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Pa. to review justice system

Chief Justice Castille said Phila. courts need reform, but questioned aspects of news series.

By Craig R. McCoy and Nancy Phillips
INQUIRER STAFF WRITERS

The chief justice of the Pennsylvania Supreme Court said yesterday he would order a comprehensive review of Philadelphia's troubled criminal justice system in response to what he called "alarming and serious trends."

At the same time, Ronald D. Castille expressed skepticism about some of the findings and statistical calculations in an Inquirer series that documented a falling conviction rate, growing witness intimidation, a massive number of fugitives and a heavy proportion of dismissed and withdrawn cases.

"The series points out some serious problems," the chief justice said. "I'm going to start getting some answers here."

He singled out the high number of robbery cases that collapse in Philadelphia's lower Municipal Court. "That's a See **CASTILLE** on A8

ONLINE SPOTLIGHT

Read The Inquirer's look at the Philadelphia justice system in a multimedia presentation at www.philly.com/courts

Terror clue came in midair

By Sebastian Rotella
CHICAGO TRIBUNE

WASHINGTON — U.S. border security officials learned of intelligence about the alleged extremist links of the Christmas Day airline bomber as he was in the air en route to Detroit and had decided to question him when he landed, officials said in new disclosures yesterday.

The new information shows that officials came close to uncovering the plot despite previous intelligence failures that were criticized by President Obama this week. If the intelligence had been discovered sooner, it could have resulted in the interrogation and search of Umar Farouk Abdulmutallab before he boarded the Detroit-bound flight, according to senior law enforcement officials.

The White House said that a preliminary report on what went wrong leading up to the See **CHARGES** on A9



APRIL SAUL / Staff Photographer

A city police dog checks baggage at Philadelphia International Airport. Three federal TSA dogs failed bomb-sniffing tests. Story, **B2.**

Integrating service and learning



ALEJANDRO A. ALVAREZ / Staff Photographer



EDWARD J. FREEMAN / File Photograph

Girard College will be a focus of the Martin Luther King Day of Service on Jan. 18. Above, Jane Golden, head of the city's Mural Arts program, and students unveil a mural featuring King. At left, Cecil B. Moore (in tie) leads one of the protests that led to the integration of the college in 1968. Story and another photo, **B1**.

Pay-up time for tax deadbeats on city staff

On Monday, Phila. will begin forced collections from employees who have run up \$2.6 million in unpaid bills.

By Patrick Kerkstra
INQUIRER STAFF WRITER

More than 400 tax-delinquent city employees will be forced to pay off their debts through paycheck deductions beginning Monday, City Controller Alan Butkovitz announced yesterday.

The workers owe the city \$2.6 million in unpaid property, wage, busi-

ness privilege, and other taxes. Some are decades in arrears, and others owe tens of thousands of dollars.

Most, though, owe relatively small amounts. About 60 percent will have paid off their debts by the end of 2010 through the involuntary payroll deductions. The deductions will range from 5 to 20 percent of total

pay, depending on income.

"This shows that there's a new emphasis by the city government on enforcing collection of unpaid taxes," Butkovitz said. "The city has had this culture of 'just don't worry about the unpaid bills,' and those bills have accumulated to the point where we can't afford it anymore."

The pending payroll deductions, publicly proposed in July and formally enacted in September, follow an Inquirer report last summer that detailed more than 1,000 property-

tax delinquencies among city employees and their spouses.

Since then, over 400 tax-delinquent workers have paid their debts in full or entered into voluntary payment agreements with the city. Only employees who have not entered into such agreements despite multiple warnings from the city will be subject to the forced deductions.

Unlike the federal government, the city has no authority to garnish the wages of most Philadelphians

See **TAXES** on A4

INSIDE



NATIONAL
Dodd won't run again

Dems' Senate prospects cloudy, but his exit may aid party. **A3**.

SPORTS

NBA suspends Arenas

Before Sixers game, the Wizard made light of gun incident. **D8**.

WEATHER



High 39,
Low 26

Light snow tonight and tomorrow morning. Weekend will be windy and cold. Full report and exclusive NBC10 EarthWatch forecast, **B11**.

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Tragic turn for plaintiffs' attorney

Joel Feldman has a new empathy for the suffering of his clients.

By Chris Mondics
INQUIRER STAFF WRITER

The phone call every parent dreads came July 17, late in the afternoon, just as plaintiffs' lawyer Joel Feldman was wrapping up a videotape interview in a medical-malpractice case with a cancer patient and his parents, who spoke of their emotional devastation.

For decades, Feldman has made a good living suing insurance companies, construction firms, and manufacturers on behalf of accident victims.

One reason he has done so well is that he has gotten adept at conveying the physical and psychic trauma visited on victims and survivors by acts of negligence that, at their core, result from someone else's bad judgment — an inept physician, a reckless trac-

tor-trailer driver, a construction company that failed to properly protect an employee's safety.

Feldman helped pioneer the use of a powerful trial lawyers' tool called a settlement video. The 15-minute DVDs typically feature interviews with surviving victims, family members, and expert witnesses that give defendants a taste of what they might face if they go to trial.

The intellectual and emotional message of the videos can be withering. Defendants often settle after viewing them. And that is the goal.

Over the years, Feldman says, he thought he understood the emotional turmoil of his clients and their devastation. But now he knows he did not.

The phone call that day See **FELDMAN** on A10



SHARON GEKOSKI-KIMMEL / Staff Photographer



Joel Feldman is a plaintiffs' attorney with Anapol Schwartz. His daughter, Casey, a Fordham University student, was struck by a delivery van in Ocean City, N.J., in July.

Daughter's death a tragic turn for plaintiffs' attorney

FELDMAN from A1
came from police in Ocean City, N.J., who said Feldman's 21-year-old daughter, a beautiful and vivacious communications major at Fordham University, had been hit by a delivery van as she walked to her job as a waitress on the boardwalk.

By 9:15 p.m., Casey Feldman had died, and Joel Feldman's world — and that of his wife, Dianne, and his 19-year-old son, Brett — had merged tragically with those of his clients. "I have represented, I don't know, 100 families who have lost [loved ones] over 30 years," said Feldman, who has won dozens of verdicts and settlements of \$1 million or more for clients. "We talk about how we know what our clients are going through. We don't know. We can take a guess at it. I am getting better at that now."

For Feldman, 55, each day has been like climbing a mountain.

He has studied the police reports, the witness statements, and accident reconstruction. He has taken an interest in proposals to strengthen traffic safety for pedestrians in New Jersey.

He and his wife have set up a memorial foundation for their daughter, whose blond hair and sense of humor could easily have qualified her as an understudy for the young Goldie Hawn. The foundation provides fellowships and stipends to college students who need financial support so they can take unpaid internships with potential future employers.

"I know I am different"

But mostly, it is about dealing with what the soft-spoken Feldman calls the daily task of mourning, working hard to keep Casey's memory alive and to prevent the loss from becoming a crippling handicap as he and his wife try to move forward.

When Feldman returned to his office at Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley P.C., a highly successful plaintiffs' law firm based in a sprawling and elegantly refurbished brownstone two blocks off Rittenhouse Square, he was irked by well-meaning assurances from colleagues that they did not expect him to do much for a while.

"There have been people who have said 'I have a new case, when you are up to it, can you take a look at it?'" said Feldman, the firm's managing partner. "Well-intended. But I have suffered this incredible loss. I am different. I know I am different. I don't want to suffer other losses. I don't want my partners to say Joel can't handle it."

Feldman says that one thing he has learned is that it is helpful to talk about his loss. So attempts to engage him never offend.

"There was not a single person who has reached out to me who I thought was putting their nose into my business or grief," he said. "The way I look at it is, if you care, reach out, because if you don't, I don't know. Inaction ... I have no way of interpreting."

Roller coaster of grief

So Feldman, a native of South Fallsburg, N.Y., about 100 miles northwest of New York, has thrown himself into his work. One of the first things he did when he got back was to complete the settlement video he had been making the day his daughter died.

"It was difficult, but I felt that I had to do it," Feldman said.

He conferred with a father who had lost a child and had come to the firm for legal representation.

The man asked Feldman for advice on how to cope with his loss, and what he might expect on his roller coaster of grief. Feldman obliged.

One thing that helped was that Feldman had enrolled in a graduate program in counseling at Villanova University, before Casey had died, to help him better understand clients and colleagues.

The events leading to the accident that claimed Casey Feldman's life are straightforward.

The police accident report says that the driver — a 59-year-old snack salesman from Cape May Court House, N.J., named Anthony Lomonaco — was traveling north on Central Avenue in Ocean City, a broad two-lane street with clear sight lines that runs



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Go to <http://go.philly.com/casey> to see a video memorial created by Casey Feldman's family and friends.

Joel Feldman and his daughter, Casey, in a family photo. He used the skills he learned making settlement videos to put together a DVD about her.

north and south two-and-a-half blocks off the boardwalk.

The only eyewitness to the accident told police that Lomonaco rolled through the stop sign at Central and 14th Street and accelerated into the intersection as Casey, a graduate of Springfield High School in Delaware County, walked in the crosswalk across Central, raising her arms in a defensive posture just before impact.

Lomonaco told police he never saw Casey, who had been walking to her job at a boardwalk restaurant.

The police, based on an accident reconstruction, said she had been in the crosswalk a minimum of six seconds

and was more than two-thirds of the way across the intersection when she was struck.

There was no evidence of drug or alcohol use by Lomonaco, according to police. They said that his vehicle was in good repair and that he had been driving under the legal speed limit of 25 miles per hour. One of the investigating officers, moreover, said he had stopped at the stop sign before proceeding into the intersection. The call log on his cell phone showed that he was not on the phone at the time of the accident.

Even so, the investigating officers concluded that Lomonaco was at fault and issued tickets for careless driving

and failing to yield to a pedestrian.

"The driver ... operated his vehicle in a careless manner and subsequently failed to observe the pedestrian traveling within the marked crosswalk located on the north side of the intersection," the police report said.

Lomonaco never contacted the family after the accident, he says, on the advice of his attorney, as it turns out a fairly common bit of legal advice in matters such as this.

But during a brief interview outside his tidy ranch house in Cape May Court House, Lomonaco said that the accident had a shattering effect on him and that "I am in mourning."

"I am so, so sorry that this happened; I am sorry for the family," he said.

Feldman has not filed a lawsuit, and he suggested the matter might be settled short of formal legal action.

"Whatever proceeds we will get will just be put into the foundation," Feldman said.

But he is bothered that Lomonaco never contacted him.

"He never reached out to our family, and that is very troubling to me and my wife," Feldman said. "People ask, 'Can you forgive him?'"

He answers his own question: "I have never met him."

Apart from work, much of Feldman's energy these days is absorbed by the memorial foundation and by Web sites he set up for friends of Casey and the family to share their memories and keep up with one another.

A half-dozen or more of Casey's friends show up at the Feldmans' home in Springfield, Delaware County, every Tuesday to share dinner and, occasionally, to watch a movie.

He marvels at how a driver's carelessness places others at risk. He will sometimes watch for drivers on their cell phones, eating, fixing their hair, or doing other distracting things that greatly increase the odds of an accident.

Not that he is holier-than-thou about it. Feldman says he himself has veered onto the rumble strips along the side of a highway as he chatted distractedly on a cell phone. Although it seems clear that Lomonaco was not on a cell phone at the time of the accident, Feldman says the larger issue is the need to avoid distractions and focus on safety while driving. He has made a vow never to talk on his cell phone again while driving, and many of Casey's friends have, too.

"I will see people who are texting, people who are making phone calls, I see women using that thing to make their

eyelashes look better, you see people eating with one hand and holding a cell phone with the other, and you know they are holding the steering wheel between their thighs," Feldman said.

"If you are not paying attention, all it takes is a second of inattention. You could kill someone and affect a number of lives. There is an incredible ripple effect."

But Feldman is not the critical, scolding type. More than anything, his mission seems to be getting the word out about how Casey was loved by friends and family.

He used the skills he learned making settlement videos to put together a DVD with reflections from the people who knew her — friends, relatives, classmates, roommates.

He did the interviews. A videographer who works with Feldman on accident lawsuits did the video recording and editing. In interview after interview, interspersed with still photos and videos of Casey, loved ones and friends share memories that convey in unmistakable terms the joy of knowing her.

And the profound sense of loss they now feel.

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