THE PHILADELPHIA LAWYER

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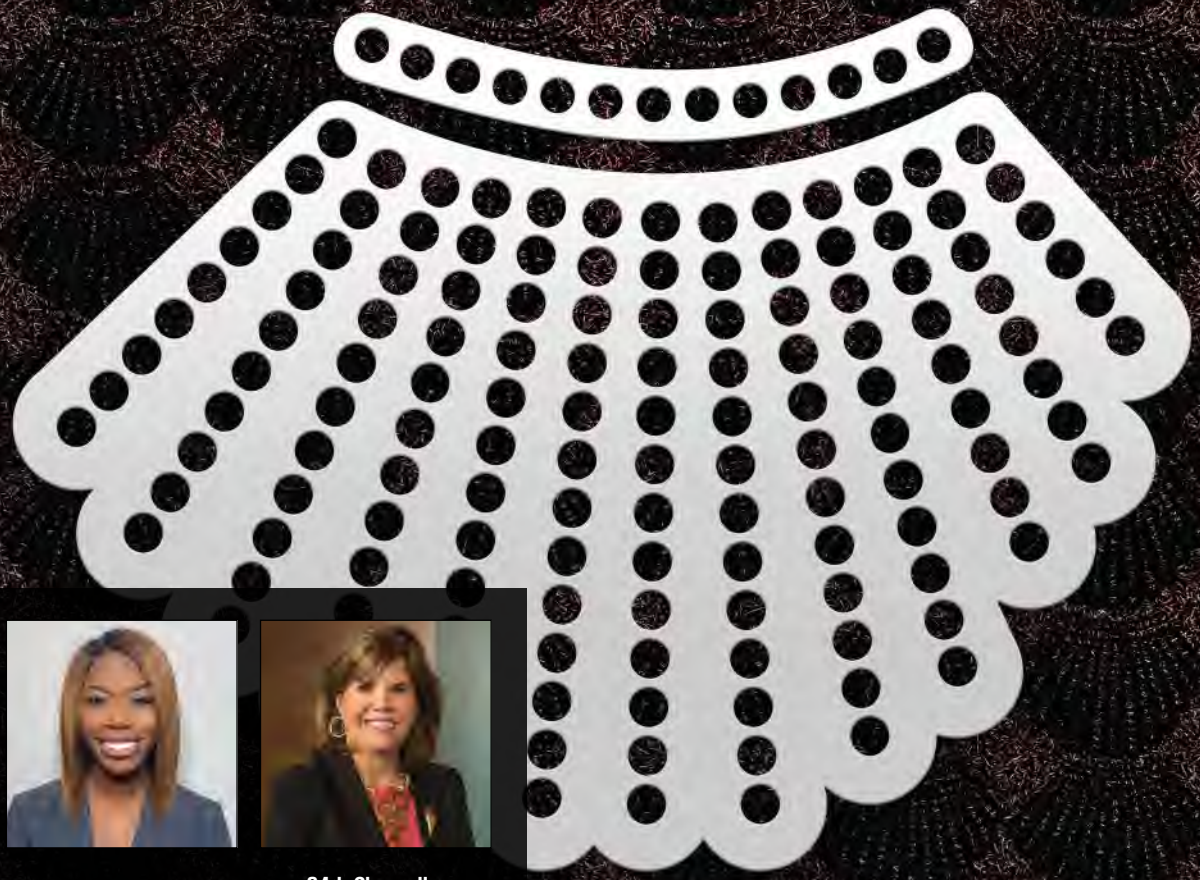

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Philadelphia Bar Association

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THE PHILADELPHIA
LAWYER

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FEATURES

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PHILADELPHIA BAR ASSOCIATION

BE A PART OF IT
A COMMUNITY THAT MATTERS

THIS PAST YEAR WE

WORKED TOGETHER TO REOPEN OUR FIRMS AND REENTER THE COURTS SAFELY.

HELD HUNDREDS OF TIMELY, ACTIONABLE CLE AND PROFESSIONAL DEVELOPMENT PROGRAMS.

FOUGHT FOR ACCESS TO JUSTICE FOR PHILADELPHIA'S MOST VULNERABLE POPULATIONS.

SPOKE OUT IN SUPPORT OF THE INTEGRITY OF THE JUDICIARY AND THE ELECTION PROCESS.

JOIN OR RENEW TODAY

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Amber

BY SHELLI FEDULLO

I met Amber Racine for the first time about eight years ago at either a Philadelphia Bar Association or a Barristers' Association event. We were introduced by a mutual friend. I am not quite sure which one made the introduction, but it was Regina Foley or Kevin Mincey or Bernie Smalley. Although I do not remember a lot of details, I very clearly remember that I liked Amber immediately. She was friendly, high-energy, and radiant. She struck me as being lit from within, but not in a "look at me" way.

Our shared involvement in professional activities often brought Amber and me to the same events, and because we shared many mutual friends, we would always have a "stop and chat" with a few of them. It didn't take very long for our greetings to include a hug, or very long for my fondness of Amber to grow. I already knew from reputation that Amber was a leader, but it was in 2014 when she served as president of the Barristers' that I learned the depth of her talent. I learned how her commitment to the professional community was matched by her service to the Philadelphia community. I learned that she knew how to get things done. I learned that she was unafraid of speaking the truth. I learned how she inspired and motivated others.

As our friendship grew, our 29-year age difference made absolutely no difference. Over the years, we worked together around important, serious, sometimes difficult issues, especially last year when she was chair of the Board of Governors and I was Chancellor. Amber was my touchstone, my trusted advisor. We also laughed together over silly things .As good friends do, we could look at each other and read the other's mind. And of course, there were the texts (many of you know what I mean). I knew that Amber would always be a part of my life. She promised that when she came to visit in my old age, she would make sure I was wearing lipstick. As I told her, many times, I had claimed her as my adopted "Bar Association daughter" who I loved and cherished.

It was "please wake-me-up from this terrible dream" and unfathomable to have become part of a bereaved community, joined together in heartbreak, bereft over Amber's sudden passing on November 11. Our Amber, this brilliant, vibrant, generous, compassionate, honest, funny, talented, luminous, loving woman. This person of grace, kindness, integrity, strength, and wisdom. This accomplished lawyer, this "let's make this happen" leader, this respected role-model, this unselfish mentor. Amber, a woman lit from within and a source of light for all of us. Our beautiful, beloved, precious, once-in- a lifetime, Amber, always a blessing, and now of blessed memory.

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Grief and loss. Yes, we begin to move on as well as we can. Time helps, but grief is not linear. Sometimes we feel the loss as if it was new. But what we learn is that love is forever, immutable, and that our memories are blessings.

Over the last few years I find myself thinking about how we handle loss and grief. Our religious and cultural rituals and customs bring solace. Good and caring people envelope us with kindness and sympathy, they offer charity to honor our loved one. They comfort us and share our tears. And then, within a few weeks, even those whose loss is the most profound -- close family and dearest of friends -- are expected at least to try to start to do whatever it is we normally do, to begin to "move on." And in our different ways and at different paces, we each do -- what else can we do?

And the rest of us, those in the wider circle of loss, we grieve too. In the weeks since Amber's passing, friends who loved her -- those who, like me, are in this wider circle of loss -- have ourselves felt lost. We talk to each other. We cry. We ask each other how can we manage without Amber, what do we do? We all want to call Amber to ask her.

The truth is that we already know. We know exactly what Amber would want us to do, expect us to do. In being blessed by her memory, we owe it to Amber to keep her light alive, each in our own way. To be generous of time and spirit. To be a mentor. To help without being asked. To bravely speak the truth. Yes, maybe no one aside from Amber would don a turkey headband and turkey glasses while at the podium at a meeting of the Board of Governors to ask for donations to the Barristers' Turkey Drive. Maybe only a few people aside from Amber would happily ride around in a truck to hand out turkeys and food to families in need. Maybe only Amber would ask the women she mentors to stand next to her when she accepted a mentoring award. Maybe Amber is one of the few people who always intuitively knew when her help was needed and helped without being asked. Still, having lived in Amber's light, we each know what to do.

Amber meant so many things to so many, but above all, she was an adoring and adored daughter. To dearest Juliana, thank you for the precious gift of your Amber. My sorrow for your loss is as deep as my love for Amber. I hope knowing what she meant to all of us brings some comfort to you and to your family.

Grief and loss. Yes, we begin to move on as well as we can. Time helps, but grief is not linear. Sometimes we feel the loss as if it was new. But what we learn is that love is forever, immutable, and that our memories are blessings. We learn that although relationships may no longer live in the "now" they live in the "always."

So Amber, my sweet friend Amber, while you won't be able to make sure I am wearing lipstick when I am old, I will know you for always. ■

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Briefs

COVID-19 VACCINE ■ ANIMALS ON FLIGHTS ■ WEBINAR SERIES ■ IN MEMORIAM

COVID-19 Vaccine Rollout

It has been almost a year after the COVID-19 novel coronavirus was first detected in the United States, and in December 2020, the first vaccines for the virus were administered to health care workers across the country. According to *AP News*, the vaccine that is being administered was developed by Pfizer Inc. and German partner BioNTech. It must be kept at extremely cold temperatures, needing the aid of frozen ice to keep it viable. Two shots are needed, three weeks apart, to complete the vaccination.

The U.S. vaccination campaign—the largest in the country's history—comes on the heels of the vaccine already being authorized for administration in other countries such as Britain and Canada, and during a fall/winter surge in cases that are testing the limits of medical professionals who have been on the frontlines of treating COVID-19 patients since the spring. Incidentally, these medical professionals are also on the frontlines of the vaccinations and are being watched by a somewhat skeptical U.S. population, with half of Americans wanting the vaccination, a quarter not wanting it, and a quarter unsure, according to an *AP News* poll.

This is the light at the end of the tunnel. But it's a long tunnel," New York Gov. Andrew Cuomo said, according to *AP News*.

Animals on Flights Regulated

In December 2020, the U.S. Transportation Department issued final rules allowing only trained dogs to be categorized as service animals on U.S. airlines. These regulations rule out other animals such as monkeys, cats, and birds, whom in the past had been brought on flights by passengers claiming them to be emotional support animals. Airlines are permitted to determine what other species they can allow on their flights.

The distinction between the new regulations and the old lies in that, under the old rules, airlines were required to treat emotional support as service

■

**Sourced from the AP News article "'Relieved': US health workers start getting COVID-19 vaccine" By LAURAN NEERGAARD — https://apnews.com/article/us-health-workers-coronavirus-vaccine-56df745388a9fc12ae93c6f9a0d0e81f.*

animals. The new rules clarify that only dogs are classified as service animals. There are additional rules about the specific training that a service animal has to have to be qualified as such: A service animal is a dog that is trained to assist visually impaired persons or those with psychiatric or other disabilities.

Airlines have been losing fees over the years as passengers have claimed pets as emotional support animals. According to *Reuters*, "Spirit Airlines Inc told regulators it had lost 'millions of dollars in pet carriage fees from passengers fraudulently claiming their "house pets are service or support animals."' There was also a need to protect the rest of an airplane's passengers and crew from untrained animals in the cabin, according to the industry trade group Airlines for America. ■

**Sourced from the Reuters article "Trained dogs, yes. But other pets on board is U.S. airlines' call: regulator" By David Shepardson — https://www.reuters.com/article/us-usa-airlines-animals/trained-dogs-yes-but-other-pets-on-board-is-u-s-airlines-call-regulator-idUSKBN28C346.*

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7 Market Movers | A Quarterly Market & Economic Update Series for Philadelphia Bar Members

As 2020 draws to a close, we've seen markets behave in unique ways. The anticipation of COVID-19 vaccines contributed to a euphoric environment for risky assets. The expectations of a divided government helped fuel the market to several records in November. The Dow Jones Industrial Average enjoyed its strongest month since January 1987, the Russell 2000 had its best month ever, and the MSCI All Country World Index traded at all-time highs. Treasury yields reached their highest levels in months, as the 10-year yield approaches 1%. Yet virus resurgence shutdowns continue to spark fears of another economic slowdown in Q1 2021, some concern around how the new tax proposal will play out exists, and more.

To help members stay current on 2021 market antics, the Bar will host 7 Market Movers—a quarterly market and economic update series next year. The series will provide deep-dive quarterly market and economic updates, covering global economic growth, interest rates, style/factor performance, geographic performance, inflation alternatives, tax & cost efficiency—all through the lens of the residual themes we saw prevail in 2020. **Check your inboxes during the third week of January 2021, for the first video-on-demand of this series.** ■

The opinions voiced in this material are for general information only and are not intended to provide specific advice or recommendations for any individual. This information is not intended to be a substitute for individualized legal or tax advice.

IN MEMORIAM

Herbert L. Ocks
May 17, 2018, age 89

Herbert Epstein
Feb. 7, 2020, age 94

Alvin C. Krantz
April 17, 2020, age 70

Hon. Joseph H. Reiter (ret.)
June 16, 2020, age 91

Jack R. Bershad
Aug. 20, 2020, age 90

James R. "Robin" Ledwith
Aug. 29, 2020, age 84

Peter Bludmam
Oct. 28, 2020, age 64

Ronald Donatucci
Nov. 3, 2020, age 72

Angelo "Scotty" Scaricamazza
Dec. 2, 2020, age 70

Please send In Memoriam notices to tplmag@philabar.org.

Have you considered a contribution to the Philadelphia Bar Foundation in memory of a deceased colleague? For information, call Jessica Hilburn-Holmes, executive director, at 215-238-6347.

Omelets

93RD CHANCELLOR HON. A. MICHAEL SNYDER (RET.)

I love omelets. They can be hearty or light, simple or complex, but completely satisfying. However, this column isn't about food or cooking. No, this column really got me thinking about the changes that have occurred for all of us this year, both locally and nationally, both personally and professionally. I was reminded about the old adage that sometimes you have to break a few eggs if you want to make an omelet. Well, this year certainly had all of us breaking more than a few eggs to create an omelet that represented a world and a way of living that was safe and protective, but still functional.

Sometimes, we've succeeded in our efforts to find new ways of working, living, and relating to one another. But the stresses of crafting these solutions, and a national leadership that encouraged uncontrolled violent dissent, have brought into the light levels of bigotry, racism, and hatred on a scale that is truly frightening. We've seen police brutality directed against our citizenry, especially against people of color, that has forced us to begin re-examining methods and philosophies of policing and oversight of the police. As an Association, we've called out this destructive type of behavior in society.

We've seen that there was a need to address issues involving the safety of the Bar Exam and spoke out on the need to have the Board of Law Examiners make modifications to their procedures to allow for a safe, remotely administered examination. At the same time, we realized that there was a need to address some of the requirements of the way in which lawyers could get their CLE credits, and so we successfully advocated to allow all CLE credits to be delivered online during the pandemic, including the Bridge the Gap program. We also advocated for changes in the CLE rules that would allow live, but online programs to be considered as in-person learning, providing more flexibility as we each move forward, recognizing that new rules of safe, social distancing might make people less comfortable attending large, in-person programs.

The closures of businesses and layoffs of employees have affected everyone, but those of limited economic means have been affected disproportionately. As a result, a national eviction crisis developed. We saw this need and advocated with the courts and state and local governments to enact moratoriums on evictions during the periods of lockdowns and massive shutdowns of the economy. We also successfully advocated for the creation of an eviction diversion program, similar to the widely successful mortgage foreclosure diversion program. Based on our input, and the creativity of each of you, we've succeeded in getting the First Judicial District to modify some of its processes so that landlord-tenant court proceedings could be conducted safely and fairly.

As we've had to transition to working from home on a massive scale, it became obvious that the courts were also hampered in their ability to function without direct access to physical files. With the creative input from the litigation community, programs were created in which volunteer attorneys could serve as judge pro tem discovery officers to help handle the backlog of motions that had developed, thereby giving the courts time to put new processes in place so that judges could resume effectively handling these motions.

On a national basis, we have shown, as Americans, that it is possible to conduct fair elections making expanded use of mail-in ballots. When the White House tried to argue that massive fraud was going to take place, especially in Philadelphia, we were clear in speaking out on the need to have every one of us feel that a mail-in ballot was safe and fair, and we were clear in our statement that every vote needed to be counted.

This year has presented us with challenges every step of the way. Every aspect of our lives has had to be reimagined to make sure that we can stay safe and healthy, but still be functional. If there is one thing that I am especially proud of, it's that all of us have worked together to create an Association that is stronger, nimbler, and more relevant. This isn't my accomplishment; it's all of you that have come together to work as a community. I've been amazingly fortunate to be able to be your Chancellor this year; you've helped me to be part of a year in which we've succeeded in so many ways.

I will forever be grateful to have had this year at the helm of the Philadelphia Bar Association. I know that the Association will be in good hands under the leadership of Lauren McKenna, the 94th Chancellor of this Association. Thank you each for helping me to make a few good omelets. ■

Hon. A. Michael Snyder (Ret.) *(msnyder@adrdri.com) is the 93rd Chancellor of the Philadelphia Bar Association.*

By DANIEL J. SIEGEL

As Long as We Comply with All of the Rules

Let's take a short quiz. Think back to law school and your ethics/professional responsibility class. How many of you learned that one of the most important functions a lawyer performs is preserving client funds in what is known as either an IOLTA or a trust account? I imagine nearly everyone raised their hands.

Let's move on to the second question. How many of you learned how to maintain an IOLTA account? And I'll broaden the question. How many of you have ever learned how to maintain an IOLTA account, whether in law school or after you graduated? In other words, how many of you were taught which funds go into the account, how to prepare ledgers showing all the transactions, and how to balance the IOLTA account? Oh my. I suspect almost every hand went down.

But now the most important question. How many of you are responsible for your firm's IOLTA account? In other words, how many of you are authorized to sign checks on the account, and are doing so without any training? No need to raise your hands. The answer is very few.

We all learned that you cannot steal from a trust account; that is a criminal act that could land you in prison, and certainly could lead to losing your license to practice law. But there is also a slew of other aspects to maintaining an IOLTA account with which a lawyer must comply. And all too often, it is those violations, which do not involve stealing and are often technical in nature, that can lead to Disciplinary Counsel knocking on your door.

In my experience, representing attorneys who are recipients of that undesirable knock on the door, the majority of mistakes they make are minor, do not involve stealing, and are commonly the result of not knowing the Rules. But once Disciplinary Counsel knocks, you have to open the door, and often hire counsel.

Despite the frequency of these Rules violations, lawyers are not required to take any courses, CLE or otherwise, about how to handle their trust accounts. I believe, however, that requiring lawyers who have signing responsibility for an IOLTA to take a course or demonstrate other knowledge and competence about their accounts not only makes good sense, but also will reduce the many accounting errors that arise from ignorance, and lead to disciplinary hot water.

Consider, Pennsylvania's Rule of Professional Conduct 1.15, which outlines in detail the requirements a lawyer responsible for handling a trust account must follow. I know the following is lengthy, but it highlights SOME of the requirements with which lawyers must comply under R.P.C. 1.15:

- "Qualified funds" must be deposited only at the "eligible institution."
- The funds must be held separately from the lawyer's own funds.
- A lawyer must maintain complete records of the receipt, maintenance, and disposition of all funds for five years after termination of the client-lawyer or Fiduciary relationship or after distribution or disposition of the property, whichever is later.
- A lawyer must also maintain the writing required by Rule 1.5(b) (relating to the requirement of a writing communicating the basis or rate of the fee) and the records identified in Rule 1.5(c) (relating to the requirement of a written fee agreement and distribution statement in a contingent fee matter).
- A lawyer must also maintain the following books and records for each Trust Account and for any other account in which Fiduciary Funds are held:
  - All transaction records provided to the lawyer by the Financial Institution or other investment entity, such as periodic statements, cancelled checks in whatever form, deposited items, and records of electronic transactions;
  - A check register or separately maintained ledger, which shall include the payee, date, purpose, and amount of each check, withdrawal and transfer, the payor,

When an account is used to hold funds of more than one client, a lawyer shall also maintain an individual ledger for each trust client

date, and amount of each deposit, and the matter involved for each transaction; and

  - When an account is used to hold funds of more than one client, a lawyer shall also maintain an individual ledger for each trust client, showing the source, amount, and nature of all funds received from or on behalf of the client, the description and amounts of charges or withdrawals, the names of all persons or entities to whom such funds were disbursed, and the dates of all deposits, transfers, withdrawals, and disbursements.

- IOLTA records be maintained in hard copy form or by electronic, photographic, or other media provided that the records otherwise comply with Rule 1.15 and that printed copies can be produced.
- The required records must be backed up in a secure manner, and must always be available.
- When a lawyer only maintains electronic records, they must be backed up on a separate electronic storage device at least at the end of any day on which entries have been entered into the records.
- A lawyer must maintain a regular trial balance of all individual client trust ledgers, where the total of the trial balance must agree with the control figure computed by taking the beginning balance, adding the total of monies received in trust for the client, and deducting the total of all moneys disbursed.
- A lawyer must perform a monthly reconciliation for each fiduciary account. The reconciliation is not complete if the reconciled total cash balance does not agree with the total of the client balance listing.
- A lawyer must keep copies of all records and computations sufficient to prove compliance with the Rule for five years.
- Upon receiving Rule 1.15 Funds or property which are not Fiduciary Funds or property, a lawyer shall promptly notify the client or third person, consistent with the requirements of applicable law.
- Except for limited circumstances, a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive.
- Upon request by the client or third

The need for lawyers to learn how to handle their trust accounts not only makes sense, but it also is consistent with various Rules.

person, a lawyer shall promptly render a full accounting regarding the property.

- The responsibility for identifying an account as a Trust Account shall be that of the lawyer in whose name the account is held.
- Only a lawyer admitted to practice law in Pennsylvania or a person under the direct supervision of the lawyer shall be an authorized signatory or authorize transfers from a Trust Account or any other account in which Fiduciary Funds are held.
- A lawyer shall deposit into a Trust Account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner.
- At all times while a lawyer holds Rule 1.15 Funds, the lawyer shall also maintain another account that is not used to hold such funds.

Whew! That's a lot of requirements. Yet the requirement that is missing is that a lawyer overseeing a trust account have any knowledge or competence about best practices and how to handle an IOLTA account.

The need for lawyers to learn how to handle their trust accounts not only makes sense, but it also is consistent with various Rules. First, Rule of Professional Conduct 1.1. requires lawyers to be competent. If lawyers do not know the applicable ethics rules, then how can they be competent to handle them?

Second, Pa.R.C.L.E. 102 explains that the "rules [were] adopted to assure that lawyers admitted to practice in the Commonwealth of Pennsylvania continue their education to have and maintain the requisite knowledge and skill necessary to fulfill their professional responsibilities." What greater professional responsibility is there for maintaining the trust and integrity of the legal profession than properly handling qualified funds in an IOLTA account?

And finally, best practices mandate that those handling IOLTA funds receive training and understand how they must account for all such funds. Considering the lack of training provided in law schools and in most CLE courses, mandating a minimum level of competence is necessary, and it should prevent lawyers from pleading ignorance when they discover that the Disciplinary Board is investigating them.

North Carolina and New Mexico have adopted this CLE requirement. In 2016, North Carolina amended its Rule 1.15-2 to add a requirement that attorneys attend a one-hour CLE program on trust account management at least once for every law firm at which the lawyer is given signature or transfer authority. Similarly, effective December 31, 2016, New Mexico amended its Rule 17-204 to require attorneys to take a trust accounting CLE class once every three years, or within the first year of being licensed in New Mexico.

It is time for Pennsylvania to adopt a Rule requiring, at a minimum, every attorney with signatory or supervisory responsibility on a trust or IOLTA to complete one hour of CLE to assure that they understand their obligations to their clients and to anyone else whose funds they are maintaining. ■

Daniel J. Siegel *(dan@danieljsiegel.com), a member of the Editorial Board of The Philadelphia Lawyer, is the principal of the Law Offices of Daniel J. Siegel.*

WHEN TWO PUBLIC HEALTH CRISES COLLIDE

By Karen E. Wheeler

As a paralegal in the SSI Unit at Community Legal Services, I have clients, like Walter Wallace Jr., with mental illness. In 2020, two public health crises collided: the COVID-19 pandemic and a mental health pandemic.

Good mental health is fundamental to overall health and well-being. COVID-19 has disrupted or halted critical mental health services while the demand is increasing. Those already prone to mental illness are at the greatest risk during the pandemic, and loss of social support can have an impact on people with mental illness. As members of the legal community, it is important that we recognize how these struggles can converge.

People who suffer from mental illness often suffer in silence. The number of mental health care providers in Pennsylvania is not sufficient to serve the population with mental health needs. According to SAMHSA (Substance Abuse and Mental Health Services Administration), close to 4.06% of adults in Pennsylvania live with serious mental health conditions, such as schizophrenia, bipolar disorder, and major depression. Philadelphia has the dubious distinction of being the poorest large city in the U.S. Here, only 46.7% of adults with mental illness receive services from the system or private providers. The remaining 53.3% receive no mental health treatment.

We are hearing from medical experts already that the current wave of COVID-19 is, once again, overwhelming both medical and mental health systems. The second wave is bringing more challenges like increased deaths from suicide and drug overdoses and is having a disproportionate effect on the same groups who were impacted by the first wave of the virus: Black and Hispanic communities, older adults, lower socioeconomic groups, and health care workers. As Chuck Ingogla, president of the National Council for Behavioral Health told The Washington Post, "We are facing the loss of mental health centers and programs at a time when we are going to need them more than ever."

Some of my legal aid clients during the pandemic are struggling to maintain their mental health treatment. Many of my clients lost access to treatment when their providers closed. I have been able to provide some clients with a list of names of mental health providers offering therapy sessions via teleservices, but not all facilities offer this much-needed service, leaving some to wait months to get an appointment with providers whose facility is short staffed. So how do we help those in need of help? Ultimately, calling the police may be the only option for families trying to care for their loved ones, but, as we saw with the fatal shooting of Walter Wallace Jr., that can have tragic consequences.

People on social media have commented about Walter Wallace Jr. having been in jail several times. It is not uncommon for people living with mental illness to encounter the criminal justice system and to be arrested. While state and federal prisons have resources to provide mental health care to inmates who were not receiving treatment before incarceration, the same cannot be said for local jails that are unable to meet the health care needs of people with mental illness. As mental health crises worsen, we see the holes in the services provided by our criminal legal system.

In most cases, when police encounter a person whose behavior is frantic and unpredictable, that behavior is not criminal—but an expression of mental illness—even if that person is holding a gun or knife. Walter Wallace Jr. was in the middle of an episode making it impossible for him to coherently follow police commands to "put the knife down." The shooting of a person with a history of mental illness raises several questions. Why did it have to go straight to violence? Why not taser him? Neither police officer had a taser gun. Why not fire a warning shot or shoot him in the leg? Or wait for backup from PERT, the Psychiatric Emergency Response Team in Philadelphia?

Seeing the video of Walter Wallace Jr.'s shooting makes me frightened for my clients who are unable to access consistent mental health treatment during the pandemic. As the stress and psychological impact continues to wear on all of us, especially those who already have mental health challenges, I worry that the next police encounter in the middle of a mental health crisis could be one of my clients. How would it end? ■

Karen E. Wheeler *is a paralegal at Community Legal Services of Philadelphia and a freelance writer.*

COVID-19 INTERNSHIP

This article is dedicated to the late Amber Racine. Thank you for being a selfless mentor and for pushing everyone to new heights.

By Brittany Stokes

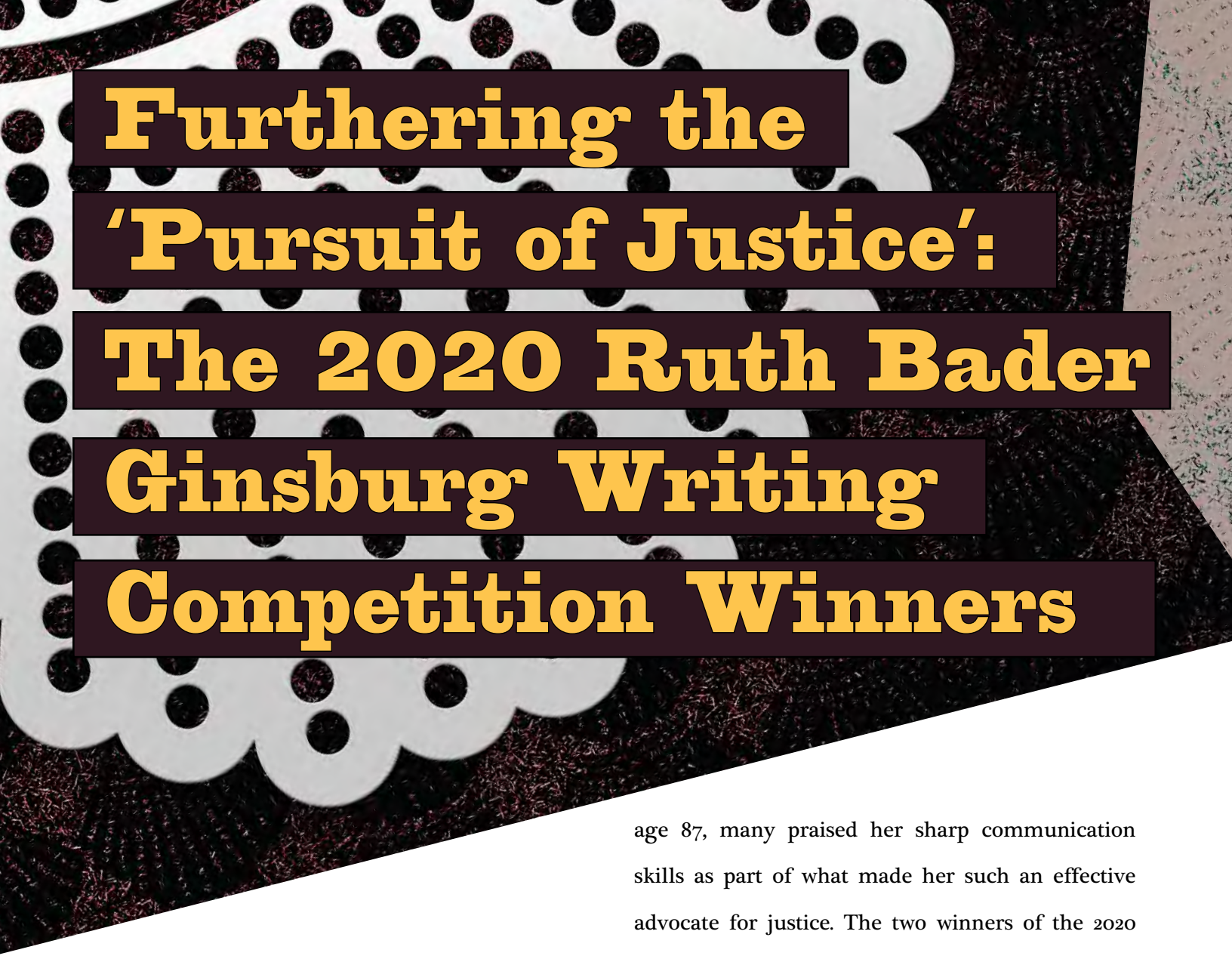
Like many first-year law students, I spent my winter break extensively searching for a summer internship. Two months into my search, I came across a judicial internship at the Philadelphia Court of Common Pleas. I knew this would be an excellent opportunity to experience criminal law from a judicial perspective, observe trials, and become a better writer. Although I was nervous and uncertain about what I signed up for, I was excited that my interviewers were impressed with my qualifications and challenged me to distinguish myself.

A few weeks after accepting my internship position, COVID-19 plagued the United States. Law schools and criminal justice centers alike shut down, and internships were left in limbo. As I transferred to remote learning, I held out hope that my internship was not canceled. As finals concluded, I came across a CBS Philly article stating that the Philadelphia Courts were closed until September. Upon reading this information, I knew my internship was canceled and immediately began to panic. From the first day of law school, I learned the importance of the first-year internship in advancing my legal career. At this moment, I felt like I was losing one of only two opportunities I had to find my career path. Within minutes, I reached out to the judicial secretary to reconsider my internship. In a detailed email, I explained that I was flexible and more than willing to draft opinions from home to gain the experience. Shortly afterward, the judge's law clerk responded to my email with a new virtual start date and explained what my summer internship would look like due to COVID-19.

My internship was everything that I imagined. I expected to observe criminal trials and motions in various courtrooms, assist the judge in legal research and writing, connect with criminal law attorneys, and potentially find my career path. During my virtual internship, I conducted extensive legal research, analyzed trial transcripts, and drafted judicial opinions on complex legal issues from my living room. Each week, I was given a new legal issue and a submission date. Throughout the summer, I worked on issues such as judicial discretion, viable defenses, insufficient evidence, and ineffective trial counsel. Upon completing my assignments, I reviewed and edited legal documents to ensure case law was applicable and citations were accurate. I also participated in an eight-week Virtual Summer Law Clerk Guest Speaker Program. Every week, an intern was selected to interview a prominent Philadelphia judge or attorney about their law school experience, career paths, the effects of COVID-19 on their specific practice, and most importantly, to ask for advice for law students in the beginning stages of their legal careers. Through this program, I met legal professionals that looked like me and explored different career paths in various offices around the city, including the Philadelphia District Attorney's Office, Philadelphia Defenders Association, Kline and Specter PC, Comcast, and Akin Gump Strauss Hauer & Feld LLP.

Although my summer internship circumstances were unconventional, it forced me out of my comfort zone and challenged me to become a better version of myself. Within eight weeks, I became a more confident writer, a new member of the *Widener Law Review*, and drafted a judicial opinion as a first-year law student. Further, I learned that attorneys and law students must always be adaptable and resilient so that justice can prevail, even in a pandemic. After completing my judicial internship, I am no longer unsure of my calling. My place is in litigation. I am thankful for my virtual internship and learned a lot from crafting judicial arguments on paper. But now, I am ready to advocate for others. ■

Brittany Stokes *is a 2022 J.D. Candidate at Widener University Delaware Law School, staff editor for the* Widener Law Review, *and a BARBRI Bar Prep student representative.*

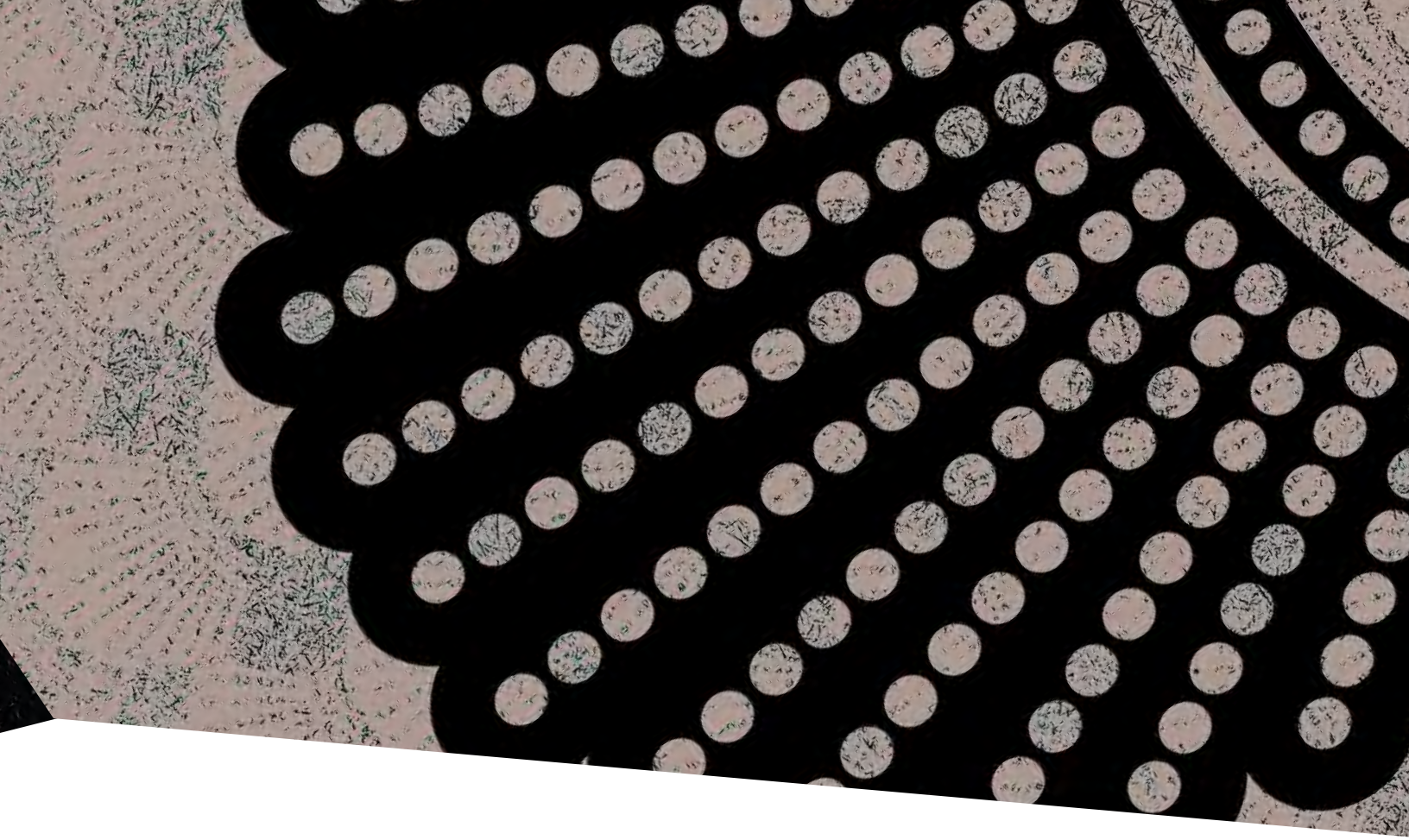


Furthering the 'Pursuit of Justice': The 2020 Ruth Bader Ginsburg Writing Competition Winners

When the Philadelphia Bar Association presented the inaugural Justice Ruth Bader Ginsburg "Pursuit of Justice" Writing Competition award in 2003, both RBG and her colleague, Justice Sandra Day O'Connor, were on hand to congratulate the winner. O'Connor called the decision to name the award after Ginsburg "exceedingly appropriate."

"Justice Ginsburg writes with a very deft and careful hand," O'Connor told the audience that day. "No one among us does it better."

Indeed, when Ginsburg died in September at age 87, many praised her sharp communication skills as part of what made her such an effective advocate for justice. The two winners of the 2020 Ginsburg competition are carrying on that legacy of scholarship, provoking discussion of critical legal issues. Below are excerpts from their winning entries: "When They Come Home: Federal Responsibility for Offender Reentry," by Sara Fishel, who will graduate in 2021 from Drexel University's Thomas R. Kline School of Law, and "Out of the Looking Glass: Reassessing the Foreign Agents Registration Act to Counter 21st-century Foreign Information Warfare," by Alexander Rojavin, a 2020 graduate of Temple University's James E. Beasley School of Law.



When They Come Home: Federal Responsibility for Offender Reentry

By Sarah Fishel

On a hot summer day, a group of people gather in Philadelphia. One by one, each person steps up and tells the group about their past two weeks. Some of the check-ins are short, "nothing new to report," "I'm doing okay," while others take longer. Those gathered here share successes and failures with the group, and their laughter can be heard outside the room.

Coordinators constantly move around the outskirts of the meeting: if someone speaking indicates that they need help with food, work, clothing, housing, mental health services, school, or even services for their children or to dispute a parking ticket, a coordinator steps forward to make that connection in real time.

Sitting quietly, watching this gathering, is a former member of the group. When he entered, coordinators and group members patted him on the back and offered him smiles of acknowledgement and encouragement. After everyone in the group has spoken, and their needs are all met, he steps forward. "I' m not okay." He tears up as he describes feeling overwhelmed and stressed - he had lost his job and did not have the money to feed his family, "I' m afraid I'm going to do something dumb." The leader quickly makes his way to this man, offering his condolences, a hand on the shoulder, and immediate aid. The leader reminds him, "Once you're in the family, you're always a part of the family."

As the meeting ends and participants filter out of the room, a quick triage of the situation follows: a job will be helpful but won't solve the immediate problem, but a small grant will help with food tonight. The office is closed, so he will have to wait a day or two for a gift card in the mail. "That's going to take too long," the leader says. "If I walk over there right now, do you think the office will give me the gift card for him so we can skip the mail?" Almost everyone except for the man, the leader, and the support staff have left the room – it' s hot outside and late in the day. The coordinator pauses for a moment before replying, "Of course, Judge. "

The leader puts his robed arm around the man and starts walking with him down the hallway. He reassures the man that he came to the right place, he's going to get the help he needs, to hold on just a little bit longer, that the court will help.

In 2020, the federal legal system held approximately 226,000 people in 110 prisons or jails. Since 2015, the Federal Bureau of Prisons has released an average of 43,600 individuals back into their communities each year; between January and May 2020, the number of released individuals had already surpassed 17,000. But for many, walking out of prison is only the first step in their reentry process: the federal system maintains oversight of almost 115,000 individuals on supervised release. This large number is likely due to the widespread imposition of post-incarceration supervision: approximately 80% of federal offenders are sentenced to supervision, and the average term of supervised release is four years.

Traditionally, the responsibility of the federal government to these citizens has been relegated to United States Probation Officers. The vast majority of resources are spent on the "front end" of the judicial process and by the time the system releases an individual

"In considering the pursuit of justice, this Note will blend science and the law to argue that, in committing to its responsibility to the people of the United States, the federal legal system has a responsibility to all those it serves, including offenders."

– Sarah Fishel, "When They Come Home: Federal Responsibility for Offender Reentry"

from custody, most of the legal actors - the prosecution team, defense lawyers, investigators, judges, etc. – have moved on to the next case. At this point, many would say that justice has been served – an individual was wronged, the offender was punished, and the responsibility of the legal system to preserve order and justice has been fulfilled.

A new wave of thinking about jurisprudence has challenged this traditional notion of justice with a simple question, "What comes next for the offender?" Or, more specifically, "What happens to the man after he's left the group?" In considering the pursuit of justice, this Note will blend science and the law to argue that, in committing to its responsibility to the people of the United States, the federal legal system has a responsibility to all those it serves, including offenders. Part I of this Note broadly discusses the responsibility of the Federal legal system to its citizens and the impact of citizen's perceptions on the legitimacy of the institution. Part II discusses responsibility in the context of the impact of the federal system on offenders, including the collateral consequences that involvement with the federal system creates for offenders post conviction. Finally, Part III briefly explains the concept of therapeutic jurisprudence and argues that it is the responsibility of the federal legal system to pursue applications of the legal framework to the reentry process through programs such as Reentry Courts in order to preserve and pursue justice for all. ■

Sarah Fishel *is a Drexel University Thomas R. Kline School of Law student. For the complete essay, go to* **https://www.philadelphiabar.org/WebObjects/PBA.woa/Contents/WebServerResources/CMSResources/ginsburgessay2020_WhenTheyComeHome.pdf**.

Out of the Looking Glass: Reassessing the Foreign Agents Registration Act to Counter 21st century Foreign Information Warfare

By Alexander Rojavin

I. Introduction

On July 17, 2014, Malaysia Airlines Flight 17 (MH17) was shot out of the sky over Eastern Ukraine, resulting in the immediate death of all 298 people onboard.[1] Mere hours later, broad consensus among reputable news sources indicated that a BUK missile shot by Russian-backed forces from a Russian-made missile system destroyed the plane.[2] Then, the cacophony began. A sprawling, Kremlin-backed disinformation effort swept across the international information space, spawning myriad narratives, each more phantasmagorical than the last. Logic and reason receded as news consumers were informed that the Ukrainian military had mistaken the plane for a military target and shot it down in error; no, it was a botched assassination attempt on Putin; no, the plane had been stuffed with corpses before takeoff and was destroyed in a cynical provocation designed to turn the world against Russia.[3] We had fallen through a looking glass haunted by such nightmares that Alice could not even imagine.

In the years since, though Congressmembers have introduced multiple bills addressing foreign disinformation offensives,[4] the federal government's primary — and flawed — counter- disinformation instrument has remained the Foreign Agents Registration Act (FARA).[5] FARA's purpose is to negate the effectiveness of foreign-abetted disinformation and maintain content neutrality while doing so, thereby staying abreast of the First Amendment.[6] Indeed, the federal government successfully brought FARA to bear against several entities complicit in disseminating the post-MH17 disinformation miasma and forced them to register as foreign agents, which necessitates their conspicuously marking all disseminated communications as representations made by an agent on behalf of a foreign principal.[7] This main obligation that comes with registration is woefully insufficient in 2020 and lays bare FARA's fecklessness.

FARA needs to be reassessed and updated to better enable the U.S. government to counter 21st-century foreign disinformation efforts. As arguments rage on front pages about how to reform Section 230 of the Communications Decency Act,[8] FARA has slid out of attention, even though it has become the federal government's primary counter-disinformation tool.[9] Despite its primacy, however, its effectivity is in question.[10] Part II of this paper briefly surveys FARA's history, purpose, and disappearance into virtual irrelevance. Part III then explores FARA's return to prominence, notes how it is enforced today, and explains the probable inefficiencies of its anachronistic deterrent mechanisms. Part IV provides recommendations for ascertaining FARA's utility and updating its prescriptions for the 21st century. FARA can be an effective anti- disinformation tool if it is first unshackled from remedies that were appropriate in the 20th century, but fail to contend with the strategic and political realities of the 21st.

II. A Brief History of FARA

In 1938, President Roosevelt signed

"Congress had greatly strengthened America's information space against foreign subversion and ensured that the fourth estate—a most critical facet of a democracy's immune system—could function with significantly less disinformation inhibiting its work."

– Alexander Rojavin, "Out of the Looking Glass: Reassessing the Foreign Agents Registration Act to Counter 21st-century Foreign Information Warfare"

FARA into law. This law — enacted as the Nazi regime steadily unfurled its war machine and as the Terror swept across the Soviet Union — was intended to protect U.S. information space from subversive entities abetting either the Nazi or Soviet information war efforts.[11] With television still a technology of the future and newspapers and radio serving as the primary sources of information for most American families, the duties imposed by FARA on entities that would soon be classified as foreign agents were designed to neuter any influence such entities could have on the national discourse.[12]

1. FARA Ascendant

FARA was simple yet effective for the time. Its strength stemmed from three things: broad definitions of key terms, State Department oversight, and public shaming as the primary countermeasure to disinformation.

A. Broad Definitions

The law featured purposefully vague definitions of key terms, which allowed considerable flexibility in enforcement. Though this ambiguity is widely viewed as deleterious today,[13] having broad definitions of terms like "foreign principal" and "political activities" accorded the government "a wide net to capture the propaganda of adversaries."[14] For example, an "agent of a foreign principal" is defined as any "person"—in turn sweepingly defined as "an individual, partnership, association, corporation, organization, or any other combination of individuals"—operating per the order, request, direction, or control (none defined) of a foreign principal or any person under the direct or indirect (neither defined) "supervis[ion], direct[ion], [control], financ[ing], or subsidiz[ation]" of a foreign principal.[15] The lack of specificity in this "definition" alone is enough to upset any legislative drafter,[16] but it was an unfortunately logical consequence of the environment in which Congress was legislating: considering the many channels through which disinformation was disseminated,[17] the many different forms a foreign, disinformation-peddling entity could take,[18] and the often murky relationship between such an entity and the authoritarian regime controlling it,[19] the breadth of FARA's definitions reasonably equipped the federal government to take on a shapeshifting and ill-defined series of actors.

B. State Department Oversight

Congress made another important decision by initially housing FARA oversight and implementation within the State Department until transferring responsibilities to the Department of Justice (DOJ) in 1942.[20] There is a lamentable lack of scholarly analysis or legislative history explaining either the original decision or the subsequent transfer of mandate, but it is safe to assume that the original decision served as an implicit acknowledgment of the importance of having the law be overseen by foreign affairs specialists. After all, FARA was a statute borne of foreign policy considerations—it was meant as a tool to counter foreign propaganda efforts. [21] Who better to identify foreign propaganda strategies and actors than the State Department's expert analysts and diplomats, who presumably had a comprehensive understanding of German and Soviet propaganda campaigns? By granting the original mandate to the State Department, Congress implicitly highlighted the most important competencies and areas of expertise that were necessary to implement FARA effectively and appropriately; counter-propaganda efforts should be a concern primarily for foreign affairs experts.

C. Public Shaming as Countermeasure

Perhaps Congress's most inspired decision was its choice of countermeasure for neutering propaganda-disseminating entities' effectiveness: public shaming and ostracizing. FARA demands that all communications issued by registered foreign agents be accompanied by "a conspicuous statement that the information is disseminated by…agents on behalf of [a] foreign principal."[22] Furthermore, foreign agents must make periodic public disclosures of their "identities, agency, activities, receipts[,] and disbursements."[23] Considering that 1938 was a period of U.S. history when both sides of the aisle acknowledged who the nation's enemies were, being labeled an agent of Goebbels or Beria would have made one a pariah; such an entity—be it a person or an organization—would find few if any willing American listeners.[24] In a single act of lawmaking, Congress had greatly strengthened America's information space against foreign subversion and ensured that the fourth estate—a most critical facet of a democracy's immune system—could function with significantly less disinformation inhibiting its work. Importantly, Congress had accomplished this while keeping FARA content-neutral and thereby staying abreast of the First Amendment—public disclosures and conspicuous statements do not force foreign agents to alter the content of their disseminated communications, and their status as foreign agents was determined without consideration of the communications' content.[25] FARA was completely blind to content—and therefore constitutional.[26] ■

Alexander Rojavin *is a graduate of Temple University's James E. Beasley School of Law.* *For the complete essay, go to* **https://www.philadelphiabar.org/WebObjects/PBA.woa/Contents/WebServerResources/CMSResources/ginsburgessay2020_OutoftheLookingGlass.pdf**.

Trailblazer, Role Model and Advocate:

Introducing 94th Chancellor

Lauren P. McKenna

BY THE HONORABLE WENDY G. ROTHSTEIN

It is difficult to predict what 2021 will bring for the world or the legal community. If I had to speculate, it will be another year of virtual reality. There is no better person than Lauren McKenna to lead the way.

I'm honored and privileged to have the opportunity to tell you about Lauren, my friend, former colleague and the next Chancellor of the Philadelphia Bar Association. Through continuous pursuit of work-life balance, Lauren has succeeded in establishing harmony among family, career, community and self.

Lauren is intelligent, hardworking, trailblazing, loyal, trustworthy, innovative, organized and empathetic — qualities that are obvious to anyone who knows her. However, Lauren's diplomatic skills are what will guide her through these unprecedented times. She will actively seek and consider your input, recommendations and advice, but she will not vacillate. Lauren is nothing if not decisive. In the end, she knows that the buck stops with her. She will not be afraid to make difficult decisions, when necessary, and her diplomatic skills will allow her to bring everyone on board in an effort to move forward and go above and beyond in 2021.

The daughter of Bob and Carol McKenna, Lauren was born in and spent the first six years of her life in San Juan, Puerto Rico, where her father had been assigned a territory by his company, Hertz Rental Car. As a result, Lauren was bilingual as a child, an asset that is highly valued today, but was frowned upon when she was growing up.

After leaving Puerto Rico, Lauren and her family moved multiple times, eventually landing in Tappan, N.Y., where she attended Tappan Zee High School, which — like the former bridge — derives its name from the nearby Tappan Zee section of the Hudson River. The high school's athletic teams are known as the Dutchmen, named after the early Dutch settlers who flocked to the area in the 1600s. In high school, Lauren was a three-year member of the band drill team and was named captain for two years. Anyone who has observed drill teams knows that they have a reputation for precision and organization — two skills that would serve Lauren well in years to come.

Lauren bonded with younger brother, Ken, and their Dad, Bob, over sports. Her father had season tickets to the New York Giants, and would alternate between taking Lauren and her brother with him to games. Although Lauren was a huge Giants fan growing up, (nobody is perfect) she corrected this unfortunate flaw by becoming an Eagles fan after moving to Philadelphia.

Lauren attended Siena College, graduating in 1985 with a bachelor's degree, and went on to study law at Fordham University School of Law, earning a J.D. in 1990. Between undergraduate and law school, Lauren worked as a paralegal at the Wall Street law firm of Carter, Ledyard and Milburn, as well as Lowenstein

(left photo) Lauren with her son Philip at her admission to the United States Supreme Court and (Right photo) Glacier National Park, Avalanche Lake Hike.

Lauren's ability to walk this tightrope is not lost on her children. Her daughter Alexandra describes her mom as "hard working, she is inspiring and a loving mother, a caring person, empathetic, successful and strong-willed."

Sandler, where she discovered a love for the law and cemented her desire to be an attorney.

It was at college that Lauren would meet Damian Morabito, the love of her life. Lauren and Damian met during happy hour at a dance club named Cahoots near the Siena College campus. Damian was a senior at a nearby college and Lauren was a junior. It was a chance meeting, especially since Damian had a final exam the next day and decided go to the club anyway. She married her college sweetheart in 1990, and Damian and Lauren recently celebrated their 30th anniversary. "Who says you can't meet a nice girl at a happy hour?" Damian is fond of saying. A native of Plymouth Meeting who attended Germantown Academy, Damian was initially involved in the Morabito Baking Company, a fourth-generation family-owned business based in Norristown. He now owns and manages another family-owned business, Topos Mondial Corp., which designs and fabricates bakery machinery worldwide.

Together, Lauren and Damian have three children, all of whom

Upon graduation from law school, Lauren joined the Philadelphia office of Fox Rothschild LLP. She has practiced her entire career at Fox, making partner in 1998.

attended the Radnor School District. Philip, their first, is 26 and an assistant dean of admissions at Franklin & Marshall College. Their other two children, Christopher and Alexandra, are 21-year-old twins. Christopher is a senior at Bentley University and Alexandra is a senior at Skidmore College. With Damian on the road frequently for business, Lauren picked up the lion's share of the parenting responsibilities. Early in her career, Lauren was a working professional managing her law practice while caring for three children under the age of five. The twins were born prematurely at 32 weeks, which meant Lauren and Damian had to balance their work with parenting a 4-year-old child and visiting the twins, who were in the hospital for nearly two months.

Lauren's ability to walk this tightrope is not lost on her children. Her daughter Alexandra describes her mom as "hard working, she is inspiring and a loving mother, a caring person, empathetic, successful and strong-willed." All of Lauren's children are inspired by their mother's work ethic and drive to persevere. Lauren has the ability "to flip the switch easily from being a caring mom to a working professional," Alexandra says. "She has the ability to go back and forth and not let each affect the other." Lauren's husband uses the analogy that she is "like a duck, she glides coolly and calmly above the water line while paddling vigorously below."

Upon graduation from law school, Lauren joined the Philadelphia office of Fox Rothschild LLP. She has practiced her entire career at Fox, making partner in 1998. She focuses her practice on real estate litigation with a primary emphasis on title and flood insurance litigation. She regularly appears in state and federal courts across the United States and has earned a reputation for sound judgment and innovative problem solving.

Lauren is well known among lender and flood zone determination companies, routinely defending them in matters involving claims brought in connection with the 1973 Flood Disaster Protection Act and the 1994 National Flood Insurance Reform Act. She serves as national counsel for one of the flood zone determination industry's largest companies and regularly represents others in the industry on matters of importance. Lauren also frequently writes and speaks on federal, state and local legislation and other topics impacting the flood industry.

Lauren co-chairs the firm's Title Insurance Group with Edward Hayes. She is well respected and heavily relied upon by title insurance companies as well as their agents and insureds.

At Fox, Lauren was elected to and served on the firm's executive management committee. In addition to co-chairing the Title Insurance Group, Lauren is the former co-chair of the firm's Litigation Department Training Program. She is co-chair of Fox's Women's Initiative, a role in which she has served since its inception. The Women's Initiative is dedicated to promoting female attorneys within the firm as well as advancing Fox's female attorneys in the legal community.

Lauren recently reached her 30-year anniversary at Fox. Throughout those years, she has been a trailblazer, role model and strong advocate for women at the firm. She leads by example, a personal quality that was in evidence when Lauren was a working mom of three children under the age of five. Lauren's success in working a reduced schedule while at Fox helped convince the firm to formally adopt a reduced schedule policy.

Lauren is well respected by her colleagues. "Lauren has always been an important force at Fox Rothschild," commented former

Lauren is involved in numerous organizations and provides pro bono representation through the Philadelphia Volunteers for the Indigent Program.

Bar Association Chancellor and Fox Chair Emeritus Abe Reich. "As a young lawyer and mother, she convinced the firm to allow her to work part-time — an unheard of status at that time. Not surprisingly, she outperformed expectations and thereby created a wider path for women at the firm for decades to follow."

Stephanie Resnick, the managing partner of Fox's Philadelphia office, summed it up: "Lauren is a role model for men and women attorneys alike. She has been instrumental in bringing women's and working parents' issues to the forefront. Lauren is the consummate professional. She is smart, thoughtful and consistently exercises excellent judgment. I am proud to be her partner and friend."

Hayes, Lauren's long-time mentor and co-chair of Fox's Title Insurance Group also had glowing praise for Lauren: "I have known and worked very closely with Lauren for almost 30 years. It has been a pleasure to see her grow and mature into a seasoned attorney who has a strong grasp of not only the law, but also of the practice of law. She devotes the time and effort necessary to understand a problem and to determine the most expeditious way to resolve that problem. Clients are very well served by having Lauren as their advocate and I am extremely proud to have her as my partner."

Beyond Fox, Lauren regularly writes for and presents lectures to various insurance groups on issues of importance.

Lauren has always been a working mom, but that doesn't mean she works and is a mom -- she works simultaneously at both. Everything is a priority to Lauren and somehow she has figured out how to meet all of her commitments to her family, her career, her community and her friends. She is the ultimate multitasker.

One particular day among many spent on the sidelines of her son Christopher's baseball games provides the perfect example. Lauren was among many parents cheering their sons on from the stands, but was likely the only one doing so while reviewing a deposition transcript. On this occasion, she caught the attention of Steve Kelly, a business owner and the president of Eagles Fly for Leukemia, a charity that supports research and breakthrough therapies with the goal of curing childhood leukemia. The encounter brought together Lauren's dedication to family, commitment to her clients and devotion to serving her community. It was the start of Lauren's long-term relationship with the charity, which provides financial support to families and scholarships to pediatric cancer patients and survivors. (To learn more, visit eaglesfly.org.) Lauren helped Kelly by providing legal services, forming a lifelong friendship, and opening a new door for continued community involvement with Eagles Fly for Leukemia.

It's far from the only example of Lauren's service to the community. Lauren is involved in numerous organizations and provides pro bono representation through the Philadelphia Volunteers for the Indigent Program. She serves as a director on multiple boards including Philadelphia Legal Assistance, Community Legal Services and the Siena College Board of Advisors. She is now president of the Eagles Fly for Leukemia charity.

Amid all of her many commitments to her family, career and community, Lauren also carves out time to take care of herself. Maintaining her impressive pace requires stamina. She is an avid biker and fitness enthusiast, which helps explain where she finds the unlimited energy to achieve balance. She also enjoys reading, gardening and going to the Jersey Shore. Early in the COVID-19 pandemic, Lauren and Damian spent a great deal of time at their shore house in Cape May. Gardening is one of their favorite hobbies, an avocation that usually combines Lauren's landscape design vision and Damian's dirt-under-the-fingernails labor. Even in her down time, Lauren manages to achieve excellence. Their shelter-in-place gardening efforts caught the eye of their Jersey Shore neighbors, who awarded them Cape May Garden of the Month in June 2020.

Much like 2020, the upcoming year will present challenges for the Bar Association and its Chancellor. Bar associations provide educational and advocacy support and act as an intermediary with the courts, even when the role must be accomplished virtually via videoconferencing applications such as Zoom. Her challenge will be to continue the vital social and networking avenues the Association provides in the virtual reality of 2021. So, until we can meet in person again, expect Zoom happy hours, Zoom trivia nights and other Zoom activities. Luckily for us, there is no better leader than Lauren to take over the role of Chancellor at this moment. She has exactly the skills and energy to ensure that the Bar Association will continue to meet the needs of the legal community in this moment and this new environment.

In closing, I am reminded of the quote from the late poet, Maya Angelou, "I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel." I am confident that in this upcoming year, Lauren will make people feel like they are respected, listened to and included as part of the process. Good luck Lauren in 2021, another year of virtual reality.

Honorable Wendy G. Rothstein serves as a Judge in Montgomery County Court of Common Pleas. She was a partner with Lauren at Fox Rothschild LLP.

Chestnut Hill East

Albert S. Dandridge III

I have been riding the Chestnut Hill East train to and from Center City Philadelphia for more than 40 years. The Chestnut Hill train station is literally around the corner from my house. On a pleasant evening with the windows open I can hear it pull into and out of the station. It is less than a five-minute walk from my house to the train.

The station, obviously, is located in the Chestnut Hill section of Philadelphia - Zip Code 19118. The station, which is at the end of the line, is located at the intersection of Chestnut Hill Avenue and Bethlehem Pike, in the far Northwest corner of the city. It was built by the railroad barons in the 19th century. The area has been dubbed one of the five most desirable neighborhoods in the country. It is a neighborhood of large and stately houses and an idyllic shopping district along Germantown Avenue.

Depending upon what is happening at the office, I am generally on the 7:19 a.m., 7:45 a.m., or 8:03 a.m. train out of the station headed for Center City, usually the 8:03 a.m. Many times, I drop my dry-cleaning off at shop across the street from the station. Every morning, I wave at Barbara, the station master who has been there longer than I have. She is always busy dispensing tickets or exchanging quarters for paper money to those commuters who park at the station and then catch the train. It is a 33-minute ride from that station into Suburban Station in Center City.

When I board the train, as when most people board the train, you see the regulars. Some of them you do not know, but you generally know who they are. The regulars include a Common Pleas Court judge, a former dean of a local law school, the former managing partner of a major local law firm, law professors at local law schools, assistant United States attorneys, assistant district attorneys, and many partners from major local law firms. Also included are businesspeople, doctors, and other health care professionals.

Many live in Chestnut Hill and walk to the train. Others fill the parking lot after they drive from Montgomery County municipalities, such as Flourtown.

Besides myself, there is usually one other person of color, an attorney who was a senior manager at a legal services organization.

When the train takes off traveling south and east to Center City, the next stop is Gravers, which is also located in Chestnut Hill. Boarding at this stop are lawyers and businesspeople who live predominately in Chestnut Hill. None of them are persons of color.

The next stop is Wyndmoor. Here a huge crowd awaits the train. There are very few persons of color and most of the people drive to the Wyndmoor station from Wyndmoor, Montgomery County to catch the train.

The next stop is Mount Airy. Again, the station is surrounded by old large stately homes, and again, very few persons of color.

The next stop is Sedgwick, which is located in the East Mount Airy section of the city. On one side of the station, again, are large

old stately houses, and on the other side, neatly kept row houses. A large crowd boards the train, now looking for seats. Almost all are persons of color. Clerks, secretaries, managers, support staff, and government workers. The next stops—Stenton, Washington Lane, Germantown, Wister, Wayne Junction—all follow the same pattern as Sedgwick—neatly kept row houses, middle managers, persons of color.

The train empties out at Jefferson Station and Suburban Station. Clerks and lawyers, government workers and businesspeople walking to their respective destinations.

This was the pattern until mid-March of 2020. Covid-19 hit, and the rhythm of the Chestnut Hill East came apart. The line was shut down for months. I no longer heard the train pull into the station at night when I had my bedroom windows open. It resumed operating again in late August. Life changed for some, but not all. I occasionally take the train to come into the office. I now walk into the station to make sure I speak to Barbara. She no longer has a line in front of her window. There are no stacks of quarters. The parking lot is empty.No one is driving to the station from Flourtown. No more judges, prosecutors, law professors, attorneys walking into the station or catching the train. I alone could not support the sweet seamstress at the dry cleaning shop with my business—although I tried. After more than 35 years, she had to close her business on Halloween—the Chestnut Hill East let her down.

I catch the almost empty train now—wearing my mask—having no one else to recognize. The train pulls into Gravers, and no one gets on. They are all now working from home. A few might drive into Center City now, fearful of the train. Same story at Mount Airy. The train now pulls into Sedgwick, Stenton, Germantown, Washington Lane, Germantown, Wister, and Wayne Junction. Although not like pre-March, there are cars in these parking lots. There are people getting on the train—people of color, people who cannot telecommute. They all now have seats.

I always knew that the Chestnut Hill East line displayed a divide in our society—I just did not realize how stark. ■

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THE "WHY" AND SOME OF THE "HOW"

ANNALS OF JUSTICE

By Steve LaCheen

Almost everyone knows that the question most often asked of criminal defense lawyers is the "how" question - "How can you defend a person you know is guilty?" And we know the stock answer, which addresses the word "know" and focuses on Constitutional rights and the differing roles of prosecutor, defense counsel, and the Court.

But there is a different "most often" question posed to attorneys in general, "When did you decide to become a lawyer?" Over the years, I have been asked that question hundreds of times, and answered it the same way every time: I decided I wanted to be a lawyer (although I did not use the word and probably did not even know it) when my first grade public school teacher Ms. Pizer, read us the story of the dialogue between God and Moses in which Moses attempts to beg off God's assignment that he implore Pharaoh to "let my people go," claiming that his speech impediment would render his presentation inarticulate and, therefore, ineffective. God, however, insisting upon Moses' obligation to make the pitch, tells him he will send Aaron with Moses to speak for Moses if necessary, and, besides, God will provide Moses with the words that will turn the Pharaoh's heart.

Somehow, that story and how it resonated in my five-year-old brain sent me home with a message that every parent wants to hear, and is so often afraid to hear: "I know what I want to be (read "do") when I grow up." In my case, I responded to the follow-up "What?" was (as I was reminded many times in later life) that I wanted to speak for those who could not speak for themselves.

My mother always claimed that her response was something to the following effect: "That's wonderful Stevie, but could you stop talking out of turn in class? Miss Pizer says you never stop talking." Truth be told, every report card I ever received in grammar (later grade and now elementary) school, graded my "Comportment in Class" with an "X" (unsatisfactory), for talking all the time in class and not being able to sit still.

The solution back then ("in the day," as we now refer to the past), before the development of the diagnosis of ADD, and the killer-cure of Ritalin - and the even later realization that just plain boredom can produce the same reaction - the solution was to "skip" me. And, they did; not once, but several times. But that is another story; it is not this story. This story is about the perceived "tricks of the trade," so to speak, by which I mean the kinds of legal pyrotechnics great lawyers are reputed to have pulled off in court which became the trademarks of their brilliant careers. See, the biographies of Lincoln, Darrow, Leibowitz, Nizer, Belli, et al, for appropriate models.

References to local legal luminaries in that class would include Lemuel Scofield, Tom McBride, John Patrick Walsh, Garfield Levy, Cecil B. Moore, and, of course, Dick Sprague.

My client, accused of being a supervisor, but really was not, was not going to testify in his own defense because he did not want to say anything that might incriminate the others.

As a young lawyer, even younger than most of my peers, I knew that I could never be the equivalent of the flashy baseball star who caught the ball with one hand; in other words, someone who put the stamp of his definitive personality on every case. So, I adopted the opposite affect, and decided to let my words "do the talking," without attempting to make them more effective by the preliminary conveyance of the particular outsize image of Criminal Defense Lawyer.

The affect I chose to adopt was the very opposite of the stereotypical criminal defense as either flashy orator, on the one hand, or the scholarly "nerd" on the other. My avatar was the chameleon; it would be the individual case itself that would dictate my approach and my performance in the courtroom, not the other way round. And, many years later, I heard Al Pacino give that very advice to Keanu Reeves as his young mentee in "The Devil's Advocate," in the following more succinct expression, delivered with arms outstretched, side to side, "Hoo-hah! Never let them see you coming!"

So, how does a "chameleon" employ the element of surprise without being seen as a trickster? A few examples seem in order:

The answer for me, was quite simple; that is, never to do what would be seen as "pulling off" a trick, or stunt performance, but to create an impression early on that would be able to be used - an apparent after-thought - as concrete, or at least visual, demonstrative evidence supporting a particular argument.

The earliest example I recall was an occasion when I was still in my twenties. Before entering the courtroom where the panel of venire-persons from which the petit jury would be selected had been seated for voir dire, I handed my briefcase to my client - a well-dressed, well-groomed man, ten or twenty-years older than I - so the panel's first glimpse of us did not clearly identify which of us was the client and which the lawyer. That allowed me to suggest to the jury in closing argument that they should to the extent possible not consider my client's location in the defendant's chair as evidence of wrongdoing on his part. "Appearances can be deceiving," I said. "Remember when you first saw us walk into the courtroom you couldn't tell who was who from our appearances. Well, the chair in which my client has been seated in this courtroom is not evidence against him and does not make up for the Government's lack of proof."

Whether and to what extent that maneuver ever "worked" or not, I never knew, because even jurors who returned a not guilty verdict were reluctant to discuss the finer points and generally offered the most simple generalized explanation for their verdict, usually echoing something in the judge's charge.

I "employed" a similar subliminal demonstration in a prosecution brought by the Federal Drug Administration against a generic drug company accused by a disgruntled former employee who claimed that whenever a batch of finished product proved to be unfinished, the pills were simply pulverized and reprocessed, a violation of FDA regulations. What made the defense a little difficult was the fact that the company had pled guilty in a deal which allowed the executives to avoid prosecution in favor of charging four employees, who were dubbed "supervisors" of the line employees who performed the actual roll-overs.

What was unusual about the case was the fact that the four defendants were all East Indian, and spoke Hindi, and the accuser was Pakistani who spoke Urdu. At some point, the trial, which took several months, took on a circus-like atmosphere involving repeated interruptions because of accusations by an interpreter for the defense that the interpreter for the government was not properly translating a witness' testimony. That part of the story will wait for another day; this is about the quiet stratagem I adopted, which, as it turned out, was a significant factor in my client's acquittal.

My client, accused of being a supervisor, but really was not, was not going to testify in his own defense because he did not want to say anything that might incriminate the others. I certainly wasn't going to try to get the informant to admit he was lying about that without the evidence to confront him on that score; so I decided to try to communicate to the jury that my client was just another of the line employees following the orders of others, which would enable me to later argue lack of mens rea on his part. The simple stratagem I employed was to suggest to my client to simply stand up every time his name was mentioned. By the end of the first week, I think the jury got the message, and my client received the only not guilty verdict. Two defendants were convicted, and the jury hung on the fourth.

A similar stratagem may have played a small part in achieving a not guilty verdict in a nine-defendant drug case, in which my client who had been the Captain of the yacht in which the former drug kingpin-turned-government-chief-witness transported illegal controlled substances from the Bahamas to Miami. My client had decided he would not testify, as much because he felt he would not be believed as for not wanting to be an unintentional witness against any of his co-defendants. I knew that I could get the informant to admit that my client, a Polish immigrant, barely spoke English, but, out of concern for a response I had no way of controlling, I decided on another avenue of approach. I asked the Court to have my client re-arraigned in the presence of the jury since, even though he might decide not to testify, he had the right to have the jury hear him deny the charges.

The Court, although somewhat grudgingly, then suggested that the other defendants had the same right, and all were re-arraigned. The other eight defendants spoke perfect English. My client had to have several questions repeated for him by me, and then, completely on his own, said "Not guilty, on the lives of my parents, Your Honor," in a Polish accent so thick you could almost smell the kielbasa and beer, so much so that the judge had to ask that it be "translated for the record, which, of course, was an invitation for the Court's Deputy Clerk to repeat my client's words, "Not guilty, Your Honor."

That incident and the fact that my client wore his Captain's cap

to the courthouse every day, where he was observed by jurors in the hallway and at counsel table, conveyed, or so I believed, that he was a dedicated seafarer whose attention would be focused on his ship and his crew, and not knowingly expose either to the risks inherent in criminal conduct. Again, it was the unspoken message in the mis-en-scene of the courtroom that, like giving CPR to a dead man, might have not have helped, but it didn't hurt.

I could provide other examples of the same, or at least similar, efforts to create a subliminal message to give the jury a different view of my client than the government's portrayal of him, but I want to touch upon another way in which I tried to level the playing field by an unspoken demonstration which I hoped would encourage a jury to see there was always the possibility of another version of the one-sided version of events portrayed by the prosecution; that there was always the possibility of a non-criminal explanation.

One of the ways in which I attempted to level the playing field was to try to hold on to potential jurors on the venire panel those whose information or answers provided a clue that they were persons capable of, and willing to act on their capability to see that there were almost always "two sides to any story," and to apply that concept to the government's evidence in the case before them. It was for that reason and based upon that belief that I preferred as jurors people who had enjoyed or suffered great upheaval or change in their lives - immigration, divorce, handicap, prejudice, etc. - anything that would give me a clue that they had the experienced life "from both sides now," as Joni Mitchell wrote. I always preferred the androgynous and/or creative person who was engaged in a non-gender-specific occupation, preferably one which did not involve simply taking orders from a superior. I wanted jurors who would feel a sense of responsibility for my client, and be willing to exercise independent judgment in deciding how to resolve the conflict between the government's version of events and the differential between probability and proof beyond a reasonable doubt.

Another way I tried to convey the difference between the certainty and self-assurance displayed by the prosecution, was in the selection of court-room attire, Male prosecutors almost invariably dressed in the uniform of authority - dark blue suit, bright white shirt, and red tie - the colors of patriotism, love of country and righteous indignation. Many defense lawyers dressed the same way, to balance the scale, in a way. I chose a different tack, and always wore neutral colors - taupe, brown, or gray suits, off-white shirt, and quietly colorful but muted tie - as another way of illustrating the difference between our respective roles - the prosecutor declaiming certainty and the defense suggesting the possibility of doubt. Did that ever mean anything in the long run? I cannot say for certain, but I do remember that the wife a local judge - whom I did not strike because I was sure she would end up explaining reasonable doubt to the jury - did tell me, when I bumped into her at a bar association event some months later, that the reason several of the jurors gave for giving my client the benefit of a doubt with an acquittal was that, if he had really been a successful thief, he would have been able to afford a lawyer who could afford to dress better!

There are, of course, various other ways to convey the viability to a jury that a sense of doubt may be the appropriate response to the government's insistence on certain guilt, but they are already the proper subject of numerous books by numerous experts, which I am not. The only advice I would ever venture to give on that score would be that it is almost always more important to listen for what a witness does not say than what he does say, even the way in which witnesses for the prosecution almost always repeat the cross-examiner's question when they are uncertain as to the exact words to satisfy the prosecution's expectations. Jurors apparently appreciate the significance of the fact that the witness did not have to have the questions repeated on direct examination, only on cross. And I found the best way to bring that point home to, and preserve its value for final argument, was to counter to the witness' repeat of my question with the following quick response: "I asked you first," which almost always drew a laugh from the jury, and once even a giggle from the bench - as a comment upon the witness' needing time to think up an appropriate answer rather than to simply answer truthfully.

I will stop here, as I like the idea of ending with a laugh. ■

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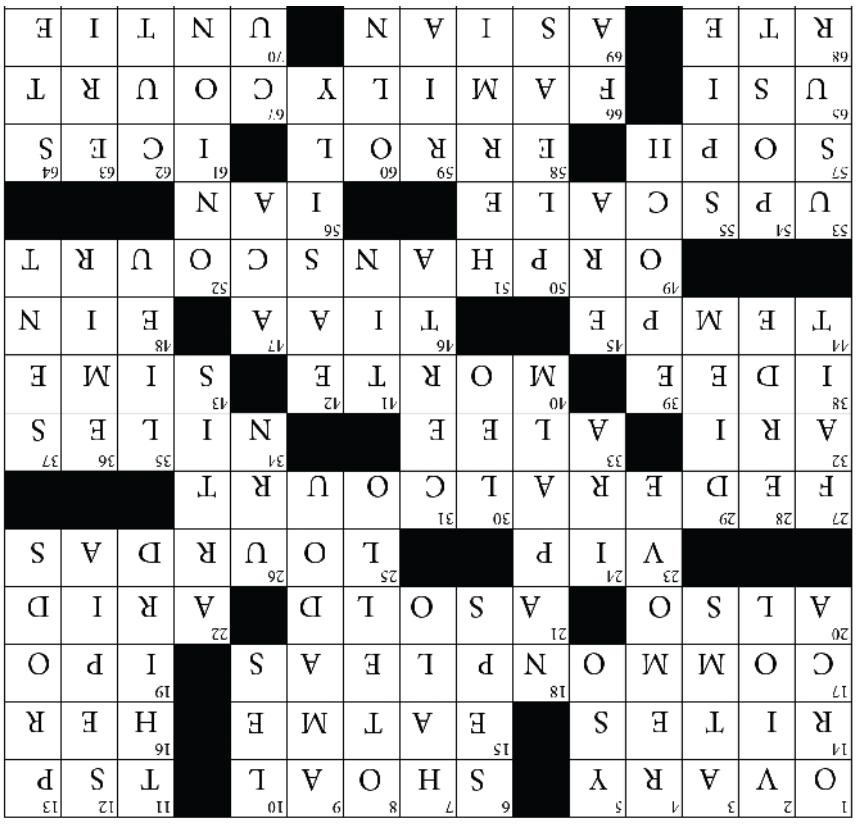
Answers to the Crossword Puzzle on Page 35



WHEN CAN CONTRACT DUTIES BE SUSPENDED OR TERMINATED BECAUSE OF THE COVID-19 PANDEMIC?

By W. Mark Mullineaux, Esq.

The COVID-19 pandemic has impacted the ability of businesses to perform contractual duties. Governments around the world, including the United States and individual U.S. states, have imposed prohibitions on going to work, leaving home, meetings, travel, eat-in restaurants, and other limitations. This article discusses when a party may have a legal defense if it elects to not perform contract obligations. The defenses of Force Majeure, frustration and impracticability are explored.

Force Majeure

A Force Majeure clause (French for "superior force") is a contract provision that allows a party to suspend or terminate the performance of duties under a contract. The scope of protection and remedies are established by the language of the contract. This is an example of a Force Majeure clause:

> **Force Majeure**. A party shall not be liable for any failure of or delay in the performance of this agreement for the period that such failure or delay is due to any strike, lockout, civil commotion, war like operation, invasion, rebellion, hostilities, military or usurped power, sabotage, governmental regulations or control, or through act of God ("FORCE MAJEURE"). Performance is not excused if performance resulted from general economic conditions.

As examples, other triggering events in a Force Majeure clause could be fire, flood, hurricane, typhoon, earthquake, lightning and explosion or pandemic. A Force Majeure clause may provide that a party must take steps to mitigate the impact. When it first becomes known that a party will rely on Force Majeure, that party should send a formal **written declaration of Force Majeure** to the other parties to the contract.

Under Pennsylvania law, the event alleged as an excuse must have been beyond the party's control and not due to any fault or negligence by the non-performing party. The non-performing party must show that they took action to attempt to perform the contract regardless of the Force Majeure event.

Many Force Majeure clauses in effect today do not list pandemic, epidemic or disease. Without that language at first blush it may appear that the Force Majeure defense does not apply to performance impacted by COVID-19. A defense may be available, however, if the clause covers governmental regulations and those regulations had a serious negative impact on performance. Further, the world-wide recognition of the need to control COVID-19 and government's "stay at home" orders may result in courts being more liberal in approving a Force Majeure defense.

Impracticability or Frustration

If there is no Force Majeure clause in a contract or if the clause does not provide protection, a party to avoid performance may rely on the common law doctrines of "frustration" or "impracticability." In Pennsylvania it is difficult to meet the requirements for those defenses. As a general principle, a party assumes the risk of incapacity to perform its contractual duties. To use frustration or impracticability as a defense for non-performance, the cost of performance must become so excessive and unreasonable that the failure to excuse performance would result in "grave injustice."

As soon as it is known, a formal written **declaration of frustration or impracticability** should be sent to the other parties to the contract.

Pennsylvania courts have said performance may be considered "impracticable" and excused because of extreme and unreasonable difficulty, expense, injury, or loss, such as severe shortage of raw materials or of supplies due to war, embargo, local crop failure or unforeseen shutdowns; or performance will involve a risk of injury to person or to property. Increases in costs unless well beyond the normal range, do not amount to impracticability. *Id.* citing *Restatement (Second) of Contracts* § 261. A party must establish that the act contemplated is incapable of being performed, rather than the fact that he or she is incapable of performing it.

The doctrine of frustration provides that the duty to perform is discharged when a party's principal purpose is substantially frustrated without his fault and there is a violation of a basic assumption on which the contract was made. The doctrine applies if events occur that result in a situation radically different from the contemplation of the parties when the contract was made. Courts typically require proof of "impossibility" of performance in order to allow the defense of frustration.

Although the standard is high, courts have provided relief under defenses of impracticability and frustration..

Parties will be urging courts to hold that the unique obstacles caused by COVID-19 support a defense of impracticality or frustration. Given the unprecedented impact of the disease, courts may feel compelled to allow those defenses.

Moving Forward

Any decision on whether to declare Force Majeure, frustration or impracticability requires a detailed analysis based on the particular facts faced by a company and the applicable law. As an example, a company should evaluate whether their counterparties to contracts may declare justifiable release from performance. Some companies will be on both sides of this issue, as the performing party in some cases and the receiving party in others. Companies should look at both possibilities before taking a formal position on whether to declare Force Majeure, frustration or impracticability. ■

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Technology

You Wouldn't Eat Rotten Fish, So Don't Use Rotten Software

BY DANIEL J. SIEGEL

If you eat food past its expiration date and it has spoiled, you could suffer a fever, chills, stomach cramps, diarrhea, nausea, and vomiting. Or if it is really bad, you could contract E.coli, listeria, or salmonella.

Now, imagine if your computer contracted the electronic versions of these conditions and got sick. Computer software also has "use by" dates, commonly known as the end-of-life (EOL) date. These are dates after which a software developer, such as Microsoft or Apple, no longer supports its products. And just like their edible counterparts, using expired software could make your computer sick.

So why do computer users continue to use software no longer supported by the developers? Usually, they do it because they either did not realize their software was outdated, or they were too "frugal" to purchase the latest updates. No matter the reason, when software support ends, developers no longer proactively protect users from security risks, such as viruses, malware, and ransomware. In those situations, using unsupported, often called "end-of-life," software, makes your computer and others on the same network more vulnerable to risks that could easily spread to other computers.

Computer hardware and software were not meant to last forever. In most cases, computer hardware is designed to last a few years. In some cases, such as smartphones, their useful life is often limited to one or two years. When the useful life ends, commonly so does support.

Windows XP is an example of the problem. When Microsoft stopped issuing updates and patches, the software became significantly more vulnerable to security threats. In addition, software vendors often could not guarantee whether their designed-to-be-compatible applications would continue to be compatible. Despite this reality, some users could not let go and continued to use Windows XP. Currently, an estimated one in 25 computer users continues to use XP despite the fact it was released 19 years ago and has not been supported for more than 6-1/2 years.

That I am even writing about Windows XP is telling. Support for its successor, Windows 7, ended on January 14, 2020. This turned out, coincidentally, to be the same day that Microsoft released an emergency update for Windows 10, an update prompted by information provided to Microsoft by the National Security Agency.

Microsoft had previously explained the dangers of still using the software: "If you continue to use Windows 7 after support has ended, your PC will still work, but it will become more vulnerable to security risks and viruses because you will no longer receive software updates, including security updates, from Microsoft. Microsoft strongly recommends that you move to a new PC running Windows 10 to avoid a situation where you need service or support that is no longer available."

In addition to Windows 7, support for numerous other Microsoft products will end in 2020, including most products included with Microsoft Office 2010 and 2016, such as Outlook, Word, and Excel. The perils of EOL software apply to numerous software and hardware items from other companies. For example, support was scheduled to end on April 7, 2020, for the 2015 standalone/classic versions of Adobe Acrobat DC and on October 1, 2020 for WinZip 21.5. Support has already ended for Windows 10 versions 1703 and 1803.

Many users never check to see if they are running unsupported software. But they should; and if they discover they're using outdated products, they should update or upgrade immediately. For example, to determine which version of Windows you are running, go to https://support.microsoft.com and type in "Which version of Windows operating system am I running?"

It is critical to note that using a firewall, antivirus software, and other security suites does not protect against unpatched or unpatchable dangers and are an invitation to hackers to do their dirty work. Thus, there are many risks of running unsupported software, including the following:

Security vulnerabilities: Because manufacturers only release security fixes in limited (and always dangerous) situations, EOL products are replete with security hazards.

- Software incompatibility: New software products are designed to work better with newer operating systems and other software.
- By using EOL products, you may not be able to upgrade other software, which can also become security threats.
- Lack of support: If your software is at EOL, there is probably no technical support for it, which means that any questions you have about how to use it will probably not be answered.
- Unanswered questions can lead to mistakes, which can impact security and functionality.
- Compliance issues: If your practice includes working with regulated entities such as health care providers who deal with sensitive and confidential information, use of outdated software could expose you and your clients to risks that could endanger their company or lead to fines and other risks.
- Poor quality: The older your hardware and software, the greater the likelihood that these items are no longer under warranty. This leads to a greater likelihood of breakdowns and the increased costs associated with such breakdowns and repairs.
- Slow performance: New software and hardware run more efficiently—that is, faster—than their older counterparts. End users, such as your staff, often do not realize how much time is wasted waiting for programs to load, for websites to appear, and other computer actions. Upgrading to new hardware and software can dramatically improve your office's productivity.

The Center for Internet Security (cisecurity.org), a nonprofit devoted to safeguarding private and public organizations from cyber threats, publishes a monthly End-of- Support Software Report List in recognition that "the process of finding [EOL] dates and locating all the instances of obsolete products can be a difficult and time-consuming task."

Situations when a firm may need to use unsupported or outdated software are generally rare. In those circumstances, it is important to balance the benefits of running the software against considerations such as whether there is a newer, and supported, product that meets the firm's needs. These decisions should be made on a case-by-case basis in consultation with the firm's IT staff or consultants.

Because many firms do not inventory the software on every user's computer, it may also be helpful to perform a network inventory. One helpful free product is Spiceworks Inventory, a downloadable program that automatically inventories all of the PCs, Macs, Windows, and Linux servers, switches, etc., on your network, helps you track warranties and the age of your system, and provides other helpful reports.

In summary, end-of-life hardware and software pose huge risks for law firms. With appropriate planning, you can avoid the dangers of "sick" software. Difficult or not, getting rid of EOL products should be a priority. ■

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Tech BRIEFS

HighQ

A platform for document and project management, and team collaboration and communication.

There are two channels for use: HighQ for law firms and HighQ for corporate legal. Using HighQ for law firms allows for automation of processes such as workflows, document management, and collaboration. Features include:

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There are three levels of HighQ plans available: HighQ Essentials, HighQ Advanced, and HighQ Premium. HighQ Premium is the only level of support for corporate purposes. Demos are available at https://legal.thomsonreuters.com/en/products/highq. ■

Tech UPDATE

** Comparisons sourced from www.pcmag.com*

TP-Link AC1750 Wi-Fi Range Extender

Netgear Nighthawk X4 AC2200 WiFi Range Extender

Amped Wireless Athena-EX High Power AC2600 Wi-Fi Range Extender

UPGRADE YOUR HOME INTERNET to handle an influx of work, family, and entertainment duties with a wi-fi extender. A wi-fi extender might be for you if you can't place your wi-fi router in a centralized location to service all areas of your home. An extender can boost your signal to reach far-off places, such as your garage or yard.

So, from the basic plug-and-go to those with multiple ports, how do these wi-fi extenders compare?

PRINTER	TP-LINK AC1750 WI-FI RANGE EXTENDER	NETGEAR NIGHTHAWK X4 AC2200 WIFI RANGE EXTENDER	AMPED WIRELESS ATHENA-EX HIGH POWER AC2600 WI-FI RANGE EXTENDER
BEST FOR	THOSE LOOKING FOR FAST SPEED AND EASY INSTALL.	EXPERIENCED USERS LOOKING FOR FAST SPEED AND MU-MIMO SUPPORT.	THOSE LOOKING FOR FEATURES AND PERFORMANCE.
SIZE (HxWxD)	6.4 X 3 X 1.2 INCHES	6.3 X 3.2 X 1.7 INCHES	1.5 X 10.5 X 8 INCHES
FEATURES	• ONE GIGABIT LAN PORT • 2.4GHZ BAND – 450MBPS • 5GHZ BAND – 1,300MBPS	• ONE GIGABIT LAN PORT • 2.4GHZ BAND – 450MBPS • 5GHZ BAND – 1,733MBPS	• 4 GIGABIT LAN PORTS • USB 2.0 PORT AND POWER • USB 3.0 PORT • 2.4GHZ BAND – 800MBPS • 5GHZ BAND – 1,733MBPS
PROS	• EASY INSTALLATION – JUST PLUG IT INTO AN OUTLET • VERY GOOD RANGE	• EASY INSTALLATION – JUST PLUG IT INTO AN OUTLET • SUPPORTS MULTI-USER MULTIPLE INPUT, MULTIPLE OUTPUT (MU-MIMO) STREAMING	• EASY INSTALLATION – JUST PLUG IT INTO AN OUTLET • SUPPORTS MULTI-USER MULTIPLE INPUT, MULTIPLE OUTPUT (MU-MIMO) • MULTIPLE PORTS
CONS	• BULKY • NO PASS-THROUGH OUTLET	• BULKY • NO PASS-THROUGH OUTLET	• MU-MIMO SUPPORT IS MEDIOCRE
PRICE	$61.81	$149.99	$237.99

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b. Paid Circulation (By Mail and Outside the Mail)	(1)	Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	1990	1990
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Rachel Kipp, Director of Communications and Marketing	12/21/2020

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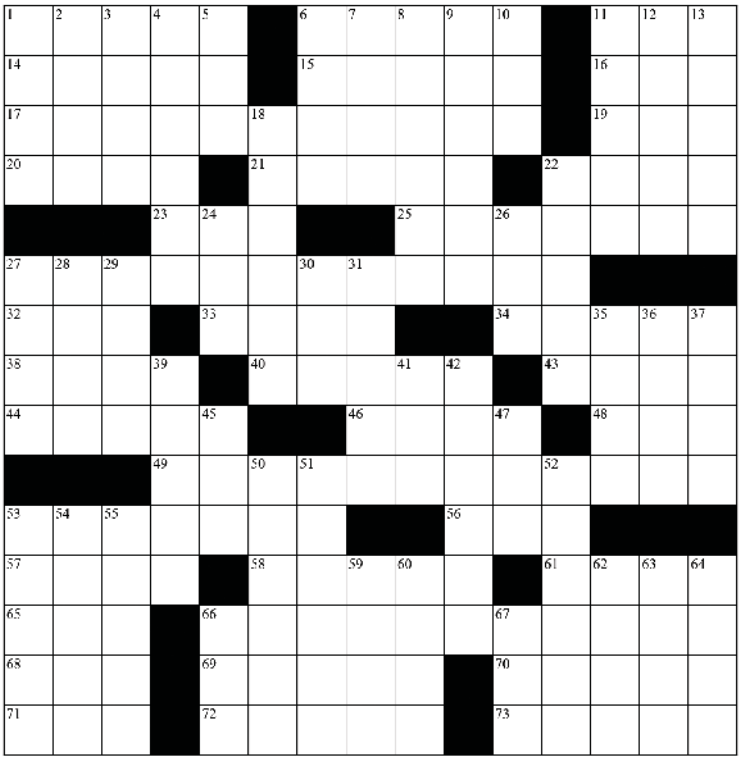
The Crossword Puzzle answer key can be found on page 28

"PHILLY COURTS (C)" CROSSWORD
by Robert J. Stern, Esq.



ACROSS
1 Female reproductive organ
6 A school of fish
11 -o'-shanter
14 _____ of passage
15 What's written on the cake in Alice in Wonderland
16 _____-Haw
17 Court of _____ (C)
19 U.S. tax collector
20 "The Sun _____ Rises"
21 _____ as Methuselah (2 wds.)
22 "Un Bel Dì" or "La Donna é Mobile"
23 Person of great influence (briefly)
25 Town in France; first name of Madonna's daughter
27 USDC for EDPA (C)
32 First name of the hero in the novel Exodus
33 Leeward side of ship
34 Tributaries of Egypt's river, White and Blue
38 _____ fixe
40 Dead (Fr.)
43 Nickname for Simon?
44 Home of ASU's Sparky the Sun Devil
46 ____-CREF
48 German article
49 Division of CCP that handles estates (C)
53 Appealing to affluent consumers
56 First name of actor who played Gandalf
57 Person in second year of college (briefly)
58 _____ Flynn
61 What Rita's sells
65 School in Evansville, Indiana
66 Division of CCP that handles domestic relations (C)
68 Abbreviation for a highway
69 A person from China, India, Japan, or Korea,
70 Disengage the knotted part of something
71 "Getting to ____: Negotiating Agreement Without Giving In"
72 Affix a new price label
73 The verb "to eat" in German

DOWN
1 Killer whale
2 Bowed 6-stringed baroque instrument
3 Places to get cash from a wall (briefly)
4 Transfer a case from state court to federal court
5 Orchestra at a New Haven college (briefly)
6 Plans for employers to contribute to IRAs (briefly)
7 Saint's circle of light
8 Verdi's opera with Iago
9 Spongy substance made from fungi
10 "____ Girls" 1957 Cole Porter film
11 U.S. Court of Appeals for the _____ Circuit (C)
12 Eagle's nest
13 Isolated, flat-topped hills
18 Sticky jelly used in incendiary bombs
22 Ars gratia _____
24 Nest-egg
26 Vase often with a cover
27 _____ accompli
28 Mahler's, "Das Lied von der _____"
29 Per _____ (by the day)
30 Name of 13 Popes
31 _____Pro Painters
35 Place or stead
36 Mideast leader
37 Mailed
39 Distinctive period of time in history
41 _____ Man, from the Wizard of Oz
42 Without difficulty
45 Failed amendment to the Constitution (briefly)
47 Obamacare (briefly)
50 "_____ Don't Eat the Daisies"
51 Crab that scavenges shells
52 Members of the genus that includes garlic, leeks
53 Lending money at illegally high rates
54 _____ Italiane (Italian USPS)
55 Undercover agents
59 Trade organization representing the recording industry (briefly)
60 Oman joint venture producing and selling liquefied natural gas
62 Cold _____ (salami, bologna, and veal loaf)
63 Fabled NY canal
64 British submachine gun
66 Dolce ___ niente (It.)
67 Signal to an actor

That Was Then

1979 – The Philadelphia Lawyer as The Shingle

NEW SHINGLE QUARTERLY MAGAZINE ROLLS OFF THE PRESSES at Philadelphia Printing Properties, Inc. as pressman Joe Gleason (top-left) examines the first pages of the 8,000-run 48-page glossy magazine. Meanwhile, Philadelphia Bar Association employee Gerard Jackson (bottom-right) adds the magazine to packets for the 21st Annual Bench-Bar Conference.

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