

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
Thursday, November 17, 2011  
Bar Center, Concord  
3:00 P.M.

MINUTES

Present for all or part of the meeting were:

Jennifer L. Parent	Philip L. Pettis
Lawrence A. Vogelmann	Christopher T. Regan
Jaye Rancourt	Russell F. Hilliard
Peter E. Hutchins	Beth Deragon
Robert R. Howard, III	Jeannine L. McCoy
Lisa Wellman-Ally	Denice M. DeStefano
Quentin J. Blaine	Virginia A. Martin
Jonathan M. Eck	Daniel R. Wise
Jacki S. Smith	Joanne Hinnendael
Catherine Broderick	Paula D. Lewis
Jason R. Crance	Valenda Morrissette
Derek D. Lick	

A meeting notice reminder, preliminary agenda and related materials were emailed November 10<sup>th</sup>. The final agenda and additional materials were emailed November 16<sup>th</sup>. Materials were also 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 those present.

REGULAR SESSION

A. CALL TO ORDER Jennifer Parent

The Regular Session of the November 17, 2011 Board of Governors meeting was called to order at 3:10 p.m. by Bar Association President Jennifer L. Parent.

B. Membership Status Changes for November 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 requests:**

Partial waiver of Active Dues and Court Fees for 2011-2012 to [REDACTED]

Partial waiver of Active Dues and Court Fees for 2011-2012 to [REDACTED]

Full waiver of Active Dues and Court Fees for 2011-2012 to [REDACTED]

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

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

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

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

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

Waiver of the July 1 deadline date in order to Resign in good standing to [REDACTED]

Waiver of the July 1 deadline date in order to Resign in good standing to [REDACTED]

- D. Minutes of October 13<sup>th</sup> Board Meeting Peter Hutchins

Minutes of the October 13, 2011 Board of Governors meeting **were approved as presented.**

- E. Financial Statements through September 2011 Paula Lewis

The **Board received** financial statements through September 30, 2011.

### **PRESENTATION / DISCUSSION / ACTION ITEMS**

- F. Accept the Report of the Independent Auditor for FY 2010-11 Paula Lewis

**The Board received and approved** the Consolidated Audited Financial Statements for the year ended May 31, 2011 and Audit Report as approved by the Board Committee on Administration of the NHBA.

- G. Legislation Update Jennifer Parent

According to John MacIntosh, the deadlines for introduction of both House and Senate bills for the 2012 session have passed although no new bills have been released by legislative services yet. The Legislation Committee will begin meeting in December with the expectation that most of the new bills will be released before the Session begins in January. Hopefully, that will afford the BOG more time to review and consider these new bills well in advance of the scheduled hearing dates.

John MacIntosh, Connie Boyles Lane and others were finally able to forge an agreement on HB408 (attorney exemption under the Safe Act) with the Banking Dept and Mortgage Brokers Assoc which has received an OTP (ought to pass) recommendation from the House Commerce

committee. It should appear on the consent calendar when it goes to the full House in early January. But just to be on the 'safe' side Senators Houde, Prescott and Lambert have agreed to co-sponsor an identical senate bill (LSR#2916) in the event that HB 408 runs into trouble. House reps Dave Hess and Marie Sapienza (co-sponsors of HB 408) will sign off on the senate bill as well.

H. Ethics Committee Report on Response to Court Advisory Committee on Rules Jennifer Parent

President Jennifer Parent reported that this item will carry over to the December Board of Governors meeting.

Jennifer did report that the Ethics Committee is planning to provide a regular “Ethics Corner” article in *Bar News* on various topics of general interest to members. The Committee wants to “stay in front of” members as a reminder of their availability to answer inquiries and offer guidance when members find themselves in a situation they are unsure of.

I. President’s Report Jennifer Parent

- President’s Stars of the month go to:
  - ★ Phil Pettis for getting Jennifer to the Rockingham County Bar Meeting
  - ★ Eric Cook for his work with the Association’s auditors as Co-chair of the BOG Committee on Administration of the Bar
  - ★ Jonathan Eck for working with the New Lawyers Committee and in getting more young lawyers involved
- Nomination of 2012-2013 President-Elect – Jaye Rancourt

The NHBA **Board of Governors nominated by acclamation**, Jaye Rancourt, NHBA Vice President, for President-elect in the NHBA Board election in April. (J. Rancourt abstained)

- Other Board recruitment for 2012-2013

Jennifer will be following up with folks eligible to run in the 2012-2013 Board election. If you are interested in running again, or know of someone who is interested in running for the Board, please let Jennifer know.

Catherine Broderick, Belknap County Governor, advised the Board that she is moving the end of December to join her husband in Baltimore, so she will be leaving the Board. Catherine was wished the best of luck.

- Midyear Meeting – 3/7/12

Jennifer reminded the Board that due to scheduling complications with facilities as a result of the national primary, our Midyear Meeting this year is Wednesday, March 7 at the Radisson Hotel / Center of NH in Manchester.

Jennifer would like to appoint a Midyear Awards Nomination Committee to assist in soliciting nominations for the awards given at the Midyear Meeting (Vickie M. Bunnell Award for Community Service; Distinguished Service to the Public Award; and Outstanding Service in Public Sector/Public Interest Law Award). If you are interested in

serving on this Committee please let Jennifer know. Jaye Rancourt volunteered; Jennifer will appoint others if needed.

- Women's Bar Association Meeting Report – NHBA Officers and Officers of the Women's Bar met recently to talk about how both groups can help each other. The Women's Bar just hired its first executive director. Some of the topics discussed included: advertising for and coordination of CLE programs; new admittees and the possibility of including information about the Women's Bar in one of the communications sent to new admits by the NHBA; and having exhibit space at the Bar's Practical Skills CLE program in December.

Jennifer also reported on the creation of a welcome video she has recorded, with assistance from the NHBA Communications Department that will now be emailed to all new admittees with the first of 5 email messages they receive from the Bar after being sworn in. Jennifer proudly announced that it only took her 5 takes!

President-elect Larry Vogelmann reported that Jennifer was on a panel at the New England Bar Association Annual Meeting in October that addressed generation issues. One example raised during the presentation is that the Mass Bar New Lawyers committee only works through Facebook. It demonstrates our need to be able to reach our newest generation in different and creative ways.

- Supreme Court Meeting Report – Jennifer reported that topics discussed with the Supreme Court at a recent meeting with Bar Officers included: the *Civics in Action* program, and the Bar's intention to function as more of a resource to the legislature.

The Court reported that the ABA's report with recommendations re: their review of the PCC structure will be delayed. The PCC needs another (temporary) auditor to assist with pending audits. It is unclear as to what this might mean in terms of the PCC fee (currently \$195) going forward.

Work also continues on ways to expand expedited access through security in the Courts using the Bar's ID card. Expansion of the security card access system, in Hillsborough South, to Hillsborough North is expected to be in place by the end of the calendar year.

Lastly, eCourt plans are moving along. An advance copy of a Bar News article on eCourt was distributed and information is on the Bars website. The Court Report to the Legislature is posted on the Courts website. Policy questions regarding the program (i.e. should there be fees) are also posted. Please review and provide your input. April 2013 is the target date for the first planned eCourt pilot.

- Uniform Bar Exam – on December 14 from 9 am – 12 pm at the AOC the Board of Bar Examiners will be meeting, with representatives from various groups, to talk about NH becoming part of the Uniform Bar Examination. Jennifer is looking for interested Board members to attend the December 14 meeting. Please let her know if you are interested as Jennifer needs to RSVP with names; seating is limited.

J. Gender Equality Committee Update

Beth Deragon

Beth Deragon, Chair of the Gender Equality Committee (GEC), provided the Board with the following 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.

UPDATE:

Since the Board of Governors approved the concept behind the GEC initiative that included a step-by-step approach, the GEC has decided to spend more time focusing on and developing the criteria for the award/certification/accreditation by implementing a training program based on the topic areas identified in the survey: (1) pay; (2) recruitment, evaluation, and promotion; (3) training and mentoring (including management opportunities); and (4) company culture (work/life balance, handbooks, policies). By developing a training program based on these topics, the GEC will be able to both educate and receive feedback from firm management, lawyers and the courts. This feedback will better inform the GEC's development of the topic area criteria for the award/certification/accreditation. This update does not change the intent of the original proposal, but reflects a more thoughtful approach to this undertaking.

Questions about costs, the CLE component, staff resources, etc. were asked. At this time Beth was advised that the Board would review, discuss and act on this proposal at the next Board Meeting.

After discussing, the Board agreed that there are a number of questions/concerns that need to be addressed by the GEC. If Board and/or the staff managers have questions/concerns, please email them to Lisa Wellman-Ally (BOG liaison to the GEC) and she will provide these to Beth for the Committee's agenda for their December meeting. Given the timing, this will likely be moved to the January Board agenda for action, once the Board has received the Committee's response.

K. Executive Director's Report

Jeannine McCoy

- "You Should Know" Activity Report – was distributed and Board members were encouraged to read about all the great things their Association is doing.
- Vice President Jaye Rancourt reported on the success of the Leadership Academy Retreat with facilitator Michael Brandwein. The evaluations were great and the community service projects are in development; the deadline date for final project outlines is November 30<sup>th</sup>. Proposals for New Action on each of the two community service projects will be presented to the Board in March.

The November 10<sup>th</sup> session on Business and Leadership Development was very well received. Everyone is looking forward to the Judicial Branch session in December.

- Legal Services Update – the Lawyer Referral Service website is up and running and has doubled website traffic in only 3 weeks!
- NHBA Communications Department – wins a NABE (National Association of Bar Executives) Communication Sections Luminary Award!
- Campaign for Legal Services – has approached the Bar about doing a CLE at the UNH School of Law for in-house counsel to raise awareness of the campaign and the need for funding. The Bar Association will co-sponsor this free CLE. It was pointed out that more free CLE means less revenue and lower attendance numbers for other NHBA CLE programs.

- NHBA Pro Bono Program Grant in jeopardy – the Pro Bono Program receives federal funding as a subgrant of \$65,000 through LARC (Legal Advice and Referral Center) that we may not get this year. NHLA (NH Legal Assistance) and LARC (staff programs) approach their missions differently than Pro Bono (a program that works through volunteers), making it challenging at times to collaborate effectively.

President-elect Larry Vogelmann is chairing a BOG Subcommittee to explore ways to address this potential shortfall to the Pro Bono Program and other NHBA public service programming funding challenges.

- The Bar's annual Developments in the Law CLE program was held October 28<sup>th</sup> in Manchester, with 280 attendees. Video replays are being done around the state. This is the most significant CLE program we do and members really appreciate being able to attend; whether at the live program or more locally as a video replay.

L. Reporting on Issues, Interests, Concerns from Association Member-Constituents Around the State All Board Members

- Merrimack County Governor and BOG liaison to, and Vice Chair of, the Committee on Cooperation with the Courts Derek Lick provided a recap of updates from yesterday's Committee meeting, as follows:
  - Federal Court – Judge Laplante is the new Chief Judge. A 13% budget cut has resulted in 4 layoffs. A pilot project providing juror questionnaires electronically is underway.
  - Supreme Court – deputy clerk is leaving. Court is keeping up pretty well overall despite losing staff due to cutbacks. **Wireless access at courthouses was discussed and is an issue at many locations. Derek agreed to bring this issue to the BOG to discuss whether the Bar Association can help with funding wireless access for members at courthouses statewide. It was agreed that this will be an upcoming BOG meeting agenda item.**
  - Circuit Court – Nashua Circuit Court has opened. Concerns re: the legislative redress & grievance committee and the “bullying of judges” was discussed. **The issue of allowing non-member Section Subscribers, especially to the Family Law Section, was raised. Derek 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.**
- Governor at Large and BOG Liaison to the New Lawyers Committee Jonathan Eck reported that the Committee is hoping to hold a Battle of the Lawyers as a fundraiser in the spring. They are looking at using the Capital Center for the Arts, but are unsure as to how they will raise the \$900 rental fee. Executive Director Jeannine McCoy suggested they consider using the UNH School of Law as their venue, in particular because the program could be of such interest to law students. Jonathan will ask them to give this some more thought.
- President-Elect Larry Vogelmann reported that the Circuit Court statute is problematic in that the language regarding part time judges, who are also working for a law firm, prohibits all attorneys working in the same firm from appearing not only in the specific court in

which the part time judge sits, but also from appearing in all courts within that same district. This currently affects approximately 64 part time judges and the firms they work for. There is a move to amend this language, which could happen in the next legislative session.

President Jennifer Parent notified the Board that Section Liaisons will be expected to report in December and January. Board members will be notified about which section liaisons will be asked to report in December and which in January.

### **ADJOURNMENT**

The November 17, 2011 Board of Governors Meeting adjourned at 5:35 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 17, 2011

Military Inactive to **ACTIVE**

Sistare, Jonathan B., Dublin, NH (effective November 1, 2011)

Inactive to **ACTIVE**

Kostiew, Michael A., Pittsburgh, PA (effective October 21, 2011)

Paid Inactive to **ACTIVE**

Acken, John L., Winter Haven, FL (effective October 28, 2011)

Cohen, Justin D., Boston, MA (effective October 25, 2011)

Hayes, John Francis, Keene, NH (effective November 7, 2011)

Paid Active to **INACTIVE**

O'Keeffe, Celeste E., Madison, MS (effective November 1, 2011)

Struble, Sally B., Portsmouth, NH (effective October 6, 2011)

Woods, Stephen S., Hanover, NH (effective October 11, 2011)

Active to **INACTIVE**

Huppuch, Thomas W., Durham, NH (effective June 1, 2011)

Rummler, Jeffrey R., Boston, MA (effective June 1, 2011)

Sullivan, Brendan F., Atlanta, GA (effective June 1, 2011)

Active to **INACTIVE RETIRED**

Cilley, Melissa L., Portland, ME (effective June 1, 2011)

Mullaney, Stanley J., Durham, NH (effective June 1, 2011)

Richardson, John G., South Berwick, ME (effective June 1, 2011)

Inactive to **INACTIVE RETIRED**

Landroche, Marie C., Gilford, NH (effective June 1, 2011)

Inactive to **RESIGNED**

Gleason, Daniel J., Boston, MA (effective June 1, 2011)

New Admittees selecting **MILITARY ACTIVE** status

Murdough, Robert E., Williamsburg, VA (effective October 19, 2011)

Murray, Stephen Andrew, Oak Harbor, WA (effective October 13, 2011)