

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
Monday, April 6, 2020  
4:00 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  
Sandra Cabrera  
Jonathan M. Eck  
Christine M. Hanisco  
Kathleen M. Mahan  
Lisa M. English  
Jason B. Dennis  
Kristin G. Fields  
James P. Cowles

Donald H. Sienkiewicz  
John A. Curran  
Susan Aileen Lowry  
Christopher T. Regan  
Geoffrey M. Gallagher  
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 March 31". Additional materials were provided on April 3'd and April 6th. 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 remote meeting to order at 4:02. A verbal roll call was taken to determine board members on the meeting conference call.

**REGULAR BUSINESS - CONSENT ITEMS**

B. Membership Status Changes for February and March 2020

Executive Director George Moore noted that Charles DeGrandpre's status should have been changed from Honorary Active to Deceased.

**ACTION**

On motion to approve. Passed. Unanimously. The membership changes were accepted as presented with the suggested amendment, and the corrected version is attached as a permanent part of these minutes.

C. Minutes of February 20, 2020 Meeting

**ACTION**

On motion to approve. Passed. Unanimously. The minutes were approved as presented.

## **PRESENTATION / DISCUSSION / ACTION ITEMS**

D. Treasurer's Report and Budget Process Update

Paula Lewis

### **Treasurer's Report**

Paula reviewed the Treasurers Report that was included in the board materials. The NHBA is poised to weather the COVID-19 crisis with available reserves and overall strong financial standing. All Bar Center staff are working remotely at this time with staff entering the Bar Center to complete critical work that cannot be processed remotely; distribution of mail, bank deposits, accounts payable checks, payroll and some technology support. On watch is NHBA's CLE program where live CLE's have been cancelled or postponed. A campaign to remind members of the superior offerings of NHBA Online CLE is ongoing in hopes that members may take advantage of any downtime to complete their annual NHMCLE requirements prior to the start of annual licensure renewal, June 1. NHBA CLE is offering a 10% discount on CLEs taken through May 4, 2020. Though NHBA Lawyer Referral Service is currently experiencing lower than expected activity, it is expected that once the crisis passes, there will be a significant uptick in referral requests. LRS is preparing for the uptick in order to serve both our members and the public. NH Bar News advertising revenue was slightly down in the April issue due to advertisers postponing job postings as hiring has been placed on hold at many organizations, including at the NHBA. The silver lining is that advertising revenue has been higher than expected throughout the year and is expected to finish the year ahead of budget.

NH Pro Bono Referral System expects grant revenue to remain stable through the remainder of the fiscal year. NHPB anticipates a surge in client demand in the next few months, while some clouds are on the horizon for decreased revenue, possible as much as \$30,000. The golf tournament is postponed, if not cancelled, and it is likely dues check-off donations will take a hit. The new CARES Act may bring some relief for lost revenue.

Executive Director George Moore shared that the Bar Foundation is experiencing a significant problem with IOLTA revenue. There is a slide in the interest amount that the banks are willing to pay on IOLTA accounts. The NHBF leadership is reaching out to banks by letter and phone calls. In addition, there is current rulemaking going on in Congress which is proposing to limit the Community Reinvestment Act. The banks have been generous with their interest rates on TOLTA accounts, due to the requirement under this act for the banks to invest in the community. George thinks they will probably drop the rates again, especially if the economy goes into a recession. This will affect the amount of available money for NHBF grants. This is a very problematic time for IOLTA. We don't expect anything happen for the next six months, but six months down the road there could be a funding crunch.

George adds that we may also see a hit to the LSC (Legal Services Corporation) funding.

### **FY 21 Budget Process**

Paula spoke about the budget process, which is currently underway. Each department is in the process of reviewing their budget with their Budget Buddies.

She outlined the budget calendar. There is a virtual Finance Committee meeting scheduled for April 15th from 3 to 5 pm. The committee will review the initial budget with department managers. There is a second meeting, if needed, scheduled for April 22"d, as a follow up. The hope is the budget will be approved by the Finance

Committee, and ready to be presented for board approval at the May 4th meeting. Paula noted that we work toward a toward a zero balanced budget.

E. Things the Bar has done so far to assist Members, such as Web Page communications, practice pointers, resources from others. Edward Philpot, Jr.

1. Organized webinar on working remotely and building a home office

President Ed Philpot discussed this webinar, offered last week by our technology partner Mainstay. It was quite well attended, aimed mostly at solo and small firms. He found it very helpful.

Ed shares that the NHBA has had a lot of requests from members. One thing people were really concerned about was their upcoming dues payments and CLE requirements. We are getting out a message to members asking them to notify us early if they anticipate having trouble paying their dues. There is an existing system to consider dues waivers and adjustments, and the organization plans to utilize that to manage these requests.

Another area where we have received quite a few questions is concerning which legal businesses are essential. The governor's directive did not specify. It was decided that it would be left up to the individual practitioners to decided which legal work is considered essential.

2. Development of lists of management tools and their availability

The NHBA website is being updated daily with information about online tools to assist members.

3. Continuing operations of Bar services, such as Bar News, e-bulletin, remote committee meetings and Dove cases

President Ed Philpot stated that bar services are continuing. The e-bulletin and Bar News are continuing to be produced and distributed. In-person on-site work at the Bar Center is minimal. Some committees are meeting via audio or video conference.

F. Recruitment of Pro Bono for anticipated surge

President Ed Philpot said we are anticipating a big surge in the need for Pro Bono services in new and different ways. Associate Executive Director for Legal Services Ginny Martin added a request for help from Board Members. She asked people to sign up to answer questions from the public through Free Legal Answers. The site is getting a lot of COVID questions related to employment, housing, and the like. Ginny added that the income guidelines have been increased to 400% of poverty.

G. Bar Development of aid to get out of this mess Edward Philpot, Jr.

1. Dealing with specialty problems such as DUI

Vice President Richard Gueniero reported that the courts are dealing with this pretty well. They are using video hearings. He shared that for DUI offenses, the OMV is conducting hearings by audio or video. He hasn't heard about anyone not being able to schedule a hearing. The only problem he has heard about is getting some of the contested hearings to run smoothly. The best thing that the NHBA can do is to try and keep people informed. Individual courts are keeping in contact with practitioners.

## 2. Exploring SBA availability

President Ed Philpot updated the group on his experience seeking a paycheck protection program (PPP) loan. He is still waiting for his bank to open the application process. It has to be done through a bank. Once he gets through the process, he and George will put together a short memo sharing information.

George added that this is a moving target -regulations are getting changed on the fly. He understands that the application form and process was changed again Saturday night. There is hope that it will clear up over time. The PPP loans have to go through an approved lender. The readiness to accept applications varies by lenders.

It was noted that the McLane firm has been doing free webinars and has info on their website regarding the SBA loans, as well as other COVID- related information.

There are also disaster loan grants available directly through the SBA.

Richard Guerriero noted the seriousness of the situation for family and criminal lawyers. Some have laid their staff off.

## 3. Workplace resources like Tech Connect

Executive Director George Moore said our partners at Affinity Consulting have webinars listed on our page on working remotely geared to solo and small firms. They are also willing to work on other materials. If anyone thinks this would be a good idea, let George know. These are assets from our partnership that can be utilized without any extra expenditures.

### Other updates

- NHBA Annual Meeting- There is still a save the date up on the web site. The situation is being closely monitored; as of today, we are unsure of what will happen. The decision about cancellation will be made based on financial risk. George stated that we should know more by the next board meeting. He also let the board know that our location for the 2021 annual meeting, The White Mountain Hotel in North Conway has put planned construction on hold until May of 2021 . This means we will need to seek a new location, as their current facility is not large enough for our needs.

H. Around the table for comments

All Board Members

Board members are asked to report on issues of concern from members

- Executive Director George Moore asked members to let either him or Ed know if they hear of a problem that we might be able to help with. Please stay in touch.
- Lisa English said if board members hear of system issues with DHHS regarding housing, Medicaid, health care provider issues, or other problems, to please reach out to her.
- Jason Dennis asked what will happen when the courts open back up. He shares that in Maine, where he practices, they are discussing hiring a number of active retired judges to help alleviate the initial log jam. Ed Philpot shares that he is aware that the NH Circuit and Superior Courts are working to come up with

similar solutions for when NH courts open back up.

- NH Supreme Court Justice James Bassett shared that the Court is spending most of their time on conference calls and working on this daily. One option is to perhaps bring in retired but under 70 judges or masters.
- Donald Sienkiewicz said there is lots of traffic on estate list serv about regarding the remote notarization statute that the governor's emergency order authorized. Another issue being discussed is about wills that require two signatures. There are conflicting opinions. Massachusetts has a bill pending to allow remote notarization and supervised second witnesses.
- Chrissy Hanisco added that NH Legislature is in recess right now. There was a bill regarding electronic notarization last session, but it was tabled.
- Chris Regan asked what is happening with the MarCom Director position? George responded that we have made some inquiries with various staffing services and NH Center for Nonprofits and the NH Charitable Fund. The process is currently on hold due to the COVID pandemic. Once we are back to normalcy interviews will start.

I. Adjournment

**Adjournment**

The April 6, 2020 Board of Governors Meeting adjourned at 5:03 p.m.

**bt**

**Ji**rah J. Hawiliis, for  
Robert R. Howard, III, Secretary

<b>Membership Status Changes</b>	
<b>Presented to the Board of Governors April 6, 2020 - corrections made</b>	
<b>Active to <del>IN</del>ACTIVE;</b>	
269642	White, Tania, Quincy, MA (Effective February 12, 2020)
18913	Carroll, Robert, Lutherville Timonium, MD (Effective February 27, 2020)
265502	McClure, James, Middleburg, VA (Effective February 25, 2020)
267504	Belli, Mollie, Georgetown, MA (Effective March 5, 2020)
<b>Active to <del>IN</del>ACTIVE REIIBED:</b>	
2218	Rundles, Janice, Lee, NH (Effective February 11, 2020)
268939	Bryk, William, Antrim, NH (Effective February 14, 2020)
1461	Lehman, Michael, Boulder, CO (Effective March 1, 2020)

<b>Active to DECEASED:</b>	
1973	Parnell, William, Palm City, FL (Effective February 21, 2020)
19675	Newman, John, White River Jct, VT (Effective March 15, 2020)
<b>Inactive to ACTIVE;</b>	
269632	Hassey, Andrew, Boston, MA (Effective February 5, 2020)
265330	Foor, Jennifer, Concord, NH (Effective February 10, 2020)
11312	Lawrence, Malinda, Edgewater, MD (Effective February 19, 2020)
265431	Wilschek, Joslyn, Montpelier, VT (Effective March 12, 2020)
14011	Hendrick, Deirdre, Annapolis, MD (Effective March 13, 2020)
19396	Tine, Andrew, Barrington, RI (Effective March 23, 2020)
<b>Inactive Retired to ACTIVE;</b>	
15308	Bunker, Steve, Franklin, NH (Effective February 27, 2020)
<b>Honorarv Active to DECEASED;</b>	
597	DeGrandpre, Charles, Portsmouth, NH (Effective February 12, 2020)
<b>Honorarr Inactive to DECEASED:</b>	
2749	Williams, Edward, Exeter, NH (Effective June 29, 2020)
504	Bean, Arthur, Deerfield, NH (Effective February 23, 2020)
488	Barto, Sr, John, Pittsfield, NH (Effective February 2, 2020)
<b>Sus!ended to ACTIVE;</b>	
21250	Fitzgerald, Desmond, Newton, MA (Effective February 12, 2020)
19387	Nicolai, Paul, Springfield, MA (Effective March 10, 2020)
<b>Sus!ended to INACTIVE;</b>	
11284	Fay, Melissa, Newburyport, MA (Effective December 19, 2019)
18251	Hanson, Jennifer, Wakefield, MA (Effective December 20, 2019)
<b>Sus!ended to RESIGNED;</b>	
15134	Perry, Donna, Tampa, FL (Effective February 5, 2020)
<b>Sus!ended to DECEASED;</b>	
2156	Rinden, Paul, Concord, NH (Effective February 21, 2020)