing to a particular text, Giancaterino suggests you visit scholar.google.com, which will provide you with a comprehensive list of documents providing such information.

Not only can you search these popular sites from the Internet, certain information is now available at the tip of your fingers as long as you have a cell phone with text messaging capabilities. If you send a text message inquiry to either 46645 (Google) or 92466 (Yahoo) on your cell phone, Giancaterino said that in no time you will receive information such as driving directions, currency conversions or the location of the nearest movie theater, all for the price of a text message.

—Nancy Z. Jumper, an associate at Trox & Nunn, P.C., is an associate editor of the Philadelphia Bar Reporter.

Have you ever been looking for a book on a certain topic and wished that you could search that book before purchasing it on Amazon to see if it contains the exact information you needed? Look no further than books.google.com! You can enter a search term and books relevant to that topic will appear. If you click on the link offering more results from a certain publication you will see actual pages from that book containing your requested information. Likewise, if you are looking for publications citing to a particular text, Giancaterino suggests you visit scholar.google.com, which will provide you with a comprehensive list of documents providing such information.

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—Nancy Z. Jumper, an associate at Trox & Nunn, P.C., is an associate editor of the Philadelphia Bar Reporter.
New Committee Takes Aim at Education Funding

by Janet Stotland and Michael Churchill

What do you know about Philadelphia’s public schools?

The Philadelphia School District has almost 190,000 students. More than 64 percent of Philadelphia students are “economically disadvantaged,” as compared to 28.1 percent of students statewide. More than 80 percent of the District’s students are African-American, Asian, or Hispanic.

In 2004, 33.4 percent of Philadelphia students received a passing score in the statewide achievement tests in reading (as compared to the state average of 64.5 percent). In math, 28.4 percent of Philadelphia students passed as compared to 56.2 percent statewide. More than 64 percent of Philadelphia students received a passing score in the statewide achievement tests in reading (as compared to the state average of 64.5 percent). In math, 28.4 percent of Philadelphia students passed as compared to 56.2 percent statewide.

It is hard to operate an effective education program without adequate funding. This is especially true when, as in Philadelphia, a district’s students have greater than average needs.

Computers, experienced teachers, school repairs and new schools, advanced placement courses, and small class size all cost money. The purpose of funding equity reform is to assure that all students, regardless of whether they live in wealthy or poor communities, have access to amply funded quality education.

How well are the Philadelphia public schools funded? Philadelphia students compete in the same labor market as students from the surrounding four counties, but have $2,054 less to spend than the average neighboring district, and $9,600 less per student than the top spending district. According to the nationally respected Education Week, Pennsylvania has the fifth greatest disparity in the nation in funding between its highest and lowest spending school districts.

With these problems in mind, the Delivery of Legal Services Committee has established the Public Education Reform Subcommittee. The subcommittee’s mission is to engage the legal community in closing opportunity and achievement gaps for Philadelphia’s most “at-risk” students. The group’s first action was to present to the Board of Governors a resolution urging the state legislature to address Pennsylvania’s unfair system of funding public education.

The Board unanimously approved the resolution in January. “If we are committed to equal justice under the law, and we are, then it is time that we also spoke out for equal educational opportunity for Pennsylvania’s students. The substantial disparity in funding for school districts prevents students in Philadelphia and other under-funded districts from having access to the kind of quality education offered in wealthier school systems,” said Chancellor Alan M. Feldman.

The subcommittee is currently surveying the legal community to gather information about ongoing lawyer and law student projects to mentor Philadelphia public school students. The results of this informal survey will help the subcommittee determine the feasibility of designing and implementing a new project to fill any gaps. The subcommittee would love to hear from you about your projects. Contact Merrill Zebe at mzube@philabar.org for a copy of the subcommittee’s survey.

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YLD Annual Meeting

Give Back to City Through YLD, Chair Says

by Jeff Lyons

As chair of the Young Lawyers Division in 2006, Michael B. Hayes pledges to be “a good spokesperson, sounding board, and consensus-builder for our Executive Committee and, ultimately, our membership.”

Hayes, an associate at Montgomery, McCracken, Walker & Rhoads, LLP, addressed more than 120 YLD members and guests at the Division’s Feb. 22 Annual Meeting at Loews Philadelphia Hotel.

“The direction of the YLD has never been subject to anyone’s personal agenda – and I certainly won’t be trying to impose one on it this year,” he said.

Hayes said the YLD offers many opportunities to give something back to the community and to connect with people outside the profession in a positive way. “It can be a real, life-changing thing to put all your personal stuff aside and do something for someone else. It certainly helps put things in perspective when you’re gathering and distributing winter clothes and basic necessities for homeless men, women and children, or making a meal for families with seriously ill children at the Ronald McDonald House, or helping Habitat for Humanity to build a home for a family that’s never known one,” he said.

“You’re really doing yourself a disservice if you don’t get out there and socialize with your fellow young lawyers from across the city. We can all use more friends – I know I can, and there’s a real camaraderie amongst our active YLD members,” he said.

“Finally, the YLD gives us – even me – a voice, a chance to speak and be heard on matters that are important to us. In the coming weeks, our Executive Committee will be voting on important resolutions to create a new YLD minority bar scholarship program, to recognize the outstanding pro bono public service rendered by our many members, and to solicit a donation from the senior Bar Association to the indigent defender program in New Orleans. If you want to speak out, we’re ready to listen,” Hayes said.

The YLD presented three awards at its annual meeting, Kassem L. Lucas, an associate with Pepper Hamilton LLP, was the recipient of the Craig M. Perry Service Award for his community activities.

Outgoing YLD Chair Natalie Klyashtorny presented the F. Sean Peretta Award to Gwen Rosenman Stern.

Kassem L. Lucas was presented with the YLD’s Craig M. Perry Service Award for his community activities.

Former Judge Backs Merit Selection

by Jeff Lyons

When Michael Stiles ran for Court of Common Pleas judge in 1983, there were 67 candidates running for 10 judgeships.

Stiles, former U.S. Attorney and now a vice president with the Philadelphia Phillies, was the keynote speaker at the Young Lawyers Division Annual Meeting on Feb. 22.

Stiles said the election “was the time that Frank Rizzo and Wilson Goode were running against each other in the Democratic primary for mayor. As a result, the Democratic party was paralyzed in doing much else as a result of that election,” he said.

The forces were politically divided, he said, and no judges were endorsed. “It was, in essence, an election where the 69 ward leaders in Philadelphia decided who they were supporting for judge. It was a learning experience for me. I’d never run for office before. I gained an awful lot of knowledge about areas of the city and the people of the city.”

“But in my view, it’s a terrible way to select judges. People argue that it’s pure democracy because you have people voting for their elected officials. But it’s simply much too much to expect of the electorate how to choose between 67 candidates for 10 judicial spots,” Stiles said.

“The questions I was asked on that campaign were not about what kind of lawyer I was or what kind of judge I’d be; but who did I know and could I raise money? In my belief, it’s not the way to produce the best judicial candidates. Not only are not the best judicial candidates selected, but we’ve seen a terrible result recently where an excellent judge was turned out of office,” he said, referring to Pennsylvania Supreme Court Justice Russel M. Nigro, who was in attendance.

“Because of a popular election system, admittently having nothing to do with his qualifications, having nothing to do with factors involving his performance but having everything to do with a legislative pay raise, we lost an excellent judge for the Supreme Court of Pennsylvania, an argument for not having popular elections of judges,” Stiles said. He did get elected in 1983, running in both the Democratic and Republican primaries. He won the 10th spot in the Republican primary by a total of nine votes, after a series of recounts. He called his time on the bench “a challenging, rewarding and critically important position, most important to the litigants and victims and the families of the victims in the courtroom.”

Before serving as a judge, Stiles worked in the District Attorney’s Office for 12 years, having been hired by Arlen Specter and serving under F. Emmet Fitzpatrick and Edward G. Rendell.

Stiles said he was nominated for U.S. Attorney in 1993 by President Clinton and felt it was an opportunity too good to pass up. “The U.S. Attorney’s Office has the luxury of being able to prioritize what cases you want to investigate, unlike the District Attorney’s Office where you need to prosecute all the criminal violations that come through your door.” He also was asked to review the 1992 standoff between white supremacists and FBI agents at Ruby Ridge, Idaho, to see if there was any evidence of a government coverup that resulted in the death of an FBI sharpshooter.

With the election of President

continued on page 13
by Michael B. Hayes

Listening to the radio the other day, I happened to hear a song I hadn’t heard in quite a few years – “The Leader of the Band” by Dan Fogelberg. For those of you who might not recognize the title, the song explores the father/son relationship, plumbing some of the same depths as “Old Man” (Neil Young) and “Father and Son” (Cat Stevens).

Fogelberg’s father, the “leader of the band,” was actually a military, then a school, band leader. In the song, Fogelberg acknowledges his father’s decline – “his eyes are growing old” – but takes pride in the fact that “his blood runs through my instrument” and that his “song is in my soul.” Acknowledging that “his life has been a poor attempt to imitate the man,” Fogelberg concludes that he is “just a living legacy to the leader of the band.”

Although the song may not be particularly distinctive for its musical arrangement or even the voice of its singer; it certainly resonated with listeners back in 1981, when “The Leader of the Band” hit number one in the adult contemporary charts. Some 25 years later, “The Leader of the Band” struck a chord with me – and I thought it appropriate to share some of those feelings with you. You see, my dad passed away suddenly almost two years ago.

He taught my five siblings and me. Lately, my thoughts have lingered on what I strongly suspect is the most important lesson my dad taught us – to live life joyfully and to the fullest every day. My dad made it a point not to live in fear, neither worrying about what others might think of him nor what unfortunate events could be waiting around the corner. He always had a smile on his face, coupled with a mischievous twinkle in his eyes; you were never quite sure whether he was being serious or pulling your leg. The man hung a big old Gonzo Muppet doll in the back window of his car, took on windsurfing as a hobby/obsession in his late 40s, and broke out an outrageous lime-green suit every Easter Sunday till my mom mercifully “lost” it sometime in the late 90s. Suffice it to say, my dad was a pretty quirky guy.

Through the years, though, he always made time for us, notwithstanding the pressures of his chosen profession – medicine. I miss my dad, but the son of a gun still makes me laugh – and remember that life is a ride that is meant to be enjoyed and appreciated. He had a joyful song in his soul, and he shared it with everyone around him.

I have been out of law school for seven years now and, like most of you, I have heard more than my share of complaints from friends, acquaintances, colleagues, and former classmates about how tough the practice of law is, how it can overwhelm your life, strain your relationships with others, and leave you a stressed-out, miserable wreck. I am by no means discounting the validity of these complaints. Indeed, the rarest of all gems would be the lawyer whose practice is jn of stress.

Given the third constant (joining death and taxes) of practice–induced anxiety, the question becomes, what are you willing to do to make your practice – and your life – happier and more fulfilling?

If you are receptive to advice, I humbly suggest the following: (1) be thankful for the life you have been given, and the many kindnesses that others have shown you; (2) strive to be cheerful in disposition and compassionate to those in need; (3) find meaning in all aspects of your life, not just in your chosen profession; (4) search out ways to give back to your community; (5) never compromise your core principles and values; and (6) treat others – all others – with the respect, civility, and kindness that you would hope to receive, were you standing in their shoes.

If you are intent on becoming a happier, more fulfilled person, the YLD can help. We have a host of community service programs and activities with which you can become involved. From the John S. Bradway High School Mock Trial Competition, to the Legalline volunteer hotline, to our annual Harvest for the Homeless, to the various Law School educational–outreach programs we put on, to our volunteer outings with the Ronald McDonald House and Habitat for Humanity, the YLD is committed to giving back to our community and our profession – and enriching the lives of our many members in the process.

If you want to find out more about the YLD’s many community service programs or our other social/networking/educational events, hop on to our YLD Web page at philadelphiabar.org. There is literally something for everyone: Contact information for the YLD Executive Committee members who are in charge of each of our programs and events is just a click away – give us a call and get involved today. We hope to see you at our next YLD event, but in the meantime, be happy!
The combination of famous names and serious subject matter has ever been an excuse for the illiterati to quell about, especially in Hollywood products. The film “Munich” is such a combination, and, as usual, it is a vastly overrated movie. The director is Steven Spielberg, and the subject is the conflict between Israelis and Palestinians. This combination is absolute catnip to lightheaded critics who see the meeting of fame and material itself as an accomplishment. But “Munich” is not an accomplishment, unless you rate hours of predictable boredom as something admirable. This film points to violence by showing the violence, and by paying scant attention to the anger and hatred that is its cause.

The movie is based upon a book that tells the story of Israeli retaliation against Palestinian terrorists who slaughtered 11 athletes from Israel at the Munich Olympic games of 1972. The reasons for this slaughter, and the years of strife between Arabs and Jews, are barely touched upon, and the film enters the struggle between the protagonists somewhere in midstream. The movie has a point of view that is fashioned more for drama than for the consideration of the audience – if indeed that is whom the film aims for. “Munich” is a muddled mess because it lacks any sustained point of view other than to tell us that violence begins violence and how bad is it that these people can’t be friends. There is little to tell us why the various parties resort to violence, except for retaliation for one gross act of violence. One can hardly draw intelligent conclusions when a narrative begins in the middle, never has a start and doesn’t point to any future.

The start, historically, was the Jewish past is enunciated as something dense aura of seriousness. The reasons for this slaughter, and the years of strife between Arabs and Jews, are hardly draw intelligent conclusions when a narrative begins in the middle, never has a start and doesn’t point to any future. This movie reaches into a grab bag of stereotypes about Israelis and Jews as if the subject at hand were the bag of stereotypes about Israelis and Jews as if the subject at hand were the stuff of a Second Avenue review. The triteness of the film is masked by its dense aura of seriousness. All we find in this film is the aching present, filled with murder and more murder. There is nothing about the Arab past, and the reasoning of a Jewish past is enunciated as something between the Broadway stage and “Schindler’s List.” If this film had been made with much insight, it might have started from the Arab point of view, since we are well aware of the Israeli version. It would have been neat to see what twisted reasoning has brought terrorism to television screens and into the Arab street. It would have taken a burst of creative genius to show us the murder from the murderers’ point of view. As it is, this movie is an old-fashioned western with Israeli cowhands and Arab rustlers. Nothing insightful or clever is in it.

What this movie tells us is that a successful director with little insight can summon his logistical talents to a bland script (by Tony “Angels in America” Kushner) and create a movie that leaves us with the astounding epiphany that violence is a bad thing, and people shouldn’t do it because it is very bad. And when will it all end?

That is what my companion kept asking me at this movie. Anyone who sees something new in this film needs to read more.

March 16 Program to Focus on Protection from Abuse Cases

The Pennsylvania Bar Institute is offering a daylong training devoted to legal proceedings designed to give victims of domestic violence civil protection from abuse on Thursday, March 16.

This course will benefit both experienced and inexperienced family law attorneys. "Domestic Violence, Protection from Abuse Proceedings" offers an excellent opportunity for attorneys to learn how to provide representation in these cases and to help, through pro bono representation, to ameliorate the enormous need for such representation. Approximately 90 percent of the 14,000 individuals who file petitions for protection from abuse annually are unrepresented.

The course will help attorneys gain an understanding of the dynamics of domestic violence and how to recognize and assist victims of abuse. Dr. Sandia Bloom, a psychiatrist specializing in trauma, will discuss the traumatic impact of abuse. Philadelphia Court of Common Pleas Judges Idee C. Fox and Edward R. Summers, experienced lawyers and court personnel will provide guidance on how to handle a protection from abuse case from filing through hearing. Special attention will be given to addressing custody issues when there is domestic violence as well as to the needs of special populations – the disabled, elderly, immigrants, and lesbian and gay clients, and available community resources.

Attendees will receive 6.5 CLE credits, including 1 ethics credit. To register, contact PBI at 1-800-247-4724 or register online at www.pls.org.

Who is Your Favorite TV Lawyer of All Time?

- **Paul J. Riley**
  - My favorite would be any prosecutor in “Law and Order.” I like the good guys.

- **Eugene, from “The Practice”**
  - My favorite. He always took the high road and was passionate about being an advocate.

- **Tamara R. Brown**
  - My favorite was James Whitmore in “The Law and Mr. Jones.” He had an office in a New York brownstone and did all kind of honey things.

- **Melvin Shralow**
  - When I was a young lawyer, that looked like such a human way to practice law.
Public Radio’s Justice Talking is going to be taping a program on Civil Gideon at the Constitution Center. There’s also going to be a reception that evening where we’re going to honor the public interest organizations in the city,” Levick said.

“The symposium begins at 9:45 a.m. and features Greco’s luncheon keynote remarks beginning at 11:30 a.m. The "Justice Talking" recording begins at 5 p.m. and the reception follows at 7 p.m.

The 2006 Equal Justice Conference will be based at Loews Philadelphia Hotel, 1200 Market St. The conference begins with an opening plenary session on March 30 at 8:30 a.m. Topical workshops will be held from 9:45 to 11:15 a.m., 1:15 to 2:45 p.m. and 3:30 to 5 p.m. The National Association of Pro Bono Professional Annual Meeting ends the day beginning at 5 p.m. More workshops follow on Friday, March 31 at 12 p.m., ABA President Greco will present the keynote address and the NAPBPro Awards and the NLADA Award will be presented. A dinner dance is set for 7 p.m. at the Park Hyatt Philadelphia at the Bellevue.

The conference concludes on Saturday April 1 with more topical workshops in the morning and a closing brunch session at 10:15 a.m.

**Web check**

A complete list of events for the Equal Justice Conference is available on the ABA’s Web site at www.abanet.org/legalservices/ejc/home.html.
In Their Own Words

President Must Respect Rule of Law

by Tsiwen M. Law

There was a time when the law was whatever King George said it was. If you disagreed, you were an outlaw and could be killed. We are at risk of returning to the days of King George under a different name.

For those with a pre-9/11 outlook, the Rule of Law was an unspoken reality to protect the Constitution and the law. We lawyers must uphold the Constitution and the law. We are faced with a president who believes he is above the law, or that he is the law by virtue of being commander in chief. He believes he can authorize the National Security Agency to wiretap telephone calls and e-mails, without seeking a warrant. In fact, he has authorized wiretaps on U.S. citizens for the last four years.

The bipartisan Congressional Research Service has concluded that his being commander-in-chief does not exempt the NSA from first applying for a warrant. It also concluded that the congressional resolution authorizing the use of force in Afghanistan and Iraq does not provide similar exemptions. We lawyers must step up and be outspoken about the Rule of Law and the need to restore checks and balances to government.

When the unwarranted wiretaps come before the Supreme Court, will the checks and balances built into the Constitution survive? The court will not be a check on the abuses of power by the White House and the Republican-controlled Congress may not have the courage to stand up to the president. Ordinarily, the citizenry would be the last resort. The people must take back the government. Unfortunately, only 30 percent of those understand the debate.

We have a responsibility to become fully engaged in the civic process and to restore government to the Rule of Law. The law is not what the president says it is. We must be engaged in the advise and consent process, keeping the phone numbers of our senators on speed dial. We need to read the newspapers everyday, watch the hearings on C-SPAN, write letters to the editors, congressmen, and other spheres of public dissemination and get out the vote. As lawyers and future lawyers, we must lead this fight and take back the Rule of Law.

Tsiwen M. Law, a partner with Law & Zaslow, is former chair of the Association's Public Interest Section.

New La Fontana Pleases Palate

La Fontana Della Città
1701 Spruce St.
(215) 875-9990

by Skinny D. Backsl

What had been “Fratelli’s,” which became “Galilei’s,” is now a speakeasy-up Spruce Street pasta palace. Enter from 7th Street into a homey basement station, to be greeted as warmly as can be imagined. Except for kisses planted on both cheeks, everyone at this restaurant treats you as if you are a long-lost relative.

Waiters abound in dark blue shirts (which, it seems get lighter in bar as importance and responsibilities rise), darker ties and darkest pants and black shoes. Their exuberance in serving you initial crusted loaves of great chewy bread, grapes, with a <bowlde of premium olive oil surrounding bal-samic vinegar, grapes, engorges your ego. “Here, while you wait, have some calamar,” they offer, with Italian accents reminiscent of Carlo Ponti pouting over Sophia Loren. Gratis. Not only is all the attention appreciate, but the calamarli fritti is exquisite. The rounded squid pieces are presented with occasional tentacles, having been breaded lightly for frying. The golden results matching the color of restaurant’s Tuscan wallpapers are feathery, with pearl-white silky textures. Between one’s teeth, the cephalopod parts jostle with juices, to dissolve in their slightly seasoned coatings. Brillently done.

The caprese appetizer ($7.95) is ordered after the BYO wine bottles have been opened, and set down tableside in a bucket of ice. A round white plate arrives, upon which circle thick tomato-slices. The red, luscious, mouth-sized slices are topped by fresh mozzarella, just-picked-from-the-stem basil leaves and roasted red pepper chunks. The cheese is as sweet as theesewake, the peppers are oiled, and the basil is earthy and brusquely verdant. Fork the melange in a triq, and the tomato between your lips for a sweet slip of the tongue.

But if you want an even more superlative oral appetizer adventure, ask for a “half-portion” of the gnocchi al gongonza, a house specialty ($7.50). Dissolving this demi-task is so filling and rich, I warn, you may not be able to follow through to entrées or dessert.

Homemade (on-site) potato pastas are rounded into quarter-inch balls, boiled just momentarily, and then immersed into a sauce infused by panc-gent gongonzola and creamy mascar-pone. The thick blue-flecked broth is mattress-like to the single layer of the bobbing and bobbling gnocchi.

Use a soupspoon. Glide the utensil under two or three of the potato-heads, cradled in the speckled, pars-leyed broth. Close your eyes, and blindly but faithfully let the sup-poing morsels to your opened mouth. Sharp with stillness of expression and purpose, allowing your taste buds to savor the sanctity of the nearly reli-gious experience. Angels appear to be singing in your ears as your eyeballs reopen, seeing that dozens more of the gnocchi remain. Thank heaven.

Entrees especially those with “Fon-tana” in their name cannot be over-looked of the Philadelphia Bar Reporter. His reviews are devoted to restaurants, have run La Fontana Del Mare in Strathmere, N.J for years. Bujar acts as head chef at Città, and appears at table-side in full whites and capo. His demeanor is as precise and brisk as his platters. He’s a cook who is devot-ed to reasonably priced “stick-to-your-ribs-comfort-food” The Fontana, Fransese, scampi, funghi and primav-e-ra era not only the palatable to puckering, but bring to mind memo-ries of classic Italian cuisine using top-shelf ingredients.

Walls have paintings, adorned with ornate wooden gold-leaf frames, de-picting Italian village street and sea-side scenes, emphasizing the sunny side of all the streets. Huge chande-liers hang intermittently throughout the restaurant’s two adjacent banquet rooms, throwing opalescent shaded light. Vases of roses appear here and there. The thick purple wall-to-wall carpeting would appear to soak in sound, but so much for appearances. Weekends seem to bring loud bands of baby-boomers’ babies (now 20 to 39), who are out to celebrate as if La Fontana Della Città were an all-inclusi-Riviera resort (including free wine). I prefer to have repasts here on nights with concert-goers of the Aca-demy or the Kimmel, or with bevies of attorneys, no matter their ages. As Jimmie with the Tin Men said, “Stop me only whenever you want.”

ARIES EST LONGA, VITA BREVIS

Valentines Nuptials

Pamela Smith-Brown gets ready to kiss her new husband, Preston Mc stuffe, after the pair were married on Feb. 14 by Philadelphia Court of Common Pleas Judge Jeffrey P. Minehart at Reading Terminal Market. Judge Minehart offici-at-ed at six lunchtime weddings on Valentine’s Day. The weddings attracted 150 or so couples inside the market catered by market merchants.
ly became immersed in a body of law I hadn't considered since I took the bar exam and in an area of science I hadn't thought about since taking my final exam in 9th-grade biology.

Our crash course in both First Amendment law and the theory of evolution was a necessary precursor to our ability to prepare for a trial—a trial concerning the legality of teaching intelligent design as an alternative to the scientific theory of evolution—and a trial that was slated to begin in less than a year for a couple of us, preparing for the trial meant quickly completing discovery responses for each of our 11 parent plaintiffs.

When going through the interrogatories with the parents, we found that each of the parent plaintiffs had more than just an answer each also had a story to tell. And because of the emotional stake each parent had in the suit, our job went beyond just getting their answers. Their concerns for their children's education, their passion for the cause they had taken on, their concerns regarding the potential reaction of their community, and their fear of the legal process, acted as constant reminders to us, their attorneys, that we needed to do more than just get their story. We also needed to act as counselors and advisors as well as and students and teachers.

As discovery preparation rolled forward, trial strategy sessions were held, and we associates participated in these day-long conferences. And because of our familiarity with the plaintiff parents, we soon discovered that the purpose behind inviting us to these sessions was more than just to reward us for the work we had done: We joined in these sessions, which included not only attorneys from Pepper, but also counsel from the ACLU and the American United for the Separation of Church and State, as well as several scientists at our disposal needed a little tutoring when it came to the science aspects of the case. We found that our input was not only encouraged, but it was valued, as we had become the masters of the facts.

Our experiences throughout discovery, briefing, and the trial strategy sessions led us to the courthouse stairs, where we learned that our roles would be more than just that of nervous spectators. We were part of the short strategy sessions concerning that day's examination, which frequently took place over lunch in a backroom of the courthouse. Other lunches were spent with witnesses—both the plaintiffs and our experts—we worked as both shields from the many reporters that crowded the courthouse stairs, and as security blankets against the inevitable anxiety that sometimes overwhelmed the witnesses as they anticipated their upcoming testimony.

And our days during the trial didn't end at the conclusion of that day's hearing. Generally, after a full day in the courtroom, one could always find a handful of attorneys, a few scientists, and a couple of tireless paralegals sharing a quick dinner in a conference room and then scurrying off to spend a long night preparing for the next day's hearings. And the long nights frequently ran into the next mornings.

Despite the fact that during the six weeks of trial, it often seemed that the only times we were able to relax were on our short walks between conference rooms or offices or between the office and the courthouse, the trial itself flew by as did the month following trial, when we spent many more late nights working with the entire trail team to put together our post-trial briefs.

In all, our work on Kitzmiller concluded almost a year from the day that I was first asked if I had a little extra time to spend on a pro bono matter. And although it was exciting to follow the headlines, and even more exciting to have reported following us, the experience provided more than just an opportunity to participate in a landmark constitutional case. It also provided the opportunity to form incredibly strong bonds with other associates, partners, attorneys from public interest law firms, scientists and our clients—the parent plaintiffs. These bonds were strengthened not only by the long hours and the accompanying stress, but also by the time spent learning and laughing and talking and celebrating—both the end of the trial and, later, Judge Jones' final proclamation that intelligent design is not science and is, as a matter of law, religious. This proclamation provided affirmation for our work and, more importantly, for the parents that were brave enough to challenge the board's actions. This case provided an incredible trial experience in my second year of practice.

Both men were quick to point out that their religious views, and the views of many of the eight families that brought the case, were not in conflict with their strategy or the eventual outcome of the case. "Religion has flourished in this country not despite the separation of church and state, but because of it," Harvey ended the presentation with a proclamation that intelligent design is not science and is, as a matter of law, religious. This proclamation provided affirmation for our work and, more importantly, for the parents that were brave enough to challenge the board's actions. This case provided an incredible trial experience in my second year of practice.

The trial also provided the opportunity to form incredibly strong bonds with other associates, partners, attorneys from public interest law firms, scientists and our clients—the parent plaintiffs. 

ASSOCIATES

HAP Benefit

Set for April 20

PECO Energy, along with the Verizon Foundation and Aqua Pennsylvania, Inc. present the Homeless Advocacy Project's April Benefit on Thursday, April 20 from 5:30 to 8 p.m. in the Conservatory of the Park Hyatt Philadelphia at the Bellevue.

Proceeds from the event will benefit the Philadelphia Bar Association's Homeless Advocacy Project. HAP is a 501(c)(3) nonprofit organization that provides free legal services to homeless families and individuals. Since December 1990, more than 300 volunteer attorneys, legal assistants and law students have donated their time and resources to this important project. HAP volunteers have helped more than 15,300 clients since its inception and donated more than $12.5 million worth of legal services.

The evening will feature complimentary hors d'oeuvres and drinks in addition to dancing. An extensive auction will be held with a wide variety of items including sports memorabilia, dinners at the best Philadelphia restaurants, original artwork, collectibles, and much more.

For tickets (0.00 per person) or for information on sponsorship, please call Miranda Murray at 215 525-9580.

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**Former Chancellor Greets New Citizens**

Peter J. Hears (left, in right photo), former Chancellor of the Association, greeted new citizens above at a Feb. 16 Naturalization Ceremony at the U.S. Courthouse as U.S. District Court Senior Judge Louis H. Pollak presided. Hears served as Chancellor in 1989. More than 115 people from 38 nations took the oath of citizenship at the event, which also featured remarks from Young Lawyers Division Vice Chair Scott P. Sigmam.

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**Editor’s note:** The following are summaries of opinions issued by the Professional Guidance Committee. The committee’s jurisdiction is limited to rendering opinions about prospective ethical conduct by inquirers who are members of the Philadelphia Bar Association. The letter “T” following an opinion number indicates an informal telephone response. Attorneys who wish to ask a question, obtain copies of committee opinions or ask the committee to render a matter should contact Paul Kazanas, the Association’s assistant executive director, at (215) 238-6328.

**Summarized by David I. Grunfeld**

**2005-5** It is not permissible for a marketing/public relations firm hired by a law firm to make in-person or telephone direct contact with someone, on behalf of the firm for the purposes of obtaining business, even though the marketing person has a close personal or prior professional relationship with that person.

**2005-13** If attorney comes out of retirement to work for new firm, old firm should be asked to remove attorney’s name from letterhead.

**2005-14** Attorney admitted in another state may practice immigration law in Pennsylvania but may not handle state law matters here.

**2005-91T** Any practitioner and partner in another firm provided attorney handle conflicts checks both places personally.

**2005-94T** If prospective client has not responded to engagement letter offer attorney should send client letter (perhaps certified return receipt requested to be certain) withdrawing offer and confirming non-representation.

**2005-104T** Attorney with L.L.M. in tax may so indicate on letterhead.

**2005-105T** Advertisement may describe attorney as “caring, nice, friendly” and state number of years experience in specific field.

**2005-108T** Attorney should not turn over file to successor attorney at successor’s request without specific instruction or release from client.

**2005-119T** Attorney may advertise specific contingent fee, provided it is clear whether on gross or net, and complies with rules as to time expirations.

**2005-123T** There is no mandatory pro bono requirement in Pennsylvania.

**2005-125T** Attorney may represent wife in divorce even though attorney’s firm has small amount in bank owned by husband.

**2005-126T** Attorney can place advertisement on windshields of unoccupied cars in parking lots.

**2005-129T** There is no ethical requirement to verify the identity of clients independently (such as by photo ID), but doing so is good risk management practice.

**2005-131T** Flat fees can be charged in criminal matters, and should be structured via stages or time elapsed.

**2005-135T** Attorney may handle equitable distribution matter on a deferred payment hourly rate, the fee to come out of distribution, to enable the elements of an equitable charging lien to be present.

**2005-137T** Attorney discharged by client and replaced by new counsel shortly before expiration of statute of limitations should caution client about statute but may not protest himself by starting suit by summons or complaint.

**2005-141T** Attorney formerly in private practice now with government may not handle matters against former clients if “substantially related” to previous matters handled.

**2005-162T** Attorney who consulted with but did not represent husband three years ago in protection from abuse action by wife may not now represent wife in divorce if information previously received might be harmful to wife, such as in custody or fault issues.

**2005-169T** Attorney representing wife in divorce may have a conflict as to purchasing real estate from husband which is marital property.

**2005-174T** Representation of employer by in-house counsel in litigation is not unauthorized practice of law.

**2005-200T** Attorney representing client in personal injury matter, contacted by attorney representing judgment creditor of client, does not have to honor claim without attachment or levy.

**2005-220T** Attorney who has in-house HR responsibilities should advise employees that they are not entitled to confidentiality in discussions with him as to those issues.

**2005-225T** Absent prior agreement, attorney who owes fee refund to client, when money paid by client’s brother, should get joint instruction, so as to avoid subsequent problems.

**2005-235T** Attorney concerned about releasing settlement funds to client who is heroin user should discuss with client’s mother filing for guardianship or financial conservator.

**2005-259T** Attorney handling divorce case cannot represent adverse counsel in his own divorce without conflict waiver with informed consent from both clients.

**2005-275T** A disbarred attorney who referred a matter while disbarred may not receive a referral fee, but may be compensated on a quantum meruit basis for work done on the matter before disbarment.

**2005-282T** Web site content, like print advertising, must be retained as set forth in R. 72.

**2005-288T** Upon request, successor attorney may draft letter to be signed by client terminating first attorney.

**2005-504T** Law school graduate not admitted in any state may not have ownership interest in law firm.

**2005-505T** Attorney who obtained judgment for client against embosser may threaten reference to district attorney with client approval and present intent, providing legitimate criminal remedy exists.

**2005-512T** Attorney can report to the Pennsylvania Disciplinary Board legal work done by inactive attorney, with client consent and waiver of confidentiality.

**2005-515T** Retiring lawyer with original wills who is unsuccessful in contacting clients should check for deaths with Register of Wills and retain those documents for clients whose death cannot be confirmed.

**Join your Section’s or Committee’s List Serve to stay in touch and keep up-to-date on the latest Bar events. Visit www.philadelphiabar.org for more information.**
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D.A.’s Claim of Judicial Arrogance Off Base

by Bruce H. Bikin

John Morganelli, the District Attorney for Northampton County, wrote to the editor that ran in our last edition concerning merit selection and the judiciary. In his letter, Mr. Morganelli wrote on the restoration of the people’s confidence in the courts: “The problem is not that the judges are elected by the voters. The problem is rather that of judicial arrogance.”

I do not believe anyone has ever said anything more wrong for more reasons since the engineer in charge of the “O-ring” on the space shuttle Challenger said “A-OK.”

While I have been to, and practiced in Northampton County only occasionally, I do have some considerable experience in the Court of Common Pleas of Philadelphia County and the Eastern District of Pennsylvania. As a group, I cannot imagine judges more dedicated to doing the right thing under the law than our judges. Are there judges who are more arrogant than their intellect or ability could reasonably be said to support? Of course. The same can be said of many lawyers. Arrogance is a human failing from which we all suffer at one time or another and in differing degrees. To indict the entire Pennsylvania bench, state and federal, as arrogant and out of touch with “regular people” is so preposterous as to merit a horse laugh from everyone if the whole proposition was not so sad.

Mr. Morganelli rails that the “harsh criticism by political leaders of outrageous judicial decisions has not been enough to restore the proper balance between the branches of government.” I can only wonder that the Northampton D.A. has never been sharing a hole in Punxsutawney with a certain famous groundhog in order to say something as dangerously silly as this for public consumption at a time when our president is so busy steadfastly denying the courts any role as a watchdog on governmental spying. Does he not understand that the judiciary is supposed to be independent of criticism from the “other” branches of government?

Further, Mr. Morganelli says “It’s not that the judges are not independent, but, rather, that they are too independent!” Perhaps what he also needs is a good dictionary. He certainly does not seem to understand the meaning of the word “independent” nor does he seem to understand the importance of that independence in the schemata of our governmental system.

“Too independent” makes about as much sense as a concept as “a little bit pregnant” or “slightly dead.” Mr. Morganelli concludes his diatribe against the judiciary by arguing that in an election “The qualifications of all judicial candidates are debated in a public forum and scrutinized by the press” What exactly is the debate he describes and where is it carried on? I have never seen it. While non-lawyers can be competent to evaluate judicial fitness, it is not a common trait among the electorate. They do not generally know what qualities to look for, how to continue on page 22.
Civil Rights Committee

ABA Resolution to Study Effects of Slavery, Justice

by Michael J. Carroll

The topic at the Feb. 2 meeting of the Civil Rights Committee was broad and ambitious: “From Dred Scott to Hurricane Katrina: Race, Law and The American Future.”

The speaker, Gloria Browne-Marshall, founder and executive director of the Law and Policy Group, blending her skills as lawyer and teacher, was up to the task. She addressed a topic that is not always easy to talk about: race relations in America, past, present, and future. She mentioned that the American Bar Association is considering a resolution that would address this vital issue that affects all Americans.

Her talk and the discussion were honest and direct. There was no descent into a “discussion” of the type that too often occurs on radio and television where minds shut down and clichés are hurled back and forth. Browne-Marshall talked about some of the clichés that distort and inhibit serious discussion of the issue. She encouraged thinking about the legacy of slavery, the century of discrimination that followed it and the powerful impact that these events still assert on American society.

Browne-Marshall explained the proposal contained in the ABA resolution: “urge the Congress of the United States to appropriate funds for and create a Commission to study and make findings relating to the present day social, political and economic consequences of both slavery and the denial thereof of equal justice under law for persons of African decent living in the United States, and to authorize the Commission to propose policies or governmental actions, if any, that may be appropriate.”

She noted that the resolution and the broader measure that it urges carry no preordained outcome, no result certain. They call for findings and proposals. The fate of the resolution will likely be known by the time this article appears, but whether it passes or not the underlying issue seems unlikely to disappear and likely to be ignored only at great cost to the body politic.

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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.

Wednesday, March 1
Delivery of Legal Services Committee – meeting, 8:30 a.m., 10th floor Board Room. State Civil Litigation Section – meeting, 12 p.m., 11th floor Conference Center.

Thursday, March 2
Health Care Law Committee – meeting, 12 p.m., 10th floor Board Room. Lunch: $7.50.
Civil Rights Committee – meeting, 11 a.m., 11th floor Committee Room.
Alternative Dispute Resolution Committee – meeting, 12:15 p.m., 11th floor Committee Room South. Lunch: $7.50.
Philadelphia Bar Reporter Editorial Board – meeting, 12:30 p.m., 10th floor Cabinet Room.

Tuesday, March 7
Philadelphia Bar Foundation Board of Trustees – meeting, 12 p.m., 10th floor Board Room.
Philadelphia Bar Foundation Executive Committee – meeting, 12 p.m., 11th floor Committee Room.

Tuesday, March 8
Appellate Courts Committee – meeting, 12 p.m., 10th floor Board Room. Lunch: $7.50.

Thursday, March 9
Solo and Small Firm Committee – meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.
Legislative Liaison Committee – meeting, 12:30 p.m., 11th floor Committee Room South. Lunch: $7.50.

Monday, March 13
Associate Development – seminar, 8:30 a.m., 11th floor Conference Center.
Business Law Section Executive Committee – meeting, 12 p.m., 10th floor Board Room.

Tuesday, March 14
Criminal Justice Section Executive Committee – meeting, 12 p.m., 10th floor Board Room.

Wednesday, March 15
Workers’ Compensation Section Executive Committee – meeting, 10:30 a.m., 11th floor Committee Room.
Workers’ Compensation Section – meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.
Committee on the Legal Rights of Persons with Disabilities – meeting, 12 p.m., 11th floor Committee Room.

Adoption Committee – meeting, 12 p.m., 10th floor Cabinet Room.
Federal Courts Committee – meeting, 12:30 p.m., 10th floor Board Room. Lunch: $7.50.
LegalLine – 5 p.m., 11th floor LRIS offices.

Thursday, March 16
Family Law Section Executive Committee – meeting, 12 p.m., 11th floor Committee Room South.

Friday, March 17
Social Security and Disability Benefits Committee – meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.

Monday, March 20
Young Lawyers Division Cabinet – meeting, 12 p.m., 10th floor Cabinet Room.

Tuesday, March 21
Section Chairs – meeting, 8:30 a.m., 10th floor Board Room.

Wednesday, March 22
Medical Legal Committee – meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.

Thursday, March 23
Lawyer Information and Referral Service Committee – meeting, 12 p.m., 11th floor Committee Room South.
Environmental Law Committee – meeting, 12:30 p.m., 10th floor Board Room. Lunch: $7.50.
Committee on the Legal Rights of Lesbians and Gay Men – meeting, 12:30 p.m., 11th floor Committee Room.

Friday, March 24
Women’s Rights Committee – meeting, 12:15 p.m., 11th floor Committee Room South. Lunch: $7.50.
The Philadelphia Lawyer magazine Editorial Board – meeting, 12:30 p.m., 10th floor Board Room.

Monday, March 27
Associate Development – seminar, 8:30 a.m., 11th floor Conference Center.
Minorities in the Profession Committee – meeting, 12 p.m., 11th floor Committee Room South.
Young Lawyers Division Executive Committee – meeting, 12 p.m., 10th floor Board Room.

Tuesday, March 28
Criminal Justice Section – meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.
Women in the Profession Committee – meeting, 12 p.m., 10th floor Board Room. Lunch: $7.50.

Thursday, March 30
Elder Law Committee – meeting, 1 p.m., 10th floor Board Room. Lunch: $7.50.
Board of Governors – meeting, 4 p.m., 10th floor Board Room.

CALENDAR OF EVENTS

Olympic Aspirations

Joseph Torsella, of the Philadelphia Sports Congress, which is hoping to bring the 2016 Summer Olympics to Philadelphia, meets with members of the Young Lawyers Division’s 2020 Committee on Jan. 25. Torsella discussed logistics and possible sites should the United States Olympic Committee allow Philadelphia to compete for the games. Torsella served as founding CEO of the National Constitution Center and is a former deputy mayor for policy and planning of the City of Philadelphia.
Daniel D. Krebbs has been appointed to a three-year term on the Continuing Legal Education Board of the Pennsylvania Bar Institute's annual 2006 Waste Management National Meeting, held in conjunction with the Center for International Legal Studies' conference on 'The Lawyer's Role in Global Economy: Licensing, Distribution and Franchising Agreements and Resolving Inevitable Disputes' Feb. 12 to 16 in Steamboat Springs, Colo.

Deborah R. Gross has been named to 18 in Steamboat Springs, Colo.

Lawrence J. Tabas, a partner with Pepper Hamilton & Platt LLP, has been appointed to a three-year term on the Continuing Legal Education Board of the Pennsylvania Supreme Court.

Daniel D. Krebbs, a shareholder with Marshall, Demerhey, Warner, Coleman & Goggin, spoke at the Pennsylvania Bar Institute's Premises Liability Seminar in Philadelphia on Dec. 15.

Bernard D. Faigenbaum, a sole practitioner, was recently featured on WYPL-TV’s Action News where he discussed “Franklin’s 300th Birthday,” a celebration of Benjamn Franklin’s 300th birthday on Jan. 17.

Kenneth E. Aaron, a partner at Weis & Partners LLP, has been elected chairman of the Zoning Board of Lower Merion Township for 2006. Aaron has served 15 years as a member of the board and last served as chairman in 2004.

Robert L. Collins, a partner at Schneider Harrison Segal & Lewis, spoke at the opening plenary session of the Air & Waste Management Association’s annual 2006 Waste Management National Meeting, held in conjunction with the U.S. Environmental Protection Agency in Arlington, Va.

Anne M. Madonia, a member of Cozen O’Connor, has been appointed to serve on the Widener University School of Law Alumni Association Board.

Howard P. Dowski, a shareholder with Marshall, Demerhey, Warner, Coleman & Goggin, chaired the Pennsylvania Bar Institute’s Premises Liability Seminar in Pittsburgh on Dec. 1; Mechanicsburg, Pa., on Dec. 9; and Philadelphia on Dec. 15.

Kelly A. Gable, an associate at Schnader Harrison Segal & Lewis, has been elected as a member of the International Institute of Space Law, a group that promotes cooperation with and among appropriate international organizations and national institutions in the field of space law.

Rebecca Y. Starr, a litigation associate at Hangley Aronchick Segal & Pudlin, was a speaker at the American Democracy Institute’s 2006 Eastern Regional Summit. Starr served on a panel on the Constitution in the 21st Century and will speak on trends and developments relating to Criminal Justice: The Summit was held at the National Constitution Center in Philadelphia on Feb. 4.

Alan C. Kessler, a partner at Wolf Block, offered remarks at “500 Years and Still Current: America Celebrates Franklin’s 500th Birthday,” a celebration of Benjamin Franklin’s 500th birthday at the National Constitution Center on Jan. 17.

Frederick J. M. LaValley, senior counsel at Morgan, Lewis & Bockius LLP, has been named to the Board of Managers of the Philadelphia Bar Foundation.

Patricia Farrell Kearbo, an associate at Martin, Banks, Pond, Locke & Wilson, recently participated in a Roundtable Panel at Neumann College where she moderated a discussion on negotiation, education and implementation of working with union and non-union employees. She also recently served as the featured speaker at Leadership Delaware County’s recent program on Workforce Development and Working with Disabled Employees.

Jerrold J. Shelestuck, a partner at Wolf Block, who chaired the American Bar Association Section of Individual Rights and Responsibilities, was recently selected as the recipient of the section’s 2006 Father Robert F. Drinan Award. The award honors individuals who have shown sustained and extraordinary commitment to the section and its mission of providing leadership to the profession in preserving and advancing human rights, civil liberties and social justice.

Howard R. Flaxman, a senior partner with Fox Rothschild LLP, was recently elected vice-chair of the Committee of Seventy, the independent, non-partisan organization committed to improving government in the City of Philadelphia and the surrounding region.

Louis B. Kupperman, a senior partner at Obermayer Rebmann Maxwell & Hippel LLP, has been elected the Finance Chairman of the Republican Committee of Chester County.

Edward B. Adler, a sole practitioner, attended the Fourth Session of the International Criminal Court’s Assembly of States Parties in The Hague, Netherlands in December. At the biennial Congress of the International Criminal Bar for the ICC, also held in The Hague, she was appointed to the Committee on Ethics & Mediation and continues to serve on the Code of Ethics Committee.

Names Are News “People” highlights news of members’ awards, honors or appointments of a civic or community nature. Information may be sent to Jeff Lyons, Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, Pa. 19107-2911. Fax: (215) 238-1267. E-mail: reporter@philabar.org. Photos are also welcome.
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