

MONTGOMERY BAR ASSOCIATION

Norristown, PA

Summary of Committee Activities during the year 2008

Listed below are the Montgomery Bar Association's Committee/Section Reports for 2008 that were submitted by the committee/section chairs on the progress of their committee/section throughout the year.

Alternate Dispute Resolution Committee – Andrew L. Braunfeld, Chair

Though I served as chairman of this committee at your request, there really was no committee appointed, *per se*. Routine questions concerning the use of the Horace A. Davenport Dispute Resolution Center as a mediation/arbitration provider were referred to me by Nancy Hagner and all of those referred questions were answered to the satisfaction of counsel who raised them. Still, use of this program has been sporadic at best and considerable attention needs to be directed to the question of whether the Bar Association should continue with this program, and if so, what changes are needed to make it more viable. In the event that I am retained as chair of this committee for 2009, that issue will be the primary agenda item for the year. If someone else is to chair the committee, I would be pleased to work with them with regard to that issue.

More importantly, the “committee” did sponsor a six hour seminar (including ethics) on December 4th at the Bar Building. The seminar presented topics on arbitration (three hours) and mediation (two hours) and one hour of ethics within the ADR fields. The event was reasonably well attended and was certainly a worthwhile CLE for those in attendance and the panel. In that regard, I would point out that we have available to us within our own Bar Association a very high level of expertise in the alternative dispute resolution area.

American Citizenship Committee – David J. Walton, Chair

On Tuesday, May 20, 2008 the Naturalization Court was held at Souderton Area High School. The Honorable Paul W. Tressler presided over the ceremony in which more than 100 applicants were sworn in as United States citizens. The oath was administered by the Honorable Mark Levy, and remarks were offered by Samuel Varano, Principal, Souderton Area High School; Robert F. Morris, Esquire, President of the Montgomery Bar Association; and Commissioner Bruce L. Castor, Jr. of the Montgomery County Commissioner’s Office.

We will again be holding Court in Spring of 2009. A definite time and place have yet to be determined.

Audit Committee – William L. Landsburg, Co-Chair and Michael F. Rogers, Co-Chair

The Audit Committee met on August 19, 2008 at the Montgomery Bar Association (MBA) building. The following were in attendance: C. Dale McClain – Chair, Financial Management; Robert F. Morris – President; Steven H. Lupin – Vice-President; Donald J. Martin – Secretary; William L. Landsburg, Esq. – Co-Chair, Audit; Michael F. Rogers, Esq. – Co-Chair, Audit; Aron F. Gold, Esq.; Ronald L. Minninger, CPA – Dreslin & Co.; Nancy R. Paul – Executive Director; Hazel A. Bergquist – Accounting Manager.

The committee reviewed in detail the audited financial statements for the period ended 12/31/2007 for Montgomery Bar Association.

The committee also reviewed the financial statements prepared for the period ended 12/31/2007 for Montgomery Bar Foundation (Foundation).

The Committee extensively discussed the financial arrangement between the MBA and the Foundation related to the tax-exempt funding of the mortgage loan to the Foundation, and the lease between the two entities. The Committee agreed that a future project for the Committee is to review the transaction, analyze how the actual results have differed from the initial projections and explore their projected impact on MBA and the Foundation. The goal of this project is to make a recommendation to the Board of Directors of the MBA on how and when to address the projected differences. Scott Maxwell has offered to help, as he has extensive background in the transaction.

The Committee discussed the report of investments at Valley Forge Asset Management and the Affinity relationship revenue sources.

The Committee also discussed the relationship between the MBA and the Montgomery Child Advocacy Project (MCAP) and the financial support MBA provides.

After reviewing the auditors' report, following extensive discussion, the Committee voted to recommend acceptance by the respective Boards of Directors of the reports of the auditors.

The Committee also discussed the issues raised by the auditors in the Management Letter, including bank reconciliation procedures and the internal control over disbursements.

Bankruptcy/Creditors and Debtors Rights Committee – Alfred M. Abel, Chair

The Bankruptcy/Creditors and Debtors Rights Committee had a good year in 2008. The committee had continued success in our regular monthly meetings and in our CLE program, and started another important initiative.

The Committee met over lunch at the bar association building every month except during the summer. These lunch meetings are popular and allow us to discuss changes in practice and procedure. There continued to be a reliable group of bankruptcy lawyers who attend these meeting and who develop personal as well as professional relationships. Two initiatives came from the regular meetings. The first was the topic of our CLE, which was very well attended. The second was an initiative to persuade the Bankruptcy Trustee to establish a meeting room location in Montgomery County, to give Montgomery County residents a convenient location to conduct the required creditors meetings, similar to the practice in the other counties that surround Philadelphia.

The CLE program focused on recent changes to the bankruptcy code that directly affect family law and family lawyers. The program was held on August 5, 2008 and was very well attended with the Bar Association meeting room filled to capacity, and showed the benefit of reaching outside our own committee to offer a program to members who do not practice bankruptcy law regularly.

The initiative to establish a local meeting room for creditors meetings is still in progress. Alfred M. Abel, the chair of the committee, and committee member Michael W. Gallagher, met with their respective congressional representatives, Allyson Schwartz and Jim Gerlach, to raise the possibility of establishing the local meeting room. The representatives both received the idea well, and additional efforts are still underway.

Business, Banking and Corporate Counseling Committee – David A. Feldheim, Chair

The Business, Banking and Corporate Counseling Committee enjoyed a good year in 2008, both in terms of committee meetings and CLE Programs.

The Committee met three or four times over lunch at the Bar during the year. These lunch meetings are popular with attendees, affording members the opportunity to compare notes and provide updates in their respective areas of interest. The luncheons are also the springboard from which ideas emerge for CLE Programs.

This year the Business, Banking and Corporate Counseling Committee hosted two CLE Programs, as follows:

On February 15th, the Committee and the Franchise Committee co-hosted a CLE Program on “Selling an Existing Franchise Business,” which provided attendees with a detailed overview of the business and legal issues presented when an existing franchisee decides to sell his/her business. The speakers discussed the key legal documents, the significant problems most often encountered, the customary ways in which these transactions are structured and the problems addressed.

On September 26th, the Committee hosted a CLE Program on “Trends in Loan Underwriting and Lender Requirements for New Loans in the Current Crisis Economy.” The seminar focused on the recent trends in the lending community and what financial institutions are considering and requiring in connection with new loans. The seminar helped the attendees to understand the lending climate, given current economic conditions, and how better to prepare for and process a loan application.

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

By-Laws Committee – William H. Bradbury, III, Chair

At the request of President Morris, the Bylaws Committee prepared and proposed extensive revisions and additions to the Association’s Bylaws which focused upon the structure and operation of the Association. These revisions were based upon recommendations made by an ad hoc committee formed at the Directors’ annual retreat. This ad hoc committee was composed of Committee Vice Chair and Association Director Richard Berlinger and Directors Maribeth Blessing and Michael Rogers. The principal draftsman for the Bylaws Committee was Michael Breslin. After review by the Executive Committee, the proposed amendments to the Bylaws were presented to the members at a special meeting of the members of the Association held September 25, 2008, and were adopted by the members by the required two-thirds majority.

Child Advocates Committee – Wendy Demchick-Alloy, Chair

During 2008, the Child Advocates Committee had an extremely productive year. The Committee itself held lunch meetings throughout the year at the Bar Association Building and in October presented a well-attended, full day Continuing Legal Education seminar on Child Advocacy Training.

At each of our lunch committee meetings, we presented speakers on varying aspects of child advocacy, which can include criminal, civil and juvenile divisions of the Court. These speakers included members of the Juvenile Unit of the Montgomery County Public Defender's Office, Ward Cotton, Esq. and Richard Simon, Esq., providing their perspectives of representing their young clients who are charged with crimes. We were also grateful to host Montgomery County Master in Judicial Review of Children in Foster Care at Children & Youth, Stephen P. Imms, Jr., who presented our committee members with an overview of Dependency Court and Master's Permanency Review Hearings at which Montgomery Child Advocacy Project (MCAP) attorneys represent their clients.

In the fall, our committee hosted the annual Child Advocates Committee CLE, a training seminar for MCAP and other child advocate attorneys. At the seminar, 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; MCAP Project Director 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); Laurie O'Connor, Director of Montgomery County Office of Children & Youth; Kelly Wall, Esq.; George Ditter, Esq.; Karen Coletta-DeGennaro, Esq.; all solicitors for the Montgomery County Office of Children & Youth; Dr. Allen DeJong, DuPont Hospital for Children who spoke regarding physical and sexual abuse in children; and Frank Cervone, Executive Director of the Philadelphia Support Center for Child Advocates.

Continuing Legal Education Committee – Donald J. Martin, Chair

In 2008 the Continuing Legal Education Committee presented 72 hours of for-credit programs in Montgomery County, including 17 hours from the Pennsylvania Bar Institute, some live and some "groupcasts," which are broadcasts of live seminars. We believe the Montgomery Bar is now the third-largest CLE provider in Pennsylvania in terms of attendee course hours. Most committees of the Bar provided at least one program in 2008.

The MBA now offers state of the art video and presentation technology in a room that can accommodate 60 students. The CLE Committee is working to present two six-hour programs in each compliance month in addition to shorter courses, so the rare lawyer who waits until the last minute can get the required 12 hours in two days without leaving Montgomery County.

On July 1, 2008 President-Elect Mark Kearney yielded the chair to Secretary Donald Martin. Having the chair be an officer and serve on this split-year basis provides continuity and direct contact with the Board and Executive Committee, and ended the January-February gap in programs.

Community Outreach Committee – Marie Patterson, Co-Chair and Kate Harper, Co-Chair

The Committee met bi-monthly to provide a discussion forum for various Montgomery County institutions and non-profit agencies to interact with members of the Montgomery Bar. Most of our meetings included the officers of the MBA, too. Our big project for the year was sponsoring a YouTube Video Contest around the theme "Why Vote?" We attracted nearly two dozen entries and selected winners in the "Over 18" and "Under 18" categories to win cash prizes from the Montgomery Bar Foundation and Sovereign (Commerce) Bank. It was a successful and fun project to involve the committee members in promoting the contest, in encouraging an important civic duty in our high

schools and colleges, and a bit of technological exposure for the members, too. We also lent our support to the Bar Foundation's "Holidays for Heroes" project, and spent a portion of each meeting discussing news from each member's organizations. In this way, we were able to acquaint community groups with services offered by the MBA, like the Speakers Bureau.

Construction and Public Contract Law Committee – Robert A. Korn, Chair

The Construction Law Committee had begun planning for a program on the new AIA contract forms. The subject matter for the seminar was covered by many other organizations, so much so that it was felt by the Chair that it was no longer feasible to rehash this topic. Next year, it is my intention to schedule at least two lunch and learn programs at the MBA. The first program will be scheduled sometime in February. It is also my intention to expand the membership of the Committee.

Criminal Defense Committee – William I. English, Jr., Chair

The Criminal Defense Committee meets on the second Friday of each month at the Bar Association. We have enjoyed an active membership providing a forum for criminal defense issues both at the meetings and via email.

Some of the highlights during the past year have been the following:

- 1.) Welcome Meeting for new Clerk of Courts Ann Thornburg Weiss and her First Deputy Alice Hendrickson.
- 2.) CLE Seminar entitled the Current State of Driving after Imbibing and its Collateral Consequences with an update on recent cases presented by Tim Wile, formerly Assistant Counsel In-Charge with the Appellate Section of PennDOT and Assistant Chief Counsel for the Pennsylvania Board of Probation and Parole and presently Chief of the Appeals at the Public Defender's Office.
- 3.) Wiretap CLE presented by Leigh Narducci and Steve Fairlie.
- 4.) Updating the Criminal Appointment List.
- 5.) Presentation by Care Assistance with Members Support, "LLC" - Program designed to assist Defendants with substance abuse treatment.

With the able assistance of Steve Fairlie and Vice-Chair Adam Zucker, I look forward to a successful 2009.

Diversity Committee – Daniel J. Clifford, Chair

In its first year as a working committee, the Diversity Committee's first initiative was to create a forum which would bring together the Montgomery County legal community and law students/lawyers of diverse backgrounds.

The outreach began first with a reception in May for the managing attorneys of Montgomery County law firms, corporate and government offices to invite the commencement of a dialogue on diversity in the Bar Association. It culminated with a Networking Forum / Meet & Greet Cocktail Reception on

November 6th which included the managing attorneys and also area law students/lawyers from diverse backgrounds. The event was extremely well attended and included President Judge Richard Hodgson, Board of Commissioners Chair James Matthews, representatives from Temple and Drexel Law Schools as well as many law students of diverse backgrounds from the four (4) regional law schools.

During the course of the year, the Committee sought to raise its profile by featuring a regular column in each Sidebar (which highlights a diverse Committee member) and hosting as speakers the Diversity Managers at two Philadelphia law firms to provide insight and encouragement on the Committee's goals.

In October, Co-Chair Daniel Clifford presented at the PBA Diversity Summit as part of a panel on county bar diversity efforts.

At the November Reception, the Committee announced that its second major initiative would be the implementation of a 2009 Summer 1L Program which will place first year law students with Montgomery law offices for an eight (8) week time period. The Committee hopes to accept at least six (6) students to this program for its first year and will provide programming during the eight (8) week time period to familiarize the law students with the Montgomery legal community.

Elder Law Committee – Robert C. Gerhard, III, Chair

Elder Law Committee Objectives:

- 1) To provide regular CLE events with informative speakers to discuss current elder law issues.
- 2) To use meetings as a 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:

We have an organizational meeting each January, where interested members of the Committee provide input on what we should be doing for the year and identify potential CLE topics. Our monthly lunch and learn CLE events have been successful. Our most well-attended meeting of 2008 was "Guardianship Practice and Procedure in Montgomery County" with Judge Ott and Judge Drayer who regularly support the MBA and our CLE efforts. Our meeting dates are already on the calendar for 2009: 1/20, 2/17, 3/17, 4/21, 5/19, 6/16, 9/15, 10/20, 11/17. No meetings in July, August, or December.

2008 Outreach Efforts:

Annual Montgomery County Senior Games & Expo

Michelle Berk volunteered and promoted the Montgomery Bar Association and our Lawyer Referral Service at a table set up at this annual event for senior citizens in Montgomery County. Michelle also volunteers to set up the MBA booth at various senior fairs put on by area legislators.

Updating Publications

The *Elder Law Handbook* was updated toward the end of last year, published and distributed in 2008 across Montgomery County through the local libraries. Due to advertising dollars received from sponsorship of the Elder Law Handbook, the project is no longer a cost to the MBA, but is instead revenue generating. The committee can update the book for 2009, if desired. The changes from last year's edition should be minor at this point.

List Serv

Our list serv is being used to provide members with information about upcoming meetings and CLE events. It has been very valuable for that purpose.

Employment and Labor Law Committee – Harold M. Goldner, Chair

The Employment and Labor Committee held its annual CLE program, "An Update on Employment Law" on Wednesday, October 29th, 2008. Eight committee members presented on a variety of topics including A Review of the 2007-2008 Supreme Court Term; Employment Discrimination Update; Taxation of Settlements; Immigration Law for the Employment Lawyer, Sexual Harassment Update; Family and Medical Leave Act, The ADA Amendments Act, and a review of Restrictive Covenants.

The program was well attended and the speakers each did a thorough job.

The Committee has also started to reach out to the Greater Valley Forge Society for Human Resources Professionals, although realization of a joint event will take more time to develop. We will continue to explore that relationship in the upcoming year.

Environmental Law Committee – Adam N. Bram, Co-Chair and Douglas R. Blazey, Co-Chair

The Environmental Law Committee ("ELC") conducted monthly meetings throughout the year. The ELC meets the second Tuesday of each month. Outside speakers presented at some of the meetings, and at other meetings routine business and environmental issues were discussed among the members. Some of the highlights of the year for the ELC are the following:

1/08/08 Speaker at ELC January meeting. Member Ken Myers presented and facilitated a discussion on the contents and implications of H.R. 6, "The Energy Independence and Security Act," and other Federal, related August 2007 legislation.

2/12/08 Speaker at ELC February meeting. Walter Payne, the Environmental Group Manager for PADEP SERO's Special Projects Section in the Environmental Cleanup Program. Mr. Payne spoke about the Brownfields Recycling Program in the Southeast Region. He also discussed the impact on Brownfields redevelopment from "The Uniform Environmental Covenants Act," signed into law by Governor Rendell on December 18, 2007.

3/11/08 Speaker at ELC March meeting. Dr. Mary Buzby, Director of Merck & Co.'s Environmental Health and Safety Program, presented a lecture on Merck's perspective on energy and environmental challenges in the 21st Century

10/10/08 ELC's CLE "Environmental Practice Update." 4.0 hours credit. Topics included local government activities aimed at expanding energy efficiency and green building and the potential legal effects from new building codes that promote green building; alternative energy initiatives by developers and local governments; climate change programs at the macro and micro level, and Pennsylvania sewage facilities planning. Approximately 15 people attended and seven people presented.

12/9/08 Proposed meeting speaker: Tom Gresko of Mid-Atlantic Associates slated to speak about energy, business, and practical aspects of installing solar electricity facilities in commercial settings.

Federal Court Practice Committee – Cary L. Flitter, Co-Chair and Claudia McCarron, Co-Chair

The Committee had three main events for the year:

1. Eastern District Swearing-In. In June of 2008, the Clerk of the Eastern District, Michael Kunz and Chief Judge Bartle came out to the Courthouse for a swearing-in. Over 25 MBA members were sworn in to the Bar of the United States District Court for the Eastern District of Pennsylvania. Most of the CCP bench attended. The swearing-in was followed by a brief reception at the MBA Building for Chief Judge Bartle, Mr. Kunz and some members of our bench.
2. Third Circuit Court Appeals Program. In November 2008, we had a rare visit by the United States Court of Appeals for the Third Circuit. Circuit Judge Kent Jordan, Marcia Waldron, Clerk of the Court of Appeals and Penny Ellison from the Office of the Circuit Mediator came out to Norristown. We had a swearing-in to the Third Circuit at the Courthouse where about 20 members of the MBA were sworn in to the Bar of the Third Circuit. Most of the CCP bench (and Judge Yohn) attended.
3. CLE. Following the swearing-in, we had a brief reception at the MBA Building followed by a 2.0 hour (substantive) CLE on Third Circuit Practice and Effective Appellate Advocacy. I think we were very lucky to get Judge Jordan out to sit on a panel for over an hour and provide his insight into appellate advocacy, interlocutory appeals and other matters. Marcy Waldron also spoke about new e-filing developments and other technical points. I believe the CLE was well received.

On behalf of my co-chair, Claudia McCarron – who did a yeoman’s job organizing the District Court swearing-in – we appreciate the opportunity to co-chair the Federal Courts Committee this year.

Fee Dispute Committee – Fred W. Miller, Vice-Chair

Since September 15, 2008, the Fee Dispute Committee has received eight cases. Of those cases, six have been initiated by clients and two have been initiated by attorneys. The Fee Dispute Committee continues to provide mediation for all cases in which the claimant and the respondent agree, in writing, to participate in the Fee Dispute Program. If cases are not resolved with the aid of a mediator, cases are referred to one of the Committee’s Hearing Committees.

The Fee Dispute Committee recognizes and appreciates the efforts of the mediators and Hearing Committee members who provide this valuable service to the Montgomery Bar Association.

Franchising Committee – Kenneth P. Milner, Chair

In 2008, the MBA Franchising Committee continued its tradition of 1) providing continuing franchise law education to attorneys in Montgomery County and the region, 2) hosting speakers from all areas of franchising, and 3) participating in franchise business and law events throughout the Commonwealth and the country.

In April, the Franchising Committee teamed with the Business, Banking and Corporate Counsel Committee to present the CLE course, Buying and Selling an Existing Franchised Business. The new Federal Franchise Registration and Disclosure Regulations provided a steady source of information sharing at our monthly update meetings. Committee members spoke, organized or participated in the ABA Forum on Franchising, PBA/PBI seminars and the International Franchise

Association's Franchise Appreciation Day event in Washington, DC. Our outside speakers included a local hoagie franchisee who was as generous with his time and opinions as he was in providing lunch to the Committee members.

The willingness of the Franchising Committee members to participate in Committee activity is matched only by the continued support provided by the MBA Executive Committee and support staff.

Insurance Committee – Stephen G. Yusem, Chair

President Morris appointed an ad hoc committee consisting of Robert Morris, Mark Kearney, and Patrick Gibbons. The ad hoc committee sent requests for proposals to USI Colburn, the Zutz Group, and Marsh McLennan. Proposals were received from the Zutz Group and Marsh McLennan. A later proposal was received from Aon Insurance Brokers. After reviewing all of the proposals, the committee decided to endorse the Zutz Group (which is now part of HRH Willis) as the Bar Association's endorsed insurance broker for multiple lines of products, including professional liability insurance. A written contract was negotiated and signed effective September 30, 2008.

Intellectual Property and Communications Law Committee – Christopher D. Holst, Chair

This year the committee presented two CLE events through the MBA, and has one speaker booked to give a talk at a luncheon meeting yet to be held.

Former Chair Andy Ney put on his introduction to IP CLE class in November, and I put on a class on Trademark law in June. Reviews were favorable, and I predict the classes will repeat again next year, provided there is demand for them.

The previous year's attempts to build bridges between the committee and the local chapter of SCORE have not brought much activity.

Joint Liaison with Accountants Committee – Michael F. Breslin, Co-Chair and Sheryl R. Rentz, Co-Chair

The Joint Liaison with Accountants Committee met during the year, and in an attempt to increase our membership, decided to ask Risa Ferman, Montgomery County District Attorney, if she would attend a cocktail party 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. Not only was she gracious enough to agree to do so, she came up with the great idea to have our seminar be a behind the scenes look at the Economic Crimes Unit of her Office, to be presented by both the former and current Chiefs of that Unit, Steve Latzer and Bob Sander. Univest Bank graciously sponsored the Seminar and the cocktail party, which was held at the Bar Association Building on November 5th.

The Committee also researched the possibility of the Montgomery Bar Association and/or the Montgomery Bar Foundation becoming a provider of Continuing Professional Education for CPA's. It was too late to submit such an application for this year, but it was decided to try to do so for next year. If such an application is granted, lawyers who are also CPA's would be able to obtain CPE as well as CLE for certain seminars. Also, we might obtain the addresses of the approximately 2,700 CPA's in Montgomery County in order to generate additional non-dues revenue by inviting them to such seminars.

Lawyer Assistance Program – Samuel J. Trueblood, Chair

The Lawyer Assistance Program of the MBA continues its mission of providing assistance to impaired lawyers, most commonly where the impairment is due to alcoholism, drug addiction, depression and/or gambling. We interrelate closely with the Lawyer Assistance Committee (LAC) of the PBA and Lawyers Concerned for Lawyers (LCL). As happens every year, we have been able to help in several MBA situations (in all of which cases we maintain absolute anonymity). We also continue to sponsor a monthly meeting of Montgomery County lawyers in recovery, as we have done for the past 19 years.

Lawyer Reference/Legal Access Committee – Donald J. Martin, Chair

Once again, the Lawyer Reference/Legal Access Committee was able to accomplish all its business for the year at a single meeting, held on May 15, 2007. Staff reported that the number of attorney participants in Lawyer Referral decreased from 244 to 232 participants but Legal Access increased from 82 to 89. Income from registration fees is down. Since there has been no change in registration fees for many years, the Committee decided to increase the annual fee from \$100 to \$150. Legal Access participants continue to pay half that fee to be members of the Lawyer Referral Service.

Lawyer Referral Coordinator Frank Burk reported a need for more attorney-participants who speak languages other than English. There are many requests for Spanish, and also some for Italian and German-speaking lawyers. There are potential clients requesting lawyers who speak Chinese, Korean and Vietnamese. Frank must now refer those applicants to the Philadelphia Lawyer Referral Service.

The referral sign up booklet and form were sent only by email for the first year. Frank was to call all former participants who did not respond.

On August 27, 2008 the Committee sponsored a one hour seminar "What Everyone Should Know about Client Intake and Fee Agreements." The speakers were Lori K. Shemtob, Esquire and Samuel D. Miller, III, Esquire. The program was well attended and well received.

Coordinator Frank Burk is retiring. He did a great job for us for many years, and his position will be hard to fill. We appreciate his great work, and wish him happiness.

It has been my honor to chair this committee for almost all of the last twenty years. My new responsibilities at the Bar Association mean I must be replaced as chair. I want to thank Harvey Strauss for his service as vice-chair most of those years. He will deny he did anything, but his thoughtful advice kept me going. I also want to thank the MBA staff for making my job easy.

Membership Committee – Lisa J. Cappolella, Co-Chair and Denise Vicario, Co-Chair

The Membership Committee processed 144 new applications for membership to the Bar Association this year. We had 86 members join us as full members, 15 as associate members, six as E-Associates, with the remainder pending approval. On May 2, 2008, as part of the regular Law Day Program, we had a ceremony in which we presented certificates to the new admittees.

On September 24, 2008 we had a seminar entitled Limited Liability Companies and the Estate Plan. The seminar was attended by 25 people.

Montgomery County Law Reporter Committee - Amy P. De Shong, Chair

The Committee embarked on an ongoing project to establish and promote the use of a uniform system of citation for our Court's Opinions. To kick off that project, we hosted the law clerks, President Judge Richard Hodgson, and Court Administrator Michael Kehs at a productive and informative luncheon meeting. Using the information gathered at this meeting, the committee is working on a standardized set of citations for the use of the law clerks, which will provide more uniformity, while still respecting each judge's personal writing style. Uniformity is critical, so that our Opinions can be properly indexed and made "searchable" on the Internet. Most searches are now being done online.

Revenues continue to be high, in large part due to the record high number of sheriff's sales published in the Law Reporter, for which we publish special supplements. The sheriff's website has made this information more accessible to the public, so we decided not to increase the subscription rate this year for fear of losing subscribers to that site. We continued to reduce costs by automatically registering new members as "e-members," which gives them electronic access to the Law Reporter. Offering this option reduces our printing and postage costs. We scaled the "yellow inserts" back to once per month, in order to reduce printing costs and drive people to our website. We made changes to the fee structure for advertisements. Legal and commercial ads increased. While we experienced some increase in printing due to the sheriff's sales, the increased revenue more than made up for it. We changed software programs, which enabled us to further streamline and do more with less. Our staff attended night courses in order to take full advantage of the new technology.

We continued our search for new sources of revenue by reaching out to the appropriate Commonwealth authorities to publish unclaimed property listings. This will turn into a nice moneymaker for the Bar Association.

We continue to have a healthy, steady flow of Opinions. Our Editors are now working on the year-end Index.

We continue to face the challenges that all "paper" periodicals are facing, as more and more business is done on the Internet. I continue to be in awe of the skills and vision of Nancy Paul and her staff, as they continue to stay on the cutting edge of the technology.

Nominating Committee – John R. Howland, Chair

The Montgomery Bar Association met November 10, 2008 and November 25, 2008. A quorum was present and voting. We hereby make the following nominations for office for the terms beginning 2009:

1. Vice President: Carolyn T. Carluccio
2. Treasurer: Donald J. Martin
3. Secretary: Paul C. Troy
4. Board of Directors: Mohammad A. Ghasuddin, Harold M. Goldner, Paulyne Gardner-Smith, Robert R. Watson, Jr., and Susan J. Wiener
5. Judiciary Committee: Andrew B. Cantor, Patrick J. Gibbons, James M. Jacquette, J. Edmund Mullin, Frank P. Murphy, and Lori K. Shemtob

Real Estate Committee – Marc D. Jonas, Chair

2008 was an exciting year for the Real Estate Committee with a high turnout of its members.

- Vice-chairman, Jack Dooley led a panel discussion on Acts 39 and 40 of 2008 amending the Pennsylvania Municipalities Planning Code and provisions of the Judicial Code.
- Bill Stewart discussed the changes in the real estate transfer tax regulations.
- A panel including Judge Ott, Don Martin, and Claudia McCarron discussed “Legal Writing and Oral Advocacy.”
- Magisterial District Judge Harold Borek and Eric Frey discussed municipal code enforcement.
- Traffic engineers from McMahon Transportation Engineers and Planners, Casey Moore and Christopher Williams, provided information on traffic impact fees under Act 209.
- We ended the year with a roundtable forum that included educational and poignant “war stories” from Ed Mullin, Jim Garrity and Steve Volpicelli.

Throughout the year, the members were kept apprised (thanks to Bernadette Kearney) of appellate court decisions of interest and significance, as well as key acts passed by the legislature.

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. In 2008, the speakers included, among others, Montgomery County Commissioner Jim Matthews, and Dallys Novarina, Immediate Past President of the Pennsylvania Land Title Association. 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.

Rules of Civil Court Committee – Lester G. Weinraub, Chair

The Rules of Civil Court Committee continues to receive copies of the amendments to the Pennsylvania Rules of Civil Procedure that have been proposed by the state rules committee. This past year, we have received seven (7) proposed rules for distribution to our members for comment. Most importantly, this procedure alerted our committee members of the changes on the horizon.

In addition, we assisted the Montgomery County Bench on an important revision to our local rule involving Electronic Filing. Local Rule 205.4 now provides a procedure for permissive electronic filing in Montgomery County. Unlike some other counties, the electronic filing rule in Montgomery County allows, but does not require, electronic filing.

Finally, we had an exceptional CLE on November 19, 2008 on Motion Practice in Montgomery County. Participating in our seminar was Michael C. Shields, Esquire, one of the Discovery Masters, to offer practical insights on presenting a winning discovery argument.

Sidebar Committee – Gary J. Friedlander, 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, articles have appeared introducing new row officers and court officials in the courthouse as well as Directors of the Bar Association.

Speakers Bureau Committee – Andrew L. Ney, Chair

This report includes the following:

- COMPOSITION OF SPEAKERS BUREAU
- MARKETING APPROACH FOR SPEAKERS BUREAU
- PRESENTATIONS 2008
- OTHER ACTIVITY
- UNFINISHED BUSINESS
- SUPPORT FROM THE MBA OFFICE

COMPOSITION OF SPEAKERS BUREAU

We started the year with 22 members and increased the membership to 26.

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 legal subjects of *practical* interest to our audiences (e.g., “elder law” for senior communities), we continue to expand our offerings to include legal subjects of *general* interest to our audiences. See below, for example, in the PRESENTATIONS 2008 section the presentation made to the Norristown Area Association of School Retirees on October 16.

PRESENTATIONS 2008

11 members of the Speakers Bureau participated in the 17 presentations made in 2008. The breakdown by category of the audiences is:

Twelve schools (elementary, high school, college)

Three senior/retiree communities/associations

Two social services organizations

We fulfilled all but one request for a speaker. The one request that was turned away was a request to address a subject that was *political-related* rather than *law-related*. One event for which we had arranged to provide a speaker was cancelled.

MBA SPEAKERS BUREAU PRESENTATIONS FOR 2008

<u>Speaker</u>	<u>Date</u>	<u>Audience</u>
Craig Bluestein	February 23	Fostering & Adopting Ministry

<i>Legal Concerns for the Adoptive Parent</i>		
Bruce Royal	February 28	Penn State Univ. Abington Campus
<i>Renter's Rights</i>		
Michael Eisenberg/Paula Scharff	March 17	Bridge of Hope BuxMont
<i>Child Support and Visitation/Wills</i>		
Amy Sosnov	March 18	Palm Senior Center
<i>Where there is a Will, there is an attorney</i>		
Tom Gowen	April 9	Upper Dublin High School
<i>Torts</i>		
Bob Szostac	April 9	Upper Dublin High School
<i>Torts</i>		
Bruce Royal	April 12	Penn State Univ. Abington Campus
<i>Renter's Rights</i>		
Tom Gowen	April 18	Upper Dublin High School
<i>Torts</i>		
Bob Szostac	April 18	Upper Dublin High School
<i>Torts</i>		
Chris Meinzer	April 21, 2008	St. Pius X High School
<i>Legal Consequences of Drug and Alcohol Abuse</i>		
Andy Ney	April 24 (twice)	Upper Dublin High School
<i>Intellectual Property</i>		
Ken Milner	May 22 (twice)	Arcola Intermediate School
<i>The Lawyer Stands Trial</i>		
Gary Silow	September 26	Hatboro Horsham High School
<i>A Career as a Lawyer</i>		
Andy Ney	October 16	Norristown Area Association of School Retirees
<i>My Intellectual Property-Related International Travels</i>		
Ken Milner		Dock Woods Community
<i>Act 169 Advanced Medical Directives Legislation</i>		

MBA SPEAKERS BUREAU PRESENTATIONS SCHEDULED FOR 2009

<u>Speaker</u>	<u>Date</u>	<u>Audience</u>
To be determined	late Jan/early Feb	Arcadia Univ.
<i>Mock casework in forensic serology and DNA analysis</i>		

OTHER ACTIVITY

MBA Law Day Committee – The May 22, 2008 presentation 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 I thought that it might serve as a model for similar events that would be organized and conducted by the MBA Law Day Committee with the cooperation of the Speakers Bureau in providing speakers. The Chairs and Vice-Chairs of the two committees have met and all are enthusiastic about the idea. The Law Day Committee is working on a plan to launch such events and the Speakers Bureau stands ready to cooperate with the Law Day Committee.

MBA Family Law Section/Mediation Committee – I discussed with this group:

(1) the role of the Speakers Bureau and the support that we can provide the MBA Family Law

Section/Mediation Committee, and (2) how the MBA Family Law Section/Mediation Committee and the Speakers Bureau can collaborate, for example, by the MBA Family Law Section/Mediation Committee using the Speakers Bureau as a resource or members of the MBA Family Law Section/Mediation Committee joining the Speakers Bureau.

Montgomery County Norristown Public Library – We have provided information about the mission and operation of the Speakers Bureau in response to a request to consider a collaboration of conducting programs on law-related subjects.

Retired Senior Volunteers Program (RSVP) – Included in its many activities, RSVP provides speakers for various communities and organizations throughout Montgomery County. RSVP is short on speakers that can address law-related subjects. We have been asked to be a resource that can fill requests for speakers on law-related subjects. Whenever called upon, our speakers will be identified as members of the MBA Speakers Bureau; not as RSVP speakers.

UNFINISHED BUSINESS

Speaker Evaluations – putting into practice to be part of our regular routine the speaker evaluation procedure that has been set up by Jim Mathias.

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

Law Day programs- Cooperate with the Law Day Committee in organizing and promoting such events.

SUPPORT FROM THE MBA OFFICE

As stated in last year's report, this report would be incomplete without an acknowledgement of the tremendous support of Jim Mathias. Jim provided much useful advice on managing and marketing the Speakers Bureau. Many thanks again to Jim for his involvement with the Speakers Bureau.

Women in the Law Committee – Erin C. Lentz, Co-Chair, Betty Lupo, Co-Chair and Stephanie E. Murphy, Co-Chair

The Women in the Law Committee began 2008 with an organizational meeting, in which the Committee's mission statement was reviewed and the goals for the year were established. In May, the Committee, on behalf of the Montgomery Bar Association, presented the Margaret Richardson Award to the Honorable Susan Peikes Gantman in acknowledgement of her continued work for the advancement of women in the legal profession and her work in furtherance of women's rights. Our monthly meetings featured speakers including representatives from the Montgomery County Women's Center, District Attorney Risa Vetri Ferman and Barbara Vetri, Esquire, the Honorable Sandra Schultz Newman, and financial advisors from Wechsler Marsico Associates. We also collected clothing in support of the Montgomery County Career Wardrobe and children's books in support of the Pennsylvania Bar Association and the Pennsylvania Department of Education's Family Literacy Program. We hope to continue both charitable efforts in the coming year.

Workers' Compensation Committee – Louis P. Lombardi, II, Co-Chair and Thomas C. Lowry, Co-Chair

The year 2008 was another busy year for the Workers' Compensation Committee.

Our monthly luncheon meetings, full of friendly good fellowship, were held at the MBA building. In addition to the camaraderie, invited speakers on various topics of interest also attended many of these

luncheon meetings. On April 7, 2008, our committee held its first Seminar entitled *Ethics and a Sandwich*. This was a combined lunch and one hour of Ethics on various workers compensation ethical issues. The speakers at this seminar included The Honorable Workers' Compensation Judge Joseph Hakun and an experienced claimant's attorney and defense attorney.

In addition, as has become a tradition, our committee hosted our Annual Fall Seminar at the DoubleTree Hotel in Plymouth Meeting. This year's Seminar was entitled *The Do's and Don'ts of Workers' Compensation Settlements*. This seminar was open to the Public and free of charge. At this seminar, attorneys could obtain three hours of substantive CLE credits. As in the past, this seminar was well attended by attorneys, physicians, workers' compensation judges, employers, union officials, and insurance adjusters. Some of our speakers included, The Honorable Workers Compensation Judge Martin Burman and Dr. Lee Rowe, a well known and respected Ear, Nose and Throat specialist, who spoke about occupational noise-induced hearing loss claims.

All in all, a good and productive year for the Workers' Compensation Committee.

Summary of Section Activities during the year 2008

Family Law Section – Daniel G. Ronca, Chair

The Family Section had a very busy and productive year in 2008. We had excellent attendance at our regular monthly luncheon meetings. Our committees handled important family law issues as they arose and reported back promptly to our membership for the consideration of the entire section. Informative programs, covering many cutting-edge aspects of family law, were presented at each monthly meeting. We also paid tribute to a wonderful Judge, good friend and former Chair and we renamed and rejuvenated a Family Section tradition in her honor.

Early in the year, we focused our energies on building up our committee structure so that we would be better able to respond to challenges throughout the year. Our team of committee chairs Christina DeMatteo (Support), Chris Badali (Custody), Matt Fox (ED/Alimony), June Appell & John Gregg (Mediation), David Berman (Alternative Family), Sarinia Michaelson Feinman & Jonathan Hoffman (Practicum) and Ann Funge (Case Law Update) did an outstanding job. Several of the committees, including Custody, Mediation, and Alternative Family, sponsored and presented well-received programs at our monthly meetings. The Support Committee worked very hard on detailed recommendations regarding the Pennsylvania Supreme Court's latest proposed Support Guidelines, which recommendations were overwhelmingly approved by the Section membership. The Case Law Update Committee provided a detailed monthly analysis of new family law cases, which helped us all to keep up with developments in our area of the law.

We enjoyed a wide array of substantive programming throughout the year and we thank all those who were involved. Mark Dischell spoke on the formulation of the new Support Guidelines; Ellen Fischer moderated a program on Collaborative Family Law; Maria Gibbons prepared a presentation on interacting with the Office of Children and Youth; and Sara Goren and Chris Badali developed a program with Jerry Belletiere on child psychology. In June, we were enlightened by the Chairs of the other four area county bar family sections, who were kind enough to accept our invitation. We were pleased to have the Masters and Conciliators speak in the middle of the summer, which assured us a full house, despite the weather and the time of year. Although David Hofstein prepared a full hour program, he was flexible enough to tailor his presentation to the available time, given our protracted discussion

regarding the proposed guidelines in September. We heard a powerful program moderated by David Berman on reproductive technology and same-sex couples and, the following month, an interesting and informative presentation on ethical issues in Mediation. In addition, Ellen Fischer and Dan Clifford moderated a lunch and learn CLE on the Interview of the Child in custody cases.

On May 13, the Section paid tribute to the Honorable Toby Lynn Dickman, who passed away in the fall of 2007. The memorial featured recollections by Judge Daniele, friend and colleague Mark Dischell, and former partner, Jay Glickman. We also announced that the MBA's lasting memorial to Judge Dickman would be the permanent renaming of the Practicum, a long-standing educational program, sponsored annually by the Section, to become the Toby Lynn Dickman Family Law Seminar. Judge Dickman had been former chair of the event and a frequent contributor. The First Annual Dickman Seminar, held in October, was a huge success. The program had traditionally been aimed at new family law practitioners, but had recently suffered from reduced attendance. This year's Co-Chairs and committee members revitalized the Seminar, presenting a wonderful program on business valuations, featuring some of our best-known attorneys and experts in the field.

I am very proud to have served as Chair of what I consider to be the finest Section in the state and I congratulate incoming Chair Caren Morrissey, Vice Chair Michael Kleiman, Secretary Marie Patterson, and Treasurer, Christina DeMatteo. I thank them for their invaluable help last year and I wish them the best of luck in 2009.

Probate and Tax Section – Janet E. Amacher, Chair

Probate and Tax Section held its first meeting on Friday, January 11th at the conclusion of the MBA annual meeting. At that time, Janet E. Amacher was elected President, Joseph P. McDonnell, Vice President, Michael J. Maransky, Secretary, Adam T. Gusdorff, Treasurer. Various CLE topics were discussed at that time as well.

The next meeting was held on Monday, April 21st, at which time a CLE was presented by the new Register of Wills, D. Bruce Hanes, Deputy Register, Joan H. Nagle, and Solicitor to the Register, Howard Rovner. Unfortunately, on that day, Register Hanes was ill, however, Deputy Register Nagle and Solicitor Rovner stood in on his behalf and presented an excellent program. Discussed was electronic filing, photocopies of Wills, new fees, new procedures for Petitions for Citation, and other topics of interest. The meeting was attended by 49 members.

The third meeting of the year was held on Friday, October 24th. Patti Spencer, Esquire, a well-regarded Pennsylvania Trust attorney presented a CLE on the topic "Representing Fiduciaries: Emerging Issues under the Uniform Prudent Investor, Principal and Income and Trust Acts." The CLE was especially timely since November 6, 2008 was the deadline for Trust Notices under the UTA. Forty-one folks attended the 1.5 hour CLE. Many stayed after with follow-up questions for the speaker.

Young Lawyers Section – Elizabeth L. Lippy, Chair

The Young Lawyers Section of the Montgomery Bar Association (MBA) had a very busy and exciting 2008. In an effort to encourage attendance of Young Lawyers at different events, the Section began to hold bi-monthly meetings. The attendance and membership continues to grow with each bi-monthly meeting.

An annual function of the Young Lawyers Section is to run the high school mock trials for Montgomery County. This year, the Section decided to alter the format a bit by offering CLE's for any jurors who sat during the first week of the trials. This proved to be quite successful as the registration for jurors increased greatly from last year and we were not scrambling around at the last minute trying to find people. As chair, I am hopeful this becomes the norm when running the high school mock trials.

A new event this year was the game time happy hour at the MBA Building. In order to make this event happen, we set up the entire upstairs conference room as an arcade-type setting with various games, including Wii, Rock Band, Guitar Hero, Playstation and others. The turnout was great and the buzz from the event was to definitely hold this event next year again.

As always, the Young Lawyers Section aided in having some events at the annual Clambake, although the new favorite event is the beer pong tournament, which seems to be hit with young and old(er).

This year we did a lot of community service work. The first function was to help an elderly man in Lansdale clean up his property. The amount of participation from the Young Lawyers Section was astounding, as there were over 15 young lawyers present. It was a great success. The Annual Casino Night was held in October. This year, we changed the charity to the North Penn Boys & Girls Club in the hopes that it would draw more attendees. Unfortunately, the event was not a success. It is questionable, if not doubtful, that this event should occur again. Although a good idea, it just simply doesn't seem to do well. Finally, the Holiday Party is scheduled for mid-December at Dave & Buster's. Young Lawyers Section has joined forces with the Inn of Courts so as to throw a bigger party and attempt to recruit new members to both organizations. The proceeds of this event are going to be donated to Holidays for Heroes. So far, the RSVPs indicate the event will be a success.