

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, April 19, 2012
Bar Center – Concord
3:00 p.m.

MINUTES

Present for all or part of the meeting were:

Jennifer L. Parent	John D. MacIntosh
Lawrence A. Vogelmann	Rolf E. Goodwin
Peter E. Hutchins	Tracy A. Bernson
Robert R. Howard, III	Cecie B. Hartigan
Marilyn B. McNamara	David Wolowitz
Eric D. Cook	John E. Tobin
Quentin J. Blaine	Deborah K. Rein
Jonathan M. Eck	Mark C. Rouvalis
Jacki S. Smith	Breckie Hayes-Snow
Judith L. Homan	James D. Kerouac
Christopher T. Meier (by phone)	Jeannine L. McCoy
Kelly E. Dowd	Denice M. DeStefano
Jason R. Crance	Virginia A. Martin
Derek D. Lick	Daniel R. Wise
Philip L. Pettis	Joanne Hinnendael
Christopher T. Regan	Paula D. Lewis
	Valenda Morrissette

A meeting notice reminder and materials were emailed April 13, 2012. Additional materials were noticed via email and emailed April 16 and April 18, 2012. The final agenda and additional materials were distributed at the meeting. 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 voting Board members present.

A. CALL TO ORDER Jennifer Parent

The April 19, 2012 Board of Governors meeting was called to order at 3:20 p.m. by Bar Association President Jennifer L. Parent

B. EXECUTIVE SESSION

The Board met in Executive Session until 4:00 pm. At 4:05 p.m. the Regular Session of the Board was called to order.

PRESENTATION / DISCUSSION / ACTION ITEMS

C. Report on NHBA Ethics Subcommittee Meeting May 9th Rolf Goodwin
Tracy Bernson
with ADO on Lawyer Trust Accounting Rules

NHBA Ethics Subcommittee chair Rolf Goodwin explained that the Ethics Committee has been asked to provide input to the Attorney Discipline Office (ADO) on revisions to the Lawyer Trust Accounting Rules. The Ethics Committee established a subcommittee to undertake this effort. The Subcommittee is meeting with the Attorney Discipline Office on May 9. Some

members of the Subcommittee believe the proposed revisions to the Lawyer Trust Accounting Rules are not likely to contribute to consumer protection, are confusing and will lead to enforcement problems. Others on the Subcommittee are interested in working with the ADO to revise the trust accounting rules so as to make enforcement and investigation more practical for the ADO while trying to tweak the rules so as to try to make them at least as intelligible as is feasible.

At the same time, the Subcommittee is strongly interested in focusing on the greater need of getting the ADO to cooperate in a) putting up a webpage clarifying what is expected of them by way of compliance with the trust accounting rules (which at present is not something lawyers have reasonable access to) and b) training lawyers how to keep financial records so as to be able to comply (An Ethics Committee member on the law school faculty tells us that the new generation of lawyers doesn't do reconciliation of checkbooks, and they certainly don't understand terms occurring in the trust accounting rules such as "ledger" and so on. Ideally they should have a set of videos linked to the Bar website showing them some best practices). From our prior meetings it appears that the ADO thinks that wouldn't be a bad idea but they are unable and/or unwilling to devote any time or resources to such a project anytime soon.

Rolf Goodwin and NHBA CLE Director Jo Hinnendael will talk about what can be added to existing programming to make the Trust Accounting requirements readily available to members. Creating a user friendly outline on how to reconcile a checkbook was also mentioned as something that would greatly benefit members.

President Jennifer Parent thanked Rolf and Tracy for coming to the meeting and updating the Board. Jennifer also mentioned that the Ethics Corner that periodically runs in *Bar News* is great outreach for the members; she commended the Ethics Committee for this initiative.

D. Lawyers Assistance Program

Cecie Hartigan
David Wolowitz
John Tobin

Cecie Hartigan, Executive Director of the NH Lawyers Assistance Program (LAP), provided some brief background on the program; in 2007 the New Hampshire Supreme Court created the New Hampshire Lawyers Assistance Program, with the passage of Rule 58. The program is the culmination of over 20 years of commitment in New Hampshire by two separate lawyer organizations, the Lawyers Assistance Committee of the New Hampshire Bar Association (LAC), and Lawyers Concerned for Lawyers (LCL), a 12-step based self-help group for lawyers. By 2000, most states had formalized programs, known as Lawyers Assistance Programs (LAPs), to assist attorneys in their states. The attributes of LAPs include confidentiality, outreach, and increased follow-through and support for struggling lawyers. With confidentiality, programs have seen a marked increase in attorneys seeking, obtaining, and continuing with needed assistance. The ABA established the Commission on Lawyer Assistance Programs (CoLAP) to provide support and resources for the Programs developed in each state.

There are 8 Board members that oversee the NH program. Cecie mentioned that they average 50 calls per year; with 70% being self-referrals. The success rate for formal programs is 80%.

Vice Chair of the Commission, John Tobin, also formerly chair of the NHBA Lawyers Assistance Committee (LAC), noted that the LAP is a step-up from the Bar's LAC and that there are life saving, career saving results with a professional program.

Commission Member David Wolowitz noted that the issues handled by the LAP are not high profile, so you don't hear about success stories, but they happen.

The mental health issues are always troublesome and members facing aging issues are expected to impact demands on the program. The LAP has just started a Senior Lawyers Initiative to assist this segment of the bar in transitioning out of practice.

If anyone is interested in serving on the LAP Board, please let Cecie know. They have upcoming openings. It was noted that NHBA Executive Director Jeannine McCoy serves on the LAP Board in an ex-officio capacity.

E. Proposal for New Action – SOLACE Program Larry Vogelman

President-elect Larry Vogelman reviewed the SOLACE Program proposal he would like to establish in NH and the impetus behind it. It is modeled after programs in Louisiana (where it was first created) and Rhode Island.

SOLACE, an acronym for Support of Lawyers, All Concern Encouraged, is a new NHBA program, allowing Bar members to reach out, in a meaningful and compassionate way, to their colleagues. SOLACE communications will be sent to all NHBA members with a valid email address, unless they choose to opt-out. -Through voluntary participation in this the SOLACE network, Bar members may ask for help or volunteer to assist others with medical or other matters.

Issues addressed through SOLACE may range from a need for information about, and assistance with, major medical problems, to recovery from an office fire, and from the need for temporary professional space, to help for an out-of-state family member.

The program is quite simple, but the effects are significant. Bar members notify the SOLACE Program Chair when they need help, or learn of another Bar member with a need, or if they have something to share or donate. Requests for, or offers of, help are screened and then directed through the SOLACE volunteer email network where members may then respond.

Members using SOLACE may request, and be assured of, anonymity for any requests for, or offers of, help.

ACTION

On motion to approve the SOLACE Program proposal for NH (attached and made a part of these minutes. PASSED (unanimously).

F. Re-appointment to Judicial Conduct Committee Jennifer Parent
Jack Sanders for a 3-year term, July 1, 2012 – July 1, 2015 Jack Sanders

President Jennifer Parent introduced Jack Sanders. Attorney Sanders spoke about his work on

the Judicial Conduct Committee over the years and why he would like to be reappointed for one more term. Attorney Sanders serves as the Vice Chair of the JCC.

ACTION

On motion to approve the reappointment of Jack Sanders for a 3-year term on the JCC. PASSED (unanimously).

G. Appointment of Deborah Rein to the LARC Board

Deborah Rein
Breckie Hayes-Snow
Mark Rouvalis
John Tobin
James Kerouac

Legal Services Corporation (LSC) regulations require of LSC-funded agencies (such as LARC) that:

“a majority of the members of the governing body shall be attorney members appointed by the governing body(ies) of one or more State, county or municipal bar associations, the membership of which represents a majority of attorneys practicing law in the localities in which the recipient provides legal assistance.”

Mark Rouvalis of the LARC Board introduced Deborah Rein and others in attendance that joined him in supporting this nomination. Attorney Rein spoke about why she would like to be appointed and serve on the LARC Board. Mark Rouvalis noted that the LARC Board stands ready to talk and work through issues the organizations are facing. The LARC Board remains committed, as a board, to work together to serve people in need.

ACTION

On motion to approve the appointment of Deborah for a 3-year term on the LARC Board. PASSED (unanimously).

REGULAR BUSINESS – CONSENT ITEMS

H. Membership Status Changes for April 2012 Denice DeStefano

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

I. Report on Dues Waiver Requests Denice DeStefano

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

- Waiver of 100% of 2011-2012 Active dues & Court fees to [REDACTED]

J. Minutes of March 6, 2012 Meeting Peter Hutchins

Minutes of the March 6, 2012 Board of Governors meeting **were approved as presented.**

K. Financial Statements through February 2012

Rob Howard

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

L. Ethics Committee Opinion #2011-12/7
Limitations on Client Gifts to a Lawyer

Jennifer Parent

The **Board received** Ethics Opinion #2011-12/7 – *Limitations on Client Gifts to a Lawyer*.

PRESENTATION / DISCUSSION / ACTION ITEMS

M. Reporting on Issues, Interests, Concerns from Association
Member-Constituents around the State

All Board Members

Governor-at-Large Jonathan Eck reported that he has emailed County Governors on the Board, asking for their assistance in getting the word out about awards being given at the Annual Meeting and how to nominate a deserving member.

Strafford County Governor Chris Regan mentioned that he received positive feedback about how well the Bar handled not only getting the information out to members, but in encouraging and collecting input regarding the proposed changes to the ADO.

Grafton County Governor Jason Crance noted that he's received questions from about a half dozen members from the defense bar asking about filing fees.

Immediate Past President Marilyn McNamara reported that the Circuit Court call center has ongoing problems with misdirected calls and incorrect information.

N. Legislation Committee / Report

John MacIntosh

NHBA Lobbyist John MacIntosh reported that 72 bills passed over to the Senate from the House and that all of them will be heard very soon.

May 3rd is the date for hearings on CACR 26 (1:00 pm), HB 1474 (2:00 pm) and (HB 1395 (2:30 pm).

President Jennifer Parent and others have been meeting with Senators on the Senate Judiciary Committee regarding HB 1395 and 1474.

Board members were encouraged to be present on May 3, even if only to sign-in as opposed but not wishing to speak, at any time during the hearing session.

O. Gender Equality Committee Request for Speaker Donation

Denice DeStefano

Assistant Executive Director reported that the Gender Equality Committee is asking for \$500 to be used to pay a speaker from US DOL to speak at a pay training session they are scheduling.

The question is whether the \$500 can be paid in the form of a donation made payable to the US DOL WAGE project. Following discussion the Board agreed to the following:

ACTION

On motion to approve the expenditure of \$500 for a speaker from US DOL for the pay training session being scheduled; however, payment from the Bar Association must be paid directly to the speaker. PASSED.

P. Bar Leaders Institute Report Larry Vogelman

President-elect Larry Vogelman and Vice President Jaye Rancourt recently attended the ABA Bar Leadership Institute in Chicago. Larry reported that not only is NH a model state on the national level, but that Executive Director Jeannine McCoy is highly thought of and respected at the national level as well.

One of the many workshops offered, on crisis management and communications, was great and may be something we consider offering in NH.

Q. President's Report Jennifer Parent

- Gold Stars this Month go to ~
 - Chris Regan for his email to NHBA Sections on the ADO proposal
 - Jason Crance for connecting with Senator Matthew Houde
 - Jonathan Eck for working on soliciting Annual Meeting Awards nominations
 - Derek Lick for serving on the ADO Task Force
 - Judy Homan for emailing the Belknap County Bar info on the Annual Meeting Awards and asking for nominations
- Report to Court re: Member Feedback on ADO Recommendations from ABA – Jennifer reported that a meeting was held with the Court to talk about the feedback received from members. Justice Conboy is the Court's liaison to the PCC and the Bar Association; she attended the meeting with the officers and Chief Justice.

Jennifer also reported that the Court is receptive to concept of proposed changes to NHMCLE requirements and the Bar's further streamlining of NHMCLE compliance.

- ABA Day in DC – Meetings with NH Delegation went well. Meetings were held with all representatives from NH, or their key staff. An event honoring L. Jonathan Ross and several others for grassroots advocacy was held at the US Supreme Court.
- Public Access and Privacy of Court Records Committee - Judge Smukler has been asked to reconstitute this committee. If anyone from the Board is interested in serving on this group as the Bar's representative, please let Jennifer know. [Secretary's Note: Judith Homan has been designated.]
- Hold the Date of June 5th – Civics In Action Program Reception is scheduled from 5:00 – 6:30 pm at the Bar Center.

- 2012 Annual Meeting – Board meeting is a lunch meeting at the Omni Mount Washington Resort on June 22nd, beginning at noontime.

R. Executive Director's Report

Jeannine McCoy

- BOG Election Results – were reported.
- NHMCLE – a planning meeting was held with the program staff to discuss and identify ways to streamline the compliance and regulatory process.
- You Should Know Activity Update – was provided. Board members were encouraged to read all that is ongoing.
- Budget Status – President-elect Larry Vogelmann is chairing the Finance Committee this year. The Finance Committee is working on balancing the budget shortfall of about \$60,000. The Finance Committee next meets on May 10 and should have a budget recommendation for the May 17 Board of Governors Meeting.
- Judge Tenney Fund – to date, has raised \$7,500. Judge Tenney is reportedly doing much better and may be back to work part-time in another month or so.

ADJOURNMENT

The April, 2012 Board of Governors Meeting adjourned at 6:15 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 April 19, 2012

Honorary Active to **HONORARY INACTIVE**

Chandler, John P., Laconia, NH (effective March 3, 2012)

Paid Active to **INACTIVE**

Demeusy, Elizabeth, Nashua, NH (effective March 30, 2012)
Feeney, Michael R., Newbury, NH (effective March 30, 2012)
Gregg, Judd A., Rye Beach, NH (effective March 2, 2012)
Guindon, Diane B., Milton, NH (effective March 5, 2012)
Pentz, John J., Maynard, MA (effective March 14, 2012)
Rose, Jonathan T., Montpelier, VT (effective March 15, 2012)
Sullivan, Patrick J., Brighton, MA (effective March 30, 2012)
Watts, Troy M., Breckenridge CO (effective March 19, 2012)

Paid Active to **INACTIVE RETIRED**

Newsom, James H., Contoocook, NH (effective March 13, 2012)
Woodbury, David, New Boston, NH (effective April 2, 2012)

Paid Active to **MILITARY ACTIVE**

Hartley, Brian K., Boston, MA (effective March 13, 2012)
Nelson, Luke R., Whiteman AFB, MO (effective March 19, 2012)

Paid Inactive to **ACTIVE**

Borovick, Gerald D., Sudbury, MA (effective March 2, 2012)
Hodes, Paul W., Concord, NH (effective March 30, 2012)
Ilberg-Lamm, Stephanie M., Stratham, NH (effective April 11, 2012)
Kissinger, Beth H., Hopkinton, NH (effective April 4, 2012)
MacLeod, Denise B., Lebanon, NH (effective March 8, 2012)
Weathersby, Patricia M., Rye, NH (effective March 27, 2012)

Paid Inactive to **RESIGNED**

Burke, Katherine P., Hartland Four Corners, VT (effective March 6, 2012)
Hildreth, Peter C., Olathe, KS 66062 (effective April 10, 2012)
Rizzo, Michael R., Bethesda, MD (effective April 1, 2012)

Paid Inactive to **INACTIVE RETIRED**

Lindsey, Warren R., Wolfeboro Falls, NH (effective March 2, 2012)

Paid Active to **DECEASED**

Holland, Francis G., Nashua, NH (effective April 7, 2011)

Paid Inactive Retired to **DECEASED**

Worthen, William R., Springfield, VA (effective February 7, 2012)

Paid Active to **FULL TIME JUDICIAL**

Baird, Jonathan P., Lawrence, MA (effective March 30, 2012)

Military Active to **FULL TIME JUDICIAL**

Eklund, Eric N., Hollis, NH (effective April 2, 2012)

Suspended to **ACTIVE**

Folsom, Carrie, Bristol, CT (effective April 10, 2012)

Suspended to **INACTIVE**

Burke, Katherine P., Hartland Four Corners, VT (effective March 5, 2012)

Rizzo, Michael R., Bethesda, MD (effective March 16, 2012)

Military Active to **ACTIVE**

Eklund, Eric N., Hollis, NH (effective March 19, 2012)

New Hampshire Bar Association

Proposal for New Action

Please answer the following questions in a proposal no longer than 3 pages. A separate resource budget may be attached. This proposal will be reviewed by the appropriate committee (or committees) of NHBA Board and staff members, with a resulting recommendation to the NHBA Board of Governors. Please be sure to consult with the appropriate Association staff member(s) and/or the Executive Director as you prepare the proposal. Their advice and assistance will be crucial in order to adequately assess the proposal and to help facilitate good communication between all who may be involved and/or impacted by the proposed action plan.

1. **WHAT ARE YOU PROPOSING?** Please write a summary of the new or changed Action you are proposing to the Board of Governors.

Establishing the NHBA SOLACE Program. SOLACE, an acronym for Support of Lawyers, All Concern Encouraged, is a new NHBA program, allowing Bar members to reach out, in a meaningful and compassionate way, to their colleagues. SOLACE communications will be sent to all NHBA members with a valid email address, unless they choose to opt-out. -Through voluntary participation in this the SOLACE network, Bar members may ask for help or volunteer to assist others with medical or other matters.

Issues addressed through SOLACE may range from a need for information about, and assistance with, major medical problems, to recovery from an office fire, and from the need for temporary professional space, to help for an out-of-state family member.

The program is quite simple, but the effects are significant. Bar members notify the SOLACE Program Chair when they need help, or learn of another Bar member with a need, or if they have something to share or donate. Requests for, or offers of, help are screened and then directed through the SOLACE volunteer email network where members may then respond.

Members using SOLACE may request, and be assured of, anonymity for any requests for, or offers of, help.

Emails offering thanks and/or "success" stories will be sent to all in the SOLACE network when received by the SOLACE Program Chair.

The SOLACE Program is not intended to provide direct funds to those in need, except in extraordinary circumstances to be determined on a case-by-case basis by the top three (3) Officers of the Association (president, president-elect, vice president) and the Executive Director.

2. **WHO WILL DO IT?** Who is the main contact person for the action? What committees, sections, task forces, etc. are responsible for implementing the Action? Who are the other key volunteers? Are there other organizations that could effectively perform the Action? Could the Action be out-sourced?

Larry Vogelman, currently president-elect, will function as the SOLACE Program chair and be the main contact person for the NHBA SOLACE Program. The email-based network of the participants will be maintained and managed by the NHBA Communications Department.

Requests for, or offers of, help will be reviewed by the SOLACE Program chair and then directed through the SOLACE email network where members may then respond.

Members using SOLACE may request, and be assured of, anonymity for any requests for, or offers of, help.

3. **WHAT NEED DOES IT ADDRESS?** Please describe the value of the Action to NHBA members, the administration of justice, and/or the public. Please describe the role of the Action in furthering the NHBA strategic or long range plan and/or operating mission.

NHBA does an outstanding job of providing support and resources to our members, enabling them in serving the public and justice system.

By establishing an email-based network through which Bar members may ask for help when experiencing a hardship or volunteer to assist others facing difficult, and sometimes dire, situations, members will be able to also provide support and resources to each other in an organized and meaningful way.

4. **HOW WILL YOU MEASURE YOUR RESULTS?** Please tell us how you will know if the Action is successful. What specifically will be the outcomes of the action? How will you know that the need has been met?

The efforts of members in the SOLACE network may often be completed in anonymity making it difficult to know exactly how many requests for help are successfully met. That notwithstanding, having members know that help is only an email away is invaluable.

5. **WHEN WILL THE ACTION BE ACCOMPLISHED?** Please estimate a timeline to implement the Action. If applicable, determine the termination date for the Action. If the Action is to be ongoing, please indicate regular evaluation periods.

Upon approval by the Board of Governors, the SOLACE Program chair will work with designated Bar staff to: 1) announce the creation of the SOLACE Program and how it works; 2) Solicit voluntary participation in the email-based network through which Bar members may ask for help or volunteer to assist others with medical or other matters; 3) establish the email list of volunteers; and 4) determine the frequency of, and "publications" in which, marketing for the program and solicitations for volunteers will occur.

6. **WHAT RESOURCES WILL BE NEEDED?** Please describe, as thoroughly and specifically as possible, what resources this action will need. Please include a detailed budget of income and

expenses associated with the Action (including potential outside sources of support); staff and volunteer time; and physical space and equipment use. Be sure to identify other NHBA actions you know of that may be adversely affected if the Action is implemented - that is, whether NHBA resources must be diverted from other Actions, and if so, which ones.

Resources needed include:

- *a volunteer to serve as SOLACE Program chair (Larry Vogelman)*

Bar staff to assist with:

- *creating internal guidelines under which this program will operate*
- *marketing the program to members*
- *establishing and maintaining the email list of volunteers participating in the program*

Submitted by: Lawrence A. Vogelman

Date: March 19, 2012