Philly Leaders Value Immigrant Population

By Brittany Anne Robertson

Philadelphia has been propelled into the national spotlight due to its status as a “sanctuary city” as it has established city policies designed to make every resident feel a “part of the social, cultural and civic fabric of our city,” said Miriam Enriquez, director of the City of Philadelphia Office of Immigrant Affairs. According to Enriquez, Philadelphia prefers the term “welcoming city.”

The Public Interest Section, the Immigration Law and Government and Public Service Lawyers Committees cohosted “Immigrant Communities in Philadelphia: The City’s Welcoming Policies and an Update on ‘Sanctuary Cities’ Litigation” on April 3. Panelists were Enriquez and Marcel S. Pratt, Philadelphia City Solicitor.

Enriquez presented an overview of the numbers behind Philadelphia’s immigrant population. Of Philadelphia’s 1.5 million residents, 232,000—or 15%—are foreign born, with an estimated 50,000 being undocumented, and 1 in 4 Philadelphia children—76,000—are either immigrants or children of immigrants. Immigrants make up 10% of the workforce, own 18% of the city’s small businesses and have paid local and state taxes totaling over $6 billion.

The city policies that have labeled Philadelphia a sanctuary city—a term undefined by the federal government—fall into two categories: confidentiality policies and prison policies, Enriquez said. The first prohibits city employees—including police—from inquiring about the immigration status of people seeking city services. The second requires U.S Immigration and Customs Enforcement to submit a criminal judicial warrant—rather than a detainer—when asking a prison to hold someone. The aim is for everyone to be treated the same regardless of immigration status, and that communities are safer as immigrants do not have to fear being penalized for using city services or for trusting the police.

Pratt discussed Philadelphia’s lawsuit against the federal government after it attempted to restrict funding to the city for not complying with conditions tied to the money. In 2016 and 2017, executive orders stated that local governments could not restrict their employees from sharing immigration status with the federal government, that cities had to provide 48 hours’ notice before releasing anyone from incarceration and that ICE had to be granted unfettered access to the prison system.

Board Supports Limiting Access by ICE to Courts

The board of governors adopted a resolution on April 25 calling on the Pennsylvania courts and administrative law agencies to implement policies to limit communication with United States Immigration and Customs Enforcement (ICE) by court or agency personnel and to monitor ICE access to courthouses, administrative hearing offices and probation offices for immigration enforcement.

Access to justice for litigants and witnesses is a cornerstone of the U.S. justice system, embodied in the Constitution of the Commonwealth of Pennsylvania and in the U.S. Constitution. ICE is effecting arrests in and around courthouses, administrative hearing offices and probation offices in Philadelphia and around the Commonwealth of Pennsylvania and the entire country with the collaboration of court personnel who are asking litigants and witnesses about their immigration status.

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By Brittany Anne Robertson

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ELECT QUALIFIED JUDGES

Our Commission on Judicial Selection and Retention’s objective, nonpartisan investigations rate candidates on their ability, integrity and judgment. Make an informed decision.

**COMMON PLEAS**

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**MUNICIPAL COURT**

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By 6:30 p.m., all of the bags of chips and pretzels were long gone. A few of us were eyeing the one remaining banana, but after about nine hours, it had seen better days, so it stayed in the basket. I still had the container of yogurt that I had been boarding since we convened that morning, but in the spirit of hungry comradery, and possibly also because it had been unrefrigerated for nine hours, I opted not to eat it. The first round of multiple texts and/or calls to whoever expected us to be somewhere other than in the board room of the Philadelphia Bar Association headquarters had started around two hours earlier.

When we wrapped up at around 7 p.m. on that Friday evening, there were some missed trains, revised dinner plans and a late arrival at a wedding reception, but there were no complaints. This was the 11th meeting—the last before the May 21 primary election—of our Association’s Commission on Judicial Selection and Retention. The lawyers, judges and laypeople who serve on the commission had just completed an impartial, non-partisan, in-depth, labor-intensive process resulting in what the Philadelphia Inquirer editorial board has called “...perhaps the only authoritative source of information,...” about candidates for Philadelphia’s Court of Common Pleas and Municipal Court.

I joined the commission in 2017. Before then, I followed the commission’s ratings, but my understanding of the process was superficial, which I suspect is true for many of you. With the caveat that what follows is a synopsis, limited by confidentiality, of a complex process, here is my insider’s view. I hope it deepens your insight into one of our Association’s most valuable services of a complex process, here is my insider’s view. I hope it deepens your insight into one of our Association’s most valuable services.
Civility is a word that is often thrown around in the legal community, but what does it actually look like in a young lawyer’s daily practice? Talking about civility is certainly easier than exercising it. While there are many aspects to professional civil conduct, I see four specific ways that young lawyers can lay a foundation for civility in the workplace.

Do Not Approach Others Based on Reputation Alone. If you have heard it once, you have heard it a million times: Philadelphia has a close-knit legal community. Chances are, even if you have not personally worked with opposing counsel before, you know someone who has. Either way, you will probably have some idea of opposing counsel’s reputation before your first personal interaction, but do not let a perceived reputation color your initial impression. Approach each new attorney or judge who you meet with an attitude of openness.

For example, I had a case with opposing counsel who was rumored to be exceptionally difficult. I dreaded attending depositions, assuming that the experience would only be aggressive and hostile. Despite this reputation, my actual experience with the other attorney was completely pleasant. Had I approached these interactions defensively, there is no doubt that they would not have gone as smoothly.

But … Guard Your Own Reputation. Reputation is not everything, but it is something. As much as you may try to learn about others’ reputations, other people are trying to learn yours. Every interaction is an opportunity to build a reputation for civility. A reputation of fairness and integrity will not only help you in your interactions with other lawyers, it will also help your client in everything from ease of scheduling, to agreed-upon extensions.

Choose Assertiveness Over Aggression. Assertiveness for your client is not the same thing as aggression toward opposing counsel. Fully advocate for your client while still maintaining your own civility toward others in the case. Disagree productively, as devolving from legal argument to personal argument helps no one. Leave your arguments in the courtroom and shake hands when it is done, knowing that you will probably encounter opposing counsel again at some point in your career. Do not equivocate a poor result with a personal attack.

Civility Is Not Just for Opposing Counsel. Civility should not just be a word that we use for dealing with other attorneys. Good habits start at home. We must treat our own coworkers with the utmost respect. With work accounting for almost half of our waking hours, maintaining positive relationships with all of those in our workplaces cannot be overstated. Office culture is palatable to both clients and opposing counsel. Choose not to follow examples of poor behavior by others, even those more senior, around you. Leadership is as much about attitude as it is about experience.

For young lawyers, a few habits can make a big difference. While building your career and developing legal skills, do not underestimate the importance of practicing civility.

Michaella Tassinari (michaella.tassinari.kfyk@statefarm.com), attorney at Robert J. Casey, Jr. & Associates, is chair of the Young Lawyers Division.
Equality for all. Justice for all.

Financial gifts to the Philadelphia Bar Foundation make a profound impact on the lives of Philadelphians. Only 1 in 5 low-income individuals and families receive the civil legal assistance needed for critical problems affecting their lives, often putting their homes, families and livelihoods in jeopardy.

Research shows that every dollar invested in legal aid yields, on average, an $11 benefit for individuals, their families and the community. Through grants, programs and fellowships, the Philadelphia Bar Foundation supports nearly 40 nonprofit civil legal aid organizations, providing crucial services to our city’s most vulnerable residents. Civil legal aid services may help an individual or family obtain medical care that was otherwise unavailable, facilitate continued access to needed educational resources or enable a family to stay in their home.

As an individual supporting our community through philanthropic giving, your financial donations to legal aid are life-changing.

With the Bar Foundation's Equal Justice Legacy Society, you can combine lasting philanthropy with effective financial and estate planning through planned giving. A bequest to the Bar Foundation allows supporters to include our organization as part of their estate planning for a significant and lasting donation.

Legacy gifts provide you with many options including the ability to make gifts from a will, retirement plan or life insurance policy. One misperception about legacy gifts is that they are always large investments, but they do not have to be. For example, you may choose to make the Bar Foundation a 10% beneficiary in your qualified retirement plan. This will have little impact on the overall plan but will make a meaningful difference for our organization.

Lifetime Gifts and Bequests. You can make a gift at any time during your life, simply by writing a check payable to the “Philadelphia Bar Foundation” or donating at www.philabarfoundation.org. This gift may generate a federal income tax deduction, reducing the cost of the gift to you. Remembering the Bar Foundation in your will or bequest is another popular method of charitable giving. Your gift costs nothing now, but offers the satisfaction of knowing that your legacy will safeguard the Bar Foundation’s future.

Gift of Stock or Other Securities. A gift of stock is an ideal way to expand your giving.

Retirement Plan Assets. By marking the “Philadelphia Bar Foundation” as the beneficiary of your retirement plan, your retirement assets can be used to make a charitable gift.

Life Insurance. A gift of naming the “Philadelphia Bar Foundation” as the beneficiary of your life insurance policy may carry the benefit of a significant charitable deduction.

Charitable Trusts. Charitable Remainder Trusts and Charitable Lead Trusts may yield an income deduction in the year the trust is established.

To learn more about planned giving, please consider attending our CLE, The Complete Story of Estate Planning and Support for Legal Aid Organizations in One Hour, on Monday, May 20. For more information, visit www.philabarfoundation.org/5-20-2019-CLE.

Many people do not pursue planned giving options because they believe that the process will be overly complicated and lengthy. However, many types of gifts can be made quickly and easily. I encourage you to speak to your financial planner, lawyer, accountant or insurance agent about making a planned gift. The Philadelphia Bar Foundation is grateful for the continued support we receive, and we thank all our donors.

Leslie E. John (john@ballardspahr.com), partner at Ballard Spahr LLP, is president of the Philadelphia Bar Foundation.
Chancellor Talks to PhillyCAM, KYW Newsradio

Chancellor Rochelle M. Fedullo was interviewed by Philadelphia Community Access Media (WPPM FM) and Flashpoint with Cherri Gregg (KYW Newsradio 1060) on April 3. Ahead of the May 21 primary election, she answered questions about the Commission on Judicial Selection and Retention and why its ratings and the role of the judiciary are important to the daily lives of Philadelphians.

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Federal Judges Share Advice, Guidance for Appearance

By Kathleen D. Wilkinson

The Philadelphia Bar Association recently held a CLE program featuring two United States District Court Judges for the Eastern District of Pennsylvania, Mark A. Kearney and Chad Kenney.

The program covered a variety of topics, including new federal practice developments after the Dec. 1, 2018 amendments particularly on class actions, continually evolving issues on case management and trial expectations three years after the December 2015 amendments.

Each judge brings to the court different perspectives and experiences. Judge Kearney joined the court in 2014 after serving in private practice from 1988 to 2014, handling commercial, employment, financial and consumer litigation. He was the 2009 president of the Montgomery Bar Association and the 2014-2015 president of the Pennsylvania Bar Institute. He received his B.A. and his J.D. from Villanova University.

Before joining the court in 2018, Judge Kenney served as a judge from 2003 in the Delaware County Court of Common Pleas. He presided over 150 jury trials, including both civil and criminal matters. After graduating from Temple University School of Law, he was in private practice for a year. Judge Kenney became assistant county solicitor in Media, Pennsylvania in 1996, and then was elected to be Delaware County Sheriff. He also received his B.A. from Villanova University.

Judge Kearney and Judge Kenney have chambers next to each other and have quickly become friends. They provided insights on expectations in the courtroom, and each judge has procedures listed on the court’s website. They said they urge lawyers to review their specific procedures, as each judge has his own requirements, and to study the newest 2018 federal practice developments.

There was a lively exchange back and forth between the judges, where their different practices and expectations played off each other. Judge Kenney discussed his perspectives coming from a state trial court setting, and Judge Kearney talked about his experience presiding over cases in the districts of Delaware, Western District of Pennsylvania and the Middle District of Pennsylvania.

Judge Kearney spoke about pro bono opportunities and how lawyers may gain trial experience as a result, and how the First Step Act is having an impact in criminal cases. Lastly, Judge Kearney reminded lawyers that the court has attorney admissions every Thursday at 10:30 a.m. in Courtroom 5A before a magistrate judge.

Kathleen D. Wilkinson (Kathleen.Wilkinson@wilsonelser.com), partner at Wilson Elser Moskowitz Edelman & Dicker LLP, is a cochair of the Federal Courts Committee and a past chancellor.

Spotting Competency and Cognitive Deficit Issues

By Fionna Farrell

Cognitive disorders can have an ability to propagate a capacity or incapacity for decision-making by a client. The Municipal Courts Committee hosted “Spotting Competency and Cognitive Deficit Issues in Litigants” on March 19. Panelists were Sanford L. Pfeffer, general counsel for the Philadelphia Corporation for Aging, and Dr. Joel E. Streim, professor of psychiatry at the University of Pennsylvania Perelman School of Medicine.

Dr. Streim discussed the notable differences that exist within several dichotomies: that between the capacity for decision-making and the agency for self-determination, impaired judgment versus bad judgment and cognitive and non-cognitive disorders. As an example, he pointed to delirium. Delirium is defined as a disturbance in cognition or awareness. It develops over a short time, is bound to fluctuate and has proven revers-, if treated quickly. It is a symptom of dementia, existing alongside a constellation of other interrelated symptoms.

Whereas delirium is fluctuating in nature and allows for those affected to participate in court cases during lucid intervals, dementia is not. Dementia maintains partial or total non-remem-brance and the inability to learn new information, often conceding language impairment and perceptual disturbances.

Dr. Streim discussed the various orders of dementia, the most common of which is induced by Alzheimer’s, but dementia can also be the offset of a stroke or result from prolonged substance abuse. He said that a person experiencing dementia is often unable to cooperate in testimony before a trial or council.

It is important to distinguish between someone who possesses dementia and someone who merely displays symptoms of it. Dr. Streim discussed various types of dementia assessment tests. There are mini-cog tests, in which patients recall a sequence of words and accurately read ordemonstrate a clock. If the patient can only recall one or two words and distin-

Dr. Joel E. Streim (left) and Sanford L. Pfeffer at the Philadelphia Bar Association CLE on March 19.

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As more breaches of election security are made public, and doubts arise about the integrity of election processes, it is time to consider what has been done and what can be done to protect the integrity of our votes. This video-encore CLE program will examine what government is doing to prevent future hacks, issues that may arise in the prosecution and defense of election law violators and what changes can be made to guarantee our right to fair and honest elections.

**VIDEO ENCORE - Election Hacking, Ballot Security: Protecting Our Vote**
Thu., 5/9/19 - 12:00 - 2:00 p.m. (1 SUB/1 ETH)

As more breaches of election security are made public, and doubts arise about the integrity of election processes, it is time to consider what has been done and what can be done to protect the integrity of our votes. This video-encore CLE program will examine what government is doing to prevent future hacks, issues that may arise in the prosecution and defense of election law violators and what changes can be made to guarantee our right to fair and honest elections.

**Fireside Chat With United States Attorney William McSwain**
Mon., 5/13/19 - 12:30 - 1:30 p.m. (1.0 SUB)

Hosted by the Federal Courts Committee
Please join the Federal Courts Committee for a candid conversation with U.S. Attorney for the Eastern District of Pennsylvania, William M. McSwain. Attorney McSwain will address issues facing government lawyers, provide insights on types of cases being handled in the criminal and white collar arena, and offer practice tips regarding federal criminal prosecutions and civil litigation in the Eastern District of Pennsylvania.

**VIDEO ENCORE - Philadelphia Property Tax Foreclosure**
Tue., 5/14/19 - 12:00 - 2:00 p.m. (2 SUB)

The City of Philadelphia has increased its filing of property tax foreclosures by 1,200% in recent years. Many lawyers handle private mortgage foreclosures, but are not familiar with the different rules and procedures involved in defending a property tax foreclosure in Philadelphia. In this video-encore program, attendees will learn the basic procedures used in a tax foreclosure case pursuant to the Municipal Claims and Tax Liens Act (MCTLA) and the current Philadelphia Court of Common Pleas procedures that have evolved to handle the increased filings. Panelists will provide an overview of the city’s Tax Foreclosure Prevention Program created to help preserve Philadelphia’s high rate of homeownership while collecting needed revenue for city services. Attendees will walk-away with guidance regarding the timeline of tax foreclosure process, city filing procedures and defenses/redemption.

**VIDEO ENCORE - WHO IS MY CLIENT?**
Wed., 5/15/19 - 12:00 - 2:00 p.m. (2 ETH)

Many excellent lawyers have identified the “client” too late, or incorrectly, resulting in dire consequences. Panelists will identify lessons to be learned from a number of courts’ decisions, enabling attendees to determine WHO is the “client” and WHEN an individual may become a “client.” Attend this video-encore program and hear the answer to the aforementioned question and earn your required two ethics credits.

**Volunteer Attorney Training Program: Limited Scope Representation - Ethical Considerations & their Practical Applications**
Thu., 5/16/19 - 9:00 a.m. - 12:30 p.m. (1 SUB/2 ETH)

Co-hosted by the Elder Justice & Civil Resource Center (EJCRC) and Philadelphia Bar Association
This CLE program will cover some of the most common issues reported by the staff in the Elder Justice Resource Center that the volunteer attorneys are likely to encounter, and possible solutions for these situations. The program will focus on Limited Scope Representation including an examination of both the ethical and practical applications of this model of client service. This CLE program is Free-of-charge to any attorney who commits to volunteer for six (6) hours in the EJCRC. The volunteer attorneys staffing the EJCRC will be expected to provide short-term, limited legal advice or representation only, pursuant to Pa.R.P.C. 6.5, within three (3) months of the program in order to receive their CLE credits.

**VIDEO ENCORE - Discovery and Civility in Workers’ Compensation**
Fri., 5/17/19 - 12:30 - 1:30 p.m. (1 ETH)

This video-encore program will examine the best practices from the defense and claimant perspective regarding discovery in Workers’ Compensation cases from the initiation of the claim through the closure of a claim and/or litigation. The applicable case law, sections of the Pennsylvania Workers’ Compensation Act, judge’s rules and regulations, and civil procedure regarding discovery will be addressed. Panelists will explore various scenarios, the Rules of Professional Conduct, as well as civility in the practice of workers’ compensation.
The New Title IX Regulations and Their Expected Impact
Mon., 5/20/19 - 12:00 - 2:15 p.m. (2 SUB)
Hosted by the Education Law Committee
This program will provide an overview of the new Title IX regulations from the U.S. Department of Education and analyze their anticipated impact on all levels of education, from elementary to post-secondary. After a brief presentation summarizing new regulations, which are expected to be approved shortly, panelists will explore how the new regulations will change schools’ enforcement policies and handling of Title IX-related investigations and cases.

Be the Judge, Be the Jury... Become an Arbitrator!
Tue., 5/21/19 - 2:00 - 5:15 p.m. (2 SUB/1 ETH)
Hosted by the Compulsory Arbitration Committee of the State Civil Litigation Section and presented with Philadelphia Court of Common Pleas Compulsory Arbitration Program.
Compulsory arbitration was created as a means of efficiently disposing of smaller civil cases and conserving judicial resources by requiring as a first step that such cases be tried before a panel of three local court-appointed attorneys, with the understanding that any party can later appeal from the decision and obtain a new trial. Experienced practitioners offer guidance and practical strategies to successfully conduct an arbitration and serve as an arbitrator. Attend this CLE program and become certified to sit as an arbitrator for the Philadelphia Court of Common Pleas!

VIDEO ENCORE - Conservatorship Law 101
Wed., 5/22/19 - 12:00 - 1:30 p.m. (1.5 SUB)
The Philadelphia Bar Association and Philadelphia Association of Community Development Corporations (PCDC) collaborated to present this video-encore CLE program to provide an explanation of the provisions of the amended Abandoned and Blighted Property Conservatorship Law; examples of how the law has been used in Philadelphia since the 2014 amendments; as well as best practices for success in implementing the law into your practice.

The First Step Act: Effect of Amendments in Pending Drug and 924(c) Cases
Thu., 5/23/19 - 12:30 - 1:30 p.m. (1 SUB)
Hosted by the Criminal Justice Section
On Dec. 21, 2018, the First Step Act was signed into law. This practical CLE presentation will review Sections 401, 402 and 403 of the act, which narrow the range of defendants who qualify for increased minimum sentences under 21 USC §§ 841 and 846 based on prior drug convictions; expand the “safety valve” to permit more offenders to escape a mandatory minimum altogether; and prohibit the “stacking” of 25-year consecutive sentences in prosecutions alleging multiple violations of 18 U.S.C. § 924(c) (relating to using or carrying a firearm during a crime of violence or drug trafficking offense).

#MeToo Legislative Update
Tue., 5/28/19 - 12:30 - 1:30 p.m. (1 SUB)
Hosted by the Women’s Rights Committee
In response to #MeToo, including high-profile sexual-harassment allegations involving the legislative workplace, lawmakers in Pennsylvania and Congress have introduced a flurry of legislation to address workplace sexual harassment. These bills address nondisclosure agreements, expand protections, and more. In this CLE program, a panel will discuss the status of recent legislation, and whether these bills appropriately address the workplace problems #MeToo has highlighted.

TO REGISTER Visit the CLE page at PhiladelphiaBar.org

The Way Forward After Wayfair
Wed., 5/29/19 - 12:00 - 1:30 p.m. (1.5 SUB)
Hosted by the Tax Section
If you think Wayfair only applies to sales and use taxes, think again. In this timely program, panelists will address Pennsylvania and Philadelphia’s responses to Wayfair, as well as the wide-reaching implications of the decision, not only for out-of-state and e-Commerce retailers with respect to sales and use taxes, but also its potential impact on the overall concept of economic nexus and a state’s ability to impose various types of taxes, including income and gross receipts taxes.

VIDEO ENCORE - LGBTQ Older Adults and Cultural Competency
Thu., 5/30/19 - 12:00 - 1:30 p.m. (1 SUB/0.5 ETH)
In the public interest community, one of the most vulnerable client populations is older adults. More so, older adults who identify as lesbian, gay, bisexual, transgender or queer, face even more unique challenges when accessing legal services because the intersection of age and sexual identity is not always easily understood, disclosed or appreciated. This video-encore presentation will educate participants on basic concepts and vocabulary, such as sexual orientation and gender identity terms, discuss how the LGBTQ older adult community navigates societal and institutional bias and prejudice and provide advocates with the knowledge and terminology necessary to promote awareness and inclusivity in their client relationships and allow us all to be allies of this community.

VIDEO ENCORE - The Constitution and Separation of Powers in America
Fri., 5/31/19 - 12:30 - 2:30 p.m. (2 SUB)
The U.S. Constitution creates a system of government with three distinct and independent branches—the Executive Branch, the Legislative Branch and the Judicial Branch. It also defines the powers and duties of these branches, outlines how they interact, and provides a system of checks and balances that limits the power of the branches. As the three branches work to perform their duties, it is common for members of one branch to believe that another Branch has exceeded the scope of its powers and is encroaching on the power of another branch. This video-encore program examines the following issues, among others, as they relate to separation of power: judicial independence, executive orders, budgeting, rule of law, standing, law enforcement, appointments and removal from office.

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Ready for the Worst: Law Firm Crisis Planning

By Karen M. Maschke

“People acting badly hits every size firm,” said Gina F. Rubel. The Law Firm Risk Management Committee hosted the “No! II, But When: Planning for the Crisis That Will Strike Your Law Firm” on March 20. The program was presented by Rubel, CEO of Puria Rubel Communications, Inc. and committee chair, and Lara Hamm, director of communications and public relations for Jackson Lewis, P.C. The idea that no attorneys, regardless of firm size, are immune from threats posed by cybersecurity, death and secession are themes of this program.

A point made by the presenters was the importance of protecting your reputation. The number one asset a business has is its reputation and, as Rubel said, it can take 30 seconds to ruin and, once tarnished, can take 30 years to repair. It is likely that we can all easily recall one or more attacks on the reputation of a law firm or lawyers that have been widely publicized and talked about. Lawyers and law firms can face a number of crisis situations, which can lead to harming their reputation.

Rubel said that the rules lawyers need to be mindful of are competence, confidentiality, trial publicity and misconduct, as well as being mindful of all forms of communication and forms of technology. Many of the crises that arise in law firms come about from technology issues and mistakes, “reply all” scenarios, accidentally sending privileged or confidential information to others or even opposing counsel. Firms should have a plan in place to handle these mistakes immediately to protect the firm’s reputation, as well as any harm to the client.

One point made in the program, regarding reputation management, was that 96% of those seeking legal advice, including corporations, use a search engine. Even when your firm has been referred by someone else, a potential client will go to your firm’s website before making contact. The panelists said that it is imperative that you know what is out there about your firm and that you have the resources and team in place to manage anything negative and control what your potential clients are seeing when they search for you.

The presenters stressed that all firms should have a crisis response plan in place and all attorneys should find out what that plan is and who is on the crisis response team. It is important for all firms to identify their team, what their skills are and how to reach them in a crisis. Once this crisis response team and plan is set, it is important to make sure that your attorneys and staff know what the plan is and who is on the team.

Offentimes, a firm will have a plan and team in place, but the information is never disseminated to its employees and, when a crisis arises, they do not know where to go for immediate assistance.

Lawyers are often consumed with the day-to-day of handling cases and files, but this program presented a reminder that they also need to consider their firms’ reputation and how to handle it if a crisis arises.

Karen M. Maschke (Karen.Maschke@ wilkenerder.com) is an associate at Wilson Elser Moskowitz Edelman & Dicker LLP.

2019 Update on Support Rules

By Brandon J. Lauria

By now, some of you may have already become acclimated to the changes in Pennsylvania’s new Support Guidelines, which became effective Jan. 1, 2019. The new guidelines reflect the current economic reality created by the Tax Cuts and Jobs Act of 2017, which no longer allows a taxpayer to deduct alimony, alimony pendente lite (APL) and/or spousal support payments. The Family Law Section Support Committee presented “2019 Update on Support Laws” on March 21 to inform family law practitioners on the new changes. The presentation was moderated by Patrick J. Cooper, partner at Sadek and Cooper Law, and included panelists Bella Schnall, partner at Greenblatt, Pierce, Funt & Flores; Carolyn M. Zack, partner at Momjian Anderer LLC; Donna M. Pironti, CPA, MSA, CFF of Drucker & Scaccetti; and Brandon J. Lauria, partner at McEldrew Young. The panelists walked participants through several support scenarios while completing a fictitious comparison of the applications of the new vs. old guidelines.

The new guidelines were designed to reflect a payor’s inability to deduct APL and/or spousal support payments and revised the previous formulas used to calculate the same. Different spousal support/APL formulas are calculated depending on whether the parties have any minor children, according to the guidelines.

Panelists said the most significant changes apply to cases where the payor has both child and spousal support/APL obligations. Under the old guidelines, the payor’s child support obligation in this scenario would be calculated first, and then deducted from the difference in the parties’ net monthly income before being multiplied by 30%. Under the new guidelines, the spousal support/APL is calculated first, by taking the difference between 25% of the payor’s monthly net income and 30% of the payee’s monthly net income. Prior to calculating the child support, the parties’ incomes are adjusted to reflect the payment and receipt of spousal support and/or alimony and are then applied to the child support guidelines.

The new guidelines also amended how the parties allocate additional expenses, including childcare, tuition, insurance and/or medical expenses for minor children. Prior to 2019, the parties shared any additional expenses for the minor children on a pro rata basis of their combined income.
Discovery and Civility in Workers' Compensation

By Regina M. Parker

Civility in discovery is necessary to effectively and fairly expedite the litigation of workers' compensation cases, panel members told attendees during the Workers' Compensation Section program “Discovery and Civility in Workers' Compensation” March 22. The panel included Hon. Marc Harrison, Workers’ Compensation Office of Adjudication; Kelly Hemple, section cochair; and Erica Marchetti-Burry, attorney at The Domrowski Group.

The panelists said that discovery is an important tool. However, the manner in which discovery is conducted can raise ethical issues. Every attorney should refer to the preamble of the Rules of Professional Conduct for guidance concerning attorney conduct, said Hemple. Hemple also said that a lawyer performs various functions. As an advisor, a lawyer is required to provide the client with an informed understanding of their legal rights. As an advocate, a lawyer is expected to zealously act on behalf of the client, but consistent with the requirements of honest dealings. The Rules of Professional Conduct are a source of valuable information and can provide guidance regarding a lawyer's duty to ensure that they are practicing in a competent and diligent manner. This includes communicating with clients on a daily basis while maintaining the confidentiality of client communications.

In conjunction with the Rules of Professional Conduct, Marchetti-Burry said that workers’ compensation attorneys should refer to the workers’ compensation judge's rules, which address the responsibilities with respect to discovery. The ultimate goal is to expedite litigation while exhibiting fairness to the opposing party, she said. This includes the obligation of the moving party to provide discoverable documentation to the opposing party prior to the first hearing. The non-moving party also has an obligation to produce discovery within 45 days of the first hearing. Marchetti-Burry said that the non-moving party does not necessarily have to wait the entire 45 days before turning over materials. Waiting the entire 45 days may slow down litigation, especially if the discovery could lead to a settlement or stipulation.

Judge Marc Harrison mentioned that an attorney cannot necessarily conduct effective cross examination when the moving party produces discovery at the first hearing with the intention of offering the claimant for testimony. He explained that this practice is unfair to the parties and does not comply with the overall goals of civility and expediting litigation. At minimum, the claimant may have to testify again. The obligation to produce discovery also applies to defense petitions. For example, on a Termination Petition, in addition to the independent medical evaluation report, there is an obligation to produce all records that were reviewed by the doctor, including surveillance. All discoverable documentation in the possession of the claimant, adjuster or employer must be produced.

The panel agreed that it serves everyone.

Fiduciary Responsibility and Financial Wellness

By Zachary Lipshutz

Financial health can affect physical health, so knowing where you stand can benefit both. The Pension Committee hosted “TODAY – It’s Not What You Make That Counts … It’s What You Keep and How You Manage It,” on March 26, about fiduciary responsibility and financial wellness. Paul Brahim, CEO, CIO and of BPU Investment Management, Inc., talked about the negative impact of financial stress. He began discussion with some of the law surrounding fiduciaries, before tailoring the rest of the presentation to discuss the impact of financial well-being on the workforce. The program was sponsored by BPU.

A fiduciary is someone who oversees assets on behalf of another individual. There are multiple ways that a steward can be designated, including being named in a document, having discretion over assets, having appointment authority or being compensated for their work. Stewards have the authority to delegate investment management authority to an advisor if they use due diligence when making the decision.

An investment advisor is responsible for strategy development, and the asset allocation process is most important in this regard. Advisors are always compensated. Different from an advisor, an investment manager is always a fiduciary, and they have a mandate, a process and select securities for that process. A broker, however, is not a fiduciary. Broker licenses are for selling, not for advertising, but they can become a fiduciary in certain scenarios, such as if they are given discretion. A portfolio consists of a steward, advisor and a manager. Each is held to a different standard of care, with the advisor central to the process.

Brahim covered a brief history of case law and evolving fiduciary standards in both Britain and the United States. He discussed the evolution of the prudent man rule and mentioned that in König v. Taubert, the court used a different standard, which was less focused on what one would do for others, and focused instead on judging one’s fiduciary actions based on what one would apply in their own affairs.

The core responsibilities of a fiduciary are loyalty and care. When creating a retirement plan, it is important to have good standards so that the plans can perform well enough that employees are
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Minding Ethics to Avoid Malpractice

By Mary LeMieux-Fillery

Malpractice insurance is necessary and expensive, so it pays to minimize risk and exposure. USI Affinity, Pennsylvania Bar Association Insurance Program administrator, sponsored “Ethics and Malpractice Avoidance” on March 28, providing practical advice for attorneys on how to reduce their risk of legal malpractice exposure. Member attendees Artest earned a discount on their malpractice insurance, advised and administered by USI Affinity.

Panelists opened by discussing policy provisions and coverage details of legal malpractice insurance. “In order to have coverage under your malpractice insurance, you need to have coverage in place both when the error occurred and when the claim is made,” said one panelist. The effective date of the insurance, the retroactive date, will be listed on the policy declaration page.

Next, panelists described what constitutes a claim under professional liability insurance and when a claim is required to be submitted to a legal malpractice insurance carrier. They stressed the importance of knowing the specifics of your policy so that you have coverage in place in the event an actual claim arises.

To assist attorneys in determining whether a claim should be reported to the carrier, some carriers operate risk management hotlines that you can call for advice. Panelists said that “reporting a potential claim should not result in an increase in premiums or risk of future non-coverage by the carrier.” Reporting a claim does not trigger underwriting review, but it does offer the opportunity to receive advice about how to best resolve the situation to prevent a potential claim from becoming an actual claim.

Differences exist between deductible options and liability limits. Deductible options include a per claim deductible, where the deductible must be paid for each claim; an aggregate deductible, which provides that once the deductible is paid, no further deductible costs are due for the remainder of the year; and a loss-only deductible, where no deductible costs must be paid unless there is an actual loss.

Policies also define which expenses fall inside and outside of liability limits. For example, panelists explained that, “if you don’t have a large liability policy limit and your policy categorizes defense costs as inside the limits of your policy, defense costs can easily exceed your policy limits and leave you personally responsible for the remaining costs.”

The last half of the program focused on minimizing the risk of malpractice claims. Panelists talked about the importance of ensuring coverage for independent contractors and counsel members, saying that “when such members join your practice, you will want to notify your carrier to make sure that these individuals are covered under your policy.” Additionally, “if you personally do this type of work, you will both want to notify your carrier and make sure that the firm you are working for notifies their carrier.” Likewise, when an attorney leaves a firm, the carrier should be notified so any potential claims against said attorney are not imputed to the firm. Panelists also discussed knowing what type of work is covered under your policy in the definition of “legal services,” which could include mediations, arbitrations and title work.

Lastly, panelists said they encourage documenting each and every declination of client representation should be documented, thus serving as a paper trail for defense against any future claims.

PHILADELPHIA BAR ASSOCIATION CLE - TAX LAW SECTION

Tax Reform: Addressing 2017 ’Tax Cuts and Jobs Act’

By James Vandermark

The IRS recently issued guidance for certain deductions created or revised by the Tax Cuts and Jobs Act. This included regulations on qualified business income deductions and deductions for business interest expenses under Internal Revenue Code Sections 199A and 163(j), respectively. To address the impact of the new regulations, the Tax Law Section hosted “Tax Reform: Dealing with Section 199A and Section 163(j)” on April 1. The program was presented by Morgan Klinzing, associate at Pepper Hamilton LLP; Wendi Kotzen, partner at Ballard Spahr LLP; Stanley Kull, partner at Saul Ewing Arnstein & Lehr; Edward Reitmeyer, partner at Marcum LLP; and David Shapiro, partner at Saul Ewing Arnstein & Lehr.

TCJA is said to be the most sweeping tax legislation since the Tax Reform Act of 1986, including the substantial reduction to the corporate tax rate from a maximum of 35% to a flat rate of 21%. However, many of the complex changes to the Revenue Code enacted by TCJA are confusing, as stated by Shapiro, “the more time we spend with the rules, the more challenging we find them to be.” The IRS’s recent regulations help to address some of the confusion.

QBID is a new deduction of up to 20% of income from domestic trade or business operated as a sole proprietorship, partnership, S corporation, trust or estate. According to Kotzen, QBID was Congress’s effort to “equalize the corporate tax cuts with the producers in our economy who don’t have income through a corporation.” However, TCJA’s complexity was compounded by the addition of a number of new terms that were not previously defined by tax law. The regulations attempted to clarify these terms, including what constitutes “trade or business,” which Kotzen said was not intuitive.

While the TCJA provides for QBID, it limits the deduction applicable to specified service trades or businesses, or “SSTB.” The regulations help to clarify who is subject to the limitation. For example, Klinzing explained that architects and engineers are not considered SSTB, but many other professional service businesses, including attorneys, constitute SSTB and are subject to the limitation. TCJA also amended Section 163(j) to limit deductions for BIE. Although, taxpayers can generally deduct interest continued on page 16
The Philadelphia Bar Association Charity Run/Walk benefiting the Support Center for Child Advocates will be held on May 19, 2019, at Memorial Hall in Fairmount Park. This year’s Run/Walk is a milestone achievement as it marks the 40th Anniversary of the Charity Run/Walk and the association’s continuing efforts to combat and improve the lives of abused and affected children. Since its inception in 1979, the Charity Run/Walk has raised more than $2 million in support of these efforts.

The event includes a 5-kilometer (3.1 miles) race and the 5-kilometer walk. In addition, to commemorate the 40th anniversary, a 10-kilometer (6.2 miles) race has been added. Anyone may run or walk as an individual in the Open Competition. Members of the association are included, at no extra charge, in a special Bar Competition, in addition to the Open Competition. There is also a free 200-yard non-competitive Kids’ Dash for children ages 5-10 sponsored by Buchanan Ingersoll & Rooney PC.

Online registration is open and accessible for individual entries through May 17, 2019 at www.phillybarcharityrun.com. Registration for the Kids’ Dash is on the day of the event.

The individual 5K walk entry fee is $25 and the fee is $35 for the Open and Bar Association Competition 5K race, if the registration is completed before race day. For those registering for the 10K race, the individual entry fee for the Open and Bar Competitions is $45, if the registration is completed by race day. Individuals can register in person at the office of Caesar Rivise, PC, 1635 Market St., 12th Floor, Philadelphia, Pa. 19103, on May 16 and 17, between 9:00 a.m. and 4:00 p.m. Online registration is also available at www.runsignup.com. A service fee is added for online registrations. Pre-registration is encouraged as entry fees on the day of the event increase to $45 for the 5K run and $55 for the 10K run.

At this time, the Philadelphia Bar Association has already been joined by the following corporate-level sponsors: Firstrust Bank; Buchanan Ingersoll & Rooney PC; Caesar Rivise, PC; Philadelphia Runner; Veritext; The Legal Intelligencer; USA Track & Field; and Philadelphia Parks & Recreation.

In addition, to date, the following law firms have signed on as legal sponsors: Akin Gump Strauss Hauer & Feld LLP; Cozen O’Connor; DLA Piper; Drinker Biddle & Reath LLP; Fox Rothschild LLP, Offit Kurman, Attorneys At Law; Pepper Hamilton LLP; and Stevens & Lee PC. There is still time to be a sponsor of the race. For information regarding the levels of sponsorship and for being listed on upcoming advertising, please call Manny Pokotilow at (215) 567-2010.
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Board Adopts Resolution to Increase Workers' Comp. Dues

The Board of Governors adopted a resolution increasing the annual dues of the Workers’ Compensation Section on April 25.

The Philadelphia Bar Association Workers’ Compensation Section promotes the interests of those members of the association who address the legal needs and rights of injured workers, employers and insureds in Philadelphia and Pennsylvania; provides a forum for the members of the association consisting of judges, attorneys and other workers’ compensation professionals to work together on issues of mutual concern that affect the practice of workers’ compensation; and seeks to educate and involve the entire bar in issues affecting the practice of workers’ compensation law.

The section engages in a broad range of projects designed to serve the interests and needs of its members, including, but not limited to, hosting forums on legal issues of national, regional and local concern involving workers’ compensation; presenting seminars and programs on specific legal and social developments, including new statute and decisional law related to and affecting the practice of workers’ compensation; presenting continuing legal education and professional skills development programs for its members and the entire bar on workers’ compensation law issues; supporting the work of Philadelphia-area workers’ compensation law firms; encouraging its members in private practice to support all manners of pro bono legal services; and supporting our community-at-large in numerous charitable endeavors.

The membership dues of the section has remained unchanged at $20 per year for at least the last five years, and the programs and activities described herein, as well as other activities of the section, have increased in number and scope progressively and have been presented to growing numbers of members of the association, over the course of those years.

Revenue generated by the current dues of the section is insufficient to enable it to continue to conduct and expand its activities pursuant to its purposes and role as set forth in the by-laws of the Bar Association and of the section.

A dues increase for section members from $20 per annum to $25 per annum beginning in 2020, with a subsequent increase from $25 per annum to $30 per annum in 2023, would assist the section substantially in continuing to remain at the forefront in developing, presenting and conducting the various activities of the section and would not impose an undue financial hardship on current or potential members of the section.

The members of the section’s executive committee have carefully considered the full range of issues raised by a proposed increase in the section dues from $20 per annum to $25 per annum, then to $30 per annum, and have concluded unanimously that the proposed dues increase is fair, reasonable and appropriate for the reasons set forth herein and have now recommended to the chancellor and board of governors that the association approve the proposed dues increase for the reasons set forth herein.

To view the full resolution, visit PhiladelphiaBar.org.

Call on Pa. Board of Pardons to Expedite Applications

The Board of Governors adopted a resolution on April 25 calling on the Pennsylvania Board of Pardons to expedite the process by which pardon applications from non-incarcerated citizens can be heard.

Over the past few years, the Pennsylvania Board of Pardons has changed the application process so that it is hearing more applications each year, but even with these reforms, the most applications it has heard in any one year is only 363. By contrast, 25,000 people (on average) return to Philadelphia from incarceration in local, state and federal jails and prisons every year, and 91% of them are released to addresses in low-income neighborhoods, demonstrating not only the substantial number of Philadelphians with criminal records, but also the compounding problem faced by low-income/high-crime neighborhoods.

As of Feb. 14, there were 1,300 applications that had been filed with the Board of Pardons but not yet assigned to an investigator—that is, virtually every application for pardon filed after Jan. 1, 2016—which will take more than two years to investigate. This backlog is preventing Pennsylvanians from obtaining jobs, housing, education, credit and other opportunities for which they are qualified—and the backlog will only increase now that the application process has been reformed and made so much more accessible.

The Philadelphia Bar Association calls on the Board of Pardons to develop policies and procedures that will allow the board to hear, within one year from the date the application is filed, as many applications as possible from non-incarcerated individuals who have been successfully living and working in our communities.

To view the full resolution, visit PhiladelphiaBar.org.

Support Rules

continued from page 10

monthly net income. However, the parties now share in the additional expenses on the pro rata basis of their combined net monthly incomes after spousal support/ APL is deducted from the payor net monthly income and added to the payee’s net monthly income.

These new guidelines apply to all spousal support/APL orders entered after Jan. 1, 2019. In situations where the parties are modifying a court order entered prior to Jan. 1, the deductibility of the payment remains and the prior guidelines apply unless the parties agree otherwise.

In closing, Patrick Cooper reminded the audience that these rules are brand new. The panelists and Support Committee members welcome direct emails with any questions concerning the amended guidelines.

Brandon J. Lauria (blauria@brandonlauria.com) is a partner at McElroy, Deutsch, Lafferty & Levenson, P.C.

Civility

continued from page 11

when lawyers produce discovery immediately instead of holding onto it for a later date. Any delay in sending discoverable materials to your opponent will not necessarily have that evidence excluded by the judge. There needs to be some prejudice associated with the delay. Both sides benefit when litigation moves quickly.

Regina M. Parker (RParker@tiblauces.com), partner at Thomas, Thomas & Hafer LLP, is an associate editor of the Philadelphia Bar Reporter.

Tax Reform

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expense paid/accrued in the taxable years, Section 163(j) limits the deduction for adjusted taxable income to 30%. ATI is another new tax term which Kull equated to EBITDA.

There is an exception to Section 163(j) for small businesses with average gross receipts under $25,000,000. In addition, some trades and businesses may elect out of Section 163(j), including real property or farming trade or businesses. Real property businesses with more than one property will need to consider the number of elections they need to make. Reitmeyer said that a determination of the number of “trades or businesses” under Section 199A will guide the number of elections to be made under Section 163(j).

The panelists agreed that additional guidance is still needed, but these recent regulations help unpack some of TCJA’s complexities.

James C. Vandermark (svandermark@whiteandwilliams.com) is an associate at White and Williams LLP.
AARP Partnership Opens Opportunities to Help Seniors

By Andrew Fisher

SeniorLAW Center — in partnership with AARP Pennsylvania — is spearheading an innovative “systemic advocacy” approach to identify issues of economic and social impact, and for pro bono attorneys to create projects that support systemic reform efforts to improve the lives of older Pennsylvanians. Instead of handling individual client matters, a pro bono volunteer will work with SeniorLAW Center to develop best practices, model legislation and other creative solutions that will impact systems and laws. The SeniorLAW Center/AARP program is planning to target several areas, including

- Planning to target several areas, including
- that will impact systems and laws. The
- volunteer will work with SeniorLAW
- Pennsylvanians.
- instead of handling
- efforts to improve the lives of older
- projects that support systemic reform
- to identify issues of economic and social
- AARP Pennsylvania — is spearheading an
- SeniorLAW Center — in partnership with
- PRO BONO SPOTLIGHT

ICE Access

status and providing such information to ICE or are assisting with ICE arrests.

Stories of ICE enforcement actions in and around courthouses, administrative hearing offices and probation offices in Philadelphia, across the Commonwealth and around the country have caused fear among litigants, witnesses, victims and family members.

Advocates in Philadelphia and across the state have seen a decrease in immigrant clients seeking legal assistance in domestic violence cases, civil cases and administrative law matters, including workers’ compensation matters, due to fears of ICE presence in and around courthouses and administrative hearing offices. Victim and witness advocate organizations and workers’ compensation attorneys in Philadelphia and across the state have had immigrant crime victims, witnesses and clients inform them that they do not wish to appear in court or administrative hearings due to fear of ICE action against them.

The arrest and detention of criminal defendants by ICE prior to the resolution of their case is contrary to the administration of justice within our criminal justice system. The active participation of victims, witnesses, criminal defendants and other litigants is vital to a healthy and robust justice system.

Title VI prohibits discrimination on the basis of race or national origin by government agencies receiving federal funds, including the courts, and, as recognized by the Administrative Office of the Pennsylvania Courts, inquiring into immigration status may implicate Title VI. Litigants’ personal information obtained through the judicial process by staff members of the Pennsylvania courts, administrative law agencies (including the Workers’ Compensation Office of Adjudication) or probation offices should not be shared beyond the confines of the judicial process, otherwise confidence in the system is compromised.

Pennsylvania courts and administrative law agencies, including the Workers’ Compensation Office of Adjudication, currently do not have a policy in place delineating circumstances in which administrative hearing office or judiciary staff, including both courtroom staff and probation officers, are permitted to share information with ICE. They also currently do not have a policy in place designed to monitor when ICE is present in the courthouse or administrative hearing offices or to regulate when ICE may exercise its power in a manner contrary to the administration of courthouse or administrative hearing office business. Despite recent laudable changes implemented by the Philadelphia Sheriff, further action by the courts remains necessary.

Without such policies, advocates are unable to fully advise clients regarding risks of proceeding in a case in which they are a victim, a defendant, a witness or a family member. Pennsylvania courts and administrative law agencies, including the Workers’ Compensation Office of Adjudication, have the power and ability to implement policies in furtherance of the administration of justice.

The Board of Governors believes that the power of ICE must be balanced with the privacy rights of immigrants and the rights of immigrants to access public safety services and the judicial system.

The Board of Governors of the Philadelphia Bar Association expresses its strong support for the creation of policies that monitor ICE presence in

PhiladelphiaBar.org

May 2019 Philadelphia Bar Reporter
QUICK BITEs: KALAYA

Authentic Thai Hits Bella Vista

By James Zwolak

Most Thai food in Philadelphia is crapola. Since the depressing, self-inflicted demise of chef Alex Boonphaya’s awesome Pok Pok mini-chain (it now stumbles along in name only), we are stuck with citywide fare that regresses to the blue hair/suburbanite mean of mildly spiced Pad Thai and curries that taste like they could come out of a Trader Joe’s bottle. I have basically tuned out and stuck with our other expanding and adventurous Asian cuisines.

However, with the opening of Kalaya at 764 S. 9th St., two doors down from venerable Italian stalwart, Ralph’s, my miserable outlook has changed. Co-owners My-Le Vuong and Nok Suntaranon – both trained in high-end kitchens in New York and elsewhere – have set about to challenge Philly with seriously authentic Thai dishes in a lovely BYOB (with nice glassware) setting.

Kalaya’s menu is a simple one-pager with seriously upscale, authentic and incredibly well-prepared dishes. No Pad Thai, salmon red curry on rice (yes, I’m crossing the Rubicon and shaming the Reading Terminal) or Tom Yum in this jawn. Every item can be eaten family-style, so we did. The appetizer section lists one staple; the Tod Mun Pia, or fried fish cake. But we did not try it; my dining companion, Cammy, suggested the Toong Tong instead. An excellent decision, this deconstructed spring roll is filled with potato and curry powder, then tied up like a giant Hershey’s Kiss and served with a side of sweet chili sauce. Truly delectable.

We also shared the Kalud Tod Nam Pla, or wok-fried cabbage with garlic and fish sauce, and the Yum Nua Ma Kua Poa, Kalaya take on the traditional Thai beef salad, with scallion, eggplant, cilantro, mint and lemongrass. Both were fiery and delicious. I mindlessly (having committed the “schoolboy error” of guzzling multiple Mad Elf Ales from the jump) hogged the cabbage until my wife, Gia (a Thai beef salad aficionado), kicked me under the table and said the Yum Nua Ma Kua Poa was perfectly seared, yet pink inside, and a stellar dish. Try both.

Kalaya’s menu contains four curries and four wok-prepared dishes as mains. The Kang Gal Khao Mun, or chicken curry with cilantro, pandan and coconut milk, was the most mainstream item we ordered; the wives liked it plenty, and so did husbands Denis and me. The Kang Poo Pak Tai, a crabmeat curry with rice vermicelli, cucumber and long bean, was a super yummy splurge at $27, but with plenty of crabmeat. Denis felt that neither curry had any of the grating sweetness some dumbed-down iterations possess. My favorite dish was the Pla Thod Pla, a savory wok-fried monkfish with turmeric, garlic and black pepper. The monkfish was perfectly flaky, with a delicately rich dark broth. I am getting it again next time – for myself.

For me, Kalaya was the best genuine Thai I have had since dining at the Brooklyin outpost of Andy Ricker’s renowned Pok Pok. Philly sorely needs this place. The only reason I did not give a perfect rating was from the disorganized and pokey service, but that is to be expected in week one. Go with good friends, lots of booze and have an awesome two hours.

James Zwolak (james.zwolak@phila.gov) is a divisional deputy city solicitor in the City of Philadelphia Law Department.

QUICK TIP FROM USI AFFINITY

Beware of Cyber Security Risks Created By Your Staff

It was 2:32 a.m. in January 2019 at EQT’s headquarters. A senior level employee who was slated for a layoff the next day, entered the premises and connected his company-issued laptop to a private network, transferring confidential trade secrets to a USB drive. In addition, he loading for several months prior. On the same evening, another employee accessed the company’s cloud based storage plat-
Debra Jensen, managing partner at Galfand Berger LLP, has been appointed as a hearing committee member by the Disciplinary Board of the Supreme Court of Pennsylvania.

Bernard M. Resnick, of Bernard M. Resnick, Esq., P.C., was appointed to the GRAMMY Hall of Fame national selection committee and appointed to the Board of Directors of the Marvin Hamlisch International Music Awards.

Neil Andrew Stein, co-founder and principal of Kaplin Stewart Meloff Reiter & Stein, P.C., was a moderator and speaker at the 2nd Annual PA Office and Industrial Development Conference and was a speaker at the National Business Institute’s Advanced Real Estate Transactions Seminar.

Kathleen D. Wilkinson, a partner at Wilson Elser Moskowitz Edelman & Dicker LLP and former chancellor, will become vice president of the Pennsylvania Bar Association at the conclusion of the association’s Annual Meeting in Lancaster. She will serve as the association’s 2020–21 president-elect and 2021–22 president.

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

John A. Terrill is the new president of the American College of Trust and Estate Counsel.

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Financial Wellness
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able to retire on time. It is important to create a fiduciary file and a document to organize an investment committee, have a written investment policy, monitor that policy and engage in due diligence.

Brahim also discussed the current work force and the impact financial wellness has on it. Financial stress causes people to be less productive at work and also causes people to switch jobs. He explained that when an organization utilizes a financial wellness plan, productivity goes up and absenteeism is reduced. If all organizations put a financial well-being plan into action, everyone would benefit.

Zachary Lipshutz (zlipschutz@paworkinjury.com) is an associate at Martin Law LLC.
Philadelphia’s Employment Lawyers

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1835 Market St., Suite 515
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Ph: (215) 569-1999 • Fax: (215) 569-3870
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