

PENNSYLVANIA & DELAWARE

Super Lawyers®

2023



THE ESSENCE OF BEING A GOOD LAWYER

Perennial Super Lawyers listees reflect
on the last 20 years of law

The inherent optimism
of **Susan Lin**

Jay and Leah Edelstein carry
on the family legal tradition

Young attorneys look to the future

CONTENTS

PENNSYLVANIA & DELAWARE 2023



Look for anniversary fun facts throughout the issue!

- 16 RE-COVERED**
We get nostalgic: A sampling of *Super Lawyers* covers from over the years.
- 18 COVER STORY**
Five Pennsylvania attorneys reflect on two decades of life and law.
- 24 FEATURE**
Why Susan Lin is in criminal defense for the long haul.


- 10 EXHIBITS**
Cakes, rescued cats, bar exam facts and more.
- 11 RISING STARS SPOTLIGHT**
Three young attorneys on the outlook for the future.
- 12 FAMILY AT LAW**
Jay and Leah Edelstein carry on the tradition of Nathan and Edward.
- 14 DISCOVERY**
Oderah Nwaeze on the value of hard work, moving on after wins, and the voice his nieces and nephews love.
- 15 SUMMATION**
Mining the data from our national lists.

THE ANNUAL LIST

- 29 SELECTION PROCESS**
- 30 THE TOP LISTS**
- 35 LISTED BY AREA OF PRACTICE**

LAWYERS DID NOT PAY TO BE INCLUDED IN THE EDITORIAL FEATURES, DEPARTMENTS OR SUPER LAWYERS LISTS.

COVER AND TABLE OF CONTENTS PHOTOGRAPHY BY MOONLOOP PHOTOGRAPHY



THE ESSENCE OF BEING A GOOD LAWYER

Pennsylvania attorneys reflect on two decades of life and law

BY AMY WHITE PHOTOGRAPHY BY MOONLOOP PHOTOGRAPHY

Twenty years ago, the first edition of *Pennsylvania Super Lawyers* magazine was published, which included our first list of the state's top lawyers. To celebrate, we sat down with Bernie Smalley, Bob Mongeluzzi and our first-ever cover subject, Tom Kline, all three of whom have been on the list since its inception. Anna Durbin and NiaLena Caravasos joined the list the following year, in 2005. Below, the lawyers recall 20 years of cases, changes, lessons and growth—and consider the next 20 years to come.

A great bit of advice comes from Durbin: "Above all else, find the joy," she says. "Practice law in a way that is joyful. If it is all drudgery and pain, you're doing it wrong."

How has your practice changed in the last two decades?

Tom Kline, Kline & Specter; Philadelphia;

Personal Injury: The adaptation and usage of technology has meant a rebuilding of infrastructure when it comes to a modern, evolving law firm. Perhaps just as important, one of the great changes has been the extensive collaboration with lawyers outside of our firm in very large projects, like the Amtrak litigation I worked with Bob [Mongeluzzi]. Leadership in large litigations put certain demands on lawyers and test skill sets that are different than just being a trial lawyer preparing your solo case and going to court.



Anna Durbin, Law Offices of Anna M. Durbin;

Ardmore; Criminal Defense: I'm a federal criminal defense lawyer, and the way sentencing guidelines work now, with penalties for going to trial if you lose, are just horrible. Your client's sentence is now much higher. You only go to trial if the client has no choice. That results in far less trials, which is sad for two reasons. One, I think it's very important for people in the community, for juries, to hear not just the lurid headlines about cases, but also the truth that people are not the equivalent of the worst thing they ever did in their lives. Second, what we do a lot of now with judges is present to them at sentencing, so it's like our real storytelling opportunity is taken away. I've evolved by getting really good at writing sentencing memos in a way that tells the story without most of the main characters.



Bob Mongeluzzi, Saltz Mongeluzzi & Bendesky;

Philadelphia; Personal Injury: I'm probably trying [fewer cases], but not by choice. I found in the last 20 years that the insurance companies are way less likely to try to tempt fate.



NiaLena Caravasos, Law Office of NiaLena Caravasos; Philadelphia; Criminal Defense;

White Collar: *United States v. Booker*. When I started practicing, federal sentencing guidelines were mandatory. So where you fell is where you were going to be sentenced, unless you went to trial and were acquitted, or you cooperated with the government, and the government made a motion for the judge to depart downward from



whatever the mandate range was—like 37 to 46 months, for example. With *Booker*, now the federal sentencing guidelines are no longer mandatory. They are advisory. A judge now can consider a myriad of factors, which has been a very positive change in my opinion.

Bernard "Bernie" Smalley, Raynes & Lawn;

Philadelphia; Medical Malpractice: It's much more specialized. Part of that specialization comes with being much more selective in the kinds of cases that we take on as a firm. The evolution personally is that I spend much more time on law-related pursuits outside of the firm with the blessings of my partners at Raynes & Lawn. I was elected the first African American in 153 years to be the president of the board of directors of City Trusts, which oversees all trusts left to the city of Philadelphia. It encompasses a significant amount of my time, and I don't know that it could have fit in with the more general practice I had 20 years ago.



How have you changed in the last two decades?

Caravasos: I think most of my colleagues would say I haven't changed. I do it my way, like Frank Sinatra, and I really don't care what anybody thinks. I feel that I've become more unapologetic about being that way. I also think where before I was all about the excitement and the high of the courtroom, I now realize the value of never being in a courtroom. I still love the chase, but as I've matured, I don't always *think*, 'Trial is best for the client,' I also truly *feel* it.

Durbin: I'm still the person who tries to find out the best things about my client and not judge them because of the worst thing they ever did. Truthfully, I may be a little less patient, a little more burnt out.

Kline: Twenty years ago, I was eating Necco Wafers and popcorn every day. I was the lawyer who stayed up until 1 a.m. and got up at 5:30 to prepare. I believed in sacrificing sleep for preparation, and now I prepare extensively, well in advance. I think that's because of a kind of facility and comfort level that comes with being a trial lawyer for over 40 years. Twenty years ago, I didn't prioritize self-care; now, I realize the great benefits of exercise and sleep and I've taken up both of them with much passion. I walk 10 miles a day. It keeps me focused, and it has changed my life, frankly.

Mongeluzzi: Over the last year or so, I've given a number of lectures on something that I've become better at: strategic decision-making. How do you get better at strategic decisions? You get better based on experience. It's those things that go wrong and the mistakes that you make that are generally the things that teach you the most.

Smalley: I find myself doing something that I don't see in younger lawyers, and that I didn't see in myself years ago—I'm taking my damn time. Unless a bear is chasing you through the woods, there's always the opportunity to step back and reflect. It takes some ego-checking to realize the fastest or quickest decision you make isn't always the right one.



What have been your greatest lessons along the way?

Smalley: Lessons are born of failure, and if any lawyer tells you that they've only learned from success, they're lying. I once had a med-mal case that was not successful because I failed to understand fully my expert's own area of expertise. I didn't drill down deep enough, and lost as a direct result. I think I might over-drill now.

Caravasos: As a younger lawyer, I would get involved in cases where there were multiple attorneys representing the same client. I learned pretty quickly that this group mentality approach to a case is not for me. There are too many cooks in the kitchen, so now I've learned to operate my own kitchen: 'I'm going to run it the way I want to, and if you don't like it, eat at another restaurant.'

Mongeluzzi: I think law school beats the creativity out of us, so I've learned not to be a slave to the rules they beat into your head. One such rule is, 'Never ask a witness a question that you don't know how they'll answer.' In the [2013] Salvation Army [collapse case], the most critical moment came when I was cross-examining a major from the Salvation Army. He looked at me—an ordained minister, by the way—and said, 'Mr. Mongeluzzi, this was a terrible tragedy, and I pray for these victims every night.' I looked

at him, walked up and softly asked, 'What are their names?' That 15 seconds of dead silence felt like an hour until he finally stammered, 'I've forgotten their names, but I pray from them generally.' It was a key moment because it reflected our case theory, which was that the Salvation Army pretended they were one thing, but they were actually something else. It came full circle in the course of one question and one answer. Did I know what this answer was going to be? No, I didn't. I took a creative risk.

Durbin: I learned to always take a fresh look at every case, and the facts of every case, and the individual that you're representing. It's almost like you have to forget every other case or outcome you've had before. If you don't do that, you're going to get really bored and the work won't be as good. To find something creative to do in every case is the essence of being a good lawyer.

What factors have most disrupted law in the past 20 years—for good or bad?

Kline: We can't not talk about the shrinking opportunity and availability of trial. It's become conventional wisdom among the bench that cases are now commodities that need to be managed, and so we've morphed into a world of dispute resolution and settlement. If there's a good settlement in the right case for the right reasons, great. But in my opinion, the dramatically fewer

number of trials has deeply affected the justice system. Trials are salutary. They expose conduct in the courtroom. They bring accountability and teach civility. They bring a sense of fairness and completion and closure on both sides. There was a day when you would go over to the courthouse and you'd be trial ready and you'd try cases; more and more, lawyers don't have to focus on that muscle. It's to the detriment of our profession.

Caravassos: The pandemic exposed something in our industry that I've been saying for years: The business world is far outpacing law. Why did it take something like the world shutting down for the law profession to realize that lawyers can accomplish a lot, and often better, remotely? I sit on the admissions panel for my alma mater, Wharton School of Business, and I've been interviewing potential students around the world remotely for years. I felt prepared and needed no learning curve when the pandemic hit: I simply 'took' my 'office' and left. Years ago, probably in 2010, I was in Greece when a crisis came up with a client. I contacted the court and said I'd be making a remote appearance on my client's behalf, and they acted like I had three heads. It begs to be asked: How can we be so sophisticated and yet so backward at the same time?

Durbin: Watching the face of law change. It used to be that the amount of women in my field could sit together around one table in a restaurant. That's not the case anymore and it's about time. The young women I see, particular women of color—it's a joy, and it's necessary. This is not just to say it's women—young men of color also. Although we clearly have some work to do. It wasn't that long ago I had a Muslim co-counsel walking to court with me who was asked if he was the defendant.

Smalley: This is a double-edged sword for someone in my position, but, thankfully, lawyers have collectively changed the landscape of safety. This is a good, good thing and why we do what we do. But the result is that there are ever-constricting pathways to litigation as a means to remedy wrongs. In a more general sense of our industry, I see no greater disruption than what is to come in the space of A.I. Everybody knows it's something that's coming, but we don't know all the ways how exactly. It doesn't scare me, but it concerns me.

Mongeluzzi: My fear is that law has been losing out the past few decades when it comes to recruiting. The best and the brightest used to want to do one of two things: be a lawyer or a doctor. Now they want to go to Wall Street: hedge funds, investment firms. This is not to say that we don't have enormously talented young lawyers, but I think the finance industry is plucking the premiere talent in the United States. I have great concern regarding the next 20 years for our entire society, not just law, and that says to me we need the best and the brightest on our side.

If I could, I'd give them the same pitch I gave to [filmmaker] M. Night Shyamalan. I found myself sitting next to him on a flight to L.A. I said, 'What I do is a lot like what you do.' He looked at me like, 'Yeah, how's that?' I said, 'Well, I'm a trial lawyer. I'm the writer. I'm the director, figuring out what roles are played and in what order. I'm the producer investing in the case. I'm the

lead actor on cross; I'm the supporting actor on direct. I'm the cameraman, creating visuals. I'm doing all of this at the same time in a pressurized environment where the results are consequential. They alter the course of a person's life. I'm dealing with the judge, with the defense, with insurance, with a jury, with world-class experts. And guess what? There's no script.'

Now you tell me—why the hell would you want to change numbers around in a bank account when you could have the most rewarding, intellectually challenging job in the world?

What's your advice for the next generation?

Durbin: If you don't know the answer, don't fake it. Be transparent, even if it hurts your ego, and say, 'I'm actually not sure, but I will find that out and respond.' If you fake it and you're wrong, there goes your credibility. If you tell the truth, you garner trust.

Smalley: Slow. The hell. Down. It is a great professional joy of mine to mentor young lawyers and high schoolers at Girard College in Philadelphia, but if you think that because you haven't managed your time effectively and you are texting me at 11 p.m. that I am somehow 'tagged' into the problem and owe you an immediate answer, you are mistaken. If you had slowed down in the first place, you wouldn't be texting me at 11 p.m. And further—pick up the phone instead. That's how relationships work: you speak.

Mongeluzzi: Be yourself. Let's talk about my good friend Tom Kline. I am not Tom Kline. I cannot be Tom Kline any more than he can be me. A young lawyer can't decide he's going to be Tom Kline, either. You have to be who you are. I can't do the hands-in-my-pocket, 'aww shucks' thing because I'm not a hands-in-my-pocket, 'aww shucks' guy. That'd be a real quick way to lose a case.

Kline: Find a good mentor, and when it's your turn 20 years down the law, be a good mentor in turn. That's how we keep this all going.

Look, the next 20 years will bring change. It could bring disconnect and fear and, considering the pandemic, it might be foolish to even think you know what's to come. The justice system in our commonwealth in Pennsylvania, but more notably in the nation, is vibrant and alive. Our democratic institutions have been safeguarded, and I think that is a very consequential and positive thing that we, not only as lawyers but as Americans, should take some solace in. We need to remain vigilant in guarding and safeguarding rights. The commitment to the judicial system has remained strong and that's because of the culture, and the culture that begins when a young student first enters law school. 📣

When the first Pennsylvania Super Lawyers list was published, the state's governor was Ed Rendell; its U.S. senators were Arlen Specter and Rick Santorum.

