**Vermont Bar Association**

**Board of Managers Meeting**

**Thursday, March 25, 2021 1:00 PM**

**Via Zoom**

**Present**: Dave Carpenter, Amy Davis, Josh Diamond, Judith Dillon, Tom Durkin, Bob Fletcher, Elizabeth Kruska, Andrew Manitsky, Beth Novotny, James Rodgers, Ben Traverse, 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 at 1:05PM by Elizabeth Kruska, President.

2. **Emerging Issues**:

--Alfonso Villegas noted an issue with Odyssey. Notices of motor vehicle convictions have not been getting to DMV from the courts. As a result, suspension end dates are being delayed. Tom Durkin believes that judges are not aware of this delay. Teri will alert Tari Scott and Doug Rowe to this problem. Elizabeth wants one place to compile complaints and get them to the Judiciary all together instead of piecemeal. She suggested that the VBA reinstate the Odyssey Court Users Group for that purpose.

--Elizabeth Kruska said that there is a rumor circulating that courts will require remote jury trials. Neither Teri nor Tom Durkin has heard of that being a requirement. The criminal jury trial that was recently scheduled (but not held) was to be in-person. Judge Durkin said that he has been doing remote bench trials, but litigants have also requested in-person hearings. Tom noted that information about other states doing remote jury trials has been included in the general discussion.

--Elizabeth Kruska advised that guardian ad litem coordinators in more than one county have lost their jobs. She is unsure of the reason why—perhaps related to the positions being temporary positions, or perhaps it’s a pension issue. She noted that a lack of GALs has the potential to clog the courts in juvenile hearings.

3. **Acceptance of Consent Agenda**

A. Minutes: On motion made by Tom Durkin, seconded by Andrew Manitsky, and unanimously voted, the minutes of the February 19, 2021 Board meeting were accepted as printed.

B. Treasurer’s Report: Lisa Maxfield noted a correction to the budget notes—there is a year to year differential of ($19,267) resulting from an income deficit of ($90,991) and an expense deficit of ($111,883) so far this year. The Lawyer Referral Service income is down about $18,000 mostly because of the timing of the reports; LRS revenues in March are coming in well. Registrations for the Mid-Year Meeting are strong—over 300 and climbing. The staff has been busy training on the use of the new association management software, and a new website is being designed. The tentative launch date is April 16.

C. Report of Executive Committee: Did not meet.

D. Board Committee Reports:

i. Operations: Did not meet.

ii. Membership:

Andrew Manitsky reported that the Committee met on March 19. They discussed membership categories, particularly the disparity in dues between non-resident lawyers and resident lawyers. A proposed change would result in an increase in dues charges to veteran non-resident lawyers, but a decrease in dues charges to newer non-resident lawyers. The proposed model would do away with the non-resident distinction and charge all lawyers the same based on years of admission. The thought is that this would be more equitable, since all lawyer members receive the same benefits, whether resident or non-resident. Andrew and Teri will compile information and produce a written report for the next Board meeting.

The VBA continues to work with E-Video Counselors about providing this resource to members. Including religious communities in outreach efforts to connect with potential new lawyers has been suggested. The Committee is also looking into the NH Bar’s distribution of “practice tip” binders to lawyers upon their admission to the bar.

Ted Tyler questioned whether we should let the Client Security Fund continue to grow as it is in excess of $1 million. Teri noted that the $10 per member CSF assessment was dropped a few years back. Recent growth in the fund is due to stock market activity. There was brief discussion on whether we can use this fund for other purposes. Elizabeth will add this to the agenda for discussion at the next Board meeting. She asked Lisa to provide up to date information on the Client Security Fund.

iii. Program and Planning: Did not meet.

iv. Pro Bono Committee: Did not meet.

v. Governance Committee: Did not meet.

vi. Workforce Development Committee:

Judith Dillon reported that the Committee met on March 11. The YLD survey was discussed, and the results will be used in the committee’s on-going work. VBA representatives also met with the Vermont Chamber of Commerce and the Vermont Futures Project representatives; the work of the VBA was discussed and also challenges the state is facing, particularly a shortage in most trades. They discussed what welcoming activities are in process, such as the stay-to-stay program, welcome wagons, mixers, etc. The Workforce Development Committee will meet again on April 8th. Elizabeth noted that at the last Board meeting, she had questioned whether the fee for waiving into the Vermont bar was disproportionately high. She checked with Andy Strauss and found that Vermont is right in the middle with this fee when compared to other states. Elizabeth sees no compelling reason to change.

vii. COVID-19 Committee: Bob Fletcher reported that the Committee met on March 11. Guest Justice Beth Robinson provided information and sought input on remote hearings, jury trials, and eventual reopening of the courts. There is growing consensus that trials will eventually be held in person, but that non-evidentiary motions hearings and status conferences will mostly remain remote. There is significant cost savings for clients to avoid travel. However, virtual hearings are not accessible to all parts of the state. Kiosks in libraries may be able to provide private space to participate remotely. Some judges feel it is easier to assess credibility on the screen, since they can view witnesses face on, versus from the side; there is also the possibility of some screening out of implicit bias with remote hearings. Bar examinees should have support activities continued. Judge Treadwell spoke about an in-person jury trial and the complications due to Covid. Alfonso feels that Odyssey has slowed down overall court processes, including settlements. It was noted that settlement agreements reached at the courthouse can be filed in paper form at the court.

viii. Women’s Division: Judith Dillon said that the Division had met that morning and voted for Samantha Lednicky as President, Alison Stone as Vice President, Erin Gallivan as Treasurer and Mary Bouchard as Secretary. Emily Kenyon, the Poverty Law Fellow, is joining the group. Judith will continue as VBA rep.

ix. Government and Non-Profit Lawyers Division: Josh Diamond noted that the Division met and will try to do a CLE regarding public records and the open meeting law. Jim Porter was elected as chair and Josh as VBA rep.

x. Young Lawyers Division: Amy Davis reported that elections were held at noon today. Ben Traverse has moved off the board, Amy is now past chair, James Valente is chair and Kevin Lumpkin is chair elect. Pam Eaton is Treasurer, Justin Brown is Secretary and Ryan Long, Krysten Perettine and M. Kate Thomas are at-large members. The three YLD reps to the Board are James Valente, Kevin Lumpkin and Pam Eaton.

E. President’s Report: Elizabeth Kruska said that she had participated in a CLE e-filing panel with Justice Dooley. During the Section/Division Chair and County Bar Presidents monthly phone conference, Mike Kennedy spoke about the new Bar Assistance Program beginning 4-1-21; he will need lawyer volunteers for the assistance panels.

F. Executive Directors Report: Teri Corsones noted that the House Government Operations Committee has started discussions about the underfunded state pension situation. Tom Durkin said that the Judiciary does not yet have a position on this. There is the larger issue of all employees subject to pension changes. This is something to keep an eye on.

Teri said that three judges and three magistrates are up for retention. A Joint Assembly was held today and legislators have until April 1 to vote on retention of each of the judicial officers. All were recommended for retention, although Magistrate Lorman was asked to develop a plan to address issues that were referenced in the retention surveys.

Teri reported on other legislative issues of interest, including bills making alimony guidelines permanent and adding filing fees for certain actions. There is not likely to be a full revision of Act 250 this year. She also noted that the CARES Act funding for e-filing fees will expire on March 31, and discussion is underway on a new e-filing fee model to go into effect on April 1.

G. Staff Reports:

i. Jennifer Emens-Butler spoke of the upgrades to the VBA data bases and trainings for the staff. Over 300 participants have signed up for the Mid-Year Meeting. She mentioned several panels of interest. The VBA Journal is out and includes color pages of the MLK poster essay contest. After the Mid-Year Meeting, CLE programs will include procrastinators day, more family law and real estate law, and basic skills.

ii. Mary Ashcroft reported that Department of Justice VOCA funding for the low bono victims’ assistance project for 2021-2022 is secure and will be $50,000. She has been working on recruiting new attorneys for the VBA/VLS Incubator Project—one is already in the program, three declined and two others will be interviewed next week. She suggested that Josh Diamond connect with the Vermont League of Cities and Towns on the CLE he is planning on the open meeting law, as VLCT had just done a similar training for selectboard members.

H. VBF Report: VBF did not meet.

I. ATJ Coalition Report: Coalition did not meet.

4. **Action**

A. Humanitarian Award: The Board reviewed the written proposal made by Tom Sherrer to honor the memory of David Watts by giving a Humanitarian Award each year with a small cash donation to the charity of the honoree’s choosing. There was discussion about whether a VBA donation to a charity of a recipient’s choice may cause controversy, depending on the charity chosen. It was noted that in past years the VBA has created some awards then discontinued them. It was acknowledged that lawyers do much good in their communities on local government boards, for churches, for non-profit boards, and in other ways over and above pro bono legal work. Members suggested continuing leaving it up to individual VBA presidents to honor whom they wish. Elizabeth will speak to Tom Sherrer and advise him of this.

B. Support for Remote July Bar Examinees: On motion made by Bob Fletcher, seconded by Tom Durkin and unanimously approved, the VBA Board agreed to continue for the remote July Bar Examinees the same support as was provided for the last two remote groups of examinees. These benefits include opportunities for free VBA membership, internet connectivity, wellness resources and a job board posting.

C. Enrollments: On motion made by Andrew Manitsky, seconded by Tom Durkin and unanimously approved, the following were accepted as VBA members:

Attorneys: Craig K. Biedeman, William J. Cahill, Jr., Danica B. Cotov, Heather K. Cross, Huey R. Fischer, Kelly J. Flynn, Sara S. Hellstedt, Mary K. Mason, Vanesa E. Robertson, Jonathan H. Schaefer, Lydia A. Sigelakis, and Matthew J. Woodbury.

Others: Zach Berger, Patricia Martin, Ellen Miller, Sean Noonan, Jessica Pratt, and Kristin Saroyan.

5. **Discussion**: None.

6. **Executive Session**: None.

7. **New Business**: None

8. **Old Business**:

--Beth Novotny asked whether there will be a civics award presented at the Annual Meeting. Teri noted that teachers recommended that information about this award be distributed in the Fall, with the award to be presented in the Spring. It was also suggested that a video component be added.

--Ben Traverse noted that he and Amy Davis are leaving the VBA Board; their last meeting is today. Kevin Lumpkin and Pam Eaton will join James Valente in representing the YLD on the VBA Board. Ben thanked the Board and asked all to stay in touch. Elizabeth and Board members thanked Ben and Amy for their service.

--Beth Novotny reported that she had e-mailed Dean Jefferson to express the VBA’s interest in mentoring students of color. She has not received any response, but is leaving the invitation out there.

9. **Adjourn**: On motion made by Andrew Manitsky, seconded by Jim Rodgers, and unanimously approved, the meeting was adjourned at 2:59PM.

Respectfully submitted:

VBA Staff