Panel: Real Access to Justice Key for Successful Pa. Courts

Sometimes, the only thing standing between clients and justice is a broken system, whether it’s a judge who doesn’t always listen, archaic rules where the side with the greatest resources wins or where relationships triumph over merit.

Charles J. Ogletree, the Jesse Climenko Professor of Law at Harvard Law School, moderated the opening session of the 2011 Bench-Bar & Annual Conference at Harrah's Atlantic City, "I'm Not Saying That to Any Judge! The Lasting Implications of Luzerne County." Panelists discussed the problems with justice in the courts in Pennsylvania and what can be done moving forward to solve some of these issues.

Panelists included President Judge Pamela Pryor Dembe of the Philadelphia Court of Common Pleas; Mark E. Cedrone, a criminal defense attorney; Peter J. Hoffman, a civil trial attorney; and Shira J. Goodman, deputy executive director of Pennsylvanians for Modern Courts. The course planners were Pennsylvania Superior Court Judge Anne E. Lazarus and Eric H. Weitz.

"There is a sign as you enter the U.S. Supreme Court that reads “Equal Justice Under Law” and everybody thinks they know what that means," Ogletree said. "But I can tell you it has a thousand different definitions. If you go to the courts in Florida, there is a different slogan that says ‘Where the Injured Flock for Justice.’" Ogletree asked the panelists for their take on justice.

"Part of the problem is access to justice means more than just getting into the courthouse. It’s what happens in the courtroom," said Goodman. "We have a tremendous education gap with the people who are in that courtroom and what they think is going to happen and what actually happens. At Pennsylvanians for Modern Courts, we hear from court users about what happens when they’re in court. People have an

Judicial Ratings Released By Bar

Chancellor Rudolph Garcia has announced the results to date of the Association’s investigation into the qualifications of candidates for the Philadelphia Court of Common Pleas and Municipal Court in the Nov. 8 general election. The investigation was conducted by the Association’s Commission on Judicial Selection and Retention.

In addition, the Commission also released the results of a poll of all Philadelphia lawyers conducted for the Bar Association earlier this year by Votenet. The poll invited respondents to rate specific aspects of the judicial performance of each of the existing judges seeking retention for additional terms. Under the bylaws of the Association, the poll is not binding upon the Commission's deliberations, although it must be published with the Commission's findings.

"We wanted to get the results of our evaluations out as soon as possible and invite people to consider the ratings before casting their votes. They can do this by visiting our website at www.philadelphiabar.
Auditing Anti-Money Laundering (AML)/Terrorist Financing Controls: Know Your Customer ‘Outside – In’
While most significant to financial institutions and their auditors, Anti-Money Laundering & Terrorist Financing laws and regulations are everybody’s business! Jim Hallinan has a wealth of experience to share in this vital area of auditing, legal/regulatory compliance and internal control. In addition to his business consulting work, Jim is also an inspirational writer and speaker. Don’t miss out on this high-profile, enlightening, and ever relevant program.

**Where:** Temple University Fort Washington
**Speaker:** James D. Hallinan CPA, CIA, CFSA, CBA
**Credits:** 7 Substantive CLE, 8 Auditing CPE
**Cost:** Live Seminar: $150 CLE, $135 CPE, Webcast: $130 CLE, $115 CPE
**When:** Friday, December 2nd

Everything You Need to Know About IFRS & U.S. GAAP Convergence
Dr. Regan Garey will discuss the major elements of International Financial Reporting Standards (IFRS) as well as the fundamental differences from U.S. GAAP. Dr. Garey, CPA, is a full-time faculty member at Immaculata University. She has also taught IFRS courses to CPAs and CPOs for other training organizations. Her courses incorporate real-world examples and exercises to help demonstrate the impact of IFRS on U.S. financial statements.

**Where:** Temple University Fort Washington
**Speaker:** Dr. Regan Garey
**Credits:** 7 Substantive CLE, 8 Accounting CPE
**Cost:** Live Seminar: $150 CLE, $135 CPE, Webcast: $130 CLE, $115 CPE
**When:** Saturday, December 3rd

Key Economic Indicators
In order to make sound investment decisions, business leaders must consider current and prospective economic conditions at the national and international levels. The purpose of this program is to provide participants with an introduction to key economic indicators that influence currency exchange rates, international capital flows, and financial asset values. In addition, we will provide a review of economists’ consensus expectations for 2012.

**Where:** Temple University Center City
**Speaker:** Dr. Laura Shinn
**Credits:** 7 Substantive CLE, 8 Other CPE
**Cost:** Live Seminar: $150 CLE, $135 CPE, Webcast: $130 CLE, $115 CPE
**When:** Friday, December 9th

For additional information or to register please visit www.ceworkshops.com. You may also register by calling Tom McDevitt directly at 215-990-0781.

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Pa. Supreme Court and the Bar
All Atwitter About Social Media

By Rudolph Garcia

Michael Eakin explained why as follows: “The manner and pace in which the Commonwealth’s citizens expect to receive information from their government is changing rapidly. This is a logical extension of an ongoing commitment to enhance the delivery of court information and services in an efficient and cost-effective manner.”

The court’s new Twitter account (SupremeCtofPA) provides real-time access to orders, opinions, schedules and other pertinent information. If you want to stay informed, you can follow the court on Twitter.

This proves that social media is not just for the younger generation anymore. Our country’s oldest appellate court is now on Twitter. Our Bar Association, also the oldest in the nation, has been on Twitter since 2009. If you aren’t, you don’t know what you’re missing.

My Twitter account (201Chancellor) has allowed me to easily and quickly share the unique experiences I am having as your Chancellor this year. For example, in one recent week I tweeted about a CLE.

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Time is money, and yours is precious. Why waste attorney or staff time gathering information from multiple sources when the Philadelphia Bar Association’s Legal Directory has everything you need in one place?

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• A special section devoted to corporate counsel
• Alternative dispute resolution resources

• Bar Association bylaws, contacts, sections and committees
• A business-to-business supplier section tailored to the legal community

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Find Your Niche, Small Practitioners Advised

By Mary-Kate Breslin

What is the most important piece of technology a law firm should have other than a computer? A good photocopy machine. According to Brian Puricelli, a longtime and successful Philadelphia solo practitioner, every small firm needs a photocopy machine that is high speed, prints in color, scans and can digitalize your faxes. By digitizing faxes, you have the option of saving them directly to your hard drive in addition to printing a copy for the file. And if you cannot afford to buy a good copier, then rent one, because it saves a lot of time and money.

This was just one of the pearls of wisdom that Puricelli shared with solo and small firm practitioners on Oct. 11, after having recently scored a $10 million verdict against the City of Philadelphia. Puricelli addressed common business challenges by sharing his years of experience and successes.

It is important that solo practitioners know a little bit about everything when it comes to the law, however try not to be a “jack-of-all-trades.” Figure out what type of law you want to practice, and decide what kind of attorney you want to be. Then align yourself with the types of people who you would like to represent. Join an organization, Puricelli, for example, has aligned himself with the Fraternal Order of Police in Philadelphia and as a result he represents many police officers. The best way to begin aligning yourself is to offer free services. Your business benefits from offering free advice because the people whom you help for free will share their positive experiences with their network of friends and family. Puricelli generates new business from old clients through word of mouth. The more people who are talking about you, the more chances you have to find that million-dollar case.

Saving time is another key element to saving and making money. Each time you begin on a new case, go through the process the same way. Understand the typical methodology you prefer to use when presenting a client’s case theory in court. Create a book filled with the documents you ordinarily need and file them in the same chronological order that you want to access them while progressing through a trial. Start at the beginning of the book for each case and just work your way through it. For example, file your sample deposition questions right up front. This way you will not feel as if you are reinventing the wheel each time you get a new case.

Another challenge is deciding whether to proceed with a case to trial, or to settle instead. When deciding whether to settle, be objective. Ask yourself whether the case is worth going to trial, or should you settle for a reasonable sum and move on to the next case. Don’t be afraid to compromise your fees either. By taking less money than you ordinarily would, your client will believe you sincerely cared about his case to the extent that you cut your fee to benefit it. This same client will tell his friends and family, who will in turn come to you with business in the future, generating more long-term revenue and profit for you.

“Find a niche as a solo practitioner, and people will find you, and you will make money,” Puricelli said.
November CLE Calendar

These CLE programs, cosponsored by the Philadelphia Bar Association will be held at The CLE Conference Center
Wanamaker Building, 10th Floor, Suite 1010, Juniper Street entrance unless otherwise noted.

Live & Simulcast Seminars

Nov. 1 • Trying a Self-Defense Felony Case: An Analysis of the Gerald Ung Case
Nov. 2 • Wage & Hour Law Symposium
Nov. 3 • Philadelphia County Domestic Relations Practice
Nov. 7 • Communications Skills for Lawyers: Dealing With the Media and Beyond
Nov. 8 • Elder Law Update
Nov. 8 • Local, State & Federal Taxes Affecting Real Estate Transactions
Nov. 9 & 10 • 17th Annual Business Lawyers’ Institute
Nov. 11 • Hot Topics in Capital Cases
Nov. 14 • Guns and Lawyers for You and Your Client
Nov. 15 • Get Organized and Get Things Done
Nov. 16 • Medical School for Lawyers: Into the Anatomy Lab
Nov. 17 & 18 • 17th Annual Business Lawyers’ Institute
Nov. 17 & 18 • Navigating the Rising Tide of Retaliation Claims
Nov. 18 • 18th Annual Estate Law Institute
Nov. 19 • Pennsylvania Election Law
Nov. 20 • Ethically Creating an Innovative Legal Practice in the Digital Marketplace
Nov. 21 • HRE Compliance
Nov. 28 • Pennsylvania Election Law
Nov. 29 • Protecting Your Client’s Future

Simulcasts from PLI

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Oct. 31 & Nov. 1 Outsourcing 2011: Structuring, Negotiation & Governance
Nov. 2 Financial Services Industry Regulatory Compliance & Ethics Forum
Nov. 8 “Bet the Company” Litigation 2011: Best Practices for Complex Cases
Nov. 17 & 18 Negotiating Commercial Leases: How Owners & Corporate Occupants Can Avoid Costly Errors
Nov. 21 Hedge Fund Enforcement & Regulatory Developments

Distance Education

Live Webcasts

If you can’t watch it live, sign up now and get credit when you watch it later (you’ve got 3 months after the webcast date).

Nov. 1 Trying a Self Defense Felony Case
Nov. 2 SEC Investigations and Enforcement Issues
Nov. 3 Philadelphia County Domestic Relations Practice
Nov. 4 Taxes Affecting Real Estate Transactions
Nov. 8 18th Annual Family Law Update
Nov. 11 Hot Topics in Capital Cases
Nov. 16 Driving Under the Influence
Nov. 28 Pennsylvania Election Law
Nov. 29 Protecting Your Client’s Future

Mark Your Calendar

Dec. 7-8 15th Annual Real Estate Institute

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Robinson: Narrow Gap to Help Poor Survive

By Heather J. Austin

The widening gap between poor communities and the skills that are needed to survive is the civil rights issue of our time, Pulitzer Prize-winning journalist and author Eugene Robinson said while delivering the Judge A. Leon Higginbotham Memorial Public Interest Lecture at the Association’s Sept. 27 Quarterly Meeting and Luncheon.

Robinson observed the need to bridge the gap to avoid losing another generation: the Abandoned Black America. According to Robinson, the history of American jurisprudence in the last century was that of bringing the nation’s reality more in line with its ideals – freedom and justice for all. In many ways, the America of today bears little resemblance to the America that Higginbotham encountered as a young lawyer decades ago. For example, a bright Yale Law School graduate, who happens to be black, is not now automatically ineligible for hiring in a large law firm.

Noting the changes that have taken place over time, Robinson recalled that Higginbotham was amongst a group of black leaders who were called to the White House and asked to advise the administration one day after Dr. Martin Luther King was assassinated. In 1968, the tasks ahead of the black community – public accommodations, voting rights, integrating schools and workplaces, fair housing – were so urgent and clear, and it was possible to identify black leaders and a black agenda. At that time, one could make generalizations about the black community – poorer, less educated, and forcibly segregated – that were fairly accurate.

The landscape has changed, and in 2008 Robinson was able to call his parents and tell them that they had lived to see the election of the nation’s first black president. There had been enormous changes in America over the course of their lives. However, civil rights issues still exist in the 21st century, and they are now much more subtle and are embedded in a more complicated environment.

Robinson said that it is the impulse to look at America as it is now and not as it used to be that led him to write the book “Disintegration: The Splintering of Black America.” The idea for the book started with a nagging feeling that the concept of black America was limited to the black America of 1968. When conducting his research, Robinson reviewed the results of a 2007 survey conducted by the Pew Research Center that revealed 37 percent of black Americans believe that black Americans can no longer be considered a single race.

As he explored the black America of today, Robinson identified four distinct groups. The first group, Mainstream Black America, consists of the majority that has entered the middle class. A small elite group, Transcendent Black America, is comprised of African Americans (e.g., President Obama, Condoleezza Rice and Colin Powell) who have achieved a level of wealth, power or influence that has rarely been achieved.

Emergent Black America, according to Robinson, includes recent immigrants from Africa and the Caribbean who are educated and arrive with in tact families and a lot of drive, yet not a lot of money and whose children are doing incredibly; and an increasing number of biracial Americans who self-identify as African American. Finally, Robinson identified what he terms Abandoned Black America, a much too large minority group that consists of as many as one-third of the Black American community and the members of which did not make the climb into the middle class because many of the rungs of the ladder to success that were previously available (e.g., blue collar jobs) no longer exist.

While exploring the various groups, Robinson said that the point is not whether there are three or four groups of black Americans. The point is that there is no longer a single group. We can no longer identify a single set of black leaders. We can no longer identify a single black agenda that speaks to the need of all or even most black Americans.

While factors such as the emergence of President Obama as a world leader and the perceived hostility of the Republican Party have caused black Americans to remain politically united for the most part, Robinson expects the GOP to make a serious appeal for the African-American vote one day. Then we will see diversity in black voting behavior comparable to the diversity that we have seen in the community as a whole.

In the end, Robinson said, diversity is good. Black Americans now have opportunities to identify and lobby for black leaders and a black agenda.
Judge Robinson, a 1966 graduate of Duke University and earned his law degree from Dickinson Law School in 1969. He is a former assistant district attorney and served as chief disciplinary counsel for the Pennsylvania Supreme Court from 1973 to 1985. He was first elected to the bench in 1987 and has been retained twice since then. From January 1996 through February 2002, the Supreme Court of Pennsylvania appointed him administrative judge of the trial division where he supervised 70 judges and approximately 1,000 court employees. He served with distinction on the commerce court from inception in 2002 until reassigned to Orphans’ Court Division.

Heather J. Austin (haustin@thorpreed.com), an associate with Thorp Reed & Armstrong, LLP, is an associate editor of the Philadelphia Bar Reporter.

Robinson continued from page 6

opportunities, choices, options and a level of prosperity that was unavailable and unthinkable decades ago. Nonetheless, Robinson came away from his book with a sense of despair and alarm at the condition of and the prospects for Abandoned Black America, a group in which Robinson sees a self-perpetuating morass of poverty, dysfunction and lack of education that feeds on itself over generations and that is trapping a very large number of people in a place they cannot escape from on their own.

Saving Abandoned Black America will require a maximalist approach in an era of minimalist resources. Robinson did not have the answers; however, he surmised that Higginbotham would certainly have had an idea as to how to fix the problem.


Herron acknowledged everyone who recommended for the award and am passionate about it and the lawyers who practice in it,” Judge Herron added.


Brennan Award Committee Chair Maria A. Feeley presents Judge John W. Herron with the Justice William J. Brennan Jr. Distinguished Jurist Award.

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Collaboration Assists Donors and Grantees

At the beginning of the year I told you that we at the Philadelphia Bar Foundation were operating under a new paradigm. While continuing to focus our energies on raising money to fund our legal services organizations we also work to serve as a catalyst to incubate new ideas, to collaborate with our donors and our grantees, and to ensure that our efforts have the greatest possible relevancy and impact all while ensuring that limited resources are spread wisely.

In thinking through our new approach it became clear that much of what we do already fits neatly within the paradigm.

**Legal Research:** For example, one little known Bar Foundation program that helps our grantee agencies is a generous grant from LexisNexis, which the Bar Foundation applies for and administers. Using the online research hours provided by this grant, some of the public interest organizations were able to gather information needed to start a project to conduct legal clinics for homeless veterans, to build a class action suit on behalf of low-wage farm workers, to research case law for filing motions to protect abused children and in many other ways that benefited disadvantaged Philadelphians. For years, LexisNexis has been very generous in making this program available through the Foundation and we’re committed to working with them for years to come.

**In-house Counsel:** More recently we have partnered with the Delaware Valley Association of Corporate Counsel (DELVACCA) to develop the Diversity Corporate Internship Program aimed at increasing ethnic and racial diversity within corporate legal departments. DELVACCA shares in its mission a common goal with the Philadelphia Bar Foundation to promote pro bono and public interest work. Accordingly, all selected interns will be asked to participate in a DELVACCA sponsored pro bono event during the calendar year as a condition of participating in the internship program.

Fostering public interest careers: Every year the Foundation administers three awards – the Morris Shuster Public Interest Fellowship, the Judge William M. Marutani Fellowship and the Samuel T. Gomez Award – each of which are to support and encourage lawyers working in the public interest sector. This year some of the recipients were honored at a banquet hosted by the Asian Pacific Bar Association of Philadelphia at which Zane Memeger, the United States Attorney for the Eastern District of Pennsylvania, and Thomas Perez, the Assistant Attorney General for the Civil Rights Division of the Department of Justice, both delivered inspiring remarks about the importance of public service.

**Awards:** To be frank, we love giving awards and fellowships. It gives us an opportunity to recognize those who, through their legal work, have made a big difference in the lives of Philadelphians. In fact, we have recently selected the recipients for our two most prestigious awards – the Philadelphia Bar Foundation Award and the Pro Bono Award and are humbled by the contributions of the recipients.

The Philadelphia Bar Foundation Award is given to an outstanding attorney who works in our nonprofit legal services community. This year’s recipient is Thu Tran, senior supervising staff attorney for the Energy and Utilities Unit at Community Legal Services. Thu has spent her entire legal career working in the public interest "on the front lines." As Cathy Carr, executive director of CSL, said in a letter of support for Thu’s nomination, “Thu’s work has demonstrated concretely CSL’s vision that individual representation is often tied to systemic reform. Not only has Thu saved countless of her clients from having their utilities shut off, but her work on their behalf has been instrumental in making lasting improvements to the utility programs available for low-income residents of the greater Philadelphia Area; thus she has provided assistance to thousands of low-income people who will never contact CSL, but share the problems of those who have.”

We are also thrilled to award to Blank Rome LLP the Foundation’s 2011 Pro Bono Award, which recognizes a Philadelphia law firm or corporate legal department that demonstrates outstanding volunteer efforts in providing legal services to those in need.

Highlighting the energy and commitment of Kathy Ochoch, partner and director of pro bono services at Blank Rome, and Grant Palmer, partner and chair of the firm’s pro bono committee, the letters of nomination from Sara Woods of Philadelphia VIP and several other legal services directors, were truly inspiring.

Among Blank Rome’s many pro bono efforts to help the homeless, low-income seniors and sexually abused children, one case detailed by Cristi Charpentier, an assistant federal defender with the Pennsylvania Capital Representation project, particularly stands out: Blank Rome took on the capital post conviction defense of Freddy, a mentally handicapped man who was on death row. Blank Rome attorneys uncovered constitutional violations that had occurred at the time of trial and proved that trial counsel was constitutionally ineffective during the penalty phase of the trial. Freddy was pulled off of death row and sentenced to life in prison. This was an enormous victory involving hundreds of pro bono hours. According to Charpentier, “the support of the firm’s partners for pro bono has been the fuel for the ongoing work in this case and a gift greater than any gold. Kathy Ochoch has managed the team with expertise and grace. I have learned that my instincts were right, and I was right to, quite literally, trust her with a life.”

Both Thu and Blank Rome will be honored at the 33rd Annual Andrew Hamilton Benefit on Saturday evening, Nov. 19 at the Pennsylvania Academy of the Fine Arts. The event celebrates the “Art of Giving” that is so deeply engrained in the ethos of Philadelphia’s legal community, and the proceeds benefit the legal services organizations that do so much in our community to extend the promise of justice for all. We invite you to be join us at the event to celebrate their inspiring work. You can buy tickets through the Bar Foundation’s website at www.philabarfoundation.org.

*Wendy Beetlestone (wbeetlestone@hangley.com), a shareholder with Hangley Aronchick Segal & Pudlin, is president of the Philadelphia Bar Foundation.*
By Jeff Lyons

Chief legal officers, law firm managing partners and diversity thought-leaders from across the nation will assemble for the Philadelphia Bar Association’s National Symposium on Diversity in the Legal Profession on Tuesday, Nov. 8 at The Union League of Philadelphia.

“This symposium will be another significant milestone on our road to diversity and inclusion,” said Chancellor Rudolph Garcia. “The Philadelphia Bar Association is committed to improving diversity in our profession and these national leaders will help show us the way forward. We know there is much work to be done, and we stand ready to meet the challenge.”

The half-day symposium will begin with a luncheon featuring keynote speaker Robert J. Grey Jr., executive director of the Leadership Council on Legal Diversity. Grey is a past president of the American Bar Association.

During the opening plenary, a panel of local and non-local chief legal officers and law firm managing partners will discuss the importance of collaboration to advance diversity and inclusion in the legal profession; benchmarks to measure success; and best practices for the recruitment, retention and advancement of women and diverse attorneys.

Four concurrent breakout sessions will focus on topics such as the roles white men can play to advance diversity and inclusion in corporate legal departments and law firms; generational diversity and its impact in the workplace; successful pipeline initiatives and mentoring programs; and an employment law update.

The symposium runs from 12:30 to 5:30 p.m. and a VIP networking reception begins at 5:30 p.m. The VIP networking reception will provide a forum for discussion with remarks from a prominent speaker.

Speakers for the National Symposium on Diversity in the Legal Profession include:

- Thomas E. Cabaniss, managing partner, McGuireWoods LLP, Richmond, Va.;
- Virginia G. Essandoh, chief diversity officer, Ballard Spahr LLP, Philadelphia;
- Mark Hershey, senior vice president, general counsel & secretary, Armstrong World Industries, Inc., Lancaster, Pa.;
- Alan J. Hoffman, co-chair and managing partner, Blank Rome LLP, Philadelphia;
- John L. Latham, partner, Alston & Bird LLP, Atlanta;
- Sophia Lee, chief counsel-litigation, Sunoco, Inc., Philadelphia;
- Curtis L. Mack, partner, McGuireWoods LLP, Atlanta;
- Robert A. Nicholas, partner and global director of legal personnel, Reed Smith LLP, New York;
- Karl A. Racine, managing partner, Venable LLP, Washington, D.C.;
- Robin Sangston, vice president, legal affairs, Cox Communications, Inc., Atlanta;
- Mark S. Stewart, chair, Ballard Spahr LLP, Philadelphia;
- Joel C. Trotter, senior counsel, GlassmanTrotter, Philadelphia;
- Michael K. Tudor, executive vice president and general counsel, Avis Budget Group, Inc., Parsippany, N.J.;
- LeRoy J. Watkins, Jr., partner, Jackson Lewis LLP, Morristown, N.J.;
- Charles Phillip Wells, partner, Williams Mullen, Raleigh and Charlotte, N.C.;
- Sherry D. Williams, senior vice president, chief ethics and compliance officer, Halliburton, Houston; and
- Sandra S. Yamate, chief executive officer, Institute for Inclusion in the Legal Profession, Chicago.

In Philadelphia, minority attorneys account for 3.97 percent of law firm partners and 13.29 percent of associates. In Philadelphia, women account for 19.04 percent of law firm partners and 45.79 percent of associates. That means Philadelphia is below the national average in the categories of minority partners and associates, and women partners. It is barely above the national average when it comes to women associates.

For more information about the National Symposium on Diversity in the Legal Profession, contact Naomi K.
William P. Fedullo, of counsel to Rosen, Schafer & DiMeo, LLP, is the lone candidate for Vice Chancellor in this year’s election.

He is a 1976 graduate of Widener University School of Law and has been active in the Philadelphia Bar Association for many years. He is currently president of the Philadelphia Bar Association Historical Society and serves as parliamentarian on the Board of Governors. He was chair of the Campaign for Qualified Judges in 2010 and 2011 and Chair of the Commission on Judicial Selection and Retention in 2004 and 2009.

Fedullo served as co-chair of the State Civil Litigation Section in 2006 and 2007 and was co-chair of the Task Force to Review Commission on Judicial Selection and Retention in 2004 and 2005. He served as the co-chair of the State Civil Committee in 2001 and the Brennan Award Committee in 2002. He was an elected member of the Board of Governors from 1998 to 2000. He was a member of the Task Force for State Civil Litigation Section from 2004 to 2005.

He has served as a member of the Commission on Judicial Selection and Retention since 2003 and has been a member of the Investigative Committee for Judicial Retention and Selection since 1996. He was an inaugural member of the Diversity Committee from 1998 to 2001 and was a member of the Nominating Committee in 2006. He chaired the Bar-News Media Committee in 1985.

Fedullo served as Chancellor of the Justinian Society from 1996 to 1998 and has been a member of its Board of Directors since 1985. He is chair of the Justinian Society Long Range Planning Committee and is a trustee of the Justinian Foundation.

He was a member of the Board of Directors of the Philadelphia Trial Lawyers Association from 1992 to 2005 and has been a member of the House of Delegates (Zone 1) of the Pennsylvania Bar Association since 1991. He is also a member of the Pennsylvania Association for Justice, Louis D. Brandeis Law Society, Brehon Law Society, Hispanic Bar Association of Pennsylvania, Lawyers Club of Philadelphia and American Bar Association.

He has served as judge pro tempore for the Philadelphia Court of Common Pleas and was a member of the 30th Anniversary Committee of Philadelphia Volunteers for the Indigent Program.

Candidates for Bar Line Offices Uncontested

This year, the four candidates for Bar line offices are unopposed. The candidates are Sophia Lee, secretary; Jacqueline G. Segal, assistant secretary; Joseph A. Prim Jr., treasurer; and Wesley R. Payne, assistant treasurer.

Lee is a senior attorney with Sunoco and a graduate of the Temple University Beasley School of Law and is currently secretary of the Association. She was chair of the Board of Governors Diversity Committee in 2008 and a member of the City Policy Committee, the Young Lawyers Division Executive Committee and the Judicial Selection Committee.

Lee has been a member of the executive committee of the Asian Pacific American Bar Association of Pennsylvania since 2000, having served as president in 2006. She is co-chair of the Litigation Committee of the National Asian Pacific American Bar Association and is a member of the National Association of Women Lawyers. Lee is a former board member and president of AIDS Services in Asian Communities and has been board development director for the Asian Arts Initiative since 2002. She was a member of the executive board of the Cornell Club of Greater Philadelphia and a volunteer with the Cornell Alumni Ambassadors Admissions Network. She is vice chair of the Mayor’s Commission on Asian American Affairs and is a board member of the Old City Civic Association. She is a member of the advisory board of Pennsylvania for Modern Courts and a board member of Philadelphia VIP.

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

Segal currently serves as Assistant Secretary of the Association and co-chair of the Membership Task Force. She has held a number of other Bar Association positions including Parliamentarian to the Board of Governors (2010); Chancellor’s Cabinet (2010); Board of Governors (2007-2009); Co-Chair, Membership Task Force (2010); Chair, Chancellor’s Committee for Pandemic/Disaster Planning (2007-2009); Elections Committee (2008); Commission on Judicial Selection and Retention (2006); Section Chairs Committee (2006); Family Law Section: Chair (2006); Chair-Elect (2005); Treasurer (2004); Secretary (2003); executive committee (1997-present); 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. Cipriani 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; member, Pennsylvania Bar Association, Family Law Section.

Prim is a partner with Duca and Prim and a graduate of the Boston University School of Law. Prim is currently the treasurer of the Association and served as the Workers’ Compensation Section representative to the Board of Governors in 2003 and was an elected member of the Board of Governors from 2005 to 2007.

Prim was co-chair of the Solo and Small Firm Committee in 2001, 2002 and 2004 to 2006 and co-chair of the Workers’ Compensation Committee in 1994. He served as treasurer of the Workers’ Compensation Section (1996 to 2008) and is a member of the State Civil Litigation Section and Workers’ Compensation Section.

Prim is a member of the Pennsylvania Bar Association Civil Litigation Section, Workers’ Compensation Section and Solo and Small Firm Practice Section. He is a member of the Pennsylvania Bar Association House of Delegates and a member of the American Bar Association General Practice, Solo and Small Firm Section, Law Practice Management Section and Litigation Section. He is a member of the Philadelphia Trial Lawyers Association, the Pennsylvania Association for Justice and a charter member of Friends of the Justinian Society. He is a supporter of the Boston University School of Law Public Interest Project and a member of the Justinian Society Long Range Planning Committee and is a trustee of the Justinian Foundation.

Prim was co-chair of the Solo and Small Firm Committee in 2001, 2002 and 2004 to 2006 and co-chair of the Workers’ Compensation Committee in 1994. He served as treasurer of the Workers’ Compensation Section (1996 to 2008) and is a member of the State Civil Litigation Section and Workers’ Compensation Section.

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Six Seek Seats on Board of Governors

Jennifer S. Coatsworth

Professional Experience: Associate, Margolis Edelstein; Temple University James E. Beasley School of Law.


Personal Statement: Though we must all struggle with a work-life balance, we have an obligation to the bench, the bar and our community to serve the public interest. “Equal Justice Under Law,” the inscription above the Supreme Court, is a lofty ideal to which we should all aspire. My Bar Association involvement provides the opportunity to fulfill my philanthropic leanings as well as bolster my commitment to pro bono services. Through my work as a litigator, I have experienced a wide range of issues and have worked with a diverse cross section of society. While my Bar Association work has demonstrated that the Board of Governors plays an important role in the lives of lawyers throughout the city and that the Board Association’s position on various legal issues has a substantial weight. The position the Board takes may influence votes in the legislature that could govern the way each of us practice on a daily basis.

If elected to the Board of Governors, I promise to carefully consider all perspectives on an issue and ensure that all voices in our society have their needs addressed. I humbly ask for your vote.

John J. O’Malley

Professional Background: Shareholder, Volpe and Koenig, P.C.; Villanova University School of Law.

Association Activities: Member, Federal Courts Committee and Intellectual Property Committee.


Candidate Statement: I believe my experience with transactional and litigated matters in the intellectual property area will enable me to bring new and creative ideas to the Board of Governors. This past May, I co-chaired the Brehon Law Society’s symposium on “Doing Business in the U.S. and the EU/Ireland.” We arranged to have the program held in Ireland and keynoted by the Irish Prime Minister (Taoiseach). One of the event’s goals, was to promote Philadelphia and Philadelphia attorneys. As an inaugural event, it drew 150 attendees. Based on the success of that effort, the event is scheduled to be held in Philadelphia in 2012. I am committed to increasing the profile of the Bar Association and its members through this type of outreach.

While increasing our members’ visibility is important, we cannot forget the Bar Association’s long history of leadership and service. We must remain committed to promoting the goals of diversity, defending equal rights, continuing to support the provision of legal services to all regardless of income, and providing non-legal service to the community.

As a son of immigrants, I have a unique perspective that will allow me to advocate for the needs of our members while remaining true to the traditions and ethical values of the Bar Association. I would be honored to have your support.

Ouraania Papademetriou

Professional Background: Managing Attorney, Philadelphia VIP; Temple University Beasley School of Law.

Association Activities: Public Interest Section Representative, Board of Governors, 2011, Chair, Public Interest Section, 2010; Member, Civil Gideon Task Force, 2010-present; Co-Chair, Civil Gideon Family Law Working Group, 2009; Member, Elections Committee, 2009; Member, Custody Committee of the Family Law Section, 2005-present; Co-Chair, Delivery of Legal Services Committee, 2005-2007; Member, Family Court Working Group, 2003-present; Chair, Domestic Violence Committee, 2003-2004; Course Planner and Presenter, PBI continuing legal education programs, 2002-present.

Other activities: Executive Committee Member, Nicholas A. Cipriani Family Law Inn of Court, 2007-present, continued on page 13
Election
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Member, Board of Directors, St. George Senior Housing Corporation, 2002-present; Member, American Hellenic Lawyers Association, 1993-present; Recipient, The Philadelphia Bar Foundation Award, 2010; Salve Regina College Featured Alumna, 2010; Recognition of Public Interest Legal Service by the Philadelphia Bar Association, October 2001.

Candidate’s Statement: My entire career as an attorney has been in public interest and public service, helping to give a voice to those who need legal assistance and have nowhere else to turn. As managing attorney for Philadelphia VIP, the Association’s pro bono referral agency, I have the privilege to see first hand how the Philadelphia Bar Association and its many hard-working attorneys are committed to addressing the important issue of ensuring justice and access to our courts. I believe that my years of working collaboratively with members of the many different areas of our Association give me a strong foundation to help navigate the wide range of viewpoints and opinions on difficult issues that our legal community faces on behalf of our clients. I look forward to continuing this work and appreciate your consideration of my candidacy for a position on the Board of Governors.

James A. Rocco III

Professional Experience: partner, Rocco Law Offices, L.L.C.; Widener University School of Law.

Association Activities: Executive Committee Member, Family Law Section, 2010-11; Chair, Family Law Section, 2009; Member, Commission on Judicial Selection and Retention, 2009; Chair, Family Law Section, 2008; Treasurer, Family Law Section, 2007; Secretary, Family Law Section, 2006; Executive Committee Member, Family Law Section, 2004-05.


Candidate’s Statement: My service with the Philadelphia Bar Association started approximately eight years ago when a fellow family law attorney nominated me for the Executive Committee of the Family Law Section. Within two years, I was elected as an officer of the Section, which eventually led to becoming the Chair of the Family Law Section in 2009. During that time, my volunteer service has extended beyond just the Family Law Section. I became a member of the Commission on Judicial Selection and Retention in 2009 and was appointed to the Pennsylvania Bar Association House of Delegates as one of the representatives of our Association. I was also asked to serve on VIP’s Family Law Advisory Council, which has been organized to have VIP volunteer attorneys accept more family law cases. I hope to become elected to the Board of Governors so I can continue to serve the members of the Family Law Section as well as the members of the Bar Association as a whole. I sincerely believe it is important that the Board of Governors have a representative of the family law bar who is familiar with the many issues facing family law attorneys in Philadelphia as well as the issues facing the extraordinary number of families we serve and who appear in Family Court in Philadelphia each and every day.

Eric H. Weitz

Professional Experience: Partner, Messa & Associates, PC., Villanova University School of Law.

Association Activities: Chairman, Compulsory Arbitration Committee (1997); Secretary, Young Lawyers Division Executive Committee (1990); Member, (1998, 1999, 2000); Co-Chair, Young Lawyers Division Charity Golf Outing (1999-2000); Member, State Civil Rules Committee (1995 – 2004); Member, Civil Litigation Committee (2005 – present); Co-Chair, Professional Liability Sub-committee; Co-Chair, Meidco-Legal Sub-Committee; Investigator, Judicial Selection and Retention Commission (2009-present); Planning Committee, 2011 Bench Bar Conference; Co-Course Planner for Plenary Session.


Candidate’s Statement: My service with the Philadelphia Bar Association started approximately eight years ago when a fellow family law attorney nominated me for the Executive Committee of the Family Law Section. Within two years, I was elected as an officer of the Section, which eventually led to becoming the Chair of the Family Law Section in 2009. During that time, my volunteer service has extended beyond just the Family Law Section. I became a member of the Commission on Judicial Selection and Retention in 2009 and was appointed to the Pennsylvania Bar Association House of Delegates as one of the representatives of our Association. I was also asked to serve on VIP’s Family Law Advisory Council, which has been organized to have VIP volunteer attorneys accept more family law cases. I hope to become elected to the Board of Governors so I can continue to serve the members of the Family Law Section as well as the members of the Bar Association as a whole. I sincerely believe it is important that the Board of Governors have a representative of the family law bar who is familiar with the many issues facing family law attorneys in Philadelphia as well as the issues facing the extraordinary number of families we serve and who appear in Family Court in Philadelphia each and every day.

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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. 6, 2011, from 8:30 a.m. to 6 p.m. on the Ballroom Level of the Hyatt at The Bellevue, Broad and Walnut streets. Officers to be elected are vice chancellor, secretary, assistant secretary, treasurer, 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 will be mailed Friday, Nov. 18, 2011, and are due by Thursday, Dec. 1, 2011, at 10 a.m.

Candidates for Office

Vice Chancellor
William F. Fedullo
Secretary
Sophia Lee
Treasurer
Joseph A. Prim Jr.
Assistant Secretary
Jacqueline G. Segal

Assistant Treasurer
Wesley R. Payne IV
Board of Governors (elect five)
Jennifer Segal Coatsworth
John J. O’Malley
Ozurina Papademetriou
James A. Rocco III
Eric H. Weitz
Kay Kyungsun Yu

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the challenges and economic pressures firms face. On the Board of Governors, I will have three priorities: Increasing and diversifying membership; Working with the business community to promote Philadelphia as we emerge from recession; and elevating the bar in order to speak meaningfully on local, state and national issues, including local taxation and access to the courts for all.

I have spent the majority of my career in the plaintiff’s bar, after beginning it in commercial and corporate environment, and am committed to working with every group to expand the reach of the Bar Association. I believe that greatness can only be achieved through the collective wisdom of the Bar’s members.

Kay Kyungsun Yu

Professional Experience: Chair, Philadelphia Commission on Human Relations; Georgetown University Law Center.

Association Activities: Member, Philadelphia Bar Association, 1999-2011; Co-Chair, Philadelphia Bar Association, Employee Benefits Committee, 2008-2010.

Other activities: Member, National Asian Pacific American Bar Association, 2004-2011; President, Asian Pacific American Bar Association of Pennsylvania, 2008; Executive Committee Member, APABA-PA, 2006-2011; Member, American Bar Association, 1993-2010; Member, ABA, Employee Benefits Committee, Labor and Employment Section (ABA EBC L&E Section), 2002-2010; Co-Chair, ABA EBC L&E Section, Liability Issues Unique to Welfare Plans, 2007-2010; Co-Chair, ABA EBC L&E Section, Retention Subcommittee, 2006; Fellow, American Bar Foundation, 2007-2010; Member, Pennsylvania Bar Association, 1999-2010; Member, Defense Research Institute, 1999-2004; Member, Asian American Women’s Coalition, 2008-2010; Co-Chair of the Justice For All 5k Planning Committee to benefit Community Legal Services of Philadelphia (CLS) since 2010; Member of the Second Generation Advisory Board of MoreBank since 2009; Member of the Board of Directors of Penn Asian Senior Services (PASSi) 2008-2011; Fellow of the Center for Progressive Leadership’s Pennsylvania Political Leaders Fellowship, 2010; Co-Chair of the Task Force for Racial and Cultural Harmony.

Candidate’s Statement: In my career, I have endeavored to parallel the mission of the Philadelphia Bar Association, which serves the profession and the public by promoting justice, professional excellence, and respect for the rule of law. Since 1999, I have worked in the Philadelphia legal community to represent clients in litigation, support colleagues and law students, and promote justice, fairness, equality and understanding throughout the City. As President of the Asian Pacific American Bar Association of Pennsylvania, 2008, I have worked at the forefront of legal advocacy, and as a member of the American Bar Association, I have served on various committees and task forces to promote diversity and inclusion in the legal profession.

In seeking election to the Board of Governors, I hope to partner with the leaders of the Association to further the mission of fostering understanding of, involvement in, and access to the justice system.

Officers continued from page 11

the Brehon Law Society; The Lawyers Club of Philadelphia; Charter Member, John Peter Zenger Law Society; The Union League; member, House Committee; Chairman of Fitness Center; Member Lincoln Table Management Committee; The Pennsylvania Society; The Philadelphia Zoo; Philadelphia Museum of Art; The Millay Club, Bishop Neumann High School Alumni Association; and a volunteer, Philadelphia VIP.

Payne is a partner with White and Williams, LLP and a graduate of the University of Maryland School of Law. He is currently assistant treasurer of the Association.

Payne is a member of the Military Affairs Committee and co-chair of the Insurance Programs Committee. He is a member of the Bar Association of Defense Counsel and the Pennsylvania Defense Institute, director, North East Region and chair, Rules Committee; Barristers’ Association of Philadelphia; Pennsylvania Bar Association, Minorities in the Profession Committee; Diversity Committee and an Advancing Civics Education program team leader in 2008 and 2009.

Payne serves as a judge pro tem, Philadelphia Court of Common Pleas and is a member of the Board of Directors, Philadelphia Diversity Law Group, Inc.; Philadelphia Association of Defense Counsel; Pennsylvania Defense Institute, director, North East Region and chair, Rules Committee; Barristers’ Association of Philadelphia; Pennsylvania Bar Association, Minorities in the Profession Committee; Diversity Committee and an Advancing Civics Education program team leader in 2008 and 2009.

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Kline Draws on Lifetime of Experience in Courtroom for Tips to Litigators

By Julia Swain

Listen more than you talk; magnify errors made by your opponent; state the worst facts for your client’s case in voir dire; and use civil proceeding to effectuate change that improves safety for all were just some of the tips offered by legendary trial lawyer Thomas R. Kline at the Bench-Bar & Annual Conference.

In a matter where Kline had a bifurcated trial and damages were addressed first, the battle of the economic experts ensued. Although typically such testimony is dense for a jury, the opposing expert used a wrong percentage for calculating lost wages for a baby who died as a result of medical negligence. On the eve of trial, the opposing economic expert prepared a new report, correcting the error. However, on cross-examination, Kline used the original report that contained the error to show that the expert was not infallible, despite exemplary qualifications including teaching at Harvard. Not only did Kline point out the error, he continued to cross the expert on every other point in the original report that was incorrect due to the error. Magnifying the expert’s error significantly undermined the expert’s credibility, after which Kline asked the expert to grade himself. The expert felt that he deserved a 95, which Kline pointed out to the jury was an “A” for an incorrect expert report, further attacking credibility.

Another technique Kline recommends is having a witness characterize results. In a medical malpractice case, where the expert misread a lab result which he believing to be the patient’s whereas it was patient’s husband’s lab report, after pointing out the mistake on cross examination, Kline asked the expert – Are you embarrassed? So you missed it! Are you withdrawing your opinion? Once the expert was caught in making a mistake in reading the lab report, the expert had to agree with the unflattering characterizations.

Kline once tried a medical malpractice case on behalf of an intravenous drug user. During voir dire, Kline asked prospective jurors if they would not give a fair ruling for such a plaintiff, to which over half of the people raised their hands. In that case, Kline also focused on a defendant radiologist’s curriculum vitae as an example of not overlooking the basics.

The well credentialed and Yale educated radiologist listed his office address as being in Connecticut, although he read x-rays from his home office in India. The Connecticut office was essentially used to receive mail. Even the deposition was done via videoconference, with the radiologist in India and Kline in Philadelphia. Although this was a small detail, the misleading nature of the CV served to undermine the radiologist’s credibility.

Finally, and the most poignant of Kline’s potpourri of war stories, dealt with a teenage girl suffering from various psychological conditions who was sexually taken advantage of by her unlicensed psychologist. Kline was outraged that Pennsylvania law permits unlicensed psychologists to treat patients and used this case to highlight the severe damage that could happen. Although the case settled after trial commenced, Kline structured the settlement to require a publicly read apology by the defendant, including an acknowledgement of the severe harm he caused the plaintiff, a promise never to practice again in Pennsylvania or any other state and a plea to encourage the Pennsylvania legislature to change the law.

Kline ensured that the settlement and defendant’s statement were not confidential, which permitted media coverage of the case and public debate of the state of the law. Kline ended with this case as an example of how civil proceedings can be used to address change in our society and as an underpinning of the Bench-Bar Conference as a time to exchange ideas to improve our system of justice.

Julia Swain (jswain@foxrothschild.com), a partner with Fox Rothschild LLP, is an associate editor of the Philadelphia Bar Reporter.

Power Dynamics are Part of Struggle to Diversify

By Aimee Cirucci

Spawned by several recent surveys about inclusion, “Survey Says: An Empirical Look at Diversity in the Legal Profession” a CLE held at the Bar Association’s Bench-Bar & Annual Conference on Oct. 14, explored the business case for diversity and the power dynamics that women and minority attorneys face.

Naomi K. McLaurin, Bar Association Director of Diversity, kicked off the discussion by loosely defining the business case for diversity. “Given that we live in a global society, diversity is important,” said McLaurin. “Corporate want to make sure that the attorneys who represent them look like the customers that the corporations service” adding that people from diverse backgrounds bring diverse experiences to problem-solving skills.

McLaurin was joined on the panel by Vice Chancellor Kathleen D. Wilkinson, a partner at Wilson, Elser, Moskowitz, Edelman and Dicker LLP; Roberta Jacobs-Meadway, partner and a member of the Board of Directors and Executive Committee at Eckert Seamans Cherin & Mellott, LLC; past Chancellor A. Michael Pratt, a partner and member of the Executive Committee at Pepper Hamilton LLP; and Scott W. Reid, an attorney at Cozen O’Connor and chair of both of his firm’s Diversity Committee and the Bar Association’s Diversity in the Profession Committee as well as the Association’s Diversity chair.

Reid turned the discussion to the topic of women in the profession noting that there were many women in the room and explaining that through his diversity work he learned about the barriers that women face.

Wilkinson expanded on this topic in quoting from the findings of the ABA’s survey of nearly 700 women law firm partners in which 55 percent of study respondents said that they had been denied their fair share of origination credit and continued on page 16.

Photo by Jeff Lyons

Thomas R. Kline

Photo by Jeff Lyons

Scott W. Reid (from left), Naomi K. McLaurin, Roberta Jacobs-Meadway, A. Michael Pratt and Kathleen D. Wilkinson were the panelists for the Bench-Bar & Annual Conference seminar on diversity.
By Mark Tarasiewicz

Technological advancement will continue to be a focus of the Pennsylvania court system through 2012, according to statewide judicial leaders and representatives.

The judicial leaders reported on the “State of the Courts” at the Oct. 15 closing CLE plenary luncheon of the Association’s 2011 Bench-Bar & Annual Conference at Harrah’s Resort Atlantic City.

Pennsylvania Supreme Court Chief Justice Ronald D. Castille announced that the Supreme Court will be launching a Twitter account for announcing its opinions and other news and information. He credited Justice Michael Eakin for his work on the initiative.

Also on the technology front, Castille reported on the successful launch of video broadcasting of Supreme Court sessions. The chief justice said that Pennsylvania is the 14th state to televise Supreme Court sessions.

“It’s an educational effort, to show the citizens who’ve heard about the Supreme Court who might want to see the Supreme Court in action to see what we really do,” Castille said.

Budget-wise, he said the courts appreciated the governor’s and legislature’s support surrounding a statewide court funding increase of 8 percent, in a climate where other states have not seen such increases.

Castille also reminded attendees of the large number of judges statewide who are up for retention vote in the November general election.

“It’s your duty, really, to get out and tell people that they ought to support these good judges who have been endorsed – and these endorsements from the bar associations are very important, because nobody really knows what these judges do and the ones who know the most about them are the lawyers,” the chief justice said.

In Pennsylvania, Castille said, there are 67 Common Pleas Court judges up for retention. “We added up the years of experience of those judges and it’s over a thousand years of judicial experience,” Castille said. “And that we don’t want to lose.”

Regarding the Luzerne County judicial scandal, Castille said “as far as we’re concerned, it’s over.” He noted that Judge Michael Conahan received a 17-year sentence and Judge Mark Ciavarella received a sentence of 27 1/3 years. The court has expunged almost 4,000 records of juveniles who have appeared before the two judges, Castille said.

“It led to significant rules changes in juvenile rules [and] it led to changes in the Judicial Conduct Board and some of the ways that they’re looking at efforts to police the judiciary,” Castille said.

The chief justice also reported that the court is looking into attorney compensation in criminal appointments in the First Judicial District. “The question is whether the representation at that level is adequate and are there constitutional problems,” Castille said.

He applauded the work of Justice Max Baer and a number of volunteer family law attorneys for their efforts in bringing about significant change in foster care funding in Pennsylvania.

“On average, Pennsylvania had about 21,000 kids in foster care until [Justice] Max Baer and the Supreme Court and all the other individuals started addressing that,” Castille said. “It’s now down to about 15,500 kids in foster care per year. That’s pretty remarkable. That’s 5,000 kids who are in a caring, loving family relationship.”

The effort saved the state approximately $225 million in foster care costs, Castille added.

Looking ahead, the chief justice said that Justice Deborah Todd will be taking a close look at the issue of elder abuse in guardianships. The court will also continue expanding successful programs including treatment court, veterans’ court and mortgage foreclosure program efforts.

Regarding construction of a new Family Court building, Castille said “for awhile we almost lost that project, but it’s on the go…we are confident that we are at the point of no return.”

Superior Court President Judge Correale F. Stevens reported that, in the past year, the court began identifying the authors of Superior Court memos.

“We think the lawyers are entitled... continued on page 17
impression that when they feel they’ve been wronged or injured in some way, the court will fix it. They don’t understand that sometimes what happens in court may not fix their problem. It may not seem right or feel right but it is what is required under the law. And because of problems in our schools and our civics, people don’t understand what judges do and what courts do, it impedes the perception of what happens in our courts and whether justice is being done,” she said.

“We always say that when someone gets into court and win or lose, they feel that they had a chance to present their position and were heard and felt they got their fair shake, to me, that is justice. You’re not guaranteed a win and sometimes what seems right morally or ethically isn’t what the law requires. But people want to go and feel that they’ve been heard. The biggest complaints we hear are ‘the judge didn’t listen to me’ or we only had a couple of minutes to talk and the judge seemed to know the other lawyer,” Goodman said.

“People have come to think that if judges have any contact or relationship with anyone in the court system outside of the courtroom, ipso facto they are unfair,” said Judge Dembe. “Were we to have judges living that way, we’d have very isolated and not very healthy folks there. One of the great strengths of our court system is the great relationship between the bench and the bar. When my colleagues and I go to other parts of the country, we talk about new programs we’re rolling out and working with the Bar Association and they say ‘you’re what? You’re working with who?’ That collaboration works to the benefit of everyone. Every judge has an obligation and every judge I’ve met takes it seriously to clear your mind as you begin each case,” she said.

The overarching problem, Judge Dembe said, is that our society has gone down the road of putting every problem into the courts. “Things that other societies wouldn’t even dream of bringing to the courts we bring to a small number of tired, middle-aged people and it creates an awful lot of strain,” she said.

But there are still many things that the courts do well, Dembe said. “Number one, we’re open every day. Across the country and in parts of Pennsylvania, they are not able to keep the courts open all day. And there is no justice when the doors are locked. ‘The relationship between the bench and the bar is so rich and works so well for everybody. And our court system has moved down the road of the Internet and the electronic world. That means that access to information and access to processes and procedures and rules and information is available to everybody. There is still a gap. Not everybody has an Internet in their back pocket yet. More and more, every kid you see has a phone that’s a walking Internet device. That makes access and having a feeling of more control over their world available to the citizens,” she said.

For Cedrone, the biggest challenge is balancing the tension between the volume of cases that the judges and the court system have to deal with. “I still haven’t decided whether justice is to be defined by the results in cases or by the process in which we get to results. Objectively, I think we really need to define justice in our society and certainly in our criminal courts by a process. People that I represent haven’t chosen to be in this system. They’re compelled to be there. What they need to get out of it, at the very least, is what appears to be a just and fair process,” he said.

Cedrone said said the sheer volume of dockets in Municipal Court makes it almost impossible for what theoretically might be considered a just process.

Bench-Bar & Annual Conference

State of the Courts

continued from page 16

to know – and the trial judges want to know – who’s writing the Superior Court memos,” Stevens said.

Additionally, Stevens said the court will likely revisit the idea of putting the memos online, we as well as come up with ways to make the overall Superior Court website more user-friendly.

Commonwealth Court Judge Renee Cohn Jubelirer, who offered an update on behalf of President Judge Bonnie Brigance-Leadbetter, discussed the growth of the court’s original jurisdiction. By way of example, she referenced the court’s substantial work in pharmaceuticals pricing and insurance insolvencies cases.

She also noted that the court made a request for assistance from the Royal Courts of England and Wales pursuant to the Hague Convention of 1970 to allow an intervenor to do discovery in England in a particular case.

She also said that the court’s internal rules committee is in the process of developing a new set of rules to govern practice and procedure for insurance insolvencies.

An important change, Judge Cohn Jubelirer said, is that unpublished opinions – though not precedential – can be now be cited for their persuasive value.

She also noted that the court’s mediation program has been very successful, with approximately 165 cases this past year referred to mediation – 50 percent of them resolved that way. One-third of the cases were workers’ compensation matters. Forty-five percent of the mediations come from the eastern portion of the state, she reported.

Coming up, Judge Cohn Jubelirer said that the court expects to see an increase in three areas: Marcellus Shale litigation; election cases in the upcoming presidential election year; and cases surrounding the Open Records Act.

Philadelphia Court of Common Pleas Judge D. Webster Keogh, who offered an update on behalf of President Judge Paula Pryor Dembe, said that the Orphans’ Division will notice an increase in filings as baby boomers get older. The Family Division remains in need of adequate funding for court-appointed counsel, he said.

In the Trial Division, 10 new judges are joining the bench in January as a result of vacancies. In the Criminal Division, the inventory disposal is approximately 17,000 felony cases a year.

“We’ve been able to continue to deal with that, even with the reduced number of judges, the vacancies we’ve had and the budget difficulties,” Keogh said. He added that the court has not been able to replace 56 probation officers that it had to lay off over the last few years, although 20 additional probation officer positions were preserved in gun court.

The court has also been able to reduce, through various programs, the prison population by approximately 2,000 people over the last few years. The court has also rolled out the ability for attorneys to conduct interviews with their incarcerated clients at the State Road facility remotely through video.

The Criminal Division is also hopeful to unveil electronic filing next year, Keogh said. “The court is currently disposing of more cases than it gets in, he added. The Civil Division, Keogh said, has been doing a tremendous job with less judges.

The court is also going to be able to move the Arbitration Center into City Hall. “It will give added importance and added dignity to the whole arbitration process, so it’s not just a step along the way before you get to your jury trial,” Keogh said.

Philadelphia Municipal Court President Judge Martha H. Neifield reported that the court has been busy expanding its diversion program, diverting approximately 6,000 cases from the beginning of the year through August.

Neifeld also reported that the court will have a large-scale graduation for Veterans Court. Additionally, the social service component of Community Court for lower-level misdemeanor cases will remain active, she said.

Neifeld said that dispositions in the Criminal arena have been good, with an overall 112 percent disposition rate through August. In the Civil Division, the court is in the process of negotiating a new lease for improved space, she said.
Public Interest Section to Mark 20th Anniversary Dec. 1

JOIN THE PUBLIC INTEREST SECTION ON THURSDAY, Dec. 1 as the Section officially kicks off its 20th anniversary celebration with two major events.

First, the Annual Public Interest Law Day CLE program “Déjà Vu All Over Again: Public Interest Practice Survives Hard Times,” will be held from 9 a.m. to 4:30 p.m., at the PBI Conference Center. This full-day CLE program will offer 5 substantive and 1 ethics CLE credits and will present a wide array of hot topics in public interest law for public interest attorneys, pro bono practitioners, judges and private practice attorneys who are interested in learning more about public interest law and cutting edge issues affecting the pro bono legal community.

The program will feature a distinguished faculty of experienced public interest practitioners, judges and other national and local experts and leaders in the field. The opening panel presentation will address how a hypotheti-cal family is struggling in the recession and how changes in the law and policy have affected them in areas such as healthcare, public benefits, unemployment, collateral consequences of criminal conviction and immigration. Following the opening session, attendees will be able to attend two of the following six breakout sessions: “Models of Holistic Services; Legal Strategies to Combat the School to Prison Pipeline;” “Opening the Local Door: Practical Tips and Advocacy Strategies on Local Regulations;” “Representing Our Clients’ Interest in the New Harrisburg Criminal Law for the Civil Practitioner;” and “Closing the Courthouse Door.” The program will conclude with a closing panel presentation, “Updates on Innovative Access to Justice Projects and the Civil Right to Counsel Movement.”

Immediately following the CLE program, the Section will hold a reception, awards ceremony, and dinner to mark its 20th anniversary, beginning at 5:30 p.m., at the Loews Philadelphia Hotel, 1200 Market St. The Awards Ceremony will feature the presentation of the Andrew Hamilton Award for distinguished service in public interest law, and the selection of the 2011 Higginbotham Summer Fellowship, which was created eight years ago to provide a stipend to support the work of a summer law intern at a Philadelphia Bar Foundation grantee organization. Third-year law students from local law schools will also be honored for their pro bono work with the presentation of the annual law student awards. The ceremony will also feature the announcement of 2011 recipients of the Morris Shuster Public Interest Loan Repayment Program by the Philadelphia Bar Foundation.

The anniversary celebration will begin with a brief reception at 5:30 p.m., followed by the awards ceremony and dinner. The cost of the dinner and reception will be $45 for public interest section and government attorney members and law students, $60 for other Bar Association members and $75 for non-members. Law firms and individuals are also asked to consider sponsoring the evening and contribute to the Higginbotham Summer Fellowships. For more information about sponsoring the event, contact Larry Felzer at lfelzer@seniorlawcenter.org or 215-701-3203.

Register online for the CLE program at www.pbi.org and for the awards ceremony, reception and dinner at www.philadelphiabar.org.

Judicial Ratings continued from page 1

Naturalization Speakers

Vice Chancellor Kathleen D. Wilkinson and Villanova University School of Law Professor Tuan Samahon were the speakers at the Oct. 20 naturaliza-tion ceremony presided over by U.S. District Court Judge Juan R. Sanchez. More than 100 people from 37 different countries took the oath of citizen-ship at the ceremony sponsored by the Philadelphia Bar Association.

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Health Care Reform Update from USI Affinity

A continuing series of monthly articles that provide a broad overview of, as well as some of the recent developments on, the Health Care Reform front.

The Treasury and Internal Revenue Service (IRS) issued Notice 2011-73 requesting comments on the development of a safe harbor to aid employers in determining whether health plan coverage is “affordable” for purposes of avoiding a penalty in 2014. An employer will be considered to provide affordable health coverage if the employee’s cost for self-only coverage does not exceed 9.5 percent of the employee’s household income. The proposed safe harbor suggests that employers may use W-2 wages for the employee (which the employer knows) instead of the employee’s total household income (which employers generally would not know) when determining whether coverage is affordable.

This is a welcome development for employers, and should help simplify the plan design considerations that address penalty determinations if implemented. It is important to note that this safe harbor does not affect eligibility for the subsidies under the exchanges. Those will still be determined by reference to the employee’s household income. Employers will, however, be able to design benefits and coverage models that avoid penalties, based on information on hand. The safe harbor is in proposed format and is not finalized. The Treasury and IRS are seeking comments on this proposed guidance and intend to issue future regulations that will finalize the rules regarding the employer penalty.

In 2014, the Patient Protection and Affordable Care Act (PPACA) will impose a penalty on employers with 50 or more full-time equivalent employees if certain low-income full-time employees receive premium tax credits or cost-sharing subsidies to purchase coverage through the exchange, and the employer either:

• does not offer full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage under an eligible employer-sponsored plan; or
• offers full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage that either is unaffordable or does not provide a minimum value.

Under the law, coverage is considered unaffordable if the employee’s required contribution exceeds 9.5 percent of the employee’s household income for the tax year. Household income means the modified adjusted gross income of the employee and any family members (e.g., spouse, dependents) who are required to file an income tax return.

Because affordability is determined by reference to household income and because household income is determined by reference to variables that are generally unknown to an employer (i.e., the modified adjusted gross income of the employee and the employee’s spouse and dependents), employers may encounter practical difficulties in assessing whether the coverage they are offering is affordable to certain employees.

In light of these concerns, the Treasury and IRS intend to propose an affordability safe harbor where the affordability of the employer’s coverage is measured using the employee’s W-2 wages instead of household income (wages as reported in Box 1 of the Form W-2 issued by the employer).

The proposed safe harbor would require the satisfaction of certain requirements, including:

• that the employer offers full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage under an employer-sponsored plan, and
• that the employee portion of the self-only premium for the employer’s lowest cost coverage that provides minimum value (the employee contribution) does not exceed 9.5 percent of the employee’s W-2 wages.

Application of the self-harbor would be determined after the end of the

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VIP Honors 3 from Ballard Spahr for Efforts with LawWorks Clients

Philadelphia VIP recognizes Frederick W. Clark, Aldie Jennings Loubier and Jeffrey Meyers for their outstanding volunteer assistance to VIP clients.

Ballard Spahr LLP’s 51st floor conference room, with its panoramic views of the city and beyond, suggests power and influence. But it’s not just the rich and powerful whose disputes and transactions are settled here.

A team of Ballard Spahr lawyers regularly assists Philadelphians who have few resources and no experience navigating complex legal issues. Meyers is of counsel in the Litigation Department and a member of the Bankruptcy, Reorganization and Capital Recovery Group; Complex Commercial Litigation Group; and Commercial Real Estate Recovery Group. Loubier is an associate in the Real Estate Department. She is also a member of the Planned Communities and Condominiums, Real Estate Finance, Real Estate Development, and Transactional Finance Groups, and the Distressed Real Estate Initiative. Clark, a retired partner, is their fearless leader. “He chooses the cases and fearlessly follows through with a happy outcome for their client. “It was a just result,” said Loubier, “and our client was so very appreciative.”

Ballard team facilitated the title transfer of property. It’s not uncommon for individuals to enter into lease/purchase agreements without involving financial institutions because they do not have enough cash or credit. One of the Ballard Spahr team’s recent cases involved a tenant who entered into a lease/purchase agreement with an owner of the house. The tenant made payments on the lease agreement in accordance with the lease/purchase agreement and put her own resources into maintaining and improving the property. The owner died before the tenant made her last payment. After the last payment was made to the relative who inherited the property, the relative refused to transfer the title at the agreed time. The Ballard team facilitated the title transfer with a happy outcome for their client. “It was a just result,” said Loubier, “and our client was so very appreciative.”

For their ongoing dedication to helping VIP clients, Philadelphia VIP offers its appreciation to Frederick W. Clark, Aldie Jennings Loubier and Jeffrey Meyers.

Frontline

continued from page 3

with F. Lee Bailey, a meeting with Iraqi judges and mayors and a luncheon with Supreme Court Justice Stephen Breyer. At a conference of world city bar leaders in September, I tweeted about issues faced by bar presidents in London, Paris, Tokyo, Hong Kong, Moscow and many other countries across the globe.

But if you don’t want to tweet anything, you certainly don’t have to. You can select others to follow and receive whatever they choose to communicate, whether or not you send any tweets of your own.

When in-person and social networking are combined, the synergies are amazing. A great example of this is the way Twitter allowed us to extend the scope and reach of our Bench-Bar Conference. By using a “hashtag” (#BenchBar11) to identify conference-related tweets, attendees were able to share ideas in real time and relay content to their online followers. This enhanced our in-person communications and generated so much excitement that Twitter highlighted #BenchBar as a trending hashtag in the Philadelphia area.

As busy professionals, we need to embrace any tools that help us stay in touch and informed, especially when they have gained widespread public acceptance. If we fail to keep up with such new means of communication, we will be left behind.

Those of you who already use social media know what I mean. For those who don’t, it’s time to take the plunge.

Rudolph Garcia (chancellor@philabar.org), a partner with Buchanan Ingersoll & Rooney PC, is Chancellor of the Philadelphia Bar Association.
Tales from Front Lines of Pro Bono: PVLA

Philadelphia Volunteer Lawyers for the Arts (PVLA) provides pro bono and low cost legal assistance, educational programs and business counseling to artists and arts and cultural organizations. PVLA was founded in 1978 as a nonprofit legal services organization. In March 2008 to broaden the legal assistance available to the cultural community, the services of PVLA were integrated into the Arts & Business Council.

Over the years the PVLA program has recruited hundreds of attorneys from Philadelphia and the surrounding region to serve the arts. For information on volunteering visit www.artsandbusinessphiladelphia.org/pvla/lawyers.asp or call (215) 790-3836, extension 1.

Jeffrey Bates, shareholder, Marshall Dennehey, Warner, Coleman & Goggin LLP; PVLA Volunteer since 1991; PVLA Outstanding Service Award 1997; PVLA Volunteer of the Year 2010

Have you ever had that terrible sinking feeling when you have been working on a document for hours, and it suddenly disappears from your screen? The time and effort to re-create it, even if you can re-create it, seems insurmountable.

Now imagine that you have spent weeks, months, or even years on a project, and suddenly it is gone. As an artist, this is beyond a sinking feeling – it feels like the end of the world. No more work to show, sell, or even use to promote yourself.

Over the years working for Philadelphia Volunteer Lawyers for the Arts, these are some of the clients with whom I have had the privilege to work. Individuals whose heart and soul are poured into every page of prose, stroke of the brush, click of the shutter and spoken word. And every one of them is unrestrained in their gratitude for my efforts on their behalf, even if I am not entirely successful.

The clients who pay us to work for them day in and day out expect results. They expect that documents will be filed on time, discovery will be thorough and properly completed and, that in the end, we will achieve the desired result. But a client who is at the end of their rope, with no money to pay you and little hope of ever recovering their lost oeuvre, can truly make one feel better about one’s self, just by being there to be an advocate. In addition to receiving their gratitude, I am a better person for having assisted these individuals. These are people who exude grace and wonder at the world, and who make me realize it is a place worth being when there are people like them who can come into your life, however briefly. Give it a try. You will not regret it, and you will be better for it.

Bruce Bellingham, partner, Spector Gadon & Rosen, P.C.; PVLA volunteer since 1993; PVLA Volunteer of the Year 2009

I am a professional malcontent. My work as a commercial litigator is a second career. I taught college for 15 increasingly boring years and, of course, had a graduate school career before that, also increasingly boring, so I experience my current work as a salvation. With the possible exception of CIA field operative, litigation is the least boring of employments. Every case is different except that, as a malcontent, I note that every case is the same: somebody doesn’t want to pay. I look around, as I have always done, and see transactional colleagues who assist in getting buildings erected or a thousand ships launched and, once again, I start to wonder if the grass might not be greener...

But no. I cannot change again, and if I could a transactional lawyer needs clients and no banker or builder wants to golf with me, if I golfed.

The dilemma is rhetorical because I have made myself an active transactional lawyer of the classiest sort – an entertainment lawyer – through my work with Volunteer Lawyers For The Arts. The work is complicated as any paid work and requires re-education, but the opportunity and rewards are there. An example: I have been working for over a year with the Corporation for Civic Documentaries on the score for a documentary about U.S. Sen. Harris Wofford. Initially, CCD director just wanted a lawyer to "read through" a contract by which the American Composer’s Forum gave an $8,000 grant to a composer to write the score. On top of that, the CCD had a side agreement to pay the composer another $5,000. Good deal for the filmmaker, and I thought for me, too, as I could review one of the “synch licenses” I had read about which are now the Holy Grail for musicians. But, I could not find the grant of rights. The grant contract simply gave CCD the right to use the score with its film under confusing conditions (possibly only at public screenings, not with a CD) for 18 months, after which all rights would revert to the composer. What good is that to a film with an expected life much longer than 18 months?

I thought it was inadvertent and drafted a fairly standard synch license, but the composer balked. He agreed to the perpetual rights to use his music with the film, but then would only agree to write less than the amount of music needed. Unknown to the CCD, the composer represented the whole deal. Cutting to the chase: CCD dumped the original composer and the misleadingly enticing grant and painlessly contracted with a much more prominent Italian composer, Teho Teardo (through his agent, who mercifully speaks English) who is eager for American exposure; Bill Moyers appears to be promoting the film to PBS; I have very happy transactional client who just sent me a copy of Harris Wofford’s book. Of Kennedys and Kings, warmly inscribed by the author; and I dine out on my clout in the world of international cinema.

CLS Justice For All 5K

Statewide Pennsylvania and New Jersey matters • No charge for initial consultation

James C. Schwartzman, Esq.
Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania • Former Federal Prosecutor • Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania • Pennsylvania Interest on Lawyers Trust Account Board • Selected by his peers as one of the top 100 Super Lawyers in PA • Named by his peers to Best Lawyers in America in the areas of legal malpractice and professional responsibility

Dana Pirone Carosella, Esq.
Representing attorneys in disciplinary/ethics matters 16 years • Author/Speaker on ethics matters

1818 Market Street, 29th Floor, Philadelphia, PA 19103 (215) 751-2863

Deputy Mayor Everett Gillison (from left), Philadelphia Bar Foundation President Wendy Beetlesstone, Philadelphia City Solicitor Shelley R. Smith, Matthew Perks and Community Legal Services Executive Director Catherine C. Carr meet before CLS’ Justice for All 5K event on Oct. 9 in Fairmount Park. More than 500 people registered for the event that raised $17,500 for Community Legal Services.
Tuesday, Nov. 1
Legal Rights of Persons with Disabilities Committee: meeting, 9 a.m., 11th floor Conference Room South.

Women’s Rights Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Wednesday, Nov. 2
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th floor Board Room.

Rules and Procedure Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Intellectual Property Committee: meeting, 12 p.m., 11th floor Committee Room South. Lunch: $8.

Thursday, Nov. 3
Government and Public Service Lawyers Committee: meeting, 12:30 p.m., 11th floor Committee Room South Lunch: $8.

Bar Academy program: 3 p.m., 11th floor Conference Center.

Friday, Nov. 4
LGBT Rights Committee: meeting, 8:30 a.m., 10th floor Board Room.

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.

Delivery of Legal Services Committee
Civil Gideon Task Force: meeting, 12 p.m., 11th floor Committee Room South.

Monday, Nov. 7
Family Law Section: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Civil Rights Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Tuesday, Nov. 8
Real Property Section Executive Committee: meeting, 11:30 a.m., Gibbons, P.C., 1700 Two Logan Square, 18th and Arch streets.

Cabinet: meeting, 12 p.m., 10th floor Cabinet Room.

Philadelphia Bar Foundation Board of Trustees: meeting, 12 p.m., 11th floor Conference Center.

Criminal Justice Section Executive Committee: meeting, 12 p.m., 11th floor Committee Room South.

National Symposium on Diversity in the Legal Profession:

Wednesday, Nov. 9
Civil Gideon Task Force Housing Committee: meeting, 9 a.m., 10th floor Board Room.

Immigration Law Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

International Business Initiative Committee: meeting, 12 p.m., 11th floor Committee Room South.

Thursday, Nov. 10
Bar-News Media Committee: meeting, 11:30 a.m., 11th floor Conference Center. Lunch: $8.

Alternative Dispute Resolution Committee: meeting, 12 p.m., 11th floor Committee Room South. Lunch: $8.

Legislative Liaison Committee: meeting, 12:30 p.m., 10th floor Board Room. Lunch: $8.

Monday, Nov. 14
Business Law Section Executive Committee: meeting, 12 p.m., 11th floor Committee Room South.

Tuesday, Nov. 15
Employer Benefits Committee: meeting, 12:30 p.m., 11th floor Committee Room South. Lunch: $8.

Candidates Forum: 12:30 p.m., 11th floor Conference Center. Lunch: $8.

Wednesday, Nov. 16
Young Lawyers Division Cabinet: meeting, 12 p.m., 10th floor Cabinet Room.

Private Equity Committee/Mergers & Acquisitions Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.50.

LegalLine: 5 p.m., 11th floor LRIS offices.

Thursday, Nov. 17
Family Law Section Executive Committee: meeting, 12 p.m., 11th floor Committee Room.

Law Practice Management Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Health Care Law Committee: meeting, 12 p.m., 11th floor Committee Room South.

Real Property Section Annual Meeting: 12 p.m., Crystal Tea Room, Wannamaker Building, Market and Juniper streets.

Tickets: philadelphiabar.org.

Candidates Forum: 12:30 p.m., 11th floor Conference Center. Lunch: $8.

Board of Governors: meeting, 4 p.m., 10th floor Board Room.

Friday, Nov. 18
Social Security Disability Benefits Committee: meeting, 12 p.m., 11th floor Conference Center.

Room South. Lunch: $8.

Tuesday, Nov. 21
Public Interest Section Executive Committee: meeting, 12 p.m., 10th floor Board Room.

Federal Courts Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Wednesday, Nov. 23
Medical-Legal Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Thursday, Nov. 24
Thanksgiving: Bar Association offices closed.

Friday, Nov. 25
Thanksgiving: Bar Association offices closed.

Monday, Nov. 28
Young Lawyers Division Executive Committee: meeting, 12 p.m., 10th floor Board Room.

Tuesday, Nov. 29
Criminal Justice Section: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Women in the Profession Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Compulsory Arbitration Committee: meeting, 12 p.m., 11th floor Committee Room South. Lunch: $8.

Wednesday, Nov. 30
Workers’ Compensation Section Annual Holiday Party: 6 p.m., Tendenza, 969 N. 2nd St. Tickets: philadelphiabar.org.

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 delivered to Bar Association offices, 1700 Two Logan Square, 18th and Arch streets.

P.C., 1700 Two Logan Square, 18th and Arch streets. Fax: (215) 238-1159. E-mail: reporter@philabar.org.

Calendar of Events

Note: While the following listings have been verified prior to press time, any scheduled event may be subject to change by the committee or section chairs. Lunches are $8 for members and $9.50 for nonmembers, unless otherwise indicated.

Civil Gideon Task Force

Under the proposed safe harbor, if the employer is not subject to a penalty with respect to a particular employee, even if the employee receives a premium tax credit or cost sharing reduction for coverage purchased through an exchange.

If implemented, the proposed safe harbor should provide more certainty to employers in predicting and avoiding the impact (if any) the new penalty may have on their business. As this rule is not finalized, employers should review this information, consider the potential implications for their business and offer comment to the agency. It is expected that future regulations will formalize the penalty requirements and any available safe harbor. We will continue to monitor developments and keep you posted as guidance is issued.

For more information or to reach a USI Affinity Benefit Solutions Consultant, call 800-265-2876 or visit benefits.usiaffinity.com.

For more than 75 years, the divisions of USI Affinity have developed, marketed and administered insurance and financial programs that offer affinity clients and their members unique advantages in coverage, price and service. Our programs offer clients, from associations to financial institutions, the edge they need to both retain existing and attract new members and customers. As the endorsed provider of affinity groups representing more than 20 million members, USI Affinity has the experience and know-how to navigate the marketplace and offer the most comprehensive and innovative insurance packages available.

Health Care

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calendar year and on an employee-by-employee basis, taking into account the employee’s particular W-2 wages and contribution. For example, the employer would determine whether it met the proposed affordability safe harbor for 2014 for an employee by looking at the employee’s 2014 W-2 wages and comparing 9.5 percent of that amount to the employee’s contribution for 2014. The guidance suggests that an employer could use the safe harbor prospectively, at the beginning of the year, by structuring its use of the safe harbor prospectively, at the guidance suggests that an employer could determine whether it met the employee’s particular W-2 wages and compar-

es and cost sharing reduction for coverage

employee receives a premium tax credit

spect to a particular employee, even if the

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usiaffinity.com.

For more than 75 years, the divisions of USI Affinity have developed, marketed and administered insurance and financial programs that offer affinity clients and their members unique advantages in coverage, price and service. Our programs offer clients, from associations to financial institutions, the edge they need to both retain existing and attract new members and customers. As the endorsed provider of affinity groups representing more than 20 million members, USI Affinity has the experience and know-how to navigate the marketplace and offer the most comprehensive and innovative insurance packages available.

healthcare.ucsf.edu
Valerie Kellner, a partner with Rawle & Henderson LLP, has been appointed chair of the Products Liability Committee of the American Bar Association Tort Trial & Insurance Practice Section.

Marc P. Weingarten, a partner in the Locks Law Firm, made two presentations at the American Association for Justice Annual Convention in New York City in July.

Kevin R. Boyle, a partner with Stradley Ronon Stevens & Young, LLP, presented the 2011 Father of the Year awards at this year’s annual dinner presented by the American Diabetes Association and the Greater Philadelphia Father’s Day Council.

Katherine Hatton, vice president, general counsel and secretary of the Robert Wood Johnson Foundation in Princeton, N.J., was one of 23 lawyers nationwide who participated in the DirectWomen Board Institute, a program designed to help qualified women attorneys prepare for service on the boards of U.S. companies.

Thomas A. Brophy, president and CEO of Marshall, Dennehey, Warner, Coleman & Goggin, accepted a Special Honors Award on behalf of the firm at the American Bar Association’s Section of Real Property, Trust and Estate Law Annual Convention in New York City at the American Association for Justice.

Wayne Sachs, principal attorney at the Sachs Law Group, LLC, has been named vice chair of the Business Bankruptcy Committee of the American Bar Association’s Business Law Section for 2011-2014.

Deborah Epstein Henry, founder and president of Law & Reorder™, was a speaker at the 2011 Women’s Bar Leader Summit hosted by the National Conference of Women’s Bar Associations in Toronto, Canada on Aug. 5.

Douglas J. Kent, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, was the featured presenter at the Society of Registered Professional Adjuster’s webinar “Bad Faith Set Up.”

Sharon L. Caffrey, a partner with Duane Morris LLP, participated in a National Association of Women Lawyers panel discussion “It Starts With You – Practical Steps You Can Take Now to Achieve Success and Advance Women in the Law” on July 21 in New York City.

Kevin R. Boyle, a partner with Stradley Ronon Stevens & Young, LLP, has been appointed to serve a three-year term as a member-at-large of the Board of Directors of the National Association of College and University Attorneys.

Michael Mattioni and Dawn M. Tancredi of Mattioni, Ltd., were speakers at a National Business Institute Seminar on handling real estate transactions with confidence on Aug. 2.

Peter J. Neeson, a partner with Rawle & Henderson LLP, has been appointed treasurer of the National Judicial College.

Ronald A. Kovler, a partner with Kovler & Rush, PC, has been appointed chair of the Auto Law Section of the Pennsylvania Association of Justice.

Robert C. Clothier, partner with Fox Rothschild LLP, has been elected to a three-year term as a member of the National Association of Criminal Defense Lawyers.

Carolyn Hochstadter Dicker, of E. Carolyn Hochstadter Dicker, LLC, recently served as a speaker for theCLE seminar “When the Gelt is Gone: Bankruptcy and Foreclosure in Jewish and American Law,” presented by Gratz College.

July 29.

Kay Standridge Kress, a partner with Pepper Hamilton LLP, has been named vice chair of the Business Bankruptcy Committee of the American Bar Association’s Business Law Section for 2011-2014.

Keith B. Joseph, an associate with Ballard Spahr LLP, has been elected to serve a two-year term on the Board of Directors of Equality Forum.

Theodore “Ted” Simon, principal in the Law Offices of Theodore Simon, has been elected second vice president of the National Association of Criminal Defense Lawyers.

Helen Pudlin, executive vice president and general counsel for The PNC Financial Services Group, Inc., was named one of the “2011 Most Powerful and Influential Women in Pennsylvania” by the National Diversity Council and was formally recognized at the 2011 Pennsylvania Diversity and Leadership Conference on Sept. 16 in Monroeville, Pa.

James C. Schwartzman, a shareholder with Stevens & Lee PC, was reappointed to the Supreme Court of Pennsylvania’s Interest on Lawyers Trust Account Board.

Sheryl L. Axelrod of The Axelrod Firm, PC, discussed employment discrimination law issues at Sterling’s Employment Law Update Seminar on July 27.

Edward M. Dunham, Jr., a senior member of Kleinbard Bell & Brecker LLP, spoke at the American Conference Institute’s 5th Annual Advanced Forum on Cyber & Data Risk Insurance on Sept. 26-27 in New York City.

Evan Aidman, a sole practitioner, has published Winning Personal Injury Cases, a guide for lawyers new to the field of personal injury litigation, published by the American Law Institute/ American Bar Association.

Nina B. Stryker, a partner with Obermayer Rebmann Maxwell & Hippel LLP, moderated the panel discussion “Fundamentals of Estate Administration,” a Sept. 14 program presented by the Pennsylvania Bar Institute.


Elizabeth A. Bokermann, an associate at The Law Offices of Linda A. Kerns, LLC, has been elected President of the Philadelphia Chapter of the University of Dayton National Alumni Association.

Helen Pudlin, executive vice president and general counsel for The PNC Financial Services Group, Inc., was named one of the “2011 Most Powerful and Influential Women in Pennsylvania” by the National Diversity Council and was formally recognized at the 2011 Pennsylvania Diversity and Leadership Conference on Sept. 16 in Monroeville, Pa.

Robert C. Clothier, partner with Fox Rothschild LLP, has been elected to a three-year term as a member-at-large of the Board of Directors of the National Association of College and University Attorneys.

Michael Mattioni and Dawn M. Tancredi of Mattioni, Ltd., were speakers at a National Business Institute Seminar on handling real estate transactions with confidence on Aug. 2.

Joseph M. Manko, founding partner of Manko, Gold, Katcher & Fox, LLP, was a speaker at the Urban Land Institute program “Water, Water…Everywhere? Anywhere? Who’s Going to Pay?” on Aug. 11 at the Delaware Valley Regional Planning Commission.

Tiffany Palmer, a shareholder with Jerner & Palmer, PC., has been named one of the nation’s “Best LGBT Lawyers Under 40” by the National LGBT Bar Association.

Douglass J. Kent, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, was the featured presenter at the Society of Registered Professional Adjuster’s webinar “Bad Faith Set Up.”

Sharon L. Caffrey, a partner with Duane Morris LLP, participated in a National Association of Women Lawyers panel discussion “It Starts With You – Practical Steps You Can Take Now to Achieve Success and Advance Women in the Law” on July 21 in New York City.

Peter J. Neeson, a partner with Rawle & Henderson LLP, has been appointed treasurer of the National Judicial College.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Information may be sent to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, PA 19107-2955. Fax: (215) 238-1159. E-mail: reporter@philabar.org. Color photos are also welcome.
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