

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, September 18, 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
Jonathan M. Eck
Christopher T. Regan
Jacki A. Smith
John A. Curran
Suzanne McKenna
Sandra L. Cabrera

Ora Schwartzberg
David W. McGrath
Catherine E. Shanelaris
Edward T. Clancy
Lanea A. Witkus
Jeannine L. McCoy
Denice M. DeStefano
Virginia A. Martin
Dan R. Wise
Joanne M. Hinnendael
Paula D. Lewis
Deborah Hawkins

A meeting notice reminder, preliminary agenda and materials were emailed September 15th. Additional materials were emailed September 17th and distributed September 18th. 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 September 18, 2014 Board of Governors meeting was called to order at 3:12 p.m. by President Lisa Wellman-Ally.

B. Membership Status Changes for September 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 Resign

██████████ - 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 the \$50 late fee:

- ██████████ – waive the deadline date to change to Inactive status & waive the \$50 late fee
- ██████████ – waive the deadline date to change to Inactive Retired & waive the \$50 late fee
- ██████████ – waive the deadline date in order to Resign & waive the \$50 late fee
- ██████████ – waive the deadline date to change to Inactive & waive the \$50 late fee
- ██████████ – waive the deadline date to change to Inactive Retired & waive the \$50 late fee
- ██████████ – waive the deadline date in order to Resign & waive the \$50 late fee
- ██████████ – waive the deadline date in order to Resign & waive the \$50 late fee

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
- ██████████ – waive the deadline date to change to Inactive & 75% waiver of Inactive dues, Court fees and \$50 late fee

Approved the following requests for dues waivers:

- ██████████ – 100% waiver of 2014-2015 Inactive dues and fees
- ██████████ – 50% waiver of Active dues and fees, or if member changes to Inactive status, 100% waiver of Inactive dues and fees

D. Minutes of August 22, 2014 Board Meeting Lisa Wellman-Ally

Minutes of the August 22, 2014 Board of Governors meeting **were approved as presented.**

APPOINTMENTS

F. Ratify Electronic Vote for Scott Harris to Fill Remainder of Last Year of Secretary Peter Hutchins's Term Lisa Wellman-Ally

The **Board ratified** the appointment of Scott Harris as Secretary for the one year remaining in the three-year term, vacated by Peter Hutchins.

F. Appointment/Reappointments to the Pro Bono Board Cathy Shanellaris

The **Board approved** the appointment of Andrea Labonte, Shaheen & Gordon, P.A., Manchester to the Pro Bono Board for a 3-year term (9/14-6/17) and **approved** the reappointments of Brian Shaughnessy, Kazan Shaughnessy McDonald, Manchester for a 2-year term (9/14-6/16), Cathy Shanellaris, Shanellaris Schirch, Nashua for a 2-year term (9/14-6/16), Heather Tacconi, Tacconi Law, Rochester for a 2-year term (9/14-6/16), and Jeremy Walker, Mclane Graf Raulerson Middleton, Manchester for a 2-year term (9/14-6/16).

- G. Reappointment of Jennifer Parent for another 3-year term on the New England Bar Association Board Lisa Wellman-Ally

The **Board approved** the reappointment of Jennifer Parent for a three-year term on the New England Bar Association Board (2014 – 2017).

- H. Appointment of Mary Tenn for a 2-year term to the Rudman Center Board Lisa Wellman-Ally

The **Board approved** the appointment of Mary Tenn for a two-year term on the Rudman Center Board (2014 – 2016).

PRESENTATION / DISCUSSION / ACTION ITEMS

- I. NH Judicial Council: Increase to Assigned Counsel Rates Lisa Wellman-Ally

President Lisa Wellman-Ally reported that NH Judicial Council Director Chris Keating is looking for the Bar's support on a proposed amendment submitted to the Court's Advisory Committee on Rules. The proposed amendment would raise the hourly rate for assigned counsel working on major crimes cases (defined as aggravated felonious sexual assault, felonious sexual assault, first-degree assault and homicide) from \$60 to \$100 per hour. Lisa noted the difficulty faced by the Judicial Council in getting members to take cases at \$60 per hour.

There was much discussion about additional information the Board would like to have before it votes to support this effort. Questions were developed and various Board members charged with acquiring the answers, to be presented at the October Board meeting for further discussion and possible action.

- J. NH Pro Bono Presentation at LSC 40th Anniversary Ginny Martin

To kick off the 40th anniversary of Legal Services Corporation (LSC), leaders from across the legal profession, the private sector, and government attended a three-day event, in September, to work toward fulfilling America's promise of equal justice under the law. Associate Director for Legal Services Ginny Martin participated on a panel, discussing *The Impact of Pro Bono Lawyers on the Justice Gap*. Ginny, the only non-lawyer from a Bar Association on the 11-person panel, spoke about how NH maximizes its services and the innovative delivery programs NH offers.

October is Pro Bono Month and a list of planned activities was provided.

Former Board member Quentin Blaine is the 3rd recipient of the Bruce Friedman Pro Bono Award! Quentin will receive the award at an event on Wednesday, October 15th from 5 – 7 pm at the IP Center Atrium at the UNH School of Law. Board members were encouraged to attend.

K. Strategic Planning Follow-up

Jeannine McCoy

Executive Director Jeannine McCoy provided an outline of the Strategic Planning goals and priorities. The management team has met three times since the BOG Orientation meeting in August to “plug in” programs/services/activities that support the various goal areas.

The Strategic Plan, when completed, will serve as a guide for the BOG’s use in planning programs and priorities and determining what is needed for measures.

Future BOG agendas will be structured around the Strategic Plan. Next steps include:

- Management Team filling out a survey on a number of identified areas;
- Board members also completing the survey; responses to be compared against the management team

October Board meeting will reveal the responses by group. This will help us determine what more info is needed before decisions are made.

L. Rudman Center Update

Mary Tenn

President-elect Mary Tenn reported:

Former UNH School of Law Dean John Broderick Jr. is now the executive director of the Warren B. Rudman Center for Justice, Leadership & Public Policy (Rudman Center) at UNH School of Law. Director Broderick hopes to make the center a destination for thoughtful, vigorous but civil dialogue on national policy.

NHPR & UNH Law are presenting a series of “Rudman Center Conversations with the Candidates”. The list was provided and Board members encouraged to attend these free events. Tickets can be obtained online.

The Veteran’s Project is trying to bring pro bono lawyers together to assist veterans. A meeting is scheduled this Saturday, Sept. 20th, at the Law School to begin preliminary discussions. Mary Tenn, Ginny Martin and Jeannine McCoy will be participating. If a Board member has an interest in this project or ideas please let Mary know.

M. Committee on Administration of the Bar Meeting: September 26th

Jacki Smith

Jacki Smith, Co-chair of the Committee on Administration of the Bar reported the next meeting is set for September 26th and agenda items include:

- Review of Audited Financials and Opinion Letters
- Available office space across from Bar Center
- Annual Audit Selection Process
- Cost differential for joining an “active” Section vs. one that is not
- Revisit issue of advertising competing CLE programs by NHBA

N. President's Report

Lisa Wellman-Ally

President Lisa Wellman-Ally reported on the following:

- Leadership Academy Reception –for the 2014-2015 class is Thursday, October 9th from 5:00 – 7:00 pm at the Bar Center. Board members were encouraged to attend and support the Leadership Academy.
- Judicial Nominations – Board members will be contacted and asked to make calls on the three nominees and a Special Board meeting will be scheduled to meet with the candidates in the next week or so.
- Rural Access Project – a meeting was held to begin formulating a plan; the tasks have been identified as follows: (1) solicit counties to identify where there is a need (Lisa); (2) create a practice management tool kit (Ora Schwartzberg will lead this effort); (3) establish attorney application process, using the Vermont model (Dennis Morgan to lead this effort).

Mentors & monitors will be set-up once items 1 -3 are complete. Groups 2 & 3 intend to be done their tasks by the end of October. If Board members are interested in helping with any of these tasks, please let Lisa know.

O. State Update

All Board Members

Board members reported on how they would respond to members if asked, “What does the Bar association do anyway?” or “Why do I have to belong to the bar association?”

Governor-at-Large Jacki Smith reported that Hillsborough South has received a grant for drug court.

Governor-at-Large John Curran reported that the Federal Court Advisory Committee is revamping the jury process.

Immediate Past President Jaye Rancourt reported that she addressed the Bar Foundation about the Bar's withdrawal from the Campaign; outreach continues as appropriate.

Grafton County Governor Ora Schwartzberg reported the Grafton County Bar is meeting the end of October and will be recognizing retiring judges during a reception after the meeting.

President-elect Mary Tenn noted that the Rudman Center Conversation with candidate Scott Brown is next Monday and there is still time to register for this free event.

P. Executive Director's Report

Jeannine McCoy

▪ Out-of-State Board Seat Report

John Curran

Governor-at-Large John Curran, reporting on behalf of the Nominating Committee, noted that several members responded to the notice about interest in the out-of-state Board seat. The Nominating Committee narrowed the list down to four (4) candidates. They have met with three (3) candidates for the Out-of-State Board seat and will be meeting with one more candidate next week. The Nominating Committee will have a recommendation for the Board at the October 16th Board meeting.

▪ Citizens Bank Resolution

Rob Howard

Treasurer Rob Howard explained that the timeframe on the mortgage agreement needs to be modified by extending the date to furnish the lender, Citizens Bank, with fully audited financial statements by sixty (60) days; by which audited financial statements of the New Hampshire Bar Association will then be delivered to Citizens Bank within one hundred eighty (180) days after the close of each fiscal year.

ACTION

On motion to accept the Citizens Bank Resolution as written on the Secretary's Certificate and Modification Agreement to Loan Agreement which extends the date to furnish the lender, within one hundred eighty (180) days after the close of each fiscal year with fully audited financial statements of the New Hampshire Bar Association. PASSED (unanimously).

▪ Resolution to open two Bank of NH Sweep Accounts

Rob Howard

Treasurer, Rob Howard, noted that the current sweep accounts with Citizens Bank are at zero percent and have been at zero percent for some time. In the spirit of accumulating at least some interest on the Board Reserve account now held in a Citizens Bank sweep account and on funds received as reimbursements from NHBA Affiliates: NH Pro Bono Referral System, NHBA Insurance Agency, Inc., NH Bar Foundation and NH Minimum Continuing Legal Education, it was suggested that these funds be deposited in an interest-bearing sweep account with Bank of New Hampshire in lieu of depositing them into the non-interest bearing Citizens Bank sweep accounts. The Citizens Bank Board Reserve account will be closed and replaced with the Bank of New Hampshire Board Reserve account.

ACTION

On motion to approve opening two sweep accounts at Bank of NH or at other institutions as recommended. PASSED (unanimously).

Executive Director Jeanine McCoy reported on the following:

- Conflict of Interest Form – Board members were asked to complete and return the Conflict of Interest form that was distributed.
- Trust Account Certificate – new mid-year Status Change Process

A new process has been implemented for members who change their status from Active, early in the fiscal year. A completed Trust Account Compliance Certificate will now be required before members can change their status from Active. This will assist members who may otherwise forget that they need to file the required TAC form the following year, saving them from possibly paying a fine for a late filing.

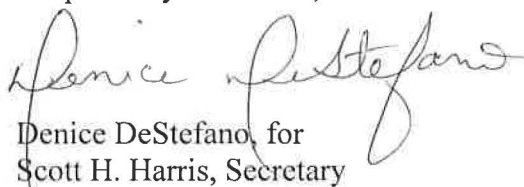
This will save the Attorney Discipline office administrative time and money in collecting forms and sending letters to those not in compliance by the filing deadline.

- Financial Dashboard – A Financial Dashboard was distributed that shows the cash position of the Association's operating account, Board Reserves and the funds NHBA collects on behalf of the Court; Revenue & Expense comparisons for the last fiscal year and current fiscal year. If there is other financial Board members would like to receive in this type of format, please let Paula or Jeannine know. Full financial statements will be provided to the Board each quarter.
- You Should Know Activity Update – was distributed.
- Prison attire for female attorneys is still an issue. The Gender Equality Committee is Going to be asking the Board for assistance in this matter at the next meeting.

ADJOURNMENT

The September 18, 2014 Board of Governors Meeting adjourned at 5:00 p.m.

Respectfully submitted,


Denice DeStefano, for
Scott H. Harris, Secretary

NEW HAMPSHIRE BAR ASSOCIATION
Membership Status Changes
Presented to the Board of Governors September 18, 2014

Active to **INACTIVE**

Lloyd, Robert J., Green Valley, AZ (effective August 28, 2014)
Shaw, Philip J., Manchester, NH (effective August 29, 2014)
Sutherland, Ronald G., Lowell, MA (effective August 21, 2014)
Zerr, Kermit J., Bedford, NH (effective August 28, 2014)

Active to **INACTIVE RETIRED**

MacPhee, Lee S., Sandwich, MA (effective August 21, 2014)
Mattson, Lee W., Center Harbor, NH (effective August 31, 2014)

Active to **FULL TIME JUDICIAL**

Sweeney, Edward F., Hartford, CT (effective August 28, 2014)

Inactive to **ACTIVE**

Drew, Ann E., Cape Elizabeth, ME (effective August 28, 2014)
Hayes, John F., Keene, NH (effective September 10, 2014)
Mason, Julia M., Andover, MA (effective September 3, 2014)

Inactive to **INACTIVE RETIRED**

Fall, David R., Hanover, NH (effective August 21, 2014)
Groetzinger, Jon Jr, Englewood, FL (effective August 21, 2014)

Inactive to **RESIGNED**

Bates, Tara K., Yarmouth, ME (effective September 5, 2014)
Lessard, Daphne, Bow, NH (effective September 5, 2014)

Military Inactive to **INACTIVE**

Huot, Matthew D., Olympia, WA (effective August 25, 2014)

Active to **DECEASED**

Braley, Gayle M., Concord, NH (effective August 23, 2014)
Miller, Betsy B., Bow, NH (effective September 4, 2014)
Robertson, Wanda M., Hampton, NH (effective August 17, 2014)

Honorary Active to **DECEASED**

1452 Leahy, Charles F., Concord, NH (effective August 21, 2014)

Honorary Inactive to **DECEASED**

1089 Hanson, Arnold P., Nashua, NH (effective July 28, 2014)

Suspended for non-payment of dues to **INACTIVE**

Martin, Melissa A., Lebanon, NH (effective June 5, 2013)