

## Commission on the Well-Being of the Legal Profession

### Minutes – March 27, 2020 (Draft)

**Present:** Chief Justice Reiber, Justice Bill Cohen, Mike Kennedy, Josh Simonds, VLS Dean Beth McCormack (in the absence of Dean Tom McHenry) and Teri Corsones were present, all participating by phone.

Chief Justice Reiber began the meeting at 3:05 p.m. The agenda included a review of the CWBLP Charge and Designation (Extended); discussion of the CWBLP program at the VBA Mid-Year Meeting; review of the Court's March 2020 Memorandum regarding the Court's actions with respect to the State Action Plan; and a request for a CWBLP representative to a newly formed VBA ad hoc COVID-19 Committee.

**Charge and Designation (Extended):** Chief Justice Reiber reviewed the Charge and Designation (Extended) that the Court issued on December 23, 2019. In summary, the original Charge and Designation specified that the purpose of the Commission was to create a state-wide action plan with specific proposals for the Court and its relevant committees to consider. The CWBLP submitted a state action plan to the Court on December 31, 2018. The Charge and Designation also specified that it was effective through January 15, 2019 unless further extended by the Court. The Court's extended Charge and Designation calls for the Commission to meet on an annual basis to review the plan, including progress made regarding the various recommendations included in the plan, and to issue a written report to the Court summarizing the results of the annual review. It also provided that the appointment of the Commissioners named in the original Charge and Designation was to remain in effect. The extended Charge and Designation will remain in effect until further action by the Court.

Commissioners on the call each expressed a willingness to continue serving as Commissioners. (Dean McHenry had expressed a willingness in advance of the call.) Teri will check with the Commissioners unable to participate in the call as to their willingness to continue serving. The annual report is due no later than July 1 of each year. Timing for the annual review and report will be coordinated with the preparation for the CWBLP program to be presented at the VBA Mid-Year Meeting now re-scheduled to June 11-12. Chief Justice Reiber expressed his deep appreciation for the Commissioners' willingness to continue their service. He noted the importance of the annual review and report to ensure that all of the good work that has gone into the plan continues.

**VBA Mid-Year Meeting Program:** The Commissioners are slated to present a summary of the plan and actions taken since at the next VBA Mid-Year Meeting. The meeting was originally scheduled for March 26-27, but has now been re-scheduled to June 11-12, given the Governor's Emergency Executive Order regarding large gatherings. In light of the lack of certainty about whether large gatherings will be permitted in June, Teri explained that all presenters may be asked to videotape their programs if the Mid-Year Meeting is not able to go forward in person as planned. More will be known when the Governor issues an expected extension of the original Order, which expires April 15. Teri will update the Commissioners then. The annual review will be conducted in conjunction with preparation for the program.

**Court's Update Memorandum March 2020:** Chief Justice Reiber reviewed a Memorandum that the Court prepared, detailing actions that it has taken following issuance of the state action plan in

December 2018. Actions taken include: (1) amending comments to Rule 1.1 of the Vermont Rules of Professional Conduct to acknowledge that maintaining the mental, emotional, and physical well-being necessary for the representation of a client “is an important aspect of maintaining competence to practice law”; (2) amending the mandatory continuing legal education (MCLE) rule to require at least one credit hour per reporting period of “Attorney Wellness Programming”; (3) proposing the creation of a “Bar Assistance Program” within Vermont’s Professional Responsibility Program; and (4) extending the Commission and charging it to annually review the state action plan and report on its progress.

Teri noted that the VBA has typically included a wellness program at each of its major meetings and it will plan to offer a variety of live and video wellness programs going forward in light of the new MCLE requirement. She noted that the comment period for the proposed Bar Assistance Program ends soon, and that the current health crisis has shifted everyone’s focus to the many COVID-19 related challenges. Chief Justice Reiber indicated that the Court may be extending deadlines for the comment periods in conjunction with other deadline extensions resulting from the crisis. Josh noted the importance of a vehicle to inform the legal community of wellness resources and wellness education in general. Commissioners discussed the different tools such as zoom meetings that are now being widely used to engage groups and disseminate information as a possibility for connecting with county bar associations regarding wellness resources and education.

**COVID-19 Committee:** Teri reported that the VBA Board recently approved creation of an ad hoc COVID-19 Committee to provide guidance regarding issues impacting the legal community and their clients, including wellness issues. The Committee composition includes a representative from the CWBLP. Teri asked that anyone interested in serving or recommending anyone else to serve to please contact her.

The meeting adjourned at 3:45 p.m. The next meeting will be set up after the Governor provides information about any extensions to his Emergency Executive Order.

Respectfully submitted,

Teri Corsones