

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING AND ORIENTATION

Monday, October 7, 2019
Bar Center, Concord, NH

MINUTES

Present for all or part of the meeting were:

Edward D. Philpot, Jr.
Richard Guerriero
Peter Hutchins
Jonathan M. Eck
Sandra Cabrera
Christine M. Hanisco
Cathy E. Shanelaris
Kate M. Mahan
Lisa M. English
Jason B. Dennis
James P. Cowles
Joseph Steinfield
Scott Whitaker (phone)

Donald H. Sienkiewicz
John A. Curran
Christopher T. Regan
Geoffrey M. Gallagher
Hon. James P. Bassett
George R. Moore
Jennifer Pinckney
Joanne Hinnendael
Paula Lewis
Ginny Martin
Deborah Hawkins
Allison Borowy
Guest: Al Gilbert (FSRP)

A meeting notice reminder, a link to the preliminary agenda and related materials were emailed to all Governors on September 30th. 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 Ed Philpot called the meeting to order at 4:10 p.m.

REGULAR BUSINESS – CONSENT ITEMS

B. Membership Status Changes for September 2019

Paula Lewis

ACTION

On motion to accept the Membership Status Changes as presented. Passed. Unanimously.

The status changes are attached as a permanent part of these minutes.

C. Report on Dues Waiver Requests

Paula Lewis

ACTION

On motion to ratify the following the Dues Waiver Requests. Passed. Unanimously.

Approved waiver requests:

Bar ID #	Action	Payment Owed
█	100% waiver of Bar dues Court fees & late fees granted	\$255.00
█	100% waiver of Bar dues Court fees & late fees granted	\$80.00
█	100% waiver of Bar dues Court fees & late fees granted	\$1,245.00
█	100% waiver of Bar dues Court fees & late fees granted	\$100.00
█	100% waiver of Bar dues Court fees & late fees granted	\$130.00
█	100% waiver of Bar dues Court fees & late fees granted	\$945.00

Denied waiver requests:

Bar ID #	Action	Payment Owed
█	100% waiver of Bar dues Court fees & late fees denied	\$700.00
█	100% waiver of Bar dues Court fees & late fees denied	\$50.00

D. Minutes of September 13, 2019 Meeting

Robert Howard

ACTION

On motion to accept the September 13, 2019 minutes as presented. Passed. Unanimously.

PRESENTATION / DISCUSSION / ACTION ITEMS

E. Transfer of NHBA Pension Funds to Paychex Pension Funds

George Moore

Executive Director George Moore introduced Al Gilbert, an independent financial advisor with Financial Strategies Retirement Partners (FSRP), who has been working with the NHBA for some time. The NHBA has two plans. One is a defined contribution pension plan funded only by employer contributions that is invested through ABA Retirement/Voya. The other plan is an employee funded 401K that is invested through Paychex.

It is being proposed that the pension plan be moved from ABA/Voya to Paychex. ABA Retirement was designed for start-up law firms and organizations. It is felt that the NHBA has outgrown this company. Other reasons for moving the plan are lower administration fees, better historic fund performance, more flexibility, and greater convenience for plan participants. Those that have a 401K in addition to the pension plan could manage their plans with one company. There would also be a savings to the NHBA in less staff time needed to manage the plans.

Participants would be given a 30-day notice of the change first. Next, fund mapping would be done. Meetings with the NHBA employees would be scheduled to explain the change. Mr. Gilbert currently meets periodically with staff, both as a group and on a one on one basis. His company would also provide log in and technical assistance to employees.

ACTION

On motion to approve transfer of NHBA Pension Funds to Paychex Pension Funds. Passed. Unanimously.

- F. Reappointment of Russell Hilliard to the New England Bar Association Board of Directors for 3-year term – 2019-2022 (VOTE) Edward Philpot Jr.

ACTION

On motion to reappoint Russell Hilliard to the New England Bar Association Board of Directors for 3-year term. Passed. Unanimously.

- G. Development of Committee to Draft Manual for Procedure for closing practice - planned or unplanned George Moore

Executive Director George Moore would like to get this project started. Some states have a very thorough manual, and some have requirements that their plans be filed at the court. We currently have a one-page checklist that was developed a few years ago. He believes we need to expand this to something more detailed. George plans to move forward and would like to extend an invitation to any governors that may have an interest in helping. He will be reaching out to some people to assist. He would like to make closing a practice an easy process.

CLE Director Joanne Hinnendael added that Russ Hilliard is organizing a CLE program on closing a practice, as well as a program with NH LAP on when it is time to retire.

- H. Treasurer's Report Peter Hutchins/Paula Lewis

Treasurer Peter Hutchins reported on the NHBA 1st quarter financials. Member dues revenue exceeds the amount budgeted by a little bit, but typically fluctuates during the year. Personnel costs are a bit below budget due to unfilled positions and in some cases offset by contract labor costs. Both program and overhead costs are within expected budgets. Both unrestricted and restricted cash are at their highest during this time of year as annual attorney licensure renewal is coming to a close with the receipt of membership dues and court fees. About half of the restricted funds are funds received as an agent of the NH Supreme Court for PCC, ADO, NHMCLE and NH LAP.

Peter recapped recent membership renewal process. 16,246 dues and court fees invoices were emailed to members on June 1st. 548 members received their invoices by US Mail. As of today (October 7th) there were 35 members that need to make payment to meet licensure obligations. 5,540 TAC/IOLTA forms were received and forward to the ADO. There are 12 members that that still need to file these forms to meet their obligations. As of this date, 5,271 NHMCLE affidavits have been filed using the online reporting tool (ART), with 12 members that still need to file to meet NHMCLE reporting obligations.

The NH Supreme Court hearing for those not in compliance will be held on October 31st at 2 p.m. A list of 71 attorneys were forwarded to the Court for processing of Show Cause Orders on October 3rd. As of today (October 7th), the list had been reduced to 59. Last year a list of 131 attorneys was sent to the Court. The reduction in non-compliant attorneys is attributed to a coordinated effort of the Business Operations and Marketing and Communications departments to move members to take action regarding their annual licensure obligations as well as noting the June 30th due date in several mediums.

Justice Bassett thanked the NHBA for their efforts.

ACTION

On motion to accept the NHBA Treasurer's Report as presented. Passed. Unanimously.

I. Recommendation of Judicial Nomination Special Committee Geoffrey Gallagher

Chair Geoffrey Gallagher outlined the work the committee has done thus far. They have looked at different models from the other New England states, as well as information from the ABA. The committee has also consulted with various NH attorneys, members of the Executive Council and representatives from the courts. The process is more complicated than it first seemed. They are looking at a two-part recommendation; one for long term and one for short term. They asked for another 30 days to complete their work. They hope to be ready to report at the November board meeting. We will continue this item on that agenda and reserve considerable time for discussion.

J. Midwinter Meeting Planning Edward Philpot, Jr.

PDMS Director Joanne Hinnendael, President Ed Philpot, and CLE Committee Chair Jack Crisp have spoken with Ruth Ashley, the chair the ABA Standing Committee on Education about scheduling a program for the NHBA Midwinter Meeting on the topic of the Korematsu decision and the loss of civil rights and due process as a result of the governments internment decision. A feature of the program would be US government employees that spoke up against the legality of the Japanese Internment that occurred during WWII, and as a consequence lost their jobs. Ed attended a panel discussion at the ABA meeting in San Francisco in August and is interested in replicating this at the Midwinter Meeting. There has been discussion about adding presenters to address current immigration issues to tie this topic to current times. There may also be a program on the passage of the 19th Amendment, but plans are still preliminary.

K. President's Report Edward Philpot Jr.

1. Public Nominee for Public Protection Fund committee needed

Ed asked the board for ideas for an appointee to the 'public' (non-lawyer) vacant seat on the Public Protection Fund Committee. In the past this seat was held by a legislator, but this is not a requirement. There is a yearly time commitment of approximately 10 hours. For more information, see Supreme Court Rule 55. Please email any suggested names to Debbie Hawkins.

2. Setting up Bench/Bar meeting with NH Supreme Court

This will be scheduled soon.

3. Testimony on HB 353 – Paralegal expansion in Family Court

President Ed Philpot testified before the study committee on this topic. There were many speakers including the UNH Franklin Pierce School of Law Dean, and representatives from other legal entities, such as New Hampshire Association for Justice. Ed took no position but gave general information to the committee. NHBA Lobbyist John MacIntosh was there as well and will continue to monitor any developments.

4. Orientation Recap

Ed has not had a chance to review the summary sheets so this item will be continued to the November or December board meeting. George noted that the summary sheets were attached to the September board minutes distributed for today's meeting.

L. Executive Director's Report

George Moore

1. Hosting the New England Bar Association Annual Meeting at the Sheraton Harborside Portsmouth NH – October 24 – 26, 2019

George briefly discussed the programming on the topic of attorney wellness and invited the board to attend.

2. Roll out of Tech Connect Program September 25th

George is pleased to report that this service is up and running without a hitch. Since its launch on September 25th, there have been 295 hits on the page, and 239 of those for more than one service. He feels this is a great start to the program. There will be an article in the November Bar News, further publicizing this member benefit

3. Posting of some Committee minutes and agendas on members only side of web site

At the present time, only members of each committee have access to their committee page. It is being proposed that the permissions of these pages be expanded so that all members of the NHBA are able to view them. In addition, there will be a more active effort to have most committees post their agendas and minutes. It is felt that this will add transparency to the work of some committees and increase awareness. Some committees will not be a part of this initiative, due to the confidential nature of their work (Dispute Resolution, Public Protection Fund and Delivery of Legal Services LRIS Subcommittee.)

M. State Update

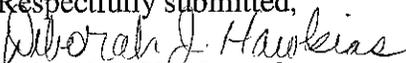
All Board Members

- There was discussion about concerns regarding the start of e-filing for criminal cases in Sullivan County.
- Carroll County Bar Association will be scheduling a social gathering soon. More details to follow.

N. Adjournment

Adjournment

The October 7, 2019 Board of Governors Meeting adjourned at 5:41 p.m.

Respectfully submitted,

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

Membership Status Changes	
Presented to the Board of Governors October 7, 2019	

<u>Active to INACTIVE:</u>	
270290	Skeirik, Calvin, Georgetown, MA (Effective August 28, 2019)
269007	Maxwell, Samuel, Ballston Spa, NY (Effective August 30, 2019)
267571	McConnell, David, Portland, ME (Effective August 29, 2019)
266590	Casey, Jason, Boston, MA (Effective August 16, 2019)
<u>Active to INACTIVE RETIRED:</u>	
13075	Jordan, Stephen, Gilmanton, NH (Effective September 12, 2019)
478	Barnes, David, Durham, NH (Effective September 13, 2019)
267857	Reed, Thomas, North Conway, NH (Effective September 23, 2019)
<u>Active to SUSPENDED</u>	
268501	Reed, Michael, Raymond, NH (Effective September 19, 2019)
<u>Inactive to ACTIVE:</u>	
19668	Noe, Keith, Cambridge, MA (Effective September 3, 2019)
18869	Mumford, George, Dover, MA (Effective August 29, 2019)
12929	Orso, Gregory, York, ME (Effective August 20, 2019)
10566	Mara, David, Bedford, NH (Effective September 6, 2019)
17706	Sisak, Bonnie, Concord, NH (Effective September 12, 2019)
271589	Marcotte, Elizabeth, South Portland, ME (Effective September 18, 2019)
269617	Carr, Matthew, Washington, DC (Effective September 23, 2019)
12497	Johnson, Paul, Walpole, MA (Effective September 27, 2019)
<u>Inactive to INACTIVE RETIRED:</u>	
654	Dolan, Judith, Birmingham, AL (Effective September 13, 2019)
<u>Inactive to RESIGNED:</u>	
14177	Boudreau, Robert, Scarborough, ME (Effective August 28, 2019)
530	Cramer, Franics, New Harbor, ME (Effective September 23, 2019)
267630	Gibbons, Mary, Brooklyn, NY (Effective September 26, 2019)

<u>Inactive to Full-Time Judicial</u>	
10998	Honigberg, Martin, Concord, NH (Effective September 6, 2019)
<u>Inactive to DECEASED</u>	
2165	Rizzuto, Michael, Port Matilda, PA (Effective September 3, 2019)
<u>Inactive Retired to <u>Active</u>:</u>	
17095	Boyce, Steven, Peterborough, NH (Effective September 4, 2019)
12936	Robinson, Beverly, Amherst, NH (Effective August 27, 2019)
<u>Inactive Retired to <u>DECEASED</u></u>	
19342	Seilheimer, Jacob, Manchester, NH (Effective September 11, 2019)
<u>Resigned to <u>DECEASED</u></u>	
17901	Sutton, Stephen, North Easton, MA (Effective June 23, 2016)

