

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, June 20 2013
Sheraton Harborside – Portsmouth, NH
5:00 P.M.

MINUTES

Present for all or part of the meeting were:

Lawrence A. Vogelmann
Jaye Rancourt
Lisa Wellman-Ally
Peter E. Hutchins
Robert R. Howard, III
Jennifer L. Parent
Eric D. Cook
Quentin J. Blaine
Jonathan M. Eck
Christopher T. Regan
Jacki Smith
Dennis L. Morgan
Scott H. Harris
Derek D. Lick
Philip L. Pettis

David C. Tencza
Lanea A. Witkus
Russell F. Hilliard
John D. MacIntosh
Ora Schwartzberg
Patrick T. O'Day
Mary E. Tenn
John A. Curran
Sandra L. Cabrera
Jeannine L. McCoy
Denice M. DeStefano
Paula D. Lewis
Joanne M. Hinnendael
Dan R. Wise
Valenda Morrissette

A meeting notice reminder and materials were emailed June 7th. A preliminary agenda and materials were emailed June 14th. Additional materials were emailed June 18th and distributed June 20th. 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 Vogelmann

The Regular Session of the June 20, 2013 Board of Governors meeting was called to order at 5:40 p.m. by President Larry Vogelmann.

B. Membership Status Changes for June 2013 Denice DeStefano

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

C. Minutes of May 16, 2013 Board Meetings Peter Hutchins

Minutes of the May 16, 2013 Board of Governors meeting **were approved as presented.**

- D. Ethics Committee Opinion EO # 2012-13/5 Social Media Contact With Witnesses in the Course of Litigation Larry Vogelman

The Board received Ethics Committee Opinion # # 2012-13/5 Social Media Contact With Witnesses in the Course of Litigation

- E. Appointment of Robert Hunt to NH Board of Manufactured Housing Larry Vogelman

The Board approved the reappointment of Robert Hunt to the NH Board of Manufactured Housing.

5:15 p.m.

DISCUSSION / ACTION ITEMS

- F. Legislative Update John MacIntosh

NHBA Lobbyist John MacIntosh reported on judicial budget cuts to the capital and operating Budgets, noting however that the Chief Justice does have authority to move line items within the judicial budget.

John also noted some items within the State budget that were restored and that the women's prison was also funded.

- G. BOG Committee on Administration of the Bar Eric Cook

President Larry Vogelman thanked the Board Committee on Administration of the Bar for all of the work done this past year in reviewing the Bar's Constitution, Bylaws and governance policies. Proposed amendments to the Constitution and Bylaws are being considered today; suggested changes to governance policies will be considered by the BOG in September.

Eric explained that those amendments approved by the Board today, will be put before the membership for discussion and a vote at a Special Membership Meeting to be scheduled in early fall 2013.

Eric Cook, Co-chair of the BOG Committee, reviewed, individually, each of the recommendations for Proposed Amendments to the NHBA Constitution and Bylaws

- Bylaws, Article VI - *establishes a seat for out-of-state members to serve on the BOG*

Treasurer Rob Howard questioned the need for or wisdom of establishing an out-of-state seat on the BOG, expressing concern about the ability of such a Board position to actively participate and raising other concerns.

President Jaye Rancourt noted that about one-third of the “active status” membership is comprised of out-of-state members, and suggested they should have a seat at the table.

Vice President Lisa Wellman-Ally noted lots of border members practice regularly in NH and may want to be involved in the association.

Some questions were raised about the specific mechanics of nomination and election for the proposed position.

ACTION

On motion **to defer to another time** this proposal establishing an out-of-state Board seat. PASSED (12:4:1 – Lisa Wellman-Ally abstaining).

- Constitution, Article V - *establishes a seat for out-of-state members to serve on the BOG*

ACTION

On motion **to vote separately on this proposal** establishing an out-of-state Board seat. PASSED.

- Constitution, Article IV - *allows for a past president to serve a second term as president*

Vice President Lisa Wellman-Ally asked for the rational for this proposal. Executive Jeannine McCoy explained that in some instances a member may serve as Bar president early on in their legal career and have the interest, ability and desire to do so again later in their career.

ACTION

On motion to approve the amendment to Constitution, Article IV - allowing a past president to serve a second term as president. PASSED.

[Secretary’s Note: if approved by the membership, this amendment will then go to the NH Supreme Court for approval before it can take affect]

- Constitution, Article II, Section 3 - *creates a part-time judicial membership category*

ACTION

On motion to approve the amendment to Constitution, Article II, Section 3, creating a part-time judicial membership category. PASSED.

[Secretary’s Note: if approved by the membership, this amendment will then go to the NH Supreme Court for approval before it can take affect]

- Constitution, Article II, Section 6 - *amendment reduces, by 2 months, the timeframe in which members have to pay their annual dues before they are administratively suspended*

ACTION

On motion to approve the amendment to Constitution, Article II, Section 6, reducing by 2 months, the timeframe in which members have to pay their annual dues before they are administratively suspended. PASSED.

[Secretary's Note: if approved by the membership, this amendment will then go to the NH Supreme Court for approval before it can take affect]

- Bylaws, Article IX – Committees

Proposed amendments to eliminate Special Committees and add Task Forces and Work Groups to the designations; remove Standing Committees no longer appointed and add current ones; revise descriptions, as needed, to more accurately reflect the work of certain committees; adds a new section on Termination.

ACTION

On motion to approve the amendment to the Bylaws, Article IX, Committees as presented. PASSED.

- Bylaws, Article X - Sections

Proposed amendments change language to reflect current practices.

ACTION

On motion to approve the amendment to the Bylaws, Article X, Sections as presented. PASSED.

H. Reporting All Board Members

ABA Association Delegate Russ Hilliard noted that he has experienced, in the past few months, very accommodating court clerks and opposing counsel.

Governor-at-Large Jacki Smith reported there was a meeting at Hillsborough South Superior Court where the mediation process for criminal cases has started. Jacki will let the BOG know how it is going at a future meeting.

Incoming Grafton County Governor Ora Schwartzberg noted that she never sees anyone from Grafton County at events in Concord. Ora would like to see more outreach by the Bar to the outlying counties.

Incoming Governor-at-Large John Curran reported that the on-line jury panel in Hillsborough North is a great improvement.

Hillsborough South Governor Dave Tencza noted that things in Nashua are working well, and it is hoped the Court will include members in work on improvements.

Merrimack County Governor Derek Lick reported concerns expressed at the Cmte. on Cooperation with the Courts meeting about the reductions of judges and the backlog in the Probate division.

Rockingham County Governor Phil Pettis noted that a Rockingham County CLE at the public library with Judge McCafferty on IPADS was very well received.

Incoming Coos County Governor Sandra Cabrera reported similar concerns to Ora Schwartzberg with Coos County attorneys being isolated; Sandra noted on-line resources and use of technology is great to keep North Country lawyers connected.

Sullivan County Governor Lanea Witkus noted that with court clerk turnovers, things are taking longer. Lanea would also like to see the Bar go to outlying counties and listen to what members there have to say.

Incoming Rockingham County Governor Patrick O'Day reported that the IPAD presentation mention by Phil Pettis was great.

Carroll County Governor Dennis Morgan noted that there are still problems getting orders in a reasonable timeframe.

Vice President Lisa Wellman-Ally reported that Sullivan County bar will be meeting with the Superior Court next week to talk about upcoming changes.

Immediate Past President Jennifer Parent reminder BOG members that she is interested in feedback on the PAD Pilot Rules.

Director of Communications Dan Wise noted that a Casemaker Group of Bar members has been formed to reviews the Bar's legal research offering. If any BOG members are interested in being involved please let Dan know.

Secretary Peter Hutchins noted that President Larry Vogelman has done a great job this past year under the worst of circumstances. A sentiment echoed around the table.

Governor-at-Large Chris Regan mentioned a proposed rule on mandatory reporting by banks on IOLTA accounts if overdrawn. Chris also noted that implementation of the voter ID law has been delayed until October 2015.

President Larry Vogelman reported that Strafford County Courthouse has changed the mailing address and is no longer accepting mail addressed to the PO Box.

I. Court Rules Issues

Larry Vogelman

President Larry Vogelman reported on concerns being raised by a "draft" Superior Court Criminal Docket Continuance Policy that is circulating among courts and practitioners. Larry assured the Board that work will ensue to meet with Justice Nadeau to address the concerns.

Assistant Executive Director and Staff Liaison to the Committee on Cooperation with the Courts, Denice DeStefano, recapped discussions at the CWC meeting yesterday on this subject.

Hillsborough County North Governor Scott Harris discussed why this type of approach might be needed.

Secretary Peter Hutchins expressed concerns that the usual rules modification process seems to not have been followed, and outreach to the bar from the court has been diminished over the years. This is an opportunity for the bar to educate its members and for the CWC to work to improve the process.

Additional comments / concerns / input should be directed to either Larry Vogelman or Jaye Rancourt.

J. President's Report Larry Vogelman

President Larry Vogelman reported that the Veterans Project is moving along. A number of meetings have been held in addition to scheduling foreclosure clinics for veterans, a planned CLE in the fall for judges and lawyers on resources available to veterans and discussions for a long range project to develop a CASA-like program to assist veterans and courts. Initial meetings are also being held with a non-profit group interested in funding a veterans' legal services office.

K. Executive Director's Report Jeannine McCoy

Executive Director Jeannine McCoy reported on the following:

- Annual Meeting – we have about 100 people attending the morning CLE on Gary Matters; 100 attending the three (3) afternoon Section meetings; over 200 for lunch and over 100 for the banquet.
- You Should Know Activity Update – this report to the BOG contains information about activities you won't see in Bar News!
- Strategic Planning Process – is underway with Mary Tenn, Jennifer Parent, Lisa Wellman-Ally and Patrick O'Day serving on the committee.

Finance and Technology Update Paula Lewis

Director of Finance and IT Paula Lewis reported on the following:

- Dues billing – dues bills this year were emailed and mailed. Response rate to emailed notices is very positive.
- Associate software implementation continues and is going well, with expected challenges.
- Legal Server software for pro bono is slated to “go live” July 22

- IT Issues - the Bar's staff IT person has left the Bar, presenting an opportunity to reassess what the Association's technology needs are going forward.

Director of Finance and IT Paula Lewis reported that she has approached several IT organizations, since the staff departure, including:

- Monarch Technologies, Derry, NH
 - System Technologies, Portland, ME
 - Mainstay Technologies, Laconia & Manchester, NH
- Management met with each organization to discuss current structure, current and future needs
 - Organizations spent about one hour in server room with NHBA's Network Coordinator
 - Two written reports were received and one verbal report from our long term partner, Monarch Technologies during a planning meeting for temporary outsourced services.
 - Monarch does not offer complete outsourcing, but does partner with another organization to do such work.

Paula then reviewed the Association's existing hardware (servers, workstations, backup, etc.) and software compatibility.

The following recommendations, from all three IT companies, were outlined:

- Implementing two new physical servers
- Setting up 3 – 5 virtual servers
- Migrating old databases to new servers, if possible
- Implementing Office 365 and migrating email to the cloud
- Migrate all users and data to new servers
- Replace firewall, and possibly switches
- Configure domain and network to best practices
- Replace workstations, installing Windows 7 on remaining workstations
- Installing Office 2013 for all computers and provide training for upgraded software
- Send backups to cloud
- Update disaster recovery and business continuity solutions

The Board Committee on Administration of the Bar met with Ryan Barton, President of Mainstay Technologies, the leading contender to assist with updates, outsourcing and training; Paula noted the following about the company:

- Mainstay focuses exclusively on small-mid size organizations, providing the stability and power normally only large organizations can access
- Extensive nonprofit, legal, and member service organization experience
- With over 30 staff, the largest IT service company of its kind in NH
- Business of the Year Award winner – 2013
- A focus on designing solutions to the organization's goals; Mainstay passes on hardware and software essentially at cost to facilitate this

- Clients include NHPR, NH Legal Assistance, Business and Industry Association (BIA), Nathan Wechsler, Rowley Agency, Rockingham County, Hooksett, to name a few

Paula ended with a brief discussion about where the funds would likely come from for this initiative and what the Board Committee recommendation to the full Board is.

Following discussions, the Board made the following recommendation.

ACTION

On motion to approve moving forward with the recommendations up to a cap of \$150,000. PASSED (unanimously).

If the price exceeds \$150,000, the staff will go back to the Board Committee to request authorization of additional funds be recommended to the full Board of Governors.

L. Board Recognition

Larry Vogelman
Jeannine McCoy

President Larry Vogelman addressed those present and noted that he owes immense gratitude to the people in this room. To the judges and clerks, Jennifer Parent, Jaye Rancourt, Lisa Wellman- Ally, Jeannine McCoy and the Bar Staff.... THANK YOU.

Presentations were made to those going off the Board of Governors:

- Phil Pettis, Rockingham County Governor
- Derek Lick, Merrimack County Governor
- Eric Cook, Governor-at-Large
- Jennifer Parent, Immediate Past President

Also recognized, but not present:

- Jason Crance, Grafton County Governor
- John McCormick, Coos County Governor

Executive Director Jeannine McCoy thanked Larry Vogelman for his year of leadership and presented him with a check from the Association to the Jacob Vogelman Scholarship Fund.

ADJOURNMENT

The June 20, 2013 Board of Governors Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Denice DeStefano, for
Peter E. Hutchins, Secretary

NEW HAMPSHIRE BAR ASSOCIATION

Membership Status Changes

Presented to the Board of Governors June 20, 2013

Active to **INACTIVE**

Benedetti, Shara M., Quincy, MA (effective May 22, 2013)
Bowe, Doran W., New Hope, PA (effective May 10, 2013)
Di Cristofaro, Edward G., Saco, ME (effective May 23, 2013)
Drouin, Donald G., Bedford, MA (effective May 31, 2013)
Foley, Erin, Newton, MA (effective June 1, 2013)
Landrigan, Gordon P., Denver, CO (effective June 1, 2013)
Larney, Kathleen S., Portsmouth, NH (effective June 1, 2013)
Lodigiani, Karen M., Norwell, MA (effective June 1, 2013)
Minton, Dawnangela A., Manchester, NH (effective May 24, 2013)
Nevils, Mark J., Waltham, MA (effective May 20, 2013)
Peck, Davis S., Concord, NH (effective June 1, 2013)
Phelan, Pamela E., Concord, NH (effective June 1, 2013)
Ryan, Patrick W., Swanzey, NH (effective May 16, 2013)
Schadone, Gregory J., N. Providence, RI (effective May 20, 2013) New Admit April
Trevethick, Thomas V., Nashua, NH (effective June 1, 2013)

Active to **INACTIVE RETIRED**

Barry, James J., Gilford, NH (effective May 20, 2013)
Bythewood, Michael P., Exeter, NH (effective June 1, 2013)
Carey, Peter N., Hebron, NH (effective May 31, 2013)
Damon, Edward N., Concord, NH (effective May 10, 2013)
Davis, Martha M., Windsor, VT (effective June 1, 2013)
Foss, Raymond A., Suncook, NH (effective May 16, 2013)
Graf, Brian R., Bow, NH (effective June 1, 2013)
Graham, Charles P., Hampton Falls, NH (effective May 24, 2013)
Griffin, Daniel P., Epping, NH (effective May 31, 2013)
Huot, David O., Laconia, NH (effective May 31, 2013)
Kershaw, Newton H., Jr., Manchester, NH (effective May 14, 2013)
Larsen, Robert M., Concord, NH (effective June 1, 2013)
Litwak, Jennifer M., San Diego, CA (effective June 1, 2013)
Lotter, Aline H., Manchester, NH (effective May 30, 2013)
Murphy, Erin E., Wolcott, NY (effective June 1, 2013)
Shemitz, Ellen J., Concord, NH (effective June 1, 2013)
Stern, Brian T., Dover, NH (effective June 1, 2013)
Vesely, Amy J., Sudbury, MA (effective June 1, 2013)

Active to **RESIGNED**

Perrault, John P., Portsmouth, NH (effective June 10, 2013)
Whittaker, Kenneth F., Boston, MA (effective June 10, 2013)

Inactive to **ACTIVE**

Loring, Inna, Concord, NH (May 15, 2013)
Rossi, Michael J., Cambridge, MA (effective May 15, 2013)
Starnes, Joseph M., Alexandria, VA (effective May 23, 2013)
Tucker, Marc K., Newburyport, MA (effective June 1, 2013)

Inactive to **INACTIVE RETIRED**

Andersen, Harry G., Hillsborough, NH (effective June 3, 2013)
Currie, John L., Montreat, NC (effective May 31, 2013)
Griffin, Frederick J., Wilmot, NH (effective June 1, 2013)
Schraud, Gloria, New Bern, NC (effective May 20, 2013)

Inactive to **RESIGNED**

Breen, Richard F., Keizer, OR (effective May 31, 2013)
Brown, Nancy M., Durham, NH (effective May 21, 2013)

Inactive Retired to **INACTIVE**

Harris, Christie L., Goffstown, NH (effective June 1, 2013)

Inactive Retired to **RESIGNED**

Brown, James K., Plainfield, NH (effective June 1, 2013)
Claassen, Mary B., Putney, VT (effective May 29, 2013)
Hallyburton, Margaret D., Mont Vernon, NH (effective May 31, 2013)

Suspended to **ACTIVE**

Cormier, B. Michael, Haverhill, MA (effective May 10, 2013)

Military Active to **INACTIVE**

Colgan, Quinn P., Lynn, MA (effective June 10, 2013)

Active to **DECEASED**

Alkalay, Elyse S., Nashua, NH (effective June 10, 2013)