Bench-Bar Draws Top Speakers

Innocence Project’s Glazer Gets Bar Honor

Richard C. Glazer, the first elected chair of the Philadelphia Board of Ethics and executive director of the Pennsylvania Innocence Project, has been named as the recipient of the PNC Achievement Award to be presented at the Philadelphia Bar Association’s Annual Meeting Luncheon on Tuesday, Dec. 4.

The PNC Achievement Award honors significant accomplishments in improving the administration of justice (preferably in Philadelphia) and distinguished service consistently rendered over a considerable period of time or a single outstanding achievement in a particular year.

“I’m immensely proud of what we’ve accomplished,” Glazer told The Philadelphia Inquirer in October. “I think there’s real, convincing evidence that the (ethics)
Help Ensure a Fair Election in Pa. by Volunteering at Polls on Nov. 6

By John E. Savoth

With last month’s decision by Pennsylvania’s Commonwealth Court allowing the state’s registered voters to cast a ballot on Election Day with or without a photo ID, the focus is now on voter education and energizing voter participation on Election Day, Nov. 6.

Your Association has been part of a statewide collection of approximately 175 groups and organizations, let by the Committee of Seventy, that are concerned about the impact of the state’s voter ID law on Pennsylvania voters. The Coalition has worked continually with the Pennsylvania Department of State, and achieved a number of key modifications and changes to help improve the state’s administration of the new voter ID law.

As we know, poll workers will still ask voters for a photo ID, but most voters can use the voting machines without one. The only exceptions are if you are a first-time voter, or voting for the first time at a new polling place. In that case, you must show an acceptable form of ID to vote. Acceptable forms of ID – which can be either a photo or non-photo ID – include a Pennsylvania driver’s license, a photo ID card issued by the Department of State, a current utility bill, bank statement or paycheck, among others. The non-photo IDs must contain the voter’s name and address.

Unfortunately, massive confusion and mixed messages still persist about whether photo ID is required to vote. To compound the problem, some community messages are providing wrong information about the law and what is, and can be, required and asked of voters to exercise their right to vote. Pennsylvania’s voting laws prohibit disseminating of false or misleading information to the electorate about voting. Attorneys are needed to help clarify the current state of the law and help protect the rights of voters.

To this end, we’ve partnered with the Committee of Seventy’s nonpartisan Voter Protection Program to issue a “Call to Action” seeking attorney-volunteers on Election Day to help ensure fair and free elections.

The goal of the Voter Protection Program is to help solve issues that could prevent registered voters from voting and to collect data to improve future elections. Volunteer lawyers are needed to serve as either Field Volunteers or Exit Poll Volunteers. Field Volunteers work in teams of two-to-three members and are assigned to cover specific geographical areas. The team monitors polling place activity, answers voters’ questions, helps settle minor disputes and directs more complicated problems to the proper law enforcement authorities. Volunteers are especially needed to cover polls in Philadelphia’s four suburban counties. Exit Poll Volunteers are stationed at polling places to get a true picture of who has a photo ID (and who would have been able to show one if required in order to vote) and how many voters truly need it going forward. Accurate information is critical if the voter ID law is in effect for future elections.

The polls are open from 7 a.m. to 8 p.m. in 2008, one of the most energizing campaigns for president in history, only 68 percent of eligible Pennsylvania voters turned out to vote. We can and should do better than that on Election Day.

With voter ID on hold for now, the focus should now be on voter education and encouraging every registered voter to participate in the elective process.

The Philadelphia Bar Association passionately supports clean and fair elections. Attorneys are essential to sharing correct information throughout the voting process. Please volunteer to help Southeastern Pennsylvania voters during this pivotal election.

John E. Savoth (jsavoth@mbb.com), of counsel to Saltz, Mongeluzzi, Barrett & Bendesky, P.C., is Chancellor of the Philadelphia Bar Association.

Notice to Potential Judicial Candidates for 2013 Primary

The Commission on Judicial Selection and Retention of the Philadelphia Bar Association evaluates the qualifications of persons seeking appointment or election to the Pennsylvania Court of Common Pleas and Municipal Courts. Individuals who wish to be considered for appointment or who are considering filing for the 2013 primary election as judicial candidates should contact the Commission on Judicial Selection & Retention, c/o Charles J. Klitsch, Esq., the Bar Association’s Director of Public and Legal Services, to obtain a Judicial Evaluation Questionnaire, the Commission’s Guidelines for Evaluation of Attorney

and Judge Candidates and Bylaws of the Philadelphia Bar Association.

In order to ensure that each candidate receives a full and fair evaluation, the completed questionnaire must be returned by Monday, Dec. 3, 2012 to “Judicial Commission” at 1101 Market St., 11th Floor, Philadelphia, PA 19107-2911. Also, candidates who have previously been evaluated by the Commission are invited to contact the Association to determine whether their ratings are current by calling Mr. Klitsch at (215) 238-6326. Individuals are reminded that under the Commission’s Guidelines, any candidates who do not participate in the Commission’s evaluation process will receive “Not Recommended” ratings if they continue to pursue either appointment or election.

Gaetan J. Alfano, Esquire 2012 Chair, Commission on Judicial Selection and Retention

Clearing the Record: Family law attorney David C. Berman was misidentified in an article about the Family Law Section in the October edition of the Philadelphia Bar Reporter. The Bar Reporter regrets the error.
DEAR COLLEAGUES:

Thank you for your kind support in helping to elect me Treasurer of the Philadelphia Bar Association for the past three years; Assistant Treasurer for the previous two years; and, to three years on the Board of Governors. I now seek your support for election to the Office of Vice Chancellor. If elected, I promise to focus my energy to work for the good of all members of the association.

The Philadelphia Bar Association has had much success in working with our court systems and the leaders of the Bar to advance the profession of law. The Bar Association has worked hard over the past years in supporting pro bono work; supporting the independence of the Judiciary; fighting for the rights of all individuals to have full access to the courts and equal access to justice; and helping members of the legal community to prosper and grow. I pledge to continue and strengthen each of these efforts, which have so enriched the legal community.

In addition, I believe it is important to educate members of the public to recognize the good work that lawyers perform. Most lawyers are not only active in the practice of law but volunteer to help those in need and are active in their communities. I will encourage publicizing the good work for which lawyers are responsible. It is important that the community understands all aspects of what it means to be a Philadelphia Lawyer.

Philadelphia lags behind other cities in this country in global competitiveness. For many, the practice of law is limited to our immediate jurisdictions. For many others, however, the practice has grown internationally. Philadelphia is uniquely situated with its physical location, economic strength, institutional effectiveness and global appeal to be an effective international business destination. I believe it is important to explore methods that will help improve the ability of the members of the legal community to serve their clients across borders. I will prioritize creating initiatives to facilitate the ability of Philadelphia lawyers to practice in a global environment.

Service as Chancellor of the Philadelphia Bar Association requires the ability to adapt quickly to change. At the same time, it is important to focus on long term goals. We have a diverse membership and I promise to serve each of you with your own individual needs: whether large firm or small; whether a litigator or transactional lawyer; or, whether public or private. We all serve our clients, our communities and the public at large.

Thank you for your support and I look forward to serving you.

Sincerely,

Joseph A. Prim

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Compton: No End to Gridlock in Washington

By Jeff Lyons

Longtime ABC News White House Correspondent Ann Compton talked about how dysfunctional the political process has become and offered a peek behind the scenes in more than 30 years covering the White House in her keynote remarks at the opening luncheon at the Bench-Bar & Annual Conference on Oct. 5.

“Washington is so broken,” she said. “I arrived in Washington about the same time [Bar Association Executive Director] Ken Shear arrived here. I used to think it was a matter of time, that with another generation or another swing of the pendulum, things would get better. I have now recalculated. A Congress that cannot pass a simple budget year after year year but can quickly hold hearings on what they consider judicial errors by the Justice Department or talking about contraceptive services, doesn’t get things done.”

Compton said the families of members of Congress often don’t move to Washington anymore. “There isn’t any sense of community on the ground in Washington. My children in Washington went to the National Cathedral Schools. And during the election in 1992 when the Bush-Quayle ticket was being challenged by the Clinton-Gore ticket, there were three star lacrosse players at the school. The senior was Sarah Gore, the junior was Corrine Quayle and the sophomore was Kristin Gore. They were a tight pack of three and they had to shut out all the other political noise in an election year where one dad was going to beat the other. That kind of personal connection in Washington is missing now. I don’t know if it would make Congress work a lot better but I think it would make Congress work a little better.”

When discussing how the nation has become so politically divided, Compton pointed a finger at herself. “Our entire society is so divided with no middle ground at all. I fear it’s me, it’s the media. I think it goes back to the Reagan era, which really nurtured conservative talk radio. For a generation now, conservative talk radio has become a very potent political force. That was one beginning of the divide. And another came in the very year when Reagan was elected, Ted Turner started something called the Cable News Network. There used to be three cameras when I’d do my report on the White House lawn at night. Now there are about 17. All of these offerings of news 24 hours a day has given Americans the chance to shop and look for their comfort zone. Now they’re looking for more of an ideological home. The major network numbers have gone down and down and down. And the cable numbers show that Americans are going elsewhere to get their news.”

Compton said she doesn’t see things returning to normal anytime soon. “I don’t see where we’re going as a pendulum swinging back and forth. The world doesn’t work that way anymore. I feel like I’m in “Star Wars” where they go into warp speed and you’re going so fast all the stars are streaking by you. And you don’t see a destination. That’s the way I feel in the way the news is moving.”

“And then you add in the Internet. I never thought Twitter would become a journalistic tool that would have so much power. The idea that we can have this instant communication in the hands of citizens is a very wonderful Democratic idea. But it takes away so much of the judgment, control and standards that most of us as journalists were raised with. If you look at the tools of journalism, people have the ability to go out and see things for themselves.”

continued on page 25

Castille: Funding Increase Lets Pa. Courts ‘Get By’

By Mark A. Tarasiewicz

Though down five percent from the previous year, last year’s statewide court funding increase of three percent has enabled the court system to “get by” unlike in other states, according to Pennsylvania Supreme Court Chief Justice Ronald D. Castille.

“We haven’t had to close one courtroom for one hour,” Castille said. Still, he said the state had to borrow $38 million in earmarked funds just to keep computers running.

Castille joined state judicial leaders in reporting on the “State of the Courts” at an Oct. 6 closing CLE plenary luncheon of the Association’s 2012 Bench-Bar & Annual Conference at Revel in Atlantic City. The criminal courts alone collected more than $470 million in fines, fees, costs and restitutions last year, Castille said. In the past 5 years, the court’s state appropriation was $1.46 billion.

He added that the court has contracted with the National Center for State Courts to review the necessity for either less or more Common Pleas Court judges. “We really don’t have a handle on how many Common Pleas judges a county needs, Castille said. “Philadelphia may need more, they may need less. But we can’t say with any intelligence at this time.”

Castille also said he successfully prevailed upon the governor for a moratorium on all court appointments for interim judges, saving $7.3 million in the last legislative cycle.

“I have to give credit to all the judges of Pennsylvania because they pulled together and they did the work,” he said.

Among other initiatives in the First Judicial District, fees for court-appointed counsel were notably raised in homicide cases, and a bench warrant court has been continued on page 7
City Courts Complying With ABA Standards
By Christine Soares

The Philadelphia Court of Common Pleas has a 90 percent compliance rate with the American Bar Association’s standards for major civil jury cases. Administrative Judge John W. Herron told attendees at the Oct. 5 Bench-Bar seminar “Oyeh, Oyeh: New Order In The Court.”

Other panelists included Court of Common Pleas Judges Idee C. Fox, Nitza I. Quinones Alejandro, Marlene F. Lachman and Patricia McNerney. The moderators were Judge Sandra Mazer Moss and Chancellor-Elect Kathleen D. Wilkinson.

Most recently, with mass tort cases exceeding the number of major civil jury cases, Judge Herron said the court has “built in a uniform, predictable and efficient approach to mass torts.” Because of these efforts, including the implementation of new civil procedural protocols this past summer, 51 percent of the mass tort cases are being disposed of within the period recommended by the ABA. Judge Moss added that the court has not tried any pharmaceutical cases to verdict in 2012, noting that many parties are resolving cases by mediation.

Judge Fox also provided an overview of trends in the court’s civil motions program. She stated that the court has seen an increase in actions to quiet title. In these cases, the court now automatically schedules a hearing date for motions for entry of judgment. Judge Fox cautioned counsel to propose the appropriate orders in these actions and check with the recorder of deeds to determine what relief is required.

Judges Quinones Alejandro and Lachman provided insight into the court’s Day Forward Major Jury program. Although Judge Quinones Alejandro noted that the program has experienced very little change, it now handles class actions and nursing home cases that the mass tort program previously handled. Both judges discussed motions for extraordinary relief and cautioned attorneys to avoid filing them on the eve of the discovery deadline. Specifically, Judge Lachman advised counsel that the basis for a motion for extraordinary relief must not be that counsel needs more time, but rather, that something has occurred that counsel could not have foreseen.

Judge McNerney discussed the commerce program and noted a new preference that counsel refrain from writing letters to the court. Because each judge has an individual calendar, parties must make all requests to the court by motion. In addition, Judge McNerney advised counsel to make a genuine effort to resolve discovery disputes before bringing them to the court. She applauded the efforts of the court’s judges to pro temore and recommended that counsel be prepared for settlement conferences before them so as not to waste the court’s time and their own.

Panel Tackles Business Use of Ethnic Slurs in Names
By Lauren A. Streb

If you’re a resident of Northeast Philadelphia, you may be familiar with Chink’s Steaks, the cheesesteak shop that was founded in 1949 by Samuel “Chink” Sherman. The owner was nicknamed “Chink” because he had “slanty eyes.” In 2004, Susannah Park, a Korean American, started a campaign to get the name changed. Though Chink’s Steaks retained its name, the enterprise was blocked by the efforts of the community from expanding into South Philadelphia.

The Diversity in the Profession Committee panel discussion “Linsanity, Linguistics, and the Law” at the Bench-Bar & Annual Conference featured Cynthia Gouw, an Emmy Award-winning journalist and the host of “Asian Outlook”; Kay K. Yu, chair of the Philadelphia Commission on Human Relations (PCHR); Zack Stalberg, president and CEO of the Committee of Seventy; and Mary Catherine Roper, an attorney at the ACLU of Pennsylvania. The discussion was moderated by Stella M. Tsai, partner at Archer & Greiner, PC.

The panel discussed the use of ethnic slurs in business names, the media’s role in perpetuating the issue, the First Amendment’s broad protections, and measures a community can use to protect its members beyond civil litigation. Whether or not an ethnic slur is offensive, particularly in business or entity names, depends how the community responds to it. The panel discussed how products such as “Spic n’ Span” and Uncle Ben’s Rice have occasionally been criticized, but that no movement has been made to evoke changing those names.

Stalberg was editor of the Philadelphia Daily News at the time of the Chink’s Steaks controversy and was questioned about the paper’s dismissal of the issue. At the time, the Daily News took the stance that the controversy was a “distraction” and was continued on page 7

2012 Election Very Similar to ’04 Race, Polman Says
By Jeff Lyons

The conventional wisdom in today’s political climate swings wildly from day to day. Philadelphia Inquirer columnist Dick Polman told attendees at the Bench-Bar Conference on Oct. 6, Polman, writer in residence at the University of Pennsylvania, talked about the presidential election in a Saturday morning conversation with Bar members at Revel in Atlantic City, N.J.

A week before the first presidential debate, Polman said the conventional wisdom was that President Obama was surging so much in the polls that he almost had the election wrapped up. “And Democrats were thinking, gee, we even have a chance to take the House back.” But in the wake of the first debate, the conventional wisdom is “he’s in serious trouble and he may lose this thing.”

Polman said that in 2004, it was widely regarded that President George Bush lost all three debates to Democratic challenger John Kerry. “George Bush won that election anyway in the closest re-election race since 1916.” Polman said there are many parallels between the two races.

“It’s almost eerie. We have the challenger, Mitt Romney, from Massachusetts, just like Kerry. He comes off to a lot
State of Courts

established for those who ignore court orders. “There are 27 percent less bench warrants issued in Common Pleas and Municipal Court,” Castille said. “Because of this, we think that defendants are getting the word on the street.”

The Family Court Building currently under construction at 15th and Arch Streets is expected to be completed in May of 2014, he added. Superior Court President Judge Correale F. Stevens reported that the court is on track to have 8,000 appeals this year. Last year, the court affirmed the trial courts 79 percent of the time. This year, the court is at 80.2 percent. “It shows the competence of our trial judges in Pennsylvania and also the lawyers who appear before them,” Stevens said. He reminded attendees that the court is now identifying the authors of its memos. Memos are not precedental and it was recently agreed they will be posted online. “We want the trial judges in the bar to see what we’re doing and to try to know our reasoning.”

The court also remains committed to holding more community sessions. “We’re trying to be very responsive to the bar and to the public and to the trial judges,” Stevens said.

Commonwealth Court President Judge Dan Pellegrini said it’s been a year of high-profile cases at the court. “There is a move in the legislature to put more cases on our original jurisdiction and take it away from Common Pleas courts,” said Pellegrini. “We are really trying to stop that, but so far unsuccessfully.”

Regarding the headline-making Voter ID case, Pellegrini said Judge Robert Simpson handled the case masterfully, “whether you agree with the outcome or not. That was an important case for us because we’ve never had that much publicity before,” he said.

Pellegrini added that as of Jan. 1, the court’s Philadelphia filing office will be closed. “With electronic filing, we just couldn’t justify it anymore,” he said. Philadelphia Common Pleas Court President Judge Pamela Pryor Dembe said that on the local level, the bulk of the court’s operating budget comes from the court’s operating budget comes from the state of Pennsylvania.

Dick Polman

has spent a lot of money, but most of it has come from super PACs in the form of advertising. So that is one thing in the end that could help Obama.”

The September jobs report, which showed unemployment dropping below 8 percent for the first time in nearly four years, was disputed by some conservatives. “And that’s an example of what’s wrong with our political culture today. If you don’t believe what are empirical facts, you just find ways to explain it away and say you think they’ve been cooked. If nothing else, it shows something about the ideological polarization that we’re stuck with.”
The Public Interest Section will celebrate the holiday season and the accomplishments of the Public Interest Section with two major events on Wednesday, Nov. 28.

The Annual Public Interest Law Day CLE program, “Keeping Up in Turbulent Times: Public Interest Practice in 2012,” will be held from 9 a.m. to 4:30 p.m. (registration begins at 8:30 a.m.), at The CLE Conference Center on the 10th floor of the Wanamaker Building. 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, including representatives from the public interest and private sectors and judiciary as well as other experts and leaders in the field. The opening panel presentation will address how a hypothetical family continues to struggle in the recession and how changes in the law and policy have affected them in areas such as employment, education and immigration.

Following the opening session, attendees will be able to attend two of the following six breakout sessions — “Collateral Consequences of Criminal Records;” “Multi-Forum Advocacy: Coordinating Advocacy In and Out of the Courtroom;” “Working With Traumatized Clients;” “Identity Issues;” “How Changes in Public Benefits Programs Will Affect Your Clients;” and “Family Law for the Non-Family Law Practitioner.” The program will conclude with the plenary panel presentation “Remedies for Bias in the Court System.”

Immediately following the CLE program, the Section will hold its Annual Awards Ceremony and Reception at Loews Philadelphia Hotel, 1200 Market St. The Awards Ceremony will begin promptly at 5:30 p.m., and feature the presentation of the Andrew Hamilton Award for distinguished service in public interest law. The program will also include the selection of the Higginbotham Summer Fellowship, which was created nine 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 2012 recipients of the Morris Shuster Public Interest Loan Repayment Program by the Philadelphia Bar Foundation. Sadly, this year the public interest community lost not only Morris Shuster, but two other pillars of our community as well – U.S. District Court Judge Louis H. Pollock and Karen Detamore. All will be honored during the ceremony. A reception will follow, featuring an open bar and heavy hors d’oeuvres.

The cost of the reception is $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 at the $1,000, $500, and $250 levels. For more information about sponsoring the event, please contact Tracey McCloskey at tmccloskey@philabar.org.

For more information about these events, please visit the Public Interest Section’s home page on www.philadelphia bar.org.

Sara Jacobson (sjacobso@temple.edu), director of trial advocacy programs and associate professor at Temple University Beasley School of Law, is chair of the Public Interest Section.
Councilman Promotes Youth Courts for City

By Julia Swain

Youth courts were established in Philadelphia in 1998. While there are currently only a handful of schools that have youth courts, City Councilman Curtis J. Jones, Jr. of the Fourth District seeks expansion of this diversionary program through allocation of funds by City Council and support from Philadelphia’s bench and bar. Jones discussed the youth court program at the Family Law Section meeting on Oct. 1. Jones’ mission is to reduce prison population by early intervention with juveniles who commit minor infractions in school that lead to expulsion.

Jones noted that many juveniles in the criminal justice system have a common background of broken homes, drug use and lack of education. It is the last factor that has a direct correlation to criminal conduct. Jones cited that the future number of jail cells needed can be determined by the number of adolescent males who cannot read proficiently by 4th grade. This grim statistic can be improved simply by reducing expulsions, which leads to kids spending more time in the classroom.

The youth court model is a system where students who admit wrongful conduct are judged by their peers, who determine an appropriate sentence for an infraction. One high school basketball player who was subject to expulsion for class disruption was given a second chance through the youth court system. The student was sentenced to writing an essay that had to be read to his class and apologizing to the teacher for his behavior. This system encourages students' interest in the legal process, academic achievement and future career choices.

By focusing on students’ infractions in school and making them take responsibility for their actions through judgment of their peers, a stronger commitment to education is fostered and more students remain in school. Implementing a youth court costs about $8,000 for materials, training and room renovations. The cost can be reduced through private donations of funds, time and materials. Although there is a cost for the youth court, such diversionary programs ultimately serve to reduce costs for funding our criminal justice system and our prison population. According to Jones, the youth court program also benefits our City by fostering citizenship.

Family Court Judge Doris Pechakurow noted that since her involvement with the court system in the late 1970s, the city’s population has decreased while the number of inmates has increased. With this disintegration in our society, youth court seeks to capitalize on kids who can be engaged early to prevent the continued rise in our prison population.

Another benefit of youth courts is engaging students to learn about the legal process. Students seeking to serve as a judge or jury member must participate in a training program. Jones reported that the students take this responsibility very seriously and respect basic rules of a courtroom. The student judge questions the defendant on why he or she committed an infraction, the impact of the behavior and alternatives the student could have exercised. After such a discourse, the jury delivers a sentence designed to have the defendant reflect upon the infraction and make amends for the conduct. This system encourages students' interest in the legal process, academic achievement and future career choices.

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Plenty Going on This November

The fall is always a busy season for the Young Lawyers Division. After the summer break, everyone is enthusiastic to get back to work. There are elections to hold. We also try to squeeze in all of the phenomenal programs that we came up with in the spring.

This year is no different. I am pleased to announce that we have contested elections for seven seats on the Executive Committee of the Young Lawyers Division. The candidates include Philip D. Amoa, T. Justin Chapman, Andrew J. Kornblau, Jim Nixon, Matthew Olesh, Shabrei Parker, Jennifer Russell, Matthew T. Stone and Robert W. Zimmerman.

The Executive Committee election is Dec. 4, the same day as the Bar elections and the Annual Meeting Luncheon. If you cannot vote in person, you can always vote by mail. Ballots will be sent out on Friday, Nov. 16, and must be returned to the Bar Association headquarters by 10 a.m. on Thursday, Nov. 29. So check your mailbox and remember to send your ballot in by the deadline. You can also vote in person if you don’t get around to mailing your ballot in time.

We also have some great programs coming up in November.

On Saturday, Nov. 3, the YLD will again host its annual Harvest Drive. The shelters have requested new or gently used clothes for men, women and children, including sweat shirts, t-shirts, pants, shorts, (new) underwear, socks, and outerwear. The shelters also appreciate blankets, towels and toiletries, such as soap, disposable razors, shaving cream, deodorant, shampoo, conditioner, toothbrushes, toothpaste, floss, hand lotion, combs and brushes.

Sorting will take place on Nov. 3, at Ballard Spahr, LLP in the loading dock of the Mellon Bank Center Building at 1735 Market Street at 8:25 a.m. Volunteers are needed for the sorting. Additionally, I would like to thank the following firms for generously agreeing to serve as drop-off points before the November 3rd sorting date: Martin Banks; Stradley Ronon Stevens & Young, LLP; Mensing Law, LLC; Jared Jacobson Law, LLC; Berger & Montague, PC; KML Law Group, PC; Margolis Edelstein; German, Gallagher & Murtagh; and Weber Gallagher Simpson Stapleton Fires & Newby, LLP.

We have a full roster of training programs and CLEs coming up. Please come out for our Tort Reform CLE on Nov. 1, where doctors and lawyers will hold a balanced discussion on the issues surrounding the Affordable Care Act, so-called frivolous lawsuits and trial techniques for medical malpractice attorneys. This program will take place at the Pennsylvania Bar Institute in the Wanamaker Building from 12 to 4:30 p.m., with a reception to follow. For those unable to attend in person, the CLE will be webcast as well as simulcast to nine different locations around Pennsylvania.

On Nov. 7, the YLD will host the last in our four-part series of Board Observer Program Live, Lunch and Learn seminars in conjunction with the Bar Foundation and the Delivery of Legal Services Committee of the Public Interest Section. Laura Otten, Ph.D., director of The Nonprofit Center at LaSalle University’s School of Business, will provide training on the financial oversight obligations for nonprofit board members. The program will take place from 12 to 1:30 p.m. in the 11th Floor Conference Center at the Bar Association.

The Federal Courts Committee and the YLD will jointly sponsor the Nov. 29 CLE “My First Federal Trial,” from 4 to 6 p.m. in the Ceremonial Courtroom at the Federal Courthouse at 6th and Market streets. On Nov. 30, the YLD will join with the Diversity Committee of the Family Law Section to host a CLE on representing diverse clients.

Please remember to check the Bar Association’s online calendar regularly for updates. Also see the YLD EZine every Tuesday for programs sponsored by other sections and affiliate bar associations.

By Melanie J. Taylor

[Editor's Note: This is the first in a two-part series on how to “get bank-able,” which includes collateral, cash flow, and a credit score of 600 or above. It also describes what is typically in a lending package: three years of personal and business tax returns; financial statement for the prior year; P&L statement; balance sheet; personal financial statement (use the SBA form); and a schedule of debts.]

Sudman also stressed that it is obviously a hard environment for small businesses to get financing. Among the reasons banks are giving for turning loans down is the borrower has not been in business long enough, does not have enough collateral or the bank will not lend to the borrower’s particular industry anymore. However, Sudman said that an applicant should not be discouraged if denied by one lender, since each bank underwrites loans differently. He further stressed that the SBA does not lend money, but is merely a facilitator.

While there are many ways to get cash for a business, Sudman said you should be prepared to execute a personal guaranty. Lines of credit are the best option provided you are able to secure the loan against real property, while merchant advances should be the last option as they are “shadier” loans with high risk.

Sudman discussed how to “get bankable,” which includes collateral, cash flow, and a credit score of 600 or above. He also described what is typically in a lending package: three years of personal and business tax returns; financial statement for the prior year; P&L statement; balance sheet; personal financial statement (use the SBA form); and a schedule of debts.

Gardenshire-Mills explained that the SBA has a wide variety of services available, from training to technical assistance to funding. The SBA Guide and the SBAs website are invaluable resources and contain a wealth of information. She also stressed that the SBA does not actually lend money to borrowers, but guarantees loans that banks might not necessarily make. The banks handle everything from continued on page 11
Big changes took place in 2007 when Mayor Michael Nutter ran on a platform of restoring honesty and integrity to city government. While the OIG has existed in Philadelphia since the 1980s, it has never received the type of generous support that has been offered by Mayor Nutter. His support was part of his initiative to use someone from inside city government to clean up Philadelphia’s internal problems. In 2012, the OIG was able to use its annual budget of $1.2 million dollars to save and recover $9.1 million for the city. Whereas no cases had been prosecuted previously to 2008, the OIG is responsible for 42 criminal prosecutions in the last four years. Kurland hopes these statistics demonstrate that Philadelphia can handle its own affairs and inspire citizens to have confidence in their government.

The OIG has changed the focus of its work toward those issues with the greatest impact on the city. Previously focusing on investigating employee residency and impact on the city. Previously focusing on investigating employee residency and the OIG now focuses on administrative cases dealing with supervisory conduct, deterrence through the pursuit of criminal cases and enforcement of city policies. Methods now include working hand in hand with federal agencies, pursuing city contractor debarment hearings and enforcing pension disqualifications.

Kurland offered many success stories, including the OIG’s investigation of the death of Danieal Kelly. Everyone wondered how a 14-year-old with cerebral palsy who was under the supervision of Philadelphia Department of Human Services (DHS) could have been neglected to the point of death by starvation. Investigation revealed “level upon level of neglect from DHSS staff that could never have been committed by a single person,” said Kurland. The OIG’s work with DHS resulted in the firing of eight DHS supervisors and implementation of many new safety measures.

Additionally, the OIG has found numerous violations of city policy by businesses that wish to obtain city contracts. Several businesses that gained favor by utilizing the Minority, Woman, and Disabled Owned Business Enterprises policy, have inappropriately used a “pass through” minority who is paid a nominal amount for the use of his or her name and diversity status while a non-minority owned business actually performs the work. The OIG has also discovered violations by businesses who claim to be local, but their addresses, such as North Philadelphia row homes, obviously cannot contain the necessary business equipment.

The success of the OIG is due, in large part, to the tips it receives about corruption and mismanagement in Philadelphia government. City employees and citizens are encouraged to provide tips via mail, the OIG hotline (215) 686-1770 and its website http://www.phila.gov/oig/.

Shannon R. Cunningham is a clerk to Philadelphia Court of Common Pleas Judge Albert J. Suisse Jr.
ESI Evidence Rules Vary Depending on Judge

By Benjamin F. Johns

U.S. Magistrate Judge Paul W. Grimm’s opinion in Lorraine v. Markel Am. Ins. Co., 241 F.R.D. 534 (D. Md. 2007) is a useful guide for lawyers in using electronic information as evidence in a lawsuit because it identified a variety of different kinds of ESI — including email, website postings, text messages, chat room discussions, computer stored data, computer animation and digital photographs — and discussed how the rules of evidence applied to each.

Gregg H. Kanter, along with U.S. District Court Judge Lawrence F. Stengel, began the discussion of electronically stored information at the Sept. 28 meeting of the Federal Courts Committee by analyzing the Lorraine decision.

Kanter said several months after the judge closed the case, Judge Grimm issued a 51-page opinion that denied the motions for summary judgment on the basis that the ESI evidence submitted in support thereof could not be considered by the court.

According to Kanter, the main point made by Judge Grimm is that individual judges take different approaches on how they treat the admissibility of ESI, so if you do not know your judge you must be prepared to meet the most exacting evidentiary standards. This decision has been prepared to meet the most exacting evidentiary standards. This decision has been prepared to meet the most exacting evidentiary standards.

Kanter cited a recent case from Texas that is frequently used for this purpose, because the business records exception is raised in a manner inconsistent with its purpose.

Kanter addressed several problems inherent in trying to admit printouts from the Internet. These include demonstrating that the website printout accurately reflects what was on the website at a given time, connecting the printout to a particular person and various hearsay issues. Kanter also referenced cases that have raised serious doubts on the trustworthiness of any material obtained online.

Benjamin F. Johns (benjohns@chimicles.com) is an associate with Chimicles & Tikellis LLP.
Dandridge, Prim Seek Vice Chancellor Post

Albert S. Dandridge III

Professional Background: Partner, Schnader Harrison Segal & Lewis LLP; adjunct professor of law, Boston University School of Law; Board of Directors, USO of Pennsylvania and Southern New Jersey; member, American Law Institute; former member, Board of Directors, Community Legal Services; past chair, Hearing Committee, The Disciplinary Board of the Supreme Court of Pennsylvania; former member, Board of Governors, Philadelphia Stock Exchange; member, Board of Governors, NASDAQ OMX Futures Exchange; former member, Board of Governors, Chestnut Hill Academy; former member, Board of Directors, Women's Way.

Candidate's Statement: Today the Philadelphia Bar Association, and its leadership, matter to all of us. That is why I am a candidate for Vice Chancellor. My commitment to service was instilled in me as a young combat Marine and throughout my career, I have been involved with organizations that have served our profession, our community and our country.

As a practicing business attorney, I have tried to promote, advance and improve the objectives of our profession and the Bar Association. Traditionally, the Bar Association as a trade organization has sought to represent not only the interests of its members, the legal community and the community-at-large, but also has sought to promote core values and principles of the profession that maintain and defend the rule of law. During my career, I have focused on access to equal justice, judicial independence, professional development, diversity and promoting education, all of which, in my opinion, are at a critical juncture. Therefore, I pledge to continue to lead the Bar Association in supporting all of these areas, which are vital to our profession and our community.

Joseph A. Prim Jr.

Professional Background: Partner, Duca and Prim, LLP; Boston University School of Law.

Association Activities: Treasurer, 2009-present; Assistant Treasurer, 2008; member, Board of Governors (2005-2007); co-chair, Law Practice Management Division (2007-2008); co-chair, Task Force for Law Practice Management, (2006); member, Board of Governors, Workers' Compensation Section Representative (2003); co-chair, Solo and Small Firm Practice Section; Zone One Delegate to BAR PAC; member, House of Delegates (2005-present); administrator, Barbieri Inn of Court (2010-2012); member, Philadelphia and Pennsylvania Trial Lawyers Associations; charter member, Friends of the Justinian Society; supporter, Boston University School of Law, Public Interest Project; Brehon Law Society; AABADV; The Lawyers Club of Philadelphia; charter member, John Peter Zenger Law Society; member, Board of Directors, former member, Life Member Committee; former member, House Committee; former chairman, Fitness Center; former president, Lincoln Table; Activities Committee; Admissions Committee; president of Club Tables; all with Union League of Philadelphia; vice president, former board member and secretary, The Penn Club; former director, producer, actor, past member Board of Directors, The Stagecrafters; The Pennsylvania Society; The Millay Club, Bishop Neumann High School Alumni Association; VIP volunteer; Smithsonian associate; Riverbend, patron; Lower Merion Conservancy; Bridlewild Trails; and The St. Andrew’s Society of Philadelphia.

Candidate’s Statement: The Philadelphia Bar Association has worked hard over the past years in supporting pro bono work; supporting the independence of the judiciary, fighting for the rights of all individuals to have full access to the courts and equal access to justice; and helping members of the legal community to prosper and grow. I pledge to continue and strengthen each of these efforts, which have so enriched the legal community.

In addition, I believe it is important to educate members of the public to recognize the good work that lawyers perform. Most lawyers are not only active in the practice of law but volunteer to help those in need and are active in their communities. I will encourage publicizing the good work for which lawyers are responsible. It is important that the community understands all aspects of what it means to be a Philadelphia lawyer.

Service as Chancellor of the Philadelphia Bar Association requires the ability to adapt quickly to change. At the same time, it is important to focus on long-term goals. We have a diverse membership and I promise to serve each of you with your own individual needs; whether large firm or small; whether a litigator or transactional lawyer; or, whether public or private. We all serve our clients, our communities and the public at large.

3 Line Offices Uncontested

This year, three candidates for Bar line offices are unopposed. The candidates are Sophia Lee, secretary; Jacqueline G. Segal, assistant secretary; and Wesley R. Payne IV, treasurer.

Lee is a senior attorney with Sunoco and a graduate of the Temple University Beasley School of Law and is currently assistant 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.

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Lee

Payne

Segal
2012 BAR ELECTIONS

Platt, Snyder Running for Assistant Treasurer

Mary F. Platt

Professional Background: Counsel, Griesing Law, LLC; Georgetown University Law Center.

Association Activities: Law Practice Management Division representative to Board of Governors (2009-2010); Parliamen
tarian, Board of Governors (2008); Chancellor’s Cabinet (2002-2005, 2008); Treasurer (2003-2005); Assistant Trea
surer (2002); member, Audit Committee (2002-2005); elected member, Board of Governors (1999-2001); co-chair, Law Practice Management Division (2005, 2010); vice chair (2008); treasurer (2007); chair, City Policy Committee (2007, 2008); chair, Fidelity Bank (now PNC) Award Committee (2007); chair, Federal Courts Committee (2000); vice chair (1999) and chair, Civility Code Task Force (2000); chair, Justice Brennan Distinguished Jurist Award Com
mittee (2003); co-chair, Women in the Profession Committee (1997, 1998); co-chair, Sandra Day O’Connor Award Com
mittee (1997, 1998); member, 1996, 1999-2001); member, Strategic Planning Committee (2002); member, Nom
inating Committee (2000); member, Philadelphia Bar Foundation, Hamilton Circle; current member, Business Law Section, Federal Courts Committee, Women in the Profession Committee, City Policy Committee and Professional Responsibility Committee.

mittee (2012); team member, Advancing Civics Education Program (2008-2009); trustee, Women’s Law Project (1997-

Candidate’s Statement: For the past 15 years, I have dedicated myself to the Philadelphia Bar Association in a number of different leadership roles because I believed that through the Bar, I could make a difference in the lives of other lawyers and help the Bar better serve the needs of our members and our commu
nity. If elected Assistant Treasurer, I will work hard to increase membership, find new sources of revenue, and ensure that programs are run efficiently and effec
tively. I will continue to work with other Bar leaders to increase job opportunities, help lawyers advance in our profession, ensure equal opportunity regardless of race, gender, ethnicity or sexual orientation, support the independence of our judiciary, and guarantee full access to the courts. This is a critical time for our Bar Association. We have to develop new and creative ways to make the Bar indispensable to lawyers who have limited time to devote to Bar activities. We will be search
ing for a new executive director with the qualifications needed to help set Bar policy for many years into the future. My Bar experiences and the years I have spent working at a large law firm and now a small law firm will enable me to assist the Chancellor and other Bar leaders in accomplishing these goals.

Hon. Michael Snyder (ret.)

Professional Background: Distin
guished Neutral, The Dispute Resolution Institute; Temple University School of Law.

Bar Association Activities: Chair/ co-chair of Bar Academy (2010-present); Bench-Bar Planning Committee (2011, 2012); Board of Governors, Workers’ Compensation Section representative (2001, 2009-present); co-chair, Workers’ Compensation Section (2000, 2009); Ex
ecutive Committee, Workers’ Compensation Section (1999-2002, 2008-present); member, Alternative Dispute Resolution Committee; member, Arts in the Courts Committee; team teacher, Advancing Civics Education Program (2009-present), member, Alternative Dispute Resolution Committee; member, Work
ers’ Compensation Section; member, Philadelphia Bar Foundation Grants Committee (2009-present).

Other Activities: Member, House of Delegates, Pennsylvania Bar Association (2004-2008); member, Executive Board, member, long-range/strategic planning committee, member, CLE committee, Louis D. Brandeis Law Society; Temple American Inn of Court (2008-present) team leader (2009-present); founder, president, Judge Alexander F. Barbieri Workers’ Compensation Inn of Court (2010-present); member, Workers’ Com
pensation Section, Fall Section Advisory Committee, Pennsylvania Bar Institute (2005-present); member, Alternative Dis
pute Resolution Committee, Pennsylvania Bar Association; member, Concerned Committee for the Elderly, Center for Social Responsibility (Grants Com

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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. 4, 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 Mem
ber’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 repre
sentatives. The form of the ballot shall be prescribed by the Board. A ballot shall be sent by the Association by mail to every Association member eligible to vote at least two weeks prior to the date set for the Annual Meeting. A mailed ballot shall not be counted unless it has been received at the office of the Association no later than 10 a.m. three business days prior to the date set for the Annual Meeting and in such manner as to preserve the confidentiality of the Member’s vote. The Judge of Elections shall count the mailed ballots after the polls have been closed.”

Ballots are to be mailed Nov. 16 and are due by Nov. 29 at 10 a.m.

Candidates for Office

Vice Chancellor
Albert S. Dandridge III
Joseph A. Prim Jr.
Secretary
Sophia Lee
Treasurer
Wesley R. Payne IV
Assistant Secretary
Jacqueline G. Segal

Assistant Treasurer
Mary F. Platt
Hon. Michael Snyder (ret.)
Board of Governors (elect five)
Natalie Klyashtronny
Rachel E. Kopp
Emily B. Marks
John J. O’Malley
Brad V. Shulteworth
Dawn M. Tancredi
This year, six candidates are seeking five three-year terms on the Board of Governors. The candidates are Natalie Klyashtorny, Rachel E. Kopp, Emily B. Marks, John J. O’Malley, Brad V. Shuttleworth and Dawn M. Tancredi.

Natalie Klyashtorny

Professional Background: Of Counsel, Nochimson, P.C.; Temple University School of Law.

Association Activities: Member, Board of Governors (2004-2005); Cabinet (2005); Commission on Judicial Selection and Retention, Voting Member (2005); Commission on Judicial Selection and Retention, Investigative Division (2003-2006, 2011-2013); co-chair, Solo and Small Firm Committee (2010); co-chair, City Policy Committee (2008); Young Lawyers Division, chair (2005), chair-elect (2004), treasurer (2003), elected member, Executive Committee (2002-2005); Bench-Bar Conference Committee (2005); Sandra Day O’Connor Award Committee (2005).

Other Activities: Temple American Inn of Court (2010-present); Temple University School of Law, Women’s Law Caucus mentor (2008-present); Louis D. Brandeis Law Society Executive Committee (2004-2008); Temple Law School Alumni Association Executive Committee (2004-2006); Pennsylvania Bar Association Young Lawyers Division Executive Council Zone Chairperson At-Large (2003-2004); American Bar Association Pennsylvania Delegate to Young Lawyers Division Assembly, Mid-Year and Annual Meetings (2003); Annual Meeting (2004); Mid-Year and Annual Meetings (2005); Philadelphia Trial Lawyers Association; Lawyers Club of Philadelphia; Jewish Federation of Greater Philadelphia Leadership Development Program; Susan G. Komen Breast Cancer Foundation.

Candidate’s Statement: Having previously served a term on the Board of Governors in my capacity as chair of the Young Lawyers Division, I am now seeking the opportunity to serve you again as an elected member of the Board. As a result of my decade-long involvement in various positions of leadership within the Bar Association, I am uniquely familiar with the important issues that confront it and our profession.

These are difficult, uncertain times, for us as a profession and as citizens. Bar Association membership has decreased because many attorneys are too busy concentrating on their practices in these precarious economic times. I would like to lend input on attracting new members and involving more current members through exploring the power of partnerships and other ideas. To that end, as YLD Chair, I organized programs at the area law schools featuring panels of bar leaders to highlight to students the importance of Bar Association involvement to their professional development.

As most members are Philadelphia practitioners, an important member service is the Association’s continued involvement with the court system and the judiciary to improve implementation of justice. The Association should also become more involved in joint projects with city government to enhance Philadelphia’s economic development.

Rachel E. Kopp

Professional Profile: Associate, Spector Roseman Kodroff & Willis, P.C.; Villanova University School of Law.

Association Activities: Member, Membership Task Force (2012-2013); Young Lawyers Division Executive Committee (2009-2013); YLD vice chair (2011-2012); YLD financial secretary (2010-2011); chair, founder, Young Lawyer Bootcamp (2010-2012); chair, People’s Law School; co-chair, Legal Education and Law School Outreach Committee (2010-2012); Get Help Now! Legal Initiative (2009); High School Mock Trial competition; Lawyer in the Classroom; Harvest for the Homeless; Comedy Night to benefit the Philadelphia Bar Foundation, Silent Auction Committee; ABA liaison to Young Lawyers Division (2012-2013, 2008-2009); Green Ribbon Task Force (2010-2011).

Other Activities: Membership director, ABA Young Lawyers Division Council (2012-2013, 2010-2011); Young Lawyers Division administrative director (2011-2012); district representative for Pennsylvania (2008-2010); editor-in-chief, The Affiliate newsletter (2007-2008); Young Lawyers Division Leadership Advisory Board (2010-2013); Truth In Law School Education Committee (2011-2012); liaison to ABA Standing Committee on Membership (2008-2010); Young Lawyers Division Credentials Board (2009-2010); Young Lawyers Division Member Service Project Team (2009-2010); Young Lawyers Division Membership Board (2008-2009); Young Lawyers Division Publications Task Force (2008-2009); assistant editor, The Affiliate newsletter (2006-2007); Young Lawyers Division Choose Law Team (2005-2006); member, ABA Section of Litigation, Class Action Committee and ABA International Law Committee; member, Brandeis Law Society; member, Pennsylvania Bar Association Young Lawyers Division Cabinet; ABA YLD District Representative (2008-2010); Young Lawyers Division delegate (2007-2008); chair, Law Student Division (2006-2007); Commission on Women in the Profession; associate member, Villanova Law J. Willard O’Brien American Inn of Court (2009-present); visitor services volunteer, National Museum of American Jewish History (November 2011-present); Naval Square Residential Community Rules and Regulations Committee (2009-2012); Grounded In Music Board of Directors, Philadelphia Chapter, (March 2006-March 2009); and Philadelphia Court of Common Pleas and Philadelphia VIP’s Residential Mortgage Foreclosure Diversion Program.

Candidate’s Statement: It is with great pleasure that I seek your support for a position on the Board of Governors of the Philadelphia Bar Association. I know first-hand the importance of the Association in representing and advocating for lawyers.

As an Executive Committee member and former officer of the YLD, my bar service focuses on public service, lead-

Asst. Treasurer continued from page 15

Candidate’s Statement: I am asking for your vote in my candidacy for Assistant Treasurer of the Philadelphia Bar Association because I believe in the greatness of our Association, and because I recognize that the Bar and its members face unique challenges as we attempt to ensure the continued vitality of this historic organization.

I believe that in order for us to continue to be successful, we need to increase membership, provide unique programming, explore creative sources of fundraising, provide value-added services that increase the value of membership and, at the same time, husband our financial resources, so that we have the ability to expand our services to our members and to the community at large. As Assistant Treasurer, I believe that I can assist our Bar Association in meeting these goals and mediate with the court system and consensus building.

I feel that my background as a judge and mediator has given me the chance to better understand the individual and collective challenges facing each of us in our professional lives.

I will continue to work to sustain our Philadelphia Bar Association as the premier Bar Association in the country. I appreciate your support.

Louis D. Brandeis Law Society Executive Committee (2004-2008); Temple Law School Alumni Association Executive Committee (2004-2006); Pennsylvania Bar Association Young Lawyers Division Executive Council Zone Chairperson At-Large (2003-2004); American Bar Association Pennsylvania Delegate to Young Lawyers Division Assembly, Mid-Year and Annual Meetings (2003); Annual Meeting (2004); Mid-Year and Annual Meetings (2005); Philadelphia Trial Lawyers Association; Lawyers Club of Philadelphia; Jewish Federation of Greater Philadelphia Leadership Development Program; Susan G. Komen Breast Cancer Foundation.
Board Election

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ership, professional development and membership, including recruiting and retaining members, which is crucial to the Association. I recognize our responsibility to introduce, support and foster the newest members of the profession and seek out opportunities to assist all lawyers in their professional journey. I am also sensitive to the need to continually create value for our members.

I believe that it is essential for lawyers to fulfill the Association’s mission of serving the profession and the public by promoting justice and professional excellence. I will continue to engage in opportunities to assist our legal community and our community at large. I was privileged to chair the YLD’s People’s Law School and Boot Camp and participate in numerous other programs, including Harvest for the Homeless, Lawyer in the Classroom and Mock Trial.

I look forward to representing you by continuing my commitment to our profession and the Philadelphia Bar Association.

Emily B. Marks

Professional Profile: Associate, Kibby, Gordon, Robin, Shore & Bezart; Temple University Beasley School of Law.

Association Activities: Co-chair, Women in the Profession Committee (2010); YLD Liaison, Women in the Profession Committee (2010-present); co-chair, Women in the Profession Public Service Task Force (2008-2010).

Other Activities: Member, Philadelphia Trial Lawyers Association, Brandeis Law Society.

Candidate’s Statement: I am seeking a position on the Board of Governors so I can continue my service to the Bar Association. I believe that as an attorney in Philadelphia, I have a professional responsibility to promote the best interests of the legal profession and community. As an active member of the Bar Association and with my commitment to public service, I am positive that I can be a valuable member of the Board of Governors.

My experience during my term as co-chair of the Women in the Profession Committee includes writing and proposing a resolution in support of examining the level of women’s participation on executive boards in companies that do business with the city of Philadelphia, which was adopted by the Board of Governors on June 26, 2012. Additionally, I was one of the faculty members and moderators for a presentation on “Vanishing Trials: Building Trial Skills in the Age of Settlement and ADR” that was presented at this year’s Bench-Bar Conference and included an esteemed panel of judges from various courts.

As a member of the Public Service Task Force and Young Lawyers Division, some of my public service commitments include serving as a mentor to high school students, collecting school supplies for Philadelphia school children, volunteering for Legal Aid, organizing a collection for the Harvest for the Homeless, and assisting with the lawyer for a day program.

John J. O’Malley

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

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

Other Activities: Vice president, Irish-American Business Chamber and Network (2012-present); board member, Irish Immigration Center of Philadelphia (2008-present); Bre hun Law Society, president (2008-2010), vice president (2006-2008); Board of Directors, Committee of Seventy (2005-2009); Board of Directors, Family and Community Service of Delaware County (2001-2007).

Candidate’s 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. In October 2012, I co-chaired the Bre hun Law Society’s symposium on “Doing Business in the U.S. and the EU/Ireland” which we arranged to have keynoted by the Irish prime minister. One of the event’s goals was to promote Philadelphia and Philadelphia attorneys. The event drew more than 200 attendees. Based on that success, the event is scheduled to be held in Ireland in 2013. 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. I remain committed to promoting the goals of diversity, defending equal rights, supporting 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 perspective that allows me to advocate for the needs of our members while remaining true to the traditions and values of the Bar Association. I would be honored to have your support.

Brad V. Shuttleworth

Professional Profile: Of Counsel, Alva & Associates; Temple University Beasley School of Law.

Association Activities: Criminal Justice Section representative to the Board of Governors (2012); chair, Criminal Justice Section (2011); chair-elect, Criminal Justice Section (2010); treasurer, Criminal Justice Section (2009); member, Executive Committee, Criminal Justice Section (2008); member, Commission on Judicial Selection and Retention (2011-2012).


Candidate’s Statement: The work that the Philadelphia Bar Association takes on is extremely important to our membership, the Philadelphia legal community and the community at large. Since becoming a lawyer, I have actively participated as a member, always keeping in mind the contributions we make and the stakeholders involved. I will continue this mindfulness if elected to the Board of Governors.

The Philadelphia Bar Association must remain vibrant in our involvement in the justice community and competitive as an indispensable resource to our members. I recently had the honor to serve the Association as chair of the Criminal Justice Section in 2011. I helped to lead the Section as a relevant resource to the criminal-justice community, to keep it as an active voice in the activities of the First Judicial District of Pennsylvania, and to shepherd it into the future by assisting in creating resources for our members, such as the Criminal Justice Section blog. As a Board member, I would continue to help the Philadelphia Bar Association as a leader in our profession.

This year, I have served the Association as the Criminal Justice Section’s representative to the Board of Governors. With your support, I will continue to serve the Association with the very same vigor.

Dawn M. Tancredi

Professional Profile: Shareholder, Matrion, Ltd.; Temple University James E. Beasley School of Law.

All Bar Association members are invited to attend two Election Forums to hear from candidates seeking Bar offices on Wednesday, Nov. 14 at 12 p.m. (featuring Vice Chancellor and officer candidates) and Thursday, Nov. 15 at 12 p.m. (featuring Board of Governors candidates). The Forums will be held in the 11th floor Conference Center. RSVP at philadelphiabar.org.

Association Activities: Co-chair, Zoning, Land Use and Code Enforcement Committee (2011-12); presenter, Bench Bar Conference CLE (2012); co-planner, Zoning, Land Use and Code Enforcement Committee Meeting hosting Commonwealth Court candidates (2011); participant, Real Property Section Committee reviewing and commenting on Draft Zoning Code (2010-2011); Real Property Section volunteer to build with Habitat for Humanity (2011); participant, Philadelphia Bar Association 5K Bar Run (2002, 2009).


Candidate’s Statement: “From what we get, we can make a living; what we give, however, makes a life.” – Arthur Ashe.

Throughout my 12-year career as an attorney, I have given back to the Philadelphia community by volunteering in pro bono cases for the indigent in a wide range of matters that include navigating families through foreclosure proceedings so that they could remain in their homes; assisting the elderly to probate estates of deceased relatives; and helping a grandmother obtain custody of her grandchildren so she could provide medical treatment and enroll them in school.

A position on the Board of Governors of the Bar Association provides the opportunity for me to give back to the legal community as well. The Bar Association serves its members by responding to controversial legal issues that arise. For instance, I saw the Bar Association successfully challenge an overly broad lobbying law that would have impeded the ability of members of the bar to effectively represent their clients. The response was an example of the Bar Association’s positive impact on its members.

If elected to the Board of Governors, I promise to continue the Bar Association’s mission to serve its members and to encourage its members to serve the community.
9 Seek 7 Seats on YLD Executive Committee

**Philip D. Amoa**

**Professional Background:** Associate, McCarter & English, LLP; University of Illinois College of Law.

**Candidate’s Statement:** My qualifications to serve on the YLD Executive Committee encompass many aspects. An example would be my experience as a subcommittee chair of the LPUE Committee of the ABA Business Law Section. In my role, I am responsible for, among other things, organizing events for the committee. In addition, I have participated in numerous events sponsored by the Pennsylvania Bar Association and would welcome the opportunity to support initiatives of the YLD to increase business law-related events. Furthermore, I am a regular volunteer with Philadelphia VIP and attend each organized small business clinic aimed at helping low-income entrepreneurs.

**Andrew J. Kornblau**

**Professional Background:** Associate, Landman Corsi ballaine & Ford P.C.; Rutgers School of Law – Camden.

**Candidate’s Statement:** I feel I am qualified to serve as a member of the YLD Executive Committee because I understand the importance of a group like the YLD in helping to shape the legal careers of young attorneys in our community. Having spent the past year as a liaison member to the YLD Executive Committee, and a member of the Rutgers Law School Alumni Board, I have been able to advance my leadership skills that will be an asset to the YLD. Most importantly, I am passionate about helping our legal profession advance and the YLD Executive Committee is the perfect avenue to achieve this.

**T. Justin Chapman**

**Professional Background:** The Law Office of T. Justin Chapman, LLC (sole member) and White and Williams LLP; Vanderbilt University Law School.

**Candidate’s Statement:** As a young associate at a large law firm who is also building his own separate practice, I can appreciate the struggles and pressures faced by new attorneys, and I can attest to the value of a supportive professional network like the YLD. As a voting member, I want to help the Executive Committee develop creative networking opportunities for young attorneys. I believe the YLD’s philanthropic activities provide a vital service to the city and promote a positive impression of the legal profession in the community. I will work hard to advance this socially responsible agenda and to promote volunteer opportunities for young attorneys.

**Matthew Olesh**

**Professional Background:** Associate, Fox Rothschild LLP; University of Pennsylvania Law School.

**Candidate’s Statement:** I have recently been involved with the YLD as liaison to the Bar Association’s Green Ribbon Committee and would like to get even more involved as a member of the YLD Executive Committee. I have shown my leadership ability by serving on three other boards. I also participate on Philadelphia VIP’s board through the YLD Board Observer Program. Through these connections, I would like to help the YLD get even more involved with local causes, fostering a sense of unity both within the YLD’s membership and the YLD and community at large.

**Matthew T. Stone**

**Professional Background:** Associate, Pleas Judge Sandy L.V. Byrd; Drexel University Earle Mack School of Law.

**Candidate’s Statement:** I am asking for your vote for the YLD Executive Committee. If elected, I would take an energetic and positive approach to promoting YLD interests. I have been an active member of the Philadelphia Bar, participating in the YLD Mock Trial Program and Law Week. Further, I have initiated several student outreach activities with the Superior Court. I am a “user friendly” consensus builder. My main objectives would be to reach out to law firms, government agencies and other institutions in order to heighten the exposure of the YLD, increase membership and plan programs that are socially and intellectually relevant.

**Shabrei Parker**

**Professional Background:** Law Clerk to Philadelphia Court of Common Pleas Judge Sandy L.V. Byrd; Drexel University Earle Mack School of Law.

**Candidate’s Statement:** My initial appointment was as a liaison for the Philadelphia Barriers’ Association, but I quickly became much more involved in the different programs and events throughout the year. This year, I co-chaired Lawyer for a Day and the YLD Diversity Scholarship programs and volunteered at programs like LegalLine.

**Jim Nixon**

**Professional Background:** Attorney, Superior Court of Pennsylvania, Rutgers School of Law – Camden.

**Candidate’s Statement:** I am asking for your vote for the YLD Executive Committee. If elected, I would take an energetic and positive approach to promoting YLD interests. I have been an active member of the Philadelphia Bar, participating in the YLD Mock Trial Program and Law Week. Further, I have initiated several student outreach activities with the Superior Court. I am a “user friendly” consensus builder. My main objectives would be to reach out to law firms, government agencies and other institutions in order to heighten the exposure of the YLD, increase membership and plan programs that are socially and intellectually relevant.

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**Candidates For YLD Executive Committee**

Balloting for members of the Young Lawyers Division Executive Committee will take place on Tuesday, Dec. 4, from 8:30 a.m. to 6 p.m. on the Ballroom Level of the Hyatt at The Bellevue, Broad and Walnut streets. This year, nine candidates are seeking election to seven seats available on the YLD Executive Committee. Committee members serve three-year terms.

**Candidates for Office**

- Philip D. Amoa
- T. Justin Chapman
- Andrew J. Kornblau
- Jim Nixon
- Matthew Olesh
- Shabrei Parker
- Jennifer Russell
- Matthew T. Stone
- Robert W. Zimmerman

Note: Only members in good standing of the Association’s Young Lawyers Division may cast votes in this election. Attorneys are members of the Division if (1) they have not yet reached or reached in 2012 the age of 37, or (2) they have not yet reached or reached in 2012 the third anniversary of their first admission to the bar of any state.
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 Pennsylvanians for Modern Courts and a board member of 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. He is chair of the Military Affairs Committee and co-chair of the Insurance Programs Committee. He is a member of the 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 Diversity Institute, director, North East Region and chair, Rules Committee; Barristers’ Association of Philadelphia; Pennsylvania Bar Association, Minority Bar and Judicial Administration Committees; Defense Research Institute, Diversity & Toxic Tort & Environmental Law Committee; co-chair, Homeless Advocacy Project Practice Group; Volunteer for the Indigent Program, case volunteer and Tangled Title Practice Group; Washington and Lee University, Alumni Admissions Program. He is also a certified arbitration panelist in both Philadelphia County and federal court.

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); 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. Cirapini Family Law American Inn of Court (2006-2007); member, Doris Jonas Fried 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.

YLD Election

I am actively engaged in the YLD, and will continue to support its programs throughout my time on the Executive Committee.

Jennifer Russell

Professional Background: Staff Attorney, SeniorLAW Center; Temple University Beasley School of Law.

Candidate’s Statement: As the 2012 Public Interest Liaison to the Executive Committee of the YLD, I co-chaired the YLD Poster Contest and Edward F. Chacker Essay Contest this year. I am running for the Executive Committee because I want to raise the bar and continue to play an active role in the YLD’s community outreach efforts. After graduating law school, I managed and implemented a fellowship project funded by the Independence Foundation and I currently serve as a Senior-LAW Center staff attorney. My professional experience and commitment to public interest endeavors will ensure that I am an asset to the YLD Executive Committee.

Matthew T. Stone

Professional Background: Associate, Cohen, Placitella & Roth, P.C.; Rutgers School of Law – Camden.

Candidate’s Statement: For the 31 years of my life, I have lived and breathed Philadelphia. Moreover, being raised in a family of lawyers I was introduced at a young age to the practice of law in this city. This early familiarity with just not just the fields of practice, but the attorneys and judges doing the practicing, has given me keen insight into our legal community’s strengths and also its areas in need of improvement. The relationships I have developed with attorneys in this city combined with my experience in both federal court and City Hall make me well-suited for a position on the Executive Committee.

Robert W. Zimmerman

Professional Background: Associate, Saltz, Mongeluzzi, Barrett & Bendesky, P.C.; Villanova University School of Law.

Candidate’s Statement: I am dedicated to the practice of law and the city of Philadelphia. Having lived in Philadelphia nearly my entire life, I believe the Bar Association and YLD can provide real benefits and change not only to those practicing law, but to all citizens of the Philadelphia area.

Philadelphia Bar Association Annual Meeting Luncheon

Tuesday, Dec. 4 at 12 p.m. at the Hyatt at The Bellevue, Broad and Walnut streets

• Inaugural remarks by Kathleen D. Wilkinson, 86th Chancellor of the Philadelphia Bar Association
• Presentation of the Justice William J. Brennan Jr. Distinguished Jurist Award
• Presentation of the PNC Achievement Award to Richard C. Glazer

Please make _______ reservations for the Philadelphia Bar Association’s Annual Meeting Luncheon. Tickets are $55 for members and $70 for non-members. Checks should be made payable to the Philadelphia Bar Association.

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ICC’s 10th Anniversary Marked in Philadelphia

By Michael E. Scullin

The 10th anniversary of the International Criminal Court was marked with the conference “Celebrate, Reflect, Promote” at the Free Library of Philadelphia on Sept. 10 and featured a video address from Sang-Hyun Song, a Korean jurist and president of the ICC.

The Philadelphia Global Initiative on the Rule of Law was established to examine the development of the rule of law at the national and international level, and to promote professional and public education about the International Criminal Court.

The Philadelphia Global Initiative is comprised of members of the United Nations Association of Greater Philadelphia, the International Law Committee of the Philadelphia Bar Association, and representatives from Temple University’s Beasley School of Law. Its members believe that the U.S. Constitution, the Rome Statute, which created the ICC, was a revolutionary and transformational document, establishing principles of a legal framework for the rule of law. The initiative was inspired by Enid Adler, a longtime member of various ICC groups, who drew an historical and logical connection between the U.S. Constitution and the entry into force of the Rome Statute. The workings of the ICC, with its first verdict and sentencing this year, can be seen as the ultimate global expression of the international rule of law and protection of human rights. It seemed appropriate to commemorate the ICC anniversary, along with the 225th anniversary of the Constitution in Philadelphia. In a sense, it all started here.

Judge Song observed “these two anniversaries certainly provide an inspiring opportunity for reflection,” and asked, “What better place could there be for your discussion right now than Philadelphia, the great city where the U.S. Constitution and the ICC were adopted 225 years ago?” Although he recognized the challenges and obstacles that remain for the ICC, such as strengthening national justice systems and obtaining universal support, he cited the progress and accomplishments, particularly the first conviction and sentencing, for the use of child soldiers in the Democratic Republic of Congo.

Michael S. Greco, former president of the American Bar Association and chair of the Advisory Council of the ABA Center for Human Rights, commended the late Jerome J. Shestak, who attended the Rome Conference and helped to bring the Rome Statute into existence. He outlined the decision of the ABA to put some meaning behind its longstanding policy of support for the ICC, based on three prongs — to convene conferences to educate lawyers as to what the practice of international law is; to facilitate direct engagement between U.S. and ICC officials to build trust and understanding; and to advocate publicly before U.S. legislative and executive branches and the general public.

The core of the program was a panel discussion moderated by Roger S. Clark, Professor of Law at Rutgers School of Law-Camden (who has represented the Government of Samoa in the establishment of the ICC), and Jacqueline C. Reich, Professor of Political Science at Chestnut Hill College. Clark’s introduction highlighted other significant achievements in the development of a body of international human rights that occurred in Philadelphia — the International Labor Organization’s Philadelphia Declaration of Ends and Purposes, which recognized that “lasting peace can only be established if it is based on social justice,” and the American Law Institute’s Statement of Essential Human Rights, which had a profound influence of the U.N.’s Declaration of Human Rights. Reich underlined “transferable concepts” between the U.S. Constitution and the ICC. “Both documents were created to avoid or mitigate the ability of powers to act with impunity, and both depend on concepts of how government should work, and the scope of law and jurisdiction,” she said.

Panels included Thomas Graham, U.S. Ambassador and former U.S. Special Representative for Arms Control, Non-proliferation and Disarmament; Stephen J. Rapp, Ambassador-at-Large, Global Criminal Justice, U.S. Department of State; James R. Silkens, president-elect of the ABA; John L. Washburn, Convener of the American NGO Coalition for the ICC; and Christian Wenaweser, Ambassador of Liechtenstein to the United Nations and immediate past president of the Association of States Parties of the ICC.

The panelists noted that there was, indeed, a sense at the Rome Conference that the process and result of establishing the ICC were similar to the Constitutional Congress, that they were aware that this was a significant moment to create something extraordinary. It was, too, a “great experiment.” As with the Constitution, there were also extraordinary individuals who were responsible for bringing the conference to a productive conclusion.

A second question focused on the legitimacy and functioning of the ICC, and how harmful is it that the U.S. remains outside the 2002 Rome Statute. Panelists pointed out both positive and negative aspects of American non-participation. In some ways, the absence of the U.S. slowed the court down and made it less effective. On the other hand, the fact that the court was not U.S.-dominated may have drawn some countries in. It was to be a truly independent body, not unduly influenced or controlled by one or more big powers. Moreover, even though the U.S. is limited in its relations with the court, and has not ratified the Rome Statute, it nevertheless provides important points.

International Law Events Planned

Two more events for law professionals are planned with a total of up to 10 CLE credits for all three events. These events will be organized in cooperation with the International Criminal Court, and ICC judges are expected to attend. The members of the Global Initiative are working with experts to prepare thought-provoking, specialized lectures and presentations.

Thursday, Nov. 8: The next seminar (four credit hours) will be held at Temple University James E. Beasley School of Law. The first panel will be moderated by Professor James Shellenberger and features Judge Sanji Masenono Monogeng of Botswana, first vice president of the ICC, U.S. District Court Judge Robert S. Kugler and others. The panel will compare and contrast ICC and U.S. criminal procedures, with a particular emphasis on the role of the ICC Pre-Trial Chamber as it has evolved in the court’s early cases. Judge Kugler will discuss the complex Fort Dix terrorist case.

The second panel, convened by Temple Professor Margaret de Guzman, will feature Rod Rastan, legal officer in the ICC’s Office of the Prosecutor; Matthew Heaphy, deputy convener of the AMICC and others. It will assess the ICC’s contributions to the quest for global justice in its first 10 years, examining the Court’s emerging jurisprudence on such issues as jurisdiction and admissibility, as well as the prosecutors’ decisions about which cases to investigate and prosecute. Panelists will address such important and controversial issues as whether the ICC is excessively focused on Africa, whether the prosecutor is focused on the most important cases, and whether the Court is adequately addressing the needs of victims.

February 2013: Additional professional education seminar (five CLE credits) is planned for Feb. 2013 at the University of Pennsylvania Law School, with a focus on “Enforcement and Victim Issues.”
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issues, failed mergers, the loss of a senior partner or named partner (through a lateral move or death), partner disputes, high profile litigation and rogue clients, natural, website and data hacking, negative media attention, compromised client information and privacy/confidentiality violations, criminal accusations against members of the firm, and so on. So if you think your law firm doesn’t need a crisis plan, think again. Consider:

• You are always “on,” even at a private reception. Just think about Mitt Romney’s 47 percent remark.

• The best defense against a crisis is a good offense. Create a crisis communications plan no matter the size of your firm.

• Always have a few big evergreen stories in the pocket to balance bad news.

• Never say “no comment” to the media. Use alternative bridges such as, “I would like to draw your attention to ….”

• Make sure you have the correct facts before going on the record. If you have to prioritize speed versus effectiveness, choose the latter. Make sure what you say is iron clad and accurate.

• Have your messages (boilerplate and evergreen) ready on a “dark website” in preparation for a crisis.

• Crisis communications plans need to consider all audiences – staff, clients, media, referral sources, etc.

Gina F. Rubel (gina@furiarubel.com), chair of the Bar-News Media Committee and a member of the Association’s Board of Governors, is president of Furia Rubel Communications, Inc.

ICC continued from page 19

assistance to the court, including in the areas of witness protection, information-sharing and bringing fugitives to justice.

The panel also considered what the ICC can realistically accomplish in terms of building a framework for an international rule of law. There was a consensus that much remains to be done, particularly in the area of achieving universal jurisdiction. But there is a fundamental reality that has changed: equality before the law. No longer will the most powerful simply be able to get away with heinous activity. The court has created a degree of accountability and a perception of accountability. As Washburn noted, “If you commit a crime in a particular area of international law, you personally will go to jail.” This is a permanent development.


Don Krauss, CEO of Citizens for Global Solutions, observed that the Rome Statute was in many ways “Made in the USA.” Much of the drafting was done with the assistance of U.S. and even JAG Corps lawyers, and many principles respected in the U.S., including presumption of innocence, the right to remain silent, protection against double jeopardy and the requirement of warrants, are also enshrined in the Rome Statute.

Michael E. Socolin, counsel to McElroy Deutsch, Mulvaney & Carpenter, LLP, is co-chair of the International Law Committee.
Bar Foundation

Shear Gratitude for Executive Director’s Leadership

By Wendy Beetlestone

Over the last few months the trustees of the Philadelphia Bar Foundation have been working on a five-year strategic plan for 2013 through 2018. Those years are particularly significant for the Foundation because 2014 will be our 50th anniversary and we want to make sure that we mark the occasion with appropriate flair. Debbie Gross, who became the president of the Foundation in January 2013, is focused on how to make the anniversary transformative for the Foundation and for its grantee organizations.

Perhaps because development of the strategic plan required such concentration on the future, I began to think about our organization’s past – how it was created and how it has changed in the almost half century since it was founded. It makes sense, of course, that the Bar Foundation was founded by the Bar Association. In the minutes of the Philadelphia Bar Association’s meeting of Oct. 26, 1964, then Chancellor Theodore Voorhees reported that a draft of Articles of Incorporation

and By-Laws for the “proposed Philadelphia Bar Foundation” had been completed. The first board of this new nonprofit organization met on Dec. 14, 1964. The Bar Foundation’s newly adopted charter and bylaws charged it with “seeking to advance and improve the administration of justice; improving relations between members of the Bar, Judiciary and public; providing charitable assistance to needy and indigent members of the Bar and supporting worthy causes of a charitable nature related to the legal profession.” The first grants made by the Bar Foundation were to the Philadelphia Legal Services for Juveniles Project and the Philadelphia Bail Project that was part of a national movement to reform the bail system.

Since those first grants, the Bar Foundation has given more than $10.5 million to 93 different law-related organizations.

Over the years, the Bar Foundation has been graced with an impressive group of people who have served as its president, including Sadies M. Alexander who was president in 1973. Dr. Alexander was the first African-American woman in the United States to earn a Ph.D. and the first African-American woman to graduate from the University of Pennsylvania Law School. From a personal perspective, I know her name from my mother who tells me she played with and grew up with Sadie Alexander’s children in Philadelphia in the 1940s and 1950s. More importantly from the Foundation’s perspective, she was the first woman to join the board of the Bar Foundation in 1970 and its first woman president.

The 1970s was an important decade in the life of the Bar Foundation. The amount the organization gave in grants to legal services organizations increased so that by 1980, $58,000 was awarded in grants. Among the grantees at that time were Juvenile Law Center, Public Interest Law Center of Philadelphia and Support Center for Child Advocates — each of which, 40 years on, still receives an annual grant from the Foundation.

In 1979 the first Andrew Hamilton Ball was held to focus the attention of the Philadelphia legal community on the work of the Bar Foundation. Five years later, in 1984 the event became a fundraiser at the instigation of Goldie Comisky, wife of former Chancellor and former Foundation President Marvin Comisky, who chaired the event that year. “Until the year I chaired it, the Ball wasn’t a fundraiser. I started the idea of raising money through an ad book. We worked our hearts out and raised a great deal of money that year. And it’s continued to raise money for many years,” she said.

During the 1980s the Bar Foundation began to build its endowment so as to be able to be a consistent and stable source of funding for legal services to those who need a lawyer to assert their rights but can’t afford one. Farsighted attorneys committed to this idea each agreed to donate significant sums over a number of years by joining the Hamilton Circle and the Advocates of Justice. Their perspicacity has helped the Bar Foundation’s endowment grow to the $6 million it is today. The Foundation’s new strategic plan commits to grow that amount even more to give us the ability to consistently give more to our grantee organizations.

There is, however, one person who has had more impact on the growth of the Foundation than any single other person. That is Philadelphia Bar Association Executive Director Ken Shear. Ken is retiring in 2013 after years and years and years of devoted and productive service. Under Ken’s leadership, several Bar Association pro bono projects – Support Center for Child Advocates, Philadelphia VIP and the Homeless Advocacy Project – became legal services organizations and, then, Bar Foundation grantees. Karen Buck, executive director of SeniorLAW Center, speaking for herself but reflecting the sentiments of the entire legal services community, said, “Ken Shear has been an instrumental and powerful force over the past three-and-a-half decades in both the founding and continued success and expansion of SeniorLAW Center. His vision, his leadership and his partnership have made a difference in the lives of thousands of Pennsylvanians.”

Eve Biskind Klothen, assistant dean for pro bono and public interest programs at Rutgers Law School and a former director of the Bar Foundation, remembers Ken’s willingness to explore new initiatives with the Bar Foundation. “For instance, during my tenure there, we began to encourage cy pres awards from the class action bar, we started to administer public interest summer fellowships, and for the first time we accepted the responsibility of administering and distributing memorial funds generating annual prizes. We also were able to respond to emerging needs: I recall he was very proud that we hosted a meeting of local funders when the state legislature unexpectedly eliminated funding for legal services. As a result of that meeting we were able to pull together $200,000 for CLS.”

I don’t know whether he does this to every Foundation president – but Ken calls me “kiddo” – the only person to have ever called me that. I take it from him because I know and appreciate that he has been a visionary, an advocate, an advisor and a steadfast friend to me and to the Foundation. Here’s to you, Pops! Thank you. You did good.

US Claims helped us save our house. While our lawyer was fighting to get the settlement we deserved, we couldn’t afford our bills — and were at risk of losing our home. US Claims helped us and they can help you too.
Putting the Delaware Advantage to Work

In this month’s interview, I sat down with Heather Flanagan, senior wealth planner for PNC Delaware Trust Company, who advises attorneys and clients all over the country on how to use the business-friendly and trust-friendly Delaware laws to their advantage. We discussed how various Delaware Trusts could help resolve complex financial planning situations.

Why would an individual or a business owner want to establish a trust in Delaware versus his or her home state?

Heather Flanagan: There are many advantages to setting up businesses and/or trusts in Delaware. By doing business in Delaware, business owners or families can enjoy the benefits of:

• Estate tax-free compounding for the benefit of future generations.
• Favorable state income tax treatment.
• Asset protection.
• The ability to name specialized advisors.

Can you name a few “triggers” that might prompt an individual or a business owner to establish a trust in Delaware?

Yes, there are many situations that call for the trust-friendly environment of Delaware. For example:

- You want to find a better approach for business succession and transition of company interests.
- You have a need to protect family assets against the disruptions of frivolous legal actions.
- You want to find ways to possibly reduce state and local capital gains taxes on the sale of a business.
- You want to name specialized advisors to carry out certain functions in the trust or manage highly concentrated stock positions.

More than 50 percent of all publicly traded companies in the United States, including 63 percent of the Fortune 500, have chosen Delaware as their legal home. How do family-owned businesses specifically benefit from Delaware’s trust laws?

A business owner who has spent a lifetime building his or her business may not have spent much time developing a good business succession plan. Because Delaware trust laws have addressed the needs of family businesses for decades, Delaware is a favorable place to plan for business succession.

For example, a closely held business can be held in a Delaware trust, which could set out how and when interests to family members will vest. A properly set up Asset Protection Trust can also protect the business from lawsuits and allow the family to maintain control of the family assets if disruptions occur. If one of the shareholders of the business is sued or gets divorced, the company shares could be protected and not subject to attempts to gain interest by those outside the family.

How can a business owner benefit from Delaware’s favorable state income tax treatment?

Let’s say a business owner is selling a closely held business and is concerned about paying state and local income taxes on the capital gains. If the business is transferred to a Delaware Incomplete-Gift Non-Grantor Trust, the business owner may be able to eliminate state and local taxes.

continued on page 20
By Brian McLaughlin

In Notice 2012-58, the IRS confirms that the W-2 safe harbor, described previously in Notice 2011-73, will be available to employers to determine affordability with respect to the employer penalty provisions, at least through 2014.

As reported earlier, beginning in 2014, the Patient Protection and Affordable Care Act (PPACA) requires employers with 50 or more employees to pay a penalty when the employer:

- Does not offer coverage to all or substantially all full-time employees and their dependents, or
- Offers coverage, but the coverage is unaffordable (self-only coverage that exceeds 9.5% of an employee’s household income) or insufficient (does not provide a minimum value), and
- Full-time employee with household income between 100 and 400 percent of the Federal Poverty Level (FPL) receives government assistance (in the form of a premium tax credit or cost-sharing subsidy) to enroll in the Exchange.

The W-2 safe harbor allows an employer to substitute W-2 wages (Box 1), something an employer knows, for household income, something the employer likely does not know.

To rely on the safe harbor, the employer must:

- Offer full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage under an employer-sponsored plan, and
- Ensure 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 safe harbor would be determined after the end of the 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.

An employer could use the safe harbor prospectively, at the beginning of the year, by structuring its plan to set the employee contribution at a level that would not exceed 9.5 percent of the employee’s W-2 wages. Further, it is contemplated that employers would have the ability to make reasonable and necessary adjustments for pay periods, on a consistent basis, so that the employee contribution would not exceed 9.5 percent of the employee’s W-2 wages.

Under the safe harbor, if the above conditions are met, then the employer would not be 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.

Notice 2012-58 makes it clear that employers can rely on the safe harbor at least through 2014.

While this guidance is very helpful and provides some clarity for employers in looking at contribution structures for their 2014 benefit programs, further guidance is needed in various areas, including:

- What constitutes a “minimum value” plan, and
- What constitutes providing coverage to “substantially all” full-time employees in order to avoid the application of the penalty that applies with respect to not offering coverage ($2,000 multiplied by all full-time employees in excess of 30).


By Brian McLaughlin (Brian McLaughlin@usiaffinity.com) is vice president of USI Affinity Benefit Solutions Group. For more information about insurance and benefits options for Philadelphia Bar members, visit www.myhealthinsurance.com/philadelphiahbar.

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. As the endorsed lawyer of the Philadelphia Bar Association and more than 30 other state and local bar associations, and with more than 30,000 advisors insured, USI Affinity has the experience and know how to navigate the marketplace and design the most comprehensive and innovative insurance and benefits packages to fit a firm’s individual needs.
Compton continued from page 5

an event and then report on it with a cell phone camera and publish online. What they don’t have is the journalist standard of whether we should see this, how we should see it, how should we get it there. We saw it with the hanging of Saddam Hussein when people photographed it with their cell phone cameras. And we’ve had it with this election, where people photo-graphed it with their cell phone cameras.

Romney recorded his comments about Saddam Hussein when people photographed him with their cell phone cameras. “And then there’s Hillary Clinton, whose rights are about having the right to choose. I brought her a children’s book as a thank you when she had her husband and me over to a party at her house. Her staff later told me she read it to children at a book fair but she couldn’t read it because she suffered from Graves Disease. She had double vision and headaches, so she had to memorize the book so she could hold it up at the fair and read it to the kids. I think a woman who has that kind of strength but doesn’t complain about it publicly is rather remarkable.”

“There are other tough cookies I’ve covered. Betty Ford went around the country campaigning for the Equal Rights Amendment when her husband the president was absolutely against it. And then there’s Hillary Clinton, whose curriculum vitae isn’t finished yet. I’m not sure she’ll run for president, but she’s not done yet.”
People

Scot M. Slamowitz, a partner with Caesar, Rivise, Bernstein, Cohen and Pokolowitz, Ltd., has been selected as a 2012 honoree of the Adas Kodesh Shel Emeth Synagogue in Wilmington, Del., for his many years of leadership and contributions.

Sandra A. Jeskie, a partner with Duane Morris LLP, has been selected as one of the 2012 Most Powerful and Influential Women of Pennsylvania by the National Diversity Council.

Carlton L. Johnson, a partner with Archer & Greiner, P.C., has been elected First Vice President of Habitat for Humanity Philadelphia.

John F. Gullace, a partner with Manko, Gold, Katcher & Fox, LLP, discussed “Natural Gas Pipeline Projects and How They Are Affecting the Railroads” at the 2012 Railroad Environmental Conference at the University of Illinois at Urbana – Champaign on Oct. 16.

Kelly Dobbs Bunting, a shareholder with Greenberg Traurig, LLP, was co-presenter for “The Commandants of Expert Consulting and Communications with Counsel” at Penn State Great Valley in Malvern, Pa.

Manny D. Pokolowitz, a senior partner with Caesar, Rivise, Bernstein, Cohen & Pokolowitz, Ltd., has been named the Best Lawyers’ 2013 Philadelphia Trademark “Lawyer of the Year.”

Nevena Simidjijyska, an associate with Fox Rothschild LLP, was recently appointed to the Steering Committee of the American Bar Association’s Export Controls and Economic Sanctions Committee.

Deborah R. Wilig, a partner with Willig, Williams & Davidson and former Chancellor of the Philadelphia Bar Association, was presented with the 2nd Annual Bob Kyler Ambassador of Hope Award by the City of Hope and the Tri-State Labor & Management Council.

Judge Richard B. Klein (ret.) of The Dispute Resolution Institute discussed alternative dispute solutions with visiting judges from Senegal on Oct. 1 at a program cosponsored by the International Visitors’ Council of Philadelphia and the Philadelphia Human Relations Commission.


Neil Boyden Tanner, chief counsel of Cigna Global Health Benefits, has been named one of eight Eisenhower Fellows by General Colin L. Powell, USA (Ret.). Tanner will travel abroad in 2013 on an intensive five-week individualized professional program to Singapore and China.

Jerry Lehocky, a partner with Pond Lehocky Stern Giordano, discussed the misuse of bureau documents at the 2012 Workers’ Compensation Bureau Conference in Hershey, Pa.

“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.

Stella M. Tsai, a partner with Archer & Greiner P.C., has been appointed to the Board of Trustees of the Community College of Philadelphia by Mayor Michael Nutter.

Julia Swain, a partner with Fox Rothschild LLP, recently discussed the changing case law of paternity at the Pennsylvania Bar Institute’s CLE course “Paternity Cases: Is the Standard for Paternity in Pennsylvania Changing?”

Sheryl L. Axelrod, president of The Axelrod Firm, PC, was appointed chair of the National Association of Minority and Women-Owned Law Firms Dodd-Frank Ad Hoc Committee.

David N. Hofstein, a shareholder with Hofstein Weiner & Meyer, P.C., was a panelist on the national webinar “Speculation or Science – Psychological Research Used in Custody Cases” sponsored by the American Academy of Matrimonial Lawyers.


Mary Beth Gray, a partner with Kleinbard Bell & Brecker LLP, was recently accepted as a member of the Forum of Executive Women.

Frank A. Berkley, an associate with Pepper Hamilton LLP, has been appointed a website and social media editor for the Business Torts Litigation Committee of the American Bar Association.

Henry Yampolsky, a senior associate with Goldfarb Berger, LLP, has been named to the Board of Directors of HIAS Pennsylvania.

Nina B. Stryker, a partner with Obermayer Rebmann Maxwell & Hippel LLP, was the course planner and a lecturer for the Pennsylvania Bar Institute program “How to Prepare the Fiduciary Income and Decedent’s Final Lifetime Income Tax Returns” on Oct. 5.

James S. Ettelson, a partner with Thorp Reed & Armstrong, LLP, was a presenter at the “Legal Issues for Pennsylvania Landscape Architects” seminar in Fort Washington, Pa., on Oct. 17 where he discussed “Understanding Pennsylvania Land Use Law.”


Brian A. Berkley, an associate with Pepper Hamilton LLP, has been appointed a website and social media editor for the Business Torts Litigation Committee of the American Bar Association.

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