Hon. Jacqueline F. Allen, Administrative Judge of the Trial Division of the Philadelphia Court of Common Pleas, will receive the Philadelphia Bar Association's Sandra Day O'Connor Award, to be presented at the Quarterly Meeting and Luncheon to be held on June 20. Not pictured: Kathleen Kirkpatrick, cochair, Women in the Profession Committee.

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

Judge Allen oversees a multi-million-dollar budget and all administrative matters, including the assignment of 72 judges, case management with the criminal and civil sections, personnel administration, court technology, jury oversight and adult probation and parole. She has served the judiciary for 25 years in the Philadelphia Court of Common Pleas, having been elected in 1993. Before rising to the position of Administrative Judge, she was a team leader in the Trial Division, supervising all major civil cases. Judge Allen is an active participant in the...
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By Mary F. Platt

Tell Us
What You Think!

The Philadelphia Bar Reporter welcomes letters to the editors for publication. Letters should be typed. There is no word limit, but editors reserve the right to condense for clarity, style and space considerations. Letters must be signed to verify authorship, but names will be withheld upon request. Letters may be mailed, faxed or e-mailed to: Thomas E. Rogers, Senior Director of Communications and Marketing, Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, PA 19107-2955. Telephone: (215) 238-6300. Association Web site: philadelphiabar.org. Newspaper e-mail address: reporter@philabar.org. The editorial and other views expressed in the Philadelphia Bar Reporter are not necessarily those of the Association, its officers or its members. Advertising rates and information are available from Shawn D. Phillips at American Lawyer Media, 1617 JFK Boulevard, Philadelphia, PA, 19103. Telephone: (215) 557-2340 or e-mail sphilips@alm.com.

Frontline

Battle Continues to Fund LSC, Preserve Public Service Loan Forgiveness

ON April 11, I JOINED THE leadership of the American Bar Association, four leaders of the Pennsylvania Legal Aid Network, and bar leaders from other states at ABA Day 2018 in Washington, D.C., to urge members of Congress to restore funding in the FY19 budget for the Legal Services Corporation (LSC) to the inflation-adjusted FY10 level of $482 million. We also asked them to preserve the federal Public Service Loan Forgiveness (PSLF) Program that House Resolution 4508 (aka the PROSPER Act) would eliminate.

LSC Funding

The five of us from Pennsylvania met with Pennsylvania’s 20 Congressmen and Senators, or their staff, and were proud to see Rep. Brian Fitzpatrick from Pennsylvania’s Eighth Congressional District receive the 2018 ABA Justice Award for his support of LSC and his leadership in seeking ways to improve access to the civil justice system.

While the proposed FY19 budget eliminates funding for LSC, I applaud the bipartisan effort that resulted in approval of the FY18 omnibus spending bill that provides $410 million to LSC—an increase of $25 million from the funding levels of the past two fiscal years and the highest appropriation since 2010 for legal services.

As the single largest funder of legal services, LSC provides funds for low-income residents in every county across the nation, and safeguards the most fundamental and nonpartisan right of equal access to justice under the law. Philadelphia Legal Assistance, the Philadelphia County recipient of LSC funding, provides legal services to address basic human needs, including family safety and stability, food security, access to healthcare, employment, income maintenance and housing, in addition to facilitating the efforts of our local law schools and lawyers in private practice to provide pro bono services to low-income clients.

The LSCs 2017 Justice Gap Report revealed that 86 percent of low-income Americans receive inadequate or no legal help for their civil legal problems due to a lack of resources. In 2017, 709,070 Philadelphians were eligible for free legal services, which is not surprising given that Philadelphia has the highest poverty rate among the 10 largest cities in the United States.

Funding civil legal aid is essential to improving our community, in addition to ensuring fairness for all in our justice system. Civil legal aid prevents homelessness, secures health benefits and prevents harm from domestic violence, which helps to lower taxpayer costs. It also has proven to be an invaluable and effective tool to fight poverty and protect the safety and well-being of low-income families, children, seniors and veterans, and has a positive economic impact on local communities. In Pennsylvania, an economic impact study has shown an investment return of approximately $11 for every $1 spent for legal aid in local communities.

The PSLF Program

We encouraged Congress at ABA Day 2018 to preserve the federal PSLF program, because it incentivizes graduates with student loans to pursue public service careers that address the most pressing needs of our communities, and enables communities to provide critical services to their residents at a lower cost.

President George W. Bush and a bipartisan Congress created the PSLF Program in 2007 to enable public sector employers to attract and retain skilled professionals. PSLF makes it financially viable to pursue a career in public service by lowering student loan debt, which has become the primary barrier for new graduates interested in pursuing public service careers. Under the program, borrowers who have made 120 timely monthly payments on federal direct loans, while employed full-time in qualifying public service jobs are eligible to have their remaining loan balance forgiven.

H.R. 4508 would eliminate PSLF and income-based repayment plans. It also would cap federal graduate school loans at $28,000 annually, which would discourage diverse and low-income students from pursuing a legal education, including those interested in public service careers.

PSLF helps graduates afford lower paying jobs as federal, state and local government workers, teachers, nurses, firefighters, police officers, military employees and first responders, and ensures that Americans have access to essential legal services. The types of legal jobs that qualify for the PSLF program include public defenders, prosecutors, civil legal aid attorneys, court personnel and other public service attorneys. Eighty percent of law students take out student loans to attend law school. In addition to an average of $30,000 in undergraduate debt, graduates of private law schools incur on average $122,000 in debt and graduates from public law schools incur on average $88,000 in debt. The potential forgiveness of outstanding student loan debt makes it feasible for the public sector to recruit and retain young lawyers who could earn much higher salaries in the private sector, but want to pursue public service careers with a starting salary of $50,000 or less. Without PSLF, law school graduates considering public service would face 20 years or more of student loan payments.

If you would like to add your voice to those heard on ABA Day 2018 in Washington, D.C., please contact our Pennsylvania Senators and your Representative, and ask them to fund LSC at the $482 million level, preserve the PSLF program and income-based repayment plans, and ensure access to federal graduate school loans that reflect the true cost of a graduate education.

Mary F. Platt (mplatt@finemanlawfirm.com), attorney at FINEmanKrochtein & Harris P.C., is Chancellor of the Philadelphia Bar Association.
Be proactive. For instance, make it known to everyone who is willing to listen that you would be happy to take a deposition. But, be realistic and try to identify a witness who, although necessary to depose in the case, may not be the most critical. Prepare to demonstrate your readiness and ability to handle the assignment through your knowledge of the documents and facts pertinent to that witness; because chances are, you are already the closest to that information. Consider doing some additional homework on your own time to learn more about other approaches to the task. While the best way to learn how to take a deposition effectively is by doing it again and again, there are several great reads that will provide the basics and some practice tips. Ask for the opportunity and take it if it is offered. Your preparation will be obvious, which will help you show that you are up to the challenge.

It is normal to be nervous, but do not let those feelings cause you to pass up a chance to take a step forward in your professional development. Trust the person assigning you the task, since your success is, ultimately, theirs. Remember that if the responsible attorney did not have confidence in you and in your abilities, they would not have assigned the task to you. Being entrusted with an opportunity to take a deposition, argue a motion or examine a witness at trial may be the highest compliment you can receive as a young litigator. Draw some comfort from your colleague’s vote of confidence.

This is not to say you should be overly confident. We all “practice” law, so carve out plenty of time to prepare. Making preparation a top priority is as important for your own growth as an attorney as it is to ensure a high-quality product. It may mean some late nights and the sacrifice of some of your own time, but it will be worth it. You will be well equipped to handle the curve balls that will inevitably be thrown your way, and all of your hard work will shine through. Do all you can to be ready, and remember to reflect upon the experience afterward to identify areas for improvement or more thorough preparation.

Last but not least, be grateful for the opportunity given. Say “thank you.” The colleague who entrusted you with the assignment has, by their actions, placed confidence and trust in you. They may have had to stick their neck out for you with the client, or with other colleagues, and we should always be happy to thank those who help us along the way in our professional development. It also makes it more likely that we will be called upon again for similar assignments.

The opportunity will come, but there is no reason you cannot nudge the process along. You will be glad you did.

Vincent N. Barbera (barberav@whiteandwilliams.com), associate at White and Williams LLP, is chair of the Young Lawyers Division.

When Opportunity Knocks, Answer

When Opportunity Knocks, Answer

By Vincent N. Barbera

No one goes to law school aspiring to write internal research memos or review document productions. Yet, so often goes the life of an associate attorney. Is there anything that can be done to generate opportunities for more exciting work? I believe the answer is “yes.”

Be proactive. For instance, make it known to everyone who is willing to listen that you would be happy to take a deposition. But, be realistic and try to identify a witness who, although necessary to depose in the case, may not be the most critical. Prepare to demonstrate your readiness and ability to handle the assignment through your knowledge of the documents and facts pertinent to that witness; because chances are, you are already the closest to that information. Consider doing some additional homework on your own time to learn more about other approaches to the task. While the best way to learn how to take a deposition effectively is by doing it again and again, there are several great reads that will provide the basics and some practice tips. Ask for the opportunity and take it if it is offered. Your preparation will be obvious, which will help you show that you are up to the challenge.

It is normal to be nervous, but do not let those feelings cause you to pass up a chance to take a step forward in your professional development. Trust the person assigning you the task, since your success is, ultimately, theirs. Remember that if the responsible attorney did not have confidence in you and in your abilities, they would not have assigned the task to you. Being entrusted with an opportunity to take a deposition, argue a motion or examine a witness at trial may be the highest compliment you can receive as a young litigator. Draw some comfort from your colleague’s vote of confidence.

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Vincent N. Barbera (barberav@whiteandwilliams.com), associate at White and Williams LLP, is chair of the Young Lawyers Division.
In 2017, the Philadelphia Bar Association’s Pro Bono Task Force released a comprehensive report detailing the state of pro bono legal services in Philadelphia. Part of its analysis included lawyers in private practice at large, mid-size and small firms, as well as solo practitioners. The report detailed that many of the large law firms in Philadelphia have pro bono programs in place for attorneys to easily promote involvement, and that robust pro bono practices can also be found at smaller firms. The large firms are also likely to have sizable pro bono projects in collaboration with Philadelphia legal services organizations. Facilitating pro bono work as part of law firm culture is a distinctive and exceptional characteristic of the Philadelphia legal community.

For those without the means to pay for legal representation, many problems go unaddressed and needs go unmet. All signs point to the fact that this gap between need and solution has widened and continues to grow. These challenges will surely be exacerbated if dramatic economic shifts occur, if the U.S. government realigns with new priorities, or if a natural disaster occurs with far-reaching impact on the daily lives of Americans.

The Legal Services Corporation’s 2017 report, “The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans,” said “Low-income Americans seek professional legal help for only 20 percent of the civil legal problems they face.” The reasons people do not actively look for help are that they decide to handle it by themselves, they do not know where to find help or resources, or they are unsure if their issue is a “legal” problem.

Our legal community’s pro bono work is critical for advancing the mission of access to justice, and we have the opportunity and obligation to communicate to the Philadelphia region that help is indeed available. There are tens of thousands of lawyers who provide pro bono service to the public and who dedicate their careers to public interest, and we can help amplify their voices.

Programs such as the Philadelphia Bar Association’s Young Lawyers Division Expungement Clinic mobilize many volunteer lawyers to provide free legal services to many people at once. This clinic assists individuals who have prior arrests and old misdemeanor convictions with getting them removed from the legal record and/or sealed from the public.

Another collective initiative with impact is #TakeActionPhilly in which the Philadelphia Bar Association, with the support of the City of Philadelphia and several nonprofit legal aid organizations, work together to provide free legal assistance to individuals and families seeking U.S. citizenship by hosting a series of free screenings and clinics.

Although the Philadelphia Bar Foundation’s mission is to support free and low-cost legal services through the funding of our nonprofit partner legal aid agencies, we also rely on generous pro bono legal support from our community. We are extremely grateful to have these pro bono legal services and the volunteer support of many from the legal community. Our dedicated board of trustees is a committed group of individuals who donate time, funding and other resources to raise awareness about the Foundation and to advance equal access to justice throughout the professional community.

As a multifaceted organization, the Foundation relies on advice and support from legal counsel, provided gratis, for complex matters including:

- Buchanan Ingersoll & Rooney, PC, provides counsel for the Equal Justice Center bond transactions, development agreements and contracts;
- Caesar Rivise, PC successfully filed for trademark on the Philadelphia Bar Foundation logo and provides intellectual property guidance;
- Blank Rome LLP conducted an extensive analysis of national registration options for Foundation fundraising, and Blank Rome Partner Linsey Boccuzzi recently reviewed and edited our bylaws;
- Montgomery, McCracken, Walker & Rhodes LLP is actively assisting with the creation and establishment of PBF Holdings, a wholly owned subsidiary of the Philadelphia Bar Foundation that will own the Equal Justice Center as a ground tenant. Donald Kramer has given invaluable advice on the creation of this complex entity; and
- Pepper Hamilton LLP filed a patent application for our innovative and unique Economic Benefits Calculator.

We are fortunate to have access to an incredible group of law firms and lawyers that are philanthropy-focused and believe in our shared mission. The Philadelphia legal community is unique and mobilized to leverage their talent not only for our benefit with services, but also for greater impact overall in legal service organizations and pro bono through their own firms.

The nomination period will soon open for the Pro Bono Award of the Philadelphia Bar Foundation. Given annually to a Philadelphia law firm or corporate legal department that performs outstanding volunteer efforts in providing legal services to those in need, this award recognizes collective commitment to the development and delivery of pro bono legal services in the region. We encourage you to consider candidates for this award.

The Philadelphia Bar Foundation is grateful to receive pro bono legal support and volunteer leadership from our legal community. We thank all of you for your service to us and to our legal aid nonprofit organization partners.

Thomas A. Brophy (tabrophy@mdwcg.com), shareholder at Marshall Dennehey Warner Coleman & Goggin, P.C., is president of the Philadelphia Bar Foundation.
Workers' Compensation Section Helps Local Students

By Hon. Todd B. Seelig

On April 11, the Philadelphia Bar Association’s Workers’ Compensation Section presented a $2,000 donation to Central Montco Technical High School. The funds will be used to provide dual enrollment college credits for students enrolled in the networking technology program at CMTHS. According to Larry Byron, head of the Networking Technology program at CMTHS, this will allow students attending this technical high school to pay for college credits for their coursework in the program. A student could graduate from the technology program and have a dual enrollment status with a local community college providing up to 15 hours of college credit. This could go a long way in inspiring high school students to attend college after graduation.

The CMTHS campus is in Plymouth Meeting, Pennsylvania. The CMTHS student population is both culturally and financially diverse, with more than 43 percent of CMTHS students economically disadvantaged and students with a special population status make up more than 35 percent of the enrollment. Members of the Section were met by Charles Braun, business manager of CMTHS; Frederick McCarthy, marketing coordinator; and Seth Schram, assistant director; and given a tour of the impressively large campus. Schram thanked the Section for its donation, and said that this donation helps fund the vision of the school to continue to provide high-level, competency-based career and technical education programs;

continued on page 14
#MeToo in the Workplace, How to Provide a Safe Space

By Enrique Marquez

The #MeToo movement created a tidal wave after an onslaught of Hollywood elite were excoriated after accusations of years of sexual harassment. This has had the fortunate effect of catapulting the issue of sexual harassment to the forefront of the media, and employers’ concerns. After these accusations, corporate America, including law firms and legal departments, is focusing on improving workplace culture to be more sensitive to the issues surrounding sexual harassment. During the Philadelphia Bar Association CLE hosted by the Women’s Rights and Women in the Profession Committees titled “A Chancellor’s Forum on Sexual Harassment” on April 4, a panel discussed #MeToo and its implications in the legal profession. Catherine T. Barbieri and Amal M. Bass, cochairs of the Women’s Rights Committee moderated, and panelists included Pamela Gwaltney, deputy director of compliance for the Philadelphia Commission on Human Relations; Elizabeth A. Malloy, member at Cozen O’Connor; Brian McGinnis, associate at Fox Rothschild LLP; Lisa Swiatek, deputy city solicitor in the City of Philadelphia Law Department; Deborah Weinstein, founder and president of The Weinstein Firm, LLC; and Jacqueline M. Woolley, associate at The Ezold Law Firm, P.C.

Employers have an obligation to provide a safe work space. In doing so, an employer must have a legal understanding on what constitutes sexual harassment, allowing the employer to understand what behaviors cannot be tolerated. An employer can have written policies to prevent these behaviors from occurring, but if they do occur, these guidelines should instruct an employee and an employer on how to respond. There are several items to keep in mind when drafting or revising sexual-harassment policies. Make them user-friendly by writing in language that everyone can easily understand and include a strong section of defined terms that clearly explains unwanted behaviors. At the end of the day, it is not the intention behind an action that is the most important, it is how an action is received. If a behavior is making someone at work feel violated, that is what counts.

Outline reporting procedures so that when there are instances of sexual harassment, an employee will know exactly where to turn. In this regard, it is important that the policy lays out the investigation procedure and the importance of the cooperation of everyone involved, including witnesses. Furthermore, laying out remedial measures sends a clear message that the employer will take these instances of bad conduct seriously and make it safe for an employee to report them. Be clear that there will be no retaliation for reporting sexual harassment. Finally, because an aggressor can be anyone, and a victim can also be anyone, these policies should be non-discriminatory based on gender or sexual orientation.

The panel also talked about leading proper training, noting that training plans must be tailored to individual workplace cultures. Create programs that are genuine, current and interactive and clearly communicate that when at work, there are rules that must be followed. Sexual-harassment training must equip managers with the skills to know what to do when they receive a complaint and encourage employees to come forward after an incident.

It is often said that sexual harassment is about power, not just sex, and employers are charged with the responsibility of providing an environment where their employees feel safe.

Enrique Marquez (Enrique.Marquez@Phila.gov), assistant city solicitor in the City of Philadelphia Law Department, is an associate editor of the Philadelphia Bar Reporter.
MAY CLE COURSES

An Inside Look at the Purpose, Procedure, Pitfalls, and Punishment in Support Contempt Actions
Mon., 5/7/18 - 12:30 - 2:00 p.m. (1 SUB)
Hosted by the Family Law Section
The program will offer practical guidance regarding the best ways to prepare and present a contempt petition along with how to properly represent a defendant in a support contempt action. The program will provide instruction on topics including: proper procedure for the filing a contempt petition, types of preparation and information gathering that should be performed for contempt hearings, types of purge factors to be considered, and tips on what to do and what not to do when presenting one’s petition to the court.

Election Day 2018: How the City Holds Elections and Preserves the Right to Vote
Tue., 5/8/18 - 12:30 - 1:30 p.m. (1 SUB)
Co-Hosted by the Government & Public Service Lawyers Committee, City Policy Committee, The Barristers’ Association of Philadelphia, Inc. and the Hispanic Bar Association of Pennsylvania (HBAPA)
In this timely 1-hour luncheon CLE program, panelists examine how the City of Philadelphia prepares for and holds elections on Election Day. Specific topics will include how fraud is monitored by the District Attorney and how Election Court operates as the day unfolds. Panelists will also address how recent redistricting litigation has affected preparations for Election Day.

Search and Seizure Update 2018
Thu., 5/10/18 - 12:30 - 1:30 p.m. (1 SUB)
Hosted by the Criminal Justice Section
The law of search and seizure is challenging and ever-evolving as new cases are added to the Fourth Amendment mosaic. A thorough knowledge of search and seizure law is vital to the practice of criminal law. In this CLE program, Professor David Rudovsky will highlight new developments in the area of “reasonable expectation of privacy,” cellphone searches and searches by parole officers, among many others. Professor Rudovsky will also share new perspectives in Pennsylvania constitutional law.

The Mobile Workers’ Compensation Lawyer - In & Out of the Courtroom
Fri., 5/11/18 - 12:30 - 1:30 p.m. (1 SUB)
Hosted by the Workers’ Compensation Section
The days are long gone in which lawyers brought pens and paper to court, and handled everything else while in their offices. With smartphones, tablets, laptops and other mobile devices, lawyers now communicate with clients in their offices and on the run. In this CLE program, workers’ compensation attorneys will learn about different technological options and how to use those options to serve clients better on the go. The presentation will include specific examples including accessing WCAIS, the Act, and the regulations on a mobile device.

VIDEO ENCORE: Ethics and Malpractice Avoidance
Wed., 5/16/18 - 12:30 - 2:30 p.m. (2.0 ETH)
This video encore CLE program, applicable to attorneys in all practice areas, will provide guidance regarding how to protect yourself and minimize your chances of being sued for malpractice or being subject to other ethical issues. Panelists will address the primary reasons why attorneys are sued, the stages of a representation where attorneys get into trouble, practical steps an attorney can take to minimize risk, as well as professional liability insurance, which is critical in protecting the law firm and the attorney in the event of legal malpractice. Attend and earn a discount on your malpractice insurance, advised and administered by USI Affinity. The discount does not apply to part-time policies.

Nonprofit Financials 101: What Board Members Need to Know
Wed., 5/23/18 - 12:30 - 1:30 p.m. (1 SUB)
Hosted by the VLD as part of the Philadelphia Bar Foundation Board Observer Program
This practical CLE program will cover how to read nonprofit financial statements, give an overview of the audit process and the preparation of required IRS Form 990. The program will cover what questions attorneys serving on nonprofit boards should be asking about their organizations’ financial situation.

VIDEO ENCORE: Gifts and Emoluments: Are Public Employees Held to a Higher Standard than the President of the United States?
Wed., 5/30/18 - 12:30 - 1:30 p.m. (1 ETH)
In this ethics video encore program, panelists from the City of Philadelphia Board of Ethics and the Pennsylvania State Ethics Commission will review the relevant gift restrictions that apply to government employees in Philadelphia. The program will also examine these gift restrictions in relation to the emoluments clauses of the U.S. Constitution.

*Additional courses will be added within the month. For more new, unique and affordable CLE programs, please visit the Philadelphia Bar Association CLE webpage.

TO REGISTER
Visit the CLE page at PhiladelphiaBar.org

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
Know How to Clarify Who’s a Contractor, Who’s Not

By Elisa C. Advani

Workers’ compensation cases involving construction injuries are complex matters, and attorneys on both the claimants’ and defendants’ side need to know the ins and outs of the Construction Workplace Misclassification Act. The Workers’ Compensation Section hosted a Philadelphia Bar Association CLE titled “How to Handle the Construction Worker Misclassification Case” on Feb. 23. Panelists were Alfred J. Carlson, partner at Martin Law LLC, and Patrick J. Cummings, associate at Weber Gallagher Simpson Stapleton Turner & Newby LLP.

The panel talked about the CWMA, which went into effect on Feb. 10, 2011, establishing that no individual may be classified as an independent contractor unless they have a written contract to perform construction services, are free from control and direction over the performance of the work, and are customarily engaged in an independently established trade, occupation, profession or business. In other words, the CWMA protects injured construction workers by recognizing them as employees to be covered under the employers’ insurance or the Uninsured Employers’ Guarantee Fund, unless they meet all the requirements of an independent contractor.

“Before the CWMA went in to effect, courts used a traditional common law control test to determine if there was an employment relationship,” said Cummings, “and many employers were misclassifying employees as independent contractors to skirt the system and avoid paying workers’ compensation.” The act only applies to the construction field, which is important because of the severity of construction injuries. “Construction workers put themselves at a huge risk doing things like demolition, climbing onto roofs and ladders, and they need the protection of statutory employment,” said Carlson. When determining whether an individual fits the definition of a construction worker and whether the CWMA applies, Carlson said attorneys need to focus first on what type of work and services the injured worker was performing.

He told attendees to take time to explain why the client is an employer and not an independent contractor. “This can involve issues of residency, immigration status and weekly wage status. Next, it is important to determine who the employer is. Your client might not speak English, or might have been hired through a friend whose last name they don’t know, or the employer might not have a corporate name. You might need to hire a private investigator to figure out who exactly the employer is before you put a case into suit,” said Carlson. “It is much easier now to determine if an employer has insurance. If there is no insurance, claimants’ attorneys must put the UEGF on notice within 45 days of finding that out.”

The court made it clear in Del-R Construction vs. WCAB that the CWMA is not retroactive and only applies to construction injuries that occurred on or after Feb. 10, 2011, the effective date. Another relevant case, L&I vs. WCAB (Appeal of Lin), was argued before the Supreme Court of Pennsylvania on March 6. In that case, the employer was a Chinese restaurant that was closed for remodeling when one of the construction workers was severely injured. The employer argued that the CWMA did not apply because it was a restaurant and not in the business of construction. However, Carlson said, “When you look at the four corners of the CWMA itself, I don’t see anything that talks about the nature of the employer’s business – the focus is on what the injured worker was doing and the circumstances around his construction job.”

WCAIS Implications for Yellow Freight Motions

By Leah Cilo

“Yellow Freight” motions are made after an employer fails to file an answer to a claim petition within 20 days after the assignment notice has been issued. Judges are empowered to grant these motions and deem every well-pled factual allegation on the petition admitted as true and to bar the employer from presenting challenges to these allegations. The excluded affirmative defenses are res judicata, collateral estoppel, intoxication, and violation of a positive work order. The Workers’ Compensation Section hosted a Philadelphia Bar Association CLE titled “Yellow Freight After WCAIS and Beyond” on March 16. The Workers’ Compensation Automation and Integration System, or WAICS, is the electronic filing system for the Bureau of Workers’ Compensation.

The program began with Hon. Scott M. Olin, Workers’ Compensation Office of Adjudication, discussed the underlying facts of Yellow Freight, Inc. vs. Workmen’s Compensation Appeal Board (Madara), the case that created these motions. Like many seminal court opinions, the facts in the Yellow Freight case are severe; they involve a fatal claim petition filed by the wife of a truck driver who was killed while driving intoxicated. Marla Joseph, of the Law Offices of Marla A. Joseph, LLC, said that during the centennial celebration of the Workers’ Compensation Act in 2015, she contacted the widow’s attorney and he was unaware that the case he handled in 1981 created the Act’s.
State, Federal Tax Laws' Impact on Law Firms

By James Vandermark

Like many businesses, law firms are analyzing how the Tax Cuts and Jobs Act will affect the way they do business. The Tax Section and the Solo and Small Firm Management Committee presented a CLE program titled “What the New Tax Law Means for Lawyers and Law Firms” on March 20. The program was presented by James R. Malone Jr., principal at Post & Schell, P.C., and Leila E. Vaughan, of counsel to Royer Cooper Cohen Braunfeld LLC.

The presenters discussed how the Tax Act may affect the way firms operate. For example, the elimination of the deduction for entertainment may reduce the level of client entertainment. While you will still be able to deduct for the costs of meals, the deduction has been reduced to 50 percent.

Deductions for employee transportation benefits have also been eliminated, except for when it is for the safety of employees. As an example, Malone said this exception allowed a deduction for Uber rides for employees working late. For firms that provided transportation benefits, Vaughan said employees should make pre-tax contributions for transportation expenses, which were not affected by the Tax Act.

The Tax Act also includes major changes that may affect how firms are structured, including the lower federal corporate tax rate, a cap on state and local tax deductions and the new qualified business income deduction. The first two changes support organizing in corporate form. The federal corporate rate dropped to 20 percent, which is generally more favorable than the rates applicable to individual partners. In addition, individuals now face a $10,000 cap on state and local tax deductions which is not applicable to corporations. However, Vaughan cautions that the double taxation applicable to a corporation still exists and the impact of Pennsylvania’s corporate tax rate at 9.99 percent compared to the individual rate of 3.07 percent may offset any federal tax advantages.

As a counterbalance to the lower corporate tax rate, the Tax Act provides a 20 percent deduction of qualified business income for pass-through entities. However, for specified service businesses, continued on page 14
Gifts & Emoluments: Standards at All Levels of Gov't

By Jon-Michael Olson

Are public employees held to a higher standard than the president of the United States with regard to accepting emoluments (i.e. gifts)? The probable answer is “Yes,” said Mark Rahdert, professor of law at Temple University Beasley School of Law, during the Philadelphia Bar Association CLE hosted by the Government and Public Service Lawyers Committee titled “Gifts and Emoluments: Are Public Employees Held to a Higher Standard Than the President of the United States?” on March 22. “But the longer and more complicated answer to that is ‘we may never know.’”

The U.S. Constitution contains three emolument clauses to protect the U.S. from the corruptive influence of bribery, conflicts of interest and corruption. Throughout this country’s 242-year history, these clauses were hardly litigated and defined. However, President Trump’s many business interests, domestic and international, have called attention to these rules. There are two pending lawsuits that allege that the president violated the Foreign Emoluments clause, which prohibits an officer of the U.S. government from receiving any emolument of any kind from a foreign government, and the Domestic Emoluments clause, which prohibits the president and vice-president from receiving any emoluments from any U.S. state.

Recently, a federal judge ruled that the District of Columbia and Maryland have standing to proceed with their claim that President Trump inappropriately received emoluments, in the form of business to Trump-owned properties, from foreign and U.S. state governments. The courts will then have the task of defining the parameters of the emoluments clauses, including whether the president is considered an officer of the U.S. and should emoluments be broadly defined to include business arrangements?

For local public employees and officials, however, the law is more definitive. Jordan Segall, cochair of the Government and Public Service Lawyers Committee, said that the City Ethics Code prohibits city officers and employees from accepting or soliciting gifts of over $99 from those that seek official action or have a financial interest that the city employee can affect through official action. Additionally, all cash gifts are prohibited under the Ethics Code from these sources. A continued on page 15

Untangling Philadelphia Real Estate Foreclosure Law

By Antarvir Kaur

Real estate taxes are a contentious matter in the City of Philadelphia. Many taxpayers may say the city would love to take their homes away and auction them at sheriff’s sale, but the city would rebut that it just wants taxpayers to pay their taxes in-full and is willing to work with home-owners. At a Philadelphia Bar Association CLE cohosted by Community Legal Services of Philadelphia and the Real Property Section titled “Philadelphia Property Tax Foreclosures” on March 27, lawyers from both sides discussed the foreclosure process in Philadelphia County. Panelists included Hon. Idee C. Fox, Supervising Judge, Philadelphia Court of Common Pleas; Frances R. Beckley, chief counsel of the revenue department in the Tax Unit of the City of Philadelphia Law Department; Catherine M. Martin, ABA Section of Taxation Christina A. Brunswick Public Interest Fellow at Community Legal Services of Philadelphia; and Graham O’Neill, director of taxpayer assistance & credit programs in the Department of Revenue of the City of Philadelphia. The program was moderated by Montgomery L. Wilson, senior attorney, Community Legal Services of Philadelphia.

Real estate taxes became past-due on March 31, and if they were not paid by April 1, they begin accruing interest. If the taxes are not paid by the following year, a lien will be assessed against the property. The taxpayer is notified regarding this lien with a certified letter that informs them about their outstanding taxes, interest and penalties on the principal and any other issues. When the lien is assessed, it is docketed in the Philadelphia Court of Common Pleas. This allows the city to file a lawsuit against the property to collect the delinquent taxes. A petition is filed, and the court issues a rule hearing to decide if the property should be auctioned at sheriff’s sale. The taxpayer has an opportunity to come to the hearing and make their case before a master, who will make a recommendation. If the taxpayer is not present for this hearing, a decree may be issued, and the sheriff’s sale is set three months from that date. The notice for sheriff’s sale must be conspicuously posted on the property.

Taxpayers have three opportunities before a master to make arrangements for payment with the city’s Department of Revenue. Before any decree is issued, there is an independent inquiry by a judge to verify whether service was proper with respect to notice to any parties who have registered interest in the property being foreclosed.

Taxpayers may substantively dispute the matter at a hearing where they are entitled to a production of evidence. A continued on page 15
Treating LGBTQIA Youth With Respect, Understanding

By Julia O’Connor

Legal and systemic barriers, both nationally and in Philadelphia, negatively perpetuate the cycle of intersectional oppression for lesbian, gay, bisexual, transgender, queer, intersex and/or asexual, or LGBTQIA, youth. The Public Interest Section’s Legal Rights of Children Committee hosted a CLE titled “Legal Issues Facing LGBTQIA Youth in Philadelphia” on March 28. Panelists examined issues that are disproportionately affecting LGBTQIA youth including housing insecurity, school harassment, negative interactions with school police and best practices that should be adhered to with clients who identify as LGBTQIA.

Kristina A. Moon, staff attorney at the Education Law Center Philadelphia, moderated and maintained a lively discussion about the needs of LGBTQIA youth. Whiquitta “Kee” Tobar, Stoneleigh Foundation Emerging Leader Fellow at Community Legal Services of Philadelphia, said she aims to leverage civil legal services to reduce and prevent youth homelessness in Philadelphia, specifically for system-involved youth, and LGBTQIA youth of color through a variety of ways including expungement and public benefits assistance. Youth who are facing housing insecurity also have a significant statistical likelihood of being people of color, lesbian, gay, bisexual, nor connected to education or employment, have been through the criminal justice system or are already parenting or pregnant. These statistics confirm that the homeless youth population is extremely vulnerable, and desperately in need of services, safety nets, resources and advocacy while transitioning into housing.

Lizzy Wingfield, Stoneleigh Foundation Emerging Leader Fellow at the Education Law Center Philadelphia, addressed the problems LGBTQIA youth face in schools including harassment and negative interactions with school police. Nationally, 85 percent of LGBTQIA youth have been harassed or assaulted verbally. This high statistic is rendered despite a significant trend in youth under-reporting incidents at school. While students are struggling to find justice from the bullies at school, students who identify as LGBTQIA are also being targeted by school police through increased surveillance, harsher discipline, more application of rules and policies or outright discrimination using slurs or pat-downs. This negative school environment highlights the disproportionate injustices and oppression that LGBTQIA children face.

Kristina A. Moon (left to right), Kae Greenberg, Whiquitta “Kee” Tobar and Lizzy Wingfield at the Philadelphia Bar Association CLE on March 28.

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Quality Expert Witnesses Via Reliability, Peer-Review

By Khalil Bullock

Expert witnesses play an important role in trials and arbitrations especially in cases. The Philadelphia Bar Association hosted the first free CLE program of 2018 titled “Tales From the Financial Services Trenches” on April 10. Paul Brahim, chairman and CEO of BPU Investment Management Inc., was the presenter. Brahim referenced an array of cases to help understand the role of an expert witness. In each, he discussed the need for attorneys to listen to the expert for insight into their area of knowledge.

Lack of respect for the expert’s opinion has resulted in a loss for cases in the past, said Brahim. He discussed Daubert v. Merrell Dow Pharmaceuticals as grounds to introduce the concepts of reliability and peer-reviewed methodology. He talked about the need for inclusion of scientific information and how a lack of methodology led to the case being vacated. The concepts of reliability and peer-reviewed methodology aim to establish a sense of credibility and validity to ensure the quality of evidence.

Federal Rule of Evidence 702 testimony by a witness states that the ideal expert witnesses is qualified and possesses the knowledge, skill, experience, training or education to testify in the form of an opinion. Brahim said that if the expert’s scientific or specialized knowledge will help the trier of fact understand the evidence his or her opinion is welcomed.

According to Brahim, the role of an expert is to first listen to counsel and determine their stance on prospective cases. Expert witnesses should be able to identify teachable moments when engaging with counsel to prepare and assist the trier of fact in a way that is favorable to their mutual client. The duty of loyalty and duty of care are two concepts he included in his argument as important attributes of an expert witness.

Four steps expert witnesses should follow to successfully fulfill their legal duty are to organize, formalize, implement and monitor. Tools such as an assessment of fiduciary evidence can be used as guidance when constructing an expert report; one of the many tasks of an expert witness. Expert reports can be used as an audit to help understand the relevance of the evidence. Brahim said the essential elements of an expert report should include a summary of opinion in hopes of framing the thinking around the facts.

Expert witnesses should be able to understand and anticipate what the other side of the issue is arguing against. Experts should know the arbitrator or judge presenting the case, for preparation and research. Most importantly, experts should be perceived as credible and reliable, said Brahim, and should be able to effectively support their arguments.

Khalil Bullock is the former communications intern at the Philadelphia Bar Association.

PRO BONO SPOTLIGHT - SENIORLAW CENTER

Impact of Pro Bono: One Corporate Counsel’s Journey

By William J. Donohue

In 2001, I had a career transformative event – I became a volunteer attorney for SeniorLAW Center. Due to an unexpected career transition, I suddenly found myself without the usual excuses to perform pro bono legal work, most notably the lack of time amid a hectic corporate legal practice.

Following up on a reference from a friend, I made a cold call to Karen Buck, executive director of SLC, to volunteer my services. Even though I had not done wills-and-estates work for many years, Karen assured me that I would receive the necessary training and mentorship at SLC to launch my pro bono legal career. And, she told me, there were many ways to serve.

What has followed over the last 17 years has been an extraordinary personal journey, led by Karen, my pro bono mentor, legal colleague and good friend. Not only have I counseled SLC clients as a volunteer attorney on a range of issues, but I have served the SLC as a board member and officer. I have had the pleasure of going to seniors’ homes to provide legal help in person when they were too frail to travel – and to share their life stories and help resolve their problems, be it safe housing, a consumer scam or a family-law crisis.

At Exelon, pro bono service is encouraged and supported for all attorneys and legal professionals – whether it is a one-day clinic or a complicated immigration case. In this regard, Exelon “walks the walk,” demonstrating by example its pro bono expectations for outside counsel.

Exelon’s relationship with SLC has blossomed into a partnership that encompasses more than legal services and involves more than attorneys. In what has become an annual tradition, Exelon subsidiary, PECO Energy Company, sponsors a bilingual “life planning” wills and advance directives clinic in the community for Hispanic seniors in partnership with SLC. Not only does PECO provide the attorneys, often assisted by colleagues at Blank Rome LLP, but interpreters are drawn from members of PECO’s Hispanic employee group, the Organization of Latinos at Exelon, or OLE. In addition, representatives from PECO’s customer service Department are on hand to provide information about customer programs, for example, the Low-Income Home Energy Assistance Program, or LIHEAP, sponsored by the Pennsylvania Department of Human Services. We counsel them on how to prevent elder financial exploitation, remain vigilant in their affairs, and help address other legal problems that may arise. Exelon general counsel has flown in for these events and worked directly with clients, as does PECO’s general counsel, to make it “all hands in.” Together we have served more than 500 of the most vulnerable older Philadelphians. It has become a signature project for Exelon.

In the end, however, it is the personal relationships with the clients that are the most meaningful aspect of pro bono legal service. Nothing in our careers can compare with representing a client in need, often vulnerable and desperate with nowhere else to turn for support. As attorneys, we have the privilege of being able to practice law. And there is no higher calling in our profession than pro bono service.

I still remember the day that my first pro bono client introduced me, with great pride, as “my attorney.”

William J. Donohue is the associate general counsel of Exelon Corporation.
Judge Allen

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Association’s Advancing Civics Education Committee. She also served for more than 10 years as co-chair of the Pennsylvania Conference of State Trial Judges Education Committee, as a presenter and leader for the New Judges Training Conference, and has served as chair of the Scholarship Committee of the Foundation of the National Bar Association Women Lawyers Division, Philadelphia Chapter. Outside of her life in court, she has been a leader in the philanthropic efforts of the Presbyterian Community Ministries of the Delaware Valley.

“Judge Allen leads by example, with a strong work ethic and a ‘can do’ attitude that will leave a lasting impression not only on our court system and Philadelphia, but across the state and the nation. She has inspired and motivated judges, lawyers and students to be committed to the law and to utilize it to understand and provide service for those less fortunate,” said Hon. Sheila Woods-Skipper, President Judge of the Philadelphia Court of Common Pleas.

Before rising to the bench, Judge Allen was a trial attorney representing Southeastern Transportation Authority, Consolidated Rail Corporation and Unisys Corporation in personal injury and product performance litigation. She holds a bachelor’s degree, cum laude, from Lincoln University; a master’s degree from The Ohio State University; and a J.D. from Temple University Beasley School of Law.

The Women in the Profession Committee established the award in 1993 to recognize the important contributions that women attorneys in Philadelphia have made to the legal profession. That year, U.S. Supreme Court Associate Justice Sandra Day O’Connor presented the first award to U.S. District Court Senior Judge Norma L. Shapiro. The award has since been presented to the late Janetta Kidd Stout, former justice of the Pennsylvania Supreme Court; Deborah R. Willig, first woman Chancellor of the Philadelphia Bar Association; Professor Marina Angel, of the Temple University Beasley School of Law faculty; Third Circuit Court of Appeals Judge Dolores K. Sloviter (former Chief Judge); U.S. District Court Judge Anita B. Brody; Leslie Anne Miller, first woman president of the Pennsylvania Bar Association; Lila G. Roenberg of Ballard Spahr Andrews & Ingersoll, LLP; the late Judge Judith J. Jamison; Ellen T. Greenlee, chief defender of the Defender Association of Philadelphia; former Chancellor Audrey C. Talley; U.S. Court of Appeals Judge Marjorie O. Rendell; former Pennsylvania Superior Court Judge Phyllis W. Becke; Roberta D. Pichini of Feldman, Shephard, Wohlgemuter, Tanner, Weinstock & Dodge; Lynn A. Marles, executive director of Pennsylvanians for Modern Courts; Roberta D. Liebenberg of Fine, Kaplan and Black, R.P.C.; JoAnne Epps, dean of Temple University Beasley School of Law; Stephanie Resnick of Fox Rothschild LLP; U.S. District Court Judge Cynthia M. Rufe; former Chancellor Jane Leslie Dalton; Pennsylvania Superior Court Judge Anne E. Lazarus; Judge Sandra Mazur Moss (ret.); Catherine C. Carr, former executive director of Community Legal Services of Philadelphia; Philadelphia Court of Common Plea Senior Judge Pamela Pytor Dembek; and Carol E. Tracy, executive director of the Women’s Law Project.

Probate

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promote the objectives of the Association within the field of probate and trust law, to educate practitioners in all areas of practice concerning probate and trust law, to cooperate in attaining uniformity with respect to both legislation and administration in all matters within that field and to simplify and improve the application of justice in that field.

To view the full resolution and bylaws amendments, visit PhiladelphiaBar.org.

WCAIS

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one-and-only named motion with its own body of case law.

Despite the implementation of WCAIS, Neil T. Dombrowski, of The Dombrowski Group, P.C., said that late answers are still often the result of using imprecise names and addresses on the petitions that can cause delay. Joseph, who represents claimants, said that the addresses of employers and insurers are not always available in WCAIS. In denials claims, the addresses of employers and insurers may be listed in the system, but this is only true in a minority of cases. As such, claimants’ attorneys still gather addresses the old-fashioned way from pay stubs and information provided by the claimants.

Additionally, Judge Olin said that a continuing issue with Yellow Freight is the substantive way the pleadings are drafted and cited to a recent unpublished case, *Ascenio v. Workers’ Compensation Appeal Board (Dept. of Corrections)*, that held that “injury to heart” was too vague a description to be deemed well pled. Joseph told attendees that she has described work injuries on claim petitions as an “injury to back including, but not limited to, disc herniation.” This language is narrow enough to meaningfully articulate the nature of a work injury, but broad enough not to hamstring by the description.

The panelists said that while WCAIS offers speed and another source of information, it does not change the organic way humans draft and file documents, mistakes and all.

Leah Cilo (lcilo@paworkinjury.com), is an associate at Martin Law LLC.

CMTHS

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high-level academic integration within each program; and articulated career and post-secondary pathway options for all students. The Section believes this donation is another example of its ongoing commitment of community outreach and service along with diversity and inclusion. Hon. Todd B. Seelig, Section judicial cochair, and Kaitlin Files, cochair of the Section’s Diversity and Inclusion Subcommittee, were on hand for the donation presentation.

New Tax Laws

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which generally include law firms, the QBI deduction is phased out and reduced to zero when taxable income reaches $207,500 for individuals ($415,000 for couples). Only partners with incomes below these thresholds will benefit from the QBI deduction.

Finally, the presenters addressed the new Pennsylvania requirement to withhold personal income tax from payments to non-employees. Beginning in 2018, Pennsylvania requires withholding PIT from Pennsylvania-sourced income paid to non-residents. This will likely affect payments to out-of-state experts and landlords. Significantly, Pennsylvania’s reciprocity with New Jersey only addresses employees, so it is not applicable.

The presenters discussed the complicated nature of the recent changes. Malone said, “Every tax lawyer has been going out of their mind since December and it is not likely to change.” He told attendees to calculate the tax impact from the changes and fully consider all the costs and benefits before making any changes to their practices.

James C. Vandermark (vandermarkj@whiteandwilliams.com) is an associate at White and Williams LLP.
Gifts
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gift is a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value given to, or for the benefit of, an officer or employee, unless consideration of equal or greater value is received. A gift shall not include a political contribution otherwise reportable as required by law, a commercially reasonable loan made in the ordinary course of business, or a gift received from a family member of the individual or from a relative within the third degree of consanguinity of the individual or of the individual’s spouse or life partner, or from the spouse or life partner of any such relative. Unlawful acceptance could result in civil monetary penalties.

While the State Ethics Act does not prohibit public employees or officials from accepting gifts and hospitality (i.e., entertainment, lodging), the gift must be disclosed, said Brian Jacisin, deputy executive director of the Pennsylvania State Ethics Commission. Whether a public employee sells their position for $9 million in gifts or $2,000 in de minimis items, the State Ethics Act can still be violated depending on whether the gift poses a conflict of interest.

While there are exceptions allowing receipt in certain circumstances, all public employees and officials are required to file financial disclosure statements to report a gift.

Jon-Michael Olson (Jon-Michael.Olson@Phila.gov) is an assistant city solicitor in the City of Philadelphia Law Department.

LGBTQIA Youth
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Lastly, Kae Greenberg, assistant public defender with the Defender Association of Philadelphia, addressed best practices for youth clients who identify as LGBTQIA. Since LGBTQIA youth are disproportionately involved in the criminal justice system, it is necessary to understand and adhere to core cultural competence guidelines to give this population the dignity and respect they deserve in and out of the courtroom. Some best practices include always asking for name and pronoun preference, building trust through respect and understanding, inquiring when and where their chosen pronoun and/or name is appropriate to use to maintain confidentiality and maintaining that those in the courtroom understand the client’s wishes.

The panelists also talked about the need for statistical data collection of information on LGBTQIA youth. Data would help break down legal barriers through secured funding, smarter policy, revitalized research and improved services. However, the panelists added that training would be essential for the data collection process to avoid any negative ramifications of improper data collection.

Julia O’Connor is the former public interest intern at the Philadelphia Bar Association.

Foreclosures
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taxpayer may defend themselves regarding payments and any possible mistakes in the matter, and even if a decree has been entered, a taxpayer has until the day of the sale to make payment on the delinquent taxes. However, once a property has been sold at a sheriff sale, a tax payer has two remedies, a motion to set aside the sale or a right-of-redemption. The taxpayer must file the motion to set aside within three months of the sheriff’s recorded acknowledgment on the deed. For the right-of-redemption, the taxpayer must file before the sheriff acknowledges the deed for vacant property and has nine months to file for property they occupied up to 90 days prior to the date of the sale.

For anyone who is at risk of foreclosure due to delinquent real estate taxes, a call to the Department of Revenue and its counsel may be helpful in resolving matters. They have a track record of being taxpayer-friendly.

Anantvir Kaur (anantrvir.kaur@phila.gov) is an intern in the City of Philadelphia Law Department.
JAMES FORMAN JR. WINS 2018 PULITZER

James Forman Jr., plenary CLE speaker at the 2017 Bench-Bar & Annual Conference at Borgata in Atlantic City in October, was awarded a 2018 Pulitzer Prize in General Nonfiction for his book titled "Locking Up Our Own: Crime and Punishment in Black America." Forman's CLE program focused on the theme of his book, the criminal justice system in the U.S. and its often-devastating consequences for citizens and communities of color.

Right: James Forman Jr. (right) with Troy H. Wilson, Wilson Law Offices (left), and Thomas J. Innes III, Defender Association of Philadelphia, at the 2017 Bench-Bar & Annual Conference.

Save the date for the 2018 Bench-Bar and Annual Conference at Borgata on Oct. 12-13. You never know who will be there!

Pa. Rep. Joanna McClinton was the featured speaker at the Criminal Justice Section's meeting on March 22. She discussed proposed criminal justice legislation, including Clean Slate. She also talked about the Pennsylvania Sentencing Commission, including the status of a possible risk assessment tool for use at sentencing.

Left: Rep. Joanna McClinton (right) with Susan Lin, cochair, Criminal Justice Section, at the Section’s meeting on March 22
For this month’s interview, I sat down with Augustine (Gus) Faucher, Ph.D., chief economist, The PNC Financial Services Group, to discuss his outlook for the U.S. economy.

**Mary Ashenbrenner (MA):** What is your general outlook for economic growth in the United States?

**Gus Faucher (GF):** With strong support from fiscal policy, U.S. economic growth will accelerate in 2018 and remain strong into 2019. Corporate and personal income tax cuts were enacted in late 2017, and Congress raised spending caps in February for fiscal years 2018 and 2019. However, one downside risk to the outlook comes from trade. While the Trump administration’s new tariffs on steel and aluminum will have little impact on the U.S. economy in and of themselves, the potential for larger trade disruptions looms over the U.S. and global economies.

**MA:** How might the recent increase in spending affect our budget deficit?

**GF:** In 2013, amid concerns about the budget deficit, President Obama and Congress agreed to strict limits, or spending caps, on defense and nondefense discretionary spending. However, many in Congress chafed at these limits, arguing that they were making it difficult to adequately fund federal priorities. In February, Congress voted to raise the caps on discretionary spending for fiscal years 2018 and 2019. Defense spending will receive a two-year boost of about $165 billion, and non-defense spending of about $130 billion. Because there were no offsetting spending cuts or tax increases, the federal government will fund the increased spending through borrowing, leading to larger budget deficits.

**MA:** Is that extra spending good for our economy?

**GF:** The increase in spending will boost near-term economic growth. The federal government will be purchasing more goods and services, adding to overall economic demand, without offsetting spending cuts or higher taxes that would reduce economic activity. This spending increase comes on top of deficit-financed cuts to corporate and personal income taxes that Congress passed at the end of 2017. Fiscal policy will provide a big near-term boost to growth, and in response PNC has raised its forecast for real GDP growth in 2018 to 2.8 percent, averaged across the four quarters of the year, and in 2019 to 2.9 percent. On a year-over-year basis inflation-adjusted growth will peak at 3.2 percent in the first quarter of 2019, before slowing as the impact of the tax cuts and spending increases fades. Stronger economic growth will make the job market even tighter, with the unemployment rate projected to fall to a low of 3.5 percent in 2019. This would be the lowest unemployment rate in about 50 years.

**MA:** Do you foresee any impact on our economic growth due to the recent import tariffs on steel and aluminum?

**GF:** Although the near-term baseline outlook for the economy is very good, downside risks to the forecast have grown with the Trump administration’s decision to impose import tariffs of 25 percent on steel and 10 percent on aluminum, citing national security. The actual impact of the tariffs on the economy will be very small. Imports of steel and aluminum account for only 0.2 percent of U.S. GDP and domestic production of the two for just 0.5 percent of GDP. In addition, the Trump administration has exempted Canada and Mexico from the tariffs, and could exempt other U.S. security partners, lessening their impact. The tariffs will lead to higher costs and reduced demand for U.S. industries that use steel and aluminum, including construction and vehicle manufacturing, leading to a small net loss in domestic output.

**MA:** Will the tariffs have an impact on the global economy?

**GF:** The larger concern is that the steel and aluminum tariffs could spark a trade war, as other nations raise tariffs on U.S.-made goods in response, leading to further back-and-forth responses. China has already announced tariffs on more than 120 types of U.S. imports in response, and the European Union has threatened higher tariffs on politically sensitive U.S. industries if they are not exempted. Right now the global economy is in good shape, with almost all of the world’s major economies expanding. Escalating trade restrictions could put the world expansion at risk. A weaker U.S. dollar and solid global growth are providing a two-year boost of about $165 billion, but an escalation of trade restrictions could quickly become a problem for U.S. exporters. This is not the most likely outcome, but it is a concern.

**MA:** What is happening with inflation?

**GF:** Inflation is slowly picking up. Wage growth, although uneven, has accelerated in recent months as the tight labor market has forced employers to increase pay. Higher labor costs will spur firms to raise prices. Inflation, as measured by the personal consumption expenditures price index, remains below the Federal Reserve’s 2 percent goal, but should move toward it throughout 2018. This will lead the Federal Open Market Committee to gradually raise short-term interest rates to prevent the economy from overheating.

Mary E. Ashenbrenner (maryashenbrenner@pnc.com or 215-585-1041) is a senior vice president with PNC Wealth Management.

The PNC Center for Financial Insight is PNC’s dedicated center of thought leadership that serves as a knowledge resource for clients in conjunction with their PNC advisors. Its purpose is to deliver relevant, actionable strategies that support clients’ wealth management objectives.

*Changes to the federal estate and gift tax exclusion amount are set to expire in 2016. Prior to making a gift, you should consult your professional tax advisor. Under the new law, the Treasury is called upon to prescribe regulations as may be necessary or appropriate to clarify the implications as a result of differences between the basic exclusion amount in effect at the time of the decedent’s death and at the time of any gifts made by the decedent.*

Careful consideration of existing requirements regarding reasonable compensation should be involved in the decision-making process. In addition, practical concerns, such as an employer prohibiting their employees from changing their employment status, may limit the ability to change the nature of income.

This article is for general information purposes only and is not intended to provide legal, tax, accounting or financial advice. Individuals should consult their tax advisor to understand how the recently enacted tax reform may affect them.

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LEGAL ADVISORY UPDATE FROM USI AFFINITY

Getting Involved in Your Bar– Where Can You Help?

Local bar associations are a lawyer’s professional community. While some see the American Bar Association (ABA) as focused on “Big Law,” local bar associations should not necessarily be painted with the same broad brush.

Joining a local bar association and dedicating real time and effort to it can pay big dividends to lawyers. Here are some of the best ways to become involved:

Attend Meet and Greets to Develop Camaraderie

Taking advantage of the many local bar association functions should involve more than going out for a few drinks or sampling some great appetizers—it will provide you with the opportunity to network with dozens of attorneys you might not have met otherwise. These relationships can enhance your reputation and lead to job offers, case referrals, and opportunities to help new clients.

Mentor (or be Mentored)

Local bar associations often have a section for new attorneys, and depending upon how long you’ve been practicing, you might be able to find an experienced lawyer willing to mentor you, or meet someone you’d like to share your expertise with. Good mentors are invaluable for lawyers to give and receive tips on how to overcome the common pitfalls that new attorneys often face.

Look for Pro Bono Work

Nothing enhances the reputation of a lawyer and their firm more than performing pro bono work. Your local bar association can be a great source of information about pro bono opportunities, which can help you gain relevant experience in your practice area, allow you to get your feet wet in another area of law if you are considering a switch, and create more opportunities for networking.

Being active in your local bar association can also give you valuable insight about the need for lawyers professional liability (PLP) insurance. For information about what we offer, contact USI Affinity today, or visit www.mybarinsurance.com/PhiladelphiaBar.

For more information about defending malpractice allegations, contact Rich Balasa, senior professional liability consultant at USI Affinity, today at (800) 265-2876 x 1144.

For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinityex.com/Philadelphia. For Lawyers’ Professional Liability and other business coverage, you can continue to visit the regular Philadelphia Bar Association Insurance Program website at www.mybarinsurance.com/PhiladelphiaBar. If you’d like to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 1-855-874-0267.

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


Roberta Liebenberg, partner at Fine, Kaplan and Black, received the Hortense Ward Courageous Leader Award from the Center for Women in Law at the University of Texas School of Law in Austin, Texas on April 13.

Reggie Shuford, executive director of the American Civil Liberties Union of Pennsylvania, has been named one of The Advocate magazine’s 2018 “Icons, Innovators, and Disruptors.”

Sheila D. Vance, Law Offices of Sheila D. Vance, Esquire, spoke to Women in Management at the Yale University School of Management on applying the lessons of Title IX sexual harassment prevention and enforcement to the modern corporate environment on March 26.

Henry Ian Pass, owner of the Law Offices of Henry Ian Pass, was recently appointed to serve on the board of directors of Vesper Boat Club on Philadelphia’s historic Boathouse Row.

Bella (Billie) Schnall, partner at Greenblatt, Pierce, Funt and Flores, LLC, was presented with the “MVP of VIP” award by Philadelphia VIP.

R. Barrett Marshall, staff attorney at Community Legal Services of Philadelphia, was named one of the “Best LGBT Lawyers Under 40” by the National LGBT Bar Association.

Joshua Richards, partner at Saul Ewing Arnstein & Lehr LLP, has been appointed to the Peirce College board of trustees.

Harris J. Chernow, partner at Reger Rizzo & Darnall LLP, has been selected as a 2018 “Legal Eagle” by Franchise Times Magazine.

Joseph L. Ring, associate at Martin Law LLC, was a faculty member of the ‘Practical Course on Workers’ Compensation from A to Z’ by the National Business Institute held on March 2 in King of Prussia, Pennsylvania. Ring presented on Medicare set-aside arrangements in workers’ compensation cases.

Josh J.T. Byrne, partner at Swartz Campbell LLC, has been appointed chair of the Pennsylvania Bar Association’s Professional Liability Committee.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Email news to Thomas E. Rogers, senior managing editor, Philadelphia Bar Reporter, at trogers@PhilaBar.org.

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+ 4 bankruptcies
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