

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, April 19, 2018

MINUTES

Present for all or part of the meeting were:

Scott H. Harris
David W. McGrath
Edward D. Philpot, Jr.
Peter E. Hutchins
Robert R. Howard III
Christopher T. Regan
Paul W. Chant
Christopher Marshall
Richard C. Guerriero, Jr.
Marcie Hornick (phone)
Cathy E. Shanalaris

Susan Lowry
Lanea A. Witkus
Justice Gary Hicks
Denice DeStefano
Ginny Martin
Joanne Hinnendael
Jennifer Pinckney
Paula Lewis
Deborah J. Hawkins
Allison Borowy

A meeting notice reminder, link to preliminary agenda and related materials were emailed April 12th. Additional materials were distributed April 19th. The agenda is duplicated below in 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 Scott Harris

The regular session of the April 19, 2018 Board of Governors meeting was called to order by President Scott Harris at 4:10 p.m.

ACTION ITEMS:

B. Reappointment of Attorney Jaye Rancourt to the Judicial Conduct Committee Scott Harris
for a 3-year term

There was a general discussion about the Board appointment/reappointment procedure. The Board would like adequate notice when being asked to make appointments to external bodies.

ACTION

On motion to approve Attorney Jaye Rancourt's reappointment to the Judicial Conduct Committee for a 3-year term. Passed. Unanimously with 1 abstention. (Peter Hutchins)

C. Reappointment of Attorney Eric Bernard to the Workers' Compensation Appeals Scott Harris
Advisory Board for a 3-year term

Board member Chris Regan recused himself from this action, since he is a member of the Compensation Appeals Board.

ACTION

On Motion to approve Attorney Eric Bernard's reappointment to the Workers' Compensation Appeals Board. Passed. Unanimously.

D. Appoint Study Group for Sections

Ed Philpot, Jr.

Ed Philpot suggested to the Board that a group be appointed to examine NHBA Sections, as suggested by the New Hampshire Supreme Court Commission on the New Hampshire Bar in the 21st Century in their recent report. The committee would be made up of 2 individuals from the Continuing Legal Education Committee, 2 Section Chairs, 2 Board Members and Ed Philpot. They would be charged with looking at resources, how Sections and CLE programs interact, and the concerns expressed by the Court commission. The group would make recommendations to the Board regarding Sections. If this proposal is approved by the Board, Ed will return with suggested appointees for the Board's consideration.

ACTION

On motion to create a group to examine NHBA Sections and report back to the Board, including recommendations. Passed. Unanimously.

E. Delinquency & Reinstatement Fees as Set by the Board

Paula Lewis

Article II, Section 6 of the NHBA Constitution calls for the NHBA Board to periodically set a delinquency penalty to be assessed to members that have not paid NHBA dues or NH Supreme Court fees by the due dates. Since the 3-1-1 Attorney Licensure Renewal implementation in fiscal year 2016, in cooperation with the NH Supreme Court, NHBA has not received reinstatement fees. Currently, the NH Supreme Court directly charges an attorney \$250 for reinstatement fees; NHBA does not currently charge reinstatement fees.

The Board is being asked to consider this recommendation - For NHBA to approve the continuance of the two delinquency penalties charged at sixty days and ninety days from the NHBA Dues and/or NH Supreme Court Fees invoice date, or the next business day if such date falls on the weekend, at the current amount of \$50 each date. In addition, for NHBA to charge a \$50 Reinstatement Fee to those attorneys requesting reinstatement into the NH Bar Association which will cover staff costs to process the reinstatement and collaboration with the NH Supreme Court regarding such reinstatement.

ACTION

On motion to continue with the two \$50 delinquency penalties for nonpayment of NHBA dues or any court/mandatory fees that are collected by NHBA of any member for any year not paid which will be assessed at sixty and ninety days from the NHBA Dues and/or NH Supreme Court Fees invoice and have NHBA to charge a \$50 Reinstatement Fee to those attorneys requesting reinstatement into the NH Bar to cover staff costs to process the reinstatement and collaboration with the NH Supreme Court regarding such reinstatement. Passed. Unanimously.

UPDATE AND DISCUSSION ITEMS:

F. Executive Search Update

Dave McGrath

Chair of the Search Committee Dave McGrath advised the board that the application deadline has been extended by a few weeks in the hope of receiving more applications. The committee

has expanded the footprint of the ad, posting in some new places. He hopes the committee will meet at the end of April. The plan is for the committee to narrow the applicants, screen and bring the finalists to the full Board.

G. Treasurer Report

Peter Hutchins

- 3rd quarter Financials

Treasurer Peter Hutchins noted that the Association continues to be ahead of budget on most measures. He reviewed the following categories from the income statement; percentage fee revenue, registration and fees for the NHBA Annual Meeting, registration and fees for NHBA 2018 Midyear Meeting, registration and fees for CLE, advertising and professional announcements, personnel costs, program expenses and overhead expenses. Peter also discussed the financials of one of the NHBA affiliates, the NHBA Insurance Agency. See materials posted on the board committee page for details.

Peter also noted that the board officers will be meeting with the chair of the NHBA Insurance Agency board in the future.

- Update on Budget Process

The finance committee had its second meeting in the budget process today. Peter reports that the draft budget is in good shape. The next meeting of the finance committee is planned for May 8th, where the draft budget will be finalized. This budget will be presented to the Board of Governors at the May 17th meeting.

H. Discussion of Court Commission Report

Board Members

President Scott Harris began this discussion by referencing the status document prepared for the board. The first recommendation discussed was the refocus on the relationship between the Court and the NHBA. Per recommendation 1b, Justice Hicks is the liaison to the Association, and has been attending the monthly Board of Governors' meetings. He shared that Chief Justice Lynn stated his intention to focus on the Court supervision of the unified bar in his remarks delivered at his swearing-in ceremony. There was also discussion about various ways that the NHBA is increasing its collaboration with the Court. The board officers, acting executive director and director of business operations will be meeting with Court in early May. Regular quarterly meetings of this type are planned.

Vice President and champion of the board's strategic planning process Ed Philpot addressed recommendation #2. He spoke about the latest in a series of planning meetings held with the NHBA senior staff. They are developing a matrix that will be used to review and evaluate existing, as well as proposed programs. The plan is for this framework to be in place and some analysis work to be completed for the incoming Executive Director. This ties into a more disciplined strategic planning approach being adopted by the board.

Regarding recommendation #3, Director of Business Operations Paula Lewis and Acting Executive Director Denice DeStefano met on February 7th with Donna Raymond, Fiscal Manager at the Administrative Office of the Courts to review the current NHBA budgeting process. Going forward, The Director of Business Operations and the Executive Director will

be meeting annually with court financial personnel to review the draft NHBA budget for their input. It was also recommended that there be a review of staff size and salary levels going forward. Board member Richard Guerriero will be proposing a process for the performance review of the Executive Director for board discussion and consideration. It is expected that the new Executive Director will carry out a further review of staff size and salary levels.

Recommendation #4 addresses the NHBA strategic planning process, requesting an updated 5-year plan be submitted to the Court and be ready for implementation July 1. This is closely related to recommendation #2 and is critical to new leadership and vision, according to Ed Philpot. He hopes there will be a revision ready in the next 6 months, and would like to use the September 25th board orientation meeting to work on this. Ultimate decisions may not be made until a new Executive Director is in place.

President Scott Harris discussed implementation of recommendations #5, evaluation of governance structure of the NHBA and #6 establishing a commission to implement these recommendations. A subcommittee of the board, led by Treasurer Peter Hutchins has been working on this review of the governance structure, and it has been discussed at several meetings, as well as with the full board. President Harris asked Justice Hicks to request his colleagues defer recommendation #6 in light of the progress that has been made and plans discussed for continuation of this work.

I. Member Services & Outreach Work Group Proposals - Updates Lanea Witkus
▪ Attorney Back-up Plan – Draft Form

Lanea was charged at the March board meeting with fleshing out the back-up plan and implementation process. She has touched base with Eileen Fox at the Supreme Court and the with staff at the Attorney Discipline Office, both of whom supported the idea. It is a good first step. Lanea sees this as part of the Association's outreach to county bars; it could be worked into a continuing legal education program that could be taken on the road. She mentioned that she thinks the bar might examine creating supports for those attorneys transitioning out of practice. There was discussion about other states that already have resources/back-up planning materials available. Scott also noted that this program could be a way to link up older practitioners as mentors for newer lawyers. The plan includes the NHBA being the repository for these plans, since it is already charged with maintaining the official database of licensed NH lawyers. Lanea will work with bar staff from the Marketing/Communications, Business Operations, and Member Services departments to determine resources needed, develop an operational and implementation plan and bring it to the board at the May meeting.

INFORMATIONAL ITEMS:

J. President's Report Scott Harris
▪ 2018 Annual Meeting

Scott encourages the board to attend. The entire Sung family will be present at the meeting. He asks that the board be emissaries to encourage friends and colleagues to participate as well. There was discussion about more advance planning in the future to allow the meeting to be marketed further in advance, as well as ways to add value to the experience so more members will participate.

- Election Results

The board received the election results in their packet. Since no one was elected to the Out of State and Sullivan County seats, and no write-in candidate received the minimum number of votes to be declared the winner, the board will appoint the governors to fill these seats at their May meeting. They will also need to appoint someone to fill out the remaining one year of the Cheshire County term, as Richard Guerriero was elected to a Governor-At-Large seat. An email will be sent by the NHBA to all Cheshire County members asking them to be in touch with Richard if interested in serving.

K. President-Elect Report

Dave McGrath

- Change BOG Meeting Schedule to Mondays for 2018-2019

Dave asked those board members present if they would have a problem with changing the day of the board meetings next year to Mondays to alleviate a conflict in his schedule at Sheehan. The board will be polled by email to determine if this would present a problem for most of the board and a decision made by the May meeting.

L. Vice President Report

Ed Philpot

- LRE Proposal Coming in May

Ed let the board know the he will be meeting with Acting Executive Director Denice DeStefano, and LRE Coordinator Robin Knippers to discuss the LRE program. He plans to report the results to the board at the May meeting.

Ed has once again been honored to serve as a judge at the national We the People event, taking place in Washington, DC the weekend of April 27th.

- Strategic Planning Update

Ed shared his enthusiasm for the work done with the NHBA senior management team on Friday, April 13th. He commended the staff, stating that this was one of the most productive meetings he's been involved in.

M. Acting Director's Report

- 2018 NHBA Events Calendar – **please note** June BOG Meeting & Luncheon is scheduled for Friday, June 29th from 11:30 am – 1:00 pm at the Woodstock Inn in Vermont, site of this year's Annual Meeting; Business Meeting will follow promptly at 1:00 pm.

Denice brought to the board's attention the date of the Quid Pro Bono Golf Tournament to be held Thursday, August 9th at the Lake Sunapee County Club. This is the 25th anniversary of the event.

Also, Lawline is in need of a host firm for December 12, 2018. Contact Sheila Vernacy, LRS Coordinator if interested.

- Bar Center Activity Updates & Metrics – CLE Hours Taken, Sections Meetings Numbers, Pro Bono Attorney Support and Outreach

Denice shared that Ed Philpot delivered some *Beyond High School* books last Friday to Laconia High School. Board members are encouraged to reach out to their local high school and arrange to help deliver these books.

She also announced that the NHBA Lawyer Referral Service is now an ABA-approved lawyer referral service.

Denice noted that Paula Lewis, Director of Business Operations, as part of her participation in the NABE (National Association of Bar Executives) Administration and Finance Section helped to put together an upcoming webinar training, *Hot Topics in Cyber Security*. This another reminder that New Hampshire continues to be an active participant on the national bar scene.

Denice reviewed the metrics included in the board materials this month.

- Website Update Jen Pinckney

Since the website was launched March 7th positive feedback from members has been received. They like the new look and the intuitive feel. Most of the difficulties have been due to problems with cookies and bookmarks of old log-ins that need to be updated by members. Business operations staff are preparing to respond to an expected increase in calls for tech support as member renewal season opens in June.

Another area that is being addressed is problems with our web materials appearing in search results; it takes some time for a new site to be indexed, and this is being worked on with Google.

Jen also reports that Bar News and Bar Journal archived copies are available as well as current issues.

Content is continuing to be updated and functionality improved. We will be tracking various metrics going forward. Jen asks the board to let her know if there are specific metrics they would like reported.

Board member Richard Guerriero thanked Jen and her staff for quickly addressing problems and concerns. There were questions about the move from Section listservs to forums. Jen is hoping these will be online in the next few months, now that a Sections Coordinator is on board and being trained.

Jen asks board members to please contact her with any questions or concerns.

- N. State Update All Board Members

- Associate Executive Director for Legal Services Ginny Martin shared her experience as a guest speaker at a recent Belknap County Bar meeting. She was encouraged by the enthusiastic group of young attorneys committed to public service.

- Ginny also spoke about a recent Access to Justice meeting she attended. The chair of the Massachusetts Access to Justice committee presented regarding online Pro Bono services. Ginny is hoping to discuss free legal answers/online Pro Bono in the future.

CONSENT ITEMS:

M. Membership Status Changes for March and April 2018 Rob Howard

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

N. Minutes of March 22, 2018 Meeting Rob Howard

The Board **approved** the minutes as presented.

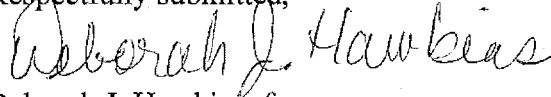
ACTION

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

ADJOURNMENT

The April 19, 2018 Board of Governors Meeting adjourned at 5:45 pm.

Respectfully submitted,



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

Membership Status Changes

Presented to the Board of Governors April 19, 2018

Active to INACTIVE:

- 266268 DuBois, Daniel A., New York, NY (effective April 9, 2018)
- 14409 McKenna, Suzanne S., Jefferson City, MO (effective April 3, 2018)
- 19430 Wohl, Elizabeth R., Brattleboro, VT (effective March 15, 2018)

Active to INACTIVE RETIRED:

- 8747 Aldon, Linda A.L., Londonderry, NH (effective March 30, 2018)
- 5512 Cain, James T., Johns Island, SC (effective April 1, 2018)
- 1167 Hodes, Jay L., Bedford, NH (effective April 4, 2018)

Active to DISBARRED:

1633 Mason, William R., Salem, NH (effective March 30, 2018)

Military Active to ACTIVE:

12159 Seeman, James W., Bow, NH (effective March 19, 2018)

Inactive to INACTIVE RETIRED:

2258 Paquette, Linda S., Contoocook, NH (effective March 23, 2018)

Inactive to RESIGNED:

265902 Nash, Anna, Manchester, NH (effective April 1, 2018)

Inactive Retired to ACTIVE:

738 Edelman, Lawrence M., Kennebunk, ME (effective March 19, 2018)

Suspended to ACTIVE:

268501 Reed, Michael J., Rye Beach, NH (effective March 23, 2018)

Inactive to DECEASED:

16883 Williamson, Gordon R., Lebanon, NH (effective February 15, 2018)

Active to HONORARY ACTIVE: (effective April 5, 2018)

224 Aeschliman, Nicholas R., Portsmouth, NH
8121 Angoff, Walter, New London, NH
4785 Barbagallo, Ralph A., Salem, NH
157 Bruno, George C., Manchester, NH
9 Currier, Philip R., Nashua, NH
669 Douglas, Charles G., Concord, NH
673 Drescher, William R., Milford, NH
17290 Gould, Rodney E., Lincoln, MA
17885 Hickey, Charles D., St. Johnsbury, VT
1422 Lane, Howard B., Keene, NH
1487 Linder, Alan, Concord, NH
9361 Oleskey, Stephen H., Boston, MA
2099 Ransmeier, John C., Concord, NH
1997 Peppe, Richard R., Derry, NH
2448 Stever, Donald W., Sleepy Hollow, NY
1539 Wells, Robert A., Manchester, NH

Inactive to HONORARY INACTIVE: (effective April 6, 2018)

- 1076 Hampe,, Richard A., Hopkinton, NH
- 1308 Kapstein, Jeremy A., Tiverton, RI
- 2150 Richardson, Jon S., Concord, MA
- 2358 Sivitz, William D., Simpsonville, SC

Inactive Retired to HONORARY INACTIVE: (effective April 6, 2018)

- 484 Barry, James J., Gilford, NH
- 5633 Cayten, Thomas E., Exeter, NH
- 555 Cullinane, Robert L., Somersworth, NH
- 588 Davis, J. Jefferson, Boca Raton, FL
- 910 Gauthier, Roger L., Nashua, NH
- 1064 Hall, William S., Bow, NH
- 1067 Hallisey, Dennis L., Durham, NH
- 17296 Henn, John H., Boston, MA
- 1294 Kahn, Laura J., Boca Raton, FL
- 1343 Kelly, Laurence E., Candia, NH
- 1398 Krolikowski, Joseph C., Amherst, NH
- 1651 Mazerolle, Jeffrey H., Nashua, NH
- 1816 Moyers, Michael C., Bluffton, SC
- 2189 Rogers, Stillman D., Richmond, NH
- 2192 Rolli, John M.A., Melbourne Beach, FL
- 12165 Titus, Robert B., Bloomfield, CT
- 2599 Upton, Robert W., Bridgeton, ME
- 2621 Vennard, Wayne C., Prairie Village, KS
- 2645 Walker, Barry J., Inverness, FL

