

Philadelphia Bar Association
Board of Governors Meeting
September 8, 2016

The meeting was called to order at 4:10 p.m. by Chair Lauren P. McKenna. Chair McKenna thanked the Board members and the press for attending the specially scheduled meeting to address a time sensitive Resolution.

Co-Chairs of the Legislative Liaison Committee, Deborah Gordon Klehr and Larry Abel, presented on consideration of the Resolution Supporting Legislation Calling for a Ban on Gifts to Public Officials and Employees. They explained that the two bills currently pending on this issue, PA Senate Bill 885, PN 1210 and PA House Bill 43, PN 37, are similar. The Resolution urges the General Assembly to pass those bills and Governor Wolf to sign SB 885 and/or HB 43, but amended to exclude the exception on gifts from friends, in an effort to restore the public's confidence in government. The Legislative Liaison Committee met earlier that day and voted unanimously to recommend that the Board pass the Resolution. The two Bills and the Resolution were distributed for review.

Past Chancellor and PBA Zone 1 Governor Kathleen Wilkinson inquired why the Resolution was being moved at this special time rather than at the next regularly scheduled meeting. Chancellor Gaetan Alfano responded that the issue had to be addressed promptly following District Attorney Seth Williams' disclosure of thousands of dollars in gifts from friends.

Board Member Adam Taylor asked if there was any thought given to a threshold of value of gifts. The Chancellor responded that the legislation does carve out some common sense exceptions for practical considerations, such as to enable judges and public officials to attend professional events. The Bills are a reaction to a different issue, which is Governor Wolf's executive order precluding all gifts, which is deemed overly broad. The Bills exclude de minimus gifts that would not cause influence. The Resolution, however, is to eliminate the loophole of gifts from friends, which would undermine the purpose of the Bills. Abel pointed out that paragraphs 9 and 10 of the two Bills differ slightly, but both convey the same intent. Alfano summarized that the First Judicial District does cover the cost for judges to attend events, and reasoned that if a Section covers the cost for its judicial members to attend an event, this type of expected de minimus value would be acceptable under the statute. Alfano distinguished this type of conduct from the gift of a \$40,000 roof, which is beyond de minimus.

Board Member James Funt pointed out the recent announcement that Federal Prosecutors will not retry Former Virginia Governor Bob McDonnell on public corruption charges relating to gifts, money and loans from the CEO of a Virginia-based company. Supreme Court Chief Justice John Roberts defined "official act" and limited its interpretation by finding that, although such acts may be "distasteful," they do not constitute an official act.

Wilkinson asked whether a personal friend could still make a gift to a public official, and Alfano responded that any gift beyond a de minimus value should be proscribed. Wilkinson suggested that "personal friend" could be clarified, but Alfano said that a bright line rule is needed since it is too difficult to define "personal friend." Funt concurred with Alfano, and further said that the

burden to comply must fall on the public official since the “personal friend” may not be aware of the proscription. In response to additional questions concerning the treatment of gifts from friends and family members, Board Counsel Lawrence Beaser responded that the Board is simply being asked to take a position on the elimination of this perceived loophole. In response to these types of questions, Abel stated that the Legislative Liaison Committee will monitor the Bills and amendments and, although acceptable conduct should govern, the bright line determination that no gift is acceptable should be applied since it will likely be chipped away by the legislature. Upon consideration, the Resolution was unanimously approved.

Further, Chancellor Alfano announced that the Association has issued a statement to the PA Board of Law Examiners recommending reciprocity with New Jersey, which has been extended to PA, and the tides are moving in that direction.

Finally, Assistant Secretary Jennifer Coatsworth related that there are a few Board members who have yet to submit their mandatory pro bono certification form as required pursuant to Bylaws Section 216A. Those members will be subject to action, including being reported to Philadelphia VIP for assignment of a case, absent receipt of their form by the September 29, 2016 Board meeting.

There being no further business, the meeting was adjourned at 4:31 p.m.

Respectfully submitted,
Jacqueline G. Segal
Secretary

**Board of Governors
Attendance
September 8, 2016 (Conference Call)**

Voting members

Present:

Gaetan J. Alfano
Deborah R. Gross
Jacqueline Segal
Jennifer S. Coatsworth
Regina M. Foley
Natalie Klyashtorny
Lauren McKenna
Kevin Mincey
Rahat Babar
Lawrence Felzer
Jeremy Menkowitz
Erin Siciliano

Kathleen Kirkpatrick
Ira Lefton
Shabrei Parker
James Funt
Adam Taylor
Matthew Olesh
Dina Ronsayro
Scott Small
Maureen Olives
Brad Rush
Joseph Turchi

Absent:

Mary F. Platt
Peter Newman
Julia Swain
Myisha Lacey-Tilson
Edward Beitz
Maureen Farrell
Angela Giampolo
Wendy Hess

Teresa Rodriguez
Albert S. Dandridge III
Brad Shuttleworth
Erin Lamb
Katayun Jaffari
Thomas Innes
Eileen Quigley
Jennifer O'Leary

**Non-voting members
Present:**

Lawrence Beaser
Mark Tarasiewicz
Rochelle Fedullo

Sophia Lee
Louis Rulli
Kathleen Wilkinson

Absent:

William Fedullo
Steven Bizar
Butler Buchanan
Louis Rulli
Andrea Yannuzzi
Patricia Infanti
Andrew Laver
Cheryl Disch
Jennifer P. Snyder