

Philadelphia Bar Association
Board of Governors
September 29, 2005

1. Upon motion made, and seconded, the minutes of the July, 2005 meeting were unanimously approved.

2. Upon motion made, and seconded, the Treasurer's report was approved. There exists a net positive variance of \$355,386 due to the Association being over budget on dues and LRIS fees.

3. A Resolution was presented by Paul Kazarus on behalf of the Professional Responsibility Committee opposing the adoption of proposed Pennsylvania Rule of Professional Conduct 1.4(c) requiring the mandatory disclosure of the absence of malpractice insurance. Prior to the formal presentation of the Resolution, an alternative Resolution was moved by Vice Chancellor Jane Dalton, and thereafter seconded. Mr. Kazarus provided a history of the issue stemming from back in the early 1990's when the Pennsylvania Bar Association was asked to conduct a survey on the subject. In 2003 and 2004, the Supreme Court of Pennsylvania requested information from all attorneys concerning their respective insurance coverage and claims made. It was made clear by the presenter that by January 2006, some form of an insurance disclosure rule will be adopted. The resolution before the Board does not take a position for or against the proposal, it only requests that the Disciplinary Board of the Supreme Court seriously consider the comments raised, including: 1) Insurance Coverage is a very complicated matter; 2) The use of the term "Malpractice" vs. "Professional Liability" and the perceived stigma of each; and 3) The effect such notice requirement will have on the attorney/client relationship. The Board conducted an active debate on the issue. Several members stated that we are not in a position to say that we do not need insurance, but that the rule, as presently drafted, has problems. Speakers consistently warned the Board that the issue before them was one of mandatory reporting, not mandatory coverage. Comments also went to the insufficiency of the time permitted members of the Bar to comment on the proposed Rules. Finally, one Board member voiced concern that the actions of the Professional Responsibility Committee had been "hijacked" by the introduction of the alternative Resolution and that we should respect the process of our Association's Committee work. The question was called after a friendly amendment was accepted and the Resolution passed with one abstention.

4. The Chancellor next gave his announcements. The Urban Courts conference was held in our City and drew great reviews. The Bench Bar Conference is scheduled for the end of the month in Atlantic City, with a full slate of activities and CLE offerings. The Chancellor attended a meeting in Chicago with other civic leaders from Philadelphia to learn of Chicago's growth and imaginative ideas to bring the World Series to a city that hasn't won one since Ken Shear was a little boy (circa 1917). The Chancellor had several TV appearances and discussed the Association's presentation of the People's Law School in Spanish. He offered congratulations to Bob Lane, President of the Bar Foundation, who announced that he is leaving his firm to begin a new venture with former mayoral candidate Sam Katz.

5. The Chair next presented her announcements.

6. A slide show was next presented on the recently complete Bar Survey, which is attached hereto.

7. A Resolution was presented by A. Michael Pratt of the City Policy Committee supporting City of Philadelphia Bill No. 040772-AA, which is being proposed to establish a process in awarding bids on City contracts. The Bill includes proposals that would require that all bids be advertised on the Web, that an application must be submitted, that all consultants must be disclosed on the application, that political contributions for the last two years must be disclosed, and the all winners must be posted with the basis for their being selected clearly stated. After discussion, the Resolution passed unanimously.

8. A Resolution was presented by Tsiwen Law of the Civil Rights Committee on the USA Patriot Act. The Act is up for renewal and the bill before the U.S. Senate would amend four (4) provisions of the Act dealing with the seizure of medical and/or business records without probable cause, the use of the “roving” warrant, the use of sneak and peek searches, and the impositions of gag orders on targets of a National Security Letter for search and seizure of business and financial records without court review. After discussion, the Resolution passed unanimously.

The meeting thereafter adjourned.

Respectfully submitted:
John E. Savoth
Secretary