MAINE STATE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
SEPTEMBER 28, 2021
1:00 P.M.

JOIN BY ZOOM:
HTTPS://US02WEB.ZOOM.US/1/83705273472?pwd=eTzzL0VRNF1xMTNhWFpyNkxQNytodz09
MEETING ID: 837 0527 3472
PASSWORD: BOG928

JOIN BY PHONE: (646) 558-8656
MEETING ID: 837 0527 3472
PASSWORD: 496540

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.

Governors Absent: Haddow, Hall, McNally, Peterson, and Willey.
Staff Present: Armstrong and Seavey.

Item 1. Call to order and welcome.

President McDonald called the meeting to order at 1:01 p.m.

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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.

In Chair McNally's absence, Governor Kreckel reported that the Career Fair was cancelled due to the complications of the pandemic and lack of participation. However, the Committee learned during the planning process that there is a great need for attorneys in rural Maine. The Committee will regroup and discuss new ideas to connect attorneys.

Item 3.  

Representative Echeverria stated that she had nothing new to report as the Civil Practice Working Group has not held a meeting in several months and there is no plan to reconstitute the group in the future.

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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 4.  
Diversity Committee report: Chair McDonald.

A. Meeting held September 9: minutes available at MEBarConnect.
B. Next meeting: October 14 at 3:00-4:00 p.m. (Zoom). The Committee will discuss its future mission and goals and will create a Committee charter for Board review and approval.

Item 5.  
Relevant MSBA CLE programs.

A. Maine Lawyers Respond to Controversial ABA Article: Sponsored by the MSBA WLS on September 28, 2021 at 4:00-5:30 p.m. (Zoom) with Aria Eee, Thomas Douglas, Judge Sarah Gilbert, Nancy Macirowski, and Stacey Neumann. Join Maine practitioners as they weigh in on thoughts and concerns surrounding implicit bias against working parents. This CLE was prepared in response to the following article from a recent edition of ABA Journal: "Are women lawyers paying enough attention to upward mobility?"

B. What the Blues Teach About Bias and Inclusion in the Law: October 15, 2021 at 9:30-10:30 a.m. and 2:30-3:30 p.m. (live at Hilton Garden Inn, Freeport) with Stuart Teicher, Esq. Jazz and the blues are about a lot of things, including struggle, culture, bias, inclusion, change, and resilience. Each of those concepts is critical to understanding and combatting bias in the practice of law. Mr. Teicher will connect the world of jazz and blues to diversity and inclusion in the legal world. Topics include: understanding the sources of discriminatory conduct in the practice of law; the specific prohibition on discrimination and harassment in Maine, including a review of Maine’s unique Rule 8.4(g); a discussion about the difference between creating diverse law firms vs. promoting inclusion within law firms; how to improve current efforts in the practice; personal strategies for individual lawyers to improve
communication so as to avoid discriminatory behavior; and, the need to change law firm culture to bring about better communication and decision-making processes.

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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 6. Membership.**

A. Online FY 2021-2022 dues renewal portal opened on September 1.
B. Review membership, new member and resignation reports: Deputy ED Seavey reported current total member count is 2917. There were 23 new members since the August 24 meeting, of which 12 were new members (dues-paying) and 11 were reinstated members (also dues-paying). There was one resignation during this same period.

**Item 7. Membership Committee report: Chair Bishop.**

Chair Bishop stated there is nothing new to report. The Committee will meet in October.

**Item 8. Bar Talk.**

Bar Talk will resume on October 13 with Chief Justice Stanfill as our guest speaker. Going forward, it will be held monthly on Wednesday of the second full week of the month at 11:00 a.m. for 30 minutes.

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

**Item 9. Consent Items 9A-9C: A single motion was made and voted in the affirmative to accept items 9A-9C.**

*Note: All supporting documents available at MEBarConnect.*

A. Approved minutes of the August 24, 2021 meeting.
B. Set the date of next Board of Governors meeting for **Tuesday, October 26, 2021 at 1:00 p.m.** (Zoom).
C. 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 2021 - September 2023) to the Board of Directors of Pine Tree Legal Assistance, Inc.:

William C. Black (Portland)
Carlos Diaz (Portland)
Caitlin DiMillo (Portland)
Wendy Harlan (South Portland)
Hope Hilton (Harpswell)
Marcus Jaynes (Portland)
Meryl Poulin (New Gloucester)
Stacy Stitham (Lewiston)

Item 10. **Treasurer’s report.**

*Note: All financial documents available at [MEBarConnect](#).*

A. In Treasurer Haddow’s absence, ED Armstrong reported that we have received 97.42 percent of budgeted revenue through August compared to 100.39 percent last year, and spent 74.8 percent of budgeted expenses compared to 80.2 percent last year. We are projecting a surplus budget by the end of September of approximately $150,000. Our investment accounts are up over $100,000 in the last year. **A motion was made, duly seconded, and voted in the affirmative to accept the August 2021 financial statement.**

B. ED Armstrong reported that the online dues renewal portal opened on September 1. As of September 26, we have collected $234,270 of the $580,000 budgeted dues (40.39 percent). This compares to a collection rate of 38.4 percent at the same time last year.

C. ED Armstrong reported that the auditors informed us, after the budget preparation and approval unfortunately, that their fee would be increasing this year from $10,000 to approximately $12,000-$14,000. It is too late to change providers this year, but ED Armstrong will conduct research in preparation for next year’s audit and budget.

Item 11. **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.

President-Elect Bishop will serve as chair of the Committee. He is appointing President McDonald and Governor Okun as the other two members of the Board of Governors, and Peter Bennett and Paul Chaiken as the two non-Board members of the Committee.

Item 12. **Board of Governors reports.**

A. President-Elect Bishop.

B. Vice President Stitham: no report.

C. Immediate Past President Day reported that the ED evaluation survey is ready to be distributed.

D. Other Governors.
   1. Governor Jonathan Dunitz reported the Judicial Action Group (JAG) Pro Bono Committee is coordinating low and pro bono efforts with retired attorneys. The Committee will meet again in December.
   2. Governor Burbank reported that the MCILS will soon hear testimony from defense attorneys and prosecutors to learn more about the issues and challenges they are facing with indigent legal service processes.

Item 13. Executive Director’s report.

   A. Nominating petition for 2022 Board of Governors due by October 1, 2021. Offices to be filled are Vice President and Districts 1, 2, 3 (one seat), 6, 8, 9, 10, and 11.
   B. NEBA Annual Meeting: October 28-30 in Bristol, RI.
   C. Former ED Edward Bonney passed away in September 2021. He served as MSBA ED for 25 years from 1973-1998. Past Presidents of the MSBA are discussing ways to celebrate and honor his life by creating a memorial fund.

Item 14. President’s report.

President McDonald reported that we are one year into our two-year strategic plan. He asked Governors to review the plan prior to the next Board meeting, and reflect upon the following questions: How are we doing with the current plan? Are there other initiatives we need to address?

Item 15. Committee reports.

   A. Bylaws & Policies: Chair Saufley.
      1. Next meeting: September 30 at 9:00-10:00 a.m. by Zoom.
   B. Civics Education: Chair Willey: no report.
   C. Continuing Legal Education: Liaison Stitham.
      1. Family Law Institute postponed to September 2022.
      2. Litigation Institute postponed to October 21-22, 2021 and will now be held virtually.
      3. Legal Year in Review will now be held virtually on November 16-18, 2021.
      4. Bridging the Gap is currently scheduled to be held in-person on December 1-2, 2021 at the Hilton Garden Inn, Freeport.
   D. Finance: Chair Bishop: no report.
   E. Judicial Evaluation: Chair Cramer reported that the Committee is meeting soon to discuss potential changes to Judicial Evaluation policy.
   F. Legislative: Chair Okun: no report.
H. Medical-Legal: Chair Faunce reported that she needs to set a meeting to discuss the amended draft of the Medical-Legal Code of Cooperation.

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

A. Animal Law Section.
   1. Meeting: October 15 at 12:00 p.m. (Zoom).

B. Family Law Section.
   1. Meeting: October 28 at 12:00 p.m. (telephone).

C. Governor section liaison reports.
   1. Governor Neumann reported the Women’s Law Section (WLS) is providing the majority of the content for the fall issue of the Maine Bar Journal, which will be mailed out in November. Additionally, the WLS is sponsoring a CLE program in response to an article in the ABA Journal about parenting/childcare issues as an attorney-parent. The CLE program is being held on September 28 (today) at 4:00 p.m. via Zoom.

**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 2:28 p.m.

Respectfully submitted,

Angela P. Armstrong
Executive Director