

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Friday, June 24, 2011
Omni Mount Washington Resort – Regan Room
Bretton Woods, NH
3:00 P.M.

MINUTES

Present for all or part of the meeting were:

Marilyn B. McNamara
Jennifer L. Parent
Lawrence A. Vogelmann
James J. Tenn, Jr.
Jaye Rancourt
Catherine Broderick
Christopher T. Meier

John G. McCormick
Philip L. Pettis
Christopher T. Regan
Russell F. Hilliard
Jason R. Crance
Jeannine L. McCoy
Denice M. DeStefano

A meeting notice reminder, preliminary agenda and related materials were emailed June 17th. The Final Agenda and additional information was emailed June 21st and 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 June 24, 2011 Board of Governors meeting was called to order at 3:15 p.m. by Bar Association President Marilyn B. McNamara.

B. Membership Status Changes for June 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 a request** from [REDACTED] a waiver of the 2011-12 Active Dues and Court Fees.

D. Minutes of May 19th & June 16th Board Meetings Denice DeStefano

Minutes of the May 19, 2011 Board of Governors meeting **were approved as presented** and minutes of the June 16, 2011 meeting **were approved with revisions** (a revised version of the June 16, 2011 minutes is attached and made a part of these minutes.

- E. Financial Statements for April 2011 Marilyn McNamara

The **Board received** financial statements through April 2011, as reviewed and approved by the BOG Committee on Administration.

- F. Ethics Committee Opinion #2009-10/6 Marilyn McNamara
Settlement Agreements & Restrictions on the Right to Practice

The **Board received** Ethics Committee Opinion #2009-10/6: *Settlement Agreements & Restrictions on the Right to Practice*.

PRESENTATION / DISCUSSION / ACTION ITEMS

- G. Request of the Elder Law Section to file an Amicus Brief Marilyn McNamara

President Marilyn McNamara recapped the issues surrounding the Elder Law Section's request to file an Amicus Brief on a matter pending before the NH Supreme Court that could have a significant impact on the ability of those who seek guardianship over their relatives to have their legal costs covered.

Board members discussed the merits of filing a brief and their concerns with taking positions in private cases.

Because this is an important issue that affects lawyers, litigants and proposed wards, it is the consensus of the Board that the New Hampshire Chapter of the National Association of Elder Law Attorneys might be a more appropriate organization to consider whether or not to file an amicus brief in this matter.

Action

On motion to deny the section permission to file an amicus brief in support of the Laboe Law Office's position in this matter. **PASSED** (unanimously).

- H. President's Report, Including: Marilyn McNamara

- Report on ABA Task Force on the Preservation of the Justice System Meeting held in NH May 26th – Marilyn testified along with others including clients of Attorney Kirk Simoneau and Chris Seufert, who were very effective.
- NHBA Annual Meeting & Business Meeting – Marilyn welcomed Board members to the Annual Meeting and invited them to stay for the Business Meeting immediately following.
- Marilyn welcomed new Grafton County Governor Jason Crance to the meeting and the Board.

I. President-Elect Report, Including: Jennifer Parent

- Report on Rules Committee Public Hearing held Friday, June 17, 2011 – Jennifer reported that all the rules considered at the June 17th Public Hearing were sent to the Supreme Court. The Attorney Discipline Office has suggested a change to the Ethics Rule on Trust Accounting (using the ABA’s Rule). The Rules Committee referred this to the Bar’s Ethics Committee for review and recommendation.
- Leadership Academy – Graduation takes place Saturday evening at the Annual Meeting Banquet. All 16 graduates will be in attendance. Planning is well underway for next year’s Leadership Academy program, to be co-chaired by Richard Uchida and Jaye Rancourt.
- Circuit Court – Circuit Court plans are being implemented on July 1st. The Association is hosting a Circuit Court webcast on Thursday, July 14th at noontime with Circuit Court Administrative Judges Ed Kelly and David King. Jennifer noted that there will be challenging times ahead while Circuit Court implementation is occurring.
- E-Court – the Court is establishing a Committee to implement e-Court; Justice Hicks will be the chair. The Court has asked for names of representatives from the Association and Committee on Cooperation with the Courts for possible inclusion. This will be a slow process notwithstanding the necessary funding that will be required to implement e-Court.
- Other – Jennifer & Executive Director Jeannine McCoy will be meeting with each of the Board members prior to the August Board orientation meeting. The Board Orientation meeting is August 18th in Portsmouth, to be followed by a harbor cruise reception.

J. President Marilyn McNamara read a thank you card from recently retired *Bar News* Editor Beverly Rorick. Beverly will be a ‘special correspondent’ from time to time for *Bar News*.

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

President Marilyn McNamara reported on the retirement party for Merrimack County Clerks Kathy McDonald and Jim Warren. The event was well attended and very poignant.

Governor at Large Jaye Rancourt reported on the NH Assn. of Criminal Defense Lawyers concern that a new court procedure will be the unintended result of counsel potentially being conflicted out.

Strafford County Governor Chris Regan reported on a retirement party for Joanne Sullivan of the Dover District Court. Chris also reported that there is a great deal of apprehension in Strafford County about the circuit court implementation. Also concern

surrounding the issue of no payments for attorneys of indigent parents in abuse and neglect cases.

Carroll County Governor Chris Meier reported that he has attended 6 retirement parties for court clerks over the course of 2 weeks. Three of the six may return in a part-time capacity.

Immediate Past President Jim Tenn noted that this is a good opportunity for the bar to demonstrate the value of lawyers in the court process.

Rockingham County Governor Phil Pettis reported the Rockingham County Bar is doing well and has a good group of officers in place.

Coos County Governor John McCormick also reported on retirement parties for long time district court staff. A Court Appreciation event for Coos County was well attended.

Incoming Grafton County Governor Jason Crance reported the Grafton County Bar summer meeting was well attended. The County Bar is pleased to be hosting the November Lawline. Concerns abound re: e-filing for the many clients without internet access.

Vice President Larry Vogelmann reported the lack of attorney fees for representation of indigent parents who are parties in abuse and neglect cases is an issue.

Belknap County Governor Catherine Broderick reported the Belknap County Bar Annual Meeting is June 30th.

President-elect Jennifer Parent reported that the decision to eliminate funding lawyers representation for indigent parents involved in abuse and neglect cases came from the Judicial Council and is strictly in response to severely decreased funding. Circuit Court implementation is also of concern.

L. Executive Director's Report, Including: Jeannine McCoy

- You Should Know Activity Update – will be emailed to the Board at a later date.
- Judge Michael Feeney is at Dartmouth and a Caringbridge website has been setup to keep folks informed on his progress.
- Circuit Court Implementation – patience and communication will be key while this transition occurs.
- Chief Justice Dalianis, Judge Kelly, Judge King and Jennifer Parent, talking about the circuit court implementation, appeared on the last NH Outlook show, filmed this past week. The show is broadcast on NHPTV, with a link on www.nhbar.org.
- Noted the opportunity for Bar support and assistance by being involved in the e-Court process.

- Nashua Bar is gearing up to “fight” a possible consolidation of Hillsborough South to Hillsborough North.
 - Phil Pettis suggested establishing a BOG listserv to help “flesh” out issues and concerns for Board meetings. Also having a BOG liaison on each of the various Bar listserves should be considered.
 - Frequently Asked Questions (FAQ) about the Circuit Court implementation will be created and posted on the Bar’s website after the July 14 Circuit Court Webcast.
 - More demand on pro bono while funds have been cut. We are scrambling to keep the minimal staff we have for Pro Bono.
 - Jeannine recently met with Dean Broderick at the UNH School of Law and plans are underway to resurrect the program initiated by the Association in 2004 to encourage more law student involvement with the NHBA.
 - A Section Leader orientation and information session will be held June 30.
- M. Vice President Larry Vogelmann thanked the Amazing Bar Staff and requested that they stay amazing for another couple of years!
- N. The Board recognized the contributions and leadership of outgoing NHBA President Marilyn McNamara.

ADJOURNMENT

The June 24, 2011 Board of Governors Meeting adjourned at 5:00 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 June 24, 2011

Full Time Judicial to **ACTIVE**

Broderick, John T. Jr., Concord, NH (effective June 1, 2011)

Active to **Full Time Judicial**

Spath, Kristin M., Concord, NH (effective June 1, 2011)

Inactive to **ACTIVE**

Ball, Courtney J., Manchester, NH (effective June 7, 2011)

Brown, John F., Concord, NH (effective June 1, 2011)

DeVorse, Megan C., Concord NH (effective June 1, 2011)

Touzin, Dawn M., Concord, NH (effective June 1, 2011)

Active to **INACTIVE**

Acken, John L., Winter Haven, FL (effective June 1, 2011)

Breda, Lauren M., Concord, NH (effective June 1, 2011)

Casale, Donald E., Peabody, MA (effective June 1, 2011)

Fishbein, Ross W., Manchester, NH (effective June 1, 2011)

Fukuda, Steven K., Nashua, NH (effective June 1, 2011)

Geiger, Joseph P. Jr., Lanoka Harbor, NJ (effective June 1, 2011)

Lang, Patrick A., Concord, NH (effective June 1, 2011)

Nunlist, Cathryn C., South Royalton (effective June 1, 2011)

Sargent, Jennifer Brooke, Orford, NH (effective June 1, 2011)

Sanchez, Thomas E., Knox, PA (effective June 1, 2011)

Saul, Bianca A., Lawrence, MA (effective June 1, 2011)

Talley, John M., Concord, NH (effective June 1, 2011)

Titus, Robert B., Lyme, NH (effective June 1, 2011)

Active to **INACTIVE RETIRED**

Boyle, John D., Milton, MA (effective June 1, 2011)

Lenahan, Michael, Concord, NH (effective June 1, 2011)

O'Shea, John D. Jr., Gilmanton, NH (effective June 1, 2011)

Inactive to **INACTIVE RETIRED**

Koon, Jennifer M.N., Yorktown, VA (effective June 6, 2011)

Honorary Active to **HONORARY INACTIVE**

Engel, David C., Exeter, NH (effective June 1, 2011)

Shapiro, R. Peter, Concord, NH (effective May 31, 2011)

Active to **RESIGNED**

Bourque, Jodi Lynn Nourse, Providence, RI (effective June 1, 2011)

Paid Inactive to **RESIGNED**

Thompson, Robert L., Manassas, VA (effective June 1, 2011)

New Admittees selecting **INACTIVE** status

Kalies, Naomi M., Concord, NH (effective May 30, 2011)

Vitale, Alexander J., Concord, NH (effective June 1, 2011)

Paid Active to **MILITARY ACTIVE**

Blankenbeker, Lynne F., Concord, NH (effective May 31, 2011)

Roughsedge, Robert J., Boston, MA (effective December 10, 2010)

Paid Active to **INACTIVE**

Lambert, Alison S. F., Baltimore, MD (effective May 31, 2011)

Lemieux, Jennifer B., Hudson, NH (effective May 19, 2011)

Negowetti, Nicole E., Manchester, NH (effective May 31, 2011)

Spickler, Sharon Anne, Dover, NH (effective May 18, 2011)

Urovitch, Lisa Ann, Concord, NH (effective February 1, 2011)

Paid Active to **INACTIVE RETIRED**

Brink, Kathleen Tulloh, Quincy, MA (effective May 17, 2011)

DeHart, James L., Concord, NH (effective May 31, 2011)

Gould, Franklin E., Lebanon, NH (effective May 22, 2011)

Paid Inactive to **INACTIVE RETIRED**

Guerette, James R., Berkeley, CA (effective May 31, 2011)

Paid Active to **RESIGNED**

Gerety, Robert P. Jr., White Rover Junction, VT (effective May 31, 2011)

Paid Inactive to **RESIGNED**

Forman, Clarence A. Jr., Marlborough, MA (effective May 31, 2011)

Shaw, Peg, Washington, DC (effective May 31, 2011)

NEW HAMPSHIRE BAR ASSOCIATION
SPECIAL BOARD OF GOVERNORS MEETING
Thursday, June 16, 2011
Bar Center – Concord, NH
5:00 P.M.

MINUTES (as corrected at 6/24/11 meeting)

Present for all or part of the meeting were:

Marilyn B. McNamara
Jennifer L. Parent
Robert R. Howard, III
Jaye Rancourt
Lisa Wellman-Ally
Eric D. Cook
Jacki A. Smith
Sheila J. Burnham

Quentin J. Blaine
Kenneth J. Barnes
Christopher T. Regan
N. William Delker
Kerri S. Glover
John E. Laboe
Jeannine L. McCoy
Denice M. DeStefano

A meeting notice was emailed June 8th and a reminder June 14th. A follow-up email, agenda and related materials were emailed June 15th. 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 Special Session of the June 16, 2011 Board of Governors meeting was called to order at 5:05 p.m. by Bar Association President Marilyn B. McNamara.

EXECUTIVE SESSION

B. The Board went into Executive Session at 5:15 pm to interview Judicial Nominee N. William Delker as superior court judge.

The Executive Session adjourned at 5:55 pm.

The Board then entered into Regular Session.

DISCUSSION / ACTION ITEMS

C. Request of the Elder Law Section to file an Amicus Brief

Kerri Glover
John Laboe

Kerri Glover and John Laboe, representing the NHBA Elder Law and Estate Planning and Probate Section, explained to the Board the Section's request to file an amicus brief in a matter pending before the New Hampshire Supreme Court.

Their belief is that this is strictly a statutory interpretation (RSA 464-A: 43) and an incorrect one.

There were a number of questions asked by Board members and answered by both Attorneys Glover and Laboe. Attorney Glover did inform the Board that June 22 is not the date by which an amicus brief is due. That is the date by which the attorney's brief is due to the Supreme Court.

Attorney's Glover and Laboe thanked the Board for their time and interest and provided relevant file copies. The file is being held at the Bar Center until there is some direction from the Board. President McNamara explained to Attorneys Glover and Laboe that the Board would further discuss this matter at their June 24th Board Meeting and follow-up with Section Chair Sarah Ambrogi after that meeting.

After Attorney's Glover and Laboe left, the Board discussed the issue at length. Many members around the Board table felt there was not enough information and many unanswered questions at this time.

ADJOURNMENT

The June 16, 2011 Special Board of Governors Meeting adjourned at 6:50 p.m.

Respectfully submitted,

Denice M. DeStefano, for
Peter E. Hutchins, Secretary