

**PHILADELPHIA BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
OCTOBER 26, 2016**

Meeting was called to order by Chair McKenna at 4:06pm.

The minutes of the September meeting were approved unanimously.

Treasurer Foley presented the treasurers report. As of September year to date we are ahead of budget by \$87,477. Over the next few months the positive variance will decrease as expenses continue to come in and the revenue sources slow down. Revenue is running slightly under budget by \$17,694, and this is primarily attributed to CLE running under budget, and is offset by dues and LRIS running over budget. CLE is also running under budget as to expenses, which also offsets a portion of the revenue shortfall. Expenses are running under budget by \$105,171, this is primarily attributed to benefits and cost savings measures. The report was approved without discussion.

Chair McKenna called on YLD Chair Elect Olesh to provide a report on the Expungement Clinic. He introduced John Coyle and Meghan Clayborne, who have been primarily responsible for planning the program, to give the report. He indicated that it has been running better than our wildest dreams, and we are positioned very well for success and greatness. John Coyle reported that as of two minutes ago registration closed, because all clinics are full. 1,843 people are registered. We have about 80% eligibility rate. There will be about 1500-1600 people who will be eligible to have their petitions filed. There are 223 volunteer attorneys across six sites. There is extra time allocated for walk ins, but we are not encouraging walk ins, but if they show up we are not going to turn away. The facilities are set with Parks and Rec. There are small issues with the court, which will be worked out. We have a small financial need for food for volunteers. We are reviewing the petitions before the event for pre-screening and volunteers are already on board for that, but we need others as well, and need to incentivize them with refreshments. We are doing redactions, expungements and ceilings. We are collecting names and emails if anyone is interested at this point and they will be kept for next year, because the site indicates that registration is closed. Donations for money should be sent to Dana Gittleman, Treasurer of YLD. We are scheduled for 10am-1pm, but we are probably going to start at 9:30 and go to 1:30, to account for walk-ins and other glitches. We have a fully staffed Spanish speaking location. Chair McKenna commended the work that was done on this.

Chair McKenna recognized Assistant Secretary Coatsworth and WIP Co-Chair Amber Racine to present the Resolution Supporting Adoption by the Pennsylvania Supreme Court of the Amendment to ABA Model Rules of Professional Conduct 8.4. WIP is recommending that the Board pass the resolution, which would encourage the Pennsylvania Supreme Court to adopt new Model Rule 8.4g. The Model Rule was adopted by resolution at the ABA Meeting in August. Former Chancellors Dandridge, Reich and Wilkinson and others from Philadelphia were present at the ABA Meeting when the resolution passed. This issue has been batted around the ABA for quite some time and there were significant negotiations and concessions that were made to the language in order to gain passage of the resolution at the ABA level. The language that ultimately passed in the ABA, which now constitutes Model Rule 8.4g is included in the

Resolution currently before the Board. The new rule would make it an ethical violation to discriminate or harass someone in the practice of law on the basis of any one of a number of protected classes including race, sex, sexual orientation, age, socio-economic status, marital status, and others enumerated in the rule.

The Chancellors encouraged the WIP to draft this resolution following passage at the ABA. The resolution was presented to the YLD on Monday, and they voted to support the resolution overwhelmingly. The resolution was then presented to the Professional Responsibility Committee meeting yesterday and there was quite a heated discussion. Many Board members were present for that meeting as well. There were several compelling stories told about why the resolution is needed. There were concerns expressed about the actual language contained in the rule, but ultimately, it was decided by an 18-3 vote, that the Professional Responsibility Committee would support the resolution as it is written.

Past Chancellor Wilkinson commented that it was an amazing discussion at the Professional Responsibility Committee that lasted almost two hours and all issues and concerns were addressed and fully vetted. She also reported that as Zone One Governor for the PBA and past chair of the PBA and Philadelphia WIPs, that simultaneously, as we were working on this resolution, she was also working on a similar resolution with the PBA WIP. We now have a similar resolution that is being vetted at the PBA level as well and Assistant Secretary Coatsworth is very involved in formulating that resolution, along with Past Chancellor Wilkinson and others. This resolution in Philadelphia is very important, because there are people across the state looking to see the outcome of our resolution here before determining how to proceed with the PBA resolution. She encouraged Philadelphia to be the leader so we can make progress across the state. Assistant Secretary Coatsworth echoed Past Chancellor Wilkinson and pointed out that since we have already significantly vetted the resolution in Philadelphia and many of the members of the Philadelphia Professional Responsibility committee are also leaders on the corresponding PBA committees, so we are hopeful this will encourage support of the PBA Resolution as well. It is important that, as always, we take the lead on important progressive issues across the state.

Chancellor Alfano added that there was not numerically a lot of opposition, but the opposition was fierce. The attorneys who opposed had a different perspective, which was primarily based on experience and potentially what could happen based on their many years at the bar. However, he wanted to point out that our most fervent supporter and best advocate was Assistant Executive Director Paul Kazaras. Paul met the issues and was able to systematically dismantle the arguments based on his experience in this field and due to the fact that he is considered one of the leading experts on ethics across the state. Paul was highly commended and Chancellor Alfano regretted that he could not attend the Board meeting to accept the accolades being given. Assistant Secretary Coatsworth reiterated this point and also noted that Paul was invaluable during the drafting of the resolution and provided some really crucial input that eventually led to some of the concerns being addressed which led to the support by Professional Responsibility Committee.

Past Chancellor Dandridge noted that he has spoken on this before and was present for the debate at the ABA and the issue has been “word-smithed to death.” He fully supports the

resolution and thinks that we should take the lead on this from a statewide perspective. He suggests that we not “word-smith” the resolution any further since it has already been done significantly, and we need to take the lead and pass the resolution, without further amendments.

Counsel to the Board Beaser made some suggestions for technical revisions to the language of the resolution, not the rule, so that the resolution is consistent with Philadelphia Bar Association formats for resolutions. These were accepted by Assistant Secretary Coatsworth and WIP Co-Chair Racine. A motion was made to approve the resolution by Past Chancellor Wilkinson, which was seconded by Vice Chair Mincey and Vice Chancellor Platt. The resolution passed, with the friendly amendments, unanimously.

Assistant Secretary Coatsworth and WIP Co-Chair Amber Racine also presented the Resolution Supporting HB 2356, Printer’s No. 3891, Amending the Equal Pay Law. This resolution was drafted by Assistant Treasurer, Natalie Klyashtorney, who could not be present at the meeting, so Assistant Secretary Coatsworth and WIP Co-Chair Racine presented the resolution, because WIP is co-sponsoring the Resolution along with the Labor and Employment Committee. This was also brought to the attention of the WIP by the Chancellors, and we looked to Labor and Employment to partner. In addition to supporting HB 2356, the Resolution also encourages City Council to pass bill 1608-40, which has a similar purpose. The House Bill was brought by State Representatives Donna Bullock and Maria Donatucci and was introduced on September 21, 2016. HB 2356 would amend the Equal Pay Law by prohibiting an employer from inquiring about an applicant’s salary history; it would require the hiring manager to state the offer on the applicant’s perceived worth to the company, as opposed to their salary at their previous position. It also bars employers from prohibiting their employees from discussing their salaries with each other. The most controversial provision is that it requires employers to pay women the same compensation as men for “comparable work” and “comparable work” is defined in the statute as being sufficiently similar in skill, effort, responsibility and working conditions. There are articles about the gender gap in pay practically every day, just last week there was an article about female partners making 44% less than their male counter-parts, and this bill is designed to address that issue. Once again we should take the lead on this progressive issue. Counsel for the Board Beaser suggested proposed revisions to this resolution for technical formatting, Assistant Secretary Coatsworth and WIP Co-Chair Racine accepted these friendly amendments. The Motion to support the resolution was moved and seconded and passed unanimously.

Assistant Secretary Coatsworth also presented on the Diversity and Inclusion Action Plan Checklists, which are due. Copies were distributed and Board members are encouraged and reminded to complete the checklists and submit them to Assistant Secretary Coatsworth for compliance. The Diversity and Inclusion Action Plan was created by Vice Chair Mincey and Sophia Lee and Diversity in the Profession Committee and codifies our commitment to diversity and inclusion in the profession, which is really the groundwork of our Association. It is critical that we all participate, and it is a responsibility we have as Board Members. Assistant Secretary Coatsworth indicated that she knows we all meet the requirements stated, it is just a matter of completing the form and turning them in. She has a list and can notify you whether she has received your form or not. She will stay after to collect the forms.

Chair McKenna thanked WIP Co-chairs Racine and Assistant Secretary Coatsworth for taking the lead on these issues with the Women in the Profession and putting these issues forward.

Chair McKenna recognized Executive Director Tarasiewicz to give an update on membership. As of today, dues revenue collected is \$1.895million, which is approximately \$20,000 above budget for 2016. However, our goal is to surpass our goal, so we will continue over the next few months. We are sending a blast tomorrow from the Chancellors, to those who have not yet renewed, highlighting our recent advocacy and media statements, including recent Board Resolutions. We obtained the list of recent Bar admittees, and plan to reach out to them to offer them a free first year of membership. Along with our efforts at law school outreach, this should hopefully put us on track to exceed goals of total Bar Association members. We were supposed to present to Drinker but the presentation had to be postponed, due to a last minute all day training for their first year attorneys, but it will be rescheduled. We will participate in the Bar admission ceremony for Drexel's recent graduates thanks to Judge Snyder, which will be at City Hall. Thanks to Andrea and the staff and leadership for all their help in pushing membership.

Chancellor Alfano pointed out that we hope to get to Past Chancellor Dandridge's figure as far as number of members, but we likely will not get to his revenue numbers. His membership numbers were approximately 9500, and his revenue was \$1.943 million. We are adding younger members who are paying at a lower rate. He also indicated that Drinker has suggested that we make it a CLE when we present to them. This is a good idea for how we can market more creatively.

The meeting was closed at 4:33pm and executive session commenced.

**Board of Governors
Attendance
October 26, 2016**

**Voting members
Present:**

Gaetan J. Alfano
Deborah R. Gross
Mary F. Platt
Jennifer S. Coatsworth
Regina M. Foley
Natalie Klyashtorny
Lauren McKenna
Kevin Mincey
Lawrence Felzer
Peter Newman
Erin Siciliano
Kathleen Kirkpatrick
Julia Swain

Shabrei Parker
Maureen Farrell
James Funt
Wendy Hess
Teresa Rodriguez
Albert S. Dandridge III
Matthew Olesh
Katayun Jaffari
Thomas Innes
Scott Small
Maureen Olives
Brad Rush

Present on Phone:

Jacqueline Segal
Jeffrey Rosenthal
Angela Giampolo

Erin Lamb
Adam Taylor

Absent:

Natalie Klyashtorny
Rahat Babar
Jeremy Menkowitz
Ira Lefton
Myisha Lacey-Tilson

Edward Beitz
Brad Shuttleworth
Dina Ronsayro
Eileen Quigley
Jennifer O'Leary
Joseph Turchi

Non-voting members

Present:

Lawrence Beaser
Mark Tarasiewicz
Rochelle Fedullo
William Fedullo

Sophia Lee
Louis Rulli
Kathleen Wilkinson

Present on Phone:

Jennifer Snyder

Absent:

Steven Bizar
Butler Buchanan
Andrea Yannuzzi

Patricia Infanti
Andrew Laver
Cheryl Disch