

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, April 20, 2017
Bar Center, Concord, NH

MINUTES

Present for all or part of the meeting were:

Scott H. Harris	Daniel E. Will
David W. McGrath	Cathy E. Shanelaris
Robert R. Howard III	Patrick O'Day
Mary Tenn	Lanea A. Witkus
John A. Curran	Jennifer L. Parent (by phone)
Edward D. Philpot, Jr.	Laura Devine
Jonathan M. Eck	Michelle Heaton
Christopher T. Regan	Jeannine. McCoy
Paul W. Chant	Denice DeStefano
J. Christopher Marshall	Virginia Martin
Kristin G. Fields	Joanne Hinnendael
James P. Cowles (by phone)	Paula Lewis
Richard C. Guerriero, Jr.	Jennifer Pinckney
Sandra L. Cabrera	Deborah Hawkins
Ora Schwartzberg	Kristen Senz

A meeting notice reminder, preliminary agenda and related materials were emailed April 17th. Additional materials were distributed April 19th and 20th. 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 Scott Harris

The regular session of the April 20, 2017 Board of Governors meeting was called to order at 4:35 p.m.

B. Welcome and introduction- Leadership Academy Participants Board Members

Participants of the 2016-17 Leadership Academy Laura Devine and Michelle Heaton were introduced by Board members Jonathan Eck and Christopher Marshall.

PRESENTATION / DISCUSSION / ACTION ITEMS

C. Status of the Bar Update – Metrics Report Jeannine McCoy

The 2017-18 budget process is going well. The plan is to present a balanced budget, with no proposed changes in dues.

Jen Pinckney, Director of Communications discussed the March web analytics. Measures discussed were number of site visits, browser use, devices used to access the site, and social media. These are tracked to enable the Bar Association to help users have the best web experience possible. She noted that Internet Explorer is not currently supported, but staff will make sure it will work with the Bar Association's new website. Jen was surprised to learn that most web site users access it using their desktop computer, rather than their mobile device. Most of the Bar's website traffic comes from Google.

Jo Hinnendael, Director of CLE spoke about the listing of 57 programs presented so far this year. She also discussed the information from InReach, the Bar Association's online partner in providing downloaded content (including our own programming). This shows more members are accessing online CLE content to meet their continuing education needs.

D. Treasurer's Report and Finance Committee Update

Paula Lewis

Paula reported that the Finance Committee had their first meeting on April 4th, where they were presented with a balanced draft budget for review. The staff is in the process of fine tuning the second draft, which will be presented to the Finance Committee on April 27th. The Board of Governors will be presented with the budget for approval at the May 18th Board meeting.

Paula discussed the quarterly financial statements that were provided to the Board in advance. The Association is \$260,000 ahead of budget (through February 28th – the end of the third quarter). There are some upcoming costs to be paid, but Paula expects the Association will end the year in a strong financial position.

Scott Harris asked about the financial profitability of Midyear Meeting. Jo Hinnendael responded that there was \$65,000 in revenue compared with \$62,157 of expenses. It should be noted that the cost for the considerable staff time it took to produce this meeting was not included in the expenses.

E. Strategic Planning Update

Ed Philpot

Ed shared that Lanea Witkus has volunteered to help with the Transitions Out of Practice work. We are still seeking more Board volunteers. Jen Pinckney is working on creating promotional pieces to publicize Member Resources the Bar Association currently has for those that are looking to transition out of practice. Ed also reported that CLE Learn at Lunch programs are becoming very popular. New lawyers are involved in producing some of these sessions. There is nothing new to report regarding the virtual Pro Bono project; the subgroup is still working through questions about New Hampshire's conflict of interest rules. He spoke about the Modest Means referral program (which widens the income qualifications for reduced fee referral) which is set to kick off June 1st. Ed feels this will invite more of the public to use the program, as well as hopefully entice more lawyers to participate. There was discussion about the fact that there may be a problem with capacity in some parts of the state, particularly the North Country. Ginny Martin responded that they are aware of this problem; they face it with Pro Bono referrals as well. It was suggested that outreach should be ramped up to recruit more attorneys.

Non-Profit Sustainability Institute Update

Ed discussed the ongoing work with this program. Jeannine, the management team and Ed attended a work session earlier today (4/20). Eventually, a full "sustainability matrix" will be a tool to analyze how each Association program rates in terms of impact on services and financial impact. These are measures within the program evaluation framework to be considered by the Board when making decisions about adding or eliminating programming. The result of this work will be a tool for strategic planning and future budgeting.

REGULAR BUSINESS – CONSENT ITEMS

- F. Membership Status Changes for April presented for approval. Paula Lewis
- The Board received the membership status changes which are attached as a permanent part of these minutes.
- G. Minutes of March 9, 2017 Meeting Rob Howard
- H. Reappointment of Jeanne Herrick to Supreme Court Advisory Committee on the Rules Scott Harris
Three-year term – March 2017 – March 2020 (*note: Jeanne Herrick is filling the “Cooperation with the Courts Committee slot” on the Court Rules Committee. John Curran began serving his first three year term on this committee, as the second, NHBA Board appointee, in 2015.*)
- I. Reappointment of Ernie Goodno to Judicial Conduct Committee Scott Harris
Three-year term – July 2017 – July 2020 – Lay member NHBA appointee; reappointment requested by the JCC.
- J. Public Defender Resolution Scott Harris
- *RSA 604-B:4 calls for NHBA approval of any Public Defender Program every two years. See attached resolution.*
- K. Ethics opinion #2016-17/1 ‘Law Firm Obligations in Sharing Fees and Ownership control with Retired Lawyers’ – presented for the Board of Governors’ information

ACTION

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

REGULAR BUSINESS-

- L. President-elect’s Report
- Bar Foundation and the Funding of Legal Services

In the current Federal budget under consideration, all the funding for the Legal Services Corporation has been eliminated. Scott feels the chances are slim that the funding will be eliminated, but it does underscore the need for the Bar Association and the Bar Foundation to promote support for this funding. An Op Ed piece is being worked on that the Board will be asked to review. Scott encourages Board members to speak with business leaders in the community to advocate for this funding.

- Annual Meeting 2017 – June 23-24, 2017, Mt. View Grand

Many are working hard to make this event fun, foster collegiality and promote the importance of the Bar as a professional association. Scott encourages Board members to register soon, as we have only 50 rooms in our reserved block. There are some other options in the area, but we must fill our room block before publicizing information about other lodging possibilities in the area. Scott also shared that on Friday afternoon as part of Annual Meeting there will be a panel of attorneys who will discuss the difficult balance and professional struggles with taking on these emotionally charged cases, both from the defense and prosecution perspectives.

- 5K Road Race – Saturday, June 24, 10:00 a.m.

Scott is looking forward to this fun event. It is an awareness raising and fundraising event for the DOVE (Domestic Violence Emergency) Project, which is celebrating its 25th anniversary.

M. Executive Director's Report

- Board Election Report

Jeannine McCoy

The election results were sent in advance of this meeting. Jeannine shared that the following members will be returning to the Board; Sandra Cabrera and Jonathan Eck as Governors at Large, County Governors Richard Guerriero, and Lanea Witkus. Ed Philpot will return as Vice President, and Dan Will remains on the Board as Hillsborough North Governor. There will be several new members joining the board; Coos County Governor Thomas McCue, Graton County Governor Marcie Hornick, Merrimack County Governor Adam Pignatelli, and Rockingham County Governor Susan Lowry. Andrew Hamilton has been elected as the ABA New Lawyer Delegate, replacing Kathleen Mahan.

- Activity Report

Jeannine will send this out later. She encouraged the Board Members to let her know if they find it useful.

- Court Commission Update / Review of Comparative Bar Information

Jeannine is working on a comparison of the New Hampshire Bar Association with four other Bar Associations as requested by the Court Commission; Rhode Island, Hawaii, New Mexico, and Utah, which were identified by the ABA in conversation with the Commission as being similar to New Hampshire. Utah and New Mexico will be examined later as they are different in size. She reviewed a revenue comparison chart with information about Rhode Island and Hawaii, which are most like New Hampshire. They have about the same number of members and similar staff size. Both have about 15 staff, when you remove the staff that work for the affiliated entities of the NHBA, there are about 25 staff. This revenue comparison illustrates that New Hampshire provides more extensive member services and larger scale programming. A footnote regarding Rhode Island's CLE revenue: \$480,000 of their \$714,000 CLE revenue comes from their Annual Meeting which is produced at a large conference center and included 40 concurrent CLE sessions, enabling the entire staff to support the two-day event.

N. Board member announcements

All Board Members

- A Grafton County Bar Association spring event is planned on May 4th at Shilos in Woodsville. The Coos County Bar has been invited to join them. The featured speaker is a FBI counter-terrorism agent working in NH.
- Retiring Judge Jim Carroll will be "roasted" in the Belknap County Bar tradition on June 8th, location TBD. (Secretary's note: This event will be held at Faro Italian Grill in Laconia, rsvp due by 5/31.)
- A workshop on the topic of Successful Donor Relations is planned for May 10th, sponsored by the Bar Foundation. Check the Foundation web site to register. Scott encourages Board members with non-profit connections to share the information and encourage attendance.

- Also on May 10th is the Fellows Justice Reception, to be held from 5:30 – 8:00 p.m. at the McAuliffe-Shepard Discovery Center. The Fellows are the charitable arm of the NH Bar Foundation. Dave Alcox will speak about the teaching of Civics, and Claudia Damon will be honored with the 2nd Annual Nixon-Zachos Award. Scott encourages all to become Fellows and attend.
- Mary reminded the Board of the First 100 Years – Women Lawyers event to be held June 1st at the Grappone Center in Concord. Jennifer Parent has worked tirelessly on this program. Mary urges members to buy their tickets soon, as the price will be going up. The link can be found on the Bar Foundation web site.
- Kristen Senz reported that the Administrative Office of the Courts (AOC) and the call center for the courts will be moving to a site at 1 Granite Place, near the state prison. There are other moves that will happen as well; probate to Clinton Street, and then to the AOC office after it is vacated. She noted the plan will require legislative approval.
- Denice reported that the judicial selection commission has finished interviewing a slate of judicial candidates, and that the governor's nominations may be released soon. Also, a new position opening for the 22nd superior court judge has been publicly posted.
- There will be a retirement party for Judge Runyon this Friday (4/21).
- There was a question about the functioning of the Sections list serv. There are problems caused by inadequate security on the part of some participants; an email has been sent to subscribers, and our vendor is working to correct the problem.
- Rockingham County Bar is working on final arrangements for their annual meeting at the Portsmouth County Club, date TBD.

The Board meeting was adjourned to executive session at 5:50 p.m.

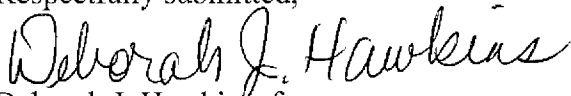
EXECUTIVE SESSION

There were no actions or motions from Executive Session.

ADJOURNMENT

The April 20, 2017 Board of Governors Meeting adjourned at 6:45 p.m.

Respectfully submitted,


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

Membership Status Changes

Presented to the Board of Governors April 20, 2017

Active to INACTIVE:

20621	Barrett, Charles W., Concord, MA (effective March 25, 2017)
21136	Bentham, Ian T., Fort Lauderdale, FL (effective March 15, 2017)
17879	Collins, Laura K., Stowe, VT (effective March 7, 2017)
11845	Lader, Donald L., Bath, ME (effective March 31, 2017)
14781	Maher, Brian T., Derry, NH (effective March 21, 2017)
17690	Mason, Julia M., Andover, MA (effective March 28, 2017)
18400	Pedley, David M., Denver, CO (effective March 20, 2017)
19341	Prince, Jessica M., Woburn, MA (effective March 8, 2017)
266256	Rommel, Emily J., Middletown, CT (effective March 9, 2017)
268582	Stanley, Sara Ann Rowley, MA (effective April 5, 2017)
21029	<u>Wagner, Todd A., Hampton Falls, NH (effective April 1, 2017)</u>

Active to INACTIVE RETIRED:

1264	Jenkins, Martin R., Bow, NH (effective March 23, 2017)
1400	Kruse, James L., Concord, NH (effective March 27, 2017)
2650	Wallerstein, Stanley N., Meredith, NH (effective March 14, 2017)

Active to RESIGNED:

10539	Hoch, William V., Newton, MA (effective March 3, 2017)
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Inactive to ACTIVE:

21136	Bentham, Ian T., Fort Lauderdale, FL (effective March 21, 2017)
183	Craig, James W., Manchester, NH (effective March 3, 2017)
7902	Henry, Michael L., Buckfield, ME (effective March 6, 2017)
12897	Krewson, Beth A., West Chester, PA (effective March 22, 2017)
20930	Lee, Adam R., Auburn, ME (effective March 30, 2017)
265836	McGrath, Samantha G., Wonalancet, NH (effective March 8, 2017)
14622	White, Ingrid E., Bow, NH (effective April 4, 2017)

Inactive to RESIGNED:

18337	McGowan, John L., Sharon, MA (effective April 6, 2017)
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<u>Inactive Retired to ACTIVE:</u>	
6830	Ferns, Bridget C., Londonderry NH (effective march 15, 2017)
21194	Munyon, Laura A., Loudon, NH (effective March 9, 2017)
<u>Active to HONORARY ACTIVE:</u>	
607	Deachman, Ross V., Plymouth, NH (effective March 31, 2017)
264908	Fitts, David W., Boston, MA (effective March 31, 2017)
858	Friberg, John E., Manchester, NH (effective March 31, 2017)
1006	Greene, Arthur G., Bedford, NH (effective March 31, 2017)
1017	Griffen, Charles A., Portsmouth, NH (effective March 31, 2017)
1191	Hope, David Scott, Wayne, PA (effective March 31, 2017)
16662	Johnson, Bruce R., Springvale, ME (effective March 31, 2017)
1272	Johnson, II, Robert V., Concord, NH (effective March 31, 2017)
1994	Peltonen, John E., Manchester, NH (effective March 31, 2017)
2062	Prigge, William N., Keene, NH (effective March 31, 2017)
2067	Prunier, Gerald R., Nashua, NH (effective March 31, 2017)
2199	Ross, L. Jonathan, Manchester, NH (effective March 31, 2017)
2583	Tucker, Charles F., Exeter, NH (effective March 31, 2017)
2610	Van Loan, III, Eugene M., Manchester, NH (effective March 31, 2017)
1547	Wenners, Vincent A., Manchester, NH (effective March 31, 2017)
<u>Inactive to HONORARY INACTIVE:</u>	
637	DiClerico Jr, Joseph A., Concord, NH (effective March 31, 2017)
1723	McNulty Jr, Thomas J., W Barnstable, MA (effective March 31, 2017)
2146	Richards, Thomas H., Concord, NH (effective March 31, 2017)
2510	Talbot, Richard J., Keene, NH (effective March 31, 2017)
2604	Vacco, Richard P., China Village, ME (effective March 31, 2017)
<u>Inactive Retired to HONORARY INACTIVE:</u>	
145	Brown, Patrick N., Umatilla, FL (effective March 31, 2017)
4042	Cornelius, Richard, Keene, NH (effective March 31, 2017)
1223	Huot, David O., Laconia, NH (effective March 31, 2017)
2415	Spielman, Stephen J., Arlington, VA (effective March 31, 2017)
2620	Veilleux, Patrick L.J., Zephyrhills, FL (effective March 31, 2017)
2753	Williams, Paul E., Springfield, VA (effective March 31, 2017)
<u>Suspended to DISBARRED:</u>	
5539	Heal, Laird J., Winchendon, MA (effective March 28, 2017)

18966	Nolin, Tanner Z., Penacook, NH (effective April 6, 2017)
Suspended to <u>RESIGNED:</u>	
9269	Bader, Seth, Berlin, NH (effective April 6, 2017)
Active to <u>DECEASED:</u>	
10226	Doskocil, Douglas C., Andover, MA (effective March 4, 2017)
Inactive Retired to <u>DECEASED:</u>	
16947	Motejunas, Gerald W., Milton, MA (effective January 16, 2017)

NEW HAMPSHIRE BAR ASSOCIATION

BOARD OF GOVERNORS

RESOLUTION

WHEREAS, the New Hampshire Constitution provides a right to counsel for those facing a loss of liberty; and

WHEREAS, New Hampshire RSA 604-B establishes the plan for appointment of counsel in indigent criminal cases and other circumstances; and

WHEREAS, the above statute in subsection 604-B:4 authorizes the State, by and through the Judicial Council, (and with the approval of the Governor and Executive Council), to contract with an organization or group of attorneys to provide a Public Defender Program for the State of New Hampshire, so long as the organization or group meets with the approval of the New Hampshire Bar Association as a provider of indigent defense services; and

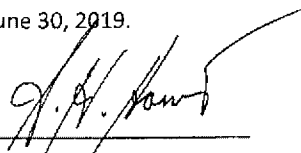
WHEREAS, the Public Defender Program has requested such approval from the New Hampshire Bar Association; and

WHEREAS, the Board of Governors of the New Hampshire Bar Association has considered this request of the Public Defender Program;

NOW THEREFORE, it is hereby resolved that the Board of Governors of the New Hampshire Bar Association gives its formal approval of the New Hampshire Public Defender Program as an organization created and operated to provide defense representation to indigent defendants in criminal cases, to indigent respondents against sexually violent predator petitions, to indigent defendants in capital murder cases, and to indigent juveniles in delinquency proceedings, in the State of New Hampshire, for the period July 1, 2017 through June 30, 2019.

4/20/17

Date



Scott Harris, President-Elect

