

NABE News
January 2009

On many bar association's agenda is how and what to do with the faltering economy for the association and its members. The November-December 2008 issue of *BarLeader* magazine featured article was entitled "Doing more with less: Bars and their members deal with the economy." The topic is part of the NABE Midyear Meeting program too and will be one of the highlighted break-out sessions on Thursday morning. This session will be facilitated by **Mary Corbitt** of the Monroe County (NY) Bar and **David Bohm** of the North Carolina Bar. The purpose is to have all participants share ideas and plans how the bar and its members can make the most of these trying economic times.

I realize that only about one-fourth of our members will attend the conference, so plans are being made to collect the insights and results to share with the rest of the membership in an upcoming article.

Midyear Meeting

George Brown, chair
The Program Committee

PICTURE OF PROGRAM COVER

There are two special events planned for Thursday, February 12 during the Midyear Meeting. Following our regular membership meeting and the Bolton Award remarks, we will turn our attention to three Lincoln Bicentennial activities, featuring one local bar initiative, one state bar initiative, and an initiative of the American Bar Association. This year, we will conclude the Thursday luncheon with our sponsor raffle. Remember, you'll have to be present to win!

At 4:00 Thursday afternoon, all attendees are invited to attend a networking reception at the EMC Club inside Fenway Park. This is a great opportunity to close out the meeting in a historic Boston landmark. This event was developed and is sponsored by ABA Retirement Plans. Shuttle service to Fenway Park will be provided.

In the next NABE News, I will include information about the other sponsors who supported the Midyear Meeting.

CSE Retreat

Teresa Schmid, chair

Shortly after the Midyear Meeting, many executives and their president or president-elect will attend the 2009 Chief Staff Executives Retreat on March 10-11 at Chicago's Marriott Downtown Magnificent Mile. This year, participants are asked to include economic and budgeting situations to their list of issues for the case study segment. Some relevant sessions are:

- Professor **William D. Henderson** of the Maurer School of Law, Indiana University Bloomington, will be the keynote speaker on the emerging economic issues impacting the practice of law.

- Co-chair of NABE's Professionalism Task Force, **Chris Manos** (State Bar of Montana) will lead an informal discussion on best practices material: what we have, what we need, and how to get it.
- **Jeanine McCoy** (New Hampshire Bar Association) will use Open Space Technology to facilitate a small groups' session entitled, "Bridging the Gap between Increasing Member Needs and Disappearing Bar Resources: Where are the Opportunities?"

To register and to view the working agenda, visit <http://www.abanet.org/nabe/events/cseretreat/>. For hotel reservations, visit <http://cwp.marriott.com/chidt/americanbar/>.

BLI

The ABA Bar Leadership Institute (BLI) registration deadline is February 6. This year's program will be all the more important as it will prepare you and your incoming bar president to meet the challenge of leading your bar association during uncertain times. To register visit the BLI web site <http://www.abanet.org/barserv/bli.html> for program and registration information.

Committees, Sections, Task Force

Here are some opportunities for you to mix and mingle closely with other NABE members and contribute to the good of the organization.

Program Committee

The Program Committee is one of the most active and rewarding committees in NABE. Its purpose is to develop NABE's quality twice-a-year educational and networking meetings. There is a vacancy on the committee and I am looking for a replacement through August 2010. So the new member would help plan, coordinates, and implement the educational program material for the annual meeting in 2009 and 2010 and the mid-year meeting in 2010.

If you are interested in serving this term on the Program Committee, contact Rod Wegener at 503-431-6313 or rwegener@osbar.org.

Surveys Committee

Every two years NABE develops and publishes a compensation and benefits survey of data from the member bar associations. I need some members to participate in developing the 2009 version. The report from this survey is an invaluable tool for all bar associations and this is a great chance to contribute requiring not much time in a short time period (about two months). The previous survey is a starting point so there is comparable data every two years. But each survey needs to be refined by adding more relevant questions and deleting the less relevant, and that's where we need members help.

If you are interested in serving on the Surveys Committee, contact Rod Wegener at 503-431-6313 or rwegener@osbar.org.

A special thanks must go to Jack Harkness and Mike Garcia of the Florida Bar again for sending the survey and compiling the results.

Professionalism Task Force

This is a request from the co-chairs, **Christine Cendagorta** and **Chris Manos**. The Professionalism Task Force members met in New York on August 5 and settled on, and committed to, two major goals to be completed by the Annual Meeting in 2009.

1. Offer NABE members a "Professionalism Self-Assessment" with matching resources to address weak or problem areas (including books, magazines, online courses, podcasts, etc). Professionalism topics will also be included regularly in NABE programming.
 - a. approve draft of the attributes that define professionalism for bar execs and executive staff;
 - b. approve draft of self-assessment tool;
 - c. develop matching resource list (with help from ABA DBS).
2. Make progress on updating the CSE "Best Practices" CD to include professionalism issues for bar executives and executive staff.

To accomplish those goals the Task Force needs a six-month commitment from past, present and future members of the Task Force.

If you are interested in serving this six-month term on the Professionalism Task Force, contact Rod Wegener at 503-431-6313 or rwegener@osbar.org.

Board of Directors

Elections

NABE members recently received information about voting for new members for the Board of Directors. Members interested in running for a board petition must file a petition signed by five members by March 16. That person nominated is placed on the ballot e-mailed by April 15 to all members who are to vote electronically. For the full announcement, which includes guidelines, positions available and a nomination petition form, visit the NABE homepage at www.nabent.org. To gain a better understanding who the current board members are, the next few NABE News will include statements from the board members why they ran for the board and what they believe they contribute to our organization.

Our Board Members

Jane Schoenike

PICTURE

Position on Board: Secretary

Term ends: August 2009

Executive Director

Nebraska State Bar

Serving Our Colleagues and Friends

I started working with bar associations in 1975. I have had the pleasure of working for three different bar associations as Executive Director – a statewide specialty bar, a large local bar association and a mandatory state bar. I have been the only staff member, with a cardboard one box full of old receipts to CSE of a medium sized staff of top-flight professionals with an office suite across from the State Capitol. Believe it or not, each of these organizations was strikingly

different and amazingly similar in their focus, projects, and programs. Throughout my years in bar work, I have been able to call upon, lean on and be rescued by other members of the NABE community. Thank you, thank you, thank you.

As a way to give a little back to this amazing group of professionals, I threw my name on a petition to serve on the NABE board. The purpose was to work, in tandem with other bar leaders, to assist in bringing the members of NABE the resources they need and desire to enable their success in whatever area of association work they are involved in. I believe that the Board has worked with a singular focus on improving our programs and expanding our service to bar associations, large and small. New ideas are encouraged, and the discussion at the Board meetings is lively and thorough. All of the Board members are interested in your ideas and suggestions. Let us know what you think. It has been a very rewarding and educational experience as a member of the Board. Once again, I have received more than I could possibly offer.

Zoe Wood Lyle

Position on the Board: Treasurer

Term ends: August 2009

Executive Director

Bar Association of Metropolitan St. Louis

An executive with a unique blend of government relations and association management experience, Zoe has an outstanding track record in leading Missouri organizations. Prior to joining BAMSL, Lyle served as Assistant Circuit Executive for the Eighth Circuit Federal Courts, where she was responsible for the Eighth Circuit Judicial Conference as well as personnel, strategic planning and budget. She also has served as the Executive Director and CFO of the Missouri Optometric Association (MOA). Zoe is credited with positioning MOA as a leader among state optometric associations, and helped MOA to be recognized at the national level for innovative health care initiatives. She also played a key role in legislative initiatives for the industry at the federal level. She served as President of the International Association of Optometric Executives (IAOE) after 5 years on the IAOE board.

Lyle began her state government career working for the Missouri Senate, and has a breadth of experience in finance, budgeting, legislation and policy with a variety of state agencies (ed. now you see why she's NABE's treasurer) including: the Department of Mental Health, Department of Revenue, and the Department of Health.

Says Lyle, "When the opportunity to serve on the NABE Board arose I was anxious to give back to an organization that was friendly and welcoming to me. Although I had been on other Executive Director organization boards I had not been a part of one that was so well organized and friendly. I hope my background in finance and budget will be of benefit to NABE".

Calendar

You can find information and register for the upcoming membership events on the NABE website at: <http://www.abanet.org/nabe/events/meetings.html>

- February 10, 2009 (Tuesday)
Administration & Finance Workshop, “Best Practices for A&F Professionals” – Boston, MA
- February 10, 2009
Board of Directors meeting – Boston, MA
- February 11-14, 2009
NABE/NCBP/NCBF Mid-year Meeting, Boston Marriott Copley Place, Boston
To register directly via the ABA, visit www.abanet.org/midyear/2009
- March 10-11, 2009
Chief Staff Executive Retreat – Downtown Marriott, Chicago, IL
- March 12-14, 2009
Bar Leaders Institute – Downtown Marriott, Chicago, IL
- May 1-2, 2009
Board of Directors spring meeting – Austin, TX
- June 26-27, 2009
Small Bar Conference – Double Tree Hotel Philadelphia
- July 28-August 1, 2009
NABE/NCPB/NCBF Annual Meeting – Hyatt Regency, Chicago
- October 20-23, 2009
Communications Section Workshop – Rio All Suites Casino Resort, Las Vegas, NV
- February 2-6, 2010
NABE/NCBP/NCBF Midyear Meeting – Disney World’s Dolphin/Swan Hotels, Orlando, FL

ABA Delegate Report

Bill Weisenberg, NABE Delegate to ABA House of Delegates PICTURE

The ABA House of Delegates is scheduled to meet on Monday, February 16, 2009 at the mid-year meeting in Boston. The agenda is not exhaustive and the House of Delegates will be able to complete its agenda in one day.

Among the items on the agenda for your information are the following; excerpted from materials provided by the House of Delegates. (The complete agenda and executive summaries can be found at www.abanet.org/leadership/2009/midyear and click on Preliminary Agenda, December 10, 2008; Executive Summaries, December 23, 2008.)

10A NEW YORK STATE BAR ASSOCIATION

Urges U.S. courts to grant to detainees all rights granted to habeas petitioners consistent with Federal statutory habeas criminal law principles where applicable, appropriate to the facts and circumstances of that petitioner's case.

10B CONNECTICUT BAR ASSOCIATION

Urges Congress to enact legislation amending Title 28, of the United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims.

**101A CRIMINAL JUSTICE SECTION
COMMISSION ON YOUTH AT RISK**

Urges Congress and state legislatures to re-examine and revise laws, policies and practices that require youth to register as sex offenders or be subject to community notification provisions otherwise imposed upon adult sex offenders, based upon a juvenile court adjudication.

**101B CRIMINAL JUSTICE SECTION
SECTION OF DISPUTE RESOLUTION**

Urges federal, state, territorial and local governments to initiate, continue and expand the use of mediation as a means to resolve criminal matters, specifically at a time prior to actual case filing.

101D CRIMINAL JUSTICE SECTION

Urges federal, state, tribal, local and territorial governments to ensure that child victims of criminal conduct have prompt access to legal advice and counsel and to specialized services and protections such as those provided by child advocacy centers approved and accredited by the National Children's Alliance.

**106 SECTION OF FAMILY LAW
STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY
PERSONNEL
STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS**

Opposes the enactment of federal legislation that would create a federal question jurisdiction in child custody cases, including cases involving service member parents and urges states to enact legislation prohibiting denial of child custody to a service member based solely on the absence due to military deployment.

109 STANDING COMMITTEE ON ETHICS AND PROFESSIONAL

RESPONSIBILITY

Amends Model Rule of Professional Conduct 1.10 ("Imputation of Conflicts of Interest: General Rule") to permit the screening of a lawyer who moves laterally from one private law firm to another, so that conflicts of interest that apply to the moving lawyer under Model Rule 1.9 ("Duties to Former Clients") are not imputed to all the other lawyers in the new law firm.

110 SECTION OF LITIGATION

Amends Model Rule of Professional Conduct 1.10 ("Imputation of Conflicts of Interest: General Rule") and related Comments by adding new subsections to permit certain lawyers whose participation was not significant and who did not learn material confidential information to go to work for an adversary law firm without client consent so long as the transferring lawyer is screened and provides appropriate certification of compliance with the screen.

111A COMMISSION ON LAW AND AGING STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS

Encourages the federal government to provide funding and support for training, research, exchange of information on practices, consistent collection of data, and development of state, local and territorial standards regarding adult guardianship.

111B COMMISSION ON LAW AND AGING

Opposes the use of mandatory, binding, pre-dispute arbitration agreements between a long-term care facility and a resident of such facility or person acting on behalf of such resident, and opposes legislation and regulations that would authorize, encourage or enforce such agreements.

112 JUDICIAL DIVISION NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY

Encourages the Office of Personnel Management to require that applicants for Administrative Law Judge positions be either licensed attorneys in good standing, or those with judicial status in good standing, under the applicable governing law of a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the United States Constitution.

113 STANDING COMMITTEE ON JUDICIAL INDEPENDENCE NATIONAL CONFERENCE OF STATE TRIAL JUDGES APPELLATE JUDGES CONFERENCE OHIO STATE BAR ASSOCIATION

Urges state, local and territorial bar associations and the highest court of each state to establish, for those who have an interest in serving on the judiciary, a voluntary pre-selection/election program designed to provide individuals with a better appreciation of the role of the judiciary and to assist them in making a more informed decision regarding whether to pursue a judicial career.

114 STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL

Urges Congress to amend the federal service members Civil Relief Act (the SCRA) to clarify that a private right of action exists under the SCRA and to provide that a prevailing plaintiff in such an action may recover reasonable attorney's fees.

Report Nos. 100, 102A, 102B, 102C, 102D, and 102E have been placed on the Consent Calendar.

On January 5, 2009 the ABA filed a merit brief in the United State Supreme Court in the case of *Caperton v. A.T. Massey Coal Company*, No. 08-22, the case presenting “the Court with an opportunity to clarify what due process requires of disqualification determinations in judicial contributions campaign cases. The ABA filed the brief at the request of the ABA Standing Committee on Judicial Independence, of which I am privileged to serve as its chair. The brief can be found at www.abanet.org/judind/home/html. For those interested in the brief filed by the petitioners and other amicus briefs, they can be found at www.brennancenter.org/massey.

The case is set for oral argument on March 3, 2009. We sincerely hope that the Supreme Court will issue a favorable decision that will stem the erosion of public trust and confidence in a fair, impartial and independent judiciary when it comes to the perception of the influence of campaign contributions in judicial elections.

Please do not hesitate to contact me with regard to information or matters pertaining to the ABA House of Delegates, programs and initiatives pertaining to a fair, impartial and independent judiciary, or any other matter of which I can be of assistance. I can be reached at (614) 487-4414 or [wwweisenberg@ohiobar.org](mailto:wweisenberg@ohiobar.org). Your thoughts and comments are welcome and appreciated.

Read something here, and you don't know who to contact, check the NABE website at www.abanet.org/nabe/index.html

Got news or pictures about a NABE member or a member bar association? Send them to me for the next NABE News. Email me at rwegener@osbar.org.