**Vermont Bar Association**

**Board of Managers Meeting**

**Thursday, October 7, 2021 1PM**

**Via Zoom**

Present: Jessica Bullock (incoming), Richard Cassidy (incoming), Judith Dillon, Tom Durkin, Pam Eaton, Robert Fletcher, Elizabeth Kruska, Kate Lamson, Kevin Lumpkin, Beth Novotny, James Rodgers, Ted Tyler, 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 1:06PM.

**2. Emerging Issues**:

Jim Rodgers asked whether presenters tomorrow at the annual meeting had to wear masks, and only take them off during their presentation. VBA will reinforce mask requirements at registration.

Elizabeth Kruska mentioned a story on NH Public Radio this morning. New Hampshire is losing public defenders. Although they have a different system than ours, we should still be aware and watchful about the public defender situation in Vermont.

Elizabeth also noted that the Grand Isle Courthouse is open only 2 days a week due to “security issues” as the Judiciary hasn’t been able to negotiate coverage with the Grand Isle Sheriff’s office. There are concerns that the GI courthouse may be closed. State’s Attorney Doug DeSabito has conversed quite a bit with the Judiciary about closure and is upset about this access to justice issue. For example, if an RFA is needed and the GI courthouse is closed, a victim must apparently go to Franklin County for the RFA.

Judge Durkin noted that more bad news may be coming. The Legislature has not responded favorably to the Judiciary’s request for more funding for security in the past. Several other counties will likely see security reductions, which will reduce the hours a courthouse will be open. In some counties, there may be a shift to private contractors. He suggested that the VBA keep an eye on the Judiciary’s proposal to the Legislature about courthouse security and weigh in to support adequate funding. Alfonso Villegas agreed and noted that there are also ventilation issues in some courthouses that impact use.

Matt Valerio also spoke to the relationship between the Judiciary and the Legislature concerning funding issues.

**3. Acceptance of Consent Agenda**:

A. Minutes: Judge Durkin moved to approve the minutes of the September 10meeting as printed. Motion was seconded by Pam Eaton and unanimously approved.

B. Treasurer’s Report: CFO Lisa Maxfield noted that we had just closed the first month in the VBA’s new fiscal year. Dues are coming in after a second reminder was sent out in September; a third will be sent out in October. Members will be struck from the rolls if dues are not paid by November 15. Lisa will provide a list to the VBA Board of lapsed members. Lawyer Referral Service revenues are off to a good start. We have over 100 participants registered in person for the VBA’s Annual Meeting. Our expenses are up because we pre-paid fuel oil, and also paid the first semi-annual Higher Logic installment. Lisa will have final numbers in November for the close of the last fiscal year.

C. Report of Executive Committee: Did not meet.

D. Board Committee Reports

i. Operations: Did not meet

ii. Membership: Teri reported that the Membership Committee has met and that work continues on the Vermont Mentor Advice Program. They are refining materials and pulling in parts of other programs from around the country.

iii. Program and Planning: Did not meet.

iv. Pro Bono Committee: Did not meet; a small group succession planning meeting will be held on October 14.

v. Governance Committee: Did not meet.

vi. Workforce Development Committee: See below under Old Business.

vii. COVID-19 Committee: Did not meet.

E. President’s Report: Elizabeth Kruska moderated the Constitution Day panel at VLS, which included justices, judges and a VLS professor. It was well attended. Teri and Elizabeth met again with Chris Newbold and will meet again after the VBA Board has reviewed the Workforce Development Report to determine what the VBA will focus on over the next 2 years. The Board will also incorporate access to justice into the VBA strategic plan. All of this should be done by the beginning of 2022 so committees can work on these issues. Teri and Elizabeth met with the Supreme Court, spoke about the Workforce Development Committee Report, and met the Judiciary’s new CIO.

F. Executive Director’s Report: Teri referenced the VBA Annual Report 2020-2021, which is a summary of what has been accomplished since the last Annual Meeting. She thanked the Board for their leadership and the staff for their work. Teri noted that per the meeting with the Chief and the Court, the Judiciary supports the workforce development efforts and offered to help in any way. Molly Gray has sent out e-mails asking for volunteer lawyers for the Afghan refugees who will be coming to Vermont. Teri also announced the theme for the MLK poster and essay contest for middle school students “Injustice anywhere is a threat to justice everywhere”. Materials for the new VBA Civics Award contest for high school students have also been distributed state-wide.

G. Staff Reports:

Lisa Maxfield: nothing further.

Mary Ashcroft: Mary announced that the VBA/VLS Incubator Project now has 4 attorneys: Andrew Marchev of Montpelier, Joseph Andriano of Orwell, Kelly Flynn of Weybridge and Harrison Drapo of Randolph. They are an engaged and energetic group and are taking many low bono cases. Mary noted that she expects to see an increase of domestic violence cases in the VBA’s VOCA cases as the Network Against Domestic Violence lost a significant LAV grant and will no longer be able to handle the volume of DV cases they had in the past. She also said she had a meeting with the Bennington Probate Staff to start up the low bono guardianship project there—Bennington was the only county not yet participating, but lack of attorneys due to retirement prompted this move. Elizabeth Kruska once again made a plug for attorneys to do low bono work.

Jennifer Emens-Butler: Jennifer said that with over 100 attendees for tomorrow’s live Annual Meeting, the VBA should break even. Registrations for webinars the following week are surprisingly low so far, but there is a good variety of CLE programs so she hopes to see more sign up. The Summer Journal is out, and the Fall Journal will soon follow so we will be back on track with that publication. She also noted that Real Estate Law Day will be held in November.

H. VBF Report: The Vermont Bar Foundation Board did not meet. The next VBF meeting will be on November 19.

I. A2J Coalition Report: The Coalition will meet on October 20th.

**4. Action**

A. VBF Board Seat: Elizabeth noted that the VBA Board needs to make two appointments to the VBF Board. Bob Fletcher held a 1-year VBF board seat which is usually held by the VBA’s President Elect. Elizabeth has not yet talked with Andrew Manitsky, who will be our President Elect, so she will wait until later to ask him. The 2-year VBF seat was held by Judith Dillon but that term has ended. Mary reminded VBA Board members that the VBF is an important funding source for our low bono projects and the position of Legal Access Coordinator. She also noted the upcoming retirement of VBF Executive Director Deb Bailey. Matt Valerio encouraged younger members to look at these board positions. Rich Cassidy indicated that his wife had served on the VBF Board, and that he might be interested in doing so, but he did not want to prevent someone else who is interested in the seat from serving. Elizabeth will table this matter until the November VBA Board meeting

B. NEBA Board Seat: Just one seat is up now as Vermont’s three seats on the NEBA Board have staggered three-year terms. Matt Valerio’s seat is up for appointment. Another seat is currently held by a YLD attorney and the third seat is currently held by the President-Elect. NEBA meets 3 times a year. Matt finds the NEBA board useful as he learns what other Defenders General are doing, and Matt would like to continue. James Rodgers offered to serve for the open position, and Judith Dillon also expressed interest. Matt noted that he had served for about 25 years and was willing to drop out of contention if others wished to serve. Judith Dillon deferred to Jim Rodgers if Jim was willing to promote workforce development. Upon motion made by Bob Fletcher, seconded by Judith Dillon, and unanimously approved, James Rodgers was elected as VBA delegate to the NEBA Board for the open seat.

C. Enrollments: Upon motion made by Kevin Lumpkin, seconded by Bob Fletcher and unanimously approved, the enrollments were accepted. Enrollments approved: Legal Members: Christopher Boyle, Anna Connolly, Peter Cruice, John Ralston, Brendan Sage and Melanie Twiggs; Licensed in another state: Jared Pellerin; Law Student Association Members: Phoebe Howe, Charles Kanozak, Rocket Na, Grace Polak, and Tricia Senzel; Law School Graduate: Eliah Young.

**5. Discussion:** None.

**6. Executive Session**: None needed.

**7. New Business**:

Beth Novotny noted that this was her last meeting as a member of the VBA Board. She thanked each member of the Board, and Teri, Jennifer, Lisa, Michelle, and Laura on staff. She said it had been an incredible experience for her.

Elizabeth Kruska noted that terms were also ending for Molly Gray and for David Carpenter.

Alfonso Villegas expressed continued frustration with Odyssey issues, citing difficulties with the public portal and the variance in response time among counties. He said the VBA should advocate for uniformity and this should be added to the list of items the VBA working group is bringing to the Judiciary.

**8. Old Business**: Workforce Development Committee Report Action Items

Judith Dillon reported that the Workforce Development Committee had met to discuss changes to the report and the survey results. Personal identification was deleted from the survey section. If the VBA Board approves the recommendations made in the report, then the Committee will begin to implement the action items. The recommendations were discussed and received support at the bar section and division chairs and county bar presidents meeting. There are several primary areas of focus:

--Outreach to VT students to encourage interest in legal careers

--Outreach to Vermont Law School students so they will stay in Vt after graduation

--Outreach and support for new practitioners

--Outreach and support for out of state lateral transfer lawyers

--Outreach to BIPOC students and lawyers to encourage diversity

--Outreach to the Vermont Legislature to provide resources for lawyers

--Improved communications and data collection among the bar.

Many Board members complimented the Committee and its chair for their work, and thanks were expressed to Teri and Lisa for their work. After discussion of the general climate for legal employment and factors affecting it in Vermont, Beth moved to adopt the report and recommendations and to assign responsibility to the Committee for establishing goals and a timeline for implementation of the action items. Matt seconded the motion and it was unanimously approved.

9. **Adjournment**: On motion made, seconded and unanimously approved, the meeting was adjourned at 3:20 pm.

Respectfully submitted:

VBA Staff