

**MARYLAND STATE BAR ASSOCIATION
BOARD OF GOVERNORS
MINUTES
TUESDAY, JANUARY 23, 2007
MT. WASHINGTON CONFERENCE CENTER
Baltimore, Maryland**

President Edward Gilliss called the meeting to order at 5:45 p.m. There were 32 members, 2 guests, the Executive Director and the Parliamentarian in attendance.

I. MINUTES

- A. The Board of Governors Minutes for December 19, 2006 were read and approved.

II. REPORT OF THE OFFICERS

A. REPORT OF THE PRESIDENT

President Edward Gilliss welcomed our two guests, former MSBA President Cleaveland Miller and Steve Brady, the CEO of Minnesota Mutual Insurance Company. President Gilliss also extended his congratulations to former President Pam White on being named a Judge in the Circuit Court for Baltimore City.

1. The President reported on the following events, news clippings and articles:
 - a. Baltimore Sun medical malpractice opinion piece.
 - b. Comparative fault bill to be introduced.
 - c. Article discussing limits urged on ADR by recalled judges. A question was raised as to whether the BOG will take a position on this issue. It was then noted that the MSBA's Litigation Section has already done so and has already relayed the position to the Rules Committee.
 - d. On-line case filing launched by Anne Arundel County Circuit Court.
 - e. Editorial urging a larger contribution by Baltimore City toward the Legal Aid Bureau of Maryland than has been given in the past.
 - f. Federal legislation introduced to protect against attorney/client privilege waivers in return for leniency in prosecutions.
 - g. Several groups, including the American Judicature Society, condemned comments by a U.S. Defense Department lawyer who called for a boycott of U.S. law firms whose attorneys gave pro bono representation to suspects held at Guantanamo Bay, Cuba.
 - h. In his final week in office Governor Ehrlich picked three new circuit Court judges: Pamela J. White and George L. Russell, III in Baltimore City and A. Michael Chapdelaine in Prince George's County.
 - i. Article discussing President Bush's recent Judicial Nominations. Two prior nominees for the Fourth Circuit who have now asked that their names be withdrawn, William Haynes and Judge Terrence Boyle.

- j. The Professionalism Committee has just made it known that they have recommendations (exact parameters to be passed out next month) with two major objectives:
 - 1. More concise statement of professionalism standards;
 - 2. That the professionalism course be promoted for all attorneys, not just new attorneys.
 - k. IOLTA comparability rule -- a concept is being looked at as to whether the Court of Appeals will impose a rule requiring that attorneys must put all escrow money in accounts which pay IOLTA interest at a rate comparable to certain commercial accounts. This would force banks to raise their IOLTA account interest rates, and of course would benefit the Maryland Legal Services Corporation.
 - l. Judicial Nominating Commission. President Gilliss reported that during Governor Ehrlich's tenure the previous practice of requiring an attorney to be chair of each Judicial Nominating Committee was abolished. The MSBA's Judicial Appointments Committee has recommended that the new Governor be urged to amend his proposed executive order such that only a lawyer can serve as chairperson of both Appellate and Trial Court Commissions. It was noted during the discussion that Governor O'Malley's newly-proposed executive order, as written, could leave commissions with a majority of laypersons. A subcommittee of Art Schneider and Henry Dugan was appointed to review the issue, come up with recommendations, and send them to the entire Board for comment.
- 2. Recommendation for Judicial Compensation Commission:

The President called attention to the fact that the MSBA's prior nominee for appointment to the Judicial Compensation Commission, Devan Doolan, Sr., was not acted upon during the Ehrlich administration, however, the nomination is still alive, so the President is hopeful that Mr. Doolan will still be appointed.
 - 3. ABA Family Court Summit:

There was discussion regarding the upcoming ABA Family Court Summit which will occur in Baltimore in May, 2007. A grant request for \$5,000.00 has been received and was recommended by the Executive Committee. Motion was passed to accept the Executive Committee's recommendation.

4. Presidential Best Section Project Awards:
Alice Chong, Ruth Ann Bennett and Jan Berlage have volunteered and thus been appointed as the Committee to judge this year's two Presidential Best Section Project Awards to be presented at the June MSBA Annual Meeting.

B. REPORT OF THE EXECUTIVE DIRECTOR

The Executive Director reported that the following changes in membership occurred.

1. Membership
 - a. Resignations – 18; Deceased – 6
 - b. New Members – 1,034 (due to large influx of new admittees)
 - c. Reinstatements – 35
 - d. Total Membership Count: -- 23,152

NOTE: This is the first time in history that membership in the MSBA has exceeded 23,000!!!
2. It was reported that there was a fraudulently created MSBA Courthouse I.D. used to gain entry into a jail. The Sheriffs' Offices around the State have been alerted to be on guard for persons attempting to fraudulently obtain I.D. cards.
3. February 13,2007 is the nomination deadline for next year's (2007-08) Board.
4. Maryland Courts Watcher: It was reported that a new case watcher program has become available through the Business Law Section. It gives a synopsis for every public opinion in Maryland. It can be found at <http://marylandcourts.blogspot.com/>.
5. Lawyer Assistance Program Director Candidates are currently being interviewed for Richard Vincent's ultimate replacement.
6. Paul Carlin's assistant, Tony Martsoukos, has recently left the MSBA to pursue another opportunity. Paul has been fortunate to hire a replacement, DeAnn Roye.
7. Reduced fee grant – It was reported that the Administrative Office of the Courts has given the MSBA a \$10,000 grant to study the feasibility of developing a reduced fee legal service program in family law and other matters in Maryland. The funds will support the time and expenses of Professor Michael Millemann.
8. An article from the Towson Times 1987 was discussed, which mentioned that the MSBA had decided to hire a full-time lobbyist. The article also quoted then-delegate Bob Ehrlich as stating "tort reform has become the issue of the 80's."
9. It was reported that we are looking at affinity deals with T-Mobile for their Blackberry-type device, and with a telephony service company for conference call services, video-conference services, etc.

C. REPORT OF THE SECRETARY

The Secretary reported that the Executive Committee met on January 9, 2007 and discussed the items on today's agenda.

D. REPORT OF THE TREASURER

The treasurer reviewed the financial statement as of December 31, 2006 and reported the following: Total Income: YTD: \$3,113,870.16

Total Expense: YTD: \$1,644,035.07

Budgeted but not expended: \$1,469,835.09

E. REPORT OF THE PRESIDENT-ELECT -- NO REPORT

III. REPORTS OF STANDING COMMITTEES

A. Report of the Laws Committee: Richard A. Montgomery, III, Director of Legislative and Governmental Relations, reported that a comparative negligence bill had been filed but had not yet been considered by the Laws Committee. The Laws Committee recommended that the Board of Governors support House Bill 12 (exempt certain fees from Parole and Probation, and House Bill 58/Senate Bill 60 (increase Circuit Court judges in Montgomery County and Baltimore City, and District judges in Charles and Montgomery Counties). The Committee of Laws recommended that the Board of Governors oppose House Bill 48 (requiring medical malpractice review boards), and that we monitor House Bill 40 (providing income tax credit for health care professionals who donate services to community health organizations). The Board of Governors voted to approve all of the recommendations of the Committee of Laws.

IV. REPORTS OF SPECIAL COMMITTEES

A. Report of the Investment Committee: Cleaveland Miller, Past-President of MSBA and Chairman of the Investment Committee, reported that the Investment Committee meets quarterly to assess how well MSBA's investments are being managed by Smith-Barney. The investments are managed conservatively, with two-thirds being held in fixed investments and one-third in equity investments, which are split up amongst six different money managers all overseen by Smith-Barney. Over the approximate ten years that the Investment Committee has been in existence, the investment has grown from \$2.5 Million to just over \$3.6 Million.

V. REPORT OF YOUNG LAWYERS SECTION – Hughie Hunt, Chair of the Young Lawyers Section, reported that several YLS members will be participating in the Polar Bear Plunge on January 27 at Sandy Point to support Special Olympics Maryland. Hughie urged support for all YLS members participating.

VI. UNFINISHED BUSINESS

A. President Gillis reminded the BOG that there were still some seats available for the mid-year meeting in the Dominican Republic.

B. The beginning time of the February 20th meeting has been moved up to 5:00 p.m. in light of an anticipated heavy agenda.

VII. SPECIAL ORDERS OF BUSINESS – CEO Steve Brady of Minnesota Lawyers Mutual reported about the successful transfer of Legal Mutual's administrative duties to MLM.

VIII. ADJOURNMENT: The meeting was adjourned at 7:02 p.m.

Respectfully submitted,

Thomas C. Cardaro,
Assistant Secretary

