

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, September 15, 2011
Bar Center, Concord
3:30 P.M.

MINUTES

Present for all or part of the meeting were:

Jennifer L. Parent	Robert M. Shepard
Lawrence A. Vogelmann	Derek D. Lick
Jaye Rancourt	Christopher L. Pettis
Peter E. Hutchins	Russell F. Hilliard
Robert R. Howard, III	John D. MacIntosh
Eric D. Cook	Hon. Tina L. Nadeau
Quentin J. Blaine	Hon. Diane M. Nicolosi
Jonathan M. Eck	Jeannine L. McCoy
Jacki S. Smith	Denice M. DeStefano
Catherine Broderick	Virginia A. Martin
Christopher T. Meier	Daniel R. Wise
Jason R. Crance	Joanne Hinnendael
Victor W. Dahar, Jr.	

A meeting notice reminder, agenda and related materials were emailed September 9th. A final agenda and additional materials were emailed September 14th. 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

After Board member tours of the administrative offices at The Bar Center, the Regular Session of the September 15, 2011 Board of Governors meeting was called to order at 3:28 p.m. by Bar Association President Jennifer L. Parent..

B. Membership Status Changes for September 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 100% of the Active dues and 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].

- D. Minutes of August 18th Board Meeting Peter Hutchins

Minutes of the August 18, 2011 Board of Governors meeting **were approved as presented.**
(C. Regan abstained)

PRESENTATION / DISCUSSION / ACTION ITEMS

- E. Leadership Academy Update Jaye Rancourt

Association Vice President and Co-Chair of the Leadership Academy Steering Committee Jaye Rancourt reported that today is the deadline date for applications for the next Leadership Academy. A pre-retreat reception is being held October 20th so that participants will have had an opportunity to get to know each other before the “kick-off” retreat.

The Retreat is scheduled October 28-29 at the Mountain Club on Loon. Michael Brandwien will once again facilitate the day and half program. Monthly modules have been scheduled and group projects will again be part of the program. It is anticipated that group project concepts will be shared with the Board of Governors at the March 6, 2012 Board Meeting.

- F. Hillsborough South Superior Courthouse Issue
Judge Tina Nadeau
Judge Diana Nicolosi
Robert Shepard

Superior Court Chief Justice Tina Nadeau and Associate Justice Diane Nicolosi addressed questions about the proposed move of the Hillsborough South superior court from Nashua to Manchester. The Judicial Branch favors consolidating the Hillsborough County Superior Court, now split into Northern and Southern Districts, into a single court based at the soon-to-reopen courthouse in Manchester.

Justice Nadeau reviewed how the idea arose to bring the courts, both now temporarily at the Spring Street location in Nashua, under a single administration and location. Discussions were underway last spring over how to allot space at the courthouse at Spring Street after Hillsborough North returned to Manchester. The 9th Circuit Court, including the Probate, District and Family Divisions, would be moving in. The District Division would be vacating the Nashua District Court building at Walnut Street, and parts of the Family Division, which had been dispersed to other sites in the county during the co-location of Hillsborough North and South, would be coming back to Nashua. The challenge of fitting all of these Circuit Court operations in the Spring Street along with the Hillsborough South superior court, plus pressures to economize, led to the idea that it would be more efficient to have the Superior Court completely vacate the Spring Street building. Various economies would result from unifying the Hillsborough County Superior Court into a single court. Justice Nadeau noted, for example, that judge-scheduling would be more effective and the quality of the judging would improve if the judges were all in one building, and that jury pool administration and selection would also operate more efficiently. At a time when many changes – the creation of the Circuit Court and elimination of many managerial positions—were taking place last spring, court officials saw no reason not to act quickly and brought the idea forward.

After concerns were expressed and opposition voiced by Nashua public officials, legislators, the business community and area lawyers, NH Supreme Court Chief Justice Linda Stewart Dalianis withdrew the idea of immediate implementation and proposed to bring it up formally in the next session of the legislature. Justice Nadeau said court administrators still favored the idea but were keeping an open mind about concerns that are being raised by Nashua-area advocates.

Attorney Robert Shepherd, the Board of Governors representative for Hillsborough South, presented some of those concerns. Attorney Shepherd said that if the plan went through, Nashua would become the largest urban area in New England without a dedicated trial court of general jurisdiction. He said that various legal and community agencies have expressed concern that some litigants, victims and witnesses will lack private transportation and will be unable to travel to Manchester for court. He presented figures that indicate that the population of the towns served by Hillsborough Southern District are nearly identical to that of the communities served by the Northern District, and that it would be short-sighted not to believe that an expanding caseload would not eventually require a second location again for Hillsborough County cases in the superior court.

The Board will consider the issue further at upcoming meetings as it will be the subject of legislation to be considered in the next session of the legislature.

G. NHBA Legislation Program Jennifer Parent

President Jennifer Parent reported that:

- she intends for the Board to spend more time and focus during the legislative session, at Board meetings, and to have bills under consideration available for review at the meetings;
- she plans for the Board to be more proactive this year by putting a plan together for making connections and being more of a resource to the Legislature.

Jennifer also asked Board members to please take the time to pull out and read the *Chapman* and **Keller** decisions and BOG Legislative Procedures/Process in preparation for what will likely be a busy legislation session for the Association.

Secretary Peter Hutchins suggested we consider scheduling several special Board meetings strictly for legislation, and cancel them as needed, noting that it is much easier to have something on the calendar and cancel it than it is to have to try to squeeze a meeting in on short notice.

H. Real Property Section Update re SAFE Act John MacIntosh

NHBA's Legislative Representative John MacIntosh reported that proposed corrective legislation was retained in the House Commerce Committee, waiting for HUD regulations that were effective the end of August. John noted that HUD regulations indicated it was not intended for the SAFE Act to interfere with regulation of the practice of law, if overseen by a state's highest court.

The Real Property Section is working to schedule a meeting, in the next week or two, with all involved to address new concerns expressed by members of the Legislative Committee about the corrective legislation. John noted that this is a good opportunity for the Bar Association to get “out in front” of an issue that is good for consumers; he is optimistic about corrective legislation being successfully adopted.

I. President’s Report

Jennifer Parent

- Civics in Action Program - The NH Bar Association and the NH Bar Foundation have launched a year-long law related education initiative directed to adults. Civics in Action strives to increase awareness and understanding of the fundamental principles of our government and the importance of the rule of law. The goal is to do a presentation to all 56 Rotary Clubs in NH between Constitution Day (September 2011) and Law Day (May 2012).

<http://www.nhbar.org/law-related-education/CivicsInAction.asp>The first program, presented by NHBA President Jennifer L. Parent, took place Sept. 13 at the Concord Rotary Club meeting and was very well received. There were 80 Rotarians in attendance, all very active and participatory. They loved the presentation and folks left with a positive, upbeat sense of the program.

Another training for Ambassadors will be scheduled in October. Board members interested in being trained as a Civics in Action ambassador should let Jennifer know.

Jennifer’s President’s Column (Can You Pass this Test?) was submitted to the *Concord Monitor* for publication.

- Outreach Efforts

- BOG Liaison Assignments – clipboards were circulated for Board members to choose their committee and/or section. Board members will be added to the committee roster and section listserve to be in their “loop”.

Jennifer is asking Liaisons to make an initial contact with their group and to report at the October 13th BOG meeting. Email reminders will be sent.

- Jennifer’s STARS this month go to - Catherine Broderick and John McCormick for their participation in the first Civics in Action Ambassador training, and to Bob Shepard for his work on the Nashua Courthouse consolidation issue. THANK YOU!
- Member Outreach – notes on work done at the August 18th Board Orientation meeting was provided. Board members were asked to review the message triangle work and to think about how it can be used for different audiences.

Also discussed were ways Board members can do outreach to their constituents, with assistance from the Bar Association. More on this at a future meeting.

- Supreme Court Rules Committee – September 16th Meeting (tomorrow) is open to the public.

Strafford County Governor Chris Regan reported that judges King and Kelly attended the Strafford County Bar Meeting and mentioned the need to be cautious with new rules until they work through what is in place now.

NHBA Representative to the Rules Committee Jennifer Parent reminded the Board that temporary rules do not go through the Rules Committee process. They can be implemented without notice or comment. Merrimack County Governor and Co-chair of the Bar's Committee on Cooperation with the Courts noted that the flip side of this concern is that very few comments on proposals are received by the Rules Committee and very few attend their hearings.

Association ABA Delegate Russ Hilliard suggested that all rules be slated to take effect on either January 1 or September 1, after approval, so that members know when to expect rule changes during any given year. Jennifer will bring this suggestion up to the Rules Committee.

- Paralegal Award – will be presented by Jennifer tomorrow, September 16, to Suzanne Blake from the City of Concord, City Solicitor's Office.
- Ethics Committee Report – an outline was distributed from the Ethics Committee summarizing their initiatives designed to improve the effectiveness and efficiency of the Committee in providing guidance to Bar members and recommendations to the Supreme Court on the New Hampshire Rules of Professional Conduct.

Secretary Peter Hutchins expressed concern with #5 as it applies to providing formal ethics CLE programs. CLE Director Joanne Hinnendael reported that she is attending the October Ethics Committee meeting to discuss with them how the expertise of the Ethics Committee can be used in the Bar's CLE programs.

J. Executive Director's Report

Jeannine McCoy

- Conflict of Interest form – was distributed. Board members were asked to complete and return by the October 13th Board meeting. Information will be consolidated and distributed to the Board.
- *Better Understanding the Financial Statement Audit* article – was provided in preparation for the Audit review that will be on the October or November Board Meeting agenda.
- "You Should Know" Activity Report – Board members were encouraged to please read the report and give some thought as to how to better use this document to reach out to constituents. Board members are invited to identify items that may be of significant interest to constituents; Bar staff could then prepare an email on behalf of each Board member to constituents with that info.

- NH Legal Services Programs – an information sheet providing more guidance and direction about who to call and when was distributed to Board members to add to their Orientation Binder.

K. New England Bar Association Board Appointment

Larry Vogelman

President-elect Larry Vogelman accepted a **motion to appoint Jennifer Parent** to the New England Bar Association Board Appointment. **MOTION PASSED.**

ADJOURNMENT

The September 15, 2011 Board of Governors Meeting adjourned at 5:25 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)