

**Philadelphia Bar Association
Board of Governors
July 28, 2009**

The meeting was called to order at 4:04 p.m. by the Chair Gaetan Alfano.

Chancellor Sayde Ladov reported that the Association has called for the resignation of Philadelphia Court of Common Pleas Judge Willis W. Berry, Jr. following a ruling by the Court of Judicial Discipline which ordered Judge Berry suspended from the bench for four months, beginning in August. The Court found that Judge Berry brought “disrepute” to the judiciary in using his courthouse office and taxpayer-paid secretary to run his private real estate business. The Association sent a letter to Judge Berry calling for his resignation the day after the Court’s ruling. Judge Berry’s attorney, Samuel C. Stretton, responded to the Association’s letter by calling for Chancellor Ladov’s resignation. This story was reported in *The Philadelphia Inquirer*, the *Philadelphia Daily News*, *The Philadelphia Tribune*, and *The Legal Intelligencer*.

Troy Wilson sought clarification as to why the Criminal Justice Section was not consulted in connection with the Association’s letter to Judge Berry. Chancellor Ladov responded that Judge Berry had recused himself from criminal matters and was, therefore, sitting on civil matters only and, further, because of the urgency of the matter, there was no time to consult with any Section of the Association. Richard Seidel suggested that, to the extent the Association desires to make any public statement about a sitting judge, the statement should be brought before the Board of Governors for review and approval, except as provided by the Association’s By-Laws for exigent circumstances.

Chancellor Ladov also reported that law firm of Pepper Hamilton sought and obtained permission from the Association to file an *amicus curiae* brief on its behalf in connection with the appeal of a New York court’s decision interpreting the duty of an insured to disclose certain matters on an application for malpractice insurance under Pennsylvania law. Chancellor Ladov explained that an emergency meeting of the Cabinet was convened because of the urgency of the matter and that the Cabinet agreed to proceed with the drafting and filing of the *amicus* brief. Chancellor Ladov thanked Brian Sims for coordinating the efforts relating to the matter, and recognized Paul Kazaras and Brian Sims for their review of the final draft of the *amicus* before it was filed.

Chancellor Ladov announced that the Elections Committee has been impaneled and that the Committee will be chaired by A. Michael Pratt. The other Election Committee members include Shanese Johnson, Lynn Zeitlin, Michael L. Viola, Scott W. Reid, Richard Harris, Peter Berson, Ourania Papademetriou, Larry Felzer, Kenneth J. Fleisher and Brian Chacker.

Chancellor Ladov also announced that the Philadelphia Bar Association has, at the direction of Governor and Judge Rendell, agreed to help launch “Get Help Now PA!”

which is part of President and Michelle Obama's "United We Serve" national service initiative. On Mondays and Thursdays, from 1 p.m. to 6 p.m., until September 11, members of the Association have volunteered to staff an office at the Earle Mack School of Law at Drexel University to help direct individuals with legal or financial issues. Members of the banking community are also involved in these efforts.

Chancellor Ladov informed that there will be no August Board of Governors meeting.

Chancellor Ladov then advised the Board that the First Judicial District has issued a Notice to the Bar informing that the City of Philadelphia has suspended payments to its vendors of a non-emergency nature, including attorneys who take court-appointed counsel cases and serve as arbitrators, in response to the impasse over the State Budget which has resulted in the interruption of State funds which would ordinarily flow to the City. The notice, issued by President Judge Pamela Pryor Dembe and Court Administrator David C. Lawrence, further informed that suspended payments will be processed upon passage of the State Budget. A discussion ensued as to appropriate action that the Association should take in response to the notice, such as a letter to be sent to Judge Dembe or a Board resolution, noting the impact of such a decision on the constitutional right to counsel and demanding restoration of payment to court-appointed counsel and arbitrators. Quorum was reached during this discussion. Richard Seidel moved to press forward with a Board resolution seeking restoration of payment and the motion was seconded by Chair Alfano. Discussion ensued with various issues raised, including what action the Board was specifically requesting of the Court and the negative financial impact nonpayment would have on some attorneys' practices. The Board was informed that Samuel C. Stretton filed an emergency motion in federal court seeking payment for court-appointment fees soon after the Notice was issued. There was further discussion as to whether there was sufficient time to draft an appropriate resolution during the course of the Board meeting, and it was decided that the Board would proceed with other business pending presentation of a draft resolution for the Board's consideration at a later point in the meeting.

The Chair requested that the Minutes of the June 25, 2009 Minutes be approved. The minutes were approved. Treasurer Joseph Prim presented the Treasurer's report for the period ending June 30, 2009. Treasurer Prim reported that the Association has received \$30,000.00 more in dues payments than anticipated, but that expenses were also higher than anticipated. The Treasurer's report was moved, seconded, and accepted.

The Chair recognized Frank Cervone, Executive Director of Support Center for Child Advocates, to present on the ABA Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings. Frank Cervone reported that the Model Act is pending before the ABA House of Delegates and that Larry Fox from Drinker Biddle & Reath, LLP is leading the delegation. Mr. Cervone explained that children should be represented by lawyers in abuse and dependency proceedings as a matter of fundamental due process and that this sentiment has also been codified by the Pennsylvania General Assembly. Mr. Cervone further explained that there is fairly

serious opposition to this client-centered approach to representation, which is consistent with the Model Rules of Professional Conduct (including client-directed representation, duty of client confidentiality and a prohibition against using information to the disadvantage of a client without consent), and that the ABA's policy is to favor the child's "best interests" approach, which may risk disclosure of client confidences and ignore client wishes. Mr. Cervone asked for a sense of the Board in connection with the Model Act and all were in favor of co-sponsorship of the Model Act. The sense of the Board will be communicated to Andre Dennis.

The Chair then recognized Terry Fromson to present a resolution from the Women's Rights Committee to support passage of Pennsylvania Senate Bill No. 890 requiring reporting by high schools of athletic opportunities afforded to male and female students. Terry Fromson explained that the bill would provide Pennsylvania with information to determine whether equity prevails in high school athletics. Ms. Fromson explained that Title IX prohibits discrimination on the basis of sex by educational institutions, including in athletic participation, opportunities and facilities and that, since 1994, colleges have been obligated to disclose such information. Ms. Fromson further explained that such disclosures have demonstrated that disparities persist in secondary school and that the gap between boys and girls is increasing, rather than closing. Currently, no data is being collected in Pennsylvania, but based on an extensive study conducted by *The Pittsburgh Tribune* in 2001 of 129 schools in Southwest Pennsylvania, and other anecdotal information, two-thirds of funding was spent on boys. The motion to adopt the resolution was made, seconded and unanimously approved by the Board.

Returning to the earlier discussion about pressing forward with a Board resolution in response to the Notice to the Bar, the motion was withdrawn after further discussion that any Board resolution should be thoroughly vetted before it is considered for a vote. Chancellor Ladov did receive a sense of the Board that full funding should be restored, and she will convey the sense of the Board to the media, the Mayor's Office, City Council, and other government relations contacts, as appropriate.

Chancellor Ladov concluded with several announcements about the Association's members. Chancellor Ladov congratulated Michael Hayes on the arrival of his new baby and Troy Wilson on his daughter's graduation from Harvard. Chancellor Ladov also expressed her condolences to the family of Nick Lisi, a former member of the Association's Board and a former chair of the Judicial Commission who recently passed away and to Secretary Kathleen Wilkinson, on the recent passing of her mother.

Upon there being no further business, the meeting was adjourned at approximately 5:30 p.m.

Respectfully submitted,

Sophia Lee

Assistant Secretary

Board of Governors

Attendance

July 28, 2009

Present:

Sayde J. Ladov
Gaetan Alfano
Joseph Prim

Scott Cooper
Sophia Lee
Richard Seidel

Rudolph Garcia
Wesley Payne

Stacy Tees
Michael Schaffer
Michael Hayes
Danielle Banks
Troy Wilson

Michael Berkowitz
Sean Sullivan
Brian Chacker
Mary Platt
David Prewitt

Jeffrey Gross
Andre Dennis
Lyndora Patterson Tiller
Joseph Prim
Grace Sweeney

Absent:

Kathleen Wilkinson
Grace Manno
Rosemary Pinto
Jacqueline Segal
Regina Foley
A. Michael Pratt
Albertine DuFrayne
Patricia Dubin
Laura Feldman
Daniel Blickman
Ella Herbin

Mehrin Masud-Elias
Karen Detamore
Maria Feeley
Jeffrey Campolongo
Richard Harris
Stephanie Resnick
Eric Milby
Judith Stein
Christine Paul
Ken Shear
John Savoth