

**Philadelphia Bar Association
Board of Governors
January 24, 2008**

Stephanie Resnick, Chair of the Board, called the meeting to order at 4:00 p.m.

The Chair requested that the minutes of the December 20, 2007 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, 2007 financials. Mr. Lindy reported that the Association's finances continued to be sound. He also explained for the benefit of the new members of the Board how to read the Treasurer's report. Upon motion made and seconded, the Treasurer's report was accepted.

The Chair recognized CLS Executive Director Cathy Carr who discussed changes in the Community Legal Services and Philadelphia Legal Assistance Board structure. Ms. Carr summarized the history of CLS and Philadelphia Legal Assistance and how restrictions on what services CLS could provide for funding purposes led to the two organizations creating separate boards. Philadelphia Legal Assistance Executive Director Anita Santos also participated in the changes that were discussed. A proposal was made that there will still be separate boards but with 33 board members common to both boards, and 3 members distinct to CLS and 3 members distinct to Philadelphia Legal Assistance. The Board approved this proposal, after being advised that there will be compliance with 501C and that Larry Beaser also has reviewed this proposal.

Chancellor A. Michael Pratt made announcements including thanking the members for their timeliness in attending meetings. Chancellor Pratt asked that his appointees to the Philadelphia Assistance Center and Lawyers Board be approved by the Board and unanimous approval was given. Chancellor Pratt reported that there was sales tax legislation which proposed the possibility of taxing legal services with impact upon consumers before the House in Harrisburg. He reported the Association's lobbyist was following closely. Chancellor Pratt announced his Educational Initiative of lawyers teaching in the Philadelphia public schools and that Judge Rendell wants to be involved and may encourage other federal judges to participate.

The Chair made announcements including a reminder that each Board member had been given an assignment to be liaison to an Association committee.

The Chair recognized Assistant Secretary Sophia Lee who explained the pro bono requirement which applies to all Board members under Bylaw section 216 as well as the form which is required to be filled out and returned to her attention or to Areetha Carter.

The Chair then recognized former Chancellors Abe Reich, Andre Dennis, and Temple Professor Joanne Epps, all ABA representatives, to discuss a proposal before the American Bar Association's Council on Legal Education which seeks to set a standard (301-6) which could have a disparate impact on law schools who cannot meet certain standards in regard to bar passage rates, thus causing such law schools to be at risk to losing ABA accreditation. The discussion focused on the view that bar passage rate is one aspect of a law school's success.

There was discussion that if standards are imposed to make bar passage rate an accreditation requirement, it may decrease acceptance of minority candidates to law school, affect what minimum LSAT score is acceptable for candidates to law school, and can encourage law schools to teach to the test. Although Professor Epps observed that most law schools in the area are not at risk, it will still affect all law schools anyway, especially those who are specifically serving certain areas of the country. After a lively discussion, a resolution opposing ABA Proposed Interpretation of 301-6 was moved, amended, with the amendment being accepted, and seconded, that the Philadelphia Bar Association opposes the proposal. The Board requested that its ABA representatives vote against the ABA proposal. The resolution, which also sought multiple outcome based criteria in accreditation of law schools, passed unanimously.

The Chair called upon Bruce Franzel, chair of the Task Force to Study the Nominating Committee structure, who presented a report on the work of the Task Force to date. He reported that there was discussion whether the nominating committee should remain, whether it should be abolished with the alternatives of having a forum at which all candidates would appear to flesh out issues; or whether it should remain but have no endorsement for Vice Chancellor. Mr. Franzel reported that everyone agreed there was a need for greater outreach to encourage minority candidates in general. Mr. Franzel reported the vote of the Task Force has been in favor of eliminatng the nominating committee by a margin of 1 or 2 votes.

He reported that instead of putting together a proposal that the Task Force decided to present a report to the Board and have discussion. A lively discussion ensued. One member stated that the members of the nominating committee, when he appeared to make a presentation, were very impressive, but he did not receive the nomination; he added that for some candidates, they could feel it is a waste of time unless there is going to be a position taken of recommended/not-recommended. Another member said that some members of the nominating committee are lobbied to take positions before candidates appear and there are sometimes concerns of confidentiality. Another member said that there had been a resolution in the past to abolish the nominating committee; yet another member asked if there was a resolution on the table for this Board meeting. Executive Director Ken Shear stated the Task Force wanted to get a sense of the Board and have a full discussion first.

There was then discussion of developing criteria to be used in evaluating candidates such as bar service and diversity. Others expressed the view that there should be a forum for candidates and publicizing of candidates who run and that there should be encouragement of candidates to run for office. It was also observed by another member that getting bar newspapers about the election after mail votes are due is not helpful and that materials could be posted on the bar website of the credentials of the candidates. There was also discussion that in 15 contests 10 of the nominees were successful and 5 were not, so getting a nomination did not of itself guarantee the candidate's success. There was discussion that if there is to be criteria, it should be flexible. Another member observed that appearing at a forum helps the candidate to define oneself, and be asked why a candidate should be a bar leader.

It was also discussed that if the nominating committee is abolished that there must be something to replace it, so that the candidates are vetted, defined and publicized. Yet another member observed she thought the nominating committee served as a gatekeeper and that appearing before it was a wonderful ritual. Representatives of YLD and Public Interest Section asked for more time and information before taking a formal vote.

Chancellor Pratt said he would instruct the Task Force to continue to study the issue, and that there would be further discussion in the future.

The Board adjourned at 5:57 pm.

Respectfully submitted,
KATHLEEN D. WILKINSON
Secretary