

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING

April 15, 2021
4:00 – 6:00 PM
REMOTE
MINUTES

Present for all or part of the meeting were:

Daniel E. Will
Richard Guerriero
Sandra L. Cabrera
Robert Howard III
Chrissy Hanisco
Cathy Shanelaris
James Shepard
Lisa M. English
Jesse Friedman
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
George R. Moore
Ginny Martin
Joanne Hinnendael
Paula Lewis
Lynne Sabean
Deborah Hawkins
Allison Borowy

A meeting notice reminder, a link to the agenda and related materials were emailed to all governors on April 12th . 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 Dan Will

President Dan Will called the meeting to order at 4:10 p.m.

B. Video Conferencing Best Practices Hank Plaisted, IT Coordinator

Hank spoke about the analysis of the data from the March board meeting, held using the Go to Meeting video conferencing platform. He explained that some of the problems board members experienced were due to multitasking on their computer while in the meeting, as well as poor local internet connections/performance.

Hank discussed video conferencing best practices-

- ✓ Check your internet performance. Speedtest.net (<https://www.speedtest.net/>)is one tool to use. The purpose of this is to determine whether you are getting the performance you

are paying for and if your internet is adequate to participate in a video meeting. He noted the importance of upload as well as download speed for video conferencing. If people have a DSL connection, upload speed can be a problem, which will interfere with your meeting. If this is the case, you can stop sharing your camera, as well as call in on a phone instead of using computer audio, to improve meeting experience.

- ✓ Always use a wired connection whenever possible. Wireless (Wi-fi) connections are more susceptible to interference, which also affect performance.
- ✓ Close programs you aren't using – The CPU (central processing unit of the computer) has a finite amount of processing power, and trying to run too many programs will tax the computer and affect performance. If your audio or video is choppy, it will affect everyone's experience.
- ✓ Plug in a laptop – battery use can adversely affect quality of meeting experience.
- ✓ Audio issues - Use of a web camera with built-in microphone, and separate computer speakers attached to a desk-top computer can lead to more audio feedback. Typically, on a laptop the speakers and microphone are designed to work together and have built in noise cancellation technology, which minimizes echo and feedback. Separate microphone and speakers do not work together in this way. Ideally a headset with microphone will eliminate most audio issues on a desktop computer. Otherwise, you MUST mute yourself when not speaking.
- ✓ General tips - Call from a quiet location. Close blinds or turn off bright lights behind you, have a light shining on your face if possible, wear neutral solid clothing, turn off or mute other cell phones or office phones.

Richard Guerriero asked about CPU usage compared with other video conferencing platforms. Hank responded that he has not compared the platforms.

From Hank's perspective there hasn't been much of a difference between platforms. GTM hasn't done much development work as the other platforms (Zoom, Microsoft (MS) Teams and WebEx) have. MS Teams is currently doing a lot of development. Hank has found that most platforms are changing rapidly.

Richard has experience with Zoom, WebEx, MS Teams, and Google Meet. GTM seems to need a lot of CPU capacity. He hasn't had the same problems with other platforms. He has a commercial internet account and fast Wi-Fi.

Executive Director George Moore commented that we could shift to Zoom if needed. Our contracts with GTM will be up for renewal soon.

REGULAR BUSINESS – CONSENT ITEMS

C. Membership Status Changes for March 2021

Paula Lewis

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

- D. Minutes of March 18, 2021 Meeting Robert Howard

ACTION

On motion to approve the consent agenda items as presented. Passed. Unanimously.

PRESENTATION / DISCUSSION / ACTION ITEMS

- E. Appointment to the Compensation Appeals Advisory Board for a 3-year term- **ACTION** Dan Will

President Dan Will gave background about this board and the appointment. This board's function is to help make recommendations for potential members of the Compensation Appeals Board. He has reached out to someone about his interest and has not heard back. Once Dan hears back, we will send an email to the board and will conduct the vote to approve the appointment by responses to his email request.

The following email was sent out to the Board on April 21st:

All,

Following up on one agenda item from our last meeting, I would like to appoint Eric Falkenham of Devine Millimet to join the Workers Compensation Appeals Advisory Board, to take the place of Andy Bernard. Eric has been a full-time workers compensation defense lawyer longer than I've known him, meaning well over 25 years. He has an excellent reputation at the Department of Labor and with opposing counsel. He is an excellent lawyer and a very nice person. His bio can be found at this link: <https://www.devinemillimet.com/efalkenham> . Eric is interested in taking this on.

ACTION

On motion to approve the appointment of Eric Falkenham to the Workers Compensation Appeals Advisory Board for a 3-year term. Passed. 22 – 0 with one abstention (Chris Regan)

- F. Reappointments to the Judicial Conduct Committee (JCC) – **ACTION** Dan Will
1. Attorney Jaye Rancourt to the JCC for a 3-year term
 2. Attorney Jack Crisp to the JCC Alternate Panel for a 3-year term
 3. Thomas Buchanan to the JCC Alternate Panel for a 3-year term

President Dan Will spoke about this request (the board has the request letters in their materials). He would like to accede to the JCC request to reappoint these members.

ACTION

On motion: to reappoint the three nominees name above. Passed unanimously.

G. Public Defender Resolution Renewal- **ACTION required on resolution** George Moore

RSA 604-B:4 calls for NHBA approval of any Public Defender Program with which the state intends to contract. Statute Excerpt: 604-B:4 Contract. – The state of New Hampshire, by the judicial council and with the approval of governor and council, shall contract with an organization or group of attorneys approved by the board of governors of the New Hampshire Bar Association to operate the public defender program and provide public defender representation as provided in RSA 604-B:2 and 3. The contract shall fix the number of defender attorneys providing representation in each county and shall permit the public defender program to subcontract for attorney services, including appellate services, as may be necessary to provide such representation. No such contract shall be effective for longer than 2 years. The compensation for operation of the public defender program shall be such sums as may be fixed by the contract, subject to the appropriations made therefore.

Executive Director George Moore gave background about this request. NH statute requires NHBA approval. This is a requirement before the judicial council will contract with the public defenders office. They seek this approval every two years.

ACTION

On motion: to approve the endorsement of the Public Defender Program and adopt the resolution as presented to the board. Passed, with one abstention (Richard Guerriero).

H. NHBA Bylaws- volunteers for subcommittee to draft language- George Moore
Provision on Access to records and documents of the NHBA- Need 3 volunteers

Executive Director George Moore spoke about this. He is seeking volunteers for a subcommittee to review bar policies, in particular on the organization of association information. George will be a part of this working group as well. He asks that people email him if they are interested in helping with this.

The board also discussed creating a procedure to digitize association documents and records. The association currently does have a document retention and destruction policy, which could be revised to add the digitization piece. It was agreed that this can be done by policy and does not need to be in the bylaws.

There was further discussion about a review of the bylaws for other needed updates that should be made. George commented that he would consult resources from NABE (National Association of Bar Executives) for best practices and templates.

I. Attorney David Greene request

The board received a copy of Attorney Greene’s letter requesting a dues refund, as well as a copy of the NHBA written policy regarding dues refunds for NHBA legislative lobbying activity members believe is outside the guidelines provided by the NH Supreme Court Chapman decision and the US Supreme Court Keller decision. This policy has been in existence since the 1990’s and was created under advice of counsel after reviewing the Keller and Chapman decisions regarding lobbying activities of unified bars.

There was a discussion of this request. It was pointed out that Attorney Greene has not followed the policy in defining which of the bar's lobbying positions he believes fall outside of the Keller/Chapman guidelines and why.

ACTION

On motion: To respond to Attorney Greene that he needs to abide by the policy and ask him to provide us with more detailed information about his objection for this legislative session. Passed. 18-1.

J. Executive Director's Report George Moore

1. Election Update

The election ends at midnight tonight (April 15th) An email will be sent once the candidates are informed of the outcome.

2. Moving June Board meeting to June 17th – 4:00 PM

3. Annual Membership Business Meeting – June 17th – 3:00 PM

Since this year's Annual Meeting will be fully virtual, these two meetings have been moved to the third Thursday of the month. Both meetings usually occur as part of the Annual Meeting event.

K. Judicial Nomination Policy Reconsideration George Moore

Executive Director George Moore described the recent experience with a judicial nomination finding and asked President-Elect Richard Guerriero to describe these events in further detail. (Richard has chaired these judicial proceedings due to President Dan Will's recusal from this process.)

Richard shared that he will be crafting new template letters that will add context to the board's decision without violating confidentiality.

The board discussed whether they feel it is necessary to revisit the procedures surrounding the vetting of nominees. It was agreed that this is a complex issue.

L. President's Report Dan Will

1. Annual Meeting Format – Virtual

The decision has been made to go with a completely virtually format. The meeting will be held on June 25th, as previously scheduled. The details are still being worked out, but it is expected it will last about 2/3 of a day; perhaps from 9 a.m. – 3 p.m. All programming stops at 2:30 and a networking chat room social time is planned after that. The meeting will include recognition of 50-year members, recognition of newly appointed and retiring judges and the president's awards, and then move to a CLE, which is entitled "How to Stay Out of Trouble – The Accidental Lawyer", an

interactive presentation. The passing of the gavel to the new Bar President will also take place as a part of the meeting.

2. Bench/Bar WebEx meeting with Officers

These meetings have been held regularly several times a year in the past but were paused when the Chief Justice position was vacant. They have now been resumed, and the next meeting will be on May 11th, and will be held virtually using the Court's WebEx. The purpose of these meetings is to address issues that the Bar and the Court are concerned about as well as strengthen the collaborative relationship. Board members are invited to let Dan, Richard or George know if they have any suggested topics for the meeting.

M. 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.

Sullivan County Governor Geoffrey Gallagher shared that Sullivan County has resumed jury trials. All in all, it has been reasonably successful, he said.

Strafford County Governor Chris Regan shared that Chief Justice Nadeau is currently sitting in Strafford County. They expect to resume jury trials starting in May. Civil trials may be included.

Grafton County Governor Marcie Hornick shared that Grafton County trials began in March.

N. Adjournment

The meeting adjourned at 5:52 p.m.

Respectfully Submitted,

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

Membership Status Changes	
Presented to the Board of Governors April 15, 2021	
<u>Active to INACTIVE:</u>	
9389	Sullivan-Stacey, Leslie, Rye, NH (Effective February 24, 2021)
268359	Sullivan, Kelsey, Exeter, NH (Effective March 15, 2021)
269551	Lavallee, Gena, Hollis, NH (Effective March 22, 2021)

<u>Active to INACTIVE RETIRED:</u>	
273682	Farrell, Jennifer, Framingham, MA (Effective March 9, 2021)
12914	McGrath, Patricia, Bedford, NH (Effective March 8, 2021)
<u>Active to FULL-TIME JUDICIAL:</u>	
11011	MacDonald, Gordon, Deering, NH (Effective March 4, 2021)
<u>Active to SUSPENDED:</u>	
11808	Baker, Paul, Boxford, MA (Effective March 31, 2021)
<u>Inactive to ACTIVE:</u>	
9065	McCann, Ellen, Salem, NH (Effective March 11, 2021)
267870	de Lyon Stralka, Jennifer, Post Mills, VT (Effective March 15, 2021)
<u>Inactive Retired to RESIGNED:</u>	
585	Davis, Arthur, Bethlehem, NH (Effective March 20, 2021)
<u>Honorary Active to HONORARY INACTIVE:</u>	
87	Bradley, David, Hanover, NH (Effective March 15, 2021)
<u>Judicial to SUSPENDED:</u>	
6035	Introcaso, Julie, Manchester, NH (Effective March 24, 2021)
<u>Suspended to ACTIVE:</u>	
269771	Cengher, Carly, Chicago, IL (Effective March 24, 2021)
12873	Huffmann, Ragnar, Stratham, NH (Effective March 26, 2021)