

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

MINUTES

Present for all or part of the meeting were:

Jaye Rancourt	Scott H. Harris
Lisa Wellman-Ally	David C. Tencza
Mary E. Tenn	James A. Shepard
Peter E. Hutchins	Lanea A. Witkus
Lawrence A. Vogelmann	John MacIntosh
Quentin J. Blaine	Gordon J. MacDonald
Christopher T. Regan	Mark C. Rouvalis
Jacki A. Smith	Jeannine L. McCoy
Judith L. Homan (by phone)	Paula D. Lewis
Richard C. Guerriero	Joanne M. Hinnendael
Sandra L. Cabrera	Daniel R. Wise
John A. Curran	Valenda Morrissette
Ora Schwartzberg	Deanna L. Bennett

A meeting notice reminder and materials were emailed January 10<sup>th</sup>. Additional materials were distributed January 14<sup>th</sup>. 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 January 16, 2014 Board of Governors meeting was called to order at 3:10 p.m. by President Jaye Rancourt.

B. Membership Status Changes for December 2013 & January 2014 Jeannine McCoy

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

C. Report on Dues Waiver Requests Jeannine McCoy

The Officers & Board **approved** the following requests for dues waivers:

██████████ – a 100 % waiver of 2013-2014 Active Dues, Court, Late and Administrative Fees

██████████ – a 50% waiver of 2013-2014 Active dues, Court & Late fees

██████████ – a 100% pro-rated 2013-2014 Active dues and fees.

██████████ – a waiver of the deadline to change to Inactive **and** 100% waiver of 2013-2014 Inactive dues.

- ██████████ – a 100% waiver of pro-rated 2013-2014 Active dues and fees.
- ██████████ – a 100% waiver of pro-rated 2013-2014 Active dues and fees.

The Officers & Board **denied** the following request for dues waivers:

- ██████████ – 100% waiver of 2013-2014 Active Dues
- ██████████ – 100% waiver of 2013-2014 Inactive Dues
- ██████████ – 100% waiver of 2013-2014 Inactive Dues
- ██████████ – a waiver of pro-rated 2013-2014 Active dues; given a 2 mos. extension on due date (now 3/15/14)).
- ██████████ – 100% waiver of 2013-2014 Inactive Dues
- ██████████ – 100% waiver of 2013-2014 Inactive Dues.

- D. Finance Update – Budget Performance through 10/31/2013 Paula Lewis

The Board received Budget Performance Statements through 10/31/2013

- E. Minutes of November 21, 2013 Board Meeting Jaye Rancourt

Minutes of the November 21, 2013 Board of Governors meeting **were approved as presented.**

- F. Ethics Committee Procedural Rules – Proposed Change

The Board **approved as presented** changes to the Ethics Committee Procedural Rules which are attached to these minutes.

**PRESENTATION / DISCUSSION / ACTION ITEMS**

- H. ABA Midyear Meeting House of Delegates Pending Resolutions Russ Hilliard

ABA Association Delegate, Russell F. Hilliard reported that there were not any controversial resolutions pending or up for great debate at the February meeting of the ABA House of Delegates. Russ asked that any questions or concerns regarding the pending resolutions be directed to him either by phone or email. ABA House of Delegates will come together in Chicago on Monday, February 10.

- G. President's Report Jaye Rancourt

▪ **Nomination of 2014-2015 President-Elect – Mary Elizabeth Tenn**

Mary Elizabeth Tenn, Vice President, was nominated as President-Elect for the 2014-15 year and will appear on the board election ballot this spring. Nomination was approved unanimously.

- **Rule 6.1 Justice for All Challenge** - Jaye presented drafts of website screens for a proposed effort to draw attention to the voluntary legal services Bar members provide – including through the Bar's Pro Bono Program, but also reflecting the provision of voluntary services through other legal representation, or sharing of expertise as

volunteers or board service. An active discussion with many board members participating produced a number of “tweaks” to the proposed rollout of the “Challenge” that is expected to be a center of attention at the Midyear Meeting.

The following reflect points of emphasis that emerged from the discussion:

- The Justice for All Challenge will take a positive approach, emphasizing the need to capture more information about what many lawyers are already contributing in legal services and expertise.
- References to the aspirational Rule 6.1 that lawyers are obligated to provide at least 30 hours each year in donated legal services to “pro bono publico” service, with the “substantial majority” of that time devoted to legal services for the poor or to organizations serving the poor, will be included but not emphasized. This addressed several board members’ concerns that the Challenge should be celebratory rather than seen as an attempt to measure compliance with a particular rule.
- ‘Help us tell the story” will be a major theme, as reflected in web pages and reminders that will be circulated throughout the year.

The outcome of the discussion produced a number of revisions to the draft web pages. The revised web pages will be circulated to the Board with the goal of getting 100 percent support from the Board in meeting the Challenge this year. The Board’s full support, both in terms of public commitments and participating in reminding other members to report, is critical to success.

- **Teen DV Project** - Jaye has drafted a handout addressing the prevention of teen dating violence. It will be reviewed by a committee of volunteers for this educational program that aims to educate boys and girls about the risks and warning signs of violence or abuse in a dating relationship, and the legal consequences of this conduct. The handout would be used in conjunction with classroom discussions that will be held during the Lawyer in Every School Day that occurs on Law Day (or thereabouts) May 2.
- **Midyear Membership Meeting 3/7/2014**  
Recipients of the Midyear Meeting Awards have been selected.

**Gordon MacDonald – Distinguished Service to the Public**; recognizing, among his other efforts, his successful leadership of the Campaign for Legal Services fundraising, his tenure as Chair of the Board of Bar Examiners, and his ongoing participation as a Pro Bono volunteer in the Dove Project.

**Jonathan Frizzell – Vickie Bunnell Award of Community Service**; presented to an attorney from a small or solo law firm, Frizzell practices with the Waystack & Frizzell law firm in Colebrook, the hometown of the late Vickie Bunnell. He is active in local government and community athletics.

**Jeffrey Strelzin – Outstanding Service in Public Sector/Public Interest Law**; Strelzin is the longest-serving chief of the homicide bureau at the NH Attorney

General's office during a period of intense activity, high-profile cases, and strained budgetary resources. His nomination was strongly supported by a number of attorneys.

Mailings for the Midyear Meeting will be arriving soon. Board members were urged to attend the program, as well as to attend the board meeting being held the night before.

J. Campaign for Legal Services

Gordon MacDonald  
Mark Rouvalis

*Overview and discussion of CLS interest in "designated funds."*

Chair of the Campaign for Legal Services, Gordon MacDonald, and NHLA/LARC Board Chair, Mark Rouvalis, presented an update on the consolidated fundraising campaign for NHLA, LARC and Pro Bono. The campaign raised \$260,000 in 2013. MacDonald commented on the campaign's need to expand its reach beyond the legal community to raise more funds, looking to the business community as a source of financial support for legal services. He distributed a report from the campaign's business committee that calls for designated funds as a means to attract support of business, which MacDonald said the campaign intends to implement. He said only two areas are targeted for designated funds-- domestic violence and veterans. Mark Rouvalis said he would like to address the Bar's concerns and welcomed "creative participation." He asked for the BOG, NHBF and Pro Bono boards to contribute to the campaign and reiterated MacDonald's comments about looking to new revenue sources via the business community and designated funds. A question and answer period ensued, focusing largely on the details of the campaign's plan to create designated funds. Concerns were expressed about the potential for designated funds to cut into general campaign revenues that support operating expenses of the programs, in addition to questions about accounting and legal requirements.

L. 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.

Review started with HB 1108. – The Legislation Committee had recommended an INFORMATION role. John discussed the bill's hearing. Board asked why the committee didn't recommend a No Position role. John explained the minority view of increased cost and perhaps a *Chapman* issue. As this is a procedural issue and not a law change there does not seem to be a *Chapman* issue. With the computerized juror form, it seems more important to have voir dire examinations. Further discussion on the differences between panel voir dire and individual voir dire in criminal cases. After discussion, the Board unanimously voted to **support** the bill.

The Board moved to the remaining bills, and after further discussion, approved or ratified the Legislation Committee's positions on the following bills:

OPPOSE: CACR 0018; HB 1257; HB 1380; HB 1474

OPPOSE & NO POSITION: CACR 0012 was Oppose on election of Judges and No Position on election of Attorney Generals.

The Legislation Committee felt that the election of AGs is just as effective as current process, but is less clear in the election of judges. Process would not change tenures.

INFORMATION: CACR 0013; SB 0262

INFORMATION NEGATIVE: CACR 0016; HB 1165; HB 1231; HB 1256; SB 0202  
*SB 202 recommendation was approved with 1 Negative vote. Negative vote would Oppose.*

NO POSITION: HB 1137; HB 1170; HB 1230; HB 1325; HB 1442; HB 1452; HB 1580;  
HB 1609; HB 1621; SB 0204; SB 0224; SB 0318

NOT OF SIGNIFICANT INTEREST: HB 1318; SB 0263

HB 590 is a bill held over from last year. The Legislation Committee recommended changing position from Oppose to No Position as the committee was satisfied with the amendments made to the original bill.

*The Board, with 1 Negative vote, ratified the recommendation. The 1 Negative vote would continue with Oppose.*

K. Executive Director's Report Jeannine McCoy

▪ **Nebraska Unification opinion**

Jeannine updated the BOG to simply be aware of the recent Nebraska Supreme Court decision regarding unification of the Nebraska State Bar Association. She noted that New Hampshire is not Nebraska and cannot compare the two associations as "apples to apples". She noted that discussion on the Nebraska decision is expected to be at topic at the National Conference of Bar Presidents meeting in February.

▪ **Strategic Planning Next Steps**

Jeannine made note that the next strategic planning session will be Thursday, January 30 at 1 pm. Board members are welcome to participate, but BOG attendance is not mandatory. Jeannine asked that if any board members plan to attend to please let her know.

▪ **You Should Know Activity Update**

A printed copy was provided in the packets for those in attendance.

I. Recommendation of Appointment to fill Belknap County Bar Seat Peter Hutchins  
Being vacated by Judy Homan end of December 2013 Jonathan Eck  
(appointment will be until June 2014) Jacki Smith

Jackie Smith reported on the work of the subcommittee charged with nominating a replacement for Belknap County Governor Judy Homan, who has resigned her position due to her move out of state. The subcommittee recommended Suzanne McKenna, who will fill the position through June 2014 and run for a 2-year as Belknap County Governor in the April election.

**ACTION**

On motion to approve the recommendation of Suzanne McKenna as Belknap County Governor through June 2014. PASSED. (unanimously)

L. State Update

All Board Members

Past President Larry Vogelmann reported on the Veteran's CLE program held on 1/15/13. A great program, the staff did an incredible job, but he wished there were more attendees.

President-Elect Lisa Wellman-Ally reported the Sullivan County Bar is having a meeting on January 29<sup>th</sup> at the Revolution Cantina Restaurant in Claremont and all BOG members are invited.

Board members were encouraged to drop by the New Lawyers Committee gathering starting at 5:30 p.m. at Strange Brew in Manchester.

**ADJOURNMENT**

The January 16, 2014 Board of Governors Meeting adjourned at 5:35 p.m.

Respectfully submitted,

Jeannine McCoy, for  
Peter E. Hutchins, Secretary

## NEW HAMPSHIRE BAR ASSOCIATION

### Membership Status Changes

Presented to the Board of Governors December 19, 2013

#### Paid Active to **INACTIVE**

Guarino, Denise S., Stoneham, MA (effective December 9, 2013)

Ranks, Andrew B., Hartford, CT (effective November 27, 2013)

#### Active to **INACTIVE RETIRED**

Morrison, Gillian K., Jersey City, NJ (effective October 31, 2013)

#### Active to **RESIGNED**

Cook, Adam K., Hillsborough, NH (effective November 21, 2013)

Minty, Joshua L., Somerville, MA (effective November 21, 2013)

#### Active to **MILITARY INACTIVE**

Huot, Matthew, D., Laconia, NH (effective October 24, 2013)

#### ProBono Active to **INACTIVE RETIRED**

Oppenheimer, Kay, Durham, NH (effective November 19, 2013)

#### Inactive to **ACTIVE**

Colangelo, Tristen P., Boston, MA (effective December 6, 2013)

Dulany, J. Patrick, Exeter, NH (effective December 6, 2013)

Groce, Paul J., Dorchester, NH (effective December 9, 2013)

Pare, Justin R., Windham, NH (effective December 9, 2013)

Purinton, Amon H., Bangor, ME (effective November 15, 2013)

#### Honorary Inactive to **DECEASED**

Upton, Frederic K., Exeter, NH ( effective December 2, 2013)

#### Suspended to **INACTIVE**

Cohen, Peter L., Cambridge, MA (effective June 4, 2013)

## NEW HAMPSHIRE BAR ASSOCIATION

### Membership Status Changes

Presented to the Board of Governors January 16, 2014

#### Active to **INACTIVE**

Foor, Jennifer L., Honolulu, HI (effective November 6, 2013) New Admittee  
Horgan, Danielle E., South Yarmouth, MA (effective November 6, 2013) New Admittee  
Kirsch, Geoffrey R., Concord, NH (effective November 6, 2013) New Admittee  
Locke, Sean R., Boston, MA (effective November 6, 2013) New Admittee  
Messier, Philip J., Boston, MA (effective November 6, 2013) New Admittee  
Salema, Krystal, Ansoniam, CT (effective December 30, 2013)  
Savage, James J., Manchester, NH (effective November 6, 2013) New Admittee  
Stults, Lyndsey A., Roslindale, MA (effective November 6, 2013) New Admittee  
Weizel, Lavinia M., Boston, MA (effective November 6, 2013) New Admittee  
Zaremba, Christopher M., Boston, MA (effective November 6, 2013) New Admittee

#### Active to **INACTIVE RETIRED**

Bonafide, Philip P., Sanbornton, NH (effective December 31, 2013)  
Brewer, Edward S, Jr., Franconia, NH (effective December 31, 2013)  
Lassey, John A., Deering, NH (effective January 6, 2014)  
Sicola, Michael A., Bedford, NH (effective January 1, 2014)

#### Active to **RESIGNED**

Jones, Peter E., Auburn, MA (effective December 19, 2013)  
Moriarty, Kevin P., Burlington, VT (effective December 20, 2013)

#### Active to **MILITARY ACTIVE**

Alexander, Jonathan W., Newport, NH (effective December 16, 2013)

#### Military Active to **MILITARY INACTIVE**

Sala, Richard K., Oceanside, CA (effective November 6, 2013) New Admittee

#### Military Active to **INACTIVE**

Simpson, Scott B., West Haven, CT (effective December 21, 2013)

#### Inactive to **ACTIVE**

Donovan, Abigail B., Alexandria, VA (effective December 18, 2013)  
Ferro, Stephanie S., Manchester, NH (effective December 18, 2013)  
Pedley, David M., Denver, CO (effective December 27, 2013)

#### Military Inactive to **ACTIVE**

Bruttomesso, Raymond I., Concord, MA (effective January 2, 2014)



Honorary Active to **HONORARY INACTIVE**  
Sanderson, David, Portsmouth, NH (effective December 31, 2013)

Suspended to **ACTIVE**  
Greene, Evan A., Needham, MA (effective January 3, 2014)

## Ethics Committee Procedural Rules

1. The Committee has three functions. The primary function of the Committee is to render Opinions and publish articles to provide guidance to the members of the New Hampshire Bar Association (“Bar”) in interpreting the New Hampshire Rules of Professional Conduct. As a secondary function, the Committee proposes amendments to the New Hampshire Rules of Professional Conduct. A tertiary function of the Committee is to respond to Court inquiries, and to comment on or participate in the review of ethical issues of concern to members of the Bar.

### A. Opinions and Articles

The Committee may prepare and issue Opinions in response to inquiries submitted by members of the Bar, or with respect to ethical issues identified by the Committee as being relevant to the Bar, all as set forth in these Rules. Subject to the provisions of Rule 10, Opinions will be published in the *New Hampshire Bar News*.

The Committee may, from time to time, prepare Articles of general interest concerning ethics for publication in *New Hampshire Bar News*.

### B. Amendments to Rules of Professional Conduct .....