

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
Thursday, December 20, 2012  
Bar Center – Concord  
3:00 P.M.

**MINUTES**

Present for all or part of the meeting were:

Lawrence A. Vogelman	Dennis L. Morgan
Jaye Rancourt	Scott H. Harris
Lisa Wellman-Ally	David C. Tencza
Peter E. Hutchins	Philip L. Pettis
Robert R. Howard, III	Lanea Witkus
Jennifer L. Parent	Russell F. Hilliard
Eric D. Cook	John D. MacIntosh
Quentin J. Blaine	Jeannine L. McCoy
Jonathan M. Eck	Denice M. DeStefano
Christopher T. Regan	Virginia A. Martin
Jacki A. Smith	Daniel R. Wise
Charles S. Temple	Joanne M. Hinnendael
Judith L. Homan	Paula D. Lewis
	Valenda Morrissette

A meeting notice reminder, preliminary agenda and related materials were emailed December 15<sup>th</sup>. Additional materials were emailed and distributed December 20<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 Larry Vogelman

The Regular Session of the December 20, 2012 Board of Governors meeting was called to order at 3:12 p.m. by Bar Association President Lawrence Vogelman.

B. Membership Status Changes for December 2012 Denice DeStefano

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

C. Report on Dues Waivers as Approved by the Officers Denice DeStefano

The Board **approved the following waiver requests:**

██████████ – waiver of deadline date to change status to Inactive and pay Inactive dues and Court fees.

██████████ – waiver of deadline date to change status to Inactive Retired and pay Inactive Retired dues and fees.

██████████ – waiver of deadline date to change to Inactive Retired **AND** waiver if the Inactive Retired dues, Court fees and \$50 late fee.

██████████ – 100% waiver of 2012-2013 Active dues, Court fees & \$50 late fee

██████████ – 75% waiver of 2012-2013 Active dues, Court fees and \$50 late fee.

██████████ – 100% waiver of Inactive dues, Court fees and \$50 late fee.

██████████ – 75% waiver of 2012-2013 Active dues and Court fees.

██████████ – 100% waiver of 2013-2013 Active dues and Court fees.

██████████ – denied 75% waiver of 2012-2013 Active dues and Court fees.

D. Minutes of November 15, 2012 Board Meetings Denice DeStefano

Minutes of the November 15, 2012 Board of Governors meeting **were approved as presented.**

E. Financial Statements through October 2012 Rob Howard

The **Board received** financial statements through October 2012, as approved by the BOG Committee on Administration.

F. Ethics Committee Advisory Opinion #2011-12/3 Denice DeStefano  
*Limitations on “Million Dollar Advocate” and “Million Dollar Advocates Forum” Advertising*

The **Board received** Ethics Committee Opinion #2011/12-3 *Limitations on “Million Dollar Advocate” and “Million Dollar Advocates Forum” Advertising.*

## **DISCUSSION / ACTION ITEMS**

G. Legislation

NHBA Lobbyist John MacIntosh reported no legislation yet to review and likely not until early January. Margerie Smith (Durham) will be serving as Chair of House Judiciary.

- Possible new legislator/court info session – Executive Director Jeannine McCoy noted that there will be a meeting on January 3 to discuss plans for the new legislator orientation session with the courts and NHBA. The Bar Foundation is providing some Justice Grant funds for refreshments at this event. As soon as a date is set, details will be provided.
- Legislative Reception after BOG meeting January 17<sup>th</sup> – Jeannine McCoy reminded the Board that a Legislative Reception will be held at the Barley House in Concord on

January 17<sup>th</sup> immediately following the January Board meeting. Invitations to the Senate, House leaders and key House Committees will be sent as soon as the legislative committee appointments are published.

- Question 2 follow up – Support for “Keep Politics...” Committee – donations are still being accepted by the independent committee formed to help defray costs of the 700 “Vote No on Question 2” signs and for ads which ran in the Concord Monitor, Fosters Daily Democrat and the Union Leader/NH Sunday News Voters Guide.
- Capitol Impact software demonstration – Director of Communications Dan Wise provided a demonstration of software recently purchased that will enable easier and more efficient tracking of legislation for the Legislation Committee, Board, staff and, eventually, the membership.

H. Joint Board Concept (NHBA/LARC/Pro Bono) Discussion

Larry Vogelman

President Larry Vogelman summarized a memo provided to the Board outlining the possible benefits and drawbacks of the “Joint Board” Concept for NHBA Pro Bono (joining with the existing joint NHLA/LARC Board).

The Officers have reviewed and discussed the proposal made by representatives of the NHLA/LARC Board to consider expanding that joint governance group to also be responsible for the NHBA Pro Bono Program governance. It was agreed during the mediation process held in the spring of 2012 that this concept would be studied. It has been discussed several times during NHBA Board of Governors’ meetings, and a preliminary discussion session between Association and NHLA/LARC Board representatives was held.

The NHBA Officers recommend that the Board of Governors reaffirm that governance responsibility for the NHBA Pro Bono Program falls properly under the Pro Bono Governing Policy Board and the NHBA Board of Governors. It is further recommended that representatives from the NHBA Board of Governors and Pro Bono Board meet with representatives from the NHLA/LARC Board on a periodic basis to review and discuss policies and procedures of these closely connected programs providing statewide civil legal services to the poor in New Hampshire.

Secretary Peter Hutchins commented that the joint letter recently sent seeking contributions to the Campaign for Legal Services and the NH Bar Foundation was effective, from his perspective. President Larry Vogelman and Executive Director Jeannine McCoy appreciated hearing that, as a great deal of time was spent to enable this joint fundraising effort.

**ACTION**

On motion to respectfully decline the proposal for a joint board with NHLA and LARC and to encourage periodic meetings between representatives from the NHBA Board of Governors and Pro Bono Board with representatives from the NHLA/LARC Board to review and discuss policies and procedures of these closely connected programs

providing statewide civil legal services to the poor in New Hampshire. PASSED (unanimously).

I. Supreme Court Rules Committee Public Hearing Report Jennifer Parent

Immediate Past President and NH Supreme Court Advisory Committee on Rules member Jennifer Parent reported on a Public Hearing held December 14<sup>th</sup>, that included Model Rules on Client Trust Accounts, PAD Pilot Rules (temporary rule for now; not yet scheduled for public hearing), and Rule 170 on Mediation.

Of particular note is Rule 170 on Mediation. A Subcommittee chaired by Judge McNamara found that most mediators don't pay the \$50 and do private mediation.

The proposed rule contains language that:

- Every case is a presumptive ADR case
- Includes more Court involvement
- Eliminates the \$50 fee and instead adds a \$10 surcharge on every writ

There was also discussion on Rule 170 training. Currently the rule requires 38 hours of mediation training initially and 8 hours renewal training annually. Jennifer questions why that much training for volunteers is needed. Justice Lynn, chair of the Advisory Committee on Rules, is looking for feedback on this proposal. Comments/feedback should be directed, before January 13<sup>th</sup>, to the Rules Committee or to Jennifer Parent so the Rules Committee has time to review and discuss prior to the next Public Hearing.

Jennifer will get a redline version of the proposed Rule 170 to Executive Director Jeannine McCoy so that it can be shared with the Board.

Secretary Peter Hutchins suggested the Board should provide an outline of priorities/concerns for consideration to the Rules Committee, prior to the next Public Hearing. Hillsborough North County Governor Scott Harris and Sullivan County Governor Lanea Witkus offered to work with Peter on this for the January Board meeting, and Peter offered to reach out to the NHAJ for input.

President Larry Vogelmann noted that this would be an item on the agenda for the next Bench/Bar meeting as well.

J. Public Access Policy Committee Report Judy Homan

Belknap County Governor and Public Access Policy Committee member Judy Homan reported that she was hoping to have a draft of the Court's Public Access Policy Committee Report for the Board to review, but it is not yet ready. Judy outlined the discussions to date, from determining personal identifiers contained in Court records that will need to be redacted, the need to revise Court forms, to having to educate attorneys on how to protect their client information. Levels of access in various settings such as in person at the court clerk's counter, at a court "kiosk" or on-line are being considered.

The next meeting of this Committee is January 7<sup>th</sup>. Judy hopes to have a final draft shortly after the January 7<sup>th</sup> meeting, that can then be provided to the Board at their January 17<sup>th</sup> meeting.

K. Leadership Academy Update Lisa Wellman-Ally

Vice President Lisa Wellman-Ally reported that the December Judicial module and “homework” of judge “shadowing” went well. Time for project work was also provided in December. The next module on Non Profits is scheduled for January 11<sup>th</sup>.

L. President’s Report Larry Vogelman

President Larry Vogelman reported on the following:

- Board recruitment for 2013-2014 – emails were sent by Assistant Executive Director Denice DeStefano to Board members eligible for re-election and to those whose terms are up with options for other Board seats they are eligible for. President Vogelman asked Board members to please respond to the email.
- Midyear Membership Meeting – CLE Director Jo Hinnendael reported that there will be 2 Professional programs on March 8<sup>th</sup> totaling 5 hours of CLE credit. The morning session features Attorney Talmage Boston on *Raising the Bar: 8 Lessons from Legal Icons*. The afternoon session is a panel discussion on *Civil Liberties on Trial: Promoting the Rule of Law*, moderated by President Larry Vogelman, with US District Court Judge Marcia Cooke, Michael Gunnison, assistant US attorney for the District of NH and an as yet unnamed third panel member.

Thanks in part to a grant from the NHMCLE Program, we will once again be able to offer “bargain basement” pricing for members: \$50 for the full day for new lawyers and government lawyers and \$100 for the full day for members in practice 3 years and more. The Midyear Meeting brochure will be mailed in early January.

- Association support to the Bar Foundation – President Larry Vogelman reported that the temporary support being given to the Bar Foundation by Association Executive Director Jeannine McCoy and other bar staff should be reduced by June 2013. The Association officers will work with the Foundation to obtain more dedicated Foundation support while maintaining the Association’s ties with its philanthropic arm.

M. Executive Director’s Report Jeannine McCoy

Executive Director Jeannine McCoy reported on the following:

- Jeannine awarded a “gold star” to Jennifer Parent for helping draft the joint Bar Foundation / Campaign for Legal Services Year-end Fundraising Appeals letter, while she was on vacation in Paris!
- NHMCLE Support for 2013 MWM Pricing – NHMCLE is providing \$25,000 to help with lower registration costs for Midyear Meeting attendees.
- NHMCLE 20 year review – Jeannine has talked with the NHMCLE Board about the need to take a look at not only the content of Rule 53, but also how it is administered. Association ABA Delegate Russ Hilliard has agreed to assist with the process. The intent is

to make positive changes that will maintain the integrity of the rule, while also making administration more efficient for staff and user friendly for members.

- “You Should Know” Activity Report – was distributed for December. Jeannine recapped an email of “goings on” the week of December 3<sup>rd</sup> that she sent to Board members last week.
- Judge Colburn Letter seeking Volunteers – The Annual National Trial Competition this year is being hosted in New Hampshire and held at the Hillsborough County Superior Court January 31 – February 3, 2013. Over 20 law school teams from the Northeast will compete, and at least 108 volunteer judges/scoring jurors are needed. Public Sector governor Chuck Temple encouraged Board members to volunteer to assist. A letter was provided with information on dates, times volunteers are needed as well as who to contact to volunteer.
- WTP State Finals, January 11<sup>th</sup> – We The People state finals are scheduled Friday, January 11<sup>th</sup> at the Legislative Office Building in Concord. If interested in being a judge or timer please let Robin Knippers, LRE Coordinator, know.
- Thank you note from Jo – Jeannine read a thank you note from CLE Director Joanne Hinnendael for condolences sent on the passing of her dad.
- Legal Needs Study – to be released soon. At Jeannine McCoy and Dan Wise’s urging, an economic analysis will be done to demonstrate the value to the NH economy when people have access to of legal representation to resolve issues.
- Update to NH Economic Survey – the Association will be looking at doing an update to the Economics of Law Practice in NH this coming spring.
- “Go To Meeting” video conferencing demonstration – a live demo and test was done by staff so Board members could see the ease of use and utility of this video conferencing tool.

N. Reporting on Issues, Interests, Concerns from Association Member-Constituents Around the State And Reports from Committee Liaisons

Secretary Peter Hutchins reported that the Manchester Bar holiday party was well attended.

Treasurer Rob Howard noted that the New Lawyers Committee, Bench & Bar Meet and Greet held December 5<sup>th</sup> at the Grappone Conference Center was one of the most inspiring events he’s been to.

Hillsborough South Governor Dave Tencza reported that St. Anselm College hosts the annual Northeast Regional Mock Trial Tournament for the American Mock Trial Association, February 1 – 3, 2013, and is in need of judges as well.

Governor-at-Large Jackie Smith noted a concern on anticipated cutbacks over the next six months in Circuit Court judge time.

Vice President Lisa Wellman-Ally reported on the Family Law Section listserv feedback on specifics for changes to the family division. Lisa intends to reach out to Judge Kelly to start a dialogue about issues in the family division. If interested, or if you have specific comments, please email Lisa.

Strafford County Governor Chris Regan reported the Strafford County Bar Christmas party was a good time. Strafford will be getting more judge time than they initially thought

Rockingham County Governor Phil Pettis noted that his firm, and Rockingham County, recently lost a highly respected and very recognizable member; Jeremy Waldron. A memorial service will be held in the spring.

Hillsborough North Governor Scott Harris reported that a Superior Court electronic jury management system is being worked on and that the plans do NOT provide on-line access for attorneys. President Larry Vogelmann noted this would be an agenda item for the next Superior Court Bench/Bar meeting.

## **ADJOURNMENT**

The December 20, 2012 Board of Governors Meeting adjourned at 5:10 p.m.

Respectfully submitted,

Denice M. DeStefano, for  
Peter E. Hutchins, Secretary

## NEW HAMPSHIRE BAR ASSOCIATION

### Membership Status Changes

Presented to the Board of Governors December 20, 2012

#### Active to **INACTIVE** (effective November 7, 2012)

Carpenter, Aaron B., Northampton, MA  
David, Meta S., Boston, MA  
LaMantia, Kenneth A., Manchester, NH (effective December 10, 2012)  
Maher, Eric A., Concord, NH  
Ouellette, Nicole K., Hyannis, MA

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

Seilheimer, Jacob L., Andover, MA (effective November 19, 2012)  
Teczar, Mary L., Salem, NH (effective November 19, 2012)

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

Hermann, Robert L, Jr., Ormand Beach, FL (effective December 10, 2012)  
Kuster, Anne M., Concord, NH (effective November 20, 2012)  
Oppenheimer, Kay, Barrington, NH (effective November 15, 2012)

#### Paid Active to **RESIGNED**

Bagley, William R., Worcester, MA (effective November 20, 2012)

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

Greene, Sara S., Manchester, NH (effective November 15, 2012)

#### Full Time Judicial to **ACTIVE**

Cross, Philip D., Portsmouth, NH (effective November 28, 2012)  
Forrest, David Scott, Temple (effective November 27, 2012)

#### Inactive to **RESIGNED**

Finley, Jennifer L. Konop, Omaha NE (effective May 31, 2012)

#### Inactive Retired to **RESIGNED**

Cooper, Jay P., Boulder, CO (effective November 20, 2012)

#### Suspended to **ACTIVE**

Hurley, William J., Freedom, NH (effective November 26, 2012)

#### Suspended to **INACTIVERETIRED**

McFarlane, Peter A., Lakeland, FL (effective November 21, 2012)

#### Active to **Suspended for TAC** (effective December 6, 2012)

O'Neill, Jesse J., Salem, NH  
Reese, Michael S., Woodstock, VT  
Tucker, Catherine, Concord, NH