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: Anton, Cloutier, Hall, Johnson, McNally, Peterson, Saufley, Stitham, Tebbets and Willey.
Staff Present: Armstrong and Seavey.

Item 1. Call to order and welcome.

President McDonald called the meeting to order at 1:06 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: Chair McNally.**

In Chair McNally’s absence, ED Armstrong indicated that the Committee does not have a report but will reconvene in the new year. However, on a related note, she reported that Chair McNally attended a meeting with Governor Mills, Attorney General Aaron Frey, Dean Leigh Saffley, DA Meghan Maloney, and a few others, regarding the potential reconfiguring of the prosecutorial districts in Hancock and Washington Counties, which turned out to be more of a discussion about the overall lack of attorneys in rural Maine. Chair McNally did not get the sense that giving Washington County its own district is likely, but it was a very good opportunity to explain the rural practice problem to the Governor and hopefully get her, and the Legislature, to start addressing the issue directly.

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

Chair Faunce reported that the Committee would like to draft a letter to the Court requesting that it reinstate the civil practice stakeholders group. The Committee anticipates inviting other entities, such as MTLA, to sign on to the letter. **A motion was made, duly seconded, and voted in the affirmative to allow the Committee to draft a letter, request other entities to co-sign, and send it to Chief Justice Stanfill.**

Item 4. **Maine Commission on Indigent Legal Services (MCILS) report: Governor Burbank.**

Governor Burbank reported that the Commission will hold a forum on December 9, both by Zoom and in-person, for rostered attorneys to provide feedback to the Commission. Attorneys will have the opportunity to give “boots on the ground” updates, pros and cons of the current processes, and offer ideas for additional changes.

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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. Committee meetings are suspended until January.
B. Reconstitute Committee members.
C. Please review draft diversity page on MSBA website and provide feedback to ED Armstrong: [https://www.mainebar.org/page/Diversity](https://www.mainebar.org/page/Diversity)

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

A. **Equity & Diversity in Law Practice: Best Practices for Law Firms:**
   December 23, 2021 at 1:00 – 2:00 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 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. **How to Maintain a Diverse Legal Workforce and Eliminate Bias in Any Economic Environment**: December 29, 2021 at 3:00 – 4:00 p.m.
(webinar simulive replay) with consultant Katy Goshtasbi. Our personal brands make us unique as lawyers. They also create an environment where conflict reigns and diversity is lacking if the personal brand distinctions are not clarified and harnessed well. The result is a happier workforce, collaborative work environment, maximum efficiency and better attorney-client relationships and attorney-attorney relationships.

In this interactive session, learn: the shocking connection between diversified legal environments that actively seek to eliminate bias and attorney-client/attorney-attorney relationships; how you can have a corporate legal culture that mitigates business risk and still drives creativity and innovation of employees and the law firm brand; how you can maintain a diverse law firm and utilize this diversity to grow, including better hiring and managing/terminating employees; and the five “Cs” of brand management to achieve, and cultivate, diversity in your law firm environment and in attorney-client relationships.

C. **Me Too: Sexism, Bias, and Sexual Misconduct**: December 30, 2021 at 1:00 – 2:00 p.m. (webinar simulive replay) with Philip Bogdanoff, Esq.

As the "Me Too" movement shines a light on sexual misconduct and sexually inappropriate actions, it's time for lawyers of both genders to examine the effects of this kind of conduct in the legal community. When speaking on this issue, presenter Philip Bogdanoff has found that sexual misconduct and bias is a recurrent issue in our judicial system and that many attorneys are hesitant to report this misconduct. As a Summit County Assistant Prosecutor in Akron, Ohio, Bogdanoff was shocked to learn that a respected Judge he had appeared before had made sexually inappropriate comments to two young female assistant Summit County prosecutors, including one of Bogdanoff's former law clerks. The same Judge also attempted to kiss a defense attorney in his chambers and was sexually inappropriate with other females in the Court system. One prosecutor was so upset by this conduct she avoided this courtroom and found male prosecutors to represent the State before this judge. The Judge was eventually forced to resign and was disciplined for this misconduct. In this presentation Bogdanoff will review disciplinary cases involving inappropriate sexual conduct by judges, prosecutors, and attorneys. This interactive presentation even gives you the chance to pit your opinions about the violations against the actual rulings by the ethics review boards in each case.

D. **Learn Mindfulness to Curtail Implicit Bias**: December 31, 2021 at 11:00 a.m. – 12:00 p.m. (webinar simulive replay) with attorneys Becky Howlett and Cynthia Sharp. This program will unpack implicit bias – what it is, why it matters, and reveal strategies to become aware of our own unconscious biases and ultimately enhance mindful decision-making. Overall, this program will support your ability to recognize these biases and implement strategies to curtail their harmful effects in your legal practice. The faculty will teach and lead mindfulness practices
throughout this session designed to promote awareness of your own biases and share their own perspectives as well as viewpoints and experiences of others in the legal community. You will also learn: how to use mindfulness tools to develop deeper awareness about implicit bias and learn to counter insensitive attitudes; specific steps that you can take immediately to reduce the ill effects of implicit bias in the legal setting; concepts that will help identify and address unconscious bias when dealing with colleagues, clients, and others; and how enhanced cultural competency will help any attorney both serve justice and advocate more.

E. **Integrating Anti-Bias Practices**: January 14, 2022 at 11:00 a.m. – 12:00 p.m. (live Zoom webinar) with Mindbridge faculty, Executive Director Laura Ligouri and Implicit Bias Program Manager Katie Beane. This seminar is a follow-up to “Moving Beyond Diversity: Understanding the Neurobiology of Implicit Bias.” In our first seminar, we explored the foundations of implicit bias and learning about how our brain impacts the ways in which we engage with one another. In this follow-up, we will link the foundational neuropsychology of implicit bias to practice. Participants will explore methods of seeing and integrating an implicit bias-informed practice into the workplace, stopping for moments to discuss recruitment and hiring practices, retention and promotion, as well as the ways in which implicit bias comes to impact cases and the practice of law.

F. **What the Blues Teach About Bias and Inclusion in the Law**: February 16, 2022 at 10:00-11:00 a.m. (live 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.

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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 7. Membership.**

A. Review membership, new member, and resignation reports: Deputy ED Seavey reported current total member count is 2987. There were 24 new members since the October 26 meeting, of which 12 were new members (dues-paying) and 12 were reinstatements (also dues-paying). There were 17 resignations and two deaths during this same period.
B. Considered election of the following members to Life Membership in the Association beginning January 1, 2022:

Waldemar G. Buschmann – Sidney
Andrews B. Campbell – Bowdoinham
Joseph G. Carleton, Jr. – Kittery
James F. Day – Bath
Paul R. Dionne – Lewiston
Charles B. Doleac – Portsmouth, NH
John L. French – Brunswick
Peter M. Garcia – Auburn
Jerome B. Goldsmith – Yarmouth
Robert S. Hark – Portland
William C. Henderson, II – FPO AE 09622
Fred Hopengarten – Lincoln, MA
The Honorable Thomas E. Humphrey – Portland
Russell A. Kelm – Southwest Harbor
David B. Losee – Camden
Paul T. Pierson – Dedham
Robert J. Rubin – Rockport
Gregory E. Snow – Rockland
Richard A. Spencer – Portland
Richard H. Spencer, Jr. – Portland
Sidney S. Thaxter – Portland
Roger R. Therriault – Bath
Henry W. Trimble, III – Cape Nedick
Calvin E. True – Bangor

ED Armstrong reported that since this list was generated, she determined that Mr. Campbell is not eligible because he has not practiced for 50 years due to license suspensions. She also indicated that the Board may want to review the requirements for life membership and how candidates are approved, as this group of non-dues paying members is growing larger every year. Subsequent discussion included ideas about requiring a minimum number of years of Maine residency and of membership in the MSBA, as well as changing to an application process for eligible candidates rather than an automated process. The Board tasked the Membership Committee to review the Life Member requirements and make recommendations to the Board at the January 5, 2022 meeting. A motion was made, duly seconded, and the majority voted in the affirmative to table the vote on these candidates to the next Board meeting, with the staff providing an updated list of 2022 candidates at that time. Governor Cutliffe abstained.

Item 8. Membership Committee report: Governor Cutliffe.

A. In light of the previous Life Member discussion, the Committee will set a meeting prior to January 5.


A. Next edition: December 15 with guests from the Maine Board of Overseers of the Bar: Aria Eee, Executive Director and Julia Sheridan, Bar Counsel.
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General Business of the Board of Governors.

Item 10. Consent Items 10A-10D. A single motion was made and voted in the affirmative to accept items 10A-10D.

Note: The President will ask for a single motion to accept, without discussion, the following items. Any member who wishes to discuss an item should request that the item be set aside before the vote is taken. All supporting documents available at MEBarConnect.

A. Approved minutes of the October 26, 2021 meeting.
B. Set date of next Board of Governors meeting for **Wednesday January 5, 2022 at 1:00 p.m.** (Zoom).
C. Confirmed the President’s appointment of the following Standing and Special Committee Chairpersons:
   - **Membership**
     - Cheryl Cutliffe
   D. Confirmed the President’s appointment of the following Section Chairpersons, Chairpersons-Elect and Co-Chairpersons for 2022:
     - **Women’s Law**
       - Katie Day, co-chair

Item 11. Treasurer’s report.

Note: All financial documents available at MEBarConnect.

A. Treasurer Haddow reviewed preliminary September 2021 financial statement. He reported that we have received 98.91 percent of our budgeted revenue compared to 104.4 percent last year, and spent 81.57 percent of budgeted expenses compared to 87.35 percent last year. We budgeted a zero net for FY 2021-2022; however, the net before capitalizing assets and recording depreciation is $242,990.23. Our investment gain for the year was $80,731.50, leaving a projected surplus of $162,258.73. The biennial audit was conducted in November, and we expect to receive the auditor’s report in January.
B. Membership dues collection as of December 6 is $526,703.75 of the $580,000 budgeted dues (90.81 percent). This compares to a collection rate of 89.3 percent at the same time last year. Members who have not paid their dues by December 31, 2021 will be dropped.

Item 12. Adopted Camden National Wealth Management Corporate Authority to grant investment authority to Frank H. Bishop, Jr., James B. Haddow, and Angela P. Armstrong.

Item 13. Approved President Elect’s appointment of James B. Haddow as Treasurer for calendar year 2022.


Nominating Committee Chair Bishop reported that the Committee met by Zoom on November 15, 2021 to discuss the slate of officers and governor vacancies. He thanked Governors Okun and McDonald and MSBA members Peter Bennett and Paul Chaiken for their service on the Committee. The Committee submitted the following report to the Board for discussion and approval:
The Nominating Committee reports that the nominating petitions filed by members for the various offices have been checked by the Association’s staff and that these petitions meet the requirements of the Association’s Bylaws.

The following is a list of candidates who automatically assume office on January 1, 2022:

- **President:** Frank H. Bishop, Jr., Portland
- **President Elect:** Stacy O. Stitham, Lewiston
- **Vice President:** Jonathan M. Dunitz, Portland
- **Immediate Past President:** Kelly W. McDonald, Portland
- **District One – York:** Jill S. Cramer, Sanford
- **District Two – Oxford & Franklin:** Jennifer F. Kreckel, Rumford
- **District Three – Cumberland:** VACANT
- **District Six – Kennebec:** Teresa M. Cloutier, Augusta
- **District Eight – Waldo & Knox:** Haley B. Hall, Camden
- **District Nine – Penobscot:** Ezra A.R. Willey, Bangor
- **District Ten – Hancock & Washington:** Zachary F. McNally, Ellsworth
- **District Eleven – Aroostook:** John W. Tebbetts, Presque Isle

The Nominating Committee recommends appointing the following individual to a two-year term (January 1, 2022 – December 31, 2023):

Frederick B. Finberg of Portland to fill the vacancy in District Three.

**A motion was made, duly seconded, and a majority voted in the affirmative to approve the 2022 slate of officers and governors recommended by the Nominating Committee.**

**Item 15. Board of Governors reports.**

A. **President-Elect Bishop.**
   1. 2022 Winter Bar Conference update.
      a. Several Governors voiced concerns about the rise in positive covid numbers. A **motion was made, duly seconded, and voted in the affirmative to require all attendees to wear a mask and to certify that they are vaccinated or will provide proof of a negative PCR test within 48 hours of the conference.** Staff is tasked with checking vaccine cards and test results at the registration table.
      b. The variety show will be held on Thursday, January 27. President Elect Bishop is continuing to solicit more acts.
      c. The Board dinner will be held at Local 188 in Portland on Wednesday, January 26 at 6:00 p.m. ED Armstrong will send out an online RSVP.

   2. 2022 Meetings Calendar: Governors were reminded to please add the meeting dates to their 2022 calendars.

B. **Vice President Stitham: no report.**

C. **Immediate Past President Day.**
   1. Reported the ED Evaluation testing phase is moving forward. Governors can expect to see evaluation results in Executive
Session at the January meeting. He indicated that the policy needs to be finalized in January as well in order to have the final ED Evaluation process in place for spring 2022.

D. Other Governors: no reports.

Item 16. Executive Director’s report.

A. Retirement of Administration & Finance Director Lisa Pare.
   1. Recommended the Board make Lisa an honorary member of the MSBA. A motion was made, duly seconded, and voted in the affirmative to grant Lisa A. Pare honorary membership in the MSBA in recognition of her over 46 years of service.
   2. Recommended a significant monetary retirement gift. A motion was made, duly seconded, and voted in the affirmative to gift Lisa A. Pare $10,000 (net) in recognition of her over 46 years of service to the MSBA. ED Armstrong will work with the accountants to ensure the MSBA covers the taxes and deductions such that Lisa receives net $10,000.
   3. Recommended that Lisa be invited to the BOG dinner at Local 188 to celebrate her retirement. Board agreed.

B. Reported that we just signed with Norton LifeLock as a new member benefit. Members will be able to get Norton LifeLock services at a discounted rate. Details still need to be worked out, but it will be available to members in early 2022.

Item 17. President’s report.

A. Recognized Governors whose terms will end on December 31, 2021: President McDonald thanked Governor Forrest Peterson for his service as the NLS representative, and Immediate Past President Thaddeus Day for his many years of service on the Board and to the MSBA.

Item 18. Committee reports.

A. Bylaws & Policies: Chair Saufley: no report.
B. Civics Education: Chair Willey: no report.
C. Continuing Legal Education: Liaison Stitham.
   1. Bridging the Gap has been postponed to February 1, 2022 and will be held virtually.
D. Finance: Chair Bishop.
   1. Discussion of operating account surplus: the Finance Committee is working on a policy concerning how to handle operating account surpluses for Board review and approval.
E. Judicial Evaluation: Chair Cramer: no report.
F. Legislative Review & Response: Chair Okun reported the Committee will hold its first meeting for the upcoming Legislative session on December 10 by Zoom. The primary focus of the meeting will be to review the probate court survey results in order to make a position recommendation to the Board.
G. Maine Bar Journal Editorial Advisory: Liaison Burbank reported the Committee is always looking for article submissions for the MBJ.
H. Medical-Legal: Chair Faunce: no report.
Item 19.  **Sections update: meetings, events, and information.**

A.  Animal Law Section meeting: December 17 at 12:00 p.m. (Zoom).
B.  Family Law Section.
   1.  Meeting: December 8 at 12:00 p.m. with Chief Justice Stanfill to discuss referee project being developed by the Judicial Branch (Zoom).
   2.  Section meeting: December 23 at 12:00 p.m. (telephone).
C.  New Lawyers Section.
   1.  Winter Party held December 2 at Three of Strong Spirits in Portland.
   2.  Lawyers in Libraries 2022: first week of May; more information to follow.
D.  Women’s Law Section: report by Governor Stacey Neumann.
   1.  Meeting held December 7 to elect new co-chair Katie Day.
   2.  Caroline Duby Glassman Award Lunch to recognize 2020 awardee Deirdre Smith: January 28 at 12:00 p.m. at The Westin in Portland in conjunction with the Winter Bar Conference.
   3.  Governor Faunce is the chair of the Glassman Committee for 2022.
   4.  The WLS is working on CLE programs about gender equity and work life balance.
E.  Governor section liaison reports: no reports.

Item 20.  **Old business.**

   This item was covered under Governor Okun’s Legislative Review & Response Committee report.

Item 21.  **New business.**

There was no new business to come before the Board.

Adjourned at 3:24 p.m.

Respectfully submitted,

Angela P. Armstrong  
Executive Director