Register Online By Oct. 13 for Bench-Bar

Online registration for the 2010 Bench-Bar & Annual Conference is available until Wednesday, Oct. 13. This year’s conference will be held Friday and Saturday Oct. 15 and 16 at the Borgata Hotel Casino & Spa in Atlantic City, N.J.

Fourteen CLE programs in a variety of practice areas are being planned for the Bench-Bar & Annual Conference. The CLE programs, in which attendees can earn up to eight hours of credit (including the opportunity to earn two ethics credits), will feature judges and some of the city’s most well-known practitioners, who will use their expertise and experience to enlighten attendees. Registration is available at philabenchbar.org.

A dramatic reenactment commemorating the 275th anniversary of Andrew Hamilton’s historic 1735 defense of printer John Peter Zenger will be offered for CLE credit as the opening plenary program on Oct. 15. The case established the concept of freedom of the press and coined the term “Philadelphia lawyer.” (The Trial of John Peter Zenger: A Play in Four Scenes, by Michael E. Tigar, Copyright © 1986)

Bar Launches Civil Gideon Corner on Web

The Philadelphia Bar Association has launched Civil Gideon Corner, a resource where attorneys can learn more about expanding the right to counsel for low-income people in civil cases where basic human needs are at stake.

“Using this technology portal will allow us to keep members updated on the Association’s progress,” said Chancellor Scott F. Cooper. “It will also serve as a resource for attorneys who want to know more about civil Gideon and how they can get involved.”

In 2009, Chancellor Sayde J. Ladov formed the Philadelphia Bar Association’s Civil Gideon Task Force. The mission of the Task Force is to investigate and consider all aspects of an effective system of civil Gideon in Philadelphia, including the development of concrete and practicable proposals to advance the implementation of a civil right to counsel in those areas of adversarial civil proceedings where basic human needs are at stake.

In a resolution adopted by the Board of Governors in April 2009, the Task Force was charged with examining civil Gideon efforts underway in other states, developing strategies for implementing civil Gideon in Philadelphia and making recommendations in two areas of basic need: cases involving the loss of shelter and child custody.

Historical Society Kickoff Event

Past Bar Association Chancellors (from left) Peter Hearn, Alan M. Feldman, Sayde J. Ladov, Allan H. Gordon, Seymour Kurland, Robert C. Heim, Abraham C. Reich, current Chancellor Scott F. Cooper, Jane Leslie Dalton, Lawrence J. Beaser, Executive Director Kenneth Shear and Edward F. Chacker gather at the reception introducing the Association’s Historical Society on Sept. 22 at Jenkins Law Library.

Temple University Senior Vice Provost for Strategic Initiatives and Communications Betsy Leebron Tutelman (left) was honored by the Historical Society at the event. Tutelman, along with Temple students Patrick Rosenbaum and Andrew Reynolds, recorded interviews with the past Chancellors for the Association’s future Historical Society website. Historical Society Co-Chair William P. Fedullo (above, from left), Chancellor Scott F. Cooper and Gerard J. St. John meet after the event. For more on the Historical Society, see Cooper’s column on Page 3.

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Bar Historical Society Keeps Eye on the Past While Looking Ahead

“"When the past no longer illuminates the future, the spirit walls in darkness.""  - Alexis de Tocqueville, author of Democracy in America

In a year in which we have done much building for the future, it is time to celebrate from where we have come. For months, the Philadelphia Bar Association has been working on recording and bringing to life our history. This month we are ready to show the fruits of those labors.

In a series of events this fall, the Association will celebrate where we have come from and how it affects where we are going. Our centerpiece is the unveiling of our new Historical Society. Through it, we are both preserving and bringing to light our history.

In my inaugural address, I challenged our Association to undertake a significant effort to preserve our history. My proposal was simple: promptly create an Historical Society focused on the unique history of the Association, our members, legal employers and our commitment to public interest. Under the exceptionally capable leadership of co-chairs William P. Fedullo, Robert C. Heim and Roberta D. Liebenberg, we have met that challenge. Their work will allow many Philadelphia lawyers and other members of the community to study our cherished history for the very first time.

In late September, the Historical Society rolled out its first major initiatives. First, it previewed our interactive timeline and its just-completed video interviews of 32 of our past Chancellors and our executive director, Ken Shear. The collection of these interviews was possible only because of an amazing partnership with Temple University, and Senior Vice Provost for Strategic Initiatives and Communications Betsy Leehbron Tutelman. We completed it after six months of "field" tapings.

continued on page 12

Elections Committee Formed; Candidates Sought

By Scott F. Cooper

The Philadelphia Bar Association has formed its Elections Committee, which is chaired by Immediate-Past Chancellor Sayde Joy Ladov and consists of Michael L. Viola, Scott W. Reid, Louis S. Rudil, Lawrence S. Felzer, Albertine Y. DuFrayne, Brandi Brice, Sean R. Sullivan, Jeffrey S. Gross and Jeffrey Campolongo.

Chancellor Scott F. Cooper, Chancellor-Elect Rudolph Garcia, Vice Chancellor John E. Savoth and Board of Governors Chair Richard S. Seidel serve as ex-officio members.

Offices for which candidates are being solicited are Vice Chancellor, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, and five seats on the Board of Governors. Each Board seat carries a three-year term.

Association members may become candidates for any of these offices by filing with the Secretary, at least 60 days prior to the Dec. 7, 2010 Annual Meeting, nominations in writing which, for candidates of the Board, must be signed by at least 25 members who are entitled to vote; for candidates for Secretary, Treasurer, Assistant Secretary and Assistant Treasurer, shall be signed by at least 35 members who are entitled to vote; and for candidates for Vice Chancellor, shall be signed by at least 100 members who are entitled to vote.

Individuals who wish to run for any of the above named offices should contact Staff Counsel Brian Sims at bsims@ philabar.org for additional information. Signatures, along with a resume, and written authorization should be submitted to Association Secretary Kathleen Wilkinson, c/o Brian Sims, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107, no later than 5 p.m. on Thursday, Oct. 7.

NOTICE TO POTENTIAL JUDICIAL CANDIDATES

The Commission on Judicial Selection and Retention of the Philadelphia Bar Association evaluates the qualifications of persons seeking appointment or election to the Philadelphia Common Pleas and Municipal Courts. Individuals who wish to be considered for appointment or who are considering filing for the 2011 primary election as judicial candidates should contact the Commission on Judicial Selection & Retention c/o Charles J. Klitsch, Esq., the Bar Association’s Director of Public and Legal Services, to obtain a Judicial Evaluation Questionnaire, the Commission’s Guidelines for Evaluation of Attorney and Judge Candidates and Bylaws of the Philadelphia Bar Association. In order to ensure that each candidate receives a full and fair evaluation, the completed questionnaire must be returned by Wednesday, Dec. 8, 2010 to “Judicial Commission,” Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107-2955. Also, candidates who have previously been evaluated by the Commission are invited to contact the Association to determine whether their ratings are current by calling Mr. Klitsch at (215) 238-6326.

Individuals are reminded that under the Commission’s Guidelines, any candidates who do not participate in the Commission’s evaluation process will receive “Not Recommended” ratings if they continue to pursue either appointment or election.

A. Harold Datz, Esquire
2010 Chair, Commission on Judicial Selection and Retention
National Pro Bono Week Events

Start Oct. 22

By Sara Woods

Philadelphia will again kick off its celebration of National Pro Bono Week on Oct. 22 with a series of events designed to celebrate pro bono and inspire our community to give back to those in need.

Sponsored by the American Bar Association, National Pro Bono Week is a coordinated national effort to meet the ever-growing needs of this country’s most vulnerable citizens by encouraging and supporting local efforts to expand the delivery of pro bono legal services, and by showcasing the great difference that pro bono lawyers make to the nation, its system of justice, its communities and, most of all, to the clients they serve.

Last year, hundreds of volunteers provided service to clients with critical legal issues in Philadelphia. Dave Walker, a new graduate from Rutgers University School of Law, saw this as the perfect opportunity to give back to the community as a new lawyer. He attended a training during National Pro Bono Week, participated in Philadelphia VIP’s mortgage foreclosure program, and successfully kept several clients in their homes. He is now an experienced volunteer and is assisting a new client with a complicated homeownership matter.

The Philadelphia legal community has a long history of service to the public, dating back to Andrew Hamilton. This year, the Philadelphia Bar Association builds on that tradition with events designed to appeal to our newest members of the bar and our most experienced. As a kickoff to National Pro Bono Week, 30-minute “Pro Bono Road Shows,” from area public interest agencies will be offered at firms and corporations during the week of Oct. 18. The Road Shows will highlight pro bono opportunities available in the city.

To schedule a Road Show, contact Bailey Andersen at 215-523-9567 or jvolunteer@phillyvip.org.

Calendar of Events

Friday, Oct. 22

• Young Lawyers Division Panel Discussion – Spotlight on Pro Bono
  12 p.m. at Philadelphia Bar Association, 1101 Market St., 11th Floor Conference Center. Register at philadelphiabar.org.

Tuesday, Oct. 26

• Support Center for Child Advocates CLE training program – How to Handle a Child Abuse Case
  8:30 a.m. to 4:30 p.m., at The CLE Conference Center, 10th floor Wanamaker Building, Juniper Street entrance. Register with PBI at 1-800-247-4724.

• Homeless Advocacy Project Legal Clinic
  10 to 11 a.m., at Kirkbride/Traveler’s Aid, 111 N. 49th St. Register with Cary Moritz at 215-523-9567 or cmoritz@philalegal.org. (Pre-registration is required.)

Wednesday, Oct. 27

• VIP Pro Bono Opportunities Day – Spotlight on Stabilizing Families
  8 a.m. to 12:15 p.m., at Montgomery, McCracken, Walker & Rhoads, LLP, 123 S. Broad St., 28th Floor. Program will feature training sessions on custody, guardianship and protection from abuse. Two substantive CLE credits are available in exchange for handling a VIP case within six months of the training. To register, contact Bailey Andersen at 215-523-9567 or jvolunteer@phillyvip.org.

Friday, Oct. 29

• Homeless Advocacy Project Legal Clinic
  1:45 to 3 p.m. at St. John’s Hospice, 1221 Race St. Register with Cary Moritz at 215-523-9567 or cmoritz@philalegal.org. (Pre-registration is required.)

For more information about National Pro Bono Week, please visit www.celebrateprobono.org.

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Collaborative Family Law Keeps Cases Out of Court

By Julia Swain

Litigation avoidance and cooperation are the cornerstones of collaborative family law, a form of alternative dispute resolution. Collaborative family law originated in California about 10 years ago and came to our area about eight years ago.

An introduction to the collaborative process was presented to the Family Law Section on Sept. 13 by David I. Grunfeld, Billie Schnall and Barbara B. Zulick, members of the Collaborative Family Law Affiliates (CFLA), the Pennsylvania interdisciplinary organization devoted to practicing and promoting the collaborative process.

Unlike mediation and arbitration, in the collaborative context, the parties and their respective attorneys sign an agreement to keep the matter out of court. If litigation becomes unavoidable, the lawyers must withdraw from the case. This type of limited scope representation has been approved by the American Bar Association and the Philadelphia Bar Association Professional Guidance Committees. Under PA Rule of Professional Conduct 1.2(c), an attorney can limit the scope of representation if the limitation is reasonable and the client provides informed consent. Therefore, in the collaborative context, the representation agreement must specifically set forth the limitations of the engagement and the parties and counsel also sign a supplemental collaborative agreement, which specifically states that counsel will withdraw if litigation becomes necessary.

Once a collaborative matter commences, the parties and counsel engage a mental health specialist and a financial advisor, who are selected from a list of providers and are also members of the CFLA. The mental health experts provide various services, including acting as a custody coach. This role limits and can even eliminate the attorneys’ need to deal with the day-to-day custody issues, such as exchange times, holiday schedules, improving communication between the parties and changes to the regular schedule. The parties meet with the mental health expert without counsel, but share all the information with their respective attorneys.

The mental health expert has the right to continued on page 13
Carol E. Tracy discussed her testimony before the U.S. Senate Judiciary Committee.

Tracy Reports on Sex Assault Testimony

By Nicole C. Edwards

The mishandling of rape cases by Philadelphia police was the topic of Carol E. Tracy’s recent U.S. Senate Judiciary Committee testimony, Tracy told the Women’s Rights Committee at its Sept. 15 meeting.

Tracy, executive director of the Women’s Law Project, first gave attendees the background of how the congressional hearing came about. She explained that the one of originating events for the hearing took place in 1999 when The Philadelphia Inquirer contacted her for an expose it was writing on the Philadelphia Police Department’s mishandling of sex crimes. At that time, when the police department would receive calls concerning rape or sexual assault, they would categorize those calls in the “non-criminal” category. As a result, the incidents were never reported or investigated.

The Women’s Law Project was subsequently tasked with auditing the police records relating to sex crimes. Tracy said that they audited all the files that fell within the applicable statute of limitations. What they discovered was shocking. Within a three-year period, 681 felony rapes and 1,700 other sex crimes had never been investigated. As a result of this finding, the police department decided to completely eliminate the practice of placing sex crimes in the “non-criminal” category.

Philadelphia, however, was not the only city where mishandling of sex crimes was occurring. Similar investigations conducted by journalists in New York, Baltimore, Milwaukee, New Orleans and Saint Louis uncovered similar results. For instance, in Baltimore, since 1992, the number of rape cases reported to FBI has declined by 81 percent. Conversely, since 1991, the percentage of rape cases deemed “unfounded” or “baseless” has tripled.

Tracy and others believed that part of this systemic and pervasive underreporting stemmed from the Uniform Crime Code’s archaic definition of rape, which only recognizes rape as non-consensual vaginal intercourse by force. In the fall of 2001, Tracy sent a letter to the FBI signed off on page 13.

Letters

Bechtle Tribute Captured Essence

To the Editor:

For decades the three of us might have been allies or adversaries, but, however infrequent our communications in recent years, I continue to be blessed to have such cherished friends. Jerry Litvin wrote so perceptively and touchingly about Perry Bechtle because, like Jerry, he is one of the best of our trial bar. He captured the essence of Perry’s character and style; “down-to-earth, humble, modest, generous and fair-minded.” Perry was a lawyer of the highest professional stature without a trace of pretentiousness. His delightful down-to-earth sense of humor and appreciation of life’s absurd moments were invaluable peace-making assets in his dealings with adversaries, especially in defusing moments of high tension. For example, after my adversary Perry had skillfully damped one of our important witnesses in a District Court jury trial, the judge then declared a brief recess. Accurately sensing that I was troubled, Perry came over to our counsel table to tell me how much he wanted to share something that had happened a few days earlier when he was trying a case in Common Pleas Court.

His opponent there was a major figure in the trial bar’s laughingstock, one of whose credentials was that he was notoriously bottom-heavy. To respond to a question the CP judge had asked him, he began to rise from his wooden armchair, but the chair rose with him as his bottom remained stuffed in it. Perry’s description of the incident and its courtroom aftermath instantly cured my troubled state.

Jerry’s “In Memoriam” is not only a deserved tribute to a splendid lawyer and human being, but it suggests a standard of conduct every lawyer should strive to honor in both the profession and the rest of our lives. “Above all else, Perry Bechtle was the very personification of civility.”

With deepest appreciation to Jerry and warmest memories of Perry,

Gratefully yours,
Seymour I. “Spence” Toll
From her very first days as a young prosecutor, Judge Jeanine Pirro had a passion for obtaining justice for all victims.

“In the late 70s it was not really a crime to beat or assault your wife…it was only a crime if you killed her,” Judge Pirro said.

“I realized equal rights and equal justice did not apply to women in a domestic setting.”

Pirro, host of the television program “Judge Pirro” on the CW Philly (Channel 57), discussed her experiences as a woman in the legal profession, her work fighting for victims of domestic abuse and hate crimes, and her new career in the television industry at a Sept. 8 luncheon hosted by the Bar Association’s Women in the Profession Committee.

Judge Pirro started one of the first domestic violence units in the nation with the help of the Law Enforcement Assistance Administration and funding from the Department of Justice. Her passion for advocating for women’s rights soon prompted her to ask the then-district attorney to try homicides, a request that made her the first woman in the history of Westchester County, N.Y., to prosecute a murder case. She was the first woman district attorney in Westchester County.

“The burden on me was not just to prove my case beyond a reasonable doubt but that if I didn’t win this, then every woman who came behind me would suffer,” Judge Pirro said.

She did win that first case – and every case after it. Her success drove her to become the first woman judge in the county, despite those telling her women didn’t have the “stamina” for the job. But her time on the bench couldn’t staunch her desire to fight crime head-on.

“Law enforcement was in my blood so I made the decision to step off the bench and run for district attorney,” Judge Pirro said. “I ended up being elected and then elected twice after that.”

Judge Pirro credited her being a woman for the unique perspective she brought to that role. She requested playpens and toys for the domestic violence unit. She established a separate room to videotape children so they wouldn’t have to go into the grand jury.

Her passion for protecting women extended to those victimized by hate crimes and then, with the advent of the Internet, to children targeted by child predators. A sting operation she instituted to capture these predators had a 100 percent conviction rate.

“My office was known for trumpeting the victim and crusading for them,” she said.

Advocating for victims’ rights may have been Judge Pirro’s main goal but becoming a television personality was not. The opportunity arose from perhaps the most well-known murder cases in American history.

“I was the sitting D.A. when the O.J. Simpson case broke…and that’s when it all started coming in – the press,” Judge Pirro said. “I never had an agent…it all started coming to me.”

She appeared on “60 Minutes” and “The Today Show,” among others, before running for attorney general in New York state in 2006. She lost the election but soon after received a call from Hilary Estey McLoughlin, president of Telepictures Warner Bros., proposing a court show featuring the judge.

“I remember looking at the phone and saying ‘Why?’” Judge Pirro said. “That was the beginning of my career in television.”

Now entering its third season, “Judge Pirro” features real litigants with real cases coming before the judge to receive final verdicts. The program airs daily at 12 p.m. on The CW Philly. Judge Pirro also continues to make appearances on various news programs. Through it all, her passion of advocating for victims remains as strong as ever.

“I don’t know why we call it the criminal justice system,” Judge Pirro said. “It should be the victim justice system. To me, the victim is always the underdog.”
Blogging by Lawyers Can Increase Visibility, Network, Panelists Say

By Ria C. Momblanco

Many a lawyer has probably fantasized about writing a blog of one’s own (right before writing that New York Times best-selling legal thriller and right after retiring early and sailing around the world).

According to a panel of notable bloggers speaking at the Sept. 16 meeting of the Bar-News Media Committee, authoring a blog doesn’t necessarily have to be a far-fetched fantasy, and it may even be worthwhile for those who want to raise their public profile, add to their professional network or share their expertise on certain topics.

The panel, moderated by Committee Chair Gina Furia Rubel, featured The Legal Intelligence’s Editor-in-Chief Hank Grezlak; Philadelphia attorney and Huffington Post blogger Saul Segan; Philadelphia Daily News political writers and Philly Clout bloggers Catherine Lucey and Chris Brennan; paralegal and Philly Chit Chat blogger HughE Dillon; and the Philadelphia Business Journal’s law and finance journalist and blogger Jeff Blumenthal.

According to the panel, blogging can enhance the visibility of a lawyer’s practice and expertise. As stated by Segan, “it’s a way for you to be known better if you want to be known better” since it provides an opportunity to tell readers one’s reaction to a news story or one’s take on a particular issue. Brennan observed that attorneys who have blogs tend to be viewed as experts in the legal issues about which they blog. In addition, those attorneys are able to communicate with those who respond to their posts, and those contacts can result in speaking engagements and other activities that boost their profile in the legal community.

Law blogs can boost a lawyer’s image in the media as well. According to Lucey, who covers legal news in relation to Philadelphia’s city politics, lawyers can be especially helpful in giving updates on pending cases and can offer insight on how the next step in the litigation may impact the parties. In addition, when journalists need an expert on a particular legal topic, they will often search law blogs and look for attorneys who have posted a number of articles on that topic.

With respect to content, panelists advised that blogs should focus on a particular topic, and they should take advantage of multimedia formats. Blogs can be used not only to showcase expertise, but also to share statistics, documents, links to other articles, and entertaining “fun little nuggets of information.”

In closing, Rubel gave some final advice to attorneys who are thinking of starting a blog as part of their marketing strategy: “Make sure you have something of value to say. Make sure there’s an audience who cares about it. Don’t just start blogging about anything because you want to set yourself apart from all the rest of the people who are out there doing the same thing,” she said. Rubel believes that since guidelines are important to giving an attorney and his or her blog the credibility needed to make the blog an effective marketing tool.

Attorneys who have blogs tend to be viewed as experts in the legal issues about which they blog.

Panelists for the Sept. 16 program on law-related blogging included (front row, from left) HughE Dillon, Catherine Lucey and Chris Brennan, along with (standing, from left) Hank Grezlak, Gina Furia Rubel, Saul Segan and Jeff Blumenthal.

Web Alive and Well for Legal Research

By Heather J. Austin

In an era when everything is done through apps accessed through iPhones and iPads, some believe the web is dead. Not so, according to Dan Giancaterino, education services manager for Jenkins Law Library. Giancaterino, a technology and research expert, says apps are fun and they may be used for some research. In fact, Jenkins’ FastCase is available as an app for the iPad. Such tools do not work well on small phone screens. Giancaterino showcased several free online research tools at the Sept. 16 meeting of the Law Practice Management Committee.

Google Scholar (scholar.google.com) has been indexing patents, journals, magazines and books for some time; however, it recently started indexing law review articles and cases. Through the site’s advanced scholar page, one can obtain state court cases dating back approximately 60 years, as well as federal court cases and law review articles. Giancaterino does not know how often Google Scholar’s sources feed it new cases or whether there are any gaps in time. Further, Google Scholar does not have shepardizing capability. But Google Scholar provides access to the full text of cases, and by clicking on a particular case, one can determine whether the case has been cited by other cases. With some digging, the user can determine if the case is good law.

Google Books (books.google.com) is another excellent research tool. Google Books allows one to preview a book before purchasing or borrowing it. Through the site, one can even search within a book to see if a specific term is referenced within that volume. The tool is accessible from the Jenkins online catalog (jenkinslaw.org) if the book is featured on Google Books. Use of Jenkins’ online catalog is not limited to library members. While Lexis representatives are not thrilled about it, Giancaterino revealed that Lexis offers LexisOne (lexisone.com) as a free service. This site includes federal and state cases for the last 10 years. A disclaimer is posted on the site, as Lexis does not guarantee that no cases have been continued on page 15
YLD Update

Looking for Work? Volunteer and Network

By Albertine DuFrayne

The SOUTH ASIAN BAR Association of Philadelphia recently invited me to speak on a panel about tips for young lawyers and law students who are looking for jobs. Luckily, I was joined on the panel by Ourania (Rainy) Papademetriou, managing attorney of Philadelphia VIP, and Jim Steigerwald, chair of the hiring committee at Duane Morris, LLP. I thought I would share some of the excellent advice that was presented at the event.

Rainy explained how volunteering with public interest organizations like Philadelphia VIP can provide hands-on exposure to litigation and client representation while offering opportunities to learn from more experienced mentors. VIP volunteers provide pro bono representation in a variety of areas, which allows young lawyers to gain experience in almost any practice area in which they have an interest, even if they are practicing another area at their place of employment. Jim pointed out that taking on pro bono representation in any field is an excellent way to fill a gap in a resume because it shows commitment and initiative.

All of the panelists agreed that, in addition to experience, it is important to go out and develop a community network of other young lawyers as well as more seasoned attorneys. Each person you meet has the potential to assist you and/or introduce you to other attorneys who may be able to assist you. You cannot be afraid to approach new people. Although initiating a conversation with someone new may seem awkward at first, most lawyers like to talk—a lot—so it gets more comfortable. You can also contact a judge and inquire about whether there is anything exciting scheduled in their courtroom. Ask whether you can observe in his or her courtroom. Make sure to approach the court officer to ask to introduce yourself to the judge at an appropriate time in the proceedings. Speak with attorneys who are waiting for their cases to be heard.

The Bar Association has more than 60 sections and committees on various topics of interest. Attending meetings in sections and committees outside of the YLD will help you get to know more established attorneys and learn about current issues in practice areas of interest to you.

The panelists also encouraged those in attendance not to get discouraged and to continue to pursue a position of interest to them until they have one.

If you are interested in volunteering with Philadelphia VIP or another public interest agency, visit PhillyVIP.org or the volunteer opportunities directory on the Bar Association’s website.

National Economic Outlook Oct. 5

DR. JASON FABERMAN, an economist at the Federal Reserve Bank of Philadelphia, will present a national economic outlook with a review of the region at a Young Lawyers Division 20/20 program on Tuesday, Oct. 5 at 12 p.m. in the 11th floor Conference Center of Bar Association headquarters, 1101 Market St.

The program is free to attend. Lunch can be purchased for $8.

Dr. Faberman joined the Regional and Microeconomics Section of the Federal Reserve Bank of Philadelphia’s Research Department in 2007. Prior to that, he spent four years as a research economist with the U.S. Bureau of Labor Statistics in Washington, D.C. His research interests focus on the labor market, with an emphasis on the employment behavior of individual businesses and workers and its implications at the macro level, micro level, and across different geographic areas. He received his Ph.D. and M.S. from the University of Maryland, College Park and his B.A. and B.S. from Lehigh University.
Know Risks of Technology in Your Practice

By Angie Halim

Without question, technology can be both a blessing and a curse. In his Sept. 14 presentation “Managing the Risks and Benefits of Technology,” attorney Daniel J. Siegel explained how good forethought and some simple steps can make technology more of a blessing than a curse.

The program was presented by the Professional Responsibility Committee and co-sponsored by the Young Lawyers Division and the Law Practice Management Committee.

While there are numerous benefits to using technology in legal practice, there are risks that lawyers must think about. Preparation is the key to managing the risks. Although lawyers and the legal industry have traditionally been behind the curve with technology, most practices now heavily rely on all facets of technology to run their day-to-day practices.

Technology has the capability to make better lawyers. It allows us to share information more quickly and more efficiently, to stay connected, and to run much more cost-effective offices. Siegel presented several categories of “hot topics” as it pertains to technology in legal practice: cloud computing, virtual law offices, disaster preparation and data loss prevention, e-mail and metadata.

Cloud computing, or hosting services, is essentially the “off-site storage” of data. Cloud computing allows users to store large amounts of data that does not have to be physically stored on an office computer. Siegel pointed out that data storage is much cheaper and much more accessible now than ever before. Lawyers can – and should – consider purchasing storage space from a managed service that allows for the online storage of data.

The bottom line when it comes to technology in the legal landscape is that all lawyers have an obligation to protect client data. When a lawyer makes the choice to purchase hosting services, s/he is ceding control of client data to someone else. Before choosing a hosting company, it is crucial to know what is in the provider contract or licensing agreement. Before clicking that “agree” button, know what the terms are.

The issue of having a virtual law office raises a lot of questions. In Pennsylvania, lawyers are permitted to maintain a virtual office with no physical presence that, in this tough economic climate, allows lawyers to keep overhead costs very low. It becomes critical, then, to become not only technologically proficient but also to be aware of the ethical issues presented.

The decision to have a virtual law office raises many ethical questions, including advertising issues, letterhead, address, etc. Most of the ethical questions presented can be answered by referring to the Pennsylvania Rules of Professional Conduct. Specifically, Rule 7.2 addresses many concerns raised when deciding to operate a virtual office.

Disaster preparation and data loss prevention essentially merge into one very important category. Protecting client data is at the heart of every technology issue. It is imperative to have policies and procedures in place before natural disasters hit. While natural disasters absolutely do occur, a disaster relating to human error or a hard drive crash is much more likely to occur – and can be just as disastrous. It is now commonplace — and common sense — to have backup mechanisms in place, whether it be back-up hard drives, servers or online back-up services. Siegel warned that backup mechanisms are useless if they do not have restoration functions.

Siegell recommends doing a test run to restore data that was previously backed up. He also recommends backing up not just data, but also the software applications that run the data. He cautioned that the data itself is of very limited use if you do not have restoration and access to it.

Preparation is the key to managing the risks that technology presents. Lawyers and the legal industry must be prepared to keep overhead costs low, prevent natural disasters, and protect client data.

Angie Halim (ahalim@aandzlaw.com) is an associate with Ahmad & Zaffarese, LLC.

Podcast Spotlight

Visit philadelphiabar.org to listen to the podcast from this meeting.

Public Interest Section Seeks Hamilton Nominees

The Public Interest Section is now accepting nominations for the annual Andrew Hamilton Award. The nominations deadline is Oct. 22.

Nominees must be a legal services advocate or public defender employed by, or associated with, an organization whose purpose is to serve persons who cannot afford to pay for legal representation, or be a public-interest lawyer working with a nonprofit organization serving a charitable or public interest purpose. In addition, nominees must have substantial experience in legal services, indigent defense or public interest law and must currently be employed in one of these capacities. The selection committee will consider such factors as personal vision and commitment; critical nature of the problems addressed by the nominee’s advocacy; innovative nature of the nominee’s work; outcomes and results achieved through effective advocacy; the difficulty of achievement; and community commitment.

Nominations are encouraged and should include the individual’s name, address and a brief statement describing his or her qualifications. Mail nominations to Tracey McCloskey e/o Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107.

Peoples Law School Convenes

The Public Interest Section Chair-Elect Carolyn M. Chopko (standing, with microphone) welcomes the Class of 2010 to the Peoples Law School on Sept. 21 at the Criminal Justice Center. The six-week program provides Philadelphians with basic information about areas of the law most likely to impact daily life. The program features 11 unique courses and runs through Oct. 26. The programs, presented by YLD volunteers, include Social Security and disability benefits, trusts and estates, small claims and landlord/tenant, consumer credit, personal injury, criminal law, real estate, employment law, bankruptcy, workers’ compensa-

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Philadelphia Bar Association 2010 Bench-Bar & Annual Conference
October 15 - 16, Borgata - Registration Form

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Mail to: Philadelphia Bar Association, 1101 Market St., 11th Fl., Philadelphia, PA, 19107-2955

or Fax to: 215-238-1159

Hotel reservations must be made directly with the Borgata by calling 1-866-692-6742.

Bench-Bar continued from page 1

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The plenary, sponsored by the Association’s Historical Society, will include a question-and-answer session moderated by retired Pennsylvania Supreme Court Justice Jane Cutler Greenspan, Pennsylvania Superior Court Judge Correale F. Stevens and attorneys Carl A. Solano of Schnader Harrison Segal & Lewis LLP and D. Alicia Hickok of Drinker Biddle & Reath LLP. The plenary, including the performance and Q & A, provides two hours of substantive CLE credit. The performance will feature actors from Temple University’s Department of Theater. The program will be directed by Temple University’s Jill E. Harrison and the cast will include performers in period costume.

CLE programs are being offered by the Bar-News Media Committee, Criminal Justice Section, Family Law Section, Federal Courts Committee, Professional Responsibility Committee, Public Interest Section, Real Property Section and State Civil Litigation Section.

A State of the Court Presentation will also be offered for CLE credit as the closing program on Saturday, Oct. 16. Panels for this session include Pennsylvania Supreme Court Chief Justice Ronald D. Castille, Pennsy- lvenia Commonwealth Court President Judge Bonnie Brigance Leadbetter, Pennsylvania Superior Court Judge Correale F. Stevens, Philadelphia Court of Common Pleas President Judge Pamela Pryor Demibe and Philadelphia Municipal Court President Judge Marsha H. Neifeld. Please note that all programs and times are subject to change.

Vice Chancellor John E. Savoth and Board of Governors Vice Chair Regina M. Foley are co-chairs of the 2010 conference.

On Friday night Oct. 15, the Grand Reception will be held at the newly renovated MIXX nightclub, one of Atlantic City’s hottest nightspots.

Full-conference admission is $429 for members and $479 for non-members. For members of the Young Lawyers Division and government and public interest attorneys, admission is only $279. Hotel reservations must be made separately by calling the Borgata directly at 1-866-692-6742. In-person registration for the Bench-Bar & Annual Conference will be available at the Borgata.

Sponsors for the Bench-Bar & Annual Conference are USI Affinity, LexisNexis, JAMS, TD Bank, Iron Mountain, Kaplan, Leaman and Wolfe Court Reporters, American Express, CourtCall and IKON Office Solutions.

The Philadelphia Bar Association would like to thank the following for providing scholarships to public interest and government attorneys so they can attend the Bench-Bar & Annual Conference: Buchanan Ingersoll & Rooney PC; Business Law Section; Cozen O’Connor; Duffy + Partners; Feldman, Shepherd, Wohlgelernter, Tanner, Weinstock & Dodig LLP; Joseph A. Sullivan; Kowler & Rush, P.C.; Marshall Dennehey Warner Coleman & Goggin; Messa & Associates; Montgomery, McCracken, Walker & Rhoads, LLP; Rosen, Schafer & DiMeo, P.C.; Saltz Mongeluzzi Barrett and Bendesky; and Wilson, Elser, Moskowitz, Edelman & Dicker LLP. Feldman & Pinto, P.C. and Raynes McCarty each donated two scholarships.
The Award is accompanied by a donation, made on the honoree's behalf, by the firm of Galfand Berger, to Kid's Chance. Kid's Chance provides college scholarships to the children of injured or deceased workers.

Past recipients of the Award include Judge Scott Olin, Judge Christina J. Barbieri, Judge Jerold G. Klevit, Stephen T. Potakko, Jeffrey S. Gross, Lenard A. Cohen, Maria Terpolilli, Peter J. Weber, Judge Pamela Santoro and Halmon L. Banks III.

By Amy B. Ginensky

The Philadelphia Bar Foundation’s Andrew Hamilton Benefit at Lincoln Financial Field

TEAM UP FOR JUSTICE

SATURDAY, NOVEMBER 6, 2010
7-11 PM

Buffet Dinner & Dancing, Live & Silent Auction

For info contact Lynne Brown at LBrown@philabarc.org or 215-238-6347

Bar Foundation

If We All Pitched In, Imagine the Difference

Let me set the scene. The Philadelphia Bar Foundation trustees are at their monthly meeting this summer. We’re discussing our new fundraising initiative — a campaign to increase individual giving from Philadelphia lawyers. One of our newer trustees speaks up (imagine Jimmy Stewart in “Mr. Smith Goes to Washington” or Fred Magaziner from Dechert): “I know it is great that the Foundation was able to give out $563,000 last year — more than ever before — but with 18,000 lawyers in Philadelphia, we should be able to do much more.” Funny how that is; you need someone new to take a look at a situation, and offer the observation that should have been apparent to the rest of us long ago.

We all take a deep breath and let our thoughts go. What if, in addition to the support the Bar Foundation gets from law firms (thank you again to all the firms who are sponsoring the Andrew Hamilton Benefit), every individual lawyer gave $500 to the Philadelphia legal community’s foundation to support legal services?

One pulls out a calculator (well not really, but I’m on a roll) and punched in the numbers. Eighteen thousand times $500: That would bring in $9 million!

OK, that is pure fantasy. But $2 million to $3 million to give to the Bar Foundation’s 33 grantees really does seem doable. If we get 3,600 lawyers (just 20 percent of the total number of lawyers practicing in Philadelphia) to give an average of just more than $500 each, we would raise nearly $2 million annually.

Since the scenario I described really did happen (maybe not so dramatically) this summer, we had a chance to ask our colleagues in the public interest community how the world would be different if they received four times the funding they currently get from the Bar Foundation.

Not surprisingly, they did not talk about upping their salaries, vacations in the Bahamas or having nicer offices. The answers were directed to better serving those being served and more importantly to serve the many in need who still have no access to justice and go unrepresented. This is some of what we heard:

• An increase in funding to the Philadelphia public interest legal community would result in an increase in legal services to the poor, because more lawyers could be hired. There are thousands and thousands of poor people who go unrepresented. Increased funding would allow the problem to be attacked.

• A prime example is custody cases. Lawyers could be hired to run an effective pro bono program to handle custody cases. Right now, most poor people go unrepresented in custody disputes. More funding could reverse that situation.

• It would result in hundreds of additional homes being saved from foreclosure. As Philadelphia VIP Executive Director Sara Woods told us, it was because of the Bar Foundation grant last year that VIP had the funding available to start the nationally acclaimed Mortgage Foreclosure Prevention Project. Just imagine what could be done if more funds were available.

• More funding would allow serving hundreds more clients who require help in retaining or obtaining employment. It would allow them to work on new initiatives, such as a comprehensive approach to enforcing wage violation judgments to protect low-income workers.

• Services amongst the grantee organizations and between the grantee organizations and other providers to the poor and disadvantaged (educators, doctors, social workers) could be better coordinated, so rather than putting a Band-Aid on each problem, a true cure for the whole individual could be administered.

And the list goes on.

As our new board member said, “We can do better.” We at the Bar Foundation are asking you to help us do better by our public interest community and, more importantly, by the struggling, distressed people they provide with legal services.

So if one of your colleagues approaches you and asks you to support the Bar Foundation, or if you receive a letter from us, or even after reading this article, I ask you to give, please give. With your help, we will reach that $2 million mark. A girl’s gotta dream, doesn’t she?

Amy B. Ginensky (ginenskya@pepperlaw.com), a partner at Pepper Hamilton LLP, is president of the Philadelphia Bar Foundation.

Nominees Sought for Workers’ Comp Award

Nominees are now being sought for the Workers’ Compensation Section Martha J. Hampton Memorial Award. The Award will be presented at the Section’s Annual Holiday Party on Thursday, Dec. 2 at Cescaphe Ballroom.

Nominations should be forwarded to Marc Jacobs, Esquire, at mjacobs@galfandberger.com or by mail to Marc Jacobs, Esquire at Galfand Berger, LLP 1818 Market St., 23rd Floor, Philadelphia, PA 19103. The deadline for nominations is Friday, Nov. 5, 2010.

This Award, established in 2000, was created by the Section to honor the memory of an attorney who was an advocate, educator, and friend to all. The Award is presented annually to the member of the bar or bench who best exemplifies the qualities of compassion, dedication, commitment, and professionalism, to our Section, to the public, and to the practice of workers’ compensation law, qualities which were so important to Hampton.

The Award is accompanied by a donation, made on the honoree’s behalf, by the firm of Galfand Berger, to Kid’s Chance. Kid’s Chance provides college scholarships to the children of injured or deceased workers.

Past recipients of the Award include Judge Scott Olin, Judge Christina J. Barbieri, Judge Jerold G. Klevit, Stephen T. Potakko, Jeffrey S. Gross, Lenard A. Cohen, Maria Terpolilli, Peter J. Weber, Judge Pamela Santoro and Halmon L. Banks III.
Complying with Americans with Disabilities Act

By Jamie Ray-Leonetti

The Americans with Disabilities Act as Amended (ADAAA) assures equal access to justice for people who are deaf, deaf-blind, or hard of hearing. Attorneys and courts must work closely with interpreters, parties and witnesses to determine effective communication methods. Possible accommodations may include qualified sign language interpreters, specialized interpreter services, computer-assistive transcription services and assistive listening devices.

The ADAAA requires an attorney to ask the potential client, or client with a hearing disability, the type of reasonable accommodation they need. An attorney cannot charge an individual for the cost of a reasonable accommodation such as a qualified sign language interpreter. The court is also obligated to provide reasonable accommodations to parties and witnesses. If a request for an interpreter is not made, but the party or witness could benefit from the services of an interpreter, the judge may ask the following on the record to establish the need: please tell the court your name; you have the right to participate and understand these proceedings; tell the court the best way to communicate with you, so you know what is being said; and do you need an interpreter?

Interpreters must be qualified under EvR.604 and Title II of the ADAAA. An impartial, certified interpreter should be used at all times. Priority should be given to those holding a Specialist Certificate: Legal (SC:L) from the Registry of Interpreters for the Deaf (RID). If an RID interpreter is not available, other certifications may be appropriate, with 80 hours of legal interpreter training.

Communication in an interpreted proceeding should be facilitated by advising everyone in the courtroom of the presence and role of the interpreter. Instruct participants to speak loudly and clearly. Allow only one person to speak at a time.

Allow the interpreter to converse with the deaf or hard of hearing person prior to the proceedings to ensure effective communication and identify possible signing differences or other concerns. Additionally, deaf persons with minimal language skills, blindness or who rely upon lip reading may require specialized interpreting services. In these instances, the court may need to provide such an interpreter.

Ask the deaf or hard-of-hearing person if he or she is able to understand and communicate through the interpreter. Instruct the person to raise a hand if something is not understood.

Allow the interpreter to view court files prior to the proceedings to become familiar with names and technical vocabulary. Allow the interpreter to view all exhibits, photos or other visual records prior to their introduction into evidence.

Speak directly to the party or witness, not to the interpreter. Do not ask the interpreter to explain or restate anything the party or witness says. The interpreter will interpret in the first person in order for the record to be accurate. The interpreter will convey all questions, answers and courtroom dialogue. Therefore, the interpreter is always working. Advise the interpreter to notify the court when breaks are needed.

If the proceeding will last longer than two hours or has multiple deaf or hard of hearing persons involved, require the presence of two interpreters who can switch off as needed. Proper interpreter positioning and close proximity to the speaker allow optimal communication.

The Philadelphia Bar Association has a fund to assist solo, small firm and public interest attorneys with the cost of interpreter services. For more information, contact Cathryn Miller-Wilson (cmwilson@aidslawpa.org) or Jamie Ray-Leonetti (Jamiecray@aol.com).

By recounting their unique and cherished memories of their experiences and accomplishments at the helm of our Association, these distinguished leaders tell the “story” of the Association as no one else can. The interviews will have a permanent home on the future website of our Historical Society. The website will also bring to life other unique aspects of our Bar history, including a new and enhanced home for our current and future Legends of the Philadelphia Bar – our “hall of fame” of the city’s legal giants of the past.

Next, the Historical Society established an interactive and virtual timeline. This will be an incredible feature because there is no limit to how much information we record or how different members will search it. History means different things to different people. Their approach will allow each member to experience relevant history in their own way. The timeline will also give us a place to permanently store copies of old photographs, articles and documents in a manner that will immunize them from natural deterioration.

This month we will also present a very special historical reenactment. At the Oct. 15-16 Bench-Bar & Annual Conference, we will feature a live reenactment of the trial of John Peter Zenger, which 275 years ago gave birth to the “Philadelphia Lawyer.” We have been working on an appropriate way to pay tribute to Andrew Hamilton this year and the live reenactment is the perfect vehicle. His landmark defense of publisher Zenger, in the case that “could not be won,” is now a vibrant part of the legacy of being a Philadelphia lawyer. By bringing it to life before a live audience, we will allow attendees of all ages to connect with the case that really started defining who we are as a legal community.

But for all these efforts, a fair question is: why? Why in the age of a disposable culture, should we invest so much effort in studying our history? As Chancellor, I believe we cannot plot a course for the future without knowing the path we have traveled so far. To me, future is inextricably intertwined with what has already transpired. If we make each decision devoid of an historical context, we risk wasted effort and repeating hard learned mistakes. Conversely, those with a keen eye toward history have insight as to how ideas will be received, whether advances meet challenges and how to best predict results. For lawyers, this is often easy as the fundamental principle of legal precedent is to apply prior decisions to the facts at the bar today.

The American Historical Association, the professional association for all historians, proffers that history should be studied because it is essential to individuals and to society and it gives us context. How can we understand genius, the influence of technological innovation, gage progress or failure, if we do not measure them against our individual and shared experiences? According to noted historian Peter N. Stearns, professor of history at George Mason University, “History must serve, however imperfectly, as our laboratory, and data from the past must serve as our most vital evidence in the unavoidable quest to figure out why our complex species behaves as it does.”

Historians believe that this, fundamentally, is why we cannot ignore history: it offers the only evidence for how societies function over time, and people must have a sense of how societies function simply to run their own lives.

History well told is beautiful. As we have seen through our Chancellors’ video archive project, stories well told are stories that reveal how people and organizations have functioned, and they prompt thoughts about the human experience in other times and places. These stories shed light beyond facts and figures and remind us all that even the greatest of events always have a human side to them. Studying the stories of our leaders of the past allows us to test our own moral sense, to hone it against some of the real complexities we have faced in our own difficult settings.

History also helps provide identity. Historians believe the study of history is essential for good citizenship. History provides data about the emergence of national institutions, problems and values. Studying history encourages habits that are vital for responsible public behavior, whether as a national or community leader, an informed voter or a simple observer.

But history also reminds us – sometimes painfully – about errors of the past. Sometimes our greatest celebrations of progress are in pointing out how different things are “now” than they were “back then.” Our Historical Society will not ignore that some of our own history is not what we are proud of. We cannot ignore this in the modern era and must appreciate it to see how far we have come, and how far we have yet to go.

In the years to come, the Historical Society will move into more topics and cover existing ones in greater depth. This will be the time when members – of all ages and diverse walks of life – should come forward with their stories. We study our history as Philadelphia lawyers because our history belongs to all of us. Regardless of our individual backgrounds or characteristics, it is our one commonality, the thread that binds us as a profession. Our history is a mosaic composed of thousands of individual stories. Each story is beautiful in its own right, but together they create an even more vivid depiction.

Without you, our history is incomplete.

Scott F. Cooper, a partner with Blank Rome LLP, is Chancellor of the Philadelphia Bar Association. His e-mail address is chancellor@philabar.org.
Economic Recovery Sustainable, But Subpar

By Jackie B. Lessman

The PNC Financial Services Group, Inc., one of the nation’s largest diversified financial services organizations, is pleased to present this article as the first of a series offered by PNC Wealth Management senior vice president and senior banking advisor, Jackie Byrne Lessman, CFP®. As part of this series, Lessman will explore a distinct topic or an issue relevant to the legal community ranging from investment management, wealth planning, trust, estate services and other PNC areas of expertise.

As a PNC liaison to the legal community, Lessman specializes in working with law firms and attorneys regarding their banking needs, as well as class-action plaintiff firms and claims administrators. Lessman is committed to leveraging PNC’s in-depth resources to cultivate relationships with regional law firms and attorneys by offering support and solutions.

Recently, she sat down with E. William Stone, CFA®, CMT, senior vice president and chief investment strategist for PNC Wealth Management and Institutional Investments, to discuss the current state of the economy and examine the many factors that influence the direction of the financial markets.

Jackie Lessman: The recent soft patch in economic data has renewed serious concerns about the sustainability of the current economic recovery. Does the dimmed confidence in the recovery suggest that we are headed for a double-dip, or just that we are slowing?

Bill Stone: Fears of an economic double-dip have dominated headlines, but it is not abnormal to have periods of relative economic weakness during a recovery. There are those who might be dismayed at the slow rate of the recovery; however, our view remains that the economic recovery is sustainable, but that the recovery will be subpar. Our U.S. real GDP growth estimates for calendar years 2010 and 2011 are both for 2.9 percent. As we predicted in our 2010 outlook, corporate earnings have been the most visible portion of this recovery. The U.S. economy has grown at a half-speed pace, while earnings have followed a V-shaped trajectory. Here at PNC, we continue to monitor economic indicators closely for signs of weakness in our current forecast and remain vigilant about any change in our baseline forecast.

The American people are deeply concerned about the economy and their jobs, especially after the Federal Reserve reported in September that the United States economy showed “widespread signs of a deceleration.” Employment being one of the most crucial pieces to the sustainability puzzle, what are other economic indicators that need to be evaluated?

There are three main parts to our sustainability indicators. They include housing, consumer spending and employment — employment being last and, as you say, most crucial.

Given that housing was at the epicenter of the financial crisis, we have long held that it is imperative for this segment to stabilize in order to calm the financials sector and support consumer net worth and confidence. Housing data continues to be heavily distorted by the now-expired homebuyer tax credit. With housing demand pulled forward and current indicators lackluster, we believe it is likely house sales and house construction will remain weak before re-solidifying in the fourth quarter, assuming ongoing improvements to labor market conditions.

We would describe the housing sector as bouncing along the bottom, but it seems to have stabilized.

Consumer spending is another important piece of the sustainability puzzle. Consumer spending seems to be continuing its slow recovery despite the recent slowdown. Further significant gains will likely be contingent on some better news out of the employment picture.

Regarding employment trends, we expect job creation deterioration to fade and to come back into positive territory before the end of the year. We would argue that if employment growth does not eventually turn consistently positive, then the recovery most certainly will not be sustainable. The indicators and our judgment continue to point to sustainable economic recovery, in agreement with our baseline forecast and our view regarding employment, but this is by no means certain.

The economic data have continued to warn on the nerves of both the bulls and the bears — not nearly enough evidence to show that a self-sustaining recovery has engaged, but not a disaster to indicate that another serious downturn is a fait accompli. This sends the market into a constant state of reaction to high-frequency economic data. Where does this leave investors and what are PNC’s current recommendations for investors?

This leads us to the view that investors continued on page 15
Civil Gideon
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In November 2009, the Philadelphia Bar Association’s Board of Governors adopted the Task Force’s Preliminary Report, Findings and Recommendations, which endorsed the development of pilot projects in eviction and mortgage foreclosure defense and custody cases as well as the development of an education and communications plan to inform the legal and public community about the critical need to expand the right to counsel for low-income people faced with the threatened loss of these basic needs. This website has been developed to further the mission of the Task Force to educate the legal and public community about the need for civil Gideon in these critical matters.

Civil Gideon Corner includes a history of the Task Force, a list of the members, relevant Bar Association resolutions, the Task Force’s Preliminary Report, Findings and Recommendations, information about the current civil right to counsel in Pennsylvania, articles, special programs, other resources and studies.

“A major goal of our civil Gideon effort to educate the legal community and the society at large that justice requires that there be a right to counsel in civil proceedings where fundamental human needs, such housing and custody/access to children, are at stake,” said Task Force Co-Chair Joseph A. Sullivan. “We also want to educate and gather support from key stakeholders, including judges, the academic and business communities, and the legislature about the economic and other benefits to society as a whole with the provision of such representation at no cost to those who cannot afford it in these key areas. The civil Gideon web pages will keep lawyers and other stakeholders informed about the latest research and reports, special events and the latest developments in Philadelphia and around the country.”
Cut Down on Paper Consumption, Save a Forest

By Jenimae Almquist

We are all becoming increasingly attuned to recycling at work and at home, meaning that less of our paper waste ends up in a landfill or a polluting incinerator. For example, many firms and companies are now checking to ensure that their shredding vendor actually takes the waste to be recycled rather than engaging in a disposal method that pollutes the environment. In visiting area law firms for depositions of late, I have noticed a trend toward multiple bins to sort paper from plastics, metal and landfill garbage. The Bar Association has adopted this approach, whereas other law-related businesses have adopted single stream recycling, which ensures sorting at a later time.

Because a bit of mindfulness can actually reduce waste even more, the tips below are geared toward preventing the paper from ever being generated in the first place. These measures are cost-effective ways to reduce your firm or household’s bottom line, and will save you time and energy.

Subscribe Online

While enjoying respite from city smog at the San Diego Zoo recently, I saw a startling sign proclaiming that an entire forest dies every week in order to bring us the Sunday newspaper. According to ForestEthics.com, this statistic is not too outlandish. It takes 12 mature trees to manufacture one ton of newsprint, not counting the chemicals, electricity and disposal impact of the process. The Minneapolis Star Tribune, which has an average length of 172 pages, requires about 4,472 trees’ worth of newsprint every week, leading to a shocking total of 232,544 trees downed per year, according to forestEthics.com.

Frankly, I do not relish the idea of booting up my home computer just to relax with some news or pop culture. I am strapped to my Blackberry and computer as it is. But upon investigation, I learned that the Kindle, iPAD, Sony Reader and the like have an increasing number of magazines and newspapers available for delivery to your handheld reading device, which is more user-friendly.

So our family changed the way we read. Because we actually bleed green in our family, my husband and I read about the fate of the Eagles on our Kindle through The Philadelphia Inquirer sports page delivered daily to the inbox, at only a fraction of the cost of a paper subscription. If we really want coupons or crave the old-fashioned feel of newsprint in our hands, we can occasionally fork over a bit extra for a hard copy of the paper.

As a result, the effort required to bundle up newspapers is significantly reduced on trash day, and I do not come home to piles of unwanted newspaper. Moreover, I am not bogged down in advertisements when scrolling to the articles that most interest me. Beyond saving trees, it is rewarding to think that natural resources were not used to send electricity to the printing press and fossil fuels were not used to drive a newspaper to my door for distribution.

I would not be a Philadelphia lawyer without an disclaimer: like most things environmental, controversy surrounds the idea that digital is more sustainable. Many newspapers and magazines already use a significant portion of recycled content in their output process, and citizens complain about the death of publishing and the economic impact of putting papermaking companies and distributors out of business. From the lawyerly perspective, let it only be said that The Legal Intelligencer is also readily available online.

Reduce Mail, Catalogs

I recently subscribed to 41pounds.org, a service that contacts those pesky merchandise companies that plague you with unwanted catalogs and ensures that they are discontinued. It is the paper equivalent of the “do not call list” for unwanted salespeople who always seem to telephone during the dinner hour. The service costs $41 for five years, and $15 of that subscription price is sent to an environmental charity of your choice.

Similarly, businesses and residents of Philadelphia can join the “no handbills” program to prevent unwanted menus, flyers and other detritus from building up on doorsteps. In fact, the Department of Licenses and Inspections is required to keep a “no delivery” list of residences and businesses, which is compiled and given to all those with licenses to distribute handbills. To join that list, visit http://www.phila.gov/li/UpdDocs/No_handbills.pdf, or call 215-686-2408. Once you sign up, a “circular free” sticker will be sent to you for posting in a conspicuous location to further discourage delivery. Of course, you must be the owner or authorized lessee of the property to sign up for the service.

Protect Your Identity

No one wants the hassle of having their identity stolen, a common occurrence today. To protect both yourself and the environment, consider signing up for online bill notification to keep sensitive materials from being delivered to a physical mailbox in the first place. You may be surprised to discover that receiving and even paying your bills online (not through a banking institution, but through a monthly debit process that you dictate and control) is free — not a far-fetched dream. Some local banking institutions also offer incentives for paperless accounts, such as Citizens Bank’s GreenSense, which pays 10 cents every time you pay without paper.

These simple steps, when added to a vigorous recycling program and purchasing policy that contemplates post-consumer recycled content, can assure that we trim down more than just trees. These measures will save you and your employer money and time in the quest to protect the environment.

Jenimae Almquist, an associate with Lopez, McHugh LLP, is a member of the Association’s Green Ribbon Task Force.

PNC

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should expect the tiresome volatility and increased correlations of risk assets to continue for some time. Though the timing is unclear, we expect stocks to benefit as the market comes to see our view that the highest-probability outcome is not a doubling of risk assets, given the improvement we expect in the global economy, with the downside risk to our forecast.

Jackie Byrne Lesman, CFP® (jacqueline. lesmann@pnc.com; 215-585-5831), is a PNC Wealth Management senior vice president and senior banking advisor. For more information, visit pnc.com/wealthmanagement.

Research

continued from page 7

omitted; however, Giancaterino has not encountered any such problems. Despite the 10-year limitation, Giancaterino says LexisOne is an incredible service. And, fee-based shepardizing is available.

Giancaterino also showcased Public resource.org (or Bulk.resource.org). The site’s interface is user-hostile; however, the content is extensive and includes cases going back to the 1800s. Because it is user-hostile, Giancaterino recommended a work-around through Google for this and similar sites. By going to the Google search page and typing in: Bulk.resource.org: [your search term], you will receive links to the places within the Bulk.resource.org page that contain your terms. This “site:colon” search method is a useful way to navigate any web page, as long as you have correctly typed the URL within your Google search.

Finally, Scribd.com is a tool that may be useful if you cannot find a document elsewhere or you do not want to pay for it on Pacer. The site allows users to upload documents, some of which are protected by copyright. You must obtain a free log-in to download documents from the site as a .pdf document; however, you can read any document online without logging into the site.

For more information on online research options, Giancaterino can be reached directly by e-mail at dang@jenkinslaw.org.

Heather J. Austin (hauatin@bbloom.com), an associate at Tharp Reed & Armstrong, LLP, is an associate editor of the Philadelphia Bar Reporter.
Voices, Not Just Content, Matter in the Media

By Marc W. Reuben

Sitting after a seminar and waiting for my ride home, and next to a man with whom I struck up a conversation, I told him his voice was familiar. After a few perfunctory questions, he told me his name was Leonard Kanefsky (Esquire) and I immediately remembered him as a fellow student from Hebrew school. Only the fellow I remembered had been in my Aleph class 50 years ago. The face was a bit older, but the voice retained its deep timbre enough for me to recognize it from time past.

Voices matter in the media, as much as content. Those voices that burn through the ether not only sound important, but give us memories. Any casting director will tell you that the voice of a performer is as important as the look. More so if one considers the immense effect of radio and film on the public soul. Immortal voices are known, basically, for their sound – their timbre, as opposed to the affectations that a speaker may have. You can remember the accent of Leo Gorcey. But the voice was not immortal. The sound of Ronald Colman, on the other hand, is unforgettable. Another great voice was Greer Garson. Both she and Colman made “Random Harvest” in 1942, and more elegantly spoken dialogue you will never hear. And for all its outridish fantasy, the movie was very fine.

The voice of Selma Diamond had a tone to it that made her New York accent sound imperious. Hers was sound that accompanied the raffish dialogue she was often given. (She was the voice of Spencer Tracy’s wife – heard only on the telephone – in 1963’s “It’s A Mad Mad Mad Mad World.”) The most famous voice of our day is undoubtedly that of Ronald Colman. On the other hand, his youthful voice, much as DiCaprio. But early talking picture technology could not adjust to register. The very high and very low tones came out most. Gilbert had a light voice. He was not tutored in how to speak low, and his movies were filled with stage action, so that he was often far from the microphone. Moreover, MGM placed him in films with the likes of Wallace Beery, a fog horn. By 1930, the greatest male star in film was through. On considering whether to direct “Gone With the Wind,” the great John Ford said continued on page 17

Jory has a fearsome sound that no one can mistake. This brings us to the case of John Gilbert, the most famous male of the silent screen. He was an enormous star at MGM. When sound came in Louis B. Mayer decided that others should take Gilbert’s place. Gilbert had a youthful voice, much as DiCaprio. But early talking picture technology could not adjust to register. The very high and very low tones came out most. Gilbert had a light voice. He was not tutored in how to speak low, and his movies were filled with stage action, so that he was often far from the microphone. Moreover, MGM placed him in films with the likes of Wallace Beery, a fog horn. By 1930, the greatest male star in film was through. On considering whether to direct “Gone With the Wind,” the great John Ford said continued on page 17

Philanthropy: The gift of voice

by Marc W. Reuben

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that the only man he could direct as Rhett was dead. Gilbert drank himself to death in 1936. His successor as male idol was Clark Gable, who had a gruff voice that no

Which brings us to the ultimate use of sound and voice – radio. I am sorry for those of you who were never exposed to live radio. This was the art of painting pictures

that recording of Benny’s shows, which are still available on CD, is a treat. The voices and sound effects are clearly drawn as any movie. The jokes are hilarious and classic invention. Mel Blanc, the man with the thousand voices, is a wonder, and Benny, the master of the hilarious pause, is a scream. All in the mind’s eye through sound. There are other sounds, like the voices of Ezio Pinza or Judy Garland. But that is something for another time.

When I walk through the lobby of a movie theater complex – as I do less frequently these days – my ears are assailed with the pounding sounds that come from the various theaters I pass. When I hear audiences laughing, or I hear silence, I know I have reached my destination.

I listen. I remember. Thank you Len.

Marc W. Ruben (mmarcureben6@gmail.com), a sole practitioner, is an advisory editor of the Philadelphia Bar Reporter. He has been writing about the arts and media since 1973.

VIP Honors Baratta

This month, Philadelphia VIP recognizes Anthony J. Baratta, a partner at Baratta, Russell, & Baratta, for his outstanding volunteer assistance to VIP clients. Baratta began volunteering with VIP in 2005, using his experience and trial advocacy skills to assist VIP clients with auto accident matters. As a volunteer, Baratta demonstrates an unwavering commitment to his clients’ defense and to the protection of the clients’ interest. He consistently goes above and beyond on behalf of his VIP clients. Whether he is aggressively pursuing a favorable outcome for a client in the courtroom or traveling from Huntingdon Valley to Philadelphia to meet with a client, Baratta is committed to providing the best representation for VIP clients. For his dedication to VIP’s clients and to access to justice, Philadelphia VIP offers its heartfelt appreciation to Anthony Baratta.
Theodore Simon of the Law Offices of Theodore Simon discussed “Don’t Defend in the Dark: Getting Disclosure and Discovery” at the Annual Meeting of the National Association of Criminal Defense Lawyers on Aug. 12-14 in Toronto, Canada. He was also elected treasurer of the National Association of Criminal Defense Lawyers at the event.

Amy J. Seefeld, senior staff counsel for public and legal services at the Philadelphia Bar Association, has been appointed to a three-year term to the American Bar Association’s Standing Committee on Lawyer Referral and Information Service.


Timothy J. Bergère, a partner with Montgomery, McCracken, Walker & Rhoads, LLP, was a panelist for “Deepwater Horizon Oil Spill - The Legal Fallout,” sponsored by the American Bar Association Tort Trial & Insurance Practice Section.

Michael D. Hemans, a shareholder with Flaster/Greenberg PC, was a presenter on developments in employment law at the Pennsylvania Conference of State Trial Judges Meeting in Hershey, Pa.

Edward F. Shay, a partner with Post & Schell, P.C., has been elected to a three-year term on the board of directors of the American Health Lawyers Association.

Robert Jacobs-Meadow, a member at Eckert Seamans Cherin & Mellott, chaired the ALI-ABA teleseminar “Demystifying Software Contracts: ALI’s New Principles — By the Book and in Industry Practice” on Sept. 8.


Steven K. Mignogna, a partner with Archer & Greiner, P.C., has been appointed Chair of the Probate and Fiduciary Litigation Committee of the American Bar Association for a fourth consecutive year.

Deborah Epstein Henry, founder and president of Flex-Time Lawyers LLC, was the keynote speaker at a Pace University School of Law New Directions program “Navigating a Successful Return in Unchartered Waters” in New York City on July 22 and also a speaker at a Coalition of Women’s Initiatives in Law Firms teleconference in Chicago on July 27. She also spoke at the National Conference of Bar Presidents program “Lawyers’ Dissatisfaction with the Profession” in San Francisco on Aug. 6. She also spoke at the National Constitution Center national teleconference “What Glass Ceiling? Keys for Successful Women Lawyers” on Aug. 24.

Scott J. Tredwell, a partner with McCormick & Priore, P.C., presented a civil litigation update at the Pennsylvania Conference of State Trial Judges Meeting in Hershey, Pa.

Faye Riva Cohen, principal of Law Office of Faye Riva Cohen, P.C., was the sole presenter to human resources and benefits managers for various corporations and educational institutions at a recent seminar regarding “FMLA Hot Topics” sponsored by Council on Education in Management.

David L. Lodov, a member of Cozen O’Connor, presented “Valuation and Income Issues of Alternative Investments” at the Pennsylvania Bar Association Family Law Section Summer Meeting in Bonita Springs, Fla.

Paul J. Burgoyne, deputy chief disciplinary counsel for the Disciplinary Board of the Supreme Court of Pennsylvania, has been elected to serve a second term on the National Organization of Bar Counsel’s Board of Directors.


Carol McCabe of Manolo, Gold, Katcher & Fox, LLP was a speaker at a Sept. 9 teleconference on the EPA’s proposal of the Boiler MACT and Area Source Rules sponsored by Law Seminar International.

Alfred J. Carlson, a partner with Martin Banks, was recently elected to a one-year term on the Board of Directors of the Philadelphia Trial Lawyers Association.

Richard Bortnick, a member of Cozen O’Connor, has been named by The Council on Litigation Management a Pennsylvania State Chair for 2010-2011.

Daniel Q. Harrington, a member of Cozen O’Connor, was recently appointed to the District IV Ethics Committee by the Supreme Court of New Jersey.

Michele R. Punturi, a shareholder with Marshall, Dennyhey, Warner, Coleman & Goggin, served as a speaker at The 65th Annual Workers’ Compensation Educational Conference & 22nd Annual Safety and Health Conference sponsored by the Florida Workers’ Compensation Institute in Orlando, Fla. in August.

Jill Friedman, director of pro bono and public interest programs at Rutgers School of Law-Camden, was appointed to a two-year term on the National Advisory Committee of Equal Justice Works.

Adam Bonin, a member of Cozen O’Connor, recently participated in the panel “Citizens United: Corporate Money, Federal Elections and LGBT Equality” at the 2010 National LGBT Bar Association Lavender Law Conference.

Squire J. Servance, an associate with Morgan, Lewis & Bockius, LLP has been voted onto the Board of Directors of Metro Camden Habitat for Humanity.

H. Ronald Klasko, founding partner of Klasko, Rulon, Stock & Seltzer, LLP has been selected to a second term as chair of the EB-5 Investor Committee of the American Immigration Lawyers Association.

Ellen C. Brotman, a partner with Montgomery, McCracken, Walker & Rhoads LLP, is the editor of the American Bar Association publication Careers in Criminal Law; a compilation of articles authored by defense attorneys, prosecutors and judges from across the United States.

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