

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, October 16, 2014
Bar Center – Concord, NH
3:00 P.M.

MINUTES

Present for all or part of the meeting were:

Lisa Wellman-Ally
Mary. E. Tenn
David W. Ruoff
Scott H. Harris
Robert R. Howard, III
Jaye L. Rancourt
Edward D. Philpot, Jr.
Jonathan M. Eck
Christopher T. Regan
Jacki A. Smith
John A. Curran
Mary Ann Dempsey
Suzanne McKenna
Dennis L. Morgan

Richard C. Guerriero, Jr.
Sandra L. Cabrera
Ora Schwartzberg
Catherine E. Shanelaris
James A. Shepard
Edward T. Clancy
Lanea A. Witkus
Cecie B. Hartigan
Derek D. Lick
Jeannine L. McCoy
Denice M. DeStefano
Virginia A. Martin
Dan R. Wise
Paula D. Lewis
Deborah Hawkins

A meeting notice reminder, preliminary agenda and materials were emailed October 10th. Additional materials were distributed October 16th. 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 SESSION

A. CALL TO ORDER

Lisa Wellman-Ally

The Regular Session of the October 16, 2014 Board of Governors meeting was called to order at 3:05 p.m. by President Lisa Wellman-Ally.

B. Membership Status Changes for October 2014

Denice DeStefano

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

C. Report on Dues Waiver Requests

Board Subcommittee
Denice DeStefano

Approved the following requests for waiver of the deadline date in order to change status:

- ██████████ – waiver of the deadline date in order to change to Inactive Retired status
- ██████████ – waiver of the deadline date in order to change to Inactive status
- ██████████ - waiver of the deadline date in order to change to Inactive Retired status
- ██████████ - waiver of the deadline date in order to change to Inactive status
- ██████████ - waiver of the deadline date in order to change to Inactive status
- ██████████ - waiver of the deadline date in order to change to Inactive Retired status
- ██████████ - waiver of the deadline date in order to change to Inactive status

Approved the following requests to waive the deadline date to change status and to waive dues & fees (including \$50 late fee):

- ██████████ – waive the deadline date to change to Inactive & 100% waiver of Inactive dues, Court fees and \$50 late fee

Approved the following requests to waive the deadline date to change status and to waive dues & Court fees :

- ██████████ – waive the deadline date to change to Inactive & 100% waiver of Inactive dues and Court fees

Approved the following requests for dues waivers:

- ██████████ – 100% waiver of remaining \$30 for Inactive dues & \$50 late fee
- ██████████ - 100% waiver of Active dues, Court fees and \$50 late fee

PRESENTATION / DISCUSSION / ACTION ITEMS

D. Minutes of September 18, 2014 Meeting

Denice DeStefano

Minutes of the September 18, 2014 Board of Governors meeting **were approved as presented.**

E. Report of the Independent Auditor for FY 2013-2014

Rob Howard
Paula Lewis

Rob Howard, BOG Treasurer, reported on the review of the Audited Financial Reports by the NHBA Committee on Administration during a meeting held on September 26, 2014, with Nathan Wechsler auditors presenting. NHBA BOG received copies of the draft audited reports on October 10 for review prior to the meeting.

ACTION

On motion made to accept the Audited Financial Reports for Fiscal Year Ended, May 31, 2014 as submitted. PASSED (unanimously).

- F. Recommendation on Out-of-State Board Seat Appointment John Curran
- Governor-at-Large John Curran reported that a nominating subcommittee had a difficult choice between the many interested candidates. Ten candidates responded to written questions and four were interviewed in person. Ultimately the recommendation to fill the newly established Out-of-State Governor seat is Danielle Vanderzanden, of Ogletree, Deakins, Nash, Smoak, Stewart PC, Boston, MA.

ACTION

On motion to approve the appointment of Danielle Vanderzanden to fill the Out-of-State Governor seat on the Board for the initial term that runs through June 2015. PASSED (unanimously).

- G. Access to Justice Commission 10/2/14 Meeting Report Jaye Rancourt
Dave Ruoff
- David Ruoff reported that the Commission meeting--attended by the full NH Supreme Court bench and many ATJ members--focused on trying to clarify the relationship between the Court and the Commission, particularly the issue of lobbying for state funding by the Commission, which the Court finds impermissible. An MOU is being drafted to reflect the parameters of the relationship. Also attending the Commission meeting, Jaye Rancourt informed the BOG about the Commission's plan to move forward with a number of action steps, which, unlike those recommended in an earlier report, are broader than Pro Bono as the primary solution to close the justice gap. Rancourt also reported on discussion about the development of non-lawyer practice options, which she indicated could meet with very serious reservations by the Bar Association

- H. Lawyers Assistance Program – Updates Cecie Hartigan
Lisa Wellman-Ally
- Annual Commission On Lawyers Assistance Programs (COLAP) Conference
- President Lisa Wellman-Ally reported on her attendance, with Cecie Hartigan and Sara Greene, NH disciplinary counsel, at the national meeting of COLAP (Commission on Lawyers Assistance Programs) in Nashville. Among the programs she attended, one reported on research on students in professions (legal and medical) showing that their abuse of stimulants and prescription drugs is higher than that of other graduate students. The study also noted that many students in the professions, while acknowledging that their drug abuse is problematic, are reluctant to seek help due to their fear that it will harm their chances of being admitted to their profession.

Lisa said that these findings, applied to law students, means that it is even more important to understand what is going on in the profession currently – what is the rate of drug abuse, and what kinds of drugs or substances are being abused? Survey results (see below) would help make sure that NH Lawyers Assistance Program will be putting its resources in the right areas. Cecie added that it is not just substance abuse that NHLAP and looks at, and that this survey will cover—but also depression, anxiety and other issues that adversely affect someone’s ability to function in the profession.

▪ COLAP Survey Proposal

Cecie Hartigan, executive director of the NH Lawyers Assistance Program, asked the Board to support the circulation of a national survey on substance abuse, depression and anxiety among members of the legal profession. She reported that bar associations in several large states have already agreed to participate in circulating the survey to their members; and that it is important for small states with predominantly rural or small-town practices such as NH be represented in the survey.

According to the ABA which is collaborating with the Hazelden Betty Ford Foundation on sponsoring the joint research project, previous estimates put the addiction rate of attorneys at twice the rate of the general population. “It appears the problem may be growing even worse. It's time to update the research,” said Patrick Krill, one of the study’s leaders in a press release. The Board agreed to use the Bar Association’s communications resources to disseminate the survey, before the end of the year. (This survey is not related to the Bar’s survey on the economics of the practice of law, and will be conducted after the economic survey is closed.)

I. Supreme Court Rules Committee Report

Derek Lick

Derek Lick, the Bar Association’s Board of Governors appointee on the NH Supreme Court Advisory Committee on Rules reported on several proposals to be discussed at the committee’s public hearing on Dec. 12. Among the proposals Lick highlighted were provisions relating to the confidentiality of some attorney discipline records as part of a revamp of the procedural rules of the Attorney Discipline Office and the Professional Conduct Committee, disgorgement of fees, extending IOLTA requirements to attorneys working for title companies, continuity of counsel in criminal cases, and the court rules process, to name a few.

J. Proposed Increase to Assigned Counsel Rate

Mary Tenn
David Ruoff
Jacki Smith

President-elect Mary Tenn, Vice President David Ruoff, and Governor-at-Large Jacki Smith provided information requested by the Board at the last meeting. Following discussion, the Board voted support for an increase in appointed counsel fees for major crime cases from \$60 to \$100 per hour.

The Judicial Council also is establishing experience standards for the panel of attorneys eligible to be appointed for these cases. Appointed counsel are needed when the NH Public Defender cannot take the case and contract counsel are not available.

The appointed counsel rate was last increased in 1994, from \$35 to \$60 per hour. The increased compensation will be included in the Judicial Council's budget request in the next budget cycle.

ACTION

On motion to support the recommendation of the Judicial Council to increase the assigned counsel rate to \$100 per hour for major crimes. PASSED (unanimously).

K. Additional Office Space

Jeannine McCoy
Denice DeStefano

Jeannine McCoy presented to the NHBA BOG possible uses for the available office space across the hall from the Bar Center. The lease is expected to be a 10-year lease with an escalation clause. Base cost for space is \$60,000 annually which includes condominium fees, property taxes and utilities. Comparable commercial space for rent in the Concord, NH area was distributed to the BOG. Denice DeStefano noted that for most uses there would not be the need for extensive fit-up, but there is a \$20,000 fit-up allowance in the draft lease. Paula Lewis responded to a question from Jaye Rancourt that the additional cost for the space would not, as the financial reports are currently, move the NHBA financials to a negative contribution situation and that there are some cash reserves that could be used for the space.

ACTION

On motion made by Chris Regan to negotiate a lease of the space across the hall from the Bar Center to be presented for Board approval. PASSED (by vote: in favor 13, opposed 5, no abstentions)

L. President's Report

Lisa Wellman-Ally

President Lisa Wellman-Ally reported on the following:

- Felony Case Flow Conference (held 9/17) - The Superior Court Chief Justice's conference regarding changes to the felony case flow process was held September 17th and included justice system stakeholders. The key element of the change is the elimination of the probable cause hearing in Circuit Court. This would be more efficient and would speed the disposition of these cases, enabling more prompt sentencing if defendants are found guilty. Lisa reported that while there would be cost savings in county incarceration costs, there are a number of cost-shifting issues and unintended consequences, including law enforcement having to travel further for superior court proceedings and more upfront work needed to prepare a case. Justice Nadeau is willing to tweak the process to address concerns, but the clear message delivered by the Court is that "this ship is sailing—this is going to happen." An Attorney Work Group is working with Justice Nadeau on various issues.

Changes will require statutory changes, so this will have to go through the legislature.

- Rural Practice Initiative Update - a sub-committee is working on materials to assist an attorney in starting up their office – a law practice management “toolkit.”
- State Prison Dress Code Issue - Problems with the application of the dress code to female attorneys continues to generate complaints due to inconsistencies. Gender Equality Committee (GEC), has expressed concerns and NHBA leadership will be working with the GEC on possible responses.

M. Executive Director’s Report

Jeannine McCoy

Executive Director Jeannine McCoy reported on the following:

- You Should Know Activity Update – was distributed.
- Strategic Planning Progress - A compilation of the recent survey results, emailed to Board members and management staff, was distributed.

N. State Update

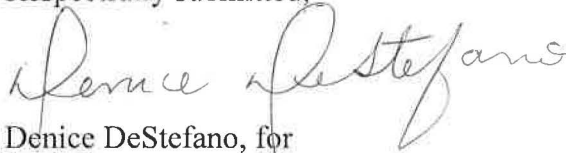
All Board Members

- Issues and updates from around the state were shared, including that the Grafton County Bar will be recognizing retiring Judge Boyle, and kudos to former Governor-At-Large, Quentin Blaine for receiving the Bruce Friedman Pro Bono Award. Board members who have not seen the staff work space at the Bar Center were encourage to “take the tour”.

ADJOURNMENT

The October 16, 2014 Board of Governors Meeting adjourned at 5:30 p.m.

Respectfully submitted,



Denice DeStefano, for
Scott H. Harris, Secretary

NEW HAMPSHIRE BAR ASSOCIATION
Membership Status Changes
Presented to the Board of Governors October 16, 2014

Active to **INACTIVE**

Fay, Melissa J., Newburyport, MA (effective September 18, 2014)
Strigel, Melanie J., Little Rock, AZ (effective September 17, 2014)
Ciavarra, Louis M., Worcester, MA (effective September 18, 2014)
Nee, Adam M., Westborough, MA (effective September 19, 2014)
Connolly, Patrick J., Quincy, MA (effective September 18, 2014)
Hogan, Thomas E., Brighton, MA (effective September 18, 2014)
Smith, Russell J., Cambridge, MA (effective September 18, 2014)

Active to **INACTIVE RETIRED**

Bourassa, Clarence E., Bow, NH (effective September 26, 2014)
Park, David S., Claremont, NH (effective September 30, 2014)
Autieri, Steven M., Glenn Allen, VA (effective September 18, 2014)

Inactive to **ACTIVE**

Abbott, Oliver A., Tunbridge, VT (September 17, 2014)
Pierce, David M., Lebanon, NH (effective 30, 2014)
Vachon, Dennis P., Strafford, NH (effective October 1, 2014)
Wolfe, Annaliese H., Newburyport, MA (effective September 12, 2014)
Lovejoy, Fred C., Lansing, MI (effective October 7, 2014)

Inactive to **RESIGNED**

Caruso, Leonardo J., Boston, MA (effective September 18, 2014)
Resetarits, Ronald B., Takoma Park, MD (effective September 26, 2014)
Katz, Sarah, Montpelier, VT (effective September 18, 2014)

Inactive Retired to **RESIGNED**

Gould, Michael E., Estero, FL (effective September 15, 2014)
Figler, Elena, North Andover, MA (effective September 18, 2014)
Karfunkel, Lois, Andover, MA (effective September 18, 2014)

Honorary Active to **HONORARY INACTIVE**

Leslie, Robert, Salem, NH (effective September 26, 2014)

Suspended For Non-Payment of Dues to **INACTIVE RETIRED**

Wrisley, Robin A., Shanghai, China (effective September 18, 2014)

Suspended for Failure to File TAC to **ACTIVE**

Rubinshtein, Irena, West Roxbury, MA (effective September 18, 2014)

***Amended from August Report**

Beede, Jean H., Rye, NH (Reported Status Change from Active to Inactive Retired. Should be from Inactive to Inactive Retired)