

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, May 15, 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	Patrick T. O'Day
Peter E. Hutchins	Francis X. Bruton
Robert R. Howard, III	Lanea A. Witkus
Lawrence A. Vogelmann	Russell F. Hilliard
Quentin J. Blaine	Christopher M. Keating
Jonathan M. Eck	Brian C. Shaughnessy
Christopher T. Regan	Jeannine L. McCoy
Jacki Smith	Denice M. Destefano
John A. Curran	Paula D. Lewis
Mary Ann Dempsey	Joanne M. Hinnendael
Suzanne S. McKenna	Daniel R. Wise
Richard C. Guerriero, Jr.	Virginia A. Martin
Sandra L. Cabrera	Deborah Hawkins
Ora Schwartzberg	

A meeting notice reminder was emailed May 8th. An agenda and materials were emailed May 12th and distributed May 15th. 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 May 15, 2014 Board of Governors meeting was called to order at 3:00 p.m. by President Jaye Rancourt.

B. Membership Status Changes for May 2014 Denice DeStefano

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

C. Minutes of April 17, 2014 Board Meetings Jaye Rancourt

Minutes of the April 17, 2014 Board of Governors meeting **were approved as presented.**

PRESENTATION / DISCUSSION / ACTION ITEMS

D. NH Judicial Council Update

Chris Keating

NH Judicial Council Executive Director Chris Keating reported that the Judicial Council established, in April, plans for the participation of the private bar in the delivery of indigent defense representation in NH. The Indigent Defense Subcommittee of the Judicial Council will ensure the terms of the plan are carried out.

Elements of the plan are:

- **Conflict Case Administrator** – the Public Defender Program will maintain an office to assign conflict cases in an orderly, fair and transparent manner.
- **Contract Attorney System** – the Judicial Council will enter into contracts with private attorneys to provide representation in court-appointed criminal and delinquency cases.
- **Limits on the Number of Contracts and Units Awarded Each Year** – limits will be set on the number of contracts awarded each year based on the regional projected need for representation in conflict cases.
- **Assigned-Counsel System** - establishes three panels for defense representation as follows:
 - Misdemeanors, Delinquencies and Felonies
 - Major Crimes and Homicides
 - Supreme Court Appeals
- **Eligibility Criteria for Defense Counsel** – this component is critical to the success of the plan. Indigent defense representation is not a “training ground” for new or inexperienced lawyers.

The question was then asked about increasing contract attorney fees. The last time contract attorney fees were adjusted was in 1992. Chris Keating asked if the Board of Governors would be supportive of such an effort. Rates currently are set in the Court Rules so it would require a Rule change.

After discussion and questions/answers, President Jaye Rancourt asked for a small group of Board volunteers to work on this effort. If interested, please let Jaye know.

E. Welcome to Mary Ann Dempsey

Jaye Rancourt

President Jaye Rancourt welcomed Mary Ann Dempsey to the Board as the Public Sector Governor who has been appointed to complete the unexpired term of Chuck Temple (who has been appointed to the Bench).

F. Approval of FY 2014-2015 Budget

Paula Lewis
Rob Howard

Director of Finance & IT Paula Lewis recapped the minor changes in the budget from the current fiscal year to the proposed budget under consideration. Treasurer Rob Howard provided an overview of the budget draft for fiscal year 2014-2015.

Executive Director Jeannine McCoy noted that this is year 5 at the same dues rate which makes balancing the budget more difficult without making cuts in programming.

ACTION

On motion to approve the 2014-2015 Budget as presented. PASSED (unanimously).

G. President's Report

Jaye Rancourt

President Jaye Rancourt reported on the following:

- Bench/Bar Meeting Report – the recent Supreme Court Bench Bar meeting was a positive meeting. Most of the justices will be in attendance at the Annual Meeting banquet.
- Teen Domestic Violence ALIES Curriculum – the program is up and running and has been very well received in the 9 schools visited during the initial rollout. Twenty more attorneys are being trained, in the next week or so, in how to present this program. The LRE Coordinator is now scheduling fall dates with schools wishing to have this program presented to their students.
- Justice for All – recruitment efforts continue and will be encouraged at the Annual Meeting in Portsmouth.
- 2014 Annual Meeting – Board members were encouraged to make their room reservations at the hotel, register for the meeting and “talk it up.”
- Department of Defense Letter – if anyone has feedback on the military justice system in NH, please let Jaye know and she will be happy to provide it to the Dept. of Defense in response to their letter.

H. Executive Director's Report

Jeannine McCoy

Executive Director Jeannine McCoy reported on the following:

- You Should Know Activity Update – Jeannine directed Board members to items they might not necessarily be drawn to this update:
 - NHMCLE changes
 - Communications Dept. NH Legal News Watch
 - Rural Practice Project Grant request
 - Change in print vendor for Bar News
 - Dues payments accepted on-line this year

I. Leadership Academy – Call to Action

Suzanne McKenna

Belknap County Governor Suzanne McKenna, who also serves on the Leadership Academy Steering Committee, reported that applications for the next Leadership Academy class are due in July. Please “talk it up” and give some purposeful thought to qualified candidates (3-10 years in practice) and reach out and encourage them to apply.

Suzanne also asked Board members to consider making a donation to the Leadership Academy Scholarship Fund.

J. Veteran's Initiative

Larry Vogelman

Immediate Past President Larry Vogelman reported that the Veteran's Fund has raised \$200,000 so far. The intent is to establish an independent not-for-profit, mobile office model for NH. Larry will keep the Board updated as things develop,

K. Association Recognition at Annual Meeting

Jaye Rancourt

President Rancourt reported on concerns she has received about the Association recognizing retired Judge John Lewis at the upcoming Annual Meeting.

At issue is the appropriateness of the Association recognizing Judge Lewis at the NHBA Annual Meeting in light of his comments, particularly those regarding women lawyers, as described in the Judicial Conduct Committee Reprimand of April 1, 2014. [EXECUTIVE DIRECTOR'S NOTE: See 5/22/14 minutes; this vote was reconsidered and rescinded in a motion to recognize all retired judges at 2014 NHBA Annual Meeting.]

A lengthy Board discussion ensued.

ACTION

On motion to not include Judge Lewis in the list of retired judges being recognized at the NHBA Annual Meeting on June 20, 2014. PASSED (8-yes; 6-no; 4 abstained: L. Witkus, J. Smith, S. Harris, P. Hutchins).

EXECUTIVE SESSION

The Executive Session of the May 15, 2014 Board of Governors meeting was called to order at 4:50 p.m. by President Jaye Rancourt, for the purpose of discussing the Campaign for Legal Services Agreement.

The Board adjourned the Executive Session at 5:55 pm.

ADJOURNMENT

The May 15, 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 May 15, 2014

Active to **INACTIVE**

Blandina, Stepanie L., Dover, NH (effective April 21, 2014)
Boatner, Amy J., Beverly, MA (effective May 8, 2014)
Collins, Luke W., Concord, NH (effective April 28, 2014)
Fiorentino, Christopher J., Brockton, MA (effective May 2, 2014)
Flaster, Katherine N., Woodacre, CA (effective April 28, 2014)
Morse, Tyler M., Rye, NH (effective April 28, 2014)
Pennington, Matthew P., Tuscaloosa, AL (effective May 8, 2014)
Seman, Jessica L., Reading, VT (effective May 1, 2014)
Sheridan, Michael E., Clinton, MA (effective June 1, 2014)
Stratton, Constance N., Concord, NH (effective April 21, 2014)

Active to **INACTIVE RETIRED**

Cappiello, Daniel M., Barrington, NH (effective April 1, 2014)
Cobbin, Phillip T., Rimrock, AZ (effective April 21, 2014)
Cotton, J. Robert, Concord, NH (effective May 8, 2014)
Gallo, Robert J., Portsmouth, NH (effective April 21, 2014)
Krans, Allen B., Dover, NH (effective April 7, 2014)
McNeill, Malcolm R., Durham, NH (effective April 17, 2014)
Patch, Edward F, Bow, NH (effective April 18, 2014)

Active to **RESIGNED**

Daniszewski, Robert M., Ashland, MA (effective April 29, 2014)
Lipiec, Nicole L., Albany, NY (effective April 28, 2014)
Schwartz, Robert G. Jr., Boxford, NH (effective April 11, 2014)

Active to **PART TIME JUDICIAL** (effective June 1, 2014)

Michael, Gregory E., Manchester, NH
Tenney, Edward B., Sunapee, NH

Full Time Judicial to **INACTIVE**

Hurd, Peter G., Wells, ME (effective May 2, 2014)

Full Time Judicial to **PART TIME JUDICIAL** (effective June 1, 2014)

Ashley, Susan W., Dover, NH
Crocker, Martha Ramey, Milford, NH
Desjardins, Paul D., Lancaster, NH
DeVries, Sharon N., North Hampton, NH
LeFrancois, David G., Derry, NH

Full Time Judicial to **INACTIVE RETIRED**

Bamberger, Thomas E., Nashua, NH (effective May 7, 2014)

Inactive to **PART TIME JUDICIAL** (effective June 1, 2014)

Feeney, Michael R., Newbury, NH

Gardner, Sawako T., Rye, NH

Inactive to **ACTIVE**

O'Neill, Jesse J., Salem, MA (effective April 17, 2014)

Sigur, Megan A., Laconia, NH (effective June 1, 2014)

Inactive to **INACTIVE RETIRED**

Bungeroth, Marc R.K., Key West, FL (effective April 9, 2014)

Callahan, Erin P., Pembroke, NH (effective May 2, 2014)

Connor, Leila Gemme Manchester, NH (effective May 1, 2014)

Hodges, Elizabeth L., Concord, NH (effective April 7, 2014)

Lyford, Daniel E., Suwanee, GA (effective May 1, 2014)

Schumann, Nina, Exeter, NH (effective May 1, 2014)

Starr, James R., Dunbarton, NH (effective May 1, 2014)

Varley, Michael A., Concord, NH (effective April 28, 2014)

Inactive to **RESIGNED**

Gaffney, Kathleen M., Dedham, MA (effective May 6, 2014)

Suspended to **ACTIVE**

Schlesinger, Thomas, Medfield, MA (effective April 11, 2014)

Turner, Patricia L., Barrington, NH (effective April 24, 2014)

Suspended to **INACTIVE**

Childs, Brian M., Rochester, NH (effective April 17, 2014)

Connor, Leila Gemme, Manchester, NH (effective April 17, 2014)

Active to **Suspended for Trust Account Certificate Compliance** (effective April 14, 2014)

Heal, Laird J., Worcester, MA

Karabelas, Cynthia P., Jackson, NH

Inactive to **Suspended for Trust Account Certificate Compliance** (effective April 14, 2014)

Jones, Nathan A., Bedford, NH

Inactive to **Suspended for Practical Skills Compliance** (effective April 14, 2014)

Donohoe, Elizabeth C., Portsmouth, NH