

**Philadelphia Bar Association
Board of Governors Meeting
June 30, 2011**

The meeting was called to order at 4:03 p.m. by Chair Regina Foley.

Upon consideration by the Board, the minutes of the May 26, 2011 Board meeting were unanimously approved.

Assistant Treasurer Wesley Payne presented the Treasurer's Report for the period ending May 31, 2011. Assistant Treasurer Payne reported that the Association is positive \$105,000.00, primarily due to revenue from LRIS and savings on employee benefits. He also noted that the Association should continue to monitor the collection of membership dues. After consideration, the report was unanimously accepted by the Board.

Chancellor Rudy Garcia began his remarks by recognizing the Lobbying Ordinance Task Force and its tireless work on the draft regulations to implement Philadelphia's Lobbying Ordinance (the "Ordinance"), and reminded the Board that the Task Force is now being chaired by Larry Beaser. He explained that the Ordinance defines lobbying so broadly that many lawyers do not even know that it applies to them and that the disclosures required by the Ordinance violate the Rules of Professional Conduct. Chancellor Garcia described the Association's efforts to date to amicably resolve these issues, including submission of a 24-page comment letter to and testimony by the Chancellor and Mr. Beaser before the Board of Ethics, communications to all City Council members and requests that the City of Philadelphia issue an advisory opinion to address these concerns. Chancellor Garcia then announced that, given the lack of response to these efforts, the Association took the drastic step of filing a lawsuit for declaratory and injunctive relief against the City earlier that day. The Philadelphia Court of Common Pleas issued a stay of the Ordinance until July 5, 2011, when a hearing is expected to take place. The primary basis for the action is based on the Ordinance's intrusion on the Pennsylvania Supreme Court's exclusive right to regulate the practice of law. Chancellor Garcia is confident that all parties will be able to work together towards resolution of the matter.

Mr. Beaser noted that, at a Special Board Meeting, a short form resolution was adopted authorizing the Association to take necessary steps to prevent the implementation of the Ordinance. He presented the long form version of the resolution and after consideration by the Board, the long form resolution was unanimously adopted. Abstaining from the vote were Danielle Banks, Jeffrey Campolongo, Nikki Johnson-Huston, Melanie Taylor and Kathleen Wilkinson. Mr. Beaser recognized Chancellor Garcia for serving as the attorney for the Association in the lawsuit.

Chancellor Garcia continued with announcements about his activities over the course of the last month, including participation in activities for the Commerce Court, the Historical Society for the U.S. District Court for the Eastern District of Pennsylvania, *The Legal Intelligencer's* Diverse Attorney of the Year Award, Temple American Inn of

Court, the Federal Bench-Bar Conference, Temple Law Alumni Association, the Court of Common Pleas Mortgage Foreclosure Program, Philadelphia VIP's Summer Associate Pro Bono Day, the Association's Quarterly Luncheon Meeting and the Bar Foundation's Golf Classic. He reminded that the Annual Bench-Bar Conference and the National Diversity Summit are upcoming events.

Chair Foley commended Chancellor Garcia for his efforts on the Ordinance and Mr. Beaser for his high caliber of leadership on the Task Force. Chair Foley announced that Flora Yarnall of the Legal Secretary's Association will be joining the Board. Chair Foley recognized Lynne Brown, Deputy Executive Director of the Bar Foundation, to announce the date for the 2011 Andrew Hamilton Benefit, which is scheduled to take place at the Pennsylvania Academy of the Fine Arts on November 19, 2011.

Chair Foley welcomed Brad Shuttleworth, Chair of the of the Criminal Justice Section, and Ellen Greenlee, Chief Public Defender, to introduce a resolution adopting and endorsing the American Bar Association's Ten Principles of a Public Defense Delivery System. Mr. Shuttleworth explained that the ABA has studied and considered best practices for the delivery of effective legal representation of indigent defendants and that the principles have been recognized as the national standard for indigent defense delivery systems. Upon consideration by the Board, the resolution was unanimously adopted.

Andre Dennis and Abe Reich were recognized to report on upcoming ABA agenda items of interest. Mr. Dennis introduced the ABA Resolution adopting ABA Standards for Language Access in the Courts and explained that language access is necessary for meaningful access to courts. He also explained that, consistent with the Association's adoption of a 1993 resolution in support of language access, the Association will be a co-sponsor of the ABA Resolution. Mr. Reich introduced the ABA Resolution adopting the ABA Model Act Governing Representation of Children in Abuse, Neglect and Summary Proceedings and explained that a similar act will be enacted in Pennsylvania. Mr. Reich noted that Philadelphia is a national leader in this topic and that the Association should cosponsor the resolution.

Chair Foley reminded the Board of each member's pro bono obligations as set forth in the Bylaws and that pro bono certification forms are due shortly. She also reminded the Board about Philadelphia VIP's "30 for 30" pro bono challenge which asks attorneys to pledge 30 hours of pro bono service this year in honor of VIP's 30th anniversary.

Chair Foley welcomed George Nagle and Wendi Kotzen of the Tax Section to present a request that the Association file an amicus brief in Miller v. Commonwealth on a fundamental principal of tax law that is at issue in the case. Ms. Kotzen explained that the Pennsylvania Department of Revenue is attempting to ignore specific statutory language by recharacterizing statutory "exclusions" from tax as "exemptions," which is a significant issue since exclusions are strictly construed against the taxing body whereas exemptions are strictly construed against the taxpayer. She further explained that, if the

Department of Revenue is successful, it will be very difficult to advise clients with any certainty as to whether a stated exclusion will be respected. After consideration by the Board, the motion was passed.

There being no further business, the meeting was adjourned at 5:18 p.m.

Respectfully submitted,
Sophia Lee
Secretary

Board of Governors
Attendance
June 30, 2011

Present:

Rudy Garcia
Kathleen Wilkinson
Sophia Lee
Jacqueline Segal
Wesley Payne
Regina Foley
Brandi Brice
William Fedullo
Larry Beaser
Danielle Banks
Jeffrey Campolongo
Michael Shaffer
Sean Sullivan
Kimberly Ruch-Alegant
Scott Sigman
Stacy Tees

H. Marc Tepper
John Encarnacion
Gina Rubel
Brian Chacker
Nikki Johnson Huston
Scott Reid
Marc Zucker
Melanie Taylor
Thomas Fitzpatrick
Julia Swain
Ourania Papademetriou
Cheryl Gaston
David Prewitt
George Nagle
Hon. A. Michael Snyder

Absent:

John Savoth
Joseph Prim
Richard Harris
Pedro Ramos
Judith Stein

Scott Cooper
Richard Seidel
Carolyn Chopko
Sandra Jeskie