

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, May 16, 2013
Bar Center – Concord
3:00 P.M.

MINUTES

Present for all or part of the meeting were:

Lawrence A. Vogelmann	Scott H. Harris
Jaye Rancourt	Philip L. Pettis
Lisa Wellman-Ally	Francis X. Bruton
Peter E. Hutchins	Lanea A. Witkus
Robert R. Howard, III	Russell F. Hilliard
Jennifer L. Parent	John D. MacIntosh
Eric D. Cook	Ora Schwartzberg
Quentin J. Blaine	Jeannine L. McCoy
Jonathan M. Eck	Denice M. DeStefano
Christopher T. Regan	Paula D. Lewis
Jacki A. Smith	Virginia A. Martin
Judith L. Homan	Joanne M. Hinnendael
Leon I. Goodwin, III	Dan R. Wise
John G. McCormick	Valenda Morrissette
Jason R. Crance	

A meeting notice reminder was emailed May 10th. A preliminary agenda and materials were emailed May 14th. Additional materials were emailed and distributed May 16th. 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 May 16, 2013 Board of Governors meeting was called to order at 3:05 p.m. by President Larry Vogelmann.

B. Membership Status Changes for May 2013 Denice DeStefano

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

C. Minutes of April 18, 2013 Board Meetings Peter Hutchins

Minutes of the April 18, 2013 Board of Governors meeting **were approved as presented.**

D. Financial Statements through February 2013 Rob Howard

The Board received financial statements through February 2013, as approved by the BOG Committee on Administration.

DISCUSSION / ACTION ITEMS

E. 2013-2014 Budget Proposal

Jaye Rancourt
Jeannine McCoy

President-elect and Finance Committee Chair Jaye Rancourt reported that there is no proposed change in dues for this next fiscal year.

Director of Finance Paula Lewis reported that a “break-even” budget is being presented to the Board. Changes in budget lines from last fiscal year to the new fiscal year were highlighted and briefly explained.

Executive Director Jeannine McCoy explained some of the increases in expenses and changes in revenue lines.

A few questions were asked and answered.

ACTION

On motion to approve the 2013-2014 Budget as presented. PASSED (unanimously).

F. Legislation Report

John MacIntosh

NHBA Lobbyist John MacIntosh reported that the legislature is focused on the budget. There are big differences between the House and Senate budgets to be worked through.

HB 590 (unauthorized practice of law) is in study.

Director of Legal Services Ginny Martin, asked about the status of the Annulment statute (in criminal cases). John reported that it was voted ITL (inexpedient to legislate).

G. Reporting

All Board Members

Governor-at-Large Jonathan Eck reported that the Manchester County Bar is meeting on May 21st and is giving 3 - \$1,500 scholarships to three local high school seniors this year.

Immediate Past President Jennifer Parent asked to hear from folks on issues/concerns with the PAD Rules.

President Larry Vogelmann noted that the May 14th Bar Foundation dinner was a terrific event this year and thanked Jennifer Parent for making it such a great success.

Strafford County Governor FX Bruton reported that their county bar raised \$5,000 for food pantry donations.

Governor-at-Large Chris Regan also reported on what a great event the Bar Foundation annual dinner was this year.

Grafton County Governor Jason Crance noted that the Grafton County summer meeting is May 30 in Plymouth.

Rockingham County Bar meets tonight reported Phil Pettis, Rockingham County Governor.

Governor-at-Large Jacki Smith reported that Judge Nadeau is hoping to have a drug court in every Superior Courthouse in NH and is looking for federal grant money to make this happen.

Legal Services Director Ginny Martin reported on the Foreclosure Settlement Relief Project contract with the State and that it looks as though the contract may be renewed for another 2 years, which is good news.

Governor-at-Large Quentin Blaine asked if the Bar should revisit the Campaign for Legal Services (CLS) voluntary dues check-off on the annual NHBA dues invoice. Executive Director Jeannine McCoy reported that this used to be two voluntary check-off opportunities, one for NHBA Pro Bono and one for the NH Bar Foundation. When the Bar Foundation launched the CLS, it was agreed to combine the two check-off boxes into one for legal services. Association leadership have noted that it is time to revisit and renegotiate the agreement with the Campaign.

Sullivan County Governor Lanea Witkus asked if others have received letters from the Circuit Court on civil cases where there has been no action on the case in two (2) years, notifying that the file will be thrown away. Jennifer Parent responded that the Rules say they can close the case, but not throw it away. Quentin Blaine noted that the Court has a record destruction policy, but Lanea should follow-up with the Court directly regarding this particular instance.

Cheshire County Governor Leon Goodwin reported that the city of Keene was highlighted on *Good Morning America* this morning. At issue is a group of citizens that are following parking enforcement officers and harassing, taunting and grabbing them while they are on duty. The city of Keene has filed a civil suit against the group.

Coos County Governor John McCormick reported that the County Bar recently held an appreciation event in Lancaster. Also a VA satellite office is opening in Berlin/Gorham and an open house event will take place tomorrow evening.

Association ABA Delegate Russ Hilliard reported that he is a new, proud member of the NH Women's Bar and he attended their great event last week at the Currier Gallery.

Secretary Peter Hutchins reported he is hearing that the PAD Rules are being interpreted differently in different courthouses. He asked if the Committee on Cooperation with the Courts (CWC) is addressing this. President Larry Vogelmann stated that we want to hear about issues with the PAD Rules and that this is a good issue for CWC to take on.

President-elect Jaye Rancourt reported on some complaints she has heard recently:

- a Seabrook courtroom being closed to the public due to overcrowding; Judge King handled this.
- A Merrimack courtroom door being locked, which is being investigated.
- A Clerk refusing to answer an attorney's questions over the phone

H. President's Report

Larry Vogelman

President Larry Vogelman reported on the following:

- Veterans update – there are two (2) areas of need: criminal and civil. There is less of an issue with being represented in criminal cases (due to right to counsel) except in B misdemeanor matters. Since pro bono can't handle criminal cases, Larry has contacted the NH Association of Criminal Defense Lawyers and has asked them to consider assisting. A number of services are available to veterans in the justice system. Trainings will be set-up to help familiarize lawyers and judges with these options and services. There is interest in establishing a Veterans Court, but that is unlikely to happen with the current fiscal picture. Consideration is being given to using veterans groups and other volunteer veterans to be trained to serve as "CASA" type advocates.

To assist in civil matters, legal clinics will be conducted at the VA. The facility is proving space for the clinics and assistance with scheduling. Members will be trained to assist at the clinics. Larry and Jeannine McCoy met with the UNH School of Law Rudman Center to find out how the law school and Rudman Center might help with some of the veterans program work. There may be a fellowship grant that would allow a student to help coordinate these clinics.

I. Public Protection Fund / Client Indemnity Fund Issue

Tom Quarles (via phone)
Paula Lewis

(L. Vogelman recused himself from this matter and left the room until the conclusion of this agenda item)

Attorney Tom Quarles, Chair of the Public Protection Fund (PPF) Committee explained that prior to the creation of the PPF (in 1998) there existed the Client Indemnity Fund (CIF) Committee. The PPF was created by the Court; the CIF was a creation of the NHBA.

Attorney Quarles went on to explain the unusual set of circumstances that he believes necessitates reconstituting the Client Indemnity Fund Committee (which was in existence in 1982 when the alleged defalcation in this case took place) for the Dunham v. Tessier matter. Allegations were outlined for the Board; questions asked and answered. Tom explained why and how the PPF Committee came to its conclusion on jurisdiction in this matter. Tom is asking the Board to reconstitute the Client Indemnity Fund Committee for the purpose of adjudicating this claim and to appoint the 5 members needed to do so.

ACTION

On Motion to reconstitute the Client Indemnity Fund (CIF) Committee and to authorize the president-elect to appoint 5 members from the Public Protection Fund Committee to serve on the CIF Committee for the purposes of adjudicating this claim. PASSED.

(Secretary's Note: Thomas Quarles, Charles Grau, Keith Diaz, Thomas Irwin and Neil Nicholson have been appointed.)

J. President's Report (continued) Larry Vogelman

- ABA Task Force on the Future of Legal Education Conference Report - Larry gave an overview of this full day conference he attended in Indiana; he was one of only 2 bar presidents invited to participate.
- 2013 Annual Meeting. – awards have been decided and will be presented as follows:

Justice William A. Grimes Award for Judicial Professionalism – Hon. (retired) Harold Perkins
Award for Distinguished Service to the Legal Profession – James R. Starr
E. Donald Dufresne Award for Outstanding Professionalism – Thomas R. Watson

There is still time to register for the meeting, so please sign up.

K. Executive Director's Report Jeannine McCoy

Executive Director Jeannine McCoy reported on the following:

- February 28, 2013 Financials – please read and be familiar with the notes pertaining to the NHBA Insurance Agency “note forgiveness,” so that you are prepared to answer questions from constituents should they arise. If you have any questions about this please follow-up with Jeannine, Director of Finance Paula Lewis or Insurance Agency Board Chair Russ Hilliard.
- You Should Know Activity Update – Jeannine highlighted the report on NHBA LRE efforts with the Supreme Court Society on civic education in NH. NHBA has a mature and vibrant LRE program.
- Casemaker – the Bar has contracted with Casemaker for this key member benefit for 10 years. Our current contract has been extended for one (1) year during which time a group of Bar members will be comparing Casemaker with other vendors offering similar services. A report to Board of Governors with a recommendation will be submitted to the Board at the Nov. 21, 2013, meeting.

ADJOURNMENT

The May 16, 2013 Board of Governors Meeting adjourned at 4:50 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 16, 2013

Active to **INACTIVE**

Douglas, Rory C., Somerville, MA (effective December 1, 2012)
Epstein, Laura H., Portland, ME (effective May 8, 2013)
Gordon, Corinne B., N. Salem, NH (effective April 29, 2013)
Roche, James P., Kirrawee Australia (effective May 2, 2013)
Trevethick, Anne E., West Hartford, CT (effective April 29, 2013)
Zimmer, Ethan P., Nashua, NH (effective May 7, 2013) New Admit

Active to **INACTIVE RETIRED**

Godron, James S., Manchester, NH (effective April 24, 2013)
Kasmar, Stephen R., Merrimack, NH (effective April 29, 2013)

Active to **RESIGNED**

Goodchild, Alan W., Derry, NH (effective May 3, 2013)

Inactive to **ACTIVE**

Babine, Jessica S., Cambridge, MA (effective April 16, 2013)
Gilchrist, Kelly A., Manchester, NH (effective April 15, 2013)
Homoleski, Kristina L., Pepperell, MA (effective May 2, 2013)
Teczar, Mary L., Salem, MA (effective April 16, 2013)
Thorlin, John O., Arlington, VA (effective April 16, 2013)

Inactive Retired to **ACTIVE**

Royer, Jeffrey C., Burlington, VT (effective April 15, 2013)
Sheedy, Timothy G., Manchester, NH (effective April 17, 2013)

Inactive to **RESIGNED**

Wilkins, Douglas H., Boston, MA (effective May 3, 2013)