MAINE STATE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
AUGUST 23, 2022
1:00 P.M.

BY ZOOM
https://us02web.zoom.us/j/89392117314?pwd=bVk2b3hPeFFVWlhXb2FQYml5UVF2QT09
MEETING ID: 893 9211 7314
PASSWORD: BOG823

JOIN BY PHONE: +1 646-558-8656
MEETING ID: 893 9211 7314
PASSWORD: 175123

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: Cloutier, Cramer, Finberg, Johnson, Johnston, and Willey.


Staff Present: Armstrong and Seavey.

**Item 1. Call to order and welcome.**

Due to President Bishop's delay in joining the meeting, ED Armstrong called the meeting to order at 1:09 p.m. She welcomed Elizabeth Bjorn, chair of the New Lawyers Section attending on behalf Elizabeth Johnston while she is out on maternity leave. She also welcomed Neil Prendergast, who will be joining the Board as the District 11 Governor due to Governor Tebbetts resignation.

*********

**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: Chair McNally.**

A. Meeting held August 16 via Zoom: Chair McNally reported VLP ED Liz Stout joined the meeting to discuss the Rural Practice Summit, scheduled for October 26 via Zoom.

B. Vice President Dunitz thanked Chair McNally for allowing him to join the meeting and reported that additional discussion during the meeting focused on next steps for the committee and ways to combine efforts with JAG and VLP.

Item 3. **ad hoc Civil Practice Committee report: Interim Chair Echeverria.**

President Bishop reported that Chief Justice Stanfill wants to move forward with the Civil Practice Stakeholders Group and asked for recommendations for participants in the group. President Bishop, and Governors Echeverria and Faunce recommended representatives from the MSBA, MTLA, and JAG, as well as practicing attorneys and judicial members.

*******

**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 4. **Diversity Committee report: Interim Chair Bishop.**

A. Meeting: September (Zoom): President Bishop reported we are working to schedule the next meeting in September.

B. 2021 Diversity Report: A draft of the MSBA 2021 Diversity Report was disseminated to Committee members, who will provide feedback at the September meeting.

Item 5. **Leadership Academy: Class of 2023.**

President-Elect Stitham reported that programming will run from November 2022 – May 2023, with graduation at the Summer Bar Conference in June. Participants will receive up to 12 CLE credits to meet the annual requirement. Session topics include DiSC assessment, firm management, H&D, ethics, and media relations. The application will be distributed this week.

Item 6. **Relevant MSBA CLE programs.**

A. **When There are Nine: Gender Bias in the Legal Profession:** August 26, 2022 at 1:00-2:00 p.m. (webinar simulive replay) with Attorney Philip Bogdanoff. When the late Justice Ginsburg was asked when will we have enough woman on the United State Supreme Court, she famously said, “When there are nine.” In this presentation, attendees will learn about
sexual bias in the legal profession, why attorneys are hesitant to report this bias and how Summit County Ohio overcame that bias to elect an all-female bench.

B. **What the Blues Teach About Bias and Inclusion in the Law**: September 30, 2022 at 10:00-11:00 a.m. (live InReach webinar) with Stuart Teicher, Esq. Jazz and the blues are about a lot of things, including struggle, culture, bias, inclusion, change, and resilience. Each of those concepts is critical to understanding and combatting bias in the practice of law. Mr. Teicher will connect the world of jazz and blues to diversity and inclusion in the legal world. Topics include: understanding the sources of discriminatory conduct in the practice of law; the specific prohibition on discrimination and harassment in Maine, including a review of Maine’s unique Rule 8.4(g); a discussion about the difference between creating diverse law firms vs. promoting inclusion within law firms; how to improve current efforts in the practice; personal strategies for individual lawyers to improve communication so as to avoid discriminatory behavior; and, the need to change law firm culture to bring about better communication and decision-making processes.

C. **What "A Letter from a Birmingham Jail" Teaches About Inclusion in the Law**: October 19, 2022 at 11:00 a.m.-12:00 p.m. (live InReach webinar) with Stuart Teicher, Esq. In 1963, Dr. Martin Luther King, Jr. was arrested in Birmingham, Alabama for violating the States’ law against mass public demonstrations. From his jail cell, Dr. King penned an important response to clergy-people who criticized the protest that got him arrested. The words from that letter have proved to be among Dr. King’s most important writings and, interestingly, they are relevant to lawyers as well. In this intriguing program, Attorney Teicher will explain: how the text of Dr. King’s letter helps lawyers to recognize discriminatory conduct in the practice of law; how the story behind the letter can help lawyers improve inclusion of marginalized communities in the practice of law and the relevance of Maine Rule 8.4(g); and, the role that individual lawyers play in the reaching the larger goal of avoiding discrimination in the practice.

D. **Moving Beyond Diversity: Understanding Neuropsychology of Implicit Bias**: October 26, 2022 at 2:00-3:00 p.m. (live Zoom webinar) with Mindbridge faculty Laura Ligouri and Katie Beane. At any given moment, our brains receive 11 million bits of information. However, only 40 of those bits can be processed consciously. To manage the remaining information overload, our brains create unconscious mental shortcuts, some of which are called implicit biases. This seminar will introduce the neuropsychology of implicit bias and the ways in which it is actualized on a day-to-day basis, especially within the legal field. Participants will explore the connection between implicit biases and judgment; how the brain’s automatic, unconscious processes can become impediments to justice; and how a lack of awareness of our biases can contribute to discriminatory behavior and disparate outcomes for clients from varying backgrounds.

*********

**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 7. Membership.

A. Online FY 2022-2023 dues renewal portal opens on September 1.
B. Reviewed membership, new member, and resignation reports: Deputy ED Seavey reported total member count is 2889. There were 27 new members since the June 15 meeting, of which 16 are dues-paying and 11 are reinstated members (also dues-paying). There were 2 resignations during the same period.

Item 8. Membership Committee report: Chair Cutliffe.

A. Decisis, the MSBA’s new online legal research platform, will replace Fastcase.
   1. Launch of Decisis on September 1. Fastcase will still be available for the month of September.
   2. Live Decisis training will be held via Zoom. These trainings have been approved for 1 hour CLE credit. Click the date to register for Decisis Training.
      a. August 23 at 10:00 a.m. (this session will be recorded so it can be posted to our website for on-demand training)
      b. August 25 at 2:00 p.m.
      c. September 1 at 12:00 p.m.
      d. September 6 at 11:00 a.m.
      e. September 7 at 4:00 p.m.
      f. September 8 at 3:00 p.m.
   3. We will also hold training sessions at Legal Year in Review in November. Additional training dates can be scheduled if necessary.
B. Governor Burbank asked about making Decisis available to MCILS attorneys. ED Armstrong reported that only members have access to Decisis. Discussion then focused on creating a membership category that provides a discounted rate to MCILS-rostered attorneys. ED Armstrong reminded the Board that we currently have the Public Sector membership that provides a discounted rate. The Membership Committee was charged with reviewing the current Public Sector membership category definition and making recommendations to the Board to clarify and/or expand the definition to include MCILS-rostered attorneys.


A. Open dates: September 14, October 12, and November 16. ED Armstrong reported that AG Aaron Frey will be the guest on December 14.
B. Potential speakers: MAP Director Kristin Murray-James, MCILS Director Justin Andrus, US Magistrate Judge Karen Frink Wolf, MSBA Legislative Counsel Jim Cohen, PTLA Executive Director Tom Fritzsche, and Dr. Nirav Shah.
Item 10. **UMaine School of Law Orientation.**

ED Armstrong and Deputy ED Seavey will participate in the Class of 2025 orientation on August 24 at the Law School in Portland, where we will have the opportunity to interact with the students, highlight the benefits of MSBA membership, recruit them for membership, and answer any questions they may have.

*******

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

Item 11. **Consent Items 11A-11B: A single motion was made and voted in the affirmative to accept items 11A-11B.**

A. Approved minutes of the June 15, 2022 meeting.
B. Set the date of the next Board of Governors meeting for **Tuesday, October 25, 2022 at 1:00 p.m. via Zoom.** The strategic planning retreat will be held on September 12-13 in Rangeley. President Bishop asked to reserve September 27 at 1:00 p.m. for a narrow-scope Board meeting if necessary.

Item 12. **Treasurer’s report.**

A. Treasurer Haddow reported as of June 30, 2022, we have collected $1,249,284.72 of budgeted income of $1,475,971.00 or 84.6 percent (90.1 percent last year), and have spent $998,611.49 of the budgeted expenses of $1,475,971.00 or 67.7 percent (60.6 percent last year). Current net revenue over expenses total $250,673.23, with a fiscal year budgeted net revenue of $0. **A motion was made, duly seconded, and voted in the affirmative to accept the May and June 2022 financial statements.**

B. Treasurer Haddow reported membership dues collected as of June 30, 2022 is $584,204.25 of the $580,000.00 budgeted, or 100.7 percent. This compares to a collection rate of 98.9 percent at this same time last year.

Item 13. **Presentation by the Finance Committee and staff of the proposed operating budget for fiscal year 2022-2023.**

President-Elect and Finance Committee Chair Stitham reported the Committee met on July 28, 2022 to review a preliminary draft of the FY 2022-2023 proposed budget created by MSBA staff. She thanked the following for their assistance: ED Armstrong, President Bishop, Governor Cutliffe, Vice President Dunitz, Governor Finberg, Past President McDonald, Governor Saufley, and Deputy ED Seavey.

Following thoughtful consideration of strategic goals, spending priorities, and revenue projections, the Committee made revisions to the staff’s draft budget and recommended a surplus operating budget of $9,241.50 for the coming fiscal year. President-Elect Stitham noted the following actions of the Finance Committee:

- Funded salary at $495,000.
- President’s expenses were increased from $2,000 to $3,000.
• President-Elect’s expenses were increased from $2,000 to $4,000.
• Meetings expenses were increased by $2,500 for indigenous law program co-sponsored with UMaine School of Law.
• Legislative counsel annual fee was increased from $35,000 to 40,000, with an additional $1,000 for registration fees.
• High School Mock Trial Program was funded at $6,000 as previously authorized by the Board for fiscal years 21-22, 22-23 and 23-24.
• Rural Practice Fellowship Program was funded at $6,000 for a summer 2023 intern to support strategic planning efforts.
• Real Estate & Title Section dues were increased from $20 to $50. Section dues remain at $20 per section per year for all other sections.

A motion was made, duly seconded, and voted in the affirmative to adopt the proposed operating budget for FY 2022-2023. As adopted, the budget projects income of $1,523,931.00 and expenses of $1,514,689.50, for a surplus budget of $9,241.50. Adoption of the FY 2022-2023 operating budget established the following estimated income and expense levels for the various segments of the budget:

Part One – Personnel
Income -- $0.00; Expenses -- $650,392.50

Part Two – Administration
Income -- $15,600.00; Expenses -- $198,447.00

Part Three – Operations
Income -- $622,025.00; Expenses -- $101,500.00

Part Four – Activities
Income -- $886,306.00; Expenses -- $564,350.00


Item 15. Appointed Sanchita Mukherjee to serve as the Maine State Bar Young Lawyers Division (YLD) Delegate to fill unexpired term in the American Bar Association’s House of Delegates (August 2022-August 2023).

Item 16. Appointed James Haddow to a three-year term on the Board of Directors of the New England Bar Association (October 2022-October 2025).

Item 17. Appointed the following individuals to the FY 2022-2023 Nominating Committee.

President-Elect Stitham (chair)
Governor Cloutier
Governor Echeverria
MSBA member Kady Huff
MSBA member Jack Tebbetts
Item 18. **Board of Governors reports.**

A. President-Elect Stitham.
   1. DRAFT 2023 Meetings Calendar is now available. Please reserve the dates on your personal calendar.
B. Vice President Dunitz reported that he is working with Deputy ED Seavey to secure the Harborside Hotel in Bar Harbor for the 2024 Summer Bar Conference. Attorney wellness will be a major focus of the conference.
C. Immediate Past President McDonald: no report.
D. Other Governors: no reports.

Item 19. **Executive Director’s report.**

A. Nominating petitions for 2022 Board of Governors due by October 1, 2022. Offices to be filled are Vice President, Districts 3 (two seats), 4, 5, and 7, and at-large seats of In-House Counsel and Public Service Sector.
B. Maine Justice Foundation to sublease space at MSBA HQ in Augusta.
C. 2021 Annual Report posted to website and disseminated via other MSBA communication outlets.
D. NEBA Annual Meeting: October 27-29 in Westbrook, CT.
E. Attended ALPS Bar Leaders Retreat: July 13-17 in Missoula, MT with President Bishop and President-Elect Stitham.

Item 20. **President’s report.**

A. Board of Governors Strategic Planning Retreat: September 12-14 at Rangeley Inn in Rangeley. President Bishop reviewed the agenda and reminded Governors to complete the survey questions from facilitator Chris Newbold.
B. Reviewed the member feedback about the 2022 Summer Bar Conference. The feedback was positive overall, and he considers the meeting a success.
C. Reported that Bob Cummins, previous Commissioner on MCILS, resigned his MSBA membership because he doesn’t feel the MSBA has taken the proper steps and/or position with respect to MCILS. Also reported that MCILS is requesting a budget increase from $26 million to $62 million.

Item 21. **Committee reports.**

A. Bylaws & Policies: Chair Saufley: no report.
B. Civics Education: Chair Willey: no report.
C. Continuing Legal Education: Liaison Stitham reported the next meeting is August 23 at 5:00 p.m.
D. Executive Director Evaluation: Chair McDonald.
   1. A motion was made, duly seconded, and voted in the affirmative to approve the proposed Executive Director Evaluation Policy.
E. Investment Committee: Liaison Haddow: no report.
F. Finance: Chair Stitham: report covered under Item 11.
G. Judicial Evaluation: Chair Cramer.
   1. A motion was made, duly seconded, and voted in the affirmative to enter into Executive Session to consider the report and recommendation of the Judicial Evaluation Committee with respect to the reappointment of Judge Thomas Nale.
2. After closing the Executive Session, the Board appointed a committee to conduct an independent assessment of Judge Nale’s evaluation results. Members of the committee are President Bishop (chair), Treasurer Haddow, and Governors Cloutier and Kreckel. Results of the independent assessment will be discussed at the October 25 Board meeting.

H. Legislative Committee: Chair Okun: no report.
J. Medical Legal Committee: Chair Faunce: no report.
K. Nominating Committee: Chair Bishop.
   1. A motion was made, duly seconded, and voted in the affirmative to appoint Neil Prendergast as Governor of District 11 (Aroostook) to fill the vacancy due to the resignation of John Tebbetts. Governor Tebbetts moved from Aroostook County and therefore was no longer eligible to serve as the District 11 Governor.

Item 22. Section reports.

A. Animal Law Section meeting on September 16 at 12:00 p.m. (Zoom).
B. BIPOC Lawyers Section: Governor Echeverria reported the Section plans to host four in-person events during the next fiscal year. Locations include Portland, Augusta, and Bangor.
C. Elder Law Section.
   1. 2022 Walk to End Alzheimer’s on September 24 at 10:00 a.m. in Portland, followed by a gathering with UMaine School of Law students.
D. Family Law Section.
   1. Meetings on August 25 and September 22 at 12:00 p.m. (Zoom).
   2. Family Law Achievement Award Dinner on October 24 at 5:30 p.m. at the Hilton Garden Inn in Freeport.
E. Health Law Section.
   1. Lunch & Learn on September 29 at 12:00 p.m. at the Maine Medical Association in Manchester.
F. New Lawyers Section: NLS Chair Liz Bjorn provided report in Governor Johnston’s absence.
   1. Reported the proposed amendments to the NLS Bylaws change the eligibility criteria for Section membership, specifically the removal of the age requirement and the increase of admitted to practice of law from first 5 years of practice to less than ten years of practice. A motion was made, duly seconded, and voted in the affirmative to approve the proposed amendments to the NLS Bylaws.
   2. Happy Hour hosted by NLS & YCBA on August 25 at 5:30 p.m. at Banded Brewing in Biddeford. Sponsored by Libby, O'Brien, Kingsley & Champion, LLC.
   3. Pro Bono Fair on October 12 at Verrill in Portland.
G. Real Estate & Title Section hybrid meeting on September 14 at 9:30 a.m. at MSBA HQ and via Zoom.
H. Women’s Law Section: Governor Neumann reported that the Section is revisiting its efforts to employ a compensation and leave benefits survey. NLS Chair Liz Bjorn and Governor Echeverria indicated that the New Lawyers and BIPOC Lawyers Sections would be interested in cosponsoring the survey.
I. Governor section liaison reports: no reports.

**Item 23.** **Old business.**

There was no old business to come before the Board.

**Item 24.** **New business.**

There was no new business to come before the Board.

Adjourned at 3:25 p.m.

Respectfully submitted,

Angela P. Armstrong
Executive Director