

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS LUNCHEON MEETING
Mountain View Grand Resort, Whitefield, NH
June 17, 2022
11:30 AM
Minutes

Present for all or part of the meeting were:

Chrissy Hanisco
Christopher T. Regan
Donald Sienkiewicz
James Shepard
Jason Dennis
Jonathan M. Eck
Kathleen M. Mahan
Kristen G. Fields
Leslie C. Nixon
Leslie Leonard
Lindsay B. Courtney
Paul B. Kleinman
Richard Guerriero
Sandra L. Cabrera
Scott J. Whitaker
Susan Aileen Lowry
Vanessa Wilson

Paul W. Chant
Kara M. Simard
Steven F. Hyde

Justice Gary Hicks, NHSC Liaison
Michael Iacopino, ABA Association Delegate
Susanne Gilliam, ABA YLD
Jennifer Parent, ABA State Delegate

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

Geoffrey Gallagher, Guest

A meeting notice reminder, a link to the agenda and related materials were emailed to all governors on June 13th. 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 11:39 a.m.

B. Welcome New Board Members Richard Guerriero

President Guerriero welcomed incoming board members Steven Hyde, Strafford County Governor, Kara Simard, Hillsborough South Governor, and Paul Chant, Vice President. Richard thanked everyone for this past year. He noted that this has been a difficult year- vetting 19 judges in 14 months and revising the policy while doing so. Richard shared that he felt very supported.

REGULAR BUSINESS – CONSENT ITEMS

C. Membership Status Changes for May 2022 Paula Lewis

D. Minutes of May 19 and 26, 2022 Meetings Susan Aileen Lowry

ACTION

On Motion to approve the consent agenda. Passed.

PRESENTATION / DISCUSSION / ACTION ITEMS

E. NHBA Ethics Committee – NH Supreme Court Rule 35 Recommendations

Geoffrey Gallagher

Ethics Committee member Geoffrey Gallagher outlined the background and reasoning behind this request. The NHBA Ethics Committee was asked to revise Supreme Court Rule 35, as it contained a pre-2007 version of the Professional Conduct Rule 5.3 and related comments, so it was felt it needed to be revised. The committee put together a recommendation. Rule 35 arose in the 1980's, during a different time, when the unauthorized practice of law was a problem. Now the Rules of Professional Conduct, are in place, which didn't exist in the same form then. Rule 35 is duplicative, so the committee is recommending the rule be repealed. The board discussed the recommendation. The Ethics Committee is considering authoring an Ethics Corner on this matter. Geoff summarized the subrules from the handout distributed to the board. Executive Director George Moore suggested the Ethics Committee review the legislation passed this year regarding the pilot program authorizing paraprofessionals representing clients in court when drafting their ethics corner.

ACTION

On Motion to approve this recommendation by the NHBA Ethics Committee to the Supreme Court Rules Committee to repeal Rule 35. Passed.

F. NHBA Ethics Opinion – Crowdfunding Legal Fees Opinion

Geoffrey Gallagher

Ethics Committee member Geoff Gallagher gave the context of this opinion. It came about as a request from an attorney. It is one of the more practice-focused opinions. The board discussed this opinion and their experience with crowd funded matters. President Richard Guerriero suggested that the Ethics Committee also examine other ethical concerns that might happen as a result of the mention of an attorney on a crowd funding page. Geoff will bring this suggestion to the Ethics Committee.

Executive Director George Moore shared a description of the function of the ethics committee with the board.

ACTION

On Motion to approve this opinion. Passed with one abstention, Jason Dennis.

G. Treasurer's Report

Chris Regan/ Paula Lewis

Associate Executive Director of Operations, Paula Lewis, spoke about the annual license renewal season, which opened June 1st. Member Dues account for about 50% of the bar's revenue. The rest comes from other sources, including CLEs. All 8549 members were invoiced – all members active and inactive. Currently we have about 5,500 active members. As of this week, we are a little ahead of last year with dues collected– about 38% percent. There was discussion about members compliance with the online process.

President Richard Guerriero asked about the dues check off box included with our dues invoice. This year it included an option to volunteer for various civil legal aid programs; 603 Legal Aid Pro Bono program, the NHBA Lawyer Referral Service, NHBA Modest Means, and Free Legal Answers. He is wondering how many members are volunteering through this option. Participation right now is in the mid-20% of members checking the box. There is also the traditional donation check box that directs donations to the 603 Legal Aid Pro Bono Program.

It is a hard time right now, as we have members stepping down from the Pro Bono panels as they are too busy in their practice. Richard is hoping some new panelists sign up.

Incoming Vice President Paul Chant shared that only 112 lawyers accepted cases last year, which he feels is a sad number. We all need to keep pushing this concept, and the Supreme Court Rule that promotes the program.

There was a discussion about how new admittees are billed. The dues are prorated depending on when they are sworn in. CLE Rule 53 states that you must complete the full CLE requirement if are sworn in before December 1st.

Secretary Susan Aileen Lowry joined the meeting.

H. Judicial Screening Procedure Follow-Up

Richard Guerriero
Jonathan Eck

President Richard Guerriero spoke about this follow up to the approval of the final procedure that was voted on by the board via email on 5/27. There were some minor clean up things and stylistic changes needed. Vice President Jonathan Eck made these revisions, and this document was posted with the board materials.

Jonathan walked the board through the revised document. Most of the changes made were stylistic and not substantive in nature. There was discussion regarding Section 11 concerning the quorum requirement and what to do if we do not have a quorum at the judicial vetting meeting.

ACTION

On Motion – To adopt the policy as presented and leave footnote 2 from section 11 as presented (*Said vote shall be by a quorum of the Board. Pursuant to Article III, Section 3 of the Bylaws, if a quorum is not present at the interview of the nominee, sufficient Board members to constitute a quorum may ratify the vote, in writing, by fax, email, or any technologies that can accomplish the same result*) in Jonathan Eck's revision for now. Passed. 13-1 with one abstention, Sandra Cabrera.

Motion - To amend section 11 by adding this language *-If the board is not able to have a vote in accordance with the NHBA Constitution and Bylaws, the Board may issue a recommendation saying that the majority of Board members attending voted to support- (see footnote 2 below)*. Passed 15-0 with one abstention, Sandra Cabrera.

President Guerriero shared the news that there are three new Circuit Court nominees going before the Executive Council on June 29th. President-Elect Sandra Cabrera is one of the nominees. Richard explained the process, outlined in Article IV, section 4 of the NHBA Bylaws when Sandra is named to

the court. She will resign when confirmed by the Executive Council. The President-Elect and Vice President advance to the seat above theirs and a special election will be held to fill the Vice President's seat.

Richard asked board members to consider whether or not the board can issue a recommendation on Sandra's appointment to the bench in view of her bar position. The consensus was that the same process should be followed for Sandra as with all other nominees.

I. Ethics CLE Technology Issues

Paula Lewis/ Mary Jenkins

Director of Professional Development, Mary Jenkins gave the board a summary of the events on the day of the Ethics CLE. There was a technical issue with the May 26 16th Annual Ethics CLE live webcast, resulting in no audio for the first 50 minutes of the 120-minute program. We had conducted a tech check on the afternoon of May 25, including the live webcast. There were no issues. The program started at 8:30 AM on May 26 with no audio. At 9:15 AM, an InReach production specialist did a video call with our CLE coordinator and spotted a switch on the soundboard that was set to mute. Once that switch was changed, audio was restored. We do not know how or when the switch was set to mute. A number of people have access to the Seminar Room and its production booth. It could have been our staff pressing it accidentally.

She then outlined the steps taken to address member concerns. On May 26th, we contacted live webcast registrants a couple of times to update them. At around 4:30 PM, we told them we were able to arrange a rerecording, but that it might not be completed by May 31, the MCLE reporting deadline. We would make the recorded 70 minutes available ASAP, and that we would notify them when the remaining 50 minutes were available. 70 minutes would be reported before May 31. Further, we offered the following three programs at no cost for about a week to all registrants for the 16th Annual Ethics CLE, asking them not to take more than one of the free offers. Approximately 195 people took advantage of the proffered free program.

- 15th Annual Ethics CLE (original program date 5/28/2021) – 120 min. ethics/professionalism
- Be The Change: 4 Pillars to Creating a Mentally Healthy Workplace Culture (original program date 5/20/2022) – 90 min. ethics/professionalism
- Lawyers as Whistleblowers (from the 2020 Midyear Meeting) – 150 min. incl. 120 ethics/professionalism

On May 27, we made the 70-minute portion available on-demand so that live webcast registrants could get that portion done if they hadn't watched it live.

On May 31, Stephanie Burnham and Chris Hawkins re-recorded their segments of the course via GoToMeeting.

On June 6th, the completed, merged recording was added to the CLE catalog, replacing the previous 70-minute-only segment, and all live webcast registrants were notified of its on-demand availability. We told them that we previously reported 70 NHMCLE ethics/prof. minutes and we would report the remaining 50 NHMCLE minutes this week. At the end all registrants had options to complete their MCLE requirements and timely file their affidavits.

Mary Jenkins described the internal follow up that has been put in place. We now do a tech check the day of the program as well as in advance. There is a plan to replace the equipment in the seminar room. The troubleshooting documentation and notes have been reviewed and revised. Lastly, the Director of Professional Development is working with the Associate Executive Director of Business Operations to ensure adequate staffing is in place for these events.

Associate Executive Director of Operations Paula Lewis added additional information regarding our website and member portal. A single sign on is tricky with multiple platforms as we were using in this instance. The message “high traffic error” is one we chose to put out when we have heavy loads going from the front of the website to the member portal. We were able to resolve this issue with our vendor Intus on the day of the event. When we have an early start CLE program we will have the Business Ops staff at the office to deal with any problems, as well as the PD staff.

While we have improved our processes, there is more to do. We will work with Atom technologies (web site) and Intus (member portal) going forward to get these issues resolved and avoid a recurrence of the problem. As good as technology has become, it is also more complex, and some factors are outside of our control.

Executive Director George Moore added that the big picture take away is that we believe we have corrected some of these issues that led to these problems and continue to work to smooth out the online webcast experience for our members.

J. Executive Director’s Report

George Moore

1. NHBA Modest Means and Free Legal Answers – recruitment
Please volunteer. These programs need attorneys. Please promote these programs to your colleagues.
2. Update on Subpoena request for access to the NHBA Member Database

George updated the board. A settlement was negotiated in which we agreed that we will respond but only with the publicly available member information. The case should be closed out within the next 20 days.

3. Highly Successful Bench Bar Retreat

George gave kudos to Jennifer Parent and the planning committee. It was an engaging day and a good program. There were approximately 120 judges and attorneys in attendance. Some participants thought we should hold a Bench Bar event more often.

4. Need Grafton County Governor

George let the board know this seat is vacant due to a job change and subsequent resignation of Viktoriya Kovalenko. If you have ideas, let George know. Any potential appointee should send a letter of interest to the board.

5. New Co-Working space project

George shared information regarding plans to create a members-only co-working space at the Bar Center in the area formerly used by the Professional Development Department. This area would include acoustically private workspaces, a lounge, and shared open workspaces. This would be in addition to the conference and meeting space that is currently available for member use. A study from the architect was distributed to the board. Meetings with clients will continue to be held in the meeting and conference rooms. NHBA Member Services Coordinator, Misty Griffith surveyed fifty bar members, mostly small firm and solo practitioners from across the state. Feedback was that they would love to have a place such as this at the Bar Center. George added he is unsure of the timeline, but think we can finalize the design this summer. He welcomes comments from the board on this project. Jennifer Parent added that this is the trend across the country with many bar associations.

6. Staff Changes

George announced that Professional Development Director Mary Jenkins is leaving the NHBA to take a position at Devine Millimet. She will be missed.

K. President Report

Richard Guerriero

1. Recognition of Outgoing Board Members

Richard presented plaques to outgoing members Donald Sienkiewicz and Leslie Nixon and thanked them for their service.

L. President-Elect Report

Sandra Cabrera

1. 2022-23 Board Meeting Schedule

The schedule of board meetings for the upcoming year was distributed with the board materials. Sandra thanked everyone for a great President-Elect year. She thanked Richard, George, and the staff.

M. Adjournment

The meeting was adjourned at 2:05 p.m.

Respectfully Submitted,

Deborah J. Hawkins

Deborah J. Hawkins, for Susan Aileen Lowry, Secretary

Membership Status Changes

Presented to the Board of Governors June 17, 2022

Active to INACTIVE:

273724 Stockwell, Craig, Orford, NH (Effective May 16, 2022)

267679 Conti, Joseph, Bow, NH (Effective May 10, 2022)

271755 Swiecicki, Joshua, Wilmington, MA (Effective May 13, 2022)
 10996 Harris, William, Haverhill, MA (Effective May 13, 2022)
 20533 Reynolds, Kathryn, Concord, NH (Effective May 23, 2022)
 270695 Myers, Lauren, Forked River, NJ (Effective March 29, 2022)
 8761 Boucher, Timothy, Deerfield, NH (Effective May 25, 2022)
 270646 Saunders, Morgan, Silver Spring, MO (Effective May 30, 2022)
 268815 Holman, Jr., Peter, Hanover, NH (Effective May 31, 2022)
 265512 DiPietro, Michael, Melrose, MA (Effective May 31, 2022)
 268355 Ming, Benjamin, Hollis, NH (Effective May 31, 2022)
 269912 McClenahan, Hayley, Colchester, VT (Effective May 31, 2022)
 12546 Sinclair, Janice, Bluffton, SC (Effective June 1, 2022)
 20274 Lindauer, Kenneth, Salem, MA (Effective June 1, 2022)
 272496 Tirrell, Richard, Framingham, MA (Effective May 31, 2022)
 4837 McHugh, Jr., John, Englewood, FL (Effective May 11, 2022)
 2671 Waugh, Jr. H. Bernard, Hanover, NH (Effective May 31, 2022)
 1852 Murray, III, Roger, Wolfeboro, NH (Effective June 1, 2022)
 1271 Johnson, Michael, Concord, NH (Effective June 1, 2022)
 20912 Peterson, Richard, Grand Rapids, MN (Effective May 31, 2022)

Active to INACTIVE RETIRED:

227 Currier, John, Leesburg, VA (Effective May 16, 2022)
 1181 Holmes, Gregory, Goffstown, NH (Effective May 17, 2022)
 265434 Nelluely, Asish, East Rockaway, NH (Effective May 5, 2022)
 1699 McKenna, Timothy, North Haverhill, NH (Effective May 20, 2022)
 2750 Williams, III, Finis, Concord, NH (Effective June 1, 2022)
 7895 Glynn, John, West Lebanon, NH (Effective May 26, 2022)
 891 Scheer, Anne, Concord, NH (Effective June 1, 2022)
 963 Van Oot, Martha, Orleans, MA (Effective May 30, 2022)
 333 Brown, Michael, Warner, NH (Effective May 31, 2022)
 550 Betley, Frederick, Hampton, NH (Effective May 31, 2022)
 634 Dewhirst, Robert, Weare, NH (Effective May 31, 2022)
 339 Braiterman, David, Concord, NH (Effective May 31, 2022)
 2670 Watson, Thomas, Portsmouth, NH (Effective May 31, 2022)
 2352 Simon, Mitchell, Contoocook, NH (Effective May 31, 2022)
 1129 Helfer, L. Bradley, Wolfeboro, NH (Effective May 31, 2022)
 2656 Ward, Brien, Littleton, NH (Effective May 31, 2022)
 272942 Middleton, Alanna, West Chester, PA (Effective May 31, 2022)

Active to HONORARY ACTIVE:

397 Chapman, William, Concord, NH (Effective May 31, 2022)
 1388 Korbey, Hon. John, Salem, NH (Effective May 31, 2022)

467 Colliander, John, Portsmouth, NH (Effective May 31, 2022)
 706 Dunnington, Jr., Thomas, Dover, NH (Effective May 31, 2022)
 7885 Eisner, John, Meredith, NH (Effective May 31, 2022)
 787 Felmly, Bruce, Manchester, NH (Effective May 31, 2022)
 937 Glahn, III, Wilbur, Manchester, NH (Effective May 31, 2022)
 996 Green, Douglas, Keene, NH (Effective May 31, 2022)
 1747 Michael, Gregory, Manchester, NH (Effective May 31, 2022)
 1938 Osman, David, Laconia, NH (Effective May 31, 2022)
 2104 Rath, Thomas, Concord, NH (Effective May 31, 2022)
 2172 Robertson, Bernard, Newmarket, NH (Effective May 31, 2022)
 2209 Roy, R. John, Hooksett, NH (Effective May 31, 2022)
 16953 Taussig, Eric, Moultonboro, NH (Effective May 31, 2022)
 8234 Trimble, III, Henry, Indian River Shores, FL (Effective May 31, 2022)
 9095 Vitt, Geoffrey, Norwich, VT (Effective May 31, 2022)
 2794 Work, Michael, Newport, NH (Effective May 31, 2022)
 1038 Grossman, Jerome, Rochester, NH (Effective May 31, 2022)
 2848 Kaye, Jeffrey, West Tisbury, MA (Effective May 31, 2022)
 289 Ahlgren, John, Portsmouth, NH (Effective May 31, 2022)
 18075 Altieri, Jr., John, Fairfield, CT (Effective May 31, 2022)
 531 Bentley, Michael, Keene, NH (Effective May 31, 2022)
 129 Bronstein, Peter, Salem, NH (Effective May 31, 2022)
 25 Carleton, Jr., Joseph, Kittery, ME (Effective May 31, 2022)
 354 Chamberlain, Michael, Manchester, NH (Effective May 31, 2022)
 1874 Niederman, Jay, Laconia, NH (Effective May 31, 2022)

Pro Bono Active to INACTIVE RETIRED:

20450 McLaughlin, Robert, Lincoln, NH (Effective May 31, 2022)

Active to RESIGNED:

273024 Gromis, Marc, Elma, NY (Effective March 10, 2022)

Inactive to ACTIVE:

19075 Prokhorov, Irina, Boston, MA (Effective June 1, 2022)
 267618 Noonan, Bryan, Pembroke, MA (Effective June 3, 2022)
 16861 Armstrong, Keri, Woburn, MA (Effective June 3, 2022)
 11274 Decker, Phillip, Hollywood, FL (Effective June 3, 2022)
 266214 Madison, Jared, Woburn, MA (Effective June 3, 2022)
 13791 Smith, Scott, Brooksville, FL (Effective June 3, 2022)

Inactive to INACTIVE RETIRED:

12529 Rich, Jean, Bow, NH (Effective May 20, 2022)

1151 Hickok, Marshall, Meredith, NH (Effective May 23, 2022)
605 DeVito, Janet, Hopkinton, NH (Effective May 31, 2022)
18303 Dannis, James, Dalton, NH (Effective May 28, 2022)
1418 Lamb, Scott, Hampton, NH (Effective June 1, 2022)

Inactive to HONORARY INACTIVE:

19429 Spencer, Richard, Portland, ME (Effective May 31, 2022)
2624 Vercollone, Richard, Brewster, NY (Effective May 31, 2022)
1012 Gregg, Judd, Rye Beach, NH (Effective May 31, 2022)
9941 Anderson, James, East Lansing, MI (Effective May 31, 2022)
520 Belanger, Donald, Concord, NH (Effective May 31, 2022)
19915 Carlson, Susan, Tucson, AZ (Effective May 31, 2022)

Inactive to FULL-TIME JUDICIAL:

428 Cross, Philip, Concord, NH (Effective November 16, 2021)

Inactive Retired to HONORARY INACTIVE:

462 Cohen, Richard, Oak Bluffs, MA (Effective May 31, 2022)
593 Davis, Martha, Windsor, VT (Effective May 31, 2022)
857 Freund, Jr., George, Swanzey, NH (Effective May 31, 2022)
900 Garfunkel, Hon. David, Canterbury, NH ((Effective May 31, 2022)
908 Gaumont, Jr., R. Robert, Merrimack, NH (Effective May 31, 2022)
1794 Moquin, Richard, Bedford, NH (Effective May 31, 2022)
2223 Russman, Richard, Kingston, NH (Effective May 31, 2022)
9169 Saxon, Donald, Salt Lake City, UT (Effective May 31, 2022)
2265 Schapira, Jeffry, Contoocook, NH (Effective May 31, 2022)
2398 Solomon, Steven, New London, NH (Effective May 31, 2022)
2446 Stevens, Bryan, Boston, MA (Effective May 31, 2022)
2682 Weinstein, Barry, Manchester, NH (Effective May 31, 2022)
2777 Wolfe, Jr., Bernard, Monroe, NH (Effective May 31, 2022)
1036 Gross, Robert, Washington, DC (Effective May 31, 2022)
1117 Haughey, Thomas, Sarasota, FL (Effective May 31, 2022)
1128 Hekinian, Frank, Salem, NH (Effective May 31, 2022)
1134 Hemeon, Robert, Laconia, NH (Effective May 31, 2022)
8797 Herrod, David, Exeter, NH (Effective May 31, 2022)
1188 Hood, James, Manchester, NH (Effective May 31, 2022)
1278 Jones, Daniel, Exeter, NH (Effective May 31, 2022)
1354 Kent, David, Plymouth, NH (Effective May 31, 2022)
336 Berghaus, IV, V. Hummel, Deering, NH (Effective May 31, 2022)
15987 Blacklow, Richard, Edmonds, WA (Effective May 31, 2022)
73 Boyer, Richard, Tucson, AZ (Effective May 31, 2022)

127 Broderick, Jr., John, North Andover, MA (Effective May 31, 2022)
192 Burlingame, Roger, Gilmanton Iron Works, NH (Effective May 31, 2022)
7870 Burns, Donald, Bow, NH (Effective May 31, 2022)

Inactive to RESIGNED:

272821 De Grim, Frank, Westbrook, ME (Effective May 31, 2022)

Full-Time Judicial to PART-TIME JUDICIAL:

162 Cooper, Thomas, Concord, NH (Effective June 1, 2022)
40 Carbon, Susan, Manchester, NH (Effective June 1, 2021)

Suspended to ACTIVE:

17486 Willhite, Elizabeth, South Royalton, VT (Effective May 13, 2022)