

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, February 20, 2014
Bar Center – Concord, NH
3:00 P.M.

MINUTES

Present for all or part of the meeting were:

Jaye Rancourt	James A. Shepard
Lisa Wellman-Ally (by phone)	Lanea A. Witkus
Mary E. Tenn	Russell F. Hilliard (by phone)
Peter E. Hutchins	John MacIntosh
Lawrence A. Vogelmann	Erin B. Corcoran
Quentin J. Blaine	Keith F. Diaz
Jonathan M. Eck	Charles W. Grau
Christopher T. Regan	Jeannine L. McCoy
John A. Curran (by phone)	Denice M. Destefano
Suzanne S. McKenna	Paula D. Lewis
Richard C. Guerriero, Jr.	Joanne M. Hinnendael
Sandra L. Cabrera	Daniel R. Wise
Ora Schwartzberg	Virginia A. Martin
Scott H. Harris	

A meeting notice reminder and materials were emailed February 14th. Additional materials were emailed February 19th and distributed February 20th. 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 Jaye Rancourt

The Regular Session of the February 20, 2014 Board of Governors meeting was called to order at 3:05 p.m. by President Jaye Rancourt.

B. Membership Status Changes for February 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 Denice DeStefano

The Officers & Board **approved** the following waiver request:

[REDACTED], to **either** waive the deadline date in order to change to Inactive Retired status and pay Inactive Retired dues and fees; or, waive her 2013-2014 dues, Court and late fees so she can resign.

D. Finance Update – Budget Performance through 12/31/2013 Paula Lewis

The Board received Budget Performance Statements through 12/31/2013

- E. Minutes of January 15, 2014 Board Meeting Peter Hutchins

Minutes of the January 15, 2014 Board of Governors meeting **were approved as presented.**

- F. Ethics Committee Opinion #2013-14/8 *Providing Discounted Legal Services Through "Group Coupon" or "Daily Deal" Services*

The Board **received** Ethics Committee Opinion #2013-14/8 *Providing Discounted Legal Services Through "Group Coupon" or "Daily Deal" Services*

PRESENTATION / DISCUSSION / ACTION ITEMS

- G. President's Report Jaye Rancourt

President Jaye Rancourt reported on the following:

- Justice Initiative "Challenge" Update – commitments from many of the Board members have been received, thank you. Webpages are being finalized, with a "go live" date of March 1. The official roll-out will be March 7 at the Midyear Meeting. Board members were encouraged to go on and sign-up March 1. Jaye will demonstrate, at the Midyear Meeting, just how easy it is to sign-up. NHLA and LARC Boards are "on board" too.
- Dating Violence Program for A Lawyer/Judge in Every School Day Update – Information will be distributed at the Midyear Meeting, asking members to volunteer to either give the presentation in a school or recruit a school that would like the presentation. The program will be ready for May 2, A Lawyer & Judge in Every School Day.
- March 7th Midyear Meeting – the Governor will be speaking at the Gender Equality Committee Breakfast, which is sold out. The luncheon will feature a "new lawyers" showcase, including comments from Ned Sackman, Quinn Kelley and the 2 pro bono Rising Stars.

The March Board Meeting is a dinner meeting on Thursday, March 6 beginning at 4:30 pm at the Radisson hotel in Manchester.

- Message to AG's office from NHBA Gender Equality Committee on prison dress code Issue – this matter is heading towards resolution by agreement.

- H. Client Indemnity Fund (CIF) – Report on Durham v Tessier Chuck Grau

Public Protection Fund Vice Chair Chuck Grau explained that on May 16, 2013 the New Hampshire Bar Association Board of Governors reconstituted the CIF Committee and appointed attorneys Thomas Quarles, Charles Grau, Keith Diaz, Thomas Irwin and Neil Nicholson to decide the Durham v Tessier claim. (The claim resulted from a situation

occurring during the time the Client Indemnity Fund was in place.) The Client Indemnity Fund denied the claim. Discussion followed.

ACTION

On motion to accept the decision of the Client Indemnity Fund on Durham v Tessier.
PASSED (L. Vogelmann abstained).

- I. Rudman Center Update Erin Corcoran

Erin Corcoran, Executive Director of the Rudman Center, reported that the hallmark of the Rudman Center (launched in April 2013) will be the Rudman Fellows program, which will select entering law students each year and develop their interest and skills in public policy. 20 Fellowships will be offered this summer, with about half of them being in NH.

Erin noted that they would like a Board member to serve on the Rudman Center Board going forward, and the Rudman Center looks forward to collaboration with the NHBA on various initiatives.

- J. President's Report (continued) Jaye Rancourt

President Jaye Rancourt reported on the following:

- BOG Recruitment – there are two individuals interested in filling the Public Sector seat, so having a Nominating Committee to speak with the individuals and make a recommendation to the Board seems to be the best approach. Governor-at-Large John Curran, Hillsborough North Governor Scott Harris, and Immediate Past President Larry Vogelmann will serve as the Nominating Committee for this position. A recommendation will be put forth at the March Board Meeting.

It was also noted that it is too late to include the Out-of-State seat on the Nomination Petition for the 2014 election. There was some discussion about appointing someone to fill until the next election cycle, or simply not filling the seat until the next election cycle in 2015. The consensus was to advertise the seat, have interested members respond, and appoint a nominating committee to interview those interested and make a recommendation to the Board to fill the seat, by appointment.

- K. Court Rules Process and temporary amendments to Rule 98 Richard Guerriero
of the Rules of the Superior Court

Cheshire County Governor Richard Guerriero explained that the criminal case flow rule takes effect April 1st. All deadlines are moved forward in an effort to make the criminal process more efficient in Superior Court. Richard outlined some of the deadline date changes.

Immediate Past President Larry Vogelmann noted that he is on the committee to look at revising the Supreme Court Rules Committee process and will be meeting for the first time next week.

L. Veterans Initiative Update/Discussion

Larry Vogelman

Immediate Past President Larry Vogelman reported that Pro Bono is working with the VA to host a number of clinics for veterans and that CLE has provided training for judges and lawyers on veterans issues. Larry has been attending many, many meetings on the issues surrounding veterans needs, including meeting with Veterans Court.

Board members expressed support for continued exploration of how the Association can best be involved in this service initiative. It was noted that the Association's potential involvement should be evaluated based on structural expectations, adequate funding and alignment with the strategic plan.

M. Legislation

John MacIntosh

NHBA Lobbyist, John MacIntosh reported recommendations for positions on 27 bills. Guided by standards set by the *Chapman* and *Keller* decisions, the Board viewed the recommendations for positions on 27 bills using the Legislation Watch website, which provides access to the official General Court website with an informational overlay containing information on the Bar's legislative review process.

The Board moved to the remaining bills, and after further discussion, approved or ratified the Legislation Committee's positions on the following bills (L. Witkus abstained):

SUPPORT: HB1459, BOG voted **No Position**

OPPOSE: HB1440; HB1176 (as proposed); SB253 (as proposed)

INFORMATION NEGATIVE: SB289; HB1332; HB1156;

Bills voted Inexpedient to Legislate (ITL): HB1369; HB1341; HB1267; HB1201; HB1267

N. Executive Director's Report

Jeannine McCoy

Assistant Executive Director Denice DeStefano reported on the potential purchase of 46 Pillsbury Street, by the 2 Pillsbury Street Condo Association, for the purpose of adding another parking lot with 32 parking spaces, to the 2 Pillsbury Street Condo Association property.

NHBA owns the Bar Center space on the third floor, the seminar room, kitchen and storage space in the lower level of 2 Pillsbury Street. Denice DeStefano is the Association's designated representative at the 2 Pillsbury Street Condo Association Board Meetings and at 2 Pillsbury Street Condo Association Owners Meetings.

Denice noted that the Condo Association is waiting to get a copy of an appraisal being done for the current owner of 46 Pillsbury Street (Steve Duprey; also the developer and primary owner of units in 2 Pillsbury Street). Once an appraisal is in-hand, the 2 Pillsbury Street Condo Association Board can determine, based on estimated demolition, removal of the structure(s) and site work to build the parking lot, what price they will offer Mr. Duprey for the purchase of 46 Pillsbury Street. The 2 Pillsbury Street Condo Association Owners must approve, unanimously, the purchase of and the price for 46 Pillsbury Street.

Denice explained what is being done to obtain additional demolition and construction bids, to acquire additional financing options, to address any requirements that may be placed on the project during the Site Review process by the City of Concord and to minimize the potential impact on the operating budget going forward. The Board was asked if they had any initial questions or concerns with what has been outlined thus far. The suggestion was made that an independent review of the Purchase and Sales agreement should be done.

The Board will be kept apprised of the details as they become available.

Executive Director Jeannine McCoy reported on the following:

- ABA Action Alert – outlined the issues on Tax proposals that adversely affect many lawyers and law firms. NHBA is being asked to adopt a Model Resolution opposing these provisions in the draft legislation and send it to our Congressional delegation, urging them to oppose the legislation and to convey their views to the relevant Committee leaders.

ACTION

On motion to adopt the Model Resolution opposing these provisions in the draft legislation and send it to our Congressional delegation, urging them to oppose the legislation and to convey their views to the relevant Committee leaders. PASSED (J. Eck abstained)

- Washington State Limited Practice – provided for your information
- You Should Know Activity Update
A printed copy was provided in the packets for those in attendance.
- The group comparing Casemaker and FastCase legal research products is proceeding toward a recommendation to the Board for a new legal research contract. Interested Board members are encouraged to participate in the final discussions.

O. Association ABA Delegate's Report

Russ Hilliard

Association ABA Delegate Russ Hilliard noted that his Report was emailed to the Board of February 11th.

ADJOURNMENT

The February 20, 2014 Board of Governors Meeting adjourned at 5:55 p.m.

Respectfully submitted,

Denice DeStefano, for
Peter E. Hutchins, Secretary

NEW HAMPSHIRE BAR ASSOCIATION
Membership Status Changes

Presented to the Board of Governors February 20, 2014

Active to **INACTIVE**

Bateman, Margaret M., Exeter, NH (effective December 3, 2013) New Admit 12/3/2013
Bedard, Barbara A., Waterbury, VT (effective February 2/4/2014)
Cohen, Justin D., Melrose, MA (effective January 15, 2014)
Dowell, Jeremy J., Phoenix, AZ (effective December 3, 2013) New Admit 12/3/2013
Durham, Paul J., Exeter, NH (effective February 5, 2014)
Fisher, Daniel H., Concord, NH (effective December 3, 2013) New Admit 12/3/2013
Jones, Nathan A., Bedford, NH (effective January 16, 2014)
Lampron, Shawn M., Rochester, NH (effective February 1, 2014)
McDonald, Nicole M., Fall River, MA (effective January 9, 2014)
Miller, Joshua D., Spring Hill, TN (effective February 6, 2014)
Moloney, Edward J., Lowell, MA (effective January 23, 2014)
Peyton, Julia C., Cambridge, MA (effective December 3, 2013) New Admit 12/3/2013

Active to **INACTIVE RETIRED**

Tarberry, Alexander S., Chestnut Hill, MA (effective November 6, 2013)

Active to **FULL TIME JUDICIAL**

Anderson, David A., Portsmouth, NH (effective January 31, 2014)
Leonard, Elizabeth Maher, Concord, NH (effective January 23, 2014)
Moran, Margaret-Ann, Manchester, NH (effective January 16, 2014)
Quigley, Patricia B., Concord, NH (effective January 13, 2014)
Temple, Charles S., Concord, NH (effective January 31, 2014)

Inactive to **ACTIVE**

Berardo, Justin D., Roseland, NJ (effective January 14, 2014)
Braden, Twain A., Portland, ME (effective February 6, 2014)
Dumville, Adam M., Exeter, NH (effective January 13, 2014)
Frankel, Sarah C., Keene, NH (effective February 11, 2014)
Gardner, Peter J., Hanover, NH (effective January 15, 2014)
Gray, Nancy J., Bath, ME (effective February 3, 2014)
O'Brine, George T., Peabody, MA (effective January 24, 2014)
Roth, Jennifer, Jaffrey, NH (effective January 24, 2014)
Russell, Jacob Hale, Palo Alto, CA (effective January 28, 2014)
Tahmassbipour, Soudabeh, Holden, MA (effective February 12, 2014)

Inactive to **INACTIVE RETIRED**

Feigert, Suzanne A., McLean, VA (effective January 8, 2014)
Gadiel, Peter A., Kent, CT (effective February 3, 2014)

Inactive to **FULL TIME JUDICIAL**

Carbon, Susan B., Chichester, NH (effective January 13, 2014)

Inactive to **RESIGNED**

Rick, Adam T., Chicago, IL (effective December 31, 2013)

Inactive Retired to **PRO BONO ACTIVE**

Chandler, Lori A., Laconia, NH (effective January 15, 2014)

Honorary Inactive to **DECEASED**

Swenson, Guy, A., Francistown, NH (effective September 8, 2013)

Suspended to **INACTIVE RETIRED**

Starbranch, Meredith K., Belmont, NH (effective January 15, 2014)

Active to **Suspended for non-payment of 2013-2014 dues** (effective January 24, 2014)

Anderson, Timothy F., Bedford, NH

Bromberg, Jodi, Bala Cynwyd, PA

Chorlian, Johnathan, Concord, NH

Corcoran, Jean, Charlestown, MA

Fay, Melissa, Greenland, NH

Gosselin, Christopher, Charlestown, MA

Hopkins, Kristen, Philadelphia, PA

Kovarik, Ray, Washington, DC

Rose, Natalie, Worcester, MA

Tamzarian, Vaughn, Orlando, FL

Theroux, Linda, Merrimack, NH

Turner, Patricia, Barrington, NH

Inactive to **Suspended for non-payment of 2013-2014 dues** (effective January 24, 2014)

Barrett, James III, Morehead, KY

Brown, Andrew, Clearwater, FL

Buzawa, Carl G., Carlisle, MA

Cohen, Dana, Denver, CO

Ferguson, Gordon, Cincinnati, OH

Folley, Jarrett H., Norwich, VT

Frechette, Franz, Nederland, CO

Giordano, Julia, Sebring, FL

Helmuth, Louis, San Francisco, CA

Hodgdon, Terry, Westbrook, ME

Jachim-Gallagher, Cynthia, Newport, RI

Montalbano, Katherine, Haverhill, MA

Nichols, David, Wilton, CT

Pariseau, Christine, Manchester, NH

Pierce, David, Etna, NH

Prater Barrett, Sue Ellen, Morehead, KY

Sartin, Jody, Dallas, TX

Schlapak, Eric, Dover, NH

Schneider, Sandra, Contoocook, NH

Inactive to **Suspended for non-payment of 2013-2014 dues** (effective January 24, 2014)

Speirs, Robert III, Tallahassee, FL

Wallner, Las Vegas, NV

Watson, Bruce, Corning, NY

Watts, Troy, Breckenridge, CO

Wilking, Cara, Waltham, MA

Inactive Retired to **Suspended for non-payment of 2013-2014 dues** (effective January 24, 2014)

Hopkins, William H., Charlestown, NH

Komaridis, Alex, Parksley, VA

Lint, Janis, Merrimack, NH

Maher, John, Portsmouth, NH

Mills, Richard, Meredith, NH