

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
June 19, 2020 – 12:30 PM

REMOTE MEETING BY VIDEO CONFERENCE

MINUTES

Present for all or part of the meeting were:

Edward D. Philpot Jr.
Daniel E. Will
Richard Guerriero
Robert R. Howard III
Peter E. Hutchins
Sandra Cabrera
Jonathan M. Eck
Christine M. Hanisco
Cathy Shanelaris
Kathleen Mahan
Lisa M. English
Jason B. Dennis
Kristin G. Fields
James P. Cowles
Joseph D. Steinfield

Scott J. Whitaker
Leslie C. Nixon
Donald Sienkiewicz
Christopher T. Regan
Geoffrey M. Gallagher
James Shepard
Jesse Friedman
Leslie Leonard
Hon. James Bassett
George R. Moore
Ginny Martin
Joanne Hinnendael
Paula Lewis
Deborah Hawkins
Allison Borowy

A meeting notice reminder, a link to the preliminary agenda and related materials were emailed to all Governors on June 12th. Additional materials were provided on June 19th. The agenda is duplicated below in the order of consideration of agenda items. Unless otherwise noted, all motions reported are deemed to have been appropriately proposed, seconded and voted upon by those present.

A. Call to Order Edward Philpot Jr.

President Philpot called this remote meeting to order at 12:30 p.m. He then welcomed new board members James Shepard, Jesse Friedman, and Leslie Leonard.

REGULAR BUSINESS – CONSENT ITEMS

B. Membership Status Changes for May 2020 Paula Lewis

The membership changes were accepted as presented and are attached as a permanent part of these minutes.

ACTION

On motion to approve the status changes as presented. passed

C. Minutes of May 4, 2020 Meeting Robert Howard

The minutes were approved as presented.

ACTION

On Motion to approve the May 4, 2020 minutes. Passed.

D. Dues Waivers

Paula Lewis

There were two waiver requests that were considered by the Dues Waiver Committee at a meeting this week. One was requested due to medical need, and one due to financial need. The committee voted unanimously to approve these waivers as presented.

ACTION

On motion to accept these dues waivers as presented. Passed.

PRESENTATION / DISCUSSION / ACTION ITEMS

E. Treasurer's Report

Peter Hutchins/Paula Lewis

The Director of Business Operations presented highlights from the treasurer's report, which was previously distributed with the board materials. Most Bar Center staff are working remotely; some are coming into the Bar Center, as needed, to perform tasks that cannot be completed remotely. The financial statements for the eleven months ending April 30, 2020 demonstrate a positive contribution of \$82,376 which is ahead of budget by \$204,078. This surplus resulted from an increase of \$20,420 in revenue and a savings of \$183,658 in expenses. Most of the expense savings were recognized in personnel costs totaling \$111,252 and this is a result of vacant positions not being filled. Those job responsibilities were subsequently performed by existing staff due to the decision to hold off on hiring during the early days of COVID-19. There are strong indicators that the bar is in good financial position.

Attorney Licensure Renewal is going smoothly with about 20% of attorneys paying their NH Supreme Court fees and NHBA dues as of June 11. Typically, the bar receives 50% of its total annual revenue in the first quarter of the fiscal year. Though there have been only two waiver requests for assistance with NHBA dues and NH Supreme Court fees submitted, it is expected that there may be an increase in waiver requests if the courts remain closed. It was noted that NHMCLE waiver requests for forgiveness of completing the required continuing legal education minutes are much higher than for dues and court fees waiver requests with seventeen requests received within the same timeframe of the NHBA waiver requests. The plan is to keep a close eye on the planned reopening of the economy and courts; Bar staff are continuing to assist members with their annual licensure obligations and special circumstances brought about by the COVID-19 pandemic.

President Ed Philpot asked about the comparison with last year for members paying dues. Over 20% of total membership has paid their dues and court fees in first 3 weeks. Paula notes that there is typically a drop off in payments after the first few weeks. Member 'Call to Action' reminders are planned just prior to the 4th of July holiday which usually prompts a large number of attorneys to complete their annual licensure obligations. A similar call-to-action will be sent to NHBA members in mid-July reminding those who have not completed their licensure requirements of the impending delinquency fee assessed annually on August 1.

ACTION

On motion to accept the Treasurer's report. Passed.

- F. Reappointment of Ernest Goodno to the Judicial Conduct Committee for his 3rd term, from June 2020 to July 2023. Edward Philpot, Jr

ACTION

On motion to approve the reappointment of Ernest Goodno. Passed.

- G. Access to Justice Commission – Report on Court Navigator discussions Cathy Shanellaris

Governor at Large Cathy Shanellaris is on the subcommittee created by the Access to Justice Commission to investigate the idea of court navigators. She has talked to the court about sharing a document they have created sketching out what a navigator program would look like. The biggest impediment is the cost of the program. There is another meeting scheduled for June 30th. Associate Director of Legal Services Ginny Martin shared some concerns about the program. She added that there were a lot of questions. One question centered on the difference between the current kiosk coordinator and the proposed court navigator program.

Supreme Court Liaison Justice James Bassett, who is also on the Access to Justice Commission, spoke about a meeting that he attended on the topic. The court is mindful of the funding issues but would very much like the work of this group to continue. They are continuing to collect information. He will be speaking with the chair of the Massachusetts Access to Justice commission.

There will need to be a judicial system efficiency case made for this program in order to obtain funding. If the commission can make the case that this will save judge time that would be an important factor. The group is far from this conclusion at this point. They are still in the early stages of the process. The commission would like the work to continue while remaining mindful of the fiscal challenges.

President Ed Philpot shared that Washington State is sunseting their limited license legal technician program. Governor at Large Chrissy Hanisco added that New Hampshire HB 1693 bill did not survive this legislative session and is dead. This would have extended the study committee created by an earlier bill from Representative Ned Gordon. Unless it is brought back in the next session, this is the end of this possibility.

There was a discussion about why the Washington program was discontinued. Vice President Richard Guerriero shared that the direct and indirect costs exceeded revenue by 1.4 million dollars.

- H. Ethics Committee Opinion #2019-20/03 – Juror Investigation Using Social Media
George Moore

Executive Director George Moore spoke about this opinion which the board received in their materials. There was a brief board discussion led by Sullivan County Governor Geoffrey Gallagher, who sits on the Ethics Committee.

ACTION

On motion to accept Ethics Committee Opinion #2019-20/03 – Juror Investigation Using Social Media. Passed.

I. President's Report

Edward Philpot, Jr.

1. Diversity Survey- Gender Equality Committee

The Gender Equality Committee (GEC) is currently a standing committee of the NHBA. Ed believes that its mission should be expanded to include other issues of diversity. It was suggested that the gender survey should be expanded to be more inclusive and include issues of LGBTQ and race. It is felt that this would give the Association a better handle on issues of general diversity of its membership, and lead to an expansion of the GEC role.

There was a general discussion about what this might look like. One member added that the conversation should be around human equality and human rights. Various opinions were expressed on how the NHBA might best address these issues and better meet the needs of all members. This discussion was begun before recent events. All agreed that the time has come to explore and address diversity and inclusion. The executive director and the board officers will work on a plan to move forward with these ideas.

2. Post Town Hall Discussion on Court Reopening

Ed spoke about the very successful town hall conducted by the Supreme Court this past Monday, June 5th. It was a very candid and open discussion. He thought a lot of terrific issues were raised. Ed has already gotten emails from members that were thrilled with the Court's openness and willingness to deal with issues surrounding reopening.

J. President-Elect Report

Daniel Will

1. Board of Governors Orientation Meeting

Dan stated that this meeting is usually held in September at an offsite location and consists of orientation work and an informal social time. Due to the complications posed by the COVID Pandemic this year, Dan would like to get an idea of the board members' comfort level with an in-person meeting.

There are several options for this. The meeting could be held offsite with social distancing and appropriate safeguards, it could be held at the Bar Center, again with appropriate safety protocols or the board could meet remotely. Dan doesn't have strong feelings about it and would like to get the board's consensus.

A hybrid meeting, in person, with the option for people to participate virtually was suggested. It was agreed that the in-person aspect is important. It could be helpful to look for a venue where some of the meeting could be held outside. The board agreed that there is a need for flexibility, and a hybrid meeting, with the option to meet outside would be the ideal.

George shared that there is a lot of planning involved and the staff will begin working on it immediately.

2. 2020-2021 Board of Governors Draft Meeting Schedule

Dan announced that the regular board meeting day will change back to the third Thursday of every month. The schedule was distributed with the board materials.

K. Executive Director's Report

George Moore

1. Operations Update – Reopening Plan

George spoke about the plan, which was distributed with the meeting materials. It has been implemented, and all terms and conditions have been completed. He adds that it is likely that we will go to a level of 50% of staff in office plan in the next few weeks. A master calendar to track staff schedules will be kept. The Bar Center will stay closed to the public and members for now, and it is expected that the Bar Center will reopen gradually on a phased basis. George thanked the Director of Business Operations, Paula Lewis, who did most of the planning and implementation.

2. Attorney Somma letter to Board

George summarized the situation. Both Mr. Somma's letter and the information provided by Paula Lewis, Director of Business Operations were discussed by the board. George praised the staff for doing a great job under trying circumstances with this member. If board members have questions about the events that transpired, they should contact George or Paula directly. A response to Mr. Somma's email will be sent letting him know that the board has received the letter and are actively considering how to address his diversity concerns.

L. Old Business, if any

Public Sector Section- Elimination or Extension

Lisa English

At its May meeting, the board gave Public Sector Governor Lisa English a deadline of June 30th to report back on efforts to recruit new members for this section. She reported that she has collected 64 names of people who are interested in joining the Public Sector Section. She suggested to them that the section dues would be temporarily reduced to \$10 for the 2020-2021 year, after which time the dues would return to the regular fee. She was surprised at the number of people that were interested. Most of those she spoke with work for the State of New Hampshire. She admitted there would be more outreach to do for those that work in other public sector legal service areas. Lisa also mentioned that they are interested in providing CLEs aimed at this group.

There was discussion about reduced section dues, and the logistics of billing since the member renewal season has begun. It is too late to update our billing systems to reflect the reduced fee, according to Paula Lewis, Director of Business Operations. There was discussion about the need to issue refunds for those who have already paid. Lisa responded that those members that were interested in joining have

not completed their renewal yet. These will need to be addressed individually at the time of completion of their member renewal. Jo Hinnendael, Director of Professional Development noted that there is a sections policy that addresses how CLEs are provided by sections; Lisa will need to be in touch with Jo and Dorene Hartford, the Sections Coordinator for proper protocol and procedure.

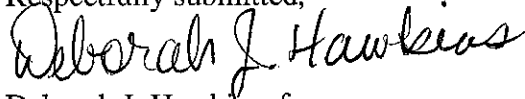
ACTION

On motion to extend the Public Sector Substantive Law Section on the strength of Lisa English's work and reduce fees to \$10 for one year, after which time the fee will return to the regular level. Passed.

M. Adjournment

The June 19, 2020 Board of Governors meeting adjourned at 1:55 p.m.

Respectfully submitted,



Deborah J. Hawkins, for
Robert R. Howard, III, Secretary

Membership Status Changes

Presented to the Board of Governors June 19, 2020

Active to Inactive:

- 270951 Shea, Alison, Winchester, CT (Effective April 15, 2020)
- 265673 Andrus, Mark, Herriman, UT (Effective April 10, 2020)
- 682 Dubois, Roland, Contoocook, NH (Effective May 2, 2020)
- 16179 Lanagan, Paul, Colleyville, TX (Effective April 25, 2020)
- 19875 Chang, Elizabeth, Fairfax, VA (Effective April 8, 2020)
- 2827 Doyle, William, Joplin, MD (Effective May 4, 2020)
- 605 DeVito, Janet, Hopkinton, NH (Effective May 31, 2020)
- 17740 O'Rourke, Alicia, Alton, NH (Effective May 31, 2020)
- 13116 Driscoll, Christopher, Lynn, MA (Effective May 31, 2020)
- 265256 Whitehead, Matthew, Natick, MA (Effective May 26, 2020)
- 18263 Conway, Daniel, San Antonio, TX (Effective May 31, 2020)
- 2841 Hahn, Edward, Manchester, NH (Effectiver June 1, 2020)
- 11348 Pribis, William, Concord, NH (Effective May 20, 2020)
- 14762 Eldridge, Sheri, Gilmanon, NH (Effective May 31, 2020)
- 16407 Hayes, Thomas, Bedford, NH (Effective May 31, 2020)
- 12463 Hixon, Leila, Cohasset, MA (Effective June 1, 2020)
- 265813 Wertman, Thomas, Lakeville, MN (Effective June 1, 2020)
- 27941 Gillies, Peter, Fitchburg, MA (Effective June 5, 2020)

13993 Bickford, G. Thomas, Wolfeboro, NH (Effective May 18, 2020)

Active to Inactive Retired:

1010 Greer, Stephen, Lincoln, NH (Effective May 5, 2020)
1983 Patterson, Stephen, Portsmouth, NH (Effective May 8, 2020)
557 Bisbee, George "Dana", Hampton, NH (Effective May 31, 2020)
1773 Mitchell, Doanld, Center Sandwich, NH (Effective April 30, 2020)
1424 Lang, Rogers, Manchester, NH (Effective May 31, 2020)
16928 Berube, Michael, Somersworth, NH (Effective May 8, 2020)
338 Alfin, Susan, Stonington, CT (Effective April 30, 2020)
2605 Vachon, Dennis, Strafford, NH (Effective May 31, 2020)
6833 Fitzgibbon, Helen, Bedford, NH (Effective June 3, 2020)
268816 Kahn, David, Lyme, NH (Effective May 29, 2020)

Active to Pro Bono Active:

383 Blaine, Quentin, Plymouth, NH (Effective May 31, 2020)

Active to Resigned:

14927 Sanborn, Rebecca, Derry, NH (Effective May 7, 2020)

Active to Full-Time Judicial:

8150 Curran, John, Londonderry, NH (Effective April 10, 2020)

Active to Deceased:

573 Daly, John, Exeter, NH (Effective February 7, 2020)

Inactive to Active:

11299 Hillman, James, Star Valley Ranch, WY (Effective May 6, 2020)
269016 Albright, Samantha, Haverhill, MA (Effective May 31, 2020)
266590 Casey, Jason, Kensington, NH (Effective May 22, 2020)
269115 Ralston, Jessica, Killington, VT (Effective June 1, 2020)
17743 Powers, Kevin, Mansfield, MA (Effective June 3, 2020)
272340 Horwitz, Allison, Worcester, MA (Effective June 4, 2020)

Inactive to Inactive Retired:

17477 Robinson, Paul, Playa Vista, CA (Effective April 23, 2020)
2188 Rogers, Paula, Concord, NH (Effective May 15, 2020)
268956 Noyes, Ashley, Keene, NH (Effective May 21, 2020)
5535 Murphy, Jill, Newburyport, MA (Effective June 2, 2020)
9301 Degulis, Joseph, Salisbury, NC (Effective June 2, 2020)

Inactive to Resigned:

270200 Leyva, Rademy, Brighton, MA (Effective May 1, 2020)

Suspended to Active:

20097 Hopkins, Kristen, Dover, NH (Effective June 2, 2020)

2772 Wishik, Heather, Boca Raton, FL (Effective June 2, 2020)

Judicial to Inactive Retired:

2385 Smukler, Larry, Concord, NH (Effective May 21, 2020)

Pro Bono Active to Inactive Retired:

21132 Fisher, John, Nashua, NH (Effective May 22, 2020)

Honorary Active to Deceased:

1606 Manias, George, Concord, NH (Effective May 18, 2020)

Honorary Inactive to Honorary Active:

2148 Richardson, Gary, Biddeford Pool, ME (Effective June 5, 2020)

Resigned to Deceased:

2064 Prolman, David, Naples, FL (Effective April 28, 2020)