

Internal Investigations: How to Conduct Effective and Legal Workplace Investigations November 20, 2017

Dena Calo, Esq.

Ruth A. Rauls, Esq.

Gillian A. Cooper, Esq.

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

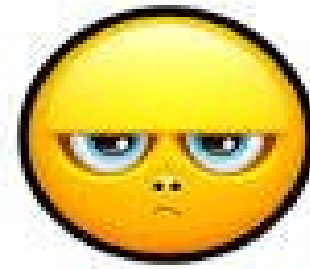
Agenda

- Deciding Whether to Conduct an Investigation
- The Investigation Process
- You Have Investigated. Now What?
- Workshop Discussions
- Privacy Concerns and Policy Considerations

Deciding Whether to Conduct An Investigation

The Right Mindset

An investigation may seem disruptive, daunting, and costly at the outset.



But by promptly responding with an effective investigation, your company can significantly limit its potential liability and protect legal defenses.



Ignorance is *Not* Bliss

It's usually better to know about a potential problem *now* rather than being told about it later in a lawsuit.

Use an investigation to **control the facts, reduce surprises, and preserve legal defenses.**

Investigations assist the company in determining:

- Whether allegations of misconduct have merit
- Who was involved in the misconduct
- Disciplinary or other remedial measures that should be taken against the alleged perpetrators to prevent recurrence and limit company liability
- Preventative steps to avoid future similar incidents

The *practice* of conducting investigations can help the company:

- Increase productivity (when coupled with appropriate remedial action)
- Improve morale
- Reduce employee turnover
- End inappropriate conduct on a company-wide level



Duty to Investigate

- Triggered by statute or the employer is on notice of a potential policy violation or improper conduct
- Once an employer is on notice, it has an obligation to conduct a prompt and thorough investigation
- In general, the standard is whether the employer conducted a reasonable, prompt, and good faith investigation

An investigation may be required by statute...

- Title VII or other state or local anti-discrimination statutes
- Occupational Safety and Health Act
- Fair Labor Standards Act
- ADA (accommodation requests)
- FMLA Leave/potential abuse
- Sarbanes-Oxley Act and other state law whistleblower protection statutes

Internal Notice Triggers

- Complaints of discrimination or harassment
- Informal reports
- Observations
- Violations of company policy
- Union grievance
- Hotline tip
- Violence
- Substance abuse
- Threats
- Safety incidents
- Exit interview
- Productivity/ performance issues
- Misuse of company equipment
- Internal audit
- Fraud/misconduct
- Embezzlement
- Attendance issues
- Theft
- Accommodation requests

External Notice Triggers

- Lawsuit
- Demand letter
- Regulatory body initiates investigation
 - e.g., EEOC charge of systemic discrimination
- Notice of inspection from government agency
 - e.g., ICE, DOL

Title VII

Anti-Discrimination Laws



- Prohibits discrimination, harassment, and retaliation against an employee or applicant because of that individual's membership in a protected class
- Applies to most private employers, as well as some government organizations
- EEOC investigates pattern or practice

The *Faragher/Ellerth* Defense

- Affirmative defense used against hostile work environment claims made by employees against their supervisors
- Defense available if:
 1. No tangible adverse employment action was taken against the plaintiff;
 2. The employer exercised reasonable care to prevent and promptly correct the harassing behavior; and
 3. The plaintiff unreasonably failed to take advantage of any preventative or corrective opportunities provided by the employer or to otherwise avoid harm.

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Occupational Safety and Health Act (OSHA)

- Applies to every workplace
- Every workplace must be free from recognized hazards (the general duty of care)
- Physical hazards
- Workplace violence
- Retaliation



SAUL EWING
ARNSTEIN
& LEHR^{LLP}

SEC Whistleblower Program

- Company not obligated to immediately investigate every tip
- Whistleblowers encouraged to report to company before SEC
- If reporting to SEC, company's response (or lack thereof) is a determinative factor



Download from
Dreamstime.com

10000000
Dmitry Hopt/Dreamstime.com

Sarbanes-Oxley Act

- “Cracks down” on corporate fraud
- Provides broader protections for whistleblowers who file internal complaints
- SEC enforces SOX
- SOX complaint doesn’t preempt

Even if not required, an investigation might be prudent

Practical considerations:

- Nature of the company
- Specific conduct or subject matter at issue
- Applicable laws
- Government enforcement priorities, if applicable

Control the facts
Set a tone
Preserve defenses



A good offense is sometimes the best defense.

The Investigative Process



SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Steps To Take Before Initiating The Investigation

- ◆ Identify the need for the investigation
- ◆ Determine the goals of the investigation
- ◆ Assess possible concerns regarding the investigation
- ◆ Select an appropriate investigator
- ◆ Prepare a strategy for the investigation
- ◆ Prepare an investigative work plan and timetable
- ◆ Consider separation of the complainant and the respondent
 - ◆ Suspending the Respondent with pay?
 - ◆ Leave or other accommodation for the Complainant?

Identifying Need for Investigation

- Discrimination
- Harassment (sexual and otherwise)
- Health and safety violations.
- Workplace violence or threats
- Workplace drug and alcohol use
- Violations of employer rules
- Theft or fraud
- Other criminal activity
- FMLA Abuse
- Need for Accommodation or Possible Accommodations

Goals of the Investigation

- Whether allegations of misconduct have merit
- Who was involved in the misconduct
- Disciplinary or other measures that should be taken against the alleged perpetrators to prevent recurrence and limit employer liability
- Preventative steps to avoid future similar incidents.
- Improve employee morale
- Increase productivity (when coupled with appropriate disciplinary action)
- Reduce turnover rates
- End inappropriate conduct on a company-wide level

Possible Concerns

- Discovery concerns – will the investigation materials be discoverable?
- Privacy concerns – will the investigation encroach on employee privacy issues?
- Defamation concerns – can we ensure that the investigator and others involved will not defame the participants?
- Retaliation concerns – can we ensure that there is no retaliation against anyone involved?

A Note On Privilege

- Privilege issues arise when outside counsel is engaged to conduct the investigation
- Privilege is a powerful tool incorporating two main elements, that act as a shield protecting from disclosure of documents, communications and information in internal investigations
- Consists of Attorney Client Privilege and the “Work Product” Doctrine

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

A Note On Privilege

- Preserving privilege starts at the onset of the investigation
- Thought must be given at the beginning to:
 - Who does outside counsel represent?
 - Who internally will oversee the investigation?
 - Whether and how to involve non-lawyers?

Choosing the Investigator



Step One

- Do I have someone in-house with the requisite skill and experience or training, respected by the employees at large, who can conduct this investigation in a fair, impartial and thorough manner?



SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Do I want an attorney to investigate?

- Attorney-client privilege can be asserted
- In-house v. outside counsel
- Disqualification of litigation counsel
- Don't forget *Upjohn* warnings



Step Two - Consult with Counsel



- In-house or outside counsel should be consulted on selection of investigator(s).
- Major consideration: Do we use in-house investigator(s) or outside investigator(s) or a combination?

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Step Two - Points to Consider

- Nature of matter to be investigated
 - simple or complex?
- Sensitivity of issues involved
 - trade secrets, confidential info, sexual harassment?
- Identities of accused and accuser
 - rank & file, management, board members? All of the above?
- Degree of exposure of the company
- Consider pros & cons of in-house v. outside investigators

In-House - Pros and Cons

- In-House - Pros

- knows business & people involved
- knows company policies and protocols
- able to take prompt disciplinary action, where justified
- less expensive than outside investigator

- In-House - Cons

- may lack necessary skill, training or experience
- may lack authority or time to conduct thorough investigation
- may be perceived as partial
- may stir up employee conflict or resentment

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Outside Investigator - Pros & Cons

- Outside Investigator - Pros

- likely to have requisite skill, training and experience
- autonomy
- more likely to be perceived as impartial
- able to meet time demands for thorough investigation
- employees more likely to be candid
- experience testifying & protecting privileges

- Outside Investigator - Cons

- not familiar with particular business and players
- lack of knowledge of written and unwritten policies and protocols
- more expensive than in-house investigator

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Attributes of a Quality Investigator

- Knowledge of relevant legal and behavioral issues
- Trained & skilled in conducting investigations
- Detail-oriented
- Able to listen well & take good notes
- High personal integrity, respected by employees & management



SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Attributes of a Quality Investigator

- No interests that would prejudice investigation
- Neutral & objective
- Able to devote time necessary
- Able to ask tough questions
- Capable of keeping confidences
- Expert-quality appearance, demeanor and speaking ability



SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Other Considerations



- Use two investigators (gender/race)
- In-house investigator should be senior in status to accused
- Generally not advisable to have your litigation counsel do investigation

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Conducting the Investigation

Gather Relevant Documentation

- employment agreement
- employee handbook/
work rules
- collective bargaining agreement
- job descriptions
- performance appraisals
- counseling memos
- business records
- investigative notes
- statistical data



Interview Logistics

- Length of Interviews
- Location
- Avoiding Overlap

Strategy for Witness Interviews

- Who?
 - alleged victim
 - alleged perpetrator
 - witnesses
 - managers/supervisors
- Order?



*Don't forget about former employees
who may also have knowledge*

Conducting the Interviews

- Explain the process
- Explain the investigator's role
- No promise of confidentiality
- Request full cooperation and explain the importance of this to the investigation
- Request truth and candor
- Explain no retaliation policy

Interview Do's

- Ask open-ended questions and follow up
- Remember:
 - who, what, when, where, how and why
- Save tough or embarrassing questions for end of interview

Interview Do's

- Ask clear questions
- Do not lead witness
- Ask about documents
- Question inconsistencies
- Do not hold employees against their will
 - Weingarten rights for unionized employees

Interview Don'ts

- Don't accuse
- Don't make faces
- Don't become emotional
- Don't use legal terminology
- Don't reveal the source of information (if possible)
- Don't make predictions on outcome
- Don't agree or disagree with witness statements

Investigation Documentation Guidelines

- **Do** take accurate notes (may be discoverable)
- **Do not** make judgments
- **Do not** overstate or exaggerate witness statements or reactions
- **Do** include your observations of witness reactions
- **Do not** include your own reactions

A Note About Confidentiality

- NLRB recent decisions hold that we can only request confidentiality of witnesses during investigation if there is a legitimate business reason to do so.
 - Protect a witness
 - Preserve evidence in danger of being destroyed
 - Preclude fabrication of evidence in danger of being fabricated
 - Prevent cover up

A Note About Confidentiality

- Supervisors are not protected by the NLRA
- For others employees, we can ask them to be **discrete** and to not interfere with the investigation.

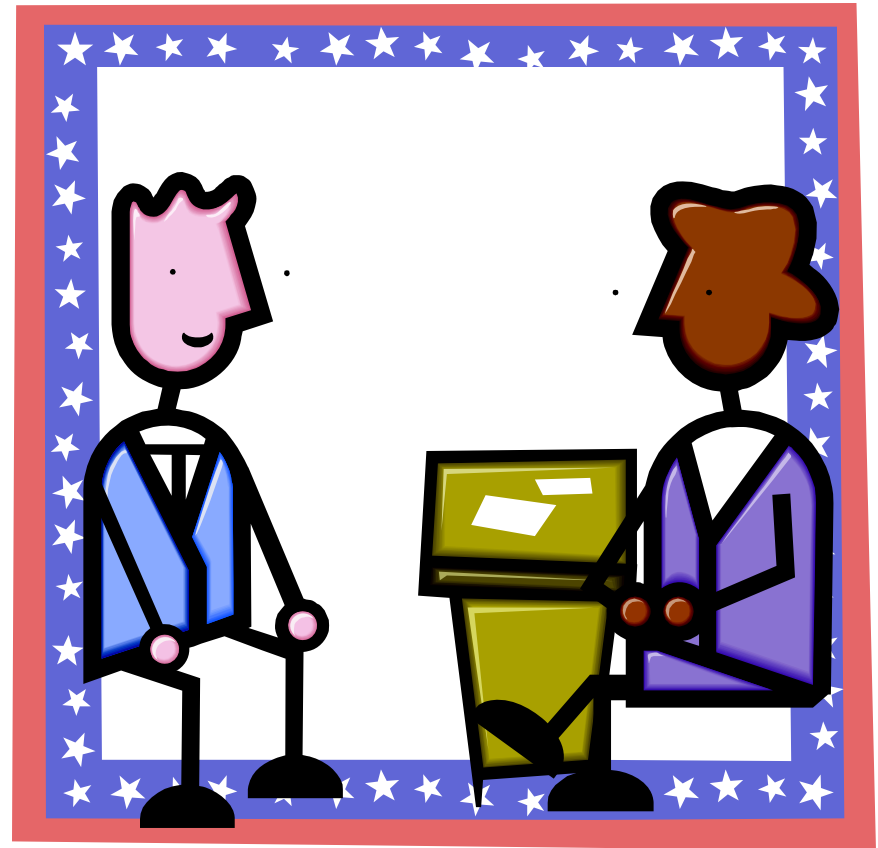


What About Uncooperative Witnesses?

- Attempt to establish rapport and explain the investigative process in some detail
- Communicate the employer's policy regarding anticipation in internal investigations
- If all else fails, document the witness' refusal to cooperate and move on
- Case law states that discipline may be warranted in this situation but move cautiously

When is an Employee Entitled to Representation

- ☒ Union and non-union employees have a right to have a co-worker sit in on meetings with management that may result in disciplinary action (the *Weingarten* rule)



SAUL EWING
ARNSTEIN
& LEHR^{LLP}

The Role of the Representative

- ➔ To “clarify”
- ➔ Cannot interfere in the interview
- ➔ Must maintain confidentiality



SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Expect the Unexpected

- Recording devices in the room
- Bringing a friend to the interview
- Witness raises new claims during the interview
- Witness threatens the investigator

You Have Investigated. Now What?

A Panel Discussion

Reporting the Findings

- Written reports
 - PROs – reduce debate over what was reported; proof of investigation; demonstrates cooperation; used later in private litigation to refute claims
 - CONs – can provide a guide for plaintiffs or government investigators; open to misinterpretation or misuse; privilege waiver concerns
- Oral reports
 - PROs – encourages open discussion; avoids embarrassment/reputational harm
 - CONs – perception that company is trying to cover up wrongdoing; finality of report may be called into question; memory fades; no guarantee information will remain confidential
- Remember your role/purpose as an investigator!

Preparing to Draft a Written Report

- Review and organize witness interview memos and documents
- Determinations to be made:
 - Witness credibility determinations
 - Factual determinations
 - Allegations are corroborated
 - Allegations are disproven
 - Unable to reach definitive conclusion
- Documents, documents, documents

Written Investigation Report

Report may include:

- Background information
 - Reason for investigation
 - Summary of allegations
- Investigation process
 - Scope of investigation
 - Documents reviewed
 - Witnesses selected for interviews
- Other:
 - Relevant policies or rules
 - Chronology of events
- Findings
 - Witness interview summaries
 - Fact determinations – substantiated vs. unsubstantiated
- Conclusions
- Recommendations
 - Policy recommendations
 - Personnel recommendations

Disclosure of the Report

- Required disclosure vs. voluntary disclosure
 - Disclosure is required under certain circumstances
 - Voluntary self-reporting is generally looked upon favorably by regulators and the public
 - When to disclose – real-time or after completion of investigation?
 - Privilege is destroyed
 - Essentially places the company at the mercy of the government regulators
- Either way, a post-disclosure strategy is helpful
- Cooperation is key

Remedial Measures and Next Steps

- Disciplining employees:
 - Discipline for failure to cooperate with the investigation
 - Discipline for underlying conduct discovered during investigation
- Policy suggestions
- Training suggestions
- Developing new internal audits or oversight committees
- Modifying reporting lines
- Recordkeeping – *i.e.*, maintaining the investigation file separately from the employee's discipline file

Workshops

Privacy Concerns and Policy Considerations

Legal Background: Constitution

- 4th Amendment Search and Seizure
 - Protects against “unreasonable searches and seizures”
 - A person may make a claim if there was a reasonable or legitimate expectation of privacy
 - Applies to public, not private employers



Legal Background: Common Law

- Do employees have a right of privacy?
 - Primary determination: whether the employees' expectation of privacy is objectively and subjectively *reasonable*
 - Calculation of reasonableness changes depending on the form of technology, employer practices, and employer policies

Legal Background: Statutes

- **Stored Communications Act**
- **Electronic Communications Privacy Act**
- **Employment Discrimination Laws**
- **National Labor Relations Act**
- **State Wiretapping Statutes and Privacy Laws**

Penalties for Violating Privacy Rights

- Injunctive Relief
- Monetary Damages
- Punitive Damages
- Attorneys' Fees and Costs
- Criminal Sanctions are possible



Computer & Internet Monitoring

- Types of monitoring:
 - Software to view screen
 - Access to stored information
 - Keystroke monitoring
 - Tracking time away from computer, “idle time”
- Employers can monitor work computers
 - Low expectation of privacy on work-issued computers.
 - *Liebeskind v. Rutgers University* (NJ 2015)



ATTORNEY-CLIENT PRIVILEGED

Email Monitoring

- Does attorney-client privilege prevent disclosure?
 - Yes, possibly
 - *Stengart v. LovingCare Agency* (NJ 2010)
 - Employer violated rights of former employee by reading emails sent to her counsel on company laptop
 - Compare with *Holmes v. Petrovich Dev. Co. LLC* (Ca. Ct. App. 2011)
 - Held that an employee's emails with her attorney that were sent over employer's computer systems were not privileged because the employer *advised the employee of non-privacy and no expectation of privacy*

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Telephone Monitoring

- Can employers monitor phone calls at work?
 - Business calls
 - Yes
 - Federal law permits unannounced monitoring for *business-related* calls.
 - Electronic Communications Privacy Act, 19 U.S.C. § 2510
 - Personal calls
 - Maybe. It depends on whether monitoring occurs within *ordinary course of business*
 - Each telephone call must be evaluated individually

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Mobile Device Monitoring

- Can employers access employer-provided phones?
 - Yes, generally
 - Employer may monitor usage
 - Monitoring apps can secretly record text messages, emails, photos, videos, etc.



Mobile Device Monitoring

- Can employers access personal cell phones?
 - It depends
 - Many employees do business on personal cell phones through use of employer software
 - Employment agreements permit use of personal devices for business, but impose restrictions



Mobile Device Monitoring: Text Messages

- Employers can monitor text messages on employer-provided cell phones
 - Employees should assume that employer-owned electronic devices may be searched.
 - *City of Ontario v. Quon* (US Supreme Court, 2010)
 - Found that review of police officer's text messages was reasonable in light of the scope and purpose of the searches, and did not violate the 4th Amendment.

SAUL EWING
ARNSTEIN
& LEHR ^{LLP}

Audio and Video Surveillance

- Employers may use video surveillance in the workplace
 - Common method of deterring theft, maintaining security, and monitoring employees
- Common law privacy rights provides limitations
 - Surveillance will not likely be permitted where overly intrusive, such as bathrooms, where there is a heightened expectation of privacy
- Audio surveillance is subject to Federal and State wiretapping statutes

Postal Mail Monitoring

- USPS Domestic Mail Manual permits employers to open personal mail addressed to employees at their workplace
 - DMM Ch. 508, Sec. 1.5.1
- Each organization may decide how to distribute its mail
 - For example, an employer may open mail, including mail marked confidential, in order to appropriately distribute it
- Common law privacy rights may provide limits, but this is a fact-specific inquiry

SAUL EWING
ARNSTEIN
& LEHR ^{LLP}



GPS Tracking

- Employers may use GPS to track employees for business purposes, with some limitations
 - Employees have no reasonable expectation of privacy
 - *Cunningham v. NYS Dep't of Labor* (Ny. Ct. App. 2013)
 - Held that attaching GPS device to public sector employee's personal car is within workplace exception under state and federal constitutions, but it was nonetheless unreasonable under the circumstances.
- Employers may use cell phone tracking to monitor employee location

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Social Media Monitoring

- Stored Communications Act prohibits unauthorized access to stored communications such as emails and Internet accounts
- However, the Supreme Court has observed that technology and cultural habits, and therefore expectations of privacy, are evolving
 - *City of Ontario v. Quon*



SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Social Media Monitoring: Current Employees

- Employment policies shape “reasonable expectations” of privacy
- Some states have laws prohibiting discipline for off-duty social media activity, unless the employer is harmed
- Anti-discrimination laws restrict discipline
- NLRB Guidance
 - Policies should not be overly broad so as to restrict protected “concerted activity” under Section 7 and 8 of Labor Relations Act, such as discussion of wages and working conditions
 - Chipotle Services LLC, 364 NLRB No. 72 (Aug. 18, 2016)

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Social Media Monitoring: Prospective Employees

- Several states have proposed or enacted legislation protecting job applicants from disclosing user name or password information
 - Legislation enacted in:
 - Connecticut, Delaware, Illinois, Maine, Maryland, Montana, Nebraska, New Hampshire, Oregon, Virginia, and West Virginia
- Tips:
 - Use publicly available information
 - Avoid requesting passwords
 - Avoid action that may be discriminatory

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Employer Policies

- There are several policies that each employer should consider implementing:
 - Electronic Communication Policy
 - Social Media Policy
 - Bring Your Own Device (BYOD) Policy
 - Confidentiality and Non-Disclosure Policy
- These policies should comply with the National Labor Relations Act
- While policies will not completely insulate employers from liability, it will reduce or constrain employees' expectations of privacy

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Employer Policies: Practical Effect

- Employer policies or practices influence the scope of employees' reasonable expectations of privacy, and employers' authority to monitor
- In *United States v. Zhu*, the SDNY held that a university's computer use policy was not sufficient to defeat the expectations of privacy of a former faculty member concerning a university-owned laptop
 - But, the court held that a provision in the policy providing access to the laptop by the university allowed the university to provide valid consent to the search of the laptop under the 4th Amendment

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Employer Policies: Electronic Communications Policy

- “Employees have no presumption of privacy in their use of the Company Systems. The Company reserves the right to monitor, access, retrieve, read, and disclose all communications, files, and information contained in the Company Systems at any time for any reason. All e-mails sent or received on Company equipment, whether using a personal or business account are stored on a hard drive and can be forensically retrieved and read. In addition, the Company reserves the right to engage in automated monitoring of communications, including Internet/World Wide Web connections. By using the Company Systems, a user consents to monitoring and disclosure of his/her communications and use. Assigning passwords or deleting certain items does not provide privacy protections.”

Employer Policies: Example

- **Bring Your Own Device Policies (BYOD)**
 - **Issues:**
 - Security concerns on personal devices
 - Employees using personal, not company-owned devices, may be more likely to engage in inappropriate behavior
 - Increases possible exposure to Fair Labor and Standards Act and state overtime liability
 - E-discovery and other legal issues
 - **Key Features of BYOD Policies:**
 - Should be tailored to each organization--no “universal” approach
 - Use mobile device management technology to separate personal and business information
 - Articulate employer’s right to access device and scope of monitoring
 - Must protect sensitive data
 - Determine employees who will be permitted to use personal devices

Questions?





Dena B. Calo, Esq.

Dena is a seasoned HR strategist and employment lawyer who operates out of our Philadelphia, PA and Princeton, NJ offices. She counsels management clients on human resource practices and employment law at a time when employers' labor and employment policies and procedures face increasing scrutiny. As part of her practice, Dena assists clients in preparing and reviewing employee handbooks, and helps them establish and audit their HR practices and procedures. She also conducts on-site investigations and trains organizations on best HR practices and programs.

Prior to joining Saul Ewing, Dena was director of the Human Resources Practice Group at a regional New Jersey law firm.

In addition, Dena has litigated cases to state and federal juries throughout the United States involving Title VII, ERISA, Age Discrimination in Employment Act, Americans with Disabilities Act, Family Medical Leave Act, and the Fair Labor Standards Act, state and federal constitutional issues, defamation, restrictive covenants and contract disputes.

Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102
Dena.Calo@saul.com
(215) 972-7104

SAUL EWING
ARNSTEIN
& LEHR LLP



Ruth Rauls, Esq.

Ruth is an employment lawyer who counsels management clients on human resource practices and employment law. She concentrates her practice on employment litigation and commercial litigation. She has extensive experience litigating matters at the trial and appellate levels in state and federal court in New Jersey and New York, as well as in private mediations and arbitrations. She has litigated claims arising under state specific discrimination statutes, as well as federal statutes, including Title VII, the ADA and the FMLA.

Ruth Rauls, Esq.
Saul Ewing Arnstein & Lehr LLP
650 College Road East
Suite 4000
Princeton, NJ 08540-6603
Ruth.Rauls@saul.com
(609) 452-5049

SAUL EWING
ARNSTEIN
& LEHR^{LLP}



Gillian A. Cooper, Esq.

Gillian Cooper represents management in employment litigation matters before federal and state courts, as well as federal and state agencies. She has defended both single- and multi-plaintiff lawsuits involving Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Family Medical Leave Act, the Fair Labor Standards Act, and related state statutory and common law causes of action. Gillian counsels and advises clients with legal and practical advice on litigation matters as well as day-to-day issues that affect their business operations. She provides advice to businesses on employment law and counsels employers on preventative practices to minimize workplace disputes. Gillian develops employee handbooks and company policies across many industries, including accommodation, harassment, vaccination, and social media policies.

Gillian A. Cooper, Esq.
Saul Ewing Arnstein & Lehr LLP
650 College Road East
Suite 4000
Princeton, NJ 08540-6603
Gillian.Cooper@saul.com
(609) 452-5021

SAUL EWING
ARNSTEIN
& LEHR^{LLP}

Baltimore

Lockwood Place
500 East Pratt Street, Suite 900
Baltimore, MD 21202-3171
T: 410.332.8600 • F: 410.332.8862

Boca Raton

433 Plaza Real
Suite 275
Boca Raton, FL 33432
T: 561.962.4145 • F: 954.962.4245

Boston

131 Dartmouth Street
Suite 501
Boston, MA 02116
T: 617.723.3300 • F: 617. 723.4151

Chesterbrook

1200 Liberty Ridge Drive
Suite 200
Wayne, PA 19087-5569
T: 610.251.5050 • F: 610.651.5930

Chicago

161 North Clark
Suite 4200
Chicago, IL 60601
T: 312.876.7100 • F: 312.876.0288

Fort Lauderdale

200 E. Las Olas Blvd.
Suite 1000
Fort Lauderdale, FL 33301
T: 954.713.7600 • F: 954.713.7700

Harrisburg

Penn National Insurance Plaza
2 North Second Street, 7th Floor
Harrisburg, PA 17101-1619
T: 717.257.7500 • F: 717.238.4622

Miami

Southeast Financial Center
200 S. Biscayne Blvd., Suite 3600
Miami, FL 33131
T: 305.428.4500 • F: 305.374.4744

New York

555 Fifth Avenue, Suite 1700
New York, NY 10017
T: 212.856.7222 • F: 212.980.7209

Newark

One Riverfront Plaza
Newark, NJ 07102
T: 973.286.6700 • F: 973.286.6800

Philadelphia

Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186
T: 215.972.7777 • F: 215.972.7725

Pittsburgh

One PPG Place
Suite 3010
Pittsburgh, PA 15222
T: 412.209.2500 • F: 412.209.2570

Princeton

650 College Road East, Suite 4000
Princeton, NJ 08540-6603
T: 609.452.3100 • F: 609.452.3122

Springfield

808 South Second Street
Springfield, IL 62704
T: 217.789.7959 • F: 312.876.6215

Washington

1919 Pennsylvania Avenue, N.W.
Suite 550
Washington, DC 20006-3434
T: 202.333.8800 • F: 202.337.6065

West Palm Beach

515 N. Flagler Drive
Suite 1400
West Palm Beach, FL 33401
T: 561.833.9800 • F: 561.655.5551

Wilmington

1201 North Market Street
Suite 2300 • P.O. Box 1266
Wilmington, DE 19899
T: 302.421.6800 • F: 302.421.6813

SAUL EWING
ARNSTEIN
& LEHR^{LLP}