In Memoriam

Association Commemorates Judge O'Neill, Past Chancellor

The Board of Governors unanimously adopted an in memoriam resolution in honor of Hon. Thomas N. O'Neill Jr., Past Chancellor, on Feb. 15. The Philadelphia Bar Association adopted this resolution to honor Judge O'Neill’s lifelong dedication to the Association and the community-at-large. He passed away on Jan. 16.

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WHEREAS, the Honorable Thomas N. O’Neill Jr. received his Bachelor of Arts degree from the Catholic University of America in 1950 and his Bachelor of Laws degree from the University of Pennsylvania Law School in 1953;

WHEREAS, the Honorable Thomas N. O’Neill Jr. was law clerk to the Honorable Herbert Funk Goodrich of the United States Court of Appeals for the Third Circuit from 1953 to 1954 and law clerk to United States Supreme Court Justice Harold Burton from 1954 to 1955;

WHEREAS, the Honorable Thomas N. O’Neill Jr. was a Fulbright Scholar at the London School of Economics from 1955 to 1956;

It is that time of year when we ask you to renew your membership in the only association that connects all lawyers throughout Greater Philadelphia. Your membership dues are the lifeblood of our Association.

Our Association is committed to speaking out on issues that impact the rule of law and our profession, and fighting for legislation that improves the laws of our City and our Commonwealth.

Other membership benefits include:

• Free and Low-Cost CLE Courses
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Marching Toward Women’s Equality in Our Profession

While March is a month when many of us cherish college basketball and celebrate St. Patrick’s Day and other holidays, March also marks Women’s History Month—a time to reflect on the strides women have made in our legal community and what needs to be done to accelerate the advancement of women in our profession.

In 1883, Caroline “Carrie” Burnham Kilgore became the first woman admitted to practice law in Philadelphia and in 1886, she became the first woman admitted to practice law in Pennsylvania. In 1927, Sadie T. M. Alexander became the first African-American woman to be admitted to the Pennsylvania Bar and remained the only minority female lawyer in Philadelphia for about two decades.

Looking back at the trailblazers in our Association, Deborah R. Willig became the first woman Chancellor of the Philadelphia Bar Association in 1992. Recognizing the important role that leadership positions in the Association play in a member’s career, she appointed women to chair over 50 percent of the Association’s Committees and to serve as other leaders in our Association.


Last year marked another significant milestone—the first time three women served as Chancellor, Chancellor-Elect and Vice Chancellor of the Philadelphia Bar Association. This year, I am proud to announce the eighth woman to serve as Chancellor out of 91 Chancellors.

As I look across our Association and legal community, I am pleased to see so many women lawyers leading their organizations and increasing numbers of women who have become judges and partners in their law firms. We nevertheless need to address the barriers that continue to prevent women from advancing in our profession.

I am particularly dismayed by the fact that the number of women advancing to equity partner has never achieved parity with the number of women entering our profession, and that experienced women lawyers are leaving the profession at higher rates than men.

Despite the fact that women have comprised close to 50% of the Pennsylvania General Assembly last year included 47 women legislators, while women comprise 51 percent of the Commonwealth’s population, Pennsylvania has no women representatives in the US Congress or Senate, and the Pennsylvania General Assembly last year included 47 women legislators, which is only 18.6 percent of total members.

Women have marched in support of equal rights all over the country and world, including here in Philadelphia. Recently, women’s rights discussions have been at the forefront of the media, as the #MeToo and Time’s Up movements have gained momentum.

The strides that women have made in our legal profession are significant, but more progress needs to be made. Like other lawyers, women lawyers want to feel valued and respected in the workplace. To facilitate the retention and advancement of women lawyers, our profession needs to do a better job of achieving equal pay for equal work, eliminating glass ceilings, and combating sexual harassment.

I am proud to lead an Association that has offered, and will continue to offer, the dialogue, programs, and opportunities needed to make all this happen. On April 4, the Association will hold a Chancellor’s Forum/CLE from 12:2-15 p.m. on sexual harassment prevention policies in the legal workplace, anti-harassment training, and how to respond to allegations of sexual harassment. For more information and to register, please visit PhiladelphiaBar.org.

I also encourage you to join and participate in our Women in the Profession and Women’s Rights Committees, and to sign up as a mentor or mentee in our Young Lawyers Division/Senior Lawyers Committee Mentoring Program when new mentors and mentees are recruited in the future. In the meantime, don’t forget to renew your membership in our Association and encourage your colleagues and other friends to join our Association.
Sometimes they wear suit jackets. On Feb. 3 (yes, a Saturday) the Philadelphia Bar Association Young Lawyers Division, in partnership with Community Legal Services of Philadelphia, completed its first expungement clinic of 2018 at the Marian Anderson Rec Center in Philadelphia’s Graduate Hospital neighborhood. More than 40 volunteer attorneys from all around the city donated their time and considerable talent to continuing this important work. The YLD hosted its first expungement clinic in 2016. Also in attendance to lend their support to our efforts were Pennsylvania State Rep. Jordan A. Harris, Philadelphia Councilman Kenyatta Johnson, representatives from Philadelphia Councilman Derek Green’s office, Mike Hollander and Brendan Lynch from Community Legal Services and Chancellor Mary F. Platt. In addition to conducting onsite expungement pre-screening and providing pro bono expungement representation to eligible clients, volunteer attorneys offered information about the process for seeking and obtaining pardons. Attendees were also invited to participate in a reentry and career readiness workshop presented by Jeffrey Abramowitz and Myra Brown of National Workforce Opportunity Network. The scope of services offered at the clinic was designed so that no one who attended, regardless of eligibility for an expungement, would leave empty-handed.

The importance of expungement clinics like this one truly cannot be overstated. Criminal records for the types of offenses for which expungements are available present a huge, sometimes insurmountable, barrier to the ability of far too many to obtain meaningful employment, educational opportunities or even a safe place to live. Today, because of our volunteers, I am happy to report that approximately 60 members of our community are now one step closer to being able to pursue a better life for themselves and their loved ones. When was the last time you could say that about what you accomplished on a Saturday morning?

As young attorneys, it is easy to get preoccupied in pursuit of landing a “dream” job, achieving a signature win or hitting an annual billable-hour target. But we should not forget, “For of those to whom much is given, much is required.” We are privileged to be officers of the court and Philadelphia lawyers. Our education and training renders each of us uniquely qualified to make a difference in the lives of so many by simply extending the scope of our daily practice to include pro bono representation. The YLD expungement clinic is just one of many opportunities facilitated by the Association through which we may realize our duty to the community-at-large as attorneys. I encourage you to make pro bono service a priority this year.

Volunteering at one of our expungement clinics may not get your name in bright lights. But it will get your name in print. Thank you to each of the following volunteers for furthering the Association’s long, proud tradition of pro bono service to our community by participating in February’s YLD expungement clinic: Matthew Olesh, Meghan Claiborne, Nolan Tully, Nicole Feight, Benda, Sarah Schindler, Lindsay Bennett, Alex Braden, Jacqueline Robbins, Erin Boyle, Olivia Gabriel, Lauren Buchanan, Michael Witsch, Alicia Sandoval, Chanel Lattimer, Francesca Iacovangelo, Melissa Mazur, Jordan Strokovsky, Mara Slakas Brown, Kate Vengraitis, Daniel Muklewicz, Anastasia Filipopoulos, Tiffany Allen, Nancy DuBoise, Brad Robbins, Sarah Robinson, Jahlle Hatchett, James Harrison, Madelena Rizzo, Shane Thompson, Arly Smith-Pearson, Benjamin Hartung, Sarah Zinn, Mariana Teran, Stephanie K. Heimann, Nadige Tandoh, Stephen Fox, Natane Eaddy, Katie Perkins, Michaella Tsisian, Jenna Jankowski and Damali Martin. Your example and leadership is truly inspiring.

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

The Young Lawyers Division led an expungement clinic, with the help of Community Legal Services of Philadelphia, and helped 62 pro bono clients take steps to improve their lives at the Marian Anderson Recreation Center in Philadelphia on Feb. 3.

Pictured: (left to right) Chancellor Mary F. Platt, Matthew S. Olesh, assistant treasurer, Board of Governors; Jeffrey Abramowitz, National Workforce Opportunity Network; Philadelphia City Councilman Kenyatta Johnson; Myra Brown, National Workforce Opportunity Network; Nolan Tully, partner, Drinker Biddle & Reath LLP; and Pennsylvania State Rep. Jordan Harris; at the expungement clinic on Feb. 3.
As a philanthropic hub for access to justice, the Philadelphia Bar Foundation is always proud to highlight and encourage individuals who embody the principles that align with our mission. In this spirit, we nominated Immediate-Past Chancellor Deborah R. Gross, of counsel to Kaufman, Coren & Ress, P.C., for the Excellence Award of the National Conference of Bar Foundations. We are proud to report that Debbie received the award in February at the NCBF Annual Meeting held in conjunction with the American Bar Association mid-year meeting on Feb. 3.

Debbie is a true trailblazer in Philadelphia’s public interest legal community. During her tenure as the Association’s 90th Chancellor, she used her platform to advocate for the poor and disenfranchised in our region and urged others to contribute time and money to strengthen the delivery of civil legal aid. She has a deep passion for philanthropy which is demonstrated through her service-focused leadership.

For more than 10 years, Debbie has also been a resilient advocate for the Philadelphia Bar Foundation. As a trustee, she participated in the Grants Committee, the Finance Committee, the Annual Benefit Committee, the Development Committee and many ad hoc task forces. Most notably, she established the Foundation’s Cy Pres Committee, resulting in the Foundation receiving hundreds of thousands of dollars to support its annual grants to legal aid nonprofit partners. She served as president of the Philadelphia Bar Foundation during our 50th anniversary and generously volunteered her time to expand the vision of the organization. Her innovative ideas have allowed the Foundation’s mission to reach beyond the legal community.

The Foundation is currently spearheading a Philadelphia Equal Justice Center in which Debbie has become deeply invested. She provides leadership of, and commitment to, the project, allowing the Foundation to make great strides in its development. The Philadelphia Equal Justice Center is a unique venture that will set a new national standard for inter-agency collaboration, operational efficiency and client-centered delivery of free legal services by co-locating dozens of legal aid organizations in one state-of-the-art, purpose-built facility. Debbie is an advocate for the property development with Philadelphia’s public officials and she will serve as chair of our capital campaign efforts.

In 2017, Debbie was one of the founders of a collaboration called Take Action Philly, uniting the Association, the City of Philadelphia, the legal community, the business community, Philadelphia residents and public interest organizations to protect and assist vulnerable populations in the aftermath of state and federal policy changes. This critical and essential initiative has convened hundreds of attorneys to support immigrants and those who are at risk of having health care coverage reduced or eliminated. Debbie was one of those who worked directly with Philadelphia’s mayor and the Office of Immigrant Affairs to have lawyers trained and available to adjust refugee status and naturalization. More than 200 immigrants and refugees in Philadelphia were assisted by the 300 lawyers involved in Take Action Philly. The program has since addressed Medicaid threats and is currently working on race and policing issues.

The National Conference of Bar Foundations advances the work of all types of bar foundations across the United States by promoting the integral role that bar foundations play in advancing law-related philanthropy to the organized bar, the larger legal community and the philanthropic community. In 2015, they established the NCBF Excellence Award to recognize outstanding contributions to law-related philanthropy by an individual. We thank the NCBF for recognizing others through the years who have made similar commitments in their life and work. And we thank individuals like Debbie for their continued commitment and unyielding support of the public interest legal community.

Thomas A. Brophy (tbrophy@mdwgc.com), shareholder at Marshall Dennehey Warner Coleman & Goggin, P.C., is president of the Philadelphia Bar Foundation.
FBI Profiler James Fitzgerald to Deliver Keynote

Former FBI Profiler, James Fitzgerald, will be the keynote speaker at the Workers’ Compensation Section’s Martha Hampton Awards Luncheon at the Ritz-Carlton, Philadelphia, on Friday, April 20. Last year’s Discovery Channel miniseries “Manhunt: UNABOMBER” was based on the true story of the FBI’s hunt for the Unabomber from the perspective of FBI agent and criminal profiler, Jim “Fitz” Fitzgerald (played by Sam Worthington). The series featured Fitzgerald’s use of forensic linguistics to help the FBI identify and ultimately capture the Unabomber, Ted Kaczynski. Fitzgerald also has been a technical advisor for the CBS-TV series “Criminal Minds” and the A&E network’s “Killer Profile” series. He has authored a three-book series of his memoir titled “A Journey to the Center of the Mind.” His latest book in the series will be released in 2019.

At the luncheon, Fitzgerald will speak about growing up in the Philadelphia area and his journey from the Bensalem Police Department to joining the FBI and becoming an FBI profiler/forensic linguist involved in cases including the Unabomber, Jon Benet Ramsey, the DC Sniper case and the Anthrax investigation. He will be available for a book signing, with one of his books included in the price of admission to the luncheon. The Awards Luncheon will also feature the presentation of the Section’s annual Martha Hampton Award named in honor of attorney Martha J. Hampton, who was known for her compassion to others and dedication to the ideals of workers’ compensation law. The Section also will present the Irvin Stander Award, which recognizes an outstanding graduating law student who has demonstrated scholarship in the areas of administrative or workers’ compensation law.

Doors open for a pre-event reception at 11:30 a.m. at The Ritz-Carlton, Philadelphia, Grand Ballroom, 10 Avenue of the Arts. For more information and to register, visit PhiladelphiaBar.org.

Judge O’Neill
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WHEREAS, upon his return to the United States, the Honorable Thomas N. O’Neill Jr. joined the firm of Montgomery, McCracken, Walker and Rhoads, where he became partner, Chair of the Litigation Department, and member of the Management Committee;

WHEREAS, the Honorable Thomas N. O’Neill Jr. served as Chancellor of the Philadelphia Bar Association in 1976, and focused the Association on the selection of qualified judicial candidates and the expansion of access to legal services for the poor; WHEREAS, in 1983, the Honorable Thomas N. O’Neill Jr. was appointed by President Ronald Reagan to serve as Judge of the United States District Court for the Eastern District of Pennsylvania, where he served admirably for 34 years until his retirement at the age of 89 in 2017;

WHEREAS, throughout his life, the Honorable Thomas N. O’Neill Jr. was a dynamic leader in the legal community, being a founder and board member of the Public Interest Law Center of Philadelphia in 1974, board member of the Philadelphia Bar Foundation, founding chairman of the University of Pennsylvania Law School American Inn of Court and member of the Codes of Conduct Committee of the Judicial Conference of the United States from 1995 to 2001;

WHEREAS, the Honorable Thomas N. O’Neill Jr. was an energetic community leader, serving on the Board of Trustees of the Gladwyne Library Committee, the Board of the Pennsylvania Sons of the American Revolution and the board of overseers of the University of Pennsylvania Museum, singing in the Savoy Company and the Courterparts, and presiding as President of the Edgemere Club; and

WHEREAS, the Honorable Thomas N. O’Neill Jr. will always be remembered as a highly respected and outstanding jurist, and for his brilliance as a lawyer and judge, his story-telling, his respect for litigants and counsel who appeared before him, his humility, and his kind and caring nature and concern for others,

NOW, THEREFORE, BE IT RESOLVED, that the Philadelphia Bar Association adopts this memorial resolution in recognition of the character, contributions and achievements of the Honorable Thomas N. O’Neill Jr., and extends its heartfelt condolences to his wife, Jeanne, children Caroline, Thomas III and Ellen and their families on the passing of a beloved and respected colleague and former Chancellor, devoted family member and faithful friend.

To view the full resolution, visit PhiladelphiaBar.org.
Board Urges Protection of Indigent Defendants

The Board of Governors adopted a resolution on Feb. 15 urging the Pennsylvania Criminal Procedural Rules Committee to protect the rights of indigent defendants who lack the ability to pay legal financial obligations in summary cases by incorporating improvements recommended in the resolution into proposed amendments to the Rules of Criminal Procedure that would provide guidance to magisterial district courts when evaluating a defendant’s ability to pay.

A report from the Interbranch Commission for Gender, Racial, and Ethnic Fairness titled “Ending Debtors’ Prisons in Pennsylvania: Current Issues in Bail and Legal Financial Obligations: A Practical Guide for Reform” documents that thousands of low-income individuals are jailed each year by magisterial district courts across Pennsylvania because those individuals are too poor to pay court fines, costs and/or restitution. Considering the growing national attention on the problem of modern debtors’ prisons, states across the country have reformed their court debt collection practices in criminal cases to protect defendants’ constitutional rights.

There are more than one million open cases before Pennsylvania magisterial district courts dating back to the 1970s in which defendants still owe legal financial obligations. Additionally, Pennsylvania magisterial district courts issue more than 500,000 bench warrants each year because defendants have defaulted on legal financial obligations. Court records show that Pennsylvania magisterial district courts have jailed defendants for not paying legal financial obligations while acknowledging that defendants are homeless or unemployed, or otherwise unable to pay. However, Pennsylvania and U.S. Supreme Court case law is clear that a defendant cannot be incarcerated for nonpayment of legal financial obligations unless the court affirmatively inquires into the defendant’s reasons for nonpayment and finds that the defendant is financially able to pay, is not indigent and is willfully refusing to pay.

The Supreme Court of Pennsylvania’s Criminal Procedural Rules Committee has submitted for public comment a set of proposed changes to the Pennsylvania Rules of Criminal Procedure, along with a report titled “Incarceration of the Indigent for Failure to Pay in Summary Cases,” that attempts to address these unconstitutional debtors’ prison practices by changing the way that magisterial district courts and the Philadelphia Municipal Court (including the Traffic Division) operate.

The Philadelphia Bar Association urges the Justices of the Supreme Court of Pennsylvania to adopt the proposed rules changes as amended consistent with this resolution. The Chancellor and/or the Chancellor’s designee(s) shall communicate the Philadelphia Bar Association’s position on the proposed rules or any revised or similar proposal to the Supreme Court of Pennsylvania, the members of the Pennsylvania Criminal Procedural Rules Committee, the legal profession, the media and the public and to take such other action as necessary to effectuate this resolution.

To view the full resolution, visit PhiladelphiaBar.org.

Board Approves Amendments to Public Interest Section Bylaws

The Board of Governors unanimously adopted a resolution on Feb. 15 approving proposed amendments to the Philadelphia Bar Association Public Interest Section bylaws. The Public Interest Section Executive Committee proposed and the Public Interest Section’s membership approved certain amendments to the bylaws involving the appointment and duties of officers, list of Section committees, attendance at Executive Committee meetings, notice of Section meetings and elections and timing of the Section’s annual meeting.

The Public Interest Section promotes the interests of members who address the legal needs and rights of the poor, minorities, victims of abuse, persons with disabilities, the homeless and other disadvantaged populations. It provides a forum for legal professionals to work together on issues of mutual concern that affect the public interest, to provide continuing legal education to its members and to educate and involve the entire bar in issues affecting the public interest.

It has determined by the Section that amendments to its bylaws are necessary to improve the organization, governance and conduct of its business.

To view the full resolution and bylaw amendments, visit PhiladelphiaBar.org.

Membership continued from page 1

• Business and Professional Development Opportunities

We also remain committed to supporting public interest organizations through our charitable arm, the Philadelphia Bar Foundation, and suggest that you make a contribution when you pay your dues.

We look forward to your continued membership and welcome your ideas and suggestions on how the Association can serve your interests. Note that dues in a few categories have changed for the first time since 2009. Please call Andrea Morris-Tracy, our member services manager, at 215-238-6313 if you have any questions about your membership, or visit PhiladelphiaBar.org for more information.

For details on placing a Lawyer to Lawyer referral ad, contact Lana Ehrlich at 215-557-2392 or lehrlich@alm.com.
JAN. 31, 2018 NATURALIZATION CEREMONY AT TEMPLE UNIVERSITY


FEB. 15, 2018 NATURALIZATION CEREMONY

Left: Matthew S. Olesh, assistant treasurer, Board of Governors (left to right); Hon. Joel H. Slomsky, U.S. Court of Appeals for the Third Circuit; and Rahul Munshi, Console Mattiacci Law LLC; at the naturalization ceremony sponsored by the Philadelphia Bar Association at the U.S. Courthouse on Feb. 15. Right: Sixty-eight people from 28 countries became U.S. citizens at the ceremony.

FAMILY LAW SECTION

The Family Law Section held a meeting with a panel to discuss the impact of new tax law on the practice of family law at Philadelphia Family Court on Feb. 5.

Pictured: Phyllis Horn Epstein, attorney, Epstein, Shapiro & Epstein, P.C. (left to right); David J. Steerman, partner, Klehr Harrison Harvey Branzburg LLP; Donna Pironti, Savran Benson LLP; and Daniel Sulman, master, Philadelphia County Family Court Custody Masters Unit; at the Section meeting on Feb. 5.
Left: Lilton R. Taliaferro Jr., vice president, deputy general counsel and assistant secretary, Independence Blue Cross (center), is presented with the Albert S. Dandridge III Diversity Award by Sarah B. Gelb, 2017 chair, and Eric S. Siegel, chair, Business Law Section at the Section's Annual Reception at the Pyramid Club on Feb. 13. Right: Bernard Lee, member, Cozen O’Connor, is presented with the Dennis H. Replansky Memorial Award by Gelb and Siegel at the Annual Reception.

WOMEN IN THE PROFESSION COMMITTEE

The Women in the Profession Committee hosted Hon. Sheila Woods-Skipper, President Judge, Philadelphia Court of Common Pleas, at its meeting on Jan. 30. President Judge Woods-Skipper discussed her path to leadership and secrets to success.

Pictured: President Judge Woods-Skipper (center) with Kathleen Kirkpatrick (left) and Erin E. Lamb, cochairs, Women in the Profession Committee, at the Committee’s meeting on Jan. 30.

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MARCH CLE COURSES

Professionalism, Courtesy and Mutual Respect: The 'Soft Skills' in a Performance Review
Hosted by the Young Lawyers Division
Lawyers spend a lot of time ensuring that their research is accurate, their written work product is polished and their advocacy skills are first-rate. This course focuses on the skills lawyers frequently forget about or just aren’t sure how to develop. The program will address the importance of developing a professional identity, the value of engaging in genuine interpersonal relationships in the workplace, and the necessity of maintaining a stellar reputation.

VIDEO ENCORE- SORNA Shake Up: Why Everything You Thought You Knew May Be Wrong!
Hosted by the Workers' Compensation Section
This past summer, the Pennsylvania Supreme Court declared SORNA (Sexual Offender Registration and Notification Act) punitive in Commonwealth v. Muniz, but left the question of “what now?” unanswered. Since then, lower and intermediate courts have started to fill in the gaps, but many issues remain unclear. This video encore CLE session will address the Muniz decision, its progeny in the trial and superior courts, and the effect on thousands of registrants.

Yellow Freight After WCAIS and Beyond
Hosted by the Workers’ Compensation Section
In this lunchtime CLE program, panelists address late answers in the wake of online filings with the WCAIS system and new case law developments. The panel will explore issues such as the responsibility of claimant’s counsel to correctly name the employer and insurer, what is meant by “well-pled” allegations and burden of proof issues.

Philadelphia Commerce Court Judge Pro Tempore Training
Hosted by the Business Law Section’s Business Litigation Committee
This 2-hour CLE program, directed to those experienced attorneys who already are serving as judges pro tempore (JPT) in the Commerce Court, as well as future JPT attorneys, will provide an overview of JPT process in commerce court and how it differs from other JPT programs. Panelists will also highlight new procedural developments, new roles for commerce court JPTs and offer best practices in preparing and conducting a settlement conference or mediation.

What the New Tax Law Means for Lawyers and Law Firms
Hosted by the Tax Section and the Solo and Small Firm Management Committee
This lunchen CLE program provides a basic overview of the changes to the Internal Revenue Code enacted in December 2017 and the implications for lawyers and law firms. Panelists will also address a new Pennsylvania withholding requirement on non-employee compensation that will apply to experts and other contractors who are not Pennsylvania residents.

Gifts and Emoluments: Are Public Employees Held to a Higher Standard than The President of the United States?
Hosted by the Government & Public Service Lawyers Committee
In this 1-hour ethics program, panelists from the City of Philadelphia Board of Ethics and the Pennsylvania State Ethics Commission will review the relevant gift restrictions that apply to government employees in Philadelphia. The program will also examine these gift restrictions in relation to the emoluments clauses of the U.S. Constitution.

March 2018 Probate & Trust Law Section Quarterly Tax Cut and Jobs Act Summary and Analysis - Estate Tax and Other Planning
Hosted by the Probate & Trust Law Section
On Dec. 22, 2017, President Trump signed into law the Tax Cuts and Jobs Act making massive changes to business, personal and estate tax rules. At this 2018 March Probate Section Quarterly Meeting CLE, panelists will explain many of the new provisions and explore, with emphasis on estate and transfer tax planning and tax planning for individuals, how planning will change. Attend this important program to receive guidance regarding how to answer the questions that your clients will have pertaining to the changes that this Tax Act will bring to their unique planning situations.

Hosted by the Philadelphia Bar Association and Community Legal Services of Philadelphia
The City of Philadelphia has increased its filing of property tax foreclosures by 1,200 percent in recent years. Many lawyers handle private mortgage foreclosures, but are not familiar with the different rules and procedures involved in defending a property tax foreclosure in Philadelphia. Attendees will learn the basic procedures used in a tax foreclosure case pursuant to the Municipal Claims and Tax Liens Act (MCTLA) and the current Court of Common Pleas procedures that have evolved to handle the increased filings. Panelists will provide an overview of the city’s brand new Tax Foreclosure Prevention Program created to help preserve Philadelphia’s high rate of homeownership while collecting needed revenue for city services. Attendees will walk away with guidance regarding the timeline of tax foreclosure process, city filing procedures and defenses/redemption.

Legal Issues Facing LGBTQIA Youth in Philadelphia
Hosted by the Legal Rights of Children Committee of the Public Interest Section
This panel will explore a number of legal barriers disproportionately faced by LGBTQIA youth, the criminalization of LGBTQIA youth and how that criminalization impacts their lives.

*Additional courses to be added at the end of the month.

TO REGISTER
Visit the CLE page at PhiladelphiaBar.org

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
Protecting Clients Against Cybersecurity Risks

By Chloe Mullen-Wilson

Cyber-attacks on personal information have become a common and lucrative business for criminals targeting unprotected companies. During the Philadelphia Bar Association CLE titled “Cybersecurity: How to Represent Clients in a Post-Equifax World” on Jan. 24, Jordan Fischer and Rebecca Rakoski, founders and managing partners of XSPAN Law Group, shared these attacks and how to avoid them.

Describing data as “the new oil” because of its value in today’s world, Fischer and Rakoski began by listing the prices placed upon personal information on the dark web. With social security numbers selling for $15, credit card numbers for $10 and complete medical records going for $80, Fischer said that prices increase as more information is packaged together. Law firms necessarily bundle an immense amount of client information, making them a “one-stop-shop for criminals.”

Ransomware is the single largest-growing practice on the dark web, where criminals hack a firm’s system and lock the firm out of its own data, requiring payment to regain access. Lawyers pay this ransom or else run the risk of operating without their data for months at a time. Without access, it is impossible for these businesses, especially smaller firms, to continue to operate.

Computer systems that have undetected or unmonitored vulnerabilities oftentimes provide a backdoor for criminal hackers to slip through. Other times, it can be the hacked who end up causing their own demise. Rakoski said to never re-use a USB that has been plugged into another person’s computer, as there is never a way to know for sure that the USB does not contain a virus. “I don’t share diseases,” Rakoski said, “and I don’t share USBs.”

The duo discussed the Equifax hack. Fischer called it the “classic example of how not to respond to a cyber-attack.” Equifax’s data breach that affected the personal data of more than 140 million people involved bundles of personal information, making each individual’s data more valuable. Fischer used the Equifax hack as an example to demonstrate that just because a company is big, it “doesn’t mean they’re good at cybersecurity.”

In a post-Equifax world, state laws are changing with stricter reporting requirements in the event of a data compromise. Security breaches are more expensive for companies today than before because the reporting requirements vary in each state. They can be specific, requiring certain fonts.

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PHILADELPHIA BAR ASSOCIATION CLE - WORKERS' COMPENSATION SECTION

Judges Share Wisdom for Successful Appearances

By Jennifer R. Etkin and Deborah B. Richman

The Philadelphia Bar Association Workers’ Compensation Section co-chairs, Hon. Todd B. Seelig, Workers’ Compensation Office of Adjudication; Alexis Handrich; and Andrea Rock, welcomed back members for 2018 on Jan. 26. The Section kicked off the new year with its first monthly Philadelphia Bar Association CLE lunch-and-learn titled “If I Went Back to Private Practice, How I Would Do Things Differently: A Judge’s Perspective.” Moderated by Judge Seelig, attendees were given tips and suggestions from Workers’ Compensation Judges Sandra R. Craig, Francine Lincicome, Tina Maria Rago and Erin Young, as they discussed ways they would do things differently if they went back to private practice.

The judges focused on brief writing, presenting testimony, conducting deposition, time management and handling exhibits. They told practitioners to know their cases and prepare documents, facts and witnesses prior to the hearing, even if attorneys are covering the hearing for associates. The judges also encouraged communication between opposing parties in advance of the hearing, familiarizing oneself with a judge’s courtroom procedures and attending mediations with appropriate authority to accept, modify or reject settlement proposals. Regarding brief writing, they discussed the importance of editing to avoid long-winded and repetitious arguments, while accurately citing to the record and addressing harmful evidence. Fellow workers’ compensation judges and many practitioners specializing in workers’ compensation from throughout the Philadelphia area attended the lunch-and-learn while earning one substantive CLE credit.

In conjunction with the lunch-and-learn program, Section members enthusiastically supported its annual sock drive to benefit St. John’s Hospice. Organized by Deborah B. Richman and Jennifer A. Etkin, cochairs of the Section’s Charitable Events Committee, Section members donated more than 300 pairs of men’s athletic socks. The socks were delivered to a grateful staff at St. John’s Hospice and prepared for immediate distribution to the men who rely on the shelter for food and social services. Clean and dry socks are a critical component of a wardrobe for the city’s homeless. Aside from keeping the men warm, clean socks can prevent foot infections that can lead to more significant health issues. The Section has created a close working relationship with St. John’s Hospice in recent years, and members volunteer to help serve hot lunches to the men multiple times each year. During the holiday season, the Section also collects monetary donations from members to cater a hot lunch for the men with Tastykake desserts.

PHILADELPHIA BAR ASSOCIATION CLE

Protecting Clients Against Cybersecurity Risks

By Chloe Mullen-Wilson

Cyber-attacks on personal information have become a common and lucrative business for criminals targeting unprotected companies. During the Philadelphia Bar Association CLE titled “Cybersecurity: How to Represent Clients in a Post-Equifax World” on Jan. 24, Jordan Fischer and Rebecca Rakoski, co-founders and managing partners of XSPAN Law Group, shared these attacks and how to avoid them.

Describing data as “the new oil” because of its value in today’s world, Fischer and Rakoski began by listing the prices placed upon personal information on the dark web. With social security numbers selling for $15, credit card numbers for $10 and complete medical records going for $80, Fischer said that prices increase as more information is packaged together. Law firms necessarily bundle an immense amount of client information, making them a “one-stop-shop for criminals.”

Ransomware is the single largest-growing practice on the dark web, where criminals hack a firm’s system and lock the firm out of its own data, requiring payment to regain access. Lawyers pay this ransom or else run the risk of operating without their data for months at a time. Without access, it is impossible for these businesses, especially smaller firms, to continue to operate.

Computer systems that have undetected or unmonitored vulnerabilities oftentimes provide a backdoor for criminal hackers to slip through. Other times, it can be the hacked who end up causing their own demise. Rakoski said to never re-use a USB that has been plugged into another person’s computer, as there is never a way to know for sure that the USB does not contain a virus. “I don’t share diseases,” Rakoski said, “and I don’t share USBs.”

The duo discussed the Equifax hack. Fischer called it the “classic example of how not to respond to a cyber-attack.” Equifax’s data breach that affected the personal data of more than 140 million people involved bundles of personal information, making each individual’s data more valuable. Fischer used the Equifax hack as an example to demonstrate that just because a company is big, it “doesn’t mean they’re good at cybersecurity.”

In a post-Equifax world, state laws are changing with stricter reporting requirements in the event of a data compromise. Security breaches are more expensive for companies today than before because the reporting requirements vary in each state. They can be specific, requiring certain fonts.

continued on page 15
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Questions?
For questions, contact Director of Public and Legal Services Charlie Klitsch at (215) 238-6326 or cklitsch@philabar.org.
 Recent Updates to SORNA Create Vagaries

By Regina M. Parker

In July 2017, the Supreme Court of Pennsylvania in Commonwealth v. Muniz declared the Sexual Offender Registration and Notification Act punitive in nature and deemed portions of the act unconstitutional. This decision has left many unanswered questions. Aaron Marcus told attendees during Philadelphia Bar Association CLE hosted by the Criminal Justice Section “SORNA Shake Up: Why Everything You Thought You Knew May Be Wrong” on Jan. 25. Marcus is an assistant defender with the Defender Association of Philadelphia.

In Muniz, defendant was found guilty of indecent assault in 2007. At that time, he would have been required under Megan’s Law to register as a sex offender for 10 years. However, he failed to appear, and was not apprehended again until 2014, following the Dec. 20, 2012, implementation date for SORNA. It should also be noted that all prior versions of Megan’s Law were repealed in 2012. Therefore, under the SORNA regulations, Muniz became subject to a lifetime registration requirement. He challenged that aspect of his sentence. The court deemed SORNA’s registration provisions as punishment and held that retroactive application of SORNA violated state and federal ex post facto clauses, which prevent an increase in punishment for a crime after the fact.

Marcus said that this decision essentially separates the registrants in Pennsylvania into two separate classes. The outcome is that individuals who committed an offense prior to Dec. 20, 2012, SORNA’s effective date, cannot be registered under the law as it stands. However, he added that Muniz does not completely invalidate SORNA. SORNA remains law in any instance where the crime or offense was committed on or after Dec. 20, 2012.

For new cases, the Muniz decision changes little. The registration process will still apply to prospective registrants. Marcus said that the only change is that the process for determining whether someone meets the criteria for a sexually violent predator, or SVP, is unconstitutional because certain procedural protections must apply. That was the holding in Commonwealth v. Butler. At the moment, anyone who currently has a conviction for SORNA offenses are not getting processed as an SVP.

Marcus told attendees that the consequences of Muniz should impact how we need to think about registration obligations and the law surrounding both prospective and retroactive registrants. He explained that with respect to people who committed their crimes before Dec. 20, 2012, the effect will be significant. Muniz leaves a gap and does not address what will happen to these individuals who were retroactively registered under SORNA. There is no answer to this question. However, Muniz essentially requires the removal of more than 14,000 current registrants whose crimes occurred prior to SORNA, Marcus said. This is because there is no existing legal mechanism that requires these individuals to register.

It is too early to tell what the courts will do with SORNA. Marcus mentioned that he expects to see additional challenges in the future. However, the effect of i is to immediately alter the registration terms of thousands of registrants across Pennsylvania who saw their periods of registration increase dramatically on the date SORNA took effect.

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

Legal Help for Victims of Natural Disasters

By Elisa C. Advani

Pennsylvania has been welcoming a wave of Puerto Rican evacuees following the devastation caused by Hurricane Maria in September 2017, and they need pro bono legal aid. The Philadelphia Bar Association and the Hispanic Bar Association of Pennsylvania hosted a CLE titled “Disaster Response and Relief” on Jan. 30. “This issue is very near and dear to me because my parents’ home in New Jersey was almost destroyed after Hurricane Sandy in 2012,” said Jacqueline Romero, president of the HBAPA. Will Gonzalez, executive director of Celba and the program moderator, has been working tirelessly to ensure that evacuees’ legal needs are met by competent volunteer attorneys.

“Disaster relief has been difficult since Pennsylvania has not been declared a host state,” he said, even though Puerto Ricans have a large presence in the state and Philadelphia has the second largest concentration of Puerto Ricans in the U.S. after New York City. Joseph Sullivan, partner and director of pro bono programs at Pepper Hamilton LLP, discussed the ethical considerations that attorneys need to keep in mind when representing pro bono clients. “You need to define the scope of your representation and have a writing to show your offer of services and the client’s acceptance.” Douglas R. Widin, partner and member of the Insurance Recovery Group at Reed Smith LLP, said that only about half of the structures in Puerto Rico were insured with a standard policy, and only about 1 percent were insured with FEMA flood insurance. When assisting clients with FEMA applications, the attorney must find out what insurance policy was in place and read the entire policy to determine the limits and perils of coverage, as well as any conditions for coverage.

“it is important for your clients to stay in contact with FEMA and provide updated addresses and phone numbers during the application process,” said L. Michelle Breeland, program specialist at FEMA. Updates can be done easily by calling the FEMA hotline at (800)621-3362. She said that squatter laws and tangled title issues in Puerto Rico can make it a challenge for an applicant to prove home-ownership with the deed alone, but continued on page 15
Spreading Liberty and Justice Universally

By Catharine E. Grainge

Many of us grew up pledging allegiance to the flag, supposed to represent ideals of liberty and justice for all, then came to law school because we recognize that it does not. In the city where this nation was founded, a group of law students created a conference titled “Liberty and Justice: Moving From Some to All” that celebrated important work in Philadelphia, offered CLE credits and called budding activists to action at the Thomas R. Kline Institute of Trial Advocacy on Feb. 9.

Nilam Sanghvi, legal director at the Pennsylvania Innocence Project; Professor Colleen Shanahan of Temple University Beasley School of Law; and Hon. Jane Roth, Senior Judge, U.S. Court of Appeals for the Third Circuit; opened the sold-out conference with a session about “Women in the Law.” Judge Roth talked about her career-long journey combating sexism that began with colleagues’ resistance to calling her “esquire.” The panels discussed client expectations, motherhood and allyship.

Widener University Delaware Law School third-year student Randi Guszaly moderated.

On the “Crimmigration” panel, Nina C. Spizer, chief of the trial unit at the Federal Community Defender Office, spoke about cases stemming from citizens calling ICE on their neighbors—rare before President Trump’s election. Rebecca Hufstader, the Independence Fellow at Nationalities Service Center, spoke about deportable offenses. Also, Golnaz Fakhimi of ACLU-PA discussed sanctuary cities and SCOTUS cases. Drexel University Thomas R. Kline School of Law second-year student Catherine E. Grainge moderated the panel.

Philadelphia District Attorney Larry Krasner, keynote speaker for the conference, promised a different district attorney’s office. His remarks focused on the progressive work prosecutors are doing across the country. He commended our commitment to social justice and told the audience, “Go get it.”

On the “Trauma in Our Streets and Systems” panel, John Pace, reentry coordinator at the Youth Sentencing and Reentry Project and former juvenile lifer, spoke about his own trauma. Robert Listenbee, a Drexel University Psychology Stoneleigh Fellow, spoke about how trauma manifests in a child’s brain. When asked why more judges and prosecutors do not apply this well-established science, panelist Katrina Turner, Fine and their former client. Each moderator was on the planning committee leader Liz Schultz


On the “Civil Rights Litigation” panel, David Rudovsky, senior fellow at the University of Pennsylvania School of Law and founding partner of Kairys, Rudovsky,Messing, Feinberg & Lin, LLP, explained his firm’s stop and frisk litigation. S. Lee Merritt, who was ranked No. 8 on The Root 100, above Beyoncé and Colin Kaepernick, discussed immunity and told stories about his cases, including one against President Trump. Professor Teresa Ravenel of Villanova University Charles Widger School of Law explained police indemnification. Villanova Law second-year student Waqar Rehman moderated.


Temple Law first-year student Rachel Leffel moderated a discussion about “Participatory Defense” with attorney Alex Turner, Fine and their former client. Each moderator was on the planning committee, along with Temple Law second-year student TJ Denley and others from local law schools.

The day closed with a quote from activist Angela Davis, “You have to act as if it were possible to radically transform the world. And you have to do it all the time.”

Catherine E. Grainge (ceg84@drexel.edu) is a student at Drexel University Thomas R. Kline School of Law.
Disaster Recovery

“FEMA deals with a variety of ownership issues and these are handled on a case-by-case basis.” She added that the deed is not the only thing FEMA considers, and there are several ways to prove that an individual oversees the care and control of a property, and therefore may be entitled to assistance.

A client in need of FEMA assistance might be dealing with a variety of legal issues that the pro bono attorney cannot address. Sullivan said it is important to listen to the client, establish a level of comfort, and answer questions. When appropriate, the attorney should refer the client to organizations such as Community Legal Services of Philadelphia or Philadelphia Legal Assistance to handle matters outside of the scope of the pro bono matter.

“Some evacuees might be able to obtain supplemental security income benefits, which are available in Pennsylvania but not in Puerto Rico,” said Jennifer Burdick, SSI Unit Head for CLS. An SSI applicant does not need to prove residency or any length of time spent living in Pennsylvania; an in-state address for correspondence will suffice.

Normally to qualify for pro bono legal aid, a person must show that they are low-income. However, “The devastation of Hurricane Maria, unfortunately, has had an equalizing effect so we have waived the income cap,” said Elizabeth Yang, deputy director and head of the ABA Standing Committee on Disaster Response and Preparedness.

Equifax

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sizes in some places. Government agencies are getting more involved with cyber-attacks, with the SEC announcing a new cyber unit and the FTC’s cybersecurity unit ramping up its investigations into how companies hold their data. Though a bill was introduced to implement federal reporting requirements to streamline the patchwork of the current system, Fischer
Hiring Hints

Where are the great candidates hiding?

Do you have great jobs to offer but still have a hard time attracting candidates?

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Post today or visit the Career Center to create a customized recruiting solution with an array of various products to help find those great candidates you need to succeed.

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Planning Opportunities After Tax Reform

By Mary E. Ashenbrenner

On Dec. 22, 2017, President Trump signed sweeping tax reform into law. Now that the new legislation is in place, it is time to consider the impact it may have on family wealth management decisions. For this month’s interview, I sat down with David Foster, ChFC®, CAP® and FLMI, senior resident, PNC Center for Financial InsightSM, to explore the opportunities and challenges of the recently adopted tax law.

Mary Ashenbrenner (MA): What is the first thing families may want to look at?

David Foster (DF): As a first step, we believe it is important to review your existing planning documents, such as estate planning documents, pre- and postnuptial agreements, and business buy-sell agreements. Many estate planning documents contain formulas that refer to the estate tax exemption amount, which has been roughly doubled. The formulas should be reviewed to determine if they continue to support your estate planning goals. For example, certain plans involving credit-shelter trusts may now unintentionally disinherit a spouse.

MA: What are the specific issues affecting business owners?

DF: Business owners may want to review their existing business succession plans. Buy-sell agreements may contain valuation formulas that are based on previous tax laws. The structure of the agreements may be based on tax-related rules that have been suspended or repealed, such as the corporate alternative minimum tax. Finally, funding levels based on the obligations contained in your buy-sell agreement may need to be reviewed to better align with changing valuations.

MA: How does the tax law change affect the treatment of alimony payments?

DF: Prenuptial and postnuptial agreements may need to be reviewed to take into consideration the shift in the tax laws related to alimony payments. For any divorce or separation instrument executed after Dec. 31, 2018, alimony and separate maintenance payments are no longer deductible by the payor spouse, nor are they included as income to the payee.

MA: What are some of the ways families can use this year’s tax reform to their benefit?

DF: Below are a few planning opportunities that clients may want to discuss with their advisors:

• Take advantage of the increased gift tax exemption. There is a window of opportunity to make gifts to family members based on the additional $5 million exemption, or $10 million for married couples. This change may allow you to gift shares of a family business, forgive a loan to a family member that would be deemed a gift, or to fund a dynasty trust to benefit future generations.1

• Examine the decision whether or not to defer compensation. Given the new lower tax rates and the potential for higher tax rates in the future, revisit how much income you may be deferring through an employer’s nonqualified deferred compensation plan.

• Shift income to a pass-through entity. While the new tax laws in this area are complex, it may be possible to shift income currently received as an employee to qualified pass-through business income and take advantage of favorable tax deductions.2

• Take advantage of the step-up in basis rules. The tax rules that call for basis to be adjusted to the fair market value of an asset upon death remain intact and may help to avoid substantial capital gains taxes. Consider gifting opportunities that involve gifts of low-basis assets to parents, with an increased basis when the assets are bequeathed back to the initial owner.

• Address the potential impact of larger inheritances. With an additional $10 million passing to heirs free of estate tax, parents may want to consider the impact this additional wealth may have on their children and the estate planning strategies for addressing these issues.

• Convert a traditional individual retirement account to a Roth IRA. The conversion will trigger an income tax, but any future growth will be tax-free. Qualified distributions from a Roth IRA are tax-free to the owner and/or beneficiary and the lifetime required minimum distribution rules do not apply to Roth IRAs.

• Look at 529 plans. These plans may now be used to pay for public, private, or religious elementary or secondary school tuition and expenses. Parents and grandparents may want to consider making gifts to these plans as tax-favorable means of funding a child’s education.

MA: Is there more to come with tax reform?

DF: The recently adopted tax reform legislation is a lot to digest and various elements of it will need to be further defined by the Treasury and IRS in the coming months. While there are provisions in the new legislation that may present substantial opportunities, they may create unwanted tax burdens. It could be helpful to consult with professional advisors to fully evaluate how the new provisions may affect your financial decisions.

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

The PNC Center for Financial Insight is PNC’s dedicated center of thought leadership that serves as a knowledge resource for clients in conjunction with their PNC advisors. Its purpose is to deliver relevant, actionable strategies that support clients’ wealth management objectives.

1Changes to the federal estate and gift tax exclusion amount are set to expire in 2026. Prior to making a gift, you should consult your professional tax advisor. Under the new law, the Treasury is called upon to prescribe regulations as may be necessary or appropriate to clarify the implications as a result of differences between the basic exclusion amount in effect at the time of the decedent’s death and at the time of any gifts made by the decedent.

2Careful consideration of existing requirements regarding reasonable compensation should be involved in the decision-making process. In addition, practical concerns, such as an employer prohibiting their employees from changing their employment status, may limit the ability to change the nature of income.

This article is for general information purposes only and is not intended to provide legal, tax, accounting or financial advice. Individuals should consult their tax advisor to understand how the recently enacted tax reform may affect them. The material is presented in this article in a general nature and does not constitute the provision by PNC of investment, legal, tax, or accounting advice to any person, or a recommendation to buy or sell any security or adopt any investment strategy. Opinions expressed herein are subject to change without notice. The information was obtained from sources deemed reliable. Such information is not guaranteed as to its accuracy. You should seek the advice of an investment professional to tailor a financial plan to your particular needs. For more information, please contact PNC at 1-888-762-6226.

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Cajun Cuisine Stakes Claim in Bella Vista

By James Zwolak

★★★★★

The site just north of 8th and Christian streets has long been considered one of the most “cursed” restaurant locations in my neighborhood. Dating back to my wedding rehearsal dinner 20 years ago that city. Acadia abounds with native authenticity, New Orleans cuisine to Philadelphia’s Bella Vista. You can tell he has spent serious time that city. Acadia has a full cocktail menu, including its version of the “Bourbon Street ruffy” classic Hurricane, in the words of my former resident brother-in-law, “Rum and Kool-Aid.” My draught “Mother Shucker Oyster Stout,” from NOLA’s Jazzfest; shrimp in a lightly spiced cream sauce sits atop a bed of angel hair pasta. It was a very tasty, well-prepared simple dish. I regretted not getting to try Acadia’s Beef on Weck — an homage to Nevin’s Western New York roots. We also did not get to try the interesting desserts like the Louisiana bread pudding (they even had some King Cake from Mardi Gras still on special). My one issue, not shared by my companions, was the intensity of the spice and flavor levels. Acadia’s gumbo did not match the richness of deep NOLA spice as a post-review version I just tried at the Reading Terminal’s excellent Beck’s Cajun Café. Acadia will be introducing native crawfish dishes (and boils) during the spring. Nevin also intends to sell beignets and Café Du Monde coffee out of Acadia’s foyer on weekday mornings, a brilliant idea that should make a killing and should be extended to Saturdays. Finally, Acadia should ditch its uninspiring Facebook link, get on Twitter and Instagram, and start marketing hard. I really hope they succeed here.

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

LEGAL ADVISORY UPDATE FROM USI AFFINITY

LPL Coverage Review: Getting Organized in 2018

Unfortunately, in our litigious society, even the best lawyers and the most well managed law firms have had allegations of malpractice leveled against them. This makes the quality of a firm’s lawyers professional liability (LPL) insurance critically important.

Keys to Great Coverage

All LPL insurance policies are not created equal, and the New Year is the logical time for a law firm to review its coverage. The following checklist can help you determine whether it’s time for you to make some changes:

• Endorsements. While the main body of an LPL policy has been approved by the applicable state department of insurance and cannot be modified, it can still be amended through endorsements. State departments of insurance know that one policy form does not fit every situation, so they allow insurers to use endorsements to create coverage that meets the needs of individual law firms.
• Deductibles. Almost all LPL policies include a policy deductible, which is incurred first in any claims scenario and has an immediate impact on a firm’s bottom line in the event of a claim. Most LPL policies are written with a per claim deductible, and since claims are relatively rare, per claim deductibles are typically satisfactory. But alternatives, such as aggregate and loss only deductibles, give viable alternatives to lessen the negative effects of a deductible on the firm.

Coverage Enhancements. Some relatively new coverage enhancements added to LPL policies can translate into big savings, including loss of earnings coverage to reimburse an attorney for lost wages while he attends a deposition or trial, disciplinary proceedings coverage that will pay the cost of defending an attorney in a disciplinary proceeding; and pro bono coverage that will eliminate the application of a deductible to any legal services provided by the firm to pro bono clients.

In today’s world, if something is good, it is often considered acceptable. But in the world of LPL insurance, continual improvement and growth should be the ultimate goal.

For more information about defending malpractice allegations, contact Rich Balasa, senior professional liability consultant at USI Affinity, today at (800) 265-2876 x 11444.

For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinities.com/Philadelphia. For lawyers’ professional liability and other business coverage, you can continue to visit the regular Philadelphia Bar Association Insurance Program website at www.mybarinsurance.com/Philadelphia. If you’d like to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 1-855-674-0267. For over 75 years, the divisions of USI Affinity have developed, marketed and administered insurance and financial programs that offer affinity clients and their members unique advantages in coverage, price and service. As the endorsed broker of the Philadelphia Bar Association and more than 30 other state and local bar associations and with more than 50,000 attorneys insured, USI Affinity has the experience and knowledge how to navigate the marketplaces and design the most comprehensive and innovative insurance and benefits packages to fit a firm’s individual needs.

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Kimberly Rice, president/chief strategist of KLA Marketing Associates, recently presented an educational program titled “Nine Steps to Mastering the Client Relationship for Greater Prosperity” sponsored by the Middlesex County Bar Association.


Joseph L. Messa Jr., founding partner of Messa & Associates, P.C., has been chosen to serve as a State Executive Committee Member for the National Trial Lawyers for 2018.

Priscilla J. (“Sally”) Mattison, of counsel to Bernard M. Resnick, Esq., P.C., spoke on a Master Class panel titled “Legal: Tech: Disruption and Evolution in the Television Industry” at the NATPE Miami Market & Conference in Miami Beach on Jan. 16.

Elisa C. Advani, associate at Martin Law LLC and associate editor of the Philadelphia Bar Reporter, was appointed to serve as a one-year term as secretary for the Hispanic Bar Association of Pennsylvania in December 2017.

Melissa M. Boyd, partner at High Swartz LLP, has been re-appointed to the board of the directors for the Montgomery Child Advocacy Project for a three-year term.

Brenda H. Gotanda, partner at Manko, Gold, Katcher & Fox LLP, was featured on ThinkTech’s Making Leadership Work series on a program titled “Cross-Country Law Practice is the Way of the Future” on Jan. 29.

Tiffany L. Palmer, partner at Jerner & Palmer, P.C., was named the 2018 honoree for the Mazzoni Center’s Justice in Action Luncheon at the Loews Philadelphia Hotel in Philadelphia on March 2.

Michael Malvey, partner at Galfand Berger LLP, was recently appointed chairperson of the board of directors of Esperanza Immigration Legal Services.

Daniel J. Siegel, principal at the Law Offices of Daniel J. Siegel, LLC, has published “The Ultimate Guide to Adobe® Acrobat® DC.”

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