

Vermont Bar Association
Board of Managers Meeting
Friday, April 25, 2025 at 1:10PM
VBA Conference Room, Montpelier and via Zoom

Present: Josh Diamond, Judith Dillon, Justin Brown, Jordana Levine, Ryan Long, Tim Tomasi, Matt Valerio, Alfonso Villegas, Breanna Weaver, Kathy Zhou.

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

1. Call to Order: President Josh Diamond called the meeting to order at 1:31PM.

2. Minutes: Upon motion made by Matt Valerio, duly seconded, and unanimously approved, the minutes of the February 2025 Board meeting were accepted as printed.

3. Treasurer's Report: Lisa Maxfield reported on the income and expense statement for our mid-year meeting at the Equinox. We have netted \$19,452 thus far. We have met our \$40,000 for meetings for the year. The CLE line is strong due to the notary training, and we are coming up to our busy CLE months in May and June. We hope to meet our CLE budget of \$315,000. We have incurred expenses this month for our annual contracts for Interlynx and Higher Logic, and we also have the expense for electrical wiring. Other expenses are on track. Upon motion made by Matt Valerio, seconded and unanimously voted, the Treasurer's report was accepted as printed.

4. Emerging Issues:

A. Judith Dillon reported that the Federal Mediation and Conciliation Services had provided labor management disputes with free mediation and some free investigation. . This position at FMCS was terminated a month ago. Municipalities and state unions will likely be impacted VLRB has a very short list of mediators willing to do this. Judith asked for those interested to apply to be on active list. Bob asked Judith to write this up and he will post it in general news and in the ADR and the Labor and Employment Law Sections of the VBA.

B. Matt Valerio has had discussions with Teri Corsones and with Judge Zonay about the delay in licensing of attorneys. Matt has hired attorneys from out of state often but it takes too long to get them licensed in Vermont. One attorney had practiced in 4 jurisdictions and had White House level security clearance, but it still took 10 months for Character and Fitness to approve him. Matt has to hire some if they are licensed and in good standing in another state, and even though they can't practice in Vermont. Right now, he has 6 people waiting to practice. He would like to see a provisional license provided to such attorneys until C&F passes on them. Josh agreed that this was a problem, and that firms and the state can't afford these delays. This is also a workforce development issue. Matt wants the VBA Board to support a provisional licensing status. In the past, organizations such as

Vermont Legal Aid had a blanket pro hac vice license, but that no longer exists. There is also a student under supervision model we could follow. Discussion ensued. Matt will put together a proposed letter draft for the Board to review in May.

5. Reports:

A. Board Committee Reports:

i. Member Services: Did not meet.

ii. Operations: Did not meet.

iii. Workforce Development: No report, although committee members were busy—Alfonso with a Law Day event at Burlington High School, and Judith with a Vermont Historical Society competition. Kim noted that 8 teachers asked for lawyers to talk to their classes on Law Day, and 19 attorneys have agreed to participate.

iv. Access to Justice: Bob said that the committee did meet and discussed limited legal licensing. Paralegals are proposing this idea, especially in family court. Bob has some objections and questions about their proposal. The Committee will reach out to Andy Strauss to discuss this proposal at their committee meeting in May. Perhaps the full Board should discuss this at the retreat. There is a question about whether family law is where these limited license practitioners should be practicing.

v. Executive Committee: Did not meet.

B. President's Report: Josh reported on Law Day occurrences and thanked Kim for her work. Josh went to Washington DC to visit with our congressional delegation to express support of funding for the Legal services Corporation. Welch, Balint and Sanders are all supportive. Josh is setting up the Executive Director Search Committee, and asked Board members to let him know if they are interested in serving.

C. Executive Director's Report: Bob Paolini is spending most of his time in the Legislature. He thinks work is done, or nearly done, on most bills of interest to the VBA. The Access to Justice Coalition funding request for legal services did not make either budget. Bob thinks the Legislature may adjourn by May 23, but others say it could be into June before the Legislature adjourns. Education funding overhaul proposals may cause that delay. In other matters, Bob and Lisa are working on physical plant items, including the sink hole in the driveway, the repair of which we hope to share with other neighbors. They will also start work on preparing the VBA budget for next fiscal year.

D. Division & Section Reports:

i. YLD: Ryan and Kathy reported that the YLD met earlier this month and held elections. They are in event-planning mode, with gatherings slated for Montpelier in May or June, a fall mixer in Burlington, and the second annual Race Judicata. The Omni Hotel contract is up, but they are still in the running, with other venues, to host the Thaw in

Montreal in January of 2026. There is a dinner with Judge Tomasi set for May 21, and the YLD is fielding a team for the Burlington Marathon on May 25th. A second dinner with a judge also being planned. Ryan commented that the Bankruptcy Bar is concerned about federal funding cuts and the resulting negative effect on farmers. He suggested that the VBA host a CLE on Chapter 12 in September, possibly at the Annual Meeting.

ii. Women's Division: Breanna Weaver: No report.

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

E. Staff Reports:

Mary Ashcroft reported that she had applied for the ABA's Gambrell Award for Professionalism—the VBA Board had nominated the VBA/VLGS Incubator Project for that award at its April meeting. Mary noted that federal VOCA funding appears to be OK for now—she submitted the 3rd quarter reimbursement request for the VOCA Low Bono Project, and the VBA had been fully reimbursed.

Kim Velk said the overall response to our mid-year meeting at the Equinox was well received. She is working on CLE programs for procrastinators months to meet the June 30th licensing requirements. The spring issues of the Journal is at the printers.

F. VBF Report: Breanna Weaver said that a VBF fundraiser is coming up, and a Justice Social will be held May 1st at Foam.

6. Action Items

A. Enrollments: Upon motion made by Matt, seconded, and unanimously approved, the following were enrolled as VBA members: Legal Members Adam Baker, David Burgio, William Mulvey, Jr., Rik Sehgal, Kyle Singhal and Elizabeth Turner; Law Student member Kaitlyn Girouard.

B. Retreat Planning: Josh noted that this is usually the income president's prerogative, but with the passing of President Elect Rich Cassidy, Josh will instead host the event at Dinse. Among topics to be discussed so far are setting goals for the Nominating Committee and discussing limited legal licensing.

C. Appointment to Fill Open Seat on VBA Board: Josh said that the VBA Board can make an interim appointment to fill a vacancy between now and annual meeting. He has contacted Liz Miller, who is willing to serve sooner rather than later. Upon motion made by Matt Valerio, seconded by Judith Dillon and unanimously approved, Liz Miller was appointed to fill the board vacancy between now and when her term begins in September.

D. Vermont Bar Foundation Board Vacancy: Pam Eaton noted that she has been the back-up to Rich Cassidy on the VBF Board. Upon motion made by Judith Dillon, seconded and unanimously approved, Pam Eaton was appointed to fill the vacancy on the VBF Board created by Rich Cassidy's death.

E. Passing of Rich Cassidy: Josh requested that the Board observe a moment of silence to note the passing of Rich Cassidy, President Elect of the VBA. Following that observance, Josh announced that Rich's memorial service would be on Friday, May 2 at the Unitarian Church on Church Street in Burlington. Josh cited Rich's many contributions, including to the Uniform Law Commission and to the Vermont Bar Foundation. Upon motion made, seconded and unanimously approved, the Board voted to donate \$1,000 to the VBF in Rich's memory.

F. Lawyers' Rally in support of Rule of Law. Josh noted that over 300 lawyers have signed the resolution in support of the rule of law. The VBA has promoted this and the upcoming rally on May 3 in Burlington and will also send out an email blast to membership next week. Natalie Silver and Leslie Black, two of the organizers, have asked that the VBA allocate money for signs and other costs of the rally. Upon motion made, seconded and unanimously approved, the Board voted to allocate \$1,000 for signs and other costs subject to the approval of the Executive Committee.

7. New business:

A. The VBA is receiving requests for speakers on immigration issues, especially from colleges and universities. Massachusetts and Vermont criminal defense attorneys did a CLE training on what to do for clients suddenly facing deportation. The ACLU is also doing trainings. The VBA's Immigration Section Co-chairs are assisting.

B. Volunteers are needed for a Civic Education Competition in Montpelier.

C. Josh introduced Bar Counsel Michael Kennedy who addressed the Board. Mike has given notice of his retirement to the PRB--twice—which will be effective at the end of September, 2025.

In 2021, the Vermont Supreme Court set up the Bar Assistance Program to provide a diversion process and resources for attorneys who had disciplinary matters. At that time, screening of disciplinary complaints was removed from bar counsel and assigned elsewhere. Two years have passed, and an assessment of the change is now due. Mike gave the PRB two recommendations. First, the informal aspects of the Bar Assistance Program have been very effective and should be kept in place. Mike noted that 81-82 attorneys who reached out informally received referrals to resources. The more formal referral route from disciplinary counsel and others has not been used at all, but this should be left in place to provide an alternate referral route.

Second, as to structure changes, Mike recommends that the screening function be returned to Bar Counsel so that Bar Counsel can make referrals to the diversion program.

The PRB adopted Mike's recommendations; a decision on this will be made in June.

Mike suggested a review of other structural changes. He wonders why so many different people are involved in attorney licensing. States with small bars, such as ours, have only one office dealing with all licensing matters. Vermont has 3 different people/offices in

charge of various aspects of licensing. But the PRB was not willing to take a step toward consolidation.

Mike urged the VBA Board support diversion for lawyers who have mental health challenges and substance abuse issues, rather than pursuing minor sanctions against them.

8. Old Business: None.

9. Adjourn: Meeting was adjourned at 3:20PM.

Respectfully submitted: VBA Staff