

Vermont Bar Association
Board of Bar Managers
Friday, February 16, 2024
1:00 PM
VBA Office
And Via zoom

Present: Rich Cassidy, Judith Dillon, Erin Gallivan, Kate Lamson, Jordana Levine, Andrew Manitsky, Tim Tomasi, Ted Tyler, Matt Valerio, Alfonso Villegas

Staff: Bob Paolini, Lisa Maxfield, Mary Ashcroft, Tom Barrett.

1. Call to Order: President Dillon called the meeting to order at 1:05PM.

2. Minutes: Upon motion made by Andrew Manitsky, seconded by Jordana Levine, the minutes were unanimously approved. Kate Lamson abstained from the vote.

3. Treasurer's report: Lisa Maxfield reported membership renewals are doing well—we are at \$395,000 toward our budgeted \$410,000 dues income projection. Staff sent out emails and made phone calls. Lawyer Referral Service revenues are also good—we have received over \$70,000 so far this year. Upon motion made by Andrew, seconded by Matt Valerio, and unanimously voted, the Treasurer's report was approved.

4. Emerging Issues:

None

5. Reports:

A. Board Committee Reports:

i. Operations: Judith reported that the committee met and discussed the increased costs of annual and mid-year meetings. These meetings used to be fundraisers for the VBA, but that is not necessarily the case going forward. We also have fewer sponsors to defray the costs. We will meet at Lake Morey this September—that resort offers a better deal than the Hilton in Burlington, which is where we are meeting in March. We may need to increase our registration fees by a modest amount.

ii. Membership: Kate Lamson reported that the committee had a short meeting. They heard a report from Tom Barrett about efforts to renew lapsed members. They also noted that 200 VBA members opted not to receive paper copies of the annual directories, which saved money in printing and mailing.

iii. Program and Planning: Rich Cassidy said that the committee met briefly to review what the VBA staff is working on.

iv. Governance: Andrew Manitsky said the committee met on January 23 to begin consideration of possible changes to the VBA Board nomination process to make it more transparent and the Board more diverse.

v. Workforce Development: Alfonso reported that the committee met to review the Law Day event in Burlington, with another event coming up in South Burlington. The committee put final touches on the lawyers' retirement survey which will go out soon.

vi. Executive Committee: Judith said that the committee met to discuss VBA succession planning and ideas for how to keep young lawyers engaged after they graduate from YLD. Changes to remove some steps in the YLD succession to presidency will be considered.

vii. Flat Fee Study Committee: Richard Cassidy noted that the committee will meet every couple of weeks. Sam Abel-Palmer has joined the group, as LSV has good data on unmet legal needs. Tom Barrett provided data from our own Lawyer Referral Service, which only tracks cases that are placed by whether a lawyer sends in a fee. Tom estimates that only 1-3% of LRS referrals result in cases being placed. Sam estimates that LRS only meets the need of about a third of the referrals they see, as income limitations are quite severe. LSV needs to do a new legal needs assessment. Studies of legal needs can cost from \$10,000 to \$30,000. Sam did confirm that the LSV/VLA website at vtlawhelp.org had 600,000 hits in a year.

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

--She attended every committee meeting, and concedes that it takes a lot of time.

--Bob and Judith attended the Windam Co. Bar holiday meeting in Brattleboro. She spoke to promote the law office study program as a good way to encourage more lawyers.

--She worked with Alfonso and WDC on the retirement survey noted above.

--Bob and Judith met with the Judiciary 2 weeks ago; they are interested in AI and want to make sure guardrails are in place.

--Judith called in to the county bar and section chairs phone conference, where she asked them to gather information about which lawyers are retiring and what legal practice areas will have need for replacement lawyers.

--Judith said Sarah Buxton believes that law office study program enrollees may qualify as apprentices so they may be able to take advantage DOL apprenticeship program and benefits.

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

--As it costs \$600 to have board meetings at the Hilton, we may want to make a change in coming years—we can't change in March, though.

--Bob reported that the ED of Vermont Bar Foundation wants to push for a comparability law requiring banks to pay more money on IOLTA accounts. Other states have laws requiring banks to pay the same rate of interest on IOLTA accounts as on

other deposit accounts. Discussion ensued. The VBF Board said no to this proposed legislation, as the VBF has a good working relationship with banks which they don't want to jeopardize. Rep. Martin LaLonde has introduced a bill, but this matter is better dealt with by judicial rule, so the matter is with the PRB. Rich Cassidy moved to oppose the idea of imposing comparability on IOLTA accounts. The motion was seconded by Matt. Discussion ensued. Rich withdrew his motion. The Board by consensus agreed that the Executive Committee should study this issue and report back to the full VBA Board, possibly with draft language for a position statement.

--Bob reported on the monthly call with the Supreme Court. The advisory committee on the rules of evidence is proposing that the Lawyer Referral Service be added to the definition of attorney client privilege. This proposal will now go through the process of review. The justices are working on a panel discussion for the NEBA meeting in Stowe this fall.

--Bob is monitoring bills in the Legislature for the Probate and Trust section. The updated statutory changes for powers of attorney have already passed, and two trust bills are scheduled to make crossover.

--Bob is lobbying for the Access to Justice Coalition's \$500,000 funding request for civil legal services. But our relatively small request is being dwarfed by other requests. The court wants 2 new judges at a cost of \$270,000 each. A third judge will likely be funded with tobacco settlement money. The states attorneys want 10 deputy states attorneys, 10 victims' advocates and 10 admin positions. The public defenders want a 4% increase, and the Center for Crime Victims Services want more funding, too. Altogether, these funding request put the budget \$14 million underwater.

--There is a bill moving through the legislature which would require sellers to disclose to prospective purchasers whether a property has ever been flooded.

--Another proposal is one which would change requirements for municipal tax sales. VLCT has issues with the bill, and Bob has suggested that an attorney experienced in tax sales be added to the proposed study committee.

--The bill to change the judicial nominating process is out of committee. Some changes to the present process would be the addition to the committee of a representative from the office of racial equity, and the limits on the number of times the governor can request a new list of nominees for a judicial position.

--Bob received a note from the administrator of the NJ client security fund. The national organization continues to push Vermont to be more like other states in the handling of its CSF. They are offering us a grant to create a brochure for our fund. Judith doesn't think we have enough bandwidth for this work.

D. Division & Section Reports:

--Young Lawyers Division: no report.

--Women's Division: Erin—no report.

--Government and Non-Profit Division: Working on a new CLE proposal.

E. Staff Reports:

Mary Ashcroft said that the VBA/VLGS Incubator Project had added two more attorneys, bringing this cohort up to 6 members. The VBA has received \$227,412 in grants to pay for the incubator project, her position, and low bono projects. We handled nearly 500 low bono cases in 2023, and have an 82% success rate placing them. Mary continues to work on grant reports and applications.

F. VBF Report: no report.

G. ATJ Coalition: See above in Executive Director's report re: progress of \$500,000 legislative ask.

6. Action:

A. Enrollments : Upon motion by Andrew Manitsky, seconded by Matt Valerio and unanimous approved, the following were added as VBA members: Legal members: Kristen Beystehner, Michael Drewry, Jake Evans, Laura Fox, Kevin Gustafson, Bomy Hwang, Anne Karl, Daniel Kinlan, Trenten Klingerman, George McGregor, Aaron Perry, Jennifer Peterson, Richard Sawin, Teo Sax, and Erin West; Law School Graduate: Alexa Blaise; Law Office Study Associate Members: Stuart Chaifetz and Peter Christiana; Law Student Associate Members: Roslyn Chavda, Andrew Hockenberry, Darla Mariduen; Interest in the law: Brian Pretti.

B. Adopt Fee Dispute Committee Materials: Kim had made some revisions which were provided in the packet. The matter was left on the table to allow further review. Two comments were made: be sure the arbitration language is included, and delete reference to deciding the reasonableness of attorneys' fees, as this is beyond the scope of the committee's charge.

C. Lawyer Referral Service: At present, participants agree to pay 10% of any law fee receipts over \$100. This has been the case for a long time. It is proposed to raise threshold to \$250, so LRS lawyers don't pay VBA thing unless they collect more than \$250. Discussion ensued. Erin moved to change the threshold to \$250, which was seconded by Kate. The Board voted in favor of the motion by a unanimous vote. There were no abstentions.

D. Pro Bono Award: The following attorneys were nominated for the VBA's 2024 Pro Bono Service Award: Brooke Dingledine, Celeste Laramie, Seth Lipschutz, Renee Mobbs, and Sheilagh Smith. Discussion ensued. Upon motion by Rich Cassidy, seconded by Jordana Levine, the Board unanimously voted to award the Pro Bono Award to Brooke Dingledine and Seth Lipschutz.

7. New business: