

**Philadelphia Bar Association
Board of Governors
July 29, 2010 Minutes**

The Meeting was called to order at 4:04 p.m. by Chair Richard Seidel.

The Minutes were approved. Wes Payne, Assistant Treasurer, was recognized to give the Treasurer's report. Revenue is ahead of budget due to LRIS, although dues revenue is slightly below projections. Expenses are breaking even. A motion was made and seconded and the Treasurer's report was approved.

Chancellor Scott Cooper presented his remarks. The Association issued a mid-year report recently. Chancellor Cooper recognized the assistance of Michael Petitti and Mark Tarasiewicz with the report. Chancellor Cooper extended congratulations to those involved in the June Quarterly meeting, including the honorees and award winners.

Chancellor Cooper was a guest at a conversation with the Court of Common Pleas where the Court expressed appreciation for the work done by the Association in supporting the Court. There is a concern that the Commerce Court program is being underutilized and that some cases may not be tracked properly. The Court wants to be inclusive not exclusive with the jurisdiction of Commerce Court.

Chancellor Cooper announced that the Bar Academy had a recent event at Le Bec Fin, which was well received. The Academy also sponsored a visit to the Kimmel Center, which is anxious to partner with the Association for other events. There will be a traveling exhibit of art involving veterans at the Constitution Center. Another Academy event may be planned in conjunction with this exhibit.

Chancellor Cooper reported on the status of the Gillard case on the scope of the attorney-client privilege which will be heard by the Supreme Court in the fall. The building of a new Family Court continues to be a huge issue. There have been two letters from the Chancellor published on this issue.

Chancellor Cooper recognized Lou Rulli who recently donated an entire stipend to VIP to fund a referral source of non-lawyers. He also congratulated Association Senior Staff Counsel Amy Seefeld, who is being appointed to a three-year term on the ABA Standing Committee on Lawyer Referral and Information Service. Charlie Klitsch will rotate off the Committee this year. Brian Sims was named by the National LGBT Bar Association as one of the best 40 under 40 LGBT lawyers in the country.

The Chair stated that he spoke at the naturalization ceremony on Freedom Day.

A motion was made by the Chancellor to nominate Sayde Ladov as Treasurer of the Campaign for Qualified Judges to replace May Mon Post. The motion was seconded and approved unanimously.

The following appointments were made to the Elections Committee: Chair: Sayde Ladov; Members: Mike Viola, Scott Reid, Lou Rulli, Larry Felzer, Abbie DuFrayne, Brandi Brice, Sean Sullivan, Jeff Gross, and Jeff Campolongo. Upon motion made and seconded, the motion was approved. The Elections Committee is looking for qualified diverse candidates for the officer positions as well as for members of the Board of Governors. Ballots will be mailed to Association members between November 16 and 18, 2010.

The Chair reminded all members of their attendance requirements and that it is of vital importance to attend meetings of the Board of Governors. Each meeting is important regardless of topics as the Board represents all members of the Association. There are some who have not attended several meetings, which will be addressed.

The Chair recognized Bench-Bar Co-Chairs John Savoth and Regina Foley to present on the Bench-Bar and Annual Conference which will be held October 15 and 16, 2010 at the Borgata in Atlantic City. He urged everyone to attend. A lot of judges will attend and it is an opportunity to network with them. The event will open with a reenactment of the Peter Zenger Trial by the Drama Society of Temple University on the occasion of the 275th anniversary of that trial. Pennsylvania Supreme Court Justice Jane Cutler Greenspan, Superior Court Judge Correale F. Stevens, and Association members Bill Fedullo, Alicia Hickok, and Carl Solano will participate. Co-Chairs Savoth and Foley will be making a request for scholarships for members of the public interest community who otherwise might not be able to attend. The award winner for the Ruth Bader Ginsburg Essay Competition will be recognized. The President of the Lyon Bar Association will likely attend as well.

The Chair recognized Riyah Shah, Chair of the Legal Rights of Children Committee, to present a resolution regarding Sexting Prosecution and Sentencing. The House passed House Bill No. 2189 the end of June. This Bill creates a new offense to children under the age of 18. Ms. Shah explained how there are many downsides to this proposed legislation as it continues to criminalize the sharing of pictures between juveniles on cell phones. A motion was made and seconded. There was discussion whether this is an issue that should be dealt with through the juvenile courts, if it was purely consensual. Marsha Levick, Deputy Director & Chief Counsel to the Juvenile Law Center, stated this is all about dealing with this on a juvenile not criminal basis. The Chair Richard Seidel suggested that the presenters could work on reshaping the Resolution before the September meeting. The Resolution was also vetted with Public Interest, and Criminal Justice Section, the latter of which supported the resolution. After much discussion about the wording of the Resolution, a Motion to table was made and seconded. This motion was approved by a majority by voice vote. Executive Director Ken Shear pointed out that a special meeting could be held to address a new Resolution if time became a problem. A motion was made to untable the same Motion and it was seconded and passed unanimously. The Resolution was then withdrawn. Larry Beaser will assist with suggestions for the Resolution.

The Chair recognized Angus Love to present a Resolution regarding parole for juvenile offenders sentenced to life without parole. The Chair advised that the PBA adopted a similar Resolution. This Resolution seeks to have those serving a life sentence to be able to seek parole at a later time. This does not mean release, it only means eligibility for parole. It also calls for support of two bills currently pending before the PA Assembly. He discussed the number of

individuals who are incarcerated and that PA has the broadest life without parole law in the country.

Another factor is the demise of the opportunity for commutation. It used to be routine for commutations to be granted. In 1997, there was an amendment and now it must be a unanimous vote to get a pardon and very few have made it through this process. He gave examples of situations where juveniles have been incarcerated for life without parole where parole might be justified. This Resolution had been tabled at a previous meeting. A motion was made to remove the Resolution from the table, the motion was seconded and the majority of the voice voted in favor of removal.

A motion was made and seconded concerning the Resolution. In the discussion that followed, Scott Sigman stated that the murder rate and shootings are on the increase and that the last thing that we should do is to lessen the penalties for such. There are some hardened juveniles committing first degree murder, he added. There was discussion whether this Resolution should be tabled. There is a lot of emphasis on the offender as opposed to the victim and the family. There was discussion that the court has not discussed this and that there are victims attached to each of these offenders. Marsha Levick stated that there are substantial numbers of children involved and this is the only country in the world that sentences juveniles for life without parole and that the message that needs to get out is that there are mandatory sentences and no consideration of the individual circumstances.

Ms. Levick noted that this Resolution calls for for an opportunity for review, just a humane operating system, not to get out of incarceration automatically. There was discussion of how juveniles are not as mature when committing these crimes as adults. Larry Beaser stated this is a policy issue for the Board. He was general counsel for Governor Shapp when he reviewed pardons and there was a mechanism after 30, 35, 40 years. This no longer exists today. The victim would have an opportunity to speak at any such hearing.

There was further discussion that first degree murder is very different than other crimes. There was further discussion that the proposed legislation is a way to get people to the parole board and that the board should be able to make a determination. A motion to table was made. There was no second. There was discussion whether there is any reason not to take a position since there is some segment of the bar which is not in favor of the Resolution. There was discussion whether we should reach out to the constituencies we represent. The Resolution was passed by Public Interest Section, Criminal Justice Section.

There was additional discussion that this is to give juveniles an opportunity, and one board member who has experienced violent crime at the hands of the teenager said she would want to vote in favor. There was a request for a friendly amendment to remove first or leaving just reference to 2nd degree homicide. Angus Love rejected the friendly amendment. Another request for friendly amendment was to remove the time limit and to add language to say the Association would support legislation to be eligible after serving significant portion of that sentence. The proponent accepted the amendment. There were some technical amendments including the addition of case citations, which were accepted.

Chancellor Cooper then pointed out that we do not have what we are voting on in front of the Board. There was further discussion that only the last paragraph was being modified by the friendly amendment. Upon motion made and seconded as amended, with the word “substantial” being added, the Resolution passed by a majority of voice vote.

The Chair recognized Teresa Rodriguez from Friends of Farmworkers and Judy Bernstein Baker who presented a Resolution regarding Arizona style Anti-Immigration Legislation. The Resolution is to oppose the Arizona law and similar pending PA legislation, and to support the need for fair and humane immigration policies. The intent is that immigration laws are federal laws, that these local laws are unfairly targeting individuals, and that the law enforcement community is not in favor of the law. A motion was made and seconded, followed by discussion. There was mention of the successful legal challenge to the Hazleton immigration ordinances and that one state cannot have one set of laws and another state or municipality have a different set of laws on a topic of national scope. The effect of the law is that authorities are targeting minorities and doing racial profiling. It places an undue burden on the law enforcement community. Delivery of Legal Services and Public Interest Section support this Resolution. Larry Beaser made some technical amendments, which were accepted and the Resolution passed unanimously.

The meeting adjourned 5:57 p.m.

Respectfully submitted,

Kathleen D. Wilkinson
Secretary

**Board of Governors
Attendance
July 29, 2010**

Present:

Scott Cooper
Kathleen Wilkinson
Larry Beaser

Rudolph Garcia
John Savoth
Regina Foley

Richard Seidel
Jacqueline Segal
Wesley Payne

Stacy Tees
Kimberly Ruch-Alegant
Lou Rulli
Sean Sullivan
Maria Feeley
Michael Schaffer
Sayde Ladov
Angus Love
Ken Shear

H. Marc Tepper
Karen Detamore
Scott Reid
Danielle Banks
Brandi Brice
Lee Applebaum
Hon. A. Michael Snyder

Scott Sigman
Scott Reid
Jeffrey Gross
Lou Rulli
Jeffrey Campolongo
Stacy Tees
Peter Berson
Andre Denis

Absent:

Joseph Prim
Sophia Lee
Michael Berkowitz
Mehrln Masud-Elias
Richard Harris
Pedro Ramos
Gaetan Alfano
Albertine DuFrayne
Carolyn Chopko
Shanese Johnson
Judith Stein
Alfred Fuscaldo
Daniel Blickman
Tom Wilkinson
A. Michael Pratt