

**BOARD OF GOVERNOR'S MEETING
MARYLAND STATE BAR ASSOCIATION
TUESDAY, JANUARY 28, 2003
U.S. NAVAL ACADEMY
ANNAPOLIS, MD
5:30 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 36 members of the Board of Governors, including all of the officers. In addition, Paul Carlin, Executive Director, and key members of his staff were in attendance.

President James P. Nolan called the meeting to order at, approximately, 5:35 p.m.

The minutes of the Board of Governors meeting of December 17, 2002, were read and approved.

1. Report of the Officers - James P. Nolan gave the President's report.

He reported on various news clippings which were provided relating to the public defender ceasing to provide representation on appeals; challenges to the client protection fund; MSBA staff gifts to charity and law firm hiring practices. He reported on the Common Good Infomercial featured in a Washington Post Advertisement which appeared to be an attack on tort lawyers as well as the ABA Statement on President Bush's comments on Medical Malpractice. Jim reported that an ABA Commission on Women in the Profession article had been sent out to all local and specialty Bars. The Real Property Section Award will be presented at the Annual meeting in Ocean City to a distinguished Maryland Real Property Practitioner. Jim, also, reported on ABA President A. P. Carlton's efforts to increase Federal Judicial salaries.

- a. On January 21, 2003, the customary dinner with the chief judges and the deans took place. President Nolan, Past President Pamela White, President – elect Harry Johnson and Executive Director Paul V. Carlin attended at the Harbourcourt Hotel with Chief Judges Bell and Vaughn, Dean Holmes, Dean Rothenberg and Judge Danny Long, the chair of the circuit court judicial conference. The meeting was very positive with everyone basically on the same page.
- b. President Nolan and Buz Winchester met with Joe Getty, the governor's liaison to the courts regarding Jim's letter to Governor Ehrlich about the judicial nominating commissions. The sense seems to be that the governor will return to the Hughes system with 6 lawyers being elected along with a chair who is an attorney. The 2 year pool status will be retained. They too agreed to promote judicial compensation and legal services funding.
- c. Jim reported that the ABA asked the SEC to defer rules that go beyond the Sarbanes-Oxley Act. Regulations were released last week and do not appear to be draconian.
- d. He reported that 2 New Jersey Supreme Court committees voted to abolish state barriers to lawyering.

e. The President reported that Tim Meredith was elected to the Board of Governors vacancy for the Seventh District created when the Honorable Michael Wachs resigned. Tim was welcomed with a warm round of applause.

f. The Board considered the elimination of contested judicial elections. With a quorum present and upon a motion duly made, seconded and discussed, the Board of Governors approved [with one dissenting vote] the following actions:

A). The Maryland State Bar Association, Inc. supports legislation calling for a constitutional amendment which would eliminate contested judicial elections for circuit court judges and;

B). The present system would be replaced with a method that contains the following elements:

(1). Appointment to a vacancy by the governor, with the advice and consent by the state Senate, and a YES or No vote by the voters of the appropriate jurisdiction to retain the judge, such vote to occur more than one year after the date of appointment;

(2). At the conclusion of the term, judges wishing to continue in office would again be placed on the ballot for a Yes or No vote by the voters;

(3). Reduction of the term of office from 15 years to 10 years.

g. President Nolan reported the concern over Legal Services Funding and our effort to continue to support the funding. He, also, reminded that *pro bono* forms need to be filed by Feb.15, 2003.

h. He reported on the Maryland Business and Technology Case Management Program costs and appointment of Venable's George Pappas to Governor Ehrlich's Technology Initiative. Jim Keane, MSBA chair, and Steve Platt, chair of the Court's Committee are pushing us to get legislative and judicial funding for certain hardware and software in specific courthouses, which is unlikely. Judges will be trained to handle business and technology cases.

i. He reported on the ongoing debate among the Citizens Law Related Education program [CLREP] about the continued existence of the Law Links program. The Board's discussion was deferred as Judge Diane Leasure's letter had just been received.

j. He reported that he had signed off on the *amicus* brief regarding the Gramm-Leach- Bliley bill.

k. President Nolan reported that the MSBA will sponsor a free public forum on the Death Penalty on February 13, 2003.

l. He reported that he attended the Howard County professionalism commission hearing.

m.. He reported that Judge Loomis and Joe Harrison would be meeting with the Governance committee.

2. Paul Carlin gave the Executive Director's report.
 - a. Paul reported the resignation of 35 members and four deletions. There were 977 new admittees plus reinstatements to bring us just under 21,000 MSBA members which is our highest total ever.
 - b. James R. Trimm and Daniel Thompson were elected to honorary memberships.
 - c. Paul reported on the construction a 16 story student residence adjacent to the Bar Center which is projected to last 16-18 months and provided a photostat as attachment #13.
 - d. Paul reported on the change from NOVA to Concord Electronic Financial Service for credit card processing by members.
3. Report of the Secretary.
 - a. Neil Helfrich reported that the minutes of the Executive Committee meeting held on January 7, 2003, were substantially included in the Agenda for this meeting.
4. Michael Conroy gave the Treasurer's Report.
 - a. He reported the following for the MSBA as of December 31, 2002 : dues collected of \$2,282,598.92; total income of \$2,869,715.68; total expenses of \$ 1,512,946.24, leaving unexpended funds of \$ 1,356,769.44.
 - b. Budget amendments [attachment 15] were proposed and unanimously passed.
 1. \$1,000 for Judicial Administration Section meals
 2. \$11,919 for Membership Committee recruitment
 3. \$2,592 for Entertainment & Sports Law Committee
 4. \$1,020 for Consumer Bankruptcy Committee
5. Report of the President – Elect.
 - a. The President- Elect, Harry Johnson moved that when a section or committee has not submitted a budget for 2 years and when that same section or committee has not spent the allocated monies for 2 years, the Budget and Finance committee may recommend to the President-Elect sunsetting the section/committee.
6. Reports of the Standing Committees.
 - a. Timothy Meredith, chair of the Laws Committee and Buz Winchester, Director of Legislative Relations, presented the following bills :
 1. SB 1371 and HB 53 captioned Civil Proceedings-Size of Jury was recommended for opposition by the Committee on Laws. The board voted 21-9 to oppose the bill.
 2. HB 66 captioned Criminal Procedure-Terms of Probation-Requirements the Committee recommends opposition and the Board voted unanimously to oppose that bill.

3. HB 113 captioned Qualified Immunity for Civil Liability-SLAPP Suits the committee recommended support and the Board voted unanimously to support that bill.

4. SB 6,35,88 and HB 120 all dealing with Contested Circuit Court Elections were discussed vigorously and the Board voted to support with amendments set forth in 1f. above.

b. The following was added to the Legislative Matters Standing Rules:

No registered lobbyist except for the Maryland State Bar Association, Inc.'s Director of Legislative Relations shall represent the Association or any of its Standing or Special Committees or Sections before any legislative, judicial or executive branch agency or body, unless specifically authorized by the Board of Governors or its Executive Committee.

There being no further business to come before the Board of Governors, the meeting was adjourned at approximately 8:15p.m.

Respectfully submitted,

Michael Conroy
Assistant Secretary