

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, March 9, 2017
Radisson Hotel, Manchester NH

MINUTES

Present for all or part of the meeting were:

Scott H. Harris	Cathy E. Shanelaris
Robert R. Howard III	James A. Shepard
John A. Curran	Lanea A. Witkus
Edward D. Philpot, Jr.	Jennifer L. Parent
Jonathan M. Eck	Russell F. Hilliard
Christopher T. Regan	Kathleen M. Mahan
Paul W. Chant	John D. MacIntosh
Kristin G. Fields	Jeannine. McCoy
James P. Cowles	Denice DeStefano
Richard C. Guerriero, Jr.	Joanne Hinnendael
Sandra L. Cabrera	Paula Lewis
Ora Schwartzberg	Jennifer Pinckney
Daniel E. Will	Deborah Hawkins
	Kristen Senz

Deborah J. HawkinsKristen Senz

A meeting notice reminder, preliminary agenda and related materials were emailed March 3rd. Additional materials were distributed March 8th and 9th. 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 March 9, 2017 Board of Governors meeting was called to order at 4:40 p.m. by President-Elect Scott Harris.

PRESENTATION / DISCUSSION / ACTION ITEMS

B. Status of the Bar Jeannine McCoy

Executive Director Jeannine McCoy distributed a sheet detailing selected operative metrics. She highlighted the Lawyer Referral Service statistics, noting that it is expected the introduction of the Modest Means Program, approved by the Board at the February meeting, will have a positive effect on these numbers. Also of note is the conference and meeting room use; a benefit that many members use.

Jeannine also spoke of the challenges the management team is working on; strategic analysis of program return on investment, planning and structuring for the future, implementing new communications strategy and approaches – including public outreach regarding civics and civil discourse, and productively interacting with the Court Commission. Jeannine is looking for leadership groups to be

formed to explore the following areas; continuing legal education – revenue vs. service and future business strategy; Sections management; and Legal Services. Declining financial support with increasing expectations and increasing needs from the public, make reaffirming a realistic role for the Association important. It was noted that the Access to Justice Commission meeting was scheduled at the same time as this Board meeting, and it is hoped future the meetings will be scheduled to enable Association participation in the discussions.

It was suggested that the Board of Governors and the Pro Bono Board meet to work on strategic planning, especially considering the pressure created by reduced resources and increased expectations. President-Elect Harris invites Board Members to volunteer for this work. He also asked Board Members to let staff know what metrics they would like reported on at the monthly Board meetings.

C. Strategic Initiatives Update

Ed Philpot

Ed Philpot, leader of the Board's strategic initiatives, updated the Board on continuing progress. Director of Strategic Communications Jen Pinckney is working with Jackson, Jackson and Wagner to dive more deeply into the survey data regarding transitions out of practice. Volunteers from the Board are still needed to assist in this work. Lanea Witkus volunteered.

Ed notes that the continuing professional development group (CLE) is "chugging along", with the participation in the 'learn at lunch' one-hour webcasts growing.

Staff continues to work on the virtual Pro Bono ground work. Two or three Board volunteers are sought to work with several Ethics Committee members to find common ground on the Rule 6.5 dilemma to reconcile NH's conflict of interest rules with the initiation and operation of the "Virtual Pro Bono" system.

We can report that we have strong deliverables on these initiatives, says Philpot.

- Non-Profit Sustainability Institute Update

Ed also updated the Board on the continuing participation in this work. Current work is focusing on assessment of the impact of the NHBA's activities on the organization's mission and finances using defined criteria. Much of this work will be useful as a framework in evaluating future budgets. It should be helpful to the Court Commission's (on the Bar in the 21st Century) work as well. Ed notes that the Board can use this tool over the summer to develop/update the strategic plan.

- Volunteers for Board/Ethics subcommittee re: Rule 6.5 (Virtual Pro Bono) Richard Guerriero

Board member and Ethics Committee member Richard Guerriero reiterated the request for Board member volunteers to work with Mitch Simon, Richard Uchida, John Norton and Richard to find an agreeable solution to amend rule 6.5. It won't be easy, but Richard feels a solution can be reached. Belknap Governor Kristin Fields, and Carroll County Governor Jim Cowles volunteered to serve on behalf of the Board of Governors. Associate Executive Director for Legal Services, Ginny Martin will also serve on this subcommittee.

Following up on Ed Philpot's report on Transitions Out of Practice, Russ Hilliard, ABA State Delegate and Chair of the LAP Board, invited the Board to a conference to be held on May 25th on the topic of transitions out of practice. The NH Lawyer Assistance Program (LAP) is sponsoring a presentation by

the North Carolina Bar Association's Transitioning Lawyers Commission. It will be a half-day, invitational conference; location to be determined. Watch for an invitation and more information.

D. Centennial Celebration Gala of the First 100 Years-Women Lawyers Jennifer Parent

ACTION

On motion to make a \$1000 contribution toward the Centennial Celebration Gala. Passed. Unanimously with one abstention (Jennifer Parent).

Jennifer Parent shared plans for the gala, which will be held June 1st beginning at 5:30 p.m. at the Grappone Conference Center in Concord. A large crowd is expected. Many organizations have signed on to sponsor, including the New Hampshire Bar Foundation (serving as the "umbrella" organization), New Hampshire Association for Justice, New Hampshire Association of Criminal Defense Attorneys, New Hampshire Women's Bar Association, Daniel Webster-Batchelder Inns of Court. Tickets go on sale tomorrow (March 10th) at the Bar Foundation table for \$55.

E. President-elect's Report Scott Harris

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

Planning continues and progress has been made this week on educational programming to be offered during the meeting that will be of interest to judges and lawyers.

- June 2017 Road Race

President-Elect Scott Harris told the Board about the plans for the 5K Race for Justice to be held in conjunction with the Annual Meeting. It will be run on the White Mountain High School course in Whitefield. The website with more information and registration is up and running. Proceeds of the race will support the Dove project. Jennifer Pinckney, Director of Strategic Communications, is the staff member leading the planning. She notes that one can sign up tomorrow (March 10th) at the NHBA Annual Meeting table in the exhibitor area, and will receive \$10 off the admission fee, bringing it down to \$20. We expect community support and participation, says Jen, with some walking the course. Scott added thanks to Coos County Governor Sandra Cabrera, who arranged the use of the race course at White Mountain High School. There will be prizes for the top three finishers.

F. Legislative Update John MacIntosh

John MacIntosh, NHBA Lobbyist, reported that approximately 30 bills are being tracked. There are four that the Board of Governors expressed a position of support; SB 93-Relative to adoption of the Uniform Access to Digital Assets Act, SB 167- Relative to the burden of proof in termination of parental rights cases, SB 200- Relative to incarceration for nonpayment of an assessment or nonperformance of community service, and SB 71- Relative to the law governing alimony. Of these, three have passed, and one is lingering in committee.

G. Ethics Committee Proposal for Amendment to Professional Conduct Rule 8.4 Richard Guerriero

Richard Guerriero, member of the Ethics Committee, as well as the Board of Governors, spoke to the Board regarding the proposed changes. The revisions were spurred on by the ABA adopting a similar

rule, but the NHBA Ethics Committee is seeking to adopt their own. The Committee labored to craft wording that would express the social justice ideas without interfering with the practice of law.

ACTION

On motion to accept the Ethics Committee proposed amendment to Professional Conduct Rule 8.4. Passed. Unanimously with one abstention. (John Curran; BOG appointee to the NH Supreme Court Advisory Committee on Rules)

There was discussion about the strikeouts and gender identity protections. Richard responded that the Ethics Committee wanted to keep it simple; they felt that the protections regarding marital status and sexual orientation in current law adequately covered these issues.

H. Executive Director's Report

- Election Nominee Report

Jeannine McCoy

Scott Harris informed the Board that no petition was received for the Merrimack County Board seat. Under the bylaws, the Board can nominate a candidate to be put on the ballot. Due to the election timetable, it must be done by Monday, March 13th. He asked members to let him know by tomorrow of any interested candidates. Jim Shepard, current Merrimack County Governor reported that he spoke with Anthony Lenhart regarding his interest in serving in this seat. Attorney Lenhart was appointed by the Board of Governors in 2016 to serve as the Sullivan County Governor, but had to resign when he transferred to a firm outside of Sullivan County.

ACTION

On motion to nominate Anthony Lenhart as the Board nominee for the Merrimack County Seat on the ballot for the 2017 Board of Governors Election.

ACTION

On motion to table the above motion nominating Anthony Lenhart as the Board nominee for the Merrimack County Seat on the ballot for the 2017 Board of Governors Election. Passed. Unanimously.

The Board meeting was recessed briefly for dinner.

ACTION

On motion to take the motion nominating Anthony Lenhart as the Board nominee for the Merrimack County Seat on the ballot for the 2017 Board of Governors Election off the table. Passed. Unanimously.

Jonathan Eck reported that he had spoken with Adam Pignatelli regarding his interest in serving as the Merrimack County Governor.

ACTION

On motion to nominate Adam Pignatelli as the Board nominee on the ballot for the Merrimack County Seat on the ballot for the 2017 Board of Governors Election.

Those that made the nomination motions were asked to speak to the Board regarding each nominee. Jim Shepard spoke about Anthony Lenhart and Jonathan Eck and Dan Will spoke about Adam Pignatelli. The above motions were then modified.

ACTION

On motion to place both Anthony Lenhart and Adam Pignatelli on the ballot for the Merrimack County Seat on the ballot for the 2017 Board of Governors Election, pending consultation with each prior the election. Passed. Unanimously.

[Secretary's Note: Anthony Lenhart subsequently declined nomination at this time.]

REGULAR BUSINESS – CONSENT ITEMS

I. Membership Status Changes for February Paula Lewis

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

J. Minutes of February 16, 2017 Meeting Rob Howard

The Board accepted the minutes as presented.

ACTION

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

Continuation of Agenda Item H, Executive Director's Report:

- Court Commission on the Bar in the 21st Century update

In conjunction with the work of the Court Commission, Bar leadership has asked for a comparison of the Rhode Island, New Mexico, Utah and Hawaii Bar Associations with the New Hampshire Bar Association. While an "apples to apples" comparison is difficult due to the many variations in issues, environment and ways of doing business (for example, the New Mexico Bar Association does its CLE through their Bar Foundation), the information is being collected and will be submitted to the Court Commission. At the Commission request, the Bar Association recently facilitated sending to the active membership a membership survey designed by the Commission.

It was suggested that the Board go into Executive Session to adopt a statement of support for the Association's management. Because it was not on the March 9 agenda, it was suggested the session take place at the April 20 Board meeting.

It was also mentioned by the Board officers that they had a recent meeting with the Commission. There was discussion about the Court Commission's interests and concerns. The Board would like to request a meeting with the Commission.

ACTION

On motion that the Board of Governors leadership invite the Court Commission to meet with the full Board of Governors. Passed with four abstentions. (Dan Will, Cathy Shanelaris, John Curran, and Kate Mahan – members of the Court Commission.)

NEW BUSINESS

- K. March 9, 2017 distribution for consideration at the April 20, 2017 Board of Governors Meeting of NHBA Ethics Committee Opinion #2016-17/1 - *Law Firm Obligations in Sharing Fees and Ownership Control with Retired Lawyers*.

This item will be taken up at the April 20, 2017 Board of Governors' meeting.

ADJOURNMENT

The March 9, 2017 Board of Governors Meeting adjourned at 6:40 p.m.

Respectfully submitted,



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

Membership Status Changes
Presented to the Board of Governors March 9, 2017

Active to INACTIVE:

264832 Dydzak, Theresa M., Braintree, MA (effective March 1, 2017)
268423 Kuipers Jacob A., Boston, MA (effective December 1, 2016) New Admit
18337 McGowan, John L., Sharon, NH (effective February 13, 2017)
268516 Smith, Linsay A., Grantham, NH (effective December 1, 2016) New Admit
268081 Wheeler, James E., Milford, NH (effective February 15, 2017)

Military Active to ACTIVE:

18993 Tessier, Joseph D., Milford, NH (effective February 21, 2017)
19001 Webster, Luke A., Norwich, VT (effective February 8, 2017)

Inactive to ACTIVE:

16824 Anvari, Aliza, Toms River, NJ (effective February 16, 2017)
267644 Campinell, Michael S., Boston, MA (effective February 14, 2017)
267632 Desai, Priyanka U., Chicago, IL (effective February 23, 2017)
10563 Mullen, Lisa M., Windham NH 03087 (effective February 17, 2017)
16497 Stern, Eric T., Durham, NH (effective February 28, 2017)

Inactive to INACTIVE RETIRED:

9041 Feins, Debra M., Bedford, NH (effective March 2, 2017)

Inactive Retired to RESIGNED:

438 Angiuli, Angelo V., Holmes Beach, FL (effective February 1, 2017)

Suspended to ACTIVE:

17496 Galanes, Joseph C., Norwich, VT (effective February 15, 2017)
11876 Saunders, Steven R., Quechee, VT (effective February 15, 2017)

Suspended to INACTIVE:

13075 Jordan, Stephen C., Charlotte, NC (effective March 2, 2017)

Suspended to INACTIVE RETIRED:

21194 Munyon, Laura A., Loudon, NH (effective February 15, 2017)

Resigned to INACTIVE:

267632 Desai, Priyanka U., Chicago, IL (effective February 17, 2017)

