

**MARYLAND STATE BAR ASSOCIATION
BOARD OF GOVERNORS
TUESDAY, DECEMBER 16, 2003
STATE HOUSE
ANNAPOLIS, MARYLAND
SENATE CHAMBERS
5:00 P.M.**

The Board of Governors of the Maryland State Bar Association met at the location, date and time indicated above. Present at the meeting were 33 officers and members of the Board of Governors as well as Paul Carlin, Executive Director, and members of the MSBA staff. Guests included Judge Eldridge, Past Presidents, Bob Gonzales, Judge Sothoron, Roger Titus, Herb Garten, Denny Bellman, Seymour Stern, Cleave Miller, Roger Perkins and Pam White. Past Presidents Louise Gonzales and Jim Nolan were already in attendance as Board members. Buz and Mary Tod Winchester were, also, present.

President Johnson called the meeting to order at, approximately, 5:10 p.m.

- I. The Minutes of the Board of Governors meeting on November 18, 2003 were read, modified and approved as modified.
- II Report of the President
 - a. A report was given citing various events and clippings.
 - i. Judge David Mason's obituary. A request was made by President Johnson to acknowledge in the minutes the passing of Judge Mason.
 - ii. Judge Bell decided against the appointment of Marvin Robbins as the MSBA representative to the Commission to review Bail Bonds.
 - iii. Articles on U.S. 4th Circuit nominations, malpractice insurance caps and a response to the ABA death penalty letter were presented at pages 7 through 12.
 - iv. A report on appointments to new Professionalism Commission was given. President Johnson informed the Committee that Judge Battaglia was very gracious during their meeting. She sent back six (6) names that she recommended. We have made contact with local and specialty bars, encouraging them to provide the Association with a list of people who may be interested and qualified to sit on the Professionalism Commission. Additional nominees were listed on page 15. Gary Crawford and Chris Dunn have withdrawn. The Frederick County Bar Association nominated Tom Lynch, Danny O'Connor and Leslie Powell. Montgomery County Bar nominated John Kudel and Dean Shure. Eccleston & Wolf nominated Al Frederick.
 - v. A report on Elder Law concerns regarding comments by Secretary of Health and Mental Hygiene Department was read. Michael Davis, Lori Frank and Ben Woolery appeared before the Executive Committee. These lawyers are members of the Elder Law Section. The Section had previously met and expressed serious

concerns about comments made by the Maryland Secretary of Health and Mental Hygiene, Nelson Sabatini, to the effect that Maryland lawyers were responsible for advising elderly clients to falsely impoverish themselves to obtain public benefits. In addition, Secretary Sabatini indicated that elder law attorneys are responsible for the increase in Medicare laws. We will try to engage the Secretary and persuade him regarding alternatives. The group indicated that a dialogue had been established with Secretary Sabatini and the Secretary had agreed to meet with the Section to discuss their concerns. Although the group requested that the Board of Governors write a letter to the Secretary expressing the Association's concern over his remarks, President Johnson offered that, because a dialogue had already been established, it may be counterproductive at this time to write such a letter. Following the conclusion of the group's presentation, the Board of Governors agreed to take no further action at this time.

- vi. The Honorable Irma S. Raker of the Court of Appeals of Maryland was nominated by the MSBA for the Margaret Brent Award.
- vii. A request was made to support Sitting Judges along with a report on Judicial Elections in Frederick County from Paul Mullen veiling Tom Lynch's concerns. Motion moved and seconded to support sitting judges and those to be nominated. Judge Wallace's motion to add "to be nominated" judges was accepted. Add Cathy Serrette at this time, others later.

B. Report of the Executive Director

- 1. 4 days of Professionalism Courses done despite 7-8 inches of snow.

The Maryland State Bar Association staff donated to the Bea Gaddy charity \$124.00 in cash and 34 boxes of toys, food, men's and women's clothing.

Membership: Resignations – 13 (9 out of state); 2 dropped; 5 deceased; 20 total deletions

New members – 6 new members; 15 reinstated; 21 total additions

Report on disciplined attorney -Board reinstated Charles "Tony" Bruce.

Membership count – Total count is 20,412

Report on Honorary Memberships - Hon. Joseph S. Casula accepted 12/16/03

The request by Claude Callegary is deferred to the January meeting for Honorary Membership

- 1. Report on BOG Nominations in 2004. A packet was sent in November. February 16, 2004 is the deadline for nominations for District Governors.
- 2. Report on Maryland Bar professional license numbers. Brief status report. Janet Moss from Client Protection Fund has hired accountant to devise a numbering plan. Paul commented on his 5 day trip to Havana with 9 attorneys and meetings with lawyers, judges and Cuban officials.

C. Report of the Secretary

The Executive Committee substantially covered the items on today's agenda in its meeting in Baltimore on December 2, 2003.

D. Report of the Treasurer

1. Review of Financial Statement as of November 30, 2003.

Current health good. Summary: MSBA due income \$2,070,276.25
Total expenses were \$1,211,794.58
There are budgeted but not yet expended revenues of \$1,347,475.96

2. A request was made for a Capital Budget Amendment for the purchase of telephone service and equipment and new main copier. Motion by Budget and Finance approved

- (1). New telephone system \$28,680.00 (\$43,000.00 budgeted)
- (2). Main copier \$34,188.00 (\$62,500.00 budgeted)

E. Report of the President-Elect - No report.

III. Reports of Standing Committees

(a). Laws Committee – Mike Baxter and Richard Montgomery

Request for approval of Final 2004 Legislative Program by Michael J. Baxter, Chair and Richard A. Montgomery III, Director of Legislative and Governmental Relations. Judge Joseph Murphy will introduce bill on civil jury size. Steve Nolan spoke on Med Chi's attack on attorneys fees. Motion passed approving Legislative Program report.

IV. Reports of Special Committees - None.

V. Reports of Sections. - None.

VI. Unfinished Business and General Orders - None.

VII. New Business -None.

VIII. Special Orders of Business

Nominations by Board of Governors acting as the nominating committee for the office of President-Elect, Secretary and Treasurer for 2004-2005. President-Elect Michael Conroy nominated by Bob Ferguson; Secretary Alison Asti nominated by Louise Gonzales; Keith Truffer nominated Ed Gilliss as Treasurer. The Board voted in favor of all nominations.

A. Special presentation to Judge John C. Eldridge (p. 49) including a resolution from the Maryland State Bar Association.

B. Special presentations were made to Albert "Buz" Winchester upon his retirement from the MSBA. Jim Nolan, Past President, spoke about Buz, and presented him a Resolution, signed by all the Presidents with whom Buz worked, and a watercolor painting of the Statehouse on behalf of the Association.

IX. Announcements

- A. Bob Ferguson and Professionalism Commission applauded for outstanding work.
 - B. Fraase case decided by Court of Appeals in her favor. 3 member concurring opinion suggested reaching MSBA issue. MSBA brief cited in footnote.
 - C. Sharon King Dudley was nominated by the Committee on appointments to fill the vacant position on the Board of Directors of the Maryland Volunteer Lawyer Service. Her nomination was approved by the Board of Governors.
- X. Adjournment. There being no further business, the meeting was adjourned at 6:42 p.m.

Respectfully submitted,

Michael Conroy, Secretary