The Association’s Commission on Judicial Selection and Retention has released the results of its investigation into the qualifications of candidates for the Philadelphia Court of Common Pleas and Philadelphia Municipal Court in the Nov. 8 general election.

In addition, the Judicial Commission also released the results of a poll of all Philadelphia lawyers conducted for the Bar Association earlier this year by Parente Consulting. The poll invited respondents to rate specific aspects of the judicial performance of each of the retention judges. Under the Association’s bylaws, the poll is not binding upon the Commission’s deliberations, although it must be published with the Commission’s findings. The complete poll results are available from the Bar Association.

The 29-member Judicial Commission includes lawyers and non-lawyers as well as the president judges of Common Pleas Court and Municipal Court, the Chief Public Defender, the City Solicitor, the Chancellor, Chancellor-Elect and Vice Chancellor of the Bar Association and representatives of diverse interests within the community. Nearly half of the...
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Philadelphia Needs to Set Higher Goals for Success
by Andrew A. Chirls

There is a buzz about how excited we should be because some people are referring to Philadelphia as “New York’s Sixth Borough.” Shouldn’t we aim higher? Philadelphia has 6.66 wards, and I won’t be satisfied until people start thinking of Manhattan as “Philadelphia’s 67th Ward.”

And when we call the Benjamin Franklin Parkway “the Champs Elysees” of the Americas, shouldn’t we really be thinking of the Champs Elysees as the “Benjamin Franklin Parkway of Europe”? It’s not such a stretch, particularly if you think of the Franklin Parkway “the Champs Elysees” part of the Pennsylvania Economy League’s Metropolitan Mayors Caucus is a collection of mayors from 272 regional communities united to speak with a regional voice. Imagine if we had one of those. And Chicago also benefits from a Regional Planning Board, boosted by Metropolis 2020, a highly influential regional civic group whose slogan is “One Region. One Future.”

Chicago is thriving and growing. In fact, the region is expecting 1.9 million new residents by 2050 and regional leaders are anxiously planning to welcome new citizens from all over the world.

In my remarks at the Annual Meeting I cited the example of Benjamin Franklin as a Philadelphian who thought big—someone who came to this city because it was the fastest-growing city in the English-speaking world at that time; someone who would forever be associated with a treasured time in our history. Sometimes people say to me that William Penn’s heritage weighs us down, because the Quaker heritage does not support public services, entrepreneurship and ostentatious private giving. But by the time Franklin died, we had overcome that kind of heritage, and we were on our way to being the leading center of banking, publishing, commerce, arts, manufacturing and government. So if we aren’t still the leader in those areas, it isn’t because of William Penn. It is from a failure to adapt to change.

If Philadelphia is going to grow—

continued on page 20

LETTERS Build Bridges Through Language

In the Editor

Technological advances have shrunk the world into a much more interdependent entity, and it now comes time to reckon with our differences. Our own Chancellor, Andrew A. Chirls, has rightfully targeted language access in Philadelphia’s immigrant communities as an arena in which the organized Bar can make a difference by breaking down barriers to vital legal services in those communities.

We as lawyers are in a unique and privileged position in that we can do something directly to alter the course of a person’s life. Many who come to us are of varied ethnic and cultural backgrounds. Language is often a barrier to their successful assimilation into society. This is a good time to start studying a language or expanding your language skills. You will be surprised how taking a basic course or listening to CDs will enhance your ability to serve your clients. For example, imagine you are meeting with a group of Spanish-speaking clients. Fortunately, they have brought someone to translate for them. But before the conversation even begins, you say the best of your ability, “Buenos dia! Bienvenido y mucho gusto!” Even if you don’t use another Spanish word during the entire session, you have set the stage for warmth, cordiality and trust.

The ability to communicate in a sympathetic and empathetic manner is the practitioner’s first step in removing the layers of fear and uncertainty. Here is where a lawyer’s special effort, his or her willingness to expend the effort to demonstrate true caring and concern, can make all the difference in the world.

Sincerely,
Saul H. Segal

Tell Us What You Think!
The Philadelphia Bar Reporter welcomes letters to the editors for publication. Letters should be typed. There is no word limit, but editors reserve the right to condense for clarity, style and space considerations. Letters must be signed to verify authenticity, but names will be withheld upon request. Letters may be mailed, faxed or e-mailed 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.
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In Their Own Words

Women Lawyers Make Transition to Boardroom
by Roberta D. Liebenberg

Since the early 1980s, the number of women serving on corporate boards has slowly increased. But there continues to be a severe under-representation of women, and particularly minority women, on corporate boards, particularly in comparison to the population at large. The good news is that many corporations have recognized the need to make their boards more diverse, as they understand that a commitment to diversity is a key component of good governance.

The importance of good corporate governance has been underscored in recent years by the much-publicized scandals over corporate wrongdoing at Enron, WorldCom and other companies. Recognizing the need for reform, Congress enacted the Sarbanes-Oxley Act of 2002, which requires corporate boards to be more independent and to do a better job of monitoring corporate management. The increased demands and complexities of board service have led many companies to turn to lawyers to serve on their boards.

As a result of the convergence between corporations’ desire for increased diversity in the boardroom and their need for independent directors who can grapple with complex governance issues, there is now a greater opportunity for women lawyers to serve on corporate boards than ever before.

Coincidentally, the great influx of women lawyers who went to law school in the 1970s made great strides over the past 30 years in law and in other professions. However, women lawyers who are drawing near retirement age have found that more often than not, they are the last of their generation to make the transition to corporate boards. As firms, corporate legal departments and government agencies continue to evolve, the need for women lawyers with diverse experiences is critically important.

Moreover, we will be formulating recommendations for younger women lawyers to position themselves for board service, both in the not-for-profit and for-profit arenas.

We are hopeful that women lawyers, who made great strides over the past 30 years in law firms, corporate legal departments and government agencies, will now be able to bring their considerable talents to corporate boardrooms, further promoting the salutary goal of diversity.

What Happens in Philly, Stays in Philly
by Robert D. Lane Jr.

“Viva Las Vegas” is the theme for this year’s Andrew Hamilton Ball. Whether it is nostalgic images of “Brat Pack” days with Frank and Dean and Sammy hanging around looking cool, or current marketing campaigns featuring high-end entertainment and world-class restaurants, Las Vegas carries with it a certain glamour. Neon lights. Elaborate costumes. A certain “buzz” in the air.

Through it all, the underlying message is “Come on, take a gamble – it will be fun.” Although nothing in Las Vegas is guaranteed, this year we can guarantee two things at the Hamilton Ball: The Ball will be fun – we have a great band lined up, the food will be terrific, and the decorations of the Ballroom at the Bellevue will be sure to please.

And while you’re having fun at the Ball, you’ll also be doing good. Proceeds from the Ball are a major component of the Foundation’s annual grant-making ability. A great evening out with friends and colleagues will also generate support to at least 28 different local legal services providers.

Currently there’s a PR campaign about Vegas, “What Happens In Vegas, Stays In Vegas.” I’d like to take a different approach to that slogan, “The good that will happen because of Viva Las Vegas will stay in Philadelphia.”

“Viva Las Vegas” is the theme for the Philadelphia Trial Lawyers Association recently unanimously passed a measure that called for its members to donate to the Philadelphia Bar Foundation the fees that they receive for serving on arbitration panels.

The Foundation would like to thank Samuel Pond, the president of the Philadelphia Trial Lawyers Association, and Ronald A. Kovler, a member of the PTLA Board and former chair of the Bar Association Board of Governors, for this gesture. Last year, the Bar Foundation received more than $5,000 in arbitration fees. The numbers quickly add up to become a significant part of the Foundation’s overall fundraising strategy. The Foundation depends on innovative approaches such as this. The Foundation is grateful for the support of the Trial Lawyers. We commend the Trial Lawyers of Philadelphia for their spirit of public mindedness and their dedication to providing access to justice for the poor, the disadvantaged, and victims of abuse and neglect.
Attorneys appearing before the U.S. Court of Appeals need to focus less on winning and more on what the court may be thinking, U.S. Third Circuit Court Judge Theodore A. McKee told members of the Appellate Courts Committee on Oct. 12.

Judge McKee said the court is always concerned with the ultimate opinion and the ramifications that it may have on future actions. Counsel should not argue in favor of an overly broad decision that the court might be hesitant to adopt.

When it comes to briefs, Judge McKee said “shorter is better.” McKee warned that briefs are not strengthened by being lengthy. Compliance with page, font and word limitations set by the court is taken seriously. Judge McKee said he knows of at least one occasion when a member of a panel returned a brief to the clerk for a word count to ensure that the brief complied with the rules.

Briefs should also be concise and clearly identify the issues presented, set forth the facts in a non-argumentative manner and set forth the procedural history and legal authority. Judge McKee advised counsel to not only concede the weaknesses in their cases but also to address the strengths of their opponent’s cases. Often times, counsel will concede weaknesses on irrelevant issues; however, they will refuse to concede the weaknesses on the issues germane to their case. He advised that successful briefs confront such weaknesses and concisely explain why the party should prevail despite the weakness.

The judge also addressed oral arguments, noting that it is difficult to win an action at oral argument and very easy to lose. He recalled only two or three actions where counsel won based on his presentation at oral argument. He advised those in attendance, however, to approach oral argument as if their case is one of those two or three. Judge McKee’s first tip for a successful argument was the same as that provided for a successful brief: concede your weaknesses and address your opponent’s strengths. Additionally, he advised counsel to allow the judges to complete their questions, listen to the questions and answer the question that was asked, not the question for which you prayed. Furthermore, counsel should be prepared to address not only legal questions but also questions of public policy. Finally, Judge McKee advised that counsel presented with a question to which they do not know the answer should admit that they do not know the answer should admit that they do not know the answer.

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Consistent with his introductory statement that counsel should consider what the judge may be thinking, the judge also recommended that counsel be prepared to address the question of what an opinion issued in his client’s favor would look like. An appropriate response would include an approach that would provide an opinion in your client’s favor but that is not so overly broad as to lend itself to mischief in future actions.

Judge McKee defined opinion writing as a collaborative process and noted that opinions are written with an eye toward having the other members of the panel agree. Generally, judges writing opinions do not want to give cause for a rehearing or en banc. Counsel should consider this at both the briefing and argument stage of the appeal and should not try to hit a home run on every single issue that could possibly have been raised on appeal. Such a strategy would more likely result in less agreement amongst the panel members. He advised counsel to try to limit issues raised on appeal to two to three issues, joking that a brief that identifies 18 to 20 issues on appeal is actually an indication that the trial court probably held a fair hearing.

Judge McKee addressed questions of general strategy from the audience. He commented on the use of big-name counsel for purposes of appeal only, warning that retaining new counsel for the appeal based solely on their name recognition is a mistake because the court is aware of the reason for their appearance. The only exception being when the new counsel is not only well known and respected but also fully aware of the facts of the case and the legal arguments presented. Counsel should not be retained just for show, he said.

Similarly, he addressed the question of preparation for argument against a pro se appellant. He said that he has only seen a few cases where a pro se appellant was able to present a clear, concise, legally correct argument and prevail on appeal. He said all counsel facing a pro se appellant should prepare as if the case at hand is the exception and not the rule and counsel should prepare just as diligently as he would if facing another member of the bar.

Heather J. Holloway, an associate at Rawle & Henderson LLP, is an associate editor of the Philadelphia Bar Reporter.
Minorities in the Profession Committee

Judges Discuss Their Paths to the Bench

by Asima Panigrahi

A panel of minority judges recalled their different paths to the bench and their experiences at the Sept. 26 meeting of the Association’s Minorities in the Profession Committee.

The panelists included Philadelphia Court of Common Pleas Judges Sheila Woods Skipper, M. Teresa Sarmina, Lori A. Dumas and Lillian Harris Ransom; Bucks County Court of Common Pleas Judge Clyde W. Waite; Philadelphia Municipal Court Judge Craig Washington; and Judge Cynthia Williams Fordham, an administrative judge with the Pennsylvania Public Utility Commission.

The speakers began their discussion by recalling how they each became a judge. Judge Woods Skipper was first appointed in 1998 and won a 10-year elected term in 1999. She noted “as a candidate for judicial service, I was expected to be political. Then once elected, I could not be political at all.” Judge Fordham was appointed in 1993 and has been with the Utility Commission ever since. Judge Waite was selected as a judge in Bucks County, and he said, “being a Democrat in Bucks County is like being a Maytag repairman. I was forced to act as both Republican and Democrat.” Judge Washington noted that before he joined the bench, he worked as an assistant district attorney and participated in community service. He said that the position gave him a great deal of long-term security, and “time to be a better husband and father.”

Judge Sarmina recalled her unsuccessful first run for judge. “It has to be something that you really want to do because it involves a great deal of work and preparation,” she said. Judge Dumas also lost when she initially ran for judge and was the youngest candidate in the election. She attributed her loss to a lack of political connections. She was then appointed before the next election and said “the lives you touch as a judge are priceless.”

Judge Ransom was on the ballot in 1993, and withdrew her name with the promise of support from the Democratic Party in 1995, when she was ultimately elected.

continued on page 9
Morris M. Shuster has announced the winners of the 2005 Shuster Fellowships at a Kickoff Party for the Philadelphia Bar Foundation’s Andrew Hamilton Ball at Boyds of Philadelphia.

The Shuster Fellowships, in the amount of $5,000 each, were awarded on Sept. 28 to Molly Callahan, legal director of Women Against Abuse; Luna K. Pattela, a trial attorney in the Mental Health Unit of the Defender Association of Philadelphia; and Jaime Sepulveda, a staff attorney in the Public Benefits Unit at Community Legal Services. The fellows were selected by random drawing from a pool of 24 qualified applicants.

The Morris Shuster Public Interest Fellowship Program was established in 2003 as a result of a donation by Shuster to the Bar Foundation. This program is intended to assist public interest lawyers who face large student loan obligations that threaten their ongoing ability to serve as public interest attorneys. Shuster’s contribution inspired another individual (who wishes to remain anonymous) to contribute a matching amount of money in 2003 so that the Bar Foundation could double the program’s capacity. Since 2003, Shuster Fellowships have been awarded to seven dedicated public interest attorneys. The Bar Foundation hopes to increase the capacity of the Fellowship program in the coming year. For more information about the Shuster Public Interest Fellowship Program, contact Mau-reen Mingey at 215-238-6334 or via e-mail at mmingey@philabar.org.

Three Shuster Fellowships Awarded

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MINORITY JUDGES continued from page 8

The judges then discussed the concept of merit selection. Judge Woods Skipper suggested “minority candidates might fare better with merit selection.” Judge Fordham noted that even with merit selection, politics will still remain part of the process.” Judge Waite said that merit selection gives candidates less incentive to meet people in the community, but added “there is no one-size-fits-all solution for every community.” Judge Washington suggested that there were good qualities in both systems and that “perhaps we should keep a modified version of the elective system.” Judge Sarmina said that merit selection could only work “if there were clear standards for the governing body to follow.” Judge Dumas warned that “young, female can-didates like me would not stand a chance under merit selection.”

The judges then offered tips to practicing attorneys, the most important of which was to be on time and to be prepared. Judge Waite then closed the discussion by stating that “if you want to be a judge everyone will take a hard look at you. Some people will like what they see and some people will not, but in the end, you have nothing to lose.”
people who use languages other than English. The committee will educate members of the Bar and the public about access to justice for immigrant groups and people who use languages other than English.

The committee will also educate lawyers about how to serve clients and prospective clients who are not citizens or who do not speak English. The education will relate not only to immigration law, but to how immigration status affects other legal issues that the individuals face.

The committee will work through the Association with courts and other agencies to improve access to justice for immigrant and non-English speaking populations.

“This has been a great year to launch all of our outreach to immigrant and non-English speaking communities and we’ve had much success with several new programs. This committee will keep that momentum going,” Chirls said. The Chancellor has appointed Robert C. Seiger III, who heads the litigation practice at White and Williams LLP, and Matthew D. Baxter, a sole practitioner and former chair of the local chapter of the American Immigration Lawyers Association, to co-chair the new committee.

Chirls said the program will also serve as the first meeting of the new Committee on Law Practice for New Americans. The committee will educate members of the Bar and the public about access to justice for immigrant groups and people who use languages other than English.

The committee will assist the Bar Association in taking positions on immigration law and the many other legal issues that affect the ability of immigrant groups and non-English speaking populations to have effective use of the legal system and other parts of our governmental system. The committee will also educate lawyers about how to serve clients and prospective clients who are not citizens or who do not speak English. The education will relate not only to immigration law, but to how immigration status affects other legal issues that the individuals face.

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Court–Bar Relationship Thrives With Formation of New Section

Section Spotlight: State Civil Litigation

Court–Bar Relationship Thrives With Formation of New Section

by Jeff Lyons

The Association’s new State Civil Litigation Section is thriving as it heads into its second year.

“Things have gone really well,” Co-Chair Randolph Garcia said of the nearly 500-member section.

The section meetings have been quarterly and the conference center at the Bar Association has been filled to the point where we’ve needed extra chairs. The high-powered speakers we’ve had have really drawn crowds,” Garcia said.

This year’s speakers have includ-
ed Pennsylvania Supreme Court Justice Sandra Schultz Newman and judicial team leaders from the First Judicial District.

“This year, our first as a Section, one of our top priorities was to work closely with the court to develop implementation of some of the recommendations from the National Center for State Courts report including making case man-

agement conferences and judge pro tem conferences more meaningful,” said co-chair Ronald A. Kovler. Garcia said some of the other rec-

ommendations made in the report are still being considered.

Garcia said the new section has made things easier for the court.

“They now have a central section to deal with, rather than several different committees. Whenever we have a section meeting, there are at least half a dozen judges in attend-
ance. The formation of the section has invigorated the relationship between the bar and court,” he said.

The section has divided its lead-

ership to make sure both the plain-
tiff’s and defense bar are represent-
ed.

“The leadership of the section is structured to ensure equal partici-
pation by the plaintiff’s bar and by the defense bar. This facilitates co-
operation, consensus and a credible voice when working with the court to address the needs of our mem-
bership,” said Kovler.

The section’s last meeting of the year will combine a holiday party and annual meeting, where the new officers for 2006 will be introduced.

The event will be held Monday, Dec. 12 from 5:30 to 7:30 p.m. at the Westin Philadelphia, 99 S. 17th St. Tickets for the event can be pur-
chased on the Bar Association Web site at philadelphiabar.org.

The section’s co-chairs for 2006 will be William P. Fedullo and Nathalee G. Wilkinson. Jeffrey M. Dashovsky will be the section secre-
tary and Thomas G. Wilkinson will serve as section treasurer.

Lynn M. Martosella and John M. Rodden will continue as co-chairs of the Section’s Compulsory Arbi-

tration Committee.

The Medical-Legal Committee will be run by Nadeem A. Bezar and Rochelle M. Fedullo. Robert T. Szostak and David J. Prewitt will lead the Rules and Procedures Committee.
YLD ZooBoolee Brings in Families, Friends

Vice Chancellor Jane L. Dalton and granddaughter Ciara Hoover (above) pose after a face-painting session. Scott P. Sigman of the YLD Executive Committee (right photo) works on judging the costume contest at the Oct. 16 event.

Brian and Jullie Shaffer (left photo) brought children Sabrina and Marissa to the 4th Annual YLD ZooBoolee at the Philadelphia Zoo. Cindy and Lizzie Gottlieb (right photo) were among those treated to music, face-painting, Halloween treats and child-friendly animals. Proceeds from the event benefited the Philadelphia Bar Foundation. More than 150 people attended the event.

Are Young Lawyers Souring on Profession?

by Natalie Klyashtorny

Every five years, the Association conducts a membership survey. The results of the 2005 survey are providing more questions than answers. Lawyers aged 40 and under comprise 27.7 percent of Bar members. What is the cause of this low figure? Are young lawyers dropping out of the profession? Are young people just not entering the profession in the first place?

Either explanation poses great problems for the future of the profession. If the numbers remain at this level, in 20 to 25 years, there will be a vacuum in the profession’s leadership.

The low number of young lawyers in Philadelphia is in conflict with the recent statistics showing that there are more young professionals living in Philadelphia than ever before. Are young people embarking on a career path and no longer viewing the law as an attractive profession? Has the bad press lawyers have been getting in recent years permeated to Generation Y and deterred them from pursuing law as a profession? Perhaps it could be word-of-mouth from disgruntled lawyer friends.

Another possibility for the low number of young lawyers in Philadelphia is that the profession is having problems retaining younger people. As chair of the Young Lawyers Division, I meet a lot of younger attorneys who confide in me. Although I cannot determine if young lawyers are leaving the profession in large numbers, I can attest that there are some unhappy and frustrated young lawyers out there. The reasons for their unhappiness vary from unfulfilled expectations to problems with work/life balance to not having enough autonomy in their work, etc.

The Young Lawyers Division has in the past and continues to present professional development programs to assist young lawyers in becoming better adjusted in the legal profession. On Friday, Nov. 11, we will be presenting the discussion program, “How to Survive Your Initial Years of Practice,” moderated by former YLD Chair Molly Peckman, special counsel and director of professional development at Pepper Hamilton LLP. The panel will feature mid- and senior-level associates who will discuss their own experiences and will give advice to junior associates on navigating the often-rough waters of the first years of practice. Although this program is geared towards the most junior members of our profession, I urge older lawyers to join us as well. Listening to the viewpoints of this current generation of young lawyers is sure to enable greater understanding and empathy between the generations. It is crucial to the future of the profession that we engage each other in a mutual dialogue, and I believe this will be an important first step for those older members of the profession to better understand young lawyers.

As the organized bar, we can deal with the problem of the declining number of young lawyers in one of two ways: by pretending that it does not exist or by tackling it head on. I submit to you that the only viable option is to confront the problem now. According to Sabrina Sacks Mann of Sacks Legal Search, “The cost of losing and replacing a junior to mid-level associate is generally estimated at $200,000 to $500,000. Law firms who are responsive to the needs of young lawyers will reap the rewards in spades not just in loyalty, hard work and greater retention, but also in a more profitable bottom line.”

More than words will need to be exchanged in the long-run, but we must begin with communication. Let us join together to make the legal profession a more attractive one for all.

Natalie Klyashtorny, an associate at Saul H. Krenzel & Associates, is chair of the Young Lawyers Division.

YLD UPDATE

are young lawyers souring on profession?

by natalie klyashtorny

every five years, the association conducts a membership survey. the results of the 2005 survey are providing more questions than answers. lawyers aged 40 and under comprise 27.7 percent of bar members. what is the cause of this low figure? are young lawyers dropping out of the profession? are young people just not entering the profession in the first place? either explanation poses great problems for the future of the profession. if the numbers remain at this level, in 20 to 25 years, there will be a vacuum in the profession’s leadership.

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Federal Courts Committee

Exiting Chief Judge Hopeful on Judicial Vacancies

by Jeff Lyons

Chief Judge James T. Giles says he is very indebted to his fellow judges for their committee work in keeping the District Court running smoothly.

Judge Giles is winding down his seven-year term in charge of the U.S. District Court for the Eastern District of Pennsylvania. His term ends Dec. 31 and he will be replaced as chief judge by Judge Harvey Bartle III.

"Each committee plays an important role in the administration of the court," he told members of the Federal Courts Committee at their Oct. 19 meeting, where he delivered remarks on the state of the court.

He said the court is short one district judge and one magistrate judge. He said the magistrate position will be filled "in due course," adding that applicants will begin being reviewed at the end of October. He said he hoped a new judge would be selected by February or March of 2006.

"The district court vacancy has been pending for 16 months. I'm hopeful a judge will be appointed soon," Judge Giles said, adding that Senate Judiciary Committee Chair Arlen Specter has told him the new judge will come from Berks County.

"There's been an increase in business in the northern tier and we need another judge," Judge Giles said.

He said three judicial officers have been trying civil cases in the Robert Nix Federal Building at 9th and Market streets. "It's a wonderful venue for a trial," he added.

Judge Giles also said the court has been engaged in various practice drills should there be a need to evacuate the courthouse at 6th and Market streets.

Clerk of Court Michael Kunz said the federal government set up "continuity of operation plans" following the terrorist attacks of Sept. 11, 2001. "This way, we are fully prepared to be operational with-in hours in case of an emergency," Kunz said.

COMMISSION

continued from page 1

Commission members are African-American, Latino or Asian-American. Each of the currently rated candidates was voted upon by the Commission. Those found "Recommended" satisfied a cumulative review of criteria including qualifications such as legal ability and training, trial experience, character, integrity, judicial temperament and mental and physical ability and community involvement. The complete criteria are available from the Bar Association.

The following judges, listed alphabetically, were found "Recommended" for retention to Municipal Court:

Hon. Yvillis W. Berry Jr.
Hon. Gwendolyn N. Bright
Hon. Matthew D. Carrafiello
Hon. Amanda Cooperman
Hon. Idee C. Fox

Hon. Renee Cardwell Hughes
Hon. Marlene F. Lachman
Hon. Patricia A. McNerney
Hon. Lillian Harris Ransom
Hon. Esther R. Sybester
Hon. John Milton Younge

The following judges, listed alphabetically, were found "Recommended" for retention to the Court of Common Pleas:

Hon. Hon. Idee Fox
Hon. John Milton Younge
Hon. Thomas F. Gehret
Hon. William Austin Meehan Jr.
Hon. Harvey W. Robbins
Hon. Alan K. Silberstein

The following judge was found "Not Recommended" for retention to Municipal Court:

Hon. Jimmie Moore
The Commission reiterated its ratings of the following candidates who have been found "Recommended" for election to the Court of Common Pleas:

Hon. Marilyn Heffley
Hon. Susan I. Schulman
Hon. Leon W. Tucker

The Commission reiterated its ratings of the following candidates who have been found "Not Recommended" for election to the Municipal Court:

Hon. Walter J. Olszewski
Hon. Frank Palumbo
Lizette Shirdan-Harris

The Commission reiterated its ratings of the following candidates who have been found "Recommended" for election to the Municipal Court:

Hon. Nazario Jimenez
Hon. Bradley K. Moss
Karen Simmons
David C. Suster

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have been found "Recommended" for election to the Municipal Court:

Hon. Nazario Jimenez
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This was the moment I thought would
never be excluded from positions of
women and minorities would never,
and I could help set the table so that
a little girl. I could help shape policies
and make a difference. This was the
moment I had dreamed of since I was
9, I was involved in the campaign
that elected the first city councilman
in our area. We won that election and I
came a coach at a playground that
still stands today,” she recalled.

By the time she turned 20, she knew
local and national politics and wanted
to get into the “big leagues.”

“I wanted to become a manager, a
strategist, an operative. I wanted to
make the decisions and that’s when I
realized that there was a glass ceiling.
I knew it was possible to achieve your
goals if you did not pay attention to
the opinions of others,” she said.

Brazile worked on her first cam-
paigns before the age of 10. At 16, she
ran the entire parish operation for
President Jimmy Carter’s campaign.

“One of the reasons why I believe
it important that we have women and
minorities at the table is to ensure that
this society is able to have the opinions
of others and the opinion of the maj-
ority of the people in this country. It’s
important to have women and minori-
ties in these positions so that we can
not only reflect the diversity but also
give the strength of our character so
that we can make decisions that truly
honor our democracy and our coun-
try,” she said.

Judge Beck recounted the many
lessons she’s learned in her career.
“In the early 80s, since I was the
only woman people knew in law
school, people felt perfectly free to cri-
ticize me. So-called friends and even
my pediatrician warned that my chil-
dren would come to no good... I recall
being on a panel at my synagogue
with an established lawyer. He chas-
tised me publicly and asked how could
I expect my children to turn out well
when they would be deprived on Fri-
day nights of the smell of chicken
soup.”

The bar in Delaware County also
expressed its disapproval. “In those
days, before an applicant could take
the bar exams, she had to be approved
by a county’s ethics committee. The
first time I appeared before the Dela-
ware County committee, they didn’t
approve me. After all, how could a
woman with household responsibilities
and four children be morally fit if she
attended law school? A second com-
mittee was convened, they approved
me and I passed the bar exam,” she
said.

“The last lesson I learned was to
periodically reinvent yourself. In 1995,
I joined the board of the Independence
Foundation. Now I’ve been asked to
become its chief financial officer and I
said yes. I am reinventing myself. I
know it will be invigorating, a new and
different challenge. I shall miss the
court, my colleagues and especially my
staff. But it’s time for me to push on, to
reinvent myself and to learn more
lessons from my career,” she said.

A Michael Pratt, chair of the
Brennan Award Committee, introduced
Judge Ludwig, calling him a man who
“stands as a model of what can make a
jurist so extraordinarily valuable. His
reputation as a judge is stellar. But he
has also served as a guiding light for
generations of law students, legal pro-
fessionals, policy makers, juvenile jus-
tice professionals and mental health
professionals. His work over a period
spanning nearly 40 years has been tire-
less, clearheaded and blended the best
of compassion and fairness. I can think
of no one more deserving of the distin-
guished jurist award,” he said.

“This award, named after a towering
figure in our jurisprudence, is one of the
finest tributes that any member of the
judiciary could hope to receive. I am
extremely appreciative and flat-
tered,” said Judge Ludwig.

“A judge enjoys a particularly fine
status when it comes to improving our
work product. A judicial office is quite
secure and a judge’s phone calls are
often returned. A judge who doesn’t
have a partisan agenda can often
accomplish a great deal in the public
sector,” he said.

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Legal Clinic for Disabled Events

A team of volunteers, board members and staff members from the Legal Clinic for the Disabled paddle their dragon boat (above) in the Fourth Annual Philadelphia Dragon Boat Festival on the Schuylkill River on Oct. 1. Emerald Business Supply, the Buchanan Family, and John & Nancy Green sponsored the team. According to Executive Director Thomas Prettyman, “The dragon boat races were a great way for all of these people to meet each other and work together as a team.” There were 128 teams entered in the 500-meter races. The Phillie Phanatic (right photo) is joined by LCD Board members Jeffrey Lichtman, Sandy Schmehl and Mary O’Donnell-Green at the LCD’s 14th annual Stroll and Roll on Boathouse Row. Sixty participants walked, ran or rolled over a three-mile course to raise over $41,000 to support the Legal Clinic’s programs.

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Nov. 11 Program to Help Young Lawyers Survive Initial Years

The Young Lawyers Division and the Association’s Membership Committee will present a panel discussion, “How to Survive Your Initial Years of Practice,” on Friday, Nov. 11 at noon at Association headquarters, 1101 Market St., in the 11th Floor Conference Center. Topics for discussion will include acquiring the skills needed to succeed in your early years of practice; building professional relationships with coworkers and supervisors; navigating office politics; balancing work-life responsibilities; and related issues affecting younger lawyers.

A diverse panel of young practitioners from different areas of practice and firm and office sizes will participate. The event will be moderated by Molly Peckman, special counsel and director of professional development at Pepper Hamilton LLP, and co-chair of the Association’s Women in the Profession Committee. Bring your questions for this highly interactive discussion.

A complimentary lunch will be served, but R.S.V.P. is required. To R.S.V.P., please send name, e-mail address and phone number of attendee(s) to Marisa Kossakowski at mkossakowski@philabar.org.

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History Lessons Included.
The Aristocrats," an unbelievably obscene documentary about the telling of a joke, as discussed by a variety of famous comedians, is the kind of film most of my friends would abandon for the lobby. It traces an old joke as comedians discuss the nature of comedy and the art of making outrageous things funny. Whoopi Goldberg and Bob Saget were hilarious in their ruminations, but the prize goes to the illustrious Friar's Club alum Pat Cooper, who made a disgusting joke funnier by exhibiting signs of disgust with the subject even as he was telling the joke. The film is a illustration of what makes things funny, and the movie was achingly, obesessingly funny. Had I been the thief for personal purposes only, I would have beaded for the lobby also. As it was I got an extra kick out of observing the college boys next to me heaving hysterically at thedirty joke. Whether they understood it is beside the point. Those pesky kids don't know from musicals, and that, in a way, is a pity because no one can be sure of their underlying humanity if all they appreciate is pornography and violence.

Musicals Re-Released

Warner Brothers has re-issued a set of the Fred Astaire–Ginger Rogers musicals, and in superb reform to two volumes, the second of which has not yet been released. But the first release contains movies like Flying Down to Rio, directed by Thornton Freeland and starring Dolores Del Rio (one of the great screen beauties of the golden era) and Gene Raymond, a popular light-weight of the 30s who married Joanne MacDonald. The score was by Vincent Inglett Berlin) and Swing Time (music and lyrics by George and Ira Gershwin). The famous composition and its theme were the hit of the film and that the dancers create numerous triumphant numbers. The most exuberant Pick Yourself Up, Dust Yourself Off! Start All Over Again is the apotheosis of high-style hoofing. The salute to Bill "Bagatelle" Robinson and the finale Never Gonna Dance integrate many of the songs in the movie (The Way You Look Tonight, A Fine Romance, Ballo in Swing Time) in a dazzling ballet in what was surely the classiest musical of the 1930s. Another film in the set is Top Hat (1935) in which the two dance on skates. It is all perfectly swell.

Astaire and Rogers provided entertainment that was high art of the classiest variety. Their efforts were essential-ly American-popular meets the great classics of dance. The meld was genius and the public knew it. The style was flawless and the dancers floated above reality into a glittering world of art deco. One critic described the sets as a heavenly powder room in which the well dressed danced on shiny floors. Ginger Rogers wore elegant gowns to Astaire's tuxes. He was an intimate of admiring royalty and the public embraced him after his film debut in 1933 even though he was considered a balding stick of a man. But that dancing!

There is no room for Astaire and Rogers in today's world, or Cary Grant or William Powell and Myrna Loy for that matter. Part of what they did was to provide escape and entertainment with the kind of class that people wished they had but could not afford. Today's audiences have more money than those of the 1930s and are less concerned with things that really mat-ter such as survival and hope: Their struggling country is no longer guard-ed by a great man who distrusted fascists in Europe and fought corporate fascism at home for them. Today they are satisfied with a government that stooges for corporate entities, including those that own the studios. That is one of the reasons why the movies, like the country, seem shabby when compared with what went before.

Marc W. Reuben, a sole practitioner, is an advisory editor of the Philadelphia Bar Reporter. He has been writing about the arts and media since 1973.
Carmine’s Creole Café
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by Skinny D. Bockol

I went to New Orleans for Mardi Gras once... ONECE. Cachemurizing drunken men are seen making plan- gent and crude requests of equally salivating and intoxicated women, so that the latter will expose themselves for brusque threes of beaded accom- trections by the former. The crowds are raucous, groping, puerile and ill-scented. At some points, you are unable to move either your arms or your feet, and are dragged, appendages pinned, to wherever the conventicle pulls.

I also visited the Lake Pontchartrain waterfront restaurants, which sadly may no longer exist, and first gorman- dized upon plates of andouille, jambal- aya, and among renegade remoulade sauces.

Carmine’s is a delight to enter. Walls are basic brick at sides, golden Tuscan wallpaper over shoulder, and dark pink tuscia paint everywhere else: four for- gettable rectangular rooms are assembled over foot-square Italian tiled flooring. A huge hanging gilded mirror Frano- philes the dining area. A four-stool bar hangs the open kitchen, whose glow of stainless steel facades makes eyes twinkle in reflection. Black wrought iron flamboyant sculptures, candle wall sconces, overhead fans and incandescent glass lamps create just the right French-Italian-Spanish ambiance for grand Creole cuisine.

Marketed white-on-black table- tops are neatly littered with wine and water glasses, for BYOB pouring. Nar- berth has its first true “destination” restaurant. The restaurant recently has moved from its former commercial-street site in Havertown to its new more elegant digs in a residential area in neighborly Narberth. So, side-street parking is a necessity, and often difficult to find, unless you arrive by 6:30 p.m.

You may wish to begin with crispy sea scallops ($7 small; $18 large), or crawfish spring rolls ($10). The hefty scallops arrive coated and steaming, giving off apparent smoke signals directing you to halve them equally and to dunk either half into a concoc- tion of black currant and balsamic reduction. Perfectly pearly interiors are moist and sweet. A taste of the first half without the sauce is pristine upon the tongue. That same tongue then curls in anticipation of cracking the other half embraced by the congealing purple dip. Front teeth bite at the scallop first, as it moves inevitably backwards toward coddling molars mashing and splashing in the flavors of the immersed reduction. Swallow with sor- did sanction, as balsamic blasts of wine make your mind wonder if you can fork another scallop as quickly as your cerebrum and lips require.

The crawfish spring roll is redolent of soy ginger sauce. Its skin’s color re- sembles that of an old cigar, cracking as you slice through it, toward its in- nards loaded with red crawfish chunks and golden stuffing. The ginger sauce adds a delayed flame to one’s larynx as you ask anyone nearby to fill your wa- ter glass. If you adhere to the philoso- phy that your eyes must water and nose must run in order for a meal to be acceptable; then just keep on pick- ing “blackened” entrées, spicy gumbos, spicer jambalaya and spiciest items culminating in anything soaked by cayenne crawfish stock.

If you’re more like me, head for cre- ole chicken andouille fricassee ($15), or deviled jumbo lump crabmeat cake ($21). I defy you to say you’ve ever had a tastier crab-clumped melange. It’s a fresh and devilishly flavorful mixture of meat from crab claws and chests. Its cup runneth over in red pepper beurre blanc sauceiness upon a cloud of grilled spinach. Each mouthful is like going to heaven.

The chicken fricassee is slowly stew- ed chicken with thick-sliced andouille sausage, provided over roasted garlic mashed potatoes. Moist and modifying, the chicken simply slides upon your palette. The sausage pieces are as gar-licky as the potatoes beneath them, adding a ticklingly tardy tempo as the ingredients meld. Huge portions pre- vail.

Another “main course,” the pork loin ($16), is filled with crawfish herb stuffing topped with crispy crawfish tails, grilled mushrooms and pan gravy over braised collard greens. Every morsel exceeds expectations but for the over-supply of nearly raw garliclovity (flots of halved cloves still white). Final- ly, never miss the short ribs ($25) when available. Need I say more than they’re bountiful, boneless, succulent to a fault and surrounded by, of all things, fried oysters.

I am proud and happy to have practiced law in Narberth for many years. What a joy to see it continue to grow culinarily. I will only avoid all this jazz on Mardi Gras.

Skinny D. Bockol, a sole practitioner, is an advisory editor of the Philadelphia Bar Reporter. His reviews are avail- able online at www.bockol.com.
Reasons Vary for Lateral Partner Movement

by James LaRosa and Gary Mintz

Legal publications regularly include articles detailing the movement of lateral partners and practice groups. As recruiters, we have seen a tremendous increase in the number of partners and groups inquiring about new opportunities, as well as firms looking for lateral partners and groups that would be good matches for their firms.

Why are all these partners looking to make a move? Every situation is different, but there are a few reasons that are cited the most often.

**Compensation:** Compensation is often the reason partners begin to test the waters. Just as often, compensation is the reason that partners do not make a move. Partners that generate a significant amount of work for their firm may be interested to find out if their firm’s compensation structure rewards them as well. Partners that generate a significant amount of work for their firm may be interested to find out if their firm’s compensation structure rewards them as well. While another firm may believe he or she would be able to generate litigation work from a current main contact with a client or clients for several years. These are new clients with whom they have developed their own independent relationships, and clients who send work directly to them. But because of the origination fee structure in place at many firms, these attorneys now maintain the relationship and obtain the work may never see any monetary reward for bringing work into a group and firm merger activity in recent years, it is not uncommon for a partner to find that his or her existing client or clients may cause the firm a conflict with a new lateral partner, group or merger.

**Origination Credits:** Tied very closely to the compensation issue, we often speak with senior-level associates and junior partners that have been the main contact with a client or clients for several years. These are new clients with whom they have developed their own independent relationships, and clients who send work directly to them. But because of the origination fee structure in place at many firms, these attorneys now maintain the relationship and obtain the work may never see any monetary reward for bringing work into a firm. These attorneys explore opportunities that would allow them to see a financial benefit for the relationships they have developed and the businesses that they are now generating.

**Billing Rates:** This is probably one of the biggest reasons we see partners looking to explore other options. Many of the AMLAW 200 firms have increasingly set the bar higher for partner billing rates and the escalation of partner billing rates. There are a great number of attorneys, with significant portable work, that simply could not keep their clients if they were to change the rates dictated by their firms. These attorneys are often more successful at keeping and growing their client base at firms that allow them some flexibility with their billing rates.

**Platform:** The term “platform” is probably the most over-used word when speaking to partners looking at new opportunities. In many cases, it is the most important fact they consider when evaluating a move. Some attorneys may have the ability to generate more work from existing clients, possibly even outside of their practice expertise, or generate new clients, if their firm had some additional practice area specialties or a certain geographic presence. A typical scenario may be a corporate rainmaker that believes he or she would be able to generate litigation work from a current client if their firm had a particular litigation specialty or presence in a particular market.

**Current Firm Not Supporting a Practice Area:** Almost the opposite of looking for the opportunity for a better platform is the situation where a partner is generating business, and feels that he or she could generate more except that the firm has made the decision that such practice area is no longer an area in which they want to focus, or make an important part of the firm. In this case, attorneys may feel that they are not given opportunities to ‘cross sell’ their practice to other clients in the firm, not given the associate and support staff needed to grow their practice, and not provided with the marketing budgets required to grow their practices.

**Conflicts:** Another reason that we are seeing with increasing frequency is the partner whose current client or clients have now become a conflict with a potentially new, most likely bigger, client. With the sheer volume of partners and junior partners that have been the main contact with a client or clients for several years. These are new clients with whom they have developed their own independent relationships, and clients who send work directly to them. But because of the origination fee structure in place at many firms, these attorneys now maintain the relationship and obtain the work may never see any monetary reward for bringing work into a firm. These attorneys explore opportunities that would allow them to see a financial benefit for the relationships they have developed and the businesses that they are now generating. Partners that generate a significant amount of work for their firm may be interested to find out if their firm’s compensation structure rewards them as well. When the sheer volume of partners and junior partners that have been the main contact with a client or clients for several years. These are new clients with whom they have developed their own independent relationships, and clients who send work directly to them. But because of the origination fee structure in place at many firms, these attorneys now maintain the relationship and obtain the work may never see any monetary reward for bringing work into a firm. These attorneys explore opportunities that would allow them to see a financial benefit for the relationships they have developed and the businesses that they are now generating.

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**Current Firm Not Supporting a Practice Area:** Almost the opposite of looking for the opportunity for a better platform is the situation where a partner is generating business, and feels that he or she could generate more except that the firm has made the decision that such practice area is no longer an area in which they want to focus, or make an important part of the firm. In this case, attorneys may feel that they are not given opportunities to ‘cross sell’ their practice to other clients in the firm, not given the associate and support staff needed to grow their practice, and not provided with the marketing budgets required to grow their practices.

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HAP, Other City Agencies Aid Hurricane Katrina Victims

by Marsha I. Cohen

The Homeless Advocacy Project answered the call to help victims of Hurricane Katrina in the city’s make-shift shelter at the Wana maker Middle School in North Philadelphia in September. HAP and 22 other service providers set up a daily legal clinic in the gym at Wana maker to help the 1,500 victims of Katrina who made their way to Philadelphia in the wake of the hurricane.

To HAP’s delight and surprise, the “one-stop-shopping” model of service delivery envisioned by the city’s Office of Emergency Shelter and Services - the city agency charged with overseeing the city’s shelter system – worked. One of HAP’s first clients was Rita who had spent three days in her attic watching cars float down her street following the hurricane. After chopping her way through the roof of her house, she was ordered by National Guardsmen to abandon her home. Rita and her daughter were flown to Philadelphia.

In the first week, HAP helped Rita apply for Social Security Disability Benefits and arranged a psychological evaluation for post-traumatic stress. The Health Department at Wana maker supplied her with diabetes and blood-pressure medications. The Red Cross provided clothes and toiletries. ARAMARK was on site for three hot meals and snacks. The Philadelphia Housing Authority took the residents on daily tours of available apartments. By week two, Rita’s mail was re-routed to her post office box at Wana maker where FEMA and the Department of Public Welfare – two of the service providers sharing the gym with HAP – sent her a $2,000 hurricane award, medical assistance cards and first cash assistance checks.

In week five, as HAP was packing up its daily legal clinic for the last time and Rita was preparing to move into her PHA apartment with furniture supplied by OESS, Rita’s mail brought a notice from Social Security that her request for SSI benefits had been granted.

As HAP departs Wana maker, the lessons of social service collaboration remain. As Philadelphia prepares to implement a 10-year plan to end homelessness, we call on the city to extend the lessons and success of Project Brotherly Love to its own homeless citizens.

Marsha I. Cohen is the executive director of the Homeless Advocacy Project.

Katrina Damage, Relief Recalled by Panelists

by Karen Detamore

Philadelphia Court of Common Pleas Judge Willis W. Berry Jr. said he is no hero, but when he saw the devastation left by Hurricane Katrina, “I was just so touched by the scenes I saw on TV I had to do something.”

Judge Berry was joined by Acel Moore, a Pulitzer Prize winning columnist at The Philadelphia Inquirer; Matt Erulkar, former editor of the American Society of Media Photographers; and Michael Perret, a Loyola-New Orleans law school student temporarily relocated to Temple University Beasley School of Law, at an Oct. 6 panel discussion “Natural Disaster, National Disgrace: Race, Civil Rights and Hurricane Katrina.” The event was sponsored by the Association’s Civil Rights Committee.

Judge Berry spoke of his journey as a volunteer transporting water, clothing, and other supplies to hurricane victims in Franklinton, La., continued on page 20

Philadelphia Court of Common Pleas Judge Willis W. Berry Jr. addresses the Civil Rights Committee on Oct. 6 as moderator Karen Detamore and Acel Moore look on.

HAP, Other City Agencies Aid Hurricane Katrina Victims

Continued on page 20
FRONTLINE  
continued from page 3

That is one of the reasons why I’ve made outreach to immigrants and non-English speaking communities a priority this year. These are the people who promote, participate in and stimulate much of our growth. And we’ve also joined with others in the region to champion new tax policies that will help our city grow. Soon, we will conduct a comprehensive economic study of our legal community so that we can demonstrate our worth and advocate effectively for the city and the region.

Our Association and our law firms must be at the table as the future of our city and our region unfolds. We cannot wait to react. We must not shrink from civic engagement. Always, we need to think in terms of expansion rather than mere containment.

That’s why we went to Chicago and why we will continue to join with others to seek new ideas and new strategies that will chart a robust future for the region.

Judge A. D. Hardy, a partner of Weil, Gotshal & Manges, is Chancellor of the Philadelphia Bar Association. His e-mail address is adhardy@philbar.org.
Court Doing More with Less, Judge Says

The First Judicial District continues to accomplish more with diminishing financial resources, President Judge Frederica A. Massiah-Jackson told attendees at the Association's Bench-Bar Conference Opening Luncheon on Sept. 30 in Atlantic City.

Judge Massiah-Jackson touted the First Judicial District's commitment to technology. She said the court is committed to providing access to justice for all litigants, jurors, victims, witnesses, relatives of litigants and to the attorneys who earn their living in the courtrooms.

"Access to justice has been the hallmark of the FJD during these past five years. We have been able to focus on access due in large part to the framework set in motion by judicial and administrative leaders of earlier years," she said.

“Our FJD has seen challenges and opportunities. Administratively, we have made amazing progress by using technology and integrating it in the day-to-day function of the courtroom,” Judge Massiah-Jackson said.

“In the fall of 2001, our Administrative Governing Board sponsored a Technology Day – a showcase of electronic and technological initiatives. It was an impressive display of technology project displays from every court and every division in the FJD,” she said.

“Today, as we confront resources that are more limited than five years ago, we depend on technology as part of our management and to control costs. Technology also enhances the public’s access to the courts. In the Family Court Division, our ICM program of Improved Case Management provides incentives toward our fiscal 2007 goals for child support to become self-sufficient. In the criminal courtroom, the court tipstaves have been trained in data entry. This reduces the need for hiring additional staff, reduces extra hearing dates and enables the judge to set a trial date with more certainty," she said.

“Our Traffic Court and our Civil Discovery Courtrooms accept credit card payments for certain filings. In Discovery Court, you can use a credit card for civil motion filings. And Philadelphia is the only city where the Traffic Court accepts credit card payments. Violators who plead guilty or not-guilty electronically. Technology has come to Orphans’ Court where e-filing is mandatory. Of course, Orphans’ Court achievements are a springboard to civil division’s e-filing presently scheduled for 2007," she said.

"As we remain committed to our goal of Access to Justice – with resources that are not expanding, but on the contrary seem to shrink – justice continues to be expensive," she said, adding that the FJD has nearly tripled its spending for court interpreters in the last five years.

“Our judges are committed to breaking down barriers to justice. Our organization is committed to the administration of justice. We will never say that we have accomplished all there is to do – justice, fairness, due process are ongoing and continuing goals. Our Philadelphia courts will continue to evolve and we continue to maintain high expectations for achievement,” she said.

Common Pleas Court Judges Robert S. Blasi, William F. Manfredi, Joseph D. O’Keefe, D. Webster Keogh and Myrna S. Blasi, also addressed the audience, briefly discussing the state of their respective courts. Common Pleas Court Administrative Judge James J. Fitzgerald III highlighted some of the key initiatives undertaken in the trial division in the past year.

“The National Center for State Courts completed a study of the civil side of the court and concluded that the civil section of Philadelphia’s trial division is ‘arguably the best-managed large urban civil trial court operation in the nation,’” he said. Judge Fitzgerald said that in January he convened a committee and appointed Judge Manfredi to review each of the 44 recommendations contained in the study. He said the court has already proceed ed with the implementation of many of those recommendations.

“Three months ago, we embarked on a two-year project to bring electronic filing to the civil side of the trial division. As I am sure you know, e-filing will allow attorneys and the public to file and view documents over the Internet 24 hours a day, 7 days a week. Based on the experience of orphan’s court, we are confident e-filing will reduce the amount of paper handled within the court, reduce costs for the court and attorneys, and enhance service to the public and to the bar,” he said.

The new gun court, under the leadership of Judge Jeffrey Minehart, has achieved great success, Judge Fitzgerald said. "Before we meet next year, the new statewide automated criminal case management system will be in operation. The new system, which is due to roll out in June 2006, will standardize computer processes throughout Pennsylvania and provide users with greatly enhanced search mechanisms," he said.

"For example, the new system will allow you to search criminal incarceration background records and a defendant’s open cases throughout all counties of the state, and you will have the court calendar available to you at your desktop. This will guarantee consistency in information throughout the state," Judge Fitzgerald said.

"As you can see, it has been a busy and productive year but the success of the court can be attributed, in large part, to the good working relationship the court enjoys with members of the legal community," he said.

"I look forward to another productive year. My door is always open. I encourage you to contact Judge Keogh, Judge Manfredi or me with any suggestions or recommendations you may have for improving the ever-evolving system in which we all operate. It is only from this alliance, working with each other, that we can continually to effect great results," Judge Fitzgerald said.
Much to Consider When Venturing Out on Own

by Jeff Lyons

There are ethical, legal, financial and family issues to consider when setting up a new law practice, Court of Common Pleas Judge Howland W. Abramson said at a Bench-Bar Conference on “Important Considerations in Developing a New Law Practice.”

“When you’re going out on your own, get someone in mind to mediate disputes between you and your old firm,” Judge Abramson said. He was joined on the panel by Chancellor-Elect Alan M. Feldman, Andrew D. Swain, Laura A. Feldman and James E. Elam.

Judge Abramson said it’s not up to the attorney to decide what to do with a client. “It’s the client’s decision. It’s not your client. It’s the firm’s client,” he explained.

The judge said attorneys have to be careful once they’ve announced they’re leaving a law firm to go out on their own. “You can’t use the firm’s resources to feather your nest once you’ve terminated your employment,” he said, meaning that use of company property and materials is not allowed.

“You can announce to clients, but not solicit, your availability. There is no discouraging or encouraging allowed,” he said. “If you’re going to be successful, it’s not because you’ve stolen clients from your old firm.”

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Chancellor-Elect Feldman said it’s a good idea to try and reach agreements with your old firm to avoid messy fights.

When starting your own firm, Laura Feldman said it’s important to start small and have your financing in place. “Be reasonable and know your limits. Make a business plan and know what your expenses are,” she advised. “You can outsource things to accountants and insurance people so you can concentrate on the law.”

Alan Feldman said he used his Bar Association activities as his main marketing tool when seeking out new clients. “I had friends at other law firms who didn’t do the same kind of work I did. It’s a good way to get referrals.”

Elam, who concentrates in entertainment law, said he’s always been a student of the media. “You need to figure out who you want to buy your product and who talks to those people. Then I figured out how to get in a room with those people.”

“I go to as many events as possible so I can meet people who don’t do what I do. I’m creating visibility for myself and respect for my abilities,” Elam said.

Another important consideration is taking on a partner. “Never take on a partner who you can’t trust completely like a brother or a sister. Never, never, never,” warned Alan Feldman.

Trust Issues Hinder New Arrivals

by Jeff Lyons

Mexican immigrants have a distrust of the criminal justice system in this country because of the state of the system in their home country, Mexican consul official told attendees at a Sept. 30 Bench-Bar seminar.

“The Mexican justice system is broken. There’s a high degree of corruption and a distrust of the system. A survey taken five years ago revealed that 90 percent of the people in Mexico don’t trust the police,” said Rocio Vazquez Alvarez, consul of protection for the Mexican Consulate in Philadelphia. She was joined by panelists Virginia Gutierrez, Marla Soffer and Bar Association Assistant Executive Director Paul J. Kazanas.

Alvarez said that distrust carries on when Mexican nationals move into the United States.

“They don’t understand the legal system here. There are language and cultural differences to overcome,” she said.

Alvarez estimates that there are 10 million Mexicans living in the United States and 60 percent of them are undocumented. She said they take jobs in the service industry or in construction and manufacturing.

Alvarez’s job at the consulate is to help Mexicans in this country get legal help. She recounted the story of a 14-year-old pregnant girl with a 19-year-old boyfriend who came to the consulate because she wanted to get an identification card so they could get married. “It’s a different culture. An arrangement like this isn’t uncommon in Mexico. She just wanted an ID card, not a lecture. But I warned her about statutory rape and other things she might face.”

One of the other problems facing the people seeking help is that interpreters often don’t understand the culture of the people with whom they’re dealing. Alvarez said there are 46 Mexican consulates in the U.S. and they handle 100,000 protection cases a year.

“We’re not lawyers, but we help them as best we can,” she said, adding that the consulate has produced a DVD to show people the resources that are available to them. The DVD will help Mexicans in this country understand what the system is like in this country and their protections within the system.
Business Privilege Tax Called Key to City’s Future

by Mark A. Taraszewicz

What can Philadelphia lawyers do to help Philadelphia’s business environment grow?

According to Gregg R. Melinson, chair of the Eastern Division of the Pennsylvania Economy League and a partner in Drinker Biddle LLP’s government affairs practice group, it has been clear that Philadelphia needs to compete on a regional level and have strong, visionary leadership in government as well as the business community.

Melinson discussed, “Do We Mean Business in Philadelphia?” along with Paul Levy, executive director of the Center City District of Philadelphia, and Meryl Levitz, president and chief executive officer of the Greater Philadelphia Tourism Marketing Corporation, at the Closing Luncheon of the Bench-Bar Conference on Oct. 1. The discussion was moderated by Chancellor Andrew A. Chirls.

“This next mayoral election is going to play an in-credible role in our city’s life for generations to come,” Melinson said. “I hope you all play a very strong and vocal part.”

Melinson identified the Business Privilege Tax issue as critical from a variety of standpoints. “If we refuse to address that issue, which continues to nag the city, we will continue to force jobs and economic opportunity out into the suburbs,” he said.

“Equaly important, he said, is deciding as a region to compete, and figuring out what Philadelphia’s competitor regions are doing. He suggested that the region needs to build around its strengths and competitive advantages.

According to Levy, the answer to the question of whether Philadelphia means business is, “it depends.”

“It depends on whether those people in the business community, in the civic community, and the political community decide if we have a passion for excellence, and decide that we have a passion to compete,” Levy said. He added that Philadelphia also is a city that has capability for self-inflicted wounds.

“Don’t have any doubt, our geographic area is a city that has capability for strategic asset,” Levy said. “This next mayoral election is going to play an in-credible role in our city’s life for generations to come.”

According to Levy, the geographic area of Front Street to 40th Street and Spring Garden Street to South Street represents four percent of the land area of the city and generates 57 percent of all wages, Levy said. This is supported by an extraordinary regional transportation network, which is a major asset and a great opportunity. Regrettably, he said, that network has suffered from lack of funding, lackluster marketing and no enhanced information technology.

Levy also referenced the “huge economic generation” that is occurring downtown. Two-thirds of the jobs in office buildings in Center City pay between $20,000 and $50,000 a year, he said.

“In 2003, the economic backbone was downtown,” Levy said. “The problem, quite simply, is that only four percent of the electorate live there...and yet that is our strategic asset.”

“Either we engage in these false choices and pit downtown versus neighborhoods and pit building trades versus business community and we go nowhere, or we decide that we’re really going to have an agenda for growth.”

According to Levitz, Philadelphia didn’t “choose happiness” until the early 1990s, when hospitality was identified as a growing industry.

“What we did was first listen to people and we found that they did not have a bad image of Philadelphia, they had no image of Philadelphia whatsoever,” Levitz said.

GPTMC now has 20,000 digitized photographs that are used all over the world to represent Philadelphia. The marketing of the city has changed a great deal, Levitz said, through the use of carefully selected marketing terminology and success stories such as the global broadcast of MTV’s “The Real World,” the largest Live 8 concert on the planet and a National Geographic Traveler feature portraying Philadelphia as “the next great city.”

“When all of these things happen, you see a youthful, vibrant life that serves well to not only to attract a tourist population, but also a permanent population,” she added.

“All of these things have been working together very nicely because there was a strategy for it.”

Programs Cover Wide Variety of Topics

Panelists for the program “Effective Technology for Commercial Trials: Bring Your Case to Life and Show the Jury Your Perspective” included (from left) James DeCrecenzo, Randolph D. Ginz, Judge C. Carnell Jones and Howard D. Scheer.

Panelists for the program “Family Law Updates on Divorce: Equitable Distribution, Support and Custody” included (seated, from left) Elaine Smith, Judge Idee C. Fox and David J. Steerman and (standing from left) Milton S. Savage Jr., Karen F. Zeltz, Carol E. Cardonick and David I. Grunfeld.
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### 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.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>Monday, Nov. 7</td>
<td>Minorities in the Profession Committee – meeting, 12 p.m., 11th floor Committee Room South.</td>
</tr>
<tr>
<td>Monday, Nov. 8</td>
<td>Philadelphia Bar Reporter Editorial Board – meeting, 12:30 p.m., 10th floor Cabinet Room.</td>
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<tr>
<td>Wednesday, Nov. 9</td>
<td>Appellate Courts Committee – meeting, 12 p.m., 10th floor Board Room. Lunch: $7.50.</td>
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<tr>
<td>Wednesday, Nov. 10</td>
<td>Solo and Small Firm Committee – meeting, 12 p.m., 11th floor Conference Center: Lunch: $7.50.</td>
</tr>
<tr>
<td>Friday, Nov. 11</td>
<td>Women’s Rights Committee – meeting, 12:15 p.m., 11th floor Committee Room South. Lunch: $7.50.</td>
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<tr>
<td>Monday, Nov. 14</td>
<td>Business Law Section Executive Committee – meeting, 12 p.m., 10th floor Board Room.</td>
</tr>
<tr>
<td>Tuesday, Nov. 15</td>
<td>Cabinet – meeting, 12 p.m., 10th floor Board Room.</td>
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**Worker's Compensation Section Executive Committee** – meeting, 10:30 a.m., 11th floor Committee Room. Lunch: $7.50.

**Family Law Section Executive Committee** – meeting, 12 p.m., 11th floor Committee Room South. Lunch: $7.50.

**Criminal Justice Section Executive Committee** – meeting, 12:15 p.m., 11th floor Committee Room South. Lunch: $7.50.

**Cabinet** – meeting, 12 p.m., 10th floor Board Room. Lunch: $7.50.

**According To...**

**What is Your Dream Car?**

- **Donna Lee Jones:** My dream car is a 1967 candy apple red Mustang convertible. I’d drive it with the top down, the radio on, and with matching lipstick. Then no one would suspect that I was closer to 40 than 30!"

- **Ryan Anderson:** “For me, it would have to be a perfectly restored black 1964 Chevrolet Impala. The car is a classic. It looks cool. The dream part is that I would look cool in it.”

- **John Ghose:** “Even if gas mileage weren’t an issue, I’d want the Lexus SUV hybrid. There’s no sense in polluting the environment, even in your dream car.”

**Thanksgiving** – Bar Association offices closed.

**City Policy Committee** – meeting, 12 p.m., 10th floor Board Room. Lunch: $7.50.

Committee on the Legal Rights of Persons with Disabilities – meeting, 12:30 p.m., 11th floor Committee Room.

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celebrating the 250th anniversary of mint a commemorative silver dollar
in securing the passage of a coin bill to Fox Rothschild LLP, was instrumental
Civil Procedural Rules Committee.
Cozen O'Connor, has been appointed
in Philadelphia.
Institute seminar in Philadelphia.
practice in Pennsylvania as a featured
Philadelphia.
Association of Criminal Defense
Institute program "Common Sense in the Courtroom" at the
receives a one-night course 
on divorce at


Carl B. Everett, a partner with Saul Ewing LLP, has been appointed to the YMCA of Philadelphia & Vicinity's Board of Directors for a three-year term.


Mitchell S. Kaplan, managing shareholder of Zarwin Baum DeVito Kaplan Scherr Toddly PC, recently spoke on current issues impacting the insurance defense practice in Pennsylvania as a featured speaker for a Nital Business Institute seminar in Philadelphia.

William E. Stewart, a member of Cozen O'Connor, has been appointed to the Pennsylvania Supreme Court's Civil Procedural Rules Committee.

Louis Fryman, chair emeritus of Fox Rothschild LLP, was instrumental in securing the passage of a coin bill to mint a commemorative silver dollar celebrating the 250th anniversary of the birth of Chief Justice of the Supreme Court, John Marshall. This is the first time a U.S. coin (regular issue or commemorative) has featured a Supreme Court Justice or the Supreme Court as in institution.

Jennifer A. Brandt, a member of Cozen O'Connor, recently served as an instructor for a one-on-one course on divorce at Havertford Township Adult Family Issues including assessing prepared for and getting through a divorce, custody issues and finalizing a divorce.

Dorothy K. Phillips, founder and managing partner of Dorothy K. Phillips & Associates, LLC, was recently featured on CNBC’s "Your Morning" on segments on the complexities of splitting assets during divorce proceedings and third party custody issues.

Gary A. Rochestie, principal of Gary A. Rochestie & Associates, LLC, has been appointed to the Pennsylvania Supreme Court's Civil Procedural Rules Committee.

Ned Bark, a member of the Law Firm of Howard M. Goldsmith, P.C., has been elected first vice chairperson of the Pennsylvania Bar Association Family Law Section.

Thomas J. Jennings, special counsel with Saul Ewing LLP, was elected vice chair of the Bucks County International Trade Council at the annual meeting held at the Keystone Industrial Park Complex in Fairless Hills, Pa.

John S. Summers, a shareholder with Hangley Aronchick Segal & Pudlin, was recently appointed vice chairman of the Board of Directors of The Reinvestment Fund, a nationally recognized development finance corporation that puts capital and private initiative to work for the public good.

David R. Pudlin, president of Hangley Aronchick Segal & Pudlin, was recently appointed to the Anti-Defamation League's National Executive Committee.

Arline Jolles Lotzman, a sole practitioner, recently spoke on "The Court: To Elect or Appoint??" at a panel program presented by the Philadelphia Chapter of the American Constitution Society.

Gary M. Schildhorn, a shareholder with Adelman Levine Gold and Levin, P.C., presented the audio seminar entitled "Avoid Bankruptcy: Conduct a Quiet Restructuring." The seminar was sponsored by the MiA Advisor.

Norman P. Zarwin, founder of Zarwin Baum DeVito Kaplan Scharr Toddly PC, recently spoke to the South Asian Business Association in Cherry Hill, N.J., on the elements of making a good business deal.

Steven P. Barsamian, a sole practitioner, has been honored by the Widener University School of Law with its outstanding alumnus of the year award. The award is presented to an alumnum or alumna who, through service to his or her community or profession, or other accomplishments, has brought honor, recognition, and distinction to the Widener University School of Law.

George Martin, a partner with Martin, Banks, Pond, Lebuck & Wilson, was honored as faculty for the 21st Annual Pennsylvania Bar Association Workers' Compensation Law Section meeting on Sept. 22 and 23 in Hershey, Pa. Martin's program focused on recent developments in workers' compensation law.

Judge Arlin M. Adams, counsel at Schneider Harrison Segal & Lewis, LLP and former Chancellor of the Pennsylvania Bar Association, was honored at a celebration and luncheon held at the University of Pennsylvania Law School recently to recognize the establishment of the Arlin M. Adams Professorship of Constitutional Law by the Annenberg Foundation.

Patricia A. Dubin, a sole practitioner, was a speaker at the Pennsylvania Coalition Against Domestic Violence program "Trial Advocacy: Strategies for a Domestic Violence Case" on Sept. 22 in Harrisburg, Pa.

Nicholas J. Nastasi, a sole practitioner, has been reappointed as a member of the Criminal Procedural Rules Committee and reelected as chair by the Supreme Court of Pennsylvania.

Jerry M. Lebuck, a partner with Martin, Banks, Pond, Lebuck & Wilson, participated in a House Labor Relations Committee meeting on Sept. 14, testifying before the Committee on ways to improve the current workers' compensation litigation procedures.

Richard R. Rulon, a partner with Klasko, Rulon, Stock and Seltzer LLP, has been awarded The Honorary Fellow Award by the American Immigration Law Foundation. The award is given each year to one individual in recognition of his lifelong service and dedication to advancing the administration of justice and respect for human rights in the immigration and nationality law field.

Joseph H. Jacovini, chairman of Dilworth Fenster LLP, has been chosen by the American Heart Association as the 2006 Heart of Philadelphia Award recipient. The award is presented annually to an individual whose leadership and heartfelt dedication to charitable causes best exemplify the giving spirit of Philadelphia.

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) 238-1307 E-mail: reporter@philabarg.org.

Photos are also welcome.
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