

**Vermont Bar Association  
Board of Managers Meeting  
Friday, December 9, 2022  
1:00PM  
VBA and via zoom**

Present: Jessica Bullock, Rich Cassidy, John Diamond, Pam Eaton, Bob Fletcher, Erin Gallivan, Kate Lamson, Jordana Levine, Kevin Lumpkin, Andrew Manitsky, Ted Tyler, James Valente and Matt Valerio.

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

1. **Call to Order:** The meeting was called to order by President Andrew Manitsky at 1:06PM.

2. **Emerging Issues:** None reported.

3. **Acceptance of Consent Agenda**

A. Minutes: Upon motion made, seconded and unanimously agreed to, the minutes were accepted as printed.

B. Treasurer's Report:

--Lisa Maxfield, CFO, reported that dues revenue is \$28,000 less than at this time last year. There is a trickle of renewals every day. Lisa gave the Board a list of members who have not renewed and asked Board members to reach out to those they know to urge them to renew. Board members should let Lisa know who they will be in touch with—she will compile a master list to avoid multiple calls to the same person. Once the Board goes through their calls, Tom will do some cold calling.

--Lisa noted that CLE income is greater this year than last, in large part due to the notary public training which has had 1800 registrants so far. VBA staff will be busy with this through the end of January.

--Lisa presented a revised budget dated 12-1-22. She noted that Bob has been paid under contract services, but as of January 1 will be a salaried employee. Paul Velk has been added to staff through end of August 2023 to help out with Notary registrations and with LRS. There is also an increase in the equipment line to \$10,000 to replace Laura's laptop, fix Kim's laptop, and provide a new one for Bob. There are some savings as Mary is part time as of September 1; she will be moved out of contracted services and will remain as a part-time employee with benefits. Upon motion made, seconded and unanimously approved, the revised budget was adopted as presented.

C. Report of Executive Committee: No meeting, no report.

D. Board Committee Reports

i. **Operations:** No meeting, no report.

ii. **Membership:** Rich Cassidy discussed getting lapsed VBA members to renew, and welcomed Paul Velk to staff.

iii. **Program and Planning:** No meeting, no report. Andrew had asked P&P to work on guidelines for speakers, particularly to add a reference to avoid implicit bias. He read the following from the VBA's guidelines for speakers: "Always a consideration...Inclusion requires active, intentional, and ongoing efforts to promote the full participation and sense of belonging of every participant. Speakers

should attempt to create an equitable and inclusive environment, avoiding stereotypes, derogatory terms, and being mindful of the diverse nature of the audience. Thank you for keeping in mind the principles of diversity, equity, inclusion and belonging that the Bar strives to support as you make your presentation. If you have any questions or concerns, please contact Laura Welcome or Kim Velk. (kvelk@vtbar.org).”

iv. **Pro Bono Committee:** The Committee did not meet. Mary Ashcroft noted that Mike Kennedy had expressed his desire to retire as chair, so a new chair will need to be appointed. Also, we may want to restructure the committee which now consists most of Pro Bono Award winners.

v. **Governance Committee:** The committee did not meet; no report. Lisa and Bob would like the committee to address two things—succession planning and legislative policy. Andrew noted that the mission statement on the VBA website differs from what is in our constitution. This should be added to the governance committee list. If our constitution needs to be amended, we could do that at the March mid-year meeting.

vi. **Workforce Development Committee:** Did not meet; no report

E. President’s Report: Andrew Manitsky reported the following:

--He participated in the December 7<sup>th</sup> call with section and division chairs and county bar presidents. First, Andrew updated all on the progress publishing trial court decisions. He is working with the judiciary to first go back to 2010 with the indexed decisions; there will be a standardized format similar to that used for Supreme Court decisions. During this call there were complaints about Odyssey and delayed service issues. Andrew also spoke to section and division chairs about the proposed Brown Bag Law School for those in the law office study program. The VBA will survey on the topic of civility and professionalism and present the result at a CLE at our mid-year meeting.

--Andrew is working on a Journal article on civility.

--Andrew has had conversations with courts around the state on diversity, equity and inclusion. It was noted that the video shown to jurors needs to be updated.

--The Boys and Girls Club of Burlington wants to partner with VBA on DEI, and do presentations in the schools. Justice Waples is interested in working on this and will reach out to other judges.

---Andrew will visit with the Chittenden County Bar Association later today, and will meet with Orleans, Bennington and Franklin/Grand Isle bars in the coming week.

F. Executive Director’s Report: Bob Paolini has been working with Lisa on updating the finances. He also worked with Mary, Kim and Jim Knapp on the Brown Bag Law School proposal. Bob noted that Paul Velk is now on staff and his work will relieve some of the pressure from other staff members.

G. Division and Section Reports

i. **Young Lawyers Division:** Kevin Lumpkin announced that registration for the Thaw is now live. The YLD had a very successful kickoff gathering for the queer lawyer affinity group, which Bob and Andrew attended. YLD is also considering affinity groups for young parents, veterans, etc. They are reaching out to Vermont Law and Graduate School students and LOS participants to encourage all to attend the Thaw for the cost of just room and board. YLD also wants to encourage judges and law clerks to come, too.

ii. **Women's Division:** Erin Gallivan reported that the Division is organizing an event for January 26<sup>th</sup> at Halverson's in Burlington with Justice Waples as speaker. They are looking for sponsors or this event.

iii. **Government and Non-Profit Division:** Josh Diamond had nothing to report. He thanks the YLD for having a special rate at the Thaw for government lawyers.

#### H. Staff Reports:

--Kim Velk has assisted to help the VBA host the Bankruptcy CLE in South Burlington. She is setting up webinars on worker co-ops and other entities—she is trying to do these once a month. She is also busy planning for spring CLE programs including the Open Meeting Law, civil trials webinars in early April, Basic Skills, etc. Kim is working with the team on the Brown Bag Law School for LOS participants—there is enthusiasm for this among section and division chairs and the judiciary. VLGS may be interested, too. The MLK writing contest is open for applications with a December 21<sup>st</sup> deadline. Kim is also encouraging lawyers to write for the Choosing Vermont journal series. The Annual Meeting for the VBA this fall will be at the Hilton in Burlington as they are offering the best deal.

--Mary Ashcroft reported that she has been busy attempting to place low bono cases. There has been a surge in adult involuntary guardianship matters requiring lawyers. Family law matters for crime victims are the most difficult to find attorneys to take. The Small Business Project cases are going very well and are giving transactional attorneys a chance to participate in low bono cases. A number of attorneys who attended the Pro Bono Conference in October are signing up to take low bono cases. Mary noted that we presently have 5 people in the VBA/VLGS New Lawyer Incubator Program. Three of these attorneys will be finishing their 18 months soon. Three new or new to Vermont lawyers have applied to be in the incoming class. The Incubator Project steering committee will interview those three in a week or so. Mary has applied for an \$8,000 grant from CATIC—this will be used to make grants of \$2,000 for each incubator lawyer to assist with law office start-up costs. No word yet in this CATIC grant.

I. VBF Report: Rich Cassidy said that the VBF is planning a silent auction fundraiser to occur in April. Please donate an item or service to the VBF to assist with this effort.

J. ATJ Coalition Report: Bob noted that the Coalition's all-day retreat had occurred just before the last Board meeting. The Coalition will be meeting this coming Monday via zoom to discuss next steps on the legislative ask.

#### **4. Action:**

A. Enrollments: Upon motion made, seconded and unanimously approved, the following were enrolled as VBA members: Kimberly Elliott, Heather Fernandes, Ian Goodnow, Farva Jafri, Kevin King, A. Leino, Katrina Loyer, Kaelin Mackey, Jacob Moulton, John O'Brien, and Arthur Smith.

B. Report of Nominating committee: Bob Fletcher Chair, reported that the committee had met this morning and proposed the following slate for seats on the Board of Managers for the coming year:

President-Elect: Joshua Diamond  
Secretary: Ted Tyler  
Treasurer: Matt Valerio  
At-Large: Jessica Bullock  
At-Large: Richard Cassidy  
At-Large: Jordana Levine.

Upon motion made by Kevin Lumpkin, seconded by James Valente and unanimously agreed to, the slate was approved as presented. Abstaining from voting on their own nominations but voting in favor of the other nominees were Josh Diamond, Matt Valerio, Jessica Bullock, Rich Cassidy and Jordana Levine.

**5. Discussion:**

--Jordana Levine said that as she serves on the Court Users Group set up by the judiciary, she will relay the complaints about Odyssey.

--Rich Cassidy said that the uniform power of attorney act will be reintroduced this legislative session, as will the uniform directed trust act. Bob Paolini also noted there will be a trust decanting act. Bob said that we should know by early January who is on what legislative committee. He plans to do a weekly legislative update, and will be in touch with section and division chairs to review bills pertaining to their areas of law. Bob said that there will be a massive changeover in legislators. It is likely that the Judicial Nominating Board issues will reignite this year on the issue of qualified v. well qualified designation for judicial candidates.

Bob noted that the Mid-Year meeting of the VBA will be held on March 31 at the Equinox in Manchester.

**6. New Business:** None.

**7. Old Business:** None.

**8. Executive Session:** Upon motion made, seconded and unanimously approved, the Board voted to go into executive session at 2:13PM.

The Board came out of executive session at 2:40.

There being no further business to discuss, upon motion made, seconded and unanimously approved, the meeting was adjourned at 2:45.

Respectfully submitted: VBA Staff