By Jeff Lyons

Gwen Ifill, moderator and managing editor of PBS’ “Washington Week,” and senior correspondent for “The NewsHour with Jim Lehrer,” will deliver the Judge A. Leon Higginbotham Jr. Memorial Public Interest Lecture at the Association’s Thursday, June 7 Quarterly Meeting and Luncheon.

Crime, Education Issues Dominate Chancellor’s Forum for Candidates

By Bruce H. Bikin

Philadelphia’s “pay-to-play” culture, ways to attract new, young families to Philadelphia, and plans to combat urban violence and ease tax burdens were among the topics discussed by five mayoral candidates at an April 10 Chancellor’s Forum.

Candidates Dwight Evans, Chaka Fattah, Tom Knox, Michael Nutter and Al Taubenberger participated in the 90-minute-long program at The CLE Conference Center. Candidate Bob Brady did not appear at the event, and Fattah and Taubenberger both arrived after the questioning had begun.

The program was moderated by Joseph C. Continued on page 4

Gwen Ifill to Address Bar June 7

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Bench-Bar Guide
A pullout guide to the 2007 Bench-Bar Conference appears inside.

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Clarification: Henry Lotto’s name was inadvertently left off his letter to the editor in the April 2007 edition of the Philadelphia Bar Reporter. The Bar Reporter regrets the error.

FEDERAL BENCH-BAR CONFERENCE

Inquirer Publisher is June 8 Keynote Speaker

By Jeff Lyons

Brian P. Tierney, publisher of The Philadelphia Inquirer and Philadelphia Daily News, will be the keynote speaker at the closing luncheon of the Federal Courts Committee’s Annual Federal Bench-Bar Conference on Friday, June 8 at Loews Philadelphia Hotel.

Six federal judges and a host of top practitioners will be among the panelists for this annual event, offering 2.5 substantive and .5 ethics CLE credits.

“I am very excited about this year’s conference. We have lined up a terrific group of judges and private practitioners who will lead what we expect to be some very lively and informative discussions about new developments and best practices,” said conference planner Charles S. Marion, vice chair of the Federal Courts Committee.

“Among the topics which will be covered will be the Third Circuit’s new model civil jury instructions, what the U.S. Attorney’s Office is doing about identity theft, how the new e-discovery rules are working in practice and what to do when your adversary is being difficult. All in all, it will be a wonderful program you won’t want to miss,” Marion said.

The program kicks off at 8:10 a.m. with welcoming remarks from U.S. District Court Chief Judge Harvey Barte, III and Federal Courts Committee Chair Edward G. Biester, III.

Our senior lawyers are also involved in our community. When a solo or small-firm attorney is not able to practice because of disability or death, they assist in transitioning the active cases to practitioners to protect the interests of clients who otherwise might have their matters overlooked for some period of time. They assist in the District Attorneys Office’s victims of crime program. They explain what to expect to victim witnesses who are unfamiliar with court procedures and assist them in getting to the correct courtroom on time. Our senior lawyers volunteer in our Philadelphia Court of Common Pleas, assisting judges in discovery motions and research and serving as settlement masters. They are developing a mentoring program to pair their members with interested YLD members.

So, what about lawyers who are too old to be young lawyers and too young to be senior lawyers? Opportunities abound. Our senior lawyers are also involved in our community. When a solo or small-firm attorney is not able to practice because of disability or death, they assist in transitioning the active cases to practitioners to protect the interests of clients who otherwise might have their matters overlooked for some period of time. They assist in the District Attorneys Office’s victims of crime program. They explain what to expect to victim witnesses who are unfamiliar with court procedures and assist them in getting to the correct courtroom on time. Our senior lawyers volunteer in our Philadelphia Court of Common Pleas, assisting judges in discovery motions and research and serving as settlement masters. They are developing a mentoring program to pair their members with interested YLD members.

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CIVIL RIGHTS COMMITTEE

Candidates’ Anti-Crime Measures Examined

By Michael J. Carroll

The Civil Rights Committee at its April meeting heard from three experts about anti-crime measures proposed and discussed in the mayoral race.

Two lawyers from the Defender Association, Jill Hellman and Shondda Williams, joined private attorney Michael Coard to analyze some of the proposals. They agreed that crime is a serious problem that can kill a neighborhood or city. They also supplied an element that has been too absent from political discussions: the need for anti-crime measures to be both effective and consistent with constitutionally protected civil liberties.

The attorneys mentioned that most every candidate is making electorate-pleasing promises of hiring and deploying more police officers. The numbers vary and the funding sources are fuzzy, but hiring more police on first impression would seem to present more a fiscal issue than a constitutional one. In addition to diverting funds that might be used for more global, long-range crime reduction programs such as job creation and drug rehabilitation, however, hiring huge numbers of inexperienced officers presents a training challenge with constitutional implications. Without sufficient training there is a danger of too many officers on the street without a knowledge and a depth of experience of the citizens’ rights they are charged with protecting.

Beyond what might be seen as constitutionally neutral hiring of more officers and commitment of more resources, there are a number of proposals being floated by mayoral candidates that are more troubling from a constitutional perspective.

Candidates are proposing the targeting of certain areas of the city for special police tactics such as stopping and questioning individuals without constitutionally required reasonable suspicion. There are also proposals to impose curfews and limit public gatherings and even vehicular traffic in targeted areas. The label “targeted area” thinly covers the reality that the targets are poor and minority areas. These plans will have a more intrusive impact on the neighborhoods radiating out from Broad and Olney, than from Broad and Walnut.

At least one mayoral candidate talks of declaring a state of emergency in Philadelphia, pursuant to a law enacted in the 1960s and used apparently once for a short time in a small part of the city.

One would-be mayor is proposing the pervasive use of cameras and even more exotic imaging technologies. The implications for invasion of the privacy of all who live, work, and visit in Philadelphia are immense, little known, and less discussed. Just as fear of terrorism in the international arena can provoke disproportionate and illegal responses, fear of local crime can do the same. Mistaken reactions to fears can have broad support, even majority support for a moment. That fleeting moment could last just long enough to erode or eliminate basic rights that have taken centuries to establish.

It is the obligation of lawyers to make real the constitutional civil rights and liberties that often seem too abstract to the general public, and it is their duty to show that long-standing constitutional principles can be fragile, especially in times of fear.

The need for capital investment in the city’s infrastructure was necessary if Philadelphia is to compete in the 21st century.

On the issue of urban violence, Knox stressed education and opportunity. Evans suggested a strong, competent police chief would be important. Further, he was concerned about the number of citizens shot by police. Nutter wants to take illegal guns off the street, get the communities involved as part of the solution and suggested this would be as a result of leadership in City Hall.

When asked where the money to solve all the problems will come from, the candidates were less specific. Nutter pointed to his experience in local government. Knox said he “knows” how to find money. Fattah believes a long-term lease of the airport would provide the necessary funding. Evans suggested his experience balancing budgets in Harrisburg would be the key.

Just as has been the case throughout the primary campaign, little was said by any candidate that distanced him significantly from any of the others in the room. Perhaps the candidates were saving their best for televised debates.

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

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Judge Shares Differences with Appellate Position

By Kathryn C. Harr

Noting that he was “as green as they come” on the appellate bench, Judge Kent A. Jordan shared some of his impressions in the three and half months he has served as a recently appointed United States Court of Appeals judge for the Third Circuit.

“I’m used to going in and asking all of the questions,” he told the Appellate Courts Committee on April 11, describing the adjustment he will have to make hearing argument. Now also unable to ask opposing counsel to respond immediately to points made during argument, Judge Jordan recognized, “there’s going to be a greater art to oral argument.”

Reviewing other people’s work is another difference for Judge Jordan, whose first sitting was with the Federal Circuit. Noting that the Federal Circuit is often criticized for its high reversal rate, Judge Jordan was impressed with how much each judge there was cognizant of the perspective of the trial judge and was “trying to do the right thing.”

Judge Jordan invited dialogue from the audience described by the Appellate Courts Committee Co-Chair, Charles Becker, as premier appellate practitioners, noting, “I feel presumptuous telling you folks what’s good or bad … I’d rather hear from you.”

Asked what it meant for an appeal to be decided on the briefs, Judge Jordan offered “you don’t need oral argument when something is a clear reversal. But that’s certainly, in my limited pool of experience … the exception.” He also added that while some cases picked for argument simply deserve more discussion, some judges are also more willing to hear argument than others.

Judge Jordan described the process of handling the significant volume of motions. Several panels are set to handle the flow of motions, which range from straightforward to complex. The complexity is often determinative of the time it takes to decide the motion. Some motions are accompanied by a memo from the staff attorneys’ office. Judge Jordan explained, “it’s nice to know that the person who’s taken a first look at this isn’t my law clerk fresh out of law school but somebody who’s been working with habeas appeals for the last five years,” for example.

Asked about his “dislikes” from the bench, Judge Jordan addressed petitions

U.S. Court of Appeals Judge Kent A. Jordan served as a judge in the District of Delaware for four years before moving to the Third Circuit.

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continued on page 24
Hoping to expand the pool of donors contributing to the Philadelphia Bar Foundation, several of our leaders gathered in the Bar Association board room in April 2003 to brainstorm ways to increase funding from the city’s legal community. The result: an historic Access to Justice campaign was launched raising more than $32,000 and laying the foundation for an annual fund-raiser.

Access to Justice was established as a way of boosting awareness of the Bar Foundation’s mission to provide financial support for legal services to the underserved populations in Philadelphia and to devise a way for individual lawyers and paralegals to join the Foundation. Essentially, it has been a vehicle for individuals to make a difference not only by their handling of pro bono cases but also by contributing financially to the Foundation.

Contrary to the Raising the Bar Campaign whereby law firms make significant contributions to the Foundation and its grantees, Access to Justice allows individual lawyers and paralegals to make a relatively small contribution to the Foundation. The campaign seeks $100/$50 contributions respectively which, when pooled together, can meaningfully increase the money available to our grantees. Legal service organizations such as the Support Center for Child Advocates, the SeniorLaw Center, and the Friends of Farmworkers help thousands each year struggling with poverty who, because of limited resources, cannot access justice. Their clients include children at risk, the elderly, farmworkers subjected to minimum wage violations and so many others.

We are all besieged with numerous solicitations, especially during a primary year for mayoral and judicial elections. But as lawyers we have a particular appreciation for the importance of advocacy. If we do not make funding for representation of the poor our priority, who will? While the campaign is aimed at individual contributors, many larger firms take part by appointing campaign coordinators within their organizations to oversee participation by their employees. Some firms further encourage participation among their attorneys and paralegals by providing incentives such as sports tickets, gift certificates and luncheons for those who contribute. For example, a partner at a local firm got her partners to co-sign an e-mail endorsing the campaign, and the firm offered up an incentive – all those attorneys who contributed became eligible for prizes, such as the firm tickets to a Phillies game, or a gift certificate to a local restaurant. That firm alone raised more than $10,000.

This month, the Bar Foundation is kicking off its 5th Access to Justice campaign that has become a mainstay of our fund-raising efforts. Our staff and trustees will reach out to lawyers and paralegals across the region, seeking individual contributions to fund 30 legal service agencies. The Foundation is expanding the campaign to increase participation among lawyers and paralegals in corporate law departments to complement donors who contribute from private practice. Every dollar raised is that much more the Foundation can apply toward its year-end grants. Our grants provide much-needed operating capital to our grantees to ensure that those in need have access to justice. A rigorous application process requires that our grantees document the positive impact that their services have on their clients.
By Regina Parker

It’s a buyer’s market with many homes ripe for the picking, panelists told attendees of an April 16 program “House Hunting to Closing—What You Need to Know to Get the Best Deal on Your New Home.”

The panel for the Young Lawyers Division/Real Property Section program included title insurance specialist Michael G. Moyer of Land Services USA, Inc.; Realtor Tim Stokes of Coldwell Banker; and real estate attorney Neil T. Rubin of Abrahams, Lowenstein & Bushman, P.C.

Stokes predicted that the market will remain buyer-friendly over the next two years. In agreement, Moyer said that due to stricter lending requirements, the unavailability of qualified buyers, and an increase in foreclosures, he does not see the market shifting in the foreseeable future.

Both Stokes and Rubin took the position that this is a great time to buy. With the interest rates being low and with the increase in inventory, the buyer has the luxury to negotiate for the best deal and to proceed with caution, they said. Rubin cautioned buyers not to fall in love with any one particular house. “If it’s not this one, it’ll be another one,” he said.

The best time to reach out to a lender is once the agreement of sale has been executed, Rubin said. It is beneficial to have a pre-approval letter to give to the seller, however, this does not guarantee that the buyer will have the money at closing, he said. As a seller’s broker, Stokes stated that he will not look at an offer without pre-approval from a lender.

The buyer should be aware of several legal issues involved in the use of the standard agreement, Rubin said. The buyer should modify the agreement to ensure that it specifies what is included or excluded from the sale, he said. This should be done prior to making an offer, Rubin explained. In terms of making an offer, offering 5 percent below the asking price is the standard, Stokes said. The lowest a buyer should go is 10 percent below asking price, he said.

Rubin discussed the options available in the selection of the inspection period. Under one option, the buyer has more control and can back out of the deal for any reason the inspector finds. Under a second option, Rubin explained that the buyer has less control and there may be limitations on the ability to withdraw an offer.

Another potential problem with the standard agreement is that it provides that the buyer takes title subject to existing deed restrictions, Rubin said. On the day of settlement, confirm that there has been no city violations or new restrictions with regard to the property, he said.

If you are a potential buyer, Stokes indicated that good opportunities for buyers can be found in the Graduate Hospital and Fishtown areas of the city. With the rise in the development of condominiums, Rubin stated that Center City is a great place to look because new construction is probably where you could get the best deals considering numerous incentives such as plasma televisions and free parking.

Regina Parker is an associate with Mattioni Ltd.
By Asima Panigrahi

America is the best answer so far to the question how can people live together in decency and freedom and opportunity, Oscar-winning actor Richard Dreyfuss told more than 500 Bar Association members at the Association’s March 26 Quarterly Meeting and Luncheon.

“Every person, in every room, in every nation in the world, has a right to love his country. I love mine for specific reasons that are singular and unique. America has given unique and singular gifts to mankind. America is an admitted love affair; the first admitted love affair of my life,” said Dreyfuss, winner of the 1977 Best Actor Academy Award for his role in “The Goodbye Girl.”

Dreyfuss is currently a board member of Philadelphia’s National Constitution Center, and his remarks primarily revolved around his views of democracy and civics. Dreyfuss is currently spending a year as a research member of St. Anthony’s College at Oxford University to help develop a comprehensive civics curriculum to integrate into American public schools. He explained that he views civics as “the tools of expertise that are necessary to run a representative democracy” and stressed the importance of integrating the teaching of civics into our school’s curriculums. He stated that “the history of the world is the history of darkness and blood and cruelty and hunger…and that the only way to make sure that we will not give into that darkness is to teach our young what our nation means.”

Dreyfuss also stressed that children need to be taught the concept of civility. “If you interrupt, or shout and if you patronize, if you hold your political opponent in contempt, you cannot hear what he is saying, you cannot evaluate what he is thinking.” He further implied that “civility is the oxygen that democracy requires, else it strangles and dies.”

Addressing various differences between the political factions, Dreyfuss said, “regardless of how the man on the left or right might characterize me, I am for the process of the American constitution, not the verdict of guilty.”

Dreyfuss said that “America could be, with appropriate effort and consistency, the finest and most excellent and most successful answer to that question: how can people live together and honor freedom and justice and opportunity.”

Also at the event, Immediate-Past Chancellor Alan M. Feldman was presented with a gold snuff box, an exact replica of the one presented to Andrew Hamilton for his defense of John Peter Zenger in 1735. The gold box is presented annually to the immediate-past Chancellor with the inscription “acquired not by money, but by character.”

Asima Panigrahi, an associate at White and Williams, LLP, is an associate editor of the Philadelphia Bar Reporter.
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Bar Foundation Golf Classic
June 26 at The Ace Club

The ACE Club — designed by golf legend Gary Player — will be the site for the 2007 Philadelphia Bar Foundation Golf Classic.

The 19th edition of the Golf Classic will be held on Tuesday, June 26. The event is chaired by Roddl E. Wittenberg and Grant S. Palmer.

The ACE Club is a 7,500-yard, par 72 course. Golfers will encounter rolling topography, streams, lakes, trees, open ground, wetland habitat, natural rock outcroppings and historic architectural sites - all in 18 challenging golf holes.

Each hole presents a strategic option, true to Player’s traditional design philosophy.

“All my courses around the world employ the traditional principles of strategic design,” Player writes on the ACE Club’s Web site. “You are rewarded for taking a risk, but always have the option for the safe approach to a drive or shot to the green. The ACE Club is no exception.

The course’s diverse terrain combined with advanced design and construction techniques makes the strategic choices even bolder and more exciting,” he said.

Proceeds from the Golf Classic go to the Philadelphia Bar Foundation, the charitable arm of the Association. In 2006, the Foundation distributed $428,000 in grants to 30 legal services organizations. The grants are given to organizations serving Philadelphians struggling with poverty, abuse and discrimination.

“This signature Gary Player redesign of a classic golf course will appeal to golfers of all ability,” said Wittenberg.

“The event has been moved to the world class ACE Club in Lafayette Hill to provide a new golfing challenge to our participants,” added Palmer.

For information, contact Maureen Mingey, executive director of the Philadelphia Bar Foundation, at (215) 238-6334.

HAP April Benefit

The Homeless Advocacy Project celebrated its annual April Benefit in the Conservatory of the Park Hyatt Philadelphia at the Bellevue on April 19. The silent auction and cocktail party, presented by Morgan Lewis, PECO and Saul Ewing LLP, raised $160,000 for HAP. Pictured from left to right, (bottom row) HAP Executive Director Marsha Cohen; HAP Benefit Co-Chair Madeline Sherry of Gibbons Law; HAP Development Director Andrea Bloch; HAP Benefit Co-Chair Blaine Stanley of ACE-INA; (back row) PECO’s Corporate Contributions Manager Wade Colclough; HAP Board Member Ken Kulak of Morgan Lewis; HAP Board President Jeffrey Palazzese of the Reliable Companies; and Managing Partner of the Morgan Lewis Philadelphia office Gordon Cooney Jr. HAP Benefit Co-Chair Lenard Cohen and Karen Forman of Saul Ewing LLP are not pictured.
How Do You Get to Work and How Long is Your Commute?

“I live in Fairmount, so I walk. It takes me about 20 or 25 minutes.”

— Angela Kweon

“It takes between 75 and 90 minutes to drive the 46 miles from Vineland, N.J., to University City each day, and then I have a 10-minute walk to my office. Going home, I wait until rush hour has passed, so I can make the drive in just under an hour. I used to drive to Camden to take the PATCO Hi-Speedline and the Market Street line to the Cira Centre, but that added 15 to 30 minutes each way depending on the time of day.”

— David W. Brown

“It only takes me about 10 or 15 minutes to walk the seven or eight blocks to my office.”

— Julia Scharff

According to...

PHILADELPHIA BAR ASSOCIATION
American Cancer Society Bike-a-Thon

To purchase tickets for this game, visit groupticketwindow.com/groupticket/mlb/phillies/group

The sign-in ID to purchase tickets is BARN and the password is 0612.
Gwen Ifill
continued from page 1

A lifelong champion of individual rights, Judge Higginbotham had a legal career that spanned nearly half a century. Since Marian Wright Edelman, founder and president of the Children’s Defense Fund, delivered the first Higginbotham lecture in 1999, notables such as Juan Williams, Charles J. Ogletree, Chaka Fattah, Cornel West and Kweisi Mfume have filled the role. New members of the Association’s 50-, 60-, 65- and 70-Year Clubs will also be honored at the event, which begins at 12 p.m., at the Park Hyatt Philadelphia at the Bellevue. The Year Clubs recognize attorneys who have been practicing law for 50 years or more. “I am thrilled that Gwen Ifill will deliver the Higginbotham Lecture at our June Quarterly meeting. Her long career covering politics gives her extensive knowledge of the White House, Congress and politics. I look forward to her insights,” said Chancellor Jane Dalton. “Her grace, warmth and dignity make her an excellent speaker for the occasion,” Dalton said. Ifill is frequently asked to moderate debates in national elections, most recently the Vice Presidential debate during the 2004 election. She spent several years as a “Washington Week” panelist before taking over as moderator in October 1999. Before coming to PBS, she spent five years at NBC News as congressional and political correspondent. While at NBC, she covered the premier political stories affecting the nation, including national political campaigns and conventions, legislation before Congress and the impeachment of President Clinton. Her reports appeared on “NBC Nightly News with Tom Brokaw,” “Today,” “Meet the Press” and MSNBC, the all-news cable network. A veteran journalist, Ifill joined NBC News from The New York Times, where she covered the White House and politics. She also covered national and local affairs for The Washington Post, Baltimore Evening Sun, and Boston Herald American. A native of New York City and a graduate of Simmons College in Boston, Ifill has also received 15 honorary degrees. She serves on the board of the Harvard University Institute of Politics, the Committee to Protect Journalists, the Museum of Television and Radio and the University of Maryland’s Philip Merrill College of Journalism. Visit philadelphiabar.org for ticket information for this event.
Music, sports and film have a way of captivating our hearts and passion unlike anything else in the world. Everyone has a song, a screenplay or a dream, that they too can be in the spotlight, even if just for a little while. For lawyers, representing those in the “biz” is as close as they will ever get, and competition for the positions is fierce. As someone who represents talent in the entertainment and sports industries, the label frequently applied to me is “entertainment lawyer.” But the actual job description is often a mystery to most people.

Entertainment lawyers could work for corporations negotiating licensing deals, for artists negotiating recording contracts, for content creators defending copyrights, and/or manage talent. They are litigators at large law firms, in-house counsel for cable companies, deal brokers and negotiators. My days, which usually begin early and end late, are spent on the telephone and computer reviewing and drafting agreements for recording companies, film production companies, software companies, multimedia companies, rappers, rockers and other creative types. The stereotype may have you believe the next Jay-Z party in the Hamptons is on my schedule, but I consider myself a corporate lawyer.

I write and negotiate contracts and deals for business entities, many of which are in the entertainment industry. I identify potential revenue streams and screen opportunities from a due diligence perspective. I explain the business implications of and uses for various technologies, which I must stay abreast of. A strong background in intellectual property law is critical; protecting copyrights and trademarks is essential to the practice. I must have vision with regard to potential opportunities for clients and be a dealmaker for those opportunities. I am regularly asked to discuss business development, as well as what color dresses to wear. Clients from around the world like to be able to contact me at a moment’s notice to discuss their matters both trite and important.

Entertainment lawyer does not do justice to what I do for my clients. I act as general counsel, business strategist, babysitter and psychologist. I am a counselor in the true sense of the word.

Despite the demands, being an entertainment lawyer has its perks. I have been to lavish parties in exotic locations that are filled to the rim with celebrities. The juxtaposition of the many parts of my practice often make for interesting nights out. I frequently find myself at a club or restaurant in the middle of the night meeting in a booth with several clients individually if I know that I can meet with more than one of them at a time. Once, after a cozy dinner with the Pennsylvania Supreme Court justices as a member of the Philadelphia Bar Association’s Board of Governors at the Ritz-Carlton, I drove through a basement window in a three-piece suit to watch a singer prepare to audition for a major record deal the next day in New York City.

I am now helping a young man from Philadelphia who I have represented for a number of years record his debut album on Interscope Records by June 1. We expect to go into the studio in the next two months with super-producers from Pharrell Williams to Dr. Dre. Representing him, while rewarding, has not been all glamour. He came to me as raw as they come, from a single-parent, drug- and crime-infested home in my old neighborhood. I have spent time with him talking about how to raise his children, and offered advice that has helped him grow as a person. Fortunately, his talent will give him an opportunity to make an escape.

I also represent a multimedia company whose new software allows users to change the look of their Web sites by placing files (text, photos and music) in iTunes and allows people with massive amounts of content to organize it with unprecedented access and utility. The client’s relationship with DJ Jazzy Jeff, the DJ of choice for Myspace who has substantial content from his own performances and his music production company, opened the door to a collaborative project with Jeff and other content providers to determine future possibilities for the software.

When one of the most respected hip-hop music Web sites in the world called about creating a record label to sell and distribute music through the site, I was charged with creating the new record label entity and finding a home for it to distribute and release physical product. With the existing brand as a premier destination for hip-hop music, I advised them on issues as diverse as asset and content ownership to business structure and autonomy in the digital music business. I set up meetings with record labels, from major multinationals to small independents, to give the new label the push that it will need.

Having a diverse practice base is what being an entertainment lawyer is all about. Clients expect a gatekeeper to the promised land of success for talent of all kinds. They expect you can pick up a phone and make a dream come true. I don’t like the label entertainment lawyer because it doesn’t fully encompass all the hats I offer, and am expected, to wear. Entertainment lawyer. Dealmaker. Negotiator. Closer. Gatekeeper. Legal eagle. None alone seems quite right. So I will just wear my hats on top of each other with style. See you at the party!

By James Elam

James Elam is a sole practitioner and former chair of the Young Lawyers Division.

In Their Own Words

Behind the Buzz, It’s Just Business - Mostly

My days, which usually begin early and end late, are spent on the telephone and computer reviewing and drafting agreements for recording companies, film production companies, software companies, multimedia companies, rappers, rockers and other creative types.
Dear Colleagues,

You won’t want to miss the Philadelphia Bar Association’s 2007 Bench-Bar Conference on Friday and Saturday, Sept. 28 and 29. This year, we’re pleased to present an exciting new destination for the Bench-Bar: Bally’s Atlantic City. This world-class resort is located at Atlantic City’s most famous address: Boardwalk and Park Place.

The annual Bench-Bar Conference is a mainstay of our program calendar. It’s a special opportunity for our lawyers and the judiciary to engage in a dialog and participate in top-notch plenary sessions, workshops and social events. The continuing legal education component alone offers up to 7 credit hours.

Step back in time to a Western mining town complete with a prairie sky, and “Saddle Up to a Bench-Bar Bonanza” as you meet new friends, become better acquainted with the judiciary and enjoy all the amenities of one of the region’s finest hotel/spa destinations.

We look forward to seeing you in September.

Sincerely,
Laura A. Feldman
Michael B. Hayes
Co-Chairs,
2007 Bench-Bar Conference

Laura A. Feldman and Michael B. Hayes are co-chairs of the 2007 Bench-Bar Conference, to be held at Bally’s Atlantic City on Sept. 28 and 29.

As always, this is a conference for the entire profession: for every segment, every age group, every discipline and every law firm or legal department. We’ve included the participation of many sections and committees representing a wide range of practice areas, and we’ll feature many prominent judges and lawyers as speakers and panelists.

Step back in time to a Western mining town complete with a prairie sky, and “Saddle Up to a Bench-Bar Bonanza” as you meet new friends, become better acquainted with the judiciary and enjoy all the amenities of one of the region’s finest hotel/spa destinations.

We look forward to seeing you in September.

Sincerely,
Laura A. Feldman
Michael B. Hayes
Co-Chairs,
2007 Bench-Bar Conference
2007 Bench-Bar Conference Registration Form

September 28-29, 2007 - Bally’s Atlantic City

(Please Note: Judges will receive separate conference materials)

Each attendee must fill out a registration form in its entirety (non-attorney guests may be included on the form). Make checks payable to Philadelphia Bar Association and mail to: 2007 Bench-Bar Conference, Philadelphia Bar Association, 1101 Market St., 11th Fl., Philadelphia, PA 19107, or pay with your credit card below and fax to (215) 238-1159. Online registration is also available at philadelphiabar.org. NOTE: Hotel reservations must be made separately by calling (800) 345-7253. Mention “Philadelphia Bar Association” to take advantage of the special room rate of $99 per night on Thursday, $144 on Friday and $189 on Saturday (plus taxes). Hotel reservations must be made by Thursday, Sept. 6, 2007.

**Registration Type (all prices are per person)**

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Non-Attorney Guest Registration: $175 Per Guest. (Price includes food and social functions only. Please register me for _____ guest(s) at $175 per guest.)

Subtotal: __________________________

Guest total: __________________________

Total due: __________________________

Attendee Name: __________________________________________________________________________________________________________________

Nickname on Badge (if different from above): __________________________________________________________________________________________

Company/Organization ____________________________________________________________________________________________________________

Guest Name(s): __________________________________________________________________________________________________________________

Address: ________________________________________________________________________________________________________________________

City: __________________________________________________________________________ State: ___________________ Zip: __________________________

Phone: _____________________________ Fax: ______________________________  E-mail: __________________________________________________

Special/Dietary Needs: ____________________________________________________________________________________________________________

Emergency Contact Name: ____________________________________________________________________ Phone: ______________________________

Card Type:     ______ American Express     ______ MasterCard     ______ Visa

Card Number: _____________________________________________________________________________  Expiration Date: __________________________

Cardholder’s Name: _________________________________________________________________________________________________________________

Cardholder’s Signature: ________________________________________________________________________________  Date: __________________________
7 CLE Credits Available at Conference

By Jeff Lyons

The Association’s 2007 Bench-Bar Conference is combining 7 CLE credits with Atlantic City’s most famous address for a weekend of education and camaraderie.

This year’s conference will be held at Bally’s Atlantic City at Boardwalk and Park Place with a Western theme on Friday, Sept. 28 and Saturday, Sept. 29.

Bar members can register for the conference online at philadelphiabar.org. Additionally, Bally’s Atlantic City is now accepting reservations for attendees. Book early for the best rates: rooms Thursday night, Sept. 27 are just $99; rooms Friday night are $144, and Saturday night rooms are $189. Call 1-800-345-7253 for reservations and mention you are attending the Philadelphia Bar Association Bench-Bar Conference to get these special rates.

This year’s conference is expected to bring together hundreds of lawyers and judges from the Philadelphia area for two days of programming that lets practitioners and the judiciary share ideas and best practices.

The conference kicks off on Friday with an opening luncheon featuring a screening of the film “Soul of Justice: Thelon Henderson’s American Journey” followed by a panel discussion of the film. “Soul of Justice” presents the life and work of one of the first African-American federal judges in the United States and chronicles the impact of his decisions on the lives of millions. The film follows Judge Henderson from his time in the U.S. Department of Justice during the civil rights movement through his current position on the U.S. District Court for the Northern District of California.

The opening luncheon will offer 1 substantive and 2 ethics CLE credits.

Some of the other programs include a seminar on appellate advocacy with Pennsylvania Superior Court Judge Corralle F. Stevens.

The Young Lawyers Division will have two CLE offerings; one course on the Internet and defamation and a breakfast CLE session on Saturday, Sept. 29.

The State Civil Litigation Section will present programs on Electronic Filing in the Municipal Court and the Court of Common Pleas as well as Medicine for Lawyers.

The Criminal Justice Section, in conjunction with Philadelphia Municipal Court, will offer two CLE programs on two alternative court programs.

The Business Law Section has two programs planned. One will cover Practical Insights into Software Licensing Agreements - Language and Litigation. The other is Dispute Resolution Clauses In Agreements: Drafting Tips And Practical Considerations.

The Real Property Section’s program will cover the topics of fraudulent conveyances and fraudulent mortgages.

The Family Law Section, Workers’ Compensation Section and Real Property Section are also planning programs for the Bench-Bar Conference. The program agenda is subject to change. Watch upcoming editions of the Bar Reporter and philadelphiabar.org for program updates.

One of the highlights of the Bench-Bar Conference is Friday night’s Grand Reception. This year will feature a “Black Tie and Blue Jeans” theme.

Bally’s Atlantic City, at Boardwalk and Park Place, is the host for the 2007 Bench-Bar Conference.

2007 Bench-Bar Conference Schedule

Friday, Sept. 28

9:30 a.m.................................................................Registration
11:30 a.m.............................................................Lunch and Bench-Bar Conference welcome
12 p.m...............................................................Break with dessert buffet
1:15 p.m..............................................................Soul of Justice panel discussion
2:15 p.m.............................................................Break
2:30 p.m.............................................................Soul of Justice panel discussion continues
3:45 p.m.............................................................CLE programming
6:30 – 10 p.m........................................................Grand Reception

Saturday, Sept. 29

8 a.m.................................................................Breakfast and registration
8:30 a.m.............................................................Breakfast CLE program
9:45 a.m.............................................................CLE programming
11 a.m.............................................................CLE programming
12 p.m.............................................................Closing Luncheon and remarks (No CLE)
BALLY’S ATLANTIC CITY IS NOW accepting reservations for attendees of the Philadelphia Bar Association’s 2007 Bench-Bar Conference on Sept. 28-29. This year’s conference is expected to bring together hundreds of lawyers and judges from the Philadelphia area for two days of programming that lets practitioners and the judiciary share ideas and best practices.

Bally’s Atlantic City offers a world-class spa, salon, fitness center and 18 restaurants to meet every craving. Experience the Old West at Bally’s Wild Wild West Casino with nearly 74,000 feet of gaming accessible via a short connected walkway.

Book early for the best rates: rooms Thursday night Sept. 27 are $99, Friday night rooms are $144 and Saturday night rooms are $189. Call 1-800-345-7253 for reservations and mention you are attending the Philadelphia Bar Association Bench-Bar Conference to get these special room rates.

Be sure to mention the Philadelphia Bar Association Bench-Bar Conference when reserving your room at Bally’s Atlantic City. Rooms are available for $99 on Thursday, Sept. 27, the night before the two-day conference begins.

Reserve Rooms Now for Bench-Bar Conference

The Pier at Caesars is Atlantic City’s newest shopping and dining destination, featuring dozens of the world’s best-known retailers and restaurants. The Pier is located along Atlantic City’s world-famous Boardwalk.

“Associates are here to make us money and they should not really focus on anything else.” That is what I was told recently by a well-respected, senior member of the bar. I am sure many young lawyers hear the same thing from the bigwigs at their respective law firms.

With anything in life, there must be a balance. Yes, you are receiving a salary from your law firm, and there is no question you should be making money for it in the process. In doing so, however, you should not lose sight of your long-term goals. Unless you are willing to take assignments from other attorneys at the law firm for the rest of your professional career, you will need to develop your own book of business. That is assuming you wish to practice law for the remainder of your professional life. Some of you may be interested in running for public office or becoming a judge. Any which way, you cannot burn the midnight oil every night at the office, despite what your firm believes or wishes.

As my legal career progresses, I am beginning to appreciate the groundwork laid by my contemporaries. Many of them are making partner, starting their own law firms or going in-house. Others are trying to serve the public good. Take Dan Anders. Until recently, he was an associate at one of the bigger law firms in town. Since I have known him, he has made it known to others of his goal of becoming a judge. This year, he placed his hat in the ring to run for trial judge in Philadelphia. Well, he did it. Gov. Rendell just appointed him to fill a vacancy on the Court of Common Pleas. Pending Senate confirmation, Dan will become Judge Anders to me and the rest of the litigators practicing in Philadelphia.

Dan Anders is not the only contemporary of mine who is pushing the envelope. Remember these names: Derek Green. Sharif Street. Matt McClure. Damon Roberts. Each of these young attorneys is seeking to represent us in City Council. They are not running on a whim but rather as an extension of the work they have done for their respective communities. I am in no way endorsing their candidacies. Rather, I am giving them kudos for trying to reach their goals.

The next time you question whether you should go to that next bar or networking event, write that next article, or give that next CLE, you should draw inspiration from these young lawyers whose professional dreams are coming true because of their hard work outside of the workplace.

Alan Nochumson, chair of the Young Lawyers Division, is the sole shareholder of Nochumson P.C. and may be reached by e-mail at anochumson@nochumson.com or telephone at (215) 399-1346.

Comedy Night May 12 with Ty Barnett

Ty Barnett, stand-up comedian and finalist on NBC’s hit “Last Comic Standing,” will fill the Academy of Natural Sciences with laughter when he headlines the Young Lawyers Division’s 2nd Annual Comedy Night at the Academy on Saturday, May 12.

In addition to a night filled with entertainment, attendees will join together to raise money for the Philadelphia Bar Foundation - the charitable arm of the Bar Association, supporting legal agencies assisting the indigent, elderly and disabled, as well as abused women and children. The event, which runs from 7 to 11:30 p.m., features comedy, dancing, an open bar, heavy hors d’oeuvres and a silent auction.

Comedian and Philadelphia-native Chris Coccia will open for Barnett and serve as emcee for the night. YLD Comedy Night is part of an annual mission to raise money for the Philadelphia Bar Foundation by promoting access to justice for all people in the community, particularly those struggling with poverty, abuse and discrimination.

The Young Lawyers Division gratefully acknowledges the sponsors of YLD Comedy Night. To see the list of sponsors visit philadelphiabar.org.

Senior Lawyers Reception

Louis Fryman and Lisa Goldstein meet at the Senior Lawyers Professional and Public Service Committee reception on April 17 at The Palm. More than 50 people turned out for the event. Fryman is chair of the committee and Goldstein chairs its social programs subcommittee.
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Finding the Right Mentor Can Offer Rewards for Duration of Law Career

By Ria C. Momblanco

The benefits of having a good mentor can have lasting effects on your career. Yet, establishing and maintaining an effective mentoring relationship is not always an easy task. At a recent meeting of the Women in the Profession Committee, a panel of three women partners gave advice on how to achieve this important goal.

The panel on “How to Develop a Rewarding Mentoring Relationship” featured Audrey C. Talley, a partner at Drinkink Biddle & Reath LLP and former Chancellor of the Philadelphia Bar Association; Stephanie Resnick, a partner at Fox Rothschild LLP and co-chair of the firm’s litigation department and vice chair of the Bar Association’s Board of Governors; and Sharon Caffrey, a partner at Duane Morris LLP and current vice chair of the American Bar Association’s Toxic Tort and Environmental Law Committee.

Caffrey began the discussion by recommending that, in addition to taking advantage of formal mentoring opportunities, attorneys should seek informal mentoring relationships within and outside of their firms. While formal mentoring programs give attorneys the opportunity to interact with others with whom they wouldn’t otherwise work, such programs may result in a pairing of two people who don’t have much in common. In this event, attorneys may feel more comfortable approaching an informal mentor for advice on how to handle certain career issues. In searching for an informal mentor, Caffrey suggests considering attorneys other than those with whom you directly work since, in certain instances, this may lead to more objective advice.

Talley is an advocate of having multiple mentors, acknowledging that “it’s difficult to find a one-size-fits-all mentor and it actually may be too much to ask of (one person) to do for you.” Because of this, Talley suggests starting with three types of mentors: one for professional development, one for personal development, and one who can provide a reality check for different aspects of your life. A professional mentor is someone who can give advice in terms of “learning your job and learning what it takes to advance from where you are.”

In contrast, a personal mentor is someone who has a career path that you would like to emulate and who can give advice on what to do in order to achieve a similar path. Finally, a reality check mentor is a confidante who can advise you on more sensitive or personal issues. When trying to determine whether another attorney is a suitable mentor for you, “the best thing to do is to observe the person, how that person reacts, their personality traits, and their attitude toward helping others.”

Resnick observed that being involved in bar committees and the legal community is a good way to find potential mentors since meetings often involve attorneys who are similarly situated. “The most important thing,” said Resnick, “is to get out there. It’s very important for you to get exposure to a lot of people . . . so that you can get the support that you need to be successful.” Resnick advises a proactive approach to searching for a mentor. Though initiating a mentoring relationship may seem intimidating at first, “try and push past your intimidation and really try and reach out to someone you think can guide you and give you constructive advice,” she said.

The panelists agreed that the best mentors have good judgment and a lot of patience. Certain issues that you take to a mentor require a careful weighing of pros and cons, and “you want someone who will take time in helping you make a decision,” said Caffrey.

The panelists recommended that attorneys who are similarly situated should initiate mentoring relationships with whom they wouldn’t work. “There are people who you wouldn’t work with who will take time in helping you make a decision,” said Caffrey.

Order Legal Directory Today

The Legal Directory 2007 is now available, and you won’t want to miss the newest, most comprehensive resource for the Philadelphia-area legal community.

This year’s edition includes listings for more than 1,600 law firms and nearly 18,000 attorneys in Philadelphia and the surrounding Pennsylvania counties, Delaware and New Jersey.

But The Legal Directory 2007 also includes all the indispensable information you’ve come to rely upon - Bar Association bylaws, contacts and committees; information on federal, state and county courts and government agencies; a judges index; corporate counsel listings; alternative dispute resolution resources; and a special business-to-business section tailored to the legal community.

Once again this year, each copy of The Legal Directory includes complimentary access to The Legal Directory Online. So the information you need will be only a few mouse clicks away. Online firm and attorney listings are updated throughout the year, so you’ll always have access to the most up-to-date addresses and phone numbers. Order today at thelegaldirectory.org.

Mentoring Celebration

Noelle Palazzo (from left), Vice Chancellor Sayde J. Ladov, Nicole Stach and Sharml McKee meet at the Women in the Profession Committee’s Mentoring Celebration on April 18 at the Mexican Post restaurant.

Setting Up a Law Office

Monica D’Amore and Gil Marquez were among the panelists for the Law Practice Management Division Technology Committee program on technology needs for law offices on April 19. Other speakers included Chuck Davis and Larry Hershman. A podcast of this program is available online at philadelphiabar.org.
and jurors and their Lawyer for a Day program. Any lawyer can agree to be a mentor to a young lawyer. The Women in the Profession and the Minorities in the Profession Committees have outreach programs and both welcome mentors.

There is one important way in which every member of our Association can immediately be involved in our community. Everyone can vote in the primary election on Tuesday, May 15. Vote for the candidates of your choice for mayor and city council or to govern your local governmental unit.

Most importantly, remember to vote for RECOMMENDED candidates for judicial office. Candidates for appellate court vacancies are evaluated by the Pennsylvania Bar Association. A link to that is on our Web site, philadelphiabar.org. Candidates are ranked as Highly Recommended, Recommended or Not Recommended.

In Philadelphia, vote for candidates for the Court of Common Pleas and for Municipal Court who have been “RECOMMENDED” by our Judicial Commission, which conducts a thorough investigation and evaluation of each candidate. The Judicial Commission’s recommendations are on our Web site. Print them and the appellate evaluations out and share them with friends, colleagues and family members who can vote. Get involved. VOTE!

CPS for Lawyers has provided concise, confidential career services for 20 years in the tri-state region. If any of these are applicable, CPS for Lawyers may be your answer. Contact: David E. Behrend, M. Ed., 90 Cricket Ave, Suite #100B, Ardmore, PA 19003 Behrend42@aol.com; 610-658-9838

Contact the Law Practice Management Hotline at (215) 238-6314.
Divan Turkish Kitchen
918 S. 22nd St. (at Carpenter)
(215) 545-5790

It’s the large corner building faced with faux-graystone-façade bricks. Culminating above the ground floor with dangling snowflake holiday lights, the edifice seems anything other than Turkish.

Once you enter into the restaurant’s “der-gah” door, however, the smells bring spicy olfactory sensations, as if this portal were a nasal passage. From a mental minearet, a cerebrally self-created muezzin calls out a caterwauling passage. From a mental olfactory sensations, as if the smells bring spicy gah” door, however, Turkish.

The dining room has, on its left, a tiled “eunuch bar” area followed by a varnished red brick wall. A wrought iron contraption is displayed thereon, to hold spiraling unorganized empty wine bottles. On the right are four silver-beaded sconces and a large rectangular fifteen paneled window. A baker’s dozen tables are covered by rattan cloths, and surrounded by maroon-seated chairs. Divan may not be Topkapi Palace, but it certainly is as cozy as a sweet Turkish taffy wrapped in a thick Turkish towel.

If you’re among friends and want to immediately sample simple tastes and textures, order (1) the falafel ($9.50) and (2) the karisik meze tabagi, a mixed appetizer plate ($11.50). The former is an unusually dense blend of chickpeas, celery and carrots, ground together with Anatolian spices. The mashed balls are fried to a crusty crispness. Four such concoctions, topped with white creamy tahini sauce, circle a hummus-laden mini-bowl. The epidermis of each Falafel seems almost crustaceous to one’s tongue, but then scatters when your mouth salivates in the midst of the coarsely pureed vegetables. Your palate is soaked in the pluvial sauce. The latter appetizer plate is replete with mounds of crushed and scented eggplant; cooked grape leaves filled and brimming with rice; cubes of eggplant in fresh tomatoes; drained Haydari yogurt; and a cup of minced red peppers dotted with walnuts and parsley. All of the above, to some degree, are punctuated with olive oil, lemon paste and pomegranate juice. The platter is redolent of garlic, dill, mint, pine nuts and currant. Tomato wedges and chopped lettuce chaperone. Taste buds are enveloped in servings as authentic as those at the finest cafes in Istanbul and Ankara.

I won’t mention here the fried calamari (11.90), Turkish dumplings that rival Vetti’s gnocchi in sheer marvel. They simply and salaciously maneuver between the lust of your lips toward a place in your heart. A bowl arrives with little fanfare, continued on page 24.
Success is Sweeter When it Can Be Shared

By Sunah Park

“Do you know where you’re going to do you like the things that life is showing you? Where are you going to do you know?”

So starts the theme song for “Mahogany.” I caught the movie on cable the other weekend but I had seen it many times before. A great campy movie from the 1970s, “Mahogany” tells the tale of the enterprising and ambitious young beauty Tracy Chambers portrayed by Diana Ross, who worked as a secretary by day, but went to fashion school at night to be a designer. As she was struggling to build her career, Tracy met a wanna-be politician from her Chicago neighborhood, played by Billy Dee Williams and embarked on an on-again-off-again relationship with him. Ambitious himself, Billy Dee often forced Tracy to support his rising political career over her fledgling one. After one too many comments from him that she was wasting her time pursuing her dream, she finally broke up with him for good. Soon, Tracy, through hard work and some luck, lands in Rome and begins her meteoric rise first, as a supermodel, “Mahogany,” and then, ultimately, as a designer. At the pinnacle of her career, Tracy gets a surprise visit from Billy Dee, whose political career had stalled during their separation. As he sees Tracy in her new element, Billy Dee realizes that the Tracy he knew no longer existed. Tracy had become Mahogany and Mahogany was one major diva. Not liking the new Tracy, Billy Dee leaves her in Rome but not without a parting shot: “Success is nothing without someone you love to share it with.”

Now, I tended to think Billy Dee was a bit jealous and bitter about Mahogany’s success when he said that. Plus, what else can he say to make Tracy leave the falseness (yes, I know that is not a word) of her life to go back to him (which she did in the end). So, maybe he only said it to guilt Tracy into coming back to him, but is success truly nothing without someone you love to share it with? Every time I saw that movie, I thought Billy Dee meant you had to have one “special” person in your life to enjoy success. But last summer, I realized that “someone you love” is not so narrow. When I learned I became a partner at my firm last August, I shared the good news with my family, friends and colleagues. The flowers, cookies, cards and e-mails poured in and my office even threw a party. Even though there was no “Billy Dee” in my life, I was able to share my success with many of those I loved.

But watching the movie recently reminded me of something my mother said after I told her the good news about my partnership: “Now, all you have to do is get married.” I guess my mom has seen “Mahogany,” too.

Sunah Park, a partner at Torop Reed & Armstrong, LLP, is editor-in-chief of the Philadelphia Bar Reporter.

Editor’s note: The following are summaries of opinions issued by the Professional Guidance Committee. The committee renders opinions to attorneys asking about their own ethical issues. The letter “T” following an opinion number indicates an informal letter “T” following an opinion number indicates an informal opinion number indicates an informal letter “T” following an opinion number indicates an informal opinion number indicates an informal letter “T” following an opinion number indicates an informal letter “T” following an opinion number indicates an informal

FO 2005-16 Circumstances dictate propriety of referral fee payment to attorney with after-acquired conflict of interest. Attorney may be required to resolve any outstanding fee issues with client’s former counsel.

FO 2006-5 Admission by waiver under Pennsylvania Bar Admission Rule 204 is permissible when prior practice requirement is met by federal practice in Pennsylvania.

2006-268T Attorney who represented 17-year-old minor in criminal matter may thereafter represent one of her parents in a divorce action where custody is not involved, but must be certain to maintain former client’s confidentiality.

2006-272T Attorney handling case for client who lives in California may advance as a legitimate expense cost of client’s plane ticket to attend trial.

2006-277T Attorney who learns that adverse counsel in a pending case has been on involuntarily inactive status for the past five years must immediately notify the court as required by Pennsylvania Rules of Professional Conduct 3.3(a)(1) and 5.5A. Provided the attorney has the informed consent of the client to do so, a report must also be made to the Disciplinary Board.

2006-297T Attorney who negotiated pre-nuptial agreement for fiancé may prepare estate plan for fiancé and ask for advance waiver of conflict to represent fiancé again in the event further domestic relations services are needed.

2006-297T Attorney who negotiated pre-nuptial agreement for fiancé may prepare estate plan for fiancé and ask for advance waiver of conflict to represent fiancé again in the event further domestic relations services are needed.

2006-302T Referral fee may be paid by attorney three to attorney one and two provided there is compliance with Rule 1.5e.

2006-304T Attorney on retired status is considered no longer licensed, and may not receive referral fees for referrals made when on such status.

2006-312T By attorney three to attorney one and two provided there is compliance with Rule 1.5e.

2006-315T Attorney receiving calls from third parties inquiring about a closed case for a former client should not discuss it, and absent client’s permission, file or copies should only be released to the client.

2006-318T Attorney representing union members may send them birthday cards from list supplied by union.

2006-322T Attorney who represented seller in closed real estate sale may represent only with conflicts waiver subsequent

Subject to court approval if required, failure to be paid is sufficient reason for withdrawal from case under continued on page 23

By David L. Grunfeld

Professional Guidance

Sunah in the City

“Grindhouse” a Fun Tribute to the Bad Old Days

by Marc W. Reuben

Watching movies in which Quentin Tarantino has taken part is, to me at least, like contemplating a creme pie from the supermarket bakery. Lovely to look at and covered in expectation. But in the end, the pie turns out to be a concoction of artificial ingredients that lack the grace of the real thing. I enjoy the work of auteur Tarantino and have been charmed by the swagger and tongue-in-cheek that his films display. But I am ever caught in that twilight land where nothing turns out to be quite as real as it looks. “Original” might be a better word to use. His films are enticingly entertaining without being truly original. Every gesture is a bow to the work of someone else, as if the movie were an excellent product by a student-genius, capable of manipulating the moving parts of a production into a finished product that has everything in it except the kernel of an original idea.

Who is to say that used style can’t be re-invented to simulate something spectacular? Certainly “Pulp Fiction,” with its Runyonesque characters simulating cocktails. All of these things are there to remind us, in a funny way, of the mannequin-like crud of the genre. But the movie were an excellent product by a student-genius, capable of manipulating the moving parts of a production into a finished product that has everything in it except the kernel of an original idea.

This movie consists of two short films (the longer directed by Tarantino), with conscious reference to the limitations of bad movies in the 1960s and thereafter. Films that jump on the spool, ripped sprockets that let the movie jump and go out of focus, bad editing, misdirected microphones and offstage noise, coming attractions inserted into the main feature. The movies are about mean cars and zombies, ideal for light conversation over cocktails. All of these things are there to remind us, in a funny way, of the manner in which old directors used to try to compensate for lack of actual resource. It is true that some of the cheap films made in the 1960s encompassed less technical device than many notable silent films. Think of Ed Wood as an example. Yet, unlike Wood’s amateurish films this movie seeks to mock the style of primitives without being truly primitive. I’ve seen this stuff on “MAD TV.” It’s a gimmick that works only when it isn’t used.

The question is, does parody of something old add up to a new product? Or does it merely tell us that the gateway to what we think of as art is often a put-on? This is like an artsy edition of “Scary Movie,” made for people who enjoy identifying cinematic idiosyncrasies studied by college kids who also wrestle with hormones as they learn to make movies. It’s training for business, more than the love of art. Why else would I hear students at a film store debating if it was worth it to rent “Citizen Kane” or something about stonking. One learns from both, just as one learns from Aristotle or Archie comics. I remember listening to knowledgeable viewers who came to see the original film buff as an item of knowledge to a spectator. How about those who like to tell us to watch for the image of the cameraman in the mirror late in the 1951 “Christmas Carol,” so that the effect of the joyous reformation of Scrooge can continue.

In “Grindhouse,” a largely funny tribute to trash cinema of a more recent bygone era, Tarantino and Rodriguez have created a film that consciously mocks the genre of cheap thrill movies one used to see at drive-ins accompanied by the drool and heavy breathing of seasoned film buffs. The movies were as tacky as the audience, except no one today gets his arm stuck in a girl’s sweater.

Art & Media

Guidance

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R.I.16.

2007-7T Attorney may mail firm brochure to area residents provided compliance with advertising rules.

2007-10T Attorney may not engage accident investigator to have direct initial in person communications with prospective clients.

2007-11T Attorney asked by accountant to prepare estate planning documents for a client should insist on meeting with client directly, and should get authority from client to share information with accountant.

2007-12T Attorney may not use a presently unlicensed lawyer’s name in a firm name.

2007-22T Attorney trying to regain possession of client’s property from client’s landlord may take security interest in that property as collateral for fee, provided compliance with R. I.8a.

2007-31T If truthful, attorney may include areas of practice in charity contributor book.

2007-36T Attorney may send direct mail solicitation to inmate, provided there is no reason to believe the prisoner cannot understand it, and attorney has no present knowledge that inmate is already represented.

2007-37T Attorney who is petitioning to withdraw from client representation in an hourly case for payment arrears, which are in dispute, has conflict with client and should probably also withdraw from contingency case also being handled for client.

2007-39T Attorney who represented father in closed custody and support may now represent mother in disputes with father of her other children, but cannot then handle future disputes for former client father against mother.

2007-49T Attorney admitted in Pennsylvania and other state need not have an office here, but must comply with IOLTA rules.

2007-58T Attorney purchasing practice of a deceased lawyer may include that lawyer’s name on letterhead provided attorney is noted as deceased.

David I. Gronfeld, of counsel to Zeller Weiss Kaplan & Mandel, LLP is a member of the Professional Guidance Committee.

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Feasts to Famine

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streaming. Voluminous tiny pinched, pursed, silken plumps of homemade pasta-pouches proliferate. Their nudity is covered by well-placed strips of garlic yogurt sauce and mint. Each miniature parcel contains a nugget of specially spiced chioed honey in the city; to be devoured for $5. They are the best pieces of pistachioed and roasted, baked cheeses to be consumed at a table, not slathered on a hastily made cheap hoagie. The chef therein that your whole table smells like a hastily made cheap hoagie. The chef should eliminate raw onions from his repertoire.

On the other hand, allow me to tell you even more quickly that dessert should include at least four pieces of baklava (4 for $5). They are the best pieces of pistachioed honey in the city; to be devoured while drinking Turkish coffee just brewed with brushty ferocity. I'm not certain that the sister and brother owners, Fulya and Ilker Ugur, can contain their restaurant's exuberance. They are young Turks who stay open noon to 11 p.m., 365 days a year.

FULYA NON FOOLYA: SED FILONYA

Richard Max Bechel, a sole practitioner, is a contributing editor to the Philadelphia Bar Reporter.

Radio talk show host Don Imus has been fired as a result of his use of racist, misogynistic descriptions of the Rutgers' women's basketball team. I never had much use for Imus. Like his counterparts, Howard Stern and Rush Limbaugh, Imus made a career of calling people names, brow-beating people, and reducing the public discourse to one of obscenity, rudeness and humiliation. I never found that entertaining or provocative. I will not miss him.

However, I hope that the public discussion of the language everyone now finds so offensive will not cease now that he is gone. Imus didn't treat the Rutgers women markedly worse than he treated many of the people that he spoke to and of on his show. Most of those folks probably didn't deserve that kind of treatment either.

The use of the words Imus felt were humorous is the issue that should be on everyone's mind. It is a reflection of our declining social values that humor needs to be so brutal. Will Rogers and Mark Twain managed to be both funny and gentle (though I must concede both were well before my time). That we as Americans find it funny or empowering to refer to women in such negative, misogynistic terms, is sad. This is especially true for the Rutgers' women who were both working to get an education and simultaneously competing on a bigger athletic stage than most of us will ever experience.

I have heard too many people whine that rap music stars sing these words all the time and they, too, should be disciplined. I have no problem with that, either. And I should reveal that I have generally less use for rap "music" than I have for Howard Stern or Don Imus. Making the derogatory words that Imus and Stern and rap stars routinely use be synonymous for "woman" is the problem here. As long as we as Americans permit our culture to debase women, white or black or Asian or Latino or whatever, we make ourselves as crude and debased as those perpetrators of the destruction of our language. Are those the words you would use to describe your mother? Or your sister or your daughter? That should be what this discussion is really about. Until our cultural view of "humor" changes, we will be a raggedy, crude people. Don Imus' departure should not be the end of the conversation, but the beginning.

Bruce H. Bikin, a partner at Montgomery, McClemen, Walker & Rhoads, LLP, is an advisory editor of the Philadelphia Bar Reporter.

Appellate Courts

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for rehearing en banc, “I wish people actually took seriously the requirement that they have a good faith basis for saying this conflicts with the Third Circuit precedent because people obviously blow past that with not even a microsecond’s precedent because people obviously blow past that with not even a microsecond’s reward because you’re failing to score where you have questions.”

from having practiced as a federal prosecutor in Delaware, an associate and partner at Morris James LLP and general counsel at Corporation Service Company, Judge Jordan recognized that he got “a variety of takes and perspectives on the law.” Having clerked early in his career as well, he had always known he would want to be a judge. When Chief Administrative Patent Judge McKelvey resigned, Judge Jordan “threw [his] hat in the ring and got lucky,” he said.

Judge Jordan fondly recalled his service on the District of Delaware bench, where he sat for more than four years, noting that it had “the best district court docket in the country.” A patent attorney at the lunch noted the respect that Judge Jordan garnered from the patent bar during his tenure.

Kathryn C. Harris is an associate with Trujillo Rodrigues & Richards, LLC.
Here we have movies that boast an original idea but a new technique in handling the same objectionable and cloying deliberateness that spoiled “Field of Dreams.” The ideas conveyed in “Field of Dreams” and “E.T.” for me. The ideas conveyed in some movies are so consciously tied up in atmosphere and style that they destroy the natural flow of the narrative. A girl watching a spiritual I grant you) pick-up game of baseball. Not a cloud in the sky or crowd to jostle her. And she falls off the bleachers at a dramatic moment and chokes on a hot dog.

Marc W. Rubein, a sole practitioner and advisor, has been writing about the arts and media since 1973.
the historically underserved populations of our region. By making a contribution to the Access to Justice campaign, you can ensure that your donations are allocated properly and to organizations crucial to the city’s low-income populations. Chancellor Jane Dalton, who has been active in the Foundation as a trustee since 1994, recalls when the Foundation’s leaders “worked the phones” to support the fledgling program in getting off the ground. Five years later, the phones have been left behind but not the giving – the lawyers and paralegals in our community have generously contributed to what is now an institutionalized campaign.

This month, you will receive an e-mail from your firm coordinator asking for a donation. If your firm does not have an appointed coordinator, you can give by visiting philadelphiabar.org and clicking on the Bar Foundation page and then the Make a Donation tab. Our goal this year is to raise $50,000 during our Access to Justice campaign and with your help we can achieve that goal. Our grantees are counting on us. It takes just a little from each one of us to make a difference. Please do your part and we can reach our goal. Equal justice for all is the cornerstone of the American legal system. Please help us realize the dream of our founding fathers by making equal justice for all a reality.

Elaine Rinaldi, a member of Cozen O’Connor, is president of the Philadelphia Bar Foundation.

Federal Bench-Bar

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U.S. District Court Judge Mary A. McLaughlin, Alice W. Ballard, Scott E. Cooper and Professor Catherine T. Struve of the University of Pennsylvania Law School will be the panelists for “The Third Circuit’s Model Civil Jury Instructions and Their Impact on Charging Conferences.”

U.S. Attorney Patrick L. Meehan will then present remarks on ways to crack down on the growing problem of identity theft.

U.S. District Court Judge Berle M. Schiller and Stephen G. Harvey will then present “The New E-Discovery Rules - How are They Working in Practice?”

Chief Judge Barle, U.S. Bankruptcy Court Chief Judge Diane Weiss Sigmund and Clerk of Court Michael E. Kunz will present reports on the state of the court.

U.S. District Court Judge Anita B. Brody, U.S. Magistrate Judge L. Felipe Restrepo, Laurence Z. Shiekman and Bernard W. Smalley will be the panelists for “Dealing with the Difficult Adversary - Tips from the Bench and Bar.”

The program will close with a brief presentation about the Third Circuit Bar Association from Nancy Winkelman and closing remarks from Tierney. Lunch and remarks from Tierney will follow.

Tuition, which includes a course book, breakfast and lunch, is $155 for members admitted after Jan. 1, 2003; $195 for nonmembers; $99 for paralegals attending with an attorney; $129 for paralegals attending alone; $90 for judges and judicial law clerks; and $80 for judges and judicial law clerks admitted after Jan. 1, 2003.
THE BOARD OF MANAGERS OF THE PHILADELPHIA FOUNDATION, the $325 million community foundation that works to make philanthropy more effective in Southeastern Pennsylvania, recently reappointed to a second four-year term

William C. Rendell, former general counsel to the Federal Reserve Board, appointed to the Advisory Board of Pennsylvanians for Modern Courts.

Christopher L. Weil, development coordinator for Order of the Lebensbaum, a German social service organization, elected president of the Greater Philadelphia chapter of the Order of the Lebensbaum.

Rosemary M. Weis, a shareholder with Martin, Kline & Weis, was recently appointed to the Advisory Board of the Pennsylvania Bar Institute’s Environmental Law Forum 2007 on April 11 and 12 in Harrisburg.

Judee M. Hobbs, a shareholder with Miller, Alfano & Raspanti, gave a presentation to the Chester County Bar Association’s Criminal Law Section titled, “A Preview of Coming Attraction: Current and Anticipated Fall Out From Booker” on March 8.

Stephen M. Orlofsky, a partner with Blank Rome LLP, moderated a panel at the 2007 Annual Judicial Conference of the American Association of Attorney-Certified Public Accountants. He was also re-elected to a third consecutive term as Chair of the Million Dollar Advocates Forum.

S. David Fineman, a co-founder of the Philadelphia Bar Association’s Business Law Section Spring Meeting, presented “Securities Class Action Litigation: Comparing & Contrasting the Plaintiff & Defendant Perspectives” on March 8 to the Delaware Valley Regional Chapter of the American Association of Attorney-Certified Public Accountants.

Donna T. Urban, a shareholder with Flaster Greenberg, participated in the panel “Development in Litigation Concerning Natural Resource Damages” on April 3 in New Brunswick, N.J.

Lawrence S. Felzer, development coordinator for the SeniorLAW Center, received the AIDS Fund’s Ferrara Family Volunteer Award on March 30 at the Eighth Annual Black Tie GayBINGO event.

John F. Guillaume, a partner at Manko, Gold, Katcher & Fox, LLP, was recently reappointed to a second four-year term on the Lower Merion Township Environmental Advisory Council and was re-elected to a third consecutive term as Chair of the Council.

Steve D. Shadowen, a shareholder with Hangley Aronchick Segal & Padovin, was recently appointed to the Advisory Board of the Institute for Consumer Antitrust Studies.

Deborah Epstein Henry, founder and president of Flex-Time Lawyers LLC and also of counsel to Schnader Harrison Segal & Lewis LLP, was named to the Philadelphia Business Journal’s “40 Under 40” list.

Nathaniel E.P. Ehrlich, of Anapol Schwartz, has been named corporate chair of The Eastern Pennsylvania Chapter of The Leukemia & Lymphoma Society’s 2007 Light The Night Walks, the Society’s annual fund-raising event each fall to raise money for cancer research and patient services.

S. David Fineman, managing partner of Fineman Kreckstein & Harris, P.C., was recently lead speaker at a Washington symposium on the new Postal Reform Act, sponsored by the School of Public Affairs of American University and Pitney Bowes.

Stephen M. Orlofsky, a partner with Blank Rome LLP, moderated a panel at the 31st Annual Judicial Conference of the Association of the Federal Bar of the State of New Jersey on March 22 in West Orange, N.J.

Joseph Manko, a founding partner of Manko, Gold, Katcher & Fox, LLP, was recently appointed by the Montgomery County Commissioners to the Montgomery County Greenhouse Gas Reduction Task Force.

Jerry M. Lehocky, a partner, was recently named to the Advisory Board of Pennsylvanians for Modern Courts.

Charles Weiner, a sole practitioner, was a keynote speaker at the 2007 Pennsylvania Tourette Syndrome Association Conference.

Arthur L. Bugay, a partner with Galgano Berger LLP, has been certified as a member of the Million Dollar Advocates Forum. Membership in the forum is limited to attorneys who win million and multi-million dollar verdicts, awards and settlements.

Jerome J. Shestack, of counsel to Wolf Block, and his wife, Marciarose, received Philadelphia Corporation for Aging’s Aging’s M. Powell Lawton Quality of Life Award at a dinner in their honor on April 11. They were recognized for their pioneering professional achievement and their personal commitment to the public good.

*People* highlights news of members’ awards, honors or appointments of a community or civic nature. Information may be sent to Jeff Iyns, Senior Managing Editor, *Philadelphia Bar Reporter*, Philadelphia Bar Association, 1101 Market St., 11th Fl., Philadelphia, Pa. 19107-2911. Fax: (215) 239-1267. E-mail: reporter@philaobar.org. Color photos are also welcome.
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