

**MARYLAND STATE BAR ASSOCIATION  
BOARD OF GOVERNOR COMMITTEE MINUTES  
TUESDAY, FEBRUARY 17, 2009  
MARYLAND BAR CENTER  
520 W. FAYETTE STREET  
BALTIMORE, MARYLAND 21201  
BAR HEADQUARTERS CONFERENCE ROOM**

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President Katherine Kelly Howard called the meeting to order at 5:45 p.m. There were thirty-one Board of Governors members in attendance.

**I. “LAW IN YOUR DAILY LIFE”**

The meeting was begun with a short video that is being aired on YouTube, asking citizens to do a short one to three minute video and submit it to the Maryland State Bar Association for prizes. The video was sponsored by the Public Awareness Committee.

**II. MINUTES**

The Board of Governors minutes for January 20, 2009 were approved as submitted.

**III. BY LAWS COMMITTEE REPORT**

1. Taken out of order was the report of the Special Committee to study the MSBA bylaws presented by Past President Edward J. Gilliss who chaired the Special Committee. The Special Committee met with several representatives of the larger sections, specifically the sections of business law, real property, estates and trusts, litigation and family and juvenile law, to discuss their concerns regarding representation on the Board of Governors.

Although considerable sensitivity was expressed regarding the sections’ concerns, the Special Committee recommended the current geographic distribution of the Board of Governor representation since it has successfully encouraged Bar leadership participation from all parts of the state and recommended that we not specifically include section chairs at this time on the Board.

Motion to postpone consideration was defeated and a motion was carried not to increase the size of the Board of Governors or to change its present geographical makeup. It was determined however that section council reports and perhaps invitations to attend board meetings in a non-voting capacity ought to be considered at the discretion of our president.

**IV. COMMITTEE ON LAWS**

1. The Chair of the Committee on Laws Michael J. Baxter then presented two packets of bills. The first being the Profile of the MSBA President and EXCOMM Action Report 1, which had been dealt with by the Executive Committee on an emergency basis. There were no questions with regard to that packet. The second packet was MSBA Board of Governor Approval List I, dated February 17, 2009, which included a series of bills and the positions recommended to the Board of Governors by the Committee on Laws.

2. Consideration of the family law bills and death penalty bills was not taken at that time so that they could be considered separately. Also temporarily withdrawn was the position to oppose House Bill 514 on Good Samaritan Laws-Corporations pending further discussion out of deference to the sponsor of the bill. A motion was made, accepted and carried supporting the recommended position of the Committee on Laws with regard to all of the other bills.

3. At this point the position of the Committee on Laws with regard to their recommendation on the civil marriage bills was presented. Chairman Michael J. Baxter indicated that the position of the committee was to preemptively take no position and invite the sections to offer substantive input to the committees in Annapolis. Cynthia Callahan, chair of the Family and Juvenile Law Section Council of the MSBA, along with member Craig J. Little, then made a presentation on behalf of that section seeking Board approval for a position before committees in Annapolis favorable to Senate Bill 565 and against Senate Bill 647 (House Bill 913 was a cross-file). There was considerable discussion about the federal and state benefits that were denied to the over 15,000 same-sex couples in Maryland, as well as the adverse effects on the rights of children with regard to inheritance, custody and so forth. A motion was made to accept the recommendation of the Committee on Laws, followed by an amendment to the motion that the MSBA take no position with regard to the bills but invite the sections to take a position and explain their positions on the bills to the legislature. This motion carried.

4. Chairman Michael J. Baxter then stated the position of the Committee on Laws with regard to Senate Bill 279 and House Bill 316 dealing with the death penalty. The Committee on Laws recommended support of the Governor's bills repealing the death penalty. At this point MSBA Laws Committee member Laura Kelsey Rhodes made a presentation to the MSBA Board of Governors with regard to these bills reviewing the Maryland Commission on Capital Punishment chaired by former Attorney General Benjamin R. Civiletti in a report that was issued on December 12, 2008 to the General Assembly favorable to the Governor's bill repealing the death penalty. Richard Finsi, chair of the Criminal Laws Section Council, along with council member Paul B. DeWolfe, Jr., the Deputy Public Defender for Montgomery County, also urged the Board to support the Governor's bill to abolish the death penalty.

The motion in support of the Committee on Laws position supporting the repeal of the death penalty carried overwhelmingly. The rest of the Committee on Laws report was otherwise accepted with the suggestion to monitor House Bill 794.

## **V. REPORT OF THE OFFICERS**

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

1. Executive Director, Paul V. Carlin, next reported that our membership was up almost 1,000 members over last year, largely because of the new admissions to the Bar. The total membership count for the MSBA is a record number 24,494. Honorary membership was extended to Melvin Goldstein by the Board of Governors.

2. Although a line of credit was established in 2000 for MICPEL, an actual loan of \$100,000.00 was made on February 5, 2009 after consultation with the Executive Committee of the Maryland State Bar Association. Although an anniversary gala had been planned for the

Peabody Library on Friday, April 18, 2009, it was cancelled given the economic conditions at the present time.

The Executive Director of MICPEL, Brenton G. Burry has tendered his resignation so that he can return to his beloved South Carolina. His departure is scheduled for May. A MICPEL search committee has been formed, on which Paul Carlin will serve.

3. The Executive Director indicated that the total value of Fastcase to the membership was estimated at \$644,800.00 and some 4,000 members have so far made use of the Fastcase free legal research.

4. The Executive Director indicated that applications for positions on the Board of Governors within Baltimore City, which closed on February 11, 2009, include five recommendations by the City Bar Association and four by petition. Consequently, an election will be held for the Board of Governors for Baltimore City.

5. The MSBA had phone service interrupted for three days although it never lost its email/ internet connection during that time. The Executive Director has obtained one month of phone service free as compensation for the interruption.

6. Legal Mutual has cured its surplus deficiency and the Executive Director discussed the activity of the Fee Dispute Resolution Committee.

## **B. REPORT OF THE SECRETARY**

February 3, 2009 Executive Committee Meeting minutes were submitted by Thomas D. Murphy, Secretary. The "symbolic pencil" was passed baton-like to Assistant Secretary, Henry E. Dugan, Jr. for his future services.

## **C. REPORT OF THE TREASURER**

Treasurer John P. Kudel reported that as of February 13, 2009, \$2,439,158.00 in Association dues, representing 99.5% of the budget, had been received.

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

President Elect, Thomas C. Cardaro discussed his continuing search for next year's mid-year meeting location. Although Aruba looked promising, it was in the \$3,000.00 range and he continues to try to find a good location in the \$2,000.00 range which has been our association's continuous goal.

## **E. REPORT OF YOUNG LAWYERS**

Michelle E. Stawinski gave the Young Lawyers report highlighting the volunteerism and public service work of the Young Lawyers. Over \$6,000.00 was raised for Special Olympics with the Polar Plunge and a request was made for the support of the annual charity event which

is coming up on March 13, 2009. Sponsorships and silent auction items are needed as well as good attendance.

**VI. FINAL REMARKS**

President Katherine Kelly Howard reminded the Board of the upcoming meeting on March 19 at the Lakewood Country Club and reminded all that spouses were invited to the April Board meeting at the Riverfront (Donaldson-Brown) Mansion in Port Deposit.

**VII. ADJOURNMENT**

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Henry E. Dugan, Jr., Assistant Secretary