
CONSTITUTION OF

THE NEW HAMPSHIRE BAR ASSOCIATION

ARTICLE I

Purposes

The purposes of ~~this Association~~ the New Hampshire Bar Association (Association) are to improve the administration of justice; to foster and maintain high standards of conduct, integrity, competence and public service on the part of those engaged in the practice of law; to safeguard the proper professional interests of the members of the Bar; to provide a forum for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relations of the Bar to the public; to carry on a continuing program of legal research and education; and to encourage cordial relations among members of the Bar; all without regard to race, national origin, religion, creed, gender or sexual orientation, and to the end that the public responsibility of the legal profession may be more effectively discharged. The Association shall confine its activities before the General Court to those matters which are related directly to the administration of justice; the composition and operation of the courts; the practice of law and the legal profession.

ARTICLE II

Membership

Section 1. All persons who are admitted to the practice of law in the State of New Hampshire, and all persons who shall thereafter become admitted to the practice of law in this State, shall thereby become members of this Association; subject in each case to due compliance with the requirements of membership. Residence in the State of New Hampshire shall not be a qualification for membership in the Association.

Section 2. Every person who becomes admitted to the practice of law in this State shall be enrolled in the Association by registering with the Association within twenty-four (24) hours after admission to practice. After such enrollment, each change in any member's office or residence contact information, including email addresses, shall be promptly reported to the Association.

For purposes of official notification to the Association, ~~correspondence~~ information must be ~~directed~~ reported to the ~~NH Bar Center of the~~ New Hampshire Bar Association.

Section 3. The membership of this Association shall consist of two classes known respectively as "active" members and "inactive" members. Every member shall be an active member unless, upon request and payment of any required Administrative Fee as set by the Board of Governors, that person is enrolled as an inactive member. No person shall be eligible for enrollment as an inactive member who is engaged in the practice of law in this State, or who occupies a position the duties of which require the giving of legal advice or service in this State. Any inactive member whose Association ~~d~~Dues and ~~c~~Court ~~f~~Fees are current may change classification to that of an active member by ~~filing with~~ contacting the Member Records Coordinator at the Association ~~written application for~~ requesting transfer to the

class of active members and by paying the dues and court fees required of active members and any required Administrative Fee as set by the Board of Governors. No inactive member shall be entitled to practice law in this State, or to hold office or vote in any membership meeting, election or referendum of the Association. An inactive member may attend meetings of the Association and participate in the debates of such ~~meetings, and~~ meetings and shall be entitled to receive the official publications of the Association and such notices and other materials as are mailed to active members. Members of the judiciary including Justices, judges and NH Masters who are wholly prohibited by statute from engaging in the practice of law, or who are designated as “essentially full time members of the judiciary”, by the New Hampshire Supreme Court Administrative Office of the Courts (AOC) and not engaged in the practice of law, shall be considered Full-Time Judicial members. Part-time members of the NH judiciary, as designated by the AOC, including justices, judges and masters who are wholly prohibited by statute, or Court rule, from engaging in ~~the~~ practice of law, or sit on a part-time basis and are not engaged in the practice of law, shall be considered part-time Judicial members.

Section 4. Except for the right reserved to litigants by statute to prosecute or defend a cause in person or by any citizen of good character, no person other than an active member of this Association shall practice law in this State or in any manner hold himself or herself out as authorized or qualified to practice law in this State. Any court in this State may, by special permission granted by it, allow a member of the Bar of any other state or jurisdiction to appear and participate in any particular action or proceeding in association with an active member of this Association who appears and participates in such action or proceeding.

Section 5. Each member other than an Honorary Active Member or an Honorary Inactive Member shall pay membership dues for each year from June 1st to May 31st following, payable by July 1st of each year in advance, in such amount as may be determined by the Board of Governors following the procedure set forth in the By-Laws. A newly admitted member shall pay membership dues for the fiscal year of original admission on or before the last day of the first full calendar month after the date of admission. All dues shall be paid to the Association. An Honorary Active Member or an Honorary Inactive Member shall be exempt from any payment of membership dues.

Section 6. If the membership dues or any court/mandatory fees collected by ~~NHBA~~ the Association of any member for any year are not paid when due or in compliance with any policies set by the Board of Governors, that member shall be assessed a delinquency penalty as set periodically by the Board of Governors and the Association shall thereupon give ~~written~~ notice by first class mail, electronically, or any technologies that can accomplish the same result, to such member who is in arrears advising that member thereof and of the provisions of this Section. If the arrears in dues, court fees and/or delinquency fees are not paid by the last day of the fourth month following such mailing by the Association of its dues invoice for that year, the Association shall notify the lawyer by written notice by first class mail, electronically, or any technologies that can accomplish the same result, that it will seek an order of New Hampshire Supreme Court suspending the lawyer from the practice of law, subject, however, to the provisions of Section 7 of this Article. remain unpaid, the Association will forward those member names to the NH Supreme Court per Rule 42A (I) A and 42A (II) A whereby the Court shall require the members reported to show cause why they should not be suspended from the practice of law in this State for non-payment of the court fees or bar dues. If the Court determines that a member has not shown good cause for non-payment of court fees or bar dues, an order shall be issued suspending that member from the practice of law in this State. -No person whose membership is so suspended shall be entitled to practice law in this State or exercise or receive any of the privileges of membership during such suspension. Whenever a member so suspended for non-payment of membership dues or court fees makes full payment of the arrears, and in addition a sum as set periodically by the Board of Governors

as a charge for reinstatement, the Association shall notify that person and the Supreme Court that the amounts in arrears have been paid, and that person may then make a motion to the Supreme Court for reinstatement. The full amount of annual membership dues for the year in which reinstatement takes place shall be paid, regardless of the number of months suspension was in effect during that year.

Section 7. The Board of Governors may in any case in which to do otherwise would result in hardship or injustice, abate dues in whole or in part, and waive delinquency fees assessed for non-payment of membership dues, provided the request is made before delinquent payor's names have been forwarded to the NH Supreme Court as mandated by NH Supreme Court Rule 42A. The NHBA Waiver Committee (Committee), a subcommittee of the NHBA Board of Governors, will consider the waiver requests. Such decisions by the Committee are deemed representative of the Board of Governors as a whole. The NHBA Board of Governors will receive a list of waiver decisions made in the months of June, July, August, and September at the October Board of Governors meeting. Any member whose waiver request is denied by the Committee may submit a written request for review of the denied request to the Board of Governors Executive Committee. Such requests must be made in writing and sent to the attention of the NHBA Member Records Coordinator within 30 days from the date of the waiver committee decision. Those members contacting the NHBA after delinquent payor's names have been forwarded to the NH Supreme Court will be directed to contact the Clerk of Court.

~~Section 8. A member of the Association whose Association Dues and Court Fees are current may resign from the Association by filing with the Association written notice of such election, and such person shall thereupon cease to be a member of the Association and the individual's name shall be removed from the membership register. A member who has resigned shall not thereafter engage in the practice of law in this State unless again admitted to the practice of law upon compliance with such rules governing readmission to the Bar as may from time to time be promulgated by the Supreme Court.~~

ARTICLE III

Meetings of the Association

Section 1. The Association shall hold at least two regular meetings in each year, an Annual Meeting sometime between April 15th and October 15th and a Mid-Winter Meeting. The regular meetings shall be held at such times and places as shall be fixed by the Board of Governors.

Section 2. Special meetings of the Association may be called and held at such times and places as may be determined by the Board of Governors. In addition, the Board of Governors shall call a special meeting of the Association upon petition signed by not less than ten percent of the active members and specifying the purpose of the meeting and such meeting shall be held within thirty (30) days after said petition is filed with the Association.

Section 3. Written notices of any regular or special meetings of the Association shall be printed in the New Hampshire Bar News and/or mailed by first class mail, periodicals rate mail, standard mail, electronically, or any technologies that can accomplish the same result as technologies specifically listed in this section at least fifteen (15) days prior to the date of such meeting, and the notice shall specify the purpose of the meeting. The Association shall include in such notice as a purpose of the meeting any matter requested by petition signed in the manner specified in the preceding section.

Section 4. At any membership meeting of the Association, the right to vote shall be limited to active members present at the meeting and those active members present shall constitute a quorum.

ARTICLE IV

Officers and Employees

Section 1. The officers of the Association shall be a President, a President Elect, a Vice President, a Secretary, and a Treasurer, who shall be nominated and elected respectively in the manner provided in the By Laws, and the Immediate Past President. Only active members of the Association shall be eligible to serve as officers. No person may hold more than one office at one time. The term of office of the President, President-Elect and Vice President shall be one year, and said officer shall be eligible for election to that office a second time, for a non-consecutive term, no less than ten (10) years after completing the first term. The Secretary and Treasurer shall serve for terms of three (3) years and having won a regular, full-term election, shall serve not more than two (2) consecutive terms. The terms of officers shall commence with adjournment of the Annual Meeting of the Association next following election and end with the adjournment of the next succeeding Annual Meeting, except that the Immediate Past President shall, without election, serve for the one-year period following vacating the office of President. The officers shall receive no compensation for their services. The duties of the officers shall be as prescribed in the By Laws.

Section 2. If the office of President becomes vacant, the President-Elect shall perform the duties of the office of President during the unexpired term without vacating the office of President-Elect. In the event that the office of President becomes vacant at a time when the office of President-Elect is also vacant, the Vice President shall perform the duties of the office of President during the unexpired term without vacating the office of Vice President. If any other office becomes vacant, the office shall be filled by the Board of Governors for the unexpired term.

Section 3. The Board of Governors shall hire an Executive Director. The compensation of the Executive Director shall be fixed by the Board of Governors. Any duties imposed by this Constitution or the By-Laws of the Association upon the Secretary or Treasurer may be performed by the Executive Director or other employees of the Association as designated by the Executive Director.

ARTICLE V

Board of Governors

Section 1. There shall be a Board of Governors of the Association. The Board shall consist of the President, the President-Elect, the Vice President, the Secretary, the Treasurer, the Immediate Past President of the Association, and the following additional members:

One (1) Out-of-State Governor. An Out-of-State Governor shall be an active member of the Association whose primary office is located in a state outside of New Hampshire. Out-of-State Governors shall be nominated and elected in the manner provided for in the By-Laws.

One (1) Governor elected from each County of this State, except that Hillsborough County shall have two (2) Governors who shall be elected each from the Northern and Southern Division as defined

by the Administrative office of the Courts, by the active members of the Association having their principal offices in such County or Division.

Five (5) Governors elected from the membership at large by the active membership of the Association.

Each elected Governor shall be an active member of the Association. The principal office for the practice of law of each Governor shall be in the County that Governor represents, and if following election such principal office is removed the position shall become vacant automatically. Not more than three Governors-at-Large shall have their principal offices within the same County. Elected Governors shall be nominated and elected in the manner provided in the By-Laws.

One (1) Public Sector Governor elected from the membership at large by the active membership of the Association.

Each elected Public Sector Governor shall be an active member of the Association that meets the criteria as established by the Public Sector/Public Interest Task Force for representing the public sector members of the Association and if following election no longer meets the criteria as established by the Public Sector/Public Interest Task Force, the position shall become vacant automatically. Elected Governors shall be nominated and elected in the manner provided in the By-Laws.

Section 2. Except as hereinafter provided, the elected Governors representing Counties shall serve for terms of two (2) years and the Governors elected at large shall serve for terms of three (3) years, and the terms of all elected members of the Board of Governors shall commence with the adjournment of the Annual Meeting of the Association next following their election. Except as provided in Article IV, Section 2, no member of the Board of Governors, having won a regular, full-term election, shall serve more than two (2) consecutive terms.

Section 3. The Board of Governors shall fill any vacancy in the ranks of its elected membership, including any created by the absence of a qualified nominee submitting the required petition for an annual Board election subject, however, to the provisions of Section 6, Article VI of the By-Laws. Such vacancy shall be filled from the county in which the vacancy occurs in the case of vacancy in the office of Governor elected from a county or division and otherwise, from the membership at large, until the next regular election and the Board shall provide for an election at that time for the balance of the unexpired term.

Section 4. Between meetings of the [membership of the](#) Association, the Board of Governors shall be the governing body of the Association, and shall have the power and authority to do and perform all acts and functions which the Association might itself do or perform, not inconsistent with the Rules of the Supreme Court, this Constitution and the By-Laws or with any action taken by the Association.

ARTICLE VI

By-Laws

The Association shall adopt By-Laws for the conduct of its affairs, not inconsistent with the Rules of the Supreme Court or this Constitution.

ARTICLE VII

Amendments

Subject to the approval of the Supreme Court, this Constitution may be amended at any meeting of the Association by the vote of two-thirds of the active members of the Association present and voting. Copies of the proposed amendments shall be mailed, faxed, emailed or provided via any technologies that can accomplish the same result as technologies specifically listed in this section to the entire membership of the Association at least fifteen (15) days prior to the meeting.

ARTICLE VIII

Takes Effect

This Constitution, in its original form, took effect on July 1, 1969.

Article V – Board of Governors

Sections 1 and 3 amended with approval of the NH Supreme Court in 2001.

Article V – Board of Governors

Sections 1 and 2 amended with approval of the NH Supreme Court in 2001.

Article II – Membership

Section 3 amended with approval of the NH Supreme Court in 2003.

Article II – Membership

Section 6 amended with approval of the NH Supreme Court in 2005.

Article I – Purposes, amended; Article II – Membership, Sections 1, 2, 3, 5, 6, 8, amended; Article III – Meetings of the Association, Sections 2, 3 amended; Article IV – Officers and Employees, Sections 1, 3, amended; Article V – Board of Governors, Sections 1, 2, 3, amended; Article VI – Interim Officers and Board of Governors, deleted ; Article VII – By-Laws, renumbered; Article VIII - Amendments, amended & renumbered; Article IX - Adoption, deleted; Article X – Takes Effect amended & renumbered. Approved by the NH Supreme Court December 2008.

Article II – Membership, Sections 3, 6; Article III – Meetings of the Association, Section 4; Article V – Board of Governors, Section 3. Submitted to the NH Supreme Court for approval 8/4/11. Approved by the NH Supreme Court September 16, 2011.

Article II – Membership, Sections 3 & 6; Article IV – Officers & Employees, Section 1; Article V – Board of Governors, Section 1 new category. Submitted to the NH Supreme Court for approval 12/19/2013. Approved by the NH Supreme Court January 15, 2014.

Article II – Membership, Sections 3, 6, 7 & 8; Article III – Meetings of the Association, Section 3. Submitted to NH Supreme Court for approval 3/14/2016. Approved by the NH Supreme Court March 30, 2016.

Article II – Membership, Section 7. Submitted to the NH Supreme Court for approval 4/15/2021.
Approved by the NH Supreme Court 4/28/21.

Article II – Membership, Section 5. Submitted to the NH Supreme Court for approval 7/14/2021.
Approved by the NH Supreme Court 8/9/21.