

**Philadelphia Bar Association
Board of Governors Meeting
November 19, 2020**

The meeting was called to order by Chair Kamau at 4:03 pm. Chair Kamau expressed a heavy heart over the loss of our beloved colleague, Amber Racine. A moment of silence was taken before beginning the meeting to honor her memory.

1. Consideration of the Minutes of the October 29, 2020 meeting of the Board of Governors

The minutes from the October 29, 2020 Board meeting were considered. A motion to approve the minutes was made, seconded and passed unanimously.

2. Treasurer's Report.

Treasurer Marc Zucker presented the Treasurer's Report. The only bad news is that the Association did not meet its revenue goal for October. However, the year-to-date revenue is higher than budgeted by more than \$120,000, mostly due to higher than expected dues received, LRIS revenue, and CLE fees. The Association is now on its way to meet or exceed its revenue projection for this year. The revised budget anticipated a net profit of approximately \$20,000 for the bench-bar conference, which was removed. Even without this additional revenue, the Association is ahead of the game.

The expense numbers are also good. The Association spent about \$25,000 less than budgeted this month and \$63,000 less than expected year-to-date. Some of these savings may catch up with the Association in December when it pays certain bills.

Compared to last year, the Association brought in \$636,000 more in revenue last year but this year, the Association cut expenses by \$700,000; thus, the Association ended in the black year-to-date. The Association took in about \$202,000 more during this 10 month period than it spent. The Association is operating within its means, thanks to the staff led by Chancellor Snyder. The finance committee recommends approval of the budget.

As an aside, CFO Susan Knight has been with the Association for almost 20 years this Friday. Thanks was extended to Ms. Knight for her years of service. Ms. Knight expressed thanks for the recognition.

A motion to approve the Treasurer's report was made, seconded and unanimously approved.

3. Presentation on Board of Governors Pro Bono Requirement and Diversity and Inclusion Action Plan Checklist.

Assistant Secretary, Kathleen Kirkpatrick, reminded all board members to complete and submit their annual pro-bono and DIPC checklist forms. She noted that the DIPC checklist contained actions that most had likely already completed and thus, it should be easy to complete. She also noted that many members already engage in pro bono activities and thus, this form

should also be easy to complete. Past Chancellor Fedullo asked that the forms be circulated as word documents to ease the ability to complete the forms, and Kirkpatrick agreed.

4. Presentation of Resolution Requesting Removal of All References to the Words “Master” or “Special Master” from All Statutes, Rules of Procedure and Related State and Local Rules of Court.

Randi Rubin, Chair of the Family Law Section, presented a Resolution to remove all references to the words “Master” or “Special Master” from all statutes, rules of procedure and related state and local rules of the court. Ms. Rubin thanked Clay Cauley and other members of the Family Law Section for putting the Resolution together. Ms. Rubin explained that, for those who have never appeared before a master in family court, the process operates wherein litigants appear before a master before appearing before a judge. “Master” by definition means that he/she is a skilled professional but also relates back to slavery. Given the recent civil unrest and divisiveness in our country, the Family Law Section does not believe that litigants or civil servants should be made to feel uncomfortable to having to call someone a “Master.” There have already been changes made to the Juvenile Act but when presented to the Cabinet last Tuesday, it was noted that this could apply to family law as well. Ms. Rubin noted that Chancellor Snyder suggested that the Resolution be broader and more encompassing. Ms. Rubin reached out to the Section Chairs and received support from the DIPC, Public Interest Section, Tax Section, YLD, Probate and Trust Law Section, and Business Law Section. She also shared it with Judges Murphy and Olszewski. Judge Murphy stated that, but for the pandemic, changes would have already been made in this regard. Family Law Section’s goal is to present the Resolution to the State Civil Rules Committee, assuming it has the support of the board, and would like to see changes throughout the Commonwealth.

Kristine Calalang stated that the Resolution is very important and should have been made years ago. She further mentioned that some of the counties have already made this change, by using “conciliator” or “hearing officer,” and this is a good time to make this change.

Chancellor Snyder commented that he is strongly in favor of the Resolution. He had not been aware that within certain courts, the litigants are instructed to refer to the hearing officer as “Master,” which is appalling. He thanked Ms. Calalang, Mr. Cauley and Ms. Rubin for their work in moving forward the Resolution, which is long overdue.

A motion to approve the Resolution was made, seconded and unanimously approved.

5. Presentation on House of Delegates Session at ABA Annual Meeting.

ABA Delegate and Past Chancellor Abe Reich presented. Mr. Reich and Butler Buchanan attended the ABA Annual Meeting as House Delegates for the Association. The meeting was held in August via remote means. The meeting covered a great diversity of interests from constitutional changes to criminal section resolutions and other matters. Messrs. Reich and Butler previously sent a daily journal of the meetings which is a run-down of each Resolution passes. The most relevant Resolution is 107, which is a proposed amendment to Rule 1.8 of the Rules of Professional Conduct. This Rule provides that it is improper to pay certain expenses of a client, such as rent, food and other types of living expenses. Attorneys are permitted to advance court costs that are contingent upon the outcome of the matter. The humanitarian exception has

been adopted by a minority of states and permits the attorney to advance monies to a client if the client is in a humanitarian crisis, such as threat of immediate eviction due to lack of rent. The concern with allowing a humanitarian exception is that lawyers may advertise certain promises, such as payment of rent, food, etc., in exchange for representation. However, when the ABA adopted this exception to Rule 1.8, it was very narrowly tailored. It is limited to pro bono indigent clients who are being represented by a nonprofit legal services organization, a public interest organization, a law school clinic or pro-bono program of some kind. In light of the horrific economic times that many people currently face, this exception will allow for modest gifts for basic living expenses, with the caveat that it will not be used to advertise that the attorney pays for this, not to be used to solicit clients and not to be expected to be paid back. It passed at the ABA level. The Pennsylvania Bar Association Legal Ethics and Professional Responsibility Committee, and the Professional Guidance and Professional Responsibility Committees of this Association, are currently considering the humanitarian exception. Mr. Reich is hopeful to support it when it comes before the Board, that the PBA will support it, and that it will ultimately result in a rule change before the Pennsylvania Supreme Court.

6. Presentation of Resolution In Memoriam: Amber M. Racine.

Chancellor Snyder acknowledged that everyone who knew Amber is devastated by her loss. There are a number of things that are being considered to honor her memory, the first of which is a memorial Resolution. He is hopeful that when it is approved, Ms. Racine's mother and brother can travel to Philadelphia next month to receive it. The Resolution reads as follows:

WHEREAS, Amber Racine earned a B.A. in history and politics from Drexel University in 2004, and a J.D. from Temple University Beasley School of Law in 2008; and

WHEREAS, Amber Racine began her legal career at Anapol, Schwartz, Weiss, Cohan, Feldman and Smalley, first as a paralegal while attending school and then as an associate attorney, and quickly distinguished herself as an outstanding advocate in consumer class actions, pharmaceutical litigation and other civil matters; and

WHEREAS, in 2012, Amber Racine joined Raynes Lawn Hehmeyer, where she developed a reputation as a noted authority on civil practice and as a compassionate and tenacious litigator, pursuing justice for individuals and families who suffered catastrophic injuries; and

WHEREAS, Amber Racine was a leader at the Philadelphia Bar Association, having served on the Executive Committee of the Young Lawyers Division, as a member of the Editorial Board of Philadelphia Lawyer magazine, as co-chair of the Women in the Profession Committee and as Chair of the Board of Governors; and

WHEREAS, Amber Racine served in leadership roles in a variety of legal organizations, including as President of the Barristers' Association of Philadelphia, service on the Board of Directors of Community Legal Services, Philadelphia Legal Assistance and the Philadelphia Trial Lawyers Association, and as a member of the Pennsylvania Bar Association House of Delegates; and

WHEREAS, in 2018 Governor Tom Wolf, recognizing Amber Racine's commitment to justice for all people, appointed her to the Judicial Advisory Commission, a nine-member panel that reviews applications to fill vacancies in the Pennsylvania appellate courts; and

WHEREAS, Amber Racine led a life of service to the public, with a particular focus on helping members of marginalized communities, dedicating countless hours to pro bono work and charitable endeavors, including fundraising for the Barristers' Association annual turkey drive, and mentoring teenagers interested in pursuing careers in law; and

WHEREAS, Amber Racine's accomplishments were widely recognized in the legal community as evidenced by the many awards she received during her young life, including the F. Sean Peretta Service Award, a community service award presented by the Philadelphia Bar Association's Young Lawyers Division; the Judge Doris May Harris Image Award, presented by the National Bar Association Women Lawyers Division to an attorney who demonstrates deep commitment to community and mentorship; the Joanne A. Epps Award, presented by the Black Law Student Association at Beasley School of Law for mentorship of the next generation of Black women attorneys; and the Outstanding Young Lawyer Award, presented by the Barristers' Association of Philadelphia, presented to a young attorney who demonstrates competence in the practice of law and concern for her community; and

WHEREAS, the light, warmth and joy that Amber Racine brought to every project she undertook and every person she met will be greatly missed.

NOW, THEREFORE, BE IT RESOLVED that the Philadelphia Bar Association adopts this memorial resolution in recognition of the character, contributions and achievements of Amber M. Racine, and extends its heartfelt condolences to her mother, Juliana Cedeno, her brother, Jason Racine, their families and her many friends who mourn her passing.

Alisha Rodriguez offered a friendly amendment to honor all that Ms. Racine did for Black lawyers in Philadelphia and how she always championed for Black lawyers, and they are forever grateful. The amendment is as follows:

WHEREAS, Amber Racine advocated tirelessly for the advancement, inclusion and equity of African American attorneys in the Philadelphia legal Community and dedicated her time and resources to support, mentor and sponsor African American attorneys, law students and legal professionals.

Chancellor Snyder stated that he supports the amendment.

Dominique Ward questioned whether we should wait to pass the Resolution in deference to Ms. Racine's family. Chancellor Snyder suggested that the Association pass the Resolution now but advise the family in a couple of weeks, and defer to them as to when they will travel to Philadelphia to receive it. He also stated that it is important to take action before Thanksgiving, so that the family and her firm will know that the Association is doing something meaningful.

Diane Edelman emailed corrections to the Resolution to Chancellor Snyder and Chair Kamau regarding typographical errors. Chancellor Snyder agreed to make those corrections.

Immediate Past Chancellor Fedullo stated that there are no words to express her feelings, that Amber was a gift and a blessing, she loved her very much, and many others did as well. Chancellor Snyder noted that Ms. Fedullo's love for Ms. Racine is akin to the love of a mother to a daughter.

Riley Ross commented that passing the Resolution now and then having a more formal ceremony later strikes a good balance. He reported that Secretary Coatsworth prepared a Resolution for the PBA, which was originally scheduled to be heard tomorrow, but she was able to defer the proposal until May in deference to the family. The PBA has less flexibility with timing.

Dominique Ward mentioned that Ms. Racine's mom is in mourning and the Association should be careful not to overwhelm or bombard her. Chancellor Snyder agreed and noted his intention to reach out to Ms. Ward and others to carefully determine a time that is appropriate to approach Ms. Racine's family.

A motion to approve the Resolution with the Amendment was made, seconded, and unanimously approved.

7. Executive Director's Report.

Executive Director Hurdle first discussed financials. Instead of a re-casted budget deficit of \$240,000, the Association's deficit is anticipated at \$20,000 or \$30,000 at the end of the year.

The Association is beginning a membership renewal process for 2021; notices will be sent after Thanksgiving. The theme is "a community that matters" and they began a paid social media advertising campaign in this regard.

Mr. Hurdle will be doing a final walkthrough on December 3 of the new office space. The staff is learning a new phone system. The highlight of the phone system will be a live person answering the phone instead of the call going into a queue.

Chancellor Snyder will be testifying before City Council regarding a Resolution previously passed pertaining to an eviction diversion program. The testimony will be given next Thursday.

8. Chancellor's Announcements.

Chancellor Snyder suggested other ways to honor Ms. Racine's memory. One option is to name the gavel, which is traditionally passed to the Immediate Past Chair, presented in memory and honor of Ms. Racine. Reggie Shuford agreed it was a great idea. A motion to approve the proposal was made, seconded, and unanimously approved.

Chancellor Snyder next discussed a more substantial way to honor Ms. Racine's memory. He noted that Ms. Racine was committed to a number of endeavors, including the Barristers'

Association, the mentoring of young Black women who wanted to become lawyers, and the Association. He thus suggested that the Association take a 3-part course of action.

1. Commit on an annual basis, in addition to the table that the Association purchases for bar leaders to attend the MLK breakfast, to purchasing a separate table that will be filled by young Black women that are either law students or future law students. The selection of the individuals who will sit at the table will be made in conjunction with the Barristers' Association.
2. The Association would then afford those women membership into the Association for the next year.
3. Commit to paying the first year membership in the Barrister's Association for those women.

Chancellor Snyder stated that these actions will further the things that Ms. Racine was dedicated to.

Dominique Ward expressed heartfelt thanks for the Chancellor's proposed actions.

Treasurer Zucker suggested changing "Black" women to "diverse" women. Ms. Rodriguez expressed preference to keep the proposed language to keep aligned with Ms. Racine's wishes. Nikki Johnson-Huston agreed, noting that Black women have a very unique experience and Ms. Racine spoke to that. Immediate Past Chancellor Fedullo also agreed with keeping the language as proposed.

Access to Justice Advisor Louis Rulli stated that he wishes for the Association to take more action. He suggested that a framed picture of Ms. Racine be placed in the new office space so that she will always be with us. Chancellor Snyder agrees this is a beautiful way to always remember Ms. Racine. In that regard, Chancellor invited Mr. Rulli and others to consider additional ideas and raise them at the next meeting in December.

Larry Felzer suggested that any further action should be done in conjunction with the Barristers' Association and Temple Law to prevent overlap and consider bigger award ideas. Chancellor Snyder agreed.

Ms. Johnson-Huston shared memories of Ms. Racine and in particular the fun she and Ms. Racine always had at the annual Bench-Bar conference. She also noted that winning a scholarship as a young attorney allowed her to become involved with the Association and get to know its leaders and members. She therefore suggested awarding one of the annual Bench-Bar scholarships to a Black woman in Ms. Racine's name. Chancellor Snyder agreed this was a wonderful idea. Mr. Shuford also agreed, and thanked those who thought creatively about ways to honor Ms. Racine's memory.

Arly Smith-Pearson clarified that the Association will pay the first year that the individual would otherwise be required to pay out of pocket.

Wendi Barish suggested creating an essay scholarship for African American law students on a social justice issue that would have been important to Ms. Racine. Chancellor Snyder responded that, in accordance with Mr. Felzer's comment, this would be most appropriately developed in partnership with Temple Law School and/or the Barristers' Association. Ms. Barish shared a memory of Ms. Racine. She remembered that the first time she met Ms. Racine was during an interview wherein Ms. Racine asked questions about race that demanded respect and commanded the room; she will remember this for the rest of her life.

James Berardinelli asked whether there was a suggestion to name a space or conference room after her. Chancellor Snyder explained that the Association does not have a history of naming spaces after remarkable bar leaders, and the key aspect of the proposals made is that the programs are unique to Ms. Racine.

Erin Lamb commented that this is an acute trauma right now but it will reverberate for a long time, and this should be an ongoing conversation. Chancellor Snyder responded that if we are thoughtful and wise we can use Ms. Racine's technique in encouraging participation and contribution of an ongoing effort. Chancellor clarified that today's action is not an end-point.

A motion to approve the Resolution with the Amendment was made, seconded, and unanimously approved.

Chancellor Snyder reminded everyone that the December 8 annual meeting is approaching and would include: 1) Chancellor-Elect Lauren McKenna will make remarks about her plans; 2) Sandra Day O'Connor award will be presented to Judge Kathryn Streeter-Lewis; 3) Citizen's Bank Achievement award to Robert Tintner at Fox Rothschild; 4) Justice Ruth Bader Ginsburg "Pursuit of Justice" Legal Writing Competition presented to two winners. Nina Totenberg from NPR will make remarks regarding Justice Ginsburg's legacy.

Chancellor Snyder stated that the next board meeting will be an opportunity to thank those members and officers whose service was ending, including thanking Chair Kamau for a remarkable year.

Chancellor-Elect McKenna commented that being present with everyone today was good medicine for a tough week and she looked forward to talking more in 2021 on many of the issues what were put in motion today. She also wished everyone a peaceful Thanksgiving.

Wesley Payne complimented the Chancellor and the staff on their response in this tough situation.

The meeting concluded at 5:05 p.m. and executive session began.

Respectfully submitted,
Kathleen Kirkpatrick
Assistant Secretary

**Board of Governors
Attendance
November 19, 2020**

Voting members present:

Hon. A. Michael Snyder (Ret.)
Lauren McKenna
Wesley Payne
Jennifer Coatsworth
Kathleen Kirkpatrick
Marc Zucker
Matthew Olesh
Nicholas Kamau
Riley Ross
Meghan Claiborne
Francesca Iacovangelo
Alisha Rodriguez
Michael van der Veen
Dominique Ward
James Berardinelli
Diane Penneys Edelman

Lawrence Felzer
Neelima Vanguri
Wendi Barish
Kris Calalang
Erin Lamb
Craig Levin
Andre Webb
Hillary Ladov
Randi Rubin
Maureen Farrell
Arly Smith-Pearson
James Tolerico
Mark Mazzanti
Rochelle Fedullo
Reginald Shuford

Absent:

Benjamin Barnett
Dino Privitera
P. Douglas Sisk
Nipun Patel

Michael Zanan
Tom Innes
Reuben Asia
Cheryl Upham

Non-voting members present:

Lawrence Beaser
Leslie John

Abraham Reich
Harvey Hurdle

Absent:

Butler Buchanan

Invited guests present:

Louis Rulli
Natalie Klyashtorny
Nikki Johnson-Huston
Hon. Sandra M. Moss (Ret.)

