

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, May 17, 2012
Bar Center – Concord
2:15 p.m.

MINUTES

Present for all or part of the meeting were:

Jennifer L. Parent	Tanner Z. Nolin
Lawrence A. Vogelmann	John D. MacIntosh
Jaye L. Rancourt	Bradford W. Kuster
Peter E. Hutchins	Beth Deragon
Robert R. Howard, III	Lauren S. Irwin
Lisa Wellman-Ally	Jack P. Crisp, Jr.
Eric D. Cook	William L. Chapman
Quentin J. Blaine	Connie L. Rakowsky
Jonathan M. Eck	Mark C. Rouvalis
Jacki S. Smith	Jeannine L. McCoy
Judith L. Homan	Denice M. DeStefano
Christopher T. Meier	Daniel R. Wise
Jason R. Crance	Joanne Hinnendael
Derek D. Lick	Paula D. Lewis
Christopher T. Regan	Valenda Morrissette

A meeting notice reminder was emailed May 11, 2012. An Agenda and materials were noticed via email and emailed May 14 & 15, 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 May 17, 2012 Board of Governors meeting was called to order at 2:15 p.m. by Bar Association President Jennifer L. Parent

B. EXECUTIVE SESSION

The Board met in Executive Session with Supreme Court Nominee James Bassett until 3:20 pm. At 3:25 p.m. the Regular Session of the Board was called to order.

PRESENTATION / DISCUSSION / ACTION ITEMS

G. NHBA Legal Services Program – Foreclosure Settlement Project(s) Brad Kuster

Brad Kuster, Chair of the Lawyer Referral Service Subcommittee of the NHBA Delivery of Legal Services Committee, spoke to the Board about the \$25 billion that AG's across the nation are receiving in foreclosure settlement money. NH is one of the states slated to receive these funds; about \$40 million. Approximately \$10.5 million will be dedicated to helping provide legal services to homeowners with foreclosure issues. NHLA, LARC and NHBA (Lawyer Referral Service) are in discussions with the Attorney General's Office about how to best use the money to provide those legal services and finalizing what the project will look like.

The Bar is looking at using the full fee referral, reduce fee referral and pro bono referral programs to deliver services to homeowners that need help. This would mean building panels of members in order to provide the necessary services. Envisioned is a 3-part program:

The first part would be recruitment and training. The second part would be clinical programs across the state enabling the public to have consultations and referrals to whichever organization/program best fits their particular needs. The third part would be referrals to panel members.

The staffing structure needs to be determined. NHBA is looking for \$250,000 - \$260,000 per year for the next 3 years in order to run this program. A total of \$1.1 million is being sought by the three entities (NHBA, LARC, NHBA).

During the discussion the suggestion was made to consider including law students in the clinic part of the program.

- H. Gender Equality Committee – Status Update & Request for Additional Funds Beth Deragon
Lauren Irwin

Beth Deragon, Chair of the Gender Equality Committee, and Lauren Irwin, a longtime member of the committee, updated the Board on the status of their upcoming training sessions. The rollout is slated for announcement to members in June via *Bar News*. The four training sessions scheduled are as follows:

- September 11, 2012 session is on Pay Equality. Speakers are Jacqueline Cook and Evelyn Murphy, with the US DOL.
- October 11, 2012 session is on Recruitment, Evaluation, Promotion, Mentoring - management opportunities. Speaker is nationally known Lauren Rikleen. Lauren Irwin reported that she was able to secure Ms. Rikleen for a fee of \$1,000, which is significantly lower than what she usually charges.
- November 8, 2012 session is on Work Life Balance/Company Culture. The speaker for this session has not yet been confirmed.
- January 10, 2013 session is on Training and Implementation of Initiative into Law Firm Culture. Speaker is Julie Moore, NHBA member.
- March 8, 2013 Gender Equality Breakfast at the Midyear Meeting, the Committee will report out on feedback from the training sessions and next steps.

The Gender Equality Committee is asking the Board to approve \$500 to be used towards the speaker fee for Ms. Rikleen at the October 11, 2012 training session.

President Jennifer Parent noted the Boards strong support for this initiative. Assistant Executive Director Denice DeStefano, asked about charging for the sessions and if the sessions are going to be for NHMCLE credit. Beth Deragon responded that the Committee feels a charging a small cost to attendees will “commit” them to attend and the fees collected will help to offset expenses incurred by the Association in putting these training sessions on. To the question of MCLE credit, the response was no, they do not intend to put these on for credit.

Executive Director Jeannine McCoy asked that the Committee work with NHBA staff on the marketing initiatives that will need to happen in order to make these sessions a success.

ACTION

On motion to approve the request for \$500 for the speaker fee for the October 11, 2012 training session. PASSED (unanimously).

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

President Jennifer Parent introduced Jack Crisp. Attorney Crisp spoke about his work on the Judicial Conduct Committee Alternate panel over the years and why he would like to be reappointed for one more term.

ACTION

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

REGULAR BUSINESS – CONSENT ITEMS

- C. Membership Status Changes for May 2012 Denice DeStefano
The Board received membership Status changes, which are attached as a permanent part of these minutes.
- D. Minutes of April 19, 2012 Meeting Peter Hutchins
Minutes of the April 19, 2012 Board of Governors meeting **were approved as presented.**
- E. Financial Statements through March 2012 Rob Howard
The **Board received** financial statements through March 2012, as approved by the BOG Committee on Administration.

PRESENTATION / DISCUSSION / ACTION ITEMS

- F. Reporting on Issues, Interests, Concerns from Association Member-Constituents

Belknap County Governor Judy Homan reported that she needs help getting the Belknap County Bar back on track. Assistant Executive Director will follow-up with Judy and provide the needed assistance to Judy.

Grafton County Bar Governor Quentin Blaine reported that the next County Bar meeting is scheduled for May 22.

Public Sector Governor Jacki Smith reported that the Public Sector Section is struggling and that she will be working with staff and Bar leaders in an effort to see what changes could be made going forward to either reinvigorate or, if necessary, dissolve this section.

Governor-at-Large Lisa Wellman-Ally reported that Circuit Court Call Center issues are still the norm in Sullivan and Grafton counties. Lisa frequently gets calls of complaint from colleagues about the Call Center. e-Court concerns from solo and small firms re: increases in fees and costs associated with e-Court are also a hot topic in Lisa's part of the state. President Jennifer Parent noted that she will raise the Call Center issues with a soon-to-be-scheduled meeting with the Circuit Court administrative judges.

President-elect Larry Vogelmann reported that HB 1722 (relative to the disqualification of partners of part-time Circuit Court judges and where they can appear) passed the senate yesterday.

G. Appointment of Bill Chapman to the LARC Board Jennifer Parent

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 Bill Chapman and others in attendance that joined him in supporting this nomination. Attorney Chapman spoke about why he would like to be appointed and serve on the LARC Board.

ACTION

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

I. Public Protection Fund Committee Decision Appeals Paula Lewis

NHBA Director of Finance and liaison to the Public Protection Fund Committee Paula Lewis, reported on two appeals to the Supreme Court:

1. appeal by John David Encarnaco, in a matter involving suspended member Brian McCaffrey, was dismissed.
2. appeal by David Stacy, in a matter involving member Donald Wyatt who was suspended in 2009 and has since resigned. Tom Quarles, Vice Chair, of the Public Protection Fund Committee will represent the Committee before the Court if the Board of Governors approves.

ACTION

On motion to approve representation by Tom Quarles for the Public Protection Fund Committee before the Court in the matter of David Stacy v. Donald Wyatt. PASSED (abstained J. Eck).

J. Legislation Update John MacIntosh

NHBA Lobbyist John MacIntosh reported that:

HB 408 & HB 407 – both relative to the Safe Act passed the Senate and are headed to the Governor for signing.

HB 1474 - relative to eliminating the requirement that attorneys be members of the state bar Association was sent to Interim Study in the Senate.

CACR 26 - relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed, voted ought to pass with 'Judge Lynn' amendment.

HB 1395 - revoking amendments to supreme court rules 50 and 50-A (IOLTA), voted Inexpedient to legislate.

SB203 – relative to limited liability companies and relative to meetings of a certain legislative study commission by open blogging, voted ought to pass with amendment.

SB354 - relative to the escrow fund for court facility improvements (and as amended in the House restructures circuit court), the House passed this Senate bill with a House amendment.

ACTION

On motion to continue to oppose CACR 26, as amended. PASSED (unanimously).

ACTION

On motion to oppose restructuring amendment to SB 354. PASSED (unanimously).

M. PCC Budget Report Jennifer Parent

President Jennifer Parent reported that there are no changes this coming year to the Court mandated Professional Conduct Committee fee or to the Lawyers Assistance Program fee.

N. President's Report Jennifer Parent

- Gold Stars this Month – Larry Vogelmann, Jaye Rancourt, Jeannine McCoy and Dan Wise for attending the marathon Senate session on May 3rd and to Jonathan Eck and Russ Hilliard for stopping in during the hearings to also lend their support.

Gold Stars also go to Judy Homan for agreeing to serve as the Bar's representative on the Public Access and Privacy of Court Records Committee being led by Judge Smukler; and to Jacki Smith for bringing the Public Sector Section issue to the leaders.

- Court Meetings – A Bench/Bar meeting with the Superior Court is scheduled for June 6th. Jennifer is working on scheduled a Bench/Bar meeting with the Circuit Court as well.
- Legal Services Situation Mediation – the Access to Justice Commission leadership (Judge Joseph Laplante and Attorney Richard Uchida) is assisting with facilitating the meetings scheduled May 25 and June 4 (if needed) to attempt to resolve the funding situation created by LARC keeping PAI funds that have been previously awarded to Pro Bono and other operational challenges.
- Update on Response to ABA Attorney Discipline Recommendations – Jennifer reported that she met with Chief Justice Dalianis and Justice Conboy to share “the good, the bad and the ugly” feedback from members to the ABA Attorney Discipline Recommendations. The Court is very receptive to the feedback and especially to the concerns raised about the costs to members.
- June 5th – Civics in Action Program Reception – Board members have been invited to this event celebrating the completion of presenting the Civics in Action Program to all 58 Rotaries in NH.

Governor-at-Large Lisa Wellman-Ally reported that the presentations were a lot of fun and provided an opportunity to get the word out about what the Bar Association and Bar Foundation do.

- June BOG Meeting & 2012 Annual Meeting – Jennifer reminded folks that the June Board meeting is at noontime on June 22 at the Omni Mount Washington Resort and that lunch will be served. The Annual Business Meeting will take place immediately following the Board meeting.
- 2012-2013 Budget Update – the Budget may be ready for the June 22 Board meeting. The Finance Committee is waiting for the IOLTA Grants Committee announcement (in June) so that they can then make the necessary recommendations to balance the budget before presenting it to the Board.

O. Executive Director’s Report

Jeannine McCoy

- You Should Know Activity Update – was distributed and Board members were encouraged to read all that is happening from the Bar Center.
- DHHS Membership list request – the NH Dept. of Health and Human Services is requesting electronic access to NHBA’s membership database for the purpose of importing the names and contact information of attorneys and law firms into their electronic system. This would eliminate the need to manually key the information into their system. The information would only be used by the Dept.’s attorneys and their support staff. The Board briefly discussed the request.

ACTION

On motion to deny the request for electronic access to NHBA's membership Database. PASSED (unanimously)

- Legal Needs Study Results – the Bar Foundation funded a Legal Needs Study last year with the results having not yet been released. The Board will be provided (Jeannine McCoy to email) the results, but Board members were asked to please not release any of the information contained in the report, which could diminish the “formal” release and related publicity being coordinated by the Access to Justice Commission.

ADJOURNMENT

The May 17, 2012 Board of Governors Meeting adjourned at 5:20 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 May 17, 2012

Correction to April Status Report

Hildreth, Peter C. was incorrectly categorized as Resigned. It should read:
Paid Inactive to Inactive Retired

Paid Active to **INACTIVE**

Guarino, Kerrie-Ann Pedone, Clinton, CT (effective May 1, 2012)
Igram, Mona, Lowell, MA (effective April 12, 2012)
Knepper, Donald M., Rockville, MD (effective May 8, 2012)
Montgomery, Kyle G., Wallingford, CT (effective April 30, 2012)
Parton, Christopher M., Dundas, Ontario Canada (effective May 4, 2012)
Shea, John Philip, Manchester, NH (effective April 23, 2012)

Paid Active to **INACTIVE RETIRED**

Chandler, Lori Ann, Laconia, NH (effective April 17, 2012)

Paid Inactive to **ACTIVE**

Geiger, Maurice D., North Conway, NH 03860

Paid Inactive to **RESIGNED**

Brizgys, Molly P., Tempe, AZ (effective April 17, 2012)
Jennings, Donald S., Sudbury, MA (effective April 30, 2012)
Kelleher, Christopher J., Hooksett, NH (effective May 8, 2012)

Paid Active to **DECEASED**

Bomster, John F, Alexandria, NH (effective April 24, 2012)

Suspended to **ACTIVE**

Knepper, Donald M., Rockville, MD (effective May 2, 2012)
McCarthy, Liam J., Medford, MA (effective May 1, 2012)

Suspended to **INACTIVE**

Jones, Nathan A., Bedford, NH (effective April 24, 2012)
Kraus, Cheryl A., Clifton Park, NY (effective May 9, 2012)