By Jeff Lyons

JUDGE SANDRA MAZER MOSS, a longtime judge on the Philadelphia Court of Common Pleas, has been named the recipient of the 2014 Sandra Day O’Connor Award. The Award will be presented at the Philadelphia Bar Association’s Quarterly Meeting and Luncheon on Monday, June 9.

Judge Moss, now a distinguished neutral with Dispute Resolution Institute, was the 2007 recipient of the Philadelphia Bar Association’s Justice William J. Brennan Distinguished Jurist Award.

The Sandra Day 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.

“I am so honored to have been chosen as the 21st Sandra Day O’Connor recipient,” Judge Moss said. “Looking at the 20 women who preceded me – judges, litigators, educators – all forerunners and innovators in their respective fields, I am truly humbled to be included in their ranks.”

Judge Moss retired from the First Judicial District of Pennsylvania on Nov. 1, 2013 to become executive director of the Stephen and Sandra Sheller Center for Social Justice at Temple University Beasley School of Law. She began her term on the bench in the Court of Common Pleas in 1984.

“Judge Moss has hired and mentored women in the Profession Committee Co-Chairs Ourania Papademetriou (left) and Regina M. Foley (right) with Judge Sandra Mazer Moss, the 2014 recipient of the Philadelphia Bar Association’s Justice Sandra Day O’Connor Award.
Love Court Reporting, Inc. is a full service company with U.S. and World Wide coverage. Our ultimate goal is to give our customers the best product available at the most competitive price.
Inspiration: Something Special

By William P. Fedullo

What is it that inspires you? Who do you look to for inspiration to be a better lawyer and a better person?

I look to those who show great courage and character in the face of adversity. I look to those who maintain their dignity in the face of great hardship. I look to those who put others before themselves; who have understood that their sacrifices would help others.

I have been fortunate to have a lifetime full of examples of those who inspire me, including my family, friends, colleagues and very often, people I have never met. The one commonality among them has been their courage and their character. Their stories are everywhere and they provide the ray of hope of inspiration for each day.

In preparing for our program at Mother Bethel A.M.E. Church to mark the 60th anniversary of Brown v. Board of Education, I think back to my youth observing the struggle of the Civil Rights movement through the 1950s and 1960s. I understand the remarkable courage and character exhibited by my fellow citizens in their struggle for equality.

Listening to the stories of my colleagues that we have filmed for this event, I am touched by their recollections, those outstanding judges and lawyers and I find the struggle for equality was not easy for them. Freedoms that I took for granted were precious achievements for them, but each of them has turned their individual struggle into a great success story and inspiration to all who will listen.

The stories of these colleagues and the adversities so many of them faced simply because they were African-American are moving. I applaud them and I feel fortunate that they were willing to share their stories not just as a lesson about the effects of Brown but as an example of character and dignity.

I am also moved by the story of Gionna Hawkins, the young lady from Bartram High School who would not let a difficult and daunting school atmosphere prevent her from pursuing the education that she so desperately desired. I understand that she wants to be an attorney one day. I am sure that the character and courage she has already exhibited will ensure she will reach her goal. If I were a betting man, I would bet she will be a great attorney.

I think of those in our public interest community who help others every day with little publicity or fanfare. Their everyday courage and character not only inspires us but makes the city a better place.

There are those whose disabilities make everyday life a struggle. I think of a client of mine who faces a lifetime paralyzed in an everyday life a struggle. I think of a client of mine who faces a lifetime paralyzed in a wheelchair as a result of a terrible accident who told me "I am a wheelchair user but I do not let my wheelchair define me."

Another one of my clients has been living with a terrible cancer, but spends much of his time comforting and talking to others afflicted with the same disease. He is helping them as they contemplate an experimental surgery that has, to this point, benefited him. He helps others even as he faces his own mortality.

Additionally, I think of many friends and family members including my mom and dad who faced impending death with quiet dignity and courage. Even though they are gone, the memory and example they were willing to share and to city children. The Sequestration Program accommodates the city’s request to expedite consideration of matters involving unpaid real estate taxes of owners of commercial properties. In its petitions, the city asked the court to appoint a sequestrator to collect the rents due in order to pay the outstanding taxes.

Chancellor William P. Fedullo has made a priority of supporting the School District of Philadelphia this year.

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Panel: Low Funding Denies Access to Justice

By Lauren A. Strebel

“Fifty million Americans qualify for federally funded legal assistance— but more than half are turned away because funds are so low. And getting a fair shake of this system is simply out of reach for the poor.”

This statistic, reported by Deborah Leff, acting senior counsel for the U.S. Department of Justice’s Access to Justice Initiative, was among the topics discussed at the April 3 Chancellor’s Forum. The panel, moderated by Su Ming Yeh, chair of the Public Interest Section, included Leff, Catherine C. Carr, executive director of Community Legal Services, Inc.; and Kevin V. Mincey, partner at Mincey & Fitzpatrick, LLC, discussed the national and state efforts being made to provide low-income individuals with access to the justice system.

Access-to-justice commissions bring together the courts, the bar, civil legal aid providers and other stakeholders “in a coordinated effort to identify and remove barriers that prevent low-income members from accessing justice.” Twenty years ago, no states had these commissions; today 32 states do. Pennsylvania’s leaders, including state Sen. Stewart Greenleaf and Pennsylvania Supreme Court Chief Justice Ronald D. Castille, are diligently working to add Pennsylvania to the list.

At the federal level, the U.S. Department of Justice established the Access to Justice Initiative in 2010. The Initiative reaches agencies in order to promote the accessibility and efficiency of the courts. The Initiative recognizes Philadelphia’s efforts, including the low-income program for home foreclosures, which was the brainchild of Philadelphia Court of Common Pleas Judge Annette M. Rizzo, and the policy reform for juvenile proceedings lead by Robert Listenbee of the Office of Juvenile Justice. With the same “creativity and assertiveness,” Leff urged, leaders can come up with more initiatives to assist the cause.

Nationwide, low-income criminal litigants are not receiving the effective assistance of counsel that is guaranteed by the Constitution. Leff noted that about 21 percent of state public defenders systems and 27 percent of county systems have enough attorneys to meet caseload guidelines. In some areas across the country, lawyers’ caseloads go unchecked, so much so that litigants may get seven minutes with a lawyer before they plead out. “Gideon v. Wainwright promises more than that,” she said.

Last year, for the first time in Gideon’s 50-year history, the Department of Justice filed a Statement of Interest (SOI) in an effective-assistance-to-counsel case, Willbar v. County of Mount Vernon. The SOI did not speak to the merits of the case, but suggested that should the district court find a deprivation of rights, it should consider as part of its remedy workload controls and an independent monitor for oversight. The District Court did find systematic deprivation to the right to counsel resulting from the immense workload the public defenders were under, and implemented the remedies the Department suggested.

On the civil side, adequacy of funding is the primary barrier to access-to-justice. One in four of Philadelphia’s residents live in poverty. Legal aid is only available for 20 percent of those who need it. The problem is funding. Carr explained that federal funding was cut by one-third in 1995, a result of the Contract With America initiative that hurt the legal services community hard. Overall, the funding for legal aid has gone down or stayed flat resulting in closings of many legal aid offices around Pennsylvania. Here in Philadelphia, federal grants, support from the Bar Foundation and donations have kept many offices afloat.

The American Bar Association passed a resolution in 2006 supporting the right to counsel in important civil matters, sparking the movement known as Civil Gideon. The American Bar Association passed a resolution in 2006 supporting the right to counsel in important civil matters, sparking the movement known as Civil Gideon. The Philadelphia Bar Association promptly followed suit and passed its own resolution. Task forces have been developed in Philadelphia and on the state level to figure out how to push a right to counsel movement forward in the civil realm and how to find more funding for existing legal aid programs.

Mincey noted that in Pennsylvania, 69 out of 125 capital cases have been sent back by Supreme Court for ineffective counsel because of inadequate funding. Court-appointed lawyers receive a low flat fee for their services. This payment scheme may inherently encourage lawyers to disadvantage their clients. For example, an attorney might neglect to conduct proper research and investigation in order to plead out quicker, making room for more cases. This does meet the criteria of the Constitution.

When the city tried to reform court-appointed counsel by using county funding, Mincey says, it did not work. Counties need differ based on population and type of crimes. Instead, an hourly-based system would encourage lawyers to properly prepare their clients’ cases.

The hope is that one day, the words of our Pledge of Allegiance, “justice for all,” will be possible. For now, the consensus is that reform needs to happen in both the criminal and civil sectors.

Lauren A. Strebel (lauren.a.strebel@gmail.com) is a law clerk at Langsam Stevens Silber & Hollander LLP, an associate editor of the Philadelphia Bar Reporter.
Earn 9 CLE Credits at 2014 Bench-Bar Conference

By Jeff Lyons

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

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

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

Another highlight is the reception on Friday night, set for Borgata’s MIXX nightclub.

Registration for the Bench-Bar & Annual Conference is under way. Full conference early-bird registration rates are $379 for members and $229 for Young Lawyers Division members, public interest and government attorneys. Early bird registration is available until Friday, Sept. 19. Registration includes all CLE programming and all sponsored meals and events on Friday and Saturday. After Sept. 19, registration rates increase by $70.

Special Borgata hotel room rates are available for our Conference attendees. A rate of $189 (plus tax) for a king room is available Friday, Oct. 17 and a limited number of king rooms are available at $109 (plus tax) Thursday, Oct. 16 and $249 (plus tax) for Saturday, Oct. 18. 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.

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

Borgata is designed in classic Italian style and boasts 2,000 guest rooms and suites. The Borgata also features destination restaurants that convey a world of culinary experiences. Borgata restaurants include offerings from renowned chefs Bobby Flay, Wolfgang Puck, Geoffrey Zakarian, Michael Schulson, Stephen Kalt, Greg and Marc Sherry, Thaddeus Dubois and Thomas Biglan.

Sponsors for the 2014 Bench-Bar & Annual Conference include Insurance Adjustment Bureau, Inc.; Love Court Reporting, Inc.; Robert Half Legal; Robson Forensic, Inc.; USI Affinity; US Legal Support; Pain Management & MRI and ALM. For sponsorship information, contact Tracey McCloskey at 215-238-6360 or tmccloskey@philabar.org.

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- Robert Faro, Chief Financial Officer, Gibbons P.C.

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philadelphiabar.org May 2014 Philadelphia Bar Reporter 5
Re-Entry Program Works to Ease Transition

By Thomas L. Bryan

The Philadelphia Prisoner Re-entry Network was launched in January and Philadelphia Court of Common Pleas President Judge Woods-Skipper and Common Pleas Judge Ramy I. Djerassi recently addressed the Criminal Justice Section to discuss the progress of this and other prison re-entry programs in Philadelphia.

President Judge Woods-Skipper began the presentation with an overview of the inception and development of prisoner re-entry programs in Philadelphia. Unlike many of our neighboring states, Pennsylvania incarcerates individuals for misdemeanor violations. Re-entry programs attempt to provide judges with options other than incarceration in such cases. In 2004 a program called the Intermediate Punishment Program was started, and in 2008, the Recidivism Risk Reduction Program was begun. Both programs were attempting to address the ever present and pervasive problems associated with incarceration – recidivism, overcrowding and the incredible public expense. In October 2012, the Commonwealth passed the Justice Re-investment Act. President Judge Woods-Skipper pointed out that the focus of this act is to lower prison enrollment, reduce recidivism, make parole process more efficient and reduce the overall costs of imprisonment.

The Justice Re-investment Act established a Prison Re-entry Program under the Department of Corrections (DOC) and the Pennsylvania Board of Probation and Parole. Under this program, the DOC is responsible to evaluate the service needs of every prisoner that comes into the prison system, to develop a re-entry program for the prisoner while they are in prison, and to meet the needs of the inmate once returned to the community.

Around the same time the Philadelphia Re-entry Coalition was formed to develop a countywide blueprint of re-entry efforts in Philadelphia. The Coalition is made up of federal, state, and local law enforcement, probation departments, administrators, prisons, courts and service providers. The Coalition has already resulted in county re-entry programs such as the Roots to Re-Entry, New Leash on Life and Mental Health Court. On the horizon is the development of a state re-entry court, to be patterned off of the federal re-entry court programs, which will hopefully be up and running by the fall.

Judge Djerassi said the Prisoner Re-entry Network is really an online directory of service providers geared directly toward prisoner re-entry issues. It was developed through a partnership between Trilogy Integrated Resources, the Pennsylvania Prison Society, President Judge Woods-Skipper, the Department of Corrections, as well as the Board of Parole and Probation, and can be accessed at phillyreentry.com.

Anne Schwartzman, executive director of the Pennsylvania Prison Society, explained that this is the first time nationally that there has been an online prisoner re-entry network, targeted to provide all the shareholders with a list of vetted service providers. The website operates like a Yellow Pages for service providers.

In fielding questions at the meeting, it came to light that not all of these programs are free so attorneys representing their clients are encouraged to look into funding for any programs they deem appropriate.

Thomas L. Bryan (thomaslbryan@gmail.com) is an associate editor of the Philadelphia Bar Reporter.
Pa. Rules Committee Works to Maintain Interests of Justice

By Jim Nixon

Pennsylvania Commonwealth Court Judge Renee Cohn Jubelirer, who joked she never leaves home without a copy of the Pennsylvania Rules of Appellate Procedure, enthusiastically explained to members of the Appellate Courts Committee that the goal of the Rules Committee is for all members to work together toward maintaining the interests of justice.

Judge Jubelirer, chair of the Appellate Procedural Rules Committee of the Supreme Court of Pennsylvania, first won election to the Commonwealth Court in 2001 and was retained to a second 10-year term in 2011.

Judge Jubelirer explained that the Rules Committee receives input from a number of sources, including opinions from the Supreme Court of Pennsylvania, various bar associations, individual members of the Committee, as well as from individual attorneys (and sometimes even litigants). She outlined how when rule changes are being contemplated, they are divided into subcommittees who then examine Pennsylvania case law, law from outside jurisdictions, as well as any proposal(s) up for consideration. After a proposed rule is circulated for comments, those comments are then sent to the Supreme Court of Pennsylvania, who Judge Jubelirer reminded those in attendance is the ultimate decision-making body regarding any changes to the Rules of Appellate Procedure. She noted how the process can be time consuming, as any rule changes can affect all areas of the law, unlike another rules committees, where the rules usually only affect a single practice area. According to Judge Jubelirer, many proposals for changes to the Appellate Rules are currently being considered, including changes to petitions for review, sentencing in death penalty cases, and modifications to address confusion regarding various waiver rules.

Judge Jubelirer praised the appellate bar as adept, stating that appellate practice can be a difficult road to navigate. With that in mind, she urged members of the appellate bar to consider writing to the Rules Committee regarding problems or issues with specific rules. In addition to the membership, the Committee has three dedicated and seasoned staff members, as well as guidance from the Chief Counsel of the Supreme Court of Pennsylvania. She answered questions regarding how, in some instances, if a rule is infrequently followed, it could be a problem with the rule itself, not members of the bar. Judge Jubelirer indicated that in such cases the Rules Committee has a duty to investigate and, when appropriate, resolve such rules. She also demonstrated how additional clarification of the rules was done more so for attorneys who seldom practice appellate law, as opposed to members of the appellate bar.

Acknowledging that some judges, in some circumstances, prefer to focus on issues of waiver when possible, as opposed to reaching a decision on the merits, Judge Jubelirer reminded the audience that the goal of the Rules Committee, over the long term, is to facilitate the handling of cases based on merit. Judge Jubelirer explained how this would increase public confidence in the judiciary and the justice system.

In her closing remarks, Judge Jubelirer urged practitioners to examine the internal operating procedures of the appellate court in which they file, as they can greatly vary among Pennsylvania’s appellate courts.

Jim Nixon (jrnixonlaw@gmail.com) is an associate editor of the Philadelphia Bar Reporter.

Katz on Documentary Work at May 16 Chancellor’s Forum

JOIN CIVIC ENTREPRENEUR SAM KATZ for a discussion of his newest venture as a documentary filmmaker at a Friday, May 16 Chancellor’s Forum.

In 2008, Katz realized that Philadelphia was the only large American city that lacked its own historical documentary programming. Since then, Katz has worked to build and expand History Making Productions (HMP), an Emmy-Award winning production studio.

HMP’s first ongoing series, “Philadelphia: The Great Experiment,” documents Philadelphia’s expansive history, and will eventually cover 14 episodes. Katz has recently launched additional documentary ventures, including “The Women of Philadelphia.” This six-part series will tell the history of the city through the lens of its women, and will focus on different civic sectors in which women have wielded influence and agency.

Katz will discuss the processes and factors involved in the creation of historical documentaries, and will screen a recent episode from “Philadelphia: The Great Experiment.” A wine and cheese reception will follow.

The program is sponsored by LawPay.

Visit philadelphiabar.org for tickets to the May 16 Chancellor’s Forum.

The program begins at 4 p.m. at The CLE Conference Center on the 10th Floor of the Wanamaker Building, Market and Juniper streets. The reception follows at 5 p.m. The cost of the event is $15 for members of the Philadelphia Bar Association and $25 for non-members.

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Sam Katz
Volunteering for Those Who Served

By Daniel E. Rhynhart and Rosemary McKenna

The legal problems facing Pennsylvania’s seniors today – homelessness, elder abuse, and financial exploitation, among others – are serious and prevalent. We are exposed to instances of these problems daily; news stories and segments concerning elderly individuals who are defrauded or taken advantage of by unscrupulous “friends,” contractors, businessmen, neighbors, and others. The number of seniors who are the victims of these types of abuse and fraud is vast and include elders who are alone, in poor mental or physical health, economically disadvantaged, or vulnerable to deception.

Indeed, many of our military veterans, who spent their lives fearlessly serving their country to provide a better life for themselves and their community, are among the seniors in the community that are the victims of these egregious acts. The types of legal problems experienced in the senior community can have devastating consequences on its victims and can lead to severe physical, emotional, mental, and financial distress and injury, property loss, fear, humiliation, and loss of life’s enjoyment.

We have been handling a case that was referred to our firm by SeniorLAW Center last year, representing an 88-year-old World War II veteran who fought at the Battle of the Bulge. He was tricked by a younger man who lived in his neighborhood – who he believed to be his friend into signing away the rights to his prized classic cars, a 1964 Bentley and a 1969 Cadillac. When that fraud proved successful, the “friend” then defrauded our client into selling his home in South Philadelphia, by telling him that the papers he was signing at a realtor’s office were not sale documents, but rather rental documents for a luxury apartment on Rittenhouse Square. While our client was at the closing, unknowingly signing papers to sell his home, movers were at his home throwing away and taking his personal property, including many of his life’s possessions. Our client found himself homeless, with no family to turn to, and suffered an emotional breakdown. After nights sleeping in his car, he was hospitalized at the VA Hospital. After the fraud that had been perpetrated upon our client, he had nothing left to pay legal counsel. Through SeniorLAW Center, we were able to connect with this senior citizen and provide him pro bono representation.

Working as volunteer attorneys in partnership with SeniorLAW Center allows us, as lawyers, to advocate on behalf of victimized seniors and serve them in order to prevent the types of harm and devastation that occur as a result of fraud and abuse.

SeniorLAW Center’s 2014 Gala will honor older veterans on Wednesday, May 21, 2014 at the historic Ballroom at the Ben. For more information on SeniorLAW Center and opportunities to volunteer, visit www.seniorlawcenter.org or contact Karen C. Buck, Esq., executive director, at kbuck@seniorlawcenter.org 215.701.3201.

We proudly announce
The Honorable Sandra Mazer Moss (Ret.)
has joined
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upon her retirement from the Common Pleas Court of Philadelphia
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Finance Concerns Haunt Startups

As startup veterans and their attorneys can attest, bringing a creation to life can be rewarding and even thrilling however it can also be nerve-racking. Small Business Committee Chair Kate Tepper told attendees at the April 8 program “What Keeps Entrepreneurs Up At Night? A Talk on Seed Financings and Other Funding Options.”

“When we ask local entrepreneurs what they were losing sleep over, ‘funding’ was the overwhelming response,” Tepper said. Partnering with Drexel University, the committee recruited leading attorneys from the local tech community to provide practical insight on the funding process.” Our start-up community, Tepper continued, is “an enthralled ecosystem that spans both University City and Center City, so Drexel’s Entrepreneurship Association was a natural partner to assist us in putting together an engaging well-attended event that touched upon the primary concerns of our local start-up community.”

The presentation, hosted at Duane Morris LLP, was oriented toward the founders of tech start-ups and other high-growth model companies and addressed the basics of debt and equity financings in the early stages of a business. The panel consisted of local tech attorneys Richard Cohen, Robert Borghese, Neil Cooper and Joel Solomon.

The panel discussion underscored some of the complications associated with accessing venture capital and the importance of locating a source of capital that shares the same interests and appreciates the market opportunity. When a company is no longer bootstrapping, founders “have to make sure they are doing due diligence on investors,” Cooper warned. “Entrepreneurs should check their social network to assess the success of previous deals and probable level of involvement,” Cooper continued, is “an entwined ecosystem that spans both University City and Center City, so Drexel’s Entrepreneurship Association was a natural partner to assist us in putting together an engaging well-attended event that touched upon the primary concerns of our local start-up community.”

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Borghese agreed and pointed out that the most desirable investors for many start-ups today are the newer venture capital firms that have often been launched by entrepreneurs. A combination of funding and familiarity is often a winning one because that type of investor understands the day-to-day pressures of
BUSINESS LITIGATION COMMITTEE

Commerce Judges Offer Tips on Practice

By Jacklyn Fetbroyt

Attorneys’ failure to clearly plead all elements of the cause of action in the complaint is one of the problems judges in the Philadelphia Court of Common Pleas Commerce Program face, two judges told the members of the Business Litigation Committee on April 1.

Judges Pamela Pryor Dembe and Patricia A. McInerney offered advice to the bar for practice in the program. Judge Dembe explained that the Commerce Program is intended to provide a judicial forum with a “business operator’s perspective” and, given the limited nature of the types of cases that may be brought in the program, every lawyer practicing there should strive to clearly state his clients’ claims at the outset – without editorializing the case or using descriptors such as “liar,” “fraudster” or “thief” – which may incite the defendant and ultimately make the case harder to settle.

With potential resolution in mind, Judge Dembe also reminded the bar of the unlikelihood of obtaining punitive damages in a typical business dispute case, and that seeking them in such circumstances may deter early settlement. Warning that the longer it takes to get the case resolved, the longer the client is deprived of working capital, Judge Dembe focused on steering a case toward early resolution, including by surgically targeting discovery, using the Judge Pro Tem (JPT) program, and calling on the judges for a conference.

Both Judge Dembe and Judge McInerney expressed willingness to meet with litigants regarding discovery issues and settlement. The panel also discussed the use and responsibilities of JPTs, reminding the bar that the program is not designed to be full-blown mediation and the JPTs volunteer their time. The panel, with input from the bar, reminded counsel to be clear and frank with JPTs when going into a conference – determining at the outset what is expected, confidentiality considerations, and potential use of the JPT after the allotted hours. Judge McInerney then discussed the possibility of using JPTs for an expedited process on petitions to open or strike confessed judgments, stating that the court is inundated with such filings.

From a more practical standpoint, the judges also left the bar with the following practical pointers:

- Be sure the case 1D appears on each filed document in the header.
- Make sure all attachments are filed as indicated.
- Stipulations to amend require judicial approval.
- Do not write “proposed” on a proposed order submitted with an application.
- Do not send large faxes to chambers – in fact, Judge Dembe does not want hard copies unless something is filed under seal, in which case an email with attachment should be sent.
- With regard to oral argument, be cognizant that the judges thoroughly read papers and will not require argument unless clarification is needed.
- If you would like an application held in abeyance pending settlement discussions, or would like the court to determine an application quickly, the judges will entertain such requests by letter.

The judges agreed that, due to large part to the Commerce Program staff, the program is moving along well, having disposed of more than 500 cases in the last 24 months.

Speakers at the April 8 program included (from left) Richard Cohen, Neil Cooper, Robert Borghese, Joel Solomon and Kate Tepper.

Small Business

continued from page 8

running a startup and has capital from the exit of their own successful ventures to invest.

During the reception that followed, panelists and audience members were provided an avenue to share their experiences and exchange valuable insights and advice on the creation and financing of new ventures. “The success of ‘What Keeps Entrepreneurs Up At Night’ and Philly-Tech Week as a whole demonstrates the growth of the entrepreneurial culture throughout Center City and its increasingly close relationship with our local universities,” observed Tepper.

For more details about the Philadelphia Bar Association Small Business Committee and its upcoming schedule visit www.philadelphiabar.org/page/BLSmallBus.

Philadelphia Court of Common Pleas Judges Patricia A. McInerney (left) and Pamela Pryor Dembe met with members of the Business Litigation Committee on April 1 to discuss the court’s Commerce Program.
Deadlines for team and individual entries are soon approaching for the 35th Annual Philadelphia Bar Association 5K Run/Walk to be held Sunday, May 18 at Memorial Hall in Fairmount Park. Proceeds from the event benefit Support Center for Child Advocates.

Online registration for individuals is now open through May 17 (www.runtheday.com) and the deadline for mail-in registration forms, which can be downloaded from www.phillybarcharityrun.com, is May 9. Team competition applications may be obtained from Michael Berkowitz at Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd. at 215-567-2010 or mjberkowitz@crbcp.com. The deadline for receiving team registrations is Friday, May 9.

The event includes a 5-kilometer (3.1 miles) race and a 5-kilometer walk. Registrants may run or walk as an individual in the Open Competition. Members of the Philadelphia Bar Association will be included, at no extra charge, in the Bar Competition in addition to the Open Competition.

The entry fee for both the Open Competition and the Bar Association Competition is $35 if registrations are postmarked by midnight May 9; if you register in person by May 16; or if you register at runtheday.com by midnight May 16. A service fee is added for online registrations. Pre-registration is encouraged, and registration is available on the day of the event for $45.

You can register in person at Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd., 1635 Market St., 12th Floor, Philadelphia, PA 19103, on May 15 and 16, between 9 a.m. and 5 p.m. or at the Philadelphia Runner, 1601 Sansom St., Philadelphia, PA 19103, on May 14 from 12 to 5 p.m. Individual race numbers will be available for pick-up at the Philadelphia Runner store on Wednesday, May 14 from 12 to 5 p.m. for those who have pre-registered by May 9.

The Philadelphia Bar Association will be joined as corporate level sponsors this year by: Fiserv; Wawa; Buchanan Ingersoll & Rooney PC; Caesar Rivise Bernstein Cohen & Pokotilow Ltd.; Philadelphia Bar Association; Philadelphia Runner; Iron Mountain; The Legal Intelligencer; Veritext; and USI Affinity.

In addition, to date, the following law firms also have signed on as legal sponsors for the 2014 Run/Walk: Anapol Schwartz; BakerHostetler; Blank Rome, LLP; Ciardi Ciardi & Astin; Clark Hill PLC; Cozen O’Connor; DLA Piper LLP (US); Drinker Biddle & Reath LLP; Fox Rothschild LLP; Marshall Dennehey Warner Coleman & Goggin; Momjian Anderer, LLC; Morgan, Lewis & Bockius LLP; Ofelt Kurman; Panitch Schwarze Belisario & Nadel; Pepper Hamilton LLP; Sandals & Associates; Stevens & Lee/Griffin; and Zarwin Baum DeVito Kaplan Schaer Toddy PC. Joining the event this year as legal supporters are Maron Marvel Bradley & Anderson, LLC and Segal McCambridge.

Memorial Hall is Start for May 18 Bar 5K Run/Walk

REGISTER NOW AT
PHILLYBARCHARITYRUN.COM
PROFESSIONAL GUIDANCE COMMITTEE OPINIONS

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 a telephone inquiry. Attorneys who wish to ask a question, obtain copies of committee opinions or ask the committee to issue a formal opinion should contact Paul Kazaras, Esq., the Association’s assistant executive director, at (215) 238-6328.

Summarized by David I. Grunfeld

2013-151T Attorney representing client employer (who has employment agreement with employee) cannot review that agreement on behalf of another client who wants to hire same employee.

2013-156T Attorney representing plaintiff driver in auto accident may not also represent car owner brought in as third-party defendant.

2013-158T If a defendant and get referral fee on plaintiff's case cannot now represent different having valid power of attorney.

2013-159T Representation of wife in divorce by whose partner recently represented husband in pension issue is a waivable conflict.

2013-175T Non-lawyer who refers collection work actually done, but not on a contingency basis.

2013-185T Attorney may deposit his or her own funds in IOLTA account to cover bank monthly fees, if any.

2013-189T Attorney who represented seller of business, who thereafter became general counsel for buyer, cannot represent buyer in suit against seller on note in transaction.

2013-192T Attorney who referred client's case cannot now represent defendant and get referral fee on plaintiff's case.

2013-200T Attorney who represented husband and wife in bankruptcy 10 years ago cannot now represent one spouse re: divorce and support against the other.

2013-203T Opposing counsel of corporation represented by inquirer may contact former board member without violating R.4.2.

2013-204T Attorney cannot assert attorney's lien on file to avoid discovery request when suing former client for fee balance.

2013-214T Attorney who handled wrongful death action for estate should not pay referral fee to attorney administrator without court approval.

2013-219T Attorney for real estate seller may receive partial payment of legal fees from buyer under agreement between buyer and seller.

2013-226T Attorney cannot represent both driver and passenger in auto accident case against third party because of possible future conflict, which is not waivable should it actually arise.

2013-297T Non-equity partners and associates in a law firm may be referred to as “members.”

2013-232T Attorney wishing to recapture significant additional costs from collection of judgment for client, where fee agreement is silent on the issue, should not simply add the amount as part of his fee, but rather discuss issue with client and try to settle the matter amicably.

2013-233T Attorney may put advertising leaflets on doorknobs so long as there is no direct contact with residents.

2013-238T Attorney referred contingency case by another attorney cannot pay referral fee to that other attorney who will be factual witness in case, without informed consent conflicts waiver by client.

2013-242T Fee agreement in non-contingency cases need not be signed by clients.

2013-250T Attorney not is restricted from talking to adverse company former employee about case she may have information on, but cannot “coach” or direct what to say in a deposition.

2013-254T Attorney who finds client files in office of lawyer who “disappeared” should contact the Disciplinary Board.

2013-255T Attorney cannot sign up comatose adult child by getting parent’s signature on fee agreement without parent having valid power of attorney.

2013-257T Attorney who represented client as lessee in unsuccessful lease negotiations cannot now represent different client in attempting to negotiate the same lease, when clients are competitors, and original client insisted that second client not know about the inquirer’s representation.

continued on page 18

May CLE Calendar

These CLE programs, cosponsored by the Philadelphia Bar Association, will be held at The CLE Conference Center, Wanamaker Building, 10th Floor, Suite 1010, Juniper Street entrance unless otherwise noted.

Live & Simulcast Seminars

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<td>Estate Planning for the Middle Market Client</td>
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<td>May 9</td>
<td>The Most Frequently Encountered Landlord Tenant Issues</td>
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<td>May 12</td>
<td>Medical School for Lawyers: Into the Anatomy Lab</td>
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<td>May 15</td>
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<td>May 14</td>
<td>Prevent, Handle and Investigate Complaints of Sexual Assault &amp; Violence on College Campuses</td>
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<td>Practical Evidence in the Courtroom</td>
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Distance Education — Live Webcasts

Live Webcasts

| May 1  | Travel Law  |
| May 2  | Estate Planning for the Middle Market Client  |
| May 9  | The Most Frequently Encountered Landlord Tenant Issues  |
| May 15 | Claims Made & Professional Liability Insurance Coverage  |
| May 20 | Communication Essentials & Ethical Practice  |
| May 22 | Representing the LGBT Clients in Pennsylvania  |
| May 24 | Workers’ Compensation Practice & Procedure 2014  |
| May 28 | Critical Ethics Issues in Workers’ Compensation Practice  |
| May 30 | Working through the Lenses of Shirk: Issues for the General Practitioner  |

Online CLE

Delivered over the Web at your convenience. We call this 24/7 CLE. When you need the information (or the credits), log on to our Online Campus and find a course that meets your needs; a recording of a seminar, with the materials in convenient searchable PDF format. Start it today, watch some tomorrow and more in the coming weeks, finish it within three months, and get credit when you’re done.

Video Seminars

| May 7  | Sophisticated Issues for Family Lawyers  |
| May 8  | What PA Lawyers Need To Know About NJ Family Law Practice  |
| May 19 | A Day on Health Law  |
| May 21 | Driving Under the Influence: Skills that Win Cases  |

Simulcasts from PLI

Save yourself the time and expense of an overnight trip to New York City, and take advantage of the specialized educational programs for which PLI is famous.

| May 1/2 | The Foreign Corrupt Practices Act & International Anti-Corruption Developments  |
| May 5/6 | Antitrust Institute: Developments & Hot Topics  |
| May 12/13 | Basics of Accounting for Lawyers: What Every Practicing Lawyer Needs to Know  |

Mark Your Calendar

2014 Technology Institute

Wed., June 11, 2014

From the way we research to the way we communicate, technology is reshaping society at large. Make sure your practice keeps pace and takes advantage of the newest technologies.

Your educational experience will be unique as you design a program that suits your particular practice needs. You'll be able to choose among litigation issues, transactional law topics, law practice management, and hot topics in technology.

➤ www.pbi.org ➤ 800-932-4637
I am writing this month’s column at the end of the nicest Easter Sunday I can remember since my father left a Transformer waiting for me at the end of the egg hunt. For me and my better half, Clare (arguably my better three-fourths), this was the first Easter with our 5-month-old son. Obviously, the boy was a little young for any meaningful participation in an Easter egg hunt, but we did enjoy putting him in a bow tie for brunch. In hindsight, he may have looked a little like the guy in H&R Block commercials, but it made his grandparents happy.

This winter being what it was, we were not able to get the baby out of the house much. Although he is well acquainted with watching us watch Netflix, he has not clocked many hours in the stroller. This Easter, we made up for lost time, and we weren’t alone; the streets and parks were packed with young families taking advantage of the beautiful weather. It was a great reminder of why we love Philadelphia, and why we chose to stay in our little house when we learned our baby was on the way. As we took our son along the Schuylkill River walk and down Kelly Drive, we talked about our excitement to raise him in such a diverse and vibrant city, and how lucky we are to be in Philadelphia for its current renaissance.

We have friends who left the city right after getting married under the belief that the city is no place to raise a child. In many respects, this couldn’t be more wrong. From where we live in the Graduate Hospital area, we can walk to four great parks and playgrounds. For when the baby is just a little older, we are just over a mile from the Franklin Institute and Academy of Natural Science, and a short bike ride from the Philadelphia Zoo. We want to engage our son’s curiosity and imagination at a young age, and we have no doubts that this city’s extensive history, art, culture and color will make that easier as we prepare him for school.

And that’s where we hit a snag – school. As much as we want to stay in this city for all its culture (not to mention walking to work), we cannot deny that the schools give us pause. Among the young parents I know in the neighborhood, at work and in the Young Lawyers Division, many share our concerns and hesitancy when it comes to staying in the city for the long haul.

As a young attorney and parent, I appreciate Chancellor Bill Fedullo’s call to help city schools. I realize the Chancellor’s ambitions are not necessarily aimed at relieving Clare and I of the burden of private school tuition. The work he and the Philadelphia Bar Association are doing is needed to address the great inequality in opportunity faced by families for whom private school is not even a remote option.

Still, better schools will undoubtedly encourage young professionals, invested in their children’s education, to stay in the city. In turn, more invested parents in the district will further improve the quality of its schools. Matt Olesh, the YLD’s financial secretary, is a great example. Matt, an associate at Fox Rothschild LLP, and his wife are the kind of dedicated parents this city needs to retain. More than merely involved, they founded the Friends of Chester A. Arthur School Education Foundation, obtaining grants and organizing volunteers for Chester A. Arthur, one of the K-8 schools in the Graduate Hospital neighborhood where Matt and his wife reside. By getting involved at Arthur, Matt and his wife have helped our community take ownership of its neighborhood school, paving the way to great results and positive momentum.

With the interests of other young Philadelphia parents in mind, Matt has organized an upcoming YLD 20/20 event with the city’s superintendent of schools, continued on page 17.
Recent Foundation Gifts

IN MEMORIAM
- Amy B. Ginensky made a donation in memory of Kim Holmes, mother of Jessica Hilburn-Holmes.
- Amy B. Ginensky and Andrew Rogoff made a donation in memory of Goldye Comisky, former Gala Chair and lifelong supporter of the Bar Foundation, wife of the late Marvin Comisky, and mother of Hope, Matthew and Ian Comisky.
- Amy B. Ginensky made a donation in memory of Joan Berkowitz Kurtz, mother of Stuart R. Kurtz; Carol Giles, wife of Hon. James T. Giles; and Norman Leonard Holmes, father of Jessica Hilburn-Holmes.
- S. David Fineman made a donation in memory of Allen J. Beckman.
- Allen and Cecelia Driscoll made a donation in memory of Kim Holmes and Norman Leonard Holmes, parents of Jessica Hilburn-Holmes.
- Deborah R. Gross, made a donation in memory of John Daniel Snyder, grandfather of Joshua Snyder, and Dr. Herman “Hank” Segal, father of Jonathan Segal.

IN TRIBUTE
- Caryn Gubin made a donation in honor of William P. Fedullo, Chancellor of the Philadelphia Bar Association.
- Bruce J. Fedullo made a donation in honor of Deborah R. Gross, in recognition of all her good work.

We are at the midpoint in our celebration of the Philadelphia Bar Foundation’s 50th year. We have made it through a harsh winter and look forward to welcoming summer at the Foundation’s Annual Golf and Tennis Classic. On June 16, we will be at a new venue, the Philadelphia Cricket Club, with two courses on which to play golf and more than a dozen grass courts on which to play tennis.

We’ll be auctioning an opportunity to play at the Lexus Champions for Charity National Championship golf tournament at the legendary Pebble Beach Resorts in California. We very much appreciate Kessler Topaz Meltzer Check LLP for agreeing to once again be our presenting sponsor, USI Affinity for being our Platinum Sponsor, and the Foundation’s Golf Committee for their help in promoting the event. To register, please visit www.philabarfoundation.org.

While this is a terrific opportunity to socialize with your fellow attorneys, friends and clients, it is also an important way for you to support the Foundation’s efforts to raise funds for our legal service providers. This year, the legal service community was informed that its funding levels from IOLTA would be drastically decreased. This is in addition to the cuts for the past several years due to low interest rates on attorney trust accounts. It is estimated that only one out of every 10 people in Pennsylvania who qualify for legal representation gets legal assistance, and even this level of service is now jeopardized. We need to join together to remedy this situation.

Spearheading our fundraising efforts this year is our new development director, Alexander McDowell. Alex has worked in development for area nonprofits including WHYY, and we are excited to have him join our team. Alex, Foundation Executive Director Jessica Hilburn-Holmes and I visited the Cricket Club to see the progress being made on the restoration of the historic Wissahickon Course and the beautiful new layout of the patio and clubhouse where we will be holding our dinner and silent auction. The course is opening Memorial Day weekend and we are one of the first groups to take full advantage of the two challenging golf courses. Our goal is to have 200 golfers and 50 tennis players participate in this event. We have stepped up to counter the decrease in IOLTA funding and you should too. Remember, this can only be accomplished with your support.

Deborah R. Gross (debbie@bernardmgross.com) of the Law Offices of Bernard M. Gross, P.C. is president of the Philadelphia Bar Foundation.

Philadelphia Bar Foundation
26th Annual Golf & Tennis Classic
Monday, June 16
Philadelphia Cricket Club
Register Now at philabarfoundation.org
Economic Reality + Court Needs = Fellowship

By Martha A. Fisher

The First Judicial District of Pennsylvania is located among some of Pennsylvania’s finest law schools. This beautiful city, rich with culture and history, attracts law school students from across the country, and each year graduates energetic lawyers yearning to practice. Here’s where dreams also meet reality: businesses have downsized and law firms have suspended hiring. Yet courts are facing increased caseloads. For many graduates, dreams slip away as they contemplate turning to other jobs.

Philadelphia Court of Common Pleas Judge Lisa M. Rau realized the predicament of graduating students. She also had a full understanding of the burden facing the courts as judges complied with judicial efficiency systems. Judge Rau started thinking creatively. What if these recent graduates would come to the First Judicial District as an unpaid fellow, learn how to be a law clerk and assist the existing staff with pressing caseloads? What if judges were willing to train these law clerks, benefit from their assistance, knowing at any time they could find a paying position?

With the support of then President Judge Pamela Pryor Dembe and Administrative Judge D. Webster Keogh, the Judicial Fellowship program was launched in the Spring of 2011. Initially, Judge Rau contacted schools in the immediate Philadelphia vicinity: Temple University Beasley School of Law, University of Pennsylvania Law School and Drexel University Earle Mack School of Law. By the end of the first season, seven area law schools were involved, including Villanova University School of Law, Widener School of Law, Rutgers School of Law-Camden and Penn State Dickinson School of Law. In the next year, 38 judges joined the program and 30 graduates participated. Of the 30 fellows, 88 percent went on to find paying jobs in a year or less, 25 percent of whom were hired as paid law clerks for the courts.

Now in its fourth year of existence, the program has gained the continued support of Administrative Judge John W. Herron and current President Judge Sheila Woods-Skipper. “The Judicial Fellowship program provides benefits to both the graduate and the courts,” noted Judge Woods-Skipper. “The graduate gains marketable experience and the courts gain the assistance of qualified and motivated young lawyers. I am so proud of this partnership and the wisdom of Judge Rau in helping to fill the void of this economic depression; this is a win-win for all involved.”

Some notable success stories have evolved. Shannon Cunningham, a 2011 graduate, had part-time work at a Philadelphia firm. She applied for and received a fellowship with Judge Marlene Lachman, while keeping her part time job. Within several months, she received a full-time paid clerkship with Judge Sandra Mazer Moss. She started monthly brown-bag luncheons for other fellows so they could exchange experiences, leads, and interview tips. In 2013, Shannon was hired by a law firm in Philadelphia. She would not have been able to afford law school tuition had it not been for the fellowship.

Judge Jessica Shawaluk heard about the program through Temple Law School’s career services. While searching for a job during the summer of 2011, she applied for and received a fellowship. Several months later she was hired by a law firm who valued the experience she had gained as a fellow. Within one year, her firm was seeking to hire another associate. Another fellow was hired into Jessica’s firm and the two associates currently still work there. Jessica stated, “I can’t imagine where I would be today if it wasn’t for the fellowship program. I am so grateful that Judge Rau has taken the steps to initiate such a program and keep it in place.”

Judge Lisa M. Rau recalls, “When I look at my journey since law school graduation, I can’t imagine what it would have been like without the judicial fellowship. We are like family.”

Natalie Young, a former fellow hired as a law clerk, now runs the luncheons.

Fellow Shannon Cunningham said, “I cannot think of all the work our graduates would have to do to fill the void left by the fellowship fellows. We are like family.”

Of the 30 fellows, 88 percent went on to find paying jobs in a year or less, 25 percent of whom were hired as paid law clerks for the courts. The Fellowship Program is vibrant and growing. The program now accepts applications on a rolling basis. To date 152 graduates have participated, and 23 fellows are active. Fifty-five judges are participating, and 30 positions are open. The fellows come from 30 different law schools. Of the 113 Fellows who have moved on from the program, 98 left having obtained paid employment during the fellowship. Thirty-one of those fellows have gone to law firms, 32 to judicial clerkships, 14 to government jobs and 37 to other work. “This mini-clerkship provides experience to recent grads while judges benefit from new legal talent. The mutual selection process is key: fellows apply to individual judges and judges select their own fellows,” said Judge Rau.

The Judicial Fellowship Program is a win-win for everyone, providing a unique opportunity for recent graduates to gain practical experience while also aiding overburdened courts. It is an innovative solution to the problem of the “leaky pipeline” and the challenges faced by law schools and law students in today’s job market. The program has received widespread recognition and support, and it continues to evolve and expand. The Judicial Fellowship Program is a testament to the wisdom of Judge Rau in helping to fill the void of this economic depression; this is a win-win for all involved.”

Martha A. Fisher is legal counsel in the Human Resources Department of the First Judicial District of Pennsylvania.
Year Club Honors at June 9 Event

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

**50-Year Club**

**60-Year Club**

**65-Year Club**

**70-Year Club**
- Joseph Janisz

Judge McKee continued from page 1

Appeals. A legal and civic giant and scholar, he was a lifelong champion of individual rights, with a career that spanned nearly half a century.

Judge McKee was sworn in as a judge of the U.S. Court of Appeals for the Third Circuit on June 20, 1994, and became chief judge on May 4, 2010.

He began his legal career at a large Philadelphia law firm, but left there in 1977 to begin his career in public service. He has since been an Assistant United States Attorney, Deputy Solicitor to the Law Department of the City of Philadelphia, and General Counsel to the Philadelphia Parking Authority. He was elected to a 10-year term as a judge of the Court of Common Pleas for the First Judicial District of Pennsylvania. While a judge of the Court of Common Pleas, Judge McKee chaired the Pennsylvania Sentencing Commission. He was appointed to the Court of Appeals by President Bill Clinton shortly after being retained for a second 10-year term on the Court of Common Pleas.

Judge McKee graduated magna cum laude from Syracuse University College of Law in 1975 where he was inducted into the Order of the Coif, and earned several honors for outstanding academic performance. Judge McKee serves on the boards of directors of several nonprofit organizations and institutions including the Vera Institute of Justice, Syracuse University, Temple University, and City Year of Philadelphia. He is also a member of the Board of Visitors of Temple University Beasley School of Law and an honorary member of the Board of Visitors of Syracuse University Law School.

Tickets for the June 9 Quarterly Meeting and Luncheon are available at philadelphiabar.org. The June Quarterly Meeting and Luncheon is sponsored by PNC Wealth Management.
Open Enrollment Changes for Individuals

By Brian McLaughlin

Now that we have come to the end of the open enrollment period, we will discuss changes to deductibles limits for small groups and begin the discussion on the reporting employers will need to provide to the IRS to comply with the Affordable Care Act.

Now that we are outside of the annual open enrollment period the rules for individuals to enroll for insurance have changed. One point of clarification is that the open enrollment changes we are discussing only affects individuals.

Small groups still have the ability to make carrier changes at any time. Subscribers, spouses or children can only enroll or change within 60 days of the occurrence of one of the following events:

- Your or your spouse or child loses minimum essential coverage.
- Your enrollment or non-enrollment in another health plan was unintentional, inadvertent or erroneous and was the result of the error.
- Misrepresentation or inaction of an officer, employee, or agent of a health plan or the exchange.
- You move and become eligible for new health plans.
- You gain a dependent or become a dependent through marriage, birth, adoption or placement for adoption.
- You are determined newly eligible or newly ineligible for advance payments of the premium tax credit or have a change in eligibility for cost-sharing reductions.
- You, your spouse or child exhausted Your COBRA or continuation coverage.

If any of these situations exist you must present proof of the change and you will be able to change your plan within 60 days. One point of clarification is that no matter when the plan begins it will renew in January.

If you do not have a qualifying event and you are still without coverage you will not be able to enroll in a qualified plan until open enrollment beginning Nov. 15, 2014 for a Jan. 1, 2015 effective date.

Open enrollment will continue through Feb. 15, 2015. Two options for people who find themselves in this situation would be short-term medical plans or indemnity medical plans. These plans are not qualified under the ACA and would not satisfy the individual mandate. The short-term plans provide more comprehensive coverage but do require underwriting. The indemnity medical plans are guarantee issue and offer a fixed benefit for services. These options can be a good coverage bridge until the next open enrollment cycle.

Another change this month is the repeal of the deductible maximums on small group business. The Protecting Access to Medicare Act of 2014, legislation extending the "doc fix" for Medicare payments, also includes a provision that repeals the maximum deductible limits applicable to many small group health plans. Deductible limits for non-grandfathered small group plans are capped under the ACA at $2,000 for single coverage and $4,000 for family coverage effective for the first plan year on or after Jan. 1, 2014. This legislation repeals the deductible limits as of the date health care reform was enacted (March 23, 2010). This change will allow carriers increased flexibility in plans designs allowing them to increase deductible on qualified and non-qualified high deductible plans potentially in lieu of introducing coinsurance.

Lastly we will begin the discussion on reporting to the IRS. In short, there are two important reporting requirements due in early 2016:

A report to the IRS and to a primary insured reporting which individuals are enrolled in minimum essential coverage for individual mandate purposes, handled by the carrier for an insured plan and by the employer for a self-funded plan (Section 6055);

An information return to the IRS and to all full-time employees that reports the terms and conditions of the employer-sponsored health plan coverage, handled by large employers for em... continued on page 18
What do you see happening in the global market environment? The most likely cause of the volatility in global markets and declines in U.S. stocks year-to-date has been concerns of contagion from some troubled emerging market countries. Our view is that this situation is somewhat similar to periods in 2011 and 2012 when concerns regarding contagion from the Eurozone weighed on the global markets. Emerging markets are the new Eurozone.

How have the emerging markets performed lately? The MSCI Emerging Markets Index declined more than 6.5 percent in Jan. 2014 following a return of -2.3 percent for all of 2013. Market pressures have eased a bit in February, but the index is still down 4.2 percent through Feb. 21, 2014. Interestingly, little of the story surrounding the emerging markets is really new.

So investors have gone through emerging market troubles before! As many investors are aware, emerging market equities are subject to pullbacks. In fact, even excluding the large decline during the financial crisis, the MSCI Emerging Markets Index has declined 5 percent or more in local currency terms 19 times in the past decade, according to Goldman Sachs. Despite the drop, equity valuations in emerging markets are still not cheap. And market indicators could signal a continued downturn.

Should investors be concerned? Problems in the emerging markets are complex, and there is concern about credit. There is some debate on whether the emerging markets will repeat the conditions of 1997-98 or whether it is different this time around – mainly because the world is different. As has occurred in the recent U.S. crisis, despite a more developed and different world, history tends to repeat itself. Not to be doomsayers, but it is important to be pragmatic and look at the hard core data and not with wishful thinking. It is impossible to accurately predict a draconian scenario for the emerging markets, but the evidence appears to point to caution.

Are other countries experiencing similar woes? While the focus has been on the emerging markets in recent months, it is worth noting that frontier markets, a subset of emerging markets, have and are facing greater challenges. Currency pressures have forced countries such as Ukraine, Kazakhstan, Argentina, Ghana, and Serbia to take extraordinary measures, including capital controls and in some cases devaluation. While frontier markets certainly feel contagion pressures from the larger group of emerging markets, many are facing their own problems, notably Ukraine and Argentina. The biggest risk regarding Ukraine is possible contagion to other emerging markets, most notably Russia. Russia is facing declining manufacturing PMI, industrial production, and GDP growth. The ruble is beginning to decline, which spells trouble for inflation.

Which specific countries are experiencing the most troubles? We find it helpful to focus on the countries that are most in the crosshairs of the global markets, the so-called ‘‘Fragile Five’’ – Brazil, India, Indonesia, South Africa, and Turkey. In general, these countries share twin deficits – current account and budget, which means they have significant external financing requirements and are subject to more risk when capital seeks safer areas. In contrast capital tends to flee to safer assets, such as Treasuries, in times of fear and volatility, which is why 10-year Treasury yields tend to fall during disruptions in emerging markets.

Is there any good news concerning the emerging markets? Dr. William E. Hite. The event is scheduled for May 12 at the Philadelphia Bar Association from 12 to 1:30 p.m. Dr. Hite will speak about his Action Plan 2.0 and his vision for the future of Philadelphia’s public schools. He will also take questions from those in attendance. I am equal parts interested in attending this event, and proud to have this program as part of my year as YLD chair.

The quality of Philadelphia’s public schools should be a high priority for anyone who lives, works, or is otherwise connected to this fine city. We all owe it to ourselves and our community to not just be informed, but to take an active role in ensuring that all children in Philadelphia have access to a first-rate public education. I hope to see you at our event on May 12 and I look forward to working together to do everything we can to support our schools, both as a professional organization and as individuals who care deeply about the future of Philadelphia. If you would like more information on the work Matt Olesh and the Friends of Chester Arthur are doing, please email him at molesh@foxrothschild.com or visit friendsofchesterarthur.org.

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

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College basketball coach who gave a speech for the ages, Jim Valvano talked about the cancer that would inevitably kill him. He proclaimed “cancer can take away all of my physical abilities. It cannot touch my mind. It cannot touch my heart and it cannot touch my soul.” Coach Valvano described a full day thusly: “If you laugh, you think and you cry, that’s a full day.” That’s a heck of a day. You do that seven days a week, you’re going to have something special.” Of course, Coach Valvano was also using his terrible condition as a way to help others by raising money for cancer research.

Finally, I would hope that this month’s column will help you reflect on the many examples of courage and character you have seen in your life-time. We are fortunate that those who inspire us remain in our hearts forever. This week, did something move you to laugh, to think, to cry? If so, you had something special.

William P. Fedullo (williamfedullo@gmail.com), counsel to Baen, Schofer & DiMeo LLP, is Chancellor of the Philadelphia Bar Association.
Health Care Reform
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For more information about insurance you can access the Philadelphia Bar Association Insurance Exchange at www.usiaf.com/PhiladelphiaBar. For Lawyers Professional Liability and other business coverage, you will still use the Philadelphia Bar Association Insurance Program website at www.usiaf.com/PhiladelphiaBar. If you want to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 888-879-0325.

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Guidance
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2013-260T First attorney in contingent fee case cannot refuse to withdraw appearance as leverage in negotiating fee allocation and costs reimbursement with successor attorney.

2014-6T Attorney cannot move for pro hac vice admission of out-of-state attorney who is on administrative suspension in Pennsylvania.

2014-8T One law firm cannot pay for another’s advertising without disclosure.

2014-9T In turning over client’s file to successor counsel, personal notes and impressions are work product and need not be included.

2014-43T Attorney may use “cloud storage” to back-up client files if satisfied they are secure and measures are taken to ensure continued confidentiality of information therein.

2014-49T Attorney embargoed from an estate should be reported to the Disciplinary Board even if paid back in full with interest.

David J. Greenfylde, of counsel to Astor Weiss Kaplan & Mandel, LLP, is a member of the Professional Guidance Committee.
Gaetan J. Alfano, a partner with Pietragallo Gordon Alfano Bosick & Raspanti, LLP and Vice Chancellor of the Philadelphia Bar Association, has been named vice chair of the Pennsylvania Board of Law Examiners.

Scott W. Reid, a member of Cozen O’Connor, will be honored by The Baristers’ Association of Philadelphia with the 2014 J. Austin Norris Award at its annual gala on May 17.

Ronda Goldfein, executive director of the AIDS Law Project of Pennsylvania, received the Favorite Straight Person of the Year Award from AIDS Fund at the Black Tie Gay BINGO event on April 5.

Amanda K. DiChello, an associate with Saul Ewing LLP, was a faculty member for the half-day Pennsylvania Bar Institute CLE program “Trial of a Will Contest Case” on April 24.


Karen Sanchez, an associate with Obermayer Rebmann Maxwell & Hipel LLP, has been elected to the board of Counseling or Referral Assistance — a nonprofit counseling agency to help children and families overcome adversities in their school, home and neighborhood.

Alexis C. Ouseley, an associate with Pond Lehocky Stern Goggin, addressed students at Villanova University School of Law on April 1. She assisted Workers’ Compensation Judge Todd Seelig in a presentation to his class.

Brenda H. Gotanda, a partner with Manako, Gold, Katcher & Fox, LLP presented “Environmental Issues Update for Commercial and Industrial Real Estate Deals” as part of the Temple University Real Estate Institute on April 3.

Deborah Epstein Henry, founder and president of Law & Recorders, moderated a discussion and interview by Australian journalist Annette Young of France 24 on women and work/life balance issues at The French Senate in Paris on April 4.

Niki T. Ingram, a shareholder at Marshall Dennehey Warner Coleman & Goggin, was a featured speaker for the program “Diversity and Inclusion in the Insurance Industry – A Critical Success Factor” at the Philly I-Day conference April 9 at the Pennsylvania Convention Center.

Gilbert J. Marquez, law firm administrator at Feldman Shepherd Wohlgelernter Tanner Weinstock & Dodig LLP, has been named president of the Philadelphia Chapter of the Association of Legal Administrators for a one-year term.

Eric J. Schreiner, a partner in Kleinbard Bell & Brecker LLP, was recently appointed to the Board of Directors of Sky Community Partners, Inc.


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

Wesley R. Payne IV, a partner at White and Williams LLP and Sophia Lee, chief counsel in litigation at Sunoco, Inc., co-presidents of the Philadelphia Diversity Law Group, accepted on behalf of the Philadelphia Diversity Law Group, the American Bar Association Section of Litigation Diversity Leadership Award on April 10. Payne is treasurer of the Philadelphia Bar Association and Lee is the Philadelphia Bar Association’s diversity chair.

Michael A. Morse, a partner with Pietragallo Gordon Alfano Bosick and Raspanti, LLP presented at Health Care Compliance Association’s Annual Compliance Institute in San Diego on March 30.
Philadelphia’s Employment Lawyers

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