

MAINE STATE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
JANUARY 27, 2022  
10:00 A.M.

JOIN BY ZOOM:

<https://us02web.zoom.us/j/84412895453?pwd=ZWVzTzl6U1VHMWxRd3VBWFNHUDIydz09>

MEETING ID: 844 1289 5453

PASSWORD: BOG127

JOIN BY PHONE: (646) 558-8656

MEETING ID: 844 1289 5453

PASSWORD: 760504

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.*

**Members Present:** Anton, Bishop, Burbank, Cloutier, Cramer, Cutcliffe, Day, Dunitz, Faunce, Finberg, Haddow, Hall, Johnson, Johnston, McDonald, McNally, Neumann, Okun, Saufley, Stitham, Tebbetts, and Willey.

**Members Absent:** Kreckel.

**Section Rep Present:** Echeverria.

**Staff Present:** Armstrong and Seavey.

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

President Bishop called the meeting to order at 10:04 a.m. He welcomed new Governors Rick Finberg, from District 3, and Liz Johnston, from the New Lawyers Section. President Bishop reminded Governors that the Winter Bar Conference would begin at 1:00 p.m. today and asked all to attend the MSBA Annual Business Meeting to ensure a quorum for voting purposes.

\*\*\*\*\*

**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. Discussed request from Chief Justice Stanfill for MSBA to provide representative on committee to assist with the implementation of [LD 978](#): An Act to Create an Access to Justice Income Tax Credit. The Board agreed that MSBA participation is important and falls directly within the MSBA strategic plan initiatives. President Bishop and President-Elect Stitham volunteered to serve on the Committee. ED Armstrong will follow up with the Chief for next steps.
- B. Chair McNally reported that the Committee has not met since last year but plans to set up a meeting in the next month. One of the Committee's priorities in 2022 is to determine the feasibility of a joint job board with UMaine Law School.

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

- A. Chair Faunce reported that a [letter](#) was sent to Chief Justice Stanfill requesting that the Court reinstate the Civil Litigation Stakeholder's Working Group led by Justice Horton and Justice Murphy, as approved during the December Board meeting. The letter was signed by President Bishop and MTLA President Lauri Boxer-Macomber. In response to the letter, the Chief has set up a meeting later this week with President Bishop, MTLA President Boxer-Macomber, Chair Faunce, and BIPOC Rep Echeverria to assist with drafting an order from the SJC to create a Civil Process Stakeholders Working Group.
- B. The Chief is participating in a Q&A during the Winter Bar Conference on January 28 where the topic of civil jury trials is likely to be addressed.
- C. Chair Faunce will become President of MTLA in March. BIPOC Lawyers Section Representative Echeverria will serve as the MSBA representative to the working group once Chair Faunce becomes MTLA president. Of note: it is expected that Rep. Echeverria will be an MSBA Governor by that time as the membership will vote on this bylaws amendment at the Annual Business Meeting later today.

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

Governor Burbank provided an update on her role on the Commission as a non-voting member. She reported that the Commission is working to make positive changes to MCILS to assist rostered attorneys as well as provide proper access to justice to indigent Maine citizens. One of the primary issues the Commission faces is lack of funding. Although there have been increases to MCILS funding, more is needed.

\*\*\*\*\*

**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. Chair McDonald reported that Committee meetings were suspended until January, but he has not yet scheduled a meeting in 2022.
- B. Chair McDonald and ED Armstrong will meet to discuss possible new Committee members and follow up at the next Board meeting.

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

- A. [When There Are Nine: Gender Bias in the Legal Profession](#): January 27, 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. [LGBTQ Equity: Legal Developments and Continuing Challenges \(Winter Bar Conference\)](#): January 28, 2022 at 11:00 a.m.-12:15 p.m. (live Zoom) with attorneys Teresa Cloutier and Gia Drew. Learn about recent, significant changes to the laws and regulations impacting the LGBTQ community, including Maine’s ban on conversion therapy, the ban on the use of the Trans/Gay panic defense, the creation of gender identity as a separate, protected class, and the impact of *Bostock v. Clayton County* on employment law. The session will also include a discussion on new and continuing LGBTQ-specific issues facing Maine litigants in family law cases, and other common issues facing the LGBTQ community, such as discrimination in housing and schools and sexual harassment.
- C. [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.
- D. [Me Too: Sexism, Bias, and Sexual Misconduct](#): February 24, 2022 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.

\*\*\*\*\*

**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.     Reviewed membership, new member, and resignation reports: Deputy ED Seavey reported current total member count is 2757. There were 49 new members since the December 8 meeting, of which 21 were new members (dues-paying) and 28 were reinstatements (also dues-paying). There was 1 resignation during this same period.
- B.     Reviewed member [termination list](#). Governors were asked to reach out to their constituents and encourage them to renew.

**Item 8.           Membership Committee report: Chair Cutliffe.**

- A.     Meeting [minutes](#): December 21, 2021.
- B.     Online legal research demonstrations.
  - 1.     Decisis on February 8 at 12:00 p.m.
  - 2.     Westlaw on February 17 at 12:00 p.m.
- C.     Chair Cutliffe reviewed the Committee's recommendations for Life Member status. After lengthy discussion, the Board requested that ED Armstrong determine the staff's capabilities to research/review the new criteria recommended by the Committee and then meet with the Committee to refine its recommendations based on those capabilities. The Board also directed the Committee to delete "reprimand" from the list of disqualifiers.
- D.     Chair Cutliffe and ED Armstrong recommended that the current list of Life Member candidates be grandfathered under the current Life Member definition. The Board agreed with this recommendation and voted on the list of Life Member candidates during this meeting under Item 17 (Old Business).

**Item 9. Bar Talk.**

- A. February 16 with Leigh Saufley, Dean of UMaine School of Law.
- B. March 16 with Shenna Bellows, Maine Secretary of State.
- C. April 13 with Darcie McElwee, U.S. Attorney, District of Maine.
- D. It was recommended that we ask Dr. Nirav Shah to be a guest speaker on Bar Talk. He is also an attorney.

\*\*\*\*\*

**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 December 7, 2021 meeting.
- B. Set date of next Board of Governors meeting for **Tuesday March 8, 2022 at 1:00 p.m. via Zoom.**
- C. Confirmed the President's appointment of the following Standing and Special Committee Chairpersons for 2022:  
**Finance**  
Stacy O. Stitham  
**Past Presidents Club**  
Thaddeus V. Day
- D. Adopted Key Bank Non-Corporate Depository Certificate to grant banking authority to Frank H. Bishop Jr., James B. Haddow, and Angela P. Armstrong. The adoption of this item automatically removed banking authority from Kelly McDonald.

**Item 11. Treasurer's report.**

*Note: All financial documents available at [MEBarConnect](#).*

- A. Treasurer Haddow reviewed 2021 financial audit report, in which the auditor stated the financial statements present fairly, in all material respects, the financial position of the Maine State Bar Association as of September 30, 2021, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America. He noted that our net assets for FY 2020-2021 were \$1,420,948, resulting from a combination of our investment accounts and net operating profit.
- B. Treasurer Haddow reviewed the September, October, and November 2021 financial statements, reporting that we have received approximately 52 percent of budgeted revenue and spent approximately 15 percent of expenses through November. He also noted that with the retirement of Administration & Finance Director Lisa Pare in mid-January, we will be outsourcing our financial services. We are in the process of transitioning these functions to Benay Enterprises, Inc. **A motion was made, duly seconded, and voted in the affirmative to accept the September, October, and November 2021 financial statements.**

**Item 12. Board of Governors reports.**

- A. President-Elect Stitham: requested that Governors think about program content for the 2023 Bar Conferences and email suggestions to her or Deputy ED Seavey.
- B. Vice President Dunitz: no report.
- C. Immediate Past President McDonald: no report.
- D. Other Governors: no reports.

**Item 13. Executive Director's report.**

- A. Lisa Pare retired effective January 14, 2022.
- B. Benay Enterprises, Inc. services begin February 1, 2022.
- C. Registrations for the Winter Bar Conference currently sit at 274, with more people registering today before the meeting begins at 1:00 p.m.
- D. The Zoom link for today's Annual Business Meeting was sent to all Governors.

**Item 14. President's report.**

- A. Attending Bar Leadership Institute (BLI) on March 16-18, 2022 in Chicago, IL with ED Armstrong.
- B. The BOG dinner, originally scheduled for January 26, will be rescheduled to March or April at Local 188 in Portland.
- C. The Summer Bar Conference will be held in-person on June 15-17, 2022 at the Harborside Hotel in Bar Harbor.

**Item 15. Committee reports.**

- A. Bylaws & Policies: Chair Saufley: no report.
- B. Civics Education: Chair Willey: no report.
- C. Continuing Legal Education: Liaison Stitham: no report.
  - 1. Meeting [minutes](#): November 23, 2021.
- D. Finance: Chair Stitham: no report.
- E. Investment: Governor Haddow.
  - 1. Approve new Investment Policy: Governor Haddow requested Governors review the new policy before the March Board meeting for a vote at that time.  
*Note: Current and recommended policies available in [MEBarConnect](#).*
- F. Judicial Evaluation: Chair Cramer reported that the 2022 evaluations will be sent out on March 1. ED Armstrong is working with the Administrative Office of the Courts to obtain an updated list of judges and appointment dates. President Bishop also reported that he provided confirmation hearing testimony on January 18 for Justices Stokes and Warren and Judges Cashman, Jordan, and Oram.
- G. Legislative Review & Response: Chair Okun.
  - 1. [LD1326](#): An Act to Provide Funding for the Maine Civil Legal Services Fund. The MSBA will advocate before the Appropriations Committee for funding in the Supplemental Budget.
  - 2. LD 1924: An Act to Expand Access to Justice in Rural Maine through Legal Education. The Committee, along with the Rural Practice Committee, is reviewing this legislation and will discuss it at its next meeting on January 31.

- H. Maine Bar Journal Editorial Advisory: Liaison Burbank: no report.
- I. Medical-Legal: Chair Faunce: no report.

**Item 16. Sections update: meetings, events, and information.**

- A. Animal Law Section meeting: February 18 at 12:00 p.m. (Zoom).
- B. Family Law Section meetings.
  - 1. January 27 at 12:00 p.m. (phone).
  - 2. February 24 at 12:00 p.m. (phone).
- C. New Lawyers Section: “Lunch with Lawyers” CLE on February 9 at 12:00 p.m. (Zoom).
- D. Real Estate & Title Section.

*Note: Katherine Gibson, Chair of the Title Standards Subcommittee (of the Real Estate and Title Section), submitted revisions for Board approval. Revisions available at [MEBarConnect](#).*

  - 1. **A motion was made, duly seconded, and voted in the affirmative to approve revisions to Title Standard 201 as recommended by the MSBA Real Estate and Title Section.**
  - 2. **A motion was made, duly seconded, and voted in the affirmative to approve revisions to Title Standard 206 as recommended by the MSBA Real Estate and Title Section.**
- E. Women’s Law Section.
  - 1. Meeting: February 8 at 12:00 p.m. (Zoom).
  - 2. Caroline Duby Glassman Award Lunch to honor 2020 awardee Deirdre Smith postponed to Summer Bar Conference.
- F. Governor section liaisons: no reports.

**Item 17. Old business.**

- A. Considered election of the following members to Life Membership in the Association effective January 1, 2022:

*Note: Life Member candidate information available at [MEBarConnect](#).*

Waldemar G. Buschmann – Sidney  
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 Neddick

Calvin E. True – Bangor

**A motion was made, duly seconded, and voted in the affirmative to accept Life Member candidates to MSBA Life Membership for 2022.**

**Item 18. New business.**

President Bishop asked ED Armstrong to include review of the BOG Committee lists at the March Board meeting. Each Governor is required to serve on at least one Committee per year.

Adjourned at 12:02 p.m.

Respectfully submitted,

Angela P. Armstrong  
Executive Director