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New PTLA President Speaks on Importance of Court Access and Why the Group Is Backing Shapiro

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Ken Fulginiti, an attorney with Duffy + Fulginiti who focuses on catastrophic injuries, stepped into the role of Philadelphia Trial Lawyers Association president for the 2022-23 term July 1.

Fulginiti spoke with The Legal Intelligencer about the importance of court access, how Philadelphia managed cases through the pandemic, and why the organization is backing Attorney General Josh Shapiro in the upcoming gubernatorial election.

The following was lightly edited for continuity, length and style.

The Legal: What do you see as some of the biggest challenges facing the organization right now?

Ken Fulginiti: The challenges that we usually see: the fights where we're being denied access to the courts or we're being frustrated by the forces that are keeping our clients from finalizing their cases. For example, during the pandemic, there was a delay, and understandably, in moving cases. ... The court really got that back on track, but we worked closely with the court system, and what we

really want is just to be able to file our cases in the appropriate county based on the rule.

The Philadelphia court system is just a perfect court system with the movement of cases and getting things to a trial date pretty quickly, and we would love to see similar models in other counties as well. It really is a model system here in Philadelphia, and spectacular judges.

The Legal: How has the pandemic affected membership?

Fulginiti: It affected membership in the sense that it also just affected the practice of law. There are some people who were maybe towards the tail end of their career that just decided to hang it up. ... So we did see a decline, but then we also saw a significant uptick last year during Dan Levin's presidency. We have really solid and strong members now, and we could always use a larger base, so we're always looking to get the word out and make sure everybody knows the benefits of membership in our organization.

The Legal: What are your plans for expanding the PTLA's influence and membership?

Fulginiti: We have such a phenomenal organization. I'm really proud to be in the position



Courtesy photo

Ken Fulginiti, with Duffy + Fulginiti.

that I'm in right now. ... I can't emphasize enough how anyone that's a member of the Philadelphia Trial Lawyers organization, if they have a case coming up for a trial and they need information about an expert or if they have a question about evidence, could be anything at all, ... they reach out to the Listserv for the Philadelphia Trial Lawyers, and everybody chips in. People pitch in, and they try to help out in whatever way they can, whether it's sending a sample brief over or providing them the name of a case that might be helpful. ...

I know we're called the Philadelphia Trial Lawyers, but it would be a help and a resource to any attorney that practices in the commonwealth to become a member because it really is just some of the best attorneys in the country as far as I'm concerned. ...

We want to impress upon people, maybe even at the grassroots level, whether you're just starting out in your practice, we just want to make sure you know we're here and available, and it's just a great organization to join and be part of.

The Legal Intelligencer: What are your priorities for the upcoming year?

Fulginiti: One of the big things that's coming up, of course, is the governor's race. We just want to work toward making sure that we maintain all our rights for our clients and access to the courts and do everything we need to do to make sure we have the best person in the office, who we believe is Josh Shapiro.

I think it's important to focus on issues that involve mental health as well. We've seen a lot of issues, not just in the legal profession but in every profession, with mental health issues over the last few years with COVID. We want to have seminars and other events to try to make sure that mental health gets as much attention out there as physical health does.

Everybody has a tendency to go to the doctor when they have a cough or a cold or something like that, but mental health does not seem to get the same attention that physical health does, so that's actually something pretty important to me. ...

The Legal: In what way is the association getting involved in the governor's race?

Fulginiti: ... There's been all these issues with who can vote and getting to the polls and voter identification. We just want to make sure that we can get out as many people as possible to help get the vote out. I think it's important for many reasons to make sure that our next governor is Josh Shapiro, so we're going to do whatever we can to try to ... make sure people can get to the polls and can vote in whatever way they feel comfortable voting.

The Legal: Why is the association backing Shapiro?

Fulginiti: We just see what he's done to help people that are victims of various things, whether it is what he did as attorney general to help the victims of the opioid epidemic; what he did as attorney general with regard to the priest and the clergy abuse issues; what he did with all the issues that came up with the presidential election, making sure that we maintain the integrity of the voting process. And when you consider the alternative, we believe he is the clear and appropriate choice for the commonwealth.

The Legal: What are some of the plans for supporting the PTLA's legislative influence?

Fulginiti: We like to be involved in whatever way, if there's something coming up. You might see something that is a possible contemplated rule change or some proposed legislation. We just want to try to make sure that we have our finger on the pulse. ... The

biggest thing for us is to have a voice, to make sure that we can express ourselves in whatever way is appropriate for the victims of whatever it might be. ...

The Legal: What lessons from the pandemic does the PTLA plan to take into the next year?

Fulginiti: Everybody's migration to Zoom has taught us all that we do not need to be everywhere in person. ... I think if it's taught us anything, it's that we can do all this stuff and get a lot more done by sticking with some blend of remote practice and some blend of in-person practice. ...

Everybody stepped up when the pandemic started—Tom Sheridan was in office, and then it went to Dan Jeck and then Dan Levin—and they all worked closely with the court system to provide whatever support we could provide to get the cases going again.

We like to do monthly CLEs ... and we've switched them all to remote, and we're still doing those remotely, but we've started having monthly meetings live again, our board meetings. And it's good to be back face-to-face with people again, and that's really just started happening the last couple months. ... I look forward to breaking through these hopefully final phases of COVID and getting to walk over to City Hall again. A return to normalcy would be nice.