

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, December 16, 2010
Bar Center – Concord
3:00 P.M.

MINUTES

Present for all or part of the meeting were:

Marilyn B. McNamara	Russell F. Hilliard
Jennifer L. Parent	John D. MacIntosh
Peter E. Hutchins	Carol D. Brooks
Robert R. Howard, III	Donald D. Goodnow
Eric D. Cook	Catherine E. Shanelaris
Jacki A. Smith	Brian Shaughnessy
Sheila J. Burnham	Jeannine L. McCoy
Quentin J. Blaine	Denice M. DeStefano
Robert M. Shepard	Virginia A. Martin
Philip L. Pettis	Thomas W. Manter
Christopher T. Regan	Daniel R. Wise
Tanner Z. Nolin	Joanne M. Hinnendael

A meeting notice reminder and materials was emailed December 9th. An agenda and additional materials were emailed December 10th and December 13th. Additional information was 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 Marilyn McNamara

The Regular Session of the December 16, 2010 Board of Governors meeting was called to order at 3:10 p.m. by Bar Association President Marilyn B. McNamara.

B. Membership Status Changes for November & December 2010 Denice DeStefano

The Board received Membership Status changes, which are attached as a permanent part of these minutes.

C. Requests for Dues Waivers Denice DeStefano

The Board approved the following requests:

- 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 change to Inactive Retired status to [REDACTED].

C. Requests for Dues Waivers ~ Continued

- Waiver of the July 1 deadline date in order to change to Inactive status to [REDACTED]
[REDACTED]
- Partial waiver of NHBA dues and Court fees for members asking for a waiver of 2010-2011 Active dues and Court fees to [REDACTED]
[REDACTED]
- Waiver of NHBA dues and Court fees from 2005-06 through 2010-11 to [REDACTED]
[REDACTED]

D. Minutes of October 14, 2010 Meetings Peter Hutchins

Minutes of the October 14, 2010 Board of Governors meetings **were approved** as presented.

E. Financial Statements through October 31st Rob Howard

The **Board received** financial statements through October 31, 2010.

F. Ethics Committee Opinion # 2010/2011 – 1
Collecting Attorney's Fees – Debt Forgiveness and Reporting to Regulating Agency

The **Board received** NHBA Ethics Committee Opinion #2010/11-1 on Collecting Attorney's Fees.

G. Accept the Report of the Independent Auditor for FY 2009-10 Rob Howard
(As recommended by the BOG Committee on Administration 10-12-10) Tom Manter
(BOG webpage posting noticed by e-mail to BOG 12/9/10)

The Board received and approved the Consolidated Audited Financial Statements for the year ended May 31, 2010 and Audit Report as approved by the Board Committee on Administration of the NHBA.

H. Approval of Dues & Court Fees Assistance Program Application Denice DeStefano
(as approved by the BOG Committee on Administration of the Bar on 10/12/10)

At the June 17, 2010 Board of Governors Meeting, the Board expressed concern with the manner in which dues waiver requests are routinely requested/granted and asked that guidelines and/or a procedure be implemented for a more uniform process. The matter was referred to the BOG Committee on Administration of the Bar for review and recommendation.

At their October 12, 2010 meeting, it was the consensus of the BOG Committee that the proposed Dues & Court Fees Assistance Program & Application be forwarded to the Board for adoption. It was further recommended that the Application should be put into use once it has been provided to the BOG at their December meeting. The BOG Committee agreed that the actual Dues & Court Fees Assistance Program will not be implemented until June 2011, when the dues notices are sent.

The **Board approved** the proposed Dues & Court Fees Assistance Program & Application as presented to the Board, as well as the recommendation that the Application be put into use once it has been approved by the BOG and that the actual Dues & Court Fees Assistance Program will not be implemented until June 2011, when the dues notices are sent

- I. Nomination of 2011-2012 President-Elect – Lawrence A. Vogelman
(As called for by NHBA Bylaws Article 6, Section 3: On or before December 31st in each year, the members of the Board of Governors shall nominate a candidate for President-elect.)

The NHBA **Board of Governors nominated by acclamation**, Lawrence A. Vogelman, NHBA Vice President, for President-elect in the NHBA Board election in March.

PRESENTATION / DISCUSSION / ACTION ITEMS

- J. Real Property Section ~ Title Standards Proposed Revisions 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 2010 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 2010 annual revisions to the NHBA Title Examination Standards. PASSED.

- K. Herr Commission Preliminary Recommendations Donald Goodnow

Don Goodnow, Director of the Administrative Office of the Courts (AOC), provided background on the Commission. The Commission's Report is expected to be issued the second week in January with a significant capital budget included.

Don reported that NH is facing a perfect storm for sustained pressure on the court system. Systemic changes are needed; it is expected that 5% of the Commission Report will include recommendations for production improvements in the short-term, and 25% for production improvements within 10 years.

The Court budget currently is about 75% for salaries. This means changes are needed in the make-up of the court workforce. Demographics suggest a decrease in staff by attrition will occur over the next 10 years.

Don went on to talk about specific considerations that are being explored, including:

- Circuit court model
- Dept. of Safety taking over motor vehicle cases
- Call center concept
- Electronic filing in Superior Court
- On-line jury management system
- Video conferencing
- Electronic public access
- Expanding the use of hearing officers
- Moving municipal violations out of district court
- Transferring the collection of fines

Don stressed that there are no plans to close courthouses at this time. However, evening and/or weekend shifts, for clerk offices, are being considered.

Don ended by noting that this is a huge opportunity to change the culture of the court system in NH.

L. President-elect Reports

Jennifer Parent

- Leadership Academy – President-elect Jennifer Parent reported that the Leadership Academy Retreat held in November for the inaugural class was extremely well received. Group projects have been determined and participants are hard at work.
- Rules Committee – Jennifer reported on a letter sent on behalf of the NHBA Ethics Committee to the Advisory Committee on Rules, responding to a request that the ABA Model Rules for Client Trust Account Records be adopted in NH. The Ethics Committee responded that the proposal does not involve any change to the Rules of Professional Conduct and is outside the usual purview of the Ethics Committee. The Ethics Committee did, however, provide informal comments suggesting this would not be in the best interests of NH lawyers.
- Judicial Council – Jennifer reported that the most recent Judicial Council meeting discussed the attack on judges and the judicial system by the legislature. Jennifer noted that it's a very serious problem with judicial officers have to defend frivolous complaints. This could have a very chilling affect on the justice system. Jennifer further reported that the Judicial Council may want to meet with the Board of Governors in January to discuss.

M. President's Report

Marilyn McNamara

- Mid-Winter Meeting – is February 4th at the Radisson Hotel/Center of NH in Manchester again this year. As of today, there are over 180 meeting registrants, with over 60 being from the public sector. Newly appointed Chief Justice Linda Stewart Dalianis will be the luncheon speaker.
- Award Nomination Input Still Sought – there currently are NO nominations for the Vickie Bunnell award and Board members were encouraged to nominate one of their most deserving colleagues for this award. It's not too late! Four (4) nominations have been received for the Distinguished Service to the Public award.

N. Executive Director's Report, Including:

Jeannine McCoy

- 2011-12 BOG Election – election season is fast approaching! The Nomination Petition will be published in the December 17th *Bar News*. Executive Director Jeannine McCoy reviewed the Board positions being elected this year and who on the Board is eligible to run.
- NHMCLE Administration – Jeannine reported on staffing changes in the NHMCLE office at the Bar Center and the move to bring a strong member service and support model to administration of the Rule. Jeannine was delighted to note that with the new approach being taken by staff, only 23 members are currently not in compliance! A really great testament to how we can help our members.
- NH Bar Foundation – The Bar Foundation Fellows Reception will be held beginning at 5:00 pm on Friday, February 4 at the Bar's Midyear Meeting in Manchester. Jack Middleton has just been named as the Bar Foundation Chair. Justices Dalianis and Lynn will be in attendance meeting and greeting attendees there to recognize the newest Fellow to be honored that evening.

Jeannine also reported that the Foundation's annual fundraising letter was recently mailed. Board members were encouraged to consider contributing.

- You Should Know Activity Update – Jeannine highlighted some items for the Board and encouraged them to take a few minutes and read what has been going on at the Bar Center these last two months.

O. Draft Legislation Proposal Re: RSA 397-A (S.A.F.E. Act)

John MacIntosh

NHBA Legislative Representative John MacIntosh reported that LSR 652 and LSR 653 are being sponsored this session in an attempt to remedy defined terms, in the original Act, that are problematic as they pertain to lawyers.

Carol Brooks, Real Property Law Section, explained the rationale for establishing the SAFE Act and noted the terms as defined in the original Act that are problematic for lawyers.

P. Pro Bono Board Appointments

Reappointments:

Catherine Shanellaris: 10/2010 - 6/2013

Jeremy Walker: 10/2010 - 6/2013

NEW Appointments:

Brian Shaughnessy: 10/2010 - 6/2013

Heather Tacconi: 10/2010 - 6/2012

Executive Director Jeannine McCoy thanked Pro Bono Board members for their service, including recently attempting to negotiate the program's subcontract of federal Legal Services Corporation (LSC) funding with the Legal Advice and Referral Center (LARC). She indicated an impasse had arisen between the programs due in large part to the programs' different missions, with Pro Bono serving and connecting volunteers in order to serve clients, and LARC focusing strictly on clients. Jeannine further gave the BOG a brief history of Pro Bono's involvement with LSC dating back to the late 70's and continuing with the subgrant from LARC as of 1996. Pro Bono member Catherine Shanellaris commented that the past fall had proved challenging for the Pro Bono Board given protracted subcontract negotiations but indicated mediation tentatively slated for January may well help to resolve the impasse.

ACTION

On motion the Board approved the reappointments of Catherine Shanellaris and Jeremy Walker to the Pro Bono Board through June 2013 and approved the appointments of Brian Shaughnessy to the Pro Bono Board through June 2013 and Heather Tacconi to the Pro Bono Board through June 2012.

EXECUTIVE SESSION

The Board of Governors went into Executive Session at 5:15 pm.

ADJOURNMENT

The December 16, 2010 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 November 18, 2010

Paid Inactive to **ACTIVE**

Amann, William O., Milford, NH (effective November 9, 2010)
Metes, Dana R., Lebanon, NH (effective October 21, 2010)
Lindgren, Catherine N., Kennebunk, ME (effective November 9, 2010)
Pentz, John J., Maynard, MA (effective November 3, 2010)
Sklar, Debbie-Ann R., Bedford, NH (effective November 3, 2010)

Inactive Retired to **RESIGNED**

D'Ambruoso, Dom S., Hopkinton, NH (effective June 1, 2010)

Inactive to **RESIGNED**

Aten, Keith, Montpelier, VT (effective June 1, 2010)
Azoory-Keller, Lisa, Chicago, IL (effective June 1, 2010)
Gorman, Joseph T., Greenfield, MA (effective June 1, 2010)
Grainger, Andrew R., Boston, MA (effective June 1, 2010)

NEW HAMPSHIRE BAR ASSOCIATION

Membership Status Changes

Presented to the Board of Governors December 16, 2010

Paid Inactive to **ACTIVE**

Bailinson, Marie-Helene B., Concord, NH (effective December 7, 2010)
Lawrence, Mark W., Alfred, ME (effective November 18, 2010)
Lirette, Ryan P., Boston, MA (effective December 1, 2010)

Active to **INACTIVE**

Bonanno, Anthony M., Canton, MA (effective November 17, 2010)
Burke, Katherine P., Hanover, NH (effective June 1, 2010)
Felici-Gallant, Lynn M., Raymond, NH (effective June 1, 2010)
Gingrow, Lawrence, Portsmouth, NH (effective June 1, 2010)
Hauff, Jill K., Boston, MA (effective June 1, 2010)
Klinghoffer, Judith A., Wilton, NH (effective June 1, 2010)
Mumford, George S., Framingham, MA (effective June 1, 2010)
Regan, Margaret M., Worcester, MA (effective June 1, 2010)

Paid Active to **INACTIVE**

Cramer, Francis L., Boston, MA (effective November 22, 2010)
Lapointe, Mitchkirma C., Alexandria, VA (effective November 29, 2010)
Wilkins, Douglas H., Boston, MA (effective November 12, 2010)

Paid Inactive to **INACTIVE RETIRED**

Quay, Phyllis I., Atlanta, GA (effective December 1, 2010)

Inactive to **INACTIVE RETIRED**

Williams, Joseph, Malden, MA (effective June 1, 2010)

Inactive to **RESIGNED**

Black, Leslie G., Vershire, VT (effective June 1, 2010)
Durkin, John A., Rollingsford, NH (effective November 24, 2010)

New Admittees selecting **INACTIVE** status

Ball, Courtney J., Manchester, NH (effective November 9, 2010)
Loring, Inna, Keene, NH (effective November 9, 2010)
Madden, Kevin J., Boston, MA (effective November 9, 2010)
Queenan, Patrick J., Nashua, NH (effective November 9, 2010)