

## **MONTGOMERY BAR ASSOCIATION**

Norristown, PA

### **Summary of Committee Activities during the year 2009**

Listed below are the Montgomery Bar Association's Committee/Section Reports for 2009 that were submitted by the committee/section chairs on the progress of their committee/section throughout the year.

#### **Business, Banking and Corporate Counsel – *David A. Feldheim, – Chair***

The Business, Banking and Corporate Counseling Committee enjoyed an excellent year in 2009.

The Committee met monthly over lunch at the Bar during the year, usually with a guest from a particular business sector who shared his/her insights and commentary about the legal and business issues unique to that business sector.

Foremost among many very good speakers, the Committee kicked off the year with a luncheon presentation by Mike Gerber, a member of the Bar and a State Representative who spoke about the Governor's Budget and its likely impact on economic development in 2009.

Other guests in 2009 included Chris Mondics, a Philadelphia Inquirer Reporter who follows the legal industry; Bruce Holberg, a veteran of the radio industry; Anna Marie Lombardi, a seasoned representative from the insurance industry; Ann Lokay, the center manager for a local executive suites office; Andrew Spilling and Mitchell Reading, two CB Richard Ellis real estate brokers; and Edward Schreiber, a doctor who spoke about panel physicians in the care of individuals applying for workmen's compensation. Several of these luncheons were co-hosted with other committees, e.g., the Real Estate Committee and the Workman's Compensation Committee.

In addition to these lunch and learns, the Committee sponsored one CLE, Robert Cardwell speaking in May about the new credit card rules that went into effect on July 1, 2009; and co-sponsored with the Franchise Committee another CLE in December, a panel of bankers, brokers and lawyers speaking about the issues presented in the search for financing for start ups.

Finally, in addition to the monthly luncheons and two CLE's, the Committee provided legal assistance to Nancy Paul with several contractual matters involving Bar Association business ventures.

The Business, Banking and Corporate Counseling attorneys in the Montgomery Bar are active and thriving in their practices.

#### **By Laws - *William H. Bradbury, III, Chair***

For 2009, the Bylaws Committee consisted of the Hon. Mason Avrigian, Dick Berlinger, Mike Breslin and Bill Bradbury. The Committee was assigned the task of drafting proposed revisions to the Bylaws regarding membership in the Association. The Committee consulted with the Association's President, met on several occasions and exchanged numerous emails to present a proposed draft of the requested amendments to the Board of Directors. On October 29, 2009, the Board of Directors debated the proposed amendments and voted not to accept them.

#### **Child Advocates - *Maria Etzrodt Gibbons, Chair***

During 2009 the Child Advocacy Committee had an extremely active and productive year. The Committee itself held four (4) lunch meetings throughout the year at the bar association building and sponsored two (2) CLE trainings, in April and November, respectively, where we presented well-attended, full-day Continuing Legal Education Seminars on Child Advocacy Training for the Montgomery Child Advocacy Project.

At each of our lunch committee meetings, we presented speakers on varying aspects of child advocacy, which can include criminal, civil, orphans' and juvenile divisions of the Court.

At our Thursday, March 5, 2009, we welcomed as our speaker Sandie Beren, Quality Assurance Administrator for the Office of Children and Youth, and OCY Director, Laurie O'Connor, who spoke on Mental Health issues and Managed Care and Independent Living Services available to Youth in Care.

On April 28, 2009, we held a CLE training seminar for MCAP at Cozen & O'Connor, in their Conshohocken Office.

In May we were honored to have private counsel, Marcia Binder Ibrahim, as our speaker who educated our committee on minor child immigration issues.

At our September meeting, on Monday, September 12, 2009 Montgomery County Detectives Mary Anders and Cathy Hart, joined us to discuss child abuse investigations and the role of the child advocate

Our final Committee lunch meeting was held on Monday November 16, 2009, when our speaker was the Deputy District Attorney for the Juvenile Division of the Montgomery County District Attorney's Office, Sharon Giamporcaro, who discussed delinquency issues for youth in Montgomery County.

At the fall CLE seminar, held at the Bar Building, in November of 2009, we were honored to have speakers that included the Honorable Susan Peikes Gantman of the Pennsylvania Superior Court, the Honorable Paul W. Tressler of the Montgomery County Court of Common Pleas, former MCAP Project Director, and now Juvenile Court Judge Wendy Demchick-Alloy, MCAP Administrative Director Mary Pugh, Office of Children and Youth Solicitor Maria Etzrodt Gibbons, Montgomery County District Attorney Risa Vetri Ferman, Craig Bluestein and Dana Greenspan, both of the Montgomery County Public Defender's office Juvenile Advocacy Unit (Child Advocate Unit), and Laurie O'Connor, Director of Montgomery County Office of Children & Youth.

### **Community Outreach Committee - J. Edmund Mullin, Chair, - Joanna Cruz, Co-Chair**

The committee met bi-monthly to provide a discussion forum for various Montgomery County institutions and nonprofit agencies to interact with members of the Montgomery Bar. The officers of the Bar Association are members of the committee, and attended the meetings.

This year, in addition to discussing various projects that we may undertake in the future, we did sponsor a YouTube video contest, the theme of which was "There Ought to be a Law".

There were a number of entries and cash prizes were awarded.

### **Criminal Defense – William I, English, Jr., Chair**

The Criminal Defense Committee meets at noon on the second Friday of each month at the MBA Building. We have enjoyed an active membership providing a forum for criminal defense issues at our lunch meetings and via our listserv.

Some of the highlights of the committee's work during the past year include the following:

1. We provided the Court with periodic updates to the Criminal Appointment list.
2. We provided numerous MBA practice updates regarding new case law, legislation, and court policies as well as anecdotal information regarding current issues in Montgomery County criminal practice
3. We put on continuing legal education programs and brought in speakers like Magisterial District Judges, Marissa Bluestine of the The Innocence Project, and experts on the new Montgomery County Mental Health Court.
4. We helped to modify the ARD process in an effort to make it a more dignified process.

5. We met with prison officials to discuss member concerns and discuss ways to improve prison programs.

With the able assistance of William English and vice-chair Ethan O'Shea I look forward to another productive year in 2010.

### **Diversity - Cheryl L. Austin, and Daniel J. Clifford, Co-Chairs**

In 2009, the Diversity Committee focused its efforts on the inaugural **Summer 1 L Diversity Program** which was implemented in a continuing effort to make a significant impact on enhancing the diversity of our legal community.

The Committee was successful in recruiting six (6) Montgomery County law firms to support the Committee's goal of attracting and retaining lawyers of diverse backgrounds. This effort resulted in the hiring of 5 highly qualified first year law students, for an 8 week summer internship program, with a weekly salary of \$500 a week paid by the firms.

**Flamm Boroff & Bacine, Fox Rothschild, High Swartz, Kaplin Stewart, Nelson Levine deLuca & Horst** and **Wisler Pearlstine** were the firms that participated in the program. As a testament to just how successful the program was, the firms endorsed their desire not only to participate again next year, but also being open to the possibility of hiring the 2009 diversity student they hosted to return for the summer of 2010 as a 2<sup>nd</sup> year intern.

The students applied for the summer clerk positions through the Philadelphia Diversity Law Group ("PDLG"), a non-profit corporation established in 2001 by some of the City's largest law firms and businesses for the purpose of promoting diversity in the practice of law. To ensure high quality candidates, only students who have been recommended by their law schools are permitted to apply. The PDLG application process is rigorous and includes an extensive in-person interview with volunteer lawyers from PDLG. The PDLG then referred applicants to the MBA Diversity Committee and, after further screening, the Committee facilitated interviews between the students and participating firms. Each firm was able to interview two students and selected one to hire for the summer. The Diversity Committee's partnership with PDLG ensures the placement of highly qualified candidates in Montgomery County firms in future years.

Before being placed in the MBA program, the students had little or no knowledge of Montgomery County and simply assumed that they would be seeking legal positions in Philadelphia and other major city centers. Now that they have been introduced to our Bar Association and to our county practice, the Committee was pleased that each student indicated an interest in returning.

The Diversity Committee sponsored a weekly event for the students to meet Bar leadership and area firms. **Aetna, Elliott Greenleaf and Superior Court Judge Susan Gantman** hosted breakfast receptions and **Judge Thomas Del Ricci** spoke to the students at an informal luncheon in the Judicial Conference Room in the Courthouse. **Commissioner Bruce Castor and Melissa Murphy Weber** enthusiastically spoke at the Elliot Greenleaf breakfast about public service. **Sarinia Feinman**, Chair of the Young Lawyers' Division, hosted the students at a YLD Game Night held at the Bar Association. The law firm's participating in the Summer 1L Program were formally recognized at the Bar's Board of Director's Meeting on September 24<sup>th</sup>. In a Report to the Board, **Dan Clifford**, Co-Chair of the Diversity Committee, remarked that "These firms are the true 'trail blazers'. They hired and compensated these students, they put out the 'welcome mat' and we owe them a debt of gratitude." To honor the firms, Clifford unveiled a poster that will grace the Bar Building for several weeks. Clifford also thanked the leadership of the Bar Association for authorizing \$1,000 scholarships that were presented to each of the students at a July Closing Reception attended by President Judge **Richard Hodgson** and President Commissioner **Jim Matthews**.

Plans are already underway for the Committee's 2010 Summer 1 L Program along with the goal of the Diversity Committee to double the number of students and firms participating.

## **Elder Law – Robert C. Gerhard, III, Chair**

### **Objectives:**

- 1) To provide regular CLE events with informative speakers to discuss current elder law issues.
- 2) To use meetings as a networking forum to discuss changes and challenges in the field of elder law.
- 3) To support outreach efforts of the Montgomery Bar Association.

### **Meetings and Continuing Legal Education Seminars:**

Our monthly lunch and learn CLE events were very well attended in 2009, and covered a variety of elder law topics. Our most recent seminars covered the use of special needs trusts, appellate practice for VA benefits, and how to help Montgomery County seniors receive care at home, rather than in a nursing facility. In general we hold regular lunch and learn CLE meetings.

We are in the process of updating the Elder Law Handbook at this time, for posting on the MBA web site. This handbook is a popular resource for Montgomery County care-givers.

Members of the elder law committee, notably Michelle Berk Esq. and Dick Berlinger, Esq., attended several “Senior Expos” in 2009 on behalf of the MBA, and advertised the MBA lawyer referral service as part of our association’s outreach efforts to Montgomery County seniors.

We held our annual organizational meeting on January 19<sup>th</sup> in order to plan events for 2010. We have confirmed speakers for 7 continuing legal education seminars this year, including the ethics credit.

Of special note, we will host Matthew Parker, Esq. in March of 2010 for a seminar on the use of annuities in Medicaid planning, a cutting edge topic at this moment in the field of Pennsylvania elder law. Matthew Parker is one of the state’s experts on this subject. Mr. Parker typically speaks for other CLE providers on a state-wide level, but is making the trip to Montgomery County. Additionally, our own Sam Miller, Esq. will present his very popular seminar on “Elder Law Ethics.”

Many of our seminars this year will focus on Montgomery County-centric topics, enabling members of our committee to learn about local topics and programs that would not be discussed by other CLE providers.

Additionally, we will welcome Judge Lois Murphy of the Montgomery County Court of Common Pleas, Orphans’ Court Division in April 2010 with a lunch reception at the MBA Building.

Our scheduled events are as follows:

**February 16<sup>th</sup>** — Karen Buck, Esquire, “**Pennsylvania Senior Law Center and Senior Law Helpline**”

**March 23<sup>rd</sup>** - Matthew Parker, Esquire, “**Use of Annuities in Medicaid Planning**” (*James* and *Weatherbee* cases)

**April 20<sup>th</sup>** — Lunch reception for Judge Lois Murphy, Hosted by Elder Law Committee

**May 18<sup>th</sup>** — Joanne Kline and Linda Forrest, “**Annual Update from Montgomery County Aging and Adult Services**”

**June 22<sup>nd</sup>** — Winnie Backlund, Esquire, “**Montgomery County Mediation Center, Elder Mediation**”

***No meetings in July or August***

**September 21<sup>st</sup>** - John Nowak, “**Veteran’s Benefits for Montgomery County Seniors**”

**October 19<sup>th</sup>** — Sam Miller, Esquire “**Elder Law Ethics**”

**November 16<sup>th</sup>** — Sherry Hill, “**Assisted Living Regulations, an Update**”

***No meeting in December***

## **Employment and Labor Law - *Harold M. Goldner, Chair***

The Employment and Labor Committee held its annual CLE program "Employment Law Update" on Thursday, November 5, 2009. Six committee members presented on a variety of topics including: Recent Developments in Case Law; Intentional Interference in Contractual Relations; Presidential Initiatives; Post-Ledbetter Decisions; Federal Pleading Standards for Employment Cases; Settlement Strategy; and a variety of other topics.

The Committee also co-sponsored a program with the Federal Practice committee on class-actions. All programs were highly informative and well done.

Once again we attempted to reach out to local affiliates of the Society for Human Resources Management (SHRM) but found that their program scheduling starts in the summer when the MBA's programming is well settled by spring. Hopefully future committees will be able to reconcile this anomaly.

## **Environmental Law – *Alan W. Flenner, Co-Chair and Adam N. Bram, Co-Chair***

The Environmental Law Committee ("ELC") maintained a registration of twenty-three members in 2009.

The ELC scheduled monthly lunch meetings that were usually attended by a core group of between five and ten members. ELC meetings focused on professional development, emerging trends and issues in environmental law, and fellowship. The meeting schedule was revised throughout the year to accommodate member availability to the greatest extent possible. As of December 2009, ELC meetings were scheduled for the second Thursday of each month.

Between meetings, ELC members often communicated by email to share practice updates, both internally with other ELC members and externally with members of other Bar Association committees, including the Real Estate and Municipal Law Committees.

The ELC Co-Chair Alan W. Flenner maintained contact with the PA Bar Association Energy and Environmental Law Section by regularly participating in Section conference calls.

The ELC continued to sponsor an annual CLE seminar. On August 12, 2009, the ELC conducted the CLE Seminar "*Watts New in Energy Law, Policy and Conservation.*" The program offered four (4) credit hours, three (3) substantive and one (1) ethics. The program focused on current energy issues and how they affect business and residential consumers. Topics included: (1) Legal Update and Spotlight; (2) National and State Energy Law and Policy; (3) Financial Incentives for Energy Conservation and Alternative Energy; (4) High Performance Buildings and Associated Regulatory Initiatives; and (5) Ethics not to Shock the Conscience. Course Planners and Presenters included: Douglas R. Blazey, Esq.; Adam N. Bram, Esq.; Brendan K. Collins, Esq.; Alan W. Flenner, J.D., P.E.; John F. Gullace, Esq.; Michael L. Krancer, Esq.; and Kenneth R. Myers, Esq.

## **Executive - *Mark A. Kearney, Chair***

The Executive Committee met eleven times in 2009, and addressed each item brought to the membership and board, as well as debating several key issues that did not reach the full membership including the formation of insurance subsidiaries, fencing for the MBA parking lot, and an amendment to the MBA bylaws to allow lawyers with a principal place of business in Montgomery County to be associate members of the MBA. In addition, the officers invited each director to attend at least one monthly meeting, and one meeting of the executive committee/board was held by videoconference - each a first for the MBA.

## **Fee Dispute Committee – *Fred W. Miller, Chair***

In 2009, the Fee Dispute Committee received 50 cases and closed 44 cases. The Committee's Hearing Sub-Committees conducted 9 arbitration hearings. In addition to conducting hearings, the Fee Dispute

Committee provides mediation in some cases, which in 2009 resulted in the closing of 3 cases. Below is a breakdown of the cases identifying filings by Clients and Attorneys and by practice area.

**I. CASES RECEIVED:**

<b>Client v. Attorney:</b>		<b>42</b>
Bankruptcy:	0	
Criminal:	6	
Contract:	0	
Estate:	4	
Real Estate/Landlord – Tenant:	6	
Domestic Relations/Family	16	
Personal Injury:	3	
Other:	7	
<b>Attorney v. Client:</b>		<b>8</b>
<b>Attorney v. Attorney:</b>		<b><u>0</u></b>
		<b><u>TOTAL 50</u></b>

**II. CASES CLOSED:**

<b>Dismissed ~ Not subject to action by the Committee:</b>		<b>5</b>
<b>No response from opposing party or opposing party declines to agree:</b>		<b>20</b>
<b>Settled by Mediator:</b>		<b>3</b>
<b>Withdrawn by initiating party, affirmatively or presumptively:</b>		<b>7</b>
<b>Hearings held:</b>		<b>9</b>
In favor of Client:	3	
In favor of Attorney:	6	
		<b><u>TOTAL 44</u></b>

**III. CASES PENDING:**

**TOTAL 19**

The Fee Dispute Committee recognizes and appreciates the efforts of the Mediators, Hearing Sub-Committee Chairs and Members and all other Committee Members who provide this valuable service to the Montgomery Bar Association.

**General Practice - *Thomas J. Elliott, Chair, Meyer Simon, Vice-Chair***

The General Practice Committee had a highly successful year in 2009. The membership expanded by 20%, and our agenda was busy from start to finish.

Tom Elliott and Meyer Simon effectively co-chaired the General Practice Committee and increased communication frequency not just within its membership base of more than 58 members, but within other committees and sections including the Trial Lawyers Section and the Federal Courts Committee.

The Committee hosted 7 luncheon meetings in the Bar Building, including an extremely well-attended session with a lively discussion lead by Hon. Mark Levy, our Prothonotary. He and his top staffers addressed the Committee Members and guests on current developments in his office including the evolving e-filing system. Mark assured us that his goal is full electronic filing and docket access for Montgomery County.

The Committee's leadership also planned and presented a highly successful CLE as part of the Bar's Lunch and Learn series. Hon. Arthur R. Tilson, Tom Elliott, Meyer Simon and a local golf professional were the panel members. The faculty led a highly participatory and well-received presentation of significant Pennsylvania trial and appellate decisions regarding liability on, off and surrounding golf courses. The panel managed to find time for a Q&A session that included swing tips from the golf professional.

## **Intellectual Property and Communications – *Christopher D. Holst, Chair***

The committee was essentially inactive this year. An initial welcome message suggesting potential programs and soliciting expressions of interest was met with silence on the part of the membership. Silence on the part of the membership had become the expected response to committee communications in previous years as well.

I wish the newly appointed chairman much success, particularly since he comes from a communications background rather than an IP background. Perhaps the IP focus of the committee leadership under both myself and Andy Ney before me got old, and the change of focus will spark more attendance.

## **Joint Liaison with Accountants - *Michael F. Breslin and Sheryl R. Rentz, Co-Chairs***

The Joint Liaison with Accountants Committee met during the year, and sponsored a couple of seminars for both our members and the members of the Cooperation with the Bar Committee of the Greater Philadelphia Chapter of the Pennsylvania Institute of Certified Public Accountants. The first seminar was *Workout Strategies During the Current Economic Climate*. Uninvest Bank graciously sponsored the seminar, which was held at the Bar Association Building on June 11<sup>th</sup>. The second seminar dealing with Elder Law issues, was held on October 27<sup>th</sup>, and was also sponsored by the Elder Law Committee. That seminar was also held at the Bar Association Building.

## **Law Reporter - *Denise S. Vicario, Chair***

The Law Reporter Committee of the Montgomery Bar Association (MBA) had a very productive 2009. Fiscally, additional revenue was generated and costs were reduced. Law Reporter revenue increased for 2009. Specifically, Sheriff's Sales increased very dramatically in 2009 due to the economic downturn, and consequently, increased foreclosures. The committee continues to reduce costs by automatically providing new members electronic access to the Law Reporter resulting in a substantial savings.

Nancy Paul and George Cardenas continue to explore opportunities to generate alternate sources of revenue. An innovation this year was the successful negotiation with the Berks County Bar Association to purchase the MBA's MYA software which provides an annual licensing fee payable to the MBA. This could be the start of something significant. Kudos to Nancy and George!

Also, in an effort to meet the evolving nature of the posting of Sheriffs Notices and legal notices, the Law Reporter is now posted on-line to the public the date of the publication for a week. Members will be able to access past publications of the Law Reporter issues on the member only section of the web site. Also, three domain names were purchased for potential, future use: mclr.org; mclawreporter.org; and, MontgomeryCountyLawReporter.org. The Law Reporter on-line could serve as a potential source of revenue as well as a progressive way to meet the changing ways legal notices are disseminated to the public.

Law journals will continue to be treated similarly with newspapers of general circulation with regard to the publication of unclaimed personal property. There was concern that law journals such as the Law Reporter would not be paid to advertise unclaimed property with a value less than \$2,500, resulting in a serious decline in advertising income. Thanks to the MBA Leadership in securing lobbyists to protect the interests of the MBA and the Law Reporter.

The Law Reporter committee hosted a well received appreciation luncheon for the Montgomery County law clerks. Consequently, the Law Reporter receives a steady flow of opinions. Colin O'Boyle, associate editor, did an excellent job preparing the 2008 index of opinions, and his efforts are greatly appreciated.

On a personal, I would like to take this opportunity to thank the MBA Staff and the Law Reporter committee for all their innovation and dedication.

## **Medical Legal – Richard P. Haaz, Chair**

The Medical/Legal Committee met four times throughout the calendar year 2009. The committee is comprised of physicians from Montgomery County Medical Society and members from our bar association. Mark Lopatin, M.D. is the chair representing the medical society. The purpose of this committee is to find common ground between the medical and legal communities in Montgomery County to promote a better understanding of our respective roles when medical and legal issues collide.

We established four objectives for this committee.

- 1- To revitalize the committee
- 2- To assist and promote Abington Hospital's mediation program
- 3- To promote a combined CLE and CME on topics of mutual interest to physicians and attorneys.
- 4- To revive the "lawyer/doctors in the classroom" program whereby physicians and attorneys perform outreach at middle schools and high schools regarding the medical and legal consequences of adolescent behavior including drug use.

Approximately twenty physicians and lawyers attended a dinner at the Bar Association building on March 11, 2009. A presentation was made by Debra Datte, Esquire and Regina Sturgis from Abington Hospital regarding its mediation program. While the Medical/Legal Committee was hopeful that the Abington Hospital mediation program could be replicated and expanded to other hospitals in Montgomery County, Abington Hospital was reluctant to publicly promote their mediation program and insisted upon ownership of their program. We will continue to offer our services to assist them and provide mediators if requested.

It is anticipated that our committee will meet on a quarterly basis this year with a combined CLE and MLE program in the spring and fall. It is anticipated that we will hold our first seminar in the spring of 2010 entitled "Anatomy of Lawsuit". We are also hopeful to implement the doctor/lawyer in the classroom before the end of this school year.

Assistant Chair, Keith McLennan, Esquire, was invaluable in helping to revitalize the committee.

## **Membership Committee – Lisa J. Cappolella, Chair**

This year the membership committee interviewed and admitted:

- 92 Individuals for Regular membership
- 21 Individuals for Associate membership
- 11 Individuals for e-Associate Membership

New this year, were breakfasts to meet some of the new admittees. In particular, we had three breakfast and all new admittees were invited to attend a breakfast. The purpose of these breakfast was to allow the new admittees to meet members and encourage them to come in to the bar association pursuant to a specific invitation just for them to meet members of the bar association. It is hoped that this will encourage greater participation in bar association events by the new members. We have had a very positive reaction to these breakfasts and look forward to having them in the future.

No CLE membership committee CLE was undertaken this year.

## **Municipal Law - Bernadette A. Kearney; Chair, Julie L. VonSpreckelsen and Charles D. Mandracchia, Vice-Chairs**

The Municipal Law Committee conducted several meetings throughout the year. Outside speakers presented at some of the meetings and at other meetings routine business and municipal law issues were discussed among the members. Some of the highlights of the year for the Committee were the following:

**February 10, 2009:** Environmental attorney Steve Hann discussed recent environmental issues affecting municipalities.

March 31, 2009: A case law update as to new Open Records Law was provided which engendered a spirited conversation and debate. Assistant Township Manager and Zoning Officer of Upper Providence Township Lee Milligan spoke in reference to the Uniform Construction Code.

**April 14, 2009:** Geoff Brandon, VP of Government Banking, from TD Bank spoke in reference to municipalities and their money

**May 12, 2009:** The Committee presented a CLE on the Right to Know Law. The speaker at the CLE was Dena Lefkowitz, Senior Attorney from the Office of Open Records in Harrisburg.

**June 18, 2009:** The Committee held a joint meeting with Real Estate Committee. The topic was Assessment Appeals and the panel of speakers included Joan Righter Price, Solicitor, Montgomery County Board of Assessment Appeals; Stephen Maliszewski, Esquire, Kraut Harris, P.C.; Anthony J. Salvitti, Sr., PA & NJ Certified General Appraiser; and Mark S. Cappuccio, Esquire, Eastburn and Gray, P.C.

**October 13, 2009:** The topic was code enforcement,

**December 15, 2009:** The Committee was encouraged to attend the Unauthorized Practice of Law CLE held at the MBA since this issues affects municipalities and zoning hearing boards.

### **Realtor Liaison Committee – *Loren D. Szczesny, Chair***

The Realtor Liaison Committee is comprised of ten Realtors and ten Attorneys practicing real estate in the Montgomery County area. The Committee was established in 1991 as an attempt to improve communication and to improve the working relationship between Realtors and Attorneys. Throughout the year, the Committee will discuss pertinent issues affecting the practice of real estate and will host speakers from various professions that both Realtors and Attorneys may encounter during their normal practice. The Committee meets regularly with representatives of the Pennsylvania Land Title Association and the Suburban Realtors Alliance. In addition to obtaining useful and practical information from each other, the speakers and guests, the Committee is also active in monitoring legislation and local regulations, both pending and approved, which will affect the practice of real estate in Montgomery County and in the Commonwealth of Pennsylvania.

### **Sidebar - *Robert R. Watson, Jr., Chair***

During the preceding year, the Sidebar Committee has produced four editions of the publication. We have been successful in updating the membership on a variety of issues and topics relevant to the Bar Association. Sidebar continued to serve the purpose of keeping the membership informed as to issues impacting them from its leaders. Additionally, historic articles have appeared chronicling past notable events in the Court and Bar's history, as well as recognizing retiring members of our Bench.

### **Speakers Bureau – *Andrew L. Ney, Chair***

This report includes the following:

- COMPOSITION OF SPEAKERS BUREAU
- MARKETING APPROACH FOR SPEAKERS BUREAU
- SPEAKERS BUREAU PRESENTATIONS IN 2009
- OTHER ACTIVITY
- UNFINISHED BUSINESS
- SUPPORT FROM THE MBA OFFICE

#### ***COMPOSITION OF SPEAKERS BUREAU***

We started the year with 18 members and the membership increased to 25 during the year.

## **MARKETING APPROACH FOR SPEAKERS BUREAU**

### Targeting Audiences

We continue to approach the general public with solicitations to make presentations through advertising, etc., and by targeting prospective audiences and making personal contacts in identifying specific subjects that we think would be of interest to the particular audiences.

### Subject Matter of Presentations

Besides presenting on law-related subjects of *practical* interest to our audiences (e.g., "elder law" for senior communities), we continue to try to expand our offerings to include law related subjects of *general* interest to our audiences. See below, for example, in the PRESENTATIONS section the presentations of *The Lawyer Stands Trial* by Ken Milner (5 times) and *My International Travels to Unusual Places for Unusual Reasons* by Andy Ney (twice) --- 7 of the 23 presentations made to date in 2009. This reflects a growing interest in law-related subjects of general interest.

## **SPEAKERS BUREAU PRESENTATIONS IN 2009**

The distribution of the 23 presentations made to date in 2009 is:

- 13 schools (elementary, high school, college)
- 5 senior/retiree communities/associations
- 2 social services organizations
- 3 civic service organizations

16 members of the Speakers Bureau participated in the 23 presentations made to date in 2009. We make every effort to give as many members of the Speakers Bureau the opportunity to make presentations --- *spread it around*. We do not operate on a *first come, first served* basis in selecting speakers after notices of requests are sent to the members. When more than one member expresses interest in making a presentation, we favor those members who have not yet made a presentation.

We fulfilled all requests for speakers. For one event, for which we had arranged to provide speakers, the sponsoring organization decided to use their own speakers. Another event for which we had arranged to provide speakers was cancelled.

We received a number of referrals from the Retired and Senior Volunteer Program (RSVP) with whom we started cooperating in 2008. The Speakers Bureau serves as the resource for RSVP when RSVP receives requests for speakers to address law-related subjects. Once arrangements are made with the requesting audience, the presentations are Speakers Bureau presentations.

## **PRESENTATIONS**

<u>Speakers</u>	<u>Date</u>	<u>Audience</u>
Bill Moore/Bob Cardwell • <i>Careers in the Law</i>	February 20	Hatboro-Horsham High School
Steve Maliszewski • <i>Don't Be Ripped Off By Modern Day Thieves: Avoiding Scams and Frauds</i>	February 26	Lansdale Lions Club
Ken Milner • <i>The Lawyer Stands Trial</i>	March 11	Temple LifeLong Learning Group
Stephanie Murphy/ Melissa Boyd • <i>Career Day</i>	March 20	St Basil Academy
Ken Milner • <i>The Lawyer Stands Trial</i>	March 23	Wyndcroft School
Bob Walper • <i>Wills, Powers of Attorney and Estate Planning</i>	March 23	Sandy Hill Terrace
Andy Ney • <i>Intellectual Property</i>	March 26	Upper Dublin High School
Harold Goldner • <i>Employment Law</i>	April 1	Upper Dublin High School
Bob Walper • <i>Contracts (Financial Aid, Shore Rentals, Sports)</i>	April 16	Upper Dublin High School
Tom Gowen • <i>Torts</i>	April 22	Upper Dublin High School

Helen Casale/ Gerry Shoemaker	April 22	Arcadia University
		• Judging <i>Mock Casework in Forensic Serology and DNA Analysis</i>
Helen Casale/ Gerry Shoemaker	April 24	Arcadia University
		• Judging <i>Mock Casework in Forensic Serology and DNA Analysis</i>
Amy Sosnov	April 28	Jewish Women's International
		• <i>Problems Faced By Senior Women</i>
Mike Eisenberg	May 4	Upper Dublin High School
		• <i>Family Law</i>
Andy Ney	May 14	The Peak Center of Lansdale
		• <i>My International Travels to Unusual Places for Unusual Reasons</i>
Ken Milner	May 14	Lansdale Lions Club
		• <i>The Lawyer Stands Trial</i>
Ken Milner	July 14	Red Hat Ladies of Martins Run
		• <i>The Lawyer Stands Trial</i>
Andy Ney	August 11	Red Hat Ladies of Martins Run
		• <i>My International Travels To Unusual Places for Unusual Reasons</i>
Ken Milner	September 9	Women's Civic Club of Schwenksville
		• <i>The Lawyer Stands Trial</i>
Peter Bort	October 10	Interfaith Housing Alliance
		• <i>Family Law With An Emphasis On Child Custody</i>
Bill Moore/Bob Cardwell	October 22	Hatboro-Horsham High School
		• <i>Careers in the Law</i>
Mike Eisenberg/ Darrell DeMoss	October 22	Hatboro-Horsham High School
		• <i>Careers in the Law</i>
Ken Milner/Darrell DeMoss	October 30	Hatboro-Horsham High School
		• <i>Careers in the Law</i>

#### **OTHER ACTIVITY**

Speakers Bureau/Law Day Committee Partnering for Law Day Programs A Speakers Bureau presentation on May 22, 2008 at the Arcola Intermediate School was part of a Law Day celebration organized by the Arcola Intermediate School. This event was very well received by the students and we thought that it might serve as a model for similar events promoted by the MBA. The Speakers Bureau and the Law Day Committee started consideration of partnering the promotion of Law Day programs at schools in Montgomery County.

Bob Cardwell, a member of the Speakers Bureau, has undertaken the responsibility for planning, organizing, and soliciting from a selected number of schools at all levels invitations to conduct such Law Day programs that will be conducted by members of the Speakers Bureau and the Law Day Committee. We plan to conduct four such programs on Law Day in 2010.

#### **UNFINISHED BUSINESS**

Speaker Evaluations – putting into practice to be part of our regular routine the speaker evaluation procedure that is in place.

Law related subjects of *general* interest – More promotion of this category of presentations.

#### **SUPPORT FROM THE MBA OFFICE**

As stated in reports for the last two years, this report would be incomplete without an acknowledgement of the tremendous support of Jim Mathias. Jim continues to provide much useful advice on managing and marketing the Speakers Bureau. Many thanks again to Jim for his involvement with the Speakers Bureau. Respectfully submitted,

## **Unauthorized Practice of Law – *Eric B. Smith, Chair***

The committee met throughout 2009, typically monthly. This year the committee had five referrals of unauthorized practice of law and two informal inquiries. The five referrals concerned:

- a. the unauthorized practice of law by accountants or financial professionals;
- b. the unauthorized practice of law, and victimization of the elderly, by a former paralegal offering estate related services;
- c. non-lawyer representation of persons and business entities before municipal quasi-judicial bodies; and
- d. the unauthorized practice of law by certain judgment collection services.

The committee issued two cease and desist letters and referred one matter to the district attorney. An opinion of the committee will be forthcoming regarding non-lawyer representation of persons and business entities before municipal quasi-judicial bodies. One matter remains under consideration.

The two informal inquiries concerned were received and addressed directly by the Chair. Those inquiries concerned a) a service to “assist” executors and estate administration and b) Pennsylvania depositions by out of state counsel in a private arbitration matter.

The committee also held a well attended one hour CLE in December 2009

The committee reminds all members of our Bar to be watchful for the unauthorized practice of law and to continue to make referrals to the committee for disposition.

## **Workers’ Compensation – *Louis P. Lombardi, II, Co-Chair and Stephen Fireoved, Co-Chair***

2009 was another very productive year for the Workers’ Compensation Committee. Monthly luncheon meetings were held at the MBA where both claimant’s lawyers and defense lawyers were able to share a meal together and fine association. Recent case updates with luncheon speakers were schedule. On May 22, 2009, our committee held it’s first seminar entitle *30 Tips in 60 Minutes*. This was a combined lunch and one hour substantive CLE on 30 very practical tips in the practice of Workers’ Compensation Law. The speaker included the Honorable Workers’ Compensation Judge Donald Poorman, Claimant’s Counsel Terrance S. McGraw, and Defense Counsel Lee Fiederer.

As has become a tradition now for many years, our committee hosted our Annual Fall Seminar at the DoubleTree hotel in Plymouth Meeting. As always, the seminar was open to the public and free of charge. This year’s program included topics con Disability Management, Updated Medicare Regulations Impacting Workers’ Compensation Settlements, the interplay between Workers’ Compensation/ADA/FMLA, and “Best Practices” at Mediations. The speakers included, The Honorable Workers’ Compensation Judge Martin Burman, Martieann Polaski from CMS/Medicare, and other knowledgeable and experienced workers’ compensation attorneys. As in the past, this seminar was well attended by attorneys, physicians, workers’ compensation judges, employers, union officials and insurance adjustors.

Certainly, 2009 was another year fruitful and exciting year for the Workers’ Compensation Committee.

## **TRIAL LAWYERS SECTION**

***Bruce Pancio, President***  
***Joseph P. Walsh, Vice-President***  
***John P. Elliott, Treasurer***  
***Jacqueline M. Reynolds, Secretary***

The 2009 Trial Lawyers Section of the Bar had a busy and successful year. The year began with a very well-attended luncheon featuring the Honorable Richard J. Hodgson and Michael Kehs, Esquire. All members of the Trial Lawyers Section look forward each year to the annual updates concerning the status of the courts in Montgomery County. Judge Hodgson and Mr. Kehs provided valuable information to the members of the Trial Lawyers Section.

In April 2009, the Trial Lawyers were honored with the presence of Senator Stewart Greenleaf. Senator Greenleaf discussed updates on the legislation in Harrisburg affecting Trial Lawyers. Senator Greenleaf discussed the importance that all individuals involved in a legal proceeding, whether civil or criminal, receive a fair hearing.

In May 2009, the Trial Lawyers held their third annual reception to honor the magisterial district justices from Montgomery County. This reception was held at the Montgomery Bar Association Building. It was clear from both the number of attendees as well as the comments made, that the magisterial district justices appreciate the work that the Trial Lawyers perform as well as the reception to honor them.

In October 2009, the James P. Fox Trial Lawyer of the Year Award was presented to Thomas J. Elliott, Esquire. Mr. Elliott is a shareholder at the firm of Elliott Greenleaf in Blue Bell. The Trial Lawyers Section was pleased to have Mr. Elliott's brother, John P. Elliott, Esquire introduce Tom as he accepted the award.

In November 2009, the Honorable Arthur Tilson was kind enough to address the Trial Lawyers Section. Judge Tilson discussed settlement conferences. He provided useful tips in preparing for the settlement conference, as well as when attending the conference. In January 2010, Judge Tilson took his seat on the Civil Trial Bench in Montgomery County.

Finally, the annual holiday luncheon in December 2009 took place to honor the Court Administrator and his staff. The Trial Lawyers Section was also honored by the number of current judges, as well as newly elected judges, who were able to attend that luncheon.

The Trial Lawyers Section looks forward to another outstanding year in 2010.

## **YOUNG LAWYERS SECTION**

***Sarinia M. Feinman, Chair***  
***Patrick J. Kurtas, Vice-Chair***  
***Justin A. Bayer, Secretary***  
***Seth D. Wilson, Treasurer***

As 2009 "Committee of the Year," The Young Lawyers Section (YLS) had an extremely busy and exciting year. The mission of the Section this year was to impress upon young lawyers that attending our events and becoming an active member in the Section, as well as the Montgomery Bar Association (MBA), is the key to developing your practice, meeting seasoned attorneys in your area of practice, meeting judges, obtaining job opportunities, and of course, meeting other young attorneys. This is why all of our events are open to *all* members of the MBA, and should continue to be. We started the year by urging *all* young attorneys to make a commitment to the MBA to get involved and stay involved!

In an effort to encourage the attendance of young lawyers at as many events as possible, we held at least one event every month that we could encourage our members to attend, so that we did not lose momentum during the year. As a result, at the end of the year, we had more applicants than ever apply

to become the next YLS officer, having eight quality applicants in all to choose from, which was certainly a difficult decision.

In January, we held our first meeting of the year, providing an overview to the membership of the year ahead, and an opportunity to sign up for our various sub-committees of the Section – mock trial committee, service project committee, CLE committee, family picnic/Clambake committee, and social/happy hour committee. We also held our first ever “Bowling Bash” at the Facenda-Witaker Lanes, which was a tremendous success. In fact, for the remainder of the year, we were continuously asked when the next bowling event would occur. Hopefully, the future Chairs of the Section will continue this great tradition in years to come, as it was truly a fan favorite!

In February, as always, the YLS organized the high school mock trial competition for Montgomery County, and continued to offer CLE credit to any jurors who sat during the first week of the trials. This proved to be quite successful, as the registration of jurors increased greatly from the prior year, and there was no last-minute scrambling to find jurors.

In March, the YLS held its’ annual “March Madness” happy hour at the MBA Building. This event always draws attorneys of all ages to kick off college basketball season together, while enjoying wings and hors d’oeuvres together. Once again, this was a successful event for the YLS.

In April, we encouraged our membership to attend Law Day, where the presentation of the Mock Trial Award was bestowed upon the winner of the regional competition, as well as the swearing in of new members of the MBA. A lunch followed, at which time we advised that YLS members would have the opportunity to meet all the judges and other practitioners and active members of the MBA. The YLS had a great showing at this event as well, although it is an event open to all MBA members.

In May, we urged the YLS members to attend the annual Dinner Dance, and once again, there was a large showing of YLS members at this event as well, which is a true testament to the commitment of the Section.

In June, we held our “2<sup>nd</sup> Annual Gamer’s Paradise” happy hour at the MBA, for which many members of the Bar turned out to show their support. This event proved to be fun for all ages, regardless of videogame experience, as we saw our own President of the MBA singing on Rockband 2 for the Wii system, and other members playing with the Wii and Playstation 2. We also welcomed the Diversity Committee’s 1L summer intern law school students to join the fun, as well as all members of the Diversity Committee. Ultimately, a great time was had by all at this successful event, and hopefully the YLS will host this fun and exciting event next year!

In July, the YLS held part #1, in a two-part series, of a CLE on financial planning. This one was called “Financial Planning for your Future,” which focused on the particular considerations that young lawyers need to consider in financial planning. There was a great turnout, and those that attended were enthusiastic about the topic. Part #2 of the CLE – “Financial Planning in Practice in Different Areas of the Law” – placed more of an emphasis on financial planning as a practitioner in our respective practice areas. Part #2 was held in September, and once again, there was a fabulous turnout.

In August, the YLS held its’ annual “Old vs. Young Lawyers Softball Game.” Sadly, the “older” lawyers somehow managed to claim a 1-0 victory over the young lawyers. Better luck next year to the young lawyers, but everyone enjoyed themselves, and the local news even came to check us all out.

In October, between attending various judicial receptions, the YLS managed to find time to hold our first ever “Fundraiser Happy Hour” at PJ Whelihan’s in Blue Bell, to which many YLS and MBA members attended. The YLS raised a record amount of money for the Section to benefit Legal Aid. The young lawyers wanted to do their part for Legal Aid, given the current economic conditions and the recent cutbacks to Legal Aid’s funding. We sold raffle tickets, with the proceeds going to Legal Aid, so that everyone could win fabulous prizes. All in all, everyone enjoyed good food, good company, and awesome prizes, while supporting a great cause!

In November, the YLS continued its' charitable work by holding its first ever two-day "Clothing Drive," which was a tremendous success as well. The YLS focused on collecting clothes for men and women who were attempting to re-enter the workforce, as well as children's items, cell phones, purses, etc. This two-day event took place at both the Delaware Valley Legal Expo and the MBA Building, and all donations went to the Laurel House in Norristown. We had an overwhelming response from the entire membership, and hope that this will be continued in the future.

To wrap up our fabulous year, in December, we joined forces with the Montgomery County Inn of Court, as we did last year, and held our annual holiday party at Dave & Buster's, to benefit "Holidays for Heroes." This event was a tremendous success, having over 50 people attend, amid the holiday season when many other Sections and offices are having their holiday parties as well. Lawyers of all ages enjoyed great food, while playing games to win tickets, and donate them to us, so that we could cash them in for toys at the end of the night. This was a true testament to not only the commitment of the YLS members, but also the support we have received from the MBA at large. We were able to collect a plethora of toys, and Dave & Buster's even donated some additional toys to the cause, so that children of our troops could have a wonderful holiday this year. We presented these toys, as well as a check to the USO at the Naval Base in Willow Grove a few days later. What a great way to complete our year!

As the 2009 "Committee of the Year", the Young Lawyers Section's attendance and membership continues to grow with each event that is held, and we hope that this momentum continues in the following years!