

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
Thursday, September 19, 2013  
Bar Center – Concord, NH  
2:30 P.M.

**MINUTES**

Present for all or part of the meeting were:

Jaye Rancourt	Patrick T. O'Day
Lisa Wellman-Ally	Lanea A. Witkus
Mary E. Tenn	Russell F. Hilliard
Peter E. Hutchins	Richard C. Guerriero
Robert R. Howard, III	Connie L. Rakowsky
Quentin J. Blaine	Enrique Mesa
Jonathan M. Eck	Mark C. Rouvalis
Christopher T. Regan	Lauren S. Irwin
John A. Curran	Mary Searles
Charles S. Temple	Matthew R. Serge
Dennis L. Morgan	Jeannine L. McCoy
Sandra L. Cabrera	Denice M. DeStefano
Ora Schwartzberg	Virginia A. Martin
Scott H. Harris	Paula D. Lewis
David C. Tencza	Joanne M. Hinnendael
James A. Shepard	Valenda Morrissette
	Deanna L. Bennett

A meeting notice reminder was emailed September 16<sup>th</sup>. A preliminary agenda and materials were emailed September 17<sup>th</sup>. Additional materials were distributed September 19<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 September 19, 2013 Board of Governors meeting was called to order at 3:05 p.m. by President Jaye Rancourt.

B. Membership Status Changes for September 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 deadline date to change to Inactive  
██████████ - Waiver of deadline date to change to Inactive

- Waiver of deadline date to change to Inactive
- Waiver of deadline date to change to Inactive
- Waiver of deadline date to change to Inactive
- Waiver of deadline date to change to Inactive
- Waiver of deadline date to change to Inactive
- Waiver of deadline date to change to Inactive
- Waiver of deadline date in order to Resign
- Waiver of deadline date in order to Resign

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

- a 75% waiver of 2013-2014 Active dues & Court fees
- a 75% waiver of 2013-2014 Active dues & Court fees
- a 100% waiver of 2013-2014 Active dues & Court fees
- a 100% waiver of 2013-2014 Inactive dues & Court fees
- a 100% waiver of 2013-2014 Active dues & Court fees
- a 100% waiver of 2013-2014 Inactive dues & Court fees
- a 100% waiver of 2013-2014 Active dues & Court fees
- a 100% waiver of 2013-2014 Active dues & Court fees

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

- a 75% waiver of 2013-2014 Active dues & Court fees
- a 75% waiver of 2013-2014 Active dues & Court fees
- a 75% waiver of 2013-2014 Active dues & Court fees
- a 100% waiver of 2013-2014 Active dues & Court fees
- a 100% waiver of 2013-2014 Active dues & Court
- a 100% waiver of 2013-2014 Active dues & Court fees
- a 100% waiver of 2013-2014 Active dues & Court fees
- a 100% waiver of 2012-2013 and a 75% waiver of 2013-2014 Active dues & Court fees

Active dues & Court fees

- a 100% waiver of 2013-2014 Active dues & Court fees
- a 100% waiver of 2013-2014 Active dues & Court fees
- a 100% waiver of 2013-2014 Active dues & Court fees
- a 100% waiver of 2013-2014 Active dues & Court fees
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- a 100% waiver of 2013-2014 Active dues & Court fees
- a 100% waiver of 2013-2014 Active dues & Court

D. Finance Update

Paula Lewis

Director of Finance & IT Paula Lewis provided a financial update showing fiscal year budget is in line with projections. It was also noted, however, that the Pro Bono DOVE project will not be receiving approximately \$40,000 expected from a sub-grant of funds NHLA expected to receive from a Department of Justice Legal Assistance to Victims grant, but has learned will not be made to NH this year.

E. Minutes of August 20, 2013 Board Meeting

Peter Hutchins

Minutes of the August 20, 2013 Board of Governors meeting **were approved as presented.**

### **APPOINTMENTS**

F. Nomination of Richard Guerriero to Fill Remainder of  
First Year of Cheshire County Governor Leon Goodwin's Term

Jaye Rancourt

Cheshire County Governor Leon Goodwin has relocated to practice in Rockingham County and has therefore resigned his seat on the Board. Richard Guerriero of Lothstein Guerriero in Keene has expressed interest in filling the Cheshire County Governor seat. This appointment would be until spring 2014 when a special election will be held to complete the remaining year of this 2-year term.

President Jaye Rancourt welcomed Richard Guerriero to the meeting. Richard introduced himself to those present and noted his areas of practice.

### **ACTION**

On motion to approve the appointment of Richard Guerriero to fill the first year of the 2-year term for Cheshire County Governor on the Board of Governors. **PASSED** (unanimously).

### **PRESENTATION / DISCUSSION / ACTION ITEMS**

G. Ethics Committee Letter to NH Rules Committee re: review of Revisions  
to the Model Rules of Professional Conduct

Jaye Rancourt

The Board received a copy of the letter sent by the Ethics Committee to the Court's Advisory Committee on Rules re: revisions to the Model Rules of Professional Conduct.

Ethics Committee member Richard Guerriero explained that the Ethics Committee spent time on the proposed revisions to the Model Rules of Professional Conduct over several meetings.

Sullivan County Governor Lanea Witkus questioned the proposed rule on restitution. President Jaye Rancourt noted that the proposed rules will be open for comment before action by the Advisory Committee on Rules and suggested Lanea could raise her concerns in that process.

H. President's Report

Jaye Rancourt

President Jaye Rancourt reported on the following:

- BOG Orientation Follow-up – Board members received an Evaluation Form for the BOG Orientation meeting held in Wolfeboro in August, and were asked to complete and return it to help develop future orientation sessions.

- 10/7/13 UNH School of Law - Jaye has been invited to speak to UNH law students about their involvement with the Bar Association.
- County Bar Outreach Efforts – The Association has scheduled social gatherings in the following Counties as indicated:
  - Cheshire (& Sullivan) County – 4:00 – 5:30 pm on October 1, 2013 – Best Western, Keene
  - Grafton (& Sullivan) County – 4:00 – 5:30 pm on October 4, 2013 – Fireside Inn, West Lebanon
  - Carroll County – 4:00 – 5:30 pm on November 7, 2013 – White Mountain Hotel, North Conway
  - Rockingham (& Strafford) County – 4:00 – 5:30 pm on November 22, 2013 – Frank Jones Center, Portsmouth

These social gatherings follow full-day CLE programs. NHBA will be providing appetizers and beer, wine & soft drinks for attendees. CLE Registrants, as well as members in each of these Counties, will receive an email letting them know there will be a social time after the program with Bar Leaders. Members will be invited to bring their questions and issues to raise with and be addressed by the leadership during this time

Some of these gatherings will also provide an opportunity to get feedback for the NHBA strategic planning initiative, which is underway with a number of interviews, surveys and focus groups planned. Strategic planning will assist Association leaders in obtaining and focusing limited resources on the right things for the Association's future.

President Jaye Rancourt encouraged Board members to please attend at least one of these gathering and bring a new lawyer with you.

## **APPOINTMENTS**

### I. Appointment of Enrique Mesa to the LARC Board

Enrique Mesa  
Connie Rakowsky  
Mark Rouvalis

Connie Rakowsky, Director of LARC, briefed those present on the LARC Board requirement that the NHBA Board of Governors must approve attorney members (66%) on their Board.

Connie introduced Enrique Mesa to the Board for their consideration. LARC Board Chair Mark Rouvalis noted that Enrique Mesa comes highly recommended.

## **ACTION**

On motion to approve the appointment of Enrique Mesa to the LARC Board. PASSED (unanimously).

## **PRESENTATION / DISCUSSION / ACTION ITEMS**

- J. Gender Equality Committee Proposal for New Action Lauren Irwin  
Seeking Additional Resources for Negotiation Training

Gender Equality Committee Chair Lauren Irwin presented a proposal that builds on last years efforts to train law firms and government decision-makers in addressing the gender-based wage disparity in NH's legal community.

The program being proposed this year will be conducted as a half-day interactive workshop, consisting of part lecture and part engagement training exercises. The Committee would like to invite UNH law students to participate as well. Anticipated costs of this workshop, with attendees paying a small fee to attend, is \$5,000 which is included in the FY 2013-2014 budget for the Gender Equality Committee.

A suggestion was made by a Board member to keep the topic, presentation and marketing gender neutral and to also target newer lawyers, both male and female.

### **ACTION**

On motion to approve the proposal from the Gender Equality Committee to coordinate and conduct a half-day interactive workshop as outlined in the Proposal for New Action submitted to the BOG. PASSED (unanimously).

- K. Legal Research Study Group Review Status Matt Serge  
(Consideration of Casemaker vs. Fastcase as Legal Mary Searles  
Research Provider of this Member Service)

*Background: <http://www.nhbar.org/casemaker/testdriverswanted.asp> For the past 10 years, the Bar has offered access to Casemaker, an online legal research resource as a premier member benefit. We are currently evaluating whether to continue with Casemaker or replace it with a similar service, Fastcase.*

Matt Serge, a member of the Legal Research Study Group, reported that the overview process started in May of this year. The Study Group has met monthly, with the exception of August, with a goal of determining whether the Association should continue with Casemaker (NHBA currently has a 1 year contract renewal while the analysis is undertaken) or make a change in providers of legal research needs for NHBA members.

A survey of the membership was conducted and the results published in Bar News and distributed to the Board at this meeting.

Mary Searles, NH Supreme Court Law Librarian, noted that she has done a side-by-side comparison of Casemaker and FastCase, based on the survey results.

Ms. Searles also reminded Board members that the law library is available to members and she outlined some of the services provided.

Board members were strongly encouraged to participate in one of the scheduled “test drive” sessions in various parts of the state. It’s important for the Bar to do its due diligence in product comparison before the Board takes action on entering into a long-term agreement with a legal research provider for NHBA members.

Newly appointed Cheshire County Governor Richard Guerriero offered his assistance if needed. Richard investigated and compared legal research providers for the public defender program in NH.

L. NH Law Library Update Mary Searles

Mary Searles, NH Supreme Court Law Librarian, reported that due to budget cuts she has had to cancel case reports in print at the law library. There still is no WiFi, but that will hopefully be addressed as part of the e-Court process.

Public access to computers with West Law and LexisNexis are available and the Law Library is still open 5 days a week. Printed reports that will still be available are: NH Reports; US Code; Atlantic Reporter.

M. State Update All Board Members

Coos County Governor Sandra Cabrera reported that the Coos/Grafton softball game was a fun event. The PAD rules in Coos are sometimes being followed and sometimes not. There has been negative feedback on the new jury questionnaire forms.

President-elect Lisa Wellman-Ally also reported problems with the new jury questionnaires; a lot of necessary information is not gleaned through the new form/process. The previous process worked; Lisa is hearing a lot of complaints about this.

There was general discussion and Q & A on the new jury questionnaire process. Staff Liaison to the Committee on Cooperation with the Courts, Denice DeStefano, reported that there was similar discussion and dissatisfaction on this very topic at the Cooperation with the Courts meeting yesterday afternoon. Judge Tina Nadeau provided the Cooperation with the Courts members with a contact person for complaints.

[SECRETARY’S NOTE: Denice DeStefano e-mailed the following information to the Board on 9/26: *According to Superior Court Chief Judge Tina Nadeau, if there are criminal concerns you should contact Randy Hawkes at [rhawkes@nhpd.org](mailto:rhawkes@nhpd.org) and if there are civil concerns, you can contact Pat Lenz, the superior court administrator at [plenz@courts.state.nh.us](mailto:plenz@courts.state.nh.us).* ]

Governor-at-Large Chris Regan reported that talk at the Strafford County Bar meeting focused on the Criminal Case Flow Policy draft.

Legal Services Director Ginny Martin noted that October is Pro Bono month and several things are “in the works” to recognize this. Pro Bono case summaries are now available on-line and hopefully will enhance referral of pro bono cases.

Rockingham County Governor Patrick O'Day reported there will be a social event on October 15, from 5 – 8 pm at a new pub in Portsmouth.

Sullivan County Bar Governor Lanea Witkus reported that more marital master time is occurring in Sullivan County. Lanea noted inconsistent treatment in Grafton County.

Managing Editor Kristen Senz noted that she would love to hear from Board members about their first pro bono case for an article she is working on for Pro Bono month.

Merrimack County Governor Jim Shepard reported that Merrimack County Bar is working on scheduling a meeting after a bit of a hiatus.

Treasurer Rob Howard noted that he attended a seminar on Monday on legal trends that was very information and he is writing an article for *Bar News* on encryption.

Governor-at-Large Jonathan Eck reported that the Manchester Bar has a dinner meeting on October 15 that will include a Supreme Court Society exhibit.

Public Sector Governor Chuck Temple reported that the Leadership Academy group preparing a “how to” mini-course for UNH law students regarding the dos and don'ts of networking is now going to coordinate a networking education day instead for law students that is shaping up to be a good event.

Hillsborough South Governor Dave Tencza noted that Hillsborough South has been selected to pilot criminal mediation hearings; Dave will keep the Board updated on how these go. There will be a court staff appreciation event next week.

Grafton County Governor Ora Schwartzberg reported that Grafton County will be having a social event on Sept. 26; will be hosting lawline in October and will have their Annual Meeting in November. She noted Grafton County is a very active bar and a great group of people.

N. Russ Hilliard

- ABA Delegate Report – was emailed August 22, 2013. Russ noted that those in attendance heard from Eric Holder and Hillary Clinton.
- New England Bar Association Annual Meeting – Russ encouraged Board members to attend this event, happening in Portsmouth October 25 & 26. Sessions include:

**Friday, October 25<sup>th</sup> – 9 am**

Presentations and discussion regarding the future of legal education and its impact on the legal profession in New England, with perspectives offered by:

- New England members of the ABA Task Force on the Future of Legal Education
- Deans of New England Law Schools
- Lunch with round table discussions by State, including the Law School Deans
- Leadership Development “On a Shoestring”
- Reception at 6:00 pm followed by Dinner, and Music/Dancing to Rico Barr & the Jump n’ Jive Review

**Saturday, October 26<sup>th</sup> – 9 am**

- Captions from “The Big Picture” – Top Trends and Trials for Bar Associations from Across the Country

*Elizabeth Derrico, Associate Director, ABA Division for Bar Services*

- Partnering for the Preservation of the Justice System

*Presented by Co-chairs and former ABA Presidents, William T. Robinson, III and Stephen N. Zack*

- NHMCLE Board – Review of Rule and Administration – Staff and NHMCLE Board are exploring the Arizona system in place for MCLE compliance. It would move NH to being more of a self-certification system, like the Trust Account Certification process. This could reduce administrative costs and be more member oriented. The NHMCLE Board will be preparing a recommendation for the Supreme Court to consider and the Board will be kept posted.

O. President’s Report (continued)

Jaye Rancourt

- Dues Waivers – Process for Approval

President Jaye Rancourt noted that there have been lost of requests from member asking for dues waivers who are employed either part-time, as contract attorneys, etc. Jaye doesn’t believe we can give them all a waiver and would like to examine and establish better guidelines to determine when to grant waivers of dues and fees. Jaye asked Board members to give this some thought in preparation for discussing at the October Board meeting.

- Other – Jaye will be meeting with Chief Justice Dalianis next week.

P. Executive Director’s Report

Jeannine McCoy

- Strategic Planning Update – Executive Director Jeannine McCoy asked Board members to please calendar December 6 as a Full Day Board Session to work on strategic planning.
- You Should Know Activity Update – was distributed and Board members were encouraged to take a few minutes to read.
- IT Upgrades – Jeannine reported that the Association is moving ahead with the IT upgrades approved at the June Board meeting. Jeannine also reported that the membership database migration is taking more time and using more staff resources than we expected.

**ADJOURNMENT**

The September 19, 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 September 19, 2013

#### Active to **INACTIVE**

Adams, Kip J., Boston, MA (effective September 1, 2013)  
Boudreau, Robert T., Portland, ME (effective September 12, 2013)  
Ciappa, Jonathan C., Shelburne, VT (effective June 1, 2013)  
Clouser, Kristin E., Jericho, VT (effective June 1, 2013)  
Kim, Yeon J., Woburn, MA (effective August 28, 2013)  
Seabury, Suellen E., Hudson, NH (effective June 1, 2013)  
Sessions, Cheryl A., Northfield, NH (effective August 28, 2013)  
Shakun, Joshua D., Newton, MA (effective June 1, 2013)  
Wolterbeek, Susan K., St. Tomas, VI (effective June 1, 2013)

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

Cleary, William W., Westmoreland, NH (effective June 1, 2013)  
Corbin, Lee, Cape Neddick, ME (effective June 1, 2013)

#### Active to **RESIGNED**

Leo, Jered J., Picatinny Arsenal, NJ (effective August 20, 2013)

#### Active to **DECEASED**

Witt, Gretchen Leah, Concord, NH (effective September 11, 2013)

#### Inactive Retired to **ACTIVE**

Brown, Robert P., Sanford, ME (effective August 22, 2013)

#### Paid Inactive to **ACTIVE**

Beaton, Amy K., Stratham, NH (effective August 16, 2013)  
Chafe, Eric J., Hudson, NH (effective August 20, 2013)  
Drouin, Donald G., Bedford, MA (effective August 27, 2013)  
Hatfield, Meredith A., Concord, NH (effective September 5, 2013)  
Maher, Eric A., Exeter, NH (effective August 27, 2013)  
Mousseau, Cynthia M., Melrose MA (effective September 5, 2013)

#### Paid Inactive to **INACTIVE RETIRED**

Wentworth, Mikaela S., Winterport, ME (effective August 28, 2013)

Inactive to **RESIGNED**

McCaa, Janet C., Portland, ME (effective August 20, 2013)

Richelson, Andrew M., Greensboro, NC (effective June 1, 2013)

Inactive Retired to **PRO BONO ACTIVE**

Oppenheimer, Kay, Strafford, NH (effective September 5, 2013)

Military Active to **INACTIVE**

Johnson, J. Chase, Washington, DC (effective September 1, 2013)