**VERMONT BAR ASSOCIATION**

**BOARD OF BAR MANAGERS MEETING MINUTES**

**January 15, 2021 11AM**

Via Webex

Present: Katelyn Atwood, David Carpenter, Joshua Diamond, Judith Dillon, Hon. Thomas Durkin, Robert Fletcher (12:30), Elizabeth Kruska, Andrew Manitsky, Elizabeth Novotny (12:00), James Rodgers, Benjamin Traverse, Edward Tyler, James Valente, Matthew Valerio (11:38), Alfonso Villegas.

Staff: Mary Ashcroft, Teri Corsones, Jennifer Emens-Butler, Lisa Maxfield

1. **Call to order:** The meeting was called to order at 11:06AM by President Elizabeth Kruska.

2. **Emerging Issues**:

Ben Traverse reported on the Young Lawyers’ Division Virtual Thaw. He thanked Jennifer Emens-Butler for her work setting up the many virtual MCLE programs and the virtual luncheon which was attended by 15 new attorneys. They commented that they would like more opportunities to meet their first-year requirements, which can be difficult to complete without a mentoring attorney. Alfonso agreed that it is difficult to find attorneys willing to mentor. Elizabeth will put this on the next agenda.

Overall, the Thaw had good attendance. The Bar Foundation and Poverty Law Fellow Programs were highlighted. Jennifer thanked Laura Welcome for her work keeping track of registrations and coordinating behind the scenes.

Andrew Manitsky said that the MCLE Board met recently and asked for the VBA Board’s collective opinion on the question of CLE credits for service on certain boards and committees. Each licensing period, an attorney may report 2 MCLE hours toward the 24 credits required. Andy Strauss provided a list of approved boards and committees, but the VBA Board is not on it. The list was circulated for updating and revisions. There was also a question as to whether the permitted 2 hours is per approved board or committee, or a total of 2 hours per reporting period. Teri noted that the VBA relies on CLE revenues as part of our budget and commented that the majority of committees on the approved list deal with substantive areas of the law. Jennifer noted that the pro bono rule—VRPR 6.1—considers service on boards and committees to be counted as pro bono contributions. Elizabeth asked Board members to get comments about the approved list to Andrew by January 22.

3. **Acceptance of Consent Agenda**:

A. Minutes: On motion made by Josh Diamond, seconded and affirmatively voted, the minutes of the meeting of December 11, 2020 were approved.

B. Treasurer’s Report: Lisa Maxfield updated membership statistics. The VBA presently has 2251 current members, which reflects a decrease in membership and a decrease of $9,600 in revenues. Membership has declined due to older attorneys retiring; it could also be an affordability issue as some attorneys are not working or working less. In other New England states, membership is down as much as 30%. She noted that year-to-date CLE and meetings income is down, but expenses are also down. . Revenues are down $17,747 from last year, and expenses are down $60,947, leaving a variance of ($17,800). She anticipates that CLE income will increase during January and February with Family Law, Real Estate Law and Tech Conference programs scheduled. Lisa completed her report by announcing that the migration to InterLinx has begun and will continue this month.

C. Report of Executive Committee: Elizabeth reported that the Executive Committee met on December 23, 2020, to sign a MOU and non-disclosure agreement with the Judiciary so that the VBA could participate in on-going discussion with Tyler and Judiciary about e-filing fees. The per envelope fee was covered by CARES Act money, first through December 30, 2020, and now through March 31, 2021. The VBA will continue to urge a per case rather than a per envelope e-filing fee.

D. Board Committees:

Operations: Did not meet.

Membership: Met briefly this morning to discuss three issues, two of which need input from other committees. The committee hopes to discuss the dues structure before the February Board meeting.

Program and Planning: Did not meet. Katelyn Atwood is canvassing the committee members for a regular meeting date.

Pro Bono Committee: Did not meet; will be meeting prior to the next Board meeting to recommend Pro Bono Award recipient(s).

Governance: Did not meet.

Workforce Development Committee: Judith Dillon said that the Committee met with YLD representatives. Next steps will include working with the Chamber of Commerce and affinity groups at the Vermont Law School. They also will develop a survey of VLS alumni. A previous survey received more responses from older attorneys, and not as many from the younger ones who were targeted. Alfonso will connect with young professionals in Brattleboro. The Committee hopes to have recommendations to the VBA Board in July, and to present a CLE program about its recommendations at the October Annual Meeting.

COVID-19 Committee: Andrew Manitsky said that the committee met yesterday and discussed the survey follow up. He and Jennifer prepared a summary of the data which will be posted today. Results indicated that lawyers would like more wellness resources. Depression and suicidal thoughts were expressed. The VBA sent out a holiday blast to let folks know what resources were available on the VBA website. Andrew noted that demand for mental health services has skyrocketed. The MCLE Board discussed why they do not allow MCLE wellness credits for counseling, AA meetings, etc.

E. President’s Report: Elizabeth Kruska noted that there were many entries in the Martin Luther King Jr. poster and essay contest, and some truly spectacular submissions. She also reported that she has agreed to participate in an e-filing CLE program.

F. Executive Director’s Report: Teri Corsones noted that there were 73 submissions in the MLK poster and essay contest—a new record. The awards ceremony will be held virtually next week, with Chief Justice Reiber and other members of the Court presenting the awards. As reported in the Executive Committee report, the VBA will now be involved with negotiations with Tyler Technology about the e-filing fee model, with the goal of moving to a per case model. There is a draft bill in the Legislature on e-filing fees which would make these fees subject to legislative oversight. Teri also said that Scott Griffith with the Court Administrator’s Office would like bar input on remote hearings and has received a grant for a series of video tutorials. There will be a CLE program at the Mid-Year Meeting on Odyssey Best Practices and one on VREF amendments. On her Legislature work, Teri stated that she has testified before the House Judiciary Committee and will be in front of Senate Judiciary about the backlog in civil jury trials. The Act 250 processes continue to be reviewed. Teri congratulated the YLD on their Thaw programming. Teri also thanked Lisa for her IntelLinx work.

G. Staff reports:

Lisa Maxfield said that she had heard from the Equinox that they will be returning the $8,000 deposit made by the VBA for this year’s March meeting, since the meeting can’t be held in person.

Mary Ashcroft thanked the Board for the holiday bonus. She announced that nominations were opening for the VBA’s annual Pro Bono Service Award to be presented at the Mid-Year Meeting. The Pro Bono Committee will be meeting in mid-February to make their suggested recommendation(s) to the Board. She also reported that the VBA/VLS Incubator Project was now open for new and new to Vermont attorneys who wanted to be included in the 7th incubator class. She also thanked the YLD for including mention of Pro Bono and Low Bono opportunities to young lawyers at the Thaw.

Jennifer Emens-Butler said the VBA will continue with its on-line programs and will gradually work toward making up the loss of CLE revenues. Real estate law CLEs will occur in February as well as in May and June. There is a surge in real estate closings and lawyers have little time to present or attend CLE programs right now. Jennifer also noted that TJ Donovan will be speaking on a panel on dispute resolution, tech week will follow that with numerous CLE programs, and the following week a family law program will be held including a hands-on training on child support calculations. Jennifer reported that the VBA Journal will be out in February, and that it will contain the MLK posters in color. She requested that Board members send her ideas for pursuits of happiness topics.

H. VBF Report: Judith Dillon reported that the Access to Justice/Poverty Law Fellow campaign under the direction of the VBF has now raised $101,000 and more is coming in. The Campaign will close at the end of January. Judith also noted that representatives of the VBF and the A2J Coalition met in December to discuss a MOU regarding this campaign in the future. Much of the focus was on overhead costs of organizations housing the Poverty Law fellow. The VBF has been concerned about the large amount of overhead attached to grant requests—most recently this figure is north of 40% of the PLF budget. There is no consensus yet.

I. A2J Report: Teri noted that the A2J met in the joint meeting just reported on by Judith to discuss the Poverty Law Fellow Campaign.

4. **Action**:

A. Malpractice Insurance Study Group: Elizabeth Kruska said that the VBA was invited to appoint two representations to serve on a PRB study group to determine: a) whether professional malpractice insurance should be required of Vermont lawyers; and b) if not required, should lawyers be required to inform clients that they do not have such coverage. Teri announced that three attorneys had expressed interested in serving on the study group. After discussion, the Board recommended Cristina Mansfield of Manchester and Matt Valerio, Defender General. Elizabeth agreed with the recommendation and will appoint those two attorneys to the study group.

B. Enrollments: Beth moved to accept the enrollments as presented; Andrew seconded the motion. Upon unanimous favorable vote, the following were admitted as VBA members:

Attorney members: Thomas P. Parrett, Matthew D. Bernstein, Irene Fondriest, William F. Grigas;

Associate members: Melissa Bowen, Mark Masters, John Sealey, Ellie Gebarowski-Shafer;

Bar Examinee members: Jennifer Cleveland, Zoe Cunningham-Cook, Timothy Follos, Samuel Ross, Margaret L. Sayles.

5. **Discussion**:

Matt Valerio informed the Board that the Court announced that state courts will be closed to all in-person hearings next Tuesday and Wednesday, given concerns about possible security threats during the presidential inauguration.

Teri and Elizabeth sought input on a form that the VBA will post for attorneys interested in being considered for service on VBA boards and committees. Board members are asked to review the draft and get comments to either Teri or Elizabeth.

6. **Executive Session**: None.

7. **New Business**: None

8. **Old Business**: None.

9. **Adjourn**: Upon motion made by Josh Diamond, seconded by Alfonso Villegas and favorably voted, the meeting was adjourned at 12:53PM.

Respectfully submitted:

VBA Staff