

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

MINUTES

Present for all or part of the meeting were:

Marilyn B. McNamara	Catherine Broderick
Jennifer L. Parent	Christopher T. Meier (via phone)
Lawrence A. Vogelmann	Quentin J. Blaine
Peter E. Hutchins	Kenneth J. Barnes
Robert R. Howard, III	Christopher T. Regan
James J. Tenn, Jr.	Russell F. Hilliard
Jaye Rancourt	Jeannine L. McCoy
Lisa Wellman-Ally	Daniel R. Wise
Eric D. Cook	Joanne M. Hinnendael
Jacki A. Smith	Valenda Morrissette
	Craig Sander

A meeting notice reminder and materials were emailed September 16th. 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 September 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 September 2010 Jeannine McCoy

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

C. Requests for Dues Waivers Jeannine McCoy

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 deadline date to change to Inactive status and pay Inactive dues and Court fees to [REDACTED]

D. Minutes of June 17, 2010 Meeting Peter Hutchins

Minutes of the June 17, 2010 Board of Governors meeting **were approved** as presented. Consideration of the August 27 meeting minutes was deferred until the next meeting.

PRESENTATION / DISCUSSION / ACTION ITEMS

- E. Possible Court Funding Litigation Larry Vogelman
Russ Hilliard

Two of the counsel team for the plaintiffs in a soon to be filed lawsuit to compel the state to devote adequate resources to the justice system discussed the suit. The suit will be brought by individual plaintiffs, and no “organizational” plaintiffs will be named, primarily due to the issue of standing. The NHBA will not be a party to the suit.

- F. Leadership Academy Update Jennifer Parent

Twenty-nine applications have been received for 15-16 slots for the inaugural Leadership Academy group. Those not able to participate in the first round will be encouraged to participate in the Association in other ways and to reapply for a future Academy. A great program is being planned.

- G. Concerns Raised by Al Cirone re “Full-Time Judicial”
NHBA Membership Status Jeannine McCoy

The Board received a letter from part-time judge Albert Cirone expressing concern about the Association’s application of “Full-Time Judicial” membership status to several part-time judges. Executive Director Jeannine McCoy noted that the letter author is correct in noting that, while the judges in question had given up their law practices and were essentially working as full-time members of the judiciary, they did not meet the NHBA Constitutional definition of being “wholly prohibited by statute from engaging in the practice of law”. The background of “Full-Time Judicial” membership status, its general application, and its application to several “essentially full-time” judges was explained. This matter will be placed on the agenda for the October 5 meeting of the Association leadership with the Supreme Court bench.

- H. NHBA Insurance Agency Board Recommendation re: Russ Hilliard
Asking Supreme Court to again consider *Required* Professional Liability Insurance

Russ Hilliard, President of the NHBA Insurance Agency, Inc. Board of Directors, reported that the NHBA Ins. Agency Board has raised the question of whether or not the Association should ask the Court to once again consider requiring professional liability insurance (PLI) for NHBA members. The question what constitutes adequate insurance coverage in light of deductibles, and self-insured deductibles, was also discussed. It was determined that the Association will first ask the Court for permission to once again conduct a voluntary PLI survey in conjunction with the June 2011 membership dues and court fees collection process.

- I. Report from ABA & Related Meetings Annual Meetings August 2010 Russ Hilliard
Jennifer Parent
Larry Vogelman

Association ABA Delegate Russ Hilliard reported that the ABA is developing a “model Civil Gideon Act” for states to consider adopting.

Vice President Larry Vogelman reported on a concept for a committee of volunteers to assist members with personal crisis situations. The “Solace Program” concept was discussed during meeting of bar leaders in conjunction with the ABA Annual Meeting, and will probably be developed in New Hampshire through the Lawyers’ Assistance Program.

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

The role of defense counsel in Federal Drug Court, and signals that law practice activity is picking up, were among the issues and observations discussed.

- K. President’s Report Marilyn McNamara

- Herr Commission Update
A Press Release about the Judicial Innovation Commission’s work is scheduled for September 22; several Commission members will be invited to make a presentation at the October BOG meeting
- Supreme Court Bench/Bar Meeting Scheduled for October 5
The Association Officers and Executive Director will be meeting with the Supreme Court justices on October 5

- L. Executive Director’s Report Jeannine McCoy

- Board members were reminded to let the Association know of members “in distress” so that we can reach out with offers of support if possible
 - A Thank You Note from Marital Master (retired) Stephanie Nute was read
 - The “You Should Know” Staff Activity Update was distributed and highlights were reviewed
 - A letter of concern from a member regarding a lost dues payment check was read
 - Court Rules Changes Being Released for Comment-Board members were encouraged to call constituents attention to important proposed rule changes for which the Court is accepting comments until November 30
 - Criminal Jury Instruction Progress
- Excerpt From May 20, 2010 BOG Minutes:

The **Board approved** a recommendation by the Task Force to fund a part-time reporter to assist it with completing its work. At a meeting earlier this spring, the Task Force discussed its work to date, and the pace of progress in completing its work. The Task Force is planning an all-day retreat to review and organize the Instructions completed so far. The reporter will take the results from the retreat and make the necessary edits based on the task force’s decisions. Three additional members, including a new chair, need to be appointed to help the task force complete the initial project.

Update as reported in the 9/15 NHBA *e-bulletin*:

The Drafting Committee of the Bar's Task Force on Criminal Jury Instructions has released over 260 pages of draft instructions. The task force continues to meet regularly to review new legislation and case law that may then require new instructions or modifications to existing instructions.

M. ORIENTATION ITEMS

- Judicial Nominee Meeting Procedure – reference materials regarding the process were distributed to be added to the Board reference/orientation materials binder and the process was briefly discussed
- Process for Making NHBA Appointments to Other Entities – candidates for appointment to various positions as “Association appointees” will be asked to visit with the Board regarding their interest and their representation of the Association

N. ADJOURNMENT

The September 16, 2010 Board of Governors Meeting adjourned at 5:25 p.m.

Respectfully submitted,

Jeannine L. McCoy, for
Peter E. Hutchins, Secretary

NEW HAMPSHIRE BAR ASSOCIATION

Membership Status Changes

Presented to the Board of Governors September 16, 2010

Paid Inactive to **ACTIVE**

Klass, Michael A., Boston, MA (effective September 8, 2010)
Morris, Christopher P., Manchester, NH (effective August 25, 2010)
Reid, Christopher P., Dover, NH (effective September 1, 2010)

Paid Active to **INACTIVE**

Cornelio, Charles C., Concord, NH (effective August 25, 2010)

Paid Active to **INACTIVE RETIRED**

Belanger, Jeffery D., Concord, NH (effective September 8, 2010)

Inactive to **MILITARY INACTIVE**

Collins, Jeffrey T., Billerica, MA (effective June 1, 2010)

Full Time Judicial to **INACTIVE**

Groff, William J., Peterborough, NH (effective August 23, 2010)

Inactive to **RESIGNED**

Jackson, E. Barclay, Portsmouth, NH (effective June 1, 2010)
Morong, Tracy, Wakefield, MA (effective June 1, 2010)

New Admittees selecting **INACTIVE** status

Browne, Brendon S., Dover, NH (effective November 3, 2009)
Carlson, Susan E., Boston, MA (effective July 14, 2010)
Qureshi, Shahin-Parvin N., Nashua, NH (effective July 14, 2010)

Suspended for non-payment 09-10 dues to **INACTIVE**

(paid Inactive dues for 2009-10 & 2010-11)
Sullivan, Margaret M., Raleigh, NC (effective August 30, 2010)

CORRECTION:

Smith, Michael R., Portland OR, was listed on the August 27, 2010 BOG report as “Inactive to ACTIVE” in error. The correct designation is Inactive to RESIGNED effective June 1, 2010.