

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, March 17, 2011
Bar Center – Concord, NH
3:00 P.M.

MINUTES

Present for all or part of the meeting were:

Marilyn B. McNamara	Victor W. Dahar, Jr.
Jennifer L. Parent	Kenneth J. Barnes
Lawrence A. Vogelmann	Philip L. Pettis (via phone)
Peter E. Hutchins	Christopher T. Regan
Robert R. Howard, III	John D. MacIntosh
James J. Tenn, Jr.	Nina Gardner
Jaye Rancourt	Jeannine L. McCoy
Lisa Wellman-Ally	Denice M. DeStefano
Jacki A. Smith	Paula D. Ludlam
Catherine Broderick	Virginia A. Martin
Sheila J. Burnham	Joanne M. Hinnendael
Quentin J. Blaine	Craig A. Sander

A meeting notice reminder, preliminary agenda and materials were emailed March 10th. Additional information was emailed March 16th 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 March 17, 2011 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 March 2011 Denice DeStefano

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

C. Dues Waivers as Approved by Officers Marilyn McNamara

The Board approved the following request:

- Waiver of 75% of 2010-2011 Active dues & Court fees for: [REDACTED]

- D. Minutes of February 3, 2011 Meeting Peter Hutchins

Minutes of the February 3, 2011 Board of Governors meetings **were approved** as presented.

- E. Financial Statements for December 31st & January 31st Rob Howard

The **Board received** financial statements through January 31, 2011

- F. Forms 990 for the fiscal year ended, May 31, 2010 Jeannine McCoy

The Board received the IRS Form 990 as prepared by Nathan Wechsler & Company from fiscal year ended May 31, 2010 audited financial statements, which the Board previously reviewed. NHBA management and the BOG Committee on Administration have reviewed the returns in preparation for filing the documents with the appropriate governing agencies.

- G. Pro Bono Board Appointments Jeannine McCoy

The Board approved the reappointment of Beth Davis & Jeremy Walker to the Pro Bono Board for a term running March 2011 through June 2013.

The Board approved the appointment of Heather Tacconi to the Pro Bono Board for a term running March 2011 through June 2013.

PRESENTATION / DISCUSSION / ACTION ITEMS

- H. NH Judicial Council's Elimination of Funding *Guardians ad Litem* Nina Gardner

Nina Gardner, executive director of the NH Judicial Council, discussed the elimination of funding for guardians ad litem and marital mediation funding for indigents, danger to the state appropriation for NH Legal Assistance, and funding cuts in indigent criminal defense, including the NH Public Defender and contract attorneys' budget lines.

- I. Impeachment Proceedings against Marital Master Phil Cross Marilyn McNamara

President Marilyn McNamara spoke with the Board about the ongoing impeachment investigation by the NH House of Master Philip Cross and potentially other judicial officers.

President-elect Jennifer Parent commented that what this does to the justice system overall, as well as the individual expense to those facing a bill of address, is a concern to us all.

Concern about the process and support for Master Cross was expressed. It was noted that an ad hoc group of members is active in supporting Master Cross.

J. Legislation Committee Recommendations John MacIntosh

The Board reviewed recommendations on pending bills as forwarded from the Legislation Committee's February 7, 14 & 22 meetings. The Board voted positions as follows (refer to Legislative Chart for bill description and Legislation Committee recommendation):

OPPOSE: CACR11; HB344; HB349; HB395; HB458; HCR17; HCR18; HCR26

K. President's Report, Including: Marilyn McNamara

- Meeting on March 21st with Dean Broderick re: possible Law Student Section
President McNamara asked Board members for their input on the idea of establishing a Law Student Section of the Bar. After a short discussion, including the need to check this activity against the Association's purposes, Marilyn reported that she will continue talking with Dean Broderick about this endeavor.
[Secretary's Note: A Law Student Service Package outline, approved by the NHBA Board of Governors in April, 2004, is attached as part of these minutes.]
- IOLTA Ruling for Members practicing in more than one state
Marilyn noted that the Mandatory IOLTA Rule is confusing for members practicing in more than one state. *Bar News* will be publishing a letter expressing the concern and the Court's response in the next issue.
- March 23rd Bench/Bar Meeting with Supreme Court
Marilyn reported on the upcoming meeting with the Supreme Court. If any Board members have concerns that should be brought up at this meeting please let her know.
- Recommendation of International Law Section re: Request for Support for the Puerto Rican Bar Association
Vice President Larry Vogelmann provided details to the Board on this particular issue so everyone would better understand why Bar Associations are being asked to support this. Larry would like the Board to consider supporting this request in some way.

ACTION

The Board consensus was to refer this issue back to the International Law Section for discussion about possibly supporting in some way, and reporting back to the Board of Governors on their recommendation.

L. President-Elect Report Jennifer Parent

- Committee on Cooperation with the Courts – Recommendation re: HB 609

President-elect Jennifer Parent reported that at its March 16th meeting, the Bar's Committee on Cooperation with the Courts voted to recommend that the Board of

Governors lobby in favor of amending HB609 to restore the language in RSA 490-F:7, III as it was set forth in the bill as originally drafted.

The bill as passed by the House will, in effect, terminate all marital masters at the end of their current appointments. The bill as originally drafted would have allowed marital masters to continue serving until they retired, resigned, became disabled and unable to serve, or were not reappointed by the administrative judge due to performance. The Committee on Cooperation with the Courts recommends that the Bar lobby in favor of the language that allows marital masters to continue serving so long as the administrative judge determines that their performance warrants reappointment.

ACTION

Motion to refer this matter back to the Bar's Legislation Committee for further review, discuss and reconsideration. PASSED.

[Secretary's Note: The NHBA Legislation Committee did not meet prior to this bill being taken up in Senate Judiciary Committee. However, as noted in the following excerpt from a piece in the April 15, 2011 issue of *Bar News*:

The Circuit Court legislation also phases out the martial master positions. The bill calls for converting the limited-duty marital master positions to judicial positions, "providing that sufficient funds have been appropriated" for salaries and benefits. Replacing (or converting) masters with judges is slated to occur "upon the completion of the current term" of existing marital masters, according to the amended version of HB 609. Marital masters, appointed by the courts, serve for five-year terms. **However, those marital masters whose terms expire in the next budget cycle will probably not lose their jobs immediately, judicial officials believe. A provision in the budget bill passed by the House limits the number of full-time judges in the courts to no more than the number of judges in place at the end of the current fiscal year in June 2011, which is expected to block the conversion provision from taking effect. (emphasis added)]**

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

- You Should Know Activity Update was distributed to the Board.

ADJOURNMENT

The March 17, 2011 Board of Governors Meeting adjourned at 4:30 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 March 17, 2011

Paid Inactive to **ACTIVE**

Boone, Adrienne F., Concord, NH (effective March 2, 2011)
Brownson, Jenna Koerper, Lowell, MA (effective March 9, 2011)
Desrochers, Jill A., Bow, NH (effective February 4, 2011)
Hepner, Diana B., Eustis, FL (effective February 17, 2011)

Paid Inactive Retired to **ACTIVE**

Polgrean, John S., Stratham, NH (effective February 7, 2011)

Active to **HONORARY ACTIVE**(effective December 31, 2010 unless otherwise noted)

Carroll, Joan L., Boston, MA
Cavanaugh, Paul F., Concord, NH
DeGrandpre, Charles A., Portsmouth, NH
Dyer, Rodney N., Laconia, NH
Gramer, Glen E., Portsmouth, NH
Hatfield, Douglas S., Hillsboro, NH
Lopez, Chester H. Jr., Nashua, NH
Makechnie, Norman H., Peterborough, NH
Murdock, Frederick W. Jr., Salem, NH
Shapiro, R. Peter, Concord, NH

Inactive to **HONORARY INACTIVE** (effective December 31, 2010 unless otherwise noted)

McCaffrey, Hon. Francis B., Rutland, VT
O'Brien, David W., Covina, CA
Stock, Otto F. Jr., Dayton, OH

Inactive Retired to **HONORARY INACTIVE**(effective December 31, 2010 unless otherwise noted)

Bigelow, T. William, Cotuit, MA
Congreve, William III, Stoddard, NH
Hampsey, Hon. Bernard J. Jr., Jaffrey, NH
KillKelley, David J., Laconia, NH
Leahy, Albert D. Jr., Claremont, NH
McDonough, Joseph M. III, Manchester, NH
Wriedt, Hans C. F., Bismarck, ND

Paid Active to **INACTIVE**

Clark, Robert B., Trumbull, CT (effective February 24, 2011)
Merrill, David M., Boston, MA (effective March 8, 2011)

Paid Active to **INACTIVE RETIRED**

Green, Joanne S., Olympia, WA (effective February 1, 2011)

Paid Inactive to **INACTIVE RETIRED**

Lemieux, Donald G., Palm Coast, FL (effective January 27, 2011)

Suspended for non-payment of 2010 - 2011 dues to **ACTIVE**

Aquilla, Thomas T., Center Harbor, NH (effective February 11, 2011)

Suspended for non-payment of 2010 - 2011 dues to **INACTIVE**

Gottschalk, Marc E., Palo Alto, CA (effective February 3, 2011)
Kennedy, Jocelyn B., Ann Harbor, MI (effective February 14, 2011)

Inactive to **Suspended for non-payment of 2010-2011 dues**

Alden, Joseph M., Boston, MA (effective February 9, 2011)

[Historical reference noted in Item K of the preceding minutes]

Proposal for New Hampshire Law Student Service Package

As approved by the BOG at their April 22, 2004 Meeting

The New Hampshire Bar Association will offer to current law students in New Hampshire a service package for an annual subscription fee.

Proposed:

Subscription Cost: \$75.00

Subscription Package: Student membership in up to three (3) NHBA sections
Subscription to *NH Bar Journal*
Subscription to *NH Bar News*
Online access to the Casemaker Web Library

Regular NHBA Rates: Student Section Membership
\$15.00 per section
3 sections x \$15.00= \$45.00

Student Subscription to *NH Bar News*
\$49.00 annually

Student Subscription to *NH Bar Journal*
\$75.00 annually

*There is no current separate rate for Casemaker as it is included in NHBA membership.

\$169.00 value at regular rates

Total Student Savings: \$69.00