

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

**MINUTES**

Present for all or part of the meeting were:

Mary E. Tenn	Edward T. Clancy
Peter E. Hutchins	Lanea A. Witkus
Robert R. Howard III	Jennifer L. Parent
Lisa Wellman-Ally	Russell F. Hilliard
John Curran	Kate Mahan
Christopher T. Regan	John D. MacIntosh
J. Christopher Marshall	Jeannine L. McCoy
Suzanne McKenna	Virginia A. Martin
Richard C. Guerriero Jr.	Daniel R. Wise
Ora Schwartzberg	Paula D. Lewis
Catherine Shanelaris	Kristen E. Senz
James Shepard	

A meeting notice reminder was emailed January 15<sup>th</sup>. An agenda and related materials were distributed January 15<sup>th</sup> and 18<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 January 21, 2016 Board of Governors meeting was called to order at 4:08 p.m. by President Mary Tenn. Kate Mahan was welcomed as the appointed Association Young Lawyer ABA Delegate.

**PRESENTATION/DISCUSSION/ACTION ITEMS**

B. Legislation Committee

John MacIntosh presented to the Board the bills on which the NHBA Legislation Committee has recommended the Association take a position. The committee reviewed about eighty bills over five days and about fifteen total hours. He explained that the committee recommends support for two bills and opposition of twelve bills. The committee recommends an “information – negative” position, “information – positive” position or “information” (neutral) on a number of other bills.

Guided by standards set by the *Chapman* and *Keller* decisions, the Board reviewed the following recommendations:

The two bills put forth by the committee with a recommendation for support were HB 1280, which deals with grounds for modifying parental rights, and SB 464, the establishment of a statewide drug court office and associated provisions.

### **ACTION**

On motion to accept the Legislation Committee's recommendation to **support** two bills pending in the NH Legislature, HB 1280 and SB 464. PASSED. Unanimously.

MacIntosh went through the list of the twelve bills recommended for Association opposition. There was some discussion about the filers and sponsors of the bills and explanations as to the committee's reasoning.

### **ACTION**

On motion to accept the Legislation Committee's recommendation to **oppose** twelve bills pending in the NH Legislature, HB1166, HB1297, HB 1333, HB 1434, HB 1481, HB 1522, HB1607, HB 1677, CACR13, CACR15, HR18, and CACR 26. PASSED. Unanimously.

There was some discussion on SB 474, relative to the administration of small estates. John talked about some of the reasons why the Legislation Committee recommended an "info – positive" position on the bill. Rob Howard discussed some of the practical implications.

### **ACTION**

On a motion the Board take an **information-neutral** position on SB 474. PASSED. 1 no vote.

MacIntosh talked about the bills on which the Legislation Committee recommended the Association take an "info-negative" position. The NHBA Real Property Section took a strong negative stance on SB 327, relative to a commission to study land title registries, via a memo written by Section Chair Tim Boucher, according to MacIntosh. The Board previously has encouraged NHBA sections to become more involved in the legislative process and they have done so here.

### **ACTION**

On a motion that the Board accept the Legislation Committee's recommendation to take an "**info-negative**" position on SB 327. PASSED. Unanimously.

MacIntosh explained that HB 1236, on which the Legislation Committee recommended taking an information negative position, is relative to hearings on modifications of parental rights and responsibilities. The bill would eliminate the hearings, which a Board member pointed out are generally not held anyway.

### **ACTION**

On a motion that the Board accept the Legislation Committee's recommendation to take an **information negative** position on HB1236. PASSED. Unanimously.

### ACTION

On a motion that the Board accept the Legislation Committee's recommendation to take an **info negative** positions on CACR 14, CACR 16, HB 1115, HB 1150, HB 1168, HB 1250, HB 1277, HB 1296, HB 1350, HB 1575 and HJR 4. Passed. Unanimously.

### ACTION

On a motion that the Board accept the Legislation Committee's recommendation to take an **information neutral** position on HB 1109, HB 1196, HB 1204, HB 1248, HB 1249, HB 1259, HB 1276, HB 1279, HB 1281, HB 1327, HB 1361, HB 1471, HB 1494, HB 1504, HB 1513, HB 1577. PASSED. Unanimously.

#### C. Proposed Amendments to the Constitution and Bylaws Jeannine McCoy

Jeannine McCoy explained that proposed amendments to the NHBA Constitution and Bylaws are proposed as part of the consolidation of the deadlines for the steps members must take for annual license renewal. The proposed amendments eliminate the six-month administrative suspension process for non-payment of dues. Previously such "administrative suspensions" were reported to the Court but did not become ordered by Court until the end of the six month period. Under consolidation, suspension for non-payment of dues and/or court fees will be by the Court. Because suspension will emanate from the Court, rather than the Association, the Association does not need to notify member by certified mail (which is costly, time consuming, and routinely not picked up). Other proposed amendments reflect that suspension will be ordered, and lifted, by the Court. Membership dues and court fees will still be due July 1, along with other Court rule licensure requirements. There will be a grace period, two late fee warnings, and then an opportunity to explain noncompliance in person before the NH Supreme Court.

Mary Tenn spoke about the court and the Association working to standardize the various license renewal obligations as a service to members. Lanea Witkus said she had heard complaints about the \$10 NHMCLE fee, which is a court assessment and will now be included on the Court fee bill. Russell Hilliard said the assessment was necessary to support the NHMCLE system due to declining revenue from fines and program sponsors.

Questions were raised regarding the standard for relief in Constitution, Article II, Section 7 and Bylaws, Article II, Section 6. It was suggested that the 'standards' language remain unamended, as in both cases the Board has the ability to limit the granting of extensions of the time period in which members may ask for a status change or dues waiver.

### ACTION

On motion to accept the proposed amendments to the NHBA Constitution and Bylaws as presented, with the following changes: the original language regarding the standard by which the Board of Governors may grant a dues or deadline waiver or abatement in Article II Section 7 of the Constitution and Article II Section 6 of the Bylaws remain as is. PASSED. Unanimously.

D. Circuit Court Notice re: Security Policy

Chris Regan reported that, once again, courts will be encourage to utilize the Association-issued member I.D. card in an expedited security screening process. He noted the challenge presented by differing authorities responsible for court security.

E. Financial Report

Treasurer Peter Hutchins gave an update on the Association's financials. He displayed charts showing the Association's highly favorable efficiency and performance ratios, as compared with industry benchmarks and real performance of similar entities. He said the Association is \$135,000 ahead of budget projections for the first half of the fiscal year.

F. President's Report

Mary discussed a request from Rep. Rowe for a presentation to the NH House Judiciary Committee about the Association and its functions. She told Board members that the member survey went out to a sample of the membership and initial response was good. There was a discussion about sign-ups for Midyear Meeting and a need to highlight the very affordable price for a full day of CLE and the honors and awards luncheon.

G. Executive Director's Report

Jeannine McCoy recapped the successful Pro Bono Hockey Game fundraiser and showed the Board the promotional campaign that has been completed for the Midyear Meeting. She further discussed the Association's progress in working with the court on consolidating compliance deadlines for members. She also reported the selection of the Atom Group to work on the previously approved redevelopment of the Bar's website. There will be a special business meeting in mid-March to vote on the proposed amendments to the Association's constitution and bylaws.

H. Recommendation from the Committee on Cooperation with the Courts/Bench-Bar Conference

Jennifer Parent provided a brief update to the Board about the ongoing work of the Committee on Cooperation with the Courts to update the NHBA Professionalism Creed and the Litigation Guidelines. The committee recommended keeping the Professionalism Creed virtually unchanged, with only the addition of the word "parties" to highlight inclusion of self-represented parties in the system. The original drafters of the Professionalism Creed were complimented on wording that is still relevant and complete.

**ACTION**

On motion to accept the recommendation of the Committee on Cooperation with the Courts to adopt the Professionalism Creed with the addition of the word "parties". PASSED. Unanimously.

## **REGULAR BUSINESS – CONSENT ITEMS**

Membership status changes for January 2016

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

J. Minutes of the Dec. 3, 2015 Meeting

The Board approved the minutes of the Dec. 3, 2015 meeting with revisions to streamline the discussion of Judge Howard's remarks.

### **ACTION**

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

K. ABA House of Delegates Proposed Resolution (#105 Feb. 2016)

Mary Tenn  
Russ Hilliard  
Jennifer Parent

Russ Hilliard discussed the proposed ABA Resolution 105 relative to model regulations for non-traditional legal service providers. The matter will be voted on at the upcoming ABA meeting in California on Feb. 8.

The state bars have been asked to consider supporting the resolution. There was a discussion about the perception that supporting the measure meant the Board was supportive of concept of non-traditional legal service providers. Board members said they did not yet have enough information to take a position.

### **ACTION**

On a motion to postpone consideration of the Association's input on model regulations at least until after the NHBA Midyear Meeting on March 4, which will examine related issues. PASSED. (2 nay votes).

## **REGULAR BUSINESS**

L. State Update

There is a retirement party for Judge Cassavechia scheduled for 3-5 p.m. February 23 at the Strafford County complex in Dover.

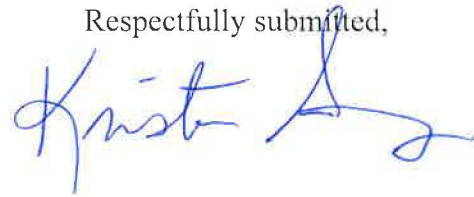
Concerns were expressed about the Felonies First legislation that has now been implemented in Strafford and Cheshire counties. It was noted that a silver lining with Felonies First is the consistently timely filings of police complaints.

250 people have already signed up for the Bar's Midyear Meeting.

**ADJOURNMENT**

The January 21, 2016 Board of Governors meeting adjourned at 6:00 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kristen E. Senz", with a stylized flourish at the end.

Kristen E. Senz, for  
Robert R. Howard III, Secretary

## PROPOSED AMENDMENTS - CONSTITUTION OF THE NEW HAMPSHIRE BAR ASSOCIATION

### ARTICLE II – Membership (Sections 6, 7):

Section 6. If the membership dues or any court/mandatory fees collected by NHBA of any member for any year are not paid when due or in compliance with any policies set by the Board of Governors, that member shall be assessed a delinquency penalty as set periodically by the Board of Governors and the Association shall thereupon give written notice by first class mail, electronically, or any technologies that can accomplish the same result, to such member who is in arrears advising that member thereof and of the provisions of this Section.

If the arrears in dues are not paid by the last day of the fourth month following such mailing by the Association of its dues invoice for that year, *the Association shall notify the lawyer by written notice by first class mail, electronically, or any technologies that can accomplish the same result, that it will seek an order of New Hampshire Supreme Court suspending the lawyer from the practice of law* the membership of such person shall be suspended administratively, subject, however, to the provisions of Section 7 of this Article.

No person whose membership is so suspended shall be entitled to practice law in this State or exercise or receive any of the privileges of membership during such suspension

~~The administrative suspension notice shall be sent to the member by registered or certified mail, return receipt. Whenever a member so suspended for non-payment of membership dues makes full payment of the arrears, and in addition a sum as set periodically by the Board of Governors as a charge for reinstatement, that person shall automatically be reinstated as a member.~~ *the Association shall notify that person and the Supreme Court that the amounts in arrears have been paid, and that person may then make a motion to the Supreme Court for reinstatement.* The full amount of annual membership dues for the year in which reinstatement takes place shall be paid, regardless of the number of months suspension was in effect during that year. ~~The Association shall notify such member and also the Clerk of the Supreme Court, of any suspension or reinstatement, and shall keep a record thereof. No person whose membership is so suspended shall be entitled to practice law in this State or exercise or receive any of the privileges of membership during such suspension. If suspended by Supreme Court Order, reinstatement of a suspended member shall not be deemed as authorizing such member to practice law in the State of New Hampshire until dues and fees in arrears are paid in full or as agreed upon.~~

Section 7. The Board of Governors may in any case in which to do otherwise would result in hardship or injustice, ~~permit the retroactive enrollment of members, abate dues in whole or in part, and waive penalties for delinquency in the payment of membership dues, but such action shall not be deemed as readmission to the practice of law in New Hampshire~~ *provided the request is made within sixty (60) days of the membership dues billing.*

### ARTICLE III - Meetings of the Association

Section 3. Written notices of any regular or special meeting of the Association shall *be printed in the New Hampshire Bar News and/or* mailed by first class mail, ~~second class periodicals rate mail, third class postage prepaid standard mail~~, electronically, or any technologies that can accomplish the same result as technologies specifically listed in this section at least fifteen (15) days prior to the date of such meeting, and the notice shall specify the purpose of the meeting. The Association shall include in such notice as a purpose of the meeting any matter requested by petition signed in the manner specified in the preceding section.

## **PROPOSED AMENDMENTS - BY-LAWS OF THE NEW HAMPSHIRE BAR ASSOCIATION**

### **ARTICLE II - Membership Dues (sections 6 & 8)**

Section 6. Inactive and Inactive Retired Members. To be eligible for this membership fee category *and pay the correlating dues and fees*, a request to change to Inactive membership status must be made within ~~thirty (30)~~ *sixty (60)* days of the membership dues billing. The Board of Governors may waive this ~~30 day~~ *60 day* deadline for good cause shown.

### **ARTICLE VII - Receipt and Disbursement of Funds**

Section 1. Receipt. Funds received by the Association shall be deposited in such depositories as the Board of Governors may designate.

~~The Association shall report on the first day of November in each year, the names of members then delinquent in payment of dues; and shall further report payments thereafter received from such delinquent members.~~



# **The New Hampshire Lawyer Professionalism Creed**

Revised & Adopted by the New Hampshire Board of Governors on January 21, 2016

New Hampshire lawyers are the custodians of the "rule of law," responsible for the maintenance and improvement of just and efficient legal institutions. In addition to the obligation to adhere to the Rules of Professional Conduct, they must be honest, competent, civil and ethical in providing prompt, cost-effective and independent counsel to their clients. As such, New Hampshire lawyers aspire to the following:

**FIRST**, a New Hampshire lawyer strives to improve the profession and promote the democratic rule of law. A New Hampshire lawyer:

- embraces the profession as a higher calling;
- promotes the integrity of the legal profession;
- is aware of his or her responsibility to the system of justice as an officer of the court and is an integral part of the administration of justice;
- works to improve and strengthen the profession through mentoring, teaching and other public service activities.

**SECOND**, a New Hampshire lawyer is competent in the area of his or her own practice, but is also sufficiently knowledgeable in other areas of practice to be able to assist clients in obtaining appropriate representation in those areas. A New Hampshire lawyer:

- is learned in the law;
- possesses the appropriate amount of knowledge, skill and expertise to competently represent the client;
- offers the client thoughtful, lawful and practical advice;
- is committed to providing cost-effective, efficient legal services;
- is willing to refer the client to other competent counsel, when necessary.

**THIRD**, a New Hampshire lawyer is civil. Civility and self-discipline prevent lawsuits from turning into combat and keep organized society from falling apart. A New Hampshire lawyer:

- behaves in a courteous, decent and disciplined manner, and counsels clients to do likewise;
- displays respect for clients, judges, court staff, opposing counsel and all participants in the process, including parties;
- behaves with humility rather than arrogance;
- understands differing viewpoints and has empathy for others.

**FOURTH**, a New Hampshire lawyer is reliable, responsible and committed. A New Hampshire lawyer:

- cares deeply about both the interests of the client and of the legal system;
- keeps promises, because one's word is one's bond;
- tempers zealotry on behalf of the client with his or her role and responsibility as an officer of the court.

**FIFTH**, a New Hampshire lawyer is honest and forthright. Lack of candor impedes justice and degrades the profession, and lying has no place in the practice of law. A New Hampshire lawyer:

- displays candor with the client, the court and all others;
- does not mislead the client, the court or others.

**SIXTH**, a New Hampshire lawyer exercises independent critical judgment, and is willing to accept responsibility for his or her actions, decisions or counsel. A New Hampshire lawyer:

- exercises common sense and independent judgment;
- is not a mere technician or hired gun, but a wise counselor;
- endeavors to solve problems rather than merely winning;
- knows when it is time to take a stand and when it is time to compromise;
- considers the broader societal implications of his or her actions;
- is willing to challenge the client's wishes or motives when such wishes or motives are not in the best interest of the client or are detrimental to the administration of justice.

**SEVENTH**, a New Hampshire lawyer has a social conscience and is dedicated to serve the public and society. A New Hampshire lawyer is willing to take up an unpopular cause or to engage in pro bono work, even when it is unpleasant or costly. A New Hampshire lawyer:

- serves his or her community as a volunteer leader;
- sees the practice of law first and foremost as a profession, and secondarily as a business;
- recognizes and resists business pressures which interfere with sound professional judgment;
- provides or supports legal services to those in need, at no cost or reduced cost.

**NEW HAMPSHIRE BAR ASSOCIATION**  
**Membership Status Changes**  
Presented to the Board of Governors January 21, 2016

Active to **INACTIVE**

267712 Ambra, Erica L., Portsmouth, NH (effective December 3, 2015) New Admit  
266200 Ballon, Marliese E., New Bedford, MA (effective December 9, 2015)  
267615 Belli, Thomas, New York, NY (effective November 19, 2015) New Admit  
20062 Berardo, Justin D., Trenton, NJ (effective December 2, 2015)  
19745 Bogran-Acosta, Alida, Medford, MA (effective December 1, 2015)  
267634 Bowker, Olympia A., Cambridge, MA (effective November 19, 2015) New Admit  
18476 Brick, Margaret M., Goffstown, NH (effective November 30, 2015)  
267644 Campinell, Michael S., Cambridge, MA (effective November 19, 2015) New Admit  
267692 Caruso, Ashley A., N. Billerica, MA (effective November 19, 2015) New Admit  
267632 Desai, Priyanka U., Concord, NH (effective November 19, 2015) New Admit  
17451 Fabrizio, Lynn H., Montpelier, VT (effective December 22, 2015)  
267606 Gaddis, Arwen K., Dillingham, AK (effective November 19, 2015) New Admit  
267639 Keagle, David C., Lebanon, NH (effective November 19, 2015) New Admit  
21178 Kraft, Amy H., Brookline, MA (effective December 30, 2015)  
67516 MacLeod, Jason D., Hanover, NH (effective November 19, 2015)  
266224 Moore, Nara E., Sharon, VT (effective December 17, 2015)  
267601 Powers, Liam J., Mendon, MA (effective November 19, 2015) New Admit  
67621 Seitz, Elizabeth K., Lynbrook, NY (effective November 19, 2015) New Admit  
267649 Strebler, Noah R., Richmond, VA (effective November 19, 2015) New Admit  
265180 Taylor, Scott R., Brookline, MA (effective January 4, 2016)

Active to **INACTIVE RETIRED**

1816 Moyers, Michael C., Bluffton, SC (effective January 1, 2016)

Honorary Active to **HONORARY INACTIVE**

917 Geiger, Maurice D., North Conway, NH (effective December 21, 2015)

Active to **RESIGNED**

14229 Strouse, Stephanie N., Portland, ME (effective December 31, 2015)  
18369 Williams, Ryan M., Albany, NY (effective January 1, 2016)

Active to **PART TIME JUDICIAL**

1613 Maloney, Barbara A.M., Auburn, NH (effective December 22, 2015)

Inactive to **ACTIVE**

265305 Broderick, Francesca E., Concord, NH (effective December 2, 2015)  
265677 Koulet, Laura G., Portsmouth, NH (effective December 1, 2015)

13085 Perlow, Glenn A., Bow, NH (effective January 5, 2016)  
20809 Reeve, Kimberly M., Belmont, NH (effective December 2, 2015)  
19661 Skouteris, Kathryn E., Concord, NH (effective January 1, 2016)  
266267 Subach, Serge, Boston, MA (effective December 15, 2015)  
18874 Williams, Michael K., Dedham, MA (effective December 15, 2015)

Inactive to **INACTIVE RETIRED**

2045 Pollock, Peter M., Palo Alto, CA (effective January 1, 2016)

Inactive to **RESIGNED**

18872 Sullivan, Ellen H., Delray Beach, FL (effective December 17, 2015)

Honorary Inactive to **DECEASED**

2766 Winston, James M., Manchester, NH (effective November 28, 2015)

Inactive Retired to **DECEASED**

1268 Johnson, Bruce K., Laconia, NH (effective December 10, 2015)

Suspended to **ACTIVE**

556 Caputo, Joseph A., Londonderry, NH (effective December 2, 2015)  
265752 Hollo, Thomas A., Kalispell, MT (effective December 22, 2015)  
265350 Hamory, Lucas J., Norwell, MA (effective November 20, 2015)  
15603 Morse, MaryEllen W., Portsmouth, NH (effective December 10, 2015)

Suspended to **INACTIVE**

250 Cornelio, Charles C., Concord, NH (effective December 3, 2015)  
20374 Gilchrist, Kelly A., Manchester, NH (effective November 30, 2015)  
1998 Kuperman, Frances P., Havre De Grace, MD (effective November 30, 2015)  
4094 McCarty, Marie L., Fritz Creek, AK (effective December 29, 2015)  
18872 Sullivan, Ellen H., Delray Beach, FL (effective December 9, 2015)  
2045 Pollock, Peter M., Palo Alto, CA (effective December 15, 2015)  
17751 Rose, Natalie, Worcester, MA (effective December 3, 2015)

Suspended to **INACTIVE RETIRED**

14873 Bolewski, Erich H., Ashuelot, NH (effective January 6, 2016)  
1227 Hurley, William J., Wolfeboro, NH (effective December 3, 2015)

**Correction:** In the December Status Report Geoffrey M. Dowd # 16167 was incorrectly reported as reinstating from Suspended to Inactive effective November 10, 2015. He was reinstated to Active status.