In 1989, five black and brown teenagers were accused of the rape of the white “Central Park Jogger.” The story became front-page news, branding the teenagers the “Central Park Five.” These five young men became the face of crime in America and, thus, began a 25-year saga through the criminal justice system. The case of the now “Exonerated Five” has since caused people to re-evaluate how the legal system treats juveniles, poor people and racial minorities.

On Sept. 16, the Philadelphia Bar Association hosted a Chancellor’s Forum: “The Case of the ‘Exonerated Five.’” The two-part program, consisting of a panel and town hall, was moderated by Reggie Shuford, executive director of ACLU-PA. The beginning panelists were Hassan Bennett, an individual who was sent to prison for 13 years for a crime he did not commit before being exonerated and now working as a criminal justice reform advocate; Keir Bradford-Grey, chief defender at the Defender Association of Philadelphia; Patricia Cummings, director of the Conviction Integrity Unit, Office of the Philadelphia District Attorney’s Office; and Joanna Visser Adjoian, cofounder and codirector of the Youth Sentencing & Reentry Project.

Shuford opened by saying that one of the goals of the forum was to “share the burden” of racial inequity, usually borne by black and brown people alone, so that all feels responsible for addressing it. He asked all of his white friends to watch the series, he said, after which he often heard “it’s too hard to watch.” His response was that if the Exonerated Five could live it, others could watch the show about it. Shuford also made a point to name the Exonerated Five: Raymond Santana; Kevin Richardson; Yusef Salaam; Antron McCray; and Kharey (now Korey) Wise; and explained that he and others, including officially repudiated the term “Central Park Five.”

There is a direct line from slavery to continued on page 10

continued on page 10
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There are secret heroes among us. Usually disguised as “ordinary” people, they do extraordinary things for others, all the while remaining completely invisible on the radar of public recognition and praise. My mother, Thelma, was one.

I have shared a few things about Thelma with you before—the challenges she faced being an underpaid single mother and the “new normal” of her dementia. These are a small part of her story, and there is more worth sharing. I am blowing her “cover” by putting more of her blessed memory on the radar because Thanksgiving is a few weeks away, and I am thankful to her for a million reasons. I am thankful for people who, like her, are guided by a moral compass that points in the direction of empathy, compassion, and altruism.

Thelma was born in Philadelphia in 1933. She had a brilliant, hungry intelligence and always wanted to know everything about everything. According to family lore, she incessantly asked “why” as a child. Throughout her life, she challenged answers to “why” that scratched the surface of the many ways she helped others throughout her life. She often gave me very little detail, or I learned indirectly. For example, a woman who worked at the front desk at her apartment building once stopped me to say how much she appreciated my mother’s help. I know that she volunteered on a mental health crisis hotline, that she taught Russian Jews to speak English (I have no clue how), that she mentored women medical students and met with families who had recently placed an elderly parent into residential care. To give some context, I need to add that she became a Licensed Practical Nurse at age 51 and later earned her degree in counseling. In the last few years, while she was still able to live independently, she was president of a chapter of a women’s auxiliary, raising funds for Deborah Heart and Lung Center.

Thank you for letting me share these memories. Thank you for the many ways you are, yourselves, secret heroes. Following a moral compass that points in the direction of empathy, compassion, and unselfish service to others is something that Philadelphia lawyers always do.

By Shelli Fedullo
Today, more than ever, the legal profession recognizes the importance of relationship development in career advancement. The Young Lawyers Division, in particular, strives to promote mentor and sponsor relationships for and among our members.

Two years ago, the YLD and the Senior Lawyers Committee established a formal mentoring program. Young lawyers could review profiles of senior lawyers to request to be matched together for mentoring. The formal program held quarterly events and also encouraged members to develop their mentoring relationships outside of those events.

This year, Chancellor Shelli Fedullo led the gargantuan undertaking of starting a bar-wide mentoring program. The program, designed to be flexible to the needs of the participants, includes formal mentoring pairs, group mentoring and peer group meetings, in addition to other formats. The YLD and Senior Lawyers Committee, recognizing the immense value in the Bar Association's expanded programming, decided to let our smaller-scale mentoring program be absorbed into the larger format. The result has been a resounding success, as young and senior lawyers alike have gained the ability to form mentoring relationships with other lawyers of all ages, in every stage of their careers. I encourage all readers, whether you are looking to be a mentor or a mentee (or both!), to get involved in this great Bar Association program in the coming year.

Regardless of whether you are involved in a formal mentoring program, informal mentoring serves a vital function in professional development. While formal mentoring involves specific goals and outlined programming, informal mentoring is more flexible, has less-specific goals and occurs more organically. Informal mentoring can take many forms. It can take the form of becoming comfortable enough to go to a more senior attorney in the office with questions about your work. Informal mentoring can even be as simple as sharing institutional knowledge with others at your organization. Though informal mentoring does not carry long-term goals, its value for professional development cannot be understated. These short-term, perhaps one-off, interactions help to mold who you are as an attorney and how you function in a professional setting. Finally, a few words about the often forgotten but incredibly important role of sponsorship. The truth is that every attorney you respect may not have the time or ability to form a mentoring relationship. Even more simply put, a successful attorney with great professional relationships may not be a good mentor. However, this person may be a sponsor. A sponsor uses his or her own success to connect others with high-profile assignments, people and promotions. Where a mentor provides feedback and advice to you, a sponsor is your champion to others. A sponsor puts forth his or her own reputation and resources on your behalf to support and advance you.

Formal mentoring, informal mentoring and sponsorship are each vital to any attorney's professional development. Sometimes, one or more of these types of relationships may form without you even realizing that it has happened. Other times, it may take more effort to seek each type of relationship. Regardless of how these relationships are formed, attorneys must use all three types of relationships to progress their own careers and professional education.

Michaella Tassinari Bowser (michaella.t.bowser.kfyk@statefarm.com), attorney at Robert J. Casey, Jr. & Associates, is chair of the Young Lawyers Division.
Two years ago, the Philadelphia Bar Foundation adopted a Unified Giving model for its fundraising. Unified Giving involves an annual one-time financial donation from a law firm, corporate partner or other organization that supports the Bar Foundation for the year, replacing the need for multiple requests for event sponsorships from the Bar Foundation throughout the year. Along with the generosity of our individual donors, our Unified Giving partners make everything that we do at the Bar Foundation possible—supporting our nearly 40 nonprofit partners through grantmaking, programs, fellowships and much more.

This year, we thanked our generous donors and celebrated them as changemakers for their dedication to advancing equal access to justice at our annual November event. The 2019 Access to Justice Celebration and Awards Reception took place on Nov. 6 at the Crystal Tea Room and featured a keynote address from the Hon. Timothy K. Lewis on the importance of the Equal Justice Center. Through the support of our Unified Giving partners, we offered complimentary attendance to all of our 2019 supporters. We also honored Linda Peyton for her outstanding service and Hausfeld LLP for its dedication to pro bono service.

Hausfeld received the Pro Bono Award of the Philadelphia Bar Foundation for more than $11,800 hours of pro bono work by its attorneys over the last 10 years. In Philadelphia, Hausfeld has focused on increasing access to justice in several issue areas, including environmental protection, post-incarceration reentry and reparations. In addition, Hausfeld has focused on environmental protection, increasing access to justice in several issue areas, including traffic and family court issues, and representing family court participants in a variety of legal matters, including traffic and family court matters.

Since 2017, Hausfeld attorneys have served as supervising attorneys for the Supervision to Aid Reentry Program in the U.S. District Court for the Eastern District of Pennsylvania. Hausfeld attorneys supervise clinical students from Philadelphia area law schools as they represent reentry court participants in a variety of legal matters, including traffic and family court matters.

Currently, Hausfeld serves as pro bono counsel for claimants who are seeking reparation funds in connection with their claims that they were subjected to childhood sexual abuse by members of the Catholic clergy. Hausfeld has represented claimants to the Archdiocese of Philadelphia Independent Reconciliation and Reparations Program, the Diocese of Scranton Independent Survivor Compensation Program, the Pittsburgh Independent Reconciliation and Compensation Program, the Diocese of Erie Independent Survivors’ Reparation Program and the Diocese of Allentown Independent Reconciliation and Compensation Program.

Peyton was honored with the Philadelphia Bar Foundation Award for her outstanding work in representing underserved and vulnerable individuals for the last 36 years, first at the Philadelphia Public Defender Association and now at the Legal Clinic for the Disabled. When Peyton first joined LCD in 2003, she founded LCD’s Anti-Violence Initiative Project, which helps bring legal resources to victims of domestic violence. Because of Peyton’s leadership, domestic violence continues to be one of LCD’s focus areas.

Peyton also was a pioneer in establishing the first Medical-Legal Partnership in Philadelphia, which embedded an LCD attorney in medical settings serving low-income persons with disabilities and chronic conditions. As part of the MLP, LCD staff train clinical partners to screen their patients for legal needs and, with the patient’s concurrence, connect them to an LCD attorney on-site at the hospital or health center. These MLPs have shifted the burden of finding a legal advocate away from the client by placing a ready advocate in the communities where clients live and receive care.

As a result of Peyton’s vision, leadership, and effective administration, the Independence Foundation has provided funding for five Independence Public Interest Fellows to work for LCD’s Medical-Legal Partnerships. The LCD now has five MLPs across eight hospitals and health centers in the most underserved neighborhoods in Philadelphia. Peyton’s initiative has led to tens of thousands of individuals who have now been screened for unmet legal needs and offered otherwise inaccessible legal services.

Peyton has presented on her Medical-Legal Partnership work, both nationally and internationally. Today, Philadelphia has some of the most robust Medical-Legal Partnerships in the country. Since Peyton’s tenure at LCD, the organization has grown from a capacity of 247 cases in 2008 to 2,358 clients in 2018. Peyton has demonstrated her commitment to recognizing gaps and developing creative solutions to reach low-income individuals, people with disabilities and victims of abuse in a manner that promotes inclusion, independence and justice. Peyton exhibits a client-centric approach to lawyering and has used her position and passion to counteract systems that perpetuate injustice. LCD’s growth in size and impact is a testament to Peyton’s dedication and ingenuity.

We look forward to celebrating the accomplishments and the impact of these exceptional attorneys. There’s still time to become a Unified Giving partner—visit our website at www.philabarfoundation.org to learn more.

Leslie E. John (john@ballardspahr.com), partner at Ballard Spahr LLP, is president of the Philadelphia Bar Foundation.
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- Former Federal Prosecutor
- Selected by his peers as one of the top 100 Super Lawyers in Pennsylvania and the top 100 Super Lawyers in Philadelphia
- Named by his peers as Best Lawyers in America 2015 Philadelphia Ethics and Professional Responsibility Law “Lawyer of the Year,” and in Plaintiffs and Defendants Legal Malpractice Law

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Top: Hon. Cynthia M. Rufe, U.S. District Court for the Eastern District of Pennsylvania (middle), who presided over the naturalization ceremony; with distinguished featured speaker, Sozi Pedro Tulante of Dechert LLP (on left); and Susan M. Lin, a member of the Association’s Board of Governors and who provided remarks on behalf of the Philadelphia Bar Association; at the Oct. 17 ceremony.

Bottom: Fifty-eight people from 30 countries became U.S. citizens at the ceremony.
Busy October for Barristers’ Association of Phila.

By David C. Williams

On Oct. 9, Pa. Rep. Donna Bullock, Pa. Rep. Morgan Cephas, Philadelphia City Council President Darrell Clarke, Philadelphia City Councilman Derek Green, Pa. Rep. Stephen Kinsey and state Sen. Sharif Street, addressed members of The Barristers’ Association of Philadelphia, Inc. as part of a panel that provided perspectives from lawmakers at the municipal and state levels. The panelists spoke about a range of initiatives, from anti-poverty legislation to probation and parole reform bills, as well as environmental justice and reproductive health issues. The event, held at Greenberg Taurig, was standing room only.

Barristers’ & PLSE’s Pardon Hub

On Oct. 16, at Bebashi, at 12th and Spring Garden Streets, lawyers from The Barristers’ Association of Philadelphia, Inc. provided a two-hour presentation to Philadelphians interested in obtaining a pardon from the Board of Pardons. A collaborative effort between the Barristers’ and Philadelphia Lawyers for Social Equity, the purpose of the “Pardon Hub” was to help low-income Philadelphians erase past convictions, giving them the opportunity to compete for employment and education, and to obtain access to credit, jobs and housing. The presentation educated the audience on the pardon process and the pardon application itself.

Pres. Williams Testifies on Behalf of ‘Right to Counsel’ Legislation

On Oct. 29, David C. Williams, president of the Barristers’ Association of Philadelphia, Inc., provided testimony before the Philadelphia City Council on behalf of the “Right to Counsel” Bill No. 190386, which would provide for access to free legal representation to Philadelphia-area the City of Philadelphia’s low-income residents facing eviction in Landlord Tenant Court.

Williams testified that, “The Barristers’ Association of Philadelphia supports policies that increase low-income Philadelphians’ access to free non-lawyer tenant assistance and free legal representation in Landlord Tenant Court. Though this civil justice issue disproportionately affects Black Philadelphians, all Philadelphians benefit from the right to counsel through the avoidance of disruptive displacement and cost savings to the City.”
Financial Strategies to MAKE THE MOST OF YOUR MONEY
3 Part series
Part I: Foundation Concepts – Cash Flow and Risk Management
Tue., 10/29/19 - 5:00 - 7:15 p.m. (2 SUB) - LIVE and WEBCAST

Part II: Building Your Nest Egg – Investments and Taxes
Tue., 11/5/19 - 5:00 - 7:15 p.m. (2 SUB) - LIVE and WEBCAST

Part III: Legacy… You and the Next Generation – Estate Conservation
Tue., 11/12/19 - 5:00 - 7:15 p.m. (2 SUB) - LIVE and WEBCAST

Presented by Philadelphia Bar Association Member Benefit Provider
BPU Investment Management, Inc.

Have recent events in the markets and the economy reshaped your financial future? This three-part educational series is designed to help you take charge of your finances and pursue a more comfortable financial future. Paul J. Ibrahim, CFP®, ABFA®, is the Chair and CEO of BPU Investment Management, Inc., member FINRA/SIPC, an SEC registered investment advisor with 30 years of experience helping people make smart choices with their money. In this series, members learn the 7 Roadblocks to Financial Success and how to avoid them. Then Ibrahim will identify the 6 Keys to Financial Success to guide you on your way to developing sound personal finances, while teaching you how to build a financial legacy for you and the next generation. Exclusively for members of the Philadelphia Bar Association.

VIDEO ENCORE - Effective & Ethical Social Media Strategies for Small Firms
Thu., 11/14/19 - 12:30 - 1:30 p.m. (1 ETH)

Social media can be a powerful and inexpensive marketing tool for small firms’ legal marketing professionals and solo practitioners, but the platforms are not without their hazards. In this video encore program, panelists will provide tips for marketing your form and practice online effectively and efficiently, while remaining compliant with the rules of professional responsibility. Hear how to get the most out of social media on a limited budget, with limited resources and learn why social media is an important tool in marketing your firm and yourself.

VIDEO ENCORE - Settle Down: Recent Trends in Employment Arbitration
Wed., 11/13/19 - 12:00 - 1:00 p.m. (1 SUB)

Last year the U.S. Supreme Court issued a landmark decision in Epic Systems Corp. v. Lewis, 138 S. Ct. 1612 (2018), holding that class action waivers contained in arbitration agreements, including agreements between employers and their employees, are permissible and enforceable. Basically, the Federal Arbitration Act overrides the NLRA provisions in allowing arbitration and precluding class actions. What does this all mean for employers and employees moving forward? Attend this video encore program to hear the panel’s examination of the recent trends in employment arbitration after Epic Systems. Receive practical tips and guidance for alternative dispute resolution in employment cases.

VIDEO ENCORE - Telemedicine: Criminal & Regulatory Overview
Wed., 11/13/19 - 2:00 - 3:00 p.m. (1 SUB)

On April 11, 2019, the Department of Justice Criminal Division announced federal indictments and law enforcement actions in one of the largest health care fraud schemes involving telemedicine and durable medical equipment marketing executives. This charging highlights the need for providers of telemedicine services to evaluate their compliance efforts. In this informative video encore CLE, panelists will provide an overview of the investigation and expected changes in the industry and recommendations for health care providers. The program will also provide an overview of key regulatory considerations to mitigate the possibility of civil enforcement actions.

VIDEO ENCORE - The Jeopardy of CCPA Compliance
Thu., 11/14/19 - 9:30 - 10:30 a.m. (1 SUB)

Dubbed “GDPR light,” the California Consumer Privacy Act, which will come into effect in 2020, is considered a game changer for companies falling under its scope. For many, this will be the first time dealing with compliance requirements such as expanded disclosure, right of access and right of erasure. In this video encore CLE program, conducted in a game show format, attendees will hear the key requirements of the CCPA, how they differ from those of GDPR and what steps organizations should focus on in 2019 to prepare.

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
VIDEO ENCORE - Power of Attorney, Health Care Directive and Living Will - Understanding All Three Documents and Avoiding Pitfalls
Thurs., 11/14/19 - 12:00 - 2:00 p.m. (1 SUB/1 ETH)
This practical video encore program examines a basic, ineffective estate planning documents, power of attorney, health care directive, and living will. Panelists will address issues practitioners must consider when drafting a power of attorney (POA) to avoid problems for their clients and their clients’ families down the road. Attendees will gain insights on how to craft effective POAs as well as tips for advocacy. Panelists will also offer guidance on living wills and health care directives, including exploring the difference between a living will and a power of attorney and what documents may work best together. The program will highlight changes in the law and considerations when discussing the delicate issue of the need for these documents with clients.

VIDEO ENCORE - Wild World of Jury Selection
Fri., 11/15/19 - 12:00 - 2:00 p.m. (2 SUB)
Join your colleagues on a journey into the “wild world of jury selection” with Judges Marlene F. Lachman and Lisa M. Rank. The judges and experienced trial attorneys will offer insight and guidance into proper and improper styles in dealing with potential jurors, including an update on Ingris v. Children’s Hospital of Pittsburgh. Panelists also address current issues that are in place and areas where a rule is not necessarily on point. An entertaining and practical program for any trial attorney.

Ethics and Malpractice Avoidance
Tue., 11/19/19 - 9:00 - 11:15 a.m. (2 ETH) - LIVE and WEBCAST
Presented by the Insurance Programs Committee and USI Affinity
Attend and earn a discount on your malpractice insurance, advised and administered by USI Affinity. The discount does not apply to part-time policies.
This program will provide guidance to attorneys regarding how protecting themselves and minimizing the chances of being sued for malpractice or being subject to other ethical issues. Panelists will address the primary reasons why attorneys are sued, the stages of a representation where attorneys get into trouble, practical steps an attorney can take to minimize risk, as well as professional liability insurance, which is critical in protecting the law firm and the attorney in the event of legal malpractice.

VIDEO ENCORE - Stop & Frisk After Bailey v. City of Philadelphia
Tue., 11/19/19 - 12:30 - 2:00 p.m. (1.5 SUB)
In this practical video encore presentation, Professor David Rudovsky will address recent case law developments related to stop and frisk law, and provide a comprehensive analysis of the seminal federal case Bailey v. City of Philadelphia that allowed for the in-depth study and data compilation of all stops and frisks in Philadelphia. Professor Rudovsky will discuss the findings of the Bailey study, then interpretation and the study’s impact on the Philadelphia criminal attorney’s stop-related practices. He will also provide suggestions on ways that this important data can be used in narcotics related suppression hearings and trials.

Fireside Chat with Chief Federal Defender Leigh Skipper
Wed. 11/20/19 - 12:30 - 1:30 p.m. (1 SUB) - LIVE and WEBCAST
Hosted by the Federal Courts Committee
Leigh M. Skipper, the Chief Federal Defender for the Eastern District of Pennsylvania, will discuss the work of the Federal Community Defender Office for the Eastern District of Pennsylvania. He will outline the roles and responsibilities of the office and the representation of the indigent persons charged with federal offenses. In this practical and informative fireside chat, Skipper will also address the following topics, among others: identification of the types of federal court matters being defended in the Trial Unit and Appeals Unit, recent programs developed by the office, and how the Federal Defender Office works with the U.S. Attorney’s Office on issues of concern.

Hot Topics in Legislation: What’s Important for the Workers’ Compensation Practitioner?
Fri., 11/22/19 - 12:30 - 1:30 p.m. (1 SUB) - LIVE and WEBCAST
Hosted by the Workers’ Compensation Section
In this one-hour lunchtime presentation, panelists will address the current “hot topics” and pressing issues in legislation affecting the workers’ compensation community. Hear about emerging trends in workers’ compensation policy and regulations. Find out about new legislation and new proposed rule makings. Be prepared when the changes go into effect!

VIDEO ENCORE - The #MeToo Movement’s Impact on Litigation, Counseling and Training
Mon., 11/25/19 - 12:00 - 2:00 p.m. (1 SUB/1 ETH)
This practical two-hour video encore program analyzes the real-life effects of the #MeToo movement as it relates to legal and administrative processes, the impact on employment litigation and jury in particular and the new influences on employer counseling and training. Panelists will also explore trends and future developments in this current political climate.

VIDEO ENCORE - Philadelphia Real Estate Tax Briefing
Tue., 11/26/19 - 12:00 - 3:00 p.m. (2 SUB/1 ETH)
In this comprehensive video encore CLE program, attendees hear about the current state of Philadelphia real estate taxes from those who interpret and enforce the rules and regulations and render critical decisions, including representatives from the Office of Property Assessment, the Board of Revision of Taxes, and the Philadelphia Law Department. These panelists, as well as experienced legal counsel, will offer guidance on crucial process and strategy, detail significant case law, and outline potential legislative changes in the horizon.

*Additional courses will be added within the month. For more new, unique and affordable CLE programs, please visit the Philadelphia Bar Association CLE webpage.

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Stuck in the Office?

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mass incarceration, said Shuford. The line leads from slavery, to convict leasing, to lynching in the Jim Crow era and onward to the use of capital punishment. The current mass incarceration crisis is, in effect, a “New Jim Crow.” Within this context, a clip from the four-part Netflix miniseries “When They See Us,” written and directed by Ava DuVernay, was shown.

In the scene, lawyers discussed the case strategy with the families of two of the arrested boys. After the clip, Bennett relayed his experience of being arrested in September 2006 and remaining in jail until the start of his trial in February 2008. It was then that he began researching the criminal justice system to figure out how to help himself. His initial 15-minute meeting with his lawyer, who Bennett had never met before and who spent the time asking him how he was doing and assured him everything would be okay, was ultimately unhelpful because Bennett was not informed about how the case was developing against him.

Bradford-Grey said that what she saw in the clip were lawyers talking about the accused without including them in the decision-making. She also noted that the lawyers asked “why does race have to be a factor?” Lawyers need to be more honest about how race drives decision-making, she said, and it is lawyers’ responsibility to call out racial bias when they see it. Lawyers also need to be cognizant of their familiarity—or lack thereof—with the culture of the people they are defending and be responsive to it. Bradford-Grey tries to combat this herself.

For Adjoian, the clip highlighted how these issues are happening in Philadelphia, where youths are offered plea deals to avoid adult jail, despite the real questions of innocence that have to be considered. That very evening, said Adjoian, there were 20 youths in adult jail in Philadelphia, many of whom claimed innocence. She pointed to another issue in the clip where the characters discussed how a particular judge liked to sentence people.

Plea bargaining is a problem, said Bennett, because people will take deals just to get out of jail. Bradford-Grey said that meaningful bail reform can help with this specific issue. If people can post bail and not sit in jail, they can then assist in their own defense. She thinks lawyers can go wrong in presenting plea deals by failing to explain that if a person takes a deal, they have to deal with that on their record forever, which affects future employment, housing and other opportunities. Lawyers can also fail in “effectiveness of counsel” by bringing a deal to a client without first listening to the client, understanding where they are coming from and doing some investigative.

Shuford then asked: Is the justice system broken or is it working as intended, to control and disenfranchise poor people and people of color? Bradford-Grey pointed out that if you look at who is benefitting at the top—corporations—and those who support it from the bottom—poor black and brown people—it is clear that happens to people when they are released from prison. Bennett described the unexe
displacement a newly released person experiences in the outside world, of not knowing how to “use your talent.”

“People still have belief in the system,” said Bennett. So, if a conviction is on your record, no matter the circumstances, few people will take a chance on you. The outside world turns into a “prison outside of prison,” as you try to reacclimate.

The town hall portion of the forum was moderated by Marissa Boyers Blueistine, assistant director of the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Law School; with Jessica Feierman, senior managing director of the Juvenile Law Center; and Riley H. Ross III, a member of the ACLU-PA board of directors; joining the panel.

Blueistine asked: How can we change criminal justice trials? Ross proposed forcing jurors to take notes and having jury instructions delivered at the beginning of the trial, instead of at the end. He also suggested changing how challenges are treated. For example, he sees that Batson challenges—a challenge to a peremptory challenge—are often not given due consideration. Because there are usually fewer black jurors to begin with, it can be difficult to prove a pattern of striking jurors due to their race.

Feierman pointed out that the Exonerated Five were children when they were arrested. She said that the system and the courts needed to treat children differently from adults as children react differently to authority. The goal should be to examine the intersection of childhood and race and start creating legal standards that reflect that reality. “Bridging the gap” in coming up with solutions means consulting with the people most impacted: those being arrested.

Adjoian said that we need to recognize that young people are the “experts of their own experiences” and assist them in being active participants in their defense. Bennett stated that lawyers should not shut out the ideas of their clients. “Accept the help” of your clients to assist in their own defense, he said, and do not write them off.

The final question posed to the audience was: What can lawyers do to change the system? Ross said that criminal defense practitioners need to listen to their clients and not simply accept the prosecution’s side of the story. Defense lawyers need to “do the work.” It’s not always an evil prosecutor that is working to send innocent people to jail. Sometimes, it’s a result of the lack of effort by the defense attorney.

Feierman proposed specific policy ideas that included making sure that kids are not tried as adults, keeping kids out of adult jail, ensuring that no child is interrogated without an attorney present, and, on the legislative level, requiring racial impact statements before passing legislation.

Adjoian asked that lawyers stop acting as “saviors” and for them to value the expertise of their clients. Reentry advocacy, said Adjoian, should be as part of a lawyer’s representation as general advocacy. Bradford-Grey said to not just be non-racist, but to be anti-racist, and actively reject racism when you see, hear and experience it. Cummings said that Pennsylvania needs to force rulemakers to change the rules of professional responsibility and to put the burden on the prosecutor to right a wrong when a person is wrongfully convicted. Bennett’s final words to the audience were “value the defendant’s life.”

Brittany Anne Robertson (brobertson@ philaban.org) is the communications associate at the Philadelphia Bar Association.

Continued from page 1

Chancellor Rochelle M. Fedullo (at podium) provided opening remarks to a room that was at capacity at the Chancellor’s Forum on Sept. 16.
Section Travels Westbound for Fall Section Meeting

By Andrea M. Graf

Lawyers and Workers’ Compensation judges from the Workers’ Compensation Section traveled westbound to Harrisburg for the Pennsylvania Bar Association Workers’ Compensation’s Fall Section Meeting from Sept. 26 and 27. The program featured discussions on a variety of topics, and the presenters included several members of the Section. The always anticipated recent developments lecture featured updates on the case law surrounding impairment rating evaluations, subrogation liens and course of employment. Two presentations focused on handling concussion cases, including insight provided by a board-certified chiropractic neurologist, Dr. Mark Saracino. Another discussion focused on the ways to address Medicare Set Aside compliance in workers’ compensation claims, which commonly arises. Dr. Stephen M. Thomas, a pain management specialist, presented on the effects of the media and social commentary on the prescribing of and the usage of opioids. Finally, attendees at the Fall Section Meeting took part in the opportunity to attend the inaugural Lex Mundi Litigation, Arbitration and Dispute Resolution Practice Group and a case filed in the Western District of Pennsylvania. Pepper’s client filed suit against a Mexican corporation, which brought international law into a U.S.-Based lawsuit.

“As a second-year associate, I had to figure out how to serve a corporation in Mexico, and I was responsible for setting up depositions in Chihuahua,” Dressler said. “International law can come into play, even with traditional litigation.”

Edelman also asked the panelists whether they were interested in international law during law school, or whether their interest developed once they started practicing. For most panelists, their interest predated law school, with semesters spent abroad or volunteer opportunities in other countries. DeSimone—who got a taste of international issues traveling with the Harvard Krokodiloes, Harvard’s oldest a cappella group—realized that he was interested in international law while working at a French law firm before law school.

“It opened my eyes to what being an international lawyer might look like,” he said.

Panelists were also asked what law students should do if they are interested in a career in international law. Answers ranged from taking classes on comparative law to enrolling in the Lex Mundi network. “Exposure to the practical aspects of hands-on learning and spoke about attending the inaugural Lex Mundi Litigation, Arbitration and Dispute Resolution Practice Group and a case filed in the Western District of Pennsylvania. Pepper’s client filed suit against a Mexican corporation, which brought international law into a U.S.-Based lawsuit.

“As a second-year associate, I had to figure out how to serve a corporation in Mexico, and I was responsible for setting up depositions in Chihuahua,” Dressler said. “International law can come into play, even with traditional litigation.”

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Panelists were also asked what law students should do if they are interested in a career in international law. Answers ranged from taking classes on comparative law to enrolling in the Lex Mundi network. “Exposure to the practical aspects of hands-on learning and spoke about attending the inaugural Lex Mundi Litigation, Arbitration and Dispute Resolution Practice Group and a case filed in the Western District of Pennsylvania. Pepper’s client filed suit against a Mexican corporation, which brought international law into a U.S.-Based lawsuit.

“As a second-year associate, I had to figure out how to serve a corporation in Mexico, and I was responsible for setting up depositions in Chihuahua,” Dressler said. “International law can come into play, even with traditional litigation.”

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The Most Interesting Workers’ Comp. Cases of 2019

**By Regina M. Parker**

We have seen a very active year in workers’ compensation litigation despite a decline in the number of published decisions by the Pennsylvania Commonwealth and Supreme Courts, attendees learned during the Sept. 13 CLE titled “Feast Among Famine: The Most Interesting Commonwealth Workers’ Compensation Cases of 2019.” The panel included Mitchell I. Golding, staff counsel at Zurich North American Insurance Co.; and Eric Pearson of Pearson Koutcher Law.

In 2018, there were 25 published workers’ compensation decisions and only eight in 2019. Panelists agreed that there have been some recent interesting cases that will impact the litigation of workers’ compensation claims. One case, Sadler v. WCAB (Philadelphia Coca-Cola), addressed an employer’s entitlement to suspension of benefits when an injured worker is incarcerated. An employee was incarcerated for 525 days pre-trial because he was unable to post bail. He pled guilty and was sentenced to 525 days as time served. The employer sought suspension of benefits. The Commonwealth Court held that the employer is not entitled to a suspension of benefits for incarceration occurring prior to conviction. The court explained that to suspend benefits would essentially punish the employee when the incarceration prior to conviction was due to an inability to make bail and not because of a conviction for criminal conduct.

Another interesting issue addressed by the Pennsylvania Commonwealth Court involved the Domestic Service Exception to benefits, which was raised in Pamela Joan Van Leer vs. WCAB (Hudson). The panel explained that these cases are very fact-specific, with the primary focus on the nature of the particular job duties. In this case, the claimant was an overnight caretaker for a patient suffering from dementia. Her duties consisted of household monitoring and chores, rather than administering medications or medical care. The court held that the caretaker was not entitled to benefits pursuant to the Domestic Service Exception and explained that the only difference between claimant’s duties and those of a babysitter was the age of the person whom she cared.

Many cases are accepted via a Notice of Temporary Compensation Payable, where attorneys must be cognizant of when the 90-day period of temporary compensation begins to run. Addressed in Valley Stairs and Rails vs. WCAB (Parsons), the court held that where a claimant is paid his or her full wages for the day, disability commences on the first date of missed work following the injury date. In this case, the employee was injured on a Friday, was paid his wages and did not work weekends. The court held that the 90 days ran from Monday, the date he was scheduled to work.

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**Ramifications of Employee Misclassification**

By Zachary Lipschutz

The impact of employers misclassifying workers can be enormous for employees. The process is also often complicated, and it is important for employees to be educated on the process and potential ramifications of the various outcomes.

Panelists addressed the wide-reaching ramifications of employee misclassification at the Sept. 25 CLE titled “The Tax and Wage and Hour Ramifications of Worker Misclassification,” hosted by the Tax Section. The panelists were Marissa O’Connell, deputy city solicitor for the City of Philadelphia; Omeed Firouzi, an attorney at Philadelphia Legal Assistance; and Andrea Kirshenbaum, an attorney at Post & Schell, PC.

The Fair Labor Standards Act governs overtime pay, among other things. Its definition of “employer” is broader than under other acts. Misclassification typically refers to overtime claims, and many claims relate to people who would have been eligible for overtime if they were not classified as a 1099 employee. The statute of limitations is three years, but it is increased to three if there is a willful violation. The analysis is different based on the test being applied, which can make it difficult for employers to understand their obligations. For example, the Supreme Court has a different test than the Third Circuit.

Misclassification refers to the situation when an employer gives a worker a 1099, but the worker should be getting a W-2. When a worker is misclassified, or if someone gets a 1099 miscellaneous and they are actually an independent contractor, they are liable for both the employer and the employee payments of social security and Medicare taxes. Additionally, since there is no withholding for unemployment taxes, there is a risk that when the worker goes to apply for unemployment wages, it will likely not show up as wages. The worker would thus have to appeal the notice and go up against employer.

If an eventual settlement produces the inference that the worker should have been classified as an employee and not as an independent contractor, the city may discover this through an audit. They look at data and determine this for themselves, and then make their own determination. This can be difficult for the worker because the city then reclassify them based on their analysis. If the employer eventually issues them a 1099, it is really for wages, and if the employer has filed an S88, then the worker can list 1099 income as wages on return and only pay the employer share to FICA. Both the employer and the employee are liable for the employee’s share of FICA and Social Security. The employee is never relieved of their obligation to pay their share of taxes. Since there are different tests that are applied by different jurisdictions, there is no uniform way that all of these cases are considered. For that reason, it is important to be familiar with the specific requirements of the jurisdiction where the case is located and is important for attorneys to stay up-to-date on changes in the law. This CLE was impactful in giving a summary of the current framework in place for adjudicating cases involving worker misclassification.

Zachary Lipschutz (zlipschutz@paworkinjury.com) is an associate at Martin Law LLC.
Illness to Wellness: Improving Mental Health with Physical Fitness

An unpopular opinion amongst those of us in the legal profession is that even the busiest lawyers can make time for creating a wellness routine. To that point, the most common responses from those who find out Jordan Strokovsky and I recently trained for, and completed, an Ironman (a triathlon made up of a 2.4-mile swim, a 112-mile bike ride and a 26.2-mile run) while growing our respective legal practices is that the person hearing about our feat “could never do that” or “doesn’t have the time to train for something like that.” The truth is, however, that they could accomplish such a goal (several folks in their late 80s have completed an Ironman), and they could have the requisite time to train, if they so desired. Nevertheless, no one needs to train for or compete in an Ironman or any other race, but we should all take into serious consideration the need to exercise regularly and to increase our overall wellness. The Philadelphia Bar Association is here to help.

It is well understood that balancing a legal practice, family and time for oneself can be challenging, but the bottom line is that to be a good lawyer, one has to be a healthy lawyer. Indeed, attorneys’ mental wellness is required by the rules of professional conduct under our duty of competence. Unfortunately, mental wellness is not easily achieved in the legal profession due to the occupation’s demanding nature. Stress caused by billable hour requirements, expectations of prompt responses from other attorneys and clients and the need to generate business causes attorneys to become more prone to anxiety, depression, addiction or another detriment to mental health.

The American Bar Association’s Commission on Lawyer Assistance Programs highlighted this in its 2016 study involving nearly 13,000 practicing attorneys. The study found that approximately 28%, 19% and 23% of the attorneys who responded to the survey struggled with mild or serious depression, anxiety or stress, respectively. It may come as no surprise that the study also found that lawyers in the first 10 years of practice and those working in private firms experience the highest rates of depression. Since this study was released, law schools, firms and legal departments have individually made large strides toward increasing awareness of these issues and developing programs to resolve them; nonetheless, we must work together as a community for these statistics to truly change, and fitness initiatives can help.

The Bar Association offers several initiatives for you to include in your wellness plan: The Young Lawyers Division Running Club invites attorneys of all ages and paces to join together to run and network on a weekly basis from spring through fall; the Bar Association hosts its annual 5K run and walk in May, which benefits the Support Center for Child Advocates; and Bar Association members can join the Wellness and Quality of Life Committee for programming on attorney health and wellness topics throughout the year.

Whether you join one or all of the above initiatives, I hope to see you walking, running or riding through our beautiful city sometime soon.

Ernest D. Holtzheimer (EHoltzheimer@mmwr.com) is an associate at Montgomery McCracken Walker & Rhoads LLP.
Workers’ Comp.

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The panel discussed other important cases, including McDermott v. WCAB (Brand Industrial Services, Inc.), where the court found that Pennsylvania lacked jurisdiction in a case where the claimant worked in Delaware. Additionally, panelists urged attorneys to take a look at the court’s holding in Workers’ First Pharmacy Services, LLC vs. Bureau of Workers’ Compensation (Cincinnati Ins. Co.), if planning on settling a case via a no liability Compromise and Release Agreement while there is a pending fee review.

Regina M. Parker (rparker@tthlaw.com) is a partner at Thomas, Thomas, & Hafer LLP and a member of the Philadelphia Bar Reporter Editorial Board.
Assisting Families of Young Adults With Special Needs

By Regina M. Nelson

When the word “guardian” is mentioned, most people think of guardian ad litem or guardians of young children who have lost a parent or been removed from a parent’s care. The other end of that spectrum is obtaining guardianship over a parent who suffers from Alzheimer’s or dementia. There is one area of guardianship less commonly thought of, just as important and a growing area of the law as more children with severe physical and mental incapacities reach the age of majority. In the eyes of the law, these young adults are presumed unable to take care of themselves in various ways—such as making doctor’s appointments, receiving government subsidies or handling financial affairs.

The Legal Clinic for the Disabled’s Guardianship Initiative is one of only a few programs designed to tackle these cases through the use of volunteer attorneys. LCD has partnered with St. Christopher’s Hospital for Children and works with Children’s Hospital of Philadelphia to serve low-income families in need of this critical legal assistance. Volunteer attorneys handle these cases until the client is awarded guardianship of the incapacitated child. The legal benefits of handling these cases, especially for new attorneys or transactional attorneys, is that you get experience drafting a court petition as well as the opportunity to do a court hearing in front of a judge. The process is straightforward—file a petition with the court, serve the alleged incapacitated person (the young adult) and do a short hearing in front of a probate judge. LCD assists by gathering all necessary medical evidence. The personal benefit is that you help parents secure the ability to make important decisions for their child and give them a sense of security. It can also make you appreciate how lucky you are if you do not have to face the same challenges as a parent.

I have now handled several cases for LCD, and each one is unique and important. I helped a mother secure guardianship of her 19-year-old son who was non-verbal and was diagnosed with intractable symptomatic partial epilepsy with complex partial seizures, autism spectrum disorder and blindness. I handled another case for a woman petitioning to obtain guardianship over her daughter who had the capacity of a three-year-old child. The support and love these parents have for their children cannot be described in words. The sacrifices these parents and their other children make to take care of the incapacitated young adult and the challenges they face are some of the most difficult in society. I love the work that I do for LCD and encourage everyone to reach out to LCD and take a case. It is a wonderful professional experience, and the families you help are forever grateful.

For more information or to volunteer, please contact Sarah Zinn, LCD staff attorney, at szinn@lcdphila.org or (215) 587-3189.

Regina M. Nelson is a senior associate at Reed Smith LLP.

Enhancing Access to Justice for Grandparents Raising Grandchildren

By Karen C. Buck

Over 4 million older Americans are parenting again in their 60s, 70s and even 80s. Grandparents and other relatives are taking on the primary role of caregiving for their grandchildren and young kin when birth parents cannot. The causes are many, including the current opioid crisis, but also incarceration, mental health challenges and other family crises. The legal needs of these grandparents are under- served and wide-ranging. Over 100,000 kids in Pennsylvania alone are being raised by 89,000 grandparents today.

This phenomenon of “kinship care” is not new. SeniorLAW Center launched one of the country’s first legal services for grandparents and other older kin in the 1990s during the crack epidemic to advise and represent them through a complex legal system. Today, kinship care dramatically affects diverse communities across the racial, cultural and socioeconomic specter. And they need and deserve our help.

The social and economic impact of kinship care is immense. Research shows that kids in kinship care thrive, do better in school and more often report “feeling loved.” It is also estimated that Pennsylvania grandparents are currently saving the state $1 billion per year by keeping their grandchildren out of the foster care system. Legal services for grandparents raising grandchildren and other kinship caregivers across Pennsylvania are few. We hope to change that.

SeniorLAW Center joined the efforts of the U.S. Senate Special Committee on Aging, led by Chair Senator Susan Collins and Ranking Member Bob Casey, and other national and regional advocates to support grandparents raising grandchildren and raise visibility for their plight. The Supporting Grandparents Raising Grandchildren Act passed with bipartisan support on July 9, 2018 and created a national task force to examine how to best support kinship caregivers and develop new tools to connect them with resources. The Pennsylvania Department of Aging has launched a Grandparents Raising Grandchildren workgroup to create a strategy to help these older Pennsylvanians in diverse ways. Last fall, the Pennsylvania Bar Association launched an educational campaign for grandparents in light of new legislation and a recent Pennsylvania Supreme Court decision changing the parameters of standing and types of legal remedies available for grandparents. This month, SeniorLAW Center, PBA and Pennsylvania AARP are about to launch a statewide campaign for over 35,000 Pennsylvania grandparents to enhance knowledge of rights and current resources.

SeniorLAW Center was recently selected to receive a Legal Assistance Enhancement Program grant from the U.S. Administration for Community Living to expand legal services for grandparents raising grandchildren in the greater Philadelphia, Harrisburg and Pittsburgh regions. It is an exciting new venture, including numerous pro bono and nonprofit partnerships in diverse communities. Join us in this work and help us make real change in the lives of both seniors and the kids so many are raising at a time of family crisis.

Karen C. Buck, Esq. is the Executive Director of SeniorLAW Center. Contact her at kbuck@seniorlawcenter.org.
Payne is Sole Vice Chancellor Candidate

For 2019, four candidates for Association line office posts are unopposed. The candidates are Jennifer S. Coatsworth, secretary; Marc J. Zucker, treasurer; Kathleen Kirkpatrick, assistant secretary; and Matthew S. Olesh, assistant treasurer.

Coatsworth is a partner at Margolis Edelstein and graduated from Temple University Beasley School of Law.


Zucker is a partner at Weir & Partners LLP, a Certified Commercial Neutral, AAA, a private mediator and an adjunct professor, at Villanova University Charles Widger School of Law and graduated from Villanova University Charles Widger School of Law.

He was secretary (2017, 2018, 2019), chair of the Bylaws Committee and former chair of the Board of Governors; former chair of the Business Litigation Committee (chair of the year, Commerce JPT Task Force); and an investigator on the Commission on Judicial Selection and Retention. He is vice chair/editor-in-chief of the MBA Commercial & Business Litigation Committee; former president of the Villanova Inn of Court; a fellow with the American Bar Foundation; a member of the Pennsylvania Bar Association House of Delegates; chair of the Pennsylvania Jewish Coalition; former chair of the JCRC of Greater Philadelphia; national board member of the JCPA; former director and trustee of the Jewish Federation of Greater Philadelphia; former chair of the National Program Awards Committee of the American Inns of Court Foundation; a long-time Philadelphia VIP volunteer; and a member of the Brandeis Law Society, Barrister’s Association of Philadelphia, Inc., and the Justinian Society.

Kirkpatrick is a partner at Tucker Law Group, LLC, and graduated from Temple University Beasley School of Law.

She was cochair of the Solo and Small Firm Committee (2019); on the Section Executive Committee (2019); cochair of the Women in the Profession Committee (2017-2018); on the Board of Governors (2015-2017); cochair of the Labor & Employment Committee (2014-2015); a board member of the Lawyers’ Club (2014-2016); a former board member of the Old City Special Services District; and a former Zoeza Institute advisory board member.

Olesh is a partner at Obermayer Rebmann Maxwell & Hippel LLP and graduated from the University of Pennsylvania Law School.

Olesh was assistant treasurer (2018, 2019) is the assistant treasurer for the Board of Governors (2016-present) and was a member of the Board of Governors Executive Director Search Committee, Budget Enhancement Task Force and Strategic Planning Committee (2018). He was chair of Young Lawyers Division (2017) and a member of the YLD Cabinet (2014-2017) and member of the Philadelphia Bar Foundation Strategic Planning Committee. He is a cochair of the Philadelphia VIP Recruitment/Retention Committee, director of The Lawyer’s Club of Philadelphia, committeeperson for the Philadelphia’s 30th Ward Democratic Executive Committee, fellow of the American Bar Foundation and a Billy Penn Who’s Next: The Law honoree (2017).
9 Candidates Seek 5 Seats on Board

Wendi Barish

Professional Background: Senior Deputy General Counsel, Philadelphia Housing Authority (PHA); Hofstra University School of Law. Activities: Vice President, Career Wardrobe; Secretary, Settlement Music School; Board Member, Female Hebrew Benevolent Society; Board Member, Help Hope Live; Member, Philadelphia Bar Association - Women in the Profession, Federal Courts, and Labor and Employment Law Committees; Member, Forum of Executive Women; Member, Society of Human Resource Management; Member, Association of Corporate Counsel; Member, National Organization of Women. Candidate's Statement: I was born and raised in Northeast Philadelphia and am a proud product of the Philadelphia public school system. My sister, who was born with multiple disabilities, motivated me to become an attorney to protect the rights of those who are different. I have focused my career in the areas of employment law and civil rights, working on behalf of both employees and employers. Prior to working at PHA, I was a partner at Weber Gallagher. I am running with the hope of giving back to the legal community by applying my experience to improve the practice of law and judicial system in Philadelphia. I believe the first step in representing the interests of others is to listen, and true justice should be blind.

Kristine L. Calalang

Professional Background: Principal, Law Office of Kristine L. Calalang; Villanova University School of Law; mediator; certified arbitrator, Court of Common Pleas of Philadelphia County. Activities: Section Chair, Executive Committee member, Diversity Committee Chair, Custody Committee Co-Chair, Family Law Section (FLS); At-FLS Chair; voting member, Board of Governors (BOG) and Commission on Judicial Selection and Retention; Co-Vice-President, past President, Villanova Minority Alumni Society Leadership Board; Board Advisor, Villanova Law Alumni Association Board; member, Asian Pacific American Bar Association of Pennsylvania; member, Pennsylvania Bar Association. Candidate's Statement: I have the distinct honor of serving on the Board of Governors this year and have been an active participant in meetings and exceeded my Board commitments. I have a passion for seeking endeavors which help elevate our profession, and I would love to continue my work on the Board. I hope to gain your support and bring innovative ideas and new perspectives to the Board to ensure our Association is moving forward while continuing to serve all of our members.

Damaris L. Garcia

Professional Background: Senior Associate, McCann & Wall, LLC; Duquesne University School of Law. Activities: Co-Chair of Arbitration Committee of State Civil Litigation Section; Lecturer, “Be the Judge, Be the Jury... Become an Arbitrator”, Philadelphia Bar Association CLE; executive committee member, State Civil Litigation section; member, Women in the Profession section; member, Federal Courts section; member, Hispanic Bar Association of Pennsylvania. Candidate's Statement: Membership on the Board of Governors would allow me the opportunity to assist in supporting our profession through the Bar Association not only in the functionality between our trial lawyers and courts but in supporting the well-being of all lawyers on their career paths. As a female lawyer with 15 years of experience, it is important that I assist the Bar Association and its membership move forward in the 21st Century with changing technology and communication methods and ensure that the Board shepherds and stewards the organization in these areas to reach all lawyers in the city.

Thomas J. Giordano Jr.

Professional Background: Head of Pond Lehocky’s Social Security disability department; Rutgers University School of Law – Camden. Activities: National Organization of Social Security Claimant’s Representative (NOSSCR); National Association of Disability Representatives (NADR); Pennsylvania and Philadelphia Bar Associations; National Organization of Disability Representatives (NADR); Pennsylvania and Philadelphia Bar Associations; Pennsylvania and Philadelphia Trial Lawyers Associations; Board of Directors of the Lupus Foundation of America; Public Justice: Justinian Society; The National Advocates Top 100 Lawyers. Candidate's Statement: Under Mr. Giordano's leadership, the Social Security department at Pond Lehocky has become a nationwide practice. Beginning in 2010 with only two staff members, Pond Lehocky Disability is continuously growing, with more than 100 Social Security disability specialists nationwide, including attorneys. Mr. Giordano has frequently been invited by the media, disability organizations and physicians throughout the country to speak about Social Security disability law. He has been selected to the Super Lawyers Rising stars list every year since 2006, the Best Lawyers’ list for 2018 and 2019 and the National Advocates Top 100 Lawyers.

Erin E. Lamb

Professional Background: Associate, Freeman, Mathis & Gary, LLP; Temple University Beasley School of Law. Activities: Current co-chair, Women’s Right Committee; former co-chair Women in the Profession committee; Young Lawyers’ Division Chair 2016; Young Lawyers’ Division vice chair 2014; Young Lawyers’ Division Executive Committee member 2011-2014; Young Lawyers Division member 2010 – present; Public Interest Section Member 2016 – present; Civil Litigation Section member 2015 - present; Board of Governors Member 2015; Board of Governors Cabinet Member 2016; Executive Committee Member, Brehon Law Society; former board member, Senior Law Center. Candidate's Statement: Maintaining relevancy through change and service has been the hallmark of my work with the Bar Association. As YLD Chair, I successfully spearheaded an expungement
Clinic that brought our resources directly to Philadelphians and further encouraged our members to include the Association in their plans for our community. I believe deeply in the power of the Association to do good and to lead by change. My election to the Board of Governors would ensure that the voices, thoughts, and ideas of the newest generation of lawyers and Philadelphians are not only heard but are also implemented within the vital decisions of our Association.

Craig R. Levin

Professional Background: Friedman and Levin Associates, Delaware Law School of Widener University.


Candidate’s Statement: I have been a civil trial attorney in Philadelphia for 31 years. I have devoted my career to fighting for justice and equity for my clients. In 2019, I ran for Judge of the Court of Common Pleas and campaigned citywide. These experiences gave me the opportunity to personally interact with thousands of our citizens and understand the issues and inequities that affect them. I also understand the stress and pressure attorneys experience on a daily basis. As a Board member, my goal is to improve our citizens’ access to professional legal representation and seek ways to improve our lives as practicing attorneys.

Denise M. Mandi

Professional Background: Senior Trial Attorney at the Law Office of Dennis O. Wilson and in-house counsel for Selective Insurance Company; Widener University School of Law.

Activities: Cochair of the Rules Committee, Philadelphia Bar Association; Member, Philadelphia County Bar Association.

Candidate’s Statement: As a strong advocate and aggressive litigator throughout her career, Mandi has tried countless jury trials with a string of defense verdicts that lasted over two years. Currently, she represents nationally known parties in a wide and diverse practice that includes premises liability, construction defects, catastrophic injuries and employment discrimination, along with representation of several municipalities throughout Pennsylvania. She is also a frequent speaker regarding emerging legal issues at local and national legal seminars.

André J. Webb

Professional Background: Associate, German, Gallagher & Murtagh, P.C.; Widener University Delaware Law School.

Activities: Vice chair, former treasurer, co-chair community outreach, executive committee member, Young Lawyers Division; House of Delegates member, former Zone 1 co-chair Young Lawyers Division, Civil Litigation Section member, Pennsylvania Bar Association; executive committee member, technology/social media committee member, programs committee member, Philadelphia Bar Association of Defense Counsel; co-chair Young Lawyers Substantive Law Committee, Defense Research Institute; Youth Court volunteer.

Candidate’s Statement: In that spirit of “what you put into life is what you get out of it,” from my introduction into the Association, I have sought to put in all that I can to make the best organization for myself, my fellow members, and the community. It would be an honor and a privilege to continue my efforts as a member of the Board of Governors. My past and current leadership roles uniquely situate me to engage a wide array of members with diverse perspectives and encourage inclusion, participation and involvement. If elected, I will serve the profession and the public by promoting justice, professional excellence and respect for all.

Felix Yelin

Professional Background: Associate, White and Williams LLP; Temple University Beasley School of Law.

Activities: Vice-Chancellor, Corresponding Secretary, Louis D. Brandeis Law Society (Chancellor starting in December 2019); member, Temple American Inn of Court; member, Jewish Federation of Greater Philadelphia Domestic Affairs Committee; volunteer, Support Center for Child Advocates; volunteer, Philadelphia VIP; volunteer, PLSE Paragon Project, co-chair, Jewish Law Day Committee, Judge of Elections, Philadelphia County; organizer, Philadelphia Bar Association Chancellor’s Forum: When the Rule of Law Fails.

Candidate’s Statement: I grew up as a son of immigrants from Northeast Philadelphia. A strong believer in the rule of law, I urge the Association to continue promoting our legal community’s professional interests and the broader community’s access to equal justice. As an incoming chancellor of a prominent affinity group, I will strive to represent the interests of all affinity groups on the Board of Governors and push for additional cooperation through joint events. Pro bono representation should continue to be a major priority. As a law student mentor, I would encourage more law student involvement with the Bar Association.

Bar to Elect Officers, Board Members

The Philadelphia Bar Association’s Annual Election of officers and members of the Board of Governors will be conducted in 2019 via online ballot. Officers to be elected are vice chancellor, secretary, treasurer, assistant secretary and assistant treasurer for a term of one year each; and five members of the Board of Governors for a term of three years each.

According to Article V, Section 5.8.1, “If there is a contest for any office to be filled, the election shall be conducted electronically over the Internet pursuant to procedures established by the Board to preserve the confidentiality of the Member’s vote and the integrity of the voting process. 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 on or before November 10 of each year in the presence of the nominees and/or their representatives. The form of the ballot shall be prescribed by the Board.”

Members will receive their ballots in an email on Monday, Nov. 18 with instructions. Online voting will end on Thursday, Dec. 12 at 5:30 p.m.

Candidates for Office

Vice Chancellor
Wesley R. Payne

Board of Governors (elect five)
Kristine L. Calalang
Thomas J. Giordano Jr.
Felix S. Yelin
Wendi Barish
Damaris Garcia
Andre J. Webb
Denise Mandi
Erin Lamb
Craig R. Levin

Secretary
Jennifer S. Coatsworth

Treasurer
Marc J. Zacker

Assistant Secretary
Kathleen Kirkpatrick

Assistant Treasurer
Matthew S. Olesh

Kathleen Kirkpatrick
Assistant Secretary
9 Candidates Seek 7 Seats on YLD Executive Committee

Sarah Adams

Professional Background: Associate at Robert J. Casey, Jr. and Associates; Temple University Beasley School of Law.

Activities: State Civil Litigation Section Liaison, YLD Executive Committee; Philadelphia Association of Defense Counsel (PADC) and its Pro Bono/Community Service Committee; Rendell Center Literature-Based Mock Trial Program.

Candidate’s Statement: Getting involved in the YLD has been a valuable experience for me, and I want to both give back to the YLD and get others involved in YLD initiatives. This past year, I served as the State Civil Litigation Section Liaison to the YLD Executive Committee. In this role, I helped plan a YLD networking happy hour, volunteered for the John S. Bradway High School Mock Trial Program, worked on YLD’s Annual Fundraiser benefiting the Philadelphia Bar Foundation and attended executive committee meetings and events throughout the year. I also attended meetings of the State Civil Litigation Section and reported any pertinent section announcements to the YLD executive committee. Through all of my activities, I learned firsthand how the YLD operates as an important section of the Association. I would be honored to continue to work on the YLD executive committee moving forward if elected!

Kevin Burdett

Professional Background: Associate, Braverman Kaskey, P.C.; Emory University School of Law.

Activities: Member, Young Lawyer’s Division; member, State Civil Litigation Section; volunteer board observer, Philadelphia Bar Foundations’ Board Observer Program; former president, homeowner’s association.

Candidate’s Statement: My first job out of law school was at a district attorney’s office in Atlanta, and I soon learned the impact a lawyer can have on the community. Then, it was on a more personal level—interacting with victims, defendants, and other members of the community—but I was still cognizant that my actions could help make the community a better place. I moved to Philadelphia last year and am eager to get involved with my new home by serving on the YLD executive committee. I would like to help continue the good work that the YLD already does, as well as engage with members and look for new opportunities to promote service. If elected, I would serve to the best of my ability and make sure that the YLD continues to have a positive impact on our profession and Philadelphia.

Omeed Firouzi

Professional Background: Attorney, Philadelphia Legal Assistance Low Income Taxpayer Clinic; Villanova University Charles Widger School of Law.

Activities: Young Lawyers’ Division Tax Liaison to the Philadelphia Bar Association Tax Section; Leadership Advisory Group member, Planned Parenthood of Southeastern Pennsylvania.

Candidate’s Statement: As a young public interest practitioner, I’ve gotten to know and love the Philadelphia legal community. In my time as the YLD tax liaison, I’ve formed meaningful relationships through Legal Line, happy hours and other events. Through this position, I worked with the Tax Section to host a CLE on worker misclassification. In running for a full-time position, I hope to utilize my oratorical, networking and advocacy skills to develop further programming, to connect other lawyers with pro bono activities, and to encourage other practitioners to get involved with the Association.

Katharine W. Fogarty

Professional Background: Senior Associate, Kaufman Dolovich & Voluck, LLP; Widener University Delaware Law School.

Activities: Liaison for KDV’s Women’s Initiative; Member of KDV’s Employment & Labor Practice Group; Mentor for the Penn State Liberal Arts Mentor Program; Mentor for the Pennsylvania Bar Association Young Lawyers Division E-Mentorship Program; Former Big Brother Big Sister Volunteer; Former Penn State THON Committee Chair; Former Certified Legal Intern for the Chester County District Attorney’s Office.

Candidate’s Statement: My passion for the law and service expands beyond the courtroom. I have been looking for a way to get more involved in the Philadelphia community. Membership on the YLD executive committee would provide me with the perfect opportunity to connect with my peers and represent the best interests of not only the YLD members, but the Association and Philadelphia community as a whole. My prior roles and experiences have provided me with the tools to foster positive and productive relationships with my peers, relate to others, and promote the best interests of the Association, our members, and the community. I would be honored to serve on the Executive Committee and assist in furthering the goals of the Association and our members.

Jordan Freeman

Professional Background: Associate Attorney, Hughes Law Firm; Western New England University School of Law.

Activities: Member, Philadelphia Bar Association: Young Lawyers Division

Get involved in the YLD!
Candidate’s Statement: As a young attorney and a Philadelphia transplant, I've been looking to get more involved in the local legal community and to build my professional network. I pursued a career in law, because I have a deep commitment to service and to equitable justice for families impacted by the legal system. Membership on the executive committee of the YLD would provide me with the opportunity to devote myself to improving our legal system and to connect with other professionals, young and more seasoned, in Philadelphia with the same passion for justice. My experience working at several small firms has helped me develop strong leadership skills and helped me learn to take initiative, regardless of my position. As a member of the executive committee, I hope to bring this same energetic leadership, integrity, and diversity of thought to the board.

Candace C. Hardy

Professional Background: Associate Attorney, Marshall Dennehey Warner Coleman & Goggin; Widener University Delaware Law School.

Activities: Member of the National Bar Association, Women Lawyers Division; member of the Barristers Association of Philadelphia, member of the Temple University Alumni Association, youth mentor, school volunteer and former domestic violence advocate.

Candidate’s Statement: My life experiences have taught me to acknowledge a variety of perspectives and ideas concerning personal issues of injustice. As a member of different organizations, I have interacted closely with individuals with divergent ideas to achieve communal resolutions in the public’s interest. As young lawyers, we not only want to aspire to promote and advocate the internal agenda of the organization, but also the external societal goals that have surfaced and presented challenges as we pursue our legal careers. Once elected to the executive committee, I plan to reinforce an atmosphere of conducive understanding and of exceeding accomplishments through public service.

Candice Kearney

Professional Background: Associate, Bennett, Bricklin & Saltzberg, LLC.; Drexel University Thomas R. Kline School of Law.

Activities: Young associate mentor to Bennett, Bricklin & Saltzberg summer associates; CLE presenter on the topics of Conflicts of Law, Mindfulness and Law Practice and Young Associate Perspectives and Tips; CLE organizer on the topics of Nutrition and Mindfulness; organizer of Puppy Yoga; organizer of two events for the Bar Mentoring Program.

Candidate’s Statement: Candice has remained active in the Philadelphia Bar Association since becoming an attorney. She has participated in Law Week every year, volunteering for various Law Week activities to gain useful institutional knowledge. She has served for two years as the YLD Liaison for the Wellness Committee of the Bar Association. As a voting member of the executive committee, she hopes to continue working to promote wellness throughout the bar and to increase participation of young lawyers in the Association.

Bethany R. Nikitenko

Professional Background: Attorney, Feldman Shephard Wohlgelernter Tanner Weinstock & Dodig LLP; Temple University James E. Beasley School of Law.

Activities: Steering Committee Member, Women Owned Law (2019 to present); Philadelphia Bar Association Mentorship Program, Mentor (2019 to present); Committee Chair, Philadelphia Trial Lawyers, Small and Solo Committee (2018-2019); Lecturer, National Business Institute (2017 to present); Editorial Board Member, Young Lawyer, Legal Intelligencer (2016 to present); Executive Board, Vice President of Emerging Leaders, American Jewish Committee, Philadelphia Chapter (2015 to present); Development Committee, Women Against Abuse (2015 to present); Philadelphia VIP Volunteer (2015 to present); and Certified Arbitrator, Philadelphia Court of Common Pleas (2014 to present).

Candidate’s Statement: Civil engagement and pro bono service have been cornerstones of my 12-year legal career. My diverse experience as a leader, volunteer, mentor, and trial attorney would make me a tremendous asset to the YLD executive committee. It is my desire to make a meaningful contribution to the YLD by being an active and engaged member of the executive committee. My goal is to not only provide support to the existing YLD programs and events, but also develop new and innovative programming to better foster support for young attorneys in our community.

Samuel M. Ventresca

Professional Background: Associate, Blank Rome LLP; Temple University Beasley School of Law.

Activities: I regularly work with various pro bono organizations, having represented clients through the Support Center for Child Advocates, Philadelphia VIP (both Landlord-Tenant and Guardianship cases), and the SeniorLAW Center. I also recently took part in the American Inns of Court’s National Advocacy Training Program in Washington, D.C.

Candidate’s Statement: Growing up outside the city, Philadelphia is an integral part of who I am. That relationship inspires me to want to give back to our community. I would cherish the opportunity to share ideas and collaborate with fellow members of the Philadelphia legal community to explore and promote ways in which we can give back. If elected, I would strive to spread awareness of the issues of concern to young lawyers as well as those affecting vulnerable individuals and the importance of offering critical services to those in need. I would be honored to serve on the YLD executive committee.

Candidates for YLD Exec. Committee

The Philadelphia Bar Association’s Young Lawyers Division Annual Election of Executive Committee members will be conducted via online ballot. This year, nine candidates are seeking election to eight seats available on the YLD Executive Committee. Committee members serve three-year terms.

According to Article V, Section 5.8.1, “If there is a contest for any office to be filled, the election shall be conducted electronically over the Internet pursuant to procedures established by the Board to preserve the confidentiality of the Member’s vote and the integrity of the voting process. 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 on or before November 10 of each year in the presence of the nominees and/or their representatives. The form of the ballot shall be prescribed by the Board.”

Members will receive their ballots in an email on Monday, Nov. 18 with instructions. Online voting will end on Thursday, Dec. 12 at 5:30 p.m. 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 40, or (2) they have not yet reached or reached the third anniversary of their first admission to the bar of any state.

Candidates for Office (elect seven)

Sarah Adams
Kevin Burdett
Omeed Firouzi
Katherine W. Fogarty
Jordan Freeman
Candace C. Hardy
Candice Kearney
Bethany R. Nikitenko
Samuel M. Ventresca

PhiladelphiaBar.org November 2019 Philadelphia Bar Reporter 21
Life Insurance Awareness Month 2019: The Meaning of Life

Life is unpredictable, but you and your loved ones can be prepared for the inevitable regardless of the "hows" or "whys". Life insurance is increasingly important to protect the financial security of dependents, yet there are so many who have little or no coverage.

According to the most recent 2019 Insurance Barometer Study conducted by Life Happens and LIMRA, 6% of American households, approximately 6 million, purchase an Individual Life Insurance policy. Additionally, 10% of households, approximately 13 million, get a minimum of one quote and 13% of households, approximately 17 million, "seriously shop" for a policy within a 24-month time period.¹

When it comes to deciding on coverage, there are three major questions buyers need to answer:

- Why should I get coverage?
- How much coverage should I get?
- How much coverage can I afford?

Life insurance is not about protecting your life or well-being as most, if not all, other types of insurances are. It is a form of coverage protecting those closest to you from facing insurmountable debt caused by your final expenses or other financial hardships without your income.

To learn more, visit usiaffinity.com or call (800) 265-2876.

¹ 2019 Insurance Barometer Study. Life Happens and LIMRA. Retrieved from https://lifehappens.org/
Francine Friedman Griesing, founder and managing member of Griesing Law, LLC, is the recipient of the Philadelphia Inquirer’s Lifetime Achievement in Diversity & Inclusion Award. Griesing will be honored at the Diversity & Inclusion Awards Gala on Nov. 13.

Mary F. Platt, of counsel at Fine, Krickstein & Harris PC, has been selected by the Philadelphia Business Journal to receive a Women of Distinction Award. Platt and other recipients will be honored at an evening reception on Nov. 14.

Michael T. van der Veen, founding partner at van der Veen, O’Neill, Harshbarger, & Levin, was selected by the Philadelphia Business Journal as a recipient of the 2019 Best of the Bar Awards.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Brittany Anne Robertson, communications associate at the Philadelphia Bar Association, at brobertson@philabar.org.
FOR MORE THAN 30 YEARS, Sidney L. Gold & Associates, P.C. has dedicated its practice to the field of employment law and civil rights litigation. The firm’s attorneys take great pride in serving as both aggressive and compassionate advocates for victims of unlawful discrimination and harassment. As a result, the Martindale-Hubbell® Bar Register has certified Sidney L. Gold & Associates as a pre-eminent law firm in the field of labor and employment law. More than 4,500 lawyers throughout Pennsylvania and New Jersey look to Sidney L. Gold & Associates to refer their clients.

With a team approach, the firm’s attorneys represent clients in all aspects of employment law litigation, including all forms of workplace discrimination, sexual harassment, wrongful termination, retaliation, whistleblower, employment contract, wage and hour, and Family and Medical Leave Act claims. A boutique practice with a small-firm atmosphere, Sidney L. Gold & Associates provides personal attention to its clients, who, at the same time, benefit from the experience and expertise of the entire team.

Sidney L. Gold & Associates is proud of its skilled attorneys and is honored by the recognition Super Lawyers® has bestowed upon this year’s recipients.