**Vermont Bar Association**

**Board of Managers Meeting**

**Friday, April 16 ,2021 1:00 p.m.**

**Via Webex Conference**

Present: David Carpenter, Richard Cassidy (incoming), Josh Diamond, Judith Dillon, Hon. Thomas Durkin, Pamela Eaton, Bob Fletcher, Mollie Gray, Elizabeth Kruska, Kevin Lumpkin, Andrew Manitsky, Beth Novotny, Jim Rodgers, Ted Tyler, James Valente, Matt Valerio, Alfonso Villegas.

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

1. **Call to Order:** The meeting was called to order by President Elizabeth Kruska at 1:04PM.

2. **Emerging Issues**:

--Elizabeth Kruska noted that Vermont Legal Aid has a rental assistance program under which tenants with COVID-related hardship can request funds to pay back rent. She also commented that Odyssey is now rolling out centralized processing of criminal division e-filings statewide as a pilot. Things seem to be moving OK with this.

--Tom Durkin added that centralizing processing is for the initial submission; from there, the filings are processed by local court staff. If this pilot is successful, it will serve as a model statewide.

3. **Acceptance of Consent Agenda**

A. Minutes: Upon motion made by Tom Durkin, seconded by Bob Fletcher, the minutes of the March meeting of the Board were accepted. Kevin Lumpkin abstained.

B. Treasurer’s Report: Lisa Maxfield reported that as of 3-31-2021, our client security fund had $1,416, 635 in it. In just the past two weeks, that fund has increased by $50,000 thanks to stock market gains. Lisa provided a memo with a history of the fund and data showing fund growth and claims paid.

Lisa noted that the Mid-Year Meeting was very successful with over 400 individual seminar registrations. Expenses for the meeting were minimal and included Webex expenses, the videographer recording expense and one speaker expense. While year-to-date income is down, expenses are down even more, resulting in a positive variance. Lawyer Referral fee reminders will be held off until the new data base is in place. Panel members will be able to pay dues on-line through their own account portal. LRS income will show in April and May instead of March. The paper directory was not printed this year due to the transition to the new data base, but members will be encouraged to use the on-line directory for up-to-date information. Transition to the new platform is close to completion. It has been a lot of work for staff, with a few delays, but the new website is awesome.

Mary Ashcroft requested use of a portion of the Special Projects line item ($5,000 budgeted) to be used for Incubator Lawyer start-up costs. She explained that we now have two new lawyers in our Incubator Project, and we reimburse them each up to $2,000 for law office start-up costs. From 2014 until earlier this year, we have used grant funds from the ABA and from CATIC to pay this expense. Those funds have been used up. We will seek other grants and possibly include this expense in the coming FY budget, but for now there is sufficient money in Special Projects to pay the incubator stipend for these two attorneys.

Upon motion made by Beth Novotny, seconded by Josh Diamond, and unanimously approved, the Board agreed to authorize the use of up to $4,000 from the Special Projects line for the Incubator Lawyer start-up costs.

Beth asked whether we should move some of the funds out of the Client Security Fund. Ted suggested that this question be sent to the Operations Committee to consider. Matt Valerio agreed that we probably do have more money than what is necessary. But we should be careful not to remove any of the funds the membership has put in. This is not an insurance fund; it is a fund solely within the discretion of the VBA Board. Josh commented that we should keep in mind the current discussion of whether to require malpractice insurance as we decide how much to hold in the Client Security Fund. Elizabeth Kruska sent the matter to the Operations Committee to review.

Elizabeth Kruska asked Lisa about progress on the rollout of the new IntelLinx system. Lisa noted that lawyers will now report on their Lawyer Referral clients on-line and make payments either by credit card or by check. The sign up for LRS will be via credit card on-line. She does not expect to see much impact on VBA revenues from the changeover.

C. Report of the Executive Committee: Did not meet.

D. Board Committee Reports

i. Operations: Did not meet.

ii. Membership: Andrew Manitsky said that the committee had met that morning. They are recommending the removal of the non-resident lawyers fee, which will be discussed under action items.

iii. Program and Planning: Did not meet.

iv. Pro Bono: Did not meet.

v. Governance: Did not meet.

vi. Workforce Development: Did not meet.

vii. COVID-19 Committee: Met to discuss jury restarts and to review universal reopening guidance updates.

E. President’ Report: Elisabeth Kruska recounted meetings with the Vermont Supreme Court and with the county bar presidents and section chairs. There was much discussion of jury restarts, and also of the $14 per case/per party filing fee. James Rodgers questioned why he, as a court appointed attorney, gets hit with a filing fee. His clients are children who have no ability to pay. Teri noted that such cases likely qualify for a fee waiver.

Elizabeth noted that at the county bar and section chairs meeting, one member raised the issue of how the VBA Board as a body was responding to state budget issues. Should we canvass the membership? The Board discussed the membership’s perception of the Board, and when should membership be consulted. Elizabeth noted that sometimes things move too fast to allow for canvassing of the membership. The particular concern raised during the phone call was posted by an attorney as a taxpayer, not as a VBA member, so Elizabeth felt that the issue was diffused. Rich Cassidy cautioned against the Board taking too many positions on issues. Our membership is quite diverse.

F. Executive Director’s Report: Teri Corsones reported on a number of items:

--The professional liability insurance study committee of which Matt Valerio and Cristina Mansfield are the VBA reps is beginning to meet. Very few states mandate malpractice insurance, but a number of states require that attorneys disclose whether or not they have it.

--Five school participated in the high school mock trial competition earlier in April.

--Teri attended the day-long on-line conference on wellbeing and noticed several resources which we will add to the VBA list.

--Teri and Mary attended the on-line workshop on the transformation grant which was awarded to Legal Services Vermont on the future of Pro Bono in Vermont.

--ABA Day in Washington, DC will be remote this year. Priorities will be to request increased funding for Legal Services Corporation and an increase in judicial security.

--The Rutland County Bar will do a Law Day Mock Trial in May; students will participate remotely, but the players will be in person.

--The MCLE Board is providing clarification about MCLE credits for attorneys who serve on court boards and advisory committees. An attorney can only claim 2 MCLE credit hours per reporting period for such board service regardless of how many committees he or she serves on.

--On the legislative front, there will not likely be any changes to Act 250 this year. Teri testified about a bill which will allow for correcting deeds with flaws in remote notarization. A bill to require legislative oversight of e-filing fees is advancing. Judge Durkin noted that all judges up for retention this year have been recommended for retention.

G. Staff reports:

Jennifer Emens-Butler noted that 400 registrants attended the Mid-Year Meeting. There was very good response to programs, including the wellness program and the fair housing program. The MYM also had 15 sponsors. Upcoming CLE programs include child support and taxation, dispute resolution, Basic Skills, and Procrastinators’ Day.

The VBA Journal has been delayed again as Jennifer has been working on the website conversion. Teri thanks Jennifer and Laura for their hard work on the MYM.

Mary Ashcroft reported that Harrison Drapo of Randolph and Kelly Flynn of Weybridge are the two incoming attorneys for the VBA/VLS Incubator Program. Mary also expressed concern about the increasing number of low bono cases being referred to her which she cannot place with private attorneys. This occurs especially in family law and no-stalking order cases. Mary noted that Transformation grant discussions with LSV have raised the issue of whether the VBA’s low bono programs should be moved over to LSV to join their VVLP programs.

4. **Action Items**:

A. Enrollments: On motion made by Tom Durkin, seconded by Andrew Manitsky, the enrollments were unanimously approved. Attorney Members: Hillary Hoffmann; Victoria M. Hone; Jacob C. Miller; Jason A. Palladino, Christopher C. Ruml; Mark A. Seltzer. Associate Members: Denise A. Byers; John Thomas Engelman.

B. Non-Resident Lawyers Category: Andrew Manitsky gave the Membership Committee report, which noted the disparity between in-state dues rates being based on years in practice, and the non-resident dues rate being a flat fee regardless of years in practice. This creates a disparity in which some lawyers perceive they are paying too much, and some too little. The Membership Committee unanimously recommends the elimination of the membership category for attorneys with a principal office outside of Vermont. Andrew noted that this would not only be more equitable, but also generate more dues. Upon motion by Tom Durkin, seconded and unanimously agreed to, the subject membership category was eliminated, effective with the next member renewal cycle.

5. **Client Security Fund Report**. As noted above, the matter is referred to the Operations Committee to review and report with recommendations back to the full Board.

6. **Executive Session**: none needed.

7. **New Business**:

--Bob Fletcher announced that the annual board retreat is scheduled for June 18, likely in the central part of the state. The Board will review the strategic plan, mission statement, discuss who we are and where we are going. Chris Newbold of ALPS will facilitate remotely. Bob asked that Board members weigh in by Friday, April 23rd, with suggestions as to whether to meet remotely or in person, and if the latter, where.

--Katelynn Atwood is resigning from the VBA Board as she has obtained employment in Colorado and will be moving there. Matt noted that the Board has the ability to fill this vacancy and could ask people who had run but lost in other elections for the Board seats. The position could also be advertised via e-mail with a request to file letters of interest with the Board. The Board agreed to solicit letters of interest rather than reconvening the nominating committee.

8. **Old Business**: None.

9. **Adjourn**: Upon motion made by Bob Fletcher, seconded by Andrew Manitsky, and unanimously agreed to, the meeting was adjourned at 2:55PM.

Respectfully submitted:

VBA Staff