

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
Thursday, December 15, 2011  
Bar Center, Concord  
4:00 P.M.

**MINUTES**

Present for all or part of the meeting were:

Jennifer L. Parent	Russell F. Hilliard
Lawrence A. Vogelmann	John D. MacIntosh
Jaye Rancourt	Carol D. Brooks
Peter E. Hutchins	John E. Tobin
Robert R. Howard, III	Connie L. Rakowsky
Marilyn B. McNamara	Richard A. Cohen
Lisa Wellman-Ally	Mary F. Stewart
Quentin J. Blaine	Edward (Ned) J. Sackman
Jonathan M. Eck	David M. Gottesman
Jacki S. Smith	Jeannine L. McCoy
Catherine Broderick	Denice M. DeStefano
Christopher T. Meier (via phone)	Virginia A. Martin
Jason R. Crance	Daniel R. Wise
Robert M. Shepard	Joanne Hinnendael
Philip L. Pettis	Paula D. Lewis
Christopher T. Regan	Valenda Morrissette

A meeting notice reminder, preliminary agenda and related materials were emailed December 8<sup>th</sup>. A meeting notice reminder about a time change was emailed December 9<sup>th</sup>. Additional materials were noticed via email December 12<sup>th</sup>. The final agenda and additional materials were emailed December 14<sup>th</sup> and 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.

**REGULAR SESSION**

A. CALL TO ORDER Jennifer Parent

The Regular Session of the December 15, 2011 Board of Governors meeting was called to order at 4:10 p.m. by Bar Association President Jennifer L. Parent.

B. Membership Status Changes for December 2011 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:**

Waiver of the July 1 deadline date in order to change to Inactive Status and pay Inactive dues & Court fees to [REDACTED]

D. Minutes of November 17<sup>th</sup> Board Meeting

Peter Hutchins

Minutes of the November 17, 2011 Board of Governors meeting **were approved as presented.**

E. Financial Statements through October 2011

Rob Howard

The **Board received** financial statements through October 31, 2010, as approved by the BOG Committee on Administration.

F. Ethics Committee Opinion #2011/12-4

Jennifer Parent

*Foregoing Professional Conduct Complaints*

The **Board received** Ethics Committee Opinion #2011/12-4 *Foregoing Professional Conduct Complaints*.

**PRESENTATION / DISCUSSION / ACTION ITEMS**

G. Adoption of the New Standards including the Final Digest of 2011 Changes to the 2010 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 2011 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 2011 annual revisions to the NHBA Title Examination Standards. **PASSED.**

H. Ethics Committee Opinion #2011/12-5

Jennifer Parent

*Outsourcing Legal and Non-legal Support Services*

The Board received Ethics Committee Opinion #2011/12-5 *Outsourcing Legal and Non-legal Support Services*. Because the Board did not receive this in advance of the meeting, they asked that it be carried over to the January Board meeting so Board members have an opportunity to review it prior to “officially” accepting it.

I. Legal Services Co-location Concept

John Tobin  
Connie Rakowsky  
Richard Cohen

President Jennifer Parent introduced the concept of co-locating various legal service entities, and explained the groups presenting are interested in having Pro Bono located with them. Jennifer noted that the Officers and Board will also be meeting with the Pro Bono Board to discuss this concept. The Board received in advance a memo from John Tobin regarding benefits of the co-location concept and an outline of the benefits of Pro Bono being at the Bar Center.

NH Legal Assistance (NHLA) Director John Tobin introduced the Director of the Legal Advice and Referral Center (LARC) Connie Rakowsky and Dick Cohen, Director of the Disabilities Rights Center (DRC); all of whom represent the entities interested in co-locating.

John Tobin noted that over the past three years, the Bar Association's Pro Bono Program and NHLA have been hit hard by the great decline in IOLTA revenue. Earlier this year state budget cuts forced NHLA to lay off 14 staff members and close its Nashua and Littleton offices. Now LARC and Pro Bono have been hit by cuts in the federal Legal Services Corporation budget. In the past few years, DRC has seen its federal and other funding sources stagnate or diminish and its staff shrink.

John explained that in light of these financial losses the groups are examining structure and operations to use scarce resources in new ways, potentially saving administrative costs by eliminating or reducing duplication and streamlining operations to serve clients more effectively.

John further explained one such avenue is co-locating of offices. DRC, NHLA, and LARC have begun exploring this possibility and actual locations, with a target timeframe of 2013, and invited Jeannine McCoy's participation on behalf of Pro Bono.

John noted a number of perceived benefits to DRC, NHLA, LARC and to program clients, of a co-location of legal services programs that would include Pro Bono, as outlined in his memo. He pointed out that LARC and NHLA are also examining other possible areas of greater collaboration, including consolidated program administration, common technology, or other major steps toward program or structural/operational unification, and said they would welcome interest and participation by Pro Bono and the Bar Association on these other issues.

Various Board member asked questions and expressed some concerns with the concept. The group was thanked for their presentation and the Board expressed their appreciation for being involved in ongoing discussions.

Board members discussed the importance of the Pro Bono Program being recognized as different from the "staffed legal services programs" and that "Pro Bono" is lawyers donating their time. It was noted that Pro Bono's location at the Bar Center enables the full integration with the NH Bar Association (and vice versa) and the connection – in physical location, access and image, to the private bar professional center and all the benefits of that connection. Efficiency and economic benefits of Pro Bono "co-location" with the Bar Association were discussed.

The Pro Bono Board will be asked to respond to the "pros and cons" of possibly relocating the Pro Bono Program. After additional Board discussion it was agreed that the co-location item be put on an upcoming Board Agenda for discussion and possible action.

- J. Appointment of Mary Stewart, Concord, to the Pro Bono Board for the term December, 2011 through June, 2014 Mary Stewart

The **Board approved the appointment**, for a 3-year term ending in June 2014, of Mary F. Stewart of Concord.

- K. New Lawyers Committee Proposal Ned Sackman

Ned Sackman, member of the New Lawyers Committee and the Subcommittee planning *The Battle of the Lawyers* event, outlined the proposal for the Board, including their timeline, and draft budget. The Committee plans to conduct the Battle of the Lawyers as a fundraiser for the Bar's Pro Bono Program. The subcommittee is looking at an April 2012 date, which they need to pin down soon in order to secure the Capital Center as a venue for the event. They will also need an advance of \$550; the required deposit for the Capital Center.

Questions were asked and answered. President-elect Larry Vogelmann thanked Ned for the presentation and the well prepared and presented proposal.

### **ACTION**

On motion to approve the New Lawyers Committee proposal, as submitted, to hold an evening event in April 2012 called *The Battle of the Lawyers* to raise money for the NHBA's Pro Bono Program. APPROVED (unanimously).

- L. Hillsborough South Courthouse Update Bob Shepard  
Dave Gottesman

Hillsborough South County Governor Bob Shepard reported that the Nashua District Court has moved into the Spring Street location (Hillsborough South Superior Court). There are logistical issues still to be resolved which means operations are a bit chaotic at the moment.

The Nashua Bar is strongly advocating keeping superior court in the city of Nashua, not for themselves, but for their clients and the 200,000 citizens living in their district.

Dave Gottesman, president of the Nashua Bar, noted that the Nashua Bar is reaching out to all those that will be affected by the loss of superior court in Nashua (court staff, law enforcement, clients, lawyers, elected officials, business leaders, etc.). The Court has made it clear that the legislature will be the decision maker in this matter, and the Nashua Bar has a very committed group of members gearing up for the upcoming legislative session who will be attending many legislative hearings in January and February to present their "case" for keeping a superior court in Nashua.

M. Legislation Update

John MacIntosh

NHBA Legislative Representative John MacIntosh reported that 431 bills have come out in the last two days. The Bar's Legislation Committee meets for the first time on Monday, December 19<sup>th</sup> and has an initial list of 50 bills to go through. Because of the volume of bills John suggested that the Board consider adding a special meeting in January specifically to deal with legislation or extend their meeting time at the regularly scheduled meeting on January 19. Those present agreed that one longer meeting on January 19 is preferable.

John touched on some of the bills the Board can expect to see (i.e. rulemaking authority of the supreme Court; eliminating professional licensing; deunification of the bar; revocation of IOLTA; guns in Court; foreign laws, rules, penalties having no affect in NH) and also reported that HR7 (impeachment of Marital Master Cross) was vote Inexpedient to Legislate (ITL).

N. BOG Committee on Administration of the Bar Report with  
Recommendation Re: Section Subscriber Policy

Denice DeStefano

Board Committee Co-chair Denice DeStefano reported that at the November 17<sup>th</sup> Board meeting, the issue of allowing non-member Section Subscribers, especially to the Family Law Section, was raised by Derek Lick. Derek (Merrimack County Governor & Vice Chair of the Cmte. on Coop. w/the Courts) agreed to bring this issue to the BOG to review, discuss and consider whether changes to the current policy might be needed. It was agreed that this matter will be referred to the Board Committee on Administration of the Bar for review and recommendation to the full Board at an upcoming meeting.

After a series of email "discussions" on this matter, the BOG Committee on Administration of the Bar approved the following recommendation be submitted to the Board of Governors: Recommend to the Board of Governors that the question of continuing to allow non-attorneys to join sections be put on the agenda for the next meeting of the Bar Association leadership and Section leadership in 2012 for discussion and action.

In Board discussions it was noted that some section subscribers, certainly in the Municipal Law Section, bring value and a perspective to the section that would otherwise not be there. It was suggested that this issue should be returned to the BOG Committee on Administration of the Bar for a proposed Bylaws amendment that would then go to section leaders for approval (before being voted on by the membership at a future business meeting).

**ACTION**

On motion to return this issue to the BOG Committee on Administration of the Bar for a proposed Bylaws amendment to go to section leaders for approval. PASSED.

O. PCC Issue Regarding when Orders are Posted on Public Website

Jaye Rancourt

Vice President Jaye Rancourt, who sits on the PCC during her year as vice president, reported that a proposal is being considered by the PCC to post decisions immediately when they are handed down, rather than waiting for the final decision from the Court. The PCC views this as a duty to the public. Jaye and others on the Board expressed concern about the fairness and potential impact of immediate posting of PCC decisions.

If there are comments or concerns with this proposal, please email Jaye so she can raise them at the next PCC meeting, when a vote on this proposal is expected.

P. Gender Equality Committee Proposal ~ Jennifer Parent

At the November 17<sup>th</sup> Board meeting, Beth Deragon, Chair of the Gender Equality Committee (GEC), provided the Board with an update to their initial proposal (previously approved in concept by the Board) to establish a voluntary application process for an award/certification/accreditation program for law firms to earn recognition as an employer who is a leader in promoting gender equality and diversity.

After discussing the update, the Board agreed that there were a number of questions/concerns that needed to be addressed by the GEC. Those questions were provided to the Gender Equality Committee and their responses distributed to the Board for today's meeting.

The Board reviewed the Committee's responses and felt they had sufficiently answered the questions and concerns.

**ACTION**

On motion to approve the updated proposal of the Gender Equality Committee to establish a voluntary application process for a voluntary award/certification/accreditation program for law firms to earn recognition as an employer who is a leader in promoting gender equality and diversity, with the understanding that the GEC will need to come back to the Board of Governors for approval of expenditures for speakers, etc. PASSED (unanimously).

Q. President's Report, including Jennifer Parent

President Jennifer Parent presented a certificate of appreciation to Belknap County Governor Catherine Broderick with sincere thanks for her service on the Board. Catherine is moving to Maryland the first of the year and has had to resign her Board seat.

Stars ★★ this month go to Jason Crance for his prompt email to the Grafton County Bar members updating them on the November Board Meeting and award nominations being sought for the Midyear Meeting.

Mid-Winter Meeting – March 7, 2012

- Awards – Nominating Committee (Jaye, Jacki, Jon with Denice) hard at work getting the word out!
- Preliminary Schedule-at-a-Glance was provided to Board members in their meeting packet.

Uniform Bar Exam Meeting Report – Jennifer distributed a map of the US depicting NCBE testing services and which states are adopting the Uniform Bar Exam. Jennifer believes the Uniform Bar Exam will likely happen in NH, but the bar can certainly comment on the various requirements and timeframes.

Jennifer will email additional information so Board members can talk with their constituents. Board members should feel free to email their comments and thoughts about this to Jennifer.

Rule 170 Rules Sub-committee is going to be made a permanent Subcommittee with Jennifer being able to appoint someone to this subcommittee. Board members were encouraged to let Jennifer know about interest in this subcommittee.

e-Court update – Court is currently looking at statutes that deal with paper, confidentiality, etc. that will need to be addressed with the implementation of e-Court. Jennifer received a lengthy handout at the most recent update meeting on e-Court and she will email it to the Board.

R. Executive Director's Report, including Jeannine McCoy

"You Should Know" Activity Report was provided and Board member were encouraged to read about all the great things happening in the Bar Association.

S. Out of State Membership Larry Vogelman

Larry Vogelman noted that the Board may want to take up the concept of creating an "out-of-state member" seat on the Board of Governors, in light of the high percentage of active members now having their principle office in another state.

### **ADJOURNMENT**

The December 15, 2011 Board of Governors Meeting adjourned at 6:30 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 15, 2011

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

Sullivan, Mary T., Boston, MA (effective December 9, 2011)

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

Dolan, John F., Boston, MA (effective December 9, 2011)

Vitale, Alexander J., Durham, NH (effective November 21, 2011)

#### Paid Inactive to **Resigned**

Silverman, David A., Ontario, Canada (effective December 7, 2011)

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

Bouchard, Kenneth G., Madbury, NH (effective September 1, 2011)

#### Military Active to **ACTIVE**

Swan, Francine I., Tyndall AFB, FL (effective November 8, 2011)

#### New Admittees selecting **INACTIVE** status

Breen, Michael F., Washington, DC (effective December 6, 2011)

Colangelo, Tristan P., Hato Rey, PR (effective December 7, 2011)

Dhroso, Restilda, Malden, MA (effective December 6, 2011)

Kotoni, Gazion, Roslindale, MA (effective September 22, 2011)

Omerovic, Samira A., Concord, NH (effective December 7, 2011)

Restrepo, Lindsey B., Manchester, NH (effective December 5, 2011)

#### Full Time Judicial to **INACTIVE**

Gilbert, James G., Washington, DC (effective June 1, 2011)

#### Active to **INACTIVE** (effective June 1, 2011)

Lawson, Jennifer H., Bradford, MA

Rodger Yim, Jessica, Arlington, MA

Schlapak, Eric M., Dover, NH

#### Active to **INACTIVE RETIRED** (effective June 1, 2011)

Brown, Robert P., Sanford, ME

Donovan, William J., Scarborough, ME

#### Honorary Active to **HONORARY INACTIVE**

Normandin, Paul L., Laconia, NH (effective December 1, 2011)

Carlisle, Russell E., Waterville Valley, NH (effective December 9, 2011)

#### Inactive to **INACTIVE RETIRED**

Figler, Elena S., North Andover, MA (effective June 1, 2011)



Active to **RESIGNED**

Black, Stephen T., Provo, UT (effective June 1, 2011)

Inactive to **RESIGNED**

Gingrow, Lawrence T., Boston, MA (effective June 1, 2011)