



HENNEPIN COUNTY BAR ASSOCIATION

The Board of Directors of the HCBA Tuesday, February 10, 2009 HCBA Offices

The meeting was called to order at 12:10 p.m. by President Mary Vasaly. The minutes of the January 13, 2009 meeting were approved.

President Vasaly introduced two guest speakers, former Chief Justice Russell Anderson and Jerry Halbach, representing Minnesotans for Impartial Courts. Mr. Halbach described the legislation that is currently pending to implement the majority recommendation of the Quie Commission relating to judicial election/selection. He described the changes from the original proposal, which has previously been endorsed by the HCBA Board in December, 2007. Justice Anderson described his unique perspective as a rural judge and Chief Justice; additionally, he cited the Wisconsin experience as indicative of what might happen in Minnesota. He recommended fixing the system before it breaks.

Mr. Halbach spoke of the legislative environment this year. This year's bill drops "merit selection" but retains evaluation and retention elections. Legislation can extend the current law on merit selection to all judges, not just the district court judges. The bill has extensive provisions relative to retention elections, which is expected to resonate with voters and is prominent in the submission to the voters of the constitutional amendment. Both retention elections and performance review exist in 20 states. District court judges have a range of opinions about the proposal; there is some vocal opposition. The threat of politicization of elections exists almost entirely at the appellate court level; if the objective is to educate the public, then all judges should be treated the same. Justice Anderson emphasized that it is at the district court level that determinations of truth and facts occurs and where most cases end. Thus, there is great power in the district court; affecting that court with money and politics would thus be highly pernicious. The legislature opposes any bill that takes away the right to cast a vote.

Mr. Halbach suggested that the HCBA could send a strong letter of support to the legislature, supporting this year's legislation (as the MSBA has done). Members can lobby their local legislators. Members can testify before legislative committees. Members can make contributions at fundraisers to be held in the coming months; funds are currently being used to hire a lobbyist and working with legislators. If the bill passes, funds will be used to educate the public (through editorials, speeches, etc.) in advance of the vote in November 2010. At this later stage, a 501(c) 3 will be created to receive donations, which will thus be tax deductible.

The legislative committees who will hold hearings are: Judiciary, State and Local Government, and Rules. There is no immediate budget impact, although money will eventually be necessary for the evaluation process.



HENNEPIN COUNTY BAR ASSOCIATION

The Board discussed the question of its support of the bill as currently written, while expressing some concern that the proposition before the public may be misleading. Mr. Espel supported the language as being the most feasible. Mr. Morris spoke in support of the concept as written. The Board voted to reaffirm general support of retention elections, authorizing the president to write a letter of support. Ms. Miller-Van Oort suggested that the wording issue can be addressed during the public education phase of the campaign. Ms. Vasaly stated she would speak to the ordering of the ballot question.

Ms. Vasaly then addressed the model pro bono policy that has been drafted and can be adopted by law firms and corporate law departments. Ms. Bartocci suggested review by pro bono coordinators in large firms. She suggested that the policy might run afoul of the practice relative no-fee services to larger charitable entities, based upon the assets of the entities. She suggested that summer associates include summer clerks. Mr. Jensen asked whether family should be included as appropriate recipients of pro bono service.

Mr. Espel questioned the status of the MSBA LAD Committee proposal for mandatory pro bono reporting. Ms. Ward-Reichard suggested expanding the definition of pro bono to include the definition used by the MSBA's LAD committee, if it is different from the language in the proposed policy.

Ms. Vasaly discussed continuing efforts to assure adequate funding for the judiciary, in light of the governor's 5% cut in his proposed budget. She discussed a video tape being prepared.

Ms. Ward-Reichard encouraged involvement in the Bar Benefit and solicited a \$25 contribution to go to the purchase of wine to be auctioned at the event.

The meeting was adjourned at 1:32 p.m.

Respectfully Submitted,
Jewelie Grape
Secretary