Advancing Civics Education Training

David Keller Trevaskis (above) and Christopher J. Lowe (right) were among the lawyers training attorneys and judges for the Association’s Advancing Civics Education program on Aug. 6. The program will send Bar members into 9th-grade classrooms this month to teach civics lessons. Other sessions were held Aug. 14 and Aug. 19. More than 150 attorneys and judges attended the training sessions. Among those attending the Aug. 6 session were City Solicitor Shelley R. Smith and Pennsylvania Superior Court Senior Judge James J. Fitzgerald Ill.

13 Credits Available at Conference Sept. 19-21

Plenary sessions on the 2008 presidential campaign, diversity and the representation of high-profile clients and a collection of all-star education panels highlight the 2008 Bench-Bar and Annual Conference on Sept. 19 - 21 at Bally’s Atlantic City.

In addition to the more than 20 CLE seminars being offered, members can enjoy a concert event on Saturday, Sept. 20 featuring The Stylistics and Soul Survivors.

The Bench-Bar and Annual Conference brings together the legal community for continuing legal education seminars and provides an opportunity to foster the working environment between attorneys and judges.

For more information, check out the Bench-Bar and Annual Conference preview guide in this edition on Pages 11-14.

In This Issue

3 Chancellor’s Forum
8 Ensuring Fairness
9 Opinion Published
10 YLD Honored
15 Bylaw Amendment
21 Message of Hope

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Used by more than 25,000 Lawyers, Legal Support Staff, Government and Court Officials.
Throughout my legal career, I’ve heard grumblings from my friends in the public bar about how the Philadelphia Bar Association wasn’t for them. Sure, they acknowledged the Bar’s national reputation, but the feeling was that it was made up mostly of firm lawyers and was geared towards servicing firm practitioners first and foremost. Although I’d like to believe that thinking has changed some, there remain scores of public interest and government lawyers in Philadelphia who still feel like they’re on the sidelines when it comes to the Bar Association.

As Chancellor, I view one of our primary public relations responsibilities is to proclaim loudly that the public bar has a place at the table here, and to ensure we are open, responsive and fully committed to serving the interests of every segment of our legal community. You’ve heard a lot about diversity this year. For me, diversity within the Bar Association means not only inclusion based on race, gender, age or sexual orientation. It means that the Bar Association must be representative of the entire legal community, reflecting the diversity of interests and perspectives of our government and public interest members. Today’s Bar Association is firmly committed to the value that the public bar brings wherever possible.

By A. Michael Pratt

DA, Commissioner at Sept. 10 Forum

District Attorney Lynne M. Abraham and Police Commissioner Charles H. Ramsey will be among the panelists for the Sept. 10 Chancellor’s Forum “Crime and Punishment – The Philadelphia Story.”

Abraham and Ramsey will be joined by Everett Gillison, deputy mayor for public safety; Mark Harrell of Men United for a Better Philadelphia; and David Rudovsky, senior fellow at University of Pennsylvania Law School. The panel will be moderated by Chris Satullo of The Philadelphia Inquirer.

The panel will discuss the problems and challenges surrounding the issue of crime and punishment in Philadelphia and the ways in which community and civil rights groups can work with law enforcement to reduce crime in the city. Abraham has served as district attorney since 1991. The Philadelphia native graduated from Germantown High School in 1958, Temple University in 1962 and Temple Law School in 1965. She served as an attorney in the regional counsel’s office of the U.S. Department of Housing and Urban Development (1965-1967); assistant district attorney in Philadelphia (1967-1972); executive director of the Philadelphia Redevelopment Authority (1972-1973); legislative consultant for Philadelphia City Council (1974-1976); and Philadelphia Municipal Court judge (1976-1980). Immediately prior to election as district attorney, she was a judge on the Philadelphia Court of Common Pleas (1980-1991) where she presided over homicide and major felony trials.

Commissioner Ramsey was appointed by Mayor Michael Nutter on Jan. 7. He was the chief of the Washington, D.C., Metropolitan Police Department from April 1998 to December 2006. He was the second longest-serving chief in department history. A native of Chicago, Ramsey began his career in 1968 at the age of 18 as a Chicago Police cadet. He became a police officer in February 1971, and was promoted through the ranks, eventually serving as commander of patrol, detectives and narcotics units. In 1994, he was named deputy superin- tendent of the Bureau of Staff Services, where he managed the department’s education and training, research and development, labor affairs, crime prevention and professional counseling functions. The forum begins at 12:15 p.m. in the 11th Floor Conference Center of Bar Association headquarters, 1101 Market St. There is no charge for lunch, but registration, which begins at 11:45 a.m., is required.

Clearing the Record

Tell Us What You Think!
The Philadelphia Bar Reporter welcomes letters to the editors for publication. Letters should be typed. There is no word limit, but editors reserve the right to condense for clarity, style and space considerations. Letters must be signed to verify authorship, but names will be withheld upon request. Letters may be mailed, faxed or e-mailed to: Jeff Lyons, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, Pa. 19107-9955. Phone: (215) 238-6345. Fax: (215) 238-1159. E-mail: reporter@philabar.org.

The Philadelphia Bar Reporter (ISSN 1099-5352) is published monthly and available by subscription for $45 per year by the Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, Pa. 19107-9955. Periodicals postage paid at Philadelphia, Pa. POSTMASTER: Send address changes to Philadelphia Bar Reporter, c/o Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, Pa. 19107-9955. Telephone: (215) 238-6300. Association Web site: philabar.org. The editorial and other views expressed in the Philadelphia Bar Reporter are not necessarily those of the Association, its officers or its members. Advertising rates and information are available from Howard Hyatt, executive director of Community Legal Services and Matthew Regional Housing Legal Services and Friends of Farmworkers. Judy Berkman of Regional Housing Legal Services and Matthew Perkins of the District Attorney's Office are all members of the Board of Governors. Michael J. Carroll of Community Legal Services just finished his term as editor in chief of The Philadelphia Lawyer magazine. Others have also contributed greatly to our committee and sections. But, to be honest, while there are notable exceptions, the continued on page 21
The Board of Governors has approved a resolution to amend the Association’s bylaws following a review and recommendations by the Charter and Bylaws Committee.

Committee Co-Chair Rudolph Garcia said Chancellor A. Michael Pratt asked the Committee to conduct a comprehensive review of the bylaws to see if there were any provisions that needed to be improved. The action came at the Board’s July 31 meeting.

The changes to the bylaws included Section 104 (expulsion or suspension of members); 208 (makeup of the Board of Governors); 210 (Board procedure and quorum); 211 (general powers of the Board); 213 (the Cabinet); 215 (vacancy in office); 304 (quorum at meetings); 504 (indemnification and limitation of liability); 602 (Commission of Judicial Selection and Retention); 1002 (representation of the Association, committees and sections).

The Board also appointed the following members to the Elections Committee: Jane Leslie Dalton (chair), Ronald A. Kovler, A. Harold Dutz, Albert S. Dandridge III, Karen Detamore, Nadeem A. Bezat, Vernon L. Francis, Jacqueline G. Segal, Danielle Banks Spearman, May Mon Post and Marsha L. Levick. Association Secretary Kathleen D. Wilkinson serves as a non-voting member as do Chancellor A. Michael Pratt, Chancellor-Elect Sayde J. Ladov, Vice Chancellor Scott F. Cooper and Board Chair Stephanie Resnick.

The Board also approved the appointment of James Backstrom to the editorial board of The Philadelphia Lawyer magazine.
CEAS to Help Businesses in Wake of Emergencies

By Brett Schaeffer

The July 27 Chinatown power outage, which affected nearly 300 homes and businesses, brought the issue of emergency management and access to the forefront for Philadelphia’s Center City community.

Thanks to a new public-private partnership, local businesses now have an important emergency management tool at their disposal.

The Corporate Emergency Access System allows designated employees access to restricted areas following a disaster or serious emergency by using a secure identification card, recognized by police, through a partnership and formal agreement with state and/or local government authorities. A cardholder can enter to perform essential tasks, such as assess damage, power down networks, and remove critical business assets, said Liam O’Keefe, the assistant managing director of emergency management in the city’s office of the managing director, during a July 31 presentation before the Association’s Disaster Planning Committee.

“The card is meant for you to get into [your] facility, do what you have to do, and get out,” said O’Keefe, who is working to increase enrollment in the program through Philadelphia and the surrounding counties.

The program is beneficial to businesses because it allows for rapid recovery of critical assets and records, restoration of critical operations and customer services, and the ability to minimize financial loss, he said. The benefits for local government are rapid recovery and the ability to limit long-term financial impact. O’Keefe said the program costs the city nothing.

CEAS in New York City, Boston, Buffalo, N.Y. and a handful of other East Coast cities and counties. Costs for the CEAS program are borne by program participants, said O’Keefe. Rather than charge a yearly fee to participating companies, all costs associated with the program (e.g., application management, card producing and training) are built into the cost of the cards. This allows costs to be distributed equitably, with smaller businesses paying a relatively lower fee for their few employees and larger companies paying more, commensurate with their number of critical employees, according to CEAS.

The CEAS is typically implemented 24 to 48 hours after an emergency — once an area is deemed safe by the first responders, O’Keefe said. Members are alerted via a text message to their phone, through posting the city’s and the CEAS Web site, and by media alerts.

O’Keefe encouraged attorneys to look into the program for their firm. The number of cards issued per firm is based on the size of the firm.

What if an attorney needs access to a client’s office? “If your client deems you so critical to be in that office following an incident, they are responsible for acquiring a card for you,” O’Keefe said.

Enrollment in the CEAS program is now open. Businesses can enroll online at ceas.com, or by calling the 888-353-2638. More information about the program is available online at readyphiladelphia.org.

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Podcast Spotlight

Visit philadelphiabar.org to listen to the podcast from this program.

WebCheck

For more information on disaster planning, visit philadelphiabar.org.

Phan Named Association’s Director of Communications

Martha Phan, former director of creative services at Temple University, has joined the Philadelphia Bar Association as the new director of communications and marketing. She began work Sept. 2.

In her new role at the Bar, Phan will work closely with leadership to develop speeches and strategic communications goals. She will also direct the four-person communications staff, who provide public relations, Web communications and editorial/design support of the Bar Association’s monthly newspaper and quarterly magazine. “I look forward to meeting and serving the many members of the Philadelphia Bar Association,” said Phan. “My goal is to provide a strategic direction to the excellent work already in place and find new ways to integrate our services. We want to be not only responsible to members’ needs, but proactive in our approach.”

Phan has extensive expertise in media relations and marketing communications, with a master’s degree in journalism from the University of Maryland at College Park and a bachelor’s degree in English from Westminster College. Most recently she spent 3½ years at Temple University.

Martha Phan

transforming a reactive print production shop into an award-winning strategic marketing communications operation. In spring 2008, she won a Gold Circle of Excellence Award from the national Council for Advancement and Support of Education for overall publications program improvement, among other awards.

Previously, as director of marketing continued on page 19
Chancellor A. Michael Pratt has tapped attorneys David Hyman and Denise Joy Smyler as the Association’s government relations counsel for interests before city government.

“Denise and David will represent the Association in government relations matters involving the city. They are both experienced and skillful attorneys and will do a wonderful job for us,” Pratt said.

“Denise and David are experienced and highly respected individuals who will further our overall legislative program,” said Association Executive Director Kenneth Shear.

Smyler, founding attorney of Smyler and Gentile, is no stranger to city government. She served as an assistant district attorney from 1987 to 1993. After a brief stint in private practice doing civil defense litigation, Smyler worked as legal counsel to the Philadelphia Prison Commissioner Frank Hall in 1995. She was then appointed chief legal counsel to the Philadelphia Police Commissioner Richard Neal and his staff from 1996 to 1997. While serving as counsel to the prison commissioner and police commissioner, Smyler addressed numerous labor issues with city unions. She advised and represented the city in state and federal court proceedings relative to labor matters and worked on drafting and negotiating contracts on behalf of city agencies.

Smyler returned to the private sector with an enhanced understanding of city government, department operations and labor relations.

Smyler has served as a member of the Hearing Committee of the Disciplinary Board of the Supreme Court of Pennsylvania; as a barrister on the University of Pennsylvania’s Inns of Court; as a member of the Philadelphia Bar Association’s Board of Governors; on the advocacy board of Planned Parenthood of Southeastern Pennsylvania and as a member of the Barristers’ Association of Philadelphia. Smyler presently serves as a member of the Bar Association’s Investigative Division of the Commission on Judicial Selection and Retention; the Philadelphia Historical Commission; the Board of the Defender Association of Philadelphia; the board of Pennsylvanians for Modern Courts; and as Gov. Rendell’s representative on the board of the Southeastern Pennsylvania Transportation Authority.

Smyler acquired her juris doctor from Georgetown University Law Center in 1987. She received a full academic scholarship to attend New York University, which enabled her to complete her undergraduate studies, receiving a bachelor of science degree in accounting, with a minor in marketing.

Hyman has been actively involved in many civic and political organizations. He has served as chair of the board that oversees the Philadelphia Gas Works, the Pennsylvania Gas Works; the Pennsylvania Public Utility Commission; the Pennsylvania Public Utilities Commission; and the Philadelphia Police Department.

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Step Out of Comfort Zone, Bar Leaders Urge Women

By Dori Desautel Broudy

Committee members of the Women in the Profession Committee recognized the necessity of hard work, as within their firms; in so doing, they identified areas of both personal interest and professional gratification as a means of determining those committees on which to serve, and participating in a capacity which would be most fulfilling on both fronts. While it is important not to burn any bridges, Ladov said, “It is more important to build a bridge.”

Panelists also described their own experience of rising to leadership positions within the Bar Association as well as within their firms; in so doing, they recognized the necessity of hard work, perseverance and a willingness to embrace whatever the task at hand may be. Even those situations where membership in a particular committee, or involvement on a particular project, may not appear to be directly related to one’s job or membership, it still presents an opportunity to demonstrate skills and competence as well as the ability to excel at what ultimately interests her the most, Talley said.

Ginensky also emphasized the importance of being a good firm or company citizen, showing leadership qualities and a desire to act for the benefit of the entire organization. When the discussion turned to mentoring, the panelists recognized its value, but added that assessing whether someone would be an appropriate mentor is a significant but important step. Ladov recommended seeking someone who has “stood in the same shoes,” and with whom one shares a high comfort level.

Ginensky added that mentors can be identified within an existing work environment who would be able to provide valuable career and professional development opportunities. Talley explained the importance of having mentors both within and outside of work, noting that the types of mentors will vary throughout different stages of personal and professional life.

The discussion concluded with an emphasis on the importance of embracing public service as another means of finding both personal and professional fulfillment.

Dori Desautel Broudy is an associate with White and Williams LLP.

Cozen O’Connor Congratulates Thomas G. Wilkinson, Jr., Newly-Elected President, Pennsylvania Bar Institute

Our firm congratulates Thomas G. Wilkinson, Jr., newly-elected president of the Pennsylvania Bar Institute. We know that Tom will bring the same level of commitment and leadership to this important education association as he has brought to his clients and our firm.

Tom is a frequent lecturer and author on civil litigation and professional responsibility topics and is a lead editor of the Pennsylvania Ethics Handbook. He is also an adjunct professor at Villanova University School of Law and the membership chair for its J. Willard O’Brien American Inn of Court. Tom has been recognized as a Pennsylvania “Super Lawyer.”

Throughout his career, Tom has taken on significant leadership roles. He recently completed a three-year term on the board of governors, Pennsylvania Bar Association, and has held various leadership positions in the Philadelphia Bar Association, including his current service as co-chair of the State Civil Litigation Section. Tom has also served as Judge Pro Temp of Commerce Court.

We extend our best wishes for success to both Tom and the Pennsylvania Bar Institute.

Cozen O’Connor
Pennsylvania courts have taken steps to ensure that its citizens, regardless of race, ethnicity or gender, are treated fairly within the court system, Philadelphia Court of Common Pleas Judge Ida K. Chen told members of the Minorities in the Profession Committee on July 31.

Many Pennsylvania counties have undergone a shift in the racial and ethnic origin of its residents, thus creating language barriers in the court system. Fair access to the judicial system can be a significant problem for those with language and cultural differences, Judge Chen said. She explained that Pennsylvania has played a significant role in addressing these problems by initiating a formal court interpreter system and providing training for judges and court employees.

In 2006, Judge Chen, the chair of the Interpreter Services Committee, witnessed the signing of Senate Bill 669 into law, which established a certification system for court interpreters and mandated that interpreters be provided in certain court proceedings. Judge Chen said that the use of interpreters has been extremely beneficial in the family court system where there are a large number of self-represented litigants. Breaking language barriers in the court is critical when dealing with legal matters such as protection from abuse, child custody, support or divorce. Judge Chen explained that judges and practitioners should take steps to ensure that the right to due process is not jeopardized.

Judges, practitioners and court employees can work together to ensure that effective measures are taken to foster and encourage equality in the courts, Judge Chen said. She explained that being an effective judge means leveling the playing field by ensuring that all parties understand and participate in the legal proceeding. Being an effective judge also means ensuring that cultural misinformation and stereotypes do not affect the rendering of a decision. In terms of dealing with interpreters, Judge Chen stated that practitioners should speak in short phrases and pause in between phrases when using an interpreter service. Also, counsel should make a request for an interpreter in advance of the trial date. With regard to court officers, she explained that Pennsylvania courts have adopted protocols to educate court employees (such as court clerks and judicial aides) on how to interact with interpreters, including courtroom set up and appropriate positioning of the interpreter.

To ensure that all citizens of Pennsylvania are treated equally and fairly within the court system, Judge Chen stressed the importance of training for judges, practitioners and court employees. The Supreme Court Committee on Racial and Gender Bias in the Justice System began educating state trial judges about the cultural issues in domestic violence and sexual assault cases. The first training session was conducted during the judges’ summer conference in July 2007. Judge Chen served as a member of the faculty. Similar training is planned for trial court employees.

Regina Parker, an associate with Mattioni, Ltd., is an associate editor of the Philadelphia Bar Reporter.
By Charles J. Klitsch

The Philadelphia Bar Association and the Tax Section were instrumental in having the important opinion of the Commonwealth Court in Braddock et al. v. Sullivan Plumbing, Inc. published.

On April 18, 2008, the Commonwealth Court issued a memorandum opinion in Braddock Borough and Central Tax Bureau of Pennsylvania, Inc. v. Sullivan Plumbing, Inc., holding that, under certain circumstances, the doctrine of “estoppel by laches” may be applied against a taxing authority to preclude the collection of taxes if the taxing authority is guilty of “want of due diligence to institute an action to the taxpayer’s prejudice.”

In the Braddock opinion, the Commonwealth Court distinguished the Supreme Court’s 1954 opinion in Commonwealth v. Western Maryland Railway Co., which held that, where a taxing authority failed to previously collect taxes, the doctrine of estoppel by laches would not apply to prevent the taxing authority from pursuing taxes for the future.

As Braddock was issued as a memorandum opinion, however, the reasoning of the Commonwealth Court could not be relied upon in advice given to clients or in legal briefs filed on behalf of taxpayers or state and local taxing authorities.

“Having an important piece of analysis in memorandum opinion form hinders a lawyer in best representing a client,” said Joan Arnold, chair of the Association’s Tax Section. In addition, she said, having an unsettled area of tax law is detrimental to the orderly application of the law by the taxing authorities.

The Council of the Tax Section recognized the opportunity to petition the court to have the decision released as a published decision, and also recognized that the petition had to be filed within 30 days of issuance. “As a Tax Section we believed that the motion would carry the most weight if it were submitted on behalf of the Philadelphia Bar Association rather than just the Tax Section, or our individual members,” said Arnold. So, on an expedited basis, the Tax Section sought the support of bar leadership to file a motion for publication in Commonwealth Court. “We knew that we were asking non-tax lawyers to absorb the issue and its importance to tax practitioners and taxpayers and decide to support us in a very compressed time frame.”

Responding to Arnold’s request, Chancellor A. Michael Pratt called an emergency meeting of the Board of Governors. The Board gave its approval for the Association to petition Commonwealth Court for publication.

Recently, the Association received word that Commonwealth Court Judge Doris A. Smith-Ribner issued an order designating the memorandum opinion in the Braddock case as a reported opinion.

“This is a prime example of the benefits that are provided to our profession by the Bar Association. The decision directly impacts our ability to best represent our clients.”

Charles J. Klitsch is director of public and legal services for the Philadelphia Bar Association.

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Section Helps Get Braddock Opinion Published

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YLD Honored by ABA for Law Week Program

The Young Lawyers Division has received two first-place awards from the American Bar Association’s Awards of Achievement program.

The program identifies and recognizes the outstanding and innovative programming implemented throughout the country by YLD affiliates.

The honors came for Legal Advice Live! In the single project/service to the public category and the YLD eZine in the newsletter category.

Legal Advice Live! was a free, daylong ask-a-lawyer event spanning across Philadelphia on April 30. Dozens of Philadelphia attorneys gathered on Independence Mall to provide free, in-person legal advice. Attorneys provided answers to legal questions on a broad range of topics, including landlord/tenant law, divorce and child custody matters, wills and estate planning, real estate law and employment law. Volunteer attorneys also offered free legal advice at Free Library of Philadelphia branches in South Philadelphia and the city’s Tacony section. Legal Advice Live! was just part of the YLD’s outreach efforts during Law Week from April 28 to May 1.

“These awards reflect the outstanding commitment that our young lawyers have to the profession and to the public. Our Young Lawyers Division has historically been and continues to be one of the best in the country,” said Chancellor A. Michael Pratt. Judging for the awards was based on well-rounded/balanced nature of overall bar programs, degree of growth or change, achievement of goals/impact, degree of participation by members and originality of activity. Judging took place at the ABA YLD’s Annual Meeting in New York City last month.

Elections Committee Formed; Vote Set for Annual Meeting Dec. 8

The Philadelphia Bar Association has formed its first Elections Committee. Pursuant to a change in the Association’s Bylaws, the Elections Committee, which replaces the Nominations Committee, is chaired by Immediate-Past Chancellor Jane Leslie Dalton and consists of Ronald A. Kovler, A. Harold Datu, Albert S. Dandridge III, Karen Detamore, Nadeem A. Bezar, Vernon L. Francis, Jacqueline G. Segal, Danielle Banks Spearman, May Mon Post and Marsha L. Levick. Association Secretary Kathleen D. Wilkinson serves as a non-voting member as do Chancellor A. Michael Pratt, Chancellor-Elect Sayde J. Ladov, Vice Chancellor Scott E. Cooper and Board Chair Stephanie Resnick.

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

Association members may become candidates for any of these offices by filing with the Secretary, at least 60 days prior to the Dec. 8, 2008 Annual Meeting, nominations in writing which, for candidates of the Board, must be signed by at least 25 members who are entitled to vote; for candidates for Secretary, Treasurer, Assistant Secretary and Assistant Treasurer, shall be signed by at least 35 members who are entitled to vote; and for candidates for Vice-Chancellor, shall be signed by at least 100 members who are entitled to vote.

Individuals who wish to be nominated for any of the above-named offices should contact Staff Counsel Brian Sims, Esq. at bsims@philabar.org for additional information.

YLD Honored by ABA for Law Week Program

Young Lawyers Division Vice Chair Brian S. Chacker offers advice during Legal Advice Live! on April 30 at Independence Mall.
Stylistics to Bring Philly Sound to Annual Conference on Sept. 20

Legendary Sound of Philadelphia stars The Stylistics will be the headline performers at the Association’s Bench-Bar and Annual Conference on Saturday, Sept. 20 at Bally’s Atlantic City.

The Stylistics, who recorded hits like “You Make Me Feel Brand New,” “You Are Everything,” and “Betcha By Golly, Wow” were formed in Philadelphia in 1966 with members of The Percussions and The Monarchs.

According to the group’s Web site, when members from each group were drafted or went on to further their education, the remaining members under the guidance of their English teacher, Beverly Hamilton, joined forces and changed the name to “The Stylistics.” Their first song, “You’re a Big Girl Now,” was recorded at Virtue Recording Studio in Philadelphia. It was soon picked up in the tri-state area and before long, it became a number-one hit in Philadelphia and a few other cities. After the success of “You’re A Big Girl Now,” the group followed with a self-titled album, which contained “Stop, Look, Listen to your Heart,” “You Are Everything” and “Betcha By Golly Wow.” The success of the first album was phenomenal for that time along with an unheard release of six singles in total.

Herbert Murrell and Airrion Love are the remaining original members of The Stylistics. Friends since junior high school, they have managed to keep their institution of 1970s music alive. The group’s other current members are Harold Eban Brown and Van Fields.

Also performing at Saturday’s Tastes and Sounds of Philadelphia Dinner and Concert will be Soul Survivors.

CLE Seminars for Everyone at Bally’s

More than 20 CLE seminars and 13 CLE credits are available for attorneys attending the Association’s Bench-Bar and Annual Conference on Sept. 19 through 21 at Bally’s Atlantic City.

“There’s going to be something for everyone at the conference,” said Chancellor A. Michael Pratt. “No matter what your practice involves or if you’re in private practice or working for the city or state. There will be compelling programs and plenty of networking opportunities. I urge everyone to attend. It’s going to be the best conference we’ve ever had.”

The conference will also feature a grand reception on Friday, Sept. 19 and a dinner and concert performance on Saturday, Sept. 20.

Race and the Law: Conversations About Diversity

Vernā Myers will lead a multimedia and interactive discussion on diversity in the legal field to kick off the conference on Friday, Sept. 19. First-person examples from a variety of different perspectives will be shared to illustrate key points, in addition to a panel discussion with diverse participants. The session is designed to generate discussions regarding the variety of diversity issues in the workplace.

A discussion on diversity will be continued on page 12
Conference Schedule

Friday, Sept. 19
9:30 a.m..............................................................................................................Registration
11:15 a.m. .......................................................................................... Lunch and Conference welcome
12:15 p.m............................................................... Race and the Law: A Conversation About Diversity
1:15 p.m......................................................................................... Break
1:30 p.m ......................................................................................... Continuation of Opening CLE
2:30 p.m ......................................................................................... Break
2:45 p.m......................................................................................... Break
3:45 p.m......................................................................................... Break
4 p.m........................................................................................................CLE seminars
• Closing Arguments - Telling the Story: A Review of Techniques and Strategies
• White Collar Crime: Examining Prosecutorial Discretion
• Beyond Ponies and Puppies: Does Child Preference Tip the Balance in Philadelphia County?
• Pharmaceutical Product Liability Litigation: Preemption and the Future
• The Credit Crisis: Here We Go Again

Saturday, Sept. 20
8 a.m........................................................................................................Breakfast and registration
9:30 a.m........................................................................................................CLE seminars
• Views from the Bench: What Judges Look for in Criminal Court Cases
• Petitions for Special Relief in Divorce Actions
• Controlling Your Sleuth
• How Your Competitors and Clients are Utilizing Contract Attorneys and Why
• The Commerce Court’s Abramson Protocols

Sunday, Sept. 21
8:45 a.m........................................................................................................CLE seminars
• Online Technology: How to Get It and How to Get In It
• Insights Into Key Software License Agreement Issues
• Developing a Successful In-House ADR Program
• Verdicts and Settlement Trends In Common Pleas Court
• IP – It’s Not PI Backwards!
9:45 a.m.........................................................................................................Breakfast and Closing Plenary
• Caught in the Public View: Representing High Profile Clients

The Credit Crisis
The Securities Regulation Committee will present this program with panelists Anthony Creamer and Greg Miller, sponsored by Navigant Consulting. The panel will provide an update on prominent cases along with an explanation of some pervasive financial accounting issues that inform the cases.

Views from the Bench: What Judges Look for in Criminal Court Cases – Dos and Don’ts
This CLE looks at things from the bench’s perspective and allows lawyers valuable insight into what judges like and dislike when trying a criminal case. It is an invaluable way for attorneys to hear directly from judges as to what works and what doesn’t work when trying cases in Common Pleas Court. Panelists for this Criminal Justice Section program include Philadelphia Court of Common Pleas President Judge C. Darnell Jones II and Common Pleas Court Judges Harold M. Kane and Sheila Woods-Skipper and moderator George H. Newman.

Petitions for Special Relief in Divorce Actions
Prothonotary Mark Allewa, David J. Steermer, Court of Common Pleas Judge Nina Wright Padilla and moderator Megan E. Watson will offer a discussion on interim partial distribution, anti-dissipation issues, exclusive possession and judicially forced home sales in this seminar from the Family Law Section.

Controlling Your Sleuth
Can your investigator do things that you are ethically prohibited from doing? What do you do if your investigator crosses the line and provides you with very helpful information that you aren’t supposed to have? Learn about what is and isn’t permitted and what you can do if things get out of hand. This Professional Guidance Committee program is sponsored by StuMar Investigations with panelists Hope Comisky, Stuart Drebnny, Chancellor-Elect Sayde J. Ladov and Association Assistant Executive Director Paul Kazaras.

How Your Competitors and Clients are Utilizing Contract Attorneys and Why
Understand why more law firms and corporate legal departments are utilizing contract lawyers to staff substantive and document review projects. Gain an understanding of the professional responsibilities and practical considerations of using contract lawyers in your work force to provide the best client service. This seminar is presented by the Law Practice Management Division with panelists James LaRosa, Benjamin R. Barnett, Tobias Millrood, Jonathan Shub and Stephanie Blair and is sponsored by Jurisstaff.

The Commerce Court’s Abramson Protocols
The Business Litigation Committee and the Alternative Dispute Resolution Committee program will present this program with panelists Joseph C. Crawford, Robert W. Jozwik, Judge Diane M. Welsh and Philadelphia Court of Common Pleas Judge Howland Abramson. The nuts and bolts of this unique and highly-regarded approach will be examined by those who know it best. Come and learn more as we “show you the way” to easily take advantage of Philadelphia’s best kept ADR secret.

My First Philadelphia Common Pleas Trial
This State Civil Litigation Section and Young Lawyers Division seminar is designed to provide lawyers of all ages with a brief outline of the trial process in the Court of Common Pleas, including judicial insights, local peculiarities, practice tips and a top-10 list of dos and don’ts. Panelists include Court of Common Pleas Judges Daniel J. Anders, continued on page 13
Patricia A. McNerny and Jacqueline Allen along with Scott Reid, Carolyn M. Chopko and moderator Heather Herrington.

So Similar and Yet So Different - Perspectives on the Similarities Between Practicing in State and Federal Court

Listen as a judge who has served in both courts and two private practitioners who practice criminal and civil litigation in both courts give their views, along with some practical pointers, on the similarities and differences between the practices in each court. This discussion is designed to remove any fears and misconceptions of those who normally practice in one of these courts about handling a matter in the other. This Federal Courts Committee program features U.S. District Court Judge Petrese B. Tucker, Federal Courts Committee Chair Charles S. Marion and Jeffrey M. Lindy.

Addressing Environmental Issues Airing in Real Estate Transactions and Development

The gauntlet of environmental problems applicable to real estate continues to grow, both in terms of their numbers and their impacts on use and development. This Real Property Section session will discuss identification of common environmental problems associated with real property and will explore how to resolve or litigate them. Panelists are Michael L. Krancer, Christine Paul and Paul M. Schmidt.

Have the Courts Really Become More Business Friendly?

The U.S. Supreme Court recently decided to shift the playing field and overrule 100 years of legal precedent barring agreements between manufacturers and their resellers to set the minimum price charged by the resellers to their customers. The opinion in the case makes clear that setting a minimum resale price is not now automatically legal. Congress and state attorneys general have been talking as if they might not go along with the Supreme Court. How have the lower courts responded on the resale price issue and other antitrust matters? Are they following the trend set by the Supreme Court? Are they blazing a new trail? Or, are they simply following the same path they were on before the Supreme Court’s recent shift? This seminar will address some of the key fundamental developments in antitrust litigation and counseling. The discussion will examine not only the recent shift in the Supreme Court but also developments in the appellate and trial courts. This program is appropriate for novice and experienced lawyers. The Antitrust Committee of the Business Law Section will present this program with U.S. District Court Judges Anita B. Brody and Timothy J. Savage and Robert D. Liebenberg.

Ethics in Marketing and the Internet

Join panelists Joseph A. Prim Jr., Gina Furia-Rubel, Daniel J. Siegel and Min S. Suh for this Law Practice Management Division program and get the information needed to ensure that your communications, strategies and tactics stay within the ethical boundaries defined by the PA Code.

Attendees will gain a better understanding of how to apply PA Code Section 81.4 and the Rules of Professional Conduct 7.1-7.7 to advertising, communications, what you can and cannot say, multi-state practice rules and more. 2008 Presidential Election, Politics and the Law

This panel presentation will feature leading Philadelphia journalists covering the 2008 presidential election, political experts and campaign representatives to lend an insider’s perspective on the issues and strategies of the party nominees as they enter the final days of campaigning before the November election. The panel will include pollster Terry Madonna; Montgomery County Democratic Party Chairman Marcel Groen; Larry Eichel, senior writer for The Philadelphia Inquirer; and Philadelphia Daily News opinion columnist Elmer Smith. Renee Chenault-Fattah of NBC10 News will be the moderator for this panel.

The Greatest Cross Examination Ever!

This program will explore the ways to effectively cross-examine both expert and lay witnesses. You will learn good and bad examples of cross, through vignettes that highlight great cross-examination by some highly successful Pennsylvania attorneys. Philadelphia Court of Common Pleas Judges Mark I. Bernstein and Anne Lazarus and Larry Bendesky are the panelists.

Online Technology: How to Get It and How to Get In It - Retrieval and Admissibility of Digital Data in the Courtroom

This Criminal Justice Section program features panelists Thomas P. Laino, Jules Epstein and Troy Wilson.

Money, Money, Money - Insights into Key Software License Agreement Issues

Panelists Michael D. Ecker, Stephen M. Foxman, Sandra A. Jeskie and President Judge C. Darnell Jones II will examine and explore, through spirited mock negotiation, key software licensing terms and provisions. The discussion will seek to identify and balance the respective interests of the vendor, on the one hand to reduce liability exposure, and the customer, on the other, to assure acceptable performance and reasonable consequences for shortfalls. This course will focus on common negotiation issues and pitfalls, then turn to the panel’s litigator and jurist to predict how those issues may play out in subsequent litigation. The program is presented by the Business Law Section.

Developing a Successful In-House Counsel ADR Program

Panelists for this program, sponsored by the Alternative Dispute Resolution Committee, are Wanda E. Flowers and Carol Monaghan.

Verdict and Settlement Trends in Common Pleas Court

This State Civil Litigation Section program will examine whether verdicts in Philadelphia County are increasing or decreasing in value by type of case, and what appear to be the factors bearing on those trends, with various case studies being presented. Panelists will include Court of Common Pleas Judge Sandra Mazer Moss, Matthew A. Casey, Peter J. Hoffman, Mark W. Tanner and moderator Kathleen D. Wilkinson.

IP – It’s Not PI Backwards!

The Intellectual Property Committee will provide an overview of copyrights, trademarks, trade secrets, patents and unfair competition. Panelists John J. Marshall, Nancy R. Fransen and Drexel University Earle Mack School of Law School Prof. Karl J. Okamoto will discuss the differences between these types of intellectual property, how they are obtained and maintained, and where they fit into your clients’ business strategy from product development to marketing. Special attention will be paid to the needs of a start up or entrepreneurial business entity seeking advice on intellectual property matters. This course is designed for attorneys having little or no specialized knowledge or experience in these areas who have clients needing counsel relating to intellectual property matters.

Caught in the Public View: Representing High-Profile Clients

This closing CLE will feature national and Philadelphia-area trailblazing criminal defense attorneys and corporate litigators who will discuss the challenges and implications of representing celebrity clients, television in the courtroom and the influences of new media. The panel will include attorneys Theodore Simon, who has represented Ira Einhorn; Neal R. Sonnett, who has represented Gen. Manuel Noriega; and Billy Martin, who represented NFL star Michael Vick. Jami Floyd of truTV will be the moderator for this program.

Please note that all programs are subject to change. Conference attendees will also enjoy the Friday Night Grand Reception, featuring the live music of Big City and Saturday Night’s Tastes and Sounds of Philadelphia Dinner Reception and Concert.

Attorneys and judges can register for the conference by using the registration form in this edition of the Bar Reporter or by visiting philadelphiabar.org. Registration for the full three days of the conference is $629. For public interest attorneys, government attorneys and members of the Young Lawyers Division, the full conference registration fee is $479. Other packages are available.

Bally’s is now accepting hotel reservations. Book early for the best rates: rooms on Thursday, Sept. 18 are $99; rooms Friday, Sept. 19 are $144, and Saturday, Sept. 20 rooms are $209. The cutoff date to make room reservations is Thursday, Sept. 4. Call (800) 345-7253 and mention you are attending the Bench-Bar and Annual Conference to get these special room rates.

Attorneys (from left) Theodore Simon, Neal R. Sonnett and Billy Martin will discuss their experiences defending high-profile clients in the closing program at the Bench-Bar and Annual Conference on Sunday, Sept. 21. The panel will be moderated by truTV’s Jami Floyd (right).
Each attendee must fill out a registration form in its entirety (non-attorney guests may be included on the form). Make checks payable to Philadelphia Bar Association and mail to: 2008 Bench-Bar Conference, Philadelphia Bar Association, 1101 Market St., 11th Fl., Philadelphia, PA 19107, or pay with your credit card below and fax to (215) 238-1159. Online registration is also available at philadelphiabar.org. NOTE: Hotel reservations must be made separately by calling (800) 345-7253. Mention "Philadelphia Bar Association" to take advantage of the special room rate of $99 per night on Thursday, $144 on Friday and $189 to $209 on Saturday (plus taxes). A limited number of rooms are available for $189 on Saturday, Sept. 20. Hotel reservations must be made by Thursday, Sept. 4, 2008.

### Registration Type (all prices are per person)

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**Online registration available at philadelphiabar.org**

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**Subtotal:**

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**Total due:**
Notice to Philadelphia Bar Association Members

Pursuant to Section 1100 of the Philadelphia Bar Association bylaws, notice is hereby given to the Philadelphia Bar Association that the following amendments to the bylaws of the Philadelphia Bar Association were considered at the July 31, 2008, Board of Governors meeting. Upon written notice and submission to the members at the October Quarterly Meeting to take place on Monday, Oct. 20, 2008 at noon at the Park Hyatt Philadelphia at the Bellevue.

Section 210. Jurisdiction.
A. The Board, upon receipt of a petition from the Philadelphia Bar Association’s House of Delegates, the Association’s Zone Governing Committee, or the Chair of the Law Practice Management Division, shall appoint a Member to a three-year term as defined by 208(D); provided, however, that the Board may appoint a Member who is a member of a racial minority as a member of the Board, pursuant to Section 208(A)(3).

B. The Board shall appoint one Member who is a member of a racial minority as a member of the Board, pursuant to Section 208(A)(3).

C. The Board shall appoint one Member who is a member of a racial minority as a member of the Board, pursuant to Section 208(A)(3).

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Page 16

September 2008  Philadelphia Bar Reporter
DOMESTIC VIOLENCE: WHEN A FAMILY member, partner or ex-partner attempts to physically or psychologically dominate another. Domestic violence can take many forms, including physical violence, sexual abuse, emotional abuse, intimidation, economic deprivation, threats of violence, physical assault or stalking.

Started in 1976, Women Against Abuse, Inc. is the only comprehensive program in Philadelphia whose sole purpose is to assist victims of domestic violence and their children. An integral part of this comprehensive approach, the WAA Legal Center, came into existence one year later and has provided a variety of legal services to hundreds of thousands of low-income people, primarily women of color and their children, serving 6,137 people in 2007 alone.

The Philadelphia Bar Foundation recognized early on the value of the Legal Center and has supported it since 1982 with annual unrestricted grants. “Getting the Bar Foundation’s grants for general operating support is incredibly helpful in maintaining our programs,” said Legal Center director Molly Callahan. “It’s often easier to get money for new programs, but then the important ongoing work goes unfunded.”

This ongoing and crucial work of the Legal Center includes having court advocates staff nearly all the courtrooms where domestic violence cases are heard. These advocates work primarily with victims who do not have legal representation, explaining their legal options, making referrals to other public interest legal organizations and helping them with safety planning. Court advocates will often refer the most difficult and complicated cases to the Legal Center’s five staff attorneys. Last year, Legal Center attorneys represented 578 victims of domestic violence in court cases with another 3,803 people receiving court advocacy services.

The work of the WAA Legal Center has helped to change judicial and legal attitudes about domestic violence.

“Representing individual clients helps the victim, but also has helped educate the broader legal community about domestic violence and has made it clear that it is not acceptable,” said Callahan. WAA and the Legal Center have also worked to make sure that domestic relations laws and other laws, such as Department of Public Welfare regulations, take into consideration the special needs of domestic violence victims.

Through three years of experience, the Legal Center of WAA has become our region’s expert on the range of legal remedies that can be utilized in helping the victims of domestic violence. For example, providing legal assistance in custody and support cases may not seem like an issue that would be handled by a legal center focused on domestic violence, but helping with custody issues is often one of the most important keys to freeing individuals from an abusive situation since the abuser will often use child custody battles to control the other parent.

An example of the impact this kind of legal support can have on someone’s life is Kristal (not her real name), whose boyfriend had been both physically and emotionally abusive throughout their five-year relationship. After Kristal became pregnant and bore their child, he had another powerful weapon that he used against her. By threatening to keep the child from her if she left, Kristal’s boyfriend tied her to the abusive relationship, battering her and continuing to exercise his power over her.

As with many abusers who go unpunished, Kristal’s boyfriend became more and more violent in his attacks until finally he beat her so badly that she nearly died.

The work of the Legal Center and their clients and attorneys has made it clear that it is not acceptable to change judicial and legal attitudes about domestic violence.

The Bar Foundation continues to support the Legal Center and their clients in the fight against domestic violence. The Bar Foundation has a long history of supporting organizations that work to combat domestic violence and provides annual unrestricted grants to support their work.

By Elaine Rinaldi

Bylaws continued from page 15

Commission after a lapse of 11 months from the expiration of the member’s term.

5. Member of the Board of the Philadelphia Association of Defense Counsel is a member of the Board of the Philadelphia Association of Defense Counsel as designated by its Board, to serve for a term of two years, with a limitation of three consecutive two-year terms. Thereafter, the member shall be eligible for reappointment to the Commission after a lapse of 11 months from the expiration of the member’s term.

C. The following shall be the quorum requirements for meetings of the Commission:

1. Quorum: For the transaction of business other than that of the Association’s ABA Delegates and Zone Governor to the Association; and

2. Super Quorum: For determining whether a candidate is recommended for judicial office, the quorum requirement shall be increased to that number set by the Commission, and the vote of a majority plus one of the members of the Commission present at a meeting at which a quorum remains present and voting shall constitute the acts of the Commission.

D. The Chair of the Commission shall be a Regular Member and shall be named by the Chancellor on or before Jan. 15 of each year to serve for a term coincident with the Chancellor’s term, but no person shall serve as Chair for more than three years in succession. The Vice Chair of the Commission shall be a Regular Member and shall be named by the Chancellor Elect on or before Jan. 15 of each year to serve for a term coincident with the Chancellor Elect’s term, but no person shall serve as Vice Chair for more than three years in succession.

E. Vacancies in the appointed members of the Commission shall be filled by appointment of the Chancellor, with the approval of the Board.

Section 1002. Representation of the Association, Committees and Sections; Press Releases

A. No Member, Committee, Section, Division, Officer or Board member shall speak or purport to speak for the Association or for the Board, any Committee, Section or Division except as otherwise specifically provided in this Section 1000.

B. The Chancellor shall be the principal spokesperson of the Association. The Chancellor shall have authority to speak for the Association in a specified subject, goal, policy or matter.

C. The Association’s ABA Delegates and Zone Governors to the Pennsylvania Bar Association’s Board of Governors may speak for the Association in order to carry out their duties, as directed by the Association or the Board, only on behalf of the Committee or Section or Division and that such statement does not necessarily represent the views of the Association.

D. Anything from the Board of the Association shall be considered to be the views of the Board unless specifically provided for by the Association’s ABA Delegates and Zone Governors.

E. The Board of the Association shall be the final authority in determining the right to speak or present a statement on matters within its primary or special expertise and jurisdiction subject to the following conditions:

1. The statement must be in line with previously adopted policy of the Association as defined above and must have been authorized by the Committee, Section or Division and

2. The statement must be made public by the Committee, Section or Division and that such statement does not necessarily represent the views of the Association.

F. The Board of the Association shall have the right, in the Chancellor’s discretion, to grant to a Committee, Section or Division of the Association the right to speak or present a statement on matters within its primary or special expertise and jurisdiction subject to the following conditions:

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2. the statement must be made public by the Committee, Section or Division and that such statement does not necessarily represent the views of the Association.
Four years ago I retired from a court I consider to be second to none in the nation – the U.S. District Court for the Eastern District of Pennsylvania – and joined JAMS, The Resolution Experts. In the years since I made this transition, many members of the bar have asked how life is different in the world of ADR. I’m happy to report that, while change is inherent in every move, most of the things I enjoyed about my work on the bench remain the same.

For instance, although my “chambers” are 10 blocks west, I still work regularly with many of the skilled and amiable people – judges and lawyers alike – whom I encountered at 6th and Market. I’m currently serving with two former chief judges of the Eastern District – Judges Lou Bechtle and Ed Cahn – on an international arbitration panel, and I have the privilege of working day-to-day with my JAMS colleague and longtime friend, Judge Diane Welsh. Moreover, I am fortunate to attract the same kind of complex, high-stakes cases I enjoyed handling on the bench. My approach to cases remains the same – guided always by Judge Becker’s credo: “There are no unimportant cases.”

One thing that is changing is the frequency with which top law firms and corporations are turning to arbitration and mediation to resolve their most difficult disputes. Mediators and arbitrators resolve some of the nation’s largest, most complex and contentious disputes, and the caseload grows ever more interesting. More and more litigants are using ADR because they want confidentiality. They don’t want their disputes to be decided in a public forum. Often the dispute involves big, well-known companies with sensitive cases that could have an impact on their financial health, such as the dispute I handled between two nationally renowned financial institutions, which included antitrust, conversion, conspiracy, breach of contract, and tortious interference with contractual relations, and claims involving more than 40,000 transactions totaling more than $900 million dollars.

There are, of course, a few differences between hearing cases as a U.S. magistrate judge and a neutral. It’s a sine qua non for a successful resolution of a case to have the person with the ultimate settlement authority physically present during the mediation. I no longer have the prospect of the U.S. Marshals’ intervention to encourage unwilling participants to appear before me. Instead, I let the lawyers know ahead of time how important I think it is, and I rely on counsel to do everything they can to make the case go smoothly – and they rarely disappoint me.

I have the luxury of spending the whole day on one complicated case to get it resolved. As a federal judge I couldn’t possibly afford that kind of time commitment because the other cases on my docket wouldn’t get the kind of attention they deserved. I also have the flexibility to dispense with rules and customize processes to help parties get the quick and efficient resolutions they are looking for. I recently helped the parties resolve 14 related cases which had been docketed with 14 separate federal judges and were headed toward 14 separate trials on different timetables. Through the hard work and dedication of counsel and the parties, I was able to settle all 14 cases – in two days. That’s what drives people to ADR, and that’s what makes my new life exciting and rewarding.

Judge James R. Melinson (Ret.) served as chief magistrate judge of the U.S. District Court for the Eastern District of Pennsylvania and as judge of the Superior Court of Pennsylvania. He now serves as a full-time mediator and arbitrator at JAMS, the Resolution Experts.
died. In fact, she would have died if her small daughter had not called 911.

Krystal's boyfriend was arrested and charged with attempted murder. Krystal was physically safer, but still suffered from the paralyzing fear that was triggered by seeing her abuser and imagining that she would forever be linked to him because of their child. Many women who have been abused will do anything to keep their abuser happy in the hopes that the violence will end, and Krystal, conditioned by years of abuse, was no exception. Despite the fact that her boyfriend was almost certain to hurt her again if they continued to have contact, she nearly agreed to allow her child to visit in prison in the hopes that the violence will end, conditioned by years of submitting to abuse in the hopes that the violence will end.

Anecdotal evidence collected by WAA from its clients indicate that many abused people like Krystal find the legal system so complicated and the thought of facing their abuser so daunting that they would have given up fighting for their rights and safety without the legal support provided by the Legal Center's attorneys and court advocates. "Leaving an abusive relationship is one of the most dangerous times for a victim. All too often, without concerned and knowledgeable legal help victims are unable to navigate the legal system on their own," said Callahan.

The Bar Foundation is happy to have supported the important work of the Women Against Abuse Legal Center for the past 25 years and with the help of our donors and sponsors, we will continue to support this type of ground-breaking and, more importantly, life-saving legal advocacy.

Elaine O’Rourke, a partner at Cozen O’Connor, is president of the Philadelphia Bar Foundation.

The Legal Center attorney who represented Krystal worked through numerous court hearings, finally forcing the case to trial. The judge, upon hearing the facts, denied the abuser’s right to see the child, and this went a long way toward ensuring Krystal and her child’s future safety.

At this point, the WAA Legal Center became involved in Krystal’s case and provided her with the support and legal assistance that she needed to start making decisions in her own interest. For the first time in many years, Krystal discovered she had options and could get the help she needed to legally protect herself and her child.

The Brennan Award was not given in 2001.

Nominations are being accepted for the Association’s prestigious Justice William J. Brennan Jr. Distinguished Jurist Award. The award will be presented at the Association’s Oct. 20 Quarterly Meeting and Luncheon.

The award recognizes a jurist who adheres to the highest ideals of judicial service. Any member of the state or federal bench, whether active or retired, who has made a significant, positive impact on the quality of administration of justice in Philadelphia is eligible for consideration. Examples of accomplishments worthy of nomination include innovations in court administration, implementation of pioneering case management techniques, assumption of a leadership role in areas affecting the administration of justice, publication of a significant opinion, article, or other scholarly work, or the like.

This year’s Brennan Award Committee is chaired by Rhonda Hill Wilson. Nominations for the Justice Brennan Distinguished Jurist Award should be forwarded to: Brennan Award, Attn: Tracy McCloskey, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107. All nominations should include the full name, address and telephone number of both the nominee and the person submitting the nomination, a summary of the nominee’s accomplishments, and any pertinent supporting material the committee should consider. All nominations must be received no later than 5 p.m. on Friday, Sept. 5.

U.S. Supreme Court Justice William J. Brennan Jr. was the first recipient of the award in 1995. Other recipients of the award, now named in his honor, include the following: President Judge Alex Bonavitacola of the Philadelphia Court of Common Pleas (1996); Judge Phyllis W. Beck of the Pennsylvania Superior Court (1997); Chief Judge Edward R. Becker of the U.S. Court of Appeals for the Third Circuit (1998); Judge Louis C. Bechtle of the U.S. District Court for the Eastern District of Pennsylvania (1999); Chief Judge James T. Giles of the U.S. District Court for the Eastern District of Pennsylvania (2000); Justice Russell M. Nigro of the Pennsylvania Supreme Court (2002); U.S. District Court Judge Louis H. Pollack (2003); Judge James R. Melimon, retired U.S. Chief Magistrate (2004); U.S. District Court Senior Judge Edmund V. Ludwig (2005); Philadelphia Municipal Court President Judge Louis J. Presenza (2006); and Philadelphia Court of Common Pleas Judge Sandra Mazer Moss (2007). The Brennan Award was not given in 2001.

Samuel J. Garber, CISA, CPA
Managing Director

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In mid-August, even though the school year had not officially begun, the Drexel University Earle Mack School of Law held its orientation for first-year law students. I was one of several volunteer facilitators leading a professionalism workshop. Groups of eight students were charged with solving ethical dilemmas presented in a civil and a criminal hypothetical. Facilitators were given a copy of the ABA model rules and commentary implicated by the problems, but no answers. The exercise was intended to develop the students’ ability to work through the problems and not necessarily whether the answer was deemed right or wrong.

The whole experience reminded me of my first year of law school and how ill-equipped I felt to handle my new environment. Therefore, I couldn’t help but be impressed by the composure of the students who were well able to formulate and present their reasoning. I don’t remember being quite so articulate during my first year of law school.

Although memories of that year are purposely suppressed in the recesses of my mind, I remember sitting in Prof. Anthony J. Bocchino’s criminal law class at Temple, literally petrified that he would call on me, believing that he would not call on me if I did not move a muscle. My college years were spent in large classrooms, largely invisible and largely silent. In a sociology class, I nearly had apoplexy when I had to introduce myself. For an oral presentation in my economics class, I stood in front of the class without ever looking up from the paper I had to present. Public speaking, whether it was speaking up in class or speaking up at all, made my intestines twist around.

But of course, Prof. Bocchino couldn’t have known that I was sitting in his classroom, my insides a pretzel, afraid that I would be called on. After reading a fact pattern to the class, he asked for what other reason, besides burglary, the suspect snuck into the house through the window in the middle of the night. Even though I wasn’t even looking at him and was as still as a statue, Prof. Bocchino found me and he called out my name. Unprepared and put on the spot, I just blurted, “because he wanted to surprise them.” The class erupted in laughter. Even Prof. Bocchino chuckled. I had no idea what was so funny. I was still dazed from being called upon. When I came out of my stupor, I realized what I had just said and felt like the biggest fool. But, soon my mortification dissolved and I realized that I had survived my first brush with the Socratic method and I didn’t die.

Since law school, I have spoken publicly on numerous occasions. But I am still gripped with fear before every speaking event. Knowing this, I questioned why I agreed to be a facilitator at Drexel Law held its orientation for first-year law students, even though the school year had not officially begun, and the nonprofit legal services community.

The Philadelphia Bar Foundation is seeking nominations for two awards to be presented at the Andrew Hamilton Gala on Saturday, Nov. 1 at the First City Troop Armony, 22 S. 23rd St.

The Citizens Bank Pro Bono Award is presented by Citizens Bank, the Philadelphia Bar Association and the Philadelphia Bar Foundation, and is given annually to a Philadelphia law firm or corporate legal department demonstrating outstanding volunteer efforts to help provide legal services to those in need. The recipient of the Citizens Bank Award designates that the award will be given to a qualifying law-related public service agency. The Philadelphia Bar Foundation Award is given to an attorney who is working in the nonprofit legal services community.

A $2,500 award will be presented to an attorney who is providing direct legal services to the poor and the underprivileged and why I continue to publicly speak at events. The answer, of course, is because I know that the only way to rid myself of that fear was to continually confront it. And fortunately, I particularly enjoy interacting with students so I was, in fact, looking forward to the workshop.

Of course, a friendly audience goes a long way in helping to eradicate fear of public speaking. Indeed, I think I enjoyed myself far too much at the workshop (I really immersed myself into the role of the difficult child-slappping client with a dubious alibi!).

At the end of the workshop, I walked away, impressed by the students’ ability to express themselves so early in their law school career, but also, impressed by how far I’ve come from days of being the invisible woman in a classroom.

Sunah Park, a partner at Drury Reed & Armstrong, LLP, is editor-in-chief of the Philadelphia Bar Reporter.

Phan continued from page 5 communications at The Children’s Hospital of Philadelphia. Phan worked with staff at all levels across the organization to provide creative solutions to marketing challenges ranging from strategic planning to diversity awareness. She also spent 10 years as a freelance writer, working on writing projects for a variety of corporate, education and healthcare clients. Phan started her career in journalism as a reporter for two weekly newspapers in Maryland. She then moved to media relations, working on Capitol Hill as assistant press secretary for U.S. Sen. Alan Cranston (D-Calif.). She also served as media relations manager for CHOP and continued her association with that organization, both in a freelance and in-house capacity, for more than a decade.

“We’re excited to bring Martha’s expertise in writing, marketing communications, strategic planning, team-building and project management to the Bar Association,” said Association Executive Director Kenneth Shear.

Phan

Foundation Award Nominees Sought; Fellowship Applications Due Sept. 26

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Delivery of Legal Services Committee Retreat

The Association sponsored a half-day retreat for the Delivery of Legal Services Committee on July 25 to celebrate more than 30 years of collaborating on the provision of legal services to poor and other vulnerable communities. Sharon Browning (top right), nonprofit consultant and executive director of the Just Listening Project, facilitated the retreat, which focused on ways to create and sustain a healthy work environment and practical strategies and techniques to help avoid burn-out. Karen C. Buck and Joseph A. Sullivan (top left), co-chairs of DLSC, welcomed more than 40 people to the retreat, including executive directors of public interest legal organizations, pro bono coordinators from firms and representatives from local law school pro bono and public service programs. The retreat was held at the ACE Conference Center in Lafayette Hill.

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The Philadelphia Bar Reporter reaches over 3.5 times as many professionals within the greater Philadelphia legal community as any other legal publication. And PBR’s one-month shelf life means your important message won’t wind up in the trash on the same day it appears!
Youth Lawyers Division is famous for its public service envy of bar associations across the country, and our tee. Our Delivery of Legal Services Committee is the vibrant Criminal Law and Public Interest Sections and colleagues in every possible area of practice. We have committees, nine sections and two divisions, including legal services and pro bono agencies in town, the Bar district attorney, U.S. attorney or any of the dozens of next year’s membership. And as the commercials say, gets the rest of this year’s membership free, along with interest agency who have never before been members federal, state or local governmental agency or a public intended to attract more public lawyers to the Bar from the government and public interest community. more participation, in leadership and other positions, numbers have not been great. We continue to look for continued from page 3

 aims to educate the public on addiction. Committee on Substance Abuse, which national members of the ABA’s Standing Fiebach also believes that “people should have the opportunity to get treatment” and is an “absolute advocate” of treatment are prescribed to the offender “ment” and is an “absolute advocate” of treatment. Pennsylvania, and Philadelphia in particular, has a system of these rehabilitation courts. Pennsylvania has more than 30 treatment-style courts, in which the focus is on help rather than retribution. In these treatment courts, the focus shifts from retribution and punishment to rehabilitation and treatment. These courts are an important step in the fight against addiction because they help to remove the stigma attached to addiction and treat addiction as disease. The entire message of this year’s National Recovery Month is that with help, treatment is possible and that with the assistance of others, long-term recovery is an achievable goal. The organization’s Web site has excellent resources available for those in need of assistance with addiction. It also provides information on the disease and information on how to join the fight against addiction. Another great organization, says Fiebach, is Lawyers Concerned for Lawyers, where recovering lawyers assist their colleagues struggling with substance abuse and addiction. The Lawyers Concerned

 Frontline continued from page 3

 numbers have not been great. We continue to look for more participation, in leadership and other positions, from the government and public interest community.

 That’s why we’ve implemented a number of changes intended to attract more public lawyers to the Bar Association. For example, attorneys working for a federal, state or local governmental agency or a public interest agency who have never before been members of the Philadelphia Bar Association are now eligible for a free-one year membership in the Association. And anyone who joins between now and the end of the year gets the rest of this year’s membership free, along with next year’s membership. And as the commercials say, membership has its privileges.

 Whether you work for the city law department, district attorney, U.S. attorney or any of the dozens of legal services and pro bono agencies in town, the Bar Association has something to offer. With more than 50 committees, nine sections and two divisions, including our new Law Practice Management Division, you’ll have a unique opportunity to meet and network with colleagues in every possible area of practice. We have vibrant Criminal Law and Public Interest Sections and a promising Government and Public Service Committee. Our Delivery of Legal Services Committee is the envy of bar associations across the country, and our Young Lawyers Division is famous for its public service programs and networking events.

 We have a dynamic legislative program that champions your interests to lawmakers, and more. Plus, you’ll have the opportunity to attend Chancellor’s Forums, meetings and special events, including our Quarterly and Annual Meetings and our Bench-Bar and Annual Conference.

 You’ll also get The Philadelphia Lawyer quarterly magazine offering substantive law articles on emerging trends, and the Bar Reporter monthly newspaper. In addition, the Association’s award-winning Web site, audio and video podcast library, lisservre network and Bar Reporter Online e-newsletter will connect you to colleagues in dozens of practice areas.

 These are just some of the ways the Bar Association can serve our public sector lawyers. But most importantly, we are a bar association that is here to advocate on your behalf to help meet your needs and address the challenges of your practices and clients.

 What’s also important is that we facilitate interaction between all parts of the Bar community. Attorneys at big and smaller firms could learn a lot from our friends in the public bar. We all struggle to balance our work lives and our personal lives. We all juggle assignments and cases. The city wage tax and other financial issues affect us all. When you get right down to it, we’re all attorneys, no matter where we work. The bottom line is no attorney, no matter where or how he or she practices, is alone in facing the challenges of the profession. Somewhere out there, someone else is going through something similar. And that’s what the Bar Association is all about – it’s about lawyers helping lawyers, no matter where you hang your briefcase.

 A. Michael Pratt, a partner at Pepper Hamilton LLP, is Chancellor of the Philadelphia Bar Association. His e-mail address is chancellor@philabar.org.
Relations continued from page 6

American Jewish Committee's Philadelphia Chapter; Operation Understanding; and The Association for Independent Growth. He has also served as the mayor's representative to the Philadelphia Industrial Development Corporation Board and on the mayor's Commission on Gaming.

Mayor Nutter appointed Hyman to an assessment team that is evaluating children's services provided by the city's Department of Human Services. He also serves as vice chair of the board of the Greater Philadelphia Tourism Marketing Corporation, and is a board member of the Building Industry Association of Philadelphia.

Among various community recognitions, Hyman has received Eisenhower Exchange and Wexner Heritage Fellowships, Hyman has received Eisenhower Fellowship. Hyman has interned with the Israeli Environmental Protection Service. Following law school, he clerked for U.S. District Court Judge Peter B. Scuderi of the Eastern District of Pennsylvania.

The Association's interests in Harrisburg are represented by Anthony J. Crisci, principal partner of Crisci Associates. Crisci is a graduate of the University of Wisconsin-Madison and the Capital Law School. Crisci previously was a partner in Holston & Crisci and Lench & Crisci, PC.

Crisci has had a practice completely devoted to government relations representing Fortune 500 companies, other businesses, and trade associations. He also serves as legislative counsel and executive secretary of the Pennsylvania Soft Drink Association. He has done extensive legislative work with environmental and general business issues.

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.

Monday, Sept. 1
Labor Day: Bar Association offices closed.

Tuesday, Sept. 2
Committee on the Legal Rights of Persons with Disabilities: meeting, 12 p.m., 11th floor Committee Room South.

Wednesday, Sept. 3
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th floor Board Room.
Rules and Procedure Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $7.50.
Intelectual Property Committee: meeting, 12 p.m., 11th floor Committee Room South. Lunch: $7.50.

Thursday, Sept. 4
Health Care Law Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $8.50.
Civil Rights Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.
Environmental Law Committee: meeting, 12 p.m., 11th floor Committee Room South. Lunch: $7.50.
Bench-Bar Scholarship Reception: 5 p.m., 11th floor Conference Center.

Friday, Sept. 5
LGBT Rights Committee: meeting, 8:30 a.m., 11th floor Committee Room South.
Workers' Compensation Section Executive Committee: meeting, 10:30 a.m., 11th floor Committee Room South.
Workers' Compensation Section: meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.

Monday, Sept. 8
Business Law Section Executive Committee: meeting, 12 p.m., 10th floor Board Room.
Family Law Section: meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.

Tuesday, Sept. 9
Professional Responsibility Committee: meeting, 8 a.m., 10th floor Board Room.
Criminal Justice Section Executive Committee: meeting, 12 p.m., 10th floor Board Room.
Philadelphia Bar Foundation Board of Trustees: meeting, 12 p.m., 11th floor Committee Room South.
Young Lawyers Division: 2020 Committee program, 12 p.m., 11th floor Conference Center.

Wednesday, Sept. 10
Appellate Courts Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $7.50.
Chancellor's Forum: 12 p.m., 11th floor Conference Center.

Thursday, Sept. 11
Law Practice Management Division Technology Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.
Alternative Dispute Resolution Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.

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

Tuesday, Sept. 15
Public Interest Section Executive Committee: meeting, 10th floor Board Room. Lunch: $7.50.
Committee on the Legal Rights of Unmarried Cohabitants: meeting, 12 p.m., 11th floor Committee Room Center. Lunch: $7.50.

Tuesday, Sept. 16
Section Chairs: meeting, 8:30 a.m., 10th floor Board Room.
Cabinet: meeting, 12 p.m., 10th floor Board Room.
Committee on the Legal Rights of Children: meeting, 3:30 p.m., 11th floor Committee Room South.

Wednesday, Sept. 17
Federal Courts Committee: meeting, 12:30 p.m., 10th floor Board Room. Lunch: $7.50.
LegalLine: 5 p.m., 11th floor LRIS offices.

Thursday, Sept. 18
Family Law Section Executive Committee: meeting, 12 p.m., 11th floor Conference Center.
City Policy Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $7.50.

Friday, Sept. 19
Board of Governors: meeting, 10 a.m., Bally's Atlantic City.
Social Security Disability Benefits Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.

Saturday, Sept. 20
Bench-Bar and Annual Conference: 8 a.m., Bally's Atlantic City. Information: philadelphiabar.org.

Sunday, Sept. 21
Bench-Bar and Annual Conference: 8 a.m., Bally's Atlantic City. Information: philadelphiabar.org.

Monday, Sept. 22
Bar-News Media Committee: meeting, 11:30 a.m., 11th floor Conference Center. Lunch: $7.50.
Young Lawyers Division Executive Committee: meeting, 12 p.m., 10th floor Board Room.

Tuesday, Sept. 23
Employee Benefits Committee: meeting, 12:30 p.m., 11th floor Committee Room South. Lunch: $7.50.

Wednesday, Sept. 24
Medical-Legal Committee: meeting, 12 p.m., 11th floor Committee Room South.
Elder Law Committee: meeting, 1 p.m., 10th floor Board Room. Lunch: $7.50.

Thursday, Sept. 25
Minorities in the Profession Committee: meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.
Lawyer Referral and Information Service Committee: meeting, 12 p.m., 11th floor Committee Room South.

Friday, Sept. 26
Women's Rights Committee: meeting, 12 p.m., 11th floor Committee Room South. Lunch: $7.50.
Diversity Committee: meeting, 12:30 p.m., 11th floor Committee Room South.

Tuesday, Sept. 30
Criminal Justice Section: meeting, 12 p.m., 11th floor Conference Center. Lunch: $7.50.

Women in the Profession Committee: meeting, 12 p.m., 10th floor Board Room. Lunch: $7.50.

Philadelphia Bar Reporter September 2008 philadelphiabar.org
Julia Swain, an associate with Fox Rothschild LLP, served as a course planner and presenter for the Pennsylvania Bar Institute’s “Paternity Cases” seminar on July 11 in Mechanicsburg and on July 25 in Philadelphia.

Ned Hark, a member of the Law Firm of Howard M. Goldsmith, P.C., received the Pennsylvania Bar Association’s Special Achievement Award at the Association’s Annual Meeting in Hershey on June 5.

Maury B. Reiter, managing principal at Kaplin Stewart Meloff Reiter & Stein, P.C., has been re-elected as treasurer of Volunteers of America, Inc.

Michael J. Braunfeld of Masterson Braunfeld LLP has been elected vice president of the Philadelphia Folksong Society. The nonprofit sponsors entertainment and education programs throughout the area and North America.

Carol Nelson Shepherd, a founding partner of Feldman, Shepherd, Wohlgelernter, Tanner, Weinstock & Dodig, spoke at the American Association for Justice Convention 2008 on July 12 where she addressed how to prove a case through the defendant doctor’s deposition.

Dina Schlossberg of Blank Rome LLP has been elected to the National Governing Committee of the American Bar Association Forum on Affordable Housing and Community Development Law.


Jeffrey D. Grossman, a partner with Stradley Ronon Stevens & Young, LLP, has been elected as a member of the board of Musicipia – a nonprofit organization that delivers music education and programming to students and communities throughout the Delaware Valley.

Andrew W. Davitt and Jeffrey J. Chomko of Marshall, Dennehey, Warner, Coleman & Goggin participated in a Community Habitat for Humanity project sponsored by ING on July 23. Davitt was a featured speaker at MMLI Inves- tor Services, Inc.’s 2008 CE and Practice Management Conference at Caesar's Palace in Las Vegas, Nev., on June 12.

Michael H. Reed, a partner with Pepper Hamilton LLP, has been elected to the board of directors of the United Way of Southeastern Pennsylvania.

Robert J. Coleman, former chairman and CEO of Marshall, Dennehey, Warner, Coleman & Goggin, was the recipient of the Philadelphia Association of Defense Counsel’s Distinguished Service Award on June 11 at Laneware Country Club in Havertown.

Kevin R. Marciano, a shareholder of Cherry Fieger and Marciano, LLP, recently spoke at the Dispute Resolution Institute’s Personal Injury Potpourri on the topic of dram shop liability.

Melissa J. Oretsky, a senior associate with Reed Smith LLP, has recently been appointed to the defendant doctor’s deposition.

Kay Kyungsun Yu, a partner with Pepper Hamilton LLP, has been appointed by Mayor Michael A. Nutter to the Philadelphia Commission on Human Relations.

William P. Isely, of counsel to Archer & Greiner, P.C., presented “Identifying and Remediating Senior Abuse and Exploitation” at the 11th Annual Elder and Disability Law Symposium of the New Jersey Institute for Continuing Legal Education.

Michael D. Homans, a shareholder with Flaster/Greenberg, served as a guest lecturer for students at Temple University, Beasley School of Law, LL.M., in Trial Advocacy program on June 19.

Andrew W. Davitt and Jeffrey J. Chomko of Marshall, Dennehey, Warner, Coleman & Goggin participated in a Community Habitat for Humanity project sponsored by ING on July 23. Davitt was a featured speaker at MMLI Investor Services, Inc.’s 2008 CE and Practice Management Conference at Caesar's Palace in Las Vegas, Nev., on June 12.

NAMES ARE NEWS

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Information may be sent to Jeff Uyone, Senior Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th fl., Philadelphia, Pa. 19107-2955. Fax: (215) 238-1159. E-mail: reporter@philabar.org. Color photos are also welcome.

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