

**Philadelphia Bar Association  
Board of Governors  
September 24, 2009**

Richard Seidel, Vice Chair of the Board, called the meeting to order at 4:08 p.m.

The Vice Chair requested that the Minutes of the July 28, 2009 meeting be approved. The Minutes were approved.

The Chair recognized Treasurer Joseph Prim to present the financial report through the end of August. Collected dues are in excess of \$37,500 of what was budgeted; the Association is also ahead with revenues from LRIS. The Treasurer's report was moved, seconded, and accepted unanimously.

Chancellor Sayde Ladov reported that a second letter to all Association members went out reporting on the loan that the Court of Common Pleas obtained due to cash flow issues. Court-appointed vendors have begun to get paid, although are not yet paid in full. She spoke with Deputy Mayor Gilson about safety and she advised him the importance of the work of court appointed arbitrators.

Chancellor Ladov reported on the efforts of LRIS. The fees total 87% of the 2009 revenue at the end of the third quarter and LRIS should exceed what was budgeted. LRIS has made over 10,000 referrals, an increase over 2008. She thanked everyone who is involved with LRIS.

Chancellor Ladov also reported on the Diversity Summit which had 130 registrants and more that walked in. The quality of the presentation was excellent. Paul Kazaras is creating an action plan that will be posted on the Association website together with a list of registrants. She would like this information disseminated at the Bench Bar.

Chancellor Ladov then reported on the Women's Summit, taking place while the Board was meeting, and the high quality panels. Chancellor Ladov observed that one quarter of lawyers were women when she entered the practice over 25 years ago. Today, 25% of the lawyers are women so a full generation later the numbers are the same. She is collecting percentages of minority lawyers. She stated that the Association needs to redouble its efforts to make sure the community is inclusive.

Early bird registration ends shortly for the Bench Bar. She urged members to make scholarship pledges. She announced the Young Lawyers' Division Fall Festival on October 3 at the Zoo. She discussed the Hamilton gala on November 21, which has a "World Fair" theme at Please Touch Museum, the site of the World Fair in the 1800's. Black tie is not required. Cost is \$175 for members and \$75 for young lawyers and judges.

Bar Elections were then discussed; nominations close October 9 with elections on December 8.

Scott Cooper will give a speech at the December 8 Quarterly Meeting and outlining his plans for 2010.

LRIS is going to celebrate its 60<sup>th</sup> year. There will be a small cocktail party event for the lawyers who service LRIS.

Chancellor Ladov discussed the Landlord Tenant Mediation Program. Only one judge now hears appeals from municipal court/Landlord Tenant cases. This program is designed to take some of the burden off the judges with goal to clean up backlogged cases. A CLE is required to be taken.

The Vice Chair did not have any announcements. He recognized Executive Director Ken Shear who wanted to pay tribute a member of the staff who just celebrated 30 years with the association. Ken Shear stated that 22 years ago Abe Rich created an ethics hotline and Paul Kazarus was put in charge. Paul handles a myriad of activities. Without him on the staff, Ken Shear stated he personally does not know what he would have done with regard to the administration of the Association, since Paul brings enormous talent and value to the Association. The Board gave Paul a unanimous round of applause.

The Vice Chair recognized Maria Feeley to present on the Bench Bar Public Interest Scholarships. She told the Board how hard it has been to raise scholarships in these economic times. Regina Foley then explained that this program allows government and public interest lawyers to attend the Bench Bar free of charge. They have raised money for 15 scholarships. \$500 is what they are looking for.

The Vice Chair recognized Peter Berson to present on a Resolution from the Criminal Justice Section urging the City to reinstate court appointed counsel fees. Many attorneys have removed themselves from the court appointed list due to the low pay to begin with and now there is an impasse with no payment being made. He urged the Board to adopt the Resolution. The last raise was 17 years ago as a result of a lawsuit. Upon motion made, and seconded, the Board approved the Resolution unanimously.

The Vice Chair then recognized PBA President Cliff Haines to present information on the PBA Resolution for the Creation of a Pennsylvania Constitutional Review Commission. He explained it is the House of Delegates who makes the decision on what steps the PBA should take. A special meeting on October 19 would address this issue. The Resolution asks for a Constitutional Review Commission to be created. Cliff Haines reported that it is misinformation that he wants to have a Constitutional Convention. A Task Force was created and the PBA Resolution is the result of that Task Force.

Cliff Haines reported that there was a Commission in the 1950s at the request of the legislature. That Commission was charged with review of the Pennsylvania Constitution to see if it was up to date. They thought there were some changes needed but they recommended against a Convention. Cliff Haines stated that when the work was completed in 1968 there was a recommendation that the Constitution should be reviewed every 15 years.

Cliff Haines explained differences between the Federal Constitution and the Commonwealth's Constitution. The latter explains how bills are passed, what can be taxed, guidelines to municipalities, and cities of classes. The world was very different the last time the Constitution was reviewed. It makes the recorder of deeds and clerk of courts constitutionally elected officers. The issue is who will control the agenda; the lawyers of Pennsylvania or the legislature. Before it can be determined if some changes are needed the Constitution needs to be reviewed.

Cliff Haines stated that Pennsylvania still does not have a budget. He discussed a case dealing with political gerrymandering and reapportionment. Some districts had been moved to the benefit of the ruling party. The Supreme Court would not rule because it did not violate the Constitution. Cliff Haines gave other examples of things that have not been well addressed by the Constitution, such as creating of schools, funding for education. He stated that he could go thru other political and social examples as well. What a review Commission would allow would be a discussion of those subjects. He thinks the Governor and the legislature should set up such a mechanism. He predicted that there will be a spirited debate at the special meeting in October.

Cliff Haines opened the floor to questions. He reported that he will be meeting with different zones of the PBA. This is a potentially risky move he stated but all courageous moves are risky. A question was whether if Article 5 were on the table funding for the judicial branch could be on the table. The feeling was that the courts should govern the judicial branch. Cliff Haines encouraged House of Delegate members of Zone One (Philadelphia) to contact him or Andy Susko and Kathy Manderino, the co-chairs of the Task Force.

The Chair recognized Andre Denis and Abe Reich to give a report on the ABA. They directed attention to the written report in the materials given to the Board and pointed out some things that were tabled at the ABA meeting.

The Vice Chair then introduced the Conflict of Interest Policy and Acknowledgment Form. Paul Kazaras pointed out the necessity of having such a policy for purposes of compliance with applicable IRS guidelines. Upon motion made and seconded the Policy was adopted unanimously.

The Vice Chair recognized James Rocco, the chair of the Family Law Section who reported there is a Bill pending in Harrisburg on Family Law Hearings which would amend the custody statute to amend an order to require joint custody even if not in the best interest of the child. He explained sole, primary, or joint custody. He stated that the standard is what in the best interest of the child. He reported that the problem with the Bill is that it does not consider that there is bad communication when the couple breaks up. It also does not take into account domestic violence. He recommended that the Association oppose any bill with a presumption of joint custody and give him authority to take a position on behalf of the Association by reiterating the prior position of the Association in Harrisburg. It was recommended he speak to Tony Crisci, the Association's lobbyist. In 1999, the Board took a similar position. A motion made and seconded. There was a question whether the Uniform Custody Act addresses this. He said it does not substantively. The motion passed unanimously.

The Vice Chair Richard Seidel then raised the subject of filing an amici brief. He advised the Board of the facts of the Berg v. Nationwide Mutual Insurance Co. Inc. and how a party's attorney was unable to serve the judge with a copy of an appeal and the appeal was rejected. Chancellor Ladov reported that the issue in the amici brief concerns 1925(b) of the Pennsylvania Appellate Rules of Civil Procedure. She pointed out that lawyers who try to do the right thing can be trapped. She asked if the Board would authorize the filing of an amici brief with the brief to come back and be vetted by the officers of the Association and that states the Association's position on the underlying issue. Paul Kazaras reported that State Civil Section Chair Tom Wilkinson is working with the PBA and the Allegheny Bar Association on this issue also. Upon motion made and seconded, and after discussion, the Board gave approval for the Association to file an amici brief to be filed stating the Association's position.

Michael Hayes discussed the Association's position on having respect for judges and he noted that there were articles in the *Legal Intelligencer* supporting calling for respect for the judges. He has heard of appreciation by the judges for these articles.

Chancellor Ladov reported that the Judicial Commission completed its work and found a slate of qualified judges in Court of Common Pleas and Municipal Court. A Campaign for Qualified Judges will sponsor a party in October for the retention judges. Any money raised will go towards PAC's. Any checks would be sent to Brian Sims payable to Campaign for Qualified Judges.

The meeting was adjourned at 5:35 p.m.

Respectfully submitted,

Kathleen D. Wilkinson  
Secretary

Board of Governors  
Attendance  
September 24, 2009

*Present:*

Sayde J. Ladov  
Sophia Lee

Rudolph Garcia  
Joseph Prim

Kathleen Wilkinson  
Richard Seidel

Michael Berkowitz  
Andre Dennis  
Danielle Banks  
Troy Wilson  
Jacqueline Segal  
Stephanie Resnick  
Judith Stein  
John Savoth

Michael Schaffer  
Michael Hayes  
Mary Platt  
Grace Manno  
Jeffrey Campolongo  
Eric Milby  
Ken Shear

Sean Sullivan  
Lyndora Patterson Tiller  
Joseph Prim  
Maria Feeley  
Regina Foley  
Patricia Dubin  
Ella Herbin

*Absent:*

Scott Cooper  
Gaetan Alfano  
Wesley Payne  
Rosemary Pinto  
Stacy Tees  
Mehrin Masud-Elias  
Karen Detamore  
Jeffrey Gross  
Richard Harris  
A. Michael Pratt  
Brian Chacker  
Albertine DuFrayne  
Laura Feldman  
Christine Paul  
David Prewitt  
Daniel Blickman  
Grace Sweeney