**VERMONT BAR ASSOCIATION**

**Board of Bar Managers Meeting**

**Friday, September 10, 2021 1PM**

**Via Zoom**

Present: Jessica Bullock (incoming), Richard Cassidy (incoming), Josh Diamond, Judith Dillon, Tom Durkin, Pam Eaton, Bob Fletcher, Jordana Levine (incoming), Elizabeth Kruska, Kate Lamson, Kevin Lumpkin, Andrew Manitsky, Beth Novotny, James Rodgers, Ted Tyler, Matt Valerio and Alfonso Villegas.

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

**1.** **Call to order:** The meeting was called to order at 1:02PM.

**2. Emerging Issues**: None

**3. Acceptance of Consent Agenda**:

A. Minutes: On motion by Tom Durkin and seconded by Pam Eaton, the minutes of the July 16, 2021 meeting were unanimously approved as printed.

B. Treasurer’s Report: CFO Lisa Maxfield reported that after some additional expenses attributable to the past fiscal year are paid, she estimates that the VBA will end its fiscal year with a positive variance of approximately $60,000. Income and expenses were both lower than budgeted the past fiscal year. The Lawyer Referral Service income caught up and was just $600 shy of what was budgeted. Dues so far this new fiscal year have produced about $60,000 in revenue. The Lawyer Referral Service is very busy especially with COVID related questions about vaccine mandates by employers, mask-wearing in schools and landlord/tenant issues. Michelle is working to recruit new LRS panel members. Repeat callers report that lawyers are very busy and not taking on new cases, including real estate lawyers.

C. Report of Executive Committee: Did not meet

D. Board Committee Reports:

i. Operations: Bob Fletcher reported that the Committee finalized the budget which the Board approved via email.

ii. Membership: Andrew Manitsky said that the Committee met on August 26th and discussed the Mentor Advice Program and Workforce Development Committee recommendations. They also discussed whether to alter or add content to the Bar Directory. There was discussion about whether to move to an on-line directory versus a printed version. The printed directory is not a money maker for the VBA. Several Board members commented that the printed version should be kept, as long as we are not losing money on it, as many lawyers rely heavily on the printed version. Jennifer noted that when the membership was polled in 2019 about this question, 319 members responded that they prefer the printed directory, while 77 preferred the on-line version.

The Mentor Advice Program is based on a New Hampshire model that pairs new lawyers with experienced lawyers for a six-month period. The Committee is looking through a list of experienced members to generate a pool of potential mentors. General guidance, not case specific guidance, will be provided. The Mentor Advice Program is one of the Action Items in the Workforce Development Committee’s Report.

iii. Program and Planning: Jim Rodgers reported that the Committee met this morning and received an update on Annual Meeting planning, as well as Mid-Year Meeting planning with a possible keynote speaker. Jim noted that they also discussed different venues around the state for the larger meetings. The Committee spoke of the importance of publicizing whatever the safety protocols are for in-person meetings in place at the time of the Annual Meeting. The Committee is fine-tuning the criteria for a Civics Award for high school students after consulting with high school teachers. They recommended the information be distributed in mid-October, and the awards decided in the Spring. Jim also commented on the recommendation that the VBA conduct as much programing as possible at Vermont Law School to encourage students to start careers in Vermont. Kate Lamson suggested that the VBA recognize the work being done by court clerks who were challenged by the pandemic as well as by the Odyssey roll-out at the same time. She suggested a letter to the editor in the larger newspapers. This will be discussed during the next Section and Division Chair/County Bar Presidents call.

iv. Pro Bono Committee: Mary Ashcroft, Legal Access Coordinator, said that the Committee had met to begin discussing transition planning in anticipation of her retirement. The three options to be considered were leaving the low bono programs at the VBA, shifting them to some other legal services organization, or establishing a cooperative effort between the VBA and another legal service provider. Mary provided data to the Committee about the low bono programs she coordinates and the grants that fund them. The Committee agreed to establish a small sub-group to delve deeper into what other bar associations do, and what options might be recommended to the full Board.

v. Governance: Did not meet.

vi. Workforce Development Committee: The Committee met to discuss their recommendations. The discussion is summarized in the Action Item section below.

vii. COVID 19 Committee: The Committee met to review the latest iteration of AO 49. November 1st is the current judiciary emergency deadline. There are still some courthouses that can’t accommodate in-person hearings. The Judiciary is trying to prioritize who gets in-person hearings and who doesn’t, considering especially those with limited access to remote technology. The Committee heard from Scott Griffin and Justice Cohen, who serve on the Special Advisory Committee for Remote Hearings, and from Jim Levins, who serves on a committee that developed the new Remote Civil Jury Trial pilot program. It was noted that New Hampshire is using retired judges to mediate criminal cases. Bennington County, Addison County and Rutland County are in different stages of doing the same. There was also discussion of setting up a vaccination registry to avoid the need to always carry a vaccination record in court. The Judiciary is considering a phone-based app for this purpose.

E. President’s Report: Elizabeth Kruska reported that she and Teri conferred with Chris Newbold to follow up on the retreat discussion. The Workforce Development Committee Report will connect with many retreat goals. The Access to Justice focus is a separate strategic goal. Elizabeth reported that the Section/Division Chair and County Bar Presidents phone call featured a robust discussion of the extension of AO 49. She also participated in the monthly phone call with the Vermont Supreme Court. Justice Beth Robinson has been nominated to serve on the US Second Circuit Court of Appeals. Elizabeth wrote a letter in support of the nomination to the Senators involved in the confirmation process. Elizabeth also noted that the VBA Board was previously asked to think about establishing a VBA Humanitarian Award. She asked the Board for nominations.

F. Executive Director’s Report: Teri thanked the Board for approving the budget including a generous staff salary increase. She spoke at a recent VLS orientation for new students at the Vermont Statehouse, and distributed Pocket Constitutions and the On Your Own booklets to the students. New VLS Dean Beth McCormack urged law students to consider careers in Vermont and noted that just ten years ago VT Lieutenant Governor Molly Gray was a first-year law student attending a similar orientation program at the Statehouse. The annual Constitution Day panel presentation is scheduled for September 14 at VLS. Teri reported that the Judiciary’s Standard Practices Committee is setting up a first meeting with the Court Users Group to address Odyssey issues. Teri will give a legislative overview at a meeting of the Bennington County Bar, and will present a gift from the VBA to Judge Bent at his retirement event in Newport. She is also helping present at the Basic Skills program later this month.

G. Staff Reports: Mary reported that low bono case referrals are increasing. The two new Incubator lawyers are doing well and are signing up to take low bono cases which they then discuss during weekly rounds. Jennifer said that the Journal is at the printers. She is attempting to get its publication back on schedule. The deadline for the Fall edition is October 15. For the Annual Meeting which will be partly in person and partly remote, in-person participants will be asked to agree to comply with the COVID-19 protocols in place at the venue.

H. VBF Report: Bob Fletcher said the Vermont Bar Foundation Board met on 8-27-21. The VBF is in good financial shape. They have signed an MOU between VBF and the Access to Justice Coalition about financing for the Poverty Law Fellowship Program. There has also been discussion about establishing a social justice fellowship, as there is a donor who is considering a multi-year grant commitment for this purpose. The VBF is also discussing transition as Deb Bailey, its Executive Director, will be retiring in 2022. Bob reminded the VBA that this was his last meeting on the VBF Board. Elizabeth Kruska noted that Judith Dillon has indicated that she is stepping down from the VBF Board. Elizabeth asked that any Board members interested in the seat to please contact her. The other VBA seat on the VBF Board will be held by the VBA’s president elect, Andrew Manitsky.

I. ATJ Coalition Report: Did not meet.

**4. Action**

A. Workforce Development Committee Report: Judith Dillon noted that the Workforce Development Committee Report and Recommendations, distributed yesterday, have been in the works since 2019. It was motivated by the greying of the bar, and our need to address an anticipated shortage of lawyers. The Report includes specific suggestions for recruiting and retaining lawyers in Vermont. Other professions and other states are facing similar demographic challenges. Obstacles to young people in the profession include crushing student debt, lack of affordable housing, depressed salaries and broadband issues. Judith then walked the Board through the various findings and recommendations in the report, and action items for the Board’s consideration.

President Elizabeth Kruska received the Report and thanked the group for their work on it. Several other Board members complimented the thoroughness of the Report and thanked the Committee members. Judith indicated that the Report will be further refined and asked that the Board members review the Action Items in particular for further discussion at the next Board meeting.

B. Client Security Fund: At its last meeting, the Board discussed possibly having a vote at the October Annual Meeting regarding the Board’s recommendation to maintain a reserve of $800,000 in the Client Security Fund and to allow the Board to use any money over that amount at its discretion. It was noted that we will not likely have a quorum at the Annual Meeting. It was suggested to wait until the March Mid-Year Meeting to schedule a vote. Matt Valerio reminded all that the Board has the discretion now to pay funds out without membership approval. Tom Durkin suggested that the Board could take action now, and then inform the membership of the action at the Annual Meeting. Elizabeth Kruska felt it was better to wait and do this with all other business at the March Mid-Year Meeting. Beth Novotny suggested presenting the topic as a discussion item at the Annual Meeting. Input from county bar presidents on the topic could also be requested. Elizabeth Kruska liked the idea of raising the topic in October, then voting in March.

C. Enrollments: Bob Fletcher moved to approve the enrollments. Motion was seconded by Andrew Manitsky, and unanimously approved. Legal Members: Thomas Burack; Jeffry Caballero; Lena Capps; Alana Goycochea; David Grebe; David Kahn; Kelly Maibach; Adele Thomas; Aaron Monahan; Anne Rosenblum; Colette Schmidt; David Schnakenberg; Gabriela Teodorescu; Daniel Timm; Peter Vetere; Hannah Waite; Adam Washburne; Rachel Waters; Elyssa Willadsen. Associate Members: Monica Alalrd; Jennifer Bass; Aili Obandja; Josephine Pechous.

5. **Discussion:** None

6**. Executive Session**: None

7. **New Business**: None

8. **Old Business**: James Rodgers continued discussion of safety protocols at the Annual Meeting. He noted that the venue only recommends masks but does not require them. After discussion, Alfonso Villegas moved and Josh Diamond seconded the motion that all attendees be required to wear masks at the Annual Meeting. All voted in favor with one abstention. Discussion next ensued on whether to require proof of vaccination. On motion made by Alfonso, seconded by Andrew, [and with a friendly amendment by Beth], the Board voted in favor of requiring attendees to check a box on the registration form stating that attendees had either been vaccinated, or that they were not vaccinated due to religious or medical reasons. There was one abstention.

9. **Adjournment:** On motion made, seconded and unanimously approved the meeting was adjourned at 3:38PM.

Respectfully submitted:

VBA Staff