

Executive Committee, Real Property Section
Meeting Minutes – Tuesday, April 14, 2009

In attendance: Michael Balent, Brad Begelman, Judy Berkman, Alfred Fuscaldo, Cheryl Gaston, Michael Goss, William W. Keffer, Susan Kupersmith, Christine Paul, Ralph Pinkus, Neil Rubin, Dina Schlossberg, Paul Schmidt, Richard Vanderslice, Dean Weisgold. Also attending were: Judge Annette Rizzo, Joseph Sullivan and Shari Shapiro.

Chairperson Christine Paul called the meeting to order.

Civil Gideon Resolution. Joe Sullivan of Pepper Hamilton and Judge Annette Rizzo discussed the Bar Association's proposed Civil Gideon Resolution. Joe began by giving a brief rundown on the Mortgage Foreclosure Diversion Program. Joe then told us about the Bar Association's Civil Gideon Taskforce. The Taskforce was created as a result of an American Bar Association (ABA) resolution adopted in August 2006 which stated that the ABA urged applicable governmental entities to provide counsel as a matter of right, at public expense, to low-income persons of those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody. We then discussed the current proposed Bar Association resolution concerning Civil Gideon. Judy Berkman made several suggestions concerning changing the word housing to shelter and sustenance to subsistence to expand the scope of representation. Susan Kupersmith advised of the challenges she has faced in her career representing landlords, specifically, certain counsel for low income individuals who use delay as a strategy rather than litigating on the merits. The result of these delay efforts causes extensions and proceedings that, while ultimately not successful, had the effect of greatly increasing the landlord's expenses in litigating its rights. Brad Begelman asked whether the Bar Association's Civil Gideon Taskforce would have any representation from the Real Property Section and suggested that two representatives from the Real Property Section be included on the taskforce, one representing landlords' interests and the other tenants' interests. Judge Rizzo also spoke and thanked the Section for her Good Deed Award and profusely thanked the Section for its efforts and asked for additional help as they need more attorneys to assist mortgagors.

Tax Abatement Bill. Shari Shapiro from Obermeyer discussed Philadelphia City Council Bill No. 090167 which would, as presently drafted, incorporate LEED certification requirements in order to obtain a real estate tax abatement. Shari examined other alternatives to LEED certification. She then discussed that several representatives of Philadelphia government were against the Bill as drafted. The Mayor is proposing a plan which would provide an extra two years of abatement for a "green" building. At the end of Shari's presentation, she advised the committee that she believes that LEED certification was the most appropriate certification unless the city creates its own standards. Shari did not believe that Philadelphia had the resources to develop its own standards.

The Minutes for the last meeting were approved.

Treasurer's Report. The treasurer's report was approved.

Spring Social. As a result of cost issues at Del Frisco's, Rick Vanderslice has been exploring other venues for the Spring Social. After discussing other venues, the committee agreed to have the event at Davio's while giving Rick the authority to cut out different elements of Davio's proposal to lower the price.

Zoning Report. Ralph Pinkus reported that the last Zoning Commission was devoted to the interim report. The Zoning Commission is issuing a request for proposal for Phase II of the project which would be the actual drafting of the new zoning laws. The Zoning Commission is taking public comments at zoningmatters.org.

Foreclose Diversion Program. Mike Balent reported that there would be a May 6, 2009 training session by VIP.

Voting on Resolutions:

1. Civil Gideon Resolution – The Committee voted to approve the proposed resolution assuming the Real Property Section is adequately represented on the Civil Gideon Taskforce.
2. Tax Abatement Bill – The Committee decided to pursue a broad resolution supporting “green” building, provided there were positive incentives for doing so. In addition, the resolution will state that the Real Property Section would like to work with City Council to best achieve that objective and appropriate legislation. Paul Schmidt offered to prepare a draft resolution for the committee's review and approval.

The meeting was adjourned.