

**Vermont Bar Association**

**Board of Bar Managers**

**Friday, March 28, 2024**

**1:00 PM**

**Hilton Burlington**

**And Via Zoom**

Present:

Staff: Bob Paolini, Lisa Maxfield, Kim Velk.

Board Members, Amy Palmer Ellis, Judith Dillon, Matt Valerio, Josh Diamond, Erin Gallivan, James Rodgers, Rich Cassidy, Jessica Bullock, Tom Tomasi, Ted Tyler, Pam Eaton, Kate Lamson, Alfonso Villegas.

**1. Call to Order:** President Dillon called the meeting to order at 1:16 PM

**2. Minutes:** Upon motion made by Kate Lamson, seconded by Josh Diamond, the minutes from the February meeting were approved. One abstention from Josh Diamond.

**3. Treasurer's report:** Lisa Maxfield reported that 225 people and 21 sponsors had registered for tomorrow's Mid-Year Meeting. She reported that the 2024 VBA Directory has been distributed. She noted that the VBA paid a deposit for this meeting that is shown in the treasurer's report. She said there were no significant variances on the expense side for the Mid-Year Meeting. Given food costs of \$133 per head for the meeting and expenses associated with technical help and recording the sessions that we raised the attendance fee to \$285 for this meeting. We have had no negative feedback on extra cost. Bob noted that we had some people who have registered and can't come but plan to watch the recordings, which will be made available to all full-price attendees. Amy noted that for government attorneys the cost for meetings is an issue. Rich noted CLE income is down versus last year. Lisa said she had looked at that and from April to the end of August last year we brought in \$173,000 so she thought it would be all right.

Judith asked for a Motion to adopt treasurer's report – Josh Diamond moved to accept it and Kate Lamson seconded. Vote to accept was unanimous.

**4. Reports:**

A. Board Committee Reports:

i. Operations: No meeting

ii. Membership: No Meeting

iii. Program and Planning: Alfonso was there – number of other issues.

iv. Governance: No meeting

v. Workforce Development: They did meet. Alfonso reported that he has finalized a presentation for Law Day that he's doing on May 1 in South Burlington. Mary Ashcroft reported on the incubator program at the and workforce development committee members were invited to join incubator meetings. The committee discussed plans for a panel that Josh has organized at UVM. The committee discussed the retirement survey – and assigned people to analyze the data and work on a report. Judith reported she was working with some high school teachers in Washington County for Law Day events this spring. Judith also mentioned the mock trial April 6 organized by Teri Corsones and Judge Crawford. Judith asked Teri today if they need volunteers. Amy said she is happy to help in high schools doing presentations. Alfonso would be happy to have volunteers reach out to him as well for his efforts. Judith noted next workforce development will be looking at how we can help match retiring lawyers with younger lawyers who are interested. Survey results suggest some retiring lawyers are interested in this. Bob asked if committee should do a briefing for Board – maybe at next meeting. Lisa can send survey results to board before next meeting.

vi. Executive Committee: No meeting

vii. Flat Fee Study Committee: Rich said that the committee has met and at last meeting they assessed whether starting a flat fee law firm was feasible. The Committee decided it would be too difficult; we will use VBA resources to help encourage attorneys to try to explore using alternative fee structures.

B. President's Report: Judith reported that at the last meeting of the Professional Responsibility Board (PRB) there was a discussion on whether they should require that higher rates should be set for IOLTA accounts. The VBA and VBF were invited to speak – we decided last time not to speak on this but reminded the PRB of our history of cooperating with bankers on this. Amelia Darrow, chair of the VBF, spoke at the PRB

meeting on March 13 and also Chris D'Elia from the bankers association. Chris had a lot of knowledge about the history and shared that. Amelia Darrow asked the PRB to maintain status quo. Judith did not take a position but said that the partnership has been good and VBF has been well funded in the past. The PRB board will be acting on the info. they received. Seems likely there will not be changes.

Judith had a brief meeting with Teri Corsones. They talked about Mid-Year Meeting and court closings. Judith also attended the county bar and section chair meeting where generating more interest in VBA Connect was discussed. Judith also attended the flat fee committee and workforce development meetings as well. She reached out to an attorney in St. Albans about getting an event done up there. The Court Users Group headed by Elizabeth Kruska has a member who is stepping down. We're looking for a replacement at Vermont Legal Aid but if no one there is interested we will be recruiting for a replacement.

Bob had circulated the charge from the judiciary on the AI in the Courts Study Committee. The committee includes the VBA president or designee. Judith is interested but if there's someone who might want to serve in her place, she would like to know. Alfonso said he would be interested in being a member and Judith made that note but will give people a chance to volunteer after they review the charge and designation and get back to Alfonso.

Bob's report – Legislative work is most of what he has been doing. Things are in flux. Probate bills have moved to Senate. Last night the house advanced the bill that would reform Act 250 – a six-hour debate ensued. This would have a great impact on the courts because it creates an environmental review board rather than the environmental court. The judges were not asked to weigh in. The vote last night was 89 to 51 – not veto proof. Discussion ensued. Rich asked if the VBA board should study this and take a formal position. Bob said he thought the final chapter was written. Judith didn't think there is consensus among the state's practitioners so difficult for the VBA to take some kind of position. Matt said the Bar has weighed in on both sides.

Bob is also busy with Access to Justice matters pending in the legislature. Matt is knowledgeable here. Bill H 880 came in late in session – almost the last day when it could have come in. The bill raises \$100 million in taxes. Bob shared a memo concerning the bill which includes the wish-lists from courts, State's Attorneys, etc. The bill included lots of new spending

including for access to justice efforts. It moved to the appropriations committee – which made a lot of limited-service positions that are funded for a half the year. So, we get roughly half of what we requested (\$262,000 rather than \$500,000 plus \$25,000 for admin). We have asked for the \$525,000 for access to justice.

Also, Bob and Josh went to Chicago for the Bar Leadership Institute training since the last meeting. Josh said it was very good and practical and good way to meet people who can help us going forward.

Delci Winters and Laura Fox from VLGS then appeared via Zoom to explain why they felt the VBA should create an animal law section. Delci said that Bar Association Animal Law committees have been really important to her during her career in animal law. She runs the VLGS Animal Law program. Laura has been in animal law for over a decade. She said students at VLGS want to engage with the broader legal community. They also talked about the CLE on animal law that the VBA held in February, noting that it had been well attended.

Matt asked if the Section would be intended to cover all areas of animal law or was it to be an animal rights section. Delci said it was to cover broad areas of animal law not animal rights and advocacy alone. This is how other animal law sections are based. Laura said it would be guided by member interests.

Rich made a motion to establish an Animal Law Section and Kate Lamson seconded.

Jim Rodgers abstained – otherwise unanimous to pass motion for new animal law section.

Judge Tomasi asked about how we monitor the section activities. Lisa said we have a Higher Logic reports on VBA Connect usage.

#### D. Division & Section Reports:

--Young Lawyers Division: Pam Eaton gave a report, Elections scheduled for tomorrow at MYM. They are working on plans for the summer. Been a good year so far. Erin mentioned that the YLD survey of

new admittees has been passed onto the Board of Bar Examiners, where she serves, and this was helpful – to have a connection between YLD and the Board of Bar Examiners.

--Women's Division: Erin reported that the group will be Meeting tomorrow. Erin will be stepping down and probably Breanna Weaver will be stepping into that role.

--Government and Non-Profit Division: Amy said she talked with Ryan Kane at AGO and Doug Kehne, Division leaders, and they are working on a CLE program.

E. Staff Reports:

Bob reported for Mary Ashcroft. In addition to everything else Mary does, she had applied for 3 grants for county low bono programs, for partial funding of her position and for Supreme Court funding for involuntary commitment and PACA agreements.

Kim reported on MYM and upcoming CLEs and Brown Bag Law Study – and suggested people to look at the CLE calendar. A Survey would be going out after Mid-Year meeting. Judith mentioned that people should go to incubator meetings, as per the suggestion of Workforce Development Committee, if they can. Alfonso noted the cannabis CLE is happening in connection with 4/20 and that the CLE will have important legal updates.

F. VBF Report: no report.

G. ATJ Coalition: covered earlier in Bob's report – not discussed here.

**6. Action:**

A. Enrollments : accepted unanimously.

B. Adopt Fee Dispute Committee Materials: Return to this topic. We reviewed this at January meeting in Montreal. Some redrafting was done by Kim and Andrew Manitsky. Andrew has provided the updated materials. Judith called for a motion to accept or adopt the materials. Josh asked about the immunity clause as being like judges for arbitrators rather than doing a release. Rich answered the service providers in AAA have that as a

standard and didn't believe that a release was the better mechanism. Discussion ensued.

Motion to approve fee dispute documents, seconded by Amy. Erin abstained. Fee dispute materials approved. Andrew will be asked to follow up on the release question that was raised.

## **7. New business:**

A. Josh asking for input on the planned June Board Retreat. Kate noted that there is training in June for various entities, public defenders, judges etc. Josh was thinking about a three-part day, social part, also formal board training, also about his presidential initiatives for next year. June 21 is proposed and that seems to work. Location in Starksboro that Lisa suggested is a possibility.

B. Matt –Judge Zonay asked if the courts should do something about the eclipse. Kate Lamson said we should ask for time off. Judith said the state is encouraging people to stay home. Kate Lamson said things are going to be disrupted and also that lots of people have made plans. Not something that the VBA will take a stance on.

C. Erin brought up board of bar examiners and whether they should maybe have a delegate with the VBA or whether we should have some continuing connection with the board of bar examiners and the VBA. Judith said maybe we can talk about it at the next board meeting.

## **8. Old business:**

A. Judith noted that at the January meeting we had been talking about starting an Access to Justice committee. This could be created in conjunction with rearranging existing committees. Program and planning would be combined with membership to create the Member Services committee, Governance and Operations would be combined into one committee and Workforce Development stays the same. Judith will send out her ideas for how these new committees will be staffed and we will take that up in the next meeting.

## **9. Adjourn:**

Matt moved to adjourn, Kate seconded. The meeting adjourned at 3:16 PM.

Respectfully submitted: VBA Staff