

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
REMOTE  
March 18, 2021  
**MINUTES**

Present for all or part of the meeting were:

Richard Guerriero  
Sandra L. Cabrera  
Peter E. Hutchins  
Chrissy Hanisco  
Cathy Shanellaris  
James Shepard  
Lisa M. English  
Jason B. Dennis  
Leslie Leonard  
Joseph D. Steinfield  
Scott J. Whitaker  
Marcie A. Hornick  
Leslie Nixon  
Donald H. Sienkiewicz  
Jonathan M. Eck  
Susan Aileen Lowry

Christopher T. Regan  
Geoffrey Gallagher  
Heather Cherniske  
Jennifer Parent  
George R. Moore  
Ginny Martin  
Joanne Hinnendael  
Paula Lewis  
Lynne Sabean  
Deborah Hawkins  
Allison Borowy  
Guests:  
NHSC Chief Justice Gordon MacDonald  
Michael Iacopino  
Kathy Fox, NHBA Lobbyist  
Jim Merrill, NHBA Lobbyist

A Go to Meeting notice reminder, a link to the agenda and related materials were emailed to all governors on March 12<sup>th</sup>. The agenda is duplicated below in the 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.

A. Call to Order Richard Guerriero, President-Elect

President Dan Will was unable to attend the meeting, so President-Elect Guerriero chaired the meeting. He called the meeting to order at 4:04 p.m.

**REGULAR BUSINESS – CONSENT ITEMS**

B. Membership Status Changes for February 2021 Paula Lewis

**ACTION**

On motion to approve the status changes as presented. Passed. Unanimously.

The membership status changes are attached as a permanent part of these minutes.

C. Minutes of February 18, 2021 Meeting Robert Howard

Strafford County Governor Chris Regan noted that the minutes should reflect that he recused himself from compensation appeals discussion. The minutes will be edited to reflect this correction.

**ACTION**

On motion: To approve the minutes as amended. Passed. Unanimously.

## **PRESENTATION / DISCUSSION / ACTION ITEMS**

D. Welcome Discussion with Chief Justice MacDonald

Richard Guerriero

President-Elect Richard Guerriero introduced and welcomed newly appointed Chief Justice Gordon MacDonald.

Chief Justice MacDonald spoke about his initial meeting with the board when he was originally nominated in 2019. The message he took away at that time, which has continued to stick with him, is that meaningful communication between the bar and court is important. He added that if he can be helpful, please reach out and involve and engage him.

Secondly, Chief Justice MacDonald shared that he had the opportunity, as Co-Chair of the New Hampshire Supreme Court Commission of the New Hampshire Bar in the 21<sup>st</sup> Century, to take a deep dive into the operation of the NHBA. He learned much about the relationship between the bar and the Court and looking forward to using this knowledge in his position as Chief Justice.

The Chief Justice also met with the NHBA Committee on Cooperation with the Courts yesterday. When he arrived two weeks ago, the judicial branch was in the middle of the budget process. He feels that the budget is the single most important policy statement an organization makes.

The judicial branch budget contains two important strategic features. The first is additional judges for the Circuit Court, which would raise the number from 35 to 37 authorized and funded positions. It is very clear additional resources are needed, and he plans to advocate for them. The second important feature is the recommendation that a navigator program be established in the Circuit Court for the landlord tenant docket. The proposal contains two funded positions to manage the program, including training volunteers to help pro se litigants, as well as others. This will take a meaningful step toward addressing the access to justice gap with large numbers of self-represented individuals.

Cheshire County Governor Joe Steinfield asked how the Board of Governors can help. Chief Justice MacDonald urges the board to continue to meet with prospective judges. He thinks this is a valuable part of the judicial appointment process.

Associate Executive Director for Legal Services Ginny Martin thanked the Chief Justice for the focus on access to justice. He spoke about involvement early in his career with DOVE cases which has stayed with him.

Sullivan County Governor Geoff Gallagher asked whether there could be a focus on staffing full time sitting Superior Court judges in every county. He has worked in two counties where this was not the case. He feels it is an access to justice issue. The Chief Justice responded that there currently are 22 judges authorized, and only 19 sitting. He is not sure an increase in Superior Court judges will address the Sullivan County issue. Chief Justice MacDonald has communicated the importance of adequate judicial staffing to the Governor.

Executive Director George Moore added his congratulations. He noted there will be a bench bar meeting scheduled with the officers and the Court in the near future now that the Chief Justice has been

confirmed. Once he is settled in the job and has the time, this meeting will be scheduled. These meetings are periodically held to discuss common issues of concern to the NHBA and the Court.

President-Elect Guerriero thanked Chief Justice MacDonald for taking the time to meet with the board.

E. Report from the Legislation Committee- **ACTION NEEDED** Chair Mike Iacopino and Bernstein Shur Lobbying Team

NHBA Legislation Committee Chair Mike Iacopino spoke about this year's work. He thanked staff liaison Debbie Hawkins for her efforts in going through bills and organizing the committee's work. Mike shared that there were many more bills to be reviewed than in previous years, partly due to last year's pandemic-shortened session. The summary spreadsheet report of the committee's work was distributed to the board prior to today's meeting. Mike also discussed the Chapman decision, and how it affects the ability of the committee and NHBA to take a position on bills. The questions that guide the committee when deciding whether to recommend a position are: is the bill of significant interest to lawyers, does the bill pertain to the administration of justice, the operation of the courts or the legal profession and whether there would be substantial unanimity across the membership of the bar regarding any position that is taken. Mike explained how the committee reviews the bills and discussed the various positions that can be taken; Oppose, Support, Information (Neutral), Information Negative, Information Positive or No Position. The committee sometimes takes a position of Information due to drafting problems, or unintended consequences – the positive and negative indicates the general sense of the committee, positive toward passage or negative. If the committee recommends No Position, it is typically because the answers to the above questions are no.

Bernstein Shur Lobbyist Kathy Fox gave an update on recent legislative activity that occurred in the last few days since the materials were distributed to the board. Both CACR 10 and CACR 11, which deal with legislative powers over the courts, have been voted ITL (Inexpedient to Legislate) by the House. She also noted that CACR 12, the Senate bill dealing with the retirement age of judges is being heard by the Senate today (3/18).

President-Elect Guerriero walked the board through the legislative spreadsheet bill by bill and gave the board a chance to comment on each bill. (Unless otherwise noted, there was no discussion of most bills.)

**HB 142 – Relative to causes for divorce.** The Legislation Committee recommended a position of Information Negative. The board disagreed with the opinion of the committee that this bill would have a negative impact on divorce litigation and thought the second part of the bill was a positive change. The board favored a change in position from Information Negative to Information.

**ACTION**

On motion to change the recommended position of Information Negative to Information on HB 142. Passed 11 – 1 with 3 abstentions (Geoff Gallagher, Heather Cherniske and Lisa English).

**HB 253 - Requiring law enforcement officers to use body-worn cameras and establishing a grant program to assist local law enforcement agencies to purchase body-worn cameras.**

The Legislation Committee recommended a position of Information Positive, as most felt the use of body cameras is a good thing and that there would be agreement across the bar. The board discussed

this bill, after a member expressed the opinion that the bar should not be taking a position on this piece of legislation. A motion was made to take No Position, and then changed to Information after more discussion.

**ACTION**

On Motion to take a position of Information on HB 253. Failed 5 – 7 with 2 abstentions (Heather Cherniske and Lisa English).

New this year was the introduction of Senate Omnibus bills that each contained multiple sections. These were created as a way to organize the large amount of legislative service requests, cause in part due to last year’s session being shortened by the Coronavirus pandemic. The committee reviewed 5 such bills that contained 38 separate sections.

**SB 122, Section 2 - Exemptions from prosecution for victims of human trafficking.**

The Legislation Committee recommended a position of Information Negative due to drafting problems and concerns that parts of the bill would grant blanket immunity, an unintended consequence. A member of the board expressed concern with the bar taking a position that seems to be against the main idea behind this section. A motion was made to change the position to Information Neutral. There was further discussion about the difference between the positions of Information and No Position. Committee liaison Debbie Hawkins explained that a position of Information is usually taken to indicate there are issues with the bill that should be pointed out the legislative members, but the committee does not generally support or oppose the bill. A position of No Position is typically taken if the committee feels the bar cannot take a position either due to Chapman issues, or that it isn’t of interest of lawyers, or pertain to the operation of the courts, the administration of justice, or the practice of law. After this clarification, the motion was withdrawn.

**ACTION**

On motion to change the position on SB 122, Part 2 from Information Negative to Information. Motion was withdrawn.

The board finished review of the remaining bills. A motion was then made to adopt the positions recommended by the Legislation Committee, with the exception of HB 142, which was changed.

**ACTION**

On motion to adopt the slate of recommendations of the Legislation Committee, except HB 142. Passed 14 – 0 with two abstentions (Heather Cherniske and Lisa English).

Executive Director George Moore thanked the members of the Legislation Committee, as well as liaison Debbie Hawkins for the three months of hard work. He added that this has been a great start to the bar’s relationship with new lobbyists Jim Merrill, and Kathy Fox of Bernstein Shur, and thanked them as well. Kathy noted she will continue to follow the bills of interest to the NHBA through the session and will report back as needed.

F. Appointment to the Compensation Appeals Advisory Board for a 3-year term- **ACTION**  
Richard Guerriero

President-Elect Guerriero consulted with President Will and he asked that this item be deferred to the April meeting, as he is still working on his appointee recommendation.

- G. Ethics Committee Opinion #2019-20/02 – Municipal Representation and Potential Conflicts of Interest – **ACTION AND VOTE NEEDED** George Moore

Executive Director George Moore reviewed the highlights of this opinion.

**ACTION**

On motion to accept the Ethics Committee Opinion as presented. Passed 13 – 0 with two abstentions (Donald Sienkiewicz and Scott Whitaker).

- H. Upcoming Special Board Meeting – Pro Bono Merger George Moore

Executive Director George Moore explained that there will need to be a special meeting in April to ask the board to consider the terms and circumstances of the merger between the Legal Advice and Referral Center (LARC) and Pro Bono into a new 501c3 organization. There are a number of things driving this initiative, including the creation of a one-number call center for Pro Bono, LARC and New Hampshire Legal Assistance (NHLA). A Memorandum of Understanding (MOU) between the new company and the NHBA is currently being drafted, which the board will receive for review prior to the special meeting. It is expected that this merger will require ongoing action and cooperation on the part of the NHBA.

There is also a financial component which will need to be addressed with the bar’s auditors, related to old debt. There will be a merger agreement as well, that sets the terms and conditions for the formation of the new organization. There will be a large amount of detailed material that the board will be asked to closely review in advance, and be ready to take action at the special meeting.

The State Planning group is in the process of setting the mechanics of merging the company in motion with the Secretary of State’s office. The target date for completion is June 1<sup>st</sup> but there are a lot of things that need to happen first. There will need to be a vote of the NHBA Board of Governors before things can be finalized.

It was asked if a list of bullet points on major features can be distributed along with the MOU and other related materials prior to the meeting. George responded that this will be included.

- I. Executive Director’s Report George Moore

1. Mentor Program Progress

George is thrilled to share with the board that our LPM and Member Service Coordinator, Misty Griffith has built this program from ground zero and has 65 senior practitioners that have signed up to mentor junior practitioners. She is currently in the process of matching the mentors with young lawyers. This is a great program that has been too long in coming, he says. The bar’s program from decades ago was small by comparison. George thinks it will

continue to grow. There are plans for a feature article in the Bar News once the program is fully up and running with interviews from participants.

2. Election Slate

The final election slate was distributed to the board with their meeting materials. There is a full slate, with one contested race, for the ABA Association Delegate.

J. President’s Report Richard Guerriero

1. Diversity Equality and Inclusion Committee

Richard shared that Dan has been in touch with Chair Talesha St. Marc. The committee plans to put together a survey proposal and come to the board next month for approval. The New Hampshire Bar Foundation is making it a priority to work with this committee. They plan to convene the survey, and have it provide usable data.

K. State Update All Board Members

**Board members are asked to report** on issues of concern or interest for Association members that should be brought to the attention of the Board of Governors

- Geoff Gallagher reported that Sullivan County will resume jury trials in April .

L. Adjournment

The meeting was adjourned at 5:51 p.m.

Respectfully Submitted,

*Deborah J. Hawkins*

Deborah J. Hawkins for  
Robert R. Howard, III, Secretary

<b>Membership Status Changes</b>	
Presented to the Board of Governors March 18, 2021	
<b><u>Active to INACTIVE:</u></b>	
16440	Duval, Marie-Josée, Colebrook, NH (Effective February 1, 2021)
273662	Barlow, Esthena, Middlebury, VT (Effective December 18, 2020)
<b><u>Active to INACTIVE RETIRED:</u></b>	
10013	Kincaid, Jeanne, Eliot, ME (Effective December 31, 2020)
738	Edelman, Lawrence, Scarborough, ME (Effective February 10, 2021)

18537	Stewart, Donald, East Wakefield, NH (Effective December 31, 2020)
<b><u>Active to MILITARY ACTIVE:</u></b>	
18917	Colgan, Quinn, Grantham, NH (Effective February 15, 2021)
<b><u>Active to DECEASED:</u></b>	
1228	Hurn, Marcus, Concord, NH (Effective February 11, 2021)
<b><u>Inactive to ACTIVE:</u></b>	
20230	Berry, Jr, Robert, Weare, NH (Effective February 12, 2021)
15584	Hennessey, Christopher, Williamstown, MA (Effective February 16, 2021)
14387	Thurman, Denise, Danvers, MA (Effective March 1, 2021)
<b><u>Inactive to INACTIVE RETIRED:</u></b>	
1987	Peale, James, North Swanzey, NH (Effective February 19, 2021)
11009	Lindstrom, Paul, Concord, NH (Effective March 4, 2021)
<b><u>Inactive to RESIGNED:</u></b>	
19839	Miller, MaryBeth, Bristol, CT (Effective February 5, 2021)
<b><u>Inactive Retired to RESIGNED:</u></b>	
8590	Shapiro, Lawrence, Sarasota, FL (Effective February 15, 2021)
<b><u>Inactive Retired to DECEASED:</u></b>	
449	Auten, Jon, Cornish, NH (Effective November 21, 2020)
<b><u>Honorary Inactive to DECEASED:</u></b>	
1832	Muller, Sr., Daniel, Bedford, NH (Effective February 13, 2021)
986	Graper, Glen, Freedom, NH (Effective February 19, 2021)
2751	Williams, Joseph, Malden, MA (Effective February 22, 2021)
<b><u>Suspended to DECEASED:</u></b>	
563	D'Amours, Roger, Manchester, NH (Effective August 4, 2019)