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: Bishop (phone), Burbank (phone), Columber, Day, Deschuytner, Driscoll, Dunitz, Faunce, Haddow, Hall, Herman, Kreckel (phone), McDonald, Rudelitch, Sauflsey (phone), C. Smith, and Stitham (phone).

Members Absent: Johnson, Jones, S. Smith, T. Smith, and Willey.

Guests: Isabel Courtney.

Staff Present: Seavey and Weston.

The President called the meeting to order at 1:05 p.m. He welcomed guest Isabel Courtney. Isabel is a senior at Gorham High School, and is interning and job shadowing with Treasurer Haddow for the week.

Item 1. Accepted Items 1A – 1B: A motion was made, duly seconded, and voted in the affirmative to accept Items 1A – 1B.

A. Approved minutes of the April 23, 2019 meeting.
B. Set date of the next Board of Governors meeting for Wednesday, June 19, at 3:00 p.m. at the Bar Harbor Regency.

Item 2. Treasurer's report.

A. Treasurer Haddow reported that we are still on track with the FY 2018-2019 budget. We’ve received 83.71 percent of budgeted revenue and spent 50.69 percent of budgeted expenses. At this time last year, we had received 78.18 percent of budgeted revenue and spent 50.87 percent of budgeted expenses. Treasurer Haddow stated that we are projecting a decrease in CLE revenue in the video replay line due to the amended Maine Bar Rule 5 requiring moderators for all “live-credit” video
replays. He also noted the almost $8,800 increase in the Camden Wealth Management account in the month of April, which places us significantly ahead from last year. *A motion was made, duly accepted and voted in the affirmative to accept the April 2019 financial statement.*

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

Executive Director Weston reported that the following judges were evaluated in the sixth year of their current terms: Judges David J. Mitchell and John V. Romei. She reported that the Judicial Evaluation Committee recommends both judges for reappointment.

*A motion was made, duly seconded, and voted in the affirmative that Judge David J. Mitchell is recommended for reappointment.*

*A motion was made, duly seconded, and voted in the affirmative that Judge John V. Romei is recommended for reappointment.*

ED Weston will pass this information on to each individual judge, Chief Justice Saufliey, the chief judge of the district court, and Governor Mills.

**Item 4.** Board of Governors reports.

A. President-Elect Day.
   1. Attending UMaine Law School Commencement on May 25, 2019 at 10:00 a.m. at Merrill Auditorium in Portland to represent MSBA and present the *Pro Bono* Student Award.
   2. Reported that he visited Greeley High School on May 1 for Law Day and spoke to some students in the guidance office.
   3. Reported that he attended the UMaine Law School Alumni Weekend on May 17-19, including the lobster bake on Peaks Island.

B. Vice President McDonald.
   1. Reported he met with President Columber, ED Weston and Deputy ED Seavey to discuss possible locations and ideas for the 2021 membership conference. He would like to hold a solo/small firm event in Augusta or Portland in January, an Annual Bar Conference in June, and a BOG white water rafting retreat in September. He invited the Governors’ feedback.

C. Immediate Past President Driscoll.
   1. Served as panel member for the joint MSBA/Board of Overseers H&D program in Augusta. Will also be on a panel at the Portland program.
   2. Reported she attended the MJF breakfast where Dean Conway spoke about the issues facing UMaine Law School, particularly funding issues. She asked the Governors to think about the role the MSBA could play in helping the school grow, and stressed the importance of maintaining the only law school in Maine.

D. Other Governors: no reports
Item 5. Executive Director’s report.

A. Reported the Muskie ATJ Award Dinner will be held on May 29, 2019 at Holiday Inn by the Bay in Portland. This year’s awardee is Beth Stickney. The MSBA table is full.

B. Maine Bar Rule 5 amendments effective May 1, 2019. Two amendments that affect MSBA operations are the new requirements for video replays to be considered live programs and the elimination of CLE credits for Section business meetings.

C. Reported that she has been working with President Columber and Deputy ED Seavey on filling Section and Committee chair vacancies, recommendations for sunsetting some Sections and Committees, and assigning Governors as Section liaisons. ED Weston also reported that budget request letters for FY 2019-2020 will be sent to all Section and Committee chairs later this week.

Item 6. President’s report.

A. Reported he wasn’t going to seek out a trending topic for an annual survey due to the Membership Committee surveys sent out members and nonmembers about value proposition. He did however indicate that the Board needs to determine a topic for a survey that will be sent out at the beginning of 2020.

B. Reported that the Annual Bar Conference online registration is now available. The meeting is on June 19-21, 2019 at Bar Harbor Regency. He asked Governors to register, and to remind their office colleagues to register.

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)


The contest is now closed. We received seven essay and 25 poster submissions. The judge panel will meet soon to select the winners.


The Maine State Bar Association is partnering with the Maine Society of Certified Public Accountants (MECPA) for its 2nd Annual Summer Softball
Showdown. The game will be held on August 22, 2019 at 5:00-7:00 p.m. at the Freeport Middle School. Past President Driscoll will serve as the MSBA coach.

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

A. Wills for Heroes: Veterans’ will clinics to be held in April, May and June of 2019. The first clinic was held on April 18 at the Augusta Armory. The next clinic will be held in Bangor on May 23, and the final clinic will be held on June 13 in Portland. This is a Veterans Legal Services Initiative (VLSI) program. The VLSI is a partnership between the MSBA, the Veterans’ Law Section, and Pine Tree Legal Assistance. The goal of VLSI is to educate Maine attorneys on the civil legal needs, many of which can be health-harming, of Maine veterans and to provide training and pro bono opportunities to help bridge the justice gap for veterans in Maine.

B. Annual joint program by MSBA and Maine Board of Overseers of the Bar was held on May 14, 2019 at the Augusta Civic Center, and is also scheduled for May 23, 2019 at the DoubleTree in Portland. Program focuses on the new one-hour CLE requirement related to harassment and discrimination. The session held on May 14 had 319 attendees. To date, there are 287 signed up for the Portland session.

C. Joint program by MSBA and Maine Disability Rights Center: October 2019. Point of contact Kristin Aiello is working with CLE Director Linda Morin-Pasco to determine location of venue and specific topic to be covered.

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**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. Membership.**

A. Deputy ED Seavey reviewed the membership, new member and resignation reports, which showed membership at 2848 members, with 9 new members, 6 reinstated members and 1 student member since the April 23, 2019 meeting. There were no resignations during this same period.

**Item 11. Legislative update.**

A. Chair Kelly McDonald reported for the Legislative Review and Response Committee. He reviewed several bills the Committee has been monitoring.
1. LD 208: An Act Regarding Small Claims Court Jurisdiction. The Committee could not come to a position and has remained silent.

2. LD 214: An Act To Increase Funding For Civil Legal Services. The Committee submitted a letter in support on February 28, 2019, and Lobbyist Jim Cohen provided testimony.

3. LD 657: An Act To Reorganize The Probate Courts. The Committee submitted a letter neither for nor against, indicating that the MSBA would reconsider once the concept draft turns into something more concrete.

4. LD 1424: An Act to Create An Access To Justice Income Tax Credit. The House and Senate passed this bill. We have a letter of support prepared for the bill once it is before the Appropriations Committee.

5. Other items being monitored: LDs 1001, 1067, 1233, 1759; Sixth Amendment Report.

6. Governor Saufley suggested we make all letters/testimony available on the website. ED Weston stated she will make it happen.

**Item 12. Casemaker update.**

The MSBA has a total of 1,890 registered Casemaker users. For April 2019, there were 313 unique users (one of which was a first-time user), who conducted 7,236 searches in 1,066 sessions.

**Item 13. Governor liaison reports.**

No reports submitted.

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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 14. ADR Section.**

A. Section CLE event about the enforceability and use of mandatory mediation provisions in employment agreements and business contracts held on May 9, 2019 at 9:00 a.m. at Drummond Woodsum in Portland.

**Item 15. Family Law Section.**

A. Section business meeting held on April 17, 2019 at 12:00 p.m. at Andrucki & King to discuss the Family Law Achievement Dinner and Award.

B. Section business meeting held on May 2, 2019 to discuss LD 1596 and possible legislative testimony.

A. Annual networking event at the Sea Dogs game on July 11, 2019 at 7:00 p.m. at Hadlock Field picnic area in Portland. Tickets are $15 each, and include all-you-can-eat food and non-alcoholic beverages, and Sea Dogs biscuits. The event is open to all MSBA members and their families. Gates open at 5:30 p.m.

Item 17. Real Estate & Title Section.

A. With respect to the cost and dissemination of the Title Standards, the MSBA staff is continuing its research on: options to provide the Title Standards as a searchable online document; costs involved in providing it online; how to make it available to paying members and non-members; creating an annual subscription-based model; and using Casemaker as a possible online provider for the Title Standards. Costs and dissemination of Title Standards for 2019 will remain the same as previous years.

B. Section business meeting held on May 15, 2019 at 9:30 a.m. at the Augusta Civic Center.

Item 18. Women's Law Section.

A. Networking luncheon held on May 8, 2019 at 12:00 p.m. at Brann & Isaacson in Lewiston. The purpose of the lunch was to network, and to discuss practice issues, mentoring, and retention of new lawyers to the Bar.

B. Networking luncheon to be held on June 27, 2019 at 12:00 p.m. and Berman & Simmons in Lewiston. The focus of this lunch meeting will be pro bono opportunities.


A. The LA Class of 2019’s “Executive Coaching” session was held at Norman Hanson & DeTroy on April 23, 2019. Facilitated by attorney Elizabeth Worthen, this course provided an in-house perspective on being an effective attorney and what it can mean to one’s firm and reputation.

B. The LA Class of 2019’s “Public Speaking” was held on May 10, 2019 at 10:00 a.m. at the office of Verrill Dana in Portland. Attorney and public speaker Douglas S. Brown spoke to the fellows about all aspects of public speaking, including speaking opportunities, finding your topic, preparation and practice, warm-up activities, getting out of the comfort zone, and position and blocking.

C. Graduation for the Class of 2019 will be held at the Annual Bar Conference on Thursday, June 20 at 6:00 p.m. during the lobster bake. Fellows include:
   Kaylee J. Fostler of Vafiades, Broutnas & Kominsky in Bangor
   Jordan Payne Hay of Skelton, Taintor & Abbott in Auburn
   Samuel G. Johnson of Norman, Hanson & DeTroy in Portland
   Jeffrey S. LaCourse of Soule, Soule & Logan in Wiscasset
   Amy K. Olfene of Drummond, Woodsum & MacMahon in Portland
Item 20.  **Old business.**

A. President-Elect Day reported the 2020 Meeting Committee met on May 8, 2019 to discuss the feasibility of holding a winter meeting in 2020. The Committee voted 3–2 to recommend having a meeting in January in Portland. He presented a proposed meeting schedule and budget projections, and asked the Board to approve the meeting. President Columber voiced his concern about the cost, staff time involved and declining membership numbers, related to holding a second membership meeting in 2020. **A motion was made, duly seconded, and a majority voted in the affirmative to hold a membership meeting on January 30-31, 2020 at the Westin Hotel in Portland.** President Columber abstained.

Item 21.  **New business.**

There was no new business to come before the Board.

Adjourned at 3:13 p.m.

Respectfully submitted,

Angela P. Weston
Executive Director