By Brittany Anne Robertson

In mid-March, the Philadelphia Bar Association, like many organizations affected by the COVID-19 pandemic, converted to remote operations. Today, the City of Philadelphia is beginning to reopen, but regulations continue to restrict large gatherings of people.

When time came to plan this year’s Summer Quarterly Meeting, the Association pivoted from the usual to an all-virtual event on Aug. 7—which was free for all Association members. The program featured the recipient of the Justice Sonia Sotomayor Diversity Award, the delivery of the Judge A. Leon Higginbotham Jr. Memorial Public Interest Lecture, the acknowledgement of the Association’s 50- and 60-year club members, and the announcement of the 2020 recipients of the Eve Biskind Klothen Law Student Pro Bono Distinction Award.

Chancellor Hon. A. Michael Snyder’s (ret.) opened the program with a summary of the Association’s efforts to provide education, resources, and assistance to its members and to the public, including: 15 resolutions passed by the Board of Governors on issues such as police brutality, racial justice, and the eviction crisis; a continuously updated COVID Response resource page on the Association’s website providing real-time information from the city and the courts; the establishment of a Reopening Task Force aimed at providing guidelines for reopening offices; over 200 non-CLE-related virtual events, such as virtual town halls led by Sections and Committees, garnering the continued on page 7

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Dear Members of the Bar,

This global pandemic has showcased how the Philadelphia Bar Association plays a critical role in supporting its members as a world class professional organization.

Since March, Association members have needed the free flow of vital and dynamic information and the ability to come together virtually to easily communicate about how the pandemic is impacting their clients' access to justice, their own legal practices and their everyday lives. The Association is answering the call and has experienced an unprecedented increase in member engagement. Some sections of our Association have seen a ten-fold increase in participation. A thriving, engaged membership is crucial for the long-term health of our Association. We must sustain this heightened level of interaction by understanding which Bar resources are being most frequently utilized and ensuring that less engaged and non-members are aware of these crucial resources. We do not need to improve the plentiful and valuable benefits of membership, we need to make these membership benefits known.

We must not take membership for granted. Over the last decade, professional organizations across the country have seen sharp declines in membership. Our Association has not been immune to some decline, but its decline has been far less than the national average. This is because we have a dedicated and talented staff with strong leadership from the top down and because our Chancellors recognized and reacted to the changing landscape affecting professional organizations. It is also because our Young Lawyers Division has always and continued to attract members through its fervent activity within our Association and the community at large.

We must study membership trends. Three years ago, Chancellor Platt created a budget task force to tackle annual deficit spending and to find sound financial ground. Chancellors Fedullo and Snyder continued that necessary work. The success of that task force instructs us to create a membership task force. With your support, as Vice Chancellor, I will volunteer my time to Chancellor Payne for that task force and explore ways to increase membership. Ideas to consider are:

- Researching and collaborating with other successful professional organizations;
- Studying how to enhance the interplay between our strong and healthy affinity groups and our entire Association;
- Creating and initiating an incentive-laden membership drive that rewards members who bring in new members; and
- Revamping classifications of membership to reflect our modern-day practice of law.

We must purposefully grow a diverse membership. For us to thrive in the coming years, we must drive a heterogeneous, engaged and growing membership. We must do our part to help grow the number of members in our ranks. During my term on the Board of Governors, my law firm has been at 100 percent attorney membership in this Association. I encourage all firms to walk with my firm and other firms that maintain a 100 percent commitment to our historic Association.

Respectfully,

Michael T. van der Veen
van der Veen, O’Neill, Hartshorn and Levin urges all Association members to recruit new members and tell non-member lawyers and law students about our top ten benefits of membership:

- Real-time information about rules, regulations and legislation that impact our profession
- Organized and coordinated networking opportunities
- A career center used by the top law firms in Philadelphia to find talent
- Unparalleled guidance on ethics
- A state of the art attorney referral and information service
- First class Continuing Legal Education programming and conferences and forums
- Award-winning print and digital publications and programs
- Insurance brokerage services
- Retirement planning services
- Retail discounts

INVITE THEM TO JOIN!!!
It is a longstanding tradition in the diamond industry that transactions between dealers, no matter the size of the transaction, are finalized with a handshake and the simple recitation of the phrase “with blessings and luck.” Detailed written contracts are not employed, and litigation seldom arises. The strength of the transaction rests on the word and honor of the individuals. What is more, when the rare dispute emerges, it is the members of the community of dealers who often decide the dispute. If things are not made right between the parties, the offending dealer may be shut out of the community; no one will engage in another transaction with the offender. In short, for this small group of individuals, the maxim becomes hollow: words with no meaning that can be abrogated at will.

I brought this anecdote up at this time because it appears that there are people in elected national leadership who appear to believe that they should not be so bound. They believe that laws, statutes, and traditions have no relevance to them, except when they want to use these constructs to sling as poisoned darts at their opponents. People who oppose them are deemed “nasty,” laws that are validly passed are ignored, and judges who determine that their actions are wrong or unlawful are challenged by calling them “so-called judges.” Even the funding, functioning, and basic existence of legally created governmental structures, such as the U.S. Postal Service, are threatened if they do not support a personal agenda.

We are being told that the votes that we hope to be able to cast safely, by a mail-in ballot, are under attack. We are actually being told that legislation that will provide necessary funding to allow the U.S. Postal Service to function is going to be stymied, or vetoed, so as to keep the Postal Service from being able to deliver mail-in ballots to voters, and to keep the Postal Service from delivering the votes of Americans to county election offices so that they may be counted. This threat, by the way, is truly voter suppression at its most elemental level.

We have always been taught the maxim of “One American, one vote!” If we cannot receive mail-in ballots, if our ballots cannot be counted, if we have to risk our own safety to appear in person at a crowded polling place merely because the U.S. Postal Service’s operating funds and machinery are being withheld, then the maxim becomes hollow: words with no meaning that can be abrogated at will.

Actions which threaten the continued reliability and even existence of the U.S. Postal Service are of specific concern to the practice of law. The ability to be assured that legal documents will be sent and delivered with reliability is fundamental to the practice of law. Indeed, state and federal laws mandate the use of the mail for the delivery of many aspects of process.

Our democracy exists because we have fought for it to exist. We have elected leaders in the belief that they will act to strengthen the core concepts of our democracy, not destroy them. As lawyers and judges, we have an obligation to fight those who would destroy our democracy with the tools of our profession: Communication, Information, Advocacy, and Litigation.
Ask anyone who knows me, I love fall. It’s not the PSLs or cozy sweaters that get me excited, but rather the feeling of a new beginning. For me, new school supplies embody this feeling, and I am a total sucker for it. Every September, I treat myself to new pens and notebooks. This year will be no different, but what will be different is what back-to-school looks like for many in our community. From kindergartners to rising 3Ls, every student’s back-to-school experience has been, and will continue to be, affected by Coronavirus in some way.

Law school students find themselves in a particular bind. Having spent the spring semester of 2020 adapting to virtual learning, they are still without the internships, externships, clerkships, and other experiential learning opportunities that are so valuable to their legal educations. In addition, they also face tremendous uncertainty about their futures. Recent graduates may have it the hardest of all right now. Those sitting for the Pennsylvania bar exam have not only spent the time and money to prepare for the exam, but they also continue to watch other states fail dismally at administering virtual exams.

Last month, a group of law school students, with the assistance of pro bono representation, filed a King’s Bench Petition, telling Pennsylvania’s Supreme Court that the ongoing delays and uncertainty surrounding the administration of the bar exam in the midst of a global pandemic represents an unconstitutional burden that warrants emergency admission to the practice of law. Due to the unreliability of the exam administration, they seek an emergency diploma privilege, effectively waiving the bar exam requirement and offering emergency licensure to qualifying candidates.

To these students, I say bravo! Kudos to you all for taking the initiative and putting your legal skills to action. Regardless of the outcome, the lawsuit itself is an extraordinary learning opportunity for these students.

To the rest of us, I ask: what are you going to do? In May, the YLD hosted a town hall addressing the concerns of law school students. The conversation was insightful and generated thoughtful suggestions for how practitioners can help. Here are three things you can do:

1. Provide an experiential learning opportunity. This can look like a traditional internship, a discrete writing project, or an opportunity for a student/graduate to shadow you virtually for the day.
2. Reach out to students/graduates in your network and offer to introduce them to another lawyer or judge.
3. Work with the area law schools to provide office space to graduates sitting for the exam, so that they have access to reliable internet and a quiet place to take the exam.

I hope that the Student’s Petition wakes up the Pennsylvania Supreme Court to fairness. Based on the Court’s prior responses, I am not optimistic that any form of diploma privilege will be granted. In addition to confronting the difficulties of administering a virtual exam, this year’s bar raises lofty questions such as: Is the bar exam the best way to measure competency? Does the bar exam create unnecessary and unfair barriers to the practice of law? Are there ways to fundamentally change how lawyers are trained, licensed, and regulated?

These questions are certainly worthy of our consideration, but first, we must support our law school students and recent graduates in overcoming the immediate challenges posed by Coronavirus.

Hillary N. Ladov (hladov@goldbergsegalla.com), an associate in Goldberg Segalla’s Global Insurance Services practice, is chair of the Young Lawyers Division.
The late civil rights champion and Georgia Congressman John Lewis said, “The right to vote is precious, almost sacred. It is the most powerful nonviolent tool or instrument in a democratic society. We must use it.” The upcoming election should be an opportunity for each of us to use this powerful tool. As lawyers, it is our obligation to ensure that every citizen has that opportunity, even during these uncertain and unprecedented times.

In this year’s primary election, 1.5 million Pennsylvanians voted by mail, and it is anticipated that many people will choose to vote by mail in November as well. Some elected officials have linked voter fraud to mail-in voting. The nonpartisan law and policy institute, Brennan Center for Justice, and many other researchers report that ballot fraud by mail is extremely rare. Conversely, of great concern are voter suppression activities that threaten to disenfranchise voters. According to the ACLU, voter suppression measures range from the seemingly innocuous (voter ID laws and cuts to early voting) to mass purges of voter rolls and systemic exclusion. These activities disproportionately impact already marginalized communities.

It is critical to the health of our democracy that voting is accessible to all Pennsylvanians this November. Organizations across the Commonwealth, including the Bar Foundation’s nonprofit partners, are fighting for voter rights. To highlight just a few of those efforts:

• As a result of a lawsuit filed by Disability Rights Pennsylvania and co-counsel, Brown Goldstein & Levy; the Pennsylvania Department of State must provide a process for visually impaired voters to complete an absentee or mail-in ballot online. These voters will be able to print the ballot at home and deliver it to their county elections office for the upcoming general election.

• The Philadelphia Inquirer published an opinion piece authored by Renee Chenzault Fattah and Karen Buck of SeniorLAW Center titled, “7 reforms that would make it easier for everyone to vote in Pennsylvania.” The article outlines recommendations with a particular focus on older people and people of color who are at a heightened risk of suffering severe health consequences from COVID-19.

• The American Civil Liberties Union of Pennsylvania, the Public Interest Law Center, the ACLU Voting Rights Project, Lawyers Committee for Civil Rights Under Law, and the law firm WilmerHale, seek to intervene in a voting-related suit against the Commonwealth and all 67 counties. The lawsuit challenges election administration practices, including the use of drop boxes for Pennsylvanians who vote by mail.

• The ACLU-PA, the Lawyers’ Committee for Civil Rights Under Law, the ACLU’s Voting Rights Project, and Simpson Thacher & Bartlett LLP, filed a motion to intervene in a federal lawsuit that would force three Pennsylvania counties to remove thousands of eligible voters from the voting rolls.

• Dechert LLP, one of the Bar Foundation’s 2020 Pro Bono Award recipients, filed a lawsuit that challenges a number of Pennsylvania election practices deemed unsafe and unequal in the pandemic, including impractical mail-in ballot procedures and inaccessible polling locations.

I strongly encourage you to check your own voter registration status at www.votespa.com and to share information about the importance of voting with family, friends, and colleagues. Pennsylvania’s Constitution guarantees free and fair elections. Each one of us can help ensure equal protection for voters in 2020.

Quoting Representative Lewis again, “Freedom is not a state; it is an act. It is not some enchanted garden perched high on a distant plateau where we can finally sit down and rest. Freedom is the continuous action we all must take, and each generation must do its part to create an even more fair, more just society.” Voting is just one part of that action, and it is integral to safeguarding justice for all.

Leslie E. John (john@ballardspahr.com), partner at Ballard Spahr LLP, is president of the Philadelphia Bar Foundation.
Executive Director of the ACLU-pA

Reggie Shuford was the recipient of the Justice Sonia Sotomayor Diversity Award. He was introduced by Past-Chancellor Al Dandridge III, who is also the current chair of the Diversity Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shuford delivered a powerful speech that was likened by some as being “taken of the Massachusetts Award Committee. Shufor..
Professional Guidance Committee
Tue., Sept. 1 at 12 p.m.
Private Meeting

Custody Committee
Tue., Sept. 1 at 12:30 p.m.
Please join us to discuss the current Philadelphia Family Court custody procedures, as well as best practice for helping our clients navigate these proceedings and the custody issues which they are experiencing during these changing times.

Diversity in the Profession Committee
Tue., Sept. 1 at 5:30 p.m.
Private Meeting

Criminal Justice Executive Committee
Wed., Sept. 2 at 12:30 p.m.
Private Meeting

SECURE Act - Sip & Speak
Wed., Sept. 2 at 4:30 p.m.
Join Paul J. Brahim, CFP®, AIFA®, Managing Director & Financial Advisor in the Pittsburgh office of Wealth Enhancement Group, will cover an overview of the SECURE Act—and its potential impacts on law firm owners and individuals. He will also share updates specific to family law and trust & estate planning law attorneys—and their clients.

Delivery of Legal Services Committee
Wed., Sept. 9 at 8:30 a.m.
Private Meeting

Law School Outreach Committee
Wed., Sept. 9 at 10 a.m.
Private Meeting

State Civil Executive Committee
Wed., Sept. 9 at 11 a.m.
Private Meeting

State Civil Litigation Town Hall
Wed., Sept. 9 at 12 p.m.
Two-week check-in regarding the new protocols and anything related to the judicial emergency. This remains an evolving situation and we value all contributions to the discussion.

CLE VIDEO ENCORE: PART III:
Interacting with the Federal Courts During the COVID-19 Crisis: Updated Information with a Focus on Criminal Practice and Procedure
Wed., Sept. 9 - 12:30 - 1:30 p.m.
1 SUB credit - VIDEO ENCORE WEBCAST

CLE: BRIDGE THE GAP
Thu., Sept. 10 - 9:00 a.m. - 1:30 p.m.
4 ETH credits - SPEAKER LIVE via WEBCAST

Legislative Liaison Committee
Thurs., Sept. 10 at 12 p.m.
Join us as we hear from Anthony Crisci, Crisci Associates

Young Lawyers Division Happy Hour
Thurs., Sept. 10 - 5:30 p.m.
80’s Bingo Singo - Bring your knowledge and love of 80’s music to our competitive virtual Bingo!

Committee Chairs
Fri., Sept. 11 at 8:30 a.m.
Private Meeting

Social Security Committee
Fri., Sept. 11 at 12 p.m.
Vocational issues in Social Security Cases

The Philadelphia Lawyer Editorial Board
Fri., Sept. 11 at 12:30 p.m.
Private Meeting

Let’s Do Lunch – Chat & Chew
Fri., Sept. 11 at 12:30 p.m.
The Wellness Committee, in coordination with Chancellor Snyder, is happy to invite you to a weekly lunch-time “Chat and Chew” forum to enjoy your favorite homemade or take-out cuisine while we all discuss (or listen to) topics of interest, whether legal or non-legal.

Solo and Small Firm Committee
Fri., Sept. 11 at 2:30 p.m.
Please join us to connect and discuss maintaining best practices during these challenging times. We will also be sharing experiences with loan programs and unemployment along with discussing our upcoming CLE program.

Section Chairs
Mon., Sept. 14 at 8:30 a.m.
Private Meeting

Family Law Section
Mon., Sept. 14 at 12 p.m.

CLE VIDEO ENCORE: Coronavirus and Your Mental Health: A Lawyer’s Guide to Coping with Isolation, Anxiety and Fear in Uncertain Times
Tue., Sept. 15 - 10:00 - 11:00 a.m.
1 SUB credit - VIDEO ENCORE WEBCAST

Cabinet
Tue., Sept. 15 at 12 p.m.
Private Meeting

Law Firm Pro Bono Committee
Tue., Sept. 15 at 12 p.m.
Private Meeting

Business Law Executive Committee
Tue., Sept. 15 at 12 p.m.
Private Meeting

Register at philadelphiabar.org
Employee Benefits Committee  
Tue., Sept. 15 at 12:30 p.m.  
The committee will discuss qualified plans, health and welfare plans, executive compensation plans, ERISA litigation, and other employee benefit matters.

DLSC Intake Sub-Committee  
Tue., Sept. 15 at 3 p.m.  
Private Meeting

YLD Cabinet  
Wed., Sept. 16 at 9 a.m.  
Private Meeting

Large Firm Associates’ Committee  
Wed., Sept. 16 at 9 a.m.  
Private Meeting

Philadelphia Bar Foundation Board  
Wed., Sept. 16 at 12 p.m.  
Private Meeting

CLE VIDEO ENCORE: Applying Fair Housing Law to Rental Evictions in Philadelphia  
Wed., Sept. 16 - 12:30 - 2:00 p.m.  
1.5 SUB credits - VIDEO ENCORE WEBCAST

Family Law Executive Committee  
Thurs., Sept. 17 at 12 p.m.  
Private Meeting

CLE VIDEO ENCORE: Ethical Issues for Attorneys Serving on a Nonprofit Board  
Thur., Sept. 17 - 12:00 - 2:00 p.m.  
2 ETH credits - VIDEO ENCORE WEBCAST

Diversity Advisory Panel  
Fri., Sept. 18 at 8:30 a.m.  
Private Meeting

Workers’ Compensation Executive Committee  
Fri., Sept. 18 at 10:30 a.m.  
Private Meeting

Let’s Do Lunch – Chat & Chew  
Fri., Sept. 18 at 12:30 p.m.  
The Wellness Committee, in coordination with Chancellor Snyder, is happy to invite you to a weekly lunch-time “Chat and Chew” forum to enjoy your favorite homemade or take-out cuisine while we all discuss (or listen to) topics of interest, whether legal or non-legal.

CLE: 2020 Workers’ Compensation Pennsylvania Case Law Update  
Fri., Sept. 18 - 12:30 - 1:30 p.m.  
1 SUB credit - SPEAKERS LIVE via WEBCAST

YLD Executive Committee  
Mon., Sept. 21 at 12 p.m.  
Private Meeting

Public Interest Executive Committee  
Mon., Sept. 21 at 12 p.m.  
This meeting is open to any section members that would like to attend, you do not need to be a member of the Executive Committee to participate.

Real Property Executive Committee  
Tue., Sept. 22 at 12 p.m.  
This meeting is open to any section members that would like to attend, you do not need to be a member of the Executive Committee to participate.

Diversity Committee of the Probate and Trust Law Section  
Tue., Sept. 22 at 12 p.m.

Board Observer Program  
Tue., Sept. 22 at 12 p.m.  
Private Meeting

Diversity in the Profession Committee  
Tue., Sept. 22 at 5:30 p.m.  
Private Meeting

State Civil Executive Committee  
Wed., Sept. 23 at 12 p.m.  
Private Meeting

State Civil Litigation Town Hall  
Wed., Sept. 23 at 12 p.m.  
Two-week check-in regarding the new protocols and anything related to the judicial emergency. This remains an evolving situation and we value all contributions to the discussion.

CLE: Building and Running Your Law Practice in Unprecedented Times  
Wed., Sept. 23 - 12:00 - 2:15 p.m.  
1.5 SUB/0.5 ETH credits - SPEAKERS LIVE via WEBCAST

LRIS Committee  
Thurs., Sept. 24 at 8:30 a.m.  
Private Meeting

Zoning, Land Use and Code Enforcement Committee  
Thurs., Sept. 24 at 12 p.m.  

Criminal Justice Section  
Thurs., Sept. 24 at 12 p.m.  

Board of Governors  
Thurs., Sept. 24 at 4 p.m.  
Private Meeting

Former Chancellor’s Advisory Panel  
Fri., Sept. 25 at 8:30 a.m.  
Private Meeting

Civil Gideon Task Force  
Fri., Sept. 25 at 12 p.m.  
Private Meeting

CLE: Qualified Opportunity Zone Updates  
Fri., Sept. 25 - 12:00 - 1:30 p.m.  
1.5 SUB credits - SPEAKERS LIVE via WEBCAST

Let’s Do Lunch – Chat & Chew  
Fri., Sept. 25 at 12:30 p.m.  
The Wellness Committee, in coordination with Chancellor Snyder, is happy to invite you to a weekly lunch-time “Chat and Chew” forum to enjoy your favorite homemade or take-out cuisine while we all discuss (or listen to) topics of interest, whether legal or non-legal.

Women in the Profession Committee  
Tues., Sept. 29 at 12 p.m.  

Entrepreneurial Incubator  
Mon., Sept. 30 at 1 p.m.  
Optimizing Retirement Plans for Entrepreneurs and Small Business Owners

CLE: Basic Mediation Training 3-Day Workshop  
Mon. Oct. 19 - Wed. Oct. 21 - 9:00 a.m. - 5:30 p.m.  
17.5 SUB/2 ETH credits - SPEAKERS LIVE via WEBCAST

Additional CLE courses will be added to the calendar.

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
The Philadelphia Bar Association has formed its Elections Committee, which is chaired by Past-Chancellor Rochelle Fedullo and consists of Butler Buchanan, Lisa D. Eldridge, Thomas J. Giordano, Jennifer Lynn Gomez Hardy, Mark M. Lee, Vincent R. McGuinness Jr., Mathieu J. Shapiro, Patrice A. Toland, and Dominique B.E. Ward. Ex Officio members are Chancellor Hon. A. Michael Snyder (ret.), Chancellor-Elect Lauren P. Mckenna, and Vice-Chancellor Wesley R. Payne IV. As Secretary, Jennifer S. Coatworth serves as a non-voting member.

Offices for which candidates are being solicited are Vice Chancellor, Secretary, Treasurer, Assistant Secretary, Assistant Treasurer, and five seats on the Board of Governors. Each Board seat carries a three-year term.

Association members may become candidates for any of these offices by filing the nomination form with the Secretary via the approved electronic signature platform on or before October 15. Nomination forms for candidates of the Board must be signed by at least 25 Members who are entitled to vote; candidates for Secretary, Treasurer, Assistant Secretary, and Assistant Treasurer shall be signed by at least 35 Members who are entitled to vote; and candidates for Vice Chancellor shall be signed by at least 100 Members who are entitled to vote.

Individuals who wish to run for any of the above-named offices should contact Tracey McCloskey, Director of Meetings & Special Events, at tmccloskey@philabar.org. In addition to the nomination form, a resume and written authorization should be submitted to Secretary Jennifer S. Coatworth at secretary@philabar.org no later than 5 p.m. Thursday, October 15, 2020.
By Wesley R. Payne IV

On Aug. 19, Take Action Philly hosted a virtual webinar entitled “Making Every Voter Count: How We Can Ensure a Free & Equal Election in Philadelphia.” The roundtable discussion between election advocates and City of Philadelphia Election Commissioners focused on the unique challenges presented by the COVID-19 pandemic and the City’s preparations and plans to overcome the health/safety and related fiscal obstacles to ensure that all Philadelphians can exercise their franchise in the upcoming Nov. 3 General Election.

The panel consisted of City Commissioner Omar Sabir; Chief Deputy City Commissioner Seth Bluestein; Patrick Christmas, Policy Director at the Committee of 70; and Donnell Drinks, Election Protection Coordinator at the ACLU of Pennsylvania. The interactive discussion was moderated by Sozi Pedro Tulante, a partner at Dechert LLP and a member of Take Action Philly.

After providing a brief update on the ongoing litigation throughout Pennsylvania regarding mail-in ballots, Mr. Tulante directed the panel’s attention to the issue of how the COVID-19 pandemic is likely to require millions of voters who would normally vote in person to vote by mail, and what steps are being taken by the City to ensure that all those who wish to vote by mail will be able to do so and have their vote counted. The panel also addressed the steps taken by the City to maintain as many polling locations as possible for those that wish to vote in person.

The panel shared the links to valuable information regarding how to register as a voter for the General Election; how to complete your voter registration online; how to register for and receive mail and absentee voting ballots; how to check your voting status to make sure you are registered before the October 19 registration deadline; how to identify and locate your polling location if you wish to vote in person; and how to exercise your rights and responsibilities as a voter. The links are listed below:

- https://www.pavoterservices.pa.gov/Pages/VoterRegistrationApplication.aspx
- https://www.pavoterservices.pa.gov/Pages/PollingPlaceInfo.aspx

My major takeaways from the webinar were that every Philadelphian who wishes to vote by mail or absentee ballot can do so by registering and requesting a vote by mail or absentee ballot. However, the earlier that you request your ballot the better. You should also mail it back as early as possible to avoid your ballot being delayed due to an anticipated higher volume of mail during election season. Further, many of the individuals that normally serve as poll workers are older adults and at a higher risk with respect to COVID-19 and its complications. Therefore, younger adults that are not in a high-risk category have an opportunity and are needed to serve as poll workers for this election.

Wesley R. Payne IV, Esquire is Vice Chancellor of the Philadelphia Bar Association and a partner at White and Williams LLP.
Chancellor Snyder Receives 2020 Martha J. Hampton Award

By Christopher M. Fox

On a blistering hot August morning, I had the pleasure of sitting down for a remote interview of Judge A. Michael Snyder. Of course, Judge Snyder has led our Bar Association through a tumultuous year that, so far, has included adapting to a global pandemic, and addressing historic racial tension that has gripped Philadelphia and our nation as a whole. Despite the craziness that is 2020, I found my talk with Judge Snyder to be equally calming and inspirational. These are the very qualities that make Judge Snyder a respected litigator, Workers’ Compensation judge, esteemed neutral, and now, leader of our Bar of nearly 10,000 lawyers. Judge Snyder embodies everything that is great about a Philadelphia Lawyer.

“The pretext for my call to Judge Snyder was to ask him questions about the recent announcement that he would be honored as the 2020 recipient of the Martha J. Hampton Award. The award, now in its 21st iteration, is bestowed upon theorney or judge who “best exemplifies those qualities which were important to Martha J. Hampton: compassion to others and dedication to the ideals of the Workers’ Compensation Law.” Qualities valued by the Hampton nomination and selection committee include commitment to professionalism, scholarship, and good will to one’s peers. Judge Snyder credits Martha Hampton, as well as one of the Award’s earliest recipients, Judge Jerold G. Klevit, as role models of preparedness and fairness as he formed his own judicial philosophy.

To compare the values of Martha Hampton to Judge Snyder, you need to look no further than the remarks he delivered when he was formally introduced as our incoming Chancellor late last year. His words were filled with his recognition of the great responsibility borne by attorneys. We hold the keys to the courthouse, literally. Commitment to training and guiding young lawyers through mentorship programs and supporting programs like Civil Gideon, which provides counsel to the indigent embroiled in landlord-tenant disputes, and Advancing Civics Education, which brings volunteer lawyers and judges into Philadelphia’s public high schools, were benchmarks of his vision for the Bar in 2020.

Beyond talking about the Hampton Award, I must admit that I had ulterior motives. I wanted to know more about Judge Snyder and how he became the first former judge to serve as our Chancellor. His intellectual curiosity started at a young age, where he learned to play violin in school and was exposed to the opera by a family friend. He credits his love for the visual and performance arts, including Broadway, architecture, and, most notably, classical music, as being important to him during many phases of his life. In fact, when he is not actively mediating a case or in a meeting, you can find this Northeast Philadelphia native listening to the likes of Handel and others while he is writing. He acknowledged that these compositions are not only intellectually stimulating but a soothing escape from the tumultuous world around him.

I asked Judge Snyder how his professional and personal experience shaped his vision and style as a leader. He calls former Chancellor Sadie Ladov his leadership mentor, a “touchstone for where we are going and what we should be doing.” As it may be tough advice for many lawyers to heed, Judge Snyder acknowledges that one of the sagest pieces of advice given to him by Ladov was to accept that to be an effective leader, you must do more listening and less talking.

Judge Snyder is more than a legal scholar and Bar leader. He is married to his wife, Wendy Sill, the father of Rabbi Josh Snyder, and a grandfather of five. His value of family and community are evident not only by his clear commitment to social justice, but by his support of those that are in the stressful practice of law. A recognition that substance abuse, depression, anxiety, and other mental health issues are very real for lawyers is so important to him during many phases of his life. In fact, when he is not actively mediating a case or in a meeting, you can find this Northeast Philadelphia native listening to the likes of Handel and others while he is writing. He acknowledged that these compositions are not only intellectually stimulating but a soothing escape from the tumultuous world around him.

I closed the interview by asking Judge Snyder to tell me what makes a Philadelphia Lawyer. His response, “somebody that is a vigorous advocate, willing to take on a difficult case, who recognizes a decency and civility.” As he put it, we are held to a “higher standard of practice.” A Philadelphia Lawyer may have a contentious morning in court, followed by lunch with the very same adversary with which he or she traded legal daggers with moments earlier. I agree, Judge Snyder, and this Philadelphia Lawyer hopes that we can have lunch in person soon!

Christopher M. Fox (cffox@gk-wcl.com), an attorney at Gross & Kenny LLP, is certified as a specialist in the practice of Workers’ Compensation Law by the Pennsylvania Bar Association’s Section on Workers’ Compensation Law as authorized by the Pennsylvania Supreme Court, and is a co-chair elect for the Philadelphia Bar Association’s Workers’ Compensation Section.

ATTORNEY DISCIPLINARY / ETHICS MATTERS
STATEWIDE PENNSYLVANIA MATTERS
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James C. Schwartzman, Esq.
• Judge, Court of Judicial Discipline
• Former Chairman, Judicial Conduct Board of Pennsylvania
• Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania
• Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania
• Former Chairman, Supreme Court of Pennsylvania Interest on Lawyers Trust Account Board
• Former Federal Prosecutor
• Selected by his peers as one of the top 100 Super Lawyers in Pennsylvania and the top 100 Super Lawyers in Philadelphia
• Named by his peers as Best Lawyers in America 2015 Philadelphia Ethics and Professional Responsibility Law “Lawyer of the Year,” and in Plaintiffs and Defendants Legal Malpractice Law

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basement of the U.S. Capitol to the rotunda, a civil rights and women’s rights activist from Philadelphia, C. Dolores Tucker, demanded that Sojourner Truth be added to the statue. Truth was a contemporary of the other women and fought for the women’s vote as well. The same controversy arose in 2019 when a statue featuring Anthony and Stanton was commissioned for New York’s Central Park, and the question arose: where was Sojourner Truth? Her absence was particularly glaring because she was a New Yorker, who spent most of her emancipated life in New York City.

These incidences were instructive, said Higginbotham, because they speak to assumptions of the role of African American women in getting the vote. There is also a lack of primary sources on the subject. Once known, these historical facts can be dually painful and restorative.

One movement borne from another

The women’s suffragist movement was born out of the abolitionist movement. Abolitionist Frederick Douglass spoke in favor of the women’s vote at the 1848 Seneca Falls convention. With the ratification of the 14th and 15th amendments, a rift occurred. White women suffragists felt betrayed that women weren’t included. Truth was one of the few Black women who sided with them. Most Black suffragists believed that ending slavery and granting Black men citizenship rights was more important—particularly in the wake of those who fought to preserve the Union. The Black male vote was considered “easier” and a compromise that could lead to women’s suffrage, and that taking a stand on women’s rights at the time would jeopardize the issue.

Despite the passage of the 14th and 15th amendments, disfranchisement of Black men began almost immediately. In the south, various vote-related schemes, such as the poll tax, grandfather clause, and literacy tests, disenfranchised black men. By the 1910s, when the women’s suffragist movement moved into high gear, Black men couldn’t vote in the south, where most African Americans lived. Their political power was taken by the laws, by mob violence, and by lynchings.

The fight within the fight

Higginbotham spoke about the individual Black women who played instrumental roles in the suffragist movement. Ida B. Wells, a Black woman suffragist participated in the women’s march on Washington in 1913 that saw thousands of women marching for suffrage the day before Woodrow Wilson’s inauguration. The National Women’s Suffrage Association had Black women members march at the rear, even those part of the integrated groups in the north, in order to appease white suffragists from the south. Ida B. Wells, however, made her way to the front of the march, and thus into historical photographs of the event. Stunned by the decision of the president of her Illinois suffrage association to acquiesce to the south’s demands, she wrote the president of her association later, saying “our women should be as firm in standing up for their principles, as the southern women are as firm in their prejudice.”

In 1920, with the 19th amendment’s ratification, black women in the south went to the polls. News accounts observed that the appearance of Black women took poll monitors by surprise, and the women were turned away. For the great majority of Blacks in the southern states, their pursuit of civil rights would continue through the ’30s, ’40s, ’50s, and ’60s. The women’s suffragist movement, concluded Higginbotham, teaches important lessons about the study of American democracy. It teaches lessons about perseverance in the pursuit of justice, in the wake of collective victory and collective defeat, and teaches lessons about the challenges of sisterhood, and its rewards.

At the conclusion of the program Chancellor Snyder and Association Executive Director Harvey Hurdle Jr. thanked the Association staff, the meetings’ sponsors and supporters, and the members of the Association for their support, activity, and commitment to the legal profession.

Brittany Anne Robertson (brobertson@philabar.org) is the communications associate at the Philadelphia Bar Association.
In 2011, as a young lawyer, I was looking for connecting more with our local community and trying to learn how to be a very young Board member for the first time. I was immediately put in touch with Norman Weinstein, Esq. As the two of us were sitting in a coffee shop, he shared with me an idea that he was trying to make a reality where young lawyers would be able to gain leadership experience and find out what it is like to sit on a nonprofit board. Norm is not only a visionary; he knows how to execute his ideas.

So the next thing I knew, my coffee meeting ran another hour long, and we were joined by who is now Federal Judge Wendy Beetlestone and my co-chair Nilam Sanghvi working to launch the program that is the Board Observer Program (BOP) today.

Over the past 10 years, the BOP has matched hundreds of young lawyers with nonprofit boards, legal and non-legal, in the Philadelphia region. The program provides an opportunity for young lawyers to volunteer and serve on a nonprofit board of directors. The observers do more than observing though. They sit on board committees, participate in fundraising activities, further board governance, and much, much more. Not only do young lawyers strengthen their professional networks, but the organizations gain new perspectives. Some of the board members have never changed in years, and now they have an untapped resource sitting at their board table. The bonus this is all free!

In these troubling times, we need community more than ever. Even though we are social distancing, the BOP is going strong. We are launching into our 10th year! Organizations and boards are getting creative in the ways they interact with each other, and in how they serve their clients and keep their missions going. Nonprofit organizations are what maintain the social and economic wellbeing in our country; and as we deal with the challenges of COVID-19, the volunteerism, the conversation, and the ideas must not stop. The BOP was designed to get attorneys out of the four corners of their offices and find the community that embraces them.

To all you young attorneys stuck inside your home right now, join the BOP: join your community, and find the leader that you always knew was inside you.

To get involved go to: https://www.philabarfoundation.org/work/programs/board-observer-program.

Wendy Smith, is a partner and the Director of the Workers’ Compensation and General Litigation Practice Groups at Morgan & Akins, PLLC.
2020 Boots on the Ground

By Geneva Campbell Brown

In continuation of former Chancellor Al Dandridge III’s Boots on the Ground community service initiative, the Business Law Section of the Philadelphia Bar Association partnered with Philadelphia Futures, a nonprofit organization that provides low-income, first-generation-to-college students with the tools, resources, and opportunities necessary for admission to and success in college. Philadelphia Futures hosts a Career Research and Exploration Course for rising high school juniors to empower students to make clear, informed choices about their futures through targeted career and professional development activities. As part of the programming, Philadelphia Futures invited speakers to each class to share their education and career paths.

Six volunteers from the Business Law Section taught a session of the Career Research and Exploration Course:

- Geneva Campbell Brown, Cigna Corporation
- Ernest D. Holtzheimer, Montgomery McCracken Walker & Rhoads LLP
- Allie M. Misner, Dechert LLP
- Justin Moriconi, Moriconi Flowers Ltd.
- Sohana B. Sethi, Comcast
- Stephanie Oppenheim, Villanova University Charles Widger School of Law

The speakers developed a presentation that covered the steps to becoming a lawyer, how to analyze complex legal issues, and what day-to-day life as an attorney entails. The presentation also featured an analytical exercise where the students debated pressing legal topics, such as immigration and gun reform.

The Section received feedback from Philadelphia Futures that the students gave the presenters rave reviews, mentioning such things as they felt inspired to see the law as a real career option for them and had a better understanding of the type of skills that lawyers need to succeed.

Through donations from members of the Bar Association, the Section will continue to sponsor programming for Philadelphia Futures for the next year through its Boots on the Ground initiative.

Geneva Campbell Brown (Geneva.Brown@Cigna.com) is Corporate Transactions Counsel at Cigna.
MEMBER BENEFITS: LAWPAY

You’ve Decided to Go Out on Your Own. Now What?

By Amy Mann

Here at LawPay, we’ve worked with countless attorneys over the past decade who have taken the leap and started their own firms, and here are a few pieces of advice that we have heard from them time and time again.

#1 Make a Plan

Whether you worked in a larger firm or you’re fresh out of law school, starting your own firm is going to come with a host of responsibilities you’ve never dealt with before. Lots of attorneys who start their own firm realize very soon that while law school taught them to be excellent attorneys, it didn’t teach them how to run a business.

Make a detailed plan for running your firm before you jump in and start attracting clients and taking cases. Things you’re going to want to do will include creating a formal business plan, buying necessary office supplies, and investing in legal software that will help you run your firm. You may also consider talking to various professionals who can inform different parts of your business plan, including cybersecurity experts, accountants, and other attorneys who have successfully started their own practices.

#2 Take Advantage of Technology

For a new practitioner who is trying to do more with less, taking advantage of existing technology is a must when setting up your business. For example, rather than investing in a large, expensive copy/fax machine, get an affordable desktop printer/scanner, and make the jump to digital communications.

Additionally, there is incredible legal technology that exists solely to make your life easier. For example, many online legal tools were specifically developed to help solo and small firms run efficiently, even with a small staff and a small budget. Some options you should look into for your practice include full-service practice management software, online credit card processing/payment solutions, document automation software, client-intake software, lead generating resources, invoicing/billing tools, and more.

#3 Choose a Specialization for Your Practice

A common mistake among attorneys starting their own firm is that they think being a general practitioner is the safest way to drum up a large client base. Unfortunately, trying to be everything to everyone will not only wear you out as an attorney, it will also limit your ability to truly become an expert in your field and gain recognition for this.

Choose a specialty and focus in on it. If you have multiple areas of interest, you may benefit from doing some simple market research in your targeted area of service to see if any particular practice areas are over- or underrepresented. Once you focus your practice, you can build a reputation as a “go-to” attorney for whatever it is you select; so take the time to choose a specialty or practice area you think you could be happy with for a while.

For an in-depth look at launching your own practice, download our full e-book at lawpay.com/modern.

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MEMBER BENEFITS: LAWPAY

You’ve Decided to Go Out on Your Own. Now What?

By Amy Mann

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By Paul J. Brahim, CFP®, AIFA®

With the SECURE Act and many other policy changes in play, it’s important to stay abreast of what has changed, what has remained intact—and what’s yet to come.

The SECURE Act and Its Impacts on Law Firm Owners & Employers

This year and in the coming years, the opportunities and pitfalls facing law firm owners and employers abound. Effective in plan years 2021 and beyond, smaller businesses—including small law firms, for example—may enter into a common retirement plan, or Multiple Employer Plan (MEP), arrangement. Essentially, this means that if certain conditions are met, small, unrelated firms and other businesses (employers) are able to maintain a retirement savings plan together while sharing administrative costs. Moreover, firms will be protected from certain qualification failures caused by other employers in the arrangement. And, employers who set up MEPs can receive a tax credit up to $5,000 for startup costs related to establishing an employer plan. Fortunately, the Act now permits employers to establish new plans, effective for the prior year, up to the business entity’s tax filing date.

It’s important to know the details and potential pitfalls and potential penalties around offering an MEP. Working with a business retirement plan consultant and other professionals can help ensure any fiduciary and other obligations are addressed.

The SECURE Act and Its Impacts on Attorneys’ Practices

Of course, some of the most significant changes are for individuals, brought about by the SECURE Act, including the expansion of IRA saving opportunities, the increase of RMDs to age 72, 529 enhancements, “Kiddie Tax” revisions, and elimination of the “Stretch IRA.” Here are a few key points to consider:

If you’re a family law attorney, you know that retirement accounts are a significant consideration in most divorce matters—particularly since children are often named as primary beneficiaries in a divorce situation. So, the elimination of the Stretch IRA—particularly as it relates to non-spouse heirs—is significant. Under new rules, non-spouse beneficiaries (with a few exceptions) who inherit a Traditional IRA, Roth IRA, and other qualified retirement plans are now required to withdraw all assets from the inherited account within 10 years following the death of the original account owner.

Further, if you’re a trust & estate attorney, you’re likely familiar with the use of stretch trusts in estate plans and more. If a stretch trust, or stretch language, is part of an estate plan, required minimum distributions to a beneficiary, or at the trustee’s discretion, may now be required.

In both situations, because of the 10-year rule where there is only one year where there is an RMD—the 10th year results in all the taxable income being pushed to that 10th year. Planning ahead with the right attorneys and financial planning, tax, and other professionals, can help clients avoid potential tax pitfalls down the line.

* The opinions voiced in this material are for general information only and are not intended to provide specific advice or recommendations for any individual.

** This information is not intended to be a substitute for individualized legal advice.

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Updates: Federal & State Cannabis Regulations

By Mary LeMieux-Fillery

On July 28, Justin Moriconi and Joshua Horn of the Medical Marijuana and Hemp Committee hosted an interactive discussion concerning updates on state and federal cannabis regulations, including regulations from the Pennsylvania Department of Health under the Medical Marijuana Act and other related developments.

Moriconi and Horn began by explaining how permitting and enforcement by the Pennsylvania Department of Health works. The Department of Health’s website provides map locations for all retail dispensaries throughout Pennsylvania. Retail dispensary permits are issued based on an area’s population density. During May of each year, the Medical Marijuana Advisory Board of the Department of Health meets to discuss and recommend changes to the medical marijuana program. Currently in Pennsylvania, over 300,000 patients have signed up for medical marijuana program. Since the program exists for research permits.

As a result of COVID, the Medical Marijuana Advisory Board approved anxiety as a qualifying medical condition. In the next hour, Ducloux discussed the ways that attorneys practicing today are certainly faced with new and interesting challenges. However, as Claude Moriconi explained that there is much enforcement from the Attorney General over state marijuana companies, except over marijuana mergers and acquisitions. Moriconi and Horn explained that there is an incredible amount of consolidation going on between marijuana companies, and the Attorney General is carefully scrutinizing these deals.

The Drug Enforcement Administration regulates marijuana under the controlled substance act as a Schedule 1 drug. They explained that, currently, “we have not seen much enforcement from the Attorney General over state marijuana companies, except over marijuana mergers and acquisitions.” Moriconi and Horn explained that there is currently an incredible amount of consolidation going on between marijuana companies, and the Attorney General is carefully scrutinizing these deals.

Pennsylvania’s COVID disaster emergency declaration provided for all medical marijuana dispensaries to be considered essential business, and dispensaries were permitted to deliver product curbside to vehicles.

FREE CLE - SPONSORED BY LAWPAY

Ethical Challenges of Freelancing Legal Services

By Peggy Costello

In today’s legal landscape, attorneys are exploring new ways in which to conduct their business—and the new ethical challenges that come along with these changes. On Aug. 1, attorney Claude Ducloix of LawPay presented a CLE via webcast entitled “The Ethics of Freelance Legal Services and Social Media in Litigation and Court.” During this CLE, Ducloix reviewed some common ethical issues present in two major areas in which attorneys may be facing new questions and challenges.

In the first hour of the CLE, Ducloix explained some common ethical issues that may arise regarding freelance legal services. A “freelance attorney” generally refers to a non-employee attorney who is retained to provide specified legal services for a firm or a client. Ducloix guided listeners through some common ethical points from both the perspective of the hiring attorney, and from the perspective of the attorney performing the freelance work. For example, Ducloix highlighted the importance of exchanging those documents necessary to perform adequate conflict checks on both ends, and emphasized that an attorney-client relationship exists between the freelancer and client—even if the freelancer is only performing certain specified tasks on the client’s project. Ducloix noted that both sides would benefit from memorializing the specifics of their work arrangement and fees in writing. Ducloix’s strongest recommendation for avoiding ethical pitfalls was to establish adequate and clear communication between the hiring attorney and freelancer, and between the attorneys and their clients.

In the next hour, Ducloix discussed the ways that both attorneys and their clients can get into trouble or damage their case through the use of social media. Ducloix broke down his presentation into several legal “danger areas” regarding the use of social media: disregarding confidentiality; unethical information gathering; failure to assert client control; evidence preservation; ethical conduct involving jurors; forgetting the impact of what you’ve shared; and reacting to online reviews.

Throughout this segment of the CLE, Ducloix shared several cringe-worthy stories of attorneys behaving badly. The anecdotes of terrible attorney behavior drove home the point that posts and comments on social media can have a lasting impact on an attorney’s case, career, and personal reputation. The examples also highlighted the fact that despite the prevalence of social media, attorneys still have the same obligation, no matter the medium, to maintain client confidentiality, to keep case information private, and to abide by the rules of ethics of our practice.

Attorneys practicing today are certainly faced with new and interesting challenges. However, as Claude Ducloix’s presentation demonstrated, clear communication and common sense are key to avoiding most ethical pitfalls.

Mary LeMieux-Fillery (MaryF@ericshore.com) is an associate with the Law Offices of Eric A. Shore and is Editor-in-Chief of the Philadelphia Bar Reporter.

Peggy Costello (macostell@geico.com) is an attorney at the Law Office of Sue Ann Eckell.
International law has a mysterious quality that invokes images of justice being served far away in elaborate judicial robes near quaint canals with gently stirring fields of tulips. Nevertheless, like all legal areas, international law has a nuts-and-bolts reality for lawyers who practice in the field.

On Aug. 4, the International Law Committee hosted a CLE webcast entitled “Challenges to International Justice,” which was designed to demystify the history and mechanisms of international criminal law. The webcast featured four lawyers who have practiced international criminal law. These featured speakers included Nadia Banteka, Esq., a visiting professor from Villanova University’s Charles Widger School of Law; Andrea Matacic Cayley, Esq., the U.S. Coordinator at Civitas Maxima; Jennifer Trahan, Esq., a clinical professor at New York University’s school for Global Affairs; and Arthur Traldi, a former trial attorney at the International Criminal Tribunal for the former Yugoslavia. The program was moderated by Diane Penneys Edelman, who is a law professor and the Director of International Programs at Villanova.

Banteka and Trahan began the webcast with an introduction to the history of international criminal law. They explained that this branch of law was created in the aftermath of World War II when, in 1945, the Allies collectively set up the trials at Nuremberg to hold the leadership of Nazi Germany criminally accountable. This international venue was created to avoid the mistakes made after World War I, when war criminals were tried in German criminal courts and given both short sentences and early releases. Trahan described this practice in Germany as ‘justice light.’ The Nuremberg tribunals sought accountability for both crimes against humanity and genocide, which were then newly coined terms, on behalf of the international community.

Although innovative for their time, the Nuremberg tribunals ended in late 1946, at which point international criminal law entered a half-century slumber. The field was revived in 1998 with the enactment of the Rome Statute of the International Criminal Court. This statute established four core international crimes: genocide, crimes against humanity, war crimes, and the crime of aggression. The statute also led to the creation of the International Criminal Court (ICC) in The Hague, Netherlands. The revival was, in part, a response to the genocides that had occurred in the Balkans and in Rwanda in the mid-1990s. The International Criminal Tribunal for the former Yugoslavia (ICTY), located in The Hague, was created to prosecute the perpetrators of ethnic cleansing crimes committed during the Yugoslav Wars. Cayley worked at the ICTY from 1995 to 2010 on a prosecutorial team that used lower-level cases to build evidence against higher-level offenders. By contrast, Banteka worked on a defense counsel team at the ICTY for a client who was tried for war crimes and crimes against humanity. Both attorneys spoke of how their experiences set them on a path to teaching and practicing international law.

Toward the end of the program, Cayley pointed out a surprising fact: international crimes and offenses can be prosecuted in domestic courts. For example, Syrian war criminals are currently tried for torture in German Courts under the theory of universal jurisdiction. Cayley added that in the 1980s, human rights lawyers in the United States revived the 1789 Alien Torts Claims Act, which allows foreign nationals and citizens to be tried for crimes committed outside of the country. The Alien Torts Claims Act is now the main legal tool that is used in the United States to address the wrongdoings of human rights violators.

Recently, in Philadelphia, the Center of Justice and Accountability brought a civil suit against Moses Thomas, a member of the Liberian armed forces who was involved in the massacre of 600 men, women, and children in 1990. Philadelphia is an appropriate place for this prosecution, because the metropolitan area has the largest population of ex-patriate Liberians in the world. Thomas himself was working in the City washing dishes. It’s an amazing example of how international law can be relevant at a local level.

Leah Cilo (lcilo@paworkinjury.com) is an associate at Martin Law LLC.
Let Go and Free Yourself

By Courtney Schulnick

As my mother has always said, “Man plans, and God laughs.” It seems as though that saying holds true these days. The reality is that life is unpredictable under the most normal of circumstances. But the challenges created by the pandemic have called for us to be increasingly flexible and adaptable in light of the growing uncertainty. Whether it be learning to navigate virtual platforms, working in different environments, juggling the demands of those living in our household or caring for family members—our ability to sustain ourselves through these times is being tested.

We can alleviate some of our stress by better understanding our relationship to the stressors in our lives and by recognizing our insistence for things to be a certain way. We can begin by noticing what clinging feels like and then invite ourselves to do just the opposite—let go. While it may go against the grain of what we’re used to, it can help us to become more resilient to life’s experiences, even when they are unpleasant. You may not have recognized it, but we actually do it all the time when we go to sleep. It can be very difficult to fall asleep when we get lost in our thoughts. But, when we just notice them without having to engage in them, the mind and body can rest, and then we are more easily able to fall asleep.

One of my favorite lessons on letting go comes from a story by Jon Kabat-Zinn in his book Full Catastrophe Living. As the story goes, monkeys were destroying the crops of farmers. Because the hunters believed in kindness and compassion, killing the monkeys wasn’t an option. So, they had to find a way to capture the monkeys without harming them. They cleverly decided to cut a hole in a coconut that was just big enough for a monkey to put its hand through. They put a banana inside the coconut, placed a wire through the coconut to secure it to the base of a tree, and then waited for the monkey. The hole was so ingeniously crafted that while the monkey’s open hand could fit into the coconut, the clenched fist couldn’t fit out of the hole. All the monkey had to do to be free was simply let go of the banana. But most monkeys won’t let go.

Much like the monkey in this story, we have tendencies to hold on to things, even when they don’t serve us. With mindfulness, we can notice the pieces of our lives that hold us back and then consciously choose to let go and free ourselves. So, can you try taking a moment to notice what you are tightly holding on to and, perhaps, let go to free yourself?

To learn more about my mindfulness programs that are being offered via Zoom, please visit www.courtneyschulnickmindfulness.com or call me at (856) 261-8875.

MEMBER EDITORIAL

From YLD Runner to Ironman

By Jordan Strokovsky

It was September of last year, and I was gasping for breath as jellyfish stung me from head to toe. When I got out of the water, the stings briefly burned even harder as they were sprayed with vinegar. Then I got on my bike and rode until my neck ached, and I started losing feeling in my toes. But I still wasn’t done, because once I got off the bike, I had to run a marathon. For the last five miles, it felt like my legs were about to snap off. But the moment when I crossed the finish line, legs still intact, and could call myself an Ironman, was one of the greatest of my life.

This year, of course, things are different. With all large events canceled, there is no Ironman Triathlon this year, which makes me all the more grateful that I was able to complete one last year (and sympathetic for those who have been training for this year’s). But I would never have had the opportunity to try if not for the Young Lawyers Division Running Group.

Several years ago, when I was still an Associate in search of an excuse to leave the office before 8 p.m., I reached out to the YLD with the idea of forming a running group. Running has always been my favorite way to relax and stay healthy, and with a group of fellow attorneys involved, I had a built-in excuse to leave (relatively) early for my weekly ‘networking event.’ In no time, we formed a steady group of five to ten young lawyers.

Besides getting our weekly miles in, our group—a rich variety of attorneys and law students—participated in organized charity runs and often enjoyed some post-run drinks together. As invaluable as the exercise may have been, the camaraderie was even better. With no speed demons among our ranks, we’d go at a casual pace, letting us breathe and make conversation.

Naturally, I ended up becoming good friends with quite a few members of the running crew. When one of them, Ernest Holtzheimer, proposed we do the Ironman, well, I wasn’t about to leave all the bragging rights to him. They, Ernest Holtzheimer, proposed we do the Ironman, and ultimately—a year after our first emails back and forth about it—completed the full one, jellyfish stings and all.

There’s a professional side to this as well. The running group got me involved with YLD more generally, which led to me joining its Executive Committee and later increasing my role within the Bar Association through the State Civil Litigation Section.

My point here—besides that the pandemic has really ruined things—is that networking doesn’t have to be painful, formal, or boring. There are other attorneys out there who share your passions, and even in this strange new normal, you can find ways to connect with them to form both friendships and business relationships. In the meantime, if you’d like to accompany me on a socially distanced run or bike ride, get in touch.

Jordan Strokovsky (jordan@actionafterinjury.com)—co-chair of the State Civil Litigation Section—is a trial lawyer and founder of Strokovsky LLC, where he handles catastrophic injury, medical malpractice, wrongful death, premises liability, birth injury, and trucking cases.
Transforming Juvenile Justice during the COVID Pandemic

By Susan Vivian Mangold

Juvenile Law Center and many of our partner agencies from the Delivery of Legal Services Committee have been actively involved in a variety of long-term strategies to transform the juvenile justice system in Philadelphia and throughout Pennsylvania. The number of incarcerated youth in the Commonwealth has steadily decreased every year since 2016, but the COVID pandemic brings added urgency to our local and statewide demands for reform.

At the August public meeting of the Child Welfare Oversight Board, Philadelphia’s Department of Human Services shared data that Black children account for 42% of the city’s population of children but 79% of youth in delinquency care aggregate. With the risk of COVID-19, especially in placements with large numbers of youth, and with the racial disparities so extreme, more needs to be done in our city and across the Commonwealth to decarcerate and invest in youth and their families.

When COVID hit this spring, Juvenile Law Center filed a King’s Bench petition calling on the Pennsylvania Supreme Court to issue guidance to the lower courts with the goal of releasing youth from confinement. The PA Supreme Court denied the petition, but directed local president judges to establish strategies to limit detention and release more youth from confinement, which has resulted in the release of hundreds of youth. District Attorney Larry Krasner’s office and the Defender Association have worked to limit the use of incarceration for youth entering the system, and similar efforts are underway in many counties—but more needs to be done to safely release youth and support their families.

Informal adjudication is an option to avoid formal court processes. At Pennsylvania Juvenile Justice Task Force meetings in July, data revealed that fines were assessed in 60% of cases with informal adjudication. Ninety-one percent of probation officers said they do not consider ability to pay in assessing those fines. With the economic stress on families especially due to the economic impact of the public health crisis, juvenile fines impose an undue burden and are a hidden, lasting impact of justice system involvement. Especially during COVID, a moratorium should be placed on all fines and fees.

The Task Force further reported on disparities at each stage of the juvenile justice system. For youth under a court-ordered agreement that suspends their case without formal adjudication and places them under probation supervision, white youth are under decrees for an average of 20 months while Black youth are under decrees and supervision for an average of 27 months. This prolonged supervision is another hidden impact that entangles youth, especially Black youth, in the system with human and economic costs to the community.

Join us in participating in the public meetings of the Pennsylvania Juvenile Justice Task Force and learn about the racial disparities and human and economic impact of our juvenile justice system. We must all work together to transform the system from incarceration and long-term consequences to investments in youth and families.

Susan Vivian Mangold (smangold@jlc.org) is the Chief Executive Officer at Juvenile Law Center.

Advocating for the Arts

By Ashley Catalano-Leckerman

When I began working at Blank Rome LLP, I was thrilled with how encouraged we were to participate in pro bono activities. Blank Rome not only encourages and supports pro bono participation, it also assists its attorneys with finding meaningful pro bono opportunities that each attorney is passionate about. As a young corporate attorney who once considered a career in the performing arts rather than law, Philadelphia Volunteer Lawyers for the Arts was my perfect pro bono fit. PVLA has been such an incredible organization to volunteer with, as it allows me to give back to a thriving arts community that is so important to me in the city that I love most.

I was tasked with assisting a nonprofit modern dance repertory company in Philadelphia by drafting the legal documentation necessary for the dance company to receive certain assets from a recently deceased famous dancer’s foundation in New York City. PVLA’s client was thrilled to hear that a former ballerina was taking on her case, as I could truly appreciate the impact these assets would have on her dance repertory company. However, this case was not so simple as just drafting a few documents. The case required analyzing the organizational documents of each of the entities involved in the transfer, participating in negotiations with the lawyers representing the dance foundation, and even contacting the New York Public Library, as PVLA’s client planned to donate various assets to the Lincoln Center. Despite a few hurdles and countless emails and phone calls, the client remained optimistic and eager to help, and we were able to successfully negotiate and transfer the assets.

The most rewarding part of the experience was seeing how happy and grateful the client was after the transaction was completed and knowing that my small contribution would help an incredible dance company and artist continue to thrive. I hope to see a performance by the company one day in the future.

PVLA has been such an incredible organization to volunteer with, as it allows me to give back to a thriving arts community that is so important to me in the city that I love most. I am excited to continue working with PVLA and highly recommend this organization to any attorney searching for their next pro bono opportunity.

Ashley Catalano-Leckerman (acatalanoleckerman@blankrome.com) is an associate at Blank Rome LLP and a volunteer at Philadelphia Volunteer Lawyers for the Arts.
So, you get up one morning and have a hankering for fresh baked goods, a good cup of coffee, or a breakfast sandwich, and you don’t really know where to go in Center City and a fast food joint just won’t do. We have the perfect solution for you—the Bakeshop on Twentieth.

The Bakeshop naturally specializes in delicious baked goods of all varieties, from the perfect Chocolate-Cinnamon Babka to the Chocolate Fudge Chunk Brownie (yowser... a champion in its own right), bars, and brownies of all varieties and some of the best scones and cookies available in Center City. The Little Ones in our family are known by their names, as we go there so often. There are a good number of regular baked goods, and others rotate; all are quite memorable.

The Blueberry Muffins are a particular favorite, as are the delicious sugar cookies (how can something looking so plain, taste so good??). The coffees, cold brews, lattes, and teas are a perfect partner to these delectable morsels.

Avocado Toast Special

In addition to the scrumptious baked goods, Lisa, the owner, also serves a selection of sandwiches, good for either breakfast or lunch.

Our favorites include the Avocado Toast Special, which is a delicious combination of avocado, tomato, feta, sriracha, and a soft-fried egg. This is a wonderful breakfast or lunch sandwich. Members of our family like this with Lox added. It is really a wonderful combination and is my Trusted Companion’s favorite.

My favorite is the Egg and Feta Wrap. This includes a fried egg, feta cheese, avocado, and sliced tomato on your choice of wrap. It is very good, hot off the grill, and utterly delicious.

The Smoked Salmon Special is very well done, and includes smoked salmon, cream cheese, tomato, cucumbers, red onion, and capers. Yummy!

The Bakeshop is at 269 South 20th Street, between Locust and Spruce. Call ahead and pick up at the door. We give it 5 stars. Delish!

Lee A. Schwartz (LAS@LeeASchwartz.com) is the owner of Schwartz Law Firm, LLC.

Looking Ahead at the Future of Lawyers’ Professional Liability Coverage

The current COVID-19 pandemic has shaken how, when and even where lawyers do business. With that said, we need to look forward and prepare for the reality of a post-COVID world. Solo practitioners and firm owners alike will need to take a harder look at their coverage options to ensure that their firm is protected as incidents leading to malpractice claims become more frequent.

The Current State of LPL During COVID-19

To date, the number of reported LPL claims remain below normal levels. This is good and benefits potential insureds as a whole. Why does the number of claims matter? An increase in claims will drive up the cost of claims to the carrier, which will increase the percentage of those reinsured. These two events will shrink the carrier’s loss of interest income and profit, which will conversely drive premium rates upward.

The low number of claims during this already difficult time, is a positive. There has, however, also been a sharp increase in the severity of LPL claims and a significant increase in the reporting of incidents. Of the types of activities most likely to generate claims, these were at the top of the list: preparation, filing, and transmittal documents. Not only did transmittal documents retain its historical position as the number one activity to generate claims, but it also increased its share of all claims by almost 5% among all practice areas. It is also worth noting that several claims have arisen from cyber or network security events, which were a combination of a hacker, an employee error, and/or a disgruntled employee.

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

For more information about insurance, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinityex.com/PhiladelphiaBar. For Lawyers’ Professional Liability and other business coverage, you can continue to visit the regular Philadelphia Bar Association Insurance Program website at www.mybarinsurance.com/PhiladelphiaBar.

If you’re interested in learning more about lawyers’ professional liability insurance options, please contact your nearest USI Affinity office at 1-855-874-0267. For more information, visit the Philadelphia Bar Association Insurance Exchange at www.usiaffinityex.com/PhiladelphiaBar.

If you’d like to talk to someone about insurance and benefits options for Philadelphia Bar Association members, call USI Affinity Benefit Specialists at 1-855-874-0267.

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Michael Bertin, partner at Obermayer Rebmann Maxwell & Hippel LLP, was recognized by Best Lawyers® as the 2021 “Lawyer of the Year” for Family Law in Philadelphia and in all of the eastern counties in Pennsylvania.

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

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