

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, November 21, 2013
Bar Center – Concord, NH
3:00 P.M.

MINUTES

Present for all or part of the meeting were:

Jaye Rancourt	Ora Schwartzberg
Lisa Wellman-Ally	Scott H. Harris
Robert R. Howard, III	David C. Tencza
Lawrence A. Vogelmann	James A. Shepard
Quentin J. Blaine	Francis X. Bruton
Christopher T. Regan	Lanea A. Witkus
Jacki A. Smith	Russell F. Hilliard
Judith L. Homan	Carol D. Brooks
Richard C. Guerriero	Derek D. Lick
Sandra L. Cabrera	Jeannine L. McCoy
John A. Curran	Denice M. DeStefano
	Paula D. Lewis
	Joanne M. Hinnendael
	Daniel R. Wise
	Deanna L. Bennett

A meeting notice reminder and materials were emailed November 15th. Additional materials were distributed November 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 Jaye Rancourt


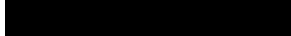
The Regular Session of the November 21, 2013 Board of Governors meeting was called to order at 3:05 p.m. by President Jaye Rancourt.

B. Membership Status Changes for November 2013 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 requests for waivers of the July 1 deadline date in order to change status:

 – waiver of the deadline date to change to Inactive
 – waiver of the deadline date to change to Military Inactive

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

- ██████████ - a 100% waiver of 2013-2014 Active dues, Court, Late & Administrative fees
- ██████████ - a 100% waiver of 2013-2014 Active dues, Court, & Late fees
- ██████████ - a 100% waiver of 2013-2014 Active dues, Court, & Late fees in order to resign
- ██████████ - a 100% waiver of 2013-2014 Active dues, Court, & Late fees in order to resign
- ██████████ - a 50% waiver of 2013-2014 Active dues, Court, & Late fees

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

- ██████████ - 25% waiver of 2013-2014 Active dues, Court, & Late fees

- D. Finance Update – Budget Performance through 9/30/2013 Paula Lewis

The Board received Budget Performance Statements through 9/20/2103.

- E. Minutes of October 17, 2013 Board Meeting Jaye Rancourt

Minutes of the October 17, 2013 Board of Governors meeting **were approved as presented.**

PRESENTATION / DISCUSSION / ACTION ITEMS

- G. Adoption of the New Standards including the Final Digest of 2013 Changes to the 2012 NH Title Examination Standards Carol Brooks

Carol Brooks, chair of the Title Standards Committee, an entity of the Real Property Law Section, presented a memo noting changes made in the 2013 annual revision process. Attorney Brooks reviewed highlights of the revisions and offered thanks to the Title Standards Committee volunteers for their efforts on this project.

ACTION

On motion to approve the 2013 annual revisions to the NHBA Title Examination Standards. PASSED.

- I. Campaign for Legal Services Proposal Jaye Rancourt

President Jaye Rancourt explained that currently Pro Bono is a part of, and receives funding from, the Campaign for Legal Services and is awarded 15% of funds raised through the Campaign. That figure is typically about \$45,000. Per the Agreement currently in place, there is no restriction on how the funds dispersed under the Campaign may be used by any of the three entities. The CLS revenue is one of few important sources of “general operation” funding for Pro Bono - funding that supports one of the largest areas of need – family law referrals.

In an effort to increase fundraising and in response to some suggestions made to the Campaign from the business community, they would like to create designated funds within the Campaign. In an effort to satisfy these concerns the Campaign has determined that designated funds such as a DV fund and a veterans fund would increase their fundraising potential. These funds would be distributed per the current Campaign structure with Pro Bono taking 15%. For example, if the total funds raised by the Campaign were \$300,000, Pro Bono would take \$45,000. If \$100,000 of the \$300,000 were designated DV funds, Pro Bono would take \$30,000 in general support and \$15,000 funds designated for DV work. However, to piecemeal out funds will create a staffing problem for NHBA and Pro Bono.

The Campaign wanted Pro Bono's agreement to implement a DV designated fund within about a 30 day window following our last BOG meeting. This fundraising effort was explained to be the lost federal domestic violence funds that NHBA and Pro Bono had received for years but had not received this year. Due to the rapid turnaround time, the NHBA Officers in consultation with members of the Pro Bono Board told the Campaign Steering Committee that we would not agree to designated funds because they could impact Pro Bono's budget drastically if a lot of the money came in as designated funds and we had restructured our staff to work in other areas. For example, due to the lost DV funds Pro Bono had designated one of our typical DV workers to work on general Pro Bono placement. If Pro Bono then received a large amount of DV designated funds they may not be able to spend that money because of cut backs on the DV work and Pro Bono would have less general support money to pay staff. This could create budget, programming and staffing problems for the NHBA.

A "stop gap" measure was suggested so that the Campaign could still fundraise for designated domestic violence contributions this year in a way that would not cause problems with the Pro Bono budget. The Board discussed the position that changing the CLS structure to include fundraising for designated purposes calls for a renegotiation of the 2006 CLS agreement.

Campaign Steering Committee members would like to attend a Board meeting soon to discuss the issue of designated funds.

Questions and discussion followed.

ACTION

Motion to reiterate to the CLS the NHBA Board's position that adding designated funds to the CLS calls for a renegotiation of the CLS agreement.

Pro Bono will not participate in the use of designated funds raised in 2013, but rather will continue to utilize 15% of the CLS proceeds for general support.

PASSED (unanimously).

H. Judicial Performance Evaluation Advisory Committee Update

Dan Will
Chris Keating

Chris Keating, Judicial Performance Evaluation Advisory Committee member, provided background on why RSA:32 was implemented; the objective being the need for more transparency in the judicial review process due to lifetime appointments.

Chris went on to explain that the Judicial Branch has a robust evaluation process in place and the Chief Justice had to formulate a committee to make the process conform to the RSA. The statute seems to contradict what is confidential and what is public information in the evaluation process.

The Court Report is due June 30, 2014. Chris anticipates that the Committee's report to the Court will be submitted in February/March. Dan Will is serving as the NHBA appointee to the JPEAC.

J. President's Report

Jaye Rancourt

- **NH State Prison Attire Policy** – there is an issue with the dress code policy for women at the NH State Prison and the way female attorneys are being treated by prison officials when they are there to see their clients. This has been and continues to be a problem at the state prison in Concord **only**. This issue has been brought to the attention of the Bar Association, NHBA Gender Equality Committee and the NH Civil Liberties Union. Jaye wanted the Board to be aware of this matter and she will keep the Board updated
- **Report on Bench/Bar Meetings** – Supreme Court 11/5; Superior Court 11/8 Both meetings went very well. The Supreme and Superior Courts were quite receptive to outreach by the Bar Association.

The Supreme Court is looking at ways to improve the rules process. Jaye is looking for volunteers to serve on a work group for the next few weeks to work on a proposed redraft of the rule that creates the rules process. If you are interested in volunteering please let Jaye know ASAP.

- **Dues Waivers** – Process for Approval Update
The group reviewing the existing process met just before the November Board meeting. They are revising forms and creating a financial form to be filled out when requesting a dues waiver. The revised process and forms will be provided to the BOG when done.
- **Midyear Membership Meeting – 3/7/2014**
Award Nominations are being sought for the following:
 - Vickie M. Bunnell Award for Community Service
 - Distinguished Service to the Public
 - Outstanding Service in Public Sector/Public Interest Law

Please nominate a deserving colleague!

K. Executive Director's Report

Jeannine McCoy

- **Strategic Planning with BOG and Strategic Initiative Group 12/6/13**
Jeannine thanked the Board members for planning to take time to participate in this important session on December 6th. Elizabeth Derrico, of the ABA Division for Bar Services, will be facilitating and will guide us through how we take the information that has been obtained, through surveys and focus group meetings, and set priorities for the organization.
- **Budget Info Session and Membership Meeting – 12/12/13**
A Special Business Meeting, for voting on proposed amendments to the Bars Bylaws and Constitution (as approved by the BOG over the last few months), and Budget Information Session is scheduled Thursday, December 12th at 3:00 pm at the Bar Center. We hope to see you there.
- **You Should Know Activity Update**
Has a new look and great information. Please take a few minutes to review.
- **2 Pillsbury Street Parking Expansion Update**
A variance was granted by the Concord ZBA to allow for development of property at 46 Pillsbury Street into additional parking for 2 Pillsbury Street. A big thank you to Jonathan Eck and Chuck Temple who attended the ZBA hearing with Jeannine and stayed for the duration. Thanks also to Lisa Wellman-Ally and Jacki Smith who had volunteered to attend as well, if needed.
- **Upcoming Judicial Nominations**
We anticipate having several judicial nominations made before the end of the year so please bear with us as we usually have very short timeframes in which to schedule meetings for the Board with each of the judicial candidates.

L. Supreme Court Advisory Committee on Rules Update

Derek Lick

Derek Lick, the Bar's representative to the Supreme Court Advisory Committee on Rules, reported that he is still getting up to speed on the work of this committee.

Derek reported that:

- IOLTA and who it covers is a hot topic, and
- The ABA's recommendations for NH's complaint process is wending its way through the process now. Derek is on that subcommittee.
- Next meeting, which is a Public Hearing, is December 13

Strafford County Governor Chris Regan asked why the Court can't provide a summary of what the proposed rule changes are about to make it easier on practitioners. Derek will make that suggestion.

M. State Update

Cheshire County Governor Richard Guerriero reported the moving date for the new Cheshire County Courthouse is December 16th. Unfortunately there are no facilities to meet with incarcerated clients at the new courthouse.

Hillsborough South Governor Dave Tencza reported the Nashua Bar has their next meeting on December 5th from 5:30 – 7:30 pm.

Governor-at-Large Jacki Smith reported that settlement conferences in Nashua seem less controversial.

Strafford County Governor Chris Regan reported the Strafford Bar Christmas meeting is being held in conjunction with Judge Cappiello's retirement event on December 12th.

Coos County Governor Sandra Cabrera reported on a Superior Court Brown Bag luncheon held this week to talk about the call center. Felony case flow management guidelines were also discussed, with some concerns raised.

President-elect Larry Vogelmann expects Judge MacCafferty's nomination to go through soon. Larry also mentioned some venting going on about the call center today on some of the listserves.

Governor-at-Large Quentin Blaine reported on issues with the call center in so far as pleadings not yet entered at the Court are not showing up in the call center system, causing the potential for misinformation.

Grafton County Governor Ora Schwartzberg reported that over 60 members attended the Grafton County Bar meeting in Hanover on November 18th. Judge Nadeau, along with five other judges also attended and noted their concerns in the courtroom (civility, animosity towards each other) as well as provided real practical tips. It was a great meeting.

ADJOURNMENT

The November 21, 2013 Board of Governors Meeting adjourned at 5:05 p.m.

Respectfully submitted,

Denice DeStefano, for
Peter E. Hutchins, Secretary

NEW HAMPSHIRE BAR ASSOCIATION
Membership Status Changes
Presented to the Board of Governors November 21, 2013

Active to **INACTIVE**

Barry, Robert P., Watertown, MA (effective August 29, 2013)
Bergeron, Jennifer L., Nashua, NH (effective September 19, 2013)
Claflin, Steven H., Framingham, MA (effective September 19, 2013)
Griefen, Zachary K., Montpelier, VT (effective Sept 26, 2013 New Admittee)
O'Neill, Jesse J., Salem, NH (effective November 1, 2011)

Paid Active to **INACTIVE**

Grogan, Patrick M., Walpole, MA (effective October 8, 2013)
Watson, Daniel K., Winston-Salem, NC (effective November 1, 2013)
Studen, Laura R., Boston, MA (effective October 16, 2013)
Zaldastani, Erin W.S., Salem, NH (effective October 30, 2013)

Active to **INACTIVE RETIRED**

Fisher, Robert E., Dover, NH (effective October 17, 2013)
Nemeth, Fred H., Intervale, NH (effective October 1, 2013)

Paid Active to **RESIGNED**

Snyder, Gordon M., Keene, NH (effective October 27, 2013)

Inactive to **ACTIVE**

Crawford, Tobias W., Boston, MA (effective October 16, 2013)
Driscoll, Christopher W., Gloucester, MA (effective October 29, 2013)
Hoch, William V., Newton, MA (effective October 31, 2013)

Inactive to **RESIGNED**

Hurowitz, Stuart, Framingham, MA (effective October 17, 2013)

Paid Inactive to **RESIGNED**

Kagle, Sara J., Springfield, VT (effective October 24, 2013)

Honorary Active to **HONORARY INACTIVE**

Grillo, Peter V., Haverhill, MA (effective November 1, 2013)

Inactive Retired to **DECEASED**

Bernard, Richard A., Durham, NH (effective May 9, 2013)

Suspended to **ACTIVE**

Moegelin, Charles B., Lowell, MA (effective October 21, 2013)
Whittenberg, William T., Derry, NH (effective October 18, 2013)

Suspended to **INACTIVE**

Nelson, Jon M., Long Beach, CA (effective October 24, 2013)