

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
Thursday, May 17, 2018

MINUTES

Present for all or part of the meeting were:

Scott H. Harris	Susan A. Lowry
David W. McGrath	Lanea A. Witkus
Edward D. Philpot, Jr.	Jennifer L. Parent (phone)
Peter E. Hutchins	Andrew Hamilton (phone)
Robert R. Howard III	Donald H. Sienkiewicz (phone)
John A. Curran	Lisa M. English
Jonathan M. Eck	Leslie C. Nixon
Christopher T. Regan	Denice DeStefano
Christopher Marshall	Ginny Martin
James P. Cowles (phone)	Joanne Hinnendael
Richard C. Guerriero, Jr.	Jennifer Pinckney
Marcie Hornick (phone)	Paula Lewis
Daniel E. Will	Deborah J. Hawkins
Cathy E. Shanelaris	Allison Borowy

A meeting notice reminder, link to preliminary agenda and related materials were emailed May 10<sup>th</sup>. Additional materials were distributed May 17<sup>th</sup>. 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 May 17, 2018 Board of Governors meeting was called to order by President Scott Harris at 4:05 p.m.

Scott welcomed three new board members, Lisa English, Leslie Nixon, and Donald Sienkiewicz (on the phone).

He also asked board members to review the proposed suggested amendments to the superior and circuit court e-filing rules and submit any comments to the court by July 2, 2018.

**ACTION ITEMS:**

B. Reappointment of Attorney Jack Crisp as the NHBA attorney member to the Scott Harris  
Judicial Conduct Committee's Alternate Panel for a 3-year term

**ACTION**

On motion to reappoint Attorney Jack Crisp as the NHBA attorney member to the Judicial Conduct Committee's Alternate Panel for a 3-year term. Passed. Unanimously.

- C. Appointment of Dr. Thomas Buchanan as public member to the Judicial Conduct Committee Alternate Panel for a 3-year term Peter Hutchins

Scott described Dr. Buchanan's career and qualifications.

**ACTION**

On motion to appoint Dr. Thomas Buchanan as a public member to the Judicial Conduct Committee Alternate Panel for a 3-year term. Passed. Unanimously.

- D. Approval of 2018-2019 NHBA & Affiliates Budgets Peter Hutchins

- NH Bar Association FY 2019 Proposed Budget

Peter reviewed the proposed budget, which has been approved by the Finance Committee. The budget is balanced with use of \$89,964 of Net Assets. These assets will be used to support the NHBA donation to NH Bar Foundation. The cost of administrative services provided to the NHBF are classified as a donation in the NHBA budget. These assets will also be used to support Law Related Education Programs, and the Lawyer Referral Service's Modest Means Program. The NHBA estimated unrestricted available cash as of 5/31/2018 is approximately \$551,000. \$300,000 of this balance may be used to pay off the maturing mortgage July 2019. A subcommittee of the NHBA Finance Committee is being established to explore options regarding the maturity of NHBA's office condo mortgage with Citizens Bank.

Peter highlighted significant changes from FY 18:

**General Support:** \$42,000 donation request from NH Bar Foundation (NHBA has donated support staff and occupancy costs to NHBF the last two years). This is funded by part of the \$89,964 from Net Assets referred to above.

**Personnel Costs:** Total full time equivalent staff increases by one which is made up of two part-year staff that were budgeted in fiscal year 2018 which are budgeted for the full year in fiscal year 2019.

President Scott Harris shared that this budget was reviewed with the Supreme Court on May 7<sup>th</sup>. There was discussion about the court's concern over the bar staff numbers. It was shared that the NHBA has less staff serving more members than it did in 2008. It was noted that the bar staff numbers are often misstated as 40. There are actually 30 NHBA staff, and 10 that work for the various affiliates; NH Pro Bono Referral Program, NHBA Insurance Agency, NHMCLE, and NH Bar Foundation. No dues are allocated for the support of these 10 positions.

**ACTION**

On motion to approve the 2018-2019 NHBA Budget as presented. Passed. Unanimously.

- NH Pro Bono Referral System 2018 - 2019 Proposed Budget

Treasurer Hutchins shared the following information about this proposed budget. There is a budget surplus of \$6,748.

- NH Pro Bono Referral Program Board of Directors reviewed the NH Pro Bono proposed budget and commented favorably to its adoption by the NHBA BOG
- Foreclosure Program continues to wind down and reduces both revenue and expense lines of the budget
- Increase in IOLTA grants of \$28,500 from NH Bar Foundation
- Staffing to remain steady
- No support funds are budgeted from NH Bar Association, but if shortfall is experienced by NH Pro Bono due to approved increases in expenses or a shortfall in grants received, NH Bar Association will, not recently, but as in years past, donate funds to NH Pro Bono for its operations.

There was additional discussion of staff functions and duties. It was explained that much staff time is spent on the administrative work connected with the grant funding that Pro Bono receives.

**ACTION**

On motion to approve the 2018-2019 NH Pro Bono Referral System budget as presented. Passed. Unanimously.

- NHBA Insurance Agency 2018 - 2019 Proposed Budget

Peter shared the background of the insurance agency. It was created after ANLIR (American National Lawyers Insurance Reciprocal – a risk retention group that provided much of the insurance coverage to NHBA members) went bankrupt. It has always been viewed as a member service that was not designed to make money. There is an expected deficit of \$12,733. This is due to a reduction in revenue created by identifying savings for some firms in the current fiscal year which will flow over to the coming fiscal year with no expectation of replacing that revenue with additional coverages. He added that the sale of NHBA Insurance Agency, Inc. in process – RFP (request for proposals) for sale of the agency has been issued.

**ACTION**

On motion to approve the 2018-2019 NHBA Insurance Agency Proposed budget as presented. Passed. Unanimously.

- NHBA Capital Expenditures 2018-2019 Proposed Budget

Peter referred to the capital budget handout distributed with the board materials. Most of expenditures are related to the continued upgrades and maintenance of our technology systems and support.

**ACTION**

On motion to approve the NHBA Capital Expenditures 2018-2019 Proposed budget as presented. Passed. Unanimously.

- Volunteer(s) to serve on Subcommittee to explore options for NHBA Office Condo mortgage coming due July 1, 2019

A subcommittee of the Finance Committee has been formed to review options for this mortgage. There is need for two more volunteers from the board to serve on this committee. Contact Paula Lewis if interested.

- E. BOG Work Group on Governance & Administration Richard Guerriero  
▪ Formalizing the Executive Director Evaluation Process Paul Chant

This item has been moved to the agenda for the September all-day board orientation and work session, to be held on September 25<sup>th</sup> at Alnoba in Kensington NH.

- F. BOG Vacancies to be Appointed Scott Harris  
(Constitution, Article V, Section 3. The Board of Governors shall fill any vacancy in the ranks of its elected membership, including any created by the absence of a qualified nominee submitting the required petition for an annual Board election..... Such vacancy shall be filled from the county in which the vacancy occurs in the case of vacancy in the office of Governor elected from a county or division and otherwise, from the membership at large, **until the next regular election and the Board shall provide for an election at that time for the balance of the unexpired term.**)

- Out-of-State Governor appointment for 1-year term

Scott gave background on this request. Governor Vanderzanden was not present for the vote.

**ACTION**

On motion to reappoint Danielle Vanderzanden as Out of State governor for a 1-year term. Passed. Unanimously.

- Appointment of Lanea A. Witkus as Sullivan County Governor for 1-year term

Governor Witkus spoke to the board about her desire to be reappointed for 1 year. She was not present for the vote.

**ACTION**

On motion to reappoint Lanea A. Witkus as Sullivan County Governor for 1-year term. Passed. Unanimously.

- Appointment of Catherine J. Ruffle as Cheshire County Governor for 1-year term

Richard Guerriero shared Ms. Ruffle's information – she is the Court Clerk in Cheshire and Sullivan Counties. There was high level of interest in serving on the board. There were several good candidates that expressed interest in the position.

## ACTION

On motion to appoint Catherine J. Ruffle as Cheshire County Governor for 1-year term.  
Passed. Unanimously.

## UPDATE AND DISCUSSION ITEMS:

### G. Executive Search Update

Dave McGrath

Search committee chair McGrath updated the board on progress. The committee has narrowed the search to 6 candidates, which will be interviewed the week of May 21<sup>st</sup>. A recommendation will then be made to the board of governors. Dave stated he is impressed by the caliber of the applicants.

### H. BOG Work Group on Public Service & Outreach – LRE

Ed Philpot, Jr.

- Request to revamp and beef up NHBA LRE offerings, which have been pared back due to less funding (lack of grants)/staffing
- Focus on measurable, sustainable impact

Vice President Ed Philpot gave a history of the NHBA Law Related Education (LRE) Program, which dates back to at least 1946. Current annual funding is approximately \$5000. In past years there were more sources of funding such as NH Bar Foundation, NH Department of Education, and the Center for Civics Education. This no longer exists. Ed briefly discussed some of the LRE programs; Civics in Action (focuses on the information taken from the US Citizenship tests), When Love Hurts (deals with teen dating violence), We the People (a nationally acclaimed civics education instructional program), James Madison Legacy Project (provides professional development for up to 25 NH teachers in grades 7 – 12. The LRE offerings are not well known in the schools; most are tied to the Common Core Standards for literacy and history and meet local curriculum standards as well.

Ed is coming to the board to introduce the idea of expanding the NHBA LRE offerings. He is not asking for funding this year, but would like to spend planning time putting together resources for each of the above programs that would be “lawyer ready” for school visits. Ed is suggesting the board consider for the next fiscal year moving from the current part-time LRE Coordinator position to funding a full-time position. He would also like to incorporate stipends support for teachers and help for schools to purchase books and support for school travel costs to events such as We the People competitions. Ed thinks we can improve the quality of our offerings and expand them. This is related directly to the public service and outreach focus of the NHBA strategic plan that was discussed at last year’s board orientation session.

### I. Member Services & Outreach Work Group

- Law Office Back-up Plan – Project Update

Lanea Witkus

Lanea updated the board on progress. She recently met with bar staff and discussed the design and handling of the back-up plan form and ways this member service will be rolled out. She expects they will have a draft form ready for review at the next board meeting in June. The plan is to have a blank fillable form available on each member’s dashboard, which, once completed would be attached to their member record. The complete of the backup plan will be voluntary, but it could become mandatory at some future point in time. That would be up to the court.

- J. LRS & Modest Means – Amended Rules Ginny Martin  
ACTION ON THIS ITEM IS BEING MOVED TO JUNE 29<sup>TH</sup> MEETING

Ginny Martin, Associate Executive Director for Legal Services shared the reasoning behind this request. The Delivery of Legal Services LRS Subcommittee worked on the updates. Language in the forms used by the LRS/Modest Means program will be cleaned up. They are also attempting to clarify the rules and doing some administrative clean-up. Most of this concerns the operation of the program; they want to make sure things are tightened up so that potential problems with inappropriate behavior by LRS program attorneys can be addressed in order to protect the integrity of the program.

**INFORMATIONAL ITEMS:**

- K. President's Report Scott Harris  
▪ 2018 Annual Meeting, June 29-30 at the Woodstock Inn, VT

Scott shares the good news that the hotel is almost sold out. Sign up if you haven't already.

- Budget Meeting with the Supreme Court

Scott thought the presentation went well. There was nice dialogue that set a good tone for a collegial relationship.

- L. President-Elect Report Dave McGrath  
▪ Meeting Schedule for 2018-2019

Dave thanks the board for their flexibility in agreeing to change the day of the board meeting to the first Monday of the month, beginning with the October meeting.

- 2019 Midyear Meeting – Friday, February 15<sup>th</sup> at the Downtown Hotel, Manchester

Work on securing a speaker is currently under way.

- 2019 Annual Meeting – June 28-30 at the Omni Mt. Washington Resort Hotel

The date and location are locked in.

- M. Acting Director's Report  
▪ 2018 NHBA Events Calendar

Denice called the board's attention to the Pro Bono Golf Tournament, scheduled for August 9<sup>th</sup> at Lake Sunapee County Club. Also, the NH Bar Foundation annual dinner is scheduled to September 12<sup>th</sup> at the Manchester County Club.

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

Denice encouraged the board to review the activity report. There is a lot going on, and this is a small snapshot.

Jen Pinckney highlighted the statistics about the NHBA website. They are a baseline and an update will be shared with the board in three months.

N. State Update

All Board Members

- Rockingham County Governor Susan Lowry reminded the board of the upcoming Rockingham County Bar Association meeting.
- Lanea Witkus was asked by a member to bring the issue of low court fees for appointed attorneys to the board. It was suggested she refer the member to the director of the Judicial Council, Sarah Blodgett who is in charge of that program.

**CONSENT ITEMS:**

P. Membership Status Changes for April and May 2018

Rob Howard

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

Q. Minutes of April 19, 2018 Meeting

Rob Howard

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

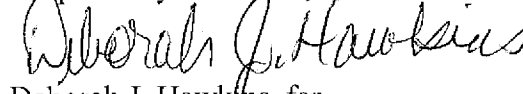
**ACTION**

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

**ADJOURNMENT**

The May 17, 2018 Board of Governors Meeting adjourned at 5:20 pm.

Respectfully submitted,



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

**Membership Status Changes**

Presented to the Board of Governors May 17, 2018

Active to INACTIVE:

- 8515 Borovick, Gerald D., Sudbury, MA (effective May 1, 2018)  
19285 Gosselin, Christopher F., Washington, DC (effective April 30, 2018)  
17536 Hunt, Christopher A.D., Hopedale, MA (effective May 1, 2018)  
2866 O'Brien, Edward K., Amherst, NH (effective May 1, 2018)

Active to INACTIVE RETIRED:

- 7899 Hawthorne, Stanley M., Windham, ME (effective May 7, 2018)  
1527 Lynch, Geoffrey P., Goffstown, NH (effective May 3, 2018)  
16256 O'Leary, James R., Amesbury, MA (effective May 1, 2018)

Limited Active to ACTIVE:

- 547 Cross, Edward L. Jr, Amherst, NH (effective April 12, 2018)

Inactive to ACTIVE:

- 15570 Lawrence, Emily L., Concord, NH (effective April 24, 2018)

Active to JUDICIAL:

- 8532 Donovan, Patrick E., Concord, NH (effective May 8, 2018)

Inactive to INACTIVE RETIRED:

- 1310 Karanko, Arnold J. Jr., Vetelli, Finland (effective May 1, 2018)

Suspended to INACTIVE RETIRED:

- 14804 Wrisley, Robin A., Dublin, Ireland (effective April 26, 2018)

Inactive Retired to DECEASED:

- 1875 Nielsen, Kenneth R., Myrtle Beach, SC (effective April 9, 2018)

Honorary Active to HONORARY INACTIVE:

- 1017 Griffin, Charles A., Portsmouth, NH (effective April 27, 2018)

Honorary Active to DECEASED:

- 8793 Hartley, William A., Hampton, NH (effective April 9, 2018)