

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, November 15, 2012
Bar Center – Concord
3:00 P.M.

MINUTES

Present for all or part of the meeting were:

Lawrence A. Vogelman	Scott H. Harris
Jaye Rancourt	Derek D. Lick
Lisa Wellman-Ally	Philip L. Pettis
Peter E. Hutchins	Lanea Witkus
Robert R. Howard, III	Russell F. Hilliard
Jennifer L. Parent	John D. MacIntosh
Eric D. Cook	Carol D. Brooks
Quentin J. Blaine	Jeannine L. McCoy
Jonathan M. Eck	Denice M. DeStefano
Christopher T. Regan	Virginia A. Martin
Jacki A. Smith (via phone)	Daniel R. Wise
Judith L. Homan	Paula D. Lewis
Leon I. Goodwin, III	Valenda Morrissette
Jason R. Crance	

A meeting notice reminder, preliminary agenda and related materials were emailed November 9th. Additional materials were emailed November 13th and distributed November 15th. 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 November 15, 2012 Board of Governors meeting was called to order at 3:05 p.m. by Bar Association President Lawrence Vogelman.

B. Membership Status Changes for September 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 request for a dues waiver:**

[REDACTED] – waiver of 100% of 2012-2013 Active dues & Court fees totaling \$520

D. Minutes of October 25, 2012 Board Meetings Denice DeStefano

Minutes of the October 25, 2012 Board of Governors meeting **were approved as presented.**

- E. Financial Statements through September 2012 Rob Howard

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

DISCUSSION / ACTION ITEMS

- F. Adoption of the New Standards including the Final Digest of 2012 Changes to the 2011 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 2012 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 2012 annual revisions to the NHBA Title Examination Standards. PASSED.

- G. CACR 26 / Question 2 NHBA Action Recap Larry Vogelman

President Larry Vogelman thanked the Board for all of the hard work put into defeating ballot Question 2 in the November 6th election.

Executive Director Jeannine McCoy reminded Board members of the “Keep Politics Out of the Courts” Committee that was established to accept contributions to cover the costs of the 700 Vote No on Question 2 signs ordered and for ads which ran in the Concord Monitor, Fosters Daily Democrat and the Union Leader/NH Sunday News Voters Guide. The expenses total about \$4,800 and to date, the Committee has received about \$1,200 in contributions. The Board was asked to assist in seeking contributions to the “Keep Politics Out of the Courts” Committee.

- H. NHBA Legislation Program John MacIntosh
Jeannine McCoy

▪ **NH Election Results and Impact**

NHBA Lobbyist John MacIntosh reported that either Gene Chandler or Pam Tucker will likely be the Minority Leader and that either Terrie Norelli or David Campbell will likely be Majority Leader and Speaker of the House. Senate President will be Peter Bragdon and Senate Vice President will be Sylvia Larsen. The House Judiciary Committee make-up will be vastly different this year. More new legislators were elected this year than in previous years.

Immediate Past President Jennifer Parent noted this is an opportunity to provide information to these new lawmakers. John MacIntosh reported that Rep. Robert Rowe has spoken with him about NHBA hosting an orientation session for new legislators. John and Executive Director Jeannine McCoy are talking about how best to accomplish this.

President Larry Vogelman noted that NHBA will be hosting a “meet and greet” this year with legislators on January 17, 2013, immediately following the BOG meeting, at the Barley House. Please plan to attend.

President-elect Jaye Rancourt reported that Rep. Rowe and “Mike” McDonough asked the NH Judicial Council to provide funding for judges to meet with the freshmen lawmakers. When that seemed unlikely, they then asked the Bar if it could host a judicial information session for lawmakers to meet with the various groups of judges from each of the courts. Executive Director Jeannine McCoy noted that she intends to seek Bar Foundation Justice Grant funds to help cover the costs of food and beverages for this event.

▪ BOG Legislative Procedures/Process

Executive Director Jeannine McCoy reported that there will be a demo at the December Board meeting on some legislative software the Association plans to implement that will make bill tracking easier for the Board and Legislation Committee, and eventually will provide more information about legislation of interest to members

▪ Discuss new approaches to be more proactive this year

The question was asked if this might be the year to get statutes repealed that have been ruled unconstitutional, but still appear in the statutes (including the 2003 statute requiring a referendum of the Bar membership on unification). Association ABA Delegate Russ Hilliard volunteered to assist with this effort. NHBA Lobbyist John MacIntosh will try to find a sponsor to support establishing a commission work on this.

▪ Review of Keller Procedures

Executive Director Jeannine McCoy noted that the Keller procedure should be reviewed for possible changes needed. Currently, Keller procedures call for a member to seek Supreme Court review if they do not agree with the Board of Governor response to a “Keller” challenge of NHBA activity. A dispute resolution process is called for if there is a disagreement regarding the potential amount of a prorated dues refund.

Immediate Past President Jennifer Parent and Secretary Peter Hutchins volunteered to assist in reviewing the current Keller procedures to determine if any changes, including an interim step before review by the Supreme Court, are in order.

I. Leadership Academy Update Jaye Rancourt

President-elect Jaye Rancourt reported that the day and a half Leadership Academy Retreat held at the Bar Center October 26-27 with Michael Brandwein was another successful event.

The first module was well received and the groups have selected their projects for the year. Although they are still “fleshing-out” the details of their projects; one group has chosen to produce several 1-hour CLE programs on basic skills, while the other group will be working on a program to better integrate law students into the Association and the practice of law in NH.

I. Campaign for Legal Services / Bar Foundation Update Jennifer Parent

Immediate Past President and Foundation Board member Jennifer Parent reported that two years ago, the NH Supreme Court strongly suggested that Bar Foundation Chair Jack Middleton try to re-establish a joint campaign for fundraising for the NH Bar Foundation and

the Campaign for Legal Services, rather than having two separate appeals which causes confusion among those solicited.

Currently under consideration is a joint letter, signed by both organizations, to members who have not contributed to either organization in the last year. The group is still trying to reach agreement on this proposal. Any agreement reached for this appeal will be revisited in March 2013 after examining the success of this joint letter effort and addressing other pending issues between the CLS, the Association and the Foundation.

President Larry Vogelman mentioned one of the remaining issues about the current CLS fundraising agreement is the percentage of funds that go to the Pro Bono Program is undergoing review and possible revision as well.

J. Joint Board Concept (NHBA/LARC/Pro Bono) Discussion Larry Vogelman

President Larry Vogelman reported that representatives from NHBA, LARC and Pro Bono have met to discuss the concept of creating a joint Board. A report with a recommendation is expected to go to the Board of Governors at the December meeting.

Executive Director Jeannine McCoy reported on other Pro Bono Program news:

- In upcoming strategic planning for the Bar Association, it will be important for Pro Bono to maintain its current identity in providing legal services in New Hampshire
- the Association is being awarded a NH Dept. of Justice grant from the state's share of a national settlement with large banks over questionable lending and foreclosure practices. NHBA Legal Services (the Pro Bono Program and LRS) will receive \$253,000 in the first year to provide affected homeowners with information and access to a range of legal services as well as offering specialized training for attorneys taking foreclosure-related cases.
- LARC and Pro Bono staff have worked hard on challenges, communication and innovations for the betterment of both programs.
- The Pro Bono Program will be receiving its federal funding as a subgrant through LARC (Legal Advice and Referral Center) for 2013. (LARC's denial of the subgrant for 2012 was the subject of May/June 2012 mediation sessions.)

K. Board Committee on Administration Report Eric Cook

Eric Cook, Co-chair of the Board Committee on Administration, reported that the committee is currently working on proposing amendments to the Bar's Constitution and Bylaws, as follows:

- To create a part-time judicial membership category
- To establish a seat for out-of-state members on the BOG
- To consider language giving a past president the ability to repeat
- To revisit the committee structure of Standing and Special Committees
- To explore sections format and policies re: establishing and dissolving
- Revisions needed to Model Section Bylaws

Each of the proposals were parceled out to different folks on the committee for initial drafting. The next Committee meeting in January 16, 2013. Once the proposals are final they will be submitted to the Board of Governors for action. Once approved by the Board, all proposed

amendments will be put to the membership for a vote at either the June Business Meeting (held in conjunction with the Bar's Annual Meeting) or at a Special Business Meeting called specifically to act on the proposals. Any proposed amendments to the Constitution that are approved by the membership must then be submitted to the Supreme Court for approval as well.

The Board Committee will also be reviewing Governance Policies (provided in BOG Orientation binders) for any updates that may be needed beginning in January as well.

L. FYI - Supreme Court Rules Committee Public Hearing – December 14, 12:30 p.m.

President Larry Vogelmann encouraged Board members to review the proposed rule changes, submit comments by November 21st and attend the Public Hearing on December 14th at 12:30 pm.

M. President's Report Larry Vogelmann

President Larry Vogelmann reported on the following:

- New England Bar Association (NEBA) Board Appointment
Association ABA Delegate Russ Hilliard took office as the New England Bar Association President at the recent NEBA Annual Meeting held in Woodstock, VT. New Hampshire also needs to appoint a member to the NEBA Board of Directors for a 3-year term. President Larry Vogelmann nominated President-elect Jaye Rancourt to the NEBA Board of Directors.

ACTION

On motion to approve the nomination of Jaye Rancourt to the New England Bar Association Board of Directors for a 3-year term. APPROVED.

- Nomination of 2013-2014 President-Elect – Lisa Wellman-Ally
The NHBA **Board of Governors nominated by acclamation**, Lisa Wellman-Ally, NHBA Vice President, for President-elect in the NHBA Board election in April.
- Other Board recruitment for 2013-2014
Executive Director Jeannine McCoy asked Board members that are ending a term to please consider running again, even for a different seat on the Board. Those leaving the Board were encouraged to help recruit others to run for Board seats. We will be in touch with all Board members who have a term ending.
- Midyear Membership Meeting – 3/8/2013
Programming for this year's Midyear Meeting includes author Talmage Boston and the Hon. Marcia Cook, US District Court Judge, Southern District of Florida. The NH Public Defender Program will be recognized at lunch for their 40th Anniversary. Once again, NHMCLE is being asked for grant funds to allow "That's Incredible Pricing" for members this year. Nominations for the Vickie Bunnell, Service to the Public and Public Sector Awards are due by December 15th. Jacki Smith, Lisa Wellman-Ally and Jaye Rancourt volunteered to assist with recruiting nominations.

N. Executive Director's Report

Jeannine McCoy

Executive Director Jeannine McCoy reported on the following:

- The New Lawyers Committee Bench & Bar Meet & Greet is scheduled Wednesday, December 5th at the Grappone Conference Center beginning at 5:00 pm (immediately following Practical Skills). Justice Souter will be participating this year. Board members are encouraged to attend. Please RSVP as noted on your invitation.
- You Should Know Activity Update will be sent post-meeting this month.
- Video conferencing instructions were provided in Board packets this month. Please review and let us know if you have questions. We'd like to be able to offer this as an option for future Board meetings, especially during the winter months.
- NHBF Justice Grant applications are due today, November 15th. The Association is submitting Grant Requests for: \$3,000 to help cover expenses for the We The People State Champion to represent NH in the national competition; \$5,000 to create a school program modeled after the Civics in Action program presented to Rotary Clubs around the state; \$10,000 to purchase *Legal Server* software for the Pro Bono Program; and \$2,500 to provide food and beverages for a Legislative / Judicial Information Session.
- A process for strategic planning for the Association is under development with Elizabeth Derrico, Associate Director of the ABA Division for Bar Services. More information on this process as it progresses.

O. Reporting on Issues, Interests, Concerns from Association

All Board Members

Member-Constituents Around the State And Reports from Committee Liaisons

- Immediate Past President Jennifer Parent noted that members were very happy with the Bar's efforts on defeating Ballot Question 2.
- Director of Communications Dan Wise reported that a lot of work on Questions 2 was done through social media, with a good response.
- Grafton County Governor Jason Crance reported that a contribution to the "Keep Politics Out of the Courts" Committee will be sent from the Grafton County Bar.
- Merrimack County Governor Derek Lick reported on an incredible back-log in the Family division.
- Belknap County Governor Judy Homan echoed concerns about the backlog in Berlin, Ossipee and Lebanon Circuit Courts.
- Governor-at-Large Quentin Blaine reported the same backlog issues in Circuit and Family courts, at least in the northern part of the state.

- Associate Executive Director for Legal Services Ginny Martin noted that the Foreclosure funding will increase collaboration among the three agencies involved; NHLA, LARC and Pro Bono.
- Sullivan County Governor Lanea Witkus reported there have been problems with receiving Family Court decisions timely and that the Call Center is giving inaccurate information. (Members are encouraged to have specifics about Call Center concerns relayed to Judges Kelly and King.)
- President Larry Vogelmann stated that he would work on setting up a meeting with the Family Law Section to discuss issues raised around the Board table today.
- Rockingham County Governor Phil Pettis noted that the Rockingham County Bar is going well and that plans are underway for their next meeting.
- Cheshire County Governor Leon Goodwin reported that Cheshire County is getting a new courthouse and that the ground-breaking occurred two weeks ago. Cheshire County members are very excited to be getting a new facility.
- Governor-at-Large Chris Regan noted a good response from colleagues on the Question #2 effort by the Bar. Chris reported there seem to be no problems in Strafford County with getting through to the Call Center. Chris hopes to see some Family Division judicial nominations in the next few months.
- Vice President Lisa Wellman-Ally reported that Sullivan County Bar is not very active but Lisa will invite the three new lawyers in Sullivan County to lunch and introduce them to the Association.
- Association ABA Delegate Russ Hilliard reported that the NHBA Insurance Agency is well used and well received by members.

ADJOURNMENT

The November 15, 2012 Board of Governors Meeting adjourned at 5:05 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 November 15, 2012

Paid Active to **INACTIVE**

Dervan, Peter D., Westford, MA (effective October 19, 2012)
Hanson, Jennifer L., Boston, MA (effective October 30, 2012)
Ikard, William M., Boston, MA (effective October 26, 2012)
Macero, Rosemary A., Cambridge, MA (effective October 26, 2012)

Paid Active to **FULL TIME JUDICIAL**

Weaver, Mark Frederick, Greenland, NH (effective October 29, 2012)

Military Active to **ACTIVE**

Stewart, Shane R., Concord, NH (effective October 29, 2012)

Paid Inactive to **ACTIVE**

Alvarez, Tawny L., Scarborough, ME (effective October 22, 2012)
Sinclair, Janice W., Topsfield, MA (effective November 8, 2012)

Paid Inactive to **INACTIVE RETIRED**

Connolly, John F., Jr., Memphis, TN (effective November 5, 2012)
del Rio, Armando, Temple, NH (effective October 23, 2012)
Emery, Karen J., Kittery, ME (effective October 30, 2012)
Gilbert, James G., Washington, DC (effective October 26, 2012)

Paid Inactive Retired to **INACTIVE**

Wilking, Cara L., Waltham, MA (effective November 8, 2012)

Inactive Retired to **RESIGNED**

Coolidge, Clyde R., Rollinsford, NH (effective November 5, 2012)

Suspended to **ACTIVE**

Macero, Rosemary A., Cambridge, MA (effective October 22, 2012)

Suspended to **INACTIVE**

Marsicovetere, Priscilla S., Woodstock, VT (effective October 31, 2012)

Honorary Active to **HONORARY INACTIVE**

Donovan, Robert Bickford, East Kingston, NH (effective November 2, 2012)