Early-Bird Discount Ends Sept. 13; Gormley, Top Judges Will Speak

By Jeff Lyons

Opening remarks by Watergate author and Duquesne University Law School Dean Ken Gormley and a closing state of the courts program with the president judges of Pennsylvania and Philadelphia courts will highlight the Philadelphia Bar Association's Bench-Bar & Annual Conference on Oct. 4-5 at Revel Resort in Atlantic City, N.J.

Association members who register before Friday, Sept. 13 can save $80. A new addition to this year’s conference will be a Law Practice Management track among the 22 CLE seminars that will be offered. Another highlight of the weekend will be the Friday night reception at Revel’s HQ nightclub. Prices for the 2013 edition of the Bench-Bar & Annual Conference are being kept at 2012 levels.

The Bench-Bar & Annual Conference provides attendees with the opportunity to earn continuing legal education credit while networking with colleagues and members of the bench. Hundreds of attorneys and judges are expected to attend.

Registration opens at 9:30 a.m. on Friday, Oct. 4. Come down early to meet our valued sponsors who have made this year’s conference possible! Also, we invite you to visit each of our sponsors throughout the conference to get your “Passport” stamped to enter to win an iPad mini.

In addition, we are pleased to offer a special hotel room group rate to our Bench-Bar attendees. A rate of $179 plus tax is available Friday, Oct. 4 and a limited number of rooms are available at $149 plus tax for Thursday, Oct. 3. You must be a registered attendee of the Bench-Bar & Annual Conference in order to reserve a room at the group rate.

Once you are registered for the conference you will receive instructions on how to make your room reservation.

Scholarships to the 2013 Bench-Bar & Annual Conference are available by lottery to Association members who are public interest or government service attorneys. To enter the lottery, submit your name and organization to Dawn Petit at dpetit@philabar.org by 4 p.m. on Monday, Sept. 9. Each scholarship will include hotel accommodations for one night on Oct. 4 at Revel as well as all conference fees which include CLE programming and all sponsored meals and events. The winners will be announced on Sept. 10 via email. You must be a member of the Philadelphia Bar Association to enter.

Revel resort in Atlantic City hosts the Bench-Bar & Annual Conference in October.


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

Association members may become candidates for any of these offices by filing with the secretary, at least 60 days prior to the Dec. 10, 2013 annual meeting, nominations in writing which, for candidates, continued on page 2

L.A. Law’s Eikenberry to Speak Sept. 19

Jill Eikenberry, one of the stars of NBC’s long-running television series “L.A. Law,” will be the featured speaker at the Thursday, Sept. 19 Chancellor’s Leadership Institute program.

Join us for a candid conversation with Eikenberry about playing a woman lawyer on network television in a groundbreaking role, being married to a lawyer on television, and life as a breast cancer survivor as well as an activist for breast cancer research and early detection.

Eikenberry played lawyer Ann Kelsey and earned four Emmy nominations, two Golden Globe nominations and a Golden Globe Award. She played opposite her husband Michael Tucker in the series.

The program begins at 4 p.m. at The CLE Conference Center on the 10th floor of the Wanamaker Building, Market and Juniper streets and is followed by a wine and cheese reception. Admission is $25 for Bar Association members and $35 for non-members.

After college, Eikenberry began an extensive theater career on and off Broadway. For her performances in continued on page 4
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Benjamin Franklin’s Maxims Very Useful to Lawyers of Today

By Kathleen Wilkinson

“Be civil to all, sociable to many, familiar with few, friendly to one, enemy to none.”

—Benjamin Franklin

This year, I have asked Philadelphia lawyers to renew their commitment to civility and professionalism. By showing civility and professionalism in everything we do, we serve as role models for future generations of lawyers. Next month, our Bench-Bar Conference will feature a CLE program, “Professionalism and Civility: Is Civility Still the Rule in Civil Litigation Today?” Joining me on the panel will be Pennsylvania Supreme Court Justice Max Baer, U.S. District Court Judge C. Darnell Jones II, Philadelphia Court of Common Pleas Judges D. Webster Keogh and Lisa M. Rau, and Butler Buchanan III.

In an earlier column, I wrote about how President George Washington, as a teenage boy in Virginia, copied 110 rules of civility into a notebook and carried them throughout his life, including all eight years as the first president of the United States. Washington was not alone in this practice. As the age of 20, Benjamin Franklin wrote and relied upon similar series of maxims, and used a checklist to track his adherence to his 13 written “virtues.”

Franklin did not try to work on them all at once. Instead, he would work on one and only one each week. While Franklin did not live completely by his virtues—and by his own admission fell short of them many times—he believed the attempt made him a better citizen contributing greatly to his own success and happiness. Virtue number 4 (Resolution), 6 (Simplicity), 7 (Sincerity), 8 (Justice) and 13 (Humility) are particularly instructive.

Franklin came at the subject of civility from a unique direction. Born in 1706, he was the son of a Boston candlemaker. He worked for a while with an older brother as a printer’s apprentice. Franklin left his apprenticeship without permission, and at age 17, he ran away to Philadelphia, seeking a new start in a new city. He became a lifelong student of civility and manners. He would devote time to working his way into the circles he wished to enter in order to improve himself by the things he would learn from good company.

This was not particularly easy. Franklin lived in a society that was sharply divided in its opinions about self-government. According to The Saturday Evening Post, Franklin was deeply passionate about the cause of liberty, but he showed civility and reasoned moderation in his speech and encouraged others to avoid the language of zealotry.

Franklin was not a lawyer, but acquired much legal training from his many service roles. He worked closely with lawyers throughout his life.

Franklin was optimistic concerning a person’s capacity for self-improvement. In time, he became Philadelphia’s leading citizen. His cherished legacy surrounds us. Franklin built or helped build many of the institutions that are your duty.

My fascination with Franklin came as a child when I read the fictional account by a mouse of Ben Franklin’s inventions, “Ben and Me,” by Robert Lawson. “The mouse, Amos, claims he made huge contributions to Ben Franklin. Amos recalls how he first met and befriended Franklin, eventually aiding in his inventions, causes and political career. Amongst the mouse’s claims to Franklin’s inventions, Amos wrote of how he helped Franklin in inventing bifocals, encouraging Franklin to print an event-oriented newspaper, The Pennsylvania Gazette, and discovering electricity. Amos also claims a role in drafting the Declaration of Independence.

Franklin in fact did sign all three of the major documents that established the United States as an independent nation: the Declaration of Independence, The Treaty of Paris and the United States Constitution. Sept. 17 marks the 226th anniversary of the signing of the Constitution. Of the Constitution in 1787, when he was 81 years old, Franklin aptly stated: “The U.S. Constitution doesn’t guarantee happiness, only the pursuit of it. You have to catch up with it yourself.”

Last month, after a $23 million refurbishment, the doors were reopened to the newly redesigned Benjamin Franklin Museum, just footsteps away from Independence Hall. This important refurbishment was funded by the federal government and private charitable entities. The “Ghost House” structure of the actual house still remains to remind us of the home Franklin lived in more than 200 years ago.

The old underground space at Franklin Court on Market Street, between Third
Changing Parameters of Diversity at Sept. 10 Chancellor’s Forum

The Philadelphia Bar Association will present the Chancellor’s Forum “The Changing Parameters of Diversity and Inclusion in the Legal Profession” on Tuesday, Sept. 10.

Speakers include Sandra S. Yamate, CEO, The Institute for Inclusion in the Legal Profession; Sophia Lee, chief litigation counsel at Sunoco and co-chair of Philadelphia Diversity Law Group and Philadelphia Bar Association In-House Counsel Committee and secretary of the Philadelphia Bar Association; Wesley R. Payne IV, partner, White and Williams LLP and co-chair of Philadelphia Diversity Law Group as well as treasurer of the Philadelphia Association of Defense Counsel; and Brennan Torregrossa, in-house counsel, Glaxo SmithKline and co-chair of the Philadelphia Bar Association’s In-House Counsel Committee. The program will be moderated by Chancellor Kathleen D. Wilkinson.

Established in 2009, the Institute for Inclusion in the Legal Profession (IILP) devotes its energies and focuses its efforts at creating a more diverse and inclusive legal profession.

Yamate will provide an overview of IILP’s work, explaining how it supplements and supports the diversity leadership offered by groups like the Philadelphia Bar Association, the Philadelphia Diversity Law Group, and minority and women’s bar associations, highlighting some of its research findings, and sharing insights into the most recent and cutting edge diversity and inclusion developments.

The Chancellor’s Forum begins at 4 p.m. in the 11th floor Conference Center at the Philadelphia Bar Association, 1101 Market St. Registration is available online at philadelphiabar.org.

Lanford Wilson’s “Lemon Sky” and Richard Greenberg’s “Life Under Water” she was recognized with an Obie Award. She appeared in “The Kid” at The New Group for which she was nominated for a Drama Desk Award in 2011 in the category “Best Featured Actress in a Musical.”

Among her film roles, she appeared in “Arthur,” in which she played Dudley Moore’s jilted fiance, and the recent “Something Borrowed” with Kate Hudson and Jennifer Goodwin. On television, in addition to “L.A. Law,” she starred in the PBS series “The Best of Families” as well as numerous TV movies. She co-produced a one-hour documentary for NBC titled “Destined to Live,” which dealt with the emotional aspects of breast cancer, from diagnosis to recovery. She battled the disease in 1986 and was aware of the importance of letting other women know that they were not alone and could recover and lead full and normal lives.

Jill Eikenberry continued from page 1
Goals Can Be Achieved, Bar Leaders Stress

By Heather J. Austin

“You can have it all . . .” This was part of the message delivered by Philadelphia Court of Common Pleas Judge Sandra Mazer Moss, who along with Erica Smith-Klocek and Nancy Winkler spoke during the Aug. 7 Chancellor’s Leadership Institute Program: “Continuing the Conversation: Women Bar Leaders Serving Our Profession.” Each told the story of her personal journey, focusing on her effort to balance family and professional obligations.

According to Smith-Klocek, you will be surprised what you can achieve once you set your goals. Busy people get things done, and one is often more productive when she puts more on her plate, Winkler added. With this in mind, Judge Moss, Smith-Klocek and Winkler each sought leadership opportunities throughout their careers while raising young children.

Judge Moss described herself as a “joiner” and explained, “by taking leadership roles, you can begin to accomplish other things.” Smith-Klocek’s role as president of the Asian Pacific American Bar Association of Pennsylvania has provided her the opportunity to interact with people that she would not otherwise have met and has allowed her to develop meaningful relationships.

Leadership takes work and you may have to start from ground level and work your way up, Smith-Klocek warned. However, one seeking to be a leader should “say yes” when asked to do something for a committee or organization and then perform that task well. The effort will get you known, Winkler added.

The qualities required to be a leader may not come naturally, Smith-Klocek cautioned while explaining that she was shy in high school but made a conscious effort to become more outgoing and speak with authority. According to Winkler, one may need to acquire her own skills but still ask for support. If your firm is not supporting you, she said you need to ask for that support. And, on a related issue, Winkler added, women attorneys need also learn how to ask for business, something that they may not be as accustomed to doing as their male counterparts.

“Take a chance,” Judge Moss advised,

continued on page 18
By Annie M. Kelley

Are you a Traditionalist, Baby Boomer, Gen X, or Gen Y, or Millennials? Chances are you work with all of them, and must effectively communicate among generations. With as many as five generations currently in the workplace, there are many generational differences.

Deborah Epstein Henry, founder and president, Law & Reorder and Flex-Time Lawyers LLC, and Suzanne F. Kaplan, president, Talent Balance, lead a discussion at a July 29 Chancellor’s Leadership Institute program on finding common ground among generations in the workplace. Henry and Kaplan focused on communications across generational lines, noting that although we are all speaking the same language, there are large gaps in how we actually communicate.

Broadly, generations are based on the timeframes when people are born, and how we actually communicate. Broadly, generations are based on the timeframes when people are born, and how we actually communicate. Historically, generations are based on the timeframes when people are born, and how we actually communicate. Fostered by Baby Boomers not retiring as quickly as they thought they would, Generation X workers thrive on feedback and autonomy. This generation is the fewest by number in the workforce.

Henry noted that because of this, there are not enough people to fill leadership positions, and often have been held back by Baby Boomers not retiring as quickly as they thought they would. Gen X is “sandwiched” between Boomers and Millennials, and need to focus on leadership development.

Millennials, who currently make up around 25 percent of the workforce, but will be nearly 50 percent by 2020, desire meaningful work. Millennials often have a “work my way” mantra, and are devoted to their own career, not necessarily to a company. Feedback and constant reinforcement is very important to this generation, and wanting to know where they stand in the scheme of things. A work-life integration is extremely important as well. Strikingly different from Traditionalists, Millennials value the quality of work, not necessarily the hours of face time put in.

Given this framework, Henry and Kaplan stressed the importance of understanding the different styles and needs between generations, as well as between sexes. To improve communications and work more effectively across generations, Henry suggested that each person is an individual and comes at life and work with a different frame of reference. She reminded to CYA: check your assumptions, and not make assumptions necessarily based on age or stereotype.

Instead of the “golden rule” of treating others the way you want to be treated, focus on the “titanium rule” and treat others by keeping their preferences and behaviors in mind, not necessarily the way you would like. Lastly, invite openness in asking questions and do not focus on communication differences that do not affect the final work product; consider, is it just different, or does it make a difference? With these focuses, encouragement, and sponsoring, employees can successfully work with and off each other.

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Annie Kelley (anniemkelley@gmail.com), judicial law clerk to Philadelphia Court of Common Pleas Judge Albert J. Swite Jr., is an associate editor of the Philadelphia Bar Reporter.

September CLE Calendar

These CLE programs, cosponsored by the Philadelphia Bar Association, will be held at The CLE Conference Center, Wanamaker Building, 10th Floor, Suite 1010, Juniper Street entrance unless otherwise noted.

Live & Simulcast Seminars

Sept. 10 • Fundamentals of Estate Administration
Sept. 12 • Working OUT: Developments in the Employment, Labor and Benefits Law for LGBT Individuals in Pennsylvania
Sept. 12 • Beyond Circular 230 - Tax Practitioners & Their Clients at Risk for Penalties, Prosecutions & Forfeitures
Sept. 20 • Practice before the DVA
Sept. 24 • Pretrial Practice Series: Session 1 - Setting the Ideal Stage
Sept. 26 • Dealing with the Problem Employee
Sept. 26 • Habeas Corpus
Sept. 26 • LLC, LP, Corporation, General or Limited Partnership? A Guide to Choosing the Best Business Entity
Sept. 27 • Historic Preservation and Sustainability

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Sept. 25 • Building Better Construction Contracts 2013

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Sept. 20 • Practice before the DVA
Sept. 24 • Pretrial Practice Series: Session 1 - Setting the Ideal Stage
Sept. 25 • Fundamentals of Estate Administration
Sept. 26 • Habeas Corpus
Sept. 27 • Dealing with the Problem Employee

Online CLE

Delivered over the Web at your convenience. We call this 24/7 CLE.

Sept. 20 • Practice before the DVA
Sept. 24 • Pretrial Practice Series: Session 1 - Setting the Ideal Stage
Sept. 25 • Fundamentals of Estate Administration
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Chancellor’s Leadership Institute

Titanium Rule: Mind Employees’ Preferences

By Annie M. Kelley

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Annie Kelley (anniemkelley@gmail.com), judicial law clerk to Philadelphia Court of Common Pleas Judge Albert J. Swite Jr., is an associate editor of the Philadelphia Bar Reporter.
Discrimination, Social Media Concerns for Smaller Law Firms

By Jim Nixon

Social media policies, discrimination and wage concerns are among the biggest issues that sole practitioners and small law firms face while trying to grow their business and remaining compliant with employment laws. Three employment attorneys addressed the issues at an Aug. 14 program presented by the Solo and Small Firm Committee and Immigration Law Committee.

Panelists Wendy Castor Hess, Christopher E. Ezold and Teresa M. Rodriguez first addressed social media in the workplace. They noted that while social media issues initially pertained to younger employees, they now apply to all age groups. Blocking social media websites from workplace computers was a recommended policy, but with the proliferation of mobile devices, it has limited results. Still, blocking employees from social media websites complies with the parameters set forth by the National Labor Relations Board, avoids difficult attorney-client issues and avoids possibly embarrassing releases of information. Additionally, if a law firm decides to have a social media account, the panel recommended allowing only one or two employees have access, monitor access, and make it clear that the accounts are to be used for firm-related purposes only. The panel further recommended that an agreement should be signed by the employees using the firm’s social media accounts indicating that the accounts belong to the firm and not the employee. Otherwise, upon termination, an employee could very well take the social media accounts with them.

Laws against workplace discrimination exist at the federal, state and local levels. Many protected classes exist (gender, race, etc.), and decisions cannot be made on these bases. The panel urged that all decisions made concerning employees should be done to meet legitimate business purposes. The panel also cautioned employers who are unjustly threatened with allegations of discrimination to document the business reasons for any decision, but not to over-document the issue, because this can come across as suspicious to a court. All three attorneys agreed that disrespect and abuse in the workplace often times leads to discrimination claims and reminded employers that they have a duty to investigate claims of discrimination.

Lastly, the panel addressed wage and hour laws, noting that employers must comply with federal/state minimum wage laws, designate a scheduled work week and pay one and a half times the hourly wage for any hours worked over 40 per week. Break time does not, however, count toward the total hours worked. Employers were cautioned to avoid advances/loans against paychecks, as this can complicate matters if an employee claims they are not receiving the minimum/appropriate wage. The panel concluded by noting that for-profit entities should pay or outright avoid volunteers in order to avoid legal consequences and damage to reputation.

Jim Nixon (james.nixon@pacourts.us) is a staff attorney with the Superior Court of Pennsylvania.

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Green Ribbon Roundtable September 10

The Bar’s Green Ribbon (Environmental Awareness) Committee will hold its annual roundtable over breakfast on Tuesday, Sept. 10 at 8:30 a.m. at Montgomery McCracken Walker & Rhoads LLP, 123 S. Broad St., 28th Floor.

Andrew Stober, chief of staff for the Mayor’s Office of Transportation and Utilities, will speak briefly and answer questions regarding the new Bike Share program. The rest of the meeting will be dedicated to exchanging ideas and sustainability tips.

If interested in attending, please send an e-mail to GreenRibbon@philabar.org.
Eviction a Threat to Abuse Victims

By Stephanie E. Saunders

On July 23, Brown Staley, along with Margaret Zhang, a legal intern at the Philadelphia Commission on Human Relations, the oldest municipal civil rights agency in the country, and the Fair Housing Commission are two city enforcement agencies that prohibit discrimination and unfair rental practices by providers of housing and real property.

Victims of domestic violence applying for or living in federally subsidized housing may be protected against discrimination for victims of domestic violence. To learn more about the protections available, Brown Staley encouraged the audience to visit www.phila.gov/humanrelations.

Stephanie E. Saunders (SES@chimicles.com) is a law clerk at Chimicles & Tikellis LLP and a J.D. candidate at Earle Mack School of Law at Drexel University.

PA at Forefront of Marriage Equality Fight

By Julia Swain

Pennsylvania has become a battleground state for marriage equality in the wake of the Windsor decision issued by the U.S. Supreme Court. The impact of Windsor and developments in Pennsylvania were presented jointly by the Family Law Section and LGBT Rights Committee on Aug. 5. Richard Bost, Michael Viola, Tiffany Palmer and Rebecca Levin served as panelists. Viola highlighted that Windsor struck down Section 3 of the federal DOMA, which defined marriage as being between one man and one woman, as unconstitutional. Windsor did not, however, strike Section 2 that allows states not to recognize same-sex marriages from other states. As such, Windsor did not provide nationwide approval of same-sex marriage. Pennsylvania still has a mini DOMA defining marriage as between one man and one woman. The commonwealth does not recognize same-sex marriages from other states.

Although Pennsylvania same-sex couples must go elsewhere to marry, they may still be entitled to some forms of spousal benefits. Benefits available to same-sex spouses are now being scrutinized at the agency level. Levin explained that two distinct tracks have developed that agencies are following in determining whether or not to grant spousal benefits. First is the place of celebration rule, under which benefits are granted if the state where the marriage was performed is a same-sex marriage state. Second is the domicile rule, under which benefits are granted if the state of residence of the couple is a same-sex marriage state.
same-sex spouses recognizes same-sex marriage.

Agencies that follow the celebration rule include immigration, financial aid (FASA), military spousal benefits, and federal employee benefits (health insurance and FMLA). Agencies that follow the residence rule include Medicaid, Medicare, veterans benefits, private employment benefits, Social Security and the IRS.

Palmer discussed the effect of Windsor on divorce practice in Pennsylvania. Same-sex couples who are residents of Pennsylvania must consider if and where to get married. Currently, 14 jurisdictions permit same-sex marriage. They are California, Connecticut, Delaware, District of Columbia, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Vermont and Washington. In selecting a jurisdiction in which to marry, each state’s residency requirement must be considered. Once a same-sex couple gets married and moves back to Pennsylvania or another non-recognition state, Palmer described them as “wedlocked” because they cannot get divorced where they reside. Some recognition states are making it easier for same-sex spouses to get divorced. California, Connecticut, Delaware, Minnesota, Vermont and D.C. waive the residency requirement for same-sex spouses to file for divorce. But given the novelty of these circumstances, each of these five recognition states’ statutes must be closely reviewed as various limitations apply and the procedures are still being developed.

Levin next discussed the effect of Windsor on prenuptial agreements. There are two main considerations for same-sex couples. One is in which state to get married. Levin recommended selecting one of the five states that allow non-resident same-sex spouses to return and get divorced without meeting the residency requirement. Each of the states’ divorce laws should be closely reviewed to ensure that the prenuptial agreement meets all necessary requirements. Engaging local counsel for this purpose was highly encouraged by Levin. The second consideration is the choice of law applicable to the prenuptial agreement terms. Levin suggested selecting Pennsylvania law, in case the commonwealth recognizes same sex marriage in the future. As a fallback, Levin suggested choosing the law of the state in which the couple may move to in the future if that state recognizes same-sex marriage.

Challenge of Pennsylvania’s mini DOMA came swiftly after Windsor. The recently filed cases of Whitewood, et al. v. Corbet et al and Department of Health v. Hanes are both receiving much attention, particularly in light of the announcement by Pennsylvania Attorney General Kathleen Kane that she will not defend the mini DOMA.

Julia Swain (jswain@foxrothschild.com), a partner with Fox Rothschild LLP, is an associate editor of the Philadelphia Bar Reporter.

Crowdfunding Growing in Popularity for Investing

**By Lauren A. Strebel**

**Have you ever wanted to be an associate producer of a film directed and produced by James Franco? Or get a prototype of the newest technological wonder? On websites like idiegogo.com and kickstarter.com you can make that happen. For a monetary pledge ranging from $1 to thousands of dollars, “backers” such as yourself can get in on the ground floor of the latest technologies, companies and charities and earn perks along the way.**

When entrepreneurs and small-companies raise small amounts of money from a wide-base of people, it is called “crowdfunding.” Darrick Mix of Duane Morris LLP discussed the intricacies at a July 23 CLE on crowdfunding hosted by the Private Equity & Venture Capital Committee.

Since the vast majority of business plans are rejected by venture funds and bank financing, crowdfunding has become a new model for raising money. Currently, crowdfunding sites are using donation or reward-based models, where money is donated or given in exchange for a product. However, with the new implementation of the JOBS Act, pending SEC approval, crowdfunding will soon include selling small amounts of equity to many investors. Since the JOBS Act provides a specific cause of action against the issuer for material misstatements or omissions, Will crowdfunding work? The estimated $5 billion market has its pros and cons, for both the investors and the issuers. Pro: Investors can invest in products/ideas that were not available to them before. Start-up companies can

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YLD Collects School Supplies

Members of the Young Lawyers Division Executive Committee organize school supplies collected for Philadelphia students at an Aug. 14 networking happy hour at Chima Brazilian Steakhouse. The school supplies will be distributed to students located in economically challenged areas of the city. The YLD partnered with the Pennsylvania Bar Association Minority Bar Community Outreach Committee for the collection.

Crowdfunding
continued from page 9

retain more control and potentially gain leverage for their next financing rounds. Cons: Investors have to hold onto the securities for a year. Issuers might have trouble convincing VCs to invest because of the minority investors.

This new form of fundraising could be great for emerging companies. However, consequences of violating the regulations can be brutal, so Mix recommends that those interested in crowdfunding seek advice from a lawyer. As a less expensive alternative, many law schools offer clinics to entrepreneurs seeking legal advice.

When will the SEC implement rules based on the JOBS Act? Hopefully by the end of the year, or early 2014.

Lauren A. Strebel (lauren.a.strebel@gmail.com) is a third-year student at Earle Mack School of Law at Drexel University.

YLD Update

A Fall Filled with YLD Events - and Football, Too

I can tell by looking at Facebook posts that summer is winding down and kids are going back to school. And more importantly, college football is about to start. And while September welcomes students back to school, law firms welcome their newly minted law school graduates to the profession.

As many, and hopefully all of you, are coming off vacations, it’s an important time for new attorneys as well as our more seasoned young attorneys.

For new attorneys, it is critical you start devising a plan on developing a reputation among your peers, both within your firm and outside of your firm. There is a good chance that three years from now you may have moved on to a different place of employment. But it is important to build a name for yourself that you will be proud to have follow you around for a long career. Make sure not to lose track of friends from law school, undergrad, and high school as well as family and make sure you schedule time away from work, away from your iPhone, to spend time and relax. Be cognizant of your commitments, because not scheduling time to relax can easily lead to burnout or even worse, depression. So make a list of personal and professional action items (e.g., publish an article for Bar Reporter, have lunch with three friends from undergrad) and make sure to check your progress.

For attorneys in practice, hopefully you set out some goals in the beginning of the year (preferably in writing). Now is a good time to check on your progress before the year’s end, allowing enough time to act on unfulfilled plans. This will also help you in planning your goals for next year.

As a new attorney, you may focus on developing your expertise and name recognition. This may consist of assisting on articles with a more experienced practitioner or writing articles on your own and writing blog posts. As you progress, you may set goals for speaking on panels and developing an in-person and Internet presence (via blogs, social media etc.). Even more seasoned attorneys should be setting specific goals for business development (i.e. finding clients).

The YLD has been a springboard for me to achieve many professional goals, early in my career, by allowing me writing opportunities, speaking opportunities, leadership opportunities, and social opportunities. The executive committee of the YLD has an outstanding slate of activities planned for the fall and I hope you can join us for them. Please look for the following events in September.

The Board Observer Program – applications are being accepted for the 2013-2014 Board Observer class. The BOP pairs a young lawyer with a Philadelphia legal services organization for one year so as to learn more about being a nonprofit board member and about the pro bono organizations of Philadelphia.

Legal Advice Live – We have expanded Legal Advice Live! to five events this fall, and we are looking for volunteers. The five events will be at Central Branch of the Free Library, 1901 Vine St., on Monday, Sept. 23; Lillian Marrero Branch of the Free Library, 601 W. Lehigh Ave., on Thursday, Sept. 26; Donatucci Branch of the Free Library, 1955 Shunk St., on Tuesday, Oct. 1; Murphy Recreation Center, 300 W. Shunk St. on Saturday, Oct. 12 and Lucien E. Blackwell Branch of the Free Library, 125 S. 52nd St. on Saturday, Oct. 19. Philadelphia lawyers will gather to provide free, in-person confidential legal advice to the public.

Networking Event – for a more social atmosphere, the YLD is hosting an event with Fellow/Young Physicians of the Philadelphia County Medical Society. Emerging CPAs of the Pennsylvania Institute of Certified Public Accountants and Risk Management Association Philadelphia Chapter Young Bankers from 6 to 8 p.m. on Tuesday, Sept. 17 at the Pyramid Club, 1735 Market St., 52nd Floor. Registration is required.

Family Fun Day Sponsored by YLD Sept. 21 in Fairmount Park – All Philadelphia Bar Association members with children are encouraged to join us for Family Fun Day on Saturday, Sept. 21 at Smith Memorial Playground and Playhouse. Enjoy pizza, fruit, cookies, soft drinks and face painting with your families and colleagues in a casual atmosphere at the 6.5-acre playground that features a giant wooden slide and more than 50 pieces of playground equipment. Admission is $10 for adults and children under 10 will be admitted free.

I hope to see you at our events. And did I mention college football is starting?

By Aneesh A. Mehta

Aneesh A. Mehta (amehta@vklaw.com), an associate with Volpe and Koenig, P.C., is chair of the Young Lawyers Division.
The 2013 Bench-Bar & Annual Conference will kick off with Duquesne University School of Law Dean Ken Gormley leading a discussion on the 40th anniversary of the “Saturday Night Massacre” that led to the resignation of President Richard M. Nixon.

Gormley, dean of Duquesne University School of Law and award-winning author of “Archibald Cox: Conscience of a Nation,” interviewed key players and is the nation’s leading expert on Watergate. He will provide film clips and new insight into the “Saturday Night Massacre,” as the nation marks the 40th anniversary of this constitutional drama, and explain how the integrity displayed by two lawyers in public service – Watergate Special Prosecutor Archibald Cox and Nixon’s Attorney General, Elliot Richardson (who resigned rather than follow Nixon’s order to fire Cox) – indelibly shaped American history.

Gormley is also author of The New York Times bestseller “Death of American Virtue: Clinton vs. Starr,” an analysis of the events leading up to the impeachment trial of President Bill Clinton.

A total of 22 continuing legal education programs are being offered at the two-day conference, including:

**Professionalism and Civility: Is Civility Still the Rule in Civil Litigation Today?**

This year, the Chancellor has promoted civility as one of the cornerstones of the Philadelphia Bar Association. This program, presented by the State Civil Litigation Section, will focus on the impact of social media, texting, blogging, reality TV, Facebook, Twitter, electronic media, electronic discovery and e-filing on the civil court system. These tools have played a role in altering the discourse between lawyers, clients, judges, users of the court system, witnesses, court staff and jurors, and have materially changed how lawyers and judges handle civil lawsuits. Faculty for this program includes Pennsylvania Supreme Court Justice Max Baer; U.S. District Court Judge C. Darnell Jones II; Philadelphia Court of Common Pleas Judge D. Webster Krogh; Philadelphia Court of Common Pleas Judge Lisa M. Race; Chancellor Kathleen D. Wilkinson; and Butler Buchanan III.

**Moving or Staying – Custody Relocation Practice in the First Judicial District**

In today’s mobile society, parents have greater relocation opportunities for a variety of reasons including work, family, new spouse and health. When children of separated or divorced parents are involved, settlement is often difficult or impossible because the non-relocating parent can’t conceive of the child moving away. This Family Law Section program will explore the nuances of local practice in the First Judicial District for custody relocation matters. It will provide insight on strategies in relocation cases, and offer perspectives from the appellate and trial courts and from experienced trial lawyers. Faculty are Pennsylvania Superior Court Judge Susan P. Gantman; Philadelphia Court of Common Pleas Judge Barbara A. Joseph; Philadelphia Court of Common Pleas Judge Maria McLaughlin; Stephen J. Anderer; and David S. Rainer.

**Best Practices for the Retention and Advancement of Women and Attorneys of Color in the Legal Profession: Overcoming the Challenges**

Despite the focus on increasing diversity and inclusion in the legal profession, nationwide, women account for 19.91 percent of law firm partners and 45.05 percent of associates. Minorities account for 6.71 percent of partners and 20.32 percent of associates. The retention and advancement of women and attorneys of color is critically important. This program, presented by the Diversity in the Profession Committee, will feature a discussion on studies that reveal that women and attorneys of color lack access to meaningful work assignments, mentoring relationships, and business and professional development opportunities. Panelists include former Chancellors Jane L. Dalton and Rudolph Garcia, along with Sophia Lee and Scott W. Reid.

**Cyber Security and Cloud Computing: How to Protect Files Stored in the Cloud and Fulfill Your Ethical Duties**

Cloud computing is becoming commonplace, and lawyers need to understand how the technology works, what ethical obligations are implicated when storing client files in the cloud, and how to protect clients and themselves when entering into agreements with cloud providers. The program, presented by the Law Practice Management Committee, will discuss practical, legal and ethical concerns raised by cloud computing and features faculty members Michael D. Ecker, Mary F. Platt and Daniel J. Siegel.

**The First Judicial District: Looking Backward and Forward - Where We Were and Where We Are Going**

This program, presented by the bench-bar and annual conference, will feature faculty members Michael D. Ecker, Mary F. Platt and Daniel J. Siegel.

**Building on Gideon’s Legacy: Civil Access to Legal Justice We Were and Where We Are Going**

This Family Law Section program will explore the nuances of local practice in the First Judicial District for custody relocation matters. It will provide insight on strategies in relocation cases, and offer perspectives from the appellate and trial courts and from experienced trial lawyers. Faculty are Pennsylvania Superior Court Judge Susan P. Gantman; Philadelphia Court of Common Pleas Judge Barbara A. Joseph; Philadelphia Court of Common Pleas Judge Maria McLaughlin; Stephen J. Anderer; and David S. Rainer.

**Best Practices in Pre-Trial Litigation in the Philadelphia Court of Common Pleas**

This program, presented by the State of the Courts Featuring President Judges from Pennsylvania and Philadelphia Courts.
Our panel of judges and trial lawyers, together with the Court Administrator, will address the evolution of Philadelphia Courts starting with Day Forward and Day Backward programs, its record of efficiency and recent developments. Panelists in this State Civil Litigation Section program will also address the importance of having a jury trial. Panelists are Philadelphia Court of Common Pleas Judge William J. Manfredi; Philadelphia Court of Common Pleas Judge George W. Overton; Philadelphia Court of Common Pleas Judge Karen Shreeves-Johns; Michael E. Barrett; Robert J. Casey Jr.; First Judicial District Court Administrator Joseph H. Evers; and Chancellor-Elect William P. Fedullo.

Gideon 50 Years Later: Promises Yet to Keep

This year we commemorate the 50th Anniversary of the seminal case that established a right to counsel for criminal defendants, Gideon v. Wainwright. This panel will explore whether publicly funded criminal defense attorneys are able to provide the effective representation of counsel mandated by Gideon and the Constitution, and it will examine what can be done to improve criminal defense services and how Gideon can be used to expand access to justice for indigent people in need of civil legal assistance. Faculty for this program presented by the Criminal Justice Section, Public Interest Section, Civil Gideon and Access to Justice Task Force, and Young Lawyers Division includes Marissa Bluestine, Philadelphia Deputy Mayor Everett Gillison, Ellen T. Greenlee and Troy H. Wilson.

The Anatomy of the Lynn Trial: Child Abuse & the Catholic Church - Who’s Responsible?

This session will address some of the more perplexing issues raised when the Philadelphia District Attorney’s Office investigated the Philadelphia Catholic Church for close to a decade and then prosecuted a high-ranking Archdiocesan official. Why did prosecutors initially take the position that child abuse law did not apply to Catholic Church officials only to later change their position on the eve of indictment? What did Church officials do or not do in the face of overwhelming evidence of child abuse being perpetrated by certain members of the clergy? How did the lawyers deal with the media in a case that garnered national and regional press on a daily basis and was often in the international news? Did the extreme emotionality of this case affect the courtroom conduct of any of the players or the end results of the case? Panelists are Ralph Cipriano, Jeffrey M. Lindy, William R. Spade Jr. and Alan J. Tauber.

Websites, Blogging and Social Networking: The Rules of Engagement

Communicating and marketing via the Internet has its benefits and pitfalls. Today’s tech-savvy lawyers and legal marketers are engaging online at a rapid pace. Understanding the rules of engagement is critical to success. Panelists Brian P. Flaherty, Gina Furia Rubel and Royce W. Smith will discuss the rules of online communications from an ethical and practical perspective in this seminar presented by the Law Practice Management Committee.

Dissecting Expert Cross Examinations

Philadelphia Court of Common Pleas Judge Mark I. Bernstein and Lawrence Benesky will dissect video of actual courtroom testimony to reveal what makes cross-examination effective and devastating. Using their vast library of video cross-examinations performed by the original attorneys, basic and advanced techniques of preparation, approach, technique and execution of cross examination will be discussed in detail.

Attorneys and Couples-At-Law: Navigating the Ethical & Personal Dilemmas

This Women in the Profession Committee program will focus on lawyers married to lawyers/judges married to lawyers and ethical and personal dilemmas. It will incorporate the very busy personal and professional lives of these well-known judges and lawyers, coupled with discussion of Judicial Canons and Rules of Professional Conduct. Panelists are Pennsylvania Superior Court Judge Anne E. Lazarus, Philadelphia Court of Common Pleas Judge Sandra Mazer Moss, Philadelphia Court of Common Pleas Supervising Judge Sheila Woods-Skipper, Mitchell H. Kleban, Lauren P. McKenna, Chief Federal Defender Leigh M. Skipper, Chancellor Kathleen D. Wilkinson and Pennsylvania Bar Association Immediate-Past President Thomas G. Wilkinson Jr.

Workers’ Compensation Primer for Civil

This Women in the Profession Committee program will focus on the basics of workers’ compensation and outline the issues and pitfalls to look for when there is a plaintiff who is receiving benefits or has made a claim for benefits. Panelists Aaron S. Friedmann and Joseph E. Vaughan will discuss the interaction of the Workers’ Compensation Act with other types of litigation, and the complex issues of subrogation and indemnification as they relate to workers’ compensation.

Litigators, Including Subrogation and Indemnification

This program will discuss the basics of workers’ compensation and outline the issues and pitfalls to look for when there is a plaintiff who is receiving benefits or has made a claim for benefits. Panelists Francis P. Devine III, Roberta Jacobs-Meadway, Roberta D. Liebenberg and Naomi K. McLaurin will provide “best practices” to create a diverse and inclusive law practice in this seminar presented by the Law Practice Management Committee. Learn about the importance of defining diversity broadly and understand the “business case for diversity.” The discussion will focus on concrete steps to eliminate bias from business.
development, client relationship management and procurement. **Avoiding Legal Malpractice**

This program, newly revamped for this year, will address loss control issues including the importance of letters of engagement and disengagement; fee agreements and delineating the scope of representation; avoiding conflicts of interest; the practice of “dabbling” and its high correlation with malpractice claims; as well as new compliance issues raised for attorneys under the HITECH HIPAA regulations. Those who take this program will be entitled to a 7.5 percent risk control credit on their premiums for two years. Presented by the Professional Responsibility and Insurance Programs Committees, the faculty includes CNA Insurance Director of Professional Services Risk Control Michael Barrett, Carl H. Delacato Jr., Sayde J. Ladov, Wesley R. Payne IV and USI Affinity Account Executive/Association Relations Gina Sampei.

**To Jail or Not to Jail: That Is Our Question**

This Criminal Justice Section CLE session will provide an overview and update of all available jail and prison alternatives, pre- and post-trial. Panelists Byron C. Cotter, Ilsa A. Fruchter and Thomas J. Innes will also provide an update on substantive sentencing law.

**Building on Gideon’s Legacy: Civil Access to Legal Justice**

Presented by the Civil Legal Justice Coalition, this panel examines whether there should be a right to counsel for the indigent in civil cases where basic human rights are at stake. This panel will discuss expanding access to justice, funding realities and strategies, and the civil right to counsel to offer a national perspective. In Gideon v. Wainwright, the right to counsel for the indigent in criminal cases was established 50 years ago, but no right to Civil Gideon has been recognized in Pennsylvania. The panelists include leaders who provided testimony in the statewide hearings, including Philadelphia Court of Common Pleas Judge Patricia A. Mackley and Patrick J. Dierzen.

**One Year Later: The eDiscovery Amendments to the Pennsylvania Rules of Civil Procedure**

The eDiscovery amendments to the Pennsylvania Rules of Civil Procedure became effective Aug. 1, 2012. This Business Litigation Committee program will examine the impact that the eDiscovery amendments are having on discovery practice in Pennsylvania state courts. We will also focus on the differences between Pennsylvania Rules governing eDiscovery and their federal counterparts, the similarities between the two sets of Rules, and discuss practical guidance for litigants. Panelists are U.S. District Court for the Eastern District of Pennsylvania Judge C. Darnell Jones II, Philadelphia Court of Common Pleas Judge Patricia A. McInerney, Elizabeth J. Asali, Benjamin R. Barnett and Philip N. Yannella.

**Creating and Managing Law Firm Budgets, Office Space, Clients and Loans**

Panelists in this CLE from the Litigation Section will provide an overview and update on the implementation and procurement. Of their overall effectiveness and the importance of letters of engagement and disengagement; fee agreements and delineating the scope of representation; avoiding conflicts of interest; the practice of “dabbling” and its high correlation with malpractice claims; as well as new compliance issues raised for attorneys under the HITECH HIPAA regulations. Those who take this program will be entitled to a 7.5 percent risk control credit on their premiums for two years. Presented by the Professional Responsibility and Insurance Programs Committees, the faculty includes CNA Insurance Director of Professional Services Risk Control Michael Barrett, Carl H. Delacato Jr., Sayde J. Ladov, Wesley R. Payne IV and USI Affinity Account Executive/Association Relations Gina Sampei.

**In or Out – Add-Backs, Cash Flow and Hidden Income**

Income derived from a sole proprietorship, professional practice, family business, partnership, corporation and Limited Liability Company will be scrutinized by the family court much more closely than W-2 wages. Although support guidelines may be easy to utilize, calculating the correct income level of the parties for support calculations can pose significant challenges. The focus of this program will include an analysis of add-backs to income and uncovering hidden income – both of which enhance a party’s cash flow and, in turn, increase net monthly income available for support. Panelists are Eric County Court of Common Pleas Judge Stephanie Domitech, Philadelphia Court of Common Pleas, Judge Doris A. Pekichow, Michael E. Fingerman, G. Daniel Jones and Mary T. Vidas.

**Best Practices in Pre-Trial Litigation in the Philadelphia Court of Common Pleas**

This program offers a unique opportunity to hear from our Court of Common Pleas judges who will discuss best practices in pre-trial litigation and their personal preferences. You will gain practical insight into the procedures and practices you should follow when appearing before them. They will answer your questions on procedural issues and share advice that will help make your appearances before them run smoothly. Panelists are Philadelphia Court of Common Pleas Judge Ellen H. Ceide, Philadelphia Court of Common Pleas Judge Ramy I. Djereissi, Philadelphia Court of Common Pleas Judge Idee C. Fox and Maria A. Feredy.

**Technology Tips for Managing Your Practice: From Desktop to Mobile**

Lawyers are increasingly using mobile technology to be more productive, bill more hours, stay in touch with clients and drive their businesses. Panelists Christiane Schuman Campbell, Jeffrey Campolongo, Rudolph Garcia and Gilbert J. Marquez will guide you through a virtual web of information and explore the multitude of tech challenges confronting attorneys across all platforms whether it’s a handheld or mobile device (Droid, iPhone, BlackBerry); office computer; tablet; or home system. Don’t have your head stuck in the sand; manage your practice more effectively.

**Closing Luncheon and State of the Court Presentation**

Hear from representative judges of Pennsylvania’s courts for an update on the state of our courts including Pennsylvania Supreme Court Chief Justice Ronald D. Castille, a representative from Pennsylvania Superior Court, Commonwealth Court of Pennsylvania President Judge Dan Pellegreni, Philadelphia Court of Common Pleas President Judge Pamela Pryor Dembe and Philadelphia Municipal Court President Judge Marsha H. Neifeld.
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International Trade Lawyers Share Their Secrets

By J. Michael Considine Jr.

Four attorneys who have dealt with cases involving international trade secrets discussed their experiences at a recent meeting of the International Business Initiative Committee.

The speakers included Dean Pelletier of McAndrews, Held & Malloy of Chicago, counsel in Tian Rui v. ITC, a recent decision in which the International Trade Commission enjoined import of products derived from illegally obtained trade secrets: Glenn Strapp, of Bracewell and Guiliani, LLP in Houston, who wrote an article on the case; Brian Riopelle of McGuireWoods in Richmond, counsel in DuPont v. Kolon Industries, in which a jury awarded $920 million for trade secret violations; and Ernest Sasso, a Washington Crossing attorney.

In Tian Rui, Amsted Industries manufactured steel railway wheels with grip and Wheel technology. Its employees manufactured steel railway wheels with the technology. Its employees were conduits for misappropriating the technology. Its employees were conduits for misappropriating the technology. Its employees were conduits for misappropriating the technology.

DuPont manufactured Kevlar, used for body armor, bulletproof vests and tires, which is subject to export controls because of military use. In a criminal investigation FBI agents recorded incriminating conversations of four former employees.

In February 2009 a suit was filed alleging trade secrets encompassing the entire manufacturing process were stolen. The judge held a five-day hearing on intentional destruction of documents and gave an adverse instruction to the jury. Several defendants invoked their Fifth Amendment rights. A transcript is needed to admit transcripts in federal court to take a deposition. Have counsel from your firm who speak the foreign language attend the deposition. Videotape all translators. Translation doubles the time it takes to make a reasonable effort to keep trade secrets private.

All employees must sign confidentiality and non-disclosure agreements pre- and post-hiring, and those with access must sign before they are given access. The speakers suggested the following safeguards: mark clearly in bold letters all matters that are trade secrets; restrict access — only persons who need it and to the extent needed to do their jobs; use password protections; limit the number of copies; store in a locked facility; keep a visitor log; consider vidiotape monitoring; ban the use of recording devices in the facility; restrict visitor access.

As long as products are shipped to the U.S. The ITC may not award damages and no counterclaims may be brought in ITC matters. The ITC has in rem jurisdiction, a 16-18 month docket and permits overseas discovery. A default can be obtained to get an exclusionary order. Discovery took place in Hong Kong, not in China (where depositions are not permitted under Chinese law).

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To avoid litigation or theft, and to protect a company’s interest if there is litigation, it is vital to make a reasonable effort to keep trade secrets private. All employees must sign confidentiality and non-disclosure agreements pre- and post-hiring, and those with access must sign before they are given access. The speakers suggested the following safeguards: mark clearly in bold letters all matters that are trade secrets; restrict access — only persons who need it and to the extent needed to do their jobs; use password protections; limit the number of copies; store in a locked facility; keep a visitor log; consider vidiotape monitoring; ban the use of recording devices in the facility; restrict visitor access.

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The Andrew Hamilton level of giving at the Philadelphia Bar Foundation, $10,000 over 10 years, has hit a milestone in the number of completed pledges, 225. As part of the Bar Foundation’s 50-year anniversary celebrations, one of our goals is to reinvigorate this level of giving, and to grow our endowment to secure future funding for our grantees. To that end, this month we wish to recognize the leadership and philanthropy of our first two new Andrew Hamilton Circle members – Eric H. Weitz and Michael J. Heller, and to thank them for their leadership in continuing the proud tradition of the Philadelphia lawyer, Andrew Hamilton. Eric and Michael’s giving is representative of the wide range of support we need from our legal community, small firm to large, plaintiff and defense, to help us in our work to promote equal access to justice. We also thank all those completed Hamilton Circle members and pledge to re-engage with you as the work of the Foundation is never done.

We all know the story about Andrew Hamilton and his success in defending the printer John Peter Zenger against charges of libel in the colony of New York in 1735. Hamilton had no law to support his position that truth should be published, for the independent role of the press, the jury ignored the instructions of the judge and returned a not-guilty verdict. What many may not know, however, is that Andrew Hamilton took on this task of defending Zenger for no fee. Hamilton believed it was his duty to defend Zenger because the case threatened basic rights that many were fighting to establish in the new land – an independent judicial system and freedom of the press. Moreover, Andrew Hamilton’s charity did not stop at pro bono legal representation; he also purchased the land on which Independence Hall now stands and gave it to the public to establish a statehouse.

The importance and necessity of pro bono legal representation and charitable giving in order to protect individuals’ basic rights and freedoms is as important now as it was more than 250 years ago. We have a duty as lawyers to use our skills and training to help those who are not as fortunate as we. Philadelphia has the highest poverty rate of any major city in our country. We have the second-highest rate of food insecurity of any major city in the country. It is critical that we as lawyers offer not only our legal services to protect individuals’ basic rights, but that we help monetarily as well. Charitable giving by lawyers is necessary to provide unrestricted general operating funds to support those who work to protect the rights of the indigent. We must assure the long term sustainability of Philadelphia’s legal non-profit community; as Winston Churchill said, “We make a living by what we get, but we make a life by what we give.”

September is a busy month for the Foundation. We have finished the site visits to our grantee organizations; are reviewing their financials, and will be meeting with their executive directors to hear about their needs and dreams. We are reviving up our plans for the Andrew Hamilton Benefit at WHYY Studios on Saturday, Nov. 16. We are sponsoring a CLE on trial advocacy for public interest attorneys at Rutgers School of Law – Camden. We are presenting plans for the Civil Justice Center to many leaders of our legal community. We are reviewing nominations for the Bar Foundation and Pro Bono Awards for 2013, and selecting observers for the Board Observer program for 2014. And finally, we will be at the Association’s Bench-Bar & Annual Conference in Atlantic City, hoping you will stop by and pledge to join the Andrew Hamilton Circle level of giving and continue to be proud to be a Philadelphia lawyer.

Deborah R. Gross (debbie@bernardmgross.com) of the Law Offices of Bernard M. Gross, P.C. is president of the Philadelphia Bar Foundation.

Foundation Seeks Nominees

The Philadelphia Bar Foundation is accepting nominations for its annual awards – the Philadelphia Bar Foundation Award and the Pro Bono Award. The Philadelphia Bar Foundation Award, originally established by the Apotheker family in honor of Louis D. Apotheker, recognizes a public interest attorney who is dedicating his or her life to promoting equal access to justice for all by working in the non-profit legal services community. A $2,500 stipend is presented in recognition of excellence in providing direct legal services to the poor and the underprivileged in Philadelphia.

The Pro Bono Award is presented annually to a Philadelphia law firm or corporate legal department that demonstrates outstanding volunteer efforts in providing legal services to those in need.

The deadline to submit nominations is 5 p.m. on Friday, Sept. 27, 2013.
Vet with PTSD Finally Gets Benefits He’s Owed

By Michael Taub

Homeless Advocacy Project (HAP) volunteer Eric Henry of DLA Piper LLP was introduced to a homeless Iraq and Afghanistan combat veteran in January 2012. The veteran was actively suffering from post-traumatic stress disorder (PTSD), which included severe symptoms of isolation, hypervigilence, nightmares, insomnia and flashbacks of his time in war zones.

After interviewing the veteran extensively, Eric, himself a Marine Corps and Operation Iraqi Freedom veteran, agreed to work on the veteran’s claim for service-connected benefits. Initially, the veteran was hesitant to file a claim, as many proud veterans are, but after meeting with the veteran in person, and observing firsthand the mental toll that his exposure to real life combat had caused, Eric convinced the veteran that he was entitled to compensation for any work-related limitations he was now experiencing. Eric also learned that the veteran had a baby on the way, and that compensation would help support the veteran’s newborn child.

In support of the claim, Eric gathered all of the veteran’s service personnel and medical records, which traced his service from enlistment to discharge, from the United States to Iraq and Afghanistan and back home again. Once armed with this information, Eric filed a claim and supporting memo for service-connected benefits. In the memo, Eric painstakingly detailed the veteran’s military service, proving beyond any doubt that he was exposed to hostile enemy fire and combat action, which is required in any PTSD claim for benefits.

In response to Eric’s memo, the VA scheduled the veteran for a mental health evaluation. This was a positive development, but Eric knew that the veteran would likely avoid sharing with the examining psychologist much of what he participated in and witnessed during the wars in Iraq and Afghanistan. Eric also knew that the veteran would downplay the severity and range of his symptoms, which Eric was in a unique position to understand. As a result, Eric had several long and emotional conversations with the veteran. In the end, Eric once again convinced the veteran that honesty with the psychologist was essential for establishing his entitlement to benefits.

Although it didn’t happen overnight, Eric’s commitment to the veteran undoubtedly paid off, as the VA responded to his memo and the evaluation by granting the veteran a 50 percent service connected disability rating, at $810 per month. It also awarded the veteran more than $12,000 in back benefits. The veteran was stunned at the award and continued to downplay his right to benefits. However, he couldn’t have been more appreciative of Eric’s help. He told Eric of his plans to go back to school using the GI Bill, and of his intention to continue in treatment for PTSD. In addition, Eric could sense in the veteran a significant change. Even before treatment, the process of working together had allowed the veteran to trust again, both in others and in a system that he felt had abandoned him.

Since Eric first took on this engagement, DLA Piper’s Philadelphia office expanded its veterans outreach initiatives by joining the firm’s national signature project, Serving Those Who Serve Our Country. DLA’s partnership with the Homeless Advocacy Project is at the center of the initiative, and together they have continued to meet and represent homeless veterans desperately in need of quality legal assistance.

Michael Taub (mtaub@philalegal.org) is a Homeless Advocacy Project staff attorney and coordinates HAP’s Veterans Project.

Leadership continued from page 5

because the worst thing that can happen is that it will not work out. Moss knew, from age 8, that she wanted to become a judge. However, she attempted to render her letter of resignation as a Temple University law school student when she became a single parent of two children during her first year of law school. She was persuaded by then Dean Peter Liacouras (who tore up her resignation letter) to remain enrolled. He warned her “if you resign now, you’ll always say you could have been a lawyer.” Moss stayed the course, at times taking her young children to law school with her if a sitter was not available.

Throughout the discussion, all three panelists agreed – if one really wants to achieve a goal, she can, regardless of her many commitments and obligations. Smith-Klocek, a partner at Morgan, Lewis & Bockius LLP balances her career and leadership obligations with the responsibilities that come along with being the mother of two young children. Winkler was on her journey to partnership when she took a three-month maternity leave, during which she continued to work from home. And, when she returned to work a flexible, three-day schedule, she still worked from home when her child slept. When she made arrangements to work the reduced schedule, Winkler made a commitment to her firm that she would do all tasks required on her cases. She made partner while still working a reduced schedule.

Each panelist agreed that it is possible to balance career, family, and other obligations. One can join an organization, but she may not be able to be quite as active while her children are very young and require more of her time and attention. But, children are only young for a brief moment in time, and as they grow, she will be able to dedicate more time to other opportunities. As Moss’ statement continued “you can have it all, but not all at once.”

Commentary

Gideon and the Fading Promise for Equal Justice

This year the nation celebrates the 50th anniversary of Gideon v. Wainwright, the case that created a constitutional right to free legal counsel for those charged with crimes. To commemorate this historic case, there have been mayoral proclamations, commemorations by the American Bar Association and a celebration by the Department of Justice. Locally, the Philadelphia Bar Association recently passed a resolution in support of SB 979, a bill that would establish and fund a statewide criminal defense training center. There will be a panel at the Bench-Bar & Annual Conference on Friday, Oct. 4, discussing whether the promise of Gideon has been kept. With all of the attention Gideon is getting, it should be a pretty good year for indigent defense, but, in reality, indigent defense currently faces some of its toughest attacks yet on funding at both national and statewide levels. The sequester has drained dollars from federal funding, and the ongoing lawsuit over inadequacy of funding for defender services in Luzerne County highlights the need for statewide indigent defense funding.

Remember the sequester? “Sequestration” was the term coined for those nearly $1 trillion in automatic budget cuts that went into effect this past March when Congress couldn’t resolve its differences over fiscal policy. Despite dire warnings in the news of a metaphysical fiscal cliff that would cripple economic growth, the press doesn’t much cover the sequester any more. While the fact of the sequester may be yesterday’s news, the reality of the budget cuts has meant the gutting of funding for the Federal Defender system today. Following budget cuts of 10 percent to Federal Defender offices in 2013, cuts of an additional 23 percent are projected for the upcoming fiscal year. The additional cuts have resulted in plans for furloughs, layoffs, reduction of services, and even the closure of Federal Defender offices in 20 states.

The effects of the sequester have been felt locally too. The Federal Community Defenders in New Jersey and Delaware were furloughed. Contrasting, funding was found to avoid furloughs for the local U.S. attorneys, federal probation, federal court staff, and U.S. marshals. Of course, a reduction in funding for federal defenders doesn’t magically make cases disappear. Shrinking federal defender capacity means that indigent defense shifts from federal defenders to privately appointed Criminal Justice Act (CJA) Panel attorneys. This caseload shift ends up costing more money rather than saving it. In one survey of six federal districts, Federal Defender offices saved taxpayers approximately $3.3 million over three years, when comparing the average cost of defender representation with the cost of CJA lawyers. The attack on defender funding isn’t limited to the federal courts. It’s happening in Pennsylvania state courts, too.

Remember Luzerne County? While the mention of storied Luzerne County may stir memories of juvenile injustice and cash-for-kids corruption, an equally disconcerting court drama surrounding public defender funding has been unfolding in that same county over the past 18 months. In the wake of the juvenile court scandal, Al Flora was hired as the Chief Public Defender in Luzerne County in 2010, in part to clean up the Public Defender’s office and make sure they were accountable to their constitutional obligations. In December 2011, facing overwhelming caseloads and staff shortages, Flora informed the county that the Public Defender’s office had to stop staffing three courtrooms at the Defender Association of Philadelphia Criminal Justice Center because of funding inadequacies. At the time, funding disparities meant that public defenders in Philadelphia with seven years of experience were paid $13,500 less than their counterparts with equivalent experience at the District Attorney’s office. Because Pennsylvania is the only state in the nation that fails to provide any funding for indigent defense, the problem of defense funding isn’t relegated to any one county. In 2011, the Joint State Government Commission of the Pennsylvania General Assembly created a bipartisan task force to study services to indigent defendants. The Task Force found that “Pennsylvania fails to meet its constitutional duty to provide effective legal defense for indigent defendants in criminal cases,” and went on to say that, "(lack of state support has undermined the effectiveness of indigent defense in much of Pennsylvania.)" The Task Force recommended creation of a statewide agency responsible for all indigent defense outside Philadelphia, with sufficient funding from the commonwealth to provide a zealous defense and with caseload limits dictated by reasonable standards.

In short, the Task Force recommended that the promises made by Gideon be kept. Since the Task Force report, no statewide funding of indigent defense has been created. SB 979, a bill that creates a training center, has yet to have a hearing, or a Senate committee vote, and Federal Defender funding is cut and cut again. The irony, of course, is that all of this comes in a year when the nation celebrates the public defender and renews its pledge to the constitutional requirements of Gideon. In Gideon, Justice Hugo Black said that for criminal defendants to stand “equal before the law,” lawyers are a necessity, not a luxury. Cutting defender funding is unlikely to improve the quality of indigent defense. Perhaps this year, the year we celebrate the case that created public defense as we know it, is the time to keep the promises made to Earl Gideon by a court and a constitution that claim that under the law, all are equal.

Sara Jacobson (Sara.Jacobson@temple.edu) is director of Trial Advocacy Programs and an associate professor at Temple University Beasley School of Law.

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Philadelphia Bar Reporter
By Brian McLaughlin

In early July, the Obama Administration announced the delay in the employer mandate portion of the Patient Protection and Affordable Care Act (PPACA). This delay has reignited the debate on Health Care Reform and caused a significant amount of confusion about what has been delayed and what will continue to go into effect in January 2014. While this has a significant impact for employers with more than 50 workers in 2014 it is important to realize that this is merely a delay and depending on whether transition rules apply may become effective for all employers with more than 50 employees on Jan. 1, 2015.

Large employers that do not offer minimum essential coverage to at least 95 percent of their fulltime employees and dependents, or who do offer coverage but the coverage is unacceptable or does not provide a minimum value will not face penalties in 2014 if a full-time employee receives a subsidy in the exchange. This delay also gives employers additional time to understand minimum essential coverage. Employers who do not offer minimal essential coverage will not be penalized in 2014. While most group health plan coverage will constitute minimum essential coverage, this delay provides an opportunity for further clarification as to whether plans that provide very limited benefits such as preventive care only, satisfy this requirement. Employers and carriers will need to understand whether existing coverage is considered minimum essential coverage in order to accurately complete an SBC.

Since employers will not be penalized on coverage that is not affordable and does not provide a minimum value, employers do not need to ensure 2014 coverage meets these requirements to avoid a penalty. However, this information remains relevant because employers sponsoring group health plans will likely need to understand whether their coverage satisfies affordability and minimum value requirements in order to complete the notice of coverage options (the exchange notice) and SBCs. Additionally, an employee may not be eligible for subsidies in the exchange if she is eligible for affordable and minimum value group health plan coverage through an employer.

Employers will have additional time to set their measurement periods and stability periods to determine full-time employee status of variable hour and seasonal employees for 2015. We expect further guidance will better clarify how to use these measurement periods and provide answers to many of the outstanding issues that exist with respect to this safe harbor.

The delay does not affect the effective date or any other application of other ACA provisions. The following provisions remain in effect and continue to apply. Fees in 2014 still in effect – the transitional reinsurance fee, the health insurance carrier fee, research fee and the risk adjustment user fee – will be applied in 2014. It is expected that these fees will add between 3 to 4 percent to 2014 premiums.

Employers subject to the Fair Labor Standards Act must provide exchange notice of coverage to all employees of the existence of the exchange no later than Oct. 1, 2013. This notice includes information regarding whether employer coverage is affordable and provides a minimum value. At this point, it is unclear whether the notice will be revised as a result of the delay in the employer penalties.

Other mandated changes to benefits that will affect employers of all sizes would be a prohibition on pre-existing condition exclusions, waiting periods in excess of 90 days and annual limitations on essential benefits. Wellness programs may increase incentives to 30 percent of the cost of coverage for a reward-based program (50 percent for programs designed to prevent or reduce tobacco use). Also, out of pocket-maximums for group health plans must limit out-of-pocket cost sharing (tied to HSA qualified plan limits – maximum of $6,350 self-only/$12,700 family in 2014). Now that the focus has been taken off large employers, much of the attention is on the small and individual marketplace.

January 2014 will begin the implementation of the employer mandate that requires individuals to pay a tax if they do not have qualifying health insurance. Much of the individual enrollment will be processed through the exchange programs. Exchanges are scheduled to open Oct. 1, 2013 with coverage effective Jan. 1, 2014.

The delay does not impact an individual’s ability to receive a premium tax credit in the exchange (also called the Health Insurance Marketplace) if she satisfies certain household income requirements and is not eligible for affordable, minimum value coverage and is not enrolled in minimum essential coverage.

The exchanges are primarily designed to process subsidies. Subsidies are available to individuals within 100 to 400 percent of the federal poverty level with no access to affordable, minimum value employer plan. Since the employer penalties are delayed until 2015, employers will not be penalized based on an employee’s eligibility for a subsidy in 2014. The exchange is required to verify applicants’ attestations and determine whether applicants are eligible for a subsidy. Part of this process requires the exchange to contact employers to determine whether the applicant is enrolled in an eligible employer-sponsored plan or is eligible for employer-sponsored affordable, minimum value coverage; however, this verification has also been delayed until 2015.

In addition to the subsidized care the implementation of PPACA will have a significant impact on small group health insurance. Small insured group health plans must offer essential benefits, limit deductibles (cannot exceed $2,000/individual, $4,000/family), and limit benefit offerings to metallic plans. Insurance carriers will be subject to new underwriting rules for small, insured groups. Instead of using experience rating, carriers will use community rating and rating restrictions will be restricted to (a) benefit coverage elected (plan and tier), (b) geographic area, (c) age, limited to a ratio of 3 to 1 for adults, and (d) tobacco use, limited to a ratio of 1.5 to 1. These changes will have a dramatic positive and negative impact on pricing in the small market.

One major issue to watch for in the next year will be the future guidance on discriminatory plan designs. While the discrimination rules were due to be implemented in 2011 we have been waiting on guidance on how the rules will be applied.

Brian McLaughlin (Brian.McLaughlin@usiaffinity.com) is vice president of USI Affinity’s Benefit Solutions Group. For more information about insurance and benefits options for Philadelphia Bar members, visit http://www.mybarinsurance.com/philadelphiabar/

For more than 75 years, the divisions of USI Affinity have developed, marketed and administered insurance and financial programs that offer affinity clients and their members unique advantages in coverage, price and service. As the endorsed broker of the Philadelphia Bar Association and 40 other state and local bar associations, and with more than 30,000 attorneys insured, USI Affinity has the experience and know-how to navigate the marketplace and design the most comprehensive and innovative insurance and benefits packages to fit a firm’s individual needs.
Trade Secrets
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Trade Secrets

j. michael considine jr. is chair of the international business initiative committee.

Law Society Quizzo Champs

Brandeis Law Society Quizzo team members celebrate their victory in the inaugural Philadelphia Law Society Annual Quizzo Tournament earlier this summer. teams from the Brandeis Law Society, brehon law society and Justinian Society participated in the event at McGillin’s Olde Ale House. the event’s organizers hope to expand it to include more of Philadelphia's affinity groups and hold regular competitions.

CALENDAR OF EVENTS

Note: While the following listings have been verified prior to press time, any scheduled event may be subject to change by the committee or section chairs. Lunches are $8 for members and $12 for non-members, unless otherwise indicated.

Tuesday, Sept. 3
Women’s Rights Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Compulsory Arbitration Committee: meeting, 12 p.m., 11th floor Committee Room South. Lunch: $8.

Philadelphia Bar Reporter Editorial Board: meeting, 12:30 p.m., 10th floor Cabinet Room.

Wednesday, Sept. 4
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th floor Board Room.

Rules and Procedure Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Friday, Sept. 6
Business Continuity Workshop: 8:30 a.m., 11th floor Conference Center.

Monday, Sept. 9
Family Law Section: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Family Law Section ADR Committee: meeting, 4 p.m., 11th floor Committee Room South.

Tuesday, Sept. 10
Advancing Civics Education Committee: meeting, 8:30 a.m., 10th floor Board Room.

Philadelphia Bar Foundation Board of Trustees: meeting, 12 p.m., 10th floor Board Room.

Criminal Justice Section Executive Committee: meeting, 12 p.m., 11th floor Board Room.

Tuesday, Sept. 17
Cabinet: meeting, 12 p.m., 10th floor Board Room.

Civil Rights Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Employee Benefits Committee: meeting, 12:30 p.m., 11th floor Committee Room South. Lunch: $8.

Wednesday, Sept. 19
Small Business Committee: CLE program, 8:30 a.m., The CLE Conference Center, 10th floor Wanamaker Building, Market and Juniper streets.

Business Law Section Executive Committee: meeting, 12 p.m., 11th floor Committee Room South.

Youth Lawyers Division Cabinet: meeting, 12 p.m., 10th floor Cabinet Room.

Women in the Profession Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Federal Courts Committee: meeting, 12:30 p.m., 11th floor Conference Center. Lunch: $8.

LegalLine: 5 p.m.,

Thursday, Sept. 12
Legislative Liaison Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Women in Intellectual Property Committee: meeting, 12 p.m., 11th floor Committee Room South. Lunch: $8.

Friday, Sept. 13
Workers’ Compensation Section Executive Committee: meeting, 12 p.m., 11th floor Committee Room South.

Workers’ Compensation Section: meeting, 12 p.m., 11th floor Committee Room South.

The Philadelphia Lawyer magazine Editorial Board: meeting, 12:30 p.m., 11th floor Committee Room South.

Monday, Sept. 16
Public Interest Section Executive Committee: meeting, 12 p.m., 10th floor Board Room.

Tuesday, Sept. 24
Criminal Justice Section: meeting, 12 p.m., 11th floor Conference Center.

Bar-News Media Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Business Litigation Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Friday, Sept. 20
Social Security Disability Benefits Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Employee Benefits Committee: meeting, 12:30 p.m., 11th floor Committee Room South. Lunch: $8.

Wednesday, Sept. 11
Small Business Committee: CLE program, 8:30 a.m., The CLE Conference Center, 10th floor Wanamaker Building, Market and Juniper streets.

Business Law Section Executive Committee: meeting, 12 p.m., 11th floor Committee Room South.

Youth Lawyers Division Cabinet: meeting, 12 p.m., 10th floor Cabinet Room.

Women in the Profession Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

Federal Courts Committee: meeting, 12:30 p.m., 11th floor Conference Center. Lunch: $8.

LegalLine: 5 p.m.,

Thursday, Sept. 19
Family Law Section Executive Committee: meeting, 12 p.m., 11th floor Committee Room South.

Bar-News Media Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Business Litigation Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.

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Social Security Disability Benefits Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $8.

Employee Benefits Committee: meeting, 12:30 p.m., 11th floor Committee Room South. Lunch: $8.

Register online for most events at philadelphiabar.org. Unless otherwise specified, all checks for lunches and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquarters, 1101 Market St., 11th fl., Philadelphia, PA 19107-2955. Send Bar Association-related calendar items 30 days in advance to Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., Philadelphia, PA 19107-2955. Fax: (215) 238-1159. Email: jlyons@philabar.org.
Diversify to Mitigate Rising Interest Rate Risks

Since the recent financial crisis, with the help of the Federal Reserve, the United States has experienced an extended period of low interest rates. However, as the economy continues to slowly strengthen, the low-interest-rate party could be drawing to an end. In this month’s interview, we sat down with E. William Stone, chief investment strategist for PNC Wealth Management® and PNC Institutional Investments®, to discuss how investors might want to adjust their approach toward bonds given this changing environment.

How has the extended low-interest rate environment affected fixed-income returns?
For the past three decades, declining interest rates have pushed bond prices higher, driving the majority of fixed-income returns. Investors benefited from declining rates across traditional fixed-income sectors, including safe-haven-type products. Interest rates have been kept unusually low by the Fed, which stepped in after the financial crisis and during the Great Recession. What happens if interest rates rise, as we are starting to see now? An increase in interest rates could wipe out a fixed income investor’s return. As of June 30, 2013 for example, a 33-basis-point spike in interest rates cancels out the income of the 10-year Treasury Bond. This suggests that core bond allocations could have overly concentrated interest-rate risk.

What can investors do to help mitigate that interest rate risk?
Diversification is an important part of portfolio construction. Additionally, research has shown the benefit to diversifying within an asset class. A review of the historical returns across different sectors of bonds would illustrate how returns differ and a portfolio can benefit from diversification. Rotations within fixed income may be as important to investors as rotations in and out. Ultimately, we believe fixed income investors can, with prudence, better manage risks through a long-term approach to investing and strategic diversification. Again we remind investors of the importance of fixed income to portfolios for preservation of capital, income, and low correlations to stocks, to name just a few considerations. It is important for fixed-income investors to be vigilant and to be mindful of the changing markets.

How has inflation -- or lack thereof -- affected the U.S. economy?
Inflation has remained low and has been falling for more than a year. Per PNC Economics Team, the Federal Open Market Committee would like to see a pickup in inflation for three reasons. First, higher inflation would reduce after-inflation interest rates, making monetary policy more effective. Second, slightly higher inflation would make consumers and businesses a bit more willing to spend in the near term to avoid higher prices in the future, boosting near-term growth. Finally, higher inflation would allow wages in inflation-adjusted terms to fall more quickly, increasing the demand for workers and spurring a faster recovery in the job market.

Do you believe the Fed will alter its support of the economy now that recovery seems to be underway?
We believe the Fed will continue to support the economy as necessary until the economy can grow and function without additional monetary policy accommodation. This should lead to further credit spread tightening over the short- to intermediate-term.

Should investors be prepared to adjust their fixed-income portfolios given the changing interest rate environment?
Given our belief that the economy will continue to improve, strategies that protect against the risk of rising rates will become increasingly important. While we do not necessarily believe interest rates will move markedly higher in the near term, rate volatility has certainly increased, and we expect that the downside risk to holding excessive duration will increase the longer rates remain low. We believe it makes sense to further hedge against this risk while maintaining the ability to participate in upside credit potential.

What is your general outlook for the U.S. economy over the near term?
Our view remains that the U.S. economy will continue to avoid recession, but growth will continue to be modest. Stocks in this environment may continue to provide attractive relative returns as single-digit intrinsic earnings gains are bolstered by stock buybacks and dividend yield. This economic growth should continue to move interest rates higher over time, while benefiting those with credit exposure. The rise in interest rates has always been an eventuality, and continues to be, while we do not expect a steep rise in the near term. The Fed is not expecting rates to rise meaningfully anytime soon. But perception and markets tend to anticipate events, so we believe it is prudent to consider future moves and prepare for them.

Debra Jensen, Michael McGurrin and Michael Malvey of Galfand Berger, LLP presented a Labor Law workshop on July 22 as part of The District 10 Conference of the United Steelworkers in Atlantic City. McGurrin also presented “Privacy and Electronic Medical Records” at the summer’s Pennsylvania Department of Labor and Industry annual Worker’s Compensation Conference on June 11.

James J. Sullivan Jr., a shareholder with Buchanan Ingersoll & Rooney, has been appointed as employer co-chair of the American Bar Association’s Employment Law Section’s Occupational Safety & Health Committee.


Michael E. Bertin, a partner with Obermayer Rebmann Maxwell & Hippel LLP, co-presented at the Pennsylvania Bar Institute’s CLE program “Evidentiary Challenges in Family Law – Traditional and Electronic Communications.”

Nancy Winkler, a partner at Eisenberg Rothweiler Winkler Eisenberg & Jeck P.C., recently spoke about representing catastrophically injured infants and adults at the CLE “How to Effectively Quantify Economic Damages in Personal Injury and Medical Malpractice Cases.”

Francine Friedman Griesing, managing member of Griesing Law, LLC, was recently selected as a 2013 Hall of Fame Bravewinner by SmartCEO magazine.

Priscilla J. (Saty) Mattison, of counsel to Bernard M. Resnick, Esq., P.C., has earned the LEED AP® Homes professional credential.

Mary Cushing Doherty, a partner with High Swartz LLP, recently served as moderator on the Ethics Panel of the Pennsylvania Bar Association’s Family Law Section Summer 2013 Meeting held at Gaylord Resort, National Harbor, Md.

Barbara T. Sicalides, a partner with Pepper Hamilton LLP, has been selected as a member of the 2014 DirectWomen Board Institute.

Daniel JT McKenna of Ballard Spahr LLP has been selected to receive the 2013 Sandra Day O’Connor Award for Professional Service by the American Inns of Court.

Craig Circosta, a partner with Ballard Spahr LLP, has been elected chair of the Board of Directors of Kids Smiles, Inc.


WLD Presents Tuition, Book Fund Scholarships

The Foundation of the National Bar Association Women Lawyers Division, Philadelphia Chapter, has presented its Justice Juanita Kidd Stout Tuition Scholarship to Angela Middleton, a second-year student at Rutgers School of Law – Camden. The WLD presented its Sadie T.M. Alexander Book Fund Scholarships to Diepriye Anga, a third-year student at the University of Pennsylvania Law School; Alithia Lubin, a second-year student at Earle Mack School of Law at Drexel University; Jessica Mann, a second-year student at Earle Mack School of Law at Drexel University; Nicole Simpson, a third-year student at Temple University Beasley School of Law; Sathima Jones, a second-year student at Temple University Beasley School of Law; and Tiera Fletcher, a third-year student at Villanova University School of Law. The WLD Foundation scholarship awards are made to current African American female law students who display financial need, academic excellence and a demonstrated commitment to the principles of Justice Stout and Sadie T.M. Alexander.

Board of Governors Treasurer Wesley R. Payne IV welcomes new citizens at an Aug. 15 naturalization ceremony at U.S. District Court. Judge Mitchell Goldberg (right) presided over the ceremony, where 97 people from 45 countries became new citizens. U.S. District Court Judge Juan R. Sanchez (left) also addressed the new citizens at the event, sponsored by the Philadelphia Bar Association.
Philadelphia’s Employment Lawyers

FOR MORE THAN 30 YEARS, Sidney L. Gold & Associates, P.C. has dedicated its practice to the field of employment law and civil rights litigation. The firm’s attorneys take great pride in serving both aggressive and compassionate advocates for victims of unlawful discrimination and harassment. As a result, the Martindale-Hubbell® Bar Register has certified Sidney L. Gold & Associates as a pre-eminent law firm in the field of labor and employment law. More than 4,500 lawyers throughout Pennsylvania and New Jersey look to Sidney L. Gold & Associates to refer their clients.

With a team approach, the firm’s attorneys represent clients in all aspects of employment law litigation, including all forms of workplace discrimination, sexual harassment, wrongful termination, retaliation, whistleblower, employment contract, wage and hour, and Family and Medical Leave Act claims. A boutique practice with a small-firm atmosphere, Sidney L. Gold & Associates provides personal attention to its clients, who, at the same time, benefit from the experience and expertise of the entire team.

Sidney L. Gold & Associates is proud of its skilled attorneys and is honored by the recognition Super Lawyers® has bestowed upon this year’s recipients.

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