

**Philadelphia Bar Association
Board of Governors Meeting
September 22, 2014**

The meeting was called to order at 4:01 p.m. by Chair Eric H. Weitz.

Upon consideration by the Board, the minutes of the July 31, 2014 meeting were unanimously approved.

Treasurer Wesley R. Payne, IV presented the Financial Report for the period ending August 31, 2014. He reported that the Association is doing well and over budget by approximately \$135,000. Revenues are up by approximately \$152,000 largely due to the performance of LRIS which is over budget by approximately \$99,000, and the Association greatly appreciates their efforts. Membership dues are slightly below budget by approximately \$34,000 but that amount will likely adjust over the course of the year. Total expenses are running slightly over budget by approximately \$17,000, but the Association remains ahead. After consideration, the Treasurer's Financial Report was unanimously accepted by the Board.

Chair Weitz introduced The Honorable Mitchell S. Goldberg of the U.S. District Court for the Eastern District of PA to report on that Court's Prisoner Civil Rights Panel. Chair Weitz commented that he recently spoke at the naturalization ceremony presided over by Judge Goldberg. At that time, Judge Goldberg displayed the certificate from his great-great-grandfather which was exceptionally moving. Chair Weitz endorsed participating in a naturalization ceremony because it is a wonderful opportunity to watch people who have waited 20 or 25 years to fight for citizenship that many citizens take for granted. Judge Goldberg echoed Chair Weitz's sentiment that the naturalization ceremonies are very moving.

Judge Goldberg spoke on his role as chair of the Federal Public Litigation Committee in the U.S. District Court for the Eastern District of PA, appointed by Chief U.S. District Judge Honorable Petrese B. Tucker. The goal of the program is to increase the number of cases taken off the panel list, and Judge Goldberg, along with U.S. District Judge Paul S. Diamond, U.S. Magistrate Judge Elizabeth T. Hey, U.S. District Judge C. Darnell Jones, II, U.S. District Judge Gerald A. McHugh, Jr. and U.S. District Judge Mary A. McLaughlin is working to spread the word about the program, and is seeking the help of the Board Members, as bar leaders, to help accomplish that goal.

Judge Goldberg reported that approximately 10% of the PA prisoner civil rights cases are pro bono cases, and they range from frivolous claims to serious, legitimate claims. The efforts to handle these cases has been addressed by Judge McLaughlin coupled with the efforts of Stephen Brown, Esq. and Samuel Silver, Esq. who, over many years, have developed a program for lawyers to be placed on a list to review and take these pro bono cases. Judge Goldberg explained that the list includes a description of the case and the name of the judge presiding over the case, and those cases listed have sufficient factual issues to withstand a motion to dismiss. He encouraged those interested in being placed on the case list to call him directly.

Judge Goldberg stressed that the handling of these cases, which may address serious constitutional violations that need vindication, is very meaningful work and provides a huge service to the Court. Additionally, the program presents an invaluable training opportunity for young lawyers, or lawyers who do not have the opportunity to appear in federal court, to handle a case, from discovery to depositions to negotiations to proceedings and trial. Forms and information are available to attorneys who take a case. Judge Goldberg thanked those for disseminating word about the program and encouraging lawyers to participate.

Chancellor William P. Fedullo reported on an event at which he was honored by the Education Law Center at its annual Celebration of Education Champions on September 17, 2014 at the Crystal Tea Room in the Wanamaker Building. He learned from Education Law Center Executive Director Rhonda Brownstein that the auction held at the event raised over \$100,000 and exceeded their fundraising goal. At that event he received a wonderful plaque honoring him as a Champion of Education, and was introduced by Ms. Brownstein and the Principal of the Dobson Elementary School, Dr. Patricia Cruice. Additionally, Chancellor Fedullo congratulated Philadelphia VIP Executive Director Sara L. Woods and Philadelphia VIP Managing Attorney and Board Member Ourania Papademetriou for the wonderful event hosted by Philadelphia VIP, “A Taste for Justice,” held at the Reading Terminal Market on September 16, 2014.

Chancellor Fedullo announced some important upcoming events including the Education Summit on October 9, 2014 at the Bar Association’s 11th floor Conference Center featuring Dr. William R. Hite who will present a “State of the School District” address and be joined by local leaders, including U.S. Attorney for the Eastern District of PA Zane David Memeger, to examine and discuss Philadelphia’s Public Education Crisis.

The Bench-Bar Conference is scheduled on October 17–18, 2014 and will offer 8.5 CLE credits which is one more credit than last year. Chancellor Fedullo complimented Chancellor’s Cabinet Addition – Projects and Programming Advisor and Bench-Bar Conference Chair Rochelle M. Fedullo and Bench-Bar Sponsorship Chair Julia Swain for their efforts on that Conference, which will include the opening plenary session “The Ethics of Covering a Moving Media Target” featuring top-name speakers, and the presentation of the Bar Association’s highest honor, the Bar Medal, to PA Supreme Court Chief Justice Ronald D. Castille. Additionally, the Friday evening festivities include “A Swanky Soiree” at Borgata’s MIXX Nightclub sponsored by USI Affinity followed by an Intimate Evening with Felix Cavaliere of The Rascals, sponsored by Bar Foundation President Deborah R. Gross, Carol Lawrence, Michael Mattioni, Chair Eric Weitz and Messa & Associates, and himself.

Chancellor Fedullo announced the Law Firm Laboratory program “The People to Meet Before Starting Your Own Firm” scheduled to be held on October 23, 2014. Additionally, the Chancellor remarked on The Law Star Game sponsored by the Young Lawyers Division along with Thomson Reuters Corporate Division (The Legal Intelligencer) scheduled October 1, 2014 at the Camden Rivershark’s Stadium, Campbell’s Field, for the benefit of the Philadelphia Bar Foundation, featuring the Firm Counsel Team vs. the In-House Counsel Team, and also featuring a Home Run Derby. Further, Chancellor Fedullo congratulated Bar Association Communications and Marketing Director Meredith Z. Avakian-Hardaway for receiving, on

September 26, 2014, the Rising Star award at the media and public relations awards presented at Temple University hosted by honoree Brian Williams of NBC Nightly News.

Chancellor Fedullo reflected on the World City Bar Leaders Conference. He recalled when he attended the Conference years ago with then Chancellor Scott F. Cooper with the dream of bringing the Conference to Philadelphia. In anticipation of that happening, Bar Association Director of Meetings and Special Events Tracey McCloskey traveled to the conference in Frankfurt, Germany in 2013 to study how the conference is run, and Chancellor Fedullo commended McCloskey on handling the event exceptionally well. Although it was technically a Bar Association event, it reached cities around the world and received accolades world-wide, and the Association and its staff were applauded for planning and hosting a “phenomenal” and “magical” event. The Association and the City shined. Chancellor Fedullo extended special thanks to Kenneth Feinberg, the Administrator of victim funds established following the 9/11 attacks, the BP gulf oil spill, and accidents attributed to faulty ignition switches on General Motors vehicles, and Feinberg’s firm, for hosting the event; Former Chancellor Rudolph Garcia for all of his efforts planning and running the event; Former Governor Edward Rendell and PA Supreme Court Chief Justice Castille who attended and served as hosts; and Mayor Michael Nutter for attending. Further, Chancellor Fedullo expressed his appreciation to the Bar Association staff including Director of Meetings and Special Events Tracey McCloskey, Executive Director Mark Tarasiewicz, Assistant Executive Director Paul Kazaras, Director of Public and Legal Services Charles Klitsch, Director of Communications and Marketing Meredith Z. Avakian-Hardaway, and Senior Managing Editor, Publications Jeff Lyons. Following the event, Chancellor Fedullo received wonderful thank you notes from Bar leaders from London, Barcelona, Frankfurt, Paris, Beijing, Tokyo, and Chicago. Chancellor Fedullo noted that the World City Bar Leaders events will be held every twelve to eighteen months.

Chancellor Fedullo spoke of Senate Bill 76, which proposes to increase the sales tax in Pennsylvania to 7% outside of Philadelphia and 9% in Philadelphia and for the first time apply the tax to legal services, with the exception of legal services relating to business to business and criminal and family law matters, which would be exempt. Chancellor Fedullo commented that the bill will have a profound negative impact on both the legal profession and clients. Since the tax would extend to contingency fee matters, it would, most significantly, harm injured individuals both financially and by effectively impeding their access to justice. The bill was sent to the Senate Appropriations Committee after being approved by the Senate Finance Committee with a vote of 6-5, and will likely go to the Senate floor for a full vote before this session ends within the next two weeks. Chancellor Fedullo related that the Association’s state lobbyist, Anthony L. Crisci, urged the Association to actively oppose the bill. As a result, the Association has been conferring with the leaders of the Montgomery and Delaware County Bar Associations, and has reached out to the Bucks County and Pennsylvania Bar Associations. Chancellor Fedullo urged the Board Members to vigorously voice their opposition.

Echoing Chancellor Fedullo’s earlier announcement, Director of Meetings and Special Events Tracey McCloskey spoke on behalf of Young Lawyers Division Chair Edward Beitz and Young Lawyers Division Chair Elect Maria Bermudez about The Law Star Game Home Run Derby and Firm Counsel Team vs. the In-House Counsel Team game sponsored by Thomson Reuters Corporate Division and presented by the Young Lawyers Division for the benefit of the

Philadelphia Bar Foundation, scheduled on October 1, 2014, at the Camden Rivershark's Stadium, Campbell's Field. McCloskey elaborated that the event will include a Tug of War, Running the Bases with Riversharks mascots Hammerhead and Finley, dodge ball toss, potato sack races, a speed pitch, carousel, Kid Zone including a moon bounce, rock-climbing wall, inflatable Skee-Ball, and inflatable sports challenge, and the evening will conclude with fireworks. There will be bus transportation from Philadelphia to the event. On behalf of the Young Lawyers Division, McCloskey encourage Board Members to spread the word and encourage folks to come with their families to this great event for a worthwhile cause.

Chair Eric Weitz introduced Former Chancellor and ABA Delegate Abraham Reich to report on the ABA House of Delegates 2014 Annual Meeting held in Boston, Massachusetts on August 11-12, 2014. Delegate Reich reported that the meeting was enjoyable and, although the agenda was not particularly substantive, offered three areas that were relevant and worthy of consideration by the Association.

First, Delegate Reich referenced the Daily Journal which lists all of the Resolutions considered at the meeting. Specifically, he noted Resolution 104B, in which the ABA urges the highest appellate court in each jurisdiction to adopt a rule permitting and encouraging in-house counsel already authorized to engage in the practice of law to provide pro bono legal services in that jurisdiction. Reich explained that he was highlighting that Resolution since it would give the Association the opportunity to explore a presently untapped resource to help meet the need for legal services. Philadelphia VIP Managing Attorney and Board Member Ourania Papademetriou commented that Philadelphia VIP is starting a program to match corporate counsel with private law firms to work on pro bono cases. Further, Reich suggested that Chancellor's Cabinet Addition – Diversity Chair Sophia Lee, as Co-Chair of the Corporate In-House Counsel Committee, would be an ideal candidate to work towards this effort, and Lee responded she would take the suggestion to that Committee.

Second, Delegate Reich commented on Resolution 105B, which commends the American Civil Trial Bar Roundtable for undertaking the publication of *A White Paper on Increasing the Professionalism of American Lawyers* for the purpose of enhancing professionalism. Reich reminisced about the platform of the Association's 1985 Chancellor, David H. Marion, focusing on the seven points of professionalism, and remarked it was time to revisit this issue. In support of that effort, Reich noted the importance of mentorship programs, and suggested that the Association study Resolution 105B for purposes of advancing that cause.

Third, Delegate Reich spoke about Resolution 108 that urges all bar associations and foundations, courts, law schools, legal aid organizations and law firms to create and advance initiatives that marshal the resources of newly-admitted lawyers to meet the unmet legal needs of underserved populations in sustainable ways. Reich commented that 108 is a good Resolution and proudly noted that the report in support of the Resolution states: "finally local governments and courts have been taking steps to curve unnecessary foreclosures such as the city of Philadelphia's foreclosure mediation program." Chair Weitz pointed out that Law Clerk to the Honorable Annette M. Rizzo, Board Minority Appointment Rachel Gallegos, had been active in that program for many years and the national attention was warranted. Reich remarked that Resolution 108 is a platform that can cause new lawyers who may be unemployed or

underemployed to pursue public service work. Philadelphia VIP Managing Attorney and Board Member Ourania Papademetriou responded that Philadelphia VIP welcomes and mentors young unemployed lawyers, and Board Member Jennifer Segal Coatsworth pointed out that the malpractice insurance is covered through VIP. Board Member Natalie Klyashtorny added that the Louis D. Brandeis Law Society offers a fellowship for the mentoring of young lawyers. Reich commended Projects and Programming Advisor Rochelle M. Fedullo for launching a mentorship program in years past.

Chair Weitz introduced Diversity Chair Sophia Lee to present on the Resolution Enhancing Statement of Diversity Principles. Lee explained that, on June 26, 2008, the Association's Board adopted the Statement of Diversity Principles. In that Statement, the Association agreed to support the diversity goal adopted by the American Bar Association which was to "promote full and equal participation in the legal profession by minorities, women, persons with disabilities, and persons of differing sexual orientation and gender identities." Since the adoption of the Statement of Diversity Principles, the American Bar Association has amended its goals and broadened and enhanced its diversity mission, including reorganizing its priorities and broadening its definition of diversity without limitations on the dimensions of diversity. Those changes prompted the Philadelphia Bar Association to revisit its mission statement to ensure it reflects the continuing and evolving dialogue on diversity and inclusion in the profession, and advances the cause that everyone has value and the opportunity to succeed in the profession. In order to promote diversity and better demonstrate the Association's understanding of, and its commitment to, both diversity and inclusion, the Philadelphia Bar Association supports the amended goals and diversity mission of the American Bar Association, and seeks to rename the Philadelphia Bar Association's Statement of Diversity Principles to "Statement of Diversity and Inclusion Principles." Chancellor Fedullo remarked that the Resolution is more general than specific, and Lee elaborated that it will be followed down the line by the Association issuing a diversity action plan which will set forth specific goals and objectives. Upon consideration by the Board, the Resolution was unanimously passed.

Chair Weitz then introduced Diversity in the Profession Committee Chair Kevin V. Mincey to present the Resolution amending Bylaws Section 208. Mincey explained that, under Bylaws Section 208(A)(6) and 208(C), the Chancellor, upon consideration of the recommendation from the Committee on Diversity in the Profession, appoints to the Board an Association Member who is "a member of a racial minority." Each appointment serves for a term of three years. Currently, the minority board appointments consist of Rachel E. Branson, former president of the Barristers' Association of Philadelphia, Rachel Gallegos, Board Member of the Hispanic Bar Association of PA, and Rahat N. Babar, President of APABA-PA. Mincey commented that those three minority appointed seats are insufficient to properly represent the views and voice of the Association's diverse membership.

Coupled with the consideration of the Resolution enhancing the statement of diversity principles presented earlier that day, and in an effort for the Association to foster greater diversity and inclusion in the legal profession, consistent with its longstanding commitment, the Resolution seeks to amend Section 208 to increase the number of appointments from three to six individuals, with two individuals to be appointed each year for a three-year term. This change, which would take effect January 2015, would be significant since, as Mincey was told by

Director of Diversity Naomi McLaurin, there are no other bar associations known with this amount of minority appointment seats to their board or governing body. Additionally, the Resolution seeks to supplement the designation “racial minority” by adding “the lesbian, gay, bisexual or transgender community or other diverse individuals.” Committee Chair Mincey noted that the Committee drafted the language broadly in an effort to capture a growing classification of minorities and disadvantaged and under advantaged individuals. He noted that further changes may be required down the line to accommodate progress and expanded thinking on the subject of diversity and inclusion. Past Chancellor Kathleen D. Wilkinson commented that the minority class should include disabled individuals. Committee Chair Mincey replied that the list is not intended to be exhaustive.

Chancellor Fedullo commented that he hoped the Resolution does not prevent minorities from running for the Board, since that would be contrary to the goal of the Resolution. He encouraged leaders from all of the diverse organizations to run for the Board since the different perspectives would benefit the Association. Board Member Lawrence S. Felzer responded that the expansion of minority appointed seats should not discourage individuals to run for a Board position with the hope they might receive an appointment. Since the appointments will follow the Board election, any individual who wants to serve on the Board should run since an appointment is not guaranteed. Chancellor-Elect Albert S. Dandridge, III related his belief that these efforts will encourage individuals to run, which will enhance the image of the Association. Upon consideration by the Board, the Resolution was unanimously passed.

Chair Weitz introduced Workers’ Compensation Section Co-Chair Wendy A. Fleming to present a Resolution Opposing the Twelve Month Directive for Completion of Workers’ Compensation Cases. Co-Chair Fleming began by delivering a brief background, and the reasons behind the Resolution. Presently in the workers’ compensation system, a workers’ compensation petition must be decided within 18 months of the filing of that petition. It has come to the attention of the Workers’ Compensation Section that the Bureau of Workers Compensation intends to change the practices and procedures, without going through the legally required open hearing and rule making process. The new procedure requires workers’ compensation petitions to be decided within 12, rather than 18, months. Currently, cases routinely take approximately 11 to 12 months from the time the petition is filed until disposition, which fails to take into consideration common delays such as cancelled or delayed depositions, hearings, or independent medical examinations. Continuances will hamper the resolution of cases and can impact a judge’s ratings. That may undermine the court’s ability and willingness to grant continuances, which will affect both sides including the lawyers, litigants, insurance carriers, and employers. Further, it could hinder due process and cause irreparable damage to a party by impeding a litigant’s right to present their case.

Chair Weitz noted that the proposed change is an internal administrative attempt possibly driven by a large volume of claims. He noted that the Resolution is supported by both the plaintiff’s and defense bar.

Assistant Secretary Honorable A. Michael Snyder (ret.) added that this proposed change needs to be further discussed and appropriately vetted. He reasoned that if judges have one-third less time to entertain a case, a backlog will build. He explained that the Bureau of Workers’

Compensation has, for many years, relied on a significant number of cases getting resolved. One-third less time to hear a case will, however, limit the available time for mediation which will reduce the likelihood of settlement and cause cases to take longer and cost more. In turn, this will increase the likelihood of malpractice suits against attorneys. In sum, this administrative effort will negatively impact all stakeholders including claimants, employers, judges, and attorneys. Upon consideration by the Board, the Resolution was unanimously passed.

Chair Weitz made mention of the upcoming Bar election, and remarked that contested elections are beneficial to the Association since they can generate an additional \$30,000 - \$50,000 of revenue, so he encouraged qualified candidates to run. Past Chancellor Kathleen D. Wilkinson noted the October 10, 2014 nomination deadline for candidates to submit their candidacy petition to run for Board positions. She announced a “Nuts & Bolts” Session for potential candidates to learn the election procedure scheduled on September 30, 2014 at 12:00 p.m. in the Association’s 10th Floor Board Room.

Philadelphia VIP Managing Attorney and Board Member Ourania Papademetriou announced a Pro Bono Road Show & Interactive Fair event to be held on October 2, 2014 in recognition of Pro Bono week, scheduled the week of October 19-25, 2014, co-sponsored by the Delivery of Legal Services Committee, Philadelphia Trial Lawyers Association and DELVACCA. She invited everyone to attend and participate in a pro bono case, and expressed the hope that law students, solo practitioners and small firm lawyers would attend and participate.

Chair Weitz congratulated Board Member Lawrence S. Felzer on being honored by the ACLU-PA at its annual Bill of Rights Dinner on October 8, 2014 and receiving a volunteer service award for being an “outstanding ACLU-PA volunteer, LGBT rights advocate, and leading ACLU supporter and fundraiser.”

Finally, Chair Weitz asked the Board to join himself and Chancellor’s Cabinet Addition – Projects and Programming Advisor Rochelle M. Fedullo in wishing Chancellor Fedullo a very happy birthday and in singing “Happy Birthday” to the Chancellor.

There being no further business, the meeting was adjourned at 5:25 p.m.

Respectfully submitted,
Jacqueline G. Segal
Secretary

**Board of Governors
Attendance
September 22, 2014**

Voting Members

Present:

William Fedullo
Albert Dandridge
Gaetan Alfano
Jacqueline Segal
Wesley Payne
A. Michael Snyder
Eric Weitz
Brad Shuttleworth
Jennifer Coatsworth
Ourania Papademetriou
Natalie Klyashtorny
Rachel Gallegos

Absent:

Mary Platt
Rachel Branson
Kay Yu
James Rocco
Rachel Kopp
Emily Marks
Edward Beitz

Dawn Tancredi
Rahat Babar
Lawrence Felzer
Lauren McKenna
Jeremy Menkowitz
Peter Newman
Erin Siciliano
Kathleen Wilkinson
Marc Zucker
Scott Small
Judy Berkman
Jeffrey Dashevsky

Maria Bermudez
Michael Ecker
James Funt
Lee Schwartz
Amara Chaudhry-Kravitz
Lauri Kavulich
Howard Goldberg

Non-Voting Members

Present:

Mark Tarasiewicz
Lawrence Beaser
Abe Reich

Sophia Lee
Rochelle Fedullo
Kevin Mincey

Absent:

Michael Hayes
John Savoth
Deborah Gross
M. Kelly Tillery
Heather Austin
Louis Rulli
Hilda Thompson
Judy Stouffer
Richard Alonso
Cheryl Disch
Abraham Reich

