MAINE STATE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING

BAR HEADQUARTERS
AUGUSTA, MAINE
FEBRUARY 12, 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, Burbank, Columber, Day, Deschuytner, Driscoll, Dunitz, Faunce, Haddow, Hall, Johnson, McDonald, Rudelitch (phone), Saufley, S. Smith, T. Smith, Stitham and Willey.

Members Absent: Herman, Jones, Kreckel and C. Smith.

Guests: Jim Cohen, Jessica Govind and Chief Justice Leigh Saufley.

Staff Present: Seavey and Weston.

The President called the meeting to order at 1:10 p.m.

Item 1. Accepted Items 1A – 1E.

A. Approved minutes of the December 11, 2018 meeting.
B. Confirmed the President’s appointment of the following Standing and Special Committee Chairpersons for 2019:
   Finance
   Thaddeus V. Day
   Past Presidents Club
   Albert G. Ayre

C. Confirmed the President’s appointment of the following Section Chairpersons, Chairpersons-Elect and Co-Chairpersons for 2019:
   Consumer & Financial Institutions Law
   Chet Randall, chair
   Andrea Shaw, chair-elect
   Elder Law
   Rachel Trafton, chair-elect
   Women’s Law
   Christina Mann, co-chair
D. Adopted Key Bank Non-Corporate Depository Certificate to grant banking authority to Eric N. Columber, James B. Haddow and Angela P. Weston. The adoption of this item automatically removed banking authority from Susan B. Driscoll.
E. Set date of next Board of Governors meeting for **Tuesday, March 26, 2019, at 1:00 p.m.** at Bar Headquarters in Augusta.

**Item 2. Treasurer’s report.**

A. Treasurer Haddow reported that we received our final statement with adjusting entries from the auditors. For FY 2017-2018 we approved a deficit budget of approximately $32,000, but ended the year with a $47,215.71 surplus. **A motion was made, duly seconded and voted in the affirmative to accept the September, October, November and December 2018 financial statements.** ED Weston reported that Investment Committee Chair Ray Bradford is retiring and the President will need to appoint a new chair soon.

B. Treasurer Haddow reported that the auditors completed our financial review for FY 2017-2018 and found no need for any material modifications.

C. Reviewed IRS Forms 990 and 990T. They will be electronically filed with the IRS by ED Weston.

**Item 3. Discussion with Chief Justice Saufley about e-filing issues related to the Digital Court Record Access Act (DCRAA) and transparency and privacy concerns.**

Chief Justice Saufley began her visit with a court facilities update, thanked the Board for its continued work on updating the Judicial Evaluation process, and concluded with an update about e-filing issues and the DCRAA.

A. Facilities update: Waldo County Courthouse is a new consolidated courthouse scheduled to open this spring, with a ribbon-cutting on April 5; Oxford County Courthouse, located in South Paris, is a new consolidated courthouse and is at least a year away from opening; York County Courthouse is a new consolidated courthouse and is a zero-net energy building.

B. E-filing and DCRAA: The first region to go live with e-filing will be the Bangor/Penobscot area, likely in mid-2020. Questions still linger about what information should and should not be accessible, and to whom. It is likely that domestic violence cases will not be online at all, and many questions remain about what information related to protection from abuse information will be available. Some rules are very straightforward, such as closed information that is already set by the court or the legislature. Gray areas include family-related information for divorce cases, and some personal information will not be accessible, especially related to minor children. There has been discussion about possibly using a pay wall if the case is not your own. The Judicial Branch is updating its website with information about the process, to include what has happened, what will happen, and estimated timelines.
Item 4. **Approved revisions to Title Standards 408 and 410.**

Governor Dunitz abstained.

Item 5. **Board of Governors reports.**

A. **President-Elect Day.**
   1. Reported that he would like to hold two member-wide meetings in 2020. He is considering dates in January and June. He asked for volunteers to serve on a task force with him to study the feasibility of a second meeting and make a recommendation to the Board. Governors Bishop, Dunitz and McDonald, ED Weston and Deputy ED Seavey will serve on the task force.

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

C. **Immediate Past President Driscoll:** no report.

D. **Other Governors:** no report.

Item 6. **Executive Director’s report.**

A. **Attended New England Bar Association (NEBA) Director’s meeting on January 11, 2019 in Woburn, MA.**

B. **Attended ABA/NCBP/NABE Midyear Meeting on January 22-26, 2019 in Las Vegas, NV. Executive Director (ED) Weston and Deputy ED Seavey attended the NABE meeting. ED Weston and President Columber attended the NCBP meeting.**

C. **Attended NABE Administration & Finance Workshop on January 21, 2019 in Las Vegas, NV. ED Weston and Deputy Seavey served as presenters at the workshop.**

D. **Reported that the Muskie Access to Justice Award Dinner will be held on May 29, 2019 and, as in past years, the MSBA will purchase a table for 10. The following individuals indicated that they will attend the dinner: President Columber, Past President Driscoll, Treasurer Haddow, and Governors Bishop, Deschuytner and Dunitz.**

Item 7. **President’s report.**

A. Reported that planning is underway for the Annual Bar Conference. The meeting will be held on June 19-21 at the Bar Harbor Regency. The meeting will have a “wellness” focus and a request for proposals has been sent out. As soon as the hotel sends the room reservation link, we will send it out to members.

B. **Attended the ABA Midyear Meeting with ED Weston in Las Vegas, NV. Reported that programming was very good, and much of it focused on wellness.**

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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 8. **Update on MSBA CLE and other educational programs.**

A. **CLE By The Sea:** February 11-15, 2019 in Honolulu, HI. Hosted by the Alaska Bar Association and co-sponsored by the MSBA, Hawaii State Bar Association, Internet for Lawyers, State Bar of Montana, Oklahoma Bar Association, and South Carolina Bar.
B. **Journey to Cuba: A Cross-Cultural Educational Exchange:** March 6-10, 2019 in Havana, Cuba.
C. **Wills for Heroes:** Veterans’ will clinics to be held in April, May and June of 2019. The April clinic will be held at the Augusta Armory. The other two clinics will be held in Bangor and Portland, but dates and locations have yet to be determined. The CLE training for the clinics will be held on March 27 at the Pine Tree Legal Assistance office in Portland and webcasted to various PTLA offices around the state. This is a Veterans Legal Services Initiative (VLSI) program. The VLSI is a partnership between the MSBA, the Veterans’ Law Section, and Pine Tree Legal Assistance. The goal of VLSI is to educate Maine attorneys on the civil legal needs, many of which can be health-harming, of Maine veterans and to provide training and pro bono opportunities to help bridge the justice gap for veterans in Maine.
D. **Annual joint program by MSBA and Maine Board of Overseers of the Bar:** May 14, 2019 at the Augusta Civic Center and May 23, 2019 at the DoubleTree in Portland. Program will be focused on the new one-hour CLE requirement related to harassment and discrimination.
E. **Joint program by MSBA and Maine Disability Rights Center:** September 2019. Awaiting status from point of contact, Kristin Aiello.

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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 9. **Membership.**

A. For gave the 2018-2019 fiscal year membership dues of the following individual:
   **Richard Foss-Lacey**
B. Treasurer Haddow reported that we have collected $589,595.00 of $630,000 budgeted dues, or 93.59 percent. This compares to a collection rate of 97.3 percent at the same time last year. This is the first year we went solely online with dues renewal. Although we will continue to receive dues throughout the rest of the fiscal year, it is unlikely that we will reach our budgeted amount.

C. Deputy ED Seavey reported that the MSBA has 3069 members as of February 12, 2019. There were 22 new members since the December 11, 2018 meeting, 19 of which were dues-paying, one was a reinstatement (also dues-paying), and two were student members. There were eight resignations during this same period.

D. Reviewed member termination list, which shows a total of 294 members that were dropped on 1/31/19 for non-payment of dues. We dropped 208 members in 2018, 177 in 2017, and 231 in 2016. Governors were asked to reach out to anyone they know on the list and speak with them about staying a MSBA member.

E. Membership Committee will meet on Friday, February 15, 2019 at 12:00 p.m. to review results of membership survey and work on non-member survey questions.

Item 10. Legislative update.

A. Governor McDonald, chair of the Legislative Review and Response Committee, reported that Committee members include President Columber, Governors Bishop and Willey, member Kristine Hanly, lobbyist Jim Cohen and ED Angela Weston. Committee members meet by conference call every Monday at 9:00 a.m. to discuss bills that they are monitoring on behalf of the MSBA, as well as to review the legislative database that is maintained by Jim Cohen. Governor McDonald asked if any Board members have an interest in joining the Committee to please contact him or ED Weston.

B. MSBA lobbyist Jim Cohen was present to provide the legislative update. He reported that Governor Mills unveiled her two-year budget proposal, increasing General Fund spending by 11 percent over the biennium. The legislature must constitutionally approve a balanced budget to be signed into law by June 30. Jim also reported that the Maine Senate confirmed five more nominees to the Governor’s cabinet: Randall Liberty as Commissioner of the Department of Corrections; Jeann Lambrew as Commissioner of the Department of Health and Human Services; Pender Makin as Commissioner of the Department of Education; Anne Head as Commissioner of the Department of Professional and Financial Regulation; and Michael Sauschuck as Commissioner of the Department of Public Safety.

Item 11. Casemaker update.

The MSBA has a total of 1,866 registered Casemaker users. For December 2018, there were 283 unique users (three of which were first time users), who conducted 5,778 searches in 840 sessions.
Item 12.  Governor liaison reports.

No reports.

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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)


A.  Updated Section bylaws submitted.

Item 14.  Elder Law Section.

A.  Updated Section bylaws submitted.

Item 15.  New Lawyers Section.

A.  Sponsored clothing drive for warm winter clothes to support the New England Arab American Organization (NEAAO). The drive was a big success, bringing in 100 jackets, 38 sweaters, 30 hats, 25 scarves, 10 pairs of mittens, 15 men’s shirts, 8 men’s pants, 10 women’s pants, 1 skirt, 15 pairs of boots, and a car seat cover.

Item 16.  Real Estate & Title Section.

A.  Ongoing discussions with the Section about increasing the cost of Title Standards and changing the means by which they are disseminated or acquired by those who purchase them. President Columber, ED Weston and Deputy Seavey will meet with Section leadership to discuss possible changes and implementation.

Item 17.  Women’s Law Section.

A.  Jacqueline Moss’ term as co-chair of the Section expired. The other co-chair of the Section is Kristen Dorion, who will still serve for another year. Christina Mann was the only candidate nominated to serve as co-chair of the Section for a two-year term, and will therefore automatically assume duties upon appointment by the Board of Governors.


The LA Class of 2019 held its second session, Comment or No Comment, on January 29, 2019 at 9:00 a.m. at NEWSCENTER Maine in Portland. During this interactive session, the fellows met with Lee Goldberg, Past President Diane Dusini, and MSBA members Natalie Burns and Rick Berne, to discuss how to
make a media statement without “putting your foot in your mouth.” Class of 2019 fellows include:

- Kaylee J. Folsa Vafiades, Brountas & Kominsky in Bangor
- Jordan Payne Hay Skelton, Taintor & Abbott in Auburn
- Samuel G. Johnson Norman, Hanson & DeTroy in Portland
- Jeffrey S. LaCourse Soule, Soule & Logan in Wiscasset
- Amy K. Olfene Drummond, Woodsum & MacMahon in Portland
- Stephen B. Segal Verrill Dana in Portland
- Laura P. Shaw Camden Law in Camden
- John W. Tebbetts Tebbetts Law Office in Presque Isle

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**Item 19. Old business.**

A. Appointed Derek Jones to serve on the NEBA Board of Directors to fill an unexpired term ending in October 2020.

**Item 20. New business.**

There was no new business to come before the Board.

Adjourned at 3:53 p.m.

Respectfully submitted,

Angela P. Weston
Executive Director