MINUTES OF THE MEETING

The agenda and supporting documents for this meeting are available at MEBarConnect.

The Maine State Bar Association promotes the honor, dignity and professionalism of lawyers, advances the knowledge, skills and interests of its members, and supports the public interest in a fair and effective system of justice.

Antitrust Statement

The Maine State Bar Association (MSBA) is organized to promote the honor, dignity and professionalism of lawyers; advance the knowledge, skills and interests of its members; and support the public interest in a fair and effective system of justice. The MSBA, its officers, Board of Governors and employees shall not, and do not, play any role in the competitive decisions of its members or their employees, or in any way restrict competition in any aspect of the legal profession. By adoption of this statement of policy, the MSBA makes clear its unequivocal support for the fair and effective policy of competition served by the antitrust laws and its uncompromising intent to comply strictly in all respects with those laws.

Governors Absent: Burbank, Day, Kreckel, Peterson, and Willey.
Staff Present: Armstrong and Seavey.

Item 1. Call to order and welcome.
President McDonald called the meeting to order at 1:01 p.m.

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Strategic Goal 1: Increase and expand access to legal information and legal services for all Maine residents.

- Objective 1.1: Convene a statewide working group to spotlight barriers to justice in rural areas and facilitate recommended steps to a more comprehensive approach to legal service delivery in Maine.
- Objective 1.2: Enact a rural practice initiative around: 1) the development of resources to help new lawyers starting and retiring lawyers exiting rural practice; 2) the use of message boards to facilitate conversations between retiring and incoming lawyers; and, 3) exploring legislative avenues for either direct aid or loan forgiveness.
Item 2. **ad hoc Rural Practice Committee report: Governor McNally.**

A. Meeting held on April 22. Assistant ED Sam Clinch from the Nebraska State Bar Association joined the meeting to discuss actions taken by NSBA to address rural practice issues. The Committee created an action plan (attached to these minutes and posted in MEBarConnect) based on the MSBA strategic plan to focus its efforts moving forward.

B. Update on statewide working group brainstorming session: The Committee, in its action plan, does not recommend convening a statewide working group, but rather small, focused groups to develop and implement specific programs.

C. Rural practice lunch with UMaine Law School students: the lunch went very well, was productive, and the students requested that another be held in the fall.

D. President Elect Bishop asked to be added to the ad hoc Rural Practice Committee.

Item 3. **Support of LD 978: An Act to Create an Access to Justice Income Tax Credit.**

Governor McNally provided testimony on behalf of the MSBA in support of this bill, which provides for a limited tax credit for lawyers to locate in rural Maine communities. The program would allow an annual tax credit for up to five years, not to exceed $6,000 per year, and would be limited to five attorneys per year for the years 2022 through 2027. At this time, it looks like this legislation is tabled for future discussion.

Item 4. **Civil Practice Working Group report: BIPOC Lawyers Section Rep. Echeverria.**

Representative Echeverria reported that the civil practice working group is clarifying pandemic orders from the court and how to reinstate civil trials in courts. She reported that although courts scheduling jury trials must continue to give priority to criminal cases, they may schedule and hear civil jury trials so long as those trials do not impede the courts' ability to address priority cases in a timely manner.

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**Strategic Goal 2:** Promote diversity, inclusivity and equal opportunity in the Maine legal profession.

- Objective 2.1: 1) Publish results of diversity survey; 2) issue annual diversity report; 3) create mentoring program with law school to build support systems for minority lawyers; 4) promote existing programs which incentivize BIPOC students to go to law school; 5) develop and offer CLEs on diversity, equality and inclusion throughout state; 6) recruit BIPOC lawyers for leadership academy; and 7) create new BOG seat for BIPOC Lawyers Section.

Item 5. **Diversity Committee report: Chair McDonald.**

A. Meeting held on April 8: The Committee is working on a MBJ article about the findings of the discrimination survey conducted in late fall 2020, showcasing BIPOC Lawyers Section members in the MBJ Beyond the Law column, and creating a column in the MBJ to profile BIPOC member attorneys. The meeting minutes provide additional detail.

B. Next meeting: May 13 at 3:00-4:00 p.m. (Zoom).
Item 6. Diversity page on MSBA website.

ED Armstrong reported that she and the Communications Director are gathering information to be included on the diversity page of the MSBA website. The page will include information about the Diversity Committee, BIPOC Lawyers Section, how to get involved, latest news and events, MSBA action list with respect to diversity initiatives, and a resource list.

Item 7. MSBA member demographic data collected during FY 2020-2021 registration.

ED Armstrong reported that the demographic data collected during the membership renewal cycle will be included in the 2020 Annual Report, as required in the current strategic plan objectives. She also verified that she shared the specific data fields and choices with the Board of Overseers, as it plans to collect this data during its next registration cycle and its desire to use the same fields so the data can be compared in future years. During the discussion, the Board determined that the staff will make the demographic questions “mandatory” but will provide a “prefer not to answer” option, effective with the FY 2021-2022 renewal cycle.

Item 8. Relevant MSBA CLE programs.

A. Equity & Diversity in Law Practice: April 29, 2021 at 3:00-4:00 p.m. (audio webcast) with Attorneys Michele Lomax and Anthony Licata. This program will provide attendees with a practical guide to diversity, inclusion, and equity in law firms and in clients. The program will discuss the value of diversity and inclusion, including how it fosters collegiality, greater client value, and organizational and personal growth. The panel will look at real world case studies of what types of diversity training work and help law firms – and also review those types of training that do not work. The program covers best practices not only for law firms but also for advising clients on developing diversity, inclusion, and equity training and practices.

B. Bias and the Jury: April 29, 2021 at 12:30-2:00 p.m. (Zoom webinar) with Dr. Destiny Peery. This CLE will consider strategies for acknowledging and addressing biases that may appear in the context of working with a jury (e.g., during jury selection, when presenting one's case, when prepping juries for deliberation, etc.). We'll also consider debiasing methods being tested in courts across the country meant to promote the less biased juror decision-making. Importantly, this session will encourage us to consider not only the role of juror biases, but also those of others within the juror context including attorneys and judges as well as how the biases of various actors can influence how a jury trial plays out.

Item 9. Training for MSBA staff and Board of Governors.

A. Staff will attend harassment prevention training on April 29.

B. Deputy ED Seavey has scheduled trainings for staff and Governors on the topics of cultural competency and implicit bias for June 2, 2021 at 11:00 a.m. – 1:00 p.m.
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**Strategic Goal 3**: Expand MSBA membership through initiatives designed to enhance member relevance.

- Objective 3.1: Expand on the success of pandemic-related innovations like Bar Talk to enhance the Bar’s role as an educator and information provider.
- Objective 3.2: Expand member engagement through a reinvigorated, reimagined section architecture, complete with online communities, section growth and engaged leadership.

**Item 10.** MEBarConnect update.

Deputy ED Seavey reported that she made the suggested profile updates to MBC as requested at the previous Board meeting. She also offered additional training for any Governor who may need it, and asked Governors to contact her directly for the training.

**Item 11.** Membership.

A. Reviewed membership, new member, and resignation reports: Deputy ED Seavey reported total member count is 2838. There were 22 new members since the March 23 Board meeting, of which 14 were new members (dues-paying) and eight were reinstatements (dues-paying). There was one resignation during this same period.

B. ED Armstrong reported that we have collected $582,888 of budgeted dues of $593,800, or 98.16 percent. This compares to 98.73 percent for last year.

**Item 12.** Membership Committee report: Chair Bishop.

A. Meeting: April 28 at 3:00 p.m.-3:30 p.m.

**Item 13.** Bar Talk update.

A. Recent guests: Judge Jed French, Justice Robert Mullen, Bar Counsel Julia Sheridan, Governor Chief Legal Counsel Jerry Reid.

B. Upcoming guests: MAP Director Bill Nugent on May 3; ABA President Patricia Refo on May 10; MJF ED Michelle Draeger on May 17; Employment Law Attorney Anne-Marie Storey on May 24.

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**General Business of the Board of Governors.**

**Item 14.** Consent Items 14A-14C: A single motion was made and voted in the affirmative to accept Items 14A-14C.

A. Approved minutes of the March 23, 2021 meeting.
B. Set the date of next Board of Governors meeting for Tuesday, May 25, 2021 at 1:00 p.m. (Zoom).
C. Confirmed the President’s appointment of the following Section Chairpersons, Chairpersons-Elect and Co-Chairpersons for 2021:
   ADR
   Durward Parkinson, chair
   Litigation
   Tim Kenlan, chair
Item 15. Treasurer’s report.

A. Accepted March 2021 financial statement: financial documents available at MEBarConnect. Treasurer Haddow reported we have received 74.13 percent of budgeted revenue through March compared to 90.4 percent last year, and spent 41.26 percent of expenses compared to 46.69 percent last year. He indicated that the budget outlook is better as we have progressed through the year—we are behind on revenue, but catching up with the budget because of savings on expenses. Additionally, the investment fund is up over $21,600. A motion was made, duly seconded, and voted in the affirmative to accept the March 2021 financial statement.

Item 16. Board of Governors reports.

A. President-Elect Bishop – no report.
B. Vice President Stitham – no report.
C. Immediate Past President Day – no report.
D. Other Governors – no reports.

Item 17. Executive Director’s report.

A. Attended ABA Day on April 20-21 (virtual). ABA Day focused on two primary issues: expanding access to legal aid by supporting increased funding for LSC and urging Congress to enact legislation that will better protect federal judges and courts from harm.
B. NEBA Board of Directors Meeting: May 21 (Zoom). Current NEBA Directors from Maine are Ginger Davis (Immediate Past President), Jonathan Dunitz, Jim Haddow, and Derek Jones.
D. The CLE department is working with the Board of Overseers to get all attorney credits reported as quickly as possible.

Item 18. President’s report.

A. Summer Bar Conference on June 24-25 (virtual).
   1. John Ballou Award to be presented at the SBC: we received two nominations. President McDonald created a small task force (Governors Cramer, Cutliffe and Haddow) to review the current nominations as well as previous years nominations (to be provided by ED Armstrong) and make a recipient recommendation to the Board. Award criteria, list of previous awardees, and 2021 nominations available at MEBarConnect.
   2. Request for proposals sent; proposals due by April 30.
   3. BOG meeting currently scheduled for June 25. After brief discussion, the Governors decided that the meeting will be moved to June 23 at 1:00 p.m. (Zoom).
B. Board of Governors Retreat: August 20-22 at Camp Kieve in Nobleboro. After brief discussion, the Board decided that the retreat will include only one overnight. It will be held August 21-22. Additional details to follow.
Item 19. Committee reports.

A. Bylaws & Policies: need Chair. President McDonald reported that Governor Saufley has agreed to serve as the chair. There was no additional report from the Committee.

B. Civics Education: Chair Willey.
   1. 2021 Law Day Contest: In Governor Willey’s absence, ED Armstrong reported that she, President McDonald, and Governor Willey will meet on April 28 to choose the winners of the contest.

C. Continuing Legal Education: Liaison Stitham reported that she will be attending the CLE Committee meeting later in the day.
   1. Bridging the Gap: May 12-14 (Zoom).
   2. Committee report.

D. Finance: Chair Bishop.
   1. Section budget requests will be sent to chairs in May.
   2. Meeting: July 27 will not work for all Committee members. ED Armstrong will touch base with Committee members and set a new date for the meeting.

E. Judicial Evaluation: Chair Cramer.
   1. 2021 evaluations are complete. ED Armstrong is working on the reports for the Committee’s review and renomination recommendations.

F. Legislative: Chair Okun reported that there are three bills before the Legislature concerning remote notarial acts. The MSBA’s testimony will generally support the extension of remote notarial acts after the emergency order expires.


H. Medical Legal Committee: Chair Faunce – no report.

I. ad hoc MCILS Committee: Chair Bishop.
   1. The symposium that was tentatively scheduled for May 19-20, 2021 has been cancelled. Chair Bishop would prefer to hold multiple panel sessions during the Summer Bar Conference.
   2. President McDonald asked that future MCILS Committee reports be placed under Strategic Goal #1 on the agenda.

Item 20. Sections update: meetings, events and information.

A. Animal Law Working Group.
   1. Several members have an interest in forming an Animal Law Section. They have formed a working group (using MEBarConnect) to create a proposed mission and bylaws, and plan to submit a request to the Board soon for Section creation.

B. Family Law Section.
   1. Meeting: May 27 at 12:00-2:00 p.m. (telephone).

C. Real Estate & Title Section.
   1. Meeting: May 19 at 9:30-11:00 a.m. (Zoom).

D. Women’s Law Section.
   1. Meeting: May 4 at 12:00-1:00 p.m. (Zoom).

E. Governor section liaison reports – none.
Item 21. **Old business.**

There was no old business to come before the Board.

Item 22. **New business.**

Governor Bishop request Deputy ED Seavey begin a venue search for the 2022 Winter Bar Conference.

Adjourned at 2:50 p.m.

Respectfully Submitted,

Angela P. Armstrong  
Executive Director