

**Philadelphia Bar Association
Board of Governors Meeting
January 29, 2019**

The meeting was called to order by Chair Racine at 4:05pm.

The minutes from the December 13, 2018 and January 19, 2019 meetings were considered. A motion to approve both sets of minutes was made and seconded and passed unanimously.

Marcel Pratt, City Solicitor and Business Law Section Chair and Zane Johnson, Managing Attorney for Pennsylvania Lawyers for Social Equity (PLSE) presented a Resolution Calling on the Pennsylvania Board of Pardons to Refrain from Requesting, Investigating or Considering Expunged, ARD and Juvenile Court Records in Pardon Proceedings Involving Non-Incarcerated Applicants. A short film was presented and linked [here](#).

The resolution has the endorsement of the Criminal Justice, Family Law, Public Interest, and Business Law Sections and the YLD and each voted unanimously in favor of supporting the Resolution. There is upswing economically in Philadelphia, but a nearly a quarter of the City's residents still live below the poverty line. Philadelphia has the highest percentage at 26% living below the poverty line of the 10 biggest cities and that number has stayed the same for the past five years. Philadelphia also has the highest rate of "deep poverty" in the country – people whose incomes are half the poverty rate, or less. Criminal history is the biggest barrier to getting a job and contributes to poverty levels and the United Way of Greater Philadelphia and Southern New Jersey has now identified removing criminal histories as a key strategy for ending multi-generational poverty. It is estimated that 25% of all Philadelphians have been arrested and therefore have a criminal record – but in our city's low-income, high-arrest, and typically heavily minority neighborhoods, that percentage rises to close to 60%.

Mass incarceration makes this worse. Pennsylvania has the fifth largest population of incarcerated people and the third largest population of people under carceral control (including those on parole and probation) in the country; and Pennsylvania has the highest incarceration rate in the northeast. Of those who were released from Pennsylvania state prison to a Philadelphia address, 91% were released to addresses in poverty-stricken areas. We invest tens of thousands of dollars to fight poverty, but if citizens can't get a job because of criminal record, this is not effective. Removing criminal records is the best way to get people working at their highest and best levels to help relieve the poverty levels in the City. The program proposed is entirely free and pardon reform is the key to improving poverty rates.

PLSE is a non-profit legal aid organization that helps people overcome the stigma of a criminal record. Criminal records are a barrier to jobs, housing, opportunities to volunteer and coaching, even after citizens have turned their life around and become reformed. In Pennsylvania, there are three ways to expunge conviction information from a criminal record no matter how long ago it occurred: you must be over 70 years old and arrest-free for at least 10

years, dead for three years, or you can get a pardon from the governor. So, the best way to overcome criminal history is to get a pardon. However this is a long and arduous process that is very complicated and creates a barrier to people with minimal education, comprehension and resources.

The current resolution helps get assistance in completing the process, which is often the biggest barrier. It requests that the Board of Pardons not seek information in its new application that has already been expunged when the applicant has been through diversionary programs. The Attorney General did not have a position and directed PLSE to the Board of Pardons. PLSE has inquired of the DA Association for their position on this issue, and they have not yet responded. PLSE spoke to the Secretary of the Board of Pardons and the reason the Board gave for seeking the information during the pardon process was that they wanted to have a full picture. However, expungement information has already been assessed by the judge at the time of adjudication and a determination made that the interest of the person in keeping the information sealed outweighs the value to the government in having the information public. This is even more compelling for juveniles, because an early criminal history is not indicative of the kind of person he or she has become. Having this information included in the public pardon process, where it can later be assessed by the general public defeats the purpose of the confidentiality that was bargained for when the person submitted to the diversionary program. There is also a constitutional issue, because, people should have a right to their information and privacy when it is not publicly available. Mr. Johnson asked for Board support of the resolution.

Secretary Coatsworth pointed out that Brandeis Law Society has partnered with PLSE to participate in the pardon program and she encouraged others to participate in the program as well, as it requires little time commitment and it is very rewarding.

A motion was made to approve the Resolution, it was seconded and approved unanimously. A link to the resolution can be found [here](#).

Jamie Gullen of Community Legal Services presented about criminal justice reform and the Clean Slate Act. She explained CLS' role in representing clients who are facing barriers to employment because of their criminal records and she explained that CLS helps to expunge criminal records, seal records, obtain pardons and move past incarceration. CLS also advocates for policy reform to expand access to opportunity. One of its prime initiatives was the Clean Slate Act.

The Clean Slate Act was passed this past spring and just went into effect. It creates an automated process by computer query to remove criminal record information that does not lead to conviction and old and minor misdemeanor convictions. PA is a leader in this field, and it is the first law that automatically restricts information that has been made widely available by technology and restores some of the privacy that used to exist. It operates through technology, which saves costs. The other part of Clean Slate expanded the types of cases that can be sealed. This is different than a pardon or expungement, because law enforcement can still access the information, but it makes it less accessible in the public domain to employers, landlords, schools

and others. Misdemeanors of the first degree and second degree simple assault convictions where there has not been a subsequent conviction in at least ten years can now be sealed.

As noted, there are two parts to the law. The first part is automated, but the second part requires the public to be made aware that they can file a petition. There is a need to notify the public of this change, and CLS devised a pro bono project that would allow volunteers to review and screen applications to determine if people are eligible. Thanks to public awareness including a press conference by the Governor, there are now 7000 people who filed requests for determination of whether they qualify under the Clean Slate law. A plea was made for volunteers to review applications to determine whether citizens qualify. CLS is partnering with Pennsylvania Bar Association and Philadelphia Bar Association to obtain volunteers to commit and participate in training on February 15, 2019. She asked that the Board spread the word to recruit volunteers as well. Only lawyers are being trained, because the law is very complicated. Law students can be utilized if they are supervised by a lawyer who is trained in the process. There is malpractice coverage available for those who are not affiliated with a firm. This is a limited legal services program, so it does require malpractice coverage and qualifies as legal advice, and requires attorney supervision of non-lawyers/law students, but does not require conflict checks. MyCleanSlateLaw.com is the website and people should go through the website to get services.

Chair Racine then discussed the commitments made at the Bar Leaders Retreat. She presented a spreadsheet regarding rates of firm membership. Requests can be made of Andrea Morris Tracey to obtain any particular firm related data. Chair Racine reminded the Board members of the commitment to increase membership in general and the fact that she received 100% Board participation for sponsorship of a least one new law student member. This will result in at least 53 new members and over \$1000 in dues. Chair Racine noted that as a result of individual commitments by Board members, 172 additional law student members (in addition to the 53 previously noted) and 33 new lawyer members will be added to the Association in 2019. Chair Racine will continue to track results and fulfillment of commitments made. The activities reports at each Board meeting will provide ideas for social networking promotion and bringing non-active members to events or getting CLE through the Bar, which will help achieve those commitments. Chair Racine reminded Board members to complete and return the Conflict of Interest forms and to advise her of their proposed commitments, if not already provided. If full payment for the sponsorship of one law student can be made by all Board members by February 28, 2019, an article regarding 100% commitment of the Board to this initiative may appear in the Bar Reporter. Chair Racine reminded Board members to send sponsorship opportunities to Tracey McCloskey and she will track contacts with different vendors so the pitch can be tailored accordingly.

Iovine Brothers at Reading Terminal was thanked for their sponsorship.

The resolution regarding the government shutdown has been tabled, as it will be revised due to the government re-opening. It will be presented in February.

Chancellor Fedullo thanked everyone for the energy and she described her interview in the Legal. She indicated that we should all message whenever possible about the relevance of the Association.

APABA Banquet was announced on February 1, 2019 and all were encouraged to attend. Justinian Society luncheon is February 12, 2019 and Chancellor Fedullo will be honored. All were encouraged to attend.

The Treasurer's report could not be given, because we are waiting for final numbers.

There being no further business, the meeting was adjourned at 4:44pm.

Respectfully submitted,
Jennifer S. Coatsworth
Secretary

**Board of Governors Attendance
January 29, 2019**

Voting members present

Rochelle Fedullo
Lauren McKenna
Jennifer Coatsworth
Ira Lefton
Marc Zucker
Matthew Olesh
Amber Racine
Nicholas Kamau
Neil Maskeri
Hon. Sandra Mazer Moss (Ret.)
Maureen Olives
Jennifer Seme
Benjamin Barnett
Francesca Iacovangelo
Alisha Rodriguez
Dominique Ward

James Berardinelli
Diane Penneys Edelman
Lawrence Felzer
Dino Privitera
P. Douglas Sisk
Michaela Tassinari
Marcel Pratt
Kris Calalang
Maureen Farrell
Alexander Barth
Erin Siciliano
Cheryl Upham
Mark Mazzanti
Mary Platt
Reginald Shuford

Absent:

Hon. A. Michael Snyder (Ret.)
Katayun Jaffari
Susan Lin

Meghan Claiborne
Michael van der Veen
Riley Ross

Neelima Vanguri
Hillary Ladov
Leon Goodman

Brenda Marrero

Non-voting members present:

Lawrence Beaser
Harvey Hurdle

Absent:

Leslie John
Abraham Reich
Butler Buchanan

Wesley Payne

Invited guests present:

Priscilla Jimenez
Louis Rulli
Jacqueline Segal