MINUTES OF THE MEETING

The agenda and all supporting documents for this meeting are available here.

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: Dunitz.

Staff Present: ED Armstrong and Deputy ED Seavey.

Item 1. Call to order and welcome.

President McDonald called the meeting to order at 1:04 p.m. He welcomed new Governors. He then asked all Governors to introduce themselves and share a fun fact about themselves.

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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 Kreckel.**

A. Chair Kreckel reviewed the Committee’s February 22 meeting minutes (attached). Dean Saufley attended the Committee meeting to discuss ways the MSBA and the Law School can collaborate on rural practice initiatives.

B. Chair Kreckel indicated that the Committee did not conduct a brainstorming session re: the statewide working group at its February 22 meeting. They will do so at the next its meeting on March 18.

Item 3. **Rural Practice Fellowship Program update.**

ED Armstrong, a member of the Rural Practice Fellowship Program Committee, reported that the Program Committee met on January 4, reviewed student applications, and chose three students who will be placed with firms this summer. All three students have accepted their fellowships, plus there is one returning fellow from last year. To support the Rural Practice Fellowship Program and fulfill goals laid out in the MSBA’s current strategic plan, the ad hoc Rural Practice Committee requested that the MSBA sponsor an additional fellow for summer 2021 for $6,000. A motion was made, duly seconded, and a majority voted in the affirmative to sponsor a 2021 fellow for $6,000. Immediate Past President Day abstained, ED Armstrong will inform the Law School.

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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 4. **Diversity Committee report: Chair McDonald.**

Chair McDonald reported the Committee met on February 4. He reviewed the Committee’s February 4 meeting minutes (attached). They formed the following focus groups: (1) Awareness: will write an article for the MBJ based on survey results; (2) Accountability: will design a template for an annual diversity report; (3) Recruiting: will work with the Law School to bring BIPOC lawyers to Maine. The next Committee meeting is scheduled for March 10.

Item 5. **Relevant MSBA CLE programs.**

A. **“When there are nine” – Sexual Bias in the Legal Profession:** February 26, 2021 at 1:00-2:00 p.m. (webinar) with Attorney Phillip 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. **Practice Skills to Respond to Bullying, Harassment and Discrimination:** March 16, 2021 at 12:00-2:00 p.m. (webinar) with Dr. Jodi O’Brien and Attorneys Cynthia Deitle, Benjamin Ford and Talcott Franklin. This program will explore the societal causes and consequences of BH&D, assist attendees in understanding how BH&D is treated under Maine law, and provide attendees with practical skills to respond to BH&D.

C. **Equity & Diversity in Law Practice:** March 25, 2021 at 3:30-4:30 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 also 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.

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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 6. Membership.**

A. Deputy ED Seavey reported membership currently stands at 2,791. There are 12 new members and no resignations since the January 26 meeting.

**Item 7. Membership Committee report: Chair Bishop – no report.**

**Item 8. MEBarConnect update.**

Deputy ED Seavey reported staff is almost done with fixing issues found during beta testing. We have a meeting scheduled with the Higher Logic team to discuss launch details and are preparing member communications for the launch. Expected launch date is March 1, 2021. President McDonald asked staff to be prepared to conduct a brief presentation about MEBarConnect at the March 23 Board meeting.

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

**Item 9. Consent Items 9A-9C.**

The President asked for a single motion to accept, without discussion, Items 9A-9C. A motion was made and voted in the affirmative to accept Items 9A-9C.

A. Approved minutes of the January 26, 2021 meeting.
B. Confirmed the President’s appointment of the following Section Chairpersons, Chairpersons-Elect and Co-Chairpersons for 2021:

**Elder Law**
Daniel Eccher, chair
Sarah Ranger, chair-elect

**Women’s Law**
Alexis Chardon, co-chair (to fill unexpired term of Sarah Gilbert)

C. Set the date of next Board of Governors meeting for **Tuesday, March 23, 2021, at 1:00 p.m.** by Zoom.

**Item 10. Treasurer’s report.**

A. Reviewed **FY 2019-2020 tax return with 990 & 990T forms.** Treasurer Haddow reported finding no concerns or issues.

B. Reviewed the **January 2021 financial statement,** reporting that we have received 66.02 percent of budgeted revenue through January compared to 86.09 percent last year and spent 27.51 percent of expenses through January compared to 33.71 percent last year. Treasurer Haddow expressed concern about the revenue numbers, attributing the low revenue to not holding our typical large in-person CLE programs this year. **A motion was made, duly seconded, and voted in the affirmative to accept the January 2021 financial statement.**

**Item 11. Board of Governors reports.**

A. President-Elect Bishop.

B. Vice President Stitham: no report.

C. Immediate Past President Day: no report.

D. Other Governors: no reports.

**Item 12. Executive Director’s report.**

A. Revisited mandated suspension of all in-person events held by MSBA entities, which expires on February 23, 2021. **A motion was made, duly seconded, and voted in the affirmative to extend the mandated suspension of all in-person MSBA events through May 25, 2021.**

**Item 13. President’s report.**

A. The 2021 Summer Bar Conference (SBC) is set to be an in-person event on June 23-25 at the Samoset Resort in Rockport. After discussion concerning current gathering limitations and costs associated with contracting with the Samoset, **a motion was made, duly seconded, and voted in the affirmative to hold the SBC virtually in June 2021.**
   1. John Ballou Award to be presented at the SBC. Please send nominations to ED Armstrong no later than April 16, 2021. Award criteria and list of previous awardees available [here](#).

B. The Board of Governors Retreat is scheduled for August 20-22. President McDonald reported that Deputy ED Seavey researched possible venues, but the costs were extensive. He asked for location suggestions and whether the retreat should still be held in-person. After much discussion, the Board determined that it should be held in person if at all possible,
and asked Deputy ED Seavey to investigate Camp Kieve as a possible venue.

**Item 14. Committee reports.**

A. Bylaws & Policies: Chair Dunitz – no report.
B. Civics Education: Chair Willey had to leave the meeting early. A written report is available [here](#).
   1. MSBA Law Day Contest [materials](#) have been disseminated to schools, the media, MSBA members and posted to our website and social media channels.
C. Continuing Legal Education: Liaison Stitham – no report.
D. Finance: Chair Bishop – no report.
E. Judicial Evaluation: Chair Cramer had to leave the meeting early. ED Armstrong reported the survey will be mailed to members on March 1.
   1. 2021 evaluations will be conducted from March 1-31. There are 16 judges to be evaluated. Please encourage your colleagues to complete these evaluations.
F. Legislative: Chair Okun reported the Committee has been active the last few weeks and has provided testimony in support of LDs 2, 32 and 320, and in opposition to LD 369. The Committee drafted a letter to DHHS Commission Lambrew for vaccine priority for front line lawyers. The Committee also is following the Uniform Law Commission’s remote notarial acts bill and has formed a working group of stakeholders, including lawyers, bankers, realtors, notaries and registrars.
G. Maine Bar Journal Editorial Advisory: Liaison Burbank had to leave the meeting early. A written report is available [here](#).
H. Medical Legal Committee: Chair Faunce – no report.
I. ad hoc MCILS Committee: Chair Bishop.
   1. MCILS vacancy: ED Armstrong reached out to the Governor’s Chief Legal Counsel Jerry Reid for an update on the vacancy. He reported back that they are working on confirming approximately 100 nominees by the end of February and expects one of our three recommendations to be among them.
   2. MCILS symposium: reported the Committee is scheduled to meet on February 24 to discuss the structure and content of an MSBA-sponsored MCILS Symposium.

**Item 15. Sections update: meetings, events and information.**

A. BIPOC Lawyers Section.
   1. Section to choose representative to attend future BOG meetings.
B. Family Law Section.
   1. Meeting: February 25, 2021 at 12:00-1:00 p.m. (telephone).
C. Real Estate & Title Section.
   1. Meeting: March 17, 2021 at 9:30-11:00 a.m. (virtual).
D. Women’s Law Section.
   1. Meeting: March 2, 2021 at 12:00-1:00 p.m. (virtual).
E. Governor section liaison reports: no reports.

**Item 16. Old business.**

There was no old business to come before the Board.
Item 17. New business.

Governor Faunce requested that the MSBA become a signatory to Guidelines and Best Practices for Judges Appointing Lawyers to Leadership Positions in Multi-District Litigation (MDL) and Class-Action Litigation. This is an ongoing initiative for the last few years between lawyers who practice in the multi-district/class-action litigation arena, federal judges, and academics to allow for more representation of women and minorities in leadership positions. A motion was made, duly seconded, and voted in the affirmative for the MSBA to become a signatory to Guidelines and Best Practices for Judges Appointing Lawyers to Leadership Positions in MDL and Class-Action Litigation.

Adjourned at 3:30 p.m.

Respectfully submitted,

Angela P. Armstrong
Executive Director