

**Philadelphia Bar Association
Board of Governors
March 30, 2006**

Mr. Alva, Chair of the Board, called the meeting to order at 3:45 p.m.

Chancellor Alan Feldman opened the meeting by inviting special guest Michael S. Greco, ABA President, to address the Board. ABA President Greco had spoken earlier in the day at the Equal Justice Conference in Philadelphia. He praised the Philadelphia Bar Association Host Committee and expressed the opinion that the conference was a huge success.

President Greco spoke of recent issues addressed by the ABA, including illegal wire tapping and domestic surveillance, which resulted in him forming a bi-partisan committee to study these issues and send a letter on behalf of the ABA to the President of the United States. Mr. Greco reported that their letter pointed out the ABA's concerns with the legality of certain actions being taken by the President in this regard. President Greco also reported that he appointed a 24 member Katrina Task Force to assist and study the issues presented with regard to legal services after Hurricane Katrina. He also reported he attended a meeting of Bar Presidents from around the world and suggested that all bar leaders think of the legal profession as one profession and that access to lawyers and attacks on judicial systems hurt everyone. He addressed these Bar Presidents by quoting from the English Poet, John Dunne, "No Man is An Island," and drawing the analogy that no country no bar is an island, we are all connected.

President Greco discussed that during a meeting of international Bar presidents, he worked on a statement of core principles that Bar organizations around the world would accept. He played a major role in writing these principles. He stated these principles as:

The legal profession throughout the world, in the interest of the public, is committed to these core principles:

1. An impartial and independent judiciary, without which there is no rule of law.
2. An independent legal profession, without which there is no rule of law or freedom for the people.
3. Access to justice for all people throughout the world, which is only possible with an independent legal profession and an impartial, and independent, judiciary.

And that, these core principals shall never yield to any emergency of the moment.

President Greco was asked to sign the principles first before they were signed by any of the other bar leaders present. The Board gave ABA President Greco a round of applause. A motion was then made and seconded that the Philadelphia Bar Association adopt these principles as well. The motion carried unanimously.

The Chair then requested that the minutes of the February 23, 2006 meeting be approved. Upon motion made and seconded they were approved.

Assistant Treasurer Jeff Lindy presented the Treasurer's report for the period ending February 28, 2006. He reported the Treasury is positioned well as of this time and there is a positive variance of approximately \$135,000 and that expenses are under budget by \$47,000. He further

reported that 74% of dues have been collected as the end of February. Upon motion made and seconded, the Treasurer's report was approved.

Chancellor Feldman made numerous announcements. He noted that he presented testimony before the AOPC on March 2 concerning criminal records being put on the internet. His testimony was the only presentation by a bar association. He also reported that he met with Pennsylvania Bar Association President Bill Carlucci, President Elect Ken Horoho, and Vice President Andy Susko recently and that the Philadelphia Bar Association is enjoying a good relationship with the PBA and has been working closely with them on various issues. Chancellor Feldman also spoke recently at the Public Service Institute run by the PBA and was also planning to speak at the PBA's Minority Lawyer Conference.

Chancellor Feldman also reported that he and Vice Chancellor Michael Pratt had met with the Philadelphia Inquirer's Editorial Board which was receptive to the idea of an editorial on the importance of judicial independence.

Chancellor Feldman reported that the "Raise the Bar" campaign has been a huge success with close to 20 firms donating to date a minimum contribution of \$300 per lawyer, with more firms to come. He reported that a press conference would be held shortly to announce the progress of the campaign.

He also commended the Federal Courts Committee on a recent excellent meeting on the Dover School District's case, with 100 in attendance to hear from U.S. District Judge Jones. He also commended our Host Committee for the Equal Justice Conference, giving special congratulations to co-chairs Marsha Levick and Susie Turner on the terrific work they'd done. Chancellor Feldman stated that U.S. District Judge McKee gave a great keynote speech during the Conference.

On other issues, he announced that a bill the Association had favored on joint and several liability had failed by a vote and the bill not favored had passed. On behalf of the Association he wrote to Governor Rendell to express the Association's position against the bill, which was vetoed by the Governor. The Association will continue to monitor this issue.

Chancellor Feldman also announced that he initiated a task force to study the issue of lawyers earning cle credit for doing pro bono work. He also announced that he, Chancellor-Elect Dalton, and Vice Chancellor Pratt had recently attended the County Bar Leader dinner. One of issues discussed was that of raising juror compensation. Lastly, he praised Marsha Levick who was receiving a professional achievement award from Temple Law School.

The Chair called upon Larry Beaser to present a motion to correct the registered address of the Association with the Commonwealth of Pennsylvania, which was seconded and approved unanimously.

The Chair called upon Nancy Winkelman who presented a report and recommendations on proposed changes to ABA's Model Code of Judicial Conduct. Ms. Winkelman chaired a Committee studying the report. The Board was presented with a lengthy report with

recommendations. The report listed the many members of the Committee, all of whom made important contributions. Immediate past Chancellor Andy Chirls, who appointed the Committee, praised the work of the Committee. A motion was made and seconded that the Board accept the Committee's report and recommendations made. There was a lengthy discussion of Canons 3 and 4. Canon 3 has as its goal restriction of a judge's activities in organizations that discriminate. Although the Committee's recommendations included an expansion of the definition of "invidious discrimination" by specifically adding the criteria of gender, ethnicity and sexual orientation, board member Judy Berkman requested an amendment to that recommendation to include prohibitions as provided in applicable federal, state or local law. The amendment was accepted and upon motion made, carried by a vote of 10 to 9. With the amendment, the Board approved the report and recommendations

The Chair recognized Eve Klothen who presented a resolution from the Delivery of Legal Services Committee recognizing the passing of Tanya Neiman, who provided valuable service to Philadelphia VIP. Upon motion made and seconded, the resolution passed unanimously.

The Chair then accepted nominations for Board representatives on the nominating committee. The following people were nominated, seconded, and approved unanimously: Judy Berman, Kim Jessum, and Matt Perks.

The Chair recognized Ken Fleisher, Chair of the Real Property Section, who represented a resolution supporting standard form orders to address fraudulent conveyances of real estate interests. Upon motion made, and seconded, there was discussion that the court seems in favor of the changes suggested in the resolution, and that the resolution was favored by the City Solicitor's Office, as well as was supported by the Business Law Section and the Public Interest Section. The State Civil Litigation Section had not been approached. The motion carried unanimously.

The Chair called on Mark Momjian of the Family Law Section who is co-chair of the Legal Rights of Unmarried Cohabitants committee. He presented a resolution opposing the amendment to the Commonwealth of Pennsylvania Constitution limiting marriage to be between one man and one woman. Upon motion made and seconded, there was discussion that the amendment will have a negative impact on families in general, including discriminating not only against homosexual couples but heterosexual couples as well. It was noted the Probate Section and the Real Property Section support the resolution. The motion carried unanimously and it was suggested the Association publicize its position in the Philadelphia Inquirer since it was felt this could be an important issue in this year's election.

The Chair called on former Chancellor Chirls who presented a resolution from the International Law Committee regarding imprisoned Iranian lawyers Soltani and Zarafshan. Upon motion made and seconded, there was discussion that one of the lawyers had been in jail for two years, based upon a trial that was conducted in secret. Mr. Chirls noted that the Association should support the position that lawyers should not be retaliated against for defending human rights. Executive Director Ken Shear pointed to a prior resolution adopted by the Association where similar activities were taking place in Chile. The motion carried unanimously.

The Chair called on Judi Bernstein-Baker from the Public Interest Section to discuss a resolution opposing HR 4437, The Border Protection, Anti-Terrorism and Illegal Immigration Control Act. Upon motion made and seconded, there was discussion that HR 4437 improperly makes possession of fraudulent documents by undocumented immigrants an aggravated felony and has an expedited removal provision without due process. The Resolution passed unanimously. She then made a further resolution from the Public Interest Section, supporting bi-partisan federal legislation for immigration reform. There was discussion whether the resolution should be voted on or if the Board should give its approval to the Chancellor to speak on behalf of the Association after getting a sense of the Board. The resolution was withdrawn. It was agreed by the Board that the Chancellor could speak with regard to the basic principles of not taking away people's rights and providing due process with regard to immigration issues and not in a wholesale fashion transferring such matters to federal court.

The Chair reminded members to return their pro bono compliance forms to Assistant Secretary Wilkinson who made the forms available and reminded Board members of the deadlines

The Board adjourned at 6:00pm.

Respectfully submitted,
Kathleen D. Wilkinson
Assistant Secretary