

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, April 16, 2015
Bar Center – Concord, NH
3:00 P.M.

MINUTES

Present for all or part of the meeting were:

Lisa Wellman-Ally	Lanea A. Witkus
Mary. E. Tenn	Russell F. Hilliard
David W. Ruoff	John D. MacIntosh
Scott H. Harris	Connie Rakowski
Robert R. Howard, III	Karen J. Borgstrom (by phone)
Jonathan M. Eck	James Kerouac
Christopher T. Regan	Martha Van Oot
Jacki S. Smith	Lynn Parker
John Curran	Richard Cohen
Mary Ann Dempsey	L. Jonathan Ross
Danielle Y. Vanderzanden	Elizabeth Lahey
Dennis L. Morgan (by phone)	Richard Samdperil
Richard C. Guerriero, Jr.	Cecie Hartigan
Sandra L. Cabrera	Jeannine L. McCoy
Ora Schwartzberg	Denice M. DeStefano
Davis W. McGrath	Virginia A. Martin
Catherine E. Shanelaris	Joanne M. Hinnendael
James A. Shepard	Paula D. Lewis
Patrick T. O'Day	Deborah Hawkins
	Kristen E. Senz

A meeting notice reminder, Preliminary Agenda and related materials were emailed April 10th. Additional materials were emailed April 15th and distributed April 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 April 16, 2015 Board of Governors meeting was called to order at 3:10 p.m. by President Lisa Wellman-Ally.

PRESENTATION / DISCUSSION / ACTION ITEMS

A. Pro Bono Active Membership Status

Marty Van Oot

Marty Van Oot presented a proposal to the Board on behalf of the Legal Advice & Referral Center (LARC), New Hampshire Legal Assistance (NHLA) and the Disabilities Rights Center-NH (DRC). The proposal is to expand the current Limited Active Membership Status in the NHBA Bylaws. Currently the status is limited to those members providing pro bono service through the Bar's Pro Bono Program only. The proposal seeks to expand this membership category to include providing limited pro bono service to these three organizations as well.

There were questions asked and answered and a brief discussion ensued.

ACTION

On motion to approve the expansion of Limited Active Membership Status to include LARC, NHLA and DRC and to refer the matter to the Board Committee on Administration of the Bar to draft a proposed Bylaws amendment to be approved by the full Board. PASSED.

B. Appointment of Karen Borgstrom to the LARC Board 3 year term – February 11, 2015 – February 11, 2018

Connie Rakowski
Jim Kerouac

The **Board approved** the appointment of Karen Borgstrom to the LARC Board for a 3-year Term, February 11, 2015 – February 11, 2018.

C. Legislation Committee Recommendations (Note: M. Dempsey abstained on all these votes)

John MacIntosh

NHBA Lobbyist John MacIntosh recapped the status of bills previously acted on by the Board.

The bills below were reviewed by the NHBA Legislation Committee at their meeting on April 6, 2015 and recommendations made to change the position of the NHBA.

The Board approved the following positions as recommended by the Legislation Committee:
SB 167 - Venue for Small Claims Actions - Change from Opposed to Information.
HB 285 - Right to Know/Consultation with Legal Counsel - Change from Info to No Position.
SB 19 - Restitution among and between Co-Defendants - Change from Info-Negative to Info.

The Board approved retaining an Information position on this bill:

HB 230 - Penalties for Untimely Mortgage Discharges - The NHBA Legislation Committee recommended changing from Info to No Position., however John MacIntosh pointed out that additional work may be needed on this bill.

D. Public Defender Resolution

Lisa Wellman-Ally

President Lisa Wellman-Ally explained that Public Defender Program Director Randy Hawkes had intended to be present at this meeting, but is testifying at the Legislature and will not make our meeting.

President Lisa Wellman-Ally explained to the Board that RSA 604-B:4 calls for NHBA approval of any Public Defender Program with which the state intends to contract. The Board is being asked to approve a Resolution giving the Board's formal approval of the NH Public Defender as an organization to operate a Public Defender Program and provide Public Defender representation for the State of New Hampshire for the period of July 1, 2015 through June 30, 2017.

ACTION

On Motion to approve the Resolution of the NH Public Defender as an organization to operate a Public Defender Program and provide Public Defender representation for the State of New Hampshire for the period of July 1, 2015 through June 30, 2017.

PASSED (J. Smith abstained)

E. Felony Case Flow Update

Richard Samdperil

Richard Samdperil, member of the Felonies Case Flow Working Group, provided background on the felonies case flow management plan and the work that has been done since 2013.

SB 124, legislation establishing the Felonies First Project, is currently being heard at the LOB.

Richard provided a hand-out and reviewed for the Board the purpose and how it will be implemented. Highlighted were substantive changes to who can file complaints, Discovery and Limitations of Probable Cause hearings.

There is also a monitoring piece that mandates an annual report, by the Supreme Court, to the Legislature beginning January 1, 2017 and ending in January 2020.

F. New Lawyers Committee Proposal for New Action

Elizabeth Lahey

New Lawyers Committee Chair Elizabeth Lahey summarized a proposal to the Board for a softball tournament in the fall, hosted by the New Lawyers Committee. The Committee's goal is to offer a relaxed, networking event with a charitable component, for lawyers, their families and friends.

There were several questions asked and Assistant Executive Director Denise DeStefano reported that she has provided to Elizabeth a list of items that need to be considered when a committee is putting on an event under the auspices of the Association.

Executive Director Jeannine McCoy noted that she need to review the Keller decision to see if there are any potential issues with using Bar Association resources to fund an event that raises funds for an outside entity.

ACTION

On motion to approve the proposed softball tournament in the fall of 2015 by the New Lawyers Committee. PASSED.

G. NH Lawyers Assistance Program

Cecie Hartigan

NH Lawyers Assistance Program (LAP) Executive Director, Cecie Hartigan, is seeking feedback from the Board of Governors on using LAP funds to cover medical expenses to benefit individual attorneys when in need. A situation arose this year in which just such a decision needed to be made (the expenses were paid for an evaluation). Cecie is looking for feedback on whether there should be a separate fund for donations, through the Bar Foundation, to assist indigent lawyers with medical needs; would this be for evaluations only or include treatment; perhaps it's a loan?

This will be a discussion item at a future Board meeting in order to provide guidance to the Lawyers Assistance Program Director.

Cecie also provided an overview of the Program's 2014 Annual Report and noted that the LAP has new office space at 2 ½ Beacon Street in Concord.

H. Status of Budget Process

Lisa Wellman-Ally

President Lisa Wellman-Ally reported that in past years there has been a check box on the Bar's annual dues invoice for donations to the Campaign for Legal Services. The NHBA Pro Bono program received 15% of these donations (after CLS expenses). NHBA Pro Bono program has since withdrawn from the Campaign for Legal Services and the question now is should this dues check-off be used for the NHBA Pro Bono program? The expected shortfall to Pro Bono, by withdrawing from the Campaign, is \$30,000 and IOLTA grant funds are down this year, resulting in a greater anticipated loss of funding to the Pro Bono program.

It is understood that the Campaign agencies are also in need.

There was discussion, questions and answers.

ACTION

On motion that the NHBA dues check-off be used for the NHBA Pro Bono Referral Program and that President Lisa Wellman-Ally send a letter to the entities involved, notifying them of this Board decision. PASSED (abstaining: J. Eck, M.A. Dempsey, & C. Shanelaris).

REPORTS

I. ABA Day Report

Russ Hilliard
Jon Ross

Jon Ross, NH State Delegate to the ABA House of Delegates, reported that he has been attending ABA Day for the past 14 years and that Russ Hilliard, NHBA Association Delegate to the ABA House of Delegates for the past 9 years and they each pay their own expenses to participate.

They spend time meeting with the NH congressional delegation to talk about issues important to NH and legal services. The #1 priority is advocating for adequate funding for the Legal Services Corporation (LSC). Over 300 Bar leaders attend ABA Day. Russ and Jon encouraged the NH Bar leaders to attend next year. Over the years, they have developed personal relationships with congressional leaders. They feel it is important that the NHBA have a presence in Washington, D.C. during this event.

J. Proposed Amendment to Supreme Court Rules 37 and 37A

David Ruoff

Vice President David Ruoff highlighted the proposed amendment to Supreme Court Rules 37 and 37A. Currently complaints that are dismissed, but with a warning, appear on the ADO website. In order to address concerns with this practice, the proposed rule changes eliminate the authority of the ADO general counsel, the complaint screening committee and the PCC to issue warnings when it is determined that an attorney acted in a manner which did not constitute a clear violation of the rules of professional conduct, but which involved behavior requiring attention.

Comments to the proposed rule changes are due to the Advisory Committee on Rules by May 11, 2015.

K. Report on Bench/Bar Conference

Officers

President Lisa Wellman-Ally noted that her most recent article in Bar News talked about the Bench/Bar Conference, which was well attended by a good cross-section of members. The topics discussed included professionalism, pro se litigants, and communications between the bench and bar.

A report will be worked on by the Bench/Bar Steering Committee over the next couple of months and presented to the Board of Governors in early fall.

CONSENT ITEMS

L. Appointment of Eric Bernard to WC Appeals Advisory Board 3 year term- April 2015- April 2018 (nominated and recommended by the WC section)

Lisa Wellman-Ally

The **Board approved** the appointment of Eric Bernard to the Workers Comp Appeals Advisory Board for a 3-year term, February 11, 2015 – February 11, 2018, as recommended by the NHBA Workers Comp Section.

M. Appointments to the Judicial Conduct Committee Board Lisa Wellman-Ally

- Ernie Goodno (public seat)
- Jaye Rancourt (replacing J. Sanders, who is not eligible for reappointment)
- Jack P. Crisp, Jr., reappointment to the Alternate Panel
- Dr. Daniel Botsford, reappointment to the Alternate Panel (public seat)

These appointments were tabled until the May 2015 Board meeting.

N. Membership Status Changes for March/April 2014 Denice DeStefano

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

O. Dues Waiver Report Subcommittee

The **Board approved** the request of [REDACTED] to waive 75% of his 2014-2015 Active dues and fees.

The **Board approved** the request of [REDACTED], to waive the deadline date to change status to Inactive and pay pro-rated Inactive dues and fees.

The **Board approved** the request of [REDACTED] to waive the deadline date to change status to Inactive and pay pro-rated Inactive dues and fees.

The **Board approved** the request of [REDACTED], to waive 100% of Active back dues and fees from 2009-2015. (abstained: R. Guerriero, Jr.).

P. Minutes of February 26, 2015 Meeting Denice DeStefano

Minutes of the February 26, 2015 Board of Governors meetings **were approved as presented.**

REPORTS – (For your information only- requiring no action)

Q. BOG Committee on Administration Meeting Agenda for 4/22/15 Jacki Smith

R. Activity Updates Jeannine McCoy

S. Rural Practice Project Application Materials Lisa Wellman-Ally

T. 4/10/15 Letter from Gender Equality Committee Chair Joni Esperian to Attorney Linda English at the Dept. of Justice re: Women Attorneys Entry to prison

U. BOG Election Results

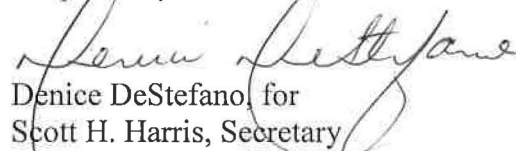
Jeannine McCoy

Returning to the BOG are re-elected County Governors: Richard Guerriero Jr., Sandra Cabrera, Ora Schwartzberg, Jim Shepard and Patrick O'Day; Peter Hutchins as Treasurer and Rob Howard as Secretary; Governor-at-Large Chris Regan and Out-of-State Governor Dani Vanderzanden; joining the Board will be Paul Chant as Governor-at-Large and Chris Marshall as Public Sector Governor. (Paul Chant also served on the Board from 1994-1999).

ADJOURNMENT

The April 16, 2015 Board of Governors Meeting adjourned at 5:55 p.m.

Respectfully submitted,


Denice DeStefano, for
Scott H. Harris, Secretary

NEW HAMPSHIRE BAR ASSOCIATION
Membership Status Changes
Presented to the Board of Governors April 16, 2015

Active to **INACTIVE**

14338 Billings, Gregory, Acworth, GA(effective March 30, 2015)
6805 Briscoe, Nancy T., Beallsville, MD (effective March 3, 2015)
16938 Harding, Paul B., Albany, NY (effective February 17, 2015)
11014 Moriarty, Thomas O., Braintree, MA (effective March 9, 2015)
11400 Reining, Jennifer Kitchel, East Thetford, VT (effective March 31, 2015)
265666 Samson, Nicki, Boston, MA (effective February 20, 2015)
265840 Skinner, Whitney P., Williston, ND (effective February 26, 2015)
265425 St. Yves, Diane M., Houston, TX (effective February 16, 2015)
5610 Theodoros, Karin, Lowell, MA (effective March 3, 2015)

Active to **INACTIVE RETIRED**

322 Argenti, Linda J., Cape Coral, FL (effective March 31, 2015)
5552 Biklen, Lisa L., Concord, NH (effective March 3, 2015)
5987 Braun, Gary A., Nashua, NH (effective March 31, 2015)
33 Camerino, Steven V., Durham, NH (effective March 30, 2015)
9975 Crawford, Marlin J., Spofford, NH (effective March 1, 2015)
591 Davis, John F., Manchester, NH (effective February 28, 2015)
1318 Kearns, David E., Morris Plains, NJ (effective February 24, 2015)
1520 Lucas, John Edward, Manchester, NH (effective March 31, 2015)
1832 Muller, Daniel D., Bedford, NH (effective March 23, 2015)
13794 Sandoval, Jennifer, St. Augustine, FL (effective March 14, 2015)
2587 Tudor, Thomas S.M., Fairfax Station, VA (effective March 23, 2015)

Active to **RESIGNED**

9092 Throne, Jason T, Rockport, ME (effective April 3, 2015)

Active to **Deceased**

4063 Gregory, Claire L., Alexandria, VA (effective January 22, 2015)

Inactive to **ACTIVE**

9271 Bergel, Steven I., Boston, MA (effective March 12, 2015)
6807 Bunnemeyer, Michelle A., Exeter, NH (effective March 26, 2015)
18985 Cummings, Jessica L., Boston, MA (effective March 26, 2015)
6857 Lafferty, Lawrence E., Boca Raton, FL (effective April 2, 2015)
15885 Sackett, Elizabeth C., Needham, MA (effective March 12, 2015)
20397 Shaw, Philip J., Manchester, NH (effective February 20, 2015)

Inactive to **INACTIVE RETIRED**

11339 Naiditch, Cindy L., Chichester, NH (effective April 1, 2015)
2233 Safford, John M., Manchester, NH (effective March 4, 2015)

Inactive to **RESIGNED**

13850 Fukudo, Steven K., Falmouth, ME (effective February 23, 2015)
2675 Webb, Ann B., Brookline, NH (effective March 4, 2015)

Inactive Retired to **ACTIVE**

21183 Litwak, Jennifer M., Los Angeles, CA (effective February 20, 2015)
18036 Miller, Casey L., Concord, NH (effective March 6, 2015)

Inactive Retired to **INACTIVE**

19475 Boucher, Erin M., Worcester, MA (effective February 23, 2015)

Inactive Retired to **RESIGNED**

2557 Tobin, Thomas J., Portland, OR (effective April 1, 2015)

Inactive Retired to **DECEASED**

8844 Babin, Jane, Laconia, NH (effective March 2, 2015)

Active to **HONORARY ACTIVE** (effective May 31, 2015)

492 Basbanes, George J., Groton, MA
518 Beckett, William H.M., Portsmouth, NH
87 Bradley, David H., Hanover, NH
701 Dunn, W. Michael, Manchester, NH
850 Frasier, Francis J., Stratham, NH
1189 Hoover, Arthur W., Alton, NH
2130 Reische, Alan L., Manchester, NH
2284 Scotch, Barry Martin, Manchester, NH

Inactive to **HONORARY INACTIVE** (effective May 31, 2015)

881 Gallagher, Christopher C., Chevy Chase, MD
1119 Hayes, William T., Pelham, NH
1538 Welch, Thomas Dunwoody, Kahului, HI

Inactive Retired to **HONORARY INACTIVE** (effective May 31, 2015)

548 Betley, Constance J., New York, NY
20 Blanchard, Raymond P., Portsmouth, NH
53 Bourassa, Clarence E., Bow, NH
435 Clark, Cary P., Littleton, NH
562 D'Amours, Richard J., Manchester, NH
572 Dalton, Charles F., Windham, NH
721 Earley, Robert E., Nashua, NH
958 Goodnow, John Symes, Peterborough, NH
8175 Hoover, Roger K., Austin, TX
1678 McEachern, John Hugh, Hampton, NH
1800 Morin, Pierre J., Berlin, NH
2364 Slive, Michael L., Birmingham, AL

Honorary Inactive to **Deceased**

11 Cushing, Donald W., Scarborough, ME (effective March 23, 2015)
5914 Smith, Peter S., Durham, NH (effective February 14, 2015)

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

11889 Vergura, James R., Atlanta, GA (effective March 12, 2015)

Suspended for Trust Account Compliance to **ACTIVE** (effective March 31, 2015)

6803 Bleck, Daniel S., Boston, MA
14239 Sanborn, Von E., New York, NY