

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, April 21, 2016
Bar Center – Concord, NH
4:00 p.m.

MINUTES

Present for all or part of the meeting were:

Mary E. Tenn	Patrick T. O'Day
Scott H. Harris	Edward T. Clancy
Peter E. Hutchins	Lanea A. Witkus
Robert R. Howard III	Jennifer L. Parent
Lisa Wellman-Ally	Russell F. Hilliard
John Curran (by phone)	John D. MacIntosh
Edward D. Philpot, Jr.	Jeannine L. McCoy
Jonathan M. Eck	Denice DeStefano
Christopher T. Regan	Joanne Hinnendael
J. Christopher Marshall	Virginia A. Martin
Richard C. Guerriero Jr.	Daniel R. Wise
Sandra Cabrera	Paula D. Lewis
Ora Schwartzberg	Debbie Hawkins
Catherine Shanelaris	Kristen E. Senz
James Shepard	

A meeting notice reminder was emailed April 15th. An agenda and related materials were distributed April 15th and 18th. 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 April 21, 2016 Board of Governors meeting was called to order at 4:05 p.m. by President Mary Tenn.

PRESENTATION/DISCUSSION/ACTION ITEMS

B. NHLAP Substance Abuse Survey Cecie Hartigan

Cecie Hartigan, Executive Director of New Hampshire Lawyers Assistance Program presented results from a 2015 survey conducted jointly by the ABA and the Hazelden Betty Ford Center concerning substance use and mental health issues. She shared interesting highlights. This survey showed that problem substance use is higher among lower age groups, and those that are recently out of law school. In her experience, 99% of the problems are with alcohol, but sedative abuse is also a problem in New Hampshire. Cecie also spoke about mental health issues. The study reported a higher percentage of lawyers that reported suicidal thoughts than in the general public. She spoke about barriers to mental

health/substance use services, such as confidentiality concerns. Cecie reminded the Board of the services available from NHLAP and assured them requests are treated with the utmost confidentiality. She also noted that she is putting together a committee to take a more in depth look at this survey, and would welcome volunteers. President Mary Tenn thanked Cecie and stated it is helpful to have this information.

C. ABA Day Report

Russ Hilliard

Russ Hilliard, ABA State Delegate, updated the Board on this year's ABA Day program. He was joined in Washington, DC by ABA Association Delegate Jennifer Parent, former Delegate Jonathan Ross, and Bar President Mary Tenn. Top priorities included funding for legal services, sentencing reform and reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP). Mary shared information with those in Washington about the NHBA Pro Bono program and the good work they are doing with veterans. Russ encourages others to attend next year. ABA Day is always the third Wednesday in April.

D. Legislative Update

John MacIntosh

John MacIntosh, the Bar Association's lobbyist spoke about this year's legislative session. The two bills that the Bar supported, HB 1280 (parental rights and responsibilities), and SB 464 (establishing a statewide drug court program) are still alive. Most of the bills the Bar had concerns are no longer in play.

John also spoke about the amending of the Merrimack County Courthouse construction bill to keep it in downtown Concord, rather than relocating it to Hazen Drive. Board members may hear from Association members on this bill. President Tenn asked John to keep the Board updated on this bill.

The Bar's legislation committee has recommended the following position changes:

HB 513 (Complaints to GAL Board) -The committee originally recommended a position of OPPOSE, which the Board agreed with. It was noted that the language that the committee (and Board) objected to has been removed from the bill.

Change position on HB 513 from **OPPOSE** to **NO POSITION**.

HB 1434 (Out-of-Home placements/Child Protection Act) - amended by House and assigned to Senate Judiciary. The committee originally took a position of OPPOSE, which the Board agreed with.

Change position on HB 1434 from **OPPOSE** to **NO POSITION**.

HB 1250 (Medical Neglect of Children) - The committee originally took a position of INFORMATION NEGATIVE, which the Board agreed with. The bill was amended, which removed some of the concerns.

Change position on HB 1250 from **INFORMATION NEGATIVE** to **INFORMATION**.

HB 1118 (Parental Rights and Responsibilities) - HB 1118 is contradictory to HB 1280, and the committee was concerned about this. The committee had originally taken a position of NO POSITION on HB 1118 which the Board agreed with. The committee prefers the language in HB 1280, and since HB 1118 is contradictory, decided to change their original position on HB 1118.

Change original position on HB 1118 from **NO POSITION** to **INFORMATION**.

ACTION

On motion to adopt the above recommendations of the legislation committee. PASSED. Unanimously.

E. Member Survey Results Dan Wise

President Tenn spoke about the rich data we have received from the survey. She encouraged the members of the Board to attend the survey work session (dinner provided) on Wednesday, May 4th from 5:00 to 7:00 p.m. Dan Wise, Director of Communications shared a Power Point detailing some of the most notable results and trends from the survey.

F. LRS (Lawyer Referral Service) Percentage Fee Changes Ginny Martin

Ginny Martin, Director of Legal Services outlined the reasons for the proposed fee changes. Primarily, the changes will increase efficiency for attorneys in the program, as well as simplify the accounting and payment process. The new policy will be to remit 10% of the total net collected legal fees to LRS on all cases that generate legal fees beyond the initial \$25 consultation fee. (If no more than \$25 is collected, no percentage fees are due to LRS.) The old policy was to remit 10% of the total net collected legal fees to LRS on cases that generated \$250.00 or more in net fees. The LRS Subcommittee unanimously approved this change to the policy.

ACTION

On motion to accept the change in LRS fee policy as presented. PASSED. Unanimously.

G. Treasurer Report Peter Hutchins

The Board received the Treasurer's report from Peter Hutchins. The Bar is on target to have about the same positive contribution (a measure of revenue against expense) as last year. Currently the Bar is \$210,000 ahead of budget projections (for the Association and its affiliates).

Treasurer Hutchins also gave an update on the current budget process for the next fiscal year. There will be a meeting of the finance committee on May 3rd to review the second draft of the FY17 budget. The committee plans to bring the budget to the Board for approval at the May 19th Board meeting.

H. President's Report Mary Tenn

- Annual meeting
Mary updated the Board on plans for the Annual meeting. There will be a change in format this year. Current plans include a morning CLE, an extended awards luncheon and no evening banquet. More information will be forthcoming in the near future; Board members wishing to reserve a room for the night of 6/16 (after the BOG meeting) should contact the hotel asap. The Friday night block

of rooms will be released immediately so they may be resold, removing the NHBA's obligation for them.

- Communications Advisory Council

Dan Wise, Director of Communications, explained that the Communications Advisory Council will replace the former Bar News Advisory Board and Bar Journal Advisory Board. Since the Association has other communications vehicles, such as the web site, a consolidated group was created to advise on all Bar communications. He stated that Board member volunteers are sought to sit on this group. Lanea Witkus, Sullivan County Governor, volunteered. It was also noted that Jonathan Eck is the Board liaison to the Council.

- Board Election Results

President Tenn reported the results of the recent Board election.

President-Elect: Scott Harris (nominated by board, one-year term) – McLane Middleton

Vice President: David McGrath (one-year term) – Sheehan Phinney Bass + Green

Governor-at-Large: John Curran (incumbent, three-year term) – Curtin, Murphy & O'Reilly
County Governors (two-year terms)

Belknap County

Kristin Fields – Martin, Lord & Osman

Carroll County

Jim Cowles – Walker & Varney

Hillsborough North

Dan Will – Devine Millimet

Hillsborough South

Cathy Shanelaris (incumbent) – Shanelaris & Schirch

Strafford County

Sarah Lavoie – Burns Bryant

Sullivan County

No petitions submitted- The Sullivan County position will be filled by an appointment by the Board.

ABA Association Delegate Jennifer Parent (two-year term) – McLane Middleton

- Law Day – ALIES (A Lawyer in Every School)

President Tenn highlighted the materials (including a video featuring Merrimack Governor Jim Shepard and Sarah Rothman of the NH Public Defender's office) available and encouraged Board members to sign up to participate. They should contact Robin Knippers, LRE Coordinator if interested.

Executive Director Jeannine McCoy mentioned another recent video promoting the Lawyer Referral service. Both videos are available on the Bar Association's web site.

- Gender Equality Committee Proposal for New Action

The Gender Equality Committee would like to offer a second session of a program previously entitled, “Replay/Role play” (the name will change) which incorporates an infusion of the best practical tips and overall re-framing from author and trainer Lauren Rikleen of how female attorneys interview and negotiate at different stages in their career. This is a continuation of an October 2015 program which offered staged role plays with commentary. This offering will allow for a staged role play and actual practice opportunity by participants. The program will be open to all members of the Bar and law students.

ACTION

On Motion to approve the Gender Equality Committee’s Proposal for New Action as presented.
PASSED. Unanimously.

- Compliance Consolidation Update

Executive Director Jeannine McCoy spoke about the hard work completed on this project. The staff of the Bar and the Court worked together to draft changes to the Court Rules to enable the deadline consolidation project to move forward.

Paula spoke about the new online Trust Account Compliance form. She will send the Beta test version to the Board. She noted that it has also been sent to law office administrators.

The NHMCLE requirement is being simplified; changes effective for the reporting year commencing 7/1/16 will further emphasize the individual lawyer’s responsibility and latitude to comply with the Minimum CLE requirement in SC Rule 53. The staff continues to assist members with questions regarding the reporting process.

Jeannine outlined the plan for communicating the new deadlines and processes to members. There was a workshop held on April 7th, and due to popular demand there will be a repeat on April 28th. The process is being called 3-1-1 (Three Steps, One Deadline, and One Place). President Tenn suggested that members should be given CLE credit for attending the workshop. It has been decided that members will get 1 hour CLE credit. There will also be several facilitated video replays that will also qualify for credit. The CLE credit will only be available for the current year; and only to members taking the workshop by June 30th.

Jeannine also noted that the late fee(s) structure has changed.

President Tenn thanked Jeannine, Jo Hinnendael and Paula Lewis for their hard work on this project. Jeannine said that thanks go to the rest of the staff as well; this was a tremendous undertaking accomplished in addition to their regular responsibilities.

- Affinity program with CLIO – The Bar Association has arranged for a program similar to the one with My Case. Both are practice management software programs available to Bar Members at a discounted rate.

- Jeannine invited the Board to review the March and April Bar Activity Highlights documents that were distributed with the Board materials.

REGULAR BUSINESS

J. State Update

All

- Lisa Wellman-Ally updated the board on Attorney Casey Miller, who is the participant in the Rural Access Project she initiated. Attorney Miller is practicing in Warner, and is doing well. He is receiving many local referrals, she reports.
- Judge Steve Morrison is retiring.
- Attorney Alfred Catalfo Jr. passed away last week.
- Many long term court staff in Strafford County are leaving their positions.
- Rockingham County Bar Annual meeting will be held May 24th at the Portsmouth County Club.
- The Grafton County Bar will hold its spring meeting on May 18th at the Lyme Inn; many judges will be in attendance. The executive board voted to hold a joint bar meeting with the Coos County Bar.
- The Sullivan County Bar is planning a repeat of its popular boat cruise outing for August or September.
- The NHBA Pro Bono department, led by DOVE Coordinator Pam Dodge, is planning a program on visitation centers and safety to be held June 14th. Judges and directors of the visitation centers will sit on the panel.
- The April 28th 3-1-1 Compliance workshop is half full. Contact Cheryl Moore to register.
- The Cheshire County Bar Association continues to enjoy a renaissance, spearheaded by their monthly 1 hour lunchtime CLE's.
- Former Public Sector Board member Mary Ann Dempsey was given a Distinguished Service Award by the Manchester Bar Association at their annual award dinner on Tuesday, April 19th.
- The Coos County Bar will hold a court staff appreciation day on May 5th in Whitefield.
- There is continuing work by Chris Marshall, Public Sector Governor and others on reviving the Public Sector Section. There will be more discussion at upcoming Board meetings.
- The applications for the Leadership Academy are now up on the Bar Association web site. The deadline for submission is July 15, 2016.
- The Board noted, with great sadness, the passing of Past NHBA President Marilyn B. McNamara.

REGULAR BUSINESS – CONSENT ITEMS

K. Membership status changes for April 2016

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

L. Minutes of the March 3, 2016 Meeting – accepted as presented.

M. Elder Law” Section Name and Description change-

Elder Law Section's proposal to change the name to "Trust and Estate Section" and change the description to:

Trust & Estate Section: Established to deal with all trust and estate issues, including those related to estate planning, trust and estate administration, probate litigation, fiduciary, income and transfer taxes, long term care, disability and special needs planning and charitable organizations. The section meets monthly to discuss these issues and to hear from leading attorneys and other professionals on developments in the law and on issues of importance to section members.

ACTION

On motion to accept the consent items. PASSED. Unanimously.

N. **EXECUTIVE SESSION**

The Board went into executive session at 5:50 p.m.

The Board came out of executive session at 6:10 p.m.

O. **ADJOURNMENT**

The April 21, 2016 Board of Governors meeting adjourned at 6:15 p.m.

Respectfully submitted,

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

NEW HAMPSHIRE BAR ASSOCIATION

Membership Status Changes

Presented to the Board of Governors April 21, 2016

Active to **INACTIVE**

267665 Arnold, Timothy J., Bellingham, WA (effective March 3, 2016) New Admit
267662 Bailey, Tiffany L., Bellingham, WA (effective March 3, 2016) New Admit
6802 Blakeney, Gordon Robertson, Deering, NH (effective March 30, 2016)
16634 Burke, Daniel J., Irvine, CA (effective February 23, 2016)
15324 Foster, Suzanne M., Newfields, NH (effective March 2, 2016)
19575 Onufer, Andrew B., Kingston, NH (effective March 1, 2016)
19498 Samuel, Alex, Concord, NH (effective March 08, 2016)
266286 Temchenko, Ilya, Boston, MA (effective March 28, 2016)
21116 Wood, Tannis L., Amherst, NH (effective March 28, 2016)

Active to **INACTIVE RETIRED**

454 Clougherty, Michael B., Manchester, NH (effective April 1, 2016)
788 Fender, James E., Madbury, NH (effective March 28, 2016)
6886 Regan, Mark J., Lowell, MA (effective March 1, 2016)
2480 Sullivan, Kathleen N., Manchester, NH (effective March 1, 2016)

Active to **RESIGNED**

1236 Immen, David W., Concord, NH (effective April 1, 2016)

Active to **FULL TIME JUDICIAL**

8136 Chabot, Kimberly A., Henniker, NH (effective March 22, 2016)

Active to **DECEASED**

9974 Crandlemire, Donald C., Concord, NH (effective March 5, 2016)
1718 McNamara, Marilyn Billings, Concord, NH (effective April 10, 2016)

Inactive to **ACTIVE**

18476 Brick, Margaret M., Manchester, NH (effective March 16, 2016)
4866 Dexter, Paul B., Chester, VT (effective March 21, 2016)
267639 Keagle, David C., Bismark, ND (effective March 1, 2016)
16881 Stephen, Jason C., Half Moon Bay, CA (effective April 11, 2016)

Inactive to **MILITARY INACTIVE**

18614 Dargon, Drake D., Westfield, MA (effective March 21, 2016)

Inactive to **INACTIVE RETIRED**

19324 Cooper, Douglas J., Andover, MA (effective April 4, 2016)
1357 Kerr, Thomas E., Pittsburgh, PA (effective April 1, 2016)

Inactive to **RESIGNED**

13801 O'Neil, Richard P., Marblehead, MA (effective April 12, 2016)

Inactive to **DECEASED**

11873 Rossetti, Armand J., Andover, MA (effective September 20, 2015)

Honorary Inactive to **DECEASED**

1392 Kozlowski, Lucille, Nashua, NH (effective August 4, 2014)

Honorary Inactive to **DECEASED**

890 Ganem, Philip J., Wolfeboro, NH (effective December 4, 2015)

Inactive Retired to **Pro Bono Active**

1112 Hastings, Honey, Temple, NH (effective April 5, 2016)

Inactive Retired to **DECEASED**

1266 Jensen, Peter E., Hampton Falls, NH (effective March 19, 2016)

Suspended to **ACTIVE**

265752 Hollo, Thomas A., Kalispell, MT (effective March 23, 2016)
20142 Tremblay, Mark S., Frisco, TX (effective February 26, 2016)
17491 Turner, Patricia L., Barrington, NH (effective March 1, 2016)

Suspended to **INACTIVE**

80 Clark, Charles W. Jr., Nashua, NH (effective March 3, 2016)

Suspended to **DECEASED**

1123 Healy, Daniel J., Manchester, NH (effective December 6, 2000)
1537 Weistrop, Harry, Half Moon Bay, CA (effective April 25, 2008)