

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, February 14, 2019
Fratello's Italian Grill
Manchester, NH

MINUTES

Present for all or part of the meeting were:

David W. McGrath
Edward D. Philpot, Jr.
Daniel E. Will
Peter E. Hutchins
Robert R. Howard III
Scott H. Harris
John A. Curran
Sandra L. Cabrera
Richard C. Guerriero, Jr.
Cathy Shanellaris
Lisa M. English
Joseph D. Steinfield

Leslie C. Nixon
Donald H. Sienkiewicz
Susan Aileen Lowry
Christopher T. Regan
Lanea A. Witkus
George R. Moore
Jennifer Pinckney
Joanne Hinnendael
Paula Lewis
John D. MacIntosh
Debbie Hawkins

A meeting notice reminder, a link to the preliminary agenda and related materials were emailed to all Governors on February 7th. 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

Dave McGrath

President David McGrath called the meeting to order at 4:41 p.m.

PRESENTATION / DISCUSSION / ACTION ITEMS

B. Report from the Legislation Committee

John MacIntosh

NHBA Lobbyist John MacIntosh reported that he reviewed over 885 legislative service requests and winnowed the list to approximately 60 to 70 bills that were reviewed by the Bar's Legislation Committee. The committee met for 4 weeks. John also reported that there are big changes in the Legislature this year with the leadership changing to the Democratic party. He also shared that there are many new younger representatives, and the major issues of concern this year appear to be social in nature. Hot topics are education funding, the death penalty and election requirements.

John reviewed the positions that could be taken on legislation; Oppose, Information Negative, Information, Information Positive, Support and No Position. The informational positions are often chosen when a bill is badly written, and the committee feels they can provide technical assistance or correction. Due to the unified status of the NHBA, the bar cannot take a position on bills that would not have substantial unanimity across its membership, so in these cases, often No Position is chosen. The committee took positions of Information Negative on 10 bills, Information Positive on 2 bills, Information on 8 bills, Oppose on 4 bills, and Support on 1 bill.

He discussed highlights of the bills the Legislation Committee did take a position on.

- **Oppose** – Two bills - HB 217 – Relative to bond for public employees and repealing the board of claims and HB 246 – Relative to penalties for corrupt practices. Both have been found ITL (Inexpedient to Legislative) which effectively kills them. HB 314 – Relative to the submission of evidence prior to hearings in divorce cases has not been scheduled for hearing yet, but the committee was unanimous in its opinion that this would not be practical in divorce matters. The committee also initially opposed SB 298 – Relative to summoning out of state witnesses in criminal cases, but upon gathering further information, John is recommending a change to perhaps an informational role. Both the NH Criminal Defense Lawyers' Association and the NH Association for Justice are supporting this bill.
- **Support** – SB 147 Relative to the Adoption of the Uniform Fiduciary Access to Digital Assets Act- this is a redo of a bill that the Board supported two years ago. Currently, an executor does not have access to digital assets, which can range from bank accounts to social media accounts. Similar legislation has been adopted by 28 states and is supported by the NHBA's Trust and Estate Section. This bill's predecessor sailed through the Senate and the House committee and then was killed by one representative.

ACTION

On motion to accept the Legislation committee's recommendations with the exception of SB 298; change position on SB 298 from Oppose to Support. Passed. Unanimously.

The Board discussed whether the Bar should take a position on SB 296 – Relative to live medical testimony in courts. John MacIntosh shared that the Legislation Committee did not feel there would be substantial unanimity across the membership of the Bar and therefore taking a position could create a Chapman issue. The Board discussed taking a position of Information. It was agreed that most members of the Bar would agree with this position.

ACTION

On motion to change position on SB 296, Relative to Live Medical Testimony in Courts from No Position to Information. Passed. 12 - 3.

C. Dispute Resolution Committee Arbitration Rules and Procedures George Moore

Executive Director George Moore spoke about the background behind this change. At the Board's December meeting, they requested that arbitration remain an option for those using the services of Dispute Resolution Program, so the past version of arbitration rules and procedures were revised and added back into the Dispute Resolution Committee General Provisions and Procedures document approved at the December 2018 meeting.

ACTION

On motion to accept the Dispute Resolution Committee Arbitration Rules and Procedures as presented. Passed. Unanimously.

- D. Establish Special Committee of Board of Governors to Manage Oversight of Amity Insurance Agency Inc.

George Moore

Executive Director George Moore referred to the proposal included with the Board materials. This committee will be established for the purpose of monitoring the provision of insurance services by Amity Insurance Agency Inc. and the contractual obligations incidental to the sale of the NHBA Insurance Agency to Amity Insurance Agency, Inc. The members of the committee shall be identical to the membership of the former NHBA Insurance Agency Board. This shall be a NHBA special committee.

ACTION

On motion to approve the formation of a special committee of the NHBA for the purpose of monitoring the provision of insurance by Amity Insurance Agency, Inc. and the contractual obligations incidental to the sale of the NHBA Insurance Agency to the Amity Insurance Agency, Inc. Passed. Unanimously.

- E. President's Report

Dave McGrath

1. Harassment Training March 4th at 3:00 p.m.

President David McGrath reminded the board that the start time was changed from 2:00 p.m. to 3:00 p.m. This training has been set up as a best practice under the guidelines of the ABA. The NHBA staff will participate in a similar training the morning of March 4th.

- F. Executive Director's Report

George Moore

1. MYM Mobile App

The number of downloads is being tracked. The feedback from users has been positive.

2. Reduced Fee/Free Solo and Small Firm Flight plan CLE (May 10) for Solo and Small Firm practitioners

The decision has been made to reduce the cost of some of the CLE programs aimed at solo and small firm practitioners as a member service. Board members are encouraged to spread the word to those that can benefit.

3. PR Efforts for Dispute Resolution Program

Executive Director George Moore shared there will be increased publicity in the coming months about this service. It has been in existence for 30 or more years. There will be a Bar News article in the form of a Q and A with chair Charles Bauer in a future issue.

- G. State Update

All Board Members

Board members are asked to report on issues of concern or interest for Association members that should be brought to the attention of the Board of Governors

There was discussion about destruction of files by the district courts. Executive Director George Moore will follow up on the issue with the Committee on Cooperation with the Courts and report back to the Board.

REGULAR BUSINESS – CONSENT ITEMS

H. Membership Status Changes for January/February 2019 Rob Howard

The Board received the membership status changes, which are attached as a permanent part of these minutes.

I. Minutes of January 7, 2019 Meeting Rob Howard

The Board approved the minutes as presented.

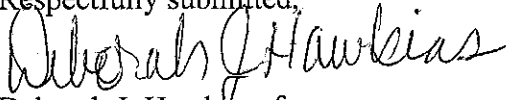
ACTION

On motion to accept the consent agenda. Passed. Unanimously.

J. Adjournment

The February 14, 2019 Board of Governors Meeting adjourned at 5:35 p.m.

Respectfully submitted,


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

Membership Status Changes	
Presented to the Board of Governors February 7, 2019	
<u>Active to INACTIVE:</u>	
26966 2	Lazarus, Carl, Portland, OR (Effective December 20, 2018)
12538	Shirley, David S.V., Manchester, NH (Effective January 1, 2019)
26895 6	Noyes, Ashley L., Keene, NH (Effective January 04, 2019)
17762	Sullivan, Hannah, Merrimack, NH (Effective December 24, 2018)
27095 6	Hepburn, Jack D., Miller Place, NY (Effective January 17, 2019)
<u>Active to INACTIVE RETIRED:</u>	
1737	Merrill, Andrew A., Deerfield, NH (Effective December 28, 2018)
1107	Harvey, Nicholas, D.N. Hanover, NH (Effective December 28, 2018)

2338	Shumaker, Edward E., Concord, NH (Effective December 31,2018)
1848	Murphy, Robert E., Concord, NH (Effective December 31,2018)
752	Ells, Stephen G., Hampton, NH (Effective December 31,2018)
<u>Active to Full-Time Judicial:</u>	
13856	Derby, Mark S., Merrimack, NH (Effective September 20,2018)
12945	St. Hilaire, Daniel, Concord, NH (Effective December 18,2018)
<u>Active to RESIGNED:</u>	
20001	Crawford, Tobias, New Haven, CT (Effective 01/02/2019)
<u>Inactive to ACTIVE:</u>	
19475	Boucher, Erin, Shrewsbury, MA (Effective January 2, 2019)
15354	Roedel, Mary L., Manchester, NH (Effective January 9,2019)
8133	Webb, Karen, Portsmouth, NH (Effective January 4,2019)
26673 3	Erchull,Christopher, Boston, MA (Effective January 15,2019)
14206	Hatfield, Meredith, Concord, NH (Effective January 15,2019)
6877	O'Brine, George, T., Salem, MA (Effective January 29, 2019)
<u>Inactive to RESIGNED:</u>	
26963 6	Brady,Katherine, East Walpole,MA (Effective January 1,2019)
<u>Inactive Retired to Deceased</u>	
20453	Roussos, Nicholas M., Concord, NH (Effective 12/20/2018)
<u>Suspended to Deceased:</u>	
32	Boire, Richard, Rochester, NH (Effective December 4, 2015)
<u>Suspended to Disbarred</u>	
2238	Salomon, Craig N., North Hampton, NH (Effective January 23,2019)
<u>Honorary Inactive to DECEASED:</u>	
2329	Sheridan, Charles, F., Concord, NH (Effective December 29,2018)
2516	Tardif, David E., Concord, NH (Effective December 24,2018)

