

Vermont Bar Association
Board of Managers Meeting
Friday, February 21, 2025, at 1 PM
VBA Conference Room, Montpelier and via Zoom

Present: Jessica Bullock, Lisa Campion, Rich Cassidy, Josh Diamond, Judith Dillon, Pam Eaton, Kate Lamson, Ryan Long, Tim Tomasi, Matt Valerio, Alfonso Villegas, Breanna Weaver.

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

- 1. Call to Order:** President Josh Diamond called the meeting to order at 1:11 PM
- 2. Minutes:** Upon motion made by Rich Cassidy, seconded by Lisa Campion and unanimously approved, the minutes of the January 2025 Board meeting were accepted as printed. Board members Ryan Long and Matt Valerio abstained from voting.
- 3. Treasurer's Report:** Lisa Maxfield reported no significant changes since last month. We have a positive income variance due to the notary public training. Expenses are running about the same as this time last year and are on target.

4. Emerging Issues:

A. VBA Resolution of Rule of Law: Josh Diamond reported that Scott McGee had approached the VBA asking whether the VBA Board would issue a statement concerning its support of the rule of law in light of recent executive orders issued by the Trump administration. Copies of recent statements from the ABA were circulated. Josh posed the question to the board: does the Board issue a statement, or do we ask the members to adopt a resolution at the mid-year meeting? Much discussion ensued and is summarized below.

The VBA is viewed as the voice of lawyers in Vermont, so we should say something, sooner rather than later. We should support the rule of law and also the separation of powers generally, but without focusing on individual actions such as the firing of the inspectors general. Typically, the VBA has stayed out of politics. An exception was the death penalty discussion decades ago. The VBA surveyed its membership on that issue and published the result, but the Board did not take a position.

Josh suggested that the rule of law, separate but equal branches of government and respect for the judiciary are not partisan issues. There is not much time at the mid-year meeting's business meeting to have a full discussion of this matter. The Board agreed that a membership vote would be the goal.

On motion made, seconded and unanimously approved, the Board agreed to issue a statement in support of the rule of law and expressing a high-level commitment to our core

values. The statement is to be drafted by Josh with input from interested Board members, and to be issued prior to town meeting day—March 4.

Upon motion made, seconded and approved on a vote of 9-0 with 3 abstentions, the Board agreed to send this same Board resolution to the membership for an up or down vote to endorse at the mid-year meeting.

A proposal by Matt Valerio to survey the membership on the issue was rejected by the Board on a 3-5 vote, with several members abstaining.

B. VOCA Low Bono Project Decision needed: Mary Ashcroft, Legal Access Coordinator, asked the Board for guidance on whether to continue to accept crime victim clients in our VOCA low bono project, and how to pay for those cases already assigned to low bono attorneys. Mary had circulated a memo on this issue, which was prompted by the Trump administration's executive order suspending federal grants. This suspension was then blocked by a temporary restraining order issued by federal Judge McConnell of Rhode Island. At best, VOCA funding is uncertain.

Mary had suspended taking new VOCA cases until the Board could review and decide this issue. The VBA has been awarded a grant of \$50,000 to fund its Crime Victim Low Bono Project for the fiscal year beginning 7-1-24. This is a reimbursement grant, so we must first pay low bono attorneys, then apply to be reimbursed through the Vermont Center for Crime Victims Services. The VBA has been reimbursed for spending in the first 2 quarters. We currently have 46 open VOCA cases which we have committed to pay for, at a total cost anticipated at \$39,250. We will request reimbursement for cases paid in the 3rd quarter on 4-15-25, and for fourth quarter cases paid on July 15, 2025.

On motion by Matt Valerio, seconded and unanimously approved, the VBA Board agreed to allocate \$40,000 from the client security fund (excess interest) to cover open VOCA cases should the federal government not reimburse us.

On motion made, seconded and unanimously approved, the VBA Board further agreed to resume accepting new crime victim legal cases in our VOCA low bono project at the rate of 7-10 cases per month, and to use the Client Security Fund to cover the costs of these cases.

5. Reports:

A. Board Committee Reports:

- i. Member Services: Did not meet.
- ii. Operations: Did not meet.

iii. **Workforce Development:** The committee met and reviewed progress of lawyers in the Incubator Project and discussed the retirement survey. They also discussed creating a series of podcasts to encourage people to consider careers as lawyers in Vermont. The committee is working on a draft letter to the Vermont Supreme Court to support the VBA's request for demographic data as part of the annual lawyer licensing process.

iv. **Access to Justice:** Did not meet, although a poll was taken about nominations for the Pro Bono Award, and the results were discussed under Action below.

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

B. **President's Report:** In addition to the rule of law resolution discussed above, President Josh Diamond noted that the ABA had released the proposed syllabus for Law Day. He will distribute that out to the Board. He also announced that Becky Von Trapp and Jill Martin Diaz have agreed to co-chair the Immigration Law Section.

C. **Executive Director's Report:** Bob Paolini has been active with legislative matters. He testified before the House and Senate Judiciary Committees on the A2J Coalition's funding request. He is also monitoring progress on bills of interest to the VBA: the probate bill is headed to Senate floor for debate. The budgets for the judiciary, for the Defender General and for the States Attorneys are also progressing. Bob posts notices to relevant VBA sections when bills are introduced that will affect their legal subject areas. Attorneys are encouraged to review the bills and pass comments to him or to their legislators. There is a major rewrite of the UCC being proposed, and Jim Knapp is reviewing it. So far, the Legislature has been slow to act, as they have many new lawmakers; they are off for Town Meeting week, and crossover is the following week

D. **Division & Section Reports:**

i. **YLD:** Pam Eaton said that the YLD was pleased that the Thaw was well attended and that attendees had a lot of fun.

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

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

E. **Staff Reports:**

Kim Velk reminded all that March 28th is the VBA Mid-Year meeting. The Board will meet the day before at 3 PM on 27th. She encouraged lawyers to take the notary public training which is available online. Five schools have signed up so far for Law Day visits with local lawyers. The MLK poster/essay awards were postponed due to snow; there will be a make-up date in March. The VBA Journal is at the printers, and the electronic version is now available online. Lisa sent out a notice that the VBA will no longer be printing hard copies of the VBA Directories, as the information is readily available online and more up to date.

F. **VBF Report:** Lisa Campion said that the Bar Foundation is in the middle of its annual IOLTA grant awards process; requests for funding are up 300%. The VBF's Revenues and

promotions committee is sending out requests for small donations and will soon be doing a separate funding drive for the Poverty Law Fellow Project. Volunteers are needed to make solicitations. The committee will also be meeting with the Vermont Community Foundation. All VBF accounts have now been transitioned to Hannah King as the new ED.

6. Action Items

A. Enrollments: Upon motion made by Matt Valerio, seconded by Lisa Campion and unanimously approved, the following were enrolled as new members of the VBA: Legal Members Jeremy Brodis, Aimee Goddard, Claudia Gwilliam, Thomas Hodge, Emilia King-Musza, Lou Mattar, Danielle Simpson and James Thaxton; Law Student Association Members Jacob Einbinder, Harper Hutchins and Mary Ramsey.

B. Nominating & Election Process: No update.

C. Select Pro Bono Award Recipient: Kate Lamson reported for the Access to Justice Committee that they recommend Attorney Sheilagh Smith as this year's recipient for the VBA Pro Bono Service Award. She was nominated by Probate Judges Jeff Kilgore and Kate Kennedy, who cited her exemplary work on adult involuntary guardianship cases in Orange and Windsor Probate Divisions. Sheilagh took on 43 of these cases pro bono or low bono in the past 2 years. Mary confirmed that Sheilagh frequently takes low bono guardianship cases and donates many pro bono hours as well to finish her representation. Sheilagh also has taken on several VOCA low bono cases for crime victims.

Upon motion made by Kate Lamson, seconded by Judith Dillon and unanimously approved, the Board voted to award the VBA's 2025 Pro Bono Service award to Sheilagh Smith. Judge Tomasi abstained.

D. Subcommittee on Rules for Electronic Filing & Public Access in PRB Cases: Bob reported on the receipt of an email from Mike Kennedy announcing that the Committee has a vacancy and that he recommended Andrew Manitsky to fill the position. Josh Diamond under his authority as VBA President will appoint Attorney Manitsky to the position.

E. Demographic Data on License Applications Request to the Supreme Court: Alfonso is working on a draft letter; the matter is tabled until the next meeting.

F. VOCA Low Bono Cases: See discussion under emerging issues above.

G. Resolution re: Developments at DOJ: see discussion under emerging issues above.

7. New business:

A. Client security fund annual report: We have over \$1.9 million in the fund as of August 2024. No claims were made against the fund in the previous year. Upon motion duly made, seconded and unanimously voted, the Board accepted the report.

B. VT Historical Society is looking for attorneys to judge submittals on Rights and Responsibilities in History. Attorneys are also needed for mock trials at VLGS. A notice will be in The Pulse.

C. Board Retreat Planning: Bob noted that he and Rich Cassidy will need to find a place for the Board's annual retreat in June and will need to determine what issues to discuss. So far, possible topics include nomination process planning and succession planning.

8. Old Business: None. .

9. Adjourn: Upon motion duly made, seconded and unanimously approved, the meeting was adjourned at 3:18PM.

Respectfully submitted: VBA Staff