MAINE STATE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
ZOOM MEETING:
https://us02web.zoom.us/j/89175398384?pwd=QStMaG50QlZTd3luVDVUWU8zTGlzZz09
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MARCH 23, 2021
1:00 P.M.

MINUTES OF THE MEETING
The agenda and all 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 Present: Anton, Bishop, Burbank, Cloutier, Cramer, Cutcliffe, Dunitz, Hall, McDonald, McNally, Neumann, Okun, Saufley, Stitham, Tebbetts, and Willey.
Governors Absent: Day, Faunce, Haddow, Johnson, Kreckel, and Peterson.
Section Rep Present: Asha Echeverria.
Staff Present: Armstrong and Seavey.

Item 1. Call to order and welcome.
President McDonald called the meeting to order at 1:03 p.m. He welcomed BIPOC Lawyers Section representative Asha Echeverria and asked all Governors to introduce themselves.

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. Meeting held on March 18: Governor McNally provided the report in Chair Kreckel’s absence. The Committee reached out to other bar associations to get information on their rural practice programs. Nebraska State Bar Association offers a rural program and the Assistant ED has agreed to attend the next MSBA Rural Practice Committee meeting on April 22 to discuss the Nebraska program. Governor McNally also reported Committee members will attend a lunch and learn with UMaine Law School on April 20 to encourage students to practice in rural areas of Maine.

B. Update on statewide working group brainstorming session: Governor McNally had no report. Deputy ED Seavey will bring it up at the next committee meeting.

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

ED Armstrong congratulated Governors Burbank, Kreckel and McNally as the recipients of UMaine Law School Rural Practice fellows for summer 2021.

Item 4.  **Civil Practice Working Group report: Liaison Kreckel.**

BIPOC Section Representative Echeverria reported in Governor Kreckel’s absence that the working group is studying ways to get dockets moving along, and also trying to determine which cases are trial ready in order to clear out the pandemic-delayed dockets.

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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 on March 10: written report available at [MEBarConnect](http://www.MEBarConnect.com). Chair McDonald reported the Committee has been divided into three primary working areas: accountability, awareness, and recruiting. The accountability group is working on identifying metrics to collect identity of MSBA members, CLE speakers, leadership, BIPOC members, etc., for an annual diversity report. This group is also working on obtaining training resources for the staff and Board of Governors. The awareness group is working on an article for the Maine Bar Journal about the discrimination survey conducted last fall, as well as a standing column spotlighting members of the BIPOC lawyers community. The recruiting group is working with UMaine Law School and local firms on recruitment of minority lawyers to Maine.
Item 6. Relevant MSBA CLE programs.

A. **Equity & Diversity in Law Practice**: March 25, 2021 at 3:30-4:30 p.m. and April 29, 2021 at 3:00-4:00 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 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.

B. **Me Too: Sexism, Bias, and Sexual Misconduct in the Legal Profession**: March 31, 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.

C. **At the Frontiers of Anti-Discrimination Law - Reconciling Social and Legal Ideas Bias and Discrimination**: April 8, 2021 at 1:00-2:00 p.m. (Zoom webinar) with Dr. Destiny Peery and Overseers Executive Director Aria Eee. This interactive session will consider the growing gap between legal understandings of bias and discrimination in the context of expanding and increasingly nuanced, complicated definitions of these same concepts in our social discourse. We'll consider the ways that concepts like implicit bias and stereotyping, microaggressions, intersectionality, and changing conceptions of gender identity, all increasingly engaged in the public discourse, run up against traditional notions of bias and discrimination in the law. What might this mean for the future of anti-discrimination employment law? Join Dr. Destiny Peery, Aria Eee, and Maine bar colleagues for a lively discussion covering all of these topics.

D. **Bias and the Jury**: April 29, 2021 at 12:30-2:00 p.m. (Zoom webinar) with Dr. Destiny Peery. This CLE will consider strategies for acknowledging and addressing biases that may appear in the context of working with a jury (e.g., during jury selection, when presenting one's case, when prepping juries for deliberation, etc.). We'll also consider debiasing methods being tested in courts across the country meant to promote the less biased juror decision making. Importantly, this session will encourage us to consider not only the role of juror biases, but also those of others within the juror context including attorneys and judges as well as how the biases of various actors can influence how a jury trial plays out.
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. MEBarConnect presentation.

Deputy ED Seavey provided an overview of the new online community. The Board weighed in on what information should be available to members, and asked Deputy ED Seavey to conduct additional research. Deputy ED Seavey will provide a status report at the next Board meeting.

Item 8. Membership.

A. Reviewed membership, new member, and resignation reports: Deputy ED Seavey reported total member count is 2813. There were 37 new members since the February Board meeting, of which 16 were new members (dues-paying), 17 were reinstatements (dues-paying), and four were student members. There were no resignations during this same period.

Item 9. Membership Committee report: Chair Bishop.

Chair Bishop had no report but will work with Deputy ED Seavey to set up a meeting in April.

Item 10. Leadership Academy discussion.

President McDonald discussed whether to hold an in-person Leadership Academy beginning in the fall of 2021 and graduating in the summer of 2022. Since the event would carry over into President Elect Bishop’s term, President McDonald requested his input. President Elect Bishop recommended that we hold off another year due to the importance of in-person networking that takes place within the Leadership Academy events. After much discussion, the Board determined to revisit this at its June meeting.


A. Recent guests: James Cohen, Thomas Douglas, Carlos Diaz, Jill Cramer, Daniel Murphy, Justin Andrus, Frank Bishop, Rachel Okun, Judge John Rich, and Judge Eric Mehnert.
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General Business of the Board of Governors.

Item 12. **Consent Items 12A-12B:** A single motion was made and voted in the affirmative to accept Items 12A-12B.

A. Approved minutes of the February 23, 2021 meeting.
B. Set the date of the next Board of Governors meeting for **Tuesday, April 27, 2021 at 1:00 p.m. by Zoom.**

Item 13. **Treasurer’s report.**

A. Accepted February 2021 financial statement: financial documents available at [MEBarConnect](#). ED Armstrong reported, in Treasurer Haddow’s absence, we have received 69.38 percent of budgeted revenue through February compared to 90.24 percent last year, and spent 34.53 percent of expenses compared to 42.45 percent last year. She also reported that we have collected $579,690 of budgeted dues of $593,800, or 97.62 percent. This compares to 98.5 percent for last year. **A motion was made, duly seconded, and voted in the affirmative to accept the February 2021 financial statement.**

Item 14. **Board of Governors reports.**

A. President-Elect Bishop.
   1. Reported he attended Bar Leadership Institute (BLI) on March 17-19, 2021 (virtual) with ED Armstrong.
B. Vice President Stitham reported that she will be attending the CLE Committee meeting later in the day. The CLE department is conducting more programs and getting more registrations, but the lack of in-person events is hurting the budget.
C. Immediate Past President Day – no report.
D. Other Governors.
   1. Governor Burbank asked if the Association would provide testimony in support of her nomination to the Maine Commission on Indigent Legal Services on April 8, 2021. President McDonald assured her that MSBA would be present to support her nomination.

Item 15. **Executive Director’s report.**

A. MSBA – VBOC partnership: ED Armstrong reported that the MSBA has partnered with the Veterans Business Outreach Center. The VBOC program assists veteran entrepreneurs on their path to successful business development, and provides services such as business training, counseling, and resource partner referrals. There are numerous steps along the entrepreneurial path where referral to a lawyer is key. The MSBA will provide referrals to VBOC program participants and waive the $25.00 referral fee.
B. ABA Day: April 20-21, 2021 (virtual): ABA Day will be held virtually on April 20-21, 2021 and there is no cost to attend. ED Armstrong will serve as the Maine Captain for ABA Day.
Item 16.  President’s report.

A.  Summer Bar Conference on June 23-25: President McDonald discussed hosting an in-person Summer Bar Conference in June. After much discussion, Governors elected to host a virtual meeting.
   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 is available at MEBarConnect.

B.  Board of Governors Retreat on August 20-22: President McDonald asked if Governors would attend an in-person retreat at Camp Kieve in Nobleboro. Governors expressed interest in holding the retreat in-person. Deputy ED Seavey and ED Armstrong will tour facility.

C.  JAG Executive Committee meeting: President McDonald reported that he attended his first JAG meeting, and then explained the mission of the Justice Action Group.

D.  Correspondence.
   1.  From member re: bullying behavior: President McDonald received communication from a member describing her experience with bullying from other Maine attorneys. He responded directly to the member, but Governors discussed the possibility of the MSBA taking on a bigger role in addressing this type of behavior. After much discussion, it was determined that the MSBA would continue to provide appropriate CLE seminars that address inappropriate behaviors and leave disciplinary action to the Board of Overseers.
   2.  From member re: out-of-state CLE presenters: President McDonald received communication from a member concerned about the number of out-of-state CLE presenters. He responded directly to the member explaining MSBA policies with respect to faculty and that the pandemic has affected our ability to present programs as we typically would.

Item 17.  Committee reports.

A.  Bylaws & Policies: Chair Dunitz – no report. President McDonald reported that Governor Dunitz has stepped down as chair of the committee. President McDonald and ED Armstrong will search for a new chair.

B.  Civics Education: Chair Willey reported the committee has no meetings scheduled but members are ready to assist the President with the review of Law Day submissions.

C.  Continuing Legal Education: Liaison Stitham reported the CLE committee has a meeting tonight and Linda Morin Pasco tells the committee the MSBA has presented more CLE than this time last year. The financials are modest due to online sessions however, attendance is high.

D.  Finance: Chair Bishop – no report.

E.  Judicial Evaluation: Chair Cramer encouraged Governors to participate in the evaluation survey that closes on March 31.

F.  Legislative: Chair Okun. ED Armstrong reported in Chair Okun absence that the committee voted to support LD 683: An Act To Allow Maine Nonprofit Corporations To Hold Meetings Electronically, and LD 978: An Act To Create An Access To Justice Income Tax Credit.
H. Medical Legal Committee: Chair Faunce – no report.
I. ad hoc MCILS Committee: Chair Bishop.
   1. MSBA will host a symposium tentatively scheduled for May 5-6, 2021 via Zoom. The symposium will focus on MCILS reform. The MSBA is strongly supporting an increase in the MCILS budget so that MCILS can fulfill its mission and statutory and constitutional obligations, but the MSBA is not taking any position on a public defender’s office or any of the particular line items of the MCILS budget.

Item 18. Sections update: meetings, events and information.
   A. Family Law Section.
      1. Meeting: March 25, 2021 at 12:00-2:00 p.m. (telephone).
   B. Women’s Law Section.
      1. Meeting: April 6, 2021 at 12:00-1:00 p.m. (virtual). Governor Neumann reported that the WLS has formed a subcommittee to work on a possible women’s column for the Maine Bar Journal.
   C. Governor section liaison reports – none.


There was no old business to come before the Board.


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Adjourned at 3:28 p.m.

Respectfully Submitted,

Angela P. Armstrong
Executive Director