Chancellor Snyder Has A Comprehensive Vision for 2020

By Brittany Anne Robertson

On Dec. 12, 2019, the Philadelphia Bar Association held its Annual Meeting Luncheon at The Bellevue Hotel in Philadelphia. In addition to wine, dining and celebrating together as a community, members of the Association were privy to the vision incoming Chancellor A. Michael Snyder (Ret.) has for the Association in 2020.

Describing his chancellorship as a “gift,” Snyder acknowledged that without the “eyes and ears” of the Association’s members, his role as its “voice” is ineffective. Thoughts and criticisms are important to him, and he asked members to keep him on his toes concerning his effectiveness as a leader. He also spoke on his imperative as Chancellor to be a voice on behalf of not just Association members, but of citizens everywhere, noting that 2020 marked the 70th anniversary of the liberation of Auschwitz—which stands as a stark reminder of what happens when no one speaks out against injustice and intolerance. He stated that the Association—and, therefore, he—cannot hesitate to speak out in instances when people are attacked unjustly, and he reiterated his commitment to do so as Chancellor.

Snyder named several former Chancellors as “advisors, critics and mentors” and said that he continues to learn from them, as he believes it “essential” to call upon the institutional knowledge that they provide to lead effectively. He also spoke about his intent to create an Advisory Chancellors Cabinet to provide guidance and help him avoid “unnecessary” mistakes.

Using lessons from the past to achieve missions in the future was a theme that ran throughout Snyder’s remarks. Amongst his goals for the new year is a commitment to achieving diversity and inclusivity in the Association and in the legal profession. He announced the creation of a Diversity Advisory Panel that will advise him and future Chancellors on the effectiveness of their diversity...
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If You Have Someone You Cannot Help... Refer Them to Us!
I love the spring. Now, I know that as you read this first column of mine as Chancellor, we are experiencing winter in Philadelphia; it’s bitter cold, the forecast probably has dire warnings of major snow or ice storms, and the kids are looking for the announcements of school closures. You’ve probably read that first sentence and thought, “What kind of sadistic torturer is this guy? We have a good two to three months of winter to go, and Snyder is talking about spring?”

Don’t write my sanity off yet; there is a method to my madness.

Many people talk about how they remember loving the beginning of the school year; the feel of new crayons, the smell of new oil cloth, meeting new friends, and getting used to new teachers. For me, the year begins with spring. Spring brings hope, fresh smells and colors, and really, new beginnings. Like the fall, there are pleasant reminders of all that we accomplish. So, it’s not just spring that I love, it’s beginnings. Especially beginnings with friends like you.

As we begin this year, I look forward to meeting each of you at lunches, Quarterlies, Chancellor’s forums, meetings, happy hours and in your firms. I hope that we will create sensory memories for each of us, like my buck shoes and the crewwsawax, which become pleasant reminders of all that we accomplish. So, it’s not just spring that I love, it’s beginnings. Especially beginnings with friends like each of you: Philadelphia Lawyers.

By A. Michael Snyder

I love the spring. Now, I know that as you read this first column of mine as Chancellor, we are experiencing winter in Philadelphia; it’s bitter cold, the forecast probably has dire warnings of major snow or ice storms, and the kids are looking for the announcements of school closures. You’ve probably read that first sentence and thought, “What kind of sadistic torturer is this guy? We have a good two to three months of winter to go, and Snyder is talking about spring?”

Don’t write my sanity off yet; there is a method to my madness.

Many people talk about how they remember loving the beginning of the school year; the feel of new crayons, the smell of new oil cloth, meeting new friends, and getting used to new teachers. For me, the year begins with spring. Spring brings hope, fresh smells and colors, and really, new beginnings. Like the fall, there are certain specific sensory memories that I have of the spring which still make me feel nostalgic.

Yes, it’s true that the colors are brighter in the spring, grass and flowers smell great, even if they do make me sneeze, and there is, of course, the memory of getting a tan while laying on the grass in college. But for me, there are two indelible memories of spring that go back to my earliest days in elementary school.

Each spring, two special things happened for me, aside from my birthday. The first is that I would get a new pair of white buck shoes, the kind with the pink rubber soles. The shoes came with a little cloth bag filled with some kind of white powder, now probably harmful to either people or the environment, which was kind of pounced on the shoes in order to make them white again. The second is that I would get my first crewcut of the season, back when I had enough hair to get a crewcut. When you got a crewcut you needed something to make your hair stick up in front; in other words, product. The product that you were given was a stick of some kind of pink wax. It had a really specific great smell, kind of like bubble gum and a new baseball mixed together. You pushed up on the bottom of the container, raising the wax a little, and then applied it to the front of your hairline, creating the cool-looking stick up part of a crewcut. So, from my head to my toes, I was new all over. Or so I felt.

As I write this column, I am eagerly anticipating a different kind of beginning. I am anticipating meeting all of this Association’s new leaders, officers, Board members, Section chairs, and Committee chairs gathered together for the first time at our Annual Leadership Retreat, a day when we can establish priorities, set goals, make commitments and begin to learn to work together on your behalf. I look forward to enhancing existing friendships and making new ones. I look forward to strengthening existing programs and creating new ones. I am excited about what we will create this year; I think that you will see some things that you might not have seen before.

As we begin this year, I look forward to meeting each of you at lunches, Quarterlies, Chancellor’s forums, meetings, happy hours and in your firms. I hope that we will create sensory memories for each of us, like my buck shoes and the crewwsawax, which become pleasant reminders of all that we accomplish. So, it’s not just spring that I love, it’s beginnings. Especially beginnings with friends like each of you: Philadelphia Lawyers.
With great privilege comes great responsibility. If these words sound familiar, it is because you have heard me say them before. When I ran for the YLD Executive Committee back in 2016, I did so on the belief that it is a privilege to practice, and with this privilege comes the responsibility to serve the community and create equal opportunities for all to succeed. After serving a three-year term on the Executive Committee and participating in all of the incredible community-oriented programming facilitated by the YLD, I am convinced more than ever of the truth of these words.

This maxim will guide the YLD as we enter the New Year, and the new decade, together. Like most, the start of the New Year instills in me a renewed sense of optimism and general hopefulness for the future. However, given the current state of our world, I often find it difficult to maintain this optimism. Civility and respect have all but disappeared from public discourse. “Truthiness” and disinformation prevail. It would be easy to bury my head in the sand and ignore it all until November. Instead, I choose to exercise the privilege of being a lawyer in service to my community. I encourage you to do the same when your optimism falters.

To serve the Philadelphia community better in 2020, the YLD will undertake two initiatives aimed at increasing participation and civility in the electoral process. First, we will commence a voter registration initiative. When possible, we will incorporate voter registration into the YLD’s programming. This will include voter registration at Association events, CLEs, and pro bono activities. We will also host voter registration drives in the community. In addition to registering people to vote, we will also educate voters on Act 77, which, among other things, provides a new vote-by-mail option separate from absentee ballots.

Second, we will host trainings on civil discourse. The goal of these trainings will be to prepare young lawyers, and anyone else who wishes to participate, to serve as facilitators of respectful and productive dialogue. The application of such skills is not just political; civility can assist with adversarial proceedings, negotiations, and inter-generational communications.

In addition to these initiatives, the YLD will continue to serve our community by hosting LegalLine on the third Wednesday evening of every month. During LegalLine, volunteer lawyers answer the Lawyer Referral and Information Services phones and provide guidance to callers. LegalLine gives younger lawyers an opportunity to serve their community by providing advice and guidance to Philadelphians.

It is a privilege to be a lawyer and with this privilege comes great responsibility. Let 2020 be the year we exercise this privilege for good and hold our heads high above the sand.

Hillary N. Ladov (hladov@goldbergsegalla.com), associate in Goldberg Segalla’s Global Insurance Services practice, is chair of the Young Lawyers Division.

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This January marks the start of not only a new year but a new decade. As I look towards 2020, and my second year as the president of the Philadelphia Bar Foundation, I am acutely aware that the aspiration of providing equal access to justice requires a multi-faceted approach. In addition to our core activity of providing grants, the Bar Foundation partners with a number of organizations on a collaborative approach. This month’s column highlights some of those remarkable partnerships.

The Bar Foundation administers fellowship programs that provide support for individuals who are committed to public service:

The Morris M. Shuster Public Interest Fellowship Program provides awards each year to deserving public interest attorneys to help them retire law school debt. In 2019, four lawyers from AIDS Law Project of Pennsylvania, HIAS Pennsylvania, Philadelphia Legal Assistance, and Neighborhood Services Center were selected in a random drawing to receive loan forgiveness from the Shuster Fund.

The Honorable Albert W. Sheppard Scholarship Fund supports a law student clerkship position with the Commerce Case Management Program, in coordination with the Business Litigation Committee of the Philadelphia Bar Association’s Business Law Section. Michael Fitzpatrick, a 3L at the Drexel University Kline School of Law, is the 2019–2020 Sheppard Fellow.

The Judge William M. Marutani Fellowship provides a summer internship aimed at increasing awareness and understanding of the need for improved access to legal assistance and counseling services. The fellowship is administered by the Philadelphia Bar Association’s Asian Pacific American Bar Association (APABA-PA). The 2019 fellows are Lisa Riley, who interned with Consumer Bankruptcy Assistance Project (CBAP) in Philadelphia, and Nicholas Chan, who interned with Justice at Work in Pittsburgh.

The R. Nicholas Gimbel Fund for Legal Excellence offers training programs at no cost for public interest lawyers in the Philadelphia area that practice at government agencies and organizations providing access to free or low-cost legal services. The training sessions support high-level instruction on trial strategy and techniques to provide valuable courtroom advocacy skills. A one-day evidence training program was held in Dec. 2019, which was hosted by Pepper Hamilton LLP and led by faculty from Rutgers Law School – Camden and the Temple University Beasley School of Law.

The annual Samuel T. Gomez Award is presented by the Philadelphia Bar Foundation and the Asian Pacific American Bar Association of Pennsylvania (APABA-PA) to a law student who embodies commitment and compassion through their community service. Our most recent recipient of the Gomez Award was Linh H. Nguyen from Temple University James E. Beasley School of Law.

The Bar Foundation administers the Association of Corporate Counsel Greater Philadelphia (ACCGPA) Diversity Corporate Internship Program, which sponsors an annual internship aimed at increasing diversity within corporate legal departments. Applications for the 2020 Summer Internship close on Jan. 21, 2020.

The Foundation assists the “Supervision to Aid Reentry” (or STAR program) of the Eastern District of Pennsylvania with the Judge Alfred L. Luongo Fund. This fund provides essential assistance and resources to individuals reintegrating into our community, including help with employment, housing and health care. The Luongo Fund also supports two specialized courts in the Eastern District that are critical in improving the chances of long-term success: the Mental Health Protocol program and Relapse Prevention Court, which provide structure and support to participants facing mental health issues and substance addiction.

Last, but not least, we have an innovative LexisNexis Research Grant Program that provides our nonprofit partners with online research time, tools and training at no cost.

Through these partnerships, the Philadelphia Bar Foundation is uniquely positioned to identify sector-wide needs and marshal the resources to address issues in useful and timely ways. I strongly encourage you to read more about these opportunities and share them with your professional network. With your help, we can continue to grow this comprehensive approach to supporting the public interest community in Philadelphia.

On behalf of the staff and Trustees of the Bar Foundation, thank you for your support in 2019, which was another successful year for the Foundation. In December, we distributed $371,030 in unrestricted grants to our nonprofit partners, consisting of nearly 40 legal aid organizations working in Philadelphia and around Pennsylvania. We are grateful for the generous donations from individuals and organizations that make these grants possible.

We look forward to continuing the fight for equal access to justice in 2020.

By Leslie E. John (john@ballardspahr.com), partner at Ballard Spahr LLP, is president of the Philadelphia Bar Foundation.
For details on placing a Lawyer to Lawyer referral ad, contact Shawn D. Phillips at 215-557-2340 or sphillips@alm.com.

Top left: Hon. Cynthia M. Rupe, U.S. District Court for the Eastern District of Pennsylvania (middle), who presided over the naturalization ceremony; with distinguished featured speaker, Sozi Pedro Tulante, of Dechert LLP, (on right); and 2019 Chancellor Rochelle M. Fedullo, who provided remarks on behalf of the Philadelphia Bar Association; at the Dec. 16 ceremony.

Top right: Eugene Bogatov, formerly of Belarus, provided remarks on behalf of the new citizens.

Bottom left and right: Fifty-six people from 33 countries became U.S. citizens at the ceremony.
Snyder also believes the "protections and rights" of the citizens of the Philadelphia region include a diverse socio-economic environment in which they can thrive and an access to justice for all.

Snyder presented plans for several initiatives that he would like to enact over the course of his Chancellorship. They include:

• The creation of a limited mental health assistance program as an Association benefit, inspired by the recent trend of law students advocating for mental health services at their schools. He acknowledged that being an attorney can be emotionally difficult and that issues such as depression, substance abuse and even suicide are alarmingly prevalent in the profession.

• Expanding the role of the Professional Guidance Committee, which is a resource for attorneys to receive guidance from outside of their firms about professional issues. He would like to see the Committee’s role extend to young attorneys by providing opportunities for them to seek solutions that will avoid damage for the attorneys or their firms.

• Extending the reach of the Advancing Civics Education program—in which lawyers and judges go into high schools to teach civics—into elementary and middle schools. He reasoned that “very early” children learn that police, firefighters and doctors are available to help them. Snyder believes the same can be said for lawyers and is going to encourage the chairs of the ACE program to reach out to Association members in order to increase their membership and the program’s scope.

• The creation of a job fair, designed to provide access to talented law students from local schools and from schools across the country. Philadelphia’s population of young lawyers falls behind those of other cities, said Snyder. He believes that with the quality of life possible here, Philadelphia should be doing better with the quality of life possible here, Philadelphia's population of young lawyers and for the Philadelphia lawyers to solve problems.

• “Strategic Synergies” — the collaboration of Philadelphia’s industries leaders—in industries such as education, government and health care—with the Association to inspire these leaders to “think of Philadelphia lawyers first” when obtaining representation and to enlist the help of Philadelphia lawyers to solve problems.

• “Entrepreneurial Incubator Program” — a program that will tend to the “entrepreneurial urge” of the Association’s members and create programming that will help develop skills geared toward building and growing a business.

As well as expanding current programs, Snyder’s plan for 2020 includes the creation of several new ones:

• “Come With Me” — a program designed to encourage new lawyer participation by allowing a registered member of the Association who attends an event to bring a young associate, who will then be eligible to attend the event at a discounted rate.

• “Strategic Synergies” — the collaboration of Philadelphia’s industries leaders—in industries such as education, government and health care—with the Association to inspire these leaders to “think of Philadelphia lawyers first” when obtaining representation and to enlist the help of Philadelphia lawyers to solve problems.

In addition to Chancellor Snyder addressing the Association, several individuals were honored at the luncheon. Kathleen D. Wilkinson, partner at Wilson Elser Moskowitz Edelman & Dicker LLP, received the Sandra Day O’Connor Award, presented to a woman attorney who has achieved significant legal accomplishments and furthered the advancement of women in the legal profession. Ethan D. Fogel, partner at the Philadelphia office of Dechert LLP, received the Citizens Bank Achievement Award for significant accomplishments in improving the administration of justice. Fogel’s accomplishments include work with the Civil Gideon and Access to Justice Task Force, which was critical in supporting the passage of Philadelphia’s right-to-counsel legislation in November.


Brittany Anne Robertson (b robertson@philabaro.org) is the communications associate at the Philadelphia Bar Association.
BOARD RESOLUTION - IN MEMORIAM

In Memoriam: Allan H. Gordon

WHEREAS, Allan Gordon, a native Philadelphian, graduated from Central High School in 1958, earned a B.A. from Temple University in 1963 and a law degree at the top of his class from Temple Law School in 1966; and

WHEREAS, upon graduating from law school, Allan Gordon and some of his classmates founded the law firm of Segal, Zaslow & Gordon, later known as Segal, Weiss, Gordon & Levanson; and

WHEREAS, in 1972, Allan Gordon left the firm he founded to work with his mentor, Herb Kolbey, at Kolbey & Wolfe; and

WHEREAS, Allan Gordon helped grow the firm, later known as Kolbey, Gordon, Robin Shore & Bezar, into one of the premier firms in the city for the representation of plaintiffs in medical malpractice, products liability and other serious personal injury matters; and

WHEREAS, Allan Gordon rose to prominence in the Philadelphia legal community, co-founding the Judge Pro Tempore program within the Philadelphia Court of Common Pleas; and

WHEREAS, Allan Gordon was an active leader in a variety of professional organizations as President of the Philadelphia Trial Lawyers Association, a Fellow of the American College of Trial Lawyers, an Associate of the American Board of Trial Advocates, a Fellow of the International Academy of Trial Lawyers, and a Fellow of the International Society of Barristers; and

WHEREAS, Allan Gordon's leadership in the Philadelphia legal community reached its pinnacle when he served as Chancellor of the Philadelphia Bar Association in 2002, during the Association's Bicentennial year, a position he described as "the greatest job one can imagine;" and

WHEREAS, after serving as Chancellor, Allan Gordon continued to be an influential leader in the legal community through his law firm and later as a nationally recognized arbitrator with ADR Options.; and

WHEREAS, Allan Gordon was well known for his wit, charm, generosity and dedication to his family and friends; and

WHEREAS, Allan Gordon was a cherished and respected mentor and friend to many attorneys who looked to him for practical advice and guidance,

NOW, THEREFORE, BE IT RESOLVED, that the Philadelphia Bar Association adopts this resolution in recognition of the character, contributions and achievements of Allan H. Gordon, and in honor of a beloved and respected colleague, devoted family member and faithful friend.

PHILADELPHIA BAR ASSOCIATION
BOARD OF GOVERNORS
ADOPTED: December 16, 2019
AFFINITY ASSOCIATIONS - THE BARRISTERS’ ASSOCIATION OF PHILADELPHIA, INC.

December Lunch-N-Learn

On Tuesday, Dec. 10, 2019, the Barristers’ Association of Philadelphia, Inc., in collaboration with Elm & Broad Recruiting, held a Lunch-N-Learn, moderated by Saul Ewing associate Angella Middleton. The program educated attorneys considering job transitioning about working with a recruiter to achieve their goals. Nearly 30 attorneys gathered for the hour-long program held at Eastern University at 1601 Market Street to hear PIDC vice president and assistant general counsel Tarik Brooks, Marshall Dennehey associate Daniella Price and Elm & Broad Recruiting attorney recruiter Lamont Johnson provide their insights.

On right: (From left to right) Moderator Angella Middleton with panelists Tarik Brooks, Daniella Price, and Lamont Johnson.

January General Body Meeting


On right: (From left to right) Moderator Angella Middleton with panelists Tarik Brooks, Daniella Price, and Lamont Johnson.
VIDEO ENCORE: Understanding the Legal Rights of the Most Vulnerable: Representing Undocumented Minors During the Current Administration

Wed., 1/8/20 - 12:30 - 2:30 p.m. (1 SUB/1 ETH)

This timely video-encore program will address the various legal challenges that undocumented minors and their families are facing in the current political landscape. Panelists will also talk about the different legal reliefs that may be available to protect these minors’ rights and legal interests. Topics discussed will include SIJ, asylum, custody proceedings involving unaccompanied minors, public benefits and medical insurance.

VIDEO ENCORE: One Year After the Tax Cuts and Jobs Act (TCJA) - Drafting and Planning in Light of the Higher Exemptions

Thu., 1/9/20 - 12:30 - 2:30 p.m. (2 SUB)

The Tax Cuts and Jobs Act more than doubled the exemption equivalent amount for individuals to gift during their lives or from their estates. This video-encore program will offer practical guidance on drafting estate plans by providing examples of forms to assist attorneys in navigating this extremely difficult topic.


Fri., 1/10/20 - 12 - 1:00 p.m. (1 SUB)

In this practical video-encore program, experienced panelists - a plaintiff’s attorney, a defense attorney and the Arbitration Center Director - provide tips, techniques and “dos and don’ts” to help make the Arbitration Program an efficient, meaningful and productive endeavor. Learn practice pointers on a range of topics from preparing clients for testimony, handling the difficult panelist and submission of briefs.

VIDEO ENCORE: Ethics and Malpractice Avoidance

Tue., 1/14/20 - 12:00 - 2:00 p.m. (2 ETH)

This video-encore CLE program, applicable to attorneys in all practice areas, will provide guidance regarding how to protect yourself and minimize your chances of being sued for malpractice or being subject to other ethical issues. Panelists will address the primary reasons why attorneys are sued, the stages of a representation where attorneys get into trouble, practical steps an attorney can take to minimize risk, as well as professional liability insurance, which is critical in protecting the law firm and the attorney in the event of legal malpractice.

VIDEO ENCORE: Attorney Fee Agreements - Ethical, Legal and Practical Consideration

Thu., 1/16/20 - 12:30 - 2:30 p.m. (1 SUB/1 ETH)

It may be viewed as a simple contractual arrangement, but each component of the attorney-client relationship has its own set of nuances, duties, issues and considerations. This video-encore program explores the fee agreement and its ethical, legal and practical considerations. Attendees will learn how to avoid the common mistakes attorneys make when entering into fee agreements with clients, as well as how to address those issues which often arise when representation ends, or the client hires a new attorney. The presentation will also include a role play of a fee dispute mediation.

VIDEO ENCORE: Biased? Me? - Decision-Making and Litigating in a Divided Nation

Fri., 1/17/20 - 12 - 2 p.m. (2 ETH)

So much of the practice of law involves decision-making and convincing others to make better decisions based upon fact rather than emotion. Our own opinions may conflict with those of our clients or communities. What is “false consensus” and how does that harden viewpoints? Can we manage those in a way that results in effective counsel? In this video-encore CLE program, attendees learn the hurdles to understanding how we involuntarily make decisions, and strategies to re-frame issues for success. A “Must Attend” program for all practice areas.

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
Office works with the U.S. Attorney’s Office on issues of common concern. Appeals Unit, recent programs developed by the office, and how the Federal Defender identification of the types of federal court matters being defended in the Trial Unit and with federal offenses. Skipper will also address the following topics, among others: “state of the workers’ compensation union.

brings unique perspective to how they handle matters; ask questions to make certain offer insights on how they handle discovery issues, mediation and settlement. Each judge preferences and suggestions for attorneys practicing before them. The judges will also

In this lunchtime CLE program, hear from the newest judges to join the Workers’

HOSTED BY THE ENVIRONMENTAL LAW COMMITTEE

Philadelphia and the surrounding region are blessed with an abundance of water, informing its history and character over several centuries. As one of the largest and oldest municipalities in the United States, Philadelphia’s watersheds have long industrial and agricultural legacies. While development and population rise, the region remains anchored by the poorest large city in America. The region thus faces complex, long-term challenges in remaining a world leader in protecting and providing access to this critical resource. This interactive presentation from The Water Center at the University of Pennsylvania will address the current “State of the Waters” in the region and discuss how best to frame and prioritize the threats and opportunities facing the region in the long-term.

PRACTICE TIPS AND EXPECTATIONS FROM NEWEST WCOA JUDGES

In this lunchtime CLE program, hear from the newest judges to join the Workers’ Compensation Office of Adjudication, and learn about their procedures, courtroom preferences and suggestions for attorneys practicing before them. The judges will also offer insights on how they handle discovery issues, mediation and settlement. Each judge brings unique perspective to how they handle matters; ask questions to make certain you come prepared when practicing before these judges. Attendees will also hear a brief “state of the workers’ compensation union.

VIDEO ENCORE: Obligations of Local Counsel Under Pennsylvania Rules of Professional Conduct

Mon., 1/27/20 - 12 - 1 p.m. (1 ETH)

A lawyer hired to serve as ‘local counsel’ is immediately confronted with ethical and practical questions. And, the ‘wrong’ answer to any of those questions can lead to significant professional problems. In this video-encore program, panelists who specialize in ethics and professional responsibility answer a myriad of questions, such as: does ‘local counsel’ have customary ethical obligations to the hiring lawyer, and/or to that lawyer’s client; does ‘local counsel’ in litigation have obligations beyond those of ‘local counsel’ in a transaction matter; can serving as mere ‘local counsel’ be used to disqualify you from future representations, on basis of conflict of interest; and how does the court’s power to sanction affect a judge’s approach in regulating attorney professional responsibility as local counsel?

VIDEO ENCORE: Fireside Chat with Chief Federal Defender Leigh Skipper

Mon., 1/27/20 - 2:30 - 3:30 p.m. (1 SUB)

In this video-encore program, Leigh M. Skipper, the Chief Federal Defender for the Eastern District of Pennsylvania, will discuss the work of the Federal Community Defender Office for the Eastern District of Pennsylvania. He will outline the roles and responsibility of the office and the representation of the indigent persons charged with federal offenses. Skipper will also address the following topics, among others: identification of the types of federal court matters being defended in the Trial Unit and Appeals Unit, recent programs developed by the office, and how the Federal Defender Office works with the U.S. Attorney’s Office on issues of common concern.

VIDEO ENCORE: Ethics on Appeal

Tue., 1/21/20 - 12:30 - 1:30 p.m. (1 ETH)

The appellate process presents a unique set of ethical questions, among them: should I appeal a sure-loser; will the appeal create a positional conflict; and what if the record is not accurate? The program will present a series of scenarios faced by appellate counsel that raise both practical and ethical concerns. The experienced panel will provide sound guidance and helpful practice pointers for lawyers handling appeals.

Regional Water Challenges in the Next 30 Years: An Interactive Seminar from The Water Center at the University of Pennsylvania

Wed., 1/22/20 - 12:30 - 1:30 p.m. (1 SUB) – LIVE and WEBCAST

Hosted by the Environmental Law Committee

Regional Water Challenges in the Next 30 Years: An Interactive Seminar from The Water Center at the University of Pennsylvania will address the current “State of the Waters” in the region and discuss how best to frame and prioritize the threats and opportunities facing the region in the long-term.

VIDEO ENCORE: Pennsylvania Inheritance Tax Update

Fri., 1/31/20 - 12:30 - 1:30 p.m. (1 SUB) – LIVE and WEBCAST

Form I-9, Employment Eligibility Verification (“Form I-9”) is used to document identity and work authorization of persons employed in the U.S. Every employer is required to correctly execute them within three days of an employee beginning to work for pay but many organizations find the process challenging. Not all companies have Form I-9 policies and many which do, have not looked at their policies in many years. As a result, they may face significant fines and business interruptions if they are caught up in one of the increasingly common Form I-9 Audits. Advising employers to comply and providing Form I-9 execution training may create significant civil liability though because the federal government aggressively pursues civil actions for discrimination against employers. A solid understanding of how to assess and rectify Form I-9 compliance issues, while avoiding discrimination claims, is important to attorneys who represent employers and employees and this program is designed to equip attorneys with a basic understanding of the processes, liabilities, and context of the various enforcement mechanisms they will likely encounter if a client runs afoul of the law.

VIDEO ENCORE: Philadelphia Commerce Court Judge Pro Tempore Training Session

Wed., 1/29/20 - 12:00 - 2:30 p.m. (2.5 SUB)

The Commerce Program recently celebrated its 20th year. The Judge Pro Tempore Program has served as an important mechanism for resolving business cases efficiently and effectively. This program, Commerce Court judges and experienced attorneys serving as JPTs in Commerce Court, will provide an overview of JPT process, procedural developments, roles for commerce court JPTs, as well as offer best practices for an effective settlement conference. If you currently serve as a Commerce Court JPT or wish to become one, this is a “can’t miss” CLE program!

Counseling the Client Regarding Form I-9 Compliance and Discrimination

Thu., 1/30/20 - 12:30 - 3:00 p.m. (2.5 SUB) – LIVE and WEBCAST

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VIDEO ENCORE: Pennsylvania Inheritance Tax Update

Fri., 1/31/20 - 12:30 - 1:30 p.m. (1 SUB)

Keeping up-to-date on the Pennsylvania inheritance tax is essential to any practitioner who provides estate administration advice and services. This practical video-encore CLE program provides a unique opportunity to hear directly from top Department of Revenue Inheritance Tax Division officials and receive the latest updates regarding issues with inheritance tax.

For more new, unique and affordable CLE programs, please visit the Philadelphia Bar Association CLE webpage.
On Dec. 2, 2019, a Chancellor’s Forum took place at the Philadelphia Bar Association that focused on personal style and profession image. Moderated by 2019 Chancellor Rochelle M. Fedullo (third from left)—pictured with panelists (from left to right) Hon. Maria McLaughlin, Superior Court of Pennsylvania; Julia Swain, partner at Fox Rothschild LLP and incoming president of the American Academy of Matrimonial Lawyers – PA Chapter; Dominique B. E. Ward, ERISA and tax counsel for Lincoln Financial Group and president-elect of The Barristers’ Association of Philadelphia, Inc.; Patti Santelle, managing partner and chair of the executive committee of White and Williams LLP; and Hon. Carolyn H. Nichols, Superior Court of Pennsylvania—the discussion focused on personal style and its influence on one’s professional image.

On Dec. 10, 2019, the Chancellor’s Roundtable Breakfast, an event sponsored by the Large Firm Management Committee took place in the Grand Ballroom at The Notary Hotel.
PHILADELPHIA BAR ASSOCIATION - ANNUAL MEETING LUNCHEON

Scenes from the 2019 Annual Meeting Luncheon

Photos by Brittany Anne Robertson
Small Firms and Social Media

By Leah Cilo

Social media is an important marketing tool for solo practitioners and small firms, because it provides exposure at little to no cost. Nevertheless, the platform is not without its hazards and pitfalls, and attorneys need to be especially careful because our professional behavior is bound 24/7 by the rules of professional conduct.

To address the ethical issues that lawyers face in using social media, the Solo and Small Firm Management Committee, along with the Legal Marketing Association Philadelphia Small Firm/Solo Marketing SIG, presented a lunchtime discussion at the Philadelphia Bar Association on Sept. 19, 2019 entitled “Effective & Ethical Social Media Strategies for Small Firms.” Alexis Rossman Madden, director of marketing and business development at Conrad O’Brien, introduced the program, and the presenters included, Rae Ritter, director of client service and marketing at Legal Internet Solutions (LISI), and Michael Metz-Topodas, an associate at Cohen Seglias Pallas Greenhall & Furman.

Metz-Topodas noted that the goal of the program is to assist lawyers and firms in using their social media platforms, such as LinkedIn and Twitter, in the most effective, but also in the most appropriate and ethical way. In getting the right comprehensive strategy, attorneys should focus on creating and maintaining their online profiles, monitor the connections that are being made, maintain confidentiality and be mindful of attorney-client relations.

With regard to ethical considerations, Metz-Topodas pointed that they even exist for lawyers for their online profiles. The rules of professional conduct for attorneys remain the same in social media settings as they do in traditional advertising. The easiest way for a lawyer to create an appropriate online profile, he explained, is “don’t try to be something you’re not” and to be mindful of “accuracy above advertising” when it involves posting your credentials. In addition, settlements and client endorsements can only be posted after a written release.

Ritter brought up statistics from the State of Digital & Content Marketing Survey, which is published every year by Greentarget and Zeughauser Group, that demonstrate that LinkedIn is the most valuable social media tool for defense lawyers and law firms as clients and potential clients often seek out the site on a weekly basis. Other research suggests that Linkedin is twice as valuable as Twitter and Facebook to these types of firms. She further noted that LinkedIn is the fastest way to learn about colleagues’ job changes or promotions, and that this information is invaluable for old-fashioned networking.

Ritter also pointed out that LinkedIn provides an often-untapped opportunity for lawyers to control how they are referred to in Google searches. She explained that attorneys should update their profiles with keywords that best describe their firm’s practice area. She also noted that when a photograph is added to a LinkedIn profile, it is 14 times more likely to be shared. Additionally, when uploading a photograph, rename it with your name and law firm, because that metadata will live in LinkedIn, and the image will be the first one to come up in a Google search.

Leah Cilo (lcilo@paworkinjury.com) is an associate at Martin Law LLC.
Diversifying Federal Courts

By Mary LeMieux-Fillery

On Oct. 16, 2019, the Federal Courts Committee held a candid conversation with Chief Judge Juan Sanchez, Judge C. Darnell Jones and Judge Anita Brody of the Eastern District of Pennsylvania regarding the importance of diversity in the courts, the judiciary and the legal profession.

The conversation opened with a discussion of ABA model Rule 8.4 (g), which prohibits harassment and discrimination in the practice of law. The concept of Rule 8.4(g) has been contained in a comment to the rule for many years, but the rule itself was only recently adopted because it was decided that the prohibition of harassment and discrimination in the practice of law was a key issue that needed to be addressed by the rule itself.

Chief Judge Sanchez kicked off the discussion by deiving into the initiatives currently aimed at increasing diversity within the federal court system. He is sensitive to the need to “identify, recruit and retain diverse candidates” and explained that the federal court system strives to create a workplace that empowers people from different genders and races to participate and contribute to their greatest potential. The courts have imposed initiatives aimed at improving the diversity of the jury pool and panels to reflect the workforce and demographics. Sanchez stated that it is important to give people of diverse backgrounds an equal opportunity to develop their skills and their potential. He also works to ensure in his courtroom that young associates are given a chance to participate in cases. In addition, he uses his position to promote and cultivate diverse candidates for clerkships.

Next, Judge Brody spoke about her personal experiences overcoming obstacles to advance as a woman in the legal profession. She highlighted the importance of having women and minorities in leadership roles and on the bench. She was very excited about the new attention that the legal profession is directing towards this issue and stated that she has seen a good deal of progress, but there is still not enough. Brody concluded that, “the more that we have women in positions of authority, the more sensitivity that we will have of the issues that affect women.”

To close, Judge Jones provided a personal story that underscored the need for opportunities for diversity amongst attorneys and within the courts. “The belief within ourselves will help us overcome.” He said that was very important for judges, in particular, to look for potential diverse candidates to fill the roles of law clerks. The bottom line is to be inclusive. Jones stated that it is the responsibility of judges to set the example and to take forward steps to ensure qualified minority candidates are promoted. He closed by emphasizing that women and minorities, “do not have to take it anymore” and to please report any type of harassment and discrimination that you may experience in the court system per Rule 8.4 (g).

“d不利于 you know and when you need to take action” which had program partners: Asian Pacific American Bar Association of Pennsylvania; The Barristers’ Association of Philadelphia, Inc.; and National Bar Association, Women Lawyers Division, Philadelphia. This dynamic program involved discussions of bias and discrimination, as well as tools to resolve or reduce bias and address discrimination.

The CLE was moderated by the Hon. Stella Tsai, Philadelphia Court of Common Pleas, and the panelists included Iveliz Crespo, director of Professional Development for the City of Philadelphia Law Department; Kassem L. Lucas, partner in the Trial and Dispute Resolution Practice Group of Pepper Hamilton; and Riley H. Ross III, partner at Mincey Fitzpatrick Ross, LLC.

Tsai and Lucas opened the discussion by defining implicit bias as the subconscious feeling or belief that you have towards a person based on race, gender, class, sexual orientation, and the like. They noted that experience and social conditioning, such as how people are brought up, play a significant role in forming implicit biases. In fact, a person may express explicit disapproval of a certain attitude or belief while still harboring similar biases on an unconscious level.

Prior to attending the CLE, attendees completed one of the Harvard Implicit Bias tests to learn more about themselves and their preferences. Based on test results, attendees agreed everyone has certain implicit biases, whether they want to believe it or not. The tests serve as incredibly helpful tools because implicit biases usually touch upon sensitive subjects, and people often do not want to believe and/or admit that they have any biases.

Tsai and the panelists further discussed the intersection between implicit bias and stereotypes, though they are two distinct thought processes. For instance, a person can disagree with a stereotype but still implicitly be biased against someone. Lucas and Ross advised that while explicit biases, prejudices and discrimination are intentional and controllable, implicit biases are not. Crespo introduced the example of a job posting inadvertently using the pronoun “he” when describing the ideal candidate. Although this may appear innocent at first glance, the language would deter not only women but also gender non-conforming individuals from applying to the job. A more appropriately worded alternative would use non-binary language (“they/them”) or use neutral terms, such as “job candidate.” Additionally, Crespo advised that there is software that can help companies strategically draft their documents to remove any coding or language that would prevent certain groups of people from applying.

The panelists also discussed Title VIII of the Civil Rights Act of 1964, which makes it illegal to discriminate based on race, color, religion, national origin, or sex and makes it illegal to retaliate against a person for complaining about discrimination.

Rooting Out Implicit Bias

By Rebecca L. Kolsky

On Oct. 30, 2019, the Family Law Section and the Business Law Section of the Philadelphia Bar Association hosted a CLE entitled, “Implicit Bias, Discrimination, and You: What You Need to Know and When You Need to Take Action,” which had program partners: Asian Pacific American Bar Association of Pennsylvania; The Barristers’ Association of Philadelphia, Inc.; and National Bar Association, Women Lawyers Division, Philadelphia. This dynamic program involved discussions of bias and discrimination, as well as tools to resolve or reduce bias and address discrimination.

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Witness Examination Strategies

By Regina M. Parker

In order to present a successful case to the judge or jury, it is crucial for the advocate to develop a theme and utilize witnesses to provide a structured narrative or story. There must be a clear purpose for the direct or cross examination of witnesses with a goal to help the jury understand the evidence. This can be accomplished with a solid plan, proper preparation and the use of appropriate techniques, said Claude E. Ducloux, an attorney Board-certified in Civil Trial Law and Civil Appellate Law by the Texas Board of Legal Specialization, to attendees during the Dec. 6, 2019 free CLE titled “Strategies for Witness Examination: Yours and Theirs.”

An attorney must be able to sell his or her story to the jury while highlighting the key facts and evidence. The fundamental concepts of presenting a case in a narrative form include the following: selecting a story model; building on the story through direct or cross-examination; following the opening statement with evidence; and anchoring the theme or story model on direct or cross-examination. When the opening statement is supported by the evidence and the testimony of the witness is consistent with your theme, Ducloux explained that this can help the jury decide credibility. The ability of the witness to communicate clearly and the impression the witness makes on the jury are important areas that can make or break a case. A credible witness is a believable witness, and a credible lawyer is a believable lawyer.

Ducloux explained that attorneys must determine what witnesses to call and whether or not to cross-examine a witness. Do not present the witness if the witness does not help you sell your case. The purpose of direct examination should be to identify a plan for the witness and to lay out a detailed story. It is also important to identify the goal. Is the primary purpose to attack the witness's credibility? Is it your plan to have the witness concede or confirm key facts? In cross-examination, the goal is simply to undermine the other side’s story or to confirm points in your own story, said Ducloux. Attorneys should cross examine a witness for the right reasons. If cross-examination of a witness does not help your case, then let the witness go without asking a question.

In preparation for trial, attorneys should follow the “golden rules” of witness examination: be prepared; be brief; be professional; and be seated. Attorneys should also avoid too many repetitive questions, the use of legalese with witnesses without providing an explanation, and bickering with a witness.

Juries enjoy when the testimony is connected to the opening statement, said Ducloux. The more you can connect the testimony to particular issues, the easier it will be for jurors to understand exactly where you are going.

Rena M. Parker (rparker@tthlaw.com) is a partner at Thomas, Thomas, & Hafer LLP and a member of the Philadelphia Bar Reporter Editorial Board.

Implicit Bias

continued from page 16

Latest Workers’ Comp. Legislation

By Andrea M. Graf

The Workers’ Compensation Section of the Philadelphia Bar Association presented its final continuing legal education course for the year on Nov. 22, 2019, which was entitled “Hot Topics in Legislation: What’s Important for the Workers’ Compensation Practitioner?” The course was presented by Anthony L. Crisci, principal and managing partner at Crisci Associates; and Christian M. Petrucci, of the Law Offices of Christian Petrucci. They reviewed imperative proposed legislative changes that workers’ compensation attorneys and judges need to be aware of. They explained the ramifications of Pennsylvania Senate Bill 922 for both sides of the bar, as well as the bench, including what rights and remedies claimants and employers maintain in subrogation cases following the Whitmoyer case. Also discussed was Pennsylvania House Bill 423, which seeks to amend the Workers’ Compensation Act to allow police officers, firefighters, emergency medical technicians and paramedics to obtain benefits for psychological injuries arising from their employment, regardless of whether the injury is accompanied by physical injuries requiring medical treatment.

Attendees at the CLE also made charitable donations to Children’s Village, which is a non-profit that provides early childhood education and school-age academic enrichment. Children’s Village is located across the street from the Philadelphia Workers’ Compensation Office of Adjudication.

Andrea M. Graf, an associate at Swartz Campbell LLC, is a Co-chair Elect for the Workers’ Compensation Section for 2020, and is presently Co-chair of the Section’s Communications and Marketing Committee.

Rebecca L. Kolby (rkolby@freedmanlorry.com) is a family law and personal injury attorney at the Law Firm of Freedman & Lorry, PC.
Real Property Section

Left: 2019 Real Property Section Chair Alexander Barth (right), of Cohen Seglias Pallas Greenhall & Furman PC, presents the Harris Ominsky Award to Cheryl L. Gaston (left), of Spruce Law Group, LLC, at the Section’s annual celebration at Estia on Nov. 21.

Right: Paul Steinke (left) accepted the Good Deed Award on behalf of The Preservation Alliance for Greater Philadelphia.

Probate & Trust Law Section

Top left: 2019 Probate and Trust Law Section Chair Justin H. Brown, partner in the Private Clients Practice Group of Pepper Hamilton LLP, provided opening remarks at the annual reception at The Westin Philadelphia on Dec. 3.

Top right: 2019 Chair-Elect Scott S. Small (second from left), Senior Regional Fiduciary Manager at Wells Fargo Private Bank; with Vice-Chair Heike K. Sullivan (second from right), partner at Ballard Spahr LLP; Section Secretary Kathryn H. Crary (far right), of Gadsden Schneider & Woodward LLP; and Technology Committee Chair Ross E. Bruch, of Brown Brothers Harriman & Co.

Bottom left: Scott S. Small with Maureen M. Farrell, of the Law Offices of Maureen M. Farrell, Section Representative on the Board of Governors of the Association; and Shabrei M. Parker, partner at Mincey Fitzpatrick Ross, LLC, and Diversity Committee chair and Diversity Liaison.
Workers’ Compensation Section

The Workers’ Compensation Section annual celebration featured a toy drive for the Marines’ Toys for Tots.

Left: Workers’ Compensation Section Cochair Kelly A. Hemple (second from left), of Krasno, Krasno & Omvudinjo, and JP DeMarco (second from right), associate at the Law Offices of Nathaniel M. Holmes, with two marines and the toy drive bounty at the annual celebration at The Lucy on Dec. 4.

Young Lawyers Division

Left: Young Lawyers Division Executive Committee members (from left to right) Ernest Holtzheimer, of Montgomery McCracken Walker & Rhoads; Catelyn McDonough, associate at Anapol Weiss; 2020 YLD Chair Hilary Ladov, of Goldberg Segalla, LLP; 2019 YLD Chair Michaella Tassinari Bowser, of Robert J. Casey Jr. & Associates; and André J. Webb, associate at German, Gallagher & Murtagh, P.C., at the YLD annual celebration at City Winery on Dec. 5. The event also featured a gift drive for Turning Points for Children.

Middle: Melanie Foreman, associate at Marshall Dennehey, was presented with the Craig M. Perry Service Award.

Right: Joanna Visser Adjoian, cofounder and codirector of the Youth Sentencing & Reentry Project, was presented with the F. Sean Peretta Service Award.

Criminal Justice Section

Left: 2019 Criminal Justice Section Chair Leonard S. Deutchman (left) with Susan Lin (right), partner at Kairys, Rudovsky, Messing, Feinberg & Lin LLP, who was presented with the Stanford Shmuckler Award at the Section’s annual celebration at the Drexel University Thomas R. Kline School of Law Institute of Trial Advocacy on Dec. 10.

Right: Hon. Charles A. Ehrlich (right), Philadelphia Court of Common Pleas, was presented with the Thurgood Marshall Award at the event.
PHILADELPHIA BAR ASSOCIATION - 2019 SECTION ANNUAL CELEBRATIONS

Family Law Section

The Family Law Section held its annual celebration at R2L on Dec. 10.

Left: The Herbert R. Weiman Sr. & Jr. Award was presented to Lee A. Schwartz (second from right), of Schwartz Law Firm, LLC.

Right: The Family Law Section Executive Committee (from left to right) Susan Pearlstein, of Philadelphia Legal Assistance; Aneesah El-Amin-Jaamia, of Willig, Williams & Davidson; Ann M. Funge, of Funge Family Law, LLC; 2019 Chair Kristine L. Calalang, of the Law Office of Kristine L. Calalang; 2020 Chair Randi L. Rubin, of Klehr Harrison Harvey Branzburg LLP; and Treasurer Eileen G. Murphy, of Berner Klaw & Watson LLP.

Public Interest Section

The Public Interest Section annual celebration took place at The Westin Philadelphia on Dec. 11.

Left: Bending the ARC Award recipient, Marsha I. Cohen (left), executive director of the Homeless Advocacy Project, with Michael LiPuma, of the Law Office of Michael LiPuma.


State Civil Litigation Section

The State Civil Litigation Section held its annual celebration at the Drexel University Thomas R. Kline School of Law Institute of Trial Advocacy on Dec. 18. Hon. D. Webster Keogh (second from left), Philadelphia Court of Common Pleas, was presented with the Honorable Alex Bonavitacola Award. He is pictured with Sarah O. Schindler (far right), attorney at Kolsby Gordon Robin & Shore; Section Treasurer Jordan Strokovsky (second from left), of STROKOVSKY LLC; and Section Cochair James P. Tolerico (far right), of Robert J. Casey, Jr. & Associates.
Why More of Your Clients Should Be Convicted Felons

When I first met Andy (not his real name), we had a fairly typical conversation. We talked about his hobbies and his career. He proudly told me about his family, detailing his kids’ skills and interests. It was a nice introductory chat—the ordinary sort of small-talk between lawyers and clients everywhere.

Andy is my client because he was convicted of selling crack over 20 years ago. He served his sentence. He has not been convicted of a crime since. That our conversation was typical is not surprising. Being a convicted felon in the U.S. is startlingly common. Estimates suggest that nearly 8% of the population (more than 24 million people) are convicted felons. This high rate of conviction and incarceration costs us all. A recent study from the Center for Economic and Policy Research found that the employment challenges faced by formerly incarcerated people and convicted felons led to the U.S. losing between $78 billion and $87 billion in GDP in 2014.

Despite serving their sentences, and following many years of productive citizenship, an overwhelming number of people are burdened by their status as convicted felons, which continues to impose significant restrictions on their lives. It affects their ability to work, to take out loans, to rent, and to get government benefits. Imagine yourself being forced to tell your coworkers about the worst or most embarrassing mistake you ever made. Then imagine doing that again, more or less, every single day, likely for the rest of your life. Also, anyone who is remotely curious about you can easily learn about that same misstep online. Andy made a bad mistake. He owns it, and he regrets it. But that situation is obviously untenable. This is why I signed up with Philadelphia Lawyers for Social Equity to assist someone like Andy with their pardon application. My job is to help him tell his story the best way he can, so that the governor gives him the second chance he deserves.

Fortunately, Pennsylvania recently took serious steps to reform the pardons process, giving hope to millions of individuals like Andy. The Board of Pardons streamlined the application process, waived application fees, and added an expedited adjudication procedure for non-violent, marijuana-specific convictions. The new Secretary of the Board of Pardons, Brandon Flood, received a pardon himself; he understands why this process is so important. Applying for a pardon in Pennsylvania is becoming easier. But for a layperson, even in its streamlined form, this process can be extremely daunting. Official Board of Pardon data shows that fewer than 20% of all pardon applications are completed.

Through its Pardon Project, PLSE hopes to enlist law firms, match volunteers with clients, and help 2,000 low-income Philadelphians like Andy file quality pardon applications every year. This admirable goal can only be met with the enthusiastic assistance of the legal community—lawyers, paralegals and others. My hope is that more of us can help people like Andy get the second chances they deserve.

The author is a first-year associate at Dechert LLP focusing his practice on product liability and mass tort matters. For information on how to volunteer for the PLSE Pardon Project, contact its director, Tobey Oxholm, at oxholm@plsephilly.org.

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The State of Homelessness in Philadelphia

By Alie Muolo

As Philadelphia and cities across the country prepare for the annual Point-in-Time (PIT) Count – where outreach workers and volunteers canvas the community to capture the number of people experiencing homelessness – our most vulnerable neighbors endure cold winter nights sleeping in the streets. During the PIT Count last January, over 1,000 Philadelphians were found living without a roof over their heads. While street homelessness is nothing new, the growth of encampments has made this long-existing crisis more visible and, consequently, more politicized. In Sept. 2019, the White House issued a report entitled “The State of Homelessness in America.” Calling for the criminalization of homelessness and questioning the effectiveness of Housing First programs, the report is a cause of concern.

Given the Trump administration’s alarmingly punitive approach to “solving” homelessness, it is increasingly important to reflect on current policies surrounding homelessness in Philadelphia. The Homeless Advocacy Project strives to protect the civil rights of our clients while also advancing their overall health and well-being. HAP is committed to providing a holistic approach to lawyering that aims to break the cycle of homelessness through direct representation and systemic change. This approach is best exemplified by HAP’s continuous work with individuals living in encampments throughout Philadelphia.

One week after the 2019 PIT Count, the City of Philadelphia completed the Encampment Resolution Pilot by clearing out the last remaining homeless encampment in Kensington. With an understanding of the critical need to be flexible and accessible, HAP launched the Duffy Kensington Advocacy, Representation, and Empowerment Project to better respond to the unique challenges of those living in the encampments and safeguard the human dignity of its residents. Less than 24 hours after the last tent was torn down, HAP started a now bimonthly legal clinic at the Kensington Storefront, a community art space frequented by individuals displaced by the encampment closures. HAP also submitted an amicus brief in support of Safehouse—an overdose prevention site—and was awarded funding through the Statewide Opioid Response Housing and Support Services grant to help alleviate the devastating impact of the opioid crisis within the homeless population.

Witnessing the tremendous impact of targeted engagement with the street homeless population, HAP is able to dispel many proposed ‘solutions’ offered by the Trump administration. When outreach workers heavily engage with encampment residents by offering resources and services that acknowledge the realities of homelessness, more individuals are able to move towards the path of recovery. Housing First programs only strengthen these efforts, as would Safehouse.

Despite the initial success of the Encampment Resolution Pilot, city officials recently proposed a new policy that shifts towards a punitive, rather than holistic, approach when dealing with any individual sleeping in a tent. As current case law suggests, Philadelphia cannot criminalize sleeping outside when people have nowhere else to go. Given the lack of adequate emergency shelter and behavioral health beds available throughout Philadelphia, HAP’s ongoing advocacy to challenge this latest directive governing encampments will be critical to protecting the dignity and civil rights of our clients.

Alie Muolo is a HAP Duffy Fellow.

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Assignment of Legal Malpractice Claim - Case Update 2019: Jose Borges v. Alfred Placeres*

The recent New York Appellate Division, First Department, decision of Jose Borges v. Alfred Placeres, 2019 NY Slip Op 29221 (1st Dept, 2019) sheds light on the often murky topic of when a legal malpractice claim can be assigned. The Borges decision helpfully explains some circumstances when a legal malpractice is precluded from assignment. The decision also outlines the factors a court considers when determining whether legal malpractice claim assignment is appropriate, including: (1) judicial estoppel; and (2) public policy implications.

Borges v. Placeres—The Underlying Legal Malpractice Litigation

The underlying legal malpractice litigation arose from Plaintiff’s pain and suffering evidence, or the related jury charge and verdict sheet, creating a legal malpractice cause of action for Placeres to assert against his own legal malpractice defense attorneys. However, Placeres did not later assert a claim against his attorneys. The jury found that Placeres committed legal malpractice and awarded Plaintiff significant damages, $900,000 of which were awarded for pain and suffering - which damages are generally not recoverable in legal malpractice matters. Placeres’ underlying defense attorneys failed to object to Plaintiff’s pain and suffering evidence, or the related jury charge and verdict sheet, creating a legal malpractice cause of action for Placeres to assert against his own legal malpractice defense attorneys. However, Placeres did not later assert a claim against his attorneys.

For more, visit https://insurancefocus.usiaffinity.com.

For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinityex.com/PhiladelphiaBar. For Lawyers’ Professional Liability and other business coverage, you can continue to visit the regular Philadelphia Bar Association Insurance Program website at www.mybarinsurance.com/PhiladelphiaBar. If you’d like to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 1-855-970-0207.

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For more, visit https://insurancefocus.usiaffinity.com.

For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinityex.com/PhiladelphiaBar. For Lawyers’ Professional Liability and other business coverage, you can continue to visit the regular Philadelphia Bar Association Insurance Program website at www.mybarinsurance.com/PhiladelphiaBar. If you’d like to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 1-855-970-0207.

The recent New York Appellate Division, First Department, decision of Jose Borges v. Alfred Placeres, 2019 NY Slip Op 29221 (1st Dept, 2019) sheds light on the often murky topic of when a legal malpractice claim can be assigned. The Borges decision helpfully explains some circumstances when a legal malpractice is precluded from assignment. The decision also outlines the factors a court considers when determining whether legal malpractice claim assignment is appropriate, including: (1) judicial estoppel; and (2) public policy implications.

Borges v. Placeres—The Underlying Legal Malpractice Litigation

The underlying legal malpractice litigation arose from Plaintiff’s pain and suffering evidence, or the related jury charge and verdict sheet, creating a legal malpractice cause of action for Placeres to assert against his own legal malpractice defense attorneys. However, Placeres did not later assert a claim against his attorneys. The jury found that Placeres committed legal malpractice and awarded Plaintiff significant damages, $900,000 of which were awarded for pain and suffering - which damages are generally not recoverable in legal malpractice matters. Placeres’ underlying defense attorneys failed to object to Plaintiff’s pain and suffering evidence, or the related jury charge and verdict sheet, creating a legal malpractice cause of action for Placeres to assert against his own legal malpractice defense attorneys. However, Placeres did not later assert a claim against his attorneys.
People

Jeffrey L. Dashevsky, of Dashevsky, Horwitz, Kuhn, Novello & Shorr, P.C., has been awarded the 2019 University of Maryland Alumni Volunteer of the Year award. Dashevsky serves on the Executive Board of The Terps' Greater Philadelphia Area Alumni Network.

David N. Hofstein, a shareholder of Hofstein Weiner & Meyer, P.C., was the coordinator of and panelist on the Dec. 11 national webinar on Ethics in Family Law, sponsored by the American Academy of Matrimonial Lawyers.

“People” highlights news of members’ awards, honors or appointments of a community or civic nature. Send news to Brittany Anne Robertson, communications associate at the Philadelphia Bar Association, at brobertson@philabar.org.

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