

**MARYLAND STATE BAR ASSOCIATION
BOARD OF GOVERNOR COMMITTEE MINUTES
THURSDAY, MARCH 19, 2009
LAKEWOOD COUNTRY CLUB
1309 GLEN MILL ROAD
ROCKVILLE, MD 20850**

President Katherine Kelly Howard called the meeting to order at 5:40 p.m. There were thirty-two Board of Governors members in attendance.

I. MINUTES

The Board of Governors Minutes for February 17, 2009 were approved as submitted

II REPORT OF THE OFFICERS

A. REPORT OF THE PRESIDENT

1. President Katherine Kelly Howard reported that the mid-year meeting in Jamaica was a tremendous success both in terms of the CLE programs and the smooth and excellent way in which the entire trip was handled. She also expressed great appreciation for all those gifts that were donated for St. Christopher's School for the Blind.

2. President Howard pointed out the very favorable article with regard to a Board of Governor member, Beth M. Beam, that appeared in the Frederick newspaper and asked that the Board of Governors take note of the other article clippings that were attached to the agenda.

3. President Howard pointed out that the Youtube contest is extended to the end of March and urged that all members try to get as much participation as possible by the public. She also reminded the Board of the Spotlight on Lawyers program for the good work done by attorneys in their community and recommended that letters of nomination be sent recommending as many members as possible.

B. REPORT OF THE EXECUTIVE DIRECTOR

1. Apropos of his usual timeliness, Executive Director Paul V. Carlin pointed out that at 7:44 a.m. the following day spring would arrive and pointed out as well that on February 12, 1809 not only Abe Lincoln was born, but Charles Darwin also came into the world.

2. The Board was reminded that our next Board of Governors meeting on April 14, 2009 would be at the beautiful Donaldson-Brown mansion overlooking the Susquehanna, and that spouses and guests were invited for that occasion.

3. April 21-23 will be ABA days in Washington, DC and the officers will be meeting with Representatives and Senators at that time.

4. There was a reminder that on May 8th & 9th the Board of Governors retreat will be taking place in Bedford, Pennsylvania, where our first President (the only sitting President to lead troops into battle) put down the Whiskey Rebellion in 1796.

5. Membership. There were 83 resignations and 1,165 were dropped for non-payment of dues. However, the Executive Director pointed out that being over 1,000 is not unusual for us at this time of year and urged all to work on getting as many as possible to apply as soon as possible for reinstatement. 428 of those are from out of state. The Executive Director pointed out that we continue to have the least expensive dues for a Bar Association in the nation. The last time we raised the dues was in 1990. At the time of the meeting there were 23,279 members in the MSBA. Lester D. Bailey and Murry I. Resnick were given honorary membership by the Board.

6. A video camera was purchased by the staff to do Youtube membership interviews and so forth.

C. REPORT OF THE SECRETARY

Secretary Thomas D. Murphy seconded President Katherine Kelly Howard's glowing report on the success in Jamaica.

D. REPORT OF THE ASSISTANT SECRETARY

Assistant Secretary Henry E. Dugan, Jr. reported that the meeting of the Executive Committee that had taken place on March 3rd was reflected in the agenda for the Board of Governors of Thursday, March 19, 2009.

E. REPORT OF THE TREASURER

Treasurer John P. Kudel reported that as of March 19, 2009 the section dues were \$2,450,000.00, which is 102% of the budget, giving a total of \$3,515,271.00. He also pointed out that expenses budgeted but not spent were \$1,137,000.00.

F. REPORT OF THE PRESIDENT ELECT

President Elect Thomas C. Cardaro, again complemented all on the Jamaica success and indicated that the search continues for next year's mid-year meeting location. He also asked all members of the Board to make any recommendations for a replacement for Brent G. Burry as the new director of MICPEL.

III. REPORTS ON STANDING COMMITTEES

A. REPORT OF THE COMMITTEE ON LAWS

Report given by Michael J. Baxter, Chair and Richard A. Montgomery, Director of Governmental Relations.

Two Bills were in need of attention: 1.) Senate Bill 1022, Driving Under the Influence. The recommendation was to oppose, as it would tie the hands of judges with mandatory minimum sentences, and the motion to oppose carried. 2.) House Bill 1563, Solicitation for Professional Services. The recommendation was to oppose because it was written too broadly and the motion to oppose also carried with regard to that Bill.

Richard A. Montgomery, Director of Governmental Relations, then discussed Senate Bill 279 and advised the Board of Governors on the death penalty politics. He pointed out that the judicial proceedings committee ended on a 5-5 tie and that the amendment and changes with regard to the Bill were different than that for repeal originally supported by the Board of Governors and recommended that the Board not do anything at this time. The Board agreed. He also discussed House Bill 844, The Civil Judgment Advance Regulation Act, pointing out that this area was completely unregulated in Maryland so the Commissioner of Financial Regulation has agreed to regulate in this area. The Bill has been significantly modified from the original Bill that was written far too broadly.

B. REPORT OF THE MEMBERSHIP COMMITTEE

1. Member Richard Gibson reported on the review of the ABA retirement fund to see if it was appropriate for the MSBA. So far 29 bar associations have this benefit. Richard pointed out that it lowers cost, gives better service, and better returns than some of the others that were reviewed. A motion was made and carried that recommended that we support offering the ABA retirement fund as a service to membership, but it was not an endorsement by the MSBA or the Board of Governors.

2. Executive Director Paul V. Karlin discussed the CoreVault benefit for data back up protection and a motion to approve CoreVault as a vendor carried.

IV. REPORTS OF SPECIAL COMMITTEES - NONE

V. REPORTS OF SECTIONS

A. CONSUMER BANKRUPTCY SECTION

1. Gerard R. Vetter reported that two seminars were offered in October that were quite successful. He also pointed out that the Ocean City program this year would be different and would discuss how the branches of government have responded to the foreclosure crisis. He hoped to have many key players from each branch of government as well as the federal level to discuss this at the Ocean City program.

2. He pointed out that with bankruptcy court there was a program for volunteer lawyers staffing a help desk, a half hour meeting with the lawyer to review paperwork and so forth. He reported that pro bono and low bono volunteers would also be available to pro se debtors, particularly those in Chapter 13. Secondly he pointed out that they were undertaking a restructuring of the fee system for Chapter 13 bankruptcy.

B. REPORT OF THE ELDER LAW SECTION

1. Karen Pope Onwukwe, Chair, indicated the re-publication of the age 60+ brochures that advised of free or reduced legal services that were available. She also discussed partnering with the Veterans Administration on CLE.

2. She further indicated that May 1, 2009 is Law Day and May is “older Americans month.” There would be training next year for attorneys to help out with advanced medical directives.

3. She also indicated that they were working on bringing the Uniform Power of Attorney Act to Maryland, which is supported by other sections as well as the Attorney General and AARP. The hope was that this would spell out the scope and authority of the power of attorney in a very clear and uniform way.

4. She also discussed work that was being recommended for an ombudsman for nursing homes to represent the residents and expected the section to do an email survey with regard to disability. The MSBA does not have a disability section, so they may consider expanding the scope of their section to include the area of disability as well.

C. REPORT OF TAX LAW SECTION

Christopher R. West referred the Board of Governors to the inclusion from the Tax Law Section in the agenda for this meeting.

VI. UNFINISHED BUSINESS & GENERAL ORDERS - NONE

VII. NEW BUSINESS

1. Board of Governor’s member Harry C. Storm discussed the D.C. IOLTA proposal. He pointed out that some of the language in the proposal would appear to make it mandatory to have an IOLTA account in Washington D.C. for Washington D.C. clients. However, he said it was ambiguous because there also seemed to be a safe harbor if you were complying with the IOLTA requirements in another state. He made a proposal that he be authorized to send a comment letter as proposed in our meeting agenda packet. The motion to accept the letter as written was carried.

2. Board member the Honorable William O. Carr proposed a resolution that the Office of the Public Defender budget be adequately funded and not cut and calling for level funding for this year. The motion carried.

VII. ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Henry E. Dugan, Jr.
Assistant Secretary