

**Philadelphia Bar Association
Board of Governors
February 28, 2008**

Stephanie Resnick, Chair of the Board, called the meeting to order at 4:04 p.m.

Ken Shear introduced the new Bar Association's Director of the Office of Diversity, Dr. Sean Lincoln, who spoke for a few minutes expressing her enthusiasm in working with the Association.

The Chair requested that the minutes of the January 24, 2008 Board meeting be approved. Upon motion made and seconded they were approved.

The Chair recognized Treasurer, Jeff Lindy, who presented the Treasurer's Report and reviewed the December 31, 2008 financials. Mr. Lindy reported that the Association's finances continue to be sound. The audit report will be ready next month and will be presented then. Upon motion made and seconded, the Treasurer's report was accepted.

Chancellor A. Michael Pratt again thanked everyone for being timely. He recommended members of the Association to be appointed to the VIP Board. A motion was made and seconded approving these appointments.

The Chancellor recognized Larry Beaser who gave an update on the Lobbying Disclosure Act, consistent with the materials given out at the meeting. The Act was also distributed.

Chancellor Pratt then nominated Kim Jessum as a Board member to the audit committee. Upon motion made and seconded approving this nomination was approved.

Chancellor Pratt announced that on March 27 there will be a reception with City Council members immediately following the next Board meeting.

Chancellor Pratt then discussed the Bench Bar and Annual Conference which will be Sept. 19 to 21. This year it will be a three day conference so there is more time to network with judges and one another. Al Dandridge is one of the co-chairs. The programs will be broad. The cost will be \$150 more than last year. Sponsors will be obtained to keep the cost down. The September board meeting will be on Sept. 19 at 10am in Atlantic City immediately preceding the start of the Conference.

The Chair then presented Dean Dennis from Drexel Law School. Dean Dennis introduced Susan Brooks, Associate Dean. Drexel Law is finishing their fifth quarter of legal education and just received provisional accreditation from the ABA. The students can now sit for the bar exam. Drexel Law is committed to working with the Association. Dean Dennis also discussed how most of their students are sent out on co-op working within the legal community. Placements have been made with judges, law firms, and non-profit entities. Associate Dean Brooks is the point of contact for students placed in the legal community. There is also a mandatory pro bono requirement and clinical work before each student graduates. 3.4 is the median grade point and 158 median LSAT of successful applicants to Drexel Law. The school seeks diversity in their students and faculty are from around the country.

The Chancellor announced he has appointed Mary Ellen Nepps and John Savoth to Co-Chair a committee to examine the current committee structure of the Association. He also announced that the Association is looking for a lobbyist to work with City Council

The Chair recognized the two delegates to the ABA, Former Chancellors Abe Reich and Andre Dennis. She thanked the delegates for voting consistent with the Resolution against imposing the bar exam as the primary measure for law school accreditation. In January however, the ABA passed the proposal with regard to law schools meeting a standard (301-6) imposed by the American Bar Association's Council on Legal Education.

The Chair recognized Paul Uyehara from the Language Access Task Force who presented a report on the Language Act 172, effective January 2007. Deborah Culhane, vice chair of the Task Force was also recognized. Attorney Uyehara reported that the Act requires use of certified court reporters in Pennsylvania matters. It will take time for each court to implement these procedures. One of the Task Force's goals is to educate courts and lawyers through various continuing legal educational venues. An issue is how to fund these services and how to implement what is needed. Attorney Uyehara distributed the annual report of the Interbranch Commission on Gender, Racial and Ethnic Fairness to all members of the Board. He advised that the Commission was supportive of the Act. Assistant Treasurer Joe Prim pointed out that interpreters are available at workers compensation hearings. Because the Board should interact with the Committees, the Chair pointed out that reports will regularly be presented.

The Chair recognized John Nixon who presented on the activities and initiatives of the Employees Benefits Committee, a new committee of the Association. He explained the disparate groups that are part of the committee. He also pointed out that some work competes with work done by non-lawyers and that a unique challenge is faced in the area of preparation of 401 Ks for example. Integration of younger lawyers is also an issue. American Society of Pension Actuaries also compete with work that attorneys do. Other challenges include how to mesh law and tax work that is handled by lawyers who are in accounting firms but are not practicing law per se but want to remain involved with professional associations. He reported Rob Litvin and Kay Yu are the other co chairs of the Committee.

The Chair then recognized Mark Foley who presented on the activities of the Labor and Employment Committee, which is comprised of members of large firms, small firms, small businesses, and government. Issues the Committee works on include: what used to be uninsured is now insured; rate issues on defense side which impacts law firms; legislative changes that affect plaintiff's side as class action work being more regulated now. On traditional side of practice, issues include: labor movement is invigorated; initiatives in the Congress; impact of election; how to engage the decision makers in Philadelphia, including EEOC, American Arbitration Association.

The Chair then recognized Angus Love who reported on the Prison Abuse Remedies Act of 2007, HR 4109. He reported that the Civil Right Committee, Delivery of Legal Services Committee, and the Public Interest Section, have all approved endorsing the Prison Abuse Remedies Act of 2007, HR 4109. Attorney Love explained some of the issues and how a lay person is at a disadvantage. An ABA report in 2007 detailed flaws with the Prisoner Litigation Reform Act. A motion was made and seconded. There was discussion. One Board Member

wanted to learn the position of the Appellate Courts Committee. There was a motion to table which was then withdrawn. Another Member noted that these are extremely hard cases, with very difficult clients. Another Member stated that there was a very detailed analysis of this Act presenting the other side. He pointed out that the portion of the relief being requested to repeal the restrictions on the equitable authority of federal courts in conditions of confinement cases. This Member said to simply oppose the Prisoner Litigation Reform Act in its current form is not appropriate. Another Member said the prison society is growing every year, for women and minorities in particular, and that whether a crime was committed or not the prisoner is still a human being entitled to not having civil rights violated. Former Chancellor Dennis then gave an example of a case he handled in the County of Lehigh. The County passed a consent decree correcting conditions but after this Reform Act passed, the County changed its procedures. He asked the Association go on record in support of this resolution. A Member again suggested the Federal Courts Committee be allowed to weigh in. A motion was made to table and seconded, and the motion to table was not accepted. The Resolution was passed, with 4 abstentions and 1 opposed.

The Chair called upon Bruce Franzel, Chair of the Task Force to Study the Nominating Committee structure. He presented a Resolution from the Nominating Committee Task Force. He stated there was a sense from the January Board Meeting to do away with the Nominating Committee, to form an Election Committee to encourage candidates to run, that there be a forum to allow candidates to answer any questions presented to them and those presentations and response be widely disseminated. They would have to file a nominating petition that would have to be signed by a certain number of members depending on which office they were running for. The Chancellor would appoint all the members of the Election Committee with the goal that the members would be as diverse as possible. Larry Beaser suggested there might a withdrawal date. If passed, the Bylaws Committee would then draft bylaws consistent with the will of the Board and go to the Association membership for approval at the next Quarterly meeting. A few technical amendments were made to the resolution.

Lengthy discussion then took place. A Board Member said one of the goals was to see if the Nominating Committee was to be abandoned completely and she was surprised to see the resolution. She does not think it is bad thing to have bar members vet bar candidate; attorneys as we vet judges. She pointed out that it is a tremendous honor to serve on the Board. She also raised whether all these names should be required by those running for officer positions. The Association Bylaws do not say a nomination by the Nominating Committee is an endorsement; it just says a candidate received the nomination. Some candidates do not make presentations before the Nominating Committee and end up dropping out. She also noted that it does not make sense for sections to make endorsements if there is no Nominating Committee.

Another Member said that she thought what has been proposed accomplishes the objective that peers can still vet their peers but the manner in which it is done will be different. Having an Elections Committee will provide an outreach function to get candidates to run, appear at a forum, have to speak, and define themselves.

The Chair then recognized another Member who said the Elections Committee will have the possibility of engaging more attorneys in the process and that each section may vet the candidates more seriously. Another Member stated she thinks the Nominating Committee is fine

right now but it does not make any inquiry whether candidates meet certain standards. Another Member said that it is more the perception by outsiders and some will not run as a result.

A Member said it reminded him of the debate with mail in voting. He felt that the idea that this resolution will open up the process and get more people involved, might not happen. Having served on the Nominating Committee last year, he thought it was done in a very fair impartial manner. However, if there is a perception that if you know people on the committee you are going to get the nomination, then that perception should be changed.

Another Member stated she has changed her view since last meeting. She thought the process was fine, the Nominating Committee fairly representative, and she got the nomination but lost the election the first time she ran. She also said that if someone gets the nomination it means you are a serious candidate. Since then she has spoken to those who appeared before the Nominating Committee who felt that if perception is that the process is not fair, then trying to bring in a broader array of candidates through an Elections Committee might be fairer. If what is proposed by the resolution does not work, the Board can review it again, she added.

Another Member said the Public Interest Section would support the Resolution but was concerned there is no definition of the members of the Elections Committee. She suggests describing the ten members who will be appointed as representative of the Association. Bruce Franzel was asked if he would consider this and he agreed to add this suggestion as part of the resolution. Another Member also spoke in favor of the resolution. However, he did not think it goes far enough because if any section or committee receives funding should also be precluded from supporting a candidate because otherwise it will move the process down to the section level. Bruce Franzel said this issue was discussed but there was not enough time to work on it at the Task Force level. Ken Shear confirmed this.

The first Member who spoke then said she understands the perception issues but still does not think vetting is a bad thing. Nonetheless, she endorses the concept of the Elections Committee and would vote in favor of the resolution.

Upon motion made and seconded, the motion passed unanimously in favor of the resolution. The Charter and Bylaws committee would bring a bylaw to the Board for submission to the members to implement the resolution. The effective date of this change was not discussed.

There being no further business, the Board adjourned at 5:52 pm.

Respectfully submitted,

KATHLEEN D. WILKINSON
Secretary