

**MSBA COMPUTER & TECHNOLOGY LAW SECTION
MINUTES — COUNCIL MEETING
MARCH 10, 2009**

Katheryn Andresen – P	Alycia R. Kirkevold – P
Miguel Azar (Vice-Chair) – P	Paul H. Luehr – A
Vanessa Beardsley – A	Doug D. McGhee – A
Steven A. Bern – P	Allen J. Oh (Treasurer) – P
James A. Blomquist – P	Eric M. Palmer – A
Brad T. Bolin – A	Damien Riehl (Chair) – P
Kevin S. Brady – P	Carolyn M. Sandberg – E
Charles P. Brink – P	Thomas R. Sheran – P
Stephen W. Buckingham – P	Charles Steffel – A
John J. Carney – P	John Taft – E
James C. Evans (Secretary) – P	Steven Burt Toeniskoetter – P
Laura H. Gilbert – A	Daniel A. Tysver – P
Paul W. Godfread – P	Dena M. Van De Voort Ehrich – A
Christopher Hilberg (Immed. Past Chair) – P	Kari Wangensteen – P
Linda K. Hopkins – A	

P= Present A= Absent w/o excuse E=Absent w/excuse

ALSO ATTENDING: JAMIE NAFZIGER, JOE KACROWSKI, TOM CARRETTA, JEFF ANDERSON, TODD SCHENK, JAMES HIETALA, ROBERT HIRNING, JIM GRAVES, CHRIS CHU.

I. CALL TO ORDER. INTRODUCTIONS 11:40

II. APPROVAL OF MEETING MINUTES — CHRIS EVANS. THE MINUTES WERE APPROVED AS PRESENTED.

III. TREASURER’S REPORT — ALLEN OH. IN JANUARY, \$37.50 DUES WERE COLLECTED. WE HAD EXPENSES OF \$481, GIVING A BALANCE OF \$9382.40, AS OF JANUARY 31, 2009.

IV. LAW SCHOOL OUTREACH

V. LAW SCHOOL VISITS — SANDBERG. JIM BLOMQUIST REPORTED ON THE ST. THOMAS VISIT. CHRIS EVANS REPORTED ON THE HAMLINE AND WILLIAM MITCHELL VISITS. THE U OF MN VISIT IS UPCOMING.

VI. CLEs & ROUND TABLES

VII. MAR: TERMS OF SERVICE — PAUL GODFREAD AND JEFF ANDERSON WILL HOLD THE CLE TODAY ENTITLED "INTERNET EXCEPTIONALISM IN CONTRACT LAW."

VIII. APR: [OPEN] TRADEMARK IN METADATA? CHRIS SCHULTE? STILL OPEN.

IX. MAY: ANNUAL MEETING. MIGUEL AZAR WILL BE TAKING OVER CHAIR AT THE ANNUAL MEETING, INCLUDING CLE PLANNING.

X. INCREASE IN SECTION DUES

A. MSBA has proposed \$6 increase to cover Section support - letter opposite.

Discussion: Current Section dues have been \$25 for a long time. Section has about 240-250 members. We routinely maintain a \$9,000 to \$10,000 balance. By unanimous vote, the decision was made for the Section to absorb the increase for next year, and keep the member's portion of the dues at \$25.

XI. OTHER DISCUSSION

A. **Section Blog — Kevin Brady.** There have been some good posts, please keep them coming. Kevin has been working with Meghan of MyPracticeLaw.org to integrate the Blog into a social networking fabric.

B. **2009 Annual Meeting** — Miguel Azar is working on it.

C. **Nominations/Bylaws — Chip Brink.** Chip will send out slate of nominees for the Council by the next meeting.

XII. ADJOURN. 11:57

Dear Section Chairs,

The MSBA is developing its budget for the next three years and, like many organizations, we are forced to look very closely at our expenses. The Operations Committee of the Assembly recommends a budget that the Assembly adopts at its April meeting. In the 2009-10 fiscal year, we need to close a \$400,000 operating gap in the budget. The Operations Committee, knowing about the upcoming budget shortfall, provided some direction to staff in developing the 2009-10 budget.

Our first step in preparation of the budget was to look at where we can reduce or eliminate expenses. To give you a few examples, we reduced the marketing promotion, office, and IT overhead accounts. We are also reducing the expense reimbursements to ABA Delegates and limiting Committee expenses. In addition, we are recommending substantial changes to some long term MSBA programs. We are merging the Annual Convention with the Bench/Bar Outreach programs. This revised format will increase the number of members we reach from less than three hundred to more than 2,000. A number of changes in the proposed budget came from recommendations made at meetings and in surveys by the Bar Leaders, including Section Chairs. If you have additional ideas for cost savings, please let us know.

Part of the Operation Committee's specific direction to staff was to reinstate the sections' contribution to expenses related to section activities and make a proposal for \$100,000 in section contributions. The MSBA currently spends \$450,000 supporting sections. This is a testament to the success of sections and the value they provide their members. The MSBA understands the importance of the sections and appreciates the value members find in section membership. That is why we are not proposing to cut section services in any way. However, section member dues are sequestered solely for section use and are not placed in the MSBA's General Operating Fund. Instead, general member dues support sections by providing for many services, including direct staff services, data management services, dues and billing services, accounting services, web services and legislative services. This proposal asks sections to contribute some of their annual member dues for those services. We believe that active Sections, supported by what we believe are excellent MSBA administrative services, will continue to attract members.

There is no ideal solution for how sections can best contribute nor one that will be satisfactory to everyone. However, after careful consideration of past history and the information we have gleaned from some sections in a recent survey, we believe the best approach is to charge an administrative fee of \$6 per section member (with the exception of the New Lawyers Section) that will be added to section dues. Many of you may recall that, beginning in 1996, the MSBA charged an administrative fee to sections. This was suspended in 2006 as part of a calculated effort to spend down excess MSBA reserves. Since that time, overall section reserves have increased substantially.

If approved, in the dues billing for the 2009-10 fiscal year, there will be an asterisk next to the section amount with a notation "\$6 of this amount will help reimburse the MSBA for administrative and overhead costs related to accounting, web and database management support services that allow your Section to continue its activities." We hope this will help explain to your sections members why the increase is necessary. Those sections with sufficient reserves may decide to cover the cost of this increase either in whole or in part by spending down their reserves. Sections may also decide to lower their dues so that the additional \$6 charge is not as great.

As of February 10, 2009, with section membership at 14,734 (not counting New Lawyers), the administrative fee proposal will raise \$88,404. The additional \$12,000 will come from the following sources:

- Dissolving the defunct Law Student Section and using their reserves of \$3700;
- Charging an hourly rate for staff time spent on the Real Property Section's Title Standards and the Civil Litigation Section's Time's Up Manual, anticipated to raise approximately \$4000;
- Charging sections who wish to use Lloyd Grooms' time for lobbying, anticipated to raise \$4000.

Those sections that are opposed to the \$6 administrative fee will have an opportunity to present their positions directly to the Operations Committee. If you are interested in doing so, please contact Tim Groshens at tgroshens@mnbar.org or 612-278-6335 or Terry Votel at terry.votel@farmersinsurance.com prior to March 1.

Sincerely,

Nancy Mischel
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Minnesota State Bar Association
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