

**Philadelphia Bar Association
Board of Governors Meeting
January 23, 2020**

The meeting was called to order by Chair Kamau at 4:07pm.

Board Counsel Larry Beaser advised everyone that the Board meetings are recorded for the convenience of the Secretary. He noted that PA Law requires Board members be made aware of the recordings, and there were no objections noted.

Chancellor Snyder expressed that he is thrilled and honored to start the year and be here with the Board today. He indicated the retreat demonstrated the Board's enthusiasm. Nipun Patel was appointed to the Board as one of the minority appointments. There is no approval required.

The minutes from the December 16, 2019 meeting and January 11, 2020 Board Retreat meeting were considered. A motion to approve the minutes was made and seconded and passed unanimously.

Consideration of a request to sign on to a letter from the Innocence Project to the Board of Pardons and to the Lieutenant Governor was presented by Nan Feyler Executive Director and Nilam Sanghvi, Legal Director of the PA Innocence Project. The Board of Pardons in PA has complete discretion to review and grant applications for pardons, which is a complete relief from convictions or commutations of a sentence from life without parole to life with parole or to lessen a term of years sentence. Only upon unanimous consent of the Board does a request go to the governor in the commutation context. The Lieutenant Governor and the Governor are trying to revitalize the commutation process for all prisoners, but particularly for those serving life without parole. This will allow them to come home after decades in prison, as it doesn't make sense financially or from a public safety perspective to house the elderly in prisons. The Lieutenant Governor also recognized that some prisoners, such as those who are clients of the Innocence Project, may never receive relief in court due to litigation hurdles so a commutation may be their only chance to get home, and the Board of Pardons may be their last chance.

The Board of Pardons recommended commutation for a number of lifers last year, more than previous years, but there was a marked downturn in December (only two out of 20 were recommended to the governor). A number of the applicants who were denied or held under indefinite advisement were maintaining their innocence, but otherwise had exemplary conduct support, victim support and department of corrections support. This may mean the Board may not be open to applicants who maintain their innocence. The population affected is disproportionately from Philadelphia and minority. It costs \$42,000 per year on average to incarcerate someone in the state prison and the elderly (over 50 years old) make up 20% of the population and it costs over \$3 million per year just for their medication. If the Board precludes those who maintain their innocence from commutations it precludes a significant avenue of relief and also the state faces a significantly aging population with associated costs. There are a number of additional co-signers since the letter was circulated. The list of additional signers since the letter was circulated to the Board for consideration was read aloud.

Board Counsel Beaser pointed out that under the PA Constitution, the Board of Pardons consists of the Lieutenant Governor, who chairs the Board of Pardons, the Attorney General, a crime victim, a corrections expert, doctor of medicine, psychiatrist or psychologist. For everyone but life imprisonment or death penalty it's majority vote and for life and death penalty it must be a unanimous vote. The corrections member is not a member of the PA Department of Corrections, he just has a corrections background. The state Department of Corrections sponsored the applications for a number of applicants in December, so there was a disconnect. The position of the Innocence Project is that there was not a reasonable explanation for the denials. The Applicant is not told why they are denied, so there is no roadmap for moving forward if they apply again. Also, they need a change of circumstance in order to re-apply if the application is denied and this is difficult, because they already had good conduct for a long period of time and department of corrections support, so there usually are no changed circumstances except illness.

A pardon is where the Board of Pardons recommends wiping out the conviction and the Governor then considers the recommendation. Innocence Project has not seen pardons for their clients who are convicted of very serious crimes, though PLSE is doing excellent work advancing pardons for those who have been out for a long time. A commutation commutes your sentence of life without parole to life with parole, so you're eligible for parole and could come home and you maintain on state supervision and as you age the likelihood of recidivism is reduced, so public safety risk is minimal. The Board of Pardons is just the first step, then it goes to the Governor for his approval. The Governor is aligned with the Lieutenant Governor and is trying to pressure the Attorney General. Everyone who has been commuted has gotten parole, because the same factors are covered in both processes.

Aside from the letter, the Innocence Project will also prepare a resolution for the Board and will be doing media push to advocate. They will also be bringing a number of cases on behalf of their clients.

A motion was made to sign onto the letter. It was seconded and passed unanimously.

A Resolution to Adopt Amendments to the Philadelphia Bar Association Pension Plan was made by David Jones, Pension Committee Co-chair. This is an amendment to the plan, which has been in place for many years. The amendment is for a reduction in benefits. The plan has three tiers of benefits depending on years of service. The Board already considered this and agreed to reduce the level of benefits slightly. A motion to approve was made, seconded, and passed unanimously.

Chancellor Snyder was recognized to make appointments of additional members to the Philadelphia Lawyer Editorial Board. He believes there is an advantage to appointing younger members. Several current members of the Board have given great service over a number of years, and the Editorial Board is in agreement that there should be younger members included on the Board and will ensure continuity. The following members were moved, seconded, and approved unanimously, their credentials having previously been distributed: Jonathan Aronchick, Maria E. Bermudez, Matthew Faranda-Diedrich, Angela D. Giampolo, Rasheeda Phillips, and Joseph A. Sullivan. The terms are 3 years, and they may be reappointed, subject to Board approval.

Chancellor Snyder presented on the draft for the Resolution of House Bill 196. There will be no call for a vote on the resolution today. The bill proposes to divide the judiciary into regional districts, so it creates local voting system and local judges on the appellate courts. However, the Bar Association has always believed that appellate judges should be elected statewide, because the cases affect the entire state. It would have an impact on judicial independence, due process and a statewide appellate judiciary. We are not currently asking for a motion to approve the resolution, because the Philadelphia Bar Association is working with the PA Bar Association (PBA) and the Allegheny County Bar Association (ACBA) in the hopes that we can have joint position, which will likely receive stronger consideration. Both the ACBA and the PBA are currently considering resolutions. Since this is a bill for a constitutional amendment, so it must pass the legislature on two occasions and could not take place until the primary of 2021. If it doesn't pass by August, it is defeated, because of notice requirements.

Mark Aronchick commented that this is a critically important issue for the Bar Association, and one of the most monumental issues of our time and should be considered in a historical context. It grew out of the gerrymandering decisions. Eric Weitz asked if the lobbyist had any indication if Turzai's retirement will impact it, but it already passed the house. Executive Director Hurdle explained that based on the meetings they had and the information they received, the issue will not be considered until after the budget is passed. The timing is that the budget is coming up, then they go out for five weeks, then it will be up in the Senate. It will likely pass the Senate. The goal will be to defeat it on second consideration in the House. Judge Moss agreed, as a former member of the Bench, that this is a monumental issue and it is essential that it should be defeated. Riley Ross pointed out that the reason for the efforts now is that it's easier to vote in favor next time if it already passed this time, so important to take action now. There will likely be a vote in February when there will be a better understanding of the PBA and ACBA positions will be so we can determine if we will act alone or in concert with those organizations.

Executive Director Hurdle thanked everyone for attending the retreat. He advised the new Board members that his reports typically touch on three themes: building the platform, raising the profile and hitting the numbers. This meeting is different, because there is no Treasurer's report, because it takes longer to close the books at the end of the year and there will be two sets of numbers at the next meeting.

Building the Platform:

Part of building the platform is building the staff. Brittany Robertson has been hired as a new Communications Associate and an administrative assistant will start for Executive Director Hurdle. The Association is in the planning process for renovating the space. We are looking forward to getting construction started this year. The idea is that all staff will be moved to 10th floor and there will be a state of the art conference center on the 11th floor. There will be a Board room still on the 10th floor.

Raising the Profile:

There were substantial marketing dollars approved for social media in the budget that was approved at the end of last year. The Association hired Chatterblast, who did the Association's social media for the Campaign for Qualified Judges and significantly increased awareness of the Association's recommendations from the prior election. Their services will be utilized to promote membership renewal, CLE and LRIS. They will create different targets for

different populations. They have the capability to do on-time monitoring and change ads depending on performance. The kickoff meeting for these campaigns will be February 4.

The staff has committed to focus on member experience this year and it is something they want to improve. The membership renewal period has begun. Board members were encouraged to speak to co-workers, colleagues and those in their network to renew. We need everyone's help for membership renewal, because the Association is membership-driven and 75-80% of income is derived from membership dues. This is a big priority, and the statistics will be shared in February.

Chancellor Snyder made his announcements. He reiterated the call for assistance with membership efforts and asked that if any Board members are from a sizable firm or agency and believe it would be advantageous for the Chancellor to come out to the organization to speak about the advantages of membership, he would be happy to do so. Also, to enhance member experiences, there will be separate monthly committee chair meetings and monthly section chairs meetings. This will help ensure a viable reporting system and member experience. Each of the Chancellors, Vice Chair Ross and Chair Kamau will divide up who will liaise with each committee and section chair and will follow up with the committee or section. They will keep the sections and committees accountable, so they are active and create a positive experience for members.

He explained that the Association is also increasing connections with other Bar Associations. Patrick Kurtas of Montgomery County Bar Association attended the Chancellor's Reception and Chancellor Snyder attended his installation lunch. There will also be a lunch with each executive director and President of the surrounding county bars to discuss relationship building and a strategy to support each other with common causes.

On a similar topic of expanding the platform and building connections, Chancellor Snyder met at the Chancellor's Reception Judge Brooks Smith, who is the Chief Judge of the 3rd Circuit Court of Appeals. He really wanted to get collaborate with the Association and we have not had that kind of interest in a long time. He suggested that there could be a table for membership at the Appellate Judges conference, to which Chancellor Snyder agreed. The Chancellor's goal is to expand the platform and exposure so that others want to collaborate.

The Chancellor has also created a Strategic Synergies Initiative headed by Eric Weitz and they have already met with representatives from Temple University. He wants to establish a brain trust of all of the major entities within the City to discuss issues and hopefully devise solutions, which we hope will result in employment of Philadelphia lawyers. The Entrepreneurial Incubator program will have a kickoff program in March.

He pointed to the portrait of Immediate Past Chancellor Fedullo and congratulated her and indicated that we will be honoring her at the Spring Reception on March 25 at the Lucy. He indicated that Shelli deserves to be honored. This will be a fun event with minimal speeches. Everyone will have a chance to mingle and dance to the music of the Marshall Dennehey horns.

Chancellor Snyder also acknowledged Randi Rubin of the Family Law Section. She asked each of the Executive Committee members of the section to sponsor a law student and to encourage all section members to sponsor a law student. Each of the Board members agreed to

sponsor a student. She also mentioned the PBA Family Law Section winter meeting and she collaborated with the family law chairs for Montgomery County and Bucks County Bar Associations and they will work together to plan a program for law students and young lawyers to show collaboration and comradery of the various county bar associations, and she thought this was appropriate in light of the Chancellor's similar efforts at collaboration.

Chair Kamau presented the Chair's announcements, including comments on the Board Commitments. He expressed that he thought the retreat was tremendous and he thanked Counsel Larry Beaser for making Blank Rome available, because it was a tremendous venue. This demonstrates the kind of commitment that we all need to have. We need to use our own resources and networks and bring them to the Association. He encouraged everyone to commit using their own sphere of influence to benefit the Association. One of the most fundamental things that we can commit to do is to help secure new members and renewals. Chair Kamau will be contacting each Board member and asking them to make themselves available and to think about how many people they can commit to renewing. He recognized that we are all volunteers, but part of that is to ensure that we are active and participating in the Board's efforts. He suggested that based on Board members' respective expertise they may have ideas for a resolution and suggested that Board members bring those resolutions and ideas to him. He mentioned taking action on House Bill 196 is just one example of actions that we as Board members can take by contacting our own legislators.

Chancellor Snyder explained that Past Chair Racine had ordered props from Amazon for the last Board meeting, however, Amazon made an error and sent the wrong props. These props were a bit late, but indicate the beginning of our new year. Chancellor Snyder is thrilled that we are here.

There was also a discussion that Bar Association membership is not limited to lawyers – it includes paralegals, law students, professors, librarians.

The meeting was then adjourned at 5pm.

Respectfully submitted,
Jennifer S. Coatsworth
Secretary

**Board of Governors Attendance
January 23, 2020**

Voting members present

Hon. A. Michael Snyder (Ret.)
Lauren McKenna
Jennifer Coatsworth
Marc Zucker
Matthew Olesh
Nicholas Kamau

Riley Ross
Benjamin Barnett
Meghan Claiborne
Francesca Iacovangelo
Dominique Ward
James Berardinelli

Diane Penneys Edelman
Lawrence Felzer
Dino Privitera
P. Douglas Sisk
Neelima Vanguri
Wendi Barish
Kris Calalang
Erin Lamb
Craig Levin
Andre Webb
Nipun Patel

Hillary Ladov
Michael Zanan
Tom Innes
Randi Rubin
Maureen Farrell
Arly Smith-Pearson
Cheryl Upham
Mark Mazzanti
Rochelle Fedullo
Amber Racine
Reginald Shuford

Absent:

Wesley Payne
Kathleen Kirkpatrick
Alisha Rodriguez

Michael van der Veen
Reuben Asia
James Tolerico

Non-voting members present:

Lawrence Beaser
Butler Buchanan

Harvey Hurdle

Absent:

Leslie John
Abraham Reich

Invited guests present:

Natalie Klyashtorny
Hon. Sandra M. Moss (Ret.)
Eric Weitz
Mark Aronchick

