

**Philadelphia Bar Association
Board of Governors Meeting
November 29, 2011**

The meeting was called to order at 4:05 p.m. by Chair Regina Foley.

Upon consideration by the Board, and with a correction to the attendance list, the minutes of the October 25, 2011 Board meeting were unanimously approved.

Treasurer Joseph Prim presented the Treasurer's Report for the period ending October 31, 2011. Treasurer Prim reported that the Association's position is positive by \$488,000 for two reasons: LRIS is over budget by about \$500,000 on revenue and health insurance expenses have been reduced by \$164,000. However, membership dues continue to fall below target. Executive Director Ken Shear added that membership is still a source of concern. After consideration, the report was unanimously accepted by the Board.

Chancellor Rudy Garcia began his announcements by reporting on the multitude of events and activities in which he participated, including the following: Judge DiBona's portrait unveiling, an Al Dia reception, the First Judicial District's pro bono reception, the National Bar Association - Women Lawyers Division 30th Anniversary Reception, the Women in the Profession Summit, the Hispanic Bar Association's Scholarship Event, the House of Delegates Meeting and the Andrew Hamilton Gala. Chancellor Garcia also participated at a luncheon with Marcia Rose, Jerome J. Shestack's widow, to present a framed copy of Mr. Shestack's In Memoriam resolution. Chancellor Garcia will be presenting a framed copy of Judge Albert W. Sheppard, Jr.'s In Memoriam resolution tomorrow to the family.

Chancellor Garcia announced that a revised version of the City's Lobbying Ordinance, which more narrowly defines lobbying activity, has been signed by Mayor Nutter. The corresponding regulations, which were also approved by the City Solicitor, become effective on January 3, 2012. The deadline for the first reporting period is set for April 30, 2012.

Chancellor Garcia also announced that the Judicial Commission completed its judicial ratings at the end of October 2011. Seventy-four candidates were rated (47 new and 27 retention), with approximately two-thirds of the candidates receiving a recommended rating. One hundred percent of the candidates elected this past November were recommended by the Commission. In the retention election, two successful candidates who did not receive a recommended rating received 10% fewer votes than other similarly-situated candidates who did receive a recommended rating from the Judicial Commission.

Unfortunately, the Association received unfavorable press in connection with the recent election of Common Pleas Court Judge Thomas M. Nocella, who was rated as recommended by the Judicial Commission. The newspaper articles have been misleading

to the extent that it appears that Judge Nocella's investigation was conducted this year when, in fact, Judge Nocella's investigation was completed in 2009. The Judicial Commission ratings are good for a three-year period and candidates are responsible for updating the Commission with material changes to their information that may impact the recommendation of the Judicial Commission. Given the confidentiality that protects the investigations conducted by the Judicial Commission, the Association cannot publicly defend the position it has taken based on the information that was available to it at the time of the rating.

Chancellor Garcia recapped the events of the National Symposium on Diversity in the Legal Profession, describing the sold-out event, which was attended by corporate chief legal officers and firm managing partners, as being full of enthusiasm and thoughtful discussion. Diversity and inclusion issues were candidly addressed and participants were frank in their comments. Chancellor Garcia commended Diversity Director Naomi McLaurin for her vision and efforts. Ms. McLaurin thanked her colleagues at the Association for their assistance and support. She also thanked Al Dandridge and Scott Reid for their support. Chair Foley also commended Ms. McLaurin and the Association staff for their efforts and commented that the spirit throughout the Symposium was exceptional. Executive Director Shear congratulated Ms. McLaurin on a phenomenal job and for mobilizing the staff to work on the event. Vice-Chancellor Kathleen Wilkinson joined in the congratulatory comments.

Chancellor Garcia announced that the Board of Governors election is no longer contested. New members joining the Board in 2012 include Jennifer Segal Coatsworth, Rainy Papademetriou, James A. Rocco III, Eric H. Weitz and Kay Kyungsun Yu.

Executive Director Shear was invited to provide the Board with an update on the publications issue that arose during the last meeting. and reported that negotiations were running smoothly and that an agreement has been reached to publish The Bar Reporter 12 times a year at the cost of six, given the increased opportunities for advertising that are available with an increased number of printed issues. The Board thanked Executive Director Shear for his efforts in resolving this issue.

Chancellor Garcia announced that Chancellor-Elect John Savoth will be the keynote speaker outlining his plans for next year at the next Annual Meeting. Chancellor Garcia also reminded the Board that the Association's sections and committees will soon be hosting their holiday parties and that the Board should support the events by attending.

Chancellor Garcia announced that the Association was asked to co-sponsor an ABA resolution regarding persons with disabilities taking the LSAT. After consulting with the Association's ABA delegates and with the other chancellors, it was concluded that no Board approval is needed for co-sponsorship. In summary, the resolution calls for the elimination of a notation on an applicant's LSAT score that the LSAT was administered with an ADA accommodation; that procedures for granting accommodations be readily available; that reasonable notice be provided as to whether an accommodation has been granted; and that there is a fair process to appeal the denial of a

request. The resolution is currently co-sponsored by the Commission on Disability Rights, the Commission on Sexual Orientation and Gender Identity, Council for Racial and Ethnic Diversity in the Educational Pipeline, the General Practice, Solo and Small Firm Division, the Standing Committee on the Delivery of Legal Services, the Utah State Bar, the Bar Association of Baltimore City and the National Native American Bar Association. The Philadelphia Bar Association will be listed as a co-sponsor with these other organizations.

Appellate Courts Committee Co-Chair Kimberly A. Boyer-Cohen and Tom Wilkinson were invited to present a resolution seeking the Association's support as amicus curiae in support of the appellants before the Pennsylvania Supreme Court in the Newman Development Group of Pottstown LLC v. Genuardi's Family Markets, Inc. et al. matter. The underlying case involves a commercial lease dispute. The question presented is whether there is waiver of the right of appeal for failure to file post-trial motions where reasonable minds could differ as to whether post-trial motions are required under Pennsylvania Rule of Civil Procedure 227.1 after a remand for recalculation of damages and no additional evidence is received. After consideration by the Board, the resolution was unanimously passed.

Chair Foley invited Anthony Crisci to report on the current legislative session in Harrisburg. Mr. Crisci announced that the legislature is in its last few days of session in this first year of the Corbett Administration. The issues of priority include Congressional reapportionment, which must be completed by February 2012; Marcellus Shale and whether a tax or a fee should be imposed; and loophole concerns arising from child sex abuse cases. He expects that next year's budget discussion will be another bad one given the growing deficit. He also expects that the Voter ID bill, which will require photo identification for voters, will be voted out next week; Governor Corbett wants the issue to be resolved by the next election cycle. As to immigration, State Representatives Daryl Metcalfe (Majority Chair) and Babette Josephs (Minority Chair) continue to be odds. Mr. Crisci expects that Senate Bill No. 9 concerning E-Verify will be revived, although the business and farmer communities continue to raise concerns about its impact on their businesses with legislators.

Civil Gideon Task Force Co-Chair Joseph Sullivan was invited to report on the activities of the Civil Gideon Task Force. Mr. Sullivan summarized the Task Force's activities and provided an update to the Board in the form of report entitled, Philadelphia Bar Association Chancellor's Task Force on Civil Gideon: 2011 Report to the Board of Governors, dated November 21, 2011, which contents are incorporated into the November 29, 2011 Meeting Minutes.

An announcement was made that former Chancellor Ed Chacker is receiving the Brandeis Law Society's Benjamin Levy Award on December 15, 2011.

There being no further business, the meeting was adjourned at 5:10 p.m.

Respectfully submitted,
Sophia Lee
Secretary

Board of Governors
Attendance
November 29, 2011

Voting Members:

Present:

Rudolph Garcia
Kathleen Wilkinson
Sophia Lee
Jacqueline Segal
Joseph Prim
Brandi Brice
Regina Foley
Jeffrey Campolongo
Danielle Banks
Michael D. Shaffer
Kimberly Ruch-Alegant
Scott Sigman

H. Marc Tepper
Marc Zucker
Brian S. Chacker
John Encarnacion
Nikki Johnson-Huston
Gina Furia Rubel
Melanie Taylor
Judith B. Stein
David E. Prewitt
Ourania Papademetriou
Cheryl Gaston
Hon. A. Michael Snyder

Absent:

John Savoth
Wes Payne
Richard R. Harris
Pedro Ramos
Stacy Tees
Scott Reid
George Nagle

Sean Sullivan
Thomas Fitzpatrick
Carolyn Chopko
Sandra Jeskie
Julia Swain
Scott Cooper
Richard Seidel

Non-Voting Members:

Present:

William Fedullo
Larry Beaser
Kenneth Shear

Kenneth Shear
Judy Stouffer

Absent:

Sayde Ladov
Wendy Beetlestone
Kim Jessum
Asima Panigrahi
Abraham Reich

Cheryl Disch
Flora Yarnall
Nancy Gimbol
Andre Dennis
Louis Rulli