

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
Thursday, November 16, 2017  
**MINUTES**

Present for all or part of the meeting were:

Robert R. Howard, III	Susan A. Lowry
Peter E. Hutchins	Lanea A. Witkus
John A. Curran (phone)	Andrew Hamilton (phone)
Christopher T. Regan	Denice DeStefano
Christopher Marshall	Joanne Hinnendael
James P. Cowles	Virginia Martin
Richard C. Guerriero, Jr.	Jennifer Pinckney
Marcie Hornick (phone)	Deborah J. Hawkins
Cathy Shanalaris	Allison Borowy

A meeting notice reminder, link to preliminary agenda and related materials were emailed November 9<sup>th</sup>. Additional materials were distributed November 16<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.

**REGULAR BUSINESS**

A. Call to Order Peter Hutchins

The regular session of the November 16, 2017 Board of Governors' meeting was called to order by Treasurer Peter Hutchins at 4:15 p.m.

**STRATEGIC PLANNING ITEMS FOR DISCUSSION:**

B. CLE Strategic Plan Report Joanne Hinnendael

Joanne explained to the Board that the CLE committee has not reviewed this material yet; it will probably be reviewed in January with the facilitator from the strategic planning session. She added that there was a diverse group of participants. Some action items identified were focused on the CLE Online Catalogue, and the need to find balance in the NHBA CLE programming. Joanne anticipates there will be more to report at the January Board of Governors meeting. This item will be put on the agenda for the January 18<sup>th</sup> meeting.

**ACTION ITEMS:**

C. Nomination of Ed Philpot for 2018-2019 President-Elect Peter Hutchins  
*(As called for by NHBA Bylaws Article 6, Section 3: On or before December 31st in each year, the members of the Board of Governors shall nominate a candidate for President-elect.)*

**ACTION**

On motion to nominate Edward D. Philpot Jr. for 2018-2019 President-Elect. PASSED.  
Unanimously.

- D. Appointment of Jack Crisp to the NEBA Board for a 3-year term Peter Hutchins  
*(in October, the BOG approved the reappointment of Jennifer Parent to the NEBA Board.  
As Jennifer will be serving as the NEBA President-elect this next year (2017-18), and ascend to  
NEBA President the following year (2018-19), that leaves us with the ability to make another  
appointment to the NEBA Board as one of the 3 reps from NH).*

**ACTION**

On motion to appoint Jack Crisp to the NEBA Board for a 3-year term. PASSED.  
Unanimously.

- E. Appointment of Paul Twomey to the Commission to Study the Legalization, Regulation, and Taxation of Marijuana per HB 215 Peter Hutchins  
*(establishing legislation (HB 215) calls for a representative of the New Hampshire Bar Association,  
appointed by the Association)*

**ACTION**

On motion to appoint Paul Twomey to the Commission to Study the Legalization, Regulation,  
and Taxation of Marijuana. PASSED. Unanimously.

**DEVELOPING ISSUES:**

**FROM BOG WORK GROUPS:**

- F. Reports from BOG Workgroups – Peter Hutchins
- Governance & Administration Peter Hutchins  
The three items that this group will be developing over the next months are below.
    1. Formalizing the Executive Director Evaluation Process  
Peter reported that the group has done some work on this area. Board members involved in working on it are Richard Guerriero, Paul Chant, Jennifer Parent, and Marcie Hornick.
    2. Role of the Executive Committee vs the Full Board  
Peter reported that this issue has been discussed many times in the past. He suggested that it be placed on a future board agenda for discussion, including a review of the NHBA Constitution language regarding the role of the Executive Committee.
    3. How to best Engage the Board in meetings  
Peter stated that this is related to item 2 above.

- Member Service & Outreach Christopher Marshall, Lanea Witkus  
Chris Marshall introduced the three items that this group will be addressing. He noted that there weren't many on the call, so the ideas haven't been fully vetted yet. He asked for feedback from the Board.

1. Back-Up Plan Document Repository

Lanea Witkus discussed this item, also informally known as a "Lawyer's Will". This is a simple, one page document that contains the information needed by another member assigned to take care of an attorney's practice/clients upon his/her death or incapacitation. Some items included would be passwords to accounts and the like. In some states this planning is mandatory, and it may be required at some point in New Hampshire. The group felt it would be a good idea to come up with a system in advance of this becoming mandatory.

2. Attorney panel available for peer consulting in PCC cases

Lanea stated that this issue was something that came out of the 2015 NHBA Member Survey. They are working on details for this, but some things that have been discussed are having available attorneys that have served on a PCC panel and a mechanism for conflict checks.

3. Outreach to County Bars

Chris shared that the group discussed outreach, especially in the more rural areas. Presentations on member services available through the Bar Association, especially to solo and small firms would be offered. They would be looking to the County governor to help organize these sessions. The group would also like to have the participation of the officers of the Board. Once the Bar has filled the Member Services/Law Practice Management staff position, the development would be accelerated. The group also discussed involving judges and court staff.

### **EXECUTIVE SESSION:**

The Board went into executive session at 4:45 p.m. to interview judicial nominee to the Circuit Court - Erin B. McIntyre.

### **REGULAR BUSINESS:**

The Board came out of executive session at 6:00 p.m. and the regular portion of the meeting resumed.

### **FROM BOG WORK GROUPS (CONTINUED)**

#### F. Reports from BOG Workgroups

- Public Service & Outreach

Ginny Martin referred the Board to the descriptions of the items this group has chosen to develop that are noted on the agenda. She said there are other ideas the group wishes to further investigate. There was discussion of the issue of adequate technology in courtrooms and how the NHBA could assist in improving.

1. Overarching Goal for LRE: Beef up what the Bar is already doing to assure member focused programming that has a sustainable, measurable impact (for students and members) through development of a ten year LRE plan with periodic reviews.
2. Specific Goal: Focus on strengthening and expanding “We the People—Project Citizen” to encompass 5 to ten schools, with the requisite number of attorneys engaged as volunteers, in the next five years.
3. Objectives:
  - 1) Build relationships with teachers/schools through “marketing groups” of attorneys assigned to schools to “sell” the program. (fostering teacher engagement and excitement about programming in a structured way.)
  - 2) Secure the assets and resources needed to execute plan—staffing and funds.
  - 3) Collaborate with other civics education organizations.

**FOR DECEMBER BOG, ACTION ITEM:**

- H. Creation of a Condo Law Section Jo Hinnendael  
*There is a group of members that have acquired the necessary 30 signatures and are in the process of gathering additional requirements to submit their request to establish a Condo Law Section. This will be an action item on the December BOG Agenda.*

This item will be discussed at the December Board meeting. The Board would like to invite the chair of the Real Property section to attend this meeting so they may have his/her viewpoint before making a decision.

**INFORMATIONAL ITEMS:**

- I. Financial Update Peter Hutchins

Peter reported that the organization’s revenue is ahead of budget by \$56,330, expenses are ahead of budget by \$169,165. It is expected that the expenses will level out as the budget year progresses. He shared that the organization is financially healthy; the unrestricted cash balance is \$2.25 million and the cash in reserve balance is \$1.7 million.

Peter also reported that 98% of Bar Members are compliant with all the filing requirements of the member renewal process (TAC, NHMCLE and payments). Member hearings were held November 15<sup>th</sup> at the NH Supreme Court for those members who were out of compliance for one or all of the three annual licensure renewal requirements (TAC, NHMCLE and payment of NHBA Dues and NH Supreme Court Fees). Approximately 42 members received notices to appear at today’s hearing of which nineteen (19) received waivers to appear or were no-shows. Justice Hicks presided over the hearings.

The next hearing is scheduled for December 7, where about 50 members are expected to appear for nonpayment of delinquency fees (all compliance requirements are met).

J. President's Report Peter Hutchins

▪ Nominations Status for 2018 BOG Elections

Peter shared information that some governors in seats that are up for reelection are running; some are undecided. The Hillsborough South seat is open; current governor Cathy Shanellaris has completed her two terms. Also, Governor at Large Chris Regan has completed two terms in his seat. County governors are limited to two 2-year terms; Governors-At-Large are limited to two 3-year terms.

▪ Update on 2018 Midyear Meeting, February 16, 2018, Radisson Hotel/Center of NH

Jo Hinnendael, Director of Professional Development and Member Services updated the Board on plans. Judge Nancy Gertner and author Robert Putnam are planned speakers. Visitors from the Holocaust Center will also be presenting a program in the morning on lessons from the Holocaust and society's professional responsibility to preserve the rule of law.

K. Acting Director's Report Denice DeStefano

▪ 2017-2018 NHBA Events Calendar – being provided to you as these events present an **opportunity for the Board to network** with our members and keep them informed of what their Association is doing for them. Denice stated volunteers are still needed for the Pro Bono referral marathon in December.

▪ Bar Center Activity Updates & Metrics – being provided in order to keep you **informed** of the ongoing work of the Association. Denice said that this is the management team's method of keeping the Board informed about activities at the Bar Center. She asked Board members to let her know if they would like the information presented in a different format.

▪ Personnel Update

Bar News Editor Kristen Senz' last day is November 17<sup>th</sup>. Jen Pinckney will be working on filling the position; in the meantime everyone is pitching in to produce the December Bar News.

▪ LRS Issue – looking for 3 BOG Volunteers to Assist

Ginny Martin shared that they are looking for volunteers to assist the LRS subcommittee on reviewing an issue. Cathy Shanellaris and Lanea Witkus volunteered.

L. State Update All Board Members

- The Rockingham County Bar Holiday Party will be held on December 5<sup>th</sup> at the Victoria Inn in Hampton. Susan Lowry will send details to Denice for distribution to the Board.
- The New Lawyers Committee Bench/Bar meet and greet will be held on December 13<sup>th</sup> at 4:45 p.m. at the Grappone Conference Center at the end of day one of the Practical Skills course.
- Justice Dalianis will hear her last round of oral arguments in December. She is retiring in the spring.

**CONSENT ITEMS:**

M. Membership Status Changes for October/November 2017 Rob Howard

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

N. Minutes of October 19, 2017 Meeting Rob Howard

The Board approved the minutes as presented.

**ACTION**

On motion to accept the Consent Items. Passed. Unanimously with 1 abstention.

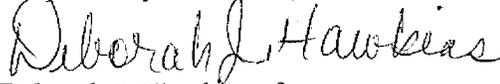
**DISTRIBUTED TO BOG REQUIRING NO ACTION**

- O. Ethics Committee Advisory Opinion #2017-18/1: *Providing Legal Services in Exchange for a Client's Goods and Services*
- P. Ethics Committee Article to be published in January Bar News regarding Advisory Opinion #2017-18/1

**ADJOURNMENT**

The November 16, 2017 Board of Governors Meeting adjourned at 6:40 pm.

Respectfully submitted,



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

**Membership Status Changes for September/October 2017**

Active to <b><u>INACTIVE:</u></b>	
17436	Army, Kellie E., Fuquay Court, NC (effective September 15, 2017)
20439	Graybeal, Le Anne, Kennebunk, ME (effective October 3, 2017)
19654	Nielsen, Chris A., Biddeford, ME (effective October 10, 2017)

12929	Orso, Gregory J., York, ME (effective September 18, 2017)
14266	Whitlock, P. Douglas, St. Louis, MO (effective October 1, 2017)
<u>Active to <b>INACTIVE RETIRED:</b></u>	
1514	Love, J. Michael, Lewisberry, PA (effective October 1, 2017)
2563	Tower, David M., Jaffrey, NH (effective September 15, 2017)
<u>Active to <b>RESIGNED:</b></u>	
5520	Coro, Marc A., Milford, NH (effective September 29, 2017)
<u>Inactive to <b>ACTIVE:</b></u>	
18984	Sederquest, Rachel A., Chester, NH (effective October 3, 2017)
11041	Wilson, Margaret S., Raleigh, NC (effective September 22, 2017)
<u>Inactive to <b>RESIGNED:</b></u>	
19928	Georges, Michael L., Millbury, MA (effective September 30, 2017)
17881	Gilbert, James G., Washington, DC (effective September 13, 2017)
2318	Shea, John P., Tilton, NH (effective October 10, 2017)
266418	Stiles, Nicholas G., Salt Lake City, UT (effective September 27, 2017)
<u>Inactive Retired to <b>RESIGNED:</b></u>	
793	Field, Robert B., North Hampton, NH (effective September 19, 2017)
<u>Suspended to <b>INACTIVE:</b></u>	
265331	Schroeder, Eric M., Watertown, MA (effective September 18, 2017)

