

The Right Strut

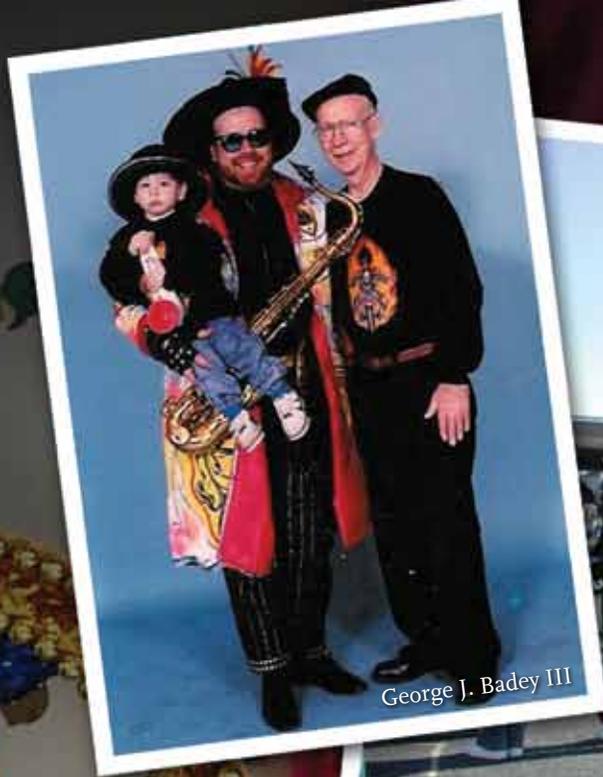
Lawyer-Mummers Keep Tradition Going
by Jeff Lyons and Michael Petitti



Charles J. Kocher



U.S Magistrate Judge Jacob P. Hart



George J. Badey III



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Some Philadelphians are born to strut up Broad Street. Others learn to love and take part in the tradition. But to three Philadelphia lawyers, New Year's Day just wouldn't be the same without taking part in the Mummers Parade.

For George J. Badey III and Charles J. Kocher, the parade was in their DNA. Both of their fathers participated and they followed in the family tradition. U.S. Magistrate Judge Jacob P. Hart attended the parade as a child but didn't join a string band until he was in his 30s. And thanks to the efforts of Badey and Judge Hart, the Mummers parade has survived city cutbacks and continues to delight fans every Jan. 1. But more on that later.

Badey was just 13 years old when he joined the Durning String Band in 1971 as a tenor saxophone player. He moved to the Fralinger String Band in 1976 and has been there ever since. The 2011 parade will be the 40th consecutive parade in which he has participated.

"My father was in Durning with me and then I went to Fralinger and he stayed in Durning," Badey said. "He eventually came over with me in 1981 and was in Fralinger until he passed away in 1998. My son is now with me in Fralinger and he plays the bass fiddle. Unfortunately, we weren't able to get all three generations playing together at the same time. But there are at least 22 father-son combinations in Fralinger and there are several grandfather-father-son combinations as well. It's a really important family tradition and it's woven together from the neighborhoods and the families," said Badey, a partner with Badey, Sloan & DiGenova P.C., who practices personal injury and workers' compensation law.

For Badey, mummery has been the one constant in his life. "I grew up in South Philadelphia and when you grow up in South Philadelphia, one of the things that you do as part of your family and neighborhood is to belong to a Mummers club. Since I played the saxophone, it was a natural thing for me to join a string band," he said.

"My father was a longshoreman and I grew up in a good, solid, working-class neighborhood. A lot of things changed over the years. I went to college and I went to law school, I got married and had kids and live in the suburbs. Every aspect of my life has changed except for the constant of mummery. And it's really nice to have that consistency and stability," Badey said.

Badey was a double major at the University of Pennsylvania – music and political science. "In college, I didn't really make it known that I was in a string band because some people don't really view it as a musical thing. We have a lot of people in our band who are very accomplished musicians."

Badey is passionate about his ties to the Mummers and the pride in his voice swells when talking about Fralinger. The band plays year round to raise money for costumes and even played in Hong Kong three years ago.

"It was an all-expense paid trip to represent the United States at the Chinese New Year Festival. I was just blown away by how wonderful the people in Hong Kong were. They were incredibly receptive. I think I had more pictures taken of

me in my costume in six days than I've had taken of me in my whole life. There were probably more than one million people on the parade route. They were so friendly and so nice. It just reaches across all kinds of national lines and racial line and cultural lines. Mummery breaks the ice everywhere you go," he said.

Kocher's first parade was in 1993, also at the tender age of 13. Kocher is an attorney in the class action practice group at Saltz Mongeluzzi Barrett & Bendesky PC, focuses on the litigation of complex class actions with concentrations in antitrust and consumer-protection matters.

His father, a Camden, N.J., police officer, knew the music director of the Broomall String Band, who recruited the young tenor saxophone player. His father was an accordion player with Broomall for 10 years. The 2011 parade will mark his first New Year's Day with the Joseph A. Ferko String Band – "the pride of Bridesburg," says Kocher. Ferko placed first in music and second overall in the 2010 parade and is one of the city's oldest string bands.

Kocher says the band practices all year long. The once-a-week practices become twice a week after Labor Day. Those rehearsals leading up to the big event can last from two to four hours. "I'm a musician first and foremost so it's good opportunity to play the sax each week."

And all that time together brings the members very close to each other. "The guys you play with are pretty much your family. All walks of life participate in the Mummers Parade, both blue collar and white collar, including lawyers, engineers, accountants, teachers."

But for Kocher, there's nothing like playing in the parade on New Year's Day. "We only get 4 minutes and 30 seconds to 'wow' the judges during the parade," he said.

Kocher says his experiences as a Mummer have affected his life as an attorney. "Both Mummers and trial lawyers perform for an audience – and so you have to know your audience to be successful." The performance aspect "teaches you an awareness of presence – when you get in front of judges both on New Year's Day as well as in the courtroom. The competition brings out the best in you."

Judge Hart wanted to experience New Year's Day as a Mummer "for a goof." "I thought I'd do it once and that would be it." The Germantown native, now a magistrate judge with the U.S. District Court for the Eastern District of Pennsylvania, is an accomplished clarinet and saxophone player. His father used to take him to the parade as a child.

"One New Year's Day in the 1970s, I was at a party at the Bellevue. This was back when you could rent a room and throw the windows open. It was a phenomenal way to watch the parade down below on Broad Street. I had a partner who used to rent a room every year and have a party to watch the parade. I knew so little about the Mummers at that point I

"I grew up in South Philadelphia and when you grow up in South Philadelphia, one of the things that you do as part of your family and neighborhood is to belong to a Mummers club."

couldn't even tell you the name of a band. But I thought I would have a lot of fun doing this. My first wife thought I was crazy. "They're not going to let a Jew in the Mummies," she told me.

Judge Hart, then a labor lawyer at Schander Harrison Segal & Lewis LLP, decided to ask around to find out how to get involved with the parade. Through a client, he got connected with someone in the Greater Overbrook String Band. He called Overbrook's music director and asked about joining the band. "He asked me if I could read music, which I could. They told me to bring my instrument to the next rehearsal so they could see if I was good enough."

"So I walked into the tryout that one night and I took out my beautiful Selmer Mark VI saxophone. They put some music in front of me and I blew right through it. It was so easy it wasn't even funny. They asked if I could march and I told them I could put one foot in front of the other. And they signed me up. My idea was I was going to do it one year as a hoot. But once I got into it I got so addicted. It was so much fun with great people. I spent several years with the Greater Overbrook String Band. But they were mediocre and after a few years the advocacy in me took over and I wanted to be in a band that could win."

At that time, the Avalon String Band was in the process of dissolving. The band, named after a popular brand of cigarettes from the 1930s and not the New Jersey beach resort town, was in danger of losing its right to march in the New Year's parade if it didn't march two years in a row.

"Some people from other bands decided they were going to go to the remaining members of Avalon and ask them to let us run the band, we'd reform it," Judge Hart said. "These were really good musicians from other bands that wanted to start their own band. I got a call from one of the guys in my own band who told me about the idea and I said count me in. So I got involved with the new, re-formed Avalon String Band in 1982. We had to go to court to get the right to march. A lot of people hated us because we stole members from other bands."

The other bands knew Avalon was essentially a brand-new band and didn't have any money to pay for costumes.

"After New Year's Day, there's a show called the Show of Shows and the members of the original 16 string bands get the tickets to the Show of Shows and sell them. The idea was for us to get credit from a costumer and we were going to pay for our suits after we sold our Show of Shows tickets."

"A couple of guys in the other clubs figured this out and they decided they were not going to give us any tickets to sell. They were going to take the position that we weren't a legitimate member of the String Bands Association and we weren't entitled to the tickets."

His new band turned to Hart as the only lawyer in the band. "I'll tell you what we're going to do. We're going to go to court. We're going to enjoin the distribution of those tickets until we get our share," he told his bandmates. "I started a lawsuit. I needed to get a temporary restraining order to stop the sale of tickets. So I went to court one day and Judge Abraham Gafni was the emergency judge. I knew Abe because we had been law clerks together. I walked in and handed him the papers for the TRO and he looked at them and said "the Schnader firm is representing a string band?" I said "your honor, let's just say it's pro se." He looked at me and said, "don't tell me you're a member of a string band."

Judge Gafni wouldn't grant the TRO but agreed to hear it the next day on preliminary injunction. "We spent the whole day in court. The String Band Association hired a lawyer and I won. Judge Gafni enjoined them from giving out any tickets until we got our share. That was my contribution. That and I could play the sax pretty well. But I got them the Show of Shows tickets and stayed there ever after."

His passion for the Avalon String Band even cost him season tickets to the Philadelphia Eagles. "There are drill practices on Sundays. The second



George J. Badey III



Charles J. Kocher

time I missed a Sunday rehearsal because I was at an Eagles game, the music director called me and told me I had a choice to make. “‘If you want to be in the band, you have to be here. Otherwise, go to the Eagles game,’ he was told. “I got rid of my tickets at the end of that year.”

“But I loved it. But it got to a point where it was a lot of work. When you get into December, the rehearsals are three days a week – Tuesday, Thursday and Sunday. And you have to put on your warm clothes and go out and rehearse under I-95 until midnight and then go to work the next day. And I was sitting there one day and said ‘I’ve had enough.’ I was 60 years old and it was time. I never won but I decided to retire.

One of the highlights of his career came in 1993 when the band got to perform at the inaugural parade for President Bill Clinton. “They used to select one playing organization from every state and that New Year’s Day before the inauguration, we had a patriotic theme – it was called ‘Red White Rhythm and Blue.’ Someone suggested we try to be Pennsylvania’s representative in the inaugural parade. And we got it. We stood outside for about six hours until our turn came to perform. It was the first time I was ever face to face with a president of the United States. And we stopped right in front of the reviewing stand and the president was so completely taken with us. He played the sax and he really seemed to like it. But that was by far the coolest thing I ever did.”

For the last eight years, Judge Hart has been teamed with

Steve Highsmith for the parade telecast on Channel 17. “The String Band Association has a deal with Channel 17 that they can supply one announcer to be the color commentator on the telecast. He met with Highsmith and told him he wanted to take the job seriously.

“I wanted to have information at my fingertips to make the show more interesting. So I started a new project. In the month of December, I spend a full evening with every band and talk to their members and get notes about interesting things that happened to the band that year. I have a huge book of Mummer’s statistics. When I go on the air, I have the book with me. It’s like a trial notebook. It has every band, every theme they’ve ever had, every prize they ever won, all sorts of data. The reason I do that is because you never know when you’re going to have to kill time. The producer will get on and say there’s a delay and you and Steve have to fill five minutes. So I have all this information just in case. This will be our ninth year together. We’re a team now. He’s the play-by-play guy and I’m the color guy. I hope to keep doing it until I’m too tired to go out in December,” the judge said. ■

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Mummers and City Hall

The Philadelphia tradition that is the Mummers Parade almost came to a halt in 2008 as a result of the nationwide financial crisis.

“In November 2008, the mayor announced he was going to withdraw all prize money from the Mummers. That was more than \$330,000 in prize money. The first place string band would get \$10,000 and the second-place band would get \$9,800 and so on. The winning band would spend upwards of \$150,000 to do what they do on New Year’s Day. Winning was more about bragging rights, but the money was income that the bands needed. It affected everyone – brigades, fancies, comics and string bands,” explained George Badey, the Franlinger String Band’s representative to the String Band Association.

“Then the mayor said he wanted us to pay for all city services that would be provided during the parade – police, EMTs, trash removal, all of that. That would have destroyed the Mummers Parade. We would have ceased to exist,” said Badey, who contacted a forensic economist and commissioned an economic impact study about what the Mummers mean to the city. The study showed the Mummers generate more than \$9 million a year to the economy and hundreds of thousands in tax revenue.

“The bottom line is we generate way more money than we cost the city government. For them to kill the parade to save a couple hundred thousand dollars in costs is shortsighted and economically foolish. They’d lose more money than they’d save,” said Badey.

“We got all the Mummers groups together and formed Save the Mummers and we raised \$200,000 in six days,” Badey said.

Badey said Congressman Bob Brady (a former Mummer) was instrumental in keeping the parade alive. “His opinion was that this was a tradition that was so intrinsic to the fabric of Philadelphia and we can’t let it die. It’s part of what we are and it’s part of our identity. If you start killing off the things that make you who you are, then you’re not anything.”

“No other administration allowed a temporary financial crisis to permanently destroy a tradition. At the time he was getting political heat because he was going to close libraries and firehouses. But we bring money into the city. As important as a libraries and firehouses are, they cost money. But the Mummers actually bring money in.”

“Save the Mummers has brought all the divisions together. It used to be a competition between the divisions. Once our very existence was threatened, it became a survival thing and everybody came together under the banner of Save the Mummers,” said Badey.

Save the Mummers (savethemummers.com) helps publicize the parade and raise money for prize money, said U.S. Magistrate Judge Jacob P. Hart.

“Some of the smaller bands won’t survive without prize money. They can’t earn enough money during the year doing gigs. The bands like Avalon and Fralinger could go on forever without prize money because they make enough to cover their costs. We don’t want to see the number of bands shrink. It’s just not a good parade at that point,” he said.

- Jeff Lyons

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