

**Remarks of PBA President C. Dale McClain
PBA House of Delegates Meeting
Hershey Lodge
June 6, 2008**

Good morning, esteemed judges, colleagues, family and friends.

It is a great honor for me to serve as the one-hundred and fourteenth president of the Pennsylvania Bar Association.

I am the first sole practitioner in modern history to serve as the president of the Pennsylvania Bar Association. The coming year is going to be an exciting challenge for me and for the person who has been by my side throughout this entire journey, my office assistant and the brains behind our team, my wife Carol. Carol and I won't have the opportunity to turn to an associate or another partner in the firm and ask them to cover our client base for us. However, with the prudent use of technology and travel, I am hoping to prove that a solo can survive and thrive as the president of the PBA. I hope to blaze a path so that other sole practitioners will follow me in what I think is the ultimate way to give back to the legal profession.

I thank you for the support and friendship many of you have shown to me as I start my forty-fifth year of practice in the legal profession. Whether through service on the PBA Board of Governors, or on a PBA Section or Committee or in the leadership of the Montgomery Bar Association, I have had the privilege of working with many of you and have benefitted from your expertise and counsel. I look forward to continuing these relationships with you throughout the coming year and to working with our incoming PBA Board of Governors and the PBA staff under the direction of Barry Simpson.

This past year, the PBA successfully defended an attack on the merit retention election of our appellate and common pleas jurists and soundly defeated an attempt to impose a sales tax on legal services. These results were due, in no small part, to the personal efforts of our Immediate Past President Andy Susko, who worked night and day to motivate the citizens of this Commonwealth, the members of the legislature and our members to do the right thing. Andy, on behalf of all the beneficiaries of your efforts, thank you for a job well done.

We have all seen and heard the phrase the PBA is "Your Other Partner." Most members think they are the only other partner in this relationship. My opinion is that the phrase applies to the relationship that the PBA has with our 29,000 members and our 63 county bar associations. We are all working together to advance the goals of the profession. This year, the PBA will focus on coordinating the excellent programs, committee and section activities and member benefits provided by the PBA and the county bar associations.

Having served for eight years on the Executive Committee and a year as President of the Conference of County Bar Leaders (CCBL), I saw the benefits of the joint efforts by the PBA and the county bar leaders and executive directors.

How can we promote county bar outreach? My answer is: Technology, "Going on the Road" with local and regional programs and joint committee and section contacts.

The PBA Bar Insurance Fund and Trust offers grants to county bar associations to purchase video equipment for use in their bar association building. The only requirement is that the PBA and the PBI may use this equipment at the bar association's facilities at no cost. Installation of this equipment will allow PBA and PBI programs to be conducted live in several locations at the same time. This will reduce our member participants' time out of the office, travel time and costs of transportation and lodging. There is a cost of transmission that would have to be covered, but this is minor when compared to the other savings to participants.

When members are asked why they are not more active in the PBA's committees and sections or do not attend their meetings or programs, many say they cannot take the time to travel to these meetings. For many of our members, the travel time exceeds the time actually spent at the meeting. The PBA must make it easier for our members to get the full benefit of membership by participating in the activities of our committees and sections. To foster this, the PBA again will hold a third Committee and Section Day in the western part of the state. This summer's meeting will be in Pittsburgh, and the other two meetings will be held in the Harrisburg area.

Committees and sections are encouraged to hold short meetings by conference calls. There are some programs already being presented regionally by the Solo and Small Firm Practice Section, the Women in the Profession Committee and the Minority Bar Committee. During this coming year, I will encourage other committees and sections to have regional programs and meetings as well.

The PBA and county bar committees and sections do a wonderful job of assisting their members in promoting their practice skills and dealing with other professional obligations. This year I will encourage contact between the PBA committees and sections and their counterparts in the county bars. If there is no counterpart in either the PBA or the county bar, the creation of one should be advanced so that all of our partners can work together to achieve a common goal.

Pro Bono is a noble goal that all of us aspire to, but many practitioners are worried that they lack the skills to take on matters that have nothing to do with their practice. There are literally thousands of children in Pennsylvania who need an attorney, but because of conflicts, no existing free legal service is able to represent them. A number of county bar associations have started their own programs to train attorneys to represent children. Knowing firsthand of the need for these trained child advocates, I have formed a PBA Child Advocate Committee to develop a handbook for distribution and training for use by county bars on how lawyers can become child advocates. Mary Pugh of Montgomery County is the chair, and Colleen Neary of Delaware County is the vice chair of this new effort. If you have some special skills that would assist the committee in developing its handbook and training, I would ask you to join this effort. The unrepresented children desperately need our help.

The PBA Senior Lawyers Committee is working on a handbook to address the needs of our retiring of soon- to- be retiring members. Judge Mason Avrigian of Montgomery County is the chair and Brenda McBride of Mercer County is the vice chair. One of the goals of this committee is to develop Pro Bono opportunities for our retired members and to resolve issues on malpractice coverage and partnership restrictions that could limit Pro Bono service. I am hoping to have a number of these members trained as child advocates.

Of course, as the first solo to have the honor to serve as your president, there will be

programs and events presented locally or regionally specifically directed to my fellow solo and small firm practitioners. There will be one exception to our geographic boundaries — we will have a special program for solos in St. Thomas during our Midyear Meeting at Frenchman's Reef, an all-inclusive hotel and resort. We will have details about this exciting meeting for you in the very near future. I hope we will see everyone there.

There are changes planned to make it easier for our members to participate in the work of the PBA, to increase our membership, to build on our grassroots legislative outreach and to adopt a long range plan for the next five to ten years.

Many members find it difficult to take three or four days in a row out of the office for an out of town location for a board meeting, committee and section meetings and a House of Delegates meeting. Also, bar leaders find matters on the House of Delegates agenda after their local bar association or their Zone caucus has already met. This timing makes it difficult for these bar leaders to get input from their members on these late arising issues.

To address both of these problems, this year the PBA will be spreading the time between Committee and Section Day, the meeting of the Board of Governors, the Zone Caucus and the House of Delegates to allow a break in the schedule. This will also allow time for local bar associations to review matters coming to the House of Delegates. Accordingly, the Committee and Section Days — the ones that usually follow the Board of Governors' meetings and precede the meetings of the House of Delegates - will be held about a month before the House of Delegates meeting. About two weeks after Committee and Section Day, the Board of Governors will meet and consider all Committee and Section reports and other action items to be presented in the House of Delegates. About a week or so after the Board of Governors' meeting, local bar association meetings (if the local bar associations see a need for a meeting) and the Zone caucus of the House of Delegates' members will take place to discuss matters being brought to the House of Delegates. This new thirty-day process should allow ample time for all members to review the actual proposals, discuss the proposals and determine their support, opposition or proposed revisions before the meeting of the House of Delegates.

The dues-paying membership numbers of the PBA have not grown in the last couple of years. One reason for this is that everyone passing the state bar exam receives a one-year free membership in the PBA. We lose about 35% of these new members by the time they receive their fifth-year dues bill for 100% of the regular dues.

I believe two factors are in place that may cause these new members to drop out of the PBA: doubt about the value of their continued membership in the PBA and no personal contact after they become members or after they do not pay their dues bill. I am asking the Board of Governors to address these issues and to suggest ways to reduce the loss of not only these new members, but also longer term members who do not renew their PBA membership.

This past year showed us that when we have a crisis - like the proposed sales tax on legal services - that affects everyone's law practice, we can get the members to respond to their legislators. The PBA achieved a result that shows your PBA membership is a very good investment in the success of your professional practice. We need to be prepared for the next practice-related legislation when it comes along.

We need a grassroots contact system in place with at least two personal contacts for every one

of our 253 legislators. I am asking the Board of Governors to develop such contacts by working with their local bar officers and leaders and PBA committee and section members. This is in addition to the fine work being done by our PAC. We need to raise money for our PAC, but we need members on the ground who can develop a relationship with their local legislators — working for them at the polls on Election Day, making telephone calls on Election Day, raising money for their campaigns and providing a forum for them to talk with your neighbors or receive our PAC check.

This past year the PBA started working on a Long Range Plan. Progress in this will continue as a Board of Governors project. Members will be given reports as a Mission Statement is developed with strategic plans to achieve these objectives with specific proposed actions. Your comments and suggestions will be sought as we move ahead on this project.

The PBA has a rich and proud history of service to its members, to the profession and to the public. It is my hope this year to build upon our strong foundation so that future generations of lawyers will have the same camaraderie, support and pride that we enjoy today as members of the Pennsylvania Bar Association.

During this coming year, I hope to show by example that a solo practitioner can serve in a leadership position in the PBA, maintain a practice and still have time at the end of the day to live a fairly normal life. I look forward to seeing many of you over this coming year at a local bar association or PBA event.