District of Columbia Bar
Board of Governors Meeting
September 15, 2020

Call to Order
(Agenda Item 1)

President Geoffrey M. Klineberg called the meeting to order and welcomed everyone via Zoom teleconference.

Other members of the Board of Governors who attended the meeting were President-Elect Chad T. Sarchio, Secretary Diane A. Seltzer Torre, Treasurer Shaun M. Snyder, Jessica E. Adler, Catherine D. Bertram, A.J. Dhaliwal, Elizabeth (Sally) Gere, Susan M. Hoffman, Janene D. Jackson, Su Sie Ju, Natalie M. Koss, June B. Kress, Megan Lacchini, Paul S. Lee, Lisa A. Lipsky, Amy E. Nelson, Peggy Lansbach O'More, Ramya Ravindran, Bridget M. Rowan, Saleema Snow, and Courtney L. Weiner.

Board member Theodore A. Howard did not attend the meeting.

D.C. Bar staff who attended the meeting were Chief Executive Officer Robert J. Spagnoletti, D.C. Bar Pro Bono Center Executive Director Rebecca K. Troth, Matthew S. Butler, David Chu, Dennis Cuevas, Carla J. Freudenberg, LaTanya Hunter, Margarita Lorenzetti, Caterina Luppi, Lisa Martin-Morina, Erum Mirza, Maurice Morrow, Karen Savransky, Candace Smith-Tucker, Darrin P. Sobin, Crystal White, and Adriana Zick.

ABA State Delegate Robert N. Weiner also attended the meeting.

President's Report
(Agenda Item 2)

At President Klineberg's invitation, Board member Gere discussed the upcoming D.C. Bar 2020 Conference, "One Hundred Years of the 19th Amendment: Now We Can Begin," which will be held virtually on October 20 and 21, 2020. The Conference will focus on voting rights historically, today, and in the future. Mayor Muriel Bowser will open the Conference. D.C. Court of Appeals

Chief Judge Anna Blackburne-Rigsby and U.S. District Court for the District of Columbia Chief Judge Beryl A. Howell will be featured as speakers.

President Klineberg discussed the 2021 Judicial and Bar Conference scheduled for April 23, 2021. The Conference will focus on the impact of the COVID-19 pandemic on the legal profession. The program is planned as a hybrid of virtual and in person presentations, subject to change as circumstances warrant.

Consent Agenda
(Agenda Item 3)

President Klineberg presented the Consent Agenda to the Board, which included the minutes of the July 14, 2020 meeting, appointments to the D.C. Bar Foundation Board of Directors, and an appeal by a Bar member from the assessment of a $50.00 charge for the late payment of his license fee.

The Board approved the minutes of the July 14, 2020, meeting.

The Board approved the appointments to the D.C. Bar Foundation Board of Directors, as follows:

Connie N. Bertram
Kelly Veney Darnell
Ronald S. Flagg
Nathalie F. P. Gilfoyle
Benjamin F. Wilson

Appeal from the Denial of a Wavier of Late Charges

At the request of a member of the Board, the member appeal was removed from the Consent Agenda for discussion by the Board. CEO Spagnoletti indicated he had determined that there was no error or omission on the part of the Bar staff in denying a member's request for a waiver of the late charge for failure to pay his license fee in a timely manner. After review of the member's appeal and discussion by the Board, the Board voted to accept the Bar's recommendation to deny the appeal.

See Tab 3.

Treasurer's Report
(Agenda Item 4)

Treasurer Snyder presented his Report.

See Tab 4.

CEO's Report
(Agenda Item 5)

CEO Spagnoletti confirmed that the D.C. Bar continues to operate on a remote basis. The Re-entry Committee continues its work to ready the building for staff members to return to work onsite. Employees will not return to work in-person until January 11, 2021, at the earliest.

CEO Spagnoletti reported that FY2020-21 license fee collections, Communities subscriptions, and Pro Bono Center contributions are all ahead of their performance compared to the same time in the previous fiscal year.

See Tab 5.

Introduction of the New D.C. Bar In-house General Counsel
(Agenda Item 6)

CEO Spagnoletti introduced Erum Mirza, who is the Bar's first in-house General Counsel. Attorney Mirza greeted the Board

Report on the 2020 ABA Annual Meeting
(Agenda Item 7)

Former D.C. Bar President and current ABA State Delegate Robert N. Weiner reported on the Resolutions passed at the 2020 ABA Annual Meeting, held virtually in August.

See Tab 7.

Approval of Amendments to Articles III and IV of the D.C. Bar By-Laws to Update Administration of the Mandatory Course
(Agenda Item 8)

The Board adopted the proposed amendments to update the D.C. Bar By-laws to conform with the current administration of the Mandatory Course since the implementation of the on-demand, online version of the program. The amended By-laws read as follows:

D.C. BAR BY-LAWS

Article III—Dues and Registration: Suspension and Reinstatement

Section 1. Annual Dues

a. *[Omitted]*

b. *[Omitted]*

c.

1. *[Omitted]*

2. *[Omitted]*

3. If a member seeks to change status to active after such attorney has been in any status other than active for five (5) years or more, such attorney shall complete the Course on the District of Columbia Rules of Professional Conduct and District of Columbia Practice ("Mandatory Course" or "Course") and shall submit certification of completion of the Course at the time of the request for status change.

Section 2. *[Omitted]*

Section 3. *[Omitted]*

Section 4. Reinstatement of Inactive (Retired) or Resigned Member

a. Any attorney who has assumed retired inactive membership status under Section 1 (a) (3) of this Article or has voluntarily resigned his/her membership in the Bar under Section 7 of Rule II shall be reinstated by the Chief Executive Officer to active, inactive, or judicial membership upon (i) submission of a request, in writing or through such electronic means as the District of Columbia

Bar may provide on its website, for reinstatement; (ii) payment of applicable current year dues plus a reinstatement fee of $100 (except that the reinstatement fee is waived for the period July 1, 1999, to December 31, 1999); (iii) submission of a statement that the member has not been suspended for cause or disbarred by any disciplinary authority and that there are no complaints or charges against the member pending before any disciplinary authority; and (iv) if the attorney is reinstating to active status, submission of certification of completion of the Course on the District of Columbia Rules of Professional Conduct and District of Columbia Practice (Mandatory Course), if such attorney was admitted after July 1, 1994, and has not yet completed the Course or if such attorney has not been an active member of the Bar for five (5) years or more. In all other instances, reinstatement of a member to active, inactive, or judicial membership may be made by the Board of Governors in its discretion and upon such terms and conditions as it deems appropriate.

b. Reinstatement of an attorney to D.C. Bar active membership shall not become effective until all of the conditions of this Section have been met.

Section 5. *[Omitted]*

Section 6. *[Omitted]*

Section 7. *[Omitted]*

Section 8. Form of Notice; Deadlines

All notices hereunder sent to a member shall be sent in writing by first class mail. If a notice is postmarked later than the date of the notice, the date of the postmark shall control. The deadline for a date hereunder that may fall in that given year on a weekend or District of Columbia holiday shall be the next regular business day.

Article IV—Mandatory Course for New Admittees

Section 1. Mandatory Course

Pursuant to an order of the District of Columbia Court of Appeals of February 24, 1994, any attorney admitted to the Bar of the District of Columbia after July 1, 1994, must complete the Mandatory Course on the District of Columbia Rules of Professional Conduct and District of Columbia Practice within twelve (12) months of admission to the Bar. The District of Columbia Bar shall offer the course at least six (6) times a year.

Section 2. Suspension for Failure to Complete the Mandatory Course on the District of Columbia Rules of Professional Conduct and District of Columbia Practice

If a member admitted after July 1, 1994, regardless of status, has not completed the Mandatory Course on the District of Columbia Rules of Professional Conduct and District of Columbia Practice ("Mandatory Course") within ten (10) months of admission to the Bar, the Secretary or his/her delegate shall send forthwith to the member notice ("10-month notice") that the member is not yet in compliance, and that unless the member completes the Mandatory Course by the conclusion of the 14th month after the month of admission to the Bar, the membership of such member shall be, and is, automatically suspended pursuant to this Section. If the member has not completed the Mandatory Course within twelve (12) months of admission to the Bar, the Secretary or his/her delegate shall send forthwith to the member notice ("12-month notice") that the member is not in compliance, and that unless the member completes the Mandatory Course by the conclusion of the 14th month after the month of admission to the Bar, the membership of such member shall be, and is, automatically suspended pursuant to this Section. In the event of suspension, notice shall be sent to the member. The Secretary or his/her delegate shall notify the clerks of the D.C. Court of Appeals and the D.C. Superior Court of the suspension.

Section 3. *[Omitted]*

Section 4. *[Omitted]*

Section 5. Form of Notice; Deadlines

The 10-month notice and 12-month notice hereunder sent to a member shall be sent to the member's preferred email address contained in the member's official Bar record. The 14-month notice of suspension hereunder sent to a member shall be sent in writing by first class mail and by email to the member's preferred addresses in the member's official Bar record. If a notice sent by first class mail is postmarked later than the date of the notice, the date of the postmark shall control. The deadline for a date hereunder that may fall in that given year on a weekend or District of Columbia holiday shall be the next regular business day.

See Tab 8.

Proposal to Suspend Article III, Section 2 of the D.C. Bar By-laws to Waive the Penalty for Late License Fee Payment (Agenda Item 9)

The Board considered the financial hardships placed on some Bar members due to the COVID-19 pandemic. President Klineberg proposed that the Board of Governors suspend that portion of Article III, Section 2(a) of the By-laws requiring D.C. Bar members to pay license fees and applicable late charges by the September 30th deadline or face administrative suspension, upon receipt of a statement prior to the deadline that, due to financial hardship caused by the COVID-19 pandemic, the member will be unable to pay the license fee and any applicable late charges by September 30th.

Article III, Section 2(a) of the By-laws states, in relevant part:

> **Article III—Dues and Registration: Suspension and Reinstatement**
>
> **Section 2. Administrative Suspension for Nonpayment of Dues**
>
> **a.** If the annual dues of any member have not been received by July 15 of the year in which the dues are due and payable, the Treasurer or his/her delegate shall send on forthwith to the member notice that his/her dues have not been paid, that a late charge of $50.00 has been added to the unpaid dues, and further, that unless any unpaid late charges and any unpaid dues are received by September 30, the membership of such member shall be, and hereby is, automatically suspended administratively pursuant to this Section….

The proposed payment deferment will apply only to those members who specifically request a hardship deferral prior to the September 30, 2020, administrative suspension deadline. After discussion, the Board voted to approve the proposal and further that:

- the CEO be given the discretion to extend the deadline for payment of the license fee to December 31, 2020, with the additional discretion to extend the deadline to March 31, 2021, should the circumstances surrounding COVID-19 warrant an extension;
- the CEO be given the discretion to waive the payment of the applicable late charge for FY20-21 license fee year;

- after the applicable extended deadline has passed, the member will be administratively suspended in accordance with the By-laws if the required payment of the license fee has not been received; and
- the By-law suspension will apply only to the FY20-21 license fee year. License fees and applicable late charges for later years will be billed in accordance with the By-laws.

See Tab 9.

Executive Session
(Agenda Item 10)

The Board met in Executive Session.

Adjournment
(Agenda Item 11)

There being no further business, President Klineberg adjourned the meeting.

Respectfully Submitted,

Diane A. Seltzer Torre

Diane A. Seltzer Torre
Secretary