

NEW HAMPSHIRE BAR ASSOCIATION
SPECIAL BOARD OF GOVERNORS MEETING

Wednesday, July 31, 2019
Bar Center, Concord, NH

MINUTES

Present for all or part of the meeting were:

Edward D. Philpot, Jr.
Daniel E. Will
Richard C. Guerriero Jr.
Robert R. Howard III
Christine M. Hanisco
Cathy E. Shanellaris
Kathleen M. Mahan
Jason B. Dennis (phone)
Kristin G. Fields

Joseph D. Steinfield
Scott Whitaker (phone)
Donald H. Sienkiewicz
John A. Curran
Christopher T. Regan (phone)
Geoffrey M. Gallagher
George R. Moore
Deborah Hawkins

A meeting notice reminder was emailed to all Governors on July 23rd. Materials were emailed July 29th.

A. Call to Order

Edward D. Philpot, Jr.

President Ed Philpot called the meeting to order at 4:00 p.m.

PRESENTATION / DISCUSSION / ACTION ITEMS

B. Judicial Nomination Process

Edward D. Philpot, Jr.

President Ed Philpot thanked the board members for coming and explained the purpose of this meeting is to discuss the judicial nomination process and the Board of Governors' role. He feels there are two questions for the board to consider. First, should the board continue to meet with and evaluate nominees to the bench? Secondly, if that answer is yes, how should the process be structured?

Executive Director, George Moore, Esq. (who also served as Bar President 1999-2000) explained the history of the judicial nomination process. Prior to the term of Governor John Sununu, governors sought the counsel and advice of the NHBA prior to making the name of potential nominees public. The board would meet with the candidate and then send their recommendation to the governor prior to the person being nominated. This procedure was changed by Governor John Sununu. The current Judicial Selection Commission was put into place a few years later. The members of the commission are made up of people appointed by the governor. Their purpose is to vet potential nominees and share this information with the governor prior to the nomination being put forth by the governor to the Executive Council, at which point the name becomes public. Since this time, the NHBA Board of Governors has continued meeting with individuals once their nomination has been submitted to the Executive Council and is public, but after the Judicial Selection Commission has vetted the nominee.

The board discussed the current process and whether it should continue. Highlights of the discussion were:

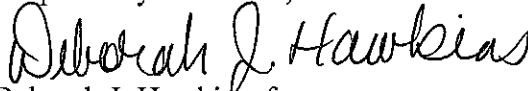
- The board's involvement is now too late in the nomination process.
- Who in the process seeks NHBA input? Answer: Nobody.
- While there are guidelines that are used for reviewing nominees' qualifications, they are not specifically related in an objective way to the letter submitted to the governor and council. Over the years, a rigid procedure of making a recommendation of "qualified", "unqualified" or "qualified with reservations" has been the limit of the Board's input.
- There is value in meeting with nominees as a board prior to their appointment to the bench.
- The short timeframe we typically work under is difficult for the board members and staff. It is a challenge for board members to be able to attend the special meetings with short notice. It is also hard for those making reference calls to inquire about nominees to complete them in time for the meeting.
- The ABA publishes standards for judicial competency that could be used as a guideline.

The board moved on to discuss how to best proceed. Ed stated that the goal is not to have everything decided today. After further discussion, the consensus of the board to appoint a subcommittee to consider these questions, explore options and redefine the process and make a recommendation to the full board by the October 7th board meeting. Cheshire County Governor Joseph Steinfield, Sullivan County Governor Geoffrey Gallagher, and Hillsborough South Governor Donald Sienkiewicz volunteered for the committee, with Geoffrey chairing. George will send an email to the board to recruit 2 more members.

C. Adjournment

The July 31, 2019 Board of Governors Meeting adjourned at 5:23 p.m.

Respectfully submitted,



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