

**MARYLAND STATE BAR ASSOCIATION
BOARD OF GOVERNOR COMMITTEE MINUTES
TUESDAY, SEPTEMBER 22, 2009
CHESAPEAKE BAY BEACH CLUB
STEVENSVILLE, MD 21666
5:33 P.M.**

President Thomas C. Cardaro called the meeting to order at 5:33 p.m.

I. MINUTES

Approval of the minutes of the Board of Governors Meeting for June 10, 2009 and June 13, 2009 and the Business Meeting of June 13, 2009 were approved as read.

II REPORT OF THE OFFICERS

A. REPORT OF THE PRESIDENT

1. President Thomas C. Cardaro reported on the ABA Annual Meeting attendance indicating that our leadership had an opportunity to discuss the economic situation with other bar associations around the country and to discuss the new inroads in the social media. The bottom line according to President Cardaro is that we are doing as much as everyone else in their states.

2. A delegation of Bar leaders from Japan was greeted by President Cardaro at a reception on Monday, September 21, 2009 and various information was exchanged.

3. There was an attachment of the various correspondence and clippings which were provided for the perusal of the Board.

4. President Cardaro brought the Board up to date on a request of the New York State Bar Association for an *amicus* brief on a “lodestar” fee enhancement case wherein the Bar was asked on very short notice, prior to a filing in August, whether we would sign on. We did not sign on and as it turned out only two other states did join and we would have been in opposition to Maryland’s Attorney General had we signed on.

5. Chief Judge Bell’s letter: a brief history and overview of what had occurred was given by President Cardaro so that everyone understands that really no significant change has occurred, but rather in addition to sending the information to SDAT as has been done for the last 16 years, now a second copy is also sent to the State Comptroller. The request was simply for an information update.

6. The Board reviewed the proposed rule on cell phone policies and the Board upon motion passed to support the proposed rule with two changes: in section 3 (e) where b should be substituted for a, and section f, subsection (2) should be omitted, and in subsection 3 the words “permitted in a” in the first sentence should be removed and “brought into any” should be added where the aforementioned words had been removed.

7. Past President Katherine Kelly Howard brought the Board up to date on the Court's Access to Justice Commission's proposals with regard to the Maryland Legal Services Corporation funding crisis. There were three basic recommendations which had been proposed by a subcommittee: 1) an increase in the filing fee surcharge for all civil cases, 2) having the Maryland General Assembly pay money out of the state General Fund, and 3) an increase in attorney registration fees or the so called "lawyers tax" since it had really nothing to do with lawyer registration. A motion was made and passed to a) oppose any increase in the Client Protection Fund/lawyer tax; b) a motion was passed supporting funding from the state General Fund; and c) a motion was passed requesting the commission to defer action with regard to the filing fee surcharge until a presentation with regard to that matter is made to the Board of Governors, and should the commission not defer then recommending taking no position regarding that matter.

8. Attached was a report on the creation of an MSBA Committee on Legal History.

9. President Cardaro reported that the Court's Professionalism Commission was apparently considering a rule requiring mandatory CLE and President Cardaro stated that a very brief survey would be sent out by e-mail to the entire membership requesting membership input with regard to whether or not there should be mandatory CLE and that we would report back by the next meeting of the Board of Governors.

10. At this point, President Cardaro asked Barry J. Dalnekoff to give the entire Board a status report on MICPEL and an attachment was referred to in the materials given to the Board of Governors. Basically, Mr. Dalnekoff indicated that MICPEL was going to attempt to pull itself up, is making the appropriate changes to go forward, continues at this point to not go into bankruptcy and has a fundraising goal of \$500,000 over five years to make MICPEL more economically feasible.

B. REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Paul V. Carlin reported on our membership that lost 259 former members but gained 269 new members and had 109 reinstatements which brings our membership to 23,536 which is basically up 500 in one year. He also reported that there were 700 new section members and indicated that there were 23 individuals who met the criteria for honorary membership, as well as a dues waiver request by William G. Sturm, II, which the Board approved.

2. With regard to the FTC Red Flag Rule, the Executive Director stated that the ABA has filed for an Injunction and Declaratory Judgment against the FTC and the advent of the new rule has been extended to November 1st. We should have some follow-up information by our next Board of Governors meeting in October.

3. The Executive Director reported that courthouse IDs in Baltimore City will now be issued by the MSBA at the headquarters but nothing would change for all of the other venues in the state. The charge, however, approved by the Board, will increase from \$5 to \$10.

4. The Executive Director announced that the Facebook Fan Page is activated as well as 3 Twitter accounts to create new channels of communication with members.

5.
 - a) WIFI is now available in the conference room at the MSBA headquarters
 - b) Conflict of interest forms are due and mostly have been turned in
 - c) The MSBA service mark name and logo has been renewed for 10 more years
 - d) The state of Oregon has now adopted Fastcase and although we were one of the first, 17 states now endorse Fastcase
 - e) Thursday President Thomas C. Cardaro becomes 50 years old and he was presented with a gift.

C. REPORT OF THE SECRETARY

Secretary Henry E. Dugan, Jr. reported to the Board of Governors on the entitlement of representation which was given as an attachment in the handout and approved by the Board. Representation remains the same as at present.

D. REPORT OF THE TREASURER

John P. Kudel indicated that 88.2% of the budgeted dues have been collected by August 30, which amounts to \$2,208,000 that has already been received. Treasurer Kudel also asked for approval of a budget amendment request by the Consumer Bankruptcy Section, the first for the 2009-2010 fiscal year which was attached to the handouts and approved by the Board.

E. REPORT OF THE PRESIDENT ELECT

President Elect Thomas D. Murphy brought the Board up to date on his undertaking to find a location for next year's 2011 Mid-year Meeting.

III. REPORTS ON STANDING COMMITTEES - NONE

IV. REPORTS OF SPECIAL COMMITTEES - NONE

V. REPORTS OF SECTIONS -NONE

VI. UNFINISHED BUSINESS & GENERAL ORDERS - NONE

VII. NEW BUSINESS - NONE

VIV. ADJOURNMENT

President Cardaro asked all of the Board membership to review the various announcements which were attached. The meeting was adjourned at 7:45 p.m., 36 members were in attendance.

Respectfully submitted,

Henry E. Dugan, Jr.
Secretary