

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, October 13, 2011
Bar Center, Concord
3:00 P.M.

MINUTES

Present for all or part of the meeting were:

Jennifer L. Parent	Derek D. Lick
Lawrence A. Vogelmann	Christopher T. Regan
Jaye Rancourt	Tanner Z. Nolin
Peter E. Hutchins	Russell F. Hilliard
Robert R. Howard, III	Christopher M. Keating
Marilyn B. McNamara	Donald F. Hebert
Eric D. Cook	Matthew J. Lapointe
Quentin J. Blaine	Jeannine L. McCoy
Jonathan M. Eck	Denice M. DeStefano
Jacki S. Smith	Virginia A. Martin
Catherine Broderick (via phone)	Daniel R. Wise
John G. McCormick	Joanne Hinnendael
	Paula D. Lewis

A meeting notice reminder, agenda and related materials were emailed October 11th. Additional materials were emailed October 12th. A final agenda was distributed at the meeting and 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 October 13, 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 October 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:**

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

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 Retired 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 dues & Court fees to [REDACTED]

Waiver of the July 1 deadline date in order to change to Inactive Retired 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 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 Resign to [REDACTED]

D. Minutes of September 15th Board Meeting

Peter Hutchins

Minutes of the September 15, 2011 Board of Governors meeting **were approved as presented.**

PRESENTATION / DISCUSSION / ACTION ITEMS

E. Report on Public Defender Program Initiative to
Speed Appointment of Counsel in Indigent Cases

Chris Keating

Chris Keating, Executive Director of the NH Public Defender Program, reported to the Board on the Judicial Council plan to revise case assignment procedures in indigent defense cases. In order to speed the access to counsel for indigent criminal defendants and for children in delinquency proceedings, the Judicial Council and the Chief Justices of the Supreme, Superior and Circuit Courts have agreed to five modifications of existing case-assignment procedures:

- The Courts will issue administrative orders that will require judges, at arraignment, to provide indigent criminal defendants with instructions about how to apply for counsel and provide them the time and resources to do so.
- The new administrative orders will make clear that, in the future, a clerk or the clerk's designee can approve applications for appointed counsel.
- The new administrative orders will establish an expectation that the clerks must act on requests for counsel within 24 hours of the submission of the defendant's financial affidavit.
- The Judicial Council has agreed with the Courts to end the use of the cumbersome screening form.

- In the future, ALL indigent defense cases will be sent to the local Public Defender office by the Courts. If a local Public Defender office determines that it cannot provide representation in a case because of a conflict-of-interest, then the local Public Defender office will notify the Conflict Case Administrator. The Conflict Case Administrator, based in the Program's administrative office in Concord, will assign conflict cases to contract counsel according to a standardized, written protocol for the designation of counsel.

Director Keating noted that ideally, these steps will dramatically reduce the time between a defendant's arraignment and the moment when the defendant's appointed attorney opens the file for the first time. The consolidation of case assignment responsibility in the Conflict Case Administrator will also create opportunities to measure and make more efficient the process of getting defendants paired with their attorneys.

F. Pro Bono Board Appointments/Reappointments Jennifer Parent

The **Board approved the reappointments**, each for a 3-year term ending in June 2014, of:

Donald F. Hebert of Hebert & Dolder, Concord
Carol L. Kunz, Goffstown
Pamela A. Peterson of Devine, Millimet & Branch, Manchester

The **Board approved the appointment**, for a 3-year term ending in June 2014, of:

Matthew J. Lapointe, Sheehan Phinney Bass + Green, Manchester

G. Pro Bono Program Presentation Ginny Martin
Don Hebert, Matt Lapointe

Ginny Martin, Director of Legal Services, presented an overview of the NHBA Pro Bono Referral Program, from it's Mission and How it Fulfills this Mission Every Day to Funding Sources; How Pro Bono is a Service, Not a Law Firm; How Pro Bono meets emerging client needs and fills in gaps with agility and innovation; to how it leverages resources.

Long time Pro Bono Board member Don Hebert explained the case review process, for acceptance of cases, and that reviewing cases for merit is as important as other factors that may be considered.

Executive Director Jeannine McCoy explained the relationship between the NHBA Board of Governors and the Pro Bono Governing Policy Board.

Governor-at-Large Quentin Blaine expressed concern that conflicts create an unmet legal need in some of the cases.

Immediate past President Marilyn McNamara noted that NH has a pro bono program that supersedes what most other pro bono programs offer in terms of providing pro bono service to clients.

Jeannine McCoy reported that there are tensions with other partners in civil legal services. Serving members so they can serve clients; The NHBA Pro Bono Referral Program serves a dual role that at times is not understood. Ginny Martin and her staff are great, creative, and the reason for the success of the NHBA Pro Bono Referral program!

H. Leadership Academy Update Jaye Rancourt

Vice President and Leadership Academy Steering Committee Co-chair Jaye Rancourt reported that this year's Leadership Academy has accepted twelve (12) members into the program. Half of those accepted have requested scholarship funds for a portion of the required program fee. The first event for this year's class is a Reception at the Bar Center on the evening of Thursday, October 20th and the kick-off day and a-half Retreat on October 28-29 at the Mountain Club on Loon in Lincoln, NH.

I. President's Report Jennifer Parent

- October Stars ★ this month go to:
 - ★ John McCormick for attending the Civics in Action Ambassador Training
 - ★ Jason Crance for the great panel of judges and clerks at the Grafton County Bar Association's Annual Meeting held October 12th
 - ★ Jaye Rancourt for her continuation with the Leadership Academy this year
- Supreme Court Rules Committee – will be providing recommendations to the Court on proposed changes to:
 - Juror Questionnaires
 - Motions Practice
 - Dismissal of Civil Actions

All of which are outlined in materials provided to the Board.

- Proposal for Discounted Administrative Service to Lawyers Assistance Program

President Jennifer Parent explained that the Association currently charges proportionally the administrative costs associated with billing for the Public Protection Fund fees and the Lawyers Assistance Program fees. The Lawyer Assistance Program is requesting a 50% reduction in that administrative fee for the 2011-2012 and the 2012-2013 fiscal years.

Following discussion, questions and answers the Board acted on this request.

ACTION

On motion to approve the requested reduction of 50% in administrative costs to the Lawyers Assistance program for the 2011-2012 and the 2012-2013 fiscal years. PASSED (unanimously).

J. Executive Director's Report

Jeannine McCoy

- "You Should Know" Activity Report was provided to the Board.
- 2012 Midyear Meeting on March 7th includes a breakfast presentation on Casemaker that will be offered at a very low cost. We're also planning a meeting between Casemaker and large law firms to provide information on how the firms can save money on their legal research bills.
- NHMCLE – changes in the approach to administration of the NHMCLE program have paid off presently with only 416 of the initial 1153 attorneys not in compliance(by June 30, 2011).
- Rockingham County Attorney Office Data Request – the County Attorneys are establishing a database of member information to be used in conjunction with the installation of the J-One (Justice – Once Network Environment) statewide, that will link to the Court system. The Rockingham County Attorneys Office is the first one to be implementing this and has approached the Bar Association for an initial download of information and regular updates.

Executive Director Jeannine McCoy is proposing the BOG approve an initial download of all in-state attorneys, in good standing at the time of the download, containing: member ID#, current status, name, company name, business address, business fax, business phone, business email and a Y/N indication as to whether or not they are a judge. For those members NOT in good standing at the time of the download, the only information being provided is their ID#, name and status.

After the initial download, an electronic file with any updates to the information provided for in-state attorneys will be forwarded on a daily basis.

Jeannine answered questions from the Board and noted that each of the County Attorney offices will be required to sign a *Member Data Usage Agreement* with the Bar Association assuring that the information provided will not be used in any other manner or for any other purpose.

The **Board approved the request of the Rockingham County Attorney Office** for an initial download of information as stated above for all in-state attorneys, in good standing at the time of the download, with updates provided daily.

Jeannine further reported that she has a meeting with Sheri Heber tomorrow for a demo of the Association's new database software with an eye towards how NHBA can help the Court and the PCC be more efficient by not having to also maintain member databases.

K. New England Bar Association Vice President Appointment Jennifer Parent

The **Board approved the appointment**, as New England Bar Association Vice President, of Russell F. Hilliard **and the appointment**, to complete the remaining 2 years of Russ's term on the New England Bar Association Board, of Marilyn Billings McNamara.

L. Reporting on Issues, Interests, Concerns from Association Member-Constituents Around the State And Reports from Committee Liaisons

- President-elect Larry Vogelmann reported that he had a great time at the September 22 Bar Admission Ceremony at the Supreme Court, handing out packets and answering questions for our newest members.
- Vice President Jaye Rancourt reported that the Officers are currently doing some annual meeting planning and if you have suggestions or ideas for upcoming annual meetings please let Jaye know.

ADJOURNMENT

The October 13, 2011 Board of Governors Meeting adjourned at 5:10 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 September 15, 2011

Paid Active to **FULL TIME JUDICIAL**

Hamel, Gregory Mark, Dunn Loring, VA (effective August 22, 2011)

Active to **FULL TIME JUDICIAL**

Delker, N. William, Concord, NH (effective August 24, 2011)

Paid Inactive to **ACTIVE**

Mitchell, Ryan S., Manchester, NH (effective September 6, 2011)

Inactive to **ACTIVE**

Brown, Andrew K., Bryn Mawr, PA (effective August 9, 2011)

Paid Active to **MILITARY ACTIVE**

Stewart, Shane R., Concord, NH (effective September 3, 2011)

Active to **MILITARY ACTIVE**

Doskocil, Benjamin E., Sterling, MA (effective June 1, 2011)

Paid Active to **INACTIVE**

Berg, David Joel, Boston, MA (effective September 1, 2011)

Grace, Sheila, Strafford, VT (effective August 19, 2011)

Perez, Michael G., Somerville, MA (effective September 1, 2011)

Active to **INACTIVE**

Apruzzese, Philip V., Lake Grove, NY (effective June 1, 2011)

Flannery, Paula D., Andover, MA (effective June 1, 2011)

Kearns, Ronald R., Quincy, MA (effective June 1, 2011)

May, Michaela C., Boston, MA (effective June 1, 2011)

Novak-Tenney, Patricia G., Quincy, MA (effective June 1, 2011)

Parish, Henry (Jim) B., Dallas, TX (effective June 1, 2011)

Military Active to **MILITARY INACTIVE**

Vernon, Rebecca R., Niceville, FL (effective September 2, 2011)

Full Time Judicial to **INACTIVE RETIRED**

Maher, John R., Portsmouth, NH (effective June 1, 2011)

Active to **INACTIVE RETIRED**

Fernald, Beth R., Keene, NH (effective June 1, 2011)

Inactive to **INACTIVE RETIRED**

Ruderman, Jack K., Contoocook, NH (effective June 1, 2011)