

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, March 3, 2016
Radisson Hotel, Manchester, NH
4:30 p.m.

MINUTES

Present for all or part of the meeting were:

Mary E. Tenn
Scott Harris
Peter E. Hutchins
Robert R. Howard III
Lisa Wellman-Ally
John Curran
Christopher T. Regan
Paul Chant
J. Christopher Marshall
Danielle Y. Vanderzanden
Dennis L. Morgan
Richard C. Guerriero Jr.
Sandra L. Cabrera
Ora Schwartzberg
David W. McGrath
Catherine Shanelaris

James Shepard
Patrick T. O'Day
Edward D. Philpot, Jr.
Edward T. Clancy
Lanea A. Witkus
Jennifer L. Parent
Russell F. Hilliard
Kate Mahan
Jeannine L. McCoy
Denice M. DeStefano
Debbie Hawkins
Joanne M. Hinnendael
Daniel R. Wise
Paula D. Lewis
Kristen E. Senz
Scott Eaton

A meeting notice reminder was emailed February 26th. An agenda and related materials were distributed February 29th. 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

Mary Tenn

President Mary Tenn called the meeting to order at 4:35.

PRESENTATION / DISCUSSION / ACTION ITEMS

B. Approval of Litigation Guidelines Revisions
(emailed to BOG 2/26/16)

Jennifer Parent

Jennifer Parent, Chair of the Committee on Cooperation with the Courts, presented this document. The Committee, with representation from every court as well as a number of practice areas, updated Litigation Guidelines originally adopted in 1999 to incorporate changes in technology, rule changes, as well as

electronically stored info (ESI). The Committee is working on the best way to distribute the guidelines, and how to financially support this distribution.

Possible application of the guidelines, which are not rules, was discussed as they pertain to criminal practice, and it was suggested that the "civil" wording be removed from the title.

ACTION

On Motion that the Litigation Guidelines be adopted, with word "civil" removed from the title and otherwise as presented. Passed. Unanimously.

C. ABA House of Delegates Report

Russ Hilliard
Jennifer Parent
Kate Mahon

Russ Hilliard, ABA State Delegate, reported on the recent ABA Mid Year meeting. He spoke about the discussion and subsequent adoption of Resolution 105, the Model Regulatory Objectives for the Provision of Legal Services (concerning alternative legal service providers). Russ added that similar guidelines were adopted at the National Conference of Chief Justices meeting the week prior to the ABA meeting.

Russ also noted that law students recommended that US Supreme Court oral arguments be videotaped. The justices were against it, but the recommendation passed the ABA House.

There was discussion and recommendation that all states adopt the Uniform Bar Exam. The recommendation passed, as did a related resolution that there be a study to make sure there will be no discriminatory adverse effect.

President Tenn urged the Board members to ask questions at tomorrow's CLE on the topic of Resolution 105.

D. Public Sector Section Discussion

Scott Eaton

Scott Eaton, Chair of the NHBA Public Sector Section gave the Board background about the section. Currently this section has 22 members; 9 of which are lawyers that have been admitted to the Bar in the past year.

He stated problems are meeting attendance, and section member interest and willingness to serve as an officer. Scott said that members don't see a value in attending meetings; and there needs to be leadership to change this attitude. They have talked about using listserv more, sponsoring lunch-time CLE's and other things. Chris Marshall, Public Sector Governor agreed with Scott that they would like to refocus the purpose of the section. They would like to have further discussion with section members and other attorneys, and then if it is felt there is no need for the section, to come back to the Board to ask for it to be dissolved.

Chris shared a concern that still exists among public sector members that their interests are not well represented at the Bar. There are about 900 members who fall under this classification.

Chris Marshall commented that he feels that the NHBA needs the Public Sector Section more than the section needs the Bar. There is some feeling of alienation from the Bar by those lawyers working in the public sector. He asked for ideas from the Board and the Association about how to keep these lawyers connected. He thinks it would be a mistake to dissolve the section and believes it is a valuable forum for

communication. It was noted that if we can come up with ways to engage this group we will be revered around the country, as every Bar struggles with this issue.

President Tenn pointed out that these questions are an example of a “dig deeper” mini survey that could be done to follow our recent member survey.

There was some discussion as to whether the Board should consider reduced or waived public sector section fees. It was decided to put this on the Board agenda for April. Scott Harris agreed to work with Scott Eaton and Chris Marshall on this issue.

E. Finance Committee Audit Firm Recommendation

Peter Hutchins

Peter Hutchins, NHBA Treasurer, described the bidding process. He explained that the committee looked at financial as well as procedural considerations when considering the bidders. The committee is recommending a firm out of Massachusetts, O’Connor and Drew. There was a question about whether the Bar would be charged tax, since they are a firm based in Massachusetts. Paula will look into this and let the Board know.

ACTION

On motion- To approve the recommendation of O’Connor and Drew as external auditor for the next three years, subject to clarification of whether business services tax needs to be paid (since the firm’s primary place of business is in Massachusetts). PASSED. Unanimously.

(Secretary’s Note: Paula Lewis ascertained that the NHBA would not incur a tax on the services of O’Connor and Drew.)

F. Finance 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 \$200,000 ahead of budget projections, mainly due to the timing of some expenses. Capital spending was below budget projections as of January. This is also due to timing, as well as delay of some expenditures until next year. It was also reported that the recent member survey will cost slightly more than the amount that was originally budgeted.

ACTION

On Motion to accept the Treasurer’s report. PASSED. Unanimously.

G. Membership Survey – Initial Indications

Scott Harris
Dan Wise

Vice President Scott Harris noted the survey has been hugely successful; with over 600 responses, the data it has produced is as good as we could possibly have expected. Director of Communications Dan Wise shared his “take-aways”, including that the Bar’s challenge is serving a membership whose needs are broad. The survey showed a lot of the priority continues to be CLE, but defined more broadly than the current offerings. Members are looking for career planning and help with transition as well as professional development. The Bar needs to look at what services are currently being provided, as well as needs that are not currently being addressed. Other observations include:

- Strong response indicates that many members see the Bar Association as valuable; the nature of their responses indicate that the Association needs to do a better job of adapting to their needs, which are diverse.
- Responses present a wide range of ideas and suggestions – a lot of them involve continuing legal information and information—going beyond substantive law into issues of career planning and transition.
- There is a recognition that the profession is changing. 20 percent of members – from both the under 50 and the over 50 groups – expect to leave the profession in 10 years.
- Overall, members need, and want, more for less...leaders will be dealing with these conflicting signals. The survey pros point out this is always indicated, and that the take away is a critical need to deliver recognized value.
- There is a HUGE range of need in our unified organization. We need to continue to develop ways for members to self-select and access what they, individually, need – not always to be *provided* by us.

President Tenn stated the results reflect that the focus put into the developing the survey has paid off. This will give us good data to use as future decisions are made about the direction(s) in which to move.

While Jackson, Jackson and Wagner survey team continues their analysis, the initial results will be distributed for Board review and continuing discussion. A work session will be scheduled for all interested Board members with JJW. The plan is to make the data work for us over the next one to five years.

H. President's Report

Mary Tenn

- Resignation of President-Elect David Ruoff - Mary noted President-Elect David Ruoff submitted a letter of resignation from the Board of Governors. This leaves a vacancy in the Board leadership. The officers of the Board of Governors intend to let the President-Elect vacancy remain, and cover the duties between them for the next few months. At the June meeting Scott will become President-Elect, and the office of the President of the Bar will remain vacant, with Scott fulfilling the duties of the President, as called for in the NHBA Constitution. The officers will rely on the Board to share the load. The officers think they have a good plan to continue the work in place. Peter Hutchins will chair the Finance Committee. Mary will continue to sit on the NHMCLE Board, and officers will ask Board members to fulfill some other duties.
- BOG Election Slate

Mary reviewed candidates for the upcoming election.

I. Executive Director's Report

Jeannine McCoy

- John Jay Crime Reporting Fellowship Award
Dan reported on Kristen Senz's receipt of this selective fellowship. Kudos to Kristen who took the initiative and applied for the opportunity. As part of the fellowship follow-up, she will work on a reporting project for Bar News about the impact of opioid addiction on certain populations.
- National Association of Bar Execs/National Conference of Bar Presidents Midyear Meeting points of interest

Jeannine shared the follow items that were discussed at the meeting.

- How the legal practice is changing
- An association is about professionals coming together to advance their profession and society, not just the focus on customer service
- Associations are the only place to address the changes coming in an orderly and timely fashion
- Cognitive decline as the profession ages and how associations are focusing on helping lawyers with this issue
- Presentation on how our brains are wired for unintended bias
- Unification challenges are back; the Chapman decision has kept us from trouble that other unified bars have gotten into

Jeannine also shared that she continues her work with the ABA Standing Committee for Division of Bar Services. As noted in the past, it is an honor for New Hampshire to have representation on this committee; she is the only non-lawyer currently serving.

- This year's midyear meeting is tremendous; a record-breaking meeting for the Association, thanks to President Mary Tenn's vision. She also gave a shout-out to Cheryl Moore, registrar. She started a wait-list and personally coordinated with people when we created an overflow room. Jeannine is proud of other staff as well. She noted Bar leaders from other New England states and Boston will be in attendance.
- Compliance Deadline Consolidation
 - Informational Efforts
 - April 7th Workshop
 - Practical Impact

Jeannine gave the Board an update on this work with the Supreme Court. It was a tremendous amount of work to re-engineer these processes. The Bar staff has developed an online reporting tool for Trust Account Compliance, which will be unveiled in time for this summer's filing. We have also been working with the Court on rule changes that are required to implement the new process. Work to inform members of the changes has been started. There will be an April 7th workshop on the new process, where a lot of information will be shared. The new process is being called 311- three steps to do it, one place to do it, and one deadline.

Jeannine also shared that Rosemarie Atwood, Member Services Coordinator is leaving the Bar Association. Her duties have temporarily been divided up and staff have stepped up to cover these responsibilities in the interim. This vacancy will be addressed as the Executive Director plans staffing to meet member needs in the future.

The monthly activity report, formerly known as "You Should Know" will be returning and will be distributed as part of the monthly Board of Governors meeting.

REGULAR BUSINESS – CONSENT ITEMS

- J. Membership Status Changes for February Denice DeStefano
- K. Report on Dues Waiver Request Board Committee
- L. Minutes of January 21, 2016 Meeting Rob Howard

ACTION

On Motion to accept the consent agenda. PASSED. Unanimously.

- M. NHBA Ethics Opinion #2015-16/9: *Ethical Obligations of Stand-By Counsel* Mary Tenn

This item was distributed to the Board but not discussed at the Board meeting.

REGULAR BUSINESS

N. State Update

- Judge Cassavechia's retirement party was well attended.
- There will be an open house for retiring Judge Pam Albee at the Ossipee Circuit Court on March 9th from 3 to 5 p.m.
- Coos County Bar meeting was well attended.
- New Hampshire Bar Association is really a national leader in many areas.
- Sullivan County has a new probate judge, Judge Morin. This has resulted in more regularly scheduled hearings.
- Vermont has a new pilot project, one court for family issues.
- Reminder- NHBA Special Business meeting scheduled for Friday, March 11th at 3:00 p.m. to vote on amendments to the Constitution and Bylaws.
- Several members mentioned that judges and marital masters are frequently being moved to different counties.
- Get the word out- There will be a workshop held on Thursday, April 7th from 8:30 to 10:30 a.m. at the Bar Center on the new attorney license renewal procedure.
- Merrimack County Courthouse is a step closer to reality. The Legislative committee voted to support the proposal.
- Discussion about Grafton and Coos County Bar Association coordinating the scheduling of events.
- Nashua Bar is having a March Madness event on March 17th, as well as a Red Sox outing on April 21st. Two members are receiving awards at Midyear Meeting.
- Superior Court Judge Mark Howard is starting to sit in Strafford County.
- When attorneys file financial affidavits they are supposed to include the instructions for the financial affidavit and all the instructions every time, in order to show an attorney is filing, and that the client has been instructed appropriately. This is a change that Board members are questioning. This will be passed on to Jennifer Parent and the Committee on Cooperation with the Courts.
- Rejuvenation of Cheshire County Bar continues. They recently hosted a one-hour lunchtime CLE that was well attended. There is another planned for March. They will be electing officers. Also, there will be an updated photo collage in the Cheshire County courthouse for 2016.
- Thanks to Jim Shepard and Sarah Rothman that helped with video shoot for Law Day video being made by Communications to recruit more teachers for classroom presentations.

- Bar communications staff will be tweeting tomorrow - #nhbar16. Board members are invited to join them.
- The Rockingham County Bar has an upcoming meet the judges session with five circuit court judges. The cost will be nominal, and will include a 1 hour CLE, as well as social time before and after. The event will be held at the Portsmouth Country Club.
- Midyear meeting numbers tell part of the story. The content makes us a national leader on a critical issue for the bar. None of this happened by serendipity, thanks to President Tenn's vision. Scott asks Board members to engage with their colleagues about the content—ask what they are thinking and how this can fit with their practices. This discussion is framed by the survey. Tomorrow is the first step to take to make a difference.
- Reminder about upcoming dates- Next Board meeting – April 21st, and 3-1-1 License Renewal training on April 7th.

ADJOURNMENT

The March 3, 2016 Board of Governors meeting adjourned at 6:40 pm.

Respectfully Submitted,



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

NEW HAMPSHIRE BAR ASSOCIATION

Membership Status Changes

Presented to the Board of Governors March 3, 2016

Active to **INACTIVE**

267675 Cowal, Jonathan E., Revere, MA (effective November 11, 2015) New Admit
267754 Davis, Jared W., Atlanta, GA (effective December 23, 2015) New Admit
267747 Donev, Michael D., Bellevue, WA (effective December 14, 2015) New Admit
8542 Forberg, Lisa B., Nashville, TN (effective February 2, 2016)
1608 Manson, Thomas P., New Castle, NH (effective February 16, 2016)
18261 Mayo, Paul, Lyme, NH (effective February 3, 2016)
14622 White, Ingrid E., Bow, NH (effective January 20, 2016)

Active to **INACTIVE RETIRED**

878 Gall, Joseph F., Jr., Nashua, NH (effective January 25, 2016)
1112 Hastings, Honey, Temple, NH (effective February 10, 2016)
1278 Jones, Daniel W., Exeter, NH (effective February 8, 2016)
1369 Kinder, E. Tupper, Goffstown, NH (effective February 1, 2016)

Honorary Active to **HONORARY INACTIVE**

16219 Cronin, Philip M., Boston, MA (effective February 10, 2016)

Active to **FULL TIME JUDICIAL**

4077 Howard, Mark E., Durham, NH (effective December 11, 2015)
10044 Pendleton, John T., Nashua, NH (effective February 12, 2015)
12151 Ruoff, David W., Concord, NH (effective February 12, 2015)

Active to **PART TIME JUDICIAL**

14179 Burke, Kimberly A., Glenside, PA (effective January 22, 2016)

Active to **DECEASED**

820 Flynn, James J., Portsmouth, NH (effective January 12, 2016)

Inactive to **ACTIVE**

8534 Dudzisz, Richard J., Sanford, ME (EFFECTIVE February 3, 2016)
265255 Fiorentino, Christopher J., Quincy, MA (effective January 21, 2016)
12895 Kreis, Donald M., Hartland, VT (effective February 11, 2016)
19876 May, Michaela C., Arlington, MA (effective February 2, 2016)

Military Inactive to **ACTIVE**

20830 Whitaker, Scott J., Stark, NH (effective January 15, 2016)

Judicial to **PART TIME JUDICIAL**

918 Geiger, Nancy J., Concord, NH (effective January 21, 2016)

Honorary Inactive to **DECEASED**

1035 Gross, Martin L., Concord, NH (effective January 26, 2016)

Suspended to **ACTIVE**

10542 Hogan, Scott E., Durham, NH (effective January 15, 2016)

15369 Reed, Christianne M.L., Danvers, MA (effective January 26, 2016)

Suspended to **INACTIVE**

12567 Antinori, Michael R., Acadia, CO (effective February 5, 2016)

21145 Carpenter, Aaron B., Gorham, ME (effective February 1, 2016)

18649 Pearlman, David A., Brookline, MA (effective February 11, 2016)

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Suspended to **RESIGNED**

16853 Kennedy, Steven C., Concord, MA (effective February 10, 2016)

