

MINUTES
BENCH BAR COMMITTEE
Monday, November 3, 2025
By C. Edward S. Mitchell, Chairman

Attendance

Participants were: Judge Butts, Judge Linhardt, Judge Carlucci, Judge Gardner, Tom Marshall, Joy McCoy, April McDonald, Ed Mitchell, Nicole Spring, Adrienne Stahl, and LLA Executive Director Michele Frey

Young Lawyers present: Maureen Archibold, Giovanna Daniele, Jess Feese, Alyssa Fenoy, Nick Grimes, Blake Marks, Taylor Paulhamus, Steph Wolak

Method: the meeting was conducted in person at the LLA Office.

Old Business

The staffing shortage in both the Public Defender's Office and the District Attorney's Office continues.

New Business

Tom Marshall reported on the following developments in business and commercial law:

1. With the FTC rule attempting to ban most non-competes nationwide with exceptions for existing agreements with senior executives and those related to the sale of a business has been enjoined nationwide by a federal district court in the Northern District of Texas. Although the FTC appealed the decision of the Circuit Court, the Trump administration has decided it will not continue to defend the FTC rule. State law pertaining to non-competes remains in effect.
2. The Financial Crimes Enforcement Network (FinCEN) has issued a final rule that removes the requirement for US companies and US persons to report beneficial ownership information (BOI) to FinCEN under the Corporate Transparency Act.
3. The National Association of Realtors litigation on the method of paying real estate commissions has changed the manner in which real estate commissions are paid on the sales of residential properties. The practice of sharing the sellers commission with the buyers' realtor is no longer permitted unless disclosed and approved by the seller. Buyers now enter into a separate agreement with the buyers' realtor for payment of a commission. The commission structure must be fully disclosed and approved by both the buyers and sellers.

An admission ceremony for new LLA lawyers is scheduled for December 4, 2025 at 4:00 p.m. The deadline for applications is November 19. Applications are to be submitted to the Court Administrator.

The Young Lawyers will again be collecting toys for Christmas donations to needy families. Collection boxes will be in the LLA office, the courthouse, McNerney Page, McCormick Law Firm and Lepley, Engelman, Yaw & Wilk.

The Young Lawyers division of the LLA were invited to attend and participate in the meeting. Those in attendance are listed above. Judge Gardner gave a presentation on the committee structure of the LLA and encouraged young lawyers to become active in the various committees. The young lawyers were also encouraged to attend the memorial sessions of court for deceased attorneys.

There being no further business, the meeting was adjourned at 12:50 p.m.

The next meeting will be February 2, 2026 at noon in the LLA Office.

Respectfully submitted,

C. Edward S. Mitchell
Chairman