ACE Celebrates 10 Years, Pledges to Continue Civic Enrichment of Philadelphia Schools

By Brittany Anne Robertson

The Advancing Civics Education Committee marked 10 years of serving schools in Philadelphia in 2018. To celebrate, ACE held a tenth-anniversary luncheon with an introduction to the 2018-2019 ACE program year and volunteer-recruitment drive in the Philadelphia Municipal Court Conference Room in the Widener Building on Sept. 26. A Philadelphia Bar Association CLE immediately followed the luncheon. It focused on training lawyer and judge volunteers on the ethics surrounding the often personal and sensitive discussions that can emerge from teaching civics education, as well as training on how to prepare and education students on issues regarding the rule of law, ethics, free speech, voting, current events and much more.

ACE’s mission is to promote and teach civics education in public schools, often by coordinating with teachers and the lessons being taught in the classroom. Ten years later, the program has grown, with nearly 20 Philadelphia schools participating this year. As part of the celebration’s recruiting drive, team leaders of the volunteer groups of judges and lawyers that teach at each school took turns speaking about the success and personal gratification of participating.

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www.philadelphiabar.org/page/MemberBenefits
Association Membership Supports Improved Access to Justice, Justice System

By Mary F. Platt

In addition to helping members advance in their careers and serve our justice system, the Philadelphia Bar Association connects lawyers, judges, and legal service agencies in a manner that enables them to collaborate and address critical legal issues in our community, and work together on projects that improve access to justice and our justice system.

One of the five goals in our Association’s new Strategic Plan is to “strengthen engagement with the Philadelphia community to increase access to justice and respect for the rule of law.” Our Association’s Civil Gideon and Access to Justice Task Force has done this recently by leading efforts to address the eviction crisis in Philadelphia. The Task Force is a blue-ribbon committee consisting of executive directors of nonprofit public interest and legal aid organizations, judges, law school representatives, leaders in private practice and others committed to improving access to justice for low-income civil litigants.

In April 2006, the Association’s Delivery of Legal Services Committee, which includes approximately 38 executive directors of Philadelphia legal service agencies, formed a Civil Gideon Subcommittee to explore strategies that would create a right to counsel in civil cases for low-income persons. In April 2009, our Board of Governors adopted a resolution declaring that representation of low-income persons by counsel should exist as a matter of right and at public expense in adversarial proceedings where basic human needs are at stake (e.g., shelter, safety, child custody, health and sustenance). The resolution also created the Task Force to examine Civil Gideon efforts in other jurisdictions and develop strategies to bridge the civil justice gap in Philadelphia and Pennsylvania.

In recent years, our Task Force, in collaboration with Philadelphia Municipal Court leadership and other stakeholders, has succeeded in launching initiatives that improve the ability of low-income tenants to defend themselves in eviction cases. These initiatives include the creation of the Landlord/Tenant Legal Help Center in Municipal Court and the adoption and implementation of various changes to Municipal Court practice and procedures.

The Task Force also has worked with city officials to improve access to justice for low-income tenants facing eviction.

- Last year, members of the Task Force worked closely with City Council staff to help organize the March 20, 2017 hearing that explored possible solutions to the eviction crisis, including providing a right to counsel for low-income tenants, and submitted written and oral testimony and materials. The hearing generated widespread local publicity about the eviction crisis in Philadelphia and how legal aid prevents homelessness and would help to solve the crisis.

- In response to the March 2017 public hearing, the city allocated $500,000 in January 2018 for the Philadelphia Eviction Prevention Project (PEPP), which supported the Lawyer for the Day program, Court Navigators, a live advice telephone hotline, a centralized legal services intake for tenant cases, financial counseling, and expanded legal advice and services through the Landlord Tenant Legal Help Center in Municipal Court.

- In October 2017, Mayor Jim Kenney created the city’s Eviction Task Force, including certain members of our Association’s Task Force. The Eviction Task Force’s June 2018 Final Report to the Mayor included 17 recommendations on how to address the eviction crisis, including making the PEPP pilot program permanent and providing increased funding for legal representation of low-income tenants. The report led the city to include $850,000 in its budget for FY 2019 for the PEPP project.

In 2017, our Association’s Civil Gideon and Access to Justice Task Force, co-chaired by Catherine Carr and Joseph A. Sullivan, arranged for Chicago-based Stout Rissius & Ross, LLC, a premier global advisory firm, to conduct a study, pro bono, on the costs and benefits of providing counsel to low-income persons in eviction cases in Philadelphia. The study, titled “Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants,” analyzes Municipal Court data, right to counsel studies and Stout’s own research. We anticipate that this study will demonstrate that the city’s investing in legal representation for low-income tenants facing eviction will result in significant cost savings and benefits for the city, and thus, show legal representation to be one of the most cost-effective measures to prevent evictions and homelessness. The study is expected to be available on the Association’s website in mid-November.

I am proud of our Association for enabling members of our legal community to work together on the Civil Gideon and Access to Justice Task Force, and thank the Task Force for its efforts to improve access to justice and our justice system.

Mary F. Platt (mplatt@finemanlawfirm.com), attorney at Fineman Krekstein & Harris P.C., is Chancellor of the Philadelphia Bar Association.
As this column is technically styled as the “YLD Update,” I thought it would be particularly appropriate to recap what was another great installment of the Philadelphia Bar Association’s Bench-Bar and Annual Conference. Lest I come off as a seasoned veteran of the event, allow me to confess that this was my sophomore installment. Having attended the past two years I am able to offer the following observations, which I hope will be helpful in persuading you—the YLD member who has yet to attend—to mark your calendar for next year!

• It is called Bench-Bar for a reason. Attorneys and judges (80 this year!) attend together. If you are looking for a way to meet and mingle with members of the bench you are not going to do much better than Bench-Bar. For Philadelphia judges, I can say with complete confidence that you will not do better anywhere.

• The CLE offerings! On this topic, I really cannot say enough. Maybe yours is a defense practice, or maybe you find yourself on the other side of the “v.” Perhaps you handle family law matters. I am a business litigator, and consistent with my experience last year, the CLE courses were varied and offered something for everyone.

• Bench-Bar offers practice area-focused courses, as well as courses that are meaningful for anyone who finds themselves often (or occasionally) in court. For example, I attended a terrific course on Pennsylvanias relatively new Public Access policy (a/k/a everything you need to know about e-filing with confidential information). I also enjoyed a highly interactive CLE focused on jury selection tips and practices, and a great CLE on Philadelphia real estate tax appeals presented by the YLD. Transactional lawyers were not left out! On Saturday morning, I attended a very informative course on defensive drafting that provided practical tips and considerations for preparing contracts. In short, I learned a lot and knocked out a significant chunk of my annual CLE requirements, including ethics, in less than two days. That is a pretty good ROI.

• Who’s who. I’ve said before that the Association is special. We are a collegial group, and this is very apparent at Bench-Bar. Colleagues and adversaries, alike, shared war stories and adult beverages. Old friendships were rekindled and many more new friendships were forged. Once again, my Bench-Bar experience included meeting and getting to know many of the most experienced and well-respected members of our legal community. The conference is a networking pro’s dream and a terrific opportunity to meet a new referral source, or perhaps a future colleague.

• The sponsors. We could not do it without them and they brought their “A” games. These valued supporters of the Association not only offered tons of great swag, but important information about their services. From cutting-edge e-discovery technology to expert witness services, and from insurance to bail bonds, our sponsors offered information about the many ways that we can better deliver for our clients and bolster our practice capabilities, with their help.

• Our team rocks! Bench-Bar is a massive undertaking, and the Association’s staff delivered in a huge way again. They worked tirelessly behind the scenes to make sure that the entire experience was stress-free (for us) and one that would be both fun and educational. Perhaps most importantly for the new attendees, they made sure that all felt welcome. In short, do not be apprehensive about attending Bench-Bar. You may not see the red carpet upon arrival, but trust me, it is there.

Vincent N. Barbera (barberav@whiteandwilliams.com), associate at White and Williams LLP, is chair of the Young Lawyers Division.

Striking Injustice for Philadelphia Bar Foundation

The Young Lawyers Division bowled to raise funds for legal aid organizations throughout Philadelphia at “Striking Injustice: The Bar Abides” at NorthBowl on Sept. 26. Each organization was a grantee of the Philadelphia Bar Foundation. Teams were comprised of sponsoring firms or companies and legal aid organizations. The event raised more than $25,000!

Left: Bowlers enjoyed fierce competition and friendly networking!
By Thomas A. Brophy

How well could you live on $25,100 a year? That is the 2018 federal poverty line for a family of four. More than a quarter of Philadelphians live in poverty, and nearly half of those live in deep poverty, defined as 50 percent below the federal poverty line. Moreover, only one-in-five low-income individuals and families receive the civil legal assistance needed for critical problems affecting their lives. As Bobby Kennedy remarked in 1964, “We have secured the acquittal of an indigent person — only to abandon him to eviction notices, wage attachments, repossession of goods and termination of welfare benefits.” These barriers to justice ultimately compromise the ability to exercise basic rights and fully participate in our economic and civic systems.

As lawyers, we have an obligation to recognize the gaps in access to justice, and to ensure that wherever we can break down barriers, we do.

The organizations that the Philadelphia Bar Foundation funds provide vital services that assure equal access to justice for our neighbors in Philadelphia. More than 60,000 clients receive direct services annually from the nonprofit legal aid organizations funded by the Foundation.

To raise funds for our annual grant-making, the Foundation relies on financial contributions from committed individuals and institutions. Your donation will ultimately help an individual or family obtain medical care that was otherwise unavailable, help an immigrant adjust their legal status or perhaps allow a family to avoid mortgage foreclosure. For those people, your personal donation, directed by the Foundation through its grants, is truly life-changing.

Whether you are a long-time supporter, or learning about us for the first time, I encourage you to join me in making an end-of-year donation to the Foundation. Whatever funds we raise this year will not be enough to meet all of the needs of the legal service organizations we support, or all of the people assisted by these organizations. However, the gift you provide in any amount will make a difference.

There are many ways to donate to the Foundation before we designate our 2018 grants in December. The easiest way is to visit our website at www.philabarfoundation.org and click the “Donate Now” button in the upper right-hand corner of the page. You can also visit the “Support Us” section of the website to learn more about ways to give.

Donating to the Foundation supports several critical civil legal aid issues affecting our city. The organizations that the Foundation will provide 2018 grants to handle matters in:

- Anti-Poverty Advocacy
- Child Welfare, Education & Youth
- Health and Elder Justice
- Housing and Homeless Issues
- Immigration and Employment
- Justice and Court Reform

Military, Veterans & Consumer Issues
Women’s Rights & Disability Rights

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.

Please support the Foundation today with a gift before the end of December 2018 to assure that you make an impact on advancing equal access to justice this year. Thank you, we are grateful for your gifts.

Thomas A. Brophy (tbrophy@mbdyc.com), shareholder at Marshall Dennehey Warner Coleman & Goggin, P.C., is president of the Philadelphia Bar Foundation.
ACE

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pating, with most adding an earnest pitch for volunteers to join them.

Hon. John Milton Younge, Philadelphia Court of Common Pleas, provided opening remarks. He was an original committee member, and in 2011, alongside Jenimae Almquist, attorney at Messa & Associates, was appointed cochair and “fell in love” with the organization and its mission.

A brief history of the nascent beginnings of ACE was provided by Cochairs Hon. Timika Lane, Philadelphia Court of Common Pleas, and Elvin P. Ross III provided. The program began with a $25,000 private donation to the Philadelphia Bar Foundation, enabling the committee to recruit volunteers, develop curriculum and provide students with events like field trips to the federal courthouse and National Constitution Center.

Judge Lane said that a key component of ACE is to facilitate student interaction with judges and lawyers in a “non-adversarial environment.” After the committee welcomed Judge Younge as cochair, ACE developed a “toolbox approach” to the curriculum and established a program for fifth-graders. The committee has since developed both formal and informal relationships with various partners, like the National Constitution Center and the Rendell Center for Civics and Civic Engagement.

Additionally, Philadelphia school officials attended the luncheon. Dr. William R. Hite, Superintendent of The School District of Philadelphia, spoke, describing a “need and appetite” for ACE, as it connects students to experts, providing them with a context for the world around them. Otis Hackney, Chief Education Officer, Mayor’s Office of Education, also spoke, telling the audience how ACE harnesses the “natural” debating ability of students and encourages the curiosity and advocacy they have for issues they are passionate about.

If you are interested in volunteering for ACE, or want to learn more, visit PhiladelphiaBar.org.

Brittany Anne Robertson (brobertson@philabar.org) is a temporary communications associate at the Philadelphia Bar Association.
September Cafecito Explores Vocal Empowerment

The Hispanic Bar Association of Pennsylvania welcomed Dr. Laura Sicola, leadership communication expert and the founder of Vocal Impact Productions, for the group’s second Cafecito. During the interactive session at Ballard Spahr LLP on Sept. 21, Dr. Sicola focused on how we may be getting in our own way of projecting our best leadership image, and how we can overcome those hurdles through more effective communication strategies. She also explored techniques for mastering “the three Cs” of vocal executive presence, so you can “command” the room, “connect” with the audience and “close” the deal. Dr. Sicola’s presentation was specifically targeted to our audience of minority, women attorneys, ranging in years of experience and practice areas. The next Cafecito is scheduled for December 2018.

Cafecito is the Hispanic Bar Association of Pennsylvania’s women’s breakfast series focused on fostering deeper relationships among Philadelphia-area minority attorneys. The series is organized by board member Melissa A. Martinez, associate at Saul Ewing Arnstein & Lehr LLP. For more information, please contact Martinez at Melissa.Martinez@saul.com.

Above: Women members of the Hispanic Bar Association of Pennsylvania with Dr. Laura Sicola (seated, right) at the Cafecito held at Ballard Spahr LLP on Sept. 21.
**Fundamentals in Implementing Telehealth Arrangements**  
Wed., 11/7/18 - 12:00 - 1:00 p.m. (1 SUB)  
*Hosted by the Business Law Section’s Health Care Law Committee*  
This luncheon CLE program will address some of the fundamentals in implementing telehealth arrangements, including recent developments in reimbursement rules, potential fraud and abuse concerns, as well as other regulatory risks. Panelists will also discuss certain considerations in drafting telehealth-related agreements.

**Am I in the Right Place? Tips on whether to appeal to the Pennsylvania Superior Court and Commonwealth Court, and how to practice once you get there**  
Wed., 11/7/18 - 12:30 - 1:30 p.m. (1 SUB)  
*Hosted by the Appellate Courts Committee*  
Three judges from Pennsylvania’s intermediate appellate courts will examine the scope of jurisdiction of the Pennsylvania Superior Court and Pennsylvania Commonwealth Court, the similarities between the two courts and their differences. The program will apply hypotheticals derived from real cases as a basis for discussion and offer practical guidance for practitioners in Pennsylvania.

**VIDEO ENCORE: Employment Policy Issues That Solo and Small Firms Must Know!**  
Tue. 11/13/18 - 12:00 - 2:15 p.m. (1 SUB/1 ETH)  
This video-encore program will explore employment policy issues that can have a significant impact on firms, but often times, solo and small firms are unfamiliar with the policies in question. Whether for your firm or the representation of a client, solo and small firm practitioners must prepare for and understand these common employment issues that may become complex. Panelists will also offer guidance on how to avoid pitfalls when establishing policies within a small firm or representing clients with an employment claim.

**How to Properly Handle an Asylum Application and Case**  
Thu., 11/15/18 - 12:00 - 2:15 p.m. (1 SUB/1 ETH)  
*Hosted by the Immigration Law Committee*  
This practical two-hour program examines the basics of asylum law including an introduction to asylum and its variations, including the legal standard for asylum and differences between asylee and refugee status, withholding, and CAT; the nuts and bolts of an asylum application, including how to fill out the form and what to include in an asylum application; the ethics of filing asylum cases, including frivolous cases; case law and much more.

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
Representing Threatened Gardens  
Thu., 11/15/18 - 4:00 - 5:00 p.m. (1 SUB)  

Hosted by the Real Property Section  
The Real Property Section will kick off its annual reception with this one-hour program that examines the strategies involved in representation and protection of threatened gardens. Panelists will address topics that include land access, land security, taxes, litigation, real estate transactions, entity formation and navigating the Land Bank. Join your colleagues for a crash course in the legal tactics necessary to represent and protect threatened gardens and then head on over to the Loews for the Real Property Section Annual Reception & Awards Ceremony.

Moving Beyond Cash Bail  
Mon., 11/19/18 - 12:30 - 2:30 p.m. (2 SUB)  

Co-hosted by the Civil Rights Committee and the Criminal Justice Section  
This timely CLE, co-hosted by the Civil Rights Committee and the Criminal Justice Section, will examine the cash bail system in Pennsylvania. There is a growing consensus that the cash bail system is broken, but how do we fix it? Panelists will illuminate these problems and offer guidance regarding the most promising strategies for reforming cash bail practices.

VIDEO ENCORE: What Persuades Today’s Jurors in Medical Malpractice Trials?  
Tue., 11/27/18 - 12:30 - 1:30 p.m. (1 SUB)  

This CLE program will examine what persuades today’s juries in medical malpractice trials. Panelists, including a plaintiff’s attorney, defense attorney and a judge, will address what a jury expects to see regarding proof. Does the use of technology have more of an impact? How about a great expert? How does the jury digest damages? Hear the answers to those questions, as the panelists offer guidance to help you advocate better for your client during a medical malpractice trial.

VIDEO ENCORE - Is Good Health and Well-Being Our Ethical Obligation?  
Wed., 11/28/18 - 9:00 - 10:00 a.m. (1 ETH)  

Need an ethics credit?  
This video-encore presentation will explore whether well-being should be included in the definition of competence under Rule 1.1 of the Rules of Professional Conduct or whether it should be referenced solely in the Comments to the Rules. Panelists will also address the responsibilities of partners, managers and supervisory attorneys and judges to put in place measures to ensure the well-being of its subordinate lawyers and judges.

Using the Law to Solve Climate Change: What Can Pennsylvania Do?  
Wed., 11/28/18 - 12:00 - 2:15 p.m. (2 SUB)  

Co-hosted by the Environmental and Energy Law Committee, A Call to the Bar: Lawyers for Common Sense on Climate, Pennsylvania Environmental Council  
On Oct. 8, 2018, the United Nations scientific panel charged with tracking climate change issued a special report that dominated international headlines for days. The report paints a far direr picture of the immediate consequences of climate change than previously thought. This timely program will address (1) the legal landscape for solutions to climate change, (2) the case for carbon pricing policies, (3) the authority under Pennsylvania law for carbon pricing and (4) a specific proposal for using carbon pricing to make Pennsylvania a leader in fighting climate change while generating revenues for the Commonwealth.

The Fundamentals of Investing In Qualified Opportunity Zones  
Fri., 11/30/18 - 9:00 - 10:00 a.m. (1 SUB)  

Hosted by the Tax Section  
With the passage of new Code Section 1400Z as part of the Tax Cuts and Jobs Act, Congress has created strong new tax incentives for investors holding unrealized gains to encourage investments that will be used to start businesses and develop properties in economically disadvantaged communities. On the heels of new guidance recently issued by the Internal Revenue Service, this one-hour breakfast seminar is designed to provide tax, business and real estate lawyers with a fundamental understanding of the new law involving tax-advantaged investments in Qualified Opportunity Zones (“QOZs”).

VIDEO ENCORE: Practice and Procedure in Philadelphia Municipal Court  
Fri., 11/30/18 - 12:00 - 3:30 p.m. (3.5 SUB)  

Missed the live presentation? Attend this nuts-and-bolts video-encore of common practice in Municipal Court.  
This video-encore program covers the fundamentals of municipal court practice in Philadelphia. Panelists will examine the most common issues and hone in on essential information that municipal court practitioners, general practice attorneys, and municipal prosecutors face. Attendees will learn about practice and procedure relating to diversion programs, preliminary hearings and DUI, among other topics. Panelists will also offer guidance on how to avoid common pitfalls of municipal court practice.

*Additional courses may be added within the month.

TO REGISTER  
Visit the CLE page at PhiladelphiaBar.org
Haley was a second-year nursing student at a local community college when she found out that a moment of poor judgment 13 years earlier could lay waste to the degree she was working hard to earn. Ronnie had been a truck driver for more than 20 years when his employer let him know that he would be cut back to part-time, the result of a drunken brawl almost 30 years in the past. For both Haley and Ronnie, the felonies they pleaded guilty to were isolated incidents in lives spent working hard, raising families and trying to get by. They nearly had their dreams derailed by changes in policies that began to appear in the post-9/11 employment landscape requiring clean criminal background checks for many occupations.

Too often, working people are blind sided by past mistakes as they struggle their way toward better futures. That is why I created the Pathways to Pardons program nearly four years ago, shortly after my first full session as chairman of Pennsylvania’s Board of Pardons.

By most reliable estimates, one in three Pennsylvanians has a criminal record. Certainly, some should not be working in sensitive occupations where they could represent a risk. But hundreds of thousands of others like Haley and Ronnie, who have turned their lives around, deserve a second chance.

For those whose records include felonies, the only way toward that redemption is through the pardons process, which for years has been difficult, confusing and expensive.

Through the Pathways to Pardons program, and groundbreaking changes at the Board of Pardons, we are trying to make the process more accessible and easier to understand, opening doors of opportunity to thousands more Pennsylvanians.

During my three years on the board, we increased by 50 percent the number of cases being considered by using every available resource to reduce a backlog of thousands of cases. To help process applications we have partnered with law schools, used interns and spun off community groups that are now helping deserving residents navigate the process. We have even convinced the administration to add two new employees to the board.

Even with those additions, we have six Pennsylvania employees processing thousands of annual applications, while the work grows in importance.

As employers have tightened regulations and policies over the years, the opioid epidemic has created tens of thousands of new criminal records that prevent people from gaining family-sustaining employment. Experts tell us that quality employment is key to recovery, making access to pardons critical for former drug offenders.

To that end, the National Association of Model State Drug Laws has adopted our Pathways to Pardons program as a national model to help pave the way for their citizens to have full and complete recovery.

There is still much work to be done. We need more resources. We need more volunteer partners. We need more progressive lawmakers to understand that redemption is public policy that shows mercy and saves money.
PHILADELPHIA BAR ASSOCIATION CLE - EDUCATION LAW COMMITTEE

The School District of Philadelphia returned to local control in July 2018 with the dissolution of the state-controlled School Reform Commission. The Education law Committee hosted a Philadelphia Bar Association CLE titled "Back to School With Local Control" on Sept. 12.

A panel of education law experts examined important issues around the changes. From the politics of whether the laws are amended to allow for an elected school board, to critical funding issues, such as changing the law to provide the school board, to critical funding issues, laws are amended to allow for an elected school board. From the politics of whether the laws are amended to allow for an elected school board, to critical funding issues, such as changing the law to provide the school board, to critical funding issues, laws are amended to allow for an elected school board.

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Questions?
For questions, contact Director of Public and Legal Services Charlie Klitsch at (215) 238-6326 or ckllitsch@philabar.org.
How Solo, Small Firms Can Be Model Employers

By Margaret H. Zhang

Solo and small firm attorneys are privileged to be not just client advisors and advocates, but also responsible for hiring and managing employees. This latter privilege comes with legal responsibilities, discussed at the Philadelphia Bar Association CLE titled “Employment Policy Issues that Solo and Small Firms Must Know!” on Sept. 25. Co-hosted by the Solo and Small Firm Management and Women’s Rights Committees, panelists included Catherine T. Barbieri, co-chair of the Women’s Rights Committee; Jeffrey Campolongo, of the Law Office of Jeffrey Campolongo; and myself. Maureen M. Farrell, chair of the Solo and Small Firm Management Committee, moderated.

We discussed important employment law issues that, in addition to more widely known antidiscrimination laws, solo and small firms should consider.

In hiring decisions, solo and small firms should review applicants with an open mind. Philadelphia employers must comply with Philadelphia’s Fair Criminal Record Screening Standards Ordinance. Among other things, the screening standards ordinance prohibits employers from inquiring about an applicant’s criminal history or conducting a criminal background check before making a conditional offer of employment. And under Pennsylvania law, all Pennsylvania solo and small firms should consider criminal convictions only when they relate to the applicant’s suitability for the sought-after job. Campolongo said that these laws simply require “a very commonsense approach” to applicants’ criminal records.

A policy of disqualifying all currently unemployed prospective employees can violate antidiscrimination laws, because of a potential disparate impact on women or minorities. When setting salaries, Philadelphia’s wage equity ordinance currently bars Philadelphia employers from relying on an applicant’s wage history; solo and small firms should also take care not to discriminate based on sexual orientation, gender identity or gender expression. At least 40 cities and municipalities throughout Pennsylvania, including Philadelphia, prohibit discrimination on these grounds, and the number continues to grow.

Solo and small firms should strive to accommodate employees who are pregnant, parenting, or in need of medical leave. Under the Philadelphia Fair Practices Ordinance, applicable to all Philadelphia employers (including those under the Fair Labor Standards Act or the Family and Medical Leave Act), employers cannot discriminate against employees in a family or medical context. Philadelphia employers must accommodate employees’ needs relating to pregnancy, childbirth, or related medical conditions unless it would be an undue hardship. Similarly, under the fair practices ordinance, and applicable disability laws, employers must accommodate pregnant or disabled employees who may require brief periods of leave. Additionally, the Philadelphia Promoting Healthy Families and Workplaces Ordinance requires Philadelphia employers to offer employees at least 40 hours of accrued sick leave each year. Absent an undue hardship, for employees covered under the Fair Labor Standards Act or the Family and Medical Leave Act, solo and small firms should also take care not to discriminate based on sexual orientation, gender identity or gender expression. At least 40 cities and municipalities throughout Pennsylvania, including Philadelphia, prohibit discrimination on these grounds, and the number continues to grow.

Solo and small firms should also consider criminal practices ordinance, employers must accommodate employees expressing breast milk.

Barbieri said there are certain employment policies “every employer should have,” including a basic equal employment policy, an anti-harassment policy, and a leave policy. With those in-hand, and with the points from the discussion in mind, a solo or small firm will be on its way to becoming a model employer.

Margaret H. Zhang (mzhang@womenlawproject.org) is a staff attorney at the Women’s Law Project.

Expansion of Third-Party Child Custody Standing

By Kristine L. Calalang

On July 3, 2018, Pennsylvania Senate Bill 844 (which was Act 21 of 2018 signed by Governor Wolf on May 4) became effective and created an expansion of third-party standing in child custody matters. The legislature’s expansion of standing addressed the need for a broadening of the rights of certain third-parties to file for custody amid the current opioid crisis, which has left many children without proper caregivers. The Family Law Section hosted a Philadelphia Bar Association CLE titled “Substantial, Sustained, and Sincere: The Expansion of Third-Party Custody Standing” on Oct. 1 which provided attendees with a review of this act and its effect on custody cases. The panelists for the program were Tiffany L. Palmer, partner at Jerner & Palmer, P.C.; Susan Pearlstein, attorney at Philadelphia Legal Assistance; and Janice Sulman, owner of the Law Office of Janice M. Sulman, Family Law Section Chair Ann Funge moderated.

The program began with a preliminary discussion of standing and the need for proper service of custody pleadings. It is important to remember that standing is a jurisdictional requirement that cannot be waived, Funge said. Pearlstein discussed how to ensure custody pleadings are properly served with options for using the family court’s Parent Locator Service to find a parent, hiring a private investigator and filing motions for alternative service in cases where a party’s address or whereabouts are unknown.

Moving to examine the law more specifically, the panelists reviewed who may qualify for standing, which allows for the filing of any form of physical and legal custody. This section was changed by Act 21 such that it now includes a fourth category of individuals who may file any form of custody. Palmer talked about continued on page 15
In-House Counsel Roles Move Forward, Evolve

By Mary LeMieux-Fillery

Internal and external influences are driving the evolution of in-house counsel and making changes within the industry. The Business Law Section and the Corporate In-House Counsel Committee hosted a spotlight on in-house counsel Philadelphia Bar Association CLE at the Pyramid Club on Oct. 4. Panelists included Romulo Diaz Jr., vice president and general counsel of PECO Energy Company; John Chou, executive vice president and chief legal & business officer at AmerisourceBergen Corporation; Jannie Lau, chief legal officer, general counsel and corporate secretary at InterDigital, Inc.; and David Marcus, senior vice president and chief litigation counsel at Comcast Cable. Committee Vice Chair Osama E. Hamdy moderated.

Hamdy asked the panelists to address how the role of in-house counsel has evolved over the last five years. The unifying theme among the panelists was the importance of developing soft skills to gain the confidence and respect of executives; ostensibly, the “clients.” They discussed that the trend in in-house counsel is moving away from hard objectivity to focusing on softer, interpersonal skills. The need to work toward creative business development is vital to remain competitive in today’s market.

Talent initiatives, such as talent acquisition, development, retention and engagement of talent, are essential to success, Diaz said. He cited current statistics that show employee turnover costs American companies $30 billion each year. The most successful Fortune 100 companies utilize diversity and inclusion, increasing employee diversity to reflect the customer base they serve, as a business imperative.

Soft skills are key to gaining the confidence and respect of clients and maintaining the relationship between management and the board. “You and your colleagues must have a good working relationship and an implicit understanding that you are not there to compete against each other, but that your skills should complement each other,” Lau said.

Marcus said that executives are often not lawyers and you need to be able to zero in on the issues, and only communicate what they need to know, to effectively problem-solve. In addition, developing the right relationship with the board based on clarity and an understanding of your role will make for excellent relationships. “If they like you and have confidence in your expertise, your relationship will be exponentially better,” he said.

Soft skills are also instrumental in the building of relationships with outside counsel. Diversity, inclusion and community engagement are valuable benchmarks that are often used to measure compatibility.

Mary LeMieux-Fillery (mlemieux-fillery@paworkinjury.com), associate at Martin Law LLC, is an associate editor of the Philadelphia Bar Reporter.
We are excited to announce the official launch of Optimal Dispute Resolutions, a new ADR company offering alternative dispute resolution services including mediation, arbitration, and ADR consulting.

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Optimal Dispute Resolutions is a subsidiary of Saxton & Stump.
Lauren P. McKenna is a partner at Fox Rothschild LLP and graduated from Fordham University School of Law.

McKenna served as the chair of the Ruth Bader Ginsburg Legal Writing Competition in 2018. She was a Chancellor’s Appointment to the Board of Governors in 2017 after serving as a member from 2014-2016 and serving as its chair in 2016.

McKenna chaired the Women’s Rights and the Continuing Legal Education Advisory committees in 2017. She served as a member of the By-Laws Committee in 2017-2018, and served as member, of the Commission on Judicial Selection and Retention in 2017. McKenna also cochaired the Women in the Profession Committee in 2012-2013.

McKenna was board president of the Eagles Fly for Leukemia Charity, a board member of Community Legal Services and a board member of Philadelphia Legal Assistance.

“...I will dedicate myself to carrying out the important mission of our Association and serving the interests of our members.”

For 2018, four candidates for Association line office posts are unopposed. The candidates are Jennifer Coatsworth, secretary; Marc J. Zucker, treasurer; Ira S. Lefton, assistant secretary; and Matthew S. Olesh, assistant treasurer.

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


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

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

Lefton is a partner at Eckert Seamans Cherin & Mellott, LLC and graduated from University of North Carolina Law School.

He was a former member of the Board of Governors (2015-2017) and Human Resources Committee (2017), election day volunteer for the Commission on Judicial Selection and Retention (2017) and treasurer of the Public Interest Section. He is a member of the LGBT Rights Committee and the Philadelphia Diversity Law Group, trustee of the Philadelphia Bar Foundation, member of the Brandeis Law Society and GALlop pro bono counsel for Amnesty International U.S.A. and Philadelphia FIGHT; board officer and pro bono counsel for the Arts in Pennsylvania and NextMove Dance; and a participant in Philadelphia READS.

Olesh is senior counsel at Chamberlain, Hrdlicka, White, Williams & Aughtry and graduated from the University of Pennsylvania Law School.

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

Professional Background: managing attorney, James F. Berardinelli, LLC; University of Pittsburgh School of Law.

Activities: Criminal Justice Section representative, Board of Governors (2018); cochair, Criminal Justice Section (2017); First Judicial District Counsel Fee Working Group; volunteer and fundraiser, Susan G. Komen Race for the Cure – Philadelphia; member and volunteer, Friends of the Wissahickon; member and volunteer, Wissahickon Restoration Volunteers.

Candidate’s Statement: During my time as an assistant district attorney, where I served as homicide and special victim’s prosecutor, I sought to give a voice to some of the most vulnerable members of society. I have continued to do so in my current practice, which focuses primarily on representing indigent clients in homicide cases at both the trial and appellate levels. While serving as the Criminal Justice Section representative to the Board of Governors, one of the things that struck me was how few criminal practitioners were on the Board, with even fewer yet representing indigent criminal defendants. Through the insight that my prior leadership roles have given me, and with my ability to work with others, it is my hope to ensure that the interests of indigent criminal defendants are heard on the Board.

Angelo L. Cameron

Professional Background: owner, A. Lee Cameron, LLC; Georgetown University Law Center.

Activities: chair, Criminal Justice Section Diversity Committee, St. Joseph’s Law Alumni Chapter; the Pennsylvania Trial Lawyers Association, Pennsylvania Bar Association; certified arbitrator, Philadelphia Stock Exchange; NASD, NYSE, Philadelphia Court of Common Pleas, U.S. District Court for the Eastern District of Pennsylvania; redress attorney, Pennsylvania NAACP.

Candidate’s Statement: My platform issues are to encourage diversity and inclusion of all persons to become attorneys; to advocate for more funding for all levels of education starting from preschool through college; advocating for more funding for drug and mental health treatment programs, as well as job training programs for ex-offenders to assist in their re-entry into society; and to promote civic responsibility and participation among our young people to be active in local, state and federal legislatures. In 1989, I began my private practice. I have extensive trial experience and I have obtained both acquittals in criminal matters, and substantial settlements for my clients whose civil rights were violated.

Diane Penneys Edelman

Professional Background: professor of law and director of international programs, Villanova University Charles Widger School of Law; Brooklyn Law School.

Activities: cochair, International Law Committee; cochair, ABA Section of International Law; International Legal Education and Specialist Certification Committee; former president and board member, Lawyers’ Committee for Cultural Heritage Preservation; Association of American Law Schools; Association of Legal Writing Directors; Legal Writing Institute; Fulbright Specialist, Lithuania; teaching experience, Montréal, Moscow, Rome.

Candidate’s Statement: As a civil litigator for Stroock & Stroock & Lavan LLP in New York and Hoyle, Morris & Kerr, and then as an academic for over 25 years, I hope to serve as a bridge between the law school community and the bar as a whole, finding common ground and helping to cultivate interest among law students, faculty, and new lawyers for the Association’s valuable work. It is more important than ever to strengthen that relationship now that there no longer is a seat for a law school dean on the Board of Governors. I would strive to be an emissary for the policymaking work of the Association and build membership from within the law school community. In addition, with a demonstrated passion for international law, I would promote the importance of globalization to all lawyers.

A. Grant Phelan

Professional Background: partner, Klehr Harrison Harvey Branzburg LLP; Widener University Delaware Law School.

Activities: chair, board of directors, Chester-Upland Youth Soccer/Soccer for Success; executive council, Haverton School Alumni Society; Lower Merion Township Committee/; former chair, former member, board of directors, Art-Reach; former president, College of William and Mary Alumni Association, Philadelphia Chapter; member, 2011 MS Leadership Class, National Multiple Sclerosis Society; member, Philadelphia’s 101 Top Connectors, Leadership Philadelphia.

Candidate’s Statement: I believe the Philadelphia Bar Association can and should be a resource of first resort for lawyers of all ages, backgrounds and practice areas. If elected, I will work with leadership to increase membership, streamline access and improve functionality. I believe my prior leadership roles, both inside and outside the practice of law, provide the requisite experience to accomplish these tasks.

Dino Privitera

Professional Background: founding member, Privitera & Hurley, LLC; continued on page 18
Board Candidates continued from page 17

Temple University Beasley School of Law.

**Activities:** vice chancellor, Justinian Society; member, Verdict editorial board member, Philadelphia Trial Lawyers Association; member, Pennsylvania Bar Association Judicial Evaluation Commission Investigative Division; member, Philadelphia District Attorney’s Alumni Association; former member, executive board, Temple Law Alumni Association; former member, board of directors, Police Athletic League; former member, National Crime Victims Bar Association; former member, National Italian American Foundation; former member, National Italian American Bar Association; former member, Federal Bar Association - Criminal Law Committee; former member, National Association of Criminal Defense Lawyers.

**Candidate’s Statement:** As the son of immigrants, I know the value of hard work, sacrifice and public service. My parents instilled in me the importance of leading by example and giving back to the community. As a young prosecutor and now as a trial lawyer, I have championed the rights of people traumatized by crime or injury. Whether it be my prior pro bono work defending innocent homeowners in civil forfeiture proceedings, successfully obtaining permanent residency status for an Iraqi interpreter who was nearly killed in a car bombing attack or helping my young daughter start her own Alex’s Lemonade Stand, I have tried to make a difference in people’s lives. It is my sincere desire to continue to serve the public good, promote fairness, equality and justice, be an agent for positive change and a strong advocate for causes that are important to Association members, which has inspired me to seek election to the Board of Governors.

**Riley Ross III**

**Professional Background:** partner, Mincey Fitzpatrick Ross, LLC; University of Virginia School of Law.

**Activities:** vice president, board of directors, Pennsylvania Innocence Project; secretary, board of directors, Defender Association of Philadelphia; member, board of directors, ACLU of Pennsylvania; member, board of directors, Lawyers Concerned for Lawyers; member, board of directors, No Longer Bound; member, House of Delegates member, Civil and Equal Rights Committee chair, Pennsylvania Bar Association; treasurer, Federal Criminal Law Committee, Eastern District of Pennsylvania; Hearing Committee member, Disciplinary Board, Supreme Court of Pennsylvania.

**Candidate’s Statement:** As the son of Criminal Defense Lawyers.

**Activities:** member, executive committee, State Civil Litigation Section; member, Appellate Courts, ADR, Federal Courts committees; member; Pennsylvania Joint House & Senate Alternate Dispute Resolution Committee; member, Delaware County Bar Association; church attorney, diocesan counsel in clergy discipline matters.

**P. Douglas Sisk**

**Professional Background:** mediator/arbiter, ADR Options; law professor, Temple University Beasley School of Law; director, appellate mediation, Superior Court of Pennsylvania; mediator, clerk of court, chief staff counsel, U.S. Court of Appeals for the Third Circuit; Temple University Beasley School of Law.

**Activities:** member, executive committee, Civil and Equal Rights Commission Investigative Division; member, Appellate Courts, ADR, Federal Courts committees; member; Pennsylvania Joint House & Senate Alternate Dispute Resolution Committee; member, Delaware County Bar Association; church attorney, diocesan counsel in clergy discipline matters.

**Professional Background:** partner, Mincey Fitzpatrick Ross, LLC; University of Virginia School of Law.

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**Candidate’s Statement:** I am seeking a seat on the Board of Governors to join the important and meaningful work that the Philadelphia Bar Association is doing in the city and throughout Pennsylvania. I moved to Philadelphia in 2006 and am proud to call it home because of the progressive strides the city is making in the areas of civil rights and access to justice. The Association plays a major role in these advances and many others and I am seeking the opportunity to be a part of that effort. I believe that my past and current leadership roles will be an asset to the Board of Governors and I would be honored to have your vote.

7 Seats on YLD Executive Ctte. Unopposed

For 2018, seven candidates for Young Lawyers Division executive committee are unopposed. The candidates are Raphael F. Castro, P. Michael Jones, Andrew A. Napier, Courtney M. O’Brien, Michael J. Rugnetta, Melissa Ruth and Jordan Strokovsky.

Castro is an associate at Pond Lehocky Stern Giordano and graduated from Widener University Delaware Law School.

He is a member of the Pennsylvania Bar Leadership Institute (2018-2019), cochair of the Community Outreach Subcommittee of the Pennsylvania Minority Bar Committee (2018-present), volunteer on the Advancing Civics Education Committee (2017-present), member on the Philadelphia Youth Court Advisory Board (2017-present), child advocate for Support Center for Child Advocates (2017-present), member of the Hispanic Bar Association of Pennsylvania (2015-present) and a board member on the Southeast Mutual Assistance Association Coalition (2016-present). He was a fellow on New Leaders Council of Philadelphia (2017) and a Young Lawyer Board Observer (2015).

Jones is a homeownership staff attorney at Philadelphia VIP and graduated from Duquesne University School of Law.

He is a volunteer citizenship attorney for HIAS/New Americans Campaign and a volunteer legal fellow at ACLU-PA.

Napier is an associate at Blank Rome LLP and graduated from Villanova University Charles Widger School of Law. She is a volunteer attorney for the Nationalities Service Center Green Card Clinic and a Philadelphia VIP volunteer attorney in Philadelphia Family Court.

Rugnetta is an associate at Christie & Young PC and graduated from Boston University School of Law. He is a member of the State Civil Litigation Section Investigative Division; member, Appellate Courts, ADR, Federal Courts committees; member; Pennsylvania Joint House & Senate Alternate Dispute Resolution Committee; member, Delaware County Bar Association; church attorney, diocesan counsel in clergy discipline matters.

O’Brien is an associate at Blank Rome LLP and graduated from Villanova University Charles Widger School of Law. She is a volunteer attorney for the Nationalities Service Center Green Card Clinic and a Philadelphia VIP volunteer attorney in Philadelphia Family Court.

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Addressing Complex Needs of Military Veterans

Chapter. Strokovsky is a trial attorney at McElroy Young and graduated with a J.D. from Widener University Delaware Law School and a LL.M. from Temple University Beasley School of Law.

He is the Young Lawyers Division liaison to the State Civil Litigation Section, co-founder of the YLD Running Group, a member of the volunteer attorney panel for the Eastern District of Pennsylvania, a child advocate for Support Center for Child Advocates, a volunteer attorney for Philadelphia VIP and a member the board of directors of Morris Animal Refuge and SEAMAAC.

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It is no secret that lawyers’ services are expensive and there is a crisis among those living at or near poverty who need quality legal representation. According to the 2016 Justice Index there is less than one attorney available to provide pro-bono representation for every 10,000 poor Americans. Within this demographic are veterans. According to the latest Community Homeless Assessment, Local Education and Networking Groups Report, eight of the top 10 unmet needs facing homeless veterans are legal in nature.

Military Assistance Project is a nonprofit organization that helps to fill that need. Headquartered in Philadelphia, but serving veterans from across the nation, we provide free legal services for active duty, reserve component or veteran military personnel and their widows/spouses in the form of consumer and veterans’ administrative law services. Rightfully, many are becoming more attuned to the physical and psychological trauma members of our military face. What many do not know is that, simultaneously, veterans and current service members can find their financial situation in shambles owing to their time while serving abroad. Lawyers play a crucial role in helping veterans navigate applicable financial laws and, when appropriate, file bankruptcy to get a fresh start.

In 2017, MAP helped discharge $2.25 million in debt on behalf of veterans. Since 2011, we have helped more than 1,500 veterans discharged over $15 million in debt.

Furthermore, weaving a trauma-informed approach to MAP’s service-delivery model enables us to provide legal services thoughtfully and compassionately across a spectrum of client needs. The hallmarks of trauma-informed practice are when the legal practitioner puts the realities of the client’s trauma experiences at the forefront in engaging with the client and adjusts the relationship by that experience.

For those veterans whose discharges disqualify them for VA benefits, the administrative system can seem an un navigable maze of paper, rules and policies. And, it takes forever. For a veteran who must appeal an adverse decision from the original VA intake system, it takes an average of 1,878 days to have that decision reversed. The daunting task of fighting through this agency turns so many people away, especially when they do not have the assistance of an advocate, which, unsurprisingly, includes those without financial resources who need benefits the most. For many in the veteran community, particularly those already suffering from severe trauma, frustration with the system can lead to a deterioration of mental health and even suicidal ideation.

One of our clients provides an example. Tommy* is a Purple Heart recipient, with severe injuries resulting from an injury he suffered in Afghanistan, and suffers from PTSD and Major Depression Disorder all stemming from his service, which led to periods of self-harm/suicidal ideation.

A few weeks ago, Tommy was suicidal and when he sought treatment at VA he was turned away.

Tommy, a MAP attorney and I personally witnessed the exhausting and exorbitant wait times veterans face at VA every single day. We were with Tommy for 12 hours, including being with him in the emergency department at the VAMC for five of those long and dark hours; writing letters and literally knocking on doors for assistance. After all this, he was admitted into the VAMC and is now receiving the treatment he deserves.

Through MAP’s trauma-informed advocacy, Tommy is safe and, most importantly, alive. My heart cannot imagine what would have happened to him if strong advocates had not been there for him—in his corner.

Unfortunately, Tommy’s story is not unique. Twenty-two veterans kill themselves every day; unemployment, debt, income insecurity and struggles with VA pose significant challenges to mental health.

Our vets deserve better, and you can help. MAP provides training and mentoring for all attorneys interested in volunteering to assist our clients in all or one of the many services we provide to serve those who signed that blank check on our behalf.

Dr. Cecilia M. Cardesa-Lusardi (cecil@ militaryassistantproject.org) is the executive director of the Military Assistance Project.

*Names changed to protect privacy.

Candidates for YLD Exec. Committee

The Philadelphia Bar Association’s Young Lawyers Division Annual Election of Executive Committee members will be conducted via online ballot. This year, 10 candidates are seeking election to seven seats available on the YLD Executive Committee. Committee members serve 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. 19 with instructions. Online voting will end on Wednesday, Dec. 5 at 5:30 p.m. Only members in good standing of the Association’s Young Lawyers Division may cast votes in this election. Attorneys are members of the Division if (1) they have not yet reached or reached the age of 37, or (2) they have not yet reached or reached the third anniversary of their first admission to the bar of any state.

Candidates for Office (elect seven)

Raphael F. Castro
P. Michael Jones
Andrew A. Napier
Courtney M. O’Brien
Michael J. Rugnetta
Melissa Ruth
Jordan Strokovsky

Candidates for YLD Board Observer Program

1. She is the Women in the Profession Committee liaison to the Young Lawyers Division, a child advocate for Support Center for Child Advocates and a member of the New Leaders Council, member of the Board Observer Program, member of the Young Lawyers Division, a member of the State Criminal Law Section, certified arbitrator, member of the Administrative Law Section, certified mediation, member of the New Leaders Council, member of the Board Observer Program, member of the Young Lawyers Division, a child advocate for Support Center for Child Advocates and a member of the Penn State Alumni Association Philadelphia Chapter.

Strokovsky is a trial attorney at McElroy Young and graduated with a J.D. from Widener University Delaware Law School and a LL.M. from Temple University Beasley School of Law.

He is the Young Lawyers Division liaison to the State Civil Litigation Section, co-founder of the YLD Running Group, a member of the volunteer attorney panel for the Eastern District of Pennsylvania, a child advocate for Support Center for Child Advocates, a volunteer attorney for Philadelphia VIP and a member the board of directors of Morris Animal Refuge and SEAMAAC.

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- careercenter.philadelphiabar.org

### Have an Ethics Question?

Call the Philadelphia Bar Association Ethics Hotline at 215-238-6328
LawPay

What’s Your Collection Rate?

By Claude Ducloux, director of education, LawPay

Every legal professional expects that some percentage of their bills will not be paid—any lawyer who says, “I have a 100 percent collection rate” is probably lying. Professional service firms actually accommodate for “bad debt” in annual budgeting, and small fluctuations in your collection rate can have a huge impact on your bottom line.

As a director for several for-profit boards, I often see 5-10 percent in lost earnings. Knowing this, I’ve reviewed my year-end billings and determined that I’m fortunate to maintain a 97 percent collection rate, despite a diverse practice where clients are digging in their pockets to pay. To get to a 97 percent collection rate, I’ve learned many hard lessons, and I always try to share these in my law practice management speeches and articles. Some of my most important learnings are recorded below.

Interviewing the client

Few lawyers are trained to thoughtfully and intelligently listen to the client. The result of a thorough interview should be reasonable expectations by the client, and by the lawyer, using these steps:

- Determine whether the client’s expectations can be realistically satisfied.
- If so, give the client a road map of what the most important next step will be, and the decisions that may arise thereafter.
- Ensure the client understands cost and the firm’s expectation of payment, discussing how they plan to pay and whether they can afford your services.
- Exercise your good judgment as to whether this client is credible. (It’s hard to teach this, but if stories don’t make sense, and you’re not the first attorney who has attempted to help this person, alarm bells should ring.)

Bottom line: when the interview ends, both sides should be comfortable and confident in the integrity of the other party.

Communication during the case

Nothing protects the lawyer and firm more than vigorously updating the client throughout this process and controlling the narrative of events. The single biggest complaint against lawyers in the United States is a failure to return phone calls. Failure to communicate not only can get you in trouble with the bar, but affects the client’s willingness to pay your bill. Create confidence and protect yourself by sending frequent, even if short, updates to the client. You’re a team, after all.

Billing the case

Effective billing includes all of these elements:

- Carefully craft the bill. Use real words and explanations of what you did, and don’t bill for things like office supplies. Billing menial tasks and supplies only makes clients angry and less likely to pay you in a timely manner.
- Record your time daily. It doesn’t take that long to do it. Good lawyers don’t need to spend more than five minutes per day with a good, basic billing system.
- Get the bill out on a set schedule every month. If you expect your clients to understand billing is important, get bills out on the first business day of the month. The previous month’s activities will be recalled more readily by the client. Clients routinely complain that all too often, they receive bills 90 days or more after the work is done. That delay astronomically increases the client’s reticence to pay you:

“If you can go 90 days without billing me, clearly you don’t need the money.”

- Make it easy to get paid! Nothing has supercharged my own collections more than giving clients the opportunity to pay immediately with a credit card. Small firms especially need this professional capability, and no one does it better than LawPay. It works wonderfully in private practice.

LawPay is the proven payment partner for lawyers, helping you get paid without having to sacrifice valuable time. LawPay was developed to meet lawyers’ specific needs, providing a simple, easy-to-use payment technology that correctly separates earned and unearned fees and protects your IOLTA account. LawPay is an approved Member Benefit of the Philadelphia Bar Association, trusted by more than 50,000 lawyers, powers payments for more than 30 industry-leading software products, and is the only payment solution offered through the ABA Advantage program. LawPay’s knowledgeable support team works to help you at your practice in success. And with technology that exceeds internet security standards, your sensitive data is completely protected.
**Compliant License**

The 'Real' Deadline for Travelers to Have a REAL ID

**Legal Advisory Update From USI Affinity**

**The 'Real' Deadline for Travelers to Have a REAL ID Compliant License**

**By James Zwolak**

Like many Philadelphians, I had not set foot in the iconic Bourse Building at Fifth and Market streets since Bill Clinton blew his sax on the Arsenio Hall show. Its middling food court was a tourist trap, a convenient pit stop between carriage rides and a Liberty Bell visit.

However, owner MRP Realty just invested $50 million to restore the Bourse to its 19th century glory, uncovering original ceramic tile flooring and accentuating its exquisite architectural details. More importantly, MRP made a huge decision by choosing to restock its food court with all local or nearby independent vendors.

Two trips with curious colleagues provided me with a sensible sampling.

Our first trip didn’t leave Asia. I hit the Mi and Yu Noodle Bar, where you participate in the annoying, and millennial, ritual of choosing your protein, noodle and broth separately. Notwithstanding my agitation, my buttermilk fried chicken with ramen noodle and spicy sambal duck broth was stellar, its distinct combo of crispy skin, succulent chicken and funky, piquant broth was my dream “Frankenrena” realized.

Mike’s choices of the brown rice bowl with “ba ramen” pork, kimchi coleslaw and saba roja, as well as his bulgogi steak tacos from Korean joint, Takorean, were middling. It reminded him of a “Korean-inflected Chipotle” filling, but the pork was too dry, and the kimchi lacked the requisite heat. Finally, Ben, who can cook things and knows important people in the industry (unlike me), visited Lalo, the much-hyped Filipino street-food venue. Ben’s special longanisa dog with calamansi juice was grilled yumminess. His arroz caldo (a Filipino rice porridge) possessed a forward sweet-salty that brought easy and decadent pleasure. But Lalo’s star was the special tocino ribs, well-seasoned, falling off the bone, and accompanied by well-flavored garlic rice.

Our subsequent visit had no misses and one superstar. Bar Reporter Emeritus Mary Kate sampled the new outpost of former casual South Philly Indian mainstay, Chaat and Chai, which I had visited frequently. Her chicken chaat roll was crispy and tart, yet spicy, just like I fondly remembered. Lauren enjoyed her gemelli pasta with vodka sauce and grilled chicken from Bronze Table by Vera Pasti. Her sauce was not too creamy and had the perfect amount of caramelized onions. Steve tried the special prime rib with “spicy” sauce and onions from sandwich shop, Rustica Rosticceria. He loved the bread, but thought the meat was overdone and under seasoned, with appropriate amounts of arugula but not enough onion.

However, the Bourse’s rock star was Mighty Melt, a collaboration between East Passyunk pie-and-mash super-joint, Stargazy and the Mighty Bread Company. For its Brick House sandwich, with teggio, braised beef, mushrooms and onion jam on thick, precisely grilled sourdough, I watched the chefs pull four succulent “Flintstone” meats from a simmering cauldron of broth, their tender slices filling my sublime sandwich almost immediately. The beef fat fries were crispy, artery clogging goodness.

The Bourse Food Hall may be the most important new tourist attraction in Philly. But you should check it out anyway!

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

**Historic Rehab With Local Flavor**

**By James Zwolak**

**Legal Advisory Update From USI Affinity**

**The 'Real' Deadline for Travelers to Have a REAL ID Compliant License**

As states continue to become compliant with the REAL ID Act, which sets universal, nation-wide standards for identification (i.e. driver’s licenses), there is still mounting confusion for companies and their corporate travelers over which enforcement deadlines to pay attention to.

To break it down, there are two deadline types you should know about, and the latter is the most relevant for travelers.

**State Deadline**

33 states and Washington, D.C. are already issuing licenses and identification cards that meet the new standards. The other 17 states and five U.S. territories have extensions which expire on October 10, 2018.

Starting that day, travelers in non-compliant states that do not have extensions will not be able to use their driver’s licenses at TSA checkpoints in U.S. airports.

Before you panic, remember that further extensions are likely to be issued. That said, if your state isn’t REAL ID ready, make sure you or your travelers have a passport or alternative identification on-hand to show at the airport.

For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinity.com/Philadelphia. For Lawyers’ Professional Liability and other business coverage, you can continue to visit the regular Philadelphia Bar Association Insurance Program website at www.usiaffinity.com/PhiladelphiaBar. If you’d like to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 1-855-849-0267.

For over 75 years, the divisions of USI Affinity have developed, marketed and administered insurance and financial programs that offer affinity clients and their members unique advantages in coverage, price and service. As the endorsed broker of the Philadelphia Bar Association and more than 30 other state and local bar associations and with more than 30,000 attorneys insured, USI Affinity has the experience and know-how to navigate the marketplace and design the most comprehensive and innovative insurance and benefits packages to fit a firm’s individual needs.
Teresa M. Rodriguez, hearing officer with the Philadelphia Municipal Court’s Traffic Division, has been invited to join the prestigious Temple American Inn of Court.

Fred B. Buck, partner at Rawle & Henderson LLP, was named chair of the Federal Civil Procedure Committee of the American College of Trial Lawyers at the College’s Annual Meeting in New Orleans, Louisiana on Sept. 29.

Priscilla E. Jimenez, attorney at Kline & Specter, PC, was honored as one of Pennsylvania’s Most Influential Latino Leaders for 2018 by Latino Connection on Oct. 12.

Dana Trexler, partner at EisnerAmper, was recently elected to the board of directors of the Public Interest Law Center.

Melissa Boyd, partner at High Swartz, recently moderated a panel at the annual Montgomery County Commission on Women and Families Awareness Event, an event focused on discrimination against women.

Melissa A. Martinez, associate at Saul Ewing Arnstein & Lehr LLP, was selected for the New Jersey Bankruptcy Lawyers Advisory Committee.

Lloyd Freeman, partner at Archer & Greiner PC, was appointed as a member of the Drexel University Thomas R. Kline School of Law Advisory Board.

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

The Philadelphia Lawyer Magazine Accepting Submissions for Race and Law Issue

The editorial board of The Philadelphia Lawyer magazine is soliciting submissions for a forthcoming issue on race and the law. The board is looking for articles that tell stories from the perspectives of people of all colors who have encountered the law in any way. This issue is slated for spring 2019.

We are looking for shorter articles of 750 words and longer feature-length articles of 1,200-1,500 words.

Authors may ask to remain anonymous to protect their privacy.

All submissions must be previously unpublished and approved by the board for publication. No article is guaranteed to be published. For more information and to submit an article for consideration please email tplmag@philabar.org.

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