**Vermont Bar Association**

Board of Managers Meeting

Thursday, March 24, 2022 at 1:00 PM

Via Zoom

Present: Jessica Bullock, Richard Cassidy, Josh Diamond, Judith Dillon, Tom Durkin, Pam Eaton, Bob Fletcher, Elizabeth Kruska, Kate Lamson, Jordana Levine, Kevin Lumpkin, Andrew Manitsky, James Rodgers, Matt Valerio, Alfonso Villegas

Staff: Mary Ashcroft, Teri Corsones, Lisa Maxfield, Kim Velk, Laura Welcome

1. **Call to Order**: The meeting was called to order at 1:05PM by President Bob Fletcher.

2. **Emerging Issues**: None.

3. **Acceptance of Consent Agenda**:

A. Minutes: A typo was corrected in the paragraph about the COVID-19 Committee report. Upon motion made by Andrew Manitsky, seconded by Jim Rodgers and unanimously approved, the minutes of the February 18 meeting of the Board were accepted as amended.

B. Treasurer’s Report: Lisa Maxfield noted that Lawyer Referral Service income was strong and is close to $100,000. There are 115 registrants for the in-person Mid-Year Meeting on March 25, and virtual seminars for the following week have several with 100 registrants. We should meet our expenses for the meeting.

C. Executive Committee: Did not meet.

D. Board Committee Reports:

i) Operations: Did not meet.

ii) Membership: Did not meet. Teri reported on a new race and ethnicity data point that will be added to the membership application, and about updates to the Vermont Mentor Advice Program materials.

iii) Program and Planning: Jim Rodgers reported that the committee met briefly on the 18th. They discussed the upcoming Mid-Year Meeting and remote programs. They also spoke about the possibility of planning a meeting for e-filing comments. They reviewed the first year CLE requirements, welcomed Kim Velk and set the next meeting date for April 15.

iv) Pro Bono: Did not meet

v) Governance: Did not meet.

vi) Workforce Development: Judith Dillon reported that the committee met on March 15th. Teri reviewed for the committee legislative initiatives to attract young professionals to Vermont. More funding will be needed for Vt. Department of Labor staffing in light of the new programs. Judith reported on outreach efforts through WCAX TV’s Day in the Life Program, connections with County Bar Presidents, and outreach to colleges to encourage students to consider practicing law in Vermont as a career. There will be a High School Mock Trial Competition on Saturday, April 2 at Vermont Law School. The next meeting of the committee will be on April 12.

vii) COVID-19 Committee: Andrew Manitsky said that the committee met on March 10th. In person hearings continue to be disfavored for now, but there is push to go to mask-optional in courtrooms. The vaccine registry is in place, with 12 names initially. Bob Fletcher commented that people are tired of talking about COVID-19 and suggested small affinity group communications from now on and the committee meeting less often. Rich requested that they scan regularly for developments and changes around COVID. Judge Durkin noted that there has been discussion at bench/bar meetings lately to improve docket movement. He encouraged the Bar to facilitate those meetings. The Environmental Division is moving toward in-person hearings. The Supreme Court is about to announce a change to address mask mandates and in-person hearings.

E. President’s Report: Bob Fletcher reported on the monthly call with Chief Justice Reiber and the Court. The Judiciary budget is progressing in the Legislature, with increased funding for security in the courts. The Judiciary is exploring alternatives to county sheriff departments providing courthouse security given the cost. The sheriff deputy rate is between $50-60 per hour. Private security firms cost considerably less. Judge Durkin noted that Windham County has been using a private security firm for several years for courthouse security, but the sheriff’s department still transports prisoners

Bob Fletcher also reported on the ABA Bar Leaders Institute he attended, finding it very useful. He encouraged participation especially for presidents-elect and those next in line. Bob was pleased at how well the VBA does with programs compared with other bars of much greater size. He also enjoyed watching Teri in action as she greeted many attendees, remembering all of their names, and commented on what a valuable resource she is.

Bob is participating on the panel searching for the new state court administrator. They will be moving to interviews during the second week of April, then will make recommendations to the Supreme Court who will then make the decision

F. Executive Director’s Report: Teri noted that VBA presidents-elect and those next in line traditionally attend the Bar Leaders Institute, but since COVID caused a two-year hiatus Bob and Andrew attended and made good connections. Teri announced that all judges up for review this year were retained by legislative vote. The Government and Non-Profit Division elected Josh Diamond as the Division representative to the VBA Board. Teri reported that Kim Velk had jumped right in as a new staff member, and that Tom Barrett has been tapped to be the successor to Michelle as Director of the Lawyer Referral Service. Tom will start March 30th.

Teri noted that ABA Day will be remote again this year during the week of April 4th. The ABA and state bar associations will advocate for increased funding for the Legal Services Corporation, for support of the Public Service Loan Forgiveness Program, and for federal court judicial security. Teri hopes to be able to schedule the annual legislators’ coffee and donuts reception before the end of the session. July 29th has been set for the VBA Trial Academy, which will hopefully be in person at Vermont Law School. Teri gave a presentation about the Constitution and about legal careers to students at Poultney High School; the Workforce Development Committee is encouraging lawyers to network around the state to encourage young people to pursue a career in the law.

Legislative crossover has occurred. The proposed changes to the Judicial Nominating Board processes did not make cross over. The proposed state code of ethics bill did make crossover, with some modifications made to reference the applicability of the Vermont Rules of Professional Conduct to state employee attorneys. Act 250 changes are being proposed in both the House and Senate. The bill regarding covenants not to compete did not make cross over. Workforce development bills are moving—money will be put into recruitment and retention for many professions. There is also discussion of a college loan forgiveness program. Judge Durkin thanked Teri for her coverage of the Act 250 bills, and noted that it is hard to tell where these bills will end up. There is a proposal to move Act 250 appeals from the Environmental Division to a Board, but he noted that there are only 10-12 Act 250 appeals per year. The proposed Board is projected to cost $600,000 to run. The Environmental Division would still cover the bulk of the cases such as zoning and permit appeals.

G. Staff reports:

**Kim Velk**: Thanked all the VBA for helping her learn her new job. The Spring Bar Journal will be out in April. She is learning about hosting CLE programs, and notes that there is lots of good information on the VBA website, which she found well organized.

**Mary Ashcroft**: Mary noted that the VBA Annual Pro Bono Service Awards will be presented tomorrow at the Mid-Year Meeting luncheon. She is working on an MOU with the Vermont Law School to set up the VBA/VLS/SBA Small Business Low Bono Project. This will be funded with an SBA grant that the law school obtained, and the VBA’s share will be $93,750: $11,700 for VBA overhead and the rest to pay low bono fees to lawyers to advise small business owners. Mary will be recruiting at the MYM for new lawyers to join the low bono referral panels and for the VBA/VLS Lawyer Incubator Project. We will begin accepting applications on April 1 for a new class of 2-4 attorneys. Mary has applied for $40,000 for a VBF/IOLTA competitive grant to fund our county low bono projects. She has also applied for a $35,000 grant to help fund the Legal Access Coordinator position. Both of these requests are increases; we will know the outcome when grants are awarded in May.

Lisa Maxfield: Lisa noted that the 2022 VBA Directories have been printed and should be in mailboxes soon.

H. Vermont Bar Foundation Report: Andrew Manitsky reported that interviews are underway for a new Executive Director for the Vermont Bar Foundation. The candidates look good, and a decision will be made soon.

I. Access to Justice Coalition Report: Teri noted that several Coalition members are reviewing the many applications for the Poverty Law Fellowship. Interviews will be set up and then a decision will be made regarding the next Poverty Law Fellow to start in the Fall.

4. **Action Items**

A. Enrollments: On motion of Kevin Lumpkin, seconded by Rich Cassidy and unanimously approved the following were enrolled as VBA members: Legal Member: Keegan Caldwell, Rebecca Mitchell, Nicholas Ferron, Kevin Bardin, Anthony Carr, Susan Cirilli, Charles Peel, Joshua Greenberg, Jeffrey Kratz, Andrea Wright, Vivian Moreno-Zelinka, and Mallory Medeiros; Associate Members: Justin Schoville and Melissa Kotulski.

B. State Ethics Commission—Teri reported that the VBA has a seat on the State Ethics Commission. Chris Davis currently serves as the VBA representative to the Commission and is willing to continue to serve in that role. Upon motion made by Jim Rodgers, seconded by Kevin Lumpkin, and unanimously approved, Chris Davis was reappointed to the Commission.

C. Private Admonition Sanctions: Mike Kennedy joined the Board to discuss a proposal before the Supreme Court’s Professional Responsibility Board. Mike noted that there are two types of admonitions presently available as sanctions: a pre-charge admonition, which, if the lawyer agrees, describes the misconduct but does not identify the lawyer and the private admonition following charge and even a trial. The panel can impose this private sanction even if there has been a public case.

The present PRB as well as past members—a total of 45 individuals—were polled. Eight were in favor of maintaining the status quo and retaining the private sanction, and eight support eliminating it. The rest took no position. There was also a survey of lawyers who are doing PRB work, and most favored maintaining the status quo; no lawyer recommended getting rid of the private sanction.

VBA Board members discussed this proposed change. Mike explained that when he was a prosecutor, some lawyers would agree to an admonition reluctantly to avoid publicity. Disclosure of a private admonition to professional liability insurers and when applying for bar admission in another jurisdiction is probably required, even though the admonition is private. The private admonition is supposed to save money, but probably does not in actuality.

Mike does not need an answer right away, but an answer before June would be helpful.

5. **Discussion**: No additional discussion.

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

7. **New Business**: Bob Fletcher asked the VBA Board if we should move to a hybrid method of holding Board meetings, so that some can appear in person, but others can appear remotely to avoid travel. Discussion ensued. It was agreed to explore the cost of having a large screen installed in the VBA conference room to facilitate hybrid meetings. There are some limits to hybrid meetings, as we learned at the last retreat with one laptop on the table. If the technology is good and set up well, there should not be a problem. It offers an option to Board members who live some distance away to avoid traveling to and from meetings. Many Board members did attend the live meetings, but travel can be an issue. All agreed that going back to the phone conference call was a bad idea. Bob Fletcher summarized the discussion by saying that we would carry on with the zoom meeting format for now, but the VBA will investigate the technology and cost needed to purchase a good system for the conference room.

It was noted that Attorney Mark DeStefano passed away a few days ago. Several Board members offered remembrances of Mark. Teri will send a note to his family on behalf of the VBA.

8. **Old business**: None

9. **Adjournment:** There being no further business to discuss, on motion made by Elizabeth Kruska, seconded by Matt Valerio and unanimously agreed to, the meeting was adjourned at 2:43PM.

Respectfully submitted:

VBA Staff