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Magazine

SUMMER/FALL 2020

Practicing in a Pandemic

See p. 17

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1 substantive credit

Researchers are furiously working to bring a COVID-19 vaccination to market as quickly as possible. But what will happen when employers mandate COVID-19 vaccination as a condition of employment? This program will provide an overview of the influenza vaccination case law and offer guidance to employers as they try to avoid legal minefields while implementing a COVID-19 vaccination program.

Ethics and Malpractice to Consider During COVID

3 ethics credits

During these challenging times it is easy to make mistakes. Unfortunately, those mistakes can lead to ethics complaints and malpractice lawsuits. Josh Byrne, Chair of PBA's Professional Liability Committee, will explore reasons malpractice is likely to occur. Daniel Siegel, Chair of PBA's Legal Ethics and Professional Responsibility Committee, will address the Committee's ethics opinion on remote working.

Premises Liability Litigation 2020

4 substantive credits

Lawyers think that prosecuting and defending the slip and fall case is easy, but there are lots of pit falls. This course focuses on handling the slip, trip and fall case from start to finish, while offering practice tips to new and experienced litigators. The course will open with an update on most recent Pennsylvania Cases in this area of the law; and will provide the audience with an understanding of how to handle a slip and fall case when the accident takes places on government property including litigation involving federal, state and local governmental properties.

Internet Defamation 2020

3 substantive credits

Web-based defamation is an increasingly common allegation for clients and their lawyers to face. Learn how this classic cause of action manifests online. Take away practical tips on how to best protect your client's reputation. Learn non-litigation and litigation strategies when dealing with an anonymous Internet defamer.

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The *SIDEBAR* Committee reserves the right to edit any material submitted and/or to omit the same from publication. Most articles are written by members for members.

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PRESIDENT'S MESSAGE



Patrick J. Kurtas, Esq.
Montgomery Bar Association
2020 President



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When I enthusiastically accepted the honorary gavel as it was passed to me by our Immediate Past President, the ever-smiling and positive Gregory Gifford, on January 10th of this year, signifying the beginning of my year as President of the Montgomery Bar Association, I had such grand plans and expectations for the year ahead – lively and fun-filled in-person events, engaging and top-notch programming and continuing legal education, a deliberate and calculated approach to drawing the most out of my board of directors, and some peaceful and restful days wondering how I was so fortunate to be granted such a fulfilling, yet easy and non-stressful leadership position. Well, perhaps I was just a bit too optimistic, even careless, in failing to recognize the impact of the forces of luck and chance as they relate to the unraveling of even the best laid plans. Indeed, as stated to me by my friend and now President of the Pennsylvania Bar Association, David Schwager, “there is the year that you plan for, and there is the year that you get.” And suffice it to say that the year that has unfolded since January has certainly been quite a bit different than I had ever envisioned.

I recently attended a virtual meeting at which 44 Pennsylvania county bar presidents shared tales and updates as to the happenings in each of their counties throughout their terms as President. The stories were spectacularly varied, as were the challenges presented and overcome in each county. As I listened to those accounts and anecdotes, what resonated most with me was how each president recognized the necessity of empowering and relying upon many other people in tackling the seemingly never-ending onslaught of new obstacles and challenges. As I think back on what these first nine months have brought me, I can definitively say that the greatest joy of my tenure has been working with so many other talented, driven, and caring individuals for the greater good. Quite simply, without the support of so many others, I would be but a tiny boat struggling to stay afloat against a series of cascading tidal waves.

For this *SIDEBAR* piece, I thought that I would briefly look back at how we as an organization maneuvered to weather three of the greatest waves that came our way, and to provide recognition for those that took primary responsibility in guiding our ship.





Executive Director Transition

As I just began my year as President, our beloved and unrivaled Executive Director, Nancy Paul, advised me of her intention to retire and to enjoy the fruits of her twenty-nine year service to the Montgomery Bar Association. While every bar association officer for the past ten or so years has feared that this would happen on their watch, I can assure you that everyone secretly prayed that it would not be on their own, myself included.

While I have previously detailed the painstaking, arduous, and time-consuming process that was undertaken to select our next Executive Director, I don't believe that I have, or even could have, extend enough credit to those that weathered this difficult storm with me. At the top of that list is President-Elect Jackie M. Reynolds, who dutifully and loyally accepted the challenge of leading the process by chairing the executive director search committee. While this was a tall enough task on its own, it became even more difficult while the COVID pandemic was unfolding and wreaking havoc on essentially everything we had grown accustomed to doing, including the ability for the committee to meet in person, to interview candidates face to face, and to basically have things proceed efficiently and effectively.

Ultimately, I am so tremendously proud of, and grateful for, the work of the search committee and even more confident in the decision that was made. I will no doubt consider the selection of Denise Vicario as our Executive Director as both my crowning achievement and most notable and important accomplishment during my year as President because it will be a decision that pays dividends for the bar association for many, many years to come. So far, Denise has been everything we hoped for and more, and I truly rest much easier at night knowing, with absolute certainty, that she has all of the tools and qualities to keep the Montgomery Bar Association at the forefront of Pennsylvania's legal community for a long time to come.

continued on next page >

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PRESIDENT'S MESSAGE

COVID-19: Practicing in a pandemic

In early March of this year, we had absolutely no idea what lie ahead for our bar association and our legal community. At first, the difficulties presented by the COVID virus seemed a nuisance, and then an inconvenience, but as the seriousness of the situation unfolded, it became apparent that it would upend all we had become accustomed to, and would require the implementation of efforts and strategies that were both new and untested. While we are still in the midst of this ongoing battle, I sincerely feel that we have successfully weathered the worst of the storm and I again must attribute all of our success to the hard work and dedication of many others.

Specifically, I must start out by recognizing and praising the efforts of our exemplary bar association staff, and while each and every member of our staff rolled up their sleeves and wasted no time analyzing the various challenges and contemplating approaches and solutions to navigate the choppy waters that lie ahead, I confidently acknowledge and laud the efforts of three of our staff members — Jack Costello, George Cardenas, and Megan Ware. Jack has been instrumental in just about every major decision that has occurred since March. With the pending departure of Nancy Paul, and our top leaders largely focused on the monumental task of choosing our next Executive Director, I cannot begin to express how valuable he was to our organization. He essentially single-handedly set up and managed the COVID resource page, amongst the very first, if not the first, of its kind in the state. This page succeeded at keeping our members immediately up to date on court pronouncements, safety protocols, and other important statewide mandates. Jack also assisted with virtually every other facet of operations, foreseeing upcoming challenges and helping to shape our approach long before things became problematic. George Cardenas managed the incredibly difficult conglomeration of tasks relating to moving all of the bar association's activities and programming online, a simply monumental undertaking ripe with never-ending new challenges and difficulties. Even when he had things shored up from the MBA perspective, his work was never done, as he had the unenviable task of managing and monitoring all of our online events, and of course, dealing with each of our members' (as well as many members of our distinguished bench) own personal technical limitations, always in a patient and helpful manner. Last, but certainly not least, Megan Ware, who only just recently celebrated the completion of her first year with the bar association, and who was simply irreplaceable in assisting the executive director search committee with numerous tasks relating to the search process, and also communicating all day long, sometimes late into the evening, with all of our committee chairs and members regarding upcoming and ongoing webinars, committee meetings and CLEs.

Of course, it wasn't only the staff that pulled us through these difficult times. Our section and committee leadership played a

huge role in this transition and I commend all of those leaders for their efforts in getting up to speed on how to conduct online meetings and for keeping their committee members informed and involved throughout the initial transition. Additionally, the Board of Directors, although unable to meet in person, actually convened virtually for the first time ever on March 26th, mere days after the initial lockdown was put into place, and then every two weeks thereafter for nearly two months, thereby enabling the business of the Association to continue. Finally, the Montgomery County bench has proven our greatest ally during these challenging times. While I heard other presidents from around the state ponder and critique the disconnect between court operations and the needs and desires of parties and practitioners within their own respective counties, I wondered how I was so fortunate to have President Judge DelRicci and our full slate of dedicated judges, who were determined to work incredibly closely with the bar association in designing and implementing phased protocols for the continued pursuit of justice in a safe manner. While there are certainly many negatives and inconveniences the COVID pandemic has brought us, I sincerely feel that the relationship between the bar association and the bench has grown even stronger over this time, and that has been both deeply satisfying and meaningful to me.



Race, Diversity, Inclusion

A third challenge of incredible importance and significance arose in the immediate aftermath of the video footage depicting the appalling and inhumane treatment of George Floyd at the hands of Minnesota law enforcement. The frustration and anger of our community, and many of our members, boiled over. The divisiveness and bitter contempt that seemingly rushed over the country like a tsunami, threatened to undermine and frustrate our years of efforts in striving to forge a more diverse and inclusive bar association as well as our Montgomery County community as a whole. But with the effort and unparalleled commitment of the leaders of our diversity committee, Jimmy Chong and Lauren Hughes, Co-Chairs, and Evelyn Devine, Vice-Chair,

along with our supremely talented, caring and persistent consultant on leadership and diversity, Nancy Walsh, AND with the efforts of still more of our leaders such as Kelley Hodge, Marilou Watson, Kristen Feden, Judge Carolyn Nichols, John Han, Ken Milner and others, we took what was rightful and understandable frustration and anger, and turned it into one of the greatest movements and efforts this Bar Association has ever undertaken. From the initial call to action featuring a program led by State Representative Joanna E. McClinton, to two powerful, evocative, and no holds barred townhalls on race, and continuing through the supremely meaningful and thought-provoking statewide diversity summit, for which the MBA played a primary and significant role, and yet more upcoming events, including a critical look at all aspects of our own criminal justice system here in Montgomery County, we have not shied away from these difficult issues even one iota. Indeed, I am proud to say that we continue to recognize these ongoing efforts to truthfully assess and face up to these challenges as our most important work. While this work surely continues and must continue, I am pleased to say that even more changes are afoot, including the recent decision to require an impact statement as it relates to race and diversity for any action to be taken by our board of directors, an effort to stage an event drawing attention to minority-owned businesses operating in our local community, more support for, recognition of, and partnering with minority bar causes including the Barristers Association of Philadelphia and the Asian and Pacific American Bar Association of Pennsylvania, and lastly an effort to make our own bar association building more welcoming by including works of art and artifacts that celebrate our diversity. There is still certainly much to do, and much that can be done, but I am so pleased to see how our legal community has responded to these significant challenges and, rather than abandoning ship, has rallied together to forge even stronger alliances and partnerships. With a continued focus and commitment to these issues, and the tireless efforts of so many of those who have stepped forward to play a significant role, I am confident that Montgomery Bar Association will continue to chart the course and to lead the way for not only our county, but for scores of other bar associations and organizations, for a long time to come.

The greatness of the Montgomery Bar Association is directly attributable to the character of our members and our staff but also our relationships with the bench, our partners in the pursuit of justice such as the Pennsylvania Bar Association, and our community as a whole. In tough times, we see what people are really made of, and I am proud and fulfilled to have been provided the opportunity to work with so many talented, caring, and hardworking individuals. While admittedly, I would have preferred a year without such difficulty, meeting the challenges that have been presented has provided even greater joy and satisfaction to me. And so, as we culminate the end of this perilous, yet strangely beautiful voyage that we have navigated throughout 2020, I say let us continue with these noble efforts, and let us all continue to strive to be the best ambassadors of our great bar association, and for justice, that we can possibly be. ■



CONSTITUTION DAY SPEECH

Patrick J. Kurtas, Esq.
September 17, 2020

Good afternoon. My name is Patrick Kurtas, and I have the great honor and privilege of serving as President of the Montgomery Bar Association, an organization of nearly 2,000 attorneys committed to promoting professional excellence, facilitating access to justice for all, and protecting the integrity of the legal system. I am humbled and honored to have the opportunity to join you today in recognition of Constitution Day.

The Constitution has served as the supreme law of the United States for two hundred and thirty three years. In the words of President Calvin Coolidge, 'To live under the American Constitution is the greatest political privilege that was ever accorded to the human race.' But we must acknowledge that the Constitution was written at a time when all of the rights afforded thereunder were not equally applicable to every man or woman, nor every race. Indeed, the Constitution has been amended and its interpretation has evolved over its illustrious history, leading columnist Molly Ivins to declare that 'It is possible to read the history of this country as one long struggle to extend the liberties established in our Constitution to everyone in America.' Nonetheless, and despite this evolution that continues to this day, I think we can all agree with the words of Franklin Delano Roosevelt when he declared that 'The United States Constitution has proved itself the most marvelously elastic compilation of rules of government ever written.'

It is fitting that we conduct this ceremony on our courthouse steps, because the judiciary is truly the protector of the Constitution. In the words of Andrew Jackson, 'All the rights secured to the citizens under the Constitution are worth nothing, and a mere bubble, except as guaranteed and protected by an independent and virtuous Judiciary.'

So let us not only celebrate and recognize this great document on this date of September 17th, Constitution Day, but let us also vow to continue to support and insist upon an independent and virtuous judiciary, and also to continue to strive for and demand the equal application of the liberties and protections afforded in the Constitution to all citizens.

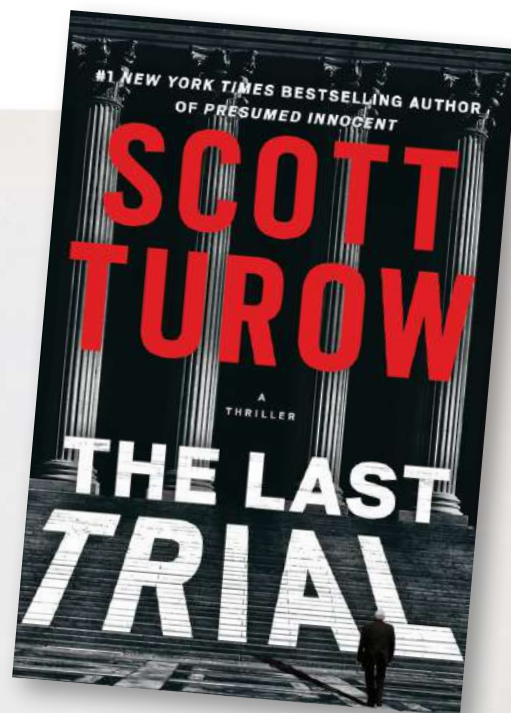
Thank you and God bless the United States of America, the Commonwealth of Pennsylvania and our great community of Montgomery County. ■

BOOK REVIEW:

The Last Trial

by Scott Turow

Review By **Jules Mermelstein, Esq.**, author of *Justice, Justice Shall You Pursue*



Scott Turow, as fans of legal thrillers know, became the father of the modern legal thriller with the publication of *Presumed Innocent* in 1987. The premise of *The Last Trial* is that this will be the last trial for the defense attorney, Sandy Stern, introduced in *Presumed Innocent*.

Some readers might need some time to adjust at the beginning of this novel. Mr. Turow begins with a scene close to the end of the trial, then jumps back to the opening statement by the defense, and then refers back to the opening statement by the prosecution. For those who need that time, it will be time well-rewarded.

Although the plot revolves around the murder, fraud, and insider trading trial of a Nobel Prize winning doctor, what is most memorable in the book are the characters who readers get to know so well. More about them near the end of this review.

As Sandy Stern discovers more and more information, the reader's imagination takes guesses as to who did what, as does Stern himself. In fact, readers do not find out what, if anything, the doctor is guilty of until well past the verdict. Although Stern makes a point in the trial about sometimes needing to accept that we will never know everything, readers need not worry. All questions remaining are answered before the novel ends.

Trial lawyers may be tempted to crib some of Stern's closing argument. Indeed, it contains more praise for the jury system than this reviewer has seen elsewhere. In addition to that, there are many observations throughout the book readers might want to remember to use at appropriate times.

When musing about trying cases: "Winning is like sex — the spirit inevitably craves the next occasion."

Discussing guilty criminal defendants: "In the end, all guilty clients have one thing in common: At the moment of completing the crime, each was convinced against all reason they would not get caught."

When discussing the government of the United States, keeping in mind this book was published this year: "Democracy and the rule of law are much more fragile than most Americans realize."

On the philosophical basis of both law and economics: "The law is erected on many fictions and perhaps the falsest one of all is that humans, in the end, are rational. Without doubt, our life — so far as we can tell — is one of cause and effect. That is what science depends on. But our most intimate decisions are rarely based on the kinds of calculations of pluses and minuses Jeremy Bentham, or the free-market economists for that matter, have wanted to believe in. We are fundamentally emotional creatures. In the most consequential matters, we answer faithfully to the heart's cry, not the law's."

Obviously there is much that cannot be divulged about the trial without giving away plot points. However, the beginning of the cross-examination of the pathologist is so brilliant, and does not give away plot points, that it has to be shared here:

"Now you are not trained as an allergist, Dr. Rogers, are you?"

"No."

"Well, if any of the next questions are beyond your competence, Dr. Rogers, please say so."

The cast of characters Mr. Turow allows us to know so well, include Stern's daughter, who he is partners with, Stern's quirky but sharp granddaughter, the dedicated US Attorney, the Assistant US Attorney who always thinks he's the smartest person in the room, a smart and fair judge, a reporter struggling to keep sources secret, a federal bureaucrat, the many women in the defendant's life, and descriptions of Stern's two wives who both left him a widower.

If you enjoy legal thrillers, you will love this latest book by the master, Scott Turow. ■

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BITS & Bytes: Working Remote Edition



By **Joel B. Bernbaum, Esq.**

I am a sole practitioner and work in a small office with two other lawyers who are partners. We do not have any staff and see clients infrequently. However, we decided to begin to work remotely in mid-March.

I am lucky to live 5 minutes from my office in Bala Cynwyd, which allows me to retrieve file and papers if needed. I have received emails and calls to talk about remote practicing; and with the Court implementing new policies, I wanted to share my thoughts. I welcome questions or comments. Direct them to my email: joel@bernbaumfamilylaw.com. Thanks!

1. Inventory all your devices, screens, cables, chargers, supplies, outlets, Wi-Fi, internet access. Whatever you may need to use for your tasks. Make sure they are working properly and up to date, especially operating systems, apps, applications and passwords. If not, update or upgrade via online retailers.

2. Review all the Emergency Orders, policies and correspondence from the Supreme Court, the Governor, Montgomery County and especially the Montgomery County Court, and any other jurisdictions that you frequent. Check on a frequent basis. Changes are issued almost daily. Make sure you are getting and reading your office and personal mail including email. Respond timely as required.

3. Find a place in your location that is well lit, comfortable and is not distracting (not in the kitchen, facing your TV or any other temptation). Check your supplies, paper, envelopes, stamps, ink for your printer and storage space for your files, if needed.

4. Organize and plan ahead. More than a to-do list. Itemize a routine that includes breaks, eating, reading and answering the mail, etc. Remember to stick to it, this is your livelihood and treat it that way.

5. GO OUTSIDE!!! A walk, a run, something to break up the day and get some exercise. I usually go for a walk at lunchtime for an hour and get a smoothie from Wawa. Pre-order and pay

on their app, grab & go.

6. CONNECT – call clients, friends and family. Find out how they are and if needed, how you can help. Use video apps like Facetime, Zoom or Skype. Use well-known and proven software. No time to experiment with the latest and the greatest or the cheapest. Use something that works. I will put my choices below.

7. With the implementation of new Court procedures, it is important to check and verify what software the Judge or the particular Court is using. Not every County, DRO or Judge uses the same software and has the same procedures. The primary application is Zoom in our locality. Microsoft Teams is being used in Allegheny County and others. Go to Meeting is being used by the Montgomery Bar Association. There is WebEx (Cisco) and others. Again, download the application and use it. Familiarize yourself with the features. Don't wait until you are in the hearing or conference to find out what to do or something goes wrong.

8. Finally, don't forget to take care of your families and pets, and to check on your neighbors. Reach out and help others, we are in this together!

Here is my list, I am not endorsing, just giving you a start. I welcome comments from you. That is why there is chocolate and vanilla. The main issue is finding something that works for you and is compatible.

- Dropbox for storing, synching and accessing all of my files in my office and remotely. Fast, safe and secure at fair price.

- Zoom for my video/virtual needs. Works across all platforms, and is fast, easy to connect and has excellent advanced features. Free for a ½ hour or get an unlimited monthly license for about \$15/month. Worth it.

- HP instant ink for my printing, Stamps.com for postage, Law Pay for credit card payments, Cosmolex for billing and more, Staples (who delivers) for supplies.

Be well and safe out there! ■



MONTGOMERY BAR
FOUNDATION

Montgomery Bar Foundation Launches Appeal for Legal Aid

The Montgomery Bar Foundation (MBF) found itself in a unique situation. How can we help Legal Aid of Southeastern PA (LASP)? Like clockwork, the MBF hosts the annual Legal Aid Golf Classic each summer to raise funds for Legal Aid. As COVID-19 emerged in the Spring, the MBF made the difficult decision to cancel the annual event. While the pandemic forced widespread cancellations of events and in-person gathering, the need for legal assistance among our most vulnerable citizens continued to grow. Knowing that LASP depended heavily on the charitable golf outing, MBF President William H. Pugh, V galvanized bar foundation leadership and quickly launched a fundraising appeal in August. MBA President Patrick Kurtas, new

Executive Director Denise Vicario, and MBA leadership agreed to match funds raised up to \$20,000.

Members, law firms, and organizations answered the call in astounding fashion. Over \$17,500 was raised in charitable donations alone. With matching funds from the MBA, over \$35,000 will be donated to Legal Aid of Southeastern Pennsylvania.

The Montgomery Bar Foundation and Legal Aid of Southeastern Pennsylvania would like to acknowledge the following contributors:

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YOUNG LAWYERS SECTION HOLDS “VIRTUAL MONTH OF SERVICE”

By **Jennifer Franks Whitehurst, Esq.**

The Young Lawyers Section’s “May Month of Service” has been a longstanding tradition of the YLS. Unfortunately, when the COVID-19 pandemic hit Montgomery County, the YLS was forced to postpone the Month of Service in compliance with social distancing guidelines. However, the YLS is pleased to report that the Section held its first “Virtual Month of Service” in September to provide members with socially distant opportunities to give back.

The YLS kicked off the Month with a food drive to benefit Manna on Main Street in Lansdale, PA. Manna provides food, social services, education, and outreach to our community and continues to serve individuals and families during the pandemic. If you are interested in donating food to Manna, please check out their list of needs at: <https://mannaonmain.org/give-food/what-is-needed/>. Special thanks to the MBA, Legal Aid of Southeastern Pennsylvania, Walsh Pancio, LLC, and Warren McGraw & Knowles, LLC, for serving as donation drop-off locations.



Later in the month, Thomas Mastroianni (Elder Care Law Center LLC) and Jennifer Whitehurst (Villanova Charles Widger School of Law) hosted virtual bingo for senior citizens in partnership with the Montgomery County Senior Adult Activity Center. Participants enjoyed several lively rounds of bingo and a great time was had by players, hosts, and spectators alike.

Finally, the YLS partnered with the Elder Law Committee to host an information session on estate planning documents for MontCo SAAC seniors. Michelle C.

Berk (Co-Chair of the Elder Law Committee, The Law Offices of Michelle C. Berk, P.C.) taught seniors about various estate planning documents and considerations in drafting effective documents. Melissa Siravo Hensinger (YLS and Elder Law Committee member, Mannion Prior, LLP) discussed why these documents are important and what happens if you do not have them.

Thank you to everyone who participated in this Month’s projects. The YLS looks forward to hosting more virtual volunteer opportunities this year. If you have suggestions for volunteer opportunities, please reach out to YLS Community Outreach Director Jen Whitehurst at jennifer.whitehurst@law.villanova.edu. ■





SHOULD EMPLOYERS PASS ON COVID-RELATED PREMIUM INCREASES TO EMPLOYEES?

While most industry professionals would agree the COVID-19 pandemic will impact health insurance premiums, few have a grasp yet on just how significant any increase will be. Until we know more, one question employers might want to consider thinking about is whether they should pass any increase on to employees.

Although many employers have traditionally passed on parts or all of an annual premium increase to employees in the past, doing so at this time might not be a good strategy. Although bearing the extra cost for healthcare insurance might place extra weight on the employer's bottom line in the near term, by looking at the long-term picture, there might be some solid reasons to avoid doing so. Here are a few points to consider:

- Although many employers have been impacted significantly by the COVID-19 crisis, many employees have suffered even more. In addition to the strain on their personal finances, some have also felt the pandemic's effects quite emotionally through illness and deaths of those they love.
- Higher health insurance costs or increased deductibles and copays, especially during this time when their financial situation may already be compromised, could lead employees and their covered dependents to skip preventive healthcare or necessary medical procedures. This in turn

can have significant impacts on the employer, both in terms of productivity loss and higher healthcare costs down the road if and when any untreated medical conditions worsen.

- Many contemporary studies show that employee well-being is more likely when workers are engaged in a pro-healthcare office environment. Passing on increases or raising cost-sharing through copays and deductibles can sabotage the level of employee engagement and can lead to a reduced level of employee happiness and greater employee absenteeism and turnover, all of which can impact the employer's bottom line.

Most employees will be very appreciative that their employers chose to treat them well during this time when they struggled financially. Employers should consider the benefits...increased employee productivity, enhanced loyalty and improved morale, before deciding on whether they should pass on any COVID related increases to their workforce.

The Montgomery 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 montba.mybenefitadvisor.com or contact Ray Keough at (610) 537-1393. ■





LASP launches new Veterans Advocacy Project

By **Marion Hoffman Fraley, Communications Manager,
Legal Aid of Southeastern PA (LASP)**

During the global pandemic, Legal Aid of Southeastern PA (LASP) has expanded advocacy efforts with further development of a new Veterans Advocacy Project, and has continued to help new and current civil legal aid clients. While prioritizing staff and client safety and following local, state and federal protocols, LASP’s regional telephone Helpline and online application portal have remained open during COVID-19. Attorneys and staff who are normally based at the Norristown and Pottstown offices and at LASP’s five other offices

in Bucks, Chester and Delaware counties, are working remotely.

“LASP staff are rising to the challenge to continue to help those members in our community who are most in need,” said Shawn Boehringer, Esq., LASP Executive Director. “At the start of the pandemic, it was recognized that legal aid programs are essential to address issues involving basic human needs – protection from domestic violence, housing, and income support, including unemployment insurance claims. LASP has continued to address these and other issues and is bracing for an



Top row (from left): Michelle Dempsey, Staff Attorney; Marlon Rucker, Administrative Assistant; Daniel Cortes, Staff Attorney; Donna Winterbottom, Montgomery County Pro Bono Assistant; Susan Rizzardi, Norristown Office Manager.
Middle row: Kathryn Palladino, Staff Attorney; Karen Vogel, Staff Attorney; Erica Briant, Supervising Attorney for the Community Engagement Unit; Lucas Slevin, Student Intern; Edward Danelski, Staff Attorney.
Bottom row: Craig Kline, Staff Attorney; Michael E. Kelley, Managing Attorney, Norristown Office; Jean Gauger, Pottstown Office Manager.

onslaught of demand and need when courts and communities reopen to their fullest capacities.”

While COVID-19 restrictions implemented by Pennsylvania Supreme Court and Montgomery County courts limited many court operations in March through May, LASP attorneys continued to make court appearances on behalf of parents in Juvenile Court. LASP advocates continue to remotely participate in administrative hearings for unemployment compensation, social security, and public benefits.

Erica Briant, Supervising Attorney for the Community Engagement Unit, noted that LASP attorneys and staff directly contacted 2,059 former clients to alert them of likely eligibility for benefits through new COVID-19 relief funding, and encouraged them to apply.

New Veterans Advocacy Project

LASP's new Veterans Advocacy Project was launched in May with Nicole McCoy of the Community Engagement Unit based in Norristown and Richard A.J. Prebil of LASP's Chester city office in Delaware County. Prebil noted, "Through a client-centered, culturally-competent, dignity-focused, trauma-informed legal practice, we are able to provide specialized and meaningful legal assistance to the men and women of our region who have so freely given of their lives in service to our country."

In addition to helping veterans with services regularly addressed by LASP, including housing, domestic violence, record-clearing, public benefits, consumer issues and other civil legal needs, advocates in the Veterans Advocacy Project (VAP) can help with veterans' benefits, from initial application through each stage of appeal, and discharge upgrades. LASP's certified VAP advocates will provide rapid SSI/SSDI application assistance through the SSI/SSDI Outreach Access and Recovery (SOAR) Program.

Veterans Advocacy Project advocates also provide education and clinic-type outreach programs to the veterans community in Montgomery, Bucks, Chester and Delaware counties. In this project, LASP is collaborating with partner organizations including the Veterans Multi-Service Center, Vet Centers, and the Montgomery County Office of Veterans Affairs.

Prebil summed it up: "We are here to preserve housing and income, promote economic stability, and help veterans overcome challenges associated with their transition to civilian life—some who are still transitioning years after discharge." ■

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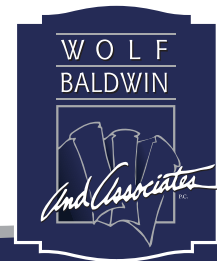
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MCAP UPDATE

MCAP: what's going on and what's coming up

Hello from MCAP! We hope you and your families and friends are managing as best you can in these challenging times. We're pleased to provide you with some updates:



Run For The Hill Of It! went VIRTUAL this year! As the safety of our runners, volunteers, staff, and board is always our top priority, the coronavirus pandemic compelled us to host a VIRTUAL race this year. From July 25th to August 1st, we invited our participants to run, walk, hike, dance, do yoga, bike, swim – any activity for

30 minutes. And we were so pleasantly surprised that 166 people signed up and helped us to raise over \$32,000! We hope next year that we are able to get back to our usual race along the beautiful Wissahickon in Fairmount Park, but we are so grateful to everyone who made our first virtual event such a rousing success.



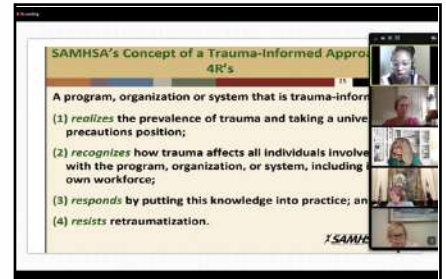
MCAP Executive Director Mary Pugh; MCAP Board President Kate Imbesi and friends; MCAP Director of Community Partnerships Ingrid Parker and family

CLEs: We offered our first virtual CLE, “Representing Children and Addressing Trauma In and Outside of the Courtroom” with MCAP’s Social Worker and Director of Community Partnerships Ingrid Parker and

Executive Director Mary Pugh on August 13th. 24 people joined us for this informative two-hour CLE, presented in conjunction with the Montgomery Bar Association. We will be offering “The Art of Representing a Child in the Legal Arenas,” the CLE required of all MCAPs, as a multi-day series of two- to three-hour parts. Be on the lookout for more information about this and other upcoming CLEs and seminars on our website (www.MCAPkids.org) and our Facebook page (www.Facebook.com/MCAPkids).

Representing Children and Addressing Trauma, August 13th

Cases: Like everyone, MCAP has had to adapt to many changes to how we operate. Video conferencing has become vital to our work, helping our staff attorneys and volunteer MCAPs manage cases and participate in meetings with partners and stakeholders. Our MCAP advocates and staff attorneys had been – and continue to – attend Virtual Court Hearings via Zoom for Dependency and other matters, and PFA cases began being heard in-person at the Courthouse on June 1st. One of the few matters held live at the Courthouse, PFA hearings went from being held on Tuesdays and Thursdays only to five days per week in three courtrooms. We are also having visits with the children we serve via Zoom, Facetime, or phone. We are so grateful for all of the MCAP advocates who have helped us through this challenging time!



MCAP staff is still mostly working from home and has Zoom meetings once per week. They are staggering office visits with just one person going in at a time.

On behalf of MCAP’s board and staff, thank you for everything you are doing to keep Montgomery County safe as we continue to weather this storm together. ■

Montgomery Child Advocacy Project’s (MCAP) mission is to end and prevent child abuse and neglect in Montgomery County through legal services, advocacy, and education. MCAP operates as a pro-bono model with 140+ professional attorneys (trained by MCAP) on our roster who donate approximately 8,000 hours to our child clients’ cases each year. Since our founding in 2004, MCAP has provided free legal services for more than 6,200 children. To learn more please see our website at www.mcapkids.org.

Practicing in a Pandemic



Though it seems like more than a just a few months ago, the World Health Organization designated Coronavirus Disease 2019 (COVID-19) a global pandemic on March 11, 2020. Within days, the disease caused widespread closures here in the United States, beginning with professional sports leagues and quickly followed by businesses and state-mandated lockdowns. As we attempted to curtail the spread of the virus by implementing self-quarantine and social distancing techniques, many of us scrambled to rethink our business practices and to accept remote working conditions as a way of life.

Our profession has not been immune to the economic impact felt across the globe. Many attorneys found themselves struggling to earn revenue as courts closed and cases were continued indefinitely. Client interaction, when possible, was difficult.

As the days passed, we learned how to *Zoom* and how to *Go To Meetings* and *Webinars*. We learned how to quickly turn our cameras and/or microphones off when children came barreling into the room or dogs barked at the Amazon Prime trucks. We learned how important email communication and listserv messages could be. We learned how well pajama pants can complement a sport coat and tie.

We adapted.

We created a “new normal” of practicing law during a global pandemic – something not taught in law school (but may be going forward)! Here are just a few ways that your Montgomery Bar Association pivoted to better serve you during this unprecedented time:

Timely Resources

For starters, the MBA wasted no time in preparing and building out its Online COVID-19 Resource Center, which by mid-March served as a centralized location for closing announcements, judicial emergency orders, and new procedures for our county court, as well as those of neighboring counties and jurisdictions. Here, members and their staffs could also find carefully vetted content ranging from the latest on PPP and SBA EIDL program

applications to videos from resident experts addressing tax, insurance, employment and HR concerns. Members utilized our 50+ listserv communities in record numbers to share updates and information, while staff did its best to monitor and assist those in need of assistance. Insurance and benefits partners, banking partners and others also proved to be lifelines for members. Many offered a single point of contact for our members, while some even offered live 24/7 assistance.

Virtual Events and Information Sessions

Whenever possible, previously scheduled in-person gatherings, meetings, and events became live virtual happenings. Through the end of June, the MBA hosted over 60 virtual meetings and events, and nearly 20 live CLE webinars. Over 2,400 individuals attended these events, which ranged from town hall gatherings, expert-led on-camera training, judicial information sessions, legislative updates to health and wellness programs, happy hours, a virtual beer tasting, bingo, even a virtual piano bar. Many included sponsors, which in many cases allowed us to waive or offset member attendee fees. We offered a number of free CLE courses, deeply discounted our live CLE webinars, and reduced the cost of our on-demand CLE seminars for members who may be struggling financially. Our virtual gatherings also included multiple diversity-related sessions, held by our incredible Diversity Committee and MBA leadership, including a timely presentation entitled “Racism in America, Politics, and the Law” featuring PA State Representative Joanna McClinton, which drew an unprecedented 170 attendees.

Promoting Our Members, and Visibility for Our Lawyer Referral Service During Challenging Times

We arranged timely, on-camera speaking engagements on Action News for our Employment Law Committee Chair; designed posters addressing common COVID-19 related issues that were distributed and hung in public-accessible areas of our courts; featured LRS panelists addressing common COVID-19

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Practicing in a Pandemic

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related concerns in our “Ask a Real Lawyer” series in *MONTGO TODAY*. We also authored and pitched stories promoting our Lawyer Referral Service, Modest Means Legal Access and Legal Aid, which appeared on over dozens of area news websites and in newspapers, including front page coverage in *The Pottstown Mercury* and *Times Herald*.

We asked how you’ve adapted to the new normal during these past few months. Here are your stories.



Andrew S. Abramson, Esq.
Abramson Employment Law, LLC

Lawyers and mediators were concerned about their jobs and their families. Court proceedings? Federal court settlement conferences? EEOC mediations? Depositions? Could an attorney really work full-time from home?

At the 10-week mark, the report from this employment law attorney and mediator may be quite surprising. Matters in litigation moved forward, federal court settlement conferences proceeded. I conducted four mediations all of which resolved. Matters resolve at fair value (one exception: civil trials postponement).

The game changer: video conference technology. My assistant and I communicate seamlessly; we communicate with existing clients; we evaluate potential new matters and form new client relationships; and in mediations, each side can see and hear each other. Video technology enhances communication and provides a personal touch.

What does this mean going forward? The need to travel will diminish, the need for vast office space will be reduced, and in-person attendance for certain court appearances may be eliminated. From a mediation perspective, in employment law cases where it is not unusual to have an in-house corporate lawyer, an insurance coverage adjuster, the employer representative and the former employee all in different states, everyone can communicate from home.



Michelle C. Berk, Esq.
Law Offices of Michelle C. Berk, P.C.

Firstly, Elder Law Practitioners offer our sincerest condolences to the families of Seniors. There is a disproportionate amount of deaths of residents in facilities in Pennsylvania that is unprecedented and truly tragic. The Senior population is also more susceptible to the effects of COVID 19 and their need for Elder Law Attorneys and the provision of legal services in this area is greater now due to COVID 19.

The Practice of Elder Law has also been impacted. In the past, house calls, hospital, and nursing home visits were an integral part of our Practice since many of our clients are too ill and infirm to meet with us in our Law Offices. Obviously, they have been curtailed. Further, many of our Seniors are incapable or uncomfortable using alternate forms of communication such as Zoom, Facetime and even telephone conversations in lieu of face to face meetings. Concurrently, there is an increased need to prepare documents reflecting their last wishes such as Healthcare Powers of Attorney and Living Wills and Wills. There is an even greater need for preparing Durable Powers of Attorney. However, our ability to counsel our clients and their families to assess capacity is challenged by our inability to meet with them in person.

Our Practice has also reached crisis proportions due to discharge from Nursing Homes or conversely, admissions to Nursing Homes, Healthcare Facilities, Home Healthcare and Hospitals. Elder Law planning to obtain benefits and facilitate payment is all needed now on an emergency basis. We must be ready and able to help facilitate the provision of services to those who cannot navigate the complexities themselves, which is the majority of our clients. Elder Law and Estate planning in advance is always the best practice. Awareness of this need has been raised by the current climate, if there is any upside to this misfortune.

Although our Bar Association has been influential in obtaining legislation for remote notarization and facilitating the provision of essential legal services, the demands of technology upon Seniors differ from that of other populations and affects our representation and the provision of legal services to Seniors. Despite these challenges, we will continue to do our very best for our Clients.



Rochelle N. Bobman, Esq.
Bort Law

The coronavirus pandemic and social distancing protocols mandated by state and county governments have forced us to explore new ways to assist clients with legal issues related to separation and divorce, custody and support. The challenges of COVID-19 have thrust Zoom and other video conferencing platforms into the spotlight as a promising new tool for online dispute resolution.

Alternative dispute resolution methods for family law matters include mediation, binding arbitration and collaborative law. A Mediator is a neutral party who helps the parties negotiate with each other and make their own decisions. The process is economical, because the cost of the mediator is split between the parties, and it gives the parties more control over the legal process. The confidentiality of mediation prevents private information from ever reaching a courtroom.

Arbitration is a process where the parties choose a neutral arbitrator to make decisions for them instead of a judge. The

arbitration is conducted like a trial and the arbitrator's award is usually final.

Collaborative law is a legal process which allows parties to work with their own individual attorneys and sometimes other professionals to resolve their legal issues without court intervention. This process allows the parties to have control of the timing and outcome of their divorce, custody or support process.

Assuming the parties have access to the internet, a smart phone or computer, online dispute resolution is much more convenient and economical than appearing in court. Parties willing to use online dispute resolution are motivated to work towards resolution instead of spending months waiting for a court date. Zoom and other video platforms allow parties to be present in the same room or step away into breakout rooms if the need arises.

Online dispute resolution, whether the process is Mediation, Arbitration or Collaborative Law, is more convenient, less expensive and more efficient than traditional litigation. The use of video conferencing to resolve disputes has proven very effective during this period of isolation and may become our new "normal."



Robert C. Gerhard, III, Esq.
Gerhard & Gerhard, P.C.

Our elder law clients initially resisted videoconferencing when the COVID-19 crisis began, but now most people understand that this is the new normal. We have not had clients in our office for almost three months now, yet we have maintained an active practice. Sadly, we have had many clients die due to COVID-19, and are routinely opening estates with the Register of Wills through remote probate procedures. We have re-worked our intake process, and now send engagement letters out digitally for electronic signature. Payment of legal fees is often made securely through our online portal. I miss the face-to-face interactions of the practice and seeing friends at bar association, but have been surprised by how much we can get done without meeting in person. Hopefully this new normal does not last forever.



Peter J. Kraybill
Gibbel Kraybill & Hess LLP

On the day the Pennsylvania Governor ordered businesses to close locations, I took home with me my firm's VoIP phone and computer and the multiple monitors that I have used in my paperless office located in Ardmore's Suburban Square.

ATTORNEY DISCIPLINARY AND ETHICS MATTERS

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James C. Schwartzman, Esq.

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- 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 PA 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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Then I set up my office on a table in my home basement. During the weeks of the shutdown that followed, I held Zoom meetings with clients and staff and attorneys, and participated in calls and other virtual meetings as I kept to my normal working hours — just from my basement. I participated in various town hall style meetings via Zoom, and with my law partners, successfully applied for a Paycheck Protection Program loan.

As per normal before the shutdown, I continued to file documents with the aid of my staff and other attorneys in my firm, such as at the USPTO for trademark maintenance, application and opposition proceedings.

As Benjamin Franklin American Inn of Court President this year, I conferred with my Board on cancelling remaining in-person meetings and making preparations for a final social meeting to be held via a Zoom call for an Intellectual Property Issues Quiz for our members.

As I saw the shutdown fallout risks rising, I decided to host a seminar on the available tools from bankruptcy and collections law for business debtors. Joined by attorneys from other firms, I moderated a virtual panel discussion on clients' business concerns during financial uncertainty, and created a video to help my clients

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Practicing in a Pandemic

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who are struggling. In preparing that virtual panel, I coordinated with other attorneys by creating a shared Google document that we could all edit and review simultaneously. I used Doodle polls to coordinate schedules among panelists for planning. The panel discussion itself featured a Google presentation slideshow by using screen-share in Zoom, so I could switch between panelists and show attendees the current slide. The presentation is now uploaded to YouTube, and is accessible from my firm's website www.gkh.com.

My work has scarcely dropped since the pandemic shutdown began, but it still is odd to be working from home.



Michelle R. Portnoff, Esq.
Portnoff Law Associates, Ltd.

First, until new routines are developed, expect that it will take longer to complete a task.

Second, certain problems are due to user error, not technology. Until I started using a full size monitor and keyboard, I thought my VPN connection was the reason that it took me so long to read a document. The problem was that I could not read the tiny print on the screen of my laptop! Identify the stumbling blocks to find a solution.

Third, maintain casual conversations with your co-workers. They spark creativity!

Fourth, most work can be done remotely and on your own schedule. Between projects, I tend the plants in my garden or exercise or start dinner. There is much to be said for setting a schedule that is not tied to traditional workplace hours.

Finally, and most significantly, the family time is great! No one is ever late for dinner!



Denise Vicario, Esq.
Former Deputy Court Administrator, Montgomery County Court of Common Pleas, Current Executive Director, Montgomery Bar Association

On March 16, 2020, with the approval of the Pennsylvania Supreme Court, President Judge Thomas M. DelRicci was the first President Judge in Pennsylvania to declare a Judicial Emergency due to the global public health emergency, COVID-19. With the sweep of his pen, Judge DelRicci was able to set the stage for essential Court Operations during the pandemic. The initial declaration envisioned emergency operations lasting a month, but as the pandemic unfolded, multiple extensions of the Judicial Emergency followed.

Fortunately, the Pennsylvania Courts had in place a longstanding Continuity of Operation Plan (COOP) that provides excellent and flexible templates for all types of emergency operations. No matter how thorough the COOP, no plan can ever foresee exactly how a Judicial Emergency will unfold, but due to this excellent and proactive planning, the Courts were in a strong and organized place to implement Emergency Judicial Operations to deal with a pandemic that reduced public contact to a bare minimum.

Overnight, the very public Montgomery County Courthouse and Magisterial District Courts went from being buildings that host hundreds each day to buildings with highly restricted access to ensure safety and 'to stop the spread of the coronavirus.' The ability to conduct Court proceedings by videoconferencing was a blessing. The electronic filing and docketing systems were never more appreciated and vital – and by some quickly learned – than during the COVID-19 pandemic!

Immediately after the issuance of the Judicial Emergency Order, the Court clearly defined and promulgated what constituted essential and emergency matters for all Court divisions. In addition, intentionally simple procedures and documents were developed to ensure that matters that had to be addressed were handled expeditiously and consistently at both the Court of Common Pleas and Magisterial District Courts. Safety, transparency and justice were integral components of the emergency operations.

As the Court – and the world – tentatively reopened, the Court implemented the 38th Judicial District Reconstitution of Court Operations Mission Statement with priorities of: Safety, Justice and Growth. Adaptability has been the mantra, and the Court continues to address matters in innovative – but no less effective – ways.



The Court pivoted to a virtual platform to conduct hearings so that personal interaction was mitigated, and justice moved forward safely and effectively. Every type of court proceeding was reviewed and prioritized so that the thousands of pending matters could be addressed or heard in an organized and methodical fashion.

As always, the Montgomery County Courts continue to lead with forethought, innovation and perseverance! ■

MBA BIDS FAREWELL TO LONGTIME EXECUTIVE DIRECTOR Nancy Paul



In mid-January when Executive Director Nancy Paul first announced her plans for retirement, terms like global pandemic and social distancing were far more common in science fiction novels than in news headlines. Of course, a lot's changed since then, and to the relief of many, Paul agreeably remained at the helm well beyond her intended April departure date; through the first wave of COVID, and until now when a successor for the 135-year-old, 2,000 member organization is ready and able to take the wheel.

The retirement of a 30-year bar exec like Nancy Paul will be widely felt, but like so many in the year 2020, any plans for a storybook sendoff will have to wait. Fortunately though for Paul, she'll retire as she's aspired to – on the best of terms and with the fondest of memories fully intact. She'll be leaving an organization transformed and sustainable, with plenty of reason for optimism, energy and growth for another 30 years. Her legacy will be that of a compassionate, forward-thinking, and progressive bar exec with an exceptional commitment to service, membership, and fiscal sustainability. Her achievements



for the MBA will not be forgotten, nor will they be for other organizations she's helped and led along the way. And while Nancy has maintained a certain glow in recent months working from the suburbs, the mountains, and her new house at the shore, she admits missing the good friends she's been blessed with seeing and working with at the MBA, and in her various roles with the PBA, CCBL, CCLJ, ALA, LASP, NABE, and ABA.

Following Nancy's announcement in January, President Patrick J. Kurtas wasted no time appointing an ad-hoc search committee to help identify and hire the MBA's next Executive Director. Aggressively soliciting applications from associations and prospective candidates across the country, nearly 50 applicants received initial consideration, followed by several hours of interviews and discussion before finalizing a selection. As one member of the search committee stated, "Finding a great successor to Nancy Paul we will do, but you can't enter a process like this expecting to find another Nancy. She's been very special to a lot of people." Thank you and good luck, Nancy. You will be deeply missed. ■

MBA WELCOMES ITS NEW EXECUTIVE DIRECTOR, DENISE S. VICARIO, ESQ.

By Robert R. Watson, Jr., Esq.

Throughout the shutdown over the past few months, your Montgomery Bar Association has managed to continually supply its members and the community with a number of positive advancements during what we all can admit have been difficult times locally and nationally. Perhaps the most optimistic among all of the MBA's initiatives was President Kurtas' announcement on July 6 that following an exhaustive search, Denise S. Vicario, Esquire, has accepted the role of our Association's new Executive Director.

In addition to the formal news release available on our website and social media, it is certainly fitting for the *SIDEBAR* to publish an article welcoming Denise to her new position within the organization. Many of us know Denise because of her time as a local lawyer and active bar leader, and most recently as Chief Deputy Court Administrator for our Court of Common Pleas. This is a particularly exciting article for the *SIDEBAR* because, up until July 6, Denise served our Committee as Vice-Chair and regular editor and contributor to the magazine. Therefore, it is with real pleasure that I was able to take up some of Denise's busy schedule recently to report to our membership a little more about our new ED, her background, and what her plans are for the MBA looking ahead.

Denise is a Philadelphia native, and her family moved to Horsham while she was in elementary school. She attended St. Joseph's University for college, where she majored in international relations. After attending Widener University School of Law, Denise initially worked in our County District Attorney's office as well as with the District Courts, later accepting an administrative position with the Superior Court

of California, Orange County. Denise briefly entered the private law practice before returning to Montgomery County to oversee criminal and special courts operations. In her role as Chief Deputy Court Administrator for the Court of Common Pleas, Denise oversaw the implementation of technology improvements throughout the office's operations with an end goal of improving access to justice for all. Denise takes pride in assisting Montgomery County's ability to remain at the forefront of the use of legal technologies to improve service to the legal profession and the community at large.



When asked how President Judge Del Ricci reacted to her announcement that she was accepting the position as MBA Executive Director, Denise reported that he provided great insight from the moment she broke the news, and Judge Del Ricci continues to be most supportive of the MBA as well as of her personally in her new professional role. There is no doubt that this mutual respect and cooperation will continue to serve both Denise and our local Bar moving ahead.

Denise reports that she has always admired the Montgomery Bar Association and in particular its work for the member attorneys and the local community. Denise has been an ardent MBA supporter, and she views serving the group as Executive Director as a new and more creative extension of that work as well as a fantastic professional opportunity. It was difficult for her to leave her role with the Court, but Denise had the full support of her colleagues behind her in making the transition. She likes to leave everything a little better than when she started, and Denise is confident that her stamp on the Court Administrator's office was a positive one.

As for her new role, I asked Denise – global pandemic aside – what her most unexpected challenge has been as she assumed her new position with the Bar Association. Of course, it is impossible to view appointment to Executive Director during this past summer in a vacuum, but Denise reports that her main focus has been on the work of our great MBA staff and understanding its day-to-day operations. “Learning all the components that make things happen has been very interesting and rewarding, and it is the best way to understand each staff member’s role in making things work for our membership.”

Certainly, it is impossible to ignore the harsh conditions Denise has been faced with from the first day on her new job. Despite those issues, she has been impressed at how our attorney members have quickly embraced online interaction through virtual meetings and activities for now. Her biggest challenge will be learning the best way to balance those virtual conferences with the reinstatement of in-person activities. Certainly, Denise recognizes that her biggest challenge will be making decisions to keep people safe – while still remaining fully engaged with the MBA.

Over the coming year, Denise looks forward to an even stronger and more diverse membership which has the full support of the MBA team behind it. Eying the landscape ahead Denise believes, “with the strength of our traditions and the commitment of our members, I think the MBA will continue to be even more impactful in ensuring access to justice, diversifying its membership, and providing our future leaders. Also, I think the MBA will continue to build upon its significant people resources to serve the community.”

There is no doubt that our Association’s strongest quality is its people – our members, our great staff, and all who interface with our organization to make things better. We look forward to supporting Denise as she steps into her new position as MBA Executive Director, and know that our future will remain bright with the promise of more great things to come. ■

Kane, Pugh, Knoell, Troy & Kramer, LLP is pleased to announce the promotion of Melissa K. Nagata, Sean R. Morrow, Amy M. Kirkpatrick and Donald J. Belfie, Jr. to the position of Partner with the firm.



MELISSA K. NAGATA



SEAN R. MORROW



AMY M. KIRKPATRICK



DONALD J. BELFIE, JR.

KANE, PUGH, KNOELL, TROY & KRAMER LLP

ATTORNEYS AT LAW

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Congratulations on Yo

CONGRATULATIONS on a retirement well deserved. While we will all miss you (and already do!) we hope you truly can enjoy all your homes and your new leisure. Please stay in touch with all your friends at the Montgomery Bar Association.

- Cheryl L. Young (2004)

During my time as PBA president I had the opportunity to visit with most of the bar associations and executive directors in the state. My travels confirmed what I already knew. Nancy Paul was the finest executive director in the Commonwealth of Pennsylvania. Nancy, enjoy your retirement you earned it!!!

- William H. Pugh, V (2006)

Thank you for your professionalism and dedication to the MBA, its Members, and its staff.

- Nancy Hopkins Wentz (1994)

The Montgomery Bar Association's status and recognition as the Premier Association is directly due to the energy, devotion and stewardship of Nancy. We extend to Nancy our most sincere gratitude and appreciation and wish for her a future of health and happiness.

- The Honorable Mason Avrigian (1974)

Thank you Nancy for 30 years of success and statewide recognition, and making the MBA the number 1 Bar Association in Pennsylvania. I wish you the same success in your retirement.

- Marc Robert Steinberg (2003)

Nancy,

You were the best thing that happened to the MBA during the 50+ years of my membership.

- J. Scott Maxwell (2001)



Nancy,

Congratulations on 'life after the MBA' – You brought so much to the MBA, hard work, polish, getting things done 'right,' thinking outside the box, being ahead of the curve, and leadership across the Commonwealth. You left the MBA much better than you found it, you helped make the MBA shine, and we all benefited from it. Thank you Nancy!

- Eric B. Smith (2017)

I am proud to be the one who encouraged Nancy Paul to apply for the job as Executive Director of the Montgomery Bar Association. She turned my recommendation into an incredible career which has developed our association into the strong organization it is today.

- J. Edmund Mullin (1992)

You are reliability personified.

- Stephen G. Yusem (1986)

Thank you Nancy for all your guidance and wisdom throughout my 5 years as an officer of the Bar Association. And especially thank you for being there for me during my year as President

- Gregory R. Gifford (2019)

We lawyers need advocates as well. Thank you Nancy for always being an outstanding advocate for Montgomery Bar members!

- Paul C. Troy (2013)

Thank you for your guidance throughout a highlight year in my legal career. Watching you run the Bar Association has taught me lessons that I still use today.

- Bruce Pancio (2015)

The Past Presidents of the

our Retirement, Nancy!

Nancy,

It takes a very special person to have the success you have had with our Montgomery Bar Association. From 1990 to 2020, you saw to it that the goals and programs of 31 MBA Presidents were successfully accomplished. That was not an easy task!!!!

Carol and I look forward to seeing you in Ocean City.

- C. Dale McClain (1990)

Nancy- Thank you for all of your dedication to the Montgomery Bar Association over the past 30 years. Your efforts always resulted in our Bar being a leader in Pennsylvania for which all Bar Associations aspired to achieve.

- Carolyn R. Mirabile (2016)

Thank you for saving me from myself.

- Donald J. Martin (2012)

Thank you Nancy for your extremely helpful assistance in making my year as President of the MBA, (and all years of the past Presidents of the last 30 years) so successful. We truly appreciate all of your efforts and contributions.

- Steven H. Lupin (2010)

Thank you for your support and friendship. It was one of the best years of my professional life.

- Mark C. Schultz (2000)

Getting to work with you and know you both professionally and personally has been a distinct pleasure of my career. It was on your shoulders, that many of us were able to soar. Thank you!

- The Honorable Carolyn Tornetta Carluccio (2011)



Nancy,

Thank you for your leadership and stewardship. Thank you for challenging our members to learn, participate, and mentor. Thank you for nurturing our beloved bar association to be the best, brightest, and welcoming! Good luck to you as you enjoy the next chapter in your journey! Congratulations!

Warmly, Mary

- Mary C. Pugh (2018)

Nancy has set the Gold Standard for how a Bar Association should function. She has done it with grace, tact, and humility. Every lawyer who has had the opportunity to know her and work with her has become a better lawyer. Best wishes in retirement, Nancy - you have more than earned it.

- Michael F. Rogers (2014)

Thank you for directing our beloved MBA with such competence and grace.

- William H. Pugh, IV (1995)

Nancy,

Bar leaders are initially attracted to join by an association's forward and collegial momentum. You defined thoughtful innovative momentum. You stewarded a wide variety of personalities to transform an insular association to one with virtual meetings and the most recognized diversity, outreach, technology, and young lawyers initiatives of any Bar. You led with the innate poise and drive formed by your family and days as a skilled athlete. And you made it fun. Thank you. We, and those who follow us, stand in your debt. We look forward to seeing you soon.

Your friends, Eileen and Mark.

- The Honorable Mark A. Kearney (2009)

Delaware Valley LEGAL EXPO 2020



Delaware Valley Legal Expo 2020 – *A True Gamechanger*

A little more than a quarter century ago, representatives of the Independence Chapter of the Association of Legal Administrators and Montgomery Bar Association met to plant a seed that everyone in the region's legal community could one day benefit from. Included in the mix would be law partners, associates, solos, legal administrators, paralegals, purchasing and IT personnel, key office staff, and those who provide products and services to attorneys, law offices, and legal departments. Goals were to provide a welcoming forum for face-to-face networking, product demonstrations; and, to bridge common gaps between those who buy, use, and supply products and services for the betterment of law practices and the legal profession. Stemming from this seed was the first annual Delaware Valley Legal Expo.

From its humble beginning, the Delaware Valley Legal Expo has blossomed to become the Greater Philadelphia Region's preeminent trade show and marketplace for legal professionals and suppliers, and one of the nation's largest and longest-running events of its kind, drawing several hundred attendees each year to see local, regional and national exhibitors from as far

west as Palo Alto (CA); as far north as Buffalo (NY); and as far south as Austin (TX).

2020 of course presented us all with some unique challenges, so in the wake of COVID-19, organizers left no stone unturned while exploring options for this November's landmark 25th anniversary event. With health concerns, limits on large gatherings, and uncertainty forcing event cancellations across the globe, it seemed for a while that this year's Expo may be forced to follow suit. Had it not been for a collective outcry from several managing partners, solo attorneys, legal administrators, and industry suppliers, that may have been the case. It was soon clear that emerging practice models, widespread office closures, practicing remotely, and other fallout from the global health crises have contributed to a swell of new interest and demand for products and services from area law offices and professionals. Meanwhile, face-to-face opportunities have also been hard to come by in 2020 for suppliers who have come to depend on trade shows and in-person office visits for lead generation, networking, product demos, writing orders, interacting with clients and prospects, and even interviewing. Given the

continued on next page >

Delaware Valley Legal Expo 2020 – A True Gamechanger

Continued from page 27

Delaware Valley LEGAL EXPO

importance and high priority placed on this year's Legal Expo, organizers explored dozens of alternatives, and ultimately partnered with one of the nation's leading exhibition technology providers to help ensure a Live+Virtual experience that is truly second to none.

Simply put, the 25th annual Delaware Valley Legal Expo, with its 4-week, Live+Virtual format, waits in the eye of a perfect storm. For lawyers, firm administrators, and paralegals, attending the Legal Expo will be easier than ever. First, visit dvlegalexpo.com and register. Prior to the event, you'll receive a link to the Delaware Valley Legal Expo Virtual Exhibit Hall. Visit the Virtual Exhibit Hall on Friday, November 13, 2020 from 9 AM through 5 PM and visit with dozens of legal service providers, all of whom will be providing amazing door prizes to anyone who visits their booth and utilizes the one-click chat feature. Visit with at least 5 exhibitors to be eligible to win our grand prize – a \$500 Amazon gift card! Registration and attendance is once again completely FREE and you will have the freedom to come and go as you please – without leaving the comfort and safety of your home or office. After the Expo, join us for a virtual networking event and prize reception from 5 – 6 PM. Chat with colleagues and learn if you've won a door prize!

Can't make it on November 13th? We've got you covered! Our Virtual Exhibit Hall is open through December 11, 2020. Legal service providers will be available to chat (limited hours, varies by vendor) and you'll still be entered to win post-expo door prizes.

LIVE+VIRTUAL EXHIBIT HALL

Delaware Valley
LEGAL EXPO
2020

LIVE+VIRTUAL EXHIBIT HALL

FRIDAY, NOVEMBER 13, 2020
9 AM - 5 PM (VIRTUAL EXHIBIT HALL OPEN THROUGH DECEMBER 11, 2020)

PLUS EXTENDED EXPO HOURS THROUGH DECEMBER 11, 2020

THE NATION'S PREMIER LIVE VIDEO CHAT-POWERED VIRTUAL TRADE SHOW FOR LEGAL PROFESSIONALS

EXHIBIT HALL SEARCH

Welcome to the Delaware Valley Legal Expo's Live and Virtual Exhibit Hall. Search for exhibitors by Category, Product, Name and MORE! Use our chat to connect with exhibitors and engage in live chat for dozens of valuable items.

CELEBRATING 25 YEARS!

A JOINT PRODUCTION OF THE ALA INDEPENDENCE CHAPTER • MONTGOMERY BAR ASSOCIATION

The CLE Symposium returns to the Legal Expo with a handful of informative, entertaining, and affordable virtual CLE webinars in a variety of topics. Stay tuned to montgomerybar.org and dvlegalexpo.com for a schedule of CLE seminars, which will be announced shortly.

Your Montgomery Bar Association and the Independence Chapter, Association of Legal Administrators work diligently throughout the year on this singular event, carefully cultivating relationships with and joining together legal service providers, attorneys, paralegals, and firm administrators. Both organizations rely on you, our cherished members, to attend this event in order to make it a success. We can't do it without you so we're asking for your support! As we've been forced to cancel so many large events due to the unprecedented circumstances of the pandemic, we have worked tirelessly to salvage this one major event in 2020. Please show your support for the MBA by registering and attending the Delaware Valley Legal Expo on November 13th! ■



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A Powerful Pivot: The Robert E. Slota, Jr. Summer 1L Diversity Program Forges New Paths

After a busy winter of planning and recruiting, the Robert E. Slota, Jr. Summer 1L Diversity Program was poised for another exciting 8 weeks of internships, mentorships, courtroom observations, workshops and social activities. With a group of impressive students, a slate of committed host firms, and more generous sponsors than ever before (see sidebar), the 12th year of this important program was shaping up for a smooth sailing summer of opportunity. And then...

As final details in the placement process were coming together, plans (as well as the world, of course) came to a screeching halt, suddenly at the mercy of an unprecedented global pandemic and resultant lockdowns. With but a few weeks to catch its breath and regroup, the program planning team, led by Jimmy Chong and Lauren Hughes, co-chairs of the MBA Diversity Committee, Evelyn Devine, vice-chair, and Nancy Walsh of tbd NOW, along with MBA leadership, made a commitment to still provide the same level of support and instruction to their impressive group of diverse students in spite of the challenges.

Anticipating that many host firms might find themselves unable to follow through on their internship programs at this difficult time, and knowing the MBA would be unable to host the traditional supplemental portion of the program as in the past, the team made a quick decision to (a) give host firms the freedom to cancel, modify or continue with their original internship plans, and (b) create an online program in which any diverse 1L student, regardless of internship status, could participate. The team also agreed to still provide the \$1,000 scholarship/stipends to the 7 students to whom it had previously committed. These stipends were funded through the Diversity Committee, supplemented by generous 1L program sponsors, and were awarded to the following students:

Eve Balistra (Villanova University Charles Widger School of Law)
Fahina Chowdhury (Temple University Beasley School of Law)
Nicoli Goncalves (Widener University Delaware Law School)
Fethullah Gulen (Temple University Beasley School of Law)
Ashley Hyman (Temple University Beasley School of Law)
Cheyenne Desamour (Temple University Beasley School of Law)
Tanvi Walia (Widener University Delaware Law School)

To further support the students, as well as to ensure their engagement and investment in the program, the MBA and the MBF (through their new Diversity in Justice and Education Fund) provided them the opportunity to apply for scholarships upon completion of the program. Award winners were announced at the program's closing event on July 15th:

\$500 MBA Scholarship Award

Eve Balistra
Alexis Conway

\$1000 MBA Scholarship Award

Fahina Chowdhury
Dharvi Goyal
Kacey Johnson
Taylor Williams

\$500 MBF Scholarship Award

Lu Bai
Gabrielle Seay

\$2,000 MBF Scholarship Award

Tracey Baker

Legal Writing Tips from Some of the Leaders of the MBA

As many other internships and supplemental programs were cancelled due to Covid, the MBA, thanks to a spirit of commitment and innovation, was able to fill a void for many other 1L students as well. The Diversity Committee is proud to have provided 23 diverse students weekly instruction, mentorship, networking, and more. In addition to the 23 students, the program also boasted the engagement of 19 mentors (members of the 2020 Leadership Academy), 23 writing mentors, several program alumni, and many other contributors, including Judge Garret Page, Judge Mark Kearney, Marilou Watson, Esq., and John Han, Esq., who agreed to speak with our students; Christopher Sperring, Esq., who organized the Employment Workshop (through which each student participated in a one-on-one mock interview conducted by MBA volunteers); and Michael Lyons, Esq., and Philip Press, Esq., who organized the CLE, “Stuff Ya Can’t Learn in Law School.”

The first half of 2020 certainly breathed new life into the old adage that necessity is the mother of invention, and the pivoted approach to this long-standing program is a clear example. This new format could serve as a model to help the MBA connect with law students moving forward, demonstrating an understanding of their limited time and ability to travel to the Bar, and a willingness to evolve to meet their needs of our future members. Most importantly, the MBA has extended its reach, represented its commitment to the students, and demonstrated its ability to innovate in the face of unprecedented obstacles. Although all can agree that 2020 will not be recorded as a year we’d like to repeat, its lessons and opportunities to honor the resilience of the human spirit will shape us all for many years to come.

continued on next page >

“The best tip I have is to suggest purchasing a short paperback book titled *WRITING FOR LAWYERS*. It is written by Hollis T. Hurd, and available on Amazon. PBI may also sell it. I found it a great help in my writing. A quick summary: keep it succinct; make your point first, then explain; check it over to avoid any errors or ambiguity.”

- Scott Maxwell, MBA President, 2001

“Know your audience. Who is going to read the communication? Will it be read by your client, a Judge, law clerk, opposing counsel, all of the above? Each may require a different tactic and tone.”

“In Court filings, be as brief as possible. Rarely can you make all your available arguments. Weak arguments often detract from strong arguments.”

“Define the objective before you begin to write. Once you’ve defined your objective, put it up front and write to it. Try to drop everything that doesn’t support your objective.”

- Justin A. Bayer, MBA Treasurer, 2020

“Above anything else, LESS IS MORE. The next time I hear a judge specifically ask for more words, more briefing, more paragraphs, or more commentary on a legal position that I’ve filed will be my first. Make your point on paper, and make it quickly and efficiently. Before you file anything or send anything, make sure it is concise, and that no words on the page are wasted.”

“Know your audience. Writing to a judge or appellate panel is much different than writing to a client, or a partner, or to opposing counsel, or to an expert witness, etc. Your argument needs to reflect who will be reading it. A judge isn’t going to want to read a brief full of emotion and descriptive language, just the same as your emotional and stressed out client won’t want to read a letter that lacks empathy. If you enjoy writing creatively, that’s great—and you should continue to do that.”

“Be precise and exact in citations to the law. A lot of people gloss over them, and don’t think to re-check them. Not having proper citations is a great way to show that your work is careless or improperly researched. Re-check all your citations to make sure they are to the right cases, statutes, pages, sections, etc.”

“For the litigators out there, lots of attorneys gloss over the written product and assume they’ll get their point across in oral argument. Don’t do that. Oral argument (particularly these days) is becoming exceedingly rare, especially at the trial court level. Any time you submit a motion, brief, or other written product, assume that it is all the judge will see before he/she rules. Don’t assume that you’ll get to present argument on it.”

*- Michael J. Lyon,
MBA Board Member, 2020*

continued on page 33 >

A Powerful Pivot: The Robert E. Slota, Jr. Summer 1L Diversity Program Forges New Paths

Continued from page 31

Participants:

Lu Bai – Beasley School of Law, Temple University
 Tracey Baker – Delaware Law School, Widener University
 Eve Balistra – Charles Widger School of Law, Villanova University
 Jazlyne Cabán – Delaware Law School, Widener University
 Fahina Chowdhury – Beasley School of Law, Temple University
 Alexis Conway – Thomas R. Kline School of Law, Drexel University
 Cheyenne Desamour – Beasley School of Law, Temple University
 Bianca Evans – Beasley School of Law, Temple University
 Nicoli Goncalves – Delaware Law School, Widener University
 Cheyenne Goodman – Thomas R. Kline School of Law, Drexel University
 Dharvi Goyal – Dickinson Law, Penn State University
 Fethullah Gulen – Beasley School of Law, Temple University
 Ashley Hyman – Beasley School of Law, Temple University
 Alyssa Jackson – Beasley School of Law, Temple University
 Kacey Johnson – Delaware Law School, Widener University
 Destani Bullock-Jones – Delaware Law School, Widener University
 Shinta Riva – Beasley School of Law, Temple University
 Gabrielle O. Seay – Delaware Law School, Widener University
 Mindy (Hsin-Ming) Tang – Charles Widger School of Law, Villanova University
 Tanvi Walia – Delaware Law School, Widener University
 Taylor Williams – Charles Widger School of Law, Villanova University
 Sydney Youngblood – Thomas R. Kline School of Law, Drexel University
 Phillip Butler – Dickinson College (Invited undergraduate participant)

Host Offices:

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 Law Office of Lester G. Weinraub
 ThePhillyLawyers
 Devine Timoney
 Kane, Pugh, Knoell, Troy & Kramer, LLP
 Sherr Law Group
 The Law Offices of Luz Denise Negron-Bennett
 The Honorable Thomas C. Branca
 The Honorable Daniel C. Clifford

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 Michael D. Goldberg, Esq.
 Michael F. Rogers, Esq.
 Republic Bank

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 E. Nego Pile, Esq.
 Cynthia W. Stein, Esq.

■

Legal Writing Tips from Some of the Leaders of the MBA

Continued from page 31

“Proof your work. I cannot stress this enough. One or two typos will not be fatal to your brief, but it’s astonishing how many briefs I would read with multiple spelling and grammatical errors on a single page. Ultimately, it’s a clerk’s job to apply the law, and sometimes you’ll still win a case even with a bad brief. But sloppy writing and proofing does not put your best foot forward.”

“Use active voice as much as possible. For example: instead of saying “A complaint was filed on June 5, 2020,” say “The plaintiff filed a complaint on June 5, 2020.” Always think about who is doing the action. Active voice makes your writing clearer, more forceful, and easier for the reader to understand.”

“Stick to IRAC (Issue/Rule/Application/Conclusion) or CRExAC (Conclusion/Rule/Rule Explanation/Application/Conclusion). In particular, briefs become confusing when a writer starts to mix in application with law. Sometimes you will see a brief where the writer provides a little law, then some application, then a little more law, and a little more application, and so on. This confuses the reader because the reader is not provided the entire picture and often, the reader will have to go back to understand the whole argument. If it is necessary to break down your brief into multiple sections in order to adhere to the above format, then that’s what you should do.”

“Be concise. Clerks are busy and read a lot of information every day. If you can say the same thing in 5 sentences instead of 8 sentences, that is always to your benefit as a writer. Related to that, footnotes are fine for information that does not belong in the body of your document, but really ask yourself if that information belongs in the body, a footnote, or is just irrelevant/extraneous. Overly footnoted documents take away the reader’s attention from your argument.”

~ James Pancio, MBA YLS Member
 and Former Judicial Clerk

“I never liked briefs that included inflammatory rhetoric or ad hominin attacks (especially regarding the judge). That may seem like an obvious tip but I found practitioners sometimes forgetting. Another thing that I hated was bad formatting of the briefs (or really any filing). I think it makes the attorney look sloppy. And probably subconsciously makes me question their arguments. Both may seem like little things, but I found made a difference.”

“I hated briefs that didn’t make references to the factual record. I strongly suggest you only make factual references if supported by the record before the court as that is all the court can consider.”

“I liked briefs that walked me through the legal issues from the beginning, starting with the standard that should be applied. I kind of like to think of it as an inverted triangle. You start broad then work in specifics such how other courts at the same level ruled on the similar issue. I am not saying I need the attorney to go back to the founding fathers, but I always like the big picture before delving into the specific. This was especially applicable in criminal cases.”

~ Jason Edwards, MBA YLS Member and Former Judicial Clerk

“EDIT EDIT EDIT! Spelling, punctuation, or grammatical errors in a doc can undermine your credibility as a legal professional.”

~ Lauren Hughes, Co-Chair, MBA Diversity Committee ■

“TIED IN A SINGLE GARMENT OF DESTINY”

By **Lauren A. Hughes, Esq.**

My journey into the Montgomery Bar Association was launched, like that of most attorneys, with a free MBA membership welcoming us into our first of many years of practice. As a Norristown native, I was excited to finally enter the building I grew up driving by on a regular basis, now with the “ESQ” designation behind my name.

When I walked into my first MBA event, a Diversity Committee meeting, I was greeted with everything but diversity, specifically racial/ethnic diversity. At this particular meeting, I sat around a table with a group of lawyers that talked about diversity initiatives but nobody at the table looked like me. Honestly, after that meeting, I vowed to never attend another event because if I couldn’t find people that looked like me at the diversity committee meeting, where could I find them within the MBA!?!?

Three years later, I was invited to join the MBA’s Leadership Academy. The year I spent with my Academy class opened my eyes to all the MBA had to offer. I relished every moment spent with my Academy class; however, other than one other participant, diversity was still lacking. I voiced my concerns about the historical lack of diversity in the MBA to several seasoned members of the Bar, but when I spoke with Nancy Walsh, she encouraged me to be the change I wanted to see.

Now, five years after I walked into my very first MBA event, I am proud to serve as the MBA’s Diversity Committee Co-Chair alongside my Leadership Academy classmate, Jimmy Chong. President Patrick Kurtas and his unprecedented



commitment to diversity has helped the Diversity Committee promote a culture of diversity with programs like the 1L Summer Internship Program, continuing legal education, and encouraging partnerships with existing affinity bars in the local area.

In a rash of high profile killings of unarmed black males that culminated with the recorded killing of George Floyd by a white police officer, the Diversity Committee was called upon to confront the complex issues of diversity, equity and inclusion within the MBA and the Montgomery County community.

In June, the Committee invited State Representative Joanna McClinton to discuss “Racism in America, Law and Politics.” Over 150 members joined the Zoom call to hear about her experience with police misconduct as a Public Defender and pending legislation in Harrisburg regarding police reform.

The Diversity Committee recognizes that conversations about racism and racial injustice must continue. President Kurtas and Kristen Feden moderated our first installment of a multi-part “We Need to Talk” series. *[For a sample of the candid and emotional conversations in this session, see the transcript of Kristen’s opening remarks on p. 36.]* The Committee called on MBA leaders to engage in a candid discussion about racism in hopes to develop a list of goals and next steps to combat it. The Diversity Committee will be hosting these candid conversations monthly, on the last Tuesday of the month from 11am to 1pm; possible topics include: the Criminal Justice System, Wrongful Convictions, the Black Lives Matter movement, and Systemic

SIDEBAR FEATURE**MBA LEADERSHIP
ACADEMY SEEKS
APPLICANTS FOR
2021 CLASS**

The MBA Leadership Academy was established in 2015 to provide select members with cutting-edge leadership training, unique networking opportunities, and a pathway to future leadership roles both within the MBA and beyond.

In fact, 75% percent of our Leadership Academy alumni have gone on to hold leadership positions in the MBA and virtually all of the participants have served in positions of leadership within their work organizations and their communities.

We are pleased to open the application process for the 2021 MBA Leadership Academy. Applications can be found on our website at www.montgomerybar.org or by contacting Nancy Walsh (nancy@tbdnowllc.com). The application deadline is Friday, October 30, 2020. ■

Racism. I encourage each of you to visit montgomerybar.org to register and attend these important monthly discussions.

Although the continuation of these candid conversations is essential to our efforts, many people are also looking for practical, specific tips and resources for addressing racism in the legal community. To that end, the Diversity Committee is proud to be the first county bar association invited to partner with the PBA's Minority Bar Committee to present their bi-annual Diversity Summit ("Diversity 2.0: Practical Tips & Tools for Attorneys, Law Firms, and Bar Associations") on October 7th (due to Covid restrictions, this will be presented virtually). This all-day conference, featuring presenters from the MBA and across the country, will cover topics such as addressing implicit bias, creating diversity pipelines, navigating difficult conversations, and identifying practical next steps.

Constant conversations about racism are exhausting; however, I am excited to see the MBA's continued efforts to acknowledge and educate its members on diversity and inclusion with hopes that the MBA will lead the County in the fight to eradicate racism. I'm constantly reminded of words from Dr. Martin Luther King Jr.'s Letter from Birmingham Jail: "We are caught in an escapable network of mutuality, tied in a single garment of destiny. Whatever effects one directly, affects all indirectly." All the members of the MBA are in this fight together and with our commitment, there will be no denying equality for all. ■



Introductory Remarks from Kristen M. Gibbons Feden, Esq.

Delivered at MBA's Meeting on Race and Diversity on June 30, 2020

I am feeling very resigned. There is a grotesqueness and horror to our racialized world right now. While things have never been optimal for us, the deluge of pain and the torrent of willful blindness amid violence is both deeply chronic and freshly acute — from the brutally racially disparate impact of COVID-19, to the fates of George Floyd, Breona Taylor, Ahmad Arbery and other Black individuals, including 27-year-old Robbie Braxton III, in our own county murdered by a white vigilante man posing as law enforcement, to the actions of Amy Copper over in New York, to the inactions of so many people who sat and sit idly by as injustice persists.

When I watched the George Floyd video, I could not help but, as a human being, feel his pain. As a black woman, I could not help but harken back to the racist experiences I endured and relive the pain and horrors of it all over again. As a black mother raising two black sons, I could not help but think of my sons — particularly as Mr. Floyd called out for his mother — and be reminded of the fact that the inequities my children will inevitably face, could result in their death.

I want to thank the Montgomery Bar Association under the leadership of Patrick Kurtas, for taking on this difficult issue and remind each and every one of you that when we were sworn in as attorneys, we all took an oath not only to uphold the law; but more significantly, to stand firm for justice and against injustice. The murders of these and so many other black people and the accusations of Amy Copper give the world a glimpse of the pain that we constantly have to face. Unfortunately we can not turn the television off to escape it; it permeates our lives. This is compounded by the sickness that overcomes me when I see some of the postings of people I once called colleagues, who refute



the Black Lives Matter movement, by saying all lives matter or any variation thereof.

After the bombings at the Boston Marathon that left three people dead and hundreds injured, including seventeen people with lost limbs, we said Boston Strong. We proclaimed this phrase loudly, without consideration of what state we were in, what country we were in, or whether we participated in the Marathon at all. We said Boston strong, not because the lives of Pennsylvania residents or Montgomery County residents did not matter. Rather we shouted Boston Strong because at that moment,

Boston, devastated by the events of the bombing, needed our support. So, in support of Boston, we all — whether in our hearts or publicly — used some platform to declare Boston Strong loudly, clearly, with love, and without ANY hesitation or reservation.

Similarly, Black Lives Matter does not mean your life does not matter. It does not mean you hate police or that law enforcements' lives do not matter. No. Black Lives Matter means black lives matter to you; and that you will no longer sit idly by while systemic racism or violence from the system disproportionately and adversely affects black lives. It means you will stand against the injustice that tears down people who look just like me — the same bubbly person who smiled in the courthouse hallways and who you know would give anyone the shirt off of her back — solely because of the color of my skin. It means that my life, and the lives of my innocent two little black boys (of whom many of you have met), matters to you.

While recent events leave me feeling very resigned, the planning and scheduling of this meeting leave me hopeful and my hope is that this is just one of many forums that will turn into a call for action for real change. ■

RABBITS, DEER, AND ELEPHANTS

A Conversation with Lawyer Referral Service

Panelist Harold M. Goldner

Recently, the Montgomery Bar Association's Lawyer Referral Service and Modest Means Legal Access Program received a significant contribution in the form of an extra fee percentage from longtime panelist Harold M. Goldner of Kraut Harris, P.C. in Blue Bell. We sat down with Harold to discuss the case and his experience with the Lawyer Referral Service.



Tell me about the case, without getting into specifics:

My client was an executive in the headquarters of a large multinational company who learned

about certain recruiting and employment initiatives which she believed violated several US and state employment laws. She told management that she believed these initiatives were unlawful following which she was told her position was to be eliminated. She was able to transfer from headquarters to another position in a different division at a significantly reduced compensation package, but within a year or so of initiating charges with the EEOC, the employer fired her. The employer denied that it was violating any law, or that the actions against the client were retaliatory or unlawful.

After the EEOC failed to take any action with respect to either the discrimination or retaliation claims, we filed suit in Federal Court raising 14 counts of violation of Federal and state employment laws with class and/or collective action implications. After the employer's motion to dismiss was denied and just as class discovery was to start, the

parties met with a mediator who brought the parties closer together, but it was not until months later and in the middle of the pandemic shutdown that a settlement was actually reached.

Did you anticipate such an outcome when you received the referral?

I knew early on that the implications for the employer were significant if we prevailed, and would extend well beyond the borders of this state and to possibly thousands of other employees. My client's position exposed her to all kinds of inside information and sources, which suggested at times that I knew more than what the employer's lawyers were being told by their client. Also, the client was a meticulous note and record keeper. There were other suits being filed against the same employer for similar conduct and claims and my client was likely to be a witness in some or all of them.

I lived with this case just as the client did for close to six years. For years, I've been amazed at some lawyers' abilities to 'get inside' their client's cases and be so intimately familiar that they don't even need notes. I had always subscribed to the Albert Einstein philosophy of 'why remember anything you can write down,' but in this case, the details were so fresh and familiar, I never needed notes — it was as if everything had happened to me. That made a huge difference.

In fact, the client ended up referring me several more cases, some against the same employer, some not, most of which have also settled favorably.

Talk about your experience with the MBA Lawyer Referral Service:

In marketing they say there are rabbits, deer and elephants. The rabbits are the ones you have to run after, but there's not

that much meat on the bones. You make do with the deer, but the elephants are what really make your year. This case was like a herd of elephants AND deer.

What advice would you give to a colleague who is "on the fence" about signing up for the Lawyer Referral Service?

I still can't believe that the client did not have a lawyer that they knew. After many years of working this case, we are friends, and just cases that have come through this client's referrals have been worth it. Don't assume every lay person you know already has a lawyer.

What is your favorite benefit of the Lawyer Referral Service?

I get to speak with lots of people about employment problems, most of which don't arise to the level of a genuine claim or dispute. But every once in a while, oh, boy.... The trick is to have a good intake system so you can quickly screen the tire-kickers from the real cases. I have a single page telephone intake sheet and my receptionist is trained to screen calls. That way I can review the details and get back to the client if the case looks meritorious.

Anything else?

You never know from where that next huge case is going to come.

We are still accepting panelists for the 2020-2021 Lawyer Referral Service and Modest Means Legal Access Program. Please visit your Member Account Portal on montgomerybar.org or contact LRS Coordinator Sherry Sutton (sherry@montgomerybar.org / 610-994-3656) for more information. ■

The MBA's 19th Amendment Project:



*Suffragists demonstrating against Woodrow Wilson in Chicago, 1916.
Library of Congress, Records of the National Woman's Party
<https://www.loc.gov/resource/mnwp.276016>*

Women Who Inspire Us

2020 marks the 100th anniversary of the ratification of the 19th Amendment to the United States Constitution, which granted women the right to vote.

In coordination with the national Law Day event celebrating the same occasion, the MBA's Women in the Law Committee asked members to submit a brief write-up about a woman who inspired them (and why)! Here are their stories.



THE HONORABLE CHERYL LYNNE AUSTIN

Submitted by Patrick J. Kurtas, Esq.

I have had the great honor and fortune of seeing Judge Austin utilize her talents and experiences to motivate, encourage and inspire a multitude of individuals, including: the hundreds of students she has instructed in the Liberty and Law program; the nearly one hundred students who have engaged in our Diversity 1L program, for which she has served as a vital component since its inception; our own Leadership Academy members, who have routinely benefited from her words of wisdom; and now all of those in attendance at this year's Dr. Martin Luther King, Jr. Day

breakfast. For this reason, and for the surely countless other selfless acts that I have not witnessed in person, I am so very pleased to recognize the Hon. Cheryl Lynn Austin in conjunction with our Women in the Law Committee's 19th Amendment Project.



THE HONORABLE WENDY DEMCHICK-ALLOY

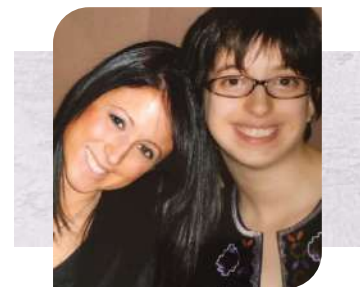
*Submitted by The Honorable
Henry S. Hilles, III*

I have had the distinct honor and pleasure of working with Judge Wendy Demchick-Alloy both as a prosecutor in the Montgomery County District Attorney's Office (where she was my direct supervisor in the late 1990s) and, presently, as a Judge of the Montgomery County Court of Common Pleas. As a young prosecutor, I probably learned more about trial advocacy from Judge Demchick-Alloy than anyone else. Her ability to present her case and persuade a jury was second-to-none and she was a fierce, passionate and effective advocate for Montgomery County's youngest victims.

In 2004, while she was still a prosecutor, Judge Demchick-Alloy co-

founded (along with then-prosecutor, now Judge Risa Vetri Ferman) the Montgomery Child Advocate Project (MCAP) which provides free legal representation to abused and neglected children. MCAP has become a powerful force in Montgomery County, representing vulnerable children in thousands of cases.

Judge Demchick-Alloy has spent much of her 10 years on the bench as "Judge Wendy" in Juvenile Court working with families and youth to positively affect young lives. In her distinguished career, Judge Demchick-Alloy has consistently strived to effectuate justice while helping those who need it most. She has absolutely been an inspiration to me as she has to so many citizens of Montgomery County.



MY DAUGHTERS

*Submitted by The Honorable
Wendy Demchick-Alloy*

The two women who inspire me the most in my life are my two daughters. They each, in their own way, inspire me to be a better human being: to be more reflective, mindful, and honest with myself and others. My daughters have

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The MBA's 19th Admendment Project

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inspired me to be more understanding and appreciative of differences and challenges, no matter how severe, that human beings face in life every day. They both have inspired me to “pay it forward” in my job and in my life every day, to be more open-minded and have greater empathy with others, no matter what their life circumstance or situation. For that greater understanding and mindfulness, I am so very grateful to have my daughters as my inspiration(s).



**JANE HACKETT FISHER,
ESQ.**

Submitted by Anonymous

When I was in law school my late mother used to take water aerobics at LA Fitness in East Norriton. She would tell me about the “wonderful female attorney who has time for a life.” Just by living her life, Jane H. Fisher, Esquire, assured my mother that I would not be chained to an office after graduation. Without even knowing it, Ms. Fisher made an impression on my legal career before it began. Early in my career and on one of the first cases I handled nuts to bolts, I was lucky enough to represent a co-defendant in a case where Ms. Fisher represented the Commonwealth. Ms. Fisher’s expertise, candor and respectful demeanor made a greater impression on me and almost a decade later I reflect on her cool, calm and collected “teaching by doing” demeanor when going against a more difficult adversary. The Montgomery County bar is fortunate to have Ms. Fisher as an exemplary leader.



**ROSEMARY MCCARRON
FLANNERY, ESQ.**

*Submitted by Catherine M. “Kate”
Harper, Esq.*

Rosemary McCarron Flannery, Esq., was an active Member of the Montgomery Bar Association at a time when few women were practicing law at all. She served as MBA Secretary for many years. Rosemary, a married mother of three, and a former sportswriter for the *Philadelphia Inquirer*, went to law school when her youngest children, the twins, started first grade. She graduated from Villanova Law School in 1965, one of its first women graduates, and practiced wills, trusts and estates law in Montgomery County for the next 25 years with Wisler, Pearlstine, Talone, Craig, Garrity and Potash. Rosemary was active in the Estate Planning Council and in her local community, Blue Bell, as a Democratic Committeewoman.



**MARY ANN KILLINGER,
ESQ.**

Submitted by Tonya Lupinacci, Esq.

A woman who has inspired me is Mrs. Mary Ann Killinger. Mrs. Killinger invited me to spend a day with her at the District Attorney’s Office in 1991. I was a junior in high school. When I

walked through the door of the DA’s office, I was greeted by her big smile, a yellow notepad and a pen. She escorted me to Court Room F and walked me into the courtroom where jury selection was taking place for a rape case that was being prosecuted by then-Deputy District Attorney Tom Egan. I experienced the jury selection process and watched opening statements. She treated me to lunch at a local deli and I was locked on to her every word as she shared with me stories about what it was like to be a prosecutor. My day with her in Court Room F sealed my fate in the DA’s office. I returned home that evening “glowing” as my mother described it. Mrs. Killinger sparked inside of me my life’s calling to public service. I started my career in the DA’s office in 2003 and never looked back. I had the honor to work alongside Mrs. Killinger for many years until her retirement in 2008. Mrs. Killinger was a respected member of the Montgomery Bar Association and she was an inspiration to all the promising young attorneys who walked through the door of the courthouse to start their careers.

Mrs. Killinger was an inspiration to me not only as a leader and litigator in the DA’s office, but also as a mother — a mother of three boys, that is. It is almost fitting that I went on to have three boys myself and I often think of her and her advice and guidance on how to balance work and family. Her family noted in her obituary that she was a strong presence at swim meets, sports events and school functions all while balancing an amazing career. I, too, have prided myself on searching for that work/family balance and think of her frequently when times can get tough especially trying to find that right balance during this global pandemic when both work and family have collided 24 hours a day.

Mrs. Killinger was kind, smart and the utmost professional. And although our office and the personnel has changed over the years, her memory continues to live on through the corridors of the 4th floor.



Suffrage hikers who took part in the suffrage hike from New York City to Washington, D.C. which joined the March 3, 1913 National American Woman Suffrage Association parade. Library of Congress, Lot 11052 <https://www.loc.gov/item/2014692437/>

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The MBA's 19th Admendment Project

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MARIA MACALUSO

Submitted by Colleen Dych

Maria Macaluso serves as the Executive Director for the Women's Center of Montgomery County Domestic Violence Project. Since her appointment in January 1998, Ms. Macaluso has dedicated her career to making sure that inclusive and responsive services are being provided to all victims and survivors of domestic violence. Since the non-profit agency's founding in 1976, Ms. Macaluso continues to embody the strength, spirit, and determination of the three original founding women, referred to as the "founding mothers." A staff member writes, "Maria is the driving force of the WCMC; whether it's writing grants or lending a hand in the thrift shop, Maria's constant positivity and persistence to ensure the best quality of care to victims possible is the heart of Montgomery County's first domestic violence agency. I don't know where we would be without her exemplary leadership."



MARY C. PUGH, ESQ.

Submitted by William H. Pugh, IV, Esq.

I have been and continue to be inspired by my lovely daughter-in-law Mary Coyne Pugh, Esquire, a Past President of the Montgomery Bar

Association and longstanding Executive Director of the Montgomery Child Advocacy Project.

Mary and her legions of volunteer attorneys provide exceptional legal services to children caught in the Judicial System through no fault of their own.

She is truly an inspiration and credit to us all.



ANNA F. TINARI

Submitted by Anthony P. Tinari, Esq.

Anna Frances Palermo was born in 1912, the sixth daughter of an immigrant Italian blacksmith and his wife. She grew up in Bethayres, Montgomery County, and was a proud graduate of Lower Moreland High School – later to become a member of its inaugural Hall of Fame class. She married her school sweetheart, Frank Tinari, at the height of the great depression. Together they went on to establish Tinari Apiaries to supply the military with honey for the war effort during the sugar embargo, and later Tinari Greenhouses, well known growers and hybridizers of African violets. One horticultural magazine described them as the "rock stars of the African violet world." She raised four children all while building the family flower business as a full partner to her husband, writing extensively in plant journals, and serving as one of the first women presidents of the African Violet Society of America. With her characteristic strength and grace, she once even personally lobbied the U.S. Postmaster General to issue a postage stamp commemorating the African violet. Anna was an entrepreneur and accomplished businesswoman in a time when that was extremely unusual for

women in our society. All through her life, she encouraged each of her children to pursue their own path, in my case to be the first in the family to finish college, let alone law school. I consider myself truly fortunate to have been raised by such an inspirational woman.



BARBARA VETRI, ESQ.

*Submitted by The Honorable
Risa Vetri Ferman*

My mother, Barbara Vetri, Esq., is my hero. Mom graduated from Temple Law School in 1960, one of only two women in her class. Despite her exceptional performance in law school, not a single law firm was willing to hire a woman. Eventually she secured a job as counsel for a real estate development company and later, in 1975, opened Vetri and Laskey, the first law firm in Montgomery County led exclusively by women. In 1980, she ran, unsuccessfully, for a seat on the Montgomery County Court of Common Pleas. At that time there had never been a woman on the bench. She remains involved in the law through volunteer work in elder justice and her service as an arbitrator. Throughout her life, she has run her own law practice, negotiated leases for family businesses, raised three kids, dotes on her eight grandchildren and just renewed her wedding vows with my Dad after sixty years of marriage. She has always been an indomitable force, a hard charging, fearless powerhouse who led by example and charted a course that guided the women who followed her, like me, to be able to achieve their dreams. ■



THE CURRENT STATE OF COVID-19 CLAIMS IN PA WORKERS' COMPENSATION

By **Levi S. Wolf, Esq.**



Now that our economies are reopening, many more people are asking whether their employers can be liable for workers' compensation benefits due to a COVID-19 exposure. The answer is yes. The Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation recently released some data about coronavirus claims made in the Commonwealth.

As of mid-June, 2020, 3,749 coronavirus exposure claims had been made in Pennsylvania. The majority of those claims, 2,535, were made by healthcare, first responder, or law enforcement workers. Of those, 1,677 were denied by the workers' compensation insurance carriers. The claimants have a three-year statute of limitations in which to pursue those claims, starting from the "date of injury." Ninety-two claims were accepted as compensable for both wage loss and medical benefits, and 95 claims were accepted for payment of medical treatment only. Eighty-five claims were accepted for wage loss and medical initially, then wage loss benefits were suspended but medical remained open.

Pennsylvania's workers' compensation system allows for an insurance company to temporarily accept a claim for both wage loss and medical, or for medical treatment only, for 90 days while a claim is being investigated; 782 claims fell into this category of temporary acceptance. An additional 674 claims were in the very initial investigation stage, in which the

insurance company has 21 days to determine whether to accept or deny the injury, or whether to accept it on the temporary basis for 90 days, reserving the right to accept it or deny it later within those 90 days.

Workers who have been exposed to the novel coronavirus at their jobs can make claims under both the Workers' Compensation Act and also the Occupational Disease Act, both of which provide similar benefits but can have slightly different presumptions and burdens of proof. Throw into the mix the Pennsylvania Heart and Lung Act, which covers most police and prison officers. On April 29, 2020, Governor Wolf signed into law House Bill 1869 which made changes to the Enforcement Officer Disability Benefits Law, commonly referred to as the Heart and Lung Act, providing for temporary payment of full salary.

Pennsylvania workers' compensation is a specialized area of practice, filled with unexpected twists and turns. Especially today, with the intersection of workers' compensation, the Americans with Disabilities Act ("ADA"), the Family Medical Leave Act ("FMLA"), unemployment, Heart and Lung, and COVID-19 specific law such as the Families First Coronavirus Response Act ("FFCRA"), both employers and injured or exposed workers are well-advised to consult with experienced practitioners to understand their rights. ■

Meet Our New Judges

The Honorable Henry S. Hilles III

Interview by Joel B. Bernbaum, Esq.



In January, three newly elected Judges were given the oath of office by President Judge Thomas M. Del Ricci before a Courtroom full of family, friends and members of the Bar.

Judge Henry Hilles spent his early years in the Philadelphia section of Mt. Airy before his family moved to Radnor Township. Judge Hilles attended Germantown Friends School, William Penn

Charter School, and Radnor High School. He received his undergraduate and law degrees from Bucknell University and Temple Law School, respectively.

Judge Hilles started his legal career in 1994 in the Corporate Department of Dilworth Paxson LLP in Philadelphia. In 1996, he joined the Montgomery County District Attorney's Office as a prosecutor. Judge Hilles returned to private practice in 1999, becoming an Associate with the Law Office of Michael J. D'Aniello, where he handled general civil and medical malpractice cases before opening his own firm in 2005. As a solo practitioner, Judge Hilles developed a successful criminal defense practice while also handling Civil and Orphans' Court matters. For several years he was a part-time Assistant Montgomery County Solicitor representing the County with respect to mental health hearings.

After his inauguration on January 3, 2020 and until the Covid-19 Emergency, Judge Hilles was assigned to PFA Court and also presided over Support Exceptions and the Targeted Opioid Phase "TOP" Program. Since the partial resumption of the Court, Judge Hilles has handled Criminal Miscellaneous matters and, more recently, presided over Custody Trials. With respect to his most recent assignment, Judge Hilles has been impressed with the professionalism of the Family Bar, specifically noting that the attorneys have been prepared and knowledgeable while remaining open to resolving matters in the best interest of the children.

Judge Hilles is proud of his legal career representing clients, who are often in difficult circumstances. He is excited by the opportunity to serve the citizens of Montgomery County as a Common Pleas Court Judge and is confident he is up to the challenge of effectuating justice while positively working with the many people who will appear before him.

Judge Hilles is married and has two children, ages 19 and 22.

The Honorable Virgil B. Walker

Interview by Dennis R. Meakim, Esq.



Virgil Walker was raised in what was then a very rural Virginia Beach, VA. His great-grandparents were emancipated slaves who purchased farmland, which was worked by and divided amongst family members through the generations. Judge Walker recalls a childhood full of family. Despite the fact that he has no siblings, he was brought up surrounded by family members who were always close by, helped each other and worked hard.

As a young adult, Judge Walker attended Virginia Union University in Richmond. In addition to The Honorable Virgil B. Walker, notable alumni include former NBA stars Charles Oakley and Ben Wallace, along with Douglas Wilder, former governor of Virginia. While finishing his studies at Virginia Union, it was recommended to Judge Walker that he look into North Carolina Central University Law School. Judge Walker's work ethic became apparent during the periods he worked nearly full-time while attending law school at NCC.

After graduation, Judge Walker started his legal career in the Public Defender's office in Harrisburg, PA. A move to a staff position in the Office of the City Solicitor in Philadelphia and a promotion to Chief Assistant City Solicitor in the Civil Rights department followed. Shortly thereafter, Judge Walker joined the Office of the US Attorney in Philadelphia where he

prosecuted cases for 27 years.

Judge Virgil Walker vividly recalled prosecuting one of the first and largest identity theft cases ever brought. The fraud involved a scheme in which perpetrators created (and cashed) counterfeit payroll checks. This fraud went undetected by large, reputable employers for years but ultimately resulted in 32 defendants being indicted. Judge Walker is clearly proud of his accomplishments as an Assistant United States Attorney.

For those concerned with Judge Walker's background trying cases in Philadelphia, he is quick to point out his Montgomery County pride. Judge Walker has resided in Upper Dublin Township since 1991 and he is a long-standing member of Salem Baptist Church in Roslyn. He is extremely grateful that his fellow members of the Bench have been generous with their time and wisdom. "Every judge's door has been open to me" was his comment as he talked about his transition from litigator to jurist.

Judge Walker is a member of the Judicial Branch of the Barristers, a member of the MBA Bench Bar Committee and

a member of Phi Beta Sigma, a community service-focused fraternal organization. Many members of the MBA may already know Judge Walker as an accomplished professional musician, a side gig that he still enjoys.

When asked if he had any advice to practitioner who might be appearing in his courtroom, Judge Walker commented that despite his relatively short time on the bench, he has seen and heard an increased willingness of counsel to engage in shouting matches in the courtroom. He believes that it is largely grandstanding or showmanship for the benefit of the litigants. Judge Walker warned that adversarial conditions should not impact decorum. Conduct that is disrespectful to the Court as a whole will not be tolerated.

Welcome Judge Virgil Walker to the Montgomery County Bench! ■

EDITORS' NOTE: THE HONORABLE MELISSA S. STERLING WILL BE PROFILED IN OUR NEXT ISSUE.

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WIRETAPS MEMBER News

Elliott Greenleaf P.C. Senior shareholder and firm Vice-President, **Thomas J. Elliott**, Board Member of the Pennsylvania Judicial Conduct Board, was recently elected by the Board to serve as its Chair. Mr. Elliott has been a member of the Board since 2017 and has served on its Personnel Committee and chaired its Budget Committee. The Board is mandated by the Pennsylvania Constitution to investigate and where appropriate prosecute in the Court of Judicial Discipline misconduct by any of the more than 1,200 judges of Pennsylvania's unified judicial system.

Hamburg, Rubin, Mullin, Maxwell & Lupin, PC is pleased to announce that attorney **Lisa A. Shearman** has joined the firm as a partner. Lisa is a principal in the firm and an extremely accomplished trust and estates and business lawyer. Her practice includes estate administration and post-mortem planning along with trust administration and the preparation of Inheritance tax, Federal Estate and Gift Tax and Fiduciary Income Tax Returns. In addition, Lisa assists clients with the formation and operation of tax-exempt organizations including private foundations.

Fox Rothschild LLP is pleased to welcome **Kelley B. Hodge** as a partner in the Labor & Employment Department. The first African-American woman to lead the Philadelphia District Attorney's office in its 167-year history, Ms. Hodge is an accomplished litigator and compliance advisor in the areas of investigations, school safety, criminal law and state and federal policymaking.

Steven B. Barrett, co-chair of the litigation practice at Hamburg, Rubin, Mullin, Maxwell & Lupin, PC, was recently interviewed on MLTV-Main Line Network's show *Legal Talk* with Stacy Clark. Steve was interviewed on possible claims men and women who have suffered from cancer and took Zantac may have against the drugmaker. The FDA has recalled the over the counter medicine because it contains a carcinogen. Steve explained the possible implications of this for Zantac users. Steve was also interviewed on the possible claims families may have if their loved ones got the coronavirus while in a nursing home in Pennsylvania.

Wisler Pearlstine, LLP is pleased to announce that partner **Amy T. Brooks** has been appointed to the Firm's Executive Committee. Ms. Brooks works with school clients, routinely litigating for them in administrative and local agency proceedings up through the appeals process. She defends schools against

legal claims such as those brought under the Individuals with Disabilities in Education Improvement Act (IDEIA), Section 504 of the Rehabilitation Act, and the Civil Rights Act of 1964, as well as representing schools in investigations by the PA Department of Education and US Office for Civil Rights.

Joan Righter Price, an attorney in the firm's Blue Bell office, was appointed Solicitor to the Delaware County Board of Assessment Appeals. This appointment comes as a continuation of Ms. Price's ongoing work to assist the County as they implement a court-ordered countywide reassessment. The appointment was effective Friday, May 15, 2020.

Marilou Watson, a partner with Fox Rothschild, LLP, has been named a recipient of the Lifetime Achievement Award from *The Legal Intelligencer*. Ms. Watson will receive her award at the 2020 Professional Excellence Awards Ceremony on September 9, 2020 at the Crystal Tea Room in Philadelphia.

Family law attorney **Mariam W. Ibrahim** of the law firm of Antheil Maslow & MacMinn, LLP in Doylestown, PA, has been named by Pennsylvania Bar Association President David E. Schwager as one of 18 Pennsylvania lawyers selected for the 2020-21 class of the association's Bar Leadership Institute (BLI). Ms. Ibrahim practices exclusively in the area of family law, handling a variety of issues, including divorce, child support, alimony/spousal support, equitable distribution and child custody matters.

Steven A. Hann of Hamburg, Rubin, Mullin, Maxwell & Lupin, PC recently participated in a webinar for the Pennsylvania State Association of Township Supervisors entitled "The Pros and Cons of Selling Municipal Water/Sewer Assets." Mr. Hann also presented a recent national webinar entitled "COVID-19 and Municipal Wastewater Utilities." During the webinar, Steve discussed various issues related to the impact of the COVID-19 Pandemic on water and wastewater facilities throughout the United States.

Law Offices of Jennifer J. Riley attorney **Ravi V. Mohan** has been accepted to the 2020-2021 class of the Bar Leadership Institute of the Pennsylvania Bar Association. The purpose of the Bar Leadership Institute is to inform participants on the day-to-day operations, governance, resources and staffing of the association, as well as to provide introductions to various leadership opportunities. Attorney Mohan was one of 18 attorneys across

the state of Pennsylvania to be admitted to the Bar Leadership Institute.

Wisler Pearlstine, LLP is pleased to announce that partner **Amy T. Brooks** was a key participant on a State Task Force, known as the “Pennsylvania School Reopening Task Force,” to provide specific guidance to schools, and in particular Special Education programs to re-open this fall.

Michelle C. Berk has been appointed to the Board of Directors of the Montgomery County Senior Activities Association (Montco SAAC) and as Co-Chair of their Development Committee. Ms. Berk has also been appointed to the Legislative Review Committee of the Pennsylvania Bar Association Elder Law Section.

Hamburg, Rubin, Mullin, Maxwell & Lupin, PC attorney **Steven B. Barrett** was recently interviewed on WWDB AM Talk 860 Radio’s Pearson Kutcher Show on the American Justice Radio Network hosted by Joseph Dougherty.

Timoney Knox is pleased to announce the following additions to our legal team: Students’ Rights Team: **Kathleen M. Vermilion**; Insurance Industry Team: **Allan D. Goulding, Jr., Elizabeth A. McBride** and **Colleen M. Shanks**; Commercial and Civil Litigation Team: **Christopher M. McMonagle**.

High Swartz, LLP is pleased to announce that **Thomas E. Panzer** has been appointed to the Bucks County SPCA Board of Directors. With the appointment, Tom continues his over 25 years of service and dedication to the Bucks community. In addition to his municipal, zoning, and workers compensation law practice, Tom served as Bucks County Treasurer from 2015 through 2019 and served two terms as a Warminster Township Supervisor.

Hamburg, Rubin, Mullin, Maxwell & Lupin is pleased to announce that **William G. Roark** was hired as an adjunct professor at Temple University School of Law this fall, teaching a course to upper class law students entitled “Drug Law, Policy & Practice: Legal Issues Surrounding the Regulated Cannabis Industry.”

Robert C. Gerhard, III, president of the Pennsylvania Association of Elder Law Attorneys and past chair of the MBA Elder Law Committee, was quoted extensively in a magazine article in *The Pennsylvania Lawyer* entitled, “The Case for Elder Law in Pennsylvania.” Gerhard focused his comments on changes that have occurred in recent years and the future of elder law. “Access to quality long-term care and paying for these costs are big issues. Many seniors of modest means are not able to pay for their care privately, and there is much an elder law attorney can do in

this regard.” “Today there is a focus on re-balancing the aging population away from nursing facility care toward home care. Medicaid benefits now cover more in-home care than ever before. The rules are constantly tightening, so it is important to keep up to date.” *The Pennsylvania Lawyer*, September/October 2020, Volume 42, No. 5., pages 35-42.

Vetrano | Vetrano & Feinman family law attorney **Lindsay H. Childs** recently took on the role of President of the Doris Jonas Freed American Inn of Court for 2020-2021. Ms. Childs has been a member of the organization since 2011 and has previously served as Programming Chair, Membership Chair, and Secretary. The Doris Jonas Freed American Inn of Court is an organization that focuses on matrimonial law and seeks to improve the civility, professionalism, and ethics of the legal professionals in the field of family law.

Hamburg, Rubin, Mullin, Maxwell & Lupin is pleased to announce that the lawyers in its Estates & Trust Department hosted two, first of their kind successful “Client Drive Through Legal Document Signing Events” in the building’s parking lot. Approximately 80 clients participated in getting their wills, general durable powers of attorney, and medical powers of attorney/advanced healthcare directives (living wills) signed in a safe, socially distant setting. Some of the firm’s staff, its firm-wide administrator, a notary and witnesses were all available to help clients for the “in car” signings.

Marc D. Jonas was appointed solicitor of East Brandywine Township in Chester County. In addition to local governmental boards, Mr. Jonas represents businesses, institutions, and individuals in real estate, zoning, subdivision, and land development matters.

High Swartz, a full-service law firm with offices in Norristown and Doylestown PA, is pleased to announce that **Samuel T. Cooper** has joined the firm’s litigation team. Practicing out of the Norristown office, Mr. Cooper joins the firm after completing a law clerkship with the Honorable Daniel J. Clifford, of the family court division of the Court of Common Pleas of Montgomery County.

Wisler Pearlstine, LLP is pleased to announce that **Christina Gallagher** has joined the firm as an Associate in the firm’s Education Law practice group. Prior to joining Wisler Pearlstine, Ms. Gallagher’s practice focused on defending professionals and businesses in professional liability and employment litigation matters. She also handled cases involving restrictive covenant enforcement and trade secrets. ■

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