**VERMONT BAR ASSOCIATION**

**BOARD OF BAR MANAGERS**

**February 19, 2021 at 1PM**

**Via Webex**

Present: Katelyn Atwood, David Carpenter, Amy Davis, Judith Dillon, Hon. Thomas Durkin, Robert Fletcher, Molly Gray, Elizabeth Kruska, Andrew Manitsky, Beth Novotny, James Rodgers, Ben Traverse, Ted Tyler, Matthew Valerio, Alfonso Villegas.

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

**1. Call to Order**: President Elizabeth Kruska called the meeting to order at 1:08PM.

**2. Emerging Issues**:

Tom Durkin: At Environmental Division, there are two memoranda to be issued about how to file and process exhibits and also how to receive and admit video and audio exhibits. These memos will be passed by IT folks in the Judiciary first, and then will be shared with the bar. Chittenden and Addison Counties have also issued similar memos. Teri advised that the VBA will have a program at the Mid-Year Meeting regarding exhibits in remote hearings. Tyler software apparently does not have the capability to store and process exhibits.

**3.** **Acceptance of Consent Agenda**:

A. Minutes: On motion by Tom Durkin, seconded by Beth Novotny, the minutes of the January 15, 2021 meeting were unanimously approved.

B. Treasurer’s Report: Lisa Maxfield reported that the income and expense lines look different from last year, but the net year to year is about the same. We saved on expense lines for CLE programs and meetings. We also received $8000 from Equinox for the refund of the deposit we had paid for the annual meeting. In February we received CLE income from Real Estate Law Day, Technology Week and Family Law programs. The Mid-Year Meeting will be held virtually at the end of March. We have 10 exhibitors already signed up for that meeting. Registration will open soon.

VBA staff is still working on migration to the new software platform. The launch will likely be in the beginning of April. We had an additional $2,000 from memberships for February, which represented 20 or so enrollments, some of which are new examinees but also some renewals.

C. Executive Committee: Did not meet.

D. Board Committee Reports:

i. Operations—Did not meet.

ii. Membership—Did not meet.

iii. Program and Planning—Katelyn Atwood will try for a virtual meeting next week. They will review the civics award project description.

iv. Pro Bono Committee—Mary Ashcroft reported that the PB Committee met by phone to consider three nominees for this year’s annual Pro Bono Service Award, and was recommending all three to the full Board. The nominees are Cristina Mansfield, Kathleen (Kate) Rivers and Janet Van Derpoel-Andrea. All three practice in family division, work with children in the courts and practice in the southern counties of the state. Upon motion made by Judith Dillon and duly seconded, the Board unanimously agreed to award Pro Bono Service Awards for 2021 to Attorneys Mansfield, Rivers and Van Derpoel-Andrea.

v. Governance: Did not meet.

vi. Workforce Development Committee: Judith Dillon discussed outreach efforts the committee is making. They have started an outline of topics and recommendations. Molly Gray suggested requesting a legislative appropriation. The Young Lawyers Division has compiled results of its survey, but noted that most respondents were older members. Judith will circulate the results to members of the board and include it with the committee recommendations. Judith also reported that she, Josh and Teri will be meeting with the Vermont Chamber of Commerce to discuss coordination of efforts. The committee will also check in with recent examinees, and seek input of new lawyers on challenges they are facing, such as housing, child care and student loans. Elizabeth Kruska mentioned an e-mail she had received from a new lawyer from another state who expressed concern with the cost of waiving in to Vermont. She questioned whether Vermont is imposing a higher burden than other states. Josie Levett with the VBF, who has worked with diversity trainers, has ideas to be more inclusive. Judith said that the timetable is to have a rough outline from the committee in March, get a draft to the Board by this summer, and take recommendations from the Bar at the Annual Meeting.

vii. COVID-19 Committee: Andrew Manitsky reported that the committee is working on 2 main issues—mental health resources and vaccines. The committee is trying to identify mental health resources to offer to the VBA membership. Teri is in touch with eVideo Counselor, a group which has worked with other bar association. They need to be credentialed in Vermont; they can help with processing their services through existing insurances. If an attorney doesn’t have insurance this group will help make the connection. Tim Clain, an Affinity Partner, can also help facilitate. Discussion ensued. It was acknowledged that the VBA board will need to approve any contract.

On the matter of vaccines, Andrew reported that other state bar associations have been pressing to have attorneys moved up the priority list for vaccines. The committee decided that this was not a position they wanted to take, so the issue was tabled.

E. President’s Report:

Elizabeth Kruska reported on the following:

--She attended the MLK poster and essay contact award ceremony with the Supreme Court. There were three sets of honorees, and all students were fantastic and made very nice remarks.

--Elizabeth participated in the section chair & county bar presidents phone conference call, where the group discussed the return to civil jury trials. They also discussed the proposal to raise the jurisdictional limit for bringing actions in small claims court, and overwhelmingly supported raising the limit to $10,000 except in credit card cases. There was concern that because acting judges are not allowed to hear cases in small claims court, the dockets are getting behind. The committee also discussed e-filing rules.

--ABA bar leaders conference was all virtual this year. She attended some sessions and heard good information shared. Of special interest were retention of staff and implicit bias.

--COVID-19 committee—Elizabeth listened in on the committee’s discussions.

--Attorney Kruska receives invitation to participate in CLEs programs sponsored by organizations other than the VBA. –

--Elizabeth reported seeing the e-mail from the attorney who waived in to the VT bar and complained about the expense. Alfonso related that he had also heard complaints about how long it takes the Judiciary to process the applications to waive in. Discussion ensued. Matt Valerio suggested that we send comments to the Judiciary about these impediments—we need attorneys in Vermont and these barriers could dissuade them from coming. But we should study the issue before commenting. Judge Durkin, who chairs the Character and Fitness Committee, explained the process and his committee’s involvement. Vermont relies on volunteers on both the Board of Bar Examiners and the Character and Fitness Committee. His committee of 7 is overwhelmed with the large number of exams to review. The don’t begin their process until an applicant has passed the bar examination. The process does take a while. He sometimes gets applications that are 4-5 months old, some of which are delayed because the references have not replied. The MCBE application is very thorough, reviewing police records in all jurisdictions of the applicant over the last 10 years. It is not unusual for one applicant’s packet to be three inches thick. Judge Durkin feels the Board should encouraged folks to apply for this board as it is critical for the protection of the public. He personally finds the work rewarding. Elizabeth K. will reach out to Andy Strauss for info on this topic and share it with the workplace development committee and with the Board.

F. Executive Directors Report:

Teri Corsones reported on the following:

--She attended the virtual swearing in ceremony for new attorneys as the Supreme Court invited Teri to speak. Pocket Constitutions and the “On Your Own” booklets were offered and requested by many.

--Comparing NEBA roll call reports from other New England Bar Associations, Teri noted that the VBA is doing much of what other associations are doing, but with far fewer staff.

--The Electronic Filing Committee has been holding meetings to adjust the rules to coincide with the next rollout of Odyssey during the first week of March.

--There is discussion with the Supreme Court about alternative sites for jury trails so that they can resume sooner rather than later

--Judicial retention hearing are underway with Judges Waples and Grearson and Magistrates Hoyt, Valentine and Lorman up for retention this year.

-- At the VBA’s mid-year meeting, Chief Justice Reiber and Mike Kennedy will highlight the new Bar Assistance Program that will go onto effect on April 1.

--LSV is beginning its study of pro bono services and needs in Vermont by meeting virtually with pro bono stakeholders including the VBA.

--The VBA website will have a link to a sign-up form for board and committee member positions.

--The Legislature is going beyond just COVID-19 legislation. Lawmakers are deliberating whether to increase the jurisdiction limit in small claims court as discussed above. They are also responding to the Governor’s Executive Order on Act 250 reorganization. There is also legislation to require that e-filing fees be included in the Judiciary’s 3-year filing fee report to the Legislature.

G. Staff reports:

Jennifer Emens-Butler explained that the MLK posters were in her blog with a video link to the ceremony; they will also be printed in the Journal in extra color pages. The December Journal has been submitted to the layout designer and will be coming out soon. The Tech Show was pretty well attended, the Family Law CLE had good attendance, and there will also be a dispute resolution CLE soon. So far, the Mid-Year meeting has 10 sponsors and the VBA is offering options to attract more. Matt Valerio suggested inserting a 30 second sponsorship video in the middle of the CLE program rather than at the beginning. The Mid-Year meeting will once again be ala carte. There will be more Real Estate and Family Law CLEs probably in May or June as well as our usual Procrastinators Program. There will also be programs for first year credits. The VBA is migrating data from its old platform to its new one—it is going well. The merger of Fastcase and Casemaker will also result in more upgrades benefitting the membership.

Mary Ashcroft reported that she is working on low bono project IOLTA grant applications which will be due next month. The VBA/VLS Incubator Project will be interviewing a new candidate next week. She will be participating in the VLS Pro Bono Transformation Project to provide transition planning for pro bono and low bono projects throughout Vermont.

H. VBF Report: Bob Fletcher reported that participating banks are being encouraged to increase their interest rates on IOLTA accounts to generate more money for the VBF. CATIC just made a large donation to A2J Campaign. The VBF continues to discuss with Legal Aid cost sharing arrangements for the Poverty Law Fellow/A2J Campaign. The VBA has an internal commitment to diversity as well as requiring recipients to have equity policies in place.

I. A2J Coalition: Did not meet.

**4. Action**

A**.** Pro Bono Award: See above under Pro Bono Committee Report.

B. eVideo Counselor: See above under COVID-19 Committee Report.

C. Enrollments: On motion made by James Rodgers, seconded by Andrew Manitsky, and unanimously and favorably voted, the following were admitted as members of the Vermont Bar Association: Legal Members: William Cooper Hayes, Kelley S. McGill, Sarah B. Haselton, Hannah L. Clarisse, Timothy P. Connors, Rachael De Orio, David P. Case, Ryan F. Bender, Karen D’Andrea, Ryan Seidemann, Daniel Roche, Michel DiPresso, Christopher Scribner. Associate Members: Maria Gallo, Dirk Marschhausen, Chelsea Conway, William Dubanevich. Bar Examinee Members: Kelly McGuire, Derrick Parker, Rosa Hayes. Law Student Members: Jessica Griswold, William David Stocker, Jim Lee.

**5. Discussion**

Mentorship Program: Beth Novotny discussed the racial equity task force report. She had raised the idea of capturing demographics of attorneys in VT through Attorney Licensing. She has spoken to Dean Jefferson twice about a mentorship program for attorneys of color with law students of color. She wants to get this rolling again. Board members were asked to contact Beth if they are interested or know of attorneys of color who might be.

James Rodgers suggested asking county bar members for information. Alfonso encouraged this initiative of mentoring.

**6.** **Executive session:** None needed.

**7.** **New Business**: Elizabeth Kruska noted that Attorney David Watts had died; Teri circulated his obituary. Elizabeth was approached by Tom Sherrer who wanted to create a VBA Humanitarian Award in David’s memory. Presently VBA awards include the Pro Bono Service Award and the President’s Award. Tom Sherrer is willing to flesh out the idea if the VBA Board is willing. Elizabeth noted that we can give out any award we would like. We can recognize attorneys for community work. She suggests we have Tom come back with actual proposal instead of a concept. She will contact him for further discussion at the next meeting.

**8. Old Business**: None

**9. Adjourn**: On motion made by Amy Davis, seconded by James Rodgers, and unanimously agreed to, the meeting was adjourned at 3:06 PM.

Respectfully submitted:

VBA Staff