I. Introduction and Welcome

Karl Myers called the meeting to order and welcomed Committee members. Attendance was taken through members’ identification on Zoom. See below for the roll call.

II. Adoption of Minutes

Karl Myers introduced the minutes from the March 17, 2021 meeting, which were circulated in advance of the meeting. There were no comments. Carl Solano moved to adopt the minutes, and Robert Graci seconded the motion. The minutes were approved unanimously without amendment.

III. Financial Report

Karl Myers presented the financial report for Jill Beck. There have been no expenditures because there have been no in-person events.

Robert Graci extended congratulations to Stacy Wallace, who advanced through the primary election for Commonwealth Court. Karl extended the Committee’s best wishes to all judicial candidates and noted that he recently moderated a Commonwealth Court candidates’ forum in which all candidates did well.

IV. Subcommittee Reports

A. Education & Conference

Karl Myers reported for the Education and Conference Subcommittee. He noted that the PBA Government Lawyers Committee sponsored a CLE on pandemic-related litigation the previous day, which overlapped with the CLE concept that our Committee had been considering. Andrew Sperl noted that there might be other, less high-profile pandemic-related litigation that could be the subject of a CLE.

Karl commented that the summer is being treated as a “wait-and-see” period for CLE programming, as it remains unclear what the situation will be in the fall. He suggested that CLE programming should be considered tentatively at this point. He noted that having participated in numerous virtual presentations during the pandemic, attendance at virtual events has been gradually decreasing. He suggested that it would make sense to wait until fall rather than plan another virtual event during the summer.

Judge Bowes commented that the Supreme Court may resume in person sessions in the fall; the Superior Court en banc session will be remote but the Court is planning for in-person special sessions in the fall. She agrees that it is reasonable to expect that in-person events may be
possible in the fall. Karl noted that it is also his understanding that the Supreme Court may resume in-person sessions in the fall.

Stewart Weintraub noted that PBI is presenting an appellate advocacy program on June 10. Rob Byer, James Sargent, and Kim Watterson are organizers and moderators. The panelists include Justice Wecht and Judges Brobson and Nichols.

Judge Bowes noted that the Allegheny County Bar Association is not hosting its annual bench-bar conference in person, but it is organizing a series of town hall meetings with different speakers. The Superior Court is planning to organize a town hall meeting with President Judge Panella and Judge Bowes on Friday, June 18. It will include a general overview of pandemic related information and next steps.

B. Website

Dara DeCourcy reported for the Website Subcommittee. She posted a link to a new Supreme Court IOP regarding extensions of time, which Karl Myers had circulated. She also plans to post a link to the site containing all of the IOPs.

Regarding the substance of the IOP, Karl recalled that he had noticed that the Supreme Court had started giving only one extension of 14 days, which was more restrictive than their previous practice. Advocacy groups and public defenders’ offices reached out and expressed concern to the Court about the new policy. Under the new IOP, the prothonotary may grant an extension of 30 days or less, but further extensions are disfavored and must be approved by the Chief Justice.

III. Comments from PBA President

PBA President Kathleen Wilkinson joined the meeting. She commented that this is one of the PBA’s most important committees and commended the Committee’s work. Other incoming PBA officers will begin their terms after the conclusion of the annual meeting. Karl extended the Committee’s appreciation for President Wilkinson’s efforts in assuming the presidency during difficult circumstances and its support for her upcoming term. President Wilkinson expressed her appreciation for the support that she has received from lawyers and judges.

Karl noted that Maureen McBride of Lamb McErlane will be joining the Committee’s leadership as its co-chair for the upcoming year, and Dara DeCourcy and Althia Bennett will continue as vice-chairs.

President Wilkinson notes that the PBA’s mid-year meeting is planned for February 2-6, 2022 in Bonita Springs, Florida. The mid-year meeting includes informative panels including appellate issues and there is generally a strong turnout of judges and attorneys. The upcoming meeting will be at a large result with lots of space, networking opportunities, and a private beach.
IV. Subcommittee Reports (Continued)

C. Rules and Court Technology

Carl Solano presented for the Rules and Court Technology Subcommittee and extended his congratulations to President Wilkinson. He reviewed a number of proposals that have either been discussed at previous meetings or had been circulated to Committee members in advance:

- **Rec 152** – eliminates the requirement for a reproduced record where there is an electronically-transmitted certified record. Comment period ends May 28, 2021.

Carl noted that Rec 142 and Rec 152 are both long and contain a number of other provisions which may be worth reviewing.

V. Open Floor

Karl Myers opened the floor to comments.

Richard Klein suggested that certain cases – e.g., smaller cases that may normally be on the expedited list, and cases where counsel may be distant from the court – should continue to be argued virtually now that the technology exists to do so.

Judge Bowes said that this was consistent with one of the recommendations from the PBA’s joint task force on the continuity of legal services. The Superior Court is considering the idea because of the time and expense of in-person arguments. This is a particular issue for district attorneys and public defenders. She agrees there is a time and place for virtual arguments.

Karl noted that he is the Pennsylvania chair for the ABA’s Council of Appellate Lawyers. Lawyers from other jurisdictions have also commented that virtual arguments are a valuable tool in appropriate circumstances, e.g., inclement weather, attorneys requiring accommodations, and expedited matters.

Karl introduced Maureen McBride as the Committee’s incoming co-chair.

Stewart Weintraub noted that virtual argument is also potentially valuable because it is easier to quickly assign cases to argument sessions without regard to geography. He also noted that it makes argument more accessible in cases in which the Commonwealth is a party, which are always heard in Harrisburg.
Phil Yoon noted that Judge Strassburger passed away last week, and reported that he is working with President Judge Panella and the AOPC on crafting a memorial resolution for the PBA’s November House of Delegates meeting and that he anticipates asking for the Committee’s support of the resolution. Karl invited Phil to reach out to him and Maureen at any time. He remembered Judge Strassburger as a true gentleman and an outstanding judge.

VI. Adjournment

The meeting adjourned at 12:42 p.m.

Roll Call:

1. Erika Bloom
2. Hon. Mary Jane Bowes
3. Ian L. Courts
4. Dara DeCourcy
5. Lucinda Glinn
6. Bob Graci
7. Richard Klein
8. Maureen McBride
9. Kevin McKeon
10. Karl Myers
11. Léon Peace
12. Jim Sargent
13. Carl Solano
14. Andrew Sperl
15. David Trevaskis
16. Abbie Trone
17. Stacy Wallace
18. Stewart Weintraub
19. PBA President Kathleen Wilkinson
20. Philip Yoon