

**MARYLAND STATE BAR ASSOCIATION  
BOARD OF GOVERNOR COMMITTEE MINUTES  
FRIDAY, OCTOBER 23, 2009  
SOLOMON'S ISLAND HOLIDAY INN SELECT  
SOLOMONS, MARYLAND 20688  
2:00 P.M.**

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President Thomas C. Cardaro called the meeting to order at 2:08 p.m.

**I. MINUTES**

The minutes for the Board of Governors' meeting for September 22, 2009 were approved as presented.

**II REPORT OF THE OFFICERS**

**A. REPORT OF THE PRESIDENT**

1. The President indicated that there were various correspondence and clippings for the Board to review at their leisure.

2. President Cardaro brought the Board of Governors up to date with regard to the Mid-Atlantic and Southern Conference of Bar Presidents meetings that had been attended by President Cardaro, President Elect, Thomas D. Murphy, Immediate Past President Katherine Howard and Executive Director, Paul V. Carlin. He indicated that one of the main areas discussed was technology and told the Board of Governors that we can be proud that our Maryland State Bar Association is doing as much, and probably more, than any of the other Bar organizations, which included 23 different states between the two organizations.

3. Reference was made to DLLR letter that had been sent to the State Bar Association. President Cardaro reported that the Executive Committee sent a copy of the letter to the Ethics Committee, the Pro-Bono Center and the Real Property Section for their thoughts and that no other action would be taken at this time until we have heard back from all of those committees. It was reported that Bar Counsel is seeking an Ethics Opinion from our committee.

4. Executive Committee member Jason C. Hessler reported on the cell phone policy which had been discussed at length by the Maryland Rules Committee. A determination of no action was made by that committee which would leave things in place, with each individual Courthouse deciding what would be appropriate. President Cardaro reported, however, that he had spoken with Chief Judge Robert M. Bell of the Maryland Court of Appeals who recommended that a draft of a proposed Order be submitted for his review to at least deal with the question of what would be expected of attorneys in all the courthouses of the state. Page 40 of attachment 5 to the Board of Governors meeting offered a draft that would be proposed and it was, upon motion, accepted as written, with one amendment to section A where the term "courthouses and courtrooms" was substituted for simply "courtrooms".

5. With regard to publication of the Court of Special Appeals unreported decisions online, President Elect Murphy has made arrangements for Chief Judge Peter B. Krauser of the Court of Special Appeals to address the MSBA Board of Governors at the December meeting.

6. President Cardaro indicated that a discussion was also held with Chief Judge Bell with regard to the potential for so called “low bono” along with pro bono on the pro bono reports. Low bono would be used for those cases where attorneys represent those who are unable to pay at greatly reduced fees, but still charge something.

## **B. REPORT OF THE EXECUTIVE DIRECTOR**

1. Executive Director Carlin reported with regard to the FTC Red Flag Rule that we should hopefully know something before the November 1<sup>st</sup> date when the initiation of the Rule was to take place.

2. The Executive Director gave a membership report indicating the number of resignations, was high at 119 resignations. Per our Bylaws, some membership benefits will be cut at the end of October. At the present time there are 23,461 members of the Bar, however with the new additions. A number of Honorary Members were presented and approved by the Board for those that met the requirements for Honorary Membership.

3. With regard to the University of Baltimore Law School memberships, they will no longer be continued because of difficulties from administrative problems at the Law School.

4. Reference was made to the attachments for information only and the fact that a number of states are now joining in a uniform U.S. Bar exam and publication of the various pass/fail rates for the states throughout the country.

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

Secretary Henry E. Dugan, Jr. reported that the Executive Committee of the MSBA had met earlier in October to discuss the various matters that were being brought up with the full board at this meeting.

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

Treasurer John P. Kudel reported that we were at 92% for dues that have been received which is historically appropriate for this point during the year. There was also a motion made and approved for upgraded computer work stations for \$53,371.00, as approved by the Budget and Finance Committee.

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

President Elect Murphy joined in with the presentation that had already been made by President Cardaro with regard to the success and standing of the MSBA in the Mid-Atlantic Bar and Southern Bar Conference meetings.

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

James Quinn, director of the Lawyer Assistance Program, reported, along with what had been included with the handout materials, that his office had handled 80 cases during the past year and 75% are either self referred or referred by other attorneys. He also indicated that the question of “aging” attorneys having problems is a new area that they are attempting to deal with both in Maryland and nationwide. His office was taking steps to accomplish that expertise.

#### **IV. REPORTS OF SPECIAL COMMITTEES**

The members of the Leadership Academy who were present were introduced to the Board of Governors.

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

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

a. The question of MICPEL being given the MSBA mailing list for their use in trying to raise money was brought up before the Board of Governors. The Board approved upon motion the fact that the list would be given to MICPEL with oversight to be conducted by the MSBA Executive Committee.

b. Discussion was made of the upcoming survey on mandatory CLE which will consist of 11 questions and it will be sent out to 18,000 attorneys in the state for whom the MSBA has e-mail addresses. During the November meeting the Board of Governors will debate the issue.

#### **VII. NEW BUSINESS**

The Board of Governors was made aware of the fact that the rules of conduct for the judiciary indicates that for *pro se* litigants judges will take steps to “reasonably accommodate” *pro se* litigants in the courtroom. Since the Court of Appeals has already made various rulings with regard to the appropriate treatment of *pro se* litigants, it did not seem to change the status quo.

#### **VIII. ANNOUNCEMENTS**

There were various attachments made for the Board of Governors to review and it was stated that the next Board of Governors meeting would be on November 17, 2009 at the MSBA Bar headquarters.

#### **IX. ADJOURNMENT**

Adjournment occurred at 3:45 p.m. There were 31 Board members in attendance for the meeting.

Respectfully submitted,

Henry E. Dugan, Jr.  
Secretary