**Vermont Bar Association**

Board of Bar Managers Meeting

June 18, 2021 at 10AM

Woodstock Country Club

Present in person: Rich Cassidy(incoming), Tom Durkin, Pam Eaton, Bob Fletcher, Elizabeth Kruska, Jordana Levine (incoming), Kevin Lumpkin, Andrew Manitsky, Matt Valerio, Alfonso Villegas.

Present via zoom: Jessica Bullock (incoming), Judith Dillon, Jim Rodgers, Ted Tyler

Staff: Mary Ashcroft, Teri Corsones, Jennifer Emens-Butler, Lisa Maxfield, Laura Welcome (via zoom).

**1. Call to Order**: The meeting was called to order by Elizabeth Kruska at 10:09AM.

**2. Acceptance of Consent Agenda**:

A. Minutes: Bob Fletcher moved that the minutes of the May 20, 2021 Board meeting be accepted as printed; Kevin Lumpkin seconded the motion. Motion was unanimously approved.

B. Treasurer’s Report: Lisa Maxfield reported that while our income continues to be down from last year, our expenses are also down, resulting in a year-to-date positive differential. Lawyer Referral invoices were just sent out so no fees have been received yet. The 990 tax returns will be filed by the due date of July 15. The auditors have finished their work at the VBA office and will be sending their report when it is completed.

3. **Action**:

 A. Operations Committee Report – Client Security Fund: Bob Fletcher reported for the committee. It met recently to review the auditors’ input. He noted that in 1962, the membership voted to give the Board of Bar Managers authority over the client security fund monies and how they are to be spent. The committee has determined that $428,87 is the approximate amount received directly from member assessments over the years and constitutes the “principal” of the fund. The committee recommends that the principal be used only for client claims. The committee also recommends that a minimum balance of $1M be earmarked for future claims. The committee also recommends that anything over $1M be available as a reserve for other purposes as the Board deems prudent at the time. Lastly, the committee recommends that the VBA membership be apprised at the Annual Meeting of the committee’s recommendation and the Board’s decision.

Discussion ensued. Kevin Lumpkin noted that $1M is high compared to the total of what has been paid out over the years. He suggested that the Board consider using funds over $1M—and perhaps lower than $1M-- for pro bono and low bono legal services as that would benefit the public. Judge Durkin said that we should review the cap that we have imposed on payouts. Matt noted that on average our claims are maybe a few thousand dollars, with the highest being over $88,000. He also noted that the rules permit the Board to pay out more than the cap. Tom Durkin said that we should ask the membership before we vote. Andrew Manitsky agreed that if we change the use of the fund, we should propose that use to the membership. Discussion ensued about how much to reserve for client claims.

Tom Durkin moved that we recommend to the full membership that a portion of the funds over $800,000 be available for other purposes at the discretion of the Board of Bar Managers. Motion was seconded. The matter was then tabled until the July meeting.

B. Board Vacancy: Elizabeth reported that two applicants had applied for the open board position created by the resignation of Katelynn Atwood, a public defender from Rutland. One was a male from a law firm in Burlington and the other was a female public defender from Bennington. Discussion ensued regarding geographic, public versus private practice, age and gender considerations for the seat being vacated. Bob Fletcher moved to appoint Kate Lamson to the Board; motion was seconded by Durkin and the motion carried, with Jim Rodgers and Alfonso Villegas abstaining. Andrew Manitsky will reach out to the other applicant to encourage him to run in the next VBA election.

C. Enrollments: On motion by Matt Valerio, seconded by Andrew Manitsky, the board unanimously approved the following VBA enrollments: Legal Members: Katherine Lamson; Mary Ellen Platt; Courtney Wolf; Stephanie Rieghart. Bar Examinee Members: Steven Bauer; Travis Clark; Alora Howard; Eric Lister; Timothy Lueders-Dumont; Hannah Merrow; Veronica Ung-Kono; Nathan Virag; Ashley Yeager.

There being no further business to discuss, on motion by Andrew Manitsky, seconded by Bob Fletcher, and unanimously approved, the meeting was adjourned at 10:40AM.

Respectfully submitted:

VBA Staff