

**MARYLAND STATE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
MINUTES
TUESDAY, SEPTEMBER 16, 2008
BELAIR MANSION
12207 TULIP GROVE DRIVE
BOWIE, MARYLAND 20715**

President Kathleen Kelly Howard called the meeting to order at 5:40 p.m. There were 37 members, the Executive Director, various bar staff and 1 guest.

I. MINUTES

The Minutes for the Board of Governors Meetings of June 11, 2008, of June 14, 2008 and the Minutes of the Annual Meeting of June 14, 2008 of were approved.

II. REPORT OF THE OFFICERS

A. REPORT OF THE PRESIDENT

1. President Howard reported on the ABA Annual Meeting held in New York City along with Robert Gonzales, the MSBA state delegate, and attendance at the National Caucus of State Bars. The NY State Bar is going to send a list of questions to send to the candidates for President of the United States. There will be a strong push by the incoming ABA president to establish a dialogue with the new administration and eliminate controversy about judicial selections. There will be an effort to refine and simplify the goals of the ABA. There are 400,000 members of the ABA out of 1,200,000 lawyers in the United States with 75% of ABA members coming from large firms.

2. President Howard reported on various correspondence and clippings that were attached the agenda for the meeting, including a thank you note from the Secretary, an announcement about BOG members Thomas P. Ryan and Paul Kemp, an attorney-client privilege article regarding the Department of Justice and the ABA, the American Judicature Society statement on merit selection of judges, an editorial from the Baltimore Sun on juries, an article about law school loan payments, a letter about the MSBA softball tournament, an article about past president Asti return to a law firm and an MSBA YouTube competition.

3. President Howard reported on the Annual Meeting in Ocean City and concerns about the meeting location raised by members, including the parking problem at the hotel. These concerns will be referred to the Program Committee for review.

4. President Howard discussed the request made to the MSBA to file an amicus brief in the Court of Appeals (*Richmond v. District Court of Maryland*) regarding the appointment of

counsel at the first appearance of a criminal defendant before a commissioner. The Board was provided materials with the agenda regarding the 1997 BOG policy position taken on this same topic. The President advised that there was no opportunity to review that policy and, if it was appropriate, to file a brief by the deadline set by the Court of Appeals briefing schedule. There was no request to revisit the 1997 BOG policy position which supported the appointment of counsel for a criminal defendant at the first appearance before a District Court judge.

5. President Howard provided a report regarding the mortgage foreclosure crisis that had been highlighted by Chief Judge Bell's remarks at the June, 2008 Annual Meeting. Over 2,000 brochures have been distributed, a number of training sessions have been conducted by the Pro Bono Resource Center which is coordinating the training. The President thanked Sharon Goldsmith and MICPEL for their efforts. The President then presented to the Board a request to pay \$10,000 from the Association's capital reserves to reimburse the Court of Appeals for a portion of the funds that the Court advanced for the foreclosure training. In addition, the Association would ask the Maryland Bar Foundation to reimburse the Court a similar amount. Treasurer Kudel advised that the funds would come from the Reserve Funds of the Association since there is no allocation for this request in the annual budget. After discussion, the amount was raised to \$20,000 to send to the Court.

6. The President submitted and the Board approved appointments for local members to the Judicial Appointments Committee.

7. The President referred the Board to the information provided about the Commission to Study the Title Insurance Industry. This will be referred to the Public Protection Committee and the Real Property Section for comment. Richard V. Montgomery will report on the bills in the legislature on this topic.

B. REPORT OF THE EXECUTIVE DIRECTOR

1. The Executive Director reported the following changes in membership since the Board of Governors meeting on June 14, 2008:

Resignations – 165; Dropped members – 3; Deceased members - 20
New members – 370; Reinstatements – 129; Total membership count - 23,026

2. The following honorary members were approved as presented by the Executive Director: Honorable J. Norris Byrnes, L. Rodney Compton, Eugene A. Edgett, Jr., Milton Heller, Albert W. Laisy, Manfred W. Leckzas, Leonard H. Lockhart, Jerome H. Markoff, Joseph M. Mathis, John J. McKenna, James R. Miller, Robert J. Thieblot, and Honorable Basil A. Thomas.

3. The Executive Director reported on the continuing effort to recruit corporate counsels as members of the MSBA. A letter was drafted and sent to 148 general counsels from the Business Law Section Chair and President Howard urging them to join the MSBA.

4. The Executive Director reported on the planning for the Southern Bar Conference to be held in Annapolis from 9/25 - 9/27. Maryland is the host this year for the 20 bar associations that comprise this group.

5. The Executive Director reported on a newspaper article in the Baltimore Sun; the change in the Baltimore County Circuit Court security procedure as a result of a member's complaint; the Med-Chi membership increase; the MSBA staff with 20 year anniversaries; and the Planning Committee's progress. The Planning Committee anticipates providing a report by May, 2009 to the Board.

C. REPORT OF THE SECRETARY

1. The Secretary reported on the Executive Committee Meeting of 9/2/08.

2. The Secretary provided the annual report of the membership as it affects the election of members of the Board of Governors. He referred any detailed questions to the Executive Director who had prepared the calculations based on the numbers of members in each district.

D. REPORT OF THE TREASURER

.Treasurer Kudel reported that 101.8% of the budgeted dues for fiscal year 2007-08 were received. So far this year, 89.8% of budgeted dues have been collected. The Association's auditors, Ellen & Tucker expect to present their audit report at the November, 2008 Board meeting.

E. REPORT OF THE PRESIDENT-ELECT

President-Elect Cardaro reported on his attendance at the ABA Annual Meeting in New York City and his participation in meetings with the other president-elects from the associations who comprise the Southern Bar Conference.

III. REPORTS OF STANDING COMMITTEES

Mark Scurti reported on the preparations for the Local Bar Presidents conference in Ocean City scheduled for October, 2008 at the Princess Royale Hotel. He referred the Board members to the website which has been created for the conference and which can be accessed through the MSBA website.

IV. REPORTS OF SPECIAL COMMITTEES

The Military Law Committee which was formed in the last bar year reports that it has held its first meeting.

V. REPORTS OF SECTIONS

Michelle E. Stawinski reported on the Young Lawyers Section planned activities for the coming bar year, including support for the Local Heroes program.

A proposal submitted to the Board of Governors by the Business Law Section for a By-Law amended was discussed. The Business Law Section is requesting an expansion of the members of the Board of Governors to include representation by the five largest sections. President Howard proposed that a blue ribbon committee chaired by past president Edward Gillis be formed to study and report to the Board of Governors on the proposal. The committee will be asked to look at bar governance from other state bar associations, to survey local bar associations for their positions, to survey smaller sections for their positions and to look at voting v. non-voting by any additional members added to the Board. It was noted that the proposal must come to the Board of Governors for review and appropriate notice given of any possible action to be taken at the annual meeting. A report by the special committee is expected for the Board's January, 2009 meeting.

VI. UNFINISHED BUSINESS AND GENERAL ORDERS - None.

VII. NEW BUSINESS

Judge William O. Carr has asked the Board of Governors to entertain the concept of certification of attorneys in Maryland. President Howard will review which sections would be affected by such action. Consideration will be given to the creation of a special committee to study certification of attorneys in Maryland.

Philip Closius, Dean of the University of Baltimore School of Law, appeared as a guest and acquainted the Board with his vision for the school. This includes a new building which will open in 2012 at a cost of \$107 million dollars with the State's contribution at \$92 million dollars, leaving the school to raise \$15 million dollars. Dean Closius reminded the Board that students graduate from law school with enormous debt, typically over \$75,000.

VIII. ANNOUNCEMENTS

The Maryland Bar Foundation Legal Excellence Awards dinner will be held on September 23, 2008 at the Miller Senate Building in Annapolis.

IX. ADJOURNMENT - The Board of Governors meeting was adjourned at 7:12 p.m.

Respectfully submitted,

Thomas D. Murphy, Secretary