

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
Thursday, November 1, 2018

**MINUTES**

Present for all or part of the meeting were:

David W. McGrath	Christopher T. Regan
Edward D. Philpot, Jr.	Lanea A. Witkus
Daniel E. Will	Hon. Gary E. Hicks
Peter E. Hutchins	Jennifer L. Parent
Robert R. Howard III	Andrew Hamilton (phone)
Scott H. Harris	George R. Moore
Jonathan M. Eck	Ginny Martin
Lisa English	Joanne Hinnendael
Danielle Y. Vanderzanden	Jennifer Pinckney
Kristin G. Fields	Paula Lewis
James P. Cowles	Allison Borowy
Joseph Steinfield	Deborah J. Hawkins
Marcie Hornick (phone)	Doreen Connor
Leslie C. Nixon	Charles Bauer
Donald H. Sienkiewicz	
D Susan A. Lowry	

A meeting notice reminder, a link to the preliminary agenda and related materials were emailed to all Governors on October 25<sup>th</sup>. Additional materials were distributed October 26<sup>th</sup>. 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 session of the November 1, 2018 Board of Governors meeting was called to order by President David McGrath at 4:07 p.m. He welcomed new Cheshire County Governor Joseph Steinfield, who was appointed by the board to replace Catherine Ruffle, who took a job outside of Cheshire County, and therefore could no longer serve.

B. Nomination of Dan Will for 2018-2019 President-Elect Dave McGrath  
*(As called for by NHBA Bylaws Article 6, Section 3: On or before December 31<sup>st</sup> in each year, the members of the Board of Governors shall nominate a candidate for President-elect.)*

**ACTION**

On motion to nominate Daniel E. Will as the 2019-2020 President-Elect. PASSED. Unanimously.

C. Amendments to Bylaws George Moore

1. Recommendation to amend Article IV Section 3 on officer succession

Executive Director George Moore reported that after the past experience of a Bar Association President-Elect being appointed to the bench, and resigning. It was felt that the NHBA Bylaws should

be amended to define how succession issues within the Board leadership track should be dealt with. The proposed bylaws changes will need to be presented to the full membership for vote at the Midyear Meeting Business Meeting on February 15, 2019.

After some discussion regarding this change, an amendment was offered changing the length of time that the notice of the open position will be posted from 30 days to 45 days, as well as changing the time within which the Association will conduct a special election from 60 to 45 days.

**ACTION**

On motion to amend the suggested change in bylaws, changing the length of time that the notice of the open position will be posted from 30 days to 45 days, as well as changing the time within which the Association will conduct a special election from 60 to 45 days. PASSED. Unanimously.

**ACTION**

On motion to accept the suggested bylaw changes, as amended above. PASSED. Unanimously.

2. Discussion on amending Article IX Section 2 concerning its requirement to be on "Active" status to serve on Bar Committees

Executive Director George Moore stated that he is bringing this item for discussion and direction by the board. There have been some inactive members that have expressed interested in serving on Bar committees. The current bylaws state that members must have an "active" status to serve on a committee. After some discussion, it was decided that George would present a proposed change to the current bylaws allowing for inactive members in good standing to serve on bar committees.

D. Dispute Resolution Committee – Membership Requirements/Rule Change Charles Bauer

President Dave McGrath introduced Charlie Bauer, chair of the Dispute Resolution Committee. Chair Bauer spoke of his history with the committee, stating that he has been a member for 10 years. He praised the longtime service of past chair, William Mulvey, as well as the Bar staff that support this function. As part of assuming the role of Chair, he reviewed the existing procedures of the Dispute Resolution Committee and felt that they could be streamlined. The proposed document is 5 pages, reduced from the original 11-page document. Highlights of the changes are:

1. Delete the option of Bar provided arbitration services.

It is felt that there isn't a large demand; there have only been 3 cases referred to arbitration in the past 18 years. In addition, there are many outside entities that provide arbitration to which a case could be referred.

2. Change the requirement of Rule 32 Training

In the past there has been a requirement that committee members have Rule 32 (formerly Rule 170) training. Chair Bauer believes a better process would be to have the chair and a couple of members of the committee vet those wishing to join the committee and make a recommendation to the president for appointment.

3. Change the scope of the waiver of liability

Chair Bauer believes that the former version of the procedures was too broad in granting immunity to those on the committee. Language necessitating a finding of 'acting intentionally, willfully and with malice' was inserted into the new document, as well as linking the committee members' civil liability to NH RSA 490-E:5.

The board discussed these proposed changes. This agenda item was presented for discussion this month and will be presented to the board for a vote at the December meeting. George Moore, Executive Director, asked that board members submit any thoughts on the changes to him prior to the next meeting.

E. Update on NHBA Insurance Agency Purchase

Doreen Connor, Chair  
NHBA Insurance Agency Board

1. Discussion of approval of sale
2. Discussion of approval of exclusive endorsement
3. Discussion of "tail" coverage

George Moore introduced Doreen Connor, chair of the NHBA Insurance Agency Board, and noted that this is a discussion item which will be brought back to the board for action at the December meeting. Doreen described the process that has taken place over the past few years. The NHBA Insurance Agency Board solicited bids and went through a review process and selected one company, Attorney Protective/Amity. She thanked Bill Saturley, a member of the NHBA Insurance Agency Board, who volunteered to negotiate the terms of the sale and draft the purchase and sales agreement as well as the endorsement agreement. The board began consideration of selling the agency a few years ago due to the upcoming retirement of its sole employee Suzanne Morand. In addition, there are now many other options for NHBA members to purchase liability insurance, which was not the case when the agency was originally created. Doreen shared details of the proposed contract, which is in the process of being finalized. This includes a proposal to convert the current agency board to a monitoring group for 5 years. The proposed buyer has received high marks from other bar associations, and are well-capitalized, and have an A++ rating. The deal has been vetted with our auditors. The sale agreement is expected to be finalized in time for presentation and vote at the December meeting. Bill Saturley will be available at that time to answer questions and discuss the agreement.

F. President's Report

Dave McGrath

1. Midyear Meeting planning and CLE program agenda

Dave McGrath stated that he thinks we have put together a really good CLE program for the Mid-year Meeting on the 1<sup>st</sup> Amendment. He shared information about a number of the presenters. They include Mark Jackson, of the Cornell Law School, Robert McWhirter, from Arizona, an expert on the Bill of Rights, Chancellor Howard Gillman, of the University of California at Irvine, co-author with Erwin Chemerinsky of *Free Speech on Campus*, and Ramya Krishan of Columbia Law School, who will present on 'The New Public Square – 1<sup>st</sup> Amendment Issues in the Digital Age'.

We recognize the challenges of presenting this topic in a non-political way. George added this will be a very interesting and provocative program.

G. Executive Director's Report

George Moore

1. NHBA Audit – Clean Report. To Finance and BOG at December 2018 meeting

George shared compliments by the audit team about financial management at the NHBA. The auditors are slated to meet with the Finance Committee in November. Their report and the Finance Committees recommendations will be presented at the December board meeting.

2. Congratulations to Bar Business Operations Staff for Attorney Compliance Work

George highlighted the complimentary emails received from the Supreme Court on the exceptional work of Paula Lewis and the Business Operations staff to decrease the number of members out of compliance. The list sent to the Court contained 68 members, 30 of those are now in compliance.

3. Replacement Hires for NHBA Staff
  - i. Jonathan Lewis – Database Coordinator
  - ii. Shari Colby – Marketing and PR Coordinator

George shared information about these two replacement hires.

H. New Business

Board member Peter Hutchins shared an email from a sections chair asking about changing the name of a section. This request will be routed to the Section Coordinator and will be brought to the Board for action at a later date, as appropriate.

**REGULAR BUSINESS – CONSENT ITEMS**

I. Report on Dues Waiver Requests

Dues Waiver Subcommittee

The board ratified the following actions of the Dues Waiver Committee:

	<b>Approved waiver requests:</b>		<b>Payment Owed</b>
463		100% waiver of Delinquency fees GRANTED	0
2116		100% waiver of Delinquency fees GRANTED	\$25.00
2165		100% waiver of Dues / Delinquency fees GRANTED	0
8757		Partial waiver of Delinquency fees GRANTED	\$250.00
13993		100% waiver of Delinquency fees GRANTED	0
15351		100% waiver of Dues and Delinquency fees GRANTED	0
19075		100% waiver of Delinquency fees GRANTED	0

		100% waiver of Delinquency fees GRANTED	0
		100% waiver of Delinquency fees GRANTED	0
		100% waiver of Dues /Court fees GRANTED	0
		100% waiver of Dues / Court fees GRANTED	0
		100% waiver of Dues / Court fees GRANTED	0
		100% waiver of Dues / Delinquency fees GRANTED	0
		100% waiver of Dues / Court fees GRANTED	0
		100% waiver of Dues / Court fees GRANTED	0
		100% waiver of Dues / Delinquency fees GRANTED	0
	<b>Denied waiver requests:</b>		
		100% Waiver on Dues/Court fees DENIED	<u>\$645.00</u>

J. Membership Status Changes for Sept./October 2018 Rob Howard

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

K. Minutes of September 25, 2018 Meeting Rob Howard

The board approved the minutes as presented.

L. State Update All Board Members

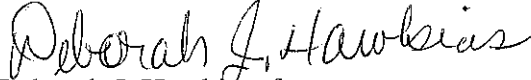
**Board members are asked to report** on issues of concern or interest for Association members that should be brought to the attention of the Board of Governors

- ✓ Susan Lowry reported that Rockingham County Bar Association will have its holiday party on December 3<sup>rd</sup> at the Victorian Inn and encouraged board members to attend
- ✓ Jim Cowles shared that the Carroll County Bar Association has a meeting planned at Hobbes Brewery in Ossipee on November 8<sup>th</sup> @ 5:00 p.m.
- ✓ Chris Regan encouraged board members to vote on November 6<sup>th</sup>.
- ✓ Marcie Hornick thanked Dave McGrath and George Moore for coming to the Grafton County Bar Association Fall meeting on October 15<sup>th</sup>. The members appreciated it.

M. Adjournment

The November 1, 2018 Board of Governors Meeting adjourned at 5:10 p.m. The Board then reconvened in executive session for the purpose of interviewing a judicial nominee.

Respectfully submitted,

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

**Membership Status Changes**

Presented to the Board of Governors November 1, 2018

**Active to INACTIVE:**

- 7859 Allegretti, Daniel W., Bow, NH (effective October 9, 2018)
- 19369 Diblasi, Joseph P., North Reading, MA (effective September 10, 2018)
- 17450 Dingley, James M., Manchester, VT (effective September 16, 2018)
- 270665 Hodge, Melaney G. Rockland, MA (effective September 17, 2018)
- 266297 Keiper, Caitlin E., Brighton, MA (effective September 10, 2018)
- 269040 Mason, II, Edward E., Holliston, MA (effective September 13, 2018)
- 18038 Mulholland, Evan J., Concord, NH (effective October 11, 2018)
- 1790 Moore, Douglas S., Sharon, VT (effective October 10, 2018)
- 18984 Sederquest, Rachel A., Chester, NH (effective October 1, 2018)
- 2430 Stebbins, John S., Hanover, NH, ( effective June 30, 2018)

**Active to INACTIVE RETIRED:**

- 2211 Rubega, Alfred J.T., Concord, NH (effective October 1, 2018)
- 2488 Sullivan, Timothy J., Wolfeboro, NH (effective July 1, 2018)

**Active to Full-Time Judicial:**

- 20171 Mace, Michael C., Lebanon, NH (effective September 24, 2018)

**Active to RESIGNED:**

- 12246 Grunert, John A.K., Boston, MA (effective September 15, 2018)  
268833 Triffon, Katherine A., Bronx, NY (effective September 12, 2018)

**Active to DECEASED:**

- 12087 Edwards, Paul V., Raleigh, NC (effective May 2, 2018)

**Inactive to ACTIVE:**

- 6912 Hyder, Mary Ann, South Berwick, ME (effective September 24, 2018)  
822 Flynn, Patricia A., Methuen, MA (effective September 27, 2018)  
17771 Jenness, Anne E., Campbell, CA (effective October 16, 2018)  
18400 Pedley, David M., Denver, CO (effective October 11, 2018)  
17757 Shaw, Andrea J., Gorham, ME (effective October 10, 2018)  
20773 Tanner, Courtney G., Bedford, NH (effective September 18, 2018)  
269648 Van Leeuwen, Diana E., Brighton, MA (effective September 27, 2018)

**Inactive to INACTIVE RETIRED:**

- 204 Byk, Jr., Joseph J., Peterborough, NH (effective October 15, 2018)  
8822 Notargiacomo, Moira A., Woodstock, VT (effective October 1, 2018)

**Inactive to RESIGNED:**

- 1109 Hasco, Thomas E., Saratoga, CA (effective September 26, 2018)  
14029 Newbern, Marie C., Memphis TN (effective September 9, 2018)

**Inactive Retired to RESIGNED:**

- 18631 Gould, Franklin E., Lebanon, NH (effective October 11, 2018)

**Suspended to DISBARRED:**

- 1596 Males, Jr., Stephen, Dover, NH (effective September 28, 2018)

**Honorary Active to HONORARY INACTIVE:**

- 1717 McManus, Anthony A., Dover, NH (effective September 1, 2018)

**Honorary Inactive to DECEASED:**

2185 Rogers, Arthur P., Gaithersburg, MD (effective July 16, 2017)

2518 Tateosian, John, Atkinson, NH (effective October 14, 2018)

**Inactive to DECEASED:**

2167 Robbins, Arthur E., North Sutton, NH (effective October 4, 2018)

19941 Webb, Charles R., Harrisville, NH (effective May, 2018)