The World of Refugee Resettlement

BY JUDITH BERNSTEIN-BAKER

10 Questions for Carl E. Singley
INTERVIEW BY
May Mon Post

Mastering Medical Matters
BY Harriet K. Goodheart
D.J. HAMMOND THINKS HE’S PRETTY SMART.

BUT SKIPPING TOWN ON A COURT JUDGMENT WASN’T HIS BRIGHTEST IDEA.

WESTLAW PEOPLEMAP

Need to track someone down? Westlaw® PeopleMap is the tool that helps you quickly learn about people and their relationships to assets, public records, legal filings – and other people. Before you’ve even started your research, PeopleMap has made relevant connections from billions of records across the country. Westlaw PeopleMap: what’s in a name might surprise you.

To learn more, visit west.thomson.com/peoplemap or call 1-800-762-5272.
Always Engaging!

JAY ROBERTS JEWELERS
Marlton, NJ
856-596-8600
www.jayrobertsjewelers.com
Features

14 CLE – Mastering Medical Matters
Samuel D. Hodge helps lawyers and judges learn about anatomy in a popular CLE program
By Harriet K. Goodheart

18 The World of Refugee Resettlement
The quasi-legal steps involving refugees take place outside the framework of most immigration administrative processing
By Judith Bernstein-Baker

24 10 Questions for Carl E. Singley
The veteran litigator on challenges facing the legal community and diversity
By May Mon Post

28 Lincoln in Philadelphia
Abraham Lincoln visited Philadelphia six times, but only once as President
By M. Kelly Tillery

36 The War on Illicit File Sharing
Internet service providers struggle with peer-to-peer file sharing
By Eric A. Packel

42 The Other Side of Up With People
An attorney makes a film about the singing group after her husband reveals he was an “Uppie”
By Jennifer L. Robinson

46 Banks, Dillinger and Mad Dog Earle
Johnny Depp and Humphrey Bogart had different styles when it came to portraying gangsters
By Michael J. Carroll

Departments

4 From the Editor by Deborah Weinstein

6 Readers’ Forum

8 Briefs

9 In Memoriam

10 Advocate by Stacey Graham
Public trust doctrine and parks both need preservation

12 Law Practice Management by Daniel J. Siegel
Now is the time to switch your law office’s computers to Windows 7

48 Technology by Dan Giancaterino
Apple’s latest device, the iPad, is much more than an electronic book reader

52 Book Review by David I. Grunfeld
“When Everything Changed” by Gail Collins

54 Music Review by Justice J. Michael Eakin
“First Take,” performed by Standard Time

56 That Was Then - 1980
Commemorating Andrew Hamilton’s anniversary

Vol. 73, No. 1 Philadelphia Bar Association Quarterly Magazine Spring 2010
To the Ends of the Earth

We will go to the ends of the earth to make the right match for you. Our clients and candidates are very important to us. Our recruiters have over 45 years combined law firm and legal recruiting experience.

We have long-standing relationships in the legal and corporate communities of the Delaware Valley. Let us put our experience and relationships to work for you.

We get it!

Susan M. Rubinovitz, Esq.  Stephanie A. Ristvey

• Lateral Partner Placements
• Lateral Associate Placements
• In-House Counsel
• Mergers
• Practice Group Moves

Follow us on Twitter  http://twitter.com/smrlegalsearch

SMR
LEGAL SEARCH
Engaged Exclusively in Permanent Attorney Placement
(215) 665-0800  www.smrlegalsearch.com
In this issue of the magazine, attorney Judith Bernstein-Baker, executive director of Philadelphia’s Hebrew Immigrant Aid Society and Council Migration Service (HIAS), tells the compelling story of a refugee family who flees from Burma/Myanmar to Malaysia due to the government’s repression of its minority Chin population. The family is essentially “stateless,” unable to return to Burma and without status in Malaysia. Obtaining permission for the family to legally enter and resettle in the United States will be challenging. Starting on page 18, you can read the riveting story of this refugee family and learn how attorney Bernstein-Baker and HIAS skillfully navigate the complex process of legal and administrative steps required to help refugees resettle here.

This is a powerful story and especially so for us. As attorneys, we have a heightened appreciation for the essential role that HIAS’ legal representation plays for refugees and immigrants. I think most of us are proud that members of our profession are performing work so vital to our society. We value the critical role our country plays by opening its doors to thousands of refugees and immigrants who need to be rescued and protected, all the while desperately wanting to unite with their families. Indeed, many of us “Philadelphia lawyers” have not forgotten our immigrant origins and many of us enjoy affiliations with organizations of attorneys that share our roots such as the Justinian Society (Italian lawyers) and the Brehon Law Society (Irish ones).

After all, with the exception of Native Americans, all of us have immigrant origins. Ours is a country of immigrants. “Coming to America” is part of almost all of our families’ stories — our common bonds.

And knowing about our families’ immigration experiences often influences the way we see ourselves. It answers many essential questions. Where are you from? Who are my people? Why am I here? Was my family forced to flee their native land or was it a choice? Were they running from peril or seeking opportunity? Did they suffer to immigrate to the United States? If they had not come here, would my life have been different?

And we are not alone. More and more of our fellow citizens are searching for answers to these questions. Interest in genealogy has recently experienced a tremendous renewal. People have become so fascinated with learning about their family histories that it has become a national pastime to dig for information to trace roots including, especially, the stories of our ancestors immigrating to America. The New York Times television critic Neil Genzlinger has described the current level of interest in these activities as a “craze” that is engaged in by a “happy cult.”

There is even a new reality television show catering to the public’s interest in this area. Described by Genzlinger as “an addictive little show,” “Who Do You Think You Are?” premiered on NBC on March 5. This weekly series features a group of celebrities each shown reconstructing their family history. There is no limit to the lengths to which they will go to track down clues to their past, and no expense is spared.

Full disclosure: I am not immune to this “craze” and did a little genealogical digging, only to discover HIAS’s very likely role in my family’s history. Although today HIAS works with refugees of diverse religious and ethnic backgrounds, the organization was founded to assist Jewish immigrants fleeing Eastern Europe. After the assassination of Alexander II in 1881, a massive wave of anti-Jewish pogroms — mobs violently attacking Jewish people and destroying their homes, businesses and communities — swept across southern Russia, propelling mass Jewish emigration primarily to England and the United States. My paternal ancestors were among the Jews who fled Russia to escape this persecution.

When my family arrived in the United States, they were resettled in South Jersey in one of the many agricultural
colonies for Jewish refugees that had been established with subsidies from the Baron Maurice de Hirsch Fund. And who assisted the immigrants in resettling in this new land? The Hebrew Immigrant Aid Society.

But it did not stop there. Continuing support from these organizations was critical. The early days of the colony were fraught with economic peril and anti-Jewish sentiment from their neighbors.

To supplement their meager income from farming, many settlers went to work in the local manufacturing sector. Native-born workers resented them because local industry was then under considerable financial strain. In 1891, workers in the nearby glass industry went on strike, refusing to work with Jews. Hundreds of strikers, armed with clubs, chased Jewish workers through the streets. When the factories locked out the strikers, they reportedly paraded through the streets singing “we won’t work with Jews.” Ultimately, the strikers’ demands were accepted and the Jews were fired because they were purportedly “unfit to work.”

But the story has a happy ending. Eventually the southern New Jersey colonies flourished, especially those in Salem and Cumberland counties where my ancestors lived. My family set up their own business – a dress factory – and hired local workers from Carmel, Salem and other nearby Jewish colonies. In 1889, my great-grandparents, Moses Aaron and Bessie Chachkin, were married and in 1891, my grandmother, Elizabeth Aaron, was born. The rest is history – my family history!

Getting back to the story of our refugee family, it also has a happy ending. Thanks to HIAS’s skillful representation and intervention, the refugee family arrived in Philadelphia and was welcomed by the community of more than 200 other Burmese families that Philadelphia agencies have resettled here over the past two years.

They join the many thousands of us who have special appreciation for the work that HIAS does, and will always be thankful for its help.

Deborah Weinstein (dweinstein@weinsteinfirm.com), editor-in-chief of The Philadelphia Lawyer, is president of The Weinstein Firm, a boutique employment law firm providing employers with legal and consulting services on workforce issues. She also teaches employment law to undergraduate students at The Wharton Business School.
The ACLU Fought City Hall and the Constitution Won

BY BURTON CAINE

he article by M. Kelly Tillery in the Winter 2010 edition of The Philadelphia Lawyer, “You Can Fight City Hall - The Case Of The Pope’s Platform” (Gilfillan v. City of Philadelphia, 637 F.2d 924 (3d Cir 1980)), recalls one of the most exciting cases in my career as general counsel, and later, president of the American Civil Liberties Union in Philadelphia.

As general counsel for the ACLU, I made the decision to litigate. Henry Sawyer III and Edward Posner of Drinker Biddle & Reath LLP represented ACLU in court. Sawyer was the most distinguished litigator in church-state matters of his time and Posner, now head of the litigation department at Drinker, is a superb successor.

The case began when Mayor Frank Rizzo announced that when Pope John Paul II comes to Philadelphia, “I will build a church for my pope!” I responded that the ACLU would sue to prevent such a flagrant, brazen violation of the establishment clause of the First Amendment that prohibits government aid to religion. Rizzo bragged that he never lost to the ACLU when the opposite was more accurate.

There were many fascinating aspects to the case both in and out of court and no doubt books will be written about it. Limited space prevents it here. There never was any doubt as to the constitutional righteousness of the ACLU’s plea. Tillery writes that as a young man trained in Jesuit schools, he considered volunteering to be plaintiff in the case to establish the principle that even the pope must obey the American gospel, the Constitution of the United States. Faithful Catholics volunteered and one was selected to be lead plaintiff. Other Christian groups and churches joined.

That did not restrain the flood of accusations that the ACLU was anti-Catholics and a right-wing Philadelphia newspaper columnists charged that ACLU was an abbreviation for Anti-Catholic Litigation Unit. The torrent of hate mail in the press was unprecedented but that received by the ACLU was not only sinful but terrifying.

The ACLU learned from it and past litigation such as the Schempp Case (banning Bible reading in public schools which Henry Sawyer won in the Supreme Court) that in an effort to forestall religious bigotry, the ACLU should be reluctant to have Jewish lawyers as lead counsel in church-state cases involving Christian practices. However, there was never a thought that ACLU should excommunicate Hilda Silverman as executive director or me as general counsel – both Jewish – to avoid anti-Semitic slander. One newspaper, for example, characterized defenders of the First Amendment in the case as “Jewish ACLU-types.” Articles I wrote explaining that the suit was based on established principles of constitutional law failed to stem this tsunami of religious invective.

One letter in particular I cannot forget. “You Jew Silverman” was threatened with murder. “As for Burton Caine,” the epistle continued, “these Protestants are all alike!”

The ACLU was not anti-anybody and defended the right of the pope to hold mass in public places in other cities in which he visited. In all other cities, the expenses of papal masses were paid for by the church or private individuals. Only in Philadelphia – the birthplace of the Constitution – did city officials insist on using taxpayer funds for the pope’s religious exercises.

Judge Raymond Broderick was Catholic and was involved with the pope’s visit, and the question arose whether ACLU should request that he recuse himself. That is when I saw Henry Sawyer, a Quaker, in his finest hour. He rose above the fray and proclaimed that Article VI of the Constitution provides that the Constitution of the United States “shall be the supreme Law of the Land” and Judge Broderick could be trusted to obey its command above all. That ended the discussion.

Tillery’s article indicates that it is the view of a young man not yet a lawyer and imbued with the mission to do justice. He exhibits the glow of recent law school study. As a law professor, I have deep admiration for such a passion to do right. I wish all students had it. One of my former First Amendment students had it. She was just admitted to the bar and filed an amicus brief in the case that unfortunately attracted little attention and was not cited in the opinions in the case. The question was one of “entanglement” which the Supreme Court held trespasses upon the separation–of–church–state commandment. That is, if there is excessive entanglement between church and state, that alone violates the First Amendment. Here it was clear that the City of
Philadelphia and the Archdiocese jointly planned for the pope’s mass, patently a religious exercise with no secular component. All courts in the case so held.

My former student, all eager and enthusiastic, contended that the church and the city joined together for the mass so that the cross was positioned on the city-built platform in the exact spot off-center where TV cameras at the Art Museum facing the platform and City Hall beyond it would line up the pope’s cross and City Hall together in one picture side-by-side – God and Caesar!

“That,” proclaimed the student in credo, “is entanglement!”

As to the amount the city spent on the pope’s mass, The Wall Street Journal commented that the ACLU claim amounted to only a fraction of the true cost to the City of Philadelphia. That may have been in response to the position enunciated by the city solicitor that wages of city employees in building the platform and erecting the enormous cross for the pope to celebrate mass should be ignored because the workers were municipal employees and it did not require the city to make any expenditure for labor for the pope’s mass! The same went for city-owned property. The ACLU was eager not to contest questions of cost in order to focus on the First Amendment principle of separation of church and state.

Tillery is wrong that the city did not appeal to the Supreme Court. It did, and the court denied certiorari. 451 U.S. 987 (1981). He also failed to mention that in the Court of Appeals, Judge Aldisert dissented. 637 F.2d 935. His view was that like Israel and Iran, the Vatican is a theocratic state and Pope John Paul II visited Philadelphia in his political capacity as head of state, not as the vicar of Christ. That argument failed in view of the fact that the ACLU limited its claim of violation to the cost of the platform and cross for the pope to celebrate mass, and for no other expenses.

Since Israel has no constitution, Aldisert quoted from the Israeli Declaration of Independence. I sent the dissent to Israel Supreme Court Justice Aharon Barak, who also teaches at Harvard and Yale. We have taught together in Israel. Barak is a law professor of world rank and was selected by the Harvard Law Review to write “A Judge On Judging: The Role Of A Supreme Court In A Democracy,” 116 Harv. L.Rev 16 (2002). Now in retirement from the court, he has returned to academia. We both marveled that an American judge could rule so apodictically on Israel as a theocratic state, a question that has defied the judges of Israel and scholars of its law since the founding of the state.

The Pope’s Platform Case and the Bible Reading Case, both ACLU cases from Philadelphia, are known around the world. I have lectured throughout the globe on behalf of the U.S. government on constitutional law and when audiences know that I come from Philadelphia, it is not unlikely that they ask about these two famous cases. In both, the Constitution has triumphed, and at the place where that charter of liberty was written.

Burton Caine (bcaine@temple.edu) is a professor of law at Temple University Beasley School of Law and is past president of the ACLU-Philadelphia.
Staffing Levels to Rise in Second Quarter, Survey Finds

More than one-quarter of lawyers interviewed recently said they plan to increase staff levels in the second quarter of 2010, while virtually none anticipated declines, according to The Robert Half Legal Hiring Index.

Sixty-seven percent of the respondents said there would be no change in staffing in the second quarter. The survey was conducted by an independent research firm and is based on telephone interviews with 100 lawyers at law firms with 20 or more employees, and 100 corporate lawyers at companies with 1,000 or more employees. All of the respondents have hiring authority within their organizations.

“Law firms that cut deeply during the downturn are planning to add staff to meet existing client demands and prepare for new business,” said Charles Volkert, executive director of Robert Half Legal. “Delivering superior quality and service requires having the right people in place. Reputation and competitiveness can suffer when a firm is understaffed.”

Nearly half of those surveyed said that it is challenging to find skilled legal professionals in the United States, despite high unemployment rates. A single posting for an open job can generate several hundred resumes. “The sheer volume of applicants often makes the process more complicated for hiring managers,” Volkert said. “As a result, some firms and departments are relying more heavily on their professional networks, internal referrals and specialized recruiters to identify the best candidates for open roles.”

Economy Blamed for Drop in Recruiting, NALP Says

The nation’s sputtering economy continues to impact the legal industry, with law firm recruiting levels falling in 2009, according to the National Association for Law Placement.

Across employers of all sizes, the NALP said the median number of offers extended for summer 2010 positions dropped dramatically to only seven in 2009 following a previous drop from 15 in 2007 to 10 in 2008. At the largest firms, firms with more than 700 lawyers firmwide, the median number of offers dropped from 30 in 2007, to 18.5 in 2008, and to just eight in 2009. Similarly, the percent of callback interviews resulting in offers for summer spots tumbled to 36.4 percent in 2009, after falling to 46.6 percent in 2008 from a figure that had remained close to 60 percent for the three previous years. The offer acceptance rate also jumped to 42.8 percent, the highest rate ever recorded.

NALP survey data from law schools and law firms suggests that between 3,200 and 3,700 law school graduates from the Class of 2009 had their starting date deferred.

The data comes from Perspectives on Fall 2009 Law Student Recruiting, an annual report published by NALP on selected aspects of fall recruitment activity and the experiences of both legal employers and law schools.
More than 75 percent of lawyers who passed the bar in 2000 are satisfied with their decision to become attorneys, according to a new study from the American Bar Foundation and the National Association for Law Placement Foundation.

The study, *After the JD II: Second Results From a National Study of Legal Careers*, shoots down the notion that young lawyers are unhappy in their jobs. The study tracked a national sample of nearly 5,000 young lawyers.

“The second wave of results demonstrates the enormous variety of and increasing fluidity of lawyer careers,” said ABF director and Northwestern University professor Robert L. Nelson, a principal investigator on the study. “Among the more striking patterns we see is the departure of law firm associates for positions in business as inside counsel. And although we still see some differences in the job choices of women and minorities compared to other lawyers, we find more convergence in careers across these groups than we would have predicted based on prior research.”

“We are keenly interested to see whether these patterns hold up in the next wave of data collection, as these young lawyers reach the time in their careers when they will make partner or be forced to find other employment. We will have an historic opportunity to examine the impact of the recent financial collapse on the careers of young lawyers,” said Nelson.

The study confirms that young lawyers are extremely mobile, with more than half of graduates changing practice settings since passing the bar. Despite data that reveals women and minorities had made enormous progress, the study shows that women are more likely than their male counterparts to be unemployed or work part-time.

The final phase of the study should be completed in 2012 and should provide what the ABF called “unprecedented information on an entire generation of lawyers.”
Public Parks in Peril

Cities Selling Land to Help Balance Budgets

As municipal budget deficits swell, elected officials contemplate liquidating public parkland as a means to balance their budgets. After all, parks are tax exempt and, in general, are maintained by taxpayer dollars, thus contributing on some level to budget shortfalls. Many state and local government officials genuinely believe that giving up parkland is in taxpayers’ best interest.

In today’s tough economy, conveying parkland to private developers rather than enacting broad tax hikes appears to be the lesser of two evils for balancing the budget. Short-term gains may be realized from such transfer of parkland and long-term tax revenue may be generated due to a change in land use. Certainly the idea grows in popularity if politicians can convince taxpayers that any alternative use of parkland is only temporary – a lease rather than a sale – or that the park will be lost only as a tradeoff to preserve or create jobs.

Now more than ever, public parks are at risk for privatization. Despite strong opposition from voters and taxpayers, public parks are being eradicated from public use for private purposes. Prompted by a promise of job creation and rental income, the City of Philadelphia attempted to lease Fairmount Park’s vibrant public parkland at Burholme Park to expand private medical research facilities. Elected officials in Erie closed its public golf course after investing approximately $200,000 in renovations and sought purchasers for the property because the park operated at a loss of almost $125,000 per year. Similarly, Scranton auctioned off its public golf course to a private entity and attempted to sell its public sports complex to a private university. Likewise, Downingtown entered into a purchase agreement to sell Kardon Park for private development purposes. All across Pennsylvania, elected officials are looking at public parks as cash cows for financially strapped municipalities.

The circumstance under which public parks may be sold, leased or otherwise privatized is a hotly debated issue presently before the Pennsylvania Supreme Court.

Recent Commonwealth Court rules may erode more than 150 years of common law protection for public parks. The public trust doctrine, embraced by the Pennsylvania Supreme Court in Philadelphia Museums (251 Pa. 115, 96 A. 123 (1915)), firmly established that the public owns property that has been dedicated to public use, (2) dedicated to public use and (3) offered for public use, but no formal record of acceptance appears to exist. The court further noted that the DDPA incorporated the common law public trust doctrine and simultaneously created a mechanism to relieve the political subdivision of its obligation to continue the original use of donated or dedicated property when such original use is no longer practicable or possible and has ceased to serve the public interest. Accordingly, a political subdivision seeking to be relieved of its duty to hold public parkland for the benefit of the public bears the burden of establishing that the original use of the property is no longer practicable or possible.

Under the DDPA, a political subdivision must first petition Orphans’ Court to abandon the original use of public property. Orphans’ Court may grant relief for property held in trust for the public when “in the opinion of the political subdivision which is trustee, the continuation of the original use of the particular property...is no longer practicable or possible and in the public interest.” The DDPA requires Orphans’ Court to give deference to the political subdivision’s decision that the original use of public park property is no longer practicable or possible and has ceased.

The Pennsylvania Constitution states “[t]he people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment,” and citizens have standing to challenge activity that eradicates public parks or otherwise dispossesses the public of its parkland.

In two separate cases, Pennsylvania Commonwealth Court held that challenges against changing the use of public parks is governed by the Dedicated and Donated Property Act (DDPA). Interpreting the DDPA, the court held that it applies to three types of public property – that which is (1) donated for public use, (2) dedicated to public use and (3) offered for public use, but no formal record of acceptance appears to exist. The court further noted that the DDPA incorporated the common law public trust doctrine and simultaneously created a mechanism to relieve the political subdivision of its obligation to continue the original use of donated or dedicated property when such original use is no longer practicable or possible and has ceased to serve the public interest. Accordingly, a political subdivision seeking to be relieved of its duty to hold public parkland for the benefit of the public bears the burden of establishing that the original use of the property is no longer practicable or possible.
to serve the public interest. In fact, absent a showing of bad faith, fraud, arbitrary or capricious action, collusion or abuse of power, judicial deference must be given to the political subdivision’s decision. In contrast, the public trust doctrine yields greater protection to the preservation of parks by precluding the transfer of actively used public parkland to either a public or private use that is inconsistent with the original use.

Erosion of the public trust doctrine makes public parks vulnerable to the shortsightedness of elected officials. Generating revenue will often trump preserving natural resources and public space for recreational use and enjoyment by present and future generations. For example, just months after making extensive renovations to Erie Golf Course, the city closed the park that had been actively used by the public and sought buyers for the golf course. The Commonwealth Court gave deference to the city’s decision to close the park because it operated at a loss and the revenue required to operate the park was better spent on “core services such as public safety and public works.” Despite the fact that operating costs for Erie Golf Course were merely one of numerous allocations of public revenue that fell outside the ambit of core services, the court failed to evaluate the arbitrary or capriciousness of Erie’s decision to close the actively used park, holding that the city acted within its discretion. Under the common law public trust doctrine, the active use of Erie Golf Course would preclude any alternative inconsistent use of the property.

The Commonwealth Court found the circumstances of Burholme Park distinguishable from Erie Golf Course and held that the City of Philadelphia failed to establish that the continued original use of Burholme Park was no longer practicable or possible and ceased to serve the public interest. In reconciling the difference in its determinations, the court held that the City of Erie presented evidence that operation of its public park required allocation from the general revenue fund at the expense of core services such as public safety and public works that rendered the continued use no longer financially practicable or possible. Therefore continued use as a golf course ceased to serve the public interest, despite active use by the public for such purpose. Conversely, the court found that Burholme Park is maintained, at least in part, by an endowment made to the city that as of August 2008, exceeded $1 million. Thus the court determined that the continued use of the park for its original purpose was
Computer operating systems aren’t sexy; they’re certainly not the type of thing you will hear most lawyers discussing around the coffee machine. After all, they believe that whatever system runs their computers is “fine,” as long as they run. That may be true, but, in fact, the reality is that the choice of a computer operating system can make lawyers and their staffs more – or less – efficient. And, of course, efficiency means time, and time means money.

Even the least computer savvy attorneys have probably heard of various computer operating systems. There is Windows®, the generic name for various Microsoft programs since 1985. Most offices have been using Windows XP® at some point since its introduction in 2001. Some, but not many, offices began using Windows Vista® following its introduction in 2006, but most users chose not to run Vista, which generally slowed their computers, was not particularly user friendly, and was not compatible with numerous printers and other products. In essence, most businesses have and continue to use Windows XP, even though it is nearly nine years old.

In late 2009, Microsoft introduced Windows 7, the latest version of its operating system. Finally, with Windows 7, Microsoft has developed a product that is better than Windows XP, that is more efficient and as user friendly as XP, and which will justify the effort necessary to either upgrade (when possible) or replace your existing computers. I have been using Windows 7 on various personal and business computers since late 2009 and, as a result, have upgraded or replaced all of the computers in my law office. The results are palpable.

So, why is Windows 7 better or worth the time and cost necessary to implement it? First, and foremost, Windows 7 is faster than Windows XP. From the “Start,” you can see the difference. Your computer boots faster, which means less time waiting to work. That may not seem like a big deal, but if it takes 60 seconds less a day to boot, that’s more than two hours of time saved over the course of a year.

In addition, the increased speed means that your computer processes information more quickly so that you and your staff can accomplish your tasks more efficiently. From a technical standpoint, the system works more quickly because it has far greater compatibility with today’s higher speed computer chips. In addition, with the introduction of Windows 7, Microsoft has eliminated many of the annoying features of Vista, and included the most popular ones from XP, thus making the learning curve for the new product less steep.

Why Switch to Windows 7?

Tony Bradley of PC World offers five reasons to upgrade to Windows 7, which I will summarize:

1. It’s better than Vista. The majority of Vista users I know do not like it. The most common complaints are poor device driver support (it doesn’t play nice with your printers, scanners, etc.) and the absolutely unbearable User Account Control (UAC) pop-up alerts. Windows 7 supports printers and other devices far better, and the UAC is no longer the obnoxious feature it had been.

2. It’s better than XP. Simply put, security features are far better in Windows 7 than in XP. In addition, it is easier to learn and use than XP.

3. Home networking. Finally, it is easy to create a home network. For your office network, leave those issues to the professionals; but when it comes to setting up a home network, Windows 7 eliminates most of the frustration endemic to XP.

4. Media sharing. As Bradley writes, “Windows 7 makes it fairly seamless and intuitive to share audio and video media between the various devices on the network. You can access and share libraries, play audio and video files to remote systems on the network, copy recorded shows from one system to another, and more with relative ease.”

5. Go with the flow. Now that Windows 7 is available, Microsoft and third-party software providers will be quick to drop support and development for Windows XP; in essence, it’s time to make the switch.
Considerations When Switching or Upgrading to Windows 7

Most small to mid-sized firms will have to decide whether to buy new PCs with Windows 7 – and the answer is two-fold: (1) time/cost, and (2) compatibility. Obviously, if you can afford it, buy new PCs. New PCs will have one of the various versions of Windows 7 installed (XP has disappeared as an option from virtually every PC), so there is no reason to upgrade. Plus, because the cost of new PCs continues to be relatively inexpensive, it may not be worth the time and money (about $200 per PC) to upgrade your operating system.

Fortunately, Windows 7 will run most Windows Vista and a majority of Windows XP applications without change, making the transition easier. On the other hand, there are changes in the Windows 7 interface to which some users will have to adjust. In addition, if you use custom or specialized applications (such as case management or document management software), you must verify that the applications are compatible with Windows 7. Although most applications should run on Windows 7, there have been some compatibility issues reported. Better to be safe than sorry.

- If you’re making the switch, be prepared. First, I don’t recommend switching some, but not all, of your PCs to Windows 7. Because XP is so old, and because Windows 7 improves upon Vista, you must be certain not only that the program can handle all of your applications (programs) and the drivers (software) that operate your printers, scanners, video cards and other hardware, but also that all of your computers will be able to network if they are using different operating systems.

To assist in the transition, Microsoft offers a Windows 7 Upgrade Advisor (http://www.microsoft.com/Windows/windows-7/get/upgrade-advisor.aspx), and you should use that program to be certain your upgrade will go smoothly.

- If you are upgrading, be prepared. First, not every PC can upgrade to Windows 7, which is why you should use the Upgrade Advisor. Second, even if a PC can make the upgrade, not every computer can upgrade directly to Windows 7. In fact, according to Laplink software, “Only 14 of the 66 upgrade scenarios detailed by Microsoft are supported by Windows 7 – and upgrading from XP to Windows 7 is not supported.” However, Laplink sells the only product, PCMover Windows 7 Upgrade Assistant, which allows users to upgrade quickly and easily from Windows XP or Windows Vista to Windows 7.

While there are reasons not to make a direct upgrade such as this – you may have corrupt files or viruses, or there remains the possibility that something could go wrong with the upgrade – I can attest that this software makes the transition easy. On the other hand, you can also migrate programs, i.e., transfer them, from an old computer to a new one. While it’s generally OK to transfer files (such as documents), I do not recommend migrating files because of the possibility of numerous pitfalls.

Of course, before performing any upgrade, it is absolutely critical that you backup your computer so that you will not lose any data in the event something goes awry. I have already used the Upgrade Assistant on six different PCs, and it has worked flawlessly each time. It also makes moving applications from one PC to a new Windows 7 system a simple process.

No one likes change, but sometimes it is necessary. If your computers are old and slow, or if your firm is contemplating a system-wide upgrade, Windows 7 provides an excellent “excuse” for making the move. In future columns, I will discuss some of the operating system’s best features, as well as ways to get the most of your new PC.
Bones of foot (continued)

A. Dorsal surface. B. Plantar surface. C. Lateral aspect. The lateral part of the longitudinal column of the foot consists of the calcaneus, cuboid, and fourth and fifth metatarsals. D. Lateral aspect of the foot consists of the calcaneus, talus, navicular, three cuneiforms, and three metatarsals.
Wearing lab coats and surgical gloves, the students circle the cadaver in the anatomy lab, carefully examining vital organs and the muscular skeletal system.

A typical day in the life of a medical student? Yes, but these students intently studying the human body happen to be lawyers and judges. Welcome to Into the Anatomy Lab, a one-day, multi-media continuing legal education course designed to give legal professionals an in-depth understanding of the medical science they regularly encounter in the courtroom.

“So much of what we do in law has a medical base to it,” observes Samuel D. Hodge Jr., a veteran litigator and professor at Temple University, who created the course. “Lawyers focus on the liability side and can be at a disadvantage on the medical side. Now they can acquire the knowledge of the medical issues underlying the legal matters they deal with every day.”

How do you effectively cross-examine a health-care professional? Explain a herniated disc or a torn meniscus to a jury? What exactly is a rotator cuff injury, anyway? For Hodge, chair of the Legal Studies department at Temple and anatomy instructor, the answers to these and other questions on which a case can turn lie in a solid understanding of the complexities of the human body.

The course, one of the Pennsylvania Bar Institute’s mostly highly rated offerings, begins with a morning session in the classroom where Hodge presents “a guided tour of the human body” in a lively, interactive teaching style.

“The building blocks of the human body are not unlike the construction of a house,” Hodge says. “The foundation of the house is its frame, made out of wood; in the body, it’s the skeletal system, made out of bone. Each has its own ‘plumbing system,’ and the fresh air that is distributed through vents and ducts in your home translates to the pulmonary system’s lungs and bronchial tubes in your body.”

The presentation includes state-of-the-art drawings, animations, anatomic models and videos of human dissections that prepare the lawyers for their afternoon visit to the anatomy lab at Jefferson Medical College. There, Hector Lopez, M.D., an assistant professor in the department of Anatomy, Histology and Cell Biology, along with a team of medical students, continue the tour with hands-on instruction utilizing prossected cadavers. Dr. Lopez has reorganized the anatomy lab into a series of stations, each focusing on a different segment of the human body, from the brain to the knee. The lawyers, divided into small groups, move from one station to another, seeing firsthand the workings of the human body, with medical students offering explanations and answering questions.

While the course comprehensively covers skeletal, muscular, endocrine, digestive, respiratory, reproductive, urinary, nervous systems and sense organs, participants with specific interests have the opportunity to “choose their own body part,” as Hodge puts it. Students are encouraged to E-mail Hodge in advance of the course in order to alert him to particular issues a lawyer may be dealing with which in turn allows Hodge and the anatomists to tailor the course accordingly.

Samuel D. Hodge (opposite page, from left) explains the geography of the brain to Janet Jackson and Frank Cassiano.
“Being able to hold a human heart and brain in my hand while an anatomist explained the significance of the various body parts has spoiled me,” said Judge Joseph I. Papalini of the Philadelphia Court of Common Pleas, who took the course. “I will never look at a color-coded chart of a body part the same way again… I will never forget what I learned.”

“It is the first CLE course I have taken in nearly 25 years that I was disappointed...the course had to end,” noted Richard M. Jurewicz. “It is an experience that will be relived each time I begin preparing for my medical expert’s deposition or trial testimony.”

While the anatomy lab demonstrations led by the medical team give legal professionals an understanding of medical diagnoses and surgical procedures, it is always from a legal perspective, with Hodge keeping the focus on what lawyers need to know.

“Lawyers are trained to recognize or defeat theories of liability, but most attorneys are not educated in medical matters,” he says. “To level the playing field when it comes to issues of causation and damages, it is vital that attorneys have an understanding of the human anatomy – how it works and what happens when something doesn’t.”

Hodge, who lectures throughout the country and has written more than 150 articles on medical/legal topics, is the author of Anatomy for Litigators published by ALI-ABA and honored in 2007 as the best legal textbook by the International Association of Continuing Legal Education.

Harriet Goodheart (hgoodhea@sju.edu) is assistant vice president for university communications at St. Joseph’s University.
The World of Refugee Resettlement

By Judith Bernstein-Baker
Several months ago, I received a call from a fellow immigration attorney. She was asking how the family of a Burmese man, now extremely ill, could enter the United States. The family, a mother and six children, had fled Burma/Myanmar due to government repression of the minority Chin population and was in Malaysia. The family, whom we will call the HW family, had been designated as refugees by the Office of the United Nations High Commissioner Refugees (UNHCR) and they were essentially “stateless,” unable to return to Burma, and without status in Malaysia.
Over the last year, the Philadelphia region has welcomed new refugee groups to our community. These include ethnic minorities (Karen, Chin and Karenyi) from Burma/Myanmar, ethnic Nepalese originally from Bhutan, Iraqis, Eritreans and others. But how do they get here? The quasi-legal processing steps involving refugees takes place outside the framework of most immigration administrative processing, and is not the focus of traditional immigration legal practice.

The United States’ organized refugee program first began with the Displaced Persons Act of 1948 and provided for the admission of Europeans who had suffered from World War II and the Holocaust. The next large wave of refugees to enter began in the mid 1970s were those who fled Indochina in the aftermath of the Vietnam War, followed by religious minorities and political dissidents from the former Soviet Union. The ad hoc admission process of refugees was inadequate to address the needs of large groups and in 1980, under the leadership of the late U.S. Sen. Edward M. Kennedy, The Refugee Act provided for the orderly admission and support of refugees. The refugee program is administered by the Bureau of Population, Refugees and Migration (BPRM) of the Department of State in collaboration with the Office of Refugee Resettlement in the Department of Health and Human Services and the Department of Homeland Security.

The numbers and nationalities of refugees permitted to enter under the refugee program is determined annually by the president in consultation with Congress. The numbers admitted is small, compared to U.S. resettlement efforts and to the number of worldwide refugees. In 1980, 207,116 refugees were admitted and in 1992, 132,531. Admissions have fallen every year since 1992, reaching an all-time low since the program began in 2002. According to UNHCR, there are 42 million refugees worldwide. Sixteen million are displaced outside their country of origin and 26 million are internally displaced due to war, social unrest and political upheavals.

The State Department establishes priority groupings of refugees. In almost all cases, the UNHCR must first classify a person as a refugee before the U.S. will assign them to a priority group for resettlement. Priority 1 includes individuals who are in danger and urgently need resettlement. There are

<table>
<thead>
<tr>
<th>REGION</th>
<th>Fiscal Year 1998</th>
<th>FY 2002</th>
<th>FY 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFRICA</td>
<td>7,000</td>
<td>22,000</td>
<td>15,000</td>
</tr>
<tr>
<td>EAST ASIA</td>
<td>14,000</td>
<td>4,000</td>
<td>17,000</td>
</tr>
<tr>
<td>EUROPE AND CENTRAL ASIA</td>
<td>51,000</td>
<td>26,000</td>
<td>2,500</td>
</tr>
<tr>
<td>LATIN AMERICA/CARIBBEAN</td>
<td>4,000</td>
<td>3,000</td>
<td>5,000</td>
</tr>
<tr>
<td>NEAR EAST/SOUTH ASIA</td>
<td>4,000</td>
<td>15,000</td>
<td>35,000</td>
</tr>
<tr>
<td>UNALLOCATED</td>
<td>3,000</td>
<td>----</td>
<td>5,000</td>
</tr>
<tr>
<td>TOTAL CEILINGS</td>
<td>83,000</td>
<td>70,000</td>
<td>79,500</td>
</tr>
<tr>
<td>ACTUAL ADMISSIONS</td>
<td>77,080</td>
<td>27,110</td>
<td>UNKNOWN</td>
</tr>
</tbody>
</table>
Refugees in camps may have to wait months to be interviewed by U.S. officials. And after the interview, even if deemed eligible, refugees must wait further until they are accepted by a U.S. resettlement agency. During that time, many attend cultural orientation classes and learn beginning English. For most refugees coming from camps, life in an urban setting like Philadelphia poses huge adaptation issues, ranging from learning public transportation, to how basic appliances work to what foods are available in the U.S., to how to handle finances and money.

The presence of faith-based groups in this process arises out of the history of these groups, as part of their calling, to provide social services and protection to immigrants at a time when no government programs were in place. HIAS and Council, for example, began in 1881 to work with Jews fleeing the pogroms of Eastern Europe. HIAS and Council continues to work with Jews and all immigrants and refugees residing in Philadelphia and surrounding counties who are of limited means. The agency seeks the fair treatment and full integration into American society of migrants from all backgrounds. Today, all voluntary agencies work with refugees of diverse religious and ethnic backgrounds.

Refugees who already have a relative in the United States undergo a different process. The relative (must be parent, adult child, or spouse) approaches a local voluntary agency and files an affidavit of relationship, proving the family connection.
This process is only available to refugees living outside their country of origin. Refugees who have family members in their home country must first submit a petition to USCIS called an I-730 proving the family relationship and this must be done within two years of arrival. The local voluntary agency then sends the documents to their national agency, which in turn, coordinates with the Department of State. The refugee is then interviewed abroad by U.S. officials to determine if they are eligible for refugee status, and if so, the family is sent to the city of the relative. Processing of P3 relatives of certain nationalities was suspended last year, as there were allegations that individuals’ claimed family members could not be verified through DNA testing. Whether this is actual fraud, or a different cultural understanding of the concept of “family” and “child” remains to be seen. Without clear avenues for review, many denials of family unification go unchallenged, resulting in permanent family separation.

When family members are approved for family reunification, they are often taken in by relatives. In addition to providing housing, the family members who arrived earlier serve as a critical safety net and mentor for their relatives.

Relatives arriving without ties to the U.S. must rely in good part on the local voluntary agency charged with their resettlement. We may be the only support a family has. Our job in the first 30 days is to find and furnish housing, provide access to health care, provide or refer members to English-language training, find or refer refugees to employment and orient them to Philadelphia and American society. Federal support for new refugees – $450 per person – is insufficient for most families, so we turn to our devoted volunteers who find furniture, clothing and other essential items. Refugees seek work soon after arrival, and more than 70 percent of employable adults find jobs within the first four months, although many are low-wage positions.

The resettlement process for the HW family was a slight variant of the process for those who arrive with no relatives. The HW family were considered P-2 refugees. The father is a devout Christian; because of his minority and ethnic religious status, he had to flee Burma/Myanmar 15 years ago when his youngest child was only a few months old. Eventually, he obtained asylum. I was happy to report to my colleague that we were able, working with our national office, to expedite a referral to U.S. immigration officials to determine eligibility for refugee status for the family abroad. The family arrived in early December, four months after we learned of their compelling situation. An emotional reunion has held at the airport, after which the family was taken to their new rowhouse, furnished by community volunteers. There, a hot meal, cooked by a Burmese/Myanmar family that had arrived only a few weeks earlier, was waiting, along with members of the father’s church group. Three weeks after they arrived, they experienced their first snow.

Walking around South Philadelphia, one sees many new families who are bringing vitality and life to the neighborhood and our city. The HW family has joined the more than 200 Burmese families Philadelphia agencies have resettled in the last two years. The same things that attracted Jewish and Italian immigrants in past generations – inexpensive housing, proximity to public transportation, diversity and appropriate ethnic foods – now brings new groups who will work to build a future for their children, and for all of us.

Those interested in volunteering to help new refugees with cultural orientation and support should contact Marina Merlin at HIAS and Council Migration Service at mmerlin@hiaspa.org.

Judith Bernstein-Baker (jbernsteinbaker@hiaspa.org) is executive director of HIAS and Council Migration Service.
The accompanying article was written before the massive earthquake hit Haiti. Children have been particularly affected; prior to the disaster there were more than 350,000 orphans in Haiti, and undoubtedly this tragedy has left more children without parents. Almost every Haitian in the U.S. has been affected with loved ones having been injured or lost. In addition to contributing to the relief efforts in Haiti by sending troops and medical teams, the U.S. government has permitted a small number of orphans who have been identified and matched for adoption to come into the United States. Pennsylvania Gov. Edward G. Rendell took a leadership role in arranging for a group of 54 orphans to come to Pennsylvania. There may be additional trauma victims and their escorts flown into Pennsylvania, including Philadelphia, for medical care.

Philadelphia has a long tradition in welcoming Haitians to our region. In the 1990s, Lutheran Family and Children’s Service placed Haitian children who were victims of the social upheaval in Haiti in the Unaccompanied Refugee Minor program. Attorneys helped provide legal services to these children to obtain permanent residency status. But the current situation in Haiti is a natural disaster, affecting an even larger group of children and adults. Under our immigration laws, natural disasters alone do not make victims refugees. Refugees are those who suffer persecution on account of race, religion, nationality, political opinion or membership in a social group. The orphans and those coming for medical treatment can be given an immigration status known as “humanitarian parole.” Under this status, these individuals are eligible for public benefits and adults can work legally in the United States. Haitians who were already in the United States are permitted to apply for Temporary Protect Status (TPS) that currently has an expiration date of July 2011. This permits adults to work and remain in the U.S. legally for the duration of the status, thereby enabling them to send funds back to their families in Haiti. Those on TPS, however, cannot petition or sponsor their relatives.

Immigration advocates have called upon the U.S. government to take a number of immediate steps to assist earthquake victims including:

- Expedite the existing 50,000 petitions already approved or in process filed by family members in the U.S. for their relatives. Unless this is done, some relatives face a five- to 10-year delay in reuniting with their family members due to immigration backlogs.

- Transport children with urgent medical needs, accompanied by parents or caretakers, to the United States if no medical needs are available. These units should be given humanitarian parole or special status as a Cuban/Haitian Entrant.

- Orphans who have a relative in the U.S. or children in Haiti who lost a primary parent who have a second parent in the U.S. should be identified and provided with a means to enter the U.S. as Cuban Haitian Entrants Program or under a grant of humanitarian parole.

- Orphans who have no caretakers in Haiti, but have not yet been matched with families, should be permitted to enter the U.S. either as Cuban Haitian entrants or under a grant of humanitarian parole and placed in suitable foster homes.

An interdisciplinary group of attorneys, medical providers, social service agencies and representatives of the Haitian community recently met to develop strategies focused on assisting Haitian children. For information, contact Jennings Durand of Dechert LLP, one of the conveners of the Haitian Children’s Pro Bono group, at jennings.durand@dechert.com.

- Judith Bernstein-Baker
Carl E. Singley has had a diverse professional career as a practicing attorney in the private and public sectors and as a legal educator and administrator. In 1987, Singley founded the largest African-American law firm in Philadelphia that he managed for 13 years. He is currently of counsel at Ciardi Ciardi & Astin. His public sector legal experience includes serving as the first deputy city solicitor for the City of Philadelphia and special counsel to the MOVE Commission. Singley was a law professor at Temple University from 1974 to 2004 when he retired as professor emeritus. He served as dean of the school from 1983 to 1987.

**MAY MON POST: What do you see as the biggest challenges facing the Philadelphia legal community today?**

**CARL E. SINGLEY:** I don’t think there’s such a thing as the Philadelphia legal community. There are several legal communities. And I think the challenges that these different entities within those communities face are different depending how they fall along the spectrum. For example, the bigger law firms have a different type of challenge than say the mid-size or the smaller firm. The minority and women-owned law firms also have different kinds of challenges. The one thing they have in common is trying to figure out how to get new clients, or how to serve clients who, because of the economy, aren’t able to afford the kind of legal services that we sort of took for granted in the past. And in fact, the changes in the economic climate are forcing us to revisit the basic business model, certainly in the larger law firms. The hourly rate, which has sort of been the mainstay for decades in the practice of law, and clients who pay the hourly rates without giving a second thought to it now, are looking at different fee arrangements. That’s a problem for the larger law firms. The smaller firms have always had a greater amount of flexibility in terms of setting their hourly rates, and as a consequence, they don’t have as much of an adjustment to make because they’re not carrying as much of a huge overhead that the big multi-office law firms are carrying, and the big salaries for associates and others that they very often have some difficulty justifying to clients. So I think we need to be rethinking the model for the delivery of legal services, figuring out a way to do more for clients who can pay you less because they’re struggling themselves, and figuring out other ways of providing legal services at a lower cost.

**Do you have any advice for lawyers in dealing with layoffs, activating personnel and networks and finding new positions?**

My advice to younger lawyers coming along now is that you ought to develop and nurture relationships. Because even during the better economic times, people talk about the art of business development. Well, if it is an art, there’s a part of it that is science as well, and that is maintaining networks and relationships, even if they don’t offer at the moment an immediate opportunity to develop issues. So people who have not maintained a network of relationships over the last two or three years – they’re going to be in a pretty difficult position, because everybody is out now trying to network. So I think the business of networking, and nurturing, and managing relationships over time is as critical now as in other recessions. Other than that, I think people just...
have to readjust their expectations about whatever goals they have and be flexible with those goals, and take a somewhat longer view.

As difficult as these economic times may be, relatively speaking, the standard of living for most Americans is significantly higher than 95 percent of the people in the world. And so while we can have a doom-and-gloom attitude, the standard of living for people in our country and in our profession is significantly higher. This is an opportunity for us to reflect and have a greater appreciation for the advantages that we have. You travel to so-called third-world countries, under-developing countries, and you see people who manage to eke out a living with modest resources. But there seems to be joy in their lives, a quality of life, living on one-tenth of per capita income. So to the extent that there’s any good in all of this, it’s that Americans need to kind of rethink those things that we take for granted and have a greater appreciation for the things that we have and how other people manage to live decent and fulfilling lives with a whole lot less.

You have a business that provides diversity consulting to large corporations, institutions and others. What, in your opinion, are the best strategies to attract diverse attorneys in law firms?

Diversity, period. People are motivated by self-interest. So in the diversity discourse, people speak in terms of the business case for diversity. The challenge is to show law firms that there is value to having people who bring gender diversity, who bring ethnic diversity, and who bring socio-economic diversity. It isn’t just about women and minorities, it’s about people who come from blue-collar backgrounds, or who come from Kensington, or a West Virginia mining town. They bring a very different set of perspectives.

Clients want, when you are problem solving for them, to make sure that on your side of the table, you have people who bring the widest range of ideas and perspectives to problem solving. And that people who come from these various backgrounds probably have developed a survival ethic and a work ethic that has value in and of itself. So the business case really means that if you really want your business to be successful and reflect the way that our society has changed, then you need to have people who bring a diversity of perspectives.

And how do you make firms more diverse?
It’s not easy, because law firms are not democracies. The formal leadership is those folks who show up on the Web site as the chairman of the firm, and the managing partner and the practice group heads. The effective leadership is really that group of lawyers who have the biggest book of business whose names may not show up in a formal position, but have a whole lot of impact on the practices and activities of the law firm including whether it is committed to diversity. Also clients have a role to play in fostering law firm diversity.

And what can law firms do to attract minority attorneys to come work with them, particularly at larger law firms or plaintiff law firms?
I think when we talk about being flexible and readjusting expectations, in terms of deciding what it takes to be a very good lawyer, you’ve got to get away from traditional metrics. Like whether or not a person was in the top of his or her class, whether they went to an Ivy League or top law school, whether they had a federal court clerkship or not, and really look past – not that those credentials are unimportant, they’re clearly important. Sometimes they actually help predict how effective people are going to be as lawyers. Sometimes they don’t. So you have to expand the evaluative criteria that you use. I don’t mean lowering standards, because those standards are artificial to begin with. So it’s not this notion that, “oh, you want us to lower standards?” That’s nonsense. That’s an excuse to prefer people with a certain pedigree, and sometimes a certain ethnic and socio-economic background. But for the most part you need to expand your notions of what it takes to be a good lawyer.

And once a law firm does have minority or diverse attorneys, what can you do to retain them?
I don’t think they should treat diverse and minority attorneys, or women attorneys, any differently than they treat everybody else. First of all, major law firms, for the most part, are grueling enterprises for all first-year associates. When folks focus on how tough minority women and associates have it, remember all associates hate it. They hate being an associate. Even those who make the big bucks, and all of the law firms are adjusting salaries downward.

So probably what law firms ought to do is consider rethinking how they treat all associates. Because whether they’re minority, women, black or white, associates aren’t as
committed as in the past to spending seven, eight or nine years becoming a partner. They are really using that opportunity to create their own situation. And that is a work-life balance thing. You can’t expect people who want to raise a family to work 60 hours a week and then have the option of having a family life, which is what they’re entitled to have. Law firms need to rethink how they treat associates generally, and I think minorities and women will be the beneficiaries of that.

In 1987 you established Singley & Associates, which was one of the largest minority-owned law firms in Pennsylvania. What can minority-owned firms do to thrive, especially in this economy?

I think the mistake that small firms make, minorities included, is trying to be all things to all people. There’s nothing wrong with becoming a specialized firm, figuring out a few areas of practice that offer the potential of decent returns in terms of fees and investment of time that doesn’t require substantial investment, financially and otherwise, and develop expertise in that area. Not all small firms ought to try to be experts in everything. They ought to form strategic alliances.

Big firms refer conflict work all the time. The big law firms try to be all things to all people, and with 300, 400, 500 lawyers, they can be. But for small law firms, you’re better off picking two or three areas and concentrating in those areas. If you get clients in the area in which you don’t have expertise, develop a relationship or a strategic alliance relationship with another law firm. And for the same fee, you can sit as co-chair. There’s a concern that if I refer the work out, the client will never come back. But the strategic alliance arrangement would allow you to refer work to people who have the expertise without you worrying about trying to provide that level of service.

What are your thoughts about race relations issues, particularly as they relate to Philadelphia?

When it comes to matters of race and ethnicity, I’m actually an optimist about it. I grew up in Alabama in a small town outside of Birmingham. I went to racially segregated schools all through high school and went to a college that was all black. Until I came to law school at Temple in 1968, I never sat in a classroom with students who were not black, other than a couple of exchange students who came to my college. In my lifetime, we’ve seen incredible advances in the matters of race and ethnicity and gender. What comes out of all of this is a recognition that people are fundamentally the same, no matter where they came from. If you start with the perspective that there are good and kind souls in all races and ethnic groups, there are also jerks and creeps in all ethnic groups. You can never tell who is going to be what depending on their color or gender. My daughters and grandkids don’t have a clue about race. They don’t see things in the same way that people in my generation did. I’m optimistic.

Philadelphia has managed to elect three black mayors. There are still racially segregated neighborhoods by choice in all ethnic groups. But for the most part, Philadelphia has made incredible progress over the past few years. And in the next 10 or 15 years, race will be relegated to the inaccurate artifact that it is. I like the phrase ethnically ambiguous. Unless you’re dark complexioned like I am, you look at a person and you don’t have a clue what their background is, unless you ask them. And that’s actually a good thing, because nobody should start out defining an interaction in a conversation based on what they think they know about where somebody comes from. Evaluate people based on who they are and how they interact with you without these filters of race and matters like that.

Have your views on race changed much over the years?

I think so and I think it’s a function of who you know and who you interact with. For example, I said until I came to law school at Temple, I didn’t know any white kids. The neighborhood that I grew up in was racially segregated and at Temple, I went to school with students of different racial backgrounds and socio-economic backgrounds. The whole value of interacting with people of different backgrounds is that if you’re open minded, it expands your horizons. And that’s ultimately how you get rid of these prejudices and biases, is to have people interacting, living with, working with, talking, arguing with, fighting with, having successes and failures with people from different backgrounds.

You talked about some of your passions. Is there anything else we can know about you so we have a better idea of who you are?

I love biographies and autobiographies. I’ve always been a student of history and an avid reader of historical materials and historical novels, for any number of reasons. In biographies, autobiographies and historical accounts, you see certain commonalities in human nature. The strength and survival of the human spirit that you see in these stories is something that resonates across time and resonates across continents. If I want to be inspired, all I have to do is look at different people in different places and the adversity that they encountered and how resourceful people were. That for me fosters a clear sense of hope and optimism. In general, I think I’m an upbeat and hopeful person who is blessed and lucky to be in this place at this point in my career.

May Mon Post, principal in The Post Law Firm, is a member of the Editorial Board of The Philadelphia Lawyer.
Abraham Lincoln
In Philadelphia
Since last year, the bicentennial of Abraham Lincoln’s birth, I have been thinking a lot about our 16th president. Not coincidentally, last June 16, I spent the better part of the afternoon strolling and so thinking through Logan Square, the site of the only official visit of Lincoln as President to Philadelphia, 145 years before.
Yes, Lincoln was here on six other occasions: on June 7-9, 1848 at the Whig Convention which nominated Zachary Taylor; Feb. 25, 1860 to change trains and to attempt, unsuccessfully, to meet with Pennsylvania Sen. Simon Cameron and Pennsylvania Congressman David Wilmot at the Girard House Hotel; Feb. 21-22, 1861, to speak at Independence Hall on the way to his first inaugural; June 23 and 25, 1862 to change trains on his way to and from a secret meeting with retired Gen. Winfield Scott at West Point, N.Y.; and, finally tragically, on April 22-24, 1865, in death, lying in state in the East/Assembly Room of Independence Hall. But he was not visiting as President any of those times. In fact, on each of those visits (except the secret ones), he was only a private citizen, a lawyer, and a prairie lawyer at that. Not even a Philadelphia lawyer.

No, his only official Philadelphia visit as President came on June 16, 1864, accompanied by wife, Mary Todd Lincoln; Secretary of State William H. Seward; and one of his two secretaries, John G. Nicolay, to attend the U.S. Sanitary Commission Great Central Fair, which covered the whole expanse of Logan Square, the same land that spreads out 28 floors below my law office at Two Logan Square.

My great-grandfather, Milton Jared Tillery, and 90 other relatives of mine fought for the Confederacy and I was born and raised in the Deep South, but I have shared the nation’s enduring love for The Great Emancipator since an early age. Growing up in New Orleans, whenever I walked through The French Quarter near the Café Du Monde, I often thought of Lincoln’s two early visits to the Crescent City (1828 and 1831), where he was deeply moved by the obscene sight of slaves chained for sale at auction, not far from where tourists now so blithely consume beignets and coffee with chicory.

Four score and nine years before I was born, President Abraham Lincoln was here, not a block from where I now practice law. Sadly, no plaque marks that historical spot.

1848 – WHIG CONVENTION

In February 1848, Lincoln, the only Whig congressman from Illinois, thought it would “not be convenient” for him to attend the party’s national convention, but, anxious about its outcome, changed his mind and set out for Philadelphia on June 6, 1848 to attend as an unofficial observer. The convention was held at the Chinese Museum Building, at the Northeast corner of 9th and George (now Sansom) streets. The site would later become a part of The Continental Hotel where Lincoln would stay on his visits as President-elect in 1861 and as President in 1864.

Lincoln favored his political hero Henry Clay, but came to support the eventual nominee, Louisiana slaveholder, political neophyte and hero of the Mexican War, Zachary Taylor, because Lincoln knew only Taylor could win. He joined a group of congressmen supporting Taylor, the “Young Indians,” lead by Georgian Alexander H. Stephens, later vice president of the Confederate States of America.

Although not a delegate, Lincoln, the Lone Star of Illinois as he was then being called, was carried away with the excitement of events and attended a rowdy “ratification meeting” of the delegates in Independence Square, south of Independence Hall, after the convention adjourned. Only 17 years later, his lifeless body would be carried by an honor guard through the same spot to lie in state, with the Liberty Bell at his head, inside the Declaration Chamber of Independence Hall.

1860 – SWITCHING TRAINS AND MISSING POLITICIANS

On his way to New York City to make the speech that made him President, his brilliant Cooper Union Speech of Feb. 27, 1860, Lincoln made a brief stop in Philadelphia to change trains and to try to consult with two political allies and leading Pennsylvania politicians, Sen. (“Boss”) Simon Cameron [he of the aphorism, “An honest politician is one who, when he is bought, stays bought.”] and Congressman David Wilmot [he of the eponymous Proviso].

In those pre-Amtrak days, the nation’s railroads were a hodgepodge of lines owned by various companies that seldom connected, even in cities like Philadelphia. In order to travel from Washington to New York, through Philadelphia, one arrived at the Philadelphia, Wilmington & Baltimore Railroad Depot (a/k/a Southern & Western Railway Station) at Broad and Prime (now Washington Avenue) streets and then traveled 3½ miles through the streets to the Kensington Depot of the Philadelphia and Trenton Railroad at Front and Berks streets.

When Lincoln detrained at the PW&B Depot, he was handed a note asking him to meet Cameron and Wilmot at the Girard House Hotel at 825-27 Chestnut St. The Pennsylvania politicians were not there when Lincoln arrived, so he hurried off to the Kensington Depot and just made his train to New York.

Although Cameron did not last in the position, he served as Lincoln’s first secretary of war. And Lincoln had a special
fondness for Wilmot, claiming to have voted for his famous Proviso (which would have prevented slavery in lands taken from Mexico) more than 40 times.

1861 – EN ROUTE TO FIRST INAUGURAL

On Election Day in November 1860, despite longstanding Southern sympathies, Philadelphia gave Lincoln 52 percent of the vote—not bad in a three-way race and far better than New York delivered for him. Expecting a positive reception in Philadelphia, on Feb. 15, 1861, the President-Elect accepted an invitation of the Philadelphia Select and Common Councils to visit the city on his way to Washington to be inaugurated and set a date of Feb. 21, 1861. He looked forward to seeing Independence Hall again. Unlike 1848, this time he would be able to enter and speak in the hallowed halls where the Union he would fight so hard to preserve was actually created. To his dismay, however, three days later and three days before his visit, on Feb. 18, 1861, the Confederate States of America swore in former U.S. Sen. Jefferson Davis as its first and only president.

More than 100,000 people welcomed President-Elect Lincoln and Mrs. Lincoln to the city at the Kensington Depot on the afternoon of Feb. 21, 1861. He then spoke briefly to a large, enthusiastic crowd from the Chestnut Street balcony of The Continental Hotel at the southeast corner of 9th and Chestnut streets.

Although the multitude probably heard not a word, Lincoln, in brief remarks, responding to an introduction by Mayor Alexander Henry, promised to work with a “sincere heart” to “restore peace and harmony and prosperity to the country.” Referring to the teachings of the “holy and most sacred walls” of that “sacred hall” where the Constitution and the Declaration of Independence were framed, Lincoln waxed Biblical, “May my right hand forget its cunning and my tongue cleave to the roof of my mouth, if I ever prove false to those teachings.”

He retired to dine with his wife in an adjoining room and then met with a delegation of local politicians lead by Judge James Milliken seeking to get “Boss” Cameron appointed to his Cabinet. Thereafter, Lincoln was honored at a private reception in the hotel.

THE BALTIMORE PLOT

But there was intrigue in the air. While a Lincoln imposter appeared on the balcony confusing, then amusing the crowd, a real and serious ruse was being planned in the well-appointed suites of The Continental. Chicago Detective Allan Pinkerton, in the employ of the PW&B Railroad, the line between Philadelphia and Washington, claimed to have uncovered a rebel plot to assassinate Lincoln as he passed through Baltimore. Urged to change plans and rush to Washington, Lincoln was both skeptical of this conspiracy talk and honor-bound to speak the next day in Philadelphia and then in Harrisburg. He refused to alter his plans or dishonor his commitments, even when Frederick W. Seward, son of his soon-to-be secretary of state, Sen. William H. Seward, came to him with similar information, possibly from sources other than Pinkerton’s.

Although still wary of the veracity of this information and the wisdom of the course being suggested, Lincoln reluctantly agreed to alter his travel arrangements so that he would return from Harrisburg, through Philadelphia and Baltimore in the dark of night. Elaborate, secret arrangements were quickly made which included a special Pennsylvania Railroad train, the cutting of all telegraph lines to Harrisburg, the sidetracking of all other trains, and the President-Elect wrapped in an overcoat and substituting a black slouch hat for his trademark stovepipe hat.

The next morning, before the stealth leg of his journey, with his young son Tad at his side, Lincoln addressed Philadelphia’s Select Council briefly inside Independence Hall and then the public outside. In what he called a wholly unprepared speech, Lincoln said, “there is no need for bloodshed and war,” that “the government will not use force unless force is used against it.” And that he said nothing but what he was “willing to live by… and… die by.”

Then, on the 129th birthday of George Washington, Lincoln raised the new 34-star American flag over this storied edifice. The 34th star represented “Bleeding Kansas,” finally admitted as a free state on Jan. 29, 1861. Then he was off to Harrisburg and his secret, midnight journey into the nation’s capital.

Lincoln came to regret skulking into Washington, even more than he did his “jumping scrape,” when in 1840, he and some other Illinois legislators tried to prevent a quorum for
a vote by throwing themselves out a second-floor window. Defenestration and disguises proved equally embarrassing for Honest Abe.

Lincoln’s journey was on the same PW&B rail line from Philadelphia to Washington along which he was to first authorize Gen. Winfield Scott to suspend habeas corpus, leading to U.S. Supreme Court Chief Justice Roger B. Taney’s order to reinstate it, which Lincoln ignored. No hue and cry went up from the Philadelphia Bar. In fact, one of its oldest and most legendary members and Lincoln man, Horace Binney, wrote in three pamphlets a spirited defense of Lincoln’s not-so-unprecedented act. (Andrew Jackson suspended it in New Orleans during the War of 1812).

1862 – SWITCHING TRAINS AGAIN – IN SECRET

Although not official visits (in fact, they were secret), Lincoln passed through Philadelphia briefly, twice in 1862 (June 23 and June 25) to change trains, as he had in 1860, on his way with Gen. John Pope to and from a secret rendezvous with retired Gen. Winfield Scott at West Point, N.Y. Though not quite at Acela speed, the President set a record for Washington to New York travel of 7 hours, 20 minutes.

1864 – THE U.S. SANITARY COMMISSION GREAT CENTRAL FAIR

Lincoln had established the U.S. Sanitary Commission as an official, though voluntary, organization in 1861 to provide comfort and relief to the troops. The Philadelphia branch (1307 Chestnut St.), in conjunction with the New Jersey and Delaware branches and with support from the Union League, sponsored a Great Central Fair on June 7-28, 1864 in Philadelphia on Logan Square.

The great orator Edward Everett was also set to speak. Lincoln had shared the podium with him once before, seven months previously – at Gettysburg. There, on Nov. 19, 1863, Everett spoke first, for two hours, Lincoln second, for two minutes.

Although in the midst of a campaign for re-election, and one that he then fully expected to lose, Lincoln, the politician/stateman, consciously chose not to use this Philadelphia visit to make political speeches. At a banquet in the main assembly hall at the fair on June 16 at about 7 p.m., Lincoln gave a brief speech commending the fine work of this private, volunteer organization in giving comfort and relief to Union soldiers. Impressed with Philadelphia’s effort on his behalf, the president was overheard to whisper, in his inimitable folksy way, that this was “a right smart get out.”

Unlike Secretary of War Edwin M. Stanton, who detested the commission as being meddlesome in military affairs, Lincoln supported this organization that had helped to improve conditions in army camps considerably. Lincoln knew that more than twice as many Union soldiers were dying from disease than were being killed in action. More sanitary conditions amongst the fighting forces of the Union might ensure its survival. He had spoken previously at a similar Sanitary Commission Fair on April 18 in Baltimore, and had been persuaded by the commission to appoint the nation’s first surgeon general.

His fair speech was no Gettysburg Address and was more than twice as long, but he made three important and memorable points whose wisdom lingers to this day: That, “war, at the best, is terrible, and this war of ours, in its magnitude and in its duration, is one of the most terrible;’’ that the war would only end when the “worthy object” for which it had been “accepted,’’ “the line of restoring the national authority over the whole of the national domain” was “attained,’’ and “… we are going through on this line if it takes three more years.” Though suggesting that he was and the nation should be prepared to fight on for as long as it had already fought, the
crowd cheered wildly. Thankfully, yet still tragically, it took less than one more. And he would see it end, though live to savor victory and peace for less than a week.

As Lincoln spoke at the fair, the war dragged on. More than 100,000 men were then engaged in a fierce battle outside of Petersburg, Va. Grant and Meade’s Army of the Potomac was attacking Lee and Beauregard’s Army of Northern Virginia in a bloody battle that would start the 10-month siege of Petersburg. The war was far from over and Union victory was not yet certain. Less than a month later, Confederate troops under Gen. Jubal Early came to within five miles of the White House, the closest hostile troops had come since the British burned it in 1814.

There was some hope in the world, however. Two months later, 12 nations met to sign the First Geneva Convention that dealt with treatment of sick and wounded soldiers in war. Although engaged in the greatest military conflict on the planet, the U.S. did not attend, and took 20 more years to sign.

MORE SPEECHES

Lincoln made remarks four more times on the day and evening of June 16, 1864, in the city.

After his principal address, Lincoln made a few comments when accepting a silver medal from the ladies of the fair, as well as other gifts, including a cane made from an arch under which Washington had passed in Trenton on the way to his inaugural. Between the fair and his hotel, Lincoln stopped at The Union League just up the street from his hotel, and spoke briefly to a delegation inside and then to a crowd assembled outside. Lincoln said little of substance in these three talks, consciously eschewing politics but rather praising the efforts of the commission and the soldiers in the field.

Lincoln had arrived at the fair at 4:15 p.m. and did not return to his hotel until about midnight when, before retiring, he made a few brief remarks from the same balcony he had appeared on in 1861.

And he was gone the next day, never to return as President or living.

1865 – IN STATE

Lincoln left this world 140 miles from Logan Square, in the Petersen House, 516 10th St., NW, Washington, D.C., at 7:22 a.m. on April 15, 1865. His body returned to Philadelphia to lie in state in Independence Hall on April 22-24, 1865. More than 125,000 Philadelphians paid their respects and then he was gone. But Philadelphia will never forget Abraham Lincoln.

M. Kelly Tillery (tilleryk@pepperlaw.com) is a partner with Pepper Hamilton LLP.

The Pennsylvania Historical Museum Commission’s Historical Marker Program has erected more than 232 historical markers throughout the city. W.C. Fields and Wilt Chamberlain each have one. Abraham Lincoln should as well. He and the Fair Speech location have been nominated for a marker. The state, I am told, has no money in the budget for markers.

President Lincoln would be amused by my search for the “spot.” He had an odd fondness for “spots.” In his first bold move, as a freshman congressman in 1847, he introduced eight resolutions, later deservingly called “The Spotty Resolutions,” demanding that President James K. Polk identify the “particular spot” on U.S. soil where Mexican soldiers had allegedly spilled American blood, the purported basis for Polk’s “pre-emptive war” on Mexico. Polk ignored the young, rustic Illinois lawyer’s demands and no one ever identified “the spot.”

President Lincoln revived his focus on “spots” in his Independence Hall remarks to Philadelphia’s Select Council when he said, perhaps presciently, that he “… would rather be assassinated on this spot than to surrender” this country if we had to give up the Declaration of Independence’s principle that “all should have an equal chance.” His reference to his own assassination may have been inspired by the warnings he had received the night before.

- M. Kelly Tillery
The right investment plan starts with the right investment partner. Coming together as a team with our clients and their advisers allows us to ensure that all of our combined efforts are focused on a common goal. RBC Wealth Management is rooted in the belief that true collaboration conducted with a high level of ethical behavior and sound business values always brings about the best results.

- Investment Analysis and Brokerage Services
- Retirement Planning and Solutions
- Estate Analysis and Strategies
- Professional Trust Services
- Education Savings Plans
- Credit, Mortgage, and Loan Services
- Life/Disability/Long-Term Care Insurance Analysis
- Corporate Executive and Business Owner Solutions
- Fixed Income Strategies
- One of the Nation’s Top Underwriters of Municipal Bonds

Earl Marks, CFP®, AWM
Senior Vice President - Private Client Group
Branch Director

3000 Atrium Way, Suite 500 • Mt. Laurel, NJ 08054
(856) 840-6646 • (866) 545-0329 • Fax: (856) 840-6658

Trust services are provided by third parties. Neither RBC Wealth Management nor its financial consultants are able to serve as trustee. RBC Wealth Management does not provide tax or legal advice. All decisions regarding the tax or legal implications of your investments should be made in connection with your independent tax or legal advisor.
The Pirate Bay case in Sweden was seen as a dramatic blow to the sharing of copyright protected material via the Internet. The Pirate Bay web site was infamous for providing an index of links for a peer-to-peer (P2P) file-sharing application called BitTorrent, which allows users to share TV shows, movies and music. Of course, much of the shared digital material infringed on copyrights.
In April 2009, a Swedish court found three Pirate Bay administrators guilty of copyright infringement, sentencing them to a year in prison and more than $3 million in fines. The site administrators had flagrantly ignored takedown letters sent by copyright holders’ lawyers, and posted obscene retorts on the Web. Thus, it was easy for the court to find that the administrators knew of copyright infringement and intentionally did nothing about it.

Naturally, the Pirate Bay case will not end file sharing. Internet service providers (ISPs) continue to grope with the ramifications of P2P traffic traveling through their networks. Powerful new tools being marketed to ISPs can monitor and track this traffic, but these tools may also open the door to net neutrality, privacy and other concerns, thus subjecting ISPs to further government oversight and perhaps fines and/or civil liability.

At the same time, there is mounting pressure from the recording industry and the film industry to have ISPs act as the Internet police to monitor customers and detect copyright infringement. This puts ISPs in a difficult situation where they are walking a fine line between their subscriber’s interests in unfettered Internet access, or proactively protecting the interests of copyright holders, as well as managing their own networks.

**Comcast Runs Afiul of the FCC**

In May 2007, Comcast customers began to notice something strange. Suddenly, transfers of BitTorrent files were slowing to a crawl, if not stopping altogether. Users complained that Comcast was throttling BitTorrent traffic.

At first Comcast denied that it was behind the problems. Then the Associated Press and others conducted tests that appeared to verify the complaints. In fact, the AP confirmed the complaints by attempting to transfer the Bible, which is not protected by copyright.

These revelations eventually led to a formal complaint filed with the FCC, which sought to force Comcast to comply with the FCC’s 2005 Internet Policy Statement, also known as the Net Neutrality rules.

The Policy Statement provides, in relevant part:

- To encourage broadband deployment and preserve and promote the open and interconnected nature of the public Internet, consumers are entitled to access the lawful Internet content of their choice.
- To encourage broadband deployment and preserve and promote the open and interconnected nature of the public Internet, consumers are entitled to run applications and use services of their choice, subject to the needs of law enforcement.

During the proceedings, Comcast finally confessed that it did intentionally interfere with P2P traffic. But Comcast claimed that it did this as a form of reasonable network management, in order to relieve congestion on its network from the heavy P2P traffic.

In a lengthy opinion issued on Aug. 20, 2008, the FCC found that Comcast violated Net Neutrality rules by selectively blocking P2P connections, including the BitTorrent protocol. Comcast’s practices were deemed to discriminate among applications and protocols, rather than treating all equally.

Further, the FCC found that Comcast monitored its customers’ connections and terminated P2P uploads, regardless of the level of network congestion, by sending forged “reset” packets to each computer. In layman’s terms, the FCC said “Comcast opens its customers’ mail because it wants to deliver mail not based on the address or type of stamp on the envelope but on the type of letter contained therein.”

Comcast escaped an FCC fine because it made a commitment during the proceedings to end such practices by year’s end. Comcast promised to institute a “protocol agnostic” means of network management, a method of managing network congestion and distributing bandwidth to users that is not based on targeting any particular type of file or application (such as P2P applications), but is instead based on overall bandwidth consumption. In other words, identifying individual high bandwidth users based on their network usage (not the content being used) and temporarily throttling the flow of data to those heavy users during times of congested network traffic. The FCC’s order required Comcast to disclose its network neutrality compliance plan by the end of 2008. Comcast eventually did announce such a plan, but is also appealing the FCC’s decision.

**Deep Packet Inspection**

So how did Comcast manage to “open its customers’ mail” and thereby step in a Net Neutrality minefield? Somewhat buried within the FCC’s opinion was the disclosure that Comcast used deep packet inspection (DPI) equipment to monitor its customers. Although the very name of the technology sounds menacing, it is now increasingly utilized by ISPs for various purposes.

Communication between computers over the Internet is based on sending and receiving bits of information called packets. Typically, an ISP’s routing equipment would read only the header portion of a packet, which provides the sender and recipient information, analogous to the envelope of an old fashioned letter.

Now, with DPI technology, service providers can also scan the data or payload portion of the packet. This is akin to the post office opening a letter. An ISP can read its customers’...
packets and determine the content, be it videos, music or e-mails. Expensive DPI equipment provides this functionality on vast quantities of information speeding through a network, all in the blink of an eye.

This is a fundamental change in the nature of ISPs. Where in the past an ISP generally provided a gateway to the Internet, an ISP can now analyze exactly what is passing through its network. As a result, depending on how it chooses to implement DPI, ISPs can prioritize traffic, block traffic, police for illegal or simply undesirable material and even allow for directed advertising. But as Comcast found, this new role comes with significant risks.

**Interception of Communications**

In addition to Net Neutrality concerns, DPI could also potentially implicate the federal Wiretap Act, which prohibits both the intentional interception of electronic communications, and the disclosure or use of the contents of such intercepted information.

A key issue under the Wiretap Act is whether the information intercepted includes the “contents” of the communication. This is defined as “any information concerning the substance . . . or meaning” of an electronic communication. In general, the term “contents” has excluded addressing or routing information (such as the packet header information traditionally scanned by ISP routing equipment).

Courts have concluded that “contents” includes the text of e-mails, subject lines of e-mails and bank account numbers. Perhaps less obvious is the conclusion by some courts that search queries and other user-generated information, even if only seen in the URL (Uniform Resource Locator) of the Web page found by the search query, can be defined as “contents” under the Wiretap Act. Thus where captured information includes search terms associated with the user’s medical condition, the First Circuit found In re Pharmatrak Privacy Litig., 329 F.3d 9 (1st Cir. 2003) that “contents” of the communication were intercepted.

Thus, whether DPI will result in an ISP being subject to potential liability under the Wiretap Act, may depend on how DPI is implemented in a particular case. If an ISP simply determines the general type of traffic, but not the substance, it may not be deemed to intercept its contents. However, a more granular packet analysis to allow filtering of suspected illegal content could potentially bring on thorny issues under the Wiretap Act.

**Safe Harbors**

Another DPI concern for ISPs may be the protection currently enjoyed under the safe harbor provisions of the Digital Millennium Copyright Act (DMCA). The DMCA grants immunity to “innocent” service providers for copyright infringement liability, where the service provider does not have actual or constructive knowledge of copyright infringement and where certain threshold requirements are met.

**The Killing of Mindi Quintana**

Inspires some compelling comparisons: to Dostoevsky’s Crime and Punishment, Joseph Heller’s Catch-22 and Law & Order: Criminal Intent. The crime at the heart of the story is brutal, senseless, sensational. The investigation absorbing, frustrating. The writing is crisp and, by turns, romantic and wry. But this is a novel about people caught up in a complex tragedy of expectations and contradictions, and it’s more than memorable – it’s haunting.”

David Bradley, author of The Chaneysville Incident (winner PEN/Faulkner Award)
Much of the DMCA is premised on a service provider being protected if it does not know of the infringement. In fact, the 9th Circuit held in Perfect 10, Inc v. CCBill LLC, 488 F.3d 1102 (9th Cir. 2007) that a service provider could lose immunity under the DMCA if it fails to take action when “it is aware of facts or circumstances . . . from which infringing activity is apparent.”

Of course, the whole point of DPI is to gain knowledge of the content of electronic communications. Thus, if a service provider used DPI in a way such that it could be deemed to have actual knowledge of copyright infringement after a DPI analysis, yet does not act expeditiously, it could theoretically lose the safe harbor protections under the DMCA.

Indeed, since many ISPs now commonly provide auxiliary services, such as web site and e-mail hosting, such content may not just pass through its network, but reside within. Thus, an ISP utilizing DPI might be hard pressed to argue it did not have actual knowledge, which voids a safe harbor for stored content.

Privacy Concerns

Naturally, DPI also presents significant privacy concerns. In fact, the use of DPI by ISPs has not gone unnoticed by lawmakers, particularly in the wake of revelations from the controversial warrantless surveillance program instituted after 9/11.

The AT&T whistleblower who revealed the secret room where the government was allowed to tap into essentially the entire Internet, confirmed that AT&T used DPI equipment to assist the National Security Agency. This equipment included a Narus STA 6400, which according to a report in Wired magazine, “captures comprehensive customer usage data . . . provid[ing] complete visibility for all Internet applications.”

Recently, Congressman Rick Boucher, a Virginia Democrat who heads the House Subcommittee on Communications, Technology and the Internet, held hearings on the implications of DPI. Boucher is now pushing for a broad online privacy law. In an April 23, 2009 hearing, Boucher stated that it is alarming that providers can “track a user’s every move on the Internet, record the details of every search and read every e-mail.”

Summing Up the Legal Pitfalls

Although DPI implementation can have many benefits for ISPs, service providers need to be wary of the potential for opening the door to legal liability. ISPs should be mindful of precisely how their engineers intend to use the flood of information available via DPI. Otherwise, the risks include:

- Violating Net Neutrality Rules and possible FCC fines.
- Liability under the Wiretap Act (both criminal and civil)
- Voiding of “safe harbors” under the DMCA (copyright infringement claims)
- Invoking privacy concerns (drawing further regulatory attention and consumer backlash).

Whether DPI will lead to more government regulation of ISPs is by no means certain. However, it would be prudent for ISPs to be aware of the various legal risks and likely consumer wrath inherent in the use of DPI. Comcast and AT&T have already faced additional scrutiny relating to DPI. More troubled waters for ISPs may lie ahead.

Eric A. Packel (EAPackel@MDWCG.com) is an associate in the Technology, Media & Intellectual Property practice group at Marshall, Dennehey, Warner, Coleman & Goggin.
In law, careful preparation can mean the difference between winning or not.
The same applies to wealth management.

A winning strategy depends on preparation, experience and the ability to apply precedent to present situations. At PNC Wealth Management, we know there are no shortcuts to success. So we sit down with you and take the time to understand your business and personal financial goals. Then we craft a solution to help you, your clients and even your firm get there. Let us make a difference in your case. Call 215-585-5438 or visit pnc.com.

Business & Succession Planning | Trust & Estate Planning | Financial Planning
Risk Management Solutions | Family Wealth Consulting | Private Foundation Management Services
The Other Side of Up With People

By Jennifer L. Robinson
As a Generation Y’er born in the 1980s, the first things that come to my mind when someone mentions the 1960s are peace signs, long hair and “Forrest Gump.” Imagine my surprise, then, when I discovered a massive group of smiling, singing, clean cut kids, straight from a picture book of the 1940s, in Lee Storey’s “Smile ‘Til It Hurts,” a documentary on the 1960s singing group Up With People. Where was the grease, the drugs, the tree-hugging?

Up With People began in 1965 as a singing, touring group of young enthusiasts determined to change the world by, in essence, being nice. As commentator P.J. O’Rourke, political satirist and journalist, put it, “Up With People seemed to be a group with what we might call a magnificent grasp of the obvious. If people were nicer, they’d be nicer people. If more people were more nice, it would be a nicer world. Well yeah. You know, I mean, OK.”

Its members, nicknamed “Uppies,” would tour nationally and globally, spreading their uplifting music and message wherever they went. They were an all-inclusive, diverse group in a time when racial tolerance was still a new concept. They would perform anywhere from rural Mississippi to Russia to the plains of Africa. And, by God, they were happy. So happy that they literally ran everywhere they went.

Despite the group’s unbelievable optimism, Storey, a water rights attorney practicing in Phoenix, would not have found the group remarkable enough to enter into the world of filmmaking for the first time if it wasn’t for one thing: her husband. After 15 years of marriage, her husband revealed the fact that he had once been an “Uppie.” But he was not happy about it. In fact, he was reluctant to talk about his experience at all (hence the 15-year delay in communication). This alone was enough to pique Storey’s interest and, before she knew it, she was embarking on a documentary journey that ended in “Smile ‘Til It Hurts.”

In “Smile,” Storey reveals that Up With People was a cult that stemmed from the religious, reactionary group Moral Rearmament, or MRA. MRA was a spiritual movement headed by the Rev. Frank Buchman that gained momentum in the tumultuous times leading up to World War II. At a time when the world was focused on military re-armament, MRA urged all nations to rearm morally. The movement was based on what were named the “Four Absolutes” – absolute honesty, absolute purity, absolute unselfishness and absolute love. When the war began, MRA members were active both on the fronts and within the wartime industry at home. The group was also active in facilitating Franco-German reconciliation after the war.

The MRA seemed to be everywhere there was political strife, preaching the idea that changing the world starts with changing oneself. As the fear of communism began to spread within our own country after the war, followed by extreme disapproval of the Vietnam War, the MRA turned its attention to the United States, and Up With People was born. The group was a tool created by MRA to counteract the growing anger and fear of the 1960s, most obviously symbolized by the negative hippie culture.

By the time that Up With People was created, J. Blanton Belk was the head of MRA. The group was part of Belk’s plan to “modernize the character and purpose of man” with “absolute moral standards as a compass in personal and national life.” Belk believed that “enough God-loving men and women can be found who, by example and dedication, will provide leadership whose aim is to right what is wrong in the world.”

Uppies were indoctrinated with these principles, as well as the Four Absolutes, and were heavily controlled by what was termed the “inner circle” of the group. Initially, membership was free and necessities, such as meals and a place to sleep, were provided by the group. Uppies received no compensation for their involvement. At any given time, a member would be very far from home with no money or means to eat or find lodging without the group. Uppies were extremely obedient because, if they broke the rules, they would be abandoned in Europe without a moment’s notice or a dollar to their name.

Uppies’ obedience was reinforced with a rigorous, daily routine of calisthenics. Members were alternatively busy and exhausted at all times, which reduced the likelihood of acting out or causing trouble. Not surprisingly, with hundreds of
vibrant, healthy teenagers running around, one primary type of “trouble” that the inner circle sought to prevent was sex. In furtherance of the tenet of “absolute purity,” Uppies were strictly prohibited from dating each other or having sex. Period. If two members wanted to marry, they had to get permission from the inner circle. One former member interviewed in the documentary revealed that after several years with the group, and despite being one of their best featured soloists, she was immediately kicked out of the group when the inner circle learned that she had married another highly regarded Uppie without their permission. Even married couple’s sex lives were regulated. Married couples had to sleep in separate, single beds like the rest of the group.

Being gay was not an option, either. As former Uppie Eric Roos explained, “it was Up With People, it was dancing, and it attracted every closet case. It was like the whole country got up-ended and all the boys who liked to put on tights and prance around in front of their mirror, you know, ended up in Up With People.” Despite this, “Being gay in Up With People was not possible. There was no such thing as gay . . . homosexuality did not exist . . . when in fact, you were surrounded by other gay people who you could never talk to about it.” The group promoted diversity and inclusiveness, but its ideal of “absolute love” did not extend to the gay community. Its treatment of gays was similar to the military’s “Don’t Ask, Don’t Tell” policy, at best.

As Up With People gained popularity and exposure, its leaders felt the need to distance themselves at least in appearance, from MRA. Funding of and influence over the group gradually shifted from MRA to the U.S. government to corporate America. Several U.S. presidents publicly endorsed the group and invited them to perform at their various functions. In fact, it was President Eisenhower who urged Belk to “get away from that very dreary image of moral re-armament.” As a result, Belk resigned from MRA and reincorporated Up With People as a separate entity so it could be a more formidable political tool. The group was often sent as a propagandist ambassador for the U.S. to several other countries to combat communism and act as the fresh, wholesome face of America. The group primarily traveled on military planes and other government vehicles. President Nixon, like Eisenhower, expressed his approval of Up With People and booked them to perform on more than one occasion.

As Up With People both continued to grow and move away from its MRA roots, it encountered increasing financial trouble. Corporate America was more than happy to step in and keep the group afloat. Conglomerates such as Coca-Cola, Pfizer, Lilly, GE, Texaco, Coors, Exxon, Toyota and Enron poured money into the group because they saw the global phenomenon as a great way to spread their products to the ends of the globe. On the heels of the group’s American values came the group’s American products. As one former member put it, “follow the money. Where does the money come from? And why are they financing them with literally millions of dollars? We’re talking about companies that are knocking on the doors of other countries and trying to gain admittance to their markets. Companies that are very, very eager to allay anti-American reactions maybe by the population there. Up With People opened the door. You send in these young people, singing young people. American corporations came right behind them and established themselves.”

Most of this change in influence and funding occurred under the individual members’ radars. One of the most compelling aspects of Storey’s documentary is how well it shows the disconnect between the inner circle’s hidden agenda and the Uppies’ naïve, honest desire to change the world. Uppies were shocked and upset to learn that their group had become the government’s or private corporations’ puppet. One man in the documentary even broke down in tears. “Smile ’Til It Hurts” reveals equally the disturbing, brainwashing control of the inner circle as well as the determined effusion of hope and belief of the Uppies that the world could be transformed through something as simple as happiness.

By 2000, Up With People had run out of money and indefinitely suspended operations, although the group reorganized in 2004 and is now also known as the WorldSmart Leadership Program. Despite the many downsides of Up With People, the group touched millions of lives and was a positive experience for many of its members. According to the group’s Web site, Up With People boasts 20,000 alumni in 89 countries. Others, however, like Storey’s husband, would rather forget. Personally, I will never think about the 1960s again without picturing this singing sea of happy faces alongside their long-haired, hippie counterparts, thanks to Storey’s willingness to uncover this fascinating historical phenomenon in “Smile ’Til It Hurts.”

Jennifer L. Robinson (jennifer.robinson@bipc.com) is an associate with Buchanan Ingersoll & Rooney PC.
I love the print media. I may suffer from printed word neurosis, maybe even addiction. I also love print’s flashier younger media sister, film, with its vibrant and hypnotic images of society—of us. I await the pictures of banks, law, and life that will spring from our chaotic economic times.

“Public Enemies,” which starred Johnny Depp as the Depression-era gangster John Dillinger, helped me remember one of my gangster favorites, the old B movie classic, “High Sierra,” which featured Humphrey Bogart as gangster Roy Earle (a.k.a. Mad Dog Earle), a thinly disguised John Dillinger.

“High Sierra” was filmed while Dillinger’s life, bank-robbing rampage, and death were still fresh in the collective American memory. Bogart portrayed him as a sympathetic Midwestern farm boy who took a wrong turn because of poverty. Like Depp’s Dillinger, we meet Earle after he finished a long state prison sentence. Upon release he pauses to muse about the grass and the sky before rejoining old cronies to plan that one big job that will take care of him for life. The simple farm boy has not been completely eclipsed by the hardened ex-con. His sympathies lie with the “Okies” tossed off their farms by bank foreclosures. He disdains the suit-and-tie-wearing commercial functionaries whether they scurry behind the polished brass and stained wood barriers at the bank, or prowl from house to farm trading worthless insurance paper for hard-earned wages and savings.

Depp does not pause for blue sky, green grass or anything else before smashing into the world of fancy clothes, nightclubs, hotels and fast cars, and shooting up banks. He makes the occasional gesture to poor and working people, telling a farmer to put his few dollars back in his frayed overall pocket, while he scoops up stacks of bank money with one hand, gripping his tommy gun with the other.

One thing the Bogart and Depp Dillingers do have in common is the women in their fast short lives. Bogart’s girl, played by Ida Lupino, knows immediately that she is his soulmate even if he does not. She also dreams of “breaking out.” Her prison is not the Bogart prison of high walls and steel bars, but the confinement of lousy jobs and no jobs, broken families and loser relationships.

Depp’s Dillinger girlfriend is played by Marion Cotillard—not an Ida Lupino, but maybe some day. She is a coat check girl who has never been anywhere and is going nowhere. Her plight is worsened by something seldom mentioned in the bullet-wounded eye of a gangster and withhold medical treatment until the howling gangster answers. When a doctor tries to intervene, Purvis threatens to arrest him.

We also see a rogue city detective beat Depp’s girlfriend in an attempt to get her to betray her man. Even if such law enforcement tactics existed in the 1930s Depression America, they had no place in the simpler Bogart film world of those times. So what are the lessons to learn from our gangster movies? Maybe a film is just a film. Or maybe the answer is in “The Untouchables”—or in “Little Caesar”—or in “The Friends of Eddie Coyle”—or “The Godfather.” Will Variety trump The Wall Street Journal?

Stick around for the show.

Michael J. Carroll (MCarroll@clsphila.org), a public interest attorney, is a member of the Editorial Board of The Philadelphia Lawyer.
Steve Jobs recently said that Apple is the largest mobile devices company in the world. It has sold more than 250 million iPods, the device that has become synonymous for MP3 players. The iPhone combines a cell phone with a music player, Web browser and an online store of more than 140,000 downloadable applications that can extend the phone’s capabilities. Apple’s MacBook line of laptops effectively combines elegant technology with robust, intuitive software.

Jobs went on to say that Apple has wondered for several years whether there was a third category, something between the iPhone and the MacBook, that would allow people to easily surf the Web, read e-mail, view pictures and video, play music and games, and read electronic books. While many people have thought that netbooks could fill this niche, Jobs disagreed, citing their small displays, cheap processors, and outdated software. (I have to agree with him. I began writing this article on my netbook at home, but gave up after a few minutes. It was just too cramped for me to write effectively.)

In January, Jobs unveiled Apple’s answer: the iPad, an ultra-thin tablet computer with a touchscreen. Think of it as an iPod Touch on steroids. Here are some technical specs to consider:

- The iPad measures about 9.5 inches by 7.5 inches, is a half-inch thick and weighs 1.5 pounds. Apple says it’s “slightly smaller than a magazine.”
- The screen is 9.7 inches measured diagonally and features multi-touch capability, similar to the iPhone.
- Battery life is 10 hours. (That’s like five times that of my netbook!)
- Apple custom-designed a new 1 GHz processor for the iPad, called the A4. (No off-the-shelf parts for this baby!)
- 802.11n Wi-Fi is built-in.
- There are three different models: 16GB of memory ($499), 32GB ($599) and 64GB ($699).
- You can add 3G access for an additional $130 per model, so you can go online in places without a Wi-Fi connection.
- AT&T is the current 3G access provider, with two data-only plans available: $14.99/month (up to 250MB of data) or $29.99 (unlimited) and no contract is necessary.
- It will run the same apps from the Apple store that the iPod and iPhone can.
- Standard iPad models go on sale April 3, with 3G models anticipated 30 days later.

For more information, point the Web browser on your computer (which suddenly seems so old and outdated, right?) to www.apple.com/ipad/.

The iPad isn’t perfect, however:

- The battery and flash memory cards aren’t removable.
- It doesn’t have a camera.
- Adobe Flash doesn’t work on the iPad (and on the iPhone and iPod as well.)
- No multitasking, just like the iPhone. Only one app can run at a time.
- The iPad has an on-screen keyboard. I feel that these “soft” keyboards lack the tactile feedback necessary for accurate typing. Even though the iPad’s on-screen keyboard will be larger than that of the iPhone, I still believe that it will not be conducive for typing long documents.
So will the iPad kill netbooks? I don’t think so. Most people who buy netbooks are price-conscious. They’re looking for a cheap laptop for surfing the Web and reading e-mail while travelling, something they don’t have to worry about getting lost or stolen. Or they want a simple laptop for the kids, knowing that it might endure some abuse. Small screens, slow processors, and Windows XP simply don’t matter to these consumers. Price does. These people aren’t Apple’s target market.

I do think, however, that the iPad will disrupt the eReader market currently occupied by Amazon’s Kindle, the Sony Reader and Barnes & Noble’s Nook. I could spend $489 for a Kindle DX. For $10 more, however, I can purchase an iPad with four times the memory and a color touch screen. It seems like a no-brainer to me.

Think of Apple’s iBooks app as iTunes for electronic books. It will let you customize the reading experience on the iPad, such as zooming to the table of contents, changing the size and style of the book’s font, and flipping through pages. Integrated into the iBooks app is an online store, where you can discover and purchase books of interest. Apple will allow publishers to set the price of the titles in the store; as I write this, it is anticipated that most will be in the $12.99 to $14.99 range. This is an advantage for Amazon – most of their titles are around $9.99. Unfortunately, it doesn’t look like they will be able to maintain this competitive pricing edge. At the end of January, Amazon admitted that they will eventually have to “capitulate” to Macmillan’s demand that they offer Macmillan hard cover and bestseller ebooks at the agency model of $12.99-$14.99.

While the iPad may not be a replacement for your current desktop or laptop computer, it is an elegant, powerful and versatile entertainment device that will be at home on your coffee table or nightstand.

Dan Giancaterino (dgiancaterino@jenkinslaw.org) is the education services manager at Jenkins Law Library. Though he thinks the iPad is nifty, he still prefers traditional printed books.

Need an Assistant? Ask Siri

Have you ever wondered why your BlackBerry or iPhone couldn’t be more like a personal assistant? Well, the answer could be just a few spoken words away.

Siri acts as a go-between for you and the Internet on your mobile device. You just call up the application and speak, in plain language, with your request. Siri’s interface eliminates the need to search through Web page after Web page. After a while, Siri will get to know you and with your permission, personalize your results.

Your queries can be as simple as getting a weather forecast or as complicated as getting a reservation at your favorite restaurant.

According to the company’s Web site, Siri was born out of SRI’s CALO Project, the largest artificial intelligence project in U.S. history. (CALO stands for Cognitive Assistant that Learns and Organizes). Made possible by a $150 million Defense Advanced Research Projects Agency investment, the CALO Project included 25 research organizations and institutions and spanned five years. Siri brings the benefits of this technology to the public in the first mainstream consumer application of a virtual personal assistant.

The current version of Siri is only available as an iPhone app, and it’s free. Versions for other platforms are in the works.

Indelible Identity

Technology and pens are two words you generally don’t find in the same sentence. But uni-ball’s new “super ink” technology makes it worth a mention in this space.

Uni-ball’s line of super ink pens (uni-ball 207, the Jetstream, the Jetstream RT and Vision Elite) uses a special ink formula that won’t wash out. The ink contains microscopic color pigments that are absorbed and trapped into the fibers of paper. Uni-ball says the technology deters identity thieves and other criminal types who could otherwise wash away typical ball-point ink and replace it with their own signatures or marks. The ink is also fade- and water-resistant as well as acid-free and archival quality.

Most Get News Online

More than 60 percent of Americans get at least a portion of their news online, a new survey by the Pew Internet and American Life Project reports.

More people than ever (75 percent) are sharing links to news stories on social media like social networking sites Facebook and Twitter, the survey revealed. The survey also found that 54 percent get their news from a radio news program and 50 percent read a national or local newspaper.

“To a great extent, people’s experience of news, especially on the Internet, is becoming a shared social experience,” reads the report. “[T]he advent of social media like social networking sites and blogs has helped the news become a social experience in fresh ways for consumers.”

Most of the people surveyed use anywhere between two and five news sources online and 65 percent of those surveyed said they don’t have a favorite Web site for getting news. The most common news topic sought out online is the weather (81 percent). National news was second at 73 percent, followed by sports news (52 percent) and entertainment/celebrity news (47 percent).

Nearly two-thirds of the study’s online news users were younger than 30, and nearly 30 percent were younger than 30.
**Digital voice recorders** are the perfect compliment for the tech-savvy attorney looking to take precise and accurate notes. Digital voice recordings have longer lives than tape recordings. The recordings can be stored right on your computer, which is another advantage since you can’t feed a tape into a PC. The recorders hold data in many different formats (mp3, .wav, .wmv) and can record hundreds of hours of material. The size of the file will depend on the recording format and the quality of the recording. They’re small, light and just as easy to use as their tape counterparts.

<table>
<thead>
<tr>
<th>FEATURES</th>
<th>PANASONIC RR-US590</th>
<th>OLYMPUS DM-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>DIMENSIONS</td>
<td>4.13” X 1.56” X 1.06”</td>
<td>4.45” X 1.77” X 0.59”</td>
</tr>
<tr>
<td>WEIGHT</td>
<td>2.3 OUNCES</td>
<td>3.46 OUNCES</td>
</tr>
<tr>
<td>RECORDING MEDIA</td>
<td>2 GB FLASH MEMORY</td>
<td>BUILT-IN 8 GB FLASH MEMORY</td>
</tr>
<tr>
<td>REC/PLAYBACK TIMES</td>
<td>MAXIMUM 576 HOURS</td>
<td>UP TO 140 HOURS IN MP3 MODE</td>
</tr>
<tr>
<td>LCD</td>
<td>BLACK-AND-WHITE SCREEN</td>
<td>2.2 INCH COLOR SCREEN</td>
</tr>
<tr>
<td>MICROPHONE</td>
<td>BUILT IN STEREO/MONOAURAL</td>
<td>OPTIONAL STEREO MICROPHONE</td>
</tr>
<tr>
<td>VOICE ACTIVATION</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>BATTERY LIFE</td>
<td>2 AAA BATTERIES</td>
<td>LI-50B LITHIUM ION BATTERY</td>
</tr>
<tr>
<td>RECORDING FORMAT</td>
<td>MP3</td>
<td>MP3, WMA, WAV</td>
</tr>
<tr>
<td>PC INTERFACE</td>
<td>USB CABLE INCLUDED</td>
<td>USB DIRECT</td>
</tr>
<tr>
<td>PRICE</td>
<td>$129.95</td>
<td>$299.99</td>
</tr>
</tbody>
</table>
THE LEGAL DIRECTORY
IS MORE VALUABLE THAN EVER!

ORDER
this indispensable, multi-platform legal resource today!

YOU’LL RECEIVE:
> access to the online directory
> mobile application so you can search entries on the go
> the print directory

It’s all available for one low price: $79.95

TO ORDER:
Go to www.thelegaldirectory.org or call 443-909-7843 to have an order form faxed or emailed to your office.

QUESTIONS? Please contact us at 443-909-7843 or legaldirectory@mediatwo.com.

Online and in print, the 2010 Legal Directory is your most up-to-date source of information on the Philadelphia-area legal community, featuring hundreds of new lawyer, law firm and government entries!

ALSO INCLUDED:
> index of area judges
> listing of law-related organizations
> court rules and fees
> corporate counsel section
> product and service resources
> Bar Association bylaws and committees
> And more!

NEW FOR 2010!
Search Lawyer And Law Firm Listings On Your Handheld!

NEW!
Plus shipping/handling and sales tax
We’ve Come a Long Way, Maybe

Women’s Stories and Social History Highlight a Half Century of Progress

When Everything Changed
by Gail Collins

S ubitled “The Amazing Journey of American Women from 1960 to the Present,” “When Everything Changed” is indeed an epic story of the revolution in women’s lives, and those of the United States, in the last almost 50 years.

Written by The New York Times op-ed columnist Gail Collins, the book is a narrative social history interspersed with personal stories of famous and unknown women, which is eminently readable and crammed with facts and anecdotes that highlight the massive changes these decades have brought. Collins suggests that the changes came not from a single leader or limited group of leaders or from a concerted effort based upon a singular theory or philosophy, but from a confluence of events, among them:

- Laws against discrimination, harassment and abuse, and attendant well-known lawsuits, Title IX (athletics);
- The sexual revolution the Pill, cohabitation, decline of the double standard, no-fault divorce, abortion rights, unwed motherhood, fertility clinics, rights of illegitimate children, feminism;
- Women’s activism clubs, NOW and more radical groups, magazine articles and books, running for office, service on government commissions, going to college, graduate and professional schools, attempts to pass the ERA, equality in marriage;
- Working outside the home, fewer children, deferring of child-bearing, labor-saving appliances, moves from farms to the cities and suburbs, the fitness movement and sharing housework.

The foregoing is not an exhaustive list, but a summary of what can be gleaned from this definitive and fascinating work. Even the effect of wearing pants and jeans, families having second cars, letting hair go natural, and the anti-war and civil rights movements are discussed as contributing to the progress made.

For some of those of us who have been involved in the movement since early on, and have stayed active, the advances seem remarkable from an historical perspective. Nonetheless, the author laments, young people do not appreciate the effort it took to get to this point and the need to remain vigilant. It must be remembered that feminism means being in favor of equal rights and opportunities, not being anti-male. With some backlash and opting out within the recent past, we must be reminded that the present accomplishments cannot be taken for granted. In short, we’ve come a long way, maybe.

David I. Grunfeld, an attorney with Astor Weiss Kaplan & Mandel, LLP, is a member of the Editorial Board of The Philadelphia Lawyer.
Certified Shorthand Reporters

Videoconferencing

Interpreters/Translators

E-Transcripts

Condensed Transcripts

Litigation Support

Realtime Reporting

Videotaping

Archiving

ASCII Disk/CD

Interactive Depositions

Personalized, Professional Service.

www.A-ACourtReporting.com
Setting a New ‘Standard’

Lively and Complex, This Group of (Mostly) Legal Eagles Shines on CD

First Take
by The Standard Time Jazz Sextet
Available at iTunes, Amazon.com and Hideaway Music in Chestnut Hill

My colleague Ralph Cappy used to say a justice has to go out of state to know if his jokes really are funny or not – one disadvantage of the job is the reluctance of others to suggest you’re capable of anything but insight and wisdom. This makes anything in the nature of critiquing the work of others a worrisome undertaking. And I thus offer this review with some trepidation.

Please accept it as the thoughts of one part-time musician, a self-styled description that smacks of hubris – I couldn’t play with these guys on my best day. And trust me, you don’t have to go out of state, not even to New Jersey, to understand they’re very, very good.

Having listened to “First Take” by Standard Time, I can honestly say the members of the group shouldn’t quit their day jobs – not because of any lack of musical chops, since these guys can really play! They shouldn’t quit their day jobs because the day jobs involve being pretty good lawyers. Well, they’re mostly lawyers.

Ralph Wellington is the lead pianist at Schnader Harrison Segal & Lewis LLP, an ensemble you may have heard of. Ralph II, the bass player is, in his father’s words, “not involved in the law.” Ed Neiderhiser, the other non-attorney, does have a connection to the law it turns out – he’s chaplain at Graterford Prison. His musical talent actually has at times comprised a day job, and his manifest fluency extends to instruments beyond the trumpet he flourishes on this CD.

Rob McKinley on sax has an intellectual property practice with Klehr Harrison Harvey Branzburg LLP, the other city firm where Harrison plays second fiddle. Jake Hart, clarinetist, is like me, a recovering lawyer – he’s a magisterial judge for the U.S. District Court for the Eastern District of Pennsylvania. John Grady, the group’s drummer, practices in New Jersey but is by all accounts still a nice guy.

Together the sextet is available for booking and you wouldn’t go wrong hiring them. The six blend together quite nicely here. The instrumental mix is first-rate and uniformly pleasant to the ear. The numbers offered on this CD are diverse, allowing the musicians to display their talents with a variety of tempos and expressions that make the collaboration quite enjoyable.

The moods of the numbers range from the bluesy to the upbeat. The disc opens with Thelonius Monk’s “Straight, No Chaser,” evoking the big band sounds of World War II, with delightful hints of bubbly reveille refrains in the trumpet and clarinet riffs. One almost expects the Andrews Sisters to chime in at any moment. Lively and complex, the group handles the score with aplomb.

At the other end of the spectrum is the Billie Holiday classic “God Bless the Child,” played slow and evocative, with a healthy bite to the horns. Add numbers by Duke Ellington and Miles Davis and the result is a satisfying buffet.

This is not to downplay the original tracks offered. Ralph and Ed are each credited with authoring three numbers, and in these there is no drop-off in enjoyment. “If You Knew” begins with an evocative piano run by the composer; Ralph’s solos throughout the CD provide a nice contrast to the brass and in this listener’s mind could have been longer and more frequent. “She’s Gone” is a favorite.

“Last Time,” one of Ed’s compositions, is languid with a soothing Latin cadence. “Rancho Mission Blues” proves that simple tunes provide some of the best listening, and allows the trumpeter to display techniques that enliven the product. Both clarinet and sax have especially nice riffs in this rendition.

Not every number is a triumph – one must find some fault on pain of losing status as a critic. “Take the A Train” has a spotty transition or two, and there is the occasional tardy note, but these are the exception. Of course, as Miles Davis pointed out, the glory of jazz is that if you make a mistake, you just do it again the same way and people think you meant to do it that way in the first place. These incidents are both uncommon and de minimus and don’t detract in the least from the final product.

That product is smooth and uniformly mellifluous, worthy of addition to anyone’s library. If these musicians did decide to quit their day jobs, they’d undoubtedly be able to make a nice living in the music business. And whether they do or not, you would do well to become a fan.

The Hon. J. Michael Eakin is an associate justice of the Pennsylvania Supreme Court.
The criminal practitioner knows all too well that police misconduct issues directly bear on the investigation, prosecution, and defense of many criminal cases. Misconduct issues arise in a broad variety of circumstances—from coerced confessions to questionable searches, and from pretextual criminal charges to suborned perjury—and each circumstance must be carefully scrutinized to determine the impact on the prosecution and defense of the case.

*Police Misconduct* examines the implications of police misconduct from the crime scene, arrest, preliminary proceedings, investigation, discovery, and litigation of pretrial motions through the jury selection process and trial. Supporting legal analysis and case citations are provided together with sample motions and memoranda.

**Contents**

1. Initial Defense Preparation
2. Pretrial Preparation
3. Discovery
4. Pretrial Motions
5. Trial
6. Introduction to Civil Rights Litigation

**Table of Cases**

**Index**

**About the Author**

Paul Messing, Esq.
Kairys, Rudovsky, Messing & Feinberg

Mr. Messing joined Kairys, Rudovsky, Messing & Feinberg in 1993, specializing in civil rights litigation and criminal defense. He has represented plaintiffs in a broad range of civil rights cases, including issues related to police misconduct, prisoners’ rights, homelessness, sexual assault victims, student violence issues, race and gender discrimination, and First Amendment violations. Mr. Messing regularly serves as a course planner and presenter for the Pennsylvania Bar Institute, the Philadelphia Bar Association, and other organizations at conferences, training sessions, and seminars relating to criminal defense issues and civil rights litigation.

**To Order**

*Police Misconduct: Defending Criminal Cases in Pennsylvania* (includes searchable CD-ROM)

6" x 9" softcover, 426 pages
Published November 2009
(2009-5174)—$79.00

Include $6.00 shipping & 6% sales tax on all book orders.

This book is included in PBI’s automatic update service. PBI will publish new editions as appropriate to keep the publication current. Everyone who purchases the book will receive each update at a reduced price with an invoice and an option to return it with no further obligation.

NOTE: If you do not want to be enrolled in this service, simply indicate so when ordering.
Commemorating Andrew Hamilton’s Anniversary

THE AUGUST 4 ANNIVERSARY OF ANDREW HAMILTON’S death and the start of the famous John Peter Zenger trial were commemorated with a wreath laying ceremony at Christ Church in Old City where Hamilton is buried. Participating are (from left) Rector James A. Trimble; David K. Kubert, who organized the tribute; and Vice Chancellor Robert C. Daniels. The Zenger trial began August 4, 1735 and Hamilton died August 4, 1741. Hamilton’s success in the Zenger “freedom of press” trial led to the complimentary term “the Philadelphia lawyer.”
The fetal strips aren’t as clear as you thought they’d be.
The doctors will never consent.
The hospital is digging in its heels.
The right experts will cost a fortune.

*Time to call Tom Duffy.*

Save your firm a great deal of time and expense and do what’s best for your client.
Call the attorneys with years of experience successfully handling cases involving birth trauma.

DUFFY + PARTNERS
PHILADELPHIA LAWYERS

Visit [www.duffyfirm.com/verdicts-settlements](http://www.duffyfirm.com/verdicts-settlements) to learn more about our successes in this and other areas involving catastrophic injury.

55th Floor, One Liberty Place, Philadelphia, PA 19103
215 238 8700  DUFFYFIRM.COM

Referral fees paid pursuant to: Pa.RPC 1.5
The hours immediately following a fire are critical. Panic and confusion reign. But even as emotional concerns engulf your client, practical questions take over. What should they do first? How will they deal with the insurance people? Who’s on their side?

Since 1964, IAB’s expert claims adjusters have been helping clients like yours cope with and recover from catastrophe. We don’t work for the insurance company. We work for the policy holders. Our experience, tenacity and knowledge of every detail result in the maximum allowable settlement – typically far greater than they’d get on their own – and restore peace of mind.

Someday, a client in crisis may turn to you for help. That’s when you turn to us. Call IAB – before the smoke clears. 1-800-441-7109 or iabclaims.com

We put out the panic.