Judge Bernstein to Receive Brennan Award at Bench-Bar

The recipient of the 2016 Justice William J. Brennan Jr. Distinguished Jurist Award is Judge Mark I. Bernstein. This year, the Brennan Award will be presented during the Quarterly Meeting at the 2016 Bench-Bar & Annual Conference in the new 100,000-square-foot Waterfront Conference Center at Harrah’s Resort in Atlantic City on Sept. 23.

Judge Bernstein has served as a judge of the First Judicial District of Pennsylvania since April 1987. He teaches evidence and civil procedure on the faculty of the Thomas R. Kline School of Law at Drexel University and he is the author of comprehensive comments on the Pennsylvania Rules of Evidence published by Gann Law Books. Judge Bernstein was instrumental in designing and implementing the Day Forward Case Management system for the First Judicial District, helping to

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Bar Election Filing Deadline Is Sept. 23

The Philadelphia Bar Association has formed its Elections Committee, chaired by Immediate Past Chancellor Albert S. Dandridge III, consisting of Butler Buchanan III, Lawrence S. Felzer, Rachel E. Kepp, Sophia Lee, Ira S. Lefion, Kevin V. Mincey, Wesley R. Payne IV, Hon. Tina Maria Rago, Gina Furia Rubel, Louis S. Rulli and Brad V. Shuttlesworth. Chancellor Gaetan J. Alfano, Chancellor-Elect Deborah R. Gross and Vice Chancellor Mary F. Platt serve as ex-officio members. As Secretary, Jacqueline G. Segal serves as a non-voting member. 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 by Sept. 23 (at least 60 days prior to the Dec. 7, 2016 Annual Meeting) nominations in writing that, for candidates of the Board of Governors, must be signed by at least 25 members who are entitled to vote; for candidates for Secretary, Treasurer, Assistant Secretary and Assistant Treasurer, nominations shall be signed by at least 35 members who are entitled to vote; and for candidates for Vice Chancellor, shall be signed by at least 100 members who are entitled to vote. Individuals who wish to run for any of the above named offices should contact Susan Knight, CFO/director of administration, at sknight@philabar.org for additional information. Signatures, along with a resume and written authorization to allow a check of disciplinary records, should be submitted to Association Secretary Jacqueline G. Segal, c/o Susan Knight, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107, no later than 5 p.m., Friday, Sept. 23, 2016.

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Dear Friends and Colleagues,

I am grateful for the enthusiastic support and the kind and generous words of encouragement which I have been fortunate to receive since announcing my candidacy for Vice Chancellor. I am especially appreciative that this support comes from members with very different backgrounds and at varying stages in their careers. As I have shared before, I will lead and serve by being inclusive and accessible, always guided by the principle that every member is important.

I am filled with optimism about our Association and inspired by the opportunity to work with you to build its vibrant future.

I look forward to continuing to learn your thoughts and concerns, and hope to see many of you at the Bench-Bar Conference and at other upcoming events. I would welcome hearing from you, and can be reached at rochelle.fedullo@wilsonelser.com or 215-606-3917.

With thanks and kind regards,
Shelli
Not Just Another Fall in Philadelphia

By Gaetan J. Alfano

As summer winds down and we enter September, there is no shortage of upcoming programs and events for our members to attend, participate in, learn from and enjoy.

First, an important word about our membership. Through the direction of Jackie Segal of Fox Rothschild LLP our membership chair, and the hard work of Andrea Morris-Tracey, our manager of member services, with the support of our Bar staff, we are within 4 percent of achieving last year's membership revenues. This is no small feat given the challenges facing professional membership organizations.

Looking ahead, we are planning a several-month period that promises not to be just another “Fall in Philadelphia” (with apologies to Hall & Oates). Let me share some of the highlights:

- Sept. 13 – Chancellor’s Forum with the PA Supreme Court – For the first time in the Commonwealth’s history, we have four new Supreme Court justices: Justices Donohue, Dougherty, Mundy and Wecht. The four newest members of the judiciary have graciously agreed to participate in a special Chancellor’s Forum to discuss transitioning into their new roles as well as providing personal and career-oriented reflections. The forum will include a Q&A session. Justices Baer and Todd also are planning to attend. We appreciate the Court’s willingness to share this time with our members.

- Sept. 22 – Pennsylvania Senate Judiciary Committee – The Philadelphia Bar Association tentatively will host the Committee’s hearing into proposed legislation to appoint a special prosecutor in instances when a person dies in an encounter with a police officer. It has been several years since the Committee has held hearings at the Association’s headquarters and we welcome their presence and interest in this important topic.

- Oct. 6 – YLD Fundraiser – This year, for its annual fundraiser benefitting the Philadelphia Bar Foundation, our Young Lawyers Division will be hosting a “Striking Injustice: The Bar Abides” bowling tournament at North Bowl in Northern Liberties. We are seeking tournament teams as well as sponsors. More sponsorship information is available at PhiladelphiaBar.org.

- Nov. 12 – Expungement Clinic – In partnership with the District Attorney’s Office, the Mayor’s Office and Community Legal Services, our Young Lawyers Division is hosting an expungement and sealing clinic from 10 a.m. – 1 p.m. at six different locations throughout the city. Criminal records hamper individuals in obtaining jobs and housing and create other unnecessary obstacles to improving their lives. New statewide legislation, which will take effect on Nov. 12, could result in sealing the criminal records of an estimated 20,000 Philadelphians. We are looking for volunteer attorneys and law students to assist with processing petitions at the clinic and handling follow-up hearings for contested petitions. If you have any questions and would like to learn more about volunteering, please contact John Coyle or Meghan Claiborne at philygetexpunged@gmail.com. More information will be available at getexpunged.org in the coming weeks.

- Nov. 21 – Online Voting – As I mentioned in my July column, our members recently passed a bylaws change that now will bring online voting to Philadelphia Bar Association elections. For the first time ever in our 214-year history, online voting for Bar elections will begin on Nov. 21. Please note online voting will end promptly at 5:30 p.m. on Dec. 7. A full elections calendar is available at PhiladelphiaBar.org.

In addition, we are planning a number of CLE courses, other significant Chancellor’s Forums and much, much more. With no shortage of programs, meetings and events, I look forward to seeing you this Fall. To learn more and to register, please visit: PhiladelphiaBar.org.
Young Lawyers Division Continues Philanthropy Into Fall

By Erin E. Lamb

I am pleased to announce that the Philadelphia Bar Association Young Lawyers Division (YLD) will be supporting the Philadelphia Bar Foundation with a fundraiser on Oct. 6. The Foundation is the supporter of many of our city’s legal services organizations, and additionally administers the Board Observer Program (BOP). BOP pairs civic organizations with YLD members, allowing young lawyers to serve as non-voting board members for a year. It is a wonderful way for the future leaders of our civic organizations, particularly our legal services organizations, to develop talent and introduce younger members of the bar to board service – without the sometimes formidable financial requirements. Many of us (myself included) have been lucky enough to vault from BOP observer to full-fledged board member. The experience gained from board service, and the introduction to the necessity of a robust and active board of directors to any non-profit organization, is invaluable to both participant and organization alike.

In addition to programs that directly benefit young lawyers, the Foundation is the active representation of the Association’s charitable side. Much of all Americans’ daily lives are driven by lawyers or the court system, but the great majority of the time non-lawyers are left without representation. The need for representation has only increased, even in civil cases, where representation is not a constitutional right, but hold the possibility of a person losing nearly everything but their liberty. The Foundation helps support the organizations that have their fingers in the holes in those dikes. I often tell young lawyers that only fellow attorneys – and of course, recipients of such services – can appreciate the need for free and low-cost legal services. Only we truly understand the difference between meaningful representation and none at all. Often, the recipients are in no position to financially support the organization, meaning that doing so is up to us.

Our area law schools do an excellent job introducing their students to our legal services organizations, and encourage students to volunteer and to develop a habit of service. Unfortunately, volunteers also do not pay the rent. Anyone who has read this column (Hi, Mom!) over the course of my tenure knows that I am well aware and extremely sympathetic to the new reality of the financial crunch that young lawyers face. That is why fundraisers like ours are so important not only to raising some money, but to introducing young lawyers to charitable giving at a level they can afford and can enjoy doing so.

Our Oct. 6 fundraiser, “Striking Injustice: The Bar Abides,” will be a bowling tournament held at North Bowl in the Northern Liberties section of Philadelphia. While I encourage all of you to form or join a team, there will be plenty of lanes available for those without a team and other activities like pool tables and arcade games. Sponsorships are available and in addition to the advertising and marketing opportunities, many of them come with tickets to the event. Individual tickets will also be available and include both food and drink specials. As always, while we are made up of all young lawyers, we encourage everyone to attend and hope to see many of you there. To purchase tickets, visit PhiladelphiaBar.org.

Erin E. Lamb (elamb@rawle.com), associate at Rawle & Henderson LLP, is chair of the Young Lawyers Division.

2016 SCHOOL SUPPLY DRIVE AND BILLY PENN WHO’S NEXT: LAW

For 2016, the Young Lawyers Division’s (YLD) Annual School Supply Drive again collected donated supplies for Turning Points for Children (TP4C). TP4C works to improve the lives of children in Philadelphia. The school supply drive culminated at the YLD happy hour at Uptown Beer Garden on Aug. 23. Left: Chancellor Gaetan J. Alfano (left) and Erin Lamb, chair, YLD (second from left); with (left to right) TP4C’s Director of Development Eartha Holland, FAST i3 Quality Control Manager Jean Wintz-Dabney and FAST i3 Lead Quality Control Manager Rob Lairmore at the happy hour. Right: Donations collected at Berner Klaw & Watson LLP. The happy hour was sponsored by Special Counsel. The Philadelphia Bar Association Young Lawyers Division (YLD) was well represented in the 2016 Billy Penn Who’s Next: Law feature. Honorees were recognized at a reception hosted by Billy Penn at Pipeline Philly on Aug. 24.

Chancellor Gaetan J. Alfano (left) and Chancellor-Elect Deborah R. Gross (right) with YLD members (back row, left to right) Kevin Harden Jr., past honoree; Kevin V. Mincey, honoree; Mark J. Burgmann, honoree; Melanie S. Carter, honoree; Eli H. Klein, honoree; Meghan E. Claiborne; Dana A. Gittleman, treasurer, YLD; Noah Goodman, honoree; Franz Espanol, honoree, and wife, Crystal Espanol; Michael C. Witsch; Erin E. Lamb, past honoree and chair, YLD; Shabrei M. Parker, honoree; Jenna Collins, honoree; Catelyn McDonough; and Lauren A. Fine, honoree; at the reception.
Everything You Wanted to Know About Treatment Court (But Were Afraid to Ask)
Thu., 9/8/16 - 12:30 - 1:30 p.m. (1 SUB)
Hosted by the Criminal Justice Section
The Philadelphia Treatment Court (PTC) has been operational since 1997 and will be celebrating its 20-year anniversary next year. PTC was the first drug court in Pennsylvania. Pennsylvania currently has more than 30 drug courts. This CLE will examine the history and philosophy of problem solving courts. Expert faculty will explain how the PTC works. The discussion will address specific issues including eligibility, the application process and the requirements for the successful completion of the program.

Understanding the New DOL Fiduciary Rule: Are You Ready to Advise Your Clients?
Fri., 9/9/16 - 9:00 a.m. - 12:15 p.m. (2 SUB/1 ETH)
Presented with The American College of Financial Services
The U.S. Department of Labor’s new rule, “Definition of the Term ‘Fiduciary’; Conflict of Interest Rule – Retirement Investment Advice,” will expand ERISA’s prudent-expert fiduciary standard to cover a wide range of businesses and individuals not previously covered by that standard of care. The changes are expected to upend many of the existing business models in insurance, financial services, investments and retirement planning, creating legal challenges for companies that did not expect to be impacted. Whether you advise financial service practices, investment management firms, employee benefit, or insurance companies, this CLE will prepare practitioners to handle the new legal challenges and advise their clients as a result of the changes from this new rule.

The ACA’s Impact on Medical Malpractice Litigation
Mon., 9/12/16 - 12 - 1 p.m. (1 SUB)
Hosted by the Medical-Legal Committee
The Affordable Care Act (ACA), despite its political controversy, has reconfigured private health insurance and its availability for all U.S. citizens. Consequently, the ACA has ignited a debate on the calculation and projection of future medical damages, the classically held maxims of the collateral source rule and the prospects of creative new approaches to resolving complex medical malpractice matters. This CLE course will focus on the salient features of the ACA as it relates to litigation, case law that has addressed the issue, and other thought provoking issues surrounding discovery, expert witnesses and the intricacies of this new health insurance.

Governance and Ethical Issues for Nonprofit Board Leaders
Tue., 9/13/16 - 12:30 - 1:30 p.m. (1 ETH)
Hosted by the Young Lawyers Division as part of the Board Observer Program
This CLE program provides an overview of governance and ethical issues frequently faced by nonprofit board leaders and their counsel. As attorneys serve in both capacities, they must understand the legal and ethical implications of issues that may arise and how to deal with these issues. Featured speaker, Frannie Reilly, counsels clients on corporate governance, corporate policies/best practices, compliance issues, nonprofit issues, public finance and real estate transactions.

Uniform Trust Code: New Jersey v. Pennsylvania
Thu., 9/15/16 - 12:30 - 2:30 p.m. (2 SUB)
Hosted by the Tax Committee of the Probate and Trust Law Section
Now that the Uniform Trust Code has crossed the river into New Jersey, practitioners practicing in both New Jersey and Pennsylvania are asking, how are these two “Uniform” Trust Codes similar and how do they differ? This practical CLE seminar will explore the key provisions from both states, identify where they mirror each other and explore the differences as between the two codes. Join your colleagues for this information lunch program examining the similarities and difference between the Uniform Trust Code in New Jersey and Pennsylvania.

Key Legal Issues Facing General Counsel
Thu., 9/16/16 - 8:30 - 10:45 a.m. (2 SUB)
Registration through the Directors Roundtable
Presented in partnership with Directors Roundtable and Ballard Spahr LLP
General Counsels are more important than ever in history. Boards of Directors increasingly look to them to enhance financial and business strategy, compliance, and integrity of corporate operations. As part of the Director’s Roundtable, this CLE will focus on key issues facing the General Counsel of an international corporation including intellectual property, government regulations including FDA and Medicare, risk management and antitrust.

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Taking A Moment to Think About the Big Picture

By Stephanie Kammer

Is my life driving my finances or are my finances driving my life? Do I feel financially aware? What are my priorities for my financial future?

These are some of the questions members were prompted to ask themselves during the Women in the Profession Committee meeting in May. Patricia T. Dunn, financial adviser for Merrill Lynch in Philadelphia, shared some of the practical advice she has used to help clients ensure their financial security. As a pioneer in the financial services industry, Dunn has navigated clients through market conditions good and bad for more than 40 years. When she began her career in 1976, a woman in financial services was unheard of. In her words, “only men invested, and they only invested with men.” The industry remains dominated by men today: women only make up 10-15 percent of the industry.

Dunn was inspired to set out on her life path by the story of a childhood friend’s mother, who was able to support her family after her husband’s death by investing the proceeds of his life insurance in a cyclical stock while it was low and selling while it was high. This introduced Dunn to the power financial awareness has to improve people’s lives. She and her group take a holistic approach to wealth management, which includes not only investment but also things like retirement and estate and legacy planning.

Dunn walked participants through organizing their financial goals in order of priority: major dreams and purchases, retirement age, retirement lifestyle, education goals, long-term care, surviving spouse, and estate and legacy. She focused on how each of these goals should have a different ranking depending on stage of life and touched on financial considerations and predicaments specific to women. According to Dunn, women are often looked to be the caretakers of their elderly parents, women often shy away from financial awareness and women invest for security while men invest for success.

Through her discussion of the fundamental financial considerations for women at different stages of life, Dunn demonstrated how planning for the future is about more than just “putting eggs in the basket.” Planning for your financial future is about knowing your needs and wants, communicating those needs and dreams, and utilizing the right professional or service to achieve them.

Stephanie Kammer (stephanie.kammer@phila.gov), an assistant city solicitor for the City of Philadelphia, is an associate editor of the Philadelphia Bar Reporter.
Update Construction Contracts, Cut Clients’ Risks

By Brian P. Libes

A contract can read more like a foreign language than English to the average person. The difference in word choice may seem more trivial than substantive. However, protecting clients is of utmost importance for every attorney, especially in the construction business where projects are dangerous, people get hurt and valuable objects break. Whether you represent owners, developers, contractors, or subcontractors, it is important to know whether the language included in a contract will properly safeguard your client and be upheld by a court.

At an Aug. 10 Philadelphia Bar Association CLE titled “So, Have You Updated Your Construction Contract Forms?,” Jonathan A. Cass, partner at Cohen Seglias Pallas Greenhall & Furman PC, discussed the importance of understanding the meaning behind indemnification provisions and insurance requirements within a construction contract, and how it impacts negotiations.

An owner of property does not always have full control in a construction setting. When property is being constructed, owners contract with general contractors who will often contract with subcontractors. Inherently, owners want to shift their risks to the people who are doing the work. This can be accomplished through an indemnification provision. An indemnification provision is a contract where one party agrees to assume the tort liability arising from services provided pursuant to a contract.

If an indemnification provision does not have clear and unequivocal language, or the language is too broad, a contract can read more like a foreign language that covers all possibilities, while attempting to placate courts with sufficiently specific terms. This causes contracts to lose their clear and unequivocal nature and sound more like a foreign language.

Jonathan A. Cass, partner, Cohen Seglias Pallas Greenhall & Furman PC, at the Philadelphia Bar Association CLE hosted by the Construction Law Committee on Aug. 10.

CLE Topic Idea?
To submit a topic idea for a CLE course or volunteer to be a course planner or presenter, contact Director of Continuing Legal Education, Tara D. Phoenix, at 215-238-6349 or tphoenix@philabar.org.

For details on placing a Lawyer to Lawyer referral ad, contact Lana Ehrlich at 215-557-2392 or lehrlich@alm.com.
City Solicitor Champions Staff, Raises Office Profile

By Enrique Marquez

It has been eight months since Sozi Pedro Tulante took office as city solicitor of the City of Philadelphia Law Department, and in the short time he has occupied that position “change” has been seen in every corner of the City Law Department. The major driving force engineering the change is the attorneys, according to Tulante, who possess a difficult task in maintaining what essentially is one of the biggest law firms in Philadelphia with advising Mayor Jim Kenney, the police commissioner, city council and others. Though his position comes with a litany of responsibility, one can always witness Tulante cool, calm and relaxed.

Difficult is the task of measuring the progress that Tulante has accomplished so far. However, progress succeeds in characterizing his job to date. When asked about his time with the city, he focused on the attorneys that work for him. He said that one of the most challenging aspects of the job is being witness to the caliber of attorneys and juxtaposing that with current salaries. Tulante said, “We have great attorneys doing well under difficult circumstances. I felt I needed to acknowledge that.” And acknowledge that he did. One of his first tasks was to successfully advocate for and obtain minimal salary increases for the attorneys and staff in the law department. It was one of the first in years. Couple that with his mission to boost morale within the department. If you are an attorney under Tulante and have great news to report, everyone within the department will know about it. Furthermore, he has been known to spontaneously “pop in” court rooms to observe other solicitors during trials and hearings as an expression of his unyielding support for his team.

Earlier this year, he invited all attorneys hired since the day he started and shared with them his goal for the lawyers in the office. He expressed to them his vision of an office where the attorneys are challenged to be the best that they can. “If our attorneys get better, it makes us a better place,” Tulante said. To this end, he has established several committees with the purpose of raising the profile of the office as a whole. It is a comprehensive approach targeted at increasing diversity, participation in public interest programs and professional development of the attorneys working for the city. The consequence, he hopes, is that this will create a strong image of the office charged with the responsibility of legally representing the City of Philadelphia.

So, how is Tulante able to juggle advising city administrators and managing a 200-attorney office? With very little sleep, he said. “If you care about this job and want to do it right, then you are fully engaged. This means there are no eight-hour days.” With the current momentum, we should expect to see many more great things coming out of the City Solicitor’s Office. At the end of his tenure, Tulante wants his legacy to be associated with a department that pursues cases affirmatively and a diverse workforce that reflects the composition of the citizens served. In fact, the law department has noticed an uptick in affirmative litigation coming out of the office. This year, the office wrote an amicus brief regarding the school funding issue and has increased collections for the city. This is just the beginning. When asked about the future, he emphasized that he wanted to see a department where anyone can succeed regardless of sex, gender, race, ethnicity, etc. He wants to see his attorneys publish more and be nominated for more awards. He said, “I am proud of the department as a whole because we are the unheralded heroes of city government. We do not get credit, but without us, GOOD LUCK.”

Enrique Marquez (Enrique.Marquez@Phila.gov), assistant city solicitor for the City of Philadelphia, is an associate editor of the Philadelphia Bar Reporter.
By Steven E. Bizar

Nine months ago in this column I asked how the Philadelphia Bar Foundation and the broader legal community can "inspire each successive generation of Philadelphia lawyers to outdo its predecessor in the quest for equal justice for all."

This is essentially the core mission of the Foundation. On behalf of those struggling with poverty, abuse and discrimination, the Foundation embodies the commitment of all lawyers to address a wide range of unmet legal needs in the public interest through the provision of grants, technical assistance, and civic education supporting quality legal services.

And then nine months ago we faced the issue of slavery. Since that time, the Foundation has led a thorough, inclusive, and honest process to examine, in light of recently identified information about Andrew Hamilton's ownership of slaves, the continued use of Hamilton's name in connection with the branding of the Foundation's Annual Benefit. At my request, the Foundation's Board of Trustees appointed an Ad Hoc Committee to evaluate these issues. The Committee was composed of 16 members, representing a cross-section of the Association, including Foundation trustees, former Chancellors, and other prominent practitioners and academics in the region.

Over the course of several months, the Committee held in-person discussions, performed thorough research and analysis, and produced a comprehensive final report endorsed by all Committee members and the Foundation’s Board of Trustees. This assessment took place in the context of the Foundation’s overall updating of its communications and fundraising strategies.

Andrew Hamilton – not related to Alexander Hamilton – was a pre-Revolutionary War lawyer in Philadelphia and a Pennsylvania public official, best known for his successful and extraordinary pro bono defense of John Peter Zenger against the criminal charge of seditious libel. Hamilton lived at a time before the abolitionist movement took hold in either the colonies or England. He owned slaves, acquired great wealth, and willed his property – including his slaves – to his heirs.

After in-depth research and candid dialogue considering all facts and perspectives, the Committee recommended that the Foundation should consider another name for its annual benefit, bearing a more direct relationship to the organization’s mission, the community of public interest stakeholders it represents, and the rich diversity of the Philadelphia legal community.

I strongly encourage you to read the 25-page Committee Report and its appendices. I believe no one can genuinely review the Committee Report and not be moved by the balanced, heartfelt and intellectually honest summation of the Committee’s impressive work – or its recommendations. The Foundation and our entire community owe a debt of gratitude to all of the members of the Committee, listed in the Committee Report, and especially the Committee Chair Thomas A. Brophy, president & CEO, Marshall Dennehey Warner Coleman & Goggin PC., and President-Elect and Trustee of the Foundation. We cannot give enough thanks to Brophy and all of the volunteer members of the Committee.

The Committee's final report is posted online here: www.philabarfoundation.org/news/ad-hoc-committee-report.

At its meeting in July, the Trustees of the Foundation unanimously agreed that our annual signature fundraising event will have a new name, now called “The Access to Justice Benefit,” with the stated purpose of “Uniting Our Community for Legal Aid.” This year’s Benefit will be held on Saturday, Nov. 5, 2016 at the Independence Seaport Museum.

I would like to quote extensively from the conclusion of the Committee Report:

"The ultimate goal of the process should be to develop an image for the benefit that would continue to be effective as a fundraising tool, but that also would accurately reflect the rich diversity of today’s community of Philadelphia lawyers, and celebrate the contributions of the public interest community the Foundation’s efforts are meant to support. In making these recommendations, the Committee takes no position on any other uses the Foundation, the Philadelphia Bar Association or any of its sections or committees may make of Hamilton’s legacy in pursuit of their objectives. Our concern was only with whether the Foundation’s philanthropic mission and its diversity objectives would be better served by a name change for the Hamilton event. We believe that as far as the Foundation’s needs are concerned, a name change should be considered.

Finally, we also recognize that changes in traditions can be difficult. It is the Committee’s strong hope that through this process the entire Philadelphia legal community will rally around the core mission of the Bar Foundation and strongly support equal access to justice for all. The Foundation is a vital institution, embodying the commitment of our legal community to supporting these principles and using philanthropy to assist all nonprofit legal aid organizations, large and small, to provide services to individuals and families in need. The Committee trusts the Board and staff of the Foundation to continue engaging the broader community as it implements the Committee’s recommendations and finds ways to update organizational traditions within the context of renewed branding, communications and fundraising strategies.”

As I begin the final several months of my two-year term as President, I am extraordinarily proud of the Foundation’s work in support of a wide range of nonprofit legal aid organizations in the Philadelphia region. The individuals and families ultimately benefiting from our philanthropic efforts include low-income parents, struggling senior citizens, victims of abuse, and people from all backgrounds and cultures. "The diverse and talented set of lawyers and other staff in the nonprofits supported by the Foundation perform this challenging work on behalf of the entire legal community, sustaining their amazing personal commitment despite earning far less than they could in private law firms or corporate legal departments.

As the Foundation continues to update and strengthen its operations to fulfill our mission, we ask for your enduring support. Please join us at the Access to Justice Benefit on Nov. 5 and vote for equal justice with your presence and your generosity. You can register online through our website at www.philabarfoundation.org.

Steven E. Bizar (steven.bizar@dchertz.com), a partner at Dechert LLP, is president of the Philadelphia Bar Foundation.
City Workers’ Compensation Judges at a Glance

By Hon. Geoffrey W. Dlin (Ret.) and Amit J. Shah

As an introduction to the workers’ compensation judges, let us address first who they are not. Aside from not being gods (as they will readily admit), they are not technologically administrative law judges like the Public Utility Commission and Liquor Control Board judges, in that they do not adjudicate cases where a governmental agency is a perpetual party. They adjudicate only workers’ compensation cases. Also, they are unlike civil court judges in that they do not run for elections. The credibility findings of workers’ compensation judges are seldom overturned.

Following the passage of the original Workers’ Compensation Act in 1915, it was expanded to include occupational diseases, psychiatric injuries, repetitive injuries and countless other permutations of the original legislation. Case law interpreting those changes followed, and the need for more credentialed and legally sophisticated triers of fact became crucial. As a result, the legislature revised who should be a workers’ compensation trier of fact. Act 44 of 1993 and Act 57 of 1996 elevated workers’ compensation referees to judges. As of 1996, new judges must possess a law degree and have five years of workers’ compensation litigation experience. Appellants for the position of workers’ compensation judge must sit for an extensive Civil Service Examination and subject themselves to a minimum of two interviews before being appointed. Following their appointment, workers’ compensation judges are required to participate in 20 hours of approved continuing professional development courses.

The Philadelphia Office of Adjudication and its affiliate office in Upper Darby are home to 22 workers’ compensation judges. Their years of experience range from more than 40 years to less than two years. Although there are nine male judges and 13 female judges in the district, at present women comprise only 20 percent of workers’ compensation judges across the Commonwealth. To call the judges public servants is an understatement. They represent the best of what public service should be. Their dedication is made even more impressive in that the rate of remuneration is quite low in comparison to federal administrative law judges and judges in the judicial branch. This has not impacted the number of applicants to open positions, however.

As for hearing procedures, most workers’ compensation judges in Philadelphia and Upper Darby have a call of the list for summary proceedings - cases that require either no or very brief testimony and/or submission of exhibits. These are fast paced, high-volume hearings. Once the summary proceeding cases are addressed, cases that require prolonged testimony are heard. Many judges dedicate specific times for hearings that require testimony. Each judge adjudicates hundreds of petitions each year. These cases often involve complex legal, factual and medical causation issues. Adjudication is arduous as judges must write reasoned decisions, based on a detailed analysis of a voluminous evidentiary record. Workers' compensation judges are also required to conduct mandatory mediations; a significant number of judges also volunteer to mediate cases.

The Pennsylvania workers’ compensation adjudicatory process has come quite a long way in 100 years. The current lineup of judges reflects the elevated standard of legal practice that has flowed from the ever increasing complexity of workers’ compensation litigation.

Hon. Geoffrey W. Dlin (Ret.) (GDlin@knauno.com) is a partner at Knauno, Knauno and Omundseth and Amit J. Shah, (ashah@ppw workinjury.com) is a partner at Martin Law LLC.

Social Media Creates Wrinkle in Discovery Process

By Regina M. Parker

The exponential growth of social media platforms such as Facebook, Twitter, LinkedIn and Instagram have fundamentally changed the way discovery is conducted in workers’ compensation cases. This point was driven home by panel members during the Aug. 12 Workers’ Compensation Section CLE program titled “I Know What You Did Last Weekend - Effective Use of Social Media in Workers’ Compensation Litigation.” The panel included Scott Catron, senior vice president at Titan Investigative Alliance, LLC; Frank N. Ciprero, attorney at Pond Lehocky Stern Giordano; Christian Davis, partner at Weber Gallagher Simpson Stapleton Fires & Newby LLP; and Ashley Drinkwine, attorney at Carpenter McCadden & Lane LLP.

It has become common practice for workers’ compensation attorneys to perform an introductory search of a claimant’s social media information. It is beneficial for attorneys to start with a Google search as soon as possible, Drinkwine said. However, attorneys should avoid putting themselves in a situation where they could possibly be a witness. Drinkwine recommended having a paralegal download or print social media information. David said that if there is a red flag or issue that could potentially undermine a claimant’s credibility, a professional service or investigator should be contacted to dig a little bit deeper.

Attorneys should also be mindful of various ethical considerations including ex parte communications with a claimant via social media websites. The panelists agreed that attorneys should be discouraged from finding a claimant or instructing anyone else to interact with a claimant. The panel explained that if a claimant is unrepresented, the attorney would have to provide their true identity and explain to the claimant why they are trying to access their information.

Generally, courts have held that information from publically accessible social media pages is not private and is fair game. Ciprero said that it is important to inform claimants regarding the possibility of surveillance and to instruct them to check their privacy settings on their social media accounts. It would be unethical to instruct a claimant to destroy discoverable information, he explained.

The panel agreed that attorneys must tread carefully in their pursuit of social media discovery. How information is available on social media websites plays a determining factor into what conduct is permissible and how an attorney may obtain information, Drinkwine said. Although a claimant’s privacy settings may restrict access to social media content and hide potentially useful information, attorneys are not precluded from requesting access to private media accounts. She said that in order to obtain access to a claimant’s private social media account, the defendant bears the burden of showing that, based on what is visible on a
Left: Jacqueline G. Segal, secretary, Board of Governors (left to right); Vai Sikahema, sports director, NBC10; Hon. Cynthia M. Rufe, U.S. District Court for the Eastern District of Pennsylvania; and Norman McCall, immigration services officer, U.S. Citizenship and Immigration Services; at the Naturalization Ceremony sponsored by the Philadelphia Bar Association at the U.S. Courthouse on Aug. 18. Right: New citizens take the Oath of Citizenship. Ninety-seven people from 50 countries became U.S. citizens at the ceremony.

DEMOCRATIC NATIONAL CONVENTION

Beyond Politics, DNC a Showcase of Philadelphia

By Matthew A. Fontana

In case the number of donkeys around the city did not tip you off, the Democratic National Convention blew through town from July 25-28 and Philadelphia was feted in an incredible way. With national media in town for nearly a week, Philadelphia was the epicenter of the political universe. The beating heart of the Convention’s festivities was the Wells Fargo Center, where the delegates gathered each night for rallies and speeches that made the case for why Hillary Clinton should be the next President of the United States. Beyond the Wells Fargo Center, I was surprised and pleased with the number of wonderful events, some I was fortunate enough to attend, hosted throughout the city highlighting the powerful things that are happening here in Philadelphia.

Philadelphia has become a leader in the fight for quality pre-K for all children and one of Philadelphia’s leading early childhood education providers, Children’s Village partnering with The Greater Philadelphia Coalition Against Hunger, hosted one of the best events I attended on July 25. The event spotlighted the importance of early childhood education and eradicating childhood hunger. The event featured a roundtable discussion with Mary Graham, director of Children’s Village; Dorothy McAuliffe, the first lady of Virginia; Anne Holton, former secretary of education for the Commonwealth of Virginia (and wife of Vice Presidential Candidate Tim Kaine); and Ted Dallas, Pennsylvania Secretary of Human Services. After the roundtable, the group went into the classroom to meet the real stars, the children.

The Convention also celebrated Philadelphia’s recent status as the number one city for millennials (aged 18-34) to live. The Millennial Action Project, a nonprofit committed to encouraging bi-partisanship among millennial aged Congressional representatives, hosted an event featuring Rep. Brendan Boyle (D-Pa.) and Rep. Seth Moulton (D-Ma.). The event included a lively discussion about how to get millennials more politically engaged. Later that same day, I attended an event hosted by Democratic Pennsylvania House Representative Nominee Morgan Cephas, a rising millennial political leader, on the importance of embracing the politics of unity. At that event, Philadelphia’s own millennial-focused political engagement group, Philly Set Go, spoke about the importance of millennial engagement.

The Convention also offered the chance to party. With selected bars open until 4 a.m., Philadelphians were able to stay out late to mingle with delegates, party leaders and convention attendees. Aquimero, the new restaurant in the Ritz-Carlton, Philadelphia, was the most popular spot, featuring jam-packed crowds each night and getting a shout out in the New York Times.

From the perspective of this Philadelphian, the Convention was a great success. Not only did it showcase Philadelphia, but it spotlighted important issues, such as pre-K and childhood hunger, challenges that face many Philadelphians. In the end, the Convention was more than just a big party, and that is a good thing.

Matthew A. Fontana (Matthew.Fontana@dbr.com), associate at Drinker Biddle & Reath LLP is the Young Lawyers Division liaison to the City Policy Committee.
Helping Clients Gain Stability Through SSI

By Katharyn I. Christian McGee and John S. Whitelaw

For more than a year, Duane Morris LLP pro bono attorneys have taken an increasingly important role in providing crucial legal representation to two of the most vulnerable populations served by Community Legal Services (CLS) – immigrants and individual with disabilities.

CLS operates a Medical-Legal Partnership (MLP) at Rising Sun Health Center in the Olney section of Philadelphia, where staff attorney Lydia Gottesfeld represents medical patients in welfare and utility matters. The MLP serves a large immigrant community, a legal area where CLS does not practice, so Duane Morris LLP Pro Bono Partner Valentine Brown, an immigration practitioner, trained CLS attorneys and assists clients with their immigration cases pro bono.

In one particularly compelling situation, Duane Morris aided Ms. J, an immigrant with legal permanent resident status due to her marriage to a U.S. citizen. After they appeared from the household, Ms. J had to affirm to United States Immigration and Citizenship Office that she and her husband still were married two years later, or explain why they were not. Brown represented Ms. J in obtaining his U.S. citizenship, which he proudly received in a moving ceremony in July 2016. As a U.S. citizen, Mr. M can apply for Supplemental Security Income (SSI), due to his blindness, that will offer a considerably more stable lifestyle than the State Blind Pension. She also represents Mr. M’s wife in seeking her U.S. citizenship. Without Brown and other Duane Morris attorneys’ collaboration, CLS clients likely would go unrepresented in stabilizing their immigration statuses, which has the added benefit of helping stabilize their benefits and financial statuses.

While CLS does maintain an active and busy SSI disability practice, the need for representation far exceeds CLS’s capacity. On average, 10 individuals with meritorious appeals weekly are declined representation from our disability law experience and respond to my colleagues’ express interest in providing crucial legal representation to two of the most vulnerable individuals appearing without representation before ALJs in their disability hearings as well as support CLS in its federal appeals practice.

We are grateful to CLS for supporting our pro bono interests and are proud to work with CLS on behalf of some of Philadelphia’s most vulnerable residents who so desperately need representation in securing immigration and disability benefits that will help stabilize their lives.

Katharyn I. Christian McGee (kchristianmgee@duanemorris.com) is an associate at Duane Morris LLP. John S. Whitelaw (jwhitelaw@clsphila.org) is a supervising attorney at Community Legal Services.
By Jennifer Branscom

We have often heard the phrase “Don’t just sit there, do something!” Action is important in our fast-paced world, especially at work. Making decisions is a crucial part of making things happen, but making decisions can be stressful, particularly in a competitive, results-driven environment. Practicing lawyers are no exception. In fact, lawyers face several issues that can multiply that stress. Some of the stressors include the legal complexities of a case or deal, the reactions of the involved parties, and the non-legal ramifications of any particular decision. Making decisions in the fast-paced world we live in and the potential consequences of making a bad decision create a heightened stressful atmosphere for lawyers.

Kathy I. Jaffari, chair of the Business Law Section and mindfulness practitioner, led a CLE on July 14 on this very topic—mindful decision-making for lawyers. Saul Ewing LLP hosted the event about practical solutions for making decisions both mindfully and ethically. Jon Krop, founder, Mindfulness for Lawyers; and Kimberly Togman, principal, Next Step Partners; led the two-part program including a meditation exercise and small-group discussion.

Jaffari opened the discussion with an introduction to the Section’s mindfulness series and in particular about how she integrates mindfulness into her busy law practice, as well as a brief overview of how it can improve decision-making. As the lawyers in the room were instructed to focus on their breathing, they practiced a “sit,” that in the world of meditation is a noun not a verb. Beginning with the extended ring of the singing bowl (the smartphone version, of course) Krop explained how meditation is not about stopping our “monkey minds,” but rather about raising awareness of the mind’s thoughts. He shared that mindfulness is the practice of resting the mind calmly in the present moment rather than getting caught up in fears, worries and stories. The good news is that you cannot do it incorrectly. Togman continued the program by describing how mindfulness yields numerous benefits including increased emotional intelligence, leading to better and more ethical decision-making. She emphasized that by becoming aware of the mind’s activity during the decision-making process, we can make better decisions. We do not realize how much of our day we spend on autopilot, or how rarely we are present in the moment that we have to make a decision. There was a (mindful) buzz about the room as lawyers contemplated the many challenges they face every day in their jobs.

Jaffari, Togman and Krop closed the program by touching on some of the highlights of the program and answering the many questions from the group. One of the key questions was how often do you need to practice meditation in order to make decisions mindfully. The answer is that a daily practice is helpful. It is more important to practice on a regular basis than the length of time of the sit. Over time, your decision-making process will naturally become more mindful. So come on. Don’t just do something, sit there.

Jennifer Branscom, professional development and alumni relations manager, Ballard Spahr LLP (left to right); Kimberly Togman, principal, Next Step Partners; Jonathan Krop, founder, Mindfulness for Lawyers, and associate, Vladeck, Raskin & Clark, P.C.; Kathy I. Jaffari, chair, Business Law Section, and mindfulness practitioner; and Sherie Zachary, director of career development and inclusion, Saul Ewing LLP; at the Philadelphia Bar Association CLE on July 14.

CLE Topic Idea?
To submit a topic idea for a CLE course or volunteer to be a course planner or presenter, contact Director of Continuing Legal Education, Tara D. Phoenix, at 215-238-6349 or tphoenix@philabar.org.
Wife, mother, daughter, sister, omi, friend and outstanding advocate!

Congratulations Bobbi Liebenberg, recipient of the 2016 Margaret Brent Women Lawyers of Achievement Award!

We love you and are so so proud!
Love, the Liebenberg, Feldman, Falkenstein and Pearl families
Since reaching a high point in June 2014, oil prices have been steadily falling. However, the slide in such an important commodity is not the crisis it may seem, once you understand the forces at work and how they might influence your investing. For this month’s interview, I sat down with Regional Investment Director David Huting, CFA® of PNC Wealth Management® to understand the upside to lower oil prices.

Mary Ashenbrenner (MA): How can falling oil prices be a good thing for investors?

David Huting (DH): We view the drop in oil prices as a mostly positive dynamic, and it is likely to play out over the long term, not immediately — but it’s still on balance a beneficial factor. To understand why, it helps to grasp exactly what we mean when we say “oil prices are falling,” and why the price of oil means so much to the markets. We watch WTI, West Texas Intermediate, to understand U.S. prices, and use the price of Brent crude as an indicator of global oil price activity. They generally move in the same direction — and at the moment, the story they tell is the same: pretty negative, at least for people who own significant oil holdings, and net positive for the consumer side.

MA: The first half of that statement seems intuitive, but how could the consumer benefit from this market dynamic?

DH: Consider that lower oil prices make it cheaper to produce plastic — a major input for the goods that go into many shopping carts, in stores and online. The price of gasoline also slides when oil falls, which drives down a major expense for not only the American household, but also for shipping those consumer goods around the country. Cheaper gas and lower-priced goods tend to boost consumer spending, which in turn improves consumer spending, which in turn improves the law of large numbers; even a small shift matters when it’s in the second-largest economy in the world. Together, these factors limit the positive effects of lower oil prices — but don’t cancel them out.

MA: Given those limiting factors, are lower oil prices a net positive or a net negative?

DH: We believe that overall, lower oil is a net positive. That said, you have to be mindful of the negative part of that net. Specifically, energy-related investments, which are likely to see the greatest effect of lower oil, will require the most vetting. Because our view on oil is lower for longer, you have to explore whether a given company is positioned to survive. Examine how much its business is levered to oil. High-yield bonds warrant the same degree of scrutiny, because so much of that portion of the credit market consists of energy companies.

MA: Which sectors seem to fare better for investors when oil prices fall?

DH: Sectors that are likely to benefit from lower oil prices include consumer goods, entertainment and even airlines. Look for companies that are likely to find their margins expanding because this major cost of business is decreasing, or those that are likely to attract the dollars that consumers aren’t spending at the pump. Most importantly, don’t get too distracted by daily movements in the price of oil. Low oil prices are a net positive so even just having oil stabilize will be enough to make things look a lot brighter pretty quickly.

Mary E. Ashenbrenner (mary.ashenbrenner@pnc.com or 215-585-1041) is a senior vice president with PNC Wealth Management.

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Five Vital Components to LPL Coverage

As many as 55,000 attorneys in the United States are likely to face an allegation of professional liability in any given year, and it is estimated that there is a 50 percent chance that a lawyer in private practice for 25 years will be the subject of at least one disciplinary complaint or malpractice claim. This makes lawyers professional liability (LPL) insurance an essential part of any law practice.

Some key issues to consider regarding your LPL insurance:

**Terms of Coverage**

Policy language may vary, but there are many common provisions and types of coverage. Some commonly covered risks include:

- Coverage for all legal services provided by the firm.
- Individual lawyers or non-lawyers are covered for services not performed on behalf of the firm.
- Acts other than those on behalf of the named insured, such as pro bono activities.
- Other business pursuits with clients of the firm.
- Coverage for any services crucial to the firm.

**Named Insured**

The policy will name who falls within the definition of “Insured” for the purposes of the LPL coverage. For example, does it include former members of the firm, or contract lawyers hired only to work on specific matters? Or does the definition limit coverage to services rendered on behalf of the firm, excluding outside activities or work with a former firm?

**Exclusions**

There has likely never been an insurance policy of any kind that does not contain exclusions or exceptions to coverage, making it extremely important to review the entire policy, not just the “Exclusions” section. There may be terms, conditions, requirements and endorsements included throughout the policy that limit or void coverage. Some common exclusions include criminal acts, intentional or malicious acts and claims for injunctive or declaratory relief.

**Deductibles**

Almost all policies have deductibles, and the higher the deductible, the lower the premium. But you should pick a deductible that you can afford to pay, not just one that lowers your premium to a level you prefer. Payment of the deductible is a precondition to the carrier being obligated to paying its limits.

**Prior Acts Coverage**

Prior acts, also known as “tail coverage,” is coverage for claims that are made after a claims-made policy is terminated, extending the reporting or discovery period. Any lawyer who retires or goes into public service should consider prior acts coverage, and those changing firms need to make certain they will be covered under their old firm’s policy for any errors or omissions that may have occurred while they worked there, and under their new firm’s policy for any they accrue after they start at their new firm.

For more information about legal malpractice trends and how to protect your practice, contact Jenny Shazes at USI Affinity today at (610) 537-1456 or jenny.shazes@usiaffinity.com.

For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinityex.com/Philadelphia. For Lawyers Professional Liability and other business coverage, you can continue to visit the regular Philadelphia Bar Association Insurance Program website at www. repinsurance.com/Philadelphia. If you’d like to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 1-855-674-0517.

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

Questions? 866-298-5880
Quick Bites

La Mula Terca, Upscale Latin American Street Food

By James Zwolak

In our city of great restaurants, adventurous chowhounds are always looking for the next edgy, ultra-cool dining corridor. The new underground contender on the horizon may be none other than…Snyder Avenue, west of Broad Street. Huh? Although dueling takeout shops still dominate this gritty stretch of South Philly (my neighborhood-native dining companion adamantly refuses to let me dub this location “Point Breeze” - or worse - “Newbold”), enterprising entrepreneurs have recently opened exciting eateries such as Chaat and Chai and the new La Mula Terca.

The brainchild of Zavino/Tredici Enoteca mixologist Israel Nocelo and partner Arturo Lorenzo, owner of Café y Chocolate across the street; La Mula Terca humbly purports to be an upscale twist on Latin American street food. Coming from my South Philly ‘hood of “Tacqueria Centrale,” I was expecting a slightly nicer version of my corner standby Tamalex. However, shortly upon arrival, it was clear Nocelo and Lorenzo are swinging for the fences – this is serious, upscale chow served in a pleasant, understated modern interior.

To start off, I would recommend taking advantage of La Mula’s BYOT (Bring Your Own Tequila) policy. We did – and were rewarded with artisanal, mouthwatering margaritas mixed by Nocelo back in the kitchen. The apps – primarily fish dishes - were all delicious. You could cobble full meals from this part of the menu and not go a bit astray. Absolute musts are the classic ceviche – a beautifully constructed tower of plump Gulf of Mexico shrimp, red onion, cilantro and tomato; and the red snapper tiradito – thin, succulent slices of snapper infused with spicy chile oil and citrus. We also inhaled the pescado frito – expertly fried fish fillets with hunks of lime and fresh salsa. Finally, the shrimp montaditos – in a roasted tomato and paprika puree, with bits of manchego and garlic, were sublime.

La Mula’s main courses, although catering primarily to carnivores, had something for everyone. Better yet, no entrees topped $20. For lighter eaters, the Cubanito sandwich with roasted pork, ham and Swiss was served on a crispy bun that crackled when I bit into it. My aforementioned South Philly dining companion/flexitarian – at least on New Year’s Day when she gleefully eats bacon – had a beautifully presented vegetable medley of grilled zucchini pieces, baby Peruvian potatoes and Huitlacoche (Mexican truffles) in a zucchini blossom puree.

The meat entrees were also expertly cooked and presented. For another companion who could not eat cilantro, the La Mula steak was served with a tasty melange of grilled cactus and poblano peppers along with a quarter pound chunk of salty panela cheese. The churrasco was an appetizing hunk of skirt steak served with a large side of chimichurri and rice. And the braised short ribs with tomatillo and cilantro were excellent.

I am not sure Latin American food this upscale will survive long term at this location – but if you want high end yet casual dining in the vein of old standbys like Zocalo, check it out. And do not forget the resposado!

James Zwolak (james.zwolak@phila.gov) is a divisional deputy city solicitor for the City of Philadelphia.
Note: While the following listings have been verified prior to press time, any scheduled events may be subject to change by the committee or section chairs. Lunches are $9 for members and $15 for non-members, unless otherwise indicated. Register online for most events at philadelphiabar.org. Unless otherwise specified, all checks for luncheons and programs should be made payable to the Philadelphia Bar Association and mailed to Bar Headquarters, 1101 Market St., 11th Floor, Philadelphia, PA 19107-2955.

CALENDAR OF EVENTS

Sept. 1
Real Property Executive Committee: meeting, 12 p.m., Ballard Spahr, 1735 Market St., 48th Floor, Mattoon Room, Philadelphia.

Sept. 5
Labor Day: offices closed.

Sept. 6
Bar Reporter Editorial Board: meeting, 8:30 a.m., conference room.

Sept. 7
Delivery of Legal Services Committee: meeting, 8:30 a.m., 10th Floor Board Room.

Criminal Justice Section Executive Committee: meeting, 12:30 p.m., 11th Floor Committee Room South.

Federal Courts Committee: meeting, 12:30 p.m., 11th Floor Conference Center, Lunch: $9.


Sept. 8
Legislative Liaison Committee: meeting, 12 p.m., 11th Floor Committee Room South. Lunch: $9.

Candidate “Nuts & Bolts” Information Session: 12 p.m., 10th Floor Board Room.

CLE – Everything You Wanted to Know About Treatment Court (But Were Afraid to Ask): 12:30 p.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.


Sept. 9

Philadelphia Lawyer Referral Board: meeting, 12:30 p.m., 11th Floor Committee Room South.

Sept. 12

Family Law Section: meeting, 12 p.m., Philadelphia Family Court, 1501 Arch St., 15th Floor.

Civil Rights Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Sept. 13
Business Law Section Executive Committee: meeting, 12 p.m., Ballard Spahr LLP, 48th Floor, Philadelphia.

Law Firm Pro Bono Committee: meeting, 12 p.m., Ballard Spahr LLP, 1735 Market St., 51st Floor, Philadelphia.


Chancellor’s Forum: PA Supreme Courts Newest Justices: 4 p.m., PBI Conference Center, The Wanamaker Bldg., 100 E. Penn Square, Philadelphia.

Sept. 14
Elder Law & Guardianship Committee: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Sept. 15
Section and Division Chairs Meeting: meeting, 8:30 a.m., 10th Floor Board Room.

Family Law Section Executive Committee: meeting, 12 p.m., 11th Floor Conference Room South.

Foundation Board Meeting: meeting, 12 p.m., Eckert Seamans Cherry & Mal-Ion, Two Liberty Place, 22nd Floor, Philadelphia.

YLD Cabinet: 12 p.m., 11th Floor Committee Room.


Sept. 16
Social Security Disability Benefits Committee: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Sept. 19
Criminal Justice Section: meeting, 12 p.m., 11th Floor Conference Center. Lunch: $9.

Public Interest Section Executive Committee: meeting, 12 p.m., 10th Floor Board Room.

Sept. 20
CLE – Discovency in a Digital World: Lawyers and the Future of E-Discovery: 12 p.m., 10th Floor Board Room.

CLE – VIDEO ENCORE: Deposition Skills Litigators Need to Know: 12 p.m., 10th Floor Board Room.

LRIS Committee: meeting, 12 p.m., 10th Floor Board Room.


Sept. 21
Appellate Courts Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Immigration Law Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Legal Line: 5 p.m., LRIS offices.

Sept. 22
Rules and Procedure Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

Women’s Rights Committee: meeting, 3:30 p.m., 11th Floor Conference Center.

Sept. 23-24

Sept. 26
YLD Executive Committee: meeting, 12 p.m., 10th Floor Board Room.

Sept. 27
Women in the Profession Committee: meeting, 12 p.m., 10th Floor Board Room. Lunch: $9.

CLE – Ethical Issues and Your Fee Agreement: 12:30 p.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.

DLSC Intake Subcommittee: meeting, 3 p.m., 10th Floor Board Room.

Sept. 28
CLE – Leading Mindfully: 8:30 a.m., 11th Floor Conference Center. Register: PhiladelphiaBar.org.


Civil Gideon Task Force: 2 p.m., 10th Floor Board Room.

YLD Networking Meet & Greet: 6 p.m., Pyramid Club, 1735 Market St., Philadelphia.

Sept. 29
Philadelphia VIP Board: meeting, 8:30 a.m., 10th Floor Board Room.

LRIS Committee: meeting, 12 p.m., 11th Floor Committee Room South.

Board of Governors: meeting, 4 p.m., 10th Floor Board Room.

Sept. 30


STAFF IN THE NEWS

The Philadelphia Bar Association’s Lawyer Referral and Information Service (LRIS), is one of the oldest legal referral services in the United States, providing referrals and direction to more than one million people in the Philadelphia area over the past 60 years. LRIS employs three attorneys who answer calls from citizens of Greater Philadelphia who are in need of legal representation. Jill Freiman, Paula Gates and Alissa Young speak with callers and connect them with LRIS panel attorneys or legal services organizations that can help them receive justice in a wide variety of legal practice areas. The panel of LRIS attorneys speak a combined 17 different languages. For more information on LRIS visit www.philadelphiabarlawyers.com or call 215-238-6333.
Lawyer Must Know.” The program was continued from page 10

Social Media

“Communicating with Precision and Clarity: What Every Lawyer Must Know.” The program was held at the Wiltshire Grand in West Orange, N.J.

People

Sarah F. Dooley, attorney at Duffy + Partners, has joined the executive board of The Verdict, the regular newsletter of the Philadelphia Trial Lawyers Association.

Kimberly Rice, president/chief strategist at KLA Marketing Associates, recently led the New Jersey State Bar Association’s program “Communicating with Precision and Clarity: What Every Lawyer Must Know.” The program was held at the Wiltshire Grand in West Orange, N.J.

Zachary M. Rubinich, partner at Rawle & Henderson LLP, has been appointed as a Vice-Chair for the ABA Tort Trial and Insurance Practice Section (TIPS) Workers’ Compensation and Employers’ Liability Law Committee for the 2016-2017 year.

Angela Giampolo, principal, Giampolo Law Group, was recognized as one of the 2016 “Best Under 40” by the National LGBT Bar Association on Aug. 5 in Washington, D.C.

Scott F. Cooper, Past Chancellor and partner at Blank Rome LLP, has been appointed to serve a two-year term as President of the Temple University’s newly created Union Fan Council.

Harris J. Chernow, partner at Reger Rizzo & Darnall LLP, has been appointed to serve a two-year term as President of the Temple University Owl Club board of directors.

Lynn A. Marks has left her long-time position at Pennsylvania for Modern Courts to pursue other challenges. She was recently one of three finalists for The Legal Intelligencer’s “Attorney of the Year.”

John F. Guillace, partner at Manko, Gold, Katcher & Fox LLP, will serve as the Chair of the American Bar Association’s Section of Environment, Energy and Resources’ Superfund and Natural Resource Damages Litigation Committee.

Mary T. Vidas, partner at Blank Rome LLP, has been elected chair of the American Bar Association’s Section of Family Law. In this role, Vidas will lead nearly 10,000 lawyers, associates and law student members across the country and worldwide.

Katherine Hatton, vice president, general counsel and secretary of the Robert Wood Johnson Foundation, was named General Counsel of the Year for New Jersey nonprofits and governmental organizations by NJBIZ.

Katyun I. Jaffari, partner at Ballard Spahr LLP, has been elected to the board of directors of The Forum of Executive Women (FOEW). The FOEW is a professional organization of more than 450 businesswomen in the Greater Philadelphia region.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Thomas E. Rogers, Senior Managing Editor, Philadelphia Bar Reporter, at trogers@PhilaBar.org.

Social Media

claimant’s public page, it is likely that other relevant evidence would be available on the private page. Attorneys must show that the request is not a fishing expedition.

Another discovery tool heavily relied upon is the subpoena. However, the subpoena has not been a viable option in obtaining information from social media sites. Drinkwine said that the Communication Act prohibits internet service providers from divulging to any person or entity the contents of a communication made through an e-mail or private message, without first obtaining proper authorization. Therefore, serving a subpoena on an internet service provider can be challenging. For example, Facebook charges a $500 fee upon receipt of a subpoena and requires a valid California or federal subpoena. Thus, a subpoena signed by a Pennsylvania workers’ compensation judge will have to be domesticated in California prior to personal service on Facebook. She said that even if you manage to complete all of the necessary steps to obtain information via subpoena, Facebook will only provide basic account information that you likely already have.

The bottom line is that a claimant’s social media account is potentially subject to discovery in workers’ compensation claims. However, in order for social media content to be admissible, it has to be obtained ethically. Catron said that attorneys can obtain a lot of information without being unethical; the key is starting a search early. In order to conduct the best searches, the more information provided to the investigator the better, including emergency contact information that may have been provided on job applications, all known addresses and email addresses.

Regina M. Parker (rparker@theblacks.com), partner at Thomas, Thomas & Hafer LLP, is an associate editor of the Philadelphia Bar Reporter.

CLE Topic Idea?

To submit a topic idea for a CLE course or volunteer to be a course planner or presenter, contact Director of Continuing Legal Education, Tara D. Phoenix, at 215-238-6349 or tphoenix@philabar.org.

Brennan

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turn a backlogged court into one of the most efficient and admired case management systems in the United States. He has served in leadership positions in the Philadelphia Court of Common Pleas Commerce Court and the First Judicial District’s Class Action Program, and as a civil trial team leader for many years. The Supreme Court of Pennsylvania has appointed Judge Bernstein to serve on important committees concerned with the quality of justice, including the Civil Jury Instruction Committee, publisher of Standard Jury Instructions; and the Medical Malpractice Mediation Task Force encouraging alternatives to litigation in malpractice claims.

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 or 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 article, opinion, or other scholarly work, or the like.

The Bench-Bar & Annual Conference, to be held on Sept. 23-24, remains the premier event for networking and socializing with colleagues and members of the judiciary, including the opportunity to earn CLE credits through unique course offerings.

New for 2016 are a Friday late afternoon plenary CLE titled “You Heard it Through the Grapevine” - An Introduction to Wine Law” followed by a wine tasting; and a newly rebranded Saturday morning “Brunch with the Bench.”

This year, we again invite you to join or follow the Bench-Bar conversation on Twitter at #BenchBar16. Plus, get your on-site “Passport” stamped by each sponsor and be automatically registered to win the iPad Pro！”

For more information and to register by Sept. 20, visit PhilaBenchBar.org.
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