Curbing Gun Violence Within Limits of Second Amendment

By Kylene Holup

The conversation around gun control and gun violence is a stirring debate in America. Both state and federal policymakers are struggling to find solutions to rising death tolls without infringing on Second Amendment rights. In response to this heating topic, the Philadelphia Bar Association hosted a Chancellor’s Forum titled “What Can and Should Be Done Under the Second Amendment to Curb Gun Violence” on July 16.

Cherri Gregg, community affairs reporter for KYW Newsradio, moderated the forum. Topics included causes of gun violence, the parameters of the Second Amendment, the differences between state, local, and federal gun laws, background checks, and proper resources for law enforcement to combat gun buying loopholes such as straw purchases. The panelists were Rep. Joanna E. McClinton, of the 191 district in the Pennsylvania House of Representatives; David Kairys, professor at Temple University Beasley School of Law and civil rights attorney; Joshu Harris, legislative director for Councilman Kenyatta Johnson and chair of the ABA Standing Committee on Gun Violence; Jonathan Goldstein, founding partner of McNelly & Goldstein, LLC; Shira Goodman, executive director of CeaseFirePA; and Jude Conroy, assistant unit chief in the Philadelphia District Attorney’s Office.

The panel discussed restrictions on individuals with criminal records to obtain firearms and providing the resources for local law enforcement to track these offenders. Conroy said that gun violence is a public health issue, “The bodies continue to pile up, we are on target to have a 2 percent higher homicide rate in Philadelphia this year.” McClinton added that not much is happening to address gun violence in the legislative branch in Harrisburg. Bills have failed to pass that would restrict gun ownership, in some cases, to protect public safety in areas like Philadelphia, where gun violence is a concern.

continued on page 6

The Board of Governors unanimously adopted a resolution approving updates to the Philadelphia Bar Association Bylaws on Aug. 30, 2018.

In February 2016, then-Chancellor Gaetan Alfano convened a Bylaws Committee to conduct a comprehensive review of the Association’s Bylaws, which had not been substantially revised in more than 25 years, to determine whether any existing provisions should be updated or revised. Over a two and one half year period, under the direction of Chancellor Alfano, his successor, Chancellor Deborah R. Gross and her successor, Chancellor Mary F. Platt, the Bylaws Committee conducted such a review.

The Bylaws Committee prepared a detailed preliminary draft of proposed amendments to the Bylaws and solicited comments from the Young Lawyers Division, Sections, Committees and members of the Association. The Bylaws Committee continued on page 7

continued on page 6

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Women Rising Up to Run for Office

By Mary F. Platt

The increased number of women running for federal and state public office this year reflects a silver lining to the cloud that has moved over efforts to advance equality and women’s rights in recent years.

In the wake of civil rights legislation in the late 1960s and the 1970s, Roe v. Wade, subsequent decisions upholding individual rights under the Constitution, and the advancement of women in the workplace, younger women became passive with respect to political participation. Times have changed. Mass participation in the 2017 Women’s Marches across the country demonstrated that women of all generations want to “rise up” to address the challenges facing them and others in our society and inspired many women to run for public office.

The number of women elected to federal and state offices has lagged behind the progress women have made in the law and other professions that serve as pipelines for elected officials. The Center for American Women in Politics, a unit of the Eagleton Institute at Rutgers University whose “mission is to promote greater knowledge and understanding about women’s participation in politics and government and to enhance women’s influence and leadership in public life,” reports that as of Sept. 10, 2018:

- **U.S. House of Representatives.** There are 84 women members of the U.S. House of Representatives (19 percent of the House). Four hundred seventy-six women filed to run for a seat in the U.S. House of Representatives. 223 lost in the primaries and 247 are still running. No Pennsylvania women are members of the House of Representatives, but 20 women ran in the Pennsylvania primary—12 lost and eight currently are running for office.

- **U.S. Senate.** Twenty-three women are U.S. senators (23 percent of the Senate), 53 women filed to run for a seat in the Senate, 29 women lost in the primaries and 24 women are still running for office. Pennsylvania has never had a woman senator.

- **Governors.** Six women serve as governors, 61 women filed to run for governor, 40 women lost in the primaries, and 20 women are still running for this office. Pennsylvania has never elected a woman governor, although Hannah Penn served as chief executive from 1712 to 1726. She replaced her husband, William Penn, after he suffered a stroke and held the position, then known as “proprietor,” while her husband was incapacitated.

- **State legislatures.** One thousand, eight hundred seventy-nine of the 7,383 state legislators are women with 452 women (22.9 percent) serving as state senators and 1,427 women (26.4 percent) serving as state representatives. Seven of Pennsylvania’s 50 state senators are women and 42 of the 203 state representatives are women. One hundred nineteen women are running for the Pennsylvania General Assembly.

The number of women elected to federal and state public offices this year is not expected to increase dramatically, because many are running against incumbents and other women. But the number of women holding public office should increase after the November elections because so many women are running for office. Given the challenges women face when running for office, we can expect those who are elected to be highly motivated, hardworking and dedicated to addressing issues that impact their constituencies, especially women and families. In addition, the more Pennsylvania women elected to Congress and to the state General Assembly, the more likely we are to have our first elected woman governor and first woman U.S. senator in Pennsylvania.

I applaud all the women who have run and lost, and those who are currently running for election. They have broken the political glass ceiling and demonstrated to others their leadership skills in seeking public office.

I am pleased to report that dues-paying members of the Philadelphia Bar Association who are currently running for public office include:

- Mary Gay Scanlon - 5th Congressional District
- Rep. Donna Bullock - Pennsylvania House of Representatives, District 195
- Sen. Arthur Haywood, III - Pennsylvania Senate, District 4
- Joseph Hohenstein - Pennsylvania House of Representatives, District 177
- Rep. Joanna McClinton - Pennsylvania House of Representatives, District 191
- Michael Zabel - Pennsylvania House of Representatives, District 163

As U.S. Supreme Court Justice Ruth Bader Ginsberg said, “If you’re going to change things, you have to be with the people who hold the levers.” I look forward to seeing the improvements that women elected to federal and state public office will make to our laws and public policy in the future.

Mary F. Platt (mplatt@finemanlawfirm.com), attorney at Fineman Krekstein & Harris P.C., is Chancellor of the Philadelphia Bar Association.

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, and space considerations. Letters the right to condense for clarity, style is no word limit, but editors reserve
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Never Too Early for Business Development

By Vincent N. Barbera

As young attorneys, we spend more than enough time worrying about and working to meet deadlines. Expectations. Billable hour requirements. It can be a grind. Thus, it is no surprise that business development often takes a back seat. While that is understandable, business development needs to occupy at least some part of your long-term strategy. Here are some simple business development ideas you might employ while not seriously shaking up your current routine.

1. Don’t eat alone…all the time. All too often, we get tunnel vision and focus our entire day on the pending motion, contract or other assignment we are tasked with completing. Monday slips into Wednesday and, before we know it, Friday afternoon is upon us. But have we done anything to advance the ball toward our business development goals? One relatively easy tweak to your usual, busy schedule is to break bread in the name of business development. You need to eat, right? Try to find time at least once a week to connect without a Philadelphia Bar Association contact, a non-lawyer friend who works in town, or even a colleague whose practice is different than yours and invite them to lunch. Try to learn more about their business or practice area. What challenges are they facing? Is there a practice tip that has proven especially effective for you? Remember to remind him or her about the area(s) of law in which you focus your practice.

2. Get to know your neighbors. This is meant in the broad sense. While your next-door neighbors might already know you are a practicing attorney, do they have any sense of the area of law in which you practice? Practice your 1-2 sentence “elevator speech” about your law practice and use it. Remember your “neighbors” in the office, too. For example, your colleague at the firm, or your office-suite neighbor, may know you are a litigator but have no idea that you spend a substantial amount of your time handling property tax appeals or employment disputes. As a result, you may not be top of mind when those types of cases make their way to them. Your firm colleagues can be a tremendous referral source for you . . . provided they know what you do.

3. Be a subject matter “expert” in your chosen area of the law. You are already on your way with this one! Whether you realize it or not, chances are you know more than a thing or two about the areas of law that already occupy much of your time. Continue to stay up-to-date in your area of practice by attending one of the Association’s many practice-area-focused CLE programs. Make a habit of monitoring publications that track the latest developments. Additionally, take some time to think collectively about the matters you frequently handle. How might the disputes you see frequently be avoided? Is there a path to resolution that you find works often? This exercise will help you identify possible opportunities for work when engaging in day-to-day conversations with contacts and colleagues.

4. Civility, please! Do not underestimate the importance of how you are perceived by your adversaries. When you do a great job on a case or a transaction, you impress not only your clients but also stand to impress opposing counsel. While that does not mean that the next time the attorney has a conflict he or she will consider recommending you, being a jerk guarantees he or she will not.

5. Get involved. This is no secret. The larger your network, and the more active you are within it, the more likely you are to be top-of-mind when a need in your practice area arises. Make a point to try to attend at least one event or program with professional networking in mind each month. (Shameless plug: check the YLD E-Zine for great opportunities each week)

Developing your own business is hard work, but even simple steps like these stand to pay dividends in the long run. Set a realistic business development goal, and start working toward meeting it now!

Vincent N. Barbera (barberav@whiteandwilliams.com), associate at White and Williams LLP, is chair of the Young Lawyers Division.

Brehons Clinch 2018 Affinity Bar Quizzo


Left: Vincent N. Barbera, chair, Young Lawyers Division (right), Quizzo Master Edward F. Beitz (center, right), with 2018 Brehon Law Society team members Michael J. Rugnetta (left to right), Michael C. Witsch, Melanie J. Foreman, Daniel E. Beaty and Erin E. Lamb.
By Thomas A. Brophy

The Philadelphia Bar Foundation commemorated three decades of significant fundraising efforts in our community at its 30th Annual Golf and Tennis Classic on Aug. 6. More than 130 supporters joined us for a warm and sunny day at the Union League Golf Club at Torresdale.

We kicked off the morning with our golf competition on the Union League’s beautiful 18-hole Donald Ross golf course. The tournament featured several exciting contests, including a “Million Dollar Shot Contest” hosted by Barister Wealth Management, as well as a hole-in-one competition for a new Lexus presented by Wilkie Lexus. Although no guests left with million-dollar winnings or a new car, our golfers put on an impressive showing at every challenge!

This year we added an afternoon golf clinic as a fun new experience, designed especially for novice golfers as an introduction to the game. We were so happy to offer this as an attraction, welcoming new golfers to our event.

This year marked our seventh year for tennis play as a part of our classic. Tennis players braved the heat on the Union League’s courts for an afternoon of competitive recreation. We also brought back a pickleball competition for its second year, as yet another way to showcase our supporters’ athletic abilities.

Our 30th Annual Golf & Tennis Classic was originally scheduled for June 11, but was moved due to unfortunate weather. We appreciate that so many members of our community were still able to come out for the rescheduled event to support the Philadelphia Bar Foundation.

Thank you to the generous auction donors and winners who made our auction a great success. We appreciate the variety of unique items donated that were up for bid. Prizes included local golf foursomes, unique travel experiences, sports memorabilia and more. One of our lucky live-auction winners went home with a once-in-a-lifetime trip to the Lexus Champions for Charity National Championship in Pebble Beach! We thank Wilkie Lexus for donating this unique prize.

As always, we put together a post-event recap of the event as much as I did! I am proud to announce that this year’s event was another win for the Philadelphia Bar Foundation. In the first few years of the annual Classic, there were only a handful of sponsors and the event’s revenue hovered around $25,000. This year, with support from our Unified Approach to Giving, event sponsors, attendees and auction winners, we raised $102,500. This will be allocated to our 2018 grants in support of the Foundation’s mission.

Much work is involved as a foundation and a community to raise these funds, and we are grateful to those who served, sponsored, played and attended. Donations through the Golf & Tennis Classic provide essential support through grants to our nonprofit partners, and we are especially thankful to those institutions that have contributed to our Unified Approach to Giving campaign. Unified Giving is an annual, one-time financial gift from a law firm (or other company) that provides sustenance to support our work. There are many reasons why this is beneficial, and we greatly appreciate all Philadelphia law firms and companies, large and small, who support us in this model.

Thank you again to everyone who helped us #ScoreForJustice at the 30th Annual Golf & Tennis Classic. It was truly my pleasure to spend the day with you in the spirit of competition and community.

Thomas A. Brophy (tabrophy@mdwcg.com), shareholder at Marshall Dennehey Warner Coleman & Goggin, P.C., is president of the Philadelphia Bar Foundation.

Access to Justice Celebration and Awards Reception
Honoring
2018 Pro Bono Award Recipients
the City of Philadelphia Law Department and Willig, Williams & Davidson
2018 Philadelphia Bar Foundation Award Recipient Bob Lukens, Esq., Community Legal Services
2018 Trailblazers for Justice Award Recipient Jerome J. Shestack, Esq.

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- Selected by his peers as one of the top 100 Super Lawyers in Pennsylvania and the top 100 Super Lawyers in Philadelphia
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Forum
continued from page 1

Goldstein, who has represented the National Rifle Association, believes the Second Amendment is not a second-class right. He said that gun rights and other civil rights, including the right to vote or the right to worship, should be treated equally, and that the gun market is rigidly supervised. “There is no more heavily regulated consumer product in the United States than firearms,” he said. “They are not easy to buy.”

The Bureau of Alcohol, Tobacco, and Firearms is the federal law enforcement organization responsible for overseeing licensed federal firearms dealers. Goodman said that, in Pennsylvania, a gun owner has no obligation to report lost or stolen guns, and because the ATF is not a computerized system, these lost or stolen guns, frequently used in criminal offenses, can be difficult to track. Kairys spoke about the consumer power someone has when entering a gun store, “If you can pass the background check, you can buy whatever your credit card can handle.” Harris mentioned, as an example, the “Charleston loophole” that allowed convicted murderer Dylan Roof to purchase the gun that he used in 2015 to kill nine people at the Emanuel African Methodist Episcopal Church in Charleston South Carolina. Roof had a felony drug charge on his record, but was cleared to buy a gun because the FBI did not complete additional screening before a three-day deadline.

According to Condon, guns obtained by “straw purchasers” are frequently used in cases involving drugs and gun violence in Philadelphia. Straw purchasers are individuals with a clean record who can pass a background check and buy guns for criminals. Clinton said her office initiated a gun “buy-back” so that firearms not being used or guns in which the original owner has passed away, are willingly removed from circulation.

Kylene Holap, student at Temple University, is the former communications intern at the Philadelphia Bar Association.

Gregg moderates the Chancellor’s Forum panel on July 16.
The Philadelphia Bar Association has formed its Elections Committee which is chaired by Past Chancellor Deborah R. Gross and consists of Benjamin R. Barnett, Meghan E. Claiborne, Rochelle M. Fedullo, Susan M. Lin, Kevin V. Minecy, Mary F. Platt, Hon. Tina Maria Rago, Anita Santus-Singh, Hon. A. Michael Snyder (Ret.), Michael T. van der Veen and Dominique E.E. Ward. As Secretary, Marc J. Zucker serves as a non-voting member.

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 on or before Oct. 15 for the Dec. 5, 2018 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 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 should be submitted to Association Secretary Marc J. Zucker, c/o Susan Knight, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107, no later than 5 p.m., Monday, Oct. 15, 2018.

Bylaws Update

considered all comments received and prepared a revised draft of proposed amended and restated Bylaws. The Board of Governors then considered the Bylaws Committee’s revised draft of proposed amended and restated Bylaws and additional changes.

The Board of Governors approved an amended and restated set of Bylaws and approved the submission of these amended and restated Bylaws to the Members in accordance with Section 1100.A.1 of the existing Bylaws. The Bylaws will be voted on by Association members at the 2018 Bench-Bar & Annual Conference at Borgata Hotel Casino & Spa in Atlantic City on Oct. 12, 2018.

To view the full resolution and amended and restated Bylaws, visit PhiladelphiaBar.org.
2018 Bench-Bar & Annual Conference Course Guide

FRIDAY, OCT. 12

10-11:30 a.m.

Winning the Criminal Battle Without Losing the Civil War: Recognizing the Relationship Between Criminal and Civil Cases and Avoiding Pitfalls to Obtain Success in Both
1.5 Substantive CLE/CJE Credits
Presented by the Criminal Justice Section

10 Months Later – Lessons Learned From the Pennsylvania Public Access Policy
1 Substantive/0.5 Ethics CLE/CJE Credits
Presented by the Law Practice Management Committee

Immigration Law in 2018: Can They Really Still Come to America?
1.5 Substantive CLE/CJE Credits
Presented by the Immigration Law Committee

New Deposition Technology
1.5 Substantive CLE/CJE Credits
Sponsored by the Veritext Legal Solutions

1-2 p.m.

Finding Safe Harbor in the GDPR Storm: What US Litigators Need to Know
1 Substantive CLE/CJE Credit
Presented by the Business Litigation Committee

Philadelphia Real Estate Taxes
1 Substantive CLE/CJE Credit
Presented by the Young Lawyers Division

Ethics: Obligations of ‘Supervising’ and ‘Supervised’ Lawyers
1 Ethics CLE/CJE Credit
Presented by the Professional Responsibility Committee

Tweets, Posts, Chats, Instagram -- Not Your Grandfather’s Evidence! How to Get It and How to Present It
1 Substantive CLE/CJE Credit
Sponsored by Cornerstone Discovery and presented by the Criminal Justice Section

2:15-3:15 p.m.

The Value of Cybersecurity and Protecting Personal Information in the Digital Age
1 Substantive CLE/CJE Credit

Planning for the Seen, the Unseen and the Perpetually Deferred
1 Ethics CLE/CJE Credit
Sponsored and presented by BPU Investment Management, Inc.

PFA Practice and Procedure in the First Judicial District: Contemporary Challenges Faced by Judges, Lawyers and Litigants
1 Substantive CLE/CJE Credit
Presented by the Family Law Section

Wild World of Jury Selection
1 Substantive CLE/CJE Credit
Presented by the State Civil Litigation Section

3:30-5 p.m.

Disabilities, Discipline, Delinquency and Access to Justice
1.5 Substantive CLE/CJE Credits
Presented by the Legal Rights of Persons With Disabilities and Education Law Committees

Discussing Damages: How to Maximize or Limit Recovery
1.5 Substantive CLE/CJE Credits
Presented by the Trial Lawyers Association

Hot Topics From the Ethics Hotline
1.5 Ethics CLE/CJE Credits
Sponsored by LawPay and presented by the Professional Guidance Committee

Estate Planning for the Solo and Small Firm Practitioner: How to Plan During Your Lifetime and How to Administer a Practice Upon Death
1 Substantive/0.5 Ethics CLE/CJE Credits
Presented by the Probate and Trust Law Section, Tax Section and Solo and Small Firm Management Committee

5-6 p.m.

Plenary - Deal or No Deal
1 Ethics CLE/CJE Credit
Featured Speaker: Joel Oster Esq., president and general counsel, Comedian of Law, LLC

SATURDAY, OCT. 13

8:30-9:30 a.m.

Family Feud-Style Plenary
1 Substantive CLE/CJE Credit
Presented by the First Judicial District

9:45-10:45 a.m.

Moving Forward From #MeToo: Sexual Harassment at the Courthouse, Networking Events & Beyond
1 Substantive CLE/CJE Credit
Presented by the Women’s Rights Committee

Defensive Document Drafting
1 Substantive CLE/CJE Credit
Presented by The Barristers’ Association of Philadelphia, Inc.

Alternative Treatments in Chronic Pain Management: Treating Outside of Opioids
1 Substantive CLE/CJE Credit
Presented by the Workers’ Compensation Section

1 Substantive CLE/CJE Credit
Presented by the ACE Committee

Closing Plenary - Old and New Ideas: A Recipe for the Future Based Upon Experience of the Past
1 Substantive CLE/CJE Credit
Featured Speaker: Thomas R. Kline - Founding Partner, Kline & Specter, PC

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SEPTEMBER CLE COURSES

A View From the Inside: In-House Counsel Perspective on Labor and Employment Issues
Tue., 9/18/18 - 12 - 1 p.m. (1 SUB)
Hosted by the Labor and Employment Committee
The job responsibilities and demands for in-house counsel are diverse and ever changing. To provide efficient and effective counsel, it is essential for outside counsel to maintain a pulse on the day-to-day and “big picture” challenges their in-house partners face. This CLE program, featuring in-house counsel from Swatch, Comcast, JMC Construction and NFI Industries, will examine the day-to-day concerns of in-house lawyers, the labor and employment issues that in-house lawyers most frequently consider, and the dos and don’ts for outside counsel from an in-house perspective.

VIDEO ENCORE: My First Federal Trial: A Very Practical Examination of the Dos and Don’ts of Your First Federal Trial
Thu., 9/20/18 - 12:30 - 1:30 p.m. (1 SUB)
If you missed the sold-out live program, please join us for the video encore for tips and techniques for trying your first or next federal civil case in the Eastern District of Pennsylvania!
This video-encore program examines the major trial tasks of preparing witnesses and evidence for presentation in a professional manner, as well as adhering to the individual judge’s practices and procedures in a federal trial. The panelists will address how to prepare a witness for testimony, how to deal with common evidentiary issues and how to make an opening and closing statement. Attendees will also receive guidance regarding what a judge does not want to hear or see from attorneys.

VIDEO ENCORE: Philadelphia Commerce Court Judge Pro Tempore Training Session
Mon., 9/24/18 - 12 - 2 p.m. (1 SUB/1 ETH)
If you currently serve as a Commerce Court JPT or wish to become one, this is a “can’t miss” video-encore program! This video-encore CLE program is directed to those experienced attorneys who are already serving as judges pro tempore (JPT) in the Commerce Court Case Management Program (Commerce Court), as well as future JPT attorneys. Attendees will hear an overview of the JPT process in Commerce Court and how it differs from other JPT programs. The program will highlight new procedural developments, new roles for Commerce Court JPTs and offer best practices in preparing and conducting a settlement conference or mediation.

Employment Policy Issues That Solo and Small Firms Must Know!
Tue., 9/25/18 - 12:00 - 2:15 p.m. (1 SUB/1 ETH)
Hosted by the Solo and Small Firm Management Committee
This program will explore employment policy issues that can have a significant impact on firms, but often times, solo and small firms are unfamiliar with the policies in question. Whether for your firm or for the representation of a client, solo and small firm practitioners must prepare for and understand these common employment issues that may become complex. Panelists will also offer guidance on how to avoid pitfalls when establishing policies within a small firm or representing clients with an employment claim.

Advancing Civics Education
Wed., 9/26/18 - 2:00 - 3:30 p.m. (1 SUB/0.5 ETH)
Hosted by the Advancing Civics Education (ACE) Committee
The Philadelphia Bar Association’s Advancing Civics Education (ACE) Program is entering its 10th year and is retooling under new dynamic leadership. At this kickoff luncheon and CLE program, volunteer judges and lawyers will receive training on ethics regarding inappropriate answers or “personal disclosure,” pro bono, and sensitivity matters. Panelists will also offer guidance on lesson management and demonstration in preparation to educate Philadelphia students regarding the rule of law, ethics, free speech, voting, current events, and much more.

VIDEO ENCORE: New First Judicial District Evidence Retention Protocol
Thu., 9/27/18 - 12:30 - 1:30 p.m. (1 SUB)
Missed the live presentation? Attend this video-encore highlighting these new FJD protocols!
New First Judicial District evidence retention protocols are scheduled to begin on Sep. 4 in the Waivers, Majors and Homicide Programs. This is an important rule of trial evidence preservation for all who practice in the Philadelphia Court of Common Pleas criminal courts. This video-encore program will provide the nuts and bolts of how to properly preserve all trial evidence exhibits and what procedures should be followed after any conviction to ensure that the exhibits are actually included as part of the record. Panelists will provide training and guidance on these new rules.

VIDEO ENCORE: After Tax Reform, How Should I Structure My Business?
Fri., 9/28/18 - 12 - 2 p.m. (2 SUB)
The reduction in the federal corporate income tax rate to 21 percent has business owners seriously considering whether they should operate their businesses as “C corporations”. However, that tax rate is far from the only relevant consideration. Multiple provisions in the 2017 tax act have changed the way we think about business structuring. In this video-encore CLE, panelists will examine these and other factors that business owners should consider as they structure their businesses.

*Additional courses may be added within the month.

TO REGISTER Visit the CLE page at PhiladelphiaBar.org

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
Synergy Behind the Court’s Most Revered Femme

By Fionna Farrell

An impecabble black robe, a pointedly stark demeanor and a conspicuously balding head— I have not taken the liberty of pinpointing the career to which the above-described subject may captivate their time with, but you, reader, have most likely developed assertions as to whom I am portraying. If you were to have caught the word “judge,” I would most likely have pinpointed the career to which the above-described subject may captivate their time with, as a platform by which she can use her voice to speak for women and people across the city for things to be looked at in a different way.

There is room for improvement, Parker said, but she praised the work of the legislature on this issue mentioning the proactive nature of Pennsylvania in passing laws to frame issues outlining the dos and don’ts to ensure that women and men have a right to safe spaces. She said the #MeToo movement has given women an opportunity to use their voices to speak, and spoke about the importance for women to “find themselves and speak their truth.”

Both women said that it is a unique time in government as we deal with #MeToo. They discussed how they plan to use the movement to enact change going forward, and Parker said that she plans to frame legislation that encompasses and protects women by keeping herself accountable to her constituents. She said that the most important measure of politics is how it translates into something substantive.

Evaluating the political structure of the city and government is key, Rhynhart said. She encouraged more women and diversity in leadership and elected office as the best way to represent the impact of the #MeToo movement.

Both women agreed that diversity and inclusion, as well as bipartisan cooperation and partnerships, are paramount to getting things done.

Mary LeMieux-Fillery (mlemieux-fillery@paworkinjury.com), associate at Martin Law LLC, is an associate editor of the Philadelphia Bar Reporter.

Perspectives of Philadelphia Women Leaders

By Mary LeMieux-Fillery

The #MeToo movement’s momentum is causing a long overdue cultural shift. It is shining a spotlight on issues that have been prevalent for many years and allowing the voices of women in the workplace to be heard in a different way for the first time. The changes evolving out of this movement represent an entire gender and have the power to fundamentally alter the future of women’s rights.

The City Policy Committee Co-chairs David Hyman and Charles Gibbs hosted a panel discussion titled “Profiles of Emerging Women Leaders in Government” on Aug. 6. They were joined by Rebecca Rhynhart, city controller for the City of Philadelphia, and Philadelphia City Councilwoman Cherelle Parker, who engaged in a lively dialog on what the #MeToo movement means to them and how it has changed their perspectives as female elected officials.

Rhynhart said that she viewed the movement as an important cultural shift. She said “the uncomfortable nature is good because it means that something difficult is being addressed. It is a positive movement.” Rhynhart sees the movement as an opportunity to help people, and views her position, as a female elected official, as a platform by which she can use her voice to speak for women and people across the city for things to be looked at in a different way.

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By Fionna Farrell

Synergy Behind the Court’s Most Revered Femme

An impecabble black robe, a pointedly stark demeanor and a conspicuously balding head—I have not taken the liberty of pinpointing the career to which the above-described subject may captivate their time with, but you, reader, have most likely developed assertions as to whom I am portraying. If you were to have caught the word “judge,” I would most humbly applaud you. For, who else could carry such a severe, demanding mein accompanied by a superfuous, eerily gothic wardrobe choice?

Nonetheless, the aforementioned traits are merely audaciously inscribed stereotypes. For, while, unfortunately, it is impossible for the esteemed persons of the court to abandon their slender robes, it would be hyperbole to claim that all of their mannerisms fall under a category of refined meehlessness, mirthless rationality, and gravid intellectualism. While a notably large demographic of judges may fulfill some of these attributes, a notably larger demographic dismisses them in favor of individualistic personas that deem their character as indubitably well-rounded. One woman remaining at the crux of the legal frontier, who dares pursue such discrete autonomy, is Justice Ruth Bader Ginsburg, a compelling and momentous force behind the prosperity of the progressive agenda.

Before delving into the intimate realm of Justice Ginsburg’s ostensible personality traits, it is vital to examine the unprecedented impact she has insinuated not only upon the legal world, but upon society, with all its shortcomings. Her legacy can be traced back to the late 1950s, a time in which the notion of females expressing hardened opinions on, let alone taking righteous leadership roles in, the legal realm was dubious to many, and inadvertently comical to many more. Having been elected to the school’s prestigious law review, Ginsburg graduated first in her class at Columbia Law School in 1959. This accomplishment was an outstanding feat, considering the alarmingly slim number of female students who graduated law school that year. During the 1970s, after several years clerking and teaching, Justice Ginsburg served as the director of the Women’s Rights Project of the ACLU, arguing six critical cases on gender equality before the U.S. Supreme Court. She served under President Jimmy Carter in the U.S. Court of Appeals in the District of Columbia in 1980 and she was appointed to the Supreme Court by President Bill Clinton in 1993. She has argued incendiary cases including Bush v. Gore and United States v. Virginia, each encouraging environments where gender discrimination will digress into anomaly.

It is remarkable to consider by whom these changes were made. For, with all her tireless intellectual heroics, Justice Ginsburg comes across as a demure woman upon personal confrontation. As depicted in the recent biopic “RBG,” throughout her entire life, she has been soft-spoken and reserved, despite her bold dissents. During interviews, Justice Ginsburg’s voice rarely rises above a politely refined conversational tone, and her humor is confined to timely sardonic remarks. She said the strives to live by two distinguished rules her working-class mother taught her, “to be independent, and to be a lady,” While Justice Ginsburg’s independence is one akin to those of her intellectual scope, her lady-likeness combined with her ability to repress egotism and boisterous arrogance is what registers her as not only a figure we can look up to in awe, but one we may embrace and love for her nonplussed, moralistic candor. The thickest robe cannot shroud the illuminations of a truly human soul.

Fionna Farrell is a senior at Central High School in Philadelphia.
**Tips for Successful Settlement Conferences**

**By Mary LeMieux-Fillery**

Federal magistrate judges are key in the settlement of civil cases, and settlement is an expedient necessity that permits the courts to function. The Labor and Employment Law and Federal Courts Committees co-hosted a Philadelphia Bar Association CLE titled "Best Practices in Settlement Conferences Before the United States Magistrate Judges" on June 19. A distinguished panel of U.S. Magistrate Judges of the Eastern District of Pennsylvania, including Chief Judge Linda K. Caracappa, Judge Marilyn Heffley, Judge Richard A. Lloret and Judge David R. Strawbridge, provided their insight on presiding over settlement conferences involving labor and employment cases.

Judge Caracappa spoke about the purpose of settlement conferences which she said were an evaluative process. She encouraged counsel to think about how certain evidence and information was going to be interpreted by the fact finder concerning the strengths and weaknesses of the case. Judge Strawbridge agreed with Judge Caracappa, but added that he views his role more as facilitative. Settlement conferences work best when all parties are prepared, he said. His preference for counsel is to complete case management prior to the conference and be ready to settle, so he can facilitate from there.

Judge Heffley said she views her role as partially facilitative and partially evaluative. The most important aspect, she said, is to ensure that the conference is a productive session. She prefers to know the facts and the theories of liability, and if an initial settlement demand has been made and solicits this information through a required memorandum. Judge Heffley said that she likes to use the initial sessions during the conference as credibility determinations, to gauge whether the expectations of the client are in-line with their counsel.

Judge Lloret outlined his process for conducting conferences and stated that he prefers to start with damage evaluations and exposure calculations to facilitate discussions with counsel. Although he encourages submissions in the form of a formal memorandum, they are not required as he would rather have counsel use their resources towards achieving settlement.

The program transitioned into a question-and-answer session to address the challenges that commonly arise during settlement conferences from both sides of the bench. Audience members said that they found an opening statement, or a statement to set the tone of the conference by either the judge or counsel to be very helpful. The judges suggested that a softer approach and strategy often helps facilitate open lines of communication which is overall better advocacy. It was additionally suggested that lawyers should resist skewing settlement figures and be more flexible in their negotiations by negotiating for a specific bracketed amount in addition to showing calculations to support damages. The judges closed by suggesting that lawyers should tell their clients what the judge will ultimately discuss to build credibility, and that it is important for counsel to manage client expectations, as well as their own. The ultimate result of a successful settlement conference is for the client to walk away with a settlement they can live with.

Mary LeMieux-Fillery (mlemieux-fillery@pasworkinjury.com), associate at Martin Law L.L.C., is an associate editor of the Philadelphia Bar Reporter.

**Supreme Court Says Goodbye to Quill**

**By James C. Vandermark**

The U.S. Supreme Court recently decided South Dakota v. Wayfair, Inc. and overturned Quill Corp. v. North Dakota, which required retailers to have a physical presence before they could be required to collect sales and use taxes. Wayfair’s elimination of the physical presence requirement has caused significant tax compliance issues for many businesses, especially internet retailers. To address these issues, the Tax Section presented a Philadelphia Bar Association CLE program titled “Quill is No More: State Tax Nexus After Wayfair” on July 24.

The program was presented by Jennifer Weidler Karpchuk, senior counsel at Chamberlain, Hrdlicka, White, Williams & Aughtry; Ilya Lipin, state and local tax manager at Baker Tilly Virchow Krause, LLP; and Cheryl Upham, member at Cozen O’Connor.

During the program, the presenters discussed the importance of substantial nexus under the Commerce Clause, how the court previously required a physical presence for substantial nexus to exist, and the implications of eliminating the physical presence requirement. The physical presence jurisprudence got its footing in the 1967 decision in National Bellas Hess v. Dept. of Revenue, where the court found that catalog sales were subject to tax where the retailer also had brick-and-mortar stores in the state. Subsequently, Quill was decided in 1992 and became the preeminent decision on physical presence requirement. In Quill, the court maintained the physical presence requirement from Bellas Hess and held that Quill Corp., which sold office supplies by catalog, was not subject to North Dakota’s tax because it did not have stores in North Dakota.

In Wayfair, the court eliminated the physical presence requirement and found Wayfair, an online retailer without a physical presence in South Dakota, to have substantial nexus with South Dakota and subject to the state’s tax. While this is a dramatic departure from the court’s prior holdings, Karpchuk talked about the changes since Quill. For example, in 1992, there were 10 websites in existence...
Keeping Philadelphians in Homes, Off of Streets

By Jon-Michael Olson

The Elder Justice and Civil Resource Center needs volunteers to work with clients to resolve landlord-tenant disputes. The Philadelphia Bar Association, Elder Justice and Civil Resource Center and the Association’s Public Interest Section hosted a CLE titled “Volunteer Attorney Training Program: Landlord-Tenant Appeals & Motions Program Overview” on Aug. 2. The program was geared toward volunteer attorneys to provide limited representation to tenant clients of the Center. Panelists were Hon. Daniel J. Anders, Philadelphia Court of Common Pleas; Michael J. Carroll, senior attorney at Community Legal Services; Rachel Garland, staff attorney at Community Legal Services; and Steven J. Wulko, deputy director of the Office of Judicial Records for the First Judicial District of Pennsylvania. Brian Kisielewski, Manager at the Office of Judicial Records for the First Judicial District of Pennsylvania, moderated. “Landlord-tenant [law] is important because when you take away a roof over someone’s head…you’ve disrupted a life,” Carroll said. The disruption is especially felt when a tenant could be evicted with only a 10-minute notice to gather their belongings before being locked out, if no appeal is filed from the municipal court’s eviction order. To stay the municipal court’s eviction, the tenant must appeal the eviction in 10 days and escrow the rent money to the court. The escrow amounts are dictated under Philadelphia Local Rule 1008. Tenants are afforded defenses against the three grounds for eviction: nonpayment of rent, termination of lease terms and/or breach of lease condition. As a defense against nonpayment, a tenant may assert that the landlord failed to repair and maintain the property. Tenants may also assert that the landlord may not recover rent or take possession because they did not have the required Philadelphia rental license, or they failed to provide the certificate of rental suit-ability along with the handbook, “Partners for Good Housing.” With respect to the actual filing forms and petitions, the Office of Judicial Records provides motion packets and instructions to complete the necessary forms to file a motion. Garland said that a key takeaway from the program are the abundant resources at www.phillytenant.org. They include rental assistance to provide tenants a one-time financial assistance to either stop the eviction or help in relocation. An overview was given by Wulko of the civil motions program of the court. He told attendees that the staff at the Judicial Records Office cannot give procedural and legal advice, but only information regarding filing requirements. Because each judge’s caseload numbers in the thousands, it is important for the attorneys to be prepared at the hearing. Judge Anders said. Just because a motion is filed, it does not mean that a judge has ready access to it. There is a period of 20 days before the motion is put into the judge’s queue, to allow for the response period, unless the motion is marked unjustifiably. Tenants are afforded defenses against the three grounds for eviction: nonpayment of rent, termination of lease terms and/or breach of lease condition. As a defense against nonpayment, a tenant may assert that the landlord failed to repair and maintain the property. Tenants may also assert that the landlord may not recover rent or take possession because they did not have the required Philadelphia rental license, or they failed to provide the certificate of rental suit-ability along with the handbook, “Partners for Good Housing.” With respect to the actual filing forms and petitions, the Office of Judicial Records provides motion packets and instructions to complete the necessary forms to file a motion. Garland said that a key takeaway from the program are the abundant resources at www.phillytenant.org. They include rental assistance to provide tenants a one-time financial assistance to either stop the eviction or help in relocation. An overview was given by Wulko of the civil motions program of the court. He told attendees that the staff at the Judicial Records Office cannot give procedural and legal advice, but only information regarding filing requirements. Because each judge’s caseload numbers in the thousands, it is important for the attorneys to be prepared at the hearing. Judge Anders said. Just because a motion is filed, it does not mean that a judge has ready access to it. There is a period of 20 days before the motion is put into the judge’s queue, to allow for the response period, unless the motion is marked unjustifiably. At which point the motion is readily provided to the judge.

How to Get What You Want From a Med. Mal. Jury

By Daniel Jeck

There are several tactics that counsel can exercise to sway a jury in their favor to best advocate for their client. The State Civil Litigation Section’s Medical-Legal Committee hosted a Philadelphia Bar Association CLE titled “What Persuades Today’s Jurors in Medical Malpractice Trials?” on Aug. 8. The panelists were Hon. Angelo J. Foglietta, Philadelphia Court of Common Pleas; Joseph L. Messa Jr., founder of Messa & Associates, PC; and Heather Hansen, attorney at O’Brien & Ryan, LLP. Daniel Jeck, cochair of the Committee, was the course planner and moderator. There was a lively round-table discussion of what is (and what may not be) persuasive in front of juries in complex medical malpractice cases. Among many things, the panel addressed the importance of primacy, that the side of an issue presented first will have greater effectiveness in persuasion than the side presented afterward. They also addressed the necessity of repetition as a tenet of persuasiveness. Counsel should avoid the “curse of knowledge” that can occur in complicated scientific matters when, communicating with other individuals, the unknowingly assume that those individuals have the background to understand the evidence (when they must often do not). Studies were discussed claiming the effectiveness of the use of different types of visual aids—not just medical records, but timelines, charts and graphs, in more sophisticated litigation. However, panelists said that they would avoid the foolishness of showing too many videotaped witness testimonies which, potentially, could lose a jury. Additionally, the panel discussed the pros and cons of calling the defendant on cross-examination in plaintiff’s case-in-chief and whether a direct challenge should be made of the defendant-physician, from the onset of trial, as to the claim of a deviation from the standard of care. The program closed out with a discussion of the importance and persuasiveness of an easily understood, non-medical theme (even where there are intricate medical facts) to remind and persuade the jury, as the trial progresses, that the facts as they develop fit squarely into the position being advocated.
The Large Firm Management Committee hosted its Citywide Summer Associate Event at Water Works on July 11. At the event, the Committee presented its Public Service Award to Jasmeet Ahuja, associate, Hogan Lovells, and Theresa Langschultz, associate at Duane Morris LLP, who have shown exemplary commitment to pro bono service.

Left: Chancellor Mary F. Platt (left); Large Firm Management Committee Co-chairs Patricia B. Santelle (second from left), Benjamin R. Barnett (second from right) and Vincent R. McGuinness Jr. (right); and Marcel S. Pratt, Philadelphia City Solicitor (center, left); with Ahuja (center) and Langschultz at the event.

2018 DELIVERY OF LEGAL SERVICES COMMITTEE RETREAT

Right: Chancellor Mary F. Platt (left) and Delivery of Legal Services Committee Co-chairs Joseph A. Sullivan and Anita Santos-Singh (second from right), are joined by facilitator Alison DiFlorio, managing partner, Human Capital Consulting Division, Exude, Inc., at the Committee’s annual Retreat, hosted by Dechert LLP, on July 20.

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The National Academy of Distinguished Neutrals is an invitation-only professional association, recognizing over 900 top-rated mediators & arbitrators throughout the US. NADN is ADR Partner to the national plaintiff (AAJ) & defense bars (DRI). Visit our free National Roster at www.NADN.org/directory
**Sold-Out Event Caucuses Federal Judges, Practitioners**

*By Elisa C. Advani*

Members of the federal judiciary and attorneys who practice in front of them congregate for a rare opportunity to network and learn at the Philadelphia Bar Association’s Federal Bench-Bar Conference. The Conference, hosted by the Federal Courts Committee, was held at The Ritz-Carlton Philadelphia on June 15. Federal practice leaders and members of the judiciary in the Eastern District of Pennsylvania listened to updates and discussions on important topics in federal court practice.

Hon. D. Brooks Smith, Chief Judge for the Third Circuit Court of Appeals, and Hon. Cynthia M. Rufe, U.S. District Court Judge for the Eastern District of Pennsylvania, discussed recent developments and best practices in class actions and multi-district litigation. The panel was moderated by Charles B. Casper, partner at Montgomery McCracken Walker & Rhoads LLP, who practices in class action defense. Class actions involve a single lawsuit filed by a large group of people who suffered similar harm whereas MDLs are different legal actions that are consolidated for pre-trial efficiency including discovery and sent back to the individual courts for the trial. The panel discussed jurisdictional issues with district courts after a class has been certified. They also discussed upcoming modifications to the Rule 23(f) governing class certification appeals. Another hot topic was the rigorous analysis required for class certification, even in the very early stages of litigation.

A report on the state of the federal courts was given by Chief Judge Smith; Hon. Lawrence F. Stengel, former Chief Judge for the Eastern District of Pennsylvania; Hon. Linda K. Caracappa, Chief Magistrate Judge for the Eastern District of Pennsylvania; Hon. Richard E. Fehling, Chief Judge for the U.S. Bankruptcy Court in the Eastern District of Pennsylvania; and Kate Barkman, Clerk of Court for the Eastern District of Pennsylvania; and Timothy McGrath, Clerk for the U.S. Bankruptcy Court in the Eastern District of Pennsylvania.

Kathleen D. Wilkinson, former Chancellor and cochair of the Federal Courts Committee, said "Lawyers always want to try their hand in federal court and we are always looking for diversity or that the amount in controversy exceed $75,000, or any other reason to get into federal court." Wilkinson led a panel including Hon. Marjorie O. Rendell, Third Circuit Court of Appeals; Hon. Mark A. Kearney, U.S. District Court Judge for the Eastern District of Pennsylvania; and Hon. David R. Strawbridge, Magistrate Judge for the Eastern District of Pennsylvania. They discussed transfer, removal, aggregate litigation, and new special courts. Judge Kearney mentioned that, as of December of 2017, “The Eastern District of Pennsylvania was the third most efficient – fastest – court from filing to disposition of the federal courts, behind the Central District of California and the Southern District of Florida.”


This year’s Conference was sold out, and the Committee looks forward to another blockbuster event in 2019.

Elisa C. Advani (eadvani@paworkinjury.com), associate at Martin Law LLC, is editor-in-chief of the Philadelphia Bar Reporter.
**Tangible Experiences Through Expungement Work**

*By Chanel L. Lattimer*

I work in the world of intangibles. I help clients obtain protection for words and expressions of ideas. As a transactional intellectual property attorney working at Cozen O’Connor, my practice focuses on the procurement and protection of intellectual property and the myriad of transactions related to “bundles of rights.” It is oftentimes theoretical and frequently challenging. I love my work and I know the benefit and value of securing IP protections for my clients. I also do pro bono work, much of it related to my practice. But when looking to broaden my volunteer service, I wanted to do something a bit more tangible. I first learned about criminal records and expungement through a training offered at my firm by Community Legal Services. I was astonished to discover not only that more than half of people living in Philadelphia’s low-income, heavily minority neighborhoods have a criminal record history, but also that such records do not automatically disappear even if the charges are withdrawn by the district attorney or the court finds the individual not guilty. When more than 80 percent of employers and landlords perform background checks, having any type of criminal history, even without a conviction, can thwart individuals from gaining meaningful employment, loans and permanent housing.

On my own, I have successfully assisted five clients in expunging their criminal records by drafting and filing their petitions and appearing in court on their behalf, overcoming my “FOCA” – fear of court appearance. I even assisted one client, seeking to grow his driving business, in clearing up his traffic court records. Now I am a volunteer attorney for Philadelphia Lawyers for Social Equity, an organization that provides free legal representation to lower-income Philadelphians whose criminal records hold them back from achieving their potential as productive, contributing citizens. Beyond offering expungement and pardon services, PLSE also seeks to educate elected and community leaders and empower under-resourced communities to seek a greater voice and needed legislative reform around criminal history records.

As a PLSE volunteer, I do the final reviews on dozens of petitions drafted by law students and Cozen paralegals prior to their filing with the court. PLSE files more than 2,200 petitions every year. The work that our paralegals and I do helps prevent the backlogging of clients who come to PLSE for help. Soon, PLSE hopes to partner with local attorneys and paralegals and hold intake sessions in the city’s low-income/high-arrest neighborhoods; bringing the promise of help right to where clients live.

Any attorney can do expungement work (even the most transactional-minded!), and the results of this fairly simple process are tremendously satisfying. I still remember joyously hugging and congratulating my first client outside of the courtroom after the court granted our petition. Now he would be able to apply to nursing school and provide a better life for his two children. I treasure those moments.

The people who come to PLSE for help are doing their best to improve their and their families’ lives. It is truly an honor to help them get their criminal records rightfully erased. I hope other attorneys, paralegals and law firms will join me and PLSE in doing this good work.

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**2018 SUMMER BROWN BAG LUNCH SERIES**

**Brown Bag Series Provides Window Into Pro Bono**

*By Morgan Berenbaum*

Each summer, the Philadelphia Bar Association’s Public Interest Section Law School Outreach Committee hosts the “Brown Bag Lunch Series” for law students and interns interested in a career in public interest law. These programs, offered for free, give attendees the chance to meet and interact with leaders and attorneys in various public interest and legal aid practice areas in Philadelphia. The law students who attended these programs represented schools like the University of Michigan Law School, Harvard Law School, Cornell Law School, Drexel University Thomas R. Kline School of Law, University of Pennsylvania Law School, Rutgers Law School and Villanova University Charles Widger School of Law. Akhurapa Ambak, a Drexel law student who attended every program, said he wanted to “get insight into the different types of public service work from various attorneys who have real experience.”

At each program, a group of panelists spoke about their experiences and answered questions from the audience. Elizabeth Dunn, director at the Career Strategies Office at Drexel University Thomas R. Kline School of Law, moderated one of the programs and said that attending these programs is “an important, unique opportunity to highlight the incredible legal services in Philadelphia. Most law students who come are 1Ls who have yet to understand the opportunities we have as a city.”

The programs have covered topics like pro bono work, change through policy, immigration practice and immigrant rights. The leaders of the public interest and legal aid organizations who participate speak about their work and why they have chosen this area of law. Anna Brickman, legal director at Face to Face, participated on the panel titled “Pro Bono Public Interest Service Models” on June 7. Face to Face represents low-income clients in a variety of civil legal matters. She said that these programs are important because “they show the landscape of opportunities out there for young lawyers. Organizations are small and students might not have heard of all of them. Fields of law are different in reality than in a textbook; this series allows students to become exposed to these varying opportunities.” After each program, students and panelists have the chance to speak more candidly and discuss career opportunities.

The 2018 Brown Bag Lunch Series has concluded, but visit PhiladelphiaBar.org to stay up-to-date on next summer’s programming.

Morgan Berenbaum is the former public interest summer intern at the Philadelphia Bar Association.
Credit Card Myth-Busting: 4 Myths About Online Legal Payments

Credit cards have officially become the preferred way to pay, with people able to make purchases practically wherever they are thanks to smartphones and laptops. While this has been great news for most industries, some lawyers and other professionals are still hesitant to jump on the bandwagon. In this article, we will dispel four common misconceptions about accepting credit cards online as payment for legal services.

"Credit cards are too expensive."

If you accept credit cards as payment for your services, you will have to deal with credit card processing fees. Why? Simply put, there is a cost to move money in our financial system. However, more and more professionals accept that this is just one cost of running a modern business today. After all, would you rather get paid instantly via credit cards instead of waiting for a check to arrive several days later—or worse yet, not at all? The impact of faster payments and increased cash flow offsets late payments and the processing fees associated with credit cards.

"Online payments will only make my practice more complicated."

You might think adding another way for your firm to get paid will come with a learning curve. The truth is, a good online payment solution will actually make running your practice easier than before! By accepting online payments, you will be able to quickly send your bills via email and your clients will be able to pay you instantly—no more waiting for checks to arrive in the mail. After using LawPay, Cheryl Ischy, a legal assistant at the Law Offices of Claude E. Decloux, told us, "I sent out bills first thing in the morning and over half were paid by lunch! LawPay made my day!"

Additionally, while all online payment solutions charge a fee to process payments, the best payment solutions will only debit these fees at the beginning of the following month (rather than on a weekly, or even daily, basis.) This way, your deposit reports will show 100 percent of the payments you received, making reconciliation less complicated.

"Online credit card payments are unsafe."

As a lawyer, you are already well aware of how important it is to keep your clients' sensitive personal information safe. Naturally, when you accept credit cards as payments, you will need to protect their card data, as well. However, keeping such data stored in your office, even on your work computer, can create a security risk.

Thankfully, online payment solutions can keep this data secure so you do not have to look. For an online payment solution that is Payment Card Industry Level 1 certified—the highest designation possible. These payment solutions are well-equipped to protect payment data and will employ sophisticated security measures that your firm would otherwise not have access to. By letting your clients pay you through a secure online payment solution, you can take much of the liability of data security off your plate and place it in the hands of trusted security professionals. You will not only get a payment processor, but a payment data security specialist, all in one!

"I can’t accept credit cards and maintain IOLTA compliance."

According to Rule 1.15 of the ABA Model Rules of Professional Conduct, lawyers must be careful to ensure earned funds are deposited into a separate operating account, while a client’s funds go to a trust account. While traditional forms of payment, it is simply a matter of depositing the funds in the right place, but how does this work when using a credit card.

This is how an online payment solution designed specifically for legal professionals can make credit card payments both easy and ethical. For example, when payments are made through LawPay, your earned and unearned fees are always separated and deposited into their proper accounts. You can also rest easy knowing that LawPay will never allow any third-party debiting to occur from your IOLTA account. These days, accepting online credit card payments is an essential part of running a modern law firm. Thankfully, it is not only easier than ever to offer this option, but the benefits are overwhelming—simpler workflow, increased cash flow, better productivity in your firm and best of all, happier clients who pay on-time and more frequently. What more could a lawyer ask for?

LawPay is the #1 online payment solution for the legal industry. Your earned and unearned fees are always correctly separated, while your IOLTA account is protected from third-party debiting, no matter what. Backed by the highest standard in internet security, it’s no wonder why LawPay is recommended by 48 state bars and trusted by over 50,000 legal professionals across the country.

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Quill

continued from page 12

and no retail Internet users. By 2018, there were more than 1.8 billion Internet users, and over 4.1 billion Internet users. Quill provided an advantage to out-of-state Internet sellers because they did not have to collect taxes, unlike local businesses. Wayfair reflects the court’s recognition of the economic changes and the distortions caused by Quill.

While Wayfair may help local businesses, it leaves small Internet retailers scrambling to comply with sales-tax requirements. As the panelists said, most large online retailers already collect sales taxes and will not be as affected. However, according to Lipin, there are “over 18,000 taxing jurisdictions in the U.S.” so it is challenging for small businesses to comply with the requirements for all jurisdictions. Upham said that it will be hard for small businesses, and suggested Congress should act to provide a common threshold for sales and use taxes and uniformity across jurisdictions. Without congressional action, “[t]he only path forward is a lot more litigation.” She also said the best thing for small businesses is to focus on the jurisdictions where they do the most business and work toward full compliance in all jurisdictions.

James C. Vandermark (vandermarkj@whiteandwilliams.com) is an associate at White and Williams LLP.

Hiring Hints

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**Sleepy Carpenter Street Comes Alive**

_L'Anima_ is the third restaurant from the owners of Center City favorite, Melograno. The space is lovely, with a cooly lit interior (al fresco is also available) and reasonable noise levels. Its menu is typical of the menus my wife and I sampled in Italy, and prices are all reasonable. My dining companion “Magic Darts” ordered the two best items I tasted: the exceptional Polpo Alla Piastra appetizer - with its tender octopus perched sublimely atop its green drizzle of lemon oil, lupini beans and gaeta olives – and the Porchetta with charred brussels sprouts and amaro reduction. Its crispy, fatty belly and perfectly charred sprouts should be a standard item menu in all Italian dining establishments.

Our dining partners each had the Spigola (sea bass with potatoes, tomatoes and mushroom). They each loved it, and said it tasted perfectly done. We also split an order of the classic Cacio E Pepe with Pecorino Romano, Parmigiano Reggiano and cracked peppercorns. L’Anima’s version was flawless, and reminded us of the awesome versions we had throughout Tuscany two years ago. My Cozze, a PEI mussel appetizer, and Animea, flatbread pizza with beef bresaola and arugula, were solid, but nothing memorable. L’Anima is a welcome addition that the readers of this publication can try without hesitation.

El Rancho Viejo, co-owned by the head butcher at Capital Grille in Philadelphia, sits in a space that is tiny even by South Philly, hole-in-the-wall, standards. Our half-hexagon “table” for four was jammed against a wall, and its apparent lack of air conditioning caused some consternation. But the food – and the extra bottle of vino – more than compensated.

We shared an order of Chalupas as starters. Very tasty. But the special Chorizo Fundido, with its ample chunks of spicy fresh chorizo blended with salty Oaxacan cheese, was the best I have had in Philadelphia. My dining companion, Amy, really enjoyed her Enchiladas Mole, prepared here without the usual chocolate that graces other moles. My wife and Amy’s husband had the Grilled Shrimp entrée with avocado salad, rice and orange sauce and thought they were an excellent hot-weather choice at $18. However, I took the advice of the Inquirer’s food critic and went straight for El Rancho’s giant Bone-In Sirloin with red chilaquiles, fried egg, cheese and rice. This was an entrée that would easily match up with any steak house around. The owners also mentioned a future weekend special where they somehow cook a steak on a barbeque spit and cut off pieces, a la barbacoa. I am there. They also gave us yummy churros with strawberry ice cream as a complimentary dessert. El Rancho Viejo is a little tight, but worth a visit.

*James Zwolak (James.Zwolak@phila.gov) is a divisional deputy city solicitor in the City of Philadelphia Law Department.*

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Ames & Gough’s most recent annual survey of lawyers’ professional liability insurance claims found that malpractice claims are being driven by inadequate protections and provide proof of cyber-liability insurance coverage.

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**LEGAL ADVISORY UPDATE FROM USI AFFINITY**

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**For the last 20 years, I have lived within a block of Carpenter Street in South Philly. A great residential street, it has had very few places to eat or drink. But I recently had the pleasure of enjoying meals at two distinct, newly opened venues: the sleek, airy Italian BYOB, L’Anima, at 17th and Carpenter streets, and the 10-seat (if that) Mexican steak house, El Rancho Viejo (also BYOB), at 5th and Carpenter. Both were excellent and offer a glimpse of how Philly’s best new tastes reside in former dining no-man’s lands.**

**To see more images and read the full articles, visit PhiladelphiaBar.org**
Roberta Liebenberg, partner at Fine Kaplan and Black, has been elected to the national board of directors of YWCA USA.

Katherine Hatton, vice president and general counsel at the Robert Wood Johnson Foundation, was elected to the board of directors of the Public Interest Law Center.

Lori A. Garber, of counsel to Belluck & Fox, LLP, was elected as a board member of Girls Inc. of Greater Philadelphia and Southern New Jersey.

Ernest D. Holtzheimer, associate at Montgomery McCracken Walker & Rhoads LLP, named one of the 2018 Top 40 Young Lawyers on the Rise by the American Bar Association.

Richard J. Perr, partner at Fineman Krekstein & Harris P.C., was elected to a three-year term on the board of directors of ACA International, the trade association of credit and collection professionals, at the group’s international conference in Nashville, Tennessee.

Henry I. Pass, managing director of the Law Offices of Henry Ian Pass, was appointed to serve on the Children’s Hospital of Philadelphia’s Innovation Council.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Email news to Thomas E. Rogers, senior managing editor, Philadelphia Bar Reporter, at trogers@PhilaBar.org.

The Philadelphia Lawyer
Magazine Accepting Submissions for Race and Law Issue

The Editorial Board of The Philadelphia Lawyer magazine is soliciting submissions for a forthcoming issue on race and the law. The board is looking for articles that tell stories from the perspectives of people of all colors who have encountered the law in any way. This issue is slated for spring 2019.

We are looking for shorter articles of 750 words and longer feature-length articles of 1,200-1,500 words. Authors may ask to remain anonymous to protect their privacy.

All submissions must be previously unpublished and approved by the board for publication. No article is guaranteed to be published. For more information and to submit an article for consideration please email tplmag@philabar.org.
FOR MORE THAN 30 YEARS, Sidney L. Gold & Associates, P.C. has dedicated its practice to the field of employment law and civil rights litigation. The firm’s attorneys take great pride in serving as both aggressive and compassionate advocates for victims of unlawful discrimination and harassment. As a result, the Martindale-Hubbell® Bar Register has certified Sidney L. Gold & Associates as a pre-eminent law firm in the field of labor and employment law. More than 4,500 lawyers throughout Pennsylvania and New Jersey look to Sidney L. Gold & Associates to refer their clients.

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

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