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 Absent: Kreckel.

Guest Present: Jim Cohen and Chief Justice Saufley.

Staff Present: Armstrong and Seavey.

Meeting was held via video conferencing due to COVID-19 pandemic restrictions on crowds of more than 10.

The President called the meeting to order at 1:02 p.m. He asked all Governors to provide an update on how they are faring during these unprecedented times. President Day then reported that there were two guests joining the meeting: Chief Justice Saufley and MSBA Legislative Counsel Jim Cohen.

Attorney Cohen first provided a legislative update. He reported that the Maine Legislature has adjourned due to the coronavirus pandemic. All pending bills are held in stasis. There is no guarantee that the Legislature will reopen the session, but if it does, it is likely that it will only deal with emergency and pandemic-related legislation. If the Legislature does reopen, Attorney Cohen will continue to monitor any bills of importance to the MSBA. Attorney Cohen also reported that Governor Mills has declared a State of Emergency, which gives her a tremendous amount of authority to waive rules or statutes. President Day thanked him for his report.
President Day then introduced Chief Justice Saufley, who joined the meeting to update the Governors on the status of the Maine Courts in light of the pandemic. She provided the following information:

- court schedules are being set week to week for now, and schedules are posted on the Judicial Branch (JB) website
- courthouse cleaning has been increased to meet CDC requirements
- courts are not closed to mail filings
- the SJC will be issuing updated orders within the next week to clarify PMOs dealing with appearance by video, emailed motions, and the 49-day extension to filing deadlines
- the SJC and trial courts are reviewing options for taking oaths at depositions remotely
- she is optimistic that e-filing is still going forward but estimates the schedule may fall two to three months behind; first stage of implementation is still to occur in Penobscot County with civil and family cases this fall and criminal cases next fall; most concerns are focused on ECRA rules and not the technology
- she requested that the MSBA gather questions from its members and consolidate for submission to the JB

President Day agreed to fulfill Chief Justice Saufley’s request and thanked her for joining the meeting. He then proceeded with the Board meeting as scheduled.

**Item 1. Accepted Items 1A – 1D.**

A. Approved minutes of the January 30, 2020 meeting.
B. Confirmed the President’s appointment of the following Standing and Special Committee Chairpersons for 2020:
   
   **Bylaws & Policies**
   Jonathan Dunitz
   
   **Civics Education**
   Ezra Willey

C. Confirmed the President’s appointment of the following Section Chairpersons, Chairpersons-Elect and Co-Chairpersons for 2020:
   
   **Elder Law**
   Rachel Trafton, chair
   Daniel Eccher, chair-elect

D. Set date of next Board of Governors meeting for **Tuesday, May 19, 2020, at 1:00 p.m.** Whether the meeting will be in person or by Zoom is to be determined. The MSBA/MJF Executive Committee Joint Luncheon is also to be determined.

**Item 2. Treasurer’s report.**

A. Treasurer Haddow reported that although the MSBA’s investment account today is down over $128,000 since 2019 year-end, the MSBA’s current financial status is sound at this time. Through February, we are five months or 41.66 percent through FY 2019-2020. We’ve received 90.24 percent of budgeted revenue and spent 42.45 percent of budgeted expenses. This means we are just about $138,000 shy of our total budgeted revenue. At this time last year, we had received 68.36 percent of budgeted revenue and spent 36.55 percent of budgeted expenses. A
motion was made, duly seconded, and voted in the affirmative to accept the January and February 2020 financial statements.

B. Treasurer Haddow also reported that as of March 18, 2020, we collected $595,916.25 of the $605,000.00 budgeted dues, or 98.5 percent. There are 220 members who have not paid their dues for FY 2019-2020. Last year at this time, we had collected 94.68 percent.

Item 3. Board of Governors reports.

A. President-Elect McDonald.
1. Because he had to leave the meeting early, ED Armstrong reported on his behalf. She indicated that he plans to host membership meetings in January and June 2021. Staff is currently researching hotel possibilities in and around Portland for the January meeting. The Samoset Resort is already secured for June 23-25, 2021 for the Annual Bar Conference.
2. She also reported that she and President-Elect McDonald didn’t attend the Bar Leadership Institute on March 11-13, 2020 in Chicago, IL. It was cancelled due to COVID-19.

B. Vice President Bishop: no report.

C. Immediate Past President Columber reported that he was facing concerns with his family law clients, specifically related to current visitation schedules, parents who have very different views of how to proceed under the current crisis, and safety issues. He requested that the MSBA pose this to the JB in its first round of questions.

D. Other Governors.
1. Governor Cramer, chair of the Judicial Evaluation Committee, reported that the online judicial evaluation survey will close on March 31, 2020. There are 13 judges being evaluated.

Item 4. Executive Director’s report.

A. Reported on numerous changes and updates to the MSBA website, office closing, and staff remote work schedules due to COVID-19.

B. Reported that she and President Day attended NABE on February 11-13, 2020 in Austin, TX.

C. Muskie Access to Justice Award Dinner will be held on May 27, 2020 at the Holiday Inn by the Bay in Portland. The MSBA has reserved a table for 10, and there are still five seats available. The following individuals have indicated they will attend the dinner: President Day, Governors Cramer, Dunitz, and Stitham, and ED Armstrong.

D. The John Ballou Award will be presented at the 2020 Summer Bar Conference. A request for nominations has been sent out to the membership, with a deadline of April 17, 2020. ED Armstrong asked Governors to send their nominations to her prior to the deadline for consideration.

E. Reported that she has not focused on reviewing the Violence Survey data because of the COVID-19 crisis. She will provide a report at the May Board meeting.
F. The Nominating Committee will be meeting soon to discuss the vacancy in District 10 (Hancock/Washington). The Board will likely need to meet prior to the May meeting to vote on the nomination.

Item 5. President’s report.

A. President Day reported that the Summer Bar Conference is currently on schedule for June 24-26, 2020 at Harborside Hotel in Bar Harbor. Staff are working to schedule a golf outing, boat cruise reception and a lobster bake. The Glassman and Ballou Awards will be presented during the conference.

B. Reported that he attended NCBP on February 13-15, 2020 in Austin, TX. He encouraged Governors to look over his after-action report for his takeaways.

C. Requested that Governors participate in Law Day by visiting schools in their districts and by getting the word out to their colleagues.

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)


ED Armstrong reported that we will continue with the Law Day contest even though students are not in school, as it provides a constructive project that students, teachers and parents can do from home. Due to the COVID-19 pandemic and the implementation of remote learning, ED Armstrong will extend the deadline from April 15 to April 30, and she will contact Maine’s DOE Commissioner and the Maine Principals Association to ensure all are aware of the new deadline.

Item 7. Update on MSBA CLE and other educational programs.

A. All in-person CLE programs have been postponed due to COVID-19. These will be rescheduled to later in the year.

B. The CLE department is still holding several telephone, webcast, and webinar seminars, which meet the live credit requirements, as well as webcast and webinar video replays that meet self-study requirements. Members can register online at www.mainebar.org.

C. The annual joint ethics/H&D program by MSBA and Maine Board of Overseers of the Bar was originally scheduled for May 12, 2020 at the
Augusta Civic Center. This session is on hold as some of the presenters are not willing to participate. It will most likely be postponed to the fall.

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 8. Committee Reports.

A. Bylaws & Policies: Chair Dunitz reported that the committee has not yet met but plans to have a report at the next meeting.
B. Civics Education: Chair Willey reported the committee created a charter for Board review and approval. A motion was made, duly seconded, and voted in the affirmative to approve the Civics Education Committee Charter as presented.
C. Continuing Legal Education: BOG representative Stitham reported that the committee will be meeting that evening. The committee is revising and updating the CLE mission and operating procedures and should have a draft for Board approval at the next meeting.
D. Finance: ED Armstrong reported that the draft charter presented is not yet ready for approval, but the committee plans to have it completed by the next meeting.
E. Legislative: ED Armstrong reported that the committee has suspended its meetings while the Legislature is in recess due to the pandemic. A written report was provided in Dropbox.
F. Maine Bar Journal Editorial Advisory: ED Armstrong reported that the next edition of the MBJ is being compiled and will be sent to the membership in May. A written report was provided in Dropbox.
G. Membership: Governor Haddow reported that he, ED Armstrong and Deputy ED Seavey conducted five focus groups across the state. The report was provided in Dropbox.


A. ED Armstrong reported the MSBA has a total of 1,983 registered Casemaker users. For February 2020, there were 238 unique users (three of which were first time users), who conducted 4,996 searches in 721 sessions.
B. Vice President Bishop reported that he spoke with a representative of WestLaw to determine if the MSBA might add them to our list of member benefits. He was surprised when WestLaw offered to become the MSBA’s primary legal research provider at a much lower rate than normal rates. Unfortunately, the MSBA’s current contract with Casemaker does not
expire until 2022. We will revisit this late next year as we prepare to negotiate new contracts.

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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)

Item 10. Family Law Section.

A. In light of COVID-19, FLS Chair Amy Robidas sent out an email to the FLS listserv requesting assistance from members of the section. Because the court is effectively shut down, the goal was to compile lists of section members by county who are mediators and/or referees to help other attorneys and their clients. The lists of volunteer points of contact are to be provided to section members. The response has been tremendous.

Item 11. New Lawyers Section.

A. Governor Peterson reported the NLS successfully held the CLE & Ski event on March 14, 2020 at Sugarloaf prior to the shut down due to COVID-19. Fifteen attorneys attended the event, which included a H&D program by Angela Morse from the Board of Overseers.

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Item 12. Old business.

A. Appointed Governor James Haddow to serve on the NEBA Board of Directors to fill an unexpired term ending in October 2022.


A. President Day and ED Armstrong have been receiving questions from members about the need for remote notarial services in light of the COVID-19 pandemic. They are working with legislative counsel Jim Cohen on a letter to the Governor requesting that she issue an emergency order related to this issue. They will keep the Board apprised of any action taken.

Adjourned at 3:23 p.m.

Respectfully submitted,

Angela P. Armstrong
Executive Director