Maine State Bar Association
Board of Governors Meeting
Bar Headquarters
Augusta, Maine
August 20, 2019
1:00 p.m.

Minutes of the Meeting

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.

Members Present: Bishop (phone), Burbank (phone), Faunce, Day, Deschuytner, Driscoll, Dunitz, Haddow, Hall, Herman, Jones (phone), Kreckel (phone), McDonald, Rudelitch, Saufley, C. Smith (phone), T. Smith, Stitham, and Willey.

Members Absent: Columber, Johnson and S. Smith.

Staff Present: Armstrong, Pare and Seavey.

In the absence of President Columber, President Elect Day called the meeting to order at 1:05 p.m.

Item 1. Accepted Items 1A – 1D: A motion was made, duly seconded and voted in the affirmative to accept Items 1A – 1D.

A. Approved minutes of the June 19, 2019 meeting.
B. Approved minutes of the June 20, 2019 MSBA Annual Business Meeting.
C. Confirmed President’s appointment of the following Committee Chairpersons:
   Investment
   David Levesque
   Medical-Legal
   Abigail C. Varga
D. Set the date of next Board of Governors meeting for Tuesday, September 24, 2019, at 1:00 p.m. at Bar Headquarters in Augusta. The BOG/MJF Executive Committee Joint Luncheon will precede the BOG meeting at 11:30 a.m.
Item 2.  **Treasurer’s report.**

A. Treasurer Haddow reported that as of the end of July, we are 83.33 percent through the fiscal year. The current numbers show overall underperformance in the membership dues line, as we are down approximately $21,000 from budgeted revenue. However, the CLE line is overperforming at 108.03% of budgeted CLE revenue. The budget is higher than this time last year, with 100.75 percent of budgeted revenue received and 81.77 percent of budgeted expenses spent. At this time last year, we had received 90.19 percent of budgeted revenue and spent 76.52 percent of budgeted expenses. We are projecting an operating surplus of approximately $15,000 by the end of the fiscal year, rather than the budgeted deficit of just under $49,000. **A motion was made, duly seconded and voted in the affirmative to accept the May, June and July 2019 financial statements.**

B. Treasurer Haddow reported that MSBA investments are currently valued at approximately $495,000.

Item 3.  **Presentation by the Finance Committee and staff of the proposed operating budget for fiscal year 2019-2020.**

Finance Committee Chair Day reported that the Committee met on August 15, 2019 to review a preliminary draft of the FY 2019-2020 proposed budget. He thanked the following for their assistance: President Columber, Immediate past President Driscoll, Treasurer Haddow, Vice President McDonald, ED Armstrong, Deputy ED Seavey, and Finance Director Pare.

Following thoughtful consideration of spending priorities and realistic revenue projections, the Committee made revisions to the staff’s draft budget and recommended an operating budget for the coming fiscal year with a $24,871.62 projected deficit. In particular, they noted the following actions of the Finance Committee:

- **Funded salary line at $515,000.**
- **Donations to other organizations line was increased from $4,000 to $5,000, allowing for $1000 donation to the Rural Fellowship Program.**
- **CLE revenue budget was increased from $433,340 to $530,000.**
- **Staff Travel & Expenses were reduced from $23,000 to $17,000.**
- **Increased Section dues from $10 per Section to $15 per Section.**
- **Reduced revenue of meeting budget from $95,375 to $90,375.**

Following the budget presentation, there was discussion on various items in the budget. **A motion was made, duly seconded and voted in the affirmative to adopt the proposed operating budget for FY 2019-2020.** As adopted, the budget projects income of $1,422,475.00 and expenses of $1,447,346.62, for a projected deficit of $24,871.62. Adoption of the FY 2019-2020 operating budget established the following estimated income and expense levels for the various segments of the budget:

**Part One – Personnel**
Income -- $0.00; Expenses -- $672,600.00
Part Two – Administration
Income -- $0.00; Expenses -- $173,051.62

Part Three – Operations
Income -- $643,350.00; Expenses -- $66,000.00

Part Four – Activities
Income -- $779,125.00; Expenses -- $535,695.00

Item 4. Board of Governors reports.

A. President-Elect Day.
1. Attended ALPS BLR on July 17-21, 2019 in Missoula, MT.
2. Attended NCBP on August 8-10, 2019 in San Francisco, CA.
3. Reminded Board to save the date of the 2020 ABC on January 30-31, 2020 at the Westin Portland Harborview. Reported that Judicial Branch will also be attending.

B. Vice President McDonald.
1. Presented his idea of restructuring future board meetings and including working committees. The Board and each individual Governor must invest more into the MSBA.

Immediate Past President Driscoll.
1. Reported in detail on attending the e-filing meeting presented by Tyler Technologies.

C. Other Governors: no reports.

Item 5. President’s report.

President Columber provided the following written report in his absence:

ABC 2019 was a major success – sold out attendance with great feedback from attendees. This was an excellent way to start a holistic lawyer wellness topic with the Board of Overseers and Judiciary, and overall impact on the health of lawyers during our careers. This reflects a major newly-realized focus of other state bars, other state licensing agencies, and national insurers. Thanks to all of you who participated and our staff for this success.

I went to beautiful Missoula, MT, and heard similar health-related topics at ALPS. Met wonderful reps from other states, and continued discussion with other states (even USVI bar!) on betterment of bar associations everywhere. I also interacted with ALPS, not in a "drumming up business" role, but seeing how national malpractice carriers act not only for their own concerns but our concerns as counsel. I went fly fishing while in MT, where I caught seven monster trout flying on the Clark Fork River during a free day. Also got a "Missoula Tattoo" - that is, bad sunburn only on my feet where my sandal straps didn’t cover.

Item 6. Executive Director’s report.

A. Nominating petitions for 2020 Board of Governors are due by October 1, 2019.
B. Attended ALPS BLR on July 17-21, 2019 in Missoula, MT.
C. NEBA Annual Meeting: October 24-26, 2019 at the Sheraton Portsmouth Harborside Hotel in Portsmouth, NH.

D. Reporting deadline for Katahdin Counsel hours (July 1, 2018-June 30, 2019) is August 31, 2019.

E. Redistributed governor support documents that were originally discussed and disseminated back in June. Asked governors to review and provide feedback.

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Strategic Goal 1: Lead as the voice of the legal profession, igniting discussion and engagement on timely issues affecting Maine lawyers and advancing a positive narrative on the role Maine lawyers play in the state.

- Conduct annual survey on trending legal topic. (Harassment study follow-through; PowerPoint by 6/1/18; Report by 9/1/18)
- Improve the image of Maine lawyers through earned media opportunities, partnership initiatives with other professional trades, speaking through civic organizations about the impact of the profession and facilitating lawyer interactions with Maine youth. (Launch speakers bureau; target media and schools)

Item 7. Appointed Susan Driscoll to a three-year term on the Board of Directors of the New England Bar Association.

Item 8. Appointed Emily Green to serve as the Young Lawyers Division State Bar Delegate for a two-year term in the American Bar Association's House of Delegates (August 2019-August 2021).

The Board requested that ED Armstrong contact Emily and request that she provide updates to the Board as well as the NLS.


“Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100.”
We will use this theme for our Law Day essay and poster contest in 2020.

Item 10. Accountants vs. Attorneys: Summer Softball Showdown update.

The Maine State Bar Association is partnering with the Maine Society of Certified Public Accountants (MECPA) for the 2nd Annual Summer Softball Showdown. The game will be held on August 22, 2019 at 5:00 - 8:00 p.m. at the Freeport Middle School. Proceeds will benefit the Strike Out Cancer in Kids Program through the Portland Sea Dogs. Sponsors include: Rock Harbor Brewery, Camden Law, ALA, and Bergen Parkinson. Good luck MSBA Hornets and Coach Driscoll!

Item 11. Update on MSBA CLE partner programs.


C. Joint program by MSBA and Maine Disability Rights Center was originally planned for October 2019, but will now be held in 2020. Point of contact Kristin Aiello recently noted that the 25th anniversary of the passage of the ADA is in 2020, and would like to tie-in the anniversary with the CLE program. Kristin will continue working with CLE Director Linda Morin-Pasco to determine venue location and specific topics to be covered for the 2020 program.

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**Strategic Goal 2: Understand and refine the value of an MSBA membership, with an eye toward organizational relevance, member satisfaction and appreciating member needs.**

- Survey MSBA members and non-members.
- Explore the feasibility and merit of a subscription-based dues structure, with recommendations on how it would be structured, what it would do for membership and projected financial ramifications. (ED report by 5/1/19)
- Simply define the current value proposition, the monetary return on that investment and market such value proposition consistently and clearly. (Membership Committee)

**Item 12. Membership.**

A. Online dues renewal portal opens on September 3, 2019.

B. Elected the following members to Life Membership in the Association beginning January 1, 2020.
   - Charles S. Andrews – Reston, VA
   - Andrew P. Averill – Tucson, AZ
   - Albert C. Boothby, Jr. – Brunswick
   - Phillip D. Buckley – Hampden
   - W. Scott Carlisle, III – Exeter, NH
   - Christopher J.W. Coggeshall – Portland
   - Honorable Thomas E. Delahanty, II – Falmouth
   - Joseph L. Ferris – Bangor
   - George H. Glover, Jr. – Brunswick
   - Robert A. Laskoff – Lewiston
   - Mary Susan Leahy – Newington, NH
   - John J. Lynch – Damariscotta
   - Paul P. Murphy – Lewiston
   - Samuel Nesbitt, Jr. – Fryeburg
   - Pasquale Perrino, Jr. – Augusta
   - Howard T. Reben – Topsham
   - Remington O. Schmidt – Portland
   - Chadbourn H. Smith – Bar Harbor
   - Barry Zimmerman – Portland

C. Deputy ED Seavey reported that the MSBA has 2,914 members. There was a total of 8 new members since the June 19, 2019 meeting, four of
which were new members, two were reinstatements, and two were student members. There were no resignations during this same period.

D. The Membership Committee will meet on September 4, 2019 to work on the MSBA value proposition.

Item 13. Casemaker Update.

A. The MSBA has a total of 1,918 registered Casemaker users. For July 2019, there were 300 unique users (seven of which were first-time users), who conducted 6,377 searches in 942 sessions.

B. Casemaker4, introduced to members in June 2019, features a redesigned user interface and leverages improved search speed and more intuitive site navigation to deliver faster results. Expanded feature functionality on Casemaker4 includes a new Alerts feature that enables the user to have new developments in areas of interest delivered straight to an email inbox; an expanded Search Input Box with an Advanced Search option; predictive "Type Ahead" functionality; and the incorporation of intelligent algorithms to suggest related primary and secondary materials not previously displayed. One-hour webinars, "Introducing Casemaker4: A Comprehensive Guide," are available online from now through the end of October.

C. MSBA Title Standards have been uploaded to Casemaker and are now searchable. Testing is complete, and the Section will be notified of the changes at its September meeting. Title Standards will now be available at no additional cost to all MSBA members. Non-members will still be required to pay for access to the Title Standards.


The report was sent to all members through an email blast in July and was available for review in The Supplement: July 2019. It is also currently available on the MSBA website under the Publications tab.

Item 15. Governor liaison reports: no reports.

Strategic Goal 3: In the interests of professionalism and collegiality, advance efforts to bring lawyers physically together.

- Emphasis areas could include local bench/bar interaction events, member benefit trainings, education on trending legal topics (like e-filing in state courts) and young lawyer welcoming events. (Road show, outreach)

Item 16. University of Maine School of Law Orientation and 1L Resources Event.

ED Armstrong and Deputy ED Seavey will attend both of these events. Orientation is on August 28, 2019 and the 1L Resources Event is on September 11, 2019.
Item 17. MSBA New Lawyers Section hosted annual Sea Dogs networking event on July 11, 2019.

Tickets were available for purchase by all MSBA members. Each $15 ticket included admission to the game, all-you-can-eat food, all-you-can-drink non-alcoholic beverages, and Sea Dogs biscuits. We sold 44 tickets this year.

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Item 18. Old business.

There was no old business to come before the Board.


There was no new business to come before the Board.

Adjourned at 3:02 p.m.

Respectfully submitted,

Angela P. Armstrong
Executive Director