

**MARYLAND STATE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING MINUTES  
NOVEMBER 23, 2010  
MSBA HEADQUARTERS  
520 WEST FAYETTE STREET  
BALTIMORE, MD 21201**

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President Thomas D. Murphy called the meeting to order at 5:50 p.m. Twenty-five (25) members of the Board of Governors were present.

**I. MINUTES**

The minutes of the last Board of Governors meeting held on October 29, 2010 at the Rocky Gap Resort and Conference Center in Flintstone, Md. were approved as presented.

**II. REPORT OF THE OFFICERS**

**A. REPORT OF THE PRESIDENT**

1. President Murphy reported on an article from Slate on law school costs, Court of Appeals' Order on sentencing alternatives, a newsletter from Minnesota Mutual Insurance Company, which has assumed the business affairs of Legal Mutual of Maryland, and the recent Leadership in Law Awards.
2. President Murphy reported on recent developments pertaining to the Anne Arundel County contested judicial election, ballot issues regarding the Baltimore City Orphans' Court constitutional amendment and the constitutional convention, and judicial retention elections in Iowa.
3. President Murphy reported that the Professionalism Course revisions are well underway and that the MSBA's financial obligations regarding the course will end next month.
4. President Murphy reported on a planned continuing legal education survey originally proposed by him and now being administered by Judge Lynne Battaglia and the Maryland Court of Appeals.
5. President Murphy reported on a proposal regarding MSBA Section representation on the Board of Governors. President Murphy noted that two years ago a similar proposal was first considered by the Board of Governors and, after a special committee chaired by ex-President Edward Gillis was appointed to study the issue and report to the then Board of Governors, the proposal was not implemented. In light of the current new membership of the Board, President

Murphy has re-appointed the committee, again chaired by former President Gillis, which will report to the Board of Governors at a future meeting.

6. President Murphy reported on the status of proposed FDIC coverage for IOLTA accounts.
7. President Murphy reported on a proposal regarding the criteria to determine which groups will be invited to attend the Conference of Local Bar Presidents held each fall. Upon motion duly seconded, a proposal setting forth specific criteria for invitation to the Conference was approved.
8. President Murphy reported on Chief Judge Bell's inquiry to the Rules Committee as to whether the Committee is authorized to make changes to the current Maryland law on contributory negligence.

**B. REPORT OF THE EXECUTIVE DIRECTOR**

1. Executive Director Paul Carlin reported on membership, including 27 resignations, two members dropped, three deceased, and 25 new members, resulting in a current MSBA membership of 23,407.
2. Mr. Carlin reported on the origins of the building now housing the MSBA, and on a portrait of John Nelson McTilton that is now displayed in the main conference room in the building.
3. Mr. Carlin reported on the procedure of election of new members to the Board of Governors, including the nomination deadline of February 9, 2011.
4. Mr. Carlin reported on the results of the recent Maryland Bar examination and that the MSBA will present the Professionalism Course to new admittees in February, 2011. Mr. Carlin also reported on the recent successful Solo Practitioner Conference organized and presented by Pat Yevics. Mr. Carlin reported on continuing CLE activities of the MSBA, including its financial success, new publications, and upcoming programs.
5. Mr. Carlin also reported on and distributed to the Board of Governors the packets provided to all new members of the MSBA.

**C. REPORT OF THE SECRETARY**

1. Secretary Michael Baxter reported that the materials discussed at the Board of Governors meeting had been previously reviewed and presented in the November 9, 2010 Executive Committee meeting.

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

1. Treasurer John P. Kudel introduced the MSBA auditors (Street Baldwin and Jen LeSage of Ellin & Tucker) who then presented their audit report. The report was an unqualified opinion and generally found no issues or irregularities requiring reporting to the Board of Governors. The report also included a management report which includes management suggestions, all of which were characterized as minor matters. The financial statements of the MSBA were also discussed. Overall, the auditors concluded that the financial affairs of the MSBA were in good order. Upon motion duly seconded, the report of the auditors was adopted.
2. Mr. Kudel presented the monthly financial report, including that year-to-date income was approximately \$2,635,000, year-to-date expenses were approximately \$955,000, resulting in budgeted but not expended funds of approximately \$2,132,000, all well within budget expectations.

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

1. President-Elect Henry E. Dugan commented on the current favorable financial status of the MSBA

### **III. REPORT OF STANDING COMMITTEES**

1. Richard Montgomery, MSBA Director of Legislative Relations, reported that recent elections had resulted in an increase in the number of lawyer legislators, a reversal of recent trends.

2. Mr. Montgomery reported on the proposed 2011 MSBA Legislative Program recommended by the Laws Committee. There were only three changes, all non-substantive, including a new narrative addressing the recently passed filing fee bill, an updated narrative on legislation regarding an increase in the jurisdictional amount for jury trials, and an updated narrative on the most recent failure of legislation abolishing judicial elections. Upon motion duly seconded, the Board of Governors adopted the Laws Committee's recommended 2011 Legislative Program. The Program is available on the MSBA's web site.

### **IV. ANNOUNCEMENTS**

1. President Murphy reported on Governor O'Malley's appointment of Emmet Davitt as the new Maryland State Prosecutor.

2. Judge Pamila Brown reported on an upcoming change in enforcement of certain traffic offenses.

3. President Murphy reported that Chief Judge Peter Krauser of the Maryland Court of Special Appeals will attend the December meeting of the Board of Governors to be held in Annapolis on December 21, 2010.

**V. ADJOURNMENT**

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

*Michael J. Baxter*

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Secretary