

**MARYLAND STATE BAR ASSOCIATION  
BOARD OF GOVERNOR COMMITTEE MINUTES  
TUESDAY, NOVEMBER 17, 2009  
MARYLAND BAR CENTER  
520 WEST FAYETTE STREET  
BALTIMORE, MARYLAND 21201  
5:30 P.M.**

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President Thomas C. Cardaro called the meeting to order at 5:30.

**I. MINUTES**

The minutes of the last Board of Governors meeting on October 23, 2009 were approved as presented.

**II REPORT OF THE OFFICERS**

**A. REPORT OF THE PRESIDENT**

1. The President Thomas C. Cardaro referred to various materials in the handout for the Board's review, namely the appointment of Judge Andre Davis to the Fourth Circuit Court of Appeals, the fact that a summary judgment had been granted on the Red Flag Rule and that the request of the Sub Committee of Real Property dealing with construction for a Construction Law Committee has been approved for the preliminary stage.

2. The Ellin & Tucker audit was presented to the Board of Governors along with a handout. It was indicated that what looks like a large deficit for the year was really due to some investments and loans made to MICPEL, Legal Mutual, and the PBRC. Upon motion, the auditors report was approved by the Board of Governors.

3. Chief Judge Ben Clyburn presented an update on the case management system that hopefully will be implemented within the next few years. He basically brought the Board of Governors up to date on where we were, set out the vision for the future goals, and made a request that a committee of the MSBA be assigned to help work with him and his committee in trying to implement the new system as smoothly as possible.

**B. REPORT OF THE EXECUTIVE DIRECTOR**

1. Executive Director Paul V. Carlin presented the membership report indicating that we had 23,438 members to date.

2. Honorary membership was approved for Allen H. Stocksdale.

3. The Executive Director reported on MICPEL indicating that the letters had been sent out and the e-mails were sent out to the membership basically attempting to raise money to save MICPEL. At the present time there were no further reports as to how successful that undertaking was going to be.

4. The Executive Director stated that there were 1,066 new members who passed the Bar, along with 63 out of state members who were accepted, with a passage rate of 74% and the

necessity for four days of professionalism training to accomplish addressing all the new admittees.

5. The Executive Director stated that the Maryland Bar Foundation requested support for a crab feast on Saturday, July 24<sup>th</sup> at the Jefferson Patterson Park in Calvert County of which the MSBA would be supportive.

6. The Executive Director handed out the materials which were sent to all of the various bar associations on how nominations for the Board of Governors should be made for the following year as well as the appropriate numbers for each circuit.

7. Upon motion the Board granted a request for a dues waiver for a husband and wife who dually requested the same for hardship reasons.

### **C. REPORT OF THE SECRETARY**

Secretary Henry E. Dugan, Jr. reported that there had been an Executive Committee meeting telephonically on November 3<sup>rd</sup> discussing basically the same matters that were being brought up to the Board that date.

### **D. REPORT OF THE TREASURER**

1. Treasurer John P. Kudel referred to p. 26 of the handout indicating that we are just under 5% of the budget at the halfway point this year.

2. Treasurer Kudel also referred to a handout indicating an amendment by the Budget and Finance Committee because of the request by the Construction Law Committee.

3. Treasurer Kudel further pointed out that although there has been no dues increase in 20 years there has been a projection for a loss over the last 5 years, although only in 2 of those years was there an actual loss. He stated that it was likely that sometime in the course of the next year or two there will probably be a need for a dues increase.

### **E. REPORT OF THE PRESIDENT ELECT**

1. President Elect Thomas D. Murphy applauded the MSBA for its close to 70% membership in a voluntary bar association.

## **III. REPORTS ON STANDING COMMITTEES**

1. Richard A. Montgomery, III, Director of Legislative and Governmental Relations handed out the MSBA preliminary State Legislative Program for the year 2010 indicating that there were no substantive changes in the program.

## **IV. REPORTS OF SPECIAL COMMITTEES - NONE**

## **V. REPORTS OF SECTIONS -NONE**

## **VI. UNFINISHED BUSINESS & GENERAL ORDERS**

1. President Thomas C. Cardaro gave a brief history of the prior action of the MSBA Board of Governors with regard to the question of mandatory continuing legal education. Since historically there did not appear to be any direct survey of the membership, a brief e-mail survey was carried out. There was an overwhelming 70 to 30 percent vote of the membership saying “no” to mandatory CLE. A motion was made enunciating a strong support for continuing professionalism and legal education for all of our members, but at the same time opposing mandatory CLE, reflective of the recent membership survey. The motion was carried by the Board of Governors.

## **VII. NEW BUSINESS**

1. The Hon. William O. Carr asked whether or not it would be appropriate at this time to have the Board support a resolution with regard to filing fees. President Thomas C. Cardaro, in keeping with an earlier determination, stated that the matter was premature since there had not yet been any bill that had been vetted by the Committee on Laws or by all of the other sections that would have an interest in the matter as is required by the by-laws. The matter was postponed to a later appropriate date.

## **VIII. ANNOUNCEMENTS**

1. The next meeting of the Board of Governors will be held on December 15, 2009 in the Senate Chamber in Annapolis.

## **IX. ADJOURNMENT**

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

Respectfully submitted,

Henry E. Dugan, Jr.  
Secretary