

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
Thursday, November 17, 2016  
Bar Center, Concord, NH

**MINUTES**

Present for all or part of the meeting were:

Scott H. Harris	James A. Shepard
Peter E. Hutchins	Patrick T. O'Day
Robert R. Howard III	Jennifer L. Parent
John A. Curran	Kathleen M. Mahan
Edward D. Philpot, Jr.	Jeannine L. McCoy
Jonathan M. Eck	Denice DeStefano
Christopher T. Regan	Joanne Hinnendael
Christopher Marshall	Daniel R. Wise
Danielle Y. Vanderzanden	Paula D. Lewis
James P. Cowles	Virginia A. Martin
Richard C. Guerriero, Jr.	Deborah J. Hawkins
Sandra L. Cabrera	Carol D. Brooks
Daniel E. Will	Marcia A. Brown
	Elisabeth D. McGohey

A meeting notice reminder, preliminary agenda and related materials were emailed November 15<sup>th</sup>. Additional materials were distributed November 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.

**REGULAR BUSINESS**

A. Call to Order

The regular session of the November 17, 2016 Board of Governors meeting was called to order at 4:02 p.m. by President-Elect Scott Harris.

**PRESENTATION / DISCUSSION / ACTION ITEMS**

B. Adoption of the 2016 NHBA Title Examination Standards, to be presented Carol Brooks  
by Carol Brooks, Chair Title Standards Subcommittee, Real Property Section

Carol Brooks, of the Title Standards Committee, an entity of the Real Property Law Section, presented a memo noting changes made in the 2016 annual revision process. Attorney Brooks reviewed highlights of the revisions and offered thanks to the Title Standards Committee volunteers for their efforts on this project.

## ACTION

On motion to approve the 2016 annual revisions to the NHBA Title Examination Standards. PASSED.

### C. Gender Equality Committee Survey Proposal

Marcia Brown

Marcia Brown, Gender Equality Committee Chair and Committee member Elisabeth McGohey were present to speak to the Board. The first survey done by NHBA on issues of gender equality was done in 1987 and has been updated every 10 years; 2017 marks the 30<sup>th</sup> anniversary year of the first survey. The Gender Equality Committee would like the Board's consensus to support this endeavor and fund the costs associated with conducting the survey and analyzing the results. The Committee would be in favor of splitting the associated costs over two (2) fiscal years if needed; 2017-18 and 2018-19. Executive Director Jeannine McCoy noted that the 20-year survey cost was about \$8,000 plus the cost of analysis.

The Committee is in the process of identifying potential survey companies and obtaining quotes. The Committee anticipates using, for the most part, the same questions as in previous surveys (with whatever revisions may be needed) and having the bulk of the expense needed more for the analysis.

The Board reacted favorably and requested that Attorney Brown return to the Board once the Committee has more details and cost information.

## REGULAR BUSINESS-

### D. President-elect's Report

Scott Harris

- Nomination of David McGrath for 2017-2018 President-Elect

**David McGrath, Vice President, was nominated** as President-Elect for the 2017-18 year and will appear on the board election ballot this spring. Nomination was approved unanimously.

President-elect Harris reminded the Board of the following events, asked that they be calendared and that Board members plan to attend and participate:

- Annual Meeting 2016 – October 28, 2016, Sheraton Portsmouth
- Annual Meeting 2017 – June 23-24, 2017, Mt. View Grand
- June 2017 Road Race, June 24 2017 in Whitefield, NH

### E. Executive Director's Report

Jeannine McCoy

Executive Director Jeannine McCoy reported on the following:

- Court Commission update  
A meeting is scheduled the beginning of December with the officer group to review the materials that have been requested and provided by the Court Commission. It is Jeannine's hope to be able to hand-off the materials in-person so as to be able to explain exactly what they are getting.
- Personnel update  
Jennifer Pinckney will be on-board as of Monday, November 21 in the position of Director of Strategic Communications for the NHBA! Jen brings 20 years of experience to the Association,

most recently serving as Director of Graduate Business Programs at Plymouth State University. Her communications, PR and marketing background includes seven years as Director of Marketing for the Tree Care Industry Association. We are really excited to welcome her to the professional staff team!

- New Video Conferencing System

A new video conferencing system has been installed at the Bar Center, just last week. We anticipate offering the video conference option for the December Board meeting. Instructions will be provided and if anyone would like to test the system out before the December Board meeting, Debbie Hawkins is happy to do that with you, just let her know.

- Names/Identifying dues waiver information in Board Minutes

At the October Board meeting, the issue of whether or not to report the names (not the circumstances) of members receiving dues waivers was raised again. The Board's instruction is to not include names in the BOG minutes, and going forward we will just report the number of waivers granted at various percentages.

FYI, to demonstrate how changing Boards require changing procedures, Jeannine shared with the Board an excerpt from a 2008 message to the BOG (from a time when BOG materials were posted to and accessed through the BOG webpage), which indicates how it had previously been determined to handle this reporting:

*(I am not posting the dues waiver requests to the Board web page, which can be accessed by any member, because they contain some details about reported member hardships...the final minutes of Board meetings name members who have received or been denied some kind of requested waiver, but they do not give any detail about the circumstances...to preserve privacy, I will distribute these waiver requests via e-mail directly to you with the BOG meeting agenda).*

- November 14<sup>th</sup> Hearing at Supreme Court

Director of Finance & IT Paula Lewis reported that Show Cause notices were sent to members not in compliance with dues/court fees payments, NHMCLE compliance and/or Trust Account Certificate filing by the due date. Those members were ordered to appear before Judge Conboy on November 14<sup>th</sup> to explain why they shouldn't be suspended for failing to meet the deadline. 62 Hearing Notices were delivered; 32 members were present at the Hearing; 17 received Waivers for Appearance and 13 failed to appear.

Justice Conboy presided at the hearing. Her opening remarks were stern, but respectful. Justice Conboy referenced the many correspondences and phone calls made by NHBA staff to members, to assist them in becoming compliant. Justice Conboy also noted that she felt the phone calls to members were over and above what would be expected for outreach. Justice Conboy met with each attorney separately at the bench for privacy (and the Court Orders issued are not public). Paula Lewis and CLE Director Joanne Hinnendael were in attendance and met with members, when asked to, to answer questions in regards to compliance.

- NHBA Master Calendar

A Master Calendar has been created to help illustrate how busy your Bar Staff are. The document, which is a work in progress, is already 15 pages long. Rob Howard requested that the Master Calendar be posted on the Board webpage.

Association ABA Delegate and Chair of the Committee on Cooperation with the Courts Jennifer Parent provided an overview of an E-Courts presentation given by Gina Belmont, Senior Circuit Court Administrator and the current manager of the Judicial Branch electronic courts projects.

Cheshire County Governor Richard Guerriero reported that with Judge Burke taking Senior Status in March, the courthouse in Keene will have only 3 days of judge time a month. Other Courts are experiencing the same issue of greatly reduced judge time.

President-elect Scott Harris asked that the county governors survey the District Courts in their county and report back on the status of staffing/backlogs, prior to the December Board meeting. Please email your report to Deb Hawkins at the Bar Center, who will gather the data for the December meeting.

President-elect Scott Harris reported that a replacement is needed for Sullivan County Governor as Anthony Lenhart has moved out of the county. An email was sent to the members in Sullivan County seeking interest in the position. Lanea Witkus was the only one expressing interest. This will be an appointed position until the next BOG election in April 2017; at that time Attorney Witkus would need to run for a special 1-year term through June 2018.

**The Board approved the appointment** of Lanea Witkus as the Sullivan County Governor until the next BOG election in April 2017.

Rockingham County Governor Patrick O'Day reported that Rockingham County Bar Association will be holding a social on December 14<sup>th</sup> and raising funds for "End 68 Hours of Hunger".

Merrimack County Governor Jim Shepard reported that Merrimack County Bar is meeting on December 13<sup>th</sup>.

## **PRESENTATION / DISCUSSION / ACTION ITEMS**

### G. Strategic Planning Update

Ed Philpot

The Board's Strategic Planning Committee Chair, Ed Philpot, reported on the following:

- Transitions out of practice

A follow-up survey is needed to gain additional information from those responding about transitioning out of practice. The intent is to produce an informal report that would more precisely identify the characteristics of those expecting to leave the profession not thru retirement ...and to explore whether there are some correspondences with other answers given by these particular respondents that might distinguish them from those who expect to stay lawyers. Additional funds are needed for this effort.

- Continuing Professional Development/Bar Services Group

Members of the CLE Committee have been working on 1-hour "micro learning" programs that are on target for availability to the membership for the first of the year.

▪ Legal Services

The Ethics Committee has serious concerns with the virtual pro bono concept. Cheshire County Governor and Ethics Committee member Richard Guerriero reported that until a compromise is reached, virtual pro bono cannot move forward. Richard recapped initial conversations with the Attorney Discipline Office and Professional Conduct Committee that were "ok" with the concept. Concerns raised by the Ethics Committee were no conflicts check and issues surrounding confidentiality. Richard was able to obtain a compromise resulting in agreement of one question and one answer by the attorney.

Questions, answers and Board discussion ensued.

**ACTION**

The Board agreed to request a rule change from the Court's Advisory Committee on Rules to allow for the use of virtual pro bono to better meet the legal needs of the underserved in NH. Richard Guerriero will work with John Norton (Ethics Committee and Pro Bono Board member) and others on the Ethics Committee to craft the request to the Court.

**REGULAR BUSINESS – CONSENT ITEMS**

H. Membership Status Changes for November 2016

Paula Lewis

The **board received** Membership Status changes, which are attached as a permanent part of these minutes.

I. Minutes of October 27, 2016 Meeting

Rob Howard

The Minutes of October 27, 2016 Meeting were accepted as presented

J. Approval for Additional Survey Funds

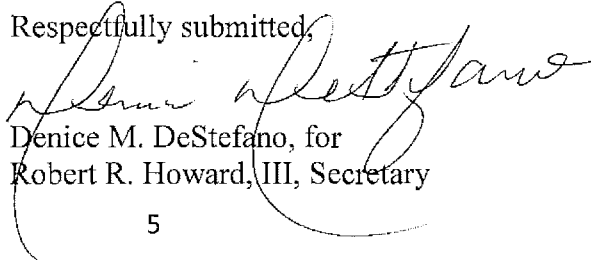
Jeannine McCoy

**The Board approved up to \$3,000** for Jackson, Jackson & Wagner to conduct a follow-up survey to gain additional information from those responding about transitioning out of practice and to produce an informal report that would more precisely identify the characteristics of those expecting to leave the profession not thru retirement.

**ADJOURNMENT**

The November 17, 2016 Board of Governors Meeting adjourned at 5:32 p.m.

Respectfully submitted,

  
Denice M. DeStefano, for  
Robert R. Howard, III, Secretary

**NEW HAMPSHIRE BAR ASSOCIATION**

**Membership Status Changes**

**Presented to the Board of Governors November 17, 2016**

Active to **INACTIVE**

268350 Lobel, Zachary B., Washington, DC (effective September 20, 2016)

Active to **DECEASED**

Inactive to **ACTIVE**

16198 Barker, John C., Groton, MA (effective November 7, 2016)

18716 Millett, Thomas D., Marblehead, MA (effective November 1, 2016)

20358 Sanchez, Thomas E., Pittsburgh, PA (effective November 7, 2016)

Inactive to **RESIGNED**

19637 Blacker, Lawrence L., Boston, MA (effective November 3, 2016)

Inactive Retired to **DECEASED**

14596 Cheesman, Todd P., Concord, NH (effective August 29, 2016)

2127 Reilly, Erline A., Penacook, NH (effective October 11, 2016)

1784 Molak, Ferdinand J., Pawtucket, RI (effective April 23, 2016)