

**Vermont Bar Association  
Board of Managers Meeting  
Friday, January 13, 2023  
11:00AM  
Montreal, Quebec, Canada and via zoom**

Present: Jessica Bullock, Rich Cassidy, Judith Dillon, Tom Durkin, Bob Fletcher, Erin Gallivan, Kate Lamson, Jordana Levine, Kevin Lumpkin, Andrew Manitsky, James Rodgers, Ted Tyler, James Valente, Matt Valerio, Alfonso Villegas,

Staff: Lisa Maxfield, Kim Velk, Mary Ashcroft, Bob Paolini.

1. **Call to Order:** The meeting was called to order by President Andrew Manitsky at 11:03 AM.

2. **Emerging Issues:** President Manitsky reported that it was snowing.

3. **Acceptance of Consent Agenda**

A. Minutes: Upon motion made, seconded and unanimously agreed to, the minutes were accepted as printed, with a correction in the women's division report.

B. Treasurer's Report: Lisa Maxfield said that non-renewing members were taken off our membership rolls. We currently have 250 not renewing. That results in the year-to-date income difference. Our CLE income line is \$90,000 more than this time last year, mostly due to the notary public trainings, which has had over 3,000 registrants to date. The deadline to renew as a notary public is January 31. The Lawyer Referral line is \$20,000 less than this time last year, which reflects the timing and when the status report requests went out. On the expense side, we show some NEBA expenses as several VBA Board members attended the meeting in Connecticut last month. Differences in the salary, taxes and benefits line resulting from moving Bob from a contractor to an employee now.

Lisa was asked why there were 250 non-renewing members? She does not know the reason for all of them, but noted that many are solo practitioners who may have retired, and some lawyers have switched law firms. Tom is reaching out to newly licensed attorneys to get new members. Discussion ensued about how best to increase membership.

C. Report of Executive Committee: Andrew reported that although there was no meeting, the Committee did issue a decision on CSF applicant. He thanked Judith for her work on this matter.

D. Board Committee Reports

i. **Operations:** No meeting, no report.

ii. **Membership:** No meeting, no report.

iii. **Program and Planning:** The Committee did not meet, although they did approve a new form for speakers' protocols. Kevin Lumpkin has heard from first- and second-year lawyers who are struggling to get their in-person CLE requirements completed. He suggested that the YLD do a series of programs offering these first year CLE credits. Kim replied that there are quite a number of in-person events on the CLE calendar but many young lawyers don't attend what is available.

iv. **Pro Bono Committee:** The Committee did not meet. Andrew Manitsky announced that he had appointed Joy Karnes Limoge as chair of this committee, replacing Mike Kennedy who stepped down.

v. **Governance Committee:** The committee met on January 5. Bob Fletcher said that they had reviewed a policy on legislative advocacy, a succession plan for executive director and changes to the constitution. These items are on the action agenda later in the meeting.

vi. **Workforce Development Committee:** Judith Dillon reported that the committee met and worked on possible requirements for the loan repayment assistance program. Lisa Maxfield reminded the committee to keep in mind accounting practices. The committee hopes to have a proposed application and program description by the next VBA Board meeting. The Workforce Development committee is continuing outreach to community organizations such as the Boys and Girls Club to explore mentorships and information on careers in the law. The committee also considered reaching out to VLGS to offer assistance for improving their graduates bar exam pass rate, as they are in danger of losing accreditation if they don't get the scores up. VLGS provides a pool of new lawyers for the state. Judith also mentioned the event at Halvorson's featuring Vermont Supreme Court Justice Nancy Waples.

E. President's Report: Andrew Manitsky reported the following:

--He attended Chittenden County Bar's holiday party and made a pitch for civility.

--He has an article on civility in process for the VBA Bar Journal.

--He attended the Vermont Judiciary DEI outreach program in Winooski; there will be similar program in Bennington on January 19.

--He participated in a meeting on January 13 as part of the group learning how to deal with litigants with mental health issues in state courts.

--On January 5<sup>th</sup> he met with the Judiciary and heard that Legislator Days were well attended statewide. Discussion centered around dealing with the state court backlog.

--As an MCLE Board member, Andrew is aware of organizations who are applying to be on the approved list for CLE programs. He knew lawyers went to the Thaw to get that requirement and DEI credit. Kim noted that we have diversity and wellness programs coming up, and that Procrastinators week will also have them.

--He attended the January 11 section chairs and bar presidents phone conference at which they discussed the proposed change to rule 1.2 which would require a lawyer to tell a client to disclose if a document had been ghostwritten.

--He attended the Windham County Bar meeting where Bob Paolini was roasted as part of the evening's entertainment.

--He is making progress on his trial court decision project. Fast Case has obtained 2022 decisions and will use those to test the project. Westlaw was also enthusiastic about working on this. Judge Durkin reminded Andrew to include Environmental Court decisions, which are posted separately.

#### F. Executive Director's Report:

--Bob noted that they had not set a time for the next board meeting, which will be on March 31 at Mid-Year Meeting at The Equinox in Manchester. The group agreed to hold the meeting at 3PM with both in-person and zoom options available for participants.

--Bob said the Legislature was off to a slow start as 1/3 on the Legislators are new. A lot of education must occur. The House judiciary Committee received criminal and civil court overviews. The VBA will be invited in to testify/educate at some point. The Governor's office is working on the budget adjustment act, in which the Judiciary is asking for a couple of million dollars to wire the courthouses as the existing systems are overwhelmed. This will be one-time money. The Governor will present his budget next Friday. The Judiciary will request funding for 1 new judge and 10 new support staff including tech support and docket clerks. In Senate Judiciary Committee, 3 out of 5 are new members; 3 are former house members. The Judiciary has not yet asked the VBA to weigh in on its funding request, which they usually would have done by now. Vermont Legal Aid has a dedicated person at the Legislature and they are developing their budget ask, but Bob doesn't know what the numbers are yet. The Access to Justice Coalition is also putting together a request to legislative funding.

There was a legislative hearing yesterday on the backlog in the criminal court system. There are issues in family division, too. Board discussion ensued on how best to fix this problem.

#### G. Division and Section Reports

i. **Young Lawyers Division:** Kevin Lumpkin noted that the Thaw would begin later that afternoon, and that 204 attendees had registered. YLD is working on hosting a gathering in Brattleboro, then one in Montpelier, then back to Burlington. The YLD will likely have their annual meeting in March via zoom, as that will maximize participation.

ii. **Women's Division:** No report.

iii. **Government and Non-Profit Division:** No report.

#### H. Staff Reports:

Kim Velk reported that the Brown Bag Law Study program is ready to go public next week. This will provide support for law office study candidates in bar exam subjects. Jim Knapp will lead off with real property programs, then Benj Deppman on Contracts in March, and Jordana and Alfonso on criminal law in April. Kim hopes to soon line up a family law program for June. Jim Knapp is doing a lot of work on this, and is using the UBE as the outline of topics to cover. Kim asked the Board to volunteer to help as presenters. She is also reaching out to law school profs. Kim's other work this month includes providing support to the YLD for the Thaw, getting the Winter Journal ready, and running the MLK essay and poster contest. The winners are displayed in the lobby. She is also working on the Mid-Year Meeting, which is nearly ready and some Board members are presenting. Kim urged the Board members to get people to use the VBA website. Kevin noted that the only link to register for a program is the general link to the VBA website. There should be a direct link to the registration form for the specific program. Kim will look into changing this.

Mary Ashcroft announced that three lawyers had joined the VBA/VLS New Lawyer Incubator Project. Brian Bailey is in Berlin, Vermont and is transferring from a very large mid-West law firm into a solo patent law practice. Erik Ramakrishnan has located in Alburg, Vermont from California where he had an environmental and municipal law practice. Justin Schoville is in Bethel, Vermont and is a new VLGS grad and a new bar admittee. The Incubator project is graduating Rep Joseph Andriano of Addison

County, Kelly Flynn of Weybridge who is doing Social Security benefits law and family law, and Andrew Marchev of East Montpelier whose practice is in farm transition planning. The veteran class will overlap some with the incoming class. Mary also noted that nominations are now open for the annual VBA Pro Bono Service Award which will be presented at the Mid-Year Meeting. Application deadline is February 10. Mary has successfully filed for two quarters of reimbursement for the VOCA grant; the problems with the new GEARS system were finally navigated. She will be preparing half year and quarterly reports on several grants which fund the low bono programs, and will be applying for the VBF's IOLTA competitive grant to fund guardianship, and for the VBF's non-competitive grant to fund the coordinator position. Mary is also working with the Access to Justice Coalition to prepare materials for their combined legislative request for funding.

I. VBF Report: Judith Dillon reported that the VBF has been meeting to revise its strategic plan. They hope to vote on this at the next meeting.

J. ATJ Coalition Report: Bob noted that the Coalition met via zoom a couple of times to put together the combined request to the legislature for funding for legal service programs in Vermont, including the VBA's low bono project.

#### 4. **Action:**

A. Enrollments: Upon motion made, seconded and unanimously approved, the following were enrolled as VBA members: Attorney members: Peter Kazakis, Logan Snyder, Brent Renison, Kyle Clauss, Hillary Rich, Katelyn Roy, Christopher Constantino, Duncan Maio, Justin Zafran and Carmen Jack Giordano; and for Associate Members: Serena Nelson, Katie Clukey, Addie Cusick, Leda Moloff, Becky von Trapp, Leah Brenner, Patrick Slater, Rebecca Dourmashkin, Maya Tsukazaki.

B. Signing Authority: Bob requested that the Board add Lisa Maxfield's name as authorized signer on our VBA checking accounts. Lisa does not now have authority to sign checks, only Bob does. Any check over \$10,000 must be signed by Bob and Treasurer Matt Valerio. The Board had recently adopted a new succession plan which names Lisa as Associate Executive Director, so it makes sense to add her as checking account signer. Upon motion made, seconded and unanimously agreed to, the Board added Lisa Maxfield as authorized signer on VBA checking accounts.

C. Governance Committee recommendations: revision to legislative advocacy policy, rescission of resolution establishing a government relations executive committee, VBA succession plan, and mission statement to be added to the VBA Constitution. Upon motion made, seconded and unanimously agreed to, the 4 recommendations were adopted. The mission statement amendment to the VBA Constitution must go to the membership for final approval.

5. **Discussion:** None

6. **New Business:** None.

7. **Old Business:** None.

8. **Executive Session:** None.

There being no further business to discuss, upon motion made, seconded and unanimously approved, the meeting was adjourned at 12:57PM.

Respectfully submitted: VBA Staff