

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
June 16, 2016  
Sheraton Harborside – Portsmouth, NH  
5:00 p.m.

**MINUTES**

Present for all or part of the meeting were:

Mary E. Tenn	Edward T. Clancy
Peter E. Hutchins	Lanea A. Witkus
Lisa Wellman-Ally	Jennifer L. Parent
John A. Curran	Russell H. Hilliard
Edward D. Philpot, Jr.	Jeannine L. McCoy
Jonathan M. Eck	Denice DeStefano
Christopher T. Regan	Joanne Hinnendael
Paul W. Chant	Virginia A. Martin
Christopher Marshall	Daniel R. Wise
Dani Y. Vanderzanden	Paula D. Lewis
Dennis L. Morgan	Deborah J. Hawkins
David W. McGrath	Kristen E. Senz
Catherine E. Shanelaris	Gordon MacDonald
James A. Shepard	Richard Y. Uchida
Patrick T. O'Day	

A meeting notice reminder was emailed June 3<sup>rd</sup>. An agenda and related materials were distributed June 9<sup>th</sup> and 13<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 June 16, 2016 Board of Governors meeting was called to order at 5:10 p.m. by President Mary Tenn.

**PRESENTATION / DISCUSSION / ACTION ITEMS**

B. Access to Justice Commission Report

President Mary Tenn welcomed Richard Uchida and Gordon MacDonald, members of the Access to Justice Commission's Executive Committee. They were invited to this Board meeting to share the draft recommendations and implementation timetable (circulated in advance of this meeting) that are being developed by the Commission to increase full and meaningful access to justice in this state for every citizen. Attorneys Uchida and MacDonald are interested in gathering reaction and feedback from the NHBA Board of Governors prior to presentation at the full Commission meeting on July 14.

They discussed goals of coordinating resources, and not creating inefficiencies or duplication of services. Attorney Uchida noted that they understand this is an ambitious timeline and the intention is to proceed a step at a time. He added that there is no structure yet, and the Commission doesn't have all the answers. The Board discussed some of the proposed initiatives.

President Tenn shared her impressions of the last meeting. The Commission is looking at "low hanging fruit" as a starting point. She suggests the Commission identify one 'big' thing. She sees this as an opportunity for New Hampshire to take the lead nationally on these issues. A partnership between the courts and the NHBA can assist these initiatives.

Attorneys Uchida and MacDonald invited Board members to attend the next Commission meeting on Thursday, July 14<sup>th</sup> at 4:00 p.m. at the Federal Courthouse, in Room 2.

#### C. Leadership Academy Recruitment

Founding co-chair, current steering committee member, and past Bar Association President Richard Uchida spoke about encouraging applicants to the 2016-2017 Leadership Academy. Deadline for applications is July 15, 2016. Attorney Uchida urged all Board members to think about referring those that have been in practice between three and ten years to the program. He would be happy to contact potential candidates; call or email him if you have someone in mind.

Founding co-chair and past Bar Association president Jennifer Parent spoke about the history of the program and its place as a critical tool to get younger lawyers involved in the Bar Association. She highlighted its role in creating long-lasting relationships that strengthen both the Bar Association and the legal profession.

#### D. NHBA Legal Services

- Virtual Pro Bono

Virtual Pro Bono is an ABA program modeled after Tennessee's Program. The TN Virtual Pro Bono site was viewed by the Board. About 40 states have signed on so far to the ABA's Virtual Pro Bono program. The Pro Bono Board has voted to adopt the Virtual Pro Bono model. It was also noted that this type of program meets one of the stated goals in the Access to Justice Commission recommendations.

The question in NH is whether Rule 6.5 covers participation by NH lawyers in this type of program; there are differing opinions on whether it does or not.

Questions arose concerning Rule 6.5, costs to run this program (ABA is not charging for the program; NHBA staff would be coordinating), whether malpractice insurance would cover this type of legal advice, how it would be structured, etc.

A motion to approve, in concept, was made, seconded and after brief discussion withdrawn.

#### **ACTION**

On motion to table, with a strong statement of support, pending resolution of the concerns raised. PASSED. Unanimously. (1 abstention – Shanelaris)

Virtual Pro Bono will be brought back to the Board for action once answers have been obtained that address the concerns raised.

- Reappoints to Pro Bono Board, each for a 3-year term: all were approved for re-appointment for 3-year terms.
  - Catherine E. Shanelaris
  - Brian C. Shaughnessy
  - Heather M. Tacconi
  - Jeremy T. Walker

- Pro Bono You Tube Playlist

Was shown to those present. The videos are being used for marketing, recruitment, etc.

#### E. Treasurer's Report

Treasurer Peter Hutchins reviewed revenue, expense and contribution for 11 months ended April 30, 2016 vs. 11 months ended April 30, 2015. He reviewed the same figures for FY 2016 broken down by quarter. He also gave an update of the Annual Member Licensure Renewal as of June 15, 2016.

- NHBA Dues & NHSC Fees – 2,456 payments made to date
- Trust Account Compliance (TAC) filings - 1,817; members compliant – 3,950
- NHMCLE affidavit filings – 1,239 ; members compliant – 3,929
- 3-1-1 complete – 1,518

#### F. Dues Waiver Appeal

Dues Waiver Subcommittee member Jim Shepard gave the Board background on this request.

#### **ACTION**

On motion to support the dues waiver subcommittee's denial of the waiver. PASSED. Unanimously.

#### G. Recommendation re: publishing Draft Criminal Jury Instructions

Executive Director Jeannine McCoy explained Richard Guerriero's recommendations on this issue. The Association will implement Richard's recommendation and add him recommended disclaimer language to the web posting of the draft instructions.

#### H. Revision to SOLACE Program

Executive Director Jeannine McCoy discussed the proposed revision to the program, which will allow for sharing of information about donations to already established funds held by financial institutions or organizations.

#### **ACTION**

On motion to approve the proposed revision. PASSED. Unanimously.

## I. President's Report

- Dues Waiver Subcommittee - new members

This committee is still in need of two members to replace outgoing members Ted Clancy and Lanea Witkus. Governor-at-Large Paul Chant, and Public Sector Governor Chris Marshall volunteered.

- Expediting Access through Court Security

President Tenn turned the floor over to Governor-at-Large Chris Regan, who led the discussion on this issue. After some dialog, the Board agreed that Bar Association could be involved in working with the courts on improving the system of access through court security. Chris asked for volunteers to work with him. Mary agreed to work with him. If others are interested, let Chris or Mary know.

It was suggested by Paul Chant that we hold this topic for part of the August orientation agenda, where part of the planned agenda is to look at how the Board can be more effective.

## J. President-Elect Report

Dan Wise, Director of Communications gave an update on the work with Scott Harris, President-Elect and Kristen Senz, Bar News Editor to develop a schedule of Board members willing to write for the Bar News. Since this is an unusual leadership year, with no Bar President to write the President's column, Board members will take turns writing. There has been an outline of monthly topics developed. Please contact Kristen Senz or Dan Wise via email to volunteer. Cathy Shanelaris, Hillsborough South County Governor volunteered.

## K. Executive Director's Report

- Compliance Consolidation Update

This process is going well. Staff members are assisting Association members with the process. Jeannine highlighted the tremendous undertaking to work through this project. IT, Finance and CLE/NHMCLE have done yeoman's work.

- Member Survey – next steps – June 21<sup>st</sup> meeting with Committee & Section Chairs

This will be held at 5:00 p.m. in the LL CLE Conference Center with a light dinner served. It is a reprise of the May 4<sup>th</sup> survey work session with Stacey Smith of Jackson, Jackson and Wagner. We have had a great response from Section and committee leadership. This will be a great start to integrating the sections and committees with the Board of Governors. The session will be record for viewing by those who cannot attend.

- Board Orientation - August 18, 2016, Sheraton Portsmouth

There are a number of things planned for the agenda. It will be a time to step back, and look at the Association's governance, best practices, and how the staff and volunteer leadership will operate together. The Board will be looking at feedback received from the section and committee leadership, and working on how to use the survey results to plan the year ahead. President-Elect Scott Harris wants the Association to be deliberate about outcome measures. There will also be a preview of the new website.

▪ Activity Update

Jeannine called attention to the successful Bench Bar Meet and Greet held after Practical Skills on July 8<sup>th</sup>. She thanked Board Secretary Rob Howard for his inspirational remarks. She also announced that longtime Sections Coordinator, Patty Frechette is leaving the Bar after 20 years, to take a position closer to home. Jeannine is pleased to announce that executive staff support person, Deb Bridges will be taking her place.

L. Bar Foundation Fellows Reception

Jennifer Parent reported on this successful event, held at the Currier Museum of Art in Manchester. There were 120 people in attendance. The Foundation welcomed 36 new Fellows to the existing group of 300. To become a Fellow, one must accept an invitation and commit to donating \$2000 over 10 years; to date \$16,000 has been raised. Judge Arthur Bean was recognized with a Bar Foundation Fellows Award, and Attorney Jack Middleton received the inaugural Nixon-Zachos award.

**REGULAR BUSINESS**

M. State Update

- Mary Tenn echoed kudos to the Bar staff for the 3-1-1 initiative.
- Ginny Martin shared that there was a visit of a delegation of lawyers from the country of Georgia on June 1<sup>st</sup>.
- Chris Regan reported the Strafford County Bar will have its spring meeting on June 23<sup>rd</sup>. Guests will be Paula Lewis and Jo Hinnendael who will present the 3-1-1 process clinic.
- Paula Lewis added that there are also clinics scheduled at the Bar Association. Check with e-bulletin for more information.
- John Curran, Board representative to the NH Supreme Court Advisory Committee on Rules reported on their last meeting. He noted that the detail is available on the advisory committee's web site. There are 4 rules for which they are seeking comment:
  - A rule designed to address concerns raised relating to the process for the use of incarceration as a means of enforcing the collection of fines.
  - A rule that would amend rule of criminal procedure to make discovery automatic in misdemeanor cases.
  - A rule concerning landlord tenant matters.
  - Proposed amendments to the NH rules of evidence that would update them to mirror the federal rules of evidence (this one may be held until the fall.)

**REGULAR BUSINESS – CONSENT ITEMS**

N. Membership Status Changes for June 2016

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

O. Minutes of May 19, 2016 Meeting – accepted as presented.

P. Dues Waiver Recommendations

Q. Re-appointment of Attorney Robert D. Hunt to Board of Manufactured Housing

R. Ethics Committee Opinion #2015-16/5, *Client File Retention*

**ACTION**

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

**OTHER**

S. Board Recognition

President Mary Tenn thanked the Board for their help this year. She also thanked “the delightful and exceptional” staff.

Those leaving the Board of Governors were recognized for their service with a certificate. They are: Suzanne McKenna, Dennis Morgan, Ted Clancy, Lanea Witkus, and Immediate Past President Lisa Wellman-Ally.

**T. ADJOURNMENT**

The June 16, 2016 Board of Governor’s meeting adjourned at 8:25 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 June 16, 2016

### Active to INACTIVE

18903 Baron, Elizabeth N., Stratham, NH (effective May 30, 2016)  
14872 Bisbee, Karol A., Stoneham, MA (effective May 11, 2016)  
16826 Bostock, Seth M., North Hampton, NH (effective May 11, 2016)  
20963 Bull, Nick, Portland, ME (effective May 31, 2016)  
15308 Bunker, Steven P., Franklin, NH (effective May 13, 2016)  
312 Butler, Elizabeth R., Brunswick, ME (effective June 1, 2016)  
19295 Cabrera, Alice M., Bayamon, PR (effective May 12, 2016)  
14181 Cay, Susan B., Brattleboro, VT (effective May 11, 2016)  
266245 Cheng, Hillary S., Nashua, NH (effective June 3, 2016)  
20828 Cota-Robles, Concord, NH (effective May 31, 2016)  
266344 DiBona, Erica M., Boston, MA (effective May 12, 2016)  
6832 Dinneen, Jill, Nashua, NH (effective May 10, 2016)  
762 Eskin, Ronald B., Lowell, MA (effective June 1, 2016)  
7688 Feliciano, Amy M., Londonderry, NH (effective June 2, 2016)  
20434 Feyrer, Emily P., Concord, NH (effective June 2, 2016)  
266847 Greaney, Jennifer E., Boston, MA (effective May 13, 2016)  
12246 Grunert, John A.K., Brookline, MA (effective June 1, 2016)  
15582 Hanly, Joseph E., Boston, MA (effective May 11, 2016)  
14206 Hatfield, Meredith A., Concord, NH (effective May 31, 2016)  
265752 Hollo, Thomas A., Kalispell, MT (effective May 9, 2016)  
9639 Johnson, Jay P., Peabody, MA (effective May 31, 2016)  
11303 Jones, Jennifer R., Concord, NH (effective May 13, 2016)  
16940 Karp, Jeffrey T., Newburyport, MA (effective May 31, 2016)  
1367 Kimball, Gayle, Contoocook, NH (effective May 30, 2016)  
266210 Lieder, Caroline R., Boston, MA (effective May 4, 2016)  
20651 Liggett, Leticia C., Bow, NH (effective May 13, 2016)  
1491 Lipsky, Aaron A., Keene, NH (effective June 1, 2016)  
1508 Lospennato, Ronald K., New Orleans, LA (effective June 1, 2016)  
267641 Marbury, Megan L., Wolfeboro, NH (effective May 12, 2016)  
11323 Marchand, Claire M., Fremont, NH (effective May 31, 2016)  
8211 Meyers, Jeffrey A., Concord, NH (effective June 1, 2016)  
1755 Miller, David A., Bow, NH (effective May 13, 2016)  
12917 Milne, Christopher P., Old Orchard Beach, ME (effective May 10, 2016)  
12930 Patterson Rorie E., Concord, NH (effective June 1, 2016)  
5368 Rallis, Diane N., Worcester, MA (effective May 13, 2016)  
119 Reed, Valerie E., Mountain View, CA (effective May 12, 2016)  
67589 Rosenberg, Nathan A., Astoria, NY (effective May 31, 2016)  
19838 Sabean, Lynne G., Concord, NH (effective May 12, 2016)  
265348 Walker, Shima U., Merrimack, NH (effective May 11, 2016)

266282 Warring, Charles J., Harwood, MD (effective May 31, 2016)  
2756 Wilner, Debra T., Nashua, NH (effective May 13, 2016)

Active to **INACTIVE RETIRED**

470 Baldwin, Carolyn W., Concord, NH (effective May 31, 2016)  
547 Cross, Edward L., Nashua, NH (effective June 1, 2016)  
10014 Kinney, Ruth B., Woodsville, NH (effective June 1, 2016)  
8185 Kotulak, Richard M., Underhill, VT (effective May 9, 2016)  
1474 Levine, Jeffrey B., Derry, NH (effective May 31, 2016)  
19379 Malone, Harry N., Manchester, NH (effective June 1, 2016)  
5566 McLaughlin, Janice L., Laconia, NH (effective May 13, 2016)  
1946 Owers, James E., Concord, NH (effective May 15, 2016)  
2078 Quay, James D., Concord, NH (effective May 23, 2016)  
2098 Randall, Michael R., Rumney, NH (effective May 31, 2016)

Active to **PRO BONO ACTIVE**

19724 Rochlis, Jon A., Gilford, NH (effective May 9, 2016)

Active to **JUDICIAL**

8167 Greenhalgh, Charles L., Albany, NH (effective June 6, 2016)  
8815 Messer, Amy Beth, Manchester, NH (effective June 9, 2016)

Pro Bono Active to **ACTIVE**

18314 Garbarino, Jon D., Amherst, NH (effective May 13, 2016)

Military Active to **RESIGNED**

20716 Flannery, Cole W., Austin, TX (effective May 31, 2016)

Honorary Active to **HONORARY INACTIVE**

516 Beaumont, Urville J., Salem, NH (effective June 1, 2016)

Inactive to **ACTIVE**

21133 Abou-Mitri, Marielle M., Windham, NH (effective May 20, 2016)  
21149 Chaffee, Amanda L., Langdon, NH (effective June 1, 2016)  
10519 Foley, Jennifer L., Goffstown, NH (effective June 1, 2016)  
20377 Jacob, Daniel I., New York, NY (effective May 17, 2016)  
11846 Landwehr, Barbara D., Concord, NH (effective June 1, 2016)  
1498 Lloyd, Robert J., Tuscan, AZ (effective May, 17 2016)  
20996 Norton, Kelly A., Manchester, NH (effective June 1, 2016)  
21213 Sakowski, Scott E., Concord, NH (effective May 31, 2016)  
20243 Sisson, Edward R., Concord, NH (effective May 17, 2016)  
18824 Visentin, Amy J., Blue Hill, ME (effective May 19, 2016)



Inactive to **INACTIVE RETIRED**

12823 Bernard, Paul L., Concord, NH (effective May 31, 2016)  
1294 Kahn, Laura J., Boca Raton, FL (effective June 8, 2016)  
10023 Marron, Laura A., Contoocook, NH (effective May 13, 2016)  
1819 Mugler, Molly Scott., Andover, MA (effective June 2, 2016)  
19884 Schreiner, Kent J., Sherborn, MA (effective June 3, 2016)  
2314 Shaw, Eudora, Newbury, NH (effective June 1, 2016)  
2449 Stewart, Andrew T., Enfield, NH (effective May 12, 2016)  
2523 Taylor, Raymond W., Hampton, NH (effective June 1, 2016)

Inactive to **RESIGNED**

18287 Bell, Colleen J., Washington, DC (effective May 30, 2016)  
6836 Gale, Edwin P., Seminole, FL (effective May 15, 2016)  
20717 Goguen, Sean T., Newburyport, MA (effective June 1, 2016)  
1003 Greenberg, Ruth, Swampscott, MA (effective May 12, 2016)  
1032 Groff, Suzanne E., Charleston, SC (effective June 1, 2016)  
1670 McDonough, Edward R., Wells, ME (effective June 1, 2016)  
11334 More, Linda C., Cary, NC (effective May 13, 2015)  
18681 O'Leary, Roberta J., Fond du Lac, WI (effective May 31, 2016)  
14601 Richards, J. Lizette, Florence, MA (effective June 31, 2016)  
15383 Vitello, Jennifer E., Portland, OR (effective May 31, 2016)  
9401 Wales, Deborah T., Middlebury, VT (effective May 31, 2016)

Inactive to **DECEASED**

14784 Millett, Tanya P., Danvers, MA (effective December 3, 2014)

Full Time Judicial to **INACTIVE RETIRED**

900 Garfunkel, David A., Canterbury, NH (effective May 16, 2016)

Honorary Active to **HONORARY INACTIVE**

744 Ekstrom, Harold E., Concord, NH (effective May 24, 2016)  
2084 Quinlan, Francis X., Jaffrey, NH (effective May 12, 2016)

Honorary Inactive to **DECEASED**

241 Anderson, G. Wells, Concord, NH (effective May 26, 2016)  
1074 Hamlin, Edward B., Lexington, MA (effective February 6, 2016)

Inactive Retired to **RESIGNED**

1019 Griffin, Frederick J., Wilmot, NH (effective June 8, 2016)  
10649 Lyford, Daniel E., Suwanee, GA (effective June 6, 2016)

Suspension to **INACTIVE RETIRED**

2608 Van Dorn, Edward M., Pike, NH (effective May 13, 2016)

G. Recommendation on Draft Criminal Jury Instructions

I think the criminal jury instructions should be kept on the bar web site as long with the caveat on the web site is maintained with some additional language suggested below. I also think the link to the 1985 instructions should remain. I do not see a problem with allow publication of the instructions, as long as the language below is prominently included. Here is what the page currently says:

*The Drafting Committee of the Bar's Task Force on Criminal Jury Instructions has released over 260 pages of draft instructions. The task force continues to meet regularly to review new legislation and case law that may then require new instructions or modifications to existing instructions. The task force endeavors to ensure that these draft instructions are balanced, comprehensible, and accurate statements of law. However, they are a work-in-progress and do not carry the imprimatur of the NH Bar Association. They are intended to serve as model instructions applicable in the spectrum of criminal cases that may arise under New Hampshire law.*

I would add the following language: **Please note that new legislation is adopted and court opinions are issued on an on-going basis. These instructions may not be up to date and may not reflect changes in the law. A user should conduct his or her own research to determine the validity of each instruction. There is no assurance that the instructions are correct, especially considering potential changes in the law. In addition, these instructions have not been formally adopted by any New Hampshire court. In summary, use these instructions as a starting point for research and drafting of your own work product, nothing more.**

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PROPOSED REVISION TO SOLACE PROGRAM  
Submitted for NHBA Board of Governors Approval  
June 16, 2016

Current message:

**SOLACE stands for Support Of Lawyers/Legal Personnel All Concern Encouraged.** Whenever you learn of a lawyer, judge, courthouse or law firm employee or family member who has suffered a loss, illness or injury and has an unmet need, let us know and we will distribute the request through an e-mail to all participating lawyers in the NHBA. It can be a need for clothes due to a fire, a need for blood due to an injury or illness, a need for transportation or lodging during a hospital stay in a city away from home, or any of a myriad of other unique or unusual needs. This will not be a listserv for public service announcements nor will it be a prayer list. It will also not be a cash fundraiser nor an employment recruiting tool. It will be set up only to serve immediate needs that have arisen as a result of a crisis event in a colleague's life.

*Proposed revision* will allow for sharing of information about donations to already established funds held by financial institutions or organizations.

**SOLACE stands for Support Of Lawyers/Legal Personnel All Concern Encouraged.** Whenever you learn of a lawyer, judge, courthouse or law firm employee or family member who has suffered a loss, illness or injury and has an unmet need, let us know and we will distribute the request through an e-mail to all participating lawyers in the NHBA. It can be a need for clothes due to a fire, a need for blood due to an injury or illness, a need for transportation or lodging during a hospital stay in a city away from home, or any of a myriad of other unique or unusual needs. *Requests will be considered on a case-by-case basis, intended to serve immediate needs that have arisen as a result of a crisis event in a colleague's life. SOLACE may allow sharing of information about donations to already established funds held by financial institutions or organizations. SOLACE will not establish or organize cash fundraising, serve as a job board, nor post generic public service announcements or requests for prayers.*