MAINE STATE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
ZOOM MEETING
MAY 25, 2021
1:00 P.M.

TO JOIN ONLINE:
https://us02web.zoom.us/j/89170482980?pwd=RkV0d0FaNDVRcklrld1VzTDd4bVJ4QT09
MEETING ID: 891 7048 2980
PASSWORD: BOG525

PHONE: 646-558-8656
MEETING ID: 891 7048 2980
PASSWORD: 920940

MINUTES OF THE MEETING
The agenda and supporting documents for this meeting are available at MFBarConnect.

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 Absent: Faunce, Peterson and Saufley
Staff Present: Armstrong and Seavey.

Item 1. Call to order and welcome.
President McDonald called the meeting to order at 1:01 p.m. and conducted a brief check in with everyone.

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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: Governor McNally.**

A. Meeting held on May 18.
B. Chair McNally reviewed the action plan, focusing on three goals.
   b. Continued support to the Rural Practice Fellowship program.
   c. Future legislation for tax credits.

Item 3. **ad hoc MCILS Committee report: Chair Bishop.**

A. Three MCILS panels at Summer Bar Conference: June 24 at 12:30-1:30 p.m., June 24 at 2:00-3:00 p.m., and June 25 at 10:30 a.m.-12:00 p.m. Each panel focuses on a specific issue.
   1. History of MCILS.
   2. Panel of rostered attorneys discussing current issues and MCILS reform.
   3. Panel discussing public defender office option.
   4. *A motion was made, duly seconded, and voted in the affirmative to provide a free option for the three MCILS sessions to those attendees who do not require CLE credit.*

Item 4. **Civil Practice Working Group report: BIPOC Lawyers Section Rep. Echeverria.**

A. Representative Echeverria reported that the group met the previous week, and has come to a pause in its process of clarifying pandemic orders from the court and reinstating civil trials in courts. This pause is to await further guidance from the newly appointed Chief Justice. The group will hold a session at the Summer Bar Conference, with Justice Horton, Justice Murphy, Karen Wolf and Christian Lewis serving as panelists.

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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. Subcommittees met on May 13 in lieu of full Committee meeting.
B. Next meeting: June 10 at 3:00-4:00 p.m. (Zoom).

Item 6. **Relevant MSBA CLE programs.**

A. **Moving Beyond Diversity:** May 26, 2021 at 12:00-1:30 p.m. (webinar) with Laura Ligouri and Katie Beane of Mindbridge. Participants will explore the connection between implicit biases and judgment; how the brain’s automatic, unconscious processes can become impediments to justice; and how a lack of awareness of our biases can contribute to
discriminatory behavior and disparate outcomes for clients from varying backgrounds.

B. How to Maintain a Diverse Legal Workforce: May 27, 2021 at 1:00-2:00 p.m. (webinar replay) with Katy Goshtasbi of Puris Consulting. Participants will learn the shocking connection between diversified legal environments that actively seek to eliminate bias and attorney-client/attorney-attorney relationships; how to have a corporate legal culture that mitigates business risk and still drives creativity and innovation of employees and the law firm brand; how to maintain a diverse law firm and utilize this diversity to grow including better hiring and managing/terminating employees; and, the Five “Cs” of brand management to achieve, and cultivate, diversity in the law firm environment and in attorney-client relationships.

C. Learn Mindfulness to Curtail Implicit Bias: June 25, 2021 at 1:00-2:00 p.m. (webinar replay) with Attorneys Cindy Sharp and Becky Howlett. Participants will learn how to use mindfulness tools to develop deeper awareness about implicit bias and learn to counter insensitive attitudes; specific steps that can be taken immediately to reduce the ill effects of implicit bias in the legal setting; concepts that will help identify and address unconscious bias when dealing with colleagues, clients, and others; and, how enhanced cultural competency will help any attorney both serve justice and advocate more efficiently.

D. When There Are Nine: Gender Bias in the Legal Profession: June 30, 2021 at 1:00-2:00 p.m. (webinar 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.

Item 7. Training for MSBA staff and Board of Governors.

A. June 2 at 11:00 a.m.-1:00 p.m. on cultural competency and implicit bias (Zoom). H&D credit is available.

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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 8. Membership.

A. Reviewed membership, new member, and resignation reports. Deputy ED Seavey reported total member count is 2861. There were 19 new members since the April 27 Board meeting, of which 11 were new members (dues-paying) and eight were reinstatements (dues-paying). There were no resignations during this same period.
B. ED Armstrong reported that we have collected $585,655 of budgeted dues of $593,800, or 98.63 percent. This compares to 99.04 percent last year.

Item 9. **Membership Committee report: Chair Bishop.**

A. Meetings held on April 28 and May 19.

B. Recommend MSBA Charter amendment. **A motion was made, duly seconded, and voted in the affirmative to accept the amendment to the MSBA Charter and to present the amendment to the membership for approval.**

Item 10. **Bar Talk update.**

A. Recent guests: MAP Director Bill Nugent, ABA President Patricia Refo, MJF ED Michelle Draeger, Employment Law Attorney Anne-Marie Storey.

B. Summer suspension: President McDonald reported that he is considering suspending Bar Talk for the summer because attendance is down and summer weather will likely continue that trend.

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**General Business of the Board of Governors.**

Item 11. **Consent Items 11A-11B. A single motion was made and voted in the affirmative to accept Items 11A-11B.**

A. Approved minutes of the April 27, 2021 meeting.

B. Set date of next Board of Governors meeting for **Wednesday, June 23, 2021 at 1:00 p.m.** (Zoom).

Item 12. **Treasurer’s report.**

A. Accepted April 2021 financial statement: financial documents available at **MEBarConnect.** Treasurer Haddow reported we have received 80.74 percent of budgeted revenue through April compared to 87.92 percent last year, and spent 47.83 percent of expenses compared to 56.16 percent last year. He indicated that the budget outlook is better as we have progressed through the year. We are behind on revenue, but the net is catching up with the budget because of savings on expenses. Additionally, investments have increased in market value by $20,934.74. **A motion was made, duly seconded, and voted in the affirmative to accept the April 2021 financial statement.**

Item 13. **Board of Governors reports.**

A. President-Elect Bishop confirmed 2022 bar conference dates:
   2. June 15-17 at Harborside Hotel, Bar Harbor.

B. Vice President Stitham is working with staff to confirm 2023 meeting dates.

C. Immediate Past President Day reported the Investment Committee is meeting on June 30 (Zoom).

D. Other Governors – no reports.
Item 14.  Executive Director’s report.

A.  BOG mandated suspension of all in-person events held by MSBA entities has expired. The Board asked ED Armstrong to inform members that the suspension is lifted but any meetings held by MSBA entities must comply with federal and state CDC guidelines.

B.  Attended NEBA Board of Directors Meeting on May 21. NEBA’s annual meeting will be held in-person on October 28-30 in Rhode Island.


Item 15.  President’s report.

A.  Summer Bar Conference on June 24-25 (virtual).
   1.  Approve recipient of 2021 John W. Ballou Award: subcommittee recommends Rhonda Decontie, Clerk of Penobscot Nation Tribal Court. After much discussion, a motion was made, duly seconded, and a majority voted in the affirmative to not present the John W. Ballou Award in 2021. Governors Anton and Okun abstained.

B.  Board of Governors Retreat: August 21-22 at Camp Kieve in Nobleboro.

C.  Asked Governors for their thoughts on resuming BOG meetings in person, continue meeting by Zoom, or a hybrid approach. After much discussion, the Board decided it will continue to hold virtual meetings this summer and will re-evaluate this fall.

D.  Suggested hosting an in-person dinner after LYR in November. ED Armstrong will investigate the feasibility of this option and report at the next meeting.

E.  Suggested that the MSBA release a statement to members recommending that they get vaccinated and to use their position in the community to encourage others to get vaccinated. The Board did not support the release of this statement.

Item 16.  Committee reports.

A.  Bylaws & Policies: Chair Saufley.
   1.  ED Armstrong reported in Chair Saufley’s absence that he will be gathering a meeting of the Committee soon.

B.  Civics Education: Chair Willey.
   1.  2021 Law Day Contest winners. Governor Willey reported he, ED Armstrong and President McDonald met to select the Law Day contest winners, and the winners can be found on the MSBA website.

C.  Continuing Legal Education: Liaison Stitham reported she will be attending the CLE Committee meeting later in the day.

D.  Finance: Chair Bishop.
   1.  Section budget requests sent to chairs.
   2.  Meeting: August 5 at Bar HQ (time TBD).

E.  Judicial Evaluation: Chair Cramer.
   1.  Meeting: June 1 at 1:00-2:00 p.m. (Zoom).

F.  Legislative: Chair Okun.
   1.  Requested sending a call to action of members for MCILS bills. A motion was made, duly seconded, and voted in the affirmative to send an email to members requesting that they contact their legislators about properly funding MCILS.

H. Medical Legal Committee: Chair Faunce – no report.

**Item 17. Sections update: meetings, events and information.**

A. Approved proposed MSBA Animal Law Section: A motion was made, duly seconded, and voted in the affirmative to approve the formation of the Animal Law Section.

B. Family Law Section.
   1. Meeting: May 27 at 12:00-2:00 p.m. (telephone).

C. New Lawyers Section.

D. Governor section liaison reports – none.

**Item 18. Old business.**

There was no old business to come before the Board.

**Item 19. New business.**

There was no new business to come before the Board.

Adjourned at 4:45 p.m.

Respectfully Submitted,

Angela P. Armstrong
Executive Director