

BAR REPORTER®

ROUND-UP

Environmental Law

Committee Co-Chairs Christopher M. Roe and David D. Langfitt have announced that Bradley M. Campbell, the new administrator for Region III of the U.S. Environmental Protection Agency, will be the guest speaker at the committee's meeting on Friday, March 3, at 12:30 p.m. in the 11th floor Conference Center at Bar Headquarters. Campbell formerly was associate director for toxics and environmental protection for the White House Council on Environmental Quality (CEQ). Prior to that post, Campbell was an attorney advisor in the Environment and Natural Resources Division of the U.S. Department of Justice.

Appellate Courts

Committee Co-Chairs Jeffrey D. Hutton and Nancy Winkelman have announced that Professor Laura E. Little will speak during the committee's next meeting on Tuesday, March 7, at noon in the 10th floor Board Room at Bar Headquarters. Professor Little, of the James E. Beasley School of Law at Temple University, will relate her experiences as a law clerk to Supreme Court Chief Justice William H. Rehnquist and Judge James Hunter III of the U.S. Court of Appeals for the Third Circuit.

In This Issue ...

3 pARTnership Card

4 Family Court

6 March Quarterly

7 Civility

7 Dues

Bar Urges Pa. Capital Punishment Moratorium

The Association has reiterated its call for a moratorium on the death penalty in Pennsylvania "until such time that fairness in its administration can be assured."

That call came in the form of testimony from former Association Chancellor André L. Dennis on Feb. 22 before the state Senate Judiciary Committee in Harrisburg. The committee is currently considering death penalty moratorium legislation, Senate Bill 952, sponsored by Sen. Edward Helfrick (R-Mount Carmel).

During his testimony on behalf of the Bar, Dennis cited renewed calls for death penalty moratoriums throughout the nation and said that "there exists a substantial risk that the death penalty continues to be imposed in an arbitrary, capricious and discriminatory manner."

He noted that in 1997, the Philadelphia Bar Association became the first local bar association in the nation to call for a death penalty moratorium. At that time, the Association joined the American and Pennsylvania bar associa-



Photo by Robert Nigro

Committee Chairs Plan Ahead for Year

Board of Governors Chair Andrew A. Chirls (standing) greets chairs of Association sections and committees as they met with Bar leaders and staffers on Feb. 9. During the orientation, the chairs became better acquainted with each other and learned about the resources the Association can provide to assist them in their work this year. The meeting was held in the 11th floor Conference Center at Bar Headquarters.

tions in taking such a position. Dennis added that his most recent count indicates that 12 of the 38 states that impose the death penalty are now considering legislation that would provide for some sort of moratorium.

On Jan. 31, Illinois Gov. George Ryan issued the first death penalty moratorium in the nation. Gov. Ryan cited the state's "shameful record of convicting innocent people and putting them on death row." Illinois had sentenced 13

people to death row who were ultimately exonerated and freed. These people are among 85 death row inmates nationwide who have been found innocent and released from prison.

"Interestingly," Dennis said, "Gov. Ryan has met with little public criticism regarding his decision; rather it is a measure of how public outrage over wrongful convictions has become prevalent."

Dennis also reported that:

continued on page 12

Board Hears Pros and Cons of MDPs

by Robert Nigro

During its Feb. 24 meeting, the Board of Governors heard a presentation on the pros and cons of multidisciplinary practices (MDPs) by Mark L. Alderman and Lawrence J. Fox. The Board also adopted resolutions from the Workers' Compensation Section and the Delivery of Legal Services Committee and tabled two Family Court resolutions dealing with the creation of a unified family court system in Pennsylvania.

Alderman and Fox addressed the Board in anti-

ciation of the Board's March 23 meeting. At that time, the Board is expected to discuss the Bar's Multidisciplinary Task Force's report on its findings about MDPs and to formulate the Bar's position on MDPs.

Speaking first on the issue, Alderman, chair of the task force, defined MDPs as a practice or partnership in which lawyers and other professionals work together to provide legal and other professional services. That concept currently is constrained by the Rules of Professional Conduct, notably Rule 5.4, which pro-

hibits fee sharing.

Alderman said there is "enough interest in the profession" about MDPs for the task force to urge a relaxation of Rule 5.4 so that lawyer-owned MDPs can "be given a try." He added that MDPs are "not a big-firm issue," but that small firms seem to be most interested in a "cross-disciplinary, holistic approach to service." An example would be a family law firm with a child psychologist on staff. The task force believes that the psychologist can be a partner in such a firm if its lawyers control it. Alderman

said that the task force believes that "a lawyer-owned-and-controlled entity is an appropriate multidisciplinary delivery mechanism and this prohibition on fee splitting isn't necessary."

He also said he expects the task force's report to indicate that it is not clear if prohibiting fee sharing ensures lawyers' independence and that a firm with 51 percent of its members being lawyers should provide the same independence for lawyers as a firm totally comprised of lawyers.

However, the task force

continued on page 15

Family Court Making Kids' Well-Being a Priority

by Doreen S. Davis

I think we can all agree that if we care even a little bit about the future, kids have to be our first priority.

I'm certainly reminded of this every time I look at a child and think about the world that future generations will inhabit. And I'm particularly struck by the urgency of the situation whenever I think about children at risk.

That's why I didn't hesitate a moment when I was recently asked to tour Family Court's new Model Court, which seeks to minimize the length of time that children remain in temporary placement, and the time that families remain involved in court proceedings. What I saw was impressive and encouraging. Under the direction of Family Court Administrative Judge Paul A. Panepinto and Judge Lillian Harris Ransom, chair of the project, and with the support of our Family Law Section, the Delivery of Legal Services Committee and others, the Model Court is achieving its goals.

The Model Court stresses safety,

assessment, services and permanency. For the child's safety, it provides early and quick intervention for young victims of neglect or abuse, including temporary emergency removal of the child from a harmful environment. Assessment is secured via an evaluation of the child's current and/or future placement, including individual or family

assessments to identify drug or alcohol problems, mental illness or other factors. The recommendations

and services that follow the assessment provide an enhanced support network, allowing the child and the family every opportunity for reunification. Finally, permanent plan options

are examined to assure the safety and well-being of the child in a stable and nurturing environment.

Significantly, all of these goals are pursued in a quick, efficient and thorough manner. Because each case in the Model Court is handled by one judge throughout the entire court process, the matter proceeds under the direction of someone who has a comprehensive knowledge of the case and the parties and an interest in a timely and successful

FRONTLINE



I was recently asked to tour Family Court's new Model Court, which seeks to minimize the length of time that children remain in temporary placement, and the time that families remain involved in court proceedings. What I saw was impressive and encouraging ... the Model Court is achieving its goals.

outcome. This is the one judge-one family concept, which hopefully will become the norm in unified family courts throughout Pennsylvania.

The Model Court's time-specific, accelerated court calendar also helps because it gives each case a specific time frame and a clear, positive roadmap that encourages successful resolution. Furthermore, all parties associated with the Model Court receive training regarding the program's goals and objectives and the Model Court collaborates with all other related agencies to achieve those goals. Finally, computer tracking of all cases consolidates information, reviews and schedules matters and keeps the process moving along.

All of this is part of the Pennsylvania Court Improvement Project (CIP), which develops procedures and strategies to help make our court system work in the best interest of kids who really need all the help we can give them.

But none of this would be possible without Judge Panepinto, who has made helping at-risk kids his top priority during his time at the helm of Philadelphia's Family Court. Judge Panepinto brings people together and makes good things happen. As *The Philadelphia Inquirer* recently stated in an editorial: "Paul Panepinto's mantra is 'Together everyone accomplishes more.' He

practices what he preaches."

Doreen S. Davis, partner in the law firm of Montgomery, McCracken, Walker & Rhoads LLP, is Chancellor of the Philadelphia Bar Association. Her e-mail address is chandlor@philabar.org.

Read More About It!

A story published on page four of this issue, by Andrea Hoffman Jelin, director of children and youth services for Philadelphia Family Court, provides more details about the Model Court's efforts to improve the lives of children.

Past, Present, Future ... Share Your Thoughts for 2002

In 2002, the Philadelphia Bar Association will celebrate its 200th anniversary. To commemorate this special occasion, *The Philadelphia Lawyer* will compile a special edition dedicated to the Association: its past, present and future as the heart of the Philadelphia legal community.

In preparation for this special issue, the Editorial Board and staff are interested in hearing about your memories—those of landmark cases, fundamental legal issues, legal greats who mentored or inspired you in your life or your practice. We're also interested in your assessment of the present—where you feel the legal community is now, what changes you'd like to see in the profession, in general or in a specific practice area. And, we'd like to hear what your forecasts are for the future of Philadelphia lawyers. Where is the profession headed in the next century?

Articles can be in any format, on substantive law topics, opinion or reflective pieces, stories telling your personal experiences or professional encounters, or any other relevant subject of your choosing. All submissions, including any accompanying artwork or photographs, will be considered for publication in the commemorative edition of *The Philadelphia Lawyer*. Publication date is spring of 2001.

Write to us as the Philadelphia Bar Association enters its third century of serving the profession and the community. We need your help to make this special issue a success. Contact us by phone at (215) 238-6342, or U.S. mail at 1101 Market Street, 11th floor, Philadelphia, Pa. 19107-2911, or e-mail at nhebble@philabar.org.

For the Record

Audrey C. Talley's address was incorrect in the listing of Board of Governors members and section and committee chairs published in the February edition. Talley is at the law firm of Drinker Biddle & Reath LLP, One Logan Square, 18th and Cherry Sts., Philadelphia, Pa. 19103-6996. Phone: (215) 988-2719. Fax: (215) 988-2757. The Editorial Board and staff of the *Philadelphia Bar Reporter* sincerely regret the error.

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Bar Members Get Discounts With pARTnership Card

When Bar members pay their 2000 Association dues, they will receive their new pARTnership Card, which offers discounts and savings at several Philadelphia-area cultural institutions. The pARTnership Card Program was developed by the Association and Philadelphia Volunteer Lawyers for the Arts and is sponsored by Colburn Insurance Service. Bar members should mention and/or present the card when ordering tickets or making reservations. Discounts and savings are effective through Dec. 31 except where noted. Certain restrictions may apply and may vary by institution. Inquiries should be directed to the applicable institution.

Institutions That Welcome the pARTnership Card

- American Swedish Historical Museum** - 20 percent discount on general admission.
- Arden Theater** - \$2 discount on price of single ticket to any performance except Saturday evenings.
- Bach Festival of Philadelphia** - one free admission with purchase of one at regular price.
- Bristol Riverside Theater** - \$7 discount on single ticket price.
- Bushfire Theater of Performing Arts** - 10 percent discount on general admission and 15 percent discount on new subscriptions.
- Darlington Fine Arts Center** - free annual registration (\$40 value).
- Fabric Workshop and Museum** - 10 percent discount on store purchases.
- Greater Philadelphia Cultural Alliance** - 10 percent discount on new subscriptions.
- Independence Seaport Museum** - \$2 discount on combo admission and 15 percent discount on new memberships.
- Institute of Contemporary Art** - one free admission with purchase of one at regular price.
- InterAct Theater Company** - 25 percent discount on admission to performances except Saturday evenings.
- Japanese House and Garden** - one free admission with purchase of one at regular price.
- Main Line Art Center** - 10 percent discount on first purchase of artwork.
- Manayunk Community Center for the Arts** - 50 percent discount on tuition.
- Mann Center for the Performing Arts** - 10 percent discount on general admission.
- Mum Puppet Theater** - two-for-one general admission tickets except on Friday and Saturday evenings.
- Music Group of Philadelphia** - one free admission with purchase of one at regular price.
- National Museum of American Jewish History** - two-for-one admission and 10 percent discount on store purchases.
- Opera Company of Philadelphia** - 50 percent discount on amphitheater seats bought in person on day of show.
- Painted Bride Art Center** - 25 percent discount on tickets to any performance.
- Pennsylvania Academy of the Fine Arts** - 10 percent discount on annual membership for new members.
- People's Light and Theater Company** - 50 percent discount on general admission except during the holiday season.
- Philadanco** - 10 percent discount on general admission for local performances.
- Philadelphia Art Alliance** - two-for-one tickets for paid programs.
- Philadelphia Chamber Music Society** - 10 percent discount on tickets to select performances.
- Philadelphia Orchestra** - 10 percent discount on introductory subscriptions for new members.
- Philadelphia Singers** - general admission for two for the price of one.
- Philadelphia Theater Company** - \$5 discount on general admission and for performances except Saturday nights.
- Philomel Baroque** - 10 percent discount on general admission.
- Please Touch Museum** - \$1 off admission, per person, up to four people.
- Relache, The Ensemble For New Music** - \$3 discount on general admission and performances.
- Rosenbach Museum and Library** - \$1 discount on admission, and 10 percent discount on store purchases.
- University of Pennsylvania Presents** - \$3 discount on tickets to select performances.
- Wharton Escherick Studio** - 15 percent discount on general admission for Bar member, \$1 discount on for their guests.
- Woodmere Art Museum** - free general admission.
- WYBE Public Television** - free 3 months membership for current members.

Lawyer Referral and Information Service

New Alliance to Benefit Lawyers and Clients

by Charles J. Klitsch

The Association's Lawyer Referral and Information Service (LRIS) and Legal Advice Line Inc. have formed an alliance that LRIS leaders say will improve the number and quality of referrals received by LRIS panel members and raise public awareness of legal rights and options.

Legal Advice Line was founded two years ago in Maryland by partner Mark Couchon and managing partner Neil Ruther, a practicing attorney. The company's mission is to provide limited legal services to average consumers at a low cost.

For a fixed fee of \$30, a caller to Legal Advice Line can speak with an attorney for an unlimited time and receive immediate assistance. The Legal Advice Line attorney will diagnose the caller's legal problem, advise the caller of the range of possible outcomes of a legal problem, identify resources available to assist the caller in resolving the problem and determine if there is a need for legal representation.

Bar Chancellor Doreen Davis explains, "Through this new service, those with simple legal questions or concerns will be able to get immediate assistance without leaving their homes or offices. This is quick, convenient and effective."

Legal Advice Line does not take the caller's case or accept referral fees.

According to the arrangement made between Legal Advice Line and LRIS, if a Legal Advice Line attorney determines that legal representation is warranted, the caller will be directed to contact LRIS for a referral to an attorney who practices in the appropriate area of law. LRIS has set up a "hotline" connection with Legal Advice Line to facilitate these referrals.

"Because we have no financial motivation when we tell someone they need an attorney, this has a true ring to the client," says Legal Advice Line's Neil Ruther.

Ned Hark, chair of the Association's LRIS Committee, elaborates: "Because callers have been pre-screened by a Legal Advice Line attorney, we expect that the number and quality of referrals made to LRIS panel members will increase."

Currently, LRIS is deluged with more than 60,000 calls each year. Under the agreement with Legal Advice Line, callers to LRIS who need advice for their legal problems but not representation will be directed to Legal Advice Line for the answers they need. Sending such callers to Legal Advice Line will have the added benefit of giving LRIS staff attorneys the ability to more effectively screen callers who need referrals.

"Legal Advice Line is not a service that is competing with LRIS or private practice attorneys," according to Paul

continued on page 10



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Family Court's Dependency Model Succeeding

by Andrea Hoffman Jelin

The meaningful and expeditious processing of abuse and neglect cases has long been a priority of the Philadelphia Family Court judiciary and administration. However, with the passage of the Adoption and Child Welfare Act (Public Law 96-272) in 1980 and the Adoption and Safe Families Act of 1997 (P.L. 105-89), an increased emphasis has been placed on securing safety and permanency in the earliest stages of a child's court involvement.

To encourage an examination of the handling of dependency cases and to improve dependent court procedures, federal funding was offered to all the states. Under the leadership of Administrative Judge Paul P. Panepinto, Philadelphia secured a court improvement project allocation and chose to dedicate these monies to the development of a model court—a court that would serve as a glowing example of how all dependent cases should be handled.

To ensure the success of an endeavor of this nature, all of the members of the child welfare system collaborated to develop a blueprint of how a model court should operate. Judge Lillian H. Ransom spearheaded

this initiative, which included a trip by dependency practitioners, court personnel, Department of Human Services representatives and city solicitors to Tucson, Ariz. to observe the successful strategies that had been employed by Pima County's model court.

After many early morning meetings of the entire Model Court Committee, various subcommittee meetings and attorney training sessions, the Philadelphia model court became a reality on Nov. 8, 1998.

The cornerstone of the model court initiative is the implementation of an intervention known as "front loading," which means that assessment, delivery of service and/or treatment are provided at the earliest possible stage in the court process, enabling decisions to be made and carried out in a timely fashion, and thus providing stability and security to the lives of our children as quickly as possible.

To facilitate the concept of front loading, two worthwhile and meaningful initiatives were implemented in the model court. First, a drug and alcohol assessor from the Coordinating Office on Drug Abuse and Alcohol Programs (CODAAP) is housed on-site in the model court, allowing for on-the-spot drug and

Preliminary findings show that the model court process has been highly successful. The interventions that we have implemented provide a more meaningful court experience for parents, and ensure permanency for the children ... Plans are underway to implement a second model court in the spring of 2000.

alcohol assessments, as well as the issuance of a report (within ten days) that includes treatment recommendations where treatment is needed. In addition, the parent is provided with an intake appointment. An expedited procedure for mental health assessments has also been accomplished by having mental health professionals conduct evaluations on-site as well.

The second vital component of the model court process is the effectuation of the pre-hearing conference, held prior to the family's appearance before the judge. The pre-hearing conference, which seeks to resolve those issues surrounding visitation,

placement and services by engaging all parties in a fruitful, non-confrontational dialogue, is facilitated by a trained mediator from The Good Shepherd Mediation Program. This forum allows the parents to feel some level of control and empowerment as they work toward alleviating their dependency issues and other problems.

How cases are listed plays an integral role in the successful handling of dependent court matters. In the model court, cases are scheduled at certain times, eliminating the crowded conditions in the courtroom waiting area as well as reducing the amount of time all parties must wait for their cases to be heard.

Preliminary findings show that the model court process has been highly successful. The interventions that we have implemented provide a more meaningful court experience for parents, and ensure permanency for the children in the earliest stage of the court process. However, a true measurement of the success of the model court will be realized as we replicate the initiatives that have been proven successful throughout the entire dependency court system. To this end, plans currently are underway to implement a second model court in the spring of 2000.

Andrea Hoffman Jelin is the director of children and youth services for Philadelphia Family Court.

It's All Talk!

The Philadelphia Bar Association's Speakers Bureau is all talk. Talking to students who are curious about our court system. Talking to senior citizens who want to know how to prepare for retirement. Talking about the law—from adoption to zoning and everything in between. The Speakers Bureau sends lawyers throughout the city to deliver informative presentations to community groups who have requested a speaker.

The Association is now updating its list of volunteer lawyers who would like to participate in the Speakers Bureau. Attorneys who are interested in sharing their knowledge of the law with audiences in the Philadelphia area may contact Bar Headquarters at (215) 238-6346 for complete information.

Topics offered by the Speakers Bureau:

Adoption procedure and law	Juvenile law
AIDS and the law	Landlord/tenant
Alternative Dispute Resolution	Law as a profession
Arbitration	Marriage and divorce laws
Bankruptcy and creditor's rights	Mediation
Buying or selling a home	Medicine and the law
Child abuse	Negotiation
Contracts	Obscenity and pornography
Consumer rights	Patents, trademarks and copyrights
Courts and the court system	Personal injury law
Criminal law	Police misconduct
Drug abuse/drug testing	Politics and the law
Employment discrimination	Product liability
Environmental law	Real estate law
Estate and gift taxation	Senior citizens' rights
Estate planning	Separation of church and state
Fair trials and free press	Small business
Family law	Tax law
Human rights	Trust and estate
Immigration and naturalization	Wills
Income tax laws	Women's rights
Insurance law	Workers' compensation
Judicial selection	Zoning



Chancellor Speaks About Flex-Time

Bar Chancellor Doreen S. Davis recently spoke about her objectives for improving the status of flex- and part-time lawyers at a luncheon of the Philadelphia Flex-Time Lawyers, a group of approximately 120 attorneys who work a reduced and/or flexible schedule. The luncheon, held Feb. 17 at Montgomery, McCracken, Walker & Rhoads, LLP, focused on the concerns of achieving professional advancement and fulfillment, including part-time partnership, while striking a balance between work and home and billable and non-billable hours. The discussion also focused on what the Bar Association can do to assist lawyers who opt to work flexible schedules.

Womens' Rights Committee

Panelists To Consider 'Beijing Plus Five' March 9

Five years after the historic Fourth World Conference on Women held in Beijing, the Association's Women's Rights Committee and the YWCA of Philadelphia, in cooperation with the Population Resource Center, will present three speakers who will look at the topic "Beijing Plus Five: The Status of Women Around the World," on Thursday, March 9 from 5 p.m. to 8 p.m. in the 11th floor Conference Center at Bar Headquarters.

Speakers will include Dianne Sherman, director of communications and outreach for the U.S. Agency for International Development's Office of Population; Urmila Shrestha, secretary for women and social government of Nepal, and Martina Belvic, president of Be Active, Be Emancipated in Croatia.

Sherman will speak on "Empowering the World's Women Through Public and Private Partnerships," while Shrestha will focus on "Global Policies and Local Realities: A Vision of Change." Belvic will discuss "Community Activists: Transforming Our World."

Sherman's remarks will provide an overview of the status of women

around the world, while Shrestha and Belvic will tell those attending about their efforts on behalf of women's rights in their local communities. All three are now preparing for the upcoming United Nations' General Assembly's Special Session "Women 2000: Gender Equality, Development for Peace for the 21st Century."

The UN session follows up on the Fourth World Conference, which adopted a platform of global action on equality and development for women and girls.

The event is free and open to the public, but reservations should be made in advance by calling the YWCA in Philadelphia at (215) 790-9006.

Municipal Court Committee

Members Seek to Help Court

Municipal Court Committee Co-Chairs Jon C. Sirlin and Linda Ware Johnson are seeking the participation of all committee members, judges and administrators to discuss how the committee can better serve the needs of the Municipal Court.

The committee's meeting on Tuesday, March 7 will be devoted, in part, to an analysis of how the committee can be a better bridge between the public, bar and bench. The co-chairs believe that in order for the committee to be of better service to the community, it needs a better understanding of the community's concerns and an effective way to communicate them. To that end, they urge expansion of the committee's presentations at the semi-annual Municipal Court Judicial Conference, scheduled this year for Wednesday, May 3 through Friday, May 5.

The co-chairs invite anyone to submit ideas in advance and/or to attend the meeting on March 7 to ensure a productive dialogue. They also welcome suggestions for both the civil and criminal presentations to be made at the Municipal Court Judicial Conference and suggestions for future programs and/or educational efforts.

More information about the meeting or the committee's work may be obtained by calling either of the co-chairs, Jon C. Sirlin at (215) 864-9700 or Linda Ware Johnson at (215) 981-3727.

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Davis Makes Rounds on Bar's Behalf

Bar Chancellor Doreen S. Davis spent some time recently visiting with media representatives and community leaders on behalf of Bar Association members and to further the Bar's mission to serve the public and profession.



Chancellor Davis (right) chats about her call for civility in the profession of law with Malcolm Poindexter, host of "KYW Newsmakers" on Jan. 16.



Chancellor Davis (right) and Dorie Lenz, host of "Community Close-Up" on WPHL-TV, share a light moment during a recent broadcast.



Chancellor Davis (center) meets with former Bar Chancellor David Marion (left) and Rotary Club President Nick Kiefer following her address to Rotary Club members Jan. 13 at the Union League of Philadelphia.

Photos by Daniel A. Orucci

March Quarterly Meeting

Frank Deford Will Address Members

Author, commentator and sportscaster Frank Deford will deliver the keynote address at the Bar's Quarterly Meeting and Luncheon on Wednesday, March 22 at noon at the Park Hyatt Philadelphia.

Deford comments on sports on National Public Radio's (NPR) "Morning Edition," is a contributing editor for *Newsweek* magazine and writes for *Sports Illustrated*. On television, he is a corre-

spondent on the HBO program "Real Sports With Bryant Gumbel."

Covering sports as culture and sports in society, Deford has been voted Sportswriter of the Year six times by his peers at the National Association of Sportscasters and Sportswriters. Deford has also been a sports commentator for NBC and CNN. In addition, he has written several movie and television scripts and 10 books, includ-

ing *Everybody's All American*.

Also at the Quarterly Meeting, the Association will honor immediate past Chancellor Edward F. Chacker for his service to the Philadelphia legal community.

Early reservations for the Quarterly Meeting are suggested. Tickets are \$40 for Bar members and \$45 for nonmembers and may be obtained by completing and returning the form below.



Frank Deford

Quarterly Meeting and Luncheon Wednesday, March 22 at noon at the Park Hyatt Philadelphia

- Featuring keynote speaker Frank Deford, National Public Radio sportscaster
- Honoring 1999 Chancellor Edward F. Chacker

Please make _____ reservations for the Philadelphia Bar Association's Quarterly Meeting and Luncheon. Tickets are \$40 for members and \$45 for nonmembers. Checks should be made payable to the Philadelphia Bar Association.

Name: _____

Firm: _____

Address: _____

Phone: _____

Return to:

Quarterly Meeting
Philadelphia Bar Association
1101 Market St., 11th fl.
Philadelphia, Pa. 19107-2911

Credit Cardholder: _____

____ Visa ____ MasterCard ____ American Express

Card number: _____

Expiration date: _____

Signature: _____

Credit card payments should be faxed to Bar Headquarters at (215) 238-1159.

Bar Making Strides Toward Enhancing Civility

by Robert Nigro

Following Chancellor Doreen S. Davis' call for a more civil profession at the Bar's Annual Meeting in December, several segments of the Bar have begun to work toward enhancing civility.

Among the efforts, Davis has directed the Federal Courts and State Civil committees to work together to draft a proposed code of civility for lawyers. Davis also has instructed the Young Lawyers Division to develop a curriculum for third-year law students to help them become more aware of the importance of practicing in a civil fashion.

The Chancellor's motives stem from what she has seen and what she would like to prevent—lawyers being rude to each other in court and rude to each other in general.

"I've seen a lot of lawyers who are not trained properly, and they see bad behavior that they are trying to emulate," Davis says, noting that such behavior can include "delivering injunction papers at 5 p.m. at the start of a holiday weekend, or not granting reasonable extensions to opposing counsel." Rude behavior, she adds, tends to escalate and be self-perpetuating.

The Bar's war against rudeness began during the Board of Governors' annual organizational retreat in

Absecon, N.J. There, Board member Mary F. Platt, chair of the Federal Courts Committee, and Bar Assistant Secretary Sayde J. Ladov, chair of the State Civil Committee, moderated a discussion of problems of civility in the practice of law and possible solutions.

During the discussion, Ladov stated that the prevailing wisdom seems to be that faxes, e-mail, voice mail, pagers and cellular phones have increased the pace of business, forcing people to stretch themselves thinner and possibly become more brusque with colleagues and clients. Ladov stated that being busy is no excuse for incivility and lawyers must understand that "the law is a business, not the gentle profession of yesterday."

Board members also identified other realities of the profession that can lead to uncivil behavior. Among them is lawyers' and judges' failure to put the clients' interests first. As an example, Mary T. Vidas commented, "Civility breaks down when lawyers forget that the community they serve is their client base." Whether they are an indigent client or a CEO, she said, "a client is a client, and we should remember that just walking into a courthouse is a traumatic experience for many clients."

She also lamented the bench's occasional failure to be punctual and sensi-

Chancellor Davis says that she thinks enhancing civility is important for the Bar Association because "I truly believe that [incivility] is one of the root causes of lawyer dissatisfaction. Who wants to be yelled at and beat up on all day? Add that to the other pressures of practicing law and it's too much. I've always found that you can get much better results by being nice."

tive to clients' needs. "You don't get justice when you arrive at 9 a.m. for a hearing and the judge doesn't take the bench until 1:15."

Other problems include attorneys' lack of respect for clients and court personnel. Todd Berk commented that he has seen lawyers berate clients in court hallways. "It comes across as unprofessional and it will cost you," he said.

Others said that the inexperience of younger lawyers and those lawyers with less sophisticated practices also hurts civility. Bar Vice Chancellor Allan H. Gordon noted that in personal injury law, the more serious the case, the more civil the counsel are to each other and judges. But among "run-of-the-mill" cases, "there is no civility in

the personal injury bar ... It seems that lawyers forget all they learn about civility and ethics in law school," he said.

Other Board members countered that law schools and others who can mentor new lawyers aren't doing enough to convey or inculcate civility. Bar Assistant Treasurer Cheryl M. Gaston said incivility actually can begin in law schools, places that encourage competition and in which students might be treated in an uncivil manner by professors. Ladov commented that given such an example, younger lawyers will have observed the bad habits of their elders without mentoring to counteract it.

Others also offered their own obser-

continued on page 16

Members Can Beat Dues Increase!

The Association's operating budget for 2000 includes a 5 percent dues increase across all membership categories. However, the Board of Governors approved a provision that effectively negates the dues increase this year for those members who pay their current dues before April 1. Before April 1, members can pay the lower rate indicated in bold type.

Membership Category	Dues Before 4/1	4/1 and After
Regular members:		
• Those admitted less than two full years.	\$57	\$60
• Two years or more but less than four years.	\$114	\$120
• Four years or more but less than ten years.	\$201	\$211
• Ten years or more.	\$235	\$247
Public sector members:		
Those who work for governmental and public service agencies.		
• Those admitted less than two full years.	\$33	\$35
• Two years or more but less than four years.	\$54	\$57
• Four years or more but less than ten years.	\$102	\$107
• Ten years or more.	\$135	\$142
Associate members:		
• Principal office in Bucks, Chester, Delaware or Montgomery counties, Pa. or Camden County, N.J.		
	\$105	\$110
• Full-time members of law school faculties.		
	\$105	\$110
• Law firm administrators.		
	\$78	\$82
• Law librarians.		
	\$78	\$82
• Other associate members.		
	\$78	\$82
• Paralegals.		
	\$40	\$42
• Law students.		
	\$12	\$13
Senior members	\$32	\$34

The Philadelphia Bar Association's dues remain among the lowest of fees charged by major urban bar associations throughout the U.S.



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Many Rewards Come From Performing Pro Bono

by Molly Peckman

My favorite client never paid me a fee. He never called me for advice. In fact, he did not even hire me. When my client, Keith (not his real name) was eight years old, he was left at home one night for about 45 minutes by his mother—not home alone, though. He was left in charge of his six-year-old sister, his two-year-old brother, his one-year-old brother and his six-month-old sister.

YLD UPDATE



A tragedy occurred while Keith was in charge of his siblings. The one- and two-year-

old were in the bathtub. One complained that the water had gotten too cold so Keith filled the tub with some warmer water. Then he went to get his crying baby sister a bottle and watch a television sitcom. He heard one of his brothers crying from the bathroom. When he got there, the older one was under water. Keith pulled his brother from the tub and called 911. The brother sustained severe brain damage and remained in a vegetative state for the

rest of his life, which was just a few years.

Keith blamed himself for his brother's injuries. The Department of Health and Human Services took custody of Keith and his healthy siblings, who went to live with their grandparents. The only thing Keith wanted from me, his first attorney, was to be reunited with his mother as soon as possible. It was my job to make sure that did not happen until everyone was ready. I had to ensure the entire family received appropriate services and support, such as therapy for Keith and his mother, parenting classes for the mother, social services for the grandparents and specialized foster care and appropriate medical care for the little brother. After several years, the surviving children were reunited with their mother, who is now married, working and a much more responsible parent. Keith finally realizes he is a hero who saved his little brother's life.

I came to represent Keith and all of his siblings as a volunteer for the Support Center for Child Advocates. I was appointed by a Family Court judge as the children's guardian *ad litem* and represented their interests as their child advocate during the criminal prosecution of their mother and in subsequent dependency court proceedings in Family Court.

When I first became a volunteer for the Support Center, I received a day of training as well as the opportunity to observe a hearing in Dependency Court. In addition to the training, a Support Center social worker is assigned to each case. These social workers accompany the attorneys on home visits, recommend appropriate placement or therapies and help volunteers navigate through frustrating bureaucracies like the Department of Human Services.

Last month, Bar Chancellor Doreen S. Davis devoted her column and herself to the creation of a dedicated source of funding for providing legal services for the indigent. While that funding source is being created, more volunteers are needed to accept pro bono cases, because there are

For young lawyers, taking a pro bono case is a win-win situation. We fulfill our obligation as lawyers under the Rules of Professional Conduct and get hands-on experience that might otherwise take us years to receive.

too many Keiths out there and not enough resources at the many public service agencies that represent them.

For young lawyers, taking a pro bono case is a win-win situation. We fulfill our obligation as lawyers under the Rules of Professional Conduct and get hands-on experience that might otherwise take us years to receive. Two of my friends had their first solo jury trials only a few years out of law school while handling prisoners' rights cases. Lawyer volunteers should realize that they will not be abandoned with a case. In fact, most of the public service agencies provide training and staff resources.

On Tuesday, May 9, the Young Lawyers Division's "Law, Life and Lunch" program, "Pro Bono Organizations and Opportunities," will feature representatives from local public service agencies in an organizational/volunteer fair format. The event will be held at noon in the 11th floor Conference Center at Bar Headquarters. I urge all young lawyers to learn more about how to volunteer to assist these agencies. There are even opportunities for lawyers with limited experience and time constraints.

Why is Keith my favorite client? It is not because he is a good son and a good brother. It is not even because he beats me at hangman and checkers. It is because Keith told me that when he grows up he would like to be a lawyer so that one day he too can put a family back together.

Molly Peckman, associate in the law firm of Kolsby, Gordon, Robin & Shore, is chair of the Association's Young Lawyers Division.

Annual HAP Gala to Benefit Homeless

PECO Energy will present the Philadelphia Bar Association's Problems of the Homeless Committee's **12th Annual Benefit to Aid the Homeless** from 5:30 to 8 p.m. on Thursday, April 13, in the conservatory at the Park Hyatt Philadelphia at the Bellevue, Broad and Walnut streets. All proceeds benefit the Homeless Advocacy Project (HAP). The evening will feature complimentary beer, wine, hors d'oeuvres, live music and an extensive silent auction for artwork, dinners, club memberships, antiques, sports memorabilia, collectibles and more.

Attorneys, law students and paralegals volunteer for HAP and provide legal services to homeless individuals and families during legal clinics that HAP sponsors at Philadelphia shelters and soup kitchens. In addition, volunteer attorneys practicing in the areas of real estate, tax and transactional law assist nonprofit community groups that develop housing or other services for the homeless. HAP also has developed the Children's Educational Outreach Project in response to the increasing number of homeless children in shelters. With the ongoing support of the legal community, HAP can continue to promote and foster self-sufficiency among homeless families and individuals. Tickets to the gala are available for \$40 and may be ordered by completing the form below and returning it with a self-addressed, stamped envelope and a check made payable to the Homeless Advocacy Project. More information about the event may be obtained by calling Andrew Behrend at (215) 523-9594.

Return to:

Andrew Behrend
Homeless Advocacy Project
1424 Chestnut St.
Philadelphia, Pa. 19102

Name: _____

Address: _____

Phone: _____ Fax: _____

____ I am ordering ____ tickets. Enclosed is \$40 for each ticket.

____ My firm or organization wishes to become a Diplomat with a \$2,500 contribution. We would like ____ tickets (up to 20).

____ My firm or organization wishes to become a Benefactor with a \$1,500 contribution. We would like ____ tickets (up to 15).

____ My firm or organization wishes to become a Patron with a \$1,000 contribution. We would like ____ tickets (up to 10).

____ My firm or organization wishes to become a Friend with a \$500 contribution. We would like ____ tickets (up to 5).

____ I cannot attend the benefit, but enclosed is my tax-deductible contribution of \$ _____.

Checks should be made payable to the Homeless Advocacy Project.

All contributions are tax-deductible to the maximum extent allowed by law. A copy of the official registration and financial information may be obtained from the Pennsylvania Department of State by calling, toll-free within Pennsylvania, (800) 732-0999. Registration does not imply endorsement.

JuriStaff Presents Job Workshops

The Philadelphia Bar Association and JuriStaff Legal Staffing present individual career counseling and résumé review services to Bar Association members by appointment. JuriStaff also offers weekly career planning and placement workshops open to all, with topics such as résumé drafting, interviewing techniques and

job search strategies.

Appointments for counseling and résumé review sessions will be scheduled on Mondays from 9 to 11 a.m. and Fridays from 1:30 to 4 p.m. at Bar Headquarters, 1101 Market St.

JuriStaff also maintains a listing of recent job postings at Bar Headquarters, on its Web site at

www.juristaff.com, and on the Association's Placement Hotline at (215) 238-6329.

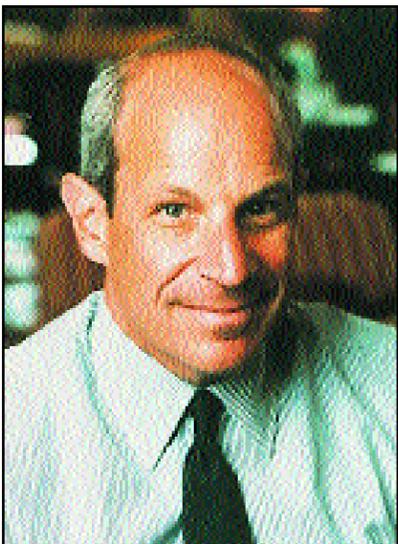
JuriStaff's upcoming brown-bag luncheon workshops include "Résumé Drafting" on March 8, "Internet Job Search Strategies" on March 15, "Preparing Cover Letters" on March 22, "Interview Techniques" on March 29 and "Job

Search Strategies" on April 5. All sessions will be held on Wednesdays at noon at Bar Headquarters. No reservations are required.

More information about the workshops and appointments for the career counseling and résumé review services may be obtained by calling Cindy Towers at JuriStaff at (215) 545-0239.

Chancellor's Forum

Loews President to Address Members April 5



Jonathan M. Tisch

The Philadelphia Bar Association will host Jonathan M. Tisch, president of Loews Corporation, who will deliver remarks during a Chancellor's Forum on Wednesday, April 5. The event will be held at 4 p.m. in the PBI-PBEC Conference Center on the 10th floor of the Wanamaker Building.

During his audio-visual presentation, Tisch will speak about elements of "The Power Partnership," which he defines as the relationships people must develop and build with clients, employees and the community to be successful.

A question-and-answer period will conclude Tisch's presentation.

The forum will be followed by a reception for Tisch from 4:45 to 5:30 p.m.

The event is free but reservations are required and may be obtained by calling Bar Headquarters at (215) 238-6300.

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Young Lawyers Division

Forum Unlocked Secrets of First Year of Practice

A panel of lawyers offered tips to newer lawyers during the Young Lawyers Division's presentation of "May the First Year Not Be Your Worst Year: What They Haven't Taught You So Far." The seminar, the first in the YLD's series of "Law, Life and Lunch" professional development programs, was held on Feb. 8 at Bar Headquarters.

During the seminar, panelists advised attendees about the nuts-and-bolts of the practice of law and provided tips on developing interpersonal skills to help make the most of time and effort spent in the office and in court. Panelists were Michon L. Crawford of Montgomery, McCracken, Walker & Rhoads, LLP; Julia A. Fineman, director of associate administration for Schnader Harrison Segal & Lewis LLP; and YLD Chair Molly Peckman of Kolsby, Gordon, Robin & Shore. The discussion was moderated by Glenn M. Massina of Volpe & Koenig, P.C.



Panelists for the seminar included Michon L. Crawford (left) of Montgomery, McCracken, Walker & Rhoads, LLP and Julia A. Fineman, director of associate administration for Schnader Harrison Segal & Lewis LLP.

Young Lawyers Division

'Law, Life and Lunch' Series Travels to Mesirov in March

The Young Lawyers Division's "Law, Life and Lunch" professional seminar series hits the road in March. The next installment in the series, "Digging Your Way Out of Debt," will be held from noon to 1 p.m. on Tuesday, March 14 on the 38th floor of the offices of Mesirov Gelman Jaffe Cramer & Jamieson LLP, 1735 Market St. During the event, speakers will offer young lawyers ways to tackle their student loan debt and save for their future. Panelists will include attorney Andrew J. Kaplan, who will tell his personal success story, Leo Doyle Jr., a creditors' rights attorney affiliated with Consumer Credit Counseling Services, Cynthia L. Hostetter CFP, vice president of investments for SalomonSmithBarney and Robert S. Beck AAMS, senior vice president of investments for First Union Securities. The program is free of charge and includes lunch. Reservations are required and may be obtained by calling Michele Gallagher at Bar Headquarters, (215) 238-6313. More information about "Law, Life and Lunch" may be obtained by calling either of the program's co-chairs, Marnie Simon at (215) 994-1318 or Kenneth E. Spivack at (215) 546-0005.



Julia A. Fineman (left) offers advice to young lawyers starting out in the practice of law. At right is panelist Molly Peckman, chair of the Young Lawyers Division.

Photos by Robert Nigro

LRIS

continued from page 3

Kazaras, the Association's director of public and legal services. "Under this new arrangement, everybody wins. LRIS panel attorneys will benefit from receiving higher quality referrals and the public will benefit because consumers will be better informed."

Chancellor Davis concludes, "It is our view that this new system will make meaningful diagnostic legal services and legal help immediately available to everyone who calls the Bar Association looking for assistance."

LRIS always welcomes attorneys interested in receiving referrals. Those interested in more information and an LRIS panel application form, should call me at (215) 238-6326.

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



Photo by Robert Nigro

Legal Advice Line managing partner Neil Ruther (left) and the Association's LRIS Committee Chair Ned Hark finalize LRIS' agreement with Legal Advice Line Inc., which is expected to enhance LRIS' service to Philadelphians in legal need.

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Fault Lies Not in Our Starr, But in Our Elves

by Marc Reuben

In his sympathetic 1997 biography of Whittaker Chambers, Sam Tanenhaus ascribed the hysteria of the McCarthy era to the workings of hard-core, reactionary Republicans, whom he politely described as "fascists." Though Tanenhaus concluded there had been significant communist agitation and spying in the time of McCarthy and Chambers, he ridiculed the shrill and undemocratic methods used by McCarthyite communist hunters, since all the screaming and breast-beating amounted to virtually nothing.

The same spin on more recent events is provided by Jeffrey Toobin, legal commentator for ABC News and a staff writer for *The New Yorker*; in his new book on the Republican attempts to remove Bill Clinton from office, *A Vast Conspiracy: The Real Story of the Sex Scandal That Nearly Brought Down a President* (Random House, New York, 2000, 400 pp., \$24.95). Unfortunately, Toobin's book is neither as

well written, nor particularly as deep as the Tanenhaus tome, possibly due to the plastic nature of the subject matter.

In Toobin's book, the communists are replaced by the

ARTS & MEDIA



sex fiends in the White House and the new fellow travelers are the women's movement, the press, homosexuals and most of the public. The noise and excitement, as in Tanenhaus' book, is still provided by the Republican right wing, who are, alas, still fascists.

A lot could be said about the juicy gossip in this book. It is unfortunate that the case against Clinton, which never amounted to an impeachable

offense, is largely just a lot of lurid gossip anyway. (Toobin does point correctly to Federalist Paper 65, which defines the "high crimes" that would constitute appropriate grounds for conviction and removal.) The whole era, from the endless investigations to the Jones case to the impeachment follies, was a cynical attempt by the irresponsible to muck up the unmentionable.

Toobin correctly notes that the aim of lawyers for Paula Jones was to embarrass the Great Philanderer into settling the harassment suit against him. Our Paula may have had some sort of claim against Clinton for harassment, because even though she appears to have suffered no damages, the creation of a hostile work environment was at least worth reviewing in court. There is little doubt that Clinton flashed his personal column at her, although she appeared to have suffered no reduction in wages or promotion as a result of refusing him. But Jones, who seemed to change her story every

about justice and ensuring due process."

Dennis added that a survey conducted by the Survey Research Center of the University of Louisville in Kentucky indicated that the availability of sentencing of life without parole has altered support for capital punishment. Support for capital punishment among state residents has dropped from 69.5 percent in 1989 and 69.1 percent in 1997 to 59.2 percent in 1999. When given a choice between capital punishment and life in prison without parole, 53.9 percent of the respondents favored the latter. Among respondents who strongly supported the death penalty, 38.2 percent changed their opinion in favor of life without parole when given a sentencing option.

Dennis also cited an ABC News.com telephone poll that indicated that support for capital punishment has fallen from a high of 77 percent in 1996 to 64 percent now. Support for capital punishment fell below 50 percent when the option of life with-

out parole existed. When asked for a preference between a sentence of capital punishment and life without parole, support for capital punishment fell to 48 percent. The survey sampled 1,006 adults with a three-point margin of error.

Dennis also addressed the possible retorts that Pennsylvania has an option for life sentences without parole, that even with this choice Pennsylvanians "want the death penalty" and that "opportunities for appeal are available in abundance." He added that the moratorium and studies mandated by Senate Bill 952 "are calculated to determine whether there are systematic failures in our justice system that deny capital defendants fundamental fairness guaranteed by the law and that taint the imposition and execution of capital punishment. It will also provide additional time to focus on first-degree murder convictions in a system with processes that may be flawed."

Dennis concluded by urging legislators to pass the bill.

The representation given Jones, as odious as she and her claim may have been, was the work of fourth-rate legal hacks. Jailhouse lawyers could have done more honor to the profession.

month, suffered the guidance of a greedy husband and a bizarre "advisor." She also had the misfortune to be advised by secret, out-of-state attorneys ("elves," Toobin calls them) who were so obsessed with embarrassing the President that they consistently advised delay in the prosecution of the case until the optimum settlement time for Jones had passed. Toobin writes that the "elves" were certain that the next sex story to surface would be the one that would ruin Clinton. Her original attorneys, no saints themselves, withdrew from the case when they saw the matter becoming much more than a claim for recompense. For all the years of lurid stories, the delay in settling the Jones case cost the client a lot of money. She would seem to have a pretty good legal malpractice claim against her secret "elves," since their agenda was clearly political and harmful to her interests.

A point Toobin does not raise is that the shadow counsel who advised Jones were not counsel of record, and thus may have been trying to protect themselves from any direct obligation to her, freeing them to take careless and irresponsible (to Jones) actions to further their own political obsessions at her expense. If this was the case, it was a clumsy and improper legal maneuver. The representation given Jones, as odious as she and her claim may have been, was the work of fourth-rate legal hacks. Jailhouse lawyers could have done more honor to the profession.

Surprisingly, the title of the book is not inapt. Toobin and Hillary Clinton were quite correct in stating that the collection of investigations (Whitewater, Filegate, Travelgate, Fostergate, Necktiegate, etc.), the lawsuits and the impeachment investigations were all animated by a blind

hatred for Clinton, and were all aimed at harming him and embarrassing him (is that possible?). Poorly coordinated as they were, they were interlocking, and do fit into a loose definition of what the law considers a conspiracy. A series of conspiratorial activities, with one negative aim, was carried out in a surreptitious yet elephantine manner. This is where Ken Starr and the lovely Linda Tripp come into the picture.

Starr's investigations appear to be a collection of lurid misjudgments, almost always destined to fail as a result of the highly political nature of the Starr office and staff. The normally acerbic James Carville may have, for once, been on the mark in his evaluation of the independent counsel.

The one point to remember is this: selling missiles to Iran in order to get cash for friends of the CIA, and then lying to Congress about it (remember Ollie North?) is slightly more problematic than a foolish middle-aged man lying about having sex with a simple-minded intern. This seems to have eluded most Republicans in Congress.

Beyond the above, there is the clearly told tale of Madame Tripp. She wired the phone, as it turns out, to enhance the salability of her book. She wanted to tape conversations long before she claims she was forced to. This evil woman envisions herself as something between Bodicea and Mata Hari (with a touch of Y.A. Tittle thrown in for design). She was told twice about the legal problems of taping, and was so greedy to wrap up a book deal using the tapes that she went on taping nonetheless. If this vampire-like neurotic does not go to jail, some enterprising person ought to secure the mineral rights to her face. Both of them.

MORATORIUM

continued from page 1

- Nebraska's legislature, citing racial disparity in the imposition of the death penalty, passed a moratorium that subsequently was vetoed by the governor.
- In New Hampshire, legislation to halt executions has been introduced and has been the subject of recent public hearings.
- In January, the City Council of Charlottesville, Virginia passed a moratorium resolution urging the state legislature, Congress and the President to halt executions and conduct an investigation.
- On Feb. 11, Philadelphia City Council called for a moratorium on executions in Pennsylvania, making Philadelphia the largest U.S. city to call for suspension of the death penalty.

"My point in highlighting these examples," Dennis told the senators, "is to show that this Committee's review is not an isolated event. Your actions are in step with the rest of the nation, and this whole issue is

O'Connor's Federal Rules: Civil Trials 1999 and O'Connor's Federal Forms: Civil Trials 1999

(Jones McClure Publishing Inc., Houston, Tx., 1999, 2,091 pp. plus more than 450 forms in two volumes, \$49.95 each)

Reviewed by Abraham C. Reich and Joshua Horn

Jones McClure Publishing Inc. recently has published two treatises that are of particular interest to any attorney whose practice includes litigation in federal court. The first treatise, *O'Connor's Federal Rules: Civil Trials 1999*, is divided into six sections: commentaries, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure, the United States Judicial Code and several appendices, which include the United States Constitution, advisory notes to the Federal Rules of Civil Procedure and the Federal Rules of Evidence, the Hague Convention and timetables. The second treatise, *O'Connor's Federal Forms: Civil Trials 1999*, is divided into ten sections of federal court forms. These sections include general forms for trial, plaintiff's lawsuits, defendant's pleadings, removal and remand, pretrial motions, discovery, disposition without trial, the trial, the judgment and post-judgment motions. Both treatises provide both the experienced trial attorney and the relative newcomer with interesting practice points and the forms to put these points into action. Moreover, the federal rules treatise is updated annually to provide current informa-

tion and analysis.

Each of the treatises begins with an overview of recent changes to the United States Judicial Code and highlight noteworthy cases on federal procedure. One of the nicest features of O'Connor's federal rules treatise is that it provides commentaries, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure, the United States Judicial Code and appendices, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Hague Convention and timetables, all in one source. As a result, nearly any question about federal procedure could be answered by using this one resource.

The commentaries also are broken down into discrete subject areas that start with a general overview of federal procedure and the courts, followed by the plaintiff's case and then the defendant's case. For example, discussion points in the commentary section on the plaintiff's lawsuit include pre-filing considerations, complaint drafting issues, interpleader, requests for injunctive relief, declaratory relief and issues relating to jurisdiction and venue, to name a few. Similar commentaries are provided for the defendant's case, including, among others, strategy decisions regarding removal and remand to state court, motions to dismiss and motions to transfer venue.

Another helpful feature of the commentaries are the schematic diagrams that provide a visual representation of

the application of certain rules. For example, there are schematics to identify the type of pleading that should be filed when the defendant wants to raise certain jurisdictional questions, when a subpoena is required to undertake discovery and when discovery responses must be under oath.

Although the commentaries are not a definitive work on federal court practice, they provide some basic guidelines on a vast array of issues any trial attorney may face when practicing in federal court. Also, the commentaries provide references to applicable rules and case law, where available, for each commentary point. Accordingly, this treatise will likely be of broad use as an overall resource tool on federal court practice.

The federal forms treatise is also extremely broad-based and is comprised entirely of forms for use in the federal courts. The forms go from the basic (e.g., federal court captions, certificates of service and a verification) to the more complex (e.g., a Batson motion and a motion for determination of foreign law). A unique feature of these forms is that for each motion and supporting memorandum of law there is a form asserting the contra position. In addition, the forms include draft complaints on specialized subject areas that include civil rights, free speech and the Americans with Disabilities Act. Further, there are extensive discovery forms specifically tailored to certain subject areas that include, among others, FELA, copyright infringement and Title VII discrimination and sexual harassment.

BOOKS

Jones McClure Publishing Inc. recently has published two treatises that are of particular interest to any attorney whose practice includes litigation in federal court ... If a trial attorney is looking for a quick, user-friendly reference guide, then *O'Connor's Federal Rules: Civil Trials 1999* and *O'Connor's Federal Forms: Civil Trials 1999* are invaluable.

This extensive form treatise and the subject-sensitive forms will surely serve as a good foundation tool for every trial lawyer.

These two treatises will provide something for everyone. The seasoned trial lawyer can appreciate the commentaries and forms on finer and more subtle points, while the relative newcomer can make use of the vast overview and breadth of coverage these treatises provide. If a trial attorney is looking for a quick, user-friendly reference guide, then *O'Connor's Federal Rules: Civil Trials 1999* and *O'Connor's Federal Forms: Civil Trials 1999* are invaluable.

Abraham C. Reich, senior partner in the law firm of Fox, Rothschild, O'Brien & Frankel LLP, is a former Chancellor of the Philadelphia Bar Association. Joshua Horn is an associate with Fox, Rothschild, O'Brien & Frankel LLP.

Senior Lawyers Committee

Volunteers Kick Off Victim Assistance Program



Photo by Daniel A. Cirucci

Bar Chancellor Doreen S. Davis (second from right) was among the participants in a Jan. 6 press conference at the District Attorney's Office as Philadelphia District Attorney Lynne Abraham (at lectern) announced the Senior Lawyer Elderly Victim Assistance Orientation Program. Also among the attendees was attorney and victims' advocate Richard Rosin and Assistant District Attorney Karen McRory (right).

The Bar's Senior Lawyers Committee recently helped the Philadelphia District Attorney's Office launch its new Senior Lawyer Elderly Victim Assistance Orientation Program, a project to help elderly crime victims navigate the criminal legal process. Nearly a dozen senior lawyers will volunteer their time to act as advocates for elderly crime victims. The attorneys, all between 60 and 82 years old, have more than 400 years of professional experience combined and many are partners in the city's top law firms. Under the program, the volunteers will not try cases but will provide assistance to their clients to ensure sound representation in court. After completing training, the volunteers are matched with crime victims on a case-by-case basis. The initial group of volunteer attorneys includes Carter R. Buller, Toby P. Camen, Bancroft D. Haviland, Jerome Kaplan, Mitchell W. Miller, Edward W. Mullinix, Philip Price Jr., Richard Rosin, Edward B. Shils, Gerard St. John and Bruce B. Wilson. More information about the Senior Lawyer Elderly Victim Assistance Orientation Program may be obtained by calling Kathy Abookire at the District Attorney's Office at (215) 686-8711.

PEOPLE

Gregg R. Melinson, partner in the law firm of Drinker Biddle & Reath LLP, has been appointed to serve on the board of directors of the Pennsylvania Economy League's Eastern Division. The league is a non-profit organization that conducts public policy research and development in the areas of economic development and public sector performance.

Michael G. DeFino, principal in the Law Office of Michael G. DeFino, has been named to serve as chair of Widener University School of Law's board of overseers. He will serve a three-year term.



Alan C. Kessler, partner in the law firm of Wolf, Block, Schorr and Solis-Cohen LLP, has been designated by the

Pennsylvania Supreme Court as chair of the court's Continuing Legal Education Board. He will serve a two-year term.



Ruth E. Ganister (in photo), sole practitioner, has been designated vice chair, also for a two-year term.

Richard S. Rueda, CEO and chair of Trans Freight Systems Inc., has been

named to serve as chair of the board of directors of the Mann Center for the Performing Arts. He will serve a three-year term.

E. William Pastor, sole practitioner, has been elected president of the Trust Counselors Network, a Delaware Valley organization comprised of attorneys, trust attorneys, financial planners, insurance professionals and others who work in the estate planning field.



John F. Ledwith, shareholder in the law firm of Marshall, Dennehey, Warner, Coleman & Goggin P.C., has been appointed chair of the Construction Law Section of the Federation of Insurance and Corporate Counsel.



Hal A. Barrow, principal in the law firm of Barrow & Associates, has been named president of the Pennsylvania and Greater Delaware Valley Chapter of the Community Associations Institute, a national organization of condominium and homeowner associations.

Herbert Bass, partner in the law firm of Fox, Rothschild, O'Brien & Frankel LLP, has been re-elected chair of the Committee of 70 for a one-year term. The Committee of 70 is a nonpartisan political watchdog organization committed to government in Philadelphia and surrounding communities.



Jonathan H. Spergel and **Rodd W. Bender**, associates in the law firm of Manko Gold & Katcher LLP, have been named to serve in leadership positions at the Riverbend Education Center. Spergel will serve as vice president of the center's board of trustees and Bender will serve as a trustee.



Robert J. Coleman, chair of the law firm of Marshall, Dennehey, Warner, Coleman & Goggin P.C., has been re-elected to serve a three-year term on the board of directors of the Insurance Society of Philadelphia.

6 CLE 6 substantive/0 ethics

12th Edition

Philadelphia County Domestic Relations Practice

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Philadelphia • Friday, March 24, 2000

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PHILADELPHIA BAR EDUCATION CENTER

Pennsylvania Bar Institute

CONTINUING LEGAL EDUCATION AWARD OF THE PENNSYLVANIA BAR ASSOCIATION

Panel Discusses Options for Legal Careers



Photo by Nancy L. Hebble

The Junior Women Lawyers Task Force of the Bar's Women in the Profession Committee held "A Roundtable Discussion on Alternative Legal Careers" on Jan. 24 at Bar Headquarters. Panelists were (L to R) Women Against Abuse Executive Director Nichelle Mitchem, University of Pennsylvania Law School Professor Colleen Coonelly, Lisa McLemore of PriceWaterhouseCoopers and Virginia L. Rockafellow, regional franchise operations manager for Sunoco Inc. They are joined by the program's co-chairs Barbara Ruth (second from right) and Lisa Mathewson.

BOARD

continued from page 1

believes that rules concerning conflicts, attorney-client privilege and confidentiality still apply.

"We are not talking about impairing any of those core values of the profession," he said. "We come from the perspective that the profession can be trusted to comply with those rules." He added that detractors of MDPs should trust the lawyers, clients and markets and there should be rules that presuppose compliance and responsibility, not defiance.

Alderman concluded that the task force is expected to issue its report urging that prohibitions on fee splitting should be relaxed to allow lawyer-owned MDPs to exist, experiment and evolve, with all other ethical imperatives affecting lawyers remaining untouched.

Next, Lawrence Fox, former chair of the American Bar Association's Section on Litigation and its Standing Committee on Ethics and Professional Responsibility, addressed the Board. He stated that lawyers cannot maintain independence if they have fee-splitting arrangements. He added that those who leave law firms to work for accounting firms say they're not practicing law, but rather that "they practice tax, ERISA, employment consultation, mergers and acquisitions, investigations and dispute resolution, but not law." However, Fox also asserted that lawyers who work for accounting firms violate Rule 1.7 "every day" because they're not clearing conflicts in an office in which the client list is "one-fifth of the world" and "longer than the Manhattan telephone directory."

Fox added that such lawyers also are signing non-compete clauses, limiting their liability for fees charged to clients and engaging in solicitation and advertising that violates the Rules of Professional Conduct. "They've aban-

doned everything except the practice of law," he said. "Going to work in firms controlled by others, they've abandoned all pretense."

He asserted that lawyers in accounting firms not clearing conflicts is "great for fees," but it doesn't protect clients. "If you lose [Rule] 5.4, you give it all up. You get to the point of lawyers working for others who aren't schooled in our system, not subject to our rules, don't understand why our rules exist and run institutions whose sole goal is profit."

In other business, the Board adopted a Workers' Compensation Section resolution urging Pennsylvania to increase the salaries of workers' compensation judges so they are comparable to salaries of other administrative law judges.

The section's representative to the Board, Jack B. Katz, presented the resolution. He said that workers' compensation judges earn 15 percent less than their counterparts on the Liquor Control Board and Pennsylvania Utilities Commission. He also asked, "Should the starting salaries for a federal administrative law judge be \$6,000 more than the highest salary you can achieve as a workers' compensation judge?"

Katz added that the judges oversee a \$2 billion system, with lengthy hearing lists and case loads of about 600 cases per judge annually. Judges write about 80 opinions each per year without the benefit of dedicated law clerks. He explained that the section believes that while the requirements for becoming a judge have become more stringent, the pay scale discourages qualified candidates and inhibits the retention of judges. The section views the issue as one of fairness, just compensation and keeping and improving the quality of workers' compensation litigation in Pennsylvania.

Katz noted that the workers' compensation sections of the Delaware,

Montgomery, Berks and Westmoreland county bar associations have passed similar resolutions. He thanked 1999 Chancellor Edward F. Chacker and current Chancellor Doreen S. Davis for their efforts toward pay parity for the judges.

The Board also adopted a resolution from the Delivery of Legal Services Committee recognizing the Pennsylvania Bar Institute's (PBI) support of public interest legal education and congratulating PBI on receiving the Award of Professional Excellence from the International Association of Continuing Legal Education.

Committee Co-Chair Joseph A. Sullivan presented the resolution. He noted that several years ago, the then-independent Philadelphia Bar Education Center was in the forefront of support for the public interest, providing up to 12 hours of annual CLE at no charge to full-time public interest lawyers in Philadelphia. Sullivan thanked PBI's executive director Roger B. Meilton and Karen Darby, PBI's chief officer in Philadelphia, for extending the offer to all public interest lawyers statewide. He also called attention to PBI's courses and workshops dedicated to the public interest.

In other matters, the Board unanimously tabled resolutions from the Family Law Section opposing House Bills 1976 and 1977, which would change the way domestic relations matters are handled throughout Pennsylvania.

Section member Michael L. Viola presented the resolutions. He explained that the bills deal with the proposed unified family court system, also known as the "one judge, one family" system, in which one judge would handle all matters affecting a family, be they support, custody or divorce. This sort of system, Viola said, is already in place in some areas on a county-by-county basis. The bills would make the system mandatory

statewide, by statute and via amendments to the state constitution.

The section opposes House Bill 1976 because it requires an amendment to the state Constitution to implement the unified system; such action would remove the administration of the courts from the Supreme Court and place it within control of the legislative branch. The section also opposes the bill because it takes control away from the counties in determining their own family court needs. The section's opposition to House Bill 1977 includes concerns about the quality of new initiatives due to a lack of funding for what could amount to sweeping changes in the state's family courts, including restructuring of courts and hiring of additional personnel.

However, in voting to table the resolutions, the Board authorized Viola to speak on behalf of the Family Law Section's position on the bills during upcoming hearings scheduled for March 6.

Earlier in the meeting, in her announcements, Chancellor Doreen S. Davis urged Board members to participate in the Membership/Bar Placement Committee's membership drive. The drive is a series of phone-a-thons to contact recent Bar members to convince them to renew their membership in the Association. The first session was held March 1, with additional sessions set for March 8, 15, 21 and 29. The effort will continue through August 2000.

Davis also thanked former Bar Chancellor André L. Dennis for his reiterating the Bar's call for a moratorium on the imposition of the death penalty in Pennsylvania. Dennis spoke on behalf of the Bar during hearings on the issue Feb. 22 before the state Senate Judiciary Committee in Harrisburg. Davis reported that Dennis "did a wonderful job and represented us very ably." A story reporting on the testimony is published on page 1 of this issue.

CALENDAR OF EVENTS

Note: While the following listings have been verified prior to press time, any scheduled event may be subject to change by the committee or section chairs.

March 6

Family Law Section - meeting, 4 p.m., 10th fl. Board Room.

March 7

Appellate Courts Committee - meeting, noon, 10th fl. Board Room. Lunch: \$7.

Municipal Court Committee - meeting, noon, 11th fl. Committee Room. Lunch: \$7.

Labor and Employment Law Committee - meeting, 12:15 p.m., 11th fl. Conference Center. Lunch: \$7.

March 8

Family Law Section - Tea, Law and Cookies seminar, 3:30 p.m., 11th fl. Conference Center. Cost: \$5 for section members; \$10 for nonmembers. Topic: "Children in the Middle: From Loyalty Conflicts to Parental Alienation."

March 9

Legal Rights of Lesbians and Gay Men Committee - meeting, 8:30 a.m., 10th fl. Board Room.

Small Business Committee, Business Law Section - meeting, noon, 10th fl. Board Room. Lunch: \$8.50. Speaker: G. Bradley Rainer on "Cutting Edge Fee and Billing Practices."

Women's Rights Committee, Public Interest Section - panel and reception, 5 p.m., 11th fl. Conference Center. Topic: "Beijing Plus Five: The Status of Women Around the World."

March 13

Law School Outreach Committee, Public Interest Section - meeting, noon, 10th fl. Cabinet Room. Brown bag lunch.

March 14

Young Lawyers Division - Law, Life and Lunch seminar, noon, Mesirov Gelman Jaffe Cramer & Jamieson LLP, 1735 Market St., 38th floor. Topic: "Digging Your Way Out of Debt." Reservations: (215) 238-6313.

Elder Law Committee - meeting, 4 p.m., 10th fl. Cabinet Room.

March 15

Business Litigation Committee, Business Law Section - meeting, noon, 11th fl. Conference Center. Lunch: \$8.50.

LegalLine - meeting, 5 p.m., 11th fl. LRIS Offices.

March 16

Professional Responsibility Committee - meeting, noon, 11th fl. Conference Center. Lunch: \$7.

March 17

Social Security Disability Benefits Committee - meeting, noon, 11th fl. Conference Center. Lunch: \$7.

Legislative Liaison Committee - meeting, 12:30 p.m., 10th fl. Board Room. Lunch: \$7.

March 21

Delivery of Legal Services Committee - meeting, 8:30 a.m., 10th fl. Board Room.

Custody/Mediation Committee, Family Law Section - meeting, 12:15 p.m., 10th fl. Cabinet Room. Brown bag lunch.

March 22

Philadelphia Bar Association - Quarterly Meeting, noon, Park Hyatt Philadelphia, Broad and Walnut sts. Cost: \$40 for members; \$45 for nonmembers. Registration form on page 6.

Professional Guidance Committee - meeting, noon, Duane Morris & Heckscher, One Liberty Place, Suite 4200.

March 23

State Civil Committee - meeting, noon, 10th fl. Board Room. Lunch: \$7.

March 27

Medico-Legal Committee - meeting, noon, 10th fl. Board Room. Lunch: \$7.

March 28

Criminal Justice Section - meeting, noon, 11th fl. Conference Center. Lunch: \$7.

Compulsory Arbitration Committee - meeting, noon, 10th fl. Board Room. Lunch: \$7.

March 29

Federal Courts Committee - meeting, noon, 10th fl. Board Room. Lunch: \$7.

Workers' Compensation Section - meeting, noon, 11th fl. Conference Center. Lunch: \$7.

March 30

Domestic Violence Committee, Family Law Section - meeting, 3:30 p.m., 10th fl. Cabinet Room.

Board of Governors - meeting, 4 p.m., 10th fl. Board Room.

April 3

Family Law Section - meeting, 4 p.m., 10th fl. Board Room.

April 4

Appellate Courts Committee - meeting, noon, 10th fl. Board Room. Lunch: \$7.

Municipal Court Committee - meeting, noon, 11th fl. Committee Room. Lunch: \$7.

Labor and Employment Committee - meeting, 12:15 p.m., 11th fl. Conference Center. Lunch: \$7.

April 5

Alternative Dispute Resolution Committee - meeting, noon, 10th fl. Board Room. Lunch: \$7.

Philadelphia Bar Association - Chancellor's Forum, 4 p.m., PBI-PBEC Education Center, 10th floor, Wanamaker Building. Speaker: Jonathan Tisch, president, Loews Corporation. Details on page 7.

LegalLine - meeting, 5 p.m., 11th fl. LRIS offices.

April 6

Legal Rights of Persons With Disabilities Committee, Public Interest Section - meeting, noon, 10th fl. Board Room. Lunch: \$7.

Civil Rights Committee, Public Interest Section - meeting, 12:15 p.m., 11th fl. Committee Room. Brown bag lunch.

Environmental Law Committee - meeting, 12:30 p.m., 11th fl. Conference Center. Lunch: \$7.

Send Bar Association-related calendar items 30 days in advance to Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., Philadelphia, Pa. 19107-2911. Fax: (215) 238-1267. e-mail: reporter@philabar.org.

CIVILITY

continued from page 7

vations about a growing lack of civility in the profession. Ralph Pinkus noted that incivility is not just present in the profession but in society. And Rudolph Garcia opined that many lawyers simply don't know each other well enough to want to be nice. Rochelle M. Fedullo noted that some incivility is "client-driven," and rules of conduct could perhaps prevent some clients from turning some lawyers into pit bulls. Gregory H. Mathews added that there should be a sort of "civility police" where people can go safely to address grievances.

But Audrey C. Talley noted that some "elder statesmen" in the profession have conducted themselves uncivilly for years and in fact have been rewarded in their peer group for

having a "killer instinct ... How do we make civility a core value for lawyers? It's not necessarily rewarded."

While all lawyers may have a different perspective on the problems and solutions, Stuart J. Agins asserted that the Bar's efforts toward enhancing civility are on the right track. Expectations for civility, he said, should be spelled out in a concise manner, publicly, in courtrooms and arbitration rooms, on Web sites and in continuing legal education facilities. But Board Parliamentarian Francis P. Newell asked if a so-called code of conduct is necessary, stating, "It trivializes us as a profession." He suggested instead that lawyers should be self-policing, so that uncivil behavior "gets you a reputation among lawyers and judges."

Following the retreat and as the Federal Courts Committee begins its work toward a code of conduct, Com-

mittee Chair Mary F. Platt says, "The Bar Association can't legislate civility, but we can provide a forum for discussions on how lawyers should treat each other and how judges should treat lawyers. Lack of civility among members of the bar is contributing to a growing dissatisfaction with the profession. We need to do something about it. I am hopeful that our discussions will enable us to adopt a broad set of expectations that lawyers and judges can rely on when dealing with one another."

Meanwhile, YLD Chair Molly Peckman said a lack of civility is an important issue for all segments of the bar, not just young lawyers. She added that young lawyers often are singled out unfairly as examples of the lack of experience or civility in the profession. "Nevertheless, it's important for lawyers to start their practices on the right

foot, and to learn to treat staff members, other lawyers and members of the bench with respect and courtesy."

To that end, the YLD's Law School Outreach Committee, led by Executive Committee members David Felderman and MaryJo Wlazlo, has begun to plan a curriculum on civility that Chancellor Davis has proposed for law school students.

Davis has expressed her hope that local law schools will be receptive to the YLD's efforts.

Davis concludes that she thinks enhancing civility is important for the Bar Association because "I truly believe that [incivility] is one of the root causes of lawyer dissatisfaction. Who wants to be yelled at and beat up on all day? Add that to the other pressures of practicing law and it's too much. I've always found that you can get much better results by being nice."