

# **MSBA Planning Committee Retreat 2011 Final Report**

## **Introduction**

The Planning Committee of the Maryland State Bar Association is one of 15 standing committees. Pursuant to the By-Laws, the Planning Committee has a number of specific duties:

- To evaluate the responsiveness of the Association to the needs of the profession and the public;
- To make recommendations to the Board [of Governors] for organizational revision, additional programs and modification of existing programs;
- To develop a generalized plan for modifications of existing programs and for new programs to be undertaken by the Association in future years;
- And generally to aid the President and Board in anticipating problems and in developing resolutions for the problems challenging the Association and the legal profession in the future.

In an effort to accomplish this set of responsibilities, the Committee holds a retreat approximately every 5 years. This year, the retreat was held on March 25 and 26 in Columbia, Maryland. Almost 80 people attended the retreat, all of whom have extensive experience and participation with the MSBA. The first day, they met for lunch and then met as groups of 18 to 20 people to discuss the topics. A total of 8 topics were addressed, divided into two breakout sessions of 2 hours each. On the second day, the full group met to present the recommendations of the breakout groups and to address any modifications that were needed prior to submission to the Board.

The following report describes the topics discussed at the retreat, along with a background summary of each discussion, and the list of concrete recommendations proposed by each breakout group.

## Executive Summary

The Planning Committee identified 8 topics for discussion:

- Developing Leadership and Energizing the MSBA
- The New Face of Legal Representation
- Attorney 101: Helping New Attorneys with their Careers
- Law Practice 2020: The Changing Face of the Practice of Law
- Taking a Stand: The Role of the MSBA in Controversial Issues
- Making the MSBA the “State Bar”
- Attorneys Give Back: Helping Attorneys Serve the Community
- The CLE Pie: Sharing and Dividing Revenue

Participants were gathered from the Committees and Sections, past Presidents, and specific focus groups, like Young Lawyers and members of the Pro Bono Resource Center. The goal was to have an array of perspectives represented on each group, along with the needed expertise for the discussion. The group dynamics could not have been any better—all participants discussed the issue presented and debated all aspects prior to reaching consensus on their recommendations.

In this Report, you see will a continuing theme in the recommendations that emphasizes a need for communication and coordination between the MSBA and its members and other bar associations that Maryland attorneys join. The discussion of Developing Leadership included several ideas that are similar to those proposed by the group that discussed Making the MSBA the “State Bar”. Both groups noted the need to develop members for leadership positions and the need to provide greater diversity and opportunity within the Sections and Committees as members progress along a leadership track. Even the discussion of the future of law firm management and the combination of newer attorneys and more experienced attorneys had an element of communication underlying the recommendations. And the central theme of sharing the CLE Pie came down to more focus on sharing programs and communicating between bar associations so that there is not a duplication of effort, but rather, a more effective use of resources for the benefit of everyone.

The discussion of whether the MSBA should take a position on controversial issues was itself controversial. In fact, the concerns expressed by the group addressing the MSBA’s role in controversial issues was highlighted at the plenary session. A natural pro and con discussion arose when one member pointed out that the controversy surrounding civil rights in this country merited the active support of attorneys. In response, another member noted that individuals are always free to participate as they see fit, but that the MSBA may not be the mechanism for doing so. In effect, the dilemma of establishing meaningful criteria for the MSBA to use when deciding whether to enter the debate and which aspect of it to promote led to a recommendation that the discussion itself would be a great program at the Annual Meeting—if not this year, then perhaps next year.

The participants provided valuable help to the Planning Committee, and many suggested that the retreat occur more frequently. While this may be cost-prohibitive, perhaps smaller versions of the same exercise could be implemented in the coming years.

## **Topics, Summaries, and Recommendations**

### **Group 1—*Developing Leadership and Energizing the MSBA***

**(John Murphy, moderator; Mark Scurti, reporter)**

**Focus** Review the overall structure and organization of the MSBA to discern areas that would benefit from modification. Address the need to provide a method of transitioning both membership and leadership of the sections and committees and avoid both stagnation and loss of historical knowledge and expertise.

#### **Summary**

The group initially discussed the historical approach to appointments to committees and how the committees differed from sections. Typically the President-Elect of the MSBA decides who will serve as the chair of a particular committee and also appoints the committee members, with input from the committee chair. Members who have been active participants and express an interest in remaining on the committee generally are reappointed. In some committees, this process leads to little or no turnover, and limits the possibility for new members to participate. Sections are semi-autonomous and have by-laws that set forth the selection process for the chair and the section council members. There was a concern that the process often is not transparent or readily ascertainable. The lack of clear information as to how members can learn about the committees and how and when to join a committee creates an obstacle to cultivating a diverse leadership in the MSBA.

While recognizing the need to develop new members and to develop new leadership, the group noted that some committees need to maintain continuity, consistency, and historical knowledge due to the uniqueness of the work of the committee. Examples include: Budget & Finance Committee and Judicial Appointments Committee. Other committees are viewed as coveted, in that the members do not want to leave, so no vacancies occur for new members to participate. An example of this dilemma is the Local and Specialty Bar Liaison Committee. This creates a unique challenge for the President-Elect when making appointments or re-appointments, by curtailing the ability to bring fresh ideas and new energy to the standing committees.

The discussion led to a brainstorming session on how to bring in more young lawyers, graduates from the leadership academy, and minorities.

#### **Recommendations**

- Create an expectation that a turnover of 10-20% of committee members will occur each year, taking into consideration the uniqueness of each committee and its needs. Committees that need more institutional knowledge may use a smaller percentage turnover to maintain that knowledge while training new members to take the lead in the future and become those resources to the Committee. The turnover enables the President-Elect to ensure diversity of ideas, minorities, public and private practice areas, and geographical regions.

- The Local and Specialty Bar Liaison Committee should be charged with outreach to and personal contact with the local and specialty bar association leaders to obtain recommendations for committee appointments from among the local and specialty bar association members.
- Establish term limits for committee chairs of no more than 3 consecutive terms.
- Place information on the MSBA website about each committee, its purpose, and the expectations of its members. The last component is the most important—MSBA members need to know how to become a member of the committees and sections in which they have an interest and also how to progress into leadership positions. The information needs to be readily available on the website.
- All committees and sections should have at least 1 member from the Young Lawyers Section or at least one graduate of the Leadership Academy. The individual would be selected by the President-Elect or the Section Chair.

**Group 2—*The New Face of Legal Representation***  
**(Susan Erlichman, moderator; Tracy Steedman, reporter)**

**Focus** Discuss new funding options and unbundling of legal services. Address the benefits and risks of the new methods for providing legal services.

**Summary**

The discussion was framed in a manner that asked participants to consider new or alternative methods of service delivery and additional funding mechanisms to help expand access to legal services. Participants actively engaged in a wide-ranging discussion, which led to the identification of five specific recommendations.

Specific concerns that need to be considered and addressed include: the assurance that limited scope representation is acceptable to Maryland Bar Counsel; that such representation is covered by malpractice carriers; that procedural safeguards are in place; and that Maryland judges understand and respect an attorney’s limited appearance in civil court cases. These concerns were raised after the following question was posed to the group: should the MSBA support limited-scope representation, and specifically, how to address the significant issue of court appearances in civil cases.

Other concerns expressed in the discussion were: what if another attorney had provided limited scope representation and made a mistake; how to handle non-English speaking individuals who sign engagement letters written in English and have no understanding of what is in the agreement; and judges in civil matters (despite the language in the draft rule) who do not allow attorneys out of the case after handling one aspect of it. Many of the concerns arose from the private practitioners in the group and present real issues that must be addressed.

The discussion included an emphasis on ways to provide access to legal services at lower rates (if not provided pro bono), and the significant number of recent graduates who are

unemployed. Many individuals may not qualify for pro bono services, but still be unable to afford legal guidance. Meanwhile, many law students are having difficulty finding employment right away and face the combined need for an income as well as experience to facilitate obtaining employment. Connecting the two groups provides benefits for both those who need legal services and those who need to learn the process. With appropriate guidance, new attorneys can be a productive resource and fill a significant need in the community. The current supply of free or reduced fee legal services simply cannot meet the existing demand. The Pro Bono Resource Center described a successful law firm mentoring model that the Center has used, and a similar model could be promoted to small and medium-sized firms to create greater resources.

The group also discussed the idea of holding annual “assemblies” at each law school to discuss the legal community’s obligation to the public and pro bono service and bar activities; having a continuing presence at the law schools through creation of chapters (the membership committee is already working on this); and including law students on various Section Councils and making sure that they participate in Section projects.

To the extent that some of the programs require additional funding, it cannot be resolved solely by the MSBA. Rather, all Maryland practitioners should support the provision of pro bono and unbundled services. Exploration of fundraising ideas or the assessment of a fee on all Maryland attorneys may be needed before establishing a funding source for these programs.

## **Recommendations**

- Appoint a committee to work closely with the Maryland Rules Committee on the draft Limited Scope Representation Rules that are currently under consideration. The MSBA should provide input on bar concerns and suggestions to help ensure that the Rule that eventually is adopted will provide attorneys with a viable and realistic mechanism to provide limited scope representation in a manner that effectively meets client needs.
- Increase reduced-fee representation by expanding the Family Law Judicare Program to other practice areas, and by utilizing recent law graduates for the expanded Judicare program by partnering with the Court of Appeals’ Mentorship Program.
- Increase pro bono awareness and training by promoting a law firm pro bono mentoring program, better publicizing the Pro Bono Resource Center’s substantive mentoring program, and tapping law students to expand opportunities for them to acquire meaningful experience and training.
- Help instill among law students and lawyers a culture of the law as an esteemed profession that bestows significant rights and responsibilities upon its practitioners regarding issues of access to justice, bar association involvement, and public service.

**Group 3—Attorney 101: Helping New Attorneys with their Careers**  
(Elizabeth Morris, moderator; Regine Francois, reporter)

**Focus** New attorneys face huge debt and few career options. Address the need to face this quandary and what the MSBA, law schools, and even financial entities can do to soften the hardship on new graduates (and even experienced attorneys who are affected by the current economic climate)

**Summary**

The current economic climate has raised a serious concern that law students will encounter greater difficulty in obtaining employment once they graduate and pass the bar examination. The combination of fewer legal jobs and higher education debt sets the stage for a crisis in the legal profession. A coordinated effort may be needed between the MSBA, the law schools, area law firms, and financial institutions to address the assortment of problems facing graduates and other attorneys. The group discussed methods of facilitating hiring opportunities and promoting the acquisition of experience by new attorneys. In addition, the group noted that other professions have programs for debt relief that could be extended to lawyers, but that additional information is needed as to how those programs work. For the first two recommendations, the group noted a target date for implementation and the steps that would be needed to implement the program. The other two recommendations may need further study and follow-up before implementing them.

**Recommendations**

- Promote job opportunities using an online job bank or clearinghouse, by completing the following steps:
  - Improve existing software and the current methodology for publicizing employment opportunities to make the system more user friendly.
  - Modify the fee structure for advertising jobs and opportunities to make it more affordable (currently, State and local government agencies do not always publish openings due to cost).
  - Reach out to large firms and employers to increase opportunities through an existing or new Committee of the MSBA. Options may include information on the availability of full-time positions as well as work on a project basis or part-time, so that attorneys can acquire experience along with some income while seeking employment on a long-term basis.
  - Target date: Fall 2011
- Conduct a New Admittee Convention Day or Conference:
  - The convention or conference would address a variety of topics, including debt relief, malpractice issues, how to network, and how to start a solo practice.
  - Participants would attend breakout sessions of interest to them.
  - The first convention should be held in March or April 2012, which is right before law students graduate, and could include graduates from the prior year, who already have received bar exam results and may not yet be employed.

- The long-term goal is to conduct the convention twice per year—in the spring and the fall—so that new graduates and new admittees would benefit from these resources.
- Ideally, the cost of participation would be \$25—the attendees need to pay a fee to give them incentive to attend (free events do not always get participation).
- The event would conclude with a reception, for which the MSBA would seek sponsorships from local firms and businesses to defray the cost of the entire event, including the reception.
- Seek loan forgiveness for new attorneys in certain circumstances:
  - Attorneys who participate in public service.
  - Compare programs that forgive part of a loan—for example, some doctors who earn upwards of \$180,000 can receive up to \$25,000 in loan forgiveness per year. A similar program would benefit attorneys, if they only knew the criteria for obtaining this debt relief.
  - Conduct research into the programs available to other professions that may be useful for attorneys and provide the information to MSBA members.

**Group 4—*Law Practice 2020: The Changing Face of the Practice of Law***  
**(Vasilios Peros, moderator; Alan Eisler, reporter)**

**Focus** As law firms continue to operate, the combination of multiple generations may affect the nature of the practice. Younger attorneys are more comfortable with technology, but may not have the practical traits that more senior attorneys acquired through mentoring. Address the challenges facing the multi-generational firms in an age of everchanging technology and global practice.

**Summary**

The group discussed the need for training to guide younger attorneys about communication from a professional perspective. Many of them use text messaging and need to be aware of the risks of doing so. Moreover, they need to manage client expectations (and their own) for the appropriate response time. Legal advice is not necessarily something that can (or should) be provided instantly, despite the expectation of many that there are immediate answers to legal questions. On the other hand, younger attorneys can teach more experienced attorneys a great deal about the various forms of technology available to them.

With changes in technology comes a change in the mentor/mentee relationship. A bit of a role reversal occurs in which the experienced attorneys share their knowledge of procedure and professional conduct, while the younger attorneys share their knowledge of new technology. This combination of perspectives is essential to ensuring that traditional issues of ethics and responsibility translate into the new methods of practicing law. With the ease of transferring information comes the greater risk that it will be shared—possibly with an unauthorized individual.

Ultimately, modernization can lead to greater efficiency in the delivery of legal services (law practice management) as well as cost savings—newer attorneys may need little or no secretarial support because they work independently. Maintaining documents electronically and storing them electronically also reduces expenses, as scanning documents saves on physical storage costs.

Changing technology provides the opportunity for remote access to files, which facilitates telecommuting, virtual offices, and smaller physical offices. On the other hand, this could mean that attorneys are too isolated. It is important to ensure continuing options for camaraderie and human interaction, despite the technology that seems to weigh against it. This becomes a significant issue in bridging the gap between experienced attorneys and newer attorneys, who may view the practice of law very differently.

### **Recommendations**

- Study and provide training on future models of law firm structure and management, including a shift to evolving trends, like virtual offices and less secretarial support.
- Provide training on best practices for law firm management to improve and/or balance mentorship, camaraderie, quality of life, and flexibility as new technology and virtual offices become increasingly common.
- Teach seasoned lawyers about new technologies so they can understand it sufficiently to supervise and mentor the next generation of lawyers (and the generation after that) about ethical considerations and other limitations and risks of using those technologies.
- Revise existing mentoring programs to facilitate connecting seasoned lawyers with younger technologically savvy lawyers.
- Facilitate discussions on law practice in the year 2020 through the local and specialty bar associations to encourage adoption of new technologies and management structures.
- Continue to provide and enhance programs on the use of emerging technologies and implementation of law firm efficiencies, including new legal software and technology.

**Group 5—Taking a Stand: The Role of the MSBA in Controversial Issues**  
**(Robert Anbinder, moderator; Richard Montgomery, reporter)**

**Focus** Discuss and evaluate the MSBA tradition of avoiding participation in the debate or discussion of controversial issues (e.g. death penalty, abortion, gun control, etc.). Address whether there is a role for the MSBA to have in controversial issues and whether it is appropriate to do so under certain circumstances.

**Summary**

It probably goes without saying that the matter of whether positions on controversial issues ought to be taken by bar associations is neither new nor easily or peacefully resolved by the associations. Instead, the issue triggers energetic, frenetic, and even emotional debate. This discussion was no different.

The discussion participants consistently split on which side the MSBA should take on certain controversial issues. One member's simple suggestion to always take the "right" side of the issue led to immediate, yet polite, ridicule and further debate as to how the MSBA could ever accurately collect and measure bar association member opinions on an issue. The discussion further explored the fundamental issue of whether the MSBA should take *any* position on *any* topic likely to be deemed "controversial." Additional concerns were aired about client pressures on attorneys and, in particular, whether taking positions effectuates or impedes the mission of the MSBA as set forth in its corporate by-laws.

Knowing that the nature of a controversial issue is that it can be viewed from multiple perspectives, the issue creates a quandary of risking a loss of members or politicizing the MSBA. Instead, perhaps the MSBA should serve an educational function by facilitating an exchange of ideas on controversial issues, regardless of whether the MSBA takes a position.

Based on the discussion, the group reached agreement on two goals: (1) that the Board of Governors should do considerably more to encourage members to express their opinions on the controversial issues that arise from time to time; and (2) that the BOG should ensure that members have sufficient "due process," by permitting them to be heard on the issues that are considered by the leadership. To effectuate these goals, the Committee offered several recommendations, despite the challenges they may pose during short legislative sessions in which near-immediate MSBA feedback often is necessary.

**Recommendations**

- Consider expressing opinions on controversial issues to the extent permitted by the MSBA By-Laws.
- Document the MSBA's policy and procedure regarding the handling of controversial issues on the MSBA website.
- Before considering controversial issues, the BOG should solicit comments from the membership so that the positions of the various sides can be aired and considered. To

assist in this effort, the MSBA must regularly inform members about how they can be heard.

- The MSBA website should include a blog or listserv to permit members to air their thoughts on the various controversial issues that arise from time to time, learn the thoughts of other members, generally advance the debate on the issues and make the MSBA a more open and participatory organization.
- Permit members to persuade or dissuade the BOG about whether it should or should not take a position one way or the other on a particular issue, including hearing opposing viewpoints on controversial issues at BOG meetings before the Board decides what the MSBA position will be.
- Publicize when and where the BOG intends to consider controversial issues, so that the membership can appear and be heard.
- Better utilize the BOG liaisons to spot emerging controversial issues, and encourage feedback from the liaisons to the full Board.
- Include a program (or series of programs) at the MSBA Annual Meeting to provide a forum at which members may air their thoughts and have the opportunity to advance the debate on both sides of various controversial issues arising from time to time. The first program could include a panel of three participants, with initial presentations of their respective positions, followed by discussion between the panel and the audience.

**Group 6—*Making the MSBA the “State Bar”***  
**(Neil Helfrich, moderator; Augustus Brown, reporter)**

**Focus** Discuss methods of including all regions of the state and all practice areas as active participants in the MSBA. Address services, technology options, and other ideas that may facilitate statewide representation.

**Summary**

This group reviewed geographic participation and practice area participation to try to help the MSBA to become a Statewide bar association. The group agreed that participation is not just a matter of recruiting members. Meaningful participation includes participating on a committee, cultivating leadership, participating in substantive law sections, and having members appreciate the benefits of the MSBA, which include services, networking opportunities, participating in CLE, and attending conventions.

The number one barrier to Statewide participation is the burden of TRAVEL. This derives from a combination of distance and the ever-increasing volume of traffic on the roads that make even relatively short trips take longer than in the past. While many attorneys in the State are members of the MSBA, the active participation in the MSBA tends to be among those attorneys located in the central portion of the State. With the availability of a variety of technology options, travel should not be a hindrance. Instead, it should provide an opportunity for the MSBA to be a leader in virtual programs and meetings. This effort to reach out to all parts of the State benefits the MSBA by ensuring that all areas of the State have a voice in the leadership of the MSBA.

A similar challenge to Statewide participation derives from the belief that the MSBA does not serve the needs of public service and government law attorneys. Many of the practice sections are not evenly weighted with members on both sides of the practice area. For example, plaintiff/defense, prosecution/defense, etc. In addition, many public service and government attorneys pay MSBA dues personally and may view the cost of belonging to the MSBA as overly burdensome. There also may be an office culture of choosing not to participate in the MSBA due to cost and a perception of a lack of useful substantive information. These attorneys may join other organizations that address their information and networking needs in a more relevant way. Similarly, many large firms may not need the services available through the MSBA, but need to be encouraged to participate for the value of collective acting and thinking toward improving the legal profession—an aspect of MSBA participation that sometimes is overlooked. The MSBA needs to accept the fact that there are very diverse types of practices among lawyers in the State—public and private: state’s attorneys, public defenders, county attorneys, city and municipal attorneys, legal aid lawyers, assistant attorney’s general, and agency lawyers serving federal, state, and local governments, as well as small, medium, and large firms.

Moreover, the MSBA has obtained two diversity inclusion reports and recommendations in the last 10 years. No one could recall any action that was taken by the BOG in response to these reports and recommendations. The Minorities in the Legal Profession Committee made specific recommendations to increase minority participation in MSBA in the 2005 report. In addition, the large firms tend to have a concern that the MSBA has focused more on the solo and small office firm interests than on the large firms. In part, this may have occurred due to a perception that the large law firms do not participate in the MSBA. The MSBA must focus on both large and small firm concerns, in addition to the public/private practice concerns. In recent years, large firms have become more active in individual substantive law sections, while overall MSBA leadership has come from small firms. Attention must continue to be given to overall diversity throughout the MSBA to address the concerns of all members more effectively.

Quite simply, this is not our father’s bar association. Although the MSBA cannot be all things to all lawyers, it must provide an important service to all lawyers in Maryland. Large urban bar associations have their own staff and small bar associations rely on many of the MSBA’s services. Clearly, the MSBA serves different bar interests in many different ways. To promote the MSBA statewide, it must provide diverse benefits to suit diverse needs. A coordinated marketing department would fill the current void and address this ultimate challenge.

## **Recommendations**

- Use technology frequently to facilitate access to training programs and participation in Committee and Section meetings:
  - Hold virtual meetings (tools like gotomeetings.com; inreach.com; skype; video-conferencing; and online participation facilitate this recommendation).
  - Conduct more webinars both through computers and by telephone.

- Rotate MSBA IT equipment among the counties (screen and monitoring equipment).
- Hold signature events in Western Maryland and the Eastern Shore at regular intervals. If a facility is not large enough, reduce the focus of the event so that members from across the State can network with those in the area where the event is held.
  - The events would include social events and CLE programs.
- Continue to hold BOG meetings at locations around the State:
  - Invite local and specialty bar leaders from the venue where the meeting is held to attend appropriate portions of the BOG meeting.
  - Periodically invite all of the members of the local and specialty bar associations of the county in which the meeting is being held to attend appropriate portions of BOG meetings and include a cocktail hour and light hors d'oeuvres to facilitate networking. Rest assured—not all members will attend, and the outreach is crucial to establishing the MSBA as truly Statewide.
- Encourage the MSBA sections to actively invite state, local, and agency practitioners into those sections and the MSBA programs they present.
- Ask public service lawyers who are MSBA members to present testimonials at public service and government attorney meetings regarding the advantages of belonging to the MSBA.
- Review the diversity inclusion reports submitted during the past 10 years and address the specific recommendations contained in them.
- Focus on law firm practices of all sizes, along with public sector practices, and encourage members of all practice types to become involved and to take leadership roles within the MSBA.
- Explore the creation of a formal marketing program to implement a coordinated, tailored, and targeted marketing plan to maintain and increase the viability and value of the MSBA statewide. This could lead to hiring a marketing director at an appropriate time in the future.

**Group 7—Attorneys Give Back: *Helping Attorneys Serve the Community***  
**(Michael Siri, moderator; Beth Beam, reporter)**

**Focus** Discuss community service options for attorneys other than pro bono representation. This discussion should address whether community service is needed and whether the current committees of the MSBA could be modified to serve this function better.

**Summary**

The threshold question addressed by the group was whether the MSBA should be involved in performing community service at the State level, apart from and in addition to pro bono legal service. The group discussed the additional benefits of performing community service (apart from the obvious goal of assisting those in need), among which are:

- (1) improving the public image of lawyers and the MSBA as an organization;

- (2) increasing public awareness of the community service that is already being done; and
- (3) energizing the participants and MSBA members, which can create other opportunities for getting involved.

There was quite a bit of discussion about the community service work already being done by the Young Lawyers Section and the Leadership Academy, with the Young Lawyers Section performing one community service project event each month, and the Leadership Academy Fellows performing one large project each year. The group recognized that community service efforts at the State level were largely being led by the Young Lawyers Section, and that it would be beneficial if more seasoned attorneys were encouraged to participate as well.

One concern of the group was that the community service work might dilute the efforts geared toward providing pro bono legal services. The group concurred that any community service efforts performed at the State level should be coordinated with the Pro Bono Resource Center to ensure that such legal service needs were identified and addressed.

### **Recommendations**

- Create an initiative to coordinate community service projects throughout the State. The projects would be performed at the local level, with the MSBA providing support to existing projects being performed by local and specialty bar associations, rather than reinventing the wheel.
- Create a marketing/advertising campaign to promote the events that would be coordinated with Janet Eveleth and her staff before and after each event, using marketing/advertising efforts within and outside the legal community.
- Select the appropriate option to handle this initiative:
  - Create a new committee of the MSBA.
  - Create a subcommittee of the Public Awareness Committee.
  - Task the Young Lawyers Section to work in tandem with the Public Awareness Committee.

### **Group 8—*The CLE Pie: Sharing and Dividing Revenue* (Stan Gann, moderator; Marshall Paul, reporter)**

**Focus** Discuss the best ways to provide Continuing Legal Education (CLE) and how to cooperate with the local bar associations so that there is coordination rather than competition.

### **Summary**

Approximately one year ago, the MSBA appointed a Task Force on CLE to assume the assets of MICPEL, along with the responsibility for providing CLE in Maryland. After soliciting requests for proposals from outside vendors to catalogue and deliver CLE online, the MSBA selected In Reach, which quickly formatted and generated a click-and-pay online library as a platform for the MSBA to share content. The MSBA has done a terrific job in making a

smooth transition in the preservation, provision, and presentation of CLE, both in printed and online media formats. So far, the MSBA has provided CLE better and more efficiently than its predecessor, and profitably, although it remains much like a diamond in the rough.

The group discussed the best ways to provide CLE and how the MSBA should cooperate with the local bar associations to ensure that there is coordination rather than competition. The discussions addressed the CLE provided by local and specialty bar associations, as well as other sources, such as public attorneys, Legal Aid, Trial Lawyers Association, and others who create CLE programs throughout the State of Maryland (collectively the “Presenters of CLE”). Also, the group discussed the sense of distrust that seems to exist between the MSBA and the local bar associations, which impedes shared knowledge and resources.

Like a diamond, there are 5 “Cs” of CLE, each of which reflect clear goals for CLE programs—Content, Cost, Capture, Coordination, and Communication. The content of CLE needs to be of the highest quality and provided by the best presenters throughout the State in the particular field. The cost of CLE must be affordable, from the perspective of access by attorneys who have limited means and also for the Presenters of CLE to participate, without being too costly. The MSBA needs the ability to capture CLE content of quality from any source, which can then be included in the MSBA library of CLE so that CLE that otherwise would be a one-time event (and thereafter lost) can be used to generate future revenues that can be shared between the MSBA and the Presenters of CLE. Coordination refers to sharing calendars and support so that the MSBA knows what the Presenters of CLE plan to create and the Presenters of CLE, in turn, may alert the MSBA of upcoming content of quality in which the MSBA may be interested in presenting through its website. Communication ensures that the members of the MSBA know what is coming up for CLE through the MSBA and other Presenters of CLE, as well as general communication of events and program opportunities.

The success of CLE will be measured by revenues, feedback from the Presenters of CLE, and the response from the users of CLE. The Taskforce will continue to monitor the handling of CLE by the MSBA and report its findings at each meeting of the Board of Governors.

## **Recommendations**

- Encourage the development and use of local expertise from areas across the State in an effort to encourage the local and specialty bar associations to share calendars and upcoming events and to partner with the MSBA in providing CLE.
- Establish and maintain a CLE library to preserve programs for future use by members of the MSBA. Initially, focus on the larger counties to show the value of shared effort and resources.
- Strengthen the methods of exchanging dates for scheduled events so that a broader audience may take advantage of the event and avoid duplication of programs. This could facilitate sharing Presenters of CLE as well.
- Provide clear information on how to access programs after an event. Part of this involves calendar items and part involves more targeted email messages to inform the appropriate topic area practitioners and regions of the State.

## Participants

### Group 1

John Murphy  
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### Group 2

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### Group 5

Robert Anbinder  
Richard Montgomery  
Michael Baxter  
Mary Buonanno  
Alan Bussard  
Thomas Dolina  
Dolores Dorsainvil  
Charles Fuller  
Richard Gibson  
Hughie Hunt  
Gregory Kirby  
Jerald Lurie  
Patrick McCormally  
Howard Metro  
Elizabeth Morris  
Diego Rojas  
Debra Schubert  
Mark Scurti  
Janet Eveleth

### Group 6

Neil Helfrich  
Augustus Brown  
LaKeecia Allen  
Sara Arthur  
Erek Barron  
Hon. Wayne Brooks  
Hon. Pamila Brown  
Mariana Cordier  
Ronald Deutsch  
Richard Flax  
Joseph Harrison  
Lawrence Hicks  
Paul F. Kemp  
John Kudel  
Vasilios Peros  
Joseph Stanalonis  
Topper Webb  
Thomas Yeager  
Pat Yevics

### Group 7

Michael Siri  
Bethamy Beam  
Sidney Butcher  
Susan Erlichman  
Regine Francois  
Sharon Goldsmith  
Jason Hessler  
Katherine Howard  
Meredith Martin  
Niknaz McCormally  
Mary Murphy  
John Murphy  
Greg Rapisarda  
William Sinclair  
Gwendolyn Tate  
Robert Zarbin

### Group 8

Stanford Gann  
Marshall Paul  
Douglas Bregman  
James Butler  
Paul Carlin  
Adam Sean Cohen  
Joanne Daniels  
Nicole Earl  
Alan Eisler  
John Gardner  
Katrina  
Kamantauska-Holder  
Thomas Meachum  
Wendy Meadows  
Danny O'Connor  
Karren Pope-Onwukwe  
Michelle Stawinski

Tracy Steedman  
Andrea Terry