MAINE STATE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
JUNE 23, 2021
1:00 P.M.

BY ZOOM:
HTTPS://US02WEB.ZOOM.US/I/85763196096?PWD=MXUMnp5dVRCMWZpbm9FVVBzalJIZz09
MEETING ID: 857 6319 6096
PASSWORD: BOG623
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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: Dunitz, Faunce, Johnson, McDonald, Neumann, Peterson, and Tebbetts.
Staff Present: Armstrong and Seavey.

Item 1. Call to order and welcome.
President-Elect Bishop presided over the meeting in the absence of President McDonald, and called the meeting to order at 1:05 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.
A. Next meeting: June 29 (Zoom).
B. Chair McNally provided a brief summary of the written report, focusing primarily on the upcoming rural practice career fair.
   1. Set tentative date and location for career fair on September 17, 2021 at Margaret Chase Smith Library in Skowhegan.
   2. Requested funding from current fiscal year budget to cover costs associated with the career fair. **A motion was made, duly seconded, and voted in the affirmative to allocate up to $3,000 for the Rural Practice Career Fair to secure location, transportation, and food.**

**Item 3.** ad hoc MCILS Committee report: Chair Bishop.

A. LDs 1685, 1686 and 1687, all related to MCILS reform, passed the House and Senate but have unfunded fiscal notes attached to them. All will be going before the Appropriations Committee within the next couple of weeks.
B. Three panels related to MCILS will be offered at the Summer Bar Conference.


Representative Echeverria reported the working group will hold a panel session at the Summer Bar Conference to discuss the status of the working group, Pandemic Management Orders, and upcoming issues such as using Zoom for jury selection. Panelists include Justice Horton, Justice Murphy, Karen Wolf, Christian Lewis, and Julie Howard.

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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. Meeting held June 10: minutes.
B. Next meeting: July 8 at 3:00-4:00 p.m. (Zoom).

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

A. **Learn Mindfulness to Curtail Implicit Bias:** June 25, 2021 at 1:00-2:00 p.m. (webinar replay) with Attorneys Cindy Sharp and Becky Howlett. Participants will learn how to use mindfulness tools to develop deeper awareness about implicit bias and learn to counter insensitive attitudes; specific steps that can be taken 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 efficiently.

B. **When There Are Nine: Gender Bias in the Legal Profession**: June 30, 2021 at 1:00-2:00 p.m. (webinar 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.

C. **How to Maintain a Diverse Legal Workforce**: July 30, 2021 at 1:00-2:00 p.m. (webinar replay) with Katy Goshtasbi of Puris Consulting. Participants will learn the shocking connection between diversified legal environments that actively seek to eliminate bias and attorney-client/attorney-attorney relationships; how to have a corporate legal culture that mitigates business risk and still drives creativity and innovation of employees and the law firm brand; how to 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 the law firm environment and in attorney-client relationships.

D. **Me Too: Sexism, Bias, and Sexual Misconduct in the Legal Profession**: July 23, 2021 at 1:00-2:00 p.m. (live webinar replay) with Attorney Philip Bogdanoff. 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. In this presentation Bogdanoff will review disciplinary cases involving inappropriate sexual conduct by judges, prosecutors, and attorneys. This interactive presentation even gives attendees the chance to pit their opinions about the violations against the actual rulings by the Ethics review boards in each case.

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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.**

- Reviewed membership, new member and resignation reports. Deputy ED Seavey reported total member count is 2856. There were 10 new members since the May 25 meeting, of which two were new members (dues-paying) and eight were reinstatements (dues-paying). There were no resignations during this same period. President-Elect Bishop asked how those numbers compared to last year. At this time last year, we had 2864 members, for a difference of eight.
B. ED Armstrong reported that we have collected $586,500 of budgeted dues of $593,800, or 98.77 percent. This compares to 99.29 percent last year.

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

A. Next meeting will be held in August, date TBD.
B. New member benefit: Digital Age Marketing Group Inc. is a full-service online marketing firm specializing in Search Engine Optimization (SEO), social media content marketing, video production for law firms, website creation, and directory sites for the legal industry under the USAttorneys brand. Digital Age Marketing guarantees that customer websites will appear on the first page of Google, either in the maps section or the organic section for a particular geographic location, or the monthly fee is waived. MSBA members receive a 10% discount on all services.

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

Item 9. **Consent Items 9A-9C.** A single motion was made and voted in the affirmative to accept items 11A-11B.

A. Approved minutes of the May 25, 2021 meeting.
B. Set date of next Board of Governors meeting for Tuesday, August 24, 2021 at 1:00 p.m. (Zoom).
C. Confirmed the President’s appointment of the following Section Chairpersons, Co-Chairpersons and Chairpersons-Elect for 2021: **Health Law** Stephanie Mills

Item 10. **Treasurer’s report.**

A. Accepted May 2021 financial statement: financial documents available at MEBarConnect. Treasurer Haddow reported we have received 86.91 percent of budgeted revenue through May compared to 93.01 percent last year, and spent 54.19 percent of budgeted expenses compared to 62.53 percent last year. He indicated that the budget outlook is positive and we may exceed our original budget goal with a slight surplus at the end of the fiscal year based on current projections. **A motion was made, duly seconded, and voted in the affirmative to accept the May 2021 financial statement.**

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

A. President-Elect Bishop: no report.
B. Vice President Stitham.
   1. Dates and locations secured for 2023 bar conferences.
      b. June 21-23 at Harborside Hotel, Bar Harbor.
C. Immediate Past President Day.
   1. Executive Director evaluation.
      a. Requested approval of the proposed ED **job description.** A **motion was made, duly seconded, and voted in the**
affirmative to approve the 2021 Executive Director job description.

b. Review draft policy. Due to time constraints, this item was not addressed during the meeting.

D. Other Governors: no reports.

Item 12. Executive Director’s report.

A. Complementary MSBA logo options: ED Armstrong requested the use of a complementary logo in addition to the MSBA’s current logo. She indicated that the current logo doesn’t always fit/work with certain types of media. After brief discussion, a motion was made, duly seconded, and voted in the affirmative to approve the second logo option (with scales of justice) to be used as a complementary logo to the current MSBA logo. ED Armstrong will contact MSBA’s trademark attorney to confirm legality before using the new logo.

B. DEI training credits submitted to Overseers.

C. Attended ALPS Bar Leaders Retreat (virtual).


Item 13. President’s report.

President-Elect Bishop provided the report in President McDonald’s absence.

A. Summer Bar Conference will be held on June 24-25 (virtual): registration. There are currently 89 attendees registered for the conference, which begins tomorrow.

B. Requested Governors commit to reporting pro bono hours during annual registration with Board of Bar Overseers.

C. Board of Governors Retreat will be held on August 21-22 at Camp Kieve in Nobleboro. ED Armstrong will send out agenda soon.

Item 14. Committee reports.

A. Bylaws & Policies: Chair Saufley: no report.

B. Civics Education: Chair Willey reported that the Committee has a meeting on June 30 to obtain information on the Credit Abuse Resistance Education (CARE) program.

C. Continuing Legal Education: Liaison Stitham.

1. All H&D CLE programs must be conducted in-person effective July 1, 2021.

D. Finance: Chair Bishop.

1. Received request from Governor Willey for recurring funding from MSBA for the Maine High School Mock Trial Program (MHSMTP). After lengthy discussion, a motion was made, duly seconded, and a majority voted in the affirmative to instruct the Finance Committee to allocate $6,000 for the Maine High School Mock Trial Program for the next three budget cycles, beginning with FY 2021-2022.

2. FY 2021-2022 Budget Meeting: August 5 at 10:00 a.m. at Bar HQ. Lunch will be served.

E. Judicial Evaluation: Chair Cramer.

1. Considered the reports and recommendations of the Judicial Evaluation Committee with respect to various judicial
reappointments. Chair Cramer reported the following judges were evaluated during the month of March: Justices Anderson, Douglas, Fritzsche, Mallonee and Wheeler, and Judges J. French, R.A. French, Goranites, Ham-Thompson, Martin, Moskowitz, Roberts, Sutton, Tice and Woodman. Justices Anderson, Douglas, Fritzsche, Mallonee and Wheeler, and Judges J. French, R.A. French, Goranites, Moskowitz, Roberts and Woodman were evaluated in the sixth year of their current term. Judges Ham-Thompson, Martin, Sutton and Tice were evaluated in the second year of their first term. The Judicial Evaluation Committee met to review all of the evaluations, and to make recommendations for renomination for the 11 judges who received six-year evaluations. The Committee’s reports recommend renomination for all of the judges with the exception of Justice Anderson, Justice Wheeler, and Judge Goranites.

A motion was made, duly seconded, and voted in the affirmative to accept the Judicial Evaluation Committee’s recommendations for renomination of Justices Douglas, Fritzsche and Mallonee, and Judges J. French, R.A. French, Moskowitz, Roberts and Woodman.

a. Justice Wheeler: The Committee recommended no action on Justice Wheeler because she retired from the bench during the evaluation process. A motion was made, duly seconded, and voted in the affirmative to accept the Judicial Evaluation Committee’s recommendation of no action on Justice Wheeler’s evaluation or renomination.

b. Justice Anderson: The Committee did not make a recommendation on renomination to the Board due to allegations brought about in Justice Anderson’s evaluation. After lengthy discussion about the overall results of his evaluation and the Judicial Evaluation Policy, a motion was made, duly seconded, and a majority voted in the affirmative to recommend Justice Anderson for renomination. The vote was seven in favor, five opposed, and one abstention. Immediate Past President Day abstained.

c. Judge Goranites: Because Judge Goranites was not recommended for renomination by the Judicial Evaluation Committee, the Board is required by policy to conduct an independent assessment of the judge and his evaluation results. Per the policy, the following Governors were appointed to the committee to conduct the independent assessment: McDonald (chair), Bishop, Cramer, Cutliffe, and Haddow. The results of the assessment will be shared at the next meeting of the Board.

2. The Board requested that Chair Cramer work with the Judicial Evaluation Committee to consider a provision in the Judicial Evaluation Policy allowing the Board to take no position on a judicial renomination.

F. Legislative: Chair Okun reported the Committee is no longer holding its weekly meetings for the session, but is in contact with Legislative Counsel Jim Cohen on the status of the Legislature and will reconvene if necessary.


H. Medical Legal: Chair Faunce: no report.
Item 15. Sections update: meetings, events and information.

A. ADR Section.
   1. Meeting: June 24 at 8:00-9:00 a.m. (Zoom).

B. Family Law Section.
   1. Meeting: June 24 at 12:00-2:00 p.m. (telephone).

C. New Lawyers Section.

D. Governor section liaison reports: no reports.


There was no old business to come before the Board.

Item 17. New business.

There was no new business to come before the Board.

Adjourned at 3:36 p.m.

Respectfully submitted,

Angela P. Armstrong
Executive Director