

**MARYLAND STATE BAR ASSOCIATION  
BOARD OF GOVERNORS  
MINUTES  
TUESDAY, FEBRUARY 20, 2007  
MARYLAND BAR CENTER  
520 W. FAYETTE STREET  
Baltimore, Maryland 21201  
BAR HEADQUARTERS CONFERENCE ROOM**

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President Edward Gilliss called the meeting to order at 5:20 p.m. There were 26 members, 2 guests, the Executive Director, the Parliamentarian and certain Bar staff in attendance.

**I. MINUTES**

- A. The Board of Governors Minutes for January 23, 2007 were approved.
- B. The Board of Governors Minutes for the Special Legislative Meeting of February 6, 2007 were approved.
  - 1. Executive Session Minutes – the portion of the February 6, 2007 Minutes describing what occurred during the Board of Governors Executive Session was read to the Board but not distributed. The reading of the Minutes was approved.

**II. SPECIAL ORDER OF BUSINESS**

The Executive Director introduced to the Board his new assistant, DeAnn Roye.

**III. REPORT OF THE OFFICERS**

**A. REPORT OF THE PRESIDENT**

- 1. The President reported on the following events, news clippings and articles:
  - a. Daily Record article on Court of Appeals Judge Alan Wilner's retirement.
  - b. Gazette article regarding appointments to be made to the Court of Appeals in light of Judge Wilner's retirement and the upcoming retirements of Judges Cathell and Raker.
  - c. Daily Record article regarding "Super Lawyers" listings.
  - d. Daily Record article on Fourth Circuit vacancies.
  - e. Daily Record article on Baltimore City Law Department pro bono policy.
  - f. Daily Record article on University of Baltimore survey regarding important values to learn in law school.
  - g. Daily Record article on introduction of a bill regarding the role of the judiciary in the legislature.
  - h. Gazette article regarding the lack of a budget for a new District Court courthouse in Rockville.
- 2. ABA Mid-Year Meeting:

President Gilliss reported that our ABA delegates attended the ABA Mid-Year Meeting in Miami. He reported that the following occurred during the meeting:

- a. There is a proposed new Code of Judicial Conduct.
  - b. There was recognition of Robert Evans.
  - c. The ABA applauded the efforts of pro bono attorneys who represented the detainees in Guantanamo Bay.
3. Judicial Nominating Commissions:  
On February 7, 2007, President Gilliss wrote to Chief Legal Counsel for the Governor, Ralph Tyler, with recommendations to the Governor's draft Order for his judicial nominating commissions. President Gilliss reported that he had recently spoken to the Mr. Tyler, who informed President Gilliss that completing the Order on the judicial nominating commission is imminent but not yet complete.
4. President Gilliss pointed out that our Secretary, Kathy Howard, and one of our Board members, Paul Kemp, were recently quoted in a newspaper articles.
5. President Gilliss reported that the number of lawyer legislators continues to decline.
6. President Gilliss reported that the Appointments Committee needs two more members. Alice Chong and Jason Hessler volunteered to be members. President Gilliss appointed them to be members.

## **B. REPORT OF THE TECHNOLOGY TASK FORCE**

1. Mike Oliver, Chair of the MICPEL/MSBA Technology Task Force presented to the BOG the Report of the Task Force. The Task Force recommended that MICPEL begin delivering webinars, and do so simultaneously with live seminars. MICPEL should also immediately begin offering pod casts. Further, MICPEL should identify which of its existing courses can be converted into on-line courses.

Mr. Oliver also reported that the MSBA is already quite technologically advanced. They already deliver audio pod casts of certain events. He suggested that this should be continued and expanded to all sections and committees for suitable content. The Task Force also suggested that the MSBA consider creating a web video-conferencing site at headquarters. One-way video-conferencing with telephone conferencing is becoming viable. Two-way video-conferencing may be too expensive at this time but should be reanalyzed each year as technology and fast connections become more prevalent. A motion was passed to accept the Report of the Task Force.

## **C. REPORT OF THE EXECUTIVE DIRECTOR**

1. The Executive Director, Paul Carlin, reminded everyone that today is Fat Tuesday.

2. Membership – the Executive Director reported that the following changes in membership occurred:
  - a. Resignations – 7; Deceased – 1
  - c. New members – 57; Reinstatements – 23
  - e. Total membership count – 23,224

NOTE: This is another new record total membership number for the MSBA.

Honorary membership status was approved for Howard A. Rubenstein.
3. It was reported that a new Director of Lawyer Assistance has been hired, Jim Quinn. Mr. Quinn has 30 years in counseling. He was hired after the interviewing of 14 candidates. He will start on March 5. Richard Vincent will now go to part-time status until the end of the year at which point he will retire.
4. It was reported that MSBA staff, Lawrence Hicks and John Broaddus, have installed all of the new computer servers which the BOG previously approved.
5. The BOG nominations from the various counties are now all in. There will be a contested election in only one county, Baltimore County, where there are 4 applicants for 3 positions.

**D. REPORT OF THE SECRETARY – NO REPORT**

**E. REPORT OF THE TREASURER**

1. The treasurer reviewed the financial statement as of January 31, 2007 and reported the following:
  - Total Income: YTD: \$3,321,506.33
  - Total Expense: YTD: \$1,891,787.32
  - Budgeted but not yet expended YTD: \$1,429,719.01

**F. REPORT OF THE PRESIDENT-ELECT – NO REPORT**

**IV. REPORTS OF THE STANDING COMMITTEES**

A. Report of the Laws Committee: Richard A. Montgomery, III, Director of Legislative and Governmental Relations, reported that the hearing on comparative negligence went very orderly. He further reported that a lobbyist for those against comparative negligence, Mr. Tiburzi, told the legislators that it was telling that the MSBA who usually supports comparative negligence was noticeably absent. It was further reported that the eyes of several newer legislators started to glaze over when people at the hearing started talking about adding joint and several language to the bill.

1. Michael Baxter, Chairman of the Committee of Laws, described the following bills and the Committee of Laws' recommendations. The BOG then passed a motion to adopt the recommendation of the Committee of Laws regarding all of these bills:
  - a. HB 377 – Allows attorney's fees in certain landlord ejections – support.

- b. HB 455 – Presumption as to when one can use deadly force – oppose.
- c. HB 548 – Requires a Maryland judge to interpret whether an out-of-state offense would be a crime under Maryland law and count that as a conviction so as to trigger an enhanced sentence in Maryland – oppose.
- d. HB 587 – Exclude from juvenile court jurisdiction criminal gang crimes – oppose.
- e. HB 792 – Allow the suspension of attorney licenses if there is failure to pay child support – oppose.
- f. HB 807 – Limit the amount of bond required to stay the enforcement of judgment in certain actions – oppose.
- g. HB 917 – Allows identity fraud victims to ask for a “declaration of innocence” – oppose.
- h. HB 946 and HB 996 – Requires DNA samples at the time of specific arrests – oppose.
- i. HB 1038/SB 779 – Broad exception to the hearsay rule to address victim and witness intimidation – oppose.
- j. HB 1063 – Allows a court to impose enhanced penalties on a defendant without the State’s Attorney having served notice of prior conviction – oppose.
- k. HB 1090 – Limits access to divorce filings until return of service has been filed – oppose.
- l. HB 1108 – Reduces the right to criminal jury trial when appealing from district court –oppose.
- m. SB 306 – Authorizes seizure of property intended for use in violation of identity fraud laws – oppose.
- n. SB 487 – Adds to the Maryland Constitution that an initiated proposal that is adopted may not be amended or repealed for 4 years except under specified circumstances – oppose.
- o. SB 494 – Establishes a commission on civil literacy – support.
- p. SB 508 – Creates a medical liability division in the circuit court – oppose.
- q. SB 575 – Expands statute of limitations for child abuse cases – oppose. [It was mentioned that President Gilliss has sent a letter indicating that the MSBA would like to work with the legislature on sex abuse issues].
- r. SB 258 – Requires health care providers to disclose mental health records to the State Board of Physicians for investigations under certain circumstances unless the patient after notice asserts certain rights –oppose.

2. Michael Baxter described the following Bills, and the recommendation of the Committee of Laws. As to each of these Bills, the BOG made a motion contrary to the position of the Committee of Laws:

- a. HB 765 – Repeals a provision which allows the spouse of a person on trial for assaulting the spousal victim to refuse to testify as an adverse witness. (*i.e.*, repeals provisions of the assertion of spousal privilege). The Committee of Laws supports. Motion was made to take no position on the Bill. That motion failed. Motion to support the Bill was made. Motion failed. Motion to oppose the Bill was made. The motion passed.
- b. HB 388 – This is a savings statute permitting the re-filing of an action which was filed within limitations and dismissed thereafter for some reason other than on the merits. The Committee of Laws’ position was to oppose the Bill. Motion was made to support the Bill. Motion failed.
- c. SB 761 – Authorizes a person charged with a specific crime to assert self-defense even though the person failed to retreat. Position of the Committee of Laws was to oppose. Motion was made to support the Bill. Motion failed.

**V. REPORTS OF SPECIAL COMMITTEES – No reports**

**VI. REPORT OF YOUNG LAWYERS SECTION – No report**

**VII. UNFINISHED BUSINESS**

A. President Gillis reported that after the Court of Appeals received comment from the MSBA and several other bar-related organizations regarding the proposed amendment to Maryland Rule of Professional Conduct 1.15(b), the proposed amendment has been revised and there will be a public hearing on the matter on March 12, 2007.

**VIII. SPECIAL ORDERS OF BUSINESS – None.**

**IX. ANNOUNCEMENTS**

A. J. Joseph Curran, Jr. events – There were 3 events announced regarding Mr. Curran as follows:

- 1. Maryland Bar Foundation April 18, 2007 at the Center Club
- 2. Cease Fire Maryland Education Fund Inc. Reception, February 28, 2007
- 3. Martin-Lauer Associates, March 8, 2007

B. Karen Cook announced that the e-filing system will start soon in the Circuit Court for Anne Arundel County. This is a pilot for the entire State. There will be a program describing the system on April 13, 2007 at Anne Arundel Community College.

C. The MSBA has a program with DHL Express which results in savings to MSBA members.

**X. ADJOURNMENT:** The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Thomas C. Cardaro, Assistant to the Secretary

