

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Monday, November 16, 2015
Bar Center – Concord, NH
4:00 P.M.

MINUTES

Present for all or part of the meeting were:

Mary. E. Tenn
David W. Ruoff
Scott H. Harris
Peter E. Hutchins
Robert R. Howard III
Edward T. Clancy
Christopher T. Regan
Paul W. Chant (by phone)
Lisa A. Wellman-Ally
John A. Curran
Jonathan M. Eck
Catherine E. Shanelaris
Ora Schwartzberg

Richard C. Guerriero, Jr.
Lanea A. Witkus
Sandra L. Cabrera
David W. McGrath
Russell F. Hilliard
John D. MacIntosh
Jeannine L. McCoy
Virginia A. Martin
Daniel Wise
Joanne M. Hinnendael
Paula D. Lewis
Deborah Hawkins
Kristen Senz

A meeting notice reminder was emailed October 29th. An agenda and related materials were distributed November 10th and November 13th. 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

The Regular Session of the November 16, 2015 Board of Governors meeting was called to order at 4:00 p.m. by President Mary Tenn.

PRESENTATION / DISCUSSION / ACTION ITEMS

- B. The **Board approved** the reappointment of John Norton to the Pro Bono Board for a three year term (2015-2018).

The **Board approved** the reappointment of Charles Greenhalgh to the Pro Bono Board for a 3-year term (2015-2018).

The **Board approved** the appointment of Phil Utter to the Pro Bono Board for a three year term. (2015-2018)

Note: Cathy Shanelaris **ABSTAINED** from all 3 votes as she is a Pro Bono Board Member.

C. Legislation Committee Report

John MacIntosh

John updated the Board on recent actions in the Legislature. The Governor has called for a special session of the Legislature, and they are scheduled to convene on November 18th. The Special Session House Concurrent Resolution (SSHCR 1) calls for a 26 person task force to meet no later than 11/25 for the response to the heroin and opioid epidemic in New Hampshire. John referred Board members to the General Court Web site for the specifics. He believes the parts that are of most interest to the Board are those calling for state-wide drug court grant program, and review of the successful partnership between the city of Manchester Police Department and the New Hampshire state police. The task force is charged with making a recommendation to the House, Senate and Governor by 1/6.

John also updated the Board on CACR 5, which was a constitutional amendment from last session addressing the Duncan decision, which changed the rules about standing for taxpayer suits. It was passed unanimously in the senate and went over to the house. All three amendments were defeated. It will be reported as inexpedient to legislate (ITL). John says that he believes it may see more action in the next session. There are 777 bills at legislative services being written which he hopes will be published soon.

D. View from the Attorney General Office

Attorney General Joseph Foster

Mary welcomed Attorney General Joe Foster. He introduced himself and gave the board information on his background. He spoke about the Attorney General's office and its many varied functions. He thinks of it as 'the people's law firm'.

Some of the many things it does are:

- Prosecutes homicides, public integrity matters
- Handles all Supreme Court appeals
- Operates Medicaid fraud unit
- Operates medical examiner office
- Operates undercover drug task force
- Operates victim assistance office.
- Has a civil bureau which handles mental health, employment claims, etc.
- Provides counsel to all state agencies and boards
- Enforces election laws
- Operates transportation and construction bureau (funded through gas tax and advised by the department of safety)
- Operates environmental bureau
- Operates consumer protection and antitrust bureau
- Prosecutes professional licensing complaints
- Operates charitable trust unit.
- Oversees nonprofit agencies, as well as non-profit health care mergers

- Operates grants management unit

Attorney General Foster spoke about his success in advocating for more funding, which will allow the hiring of three more attorneys. He then discussed his passion, the NH opiate problem. He expressed his belief that substance abuse is the biggest law enforcement and health care problem the state faces. The Attorney General quoted several statistics and facts. Largely contributing to the problem, he believes, are problems with access to treatment, and physicians over-prescribing opiates. He also spoke about better coordination of law enforcement, and expansion of drug courts. Attorney General Foster asked the board members to speak with their political leaders and doctors about this issue.

- E. Update on Debtors Prison Report- draft rule 2.7 amendments David Ruoff

Authors of the rule have asked if the board wants to endorse the rules change. David reviewed the summary that was circulated to the board.

ACTION

On motion that the board endorse the recommendations in the Rules of the Circuit Court of the State of New Hampshire- District Division Criminal Rules 2.7 proposed amendment. PASSED.

- F. Financials/Treasurer's Report Peter Hutchins

Peter updated the board. The Association is doing well. The full financials will be distributed for the December 3rd Board meeting. David Ruoff added that the FY 2015 audited financial reports will be distributed prior the December 3rd Board meeting as well. The Finance Committee voted on 11/12/15 to recommend the Board accept the audited financials.

REGULAR BUSINESS – CONSENT ITEMS

- G. Membership Status Changes for October/November 2015 Denice DeStefano

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

- H. Report on Dues Waiver Requests Board Committee

The **Board approved** the following waiver request.

██████████ – 100% waiver of the 2015-2016 Pro-rated Active dues and Court fees.

- I. Minutes of September 17, October 14 and October 15, 2015 Meetings Rob Howard

Minutes of the September 17, 2015 meeting were approved with corrections noted.

Minutes of the October 14th meeting were approved as presented.

Mary Tenn noted that the October 15 meeting was a member survey work group meeting, not a regular board meeting. The minutes were approved with this correction.

REGULAR BUSINESS

J. President's Report

Mary Tenn

President Mary Tenn reported on the following:

- **Nomination of Scott Harris for 2016-2017 President-Elect**

Scott Harris, Vice President, was nominated as President-Elect for the 2016-17 year and will appear on the board election ballot this spring. Nomination was approved unanimously.

- Update on BF/Campaign for Legal Services - Mary gave an update. The working groups are talking. She will bring any future proposal to the board.

- Midyear Meeting Highlights

Mary gave the board an update on the plans for Midyear Meeting. Andrew Perlman, Dean of Suffolk Law School will speak in the morning, and John Suh, of LegalZoom in the afternoon.

- Limited License Practitioners

Mary also spoke let the Board know that the ABA is soliciting input regarding limited license practitioners. This will be on the House of Delegates agenda in February.

K. Executive Director's Report

Jeannine McCoy

- Compliance Consolidation & Member Dashboard Updates

Jeannine gave an update on compliance consolidation. This was a response to the trust accounting compliance issue in August. It was felt the different deadlines and procedures were confusing to members. The Court asked the Bar to work on the process and consolidate deadlines. She noted that this will require rule changes to Supreme Court Rules 42, 50 and 53. The NHBA would need to amend the bylaws and constitution as well. Consolidation of the processes would require that the Bar do away with "administrative suspension" for non-payment of dues and court fees, and the suspension be "court ordered" when dues and/or court fees remain unpaid. It will also require tightening up fines/late fees. The Court has agreed to bring the compliance timelines in

line with the Bar Association fiscal year. Jeannine said there would need to be a special membership meeting to consider any necessary NHBA Constitution and Bylaw changes.

Jeannine also gave an update on the Member Dashboard.

▪ Membership Survey Update

Dan Wise

There was a meeting of subcommittee on Friday, 11/13. There will be a restructuring of survey to focus on areas where we need to ask questions. It was felt that more focus on what challenges the members see was needed, rather than focusing on what the Association wanted to know. The plan is to get the next draft of survey out to the board for review. Board will see it for testing in January.

Lisa said we need to let people know why they need to answer the survey. Mary responded that we have a plan for that. Lisa suggested that board members get to local bar meetings and talk it up.

L. State Update

All Board Members

Peter Hutchins, Board Treasurer shared his observations that we are on the front lines with the drug problem- our clients are affected. He suggested that the Board ask the Attorney General to prepare a memo for the profession that addresses what lawyers can do to advise their clients.

Russ Hilliard, ABA State Delegate reported on issues using the e-filing system for claims in small claims court.

Lisa Wellman-Ally, Immediate Past President reported that the Cheshire County Bar Association is planning a Christmas formal dinner.

David McGrath, Hillsborough North Governor reported feeling a lot more pressure from clients about alternative forms of payment. Commoditization of legal services is coming.

Ora Schwartzberg, Grafton County Governor reported Grafton County Bar Association had a good turnout at their fall dinner on 11/5.

Cathy Shanelaris, Hillsborough South Governor reported that the Nashua Bar Association is awarding a lifetime achievement award to Retired Judge Bernard Hampsey on November 19th. If interested in attending, one can register on the Nashua Bar Association's web site.

She also reported that the Nashua Bar Association's Christmas party will be held on December 10th at Scott Flegal's offices on Main Street. There is no charge.

Ginny Martin, Legal Services Director reported on a successful Pro Bono month in October.

Paula Lewis, Director of Finance and IT reported on member dues and court fees collection. The Bar sent 63 names to the court with notice of "administrative suspension" for non-payment.

Ted Clancy, Strafford County Governor reported there will be a Stafford County Bar brown bag lunch Friday, November 20th.

Chris Regan, Governor at Large reported there is not enough judges/court time in Strafford County probate circuit court.

Chris also reported that he has spoken with bar members and many are disturbed about the rejection of Dottie Graham's nomination for Superior Court judge and they are wondering if the Bar Association will be doing anything about this.

Chris shared that we are dealing with fellow attorneys that have drug problems, as well as age-related disability. Mary Tenn highlighted the LAP (Lawyer Assistance Program) flyer for the open house on December 10th, from 5:00 to 7:00 p.m.

Rob Howard, Board Secretary concurs that is important to support the LAP, and encouraged his fellow Board Members to attend.

John Curran, Governor at Large shared that the Manchester Bar Association is meeting tomorrow night at The Back Room.

Jonathan Eck, Governor at Large shared his concern about Dottie Graham's rejection.

ACTION

Motion to go into Executive Session at 5:50 p.m. PASSED.

The board came out of executive session at 6:45 p.m.

ADJOURNMENT

The November 16, 2015 Board of Governors Meeting adjourned at 6:50 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 November 16, 2015

Active to **INACTIVE**

265826 Anderson, Susan H., Bedford, NH (effective October 29, 2015)
21134 Barry, Robert P., Enfield, NH (effective September 17, 2015)
10253 Collins, Shaela M., Westborough, MA (effective October 27, 2015)
19325 Derry, Eric G., Burlington, VT (effective September 17, 2015)
266255 Dodge, Amanda N., Tyngsboro, MA (effective September 8, 2015)
1414 Lagos, George P., Bow, NH (effective October 1, 2015)
265408 Macaux, Eric W., Boston, MA (effective October 19, 2015)
264674 Morfe Claudio, Milwaukee, WI (effective September 10, 2015)
16867 O'Brien, William L., Mont Vernon, NH (effective October 30, 2015)
11357 Rotman, Shari L., Bow, NH (effective September 17, 2015)
19075 Rubinshtein, Irena, West Roxbury, MA (effective September 17, 2015)
20678 Saigbah, Mercy K., N. Chelmsford, MA (effective June 1, 2015)
10071 Tucker, Teresa C., Bedford, NH (effective September 22, 2015)
17826 Whitley, Rebecca G., Hopkinton, NH (effective October 1, 2015)

Active to **INACTIVE RETIRED**

2833 Fogg, Stephen F., Lancaster, NH (effective September 30, 2015)
21194 Munyon, Laura A., Merrimack, NH (effective October 30, 2015)

Active to **RESIGNED**

265173 Kiely, Michael R., Framingham, MA (effective September 17, 2015)
17308 O'Neill, Richard, Tewksbury, MA (effective October 15, 2015)

Honorary Active to **RESIGNED**

528 Craig, William H., Manchester, NH (effective September 17, 2015)

Active to **MILITARY INACTIVE**

18252 Latham, Joshua E., Reading, MA (effective September 17, 2015)

Inactive to **ACTIVE**

18897 Alexander, Jonathan W., Alexandria, VA (effective October 5, 2015)
20686 Benoit-Ledoux, Timothy E., Barrington, NH (effective October 28, 2015)

4824 Howell, Lori A., Eliot, ME (effective October 23, 2015)
265293 Lowry, Evan M., Somerville, MA (effective October 28, 2015)
10971 Turner, Carolyn M., Winchester, MA (effective October 6, 2015)
266201 Victoria Chamberlain LaBate, Minneapolis, MN (effective October 14, 2015)
265351 Weizel, Lavinia M., Boston, MA (effective October 27, 2015)

Inactive to **INACTIVE RETIRED**

2325 Del Rio, Maria, Madison, WI (effective October 5, 2015)
14197 Foulsham, Linda M., Bennington, VT (effective October 1, 2015)
1109 Hasco, Thomas E., Saratoga, CA (effective September 17, 2015)
10578 Murrin, Melissa M., Hollis, NH (effective September 15, 2015)
9104 Platto, Charles C., New York, NY (effective September 17, 2015)
16011 Pursley, Thomas A., Easton, MA (effective September 17, 2015)
6917 Wholey, John B., Bethel, ME (effective September 17, 2015)

Inactive to **RESIGNED**

13738 Greco, Thomas J., Biddeford, ME (effective September 25, 2015)
11838 Haley, Richard M., Woburn, MA (effective September 30, 2015)

Inactive Retired to **ACTIVE**

19753 Hilson, John F., Los Angeles, CA (effective October 19, 2015)

Inactive Retired to **RESIGNED**

1735 Mercer, Lee W., Kingston, RI (effective October 1, 2015)
10072 Tumilty, Thomas G., Whistler, BC, Canada (effective August 15, 2015)

Inactive Retired to **DECEASED**

15127 Currie, John L., Montreat, NC (effective April 22, 2015)

Suspended to **ACTIVE**

266223 Mortensen-Nemore, Eric P., Somerville, MA (effective September 30, 2015)

Suspended to **DECEASED**

13071 Daly, Astrid M., Dunbarton, NH (effective October 15, 2015)

Suspended to **RESIGNED**

18109 Whittenberg, William T., Derry, NH (effective October 30, 2015)