Chancellor’s Forum: Optimize New Technology for Practice

By Mary LeMieux-Fillery

Technology can help us as lawyers do our work more efficiently and faster but it needs to be used in a manner that allows a lawyer's judgement to prevail and protect the client's interest. The Law Practice Management Committee hosted a Philadelphia Bar Association Chancellor’s Forum CLE titled "The Impact of Technology on the Practice of Law" on Sept. 6 to help lawyers of all ages make better use of technology in their jobs.

Chancellor Mary F. Platt kicked off the Forum and then turned the CLE over to presenters Daniel J. Siegel, chair of the Committee and president of Integrated Technology Services, LLC, and Odia Kagan, of counsel to Ballard Spahr LLP and a cybersecurity and privacy regulation adjunct professor at Drexel University Thomas R. Kline School of Law, who offered some helpful insight and advice on the direction the profession heads toward with technology and how lawyers can use it to exercise good judgment.

Kagan began the presentation by discussing the pros and cons concerning the concepts of artificial intelligence and blockchain. She said that AI can increase productivity and allow for better resource management, citing a recent study that predicted AI could automate 22 percent of lawyer jobs and 35 percent of law clerk jobs that involve mass-produced and template-based projects. The downsides of AI stem from big data analytics, where a pool of information is collected and...
To take advantage of these benefits and more visit:
www.philadelphiabar.org/page/MemberBenefits
I am thrilled to announce that our Board of Governors approved the Philadelphia Bar Association’s first strategic plan last month. The plan sets goals for the Association and identifies general strategies for the executive director, Chancellor, Board of Governors, and staff to pursue through 2021. In doing so, the plan provides a framework for them to discuss, collaborate and decide on actions to achieve the Association’s goals and execute the strategies, and will promote continuity in programming over time.

Here is our strategic plan!

**Goal 1:** The Philadelphia Bar Association will cultivate an engaging, inclusive and accessible member experience. We will achieve this goal by:

- Increasing awareness of the Association in the community-
ar-large
- Engaging and strengthening relationships with community leaders and organizations
- Collaborating with partners to educate and provide leadership within the community
- Leading and supporting diversity and inclusion efforts within and outside the Association
- Speaking out on issues that impact the core values of attorneys and providing opportunities for action

**Success measures:**

1. Participation in Association-sponsored community events
2. Growth in Association-driven pro bono services and community events
3. Impact of the Commission on Judicial Selection and Retention on judicial elections
4. Number of partnerships with other community organizations
5. Increase in use of the Association’s public service programs

**Goal 2:** The Philadelphia Bar Association will deliver programming and resources that are essential to the personal and professional success of its members and prospective members. We will achieve this goal by:

- Evaluating and providing Section, Committee and Division programming and other member offerings that are responsive to current and emerging needs of members and prospective members
- Identifying trends related to the law and assessing their impact on the practice of law and our justice system.

**Success measures:**

1. Expanded participation in, and satisfaction with, Committee/Section/Division activities and Bar-wide events
2. Increased retention rate

**Goal 3:** The Philadelphia Bar Association will strengthen engagement with the Philadelphia community to increase access to justice and respect for the rule of law. We will achieve this goal by:

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ar-large
2. Engaging and strengthening relationships with community leaders and organizations
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4. Number of partnerships with other community organizations
5. Increase in use of the Association’s public service programs

**Goal 4:** The Philadelphia Bar Association will achieve a significant and steady growth in membership, and also build the pipeline of future members. We will achieve this goal by:

1. Making member retention a top priority
2. Ensuring we have the data to understand who our members and prospective members are and what they need
3. Ensuring that the Association’s programming and engagement efforts are tailored to members’ needs
4. Engaging in outreach efforts to our constituent groups to attract new members

**Organizational Values:** These core values direct the Philadelphia Bar Association’s conduct as it works to achieve its goals and fulfill its mission.

- Advocacy
- Collaboration
- Commitment to Service and the Community
- Diversity and Inclusion
- Forward-Thinking
- Pro-activeness
- Openness and Transparency
- Responsiveness
- Respect for Rule of Law

**Goal 1:** The Philadelphia Bar Association will cultivate an engaging, inclusive and accessible member experience. We will achieve this goal by:

1. Ensuring every interaction with members is welcoming and tailored to their needs and interests, recognizing that membership is a choice that we want to encourage them to make
2. Advancing diversity and inclusion throughout the Association
3. Upgrading the Association’s technology infrastructure and creating/maintaining an engaging user interface
4. Modernizing the Association’s facilities
5. Enhancing engagement opportunities for members
6. Increasing transparency in, and ensuring the effectiveness of, the Association’s policies and practices

**Success measures:**

1. Growth in membership
2. Competition for leadership positions
3. Diversity of leadership
4. Expanded participation in, and satisfaction with, Committee/Section/Division activities and Bar-wide events

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Each year, the third week of October is bestowed with the distinction of Pro Bono Week. 2018 Pro Bono Week, from Oct. 22-26, offers us a chance to celebrate our individual and collective contributions to pro bono service while challenging us to meet, or exceed, those efforts in 2019. During that week, we reflect on our commitment to pro bono service in unison with our fellow attorneys across the country in a truly inspirational showing of unity and purpose. We need to come together for important causes, such as this, now more than ever.

For young attorneys, I believe that whether we engage in pro bono service is most often not driven by questions of “why” or “what’s in it for me,” but rather “how.” How can I find time for pro bono service in a schedule that is already overwhelmed by other work commitments? How do I find meaningful opportunities for pro bono service that interests me?

While these are not always easy questions to answer, I am encouraged that they seem to be the most prevalent questions raised by young lawyers with respect to pro bono service. It is encouraging that most of us seem to appreciate how fortunate we are to be counted as members of this profession, and are motivated to give back. It is also encouraging that most of us appear to be acutely aware of how our profession positions us to help the marginalized members of our society in ways that others (most) cannot. Awareness and motivation are not lacking among our ranks when it comes to pro bono service.

How do we turn our awareness into action? The best place to start is to identify a pro bono area of law or opportunity that speaks to you. In Philadelphia, we have an incredible group of legal aid and public interest organizations whose lifeblood is the work of pro bono lawyers. One great place to start is by visiting the Philadelphia Bar Foundation’s website for a list of its nonprofit partners at www.philabarfoundation.org/nonprofitpartners. This page provides a handy snapshot of each organization’s programs and services, information about its leadership, and links to each organization’s web page. The Foundation’s nonprofit partners often have pressing needs for pro bono volunteer lawyers.

This month, you should also attend the Pro Bono Oktoberfest hosted by the YLD and the Philadelphia Bar Association’s Delivery of Legal Services Committee. This free event, which will be held on the evening of Oct. 23 in the Association’s 11th Floor Conference Center, will feature Oktoberfest-themed refreshments and an opportunity to meet with and discuss pro bono service opportunities with representatives from a variety of local public interest organizations. You may not ever have a better time exploring your pro bono options, so be sure to check your e-mail and the YLD Ezine for more information and to register!

Even if you have identified your pro bono service interests, the rest may not immediately fall into place. Taking the time to thoughtfully research your firm’s pro bono policies and expectations, as well as those of the attorneys with whom you most closely work, is time well spent. Be honest with yourself in terms of the time commitment you are prepared to make. If your firm or your schedule will not permit you to take on a pro bono case, consider asking the pro bono organization of your preference about single-day clinics or similar opportunities. For instance, the YLD is always looking for volunteers to staff our Legal Line program held on the third Wednesday of each month!

This year, let us honor Pro Bono Week by committing to a take on a new pro bono matter. There has never been a better or more important time than now.

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

The Young Lawyers Division hosted its annual School Supply Drive and Happy Hour at the Logan Square location of City Tap House in Philadelphia on Aug. 30. They collected donations of pencils, notebooks, backpacks and more for Turning Points for Children, an organization that brings social and health services to vulnerable people in Philadelphia.

Left: Hillary Ladov, YLD financial secretary (left to right); Melissa A. Martinez, YLD liaison to the Hispanic Bar Association of Pennsylvania; Robert H. Bender Jr., YLD secretary; and Catelyn M. McDonough, YLD executive committee; with donations at the School Supply Drive and Happy Hour.
By Thomas A. Brophy

Fall at the Philadelphia Bar Foundation

This fall brings several exciting opportunities to support the Philadelphia Bar Foundation, learn about the work of our nonprofit partners, and honor those making a difference in our legal community. Join us at any or all of these events and programs!

Bench-Bar & Annual Conference – Oct. 12-13

This fall, the Philadelphia Bar Association will hold its annual Bench-Bar & Annual Conference from Oct. 12-13 at Borgata Hotel Casino & Spa in Atlantic City. As most of you know, Bench-Bar is the Association’s premier event for networking and socializing with colleagues and members of the judiciary. The Foundation looks forward to being a part of this community again this year and sharing updates on our work. If you are attending, please stop by our table to learn more about the ways we support legal aid in Philadelphia.

Philadelphia Law Rocks – Oct. 18

The Foundation is getting ready for one of our newest traditions, the Third Annual Law Rocks Philadelphia concert. Law Rocks is a nonprofit organization that organizes concerts around the world, gathering legal professionals to play music in support of charity. The 2018 Philadelphia Law Rocks concert will take place Thursday, Oct. 18 at World Café Live in Philadelphia at 7:30 p.m. Two bands, “Class Action & the Marshall Dennehey Horns” and “The Lift Offs,” will be performing to raise money for the Foundation. You can support both bands and the Foundation by purchasing tickets to the concert, collecting donations in-person or on the website, and sharing your event on social media using our hashtag, #PhiladelphiaForJustice.

Proceeds from Philly Jeans for Justice fundraisers support our grant-making efforts at the Foundation. Thank you to the many offices that have already participated, including our first and second-quarter fundraising winners: Marks, O’Neil, O’Brien, Doherty & Kelly, P.C. and Nicole Miller Philadelphia. My own firm held its latest Jeans for Justice Day last month and showed off its Philadelphia Eagles spirit for the home opener. Your firm can also demonstrate its support for legal aid in a creative way this fall!

Cy Pres CLE/CJE – Oct. 30

On the morning of Oct. 30, a panel of expert judges and attorneys will discuss the particulars of the cy pres doctrine and what counsel must consider when structuring a cy pres distribution. Cy pres funds remaining from class action lawsuits can make a significant difference by supporting the charitable and public service causes of the Foundation in our community. This program is generously sponsored by The Huntington National Bank; lunch and CLE/CJE credit are offered at no charge.

Access to Justice Celebration – Nov. 8

As I mentioned in the August President’s Column, we hope you are looking forward to our annual November Access to Justice event. This year, our traditional Access to Justice Benefit will transform into a more relaxed weeknight event to celebrate your generous contributions, and the outstanding achievements of pro bono and public interest lawyers among us.

The Foundation’s Access to Justice Celebration and Awards Reception will take place Thursday, Nov. 8 at the Crystal Tea Room from 5:30-8:30 p.m. We hope that you can join us for an evening of drinks, food, networking and music from the band “Class Action & the Marshall Dennehey Horns.” We will recognize our supporters and celebrate the recipients of our 2018 Pro Bono Award, Philadelphia Bar Foundation Award and Trailblazers for Justice Award. Because of the support of our Unified Giving partners, we are offering complimentary attendance to all our 2018 supporters. We hope that your organization will consider becoming a Unified Giving partner of the Foundation and join us for our annual celebration.

2018 Philadelphia Bar Foundation Grants

Over the past few months, the Foundation’s Grants Committee has been hard at work preparing to award next year’s grants to our nonprofit partners. Each year, members of our Grants Committee and staff meet with the executive director of every one of the agencies that apply for funding – 38 this year! We enjoy this opportunity to connect with the leaders of our public interest community. We also learn about exciting new projects and continuing legal aid initiatives across Philadelphia.

We appreciate the time and dedication of our committee members that make this process possible, allowing us to support nonprofits that promote access to justice and remove barriers for people facing poverty, abuse, and discrimination.

I hope that I will see you at many of our events this fall. Thank you for understanding the importance of the Philadelphia Bar Foundation’s mission and supporting our nonprofit partners all through the year.

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

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James C. Schwartzman, Esq.

- Judge, Court of Judicial Discipline
- Former Chairman, Judicial Conduct Board of Pennsylvania
- Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania
- Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania
- Former Chairman, Supreme Court of Pennsylvania Interest on Lawyers Trust Account Board
- Former Federal Prosecutor
- Selected by his peers as one of the top 100 Super Lawyers in Pennsylvania and the top 100 Super Lawyers in Philadelphia
- Named by his peers as Best Lawyers in America 2015 Philadelphia Ethics and Professional Responsibility Law “Lawyer of the Year,” and in Plaintiffs and Defendants Legal Malpractice Law

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then conclusions are drawn from the data. “There is a ton of different information all going into one pool, but there is no quality control, no way to ensure the data is reliable,” Kagan said. There can be biases and problems in algorithms that create data, complicating the practice of law.

Block chain is a growing list of records, called blocks, which are linked using cryptography. Each block contains a cryptographic hash of the previous block, a timestamp, and transaction data that allows for the collaboration and expansion of data on a large scale. Kagan discussed the benefit of centralization of block chain to prevent it from crashing, along with being public and transparent. It is not easy to change or tamper with the data contained in the block chain, she said, but because it is peer-to-peer, block chain is loosely regulated. “You can’t shut it down. There is no confidentiality. There is a fraud and theft risk that is hard to control,” Kagan said. “Once data gets on block chain it is almost impossible to delete.”

Siegel discussed the need for attorneys to adapt the practice of law to remain ethically compliant in their use of technology. The practice of law has evolved over the course of time, he said, and attorneys must evolve their practice to keep up with technology. Siegel cited numerous examples where the American Bar Association and state ethics committees are holding attorneys responsible for safe-guarding and protecting electronic client communications.

If you are filing documents, uploading them online or using the Internet to communicate with clients by email, technology matters. Confidential information can be tracked and potentially misused. Siegel said, “Attorneys have an ethical obligation to be aware and to protect clients from the risks inherent in the use of technology.”

Mary LeMieux-Fillery (mlemieux-fillery@paworkinjury.com), associate at Martin Law PLLC, is an associate editor of the Philadelphia Bar Reporter.
**Strategic Plan continued from page 3**

5. Evaluating and improving the dues structure
6. Engaging Association and community leaders to encourage membership in the Association

**Success measures:**
1. Market share is maintained and increased
2. Number of law student and new lawyer members
3. Increased membership in our constituent groups
4. Increased retention rates

**Goal 5: The Philadelphia Bar Association will act to ensure its long-term financial sustainability.**

We will achieve this goal by:
1. Effectively deploying the Association’s staff and technology to efficiently deliver services
2. Sustaining a high retention rate and increasing membership
3. Evaluating/modifying existing nondues revenue sources and identifying additional nondues revenue sources
4. Evaluating the cost/benefit and fee structures of Association events and programs, and determining if and how they should evolve
5. Evaluating other expenditures, and determining how they should evolve

**Success measure:**
1. Balanced budget (actual annual revenues equal to or exceed actual annual expenses)

Board members, other Association leaders and staff started discussing the Association’s priorities at the Bar Leaders Retreat in January 2018 with Jennifer Lewin, deputy director of the ABA Division for Bar Services. I then formed a Strategic Vision Task Force, which worked with Lewin on developing the strategic plan. The Task Force included Chancellor-Elect Rochelle Fedullo, Vice Chancellor Hon. A. Michael Snyder (ret.), Kathy Jaffari, Amber Racine, Deborah Gross, Maureen Farrell, Matt Olesh, Michaelsa Tassinari, Charlie Klitsch and me. In addition to soliciting the views of other lawyers, we received input from staff members Susan Knight, Andrea Morris-Tracey, Tracey McCloskey, Merril Zebe and Barry Greenspan. I thank Jennifer Lewin and all of these lawyers and staff for helping to formulate the goals, strategies and measures of success in the proposed plan, which the Board of Governors unanimously adopted in a resolution on Sept. 27.

Read the full resolution and strategic plan at PhiladelphiaBar.org.

Mary F. Platt (mplatt@finemanlawfirm.com), attorney at Fineman Krekstein & Harris P.C., is Chancellor of the Philadelphia Bar Association.

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**Election continued from page 1**

filing with the Secretary on or before Oct. 15 for the Dec. 5, 2018 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 Susan Knight, CFO/Director of Administration, at sknight@philabar.org for additional information. Signatures, along with a resume, and written authorization should be submitted to Association Secretary Marc J. Zucker, c/o Susan Knight, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107, no later than 5 p.m., Monday, Oct. 15, 2018.

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LANA EHRLICH at
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The Philadelphia Bar Association, founded in 1802, is the oldest association of lawyers in the United States.

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State Civil Litigation Section
Philadelphia Celebrates Pro Bono in October

By Jodi Schatz and Lauren Ascher

This year the Philadelphia legal community will again celebrate pro bono during October. We will be offering a variety of events to recognize dedicated volunteer attorneys, train and recruit new volunteer attorneys, expanding the delivery of pro bono legal services to those in need to improve equal access to justice. Coordinated by the Philadelphia Bar Association’s Delivery of Legal Services Committee, Pro Bono Subcommittee, these events are being held to commemorate the American Bar Association’s National Pro Bono Week Celebration, a coordinated national endeavor during the week of October 22-26, to encourage and support local efforts to expand the delivery of pro bono legal services.

To kick-off the local celebration, a series of interactive road shows were scheduled from Sept. 17 – Oct. 5 at law firms and corporations throughout Philadelphia to highlight various pro bono opportunities and recruit new volunteers. The Association’s Young Lawyers Division, in partnership with DLSC, will host “Pro Bono Oktoberfest,” a networking and interactive event where participants are able to unwind and mingle with representatives from pro bono referral programs and public interest law organizations to learn more about their volunteer opportunities. The roadshows and the YLD Pro Bono Oktoberfest help raise awareness about the need for pro bono work, showcase the dedicated involvement of Philadelphia’s legal community and help young lawyers and other prospective volunteers make connections with the legal aid organizations.

To reinforce the importance of giving and pro bono, the Philadelphia Bar Foundation will conduct another city-wide “Philly Jeans for Justice” campaign during National Pro Bono Week. The First Judicial District will hold its 2018 Pro Bono Awards Ceremony and Roll of Honor Reception (by invitation only) to honor attorneys who performed pro bono services in the FJD courts from Oct. 1, 2017 to Sept. 21, 2018. More information is available at https://www.courts.phila.gov/probonoawards/.

The Philadelphia Bar Association will offer a CLE program, "Best Practices and Practical Tips for Establishing an Effective Pro Bono Program," from 4-5:45 p.m. (registration begins at 3:30 p.m.; happy hour/open house at 5:45 p.m.), at the Association, 11th Floor Conference Center, 1101 Market St, Philadelphia. 1.5 substantive CLE credits are available. Register at https://www.philadelphiabar.org/page/EventDetails&eventID=0433L.

The Philadelphia Bar Association Foundation’s “Board Observer Program: Nuts & Bolts of Nonprofit Board Service,” from 12:30-2:30 p.m. (lunch and registration begin at 12 noon), at the Philadelphia Bar Association, 1101 Market St., 11th Floor Conference Center, Philadelphia. This program is mandatory for all those participating in the Philadelphia Bar Foundation’s Board Observer Program in 2019, 2 substantive CLE credits are available. Online registration will be available at https://www.philadelphiabar.org/page/EventDetails&eventID=0437L.

**A copy of the official registration and financial information of the Philadelphia Bar Foundation may be obtained from the Department of State by calling toll-free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.

Jodi Schatz (jschatz@SCCLAusc.org), director of intake and pro bono services at the Support Center for Child Advocates, and Lauren Ascher (lascher@philbyvip.org), supervising attorney at Philadelphia VIP, are cochairs of the Delivery of Legal Services Committee Pro Bono Subcommittee.
**OCTOBER CLE COURSES**

**Oct. 2018 Probate & Trust Law Section Qtly. - Will Contests: What Have I Gotten Myself Into?**
Tue., 10/9/18 - 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
Will contests are a staple of litigation before the Orphans’ Court and Register of Wills. They are unique and specialized types of civil litigation, and every case is different. A myriad of issues may be raised when the validity of a will is in dispute. This program addresses will contests from the moment a prospective client walks through your door, to the eve of trial. Panelists will provide guidance and best practices for handling a contested will.

**Developments In Federal Public Service Loan Forgiveness**
Tue., 10/16/18 - 12:00 - 1:30 p.m. (1 SUB/0.5 ETH)
A high-impact program for those with student loan debt
Now more than ever it is essential for public service attorneys and their employers to understand the ins and outs of federal loan forgiveness and repayment to handle student debt. In this engaging and practical presentation, Heather Jarvis, a nationally recognized expert in educational debt and loan repayment and forgiveness programs, will address new developments, including the possible capping or elimination of the federal Public Service Loan Forgiveness Program. She will also provide concrete guidance regarding navigating the increasingly complex universe of federal student loan repayment, forgiveness options, regulations and possible ethical implications.

**The Legal and Practical Implications Facing Employers With a Remote Work Force in the U.S. and Abroad**
Mon., 10/22/18 - 12:00 - 1:00 p.m. (1.0 SUB)
Hosted by the Labor and Employment Committee
A 2018 study found that more than 60 percent of the world’s work force works at least one day a week away from the office and that more than half of all employees work half the week remotely. The rise of the “remote work force” however also comes with new practical and legal challenges for employers to navigate. This lunchtime CLE will examine the following challenges, among others: immigration and visas, tax nexus, foreign worker compensation and other insurance issues, management and productivity, and organizational policy issues.

**Pennsylvania Inheritance Tax Update**
Tue., 10/23/18 - 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.

**“How to Handle a Child Abuse Case” Volunteer Training**
Wed., 10/24/18 - 9:00 a.m. - 4:30 p.m. (4.5 SUB/2 ETH)
Presented by the Center for Excellence in Advocacy of the Support Center for Child Advocates
The Center for Excellence in Advocacy of the Support Center for Child Advocates offers this volunteer-training workshop, presented by dedicated experts in the field of child advocacy to explain how you can make a difference and provide legal representation and social service advocacy for abused/neglected child victims. Receive step-by-step guidance on the standards of practice for lawyers who represent children in abuse and neglect cases and become certified to receive court appointments for dependency cases in Philadelphia County.

**TO REGISTER Visit the CLE page at PhiladelphiaBar.org**

**Cops! Camera! Action!**
Thru., 10/25/18 - 12:30 - 2:45 p.m. (2 SUB)
Hosted by the Criminal Justice Section
This two-hour CLE program provides an in-depth look at the progress and problems in body-worn cameras as used by our law enforcement in Philadelphia. The first panel will explore the policy, background and culture of body-worn cameras on the street. That panel will examine body-worn cameras, their culture and practice in our courts and criminal justice system.

**Best Practices and Practical Tips for Establishing an Effective Pro Bono Program**
Thru., 10/25/18 - 4:00 - 5:45 p.m. (1.5 SUB)
Hosted by Philadelphia VIP and Blank Rome LLP
Building on key recommendations from the Philadelphia Bar Association’s 2017 Pro Bono Task Force Report, this CLE program will provide insights from the field and practical tips for establishing or strengthening a pro bono program in your legal practice setting. Attendees will come away from the session with real-world examples of successful pro bono programs (and the lessons learned in establishing them); sample pro bono policies and committee structures; and, if desired, a mentor to help them get started.

**Nuts & Bolts of Nonprofit Board Service**
Fri., 10/26/18 - 12:30 - 2:30 p.m. (2 SUB)
Hosted by the Young Lawyers Division as part of the Board Observer Program
This CLE 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.

**Implicit Bias: Identification in the Law and Action Plans**
Mon., 10/29/18 - 2:00 - 4:15 p.m. (2 ETH)
Hosted by the Diversity Committee of the Family Law Section
This dynamic program will help attendees gain a comprehensive understanding of implicit bias in the law and learn how to identify implicit bias both within themselves and in others. Attendees will also learn strategies and action plans to best address internal and external implicit biases.

**The Changing Cy Pres Landscape**
Tue., 10/30/18 - 8:30 - 9:30 a.m. (1 SUB)
Hosted by the Philadelphia Bar Foundation
Generously sponsored by The Huntington National Bank
The parameters of cy pres relief in class action settlements are changing. Recently the U.S. Supreme Court agreed to address this issue to provide some clarification. Will the court confine its focus to cy pres-only settlements or more broadly address class settlements that include cy pres distributions of settlement funds unclaimed by class members? Similarly, the Department of Justice announced a new policy prohibiting DOJ attorneys from entering into settlements on behalf of the federal government that provide for cy pres payments to any non-governmental entity or person that is not a party to the lawsuit. This free CLE presentation will examine the particulars of the cy pres doctrine and what counsel must consider when structuring a cy pres distribution.

**The #MeToo Movement’s Impact on Litigation, Counseling and Training**
Tue., 10/30/18 - 12:00 - 2:15 p.m. (1 SUB/1 ETH)
Hosted by the Women in the Profession Committee
This practical two-hour program analyzes the real-life effects of the #MeToo movement as it relates to legal and administrative processes, the impact on employment litigation and juries in particular and the new influences on employer counseling and training. Panelists will also explore trends and future developments in this current political climate.

*Additional courses may be added within the month.*

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For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
Claim Acceptance, Denial Under New EDI

By Regina M. Parker

The implementation of an electronic data interchange system, or EDI, has changed the way claims representatives handle workers’ compensation cases. This change has raised several questions regarding the process surrounding the initial acceptance or denial of claims, panel members told attendees during the Philadelphia Bar Association CLE titled “The NTCP and Issues in the Post-EDI Transaction Era” on Aug. 10. The panel included Hon. Todd B. Seelig, Workers’ Compensation Office of Adjudication; Joseph C. Huttemann, partner at Martin Law LLC; Barbara L. Young, founding partner of Schaff & Young, P.C.; and Harte Pricer, EDI manager, Pennsylvania Bureau of Workers’ Compensation.

Prior to the Sept. 16, 2016 implementation of EDI, claims representatives had the ability to draft the initial forms to either accept or deny claims. Since that time, claims representatives are now required to enter data into fields on EDI. This data is used by the system to generate the appropriate forms.

The panel members explained that there has been some uncertainty regarding whether EDI is consistent with the Workers’ Compensation Act and the regulations when processing claims involving a Notice of Temporary Compensation Payable and Notice Stopping Temporary Compensation Payable. The act requires the filing of a stoppage to properly pull the NTCP. However, the regulations provide that the employer shall file one of the following to pull the NTCP: a denial which will automatically generate a notice stopping, Notice of Compensation Payable or agreement for compensation.

The panel noted that when there is uncertainty regarding whether a work-related injury is compensable, the employer and carrier may initiate compensation payments without admitting liability pursuant to a NTCP. In this instance, the claimant is entitled to a maximum of 90 days of compensation. However, during the 90 days, the carrier can stop payment of benefits by filing a denial. With the filing of a denial, the panel agreed that EDI will use the data to automatically generate a notice stopping benefit.

A notice stopping is not required if a NCP is filed to accept the claim for both indemnity and medical. However, the question becomes whether the carrier is required to file a notice stopping if the intent is to stop indemnity benefits and accept the claim as medical-only. EDI has eliminated the adjuster’s ability to generate a notice stopping in cases where the carrier accepts the claim by way of a NTCP and then later decides to partially accept the injury as a medical only claim. If a medical only NCP is filed, there is no mechanism that allows the carrier to issue a stop notice because EDI does not recognize acceptance of medicals as a denial.

The panel explained that the only way to generate a notice stopping in terms of an EDI transaction is to file a denial. As a tip, the panel stated that if the claims representative wants to generate a notice stopping a NTCP, a denial must be filed. In the narrative section of the denial, the claims representative has the option to document that indemnity benefits are denied and that a medical-only NCP will be filed. The issue becomes whether a claims representative is even required to file a denial under case law. There remains some uncertainty regarding the impact of EDI transactions and consistency with the act and regulations.

Spooky Fun to Support a Worthy Cause Oct. 25

It can be a challenge to come up with things more fun than Halloween or dogs. The Workers’ Compensation Section and the Young Lawyers Division’s Third Annual Halloween Happy Hour at BrickWall Tavern and Dining Room on Thursday, Oct. 25 has both! Beginning at dusk, members and their guests will be tempted by a “fan-tastic” night of enticing treats, “magical potions” and entertaining games to enjoy with the assembled revelers. It is certain that you will be delighted by our tarot card reader from Queen of Wands Tarot, who will answer your questions about love, work, and life. Costumes are optional, but the appearance of ghouls and goblins on this special night is encouraged.

Predictably for the Section, the night will not only be focused on treats. Our furry friends will also be joining in on the fun. Representatives of Team Foster, a charity that raises funds to partner service dogs with veterans suffering from combat-related disabilities, will gather to collect monetary donations for this worthwhile charity. Team Foster was founded by Nick Liermann, U.S. Army veteran and attorney at Pond Lehocky Stern Giordano, in honor of his friend, Captain Erick Foster. Captain Foster was killed in action on his second deployment to Iraq in 2007. He left behind a legacy of teamwork and perseverance. Team Foster is an all-volunteer 501(c)(3) nonprofit that honors Captain Foster’s legacy by challenging the community through physically demanding fundraising events and using those funds to help local veterans.

Funds raised by Team Foster help local veterans heal from the visible and invisible wounds of war using service dogs. Service dogs are a vital tool, especially to our veterans suffering from post-traumatic stress disorder and traumatic brain injury. Unfortunately, just one service dog can cost nearly $20,000 and take more than two years to train. Meanwhile, service dogs are not covered by the Veterans’ Administration, any federal program or insurance. Team Foster fills this gap in support of our heroes by ensuring that service dogs can be obtained, trained and cared for at no cost to our veterans. As always, we thank our attendees for their anticipated generous donations to Team Foster.

The Section and Division thank ExamWorks, Weinerman Pain and Wellness, Ametros and American Legal for sponsoring this annual event. Please register at www.philadelphiabar.org and join us!
Choose Mediation, Choose Wisely

By Leah Cilo

While lawyers are governed by written rules of ethics, legal mediators are not subject to absolute guidance and, some would say, are often less regulated than plumbers. In most jurisdictions, mediators receive about 40 hours of training, which stands in stark contrast to procuring a law license. The State Civil training, which stands in stark contrast to mediators receive about 40 hours of

Although tax controversies may sometimes be resolved in federal, state or local courts, the typical controversy is initiated by and resolved before an administrative agency. At a Philadelphia Bar Association CLE titled "Introduction to Tax Controversy Practice" on Aug. 22, hosted by the Tax Section, the panel discussed many of the special ethical and procedural rules that apply when representing a client before the Internal Revenue Service, or before the Philadelphia Department of Revenue. Panelists included Ruth M. Spadaro, deputy area counsel in the Large Business & International Division of the IRS Office of Chief Counsel; Dominique B.E. Ward, deputy city solicitor in the Philadelphia Law Department; Ina S. Weiner, associate area counsel in the Small Business-Self-Employed Division of the IRS; and Tiwana L. Wright, assistant U.S. attorney for the Eastern District of Pennsylvania.

Moderator James R. Malone Jr., principal at Post & Schell, P.C., began by covering some important provisions of "Circular 230," the Treasury Regulations applicable to attorneys and others who represent taxpayers before the IRS. Some Circular 230 provisions, such as Section 10.29 on conflicts of interest, resemble the conflicts provisions of Pennsylvania's Rules of Professional Conduct. Spadaro said that IRS attorneys are sensitive about conflicts where an attorney may be representing multiple parties whose interests may diverge, like investors and promoters in tax-motivated transactions, or even a husband and wife where one may not have known of the other's tax malfeasance (so-called "innocent spouse" cases). Other provisions of Circular 230 dictate a practitioner's conduct in specific tax situations, like when counsel learns that a client has not fully complied with U.S. tax laws.

Malone talked about signs indicating that an apparent routine audit of a client's federal tax return might be morphing into a criminal tax investigation. Although a sudden hiatus in activity is considered a warning sign, Spadaro said that a noticeable delay is typical only in the larger, more complex cases. Actual criminal prosecutions are few in number, but Wright, whose office prosecutes federal tax crime cases, said the government has a high conviction rate. She provided an overview of the relevant tax crimes that are often prosecuted, including evasion, tax perjury and failure to pay employment taxes, which is being prosecuted more frequently.

PHILADELPHIA BAR ASSOCIATION FREE CLE

Basics of Representation Before IRS

By Ronald M. Wiener

for the Eastern District of Pennsylvania.

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PHILADELPHIA BAR ASSOCIATION FREE CLE

PHILADELPHIA BAR ASSOCIATION CLE - TAX SECTION

By Ronald M. Wiener

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Rethink Your Evidence Retention Strategy

By Jon-Michael Olson

On Sept. 4, 2018, the First Judicial District’s new evidence retention protocol took effect for the waivers, major and homicide programs, for the preservation of evidence following a trial verdict. The Criminal Justice Section hosted a Philadelphia Bar Association CLE titled “New FJD Evidence Retention Protocol” on Aug. 23. Panelists Hon. Charles A. Ehrlich, Philadelphia Court of Common Pleas; Eric Feder, director, and Elaine Ratliff, deputy director, of the Office of Judicial Records for the First Judicial District; and Anthony Panapinto of the Information Technology Office of the First Judicial District; discussed the new evidence protocol. Susan M. Lin, chair of the Section, moderated.

“We believe that with this system, [all evidence] will be captured, so that if somebody comes back to look at the file in the future, everything will be there,” said Judge Ehrlich.

Generally, any marked evidence following hearings involving pre-trial motions, guilty pleas, hung-juries/mistrials, sentencings, probation violations and Post-Conviction Relief Act hearings are documented in an exhibit list generated by the court crier. The list is reviewed by counsel for both parties and the trial judge. The trial judge then approves the exhibit list and the exhibits are given to the court clerk for filing. If there are maps, diagrams, whiteboard writings, weapons or other pieces of evidence used at trial, they will be recorded and made part of the exhibit list.

While the new evidence protocol does not greatly affect the waivers program, the changes are more drastic for the major and homicide programs. Specific to the major and homicide programs, after the exhibit list is approved and certified by the judge and counsel, each party will then have five business days to e-file the exhibits that they marked and introduced at trial. The five-day filing requirement can be extended, if a request is made to the trial judge for a reasonable extension. The exhibits are then e-filed under a new filing category, either defense exhibit or Commonwealth exhibit, depending on the party that is filing. Upon submission of the e-filing, either party and the judge can view what exhibits have been uploaded by either party under the My Case link on the e-filing system. Should there be any discrepancies, the judge will notify the parties to determine the source of the discrepancy or either party can raise the issue with the judge. Notably, if a party wishes to seal certain exhibits from public view, that party can make a request to the judge when the exhibit list is being reviewed following the hearing.

Attorneys must be cognizant of the Public Access Policy when e-filing their exhibits. The Public Access Policy requires the redaction of confidential information, such as social security or bank account numbers, from uploaded exhibits, or the filing of the appropriate redacted and unredeacted versions of confidential documents, such as medical, financial and psychological records. More information regarding the Public Access Policy is found at www.pacourts.us.

Jon-Michael Olson (Jon-Michael.Olson@Phila.gov) is an assistant city solicitor in the City of Philadelphia Law Department.

Latest Updates in Phila. Real Estate Taxation

By James C. Vandermark

It is that time of year again when leaves change colors, pumpkin spice appears everywhere, and Philadelphia property owners face the deadline for appealing their real estate tax assessments. To help address the complexities of filing local real estate tax assessment appeals, the Philadelphia Bar Association hosted a CLE titled “Philadelphia Real Estate Tax Briefing” on Aug. 29. The program was presented by Darwin Beauvais, partner, and Meredith L. Ferleger, associate, at Dilworth Paxson, LLP. The program included panelists Drew Aldinger, chief deputy city solicitor for the Office of Property Assessment; Robert N.C. Nix III, secretary for the Board of Revision of Taxes; and Joseph Solomon, deputy administrator for OPA.

During the program, the panelists addressed OPAs process that is utilized for assessing properties. As discussed by Beauvais, OPA assesses each property in the City of Philadelphia to determine the bases for the city’s real estate taxes. Prior to the 2014 tax year, the city assessed properties at a ratio of their fair market value. However, for tax year 2014, the city implemented an actual value initiative to have all properties assessed at their actual value. As a result, the taxes owed can now be determined by simply multiplying the assessment by the tax rate set by the city, which is currently 1.3998 percent.

To challenge an OPA assessment, taxpayers now have the option to file for a first-level review. An FLR allows taxpayers to address assessments with OPAs assessors in an informal process. Taxpayers will generally need to disclose additional information about the property to convince the assessor to reduce the assessment. For the 2019 tax year, the deadline to request a FLR was May 25, 2018. For several reasons, including the requirement to make disclosures, Ferleger said that practitioners are split on whether to file for a first-level review. Many prefer to wait and file a formal appeal with the BRT.

The deadline to file a BRT appeal is always the first Monday in October, so an appeal of the 2019 tax year assessment must have been filed by October 1, 2018. During the appeal, the BRT is tasked with determining the FMV of the property. Taxpayers would need to show OPAs assessment is too high. Nix told attendees that taxpayers now need to provide an appraisal report for all properties assessed.

Judge Charles A. Ehrlich (left to right), Susan M. Lin, Elaine Ratliff, Eric Feder and Anthony Panapinto at the Philadelphia Bar Association CLE on Aug. 23.

Robert N.C. Nix III (left to right), Drew Aldinger, Joseph Solomon, Meredith L. Ferleger and Darwin Beauvais at the Philadelphia Bar Association CLE on Aug. 29.

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LRIS refers potential clients to approximately 175 attorneys.

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If You Have Someone You Cannot Help… Refer Them to Us!
Ins, Outs of Practice in Municipal Court

By Pamela Elchert Thurmond

Fundamentals of practicing in Philadelphia Municipal Court include understanding the diversion programs offered by the court, pragmatism for preliminary hearings and avoiding pitfalls in cases involving DUI and more. The Criminal Justice Section hosted a Philadelphia Bar Association CLE titled “Practice and Procedure in Philadelphia Municipal Court” on Sept. 13. The speakers included the Hon. Marsha H. Neifield, President Judge, and Hon. Karen Y. Simmons, Philadelphia Municipal Court; Sarah K. Allen, director of pre-trial, and Emma Reynolds, chief of municipal court, Defender Association of Philadelphia; Charles H. Junod Jr., diversion court; and Danielle Walsh, assistant district attorney, Philadelphia District Attorney’s Office; and Joseph Kelly of The Law Offices of Joseph Kelly, Troy H. Wilson, of Troy H. Wilson Esquire, LLC, moderated.

The panel discussed the wide-ranging diversion programs available to criminal defendants. Panelists said that attorneys must understand the details of the various programs so that they can explain to their clients the challenges and the scrutiny that come with each. Treatment Court is the largest diversion program and is focused on defendants who sold drugs to support their own addictions. The program involves extensive reporting, but, can lead to an expungement of the criminal charges upon completion of the program. “Choice That is Yours” is focused on individuals who deal drug to supplement limited financial means. This program, which has an impressive recidivism rate in the single digits, provides extensive educational and job skills in addition to having a community service component. Veterans Court is available to defendants with non-violent misdemeanors who have at least two years of military service and an honorable discharge. DUI Treatment Court, available only to Philadelphia residents, can allow defendants to limit their jail time.

Perspectives on preliminary hearings were covered including what to do, what not to do and practical tips for getting your cases in the best posture for trial. For the Commonwealth, it is the first chance to put together its case and see if it holds. For the defense, a preliminary hearing is an early opportunity to test the Commonwealth’s witnesses, probe available defenses, and ask for a bail reduction.

Joseph Kelly, an experienced DUI law practitioner who has defended tens of thousands of cases, led the final session. Kelly talked about the significant changes to DUI law in 2001 that lowered the blood alcohol level, but created viola-

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Claimants Beware, Tenuous Existence of Privacy

By Elisa C. Advani

Do individuals forfeit their privacy once they decide to put a case into litigation? Whether you are on the claimant’s side or the defense, the answer is “yes.” Attendees were told at the Philadelphia Bar Association CLE hosted by the Workers’ Compensation Section titled “Private Eyes They’re Watching You” on Sept. 14. The panel included Michael Petrie, co-owner of Special Detection; Kaitlin S. Files, attorney at Pond, Lehocky, Stern, Giordano; and Michele R. Punturi, shareholder at Marshall Dennehey Warneker Coleman & Goggin, P.C.

Private investigators can monitor activities, such as taking out the trash or posting on social media, and defense attorneys will use anything they can to impeach claimants’ credibility. “We are all under a microscope,” Petrie said. “Credibility is a major component in establishing that a claim of injury is false.” She added that the decision to hire a private investigator is usually made after listening to a claimant’s testimony. Oftentimes work injuries are captured on an employer’s security camera and the defense can “analyze it to challenge the mechanism of injury that the claimant has alleged,” Punturi said. A thorough investigation will also consider the claimant’s employment history prior to the alleged injury, as you might argue that disciplinary issues could have motivated someone to bring an injury claim.

“From an ethical standpoint, lawyers have a responsibility to warn clients in the first meeting that their privacy is gone, in both their real life and on social media,” Files said. Courts have said that Facebook users have a diminished expectation of privacy and, in certain cases, claimants might be ordered to turn over their login and passwords. “You must tell your clients to exercise extreme caution or else you are not providing competent representation,” she said.

Privacy does not exist anywhere, as courts have even allowed photographs of claimants inside their places of worship. “That being said, private investigators have a set of rules they need to follow as well. For example, if a claimant is represented by an attorney, an investigator acting as an agent for the defense attorney is not permitted to approach the claimant. The same applies to social media. Private investigators are not permitted to send friend requests to claimants. “There is no need to send friend requests anyway, because there are over 50 ways to find publicly discoverable data on a Facebook page,” Petrie said. Even if your Facebook account is set to “private,” Petrie explained that those settings only protect your own page, while posting on someone else’s page or

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The 4-Hour Per Day Rule

How to Calculate Your Effective Hourly Rate

Stepping into the world of practicing law for the first time comes with its fair share of stressors and unknowns. One of the first things you’ll need to determine is how much you can expect to charge for your services. Will you be able to set an hourly rate that’s reasonable for an attorney in your area, and provides enough income to meet your needs?

Determining this doesn’t have to be stressful, though, thanks to a budgeting strategy we call “The 4-Hour Per Day Rule.” The central idea is this: an attorney should be able to get by from billing and collecting four hours per day, five days per week, twenty days per month.

We’ll walk through all the steps of this strategy to help you determine if your office can survive and thrive under this rule.

Step #1—Determine your expenses

If you haven’t already, take time to calculate a monthly personal budget. How much do you need per month to pay your share of rent or a mortgage? What are the average costs of your monthly bills? How about groceries and other expenses? Do you have a spouse or roommate who shares the expenses?

With all these things in mind, you should be able to come up with a dollar amount that represents how much you need for your share of your household’s bills. Make sure your expected taxes are calculated into this amount as well.

On top of that, factor in your share of the costs of running your office. How much do you need to pay for your office space? What about marketing materials? How often will you need office supplies? Take inventory of how much your practice costs on a monthly basis and produce an estimated dollar amount.

Step #2—Calculate your rate

With the total of your average monthly personal and business expenses in hand, it’s time to apply The 4-Hour Per Day formula.

Your goal is to divide your total monthly expenses by the number of billable hours you expect to work each month. We already know we want to aim for four billable hours a day. If you assume you’re working for five days a week, this totals to 20 days a month. Thus, 20 x 4 = 80 billable hours per month.

For the sake of example, let’s say your personal expenses equal $8,500 per month, and your office expenses equal $4,000 per month. Adding these up, we end up with $12,500.

So, if we take your total amount of expenses ($12,500) and divide it by the average billable hours you’ll work each month (80), your hourly rate comes out to $15.60.

Step #3—Ensure your effective rate is fair

Once you have that effective rate calculated, it’s a good idea to compare it against the rates of similar attorneys in your area to make sure you aren’t overcharging.

Two ways of determining this are by talking to attorneys in your community and by asking judges at your local courthouse. Judges award attorney fees every day, and will generally be a great source of insight. Plus, if the local rate is higher than your needs, you may choose to charge less, knowing that you need a bit less to make your monthly budget.

Your main goal in this step is to see if your rate (in our example, $15.60) is at or lower than the expected hourly fees an attorney of your experience can charge. If it is, your practice has a greater statistical chance of success and provides you a daily idea of this chance based on your work output.

If, however, the hourly rate is woefully inadequate to support your needs, take a hard look at your costs and overhead to manage them more efficiently and realistically.

Now that you have your effective rate set, it’s time to streamline your billing process. Learn more about how LawPay can help you get paid faster by downloading our digital brochure.

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PRO BONO SPOTLIGHT - LEGAL CLINIC FOR THE DISABLED

Dilworth Volunteers Travel to Where Clients Live

By Matthew I. Whitehorn

For more than a century, Inglis House has had one mission — to enable people living with disabilities to achieve their goals and live life to the fullest. The agency serves non-geriatric adults who require electric wheelchairs. Since 2014, Dilworth Paxson LLP and the Legal Clinic for the Disabled have joined efforts to further and support that mission of enabling these residents to live independently.

Working in close collaboration with LCD, attorneys, paralegals and legal assistants from Dilworth have provided direct legal representation services to the more than 250 residents at Inglis House. Creating access to these services fulfills an important previously unmet need for people living with multiple sclerosis, Parkinson’s disease, ALS and other physical disabilities.

Like all of us, the residents at Inglis worry about the future. They do not wish to burden loved ones with the challenging healthcare decisions that accompany serious or life-threatening medical conditions. They fear that physicians will ignore their personal beliefs and wishes regarding the use of life-prolonging measures. They remain apprehensive that no one will advocate on their behalf. They feel anxious at the thought that well-meaning, but uninformed healthcare providers will ultimately exercise control over their physical well-being contrary to their wishes.

Volunteers from Dilworth help alleviate many of these worries by meeting with the residents where they live, at Inglis in Philadelphia’s Overbrook section, and discuss planning documents on a one-on-one basis. They draft living wills and advanced healthcare directives reflective of individual choices and values.

Unsurprisingly, Dilworth’s legal volunteers have said that they get far more from the residents than they give. Volunteers describe the incredibly warm reception they receive from residents when they walk through the doors at Inglis — and the gratitude expressed when they leave. Although they meet as strangers, residents and volunteers forge an immediate and powerful bond while discussing some of life’s most overwhelming challenges.

The interaction between the residents and legal volunteers, however brief, builds a strong human connection. This shared experience of the human condition represents one of the highest purposes of the legal profession. Volunteers have the opportunity to use their skills and training in service of those whom society often ignores.

By affording the residents at Inglis the chance to exercise their autonomy and independence, Dilworth volunteers accord them the dignity and respect they deserve. Those fortunate enough to take part in such encounters make the world a better place for us all.

Matthew I. Whitehorn (mwhitehorn@dilworthlaw.com) is a partner at Dilworth Paxson LLP.
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IRS audits may be triggered when a return does not include income reported to the IRS by third parties on Form 1099, or by losses claimed from a client’s business. Ward said that Philadelphia audits may be triggered when revenue agents see newspaper reports, social media postings or names on delivery trucks indicating that there may be somebody doing business in the city without having a city tax account. Spadaro discussed the administrative process for IRS audits, which yields a notice of deficiency, giving the taxpayer an opportunity to seek review before the tax court.

The IRS is responsible for collecting U.S. taxes after they have been assessed. If a tax has not been timely paid, Weiner said the IRS Collection Division has multiple tools to enforce collection. However, taxpayers have rights, and IRS collection programs may allow a delinquent taxpayer to enter into an installment payment arrangement, sometimes without even submitting financial information to the IRS, or submit an “offer in compromise” to satisfy a tax debt at less than the amount assessed. But the IRS can also file federal tax liens, seize a delinquent taxpayer’s property or garnish wages. A current priority area for IRS civil and criminal collection enforcement targets businesses that withhold federal taxes from their employees’ wages and then fail to turn the withheld amounts over to the IRS as required by law. In some cases, the officers or owners may be held personally liable to the taxes not paid over.

Ronald M. Wiener (RWiener@taxwarriors.com) is a special consultant to Drucker & Scaccetti.

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at more than $1 million. Previously, appraisals were only required for commercial properties. Like taxpayer appeals, the School District of Philadel-

phia has also been filing appeals – but seeking to increase assessments rather than have them lowered. Aldinger and Nix said that an appeal by the taxpayer can also result in an increased assessment if the BRT ultimately determines the FMV is higher than the original assessment. Aldinger told attendees to utilize high-quality appraisers to support whether a client holds a commercial drivers’ license, which may be lost even for a first offense, and/or during participation in ADR. He further discussed possible defenses including inappropriate calibrations of breathalyzers, how to defend window tint cases and how to define whether a motor vehicle is in operation. Kelly said that if a vehicle posting on an events page will be discoverable. Claimants need to be cautious about what they pub-

licize on social media, but they should not be instructed to delete social media posts because a deletion could be construed as destruction of evidence. Sometimes a claimant might want to delete something that is unrelated to the litigation but is otherwise embarrassing. Files said, “In a case like that, I would instruct my client to preserve that photo or post in a hardcopy prior to deleting it” in the event that the defense requests it or questions why it was deleted.

Elisa C. Advani (eadvani@paworkinjury.com), associate at Martin Law LLC, is editor-in-chief of the Philadelphia Bar Reporter.

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tion tiers so that defendants with higher levels are treated differently than defendants just over the legal limit. He spoke about DUI defenses that must be considered, like their values. Doing so can avoid increases and lead to a settlement with OPA. More information regarding FLR and BRT appeals can be found at www.phila.gov/opa.

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

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Pamela Elchert Thurmond (Pamela.Thurmond@Phila.gov) is a deputy city solicitor in the City of Philadelphia Law Department.
**QUICK BITES: RADICCHIO CAFÉ**

**NoLibs Staple Shines On Year After Year**

**By Lee A. Schwartz**

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Northern Liberties may be yesterday’s news to some when discussing the restaurant scene in Philadelphia, but one mainstay of that neighborhood is Radicchio Café, the Northern Italian BYOB located at 4th and Wood streets. My trusted companion and I have been eating there for two decades and it continues to be spot-on and as consistent as consistent can be.

We enjoyed a week-ending Friday night dinner there recently and again, were not disappointed. What is our favorite BYOB in Philadelphia? Radicchio ranks right up there.

For appetizers, Radicchio has an off-the-menu set-up of beautiful Pecorino cheese, cut into large chunks with firm, beautiful green olives. Paired with your Piedmont or Tuscan red, it is a lovely way to start your evening.

Next, we would suggest another off-the-menu item, the warm mozzarella and mushroom appetizer, which is outstanding. The salads, especially the Caesar (house made dressing), are wonderful.

They also serve Grilled Octopus and Grilled Calamari as appetizers, but will do a “half-and-half” if you ask. My trusted companion is a big fan of the Warm White Bean Salad with grilled shrimp, asparagus and cannellini beans with lemon and extra-virgin olive oil.

Radicchio has a nice assortment of pastas to choose from, and one order serves as a delicious intermezzo for two people between the appetizers and the main course. We particularly love the Pasta and Mushrooms as well as the Spaghetti Positano, with jumbo lump crabmeat, oil, garlic, arugula and fresh tomatoes.

For dinner, we recently had two fish entrees, the Dover Sole and the European Pompano. We have not had better Dover Sole in Philadelphia and we would encourage you to try it. It is flitted immediately upon cooking (you will get to approve the fish after it is cooked and before filing) and is simply cooked, with a finish of oil and lemon that makes it simply divine. The Pompano is a thick white fish and was the special that evening. It was also quite good.

On prior visits, my trusted companion has ordered the Veal Milanese, a large piece of veal, expertly pounded and pan-fried, topped with arugula, diced tomatoes and artichokes. It is wonderful. As a suggestion, ask them not to cook it well-done. It is best cooked medium. Another entree I love is the Langostine, grilled and served with lemon, extra-virgin olive oil and herbs. Also, the Salmon is grilled nicely, and topped with asparagus, fresh tomatoes, balsamic vinegar and extra-virgin olive oil.

Radicchio’s coffee is very good, and we regularly each get a decaf espresso, served with the cutest small biscotti. They also have several flavors of Gelati, as well as tiramisu, and cannoli. Service is outstanding, Mangia.

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**LEGAL ADVISORY UPDATE FROM USI AFFINITY**

**Quick Tip - Nontraditional Legal Conflicts That Can Get Attorneys Into Hot Water**

Attorneys and law firms rightfully focus a significant amount of resources on risk management practices to avoid costly malpractice claims, but there are other lesser-known conflicts that deserve some attention too.

**Casual Legal Advice**

Those outside the legal profession are often fuzzy about what exactly constitutes an attorney-client relationship or how one is created. Attorneys are frequently asked for what exactly constitutes an attorney-client relationship to avoid costly malpractice claims, but there are other significant amount of resources on risk management practices.

**Undefined Clients**

When a single representation involves more than one client, but appears that all the potential clients are a single person or legal entity. For purposes of conflict-of-interest resolution, each separate capacity and entity may be a separate client with interests distinct from the others. In these circumstances, the lawyer and law firm might need to employ multiple procedures to avoid unidentified or unresolved conflicts.

The best way to avoid misunderstanding regarding the identity of the client is to specify exactly who the client is and identify any related individuals or entities that the lawyer is not representing in the retainer agreement.

**Unwaivable Conflicts**

While many conflicts can be resolved by client consent, some cannot be waived. For example, an attorney cannot typically represent both the plaintiff and the defendant in the same matter, or both the buyer and the seller in the same real estate transaction. Generally speaking, a lawyer cannot represent a client whose interests would be adverse or contrary to the interests of another client of the lawyer or law firm. In almost all cases, if a lawyer has a conflict of interest, every other attorney in the firm has the same conflict of interest, although there are some limited exceptions.

For information on lawyers’ professional liability insurance and more, contact USI Affinity today at (800) 265-2876.

For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinityex.com/Philadelphia. For Lawyers’ Professional Liability and other business coverage, you can continue to visit the regular Philadelphia Bar Association Insurance Program website at www.mybarinsurance.com/Philadelphia.

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For over 75 years, the divisions of USI Affinity have developed, marketed and administered insurance and financial programs that offer affinity clients and their members unique advantages in coverage, price and service. As the endorsed broker of the Philadelphia Bar Association and more than 30 other state and local bar associations and with more than 30,000 attorneys insured, USI Affinity has the experience and know-how to navigate the marketplace and design the most comprehensive and innovative insurance and benefits packages to fit a firm’s individual needs.
Tianna K. Kalogerakis, associate at Kang Haggerty & Fethroy LLC, has been elected president of the Baristers’ Association of Philadelphia, Inc.

Kelly Dobbs Bunting, shareholder in Greenberg Traurig, LLP, addressed the American Society for Healthcare Human Resources Administration’s 54th Annual Conference & Exposition on Sept. 16.

Leonard A. Bernstein, partner at Holland & Knight LLP, hosted a breakfast at the Union League in Philadelphia to welcome Pam Jorin, president and CEO of Big Brothers Big Sisters of America, to Philadelphia and to generate support for mentoring.

Monique Myatt Galloway, regional counsel for the Federal Transit Administration, joined the faculty of Drexel University Thomas R. Kline School of Law as an adjunct professor in trial advocacy.

Stephen A. Jannetta, partner at Morgan, Lewis & Bockius LLP, was recently elected to Life Sciences Pennsylvania’s board of directors.

Francine Friedman Griesing, managing member of Griesing Law, LLC, was named the 2018 National Woman Business Owner of the Year by National Association of Women Business Owners and Bank of America.

Louis S. Rulli, practice professor of law and director of the Gittis Center for Clinical Studies at the University of Pennsylvania Law School, received the Association of American Law Schools’ Father Robert Drinan Award.

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

The Philadelphia Lawyer Magazine Accepting Submissions for Race and Law Issue

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

We are looking for shorter articles of 750 words and longer feature-length articles of 1,200-1,500 words. Authors may ask to remain anonymous to protect their privacy. All submissions must be previously unpublished and approved by the board for publication. No article is guaranteed to be published. For more information and to submit an article for consideration please email tplmag@philabar.org.

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Freeman’s is honored to offer the Portrait Collection of the Philadelphia Bar Association in our November 14th American Furniture, Folk & Decorative Arts auction

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