**Vermont Bar Association**

Board of Manager Meeting

Friday, December 10, 2021 1:00PM

Via Zoom

Present: Jessica Bullock, Rich Cassidy, Josh Diamond, Judith Dillon, Pam Eaton, Bob Fletcher, Elizabeth Kruska, Kate Lamson, Jordana Levine, Kevin Lumpkin, Andrew Manitsky, James Rodgers, Ted Tyler, James Valente, Matt Valerio

Staff: Mary Ashcroft, Teri Corsones, Jennifer Emens-Butler, Lisa Maxfield

1. **Call to Order**: The meeting was called to order by President Bob Fletcher at 1:03PM.

2. **Emerging Issues:** None

3. **Consent Agenda**:

A. Minutes: Upon motion by Elizabeth Kruska, seconded by Andrew Manitsky, the minutes of the November 12, 2021 board meeting were unanimously approved as printed.

B. Treasurer’s Report: Lisa Maxfield has been working on collecting membership dues from lapsed members. She and Teri drafted a personalized message to lapsed members, and 65 have renewed. Lisa provided a spread sheet of the remaining in-state lawyer lapsed members and circulated it to the full Board so that individual contacts can be made. The Lawyer Referral Service is about $10,000 ahead of LRS revenue at this time last year. There are no expenses out of the ordinary, although Lisa noted that with so many people renewing membership on line and paying for LRF on line, it is likely that we will see a marked increase in credit card processing fees.

C. Report of Executive Committee: Did not meet.

D. Board Committee Reports:

i. **Operations**: Did not meet.

ii. **Membership**: Alfonso Villegas is the new chair. Rich Cassidy reported that the Committee had met to discuss lapsed members and the need to have board members reach out individually via e-mail to encourage them to renew as members. Andrew Manitsky said that the Committee had also received Teri’s report on the Mentor Advice Program. So far, 43 veteran attorneys have submitted applications to be mentors. There are now enough mentors to begin advertising gradually for mentees, and they are well distributed geographically and in subject area. Teri had also reported to the Committee that the benefits for remote bar examinees will be continued this year as well. Those benefits included free VBA membership, a free job board post and a free wellness program.

iii. **Program and Planning Committee**: Did not meet.

iv. **Pro Bono Committee**: Did not meet, but Mary reported that the Committee would meet in January to consider nominations for the annual VBA Pro Bono Service Award. She urged Board members to send nominations to Teri for this award.

v. **Governance Committee**: Did not meet.

vi. **Workforce Development Committee**: Did not meet. Judith Dillon reported that she and Teri met with Sarah Buxton, Director of Workforce Development at the Vermont Department of Labor. They discussed funding sources for internships which would include lawyers, law students and college students. When the Workforce Development Committee meets, they will seek to evaluate the need for internships among private attorneys, public defenders, and assistant attorneys general; they will also ask what type of work will be available and how long each internship will last. At the county bar and section leaders phone conference, the bar leaders were briefed on the report and the tasks they will eventually be asked to take on, including designating a county liaison to assist new or transferring lawyers. Judith Dillon expects they will coordinate with local chambers of commerce to develop a list of lawyers soon to be retiring to target areas of need. Bob Fletcher said that Chief Justice Reiber was also interested in this report.

vii. **Covid 19 Committee**: Andrew Manitsky reported that they met and covered 4 items:

1) AO-49 has been extended to March 1, 2022.

2) A Vaccine Tracking Proposal has received support of the VBA and is being reviewed by judges.

3) The Judiciary’s Remote Hearings Committee has been asked to coordinate input from the bar regarding remote hearings. Massachusetts has a good template that Vermont will likely use.

4) Guest Jill Rudge noted that there was a need for lawyers in immigration cases, and also a spike in calls for help in divorce and custody cases. Jill said there is no free legal program for that work. Mary Ashcroft reminded the Board that the VBA’s VOCA low bono program provides representation in family cases for crime victims. The VBA had also experimented with a short-term virtual family law clinic which was popular with lawyers but not with clients, who want in person representation, not just advice. Mary had partnered with Sam Abel-Palmer at Legal Services Vermont to approach the legislature for funding for family law clinic statewide. That request was made with other partners in the Access to Justice Coalition prior to the beginning of the pandemic. Mary indicated that it is time now to go back to the legislature for funding for these advice clinics. Mary suggested that Jill Rudge be asked to combine her efforts with those already underway at the VBA and LSV.

Matt Valerio commented that there are about 5,000 authorized state employees in Vermont government, but that there are now 1,000 vacancies. Matt noted that he has had open positions at the Defender General’s office for 18 months. There is a huge labor shortage in the state.

Bob Fletcher heard the same concerns on the county bar call. Matt has noticed the high earnings paid to recent college graduates, and said that Vermont just can’t match those pay rates. Josh Diamond said that his office had hired 15-20 people in the past year, but noted that wages for state employees and the high cost of housing are two barriers to employment. Bob Fletcher reported that many jobs are only offered on a short term “gig” basis, which is attractive for those seeking flexibility to work only as they wish.

E. President’s Report: Bob Fletcher had participated on the county bar and section chair call so was informed about the workforce development committee’s remarks. He was pleased that so many Vermont lawyers had signed up as mentors. Bob has heard from Jim Knapp that there will be an effort in the Legislature to create standards for land records to create guidance and consistency. During his talk with Chief Justice Reiber, the vaccine registry was discussed, as were shortages in judiciary staffing and public access to civil complaints as soon as they are e-filed.

F. Executive Director’s Report: Teri Corsones noted that many town clerks are now digitalizing land records as funds are available for this purpose. It’s hoped that the increased funding will allow for movement in the legislative efforts made over the years to coordinate land records oversight and standardization among town clerk offices. She reported on efforts being made to add lawyers to the list of occupations eligible for the Relocated Worker stipends. The Vt Rules for Electronic Filing held an emergency meeting about needed changes in e-filing rules because of a recent U.S. District Court decision requiring public access to Civil Division complaints as soon as they are e-filed. This applies to new filings only. Teri also noted that three names have been sent to the Governor as nominees to serve on the Vermont Labor Relations Board.

G. Staff reports:

**Jennifer Emens-Butler** said that there is typically not much interest in CLE programs between Thanksgiving and Christmas. Each program the VBA is presenting during that time frame has about 20 registrants. Next week the dispute resolution series is proving to be popular. Friday’s Bankruptcy Day is now virtual. The winter Journal is in production, and the same printing company is also working on distributing the VBA’s On Your Own booklet. Twenty-two people have signed up for the Thaw so far; oftentimes many register at the last minute. Jennifer wants to present an updated foreclosure mediation program in late January, but it will cost some money. She is working on the CLE programs for the Mid-Year Meeting in March.

**Mary Ashcroft** announced that the CATIC Foundation has just awarded the VBA Incubator Project an $8,000 grant to be used for start-up law office costs for lawyers in the project. Mary has been working under a VBA contract with the Judiciary on divorce guide-and-file smart forms; the VBA will be reimbursed for her time. The VBA’s Modest Means panel needs an update and new lawyers, and Mary asked Board members to consider signing up.

H. VBF Report: Teri reported that Andrew and Rich are the new VBA Board representatives on the VBF Board. Rich noted that much of the first meeting was in executive session to discuss staffing needs. Judith mentioned the town of East Montpelier authorized a donation of $1500 to the VBF, and suggested that other towns should consider this.

I. A2J Coalition: Teri reported that the Coalition has not met, pending the appointment of a new chair following Beth Robinson’s departure.

4. **Action:**

A. Nominating Committee Report: Elizabeth Kruska said that the Committee met that morning and proposed the following slate of officers: Judith Dillon, President-Elect; Matt Valerio, Treasurer; Ted Tyler, Secretary. There are three seats open on the Board. Jim Rodgers will run unopposed, as will Alfonso Villegas. Kate Lamson will run against Lauri Fisher for the third seat. As Judith is the Women’s Division rep to the VBA Board, the Women’s Division will need to name a new representative.. Also, the VBA has a delegate to the ABA House of Delegates. Eleanor Spottswood is the current delegate but does not wish to continue. Elizabeth Kruska has been nominated to fill that position.

Upon motion made by Matt Valerio, seconded by Andrew Manitsky, the Board voted unanimously to approve the slate to be voted on by the full membership. Matt Valerio abstained from voting on his position.

B. July Board Meeting Date Change: The July 2022 board meeting date had been set for July 15th, but that date conflicts with the ALPS meeting of bar leaders in Montana. The Board agreed to change the date of the July meeting to July 22nd also at 1PM in the afternoon.

C. Enrollments: Upon motion made by James Rodgers, seconded by Jessica and unanimously voted in favor, the following enrollments were approved: Legal Members: John Burgess, Alison Bushey, Ruth Lazenby, Andrew Lechner, Francine Mill, Richard Sanderson, and Anna Tadio. Caitlin Kennedy was approved as a law student member.

5. **Discussion**: The Board discussed whether to have the January 14, 2022 Board meeting in-person in Montreal or remote. Technology is very expensive at the hotel, so zoom is not feasible. Enough Board members will be attending in person to make a quorum, so the meeting will be in person. We will look into setting up a conference call for other participants who can’t be in person. There was further discussion requirements about travel to Canada. Kevin Lumpkin will be sending out a memo on this.

6. **Executive Session**: Deferred to end of meeting.

7. **New Business**: Josh asked whether the YLD had been able to obtain the speakers for Montreal for the $1,500 offered by the VBA Board. Pam Eaton said that the speakers they had contacted wanted between $5,000 to $10,000, so that would not likely happen at the Thaw. There may be more training in the spring.

8. **Old Business**: Alfonso said that with the Odyssey changeover from VTADS, the court notes and docketing statements are not as robust as they used to be. Chittenden County, with more personnel, does a better job than other counties. Other disparities occur across the state. Bob Fletcher will raise this issue with the Chief at their next conference.

7. **Executive Session**: On motion made by Jim Rodgers, seconded by Alfonso, and unanimously voted, the Board went into Executive session at 2:28PM.

Respectfully submitted:

VBA Staff.