

**Philadelphia Bar Association
Board of Governors Meeting
May 24, 2017**

The meeting was called to order by Chair Mincey at 4:09pm.

Upon consideration by the Board, the minutes of the April 2017 meeting were unanimously approved without revision or comment.

YLD members Jason Poore and Robert Bender presented a resolution related to Youth Courts. The resolution supports PA Senate Resolution 32, sponsored by Senator Farnese, which is currently pending and favors youth courts, which is a student run disciplinary system within the school for minor offenses. It is used to try to keep kids from getting caught in the juvenile justice system and prevent the school to prison pipeline. Youth courts have been in place in Philadelphia for approximately twenty years, but had lost prominence until a recent push to reinvigorate the program.

The Board of Governors passed a resolution in 2013 supporting the development and implementation of youth courts. The courts had been introduced in the 1990s in the Philadelphia School District but had fallen by the wayside due to lack of funding and interest. Since the 2013 resolution additional youth courts have been implemented throughout the City and the YLD has been instrumental in bringing new youth courts about. There is a lot of momentum right now. There are a lot of issues that need to be addressed in the school system, which are raised in the Senate Resolution. Philadelphia is doing more than most districts across the state to advance Youth Courts. The YLD has adopted and endorsed the resolution, and Public Interest and Family Law sections have also endorsed it. The Senate Resolution calls for a committee to be established to look into the benefits and expanding youth courts and produce a report that recommends necessary changes in statutes, policies and procedures that would increase availability, awareness and effectiveness of youth courts and the committee will include representatives from across the legal profession, the education field and the community as a whole. The resolution was passed unanimously in the Senate committee, which is very difficult and shows momentum toward youth courts. Adding the Bar Association's support would lend credibility to help the Senate realize how important the issue is.

Past Chancellor Kathleen Wilkinson indicated that when she was Chancellor in 2013 when the Philadelphia Bar Resolution was passed we were hoping there would be more momentum and she is glad that it is coming back into the light.

The resolution proposed to the Board passed unanimously.

Ann Funge, Vice Chair of the Family Law Section presented a resolution of the Family Law Section to oppose HB 1250. They were told it was being moved very quickly. It was first introduced on or about April 17, 2017 and had its first hearing on May 23. The Family Law Executive Committee worked quickly and voted in favor of the resolution yesterday. The bill seeks to remove adjudication of spousal support and alimony *pendente lite*, which is support to a

dependent spouse pending the entry of a divorce decree, away from the guidelines and reduce the standard from reasonable needs to basic needs, which is contrary to the existing support and alimony statutes. It is also contrary to judicial efficiency and federal law. They are asking the Board to vote in favor of the Resolution, for all of the reasons cited in the Resolution, and against the bill.

It is against Federal Law, because in the 1980s the Federal Government passed a law that required all states to enact support guidelines for enforcement of support orders, such as wage attachment and converting outstanding child support arrears into judgments so if there is a Plaintiff's award or settlement or profit on the sale of a home, the support order can be executed against it. It also violates welfare law, because if a child is receiving federal welfare benefits, the federal government could go after the parent to try to recoup some of the monies paid. The federal law was enacted in 1985 and Pennsylvania first established its guidelines in 1989. David Shapiro asked what the federal guidelines are, and Ms. Funge explained that the federal guidelines did not oversee child support state by state, the guidelines were enacted by each state, it just said that each state had to have guidelines so there could be enforcement against delinquent support payers. Because of this, support is run through a separate section of the court; it is run through the Domestic Relations section. Delinquency is run through a separate section of the court. The house bill is seeking to remove the guidelines and are seeking to have the judge determine what the economically dependent spouse's basic needs are, not reasonable needs. This removes consistency among families. This also taxes the judicial system and the economically dependent spouse does not have the time to wait for a judge to make this determination and the Philadelphia courts are behind.

Angela Giampolo asked what the proponents would argue. This bill comes from the center of the state and it is believed that the legislator had a friend or constituent who had a large support order against him or her. Jeff Rosenthal asked what the difference is between reasonable needs and basic needs. Ms. Funge pointed out that the guidelines are based on an income-share model, which looks at a broad spectrum of families and determines how much of the family's income is spent on support of children, and this is memorialized in a chart which is consulted to determine the guideline. There is consideration given to the specific economic circumstances of the family, and whether there is a reason for deviation from the guidelines. There is a very vague standard as to what basic needs would qualify and the definition is not given. It does say the standard of living of the parties should not be considered. The guidelines eliminate these judgments. Jen Seme pointed out that it is the judge making the determination. Ms. Funge pointed out that in a support proceeding, within 6-8 weeks of the complaint, a domestic relations officer inputs the respective parties' incomes, and the computer system spits out a number for the presumptive support based upon a formula that is in the guidelines. If you don't agree with the number created by the guidelines, you can appeal to the next level, which is a support master, but there is an order after the initial proceeding so that some support is given to the children and the dependent spouse. If you don't like the support master's decision you can appeal to a judge. Depending on the county, this could take six months to a year. Lou Rulli pointed out that the reason the guidelines were initially created was to eliminate inconsistent results that were being obtained by judicial determinations, so to remove the guidelines would return to a system that was previously determined to be unworkable and unfair.

The resolution was passed, with one vote against.

Assistant Secretary Coatsworth presented on the Board requirements pursuant to Bylaw Section 216 related to Pro Bono service. She reminded the Board that Pro Bono work is one of the primary missions of the Association. She reminded the Board of how critical pro bono work and the legal assistance organizations are to the Association and to the legal community, so as members of the Board, we must pitch in to do our part. She reminded the Board of the ways the requirement can be satisfied:

1. If you work for a legal services organization, you have met your requirement and must simply complete the form and return it to Assistant Secretary Coatsworth or Director of Public and Legal Services Charlie Klitsch.
2. If you undertook at least one pro bono matter in the past year, you have satisfied the requirement and can return the form.
3. If your work prohibits you from taking a pro bono case, you can comply with the obligation by alternative means, which are listed in the By Laws. These include financial contributions, and alternative support such as supervision of a Fellow who takes a VIP case.

Assistant Secretary Coatsworth also reminded the Board that they must also complete the Diversity Inclusion Action Plan checklist, which is consistent with another of the foundational pillars of our Association, Diversity and Inclusion. The checklist was developed by a task force chaired by Sophia Lee, Diversity Officer of the Association and Board Chair Mincey. The checklist is easy to comply with as well, and it is likely you have already done a number of the items on the list.

The forms need to be completed and returned to Assistant Secretary Coatsworth or Charlie Klitsch either at the meeting or following the meeting via email. They must be completed by July or pursuant to the By-laws, particularly with the Pro Bono forms, there are certain ramifications for failure to comply.

Assistant Secretary Coatsworth also presented an update on the Jury Participation initiative. Matt Olesh has recently joined the group as well. The work of the group is moving forward. She reminded the Board that the Task Force was formed, because jury participation in the City is at a critical low and we are trying to get people to respond to summonses and appear for jury duty. We are trying to learn why people are failing to respond and participating and to solve the problem. At the end of our work, there will be a report that is prepared and will be provided by the First Judicial District to the Mayor's Office and City Council with recommendations. We have created a survey. We are asking all of the Board members to complete the survey and we also requested that the electronic version of the survey be distributed to the Board and also put on the Association's website. She also asked that Board members distribute the survey on their own social media networks. Anyone in Pennsylvania can complete it, but we are concentrating on Philadelphia. The information will also be shared with some state-wide organizations.

Assistant Treasurer Klyashtorny presented the Treasurers' report. As of the end of April, for year to date, we are running behind budget by \$13,261.00, revenue is under budget by \$40,804.00. The variance is attributable primarily to LRIS, which is under budget by \$62,619.00, which is attributed to a delay that we anticipate will decrease as the year progresses. Special events revenue is over budget by \$27,202.00, which offsets the over budget meeting and special event expenses of \$20,680.00, which is attributable to the Lyon conference. The Lyon conference in April was very successful, and as a result there is approximately \$12,000 of profit from that conference that is in our account that is not actually ours, and will be distributed as scholarships. Expenses are running less than anticipated, as of April, they are down \$27,573.00, which is also attributed to timing differences and will even out throughout the year. We are continuing cost-cutting measures wherever possible.

Chancellor Gross indicated that although the report indicates we are behind budget by \$13,000, we are actually behind budget by \$25,000, because \$12,000 of the money that's in our budget is not ours from the Lyon conference. Michael Scullen was credited with doing a phenomenal job raising more money for the conference than was used, so the excess will be used for scholarships for individuals from Philadelphia to go to Lyon to participate in internships. The Bar Association cannot hold the monies past year's end, so we have given ourselves the deadline of December 1, 2017 to figure out where these funds can go so that they can be used. They will be in our finances until we figure out where they can go. However, the way Association governance works, they must be disposed of by the year's end.

The Treasurers' Report was unanimously passed.

Eric Weitz and YLD Chair Matt Olesh presented on the Judicial Commission. This was a record year in terms of number of candidates and we have a new initiative that allowed us to gather data that shows that the Association has the opportunity to affect the future of the Bench in a meaningful way. In just the first half of the year, we spent over 2000 hours of investigative time and had over 165 people working on investigations. We had 53 candidates and 17 slots open including Philadelphia and across the state. Over 11,000 people spent an average of over 4 minutes looking at our recommendations. Director of Public and Legal Services, Charlie Klitsch, was given credit and thanked for his great work to make this happen.

We had a great opportunity with the Econsult study to minimize the impact of the coffee can. Mr. Weitz pointed out that essentially a coffee can from which candidates pick ballot slots often determines who wins the elections in the City. Matt Olesh presented on the Econsult initiative to hand out the recommendations at polling places. There was data collection and analysis after the election, which is still ongoing. There was also a massive effort to recruit volunteers to work at the polling places. We wanted to get the ratings into the hands of people who are going to vote and see whether there was an impact by handing this out to people who are voting, not just on the street corner to people who may or may not vote. There were three phases – recruitment, handing out fliers and data analysis. There were 41 polling places that were staffed at least part of the day. There were 85 volunteers, and they were thanked and we staffed polling places that were chosen by Econsult. We wanted to make sure we were in all different types of neighborhoods. The volunteers were from the YLD, the Bar Association, Committee of 70, and others. We had great media coverage thanks to Director of Communications and

Marketing, Meredith Z. Avakian-Hardaway, and Senior Managing Editor of Publications, Tom Rogers.

We are still waiting for results of the data from Econsult. However, the preliminary results show that we had a significant impact on people who went into vote. Our impact was half a percentage point, which is significant because the person who won had 7% of the vote. If we were at every polling place, we believe 8 of 9 of the winning candidates would have been those that we recommended, whereas we currently have 6 of 9 of the winning candidates were Recommended by the Bar Association. The candidate who wasn't recommended who still would have won was ballot position #3. We will be able to use this data to strategically target where we get the most impact. We staffed about 5% of polling places in the City and it's not feasible to staff every polling place. We can work with community leaders and elected officials as well, especially in the places where our participation didn't have as significant of an impact. The feedback we got was that people wanted to know why candidates weren't recommended, because they don't trust us if they don't know why people weren't recommended and this is a fair point, but we weren't able to provide that information without candidate authorization. The other problem was that we didn't have as many volunteers as we wanted and it was harder to get volunteers than expected. We may want to target more high-volume traffic times at the polls with staffing in the future. Morgan Lewis gave their attorneys billable hour credit for volunteering their time and we got a great response from their attorneys. We tried to get other firms to do this as well, but Morgan Lewis was the only one who agreed.

We got a lot of feedback from politicians in Pennsylvania wanting to influence our recommendations, but also wanting to work with us to get the word out more. People are getting frustrated with the coffee can and with the effect of the ward leaders on the judicial election process, which does not relate to competence.

Moving forward, the work of the Commission for the rest of the year was explained. This will include the survey of judges who are running for retention and who are halfway through their terms will go out this week. Mr. Weitz encouraged everyone to complete the survey and to distribute it to your network. This will determine whether there is anyone running for retention who needs to be investigated. Then it is a similar process as the initial ratings, with fewer people. We also need to fine tune the guidelines of the Commission, because various candidates have found loopholes in the guidelines, for instance a loophole related to reconsideration policies. There is also a problem that the threshold to get highly recommended is too high, and this sentiment is fairly universal among the members of the Commission. A Strategic Plan will be developed for the Commission, because the chairs of the Commission change so we need consistency. This will include an initiative on the polling place plan, because the impact is impressive. There are three people who we believed were not recommended who will likely take the bench and if we had more people at the polling places, we could keep two of those off the bench. We can't say why people aren't recommended, but we can change the guidelines regarding the strategic polling places to include publishing why candidates ARE recommended. We now have data about the impact of the coffee can and can go to the legislature to attempt to change the ballot structure and change how the elections of judges are conducted. It is expensive to change ballots, but it is important. This is an important initiative of

the Association, and the Commission will put a plan in place for moving forward and we have an opportunity to make a real change.

YLD Chair Elect Barbera reported on Law Week. The Board was thanked for participating and getting others to participate. It was a success and the amount of time and effort that was expended was acknowledged. Chancellor Elect Mary Platt and Chancellor Gross were thanked for supporting and speaking at the events. It is great to have the support of the leadership. If you have questions or suggestions about specific programs, please let Mr. Barbera know. It was great, but there is always room for improvement.

Past Chancellor Kathleen Wilkinson reported on the PBA Annual Meeting. Three of our members received prestigious honors at the meeting including Larry Felzer on behalf of Civil and Equal Rights Committee, which he chaired, and Michael Lee received the Goffman award on behalf of the Pennsylvania Bar Foundation, because he created a partnership to reduce the number of occurrences where people are wrongly accused of crimes they didn't commit and cannot get their records expunged. The partnership included bar associations such as ours and other affinity groups such as the Barristers and many of the law schools. His firm expunged 7000 records. Assistant Secretary Coatsworth also received a Special Achievement Award for her work with the Women in the Profession Commission.

We just installed our first mother and Latina as PBA President in Sharon Lopez. She formed a Blue Ribbon panel on Minorities, Millenials and Moms. She seeks to have more membership engagement to reach out to those groups.

The House of Delegates voted in favor of a number of resolutions. Two of which were presented by Assistant Secretary Coatsworth on behalf of Women in the Profession. One dealt with the Amendments to the Equal Pay Law, and was similar to a resolution that we voted on a few months ago. This had some resistance, but ultimately passed without any problem. The second resolution related to the Bias Elimination Diversity and Inclusion CLE credit, which we also voted on a few months ago. There was opposition that we fought back and Assistant Secretary Coatsworth worked with partners on the resolution and changed the resolution slightly, so that the recommendation was for one credit every two years instead of every year. By making this accommodation, the recommendation was able to achieve passage, over vocal minority opposition. Now the Supreme Court will have to decide what they will do. There was also a resolution related to IOLTA. The PBA Professional Ethics and Responsibility Committee changed the recommendation slightly from the resolution this Board passed and asked that the two year limitation on allowing funds that are unclaimed to be given to IOLTA to be eliminated, which did pass, but there was a big debate and now we will see what the PA Supreme Court does. There was a similar resolution from the Family Law Section to the resolution we just passed a few minutes ago, that resolution was also passed by the House. There was a second resolution from the Family Law Section for Power of Attorney for issues related to children for parents whose spouses are deployed. There was also a resolution that was not passed because it was opposed by the Elder Law Committee. This would have consolidated another group with the Department of Aging, and it was believed it would have eliminated funding and diminished the voice that elders have. Therefore, the House voted to oppose this type of legislation. There was also a Resolution from the Real Property Probate and Trust Section related to special forms

for life sustaining measures, which was passed with little discussion. There was also a Resolution from the Real Property Section related to disclosure of special flood plains, which also went through with little discussion. That Section also put forward a Resolution related to how vacant and abandoned properties are treated and the House voted to oppose a Resolution related to Title 68 amendments based upon due process concerns.

Past Chancellor Wilkinson pointed out that she was actually consecutively on this Board for a 13 years and another three years before that. She congratulated Wes Payne, who will be taking over as Zone 1 Governor. She was thanked by Chair Mincey for her commitment to the Association and the Board.

Executive Director Tarasiewicz reported on membership, that we extended the deadline for membership renewals. As of today, including group and individual billing, we have collected \$1.704 million, which is 93% of our membership dues budget of \$1.84 million. Invoices have been sent several times, both by paper and electronically. We also have begun a campaign related to targeting non-members who have participated in events and CLEs and there is also an initiative to attract public sector members. Also, as in past years, Section Chairs were given a list of non-renews and their executive committees were asked to reach out. Section Chairs were thanked, as was Manager of Member Services, Andrea Morris-Tracey. There is also a staff phone banking initiative that is continuing again this year, which was successful last year. Chancellor Gross also explained two new initiatives for this year. The Board of Governors will be given a list of people who have not renewed, and are asked to call. There will also be a contest for Committees, Sections and Divisions for who can bring in the most new members.

Chancellor Gross thanked Veritext for sponsoring the reception. She also reminded the Board of the Quarterly Meeting on June 2, and the Federal Courts Bench Bar on June 9 and the list of events for the month on the back of the agenda and encouraged others to attend these events.

Chair Mincey also thanked Veritext and reminded the Board of our reception and the reception of the John Marshall Foundation in the Overlook. Executive Director Tarasiewicz was also acknowledged for winning the prestigious Arthur J. Birdsall Award from the Conference of County Bar Leaders for top Executive Director.

There being no further business, the meeting was adjourned at 5:07 p.m.

Respectfully submitted,
Jennifer S. Coatsworth
Assistant Secretary

**Board of Governors
Attendance
May 24, 2017**

Voting Members

Present:

Deborah R. Gross
Mary F. Platt
Rochelle M. Fedullo
Jennifer S. Coatsworth
Natalie Klyashtorny
Kevin Mincey
Katayun Jaffari
Ira Lefton
Shabrei Parker
Jeffrey Rosenthal
Edward Beitz
Angela Giampolo
Wendy C. Hess

Maureen Farrell
Hon. Sandra Moss (Ret.)
Maureen Olives
Amber Racine
Jennifer Seme
Matthey Olesh
Vincent Barbera
Timothy Holman
Eli Segal
Eileen Quigley
David Shapiro
Hon. Tina Maria Rago

Absent:

Marc Zucker
Regina M. Foley
Kathleen Kirkpatrick
Julia Swain
Myisha Lacey-Tilson
James Funt
Teresa Rodriguez
Adam Taylor

Neil Maskeri
Susan Lin
Gaetan J. Alfano
Lauren McKenna
Sarah Gelb
Kevin Harden
Richard Bost
Erin Siciliano

Non-Voting Members

Present:

Albert S. Dandridge III
Mark Tarasiewicz
Louis Rulli
Sophia Lee

Harry Reichner
Jennifer Snyder
Butler Buchanan
Kathleen Wilkinson

Absent:

Thomas Brophy
Mary Kate Martin
Patricia Infanti
Jessica Sharp

Butler Buchanan
Lawrence Beaser