

TEMPLE ESQ.

Temple University
James E. Beasley School of Law
Alumni News • April 2019

Improving Outcomes for Kids

Kinship Care in Philadelphia



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READERS: We hope you like *Temple Esq's* new look. The Temple Law team is always looking for new and improved ways to share news, stories, and accomplishments. Please send comments or suggestions on the magazine to Deborah M. McCreery at lawalum@temple.edu.

Save the Date

ALUMNI WEEKEND CLE: KINSHIP CARE

Saturday May 18th

Professor Sarah Katz will offer a 2-hour CLE focusing on the future of kinship rights and the child welfare system:

Hour 1: An examination of the systemic issues facing children entering the foster care system and the role of kinship care.

Hour 2: Overview of the law of custodial rights of grandparents and other kin.

**CLE 10am to noon
Luncheon will follow in
Shusterman Hall**

To register, go to:
[www.mylawconnection.com/
alumniweekend2019](http://www.mylawconnection.com/alumniweekend2019)

A MESSAGE FROM DEAN GREGORY MANDEL

Temple Law School has a long and storied commitment to community—both the neighborhoods of North Philadelphia into which we have sunk deep roots, and our network of faculty, students, and alumni locally and around the world. Community is part of what sets us apart among law schools and one of the features of which I'm most proud.



Take, for example, our new partnership with the Stoneleigh Foundation, through which Stoneleigh Fellow Karissa Phelps '19 will work with the Temple Legal Aid Office and the Sheller Center for Social Justice on breaking down barriers to kinship care in the Philadelphia foster care system. This project is just one of many in which Temple Law faculty and students work collaboratively with community partners to solve tough, real-world problems.

Of course, Temple Law is part of a global community as well, with campuses and partnerships around the world. Our Philadelphia campus faculty are vital ambassadors to this international community, both when they visit our global partners and when they present their work around the world (p. 10). This Spring finds Professor Theresa Glennon working with our exchange partner at University County Cork in Ireland; Professor Jeffrey Dunoff at the European University Institute at Fiesole in Italy; Professor

Sara Jacobson teaching our LL.M. students in Beijing, China; and Professor Jonathan Lipson at our campus in Tokyo, Japan. Their work abroad is part of Temple Law's commitment to leadership in our global community.

Finally, Temple Law is part of a rich, vibrant community of alumni and friends. You are our most enduring partners in leadership, in service, and in shaping the legal profession of tomorrow. Our commitment to you does not end when you graduate; we encourage you to look to us for guidance as you move through your career (p. 13) or confront complex issues that may impact your practice (p. 6). And, as always, we hope you will share with us your successes so that we can celebrate them with you!

Thank you for being an essential part of the Temple Law community. I am grateful for the work we have already done together and look forward to all we will do to lead our many communities forward.

A handwritten signature in cursive script that reads "Gregory Mandel".

Gregory Mandel, Dean

Kinship Care

keeping families together
and improving outcomes
for children

The last U.S. census revealed that more than 2.5 million children live with a relative who is not a parent. These children reside in what is broadly known as kinship care. The majority of these arrangements are informal, but a growing number result from foster care placements by government child welfare agencies.

The idea of extended family members caring for children is not new, and in fact is a traditional practice in most cultures. Today, U.S. policy and law reflect the growing consensus that children's outcomes in the foster care system improve when they are placed with a family member instead of a stranger. These children are more likely to be placed with siblings, to remain in a familiar culture, school, and neighborhood, and to experience a smaller number of disruptive moves.

Intuitively it makes sense that children fare better with their families. But does the research bear it out? Increasingly, it does, and as a result, states and municipalities nationwide are working to remove barriers to increased kinship placements.

Today, both federal and state laws require children and youth agencies to give preference to kin over strangers when placing children in foster care. Since 2000, the U.S. has increased the number of kinship placements from 25% of the total foster care population to 29%. Pennsylvania has done better than the national average, and Philadelphia has done far better, placing 47% of children with kin in 2018. In February 2018, the Family First Prevention Services Act became law, which among other things creates incentives for states to further facilitate the process of relatives becoming kinship care providers.

While the proportion of kinship placements within the foster care system is growing, advocates say continuing to explore new initiatives is key. Those initiatives include proposals to refine bureaucratic processes and streamlining legal proceedings. Implementation of Family First will also focus on improving and expanding kinship navigator and family finding programs. Experts believe that as more children have the opportunity to be placed with family members, outcomes for foster kids will improve.

Temple Law announces funding for 'Pathways to Kinship Care'

In March 2019, Temple University Beasley School of Law joins in this important work with the announcement of a Stoneleigh Emerging Leader Fellowship focused on "Pathways to Kinship."

Beginning in fall 2019, Stoneleigh Emerging Leader Fellow Karissa Phelps (Temple Law '19) will begin a range of activities aimed at improving the "pathways to kinship" in Philadelphia. Phelps says her plan is two-fold: reaching out to the stakeholders in the system—the families, caseworkers, social scientists, legal advocates, and judges—to identify obstacles to kin becoming caregivers for children entering the foster care system. She will examine laws and policies, and meet with advocates and city officials as well as grandparents' and parents' groups. Year two of her fellowship will be spent creating the alliances, tools, and training materials to help attorneys and community members to better navigate the system.

It's an ambitious task to accomplish in two years, but working to expand kinship care won't—by a long shot—be the first challenge Phelps has tackled. Prior to law school, with an undergraduate degree in social work and fluency in Spanish,

Phelps was a social worker in Norristown. She worked first for Laurel House, a domestic violence agency, and next for the Maternity Care Coalition (MCC) engaged in work that will inform her challenges as a fellow. At MCC, Phelps conducted home visits for an early Headstart program, and she noticed how much of her time was spent on required paperwork and scheduling—time that could be spent with the families. With any single client, Phelps noticed, a caseworker can be overwhelmed by myriad visits, doctor's appointments, testing, and screening dates. She developed an Excel tool for caseworkers to better manage the myriad dates and deadlines. This game-changing system was adopted organization-wide, and Phelps was awarded the MCC Award for Innovation.

Phelps explains why she decided to go to law school: "When I was working at Laurel House, I would accompany victims of domestic violence to their protection from abuse hearings," says Phelps. "I could be an emotional support, but it was frustrating to me that I couldn't advocate for them to the judge." In the Headstart program, Phelps says she also experienced frustration when confronted with the range of challenges, many of them legal, that her clients faced. Housing, benefits, child custody. "I felt I needed to be there at those profound moments," says Phelps.

Seeking better outcomes for foster kids

Phelps experienced her initial firsthand encounter with kinship care last summer, when she was interning at the Support Center for Child Advocates representing children in dependency cases.

Phelps describes a case in which a five-year-old, who had been in foster care since birth, was abruptly being removed from the only home she had ever known. The girl had begun exhibiting behavior problems around the same time the foster mother delivered a new baby of her own, and then the foster family notified DHS that they were terminating the girl's placement. A grandmother, who the girl knew from occasional visits, was identified as a possible kinship caregiver, but her home didn't have enough bedrooms, and she had to move before the placement could be authorized.

"It was down to the wire," remembers Phelps. "The grandmother was moving as fast as she could to get housing that would be accepted. There was an issue with a damp basement. The foster family had given plenty of warning, and at a certain point they said, 'that's it, we're done.' Luckily, the timing worked out, and the girl went to her grandmother, without having to go to a stranger in the interim."

"The trouble is, it's a lot of bureaucracy and phone calls," says Phelps. "I was able to achieve a good result, but I had a very small caseload and was able to devote a lot of time to it. I know that's not always the situation." The circumstances Phelps encountered are typical of the hurdles in the system that can result in children having multiple placements in their years in foster care.

Why is increasing access to kinship care so critical to better outcomes for kids? Advocates say there are many benefits, and the key is reducing the amount of trauma that foster youth experience.

Stability is crucial to good outcomes for foster kids. Because removal from a parent is already a traumatic experience, research shows that further trauma can be minimized by reducing the number of placement disruptions a foster child experiences. Children in kinship care are moved from placement to placement less often. Not surprisingly, an aunt or an uncle is more likely than

continues on next page



Karissa Phelps '19 begins a two-year Stoneleigh Emerging Leader Fellowship in the fall, working to reduce barriers to kinship care in Philadelphia.

STONELEIGH EMERGING LEADER FELLOWSHIP 'PATHWAYS TO KINSHIP CARE'

MARCH 2019 The announcement of a Stoneleigh Emerging Leader Fellowship for "Pathways to Kinship Care" marks the first time Temple University Beasley School of Law has hosted a fellow from the Stoneleigh Foundation. The fellowship was awarded after Sarah Katz, Associate Clinical Professor of Law; Len Reiser, Program Coordinator, Sheller Center for Social Justice; and Robert G. Schwartz, Phyllis W. Beck Chair in Law joined forces to apply to the Stoneleigh Foundation to fund "Pathways to Kinship Care."

With the two-year project fully funded, the Stoneleigh Emerging Leader Fellow, Karissa Phelps '19, was selected from an extensive pool of applicants. The fellowship is a hands-on opportunity for early career professionals, like Phelps, working in the Philadelphia area. The Stoneleigh Foundation's mission is "to improve life outcomes for our community's most vulnerable youth by advancing change in the systems that serve them, including juvenile justice, child welfare, education, and health." The Philadelphia-based Foundation awards Fellowships to exceptional leaders who work within and alongside these systems to catalyze change. Past and current fellows have focused on issues such as building coalitions to address youth homelessness, strengthening the implementation of extended foster care, and improving interactions between police and youth.

At Temple Law, the fellowship will support Phelps in researching barriers to kinship care in Philadelphia, and identifying advocacy strategies to improve access. She will be supervised directly by Katz at the Temple Legal Aid Office, where Katz directs the family law litigation clinic. Phelps will also collaborate with Schwartz, Reiser, and the Sheller Center for Social Justice, accessing the center's expertise in systemic advocacy.

SOME FACTS

DEFINITION: Kinship care refers to the care of children by relatives or, in some jurisdictions, close family friends (often referred to as fictive kin). Relatives are the preferred resource for children who must be removed from their birth parents because it maintains the children's connections with their families.

In the last census, more than **2.5 MILLION CHILDREN** nationwide were being raised by kin without a birth parent in the home. About 120,000 children (or roughly 5% of those 2.5 million) are living with kin who are licensed as foster parents.

Nationally, kinship foster placements constitute about **A THIRD OF FOSTER PLACEMENTS.**

Challenges faced by youth in foster care are greatly **EXACERBATED BY RACE.** Nationally, African Americans constitute 43% of the foster population, while they make up 13% of the general population.

Philadelphia, as the poorest big city in the U.S., has the **HIGHEST PER-CAPITA RATE** of children in foster care of any major city in the country.

In 2018, slightly under **6,000 CHILDREN** were placed with the Philadelphia Department of Human Services (removed from their home for safety reasons). 47% of these children are placed in kinship care.

Kinship Care, continued from page three

nonrelatives to tough it out when a child is “acting out,” perhaps recognizing the child’s distress at separation from their parents, or seeing familiar family behavior that they know how to deal with. Traditional foster families are often reluctant to take on three or more siblings, whereas relatives are more likely to keep siblings together.

Children in kinship homes are also more likely to stay connected to their extended family and maintain their cultures and customs. Relatives more often live in the same neighborhood as the family of origin and engage in the same community and cultural practices. Run-away youth present a chronic challenge to the foster care system, and children placed with relatives run away less frequently.

Behavioral and mental health outcomes are also better for children in kinship homes. One study showed they had fewer behavioral problems three years after placement than children placed with strangers; the same study found children who moved to kinship care after a significant time in foster care were more likely to have behavioral problems than children in kinship care from the outset. A long term close relationship with an adult, such as a kinship caregiver, was found to predict more positive mental health as an adult. And, finally—and importantly—a placement with a relative is more likely to result in a stable permanent outcome for the child, whether reunification with a parent or remaining with the family member through adoption or guardianship.

Kinship care is not without its critics, who warn that it is not a panacea for all foster children. Some caution that the neglect or abuse that was the basis for removal in the child’s family of origin may very well exist in the relative’s home, and the child may be safer with a stranger. Some express concern that kin may have more conflicted relationships with the natural parent than a stranger, as a family’s dynamics may spill into the sometimes stressful situation of a child’s placement. Others express concerns that placements with kin may be just as likely to destabilize as placements with strangers. That said, strangers may be more invested than a relative in seeking to adopt the child and sabotage reunification efforts with the parent. Ultimately decisions regarding the safety of a child and the permanency plan for the child are subject to oversight by Family Court.

It starts with a phone call.

In Philadelphia, reports of neglect or abuse of a child come to the city’s Department of Human Services (DHS) through a state-wide hotline. Both mandatory reporters (teachers, medical professionals, and child care workers) and concerned neighbors or family members may call, and if the call sounds credible, DHS must investigate within 24 hours. In the small percentage of cases where the child is deemed to be in imminent danger, a court can authorize an *ex parte* order to remove the child from the home. The parent has a right to a shelter care hearing to challenge the removal within 72 hours, at which point attorneys are appointed for both the parent and child. Another hearing takes place within 10 days at which time the court will make decisions about whether the child can return home, or must be placed in foster care or possibly with relatives. Hearings to review the child’s situation take place about every 90 days.

In Philadelphia, about 6,000 children are in foster care at any given time. Recognizing that outcomes are better for youth who maintain family ties, Philadelphia’s DHS has worked hard to increase those numbers. “We define kin very broadly, it’s not just relatives,” says Heather Keafer, DHS’ director of communications. “Family friends, trusted teachers, coaches, or others who have a close connection with a child can qualify as kinship caregivers.

“Kinship caregivers are allowed to have foster children placed more quickly into their homes,” Keafer continues. “They still have to have the required criminal and child abuse clearances and have their home assessed, but they can complete the required training at a later date.”

In 2013, 31% of the city’s foster children were in kinship care; by 2016 that percentage had grown to roughly 47%. Since 2016, the numbers have stubbornly remained at less than half. The question is why, and what can be done about it?

Family law Professor Sarah Katz says, “The courts, and DHS, and all the lawyers should be asking about family at every stage of the game. Family gets ruled out for lots of reasons. And that’s exactly what this project (Pathways to Kinship) is all about, at what stage and for what reasons are family members getting pushed aside? And what are the advocacy tools that those family members can use to make sure their interest in becoming a caregiver for the child is heard?”

Families ‘ruled out for a multitude of reasons’

Kathleen Creamer, the managing attorney of the family advocacy unit at Philadelphia’s Community Legal Services, has seen firsthand many cases where potential caregivers don’t come forward. “One persistent barrier to kinship placement in Philadelphia is the lack of information and legal support for prospective kinship families,” says Creamer.

“Families are often confused about the rules about kinship care. How to apply for kinship care, and what their rights are if DHS denies them kinship care. With limited access to legal advocacy and support, there is often nowhere for these potential caregivers to turn.”

The confusion around kinship care extends to the community at large and the very families whose children would benefit from it. Many potential caregiver kin may hesitate to step forward because they fear repercussions from inviting DHS into their homes. Families may be unaware or confused about what supports and benefits are available to help house and feed an additional family member. Research shows that relative caregivers typically have far lower incomes than other prospective adoptive or foster parents, and can be ruled out for reasons that basically disqualify them for being poor, often involving housing requirements.

Maggie Potter, a social worker at Philadelphia Community Legal Services, has seen these scenarios play out with clients. As a social worker, she is brought in on complicated dependency cases. “I have worked with parents, who, in losing a child to foster care, were asking to have a relative assume care,” Potter says. “But in many cases, relatives had trouble clearing the hurdles of an adequate number of bedrooms, or prior criminal records—sometimes very old or very minor.”

Katz, who practiced for eight years at Philadelphia’s Community Legal Services, representing parents in dependency proceedings, has taught the Family Law Litigation Clinic in the Temple Legal Aid Office for the last seven years. “I’ve seen families out for a multitude of reasons. There can be generational trauma—prior criminal records, family history with the child welfare system, concerns about housing,” says Katz. “Sometimes it’s too easy to say grandma has a record, but it’s from 30 years ago—should it really bar grandma? There may be hard factors which rule out a relative, such as a serious criminal record, and then there may be more subjective factors. Sometimes if there was abuse by the parent, caseworkers or advocates may question why the relative did not step in to prevent the abuse.”

“In the first stages of involvement with the child welfare system, parents are often being asked questions without the benefit of counsel,” Katz continues. “And parents often don’t understand the implications when they are asked to identify family as resources for their child.” Once relatives come forward, there is no clear road map, and that is where the Stoneleigh Fellowship comes in.

The future: Finding where support is needed

For now, there is no legal services agency that specifically provides legal advice and representation to potential kinship caregivers to navigate the system. And advocates for children and families do not always realize the benefits of these family placements, or the advocacy strategies that can be used to overcome obstacles to children being placed with family. The fellowship will help attorneys develop and implement these advocacy strategies.

Nan Feyler, a current Stoneleigh Fellow and the director of the Housing and Child Welfare Initiative at DHS (and a former Phyllis Beck Professor at Temple Law) sees a strong commitment at DHS to improving access to kinship care. Feyler says that the Stoneleigh Fellow is well-positioned to contribute to that initiative.

“I think DHS’ work is probably the hardest in the city,” says Feyler. “People work really hard to make the best decisions they can. It’s hard making planning decisions in a situation where people are under the gun constantly.”

Despite being a huge bureaucracy, Feyler says, DHS can be quite nimble at adopting new strategies. A recent example is a program Feyler helped implement, Rapid Rehousing for Reunification, which provides concrete assistance to parents who are within six months of reunification with children in foster care, but lack the resources for housing that is deemed adequate. “We had a lot of support, some state money, and the will to implement the program relatively quickly.”

Potter, at Community Legal Services, is similarly optimistic about Philadelphia’s ability to implement positive change. In 2015, Potter released a report: “Philadelphia Should Expand its Kinship Care Program to Better Support Vulnerable Children and Families.” In the report, she made recommendations which would streamline the certification process for relatives willing to take children into their homes. These sorts of changes could be fairly easily implemented, she explains.

Of course, keeping children with families and out of the foster care system to begin with remains a goal. The federal Family First Prevention Services Act also funds services to strengthen a living situation so a child will not be removed in the first place, in addition to providing services to support kinship placement. Pennsylvania is in the process of implementing the Kinship Navigator Program to help relative caregivers access a wide range of services.

Today, more than ever, social scientists, lawmakers, child welfare agencies, and youth advocates are collaborating to advance a foster child’s chances of being placed with a family member. As Stoneleigh Fellow Karissa Phelps embarks on her two-year task of identifying “Pathways to Kinship,” there is tremendous enthusiasm—and need—for maintaining momentum. By hearing from community groups and families, Phelps hopes to provide input on implementation of Family First—advising on where support is most needed. She plans to represent some clients in relevant cases at Temple Legal Aid Office to hone her knowledge of the legal process. A key part of her fellowship will also be the establishment of a kinship care advisory board that could shepherd improvements in the future.

It’s a moment that holds a lot of potential, for Phelps, for Temple Law School, but most importantly, for the children of the City of Philadelphia.

THE TEMPLE 10-Q

— TEMPLE'S BUSINESS LAW MAGAZINE —

Cut, Paste, Send, Cert.: How 3 Simple Acts May Change the Securities and White-Collar Landscape

This article is reprinted from The Temple 10-Q, the electronic forum for cutting edge issues in business law published by Temple University Beasley School of Law, edited by Professors Jonathan C. Lipson, Salil Mehra, and Olufunmilayo Arewa; and Jonathan Broder '83. To subscribe to 10-Q go to www2.law.temple.edu/10q/.

On December 3, 2018, the U.S. Supreme Court heard oral argument on *Lorenzo v. Securities and Exchange Commission*, a seminal case that will resolve a circuit split on liability for three simple acts—cut, paste, and send—done at another person's direction. After this decision, broker-dealers and others in the industry will better understand the scope of Rule 10b-5. Shareholders also should pay close attention, as the ability to privately sue certain actors for fraudulent statements and related acts could be affected.

It all began when Francis Lorenzo cut some text, pasted it into an email, and clicked "send." Lorenzo was the director of investment banking at Charles Vista, LLC, an SEC-registered broker-dealer. In that capacity, Lorenzo's duties involved conducting due diligence on his clients, including reviewing their financial statements and public filings. In September 2009, Charles Vista served as the exclusive placement agent for a startup company's \$15 million convertible debenture offering. The following month, the company issued two public filings indicating that (1) its technological asset, a gasification technology, was valueless; (2) there was a total impairment of its intangible assets; and (3) the company's total assets were valued at approximately \$370,000. These public filings were a reflection of the failed gasification technology.

There is no dispute that Lorenzo had access to the public filings that revealed a significant decline in the company's financial health. There is also no dispute that prior to the release of the public filings, Lorenzo cautioned his boss about

offering a \$15 million convertible debenture for a company that had no assets to liquidate to protect its investors in the event of default. Nevertheless, sometime thereafter Lorenzo emailed two investors stating that: (1) the company had more than \$10 million in confirmed assets; (2) the purchase orders and letters of interest totaled over \$43 million; and (3) Charles Vista would raise additional monies to repay debenture holders, if necessary. All statements were false. Moreover, these emails were actually typed by Lorenzo's boss and sent to Lorenzo with the directive to send them to the two investors, which he did. Both emails noted that they were being sent at the request of Lorenzo's boss. The primary question, then, is whether Lorenzo's "cut, paste, and send" can make him liable for **making** untrue statements in violation of Rule 10b-5(b). And if he cannot be found liable for **making** untrue statements, can he be found liable for employing a scheme to defraud or for engaging in an act that operates to defraud?

Four years later, the SEC charged Lorenzo, his boss, and Charles Vista with violating antifraud provisions of the federal securities laws. Lorenzo's boss and Charles Vista settled with the SEC—but Lorenzo did not. Among the SEC's charges against Lorenzo were claims for violating all three subsections of Rule 10b-5, which accused Lorenzo of making a fraudulent statement and engaging in a fraudulent scheme. Specifically, Rule 10b-5 provides that

[i]t shall be unlawful for any person directly or indirectly ... (a) [t]o employ any device, scheme, or artifice to defraud, (b) [t]o **make** any untrue statement of a material fact ... or (c) [t]o engage in any act ... which operates or would operate as a fraud or deceit upon any person, in connection with the purchase or sale of any security.

17 C.F.R. 240.10b-5 (emphasis added). The SEC did not charge Lorenzo with aiding or abetting a fraudulent act.

The SEC prevailed against Lorenzo in administrative proceedings where the judge found Lorenzo violated all three subsections of Rule 10b-5. The judge imposed stiff penalties, including banning Lorenzo from the industry for life. He appealed to the full commission, but it sustained the administrative judge's decision, finding that Lorenzo knew the statements in the emails were false and misleading when he sent them. Lorenzo took an appeal to the Court of Appeals for the District of Columbia Circuit, but he lost once again, in a 2-1 decision.

Relying on guidance in *Janus Capital Group Inc. v. First Derivative Traders*, a 2011 Supreme Court 5-4 decision authored by Justice Thomas, the court decided Lorenzo did not "make" a statement under subsection (b) of Rule 10b-5, because he had no authority and control over the statement. "One 'makes' a statement by stating it ... For purposes of Rule 10b-5, ... **One who prepares or publishes a statement on behalf of another is not its maker.**" 564 U.S. 135, 142-143 (2011) (emphasis added). The court found, however, Lorenzo's conduct of transmitting misinformation directly to the investors made his involvement transparent, and violated Rule 10b-5 subsections (a) and (c). This made him liable as a fraudulent schemer under an aiding and abetting or substantial assistance theory, a holding the majority cited as supported under *Janus*. See *Janus*, 564 U.S. at 143 ("Rule 10b-5's private right of action does not include suits against aiders and abettors. **Such suits** – against entities that contribute 'substantial assistance' to the making of a statement but do not actually make it – **may be brought by the SEC**, see 15 U.S.C.A. § 78t(e), but not by private parties.") (emphasis added). Notably, Justices Breyer, Ginsburg, Sotomayor, and Kagan, the four *Janus* dissenters, heard oral argument and will be rendering a decision in this matter.

In dissent, Judge Brett Kavanaugh (now Associate Justice of the U.S. Supreme Court) opined that Lorenzo could not be deemed a schemer, because the statements were made by his boss—not him. In other words, the SEC should have been required to show more than a misstatement in proving that Lorenzo violated Rule 10b-5(a) and (c). According to Judge Kavanaugh, holding otherwise equates to "legal jujitsu" and eliminates the distinction between primary liability (direct violation) and secondary liability (aiding and abetting). Judge Kavanaugh harshly criticized the SEC, claiming it is attempting to "unilaterally rewrite the law" and "expand the scope of primary liability under securities law." Judge Kavanaugh's position has commanded majorities of panels in the Second, Eighth, and Ninth Circuits.¹ Due to his role as Associate Justice of the U.S. Supreme Court, Justice Kavanaugh recused himself, leaving a bench of eight, four of which include the *Janus* dissenters, to determine Lorenzo's fate.

While Lorenzo's fate seems to be sealed based on the assumption that the four dissenters in *Janus* will decline to extend it (which would result in the affirmation of the lower court's decision, and perhaps a clarified scope of 10b-5(b)), questions posed by Justice Alito suggest a 5-4 decision, and perhaps a clearer definition of scheme liability. During oral argument, Justice Alito pressed Robert Heim, counsel for Lorenzo, on numerous occasions, to explain how Lorenzo's conduct was not violative of Rule 10b-5(c), eventually asserting, "[Lorenzo is] a principal under (c)... he did the act that is described in (c)." Transcript of Oral Argument at 13, *Lorenzo v. Securities and Exchange Commission*, (No. 17-1077). As Christopher Michel argued on behalf of the SEC, affirming Lorenzo's liability would be consistent with Justice Alito's prior stance in a tax evasion case, where Justice Alito opined that "enumeration" of tax evasion in a statute that covered both criminal deceit and tax evasion did not preempt application of that statute to conduct that was solely criminally deceptive. *Id.* at 54-55. Mr. Michel analogized that case to *Lorenzo*, stating, "the enumeration of statements in Rule 10b-5(b) does not preempt or foreclose acts of conduct that fall within the text of the statute." *Id.* at 55.

While Lorenzo is simply looking for removal of the penalty imposed on him, the industry will be watching for how the Court might clarify the scope of *Janus* and the distinctions between primary and secondary liability under Rule 10b-5, particularly as it applies to actions instituted by the SEC. Either way, it will be interesting to watch the Supreme Court change the securities and white-collar landscape, and, more specifically, the scope of the scheme liability provisions by ruling on three simple acts of cutting, pasting, and sending an email. Stay tuned.

‘If he cannot be found liable for **making** untrue statements, can he be found liable for employing a scheme to defraud or for engaging in an act that operates to defraud?’



Cut, Paste, Send, Cert.
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¹ See e.g., *Public Pension Fund Group v. KV Pharmaceutical Co.*, 679 F.3d 972, 987 (8th Cir. 2012); *WPP Luxembourg Gamma Three Sarl v. Spot Runner, Inc.*, 655 F.3d 1039, 1057 (9th Cir. 2011); *Lentell v. Merrill Lynch & Co.*, 396 F.3d 161, 177 (2d Cir. 2005).



LAW SCHOOL NEWS

'A' IN VALUE: TEMPLE LAW RANKINGS CONTINUE TO RISE

Temple Law was awarded an "A" in value by *National Jurist Magazine*. The magazine ranked Temple at 20th nationally in its annual report on best value law schools, and raised the school's grade from an A- to an A. Temple was the highest ranked school in the region. The report recognizes schools at which graduates have an excellent chance of passing the bar exam and getting a legal job without incurring significant debt.

Temple Law is ranked 48th nationally by *U.S. News & World Report*, with Trial Advocacy ranked 3, Legal Research and Writing 11, Healthcare Law 16, International Law 19, Tax Law 25, and part-time programs 7.

Olufunmilayo Arewa is new Murray H. Shusterman Professor of Transactional and Business Law

Olufunmilayo Arewa joins the faculty as the Murray H. Shusterman Professor of Transactional and Business Law. With both a J.D. from Harvard Law School and a Ph.D. in Anthropology from University of California at Berkeley, Arewa brings a range of experience to the classroom. Her areas of research include music, business, entrepreneurship, technology, copyright, film, and Africana studies. She is currently writing a book on the global spread of African American music, and a book on technology disruption in Africa.

Before entering academia, Arewa practiced law for nearly a decade, primarily in the entrepreneurial and technology startup arena in Silicon Valley and New York. Before becoming a lawyer, she lectured at the Center for Afroamerican and African Studies at the University of Michigan and was a foreign service officer in the U.S. Department of State in Washington, D.C. and Montevideo, Uruguay.



Silicon Valley antitrust attorney Erika Douglas joins faculty

Professor Erika Douglas joins the law school faculty following eight



years of practicing antitrust and technology law, most recently at the Silicon Valley office of Covington & Burling. While in practice, Douglas represented Fortune 100 technology companies like Facebook and Google, and worked on past Attorney General Eric Holder's investigation into gender diversity and inclusion at Uber.

Douglas says she loved practice, but "over time, I wanted to focus on depth rather than breadth. I was pulled toward academia because I wanted to build autonomy and mastery in antitrust and technology, and to work with students." Douglas, who has done pro bono work challenging the administration's repeal of DACA, says that work informs her teaching. "My teaching centers on the message that the law is real, it's messy, and it matters every day in practical ways." Douglas earned a J.D. from the University of Western Ontario and an LL.M. in Law, Science and Technology from Stanford.

Third-year student launches middle school mentoring program

Adetola Ajayi '19 launched the Teaching; Engaging; Achieving; Motivating program in January 2019 for middle schoolers in Willingboro, NJ. Through this mentoring and educational program, students will learn criminal law topics including Miranda rights, police stops, and the role of race in police interactions. Students will also participate in a mock trial. Ajayi, who graduated from Willingboro High School in 2012 before attending Villanova University and Temple Law, said she was inspired to create the program to address the lack of diversity in the legal profession. "Promoting knowledge about the legal profession among the students and exposing them to basic legal concepts may encourage them to pursue legal careers," she says. Ajayi plans to expand the program in the future.



Adetola Ajayi '19

**Health law pioneer:
Scott Burris**



Professor Scott Burris was awarded the prestigious Jay Healey Health Law Teachers Award, presented by the American Society of Law, Medicine and Ethics. Burris is the founding director of the Center for Public Health Law Research at Temple Law. Since its founding in 2009, the center has pioneered the field of legal epidemiology—the scientific study of law as a factor in the cause, distribution, and prevention of disease and injury in a population. Burris is also a founder of Legal Science, a private company dedicated to the social mission of improving access to legal information and supporting the practice of policy surveillance. Burris has published widely on issues including urban health; discrimination against people with HIV and other disabilities; HIV policy; research ethics; and the health effects of criminal law and drug policy.

**International legal education expert
John Smagula is new head of graduate and international programs**

John Smagula returns to main campus after six years directing the law school's Beijing program to become Assistant Dean for Graduate and International Programs. In his new position, he will oversee all law school student international programs, including LL.M. degrees, international study, and student exchange. Smagula is a well-recognized expert in international legal education. He is fluent in Spanish and Mandarin Chinese, and he earned a J.D. at Washington University and an M.S. in TESOL from Temple.

**Frequently downloaded scholar:
Pamela Bookman**

Professor Pamela Bookman's "The Arbitration-Litigation Paradox" was the fifth most downloaded article in the area of law and society in fall 2018. The article, which will be published in the *Vanderbilt Law Review* in May 2019, explores the Supreme Court's interpretation of the Federal Arbitration Act, which is universally touted as favoring arbitration. Bookman's article contends that the Court's approach is not uniformly pro-arbitration; on the contrary, the Court's pro-arbitration and anti-litigation values sometimes conflict. When they do, Bookman writes, hostility to litigation wins.

Office of Graduate and International Studies staff (from left): Farlistcity El-Baker, John Smagula, Karen McMichael, and Joel Houkom.



The 2018 Class of Law and Public Policy Scholars gathers at the Microsoft Policy and Innovation Center in D.C.

**'POLICY . . . INFORMS EVERYTHING
WE DO AS LAWYERS'**

Now in its eighth year, Temple's Law and Public Policy Program welcomes 20 new students—called Scholars—to its ranks. The Scholars will spend summer 2019 working in Washington, D.C., at a wide range of governmental and nongovernmental placements including the Addiction Policy Forum, Bazelon Center, HUD General Counsel's Office, Microsoft Government Affairs Office, and various offices within the Department of Justice.

In D.C., the Scholars' work experience is enhanced by classes, leadership seminars, mentorship, and career guidance. Each Scholar produces a white paper on an issue of national significance. The majority of Scholars have presented their papers at an academic conference. Past Scholars have used these tools to influence policy on the federal, state, and local levels.

When the Scholars return to Philadelphia, they shift their attention to how change happens at the local level and work on actual issues facing the City of Philadelphia. Upper-level courses and an optional semester in D.C. allow Scholars to amass a range of policymaking experience.

"We sometimes forget that law is meant to serve human values," says program director Professor Nancy Knauer. "It exists to help us achieve our highest potential, individually and collectively. Policy is what we use to ensure that our laws continue to serve us well and to change them when they don't. It informs everything we do as lawyers."

FACULTY AROUND THE GLOBE

Temple Law has long recognized the value of a global legal education.

The international law program at Temple is consistently ranked among the top programs nationally by *U.S. News & World Report*. In keeping with this commitment, Temple Law faculty travel widely and often to teach, conduct research, and participate in conferences and policy making bodies worldwide. Shown here is a sample of the extensive international activities of Temple Law faculty in 2018-2019.

Salil Mehra presented *Sports, Two-Sided Markets and the Dilemma of Amateurism for Competition Law* at the International Sports Law Conference in Amsterdam.



Theresa Glennon is visiting at the University College Cork School of Law, researching the (mis)treatment of unwed mothers and their children as late as the end of the 20th century. These harms include forced confinement and adoptions as well as high rates of mortality.



Jen Lee was a Fulbright Scholar at National Autonomous University of Mexico, conducting research on the migration of Mexican women as part of the U.S. temporary worker programs.



Mexico City

Rachel Rebouché participated in a roundtable at the *Governance Feminism* conference hosted by the Institute for Global Law & Policy of the University of Los Andes in Bogota.



Bogota

Rafael Porrata-Doria visits the Universities of Buenos Aires and Palermo in Buenos Aires, Argentina, in March 2019 as part of a Temple University internationalization grant.



Buenos Aires

Olufunmilayo Arewa joined the meeting of the steering committee of the African Academic Network of Internet Policy in Accra, Ghana.





Scott Burris presented *Confessions of a Lawyer Empiricist* at the University of Groningen and *The New Public Health Law: A Transdisciplinary Approach* at the Aletta Jacobs School of Public Health of the University of Groningen.



Gregory Mandel presented *Public Perception and the Rule of Law: Lessons from Public Perceptions of Property and Intellectual Property* at the Global Forum on the Rule of Law Symposium in Beijing.

Margaret deGuzman participated in a panel on *Case Selection* at the Nuremberg Forum conference.



Jonathan Lipson is teaching at Temple University Japan for the spring 2019 law semester abroad.

Amsterdam

Cork

Paris

Groningen

Nuremberg

Florence

Beijing

Tokyo

Accra



Duncan Hollis joined representatives from more than 65 nations and hundreds of companies and civil society organizations in Paris for the Peace Forum and attended President Emmanuel Macron's launch of the Paris Call for Trust and Security [in Cyberspace], a document signed by more than 300 governments, companies, and NGOs (Temple University was a signatory to this declaration.)



Jeffrey Dunoff is the Fernand Braudel Senior Fellow at the European University Institute in Fiesole, outside Florence.



Sara Jacobson, Director of Trial Advocacy, is teaching at Temple's LL.M. program in Beijing.

New faculty books

Scott Burris, author (with Micah L. Berman, Matthew Penn, and Tara Ramanathan Holiday)

Using a “transdisciplinary approach” to public health law, this book teaches the core competencies of public health law work for both law and public health students. It reviews the fundamentals of public health law, its core legal doctrines, and skills needed to turn a public health law idea into a widely adopted, evidence-based law or policy. It includes training on the challenges and key issues regulators and authorities face in implementing, enforcing, defending, and evaluating public health laws.

Margaret deGuzman, editor (with Diane Marie Amann)

This volume honors William A. Schabas and his career with essays by luminary scholars and jurists from Africa, Asia, Europe, and the Americas. The book’s essays examine contemporary, historical, cultural, and theoretical aspects of the many arcs of global justice with which Professor Schabas has engaged, in fields including public international law, human rights, transitional justice, international criminal law, and capital punishment.

Duncan Hollis, author (with Barry Carter and Allen Weiner)

International Law is one of the leading textbooks in the field. It is structured around exploring the sources of international law such as treaties and custom as well as its subjects, including States and international organizations. Separate chapters address the jurisdictional authority of States and the immunities afforded them and their agents; other chapters cover further key areas of international law including human rights, the environment, the use of force, the law of armed conflict, and international criminal law.

Laura Little, author

In *Guilty Pleasures*, legal scholar Laura Little provides a multi-faceted account of American law and humor, looking at constraints on humor (and humor’s effect on law), humor about law, and humor in law. In addition to interspersing amusing episodes from the legal world throughout the book, the book contains 75 New Yorker cartoons about lawyers and a preface by Bob Mankoff, the cartoon editor for the *New Yorker*.

Mark Rahdert, author (with Frank Vandall and Ellen Wertheimer)

This latest edition continues to present tort law in a student-oriented way. The casebook is streamlined to correspond with the needs of a typical one-semester first-year course, while at the same time offering in-depth exposure to more complex and rapidly developing areas of tort law, such as causation, products liability, defamation, and privacy. In addition to leading cases that have heavily influenced tort law, the casebook also includes cases that illustrate important concepts through interesting and memorable facts.

Rachel Rebouche, author (with Janet E. Halley, Hila Shamir and Prabha Kotiswaran)

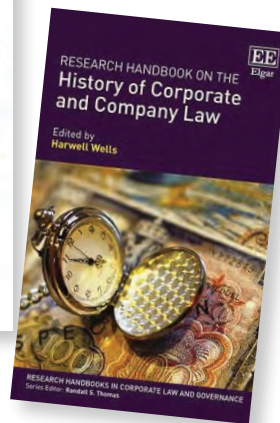
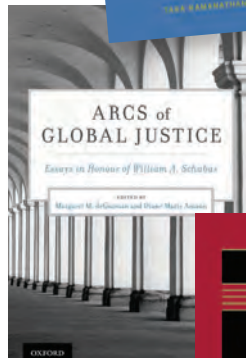
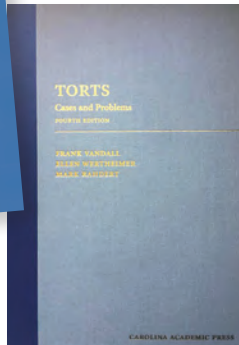
Governance Feminism maps how feminists and feminist ideas—but by no means all—now exert power in state and state-like institutions. The book shows how feminist-inspired social movements produce and export knowledge and how feminists forge political

alliances to realize their goals. Providing a clear, cross-cutting, critical lens for developments in feminist governance around the world, the book assesses the costs and benefits of current feminist realities and reimagined feminist futures.

Harwell Wells, editor

This handbook sheds new light on the historical development of both the corporation and business organization law. Contributions from international academics provide the first wide-ranging history of the laws of corporations and business organizations from ancient to

modern times. The contributors move beyond the United States and Western Europe to present studies in Mexico, India, and China, as well as addressing the trajectory of scholarly debate. The authors not only examine the growth of the law of public corporations, they also address the development of laws governing other business forms.



TOP TIPS FOR YOUR LATERAL MOVE

Think you are ready for a change? If you are seeking greener pastures for your future, consider these tips:

1

ASK WHY. What about your current position is causing you to consider a move? Are you seeking a different lifestyle or practice area? Do you need more room to stretch and grow? Or are you just escaping your current job? If you are really feeling stuck, consider hiring a career coach. Engaging with a coach requires an investment, but your career is worth it.

2

ASK WHAT. What is the environment you seek? Do you seek a large or small private practice setting? Do you want to be in a law firm HQ or is a satellite office ok? Or do you want to engage in mission-based work, so that a public interest or government agency would be preferable? Work setting is just as important as practice area.

3

ASK WHERE. Do your research. Think broadly and make a list of all of your organizations of interest. Would you consider making a move? Research bar admissions reciprocity. In PA, check: pabarexam.org.

4

ASK WHO. After you have a clear sense of why you are seeking a change and your preferred destinations, research who works there. LinkedIn works best for this. Make a list of people you know at these employers, or that you can easily connect to (think Temple Law School graduates, or alumni from your other schools and colleges).

5

ASK FOR ADVICE. Once you have identified a list of contacts, reach out and ask for advice first. If you ask for a job, and there is not an opening at that moment, the conversation is over. Advice, however, is always available. Say "I'd like to explore the possibility of working in a firm (or practice area) like yours."

6

ASK FOR INFORMATION. Follow up with your network of contacts by asking for information about that setting or practice area. Say "are most lawyers in this area members of a particular bar association or other professional group?"

7

ASK FOR A REFERRAL. Turn their contacts into your contacts. Say "is there anyone else with whom I should connect as I consider this change?"

8

DON'T FORGET YOUR RESUME AND YOUR LINKEDIN PROFILE. If your 2L year was the last time you updated your resume, it is going to need some work. You have likely earned a second page by now. More experienced lawyers sometimes choose to keep page one in the standard format, featuring education and job descriptions, then use other pages to list selected cases or deals in more detail. There are many resources on-line to help improve and maximize your LinkedIn profile. No current job search should be done without a solid LinkedIn presence.

9

DON'T JUMP TO—BUT DO CONSIDER—USING A SEARCH FIRM. There are many great search firms that can be helpful in your lateral move on the private practice side. It is wise, however, to engage in your own introspection to have a clear idea of what you want, and to engage in your own information gathering, before you automatically connect with a legal search firm.

10

DON'T FORGET THE TEMPLE LAW ALUMNI ASSOCIATION, YOUR LOCAL BAR ASSOCIATION AND THE OFFICE OF CAREER SERVICES. The TLAA welcomes your membership and active engagement. It is a great way to reconnect with classmates and the law school community. Bar associations provide ready-made networking opportunities. Finally, the Office of Career Services is happy to help. While we might not be able to broker a new deal for you, we are happy to brainstorm, listen, and help with resume review. Email lcareer@temple.edu to set up an appointment.



— Melissa Lennon '96, Assistant Dean, Office of Career Services; President of the National Association for Law Placement

Q+A

SAM POND '84

Sam Pond '84, a founder of Pond Lehocky Stern Giordano, was inducted into the Temple University Gallery of Success in 2018. In addition to founding the largest workers' compensation firm in Pennsylvania, Pond is a former president of the Philadelphia Trial Lawyers Association and chair of the Philadelphia Alliance. He has served, and continues to serve, in numerous other leadership roles.



“ AT THE DINNER TABLE, WE TALKED ABOUT THINGS LIKE DEMOCRACY AND HUMAN RIGHTS, AND HAD LIVELY DEBATES WHERE MY SISTER AND I WERE ENCOURAGED TO CHALLENGE AND QUESTION. THERE WAS ALWAYS THE IDEA THAT EVERYONE'S OPINION MATTERED, AND THAT KEEPING AN OPEN MIND WAS IMPORTANT. ”

Do you attribute any of your professional choices to where and how you grew up?

My family lived in the Northeast, in Torresdale, a pretty working class neighborhood. My father worked for the Philadelphia Gas Works, and was a union member until the day he died. My mother worked in a factory in North Philadelphia. So we were very union and worker-oriented, but my family was also always very interested in ideas and politics, and my parents really pushed education.

At the dinner table, we talked about things like democracy and human rights, and had lively debates where my sister and I were encouraged to challenge and question. My father leaned to the left, my mother to the right, but there was always the idea that everyone's opinion mattered, and that keeping an open mind was important.

Throughout school, my mother in particular always encouraged me to think of myself as a leader. I went through parochial schools, and graduated from Archbishop Ryan. I was raised Catholic, but I was always encouraged to question dogma and the status quo, and I still do.

When did you decide to become a lawyer?

It was a journey. When I was 17, like most kids in my neighborhood, I went into the trades. I had a job working on a pipeline from Marcus Hook to Easton and I liked the work. But my father said “look, you were always good at school. Why don't you try to go the college route?” So I enrolled at Drexel and studied finance. Towards the end, I was getting more and more interested in “rule of law” issues, and reading a lot about the Constitution and issues of democracy. That's when I applied to Temple Law.

Any special memories from your time at Temple Law?

My parents both died in my first year, which was emotionally hard but it really gave me a broader perspective on the whole “paper chase” aspect of that first year. It’s hard to get wrapped up in the details when you lose both parents in a short period of time, but I was young and I kept looking forward.

Towards the end of law school, I took Trial Advocacy—which was just developing at the law school at that time—and discovered that I loved the courtroom and how it allowed me to perform. My girlfriend, Mimi (who is now my wife) really encouraged me, saying “You’re loving this so much, I think you’ve found what you want to do.”

I also worked throughout law school—I had grants but I had to come up with tuition—and at one time or another I worked at all the city’s main institutions: Schmidt’s Brewery, Tastykake, and the *Inquirer*. I kept a union job on the presses at the paper until the day I passed the bar.

Was there a pivotal event or circumstance that inspired you to focus on representing workers in seeking fair compensation?

After law school, I stumbled into a job doing workers’ compensation as a defense attorney. I was in the courtroom constantly, which I loved, but I soon realized that I wanted to be representing the claimants—the people I had grown up with—and I switched to the other side. I worked at the firm of Martin, Banks, Pond, Lehocky & Wilson for 22 years before founding Pond Lehocky. (Pond Lehocky Stern Giordano was founded by Samuel Pond, Jerry Lehocky, David Stern, and Thomas Giordano Jr. in July 2010).

Jerry Lehocky ’85 graduated Temple Law the year after me. We had developed a real respect for one another over the years, originally as adversaries. He was a defense attorney, and at one point we had 40 cases arguing against one another. I asked him once where he picked up a certain strategy, and he said “I learned that trick by reading your depositions.”

We started with six attorneys in Philly. Today, our firm has six staffed offices, and I travel between them a lot managing about 41 attorneys and 250 people in all. But I still keep an active caseload. I will never lose a passion for the courtroom and advocating for my clients. It’s what I love best.

What are the challenges in workers’ compensation today?

For a long time, and particularly in the last thirty years, the insurance companies have become increasingly powerful and successful at eroding workers’ benefits. It’s a constant challenge to educate and change a public mindset about what we are owed—constitutionally—and how we are in danger of losing those rights. For instance, a right to a trial is in the Constitution, but increasingly we are seeing contracts with mandatory arbitration which eliminates that right. To enforce the original intention of the laws governing workers’ rights, we need an independent judiciary, and we need to be wary of politicization of the bench.

You are a longtime supporter of Drexel and Temple. You also are active in the Shoah Foundation, dedicated to Holocaust remembrance and the elimination of genocide worldwide. What guides your philanthropic decisions?

My work with Shoah—I’m on the anti-Semitism subcommittee—really goes back to the dinner table and my parents’ values. If anyone expressed any prejudice towards any group, my father would say, “Where did you learn to be so ignorant?” Our circle of friends was very diverse, and my godmother was Jewish.

// IT’S A CONSTANT CHALLENGE TO EDUCATE AND CHANGE A PUBLIC MINDSET ABOUT WHAT WE ARE OWED—CONSTITUTIONALLY—AND HOW WE ARE IN DANGER OF LOSING THOSE RIGHTS. //

Giving back is part of what we do. My wife and I are committed to helping children, especially around issues of hunger and education. I feel it’s important to support the institutions that educated me to be able to do what I do. We fund a scholarship in trial advocacy at Temple, as well as the Pond Lehocky Legal Studies Office at Drexel’s LeBow College of Business. I created a college scholarship in my mother’s honor for a member of the Torresdale Boys Club.

Why is it “a dream come true” to be teaching a class in workers’ compensation at your alma mater? What advice do you give students entering the profession?

I just starting teaching at Temple in the fall of 2017 and I love it. I bring in a lot of speakers and we practice taking depositions and have a mock trial. The first year, we had 11 students. This year we had 33.

I tell students to honor and respect the profession, and to try to keep the noise down about how horrible it is to be an attorney. Jerry Lehocky and I say all the time that is has never felt like work, because we are doing what we love, and making a difference to our clients at the same time. I tell my students that in becoming lawyers, they are becoming guardians of our democracy. It is both a duty and a high honor.

CLASS NOTES

1960s



JUDGE RONALD NAGLE '65 retired from the Chester County, PA Court of Common Pleas in December. Nagle, who has been a senior judge since 2011, was appointed to the bench in 2005 by then-Governor Rendell after a long career in legal practice at Buckley & Nagle. In February, Nagle announced that he has joined the West Chester, PA firm of MacElree Harvey as of counsel.

1970s

KATHRYN KOLBERT '77 retired in June 2018 as the Constance Hess Williams Director of the Athena Center for Leadership Studies at Barnard College, a position she has held since 2009. Kolbert helped launch a number of initiatives, most notably the annual Athena Film Festival. Kolbert will continue to work with the festival, which she co-founded. Kolbert will be honored in April at Barnard's annual gala, when she will receive the Frederick A.P. Barnard Award.

JOSEPH D. MANCANO '79 and Mark E. Cedrone '85, founding members of the law firm of Cedrone & Mancano, were recently presented with the Beccaria Award by The Justinian Society of Philadelphia and the Philadelphia Bar Association's criminal justice section.

1980s

DAVID KLEPPINGER '80 was recently elected chair of the Pennsylvania Chamber of Business and Industry's board of directors for 2019. Kleppinger is chair emeritus of McNees Wallace & Nurick, where he was chair for 12 years, practices in the energy and environmental practice group, and is co-chair of the firm's strategic solutions group.



LESLIE BETH BASKIN '81 recently was a course planner for the Pennsylvania Bar Institute's annual Bankruptcy Institute in Philadelphia. Baskin is chair of the bankruptcy and creditor's rights group of Spector Gadon & Rosen.

PAUL L. REGAN '82, a member of the faculty of Widener University Delaware Law School, received the outstanding faculty award from the law school's graduating class of 2018. Regan is also serving a three-year term on the board of professional responsibility of the Supreme Court of Delaware.

LEONARD A. BERNSTEIN '83 was among the founding members of the new Philadelphia office of the national law firm Holland & Knight, opened in July 2018. Bernstein was also named co-chair of the firm-wide financial services regulatory team, and the Philadelphia office's partner in charge of pro bono and community service.

Founding members of the law firm of Cedrone & Mancano, **MARK E. CEDRONE '85** and Joseph D. Mancano '79, were jointly presented with the

Beccaria Award by The Justinian Society of Philadelphia and the Philadelphia Bar Association's criminal justice section. In recognition of his achievements, Cedrone was also named a fellow of the American College of Trial Lawyers.

In December, **JOHN D. KIM '85** was named a prosecuting attorney for Maui County, HI. During his 33-year career in public service, Kim has served as deputy prosecuting attorney and deputy corporation counsel for the County of Maui and deputy attorney general for the State of Hawai'i.



JAMES J. KOZUCH '85, a shareholder of the intellectual property firm of Caesar Rivise, was elected president of the Bar Association of Lehigh County at the annual membership meeting in January.

In January, New York City Mayor William de Blasio named **HON. MICHAEL HARTOFILIS '86** to the criminal court division of the city's civil court. Hartofilis has served as an interim judge in the civil court since February 2018. He was with the Queens County District Attorney's Office for eight years before starting his own criminal defense practice, which he maintained for 22 years.

Former Pennsylvania state senator **JOHN C. RAFFERTY JR. '88** has been appointed to the disciplinary board of the Supreme Court of Pennsylvania for a two-year term. Rafferty represented the 44th district for 16 years. He recently joined the law firm of Hamburg, Rubin, Mullin, Maxwell & Lupin.



White and Williams attorney **NANCY CONRAD '89** has been named managing partner of the firm's Lehigh Valley, PA office. She previously was partner and chairwoman of the firm's labor and employment and education groups.

1990s

MARGUERITE NOCCHI '90, who practices family law in Lansdale, PA, has been elected chair of the family law section of the Montgomery County Bar Association.



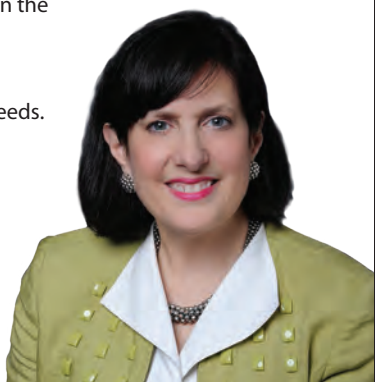
DONEENE KEEMER DAMON '92 was a featured panelist at the inaugural Fintech Forum, hosted by the New Castle County, DE Chamber of Commerce in December. Damon is the executive vice president of the Delaware firm of Richards Layton & Finger, where she is co-chair of the business department and chair of the corporate trust and agency services group.

JUDGE RIZZO '83 WINS PUBLIC SERVICE AWARD

HON. ANNETTE M. RIZZO '83, who sat in the Commonwealth Court of the First Judicial District of Pennsylvania for 16 years, was the 2018 recipient of the Hon. Louis H. Pollak Award. The honor is bestowed annually by the public interest section of the Philadelphia Bar Association to a jurist who is committed to public service and access to justice and supports the public interest legal community through work with the Philadelphia Bar Association. In 2008, Judge Rizzo developed the court's residential mortgage foreclosure diversion program, which mandates that no residential owner-occupied property in Philadelphia may go to Sheriff's sale without a conciliation conference being held.

Judge Rizzo has been active in many community organizations. She currently sits on the board of Casa Farnese, a senior citizen residential complex and on the executive board of the Temple Law Alumni Association. She also sits on the Philadelphia Bar Association's civil Gideon task force, which works to expand legal representation in civil matters which impact basic needs.

Judge Rizzo retired from the bench in 2015 and joined the Philadelphia office of JAMS, a private provider of mediation and arbitration services.



KAMAL JAFARNIA '92 was named general counsel and chief compliance officer of Artivest, a provider of alternative funds and technology solutions. Jafarnia will allocate his time between Artivest's New York and San Diego headquarters. Prior to joining Artivest, he was senior vice president with New York-based WP Carey.

ALEX KATZ '92 is the new chief financial officer of CURE Pharmaceutical. CURE Pharmaceutical is headquartered in Oxnard, CA.

DEREDE MCALPIN '92 was recently named senior vice president and head of litigation for LEVICK, a global crisis and

litigation communications firm. Prior to this position, McAlpin was vice president and chief communications officer for the Association of Corporate Counsel.



In May 2018, **MELVIN McDOWELL '92** was elected to a four-year term as a member of the Pennsylvania Republican State committee for Bedford County, PA. McDowell practices law in Bedford County, where he concentrates his practice in general litigation, including commercial and business cases.

TEMPLE ESQ. welcomes news and photos of our alumni/ae. Please include: Full name, class, degree, and a way to reach you if we need to confirm information.

Email janet.goldwater@temple.edu or update your contact information and share your news at https://www.law.temple.edu/_alumni/



SHERYL L. AXELROD '93 was inducted into the League for Entrepreneurial Women of Temple University Hall of Fame. Axelrod is the founder of The Axelrod Firm in Philadelphia.

ANTHONY LAKAVAGE '93, a senior vice president for the global external affairs division of USP, recently assumed the roles of secretary to the USP convention and secretary to the board of trustees. USP is an independent scientific organization that collaborates with the world's top experts in health and science to develop quality standards for medicines, dietary supplements, and food ingredients.



TINA MAZAHERI '93 was the keynote speaker at a U.S. Immigration Naturalization Service at the Pearl S. Buck House in Perkasie, PA. Mazaheri was invited to speak by Judge Linda K. Caracappa of the U.S. District Court for the Eastern District of Pennsylvania. Mazaheri practices law in Doylestown, PA.

**SEND US
YOUR
NEWS!**



In December, **HOWARD S. MEYERS '94** appeared before the U.S. Supreme Court in the matter of *Lorenzo v. SEC*, in which the court will determine the scope of SEC Rule 10b-5. (Editor's note: see article on page six.) In addition, Meyers was recently appointed dean of adjunct faculty engagement at New York Law School where he is a professor of law.

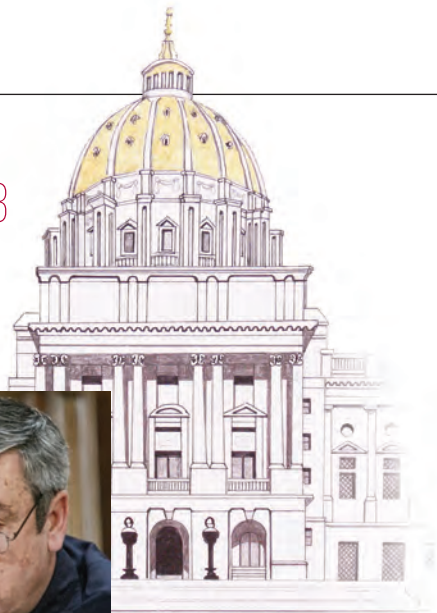


ROBERT J. WILLIAMS '95, chair of the aviation group in the Philadelphia and Pittsburgh offices of Schnader Harrison Segal & Lewis, was selected as director-elect of the attorney division of the Aviation Insurance Association. Williams, who also serves on the board of directors of AIA, will become director of the attorney division in 2020.

In January, **KEVIN BLAKE '96** announced the launch of Smith Mirabella Blake, a personal injury law firm based in Philadelphia, PA.

LISA PARKS OTTLEY '96 was re-elected to the civil court bench in New York City, Kings County (Brooklyn) in September. She was first elected in 2008, and in 2010 she became the first African American supervising judge of the civil court in Kings County, a position she held until 2015. In 2015, Ottley was appointed acting Supreme Court Justice. After her re-election to the civil court, she received the nomination for Justice of Supreme Court and was elected to the Kings County Supreme Court.

NOVEMBER 2018 ELECTIONS



Browne



Briggs



Sanchez

PAT BROWNE '93 of Allentown was reelected to the Pennsylvania state Senate as a Republican. He was also reelected by his colleagues to serve as chair of the Senate appropriations committee. Browne has been a state lawmaker since 1994, starting in the House before winning a special election to the Senate in 2005.

TIM BRIGGS '04 begins his sixth term as a State Representative for the 149th legislative district. A Democrat from Montgomery County, PA, Briggs is the minority chair of the house judiciary committee. He is a member of Hamburg, Rubin, Mullin, Maxwell & Lupin, where he has practiced since 2008.

BEN SANCHEZ '04, a Democrat, was elected in a three-way race in November to serve as a Pennsylvania state representative for the 153rd District. The 153rd district, which was previously represented by another Democrat, covers Abington Township and portions of Upper Dublin Township.

JOHN MCINTYRE '96 was recently elected chair of the board of directors for the Greater Philadelphia Community Food Bank. McIntyre is a partner at Reed Smith, where his practice focuses on complex business and class action litigation.



MAURO M. WOLFE '96 has been appointed co-chair of the criminal law committee of the International Bar Association for a two-year term. Wolfe is a litigation partner in the New York office of Duane Morris.



DAVID R. DAHAN '97 recently wrote an article (with William F. Hanna) published in the *New Jersey Law Journal* entitled "Community Associations: Steps After Developer Relinquishes Control of the Board." Dahan is a partner at the Marlton, NJ firm of Hyland Levin, focusing his practice on commercial litigation and business counseling.

Duane Morris partner **SANDRA A. JESKIE '97** has been appointed a fellow of the Chartered Institute of Arbitrators. Jeskie is chair of Duane Morris' information technologies and telecom practice group and a past president of the International Technology Law Association.

NATALIE KLYASHTORNY '97 has been appointed co-chair of the 2019 Philadelphia Bar Association annual bench-bar conference convening in October. She practices real estate law at Nochumson in Philadelphia.

AYODELE GANSALLO, LL.M. '98, a senior staff attorney at HIAS Pennsylvania in Philadelphia, was selected to receive the fourth annual Pennsylvania Bar Association immigration law *pro bono* award. The award is sponsored by the business immigration law firm of Green and Spiegel and coordinated by the PBA immigration law committee. In addition to her position at HIAS, Gansallo is an adjunct professor at the University of Pennsylvania Law School's transnational legal clinic and the co-author of the publication, *Understanding Immigration Law and Practice*.

2000s

JESSICA NATALI '00 has joined the white collar defense and special investigations practice of Greenberg Traurig. Prior to joining the firm, Natali had a perfect trial conviction record for 11 years as an Assistant U.S. Attorney for the Eastern District of Pennsylvania's criminal division.

FRANK TRIPODI, J.D. '00, LL.M. IN TAXATION '01, was recently elected partner at Pepper Hamilton. Tripodi is a member of the employee benefits and executive compensation practice group in the Philadelphia office.



In December 2018, Bronx Assistant District Attorney **RAYMOND VALERIO '04** received the Thomas E. Dewey Medal from the New York City Bar Association. Valerio began his career in the Bronx District Attorney's Office in 2004 and is currently the chief of the forensic science unit.



AMY T. BROOKS '05, partner at Wisler Pearlstine, recently presented "Now You See Them. Now You Still See Them: Student Residency Issues" at the Pennsylvania School Board Association's 2018 school leadership conference. Her presentation focused on options available to address student residency concerns.

JOHN J. MCGRATH III '05 was elected to partnership at Pepper Hamilton effective in January. He is a member of the health sciences department in the firm's Philadelphia office.

CHRISTOPHER P. SPINA '05 has joined PIB Law as an associate focusing on complex commercial litigation. Spina will work in the firm's Philadelphia, New Jersey, and New York offices.



In April 2018, **PETER BAKER '06** was appointed corporation counsel for the City of Jersey City. In this position, as head legal counsel for New Jersey's soon-to-be largest city, he supervises a staff of nearly 30 attorneys and municipal prosecutors. Baker has named **NICK STRASSER '04** as first assistant corporation counsel.

STEPHEN E. MURRAY '06 has been named a partner of the Philadelphia-based intellectual property law firm, Panitch Schwarze Belisario & Nadel.

CHRISTA FRANK HIGH '07 recently joined the firm of Law Offices of Daniel J. Siegel in Philadelphia where she practices in the areas of commercial, personal injury, and employment law.



In January, the Delaware firm of Potter Anderson & Corroon announced that **ALAN R. SILVERSTEIN '07** was promoted to counsel. Silverstein practices in the firm's intellectual property litigation group.



KATHERINE J. SULLIVAN '07 has been elevated to shareholder of Wharton, Levin, Ehrmantraut & Klein, where she is a civil litigator focusing on the defense of general liability, products liability, and medical negligence claims. Sullivan is resident in the firm's Wilmington, DE office.



GREGORY F. VIZZA '07 has been named partner at Blank Rome in Philadelphia. Vizza concentrates his practice on business restructuring, bankruptcy, and financial services.



ANDREW MILZ '08 and Jody Thomas Lopez-Jacobs '15 recently obtained a jury verdict against a Pennsylvania State Police trooper which resulted in a punitive damage award that is one of the largest ever awarded in a case involving improper repossession of a vehicle by police. The Johnstown-area jury found that the trooper recklessly violated the client's Fourth and Fourteenth Amendments rights in repossessing the client's vehicle. Milz and Jacobs practice law at the consumer law firm of Flitter Milz.



AMBER RACINE '08, of Raynes Lawn Hehmyer, was given the F. Sean Peretta Service Award by the Philadelphia Bar Association young lawyers division at its year-end celebration. The award recognizes an individual who has devoted substantial time to community service.



In January, **JAIME WEINSTEIN, J.D. '08, LL.M. '10**, was named executive director of Lifecycle WomanCare, a stand-alone birth center and women's health care provider based in Bryn Mawr, PA. Weinstein previously worked at

the Horsham, PA-based FirstLease, where she was an executive vice president and chief operating officer.

LAUREN E. O'DONNELL '09 has been named partner at Blank Rome in Philadelphia, where she advises clients on white collar criminal defense matters, internal investigations, and healthcare fraud and abuse. O'Donnell is a member of the white collar crime steering committee for the ABA's Philadelphia young lawyers' division, and serves as the assistant secretary for the Center City Residents' Association board of directors.

2010s



EDWARD BUTKOVITZ '10 has been elected partner at the Philadelphia firm, Kleinbard. Butkovitz joined the firm in 2012 as an associate in the litigation department.

JENNIFER COLESON '10 recently joined the publications staff at The American Law Institute as a legal editor.

ROCHELLE KEYHAN '10 received the inaugural International Stop Slavery Hero Award, presented by Thomson Reuters. Keyhan is founder and CEO of Collective Liberty, an advocacy non-profit which works on human trafficking issues with a focus on collaborative systems change across industries. Keyhan was formerly the director of disruption strategies at Polaris, a department she designed to shift systems to disrupt trafficking in the US. Before joining Polaris, she spent six years as a prosecutor of gender-based violent crimes in Philadelphia and ran the non-profit Feminist Public Works.

Stay connected





CHRISTINE M. HANHAUSEN '11 has been promoted to partner at Reed Smith in the firm's Philadelphia office. She was previously an associate. Christine is a member of the State & Local Tax Group and her practice is concentrated on multi-state income tax, and sales and tax planning and controversies. Christine obtained her B.A. from Franklin & Marshall College in 2007. She received her J.D. in 2011 from Temple University Beasley School of Law.

DANA IMPERIA '11 has been named a partner at Green and Spiegel. Imperia works in the Philadelphia office of the international immigration law firm.



VANESSA McGRATH SNYDER '11 joined Pennsylvania Bar Institute's Philadelphia office as its associate director for Philadelphia programming and operations.

ISAAC A. HOF '12 has been promoted to partner at Hof & Reid in Bethlehem, PA, where he concentrates on personal injury litigation. Hof previously practiced civil litigation at Stradley Ronon Stevens & Young in Philadelphia.

JONATHAN LAURI '13 is an associate and member of Stark & Stark's nursing home negligence group in the firm's Lawrenceville, NJ office.

JOSEPH W. GABLE JR. '14 joined Stark & Stark in 2018 as an associate and member of the accident and personal injury group in the Marlton, NJ office.

WILLIAM D. OETINGER '14 has joined Grim, Biehn & Thatcher in Perkasi, PA, where he practices general litigation, criminal law, and municipal law. Prior to joining Grim, Biehn & Thatcher, Oetinger was an assistant public defender in Bucks County, PA.

KEVIN D. BIRKHEAD, LL.M. IN TAXATION '15, has been elected a partner of the Ft. Washington, PA firm of Timoney Knox. Birkhead focuses his practice on trusts and estates, business law, and taxation.



JAMES J. FITZPATRICK '15, a captain in the Judge Advocate General Corps of the PA Army National Guard, recently returned from an 11-month deployment to Kuwait and Jordan as part of Operation Spartan Shield in support of Operation Inherent Resolve. While deployed, Fitzpatrick was an administrative law attorney providing ethics and legal counsel on a variety of investigations to units stationed throughout the Middle East. Fitzpatrick is an associate at Elliot Greenleaf in Blue Bell, PA.



JODY THOMAS LOPEZ-JACOBS '15 and Andrew Milz '08, of the consumer law firm of Flitter Milz, recently obtained a jury verdict against a Pennsylvania State Police trooper which resulted in a punitive damage award that is one of the largest ever awarded in a case involving improper repossession of a vehicle by police. The Johnstown-area jury found that the trooper recklessly

violated the client's Fourth and Fourteenth Amendments rights in repossessing the client's vehicle.



AMANDA REED '15 has joined the Washington, D.C. office of Caplin & Drysdale as an associate in the international tax and private client practice groups.



ANTHONY A. SKALSKI '15 recently joined the firm of Capehart Scatchard. He is an associate in the firm's workers' compensation department in the Mt. Laurel, NJ office.



NOAH J. GOODMAN '16 has joined the Philadelphia personal injury firm of Raynes Lawn Hehmeyeras as an associate. Goodman also researches and writes about collective bargaining issues in professional sports,

and has presented his research at the Cooperstown Symposium on Baseball and American Culture and the Society for American Baseball Research's National Convention.

DEVEN A. AMIN '17 has joined Fitzpatrick Lentz & Bubba as an associate in the firm's corporate, business and banking, and healthcare groups.

JULIE GRANT, LL.M. IN TRIAL ADVOCACY '17, will appear as an anchor with Court TV's news team when the network relaunches in May 2019 following a ten-year hiatus. Grant leaves a position of legal editor, anchor, and reporter at KDKA-TV, the CBS owned-and-operated station in Pittsburgh. Prior to joining KDKA, she was an anchor for three years at the Fox affiliate in Winston-Salem, NC. Before that, she served as Assistant District Attorney in Allegheny County, PA.

JENNA CANTARELLA '18 has joined Parker McCay in their Mt. Laurel, NJ office, where her practice is concentrated in the area of public finance. Cantarella was a paralegal at Parker McCay before earning a law degree.

IN MEMORIAM

Samuel M. Snipes '53
James J. Prendergast '58
Hon. Richard A. Powers III '62
Herbert Leedom Broadbelt III '71
John Blair McLeod '72
Paula M. Szortyka '80
William H. Blasberg '81
Robert Eric Hall '84
Kennard Strutin '84
Thomas M. Vojtek '85
Stephen J. Boff '94

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At Temple Law, 74% of the student body receives financial aid in the form of scholarships or grants. As a way to pay it forward, for the past 20 years members of each graduating class donate to a Class Gift. This year the Class of 2019 is raising funds to support scholarships for two deserving students, one day and one evening, who enter Temple Law the following fall.

Leading this year's giving campaign is Class of 2019 President, Cameron Redfern. Redfern teams up with Professor Craig Green, who, as faculty liaison for the class gift, asks his colleagues to match the amount raised by the students. Last year Green was successful—100% successful.

"We want the class to feel like this is something we're doing as a group to honor the experience we've had as the class of 2019," says Redfern. "To reflect that—and to respect the different economic circumstances people are in—we are asking that everyone give at least \$20.19. Many will give more, but every dollar counts."



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33%

STUDENTS
OF COLOR

118

COLLEGE AND
UNIVERSITIES
REPRESENTED

54%

WOMEN

78%

WORKED BETWEEN
COLLEGE AND
LAW SCHOOL

29

STATES AND COUNTRIES
REPRESENTED

6

SERVING OR
SERVED IN
THE MILITARY

