

**MARYLAND STATE BAR ASSOCIATION  
BOARD OF GOVERNORS  
TUESDAY, FEBRUARY 17, 2004  
MARYLAND BAR CENTER  
520 WEST FAYETTE STREET  
BALTIMORE, MARYLAND 21201  
BAR HEADQUARTERS CONFERENCE ROOM  
5:30 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 the MSBA officers and 28 members of the Board of Governors as well as Paul Carlin, Executive Director, members of the MSBA staff, and the MSBA Parliamentarian.

President Johnson called the meeting to order at approximately 5:52 p.m.

I. The Minutes of the Board of Governors meeting on January 20, 2004 were read and approved, subject to a correction on page 2, Section 2.2b, line 3, which should be changed to say "\$2.2 million."

II. Reports of the Officers.

A. Report of the President.

1. Report on ABA Midyear Meeting in San Antonio.

President Johnson reported that Mike Greco will succeed Robert Gray as ABA President-Elect. Louise Gonzales advised the Board that she has reports of the ABA meeting available. President Johnson also reported that Louise Gonzales has been nominated to the ABA Board of Governors. Congratulations were given.

2. Report on Meeting with Chief Judges and Deans.

President Johnson commented on the meeting, and the tremendous level of collegiality between the court, lawyers and the law schools.

3. Report on Presidential Best Section Project Awards.

President Johnson noted that the deadline for submission of nominations for the awards is April 12, 2004

4. Report on various correspondence and articles.

a. Baltimore Sun editorial on Judicial Elections

b. Nominations to 4<sup>th</sup> Circuit U.S. Court of Appeals

With respect to the President's proposed re-nomination of Mr. Allen, President Johnson advised the Board that the MSBA has already stated its position – i.e., that the seat belongs to Maryland and a Maryland lawyer should be nominated for the position.

The Board approved the suggestion that he write another letter to White House.

5. Report on Pro Bono Report and follow-ups in press.

It was noted that the Sunpaper printed the MSBA response letter.

6. Report on Testimony on Judicial Compensation.  
President Johnson reported that the MSBA testimony resulted in goodwill with the courts, but that the legislature took out the Judicial salary increases.
7. Report on Press Releases on Judicial Elections.  
The MSBA press release was sent to the sitting judges, so they will be aware that we support them.
8. Alan Belsky – Consumer Bankruptcy Committee. Mr. Belsky appeared before the Board, and requested that the Consumer Bankruptcy Committee be allowed to become a Section. Mr. Belsky advised the Board that the Committee’s Membership was 240. They have been an MSBA Committee for 2 years and now wish to become a Section, and to have a dues waiver for one year, per the MSBA Bylaws.

A motion was made, seconded and carried to recommend to the MSBA Membership that the Committee become a Section at the Annual Meeting in June.

### III. Reports of Standing Committees

- A. Report of Laws Committee. Michael J. Baxter, Chair; Richard A. Montgomery, III, Director of Legislative/Governmental Relations.
  1. SB 193/HB 287 – Governor’s bill to address malpractice insurance crisis. Mr. Baxter reported that the Committee on Laws has recommended that the MSBA oppose the bill because it conflicts with the MSBA 2004 Legislative Program and the MSBA’s position over the years.  
  
The recommendation was subject to two provisos:
    - a. MSBA would take no position on the Preamble
    - b. MSBA would offer its services to assist the Legislature with various issues raised by bill. Representatives of the Litigation Section and the Defense Trial Counsel made presentations to the Board. Gardner Duvall, speaking for the defense bar, asked the MSBA to monitor the bill rather than taking a position. Kathy Meredith, speaking for the Litigation Section of the MSBA, recommended that the MSBA oppose the bill. Steven Nolan spoke in favor of Committee on Laws recommendation. Ed Gilliss questioned whether the MSBA position in opposition to the bill would have any impact on the proposed MSBA role in a Task Force for summer study (a separate bill). Mr. Montgomery advised that that should not drive the MSBA deliberations. The Committee on Laws Recommendation carried.

A motion was passed approving the remainder of Committee on Laws Report #2 with little discussion.

<u>Bill No.</u>	<u>MSBA Position</u>
HJ 1/SJ 1 -	Support
SB 316/HB 706	Support
SB 333/ HB 812	Oppose
HB 464	Monitor

HB 614/ SB 518	Support w/Amendments
HB 1108	Oppose
HB 1237	Monitor
SB 163/ HB 511	Support
SB 421	Oppose
SB 564/HB 994	Support
SB 587	Oppose
HB 304	Support w/Amendments
SB 272	Oppose
HB 693	Oppose
SB 647	Monitor
HB 450	Support
SB 193/ HB 287	Oppose

II. Report of the Executive Director

1. Membership: The Executive Director reported the following:
  - a. Resignations – 26; Deceased – 8  
The Board voted to accept dropping one member, as recommended by the Executive Director
  - b. New members – The Executive Director advised the Board that there were 30 new MSBA members and 13 Reinstatements. Two prior disciplined attorneys were reinstated.
  - c. Membership count - The Executive Director reported total membership of 21,310 total.
  - d. Report on Honorary Memberships
    1. Honorable James E. Kenkel
    2. Roland C. Kent
 Both Honorary membership requests were accepted by the Board.
2. The report on the MSBA Midyear Meeting in Punta Cana was as follows:  
251 adults plus 18 kids (269 total persons) will attend.  
This is an all time record. There will be 3 separate days of flights.
3. The Executive Director announced the Board of Governors Nominations that were received.  
There will be two (2) contested elections: Frederick County and Montgomery County.
4. Delinquent dues of 1,139 members were announced. Our goal is drop less than 1,000.
5. It was announced that M&T Bank was discontinuing the Affinity banking program.

C. Report of the Secretary - No report.

D. Report of the Treasurer

1. The Treasurer reviewed the Financial Statements as of January 31, 2004. He announced that dues of \$2,147,342 are in, which is 98% of the budgeted dues. This is \$35,000 more than last year.

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

V. Reports of Special Committees - None

- VI. Reports of Sections - None
- VII. Unfinished Business and General Orders - None
- VIII. New Business - None
- IX. Special Orders of Business - None
- X. Announcements - None
- XI. Adjournment. There being no further business, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Alison L. Asti, Assistant Secretary