

FEBRUARY 5, 2021 VIRTUAL MIDYEAR MEETING PREVIEW

# Rights & Responsibilities

## IN A CHANGING WORLD

**INSIDE:**

LEARN MORE ABOUT  
THE CLES, THE AWARDS,  
THE EXHIBITOR BOOTHS...  
AND THE CHOCOLATE!



A SPECIAL SUPPLEMENT TO THE JANUARY 20, 2021 NEW HAMPSHIRE BAR NEWS

NEW HAMPSHIRE  
**BAR ASSOCIATION**  
Equal Justice Under Law





# NHBA Midyear Meeting Awards

## Chief Judge Landya B. McCafferty

Gender Equality Committee's Philip Hollman Award

Established on the occasion of Judge Philip Hollman's retirement from the Superior Court bench in 2003, this award is designed to honor his efforts as a stalwart advocate for gender equality in the legal system.



Hon. Landya Boyer McCafferty serves as Chief Judge in the U.S. District Court for the District of New Hampshire. Prior to that, she served in the same court for 3 1/2 years as Magistrate Judge. Before joining the district court bench, Judge McCafferty served as Disciplinary Counsel for the N.H. Attorney Discipline office (2004-2010).

## Pro Bono Awards

### John B. Garvey

L. Jonathan Ross Award for Outstanding Commitment to Legal Services for the Poor

This award was named for Jon Ross in 1988 to recognize his work on the state and national level to mobilize bar leaders to support civil legal services for the poor along with his unsurpassed leadership and dedication to pro bono legal services.



The Pro Bono Referral Program is pleased to honor John Garvey with the 2021 L. Jonathan Ross award for his contributions to support civil legal services for the poor in New Hampshire. Throughout his engagement with the Pro Bono Program, John has donned varied hats—litigator, mediator, professor, mentor—in order to assist the most at-risk litigants within our legal system.

### Christopher J. Garner

Distinguished Pro Bono Service Award

Christopher Garner, a sole practitioner, is a steadfast volunteer the Pro Bono Program knows it can count on year after year, decade after decade, to help clients in need. Over the years, he has represented people in crisis facing family law issues as well as insurmountable debt, usually stemming from job loss, disability and/or mountains of medical bills. Pro Bono clients have shared their heartfelt gratitude for his assistance when they were struggling and desperate.



## President's Awards

### Attorney Bernard H. Campbell

2021 Vickie M. Bunnell Award of Community Service Recipient

Vickie M. Bunnell Award for Community Service—Instituted in 1998 to honor the memory of Vickie M. Bunnell "A Country Lawyer" and to applaud the community spirit that is a hallmark of our profession this award is presented to an attorney from a small firm (four or fewer attorneys) who has exhibited dedication and devotion to the community by giving of their time and talents, legal or otherwise.

Bernard Campbell is President and sole Member of Beaumont & Campbell Prof. Ass'n., the law firm he founded in 1993. He is a life-long resident of Salem, graduating from Salem High School in 1974 and obtaining his law degree



from Boston University School of Law in 1980 while commuting daily from Salem where he was still working on the family farm.

### Attorney Lucy Hodder of UNH Franklin Pierce School of Law

Outstanding Service in Public Sector/ Public Interest Law Award

This award is presented to a member of the New Hampshire Bar, or an organization employing eligible members, with at least five years of service in government, military, law enforcement, or public interest law services (including prosecution, public defense, legal advocacy in low-income communities or for individuals with disabilities at a nonprofit organization), or at another nonprofit organization.



Lucy Hodder is the Director of Health Law and Policy programs at the University of New Hampshire, Franklin Pierce School of Law and the Institute for Health Policy and Practice (College of Health and Human Services) and a Professor of Law. She developed and oversees the J.D. Certificate in Health Law and Policy and teaches a variety of health law courses. Lucy focuses her policy work at the Institute on access to affordable health care, payment reform, Medicaid policy, mental health parity and health insurance coverage issues.

### Attorney Howard J. Zibel retired Administrative Office of the Courts

Distinguished Service to the Public Award

This award is presented to the nominee who best exhibits service to the public on behalf of the administration of justice.

Howard J. Zibel received his J.D. from Cornell University in 1976 and worked at the law firm of Cleveland, Waters and Bass in Concord until 1985. Attorney Zibel then began his career with the New Hampshire Supreme Court, where he served as deputy clerk, clerk and reporter of decisions, general counsel, and legislative liaison from 1985-2020.



**OUR EXHIBITORS HELP MAKE MIDYEAR MEETING POSSIBLE**

Visit their booths on Feb 5 and learn how they can help you run your practice more efficiently



# An Amazing Time Listening to Erwin Chemerinsky

By Lynne Sabean

In his CLE program, "An Amazing Time in the Supreme Court," Constitutional Law guru and Berkeley School of Law Dean Erwin Chemerinsky provides a summary of some of last term's Supreme Court decisions and touches upon what he sees as key decisions for the term beginning October 2020. Chemerinsky's lecture was recorded by the New Hampshire Bar Association on Thursday, January 7, 2021 – only a day after the storming of the U.S. Capitol – and on a day where ConLaw issues were on the minds of Americans everywhere.

Chemerinsky led off his CLE program and oriented his audience by touching upon why SCOTUS' 2019 term was so different from earlier ones. For example:

- Fewer cases were decided;
- Oral arguments were cancelled to a degree not seen since the Spanish flu in 1919;
- Oral arguments were presented telephonically (a first for the Court); and
- Justice Ginsburg's death and Justice Barrett's appointment tipped the scales towards conservatism.

In discussing the significance of the last term, Chemerinsky organizes a number of key cases into nine distinct categories, which he then discusses in alphabetical order:

- Abortion rights;
- Civil rights litigation;
- COVID-19 and the Constitution;
- Criminal cases;



- Deferred Action for Childhood Arrivals (DACA);
- The electoral college;
- Free exercise of religion;
- Presidential immunity from subpoenas; and
- Separation of powers

Chemerinsky, a lively and engaging speaker, can bring even the driest subject matters to life. Listeners will be transported back to their 1L days (police stops, Indian law, *International Shoe* and the minimum contacts test) and find themselves recalling Constitutional Law concepts they may not have considered in depth since they sat for the Bar Exam. Not only does Chemerinsky provide the procedural history and key holdings for the cases he discusses, but he gives a relevant spin to the compelling ques-

tions those cases raise. While you may not agree with how the Court resolved the issues brought before it, Chemerinsky offers a ray of hope that cases are indeed being addressed and decided in a well-grounded, intelligent manner by the Court. So the judicial process, by and large, still works effectively in a world where everything seems broken right now. The pace of Chemerinsky's program is just right: he makes it easy to follow why the Court arrived at the decisions it did and encourages the listener to question how other decisions might unfold in the future under the newest slate of justices.

Chemerinsky shares that he himself has argued seven cases before SCOTUS. He describes in vivid details what it's like to answer the Court's questions and how the justices build upon each other's hypotheses during

oral arguments. He discusses what he calls a "loss of depth in questioning," where justices go from topic to topic at lightning speed and he laments how much precious time is spent during oral arguments waiting for the Court to circle back with the right follow-up questions.

Chemerinsky also surveys some important cases from the October Term 2020. The questions those cases raise are equally—if not more—compelling than those of last term, e.g.:

*If no warrant is required for "hot pursuit" in a suspected felony, does the exception still apply if it's a misdemeanor?*

*If the ACA is permissible under Congress' broad power to tax, what happens when there's no tax penalty for failure to buy insurance?*

*Under a more conservative court, will stopping discrimination continue to be more important than protecting the freedom to discriminate?*

At the Midyear Meeting, a live Q&A with Dean Chemerinsky and Attorney Maggie Goodlander will follow the prerecorded program. The moderated discussion will include questions submitted by the audience and is expected to explore in greater detail how the examined cases could affect New Hampshire practitioners specifically.

# McWhirter Paints a Vivid Picture of the History and Abolition of U.S. Slavery in "The 13th Amendment: Fixing the Framers' Failure"

By Lynne Sabean

The strains and pressures of governing a nation were clearly etched on President Abraham Lincoln's face. In only four years, it seemed as if he'd aged decades. Popular NHBA CLE speaker Bob McWhirter, in his CLE "The 13th Amendment: Fixing the Framers' Failure," called it "The Cost of Empathy." But it wasn't only Lincoln who changed dramatically between 1861 and his death in 1865; it was an entire nation as well.

McWhirter points out that the Founding Fathers didn't necessarily want to create a democratic republic; many intended an aristocracy instead. And at the Constitutional Convention, some states were separated by those supporting slavery and others that did not. Still others believed that slavery would end on its own, due to economic conditions. Divisiveness, it seems, is part of our coun-

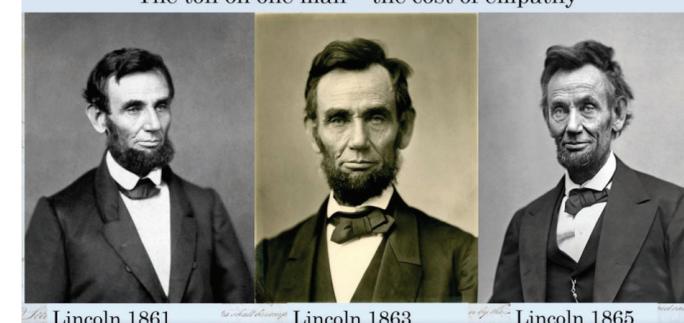
try's DNA from its very founding.

McWhirter uses a plethora of quotes from familiar historical figures to draw the contours of who thought what in the 1860s... and why. The statistics are shocking at times. For example, he states that at the height of slavery in South Carolina, 43% of its populace were in bondage and 1/2 of the slaves in the U.S. lived there. McWhirter states that South Carolina started the Civil War to protect slavery, a generally accepted argument firmly rooted in



the state's secession speech yet is nevertheless disputed by some Southerners from the Reconstruction period up to the present day. He also debunks assertions about state's so-called "rights," constructing an argument that states don't have rights; only people do. McWhirter points out inconsistencies – or "learning opportunities," if you prefer – even among the Founding Fathers' views on slavery. For instance, he points out how

## The toll on one man – the cost of empathy



Thomas Jefferson the attorney took on cases of Black men arguing for freedom, while Jefferson the slaveowner sought recapture of his own escaped slaves and maintained slaves to his death.

Abraham Lincoln did not live to see the 13th Amendment become law. It was ratified eight months after his murder. McWhirter calls out states who rejected the Amendment until the 20th century: 1901 (Delaware), 1976 (Kentucky), and 1995 (Mississippi). While such rejection sends a very wrong symbolic message on one level, it is entirely a moot point on another level: once an amendment has been passed

by three-quarters of the states, it becomes settled law.

"The 13th Amendment: Fixing the Framers' Failure" is a must for anyone seeking to better understand how Black Lives Matter became a groundswell in 2020 and why Congress is currently considering revising the 13th Amendment to address prison labor and more. McWhirter will hold a live Q&A on Feb 5 following the broadcast of his prerecorded CLE at the NHBA Virtual Midyear Meeting. Learn more about his event and register today at [nhbar.org/nhba-mym-2021/](http://nhbar.org/nhba-mym-2021/).



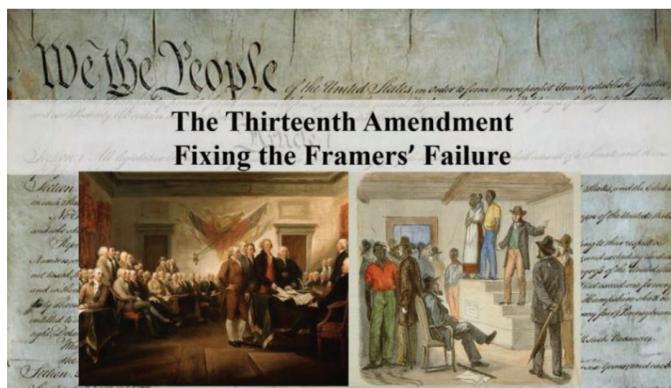
## Virtual CLES a Highlight of the 2021 MYM

By Joanne Hinnendael and Lynne Sabeau

NHBA's Midyear Meeting has traditionally been a way to earn the CLE credits you need at a great price, while enjoying a day away from the office with your colleagues. While this year's meeting looks and feels somewhat different, we're dedicated to providing high-quality CLE programs that are both captivating and educational.

Video and web conferencing have become ubiquitous over the past year, with practitioners quickly gaining proficiency with Zoom, Microsoft Teams, and/or GoToMeeting. This year's MYM is being held on the Cvent platform, which we selected for its value and its reputation for excellence. (With more than 20 years of experience in event management technology, Cvent has successfully run major events for corporations, non-profits, and agencies.) We were also impressed with Cvent's intuitive quality, reliability, and ease of use. So, regardless of your comfort level with computer technology in general, we're doing everything we can to make attending our 2021 Midyear Meeting a pleasant and productive experience.

While in past years members were eager to come together in the same room to learn together, the concept of "one room" has dramatically changed. We're working hard to translate the best moments of a live MYM to a one-of-a-kind online experience. This year, practitioners can virtually attend our CLEs from literally anywhere in the world, presuming they have sufficiently robust and reliable Internet technology. This versatility has also made it possible for our speakers to join us from California and Arizona. And if it happens to be snowing on February 5, you won't need to drive anywhere.



Robert McWhirter, a nationally and internationally known speaker and author on trial advocacy, immigration law, and the history of the Bill of Rights, will conduct a CLE, titled "The 13th Amendment: Fixing the Framers Failure" at this year's Midyear Meeting.

But it's not only the concept of what it means to be in the same "space" that's different about the 2021 Midyear Meeting: assumptions about "time" are shifting, too. We've recorded both CLE programs ahead of the event and added a live Q&A component to each presentation. Audiences will be able to privately send questions to the speakers while we broadcast the pre-recorded portions. Moderators will review, approve, and consolidate the questions as they come in during the Q&A sessions and the speakers will respond to some of the submitted questions.

Hosting a virtual event has allowed NHBA to book speakers we've been unable to get in the past. While travel schedules, flights, and hotels were factors to consider in other years, our 2021 speakers will join us from their choice of location. Constitutional law authority Erwin Chemerinsky will review U.S. Supreme Court de-

isions over the preceding year, focusing on those decisions most likely to impact New Hampshire attorneys. Chemerinsky, who is Dean of the University of California Berkeley Law, is the author of eleven books, including leading casebooks and treatises about constitutional law, criminal procedure, and federal jurisdiction. In 2017, National Jurist magazine named him "the most influential person in legal education in the United States." The Q&A following the prerecorded session will be moderated by Attorney Maggie Goodlander, (who was recently featured in the December, 2020 issue of *Bar News*.)

Our second CLE will be conducted by Robert McWhirter, a nationally and internationally known speaker and author on trial advocacy, immigration law, and the history of the Bill of Rights.

McWhirter's CLE, titled "The 13th Amendment: Fixing the Framers Fail-

ure," is a timely discussion exploring how the Framers of the Constitution founded America on equality rather than ethnicity—liberty, rather than race. McWhirter notes that the Framers failed to live up to their own words because they failed to resolve the conflict between freedom and slavery.

McWhirter's conversation is particularly timely considering that last month, Congress looked at amending the 13th Amendment's ban on chattel enslavement to expressly prohibit involuntary servitude as a punishment for crime. The resolution's supporters note that original language of the amendment has permitted involuntary, for-profit labor by convicted felons — many of them black and making only pennies on the dollar — for more than 155 years since the abolition of slavery.

Finally, we know it's tempting to multitask while you're on a web conferencing call. Emails beckon, there's that brief that won't write itself—we totally get it—and we've occasionally done it ourselves. But, remember, you'll get the most out of the CLE sessions if you give them your undivided attention. We know that lawyers are very familiar with focusing on the task at hand and so we invite you to press that "Do Not Disturb" on the phone and to fight the urge to check your texts or open the "Welcome box" we're sending you. Our hope is that, by the end of the day, you'll enjoy knowing that you're a few credits closer to meeting your yearly CLE obligations.

Sign up for the Feb 5 NHBA Midyear Meeting today at [nhbar.org](http://nhbar.org).

Joanne Hinnendael is Director of Professional Development at the New Hampshire Bar Association. Lynne Sabeau is NHBA's Director of Marketing, Communications, and Member Outreach.

**THE YEAR DISTANCE IS NO LONGER AN OBSTACLE TO ATTENDING**

We hope to see more out-of-state members than ever at this year's Midyear Meeting. Register today!

## Annual Attorney License Renewal Reporting Begins June 1. Are You Ready?

Each year, a number of attorneys lose their right to practice law in New Hampshire and/or are ordered to pay fines for failing to meet their annual licensing requirements under NHSC R. 42A, 50, 53, 55 and 58. The NHBA Attorney License Renewal Team works diligently to keep that number as low as possible.

It takes a village (almost) to make sure that our members remain in compliance with their licensure obligations. Members of the NHBA Attorney License Renewal Team include the Member Records Coordinator, Accounts Receivable Administrator, Accounting Administrator, Database Coordinator, NHMCLE Coordinator, Accounting Supervisor and Associate Executive

Director for Operations. Their jobs include making sure that our members

- promptly update their contact information (so that both NHBA and the courts can reliably contact members in a timely manner),
- correctly execute membership status changes,
- pay any required NHBA dues and NH Supreme Court fees,
- file their Trust Account Compliance (TAC) form,
- enter their Continuing Legal Education (CLE) credits and
- accurately file their NHMCLE Affidavits.

They do so by educating members about their annual obligations and follow-

ing up with members by phone and e-mail multiple times over the license renewal season.

Rules and deadlines can change, so avoid the trap of just "doing what you've always done." Being prepared for June 1 renewal and understanding the compliance requirements, will help you avoid suspension of your license to practice law in New Hampshire. Stay on top of the renewal deadlines and requirements by visiting the NHBA Attorney License Renewal Team booth at the 2021 Virtual Midyear Meeting. Additional information can also be found at [nhbar.org/resources/stay-in-compliance/](http://nhbar.org/resources/stay-in-compliance/) or you may contact the Renewal Team at [billing@nhbar.org](mailto:billing@nhbar.org).



## NHBA's Professional Development Department Keeps Members Well-Educated and Networking With Each Other

Our Professional Development department has two key components: Continuing Legal Education (CLEs) and Sections.

### CLEs

The New Hampshire Supreme Court establishes Minimum Continuing Legal Education (NHMCLE) requirements for all attorneys practicing in the Granite State. The NHBA helps ensure that our members meet their court-mandated annual licensing obligations, maintain their technical skills, and stay up to date with current legal changes by offering a wide selection of relevant, timely, and interesting CLE programs in a variety of formats. The Professional Development Department works with the CLE Committee on designing a good variety of programs for members all year long. It also updates an online CLE catalog of locally produced programs and a carefully curated selection of programs from other state bars and providers.

Want to save on CLE programming? Become a CLE Club member and enjoy a substantial discount on the registration price of all standard NHBA CLE programs. This discount applies only to programs that are



presented exclusively by the New Hampshire Bar Association's Continuing Legal Education Committee. Club membership discounts will not be available for programs including, but not limited to limited attendance programs; programs co-sponsored with other organizations; programs offered through a contractual agreement with a professional or out-of-state speaker or organization; and some online programs.

### SECTIONS

- Membership in one or more of the New Hampshire Bar Association's sections provides an opportunity for improving knowledge and skills in a particular practice area. Currently, more than 2,000 NHBA members belong to one or more of the NHBA's 19 sections, which cover a wide array of practice areas from family law to utilities law. Section meetings (currently being held

online) are opportunities for members to hear speakers and converse with their colleagues about timely issues impacting their practice area.

We especially encourage signups from newer attorneys who would like to meet and interact with other members in their practice area. Annual section memberships can be conveniently purchased online at [nhbar.org/sections](http://nhbar.org/sections) for only \$40 per section.

Visit the Professional Development booth at Midyear Meeting on Feb. 5 to network, view a slide show, and talk with our staff about how we keep our CLEs and Section Meetings relevant and affordable during these difficult times.

To learn more, contact:

- Joanne Hinnendael, Director of Professional Development at [jhinnendael@nhbar.org](mailto:jhinnendael@nhbar.org)
- Dorene Hartford, Sections Coordinator at [dhartford@nhbar.org](mailto:dhartford@nhbar.org)
- Cheryl Moore, Program Registrar at [cmoore@nhbar.org](mailto:cmoore@nhbar.org)

## NEW HAMPSHIRE SUPREME COURT NHMCLE BOARD Minimum Continuing Legal Education

### Learn More About NH Minimum Continuing Legal Education (NHMCLE) at Midyear Meeting

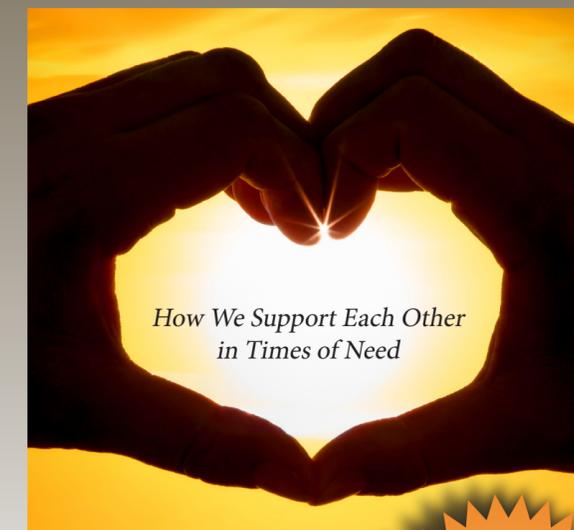
Did you know that NHBA assists members with, and monitors compliance of, NH Supreme Court Rule 53, NH Minimum Continuing Legal Education (concerning the annual CLE obligations)? NHBA also assists members with reporting their credits, checking their record, and filing their annual affidavit using the NHMCLE Attorney Reporting Tool (ART).

When an attorney is changing status, winding up their firm or is a new admittee, they may have questions about their NHMCLE obligations. We are here to make sure our members remain in full compliance. As always, the Rule itself is the definitive authority and resources for

answers.

Each year, a small but significant number of attorneys fail to meet their annual NHMCLE reporting obligations. As a result, they can be assessed a delinquency fee by the Court or even have to appear before the Court to explain why they are not compliant with the Rule. Don't let this happen to you. Visit the NHMCLE booth at Midyear Meeting to make sure you're on schedule to have earned the required learning credits before June 1, 2021. We are still easy to reach after the Midyear Meeting. Just email [nhmcle@nhbar.org](mailto:nhmcle@nhbar.org) or visit the NHMCLE website at [www.nhmcle.org](http://www.nhmcle.org).

## SOLACE IS WHERE YOU FIND IT... WITH OUR MEMBERS



How We Support Each Other in Times of Need

Through the SOLACE program, NHBA members can help others in the NH legal community (including employees and families) who have suffered a significant loss, illness or injury and who need immediate assistance.

Details and submission form at [nhbar.org/solace/](http://nhbar.org/solace/)

GET DETAILS ON SOLACE AT THE MEMBER SERVICES BOOTH AT THE VIRTUAL MIDYEAR MEETING FEB 5

# Rights & Responsibilities

IN A CHANGING WORLD

FRIDAY, FEBRUARY 5, 2021

## SCHEDULE-AT-A-GLANCE



(SUBJECT TO CHANGE WITHOUT NOTICE TO BETTER ACCOMMODATE SPEAKERS AND ATTENDEES. CHECK THE EVENT SITE FOR THE LATEST UPDATES.)

### PRE-EVENT:

Exhibitor Showcase

### EVENT:

- President's Welcome/In Memoriam
- Gender Equality Committee Hollman Award & President's Awards
- Break, Video, & Exhibitor Showcase
- CLE: Erwin Chemerinsky, Part I (Recent SCOTUS Decisions)
- Lunch Break, Wellness Stretch, & Exhibitor Showcase
- CLE: Erwin Chemerinsky, Part II
- Break & Exhibitor Showcase
- CLE: Erwin Chemerinsky Live Q&A with moderator Maggie Goodlander
- Break & Exhibitor Showcase
- Pro Bono Awards
- CLE: Robert McWhirter (13th Amendment)
- Break & Exhibitor Showcase
- CLE: Robert McWhirter Live Q&A

### POST-EVENT:

Virtual Chocolate Tasting (additional fee)

## ADVERTISERS, EXHIBITORS, & SPONSORS

### LAST CALL: SUPPORT NHBA PROGRAMS & REACH OUR MEMBERS LIKE NEVER BEFORE!

Participate in Midyear Meeting at an entirely new level. This year's event virtual exhibitor booths with videos, meeting opportunities, giveaways, and more. Our annual program will be distributed electronically prior to the event and include live links to web sites, documents, videos, and other key promotional material. Our e-mail communications may also include ad banners. **These options aren't just for law-related vendors: firms and individual attorneys can also use these marketing tools to share your accomplishments, gain referrals, and strengthen your branding.** To learn more, contact Donna Parker at [dparker@nhbar.org](mailto:dparker@nhbar.org) or (603) 715-3263.

Thank you to the following Midyear Meeting supporters:

## FEATURED PRESENTATIONS - ATTEND TO EARN VALUABLE CLE CREDITS!

### UNITED STATES SUPREME COURT UPDATE



Constitutional law scholar **Erwin Chemerinsky** will review key U.S. Supreme Court decisions of the past year, with a focus on those most likely to impact New Hampshire attorneys. A live Q&A session follows, moderated by **Atty. Maggie Goodlander**.

*Chemerinsky, Dean of University of California Berkeley Law, is the author of eleven books, including leading casebooks and treatises about constitutional law, criminal procedure, and federal jurisdiction. He frequently argues appellate cases, including in the United States Supreme Court.*

*Goodlander is a professor of Constitutional Law at Franklin Pierce UNH School of Law. Among her many accomplishments, she served as a law clerk to U.S. Supreme Court Justice Stephen Breyer and Chief Judge Merrick Garland of the U.S. Court of Appeals for the District of Columbia, and as a senior advisor to U.S. Senators John McCain and Joseph Lieberman.*

### THE 13<sup>TH</sup> AMENDMENT: FIXING THE FRAMERS' FAILURE



**Robert J. McWhirter** believes that although the Constitution embodies "created equal" and "the People," the Framers failed to resolve the conflict between freedom and slavery. This talk on the 13<sup>th</sup> Amendment discusses how America began to grow into itself. A live Q&A session follows. This session is particularly timely, given Congress' recent consideration of wording changes to the amendment.

*McWhirter is a nationally and internationally known speaker and author on trial advocacy, immigration law, and the history of the Bill of Rights. He is a frequent guest on Arizona Horizon and KJZZ as a Constitutional expert and historian. He is a Certified Specialist in Criminal Law with the State Bar of Arizona.*

## SIGN UP NOW TO SAVE YOUR SPOT!



### VIRTUAL CHOCOLATE TASTING

The additional \$12 registration fee (\$50 value) includes samples of fine craft chocolates from several New England chocolatiers and a tasting experience guided by an expert chocolate educator.

Register by Jan. 20, 2021 to ensure you receive the chocolates ahead of time.

Only a limited number of spaces remain!

This post-event networking opportunity is sponsored by NHBA's New Lawyers Committee

DUE TO EXCEPTIONAL TIMES, WE LOWERED THE REGISTRATION PRICE THIS YEAR FOR ALL ATTENDEES TO JUST



(\*Chocolate tasting additional \$12)



Register early to ensure that the "Coffee Break Kit" we're mailing Feb 5 attendees arrives on time!





## Mentor Advice Program for New Attorneys Launches at 2021 Midyear Meeting

By Misty Griffith



The practice of law is challenging, especially for new lawyers. When starting the legal journey as a new lawyer, it is beneficial to have a trusted advisor who can provide sound guidance and support. The new Mentor Advice Program (MAP) the NHBA is introducing at Midyear Meeting will partner new attorneys (advisees) with experienced practitioners (mentors) in order to provide guidance regarding ethical, practical, and professional issues. MAP seeks to promote positive relationships among members of the NHBA.

**Mentors wanted!** One key to the success of MAP will be having an enthusiastic group of well-qualified mentors ready to help guide newer attorneys. Attorneys in good standing who have practiced in New Hampshire at least five years and have not been subject to any disciplinary complaints

in the last five years may apply to be a mentor. Retired judges and attorneys are also welcome. Mentors should have a reputation in the New Hampshire legal community for ethical and professional conduct and competence.

The role of the mentor is to provide ethical, professional, and practical guidance. Mentors do not have any responsibility to supervise or evaluate the work of the advisee and mentors assume no responsibility for services performed by the advisee. Serving as a mentor is a valuable service to the New Hampshire legal community and can be a fulfilling experience for seasoned attorneys. Attorney Charles Bauer of Gallagher, Callahan and Gartrell states:

"I encourage experienced New Hampshire lawyers to volunteer for the New Hampshire Bar Association Mentor Program and provide pro bono mentoring assistance to attorneys who might be inexperienced, younger, or otherwise unclear of our New Hampshire legal practices and procedures. I also encourage lawyers to take advantage of the NHBA Mentor Program. I have been involved in mentoring for many years, and



Charles Bauer

have found it to be a worthwhile public service, and rewarding to assist others."

If you are an experienced attorney, consider making one of your New Year's resolutions giving back to the profession by mentoring a new attorney. Please contact Misty Griffith, member services coordinator [mgriffith@nhbar.org](mailto:mgriffith@nhbar.org) for more information on mentoring.

**New attorneys, we are here for you.** Attorneys who have been in practice for less than three years may apply for the Mentor Advice Program. MAP is also available to attorneys who have not actively practiced law for the past three years and are now seeking to return to the legal community. Additionally, attorneys who are new to New Hampshire within the last year, but have practiced more than three years elsewhere, may apply for a mentor in order to seek basic insight regarding the nuances of Granite State law practice. If there is a waiting list to receive a mentor, preference will be given to attorneys who are new to the practice of law.

**Apply online.** Applications for the MAP will be available on the NHBA website by February 1, 2021. In matching advisees with a mentor, a variety of factors will be taken into consideration. These include primary practice areas, size and type of employer, specific preferences/concerns, and geographic location. Geographic location will not be a barrier to an otherwise good match, especially given the ubiquity of web conferencing and videoconferencing platforms. The goal is to create a compatible match that will be

professionally fulfilling for the participants. Once a match is made, both parties will be notified by the NHBA and the mentor will schedule an initial meeting with the advisee.

**Guidelines to success.** MAP is solely for educational purposes and any legal problems should be discussed in a general, hypothetical manner. Mentors do not have any responsibility to supervise or evaluate the work of the advisee and mentors assume no responsibility for legal services performed by the advisee. The commitment to the program is for 6 months, during which time the mentor should connect with the advisee at least once a month. All program participants will sign a participation agreement which will be kept on file at the Bar Center.

During their initial meeting, the mentor and advisee will define the parameters of their relationship including preferred means of contact, goals, boundaries, avoiding potential conflicts of interest, and plans for the next meeting. Each mentoring pair should develop a plan that best suits their specific professional relationship, respective work schedules, and goals for the program. Throughout the program NHBA member services will be available for support.

After the initial six-month term, both participants will be asked to fill out a brief, confidential evaluation of the program. The parties may by mutual agreement renew the relationship for an additional six-month term. The formal mentorship may continue for a total of up to two years. However, participants are encouraged to continue an informal relationship beyond the term of the program.

**Learn more.** Check out the mentor booth at Midyear Meeting to connect with MAP coordinator Misty Griffith. Applications for participants, both mentors and advisees, will be available.

**"STRETCH YOURSELF IN 2021", THEY SAID**

Join us for a 15-minute "Stretch Break at Your Desk" during lunchtime at the Feb 5 Midyear Meeting, led by Iris Sokol of Ergowell, LLC



## Member Services Add Significant Value to Your Bar Membership

While the Bar Center is currently closed to the public and to NHBA members, we're still hard at work to provide a wide array of services to assist our members' law practice and professional development. Many of our services are offered free of charge. NHBA members also receive valuable discounts on a variety of products and services. The NHBA is dedicated to providing resources to help members thrive throughout their career. Our job is to support you!

### Career Growth and Support

The NHBA offers a wide array of services to enhance your professional development and support you throughout your legal career.

- Affordable CLEs
- Dispute Resolution Service

### Ethics Guidance and Helpline

- Free Meeting Rooms\*
- Lawyer Referral Service
- NHBA Leadership Academy
- Member ID
- Mentorship Advice Program (MAP)
- Modest Means Referral Service
- Networking Opportunities
- Online Member Directory
- Sections and Online forums
- SOLACE – Providing urgently needed help to NHBA members, their employees, and families
- NH Lawyers Assistance Program\*\*

\*When the Bar Center reopens to the public

\*\*Established by the New Hampshire Supreme Court

### Practice Management Resources

The NHBA partners with select providers to provide discounts on products designed to support your practice and enhance your productivity.

- ABA Books for Bars – 15% discount on books
- Amity Insurance – Endorsed by the NHBA
- Casemaker – Free access
- TechConnect /Affinity Consulting – Free consultations & tutorials
- Clio – 10% discount on cloud-based management resources



- ESQ Sites – 25% discount on web design
- Law Pay – 3 mon. free trial
- MyCase – 10% discount on case management software
- RPost – 20% discount on email and e-signature cybersecurity products

### Publications

In addition to our flagship publications *Bar News* and *E-Bulletin*, we offer a number of specialty publications for attorneys at various stages of their legal careers:

- NHBA Member Guide – A reference for unlocking your member benefits.
- NHBA Succession Planning Guide - offering step-by-step directions to plan and execute your retirement from the practice of law in New Hampshire.
- Traps for the Unwary – Identifying some "traps" into which both new and experienced lawyers may fall.
- A Guide to Appellate Advocacy in NH – A reference for lawyers and non-lawyers who do not routinely practice before the New Hampshire Supreme Court.

### Volunteer Service Opportunities

Here are just a few of the many ways our members are giving back to the community:

- Domestic Violence Emergency Project (DOVE) volunteers
- IOLTA Grants facilitated by interest earned on certain lawyer trust accounts
- Participating in Lawline
- Law Related Education Programs for Schools and Communities (LRE)

- Participating in the Modest Means Legal Services Program
- New Hampshire Bar Foundation donations
- Pro Bono work for the underserved
- SOLACE – providing urgently needed help to NHBA members, their employees, and families

Visit the Member Services booth at Midyear Meeting to connect with our Member Services staff and learn more about exciting new benefits and services, such as Affinity TechConnect/Insight and encryption software vendor RPost. Check out brochures with the most up-to-date information about NHBA member services. Be fully informed so that you can take full advantage of the many resources available to help your practice.

To learn more, contact Member Services Coordinator Misty Griffith at [memberservices@nhbar.org](mailto:memberservices@nhbar.org) or (603) 715-3227.

**MENTORS WANTED**

VISIT OUR BOOTH AT THE VIRTUAL MIDYEAR MEETING FEB 5

**SHARE YOUR EXPERIENCE & KNOWLEDGE WITH THE NEXT GENERATION OF NEW HAMPSHIRE ATTORNEYS**

We're relaunching our Mentor Program soon and are looking for experienced attorneys to help newer ones transition to the New Hampshire legal community and succeed in their practices.

For additional information or to volunteer, contact Misty Griffith, our Member Services Coordinator at (603)715-3227 or [mgriffith@nhbar.org](mailto:mgriffith@nhbar.org)



# NHBA's Lawyer Referral Service Provides Full-Fee Legal Services for Those in Need

The New Hampshire Bar Association's Lawyer Referral Service connects legal consumers with qualified, conveniently-located attorneys who practice in the area of law needed by the potential client. All LRS attorneys

- belong to the New Hampshire Bar Association
- are licensed to practice in NH, and
- carry malpractice insurance.

LRS serves the legal needs of consumers while also generating additional business for lawyers. Making the best client/attorney match is the Service's highest priority.

LRS' in-depth attorney data includes languages spoken, ability to practice in other states and handicap accessibility, along with willingness to make home/hospital visits, accept credit cards, provide flat fee or unbundled services.

Importantly, attorneys referred through Lawyer Referral Service charge customary legal fees. If potential clients cannot afford an attorney's regular rate, they may qualify for a referral through the NH Modest Means Legal Program.

Legal issues commonly handled by LRS attorneys include:

- Administrative Law
- Bankruptcy & Debt Collection
- Business Law
- Criminal Law
- Employment Law
- Family Law
- Intellectual Property



- Landlord – Tenant Law
  - Personal Injury / Malpractice
  - Real Estate Law
  - Wills, Trusts & Estates
  - Workers' Compensation
- LRS also provides NH Bar members

with legal referrals to other attorneys nationwide, as well as providing confidential referrals for representation with ethics/ADO issues. Midyear Meeting attendees are invited to visit the LRS booth, where current panel members will discuss why they participate

in the service and explain how Lawyer Referral Service can support your practice.

To learn more about LRS, contact Sheila Vermacy, LRS/Modest Means Coordinator at 603-715-3235 or [svermacy@nhbar.org](mailto:svermacy@nhbar.org).

# Pro Bono Civil Legal Services Volunteer Opportunities

With more than four decades of experience in devising, implementing and coordinating volunteer legal solutions, the NHBA's Pro Bono Legal Services Program offers a variety of ways to support and provide civil legal services to the underserved. Our flagship volunteer programs include:

## Domestic Violence Emergency Project (DOVE)

The DOVE project partners with New Hampshire crisis service agencies to assist victims of domestic violence. The DOVE Project trains and supports attorneys to represent clients at final Domestic Violence Protective Order hearings and final Stalking Protective Order hearings. DOVE also provides free interpreter services to limited English proficiency clients and malpractice insurance to DOVE volunteer attorneys.



# PRO BONO Referral Program OF THE NEW HAMPSHIRE BAR ASSOCIATION

## Lawline

Lawline is a free public service of the NHBA, through which volunteer attorneys answer a variety of law-related questions and educate the public about the NH legal system. It is currently held on the second Wednesday of each month between 6 to 8 p.m. Attorneys and callers are completely anonymous.

## NH Free Legal Answers (FLA)

This virtual legal advice portal is operated in partnership with the American Bar Association's FREE LEGAL ANSWERS. It provides an online forum through which

low-income members of the public can have their questions answered by volunteer attorneys by email. NH FREE LEGAL ANSWERS increases pro bono opportunities for attorneys as it conveniently fits their schedules and allows them to volunteer from the comfort of their home or office.

## Criminal Annulment Clinics

The NHBA holds Criminal Record Annulment Clinics periodically for members of the public who are interested in annulling or expunging their old New Hampshire based criminal records. Clinics include a brief overview of the annulment process

followed by one-on-one meetings with clients to review the situation involving the records that need expunging.

## NH Pro Bono Low-Income Tax Project

The NH Pro Bono Low-Income Tax Project (LITP) is a federal tax clinic. LITP's staff attorney represents clients, educates taxpayers, trains volunteer attorneys, and provides systemic advocacy. Case issues include:

- Audits of child-related tax benefits & self-employment expenses
- Collection alternatives
- Innocent & injured spouse relief
- Worker misclassification
- Economic stimulus check receipt

To learn more, visit the Pro Bono Legal Services Program booth at the February 5 Virtual Midyear Meeting or visit [nhbar.org/legal-services-programs](http://nhbar.org/legal-services-programs).

# Law Related Education Seeks Volunteer Attorneys; Learn More at Midyear Meeting

NHBA Law Related Education (LRE) has been a leader in Civics Education for students (both K-12 and Adult Education) for 75 years. Our "Hands On" programs and events such as We the People have been taught in New Hampshire classrooms for 35 years. As the world ventures into remote learning and virtual classroom experiences, LRE is there to continue to meet the educational needs of today's students.

LRE's other programs and outreach include:

- "A Lawyer and Judge in Every School," program, which pairs attorneys and judges with classrooms statewide to explore concepts of law, rights and responsibilities of citizenship.
- "When Love Hurts: Rights, Responsi-

bilities, Realities," program, which educates students about the warning signs and consequences of dating violence and where they can find help.

- "Project Citizen," which promotes competent and responsible participation in state and local government.
- "Civics in Action," which introduces students to their role as citizens and increases their knowledge of the US Constitution."
- Beyond High School: A Guide to Your Rights and Responsibilities," a print and online publication which provides students with basic information on their legal rights and responsibilities when they reach the age of 18 and are considered adults.

Students need civics and social studies instruction to better prepare them for participation as citizens. Stop by the LRE virtual booth at Midyear Meeting to visit with members of the Committee and to learn how you can get involved in programs like these. Law Related Education Coordinator Robin E. Knippers will get back to you after the event with more information, links to our latest programming, and exciting "19th Amendment Celebration" and "We the People" videos.

To learn more, email [reknippers@nhbar.org](mailto:reknippers@nhbar.org), call 603-715-3259 or visit [nhbar.org/law-related-education](http://nhbar.org/law-related-education).



# NEW HAMPSHIRE BAR ASSOCIATION LEADERSHIP ACADEMY



## NHBA Leadership Academy Program Returns for 2021; Applications Now Being Accepted

The NHBA Leadership Academy is a nine-month leadership-training program designed to foster the professional growth and enhance the leadership skills of a diverse group of attorneys. Its mission is:

- to promote and encourage leadership and professionalism by identifying present and future leaders who are members of the New Hampshire Bar and providing them with a program designed to develop leadership skills;
- to foster camaraderie; and
- to provide exposure to leaders in the legal, business and government communities.

In a March 2019 *Bar News* article ([nhbar.org/nh-bar-leadership-academy-the-role-of-leadership-through-learning/](http://nhbar.org/nh-bar-leadership-academy-the-role-of-leadership-through-learning/)), Judge Will Delker discussed some of the many benefits of NHBA Leadership Academy training. He noted "By exposing new lawyers to disciplines and experiences beyond the limits of their practice area, the Bar Association strives to develop future leaders both in

the legal field and the broader community." Delker, who served as liaison to the courts for the judicial module explained that "my goal was to pair each lawyer with a judge who could both deepen the experience of the lawyer in his or her practice area and also broaden the Academy member's horizon." He further noted that "[a]s part of this and past Academy classes, I have hosted a number of lawyers. Each one has expressed surprise about how the perspective from behind the bench is so different from that of the advocate pressing a client's case."

The Leadership Academy program is designed with curriculum most meaningful for those in practice between three and 10 years. Participants will meet monthly from October 2021 to June 2022, including at the NHBA Midyear and Annual meetings.

Visit the Leadership Academy booth at the February 5 NHBA Virtual Midyear Meeting to access an informational brochure, obtain an application form, read testimonials from past participants, and meet Leadership Academy Committee members/alumni.

# NHBA Publications Keep Our Members in the Know

Among the Bar Association's many member service offerings are print and online publications, most notably *Bar News* and E-Bulletin.



The New Hampshire *Bar News* is NHBA's flagship publication, which is mailed to our members around the middle of the month and also available online at [nhbar.org](http://nhbar.org). We publish a variety of timely news and feature articles, book reviews and letters to the editor, as well as practice area articles and updates regarding Bar Association events and services. Because *Bar News* articles are largely written by attorneys for other attorneys, our articles have a depth of analysis and perspective our members are unlikely to find anywhere else. NHBA also partners with the Granite State News Collaborative and other organizations to produce cutting-edge news stories and webinars on issues that impact New Hampshire legal practitioners.

The *Bar News* regularly seeks editorial contributions from our members. Each month, we focus on different practice areas. Publishing in *Bar News* also gives lawyers the opportunity to further refine their already strong critical thinking and writing skills on

a topic of their choice, as well as the opportunity to learn from constructive feedback provided by their peers. Successful articles inform, provide practical tips, explore intersections of different areas of law, and/or discuss new procedures, rules, laws, or case law. *Bar News* also accepts unpaid contributions from non-members – including our member service partners – when the submitted content is timely, relevant, and directly applicable to our membership.

So, get your name recognized and build your professional reputation by sharing your experience and knowledge!

Placing a display ad in *Bar News* is an effective way to reach and market your offerings to our 8,000+ members. Peruse our Classified Advertising section to discover open positions, obtain information about advertising with NHBA, and source products/services to manage your practice. Revenue received from *Bar News* advertising helps directly offset the costs of creating, printing, and mailing the publication.



The NHBA E-Bulletin is a weekly e-mail newsletter containing time-sensitive news and information from the courts, law schools, and legal community. Advertising opportunities are also available.

Visit the NHBA Publications booth at Midyear Meeting to ask specific questions

about publishing and advertising opportunities with the *Bar News* and E-Bulletin. Meet Advertising and Sponsorship Sales Coordinator Donna Parker, who will answer your questions about advertising in our publications and at other upcoming events.



# SOLACE is Where You Find It... With Our Members

We at the NHBA hear frequently that our members are generous and collegial to a degree not often seen elsewhere. We agree wholeheartedly and see examples every day of New Hampshire attorneys giving magnanimously of their time, talents, and abilities. (For example, as we write this, Bar members are volunteering at the "We the People" annual civics competition for high-schoolers.)

NHBA's SOLACE ("Support of Lawyers/Legal Personnel All Concern Encouraged") program is another way for our members to give to others in need. It expands the definition of "underserved" past simply "low-income" and recognizes that there are certain life circumstances that are so impactful that they can financially drain even the most fortunate of us.

SOLACE helps with the immediate unmet needs of those who have suffered a significant loss, illness, or injury. Individuals potentially eligible for assistance through this program include attorneys, judges, courthouse employees, firm employees, and families of anyone in the NH legal community.



SOLACE provides practical and timely solutions for a wide variety of situations, including:

- food, toiletries, and clothes following a fire,

- blood after an illness or injury, and
- transportation / lodging during an out-of-town hospital stay

However, the program does not serve as a job board or post generic PSAs or re-

quests for prayer.

To submit a request for assistance, visit [nhbar.org/solace](http://nhbar.org/solace). Requests are evaluated and considered on a case-by-case basis by the SOLACE Program Chair. If the request meets the program's criteria, we'll contact the affected individual/family for permission to send out an e-mail on their behalf to NHBA members. No e-mails are sent out unless and until such permission is received. Members using SOLACE may request, and be assured of, anonymity for any requests for, or offers of, help.

By establishing an email-based network through which Bar members may ask for help when experiencing a hardship – or volunteer to assist others facing difficult, and sometimes dire, situations – NHBA members can provide needed support and resources in an organized and meaningful way.

To learn more about SOLACE, contact NHBA's Member Services Coordinator Misty Griffith at 603-715-3227 / [MG-griffith@nhbar.org](mailto:MG-griffith@nhbar.org) or stop by the Member Services exhibitor booth at the virtual Mid-year Meeting on Feb 5.

## Apply Now!

Leadership Academy is back! Take the first step toward becoming a part of the class of 2022 by sending us your completed application form **on or before June 25, 2021**.

The immersive training that the NHBA Leadership Academy provides has helped hundreds of participants transform their early aptitude for the law into a meaningful vocation that purposefully changes lives and inspires others. Leadership Academy-educated attorneys can be found in nearly every practice area and are actively shaping the future of the New Hampshire legal community.

The nine-month curriculum is most meaningful for those in practice between three and 10 years. If you see law as a calling and thrive on challenges, then the NHBA Leadership Academy might be right for you.

Want to learn more? Visit [nhbar.org/leadership-academy](http://nhbar.org/leadership-academy) or visit the NHBA Leadership Academy exhibitor booth at the 2021 Virtual Midyear Meeting on Fri, February 5.



*"As someone who did not grow up in New Hampshire or attend UNH, Leadership Academy gave me the opportunity to meet attorneys and judges in a variety of settings. As a trial attorney, the judicial module is invaluable. I sat with a judge, viewed the courtroom from the bench, and then de-briefed the experience."*

- Laura Devine, Boyle Shaughnessy Law Leadership Academy Class of 2017

NEW HAMPSHIRE  
BAR ASSOCIATION  
**LEADERSHIP ACADEMY**

