

**Remarks of PBA President Kenneth J. Horoho Jr.
PBA House of Delegates Meeting
Friday, November 17, 2006
Sheraton Harrisburg-Hershey**

Fellow delegates, esteemed guests and friends:

Good morning. It's a pleasure to be here and present a "mid-term progress report" of my presidential year. Now I know how my son Sean feels when he comes home with his report card!

I have a lot of material to cover. And before diving into the details, I'd like to acknowledge that we've all been tremendously busy and I'm deeply grateful for the time and effort so many of you have devoted to PBA projects and initiatives. You truly are the backbone of this association, and our good works are a direct result of your contributions. In light of the upcoming Thanksgiving holiday, I offer my thanks for your on-going support.

1. Tour de Pennsylvania –

There's an old saying that one should "travel only with your equals or your betters; if there are none, travel alone."

Luckily for me, I've toured this commonwealth with a troupe of first-rate pros who have made our "Tour de Pennsylvania" such a great success. I want to thank your PBA President-elect Andy Susko, Vice President Dale McClain, PBA staff members Barry Simpson, Fran O'Rourke, Elizabeth Kramer, Nevin Mindlin, Michelle Shuker and our recently-retired Art Birdsall for accompanying me, and PBI's Roger Meilton and Dick McCoy.

Since September 7, I have made 27 tour stops, with two more scheduled for November 30. After that, I plan to keep my promise to my wife Joan and son Sean by making most of my year-end Tour stops close to hearth, home, and holiday celebrations. .

At every Tour stop , we were warmly welcomed and treated graciously by all of you and many of our PBA members.

We had productive and thought-provoking discussions on judicial independence, lawyer advertising, the image of the legal profession, our legislative program, CLE and PBI, diversity, and a subject most of us don't like to talk about – the graying of the legal profession.

At many stops, we were honored by the presence of members of all levels of the judiciary – the state trial bench, the appellate bench and the federal court.

Along the way, it was my pleasure to recognize twenty-two outstanding PBA members with “Everyday Leader” awards. Thanks to input from many folks in our local bar leadership, I was able to shine the spotlight on volunteers who often don't seek it. We recognized their leadership to our profession and our communities which, in almost every instance, was exceeded only by the humility with which they approached their work. Benjamin Franklin said it best: “Humility makes great men twice honorable.” On behalf of our 29,000 members, please join me in a round of applause for our Everyday Leaders.

II. Public Service Programs and Projects

Dr. Martin Luther King Jr. said that “Everyone can be great, because everyone can serve.” This year, we’ve created opportunities—some familiar and many new—for Pennsylvania lawyers to serve and become involved in the PBA’s public education and outreach efforts.

Operation Safe Surf

This year, the PBA partnered with Attorney General Tom Corbett for the statewide “Operation Safe Surf” effort, which works to keep our children safe from Internet predators by educating them about safe Internet usage.

I am so very pleased and proud that three-hundred and fifty-seven PBA member-volunteers were trained on Sept. 7 as Attorney General Advocates. Today, they are fanning out around the commonwealth, speaking to school children and parent groups about Internet safety.

The PBA again joined forces with the Attorney General’s Office for a special kick-off Web cast in October involving students and lawyers across the state, and we have received outstanding positive publicity for our involvement in this worthwhile project. When we talk about ways to improve the image of the legal profession, let me tell you, this is one of them.

It’s not too late to be trained as an Attorney General Advocate. The training video is on our Web site. All you have to do is watch it, complete the required paperwork and return your application to the Attorney General’s Office to become part of this

special speaker's bureau. An important note: I want to thank the Pennsylvania Bar Foundation for its financial support of our effort.

Celebrate the Constitution

We launched the PBA's statewide Celebrate the Constitution program at the Manchester Academic School in Pittsburgh, and I again want to thank the Pennsylvania Bar Foundation for its continued financial commitment to this important program.

I also want to commend Judge Linda Wallach Miller and Grace Schuyler, co-chairs of our Law-Related Education Committee, and the entire committee for their hard work on this and other law-related education programs. Our local bar associations also are a critical part of this effort to make our schoolchildren more aware of the importance of the Constitution . It is never too early to pass on that message.

Together, we are making great strides in protecting, educating and motivating our future Pennsylvanians.

Statewide Identity Theft public education campaign

The PBA forged another strong partnership—this time with the Pennsylvania Newspaper Association for a statewide “Identity Theft” public education campaign.

The PBA Client and Community Relations Committee, chaired by Gerri Paulisick, oversaw the campaign, and more than thirty local bar associations

participated. We kicked off the campaign with a news conference at a Harrisburg shopping mall that aired widely in the midstate.

Our latest report shows that as the campaign continues, the PBA is receiving on average over 100 requests per day from citizens seeking more information about identity theft.

Once again, educating the public about the law and how lawyers affect their daily lives are important parts of our strategy to improve lawyer image.

Image commercials

The PBA Public Relations Task Force Implementation Committee developed a series of three, 30-second TV spots highlighting how lawyers protect the rights of the public. Our “advance showing” of these commercials at Tour de Pennsylvania stops garnered wide praise from members..

The key now is to share these commercials with the public. To that end, the PBA will provide \$150,000 and the Pennsylvania Bar Trust and Insurance Fund has agreed to contribute \$200,000 to purchase commercial network, cable and radio air time. We also will be asking our local bar associations for financial support to guarantee an effective and far-reaching impact for these commercials. PBA Communications Director Marcy Mallory and the Implementation Committee are spearheading these follow-up efforts and we will be providing you with more details on how counties and local bar associations can partner with the PBA and ensure the successful airing of these commercials planned for March 2007.

Lawyer Advertising

Another PBA task force—the Lawyer Advertising Task Force—is joining in the effort by exploring ways to improve the public’s perception – and reception – of ads produced by law firms to market their services. This task force, headed by former PBA Presidents Tom Cooper and Bob Fiebach, expects to have a final report ready early in 2007.

Judicial Independence

Another key element of promoting greater public trust in the justice system is to promote greater public understanding of the role of the judiciary and the judicial system.

I think we can all agree that many members of the public and the media criticized the Pennsylvania judiciary soundly this year over the pay raise controversy..

As your President, I was called upon by the media and other groups to present and defend the PBA’s official position that judges should receive fair and adequate compensation. I also used these occasions as opportunities to educate the public, and our members about the importance of a fair and impartial judiciary.

I was interviewed extensively by the media and we issued statements, news releases and Op-Ed pieces to hundreds of Pennsylvania daily and weekly newspapers as well as to our own membership. We sent each of you those releases. Additionally, all of these informational pieces can be found on the PBA’s Web site.

There is not a more critical issue that affects our judicial system and the members of our judiciary, during the next eighteen months, than the issue of Judicial

Independence and the important role our third branch of government plays in our democracy.

Judicial independence is not simply defending judges, it is not limited to echoing the need to attract and retrain competent judges in our court system - it is reminding and educating our members, our citizens, that our independent judiciary is a respected branch of our government and the envy of the world. We accept the decision of judges, even when we disagree on the merits, because the process itself is vastly more important than any individual decisions. We must be reminded and remind others that our courts are essential to an orderly lawful society.

The talented group that comprises the Task Force on the Pennsylvania Judicial System that I established, also is working hard in pursuit of its mission to develop ways to promote public confidence in the judicial system. Some of the task forces projects, which have been spearheaded by Co-chairs Andy Susko and Dave Hickton have included or will include:

- A special post-election analysis of judicial independence in the form of a CLE program in Pittsburgh on Nov. 9 with Justice Max Baer and Superior Court President Judge Kate Ford Elliott, KDKA political commentator Jon Delano, ACBA President Professor Ken Gormley and Dave Hickton, co-chair of our Task Force on the Pennsylvania Judicial System.
- A special educational program at the U.S. Constitution Center in Philadelphia, with Villanova University School of Law on March 30 to provide critical public education on the importance of judicial independence and the judiciary as the third branch of government.

- The development of a thirty-second television spot promoting judicial independence and the need for voters to make informed choices when voting for judges. The spot would contain a computer link to the PBA's Judicial Evaluation Commission's recommendations on the PBA Web site.
- The development of a series of town meetings for the fall of 2007 on the subject of a fair and impartial judiciary.
- The development of a message and outreach program for bar leaders to meet with editorial boards across the state to promote the need for greater public understanding of this issue.

We can all agree that fair and impartial courts are essential to democracy and to the protection of our rights under the Constitution. Recently, the voters of South Dakota and Colorado reaffirmed the common sense of the country in defeating measures that would have had a devastating effect on the impartiality of our courts.

While the voters of these two states clearly understood the threat posed by the their respective referenda on judges, we here in Pennsylvania have to make sure our citizens are educated about judicial independence so that such a movement does not gain traction in our state. We need to continue to send the message that judges should decide cases on the basis of fact and law, not on the basis of political opinion or public pressures from those who would control them. In short, we all need to reinforce the message of the importance of an impartial, independent judiciary.

Outreach to Children's Initiatives Committee

Our Outreach to Children's Initiatives Committee is hard at work. This energized group led by co-chairs Cheryl Young and Steve Turner and assisted by staff liaison David Trevaskis is planning a multi-professional summit that will bring together child psychologists, domestic violence advocates, prosecutors, child advocates and educators to discuss how we can collaborate and expand on what is available inside and outside our judicial system, and create new ways to help children going through dependency, juvenile or custody proceedings .

We've also happily accepted Supreme Court Justice Max Baer's invitation to be a part of the important work undertaken by the newly formed Office of Children and Family in the Courts. The PBA and the Supreme Court share the same goal here: to build a family court system that can quickly, efficiently, and compassionately respond to the needs of families and the more than 20,000 Pennsylvania children currently living in foster care and other temporary residential settings. It's yet another example of how we can make a meaningful impact and expand our initiative to protect, motivate and educate our young people.

Technology Task Force

I want to commend Fred Egler, Joel Bernbaum and the members of the Technology Task Force and our staff techies, including Al Trosky and everyone in our communications department, for their work in revamping the PBA Web site. The new site is "live," and I hope all of you will become acquainted with its new look and content.

You will find a special Web card is at each of your seats today. As you explore the new site, be sure to use this as a handy guide..

The Tech Task Force will be focusing its considerable talent and attention on other ways to assist PBA members with their technology needs. As always, we're open to suggestions.

III. Moving Forward With New Projects

Efforts Toward Diversity Continue

We're moving forward with our diversity initiatives. Thanks to Carl Cooper's on-going efforts we continue to expand the pipeline for minorities to enter the legal profession. Collaboration with corporations, such as PPG, and with local high schools and law schools will continue during the 2007 spring school term.

Pennsylvania's reputation as a venue for historic events will get another feather in its cap on November 29th. Thanks to Chair Sam Cooper, the PBA Minority Bar Committee will hold its first Diversity Summit at the PBI Education Center in Philadelphia. Leaders of the PBA and local bar associations, government agencies and law firms will share their goals in fostering diversity. My thanks to Sam and the leadership of the PBA Minority Bar Committee, and all who have given their time and talents to preparing one of the premier events of this bar association year. I encourage you all to attend.

I'm also pleased to announce that I will be hosting three Minority Lawyer Presidential Breakfasts around the Commonwealth. The first, which occurred this past Monday in Pittsburgh, was co-hosted by Justice Cynthia Baldwin, Judges

Livingstone and Justin Johnson, ACBA President Judge Kim Berkley Clark, and Carl Cooper. It's imperative that each and every PBA member make a personal effort to ensure that our association is a model of diversity within the legal profession. The future of our profession and this association will in a large part depend upon how quickly we heed the call to increase diversity in the form of race, gender, and age integration within our legal profession.

PBA/WIP Race for the Cure Team

Back in May, after attending the Susan Komen Race for the Cure in Pittsburgh, I contacted the Women in the Profession leadership and suggested to them that the PBA, spearheaded by the WIP, consider entering a "PBA Team" in the Race for the Cure in May of 2007. As many of you know, there are Susan Komen races throughout Pennsylvania; culminating with two large events, one in Pittsburgh and one in Philadelphia on Mothers Day. The proposal of a PBA WIP Team for the Komen Race was warmly received, and Nancy Conrad and the WIP Community Service Committee will be meeting shortly to organize the Komen event – so look for the sign-up sheet on our website shortly, and join a team that will help elevate cancer awareness and the need to increase our research efforts regarding this dreadful disease.

Seasoned/Senior Lawyer Project

One of the benefits of touring this state and meeting so many lawyers, is learning new ways to enhance benefits to our members and to our profession. For example, when we broached the subject of the graying of our profession, we were reminded of the special needs and opportunities of our more seasoned practitioners, lawyers of a certain age if you will, who have passed some invisible time barrier, and are facing a transition from their long-term roles.

That includes, most significantly, members of the boomer generation, babies no more – who are approaching retirement in ever increasing numbers. This group, in fact, comprises a large segment of our profession and this association. First and foremost, we must address the void that will be created by their departure from our firms, our state legal institutions and our organized bar. Yet we also must focus on providing a professional outlet for this wealth of experience and harness this considerable energy and devotion to public service. There is no finer example of such a valuable, seasoned practitioner than a gentlemen named Alex Bensinger, a 50 year practitioner from Monroe County who received a PBA Presidential Everyday Leader Award just a few weeks ago. He received the award because for the past half century, he devoted his time and talent to bettering his profession and in more recent years, mentoring young attorneys about their community and professional responsibilities. In fact I asked Alex to be my guest here today because he has inspired me to accelerate my plans so that I could formally announce today the formation of the Pennsylvania Bar Association Seasoned Lawyer Project. I've asked Alex to serve as honorary chairperson of this project. It will be chaired by our Vice

President, Dale McClain. The Co-Vice Chairs will be Zone Governors Mason Avrigan and Brenda McBride. They will undertake a collaborative effort with members of the Elder Law, and Solo and Small Firm Practice Sections; Senior Lawyer and Government Lawyer Committees; Women in the Profession; Young Lawyers Division and other key segments of this bar association. I've asked this group to collaborate, prepare and implement a plan of action to provide pro bono opportunities, social outlets, bar association positions, mentoring, networking, and alternative job opportunities for the older, more seasoned practitioners in Pennsylvania. And yes, before anyone beats me to the punch on this, I must admit more than a bit of self-interest in this project given the fact that I recently passed that fifty year old marker.

Midyear Meeting in Mexico

I guess most of you are thinking that, given the Tour de Pennsylvania, I've had my fill of traveling.

Well, you're wrong!

The staff has balanced me on a bicycle, zipped me up in a wet-suit and leaned me up against a surf board, and now I am pleased to wear this sombrero.

We have an exciting Midyear Meeting planned for Jan. 24 – Jan. 28, 2007, at the Occidental Grand Flamenco Xcaret Resort in Riviera Maya, Mexico. This resort will literally knock your sombrero off with its elegant architecture and exotic natural setting.

If you're on the fence about joining us, here are some "persuasive" arguments you should consider:

- it is an all-inclusive resort, and on those rare occasions when you pull out your wallet, the dollar's strong in Mexico—about 10.95 pesos to our dollar.
- the average temp in Mexico in January is in the high 70s versus low 30s here at home.

Ok if that last one didn't get to you, here's a few more.

- we will offer excellent CLE courses with expert faculty members
- you can connect with members of the legislative and judicial branches
- you can renew old acquaintances and make new friends
- you'll be the envy of your co-workers when you return with a golden tan
- And most importantly, you should reward yourself and your family with a relaxing getaway after working so hard for the PBA over the past five months.

Please join me and the other officers in Mexico for what promises to be a trip of a lifetime.

And while I'm sporting this sombrero, allow me to close by "tipping my hat" to each and every one of you for the tremendous support you've shown me and the time and energy you've contributed to our committees, sections, task forces and my special projects.

Keep in mind though, we're only at half-time.

I have come to learn that many expected and unexpected challenges are reached in the second halves of many games and seasons. For example, in the legislative arena "Team PBA" will once again be faced with tough issues like sales tax on professional services, joint & several liability and the unauthorized encroachment into the practice of law.

We must continue to aggressively defend our profession in Harrisburg with a sustained grass roots effort and an even stronger financial commitment through contributions to the PABAR-PAC. I ask you to heed that call!

We need to continue to elevate our game by renewing our commitment and strengthening our dedication to our practices, our profession and this association. Most importantly, I need you to spread the word. Our colleagues, friends, people in your county and citizens around the state need to know that we are committed to discharging our obligations, not only as lawyers, but as leaders to our profession and leaders to our communities.

Every time I represent this association at any event, and each day that I am involved with a PBA activity or task I'm reminded of how honored and privileged I am to serve as your President. Please continue to join me on this journey. And until we see each other again, together, let's continue tocarry on.