

Vermont Bar Association
Board of Managers Meeting
Thursday, September 29, 2022 2PM
Lake Morey Inn and Via Zoom

Present: Jessica Bullock, Rich Cassidy, Josh Diamond, Judith Dillon, Pam Eaton, Bob Fletcher, Elizabeth Kruska, Kate Lamson, Jordana Levine, Andrew Manitsky, Jim Rodgers, James Valente, Matt Valerio, Alfonzo Villegas.

Staff: Mary Ashcroft, Lisa Maxfield, Bob Paolini, Kim Velk, Laura Welcome

Guests: Jose Herrera, Jim Knapp and Liz Smith.

1. **Call to Order:** The meeting was called to order at 2:00PM by President Bob Fletcher.
2. **Emerging Issues:** Bob Fletcher noted that the judiciary website now includes a section for judges to post standing orders for their courts.

3. **Consent Agenda:**

A. Minutes: On motion of Andrew Manitsky, seconded by Rich Cassidy, the minutes of the 7-22-22 meeting of the Board of Bar Managers were unanimously adopted as printed.

B. Treasurer's Report: CFO Lisa Maxfield reported that the VBA's fiscal year ended August 31, and there was a year-end positive outcome. For income, we received \$38,000 more than was budgeted due mostly to receiving \$47,000 more than projected for the Lawyer Referral Service. Expenses were \$4,000 less than budgeted. There are a few more accounts payable and receivables to come in, but we should see about \$42,000 as a positive budget variance.

C. Executive Committee: Did not meet.

D. Board Committee Reports:

- i. Operations—Did not meet.
- ii. Membership: The committee met; Lisa Maxfield was present and reported on the meeting. The committee reviewed dues revenues and noted the large number of members not renewing. The VBA staff is being more proactive on recruiting and retaining members. We receive a list of newly licensed attorneys from the judiciary and send an e-mail to welcome to the bar. We are also considering quarterly e-mails to attorneys licensed but not yet VBA members inviting them to join. We also plan to reach out more to VBA members as they will benefit by more frequent contact. The new web system allows us to send out broadcast e-mails more easily. The VBA needs to work out an MOU with the judiciary about our use of the data they provide.
- iii. Program and Planning: Did not meet.
- iv. Pro Bono: Did not meet; the Pro Bono Conference will be held on October 20 at the State House.
- v. Governance: Did not meet.

vi. **Workforce Development:** Judith Dillon reported that the committee had met twice. They discussed LAP, the loan repayment assistance program that the VBF used to run. The committee discussed how to frame grants for a revived LAP. They especially want to help lawyers willing to work in underserved areas. Judith's committee may ask for \$40,000-50,000 from the Client Security Fund if the membership agrees to allow other uses for excess monies. The WD Committee also discussed whether to include or exclude federal loan repayment recipients. Kate Lamson spoke in favor of a LAP program open to those who also participate in the federal program, noting that both she and her husband received LAPs from the Vermont Bar Foundation; that money helped them get through the holidays. Kate also noted that private loans are not subject to the federal loan repayment program, so this proposed LAP could help pay those private loans. These LAPs probably helped Kate and John stay in the Bennington area. Bob Paolini said that he had met recently with the Franklin/Grand Isle Bar and noted that there were fewer and older lawyers there. We need to get younger lawyers into the less populous counties. Mary Ashcroft said the VBA/VLS Incubator Project recruits attorneys who want to practice in underserved counties; right now, two Incubator lawyers are in Addison County and one in the Upper Valley.

vii. **Covid-19 Committee:** Did not meet. Andrew Manitsky and Bob Fletcher believe that this committee has run its course, and acknowledged that the judiciary is lifting the judicial emergency restrictions as of tomorrow. Rich Cassidy thanked the committee members for their service, and moved to discharge and disband the committee. The motion was seconded by Pam Eaton and unanimously approved. The COVID-19 information will remain on the VBA website for a while as a resource.

E. **President's Report:** President Bob Fletcher noted that this will be his final report. He met with section chairs and county bar presidents in conference call, and also with the Supreme Court. There is now a commission on Diversity, Equity and Inclusion in the courts—Bob is serving on a subcommittee of that group. The Chief wants to replicate a listening tour to concentrate on DEI, and target groups to invite to generate good discussion. VBA can appoint a delegate to this initiative. Constitution Day was a success—Andrew Manitsky covered it for the VBA—there were 5 judges and justices on the panel. They discussed the overruling of *Roe v. Wade* and other substantive matters. The judiciary will be creating a mental health commission whose objective will be to be sensitive to and accommodating court users who have mental health challenges. We will know more when the committee has its first meeting. There is a new statute which requires Legal Aid to be involved in competency hearings for criminal defendants. Kate Lamson observed that criminal competency evaluations are being done remotely, and there are significant delays. The State used to have 3 doctors doing these evaluations; now there is only one.

F. **President Elect's Report:** Andrew Manitsky circulated the board committee assignments:

Program and Planning: Chair, Kate Lamson; members Pam Eaton, Josh Diamond and Kevin Lumpkin.

Governance: Chair, Bob Fletcher; members Tom Durkin, Alfonso Villegas and Jordana Levine.

Operations: Chair, Judith Dillon; members Jim Rodgers, Ted Tyler and Matt Valerio.

Membership: Chair, Rich Cassidy; members James Valente, Jessica Bullock and Women's Division rep.

Judith Dillon said that she will confirm the Women's Division rep to the Board but she believes it will be Erin Gallivan. Samantha Lednicky as Division President will appoint the rep to the Board.

Andrew said that the October VBA Board meeting is set for the 21st at 1PM, following lunch with the Supreme Court. On October 17th, the Board will meet to interview 2 candidates for the position of Executive Director.

G. Executive Director's Report: Bob Paolini said that there is no clear record at the VBA as to who our three delegates are to NEBA—the New England Bar Association. Jim Rodgers and Andrew Manitsky presently hold seats. Jim has served year 1 and has two more to go. It is the practice that as VBA Presidents change, the president takes a seat on the NEBA Board. The next NEBA meeting will be on October 27-28-29 in Westbrook Connecticut. Vermont will chair NEBA on 2024, so we will need to bring 4 names for delegates for NEBA for the year beginning October 30. Question: Does the 3rd seat belong to Ben Travers as YLD delegate? Probably not, as Ben is no longer a YLD member, he has served on NEBA and his term will expire in October 2022. This matter needs to be on the October VBA Board meeting to determine our 4 delegates to NEBA. Judith Dillon expressed interest. It was also noted that in the past the President Elect has been a delegate.

Bob reported that Legislative Days will be held in state courts in November and December. The courts will invite legislators to come to court during the day to observe and have lunch with the judges and court staff and to discuss issues.

H. Staff Reports:

Mary Ashcroft reported that the VBA's Pro Bono Conference on October 20th will feature a full day of CLE programs including Ethics, Building Low Bono into a New Law Practice, A Primer on Custody, Landlord/Tenant ABCs's, Protective Orders, Preparing an Asylum Claim, and PACAs. The event will be at the Vermont State House. At the end of the CLE program, the Supreme Court will cost a ceremonial swearing in ceremony, and the VBF will host a reception following that. There is a suggested donation of \$75 to the Vermont Bar Foundation, with raffle prizes awarded.

Mary also referenced the grant report chart she included in the Board packet. The VBA receives \$181,912 in grants to fund our low bono projects and our Incubator Project. Most of that is for direct payments to lawyers, but the VBA does receive \$34,612 out of this for its administrative costs, including some of Mary's and Lisa's time. With our low bono projects, the VBA is running a mid-sized law firm handling 312 low bono cases a year. We could take more cases, but we don't have enough attorneys.

Kim Velk reported on the VBA's Annual Meeting and CLE programs tomorrow, and the week-long webinar series this coming week. The Conservation Law Foundation wants to do a CLE on Environmental Justice in October, and Kim is also planning on a ESOP CLE program next month. Kim is working on the next Bar Journal.

I. VBF report: There was no VBF meeting report. Mary reported that the VBF IOLTA grants had been increased. An additional \$2200 was added to our Coordinator grant to bring the total to \$22,000 for FY 2022-23, and \$18,800 was added to our county low bono project grant to bring that total to \$40,000 for FY 2022-23. Jose Herrera, guest at the VBA Board meeting, said he will give the VBF report at tomorrow's membership meeting. He noted that the VBF is in the process of approving a 3-year strategic plan which he hopes to have by the November meeting so he can share it with the Board. He is also wrapping up fundraising for the Poverty Law Fellow, including with the Justice Fest events which raised \$1,000 at just one event. He wants to explore ways the VBA and VBF can work together.

J. ATJ: The Access to Justice Coalition did not meet, but is planning to do so in November.

4. Action Items

A. Enrollments: Rich Cassidy moved to approve the enrollments to include the late addition of James LaRoque; motion was seconded by Matthew Valerio and the motion was unanimously approved. New VBA members are:

First Name	Last Name	State Mail	Membership Category
Daniel	Allen	CA	Law Student Associate Member
Chandler	Bellanca	VT	Legal Member
Elizabeth	Bostwick	MA	Legal Member
Michele	Boulet	VT	Paralegal
Joseph	Corrigan	VT	Law School Graduate
Petra	Davenport	VT	Legal Member
Robert	Depper III	VT	Legal Member
Brittany	Forrest	CO	Legal Member
Rita	Gylys	VT	Legal Member
Annie	Harb	VT	Legal Member
Leah	Henderson	VT	Legal Member
Laura	Hopkins	ME	Licensed in Another State/Jurisdiction
Dana	Horton	RI	Legal Member
Daniel	Jacobs	VT	Legal Member
Rachel	Jones	VT	Legal Member
Morgan	Klimmek	VT	Legal Member
James	LaRock	VT	Legal Member
Simone	Levine	VT	Legal Member
Ian	Litchfield	VT	Legal Member
Sarandos	Markopoulos	MA	Legal Member
James	McNamara	VT	Legal Member
Ryan	Miosek	VT	Legal Member
Susan	Morris	VT	Legal Member
Maximillian	Pasowicz	CO	Legal Member
William	Pearson	NH	Legal Member
Jackson	Place	NH	Legal Member
Lizette	Radovic	LA	Legal Member
Erik	Ramakrishnan	VT	Legal Member
Carly	Rippel	VT	Legal Member
Alexandra	Spring	VT	Legal Member
Jonathan	Ursprung	VT	Legal Member
Tory	Weigand	VT	Legal Member

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B. Electronic Filing Rules Committee Justice Dooley chairs this group and advised that the VBA delegate had been Teri Corsones. As this is now a standing rules committee, the VBA should designate a

replacement member. Elizabeth Kruska volunteered for this assignment and was chosen by the Board by acclamation.

C. Vermont Title Standards: Jim Knapp and Liz Smith joined the VBA Board for this discussion. Jim explained that the Title Standards Committee periodically reviews and recommends changes to the standards which may include substantive changes, to reflect any changes resulting from case law, and to keep up with changes on the way real estate practice is done. New proposed standards in this group are in the areas of common interest communities, standards for leases and covenants. There are also some grammatical corrections. Bob Fletcher thanked the Title Standards group for their good work. Upon motion by Matt Valerio, seconded by Jessica Bullock and unanimously voted, the changes to the Vermont Title Standards were approved as presented.

D. Revised Budget: Lisa included in the Board packet a revised budget which was prepared to reflect the increase in grant revenues from the VBF as reported by Mary above.

E. Create Cannabis Law Section: Attorneys Tim Fair and Andrew Subin have requested that the VBA create a Cannabis Law Section. With the legalization of cannabis retail sales in Vermont, this is a growing area of the law. The VBA is hosting a cannabis law CLE next week, and is running an article on the topic in the Journal. Section 11 of the VBA's constitution give the authority to the Board of Bar managers to establish and disband committees. Discussion ensued. It was noted that cannabis sale and use is still contrary to federal law. Matt Valerio suggested that this conflict between state and federal law is precisely the reason why we should have a cannabis committee. Josh Diamond also spoke in favor, as did Jessica Bullock and Kate Lamson. Upon motion by Alfonzo Villegas, seconded by Kate Lamson, the Board unanimously voted in favor of creating a cannabis law section.

5. **Discussion: Lawyer Referral Service:** To follow up on questions from the LRS presentation at the Board retreat, additional information about LRS has been circulated among the Board. No action is needed.

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

7. **New Business:**

A. **Judicial Conduct Board:** Mike Donofrio is terming off the Board, and the VBA is invited to send in a name for a replacement member. Mike Kennedy was in touch with Bob Fletcher about this and Bob is willing to serve in this capacity. Upon motion by Rich Cassidy, seconded by Alfonso Villegas, it was unanimously agreed to recommend that Bob Fletcher be appointed to the Judicial Conduct Board.

B. Jim Rodgers noted that long time Bellows Falls attorney Ray Massucco had just died. He urged a strong showing of the bar at Ray's funeral mass at St. Charles Church in Bellows Falls on October 4. Ray was to have received recognition as a 50-year VBA member at the Annual Meeting tomorrow. His law partner Josh Stern will accept that recognition on Ray's behalf tomorrow.

8. **Old Business:**

A. Elizabeth Kruska noted that this is her last meeting as a VBA Board member. She said it had been a great experience and that she will miss everyone. She thanked Board members for their service.

B. Andrew Manitsky presented a chair with the VBA logo and inscription to out-going President Bob Fletcher. Bob thanked the Board and spoke to the good work done by the VBA in the past year.

9. **Adjourn:** Upon motion by Elizabeth Kruska, seconded by Jim Rodgers and unanimously agreed to the meeting was adjourned at 4:12 PM.

Respectfully submitted: VBA Staff