

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, March 22, 2018

MINUTES

Present for all or part of the meeting were:

Scott H. Harris	Sarah E. Lavoie (phone)
David W. McGrath	Lanea A. Witkus
Peter E. Hutchins	Jennifer L. Parent (phone)
Robert R. Howard III	Andrew R. Hamilton (phone)
John A. Curran (phone)	Justice Gary Hicks
Jonathan M. Eck	Denice DeStefano
Christopher T. Regan	Joanne Hinnendael
Sandra L. Cabrera	Jennifer Pinckney
Richard C. Guerriero, Jr.	Deborah J. Hawkins
Cathy E. Shanelaris	Janet Devito
Adam P. Pignatelli	Jack Crisp

A meeting notice reminder, link to preliminary agenda and related materials were emailed March 15th. Additional materials were distributed March 22nd. 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 March 22, 2018 Board of Governors meeting was called to order by President Scott Harris at 4:10 p.m.

ACTION ITEMS:

B. Committee on Cooperation with the Courts - *Things to Know When You Represent Yourself in New Hampshire Courts* Janet Devito

Janet Devito, member of the subcommittee of the Committee on Cooperation with the Courts described the process used to develop these guidelines for self-represented litigants. The subcommittee met over a period of 14 months. They used input received from judges and court clerks to develop this two-page guideline. The Committee would like the approval of the Board of Governors, and then will move forward with distribution. The plan is to distribute to Circuit and Superior Courts and post on the Judicial Branch website. After some discussion, it was agreed that the Board would vote to approve the project in principle, understanding that minor edits suggested today could be incorporated in the final product.

ACTION

On motion to approve the "*Things to Know When You Represent Yourself in New Hampshire Courts*" guideline. Passed. (6:3)

C. BOG Work Group on Member Services

1. Professional Conduct Panel Proposal

Lanea Witkus

This proposal is to create a panel of attorneys who agree to give a one-hour free consultation to NH Bar Members who are the subject of a Professional Conduct Committee complaint. It came about in response to a comment in the 2016 NHBA Member Survey. After some discussion, it was decided that while the Board generally supports this idea, it needs further work. Lanea will work on with some others and report back to the board.

2. Document Repository as Back-up Plan Proposal

Lanea Witkus

This proposal is to create a “will” or “backup plan” for attorneys’ practices, especially those in small firms or solo practitioners. The backup plan would name an attorney who would take over the practice in the event the attorney is unable to work. It would also name the address and physical location of the records and equipment of the firm, to include the location of its electronic passwords. There would be a one-page form that would be completed, with the NHBA being the keeper of these records. It was noted that in some states (NY), having such a document is mandatory. Other states have implemented similar programs, and it was suggested that the NHBA program could be modelled after those. General consensus was that this is a good idea. Peter Hutchins will work with Lanea and Acting ED Denice DeStefano to draft an implementation plan.

3. Outreach to Local/County Bars Proposal

Jo Hinnendael

This proposal is to implement “On the Road” presentations at County Bar meetings/dinners that could include CLE or non-CLE topics. Some possible program ideas are presentations on member services, 15-30-minute presentations on new Court proceedings, and 30 – 60-minute CLE programs. This would address a need expressed by members in outlying counties to have more opportunities to take advantage of bar association resources. This will be organized through the Professional Development and Member Services department, utilizing the Member Services & LPM Coordinator and other staff.

D. Request for Funding of LRE “Beyond High School” Booklet

Jen Pinckney

Jen Pinckney described this project. This booklet was last updated in 2000, and the original author, Jennifer Eber volunteered to update it in 2017. It is aimed at high school seniors, and will help these young adults learn to maneuver through their future and arm them with the information needed to avoid the pitfalls of not knowing the law. It will be distributed as part of the Law Day Celebration to all graduating seniors, as well as those that have aged out of the foster care system, and homeless 18-year-olds, reached through the NH Department of Education. Attorney volunteers will assist in the distribution with visits planned from April through June. There has been interest from others in purchasing the book, and this option is being explored. The project is being funded by a grant from the NH Bar Foundation, and while it was originally thought the Board of Governors would need to approve additional funding, this is not necessary as there have been monies in the Communications budget identified to fund it. Jen noted that if Board members are interested in volunteering as a part of this project, they should be in touch with Robin Knippers, LRE (Law Related Education) Coordinator. Board members supported making this project sustainable in the future, perhaps updating and reprinting it every few years as needed.

UPDATE AND DISCUSSION ITEMS:

E. Executive Search

Dave McGrath

Dave McGrath, chair of the search committee, explained that the open Executive Director position has been posted in a number of places and the application deadline is March 30th. It is expected the committee will narrow the field and then consult with the full Board of Governors.

F. BOG Work Group on Governance & Administration - Continue Discussion on:

Peter Hutchins

- Role of the Executive Committee vs the Full Board & How to best Engage the Board in meetings

Peter began by reading Article III, Section 6 of the Bylaws, which defines the function of the Executive Committee of the Board.

Executive Committee. This committee shall be comprised of the six (6) Officers and the Executive Director (ex-officio, without vote). The Executive Committee shall oversee the work of the Executive Director and the implementation of Association policy between meetings of the Board of Governors and shall perform such other functions of the Board of Governors as shall be assigned to it by the Board.

This has been interpreted by sitting presidents in different ways. Currently, this committee meets monthly to review the agenda for the upcoming full board meeting, as well as triage issues to be brought to the full board. The board discussed transparency and the function of the executive committee.

The second part of this discussion is how to best engage board members in meetings. Chris Regan emailed suggestions to the board, which included things such as timely distribution of agenda and board materials, a “heads up” on future issues to be brought before the board, as well as access to materials relating to these issues, and ideas of how to solicit input from the wider membership of the bar. Board members agreed that we have already implemented some of these ideas, and the others will be discussed as we move forward.

G. Treasurer Report

Peter Hutchins

Peter reviewed the figure for net assets, through 5/31/2017, which were \$3,355,652. This is a very strong asset base. Figures through January 31, 2018 are as follows – unrestricted cash balance (operating fund, immediately available for general business purpose) is \$1,764,983 and restricted cash balance (cash that is held for a specific purpose and not available for general or business use) is \$1,363,336. Balances with the office condo mortgages are \$352,839 with Citizens Bank, and \$278,799 with the NH Bar Foundation.

Peter also reviewed revenue figures. Membership Dues are slightly ahead of last year at \$1,310,706. This revenue is recorded over the course of the fiscal year, even though dues are billed on June 1. New admits, status changes and waivers adjust the revenue over the course of the fiscal year. Section dues, \$113,050 are slightly behind their annual budget as compare to last year.

Continuing Legal Education is \$36,500 behind budget, but as last year, is expected to rally as members prepare for annual licensure renewal. Bar News advertising continues to be ahead of budget, due to new advertisers as well as current advertisers desire to increase their advertising in the Bar News and at bar association events. Lawyer Referral Service revenue is slightly behind budget, but large payments expected toward the end of the fiscal year will bring the revenue close to or over the budgeted estimate.

Peter reviewed expense figures next. Total personnel costs are under budget by \$136,445, mostly due to budgeted positions remaining unfilled through 1/31/2018. Several positions which were vacant due to attrition were filled in February and March and will bring the actuals closer to the monthly budgeted calculations. These positions include Member Services Coordinator, Bar News Editor and Marketing & PR Coordinator. Program expenses are \$101,260 under budget at 1/31/2017, some of which are timing variances, but some of the variance is due to less spending than anticipated in areas such as sections expenses, officer & ABA delegate travel allowances, program development, printing & materials, legislation program and committee expenses. Overhead expenses are slightly ahead but still below budget. The majority of the savings is due to reduction in data processing costs and credit card fees which have been reduced through renegotiation of contracts with partners and vendors and sourcing of lower cost supplies.

Peter reported that contribution is \$240,256 higher than budgeted at 1/31/2018, mostly due to timing of spending and reduced spending than what was anticipated in the budget. Contribution is a non-profit business expression of what is called "profit" in the business world.

The next meeting of the Finance Committee will be April 3rd. The managers are currently meeting with their 'budget buddies' to discuss their draft 2018-2019 budgets.

H. Discussion of Live MCLE Requirement

Jack Crisp

Jack Crisp, chair of the CLE Board and member of the MCLE Board joined the board meeting to discuss the changes in the way members meet their continuing education requirements. The old MCLE rule required at least 50% of the credit hours to be live, but this rule changed in recent years so there is no longer the specific live hours requirement. Jack would like the Board of Governors to be aware this decline of live CLE attendance may cause a change in revenue stream. This revenue may transfer to online CLE's. He feels that live CLE attendance fosters collegiality of the profession. Jack realizes this is something the board has no control over, but wants it to be on their mind. The MCLE Board will be suggesting changes to the rule. Jo Hinnendael added that the change in oversight of the NHMCLE program came about because the former method of operating was not financially sustainable. Many of our online offerings come from live programs. She also adds that many of the large law firms are now doing their own in-house continuing education programs.

INFORMATIONAL ITEMS:

I. President's Report

▪ 2018 Annual Meeting

Scott spoke about this year's annual meeting, planned for June 29 and 30th at the Woodstock Resort and Inn in Woodstock, Vermont. Featured speaker will be a lawyer that was involved in the prosecution of the Chinese immigrant Sung family, owners of Abacus Federal Savings in Chinatown, New York. They were the only U.S. bank to face criminal charges in the wake of

the 2008 financial crisis. Scott urges board members to view the award-winning documentary, Abacus: Small Enough to Jail, which tells this story.

- BOG Election Update

Scott reviewed the slate of candidates for the upcoming April board election. There will be write-in slots for the Out of State Governor and Sullivan County Governor seat as no petitions were submitted by the deadline.

- Special BOG Meeting Needed to interview Supreme Court Nominee

The board was given a heads up that there will be a special board meeting needed to interview Governor Sununu's nominee, Patrick E. Donovan.

- Court Commission Report – Discussion at April BOG Meeting

J. Acting Director's Report

- 2018 NHBA Events Calendar – your **opportunity for the Board to network** with our members

Denice DeStefano highlighted the change in date of the Bar Foundation Fellows Justice Reception to May 4th (it was formerly scheduled for May 24th). Also, the Bar Foundation Justice Donors Breakfast has been cancelled. She urged to the Board to make note of the Lawline dates.

- Bar Center Activity Updates & Metrics – keeping you **informed** of the ongoing work of the Association.

Denice asked the board members to please review the Activity Update, as well as the metrics distributed. She highlights the Lawyer Referral Service charts, both the NHBA program and national information from the ABA. The board also received a graph of Law Related Education *We the People* program participation. We are building a baseline of information that we can use for comparison in future years.

K. 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

Lanea brought up an issue regarding mandatory mediation. The board discussed that this is an example of an issue that could be brought to the board. Jonathan Eck, chair of the Committee on Cooperation with the Courts added that this issue could also be brought to that committee.

L. Other business, if any

There was no additional business brought before the board.

CONSENT ITEMS:

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

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

N. Minutes of February 15, 2018 Meeting Rob Howard

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

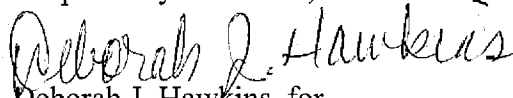
ACTION

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

ADJOURNMENT

The March 22, 2018 Board of Governors Meeting adjourned at 6:10 pm.

Respectfully submitted,



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

Membership Status Changes

Presented to the Board of Governors February 15, 2018

Active to INACTIVE:

- 269507 Brady, Sean B., Nashua, NH (effective November 30, 2017) New Admit
- 269684 Carroll, Arwyn, Windham, NH (effective December 28, 2017) New Admit
- 269620 Gamer, Samuel J.M., Lynn, MA (effective November 30, 2017) New Admit
- 18316 Goodwin, Leon I., Fitzwilliam, NH (effective December 31, 2017)
- 10555 Harrington, Terri M., Durham, NH (effective January 22, 2018)
- 269647 Main, Jolie E., Woburn, MA (effective November 30, 2017) New Admit
- 269560 Matuszko, Brianna L., Somersworth, NH (effective November 30, 2017) New Admit
- 269464 Palmeira, Amanda N., Keene, NH (effective November 30, 2017) New Admit
- 18972 Peppas, Maria, Chicago, IL (effective January 11, 2018)
- 19587 Schnipper, Merrit S., Greenfield, MA (effective January 10, 2018)
- 269618 Wolf, Lucy C., Boston, MA (effective November 30, 2017) New Admit

Active to INACTIVE RETIRED:

- 17095 Boyce, Steven E., Peterborough, NH (effective January 31, 2018)
- 79 Boynton, Jay C., Andover, NH (effective February 1, 2018)
- 15362 Dalton Diane, Hernando, FL (effective January 10, 2018)
- 2054 Post, Ruth-Ellen, Windham, NH (effective January 11, 2018)

Active to RESIGNED:

- 266110 Di Giovanni, Lauren L., Demarest, NJ (effective January 20, 2018)

Inactive to ACTIVE:

- 265332 Barletta, Laura B. Beverly, MA (effective January 29, 2018)
- 20259 Brown, Lee C., Hancock, NH (effective January 29, 2018)
- 269058 Conroy, Patrick S., Derry, NH (effective January 24, 2018)
- 16454 Healy, Nora R., Portland, ME (effective February 1, 2018)
- 20354 Lawson, Daniel R., Winthrop, ME (effective January 29, 2018)
- 14919 Merrill, James F., Manchester, NH (effective January 29, 2018)
- 268086 Ray, Christopher D., Hampton, NH (effective January 17, 2018)
- 5589 Rogers, David J., Hillsborough, NH (effective February 2, 2018)
- 268091 Sanders, Jennifer L., Nashua, NH (effective January 9, 2018)
- 265840 Skinner, Whiney P., Acworth, NH (effective January 18, 2018)
- 2403 Span, Robert S., Brentwood, NH (effective January 23, 2018)

Suspended to Active:

- 265347 Hall, Russell L., Methuen, MA (effective January 16, 2018)

Resigned to Active:

- 1790 Moore, Douglas S., Sharon, VT (effective January 9, 2018)

