

**Philadelphia Bar Association
Board of Governors Meeting
March 28, 2013**

The meeting was called to order at 4:07 p.m. by Chair Marc Zucker.

Upon consideration by the Board, the minutes of the February 26, 2013 Board meeting were unanimously approved.

Treasurer Wesley R. Payne IV presented the Financial Report for the period ending February 28, 2013. He reported that the Association is operating under budget by \$77,000, with dues revenue under budget by \$121,000 (attributable to the large law firms whose dues are forthcoming but not yet received) and expenses under budget by \$44,000. Executive Director Ken Shear assured that checks from larger law offices are coming in and anticipates that the dues revenue will be reflected in the March financial report. He also anticipates that income will be coming in from LRIS. After consideration, the Treasurer's Financial Report was unanimously accepted by the Board.

Treasurer Payne invited David Faw to present the Independent Auditor's Report. Mr. Faw explained that the audit process began on March 1 and that it will conclude today, which is an outstanding result. He informed that, as part of the audit process, he read the minutes of the Board meetings and learned that, as early as February or March of last year, there would be budget issues to address. He reported that the Association has done extraordinarily well despite the bad economy and that issues faced in 2012 were an aberration. The Audit Committee met on March 6 and, again, on March 20. Mr. Faw noted that it was one of the hardest working Audit Committees he has encountered in his many years, that team members stepped up and that there was robust discussion at both meetings. The Audit Committee was comprised of Chancellor Kathleen Wilkinson, Chancellor-Elect William Fedullo, Vice-Chancellor Al Dandridge, Treasurer Payne, Assistant Treasurer Mary Platt, Secretary Sophia Lee and Board Members Jen Coatsworth and Kay Yu. An unqualified opinion will issue. Mr. Faw reported stellar performance by Association CFO Susan Knight. After consideration, the Independent Auditor's Report was unanimously approved by the Board. Chair Zucker thanked everyone on the Audit Committee and the Association staff involved in the audit process. A Form 990, which was also prepared by Mr. Faw and mirrors the Audit Report, will be distributed to the Board at a later time and posted on the Association's website by next week.

Chancellor Kathleen Wilkinson reported on the development of Youth Courts in Philadelphia. She explained that bar associations in other parts of the country have passed resolutions supporting youth courts that promote dispute resolution within the schools rather than through the justice system. A program will be held on April 10, 2013 entitled, "Youth Courts: School Safety/Climate, Youth Development, and the Law" at the U.S. Attorney's Office.

Chancellor Wilkinson also reported on her work with the City on the RFP for alternate conflict counsel, noting that news articles have been published in *The Legal*

Intelligencer and the *Chestnut Hill Patch*. Justice Orié Melvin has resigned effective May 1 and the Association has issued a press release that was picked up by the *Pittsburgh Post-Gazette*, *The Inquirer* and *The Legal*. Chancellor Wilkinson testified on March 22 regarding the Association's position on traffic court, which testimony was covered by *The Legal*, *The Inquirer* and *The Northeast Times*. She also testified before City Council, including Councilman David Oh, about what the Association is doing that is globally-related, specifically about the International Law Committee's work, partnering with the Lyons Bar Association, discussing that many law firms have offices abroad, and that our law offices often host international delegations.

Chancellor Wilkinson then reported on the various events that she has participated in, including the following: YLD event wherein Aneesh Mehta was sworn in as its Chair; District Attorney Seth Williams' event on March 27; many events wherein discussions about *Gideon* took place and Judy Berkman and Chief Justice Castille were honored; Large Firm Management Committee meeting wherein 25 partners attended with an ambitious agenda launched; Philadelphia VIP Awards Night on March 18; along with Vice Chancellor Al Dandridge, attended mock trial finals hosted by Temple LEAP on March 16. Vice Chancellor Dandridge recommended that any time Roberta West from Temple LEAP calls you to judge, to do it, because it makes you proud to be a lawyer. YLD Chair Mehta also attended as a judge, as YLD is a sponsor of the event. Chancellor Wilkinson also reported that she went on a personal trip to Cuba with the Brandeis Law Society and the Temple Law Inn of Court, along with top judges and leaders including President Judge Pamela Dembe, Judge Sandra Moss, Judge Anne Lazarus, Judge Marlene Lachman, Robert Mongeluzzi, Alan Feldman and Abe Reich. Chancellor Wilkinson also attended an LRIS meeting today and they are doing great. The next Board meeting will take place on Tuesday, April 23, with a Spring Reception to follow at Del Frisco's.

Chancellor Wilkinson announced the appointment of Annie Kelley to the Philadelphia Bar Reporter Editorial Board. Upon consideration by the Board, the appointment was unanimously approved.

Chair Zucker announced that the Senior Law Center is celebrating its 35th Anniversary on April 17 at the Ballroom at the Ben, and will be inducting Executive Director Shear into its Hall of Fame. He also announced that *The Legal Intelligencer* has named Vice Chancellor Dandridge and Nikki Johnson-Huston as among its Diverse Attorneys of the Year.

Professor Lou Rulli made a presentation commemorating the 50th anniversary of *Gideon v. Wainwright*. March 18 is the specific anniversary date of the decision, and the date on which Philadelphia VIP held its Awards Night at the Wilma Theatre this year. March is the month typically reserved for commemorating the *Gideon* decision wherein Justice Hugo Black speaking for a unanimous U.S. Supreme Court held that the Sixth Amendment applies to the states through the Fourteenth Amendment. Mr. Gideon received a new trial with a lawyer at his side and the jury found him not guilty. Just 50 years ago, a person facing the loss of liberty and too poor to afford a lawyer did not have counsel. This decision celebrates what lawyers have done to advance justice, to ensure competent representation to the indigent accused of crimes and to make real the promise

that every courtroom is fair. A video about the *Gideon* decision, which aired on *CBS Sunday Morning* on March 17 was shown. Anthony Lewis, author of *Gideon's Trumpet*, died this past Monday at the age of 85, 50 years and one week post-decision. The Board took a moment of silence to remember him.

Chancellor Wilkinson announced that the ABA awarded the Association a \$19,000 grant to study the issue of access to justice and civil Gideon by way of statewide hearings. A coalition was organized with the Pennsylvania Bar Association and Chief Justice Castille wrote a letter of support after studying the application. The Association is the only city bar association to receive a grant.

Assistant Secretary Jackie Segal made a presentation regarding the Board's pro bono requirement pursuant to Bylaws Section 216. Each Board member is required to certify for the period ending June 30 that she or he handled a pro bono matter or is excused or is seeking a pro bono matter. The certification must be returned by July 8, 2013 to Assistant Secretary Segal and/or Charlie Klitsch.

Young Lawyers Division Chair Aneesh Mehta reported on the upcoming Young Lawyers Division sponsored event "An Evening of Comedy That Cares" scheduled May 9, 2013 at the Helium Comedy Club featuring comedian Adam Ferrara for the benefit of the Philadelphia Bar Foundation. The Young Lawyers Division appreciates all of the sponsorship support that has been offered by various law firms. Mr. Mehta also reported that Law Week is approaching, which also requires extensive resources. He thanked Treasurer Payne of White & Williams for his support and sponsorship; NAMWOLF (The National Association of Minority & Women Owned Law Firms) for hosting Legal Lines in March 2013; and, the Business Law Section for hosting Legal Lines in July 2013. Mr. Mehta welcomes the support of all Sections and Committees as a great way to get involved with the Young Lawyers Division. Chancellor Wilkinson noted that Mr. Mehta will be speaking on a panel on April 22 entitled, "21st Century Associates in a 20th Century Legal Environment." Dean Epps and Dean Gotanda will also be speaking on the panel.

Chair Zucker introduced Association City Lobbyists David Hyman and Denise Smyler. Mr. Hyman reported that Chancellor Wilkinson testified before Councilman David Oh's new committee on global issues, which effort should be ongoing. He further reported that the City of Philadelphia's Chief Integrity Officer Joan Markman spoke at the most recent City Policy Committee meeting about potential mayoral candidates. The Committee met at the end of year 2012 with Senator Anthony Williams, who encouraged the Committee to meet with members of the delegation to familiarize non-lawyer members of the delegation with the works of the Bar Association. Additionally, City Council and City Hall are currently facing tough issues regarding the budget and the challenges to assist those struggling versus a low rate of taxation. Mr. Hyman learned from a council member that Philadelphia School District Superintendent William Hite, Jr., Ed.D. would be requesting additional resources including \$60 million from the City and \$120 million from the State. An issue receiving significant attention and controversy has been Councilman William Greenlee's paid sick leave bill. The Chamber of Commerce has been against the bill, which did pass. It appears that Philadelphia Mayor

Michael Nutter has a slim ability to sustain a veto, anticipated to occur within the week, which has increased tension between City Council and City Hall. Another issue that has created tension has been the issue of labor contracts following an unprecedented inability by the Mayor to complete his budget address because of the labor unions.

Denise Smyler reported on hearings on the City's tax collection performance, and that City Council is not pleased with the amount of taxes being collected. Additionally, Ms. Smyler reported on the Land Bank issue pertaining to what the City is doing with the vacant property that it owns, with an underlying inquiry by the Council President as to why land is being held for sale at fair market value when it could be given to developers for projects in up-and-coming areas. Several Councilmembers including Cindy Bass and Maria Quiñones-Sanchez are expressing concern because vacant land in their respective areas, that could benefit from development, is causing a decrease in property value.

Mr. Hyman provides Mr. Klitsch with every ordinance introduced in City Council and Mr. Klitsch determines its relevance to the Association. If the Association has an issue with legislation, Mr. Hyman and Ms. Smyler should be contacted for their assistance. Similarly, if they spot an issue relevant to the Association, they will bring it to our attention. The RFP for conflict counsel is a great example of the assistance received from Mr. Hyman and Ms. Smyler, as they brokered a meeting between the Association and Deputy Mayor Everett Gillison.

Ms. Smyler then thanked Chancellor Wilkinson for her attendance at an event wherein the Defenders Association received a plaque from the Mayor.

Chancellor Wilkinson reported on a proposal to increase the mandatory retirement age for judges. House Bill No. 79 raises retirement from 70 to 75 years. A hearing will take place in Harrisburg in April. One side of the argument is that today's 70 is younger than in generations past; on the other side, there budget constraints. A discussion ensued wherein various other concerns were raised about the impact of raising the mandatory retirement age. During the meeting, it was announced that the Pennsylvania Supreme Court will hear arguments on expedited review as to the pending lawsuit on this matter.

Chancellor-Elect Fedullo announced that Marshall Bernstein passed away this week. He was a giant in the field of products liability and plaintiff's personal injury.

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

Respectfully submitted,
Sophia Lee
Secretary

**Board of Governors
Attendance
March 28, 2013**

Voting Members:

Present:

Kathleen D. Wilkinson
William Fedullo
Albert Dandridge
Sophia Lee
Jacqueline Segal
Wesley Payne
Marc Zucker
John Encarnacion
Nikki Johnson-Huston
Gina Rubel
Rachel Branson
Jennifer Coatsworth
Ourania Papademetriou
Christian Petrucci

Kay Yu
Rachel Gallegos
Natalie Klyashtorny
Rachel Kopp
Emily Marks
Brad Shuttleworth
Dawn Tancredi
Aneesh Mehta
Kevin Mincey
Gordon Wase
Sara Jacobson
Richard Vanderslice
Mark Cohen

Absent:

Mary Platt
Eric Weitz
Brian Chacker
Scott Reid
James Rocco
John Savoth

Brandi Brice
Edward Beitz
Barbara Sicalides
Meredith Brennan
Howard Goldberg

Non-voting Members:

Present:

Michael Hayes
Lawrence Beaser
Kenneth Shear

Louis Rulli
Judy Stouffer
Richard Alonso

Absent:

Rudolph Garcia
Deborah Gross
Justine Gudenas
Heather Austin
Sayde Ladov

Flora Yarnall
Cheryl Disch
Abraham Reich
A. Michael Pratt