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 Absent: Burbank, Kreckel, Neumann, and Willey.

Staff Present: Armstrong and Seavey.

Item 1. Call to order and welcome.

President Bishop called the meeting to order at 1:06 p.m.

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. Meeting minutes: February 23. Primary discussion for the meeting was the use of the MSBA’s online Career Center for rural practitioners. The Committee charged Deputy ED Seavey to conduct additional research and training on the Career Center and report findings back to the Committee. The Committee is also partnering with the Civics Education Committee for Law Day, especially to assist with reaching out to rural schools.

B. Next meeting: March 15 at 12:00 p.m.

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

A. President Bishop, Governors Echeverria and Faunce, and MTLA President Lauri Boxer-Macomber met with Chief Justice Stanfill and Justice Mullen to discuss the short- and long-term concerns arising from the pandemic for civil trials. They also reviewed her draft SJC order to create the Civil Process Stakeholders Working Group, and submitted their comments and ideas back to the Chief on February 14.

B. A reporter from the Portland Press Herald requested an interview regarding civil trials in the courts. President Bishop asked Governors for feedback and will respond to the reporter with a written statement.

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

In Governor Burbank’s absence, President Bishop reported that MCILS is being sued by the ACLU, and therefore Governor Burbank will be unable to make reports while this litigation is pending. He requested that this report be removed from the agenda for the time being.

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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. Chair McDonald reported that he feels a new chair is needed for the Committee as it moves forward with its expanded mission. President Bishop will serve as the interim chair until the Committee is reconstituted.

B. President Bishop and ED Armstrong will work on an invitation to current members to determine who is interested in staying on the Committee. There will also be an invitation to members of the BIPOC Lawyers Section and the Women’s Law Section to recruit new members. Once reconstituted, the Committee will choose its new chair and define its charge and goals.
Item 6. Relevant MSBA CLE programs.

A. **When There Are Nine: Gender Bias in the Legal Profession**: March 30, 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.

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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.

A. Reviewed membership, new member, and resignation reports: Deputy ED Seavey reported current total member count is 2809. There were 42 new members since the January 27 meeting, of which 11 were new members (dues-paying) and 31 were reinstatements (also dues-paying). There were no resignations during this same period.

Item 8. Membership Committee report: Chair Cutliffe.

A. Meeting held on February 11.
   1. Life Member update: Chair Cutliffe reported that the Committee continues to work on its recommendations for the updated Life Member status.

B. Online legal research demonstrations.
   1. The Decisis demo was held on February 8. Several members are testing the site to determine its capabilities and ease of use. The trial will continue through March and Deputy ED Seavey will set up a meeting with Decisis in April.
   2. The Westlaw demo was cancelled on February 17. We set this meeting last fall as Westlaw planned to create a product for the demonstration; however, they have failed to create a product comparable to Fastcase or Decisis.


A. March 24 with Shenna Bellows, Maine Secretary of State.
C. ED Armstrong reported the Bar Talk dates for the remainder of 2022: May 11, June 15, September 14, October 12, November 16, and December 14. She recommends not holding Bar Talk in July or August.
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General Business of the Board of Governors.

Item 10. Consent Items 10A-10C: a single motion was made and voted in the affirmative to accept Items 10A-10C.

Note: All supporting documents available at MEBarConnect.

A. Approved minutes of the January 27, 2022 meeting.
B. Set date of next Board of Governors meeting for Tuesday, April 12, 2022 at 1:00 p.m. via Zoom.
C. Confirmed the President’s appointment of the following Section Chairpersons, Chairpersons-Elect, and Co-Chairpersons for 2022:
   Elder Law
   Sarah Ranger, chair
   Rachel Trafton, chair-elect
   New Lawyers
   Elizabeth Bjorn, chair

Item 11. Treasurer’s report.

Note: All financial documents available at MEBarConnect.

A. Treasurer Haddow reported that through December 2021, we have collected $904,967.53 of budgeted income of $1,475,971 or 61.31 percent, and have spent 318,138.31 of the budgeted expenses of $1,475,971 or 21.55 percent. This compares to a collection of 52.45 percent and expenditures of 19.84 percent at this same time last year. A motion was made, duly seconded, and voted in the affirmative to accept the December 2021 financial statement.
B. Treasurer Haddow reported that membership dues collected as of December 31 was $562,713.75 of the $580,000.00 budgeted or 97 percent. We had collected 95.5 percent as this same time last year.

Item 12. Board of Governors reports.

A. President-Elect Stitham reported that she is working with Deputy ED Seavey to find new locations for the 2023 Summer Bar Conference because the hotel moved the date and we feel it’s too close to the Independence Day holiday.
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. Requested amendments to Checks Over $5,000 Memorandum. A motion was made, duly seconded, and voted in the affirmative to amend the Checks Over $5,000 Memorandum with the following changes:
1. Change Lawriter LLC to Fastcase Inc. — legal research member benefit
2. Add ABA Retirement Funds Program – employer retirement contributions
3. Add Bank of America – office credit cards
4. Add Maine Board of Overseers of the Bar – accreditation fees
5. Approval of online payments over $5,000 to all vendors included in memorandum
The memorandum is maintained by ED Armstrong and filed at Bar HQ.

B. ED Armstrong reported former MSBA Governor and long-time MSBA member, Warren Shay passed away.

Item 14. President’s report.

A. Discussed possible unauthorized practice of law by accountants as reported by Governor Willey in an email to President Bishop. Governors determined this is not a Board matter as the MSBA does not have any legal authority to act on UPL but suggested contacting the Attorney General’s office. President Bishop will follow up with Governor Willey.

B. Attending Bar Leadership Institute (BLI) on March 16-18, 2022 in Chicago, IL with ED Armstrong.

C. Reported that he has been working with Governor Willey on tribal/indigenous CLE programming for the Summer Bar Conference.

D. Reported that the 2022 retreat venue, Camp Kieve, suffered major water damage this winter and has cancelled all events in 2022. He and Deputy ED Seavey are looking for a new venue, and asked Governors to send suggestions by email.

Item 15. Committee reports.

A. ED Armstrong asked Governors to review their Committee assignments and send any updates, changes, or corrections to her by email. She reminded Governors that they are required to serve on at least one Committee.

B. Bylaws & Policies: Chair Saufley reported that the Committee needs to meet to determine next polices for review.

C. Civics Education: Chair Willey: written report included in meeting materials.

D. Continuing Legal Education: Liaison Stitham: no report.

E. Finance: Chair Stitham reported that the Committee will be meeting on July 28 for the FY 2022-2023 budget.

F. Investment:

1. Governor Haddow reported that the proposed Investment Policy is a streamlined version of the current policy, and it provides more direction for the nature of investments, specifically includes permitted and prohibited investments, and recommends socially responsible investments. After reviewing the policy and making a few additional changes and clarifications, a motion was made, duly seconded, and voted in the affirmative to accept the proposed Investment Policy with revisions to replace the current version. Note: Current and recommended policies available in MEBarConnect.

G. Judicial Evaluation: Chair Cramer.

1. 2022 evaluations are open through March 1-31.


H. Legislative Review & Response: Chair Okun reported the Committee has submitted testimony on behalf of the MSBA supporting LD 1326 (funding for civil legal services), funding for MCILS, and funding for the
judicial budget. President Bishop testified in support of these issues before the Appropriations and Financial Affairs Committee on March 4.


J. Medical-Legal: Chair Faunce: no report.

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

A. Animal Law Section meetings.
   1. March 18 at 12:00 p.m. (Zoom).
   2. April 15 at 12:00 p.m. (Zoom).

B. Family Law Section meetings.
   1. March 24 at 12:00 p.m. (Zoom).
   2. April 28 at 12:00 p.m. (Zoom).

C. Governor section liaisons: no reports.

D. ED Armstrong to add standing Section reports to future agendas to be provided by the Governors representing the BIPOC Lawyers, New Lawyers, and Women’s Law Sections.

**Item 17. Old business.**

There was no old business to come before the Board.

**Item 18. New business.**

There was no new business to come before the Board.

Adjourned at 3:22 p.m.

Respectfully submitted,

Angela P. Armstrong
Executive Director