

**Philadelphia Bar Association
Board of Governors
March 31, 2010 Minutes**

The Chair called the meeting to order at 4:12 p.m. Upon motion made and seconded, the Minutes of the February meeting were approved.

The Chair recognized Assistant Treasurer Wes Payne, who presented the Treasurer's report. The Association revenues are above budget; the Association is slightly ahead in dues collections, ahead with regard to LRIS and overall financially sound. Business Law Section Representative and Chair Lee Applebaum asked if some section dues are down as he noted that the Business Section sees a decrease. Executive Director Ken Shear reported there is an all around decrease in dues which is affecting sections too. After March 31, individuals have to pay a late fee. Even when dues are coming in from firms, the number of attorneys that firms are paying for has dropped off as some firms have changed their policies with regard to bar dues. The Association is going back to firms, partners, and associates who have not paid and will try to be as flexible as possible in encouraging them to continue to be members. Overall, Ken Shear feels that the budget contains other sources of revenue that will help the Association get through to a successful conclusion of the year. At the ABA level, Ken Shear noted that there has been a membership reduction and a new dues structure implemented. It is a question of how many lawyers there are that are practicing in Philadelphia too. Upon motion made and seconded, the Treasurer's report was approved.

The Chair then recognized Denise Smyler and David Hyman, the Association's city lobbyists, who presented a report on the state of the city. They attended a meeting of Philadelphia City Council held on March 31. This year the Mayor made two proposals: a trash fee and a tax on sweetened beverages. Neither proposal is faring well at the moment. Attorney Hyman is optimistic that an agreement can be reached on a budget. City Council is now more focused on raising the real estate tax. Attorneys Smyler and Hyman have scheduled some walk arounds for April with Chancellor Scott Cooper to meet with some of the council members to keep leadership apprised of areas of interest to the Association.

The Chair then recognized Tom Wilkinson to present on an amicus brief issue involving an appeal in Gillard v. AIG on the issue of attorney-client privilege. The Pennsylvania Supreme Court has accepted allocatur on the question of whether the attorney-client privilege applies to communications from lawyer to client as well as client to lawyer. This issue is being reviewed for the second time. Tom Wilkinson reported that when Jane Dalton was Chancellor in 2007 the Association participated in the amicus brief filed in Nationwide v. Fleming, asserting that the privilege should be a two way street. That brief was cited favorably in the opinion issued by Chief Justice Castille and Justice Saylor. Justice Baer and Justice Eakin concluded that the privilege had been waived in that case by the production of other, related documents. The Gillard case only presents the question of privilege and there is no waiver issue. Tom Wilkinson noted that Robert Byer at Duane is again lining up amici participation from the Chamber of Commerce and Association of Corporate Counsel, and it also appears that the Pennsylvania Defense Institute will submit an amicus brief. They are reaching out to the Association of Justice as well as other groups to participate. In the past, he reported that the

Association has voted in favor of maintaining a two way privilege, in a November 2007 Resolution. He urged the Association join as an amicus with the Pennsylvania Bar Association (PBA) as they did in Nationwide v Fleming. The Chancellor asked for a sense of the Board whether everyone was in favor so that the Board could authorize a filing subject to the approval of the Chancellor or his designee. Upon motion made and seconded, the motion passed unanimously that an amicus brief be filed subject to review and approval of the Chancellor.

Chancellor Cooper made a series of announcements, starting off by stating that the Association is very busy right now. The Quarterly meeting on March 17 was excellent with appearances by the Mayor, District Attorney, and the City Solicitor. There was brief discussion of a process for finding speakers such as newsmakers as opposed to news givers.

Chancellor Cooper also reported that the YLD had a fabulous lunch on March 31 with Sharon Pinkerton, Executive Director of the Greater Philadelphia Film Office, as keynote speaker. Chancellor Cooper reported that it was well attended and a well run event.

Chancellor Cooper then advised the Board that he had a difficult appointment process with Zone One as we have lost some positions due to a decline in membership in the Pennsylvania Bar Association among Philadelphia lawyers. He reported that his appointments reflect a diverse cross section of the local legal community.

Chancellor Cooper also reported on the Bar Academy event on Monday on the new soccer team, the Philadelphia Union. For 90 minutes, representatives from team management spoke about the stadium, and what it means to bring a sports team to Philadelphia. Many of the attendees do not normally go to Association activities. He also reported that Judge Michael Snyder has accepted his invitation to serve as Chair of the Academy. The trustees of the Academy include retired Justice Greenspan. He also announced that Mark Tarasiewicz and his department have created a website for the Academy and demonstrated how the website works. Most of the Academy's programming will be free or passed on at cost.

Chancellor Cooper announced the sharing of resources between various members of the pro bono community which Lou Rulli is working on, as well as non-dues revenue sources. He reported that he will attend a dinner tonight with PBA President Haines and other bar presidents. He plans to have a similar dinner with area Bar Presidents in the future. He also mentioned that work was proceeding on developing programs for the Bench Bar Conference on October 15 and 16, 2011 at the Borgata in Atlantic City.

Chancellor Cooper reported that earlier in the month he had a good lunch with Justice McCaffrey prior to his announcement of the Task Force to review the criminal justice system. He also met with the District Attorney, who seems interested in getting more attorneys in his office involved in the bar.

The Chair Richard Seidel gave remarks. Mr. Seidel stated he recently attended the State Civil Litigation Section's quarterly meeting, which had excellent attendance. The subject was UM/UIIM motorist cases and the discussion centered on a number of issues concerning insurance contracts being drafted without insurance provisions. Mr. Seidel reported that the Judicial Commission met recently. Since it is not a judicial election year, they will be looking at bylaws

and whether any changes to the structure of the Commission need to be made. He reported that progress is being made with regard to finding a director of diversity for the Association.

Scott Reid was recognized to present a report on the search for a new diversity director. They are seeking input of the affinity bar associations in the city and are involving them in the process. He and Ken Shear have met with Gay and Lesbian Lawyers of Philadelphia, National Bar Association, Barristers Association and Asian Pacific American Bar Association, as well as the Women in the Profession Committee, Public Interest Section, and Young Lawyers Division. Every group they met with felt that having a diversity director shows the Association's commitment to diversity in the profession.

The Chair then recognized Co-chairs of the Association's Green Ribbon Task Force, Michael Hayes and Kim Jessum, to present on the status of their work. They meet on the third Monday of every month. They are working on a set of guidelines the bar, firms, corporations and the courts can follow in order to take initiatives in this area.

Mr. Hayes state that the ABA and many business groups in the Philadelphia area have Green Guidelines, with different levels of participation. For the courts, some issues are electronic discovery, e-mail discs and catering. The chairs will recommend the Association set up a voluntary program and that firms can receive recognition. The committee members will be visiting sections and committees to make everyone aware of how to set up these initiatives. They also plan to suggest to those ancillary to practice of law, such as court reporters, to make things more "green" friendly. They reported that on April 7, the Greater Philadelphia Green Business Program will celebrate its first anniversary.

There was discussion regarding the Court of Common Pleas. The court is constrained by the State Supreme Court to keep copies of what is filed electronically for so many years. A web page and articles are being written on this subject. There will also be a tree planting on April 24 to coincide with Earth Day at 9:00 a.m. with the PA Horticultural Society.

The Chair recognized Chancellor Scott Cooper to present a report on the World City Bar Leaders Conference. The conference they attended was by invitation only and was attended by leaders of the world's most important city bar associations, including the Philadelphia, New York, Tokyo, and Paris Bar Associations. This conference exists to talk about shared items of interest with world city bar associations. Everything from international ethics to how to regulate lawyers, and from networking to moving across international lines is discussed. The Philadelphia Bar Association was invited to be part of the "hot topics" program and Chancellor Cooper spoke about the work of the Real Property Section.

Attendees were invited to bid to host a future conference. The Philadelphia Bar Association prepared a program for this competition. Chancellor Cooper led off by talking about Philadelphia, the strength of the courts and the bar. There were three other cities in contention. Montreal won as the meeting has never been held in Canada. The location of the conference rotates between Asia, Europe and North America. Chancellor Cooper believes that it will take a sustained amount of planning and participation by the Association in this conference in order to attract the meeting to Philadelphia. He believes the Association should stay involved in this

conference and try to participate in future meetings so we can try to get to be a host of future meetings.

Chancellor-Elect Rudy Garcia stated he thought the conference is unique with bar leaders from large cities and there is an opportunity to have broad impact. He also stated that Scott Cooper did a magnificent job on the two panels he was on. Chancellor-Elect Garcia added that future boards and future top officers should consider that he, Chancellor Cooper and Ken Shear felt this was a valuable conference so that a decision can be made in 2014, or whenever the opportunity comes in the future, to seek to host the conference. The Chicago Bar Association had cards with both languages printed, English and Japanese. The conference was in Chicago five years ago, London two years ago and Tokyo this year. The only other U.S. cities in the conference are New York and Chicago. Mexico City is not a member and South America is not represented as well. The Southern Hemisphere is unrepresented.

Judge Snyder asked if we could pass a resolution suggesting we continue to expend effort in this regard. There was also discussion of getting the interest of the courts, how we could share ideas on pro bono work, and whether to create a delegate position such as a former Chancellor to continue to attend this conference. Chancellor Cooper concluded the discussion by stating that to be a world class city, we have to act as a world class city and this conference is a good way to do that. The meeting concluded at 5:40 p.m.

Respectfully submitted,

Kathleen D. Wilkinson
Secretary

**Board of Governors
Attendance
March 31, 2010**

Present:

Scott Cooper
Kathleen Wilkinson
Larry Beaser

Rudolph Garcia
Wesley Payne
Sophia Lee

Richard Seidel
John Savoth
Regina Foley

Stacy Tees
Brandi Brice
Mary Platt
Angus Love
Hon. A. Michael Snyder
Scott Reid

Jeffrey Campolongo
Kimberly Ruch-Alegant
Lee Applebaum
Scott Reid
Ken Shear

Sean Sullivan
Scott Sigman
H. Marc Tepper
Tom Wilkinson
Lou Rulli

Absent:

Joseph Prim
Jacqueline Segal
Michael Berkowitz

Karen Detamore
Maria Feeley
Jeffrey Gross

Mehrin Masud-Elias
Danielle Banks
Michael Schaffer
Richard Harris
Pedro Ramos
Sayde Ladov
Gaetan Alfano
Albertine DuFrayne
Carolyn Chopko
Peter Berson
Shanese Johnson
Judith Stein
Alfred Fuscaldo
Daniel Blickman
A. Michael Pratt

