

**Philadelphia Bar Association  
Board of Governors Meeting  
May 26, 2016**

The meeting was called to order at 4:03 p.m. by Chair Lauren P. McKenna.

Upon consideration by the Board, the minutes of the April 28, 2016 meeting were unanimously approved.

Treasurer Regina Foley presented the Financial Report for the period through April 30, 2016. The Association is ahead of budget by approximately \$89,423. Revenue is slightly under budget by approximately \$36,467 which is primarily attributed to dues, affiliated organizations and outside sponsorships. LRIS is still running slightly under budget by approximately \$17,564 year to date; however, a large payment in the amount of \$34,578 was received in May 2016. Expenses are running under budget by approximately \$52,776, primarily due to benefits and cost savings measures. The Treasurer's Report for the period ending April 30, 2016 was unanimously approved.

Additionally, Foley reported on the process of obtaining a new auditor for the Bar Association. Over one dozen proposals were received in response to the Association's request. Foley commended Executive Director Mark Tarasiewicz and Chief Financial Officer/Director of Administration Susan Knight on a great job of reviewing the responses and whittling the candidates down to six organizations. Each candidate met with the Audit Committee who conducted a thorough and detailed analysis. Ultimately, the Committee selected Kreisler Miller based on their presentation, materials and the interview process. The Association's offer was accepted. Regarding timing, the field work will commence June 27-July 1, 2016, and the draft audit will be issued in August/September. The draft audit will then be reviewed by the Audit Committee, with the goal of presenting the audit to the Board in September 2016. Tarasiewicz, Knight, and the Committee are all to be praised for the handling of this process.

Vice Chancellor Mary Platt introduced PA Lieutenant Governor Mike Stack. By way of background, Lieutenant Governor Stack is a graduate of LaSalle University and Villanova University School of Law. Following graduation, he represented injured workers in private practice, and then was Executive Deputy Director of the PA Medical Professional Liability Catastrophic Loss Fund during Governor Casey's administration. He was elected to serve four terms as a PA State Senator representing the 5<sup>th</sup> District between 2001-2015. He has been a longtime member of the Brehon Law Society and their Executive Board, and this year received the Flame of Freedom and Justice Award from that Society. Since taking office as Lieutenant Governor in January 2015, he has chaired the Board of Pardons and the PA Emergency Management Council. He also is a member of the Philadelphia Board of City Trusts, Co-Chair of the Philadelphia Veterans Court Advisory Committee, a fellow of the University of PA Leadership Academy, and a member of the Temple University Board of Trustees. The Lieutenant Governor comes from a family of public servants. His grandfather came to the U.S. from Ireland and was elected to serve as a Member of Congress. His father was an attorney, college and law professor, and a longtime democratic ward leader. His mother, Judge Felice

Rowley Stack, served on the Philadelphia Board of Education and was elected to the Philadelphia Municipal Court. Both his mother and father were founding members of the Brehon Law Society, and each became a President of that Society.

Platt related that last year, the State Senate tackled the issue of sales tax on legal services. The Senate voted 24/24 on Senate Bill 76 despite strong opposition from the PA Bar Association, the Philadelphia Bar Association, and local bar associations across the state. The Lieutenant Governor stepped in as a presiding officer of the PA Senate and cast the tiebreaking vote against the bill. As a result, the bill was defeated in the Senate 25/24. The Lieutenant Governor's opposition promoted justice and made him a hero to PA lawyers and their clients. Platt asked the Board to join her in welcoming and thanking Lieutenant Governor Stack.

Lieutenant Governor Stack elaborated that Senate Bill 76 imposed a 6% sales tax on lawyers' fees. He explained that people in favor of the bill do not understand that the expense would actually be passed on to the client, which could whittle down an individual's right to counsel due to the cost, and make all the difference of someone having counsel or not. He said that a duty and power of being Lieutenant Governor is the ability to break a tie during a vote, and he was happy to have the opportunity and ability to break this tie. He urged the Board Members to educate other lawyers, clients, and the public about the problems that Senate Bill 76 would cause, in an effort to increase the likelihood that it will not pass in the future.

The Lieutenant Governor graciously fielded questions concerning the state budget; fair funding; and merit selection.

Philadelphia Bar Association Professional Guidance Committee Chair Robert Tintner presented on the Resolution co-sponsored with the PA Bar Association Legal Ethics and Professional Responsibility Committee regarding the proposed amendments to Pennsylvania Rule of Professional Conduct 1.2. Tintner explained that the Resolution was before the Board slightly revised after being introduced to the Board at the April 2016 Board meeting. He elaborated the goal of the Resolution is for PA attorneys to give competent legal advice and service to potential medical marijuana businesses while abiding by the rules of professional conduct, given that marijuana is still illegal from a federal standpoint. The purpose is for the amended Rule to provide that important guidance. Upon consideration, the Resolution was unanimously approved.

James Berardinelli, on behalf of Criminal Justice Section Chair Kevin Harden, Jr., presented on the City of Philadelphia's handling of court-appointed counsel fees in criminal cases. Berardinelli related this issue has three components. First, there is a timeliness issue, relating to both payment vouchers for trial and, particularly, relating to fee petitions submitted for Post-Conviction Relief Act ("PCRA") and appellate work, since payment commonly takes up to 120 or more days, which especially causes cash flow difficulties for small and solo practitioners. Second, the actual vouchers are often insufficient to cover the fees that can mount for the cost to prepare for trial, trips to the prison, multiple pretrial motions, negotiations, and trial. Third, the counsel fee rates are sorely inadequate since they have not been updated in 20 years and are far lower than other jurisdictions. Pro Bono Chair Louis Rulli remarked that the

Board may want to consider a future Resolution in which to advance a statement of policy on this issue.

It was also noted that handling PCRA work can be dangerous for those attorneys unfamiliar with those types of matters, and the Board was reminded that the Association is presenting a program entitled “The Nuts & Bolts of Pennsylvania’s Post-Conviction Relief Act” on June 7, 2016 in an effort to encourage the certification of additional volunteers to handle these difficult cases.

Former Chancellor and PA Bar Association Zone 1 Governor Kathleen Wilkinson presented on the PA Bar Association (“PBA”) 2016 Annual meeting, which she attended on May 13, 2016. First, Wilkinson noted that 2015 PA Bar Association President William Pugh, who is also a member of the Philadelphia Bar Association and Montgomery Bar Association, was a strong President, and the overall work of the PA Bar Association during 2016 has been consistent with the work and goals of the Philadelphia Bar Association.

Wilkinson summarized the actions of the House of Delegates at the annual meeting. At that time, the following recommendations were approved:

\* The PBA Minority Bar Committee recommendation that the PBA oppose SB 997 and any similar legislation relating to “Sanctuary Cities,” which calls for Pennsylvania counties and municipalities to comply with all immigration-related requests by the federal government, including Immigration Customs Enforcement (ICE) detainees.

\* The PBA Health Care Committee recommendation that the PBA oppose proposed HB 1104, the Right-to-Try Act, in its current form, but would support it or similar legislation with the amendments outlined in the Committee’s report, relating to the use of investigational drugs, biological products and medical devices by terminally ill patients.

\* The PBA Municipal Law Section recommendation that the PBA oppose HB 340 in its current form or similar legislation, and request through appropriate legislative resources that the subject matter of HB 340 be referred to appropriate advisory groups and organizations for further comment and refinement for future legislation or amendments to existing law.

\* The PBA Civil & Equal Rights Committee recommendation that the PBA oppose legislation prohibiting disclosure of police identity where a police officer discharges a weapon or uses force, which is presently reflected in Pennsylvania General Assembly for Regular Session 2015-2016 as HB 1538 and SB 1061.

\* The PBA Bylaws Committee recommendation to amend the Bylaws language proposed by the Family Law Section to amend Article VI. Sections and Divisions, §639 Family Law to more accurately describe the current charge of the section and the current scope of family law practice in Pennsylvania.

\* The PBA Finance Committee recommendation that the House of Delegates authorize a dues increase in the amount of \$10 for the 2017 dues year.

Additionally, Wilkinson congratulated those newly elected, including PA Bar Association Vice President Charles Eppolito, III (who is from Philadelphia), Secretary Michael J. McDonald and Treasurer David E. Schwager, as well as the approval of PA Bar Association delegates to the ABA House of Delegates for two-year terms, including Sharon R. López, James R. Antoniono, Roberta D. Liebenberg and Joshua H. Camson, and Charles Eppolito, III who will

complete the term of former PBA President Francis X. O'Connor following his resignation from the ABA House of Delegates.

Wilkinson reported that Pugh was very supportive of the Philadelphia Bar Resolution to the ABA, to be presented at the August 2016 ABA meeting, providing that the ABA not implement programs which interfere with state and local LRIS programs without approval of the ABA House of Delegates. Finally, Wilkinson congratulated York County lawyer Sara A. Austin on becoming the third woman President of the PA Bar Association at the conclusion of the Association's annual Meeting on May 8, 2016.

Young Lawyers Division ("YLD") Chair Erin Lamb and Chair-Elect Matthew Olesh reported on Law Week activities, which commenced May 6, 2016. The YLD's Law Week effort provides great community outreach on behalf of the entire Association, and helps the public learn and understand more about what the Association stands for and offers, which benefits both the public and the Association. Law Week received extensive media coverage, and the YLD thanked Chancellor Gaetan Alfano and Director of Communications and Marketing Meredith Avakian-Hardaway for promoting law week in interviews and local TV and radio coverage and press releases. The project is a tremendous undertaking of time and energy involving 20 schools each day and the participation of over 40 lawyers. In the course of the "Goldilocks" Mock Trial, Philadelphia Mayor Jim Kenney spoke on the importance of jury service. Chair McKenna commended the YLD's efforts, and expressed thanks on behalf of the Association.

Law School Outreach Committee Co-Chairs Brad Suttleworth and Hon. A. Michael Snyder (Ret.) delivered an update on the Law School Outreach initiative. The Committee has been focusing on three initiatives this year. First, the Committee let the local law schools know the Association's interest in being involved in each of their annual student services fair, usually held in August or September. In response, each school has confirmed they have saved a spot for the Association to be present. Second, the Committee has been speaking with those schools about finding ways to give their graduates a certificate for a free year of membership to the Association, in accordance with the Association's past practices. This year, the Association has received an invitation from Drexel University Thomas R. Kline School of Law to be present in November 2016 when they have a private bar admissions ceremony for their approximately 50 graduates in the Mayor's Reception Room at City Hall, which has never been done before. Additionally, following significant efforts, the University of PA Law School has invited the Association to present the certificates for one year of free Association membership at a luncheon, which is expected to involve between 30 and 50 students. That is important since, in the past, the University of PA Law School has not actively promoted the Philadelphia Bar Association to its students based on its view that many of their graduates go on to practice law in other areas of the country and world.

The Committee thanked Chancellor Alfano, Chancellor-Elect Deborah Gross, and Vice Chancellor Mary Platt for their help on these efforts by sending letters to the area law schools relating the benefits of Philadelphia Bar Association membership, and encouraging their students to become Association members. The Committee needs Association members to be present at the upcoming student services fairs, and encouraged Board Members to participate since the students are often interested in speaking with alumni of their respective institution. Board

Member Kathleen Kirkpatrick inquired whether the Committee is considering implementing a mentoring program, and Snyder responded that there is not currently a formal program in place but there are mentoring opportunities available through the YLD and some Affinity Bar Associations.

Executive Director Mark Tarasiewicz delivered an update on membership dues collections. The extended deadline to renew dues without a late fee was April 15, 2016. The Association continues to contact non-renewing members throughout the summer with emails and mailings, and a phone call campaign by the staff. Those efforts have resulted in the collection of approximately \$24,000 in additional dues. Total dues revenue collected to date is approximately \$1,795,000 which represents 96% of the Association's membership dues budget of \$1,875,000. The Association's goal is to surpass the budget, and updates will continue to be given.

Secretary and Membership Chair Jacqueline Segal reported on the Association membership campaign. First, Segal reminded the Board Members that, as Ambassadors of the Association, it is important that they each actively urge prospective members to join, and current members to renew, their membership, and Segal, on behalf of the Association, thanked those Board Members who have brought in new members or renewed current members to date.

Second, Segal reported on the Association's Phone Marketing Campaign. As related at the April 2016 Board meeting, the Association was preparing to move ahead with Comnet to make telephone calls to prospective members for the purpose of generating additional membership. Before the Association committed to use Comnet, however, Comnet advised that they have currently suspended their client projects for an undetermined amount of time, due to internal computer issues. The Association learned this information before it signed a contract, turned over any data, or made any payment to Comnet. As a result, the Association will not be proceeding with Comnet. Alternatively, the Association chose to proceed with its back-up plan to have the Association staff call prospective members, after research showed that to be effective for other Bar Associations. The Association targeted approximately 1,200 members who had not renewed in 2015, and, commencing May 20, 2016, 19 staff members each made approximately 60 calls armed with a script specifically developed for the Association, highlighting the benefits of Association-offered CLE, vendor partners, and member discounts. Those being called were encouraged to renew their membership, and offered the incentive of the \$15.00 late fee being waived if they renewed during the two-week renewal campaign. Although final results cannot be concluded since the campaign is still ongoing, the five days of calling have generated, to date, additional revenue of approximately \$13,000. Segal reminded the Board that the Comnet phone campaign would have cost the Association between \$12,000 and \$17,000. The Association expressed its sincere thanks and appreciation to the staff for its efforts, and especially to Manager of Member Services Andrea Morris-Tracey for all of her hard work on this project.

Finally, Segal reported that other membership initiatives continue, including the Bar Reporter on Line "Banner" campaign thanking firms for their substantial membership; meetings with various firms and firm managing partners about the benefits of membership; and, the targeted efforts by specific Sections & Committees to their own members.

Assistant Secretary Jennifer Coatsworth reminded the Board members to complete and submit to her or Director of Public and Legal Services Charles Klitsch the pro bono certification form as required pursuant to Bylaws Section 216A on or before July 5, 2016, and to complete and submit the Individual Diversity and Inclusion Action Plan Checklist, adopted by the Board in December 2014, by December 31, 2016.

Chair McKenna extended the apologies of Chancellor Alfano who could not attend the meeting since he was on trial. It was announced that Former Chancellor and PA Bar Association Zone 1 Governor Kathleen Wilkinson has been selected to receive the William J. O'Brien Distinguished Service Award as "Defense Lawyer of the Year" by the Philadelphia Association of Defense Counsel, to be presented on June 7, 2016. Finally, the Senior Law Center held its 2016 "Six Over Sixty" Gala, chaired by Bill and Shelli Fedullo, on May 4, 2016, and exceeded its fundraising goal. Those honored for having an extraordinary impact on our community were Nolan N. Atkinson, Geneva A. Black, Chef Justice Ronald D. Castille (Ret.), Honorable Sandra Mazer Moss (Ret.), Robert C. Heim and the Senior Veterans Advisory Corps.

There being no further business, the meeting was adjourned at 5:15 p.m..

Respectfully submitted,  
Jacqueline G. Segal  
Secretary

**Board of Governors  
Attendance  
May 26, 2016**

**Voting members**

**Present:**

Deborah R. Gross  
Mary F. Platt  
Jacqueline Segal  
Jennifer S. Coatsworth  
Regina M. Foley  
Natalie Klyashtorny  
Lauren McKenna  
Kevin Mincey  
Lawrence Felzer  
Peter Newman  
Erin Siciliano  
Kathleen Kirkpatrick  
Ira Lefton

Julia Swain  
Myisha Lacey-Tilson  
James Funt  
Angela Giampolo  
Adam Taylor  
Brad Shuttleworth  
Erin Lamb  
Matthew Olesh  
Katayun Jaffari  
Scott Small  
Maureen Olives  
Eileen Quigley  
Brad Rush

**Present on phone:**

Jeffrey Rosenthal

**Absent:**

Gaetan J. Alfano  
Rahat Babar  
Jeremy Menkowitz  
Rachel Keene  
Edward Beitz  
Maureen Farrell  
Wendy Hess

Teresa Rodriguez  
Albert S. Dandridge III  
Thomas Innes  
Dina Ronsayro  
Jennifer O'Leary  
Joseph Turchi

**Non-voting members**

**Present:**

Mark Tarasiewicz  
William Fedullo  
Rochelle Fedullo  
Sophia Lee

Louis Rulli  
Steven Sher  
Butler Buchanan

**Present on the phone:**

Kathleen Wilkinson

**Absent:**

Lawrence Beaser  
Steven Bizar  
Andrea Yannuzzi  
Debra Coulbourn  
Andrew Laver  
Cheryl Disch

**Present on phone:**

Kathleen Wilkinson