

**Vermont Bar Association**  
**Board of Bar Managers**  
**Friday, January 12, 2024**  
**11:00 AM**  
**Omni Hotel Montreal**  
**And Via zoom**

Present: Jessica Bullock, Rich Cassidy, Josh Diamond, Judith Dillon, Pam Eaton, Erin Gallivan, Jordana Levine, Andrew Manitsky, Amy Palmer-Ellis, James Rodgers, Tim Tomasi, Ted Tyler, Matt Valerio, and Alfonso Villegas.

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

**1. Call to Order:** President Dillon called the meeting to order at 11:11AM.

**2. Minutes:** Upon motion made, seconded, and unanimously approved, minutes of the December 10, 2023 Board meeting were accepted as printed with the following change: Under emerging issues, the first paragraph, sentence beginning with the word "Next" is amended as follows: "Next, he sets up mediation which can be successful, and it takes only a couple of hours out of his day."

**3. Treasurer's report:** Lisa Maxfield, CFO, said that there was a recently large payment made to the Lawyer Referral service, so we are now running \$37,000 ahead of this time last year. Thanks to staff outreach efforts, dues revenues have increased. There is a variance in CLE income over last year as we are not providing the notary public training this year as we did last year. Under expenses, for special projects we contributed food for Legislators' Day, and payments to Bob moved from contract services to salary. Upon motion made, seconded, and unanimously voted, the treasurer's report was approved.

**4. Emerging Issues:**

None

**5. Reports:**

A. Board Committee Reports:

- i. Operations: Did not meet
- ii. Membership: Did not meet
- iii. Program and Planning: Rich Cassidy reported that the committee met with only 2 members present.
- iv. Governance: Did not meet.
- v. Workforce Development: Alfonso reported that the committee met yesterday. They discussed Josh's meeting with UVM officials about setting up a panel to interact with students interested in careers in the law. The committee also discussed

the mock trial program, engaging more with local schools, and the draft of the retirement survey. Judith asked that any comments about the retirement survey should be sent to Alfonso for the committee.

vi. Executive Committee: Did not meet.

B. President's Report: President Dillon reported on the following:

--She and Bob Paolini attended the holiday meeting at the Franklin/Grand Isle County Bar, and spread the word about the workforce development committee and succession planning.

--She discussed with the Washington County Bar President Heather Devine the need for outreach to high school students in their area.

--Judith and Bob Paolini met with Justice Reiber, Judge Zonay and judiciary staff to discuss outreach to high school and grade school student outreach. The theme around Law Day this year is "voices of democracy". The Boys & Girls club of Burlington will participate in a Law Day program. Jessica suggested we update the "On Your Own" booklet as it is a great resource for students. It is available in hard copy and on the VBA website.

--Judith noted that student loan repayment grants had been distributed to 14 lawyers.

C. Executive Director's Report: Bob Paolini reported on the following activities:

--He spends much time in the legislature, which is very active.

--He testified before the House General and Housing Committee on the VBA's flood relief low bono project; out of the \$20,000 grant, we have spent only \$3,000 so far.

--Bob reported that the Poverty Law Fellowship received 14 applications this year. They committee interviewed 8, called 4 back for second interviews, and made an offer to a 3<sup>rd</sup> year student who accepted. The Fellow's focus will be homelessness, housing, and the connection to drug use. The fellow has a background as an EMT, and she will be starting her 2 years fellowship in August. She will be placed with Vermont Legal Aid. She will earn \$67,000 per year, plus benefits. Bob noted that the backgrounds of applicants are more diverse than in past years.

--Bob serves as coordinator to the committee to recommend a replacement for the federal judgeship being vacated by Judge Crawford. The committee has been meeting and interviewing candidates. Next step is to do reference checks. The committee plans to get names of recommended candidates to the Vermont Senators by mid-February.

--Erica Back, our staff office manager, will be leaving us February 7 to take a position as victims advocate in the Washington Co. state's attorney office. We are again recruiting for that staff position.

--Bob noted that the Governor, in his state of the state address, pitched a 3% budget increase, and talked about the larger number of 65 and older Vermonters compared to the small number of young people in schools and in their prime working years. The Governor also acknowledged the supermajority he must face with any legislative initiatives.

--The Vermont judiciary wanted 2 more judges, initially, but have now increased that ask to 3 judges and 10 additional court staff.

--Bob will go back to House Judiciary to testify about the need for funding civil legal access to justice. This is the initiative proposed by the Access to Justice Coalition. Matt noted that discussion outside the room is pessimistic about extra funding, as flood repair has cost the state much money.

--Bob has been tracking a number of housing bills, including one which would seal eviction records, and one to establish a housing board of appeals. All are aimed at solving the housing crisis. Some of these bills will affect the title to real estate. Bob has alerted the relevant VBA section chairs so they can weigh in.

--State revenues have been coming in at 1-2% above projection every month since July 2023.

--Bob and Judith participated in the section chair and county bar presidents monthly phone call last Wednesday—there were 30 attorneys on the call.

#### D. Division & Section Reports:

--Young Lawyers Division: Pam Eaton reported that she was at the Thaw in Montreal, and that 191 people signed up to participate.

--Women's Division: No report.

--Government and Non-Profit Division: No report as the division did not meet. However, Amy Palmer-Ellis has been working on a survey for government and non-profit practitioners.

#### E. Staff Reports:

Kim Velk said that the winter bar journal is approved and should be out shortly. The MLK poster and essay contest has been judged, and the posters are displayed in the lobby; winners will be presented with awards by the Governor. Kim asked anyone with an idea about a CLE or Journal article to be in touch with her. She noted that the VBA is hosting NEBA this year, and will do will do programming on the next gen bar exam.

--Mary Ashcroft reminded Board members that Feb 9 at noon is the deadline for nominations for the VBA's annual Pro Bono Service Award. The award will be presented at the Mid-Year Meeting on March 29.

F. VBF Report: no report

G. ATJ Coalition: See Bob's comments above on legislative funding for the A2J Coalition initiative.

## **6. Action:**

A. Enrollments: Upon motion made by Andrew Minitsky, seconded by Rich Cassidy, and unanimously approved, the following were enrolled as VBA members: Legal Members: Taleia Barksdale, Paul Coyle, Caroline Daniels, John Gosselin, Lisa Grealish, Rachel Lafferty, Hans Lynn, Judith Massis-Sanchez, Michael Piekny, Hilary Rheaume, Wesley Skidmore, Brett Stokes, Jaclyn Weinell, and Brittany Wescott; Law Student Associate member: Alexander Arroyo.

B. Adopt CSF Report—2022 & 2023: as of 12-31-23 there was \$1.65 million in our Client Security Fund, less \$20,000 for LRAP which we just distributed. Andrew Manitsky moved to approve both years reports; motion was seconded by Rich Cassidy and unanimously approved by the Board.

C. Adopt Fee Dispute Committee Materials: The Board raised several questions about the materials: do we want more detail on the arbitration process, should we provide for a panel of mediators, should we include an immunity grant or a disclaimer re: arbitrators, should we do more editing on the document? Rich Cassidy moved to table this matter until the next meeting, with edits to be proposed to Kim Velk who will act as editor. Motion was seconded by Andrew Manitsky, and the motion to table was unanimously agreed to by the Board.

D. Add Incubator Project to Workforce Development Committee: Mary Ashcroft had suggested that the VBA/VLGS Incubator Project be added under the umbrella of the Workforce Development Committee. The Incubator Project helps with succession planning and assists new solo practitioners with starting a law office, which relates directly to workforce development. Mary suggested that the Board could also get a better idea of what the Incubator Project does and also better understand the challenges facing new attorneys. Andrew Manitsky moved to place the Incubator Project under the Workforce Development Committee. The motion was seconded by Pam Eaton. The motion was approved by all but Jim Rodgers, who did not feel the Incubator Project fits the Workforce Development Committee's charge.

E. Add Low Bono Project to Program and Planning: Mary Ashcroft had also suggested that the VBA's Low Bono Projects be added to the oversight of the Program and Planning Committee. Discussion ensued about whether this committee was the appropriate place, whether Operations Committee would be a better fit, etc. It was suggested that the Board look into a new Access to Justice Committee, and that Bob and Mary be charged with drafting a proposal for the Board's consideration. Rich Cassidy moved to table moving the low bono projects to the Program and Planning Committee. The motion was seconded by Andrew Manitsky and unanimously approved.

F. Approve VLA-LSV Board Members: Under the bylaws for Vermont Legal Aid/Legal Services Vermont, the VBA Board is charged with approving 3 members to the VLA/LSV Board. Upon motion made by Rich Cassidy, seconded by Andrew Manitsky, and unanimously approved, the following were approved as VLA/LSV Board members: Jared Carter, Victoria Westgate, and Thea Schwartz.

## **7. New business:**

A. Flat Fee Law Firm Discussion: Rich Cassidy had circulated a paper proposing that the VBA establish a flat fee non-profit law firm to provide legal services for lower and moderate-income Vermonters. Rich noted that it is an ambitious project and that there are a lot of considerations. The idea needs study. He feels there is a need, as people are apprehensive about what lawyers charge, and a flat fee law firm would add predictability and certainty. Board discussion ensued. Rich's idea is for storefront offices, but a web presence is needed as well. This concept will need broad support in the bar, as it may appear to compete with private attorneys. The proposed firm will need to identify the top 10 legal services to be provided, ones that are amenable to flat fee charges. Jordana feels that this non-profit firm would fill an important need, and as a non-profit legal services provider may make its staff attorneys eligible for loan forgiveness programs. Andrew Manitsky moved to set up an ad hoc committee to explore this idea. Motion was seconded by Pam Eaton and unanimously agree to. Board members volunteering to serve on this committee were Rich Cassidy, Erin Gallivan, Josh Diamond, and Judith Dillon.

B. ABA Resolutions: The Board received for members' review a summary of resolutions to be voted on by the ABA's House of Delegates in 2024.

**8. Old business:** Andrew Manitsky announced that his band will play on Fri, Feb 9 at the old post in Burlington, from 7 to 10 PM with a blend of Motown, rock, and blues music.

## **9. Adjourn:**

Upon motion made, seconded, and unanimously approved, the meeting was adjourned at 1:22PM

Respectfully submitted: VBA Staff