

**Philadelphia Bar Association
Board Of Governors Meeting
March 25, 2004**

The Chair called the meeting to order at 4:05 p.m.

The Chair asked for approval of the minutes of February 26, 2004. Mr. Cohen asked that his dissent to the enemy combatant resolution be noted. The Chair asked that the minutes be corrected to indicate it was the Chancellor who introduced the Mayor. With the aforementioned corrections, the minutes were approved.

The Chair called upon the Treasurer to deliver the Treasurer's report. Ms. Platt stated that the auditor is working hard along with the committee and that the auditor's report would be presented at the April meeting. Preliminary results indicate that the audit is unremarkable. Upon motion made and seconded, the treasurer's report was approved.

The Chair introduced the Chancellor for his remarks. Chancellor Bevilacqua noted that he had recently been in Harrisburg to address members of the legislature on the issue of the permanent establishment of a business court in the First Judicial District. The Chancellor noted his other recent activities, including: working to assist individuals who have had their title to real estate poached; dining with the Superior Court and opening a session of the Superior Court when it sat at Penn Law School.

The Chair then made his announcements. He noted that the Bench Bar planning committee is well ahead of schedule. The Chancellor asked that members of the Board attend the investiture of Judge Gene Pratter in Federal court.

The Chair introduced Kim Jessum, Chair of the Young Lawyers Division, who reported on the Spring Gala, scheduled for April 17th at 7 p.m. at the Loews Hotel.

The Chair introduced Natalie Klashtorny and Michael Hayes of the Young Lawyers Division to report on Law Week. They noted that on Wednesday, May 5, 2004 at 10a.m., a program will take place at the School District. Students will argue the positions of the parties in the landmark case of *Brown v. Board of Education*.

The Chair introduced Rudy Garcia, one of our delegates to the ABA who attended the ABA mid-year meeting. Mr. Garcia commented that the ABA gets many things done in a short period of time. Mr. Garcia commented on some of the highlights of the mid-year meeting. He noted that the ABA passed a resolution asking the federal government not to interfere with the position of individual states regarding same sex marriages.

Mr. Garcia commented that the Philadelphia Bar Association has a voice at the ABA and that if we wished to expand on a resolution or program passed by the Board of Governors, absent some major controversy, we can push the resolution or program at the ABA. Mr. Garcia believes that if we present a resolution approximately three months ahead of an ABA meeting so that it can be

vetted, we can get on the agenda.

The Chair then moved to the next agenda item which is the selection of three representatives to the Nominating Committee. Mr. Tanner, Mr. Furia, Ms. Levick and Mr. Alva were nominated. Mr. Sullivan was appointed as teller. Thereafter, Mr. Tanner, Mr. Alva and Ms Levick were selected as the representatives to the Nominating Committee.

The Chair introduced Sherrie Cohen who presented a resolution from the Civil Rights Committee regarding police discipline. Ms. Cohen indicated that in 1996, in the wake of the 39th district scandal, a discipline office was established. A recent report was issued which has caused a flurry of news items. The Mayor's Task Force has called for civilian participation and oversight. The Civil Rights Committee position seeking the establishment of a review board is supported by the Daily News and the Philadelphia Inquirer. The motion was moved and seconded. Ms. Cohen introduced former Councilman Angel Ortiz who became involved in police abuse when he was put under surveillance in the Rizzo administration. Mr. Ortiz expressed the position that the police department is a para-military culture that does not reform itself from within. Mr. Ortiz believes it is necessary to have a police department which is subject to discipline and the rule of law.

Jerry Mondesire of the NAACP spoke and further discussed episodes of police brutality in the mid-1970's. Karen Simmons, counsel for the police department and a former public defender, was recognized and noted that she assisted in preparing a response to the report and even asked the plaintiff's counsel in the pending federal law suit to act as an "impartial judge".

Past Chancellor Don Marino was introduced. He currently chairs the litigation department at the City Solicitor. The resolution proffered by the Civil Rights Committee was not presented to the City. Carlton Johnson, chief deputy city solicitor was introduced. Mr. Johnson explained that the NAACP is the lead plaintiff in the settlement agreement stemming from the 39th District Case. Judge Dalzell is supervising the settlement agreement. When the police department makes policy change they consult with David Rudovsky, Stefan Presser of the ACLU and Alan Yatvin. Mr. Johnson advised that he made similar remarks to the Civil Rights Committee.

Robert Nix, Hector Soto and Michael Hayes of the Police Advisory Commission then spoke. They would like to see this type of resolution pass but what the resolution seeks to do is create a commission that already exists. The Commission would like to see an increased budget, permanent status and full staffing.

After a lively discussion, Mr. Cooper made a motion to table the resolution, which was seconded and passed.

The next resolution presented from the Civil Rights Committee was in opposition to the death penalty for individuals who commit capital crimes when they are under 18. This resolution takes its lead from the recent Supreme Court decision striking down the death penalty in cases where the defendant is mentally incompetent and pending Pennsylvania legislation. The motion was moved and seconded. A concern was raised regarding the resolution's support an amicus briefs. Upon call of the question, the resolution passed.

The Law Firm Pro Bono Committee Co-chair proposed a resolution regarding pro-bono reporting. The motion was moved and seconded. The resolution functions as a directive to the mid and large sized firms. The resolution passed unanimously.

Robert Szostak, Co-chair of the Medical-Legal Committee, proposed a resolution to make consistent the rules of non pros in cases requiring a certificate of merit with those of default judgment. The resolution was moved, seconded and passed unanimously.

Thereafter, the Board went into executive session.

The meeting adjourned at 6:15 p.m.

Respectfully submitted:
Sayde Joy Ladov
Secretary