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Page 1 skyline photo by Edward Savaria, Jr./PCVB

## Tell Us What You Think!

The *Philadelphia Bar Reporter* welcomes letters to the editors for publication. Letters should be typed. There is no word limit, but editors reserve the right to condense for clarity, style and space considerations. Letters must be signed to verify authorship, but names will be withheld upon request. Letters may be mailed, faxed or e-mailed to: Jeff Lyons, Senior Managing Editor, *Philadelphia Bar Reporter*, Philadelphia Bar Association, 1101 Market St., 11th floor, Philadelphia, PA 19107-2955. Phone: (215) 238-6345. Fax: (215) 238-1159. E-mail: reporter@philabar.org.

## Frontline

# FJD Judicial Fellowship Program Benefits Both Job Seekers, Judges

ONE OF THE MOST VALUABLE LEARNING experiences of my career came as a young lawyer. I was fortunate to learn about an open clerkship position with Pennsylvania Supreme Court Justice James T. McDermott. The year was 1985.

Trying my hardest to impress the Justice during the 90-minute interview, I studied his published opinions for insights. However, to my surprise, I found my most common ground with him on the least-suspecting topic: literature. We spent the majority of our initial time together discussing Samuel Johnson, Goethe's Faust and Anthony Burgess, among many others.

Justice McDermott was a voracious reader. He would read a book in a day. In the back of the book, he would put the date and the day's weather. To this day, I still have all the books he generously gave to me.

In the two years I clerked for Justice McDermott, I helped draft 18 opinions for him. His mentorship was instrumental in my career and I continued to stay in touch with him, discussing books, movies, and, of course, the intricate fabric of a just society, until his passing in 1992.

Judicial clerkships offer tremendous insight on the decision-making process and how the courts work. To be mentored by a sitting judge and introduced to members of the Bar affords you the skills, knowledge and connections that put you on an excellent path for the rest of your career in the legal profession.

In a sluggish job market, such opportunities can also be invaluable in positioning a law school graduate as an attractive candidate to a potential employer.

Philadelphia judges are currently seek-

ing to host law graduates as judicial fellows to provide them with substantive legal experience while benefitting the court system with additional legal talent, as part of the First Judicial District's Judicial Fellowship Program.

The program was created last year to address the difficult hiring climate for lawyers that many recent law graduates are facing.

Participating law schools include the Earle Mack School of Law at Drexel University, the University of Pennsylvania Law School, Temple University Beasley School of Law, Rutgers University Camden Law School, Villanova University School of Law, Penn State University Dickinson School of Law and Widener University School of Law, but the judges welcome applicants from any accredited law school.

The Judicial Fellowship Program provides high-caliber law graduates professional development opportunities. At the same time, the judicial fellows help our busy court carry out key functions and maintain its superior quality of service to the Philadelphia community.

Judicial fellows work in the civil, criminal, family and orphans divisions of the Philadelphia Court of Common Pleas and Municipal Courts, carrying out the same duties as paid judicial clerks.

The fellowships help recent graduates gain valuable experience and strengthen their marketability for obtaining a paid position in law. Judges select judicial fellows through an application process

By John E. Savoth



administered by the court.

Each judge and fellow team designs a flexible schedule (minimum of 20 hours per week) that ensures reliable service to the judge but permits the fellow to seek a paid position elsewhere and to leave the fellowship with two weeks' notice upon obtaining paid employment.

Philadelphia Court of Common Pleas Judge Lisa M. Rau developed the program with help from Drexel Law Professor Chapin Cimino as well as faculty and administrators from career services offices at the Penn and Temple law schools.

During the first year of the program's existence, 88 percent of the 30 judicial fellows left their fellowships having successfully secured paid positions.

Judge Rau saw the opportunity for a double fill-the-gap experience: while recent grads were suffering from gaps in employment opportunities, the Court had gaps of its own to manage. Due to state budget constraints, the First Judicial District had less than a full complement of judges, yet remained committed to both efficiency and quality.

And now, the court can draw upon the talent of new graduates to maintain these commitments while at the same time provide real-work experience to graduates.

The fellows immediately put their law degree to work, preventing a gap on their resume, while actively cultivating contacts inside the Bar and expanding their net-

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## Notice to Potential Judicial Candidates

THE COMMISSION ON JUDICIAL SELECTION and Retention of the Philadelphia Bar Association evaluates the qualifications of persons seeking appointment or election to the Philadelphia Common Pleas and Municipal Courts.

Individuals who wish to be considered for appointment or who are considering filing for the 2013 primary election as judicial candidates should contact the Commission on Judicial Selection & Retention c/o Charles J. Klitsch, Esq., the Bar Association's Director of Public and

Legal Services, to obtain a Judicial Evaluation Questionnaire, the Commission's Guidelines for Evaluation of Attorney and Judge Candidates and Bylaws of the Philadelphia Bar Association.

In order to ensure that each candidate receives a full and fair evaluation, the completed questionnaire must be returned by Monday, Dec. 3, 2012 to "Judicial Commission" at 1101 Market St., 11th Floor, Philadelphia, PA 19107-2911. Also, candidates who have previously been evaluated by the Commission

are invited to contact the Association to determine whether their ratings are current by calling Mr. Klitsch at (215) 238-6326. Individuals are reminded that under the Commission's Guidelines, any candidates who do not participate in the Commission's evaluation process will receive "Not Recommended" ratings if they continue to pursue either appointment or election.

Gaetan J. Alfano, Esquire  
2012 Chair, Commission on Judicial Selection and Retention

## PCRA

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of new evidence or new Supreme Court case law affecting a constitutional right can provide an exception to the otherwise inflexible one-year time limit. Rose and Godfrey emphasized that each exception is nuanced and entails specific constraints. With respect to a new Pennsylvania or U.S. Supreme Court decision implicating a constitutional right, the time-bar exception is only triggered if the new law is specifically designated as retroactive.

With respect to newly discovered evidence, a defendant must file a PCRA within 60 days of discovering the evidence; however, Rose cautioned that the 60-day time limit begins running when the evidence "could have" been discovered, not necessarily when it was actually discovered.

There is a "movement afoot" to change the limit from 60 days to 90 days when a defendant discovers new evidence affecting his or her case, said Godfrey. Due to the many recent cases involving the stringent 60-day time limit for newly discovered evidence, Pennsylvania state Sen. Stewart Greenleaf proposes a slightly more generous 90 days. Currently, however, the statute remains as it is.

Rose summarized three recent U.S. Supreme Court decisions relevant for criminal practitioners. *Lafler v. Cooper* (regarding the right to effective assistance of counsel with respect to guilty plea agreements, offers and negotiations), *Martinez v. Ryan* (regarding effective assistance of counsel during state collateral proceedings), and *Miller v. Alabama* (involving the issue of juveniles sentenced to life without parole). The "big issue," said Rose, is whether these cases will be applied retroactively for purposes of the PCRA.

*Angie Halim (ahalim@aandzlaw.com) is an associate editor of the Philadelphia Bar Reporter.*



PHILADELPHIA BAR ASSOCIATION

NEW WAYS TO CONNECT TO US!

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## Frontline

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work. The hiring judges in turn benefit from energetic, fresh talent in their chambers.

President Judge Pamela Pryor Dembe insightfully predicted, "This is a winner for both the courts and the new graduates." Administrative Judge D. Webster Keogh supported the program when it began, and Administrative Judge John W. Herron has continued the court's support.

As of this writing, 44 Philadelphia judges are now seeking to mentor fellows. In fact, the program's biggest challenge has proved to be a largely unexpected one, which is trying to attract grads to the post.

Help us spread the word about this valuable program. For additional information and fellowship application forms, visit the Judicial Fellowship Program's website at [www.courts.phila.gov/jfp](http://www.courts.phila.gov/jfp).

*John E. Savoth (jsavoth@smbb.com), of counsel to Saltz, Mongeluzzi, Barrett & Bendesky, P.C., is Chancellor of the Philadelphia Bar Association.*

## Elections

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the Dec. 4, 2012 annual meeting, nominations in writing which, for candidates of the Board, must be signed by at least 25 members who are entitled to vote; for candidates for Secretary, Treasurer, Assistant Secretary and Assistant Treasurer, shall be signed by at least 35 Members who are entitled to vote; and for candidates for Vice Chancellor, shall be signed by at least 100 members who are entitled to vote.

Individuals who wish to run for any of the above named offices should contact Susan Knight, CFO/Director of Administration at [sknight@philabar.org](mailto:sknight@philabar.org) for additional information. Signatures, along with a resume, and written authorization should be submitted to Association Secretary Sophia Lee, c/o Susan Knight, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107, no later than 5p.m., Friday, Oct. 5, 2012.



## September CLE Calendar

*These CLE programs, cosponsored by the Philadelphia Bar Association will be held at The CLE Conference Center Wanamaker Building, 10th Floor, Suite 1010, Juniper Street entrance unless otherwise noted.*

### Live & Simulcast Seminars

- Sept. 11 • Auto Law Basics
- Sept. 12 • CLE at Citizens Bank Park – Managing Legal Risks, Strategies, and Opportunities for Your Athlete, Brand and IP in Social Media
- Sept. 14 • Calculating Damages and Lost Profits in the Commercial Case
- Handling Protection from Abuse (PFA) Cases
- Sept. 20 • 17th Annual Bankruptcy Institute
- CLE with the Philadelphia Union: Ethics for the Sports Lawyer (PPL Park Stadium, Chester)
- Sept. 21 • IRAs: What Is Your Exit Strategy?
- Sept. 21-22 Immigration Law Forum-2012
- Sept. 27 • The Proliferation of Hate Groups in America - How the Law, Politics and the Expanding Internet Help Them Grow

### Simulcasts from PLI

*Save yourself the time and expense of an overnight trip to New York City, and take advantage of the specialized educational programs for which PLI is famous.*

- Sept. 5 • Hedge Funds 2012: Strategies & Structures for an Evolving Marketplace
- Sept. 6 • Hot Topics in Mergers & Acquisitions 2012
- Sept. 10-11 43rd Annual Estate Planning Institute
- Sept. 18 • Building Better Construction Contracts: Tailoring Incentives, Creating Collaboration & Developing Effective Risk Allocation 2012
- Sept. 24 • Electronic Discovery Guidance 2012: What Corporate and Outside Counsel Need to Know

### Mark Your Calendar

- Nov. 14 & 15 18th Annual Business Lawyers' Institute
- Nov. 14 & 15 19th Annual Estate Law Institute
- Dec. 5-6 16th Annual Real Estate Institute

► [www.pbi.org](http://www.pbi.org) ► 800-932-4637

### Video Seminars

- Sept. 5 • Spoliation and Preservation of Evidence in the Civil Case
- Sept. 6 • The Technology You Need to Start a Law Practice OR to Overhaul the One You Have
- Sept. 7 • Assessments in Pennsylvania: What's New!
- Sept. 10 • Bob Dylan and the Art of Taking Legal Ethics Seriously
- Social Security Disability: The Basics
- Sept. 12 • Wildlife Laws in Pennsylvania 2012
- Sept. 13 • Performance on Trial: Courtroom Magic
- Fundamentals of Oil & Gas Law
- Sept. 14 • Ethics Toolbox
- Sept. 19 • Boilerplate Clauses in Contracts: Use at Your Own Risk
- Sept. 21 • Law Firm Responsibilities and Recovery
- Sept. 24 • Revisiting Younger's 10 Commandments
- Sept. 25 • Civil Practice in Magisterial District Court
- Sept. 26 • e-Commerce
- Sept. 27 • Bob Dylan and the Art of Taking Legal Ethics Seriously
- Disciplinary Diversion for Lawyers and Judges
- Sept. 28 • Internet Defamation
- Ethics Toolbox

### Distance Education – Live Webcasts

*If you can't watch it live, sign up now and get credit when you watch it later (you've got 3 months after the webcast date).*

- Sept. 20 • Handling Protection from Abuse (PFA) Cases
- Sept. 27 • The Proliferation of Hate Groups in America
- Sept. 28 • IRAs: What Is Your Exit Strategy?

### Online CLE

Delivered over the Web at your convenience. We call this 24/7 CLE. When you need the information (or the credits), log on to our Online Campus and find a course that meets your needs: a recording of a seminar, with the materials in convenient searchable PDF format. Start it today, finish it within three months, and get credit when you're done.

