

**MARYLAND STATE BAR ASSOCIATION
BOARD OF GOVERNORS
MINUTES
TUESDAY, MARCH 20, 2007
ANTRIM 1844
TANEYTOWN, MARYLAND**

President Edward Gilliss called the meeting to order at 5:50 p.m. There were 29 members, 3 guests, the Executive Director, the Director of Legislative and Governmental Relations and certain Bar staff in attendance.

I. MINUTES

A. The Board of Governors Minutes for February 20, 2007 were approved.

II. REPORT OF THE OFFICERS

A. REPORT OF THE PRESIDENT

1. President Gilliss addressed House Bill 792 (allowing suspension of attorney licensure for failure to pay child support). At the February BOG meeting, the Board voted to oppose the bill. It was later learned by President Gilliss and others in the MSBA Leadership that the Judicial Conference took no position on the bill, and that the MSBA's Family Law Section supported the bill. Thereafter, President Gilliss, feeling it best that we should follow the Judicial Conference and take no position on the bill, sent out an e-mail to all board members asking their position in light of this new information and stating that if they did not cast a vote to the contrary, their silence would be considered consent to the MSBA taking no position on the bill. The bill was ultimately amended to include a provision that if an attorney does not pay child support then the matter is passed to the Attorney Grievance Commission before there is suspension of licensure. With that amendment, the bill passed 137 to 0. However, President Gilliss expressed *mea culpa* to the Board for sending a "silence is assent" e-mail to the board. The President asked for different ideas on how to proceed in the future when a legislative vote is quickly approaching and new information becomes available to MSBA Leadership. Various ideas were discussed. Leadership will now seek input from the MSBA Parliamentarian who was not present at the meeting.

2. President Gilliss gave a short history of Antrim 1844, the location of the tonight's Board Meeting.

3. The President reported on the following events, news clippings and articles:

a. The ABA's President has issued a news release stating that the Justice Department's policy memorialized in the "McNulty" and "Thompson" memoranda is inconsistent with the presumption of innocence. These memoranda purport to erode attorney/client

privilege, work product and employee legal protections by instructing federal prosecutors to give corporate cooperation credit in return for a company's willingness to waive the above privileges during certain investigations. BOG member Andy Radding reported that in our district we do not have a problem with the "McNulty" or "Thompson" memoranda and thus, while we should support the ABA's position, we should not take an activist role but at this time should simply continue to monitor this matter.

- b. Article regarding resignation of Defense Department Attorney Charles Stimson after he was critical of law firms for providing pro bono attorneys to Guantánamo Detainees.
- c. Article discussing the fact that District Judges nominated by Governor Ehrlich, but not yet confirmed by the Senate before Governor O'Malley took office, will go before the Senate's Executive Nominations Committee on March 19, 2007.
- d. Articles on comparative negligence.
- e. Article on new Dean at University of Baltimore Law School, Philip J. Closius.
- f. Article describing the fact that pro bono reporting deadline has now passed. We will await the tally of what the reporting reveals.
- g. Article describing Supreme Court Justice Kennedy discussing loss of good judges due to inadequate pay.

4. **MSBA Mid Year Meeting:**

President Gilliss reported on the MSBA mid-year meeting in the Dominican Republic. The meeting was a resounding success. Ted Staples did an excellent job running the CLE programs.

B. REPORT OF THE EXECUTIVE DIRECTOR

- 1. The Executive Director reported that the Daily Record has named our President Elect, Alison Asti, as one of the most influential Marylanders in it's Law category. Congratulations was extended to Alison.
- 2. Membership – The Executive Director reported the following changes in membership occurred over the past month:
 - a. Dropped Members – 1,064 (this is normal for this time of year due to non-payment of dues)
 - b. Resignations – 48
 - c. Deceased – 7 (one of which was Bill Cahill who served six terms on the BOG)

- d. New Members – 26
- e. Reinstatements – 27
- f. Total Membership Count – 22,157

Honorary membership status was approved for Hugh Donovan.

- 3. It was reported that we have the opportunity for a new affinity program with a conference call company named Meeting Bridge. The company has rates which are much cheaper for our members than the major telecom companies, and the company can also be used for webinars and for web conferencing. Four other bar associations already use Meeting Bridge and are happy with it. The MSBA will receive 10% of Meeting Bridge's revenue from MSBA members. A motion was passed to sign the deal with Meeting Bridge.

C. REPORT OF SPECIAL COMMITTEE ON APPOINTMENTS

President Gilliss reported that he received a letter from Tom Meachum, on behalf of the Special Committee on Appointments, after the Committee had interviewed candidates for the vacant position on the Board of Directors for the Pro Bono Resource Center of Maryland, Inc. The Committee recommends Paul Kim of Ober, Kaler for the vacant position. A motion was passed appointing Mr. Kim to the vacant position.

D. REPORT OF THE SECRETARY

- 1. The Secretary reported that Meeting Bridge was used at the last Executive Committee meeting and it worked well. During that meeting, the items on tonight's agenda were discussed.
- 2. The secretary also reported that she recently went to the Bar Leadership Institute at ABA Headquarters in Chicago. The ABA is beginning to look a lot at demographically defining attorneys by age group (i.e. young attorneys, senior attorneys, gen-xers, etc.).

E. REPORT OF THE TREASURER

- 1. The Treasurer reviewed the financial statement as of February 28, 2007 and reported the following:
Total Income: YTD: \$3,502,192.98
Total Expense: YTD: \$2,210,536.55
Budgeted but not yet expended YTD: \$1,291,656.43

F. REPORT OF THE PRESIDENT ELECT

- 1. The President Elect reported that next year's mid-year meeting will take place February 23 through March 1, 2008. The location has not fully been

confirmed but will likely be in the Riviera Maya, approximately 35 minutes below Cancun, Mexico. When the President Elect earlier visited resorts in the same area, she had tentatively chosen a resort for the mid-year meeting. Since that time, a new resort has become available. She is going to visit that resort at the end of this week. A final selection will be made after she visits the new resort.

III. REPORTS OF STANDING COMMITTEES

A. Report of the Laws Committees: Richard A. Montgomery, III, Director of Legislative and Governmental Relations, gave a status report on bills for which the BOG has previously taken a position.

IV. REPORT OF YOUNG LAYWERS SECTION

Hughie Hunt reported that the YLS recently had a meeting regarding the issue of immigration. He also reported that the Young Lawyers Section will be holding a fund raiser in the near future for the Urban League. The fund raiser will be called "Salsabration."

V. SPECIAL ORDERS OF BUSINESS

A. **INTELLECTUAL PROPERTY COMMITTEE** – Larry Guffey of the Intellectual Property Committee made a presentation to the BOG. He touted the success of the Committee and asked for Board approval to elevate the Committee to a section. A motion was passed to recommend to the general membership at the annual meeting in June that the Intellectual Property Committee be elevated to section status.

B. **ENTERTAINMENT AND SPORTS LAW COMMITTEE** – Cheryl Slay of the Entertainment and Sports Law Committee spoke to the Board about the Committee and asked to have its status elevated to that of a section. A motion was passed to recommend to the general membership at the annual meeting in June that the Entertainment and Sports Law Committee be elevated to section status.

C. **DISASTER TASK FORCE** – Stephen J. Nolan, Chair of Disaster Task Force, presented the report of the task force. The summary of its recommendations are as follows:

1. The BOG adopt a policy allowing the MSBA's Executive Director, after consultation with the President, to implement the disaster plan for lawyers and local bar associations affected by a disaster.
2. Have a memorandum of understanding with local bar associations to coordinate roles during time of disaster.
3. Post on the MSBA website disaster preparedness and recovery check lists, and a table of reference materials.
4. Have the MSBA put on programs for disaster planning at the June annual meeting [too late for 2007].

5. Have the MSBA President ask Chief Judge Bell to permit at least one MSBA representative to be a liaison to the Judiciaries COOP [Continuity of Operations Initiative]; and
6. Have the MSBA's Young Lawyers Section update its disaster response plan in order to provide volunteer legal assistance and to give out materials for the Pro Bono Resource Center, Maryland Volunteer Legal Service, Legal Aide and Administrative Office of the Courts.

A motion was passed to accept the report of the Disaster Task Force.

VI. UNFINISHED BUSINESS – None.

VII. ANNOUNCEMENTS

- A. It was announced that the MLSC's 25th celebration will be held on December 10, 2007.

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

Respectfully submitted,

Thomas C. Cardaro, Assistant Secretary