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, Deschuytner, Driscoll, Dunitz, Faunce, Herman, Johnson, McDonald, Rudelitch (phone), C. Smith (phone), S. Smith (phone), Stitham and Willey.


Staff Present: Armstrong and Seavey.

In the absence of President Columber and President Elect Day, and with Vice President McDonald running late, ED Armstrong called the meeting to order at 1:05 p.m.

Item 1. Accept Items 1A – 1D.

Governor Stitham requested that Item D be set aside for a separate vote.

A. Approved minutes of the August 20, 2019 meeting.

B. Set the date of next Board of Governors meeting for Tuesday, October 29, 2019, at 1:00 p.m. at Bar Headquarters in Augusta. Presidents’ Lunch Meeting precedes BOG meeting at 11:30 a.m.

C. Confirmed the President’s appointment of the following Section Chairpersons, Chairpersons-Elect and Co-Chairpersons for 2019-2020: Labor & Employment Law

Eric J. Uhl

A motion was made, duly seconded and voted in the affirmative to accept Items 1A – 1C.

D. Adopted the following resolution appointing attorneys to the Board of Directors of Pine Tree Legal Assistance, Inc.:
WHEREAS, the membership of the Maine State Bar Association represents a majority of attorneys practicing in Maine; and
WHEREAS, the Board of Governors is the governing body of the Maine State Bar Association; and
WHEREAS, appointments to the Board of Directors of Pine Tree Legal Assistance, Inc., are made so as to ensure that the attorneys include women and minorities and reasonably reflect the population of the areas served by Pine Tree Legal Assistance, Inc., and
WHEREAS, the persons hereafter listed as appointees are admitted to practice in Maine, are supportive of the purposes of the Legal Services Corporation Act, and have an interest in and knowledge of the delivery of quality legal services to the poor.
It is hereby RESOLVED by the Board of Governors that the following individuals are appointed for two-year terms (September 2019 - September 2021) to the Board of Directors of Pine Tree Legal Assistance, Inc.:

Elizabeth Butler (Brunswick)
William C. Black (Portland)
William B. Devoe (Bangor)
Caitlin DiMillo (Portland)
Wendy Harlan (South Portland)
Hope Hilton (Harpswell)
Marcus Jaynes (Portland)
Stacy Stitham (Lewiston)

A motion was made, duly seconded and voted in the affirmative to accept Item 1D. Governor Stitham abstained.

Item 2. Treasurer’s report.

A. In the absence of Treasurer Haddow, ED Armstrong reported that as of the end of August, we are 91.66 percent through the fiscal year. We are down by approximately $21,000 in the membership dues line. This number will not change for the remainder of the fiscal year because we have already sent out the first dues billing for FY 2019-2020 and all incoming dues will be applied to the next fiscal year. As reported at the August meeting, the CLE department is having a very good year. The CLE revenue line is currently at 114.51 percent of budgeted revenue, and the CLE expenses line is only at 91.28 percent of budgeted expenses. Overall, the MSBA budget is higher than this time last year, with 104.05 percent of budgeted revenue received and 87.62 percent of budgeted expenses spent. At this time last year, we had received 94.4 percent of budgeted revenue and spent 83.57 percent of budgeted expenses. We are still projecting an operating surplus, rather than the budgeted deficit of just under $49,000. A motion was made, duly seconded and voted in the affirmative to accept the August 2019 financial statement.

Item 3. Appoint Nominating Committee.

Article XII, Section 4 of the MSBA Bylaws indicates that the President-Elect shall appoint a Nominating Committee of five Association members, three of whom are members of the Board of Governors and two of whom are not members of
the Board of Governors. ED Armstrong recommended asking MSBA members and Past Presidents Paul Chaiken and Diane Dusini to serve on the Committee. The Board agreed and requested that ED Armstrong reach out to them. ED Armstrong reported that the President-Elect serves as the Chair of the Nominating Committee, and asked for volunteers for the remaining two open Board seats. Governors Dunitz and Faunce volunteered to serve on the Committee.

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

A. President-Elect Day: no report.
B. Vice President McDonald.
   1. Reported that he attended a recent NLS meeting, at which he told members how important the NLS is to the MSBA and that they are doing a great job with Section events and initiatives.
   2. Reported that he attended the September CLE Committee meeting, at which he reported on the approval of the FY 2019-2020 CLE budget and communicated the support of the Board of Governors.
C. Immediate Past President Driscoll: no report.
D. Other Governors: no report.

**Item 5. President’s report.**

President Columber submitted the following written report in his absence:
Thanks to everyone for joining the meeting today, and I’m sorry I am not able to attend. ED Armstrong, Vice President McDonald and I discussed the agenda prior to the meeting, and I have asked them to take over in my absence. I look forward to seeing everyone in October.

**Item 6. Executive Director’s report.**

A. Nominating petitions for 2020 Board of Governors are due by October 1, 2019. The Vice President seat is open. The following Governors’ terms are expiring and will need to submit a petition if they want to serve another term (term expiring):
   - District 1: Tyler Smith (2nd term)
   - District 2: Jennifer Kreckel (1st term)
   - District 3: Frank Bishop (4th term – termed out)
   - District 6: Stephen Smith (1st term)
   - District 8: Haley Hall (1st term)
   - District 9: Ezra Willey (2nd term)
   - District 10: Charles Rudelitch (1st term)
   - District 11: Christine Smith (filled unexpired term of Judge Nelson)

Governors T. Smith and Rudelitch informed ED Armstrong that they are not seeking another term.

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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.  **Accountants vs. Attorneys: Summer Softball Showdown update.**

The Maine State Bar Association partnered with the Maine Society of Certified Public Accountants (MECPA) for the second annual Summer Softball Showdown on August 22, 2019 in Freeport. Turnout was a little low due to a competing softball league game, but the MSBA rallied and put up a good fight. Unfortunately, the MSBA lost to the MECPA 7-6. Thank you to the Association of Legal Administrators Downeast Chapter, Bergen & Parkinson, Camden Law and Rock Harbor Brewing Company for sponsoring the MSBA team, and to attorney Stephen Schwartz for officiating. Proceeds will benefit the Strike Out Cancer in Kids and the Maine Children’s Cancer Program through the Portland Sea Dogs.

Item 8.  **Professionalism Survey Presentation.**

ED Armstrong will make a presentation to the Maine Probate Judges Assembly fall meeting on October 4, 2019 in Tenants Harbor. The primary topic will center around harassment and discrimination, to include discussion of the MSBA’s Professionalism, Conduct and the #MeToo Movement survey completed in 2018 and the changes to Maine Bar Rule 5.

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

A.  Legal Year in Review: November 21, 2019 at the Augusta Civic Center.
B.  Bridging the Gap: December 10-11, 2019 at the Hilton Garden Inn, Freeport.
C.  Joint program by MSBA and Maine Disability Rights Center was originally planned for October 2019, but will now be held in 2020. Point of contact Kristin Aiello recently noted that the 25th anniversary of the passage of the ADA is in 2020, and would like to tie-in the anniversary with the CLE program. Kristin will continue working with CLE Director Linda Morin-Pasco to determine venue location and specific topics to be covered for the 2020 program.

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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. **A motion was made, duly seconded and voted in the affirmative to forgive the FY 2019-2020 membership dues of Lewis Epstein.**

B. ED Armstrong reported that, as of the end of August, we have collected $609,172.50 of the $630,000.00 budgeted dues, or 96.69 percent. This compares to a collection rate of 99.66 percent at the same time last year. As stated in the Treasurer’s report, this number will not change for the remainder of the fiscal year because we have already sent out the first dues billing for FY 2019-2020 and all incoming dues will be applied to the next fiscal year.

C. Deputy ED Seavey reported that the MSBA has 2,933 members as of September 24, 2019. There was a total of 11 new members since the August 20, 2019 meeting, eight of which are new members, one was a reinstatement (also dues-paying), and two were student members. There was one resignation during this same period.

D. Deputy ED Seavey reported that the Membership Committee met on September 4, 2019 at 12:00 p.m. Discussion focused on the strategic plan goal of creating a MSBA value proposition. Later in the meeting, Governors will break into focus groups and answer questions created by the Committee as part of this process.

Item 11. **Casemaker Update.**

The MSBA has a total of 1,931 registered Casemaker users. For August 2019, there were 306 unique users, 11 of which were first time users, who conducted 5,773 searches in 934 sessions.

Item 12. **Membership focus groups.**

Governors broke out into three small groups to answer questions to aid the Membership Committee as it works to define the MSBA value proposition. The focus groups took about 20 minutes for discussion, and then each group reported to the full Board. The report for each group is attached to these minutes.

Item 13. **Governor liaison reports.**

A. Governor Dechutyner reported that the NLS will hold its annual *Pro Bono* Fair at Preti’s Portland office in January (date TBD). Vice President McDonald suggested that the Section consider holding the fair in conjunction with the Annual Bar Conference. She indicated that she would speak with the Section leadership and MSBA staff about this possibility.

B. Governor Faunce reported that the WLS is holding monthly lunches at various firms throughout the state to discuss important topics and to allow for networking opportunities. She also reported that the Glassman Committee has sent out a request for nominations, and is hopeful that the award will be presented during the Annual Bar Conference in January.
C. Governor Stitham reported that she is on the CLE Committee. She indicated that the CLE Committee is currently finalizing FY 2018-2019, and already working on CLE programs for FY 2019-2020.

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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. University of Maine School of Law Orientation and 1L Resources Event.

Deputy ED Seavey and Membership Services Coordinator Karen Staples attended the orientation event, and ED Armstrong and Deputy ED Seavey attended the 1L resources event. We registered 53 new student members over the course of the two days.

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Item 15. Old business.

There was no old business to come before the Board.


There was no new business to come before the Board.

Adjourned at 3:05 p.m.

Respectfully submitted,

Angela P. Armstrong
Executive Director
Focus Group #1:
Angela Armstrong, Rachel Deschuytner, Jonathan Dunitz, Susan Faunce, Tonya Johnson

1. Who are the MSBA’s competitors?
   - NBI
   - MTLA
   - DRI
   - ABA
   - MACDL
   - Other CLE providers
   - County Bars
   - Non-profits
   - Practice specific conferences/workshops/summits from other providers

2. What do the competitors do better than the MSBA?
   - More frequent CLE opportunities
   - Specialized CLE
   - Networking with referral sources or clients

3. What does the MSBA do better than its competitors?
   - CLEs are better organized and better quality
   - Maine law specific CLEs
   - Contact with Maine judges
   - Networking outside of practice area

4. What influences/motivates you to use MSBA over its competitors?
   - Casemaker
   - Quality of CLEs
   - Networking opportunities
   - Women’s Law Section
   - LawPay
   - Contact with Maine judges
   - Opportunity for name recognition

5. Provide recommended changes to MSBA services/products that would give MSBA the edge over competitors.
   - Health insurance plan
   - Joint programs with other organizations: Maine Society of CPAs, Maine Association of Manufacturers, Realtors, Maine Medical Association, Chambers of Commerce (provides for networking, name recognition, potential referral sources)
Focus Group #2:
Frank Bishop, Susan Herman, Heather Seavey, Ezra Willey

1. Who are the MSBA’s competitors?
   Westlaw
   LexisNexis
   Other CLE providers

2. What do the competitors do better than the MSBA?
   Casemaker – not used and is not competitive enough
   Frank, Susan and Ezra use Westlaw and/or LexisNexis

3. What does the MSBA do better than its competitors?
   CLEs
   Annual conferences
   Legislative services

4. What influences/motivates you to use MSBA over its competitors?
   Casemaker? – maybe for some members but not the majority
   Sections? – demographic sections like NLS and WLS

5. Provide recommended changes to MSBA services/products that would give MSBA the edge over competitors.
   See if LexisNexis or Westlaw will negotiate plan with MSBA
**Focus Group #3:**
Susan Driscoll, Kelly McDonald, Christine Smith, Steve Smith

Kelly explained that the group started out answering the first question, but then let the discussion evolve and therefore did not answer all of the questions.

1. What are the MSBA’s key strengths?
   - There are things going on in the MSBA that people don’t know about.
   - Law Day
   - Generally, involvement in the community
   - Legislative work

2. When, how and where do you use MSBA services/products? Which ones do you utilize the most?

3. What is something that the MSBA could do or provide that would make an attorney more inclined to become a member?
   - More frequent, more local CLEs needed
   - Should do more legislatively on a proactive basis to support judicial system
   - Putting effort into lobbying and developing our brand as supporting lawyers
   - Maybe develop mentorship program
   - Offering health insurance to members would be a huge benefit
   - Change focus from dollars-and-cents of who our bundled services are benefitting members to focus on being the kind of organization that members would want to belong to – values-based (shared values) instead of value-based (transactional)

4. If you could pick a MSBA service or product to eliminate, what would it be and why?

5. Do you recommend becoming a MSBA member to colleagues and attorney friends?