

**Vermont Bar Association
Board of Managers Meeting
Thursday, September 26, 2024 at 3 PM
Lake Morey Resort and Zoom**

Present: Justin Brown, Jessica Bullock, Josh Diamond, Judith Dillon, Pam Eaton, Kate Lamson, Jordana Levine, Ryan Long, Andrew Manitsky, Amy Palmer-Ellis, Jim Rodgers, Judge Tomasi, Ted Tyler, Matt Valerio, Alfonso Villegas, Breanna Weaver.

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

Guests—Jim Knapp, Lisa Campion

- 1. Call to Order:** President Judith Dillon called the meeting to order at 3:00PM.
- 2. Minutes:** A correction was made to the draft minutes for the July 26, 2024 Board meeting to add the name of Andrew Manitsky. With that correction, upon motion made by Matt Valerio, seconded by Andrew Manitsky and unanimously voted, the minutes were approved. Abstaining from the vote were Kate Lamson and Judge Tomasi.
- 3. Treasurer's Report:** Lisa Maxfield reported on finances for the previous fiscal year which ended on August 31, 2024. She corrected her financial notes to reflect end of year expenses were actually \$33,120 above budget, yielding a net loss of \$6,689. Membership and Lawyer Referral Service revenues met targets for income; CLE income was very close. There will be adjustments in final expenses as there are still a few accounts payable. Upon motion by Matt Valerio, seconded by Jessica Bullock, the treasurer's report was unanimously accepted.
- 4. Emerging Issues:** Judith Dillon asked for suggestions for a co-chair of the Access to Justice Committee to assist Chair Rich Cassidy.

5. Reports:

A. Board Committee Reports

- i. Member Services: Jordana and Kate reported that the State's Attorneys decided not to renew its group membership with the VBA. We will do outreach to find out why.
- ii. Operations: Did not meet.
- iii. Workforce Development: Alfonso reported that the committee met to talk with Sarah Buxton on possible grants for those interning in a law related field. Preparations have begun for Law Day 2025. He urged board members to reach out to local schools to send lawyers into classrooms. Josh said he will speak to social studies educators. Alfonso said that Constitution Day was a lot of fun. He will be talking with law school students again on October 6th and at the YLD panel on 10-22-24 careers in the law.

Matt shared his experience recruiting attorneys from out of state. He has hired 6 such attorneys and pays \$90,000 to \$100,000 each. Of the 6, 4 have already resigned and left the state, citing high cost of living in Chittenden County and lack of child care and after school care. Matt will focus on recruiting husband and wife teams as their combined income of \$180,000 to \$200,000 may be sufficient. The state initiative a few years ago to pay \$10,000 each to workers moving to Vermont will be repeated soon at \$7500 per person. This program specifically excludes lawyers.

Discussion ensued. It was noted that VLGS advises new graduates to either take any job offer in Vermont, or leave the state and come back later. The VBA could make it easier for returning Vermont lawyers to get information on firms with openings, hiring partners, etc.

Lisa said that the Franklin-Grand Isle Bar is looking into the law office study program. The Board discussed how best to get information to high school students or those at UVM or other Vermont colleges about law office study as an affordable career option. We also need to find firms willing to sponsor those reading for the law. Last year, the LOS program graduates did as well as VLGS graduates on pass rates on the Vermont Bar Exam. Josh also mentioned connecting with the Vermont Futures Project at the Vermont Chamber of Commerce, and he will bring in information for the next board meeting. VLGS is running with limited admin support so there is limited work on externships or placements for graduates. Maybe the VBA could take over some of this. We need to target Vermonters and those with connection to Vermont as likely candidates for law office study.

iv. Access to Justice: Did not meet. Co-chair for this Committee is needed.

v. Executive Committee: Did not meet.

B. Presidents Report: Judith reported that she had done the following:

--Attended Constitution Day at VLGS which was well attended by all, including students. The draws including Justice Reiber, a couple of professors including Prof. Teachout, Teri Corsones' cake and Inns of Court pizza.

--The next round for LRAP grants opens tomorrow for 2025 awards. The funds available from the CSF excess interest is now increased to \$60,000.

--The County Bar Presidents and Section Chairs raised the difficulty of getting through a clerk to a judge when there is an urgent need to do so—for example when a case settles on a Friday and the hearing is set for Monday, or when an objection is made at deposition and a judge needs to rule on it.

--Judith continues to pursue getting demographic info from attorney licensing. We will need to send a letter to the Chief explaining why the renewal application should include this additional information. Matt pointed out that Massachusetts requires demographic information on the first part of the application or the renewal won't go through unless answered.

--Attended Judge Durkin's celebration and bench/bar CLE. It was a heartwarming recognition of the Judge's years on the bench.

--Attended the VBF meeting.

Judith concluded her report with a thank you to all, as this is her last President's report. She thanked Andrew Manitsky for his work on the Board; this is his last meeting as his term as Past President is up. Judith also thanked Jim Rodgers for his work as this was also his last meeting.

C. Executive Director's Report: Bob Paolini reported that he had done the following:

--Supported the staff getting ready for the annual meeting.

--Worked with staff on the NEBA meeting at Stowe; invitations to that event will be coming to VBA Board members.

--Organized the Durkin event.

--Worked with Lisa on numbers as we closed out the fiscal year and started a new one.

--Was in touch with Martin LaLonde who put in a bill last year on workforce development. Discussion ensued about what legislative asks we should promote this coming year.

D. Division & Section Reports:

i. YLD: Justin reported that the YLD scheduled a mixer in Burlington for 10-10-24 at 5PM. He was on an attorney panel at VLGS to talk with students about careers in the law in Vermont. The Race Judicata will be held next month at Barr Hill. Planning is underway for the Thaw in 2025.

ii. Women's Division: Breanna reported on the upcoming Women in the Judiciary panel set for 10-17-24 at 5:30. Registration is free. The VBA is co-sponsoring this with VLGS which will be held at the VLGS space in Burlington. The Women's Division hopes to do a social event later in the fall as well.

iii. Government and Non-Profit Section: No report.

E. Staff Reports:

--Kim Velk Spoke of the work that went into the Annual Meeting. She noted that there will be a Pro Bono Conference on 10-17-24 and a Bankruptcy Bar Conference on 11-22-24. The Fall Journal is being published. Kim thanked everyone for coming to the Annual Meeting.

--Mary reported that the VOCA grant for \$50,000 for our crime victims' low bono project had finally been confirmed, and thanked Lisa for her work on it. We have signed an MOU for the VBA/VLGS small business low bono project; this is for \$100,000 over 3 years. With the \$50,000 already received from the Supreme Court for low bono representation in PACAs and adult inv. guardianships, and the VBF grants of \$60,000 for county low bono and \$22,000 for the coordinator, we are in good shape. Mary is confirming panels for the Pro Bono Conference on October 17; there will be presentations on ethics, human trafficking, protective orders, legal clinics, and small business representation, and more, for a total of 5.5 MCLE credits.

F. VBF Report: Judith reported that the VBF has hired a new Executive Director Hannah King. Hannah worked for Becca Balint and has a passion for serving needy Vermonters. The VBF is reorganizing and will be redoing their committee structure. Judith also reported that the new Poverty Law Fellow, Deanna Hartog has been hired and has passed the Vermont Bar.

6. Action Items

A. Enrollments: On motion made by Kate Lamson, seconded by Andrew Manitsky, the board unanimously approved the following new members of the VBA: Legal Members: Anthony Bamrick, Asfar Basha, Emily Bratt, Jessica Brown, Stephanie Fournier, Katherine Litka, Hector Pagan, Andrew Pearce, Matthew Schultz, Everett Secor, Gina Stillman, Katelynn Stockwell, Simone Washington, Samantha Weeks and Lily Yan; Law Student Associate Members: Katharine Alvarez Rios and William Lonardo; Law Office Study Associate Members: Madilynn Banks, Elizabeth Manfredi and Genevieve Pons-Eguino; Licensed in Another State: Andrea Celli and Conor McKenzie; Law Student Graduate: Tyler Gorbett; Paralegals: Elizabeth Mench and Terry Silva.

B. Adopt Updated Title Standards: Jim Knapp reported on the work of the Title Standards Committee, which has been on-going for 30 years. The Committee consists of 17-20 experienced real estate practitioners who review and agree upon accepted practices and legal principals in real estate work. The committee meets 3-4 times every year. A title standard is proposed, then a couple of committee members draft a proposed standard, circulate it, then the draft is taken up at a meeting and voted on. Examples of some standards that were revised or adopted this year included right of first refusal, terminated leases, death of one of the tenants in a joint tenancy, ancient mortgages. Some standards revisions are simply grammatical corrections while others reflect changes in the law or supreme court decisions. Jim gave a quick review of the updated title standard, a draft of which had been circulated among the Board. Upon motion made by Matt Valerio, seconded by Kate Lamson and unanimously approved, the updated title standards were adopted.

C. Set Board Meeting Dates: Feb. to July 2025: Josh will send out an email to Board members to get input on meeting dates for 2025.

D. Name New NEBA Board Members: Bob explained that Jim Rodgers is finishing his 3rd year, creating a vacancy, and Andrew Manitsky will move to Past President of NEBA, creating another vacancy. NEBA consists of 6 member states and meets quarterly. Most significant is roll call of the states in which bar associations report on their activities for the past quarter; this gives other states an idea of what works and what doesn't. These two positions need to be voted on at the NEBA annual meeting in Stowe in October. People interested in serving should send their names to Josh.

E. Appoint VBF Board Members: Bob reported that there are two vacancies—one member is the VBA President's designee and the other is a 2-year seat. Judith Dillon will continue on as Josh's designee; anyone interested in the other seat should let Josh know. Lisa Campion is VBF President Elect.

7. New business

A. Judicial Nominating Committee Chair Ella Spottswood. Justin Brown had reported last meeting that Justice Bill Cohen raised concern about too few attorneys applying to fill judicial vacancies, and the age of the applicants.

Attorney Ella Spottswood is glad that the VBA Board is looking into this. She agreed that there should be more applicants, and wants all to encourage folks to apply. The JNB screens applicants for each judicial vacancy. They send a list to the Governor with those who are most qualified, and the Governor makes an appointment. Each governor has their own preferences about who they will appoint.

For Judge Toor's vacancy, there were 2 new applicants and 8 repeat applicants, so that 10 names eventually went to the Governor. Up until recently, the JNB has interviewed every applicant for every position, every time. They always had a lot of repeat applicants. Recently, the JNB has done away with some repeat interviews—if someone applied within the past 1-2 years, the Board will send the name without reinterviewing, with the permission of applicant. There have always been a number of repeat applicants, but now the Board is more public about it.

The number of applicants for Judge Toor's position were low. This is likely due to the number of judicial vacancies in the northwestern part of the state—there were already two other positions the JNB was interviewing to fill. This is not a trend. For the 3 vacancies, there were 8 new applicants and 8 repeat applicants for a total of 16.

Attorney Spottswood noted that they had trouble finding applicants for a magistrate vacancy. In December of last year, there were only 2 applicants; the JNB sent both names to the Governor, who did not appoint from this list. So, the JNB reopened the search and ended up with a total of 3 applicants. This was unusual; there are not that many magistrate openings. Ella urged the VBA Board to consider applying themselves, and encourage attorneys they knew to apply, too. These are extremely important positions.

Bob noted that he had spoken to Judge Zonay, who had heard from lawyers about how long the process takes. For example, the Magistrate position took 9 months to fill. Lawyer candidates don't like being exposed that long. Ella explained that the JNB took 2 months for their work—one month to apply and one month to review applications and conduct interview. The list goes to the Governor immediately after the interviews. But then the Governor takes many more months to decide

Attorney Spottswood does not answer questions about age, gender, or diversity, only the number of applicants and the number of names sent to the Governor. She feels that that there is a reasonably representative group of applicants, but it is very small. The JNB does reach out to past applicants to see if they want to apply for a new opening. It was noted that there are fewer applicants generally for any attorney job. Ella noted that she is at the end of her second three-year term, and noted that someone needs to run for her seat. She holds the at-large attorney seat on the board. The chair is elected by the board. The number of JNB meeting and the work load depend on the judicial vacancies.

B. June Board-Staff Retreat Review & Debrief: Incoming President Josh Diamond noted his takeaways from the retreat. We can build more themes into our committees. He would like a short, written report from each committee to include in the Board packet so that the Board can spend more time on discussing strategies and goals. Josh wants to promote both workforce development and the VBA's low bono projects.

C. Add Demographic Questions to Bar Admission Application: It was noted that the judiciary does not track this information and it should.

D. Presentations:

Judith presented a plaque to Andrew Manitsky honoring his time on the VBA Board. She thanked him for his work. She also will be mailing a plaque to Jim Rodgers as a thank you for his time as well. Judith had earlier received a chair to commemorate her year as President.

Andrew thanked the Board, and noted that this VBA Board was one of the best in the country. He found our Board to be supportive, creative, and positive, avoiding the factions and problems other boards experience. He urged the VBA Board to "keep doing it." Judith thanked all on the Board for their work during her year as president.

8. Old Business: None

9. Adjourn: Upon motion made by Matthew, seconded by Kate and unanimously approved, the meeting was adjourned at 5:18PM.

Respectfully submitted: VBA Staff