

**Philadelphia Bar Association  
Board of Governors Meeting  
August 27, 2020**

The meeting was called to order by Chair Kamau at 4:06pm.

**1. Consideration of the Minutes of the July 30, 2020 meeting of the Board of Governors.**

The minutes from the July 30, 2020 Board meeting were considered. Assistant Treasurer Matthew Olesh asked that his abstention be noted related to when he left the meeting during the discussion about the diploma privilege. A motion to approve the revised minutes was made and seconded and passed unanimously.

**2. Treasurer's Report.**

Treasurer Marc Zucker presented the Treasurer's Report. There is more good news this month as July was another banner month when compared to revised budget. The Association generated over \$78,000 more in revenue than expected, and over \$100,000 more than expected year-to-date. This is due to an increase in membership dues, LRIS revenue and CLE revenue. On the expense side, the Association is continuing to implement cost cutting measures. It spent \$13,000 less last month than budgeted, and \$28,000 less than it could have spent year-to-date. While revenue is down substantially from last year, the Association is still staying well within the revised budget. If the Association stays on this course, it will close the operating deficit from \$244,000 down to \$100,000. Special thanks is extended to CFO Knight, Executive Director Hurdle and Chancellor Snyder for paying close attention to this.

A motion to approve the Treasurer's report was made, seconded and unanimously approved.

**3. Consideration of Resolution Calling for Additional Fiscal Year 2021 Funding for the Board of Pardons to Hire Administrative Staff in Order to Reduce the Backlog in the Processing of Pardon Applications and Recommendations of Clemency.**

Toby Oxholm, Executive Director, Philadelphia Lawyers for Social Equity (PLSE), presented a Resolution pertaining to pardon reform. Last year, the Board unanimously adopted three resolutions in this regard. First, there was a challenge to the Board of Pardons to refrain from asking questions of those applying for a pardon that were wrong, illegal and unconstitutional. The Board of Pardons amended the form four times last year and made many of the changes for which PLSE and the Association advocated. However, the Board of Pardons continued to ask all parole applicants about their juvenile record. The second resolution called upon the Board of Pardons to refrain from asking questions about assets and income. These questions criminalize poverty and are intrusive. Next month, the Board of Pardons is presenting a completely revised reform to honor many of PLSE's requests. The only debt information considered is that surrounding filing fee debts related to their convictions. The third resolution called upon the Board of Pardons to shorten the time it took to hear pardon requests. The time has been reduced from 4 to 2 years. This month, the Pennsylvania Workforce Development Board recommended to the Governor that the Board of Pardons hear as many applications as possible within one year of filing.

Before the Board today is a request from the Secretary of the Board of Pardons for help in achieving the objective of reducing hearing time to one year. The Association, the Brandeis Law Society, the Barristers' Association and the Hispanic Bar Association met with the Board of Pardons in March and the Secretary explained that the backlog has increased to 1,000 from 500. Two weeks ago, the Secretary of the Board of Pardons held a zoom call with the Association's leadership, along with the Presidents and senior leaders of the Allegheny Bar Association, the Luzerne County Bar Association, the Center County Bar Association, the Barristers' Association, the Brandeis Law Society, and the Hispanic Bar Association. The Secretary is requesting help to hire three secretaries to process the paperwork associated with the applications. The legislature denied an increase to the budget in June, and the legislators have advised the Board of Pardons that it will be on the table in November. Thus, the Board of Pardons will be lobbying at the end of this month and September to increase its funding by approximately \$200,000 to cover the cost of the three proposed new staffers. PLSE will then seek support from local bar associations.

Finally, in April, the Economy League of Greater Philadelphia issued a report finding that pardons over the last decade contributed \$16.8 million to the state's economy at no cost to its citizens and if the process could be sped up by only 25%, the state would gain another \$7-9 million in the economy. PLSE is asking that we invest now so that when people are finally released from the criminal justice system, the money will be flowing within the communities.

Treasurer Zucker commended Mr. Oxholm for his persistence in these issues and thanked him for including Zucker in the discussions. Additionally, \$200,000 or so will not make a difference in the state's budget and if it actually brings in revenue and changes lives, all the better. Chancellor Snyder reminded the Board of the data from the Stout report regarding money savings to the City from providing counsel for the indigent in landlord tenant matters. The numbers that Mr. Oxholm presents as to the savings and benefits to the Commonwealth appear to amply support the request.

A motion was made to approve the resolution, seconded and passed unanimously.

#### **4. Consideration of Resolution Opposing Senate Bill 459, Printers No. 1817, and Proposing Amendments Thereto.**

Aaron Finestone presented a Resolution to amend SB 459 which is a positive response to the need for criminal justice reform. The Bill passed in the Senate unanimously and is now in the house. There are 12 voting sessions scheduled until the end of the term. The Bill provides for statistics in instances where the police use force. However, for the Bill to be effective, it needs to be amended in the below principal areas:

1. Who designs the reporting protocols - The present version of the Bill leaves it entirely in the police community with no participation by the community.
2. The Bill does not provide for demographic data. We need to know who is being abused. When we form public policy, we need more than anecdotal evidence
3. The definition for injury and use of force need to be clarified and expanded.
4. There is no mandate for public release and dissemination of the annual report. It is currently at the discretion of Governor, leaders in the legislature and the Attorney

General. We need to mandate that it be placed in news releases to the press.

Finestone requests that the Association support this Resolution which would enable the Bar to lobby in Harrisburg to obtain these amendments.

Louis Rulli commented that it is easy to pass a resolution that sounds good but it is a different issue to pass a resolution with teeth. These amendments make progress and are reasonable and necessary.

A motion was made to approve the resolution, seconded and passed unanimously.

**5. Chancellor's appointments: Judge of Elections and Members of the Elections Committee:**

Chancellor Snyder appointed the following to serve as members on the elections committee:

Judge of Elections: Rudolph Garcia

Members of Elections Committee: Butler B. Buchanan, III, Lisa D. Eldridge, Thomas J. Giordano, Jr., Jennifer Lynn Gomez Hardy, Mark M. Lee, Vincent R. McGuinness, Jr., Mathieu J. Shapiro, Patrice A. Toland, Dominique B. E. Ward

Bylaws Sections 5.3 and 5.9 require Board approval of these appointments.

A motion was made to approve the appointments, seconded and passed unanimously.

Past Chancellor Fedullo is Chair of the elections committee. A new process will be presented to accommodate obtaining signatures on nominating petitions

**6. Roundtable discussion of issues surrounding the crisis at the United States Postal Service, its role in legal proceedings and voting rights, and the Association's role.**

Chancellor Snyder stated that the USPS has been under recent assault. The current Postmaster General was appointed for political reasons. It became evident that postal service was being assaulted in terms of funding being withheld. This is occurring when we need more assurance in the reliability in our postal service. As we are approaching a Fall that is 6 months into a pandemic where people are operating virtually, having confidence of receipt of mail such as checks, insurance policies, legal notices and medications, are all at risk. We must ensure that there is a full and fair election and that people can vote by mail. We must ensure one vote for each voter, that is counted. We must maintain continuing assurances of a federal system that we have relied upon as part of our individual state and local statutes for the practice of law.

Therefore, Chancellor Snyder invited discussion about the attitude of the Board relative to the Association continuing advocacy on behalf of a fair and funded postal system.

Chair Kamau stated that we want this discussion in order to gauge membership's desires to allow the Chancellor to take action.

Treasurer Zucker reiterated Executive Director Hurdle's point at the cabinet meeting that basic issues pertaining to the practice of law, such as notice, eviction and foreclosure, should be used as a springboard to rallying bipartisan support.

Michael van der Veen stated that his firm undertook pro bono representation of some Pennsylvania voters and brought a lawsuit seeking that ballots be treated as priority mail and not bulk or first class mail. The court term and number is 2-20-CV004005. There is currently a fundamental urgency with a November 2 deadline as to registering and getting in absentee ballots. They have asked the Federal Court to amend those dates and to accept ballots in a different timeframe. As an Association, van der Veen suggests we issue a Resolution that speaks to issues raised by both Chancellor Snyder and Treasurer Zucker.

Chancellor Snyder stated that Larry Beaser alerted him to an Inquirer article reporting that the City, through the voter commission, received a \$10 million grant to purchase additional machines to expedite the processing of ballots. Chester County has also received a grant. These will help ensure that citizens have the ability to vote, even though the attack to voter rights remains.

Larry Felzer reminded the Board that there is a bill in Harrisburg and a lawsuit to eliminate drop off ballot locations. Thus, if the lawsuit is upheld, the grant is not as effective.

Larry Beaser informed the Board that he has been working to craft a resolution on this issue but the situation changes rapidly. Rather than issue a specific, formal resolution, an option is for the Board to go on record confirming that the Chancellor, as principal spokesperson for the Association, is authorized to take all appropriate action to have the Association provide support for a free, fair, and efficient general election this November to support efforts to ensure a fully functioning USPS that can support, among other actions, effective and timely delivery of legal documents and the conduct of a free, fair and efficient general election, and to continue to support the rule of law. The Chancellor is then free to call a special meeting to support a resolution. The Bylaws give the Chancellor the authority to act as the chief spokesperson for the Association.

Reggie Shuford agreed with Larry Beaser's idea. Louis Rulli also agreed and noted that this issue changes daily and it is important to keep it in the forefront and communicate that the Association is strongly behind the free flow of the USPS mail for all basic human needs on which all people rely.

Doug Sisk commented that the Association needs to get on the record now and have ammunition for when things become more complicated. If the Association waits until down the line, it is missing an opportunity now to confirm that it supports the Constitution. Larry Beaser responded that he agrees the Association needs to mobilize but it can do so by allowing the Chancellor to move forward and issue proactive statements, as well as continue to advocate legislatively. Chancellor Snyder explained that this would include the items that Sisk mentioned and he would act in accordance with the bylaws. Shuford stated that it did not need to be one or the other. One option is to utilize the weekly column to communicate the Association's position.

Chair Kamau moved to allow the Chancellor to take the action as proposed by Larry Beaser. A motion was made to approve, seconded and passed unanimously.

## **7. Executive Director's Report.**

The Association had very strong CLE and LRIS months, exceeding what was expected.

The staff is working on a project called the "100% club," which is a club for firms that have 100% memberships. Many other bar associations have this. An intern is assisting with this.

The Association is kicking off a project with three students from Villanova who are obtaining their Masters degree in public administration. They will be looking at membership benefit structures and unique opportunities to structure CLEs and/or LRIS differently. This will kickoff in September.

The staff will be revisiting system changes to the membership database on the website.

Construction to the new space should be completed in mid-November.

The staff engaged in a fun summer outing where they played Swingo-bingo with the staff.

## **8. Chancellor's Announcements.**

Chancellor Snyder reminded the Board that in July, the Board passed a resolution supporting a limited diploma privilege due to the pandemic. The PBA passed a similar resolution, albeit a permanent diploma privilege. Chancellor Snyder subsequently received an email from Justice Saylor advising that the Board of Law Examiners has recommended, and the Supreme Court agrees, that there will be no diploma privilege. The Association then issued another statement that continued to call for renewed consideration of the diploma privilege. Since that time, other states have reported problems with the online administration of the exam. One of the major providers of the software withdrew as a provider for the online exam because the technological problems were too great and could not be corrected by October. This gives support for the Association's continuing advocacy with the Board of Law Examiners and the Supreme Court to reconsider their view. The Association will continue to advocate for the diploma privilege on behalf of law students and law schools.

In Municipal Court, both supervising judges are being reassigned as of October 1. The new supervising judge in the civil division will be Judge Matthew Wolf. The new supervising judge in the criminal division will be Judge Joffie Pittman. The Association reached out to Judge Dugan to arrange for meetings with Judge Wolf and Judge Pittman in order to effectuate a foundation for continued cooperation between the court and the Association. Leadership had a similar conversation with Judge Sheridan-Harris when she was appointed supervising judge and as a result, they have been having monthly conversations with her. The goal is to promote a fulsome dialogue to support the needs of the members of the Association.

Association leadership has had continuing discussions with Councilwoman Gym regarding a timetable for rollout of the pilot eviction diversion program. There is concern about where the program will be housed. Councilwoman Gym assured Chancellor Snyder that a timetable will be set soon. The goal is for the program to be operating very soon.

At the last meeting, the Association issued a statement regarding the local NAACP's anti-Semitic statements. This Association, Brandeis Law Society, the national NAACP and other associations issued a statement in response. As of the other day, the entire board of the NAACP in Philadelphia has been disbanded and the national NAACP is temporarily taking control with the plan to install a new board. Chancellor Snyder is hopeful that the Association will continue to have the continued positive trust building, cooperative building, trust relationships with the NAACP and the Jewish and Muslim communities.

The Fall quarterly meeting is being planned and will acknowledge Bar Stars. The program will use the same format as was used for the Summer quarterly meeting. Because of the sponsorship efforts undertaken by Executive Director Hurdle and Director of Meetings and Special Events McCloskey, the Association was able to cover the cost of presenting the program. Afterwards, a number of sponsors expressed interest in sponsoring the next quarterly meeting in the Fall.

Justice Ruth Bader Ginsburg will receive the Liberty Medal by the Constitution Center. This is remarkable for Philadelphia and recognizes the body of work that Justice Ginsburg has authored.

The Association is planning a racial justice symposium for November which will be a 3-4 hour program for CLE credit. More information will be forthcoming.

Members of the Board are encouraged to solicit individuals to run for positions within the Bar Association.

Dominique Ward will be installed as the new president of the Barristers' Association on September 9 at 6 pm. This is well-deserved and it will be a pleasure to work with her. Chair Kamau expressed congratulations to her.

YLD Chair Hillary Ladov announced that YLD will be sponsoring call lines to handle questions regarding the voting process, through Legal Line. Legal Line was administered virtually this year. Sessions will be focused on answering questions regarding applying for absentee ballots, registering to vote, what to expect on election day, and voter rights. Legal Line on October 21<sup>st</sup> will be focused on domestic violence. All Board Members are encouraged to volunteer and identify others to volunteer. They are looking for attorneys with experience in family law, PFA's, TRO's and housing experience.

## **9. Chair's Announcements.**

Chair Kamau advised that the Association's website will soon contain a voters' guide section.

Chair Kamau wished everyone a pleasant Labor Day weekend.  
The meeting was adjourned at 5:12pm.

Respectfully submitted,  
Kathleen Kirkpatrick  
Assistant Secretary

**Board of Governors  
Attendance  
August 27, 2020**

**Voting members  
Present**

Hon. A. Michael Snyder (Ret.)  
Lauren McKenna  
Wesley Payne  
Jennifer Coatsworth  
Kathleen Kirkpatrick  
Marc Zucker  
Matthew Olesh  
Nicholas Kamau  
Meghan Claiborne  
Lawrence Felzer  
Alisha Rodriguez  
Michael van der Veen  
Dominique Ward  
Diane Penneys Edelman  
Dino Privitera

Hillary Ladov  
P. Douglas Sisk  
Michael Zanan  
Wendi Barish  
Kris Calalang  
Erin Lamb  
Craig Levin  
Andre Webb  
Arly Smith-Pearson  
Reuben Asia  
Cheryl Upham  
Mark Mazzanti  
Rochelle Fedullo  
Amber Racine  
Reginald Shuford

**Absent:**

Riley Ross  
Benjamin Barnett  
Meghan Claiborne  
James Berardinelli  
Francesca Iacovangelo  
Neelima Vanguri

Nipun Patel  
James Tolerico  
Tom Innes  
Ceryl Upham  
Randi Rubin  
Maureen Farrell

**Non-voting members present:**

Lawrence Beaser  
Louis Rulli

Harvey Hurdle

**Absent:**

Abraham Reich  
Butler Buchanan

**Invited guests present:**

Natalie Klyashtorny  
Nikki Johnson-Huston  
Hon. Sandra M. Moss (Ret.)

