

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Live with Remote Option
December 16, 2021

MINUTES

Present for all or part of the meeting were:

Abby Sykas Karoutas
Cathy Shanelaris
Christopher T. Regan
Donald H. Sienkiewicz
Heather Cherniske
James Shepard
Jason B. Dennis
Jesse W. Friedman
Jonathan M. Eck
Kathleen M. Mahan
Leslie C. Nixon
Leslie M. Leonard
Lindsay B. Courtney
Monique M. Schmidt
Paul B. Kleinman
Richard Guerriero
Sandra L. Cabrera

Scott J. Whitaker
Susan Aileen Lowry
Vanessa Wilson
Viktoriya A. Kovalenko

Michael J. Iacopino, ABA Assoc. Delegate
Susanne Gilliam, ABA YLD
Jennifer Parent, ABA State Delegate

Justice Gary Hicks, NHSC Liaison

George R. Moore
Mary Jenkins
Paula Lewis
Lynne Sabeau
Deborah Hawkins
Allison Borowy

A meeting notice reminder, a link to the agenda and related materials were emailed to all governors on December 10th. 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 Richard Guerriero called the meeting to order at 4:01 p.m.

REGULAR BUSINESS – CONSENT ITEMS

B. Membership Status Changes for November 2021

Paula Lewis

ACTION

On motion to accept the status changes as presented. Passed. They are attached as a permanent part of these minutes.

ACTION

On motion to accept the minutes as presented. Passed.

PRESENTATION / DISCUSSION / ACTION ITEMS

D. Bylaws and Constitution Revisions

George Moore

Executive Director George Moore spoke about these revisions. He called attention to the one-page summary of the changes that was prepared. It had been some time since the Bylaws were reviewed as a whole, and this work was done to bring them into modern times. Some things noted in the document are no longer done, so the revisions were made so that the Bylaws will be consistent with current practice. Many of the changes were simply language and grammar corrections.

This also necessitated amending the Constitution, since a paragraph regarding member resignation was moved to the Bylaws, as this section is more appropriately stated in the Bylaws with other information about member statuses.

There was also a change to eliminate an issue with the notification required by those serving on active duty in the armed forces.

If these revisions of the Bylaws and Constitution are approved by the board, they will be noticed to the NHBA members for voting on at the membership meeting on February 17th. If approved by the members, the Constitution revisions must then go by petition to the New Hampshire Supreme Court for approval.

After some discussion about the military notification change, it was decided that the bar will send out a notice about this change to those members potentially affected.

ACTION

On motion to approve the Bylaws and Constitution changes as presented. Passed unanimously.

E. Access to Records of the NH Bar Association Policy

George Moore

Executive Director George Moore explained the reason for developing this policy. The NHBA has had no policy in place. This policy was modeled on the Michigan Bar policy. This policy provides protection from onerous or unreasonable requests and allows us to protect sensitive information. Its aim is to be as open as we can be with members.

ACTION

On motion to adopt the draft policy governing access to records of the New Hampshire Bar Association as distributed with the following additions: to Section A (1) (d), Financial records definition to include audited financial statements and to section (B) (2), language added that clarifies that records can be examined by appointment.

Language will also be added to clarify in what format the requested copies will be provided.

There was a discussion regarding how this policy would apply to the recent COVID survey results. Richard and George believe members would have access to the results if they requested them.

- F. Nomination of Jonathan Eck for 2021-2022 President-Elect Richard Guerriero
(As called for by NHBA Bylaws Article 6, Section 3: On or before December 31st in each year, the members of the Board of Governors shall nominate a candidate for President-Elect.)

ACTION

On motion to nominate Jonathan Eck for 2021-22 President-Elect. Passed. Unanimously.

- G. Treasurer's Report Chris Regan /Paula Lewis

Treasurer Chris Regan shared that the NHBA is in a good financial position. We are ahead of budget by \$337,969, \$251,573 better than expected. A good summary of the balance sheet and the income statement is in the narrative report prepared by Director of Business Operations, Paula Lewis. Personnel costs are down due to staff attrition and positions being held open and covered by current staff. There also has been COVID-related savings due to travel restrictions imposed by COVID, sections not meeting in person and other similar items.

- H. Executive Director's Report George Moore
1. MYM 2022 Plans

George spoke about the plans for the upcoming Midyear Meeting. President Richard Guerriero has done a great job organizing speakers. We are hoping to have registration open on January 10th. Staff will be working on the pre-records in the next weeks. The meeting will feature an address to the members by Chief Justice Gordon MacDonald. Organizationally we are in a great place. George thinks this will be an interesting meeting.

- I. President's Report Richard Guerriero
1. Recap of Officers' meeting with NH Supreme Court

Richard spoke about this meeting on the 7th of December. It was a good, productive meeting. He states that we are lucky to have Justice Hicks as a liaison from the Court.

As Richard shared in his preview, the Board of Governors have competing duties which we must balance. We serve an organization which exists as a creation of the Court and under the supervision of the Court. However, as provided in the Bar's constitution, we also represent the attorney members of the organization. We cannot ignore either of these obligations and must do our best to balance them. There will inevitably be some conflict. He shared that quarterly meetings between the officer group and the Court will continue.

a. Courthouse Covid Policy

The Court expressed concern that they don't have the power to implement some of the suggestions made in the recent member survey done by the NHBA. They were also concerned that the survey implied the Court could do some of these things, when they cannot. For example, they do not have control over some of the buildings. The Court will plan to publish something in the future in the Bar News about the measures they are implementing. The board officers recommended to the board that we take a conservative approach in view of the Court's concerns and the Court will publish a piece about what they are and aren't doing and why.

The board discussed this compromise. Chief Justice MacDonald, Chief Justice Nadeau and Judge King will address members' concerns as expressed in the survey and explain what the courts can and cannot do in this area. Justice Hicks states the Court's job is to provide access to justice for the public and protect their 750 employees.

There was a discussion about waiting to publish the survey results but leaving the option open to publish after the Court publishes their article. Executive Director George Moore adds that the article will probably discuss the survey results in addressing the concerns of members as identified in the survey.

b. Judicial Screening

Members of the Court have some of the same concerns that the board has expressed, such as the timing of the notice to the nominee of the recommendation, use of the "well-qualified" distinction, whether to allow a nominee to respond to a recommendation prior to it becoming final, and whether the bar should coordinate with the Governor's Judicial Selection Commission. Richard has discussed possible collaboration with the Judicial Selection Commission Chair Chuck Douglas and will pursue.

Richard is creating a subcommittee to pursue some of these issues. Justice Hicks has agreed to serve, as has President-Elect Sandra Cabrera.

c. Access to Justice and the Indigent Defense Crisis

Richard added that the group also discussed indigent defense and access to justice and agreed that the bar will help however they can.

d. Executive Director Evaluation

The officers are conducting an evaluation of Executive Director George Moore. Sandra, Jonathan and Richard are making calls.

e. Midyear Meeting

The speakers and the plan for the Midyear Meeting are now being publicized in the Bar News. Mary Jenkins has done fantastic work on this. Richard also shared that he chose to give the President's Award for Distinguished Service to the Public to Gilles Bissonette, the ACLU Litigation Director, and Vicki A. Bunnell Award for Community Service to Solo Practitioner and Circuit Court Prosecutor Martha Jacques.

J. Adjournment - The meeting was adjourned at 5:30 p.m.

Respectfully Submitted,

Deborah J. Hawkins

Deborah J. Hawkins for Susan Aileen Lowry, Secretary

Membership Status Changes

Presented to the Board of Governors December 16, 2021

Active to INACTIVE:

18254 McCarthy, Amy, Burlington, MA (Effective November 8, 2021)
273879 Fazi, Michael, Nashville, TN (Effective October 27, 2021)
273585 Collins, Mackenzie, Suffield, CT (Effective November 10, 2021)
266857 Inman, Irena, Wilmington, MA (Effective October 8, 2021)
2527 Teague, John, Concord, NH (Effective November 30, 2021)
987 Grau, Charles, Bedford, NH (Effective November 30, 2021)
270896 Crowley, Connor, North Andover, MA (Effective November 30, 2021)
267866 Boucher, Monique, Westford, MA (Effective December 1, 2021)

Active to INACTIVE RETIRED:

2723 Wheelock, Timothy, Portsmouth, NH (Effective November 9, 2021)
644 Dickinson, Joseph, Geneva, NY (Effective November 8, 2021)
2838 Gallant, Jr., Clifford, North Hampton, NH (Effective November 20, 2021)
1307 Kaplan, Edward, Contoocook, NH (Effective November 30, 2021)
2770 Wise, Ronna, Contoocook, NH (Effective November 30, 2021)
660 Donohue, Joyce, Laconia, NH (Effective December 1, 2021)
19450 Quijano, Therese, Quincy, MA (Effective November 30, 2021)

Active to SUSPENDED:

11257 Clark, Steven, Portsmouth, NH (Effective November 12, 2021)
14764 Frechette, Franz, Conway, NH (Effective November 19, 2021)
272487 Doyon, Elizabeth, Boston, MA (Effective November 19, 2021)
15603 Morse, MaryEllen, Portsmouth, NH (Effective November 24, 2021)
265434 Nelluely, Asish, Roslyn Heights, NY (Effective November 24, 2021)

18107 Tchao, Amy, Portland, ME (Effective November 29, 2021)
273041 Wilson, Tara, Andover, MA (Effective November 30, 2021)
269036 Greenlee, Aaron, Winnisquam, NH (Effective November 30, 2021)
17456 Godin, Randy, Beverly Hills, CA (Effective November 30, 2021)

Active to RESIGNED:

18325 Quinn, Laurretta, Minneapolis, MN (Effective November 15, 2021)
2718 Weyl, Stephen, Piedmont, SC (Effective November 30, 2021)

Inactive to ACTIVE:

269671 Sheehan, Douglas, Beverly, MA (Effective December 3, 2021)

Inactive to INACTIVE RETIRED:

10015 Kovalik, Jeffrey, Newfields, NH (Effective November 15, 2021)

Inactive to RESIGNED:

10264 Chabot, Dianne, Winchester, MA (Effective August 31, 2021)
12863 Gingras, Kathleen, Boston, MA (Effective September 30, 2021)

Inactive to SUSPENDED:

15121 Bolnick, Jerry, Concord, NH (Effective November 16, 2021)
269460 Cheung, Wingman, Boston, MA (Effective November 16, 2021)
8149 Crouthamel, Justin, Bloomington, IL (Effective November 17, 2021)
15324 Foster, Suzanne, Newfields, NH (Effective November 19, 2021)
271379 Martin, Hilary, Briarwood, NY (Effective November 23, 2021)
270648 Keefe, Ian, Shrewsbury, MA (Effective November 23, 2021)
8816 Mooradian, Jody, Providence, RI (Effective November 24, 2021)
20663 Rahmlow, Brenna, Woodbury, MN (Effective November 24, 2021)

Inactive Retired to ACTIVE:

6801 Berube, Catherine, Dover, NH (Effective November 18, 2021)

Inactive Retired to RESIGNED:

1888 Norton, John, Loveland, CO (Effective December 1, 2021)

Inactive Retired to SUSPENDED:

13837 Penfield, D. Kent, Sharon, VT (Effective December 1, 2021)

Honorary Active to HONORARY INACTIVE:

1495 Little, Silas, Francestown, NH (Effective November 30, 2021)
717 Dyer, Rodney, Laconia, NH (Effective November 30, 2021)

2148 Richardson, Gary, Exeter, NH (Effective November 30, 2021)

Military Inactive to ACTIVE:

11260 Collins, Jeffrey, Boston, MA (Effective November 10, 2021)

Military Active to INACTIVE:

14546 Davis, Jeremy, Charlottesville, VA (Effective December 1, 2021)