**Vermont Bar Association**

**Board of Managers Meeting**

**Thursday, May 20, 2021 1:00 p.m.**

**Via Zoom**

Present: Rich Cassidy (incoming), Josh Diamond, Judge Tom Durkin, Pam Eaton, Bob Fletcher, Molly Gray, Elizabeth Kruska, Jordana Levine (incoming), Kevin Lumpkin, Andrew Manitsky, Beth Novotny, James Rodgers, Ted Tyler, James Valente, Matt 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 1:03PM.

2. **Emerging Issues**:

--Judge Durkin announced that the Environmental Section was finalizing plans for 2 CLEs in June. One will focus on Odyssey e-filing in the Environmental Division, and the other will be on substantive issues including standing and municipal enforcements barred by age. Tom thanked Gerry Tarrant and Jennifer for their work on these programs.

--Elizabeth Kruska experienced some problems with the attorney licensing portal which is now part of the Odyssey system. There is an additional $14 for the right of an attorney to pay for a law license, and an additional $12 “convenience fee” for use of a credit card, which is required. Elizabeth also noted that not all categories of licensing are included in the system, that there are problems with the e-mail addresses used, and that in her case all of her payment accounts were deleted.

3. **Consent Agenda**:

A. Minutes: On motion made by Tom Durkin, seconded by James Rodgers, the minutes of the April 16 Board meeting were unanimously approved.

B. Treasurer’s Report: Lisa Maxfield reported that although income to date was down, expenses are also down so there is a net positive balance over last year. The Lawyer Referral line is less than projected because we have not yet billed the $70 annual charge due to the changeover in platform. By next week, LR attorneys will be able to sign up and pay by credit card for their annual fees, as well as for referral fees. Lisa also noted that we are into the third week of the new website and data base, and things are going well. The developer is working with staff to correct small issues. There have been quite a few calls to the VBA as attorneys either did not receive an e-mail with their temporary passcode, or it went to a junk folder. Because the Judiciary also rolled out its new licensing portal through Odyssey at the same time, VBA staff is also answering calls about that portal. Lisa invited Board members to look at the new website and give feedback. The new VBA platform means much less paperwork for VBA staff.

C. Report of Executive Committee: Did not meet.

D. Board Committee Reports:

i. **Operations**: Bob Fletcher reported that the Operations Committee met and discussed the client security fund. The committee needs to consult with the auditors regarding whether a cap can be placed on the fund, and how any excess over a cap can be used. The committee will hear from the auditors and will report back to the Board in July. Rich Cassidy suggested the committee also review the payout limit per client.

ii. **Membership**: Meeting tomorrow.

iii. **Program and Planning**: Did not meet.

iv. **Pro Bono Committee**: Did not meet.

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

vi. **Workforce Development Committee**: The committee met and Teri gave the report in Judith’s absence. She spoke of the status of outreach to different groups including Vermont Law School and the Vermont Chamber of Commerce. Some legislative initiatives may help attract new lawyers to Vermont: funding to extend broadband throughout the state; funding to assist with child care expenses; and funding to provide grants to individuals who relocate to Vermont. Judith is working on a draft report of recommendations to present to membership at the Annual Meeting. Beth Novotny reported no results from her outreach to Dean Jefferson at VLS about a mentoring program for BIPOC law students and graduates. Afonso has been in touch with the Latin American law school group, and partnered with a mentee. Molly discussed state funding for different business groups in general

vii**. COVID-19 Committee**: Bob Fletcher reported that the committee met last Thursday. They discussed the broadband bill and Mike Kennedy’s work on the Bar Assistance Program. Teri reported on the Judiciary budget bill, and the committee also received another update on the 6-person civil jury trial proposal.

E. President’s Report: Elizabeth Kruska reported that ABA Day was a virtual event, with VBA leadership meeting virtually with Senators Leahy’s and Sanders’ staffs and also with Congressman Welch and his staff. There were two focus points: increased funding for the Legal Services Corporation, and judicial security. During Lawyer Wellness Week, Mike Kennedy hosted a series of lunch time zoom meetings, and Elizabeth joined in. It was nice to seek folks. The section chairs/county bar presidents call focused primarily on the restart of jury trials. The VBA Board virtual meeting with the Supreme Court discussed the same topic.

F. Executive Director’s Report: Teri gave kudos to VBA staff for all their work associated with the new website and the changeover to the new platform. She noted that ABA Day also brought to light issues about judicial security at the federal courthouse in Burlington, and the congressional delegation is going to follow up on the issue. The committee to discuss legal malpractice insurance has met 3 times and plans to survey the membership for input. She will also ask the NEBA group about each NEBA state’s professional liability insurance requirements. Teri reported that the Rutland County Bar Association held their annual Law Day Mock Trial for students remotely this year and 8 classes attended. The electronic filing rules committee and public access to court records committee are meeting regularly to amend the rules in light of the transition to e-filing. Most legislation this session has been COVID-19 related. Bills of interest include S.97, which makes permanent the alimony guidelines and H.360, which expands broadband coverage. Governor Scott has signed S.39, which gives the legislature oversight over e-filing fees and has signed H.199, which provides for deed corrections in certain circumstances. S.7 about expungements and S.79 about rental properties have generated extensive testimony. Act 250 bills will likely go to summer study. James Rodgers thanked Teri for her work in the Legislature.

G. Staff Reports:

Mary Ashcroft reported that low bono cases coming in are now being placed at a better rate than previously, and that the incubator lawyers were stepping up to take many of them.

Jennifer reported that VBA staff is responding to members who did not receive e-mails about the new platform. Another reminder is going out. Jennifer is working with Lisa to transition the VBA Connect list serves to the new platform. The single sign-on option does not work with the new data base. There is a temporary fix in place, but to fully integrate for a single sign-on will take about 8 weeks. The VBA Journal is at the layout designer and should be out soon. The dispute resolution group is offering a CLE tomorrow with about 90 registered. A number of good CLEs are lined up for Procrastinators Week: topics will include real estate, criminal law, wellness, cannabis law, diversity and ethics for a total of 13 credits. She encouraged all to check out the calendar. Other bar associations are down 30-40 percent in attendance at CLEs, but the VBA is getting very good buy-in and registrations. The deadline for the next Journal will be the end of June.

H. VBF Report—The VBF meets tomorrow.

I. ATJ Coalition Report: Teri noted that the Coalition met on May 13th. Much of the discussion was about an MOU with the Vermont Bar Foundation to set guidelines for the access to justice fundraising campaign for the poverty law fellow. There was also discussion of the moratorium on landlord/tenant cases. Vermont Legal Aid has received much additional funding to hire attorneys for eviction defense.

4. **Action**-

A. VBA Board Vacancy: One resume and letter expressing interest in being considered for the Board vacancy has been received. Andrew Manitsky worked with the individual for 12 years and said the person was hard-working and would be a very good addition to the Board. Geographic and other diversity considerations were discussed, as well as recruitment opportunities. A decision will be made at the July meeting.

B. Board meeting dates. Teri presented a list of proposed VBA Board meeting dates and times. One of the proposed dates coincides with the YLD Thaw. Kevin indicated that the hope is that the Thaw to be in Montreal. Upon motion by Beth Novotny seconded by Andrew Manitsky, the proposed meeting dates and times were unanimously approved as presented.

C. Enrollments: The enrollments for proposed new members had been circulated among the Board prior to the meeting. Upon motion by Beth Novotny, seconded by James Rodgers, the enrollments were unanimously approved. The following are approved as VBA members: Legal Members: Jacob Clark; Anthony Figliola; Frederick Reich; Michael Sher and Christopher White. Associate Members: Kristal Cote and Elizabeth Wilkel.

5. **Discussion**: Beth Novotny proposed that the VBA Board let the Vermont Supreme Court know that we have an issue with the court licensing fees, as Elizabeth Kruska outlined at the start of the meeting. Jordana noted that the required $14 filing fee to use Odyssey plus the required $12 convenience fee to use a credit card adds $26 to the law license fee. Multiplying that by the 1500 plus lawyers who renew each year results in a substantial amount to Tyler. Beth noted that fees are not intended to be a profit-making venture; they are intended only to cover costs. This extra fee came as a surprise; it was not discussed during the e-filing fee discussions. She is concerned that the Judiciary will continue to require things to be sent through the portal and other fees will be imposed. Board discussion ensued. The Court had previously been very concerned about raising the cost of attorneys licensing fees in conjunction with funding the lawyers’ assistance program. This extra attorney portal cost did not appear to receive the same consideration and is an added burden to attorneys who must relicense. It was also noted that this extra charge might slow down the on-line donations for the VBF. The Board agreed that Elizabeth Kruska would draft a letter to the Supreme Court expressing the VBA’s concerns

Under other discussion, Beth Novotny led the Board in congratulating Molly Gray on her engagement.

6. **Executive Session:** None needed.

7. **New Business**: Alfonso Villegas referenced the NH Bar’s program for Dinner with a Judge, which gives new attorneys an opportunity to meet with judges and each other in a more informal setting. Judge Durkin said that he had participated in a couple of dinners a few years ago and found them fruitful and fun. Kevin explained that the Young Lawyers Division has organized a similar program in the past, trying for a dinner every 3-6 months, but that COVID-19 had shut this down temporarily. Each attendee paid for his or her own meal. He suggested that the YLD continue to do this program—they would be starting up again soon. He cautioned about having too many people attend; keeping the dinners small allowed for better interaction. The target group is 10-12 people—two judges, 8 young lawyers, and 1-2 YLD Board representatives. The consensus was that the YLD will continue the program, perhaps including veteran lawyers in the mix. Kevin will discuss with the YLD Board.

8. **Old Business**: None.

There being no other business to discuss, upon motion made by James Rodgers seconded by Kevin Lumpkin, and unanimously voted, the meeting was adjourned at 3:05PM.

Respectfully submitted:

VBA Staff