

**PHILADELPHIA BAR ASSOCIATION
STATE CIVIL LITIGATION SECTION
MINUTES - QUARTERLY MEETING OF SEPTEMBER 7, 2005**

The meeting was called to order at 12:20 p.m. by Section Co-Chair Ron Kovler. He introduced Co-Chair Rudy Garcia, Secretary Kathleen Wilkinson, and Treasurer Richard Seidel. He welcomed a full house present in the 11th Floor Conference Center for the featured topic of the meeting, "A Conversation with Justice Newman." The attendance list is attached hereto.

Ron Kovler dispensed with formal reports from the Secretary (which has been posted to the State Civil Litigation website from the last quarterly meeting held on May 4, 2005) or Treasurer in light of the need for a discussion concerning the proposed amendment of the Pennsylvania Rules of Professional Conduct to add a new Rule 1.4(c) relating to disclosure of malpractice insurance. Pros and cons to the rule were discussed. Based on a show of hands, the consensus of the Section was to support the proposed new rule. Mr. Kovler will relay the position of the Section to the Philadelphia Bar Association's Professional Responsibility Committee.

Mr. Kovler then recognized Matt White, who is the Liaison to the Court of Common Pleas of Philadelphia County with regard to the implementation of the recommendations of the National Center for State Courts report that was issued in 2005. Mr. White reported that the Court views the initial case scheduling conference as an important event and is impressing the need for counsel who has entered an appearance to attend. He also reported that the Court is working on internal procedures for improving discovery court. He urged members to let him know if there is any issue that we wish to bring to the Court's attention. He also reported that Charles Mapp recently distributed a current edition of the booklet entitled Civil Trial Division at a Glance regarding practices in the Court of Common Pleas of Philadelphia County and noted that copies are available on the Court's website.

Co-Chair Rudy Garcia announced that the end of year final meeting of the Section will be held in conjunction with the holiday party at the Westin Hotel from 5:30 p.m. to 7:30 p.m. on December 12, 2005, at which time the Officers will be elected for 2006. Mr. Garcia announced the names of the candidates nominated by the Executive Committee and explained that any other member who wants to run for one of those positions may submit a petition within 15 days (by September 22nd), signed by at least 25 members of the Section. If that happens, an election will be held at the Annual Meeting on December 12th. Otherwise, the Secretary will cast a unanimous ballot for the new officers at that time. He also announced the appointments made by the Executive Committee for other leadership positions within the Section. A copy of a follow-up email is attached, listing all of the nominations and appointments.

Mr. Garcia recognized Kathleen Wilkinson who introduced Madame Justice Newman. Ms. Wilkinson pointed out that Justice Newman recently received the Anne Alpern award from the Pennsylvania Bar Association Commission on Women in the Profession, the highest award given by the PBA to recognize a woman attorney who has played a leading role in the community and in mentoring women attorneys. Ms. Wilkinson also pointed out how Justice Newman began her practice after graduating Villanova Law School, being an Assistant District Attorney in Montgomery County, entering family law practice, being elected to the Commonwealth Court and then being the first woman elected as a justice to the Pennsylvania Supreme Court.

Justice Newman covered three main topics at the meeting. The first topic was the state wide unification of the rules in the various counties. It is now possible to access any county's rules on the internet. The Supreme Court has enacted rule making with regard to the filing of summary judgment motions. The Supreme Court has also identified many areas that can be addressed from a unification standpoint, including approval of settlements in wrongful death cases, minor's compromises, standard

discovery, and number of interrogatories.

Justice Newman then addressed the statistics in the drop of medical malpractice filings, particularly in Philadelphia County, which is attributable to the changes with regard to what is required in order to file a malpractice case. She also addressed how many cases were transferred from Philadelphia last year, with only 22 out of approximately 500 filed in 2004 being transferred to surrounding counties.

Justice Newman then addressed medical malpractice mediation. Pennsylvania does not have mandatory medical malpractice mediation but some states do. She spoke about the Drexel program and how successful it has been in settling cases. She discussed her understanding as to how settlements also include letting the parties discuss the case freely, without statements being admissible if the case cannot be settled. No statistics are currently available as to how many medical malpractice cases have been settled before suit was filed, which could have reduced the numbers of cases filed.

The Co-Chairs again reminded the Section that the next quarterly meeting will take place December 12, 2005 and will be a holiday party.

The meeting was adjourned at 1:45 p.m.

Respectfully submitted,

Kathleen D. Wilkinson

Section Secretary

ATTENDANCE STATE CIVIL LITIGATION SECTION SEPTEMBER 7

(in addition to the officers of the Section)

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