Chancellor Hosts A.G. Shapiro for Special Members-Only Forum

“You simply can’t arrest your way out of this crisis,” said Pennsylvania Attorney General Josh Shapiro. He discussed the state-wide heroin and opioid epidemic at a Philadelphia Bar Association Chancellor’s Forum on Sept. 19. Shapiro was sworn in earlier this year as Pennsylvania’s top lawyer and chief law enforcement officer. He explained that public health issues, like the heroin and opioid epidemic, are some of his most important responsibilities in office. Shapiro estimates that four drug dealers are arrested per day in the state. Pennsylvania is not limiting its charges to drug offenses either, but is adding charges for drug-related deaths. That means that rather than a 2- to 5-year sentence, offenders are potentially facing between 20- to 40-year sentences.

“We have to recognize that in order to deal with this epidemic you have to deal with it in a multi-disciplinary way,” Shapiro continued. “We have to look at the entire supply chain.” As the epidemic involves prescription drug misuse, abuse and overdose, that supply chain includes doctors. Efforts are being made to look more closely at the role that doctors can play in addiction. Shapiro explained that 80 percent of heroin addicts begin their addiction by taking a legal prescription drug. Of that 80 percent, 70 percent were provided the prescription drug by a friend or family member.

Shapiro talked about the stellar results of the Pennsylvania Prescription Drug Take-Back Program when he shared that in partnership with other state organizations the Attorney General’s office “disposed of

By Mary-Kate Martin

The Board of Governors unanimously adopted three in memoriam resolutions on Oct. 26. The Philadelphia Bar Association adopted these resolutions in honor of past Chancellor Harold Cramer; A. Harold Datz, former chair of the Commission on Judicial Selection and Retention; and Past Chancellor Peter Hearn for their life-long dedication to the Association and the community-at-large. All three men passed away in 2017.

Harold Cramer

WHEREAS, Harold Cramer earned a B.A. from Temple University and his law degree from the University of Pennsylvania Law School; and

continued on page 7
EXCLUSIVE SAVINGS FOR PHILADELPHIA BAR ASSOCIATION MEMBERS!

The Kimmel Center is thrilled to announce a new partnership with the Philadelphia Bar Association!

Members receive exclusive discounts by using the promo code: **PHILABAR**

Valid at the box office, phone, and online. Not valid on previously purchased tickets or premium seating. Certain restrictions apply.

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**THE PHANTOM OF THE OPERA**

Nov 1-12, 2017

**ALTON BROWN LIVE EAT YOUR SCIENCE**

Nov 5, 2017

**JOE BIDEN AMERICAN PROMISE TOUR**

Nov 15, 2017

**LINDSEY STIRLING WARMER IN THE WINTER CHRISTMAS TOUR**

Nov 16, 2017

**LES MISÉRABLES**

Jan 9-21, 2018

**THE SECOND CITY LOOK BOTH WAYS BEFORE TALKING**

Jan 19-20, 2018

**SCHOOL OF ROCK**

Mar 27-Apr 1, 2018

**Disney Aladdin**

Jul 13-Aug 1, 2018

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For a complete listing, visit: **KIMMELCENTER.ORG**

BROADWAY PHILADELPHIA is presented collaboratively by the Kimmel Center for the Performing Arts and the Shubert Organization.
Thank You for Your Membership!

I want you to know that we appreciate you as members and do not take you or your membership for granted. In fact, as a token of appreciation, the week of Nov. 6 is Member Appreciation Week. The week kicks off with an ice cream happy hour and giveaways at the Election Forum, which will be held at 4 p.m. on Nov. 6 in our 11th Floor Conference Center. At every meeting and CLE program that week, we will raffle off prizes (but you must be a member and present to win). Additionally, we will be recognizing the “Rising Stars of the Bar,” as identified by our Section, Committee and Division leaders, in a social media campaign. I encourage you to join the online conversation using #PhilaBarLove to engage in any aspects of Member Appreciation Week.

While I cannot say thank you enough to all of our members, including the many lawyers who have risen up this year to assist our legal community and our Philadelphia community, I also want to give a special thanks to those who have worked tirelessly on projects that have not been in the limelight, including:

- The Bylaws Committee, chaired by Marc Zucker and guided by Larry Beaser and Kathy Jaffari, which one year ago, started undertaking a detailed review of our bylaws. This is the first time in almost 30 years that such an effort has been made. Who would have thought this review could be fun? Though it truly has been! We have encountered many issues, ranging from outdated language (what is a “teller?”), to modernizing meeting notices, attendance or elections, to memorializing procedures that we have followed for years. This committee’s work is still not completed, but we do see a light at the end of the tunnel, and I believe our membership will be presented with a proposed finished product in 2018. I thank you.

- The Human Resources/Personnel Advisory Committee, consisting of Board of Governors members Maureen Farrell, Sophia Lee, Ira Lefton and Jen Seme, was created to advise on all aspects of human resources and personnel for the Association. This committee has worked in a difficult or elections, to memorializing procedures that we have followed for years. This committee’s work is still not completed, but we see a light at the end of the tunnel, and I believe our membership will be presented with a proposed finished product in 2018. I thank you.

- The Immigration Clinics, organized by Miriam Enriquez, Wendy Hess, Kathy Ochroch and Mary Gay Scanlon, headed the call to help those who were eligible and interested in becoming American citizens or adjusting their refugee status. I thank you.

- The Pro Bono Task Force, chaired Judge Rizzo (ret.) and John Lavelle, produced a wonderfully thorough report recognizing how far we have come since 2002, when then Chancellor Allan Gordon commissioned a Pro Bono Task Force, and the crucial part the Association plays in the success of pro bono. I thank you.

- The Commission on Judicial Selection and Retention, chaired by Eric Weitz, reviewed 41 candidates with the help of 142 participants in the investigation of these candidates, and participated in lengthy, thorough and sensitive discussions. I thank you.

Finally, to our membership as a whole, please make sure to vote for the judicial candidates on Nov. 7. As an independent, coequal branch of government, judges matter, and they are crucial to our practice as lawyers. For that, too, I thank you.

Deborah R. Gross (dgross@kcr-law.com), of counsel to Kaufman, Coren & Ress, P.C., is Chancellor of the Philadelphia Bar Association.

HARRISBURG PRESS CONFERENCE ON PA. ‘HATE CRIMES’ BILL


2 Easy Ways Members Can Impact YLD

By Matthew S. Olesh

As we near the close of another successful year for the Young Lawyers Division, I wanted to take the opportunity to discuss two important things that bear heavily on the YLD's success—elections and our sponsors. We could not accomplish all that we do in the YLD without paying close attention to both.

First, as you may be aware, the Association’s annual election is rapidly approaching. As has been the case in recent years, the race for YLD Executive Committee is contested. The YLD Cabinet and I are thrilled that there is such a strong interest in joining the Executive Committee and that we have such impressive candidates.

The Executive Committee is critical to what we can accomplish as a division for our members. We have had an incredible, groundbreaking year, building on the successes of recent years, and I personally wish to extend my sincere gratitude to our current Executive Committee for their hard work in making that happen and implementing our agenda. I urge you to take a moment to learn about the individuals currently running for the 2018 Executive Committee class, and take the opportunity to vote for your choice of these extremely worthy candidates.

The same holds true for the Association’s contested elections for Board of Governors and its officers, for which the YLD also has the opportunity to vote. As always, if you have an interest in becoming involved with the Executive Committee next year through our appointed- liaison positions, please reach out to me or 2018 YLD Chair Vince Barbera.

Second, I would like to address one of the most important, but sometimes overlooked, components of the YLD’s programming each year: our sponsors. This issue feels particularly relevant with yet another (outstanding) Bench-Bar & Annual Conference in the books.

To understand the importance of our sponsors, you should understand the YLD’s finances. Unlike the many sections of the Association, the YLD is a division whose members do not pay any dues. This is because we want to encourage younger attorneys to be involved without the burden of incurring additional cost.

The upshot of this is that the YLD gets its funding primarily as part of the Association’s annual budget. As stewards of these funds, the YLD’s leadership consistently manages the Division so that it comes in under budget, and we again will do so this year (led by the great work of our treasurer, Anna Will Kentz, and the truly indispensable work of the Association’s CFO, Susan Knight). But our sponsors play a big role as well. Every sponsorship we obtain for one of our events means money that the Association does not need to spend.

In my early days with the YLD, I was not aware of any of this. I would go to our events and maybe stop by the sponsor’s table, maybe not, not really giving it much thought. But as time passed and I became more and more involved with the YLD Executive Committee and YLD Cabinet, including spending the past two years as a member of the Association’s Board of Governors and Cabinet, I learned just how crucially important our sponsors are to our success and our ability to be fiscally prudent.

As your outgoing Chair, I think that it is important that each and every YLD member knows and understands this. And I am not simply saying that you should always make it a point to exchange pleasantries with our sponsors at events. While you should absolutely do that, you should do more as well. You should make it a point to support the sponsors who support us by engaging them as a part of your practice. If you have a need for court reporters, e-discovery management or any number of the many services offered by the vendors that support the YLD each year, I encourage you to consider doing business with one of our sponsors.

Voting in the YLD and Association’s elections and supporting our sponsors are two ways that each and every YLD member can make a meaningful impact with minimal effort. I hope that you all take these opportunities and make a difference.

Matthew S. Olesh (molesh@chamberlainlaw.com), senior counsel at Chamberlain, Hrdlicka, White, Williams & Aughtry, is chair of the Young Lawyers Division.
In my October 2017 Philadelphia Bar Reporter column, I wrote about the need to support legal aid organizations in Philadelphia through firm sponsorship of the Philadelphia Bar Foundation’s 2017 Access to Justice Benefit held at the Mütter Museum in November. The funds that the Benefit generates are critical to the legal aid organizations that support the disenfranchised people of our city. These organizations are the Foundation’s nonprofit partners and will receive grants that advance access to justice and remove barriers for people facing poverty, abuse and discrimination.

The second opportunity to support the work of the Foundation will be through its end-of-year appeal for support. Lawyers can and do make annual donations and pledges to the Foundation. If you are one of those lawyers who has the time and the motivation to actively provide pro bono legal services, more power to you. However, the reality is that many of you are overextended in your practice, or in your community obligations, or in family obligations and cannot render the level of pro bono service that you would like and that would be necessary to significantly reduce the need for the services provided by the legal service organizations supported by the Foundation.

If you fall into that category, donate to the Foundation before the end of the year. How much should you give? As my mother used to say, “Let your conscience be your guide.” But aside from your conscience, consider some other benchmarks: how much money do you spend yearly dining out? How much money do you spend yearly on wine? How much money do you spend attending sporting events at the Wells Fargo Center? How much money do you spend yearly on attending sporting events? Determine that amount and contribute some percentage of that. If you do so, I have no doubt that you will donate more money to the Foundation this year than you have in any recent year.

Whatever money the Foundation raises through these initiatives will not be enough to meet all the needs of the legal service organizations it supports, or the people aided by those organizations. However, the money you donate will make a difference.

For every dollar that we invest in legal aid, research shows that dollar yields an $11 benefit-on-average for individuals, families and communities. Legal issues that are successfully resolved result in improvements in family stability, safe housing, educational opportunities, health care, employment, increased income for food and clothing and more. These results not only impact the clients served, they have far-reaching effects throughout the whole community.

There are many ways you can donate to the Foundation before we begin 2018. The easiest way is to visit philabarfoundation.org and click the “Donate Now” button in the upper right-hand corner of the page. This is a safe and secure, easy-to-use online option. Alternatively, visit the “Support Us” section of the website to learn about planned giving, major gifts, memorial giving and more.

The Foundation relies on the financial contributions of committed individuals and institutions to advance the goal of equal access to justice for all. More than 60,000 clients receive direct services annually from the legal aid nonprofit partners funded by the Foundation. Your donation ultimately will make its way to one of the legal service organizations, and as a result, that organization will help some disenfranchised individual or family obtain medical care that was otherwise unavailable or obtain disability benefits that were not being received previously or perhaps enable a family to avoid a mortgage foreclosure. For those people, your donation will be life-changing.

Thomas A. Brophy (tabrophy@mdwlg.com), president and CEO at Marshall Dennehey Warner Coleman & Goggin, P.C., is president of the Philadelphia Bar Foundation.

By Thomas A. Brophy
OCT. 19, 2017 NATURALIZATION CEREMONY

Left: Philadelphia Bar Association Board of Governors Vice Chair Katayun I. Jaffari with Hon. Joel H. Slomsky, U.S. District Court for the Eastern District of Pennsylvania (center), and Matthew J. Higgins, courtroom deputy to Judge Slomsky, at the naturalization ceremony sponsored by the Philadelphia Bar Association at the U.S. Courthouse on Oct. 19. Right: Sixty-eight people from 38 countries became U.S. citizens at the ceremony.

APPELLATE COURTS COMMITTEE HOSTS JUSTICE WECHT

The Appellate Courts Committee hosted Supreme Court of Pennsylvania Justice David N. Wecht on Sept. 13. Justice Wecht spoke about his experience on the Supreme Court and the differences between being a Supreme Court of Pennsylvania justice and a Superior Court of Pennsylvania judge. He answered questions about the Supreme Court’s case load, cameras in the courtroom, new judicial education requirements and more.

Left: Chancellor-Elect Mary F. Platt (left) with Justice David N. Wecht (second from right), and Appellate Courts Committee Co-chairs D. Alicia Hickok and Bruce P. Merenstein.

LAWYER TO LAWYER REFERRALS

For details on placing a Lawyer to Lawyer referral ad, contact Lana Ehrlich at 215-557-2392 or lehrlich@alm.com.
In Memoriam
continued from page 1

WHEREAS, Harold Cramer served honorably in the military during the Korean conflict, rising to the level of Chief Prosecutor for the Eighth Army in Korea and receiving the Bronze Star; and
WHEREAS, upon returning to Philadelphia, Harold Cramer clerked for Philadelphia Court of Common Pleas Judge Edwin O. Lewis, then joined the law firm of Shapiro Rosenfeld Stalberg & Cook, where he rose to partner; and
WHEREAS, in 1967, Harold Cramer joined Mesirov, Gelman, Jaffe & Levin, which eventually became Mesirov, Gelman, Jaffe, Cramer & Jamieson, LLP, where he was elected managing partner; and
WHEREAS, Harold Cramer served as chief executive officer of Graduate Health System, Inc., until his return to private practice in 1996; and
WHEREAS, Harold Cramer became a partner at Schnader, Harrison, Segal & Lewis LLP until his retirement; and
WHEREAS, Harold Cramer served in various leadership capacities at the Philadelphia Bar Association, including as Chancellor in 1972; and
WHEREAS, under Harold Cramer’s leadership as Chancellor, a program was created in partnership with the Office of the District Attorney and the Defender Association of Philadelphia to reduce court backlogs on major criminal cases; and
WHEREAS, while serving as Chancellor, Harold Cramer led a campaign to raise the salaries of Court of Common Pleas and Municipal Court Judges; and
WHEREAS, following his service as Chancellor, Harold Cramer remained an energetic leader in the legal community, serving on the Theodore F. Jenkins Memorial Law Library Board of Directors for 45 years and as its President for 32 years, member of the Board of Trustees and President of the Philadelphia Bar Foundation, member of the House of Delegates and the Board of Governors of the Pennsylvania Bar Association and President of the Alumni Society of the University of Pennsylvania Law School; and
WHEREAS, Harold Cramer was a dedicated community leader, serving as a member of the Board of Trustees of the Federation of Jewish Agencies, President of the Legal Division of American Friends of Hebrew University, Fellow of the Philadelphia College of Physicians and as a member of the Executive Board of the Downtown Jewish Home for the Aged; and
WHEREAS, for his extraordinary contributions to the betterment of the legal profession, Harold Cramer was awarded the Philadelphia Bar Association’s highest honor, the Bar Medal, in 2003; and
WHEREAS, for his exemplary service to the community, Harold Cramer was awarded the Liberty Bowl, presented by the Mayor of Philadelphia in 1996,
NOW, THEREFORE, BE IT RESOLVED, that the Philadelphia Bar Association adopts this memorial resolution in recognition of the character, contributions and achievements of Harold Cramer, and extends its heartfelt condolences to his wife, Geraldine, and daughter, Patricia, on the passing of a beloved and respected colleague, devoted
continued on page 10
2017 Securities Litigation & Regulatory Update  
Thu., 11/2/17 - 9 a.m. - 3 p.m. (4 SUB/1 ETH)  
Co-hosted by the Philadelphia Bar Association Securities Regulations Committee and the New Jersey Bar Association Securities Law Committee  
As regulations continue to change and lawsuits, investigations and enforcement actions continue apace, it is critical that securities practitioners and litigators keep up with the latest developments. Join colleagues from both sides of the Delaware River for an annual update in securities litigation and regulatory practice with a full-day program that explores and profiles significant developments and trends in securities laws. Don’t miss this annual update featuring prominent securities litigators and lawyers, high-level enforcement officials, senior in-house counsel and economists!

Lines Drawn: The Modern Political & Legal Campaign Against Gerrymandering  
Mon., 11/6/17 - 12 - 1 p.m. (1 SUB)  
Hosted by the Young Lawyers Division  
In this lunchtime CLE program, learn where “the lines are drawn” in the campaign against gerrymandering. Panelists will address gerrymandering, particularly in Pennsylvania, how the maps are drawn currently (both state and federal), the work performed by Fair Districts PA, and the proposed bills (SB22 and HB722) advocating for an independent citizens commission via a Pennsylvania constitutional amendment.

Bridge the Gap  
Tue. 11/7/17- 9:00 a.m.  - 1:15 p.m. (4 ETH)  
Program for all newly admitted attorneys in Pennsylvania  
The Bridge the Gap program is intended to give all newly admitted Pennsylvania attorneys the “know-how” that is otherwise learned through trial and error. The Supreme Court of Pennsylvania approved a rule change requiring newly admitted lawyers to complete the Bridge the Gap program by their first CLE compliance deadline. This program focuses on key issues of ethics and professionalism that are essential for all attorneys admitted to practice law.

Cross-Examination Series Part 1: My First Cross-Examination  
Wed., 11/8/17 - 12:00 - 2:15 p.m. (2 SUB)  
Attend one or all of the CLE programs in this series to make your first or next cross-examination the most effectual cross-examination you’ve given. This series of CLE programs developed and presented by Hon. Mark I. Bernstein (Ret.) and Lawrence Bendesky, superb trial attorney from Saltz Mongeluzzi Barrett & Bendesky, among other skilled trial attorneys, will explore how to exercise essential legal, tactical and verbal skills to present an effective and successful cross-examination. In Part 1, attendees will learn fundamentals for a novice attorney executing their first cross-examination. Obtain answers to questions such as where do you begin; how do you prepare; how do you determine the approach and what are the pitfalls?

Rescuing Golden Parachutes in Mergers & Acquisitions  
Thu., 11/9/17 - 12:00 - 1:30 p.m. (1.5 SUB)  
A panel discussion on due diligence and best practices hosted by the Employee Benefits Committee and the Business Law Section’s Mergers & Acquisitions Committee  
Improperly handled golden parachutes can drag down both a seller and its executives with taxes, penalties and administrative burdens. This CLE program will provide insight into recognizing a golden parachute problem during the deal negotiations so there are no surprise costs at the end of the day. Learn when a payment made upon a corporate transaction meets the key elements for parachute payment treatment and how to structure change in control compensation to avoid some of the negative tax consequences.

Transactional Planning for the New Partnership Audit Rules  
Thu., 11/9/17 - 5:00 - 7:15 p.m. (2 SUB)  
Hosted by the Tax Section  
The rules and procedures for auditing partnerships will change dramatically for taxable years beginning on or after Jan. 1, 2018. This CLE panel will address these new rules and procedures while focusing on drafting techniques and planning considerations for the partnership’s governing agreement. Panelists will also discuss issues arising in acquisitions and dispositions involving partnerships.

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
Addiction and the Legal Profession - A Philadelphia Bar Association Community Forum and CLE
Mon., 11/13/17 - 9:00 - 11:45 a.m. (1.5 SUB/1.0 ETH)
Sponsored by Caron Treatment Centers
In this community forum, thought leaders address the topic of addiction and its impact on the legal profession. The lead speaker, Brian Cuban, Esq., attorney and author of the book “The Addicted Lawyer,” will begin the program with his story, then attendees will hear from additionally featured presenters, Link Christin, Esq., executive director, Caron Treatment Centers’ Legal Professional Program; Laurie J. Besden, Esq., executive director, Lawyers Concerned for Lawyers of Pennsylvania, Inc.; Matthew Mielette, MSSP, RN-BC, policy associate, Leonard Davis Institute for Health Economics, policy director, Action Task and member, Mayor’s Opioid Task Force; Robert S. Tintner, Esq., co-chair of the Association’s professional guidance committee, and the program’s moderator, Debbie Epstein Henry, Esq., consultant, best-selling author and public speaker.

The Criminalization of Poverty in America
Tue., 11/14/17 - 9:00 - 10:30 a.m. (1.5 SUB)
Presented by Community Legal Services, Inc., the Philadelphia Bar Association and Public Citizens for Children & Youth
The purpose of the criminal justice system generally is thought to be to punish people who commit crimes such as assault, theft and drug sales. But many low income people are entangled in the system for issues related to their poverty. Poor people find themselves charged with crimes because of their mental illness, homelessness, noncompliance with public benefits rules or child support orders, and misbehavior in schools. Panelists address these issues and possible solutions to them.

VIDEO ENCORE - Can I Really Be Sanctioned or Disciplined for My Filing?
Tue., 11/14/17 - 12:30 - 2:00 p.m. (1.0 ETH/0.5 SUB)
Still need an ethics credit? In this video encore CLE program, learn how the new Public Access Policy requires lawyers to change how and what they file in every Pennsylvania court. On Jan. 8, 2018, Pennsylvania’s Public Access Policy goes into effect. The policy applies to all civil, family and criminal cases in the appellate and trial courts, and requires filing parties to redact confidential information. If a party violates the policy, a court can impose sanctions. Panelists will address the practical effects of the new policy and will demonstrate how attorneys can prepare their offices to comply with the new Rules.

Reaching Reasonable Resolutions in the Absence of Impairment Rating Caps
Fri., 11/17/17 - 12:30 - 1:30 p.m. (1 SUB)
Hosted by the Workers’ Compensation Section
Prior to Prot: II, the change of a claimant’s benefits from total to partial in character, under an impairment rating evaluation, was an effective tool in beginning settlement talks. While the impairment rating process going forward is no longer a viable option for capping a claimant’s benefits, other methods exist that can be used to bring both parties to the settlement table and prevent years of litigation. In this CLE presentation, panelists will explore these methods and how they can be used to reach reasonable resolutions for both sides.

VIDEO ENCORE - Be the Judge, Be the Jury… Become an Arbitrator!
Mon., 11/20/17 - 12 - 3 p.m. (2 SUB/1 ETH)
Attend this entertaining video encore and learn how to conduct your first or next arbitration.
Compulsory arbitration was created as a means of efficiently disposing of smaller civil cases and conserving judicial resources by requiring as a first step that such cases be tried before a panel of three local court-appointed attorneys, with the understanding that any party can later appeal the decision and obtain a new trial. Experienced practitioners offer guidance and practical strategies to successfully conduct an arbitration and serve as an arbitrator. Attend this CLE program and obtain certification to become an arbitrator!

Recent Decisions & Developments in Pa. Eminent Domain Law - 2017 Update
Tue., 11/21/17 - 12:00 - 1:30 p.m. (1.5 SUB)
Hosted by the Eminent Domain & Appraisals Committee
Presenters will provide a 2017 update and overview on important and relevant court decisions regarding Pennsylvania eminent domain (condemnation) law; as well as recent developments in and changes to related statutory law, regulatory provisions and local court procedures.

Diversity in the Courtroom: Gender, Context & Credibility
Tue., 11/28/17 - 12 - 1 p.m. (1.0 SUB)
Hosted by the Women in the Profession Committee
Ever wonder what a difference “difference” makes? How does gender diversity affect attorneys in the variety of contexts in which they find themselves (with judges, clients and juries)? Does being a woman matter to jurors, and which jurors? In this CLE program, Dr. Ann T. Greeley Ph.D., a psychologist and trial consultant with more than two decades of experience, will address gender diversity, how credibility may be assessed by various audiences, and the challenges involved in measuring the impact of diversity in litigation and negotiating environments.

Putting Your Best Face Forward: Managing Your Social Media Presence
Wed., 11/29/17 - 12:30 - 1:30 p.m. (1 ETH)
Hosted by the Environmental and Energy Law Committee
In this lunchtime CLE program, presenters in the environmental and energy law practice will use a hypothetical involving the oil and gas industry to analyze ethical issues that implicate the ABA Rules of Professional Responsibility in two scenarios: (1) Twitter feuds between counsel and (2) the preservation of potentially relevant evidence on social media. This presentation will address the ethical pitfalls that lawyers may encounter in connection with social media.

Evaluating an Economic Loss - Don’t Let “It” Scare You
Thu., 11/30/17 - 12 - 1 p.m. (1 SUB)
Hosted by the Medical-Legal Committee
Deciding whether it is worth your time and expense to take on a medical malpractice case can be difficult. Medical malpractice litigation is extremely costly and involves evaluating the complexity of the case, extensive expert witness fees, discovery and trial. This is a timely CLE program on economic damages primarily arising from medical malpractice claims.

*Additional courses may be added within the month.

TO REGISTER
Visit the CLE page at PhiladelphiaBar.org
In Memoriam

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family member and faithful friend.

PHILADELPHIA BAR ASSOCIATION
BOARD OF GOVERNORS
ADOPTED: October 26, 2017

A. Harold Datz

WHEREAS, A. Harold Datz grew up in Philadelphia, graduated from South Philadelphia High School in 1965 and earned a B.A. in American History from Temple University in 1969; and

WHEREAS, A. Harold Datz graduated from Temple University School of Law in 1972 and began his legal career as an Assistant District Attorney in Philadelphia; and

WHEREAS, A. Harold Datz entered private practice and spent the following four decades as a dedicated advocate for the citizens of Philadelphia, holding accountable those that caused his clients harm; and

WHEREAS, A. Harold Datz's devotion to the improvement of the quality of justice led him to become active in the legal community, serving in leadership roles in the Philadelphia Bar Association, the Philadelphia Trial Lawyers Association and the Pennsylvania Bar Association; and

WHEREAS, believing that justice for his clients would be achieved through a high quality judiciary, A. Harold Datz championed the work of the Philadelphia Bar Association Commission on Judicial Selection and Retention and served five times as its chair; and

WHEREAS, believing in the organization's mission to fight for the rights of individuals, A. Harold Datz served as a long running member of the Board of Directors of the Philadelphia Trial Lawyers Association; and

WHEREAS, believing that voters throughout Pennsylvania need help in selecting the candidates who are best suited to serve as knowledgeable, fair and impartial judges and justices on the appellate courts, A. Harold Datz served with distinction on the Pennsylvania Bar Association Judicial Evaluation Commission; and

WHEREAS, throughout his career, A. Harold Datz passionately and continuously mentored a vast number of students and attorneys in all practice areas; and

WHEREAS, for his distinguished service and significant accomplishments in improving the administration of justice, A. Harold Datz received the Philadelphia Bar Association’s PNC Achievement Award in 2015; and

WHEREAS, in recognition of his unwavering dedication to the goals of the organization, A. Harold Datz received the Philadelphia Trial Lawyers Association President’s Award.

NOW, THEREFORE, BE IT RESOLVED, that the Philadelphia Bar Association adopts this memorial resolution in recognition of the character, contributions and achievements of A. Harold Datz, and extends its heartfelt condolences to his sons, Jeffrey and Jonathan, his brother, Alan, and their families, on the passing of a beloved and respected colleague, devoted family member and faithful friend.

PHILADELPHIA BAR ASSOCIATION
BOARD OF GOVERNORS
ADOPTED: October 26, 2017

Peter Hearn

WHEREAS, Peter Hearn earned a B.A. in History from Cornell University in 1956 and his law degree from the University of Pennsylvania Law School in 1961; and

WHEREAS, between college and law school, Peter Hearn served admirably in the U.S. Army artillery, achieving the rank of First Lieutenant; and

WHEREAS, upon graduation from law school, Peter Hearn joined the firm of Pepper, Hamilton & Scheetz, where he became a partner and served as chair of the finance committee; and

WHEREAS, Peter Hearn was a dedicated advocate for making legal services available to the poor and served as president of the Philadelphia Bar Foundation in 1985; and

WHEREAS, Peter Hearn served in various leadership capacities at the Philadelphia Bar Association, including as Chancellor in 1989; and

WHEREAS, Peter Hearn served as Chancellor, Peter Hearn was an ardent campaigner for merit selection of judges; and

WHEREAS, while serving as Chancellor, Peter Hearn spearheaded the formation of the Campaign for Qualified Judges, the Association’s political action committee devoted to supporting judicial candidates rated recommended by the Commission on Judicial Selection and Retention; and

WHEREAS, in 1991, Peter Hearn ran for mayor of Philadelphia, a campaign that, while unsuccessful, cast a spotlight on his values as a reformer and proponent for the residents of our city; and

WHEREAS, Peter Hearn’s selfless commitment to the community included his service as a founder and board member of Gaudenzia, Inc., co-chair of the Free Library of Philadelphia Capital Campaign, trustee of the Philadelphia Foundation, supporter of the Wanamaker Organ and vestryman at Christ Church.

NOW, THEREFORE, BE IT RESOLVED, that the Philadelphia Bar Association adopts this memorial resolution in recognition of the character, contributions and achievements of Peter Hearn, and extends its heartfelt condolences to his family on the passing of a beloved and respected colleague, devoted family member and faithful friend.

PHILADELPHIA BAR ASSOCIATION
BOARD OF GOVERNORS
ADOPTED: October 26, 2017

All three in memoriam resolutions are available at PhiladelphiaBar.org.
Ballots will be emailed **Monday, Nov. 20, 2017** to members in good standing and the deadline to vote online is **Tuesday, Dec. 5, 2017 at 5:30 p.m.**

### Candidates for the 2017 Election:

**Vice Chancellor:**
Hon. A. Michael Snyder (ret.)

**Secretary:**
Marc J. Zucker

**Treasurer:**
Regina M. Foley

**Assistant Secretary:**
Jennifer S. Coatsworth
Erin E. Lamb

**Assistant Treasurer:**
Natalie Klyashtorny
Matthew S. Olesh

**Board:**
Benjamin R. Barnett
Meghan E. Claiborne
Francesca A. Iacovangelo
Nicholas S. Kamau
P. Douglas Sisk
Michael T. van der Veen

### YLD Executive Committee:

Jessica Amoroso
Kevin P. Dermody
Jahlee Hatchett
Ernest D. Holtzheimer
Nicholas J. Hubner
Joanna Klein
Matthew J. Meltzer
Jason W. Poore
Arly Smith-Pearson
Michael Wolfer

For questions regarding the Philadelphia Bar Association online election, contact Chief Financial Officer/Director of Administration Susan Knight at 215-238-6325 or sknight@philabar.org.

Last day to **join/renew membership** and receive an emailed ballot is **Friday, Dec. 1, 2017**.
Hon. A. Michael Snyder (Ret.), a Distinguished Neutral at The Dispute Resolution Institute, Chair of the Philadelphia Bar Association PNC Achievement Award Committee and vice-chair of the Campaign for Qualified Judges, is the sole candidate for Association Vice-Chancellor. Judge Snyder has served on the Board of Governors several times in the last 20 years, and served as assistant secretary and a member of the Cabinet in 2014. In addition, he was a member of the Audit Committee. He has twice been co-chair of the Workers’ Compensation Section, the last time being in 2010, and currently serves on the Section’s Executive Committee. Judge Snyder was chair and co-chair of the Bar Academy and of the Law School Outreach Initiative responsible for bringing in nearly 400 new members. In 2016 he served as treasurer of the Campaign for Qualified Judges, Judge Snyder has also spoken at two Naturalization Ceremonies Qualified Judges. Judge Snyder has also served as treasurer of the Campaign for Outreach Initiative responsible for bringing in nearly 400 new members. In 2016 he served as treasurer of the Campaign for Qualified Judges, Judge Snyder has also spoken at two Naturalization Ceremonies in 2014 and 2015. Additionally, he is a member of the investigative team of the Commission on Judicial Selection and Selection. He previously served on the Bench-Bar & Annual Conference Planning Committee.

Currently, Judge Snyder serves on the Elder Justice Task Force of the First Judicial District, and is also a member of the Ombuds Project, a joint effort of the Association and the First Judicial District. Judge Snyder is a trustee of the Philadelphia Bar Foundation and currently serves as chair of its Grants Committee, having served as a member of the Committee since 2010. He is also a member of the Foundation’s Finance and Equal Justice Center Committees.

In addition to his Association activities, Judge Snyder is currently the chancellor of the Louis D. Brandeis Law Society and vice-president of the Louis D. Brandeis Law Society Foundation. He is a member of the Temple American Inn of Court and president and founder of the Judge Alexander F. Barbieri Workers’ Compensation Inn of Court. Judge Snyder is also currently a member of the executive committee of the Temple Law Alumni Association. Judge Snyder previously served as a member of the House of Delegates of the Pennsylvania Bar Association and was a member of the Alternative Disputes Resolution Committee of the Pennsylvania Bar Association.

Judge Snyder is an adjunct professor at Temple University Beasley School of Law, having taught Anatomy for Litigators and Mediation Advocacy.

Judge Snyder is also a member of the Justinian Society, and serves on the board of Good Shepherd Mediation Program. He previously served on the grants committee of the Center for Social Justice of the Jewish Federation of Greater Philadelphia. Judge Snyder concentrates his practice as a mediator, arbitrator and discovery master. He is recognized for his practice in areas surrounding Medicare Set-Aside issues. He consults on trial strategy and case evaluations.

He is married to Wendy Sill and is the proud father of Rabbi Joshua Snyder, director of Hillel at Goucher College. He is the grandfather to Shalva, Ayelet, Nava, Luke and Lily.

2 Line Office Posts Contested

For 2017, two Association line office posts are contested. The candidates are Jennifer S. Coatsworth and Erin E. Lamb for assistant secretary and Natalie Klyastorney and Matthew S. Olesh for assistant treasurer.

Assistant Secretary
Jennifer S. Coatsworth

Professional Background: associate, Margolis Edelstein; Temple University Beasly School of Law.


Candidate’s Statement: “Equal Justice Under Law,” the inscription above the Supreme Court, is a lofty ideal to which we should all aspire. My Association involvement provides the opportunity to fulfill my philanthropic leanings as well as bolster my commitment to pro bono services. If re-elected assistant secretary, I promise to carefully consider all perspectives on an issue and ensure that all voices in our society have their needs addressed, as I have done in this role and on the Board of Governors. I humbly ask for your vote.

Assistant Treasurer
continued on page 13
2 Line Office Posts Unopposed

For 2017, two candidates for Association line office posts are unopposed. The candidates are Marc J. Zucker, secretary, and Regina M. Foley, treasurer.

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

Zucker was secretary (2017), former chair, Board of Governors; chair, Bylaws Committee; former chair, Business Litigation Committee (Business Law Section Chair of the Year; chair, Commerce Judge Pro Tem Task Force); investigator, Commission on Judicial Selection and Retention; former chair, Israel Exchange Committee; member, miscellaneous committees and task forces.

He also served as vice chair/editor-in-chief, ABA Commercial & Business Litigation Committee; former president, Villanova Inn of Court; fellow, American Bar Foundation; House of Delegates member, Pennsylvania Bar Association; chair, Pennsylvania Jewish Coalition; former chair, Jewish Community Relations Council, Jewish Federation of Greater Philadelphia; national board member, Jewish Council of Public Affairs; former director and trustee, Jewish Federation of Greater Philadelphia; former chair, National Program Awards Committee, American Inns of Court Foundation; longtime pro bono volunteer, Philadelphia VIP; member, Louis D. Brandeis Law Society, The Barrister’s Association of Philadelphia, Inc., Brehon Law Society. Justiniian Society of Philadelphia.

Foley is an attorney at Raynes McCarty and graduated from Widener University Delaware Law School.

Foley served as treasurer (2016, 2017); member, Pro Bono Task Force (2017); By-Laws Committee (2017); chair, Solo, Small & Mid-Size Firm Management Committee (2015, 2016); cochair, Women in the Profession Committee (2013-2014); ex-officio member (2012), chair (2011), elected member (2009-2011), Chancellor’s Appointment (2008), Board of Governors; Bar Leadershipship Institute (2011); member, Elections Committee (2011-2014); cochair (2010), Scholarship Committee member (2008-2013, 2015), Bench-Bar & Annual Conference member; member, Membership Task Force (2011, 2012), Long Range Advisory Council (2013-2015); cochair (2013, 2014), member (2015, 2016), Sandra Day O’Connor Award Committee; team member, Advancing Civics Education Program (2007-2012); Executive Committee member (2001-2004), Harvest for the Homeless chair, Habitat for Humanity/Community Outreach, Young Lawyers Division; member, Young Lawyers Division of the Hamilton Circle, Hamilton Circle, Philadelphia Bar Foundation; member, Federation of State Civil Litigation Section.
6 Candidates Seek 5 Seats on Board

Benjamin R. Barnett

Professional Background: partner, Dechert LLP; The Catholic University of America, Columbus School of Law. Activities: cochair, Large Firm Management Committee (2013 to present); University of Pennsylvania Law School Inn of Court; Leadership Philadelphia (2016-2017).

Candidate’s Statement: I seek election to the Board of Governors to expand my level of service and support to the Association and its unique mission in Philadelphia; to help re-establish the close and critical relationship between the Association and large law firms in Philadelphia for the benefit of both; to help the Association continue to evolve to remain relevant to its members; to push for real diversity and inclusion in our profession, particularly in private law firms; and to be part of a focused and sustained effort on the part of the Association to enhance current programs in our federal and Pennsylvania courts to provide pro se litigants with access to advocates to further promote the rule of law in a civil society and to provide meaningful opportunities and training to the next generation of Philadelphia attorneys.

Meghan E. Claiborne

Professional Background: assistant city solicitor, Civil Rights Unit, City of Philadelphia; Emory University School of Law. Activities: executive committee, Young Lawyers Division; cochair, YLD Expungement Clinic; cofounder and board member, Emory Law Corporate Governance and Accountability Review; participant, Young Involved Philadelphia’s Board Prep Program; member, Project HOME Rising Leaders Committee; former board member, Philly Set Go.

Candidate’s Statement: I first became active in the Philadelphia Bar Association in 2014 during my second year in Philadelphia. Being new to both the legal profession and the city, I joined the Association to begin growing professional roots in Philadelphia. While the Association has fulfilled this expectation, it has also served as a source of support and resources to develop my leadership skills and help service those in need of legal assistance. Serving on the Board of Governors would allow me to continue developing and effectuating the goals of the Association, as well as using my personal experiences to communicate the benefits of membership to other young lawyers in the area and expand young membership.

Francesca A. Iacovangelo


Candidate’s Statement: I am honored when my father refers to his youngest daughter as a “Philadelphia Lawyer.” We are a committed and caring group of attorneys who go above and beyond for our clients and our community. I spent the early part of my career as a public defender focused on representing the less fortunate. Membership on the Board of Governors would give me the opportunity to focus my service on improvement of the Association, its members, and the greater Philadelphia legal community. As a leader in the public sector, I will bring the under-represented perspective from government and public service attorneys to the Board of Governors. My leadership roles have given me the ability to engage various stakeholders, listen to differing perspectives, and advocate for continued on page 15

Bar to Elect Officers, Board Members

The Philadelphia Bar Association’s Annual Election of Officers and members of the Board of Governors will be conducted in 2017 via online ballot. Officers to be elected are vice chancellor, secretary, treasurer, assistant secretary, assistant treasurer and five members of the Board of Governors for three-year terms.

According to Article IV, Section 406, Paragraph B, “The election shall be conducted electronically over the Internet pursuant to procedures established by the Board to preserve the confidentiality of the Member’s vote and the integrity of the voting process. The position of the nominee on the ballot shall be determined by lot. The drawing of lots shall be conducted by the Judge of Elections not less than 25 days before the commencement of voting in the presence of the nominees and/or their representatives. The form of the ballot shall be prescribed by the Board.”

Members will receive their ballots in an email on Monday, Nov. 20 with instructions. Online voting will end on Tuesday, Dec. 5 at 5:30 p.m.

Candidates for Office

Vice Chancellor
Hon. A. Michael Snyder (Ret.)

Secretary
Marc J. Zucker

Treasurer
Regina M. Foley

Assistant Secretary
Jennifer S. Coatsworth

Erin E. Lamb

Assistant Treasurer
Natalie Klyashtorny

Matthew S. Oleh

Board of Governors (elect five)
Benjamin R. Barnett
Meghan E. Claiborne
Francesca A. Iacovangelo
Nicholas S. Kamau
P. Douglas Sisk
Michael T. Van der Veen

Claiborne Barnett van der Veen

Kamau Sisk Iacovangelo

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10 Seek 7 Seats on YLD Executive Committee

Jessica Amoroso

Professional Background: owner, Amoroso Law LLC; Widener University Delaware Law School.

Activities: member, Solo, Small and Mid-Size Firm Management Committee; member, Criminal Justice Section; volunteer attorney, Philadelphia VIP; volunteer attorney, Support Center for Child Advocates; volunteer, Wills for Heroes.

Candidate's Statement: As a Philadelphia native, I am intimately attuned to the fundamental issues facing the community. My goal as an attorney is to achieve justice for underserved Philadelphia residents. It would be a privilege to serve on the Young Lawyers Division Executive Committee to formulate unique and efficient ways in which members can utilize their legal skills towards the betterment of society. I would also work alongside fellow members to shed light upon the most pressing issues that new lawyers encounter, including unemployment and underemployment. In doing so, my goal is to facilitate collaboration between the YLD and other committees and local organizations to amplify employment opportunities and to achieve a comprehensive career mentoring system for YLD members. Overall, my background and experience has prepared me to adequately serve in the best interests of the YLD and the Association.

Kevin P. Dermody

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

Activities: volunteer attorney, Wills for Heroes Foundation; Big Brother, Big Brothers Big Sisters Independence Region; president, Penn Law Philadelphia Alumni Association; member, Brethren Law Society; member, Philadelphia Bar Association Young Lawyers Division; member, Pennsylvania Bar Association; member, University of Scranton Alumni Association; executive committee member, Friendly Sons of St. Patrick of Lackawanna County; Eagle Scout, Boy Scouts of America.

Candidate's Statement: As young lawyers, we are uniquely situated with newly acquired skills to provide a meaningful impact on our community. My focus as an Executive Committee member of the Philadelphia Bar Association Young Lawyers Division will be to increase participation among YLD members, in both the Association and our local community. I will work to accomplish this goal by promoting YLD interests within the Association and engaging with various community organizations in order to create additional opportunities for YLD members. Leadership and service to others have always been integral parts of my life and I hope to continue my dedication to servant leadership through the Executive Committee. Please feel free to reach out to me with any questions or concerns at 215-444-7159 or kdermody@foxrothschild.com.

Jahlee Hatchett

Professional Background: assistant district attorney; Philadelphia District Attorney’s Office; Widener University Delaware Law School.

Activities: coach, Drum Major for Justice Competition; mentor, Temple University Beasley School of Law; diversity committee member, Philadelphia District Attorney’s Office; volunteer, Rep. Joanna McClinton’s annual Health & Wellness Summer Jam; executive board member, The Barristers’ Association of Philadelphia, Inc.

Candidate’s Statement: It would be a pleasure for me to serve as an Executive Committee member of the Philadelphia Bar Association’s Young Lawyers Division. This past year, I have grown deeply

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Nicholas J. Hubner

Professional Background: staff attorney, Hausfeld LLP; Drexel University Thomas R. Kline School of Law.

Activities: former third circuit governor, Law Student Division, American Bar Association; former member, Student Bar Association.

Candidate's Statement: I am someone who believes that a person should strive to leave something better than he found it. This sense of duty applies to membership on the Executive Committee of the Philadelphia Bar Association’s Young Lawyers Division and I am confident that my prior leadership roles and experiences have given me the skills necessary to excel as a committee member. I have experience in bringing attorneys together throughout the tristate area and I believe I can help bring attorneys of the YLD even closer together if given the opportunity. My commitment extends into the community as well and I believe Philadelphia’s young attorneys can make enormous positive impact within our community when we are organized and working together. It would be an honor to represent you and serve as an Executive Committee member, and I look forward to helping create an even better organization.

Joanna Klein

Professional Background: divisional deputy city solicitor, Code Enforcement Unit, City of Philadelphia Law Department; William & Mary School of Law.

Activities: state chair – Pennsylvania, 2016 Daniel J. Curtin Young Public Lawyer Award recipient, International Municipal Lawyers Association; member, City of Philadelphia Law Department Professional Development Committee; secretary, board member, Jewish Social Action Policy Network; former president, former vice president of communications, board member, William & Mary Alumni Association Philadelphia Chapter; alumni ambassador, William & Mary School of Law.

Candidate’s Statement: I chose to attend William & Mary and have never used Twitter. I am someone who believes that a person should strive to leave something better than he found it. This sense of duty applies to membership on the Executive Committee well. The opportunities afforded by the Committee are immensely important, especially for new attorneys as they begin and develop their careers. I look forward contributing to the execution and development of the Committee’s activities and events, if elected. It would be an honor to serve.

Matthew J. Meltzer

Professional Background: associate, Drinker Biddle & Reath LLP; Vanderbilt University School of Law.

Activities: alumni advisor, undergraduate fraternity, Swarthmore College; admissions interviewer, Vanderbilt University School of Law.

Candidate’s Statement: I am running to join the Philadelphia Bar Association’s Young Lawyers Division Executive Committee to meet more young (ish) lawyers in our city and do my part to help our cohort get the most out of being Philadelphia lawyers. I have been active in community organizations in the past and have raised money for my undergraduate institution. Aside from being an opportunity to give back, which is important, the prospect of being active in the YLD is exciting to me because it is a great way to get to know new people and learn new things. I would like the chance to become more involved with the Association generally, and think (or at least hope) I have something to offer. Also, I do not have any contacts in the Russian government and have never used Twitter.

Jason W. Poore

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

Activities: committee chair, Youth Court ad hoc committee, Young Lawyers Division Executive Committee; liaison, Medical-Legal Committee, Young Lawyers Division Executive Committee; board member, The Spruce Foundation; committee member, committee to organize Lawyer in the Classroom program; court-certified arbitrator, Philadelphia Court of Common Pleas; member, executive committee, Young Lawyer Member, Philadelphia Association of Defense Counsel.

Candidate’s Statement: I believe dedication to improving one’s community is an inherent part of the practice of law. I have consistently pursued my passions for justice and the Philadelphia community in various ways, including organizing get-out-the-vote campaigns and representing Philadelphia VIP clients. Two years ago, I started...
Increase Emotional Quotient to Reach Super Success

By Lizzy Wingfield

Many attorneys do not think of law as an emotional line of work. But Pamela Elaine Nichols, of Destined for Greatness Enterprises, Inc., said that the key to achieving “super success” in the legal profession, in addition to many other areas of an attorney’s life, is in increasing and utilizing emotional intelligence. Emotional intelligence refers to the ability to know and manage emotions. As an attorney, it is helpful to understand your own as well as those of your client. The Philadelphia Bar Association’s Women in the Profession Committee hosted Nichols to talk about how attorneys could be more successful by increasing their emotional quotients, the metric by which emotional intelligence is measured, on Sept. 26.

Nichols said that she advocates aiming for “super success” because “success is the new mediocrity.” She used examples from her own life to illustrate this point. She said that she wanted to support her mother while her mother cared for her ill father, defining success as having her mother feel supported. However, she achieved super success when she utilized her emotional intelligence. She said she ensured that her mother felt supported, and in return her mother expressed deeper feelings of affection for Nichols than she had expressed in the past.

Nichols pointed out that emotional intelligence also has tangible effects. On average, people with high EQ scores earn $29,000 a year more than their low-EQ-scoring counterparts. Sixty–80 percent of obstacles in organizations can be traced back to bad interpersonal relationships between employees. However, only 36 percent of people can identify their emotions as they happen.

Nichols gave tips for how an attorney may increase her emotional intelligence and achieve super success. For example, Nichols said that when someone, such as a client, is expressing frustration with an attorney, the attorney’s first reaction might be to “react” or express defensiveness or irritation. Nichols suggested that an attorney “respond” by saying “got it,” rather than “reacting,” to convey that she heard the client’s complaints. Nichols said that this strategy will change the energy of the conversation and allow the attorney to manage her client’s emotions so that the conversation will be more productive and advantageous for the attorney.

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Nichols at the Committee’s meeting on Sept. 26.

Jennifer S. Coatsworth, cochair, Women in the Profession Committee (right) with Pamela Elaine Nichols at the Committee’s meeting on Sept. 26.

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Questions?
For questions, contact Director of Public and Legal Services Charlie Klitsch at (215) 238-6326 or cklitsch@philabar.org.
Global Insight on International Arbitration Issues

By Erin Murphy

International disputes are increasingly being resolved through international arbitration. That means that lawyers around the world need to be familiar with the basics of international arbitration to successfully advocate for their clients. Jeremy Heep, cochair, Philadelphia Bar Association International Law Committee, shared his arbitration knowledge at a conference in Montreal, Canada on Sept. 6. Additional speakers were Fabien Gélinas, professor, McGill University; Michael Carrato, vice president, legal and compliance, North America, Alstom Transportation; Annie Lespérance, lawyer, Cabinet Yves Fortier; and Daniel Urbas, arbitrator and lawyer, Urbas Arbitration.

The Conference was titled “International Commercial Arbitration: Is It Cheaper and Better?” and was jointly produced by the International Law Committee and the International Relations Committee of the Bar of Montreal. The partnership with the Montreal bar is one of several twinning relationships that the Association participates in to develop international contacts and perspectives.

The Montreal conference provided an overview of the basics of international arbitration, as well as tactics for seeking enforcement of decisions in other jurisdictions.

Speakers addressed the main advantages of international arbitration, including global enforcement, the absence of appeal, and limited discovery, as well as disadvantages, including the speed and cost of arbitration.

“International arbitration is often too costly and too slow. A party can spend many millions of dollars chasing a good claim, and it can take a long time,” Heep said.

“However, my point of comparison on costs is to U.S. litigation, where costs tend to be high. In my view, international arbitration is still quite advantageous from a cost and efficiency perspective.”

Carrato addressed the corporate perspective and talked about how Alstom uses international arbitration to resolve commercial disputes. He said that there are few instances when international arbitration cannot be used, but highlighted some considerations for the audience.

“There are certain circumstances that can create complexities for international arbitration, such as contracts with public entities that can raise questions as to the ability of state entities to be bound by arbitration clauses, including questions of immunity. The main point is to be aware of and identify the parameters of these complexities in order to properly address them,” Carrato said.

The Montreal event coincided with the publication of the new textbook titled “Arbitration: Cases, Problems and Materials” by Matthew H. Adler, partner at Pepper Hamilton LLP, which Heep mentioned at the conference as a resource for insight on domestic and international arbitration.

The program was presented as a Philadelphia Bar Association CLE program hosted by the International Law Committee at Pepper Hamilton LLP on Oct. 4.

Choose the Right Entity, Minimize Tax Obligations

By Jordan Weaver

At the end of every fiscal year, everyone’s primary goal is to earn the most amount of money while maintaining the least amount of tax obligations. The Solo, Small and Mid-Size Firm Committee and Business Law Section’s LLCs and Other Unincorporated Entities Committee cohosted a Philadelphia Bar Association CLE titled, “Minimize Tax and Liability Exposure by Choosing the Right Entity for your Practice” on Sept. 14. The program addressed tax, liability and other practical business issues faced by solo, small and mid-size firms when selecting a formation entity. Featured panelists included Saba Adrath, chair of the LLCs and Other Unincorporated Entities Committee, and Robert S. Balter of Robert S. Balter, P.C., Maureen M. Farrell, chair of the Solo, Small and Mid-Size Firm Management Committee, moderated.

Balter discussed Act 170 of the business code, as it has made extensive changes to Pennsylvania law regarding incorporated and unincorporated entities that just became effective this year. He continued by providing an overview of important changes regarding objectives when choosing an entity. No matter what entity an individual chooses, Balter said that there will always be methods to effectively minimize tax obligations. “With mini-

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Settlements Rely on Preparation, Communication

**By Megan N. Harper**

According to the Administrative Office of U.S. Courts, in 2016 magistrate judges held 22,157 settlement conferences/mediations. The U.S. Magistrate Judges of the Eastern District of Pennsylvania see their fair share of litigants as approximately 1.5 percent of civil cases in the Eastern District go to trial.

Settlement conferences are a process, one which requires a significant amount of telephone diplomacy, said a panel of USMJs at a Philadelphia Bar Association CLE titled “Settlement Conferences before USMJs at a Philadelphia Bar Association” on Sept. 29. The Labor and Employment Law and Federal Courts Committees cohosted the program featuring Chief Magistrate Judge Linda K. Caracappa, U.S. District Court for the Eastern District of Pennsylvania, and Magistrate Judges for the U.S. District Court for the Eastern District of Pennsylvania, Elizabeth T. Hey, Richard A. Lloret and David R. Strawbridge, Robert H. Baron and Sarah R. Lavelle, cochairs of the Labor and Employment Law Committee, moderated.

Judge Caracappa said that every case can be settled, and preparation is key to starting the process on the right path. Attorneys must think in advance about what it is they want to accomplish through the settlement conference and review the USMJ’s procedures orders “carefully” Judge Hey said. Judge Strawbridge said that exchanging documents beforehand and bringing them to the conference increases the chance of settlement.

The optimal time for a settlement conference requires a case-by-case evaluation, and the panelists said they hold preliminary teleconferences to ensure buy-in on scheduling and the process of settlement. Judge Lloret said lawyers should “Pick up the

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Responsive to Exploitation of Special Needs Clients

By Richard L. Vanderslice

Sally is a 57-year-old woman with severe mobility issues due to multiple back surgeries. She also suffers from anxiety and depression. She receives a monthly Social Security Disability Income check and her circumstances made her ripe for exploitation by Bill, a neighbor who had befriended her. Partnering with the Legal Clinic for the Disabled, I could volunteer my services as a pro bono attorney and end the exploitation.

Bill told Sally he was selling the house she was living in and gave her six weeks to move before the settlement date. When she refused, he threatened to throw her out. But Sally was financially unable to move because she did not have control of her finances. For decades, Sally’s SSDI benefit was being deposited into Bill’s private checking account, even though he was not her representative payee. Over the years, Bill gave Sally a monthly allowance which was to be redirected into an account in her name only. Sally had access to her disability check. The Social Security Administration was contacted so Sally’s check could be redirected into an account in her name only.

Through a record review, we discovered that Sally once owned the property she was living in, but ownership was fraudulently transferred. Meanwhile, Bill continued to pay the mortgage from Sally’s SSDI income. Apparently, Sally had executed a financial power of attorney naming Bill as her agent, but the POA was to only be used to refinance the house. Instead, without Sally’s knowledge, Bill transferred property out of Sally’s name to his and his wife’s names. To clear title to the property and prevent Bill from selling it, we filed a Quiet Title Action and a Lis Pendens with the Recorder of Deeds. This stopped Bill from any potential sale of the property.

At the same time, Bill hired an attorney to file an eviction complaint against Sally. LCD staff entered their appearance to prevent the eviction action from moving forward. On the day of the hearing, opposing counsel agreed to a continuance until the Quiet Title matter was resolved.

When I met with Sally about next steps, she was not opposed to selling her house because of the ongoing cost of maintenance. Sally had the opportunity to move into new subsidized housing in the same neighborhood. Her monthly rent would be much less than her mortgage and the housing would be completely accessible. She would never have to worry about the cost of maintenance and she would be allowed to have her two cats.

Because Sally wanted to cut off any ties with Bill and get the property sold, I negotiated a settlement and sold the house for the proceeds from the sale to purchase much needed furniture and other household items. Today, Sally and her two cats have a new home, and Bill is no longer able to exploit her.

Richard L. Vanderslice is sole shareholder of Richard L. Vanderslice, PC.
Having served two consecutive terms as Assistant Treasurer, I am now seeking my third term in that position. I previously served a three-year term as an elected member of the Bar Association’s Board of Governors from 2013 through and including 2015.

I am Of Counsel to Nochumson P.C., where my practice focuses in business and commercial counseling and litigation and employment and labor law.

I began my involvement with the Bar Association in 2002 with the Young Lawyers Division, ultimately becoming its Chair in 2005. During my term in office, I created “Philadelphia 2020”, an ongoing initiative to educate and involve the legal community in advocating for and implementing reforms to make Philadelphia a more attractive destination for businesses and individuals alike. I also initiated panel programs at the area law schools, during which officers of the Young Lawyers Division and the senior Bar Association discussed the relevance of Bar Association involvement, as well as overview the planning and implementation of three CLEs for the 2005 Bench Bar Conference and planned the “Spring Fling” Live and Silent Auction fundraiser to benefit the Philadelphia Bar Foundation. As YLD Chair, I served on the Board of Governors in 2004 and 2005 and on the Cabinet in 2004, and assisted that year’s Board Chair in planning our Bar Leaders Retreat.

I also previously served as Co-Chair of the Bar Association’s City Policy Committee in 2008 and as Co-Chair of its Solo and Small Firm Management Committee in 2010. Additionally, I have been a voting member of the Philadelphia Bar Association’s Commission on Judicial Selection and Retention and am currently a member of the Investigative Division of the Judicial Commissions of both the Philadelphia Bar Association and the Pennsylvania Bar Association.

Aside from the Bar Association, I am a member of the Louis D. Brandeis Law Society, for which I co-chair its Membership Committee, the Temple American Inn of Court and the Philadelphia Trial Lawyers Association.

I graduated from Temple University School of Law, where I was an Associate Editor of the Temple International and Comparative Law Journal. I am admitted to practice in the Commonwealth of Pennsylvania, the State of New Jersey, the District Court for the Eastern District of Pennsylvania, and the District Court for the District of New Jersey.

As a result of my decade and a half-long involvement in positions of leadership within the Bar Association, I am uniquely familiar with the important issues that confront it and our profession. These 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. Throughout my years of involvement, I have initiated programs to attract new members and involve more current members through exploring the power of partnerships and other ideas. As YLD Chair, I began a program of events at the area law schools featuring panels of bar leaders to highlight the importance of Bar Association involvement. Since that time, I am proud that the “senior” Bar Association has adopted this program as its own. I have also initiated and planned programs geared specifically towards attorneys who are new to practice, especially those at smaller firms who do not have the resources of a big firm, as a way of encouraging these young attorneys to become more involved in the Bar Association and view the Bar Association as a resource in their professional development.

I am proud to live in our diverse city and believe that the profession’s and Bar Association’s leadership should reflect that diversity. In these difficult times, it’s also crucial to increase our outreach to the city’s immigrant communities. As YLD Chair, I expanded “LegalLink” to reach Spanish-speaking, Russian-speaking and Korean-speaking immigrant communities and would like to foster similar outreach efforts in the future.

As most of our members are Philadelphia practitioners, we need to enhance our member service of continued involvement with the court system and the judiciary to improve implementation of justice. The Association should also be more involved in joint projects with the City to enhance Philadelphia’s economic development.
Private foundations can offer charitably minded individuals significant control and flexibility over their giving, while providing attractive tax benefits. For this month’s interview, I sat down with Risa Stolker, CFP®, senior wealth strategist, PNC Wealth Management®, to discuss some of the details of private foundations and why they can be an ideal solution for some philanthropists.

Mary Ashenbrenner (MA): How would you describe a private foundation?

Risa Stolker (RS): Private foundations are tax-exempt entities created to fulfill a charitable purpose by making grants to qualified charitable organizations. They tend to take a longer view of philanthropy and create a legacy for the donor and the donor’s family. Private foundations are generally created, funded and managed by an individual, family or corporation and established as either a corporation or a trust.

MA: What governs how the foundation operates?

RS: A private foundation established as a corporation is governed by the bylaws typically created by the foundation’s governing body. A private foundation established as a trust is governed by the terms of the trust agreement or other instrument, such as a will, by which it was created.

MA: Why are private foundations a popular choice among charitably minded wealthy individuals?

RS: Families and individuals seeking to establish a charitable giving vehicle with $5 million or more tend to favor establishing a private foundation as a key part of their charitable giving strategy. Usually, the reason a family chooses a foundation as their vehicle of choice is because it allows them to maintain control of grant-making and investment-management decisions. Equally important, the founder can create a mission and help safeguard the family legacy for perpetuity.

MA: Can the donor’s family get involved in the foundation?

RS: Private foundations can offer family members opportunities to be involved in the foundations’ activities. If established as a corporation, family members may serve as officers. If established as a trust, family members may be trustees. Family members can also serve as board members, committee members or advisers and can make grant recommendations.

MA: Where does the funding for the foundation usually come from?

RS: Most private foundations receive their funding from one primary donor. The difference between a public charity and private foundation is the primary source of funding. In general, a charitable organization must receive a specified portion of its funding from the general public to be considered a public charity. Private foundations tend to be more common than other forms of charitable vehicles when larger amounts of money will be donated, and the donor desires to maintain control.

MA: How would you summarize the key advantages of a private foundation?

RS: First and foremost, families and individuals can retain control of the foundation, its investments and grant distributions, subject to self-dealing restrictions and other restrictions imposed upon all private foundations by the Internal Revenue Service. Also, private foundations can potentially exist in perpetuity, allowing for a family legacy, giving family members an opportunity to engage in the foundation’s activities. Finally, private foundations typically provide more grant-making flexibility than donor-advised funds. For example, under specific circumstances, and subject to specific IRS requirements regarding oversight and reporting of grant funds, a private foundation may make international grants, grants to other private foundations and grants to individuals.

MA: What are some of the administrative considerations of setting up a private foundation?

RS: There is an initial start-up cost to establishing a private foundation, and annual tax return preparation and filings are required. Also, grant administration duties would include inquiries; application receipt, evaluation and processing; communication with grantees; verification of grantee tax-exempt status; and/or grant expenditure responsibility and oversight. Donors should keep in mind that there is an annual minimum required distribution, and private foundations have an annual tax on net investment income. Generally, there are complex private foundation rules and significant excise taxes and penalties for violations of the rules, including potential personal liability of foundation managers.

MA: Who should assist the founder in the initial set up and ongoing management of a private foundation?

RS: Private foundations are an especially effective way for individuals and families of wealth to leave a meaningful charitable legacy. With proper guidance by experienced financial advisors, a private foundation can become an enjoyable endeavor for the entire family.

By Mary E. Ashenbrenner

Mary E. Ashenbrenner (mary.ashenbrenner@pnc.com or 215-585-1041) is a senior vice president with PNC Wealth Management.
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#### 10. Owner
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- if owned by a partnership or other unincorporated firm, give the name and address as well as the names and addresses of each individual owner. If the publication is published by a nonprofit organization, give its name and address.

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Malpractice Insurance FAQs for Solo Practitioners

There is no law that says attorneys must have legal malpractice insurance. But a solo attorney’s potential exposure, given his practice area, will likely prompt him to consider what a malpractice lawsuit might potentially cost him in terms of damages and defense costs, and whether he wants to buy protection against that risk.

LPL FAQs for Solo Practitioners

Solo attorneys typically have a number of questions regarding lawyers professional liability (LPL) insurance coverage, including:

How much LPL coverage do I need?

This answer will be different for every lawyer and depends on the number and type of cases handled and the potential amount of damages and defense costs, should a claim arise. A solo practitioner should consider the nature and extent of both his business and personal assets, since if he is found liable for malpractice, his personal assets may potentially be subject to collection under a judgment.

What is a "retro date"?

The retro date is the date after which the allegedly negligent act must have occurred. This date should, if possible, extend back to the date you began practicing law, but at a minimum cover the entire time period of your work at your previous firm. However, if your prior firm dissolves or ceases carrying LPL coverage, you will no longer have coverage for your prior acts and you should consider purchasing Extended Reporting Coverage, also known as tail coverage.

Do LPL policies cover pro bono work?

If pro bono work is covered under a policy purchased by the named insured, it is most likely covered. Sometimes pro bono work is also covered under a policy purchased by the pro bono association (a volunteer lawyer society or a bar association).

What specific risk management issues do solo attorneys face?

The biggest risk might be the failure to know how to avoid risks. Many attorneys who have worked in a firm setting for a long period of time have never had to concern themselves with risk management issues like trust accounting, fee sharing agreements, client development, advertising, and conflicts of interest, which were all likely taken care of by someone else. A solo attorney should be extremely proactive in asking questions about the proper way to conduct their law practice, before issues arise.

For more information about defending malpractice allegations, contact Rich Balas, senior professional liability consultant at USI Affinity, today at (800) 265-2876 x 11444.

LEGAL ADVISORY UPDATE FROM USI AFFINITY

Multiple Locations, Singular Success

By James Zwolak

The last decade’s restaurant-driven renaissance of East Passyunk Avenue has been one of Philadelphia’s best known success stories. From the nationally recognized haute cuisine of Laurel and Townsend, to options ranging from meat pies (Stargazy), naí legou (Saté Kampas) or old school Italian (Marra’s), “The Avenue” has it all. Better yet, every establishment is a locally owned indie, not some hipster Brooklyn transplant (every third Fish Town joint) or, God forbid, a chain.

Until now, Barcelona Wine Bar, an upscale tapas and wine bar operation based out of the renowned tapas hotbed of South Norwalk, Conn., opened its 13th outpost in the old Man’s Image store this July. We could score an 11th-hour reservation for a party of six, thanks to Barcelona’s humungous 180-seat space, but I was underwhelmed about dining there. I went in expecting overpriced glasses of tempranillo and bland, generic tapas.

I could not have been more wrong on all counts. Barcelona’s redesign is gorgeous, utilizing every bit of its cumber-some triangular space – even the property’s corner “sneckdowned” area is immaculately landscaped and seats 50 people. And the service was first-rate - bar manager Michael Nunes visited twice just to amiably chat.

We skipped the vino – though Barcelona’s all-Argentinian list looked great – and ordered a zarzuela of their “Sangria Flora” with Spanish Rosé and a perfect proportion of elderberry liqueur, soda and fruit. Thewives – unquestionably the more astute arbiters of sangria – loved it. Barcelona’s beer and cocktail lists were also solid.

It was Chef Paras Shah’s chow that blew us away. Barcelona has all the standard charcuterie-and-cheese selections of a typical tapas joint, as well as large share plates such as their fish or veggie paellas. But we stuck with the tapas – 18 killer small plates in total. All were magnificent. The grilled pork pintxo on a stick with funky moruno spice was pure palo goodness. The broccoli rabe with pimento and garlic was an interesting twist and made me forget the wilted, overpriced version I once had at nearby Statekide. I hogged the chorizo with sour and sweet figs all to myself. Even the “hard to mess up” classics like patatas bravas and gambas al ajillo (one of my top-five dishes on the planet) were perfectly executed and so tasty we immediately ordered seconds.

But my new favorite tapas I have never had anywhere else was Barcelona’s “crispy rice,” a deceptively simple dish infused with creamy Galician tetilla cheese. Shah mixes the rice and cheese, fries the mix into rice cake size discs, and adorns them with only scallions. It is like an arancini ball and sizzling bottom of a doshmi barn bop had a baby. And like the rest of Barcelona’s tapas menu – most of which is priced between $5-$10 – it is an excellent bargain.

Based on the packed house we saw on a Sunday night, Barcelona is already a hit. You do not have book a November Saturday evening reservation in May like the most coveted East Passyunk tables, and you spend a fraction of what you would drop at Amada. I will surely return.

Barcelona Wine Bar is located at 1709 E. Passyunk Ave., Philadelphia.

James Zwolak (James.Zwolak@phila.gov) is a divisional city solicitor in the City of Philadelphia Law Department.

Malpractice Insurance FAQs for Solo Practitioners
Nov. 1
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th Floor Board Room.
Criminal Justice Section Executive Committee: meeting, 12:30 p.m., 11th Floor Committee Room South.
Women in the Profession Committee
Networking Happy Hour: 6 p.m., Pyramid Club, 1735 Market St., 51st Floor.
Register: PhiladelphiaBar.org.

Nov. 2
YLD Executive Committee: meeting, 12 p.m., 10th Floor Board Room.
International LLM. Reception: 6 p.m., Pepper Hamilton LLP 5000 Two Logan Square, Philadelphia.

Nov. 3
YLD and Large Firm Management Committee Bootcamp: meeting, 12 p.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.

Nov. 4

Nov. 6 - Member Appreciation Week
CLE – Political & Legal Campaign Against Gerrymandering: 12 p.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.
Family Law Section: meeting, 12 p.m., 10th Floor Board Room.
Election Forum & Ice Cream Happy Hour: 4 p.m., 11th Floor Conference Center.

Nov. 7
CLE – Bridge the Gap: 9 a.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.
Professional Guidance: meeting, 12 p.m., Fox Rothschild LLP 2000 Market St., Philadelphia.

Nov. 8
Business Law Section Committee Meeting: 12 p.m., Dilworth Paxon LLP 1500 Market St., Ste. 3500E, Philadelphia.
CLE – Cross Examination Series Pt. 1: 12 p.m., 11th Floor Conference Room. Register: PhiladelphiaBar.org.
Take Action Philly Lawyers Recognition Event: 3:30 p.m., City Hall, Mayor’s Reception Room.

Nov. 9
Legislative Liaison Committee: meeting, 12 p.m., 10th Floor Board Room.

Nov. 10
Social Security Disability Benefits Committee: meeting, 12 p.m., 11th Floor Conference Center.
Philadelphia Lawyer Editorial Board: meeting, 12:30 p.m., 11th Floor Committee Room South.

Nov. 13

Nov. 14
Orphan’s Court Litigation and Dispute Resolution Committee: 8:30 a.m., Heckscher, Teillon, Terrill & Sager, PC., 1500 Market St., 12th Floor, Philadelphia.
Law Firm Pro Bono Committee: meeting, 12 p.m., Blank Rome LLP One Logan Square, 130 N. 18th St., Philadelphia.
Federal Courts Committee: meeting, 12:30 p.m., 11th Floor Conference Center.

Nov. 15
Probate and Trust Law Section Executive Committee: meeting, 9 a.m., Flaster Greenberg PC, 1835 Market St., Suite 1050, Philadelphia.org.
Criminal Justice Section: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.
Equitable Distribution Committee: meeting, 12 p.m., Klerk Harris Harvey Branzburg LLP 1835 Market St., Ste. 1400, Philadelphia.
Family Law Section Executive Committee: 12 p.m., 11th Floor Conference Room.
Solo, Small and Mid-Size Firm Management Committee: meeting, 12 p.m., 10th Floor Board Room.
YLD Cabinet: meeting, 12 p.m., 11th Floor Committee Room.
Board of Governors: meeting, 4 p.m., 10th Floor Board Room.

Nov. 17
Workers’ Compensation Section Executive Committee: meeting, 10:30 a.m., 10th Floor Board Room.

Nov. 18

Nov. 19
CLE – Reaching Reasonable Resolutions: 12:30 p.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.

Nov. 20
Public Interest Executive Committee: meeting, 12 p.m., 10th Floor Board Room.

Nov. 21
Financial Wellness for Law Firm Owners and Employees: meeting, 12 p.m., 10th Floor Board Room.

Nov. 22
Employees Benefits Committee: meeting, 12:30 p.m., 11th Floor Committee Room.

Nov. 27
YLD Executive Committee: meeting, 12 p.m., 10th Floor Board Room.
Municipal Court Committee: meeting, 3:30 p.m., 10th Floor Conference Room.

Nov. 28
Real Property Section Annual Meeting & Awards Ceremony: 11:30 a.m., Ritz-Carlton, 10 Avenue of the Arts, Grand Ballroom. Register: PhiladelphiaBar.org.

Nov. 29
LGBT Rights Committee: meeting, 12 p.m., 11th Floor Committee Room South.

Nov. 30
YLD Annual Holiday Party. Award Ceremony and Gift Drive: 6 p.m., James, 1835 Arch St., Philadelphia.

Senior Lawyers Committee: meeting, 12 p.m., 11th Floor Committee Room.

Attorney General
continued from page 1
29 tons of prescription drugs “tossed over” by residents wanting to dispose of unused prescription medications.
Shapiro said that Pennsylvania has “doubled the number of diversion arrests.” A diversion arrest refers to when a doctor, nurse, or someone otherwise permitted to handle dispensing prescription drugs, redirects the prescription drugs for illegal or criminal purposes. But the supply chain to which Shapiro referred is not limited to healthcare providers. “Make no mistake we will hold the pharmaceutical industry responsible … for their role in this crisis,” Shapiro said. He also said he wants to “change corporate behavior” by engaging pharmaceutical companies in the global effort to stop the opioid abuse epidemic.
At the other end of the epidemic is ensuring greater access to treatment. Shapiro bemoaned the reality that it is much easier for a doctor to prescribe a 60-day prescription of an opioid than it is for someone to receive addiction treatment. Drug abusers are “suffering from a disease,” he said.
In addition to the opioid epidemic, Shapiro discussed and responded to questions concerning other areas in which the Attorney General’s office focuses its efforts including consumer identity protection and environmental protection. Shapiro said his job is “not to please people, my job is to dispense justice.”

Mary-Kate Martin (MaryKate.Breslin@Phila.gov), deputy city solicitor in the Philadelphia City Solicitor’s Office, is editor-in-chief of the Philadelphia Bar Reporter.
People

Stewart M. Weintrab, shareholder, Jennifer Weidler Karpchuk, senior counsel, and Adam M. Koelsch, associate, Chamberlain Hrdlicka, White, Williams & Augusty, spoke at the State and Local Tax (SALT) Update hosted by Chamberlain, Hrdlicka on Sept. 8 in Philadelphia.

Katayun I. Jaffari, partner at Ballard Spahr LLP, has been appointed a vice chair of the Corporate Governance Committee of the American Bar Association’s Business Law Section.

Robert M. Goldich, shareholder at Greenberg Traurig, LLP, has been elected as a management member of the Council Participation Initiative; a blue-ribbon panel formed to recommend ways for the Court to increase the number of potential jurors who respond to their jury duty summons.

Steven A. Shoumer, partner at Blank Rome LLP, has been inducted as a Fellow to the American College of Mortgage Attorneys.

Monique Myatt Galloway, attorney with Kessler Topaz Meltzer & Check, LLP, has been appointed by Hon. Jay Costa, Democratic Leader of the Pennsylvania Senate, to serve as a commissioner on the Pennsylvania State Ethics Commission.

Lynn A. Marks received the First Judicial District’s “Distinguished Pro Bono Service Award” in City Hall for leading the Juror Education Project.

Kelly Dobbs Bunting, shareholder at Greenberg Traurig, LLP, has been appointed vice chair, employer, of the American Bar Association’s Section of Labor and Employment Law’s Revenue and Partnership Development Committee.

Teresa Ficken Sachs, was inducted as a fellow into the American Academy of Appellate Lawyers at the Academy’s 2017 Fall Meeting, held Oct. 6-8 in San Francisco.

Christina M. Reger, shareholder at Bazelon Less & Feldman PC, was recently named an Emerging Leader in Bucks & Eastern Counties. The Emerging Leader award recognizes individuals who set a high standard for business leadership and community investment.

Francine Griesing, founder and managing member of Griesing Law, LLC, was awarded Best of the Bar by Philadelphia Business Journal as one of Philadelphia’s top lawyers.

"People" highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Thomas E. Rogers, senior managing editor, Philadelphia Bar Reporter, at trogers@PhilaBar.org.

Tax Liability

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Taxes represent a significant consideration when choosing between corporations and LLCs. Ashraf said that LLCs always have the option to elect to be taxed as corporations. A corporation does not pay income tax. Instead, its shareholders report the company’s income on their personal tax returns. LLCs would be taxed in the same way as a sole proprietorship or partnership. According to Lloret, there will generally be no cost if you are converting from a limited liability company to a corporation. When converting from an LLC to a corporation, there will always be a tax cost. “If you start out as an LLC, you really can’t go wrong,” Ashraf said. “Even if you are practicing alone and open your own LLC, it’s still important to follow all the formalities in the name of that LLC.”

Ashraf said that LLCs always have the option to elect to be taxed as corporations. A corporation does not pay income tax. Instead, its shareholders report the company’s income on their personal tax returns. LLCs would be taxed in the same way as a sole proprietorship or partnership.

In addition to Balter’s remarks, Ashraf discussed strategy for choosing and converting entities. When converting from one entity to another, Ashraf said that there will generally be no cost if you are converting from a limited liability company to a corporation. When converting from an LLC to a corporation, there will always be a tax cost. “If you start out as an LLC, you really can’t go wrong” Ashraf said. “Even if you are practicing alone and open your own LLC, it’s still important to follow all the formalities in the name of that LLC.”

Ashraf said that LLCs always have the option to elect to be taxed as corporations. A corporation does not pay income tax. Instead, its shareholders report the company’s income on their personal tax returns. LLCs would be taxed in the same way as a sole proprietorship or partnership.

Do not expect a USMJ to always put employment tax purposes. Partners who work for their own partnership are considered self-employed. While there are many options when choosing an entity, Balter and Ashraf told attendees to stay up to date and informed on the changes that are constantly being made.

Jordan Weaver (jweaver@philabar.org) is the communications intern at the Philadelphia Bar Association.

Magistrate Judges

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phone, talk to me” before announcing the case is not going to settle. On the other hand, when a litigant tells Judge Caracappa asks to be excused from the conference if settlement seems unlikely, she said she sees a challenge. She recalled a case with a demand of $2 million that eventually settled for $15,000 as an example. Selecting and bringing the most knowledgeable representative of a corporate, governmental or institutional client to the table is imperative as it is having a representative with full settlement authority. The USMJ said they need people with knowledge and authority at the table. While many plaintiffs willingly waive in person participation by a party representative, it is often a regrettable choice that hinders settlement. Having a representative call into the conference can lead to a party being “phone brave” making them more inclined to say “no” said Judge Lloret.

Having direct access to the parties helps to honest and openly discuss the strengths and weaknesses of their case during the settlement conference and the District Judges respect the need to maintain that confidentiality.

Megan N. Harper (Megan.Harper@Phila. gov) is a deputy city solicitor in the City of Philadelphia Law Department.
FOR MORE THAN 30 YEARS, Sidney L. Gold & Associates, P.C. has dedicated its practice to the field of employment law and civil rights litigation. The firm’s attorneys take great pride in serving as both aggressive and compassionate advocates for victims of unlawful discrimination and harassment. As a result, the Martindale-Hubbell® Bar Register has certified Sidney L. Gold & Associates as a pre-eminent law firm in the field of labor and employment law. More than 4,500 lawyers throughout Pennsylvania and New Jersey look to Sidney L. Gold & Associates to refer their clients.

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