MAINE STATE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING

ZOOM MEETING
HTTPS://US02WEB.ZOOM.US/j/83178553180?pwd=NFNVcD1NKZJS44Z0N4TTJragnaXQ09
PHONE: +1 646-558-8656
MEETING ID: 83178553180
PASSWORD: BOG519
MAY 19, 2020
1:00 P.M.

MINUTES OF THE MEETING

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: Babcock, Bishop, Burbank, Columber, Cramer, Day, Deschuytner, Dunitz, Haddow, Hall, Johnson, Kreckel, McDonald, McNally, Saufley, Smith, Stitham, Tebbets and Willey.

Members Absent: Faunce, Herman and Peterson.

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 1:08 p.m. He asked all Governors to provide an update on how they are faring during the pandemic and the status of their office operations during the reopening of Maine.

Item 1. Accepted Items 1A – 1B.

A. Approved minutes of the following meetings:
   1. March 24, 2020 Board meeting.
   2. April 10, 2020 Board meeting.
   3. April 30, 2020 Board meeting.

B. Set the date of next Board of Governors meeting for Tuesday, August 18, 2020 at 1:00 p.m. Whether the meeting will be in person or by Zoom is to be determined.
Item 2. Treasurer’s report.

A. Treasurer Haddow reported that preliminary income is higher than normal for May with over $52,000 in revenue to-date, which includes almost $19,000 from Lawyer Referral Service and over $12,000 from online CLF service provider InReach. Through April, we are six months or 58.33 percent through FY 2019-2020. We’ve received 87.92 percent of budgeted revenue and spent 56.16 percent of budgeted expenses. This decrease in percentage is due to decreases in our investment accounts that are also included in our revenue number. A motion was made, duly seconded, and voted in the affirmative to accept the March and April 2020 financial statements.

B. ED Armstrong reported that because we are more than halfway through the fiscal year, dues are now charged at half price. We are still receiving a few membership applications each week and we’ve collected 98.97 percent of budgeted dues, which is just about $6,000 shy of budgeted dues. Deputy ED Seavey added that membership has increased by 27 since March to 2852 members.

Item 3. Consider the reports and recommendations of the Judicial Evaluation Committee with respect to various judicial reappointments.

ED Armstrong reported that 13 judges were evaluated during the month of March: Justices Billings, Mullen, Murphy and Stokes, and Judges Beliveau, Benson, Davis, Dow, Duddy, Lawrence, Raimondi, Rushlau and E. Walker. Justices Billings, Mullen, Murphy and Stokes, and Judges Beliveau, Benson, Dow, Lawrence, Raimondi and Walker were evaluated in the sixth year of their current term. Judges Davis, Duddy and Rushlau 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 10 judges who received six-year evaluations. The Committee’s reports recommend renomination for all of the judges with the exception of Judge Dow. A motion was made, duly seconded, and voted in the affirmative to accept the Judicial Evaluation Committee’s recommendations for renomination of Justices Billings, Mullen, Murphy and Stokes, and Judges Beliveau, Benson, Lawrence, Raimondi and E. Walker.

Because Judge Dow 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. The following Governors volunteered to call practitioners in the districts where Judge Dow sits to get first-hand “testimony” about his strengths and weaknesses and to discuss any areas of concern: Governors Cramer, Faunce, Kreckel and Stitham. The results of the assessment will be shared at the next meeting of the Board.

Item 4. Board of Governors reports.

A. President-Elect McDonald has selected two possible locations in Portland for the January 2021 membership meeting. Deputy ED Seavey will negotiate with the hotels and send out the final decision within the next few weeks. Additionally, he indicated that the Finance Committee
meeting date will need to be changed and ED Armstrong will send out the new date as soon as possible.

B. Vice President Bishop reported he is working to set up a meeting with Dean Saufley, President Day and ED Armstrong to discuss possible collaborations.

C. Immediate Past President Columber thanked staff for all they do and are doing for members during the pandemic.

D. Governor Dunitz, BOG representative to the Judicial Branch Stakeholders Group, reported on the recent meeting held with the Judiciary. The two-hour meeting was a fact-gathering exercise without a lot of discussion of ideas. A recurring concern that was voiced by the numerous stakeholders was the confusion around the 49-day filing extension. The Board decided to appoint the Pandemic Ad Hoc Committee to review and address law-related issues, concerns, positions, orders, etc., that arise from the pandemic and the reopening of Maine. The President appointed the following to the ad hoc committee: Governors Dunitz (chair), Burbank, Hall, Tebbetts and Willey.

Item 5. Executive Director’s report.

A. Clarified 2018, 2019 and 2020 CLE requirements and changes from the Board of Overseers.

B. The MSBA 2019 Annual Report is expected to be complete and distributed by the end of May or early June.

C. Reported that she attended the NEBA Board of Directors Zoom meeting on May 8, 2020. NEBA is moving forward with its Annual Meeting in October at this time.

D. Reported the Violence Survey results are available in Dropbox for review and indicated that any questions should be sent to her that result from the review.

Item 6. President’s report.

A. Discussed Berman & Simmons letter to the Judicial Branch. Governor Faunce submitted the letter to the Board for review and requested the Board consider supporting the firm’s position. The Board was not prepared to make a decision during the meeting, and charged the newly formed Pandemic Ad Hoc Committee to review.

B. Discussed possible alternatives for the Strategic Planning Retreat, which was supposed to have occurred in late April but was postponed due to the pandemic. ED Armstrong has reached out to facilitator, Chris Newbold from ALPS, to determine his availability later in the year and ideas on how to proceed.

C. Requested feedback on Bar Talk. Governors thanked President Day and ED Armstrong for their work on this and provided several positive comments. Governors will send topic and guest speaker ideas to ED Armstrong.

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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)

Item 7. **Law Day 2020 essay and poster contest for Maine schools.**

ED Armstrong reported that contest is now closed. We only received essay submissions this year, no posters. The judge panel will meet later this week to select the winners.

Item 8. **Accountants vs. Attorneys: Summer Softball Showdown.**

The Maine State Bar Association is partnering with the Maine Society of Certified Public Accountants (MECPA) for its 3rd Annual Summer Softball Showdown. The game will be held on August 19, 2020 at 5:00-7:00 p.m. at the Freeport Middle School. Bar Counsel Aria Eee and Attorney AJ Chalifour will serve as MSBA co-coaches.

Item 9. **Updated on MSBA CLE and other educational programs.**

A. Annual joint program by MSBA and Maine Board of Overseers of the Bar: May 28, 2020 at 1:00-3:15 p.m. by Zoom. The program is free and attendees can earn one H&D credit and one ethics credit for their 2020 CLE requirements. For those attorneys who failed to earn their H&D credit for 2019, this program provides one H&D credit for 2019 and one H&D credit for 2020.

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 10. **Committee Reports.**

A. Bylaws & Policies report provided by Governor Haddow. Charter was approved.
B. Civics Education report provided by Governor Willey.
C. Continuing Legal Education report provided by Governor Stitham. Revised mission statement and operating guidelines were approved.

D. Finance report provided by President Elect McDonald. Charter was approved.

E. Legislative: no report.

F. Maine Bar Journal Editorial Advisory report provided by Governor Burbank.

G. Membership: no report.

H. Task force for Medical Legal Committee report provided by Governor Babcock. Charter was approved.

A motion was made, duly seconded, and voted in the affirmative to accept the following: Bylaws & Policies Committee Charter; Revised CLE Committee Mission Statement and Operating Guidelines; Finance Committee Charter; and, Medical-Legal Committee Charter.

Item 11. Casemaker update.

The MSBA has a total of 1,955 registered Casemaker users. For April 2020, there were 249 unique users (two of which were first-time users), who conducted 2,565 searches in 757 sessions.

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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 12. Section Leadership Meeting.

A. ED Armstrong and Deputy ED Seavey held a Zoom meeting with Section leaders on May 18, 2020 to learn what they are doing to reach out to their members, how the MSBA can support them in their efforts, and discuss the FY 2020-2021 budget cycle and any other important issues.

Item 13. Women’s Law Section.

A. The WLS has held two Friday afternoon Zoom events. Attendees use the time to socialize, discuss concerns, see friendly faces, check in on friends, and laugh.

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Item 14. Old business.

There was no old business to come before the Board.
Item 15. New business.

There was no new business to come before the Board.

Adjourned at 3:47 p.m.

Respectfully submitted,

Angela P. Armstrong
Executive Director