

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Monday, January 7, 2019

MINUTES

Present for all or part of the meeting were:

David W. McGrath
Edward D. Philpot, Jr.
Daniel E. Will
Peter E. Hutchins
Scott H. Harris (phone)
John A. Curran
Sandra Cabrera
Cathy Shanelaris
Kristin G. Fields
James P. Cowles
Joseph Steinfield
Marcie Hornick
Donald Sienkiewicz
Christopher T. Regan

Hon. Gary E. Hicks
Jennifer L. Parent
Andrew Hamilton (phone)
George R. Moore
Ginny Martin
Jennifer Pinckney
Joanne Hinnendael
Paula Lewis
Debbie Hawkins
Allison Borowy
Paul Twomey
Doreen Connor
William Saturley

A meeting notice reminder, a link to the preliminary agenda and related materials were emailed to all Governors on January 2nd. Additional materials were distributed January 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

The regular meeting of the Board of Governors was called to order by President Dave McGrath at 4:08 p.m.

PRESENTATION / DISCUSSION / ACTION ITEMS

B. Report of the Commission to Study the Legalization, Regulation
and Taxation of Marijuana

Paul Twomey
NHBA Appointee to Commission

President McGrath welcomed Attorney Paul Twomey. Paul thanked the Board for appointing him and spoke about his experience on the commission. They focused their work on the process that would need to be in place, not on the question of whether marijuana should be legalized. The commission was bipartisan and was created as a part of legislation that was adopted in 2017. They spoke with people from states that had already legalized marijuana. None of those states had created a study commission prior to legalization, and they praised New Hampshire for its approach. The commission recommended a free market approach that would allow individuals to become licensed distributors and didn't limit dispensaries to large industrial providers.

Attorney Twomey distributed a summary of the draft bill expected to be introduced this legislative session. It is estimated that based on the taxation scheme proposed, between \$37 and \$58 million dollars would be raised. The commission has recommended that this money be divided between data

collection, education about marijuana use, revenue sharing with towns, the state General Fund and law enforcement.

He spoke about challenges that would face law enforcement, should marijuana be legalized. There is no easy way to measure 'excessive' amount of THC (the active chemical in marijuana) as it affects all individuals differently. Paul noted that in a National Highway Transportation & Safety Administration study, there was no increase in traffic accidents reported in states that legalized marijuana.

If the legislation passes, there are many areas of existing law that will be affected. The NH report contains many safety recommendations. One of the benefits of legalization would be a safer, more consistent product for the consumer.

C. NHBA Insurance Agency Sale Update

George Moore

President Dave McGrath introduced NHBA Insurance Agency Board members Attorney William Saturley and Attorney Doreen Connor to update the Board. They had been hopeful the sale would have closed by now, but it has not been consummated. There have been a few structural changes from what was presented to the Board in December, the deal is close to being finalized. None of the financial terms have changed. The decision has been made to defer the exclusive endorsement of Attorney Protective, based on an interpretation of "exclusive" by Attorney Protective that would not have been in the member's best interests. It has been decided to move forward with the sale of the NHBA Insurance Agency to Amity alone. Amity and Attorney Protective are continuing to negotiate. The sale to Amity will be separate from any future endorsement deal with Attorney Protective.

D. Treasurer's Report

Paula Lewis

Paula noted that her narrative report as well as balance sheets and year-to-date budgets for both the NHBA and the NHBA Insurance Agency have been distributed to the Board. The Board briefly discussed the amount of unrestricted cash. There were no other questions or comments.

E. Proposal to eliminate Law School Advantage Program

George Moore

Executive Director George Moore noted this title was an error; it is called the Law *Student* Advantage program. The Board was provided with background materials about this program. It was created in 2012 when John Broderick was Dean at UNH Law and provided students with discounted services/media from the NHBA. It included a subscription to the Bar News, and membership in Sections. After he left that position the law school funding for the program was eliminated. Currently law students must pay out of their pocket, and only 1 student is participating. The Board discussed costs of continuing the program, which would mostly be staff costs. If the law school is interested in the future, the program could be resumed. It was decided that the one person in the program would continue to be provided with the Bar News.

ACTION

On Motion to discontinue the Law Student Advantage program. Passed. 15 – 1.

F. President's Report

Dave McGrath

1. Discussion (preliminary) of involvement in external deunification litigation

President Dave McGrath spoke about the Fleck case which concerns the status of unified bars and the potential applicability of the recently decided Janus case in the US Supreme Court.

The minutes reflect that Justice Gary Hicks left the meeting prior to this discussion.

Members of the Board discussed a possible response from the NHBA that could involve participation in an amicus brief, either initiated by other bar associations, or one prepared by the NHBA leadership. Executive Director George Moore reported he is being solicited on a regular basis by other bar associations to encourage various levels of participation and would like direction from the Board. There was discussion about continued monitoring of the situation and contingency planning, as well as checking in with our membership. The arguments for unification have not changed; New Hampshire is different from some other unified bars in that the NH Supreme Court unified the NHBA. Other state bars were unified by legislation. The Board would like the Executive Director to continue to engage with other unified bars on this topic and the board will revisit the discussion in the future. He will report back to the Board in the future.

2. Holding off of membership vote on NHBA Bylaw amendments until summer annual meeting

President McGrath let the Board know the membership vote on the recently discussed amendments to the NHBA Bylaws will be deferred to the Annual Membership meeting in June due to the severe time constraints of the Midyear Meeting lunch program and business meeting.

G. Executive Director's Report

George Moore

1. Audit of Pro Bono/Legal Services Programs

Executive Director Moore highlighted the positive report received by the DOVE/Pro Bono during a recent federal monitoring visit and audit.

2. Legislation Program

The NHBA Legislation Committee will begin meeting on Monday, January 14th. Debbie Hawkins, staff liaison to the committee reminded the Board that they have password protected access to Legislation Watch, a software platform that is used to track legislation of interest to attorneys, the courts and the justice system. She will email the Board instructions to access it. Debbie announced that the biennial Legislation Reception, sponsored by the NHBA, the NHACDL, NHAJ and this year the NH Women's Bar Association will be held on Thursday, February 7th from 4:30 to 6:30 p.m. at the Barley House in Concord. Board members will receive an email invitation in the next week or so.

Executive Director Moore asked the Board to let him know if there are bills of interest they feel the Legislation Committee should review.

3. Upcoming Sexual Harassment Training

Executive Director Moore asked the Board to please calendar a mandatory sexual harassment training that will take place on Monday, March 4th from 2:00 – 4:00 p.m. prior to the regularly scheduled Board meeting on that date. The trainer will be Attorney Jaclyn L. Kugell of Morgan, Brown and Joy LLP, in Boston. She will be training the NHBA staff in the morning.

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

- ✓ Several Board reported that their clients are receiving texts from the court directly and the attorneys are not being copied. It was reported this is being done in the hope of reducing the number of “no shows” for mediations, which is costly for the court.
- ✓ Grafton County Governor Marcie Hornick reported that the Commission to Address Childhood Hunger met for the second time this Friday. She was appointed to this group by the NHBA Board.
- ✓ President- Elect Ed Philpot spoke about various problematic issues with circuit courts; lack of judge time, and e-filing glitches
- ✓ Ginny Martin, Associate Executive Director for Legal Services reminded the Board of the Pro Bono hockey fundraiser is scheduled for Sunday, January 13th at St. Anselms’s College

REGULAR BUSINESS – CONSENT ITEMS

I. Membership Status Changes for December 2018

Rob Howard

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

J. Minutes of December 3, 2018 Meeting

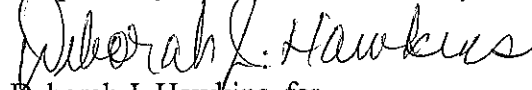
Rob Howard

The Board approved the minutes as amended (Jo Hinnendael was noted as present; she did not attend the meeting.).

K. Adjournment

The January 7, 2019 Board of Governors Meeting adjourned at 5:50 p.m.

Respectfully submitted,



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

Membership Status Changes	
Presented to the Board of Governors January 7, 2019	
Active to <u>INACTIVE</u>:	
270651	Derry, Earle Elizabeth, Concord, NH (Effective November 29,2018)
1497	Lloyd,Nina Wingate, Hanover,NH (Effective December 17,2018)

Active to <u>INACTIVE RETIRED:</u>	
2480	Sullivan, Kathleen, N., Manchester, NH (Effective December 01,2018)
Active to <u>RESIGNED:</u>	
143	Brown, Kenneth, M., Nashua, NH (Effective November 29,2018)
266798	Marietta, Jordan, Wilton, NH (Effective November 30,2018)
20897	Szwed, Susan, South Portland,ME (Effective November 28,2018)
Active to <u>DECEASED:</u>	
8831	Robinson, Colin William, Lyme, NH (Effective November 19,2018)
Inactive to <u>ACTIVE:</u>	
20073	Conlon, Michael, Goffstown, NH (Effective November 26,2018)
16188	Rodger Yim, Jessica, Wellesley, MA (Effective November 26,2018)
265344	Stults, Lyndsey A., Canton, MA (Effective November 28,2018)
20941	Mascio, Lissa D., Kingston, NH (Effective December 5, 2018)
Inactive Retired to <u>RESIGNED:</u>	
2628	Vetne, John H., New Portland, ME(Effective December 17,2018)
Inactive Retired to <u>INACTIVE</u>	
8235	Christo, Ellen Vars, Hampton Falls, NH (Effective November 26,2018)
18650	Pierce, Mark I., N. Providence, RI (Effective November 26,2018)
Suspended to <u>Active:</u>	
268501	Reed, Michael J., Raymond, NH (Effective December 11,2018)
Active to <u>Military Inactive:</u>	
266276	Tylka, Robert B. Quantico, VA (Effective December 21,2018)

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