

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, July 22, 2010
BAR CENTER – CONCORD
3:00 P.M.

MINUTES

Present for all or part of the meeting were:

Marilyn B. McNamara
Jennifer L. Parent
Lawrence A. Vogelmann
Peter E. Hutchins
Robert R. Howard, III
James J. Tenn, Jr.
Jaye Rancourt
Lisa Wellman-Ally
Eric D. Cook
Jacki A. Smith
Catherine Broderick

John G. McCormick
Quentin J. Blaine
Kenneth J. Barnes
Christopher T. Regan
Tanner Z. Nolin
Jeannine L. McCoy
Virginia A. Martin
Thomas W. Manter
Daniel R. Wise

The meeting date was noticed on July 1, with a reminder and information distributed July 21 (both via e-mail). 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 July 22, 2010 Board of Governors meeting was called to order at 3:10 p.m. by Bar Association President Marilyn McNamara.

Marilyn welcomed a delegation of lawyers visiting from Vologda, Russia. The delegation, being escorted for the week by Mark Larsen, is part of the NH-Vologda partnership. The partnership began in 1998 when the New Hampshire Supreme Court decided to follow the lead of the Vermont Supreme Court which had started a similar exchange several years earlier. Over the years, the group has worked on numerous projects to assist the development of the courts and the legal systems of Vologda, and also benefited from the information and views of the Vologda judges and lawyers who have visited NH. Mark Larsen had explained that the Russian prosecutors and defense attorneys do not have much opportunity for formal exchanges, nor do they serve on committees together. The partnership's goal for this visit was to expose them to as many situations where lawyers (including prosecutors, defense attorneys, transactional and academics), judges and court officials interface to discuss the practice of law, court rules, court operation, ethics, and education.

Board members introduced themselves and described their practice type and geographic setting in NH.

B. Access to Courtrooms Discussion

Marilyn McNamara
Jaye Rancourt

Marilyn and Jaye reported that concerns had been expressed recently on both the NHBA Family Law Section list serve, and on the NH Association of Criminal Defense Lawyers list serve, about lawyers and others being kept out of courtrooms when the hearings were non-confidential. Marilyn reported that she had been in touch with the Administrative Judge for the Family Division, and that Judge Kelly's office reported back "As soon as we became aware of it, we checked into it and found that, while it was not widespread, it deserved attention." Judge Kelly sent a memo to all family division clerks, judges and masters reminding them that "Of course, unless the subject matter is confidential by statute or there is some other compelling reason to close a hearing, all of our courtrooms should and must be open to the public. Please have a conversation with your staff and court security officers to make sure they are aware of this requirement."

It was pointed out that this is both an example of the utility of the list serve as a means to check on issues and practices, as well as to convey potential problems, and an example of how constructive and appropriate communication between the bench and bar can solve and avoid problems, thus providing better service to clients and citizens.

[After this discussion, the Russian guests departed]

C. Board Orientation "Prequel"

Jeannine McCoy

Board members received updated Board reference/orientation binder material. An overview of the plans for the August 27 orientation meeting was given, and Board members were encouraged to look over the advance material and contact the Executive Director with any questions or concerns. An overview of some of the challenges facing the profession and the Association was presented, and Board members were asked to consider in advance of the August meeting how the impact of social media, serving multi-generations of members, and changes to practice -- particularly in light of the resources challenges of the justice system--could influence the Association's work.

D. CLE Seminar Room Construction Request

Tom Manter

Board members were briefed on necessary construction in the lower level seminar room: expanding the "video booth" media area to enable the coordination of taping presenter remarks with their audio visual material, particularly for webcasts. Several construction bids have been obtained, and the work should be done before the busy seminar season starts in September.

ACTION

Motion to approve the use of approximately \$10,000, to be taken from accumulated interest on the Board reserve, to undertake the necessary changes to the lower level seminar room media area. PASSED.

E. Leadership Academy Update

Jennifer Parent

President-Elect Jennifer Parent gave the Board an update on development of the NHBA Leadership Academy. Jennifer reminded Board members that the Academy Steering Committee is looking to the Board to encourage eligible constituents to apply for the inaugural Leadership Academy “class”.

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

All Board Members

Board members reported on the following:

Concern about the Attorney Discipline Office website content – the need for explanations of the various levels of action taken by the ADO, and the need to make sure lawyers are identified in ways that will not mislead the public

Concern about temporary rules and the “piloting” of various rule changes

Concern about the need to keep judges as active members of the Bar Association, both in terms of membership status and involvement

Continued concern about the lack of judicial and other justice system resources and the severe impact on the ability of people to get resolution for crisis, particularly in rural areas, and the impact on rights of the incarcerated, etc.

G. Adjourn

The meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Jeannine L. McCoy
For Peter E. Hutchins, Secretary