

BOARD OF GOVERNORS MEETING  
MARYLAND STATE BAR ASSOCIATION  
TUESDAY, NOVEMBER 18, 2003  
MARYLAND BAR CENTER  
520 WEST FAYETTE STREET  
BALTIMORE, MD 21201  
BAR HEADQUARTERS CONFERENCE ROOM  
6:00 P.M.

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The Board of Governors of the Maryland State Bar Association met at the location, date and time indicated above. Present at the meeting were 34 officers and members of the Board of Governors as well as Paul Carlin, Executive Director, and members of the MSBA staff. Guests included Herb Garten, Esquire, The Honorable Jaime Weitzman and the chair-elect, Russ Butler, of the Criminal Law Section.

President-Elect Neil Helfrich called the meeting to order at, approximately, 6:07 p.m.

The Minutes of the Executive Committee meeting of October 24, 2003, were read and approved.

1. Report of the President

President Johnson arrived a few minutes late as he had just spoken to the University of Maryland.

- a. President Harry Johnson recognized Herb Garten regarding the Legal Services Corporation. There are 6 republicans and 5 democrats on the Board. They are hiring a new president of the Legal Services Corporation. President Bush is increasing funding to around three hundred fifty million (\$350,000,000.00) dollars. Maryland receives \$3.6 million from the Legal Services Corp. and \$3.3 million from Md. LSC (IOLTA funds). That explains why Md. gets so little LSC funds. Herb encouraged involvement in bar activities. Md. was number 1 in funding per capita for legal services nationwide but is now number 6. Harry Johnson distributed MSBA Board of Governors pins to all Board members.
  - i. The Southern Conference of Bar Presidents met in San Antonio, Texas.
  - ii. A report was given on various correspondence and articles about the following:
    - The Bar Bulletin listed all of Maryland's legislators
    - Past President Roger Titus was confirmed as U.S. District Court Judge
    - American Lung Association honors BOG Member Stephen Nolan
    - *Daily Record* article on *Brown v. Board of Education* decision
    - *Baltimore Business Journal* re Hospital Malpractice costs
  - iii. The impact of HIPAA regulations. An e-mail will be sent to each section to see if anyone is testifying. The MSBA did not attend.
  - iv. Meeting with MACRO (Mediation And Conflict Resolution Office) and GBC President. MSBA member Donald Fry, former State Senator, and President of Greater Baltimore Committee (GBC) met with Harry Johnson regarding assisting with an increase of Judicial salaries. Additionally, a membership in GBC could be

helpful. Cost is \$2,500.00 for membership. That will be discussed at December meeting. GBC consists of most of Baltimore's chief executive officers, a very prestigious group.

- b. Harry reported on the hearings for the President's nominee to the 4<sup>th</sup> Circuit Court of Appeals, Claude Allen from Virginia. Our association feels that should remain a Maryland seat. His appearance before the committee has been postponed for a week. Likely filibuster. The Governor's legal counsel, Jervis Finney, wishes to speak with President Johnson on the issue.
- c. A report on ABA correspondence re the death penalty and MCLE requirements for racial and ethnic diversity was given.
- d. A report on the Margaret Brent Award was given. The Honorable Irma S. Raker will be our nominee by unanimous approval for the award.
- e. Report on Professionalism Commission that is to be established, was given by President-Elect Neil Helfrich, a member of the Professionalism task force, representing Harford County. Dena Feeney moved that the MSBA not take a position on whether MICPEL is included on the Professionalism Commission. Mary Ellen Flynn provided a second. After significant discussion, the motion carried by a 17 to 16 vote. Ed Gillis, Jim Nolan and others felt that MICPEL's presence could provide helpful cost and operational information and deter the prospect of responsibility and cost being loaded onto the MSBA. Jim Nolan and Harry Johnson will meet with Judge Battaglia on 11/21/03.
- f. Harry provided a report on the Judicial appointments written reports. President Johnson received a copy of a letter from Terry Zic, Chair of the Montgomery County Trial Court Nominating Commission dated October 22, 2003, which had been sent to the co-chairs of the MSBA Judicial Appointments Committee as well as the Montgomery County Judicial Selections Committee.
- g. President Johnson requested a resolution to celebrate Judge Eldredge's thirty (30) plus years on the Court, which unanimously passed.

## 2. Report of the Executive Director

- a. Membership –
  - i. Resignations – 26; 2 deceased
  - ii. New Members – 4; 19 reinstated
  - iii. Membership Count – 20,411
  - iv. Last year Jim Nolan started 2 committees – Consumer Bankruptcy and Sports Law. Consumer Bankruptcy Committee now has 80 members. Sending out a flyer seeking new members. Will consider section standing if 100 members.
  - v. Report on Honorary Memberships, which were all approved, included the following three (3) members:
    - William O. Jensen, Jr.
    - James R. Miller (deceased)
    - Robert P. Schlenger

- b. Report on Membership Marketing effort. 1100 non-member solicitations in Anne Arundel and Howard County. Will go county to county over time.
- c. Report on Maryland Bar professional license numbers. Chief Judge Bell is okay with ceasing to use social security numbers. John Monohan drafted a letter regarding numbering systems and other uses. John is chairing the Board of Governors subcommittee for study of this matter. John Kudel, Darren Kadish and Suzanne Lewis will assist him.
- d. Report on legislation/Governmental Relations position. After receiving 55 resumes and interviewing 9 candidates, Richard Montgomery III was hired. Richard was in attendance and introduced. He was a former legislative officer with the Schaeffer and Glendenning administrations.
- e. Mayo Beach in Anne Arundel County will be the site for the 2004 crab feast.

935 out of 1,379 candidates passed July Bar exam. 71 out of 221 passed Attorneys Bar Exam.

Theresa Michael has logged 15 years of service with the MSBA  
 Patricia Yevics has logged 10 years of service with the MSBA  
 Bernadette Simmons has been with the MSBA for 15 years  
 Lawrence Hicks has been with the MSBA for 15 years

- f. Thank you letter sent to Linda Schuett, Anne Arundel County Attorney, for Mayo Beach usage for crab feast.

3. Report of the Secretary

- a. Minutes of the Executive Committee Meeting on November 4, 2003, fairly and accurately reflect that proceeding and are contained in the Board agenda package.

4. Report of the Treasurer

5.

- a. Review of Financial Statements as of October 31, 2003.
- b. 94% of budgeted Association dues income received in the amount of \$2,070,277.00
- c. 94% of budgeted total dues income received in the amount \$2,262,537.00
- d. Total income \$2,527,230.39
- e. Total expenses \$1,015,260.46
- f. Collected but unexpended budgetary amounts of \$1,511,969.93

6. Report of the President–Elect

No report.

7. Report of Standing Committees

- a. Request for two (2) dues waivers. Jillian Wilson and Paula Fitzgerald Wolff both were approved for dues waivers for medical reasons.

7. Report of Special Committees

No report.

8. Reports of Sections

- a. Suzanne Lewis reported on another very successful Novemberfest put on by the Young Lawyers Section. Toys For Tots or funds in lieu should be provided to Greg Dewart.
- b. President-Elect Neil Helfrich spoke on the terrific solo and small firm conference which is always a tremendous value.
- c. Report on Criminal Law Section proposal re Mental Health Courts, Hon. Jamey H. Weitzman, Chair. Russ Butler, chair-elect, accompanied her. Judge Weitzman spoke of a dearth of mental health assistance. She, on behalf of the criminal law council, recommended that mental health courts be established throughout the state. Baltimore City has a pilot program that is working well now. A second recommendation is for earlier identification of those needing mental health assistance. A third recommendation is for housing for the concerned populace. Fourth recommendation is for cross training. Fifth, give courts as many options as possible for those released from prison to develop their plans. Other proposals were included in an attached report. Jim Nolan, immediate Past President, moved that the report be accepted and referred to the Executive Committee to refer the report to the appropriate committees and sections for review. The motion was seconded, discussed and passed.

9. Unfinished Business and General Orders

10. New Business

11. Special Order of Business

12. Announcements

- a. *Daily Record* Leadership in Law Award was given to Scott Robertson, Sharon Goldsmith, Executive Director of Pro Bono Resource Center (PBRC), The Honorable Richard Sothoron, and President Harry Johnson.
- b. The Honorable Andrew Sonner of the Court of Special Appeals, from Montgomery County, received the ABA Criminal Law Section Award.

### 13. Adjournment

There being no further business, the meeting was adjourned at 8:15 p.m. These minutes were compiled with the able assistance of our Treasurer, Ed Gillis.

Respectfully submitted,

Michael Conroy, Secretary