

# BENCH BAR & ANNUAL CONFERENCE



**Pullout Guide | October**  
The Borgata | Atlantic City | New Jersey | **15-16, 2010**

# Zenger Trial Reenactment to Open Weekend

A DRAMATIC REENACTMENT commemorating the 275th anniversary of Andrew Hamilton's historic 1735 defense of printer John Peter Zenger will mark the opening luncheon and CLE plenary session at the Association's Bench-Bar and Annual Conference on Friday, Oct. 15. The case established the concept of freedom of the press and coined the term "Philadelphia lawyer."

The plenary, sponsored by the Association's Historical Society, will include a question-and-answer session moderated by retired Pennsylvania Supreme Court Justice Jane Cutler Greenspan and Pennsylvania Superior Court Judge Corraele F. Stevens. The plenary, including the performance and Q & A, provides two hours of substantive CLE credit. The performance will feature actors from Temple University's Department of Theater.

The script was written by Michael E. Tigar, professor emeritus at American University Washington College of Law. According to a summary by Tigar, Zenger was arrested and charged with libeling colonial Governor William Cosby. Chief

Justice James Delancey, who presided at the trial, was a wealthy adherent to Cosby's cause, and was only 32 years old at the time of the trial. Cosby appointed Delancey to be chief justice when the former chief justice ruled against Cosby in a celebrated suit. But he kept Delancey on a tight rein, and appointed him to serve during Cosby's "will and pleasure." Zenger's paper, *The New York Weekly Journal*, protested these arbitrary actions.

Zenger was initially represented by James Alexander, a young lawyer who was a financial supporter of Zenger's paper and probably author of some of its more controversial material. When Chief Justice Delancey disbarred Alexander in reprisal for his moving to unseat him, the defense was left in a quandary. Zenger moved for appointed counsel, and John Chambers was appointed. Chambers, however, was a known supporter of Governor Cosby, and Zenger's friends feared to let him conduct the defense alone. Zenger was also represented by William Smith, who was also disbarred for joining in the motion.

Hamilton, born in Scotland, was a renowned trial lawyer who in 1735 lived in Philadelphia. He was (according to some sources) the only American of his time who had been admitted to practice in the Inns of Court in London. He was counsel to the family of William Penn in a celebrated case that spawned legal proceedings on both sides of the Atlantic. He was a friend of Benjamin Franklin, who was at that time a printer in Philadelphia. Hamilton held many public offices in Pennsylvania, and was Speaker of the Assembly from 1729 until he retired in 1739 (with the exception of one year).

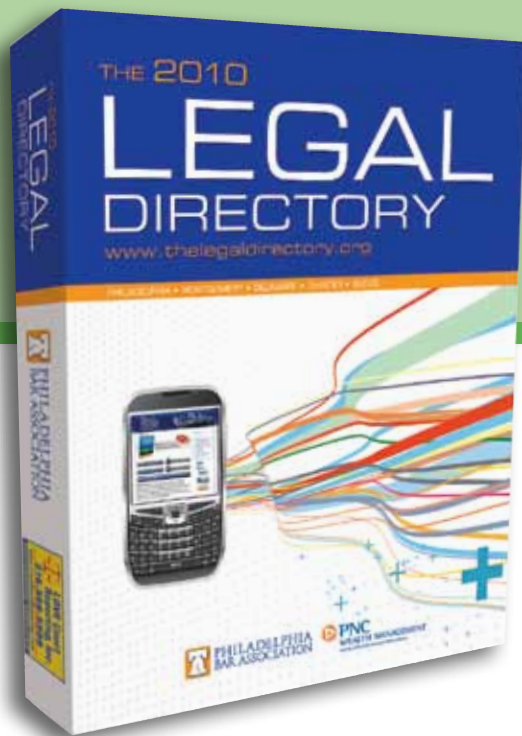
Zenger was a German immigrant, born in 1697. He came to America in 1710. Zenger did an apprenticeship and thereafter ran a printing business in various locations until he was financed in business by the opponents of Governor Cosby in 1734. His *New York Weekly Journal*, the subject of this prosecution, first appeared in November 1733. Governor Cosby finally became sufficiently upset by Zenger's paper that he began proceedings against it in October 1734.

The script of Tigar's play is based in part upon the transcript of the trial authored by Hamilton and Alexander, and upon other contemporary records. Much dialogue has been recreated, and the proceedings have been heavily edited. However, the attitudes and thoughts expressed by the parties are well-documented. This play faithfully recreates the role of advocates in 18th century libel cases, of which Zenger's was the most celebrated.

Hamilton's arguments in Zenger's case represented a considerable stretching of the rigorous law of libel as it stood in 1735. He had concluded that he could not convince the judges of his position, and was really speaking to the jury. Benjamin Franklin wrote in 1738 that an English lawyer said of Hamilton's argument: "If it is not law, it is better than law, it ought to be law, and it will always be law wherever justice prevails." Governor Morris said much later "The trial of Zenger in 1735 was the morning star of that Liberty which subsequently revolutionized America."

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# 14 CLEs, 8 Credits Available at Borgata

By Jeff Lyons

FOURTEEN CLE PROGRAMS IN A VARIETY OF PRACTICE areas are being planned for the Philadelphia Bar Association's Bench-Bar and Annual Conference on Oct. 15-16 at the Borgata in Atlantic City, N.J.

The CLE programs, in which attendees can earn up to eight hours of credit (including the opportunity to earn two ethics credits), will feature judges and some of the city's best-known practitioners, who will use their expertise and experience to enlighten attendees.

Following Friday's opening luncheon and CLE plenary session, the Federal Courts Committee will present **"Challenges in Removal From State to Federal Court."** Panelists include U.S. District Court Judge Cynthia M. Rufe, past Chancellor David H. Marion and course planner Charles S. Marion.

**"Trial Advocacy: The Power of Ideas"** will feature legendary trial attorneys Gerald A. McHugh Jr. and Robert J. Mongeluzzi, who will discuss the means by which attorneys can conceptualize and present arguments in the most effective way. The course planner is Board of Governors Vice Chair Regina M. Foley, co-chair of the Bench-Bar and Annual Conference.

**"Diversionary Programs as Alternatives to Incarceration: What They Offer and What to Do as an Advocate"** is a Public Interest Section offering focusing on what an attorney needs to do to get his or her client into an alternative diversionary placement program. Panelists include Jeffrey Beard, Nicole Porter, David Rudovsky, Joshua Shapiro and a representative from the judiciary. Course planners are Ourania Papademetriou, Joseph A. Sullivan and Angus Love.

The Young Lawyers Division will present a program on **Discovery in the Criminal Division of Philadelphia Municipal Court and the Court of Common Pleas.** The course will provide an update on recent discovery issues and the new discovery court. The course planner and moderator is Jill J. Holden. Panelists will be announced soon.

The Family Law Section plans **"To Prep or Not to Prep? That Is the Question: Ethical Considerations for Family Law Practitioners,"** a program on the ethical dilemmas faced daily by family law practitioners. The course planners are Julia Swain and Mark A. Momjian. Megan E. Watson is the moderator and panelists will include Kimberly S. Ingersoll.

The State Civil Litigation Section will present **"The Philadelphia Judge Pro Tem Program: A Fresh Perspective on What it Takes to Be and Appear Before a JPT."** The course planner and moderator is Robert T. Szostak. Panelists include Philadelphia Court of Common Pleas Judges D. Webster Keogh, William J. Manfredi, Sandra Mazer Moss, Allan L. Tereshko, Jacqueline F. Allen and Howland W. Abramson, along with Deputy Court Administrator Charles A. Mapp Sr. and Dispute Resolution Center Manager Peter J. Divon.

The programming on Saturday, Oct. 16 begins with Gina Furia Rubel, Joseph A. Prim Jr., Nicole D. Galli, Shelley Goldner and Harold M. Goldner discussing **"Social Media and the Practice of Law,"** a program

## Conference Schedule

### Friday, Oct. 15

9:30 a.m. ....	Registration
11:30 a.m. ....	Opening Luncheon and CLE Plenary
	• <b>275 Years of Freedom of the Press: A Reenactment of the Trial of John Peter Zenger</b>
2 p.m. ....	Break
2:15 p.m. ....	CLE seminars
	• <b>Challenges in Removal From State to Federal Court</b>
	• <b>Trial Advocacy: The Power of Ideas</b>
	• <b>Diversionary Programs as Alternatives to Incarceration: What They Offer and What to Do as an Advocate</b>
3:15 p.m. ....	Break
3:30 p.m. ....	CLE seminars
	• <b>Discovery in the Criminal Division of Philadelphia Municipal Court and the Court of Common Pleas</b>
	• <b>To Prep or Not to Prep? That Is the Question: Ethical Considerations for Family Law Practitioners</b>
	• <b>The Philadelphia JPT Program: A Fresh Perspective on What it Takes to Be and Appear Before a JPT</b>
6-10 p.m. ....	Grand Reception

### Saturday, Oct. 16

8 a.m. ....	Breakfast and registration
9:30 a.m. ....	CLE seminars
	• <b>Social Media and the Practice of Law</b>
	• <b>Civility – Nice Guys and Gals Do Not Finish Last</b>
	• <b>Mortgage Foreclosure Diversion Program Litigation</b>
10:30 a.m. ....	Break and Hotel Check-Out
11 a.m. ....	CLE seminars
	• <b>Counseling the Corporation</b>
	• <b>My Witness Went South - What Now?</b>
	• <b>Technology in the Courtroom</b>
12 p.m. ....	Closing CLE Plenary and Luncheon
	• <b>State of the Court Presentation</b>

presented by the Bar-News Media Committee. Rubel is the moderator and course planner.

U.S. District Court Judge C. Darnell Jones II, Michael L. Turner, A. Roy DeCaro and past Chancellor Jane L. Dalton are the scheduled panelists for the Professional Responsibility Committee seminar **"Civility – Nice Guys and Gals Do Not Finish Last."** Panelists will discuss the adoption of the Pennsylvania Civility Code as well as cases decided citing the code. Richard P. Myers is the course planner and moderator.

The Real Property Section will present **"Mortgage Foreclosure Diversion Program Litigation"** with Philadelphia Court of Common Pleas Judge Annette M. Rizzo, Kenneth J. Fleischer and Rachel Gallegos. Richard L. Vanderslice is the course planner as well as a panelist.

The Business Law Section will present **"Counseling the Corporation,"** a moderated discussion about large corporations' relationships with outside counsel. Panelists are John Chou, general counsel, Amerisource Bergen; and Arthur R. Block, general counsel, Comcast. The course planner is Eric C. Milby.

**"My Witness Went South – What Now?"** is the

Criminal Justice Section program that will discuss what happens when a witness changes his or her story. Panelists include Philadelphia Court of Common Pleas Judge M. Teresa Sarmina, Daniel-Paul Alva, Professor Jules Epstein and moderator Isla A. Fruchter. The course planner is Troy H. Wilson.

**"Technology in the Courtroom"** is an overview presented by the State Civil Litigation Section on the different ways technology can be used in trial and how it can affect your trial. Panelists include Philadelphia Court of Common Pleas Judge Sandra Mazer Moss, Donna Lee Jones, Timothy R. Lawn and Scott W. Reid. Kathleen D. Wilkinson is the moderator and course planner.

A **State of the Court Presentation** will also be offered for CLE credit as the closing CLE plenary session on Saturday, Oct. 16, featuring the top judges from the state and city bench. Please note that course descriptions and panelists are subject to change.

In addition, one of the highlights of the conference will be the **Grand Reception** on Friday, Oct. 15, beginning at 6 p.m.

# Borgata Hosting Bench-Bar for Second Time

THE PHILADELPHIA BAR ASSOCIATION is thrilled to bring the Bench Bar & Annual Conference back to the Borgata

Hotel Casino & Spa. This luxurious destination resort has set a new standard among Atlantic City hotel properties.

The hotel is designed in classic Italian style and boasts 2,000 guest rooms and suites, all of which include stylish ameni-

ties, such as floor-to-ceiling windows, 300-thread-count Egyptian cotton bed and bath sheets, and large bathrooms with granite countertops, marble walls and floors, and oversized glass-enclosed showers.

The Borgata also features 12 destination restaurants that convey a world of culinary experiences. Among the establishments, acclaimed chefs Bobby Flay, Michael Mina, Wolfgang Puck, Michael Schulson and Stephen Kalt present, respectively, Bobby Flay Steak, SeaBlue, Wolfgang Puck American Grille, Izakaya and Fornelitto.

Artists such as Pearl Jam, Gwen Stefani, Sting, Carly Simon and Aerosmith have performed in the 2,400-seat Borgata Event Center and famous guests are often spotted throughout the premises. Live bands play at the Borgata's four nightlife hotspots: Gypsy Bar, B Bar, mur.mur and MIXX.

The Borgata's Spa Toccare is 54,000 square feet and includes a salon, fitness center and barbershop. The Spa offers an extensive menu of rejuvenating treatments.

Rounding out the amenities are 11 specialty boutiques offering men's, women's and children's fashions, gifts, toys, housewares and absolute essentials.

Hotel reservations must be made directly with the Borgata by calling 1-866-692-6742, or visit [www.philabenchbar.org](http://www.philabenchbar.org). Reference the Philadelphia Bar Association to receive our special group rate over the dates of October 14-16, 2010. Reservations must be made by Friday, Sept. 17.

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

Registration Type	Member	Public Int. & Gov	YLD Member	Non-Member	Total
<b>Full Conference - Early-Bird if Booked by September 17:</b> Includes all CLE programming and all sponsored meals and events on Fri. and Sat. <i>Early-Bird Rates, in red</i>	\$349	\$199	\$199	\$399	
	\$429	\$279	\$279	\$479	
<b>Friday Only - Includes Reception:</b> Includes all CLE programming and all sponsored meals and events on Fri.	\$299	\$149	\$149	\$349	
<b>Friday - Reception Only:</b> Includes Fri. night event only.	\$125	\$125	\$125	\$150	
<b>Saturday Only:</b> Includes all CLE programming and sponsored meals on Sat.	\$229	\$79	\$79	\$279	
<b>Non-CLE Credit and Guest Fee:</b> Includes all sponsored meals and events on Fri. and Sat.	\$175	\$175	\$175	\$200	

Registration Type: \_\_\_\_\_ Total Due: \_\_\_\_\_

Attendee Name: \_\_\_\_\_

Nickname on Badge: \_\_\_\_\_  
(if different than above)

Company/ Organization: \_\_\_\_\_

Guest Name(s): \_\_\_\_\_

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**Mail to:** Philadelphia Bar Association, 1101 Market St., 11th Fl., Philadelphia, PA, 19107-2955  
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**Board of Governors Vice Chair Regina M. Foley and Vice Chancellor John E. Savoth are co-chairs of the 2010 Bench-Bar and Annual Conference.**