

# Success at the polls

Only 'Highly Recommended' and 'Recommended' candidates win their primaries for Court of Common Pleas and Municipal Court

BY RACHEL KIPP

Only "Highly Recommended" and "Recommended" candidates by the Bar Association's Commission on Judicial Selection and Retention won positions on the November ballot for the Court of Common Pleas and Philadelphia Municipal Court. In addition, all judicial candidates for the Court of Common Pleas who were rated "Highly Recommended" will be on the ballot in

November's general election.

The Commission, which is made up of judges, lawyers and community leaders, conducts a thorough, nonpartisan review of Philadelphia-based judicial candidates' qualifications before issuing a rating derived from criteria including legal ability, experience, integrity, temperament, community involvement and judgment.

"These results reflect hundreds of hours of work by our

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## LGBT Rights Committee: A Pride Month call to action

BY IRA S. LEFTON AND KRISTAL KANE

With June being Pride Month, we feel it important to issue a call to action to the larger legal community. While it is truly wonderful to see so much support for the LGBTQ+ community here in Philadelphia, there is much work to be done and there is a tremendous need for action, as there is a strong wave of dangerous misinformation and hate circling the country.

The history of what is now Pride Month started with the Stonewall Riots. On June 28, 1969, police raided the Stonewall Inn, attacking customers and arresting bar staff and patrons who were not wearing "at least three articles of gender-appropriate clothing," which was legally mandated in New York at the time. The police had been regularly raiding gay bars and attacking community members. Stonewall was just the first time

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### MAYORAL FORUM

Marcel S. Pratt, managing partner at Ballard Spahr and former City Solicitor, moderated the Association's Mayoral Candidates Forum featuring the following mayoral candidates (from left to right) Allan Domb, Rebecca Rhynhart, Jeff Brown, Judge James DeLeon and Helen Gym.

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# Barristers' Association celebrates the Black experience at annual scholarship/awards gala

BY JAHLEE HATCHETT



On May 20, 2023, The Barristers' Association of Philadelphia hosted its annual Scholarship and Awards Gala. The Gala dates back to 1976 and was born out of the need to honor the significant contributions of Black attorneys dedicated to the pursuit of excellence, justice, equal opportunity and positive change. Since then, the Barristers' Association has held an annual dinner to celebrate law students, practicing attorneys and jurists who embody professionalism, dedication to the profession as well as a commitment to the Black Philadelphia legal community and public communities.

This year, the Barristers' Association celebrated the "Black Experience" by honoring its past, acknowledging its present, and embracing its future. As part of that, the following awards were presented: the J. Austin Norris Award was presented to Charles M. Gibbs, the Cecil B. Moore Award was presented to Shaka Johnson, the Honorable A. Leon Higginbotham, Jr. Award was presented to the Honorable C. Darnell Jones II and the Joanne A. Epps Award to the Honorable Petrese B. Tucker. Congratulations!

One of the most significant ways to ensure a more diverse legal profession is to increase diversity in law schools. Quite naturally, law school student diversity has a direct correlation to diversity in the legal profession. A large number of Black and African American law students are first generation students, who have significant financial needs that inhibit their academic success.

The Barristers' Association of Philadelphia, Inc. is proud to offer annual scholarships to those students to help relieve the financial strain of pursuing a legal education. Please join us in congratulating Ololade Bello (Drexel Law), Jazmine King (Delaware Law), Nia Coleman (Temple Law), Shelleah Jackson (Rutgers Law), Jalyn Johnson (Villanova Law), Chayla Sherrod (Penn Law), and Kandace Smith (Rutgers Law) in being selected as scholarship recipients.

*Jahlee Hatchett is an attorney at Marshall Dennehey Warner Coleman & Goggin, P.C.*



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The Philadelphia Bar Reporter (ISSN 1098-5352) is published monthly by the Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, PA 19107-2911. Periodicals postage paid at Philadelphia, PA POSTMASTER: Send address changes to Philadelphia Bar Reporter, c/o Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, PA 19107-2955. Telephone: (215) 238-6300. Association Web site: philadelphiabar.org. Newspaper e-mail address: reporter@philabar.org. The editorial and other views expressed in the Philadelphia Bar Reporter are not necessarily those of the Association, its officers or its members. Advertising rates and information are available from Shawn D. Phillips at American Lawyer Media, 1617 JFK Boulevard, Philadelphia, PA, 19103. Telephone: (215) 557-2340 or e-mail sphillips@alm.com.



## WHAT'S ON YOUR MIND?

The Philadelphia Bar Reporter welcomes letters to the editors for publication. Letters should be typed. There is no word limit, but editors reserve the right to condense for clarity, style and space considerations. Letters must be signed to verify authorship, but names will be withheld upon request. Letters may be mailed, faxed or e-mailed to: Rachel Kipp, Director of Communications and Marketing, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, PA 19107-2955. Phone: (215) 238-6395. Fax: (215) 238-1159. E-mail: communications@philabar.org.



# Chancellor's Column

MARC J. ZUCKER

## Are we ready for mandatory pro bono?

It's time to work together to combat  
the pro bono crisis in Philadelphia

**A**s chancellor of this superlative bar association, I'm acutely aware that I have only one calendar year to utilize my "bully pulpit" in support of issues important to our profession. As this column will appear in our June issue of the Bar Reporter, I'm likewise aware that the year is almost half over. That's why I don't want to delay in addressing one of the most pressing issues facing both the legal community and our City: the urgent need for pro bono attorneys.

The fact that you are already a member of the Philadelphia Bar Association shows your commitment to the bar association's mission, which is "to serve the profession and the public by promoting justice, professional excellence and respect for the rule of law. In so doing, the Association strives to foster understanding of, involvement in and access to the justice system." My predecessors have actively encouraged pro bono service in numerous ways, emphasizing the vital need for such service and collaborating with the Pennsylvania Supreme Court to encourage it, in addition to working with legal service organizations that advance the goal of access to justice.

Our recent symposium on the anniversary of the *Gideon v. Wainwright* decision shone a light on the gaps in our criminal justice system and on the parallel need of those facing major life crises in the civil arena to have a right to counsel. Chief Justice Todd, Governor Shapiro, and Speaker McClinton and her fellow CLE panelists each advanced the idea of promoting access to justice in multiple ways. Chief Justice Todd, in particular, highlighted the need for all attorneys to step up and take pro bono cases.

**To some extent**, there is no higher calling than the commitment an attorney makes to represent a client who is unable to pay. And the intangible benefits are many: providing new lawyers with first-chair courtroom experience, the emotional reward of helping those so greatly in need, expanding one's skill set and knowledge of practice areas outside of one's comfort zone, gaining a clearer understanding of societal gaps and structures in need of reform and, lest we forget, the warm hugs and tears of joy that we rarely get from our paying clients. At a higher level, many lawyers and firms have gained nationwide notoriety when partnering with Community Legal

Services, the Public Interest Law Center and others on class actions and other complex impact litigation that bring about systemic change.

On a personal note, my own pro bono experiences have inspired and centered me. Over the years, they have included defending credit card debt collection cases, filing name-change petitions for those who have changed their gender, mediating multiple cases in the Eviction Diversion Program, and defending a student with dyslexia sued for unpaid tuition and a blind man sued for cracks in his sidewalk. Along the way, I developed a personal niche – helping low-income individuals to establish their birth facts after having received no birth certificate from their state of origin. That series of cases awakened me to the invisibility that individuals experience when the lack of a birth certificate prevents them from getting a government-issued photo ID. A driver's license or ID, as we know, is the prerequisite to a whole range of basic services and benefits. Seeing my clients ultimately obtain an ID card – often after 60 or 70 years without one – and the palpable joy as they finally receive official acknowledgement of their own existence, has been rewarding beyond measure.

The exhilaration engendered by these cases should be enough to motivate anyone who feels dissatisfied by the nature of their work as a lawyer in the high stress, high pressure, low morale world of today's practice. Sadly, though, these factors are not enough.



**In part a result** of the pandemic, and in part the result of the pressure to bill more hours and meet firm revenue demands, the number of attorneys willing to volunteer for pro bono cases has declined precipitously. Just ask the hard-working staff and board of the Philadelphia Volunteers for the Indigent (VIP) program, or any number of other amazing organizations in this city that have had to turn away clients in need because there are simply not enough attorneys to represent them. By way of example, VIP is forced to turn away four of every 10 clients who request assistance, due to a lack of volunteer attorneys to support them. The VIP staff, like those at the Support Center for Child Advocates, Volunteer Lawyers for the Arts and so many similar organizations, will happily train volunteers on the nuts and bolts of representing these clients – often in practice areas previously unexplored by those volunteers. But the "if you build it, they will come" assumption apparently doesn't work anymore. Rather than increasing volunteerism in the face of increasing need, the number of

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# Elections

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Judicial Commission, and its investigative volunteers, and by the Campaign for Qualified Judges. They also demonstrate the high level of trust that candidates and voters alike have in our rigorous, nonpartisan ratings process,” said Philadelphia Bar Association Chancellor Marc J. Zucker.

This is the third election year in a row that only “Highly Recommended” and “Recommended” candidates won spots on the November ballot for the Court of Common Pleas. In addition, “Highly

Recommended” candidates Chesley A. Lightsey, Hon. John R. Padova, Jr., Natasha Taylor-Smith, and Kay Yu all placed in the top six in terms of votes received. “Recommended” candidates earning spots on the November ballot for Common Pleas are Jessica Brown, Damaris L. Garcia, Hon. Brian McLaughlin, Caroline Turner, Hon. Tamika Washington, and Samantha Williams. “Recommended” Municipal Court candidates Barbara Thomson and Colleen McIntyre Osborne won ballot positions in November’s general election.

The following “Highly Recommended” candidates won spots on the November ballot for seats on state-wide appellate courts: Hon. Daniel D. McCaffery

for Supreme Court and Hon. Timika Lane for Superior Court. “Recommended” candidate Hon. Matthew Wolf won a spot on the November ballot for Commonwealth Court.

The Campaign for Qualified Judges mounted a comprehensive voter education campaign to publicize the recommendations, including sending two targeted direct mailings to more than 31,000 Philadelphia voters. For the first time since 2019, volunteers worked at the polls on Election Day, handing out information about the judicial ratings directly to voters.

*Rachel Kipp is the director of communications and marketing at the Philadelphia Bar Association.*

# Pride Month

Continued from page 1

that the community fought back.

The first ever Pride event, the Christopher Street Liberation Day March, was held exactly one year after the Stonewall Riots. The flyer announcing the march includes the statement that “Freedom is never given – it must be taken.” In all, more than 2,000 gay, lesbian, bisexual and transgender people took to the streets that day, and started what is now a global movement to celebrate LGBTQ+ identities.

The LGBTQ+ community, especially the transgender community, is under attack at an unprecedented level. As of the date of publication, every single state, except Delaware, has proposed at least one piece of legislation designed to harm the trans community, and limit or bar access to basic healthcare, education, and the right to exist. More than

540 bills were proposed in 2023 so far, with 70 of these passing. In contrast, throughout the entirety of 2022, only 26 bills were passed out of a total of 174 that have been proposed. That is a 210% increase in legislation in just the first half of 2023.

There are efforts to remove LGBTQ+ people from the public sphere as well, on much smaller levels; even locally, there are some groups that are seeking to ban pride flags and books that feature queer and trans representation from schools and public libraries. What we encourage all of you reading this to do is to speak out against hate, wherever you see it, and join us in celebrating Pride Month in June.

*Ira S. Lefton and Krystal Kane are co-chairs of the LGBT Rights Committee of the Philadelphia Bar Association. Kevin Levy is chair and Stephen Kulp is the immediate past chair of the Philadelphia LGBTQ Bar Association.*



RHODODENDRITES/WIKIMEDIA COMMONS

The Stonewall National Monument on June 25, 2016, the day after its declaration as a national monument by President Barack Obama.

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# The International Criminal Court at 25

BY ENID H. ADLER

In April 1998, the Philadelphia Bar Association's Board of Governors passed a resolution in favor of creating a permanent, independent, international, criminal court. The Philadelphia Bar Association was the only U.S. bar association to do so. This preceded the mid-June 1998 convening of the Treaty Conference of Plenipotentiaries (Nations) to create such a Court. The sessions, held in Rome, lasted for five weeks until July 17. Their charge: to discuss and make permanent a draft document that once completed would be known as the Rome Statute, the governing law of the new International Criminal Court (ICC).

This was a very complicated process with 1,300 words and phrases in parentheses to be clarified and decided in only five weeks. Daily changes had to be translated into six different languages, that didn't always agree with the English version. The delegates, ambassadors of 160 countries including the U.S., were working on the preamble, elements of each crime, jurisdiction and more.

Once completed, this Court would have jurisdiction over four of the most heinous crimes known to mankind: initially, war crimes, crimes against humanity, and genocide. With such a limited time, the fourth crime, the crime of aggression, would be part of the Rome Statute, but it would come in as an amend-



**The Philadelphia Bar Association** is recognized as a valuable asset not only within the Coalition, but also by the ASP and others.

eight-plus years of deliberations with country representatives on finalizing the Amendment on the crime of aggression. Known as the Kampala Amendment, it received final approval at the 2017 Assembly of States Parties (ASP), currently composed of the 123 countries that have ratified the Rome Statute. However, there is a caveat regarding the Court's jurisdiction over this Crime for all ASP members as determined in Kampala. Unfortunately, as finally decided, jurisdiction only applies to the ASP countries that have ratified the Crime of Aggression Amendment.



**What is the NGO Coalition** for the International Criminal Court, and why is it significant in the creation of this Court and throughout these past 25

years? Early in the 1990s, the Coalition was an umbrella organization for 800 civil society organizations. It was this group that met with countries at the UN that were interested in creating such a permanent Court. It has been stated many times at ASPs and other gatherings that the CICC was and continues to be an integral force in the creation and work of the ICC. The Coalition has grown worldwide to more than 1,600 civil society organizations.

As the Philadelphia Bar Association's representative, both in Rome and for the past 25 years, in the non-governmental (NGO) Coalition for the ICC (CICC), I was on the Coalition's team for

eight-plus years of deliberations with country representatives on finalizing the Amendment on the crime of aggression. Known as the Kampala Amendment, it received final approval at the 2017 Assembly of States Parties (ASP), currently composed of the 123 countries that have ratified the Rome Statute. However, there is a caveat regarding the Court's jurisdiction over this Crime for all ASP members as determined in Kampala. Unfortunately, as finally decided, jurisdiction only applies to the ASP countries that have ratified the Crime of Aggression Amendment.

The Philadelphia Bar Association is recognized as a valuable asset not only within the Coalition, but also by the ASP and others. It all began with that 1998 resolution. With the resolution in hand on the first day of meetings in 1998, I proudly printed and distributed copies to every Coalition member and country delegate. Our bar and Philadelphia were then and throughout the years recognized as a continuous champion of the ICC. In 2012, our bar collaborating with UNA-Greater Philadelphia and others presented major symposiums in Philadelphia celebrating the 10th anniversary of the Court coming into force (in 2002, after 60 country ratifications of the ICC Treaty). Speakers included the Court's vice president, president judge and ambassadors. Similar events are being planned for the ICC's 25th anniversary this year.

*Enid H. Adler is owner of Enid H. Adler, counsellor & attorney at law.*



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## A successful Law Week 2023, thanks to stellar volunteers

Last month, the YLD put on a number of events for another successful Law Week! The theme for Law Week this year was “Cornerstones of Democracy: Civics, Civility, and Collaboration.” The Law Week programs explore these themes and the spirit of Law Day by helping Philadelphia residents and students learn about the legal system. We expanded the programs over two weeks this year, which helped spread out the events and accommodate some of the local schools who hold PSSA testing the first week of May every year.

The programs for Law Week this year included Legal Advice Live, the Goldilocks Trial, and Lawyer in the Classroom. Legal Advice Live took place at the Free Library on May 3rd from 12:00 – 2:00 pm. Five attorneys volunteered and answered legal questions to Philadelphia residents. This event builds on the monthly Legal Line where the community can call in with legal questions, and this event gave the community the opportunity to speak to a lawyer face to face. Attorneys advised on landlord tenant, traffic, bankruptcy, and estate issues.

The YLD also sent twenty volunteer attorneys into eight classrooms in Philadelphia to talk to students



about the legal system and being a lawyer. The students ranged from 5th to 8th graders and were very receptive to hearing from our lawyers. One student event gave a drawing to one of our volunteers! We were very excited to bring back the trial of Gold E. Locks

this year, which was held in-person at City Hall for the first time in a few years. President Judge Fox graciously hosted the students of Chester A. Arthur School in the Ceremony Courtroom at the beginning of the day, answering questions, and teaching the second graders about the legal system, government, City Hall, and the judges. Chancellor Marc Zucker and Chancellor-Elect Jen Coatsworth also spoke to the students, highlighting the Law Week theme of civility.

Judge Roberts presided over the trial of Gold E. Locks, who faced charges of entering a house uninvited, eating another person’s food without permission, breaking another’s bed, and messing up a made bed, with star performances from our volunteer attorneys as the

prosecution, defense, the three bears, and Golden Locks herself. The students had the opportunity to deliberate and serve as jurors to the case, resulting in numerous hung juries. Judge Roberts continued to host the students after the trial and answered the many questions that the students posed to him.

The last of the Law Week activities were the YLD’s essay and poster contests for local students sponsored by Ed and Brian Chacker. The essay contest is open to high school juniors and seniors. The winner of the essay contest gets a monetary prize and the opportunity to read their winning essay at an upcoming naturalization ceremony. Fourth, fifth, and sixth grade students can submit entries for the poster contest. Both the essay and poster contests focus on the Law Week theme, and the deadline for submissions has been extended until June 9th. Please reach out to me at maruth@duanemorris.com if you would like more information on the contests.

Thank you to all our volunteers this year, with a special thanks to the Bar Association leadership Marc Zucker, Jen Coatsworth, and Kathy Jaffari, all of whom volunteered with us this year, and to President Judge Fox and Judge Roberts for working with us on the Goldilocks trial. I also want to thank the Bar Association staff who helped with planning and marketing these events. The YLD could not put on a successful Law Week without everyone’s help. We can’t wait until next year when we get to do it all again.

*Melissa Ruth is 2023 Chair of the Young Lawyers Division.*

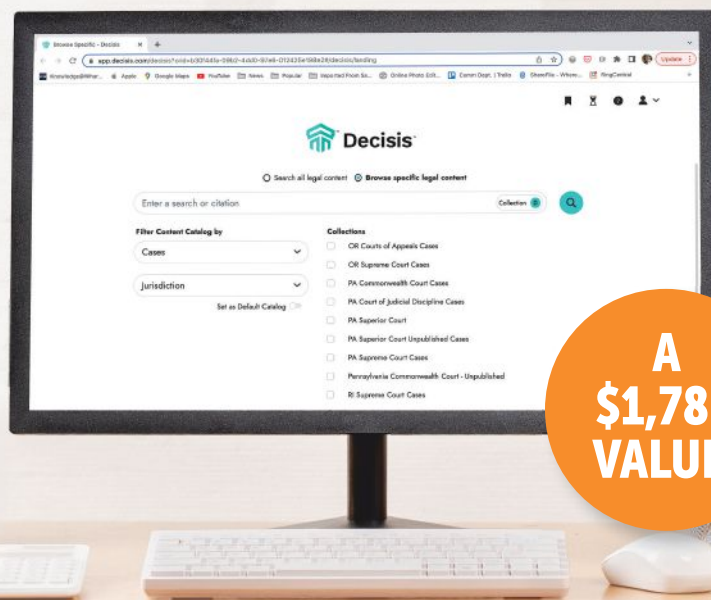
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## Make a lasting impact on our community

As we ease into the calm of summer, as the Philadelphia Bar Foundation approaches its 60<sup>th</sup> Anniversary, and as my term as president of the Foundation begins to wind down, I can't help but think about my legacy as president. With six months remaining in my term, there remains so much more that can be done to further the mission of the Foundation and to make a lasting impact on our community.

Over the next few months, I plan to conduct meaningful conversations with some of the people who have inspired me to engage with the Foundation, with many of my colleagues with whom I have worked, and with those who have quietly given generously of their time, talent, and resources to help the Foundation remove barriers to justice. As I connect and reconnect with friends of the

Foundation, I hope to learn how we could make the Foundation stronger to have an even more meaningful impact. What are the personal goals of those who have already invested so many of their resources in the Foundation? What are their goals? Where and how do they hope that the Foundation will have the greatest impact? I also hope that these conversations will inspire those



I look forward to talking with you and learning how you might make the success of the Foundation part of your own plans.

with whom I speak to renew their commitment to the Foundation.

We all want to leave a lasting impression, especially with those we care most about and with the people and organizations that matter most to us. I look forward to talking with you and learning how you might make the success of the Foundation part of your own plans.

So, as you pack the sunscreen, or mix up mojitos, or fire up your grills, please consider talking with me or somebody else from the Foundation to talk about Planned Giving. We can work together to have the lasting legacies we want most.

*Meredith S. Auten is president of the Philadelphia Bar Foundation.*

### ATTORNEY DISCIPLINARY / ETHICS MATTERS STATEWIDE PENNSYLVANIA MATTERS NO CHARGE FOR INITIAL CONSULTATION

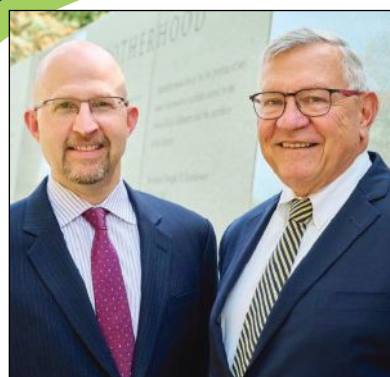
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## MAYORAL FORUM

**On May 8**, the Bar Association hosted a mayoral candidates forum attended by Jeff Brown, James DeLeon, Allan Domb, Helen Gym, and Rebecca Rhyhart. The forum, which was for Bar Association members only and attracted more than 200 attendees in-person and virtually, was moderated by Marcel S. Pratt, managing partner at Ballard Spahr and former city solicitor.







## ANNUAL COMMERCE COURT RECEPTION

**On May 11**, the Business Litigation Committee of the Business Law Section hosted the Annual Commerce Court Reception at The Westin to honor Supervising Judge Nina Wright Padilla, Judge Ramy I. Djerassi, Judge Paula A. Patrick, and thank Arcangelo Travaglini for his long-time service as a Law Clerk to the Commerce Program.







## LAW WEEK 2023

**From May 1 – 12**, the Young Lawyers Division hosted Law Week with an array of community service events such as Legal Advice Live in the Heim Center in the Parkway Central Library (opposite page, top), Lawyer in the Classroom at Warren G. Harding Middle School (opposite page, bottom), and the Goldilocks Trial at City Hall with second graders from Chester A. Arthur Elementary School (this page).









## EVENTS

### 44TH ANNUAL PHILADELPHIA BAR ASSOCIATION 5K RUN/WALK

On May 21, about 900 runners and walkers participated in the 44th annual Philadelphia Bar Association 5K in Fairmount Park and virtually. The 5K raised more than \$75,000 to benefit the Support Center for Child Advocates. The first place overall winners were Calder Burke (male), Julie Platt (female) and Alin Spearman (non-binary.) The top finishers among Bar Association members were Megan Feehan, Cozen O'Connor, and Jason Bologna, Buchanan Ingersoll & Rooney. Cozen O'Connor (Sarah Burke, Megan Feehan, Mark Vacha, Matthew Siegel and Greg Fischer) placed first in the team competition.







## PHILADELPHIA VIP AWARDS NIGHT 2023

**On May 4**, Philadelphia VIP hosted a VIP Awards Night at the FMC Tower to celebrate VIP volunteers who have worked hard to ensure access to justice for low-income Philadelphians. The Association's Public Interest Manager, Rodlena Sales, was awarded the Pro Bono Impact Award.





# CLE program provided great wisdom for women in the legal profession

BY GABI OUTLAW

On April 25, 2023, The Women in the Profession Committee (WIP), Women's Rights Committee and Villanova Law Women's Network co-hosted a CLE program entitled, "The Current State of Women in the Profession and Taking Action to Build Upon Our Achievements and Move Forward Together." The program's first panel consisted of practitioners (Nicolette-Burgess Bolden, Regina M. Foley, Chi-Ser Tran, and Alysia Kinchloe, MBA) and was moderated by WIP Co-Chair, Erin Lamb. The second panel consisted of judges (Hon. Nitza Quiñones Alejandro, Hon. Idee C. Fox, Hon. Lisette Shirdan-Harris, Hon. Sheila Woods-Skipper, and Hon. Stella Tsai) and was moderated by WIP Profession Co-Chair, Kristine L. Calalang.

The practitioner panel provided their perspectives on developing one's career while parenting, the impact of the COVID-19 pandemic on legal practice, ongoing

challenges in the practice of law for women, and their impressions on the ever-elusive "work/life balance." Foley shared her personal experience on how guidelines put in place by the Bar Association assisted her in creating a maternity policy in her former firm. Kinchloe discussed how experiences she had while pregnant with her third child opened her eyes to how the business model in the legal field needed to be changed and how operating her firm in a virtual space prior to the pandemic significantly helped prepare her employees for the limitations that challenged other firms during the pandemic. Tran discussed how her manager, a fellow practicing mother, helped advise her on how to attend to her work responsibilities while also taking care of her home life as a new mother. Burgess-Bolden discussed the importance of representation of women in the law and the incredible value of having women as allies and in the room to speak up and support each other.

During the judicial panel, the esteemed judges

shared stories of their inspiring journeys to the bench and provided words of wisdom for women practitioners who are developing their careers and life goals. Judge Shirdan-Harris shared a powerful anecdote about experiencing bias while on the campaign trail and on the bench and what steps Her Honor has taken to overcome it. Judge Fox shared the story of a young woman associate who spoke up when treated with bias during a court conference and the importance of the judiciary helping to combat this bias and supporting attorneys advocating against these biases. Judge Wood-Skipper discussed the importance of women giving themselves grace and allowing others to share the load that women often feel they must carry alone. Judge Quiñones Alejandro discussed that women need to "pay themselves" by taking ten percent of their time to do something that they enjoy outside of work. Judge Tsai advised how Her Honor keeps women associates who accompany male partners involved in the court proceedings and discussed the importance of providing junior associates with courtroom opportunities.

The program provided great wisdom for women in the legal field to digest and incorporate into their daily lives. As Judge Shirdan-Harris aptly stated, "Women are not in the spaces [that] we are to be a number, but [are in these spaces] because we are necessary."

*Gabi Outlaw is an attorney at Ricci Tyrrell Johnson & Grey.*



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# ACLU-PA: Protecting abortion access

BY ALIZA R. KARETNICK

**O**n June 24, 2022, the United States Supreme Court released its decision in *Dobbs v. Jackson Women’s Health Organization*, overturning the constitutional right to abortion. Writing for the majority, Justice Alito stated, “procuring an abortion is not a fundamental constitutional right because such a right has no basis in the Constitution’s text or in our nation’s history.” With the stroke of his pen, Justice Alito and four other justices turned back the clock — not only returning Americans to a time before *Roe v. Wade* was decided, but also looking at reproductive rights exclusively through the lens of the mid-1800s. As Justices Breyer, Sotomayor, and Kagan correctly argued, the Court had stripped women of rights, destroyed lives, and curtailed women’s “status as free and equal citizens,” most negatively impacting women of color and limited means.

In 1992, *Planned Parenthood v. Casey* threatened abortion rights (quaint, in retrospect). It was a call to action, and as a college student, I responded by demonstrating alongside hundreds of thousands of others in the March for Women’s Lives in Washington D.C. Thirty years later, as a lawyer and mother of a twenty-one-year-old daughter, I understood *Dobbs* was another call to action. After shaking off the shock of *Dobbs*, I approached Ballard Spahr’s pro bono coordinator. This time I would demonstrate, but I

would also apply my legal skills. In August 2022, three Ballard colleagues and I, in partnership with the ACLU of Pennsylvania, stepped up to defend a non-profit providing financial support and other resources to women in need seeking abortions.

The City of Philadelphia, as it does with dozens of non-profits, supported the organization’s public health mission by awarding it a substantial grant of municipal funds. That grant was fodder for anti-abortion taxpayers’ and an anti-abortion organiza-

tion’s suit and request for preliminary injunction preventing municipal funds from subsidizing abortions. Following an evidentiary hearing, the court found the plaintiffs were unlikely to succeed on the merits of their claims and denied their request for injunction.



Shortly thereafter, the court dismissed the case for failure to state a claim. As the court said, it could “discern no basis that would

allow . . . private citizens, and the [anti-abortion group], an organization, to control how a non-profit spends its own money.” That win gave financially disadvantaged women the ability to access abortion care in a state where such care still exists. And, equally important, it sent a message that back door efforts to deny women their right to abortion will not be tolerated. The case was not an isolated one for Ballard. Other lawyers at the firm have collaborated and continue to collaborate with the ACLU to support civil rights, including the right to reproductive freedom. I am incredibly grateful to the ACLU for leading the charge in this area, and for giving my colleagues and me the opportunity to respond to the call to action.

*Aliza R. Karetnick is a partner at Ballard Spahr LLP.*

## WORKERS’ COMPENSATION SECTION

# Welcome, Judge Pochettino

BY CAITLIN SULLIVAN

This past winter, the Philadelphia Workers’ Compensation Office of Adjudication welcomed its newest judge to the bench: The Honorable Kathleen “K.C.” Pochettino. Judge Pochettino began her appointment on February 13, 2023 and completed her required training on March 10, 2023. Although some have had the pleasure of knowing Judge Pochettino from her days in private practice, I thought I would take the time this month to interview her as an introduction to our Section.

**Sullivan:** Where are you from?

**Pochettino:** I grew up in Gilbertsville in Montgomery County.

**Sullivan:** Where did you go to school?

**Pochettino:** I graduated from St. Pius X High School in Pottstown. I received my bachelor’s degree from Ursinus College. I then went to law school at Villanova.

**Sullivan:** Did you always want to be a lawyer?

**Pochettino:** No, I originally wanted to work in some sort of political role shaping law and policy. However, after an immersive semester in politics and policy at American University, I realized that was not for me. I then pursued a legal career.

**Sullivan:** How did you get into workers’ compensation?

**Pochettino:** At Villanova, I took a class in workers’ compensation and worked at the Farmworker Legal Aid Clinic one summer. I was exposed to workers’ compensation through the clinic, did well in class, received the Irv Stander Award as a law student and received my first job as an attorney doing workers’ compensation.

**Sullivan:** How many years in practice before becoming a Judge?

**Pochettino:** 12 years.

**Sullivan:** What made you want to become a Judge?

**Pochettino:** I have always respected the Judges and held them in high esteem. I have aspired to the role and look forward to my role as the fact finder.

**Sullivan:** What is something you would like the lawyers who walk into your courtroom to know about you as a Judge?

**Pochettino:** Anything that the attorneys would need to know is contained within my Judge’s Procedural Rules and Policies, available on WCAIS and the Department of Labor and Industry’s website. Also, my last name is pronounced: pohk-uh-teen-oh. I hope that phonetic rendering helps!

**Sullivan:** Do you have any particular goals as a newly appointed Judge?

**Pochettino:** My goal is to be impartial, fair and effective.

**Sullivan:** What do you like to do when you are not in the courtroom?

**Pochettino:** I like to spend time with the people I love, I like to run, and I like to eat.

Congratulations on your appointment, Judge Pochettino!

*Caitlin M. Sullivan is an attorney at Chartwell Law.*



# Philadelphia can end tangled titles for good

BY LEILA BAGENSTOS

Philadelphia has at least 10,407 tangled titles, affecting 2% of the city's residential properties. As public awareness of the tangled title crisis has grown in recent years, so has city investment in resolving it. In 2020, the City Council passed the Neighborhood Preservation Initiative (NPI), a \$400 million bond to secure affordable housing across Philadelphia. City Council and the City's Division of Housing and Community Development (DHCD), a long-time funder of Philadelphia VIP's tangled title program, earmarked 7.6 million NPI dollars for resolving tangled titles, making Philadelphia the first major city to devote significant governmental resources toward solving a problem that affects low-income homeowners nationwide. Over the next four years of NPI spending, the city has the opportunity to end tangled title for good.

Philadelphia VIP has two decades of experience helping people experiencing poverty become record owners of their homes. Since 2022, thanks to the additional funding provided by NPI, VIP's homeownership staff has doubled. Community Legal Services, Philadelphia Legal Assistance, and SeniorLAW Center have received funding to build new tangled title legal programs, increasing capacity

to guide thousands of homeowners toward title. In February of this year, these four agencies were assisting with nearly 1,400 tangled title matters and over 500 estate planning matters: a twofold increase in the first year of NPI.

NPI has also boosted funding to the Tangled Title Fund (TTF), a grant program administered by VIP and intended to pay the significant administrative costs associated with untangling titles. Costs like probate filing fees, transfer taxes, and inheritance taxes put legal title out of reach of many low-income homeowners. TTF monies offer a way forward.

As the home of the TTF, VIP has a unique perspective on NPI's impact across legal services agencies. Since NPI spending began last January, we have seen an unprecedented number of TTF applicants and an explosion of TTF spending. TTF served 99 new households in 2021 and 139 in 2022. It is on pace to serve 240 new households in 2023, an increase of over 140%. Likewise, TTF approved 191 requests for funds in 2021, 286 in 2022, and is poised to approve 576 in 2023, an increase of over 200%. TTF will spend approximately \$420,000 in 2023, compared to \$253,071 in 2022 and \$155,764 in 2021. By any metric, we are serving more clients and resolving more tangled titles than ever before.

Collaboration with our local government partners has been key to this successful expansion of tangled title services. City Council district offices are a front door for homeowners seeking answers. The Register of Wills is working with the legal services community to overcome institutional challenges associated with the probate process. The Department of Records generously waives recording fees for the culminating deed. Finally, without the time and money that DHCD has consistently invested in tangled titles over the past two decades, we would not be in the position to assist more than a thousand Philadelphians obtain title to their homes today.

We are in a moment of great opportunity in Philadelphia. Resolving tangled titles is key to maintaining Philadelphia's affordable housing stock, reducing blight, and preserving generational wealth, particularly for Black homeowners. The City of Brotherly Love is uniting to help our neighbors retain their most valuable asset – their homes. By volunteering to take on tangled title cases, pro bono attorneys can play a critical role in this collective effort.

*Leila Bagenstos is the Homeownership Project Administrator at Philadelphia VIP, where she manages the Tangled Title Fund and coordinates between agencies working to resolve tangled titles.*

## CLE: ISSUES REGARDING JURISDICTION

# PA's & NJ's compensation systems for workers have some differences

BY REGINA M. PARKER

The handling of workers' compensation claims may lead to multi-state jurisdictional issues that require identification of the differences between each statute. During the April 21st Workers' Compensation Section CLE, "We're Not in Pennsylvania Anymore: Issues Regarding Jurisdictions," the panel explored the differences between Pennsylvania and New Jersey workers' compensation systems. The panel included Anish A. Desai from Berman Voss, P.C., and Patrick W. Kenny from Gross & Kenny, LLP.

The panel explained that there are pros and cons to litigating claims in each state. In Pennsylvania (PA), the workers' compensation system is a wage loss state where disability is based on the inability to earn pre-injury wages. Kenny explained that the PA statute of limitations is three years. In contrast thereto, New Jersey (NJ) is a permanency state that is based on the nature of injuries. Anish explained that if it is a denied claim, the statute of limitations is two years. However, if the claim is accepted, the two years run from the

date of payment of last compensation.

The panel noted that the biggest difference between PA and NJ is the handling of medical benefits. The payment of medical benefits in NJ is drastically different from PA in the sense that the defense controls all medical during the duration of the claim. Anish stated that the defense directs the injured worker to one specific "authorized" provider and is responsible for payment of medical bills for that particular provider until the injured worker reaches maximum medical improvement (MMI). If an injured worker is at MMI, the defense can unilaterally terminate medical benefits. In contrast thereto, in PA, the injured worker can treat with any provider after 90 days. Additionally, the PA defendant cannot unilaterally terminate benefits. Rather, the defense has to file a petition seeking termination if there is a full recovery medical opinion.

The NJ defense can also unilaterally stop wage loss benefits by making a job offer consistent with any work restrictions. The panel explained that it would be in the best interest for the injured worker to return to

work to avoid being without income. Contrary to NJ, in PA, the defense cannot unilaterally stop benefits with a job offer. Rather, the defense must initiate the legal litigation process by filing a petition.

There are also a number of differences as they relate to settlements. In PA, a claim is resolved via a Compromise and Release Agreement which will fully close out indemnity, medical, or both. With a Compromise and Release Agreement, the injured worker gives up the right to reopen the claim.

However, in NJ, an injured worker can retain the right to reopen a claim in a Section 22 settlement which is an order approving settlement of an award based on a percentage of disability. The injured worker has two years from the date of final payment to re-open the claim. Another form of settlement in NJ is the Section 20 settlement which is a lump sum full and final payment without the right to reopen the claim.

It is the injured worker who decides where to file the claim. The injured worker cannot simultaneously file petitions or collect benefits in both jurisdictions. It is important to evaluate all facts in order to determine which jurisdiction would better serve the interests of the worker, Kenny said. The defense must be prepared to raise all defenses, including exploring the possibility of resolving all claims to prevent an injured worker from seeking benefits in one jurisdiction after obtaining a settlement in the other.

*Regina Parker is a partner at Thomas, Thomas & Hafer, LLP.*



# Using a difficult lawyer's behavior to your advantage

BY MARY LEMIEUX-FILLERY

When you are dealing with a difficult opposing counsel, always keep in mind why the lawyer is being difficult. Think about whether there is a strategic psychological or negotiating benefit the difficult lawyer is seeking to obtain. It is important to remember that 98%-99% of the major jury cases filed in the Philadelphia Court of Common Pleas either settle or go to binding arbitration so the lawyer who is being difficult one day, may turn out to be your friend the next day as they seek to resolve the case.



During a remote deposition if you are dealing with a difficult attorney, it is important to make a record of

A difficult lawyer is often ... not thinking things through; and if you can get past the emotional part, you can figure out how to leverage the emotion to your benefit.

what exactly is making the representation of your client difficult - i.e., that you can't see opposing counsel and you are concerned that they might be coaching the witness, etc. By making a record of the questionable behavior and by asking for this behavior to stop on the record, if it is in fact occurring, you have preserved this information if you need to rely upon it or point it out to the judge or jury during the course of your representation. And, if you have knowledge that opposing counsel is acting in an unethical manner in violation of the Model Rules of Professional Conduct, you may have a duty to report them to the bar under the disciplinary rules.

Also, keep in mind that email communications with "cc's" and "bcc's" present a whole host of ethical issues. If you are communicating with opposing counsel and send a "cc" to your client, there are ethical questions and disputes regarding whether the receiving party can "reply all." The Pennsylvania Bar has opined that the receiving lawyer cannot respond by replying to all.

The key is to figure out how to use a difficult lawyer's behavior to your advantage. You can consider if the behavior is something that you can use to your client's benefit to a judge or to the jury. You don't want to seem like a tattletale, but there can be opportunities to use the bad behavior of opposing counsel to your advantage. You can think about bad behavior this way, it is not about getting mad, it is about getting even. A difficult lawyer is often acting emotionally, they are not thinking things through; and if you can get past the emotional part, you can figure out how to leverage the emotion to your benefit. If you are able to get the jury to laugh at the behavior of your opposing counsel, the jury has just recognized that they see the bad behavior as well.

*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.*

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Register at [philadelphiabar.org](http://philadelphiabar.org) and keep checking the CLE and Events calendar for more CLE and events added daily.

**Law Firm Pro Bono Committee**

June 1 at 12 p.m.

**Law School Outreach Summer Panel Series**

June 1 at 12 p.m.

**YLD/Business Law/Probate/Tax Networking Happy Hour**

June 1 at 5:30 p.m.

**Family Law Section**

June 5 at 12 p.m.

**Legal Rights of Persons with Disabilities Committee Meeting**

June 6 at 12 p.m.

**\*\*\*CLE - Health Care Decision-Making: Addressing Life and Death from Legal and Practical Perspectives**

June 6 at 12:30 p.m.

1.0 ETH/1.0 SUB credit - ATTEND via LIVE IN-PERSON OR VIRTUAL WEBCAST

**Delivery of Legal Services Committee**

June 7 at 8:30 a.m.

**State Civil Executive Committee**

Private Meeting

June 7 at 11 a.m.

**State Civil Litigation Section Town Hall**

June 7 at 12 p.m.

**Criminal Justice Executive Committee**

Private Meeting

June 7 at 12:30 p.m.

**\*\*\*CLE - Working as a Government Attorney: Challenges, Benefits and Skills for Success**

June 7 at 4:30 p.m.

1.0 SUB credit - ATTEND via LIVE IN-PERSON OR VIRTUAL WEBCAST

**LRIS Committee Meeting**

Private Meeting

June 8 at 8:30 a.m.

**CLE - What Could Possibly Go Wrong? – Issues with a Tax-Exempt Entity’s Private Inurement and Excess Compensation**  
**June 8 at 10 a.m.**

1.5 SUB credits - ATTEND via LIVE IN-PERSON OR VIRTUAL WEBCAST

**Law School Outreach Summer Panel Series**

June 8 at 12 p.m.

**Legislative Liaison Committee Meeting**

June 8 at 12 p.m.

**Section and Committee Chairs Meeting**

Private Meeting

June 8 at 4 p.m.

**Former Chancellors Advisory Panel**

Private Meeting

June 9 at 8:30 a.m.

**CLE - BRIDGE the GAP**

June 9 at 9 a.m.

4.0 ETH credits - ATTEND via WEBCAST

**ADR Committee of the Family Law Section**

June 9 at 12 p.m.

**Civil Gideon Task Force Meeting**

June 9 at 12 p.m.

**Appellate Courts Committee**

June 14 at 12 p.m.

**\*\*\*CLE - How to Handle Drug Testing in Your Cases**

June 14 at 12 p.m.

1.0 SUB credit - ATTEND via WEBCAST

**Diversity Committee of the Probate and Trust Law Section**

June 14 at 12 p.m.

**\*\*\* This CLE is eligible to be taken for free as part of the six free CLE credits given to members in good standing. To take advantage of this benefit, enter your promo code at checkout. For questions, contact us at 215-238-6300.**

**Probate and Trust Section’s Rules and Practice Committee**

June 14 at 12 p.m.

**Workers’ Compensation Section Spring Reception and Awards Ceremony**

June 14 at 6 p.m.

**Elder Law and Guardianship Committee of the Probate and Trust Law Section**

June 15 at 12 p.m.

**Family Law Section Executive Committee Meeting**

Private Meeting

June 15 at 12 p.m.

**Law School Outreach Summer Panel Series**

June 15 at 12 p.m.

**\*\*\*CLE - Artificial Intelligence (AI) and Employment Law**

June 15 at 12:30 p.m.

1.0 SUB credit - ATTEND via LIVE IN-PERSON or VIRTUAL WEBCAST

**The Philadelphia Lawyer Editorial Board**

Private Meeting

June 16 at 12 p.m.

**\*\*\*CLE - A Primer on Spousal Lifetime Access Trusts**

June 20 at 9 a.m.

1.0 SUB credit - ATTEND via WEBCAST



For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or [tphoenix@philabar.org](mailto:tphoenix@philabar.org).



### **Business Law Executive Committee**

Private Meeting  
June 20 at 12 p.m.

### **Cabinet**

Private Meeting  
June 20 at 12 p.m.

### **Employee Benefits Committee**

June 20 at 12:30 p.m.

### **Education Committee of the Probate and Trust Law Section**

June 20 at 4 p.m.

### **YLD Cabinet**

Private Meeting  
June 21 at 9 a.m.

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### **\*\*\*CLE - SECURE Act of 2022: A Functional Checklist of Changes to Employer Retirement Plans**

June 21 at 10 a.m.  
2.0 SUB credits - ATTEND via WEBCAST

### **Labor and Employment Law Committee**

June 21 at 12 p.m.

### **Legal Line**

June 21 at 5 p.m.

### **Young Lawyers Division Diversity Reception**

June 21 at 5:30 p.m.

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### **\*\*\*CLE - New 2023 Philadelphia Criminal Court Updates**

June 22 at 12 p.m.  
1.0 SUB credit - ATTEND via WEBCAST

### **Law School Outreach Summer Panel Series**

June 22 at 12 p.m.

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### **\*\*\*CLE - Philadelphia Eviction Diversion Program**

June 23 at 10 a.m.  
2.0 SUB credits - ATTEND via WEBCAST

### **Civil Rights Committee**

June 26 at 12 p.m.

### **YLD Executive Committee**

Private Meeting  
June 26 at 12 p.m.

### **Public Interest Executive Committee**

Private Meeting  
June 27 at 12 p.m.

### **Elder Law and Guardianship Committee of the Probate and Trust Law Section**

June 28 at 12 p.m.

### **Law School Outreach Summer Panel Series**

June 29 at 12 p.m.

### **Board of Governors**

June 29 at 4 p.m.



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## QUICK BITES

# Inventive Mexican food in the heart of Kensington

BY JAMES ZWOLAK

It's difficult to write about chef Dionicio Jimenez' brave, imaginative and gorgeous Mexican restaurant Cantina La Martina without also discussing its Kensington Avenue location (a block away from the awesome New Kensington CDC's current headquarters; I helped the city acquire the site for them at a tax sale a decade ago as part of my day job). None of my dining companions have visited this area recently (if ever); to witness firsthand the twin scourges of decades of disinvestment and opioid addiction before you enter the restaurant is not for the faint of heart.

Inside, the Cantina is lovely. There's a large outdoor area, but the interior is full of cool art and large wood tables inlaid with funky Mexican tile. The creativity of Jimenez' menu – already lavishly discussed by other writers – may not be for everyone. Our dining party's opinions were split; my pal “Nigel” and I were a hearty thumbs up on everything, our four female companions not so much.

Every item on the Cantina's menu is immaculately presented. For cocktails, Theresa and I tried the Cantarito, a chili/lime rimmed clay mug filled with tequila (or mezcal, your choice) grapefruit, lime, and orange juices, a splash of liquor topped with Jarritos grapefruit soda. Best cocktail I've had in while. Nigel's wife “Lola” took a sip and instantly grimaced, immediately confirming to me how tasty I knew it was. Nigel's mezcal Oaxaquena was well balanced and full of smoky goodness (Lola's sip prompted a second ridicu-

lous grimace, also confirming Nigel's refined cocktail taste). Both are recommended.

The Cantina's excellent servers were extremely helpful in accommodating Theresa's cilantro allergy. The special Guacamole appetizer with pomegranate seeds was a clever mix of tart, crunchy and savory. Opinions were starkly divided on the Agua Chile De Macha, Jimenez' funky twist on ceviche with shrimp, radishes, avocado and other veggies in a tart, spicy marinade. Nigel and I inhaled the whole thing (I unsuccessfully even tried spooning the marinade with my fork). Our queso fundido with chorizo was a tasty classic.

### QUICK INFO

**WHERE**  
Cantina  
La Martina

**ADDRESS**  
2800 D Street,  
Philadelphia

**WEBSITE**  
cantinalamartina  
pa.com

The entrees ranged from straightforward to more adventurous. We didn't try the bone marrow with chicken, shrimp and steak or the braised goat. Both sounded good to me though. Carmen's Camarones Nayarit was a bit spicy for her taste, but the shrimp were plump and cooked perfectly. I'm not normally a ravioli person, but I'd read about and wanted to try Jimenez' Huitlacoche Ravioli with black truffles, topped with cotija and parmesan cheese in an epazote brown butter sauce. It completely melted in your mouth like something you'd order at a Vetri establishment. Where else can you try that?



Carnitas de Pato

Nigel's Mis 3 Amores – bone in thighs with three different moles – is one of the Cantina's signature dishes. The darkest and bitterest mole of the trio was nothing like I'd tried in my neighborhood South Philly joints; again, not for everyone. Nigel opined the two darkest moles were interesting and totally worth it. Finally, Theresa's Carnitas de Pato was a bone in, skin on half duck (she thought it was going to be deboned) that you better be ready to tackle head on. The piece I tried was excellent, but perhaps a bit adventurous (and a splurge at \$40) for some palettes.

I hope Jimenez continues to succeed. The Cantina may not be for everyone (for a number of reasons), but it was a refreshing take on some classic Puebloan cuisine.

*James Zwolak (james.zwolak@philagov.org) is a divisional deputy solicitor in the City of Philadelphia Law Department.*



Guacamole  
appetizer



Mis 3 Amores



# Chancellor

Continued from page 3

volunteers has fallen.

That's why nothing should be off the table as we consider possible options for addressing the problem, not the least of which is mandatory pro bono service. Less expansive options already in use include allowing pro bono service to count toward billable hours and offering CLE credit for taking on pro bono cases.

While no one likes to be told they have to do something, mandatory pro bono is worthy of consideration because it's clear from the current lack of sufficient volunteers that the metaphorical "carrot" of encouragement simply isn't working. And to be candid, a mandatory approach has another benefit: A lawyer who wants to do pro bono work, but who can't justify the economic benefit to his or her firm, would need no further justification because it will be required. The pro bono clients benefit from direct representation, the legal services organizations benefit from increased demand and the community as a whole benefits enormously. That being said, those same legal services organizations will be strained to accommodate that spike in demand for volunteer hours. But I have no doubt that they are up to the task and would welcome the line of lawyers forming

The exhilaration engendered by these cases should be enough to motivate anyone who feels dissatisfied by the nature of their work as a lawyer in the high stress, high pressure, low morale world of today's practice. Sadly, though, these factors are not enough.

outside of their (virtual) doors.



Much would have to be worked out in designing such a system, such as (1) figuring out how much would be required, in what form and over what period of time; (2) whether exceptions should be permitted, and whether substitutes, such as donation of money to legal service organizations in lieu of time, would suffice; (3) whether the requirement should be imposed on firms in the aggregate or on attorneys individually; (4) ensuring that attorneys have sufficient training to handle such matters competently and effectively; (5) determining how and whether matters will be selected by, or assigned to, the attorney; (6) minimizing bureaucracy and maximizing passion, commitment and opportunities for success, and (7) setting up methods to measure and enforce the requirement. New York and New Jersey have regulations in place to some extent, though not necessarily ideal, and we can learn from them in fashioning an approach that would work best in Pennsylvania.

Arguably pro bono service already is mandatory in our Commonwealth. Rule 6.1 of the Pennsylvania Rules of Professional Conduct states unequivocally that a "lawyer should render public interest legal service." As currently framed, that responsibility can be advanced not only through pro bono service, but also by support of organizations that provide such ser-

vice. And let's be clear: the Philadelphia Bar Foundation, Community Legal Services, VIP, the Senior Law Center, the Legal Clinic for the Disabled, Support Center for Child Advocates and so many other organizations doing this work on the front lines all desperately need more funding. But funding can advance the ball only when there are individual volunteers and staff to do the work. The ABA Model Rule 6.1 is even more explicit: "Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least 50 hours of pro bono publico legal services per year." But we need more.

In floating this idea, I want to be clear: Our Board of Governors has not addressed this issue, and mandatory pro bono service is not a policy adopted by this bar association. The idea itself may be a controversial one, but so is the crisis of representation in this city. The time has come to reckon with this issue, and I call upon our members to begin the conversation. By bringing all stakeholders together, we can evaluate best practices, identify possible solutions and begin implementing and advocating for the necessary changes to make them a reality. There are clients out there who need us and don't have the luxury of time on their side. Let's start talking.

Marc Zucker is 2023 Chancellor of the Philadelphia Bar Association. You can email him at [chancellor@philabar.org](mailto:chancellor@philabar.org).



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## QUICK TIP

# Advance conflict waivers: Use them or lose them?

An effective advance conflict waiver may permit lawyers to take on matters adverse to a client without the need for a subsequent waiver from that client and may limit exposure arising from a conflict of interest. This edition of *In Practice*...with CNA offers helpful suggestions for the possible use of advance waivers. For more, visit <https://insurance.focus.usiaffinity.com>.



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## Plan makes transitioning from legacy software easier

BY JARED CORREIA

The main reason law firms don't move on from clunky, old legacy software is because they fear data transfer – especially when that movement is to shift from desktop software to cloud tools. That's because transitioning that data is really hard. Field mapping is a pain – making sure that the data sets from one system match up with the other. While some of the companies that you would transition your data to purport to be helpful in that process and will offer free services in that regard – the transition is not often done perfectly, and you have only so many bites at the apple before signing off on the completion of the process. Now, you could get an implementation consultant to assist in that process, but then you're paying a not insubstantial hourly rate with a hoped-for improved result over a free process. Of course, it has become easier to transfer data in a cloud environment because even if you're using a legacy/desktop software that you're looking to transition out of, there are potentially cloud-based tools that could integrate with it. For example, instead of transferring email tasks of events out of your productivity software and into your case management software, you can instead just 'unhook' that system from your old software and hook it into your new software via a



direct or third-party integration. Then you can swap the data you need and archive the rest.

That really gets to the nub of the problem because while most law firms will look at a transition in software as being onerous since they feel the need to move all their data into a new system that potentially debilitating option can be avoided. When you really break down your data transfer needs, alternative solutions become far more palatable.

The key to unlocking this door is that you don't really need to transfer all of your data from one system to another. Let's talk about a couple of simple ways that you may be able to reduce your data transition obligation:

Every state has ethics rules respecting how long a law firm has to hold onto case files after the case has closed (between 6-8 years, usually). To start with, you don't need to move over any of that data. In fact, you can destroy it, so long as you do so confidentially. Though, I know that attorneys like to be pack rats,

and yes you can store that data as long as you want; you're not obligated to get rid of it. Online storage is relatively cheap and an encrypted, physical hard drive represents a one-time cost.

Beyond the case files that can be effectively eliminated due to the preservation rules, you could also look to move over only your active cases, and leave the more recently archived cases in the old system (assuming you can pay for continued maintenance of that system, for an extended period), or save that information in another software or on a physical device.

Some firms choose only to add 'new' cases to a new system and to update the new system with existing cases on a case-by-case basis, as activity commenced on those cases. This means that you are only ever adding the cases to a new system that are being actively worked on and that doesn't require any large-scale data transfer. Of course, that's suboptimal, in that you'll need to maintain two softwares to perform the same function, potentially for quite some time.

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*Jared D. Correia is the founder and CEO of Red Cave Law Firm Consulting. If you want to learn more about building a modern law firm, the Philadelphia Bar Association now offers discounted law practice management consulting services from Red Cave Law Firm Consulting. Get started today.*

## How to choose the right insurer for your benefit plans

Offering the right mix of benefits to employees is a daunting task for almost any company. Yet most business owners understand the importance and value a strong employee benefit portfolio has for their company's growth and overall success. But choosing the best benefits is only part of the story. Choosing the right insurance carriers to provide those benefits is not only the other part of the story, but an often-undervalued aspect as well.

When evaluating different carriers for benefit plans, there are several things

employers should consider prior to making a decision. While working with a benefits broker or consultant will greatly simplify this process, it is ultimately up to the business owner to ensure the carrier selection is the best fit for their company. Here are a few points to consider:

**Carrier Credential:** In addition to checking that carriers are licensed to do business in any state(s) with client locations, decision makers should also seek assurance that the carrier is financially



sound and meets all state requirements such as those involving required premium reserve levels.

**Diversity of Products and Services:** Most companies today, especially those with more than a few employees, tend to offer multiples

plan options for their employees to choose from. The right carrier should have a wide portfolio of plans available for any group. Which of those plans should be in the company benefit package? That should be based on the specific demographics of each business, the health care needs of that population and the company budget.

**Provider Networks:** Prior to including a plan in the company's benefit package, ensure the carrier's provider network is robust and includes the services you need. **Continued on page 23**



# Power Players



**Ciarrocki**

Leonard Sciolla, LLP has named attorney **Marisa B. Ciarrocki** its newest partner. “Marisa has vast legal knowledge, empathy and concise communications and practical problem-solving skills which benefit our clients and the firm.” stated John J. Leonard, Managing Partner. Ms. Ciarrocki, who has been with the firm since 2014, is an experienced litigator in a variety of areas including personal injury, product liability including toxic torts, employment discrimination, and commercial litigation matters. Throughout her career, she has represented both Plaintiffs and Defendants, including individuals, businesses, and municipal entities.



**Picker**

Kaplin Stewart in Blue Bell, Pennsylvania, is pleased to announce that **Benjamin R. Picker** has joined the firm as a principal in the Commercial Litigation group. He previously was a partner in a prestigious Main Line law firm and co-founder and principal of Donoghue & Picker. Mr. Picker is an accomplished litigation attorney with extensive experience in all types of civil litigation.



**Laffey**



**Bucci**



**Kent**



**D'Andrea**



**MacMaster**



**Roth**

Personal injury law firm Laffey, Bucci & Kent is pleased to announce that seven of its attorneys have been named 2023 Pennsylvania Super Lawyers: **Jeffrey Laffey, Paul Bucci, Brian Kent, and Guy D'Andrea** have been named to the 2023 Pennsylvania Super Lawyers list. **Alexandria MacMaster, Jill Roth, and Alexandra Stulpin** (not pictured) have been named 2023 Pennsylvania Rising Stars, an honor bestowed upon no more than 2.5 percent of the attorneys in a given state.



**Dryden**

Philadelphia labor, employment, workers' compensation and family law firm Willig, Williams & Davidson is pleased to announce that partner **Michael G. Dryden** has been elected a Fellow of The College of Workers' Compensation Lawyers. Dryden serves as chair of Willig, Williams & Davidson's workers' compensation department. He is proud to battle on the side of working people, striving to ensure they receive the benefits to which they are entitled when they incur work-related injuries or fall ill to a work-related disease.



**McLoon**

Cozen O'Connor is pleased to announce that **Christopher S. McLoon**, a nationally recognized and respected tax attorney, has joined the firm's Tax practice. Christopher has spent nearly three decades providing strategic tax guidance to major businesses, investors, and real estate developers. He joins Cozen O'Connor as a member and will work out of the firm's Philadelphia office.



**Lynam**

Montgomery McCracken is proud to announce that Partner **Ashley R. Lynam** has been named Co-Chair of the Firm. Lynam is a dynamic leader who has brought extraordinary energy, legal talent, and business acumen to MMWR, having served on both the firm's Management Committee and Executive Committee. She makes history as the first woman to lead the firm in its 111 years.

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efit portfolio, the decision maker should be assured that employees and their families will be comfortable choosing from the physicians and hospitals within the provider's network.

**Cost Competitiveness:** This is obvious, but with all other factors being equal, the plan premiums for both the company and its employees are a major factor in any decision to choose or bypass a carrier.

**Level of Technology:** Online access to health information, digital tools and monitoring and other technology can assist in the management of health issues, taking stress away from employees seeking enhanced well-being and providing employers utilization-based savings in the process.

**Customer Service Experience:** Research the level of personalized customer service that the provider offers members. Especially in smaller businesses, where there are fewer if any human resource personnel

for employees to turn to for help with claim issues, a friendly, responsive and effective call center can make or break the employee experience.

*The Philadelphia Bar Association offers its members access to My Benefit Advisor as a solution for employee benefits, including voluntary offerings. For more information about My Benefit Advisor, visit our website at [philadelphiabar.mybenefitadvisor.com](http://philadelphiabar.mybenefitadvisor.com) or contact Ray Keough at (610) 684-6932.*



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