

**Vermont Bar Association
Board of Managers Meeting
Friday May 19, 2023 at 1:00PM
VBA Offices and via Zoom**

Present: Justin Brown, Jessica Bullock, Richard Cassidy, Josh Diamond, Judith Dillon, Pam Eaton, Bob Fletcher, Kate Lamson, Jordana Levine, Andrew Manitsky, Jim Rodgers, Ted Tyler, Matt Valerio, Alfonso Villegas.

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

1. **Call to Order:** The meeting was called to order at 1:04 PM by President Andrew Manitsky. President Manitsky welcomed Justin Brown as new YLD representative to the Board.

2. **Emerging Issues:** None.

3. **Acceptance of Consent Agenda**

A. Minutes: Upon motion made, seconded and unanimously approved, the minutes of the April 21, 2023 minutes were accepted as printed.

B. Treasurer's Report: Lisa Maxfield noted that she had added an additional column to show year-to-year variance. We netted \$40,000 on our mid-year meeting, including the live event and week-long virtual CLE zoom programs. Lawyer Referral Service income is down, and Tom reports a decrease in panel members renewing, although he has added some new attorneys to the rotation. LRS case report requests have gone out. VBA expenses have increased because of travel and more in-person meetings. There is an increase in bank fees for credit card processing, as attorneys are not paying by check as much anymore. Building heating costs have also increased, and our assessed value has increased by \$126,000 as per the City of Montpelier. Upon motion made, seconded and unanimously approved, the Treasurer's report was accepted as presented.

Discussion ensued about raising annual dues. Upon motion made, seconded, and favorably voted, all membership dues will be increased by at least \$10 per person, with final figures to be determined after budget review is completed. Jim Rodgers abstained from the vote as he had just joined the meeting and did not have the benefit of the discussion.

C. Report of Executive Committee: Did not meet.

D. Board Committee Reports:

i. Operations: Did not meet.

ii. Membership: Rich Cassidy reported that the committee had met. Lisa and Tom led a discussion on the declining number of members renewing over the past few years. In 2021, 148 members did not renew, and in 2022 248 did not renew. Many of these were out of state, retiring, working for the state or for nonprofits, so the actual number of practicing private attorneys not renewing was not that great. We are capturing a greater number of the new admittees than in the past. Rich Cassidy thanked staff for working hard to retain members and attract new ones. Lisa charted the demographics of our existing membership and confirmed that the trend toward the aging bar continues. We will lose a lot of members over the next 10 years. VBA represents about 90% of the in-state active attorneys. This rate for a voluntary bar is very high compared with others in the country. It was noted

that the Operations Committee is discussing raising membership dues. The AGs and states attorneys have reduced group rates; these discounts were offered to increase membership in the VBA. Josh suggested that we not significantly raise the AAGs rates, so the AG's office did not reassess and drop the 95 AAG members.

iii. Program and Planning: Kate Lamson reported that the committee met this morning. It was felt that Procrastinator's Month (June) might be a bit too long. Next year we may have Procrastinator's Week. Planning for the annual meeting is going well.

iv. Pro Bono Committee: Did not meet.

v. Governance Committee: Did not meet. Judith Dillon asked that the Governance committee evaluate the most recent long-range plan to see what was accomplished, what worked, and if the VBA Board fulfilled its goals.

vi. Workforce Development Committee: Judith Dillon reported that the committee met and discussed amending the MOU between the VBA and the VBF; the primary change would allow the VBF to receive and distribute LRAP funds. This will be discussed later under action items. The Committee discussed meeting again at VLS but earlier in the academic year to capture more students. The committee also suggested taking Board meetings on the road and reaching out to those reading for the law.

E. President's Report: President Andrew Manitsky reported on the following activities:

--The Board had just met with Supreme Court Justices at noon. The Chief suggested that we publicize and celebrate more what the bar does and donates so that the public is aware of our good works. There was also discussion of the DEI forums, and the request that attorney licensing should obtain data on number of attorneys of color in Vermont.

--President Manitsky wrote about civility and professionalism for the spring Journal. He had participated with Judge Toor on panels about this topic. He will also be meeting with the Professional Responsibility Board on this. Mike Kennedy is doing a presentation to VTAJ on the topic as well.

--The Vermont trial court database on Fastcase is in its quality assurance phase; Andrew asked Board members to review the data and give feedback.

--President Manitsky attended and spoke at Senator Welch's press conference about the need for a US Supreme Court code of ethics.

F. Executive Director's Report: Bob Paolini reported that the Vermont Legislature is not quite done; it is in recess, but most of the bills of interest to the VBA have passed. The POA bill is awaiting the Governor's signature. The Legislature will come back on June 20 for 3-day session to address bills that the Governor vetoes. The state budget is likely to be one. The judiciary is interested as they have obtained one new judge and 5 new staff positions. They also received funding to break away from the state ADS system as Odyssey is overwhelming it. The Ad Hoc counsel rate has been raised to \$100. Because of mixed feelings on the homeless housing issue, there may not be enough votes to overcome a veto of the budget. In short, the VBA did not have a big legislative agenda, but what we did have came out well.

Bob has been working with staff more on the upcoming budget and on our June retreat, and with Kim on CLE programs to highlight newly enacted laws. Retreat discussion will center on staffing issues at the VBA. Jim Rodgers noted that at NEBA the VBA reported on its efforts on civility and some

on the legislative session. NEBA will meet in Salem, MA, with panels on exoneration, wellness, Supreme Court justices' discussion, restorative justice and evolving technology in the law.

G. Division & Section Reports

i. Young Lawyers Division: Pam Eaton reported that the YLD has a team in the Vermont City Marathon. They are working on a survey to first year lawyers asking about first year requirements, which will then be sent to Andy Strauss. The YLD will restart the dinner with a judge program and start up the Burlington trivia event.

ii. Women's Division: No report

iii. Gov't and Non-Profit Section: No report.

H. Staff Reports

Kim Velk extended thanks to Alfonso and Jordana for their Law Office Study presentation. Rich Cassidy will present torts in June. Procrastinators' Month in June will offer a total of 24 CLE credits. The VBA will again present the Trial Academy in July at VLS. The Spring Bar Journal is out in electronic format; the print edition will be arriving soon. The VBA is also stepping up its social media presence, so Kim asked the Board to encourage members to follow the VBA on Facebook and twitter and send info on VBA events to Kim to post.

Mary Ashcroft reported that she and Lisa had investigated a missing grant check from the CATIC Foundation which funds stipends for Incubator Project attorneys. The check was mailed to the wrong address and lost, so CATIC will issue a new one for \$8,000. Mary, Bob, and Lisa participated in a site visit by staff of the Vermont Center for Crime Victims Services. This was necessary to enable us to apply for another VOCA grant for the upcoming fiscal year. Our record keeping is satisfactory, and we can anticipate another \$50,000 grant. Mary mentioned that the upcoming VBA Journal has an article featuring some of our Incubator attorneys, as well as an invitation for another round of candidates to join our Incubator Project. The Vermont Bar Foundation will fund the VBA's County Low Bono Project with an increased grant of \$60,000 recently awarded as part of the John A. Dooley Competitive Grant Program.

I. VBF Report: Judith Dillon reported that the VBF board recently met and approved 10 competitive grant applications, and level funded non-competitive grant applications. These grants are funded primarily from IOLTA funds. There was discussion about IOLTA funds, and it was noted that other states require that banks give a certain interest rate for these funds. VBF will visit with banks to request a voluntary increase in IOLTA trust fund interest rates. Bar members may be asked to join these bank visiting teams. The VBF is also exploring the idea of establishing an endowment fund of about \$500,000 to provide security for the organization in lean years. Poverty Law Fellow Maya Tsukasaki is working with juveniles on special immigration status. She wants to speak to the YLD about her work.

J. ATJ Coalition Report: There was no meeting this past month; the next meeting will be in August. The Coalition's legislative "ask" for funding didn't get far this year; the VBA only requested \$100,000 for our low bono projects, but other partners wanted much more. The group didn't make decisions on what to request until March of this year, which was way too late. Hopefully, in August the Coalition will work on its funding efforts for the 2024 legislative session.

4. Action

A. Enrollments: Upon motion made, seconded and unanimously approved, the following were approved as VBA members: Legal Members: Jill Allegretti, Laura Ashikaga, Andrew Centybear and Madison Prokott; Bar Examinee Member: Austin Andersen; Interest in the Law Member: Guy McDonough.

B. MOU between the VBA and the VBA: Judith Dillon reported that Bob Paolini had circulated a proposed MOU between the two organizations to provide for the VBF to write checks to LRAP recipients with money provided by the VBA from excess client security fund interest. The VBA will set standards for the award of these grants to be used for repayment of student loans for new attorneys in certain areas of public practice. Up to \$40,000 will be used from the CSF for the first year. Upon motion made, seconded and unanimously approved, the VBA Board approved the MOU with the VBF for this purpose.

5. Discussion

A. Retreat planning: Judith Dillon, as incoming President, has a list of 4 items she would like to cover at the retreat. These include succession planning for VBA office staff, promoting what the VBA does for its membership, developing leadership opportunities at the VBA among newer lawyers, and Board orientation. The Retreat will be held at Seyon Ranch on Tuesday, June 20 from 10 to 3.

6. **Executive Session**: None.

7. **New Business**: Bob is working with Merrick Grutchfield at the judiciary to set up quarterly meetings between the VBA Board and the Supreme Court Justices.

8. **Old Business**: Bob Fletcher reported that the DEI forums being hosted by the judiciary are nearing completion. The schedule is on the judiciary's website. Following the conclusion of the listening sessions, there will be a facilitated conversation to bring the comments together.

9. **Adjourn**: Upon motion made, seconded and unanimously approved, the meeting was adjourned at 3:04 PM.

Respectfully submitted: VBA Staff