MINUTES OF THE MEETING

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

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: Cloutier, Hall, Neumann, and Okun.

Staff Present: Armstrong and Seavey.

Item 1. Call to order and welcome.

President Stitham called the meeting to order at 1:04 p.m.

Strategic Goal 1: Grow membership by elevating relevance to existing and prospective members.

- Objective 1.1: Expand dues-paying membership.
- Objective 1.2: Reimagine new lawyer member recruitment journey.
- Objective 1.3: Focus on one target group annually (i.e., bar waivers, government attorneys).
- Objective 1.4: Dues-sharing exploration with county and affinity bars.
- Objective 1.5: Decisis adoption and member benefits promotion.

Item 2. Membership.

A. DED Seavey reviewed the membership, new member, and resignation reports. She reported a total member count of 2746. There were 22 new members since the March 7, 2023 meeting, of which 13 were new members (dues-paying), seven were reinstatements (dues-paying), and two were students (no dues). There was one resignation and three deaths during this same period.
B. Considered the application of Coleman G. Coyne, Jr. of Auburn for Life Membership in the Association beginning January 1, 2023. ED Armstrong confirmed Attorney Coyne certified his eligibility for Life Membership. A motion was made, duly seconded, and a majority voted in the affirmative to approve Life Membership for Coleman G. Coyne, Jr. Governor Harmon abstained.

Item 3. Membership Committee report: Chair Cutliffe.

Chair Cutliffe reported the Committee is scheduled to meet on April 13.

Item 4. ad hoc Section Review Committee report: Chair Dunitz.

Chair Dunitz will convene a meeting to elect a new chair.

Item 5. Bar Talk.

A. Upcoming editions of Bar Talk.
   1. April 11 with guests Judge Jesse Gunther, Virginia Davis, and Margaret McGaughey to discuss changes in the legal profession during their careers.

B. Send suggestions for topics and/or guests for future Bar Talks to ED Armstrong.

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Strategic Goal 2: Actively facilitate and lead efforts to advance the profession.

- Objective 2.1: Advance access to justice and promote rural practice.
  - Identify stakeholders and convene statewide access to justice working group.
  - Expand efforts to showcase and recruit for rural practice opportunities.
  - Conduct two forums or roundtables to raise awareness re: court funding inadequacies.

- Objective 2.2: Advance an aware, inclusive, and diverse legal community.
  - Publish and actively discuss Diversity Committee report findings.
  - Recruit two lawyers into Leadership Academy annually from historically underrepresented groups.
  - Advance pipeline initiatives and educational awareness.

- Objective 2.3: Advance the health and well-being of Maine’s legal community.
  - Identify stakeholders.
  - Convene working group.
  - Raise awareness.
  - Advance solutions.


A. Meeting was held on March 14, with new chair Shana Mueller. Discussion focused on the Committee Charter, goals for the remainder of the fiscal year, and Committee membership.

Item 7. Wellness Initiative Committee report: Chair Duntiz.

Chair Dunitz reported the Committee is planning for wellness events at the Summer Bar Conference, including hiking, yoga, and biking. The Committee is also reviewing an ABA survey on wellness and will report its findings.

Item 8. Rural Access to Justice Task Force/ad hoc Rural Practice Committee reports: Chair McNally.
A. Task Force meeting was held on April 4. Chair McNally reported the initial meeting was filled with enthusiastic stakeholders, and discussion focused on identifying scope and goals of the Committee.


Chair Bishop reported that the Working Group has not made any advancements this past month, but plans to meet in April.


A. April 5: Legislative/Public Sector session at State House in Augusta.
B. May 11: Comment or No Comment? What to do when the media calls and how to make a statement without putting your foot in your mouth. Session will be held at WABI TV station in Bangor.
C. June 27: Graduation at SBC at the Harborside Hotel in Bar Harbor.

Item 11. Relevant MSBA CLE programs.

A. 23rd Annual Employment Law Update: April 6, 2023 at 8:00 a.m. – 4:45 p.m. (live and live webcast). The live program will be held at the Hilton Garden Inn in Freeport. The H&D portion of the program, Implicit Bias and Microaggressions in Law Firms, will be held from 10:45 a.m. – 12:00 p.m., and will be presented by Shiloh Theberge of Bernstein Shur and Laura White of White & Quinlan. Implicit bias, also called “unconscious bias” or “unconscious stereotyping,” refers to the role that unconscious cognitive responses play in decision-making. Everyone has an implicit bias of some form, as it is how our brains evolved to survive and store information. Implicit bias often does not necessarily align with our declared beliefs. Microaggressions are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination, often resulting from implicit bias. In this session, the presenters will: have a conversation about what implicit bias and microaggressions are; discuss the evidence that supports that implicit bias exists; provide examples of microaggressions that specifically apply to law firms; talk through some hypotheticals surrounding implicit bias and microaggressions in law firms; do an activity alerting us to our blind spots; and consider what we can do to address implicit bias and microaggressions.

B. Harassment, Discrimination & Bullying as Viewed Through the Film “Master”: May 11, 2023 at 2:30 – 3:30 p.m. (live) at the Augusta Civic Center with presenter Talcott Franklin. The film “Master” is a brilliant portrayal of harassment, discrimination, and bullying against three African American women at a fictional New England university attempting to project an image of diversity. The film’s writer and director Mariama Diallo channeled her own college experience in creating the film. The film contains some acts that most people would agree are clear harassment, discrimination and bullying, but many others where the lines may blur. The goal of this discussion is to show several scenes from the film and allow the audience to engage with those scenes on their own terms. Attendees at this interactive program will be encouraged to present arguments as to why something does or does not meet the legal definitions of harassment or discrimination.

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General Business of the Board of Governors.

Item 12. Consent Items 12A-12D. A single motion was made and voted in the affirmative to accept items 12A-12D.

Note: *Supporting documents posted to MBC.*
A. Approved minutes of the March 7, 2023 meeting.
B. Set date of next meeting for **Tuesday, May 9, 2023 at 1:00 p.m. via Zoom.**
C. Confirmed the President’s appointments of the following Standing and Special Committee chairpersons for 2023:
   **Bylaws & Policies**
   James Haddow
D. Confirmed the President’s appointments of the following Section Chairs, Co-Chairs, and Chairs-Elect for 2023:
   **Business Law**
   Nathaniel Bessey, chair
   **Elder Law**
   Rachel Trafton, chair
   Greta Atchinson, chair-elect

**Item 13. Treasurer’s report.**  
*Note: Financial documents posted to MBC.*

A. Treasurer Cutliffe reviewed the February financial report. She reported that we have received 76.33 percent of budgeted revenue and spent 42.58 percent of budgeted expenses through February. This compares to 66.55 percent and 34.86 percent respectively at this same time last year. **A motion was made, duly seconded, and voted in the affirmative to accept the February financial statement.**
B. The Membership Dues Collection report shows we collected $565,127.42 of $580,000.00 budgeted or 97.4 percent, as of February 28, 2023. This compares to a collection rate of 98.7 percent at the same time last year. For sustaining membership dues, we collected $5,131.66 of $7,000 budgeted, or 73.3 percent. This compares to a collection rate of 70.8 percent at the same time last year.

**Item 14. Board of Governors reports.**

A. President-Elect Dunitz.
   1. Presented a new concept for the 2024 WBC at which the focus would be on the business of law and members of the business community would be invited to attend along with attorneys. Governors approved of the concept and offered suggestions of potential attendees. Immediate Past President Bishop and Governor Echeverria volunteered as members of the planning committee.
   2. Requested the Board to consider a proposal to contribute $10,000 per year to the Maine Assistance Program (MAP) for a program that would provide five free counseling sessions to Maine attorneys. The Maine program would be fashioned based on the South Carolina program. The Governors had many questions, but he is still in the information gathering phase. He will continue his research and update the Board when appropriate.
B. Vice President Faunce: no report.
C. Immediate Past President Bishop: no report.
D. Other Governors.
   1. Governor Burbank, representing District 4: Lincoln/Sagadahoc, invited Board members to attend the Lincoln County Bar Association event honoring Judge Wescott in June.

**Item 15. Executive Director’s report.**

A. John W. Ballou Award.
   1. To be presented at the Summer Bar Conference (SBC).
   2. Nominations due by April 19.
   3. Criteria and previous awardees posted to MBC.
B. Considered request received from Muskie Dinner Committee to be a corporate sponsor of the Muskie Access to Justice Award Ceremony.
1. This year’s ceremony, honoring Steve Rowe, will be held on June 7 at 5:00 – 7:00 p.m. at Ocean Gateway Pier in Portland.
2. Corporate sponsor costs $3,000. A motion was made, duly seconded, and voted in the affirmative to register as a corporate sponsor of the Muskie Access to Justice Award Ceremony.

Item 16. President’s report.
A. SBC update: faculty and sessions are confirmed, and the brochure will be available the first week in May.
B. Shared correspondence re: Sunshine Protection Act of 2023 from the New Jersey State Bar Association.

Item 17. Committee reports.
A. Bylaws & Policies: Liaison Talbert.
   1. Meeting was held on March 31. Discussion focused on finding a chair for the Committee. Jim Haddow volunteered to serve as chair. He and Angela will meet to review and discuss outdated policies and to set policy update goals for the remainder of the year.
B. Civics Education: Chair Willey provided a Law Day Contest update.
C. Continuing Legal Education: Liaison Stitham reported the Committee is working on a law practice series.
D. Executive Director Evaluation: Chair Bishop: no report.
E. Investment Committee: Liaison Cutliffe reported the Committee is scheduled for a biannual meeting on April 12.
F. Finance: Chair Dunitz: no report.
G. Judicial Evaluation: Chair Cramer.
   1. 2023 Judicial Evaluations closed on March 31. Judges evaluated were: Justices MaryGay Kennedy, Richard W. Mulhern, Ann M. Murray, and Robert E. Murray, Jr., and Judges Sarah A. Churchill, Peter Darvin, Daniel F. Driscoll, Michael A. Duddy, Sarah I. Gilbert, E. Mary Kelly, Robert A. Langner, and James F. Martemucci. Staff is working on the reports for review by the Committee.
   2. MSBA will provide testimony on April 12 at confirmation hearings of Justice Stokes and Judges Powers, Campbell, and Archer.
H. Legislative Review & Response: In Chair Okun’s absence, ED Armstrong reported that we submitted testimony in opposition to LD 1192, which is a bill that would decrease the size of the Law Court from seven justices to five justices, and would increase the District Court by one judge and the Superior Court by one justice.
I. Maine Bar Journal Editorial Advisory: Liaison Burbank reported the next edition will be sent out in May.
J. Medical-Legal: Chair Faunce reported that she is stepping down as chair and will need a replacement.
K. Nominating: Chair Stitham: no report.

Item 18. Section reports.
A. BIPOC Lawyers Section: Governor Echeverria reported the Section elected new co-chairs, Elyse Apantaku and Shamara Bailey. The Section will also present a session at the SBC.
B. New Lawyers Section: Governor Johnston reported the NLS Board is planning its next in-person event, as well as started working on the annual Pro Bono Fair. The Section hopes to hold the Fair in both Portland and Bangor this year.
C. Women’s Law Section: Governor Neumann: no report.
D. Governor section liaison reports: no reports.
There was no old business to come before the Board.

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Adjourned at 2:45p.m.
Respectfully submitted,

Angela P. Armstrong
Executive Director