



Author Examines Presidency at April Quarterly Meeting

by Bruce H. Bikin

Presidential scholar Michael Beschloss spoke at the Bar Association's April 3 Quarterly Meeting and Luncheon and used the historian's tools to examine some aspects of President Bush's administration.

Beschloss used numerous anecdotes about Lyndon Johnson derived from his research into Johnson's life and White House years as fodder for his observations about history and historical judgments.

Beschloss said that historians frequently "become" the subjects they write about, particularly when the research includes substantial time listening to tapes. While not a problem when writing about some like Mahatma Gandhi, President Johnson presented a somewhat more mixed topic. Beschloss said his assistant and his wife were somewhat nervous about his Johnson project so he did some due diligence on the subject. He had his assistant listen to a tape of the President yelling at one of his aides. His assistant's response was to counsel against the Johnson project while she was working for him. When Beschloss had his wife listen to a tape of Johnson's often-romantic conversation with Lady Bird, however, she felt the Johnson project was exactly what Beschloss needed to be doing.

Beschloss told a story about Johnson's appointment of Ramsey Clark as his attorney general. President Johnson liked to accomplish many objectives with one "silver bullet" kind of maneuver. In this particular instance, Johnson wanted to appoint Thurgood Marshall to the Supreme Court. He also wanted to get rid of Justice Tom Clark, who had proven to be less than enthusiastic about some of Johnson's legislation. By delegating Ramsey Clark to talk his father, Tom Clark, into resigning from the Supreme Court, Johnson was able

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Historian Michael Beschloss shares an anecdote about President Lyndon B. Johnson with guests at the April 3 Quarterly Meeting and Luncheon.



Immediate-Past Association Chancellor Allan H. Gordon shows off the gold snuff box presented to him by Chancellor Audrey C. Talley at the Quarterly Meeting. The inaugural Citizens Pro Bono Award was also presented at the meeting. See Page 10.

Philadelphiabar.org Lists Candidates Recommended by Judicial Commission

Audrey C. Talley, Chancellor of the Philadelphia Bar Association, and Leigh M. Skipper, Chair of the Commission on Judicial Selection and Retention, have announced the results of the Commission's investigation into the qualifications of 12 candidates for the Court of Common Pleas in the May 20 primary election.

Talley noted that the list of "Recommended" and "Not Recommended" candidates is still incomplete and said additional names and ratings will be announced as investigations are completed on the remaining candidates.

"We wanted to get these names and ratings out as soon as possible and invite people to learn more about how and why we rate the candidates. They can do this by visiting our Web site at www.philadelphiabar.org," Talley said.

The Chancellor pointed out that the Association's Campaign for Qualified Judges has launched a pop-up window that appears whenever anyone visits the Association's Web site. The window lists the candidates' ratings and contains a link to a complete "Voters Guide to the Judicial Elections."

Talley said the Association wants voters to know "not just who to vote for but why the judicial elections are so important and why we invest so much time and energy in reviewing and rating these candidates."

She said that the Campaign for Qualified Judges will also use radio

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Honoring the Ideals of Judge Higginbotham

by Audrey C. Talley

He had a great, rich, resonant voice – a voice that people remember vividly even now nearly four years after his death.

And he stood six-foot-five with a formidable frame. He was able to literally look down upon many others.

But it wasn't the way he sounded or how he towered over others that made Judge A. Leon Higginbotham Jr. a great man.

It wasn't a matter of octaves or decibels or mere inches and feet.

It was who Judge Higginbotham spoke for and what he said that set him apart. It was the way he reached out to others, put himself on their level and listened and cared that made him extraordinary. He was the voice of the voiceless and the protector and defender of the forgotten. That's what made him great. That's what made him a model lawyer, an outstanding jurist and a beloved human being.

This year marks the 75th anniversary of Judge Higginbotham's birth. So,



this is a good time for all of us to remember his ideals and emulate his vision and accomplishments.

And this may not be as difficult as it might seem. Because, as I noted back in December, as Philadelphia lawyers we bring three distinctive factors to everything we do: our identity, our values and our promise.

Our identity can and must lie in service to others. This service needs to include not just our colleagues in the profession but members of the community as well. We need to act in a

collegial manner, foster professional development, adhere to the highest ethical standards and steadfastly honor our pro bono commitment.

Our values begin and end with our commitment to our justice system. Consequently, we must support a first-rate, independent judiciary. That's why our Commission on Judicial Selection and Retention evaluates judicial candidates so thoroughly and why we're working so hard to educate the voters about the importance of the judicial elections and the attributes that they need to look for in anyone who aspires to the judiciary. And this is also why we constantly try to work with the judiciary toward improvement of our justice system and appropriate reform where needed.

Our promise calls on us to always look forward – to mentor others, to honor inspiring achievement, to learn and grow from the lessons and legacy of those who have preceded us and to chart a future that strives for equal justice under law.

Wouldn't this identity, these values

and this promise be shared by Judge Higginbotham if he were here with us today? I believe they would be. Because the basic ideals of a great man can live on if we pay attention and act accordingly.

When admirers tried to honor Judge Higginbotham 25 years ago on the success of his acclaimed book *In the Matter of Color*, he opted instead to hold a reception in his home town honoring his elementary and high school teachers.

He was a man of simple eloquence and great dignity whose every thought, word and deed seemed to work in harmony.

In 1990 *The Philadelphia Inquirer* declared that Judge Higginbotham's credo was "making the law not only live but live up to its promise of equality for all citizens." In all that we say and do, let that now be our credo as well.

Audrey C. Talley, a partner at Drinker Biddle & Reath LLP, is Chancellor of the Philadelphia Bar Association. Her e-mail address is chancellor@philabar.org.

Attorneys Sought to Aid Iraq War Personnel

The Philadelphia Bar Association is looking for volunteer attorneys to provide free legal assistance to military personnel and their families for problems they face as they are deployed because of the war with Iraq.

"As lawyers and members of the community, we want to do what we can to help," said Chancellor Audrey C. Talley. "We support the men and women of the armed services and our talents and energies are available to those who need assistance."

The Military Assistance Program will be in conjunction with the American Bar Association's "Operation Enduring LAMP." The ABA Web site (www.abanet.org) contains a wealth of informa-

tion to assist volunteer attorneys, Talley said.

The only requirements for attorneys wishing to participate are that they be in active practice and have malpractice insurance. Attorneys with the following practice experience are needed for the program: family law, estate planning, tax, employment, consumer, debtor/-creditor, immigration and insurance.

Attorneys with experience with the Soldiers and Sailors Civil Relief Act, Uniformed Service Employment and Re-Employment Act and Servicemen's Group Life Insurance are also needed.

For more information about volunteering, contact Charles Klitsch, the Bar Association's assistant director for public and legal services, at (215) 238-6326 or by e-mail at cklitsch@philabar.org.

JUDICIAL ELECTION

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spots, print ads and targeted e-mails to educate voters as the election draws near.

The Commission on Judicial Selection and Retention is independent and non-partisan. It includes lawyers and non-lawyers. Among the members of the Commission are the chief public defender, the president judges of the Common Pleas and Municipal Courts, and representatives from the Asian, Hispanic and African-American legal groups.

The ratings by the 29-member Judicial Commission follow extensive study and investigation by the Commission's own 120-member investigative division which includes 30 non-lawyer members. Candidates found "Recommended" satisfied a cumulative review of criteria including qualifications such as legal ability and training, trial experience, character and

integrity, judicial temperament, mental and physical capacity and community involvement. Complete details can be found at philadelphiabar.org.

The following judicial candidates, listed alphabetically, were found "RECOMMENDED" for election to the Court of Common Pleas:

Glenn B. Bronson
Ramy I. Djerassi
Hon. Joseph A. Dych
Brenda Frazier-Clemons
Roger F. Gordon
Nazario Jimenez
Ronald G. McNeil
Hon. Jeffrey P. Minehart
Hon. Bradley K. Moss
Thomas M. Nocella
Paula Patrick
Doris A. Pechkurow
Karen F. Zeitz

The following candidate was found "NOT RECOMMENDED" for election to the Court of Common Pleas:

Hon. Lori A. Dumas

Additional names and ratings will be announced soon.

Our Apologies

Jack Foltz's name was inadvertently left off a list of Hamilton Circle members who have fulfilled their \$10,000 commitments to the Philadelphia Bar Foundation.

The law firms of Morgan, Lewis & Bockius LLP, with five members of the Hamilton Circle and one young lawyer member, and Feldman, Shepherd, Wohlgelernter & Tanner, with two members of the Hamilton Circle, were omitted from a list of firms participating in the Hamilton Circle.

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June Quarterly Meeting and Luncheon

Cornel West to Deliver Higginbotham Lecture

Dr. Cornel R. West, celebrated author and the current Class of 1943 University Professor of Religion at Princeton University, will deliver the fifth annual Judge A. Leon Higginbotham Jr. Memorial Public Interest Lecture at the Philadelphia Bar Association's June Quarterly Meeting and Luncheon.

New members of the Association's Year Clubs will also be honored at the event, scheduled for Thursday, June 19 at the Park Hyatt Philadelphia at the Bellevue, Broad and Walnut streets. Tickets are available for purchase online by visiting www.philadelphiabar.org.

The lecture was inaugurated by the Public Interest Section to honor the memory of the late Third Circuit Court of Appeals Chief Judge A. Leon Higginbotham Jr.

Prior to his appointment at Princeton, West was the Alphonse Fletcher Jr. University Professor at Harvard University teaching in Afro-American Studies and Philosophy of Religion. He graduated from Harvard magna cum laude, and earned his Ph.D. degree in philosophy at Princeton in 1980. In 1996, he was awarded the James Madison Medal, the highest honor Princeton bestows on graduate alumni.

West taught at Yale, Union Theological Seminary and Princeton University where he was chair of the Department of Afro-American Studies. He is the author of numerous articles and books including *The Cornel West Reader*, *Race Matters* and *The African American Century*.

West was born in Tulsa, Okla., in 1955. His father was a civilian Air Force administrator, and his mother, an elementary school teacher, would later become the principal. The West family moved a great deal and finally settled in a middle-class neighborhood of Sacramento, Calif.

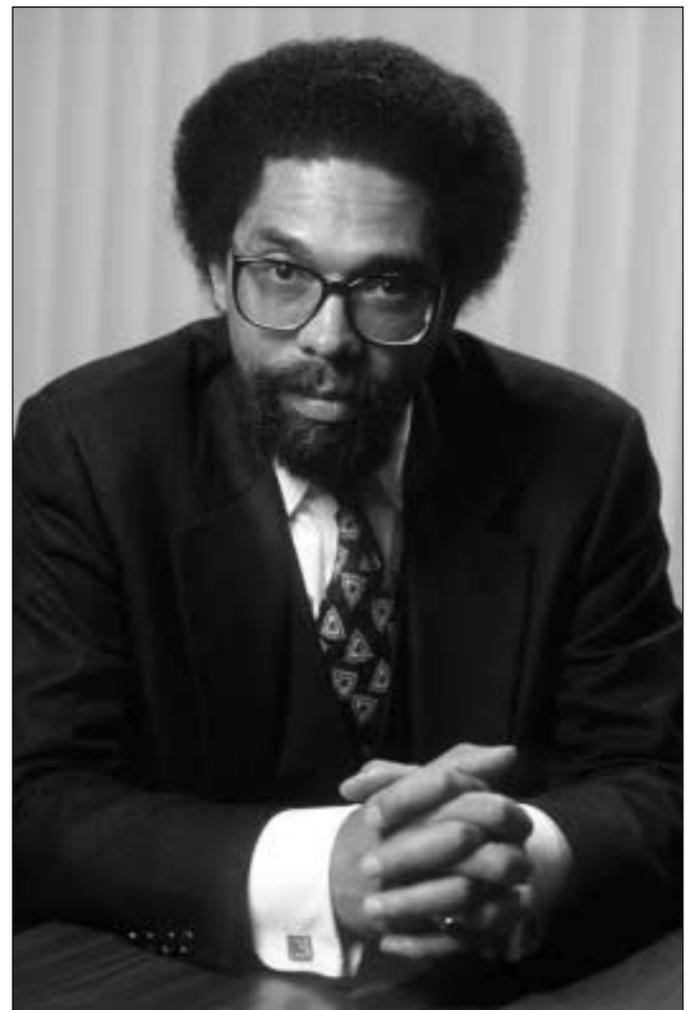
As a child, West was greatly impressed by the Baptist church. He had been deeply touched by the parishioners who, only two generations from slavery, told stories of blacks maintaining their religious faith during the most trying of times. He was equally attracted to the commitment of the Black Panthers, whose office was near his boyhood church. It was from the Panthers that West began to understand the importance of community-based political action. A biography of President Theodore Roosevelt that West borrowed from a neighborhood bookmobile would steer his academic future, however. West felt an affinity to Roosevelt, as

both were asthmatics. He read how Roosevelt had overcome his asthma, went to Harvard and became a great speaker. So at 8 years old, even though West wasn't exactly sure what it was, he decided he would go to Harvard.

And so he did, graduating from Harvard magna cum laude in three years. Martin Kilson, one of West's professors, recalls him as "the most intellectually aggressive and highly cerebral student I have taught in my 30 years here."

West then went on to Princeton University, where he received his M.A. and his Ph.D., then went on to head the university's Department of Afro-American Studies. After reviving that department successfully, West moved to Harvard University where he served as professor of Afro-American Studies and Philosophy of Religion. Recently, he was W.E.B. Du Bois Lecturer at Harvard. His speaking style, formed by his roots in the Baptist church, blends drama, knowledge and inspiration.

His book credits include: *Prophesy Deliverance: An Afro-American Revolutionary Christianity*, *Post-Analytic Philosophy*, *Prophetic Fragments*, *The American Evasion of Philosophy*, *The Ethical Dimensions of Marxist Thought*, *Breaking Bread*, *Prophetic Reflections* and *Prophetic Thought*



Dr. Cornel R. West

In Postmodern Times. His breakthrough book, *Race Matters*, was published in 1995. This book quickly achieved best-seller status and gained the attention of *Time* and *Newsweek* magazines, causing both publications to run extensive pro-

file articles about West in June 1995. His book *Keep Faith* was also published in 1995. *Jews and Blacks: Let the Healing Begin*, a book co-written with Tikkun magazine editor Michael Lerner, was published in the spring of 1995.

Philadelphia Bar Association Quarterly Meeting and Luncheon Thursday, June 19 at Noon at the Park Hyatt Philadelphia at the Bellevue

- Featuring Keynote Speaker Dr. Cornel R. West
- Welcoming New 50-, 60-, 65-, 70- and 75-Year Club Members

Please make ____ reservations for the Philadelphia Bar Association's Quarterly Meeting and Luncheon. Tickets are \$40 for members and \$45 for non-members. Checks should be made payable to the Philadelphia Bar Association.

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Credit card payments should be faxed to Bar Headquarters at (215) 238-1267.

Federal Courts Committee

Bench-Bar Conference Set for June

Lawyers and judges who practice and preside in the local federal courts are invited to attend the 2003 Federal Bench-Bar Conference, set for Friday, June 13 at Ashbourne Country Club in Cheltenham, Pa. The event will be cosponsored by the Philadelphia Bar Association's Federal Courts Committee and the Pennsylvania Bar Institute.

The conference, an educational and recreational event for federal court practitioners and judges, offers 2.5 substantive and .5 ethics continuing legal education credits and will be held from 8:10 a.m. to 1 p.m. On-site registration and a continental breakfast begin at 7:30 a.m. Litigators and judges will then discuss topics of interest in the Eastern District of Pennsylvania. Following an on-site luncheon, the afternoon is open for relaxing and golf.

Federal Courts Committee Chair Stephanie Resnick, partner in Fox Rothschild LLP, and Committee Vice Chair Rudolph Garcia, partner in Saul Ewing LLP, are planners of the conference.

U.S. District Court Chief Judge James T. Giles and Resnick will open the conference with welcoming remarks. Garcia then will introduce the first session, Closing Arguments (.5 ethics credit), during which Henry G. Miller, Esq. will perform closing arguments of Clarence Darrow. Then, judges and practitioners will discuss and critique closing arguments. Panel will include U.S. District Court Judges Jan E. DuBois, Lowell A. Reed, Jr. and Petrese B. Tucker, Roberta D. Pichini, Abraham C. Reich and J. Clayton Undercofler III.

Next will be Effective Pretrial Advocacy and Adjudication: Examples from the Bench and Bar, a panel discussion by judges and practitioners, including U.S. District Court Judges Eduardo C. Robreno and Anita B. Brody, Richard L. Bazelon, John G. Harkins Jr. and Donald C. Marino.

Conference participants then can hear a Report from the U.S. Attorney's Office, presented by U.S. Attorney Patrick L. Meehan, with topics of interest to the criminal bar.

Next, a presentation of Reports & Panel Discussions will feature Chief Judge Giles, U.S. District Court Clerk of Court Michael E. Kunz, U.S. Bankruptcy Court Chief Judge Bruce I. Fox and U.S. District Court Chief Magistrate Judge James R. Melinson, Roberta D. Liebenberg, Gregory P. Miller and David T. Sykes.

Chief Judge Giles and Committee

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Human Rights Fund Dissolved

by Jeff Lyons

The Board of Governors has approved a resolution to dissolve the Association's International Human Rights Fund and transfer the remaining money to the Philadelphia Bar Foundation.

"This arose as a suggestion from our auditor," Board Chair Jane L. Dalton told the Board at the April 22 meeting. "The fund is dormant and there hasn't been any activity with it for several years."

Dalton said there was approximately \$3,000 remaining in the fund. The fund was established in 1989 as the Pennsylvania Human Rights Fund. The name was changed to the Philadelphia Bar Association International Human Rights Fund a year later. The fund was designed to provide education, financial support, grants for programs, scholarships or fellowships to promote the protection and preservation of human rights.

The funds currently in the International Human Rights Fund will be transferred to the Philadelphia Bar Foundation, where they will be distributed to organizations with a similar mission as the Human Rights Fund. Once the funds are distributed, the International Human Rights Fund will be dissolved.

"This is just a transfer of funds from one nonprofit to another," explained Lawrence J. Beaser, Board counsel.

In other business, the Board voted unanimously to transfer its long-term disability and hospital indemnity products to AIG American General from Baltimore Life Insurance Company.

"Baltimore Life's rating dropped. We don't endorse carriers with rating below A-minus," Paul Kazaras, the Association's assistant executive director, explained to the Board.

Kazaras said the transition to AIG would be seamless and additional products would be available from AIG.

The Board also heard a report from Natalie Allen and Robert Fox of Philadelphia Academies, Inc. Philadelphia Academies is working in partnership with the city school district to strengthen public school students' academic and occupational skills, enhancing their in-school and post-graduation options, and contributing to the development of a stable workforce.

Academies Inc. has established two law academies at Furness and Lincoln High Schools in the city, where students can learn about careers in the law. Allen and Fox urged Philadelphia attorneys to get involved with the program and become mentors to students or board members to help guide the program.

For more information about Philadelphia Academies, and how to become a volunteer, visit their Web site at www.academiesinc.org.

70 Joining Association's Year Clubs

The newest 70 members of the Philadelphia Bar Association's 50-, 60-, 65-, 70- and 75-Year Clubs will be recognized at the Association's June Quarterly Meeting and Luncheon on Thursday, June 19.

Members of the 50-Year Club get a pin and a certificate. All other honorees receive a framed certificate. The June Quarterly Meeting and Luncheon will be held at the Park Hyatt Philadelphia at the Bellevue, Broad and Walnut streets.

The following members will be honored at the June 19 event:

50-Year Club

Leonidas A. Allen; Warren M. Ballard; Earle N. Barber; Norman S. Berson; Robert F. Blanck; Judge Edward J. Bradley; John J. Brennan; Ralph W. Brenner; Judge Joseph C. Bruno; Francis X. Diebold; Park B. Dilks Jr.; Joseph S. Elmaleh; Joseph P. Flanagan Jr.; Joseph H. Foster; Max Goldberg; Maxwell P. Gorson; Jack C. Goushian; Bernard Granor; Jon Grossman; Filmore S. Harowitz; Bernard N. Katz; William A. Kelley Jr.; S. Robert Levant; Frederick A. Levy; Jerome Lipman; Edward W. Madeira; Theodore R. Mann; John S. Manos; Domenic Masciantonio Jr.; Thomas F. McDevitt; Anthony S. Minisi; John Mitchell; Judge Frank J. Montemuro; Everett H. Murray Jr.; George H. Nofer; Herbert L. Ocks; George J. O'Neill; Stanton S. Oswald; A. Charles Peruto; Esther Polen; Judge Lawrence Prattis; Edward J. Quinn; Judge Meyer Charles Rose; Joseph D. Schein; Jerome

J. Shestack; Philip Shuchman; Leonard Spear; John T. Synnestvedt; Joseph R. Thompson; Stanton L. Treister; Nicholas A. Von Neuman; Robert E. Wachs; William D. Webb; and Minturn T. Wright.

60-Year Club

Judge Nicholas A. Cipriani; John A. Eichman; Joseph Shanis; Craig M. Sharpe; and Daniel Sherman.

65-Year Club

David Berger; Morris Chernock; David Cohen; Edward I. Cutler; Max Palitz; Harold Sills; Henry R. Sklar; Benjamin B. Solomon; and Frederick Van Denbergh.

70-Year Club

Herbert G. Marvin

75-Year Club

Charles L. Cushmore

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Professional Responsibility Committee

Malpractice Coverage Sparks Lively Debate

by Gabriel DeVitto

Although 75 percent of attorneys in private practice in Pennsylvania are covered by malpractice insurance, a large minority remains uncovered, a predicament that worries many in the legal profession. The Association's Professional Responsibility Committee discussed the issue at its March 27 meeting.

The panel invited to speak included Pam Waldrow, chief counsel for the Pennsylvania Insurance Department; Carl "Hank" Delacato Jr., chair of the Association's Insurance Programs Committee; Jeffrey B. McCarron, an attorney well known for his work in legal malpractice defense; and Nancy H. Fullam of McEldrew & Fullam, P.C. The discussion that followed was lively and passionate, with the attendees expressing strong opinions on this important and controversial issue. Delacato opened by stating that he does not believe that mandatory legal malpractice insurance would work in Pennsylvania. He believes the state to be too diverse, and that the sentiment in Philadelphia would not be found in many smaller communities statewide. Delacato said he does believe that Rule 2.19 of the Pennsylvania Code of Professional Conduct should be amended to include the requirement of disclosure as to whether or not an attorney in practice carries malpractice insurance.

McCarron mentioned that the Pennsylvania Bar Association House of Delegates approved the resolution asking the state Supreme Court to ask if an attorney has insurance, and if so, what the limits were. To this date, the Supreme Court has not acted on it. This resolution was passed after it was realized, according to McCarron, that making insurance mandatory is not feasible. The focus then went directly to a disclosure requirement. According to McCarron there were three forms of disclosure that were discussed, 1) a list-



Committee members and panelists at the March 27 Professional Responsibility Committee meeting included (from left) Philadelphia Common Pleas Court Judge and Committee Co-Chair Denis P. Cohen, Pam Waldrow, Carl "Hank" Delacato Jr., Nancy H. Fullam, Jeffrey B. McCarron and Committee Co-Chair Evie Cogan.

ing, 2) a personal disclosure to the client, in the form of a representation agreement, or 3) disclosure on a letterhead. Even this disclosure requirement has met with great opposition with solo practitioners and small firms, as well as some county bar associations. These groups believe that a disclosure requirement is an intrusive regulation without any need, that it would make it prohibitively expensive for some lawyers to practice, and that it would turn the relationship of trust between attorney and client into an adversarial relationship.

Fullam believes that attorneys have an obligation to the people that entrust them, and expressed shock that all attorneys do not have coverage. Without insurance, the damages could potentially be catastrophic, and Fullam expressed surprise that lawyers have not gotten bad press concerning this issue. Without insurance, Fullam added, it is hard to protect clients, or to make them whole. She does not believe that cost should be the overriding issue, and believes that legislation has not been passed because of "cheapskates and paranoia."

Waldrow, in her role as chief counsel for the Pennsylvania Insurance Department, said that the department does not take a position regarding whether or not legal malpractice insur-

ance should be mandatory. In her opinion, the issue comes down to the basic problem of identifying what behavior falls below the basic standard of care. She expressed her belief that the Disciplinary Board in Pennsylvania has failed to effectively deal with the "bad attorneys" that are responsible for prohibitive insurance rates. Several attendees at this point mentioned that most malpractice cases involve an honest mistake by the attorney, and that the Disciplinary Board has a limited scope, namely dealing with lawyers whose conduct violates professional ethics. Still, it was acknowledged that there is some sentiment that the Disciplinary Board does not do a good job of weeding out the "bad" lawyers.

Most of the discussion that followed focused on the difficulty in obtaining insurance. It was pointed out that Pennsylvania went from having 21 to just six malpractice insurance carriers

in the last 18 months. The problem is particularly pronounced for sole practitioners, who currently have only two carriers that will insure them. This tied in with the point of some in attendance, specifically mentioned by Harold Goldner, vice-chair of the Solo and Small Firm Committee of the Pennsylvania Bar Association, that there is a parochialism in Philadelphia, and that many solo practitioners throughout the state would be driven out of practice with mandatory insurance. The consensus of most in attendance was perhaps best summed up by Chancellor Audrey C. Talley who believes this to be an important topic, and that even if the economic climate currently would not support mandatory insurance, it should continue to be discussed.

Gabriel DeVitto is a member of the Professional Responsibility Committee.

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BENCH BAR

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Vice Chair Garcia will then lead a session on Good and Welfare and Resnick then will make closing remarks.

Following the conference, a cocktail reception will precede lunch.

Tuition is \$135 for members of the Pennsylvania, Philadelphia or any other county bar association or any cosponsoring organization, \$115 for members admitted after Jan. 1, 1999, \$155 for nonmembers, \$129 for paralegals attending alone and \$99 for those attending with an attorney. One copy

of the 2003 Federal Bench-Bar Conference course manual is included with registration. The materials are not available for separate purchase.

Conference registration may be obtained by calling PBI at (800) 247-4724 or (800) 952-4657 or by visiting PBI online at www.pbi.org. Pre-registration is encouraged.

Arrangements for golf following the conference, at an additional charge, may be made by contacting Bar Association Meeting Manager Stephanie Krzywanski at (215) 258-6360 or skrzywanski@philabar.org.

Association Nominating Committee Formed

The Nominating Committee of the Philadelphia Bar Association has been formed. Committee members are Allan H. Gordon (chair), Mitchell L. Bach, Gabriel L.I. Bevilacqua, David S. Blum, Andrew A. Chirls, Lenard A. Cohen, Karen L. Detamore, Barbara W. Freedman, Nicole D. Galli, Alexander B. Giacobetti, Natalie Klyashorny, Stanley R. Krakower, Gregory H. Mathews, Robert

W. Meek, Carl S. Primavera, Stephanie Resnick, Linda F. Rosen, Joseph A. Sullivan, Audrey C. Talley, Joseph C. Vignola, Michael L. Viola and David L. Weinreb. Association Secretary Sayde Joy Ladov serves as a non-voting member of the committee.

The committee has scheduled dates for its next meetings. They are Monday, Sept. 8, at 12 p.m.; Tuesday, Oct. 14, at 4

p.m.; and Wednesday, Oct. 15, at 4 p.m.

Offices for which candidates are being solicited are Vice Chancellor, secretary, assistant secretary, treasurer, assistant treasurer, and five seats on the Board of Governors, three of which are to be nominated by the Nominating Committee. Each Board seat carries a three-year term.

Individuals who wish to be consid-

ered for any of the offices should submit a resume of their background and indicate the position for which they wish to run. Materials should be submitted to the Chair of the Nominating Committee, Allan H. Gordon, c/o Mary Kate Nolen, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, Pa. 19107-2911, no later than 5 p.m., Friday, Oct. 10.

O'Connor Award Nominees Sought

The Women in the Profession Committee is seeking nominations for the 2003 Sandra Day O'Connor Award. Deadline for nominations is Friday, June 27.

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

The award presentation will be made during the Bar Association's Quarterly Meeting in October.

The 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 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 Juanita Kidd Stout, former justice of the Pennsylvania Supreme Court; Deborah R. Willig, first woman Chancellor of the Philadelphia Bar Association; 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. Roomberg of Ballard Spahr Andrews & Ingersoll, LLP; the late Judge Judith J. Jamison; and Ellen T. Greenlee, chief defender of the Defender Association of Philadelphia.

For more information, e-mail committee co-chairs Nicole D. Galli at gallin@pepperlaw.com or Roberta D. Pichini at rpichini@litvin.com.

2003 SANDRA DAY O'CONNOR AWARD NOMINATION FORM

The Sandra Day O'Connor Award was named in honor of the first woman Justice of the U.S. Supreme Court and is given annually to an outstanding woman attorney in the Philadelphia area. The recipient is expected to exemplify the qualities that Justice O'Connor has demonstrated in her life and work. Therefore, the Award Committee gives preference to those nominees who have achieved prominence and the highest degree of professional excellence in their field over a sustained period and who have openly and visibly used their position and stature in the community to mentor, promote and advance other women lawyers. Specific criteria follow:

- Award Criteria:
- Female attorney with law practice or other professional activities in Philadelphia.
 - A career path that demonstrates superior legal talent and ability characterized by unique contributions to and significant achievements within the legal community.
 - Advocacy for the advancement and equal treatment of women in the profession, as well as the community.
 - A reputation for mentoring other women in the profession.

Return the completed form with all additional materials by Friday, June 27, 2003 to: O'Connor Award, Women in the Profession Committee, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, Pa. 19107-2911.

Nominee's Name: _____ Title: _____

Firm/Organization: _____ Phone: _____

Business Address: _____

Nominator's Name: _____ Title: _____

Firm/Organization: _____

Phone: _____

Business Address: _____

Please use 8 1/2-x-11" sheets to answer the following questions.

1. How long have you known the nominee?
2. What has been your association with the nominee?
3. Describe the nominee's professional accomplishments.
4. What is the nominee's most significant accomplishment?
5. Describe how the nominee has been an advocate and used her position and stature in the community to advance, and provide career opportunities for, women lawyers generally.
6. Describe what the nominee has done to mentor, promote and advance other women lawyers.
7. Describe other activities in which the nominee has engaged that have advanced women inside and outside the legal community.

Nominators must provide answers to questions 1-7. Nominators are encouraged to include additional material on the nominee, such as curriculum vitae, press clippings, résumé; however, no more than three letters in support of the nominee will be accepted. Nomination forms may refer to and incorporate information submitted within the past three years for the nominee. The nominator is also responsible for ensuring submission of current information for the nominee as well.

Don't Let Stress Consume Life, Work

by Melissa A. Schwartz

Each year after Law Week, I remember how rewarding it is to be a young Philadelphia lawyer. The program that actually started my "career" with the Bar was "Lawyer for a Day." The program allows high school students to shadow a Philadelphia attorney for a few hours. For many students, it is their first time entering a courtroom or law firm. The student also has the opportunity to ask questions about the law. Not surprisingly, they are generally more interested in finding out how much money you make or when you expect to make partner. By the day's end, I hope that I have encouraged a student to explore the practice of law as a future career.

Believe me, there are plenty of days where I would not suggest the practice of law to anyone. We have all had times in our practice when we seriously question why we are a lawyer or whether we should continue the prac-

YLD UPDATE



tice of law. I'd be surprised if most young lawyers have not dealt with these issues at least once in their practice. The stress of making billable hours, marketing clients and balancing a family life is enough to cause anxiety in even the most laid-back person.

Each of us has a different way of dealing with these stresses. There are some people who are simply able to step away from all of the stress when

they leave the office at the end of the day. I admit that when I leave the office, I leave with all of my stress. Fortunately, I can unwind on the train ride home. Assuming that my train is not late (which causes further angst), I have about 40 minutes to decompress before I get home. When I walk in the door and am greeted by a huge smile from my daughter, I generally can forget about my stress for a few hours. The anxiety generally does not hit again until I am getting ready to go to bed. I start thinking about all of the things that need to get done. I keep a "to do" list on my night table. These lists help keep me organized and serve as a reminder to get things done. When I know what projects I have to tackle the next day, I do not feel as overwhelmed.

I also tend to handle stress better when I am completely overwhelmed with things to do. For whatever reason, I am better with time management when I have a lot of things to do

at once. Where most people thought I was crazy, I was eager to face the challenges of serving as YLD Chair, new mother and associate in the same year. I can honestly say that I am more productive on the days where I have to drop my daughter off at the babysitter, go to court and attend a Bar meeting.

The bottom line is that we all face stress in our everyday lives. The reality is that we will probably encounter stress in one way or another for the rest of our lives. The key is to recognize the stress and find ways to deal with it. Everyone has a system that works best for them. When stress starts consuming your life, it is time to step away and remember the reasons you became an attorney. If you can recall the reasons you are proud to be an attorney, you will be able to move forward and start a new day.

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Melissa A. Schwartz, chair of the Young Lawyers Division, is an associate with Naulty, Scaricamazza & McDevitt, Ltd. Her e-mail address is mschwartz@naulty.com

Judge Montemuro Honored



Photo by Jeff Lyons

Association Chancellor-Elect Gabriel L.I. Bevilacqua (right) sits with Pennsylvania Superior Court Judge Frank J. Montemuro during ceremonies to unveil a portrait of the judge held April 8 in Philadelphia City Hall.

Career Corner

Job Market Remains Sluggish for Laterals

by James LaRosa and Gary Mintz

As legal recruiters, we find many common questions and concerns among attorneys exploring new opportunities. These are some of them:

How is the lateral law firm market? So far in 2005, we are seeing the 2002 law firm hiring trends continuing. That trend showed less lateral movement of attorneys moving from one firm to a similar firm across the street for salary reasons or just for a change of scenery. During the boom times of the late 1990s, many associates made lateral moves for an increase in salary (often only a nominal increase) or because they were not particularly happy with their current firm. As many firms have become more cautious in their hiring decisions, associates have also become cautious when deciding if it is the right time for them to make a move. Many associates who feel their job is reasonably secure at their current firm, even if they are not completely satisfied with their compensation or working conditions, are very hesitant to consider a move to a firm in which they would become low man or woman on the seniority ladder.

One issue that has also affected the lateral market in Philadelphia is the large number of layoffs of corporate

and business associates in other regions of the country. Increased layoffs on the West Coast, and even here in the East in Boston, have significantly increased the candidate pool in Philadelphia as many attorneys from those regions seek opportunities here. That has made obtaining a new position in these already-slow corporate practice areas that much tougher for associates who want to or have to make a move.

The large firms approach associate lateral hiring from a few different perspectives. Many of the firms that gained a large portion of their revenues from business and corporate-related practices now find that they often do not have enough work to keep all of their associates (and partners for that matter) busy. This has led to some associates being reassigned to busier practice groups within the firm and, in some circumstances, being laid off.

Mid-size and boutique firms are following many of the same hiring trends as the large firms. Many litigation, intellectual property and employment and labor-oriented firms continued to hire, while firms with a heavy practice concentration in business and corporate areas tend to be extremely cautious with regard to lateral hires.

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Public Interest Section

Shaw: Conservative Courts to Blame for Decisions Against Affirmative Action

by Jeff Lyons

The trend of court decisions against affirmative action cases will continue as long as conservatives continue to dominate the federal bench, a leading civil rights attorney told members of the Public Interest Section at an April 14 plenary session.

Ted Shaw, associate director and counsel for the NAACP Legal Defense and Educational Fund, discussed the history and ramifications of *Grutter v. Bollinger*, the University of Michigan Law School affirmative action case. Shaw is currently The Phyllis W. Beck Chair in Law at Temple University Beasley School of Law and was a professor of law at the University of Michigan in the early 1990s.

The Board of Governors of the Philadelphia Bar Association passed a resolution in February backing Michigan's affirmative action admissions policy.

"Under Presidents Reagan and Bush, the seating of conservative judges was made a priority. It wasn't like that under President Clinton," Shaw said.

He said the decline of support for affirmative action began with the *Bakke* case in California. The reason the Michigan case has reached the U.S. Supreme Court, Shaw said, is as the result of action by the far right since before *Bakke*. "In *Bakke*, the court ruled the 14th Amendment didn't mean anything in particular when it came to affirmative action."

"The Michigan cases you heard are really incomplete. White students sued the university and the university represented its interest. We intervened because black and latino voices needed to be heard," he explained.

Shaw said the issue of affirmative action and integration dates back to colonial times. "Right down the street here," Shaw said, gesturing toward Independence Hall, "where the Constitution was written, slavery is only mentioned euphemistically. In the 1850s and 1840s, there was a ban on discussions about slavery in Congress.

"The same Congress that passed the 14th Amendment couldn't have conceived of all attempts to undo its work," Shaw said.

Today, the nation suffers from what Shaw calls "societal discrimination." "We wring our hands about discrimination, but then we wash our hands of it. Diversity is just another way of saying integration," Shaw said.

When the NAACP intervened in the Michigan case, Shaw said "we put in evidence that was otherwise absent." That evidence included documents that showed the dormitories were to be set up and maintained as segregated. "There were subtle and complex arguments that showed the way the University of Michigan discriminated against black and latino students.

"Nobody wants to talk about history. That's where our blindness is. How can it be that all the segregation we see, all the massive inequality, not be connected to hundreds of years of slavery and discrimination? I have no patience with the far right when it comes to their explanations of diversity," Shaw said.

He said there are ultra conservative groups working to halt affirmative action programs at universities around the nation. These groups are sending



Photo by Jeff Lyons

Ted Shaw

letters to university officials, threatening legal action if any voluntary race programs for outreach and scholarships continue to operate. "Some institutions are changing their policies for fear of litigation from conservative and right wing groups," Shaw said.

"There are good faith reasons to disagree with affirmative action, but those most in disagreement are not acting in good faith," he added.

Girl Scouts Honor Talley



Photo by Dick Goldley

Chancellor Audrey C. Talley gets acquainted with Alison S. James of Senior Girl Scout Troop 517 before the Girl Scouts of Southeastern Pennsylvania 2003 Take the Lead Awards Program. Talley was honored by the Girl Scouts on March 12 for her success in the world of finance.



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Philadelphia Bar Foundation

A Foreign Perspective on Pro Bono

by Gerald A. McHugh Jr.

Recently, I had an unusual opportunity to evaluate the state of pro bono activism in the American legal community as compared to other countries, when I participated in Britain's Solicitors' Pro Bono Conference. The conference was attended by attorneys throughout the United Kingdom, and included a panel of attorneys from France, Singapore and Ghana. Together with Eve Klothen, director of pro bono and public interest programs at Rutgers Camden Law School and former executive director of the Bar Foundation, I presented the American experience.

For the past year, I have used this column to exhort Philadelphia lawyers to increase their pro bono commitment. This conference provided a useful opportunity to step back and recognize how far we have progressed when compared to our profession in other countries. Throughout the presentations, the United States was cited as the model for pro bono activism, both in the ranks of practicing lawyers, and within the academic community. A panelist from France recounted how virtually none of the major firms in Paris participates in pro bono activities. The representative from Ghana described how attorneys who become advocates for the poor in his country are often viewed as traitors to their class. The attorney from Singapore lamented that too many professionals there simply did not understand the motivation for offering free service.

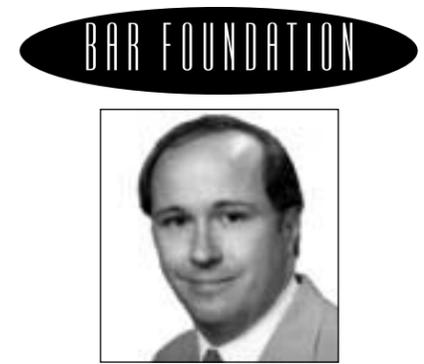
The conference itself underscored some of the challenges in England's attempt to build a pro bono movement. Its keynote speaker was Lord Peter Goldsmith, Britain's attorney general, who visited Philadelphia last year, and toured many of our legal services agencies. Lord Goldsmith has led a movement to increase pro bono in the United Kingdom, and at the conference a national protocol was ratified and signed by a number of members of the bar, representing different constituencies. This agreement had been reached only after a painstaking process of meeting and negotiation over two years, in which Lord Goldsmith used his stature to persuade solicitors and barristers to embrace public service.

This is not to say that there are no legal services or pro bono representation in England. There is a national network of law centers, supported by government funding, and networks of attorneys who have organized through the Solicitors' Pro Bono Group. Unlike the United States, however, funding for both criminal and civil representation comes from the same appropriation,

and for that reason, civil advocates must often struggle to find resources. Much representation of the indigent is provided by private practitioners who obtain a certificate to accept legal aid clients, and many of these lawyers, who already work at a reduced rate in such cases, are reluctant to extend free representation to other indigent clients. Leadership of the organized bar has been comparatively slow to embrace

the ethic of pro bono service, apparently viewing its principal role as one of protecting the interests of the profession. Legal education has a far different structure, without the variety of clinical programs that have traditionally offered service opportunities to students here.

This is not to say that the British system has nothing to teach the United States. One of the most interesting



components of the legal services system in Britain is its Citizen Advice Bureaus, operating from over 2,000

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15TH ANNUAL PHILADELPHIA BAR FOUNDATION GOLF CLASSIC

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Gordon, Zelkowitz Honored at April Quarterly

by Nina Wright Padilla

Geanne K. Zelkowitz, a founding board member and former president of the board of the Homeless Advocacy Project and an associate at Dechert, was the recipient of the inaugural Citizens Pro Bono Award at the Association's Spring Quarterly Meeting and Luncheon on April 3. The Citizens Pro Bono Award honors outstanding volunteer pro bono advocacy. Two more Citizens Pro Bono Awards will be presented to a law firm and a legal department at the Philadelphia Bar Foundation's Andrew Hamilton Ball in November.

Immediate-Past Chancellor Allan H. Gordon was also recognized for his service as Chancellor at the Quarterly Meeting and Luncheon.

Zelkowitz came to Philadelphia in 1982 to work as a law clerk. While traveling to and from work, Zelkowitz said she became aware of the many homeless living on the city's streets. She began to help by giving out sandwiches to the homeless and joining the Association's Problems of the Homeless Committee. In 1990, she, along with others, founded HAP, which provides legal services to the homeless. For the past 13 years, Zelkowitz has served on HAP's board.

HAP conducts 12 clinics at two hospices, Mercy Hospice and St. John's Hospice. The clinics are conducted by Zelkowitz and other lawyers who meet with homeless clients, some of whom suffer from myriad problems, including mental illnesses and substance abuse.

In accepting her award, Zelkowitz said "HAP is a very normal part of my everyday life. It's become a habit. And I think I was chosen for this award because I've made pro bono work routine." She thanked three groups of people "that have made doing this work a real joy:" the Dechert law firm, which has encouraged the pro bono work by including partners, associates, paralegals and law students as participants in the project; the HAP staff of dedicated professionals; and the HAP clients who are grateful



Geanne K. Zelkowitz is joined by (from left) Christopher W. Ritchie and Stephen D. Steinour of Citizens Bank and Alan M. Feldman, Chair of the Citizens Pro Bono Award Committee, at a reception prior to the April Quarterly Meeting and Luncheon.

"even when I can't help, just because I was willing to listen and to try."

In an annual Philadelphia lawyer tradition, Chancellor Audrey C. Talley presented Immediate-Past Chancellor Allan H. Gordon with a replica of the gold box given to Andrew Hamilton for his successful defense of printer John Peter Zenger. The box, which is given only to former Chancellors, is inscribed, "Acquired not by money, but by character."

Talley called Gordon's 2002 term "a year of substantive achievement" with Gordon's implementation of the Pro Bono Task Force, which serves as a "blueprint for the future delivery of pro bono legal services." Also, Gordon's work to eliminate the New Jersey Bona Fide Office Rule led to a recommendation of the New Jersey Supreme Court that "the rule essentially be quashed." In praising his work, Talley said, "Our Association has benefited greatly from Allan's leadership and vision."

While accepting the honor, Gordon acknowledged Jeffrey M. Lindy as an extraordinary chair of the Board of Governors who worked tirelessly. Gordon also recognized the support and cooperation of his office, the hard-working staff of the Philadelphia Bar Association, and made special mention of Assistant Executive Director Paul Kazaras, Associate Executive Director of Communications and Public Affairs Daniel A. Cirucci and Executive Director Kenneth Shear, which led to a round of applause in recognition of their daily contributions to



Citizens Pro Bono Award recipient Geanne K. Zelkowitz is joined by daughter Diana and husband Hy before the April Quarterly Meeting and Luncheon.

the Chancellor and the Association.

Gordon also thanked his

family and his wife, Sharon, of almost 40 years, for her support, noting how she "went to

everything."

Nina Wright Padilla is an associate editor of the Philadelphia Bar Reporter.

Bylaw Amendment Approved

A bylaw amendment to the membership concerning composition of the Nominating Committee, additional nominations, standing, special and ad hoc committees, Register of Committees, definitions of the Real Property and Workers' Compensation Sections and the administration of official publications has been approved by the membership of the Philadelphia Bar Association. The action came at the Association's April 3 Quarterly Meeting and Luncheon.

The amendment also increases the number of signatures needed for a nominee for Vice Chancellor. One hundred signatures would be required, an increase from the current 25.

For the full text of the amendment, visit the Bar's Web site at www.philabar.org/db30/cgi-bin/pubs/April3Amend.pdf

BESCHLOSS

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to achieve all three goals at once. The added bonus was in having Ramsey Clark know that Johnson knew that Clark had helped remove his own father from a job he loved.

Beschloss felt three things could be gleaned from his Johnson research that might be applicable in light of the events in Iraq. First, "what can history tell us" about how a president will respond in a crisis. Second, can we identify the kind of job that lies ahead in Iraq. Third, is there any information we as "citizens and voters" can take away in real time about potential presidents and senators when "we perhaps don't know as much as we would like to about them."

With the resources of "cable channels [and] wonderful newspapers, we learn more ... about a president than we ever did before...," Beschloss said. "At the same time, "we don't remotely know as much about a George Bush... now as we will in 30 years when we historians get to him." This is the result of both more information and hindsight.

Beschloss used a story about Elvis Presley and his manager, Col. Tom Parker, as an example of the necessity of hindsight. Elvis never toured in Europe, even though he was enormously popular there. It was not until after his death that "we learned Tom Parker was an illegal Dutch alien. He was afraid that if he left the country, and the INS was doing its job, he would never get back in." And if he didn't go to Europe with Elvis, someone else would steal him. He added, "you need distance to judge things; what was important and what wasn't."

"It took us 30 or 40 or 50 years" to understand how towering Truman really was," Beschloss said. Though at one time he was thought to be

very unpopular, it was Truman's blueprint that other presidents, like Ronald Reagan, used to win the Cold War. Only time and perspective could give us that insight, he said.

"We also don't have the information we need in real time to make conclusive judgments about our presidents. We don't know one one-hundredth of what we will know in 30 or 40 or 50 years," Beschloss said. He went on to say that how the war in Iraq turns out will have much to say about how Bush's decisions now on Iraqi policy are viewed.

"If there is one quality I would like more than anything else," he said, "it is finding someone, who, if the crunch really comes, in a big crisis or an urgent national need, this is someone who will sacrifice his political life and political career in order to take a risk that may be good for the country."

Beschloss used Franklin Roosevelt and John Kennedy as examples of presidents willing to do this. Roosevelt insisted on preparing the country for war, even though the country was overwhelmingly isolationist. Kennedy lost huge Democratic support in the southern states that had been necessary for his election when he sent the voting rights bill to Congress. Both of these men put doing what they thought was right ahead of re-election.

In using his historian's magnifying glass to examine President George Bush, Beschloss selected as an example of his real-time conduct that might be looked at favorably in the future how he reacted to the 9/11 attacks. He could have been much more cautious, Beschloss said. Instead, he chose to attempt to eradicate the dangers of terrorism from the world in our lifetime by his decision to go after bin Laden and to invade Iraq.

Beschloss has been called



Chancellor Audrey C. Talley visits with keynote speaker Michael Beschloss.



From left, Carol Nelson Shepherd and Kathleen D. Wilkinson, both former co-chairs of the Association's Women in the Profession Committee, meet with Board of Governors Chair Jane L. Dalton, also a former co-chair of the Committee, at a pre-luncheon reception.

the nation's leading presidential historian and is a best-selling author and a regular television commentator, frequently seen on the PBS "NewsHour with Jim Lehrer." He is working on a trilogy on the Presidency of Lyndon Johnson, incorporating a review of the Johnson White House tapes. He wrote *The*

Crisis Years: Kennedy and Khrushchev, a book about what were perhaps the most turbulent and dangerous years of the cold war. It has been reported in *The New York Times* that President George Bush is currently reading Beschloss' newest best seller about World War II, *The Conquerors*, even as U.S. tanks roll into

Baghdad.

He is a graduate of Williams College and Harvard University and a Fellow of the Society of American Historians.

.....
Bruce H. Bikin, a partner at Montgomery, McCracken, Walker & Rhoads, LLP, is editor-in-chief of the Philadelphia Bar Reporter.

Photos by Jeff Lyons

May 13 Event to Honor Bar Association's Dan Cirucci

Daniel A. Cirucci, the Association's associate executive director for communications and public affairs, will be inducted into the Philadelphia Public Relations Hall of Fame at

a May 13 luncheon sponsored by the Philadelphia Public Relations Association.

Cirucci, who is celebrating his 25th anniversary with the Bar Association, will be honored

for his contributions to the profession and the community and his commitment to the profession's highest standards.

The luncheon begins at noon at the Ritz-Carlton

Philadelphia, 10 Avenue of the Arts.

To order tickets online, visit www.ppra.net and click on the Hall of Fame registration link.



Daniel A. Cirucci

Judge Meets With Zoning, Land Use Committee

Philadelphia Common Pleas Court Judge Matthew D. Carrafiello is joined by Cheryl L. Gaston, chair of the Zoning, Land Use and Code Enforcement Committee, prior to the Committee's March 26 meeting. Judge Carrafiello was the guest speaker at the meeting.



Photo by Jeff Lyons

Save May 18 for Charity Run

The 24th annual Philadelphia Bar Association Charity Run, which will include a 5-kilometer run and a 5-kilometer walk, will start and finish on West River Drive adjacent to the Philadelphia Museum of Art on Sunday, May 18.

As in prior years, there will be refreshments and giveaways to everyone participating. The beneficiaries of the race will again be the American Diabetes Association and the Support Center for Child Advocates.

The Run starts and ends on the West River Drive adjacent the Philadelphia Museum of Art and begins at 8:30 a.m.

The Philadelphia Bar Association is being joined again by Wawa, Inc., *The Legal Intelligencer*, JuriStaff, Inc., USI Colburn Insurance and by the following legal sponsors: Akin Gump Strauss Hauer & Feld LLP; Law Offices of Bernard M. Gross; Blank Rome LLP; Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd.; Cozen O'Connor; Fox Rothschild LLP; Marshall, Dennehey, Warner, Coleman & Goggin; Montgomery, McCracken, Walker & Rhoads, LLP; Neil A. Morris Associates; Pepper Hamilton LLP; Raynes, McCarty, Binder, Ross & Mundy; RatnerPrestia; Reed Smith, LLP; Semanoff, Ormsby, Greenberg & Torchia, LLC; Wolf, Block, Schorr and Solis-Cohen, LLP and Woodcock Washburn LLP.

Champions for Children May 14 at First Union

by Catherine Pratsinakis

Champions for Children, the annual benefit event for the Support Center for Child Advocates (SCCA), will be held on Wednesday, May 14 at 5:30 p.m., at First Union Bank, Broad and Walnut streets. The Support Center for Child Advocates welcomes all members of the Philadelphia Bar to join in on this year's festivities, which include both live and silent auctions, music, cocktails and hors d'oeuvres.

Held in partnership with Philadelphia's WB17 Cares, a fund of the McCormick Tribune Foundation, Champions for Children celebrates the dedication, hard work and support of SCCA's honorees, volunteers, agency friends and funders.

This year's recipient of the Judge Lois Forer Child Advocacy Award will be G. Fred DiBona Jr., president and CEO of Independence Blue Cross, for his support of programs that provide free or low-cost health insurance coverage to uninsured children in Philadelphia.

The Support Center for Child Advocates is America's oldest and largest pro bono agency dedicated exclusively to children. In the past year, the SCCA has provided legal and social

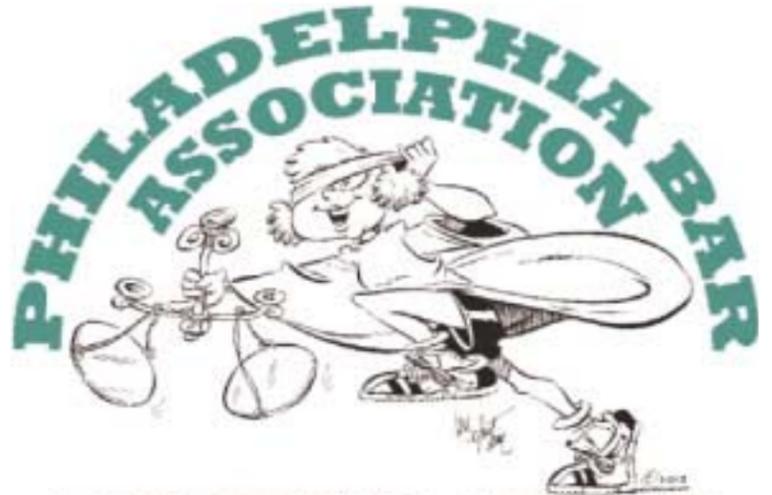
service advocacy to nearly 700 abused, neglected, abandoned and medically needy children. The agency's mission is "to advocate for maltreated children in Philadelphia, with the goal of securing a permanent, nurturing environment for every child."

The event is well-attended every year, with 600 people in attendance for last year's 25th anniversary at the Kimmel Center. This year's auction will include decorative home art, certificates for the hottest restaurants in Philadelphia, CDs, jewelry, a digital camera, theater tickets, nursery items, music lessons, fun kitchen products and, something that will definitely appeal to some lawyers, a gift certificate for a golf outing. A fabulous quilt featuring the handprints of children served by Child Advocates will be available for bid at the live auction. The quilt will add a colorful and playful touch to any room.

To obtain more information about becoming an event sponsor or to purchase individual and firm tickets in advance, please contact Sandra Lavini at (215) 925-1913, ext. 126, or e-mail her at sandra@advokid.org.

Catherine Pratsinakis, an associate at Montgomery, McCracken, Walker & Rhoads, LLP, is an associate editor of the Philadelphia Bar Reporter.

24th Annual



**5K RUN & WALK
May 18, 2003**

To Benefit:

**American Diabetes Association and
Support Center for Child Advocates**

**8:30 A.M. .5K RUN 8:35 A.M. .5K WALK
WEST RIVER DRIVE ¥ PHILADELPHIA, PA.**

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OR CALL 215-567-2010

FOR MORE INFORMATION

Court to Say 'Thanks' to Jurors on May 8

The Philadelphia Court of Common Pleas and Pennsylvanians for Modern Courts are sponsoring the Fourth Annual Juror Appreciation Day on Thursday, May 8 at 8:30 a.m. in the Jury Assembly Room at the Criminal Justice Center, 1301 Filbert St.

This event coincides with the statewide observance of Juror Appreciation Week, which runs from May 5 to May 11.

Juror Appreciation Day 2005 will recognize Philadelphia's "Citizen Heroes" by honoring those who fulfill their obligations to serve as jurors.

In the coming weeks, while planning an honorary ceremony acknowledging the commitment of those Philadelphia residents reporting on this designated day, the court is highlighting some of the recent enhancements it has made to the jury duty process, including an Interactive Voice Response System (IVRS) that offers added convenience for summoned

jurors.

"Without jurors, our democratic justice system does not function. I welcome this opportunity to recognize all the citizens of Philadelphia who have upheld their civic duty by serving the court system as a juror over the past year," said Judge James J. Fitzgerald, III, the administrative judge of the Trial Division of the Court of Common Pleas. "I know it is not always easy to rearrange your life in order to serve on jury duty. We continuously try to find ways to reduce the burdens of service with things like the practice of juror call-off and discount parking. We will continue to implement policies that will lead jurors to conclude that jury duty is a positive aspect of citizenship."

"We are excited to be part of this important day for the Court of Common Pleas to convey to Philadelphia citizens that it understands and values the sacrifices of time and energy often involved in serving

on a jury," said Lynn A. Marks, executive director of PMC. "The Court's commitment to improving the jury duty experience is significant. It demonstrates appreciation of the many citizens who serve and fosters positive feelings about jury duty. Both are necessary if we are to maintain the strong jury system on which our democracy is grounded."

A phone number for jury duty information is featured on the summons for jury duty that residents receive in the mail. The number for those living in Philadelphia is: 215-683-7170 and links callers to an Interactive Voice Response System. The night before they are scheduled to serve, potential jurors should call the number to hear specific reporting instructions. A recorded message will let the callers know whether their assignment is confirmed or whether they need not report. If potential jurors are legitimately excused in this

manner, their civic obligation will be fulfilled and they will not be summoned for at least another year. The availability of this service allows those whose schedules center on their jobs, child care and/or other responsibilities to avoid making unnecessary arrangements should their service not be needed. Also, if arrangements have already been adjusted, the juror can still report to court and serve as planned. Philadelphia's court has listened to the need for change in jury duty procedures and hopes the IVRS system will be just one of many significant improvements. Other initiatives include having secured parking discounts in certain lots and juror orientation programs.

Pennsylvanians for Modern Courts is a statewide, nonprofit, nonpartisan organization to promote the reform of Pennsylvania's judicial system. For more information, visit www.pmconline.org.



Photo by Schermering & Symmes

AIDS Law Project Celebrates 15 Years

The AIDS Law Project of Pennsylvania celebrated its 15th anniversary with a party honoring founding director David W. Webber at Knoll furniture showroom on March 27. Pictured from left to right are Andrew A. Chirls, Vice Chancellor of the Philadelphia Bar Association; Ronda B. Goldfein, executive director of the AIDS Law Project; and David W. Webber.

Labor and Employment Law Committee

Contact With Adversary's Employees Discussed

by Diane Siegel Danoff

Mary Frances Ryan, a partner in the Labor and Employment Group at Dechert LLP, led a lively discussion on the subject of contact with an adversary's employees and former employees at the Labor and Employment Law Committee's March meeting.

Ryan explained that the precepts governing contact with employees and former employees in Pennsylvania differ significantly from those in New Jersey. For example, New Jersey applies the "litigation control group" test, whereas courts applying Pennsylvania law have opted for an alter-ego or factual, case-by-case test whose results may be difficult to predict. There was

some discussion, only partially in jest, of "taking a witness across the river" for questioning.

In both jurisdictions, Ryan pointed out, there is case law guidance on what an attorney must establish before substantively questioning an adversary's employee or former employee. Ryan identified two Common Pleas Court decisions that require attorneys to almost "Mirandize" a potential witness before seeking substantive information. For instance, if an employee says that he would prefer that the company's lawyer be present for the questioning, the questioning must immediately stop. Similarly, there is a published New Jersey case that sets forth suggested questions for the preliminary ques-

tioning of a witness whom an attorney wishes to interview. The attorney must identify himself, state whom he represents, explain that his client is now adverse to the employee's former employer, admonish the witness not to disclose any privileged information, etc.

Ryan advised that in practical terms, it is best for the questioning attorney to convey these statements to the witness in a written statement, e.g. a letter, and have the witness sign it, or get a sworn declaration that the witness is not represented by counsel and does not wish to be represented by the employer's counsel.

Another topic of discussion was the tension between an attorney's duty,

under Rule 11 of the Federal Rules of Civil Procedure, to conduct a pre-filing investigation (on the one hand) and the ethical rules governing interviews of employees and former employees (on the other hand). A few committee members expressed the view that those ethical rules do not apply before a charge or lawsuit is filed. Other committee members disagreed strongly, saying that the ethical rules and corresponding case law apply whenever an adversarial situation exists, regardless of whether a charge or lawsuit has been filed.

Diane Siegel Danoff, a partner at Dechert LLP, is co-chair of the Labor and Employment Law Committee.

A Slice of Italy in South Philly

FEASTS TO FAMINE

**Villa Di Roma
Italian Market**
952-36 S. 9th St.
(215) 592-1295

by **Skinny D. Bockol**

"When in Di Roma, do as Di Romas do," is the oft-repeated maxim heard echoing up and down 9th Street, especially between Carpenter and Christian. Wend your way, along the sidewalk, past mounds of fresh produce boxes, over-filled iron trash bins and stacked empty palettes, all the remnants of a 9th Street open air market sales day. Be embraced by the Italian Market's gaudy signs alluding to "Roasted Boned Baby Pigs," "Twenty Pound Parmesan Wheels" and "Asparagus By the Bushel!"

One enters Villa Di Roma into an elongated room with an argy-bargy mahogany bar controlling its length. The patrons are indigenous and neighborly, catching your eyes as you pass. "Aaeceee," "Yyohhh," "Aaeeyyohhh," are greetings that are quickly stated, quickly accepted and understood as linguistic declivities in lieu of "goodtaseeyu-useguys."

Smoke fills the beery air, so holding one's breath is not uncommon as you hop past the tappy's hops-smells, as if barefoot on a bed of coals, toward the smoke-free dining rooms.

Try to be seated in the area to your left; it's the old original, brick-walled shebang with the huge billboard menu as its omphalos near the tiny kitchen.

A dozen-and-a-half small tables are covered by white linens atop which rest old-fashioned glass chrome-topped condiment containers of salt, pepper, hot pepper flakes, sugar and grated Parmesan. Thin stainless steel silverware are purpled and scarified accompaniments.

Oddly, and completely foreign to the atmosphere, are three cowboy-Western wagon wheels with five gaslight shades a piece, equally spaced hanging from the drop-ceiling. But the food never wavers from deep South Philly basics.

Appetizers should be ordered for the table: villa salad, escarole or broccoli rabe in oil and garlic, and especially "fried asparagus," if available (all between \$6 and \$8 when averaged). The villa salad hasn't changed in decades, and always feeds four. Chopped iceberg lettuce is bathing in a creamy pink sauce reminiscent of remoulade, flavored with bacon bits and tomatoes. Nothing could be simpler. Every deglutition causes flashbacks to the 1950s. You can almost hear By Saam calling a Phillies game, in between crunches; and swallows are as big and long as a Del Ennis double.

Escarole is steamed to a wilted

limpness, the color of the green paperback cover used by West's Pennsylvania Rules of Court - Federal (2003). Real spikes of garlic glitter and abound on each forkful, creating the first of many gas pocket-parts of the repast. Never attempt to squelch bumptious burping, at the risk of a 3 a.m. heartburn that will make for cory-

bantic restlessness and gaseous deflagrations.

Just as the escarole is sweetly redolent of garlic bits, the broccoli rabe contains a nascent but demulcent bitterness. It is, moreover, erumpent with heated pepper flakes giving your tongue and cerebellum simultaneous

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MAY CLE COURSES

May 2 Counseling Small Businesses • Bar Education Center

May 7 Fiduciary Accounting Workshop • Bar Education Center

**May 9 Pennsylvania Insurance Department Hearings
Bar Education Center**

**May 12 Chapter 11 Bankruptcy Practice in Delaware
Bar Education Center**

**May 13 Civil Litigation Update Series:
Motor Vehicle Law Update • Bar Education Center**

**May 14 What the Workers' Compensation Attorney
Needs to Know about Social Security Disability
Bar Education Center**

**May 15 Preparing for & Conducting a Winning Deposition
Bar Education Center**

**May 16 Philadelphia Tax Section Spring 2003 CLE Series
Recent Developments in State & Local Taxation
Bar Education Center**

Finding Facts On-Line • Bar Education Center

**May 19 Compulsory Arbitration Seminar
Bar Education Center**

**May 20 Civil Litigation Update Series:
Product Liability Update • Bar Education Center**

**May 21 A Practical Approach to Prenuptial Agreements
Bar Education Center**

**Counseling Small Businesses — Live Via Satellite
Franklin Institute Science Museum**

**May 22 Supreme Court IP Update: The Dilution & Copyright
Extension Decisions • Bar Education Center**

May 30 End-of-Life Estate Planning • Bar Education Center

**Bar Education
Center**
Wanamaker Building
10th Floor, Suite 1010

**Franklin Institute
Science Museum**
222 N. 20th Street
5th Floor

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**Pennsylvania
Bar Institute**

CONTINUING LEGAL EDUCATION ARM OF
THE PENNSYLVANIA BAR ASSOCIATION

CLS Annual Campaign Raises \$300,000

Philadelphia lawyers have rallied once again to support the Commonwealth's oldest and largest provider of civil legal services to low-income community members, Community Legal Services, Inc. (CLS), setting a record in annual contributions. CLS handles about 10,000 cases annually in areas of Consumer Advocacy, Elder Law, Employment, Energy, Family Advocacy, Housing, Public Benefits, and Community Economic Development.

CLS' 2002 Bar Campaign yielded almost \$350,000 in donations, an increase of nearly 10 percent over the previous year's donations. This includes \$7,000 from individual donors and an anticipated matching grant from The Independence Foundation that provided a \$50,000 dollar-for-dollar matching grant for any new and increased monies.

"We see our work to help Philadelphia's poor as a joint effort with the private bar," said CLS Executive Director Catherine C. Carr. "The bar provides direct services to CLS clients through pro bono efforts, but

we all know pro bono cannot meet all the legal needs of Philadelphia's poor. The financial support provided to CLS by law firms and individual attorneys for CLS is thus extremely important. It allows us to hire staff who become experts at poverty law and can efficiently handle the wide range of legal problems that low income people face," she said.

CLS Bar Campaign Chair Dennis Suplee of Schnader Harrison Segal & Lewis LLP said, "Community Legal Services was founded by lawyers and law firms and has been supported by lawyers and law firms generously over the years." Also working on CLS' 2002 Bar Campaign were: A. Michael Pratt of Pepper Hamilton LLP; Michael J. Boni of Kohn, Swift & Graf, P.C.; Edward F. Chacker of Gay, Chacker & Mittin, P.C.; Andrew A. Chirls of Wolf, Block, Schorr and Solis-Cohen LLP; Lawrence J. Fox of Drinker Biddle & Reath LLP; Nancy J. Gellman of Conrad, O'Brien, Gellman & Rohn, P.C.; Marilyn Heffley of Reed Smith LLP; Julie S. Lu of Duane Morris LLP; Gerald A. McHugh Jr. of Litvin,

Center Celebrates LGBT Gains



Photo by Daniel J. Anders

The Center for Lesbian and Gay Civil Rights held a cocktail benefit April 9 celebrating recent gains for LGBT law and lawyers in Philadelphia. Philadelphia Bar Association Vice Chancellor Andrew A. Chirls (second from right) was a featured guest at the event, which was held at Reed Smith LLP. Pictured with Chirls are (from left) Sean M. Halpin of Reed Smith LLP; Stacey L. Sobel, executive director of the Center; and James D. Epstein of Pepper Hamilton LLP.

Blumberg, Matusow & Young; Gene E.K. Pratter of Duane Morris LLP; Alice P.L. Schwartz of Independence Blue Cross; Joseph A. Sullivan of Schnader Harrison Segal & Lewis LLP; David T.

Sykes of Duane Morris LLP; Sharon M. Wilson of Wilson & Wilson; and Joanne Zack of Kohn, Swift & Graf, P.C. Contributions may still be made to CLS by calling (215) 981-3760.

FEASTS TO FAMINE

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kicks. Afterglows of lemon coat your inner mouth.

"Fried asparagus" is a new Villa specialty. Seven or eight darkly charred crisp cigarillos float motionless in a goldenrod yellow butter pool. Each auriferous spear may be judiciously cut in half so as to easily slide between one's puckered lips. The entrance is flawless.

Notwithstanding, the thickly rich butter broth left in the bowl seems indented by a Sitzmark. The slippery asparagus suddenly slides in a gurgle while your teeth and tongue attempt to stabilize its presence. Biting down brings a verdant whirligig of fried coating's crackling. There's no need to swallow; the chewed matter inside your throat has "disappeared."

I'm not going to turn you away from anything at Villa served with

red gravy. (Say "sauce" and you're tossed.) Veal or eggplant Parmesan platters are inexpensive, with frantically fresh ingredients, drenched in brilliant crimson liquid of feverishly chopped tomatoes. Sides of pasta are likewise inundated and gratis.

But to have the unforgettable, the infrangible, the almost indecently, deliciously oleaginous, one must order "Chicken Neapolitan." Served in an oblong trough of a plate, cubed plump white chicken breast chunks gleam gloriously in a beclouded phantasm of bright light butter, redolent of smashed whole garlic bulbs. As you suckle the heavenly heaps of chicken, feel the hairs on your arms and head stretching toward the aforementioned wagon wheels. Your shirt or blouse bustles as hairs emerge on your chest. Scrapes and rashes disappear from one's skin. Your complexion is anointed and rosy. Inhale a miasma and memento

of South Philadelphia's ponderous puckishness. Catch your breath. Then allow another few chunks entrance. The supple sordidness migrates to your soul. Any Italian grandmother born south of Bainbridge Street will reverently advise: "If the Lord cooked anything better, she kept it for Herself."

Waitresses here are corpulently gracious and become instant bosom buddies, even if standing nearly three feet from your table. They fill their black pants and black vests with dimpled voluptuousness. These ladies often call you "hon," and mean it. Listen to what they say, as they are learned in the laws of this eatery.

Make certain to reserve the rolls given freely in baskets, to dunk into the gravies. Better than dessert.

TOTUS TERES ATQUE ROTUNDUS

Skinny D. Bockol is a sole practitioner and a contributing editor to the Philadelphia Bar Reporter.

Send Us Your News, Views, Photos

The Philadelphia Bar Reporter welcomes law-related submissions for publication. Articles relating to a specific practice area, commentary, book reviews, and letters to the editors are welcome. Letters must be signed to verify authorship, but names will be withheld upon request. All submissions will be promptly considered by the Bar Reporter Editorial Board. Editors reserve the right to condense for clarity, style and space considerations.

Articles and/or requests for publication may be mailed, faxed or e-mailed and should be directed to: Jeff Lyons, Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, Pa. 19107-2911. Phone: (215) 238-6545. Fax: (215) 238-1267. E-mail: reporter@philabar.org.

Law Firm Marketing Video Available from Association

Law firm marketing doesn't have to be complicated.

That's the message of a self-help video available from the Philadelphia Bar Association. The video, featuring law firm marketing director Pamela McCarthy of Klehr, Harrison, Harvey, Branzberg & Ellers LLP, contains effective, proven marketing tips for use by solo and small firms as well as larger firms.

The 85-minute program, produced with the help of a grant from the American Bar Association, reveals valuable marketing secrets, such as:

- How to maintain a quick and easy-to-use contact list.
- Where to network for best marketing results.
- How to take maximum advantage of everyday marketing vehicles you may be overlooking.

• Why you need to build your marketing base with assets you already have.

• How you can turn your own accomplishments into an advertisement for your firm.

• Where you will encounter the stumbling blocks that will lead to marketing failure and how you can avoid them.

• How to minimize the time you

spend on marketing efforts and maximize results.

• How to develop a marketing plan and keep it viable as circumstances change.

To obtain a copy of the video, send a check for \$14.95 payable to the Philadelphia Bar Association to "Marketing Video," c/o Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, Pa., 19107-2911.

Lawyers Leave Their Mark on Iraq War

by Bruce H. Bikin

Nearly 150 years ago, General William Tecumseh Sherman said, "War is Hell."

He was referring to the carnage and human suffering that war inevitably generates for both winners and losers. Found in today's combat experience is a new wrinkle to the art of war: conferences with lawyers about the interpretations of the Rules of Engagement.

Imagine, if you will, combat commanders sitting in meetings very near the front lines with notepads and recorders receiving lectures from military lawyers. These lectures to battle commanders, much like legal briefings to Fortune 500 executives, concern the intricacies and legalities of combat engagements in the 21st century.

Long gone are the days when soldiers pointed their rifles and shot at anything dressed in enemy colors. We seem well past the simple bashing,

COMMENTARY



smashing, shooting and maiming of any personnel not wearing the uniform of our own forces. Military strategy and tactics are now significantly impacted, if not determined at least in part, by what are known as the Rules of Engagement.

The Rules of Engagement set out the fundamental concepts for the use of force by United States combat forces. The Joint Chiefs of Staff (JCS) Standing Rules of Engagement (CJCSI 3121.01A,

15 Jan 00) apply to all U.S. forces. They define such things as hostile acts and distinguish hostile acts from hostile intent and hostile force. They define the elements of self-defense as well as who and what can be defended.

Though Rules of Engagement had been in force previously, it was in the first Gulf War in 1991, and later in Kosovo, that Rules of Engagement began to seriously affect the strategy and tactics of our military in accomplishing their objectives.

In addition to the fundamental rules derived from the Geneva Conventions, there are also Rules of Engagement written for each particular combat scenario imaginable at the beginning of each particular conflict. (These rules are generally classified.) However, as any conflict develops, these rules are subject to change. In Iraq, when the Republican Guard began to attack under white flags, and the Saddam Fedayeen began to disguise themselves as civilians and use suicide

bombers against U.S. and British troops, the Rules undoubtedly changed to account for each new possible scenario not previously considered.

The point of this little bit of military trivia that only a lawyer could love? Our society has evolved in complexity and subtlety to such an extent that even in warfare we need lawyers to help us sort out our objectives and how to attain them within a framework of civilized aggression. This fact puts our troops at risk in ways less complex, less civilized societies would never encounter. Nonetheless, it also permits us to accomplish objectives other, less sophisticated societies would never be able to achieve.

Winning hearts and minds is less difficult when you feed instead of shoot civilians and when you leave homes and businesses standing while destroying legitimate military targets.

Bruce H. Bikin, a partner at Montgomery, McCracken, Walker & Rhoads, LLP, is editor-in-chief of the Philadelphia Bar Reporter.

BAR FOUNDATION

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sites. They do not focus exclusively on legal advice, but rather consist of local agencies where volunteers with a wide range of skills counsel neighborhood residents on how to cope with various problems. Solicitors are featured prominently in such programs, as the nature of the issues presented often calls for legal advice. British attorneys also participate more widely in pro bono activism overseas, and its International Centre for the Legal Protection of Human Rights is highly regarded.

In one private conversation with a

barrister who has vigorously promoted pro bono service in the profession, he observed a basic difference in the British and American outlook on public life. In Britain, government continues to provide a far wider range of services than in the United States, and consequently the non-profit sector has not developed to the same extent as it has in America, where government does less. English government, however, increasingly finds itself beset by the same fiscal constraints as governments everywhere, resulting in drastic service cuts. This has in turn led to increased calls for volunteerism across British society, including in the legal community. Not surprisingly, branch offices of

American firms have played a major role in the English pro bono community.

At a time when the United States can rightly be questioned as to whether it is pursuing an agenda of cultural imperialism, one is hesitant to be self-congratulatory. Nonetheless,

this opportunity to take stock of where we stand as compared to attorneys abroad led me to realize that we have much to celebrate in the American legal system.

Gerald A. McHugh Jr., a partner with Litvin Blumberg Matusow & Young, is president of the Philadelphia Bar Foundation.

LEGAL SERVICES CORPORATION Notice of Availability of Competitive Grant Funds for Calendar Year 2004

The Legal Services Corporation (LSC) announces the availability of competitive grant funds to provide civil legal services to eligible clients during calendar year 2004. In accordance with LSC's multiyear funding policy, grants are available for only specified service areas. A listing of those service areas for each state, and the estimated grant amounts are included in Appendix-A of the Request for Proposals (RFP). The RFP and other information pertaining to the LSC grants competition will be available at www.ain.lsc.gov April 25, 2005. **Applicants must file a Notice of Intent to Compete (NIC) to participate in the competitive grants process. Please refer to www.ain.lsc.gov for filing dates and submission requirements. The NIC is available from the RFP.** Please e-mail competition inquiries to Competition@lsc.gov.

Judge Visits Appellate Courts Committee



Photo by Jeff Lyons

Pennsylvania Commonwealth Court President Judge James Gardner Colins meets with members of the Association's Appellate Courts Committee during their April 11 meeting. Judge Colins said that the Commonwealth Court looks forward to moving its Harrisburg headquarters into the Judicial Center once construction is complete. He also explained that the court is considering options for the electronic filing of briefs and for having attorneys located far from where oral argument is occurring participate by video conferencing.



Photo by Mark A. Tanasiewicz

HAP Raises \$118,000 at April Benefit

The Homeless Advocacy Project's April Benefit, held April 10 at the Conservatory at the Park Hyatt Philadelphia at the Bellevue, raised \$118,000 for the organization. The event was presented by PECO Energy, The Verizon Foundation, The Law Offices of Thomas More Holland and Philadelphia Suburban Water. Pictured from left are HAP Board and Fundraising Committee Members Marnie E. Simon, Blaine Stanley and Judi Greif, HAP Development Director Marnie Boccella, HAP Executive Director Marsha Cohen and HAP Board and Fundraising Committee Member Madeline M. Sherry. More than 300 people attended the event.

CAREER CORNER

continued from page 7

Lateral associate hiring in the insurance defense industry continues to be very erratic. The extremely competitive nature of the industry, coupled with the effects of the weak economy and Sept. 11 on the insurance industry, continues to make the industry volatile. Moreover, insurance companies have come under tremendous economic pressures while the number of firms doing insurance defense continues to grow.

At the small-firm level, lateral hiring again is often dictated by practice areas, with litigation-related practices remaining busy and corporate- and business-related practices not providing much growth.

Despite the overall sluggish lateral market, associates (with two-to-five years of substantive experience, a stable job history and a strong scholastic background) in high demand, low-supply practice areas still find many opportunities if they were inclined to make a move. Some of these high-demand, low-supply areas include: securities litigation; bankruptcy (especially Delaware bar admission); complex commercial litigation (including white collar and RICO); pharmaceutical products litigation; and certain areas of intellectual property.

How is the in-house market?

The economy has had a more direct impact on in-house legal departments than it has on law firms. In-house lawyers saw first hand the fallout of the economy and sharp decline in the stock market. The overall effect is that the corporate legal world sees fewer new opportunities being created by company growth while, at the same time, dealing with hiring freezes and cutbacks.

Because of their often-limited ability to make permanent hires due to budgetary constraints, corporate legal departments also have been turning to the use of contract attorneys with greater frequency. These contract attorneys are being deployed to assist with both substantive legal projects as well

as document review and compliance type projects.

Should I consider contract work? We are often asked by attorneys who are not currently working, especially those who may have been unemployed for a few months or more, whether they should consider doing project or contract work.

Contract assignments can provide a great opportunity to make some money and avoid gaps on your resume during a job or career transition. Contract assignments also afford an attorney the ability to network both within the firm or corporation they are working, but often with other attorneys. These contacts can become solid leads to a new permanent position.

Do I need portable business to make a move to another firm? The answer is that it depends on how many years you have been practicing, and if you are practicing in a truly high-demand, low-supply practice area. Associates with one-to-three and possibly four years of experience generally are not judged harshly for a lack of portable business. Also, attorneys with more than four years experience in a very hot practice area with a low supply of qualified attorneys may also get away without having significant portable business.

Service partners and senior associates without substantial business have come under increasing pressure at many firms, however, and thus have also found it hard to make a lateral move.

Moreover, the economic downturn that has slowed the corporate workflow to many law firms has also caused a slowdown in corporate attorney movement. Because of this, many firms have seen their rate of attrition slow in the past year or two. In times of corporate growth, firms can generally count on a certain percentage of their mid-level and senior associates, often those without substantial business, to move in to in-house positions. Currently there are fewer new opportunities created, thus leaving some firms with an increasing

number of mid-level and senior associates, and a decreasing amount of work.

How much portable business do I need? The answer depends on many factors including the amount and structure of the compensation package you and/or your group requires; how expensive it will be to support you or your group with support staff, etc.; the nature of the work that you have or feel confident that you can develop, with special emphasis on how strong your relationship is with your current clients; and, whether the work that you bring will be enough to sustain you and/or your group without needing to have work supplied from other members of your new firm.

With that being said, an attorney with portables generally needs at least \$400,000 to \$600,000 (per attorney) of annual portable business to be attractive as a business-generating partner with mid-size firm in this region, and approximately \$500,000 to \$1 million to be attractive to a large firm.

Small- and medium-size firms may have an interest in attorneys with less than \$400,000 in business. Of course, the base compensation structure of small- and medium-size firms often will not be comparable to the large firms

What mistakes should I avoid while interviewing? Most attorneys know the obvious dos and don'ts of interviewing: dress conservatively, show up on time, shave, comb your hair, shine your shoes, etc. There is a pattern of mistakes made by candidates, however, that is not often discussed in the typical "how to interview" article.

Compiled through scores of post-interview discussions conducted by recruiters at JuriStaff, the following are the most common issues of concern expressed by our clients.

- The candidate was overconfident about his or her abilities. A very common complaint from our clients is that too many candidates interview with the attitude that they already have the job.
- The candidate was desperate. Skills and ability that fit the job description

are what are most important to the employer, not the fact that you will do anything to get out of your current job or that you need a job so bad that you will do anything to get this one. Always sell yourself as the most qualified individual for the position, not the one who needs or wants it the most.

- The candidate overstated his or her experience. Don't exaggerate your prior experience either on your resume or in the interview. If they don't figure out your lack of experience in the interview, they certainly will after you start.

- The candidate was more passionate about hobbies and outside interests than the practice of law. Although employers want to see candidates who have diverse interests, in an interview you need to convince them that your career is your top priority.

- The candidate prematurely addressed compensation issues. It is a very basic interview rule to not address compensation early in the interview process. Candidates frequently break this rule. By raising the issue of compensation too early, you are giving the appearance that you believe that the interviewer has concluded that you are suited for the position and will be making you an offer.

- The candidate misrepresented his current salary. Remember, Philadelphia's legal community is relatively small. More often than not, your interviewer knows the salary scale of your present firm, or they know somebody who can find out.

- Other common mistakes include bad posture/eye contact, disclosing confidential information about your prior employer or clients, disclosing privileged information about current clients, making disparaging remarks about your present firm and being uncertain as to the area of practice you wish to practice.

James LaRosa, Esq. and Gary Mintz, Esq., are recruiters with JuriStaff, Inc., the exclusively endorsed legal staffing agency of the Philadelphia Bar Association. LaRosa can be reached at (215) 751-9100, extension 302 or by e-mail at jlarosa@juristaff.com; Mintz can be reached at (215) 751-9100, extension 315 or by e-mail at gmintz@juristaff.com.



Diaz Honored at Minority Attorney Conference

Philadelphia Bar Association Chancellor-Elect Gabriel L.I. Bevilacqua (from left) is joined by Chancellor Audrey C. Talley, Philadelphia City Solicitor Nelson A. Diaz and well-known trial lawyer Johnnie L. Cochran Jr. at the Pennsylvania Bar Association Minority Attorney Conference sponsored by the PBA Minority Bar Committee. Diaz received the committee's Lifetime Achievement Award and Cochran was the conference keynote speaker. The conference was held in Philadelphia on March 28.

CALENDAR OF EVENTS

Note: While the following listings have been verified prior to press time, any scheduled event may be subject to change by the committee or section chairs.

Thursday, May 1

Law Day Naturalization Ceremony – 10:30 a.m., U.S. Courthouse, 6th and Market streets.
Alternative Dispute Resolution Committee – meeting, 12:15 p.m., 10th floor Board Room. Lunch: \$7.50.
Civil Rights Committee – meeting, 12:15 p.m., 11th floor Committee Room.
Philadelphia Bar Reporter Editorial Board – meeting, 12:30 p.m., 10th floor Cabinet Room.
Environmental Law Committee – meeting, 12:30 p.m., 11th floor Conference Center. Lunch: \$7.50.

Friday, May 2

Philadelphia Bar Foundation Finance Committee – meeting, 8:30 a.m., 10th floor Board Room.
Lawyer for a Day Luncheon – noon, 11th floor Conference Center.

Monday, May 5

Judicial Commission – meeting, 11:45 a.m., 10th floor Board Room.
Public Interest Section Executive Committee – meeting, noon, 11th floor Committee Room.
Family Law Section – meeting, 4 p.m., 10th floor Board Room.

Tuesday, May 6

Philadelphia Bar Foundation Board of Trustees – meeting, noon, 10th floor Board Room.
Municipal Court Committee – meeting, noon, 11th floor Committee Room. Lunch: \$7.50.

Wednesday, May 7

Delivery of Legal Services Committee – meeting, 8:30 a.m., 10th floor Board Room.
State Civil Committee – meeting, noon, 10th floor Board Room. Lunch: \$7.50.
Young Lawyers Division Executive Committee – meeting, noon, 11th floor Conference Center.
Strategic Planning/Technology Committee – meeting, noon, 11th floor Committee Room.
Legal Rights of Children Committee – meeting, 3:30 p.m., 10th floor Cabinet Room.

Thursday, May 8

Committee on the Legal Rights of Lesbians and Gay Men – meeting, 12:30 p.m., 11th floor Committee Room.
Legislative Liaison Committee – meeting, 12:30 p.m., 11th floor Conference Center. Lunch: \$7.50.

Friday, May 9

Judicial Commission – meeting, 11:45 a.m., 10th floor Board Room.

Tuesday, May 13

Criminal Justice Section Executive Committee – meeting, noon, 10th floor Board Room.

Wednesday, May 14

Banking and Commercial Finance Committee – meeting, 12:30 p.m., 11th floor Committee Room. Lunch: \$8.50.

Thursday, May 15

Family Law Section Executive Committee – meeting, noon, 11th floor Committee Room.
Elder Law Committee – meeting, noon, 10th floor Cabinet Room.
Women in the Profession Committee – meeting, noon, 11th floor Conference Center. Lunch: \$7.50.

Friday, May 16

Social Security Disability Benefits Committee – meeting, noon, 11th floor Conference Center. Lunch: \$7.50.
The Philadelphia Lawyer magazine Editorial Board – meeting, 12:30 p.m., 10th floor Board Room.

Monday, May 19

Business Law Section Executive Committee – meeting, 10th floor Board Room.
Young Lawyers Division Law, Life and Lunch – noon, 10th floor Conference Center.

Tuesday, May 20

Chancellor's Meeting with Cabinet – noon, 10th floor Board Room.

Wednesday, May 21

Workers' Compensation Section Executive Committee – meeting, 10:30 a.m., 11th floor Committee Room.
Workers' Compensation Section – meeting, noon, 11th floor Conference Center. Lunch: \$7.50.
Adoption Committee – meeting, noon, 10th floor Cabinet Room.
Federal Courts Committee – meeting, 12:30 p.m., 10th floor Board Room. Lunch: \$7.50.
Women's Rights Committee – meeting, 4 p.m., 10th floor Board Room.
LegalLine – 5 p.m., 11th floor LRIS Offices.

Thursday, May 22

Solo and Small Firm Committee – meeting, noon, 10th floor Board Room. Lunch: \$7.50.

Monday, May 26

Memorial Day – Bar Association offices closed.

Tuesday, May 27

Criminal Justice Section – meeting, noon, 11th floor Conference Center. Lunch: \$7.50.
Compulsory Arbitration Committee – meeting, noon, 10th floor Board Room. Lunch: \$7.50.
Labor and Employment Law Committee – meeting, noon, 11th floor Committee Room. Lunch: \$7.50.
Young Lawyers Division Cabinet – meeting, noon, 10th floor Cabinet Room.

Wednesday, May 28

Lawyer Referral and Information Service Committee – meeting, noon, 11th floor Committee Room.
Board of Governors – meeting, 4 p.m., 10th floor Board Room.

Unless otherwise specified, all checks for luncheons and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquarters, 1101 Market St., 11th fl., Philadelphia, Pa. 19107-2911. Send Bar Association-related calendar items 30 days in advance to Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., Philadelphia, Pa. 19107-2911. Fax: (215) 238-1267. E-mail: reporter@philabar.org.

PEOPLE

Judge Todd B. Seelig of the Bureau of Workers' Compensation was sworn in as chair of the Pennsylvania Bar Association's Young Lawyers Division on April 23.



Stephanie L. Franklin-Suber, a partner with Ballard Spahr Andrews & Ingersoll, LLP, recently received the A. Leon Higginbotham Jr.

Award for Professional Excellence and Scholarship from the Barristers' Association of Philadelphia, Inc., the local chapter of the National Bar Association, at its 2003 Awards and Scholarship Dinner.



Kenneth I. Trujillo, founding member of Trujillo Rodriguez & Richards, LLC, has been appointed to the Board of Directors of the Pennsylvania

Intergovernmental Cooperation Authority by Gov. Edward G. Rendell.

M. Mark Mendel, principal in the law firm of M. Mark Mendel, Ltd., received the Temple University General Alumni Association's Alumni Distinguished Service Award for 2003 on April 5.

Frederic Roller, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, discussed malpractice issues at Campania Management's Podiatric Risk Management Seminar on Feb. 22.

Butler Buchanan III, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, presented "Proposed Changes to Federal Rule 25: Achieving Procedural Fairness and Judicial Efficiency in Class Action Litigation" at the Defense Research Institute's Insurance Coverage and Practice Symposium in New York City.

R. Bruce Morrison, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, presented "Bad Faith Rules and Remedies Depend on the Nature of the Underlying Dispute" at Mealey Publications & Conference Group's Advanced Insurance Coverage Conference Top 10 Issues in January.

Dorothy M. Bollinger, an associated with Fox Rothschild LLP, presented "Avatars: On-Line Manifestations of Real People - Privacy" at the

Pennsylvania Bar Institute's Internet Law Update 2003 on April 8.

Frederic L. Ballard Jr. and **Wendi L. Kotzen**, partners at Ballard Spahr Andrews & Ingersoll, LLP, recently participated in the Pennsylvania Bar Institute's Spring CLE Tax Law series "New Tax Shelter Reporting and List Maintenance Requirements."



Nicole D. Galli, of counsel to Pepper Hamilton LLP and co-chair of the Association's Women in the Profession Committee, has been named to the

Philadelphia Business Journal's "40 Under 40" list as one of the region's top young professionals.



Bradley A. Krouse, a partner with Klehr, Harrison, Harvey, Branzburg & Ellers LLP, has been elected to the Philadelphia Chapter of Lambda Alpha International, an honorary land economic society.

Michael D. Shepard, a partner with Blank Rome LLP, recently made a presentation regarding the Internal Revenue Service's revised voluntary disclosure policy at the ABA Tax Section Civil and Criminal Tax Penalties Committee meeting in San Antonio, Texas.

Barry H. Genkin, Frederick D. Lipman and **Jane K. Storero**, partners at Blank Rome LLP, participated in the New Audit Committee's Practices Under Sarbanes-Oxley "How to Avoid the Pitfalls" seminar on Feb. 25 in West Conshohocken.



Danielle Banks, a partner with Stradley Ronon Stevens & Young, LLP, has been appointed to the Board of Directors of the SeniorLAW Center.

Emanuel Kapelsohn, an associate with Blank Rome LLP, has been re-elected vice president of the International Association of Law Enforcement Firearms Instructors.

John A. Nixon, a partner with Blank Rome LLP, served as a faculty member at the ALI-ABA Course of Study - Fundamentals in Employee Benefits Law on March 7 to 9 in New Orleans.



M. Joel Bolstein, a partner with Fox Rothschild LLP, has been appointed to serve a two-year term on the National Advisory Council for

Environmental Policy and Technology by U.S. EPA Administrator Christine Todd Whitman.

Stephen A. Ryan, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, participated in the Pennsylvania Bar Institute's April 30 program "The Trial of a Medical Malpractice Case."



Kenneth Shear, executive director of the Philadelphia Bar Association, has been appointed by Pennsylvania Gov. Edward G. Rendell to serve as a commissioner on

the Pennsylvania Commission on Crime and Delinquency.

Jeffrey A. Dalke, a partner with Drinker Biddle & Reath LLP, has been elected to the Board of Trustees of Scholarship America, the nation's largest private sector scholarship and educational support organization.

Samuel J. Arena Jr., a partner at Stradley Ronon Stevens & Young, LLP, has been appointed chair-elect of the American Bar Association's Fidelity and Surety Law Committee.

Alan Kessler, a partner with Wolf, Block, Schorr and Solis-Cohen LLP, has been appointed finance chairman of the Pennsylvania Democratic Party by Pennsylvania Gov. Edward G. Rendell.

Louis S. Rulli, a practice professor of law at the University of Pennsylvania, received a lifetime achievement award from the Pennsylvania Bar Association at its annual dinner on April 24.

David N. Hofstein, a shareholder with Hofstein & Weiner, P.C. and a visiting professor at the Temple University Beasley School of Law, was a panelist for the Pennsylvania Bar Institute seminar "Civility and Ethics" for family lawyers.

James J. Kozuch, a partner with Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd., has been appointed to the Lehigh County Board of Commissioners.

Charisse R. Lillie, a partner with Ballard Spahr Andrews & Ingersoll, LLP, received the Pennsylvania Bar

Association Women in the Profession Committee Anne X. Alpern Award on April 24.

Roberta D. Liebenberg, a partner with Fine, Kaplan & Black, R.P.C., received the Lynette Norton Award from the Pennsylvania Bar Association's Women in the Profession Committee on April 24.

Laura Genovese Miller, a member of Cozen O'Connor, was a featured panelist at Temple Intellectual Property Law Society's National Symposium "Apple v. Franklin - 20 Years Later" on March 21.

Michele R. Punturi, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, gave a case law update at the CLE seminar "Tough Problems in Workers' Compensation" on April 21.

Barry L. Cohen, an associate at Thorp Reed & Armstrong, LLP, spoke at the American Bar Association's seminar "Practical Tips on Intellectual Property" on April 2 in Washington, D.C.

Kevin P. Cronin and **Jennifer Daniels** of Blank Rome LLP presented the CLE seminar "Data Security and Privacy Law" on Feb. 21 in New York City.

Adam M. Share, a partner with Blank Rome LLP, has been appointed to the SEPTA Citizen Advisory Committee as Montgomery County representative.

Maureen M. Rayborn, a partner with Ballard Spahr Andrews & Ingersoll, LLP, was recently elected president of the Board of Trustees of the Mary J. Drexel Home, a retirement home with assisted living and skilled nursing facilities.

Barbara W. Freedman, a partner with Duane Morris LLP, has been elected co-chair of the 45rd Annual Philadelphia Tax Conference.

James S. Ettelson, a partner with Duane Morris LLP, has been installed as president of the Board of Commissioners of Lower Merion Township.

Names Are News

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

Gordon, Lindy Honored for Pro Bono Efforts



Photo by Kate Maxwell

The Delivery of Legal Services Committee honored Immediate-Past Chancellor Allan H. Gordon and Immediate-Past Board of Governors Chair Jeffrey M. Lindy on April 2. Gordon and Lindy were honored by Pennsylvania Legal Services for their contributions to the passage of the Access to Justice Act. Pictured from left are Committee Co-Chair Joseph A. Sullivan, Allan H. Gordon, Chancellor Audrey C. Talley, Jeffrey M. Lindy, Samuel W. Milkes, executive director of Pennsylvania Legal Services, and Committee Co-Chair Catherine C. Carr.

Bar Association Day with the Phillies

Saturday,
June 7, 2003
1:20 p.m.

Phillies™

vs.
Oakland

First Pitch Ceremony

Special Welcome for all Law Firms



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Seats available at \$26

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Ticket orders received within 5 working days of the game cannot be mailed. Please pick up tickets under your name at the Reservations Window, located at the Phillies Ticket Office on ground level under Gate B at Veterans Stadium. For more information call Mark Anselmo in the Phillies Sales Office at (215) 463-5000, ext. 594.

Make checks payable to the: "Phillies"

SATURDAY June 7, 2003 @ 1:20 p.m.	200 LEVEL Field Box @ \$26	300 LEVEL Terrace Box @ \$22	TOTAL AMOUNT ENCLOSED
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