2017 Bench-Bar at Borgata Registration Closes Oct. 9

Fall for Bench-Bar! The Philadelphia Bar Association will hold its Bench-Bar & Annual Conference on Friday, Oct. 13 and Saturday, Oct. 14 at Borgata in Atlantic City. The Bench-Bar & Annual Conference remains the premier event for networking and socializing with colleagues and members of the judiciary, including the opportunity to earn up to nine CLE credits through 23 unique course offerings. Visit PhilaBenchBar.com and register by Oct. 9!

Bar Election Filing Deadline Oct. 13

The Philadelphia Bar Association has formed its Elections Committee, which is chaired by Immediate-Past Chancellor Gaetan J. Alfano and consists of Butler Buchanan III, Maria E. Bermudez, Andrew A. Chirls, Maureen M. Farrell, James A. Funt, Erin E. Lamb, Kevin V. Mincey, Amber M. Racine, Hon. Tina Maria Rago, Jacqueline G. Segal and Su Ming Yeh. Chancellor Deborah R. Gross, Chancellor-Elect Mary F. Platt and Vice Chancellor Rochelle M. Fedullo serve as ex-officio members. As continued on page 5

Board Votes to End Chancellor's Stipend

The Board of Governors Unanimously adopted a resolution on Sept. 28 to approve the elimination of the payment of a stipend in the amount of $15,000 to the Chancellor of the Philadelphia Bar Association effective as of Jan. 1, 2018.

The stipend was instituted in recognition of the significant loss of time from practice and out-of-pocket expenses incurred by the Chancellor, with the intention that the stipend would promote a greater diversity among candidates for the office. The experiences of the past 21 years have shown that diverse members have chosen to lead and serve the Association as Chancellor without regard to the existence of a stipend. Neither the current Chancellor nor the Immediate-Past Chancellor has taken the stipend.

To view the full resolution, visit PhiladelphiaBar.org.
By Deborah R. Gross

One’s Own: Crime and Punishment in Black America,” addresses problems created in the 1970s by “the war on crime” that resulted in the rise of a mass incarceration of a disproportionate number of people of color, predominantly African-American males. He discusses the mistakes made during that time and encourages us to think differently about criminal justice. The New York Times reviewer Jennifer Senior, in calling this book “superb and shattering,” said that Forman discusses “how people, acting with the finest of intentions and the largest of hearts, . . . create[!] a problem even more grievous than the one they were trying to solve.” We are extremely fortunate to have Forman joining us.

On Saturday, the concluding plenary presentation will feature Robert J. Mongeluzzi, one of the most respected and successful trial attorneys in the country. He will offer guidance on the use of themes throughout a case. A great story is bolstered and enhanced by a theme, as it is the lens through which a judge and jury will view a case and its evidence from beginning to end.

Furthermore, I would be remiss in not acknowledging our Large Firm Management Committee and the many individuals who have contributed to providing 14 scholarships to sponsor members who are public interest or government service attorneys to attend the Conference. The individual donors include: Duffy + Partners; Fox Rothschild LLP; Gross & Kenny, LLP; Messa & Associates, P.C.; Raynes McCarty; and Smith Kane Holman, LLC. Thank you!

Lastly, there are so many more things to look forward to in October and beyond. We are gearing up for our Association Elections, an Oct. 17 Community Forum titled “The Behavioral Psychology of Giving and Unveiling of Pro-Bono Task Force Report,” an Oct. 30 Community Forum featuring the Appellate Court candidates, the launch of Membership Appreciation Week and much, much more. For details and to register, please visit PhiladelphiaBar.org.

While we continue to have many CLE programs, meetings and forums, we also have spent time this year reviewing the Association’s bylaws, which have not been touched in more than 30 years. We have been working hard to bring them into the current era. Members will be presented with the revised bylaws for review and questions on Nov. 6, before bringing them to a vote at the Annual Meeting Luncheon on Dec. 5.

In the meantime, I look forward to seeing you at Bench-Bar. Visit PhilaBenchBar.com and register by Oct. 9!

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

BEING AN ATTORNEY, particularly a young attorney, can be stressful. I know how shocked you must be to read this. Billable hours, deadlines, client demands, demands from partners/colleagues, pressure to generate business - the potential stressors we face as attorneys can come at us from any number of directions, all day and every day.

The New York Times published an article on July 15, 2017 titled “The Lawyer, the Addict” by Eilene Zimmerman. It details the heartbreaking story of Zimmerman’s Silicon-Valley-attorney ex-husband who, overwhelmed with the stressors he faced at his job, developed an addiction to drugs and died from a “systemic bacterial infection common to intravenous users.” The article delves into drug and alcohol use and abuse by attorneys, drawing a link between those substances and the stress caused by the cutthroat nature of the legal profession, as well as the increased prevalence of depression and other mental health issues among attorneys.

While the legal industry as a whole seems to be increasingly aware of these issues, we are not doing enough to address them. There are two main areas where we should be doing more. First, we should be doing more to educate attorneys about dealing with stress, the dangers of relying upon substances to cope, and how to recognize the warning signs of someone who may be headed down a dangerous path. Second, the legal industry should be engaging in a self-assessment to determine what can be done to manage, if not reduce, the level of stress felt by attorneys.

With respect to the former, I have been pleased to see the progress that we have made at the Philadelphia Bar Association regarding these issues. Over the past few years, we have had numerous programs on mindfulness and meditation, which I use to help cope with stress. Chancellor Deborah R. Gross is planning an upcoming program, scheduled for Nov. 13, that will address the issues of attorney stress and the issues that flow from it.

However, we can always do more. Hopefully, you will be more aware of the issue just by virtue of reading this column. We should be having more programs on the topic of warning signs and how people and organizations can help those attorneys who may be struggling with stress, substance abuse and/or mental health issues. Our Board of Governors should consider a resolution to support a CLE requirement that all Pennsylvania attorneys be obligated to regularly fulfill addressing mental health and substance abuse.

In addition, encouraging young attorneys to get involved with a professional organization such as the Young Lawyers Division from an early point in their career can help. While I of course take every opportunity I can to plug Association and YLD membership, I genuinely believe that being active in our organization provides a ready-made network of people who can relate to the stressful situations we face as young attorneys, and who we can turn to for support during difficult times. I am fortunate to have developed countless relationships during the time that I have been involved with the YLD, and would not hesitate (and have not hesitated) to reach out to any number of people for advice, or even to just have a sympathetic ear to listen to me vent, and vice versa. I know many who feel the same way.

With respect to the legal profession as a whole, the stressors of deadlines and the need to bring in clients are not going away. There is no doubt that hard work and long hours are part and parcel to success as an attorney. However, it is not unreasonable for the profession to strive to create better working conditions that take stress and attorneys’ mental health into account. Money is nice to have, but it is not everything, and you cannot put a price on mental health and well-being. Frankly, I have found myself to be most effective as an attorney when I am in a good place with regard to my own mental health and stress levels.

Unless we not only acknowledge but actively work to combat the issues of stress and substance abuse among attorneys, they will not only remain but will get worse. We need to do everything we can to take care of ourselves and each other.

Matthew S. Olesh (moleb@chamberlainhauc.com), senior counsel at Chamberlain, Hrdlicka, White, Williams & Aughtry, is chair of the Young Lawyers Division.

The Board of Governors adopted a resolution on Sept. 28 calling on the Pennsylvania General Assembly to establish a statewide, properly funded alternative dispute resolution commission.

The Philadelphia Bar Association has a long-standing tradition of support of alternate methods of dispute resolution to preserve the court system for disputes that truly need resolution by judge or judge and jury. Philadelphia has been a national leader in innovative ways to streamline and facilitate the justice system. Pennsylvania has lagged other states in its institutional support for mediation, arbitration and other alternative dispute resolution techniques; and when properly used, ADR can provide significant cost savings for both the court system and litigants and result in more satisfactory resolution of disputes.

Many novel and effective ADR programs are working successfully in parts of Pennsylvania but there is no mechanism to expand their use into other areas of the Commonwealth. The Advisory Committee on Alternative Dispute Resolution of the Joint State Government Commission, with leadership from several Association members, has issued a report recommending legislation for the creation of a statewide “Alternative Dispute Resolution Commission.”

The Advisory Committee concluded that a properly funded statewide office, like those in other states, would encourage and oversee the use of effective ADR modalities to make better use of the justice system. Among other things, the ADR Commission would encourage and facilitate the development, use, coordination, support and evaluation of high-quality affordable alternative dispute resolution programs and services, including education, training and research about alternative dispute resolution.

The recommendation of the Advisory Committee was to establish the ADR Commission as a fully funded, independent agency within the executive branch of Pennsylvania government and that the commission be governed by a board of directors appointed by a broad range of governmental and non-governmental agencies. The ADR Commission would address ADR programs outside, as well as inside, the judicial branch of Pennsylvania government; and, therefore, would be separately funding outside the courts’ budgets. There would be substantial input from the judicial branch as many of those on the ADR Commission’s board of directors would be appointed by the Chief Justice.

The Advisory Committee proposed legislation to add a Chapter 75 to 44 Pa.C.S. (Law and Justice) to be titled “Pennsylvania Alternative Dispute Resolution Commission,” which would create the “Pennsylvania Alternative Dispute Resolution Commission” under what would be 44 Pa.C.S. § 7502.

“A statewide alternative dispute resolution commission will bring Pennsylvania up to speed with other states in utilizing ADR to assist the judicial system, the bar, and the public in resolving disputes” said Hon. Richard B. Klein (Ret.), distinguished neutral at the Dispute Resolution Institute.

The Philadelphia Bar Association authorizes the Chancellor or the Chancellor’s designee to communicate the content of this resolution to members of the General Assembly, the Governor, state and local public officials, other bar associations, and the public at large, and to take such other action as may be appropriate.

To view the full resolution, visit PhiladelphiaBar.org.
Board Elections

continued from page 1

Secretary, Marc J. Zucker serves as a non-voting member.

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, on or before Oct. 13 for the Dec. 5, 2017 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 Dawn Petit, meetings coordinator, at dpetit@philabar.org for additional information. Signatures, along with a resume, and written authorization should be submitted to Association Secretary Marc J. Zucker, c/o Dawn Petit, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, Pa. 19107, no later than 5 p.m., Friday, Oct. 13, 2017.

Bar Foundation

Supporting Legal Aid Through Sponsorship

By Thomas A. Brophy

Well, summer is over and it is now money time. Law firms will be shifting into higher gear dedicating more resources into issuing bills and collecting money. As law firms approach the end of the year the pressure to issue those bills and collect on them will increase. Those of us involved in working with legal service organizations are no different.

The Philadelphia Bar Foundation will be making grants at year end to more than 38 legal service organizations. Those grants and the imprimatur of the Foundation which comes with them, assist our grantees in meeting their mission of providing legal services for those unable to pay for those services themselves. As part of this grant giving process, representatives of the Foundation visited the offices of the grantees in August and September.

Those site visits will be followed up by meetings with the executive directors of the legal service organizations later this month. Those organizations have already submitted grant requests for 2017 to the Grants Committee of the Foundation.

The prevailing uncertainty for the Foundation at the moment is how much money it will have at year end to distribute.

The Foundation’s Access to Justice Benefit on Nov. 4 is a critical fundraising piece to help meet the needs of those legal service organizations that administer to the disenfranchised people of Philadelphia. I encourage the more senior members of our legal community to attend as a means of “giving back.” I encourage the younger members of the legal community to attend as a way of “getting involved.”

Those of us who are making phone calls and soliciting money on behalf of the Foundation are truly invested in the mission of this nonprofit. Conveying our enthusiasm for the Foundation’s work through outreach to our colleagues comes naturally when one is dedicated to the vision of improving lives. When and if you are contacted to donate in any manner, we hope you will realize that most of those making the “ask” are not professional sales people. They are, in all probability, operating outside of their comfort zones.

As I close, I am struck somewhat by the irony of what I am asking in this article. We work in one of the most affluent professions in the U.S yet we practice in one of the cities with the highest rates of poverty in the country. Nevertheless, it seems that as a legal community, we can never raise enough money or donate enough time to meet the needs of those living in poverty.

Studies show that money spent to assist the poor in addressing legal problems pays dividends well in excess of the money spent to provide the legal service. Individual clients and entire communities benefit when legal problems are addressed.

I ask you to assess what you have donated in the past year to support those organizations providing legal aid, including the Philadelphia Bar Foundation, to the poor and do better. You know you can.

Thomas A. Brophy (tbrophy@mdwcg.com), president and CEO at Marshall Dennehey Warner Coleman & Goggin, P.C., is president of the Philadelphia Bar Foundation.
2017 PRO BONO CELEBRATION

Philadelphia Ready for 2017 Pro Bono Celebration

By Lauren Kaminsky and Julia O’Connor

In response to the harsh economic times in 2009, the civil legal justice gap widened significantly and the American Bar Association launched the “National Pro Bono Celebration,” a coordinated national initiative to enhance and expand local efforts to improve access to justice through increased pro bono work. Since then the Philadelphia Bar Association has taken important strides in raising awareness of the “justice gap” and has established important initiatives to increase equal access to justice for all.

Chancellor Deborah R. Gross has remained unflagging in the promotion of pro bono work to help meet the unmet demand for legal aid.

This year the Philadelphia Bar Association will again celebrate pro bono during October by offering a variety of events that will recognize dedicated volunteer attorneys, train and recruit new volunteer attorneys and expand the delivery of pro bono legal services to those in need to improve equal access to justice for all.

To kick-off the local celebration, the Association’s Delivery of Legal Services Committee (DLSC) has been holding a series of interactive road shows that began Sept. 17 and culminate on Oct. 12 at law firms throughout Philadelphia to highlight various pro bono opportunities and recruit new volunteers. The Association’s Young Lawyers Division (YLD), in partnership with DLSC, also hosted a Pro Bono Open House on Sept. 28. At this interactive recruitment event representatives from pro bono referral programs and public interest law organizations were available to informally speak about their volunteer opportunities. Jodi Schatz and Lauren Ascher, DLSC Pro Bono Subcommittee cochairs, report that the roadshows and the YLD Open House are effective recruitment tools to garner attention for the necessity of pro bono work, showcase the dedicated involvement of Philadelphia’s legal community, and help young lawyers make connections with the legal aid organizations.

To reinforce the importance of giving and pro-bono, a Community Forum titled “The Behavioral Psychology of Giving and Unveiling of Pro-Bono Task Force Report” will be held on Oct. 17. This Community Forum will explore the motivation behind continued on page 7
The Workers’ Compensation Section makes it a point to partner with several charitable nonprofit organizations during the year. Each month, the Section takes up a collection for organizations and asks for volunteers for outreach.

On Aug. 10, the Section continued its long-standing relationship with its neighbor, St. John’s Hospice, located a few blocks from the Philadelphia Workers’ Compensation Office of Adjudication. St. John’s Hospice is a Catholic Social Services shelter for men established in 1963 by Monsignor Anthony J. O’Neill, pastor of St. John the Evangelist Church, and The Little Brothers of The Good Shepherd. St. John’s was created as an outreach ministry to serve and assist the poor and homeless in the community. It continues to provide crucial, life-sustaining services with dignity, respect and compassion to homeless men in Philadelphia.

The Section frequently makes donations to St. John’s, and has had the privilege of helping to serve lunch at the facility, which sees approximately 300 patrons per day. Lunch was served by Joseph Ring, associate at Martin Law LLC; Kayla Kieszek, associate at Martin Law LLC; Regina M. Foley, attorney at Martin Law LLC and Lori Brown, partner at Methfessel & Werbel; Angela Chernitsky; Regina M. Foley, attorney at Raynes McCarry; and Charitable Events and Community Service Committee Cochair Deborah Richman (right), with (left to right) Kayla Kieszek, Regina M. Foley and Angela Chernitsky at St. John’s Hospice on Aug. 10.

Workers’ Compensation Section Charitable Events and Community Service Committee Cochair Deborah Richman (right), with (left to right) Kayla Kieszek, Regina M. Foley and Angela Chernitsky at St. John’s Hospice on Aug. 10.

By Andrea C. Rock

Pro Bono
giving the current state of pro bono in the city. It will also serve as the unveiling of the Association’s 2017 Pro Bono Task Force Report.

The public interest legal community is excited to recognize, recruit and train new pro bono attorneys during October and they encourage all of you to participate in these activities and engage in pro bono work throughout the year.

For a full list of 2017 Philadelphia events celebrating pro bono, visit PhiladelphiaBar.org.

Lawrence Kaminsky was the summer 2017 public interest intern and Julia O’Connor (joconnor@philabar.org) is the fall 2017 public interest intern at the Philadelphia Bar Association.

2017 National Pro Bono Celebration Oct. 22-28
Building on the momentum generated by the past eight annual celebrations, the ABA Standing Committee on Pro Bono and Public Service is encouraging even greater participation by lawyers throughout the nation. Every participant and sponsoring entity is encouraged to think strategically about local needs, local programs, and local issues, and then to plan and take the next step in providing access to justice for poor and vulnerable people. For more information, visit www.probono.net.
There have been recent developments in intellectual property law, summarizing Federal Circuit and U.S. Supreme Court decisions involving trade secrets, trademarks, patents, and copyrights, while also looking forward to upcoming cases. The Philadelphia Bar Association's Intellectual Property Committee hosted a CLE titled "Hot Topics in Intellectual Property Law" on Aug. 16.

Ernest Holtzheimer, associate at Montgomery McCracken Walker & Rhoads LLP, discussed trade secrets and the Defend Trade Secrets Act of 2016 that, in part, creates a federal cause of action for trade secret misappropriation. In discussing the background of the DTSA, he explained that "the risks of cybersecurity attacks really drove this legislation." The DTSA has already been put to the test, attacking really drove this legislation." The Supreme Court is now taking more of an interest in patent law cases and appeals, noting the uptick in the number of patent law cases decided by the U.S. Supreme Court in recent years. Cases discussed include Samsung v. Apple where the court weighed in on how to determine damages in design patent-infringement cases, SCA Hygiene Products v. First Quality Baby Products where the court held that laches is no longer a defense in patent infringement where the court held that laches is no longer a defense in patent infringement, Impression Products, Inc. v. Lexmark Int'l, Inc. that raised questions about the contours of the doctrine of patent exhaustion.

Jessica Watkins, associate at Baker & Hostetler LLP, discussed recent developments in trademark law such as the well-known case of Matal v. Tam where the U.S. Supreme Court held that the disparagement clause, which prevents registration of disparaging trademarks, is an unconstitutional restriction on free speech. She said that Matal "opens the door for a lot of minority groups that wish to reclaim slurs…" but also paves the way for those who wish to use marks for discriminatory purposes. Also discussed was the case of Skidmore v. Led Zeppelin in which Led Zeppelin's famous song from the 1970s titled "Stairway to Heaven" was alleged to infringe the copyright of a song by the band Spirit, and Star Athletica, LLC v. Varsity Brands, Inc. where the U.S. Supreme Court set forth a revised standard for determining whether a design feature of a useful article is protectable under the Copyright Act.

Tyler Tassone (Tyler.Tassone@flastergreenberg.com) is an associate at FlasterGreenberg.
International Commercial Arbitration: Is it Cheaper and Better?  
Wed., 10/14/17 - 4 - 6 p.m. (2 SUB)  
Hosted by the International Law Committee and presented in partnership by the Philadelphia Bar Association and the Bar of Montreal  
Held at Pepper Hamilton LLP, 3000 Two Logan Square  
Experienced panelists examine what drives the choice of international arbitration as a dispute resolution mechanism and answer several topical questions in determining whether international arbitration is the cheaper, better solution for resolving international commercial disputes. Join your colleagues in hearing a practical overview of international commercial arbitration of interest to both lawyers already practicing in arbitration and lawyers who want to enter this emerging area of the law.

Spotlight on In-House Counsel: Diversity in Law and General Counsel’s Role as Business Advisor  
Thu., 10/15/17 - 6:30 - 7:30 p.m. (1 SUB)  
Hosted by the Business Law Section in conjunction with the Corporate In-House Counsel Committee  
Held at the Loews Philadelphia Hotel, 33rd Floor – Registration and cocktails begin at 6:00 p.m.  
Our featured speakers, Kirkland Hicks, Esq., executive VP & general counsel, Lincoln Financial Corporation and Anne Robinson, Esq., general counsel, corporate secretary and fund secretary, Vanguard, will flesh out how general counsel, through their roles, can encourage diversity and inclusion within their organizations and how they go about handling their matters. They will also address how gaining the confidence and respect of clients as a trusted business advisor pays off for their businesses.

Reclaiming Vacant Properties: What You and Your Clients Need to Know About the Philadelphia Land Bank  
Tue., 10/17/17 - 12:30 - 2:30 p.m. (2 SUB)  
Hosted by the Probate & Trust Law Section  
Held at the Loews Philadelphia Hotel, WASHINGTON Room, 3rd Floor  
The shocking death of Han Solo has sent reverberations through the Star Wars universe. In this entertaining and practical CLE program, panelists explore numerous unusual issues that will arise during the administration of his estate, including competing claims by his estranged (and now deceased) wife, his patricidal son and his long time furry companion. Topics to be addressed include issues of forfeiture under the intestacy and spousal election statutes, application of the Slayer’s Act, and enforcement of contracts to make a will. Attend this program and learn how to channel the Force when dealing with unusual issues in estate administration.

The Real Life “Scandal” Fixer: Advanced Crisis and Reputation Management for You and Your Clients  
Wed., 10/18/17 - 4 - 6 p.m. (1 SUB/1 ETH)  
Presented by the Philadelphia Bar Association and The Baristers’ Association of Philadelphia, Inc.  
Crisis management is a critical organizational function. Failure can result in serious harm to stakeholders, losses for an organization or end its very existence. Receive guidance from an experienced crisis management attorney, Tye Farley, author of “When Crisis Meets Opportunity,” what to do when scandal or crisis hits you or your clients. Learn strategies for how to handle matters when your clients are involved in a crisis or experiencing detrimental communications issues. Hear how these strategies interplay with the PA Rules of Professional Conduct and receive powerful insights and tools you can instantly put into practice.

Recent Decisions and Developments in Pennsylvania Eminent Domain Law - 2017 Update  
Thu., 10/19/17 - 12:00 - 1:30 p.m. (1.5 SUB)  
Hosted by the Eminent Domain & Appraisals Committee  
This CLE program offers a 2017 update and overview on important and relevant court decisions regarding Pennsylvania eminent domain (condemnation) law; as well as, recent developments in and changes to related statutory law, regulatory provisions and local court procedures.

Pro Bono Opportunities Day: Navigating the Ethical Issues in Pro Bono Service  
Mon., 10/23/17 - 8:30 - 11:00 a.m. (2.5 ETH)  
Philadelphia VIP, the hub of pro bono legal services in Philadelphia, in partnership with the Philadelphia Bar Association, is pleased to announce this annual training event, Pro Bono Opportunities Day, part of National Pro Bono Week 2017. Learn how to recognize and respond to ethics and practice issues in pro bono representation. Faculty will then guide you through three segments that will examine the representation of clients with landlord/tenant, probate, and divorce issues highlighting ethical concerns and offering practice tips. FREE CLE training for ALL attorneys volunteering to take a case. Non-volunteer attorneys will pay noted fee for CLE credit.

Environmental Protection Agency (EPA) Update With Mary Cee  
Mon., 10/23/17 - 12:30 - 1:30 p.m. (1 SUB)  
Hosted by the Environmental and Energy Law Committee  
In this lunchtime CLE program featuring Mary Cee, regional counsel for U.S. Environmental Protection Agency Region 3, hear a timely and comprehensive EPA update on the latest developments in federal environmental law.

Running Philadelphia’s Elections in the Contemporary Media Moment  
Mon., 10/23/17 - 5 - 6 p.m. (1 SUB)  
Hosted by the Government & Public Service Lawyers Committee  
The current media focus on voting and elections and the rapid flow of news cycles makes running an election in Philadelphia a uniquely challenging event. In this timely and practical CLE program, panelists from the City of Philadelphia Law Department, City Commissioner, Police Department and District Attorney’s Office will review the city’s management of a full election cycle with a focus on the requirements of the Election Code. The program will also highlight and address the on-the-ground issues that occur on election day.

Pennsylvania Inheritance Tax Update  
Tue., 10/24/17 - 12:30 - 1:30 p.m. (1 SUB)  
Hosted by the Probate & Trust Law Section Taxation Committee  
Keeping up to date on the Pennsylvania inheritance tax is essential to any practitioner who provides estate administration advice and services. This practical CLE program provides a unique opportunity to engage directly with top Department of Revenue Inheritance Tax Division officials and receive the latest updates regarding issues with inheritance tax.

Nuts & Bolts of Nonprofit Board Service  
Wed., 10/25/17 - 12:00 - 2:15 p.m. (2 SUB)  
Hosted by the Young Lawyers Division as part of the Board Observer Program  
This CLE program will provide attorneys interested in serving on a nonprofit board with training on the basics of nonprofit board service, including charitable issues raised under state and federal laws for current board members. The CLE will conclude with a panel of executive directors and board members of charitable organizations sharing real-life experiences and offering guidance regarding the expectations of service to those who are interested in joining a nonprofit board.

Additional courses to be added at the end of the month.

TO REGISTER Visit the CLE page at PhiladelphiaBar.org
**MCARE Leaves Lasting Impression on Med-Mal**

*By Laura E. Laughlin*

In 2002, the Medical Care Availability and Reduction of Error Act was passed and transformed the way medical malpractice cases were litigated. The Philadelphia Bar Association’s Medical-Legal Committee hosted a CLE titled “Damages Issues in Medical Malpractice Cases” on Aug. 23. Panelists were Hon. Mark I. Bernstein (Ret.), who gave the perspective of the bench; Daniel Weinstock, shareholder at Feldman, Shepherd, Wohlgementer, Tanner, Weinstock and Dodig, LLP, who gave the plaintiff’s perspective; and James A. Young, managing shareholder at Christie & Young, PC, who gave the defense perspective. Daniel Jeck, partner at Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, P.C., moderated.

The program focused on damages under MCARE § 1303.509 that changed the way future damages for medical care are calculated and awarded by the jury. If the jury’s award for future medical treatment is more than $100,000, MCARE instructs that instead of awarding a lump sum, the jury must break down the medical expenses by year. This requires the jury to take into consideration what they believed the plaintiff’s life expectancy would be or for how many years the plaintiff would need medical treatment. However, if the jury awards damages for 25 years and the plaintiff dies before then, the payments stop upon plaintiff’s death.

There are a few cases in Pennsylvania that discuss attorney’s fees under MCARE, but the application of how to calculate attorney’s fees on a future medical treatment award is still unclear. MCARE §1303.509(b)(1) states in part, “future damages for medical and other related expenses shall be paid as periodic payments after payment of the proportionate share of counsel fees and costs based upon the present value of future damages awarded pursuant to this subsection.”

Some plaintiff lawyers argue that MCARE is a fee shifting statute, but the panelists as well as most defense lawyers are of the opinion that it is not a fee-shifting statute. In calculating attorney’s fees, the court will hold a hearing post-trial to determine the present value of the future medical treatment. This is typically based on expert testimony and the court will decide the present value of the future medical treatment award. The attorney’s fees are calculated from that present value number.

If the insurer becomes insolvent, there are a few stopgaps in place to guarantee that the plaintiff will still be paid. First, they look to the Medical Care Availability and Reduction of Error Fund, then the Pennsylvania Life and Health Insurance Guaranty Association or the Property and Casualty Insurance Guaranty Association to fulfill the award.

Delay damages under Pennsylvania Rule of Civil Procedure 238 are not addressed by MCARE. The purpose of delay damages is to compensate the plaintiff for having to wait when the case should have settled. It is unclear whether delay damages should be awarded from the actual future medical treatment award of the jury or whether it should be based off the present value number as there is Pennsylvania Courts of Common Pleas precedent deciding both ways. However, the panelists believed that delay damages should be calculated from the present value.

Laura E. Laughlin (lel@freiwaldlaw.com) is an associate at Freiwald Law.
**Details Missed in Checks May Trigger FCRA Litigation**

By Annie K. Kernicky

Most employers run some form of background check on job applicants or current employees, but judging from a recent surge in litigation, many of these same employers do not realize how much the Fair Credit Reporting Act limits the use of these background checks. The Labor and Employment Law Committee hosted a practical CLE titled “The Million Dollar Sentence and Other Recent Trends in Employment Background Check Litigation” on Aug. 25.

Robert P. Cocco, Law Offices of Robert P. Cocco, P.C.; and William J. Simmons, shareholder at Littler Mendelson P.C., provided insight from the plaintiff and defense perspectives on the various federal, state and municipal consumer laws governing these checks and recent litigation trends.

Cocco began by talking about various procedural issues under the FCRA. For example, he said that before an employer can obtain a background check from a third-party consumer reporting agency, the employer must obtain written consent from the candidate or employee in a stand-alone document, consistent with the requirements of the FCRA, and provide the candidate or employee with a notice of rights under the FCRA. In addition, before an employer can use a background report to make an adverse employment decision, it must provide a copy of the report to the employee or candidate at least five days in advance, and permit the employee or candidate to respond. Despite the clarity of the FCRA and its regulations, many employers, large and small, continue to fail to abide by the letter of the law, Cocco said.

Even though the FCRA was first enacted in 1970, FCRA litigation has exploded in recent years. Simmons said this is due in part to recent court decisions and class action settlements, awarding millions of dollars to prevailing plaintiffs. He discussed the multiple scenarios in which background check issues may arise. For example, he said that in an already pending employee wage claim, the employee could request his personnel file that includes various information about an improper background check that was performed at the beginning of his employment, unbeknownst to the employee or his lawyer. Simmons said that this type of routine employment discovery can often lead to additional claims being added to litigation with respect to a defective background check.

An advantage of bringing a claim under the FCRA is that a plaintiff can bring both an individual and class claims simultaneously, according to Cocco. Additionally, FCRA cases can result in substantial damages because the law provides for actual damages, such as wage loss and emotional distress damages, punitive damages for willful violations, and statutory damages, plus attorneys’ fees and costs, he said.

Simmons said that because there was relatively little FCRA litigation for many years in the employment context, many employers have become accustomed to certain processes regarding employee background checks that may run afoul of the FCRA. He said that employers should review their disclosure and authorization forms and practices to ensure FCRA compliance. If, for example, an employer includes a liability release or extraneous language in an FCRA authorization that is required to be a stand-alone document, the employer can violate the law and be subject to class action liability. He recommended that counsel review FCRA compliance with their client employers and their background check companies to ensure compliance with all aspects of the law. Cocco said that target defendants from a plaintiff’s perspective are both an employer and the screening company that the employer retains to obtain the background check.

Annie K. Kernicky (Annie.Kernicky@flaster-greenberg.com), associate at Flaster/Greenberg, is an associate editor of the Philadelphia Bar Reporter.

**PHILADELPHIA BAR ASSOCIATION CLE**

**Redact Filings Properly, Avoid Risk of Sanctions**

By Jon-Michael Olson

On Jan. 6, 2018, two ostensibly unrelated events will occur, the Supreme Court of Pennsylvania’s new public access policy will go into effect, and the Adobe Systems’ stock will rise. Daniel J. Siegel, Law Offices of Daniel J. Siegel, LLC, and Sara Austin, Austin Law Firm LLC, presented a Philadelphia Bar Association CLE titled “Can I Really Be Sanctioned or Disciplined for My Filing?” on Aug. 28. The policy will make it mandatory for parties and counsel in all Pennsylvania trial and appellate courts to either redact confidential information in their court filings, or to flag the entire document as confidential to limit public access. This new policy only affects filings made on or after Jan. 6, 2018. However, if a current case is appealed to an appellate court on or after Jan. 6, 2018, the whole trial court’s record, even those filed prior to that date, may be subject for redaction. The panelists said that attorneys should prepare for the transition now by implementing redacting measures in their filings.

With the new policy, attorneys must recognize if their filings contain confidential information or confidential documents. For confidential information, attorneys may be required to file a Confidential Information Form, which is used only when portions of the document continued on page 17...
Women of all political leanings, ethnicities and backgrounds should have an equal opportunity to lead in elected and/or appointed office. The Women in the Profession Committee, First Judicial District Women Judges’ Initiative and the National Association of Women Judges hosted a CLE titled “Branching Out: Opportunities for Women to Make a Difference in the Three Branches of Government” on Aug. 29. The panelists included Hon. Sallie Updyke Mundy, Supreme Court of Pennsylvania; Hon. Donna Bullock, Pennsylvania State Representative for the 195th District; Sara Manzano-Diaz, executive deputy attorney general, Office of Pennsylvania Attorney General; and Christine Jacobs, founding board member of Represent.

Judge Barbara A. McDermott, Philadelphia Court of Common Pleas, and Chancellor Deborah R. Gross moderated.

The program was a discussion about how women, particularly women of color, can seek elected and appointed offices in government at all levels, what barriers they face and how the panelists overcame barriers in their own lives. Judge McDermott said that while there are more female jurists in the First Judicial District, as well as Pennsylvania’s appellate courts, female jurists are a minority statewide. Similarly, Rep. Bullock said that less than 20 percent of the Pennsylvania State Representatives are women and less than a quarter of those women are also women of color. Pennsylvania has never had a female governor or U.S. Senator and has no current female representatives in Congress.

The panel addressed the barriers for women to run for office, which include less access to fundraising, less access to gatekeepers and often, the potential candidate’s own reluctance to seek office. Interestingly, evidence shows that women are more likely to give to charitable causes rather than political causes and when they do donate to political causes, they give less than men. Also, each female candidate is asked as many as seven times before agreeing to run whereas men usually agree on the first ask. Female candidates, often, are concerned about the impact of a run on their families and whether they are the “right” candidate for the job. The panelists also said that there are, perhaps, more women in the judiciary as opposed to the legislative and executive Government Ranks Show Women as Powerful Force

Jennifer S. Coatsworth (left) and Kathleen Kirkpatrick (second from left), cochairs, Women in the Profession Committee, with (left to right) Rep. Donna Bullock, Christine Jacobs, Justice Sallie Updyke Mundy, Sara Manzino-Diaz, Judge Barbara A. McDermott and Chancellor Deborah R. Gross at the Philadelphia Bar Association CLE on Aug. 29.

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Have an Ethics Question?

Call the Philadelphia Bar Association Ethics Hotline at 215-238-6328
Market Your Practice, Focus on Your Mind-Set

By Jordan Weaver

Everyone is fighting to know the secret to developing and executing a prosperous practice. The Philadelphia Bar Association’s Young Lawyers Division hosted a CLE titled “Developing a Prosperous Law Practice and Navigating Ethics” on Sept. 7. Presenters Kimberly A. Rice, president and chief strategist at KLA Marketing Associates, and Gail S. Cummings, Gail Cummings Consulting, highlighted methods for effective marketing, networking, and business building.

Rice and Cummings analyzed the concept of valuing oneself while also fulfilling legal duties and responsibilities. Important information such as how to not only create networks, but also maintain those networks throughout the entirety of a professional career were reviewed in detail.

Both presenters said that, more often than not, individuals feel uncomfortable with the idea of professional networking. Rice said that because so many legal professionals have never been taught the skills that are necessary for effective networking, they often fall short. According to Rice, networking is not a mere exchange of business cards at a cocktail party. While networking in a professional environment, it is important to focus conversations on how you can benefit others, rather than the other way around. She said that is appropriate to offer business cards only to professionals who ask for contact information, rather than passing out as many as possible.

While professionally networking, Rice talked about the importance of personal branding and the idea that as a legal professional, you are viewed as a business. She said that it is important to remember that effective personal brands are not created, but are developed. The idea of “creating” a personal brand suggests that it is a short-term event, when in reality it is a career-long process. Rice then encouraged the audience to always remain professional, authentic and bold.

Cummings said that in order to effectively market yourself to professionals you must be aware of your own worth. She challenged the audience by asking if it is possible to effectively represent clients when experiencing self-doubt. However, she and Rice said that, when it comes to self-doubt, changing your mind-set is the key to overcoming those thoughts and feelings and successfully representing clients legally and ethically.

Cummings and Rice encouraged the audience to remain educated on these important topics.

PHILADELPHIA BAR ASSOCIATION CLE - WORKERS' COMPENSATION SECTION

Immigration Status May Not Affect Benefit Eligibility

By Elisa C. Advani

Whether we are talking about a border wall, DACA revocation or sanctuary cities, it is increasingly more challenging for undocumented immigrants to fly under the radar. Immigration issues are difficult to avoid in today’s political climate, and this holds true even in workers’ compensation. The Workers’ Compensation Section hosted a CLE titled “Immigration Status and the Injured Worker” on Sept. 8, led by Joseph F. Frattone IV, partner at Cipriani & Werner, and Christian Petrucci, principal of the Law Offices of Christian Petrucci.

A person who is injured at work is entitled to wage loss and medical benefits, but only if the loss of earning power is actually caused by the injury and not some other reason. For example, the law allows employers to suspend benefits if a claimant is convicted of a crime and incarcerated, removing themselves from the workforce. However, the same logic does not apply when it comes to undocumented workers. Even though undocumented immigrants are not legally authorized to work, they are afforded some protections after a work injury.

In Reinforced Earth v. WCAB, the Supreme Court of Pennsylvania held that a claimant’s status as an undocumented immigrant does not preclude him from receiving benefits. The employer in that case argued that the claimant’s inability to work was caused by his immigration status and not by the work injury itself, but the court was not persuaded. Later in Ortiz v. WCAB, the court held that an undocumented worker must be totally disabled to receive benefits, and it suspended benefits because the claimant was cleared for part-time work. Importantly the claimant in Ortiz acknowledged that he was not eligible for work due to his immigration status. It was later established that a claimant need not confirm if he is undocumented.

Immigration Reform and Control Act of 1986 made it illegal for employers to knowingly hire undocumented immigrants. Employers need to verify that a person is authorized to work at the hiring stage, and not after a work injury in order to deny benefits. If employers could deny benefits solely due to a person’s immigration status, courts fear that employers would prefer to hire undocumented workers to avoid liability for work injuries.

Rice said that an employer might not want to raise the issue of a worker’s immigration status as a defense, since doing so would show that it hires unauthorized workers in violation of IRCA. “In my experience, most employers know what’s going on and are willing to settle and resolve a claim rather than take too much of a risk of a person’s immigration status,” he said.

Injured workers should not be deterred from reporting work injuries due to fear of deportation. However, that fear is more justified with each passing day under the current administration. Petrucci said clients should be advised of their rights and the possible consequences, including deportation, once immigration status is called into question.

“When you are representing someone and you have doubts about the validity of a social security number, you need to have a candid conversation with your client,” Petrucci said. He discussed using an individual’s taxpayer identification number on claim petitions and settlement documents since it is a felony to use a false social security number. “Even if your client used a fake social security number to obtain employment, he may very well have a valid tax ID number,” Petrucci said.

Elisa C. Advani (eadvani@paworkinjury.com), associate at Martin Law LLC, is an associate editor of the Philadelphia Bar Reporter.
Internal Revenue Code Requires Close Adherence

By James C. Vandermark

The Internal Revenue Code can significantly impact businesses that own or deal in real estate. The Philadelphia Bar Association’s Tax Section hosted a CLE titled “Tax Accounting for Real Estate” on Sept. 11. The program was presented by Steven M. Friedman, CRE, FRICS at Friedman Advisors, LLC and Robert D. Schachat, retired principal and consultant at Ernst & Young LLP.

The program offered a practical look at the basic requirements of different methods of accounting allowed under the code as well as provisions that govern timing of income and costs. For example, Friedman and Schachat walked attendees through the alternative cost method provided by Rev. Proc. 92-29. They explained how residential developers often face unfavorable tax consequences because they receive income from selling units in one year before incurring costs for common space elements in subsequent years. Rev. Proc. 92-29 provides developers with some limited relief by allowing the alternative cost method. This method allows developers to include in the tax basis an estimate of certain costs of common improvements. Friedman said, “This creates a much better matching of revenue with expense, and Rev. Proc. 92-29 really is an excellent tool when sales pace and velocity is faster than cost velocity.”

The program also discussed the tax accounting rules for long-term contracts, including an historical overview and when sales pace and velocity is faster than cost velocity.”

“This creates a much better matching of revenue with expense, and Rev. Proc. 92-29 really is an excellent tool when sales pace and velocity is faster than cost velocity.”

The presenters also covered developments in like kind exchanges and installment sales. Schachat discussed the recent tax court decision permitting a transaction to qualify for non-recognition treatment under IRC 1031 even though it was outside of the safe harbor rules provided by the IRS. Under Rev. Proc. 2000-37, a safe harbor for reverse exchanges allowing taxpayers to acquire a replacement property up to 180 days prior to the disposition of the relinquished property. In Estate of Barrell v. Commissioner, 147 T.C. 140, the tax court determined that 1031 would apply even though the replacement property was parked for 17 months (well beyond the 180 days permitted by Rev. Proc. 2000-37) and the exchange accommodation titleholder did not have the benefits and burdens of ownership. While the decision has been well received by taxpayers that might utilize the reasoning applied by the tax court, Schachat said that the IRS had issued a decision that confirmed that the IRS was not acquiescing to the decision in Barrell.

Friedman and Schachat also talked about the possibility of tax reform and its impact on the topics covered in the program. While significant political discussion of tax reform has occurred, Schachat said that there is a good chance that it will not occur. He said that some things may change if there is tax reform, but no one can really know and the assumption is that it will stay the same.

James C. Vandermark (Vandermarkj@whiteandwilliams.com) is an associate at White and Williams LLP.

PRO BONO SPOTLIGHT - FACE TO FACE

Tracing Vital ID Documents Throws Up Roadblocks

By Carl L. Engel

In a sense, I began volunteering at the Face to Face legal clinic to connect with people. I never imagined how literal this would be until I was tasked with establishing the identity of someone regarded by the state as nonexistent and who needed to be connected with the necessary social services available. My client was one of millions of Americans who are disconnected from modern society’s network of services simply for a lack of identification. Indeed, a 2015 study of American National Election Studies data by the advocacy group Project Vote found that 7 percent of American adults (approximately 16 million people) do not possess photo identification. Among individuals who are members of a household with a net income less than $25,000 per year, the rate nearly doubled to 12 percent.

Without photo identification, a person is cut off from society. By way of example, my client could not apply for most jobs, board an Amtrak train or airplane, open a bank account or apply for social welfare programs. While most people can solve the lack of photo ID simply by going to the Department of Motor Vehicles with their birth certificate, social security card and a check for the processing fee, there is a subset of people (particularly among the lowest-earning) who cannot. Consequently, these individuals have been detained and left adrift in a bureaucratic limbo.

It is not easy for a person to establish that she is who she says when there is no reliable record of her existence. Confirming an identity under these circumstances can require multi-jurisdictional proceedings, court appearances and witness interviews, among other chores of litigation—an undertaking far beyond her means. It is in service of “lost” people like my client where Face to Face comes in.

Face to Face assigned me to an elderly woman living in poverty who was unable to obtain photo identification because she was born in a farmhouse and her parents never acquired a birth certificate for her. Furthermore, the records that were made at subsequent points in her life had inconsistent vital information. Verifying her identity involved obtaining affidavits from her siblings as to who she was, collecting all existing records and accounting for the deficiencies in each. We filed a petition in the Philadelphia Court of Common Pleas and used the judgment to begin the application process with the state of South Carolina where she was born. Ultimately, after a year of litigation, she prevailed and received a birth certificate that she could use to attain photo identification allowing her to apply for certain social-welfare programs. Her limited education makes it highly unlikely that she would have been able to navigate the applicable statutes, prepare the required filings, and present at the hearing without the aid of a lawyer.

Because Face to Face could connect my client to the social-welfare network that was created for people in her position, she can access the assistance to which the legislature has deemed her to be entitled. There are millions of more people in her position and currently not enough lawyers to serve them all. It is imperative that we continue to support organizations like Face to Face that have undertaken the fight to reconnect those who have been cut loose and left adrift.

Carl L. Engel (cengel@cohenseglias.com) is an associate at Cohen Seglias Pallas Greenhall & Furman PC.
Many individuals make gifts directly to charities. There are, however, strategic charitable giving options to maximize benefits to the donor, the donor’s family, and charitable organizations. For this month’s interview, I sat down with Leanna Johannes, senior wealth strategist, PNC Wealth Management®, to discuss how a structured approach to philanthropy provides many benefits, including several tax advantages.

Mary Ashenbrenner (MA): Can an individual name a charitable organization as a beneficiary in his or her will?

Leanna Johannes (LJ): Donors can designate a charitable organization as a beneficiary of their will, retirement plan, individual retirement account (IRA), life insurance policy, annuity, or any other asset that passes by contract, such as a payable on death account. The charity can be the primary beneficiary or one of several beneficiaries.

MA: What are the consequences of naming a charity as a designated beneficiary of a non-probate asset?

LJ: Accounts with named beneficiaries are generally not subject to probate; however, assets that pass to a charitable beneficiary under a will are subject to probate, and depending on the amount and/or type of bequest, notice of the testamentary gift may be required to be given to the State’s Attorney General. Distributions to an individual of retirement assets, such as from a traditional IRA, would be subject to income tax; however, when a charitable organization is designated as the beneficiary of retirement assets, it is exempt from income tax.

MA: When does it make sense to incorporate a charitable remainder trust into one’s estate plan?

LJ: If a person wants to make a future gift while retaining the right to income from the assets during his lifetime, he or she might consider a charitable remainder trust. It’s an irrevocable trust funded with appreciated property to the extent the trust is irrevocable, so one cannot terminate it or change the terms, other than retaining a power to change charitable beneficiaries. Also, the assets in the trust will not be available for the donor’s heirs.

MA: How does that strategy differ from using a charitable lead trust?

LJ: Like the CRAT or CRUT, the charitable lead trust makes periodic payments for a term of years or for life, but the payments go to a charitable entity rather than to the donor or another individual. When the trust ends, the remaining assets return to the donor, or pass to other non-charitable beneficiaries, such as the donor’s children. Depending on how the trust is structured, an individual may be entitled to an income tax charitable deduction when assets are transferred to the trust.

MA: Is it easier to create a donor-advised fund?

LJ: If someone is interested in giving multiple gifts but is tired of the paperwork, creating a donor-advised fund may be the best solution. It’s a charitable fund managed by a community foundation or a charitable entity created by a bank or other organization. Contributions to a donor-advised fund are tax deductible; however, assets transferred to the fund do not need to be immediately distributed to a charity. The donor may retain the ability to make recommendations for distributions to charitable beneficiaries. This is helpful if he or she wants to take a charitable deduction but is not yet sure which charities to support.

MA: How should a donor get started with creating a strategic charitable giving plan?

LJ: Certain of these charitable giving methods allow philanthropists and their heirs to benefit from their assets while also providing needed funds to charity. It would be wise to consult with one’s attorney or other financial advisor regarding the best way to support charitable organizations, since significant planned gifts should be incorporated into the donor’s overall estate plan.

Mary E. Ashenbrenner (mary.ashenbrenner@pnc.com or 215-585-1041) is a senior vice president with PNC Wealth Management.

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5 Vital Components to LPL Coverage

As many as 55,000 attorneys in the U.S. are likely to face an allegation of professional liability in any given year, and it is estimated that there is a 50 percent chance that a lawyer in private practice for 25 years will be the subject of at least one disciplinary complaint or malpractice claim. This makes lawyers professional liability (LPL) insurance an essential part of any law practice.

Some key issues to consider regarding your LPL insurance:

Terms of Coverage
Policy language may vary, but there are many common provisions and types of coverage. Some commonly covered risks include:

- Coverage for all legal services provided by the firm.
- Individual lawyers or non-lawyers are covered for services not performed on behalf of the firm.
- Acts other than those on behalf of the named insured, such as pro bono activities.
- Other business pursuits with clients of the firm.
- Coverage for any services crucial to the firm.

Named Insured
The policy will name who falls within the definition of “Insured” for the purposes of the LPL coverage. For example, does it include former members of the firm, or contract lawyers hired only to work on specific matters? Or does the definition limit coverage to services rendered on behalf of the firm, excluding outside activities or work with a former firm?

Exclusions
There has likely never been an insurance policy of any kind that does not contain exclusions or exceptions to coverage, making it extremely important to review the entire policy, not just the “Exclusions” section. There may be terms, conditions, requirements, and endorsements included throughout the policy that limit or void coverage. Some common exclusions include criminal acts, intentional or malicious acts, and claims for injunctive or declaratory relief.

Deductibles
Almost all policies have deductibles, and the higher the deductible, the lower the premium. But you should pick a deductible that you can afford to pay, not just one that lowers your premium to a level you prefer. Payment of the deductible is a precondition to the carrier being obligated to paying its limits.

Prior Acts Coverage
Prior acts, also known as “tail coverage,” is coverage for claims that are made after a claims-made policy is terminated, extending the reporting or discovery period. Any lawyer who retires or goes into public service should consider prior acts coverage, and those changing firms need to make certain they will be covered under their old firm’s policy for any errors or omissions that may have occurred while they worked there, and under their new firm’s policy for any accrue after they start at their new firm.

For more information about defending malpractice allegations, contact Rich Balasa, senior professional liability consultant at USI Affinity, today at (800) 265-2876 or 1-855-874-0267.

Lee A. Schwartz (Lee@schwartzjordan.com) is an attorney/mediator/collaborative lawyer at SchwartzJordan Law Group LLC.

To learn more about LPL coverage, contact USI Affinity’s Lee A. Schwartz, Senior Professional Liability Consultant at lee.schwartz@usiaffinity.com, or view the LPL Coverage Guide at www.usiaffinity.com/lplcoverage.
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Branching Out

continued from page 12

branches because jurists run for open spaces and are elected to longer terms. Significantly, studies have shown that women in political office are more likely to correct disrespectful language and behaviors. Justice Mundy said when describing demeaning opposing counsel “just out work them . . . next time they are not going to call you ‘sweetie.’” The panel also explored using technology to effectively communicate with others and to explore issues and opinions outside of one’s “own echo chamber.” Significantly, the panel said that everyone needs a mentor and needs to be a mentor, and women must seek ways to empower the next generation.

Pamela Thurmond (Pamela.Thurmond@Phila.gov) is deputy city solicitor in the City of Philadelphia Law Department.

**CALENDAR OF EVENTS**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>Oct. 3</td>
<td>Legal Rights of Persons With Disabilities Committee: meeting, 9 a.m.</td>
<td>11th Floor Committee Room South.</td>
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<td>International Law Committee: meeting, 12 p.m., Pepper Hamilton LLP, 3000 Two Logan Square, Philadelphia.</td>
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<td>Oct. 4</td>
<td>Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th Floor Board Room.</td>
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<td>Criminal Justice Section Executive Committee: meeting, 12:30 p.m., 11th Floor Committee Room South.</td>
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<td>Municipal Court Committee: meeting, 3:30 p.m., 1339 Chestnut St., 10th Floor Conference Center.</td>
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<td>CLE - International Commercial Arbitration: 4 p.m., Pepper Hamilton, 3000 Two Logan Square, Philadelphia.</td>
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<td>Oct. 5</td>
<td>Real Property Section: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.</td>
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<td>Oct. 6</td>
<td>International Law Committee: meeting, 12 p.m., Pepper Hamilton, 3000 Two Logan Square, Philadelphia.</td>
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<td>Oct. 10</td>
<td>Orphan’s Court Litigation and Dispute Resolution Committee: meeting, 8:30 a.m., Heckscher, Teillon, Tirrell &amp; Sager, P.C., 1500 Market St., Center Square, East Tower, 12th Floor, Philadelphia.</td>
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<tr>
<td>Oct. 18</td>
<td>Federal Courts Committee: meeting, 12:30 p.m., 11th Floor Conference Room. Lunch: $9.</td>
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<td>Oct. 19</td>
<td>Probate and Trust Law Section Executive Committee: meeting, 9 a.m., Flaster/ Greenberg PC, 1835 Market St., Suite 1050, Philadelphia.</td>
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<td>Family Law Executive Committee: meeting, 12 p.m., 11th Floor Committee Room South.</td>
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<td>Oct. 20</td>
<td>Family Law Executive Committee: meeting, 12 p.m., 11th Floor Conference Room. Lunch: $9.</td>
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<td>Oct. 21</td>
<td>Legal Rights of Children Committee: meeting, 8:30 a.m., 11th Floor Conference Room South.</td>
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<td>Legislative Liaison Committee: meeting, 12:30 p.m., 10th Floor Board Room. Lunch: $9.</td>
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<td>Oct. 23</td>
<td>Equitable Distribution Committee: meeting, 12 p.m., Kehrt Harrison Harvey Branzburg LLP, 1835 Market St., Suite 1400, Philadelphia.</td>
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<td>Public Interest Executive Committee: meeting, 12 p.m., 10th Floor Board Room.</td>
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<td>Oct. 24</td>
<td>Federal Courts Committee: meeting, 8:30 a.m., 11th Floor Conference Room. Lunch: $9.</td>
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<td>CLE - Pennsylvania Inheritance Tax Update: 12:30 p.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.</td>
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<td>Oct. 25</td>
<td>CLE - Nuts &amp; Bolts of Nonprofit Board Service: meeting, 12 p.m., 10th Floor Board Room.</td>
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<td>LGBT Rights Committee: meeting, 12 p.m., 11th Floor Committee Room South.</td>
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<td>Oct. 26</td>
<td>CLE - Professional Responsibility: meeting, 12:30 p.m., 11th Floor Conference Room South.</td>
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<td>Oct. 27</td>
<td>Senior Lawyers Committee: meeting, 12 p.m., 11th Floor Conference Room.</td>
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**Note:** While the following listings have been verified prior to press time, any scheduled event may be subject to change by the committee or section chair. Lunches are $9 for members and $15 for non-members, unless otherwise indicated. Register online for most events at PhiladelphiaBar.org. Unless otherwise specified, all checks for luncheons and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquarters, 1101 Market St., 11th Floor, Philadelphia, PA 19107-2955.
People

Joseph L. Messa Jr., founder of Messa & Associates, P.C., received a city council citation, presented by Councilman David Oh on Aug. 31, to celebrate and honor Messa’s contributions and achievements as an advocate for injury victims.

Catherine Berryman, senior counsel at Chamberlain, Hrdlicka, White, Williams & Aughtry, will present at the ATIXA/SCOPE Joint National Conference in Philadelphia on Oct. 3-6.

Cynthia Sharp, business development strategist & CEO of The Sharper Lawyer, has been appointed to the GP Solo magazine board and membership committee of the ABA Solo, Small Firm & General Practice Division.

Hon. Anthony J. Scirica, Senior Judge, U.S. Court of Appeals for the Third Circuit, has been selected to receive the prestigious 2017 American Inns of Court Lewis F. Powell, Jr. Award for Professionalism and Ethics.

Patrick O’Connor, cofounder of Cozen O’Connor, was honored by Temple University through dedication of its plaza in the heart of campus as O’Connor Plaza. Nikki Johnson-Huston, of the Law Office of Nikki Johnson-Huston, has been selected as Mrs. Montgomery County PA America 2018 and will compete in the Mrs. Pennsylvania America Pageant in the spring of 2018. Her pageant platform is homelessness.

Matthew Taylor has been named chair of Duane Morris LLP. He will begin his new role on Jan. 1, 2018.

Gaetan J. Alfano, Immediate Past Chancellor and partner at Pietragallo Gordon Bosick & Raspanti, LLP, was inducted into the American College of Trial Lawyers at its annual meeting in Montreal.

R. Barrett Marshall, staff attorney at Philadelphia VIP, has been named a cochair of the Philadelphia Mayor’s Commission on LGBT Affairs.

Marc P. Weingarten, partner at Locks Law Firm, served as a lecturer and on an international panel at the prestigious Pan European Organization of Personal Injury Lawyers 20th Annual Conference in London.

Tiffany L. Palmer, partner at Jerner & Palmer, P.C., was named director of the LGBT Family Law Institute of the National LGBT Bar Association.

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

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