

**Vermont Bar Association  
Board of Managers Meeting  
Friday, February 17, 2023 at 1:00PM  
VBA Conference Room and via Zoom**

Present: Jessica Bullock, Rich Cassidy, Josh Diamond, Judith Dillon, Tom Durkin, Pam Eaton, Bob Fletcher, Erin Gallivan, Kate Lamson, Jordana Levine, Kevin Lumpkin, Andrew Manitsky, Jim Rodgers, Ted Tyler, Matt Valerio, and Alfonso Villegas.

Staff: Bob Paolini, Lisa Maxfield and Mary Ashcroft.

**1. Call to Order:** President Andrew Manitsky called the meeting to order at 1:03 PM.

**2. Emerging Issues:** None

**3. Acceptance of Consent Agenda:**

A. Minutes: President Manitsky noted several typos in the draft minutes of the Board meeting of January 13, 2023. Upon motion made, seconded and unanimously approved, the 1-13-23 minutes were approved as amended.

B. Treasurer's report: CFO Lisa Maxfield said that there were 4,029 registrants for notary public training, which produced over \$100,000 in income for VBA. Tom Barrett sent status reports out to the LRS panel which raised another \$7,200. Board and staff expenses reflect registration, travel and hotel expenses for the ABA Mid-Year meeting and for the Thaw. We have 13-14 sponsors so far for the VBA mid-year meeting on April 1. VBA staff were successful in getting 52 lapsed members to rejoin; they will continue to work on this. We are down to about 250 non-renewals.

C. Report of Executive Committee: Did not meet.

D. Board Committee Reports:

i. Operations: Did not meet.

ii. Membership: Richard Cassidy said that the committee had met. They discussed non-renewals, and Cassidy said that the committee may make more calls. The group also discussed the membership directory, and decided that the printed paper copy was still useful. Lisa noted that the cost to print the directories is \$20,000, and there is a growing number left over each year. Firms which used to order a printed copy of the directory for each lawyer and staff member were now only requesting 1-2 copies. There is also a decrease in the number of ads in the directories. VBA members get these directories for free, and also have access to the on-line directory which is kept current. Lisa will look into reducing the number of printed copies and see if revenues can be increased.

iii. Program and Planning: Kate Lampson said the committee had met that morning. They reviewed Kim's report, and agreed to increase outreach to first- and second-year new lawyers so that they would be aware of all the CLE programs the VBA offers. The committee also discussed whether to host another SMOLO conference at Basin Harbor. Enrollment had been declining at that event.

iv. Pro Bono Committee: Mary Ashcroft noted that the committee met to make their recommendation for Pro Bono Award winner; this will be addressed under the action item below.

v. Governance Committee: Did not meet.

vi. Workforce Development Committee: Did not meet.

E. President's Report: Andrew Manitsky reported as follows:

1. His article on civility had triggered several emails. The VBA also sent out a survey on civility, for which Andrew thanked Kim and Laura. There have been 570 survey responses so far, with 92% of respondents saying that most lawyers they engaged with were either civil or very civil. With that said, 60% of respondents said that they had witnessed uncivil behavior including sarcastic or condescending comments, inflammatory writing and misrepresenting facts. There were also a lot of complaints from court staff that lawyers were unprepared for court. Many board members offered their observations. President Manitsky said that survey respondents felt that incivility harms the justice system and makes the practice of law less satisfactory.

2. President Manitsky reported progress on the trial court decision publication project. Fast Case has now uploaded all civil trial court decisions back to 2000. He urged Board members to go to Fast Case on the VBA website to see what it looks like. Juvenile and criminal decisions are not uploaded.

3. Manitsky was contacted by a national client protection group that said Vermont was the first state in the US to create a client security fund. As we are a model, the group wants to visit us in April and meet in person with the Board Executive Committee.

F. Executive Director's Report: Bob Paolini reported as follows:

1. H89, the bill to protect access to reproductive health care, has now been redrafted to remove lawyers as potential defendants in suits alleging abusive litigation. The bill has passed the House and is now in Senate Judiciary.

2. Bob is working with the Probate and Trust section on three bills to update power of attorney statutes from 2006. They are partnering with the Property Law Section, the Elder Law Section and the Vermont Bankers Association to make the uniform act more Vermont-centric. Joe Andriano, former Incubator attorney and now State Representative from an Addison district, will report the bill once it clears committee. Joe has been moved onto the Judiciary Committee to fill a vacancy, making him the second lawyer on that committee.

3. Bob has revived the practice of writing weekly legislative reports and sending them out via VBA Connect and the bar news. The budget adjustment act, which contains some enhancements for the Judiciary, is in the Senate and should pass shortly.

G. Division & Section Reports

i. YLD: Pam Eaton noted that the YLD is planning mixers in Montpelier and Brattleboro, with a paint-and-sip in Burlington. Their trivia team is up and running again. The YLD is planning for their March meeting and annual election of officers. As most Board members are now Burlington civil attorneys, the YLD is trying to involve lawyers in other geographic and practice areas.

ii. Women's Division: Erin Gallivan noted that the Halverson's event with Justice Waples had been lightly attended due to the winter storm that day. The Women's Division is coordinating with others on a program for International Women's Day on March 9<sup>th</sup>. Judge Whalen is expected to relate her experiences post-retirement.

iii. Government and Non-Profit Division: Did not meet.

#### H. Staff Reports

--Kim Velk sent in a written report which is attached to these minutes. [Laura, please attach.]

--Mary Ashcroft will report under A2J Coalition and Pro Bono Award action item below.

I. VBF report: Judith Dillon reported that the VBF Board had met that morning. They discussed whether to have a professional audit done. The Poverty Law Fellowship campaign has raised \$165,000; lapsed firms and lawyers who have donated in the past will be approached again to contribute. The VBF also discussed setting up an endowment of between \$500,000 to \$1 million, possibly naming it after Beth Danon. The VBF's Treasurer is stepping down and a replacement is being sought. Becky Wasserman of the Vt. Asylum program spoke to the Board about what they do and why they need volunteer attorneys. The VBA Board also approved a new strategic plan for the Foundation.

J. ATJ Coalition Report—Mary Ashcroft reported on the final version of the Coalition's request for legislative funding which now totals \$2,605,000. The VBA's portion is only \$95,000 to fund our low bono projects. Bob noted that the VBA's request is in danger of being swallowed up in this very large request for funding partner organizations.

#### 4. Action Items

A. Enrollments: Upon motion made by Tom Durkin, seconded by Jordana Levine and unanimously approved, the following were enrolled as members of the VBA: Legal members: Brian Bolger, Craig Cushing, Joshua Feygin, Ryan Flatley, Jonathan Fortune, Laura Gregory, Joel Howard, Anthony Mancini, Erik Paulson, Rebekah Scherr, Clay Thomas, Sarah Varty, and Andraya Whitney; law student associate members: Patrick El Saddik and Emilie Winter; law office study associate member: Moz St. Pierre.

B. Vermont Legal Aid Board Members: Bob Paolini explained that under VLA's bylaws, 6 of 9 trustees for VLA are elected by the VBA board. Trustees must be licensed to practice in Vermont. VLA is proposing that the VBA Board elect two attorneys: Jill Martin Diaz and Bessie Weiss. Discussion ensued and several VBA Board members made favorable comments about these candidates. Upon motion made by Tom Durkin, seconded by Josh Diamond and unanimously approved, Jill Martin Diaz and Bessie Weiss were elected to the VLA Board of Trustees.

C. VBA Annual Pro Bono Service Award: Mary Ashcroft reported that two candidates had been nominated for this year's Pro Bono Award: Cristina Mansfield of Manchester and Sarah Star of Middlebury. The Pro Bono Committee met virtually to consider these two candidates. Cristina had just won the award in 2021, so the committee members unanimously agreed to recommend that Sarah Star be this year's sole recipient of the award. Upon motion made, seconded and unanimously agreed to, the VBA Board voted to present Sarah Star with the 2023 VBA Pro Bono Service Award. This will be presented at the luncheon for the mid-year meeting on April 1.

D. Elect Judiciary Representative to the VBA Board: Bob Paolini noted that the VBA Constitution had been amended several years ago to provide for a representative of the judiciary to be appointed by the Board to serve on the Board of Bar Managers. Tom Durkin has held this position for 15 years and has enjoyed it very much, but he wants to step down now. He asked fellow trial judges to consider serving on the Board, and one—Tim Tomasi—expressed interest. Tom finds him to be a very knowledgeable and helpful person. Bob suggested that Tom Durkin continue as board member until the close of the Mid-Year meeting on April 1 so that Tom can participate in his last Board meeting and membership meeting. Andrew Manitsky thanked Judge Durkin for his service on the Board. Upon motion made by Bob Fletcher, seconded by Alfonso Villegas and unanimously agreed to, Judge Tim Tomasi was

appointed as judiciary representative on the VBA Board of Bar Managers. Judge Durkin will relay this message to Judge Tomasi.

**5. Discussion:** None.

**6. Executive Session:** None.

**7. New business:** None.

**8. Old business:** None.

**9. Adjourn:**

Upon motion made, seconded and unanimously agreed to, the meeting was adjourned at 2:55PM.

Respectfully submitted: VBA Staff