

**MARYLAND STATE BAR ASSOCIATION
BOARD OF GOVERNORS'
MINUTES
TUESDAY, DECEMBER 18, 2007
SENATE CHAMBER, MARYLAND STATE HOUSE
ANNAPOLIS, MARYLAND**

President Alison Asti called the meeting to order at 5:40 p.m. There were 33 members, the Executive Director, various Bar staff, and several guests including Chief Judge Robert Bell in attendance.

I. MINUTES

- A. The Board of Governors' Minutes for November 20, 2007, were approved.

II. REPORT OF THE OFFICERS

A. REPORT OF THE PRESIDENT

1. Various events, correspondence and articles:
 - a. The Court of Appeals has adopted an IOLTA Comparability Rule, effective April 1, 2008. This will greatly benefit the Maryland Legal Services Corporation.
 - b. The MLSC's 25th Anniversary Dinner was a great event with great speakers.
 - c. The MSBA is planning a Rule of Law Conference in May. We are working to get a comprehensive list of attendees. Judges Missouri and Raker are working with us on planning the Conference.
2. President Asti brought to the attention of the BOG Governor O'Malley's judicial appointments as follows:

Joseph F. Murphy, Jr. – Court of Appeals
Crystal Mittelstaedt – Circuit Court for Prince George's County
Beverly Woodard - Circuit Court for Prince George's County
Nicholas Rattal - Circuit Court for Prince George's County
Broughton Miller Earnest - Circuit Court for Talbot County
Michael Wachs - Circuit Court for Anne Arundel County
Emanuel Brown - Circuit Court for Baltimore City
Angela Michele Eaves - Circuit Court for Harford County
BOG Member Timothy McCrone - Circuit Court for Howard County

3. President Asti reported that both of Maryland's U.S. Senators have voiced opposition to President Bush's nomination of U.S. Attorney Rod J. Rosenstein to the United States Court of Appeals for the 4th Circuit. It is widely believed that if both Maryland Senators oppose the nomination, then it is unlikely to be confirmed.

4. President Asti reported that the Maryland Insurance Commissioner has ordered one of Maryland's insurers, Medical Mutual, to repay a \$68,000,000 dividend to the state. However, the order has been delayed for 30 days to allow the insurer time to work out a compromise which will have the effect of reducing next year's insurance rates for Maryland physicians.

B. REPORT OF THE EXECUTIVE DIRECTOR

1. Membership:

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

- a. Resignations – 11
- b. Disbarments– 1
- c. Deceased - 3
- d. New Members – 21
- e. Reinstated Members – 24
- f. Total Membership Count – 22,510

Note: Last year at this time our total membership count was 22,107.

2. The Executive Director, Paul Carlin, reported that we will soon add approximately 1,100 new attorneys as members. However, we will drop several hundred members for lack of payment of dues. At this point, there are approximately 1,300 who have not paid their dues. Staff members are calling those persons who have not paid their dues. It is hoped that the number will get down to approximately 800 after calls are made to all who have not paid. Electronic benefits were terminated November 1 for those persons who have not paid their dues. Furthermore, Attorney Manuals will not be mailed out to those persons who have not paid their dues. A Motion was passed to extend the dues deadline to the end of February.

3. The MSBA recently put on the Professionalism Courses. They went very well despite weather and traffic woes. One of the courses was scheduled at the same time as the Army/Navy football game in Baltimore. The MSBA staff called 500 people to advise them of the event and asked them to come early to the course.

4. Richard Vincent who has been our long time Director of the Lawyers Assistance Program is fully retiring as of December 31, 2007.

C. REPORT OF THE SECRETARY – No report.

D. REPORT OF THE TREASURER

1. For the period ending November 30, 2007, the following report was provided:

- a. Dues Income YTD: \$2,610,532.48 (over 99% of budgeted dues)
- b. Total Income YTD: \$2,932,103.67
- c. Budgeted but not yet expended YTD: \$1,529,064.90

2. A Motion was made to amend the 2007 -2008 budget as follows: \$5,000 for the At Risk Youth Committee to go toward their Law Day Conference on expanding the Teen Court program in Maryland. The second amendment is \$1,672 for the Planning Committee chaired by Judge Battaglia (the formula amount for this committee). Both of these requests were approved by the Budget and Finance Committee. The Motion for the budget amendment was approved.

E. REPORT OF THE PRESIDENT-ELECT

President-Elect Kathy Kelly Howard asked everyone to “save the date” of March 7, 2008 for the Young Lawyer Section’s Mardi Gras for Mentoring event. Kathy also extended congratulations to Immediate Past President Ed Gilliss for his appointment as the Head of the Baltimore County Planning Board.

III. REPORT OF STANDING COMMITTEES

1. Membership Committee: Chairperson Kathleen Howard Meredith reported that her committee has had two meetings during which certain recommendations were made. Those recommendations were as follows:

- a. Student Membership – A Motion was made to change law student membership to make it such that law students can join the MSBA for a \$15.00 fee which will entitle them to MSBA membership, automatic YLS membership, and free membership in one section, as long as the section agrees to student membership. The Motion passed. Note that the University of Baltimore has agreed that they will pay the \$15.00 for their student members.
- b. Motion was made to allow the new admittees to the Bar from the prior December and May to come to the next MSBA Annual Meeting for free, but only attend those things which are not of additional cost to the MSBA (i.e. CLE Programs). If said new admittees want to attend things that are of additional cost to the MSBA (i.e. President’s Reception, etc.) they would need to pay the regular fare like anyone else. Motion passed.
- c. Motion was made to accept Affiniscape as a member benefit. This program allows members to accept credit cards as client payment, and keeps the payment separate between escrow accounts and operating accounts. There also is an affinity payment to

the MSBA. Motion passed.

d. Motion was made to accept EsqSites123.com as a member benefit. This is a website designer. Amended Motion passed asking Membership Committee to further investigate the company and report to the Executive Committee on the track record of the company and the quality of their product. The Executive Committee then to decide whether to approve this member benefit without the need to come back to the BOG.

B. Report of Laws Committee:

1. Michael Baxter, Chair, reported on the Committee on Laws' recommended changes to the MSBA Legislative Program for the 2008 Legislative Session. He also gave a handout with all of the recommended changes. Most of the changes were to delete obsolete language, consolidate separate issues, etc. The only substantive proposed change was from the past MSBA position to oppose any attempt to change the jurisdictional limits of the various courts unless there was a substantial need to do so. The proposed change is to change the position on jurisdictional amounts to "monitor." A Motion to accept the proposed changes was approved.

2. Chief Judge Bell has written to President Asti asking for the MSBA's support for the three Bills which comprise the 2008 Judicial Conference Legislation as follows:

a. District Court Commissioners being permitted to sit in any jurisdiction without an emergency designation by the Chief Judge of the District Court;

b. Changes to the Permanency for Families and Children Act of 2005, which would bring that Act into compliance with Federal child welfare laws; and

c. Legislation which would allow Circuit and District Courts to violate probation within one year from the end of probation, as long as the violation occurred during the period of probation.

Motion was passed to support the above three Bills.

IV. REPORTS OF SECTIONS

A. Animal Law Section. Past Chair of the Animal Law Section, Alan Nemeth, reported that two of the medical schools in Maryland, Johns Hopkins School of Medicine and the Uniformed Services University of the Health Sciences School of Medicine use live animals to help train medical students. He gave an example of the use of live ferrets to train anesthesiologists how to intubate pediatric patients. He said many medical schools around the country have abandoned the use of live animals to train medical students. In schools where live animals are not used, Mr. Nemeth explained that simulators are used and then later the students are trained on live patients. He asked the BOG to pass a Motion directing that a letter be sent from the President or BOG to both of the above medical schools asking them to reconsider under Federal law their use of live animals for training medical students. Such a Motion was made but it was not seconded.

A new Motion was made, and passed, to the effect that the Animal Law Section will draft a statement which they would like to send to the two medical schools at issue. They will then bring that statement to the next BOG meeting and ask for BOG approval to send the statement to the medical schools.

V. SITTING JUDGES

Motion was passed to issue a press release supporting the sitting Judges in Harford and Talbot counties. These sitting Judges are facing contested elections.

VI. SPECIAL ORDER OF BUSINESS, REPORT FROM CHIEF JUDGE BELL

A. Chief Judge Bell reported the good news that the IOLTA Comparability Rule has passed. He also mentioned that there may be upcoming issues with respect to funding for judicial information technology. Finally, he described the Access to Justice Initiative work group which is chaired by the Honorable Clayton Greene.

VII. NOMINATION OF OFFICERS

A. Motion was passed to not go into executive session for the nomination of officers in light of the fact that there are no known contested elections.

B. BOG member Mark Scurti nominated Secretary Thomas C. Cardaro for President-Elect. The BOG voted to elect Mr. Cardaro as the President-Elect nominee.

C. BOG member Judge Mary Beth McCormick nominated Thomas D. Murphy for Secretary-Elect. The BOG voted to elect Mr. Murphy as the Secretary nominee.

D. The Honorable Joan Gordon nominated Treasurer John Kudel to continue in his role as Treasurer. The BOG voted to elect Mr. Kudel to continue as Treasurer.

E. Per longstanding tradition, Motion was passed to appoint Tom Murphy as Assistant to the Secretary for the balance of the Bar year.

VIII. ADJOURNMENT: The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Thomas C. Cardaro, Secretary