

**Philadelphia Bar Association
Board of Governors Meeting
September 21, 2015**

The meeting was called to order at 4:09 p.m. by Chair Brad V. Shuttleworth.

Upon consideration by the Board, the minutes of the July 27, 2015 meeting were unanimously approved.

Treasurer Wesley R. Payne, IV presented the Financial Report for the period ending August 31, 2015. Payne reported that revenues are under budget by approximately \$213,000, primarily due to the collection of dues down by approximately \$105,000. Expenses are under budget by approximately \$210,000. Payne summarized that the Association's budget is at a breakeven point and performing fairly well. After consideration, the Treasurer's Financial Report was unanimously accepted by the Board.

Chancellor Albert S. Dandridge, III announced that, following the Association's termination of the CLE contract with PBI, the Association just hired a new CLE director, Tara Phoenix, who will be joining the organization shortly. On September 18, 2015 the Association held a Supreme Court Candidates Forum – Decision 2015. Several candidates appeared on the panel, and the event was well attended, informative, and worthwhile. The Chancellor thanked Director of Communications and Marketing Meredith Z. Avakian-Hardaway and Managing Editor, Publications Thomas Rogers, along with all others involved, for their efforts in assembling the presentation. The program was rebroadcast on September 19, 2015 on PCN network. The Chancellor reported that the painting "Old Tree - Chalfonte" was sold for \$725,000, and the Association cleared \$650,000 which was well within the Association's anticipated upper range based on the latest appraisal. The Chancellor announced that Myisha Lacey-Tilson is joining the Board as a Chancellor's Minority Appointment following the departure of Nicole Watson, who formerly held that position until she left due to her appointment as an administrative law judge effective September 21, 2015.

Finally, the Chancellor remarked on his participation, as part of the Boots on the Ground Community Service Initiative, in the Habitat for Humanity project with the Real Property Section. The subject house was on the 4900 block of Stiles Street in West Philadelphia. The residents clearly cared about the community as reflected by the community garden on the grounds of an abandoned house across the street. The subject house was not a typical Habitat work project but, rather, a "warranty house" that had been reconstructed to house two homes, resulting in water seepage. The required work involved hauling buckets of concrete out of the basement, which the Chancellor described as back-breaking labor. He said the home was "immaculate," and the homeowner had 5 children living in the home which had 5 bedrooms, 2 drum sets, a line of bicycles in the yard, and a large chest freezer of food. The homeowner returned home mid-day and could not stop thanking the crew. The Chancellor summarized that it was one of the best days of his life.

Chair Shuttleworth remarked that the crew was exhausted when they left the home but they all had smiles on their faces. Habitat sent a note to the Real Property Section, including Section Chair Steve Rothberg and Build Day Coordinator Alex Barth, stating:

Good morning, Alex:

On behalf of our team at Habitat Philadelphia, thank you to all the team members from the Bar Association for your labor intensive time at West Stiles Street yesterday. I want to emphasize just how much we appreciate your help. Your spirit of volunteerism and the compassion you exhibit for our community are things which help to give Habitat such a meaningful and necessary presence in this City. Likewise, individual, community and corporate partnerships allow Habitat Philadelphia to fulfill our mission each day, providing an affordable housing solution for hardworking families in need. Your team did a lot of hard work throughout the day which made the challenging task of removing the rubble from the basement accomplishable and our team appreciates it very much. We hope it was a great experience for your group and please share any feedback you may have about the day. We hope we are able to partner with you again for another team day in the near future and if any of your members are ever interested in volunteering as an individual, they can always sign up at <http://www.habitatphiladelphia.org/individual-volunteering>.

Chair Shuttleworth commented that anyone interested in participating in a future build should let him know.

Board member Jeffrey Rosenthal, who has served as the Board Observer of CLS, introduced new Community Legal Services (“CLS”) Executive Director Deborah Freedman. He said Freedman is a Yale Law School graduate who has been with CLS since 1992, and brings great energy and vision to the organization.

Freedman commented that CLS was founded in 1996 to fight poverty in Philadelphia, and will be celebrating its 50th anniversary in 2016. CLS is proud to be recognized as one of the finest legal service programs in the country. Freedman said the greatness of CLS is strengthened by its strong partnership with Philadelphia Legal Assistance (“PLA”), which benefits both organizations, and she recognized Anita Santos-Singh, Executive Director of PLA, who was also at the Board meeting. CLS represents 11,000 low income Philadelphians each year and handles litigation and policy work in many practice areas including employment law, housing, consumer fraud, mortgage foreclosure, utility shutoffs, family law, and elder law. 26% of Philadelphians live in poverty, and only 20% of low income Philadelphians who need representation have a lawyer. Freedman encouraged anyone who has a suggestion about CLS to contact her directly.

Past Chancellor and Elections Committee Chair William P. Fedullo reported on the 2015 Bar Association Elections. The Association held a “Nuts and Bolts” program the prior week, announcing all relevant election deadlines. The deadline to submit a petition to run for any office is October 9, 2015. A petition for a board candidate position requires 25 signatures of Association members in good standing; a petition for an officer position requires 35 signatures of Association members in good standing; and, a petition for a vice chancellor position requires 100

signatures of Association members in good standing. Ballot positions will be drawn on October 21, 2015. The last day to withdraw from the race is November 8, 2015. Ballots will be mailed on November 9, 2015. The Association must receive mail ballots by December 3, 2015. Notification of rejected ballots will be given by December 4, 2015. The election will be held on December 8, 2015, at which time members who have not yet voted by mail may vote in person.

Fedullo announced that, to date, a petition for the vice chancellor position has been submitted by both Assistant Secretary Hon. A. Michael Snyder and Assistant Treasurer Mary F. Platt. It is anticipated that Secretary Jacqueline Segal will be submitting a petition seeking another year as Secretary. A petition for the position of Treasurer has been submitted by both Regina Foley and Mark Zucker. A petition for the position of Assistant Secretary has been submitted by Parliamentarian Jennifer S. Coatsworth, and a petition for the position of Assistant Treasurer has been submitted by Board member Natalie Klyashtorny. To date, no petitions have been submitted for Board positions, but several people have expressed interest. The Election Committee is hoping for candidates that reflect the diversity of the Association, and Fedullo encouraged Board members to urge potential interested candidates to run. Finally, Fedullo thanked all candidates for their participation.

Young Lawyers Division (“YLD”) Chair-Elect Erin Lamb, YLD Vice Chair Matthew Olesh, and Education Law Center Policy and Communications Associate Ian Gavigan presented on the consideration of a Resolution Supporting Education Funding. Lamb announced that the YLD introduced, sponsored and passed this Resolution that is part of the PA Fair Funding Movement. This Movement is a non-profit nonpartisan movement in PA to encourage the legislature to restore \$410 million in education funding that has gone missing since the 2008-2009 budget year. Further, in 2011 approximately \$849 million was cut from the budget. These budget cuts have caused an education crisis across the Commonwealth and in Philadelphia that requires action. The Resolution is seeking \$410 million, which was the amount proposed by the Governor Wolf Administration, to be restored to the budget for basic education funding. The YLD worked with the Education Law Center in drafting the Resolution. Upon inquiry, Lamb advised that the YLD had not worked with the Philadelphia School District on this effort. The Resolution has been supported by the Family Law Section, the Delivery of Legal Services Committee, and the Legal Rights of Children Committee. Gavigan introduced himself as a policy and communications specialist with the Education Law Center, which is a public interest law firm that advocates on behalf of the most vulnerable children across the Commonwealth. Gavigan explained that the Center has offices in Philadelphia and Pittsburgh, and a lobbyist in Harrisburg that is monitoring this process. He further reported that the education budget talks have stalled, and offers from the Administration to the Legislature have been rebuffed and will likely be vetoed due to insufficient funding. Olesh stressed that a long-term structural fix is needed with an appropriate funding formula and funding levels that adequately and equitably distribute much needed funding to the schools with the greatest need following the 2011 budget cuts including Philadelphia, Chester, Reading and Allentown. Public Interest Section Representative Su Ming Yeh questioned whether the effort is realistic, and Gavigan replied that the powerful voices of the Association, both in and out of Philadelphia, will be helpful in the negotiations for the cause. Upon consideration by the Board, the Resolution was unanimously approved.

Pro Bono Chair Louis S. Rulli delivered a report on a request for the Association to be an amicus party in a brief supporting the Defendant-Appellee in Commonwealth of Pennsylvania v. 1997 Chevrolet and Contents Seized from James Young, 29 EAP 2015, and Commonwealth of Pennsylvania v. 416 S. 62nd Street, Philadelphia, PA 19143, 30 EAP 2015. Rulli remarked on Philadelphia's history of being a "homeownership City" since homes help to keep families together, especially in low income communities. At issue is the civil forfeiture of private property to the Commonwealth even when the owner is neither suspected, accused nor convicted of a crime. In March 2015, this Board approved a Resolution calling for substantial legislative reform of this area. Rulli elaborated that civil forfeiture does not trigger any right to counsel, and there is a strong pecuniary interest since all proceeds from forfeited property go directly to the District Attorney's office rather than the State Treasury where there is greater accountability and transparency. Rulli noted that the Philadelphia Bar Association is the first and only Bar Association on record to take a stand on civil forfeiture.

Rulli explained that the Young case, pending before the PA Supreme Court, is a common profile of a civil forfeiture case. Ms. Young is a senior citizen widow with health problems living in a West Philadelphia home she owns with her 45 year old son. Her son was arrested and charged with selling marijuana with a street value of \$90. He pled guilty and was placed on house arrest. The District Attorney of Philadelphia brought a civil forfeiture petition against the Young property and car, alleging that some of the drugs were stored in that car. Ms. Young was vigorously represented *pro bono* by Ballard Spahr LLP, who raised both an innocent owner defense and an excessive fine defense under the Eighth Amendment to the U.S. Constitution and its corollary under the PA Constitution. Those defenses were rejected by the trial court, and the property and car were forfeited to the Commonwealth. Young appealed to the Commonwealth Court, who ruled in Young's favor. The District Attorney's office sought an allowance of appeal to the PA Supreme Court, which has been granted. Rulli said the Attorney General and the District Attorney's office will likely file an amicus brief, but there has not been a brief on behalf of the property owner that addresses these issues effectively. Rulli reported that, at the Board's Cabinet meeting, Joseph Sullivan of Pepper Hamilton LLP requested, and the Cabinet approved, the Association as an amicus party, in an effort to protect the rights of citizens and balance the relevant interests at issue. With regard to timing, the Government requested, and was granted, a 60-day extension to file its brief, so the Association's amicus brief will likely be due on or about December 9, 2015.

ABA Delegate Butler Buchanan, III reported on the actions of the House of Delegates at the 2015 ABA Annual Meeting. Buchanan remarked that he just finished his second year in this capacity, and thanked and congratulated Past Chancellor Abraham Reich for serving in this position for 20 years. Buchanan explained that there are over 500 people in the House. Most of the work is accomplished in Committees, and every resolution passed. He compared the work of the House to this Board's work that affects the practice of Philadelphia local lawyers regularly.

Past Chairs William Fedullo and Kathleen Wilkinson each expressed their heartfelt gratitude to Reich, a "model Chancellor," for his service and hard work as an ABA Delegate. Additionally, Fedullo recognized Buchanan and his firm, Marshall, Dennehey, Warner, Coleman & Goggin, P.C. for sponsoring a Philadelphia School, and thanked Buchanan on behalf of

himself and Philadelphia School District Superintendent Dr. William Hite, Jr. for the firm's sponsorship and Buchanan's leadership.

Young Lawyers Division Chair Maria Bermudez reported on the actions of the YLD at the 2015 ABA Annual Meeting. Bermudez related her thanks and gratitude to YLD ABA Liaison Courtenay Dunn who served on the YLD for many years and represented the Division and the Association well. She lamented that Dunn has resigned and moved to Reston, VA to take an in-house counsel position. Dunn served as the liaison between the YLD and the ABA's Commission on Sexual Orientation and Gender Identity, known as "SOGI." At the ABA Annual Meeting, the ABA standing Committee on Ethics and Professional Responsibility addressed proposed revisions to Model Rule 8.4, making it misconduct for a lawyer to harass or discriminate on the basis of sexual orientation or gender identity. The PA Bar Association, who advanced those revisions in 2006, may be revisiting the proposed revisions. Additionally, Dunn, on behalf of SOGI and the YLD, presented a resolution that was unanimously approved by the House of Delegates to ban conversion therapy fraud. Dunn was also involved in the drafting of a resolution banning employment discrimination of LGBT employees, which the ABA YLD did pass unanimously but has not yet been brought to the House of Delegates. While serving as the liaison for the Philadelphia Bar Association YLD and ABA YLD, Dunn was given the SOGI Commission on Outstanding Liaison of the Year Award and the ABA YLD Liaison Award. Past Chancellor Wilkinson thanked Dunn and applauded her outstanding work on behalf of the PA Bar Association, the Philadelphia Bar Association, and the ABA.

Chair Shuttleworth remarked that the Law School Outreach Committee has concluded its first rounds of law school visits, and he thanked all of those involved in ensuring that the Association is well represented. Shuttleworth also noted the work of the Campaign for Qualified Judges which supports retention candidates by helping to defray the campaign costs for those judges who have been recommended for retention by the Association. An event is tentatively scheduled to be held on October 27, 2015 at a location yet to be determined, and Shuttleworth encouraged Board members to attend the event and support those judges up for retention and recommended by the Association. He urged law firms to contribute a minimum of \$1,000 for 5 tickets or individual tickets for \$250 per person.

Finally, Assistant Secretary Hon. A. Michael Snyder thanked everyone for their outpouring of support following his daughter-in-law's death, which he found to be overwhelming.

There being no further business, the meeting was adjourned at 5:21 p.m..

Respectfully submitted,
Jacqueline G. Segal
Secretary

**Board of Governors
Attendance
September 21, 2015**

Voting Members:

Present:

Albert S. Dandridge III
Gaetan Alfano
Deborah Gross
Jacqueline Segal
Hon. A. Michael Snyder
Wesley Payne
Mary Platt
Brad Shuttleworth
Lauren McKenna
Rachel Gallegos
Natalie Klyashtorny
Rachel Kopp
Dawn Tancredi
Rahat Babar
Peter Newman

Eric Siciliano
Rachel Keene
Kathleen Kirkpatrick
Ira Lefton
Jeffrey Rosenthal
Julia Swain
Myisha Lacey-Tilson
William Fedullo
Eric Weitz
Maria Bermudez
Erin Lamb
Graham Laub
Scott Small
Su Ming Yeh

Absent:

Emily Marks
Lawrence Felzer
Jeremy Menkowitz
Kevin Mincey
Jennifer O'Leary

Dina Ronsayro
Robert Muench
Steven Rothberg
Robert Casey
Joseph Turchi

Non-voting Members:

Present:

Jennifer Coatsworth
Mark Tarasewicz
Kathleen Wilkinson

Louis Rulli
Butler B. Buchanan III

Absent:

Lawrence Beaser
Sophia Lee
Molly Peckman
Rachel Branson
Steven Bizar
Steven R. Sher
Heather Austin

Vivian Luckiewicz
Hilda Thompson
Andrew Laver
Cheryl Disch
Abraham Reich

