BENCH-BAR & ANNUAL CONFERENCE

Castille Accepts 2014 Bar Medal

By Jeff Lyons

Of all the things he has accomplished as the leader of Pennsylvania’s highest court, Chief Justice Ronald D. Castille said he is most proud of keeping the courts open during the recession that struck when he became chief justice in 2008.

Chief Justice Castille was presented with the Philadelphia Bar Association’s highest honor, the Bar Medal, at the opening luncheon of the Bench-Bar & Annual Conference in Atlantic City, N.J. on Oct. 17. The Bar Medal is given at the discretion of the Chancellor and only when it is felt that someone has contributed to the justice system and/or the community in a manner that is sustained, extraordinary and worthy of emulation.

“I appreciate this medal, especially since it comes from the profession that I entered into in 1971 after I graduated from the University of Virginia Law School after I spent time in the U.S. Navy hospital system,” he said. The Chief Justice said he spent 15-18 months in the hospital after he was wounded in combat in Vietnam. He said he first came to Philadelphia when he was sent here by the Navy for orthopedic services. Chief Justice Castille said if you were born east of the Mississippi River, you were sent to Philadelphia. Those west of the river were sent to San Diego. The Miami native was told he was going to Philadelphia and he said he did not know anyone in Philadelphia and did not want to go to Philadelphia. He offered to pay his own way to get sent to San Diego but was sent to Philadelphia anyway. So instead of Pacific Ocean sunsets, he told the audience he had to settle for sunsets over South Philadelphia’s FDR Park.

“But Philadelphia has been great to me and Pennsylvania has been great to me. As you all know, I’m in my last year as chief justice of Pennsylvania. I’ve been on this court for 21 years. I have a body of law, as they call it – 415 majority opinions and 230 dissenting opinions. Many

continued on page 7

Aronchick to Receive PNC Award

By Jeff Lyons

Former Chancellor Mark A. Aronchick has been selected as the recipient of the PNC Achievement Award for a career of accomplishments in improving the administration of justice, including this year’s lawsuit that successfully overturned Pennsylvania’s exclusion of same-sex couples from marriage.

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November - A Time to Give Thanks

By William P. Fedullo

This is my penultimate column as Chancellor and there is so much to write about yet so little time.

I would be remiss if I did not mention the fact that we just experienced a remarkable Bench-Bar & Annual Conference. I want to thank each and every judge and attorney who attended and participated in the Conference. Thanks to everyone who served as course planners and faculty. Thanks also to our amazing sponsors. We would not be able to pull off such an event without your generosity and support.

Thanks also to my dear friends and their respective law firms who sponsored the very special entertainment event of the evening, a private concert starring rock legend Felix Cavaliere of the Rascals as well as The First Ladies of Rock and Soul and their band.

Additionally, thanks to the Pennsylvania Bar Institute and everyone who participated in theCLEs. Thanks to Borgata for their special amenities and hospitality and one last special thank you to our wonderful Bench-Bar Chair Shellie Fedullo. I thank Shellie for the countless hours and boundless energy that she has spent to help make this event a success.

We also have recently hosted our first-education Summit. Thanks to our special guest speakers, all of whom were superb, and thanks to our keynote speaker, Philadelphia School District Superintendent Dr. William R. Hite Jr. We covered a lot at this timely event and we especially learned the truth that Philadelphia wastes the money that it is given. Michael Masch explained that during the summit. I would recommend every state representative and state senator read Masch’s report.

Furthermore, I want to thank those who since my last column have stepped forward to participate in our Support Our Schools Campaign. This list includes the U.S. District Court Judge Gerald A. McHugh and Archer & Greiner, P.C. (made possible by Stella Tsai), Endo International (made possible by Jon Smollen), Kleinbard LLC (made possible by David Hyman) and Pepper Hamilton LLP (made possible by Tom Cole and Joe Sullivan).

I would like to add a personal note about Judge McHugh. For those of you who want to study the career of Jerry McHugh. He is a lawyer and judge for the ages and we should all try to emulate his standards.

Speaking of wonderful people, I want to give a very special shout-out to the wonderful Debbie Gross. For half a century, the Philadelphia Bar Foundation has reached out and touched the lives of thousands and thousands of our citizens. Our very cohesive public interest community almost certainly would not exist without the Philadelphia Bar Foundation. My good friend Debbie is an extraordinarily talented and generous individual and yet another person to emulate. I hope you will all join us at the Andrew Hamilton Benefit on Saturday, Nov. 8 at National Constitution Center in honor of the 50th Anniversary of the Philadelphia Bar Foundation.

As we enter this period of Thanksgiving, we should be thankful for all we have and all the legal community has to give. In a city cited for deep poverty, there clearly are people in need of help. We as lawyers can better our city and support those who need it the most through many avenues, from pro bono work to the Support Our Schools Campaign to supporting the work of the Bar Foundation.

Thank you for helping those in need and have a happy Thanksgiving.

William P. Fedullo (williamfedullo@gmail.com), counsel to Rosen, Schafer & DeMuro LLP, is Chancellor of the Philadelphia Bar Association.

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 by authorship, but names will be withheld upon request. Letters may be mailed, faxed or e-mailed to: Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, PA 19107/955. Phone: (215) 238-6345. Fax: (215) 238-1139. E-mail: reporter@philabar.org.
Quality Education a Civil Right for City’s Children, Hite Says

By Lauren A. Strebel

Until the promise of Brown v. Board of Education is fulfilled, we are not doing our job as lawyers or citizens. That was the message delivered by Philadelphia School District Superintendent Dr. William R. Hite Jr. and Chancellor William P. Fedullo at the Oct. 9 Education Summit.

Topics included the current status of Philadelphia’s educational system, why we as a community need to continue to advocate for equal education and how the legal community can help.

As we celebrate the 60th anniversary of Brown v. Board of Education, Dr. Hite said, it is important to think about Philadelphia’s children and their access to high-quality education. The reality is that though all kids have access to public education it is not necessarily access to good education. It is time to deliver on the civil right of our students, including those from poverty, those learning English, and those with special needs, to an excellent public education.

Dr. Hite said although the Philadelphia school district has fiscal challenges, it has not been deterred. Philadelphia still has some of the highest performing schools in Pennsylvania. However, those schools are special admission, where children get access through a lottery after meeting certain criteria. Special admission schools serve about 40 percent of the population; the other 60 percent are in neighborhood schools, many of which are the lowest performing schools in the Commonwealth. According to Dr. Hite, we have to ensure that we continue to support the schools that are doing well but we need to lift those schools that are not doing as well.

Dr. Hite said there is still some work to do. In 2013 about 45 percent of students were proficient in PSSA reading in third grade and only 34.7 percent passed the Algebra 1 exam, which is required for graduation. Ultimately funding is the biggest problem. Unfortunately, many of the cost drivers are out of the district’s control, including reduced funding from the state. Since 2012 the district has cut $662 million. More than $140 million in cuts in the recent year came from the workforce, resulting in 31 closed facilities and significant labor concessions.

So what does an ideal funding formula look like? According to Dr. Hite, it is a formula that allows for flexibility. First, the money would follow the children, including where they go and don’t. It would also abolish the “hold harmless” provision, which states no school district can get less funding than the prior year. Lastly it would recognize that children coming from certain demographics, such as those with special needs, require additional support.

Dr. Hite refuses to allow the revenue challenges deter the school district’s work moving forward. In the past two years, the administration has made some notable changes. First was a shift in focus on improving safety and climate. About five years ago, Philadelphia had 25 schools listed on the “persistently dangerous” list. This is the first year where no Philadelphia schools are on that list. Why? Not because of a greater police presence in schools. Teachers and administrators are now focusing on how to recognize drama and seeking the participation of students in monitoring the climate.

Another change is a focus on early literacy programs. If we can get the early literacy part right, Dr. Hite explained, it may trickle down and help other problems. The district has also implemented a new accountability structure that looks at growth, progress, climate/safety, attendance and equity. The biggest change is that statistics compare against schools with similar demographics. Charter schools are also included in the accountability framework.

What about the children who have dropped out? About 75 percent of federal money is spent on students who have left the school district in an attempt to reclaim those students. There are about 20 alternative programs ranging from credit recovery to workforce development. However, Dr. Hite said, we have to do a better job in schools acting like we want children to be there. Many of the district’s students will say that they didn’t drop out – they were pushed out. Children need to interact with individuals who care, respect and want them to be successful.

How can the legal community help Philadelphia students? Attorneys were urged to volunteer as a mentor. Children need opportunities to interact with legal professionals. It will provide kids with an opportunity to ask questions about your work and picture themselves in your profession. The earlier the students are exposed, the better. Also, law firms can sponsor a school by donating funds. Lastly, choose political candidates who have school funding on their agenda.

Lauren A. Strebel (lstrebel@lab-law.com), an associate with Langsam Stevens Silver & Hollander LLP, is an associate editor of the Philadelphia Bar Reporter.
Panelists May Mon Post (from left) Su Ming Yeh, Alice Ballard and Reggie Shuford gather before the Sept. 29 program on the 50th anniversary of the Civil Rights Act.

50 Years After Civil Rights Act, Progress Sometimes Elusive

By Maureen M. Farrell

This year marks the 50th anniversary of the Civil Rights Act of 1964, a statute that was intended to end discrimination based on color, race, religion, sex and national origin, particularly in the areas of voting, education, public accommodations and employment.

Panelists at a Sept. 29 program reflecting on the Act discussed their perspectives. Part of the discussion centered on how the Act is being interpreted in light of today’s different social issues, such as LGBT rights. Although we have made significant and meaningful progress in some areas, much progress still needs to be made particularly with respect to criminal justice policy. The program was sponsored by the Public Interest Section, Civil Rights Committee, Criminal Justice Section, Women’s Rights Committee, Immigration Law Committee and the LGBT Rights Committee.

Featured speaker Alice Ballard, principal in the Law Office of Alice W. Ballard, offered a direct, powerful presentation, focusing on Title VII of the Civil Rights Act and featured speaker Reggie Shuford, executive director of the ACLU of Pennsylvania, focused on racial profiling in policing and over-incarceration based on race.

Su Ming Yeh, managing attorney of the Pennsylvania Institutional Law Project, presented an overview of the Civil Rights Act and Yeh’s historical analysis spanned several decades. Interestingly, President Johnson took on the Act, one of the longest filibusters in history. Southern Democrats were vehemently opposed to the Civil Rights Act. Sex as a protected class was not addressed until the very end, Yeh said. “Women were added to actually derail the Act, and laughter was actually heard when women were discussed,” she said.

Yeh’s historical analysis also touched on how the Act personally impacted her and her family. When her mother and her family were trying to find housing, and they were only known to the person showing the house over the telephone, they were cordially told to come and look at the house. “What we are now left with is embarrassing and shameful public school system.”

Title VII was used to attack class-wide industry practices, such as those that occurred in the steel and trucking industry. The most important case, according to Ballard, was Price Waterhouse v. Hopkins, where Ann Hopkins was told she could not make partner unless she “walked more femininely, talked more femininely, wore more jewelry, and styled her hair.” This case laid the groundwork for bias and stereotyping and the standard theory that is used today. Once the Civil Rights Act was amended in 1991 and damages were made available, there was significant change. However, racism still plagues our country today.

Shuford focused his discussion on the criminal justice system and the bleak picture that still exists due to over-policing, over-incarceration and over-prosecution of the poor and people of color. Shuford illustrated with statistics the disproportionate number of black people who are “routine-stigmatized, harassed, humiliated, arrested and even killed due to over-policing.” He said that that the shooting and racism that occurred in Ferguson, Mo., could be “anywhere U.S.A.” The statistics paint a grim picture of our criminal justice policy. Shuford said “blacks are twice as likely to be stopped and searched, yet 60 percent less likely to be found to have drugs.”

Maureen M. Farrell (maureen Farrell@law.com) is principal in The Law Office of Maureen M. Farrell.

Notice to Philadelphia Bar Association Members

Pursuant to Section 1100 of the Philadelphia Bar Association Bylaws, notice is hereby given to all members of the Philadelphia Bar Association that the following amendment to the Bylaws of the Philadelphia Bar Association were considered at the September 22, 2014 Board of Governors meeting and were approved for submission to the members at the Annual Meeting to take place on Tuesday, December 9, 2014 at noon at the Park Hyatt Philadelphia at the Bellevue.

Amendments to Section 208 of the Bylaws, as follows:

Section 208, The Board.
1. The members of the Board entitled to vote, shall be:
   a. the Officers, all of whom shall serve for a term co-extensive with their respective terms of office;
   b. the immediate past Chancellor;
   c. the immediate past Chair of the Board;
   d. a representative of each Section designated by the Section and then serving as a member of the highest executive body of the Section who shall serve for a term of one year (provided that no such representative shall serve for more than three consecutive one-year terms); the Chair of each Section shall notify the Chair of the Board or on or before December 31 of each year of the identity of the person designated by the Section to serve as a member of the Board during the following calendar year as a representative of the Section;
   e. 15 persons elected by the Members as provided in Section 300(A)(1)(c), consisting of three classes of five Members each, who shall serve for a term of three years, one class being elected each year;
   f. three persons appointed by the Chancellor pursuant to Section 208(C), each of whom shall serve for a term of three years, one person being appointed each year; and
   g. in order to transition the 208(A)(6) appointments from three members with three year terms to six members with three year terms, the 2015 Chancellor shall on or before January 15, 2015, appoint two members to a term ending December 31, 2017, the 2016 Chancellor shall on or before January 15, 2016, appoint two members to a term ending December 31, 2018, and the 2017 Chancellor shall on or before January 15, 2017, appoint two members to a term ending December 31, 2019. As of January 15, and each year thereafter, the Chancellor shall appoint two members to a three year term as defined by Section 208(A)(6);
   7. the Chair and Chair-Elect of the Young Lawyers Division; and
   8. a Dean of one of the accredited area law schools identified on a list established by the Board of Governors, which Dean shall be designated by the Deans of such law schools, in a manner approved by the Board of Governors, to represent the Deans at any number of meetings.

B. The Chancellor immediately prior to the immediate past Chancellor, the President of the Philadelphia Bar Foundation, the Editor of The Philadelphia Lawyer, the Editor of the Philadelphia Bar Reporter, the Association’s delegates to the American Bar Association’s House of Delegates, the Association’s Zone Governor to the Pennsylvania Bar Association’s Board of Governors, and the Presidents of the Philadelphia Association of Paralegals, the Greater Philadelphia Legal Marketing Association and the Philadelphia Legal Secretaries’ Association shall be entitled to be present and to be heard at all meetings of the Board as ex officio non-voting members of the Board.

C. On or before January 15 of each year, the Chancellor, upon consideration of the recommendations from the Committee on Diversity in the Profession with respect to such appointments, shall appoint up to three members who are minority members, of a racial minority, the lesbian, gay, bisexual or transgender community or other diverse individuals as a member of the Board, pursuant to Section 208(A)(6).

D. The Chancellor may also appoint a Member as Counsel to serve at the Chancellor’s pleasure as an ex officio non-voting member of the Board.

E. No member of the Board may designate another person to represent such member at a meeting of, or to cast any vote in the deliberations of, the Board.
The Commission on Judicial Selection and Retention of the Philadelphia Bar Association evaluates the qualifications of persons seeking appointment or election to the Philadelphia Common Pleas and Municipal Courts. Individuals who wish to be considered for appointment or who are considering filing for the 2015 primary election as judicial candidates should contact the Commission on Judicial Selection & Retention c/o Charles J. Klitsch, Esq., the Bar Association’s Director of Public and Legal Services, to obtain a Judicial Evaluation Questionnaire, the Commission’s Guidelines for Evaluation of Attorney and Judge Candidates and Bylaws of the Philadelphia Bar Association.

In order to ensure that each candidate receives a full and fair evaluation, the completed questionnaire must be returned by Friday, Dec. 5, 2014 to “Judicial Commission” at 1101 Market St., 11th Floor, Philadelphia, PA 19107-2955.

All candidates who have previously been evaluated by the Commission must submit to a new review if they choose to run in the 2015 primary election. Under the Commission’s Guidelines, any candidates who do not participate in the Commission’s evaluation process will receive “Not Recommended” ratings if they continue to pursue either appointment or election.

Kenneth Murphy, Esq.
2014 Chair,
Commission on Judicial Selection and Retention

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Kenneth Murphy, Esq.
2014 Chair,
Commission on Judicial Selection and Retention

Judicial Commission
Sets Dec. 5 Deadline for 2015 Candidates

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Kenneth Murphy, Esq.
2014 Chair,
Commission on Judicial Selection and Retention

Ribbon-cutting ceremonies were held Oct. 16 for the new Family Court building at 15th and Arch streets. Pictured below are U.S. Rep. Bob Brady, D-Pa.; former Gov. Edward G. Rendell; Pennsylvania Supreme Court Chief Justice Ronald D. Castille; Family Court Supervising Judge Margaret T. Murphy; Family Court Administrative Judge Kevin M. Dougherty; Justice J. Michael Eakin; and Deputy Mayor Everett A. Gillison. The $200 million facility opens in November and legislation has been drafted to name the building the Chief Justice Ron Castille Center for Family Justice.
Inside Drexel’s Largest Gift Nov. 10

The Monday, Nov. 10 Chancellor’s Forum will focus on discussing the future course for the Drexel University Thomas R. Kline School of Law and the Thomas R. Kline Institute of Trial Advocacy. Both Kline and Dean Dennis will discuss the challenges in law school education and the unique path that the Kline School of Law is charting, with an emphasis on the place of Drexel University’s Kline School of Law in the Philadelphia legal community and its relationship with the Philadelphia Bar Association.

Kline is a founding partner of the Philadelphia law firm of Kline & Specter, P.C., practicing in the area of catastrophic personal injury and mass tort litigation. He is a past president of the Inner Circle of Advocates, described by The Washington Post as “a select group of 100 of the nation’s most celebrated trial lawyers.” Kline, who has a litany of professional accolades, has been selected as Pennsylvania’s No. 1 lawyer for 11 consecutive years (2004-2014) by the independent, peer-review rating service Super Lawyers. He became a national spokesperson for the victims of Jerry Sandusky, and was interviewed on local and national television. He serves as a member of the Board of Trustees of Drexel University’s Kline School of Law and is charting, with an emphasis on the place of Drexel University’s Kline School of Law in the Philadelphia legal community and its relationship with the Philadelphia Bar Association.

Kline is charting, with an emphasis on the place of Drexel University’s Kline School of Law in the Philadelphia legal community and its relationship with the Philadelphia Bar Association.

Aronchick continued from page 1

Aronchick, a partner with Hangley Aronchick Segal Pudlin & Schiller, served as Chancellor in 1998 and was the youngest city solicitor in Philadelphia history.

“Mark has an unstinting commitment to provide all citizens, poor and rich, black and white, gay and straight with a fair, equal and honest system of justice,” his law partner, Daniel Segal, wrote when nominating Aronchick.

“Whether in litigating Whitewood, promoting the Bar Foundation, teaching Penn law students, or serving on the Judicial Conduct Board, this commitment has been and remains the focus of his intense devotion.”

The PNC Achievement Award, along with the Justice William J. Brennan Jr. Distinguished Jurist Award, will be presented at the Annual Meeting Luncheon on Tuesday, Dec. 9 at the Hyatt Philadelphia at The Bellevue, Broad and Walnut streets.

“Working for the good of the community is something that is in my family’s DNA,” explained Aronchick.

“When I reflect back on the last 40 years and the chance to work with so many wonderful people and so many wonderful causes, I just think I’ve been blessed.”

“The accomplishments this year and through much of my professional years belong as much to my law firm as they do to me. This year on the same-sex marriage case we had a dream team from my firm, the ACLU and Prof Seth Kreimer. Many people truly share in this honor,” Aronchick said.

“No question the same-sex marriage case this year was a cause of a lifetime. I thought I always understood what bravery, commitment and social change are all about. But I understood it even more profoundly this year through working with so many people who have been fighting for same-sex marriage rights for so long. The real heroes are all of those people who stood up for themselves in so many emotional and difficult places for so many years. We succeeded only because of all of those brave souls.

“I think the Bar Association is a remarkably important institution that has a major role in our community and an important voice. I spent many years working at the Association on a kaleidoscope of causes. I have the great satisfaction of being honored by an institution I love and for work that has been at the center of my life,” Aronchick said.
Law Star Game a Hit

Several hundred fans turned out to Campbells Field in Camden, N.J. for the Law Star Game on Sept. 17 which benefitted the Philadelphia Bar Foundation. A team of In-House Counsel players (white shirts) defeated the Law Firm team (blue shirts), 9-3. The event featured activities for children, including running the bases with the Camden Riversharks mascots. Before the game, Nearly $30,000 was raised for the Bar Foundation.
When Opportunity Knocks, Be Sure to Answer

By Edward F. Beitz

Last week, I had the opportunity to help take a medical malpractice case to trial in Luzerne County on behalf of two defendants, a hospital and a neurosurgeon. I co-tried the case along with my boss and mentor, Don Ladd. The hospital and surgeon and the boss had faith in me to cross-examine the majority of the plaintiffs’ witnesses, including the plaintiffs themselves, and deliver the closing argument.

After closing arguments and the jury charge, but before verdict, Don reminded me that this was the time to evaluate my own performance, review the mistakes and successes, and see what can be learned for next time. Once the jury comes back, and you either win or lose, it becomes more difficult to evaluate your performance. Our hard work paid off in Luzerne, and we obtained a defense verdict for the clients. Of course, with the win in hand, I felt like Clarence Darrow, Atticus Finch and Tom Cruise (both in “A Few Good Men” and “Risky Business”) rolled into one. Had we lost, I am certain I would have been far more self-critical, and perhaps blamed each individual mistake far out of proportion. I am glad I took the time to get feedback and take some notes before verdict so that I can share some lessons learned with other young lawyers.

Perhaps the most important takeaway for me is this: although it is crucial to be prepared, you must also be ready to adapt. In anticipation of cross-examining the plaintiffs, I prepared detailed outlines based on deposition testimony and the anticipated case theories set forth in the expert reports and pre-trial memoranda. Certainly, preparing outlines with citations to the records was beneficial, as I was more familiar with the file and actively developed my general strategy in the process. But, I quickly learned that trials are constantly changing and evolving and an outline can become useless if the witness throws you a curveball on the stand. For next time, rather than just witness-by-witness outlines, I will prepare issues folders focused on key areas of questioning, containing both citations and exhibits to back up my cross. I think this will help when I have to switch gears to a different subject at a moment’s notice.

I also learned that it can be difficult to find the right tone in cross-examining a plaintiff. There were times when I may have been too aggressive, especially when I was quite confident (due to some timely Facebook research) that the plaintiff was not being truthful. The surgeon-defendant liked this passion, but it is what the jury thinks is important. Especially for the defense in medical cases, it is important to strike a balance between passion for my client’s case and respect for the plaintiff/patient. In this regard, I certainly improved as the case progressed.

Another important lesson from the week is the necessity to seize opportunities for trial experience, no matter how intimidating. Don advocated for me to take on a large piece of this trial, and the surgeon-defendant understandably had reservations at first. I didn’t blame him. Don has been doing this for more than 30 years, while I’ve doing it for seven. I am proud to say that my familiarity with the file, the medicine and the legal issues gave the doctor confidence and faith in my ability to adequately state his case, and counter the allegations raised against him. In a practice where trials are fewer and farther between, young attorneys need to advocate for themselves, and be ready when opportunity knocks.

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YLD Update

2015 Philadelphia Bar Association Budget

Sources of Funds

| Membership Dues | $2,070,170 |
| Lawyer Referral Services | 589,010 |
| Committee Programs | 72,000 |
| Publications | 100,000 |
| Interest and Dividends | 35,000 |
| Royalties | 780,000 |
| Lawyer Profiles | 2,948 |
| Affiliate Services | 40,000 |
| Special Events | 292,040 |
| YLD Program | 15,000 |
| Annual Sponsorship Programs | 45,000 |

Outside Groups

| PBI | 210,000 |
| Catering | 60,000 |
| DLSC | 56,500 |
| Miscellaneous | 12,200 |
| Total Revenue | 4,328,968 |

Application of Funds

Program Services

| Lawyer Referral Service | 88,200 |
| Committee Activities | 30,500 |
| Meeting Services and Special Events | 413,542 |
| External Communications | 13,191 |
| Affiliate Programs (VIP) | 100,000 |
| Bar Association Legal Services Programs | 9,210 |
| (Legal subscriptions and malpractice insurance) | |
| Publications | 24,785 |
| General Services/Catering/Administration | 116,362 |
| Executive | 268,892 |
| Finance and Administration | 158,934 |
| YLD Program | 40,000 |
| Overhead (includes phones, Internet and insurance) | 229,845 |
| Rent | 182,990 |
| Total Program Services | 1,676,362 |

Support Services

| Employee Salaries | 1,979,928 |
| Employee Benefits | 652,154 |
| Stationery, Postage and Office Expense | 20,450 |
| Total Support Services | 2,652,533 |
| Change in Net Assets | $73 |
Warn Clients of Need for Copyright Compliance

By Bart D. Cohen

Small business managers are generally unaware that copyright infringement is a strict liability offense, and that courts may impose statutory damages of up to $150,000 per work, members of the Intellectual Property Committee were told at an Oct. 2 meeting.

Panellists Laura Genovese of Panitch Schwarze Belisario & Nadel LLP and Barbara O’Connell of Sweeney & Sheehan discussed how law firms and their clients can insulate themselves from substantial liability by promulgating copyright compliance policies.

In extreme instances, parents whose children have illegally downloaded music from the Internet have been subjected to six- and seven-figure damages, and uniformly failed to reduce those damages on appeal. The relevant statute also provides for fee-shifting, which can add six figures to any judgment. Even informal employee education can minimize those risks to employers.

Infringement was less common decades ago, when access to copyrighted material was relatively limited. But the Internet puts unlimited material within reach of most employees’ desks. Workplace infringement now frequently arises when employees use copyrighted material (perhaps inadvertently) for marketing purposes, either online or in developing promotional and trade show materials. The various enforcement entities—including Getty Images (photographs), the Motion Picture Association (video) and an alphabet soup of music enforcers—are most readily able to track down online violators through the use of web robot software that automatically searches for codes imbedded in those works. When they detect infringement, holding the violators liable is akin to shooting fish in a barrel. For-profit institutions that invoke the “fair use” defense rarely, if ever, do so successfully.

Employers may also be held liable for copyright infringement by vendors—who may avoid such liability in the fine print of their contracts—and contract employees. And employers who reuse legitimate materials produced by vendors and contractors outside the scope of their agreements are subject to liability at the hands of the vendors and contractors themselves. Employers can avoid liability by addressing copyright issues at the outset of any engagement, rather than when issues arise.

The same holds true in using copyrighted materials produced by others. Employers should arrange to get whatever permission is necessary from copyright holders before using their materials. Those holders are usually identified on the face of printed materials. Using photographs from the Internet is generally safe only if they are downloaded from sites that are operated for the primary purpose of disseminating photographs legally (which does not include Google Images), most of which charge fees for the use of all or most of their collections. It is extremely difficult to secure rights to music and video material.

Copyright compliance policies must comply with labor law, which is rapidly allowing greater free speech rights for employees both inside and outside the workplace. That means those policies should be strictly limited to copyright issues. Employees should also be aware that their use of copyrighted material in email or on social media will not be erased by clicking “delete.” Once that material reaches the Internet, it may be stored indefinitely on multiple servers and devices.

The Digital Millennium Copyright Act provides a safe harbor for employers (and others) only in the circumstance in which outsiders post copyright materials to employers’ websites (e.g., in the comments of a blog). In that instance, employers may avoid liability by removing the offending materials within 10 days after being notified by the copyright owner.

The program closed with a particularly topical and compelling issue: the ownership rights of a “selfie” taken by a monkey. The United States Copyright Office recently reaffirmed its long-standing rule that copyright vests only in humans.

Bart D. Cohen (Bart@BCohenLaw.com) is principal in the Law Office of Bart D. Cohen.
Criminal Convictions Can Lead to Deportations

By Elisa C. Advani

Attorneys representing non-citizen defendants have a duty to advise those defendants on the immigration consequences of criminal convictions to provide competent representation, members of the Bar were told on Sept. 30. The Criminal Justice Section CLE “Representing the Non-Citizen in Criminal Court” featured Wayne Sachs, founder of the Sachs Law Group, a boutique immigration firm specializing in deportation defense and criminal defense of non-citizens.

Sachs discussed Padilla v. Kentucky, a 2010 U.S. Supreme Court case wherein the court held that attorneys must advise their clients of instances when deportation will or may result from a criminal conviction. The court also held that attorneys must offer some advice about deportation and not remain silent on the issue.

“Non-citizens have different classifications that affect their deportation status after a criminal conviction,” Sachs explained. A non-citizen could be a “green card holder,” a refugee, a visa holder, or an “undocumented” person, meaning he or she entered the U.S. without inspection or has overstayed a temporary visa. Different programs are available for non-citizens to stay in this country if they have family ties or have lived in the U.S. for a long time. Furthermore, the U.S. may not be able to deport a person back to their country of origin. For example, “we are not deporting to Liberia right now because of the Ebola outbreak – we didn’t deport to Haiti after the earthquake,” Sachs noted. Attorneys need to be aware of each client’s particular immigration status and advise accordingly since various relief options are available.

In the aftermath of 9/11, government agencies began to share information, so often following a criminal proceeding the defendant will be turned over to immigration court. Criminal defense attorneys want to avoid an outcome that will result in mandatory deportation. “Aggravated felony offenses result in mandatory deportation,” said Sachs. It is important to note, however, that avoiding an aggravated felony conviction will not avoid deportation altogether. When deciding whether to deport, the immigration court balances the factors, but when a person’s criminal record makes deportation mandatory, the immigration court has no discretion whatsoever. “It is your duty as a defense attorney to advise – but more than advise – to actually try to negotiate an outcome that avoids these designations,” said Sachs.

Sachs gave examples of how defense attorneys can be creative with sentence structuring, sentence apportionment, alternative pleas, and generic pleas in order to “control the record.” For instance, since a sentence of a year or more puts the defendant in the aggravated felony category, work with the prosecution to structure a 364-day sentence with more probation time. Sachs explained it is not meant to be lenient on criminals but it is a way for all sides to win: the prosecution gets their desired time of supervision while the immigration court will ultimately have discretion on whether or not to deport.

Convictions for crimes involving moral turpitude also result in mandatory deportation. Sachs gave an example of a healthcare fraud case where the defendant stole $90,000. Fraud is a crime involving moral turpitude but theft is not. By entering a plea to theft instead of fraud the defendant avoided mandatory deportation. Avoiding deportation benefited all sides here because the non-citizen remained in the U.S. to pay restitution versus deportation which would have resulted in zero payment.

What might be considered a great deal for a U.S. citizen in criminal court could be detrimental to a non-citizen when the result is mandatory deportation. Criminal defense attorneys are under greater scrutiny when representing non-citizens. Non-citizens need more protection from their criminal defense counsel because of the direct effect on their immigration status.

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Immigration Status Not a Barrier to Workers’ Comp

By Regina M. Parker


In 1986, the Immigration Reform and Control Act made it unlawful for an employer to knowingly hire unauthorized workers. The Act also prevented unauthorized workers from submitting false identification documents. The panelists explained that despite this law, there are currently 10 million undocumented workers in the United States and almost 8 million of them are employed. This makes up 5 percent of the workforce. The panelists explained that the majority of undocumented workers are performing medium- to heavy-duty labor, including the more dangerous jobs that a lot of people do not want to do. As a result, these workers are sustaining injuries and the courts are faced with addressing an undocumented worker’s entitlement to workers’ compensation benefits.

The panelists explained that workers’ compensation benefits have been extended to undocumented workers in the interest of fairness and worker safety. The courts have reasoned that excluding undocumented workers from workers’ compensation may give employers an incentive to hire more undocumented workers. Under such circumstances, the employer may be less inclined to adhere to OSHA safety regulations and less inclined to maintain a safe working environment for all employees.

In cases where an undocumented worker has proven entitlement to workers’ compensation benefits, the panel explained that the employer should focus on limiting its exposure. The panel discussed the impact of the Pennsylvania Supreme Court’s decision in David Cruz v. WCAB (Kennett Square Specialists), 69 MAP 2012 (decided July 21, 2014), which addressed lack of citizenship and suspension of benefits. The court held that the employer bears the burden of proving that the employee’s loss of earning power is due to lack of citizenship and not the work injury. In the Cruz case, the employee invoked his Fifth Amendment right to self-incrimination when questioned regarding his citizenship status. The judge granted the claim petition and awarded medical benefits but suspended benefits from the date of injury, finding that employer met its burden in establishing that claimant was not a U.S. citizen and therefore not authorized to work. The Workers’ Compensation Appeal Board partially reversed finding that employer did not satisfy its burden solely by relying on an adverse inference by claimant’s failure to answer citizenship questions. The Commonwealth Court agreed. On appeal to the Supreme Court, it was held that employer bears the burden of establishing, through competent evidence that a claimant’s loss in earning power is due to his employment eligibility status under federal law. Since claimant satisfied his burden that he sustained a disabling injury within the course and scope of employment, the burden shifted to the employer to show why benefits should be suspended. The Supreme Court concluded that the adverse inference taken based on claimant’s refusal to answer questions regarding citizenship under the Fifth Amendment was insufficient, by itself, to support a suspension of benefits.

The panelists pointed out that the Fifth Amendment applies to criminal cases. Immigration and workers’ compensation proceedings are treated as civil proceedings. If the questioning goes to identification, arguably, there is no Fifth Amendment right. The panel further explained that employers are examining identification documentation differently, including issuing subpoenas for asylum or immigration records, and utilizing programs geared towards matching the social security number to the employee.

Regina M. Parker (rparker@tthlaw.com), an associate with Thomas, Thomas & Hafer LLP, is an associate editor of the Philadelphia Bar Reporter.
Whitewood Raises Questions for LGBT Couples

By Annie Kelley

Ever since U.S. District Court Judge John E. Jones III struck down Pennsylvania’s law banning same-sex marriages and the law refusing to recognize legal same-sex marriages, questions as to the effect on Pennsylvanians have arisen. On Sept. 23, a panel of litigation and family law experts offered their guidance on how to counsel LGBT couples planning to marry and how marriage equality may influence estate planning, divorce and family formation.

John S. Stapleton, who, along with a team of four attorneys, represented the plaintiffs in the now historic Whitewood case, began by explaining the background of the case and how it came about through the ACLU. The attorneys’ strategy was to build a deep factual record, and to prepare clean and direct claims to go against Pennsylvania’s Defense of Marriage Act, which refused to recognize same-sex marriages. Their hope was that the broad rulings would apply both to same-sex couples who want to marry in the Commonwealth and out-of-state couples who married in other states and wanted their marriage recognized in the Commonwealth. In Stapleton’s view, the goal succeeded and the strategy immediately began winning public opinion to bring marriage equality to Pennsylvania.

Prof. David S. Cohen of Drexel University Thomas R. Kline School of Law discussed his representation of 23 same-sex couples who received marriage licenses from Montgomery County Clerk Bruce Hanes, who is appealing a ruling that he did not have the authority to issue the licenses. Cohen and his team filed a lawsuit to protect the couples’ interests and determine their status of marriage, after Whitewood. At the time of the presentation, a joint motion to discontinue the case was pending before the Commonwealth Court, which has since been approved, wherein the state will recognize all plaintiff couples as married as of the date of the Whitewood decision, and their marriage records will be updated to reflect that effective date. Noting the clear national and federal trend in marriage equality, Cohen pointed out that, at the time of the presentation, 19 states plus the District of Columbia, recognize same-sex marriage, 16 other states had laws struck down as unconstitutional and were then on appeal, and 15 more states had pending challenges.

Rebecca G. Levin, co-chair of the LGBT Rights Committee, explained that marriage issues tend to arise when couples are looking to dissolve their relationship. Whitewood allows same-sex couples access to Family Court for divorce. Now, when facing a divorce, same-sex couples have the same rights and benefits under Pennsylvania law as heterosexual couples. There remain tough questions related to how this will play out in the future – for instance, when a couple has been in a civil union for 20 years but only “married” for four months – of how to determine the length and relationship status, Levin said.

Tiffany L. Palmer addressed issues between the parentage and marriage link, in particular in determining the parents on a birth certificate when one partner in a lesbian couple gives birth to a child from a sperm donor. According to Palmer, the Pennsylvania Department of Health has not taken a clear position on this issue, and still provides standard forms to be filled out at hospitals that do not anticipate same-sex parents. To protect both parents’ interests, Palmer noted that same-sex parents can now do a step-parent adoption, instead of a second-parent adoption, which, in her view, decreases the cost and amount of time waiting for an adoption.

Annie Kelley (Annie.Kelley@flastergreenberg.com) an associate with Flaster/Greenberg PC, is an associate editor of the Philadelphia Bar Reporter.
High-Profile Cases a Challenge

By Jeff Lyons

High-profile court cases are nothing new, but the exposure and scrutiny by the online community can be a struggle for the courts and prosecutors.

Pennsylvania Attorney General Kathleen Kane and Pennsylvania Supreme Court Justice Correale F. Stevens were panelists for the Oct. 17 Bench-Bar program “Dealing With High-Profile Cases: A View from the Courts and the Executive Branch.”

Attorney General Kane joked that when she was asked to join the panel, she said she found it odd because she didn’t think the Attorney General’s Office had handled any high-profile cases. “I believe we’re very timid in the press and no one knows what we do,” she said.

“Sometimes the high-profile cases sneak up on you. Sometimes you can see them coming and sometimes you can’t,” the attorney general said. She said the Attorney General’s Office only has jurisdiction in one of two instances—a conflict of interest or a lack of resources. An assisted suicide case that was handed off to her office because of a conflict of interest was one of those cases. “Never in our wildest dreams did we imagine that within a day, it would be national news. And most of the coverage was negative, from groups who thought assisted suicide should be legal in all states. In Pennsylvania, it is not legal. And within a day, our servers shut down because of all the petitions that started coming in. Our IT department is now an integral part in keeping this agency running.”

Attorney General Kane said her office tries to anticipate which cases will get the most attention so the press department can be prepared. “But that wasn’t the case with the assisted suicide case. And then it became a game of catch up.”

Justice Stevens said one of the problems about high-profile cases, from a judicial point of view, is the potential for conflicts of interest and the desire for fame and fortune. Justice Stevens recalled the 2002 D.C. Sniper case, where a Virginia law enforcement officer got so caught up in discussions for movie and book deals that he could not finish the work on the case.

“Pre-trial publicity is a major issue in high-profile cases,” Justice Stevens said. “Some things are difficult to reconcile. The First Amendment protects the right of the news media to report and the Sixth Amendment gives the right to a fair and impartial jury. And now we have to add in the effect of social media on these cases. The American Bar Association came up with a model rule that says a lawyer should not make an extra-judicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing a proceeding. In other words, a lawyer has to use common sense and be careful not to prejudice the outcome of the case.”

When Talking to Media, Less is Often More

By Jeff Lyons

Lawyers covering moving media targets have a dual obligation to both educate in the media and to ethically adhere to the rules of the profession. Bench-Bar attendees were told at the Oct. 17 opening plenary program.

“Lawyers don’t have to have any prior experience or training to handle an unfamiliar issue,” said panel moderator Daniel L. Cevallos, a legal analyst for CNN. “But when you’re in the media, every single day is an unfamiliar issue. But with enough time and enough effort, you can become competent.”

Cevallos was joined by panelists Cherri T. Gregg, KYW Newsradio; Heather Hansen, O’Brien & Ryan LLP; Patrick J. Murphy, Fox Rothschild LLP; and Iain Page, Fox 29 News. All of the panelists are either members of the media or analysts for media outlets and both Gregg and Page are attorneys.

Cevallos said the most controversial story he ever covered was about a cat who chased off a dog that had attacked a child. Cevallos said one comment he made about not liking cats led to an outpouring of hate email, Twitter abuse and phone calls. “In the media, most of your feedback is going to be negative.”

Litigators need to be mindful of speaking in sound bites, Gregg said. “We have about two minutes, max, to get the whole story told. Some litigators are used to talking in paragraphs rather than sound bites. You have to really boil your argument down. If you can get everything in one quick sentence, you’re more likely to get on the air,” she said.

Page said attorneys need to be careful that their words are not taken out of context. “You need to realize you’re not in a courtroom and you don’t have an hour to argue your side. A producer may take one sound bite and say that’s what I need and put it in. You may look at it later and think that’s not really what I meant. Every word you speak into a microphone needs to be measured.”

“I try to encourage my clients to speak to the media,” Hansen said. She said there’s a way to do it that can be helpful that can help sway the opinions of people whose minds have already been made up.

“Getting your idea out there in a short digestable quote is very hard to do. Thomas Jefferson once said he wished he had more time to write a shorter letter,” Murphy said.

“As a reporter, we always try to give all sides an opportunity to speak. But if you don’t want to comment, there’s nothing I can say,” said Gregg.

“It’s all about controlling the narrative,” Page said, adding that it is much more difficult to do today with social media.
An updated code of judicial conduct is one of the biggest accomplishments of the Pennsylvania Supreme Court in the last year, retiring Pennsylvania Supreme Court Chief Justice Ronald D. Castille told the audience at the closing Bench-Bar & Annual Conference State of the Courts program on Oct. 18.

Speakers included Hon. Susan Peikes Gantman, president judge, Pennsylvania Superior Court; Hon. Dante R. Pellegrini, president judge, Pennsylvania Commonwealth Court; and Hon. Sheila A. Woods-Skipper, president judge, Philadelphia Court of Common Pleas.

The code of conduct was updated "to foster confidence in the judiciary by the citizens. We do this to guide judges in their conduct and engender confidence in the courts," Chief Justice Castille said.

The code includes provisions against nepotism and prohibits judges from serving on commercial boards. Community boards are not affected. There are also limitations on personal finances so judges will not have conflicts of interest that lead to disqualification in legal matters. It allows them to place their investment in a blind trust rather than relinquish their investment when they become a judge.

The code also prevents judges from membership in an organization that practices discrimination.

Chief Justice Castille said the court will continue to look to fund the need for civil legal services for the poor. "As lawyers I believe we owe our expertise to those who can least afford it. We should be treating civil legal services for indigent individuals and families as an important governmental service like roads, police and the courts, and there should be a dedicated line item with equal application in every county for citizens facing serious civil legal situations."

President Judge Woods-Skipper said the First Judicial District stands committed to "recognizing the need to serve unrepresented litigants and to make sure there’s a forum for them to have the services they need to get through our legal system."

She talked about the First Judicial District’s commitment to technology, e-filing, efficiency and access to justice. "We are trying to be transparent and make sure there is access for everyone."

President Judge Woods-Skipper said many of the court’s judges are involved in programs in the community with children for mentoring and tutoring. “They provide their time and commitment for the purpose of increasing interest in the law and knowledge of the law.”

“Each of our divisions has worked hard to ensure fair and equal justice,” President Judge Woods-Skipper said.

Rock & Roll Hall of Famer Felix Cavaliere of The Rascals performed some of his greatest hits for Bench-Bar & Annual Conference attendees on Oct. 17. Nearly 500 judges and attorneys attended the two-day conference at Borgata in Atlantic City, N.J. For more photos, visit facebook.com/philadelphiabar.
of them are major opinions such as the one where we upheld Marcellus Shale and the Equal Rights Amendment and where we upheld the First Amendment. My entire career has been in public service – two years in the U.S. Marine Corps, 20 years in the District Attorney's Office in Philadelphia and now 21 years on this court," he said.

"I'm proud that the last person to get this medal was Chief Justice Ralph Cappy who was a good friend of mine and a great justice on the Supreme Court. I said I wanted to follow in his shoes, but I only have one shoe. So whoever follows me is going to have to follow in my shoe," joked Justice Castille, referring to the fact that he has just one leg as a result of his injuries in Vietnam.

"I did get a lot of awards and a lot of medals and things like that, but probably none as significant as the Bronze Star with a Combat V for Valor and two Purple Hearts for my service in Vietnam as a rifle platoon commander," he said. Sgt. Angel Mendez, an orphan, pulled the chief justice off the battlefield and saved his life. "And yesterday I was able to open a court that handles orphans so I've come full circle since that battle in 1967 when I was wounded on March 16, my birthday." On Oct. 16, Chief Justice Castille was among the dignitaries who participated in the ribbon-cutting ceremony of Philadelphia's new Family Court building.

"[The Bar Medal] means a great deal to me because it's recognition by the bar and the judges that you appreciate some of the things I've had to do in the last eight years in my public life," he said.
The Philadelphia Bar Foundation Award, originally known as the Apotheker Award, was established to honor the memory of Louis D. Apotheker, a prominent Philadelphia attorney and past president of the Bar Foundation (1972), who was an outstanding leader in the legal profession and in the wider community. The award is designed to recognize a public interest lawyer who provides exceptional service to the nonprofit legal services community. This year, the Philadelphia Bar Foundation is proud to present the Pro Bono Award to Mincey & Fitzpatrick, Gould to Be Honored Nov. 8
Helping a Client Find Peace

By T. Stephen Jenkins

My pro bono client, a domestic violence survivor, had already been warned that if she called police just one more time she would be evicted under a Norristown ordinance aimed at curbing the number of calls for “disorderly behavior.” Thus, after Lakisha Briggs’ ex-boyfriend brutally attacked and stabbed her in the neck, as she passed out from blood loss, she pleaded with her neighbor not to call police. The neighbor did call police, and Briggs survived, only to face eviction proceedings.

In 2008, the Norristown Municipal Council passed an ordinance that restricted the number of times a tenant could call the police for assistance. Under the ordinance, Norristown’s municipal administrator could revoke a landlord’s rental license for any property to which the police responded to three instances of “disorderly behavior,” as determined by the chief of police, within a four-month period. Revoking a landlord’s rental license effectively evicted a tenant because, without a valid rental license, the landlord could not legally operate a rental property.

After Briggs received three “strikes” due to domestic violence incidents perpetrated by her ex-boyfriend from April to May 2012, Norristown’s municipal administrator put her rental property on probation, telling her that any future calls to the police could lead to her eviction.

On June 23, 2012, Norristown’s threat became real when Briggs’ ex-boyfriend broke a glass ashtray against her head and stabbed her in the neck with one of its broken shards. Briggs’ neighbor ignored her plea not to call police, and she was flown to a nearby hospital. This incident did not stop Norristown from revoking Briggs’ landlord’s rental license on June 26, 2012. Yet with the help of Legal Aid of Southeastern Pennsylvania attorney Susan Strong, Briggs was able to stave off eviction.

Pepper Hamilton LLP and the American Civil Liberties Union ultimately stepped in to challenge the ordinance, filing a complaint in U.S. District Court for the Eastern District of Pennsylvania and a motion for preliminary injunction seeking to enjoin the ordinance’s enforcement, which by this time had been repealed and reenacted in a new, yet similar, form. Norristown responded with a motion to dismiss, which was denied.

After months of discovery and settlement discussions, Norristown agreed to repeal the ordinance and pay Briggs about $500,000 in compensatory damages and attorneys’ fees. In a fitting end to a tumultuous journey, Briggs is now considering using her award to settle her case.

In a fitting end to a tumultuous journey, Briggs is now considering using her award to settle her case.

VIP Honors Dechert’s Braid as Volunteer of the Month

Philadelphia VIP appreciates Andrew Braid as Volunteer of the Month for providing legal services to low-income families in Philadelphia.

Andrew is a third-year associate at Dechert LLP with a focus on employee benefits and executive compensation. Since connecting with Philadelphia VIP in 2012, Andrew has represented nine VIP clients. With prior work experience in estate planning and administration that informs his case work regarding wills, guardianship and probate, Andrew also serves nonprofits and small businesses pro bono clients and assists in referring Philadelphia VIP matters to other Dechert attorneys by acting as a liaison between VIP and Dechert.

Andrew values his volunteer work with Philadelphia VIP because it allows him to explore areas of law that aren’t directly related to his practice. “VIP matters give me the opportunity to work with practical, real issues I wouldn’t encounter in a typical work day. In wills and guardianship cases, clients are worried about protecting their life savings, getting assets to the right people, providing for their family members and deciding who will make critical medical decisions. I get to advise them on how to approach these sensitive issues. It is very meaningful to see them relieved and reassured that their wishes will be carried out.” Andrew describes meeting clients and learning about their issues as a discovery process. “You watch how clients learn to articulate their needs, see that there is help, and begin to feel empowered to resolve the issues they’re struggling with.”

“Andrew is a talented attorney whose attention to detail helps our clients obtain the best possible legal outcomes for their cases,” adds VIP staff attorney Roxane Crowley. “More importantly, Andrew has great compassion for people and is sympathetic to the struggles of those with limited access to resources. I am always excited for our clients when Andrew takes their case.”

Andrew encourages all attorneys to consider volunteering with Philadelphia VIP. “It is a privilege to be able to serve those in need,” he says. “VIP staff members are passionate, knowledgeable and offer a tremendous amount of resources to anybody who needs help. Any volunteer who comes to VIP is not alone.”

Andrew is a dedicated attorney who uses his enthusiasm and expertise in multiple areas of law to meaningfully serve our clients. VIP applauds his commitment to helping VIP provide quality legal assistance to those in need.
Evaluate Solutions Before Renewing Insurance

By Brian McLaughlin

It’s that time of year again. Employers need to evaluate their options regarding how they’re going to handle their medical benefits for 2015. Insurance companies tell us about everything they’re doing to keep increases to low double digits. Employers have been practically conditioned to accept a 12 percent medical renewal as the cost of doing business. However, before you accept the “trend” renewal, you should be sure all options have been evaluated and fully understood.

The implementation of health care reform and age-banded rates has made the evaluation process for employers more complicated and has forced the industry to undergo an evolution of the solutions they’ve made available for employers. We’ll briefly discuss five solutions that all small employers should understand before they make their decision.

Moving to a High Deductible Plan: Reduced premiums open up employers’ flexibility to either invest the savings toward reducing the employees’ contribution, or help the employee fund the additional deductible. If employers don’t generate enough savings to help the employees offset the additional deductible, they can help their employees by offering certain voluntary benefits.

Defined Contribution: In simplest terms, this involves the employer giving employees a set dollar amount to spend toward benefits, while the employees pay any additional cost above that defined amount. Although the concept is simple, the implementation presents employers with many questions to consider. Is the contribution just for medical, or will it include ancillary benefits? Is this going to be a paper or electronic enrollment? If electronic, does the technology provider offer decision support and the carrier you prefer? How will employees find the help they need to make decisions? These questions can be answered, but employers need to give themselves time to research the answers.

Individual Policies: Does it still make sense to offer a group plan? What are the options in the individual market? With health care reform and no medical underwriting, the individual market has become a viable option for employees, even those with pre-existing conditions. While the individual market doesn’t offer employees the same tax advantages as buying group insurance through a section 125 plan, some may find cheaper coverage when you factor in federal subsidies and cost sharing.

The final two options we’ll discuss have become more viable with the pricing changes due to health care reform. Now that all employers in a particular area pay the same rates for the same plan, we have an environment where employers who are a better “risk” to insurance carriers are looking to find ways to find pricing below market rates.

Professional Employer Organizations (PEO): Allows an employer to outsource employee management tasks, such as employee benefits, payroll and workers’ compensation, and training and development. The PEO does this by hiring a company’s employees, thus becoming their employer of record for tax and insurance purposes. The PEO does this by hiring a company’s employees, thus becoming their employer of record for tax and insurance purposes. The PEO does this by hiring a company’s employees, thus becoming their employer of record for tax and insurance purposes. With better risk factors can get preferred pricing by going through underwriting and paying their claim costs, hopefully saving money instead of their excess premium being used to subsidize less healthy groups. When looking at these options, employers need to be sure of the maximize downside if claims are high. What is the liability if there are catastrophic claims? Often, this maximum cost can still be lower than a traditional plan, but employers still need to make sure they understand the risk.

There’s no one solution for every employer, and a good solution in 2015 may not be the right solution in 2016. The key to navigating health care reform for employers is making sure you have the resources to educate yourself on the options so you can make an informed decision.

Lana Ehrlich

For more information on placing a Lawyer to Lawyer referral ad, please contact Lana Ehrlich at 215-557-2392 or lehrlich@alm.com.
Caregivers Can’t Ignore Financial Health

Planning for retirement presents special challenges for those who care for aging or ailing family members. Some of the concerns among pre-retirees came to light in a recent PNC survey, the fifth in a series on retirement issues. In this month’s interview, I sat down with Joanne Shallcross, senior wealth planner at PNC Wealth Management, who holds both a J.D. and a master’s degree in nursing, to discuss how a little planning can go a long way in helping caregivers protect their financial health.

What were the most significant findings in the new Perspectives of Retirement Survey that was recently conducted by The PNC Financial Services Group?

The aging of America presents real financial challenges for today’s middle-aged adults who are often called upon – or volunteer – to care for their elderly parents or other family members. According to the survey, 60 percent of Americans voice worry about becoming a caregiver themselves. Are pre-retirees staying in the workforce longer than they had planned so that they can afford to become a caregiver? Nearly one in three (30 percent) non-retirees who anticipate caring for a loved one say they are planning to work longer to afford such care.

What sort of sacrifices are caregivers making?

Caring for a loved one poses many challenges, including a major commitment of time and money. Among current caregivers, one-third spend more than 10 percent of their retirement assets caring for a loved one, while nearly one in four (23 percent) dedicate half or more of their time caring for an adult relative. In addition, 24 percent are delaying luxury purchases and travel. However, the survey found that 36 percent of those looking after an adult relative say their caretaking gives them a sense of purpose and fulfillment.

What can caregivers do to help protect themselves against potential financial hardship?

It’s essential to plan ahead with other family members to help protect the financial health of one’s self and family. I recommend a review of financial health and estate planning documents every few years to prepare for life-changing events, including caring financially for a loved one. This should also include discussions with siblings and other family members to share responsibilities. It is also important that one prepares for even a temporary period of incapacity or disability through the proper titling of assets and the use of powers of attorney or trust documents that allow for another to act on one’s behalf.

Of course we recommend that people invest as much as possible for their future financial security. It’s important to seek the guidance of a professional financial advisor before you retire to develop an investment strategy that is in line with your long-term goals.

What are some of the other retirement considerations that caregivers may need to think about?

Other retirement planning considerations include: risk management solutions to provide for the events of one’s own disability or premature death such as disability insurance, long-term care insurance, and life insurance.

By Carol Claytor

PNC Perspectives

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Deborah R. Gross, a partner in Law Offices Bernard M. Gross, P.C. and current president of the Philadelphia Bar Foundation, is the lone candidate for Vice Chancellor of the Philadelphia Bar Association in this year's election.

Gross has been the president of the Foundation for the past two years, including this year's 50th Anniversary celebration. She was previously the vice president of the Foundation, chair of its Cy Pres Committee and co-chair of two Andrew Hamilton Benefits. She has been a trustee of the Foundation for 10 years, participating in the Grants Committee, the Finance Committee and the Development Committee.

Gross is also an ex-officio member of the Philadelphia Bar Association’s Board of Governors (2013-2014), was chair of the Federal Courts Committee (1999) and vice chair of the Federal Courts Committee responsible for organizing the June 1998 Federal Bench-Bar Conference.

She was also a member of the Third Circuit Judicial Council Bench Bar Relations Committee. She is a member of the Historical Society of the United States District Court for the Eastern District of Pennsylvania, the Brandeis Law Society, the Temple Inn of Court, the Philadelphia Trial Lawyers Association and the Lawyers Club of Philadelphia.

Gross concentrates her practice on plaintiffs’ securities fraud, antitrust and consumer class actions litigated throughout the country. She graduated from the Wharton School of the University of Pennsylvania and Boston University School of Law. Since 1998, Gross has frequently been invited to speak and teach at various legal programs and events all over the country, including at the Wharton School, the University of Chicago School of Business, and various Pennsylvania Bar Institute programs.

Gross is also involved in many other nonprofit and educational organizations including Temple Adath Israel, where she was a member of the Executive Committee and is currently co-chairing its Hineni Capital Campaign. Previously, she was vice president of education, responsible for education at the congregation’s preschool and religious school. She has also been head of the education committees of the religious school and preschool as well as a member of the Board of Directors.

She has also organized a program to bring the third-grade students from the William Penn Charter School, where her children attended, to the federal courthouse to observe a naturalization ceremony. She co-chaired and raised money for the University of Pennsylvania Class of 1982’s 25th reunion that had a record number of attendees and raised a record number of donations. She has supported numerous charitable organizations, both legal and non-legal. She participated in the first Three Day Walk in Philadelphia to raise money for breast cancer. She was a speaker at a JEVS Human Services workshop series “You’ve Got the Job, What’s Next?”

She is the proud mother of three adult children, Adam, Emily and Zachary. Her husband, Stuart Kuritz, is an attorney and co-founder of Kurtz and Revness, P.C. in Wayne, Pa.

Deborah R. Gross

Four Line Office Posts Unopposed

This year, the four candidates for Bar line offices are unopposed. The candidates are Jacqueline G. Segal, secretary; Wesley R. Payne IV, treasurer; Judge A. Michael Snyder (ret.), assistant secretary; and Mary F. Platt, assistant treasurer.

Segal is a partner with Fox Rothschild LLP and a graduate of Temple University School of Law.

Segal currently serves as secretary of the Bar Association (2013-2014). She has held a number of other Bar Association positions including assistant secretary (2011-2013); parliamentarian to the Board of Governors (2010); Cabinet member (2010-2011); Board of Governors (2007-2009); co-chair, Membership Task Force (2010-2011); chair, Chancellor’s Committee for Pandemic/Disaster Planning (2007-2009); Code of Judicial Conduct Task Force (2011); Elections Committee (2008, 2013, 2014); Board Liaison to Minorities in the Profession Committee (2008); Policy Oversight and Long Range Planning Committee (2008); Family Court Construction Committee (2008); Commission on Judicial Selection and Retention (2006); Section Chairs Committee (2006). In addition, Segal has been active in the Bar Association’s Family Law Section including chair (2006); chair-elect (2005); treasurer (2004); secretary (2003); executive committee (1997-2001); co-chair, Child Support Legislation Committee (2004); co-chair, Divorce and Equitable Distribution Committee (1997-2002); co-chair, Domestic Violence Committee (1994-1996).

Segal was an officer, executive committee member and founding member of Philadelphia’s Nicholas A. Ciripiani Family Law American Inn of Court (2006-2007); member, Doris Jonas Freed American Inn of Court (1998-present); member, University of Pennsylvania Law School American Inn of Court (1994-1996); member, American Bar Association, Family Law Section; Philadelphia Bar Foundation Hamilton Gala Host Committee (2014); Individual Giving Campaign (2011-2013); Women’s Resource Center, Advisory Board (2014-2015).

Payne, the current treasurer, is a partner with White and Williams, LLP and a graduate of the University of Maryland School of Law. He is a former chair of the Military Affairs Committee and co-chair of the Insurance Programs Committee.

Payne was a member of the Minorities in the Profession Committee, Diversity Committee and an Advancing Civics Education program team leader in 2008 through 2013. Payne serves as a judge pro tem, Philadelphia Court of Common Pleas and is a co-president of the Philadelphia Diversity Law Group, Inc.; immediate past-president of the Philadelphia Association of Defense Counsel; co-chair of the Rules Committee of the Pennsylvania Defense Institute; diversity governor at large of the Pennsylvania Bar Association; and, a member of the Barristers’ Association of Philadelphia. He is also a certified arbitration panelist in both Philadelphia County and federal court.

Snyder is a distinguished neutral with The Dispute Resolution Institute and a graduate of Temple University School of Law.

Snyder has served as chair/co-chair of Bar Academy (2010-present); Bench-Bar Planning Committee (2011, 2012); co-chair Law School Outreach Initiative (2014-present); Board of Governors, Workers’ Compensation Section representative (2001, 2009-2014); co-chair, Workers’ Compensation Section (2000, 2009); Executive Committee, Workers’ Compensation Section (1999-2002, 2008-present); member, Alternative Dispute Resolution Committee; continued on page 26.
7 Running for 5 Seats on Board of Governors

Maureen M. Farrell

Professional Profile: Principal, The Law Offices of Maureen M. Farrell; Widener University School of Law.

Association Activities: Chair of Women in the Profession Newsletter Committee and Editor-in-Chief of Women in Profession Newsletter (2011-2012); Women in the Profession Organizer of Launch Party celebrating the Inaugural Women in the Profession Organizer of Women in Profession Newsletter (2011-2012); Executive Board member of Women in Profession (2012-2014); member, Green Ribbon Committee (2011-2013); member, Family Law Section (2012-2014); member, Business Law Section (2012-2014); member, Solo and Small firm committee (2007 to present); member, LGBT Rights Committee (2011-2014); member, Probate and Trust Law Section (2008 to present).

Other Activities: Brehon Law Society Executive Board member (2014); Brehon Law Society Women in the Brehon chair (2012-2014); presentations with the Philadelphia Bar Association/Women in Brehons (2012-2014); Fundraiser and Promotional Event Organizer for Community Legal Services “Making the Private Practice Leap,” sponsored by the Philadelphia Bar Association on June 4, 2014, as part of its Law Firm Laboratory series; presented a resolution on climate change to Board of Governors in June 2014; assisted with Chancellor’s Forum “Understanding the Science of Climate Change” scheduled for Nov. 6, 2014; and scheduled as a participant on December 3, 2014, in another panel presentation as part of the Law Firm Laboratory Series.

Candidate’s Statement: I respectfully seek your support in my candidacy this year for The Board of Governors of the Philadelphia Bar Association. Since my law school graduation, my active involvement in the Philadelphia Bar Association has proved to be invaluable in enhancing my career as a lawyer. I am grateful to the Philadelphia Bar Association for providing me with numerous opportunities to join and participate in many of its different Sections and Committees. I encourage every lawyer to become involved in the Philadelphia Bar Association because it will become an indispensable resource for you.

As a member of the Board of Governors, I will work to increase membership and participation of our existing members by using my skills of follow-through and attention to detail that have led to creating very well-attended, successful programs. For example, I have created programs working with the Brehon Law Society, the Justinian Law Society, Widener Law alumni and the Philadelphia Bar Association.

If elected, I plan to represent the Bar Association with the same vigor and enthusiasm that I have shown with my dedicated, active participation in the Bar Association by way of its many varied capacities.

Steve Harvey

Professional Profile: Principal, Steve Harvey Law LLC; Villanova University School of Law.

Association Activities: Member since 1996; participated in panel presentation “Making the Private Practice Leap,” sponsored by the Philadelphia Bar Association on June 4, 2014, as part of its Law Firm Laboratory series; presented a resolution on climate change to Board of Governors in June 2014; assisted with Chancellor’s Forum “Understanding the Science of Climate Change” scheduled for Nov. 6, 2014; and scheduled as a participant on December 3, 2014, in another panel presentation as part of the Law Firm Laboratory Series.

Candidate’s Statement: Since December 2013, I have been running my firm, Steve Harvey Law LLC. Before that I practiced law at Pepper Hamilton since 1995. I graduated from Villanova Law School in 1989, clerked for a federal judge and served as a trial attorney in the U.S. Department of Justice.

Our greatest calling as lawyers is to give back. I have tried to live up to this by doing government service early in my career and since then by taking pro bono cases and supporting our many excellent public interest organizations. I have served for many years on the board of the Homeless Advocacy Project. I have also

Bar to Elect Officers, Board Members

The Philadelphia Bar Association’s Annual Election of officers and members of the Board of Governors will be held on Tuesday, Dec. 9 from 8:30 a.m. to 6 p.m. on the Ballroom Level of the Park Hyatt Philadelphia at the Bellevue, Broad and Walnut streets. Officers to be elected are vice chancellor, secretary, treasurer, assistant secretary, assistant treasurer and five members of the Board of Governors for three-year terms.

According to Article IV, Section 406, Paragraph B, “The election shall be by (1) secret mailed ballot and (2) paper ballot or voting machine. In addition, members may vote electronically over the Internet to the extent permitted by law pursuant to procedures established by the Board to preserve the confidentiality of the Member’s vote and the integrity of the voting process. Voting machines, if available, shall be preferred for in-person voting, unless there is an election at which there is no contest. The position of the nominee on the ballot shall be determined by lot. The drawing of lots shall be conducted by the Judge of Elections not less than 25 days before the Annual Meeting in the presence of the nominees and/or their representatives. The form of the ballot shall be prescribed by the Board. A ballot shall be sent by the Association by mail to every Association member eligible to vote at least two weeks prior to the date set for the Annual Meeting. A mailed ballot shall not be counted unless it has been received at the office of the Association no later than 10 a.m. three business days prior to the date set for the Annual Meeting and in such manner as to preserve the confidentiality of the member’s vote. The Judge of Elections shall count the mailed ballots after the polls have been closed.”

Ballots are to be mailed Nov. 20 and are due by Dec. 4 at 10 a.m.

Candidates for Office

Vice Chancellor

Deborah R. Gross

Secretary

Jacqueline G. Segal

Treasurer

Wesley R. Payne IV

Assistant Secretary

Judge A. Michael Snyder (ret.)

Assistant Treasurer

Mary F. Platt

Board of Governors (elect five)

Maureen M. Farrell

Steve Harvey

Kathleen Kirkpatrick

Ira S. Lefton

Kevin Mincey

Jeffrey N. Rosenthal

Julia Swain

continued on page 23
been active in environmental causes. I recently worked on a resolution passed by the Board of Governors seeking action on climate change, an issue I believe is critically important and deserves the attention of the legal community.

If elected, I will work to advance the interest of the Association, its members and the larger community. This will include further work on climate change. I am also interested in building public confidence in the legal system, encouraging diversity in the profession, and supporting the Philadelphia legal community as a positive economic and social force.

Kathleen Kirkpatrick

Professional Profile: Associate, Tucker Law Group, LLC; Temple University James E. Beasley School of Law.

Association Activities: Labor & Employment Law Committee, co-chair (2013, 2014); Women in the Profession Committee, member and meeting planner, moderator (2012 – present); State Civil Litigation Section, member (2012 – present); Moderator, “The Equal Pay Act and Gender Discrimination,” Women’s Rights Committee and Labor and Employment Committee (2013); Moderator, “How To Effectively Deal With The Obstreperous Lawyer,” Women in the Profession Committee (2012).

Other Activities: Lawyers’ Club, Board of Directors (2014); Brehon Society, member; Justinian Society, member; Brandeis Law Society, member; Panelist, “Perceptions, Stereotypes of Women in Law,” Brehon Law Society (2014); The Old City Special Services District, Board of Directors (2012); Guest Speaker, University of Pennsylvania School of Law, “Trying the Employment Discrimination Case” (2012); Zoeza Institute, Advisory Board of Directors (2008-09); First Judicial District of Pennsylvania Pro Bono Roll of Honor (2006); Philadelphia Trial Lawyers Association, member.

Candidate’s Statement: I am seeking a position on the Board of Governors because I wish to continue my current involvement with the Bar Association and actively participate in the shaping of policies that impact both our Association’s members and the community at large.

The Bar Association serves a vital function as the face of the Philadelphia legal community and it is important that our leadership fully reflect the diversity of the Bar and our city. My personal experience of practicing in a multicultural firm has given me genuine insight into the benefits of inclusion and diversity of thought.

My diverse personal and professional life allows me to bring a unique perspective to the Bar Association and the issues facing membership and greater participation from all corners of the Bar.

As co-chair of the Labor & Employment Law Committee, and as an attorney for both plaintiffs and defendants, I have had the opportunity to address the effects of laws on all stakeholders, including laws related to equal pay and sexual orientation discrimination. I was also instrumental with community outreach and in presenting panel discussions with the Women in the Profession Committee and am a member of the State Civil Litigation Section.

Ira S. Lefton

Professional Background: Partner, Reed Smith LLP (Chair of Firmwide Pro Bono Committee); University of North Carolina Law School.

Association Activities: Member, Public Interest Section, Civil Gideon and Access to Justice Task Force, Law Firm Pro Bono Committee, LGBT Rights Committee; past participant, Philadelphia Bar Association S-K Race.

Other Activities: Member, Gay and Lesbian Lawyers of Philadelphia; pro bono counsel for Amnesty International U.S.A., the Partnership Community Development Corporation (sponsoring community development in West Philadelphia), the American Women’s Heritage Society (operating the Historic Belmont Mansion and the Underground Railway Museum), Philadelphia FIGHT (AIDS treatment, prevention and research) and the Philadelphia LGBT Eider Initiative; board officer and pro bono counsel for Citizens for the Arts in Pennsylvania (advocating for the arts and for funding for the Pennsylvania Council on the Arts); board officer and pro bono counsel for Dance Affiliates (co-presenter of the “Dance Celebration Series” at the Annenberg Center, University of Pennsylvania); participant/mentor in the “Beyond School Walls” program of Big Brothers, Big Sisters (partnering with the Fell Elementary School in South Philadelphia).

Candidate’s Statement: As the leader of my firm’s global pro bono efforts who has devoted significant time to nonprofits in Philadelphia and beyond, I can offer my experience and a fresh perspective to support what the Association already does for the public interest community and to strengthen our commitment to meet their legal needs (such as via the Civil Gideon Task Force).

Because I also serve on my firm’s Diversity and Inclusion Committee, I offer that experience to further the efforts of our Association to embrace all the diverse constituents in our legal community. In addition, I will work to strengthen the commitment of the city’s larger firms to our Association and increase involvement of the lawyers in our activities, including pro bono.

Having worked on recruitment and training of new lawyers, I will bolster our Association’s efforts to address the challenges in finding meaningful employment opportunities for younger lawyers and in working with law schools to focus more on practical training.

Finally, I will work with our colleagues to ensure that our judicial system is held to even higher regard and that all of our courts shine as a beacon of integrity for those who seek swift, effective and even-handed justice.

Kevin Mincey

Professional Profile: Partner, Mincey & Fitzpatrick, LLC; Howard University School of Law.

Association Activities: Special advisor to the Chancellor (2014); chair, Diversity in the Profession Committee (2013-Present); member, Diversity in the Profession Committee (2011-2013); Criminal Justice Section representative to the Board of Governors (2013); chair, Criminal Justice Section (2012); chair-elect, Criminal Justice Section (2011); member, Executive Committee, Criminal Justice Section (2010); member, Commission on Judicial Selection and Retention (2011-2012).

Other Activities: President, Barristers’ Association of Philadelphia (2011-2012); member, Barristers’ Association of Philadelphia (2008-Present); Chair, Barristers’ Association of Philadelphia Expungement Clinic (2011-Present); Regional Director, National Bar Association (2007-2008); member, National Bar Association (2005-Present).

Candidate’s Statement: If elected to the Board of Governors, I will continue my work to enhance the effectiveness of the Philadelphia Bar Association in the profession and community. As chair of the Criminal Justice Section, I stood up for public interest lawyers and protected the rights of indigent defendants. As chair of the Diversity in the Profession Committee, I successfully advanced a resolution for additional minority appointments to the Board of Governors to ensure adequate and continuous representation for minority attorneys, and helped improve our Statement of Diversity Principles.

This year, while serving as special advisor to the Chancellor, it was deeply enriching to assist Chancellor Fedullo as he took on the funding challenges facing the Philadelphia School District. His work in this area helped shine a light on the breadth of the Association’s reach, and I believe that the work of the Association uniquely positions us to impact the Philadelphia community on a much larger scale.

Going forward, we should work harder to serve the voting public, through avenues like enhanced judicial evaluations, and influence lawyers who are not members to become active in the Association. With your support, I will continue to serve the Association with vigor and help push it even farther.

Jeffrey N. Rosenthal

Professional Profile: Associate, Blank Rome LLP, Syracuse University College of Law.

Association Activities: Financial secretary to the Executive Committee of the Young Lawyers Division (YLD)(2012-2013); member, Young Lawyers Division Executive Committee (2011-present); member, Public Interest Section Law School Outreach Committee (2014-present); liaison, State Civil Litigation Section (2010-2011), firm-wide organizer, Harvest for the Homeless program (2014); co-chair, Legal Advice Live! event (2012); event chair, A Night of Comedy That Cares Annual Fundraiser Committee (2013); participant, Law Star Game Annual Fundraiser (2014); member, Casino Night Annual Fundraiser Committee (2011) organizer and volunteer, LegalLine Bootcamp - panel on Interview Skills (2013-Present); volunteer judge, John S. Brady Law Mock Trial Competition (2014); member, Attorney Career Development Committee (2009).

Other Activities: Chair, Blank Rome’s Martin Luther King Jr. Living Will Day Planning Committee (2012-2013); volunteer, Philadelphia Volunteers for the Indigent Program; volunteer, Homestead Advocaacy Project; volunteer, SeniorLaw Center; volunteer, Community Legal Services; volunteer, People’s Emergency Center; volunteer, The Housing Alliance of Pennsylvania; volunteer, Jewish Federation of Greater Philadelphia; member, Golden Slipper Club & Charities – Human Needs And Services Committee; member, Louis D. Brandeis Law Society; member, Blank Rome United Way Associates Committee.

Candidate’s Statement: Relevance and membership: two things the Philadelphia Bar Association must focus on to ensure the greatest impact on the legal community and the community at-large.

As an active bar member, I have seen the positive effects our concerted efforts have on the community. The Association is a wonderful platform for taking collective positions on significant issues, providing members networking and practice growth opportunities and encouraging volunteer service. But it needs a steady...
Board Candidates
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stream of new players to function. And those new players can only come from young lawyers who recognize the benefits of bar membership and its place in the Philadelphia landscape.

I was fortunate to serve as financial secretary to the YLD Executive Committee. In that role, I managed and directed the activities of the YLD’s more than 2,900 members, raising both money and awareness. I currently serve on the Law School Outreach Committee, which connects me to the concerns of students and newly-minted attorneys looking for a place to belong.

As my term on the YLD’s Executive Committee ends, I want to bring my energy and experience to the Board of Governors to ensure young lawyer’s voices are heard. I appreciate your support.

Julia Swain

Professional Profile: Partner, Fox Rothschild LLP; Widener University School of Law.

Association Activities: Chair, Sponsorships, Bench-Bar Committee (2014); co-chair, Bench-Bar Committee (2013); chair, Family Law Section (2011); associate editor, Philadelphia Bar Reporter (2009 to present); co-chair, Bench Bar Conference Planning Committee, Family Law Section (2009 to present); voting member, Commission on Judicial Selection and Retention (2009 to present); voting member, Board of Governors (2011); member, Civil Gideon Task Force, Family Law Working Group (2010); vice chair, Family Law Section (2010); co-chair, Program Committee, Family Law Section (2005 to 2010); treasurer, Family Law Section (2009); investigator, Commission on Judicial Selection and Retention (2009 to 2011); CLE coordinator, Family Law Section (2007 to 2010); secretary, Family Law Section (2008); co-chair Membership Committee, Family Law Section (2001 to 2004); YLD liaison, Family Law Section (2001, 2002).

Other Activities: Fellow, American Academy of Matrimonial Lawyers, PA Chapter, Board of Managers; member, Family Court Initiative, Federal Court Supervision to Aid Reentry Program; The Matrimonial Strategist, Editorial Board; president, Ridgeway Estates Homeowners Association; member, Family Law Advisory Panel, Philadelphia Volunters for the Indigent Program (2008 to present); board member, Hebrew Immigrant Aid Service (2008 to 2013).

Candidate’s Statement: Through many years of my commitment to the Philadelphia Bar Association, I have strived to support its mission of serving the profession and the public by promoting justice, professional excellence and respect for the law. I seek the opportunity to continue my involvement with the Association by serving on the Board of Governors.

My prior leadership experience through the Family Law Section has provided a strong background to understand the needs of the Philadelphia legal community. As chair of the Family Law Section, I had the opportunity to serve on the Board of Governors and the Commission on Judicial Selection and Retention. I also regularly meet with other section chairs and worked with members of our judiciary to develop meaningful CLE programs. These roles have provided me with valuable insights into the collective experience of our legal community including lawyers in small, medium and large firms, representing a broad range of practice groups. I hope you will support my candidacy for a position on the Board of Governors and allow me to devote my skills and energy to promote our legal community and to help ensure that our Bar Association maintains its position as a preeminent legal professional organization.

Ryan Seek 7 Seats on YLD Executive Committee

Ryan Briskin

Professional Background: Solomon, Sherman & Gabay; Widener University School of Law.

Activities: Member, Pennsylvania Association for Justice.

Candidate’s Statement: My qualifications to serve as a member of the Young Lawyers Division Executive Committee are grounded in my past experiences as a young lawyer. I have tried numerous cases to verdict in front of juries and arbitration panels. In addition, I devote a portion of my practice to doing pro bono work through the Democratic City Committee. This experience has given me a unique perspective on challenges facing citizens of Philadelphia. In the past I have participated in numerous Young Lawyers Division events where I was fortunate to meet many young lawyers in the area who I expect to grow with professionally throughout our careers.

Mario D’Adamo III

Professional Background: Assistant City Solicitor, Philadelphia Law Department; Widener University School of Law.

Activities: Member, Sons of Italy, Knights of Columbus; Board member, Tolentine Community Center.

Candidate’s Statement: While attending evening division law school, I worked as a probation officer for the First Judicial District. In that capacity, I appeared countless times at the bar of the court, where I developed lasting relationships with esteemed members of the bar and the judiciary. Those experiences in conjunction with my work ethic and dedication will help the young lawyers to network within the court system. Recently, I accepted an offer as an assistant city solicitor and will represent the City of Philadelphia. This will enable me to continue to foster such relations and further benefit the YLD.

Caitlin M. Donnelly

Professional Background: Associate, KML Law Group, PC; Drexel University Law School.

Activities: Member, Temple Inn of Court and Drexel Law School Alumni Council.

Candidate’s Statement: I am interested in a YLD Executive Committee position because I’d like to help build our community of young Philadelphia lawyers and increase our involvement in the greater legal community. I believe I have the time to dedicate and have had many other experiences working with organizations in the past that are directly relevant to what I hope to accomplish working with the Executive Committee. My goal is to see the YLD really flourish as an organization that helps build lasting professional connections and contributes effectively to the Philadelphia legal community by offering fun, useful and informative events.

Melanie J. Foreman

Professional Background: Law clerk, Philadelphia Court of Common Pleas; University of Pennsylvania Law School.

Activities: Member, Friends of the Israeli Defense Forces, Temple American Inn of Court.

Candidate’s Statement: Serving on the YLD Executive Committee would be a unique opportunity that would allow me not only to become further involved in the Philadelphia legal community, but also to help shape the goals of the YLD. I have already become involved in the YLD’s outreach initiatives by participating in Legal Line Live in West Philadelphia and by assisting in the annual Goldilocks Program. I also volunteered at the Law Star Game. My participation shows that I am dependable and committed to the YLD. I furthermore have experience serving on the board of various nonprofits, both during and after law school.

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YLD Candidates
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Dana Gittleman

Professional Background: Associate, Marshall Dennehey Warner Coleman & Goggin, P.C.; Villanova University School of Law.
Activities: Member, Brandeis Law Society.
Candidate’s Statement: I believe that my experience in leadership capacities and involvement in the Philadelphia community make me an excellent candidate for the YLD Executive Committee. Throughout my undergraduate and law school careers, I assumed leadership positions that enabled me to hone my skills in organizing peers and mobilizing support for volunteer projects and attendance at social events. I am from Philadelphia and have strong ties to the area, both in the legal and nonlegal community, which could assist with cross-disciplinary programming and networking. Furthermore, I have employment experience in marketing, business development and communications that could assist with outreach and attendance.

Lindsay H. Schoonmaker

Professional Background: Associate, Pepper Hamilton LLP; Temple University Beasley School of Law.
Activities: Member, Women’s Initiative Network at Pepper Hamilton LLP and Pepper Hamilton Summer Associate Social Committee. Member, American Bar Association.
Candidate’s Statement: As a member of the Young Lawyers Division Executive Committee, I will be committed to helping the Philadelphia Bar Association and the Philadelphia legal community in general as the mission of the YLD Executive Committee intends. I have taken a leadership role in the groups to which I have belonged my whole life. I have always volunteered and been committed to my communities and would like to take the same kind of role as a new lawyer and as a member of the YLD.

Franklin R. Stroffoff

Professional Background: Associate, The Rothenberg Law Firm LLP; Widener University School of Law.
Personal Statement: Throughout my life, I have been active in the community and have spent time volunteering with organizations such as Habitat For Humanity, Downtown Daily Bread and Stop Hunger Now. In addition, I have held many important leadership positions in both athletics and academics. As a member of the Young Lawyers Division Executive Committee, I will rely on past experiences to continue to serve the Philadelphia legal community and community as a whole. I am eager and excited to give back to the community and continue to strengthen the ties between the citizens of Philadelphia and the Philadelphia Bar Association.

Thomas J. Szymanski

Professional Background: Associate, Marshall Dennehey Warner Coleman & Goggin, P.C.; Rutgers University School of Law.
Activities: Member, Jagiellonian Law Society.
Candidate’s Statement: My diverse professional background, organizational skills and determination qualify me to bring my enthusiasm for the profession and interest in community outreach to my role on the Executive Committee. I enjoy working as a member of a team to carry out projects. Additionally, I look forward to learning about the internal governance of the Bar Association with members of other sections and committees.

Ashley K. Shea

Professional Background: Associate, Griesing Law, LLC; Villanova University School of Law.
Activities: Business Law Section liaison to Young Lawyers Division Executive Committee; member American Bar Association, Brehon Law Society, Junior League of Philadelphia, Young Professionals Network, Philadelphia Chamber of Commerce; Volunteer for Ronald McDonald House, YLD Law Star Game Fundraiser and John S. Bradway High School Mock Trial Competition.
Candidate’s Statement: As the Business Law Section liaison to the Executive Committee the past two years, I chaired the 2013 Legal Advice Live! Program and the 2014 Harvest for the Homeless drive and created programming for young lawyers to gain mentorship opportunities from seasoned attorneys through a Practicing Business Law Panel, a Business Development Speed Networking Event, and a Reverse Mentoring Program. I am running for the Executive Committee because I believe in the importance of serving the community and of relationship-building from the outset of our careers. The YLD is a valuable vehicle for both, and I ask for your vote so that I may continue to diligently support its mission.

Election Notice
Candidates For YLD Executive Committee

Balloting for members of the Young Lawyers Division Executive Committee will take place on Tuesday, Dec. 9, from 8:30 a.m. to 6 p.m. on the Ballroom Level of the Hyatt at The Bellevue, Broad and Walnut streets. This year, 10 candidates are seeking election to seven seats available on the YLD Executive Committee. Committee members serve three-year terms.

Candidates for Office

Ryan Briskin
Mario D’Adamo III
Caitlin M. Donnelly
Melanie J. Foreman
Dana Gittleman
Lindsay H. Schoonmaker
Ashley K. Shea
Franklin R. Stroffoff
Thomas J. Szymanski
Anna B. Will

Note: Only members in good standing of the Association’s Young Lawyers Division may cast votes in this election. Attorneys are members of the Division if (1) they have not yet reached or reached the age of 37, or (2) they have not yet reached or reached the third anniversary of their first admission to the bar of any state.

Annual Meeting Luncheon

INTRODUCING ALBERT S. DANDRIDGE III
OUR 88TH CHANCELLOR

HYATT AT THE BELLEVUE | 12 P.M.

Incoming Philadelphia Bar Association Chancellor Albert S. Dandridge III will outline his plans for 2015 at the Association’s Annual Meeting Luncheon on Tuesday, December 9 at 12 p.m. in the Grand Ballroom of the Hyatt at The Bellevue, Broad and Walnut Streets.

Register at philadelphiabar.org
### Monday, Nov. 3
- **Family Law Section**: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $8.

### Tuesday, Nov. 4
- **Committee on the Legal Rights of Persons with Disabilities**: meeting, 9 a.m., 11th Floor Committee Room South.
- **Women’s Rights Committee**: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $8.

### Wednesday, Nov. 5
- **Delivery of Legal Services Committee**: meeting, 8:30 a.m., 10th Floor Board Room.
- **International Business Initiative Committee**: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $8.
- **Family Law Section ADR Committee**: meeting, 4 p.m., 10th Floor Board Room.

### Thursday, Nov. 6
- **Chancellor’s Forum**: 12 p.m., 11th Floor Conference Center. Lunch: $8.
- **Philadelphia Bar Academy**: meeting, 12 p.m., 11th Floor Conference Center.

### Friday, Nov. 7
- **Workers’ Compensation Section Executive Committee**: meeting, 10:30 a.m., 11th Floor Committee Room South.
- **Workers’ Compensation Section**: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $8.

### Monday, Nov. 10
- **Civil Gideon Task Force Housing Work Group**: meeting, 8:30 a.m., 11th Floor Conference Room South.
- **Chancellor’s Forum**: 12 p.m., 11th Floor Conference Center. Lunch: $8.

### Tuesday, Nov. 11
- **Cabinet**: meeting, 12 p.m., 10th Floor Board Room.
- **Criminal Justice Section Executive Committee**: meeting, 12:30 p.m., 11th Floor Conference Room South.

### Wednesday, Nov. 12
- **X, Y, Zs of Real Estate**: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $8.
- **Delivery of Legal Services Committee**:
- **Emeriti Network**: meeting, 3 p.m., 10th Floor Board Room.

### Thursday, Nov. 13
- **Legislative Liaison Committee**: meeting, 12 p.m., 10th Floor Board Room. Lunch: $8.
- **Immigration Law Committee**: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $8.

### Friday, Nov. 14
- **YLD Bootcamp**: 12 p.m., 11th Floor Conference Center. Admission: $10.

### Monday, Nov. 17
- **Public Interest Section Executive Committee**: meeting, 12 p.m., 10th Floor Board Room.

### Board Room.
- **Tuesday, Nov. 18
- **Civil Gideon Access to Justice Task Force**: meeting, 12 p.m., 10th Floor Board Room.
- **Employee Benefits Committee**: meeting, 12:30 p.m., 11th Floor Conference Room South. Lunch: $8.

### Wednesday, Nov. 19
- **State Civil Litigation Section**: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $8.
- **Federal Courts Committee**: meeting, 12:30 p.m., 11th Floor Conference Center. Lunch: $8.
- **LegalLine**: 5 p.m., 11th Floor LRIS offices.

### Thursday, Nov. 20
- **Solo and Small Firm Committee**: meeting, 12 p.m., 10th Floor Board Room. Lunch: $8.
- **Board of Governors**: meeting, 4 p.m., 10th Floor Board Room.

### Friday, Nov. 21
- **Social Security Disability Benefits Committee**: meeting, 12 p.m., 11th Floor Conference Center.

### 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. Luncheons are $8 for members and $12 for non-members, unless otherwise indicated. Register online for most events at philadelphiabar.org. Unless otherwise specified, all checks for luncheons and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquarters, 1101 Market St., 11th Fl., Philadelphia, PA 19107-2955. Send Bar Association-related calendar items 30 days in advance to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., Philadelphia, PA 19107-2955. Fax: (215) 238-1159. Email: jlyons@philaba.org.

### Line Offices
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- member, Arts in the Courts Committee; team teacher, Advancing Civics Education Program (2009-present), Investigative Division member Judicial Selection and Retention Committee (2013-present); member, Workers’ Compensation Section; member, Philadelphia Bar Foundation Grants Committee (2009-present), Judge Snyder currently serves as Assistant Secretary of The Philadelphia Bar Association.

- He has also served as a member, House of Delegates, Pennsylvania Bar Association (2004-2008); member, Executive Board, member, long-range/strategic planning committee, member, CLE committee, Louis D. Brandeis Law Society; Vice Chancellor Louis D. Brandeis Law Society; Temple American Inn of Court (2008-present)

- team leader (2009-present); founder and president, Judge Alexander F. Barbieri Workers’ Compensation Inn of Court (2010-present); member, Workers’ Compensation Section, Fall Section Advisory Committee, Pennsylvania Bar Institute (2005-present); member, Alternative Dispute Resolution Committee, Pennsylvania Bar Association; member, Concerned Committee for the Elderly, Center for Social Responsibility (Grants Committee), Jewish Federation of Greater Philadelphia (2003-2012).

- Platt is of counsel to Fineman Kreekstein & Harris, P.C., and is a graduate of Georgetown University Law Center and Mount Holyoke College.


Hope C. Lefebre, principal in Law Offices of Hope Lefebre, discussed issues related to restitution and forfeiture as part of a CLE for the Federal Community Defender Office for the Eastern District of Pennsylvania on Oct. 17.

Robert D. Pichini, a partner with Feldman Shepherd Wohlgelernter Tanner Weinstock Dodig LLP, was honored with the 2014 Justice Mumson Award, the highest honor bestowed by the Philadelphia Trial Lawyers Association, on Oct. 22.

Sheryl L. Axelrod, founder of the Axelrod Firm, PC, was recently accepted into membership in The Litigation Counsel of America, a peer-selected honorary society of 3,500 top trial lawyers.

Philip N. Yannella, a partner with Ballard Spahr LLP, has written a book exploring the emerging legal issues surrounding eDiscovery in Pennsylvania.

James A. Wells of Meyerson & O’Neill has been elected to serve as a member of the American Bar Association Tort Trial and Insurance Practice Section Council.

Joseph D. Mancano, a founding partner in Cedrone & Mancano, LLC, presented at the University of North Carolina Treasury Management Series held on Sept. 21-2 at the UNC Kenan-Flagler Business School.

Abbi L. Cohen, a partner at Dechert LLP, has been elected to the Board of Directors of The Public Interest Law Center of Philadelphia.

David Smith, a partner at Schnader Harrison Segal & Lewis LLP, has been elected to the Board of Directors of The Public Interest Law Center of Philadelphia.

Michael J. Cornelison, a partner in Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd., recently received a 2014 Multicultural Leadership Award from the Philadelphia Diversity Council. He also recently presented to more than 70 attorneys at The Legal Intelligencer’s In-House CLE program “Best Practices for Thwarting Parent Plaintiffs Seeking a Quick Payday.”

Robert D. Liebenberg, a senior partner at Fine Kaplan and Black, R.P.C., was a keynote speaker at the Second Annual Women, Influence & Power in Law Conference in Washington, D.C. on Sept. 19 where she addressed “Key Governance Trends from the Perspective of the Board of Directors.”


James A. Funt, a founding partner in Greenblatt, Pierce, Engle, Funt & Flores, LLC, was a panelist for the Pennsylvania Bar Institute seminar “A Few Good Men: Developing and Presenting Your Case.”

Steven J. Engelmyer, a partner in Kleinbard Bell & Breder LLP, was recently appointed to serve on the Board of Directors of the Ardern Theatre Company.

Bradley D. Remick, shareholder in Marshall Dennehey Warner Cole & Goggin, has authored the book “Pennsylvania Products Liability,” published by The Legal Intelligence.

Kimberly Alford Rice, principal/chief strategist of KLA Marketing Associates, recently co-presented “Build or Enlarge a Great Practice: Networking Skills and Marketing” to members of the New Jersey State Bar Association.

Judy Stouffer, law firm administrator and senior paralegal at Berner Klaw & Watson, was presented with the National Federation of Paralegal Associations’ William R. Robie Leadership Award at their annual convention in Dallas on Oct. 11.

M. Melvin Shralow of Shralow ADR, LLC, was a panelist at the recent Pennsylvania Bar Association In-House Counsel Summit in Gettysburg, where he presented on the Pennsylvania Bar’s Lawyer Dispute Resolution Program.

John F. Galluci and Christopher D. Ball, partners with Manko, Gold, Katcher & Fox, LLP, presented at the 2014 Railroad Environmental Conference on Oct. 28-29 on the campus of the University of Illinois at Urbana Champaign.

Cheryl Cutrona, executive director of Good Shepherd Mediation Program, has been elected to the International Association of Conflict Resolution Board of Directors, and appointed to chair the organization’s Ethics Committee.

Andrew D. DiPietro Jr. of Baratta, Russell & Baratta celebrated his 30th Anniversary as a member of the Board of Directors of Quaint Oak Bank.

A. Roy DeCaro and Mark J. LeWinter of Raynes McCarty recently participated in the American Board of Trial Advocates Masters in Trial demonstration at The National Constitution Center.

H. Ronald Klasko, founding partner of Klasko, Rulon, Stock & Seltzer, LLP, was the keynote speaker at the 2014 Overseas Investment & International Wealth Management Forum in Beijing in October.

Paul M. Schmidt, a shareholder in Zarwin Baum DeVito Kaplan Schara Toddle, P.C., has been appointed to the Traffic Club of Philadelphia’s Board of Governors.

Stewart M. Weintau of Cham- berlain Hefflicka discussed current SALT apportionment and alternate apportionment issues for multi-state income tax taxpayers as part of a program sponsored by the SALT Committee of the Houston chapter of Tax Executives Institute, Inc.

Steven K. Mignogna, a partner and shareholder with Archer & Greiner PC, has been named to the Board of Advisors of the Alicia Rose Victorious Foundation, which supports adolescents and teenagers hospitalized with cancer, and their families.

Bruce M. Ludwig, a partner in Willig, Williams & Davidson, recently presented “Growing the Union at Penn State University: Issues in Organizing a Residual Unit in the Public Sector” at the 29th meeting of the International Conference of Teamsters Lawyers in Providence, R.I.

Jennifer Brandt, a member of Cozen O’Connor, discussed complex equitable distribution issues at the Pennsylvania Institute of Certified Public Accountants Divorce Conference on Oct. 27 in King of Prussia, Pa.

Brennan Torre- grossa, assistant general counsel at GlassSmithKline, was named by Legal 500 as a Corporate Counsel 100 United States Rising Star.

Bernard Max Resnick, principal in Bernard M. Resnick, Esq., P.C., has been appointed as a lecturer in law of the Faculty of the Villanova University School of Law. He also served as a judge at the Eastern Coast Regional section of the 2014 IP LawMeet moot court competition at the University of Pennsylvania Law School.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1001 Market St., 11th fl., Philadelphia, PA 19107-2955. E-mail: reporter@philabar.org.
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