

**MARYLAND STATE BAR ASSOCIATION
BOARD OF GOVERNORS'
MINUTES
TUESDAY, NOVEMBER 20, 2007
CHIAPPARELLI'S RESTAURANT
BALTIMORE, MARYLAND**

President Alison Asti called the meeting to order at 5:45 p.m. There were 30 members, the Executive Director, various Bar staff, and several guests in attendance.

I. MINUTES

- A. The Board of Governors' Minutes for October 26, 2007, were approved.

II. REPORT OF THE OFFICERS

A. REPORT OF THE PRESIDENT

1. Various matters, correspondence and articles:
 - a. The "Cameras in the Courtroom" Issue: John McCarthy, Chairman of the Criminal Law Section, attended the November 5, 2007 public hearing on this issue and espoused the MSBA's position (i.e., against extending any media coverage in the Courtroom). It is unknown what the outcome will be.
 - b. The Baltimore Business Journal ran an article on the MSBA's creation of an Immigration Law Committee.
 - c. Press release indicating that the U.S. Senate has voted to increase the Legal Services Corporation's budget to \$390,000,000.
 - d. Newspaper article regarding retired Baltimore Circuit Judge Tom Ward capturing a neighborhood burglar and holding him until police arrive.
 - e. Other articles included in the BOG's package for review by Board members:
 1. Examiner editorial about trial lawyers;
 2. Articles about ABA proposal for death penalty;
 3. Sun editorial critical of U.S. Supreme Court;
 4. Montana State Bar proposal about rule of law;
 5. Letter congratulating MLSC's 25th Anniversary; and
 6. ABA Press Release re legal advice for wildfire victims.
2. The IOLTA Comparability Rule Hearing will take place before the Rules Committee on December 3, 2007. President Asti has written a letter to the Rules Committee in support of the Comparability Rule.

3. Regarding Pakistan, the Executive Committee of the MSBA issued a press release condemning Pakistan President Musharraf's suspension of Pakistan's National Constitution and Rule of Law. Subsequently, former MSBA President Bob Gonzales and MSBA Executive Director Paul Carlin attended a march in Washington, D.C. in support of the move to restore the Constitution and Rule of Law in Pakistan. A Motion was passed to ratify the Executive Committee's decision to issue the press release.

4. Re-nomination of Chief Judge Bell for the ABA Thurgood Marshall Award: The MSBA in the past has nominated Chief Judge Bell for the ABA's Thurgood Marshall Award. A Motion was passed to re-nominate Judge Bell for that Award.

5. Report on Amicus Brief on Bankruptcy Attorney Fees: Regarding the request by the Bankruptcy Section that the MSBA file an Amicus Brief in a pending bankruptcy trial court case which may impact attorney fees, the Executive Committee has determined that the MSBA will not seek to file an Amicus in the case since it is still pending in the lower court.

6. Congratulations to Executive Director Paul Carlin on receiving one of the Daily Record's Leadership in Law Awards. Congratulations are also given to MSBA Board Member Doug Bregman, Past Presidents Paul Bekman and Cleaveland Miller for also receiving a Leadership in Law Award. Mr. Miller also received the top Leadership Award.

B. REPORT OF THE EXECUTIVE DIRECTOR

1. Membership: The Executive Director reported the following changes in membership occurred over the past month:

- a. Resignations – 71; Deceased – 2
- c. New Members – 12 ; Reinstated – 28
- e. Total Membership Count – 22,480

2. A Motion was passed to give honorary membership status to Edward F. Patz, who has been a member of the Bar for more than 30 years and is fully retired from the active practice of law.

3. Officer Nomination Procedure – Executive Director Paul Carlin described to the BOG the fact that they are the Nominating Committee for all elective offices, except President and Governor. He further described the protocol for election of officers.

4. Report on Board of Governors' Nomination Procedure – Executive Director Paul Carlin described the time table and protocol for nomination and election of MSBA Governors from throughout the State of Maryland.

5. Report on Various Items:

- a. Past President Hal Clagett's wife recently passed.
- b. The recent Solo and Small Firm Conference was a great success.

- c. MSBA staffers put on a program “Law Practice Management and Technology Tips for Lawyers” at a recent Montgomery County Inns of Court. The program was very well received.
- d. MSBA Bar Brief – At least two times a month every MSBA member who has e-mail gets an electronic Bar Brief which gives information regarding upcoming events and past items of importance.
- e. The ABA has announced the new “Jim Keane Law Practice Management Award”. Jim was an active MSBA member before his passing.
- f. Daily Record Article regarding BOG Member Mark Scurti going to the Hodes firm starting December 1, 2007.

C. REPORT OF THE SECRETARY – No report.

D. REPORT OF THE TREASURER

- 1. For the period ending October 31, 2007, the following report was provided:
 - a. Dues Income YTD: \$2,556,044.48 (97% of budgeted dues)
 - b. Total Income YTD: \$2,799,503.92
 - c. Budgeted but not yet expended YTD: \$1,751,154.28

2. A representative of Ellin & Tucker gave a report regarding their audit of the MSBA’s financial statements for fiscal years ending June 30, 2007 and June 30, 2006. The report indicated that the MSBA is in excellent financial condition and that the auditors found the MSBA’s financial statements to be in conformity with generally accepted accounting principles. A Motion to accept the auditor’s report was approved.

E. REPORT OF THE PRESIDENT-ELECT

1. President-Elect Kathy Kelly Howard reported that during the prior week she, her husband Judge John Howard and President Alison Asti went to the U.S. Supreme Court for the Rehnquist Awards Dinner sponsored by the National Center for State Courts.

III. REPORT OF THE COMMITTEE ON LAWS

Chairman Michael Baxter and MSBA Director of Legislative Relations Richard Montgomery provided a report on the recent Legislative Special Session. It was noted that while the Special Session was called by the Governor to primarily address taxes and slots, whenever a Special Session is called, any Bill can be introduced. There was no push during the Session for a tax on legal services. There was, however, a Bill passed which essentially states that the Client Protection Fund starting July 1, 2008, will have to certify that all attorneys have paid all undisputed taxes before the fund will be permitted to certify a given attorney. At least two legislators have already stated that they intend to introduce legislation during the upcoming regular session to amend this provision.

IV. REPORT OF SECTION OF JUDICIAL ADMINISTRATION

The Honorable Lynn Battaglia reported that her Section is working on the following three projects:

- a. The Masters Project – Working under the premise that some Circuit Court Masters may be judicially undereducated, this Project encourages more judicial education of masters working in the Circuit Court.
- b. The “Are You Smarter Than A Law Student” project – This project encourages more in-depth knowledge of the Maryland Rules of Civil Procedure by the average practitioner. It is envisioned that this may be a program which could be “taken on the road” throughout the State with the various local Bars.
- c. Telephone Testimony – The Section of Judicial Administration is looking at the viability of telephone testimony, although the notion is not very promising.

V. REPORT OF THE LONG RANGE PLANNING COMMITTEE

The Honorable Lynne Battaglia reported that the Long Range Planning Committee has had its initial meeting during which there was a great brainstorming session. During the session, several items were discussed including the following:

- a. The technology divide between younger members of the Bar and more senior members of the Bar;
- b. Access to Legal System and The Future for *Pro Se* litigants;
- c. The Future for CLE (i.e., will it become mandatory?); and
- d. The Relevance of the Bar?

VI. ANNOUNCEMENTS

- a. The MLSC will have its 25th Anniversary Reception on December 10, 2007.
- b. The MSBA’s Young Lawyers Section will again participate in the Polar Bear Plunge. This will take place on January 26, 2008 and will benefit Special Olympics of Maryland.
- c. There are still openings available for the Mid-Year Meeting in Playa Del Carmen, Mexico.
- d. BOG Member Bob Anbinder recently went to the Federal Bench Bar Meeting and suggests that it may be a good idea to have similar Maryland State Bench Bar Meetings, as it is a good time to interact between the Bench and the Bar.

VII. ADJOURNMENT: The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Thomas C. Cardaro, Secretary