

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, October 20, 2022
4:00 p.m.

**LIVE WITH REMOTE OPTION
MINUTES**

Present for all or part of the meeting were:

Barry C. Schuster
Cathy Shanelaris
Christopher T. Regan
Heather Cherniske
James Shepard
Jonathan M. Eck
Kathleen M. Mahan
Kyle D. Robidas
Leslie M. Leonard
Lindsay B. Courtney
Monique Schmidt
Paul B. Kleinman
Paul Chant
Richard Guerriero
Scott J. Whitaker
Steven F. Hyde

Susan Aileen Lowry
Vanessa Wilson

Michael J. Iacopino, ABA Assoc. Delegate
Susanne Gilliam, ABA YLD Assoc. Delegate

Justice Gary Hicks

George R. Moore
Megg Acquilano
Paula Lewis
Lynne Sabeau
Deborah Hawkins

A meeting notice reminder, a link to the agenda and related materials were emailed to all governors on October 17th. 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

Jonathan Eck

President Jonathan Eck called the meeting to order at 4:03 p.m.

REGULAR BUSINESS – CONSENT ITEMS

B. Membership Status Changes for September 2022

Paula Lewis

A board member had a question about the difference between the status of resigned and Inactive retired. Associate Executive Director for Operations Paula Lewis responded. If a member resigns, they are no longer a member of the bar association and must petition the court in order to return to an active status. If a member is retired, they are still a member of the bar association and get most of the benefits that an active member enjoys. It is easier to become an active member again, from a status of retired, where all you have to do is bring your dues and assessments current.

C. Minutes of September 30, 2022 Meeting

Susan Aileen Lowry

ACTION

On Motion to accept the consent agenda as presented. Passed.

The Member Status Report is attached as a permanent part of these minutes.

PRESENTATION / DISCUSSION / ACTION ITEMS

Executive Director George Moore gave an update regarding the live in person Committee on Cooperation with the Courts meeting that took place yesterday. He felt that it was much more effective in person than it would have been virtually. It was a very positive meeting that generated more discussion than has occurred at past meetings. However, some of the Circuit Court criticisms were taken well by Judge King, who said it's all about staffing and money.

D. Status of NHBA Special Election

George Moore

George shared that the election has been advertised and held as called for in the by-laws. Current Governor at Large Kate Mahan is the only person that submitted a petition so is running unopposed. He stated that unless someone wages a massive write in campaign, she'll be elected. The election closes at 5:00 p.m. on the 26th of October. George also added that this is the first use of our new online election platform that provides better service for the same cost as the prior platform.

E. Report of the NHBA Waiver Committee

Paula Lewis

Associate Executive Director for Operations Paula Lewis reported there was a decrease in waiver requests this year, 26 compared to 39 last year. However, the subcommittee was still very busy – most requests happen just before delinquency fees are assessed or when the member gets the notice their name is being sent to the Court for non-compliance.

F. Treasurer's Report

Chris Regan /Paula Lewis

Associate Executive Director for Operations, Paula Lewis, reviewed the association's current financial position. The association currently has a favorable cash balance, as membership dues have just been collected. One million dollars is currently held in agency for the Professional Conduct Committee, Attorney Discipline Office, Public Protection Fund, NH Lawyer Assistance Program and NHCLE, as annual NH Supreme Court fees are collected on behalf of these organizations and subsequently paid via agreed-upon schedules. Some of these funds have already been paid. NHBA maintains 1.3 million dollars in a restricted account for condominium, operating and board reserves. Some cash has been earmarked for the lower level and member area capital projects.

Paula also commented on member dues. NHBA billed more than budgeted on June 1, 2022. Subsequent to the June 1 billing, there were hundreds of status changes, which has a direct effect on member's dues amount paid to the NHBA, and fees paid to the NH judicial organizations. She pointed out what is billed is not what NHBA ultimately receives. Member dues represents about 50% of revenue for the year. Outstanding membership dues at the time of the meeting was \$14,000. November 1st and 29th are the scheduled dates for the license renewal court hearings for those that have not paid their dues and/or court fees or have not filed their trust account compliance form and/or their NHCLE affidavit.

Paula was asked to explain the difference between restricted and unrestricted reserves. We hold an operating reserve of 3 months operating cash as well as a condominium reserve which are the restricted reserves. We have been in this building since 2006 and have some updates and repairs to our space that will be needed as we approach twenty years of occupancy at 2 Pillsbury Street.

The unrestricted funds are used for operations and capital expenditures of the bar association. NHBA receives 50% of its revenue in the first three months of the year from member dues which are billed on June 1 annually. Member dues revenue is managed via the approved operating and capital budgets so that the revenues received are used to meet expenditures throughout the entire fiscal year.

There are a few other items to note. The NHBA Lawyer Referral Service revenue is up due to increased referrals. CLE is slightly ahead of budget. Salaries and wages are about \$22,000 lower than budget due to attrition. There are no other significant variances to report. President Eck asked Paula about posting the Treasurer's Report to the board page. The report will be posted with the other meeting materials on the board page.

Paula also reported the auditors have been here this week doing work to complete our routine annual audit. We expect a clean report.

Executive Director Moore added NHBA and affiliates will be issuing a request for proposal this year under our bylaws for external auditors. We have been happy with the current firm but must do our due diligence regarding price point and service. Receipt of the bids and decision regarding the identity of the external auditor for up to the next six years will occurring the Spring of 2023.

G. ABA Report

Michael Iacopino

ABA Association Delegate Michael Iacopino reported on the recent ABA annual meeting which was held this past August. There were two competing resolutions concerning a proposal to revamp the model rules for lawyer referral services. This discussion began at the ABA midyear meeting in March. Plaintiff lawyers were concerned about the advantage it would give the large for-profit referral firms. A new resolution was presented at the annual meeting. A competing proposal was also presented to prevent non-lawyers from sharing fees. The two groups got together and created ABA model rule of professional conduct 5.4. Non-lawyers can't own firms or share fees. There are a number of model projects currently running in several states.

Mike also spoke about ABA House Resolution 604, adopting the ABA Nine Principles for Reducing Mass Incarceration, which was unanimously adopted on a voice vote. He had the privilege of speaking in support. It involves using diversion and other programs intended to reduce mass incarceration instead of pretrial detention.

There is a copy of Mike's report, as well as the ABA report on the Annual meeting and included with the meeting materials provided to the board.

H. Resolution Authorizing the Signing of Checks

Paula Lewis

Paula explained that this is an update to the resolution that had previously been approved by a prior Board of Governors. The update is needed because we have had changes in the titles and staff that sign

checks. It states that there are three individuals that can sign checks on behalf of the association. Two signatures are required for any checks over \$5000. Three signers are required to ensure there are always two available to sign checks; sometimes staff are out sick or on vacation. Positions instead of names are put in the policy so it doesn't need to be updated when personnel changes. There were some minor grammatical changes proposed, which Paula will incorporate into the resolution.

ACTION

On Motion to adopt the resolution authorizing the signing of checks, as proposed. Passed unanimously.

- I. Reappointment of Russell Hilliard to the New England Bar Association (NEBA) George Moore
Board of Directors for 3-year term

NEBA is a small organization that has three meetings a year, one of which is the annual meeting. Hosting duties rotate among the New England states. Russ would like to be appointed for one more term. All members on the NEBA board are past presidents of the respective state bar associations.

ACTION

On motion to reappoint Russell Hilliard to the NEBA board. Passed unanimously.

- J. Daniel's Law letter – review and approval Jonathan Eck

At the September 30th meeting of the Board of Governors, the board decided to ask the bar's Legislation Committee to review the pending federal legislation for Chapman issues and unrelated "riders" prior to the board approving a letter be sent to Representative Chris Pappas urging him to sign on as a sponsor of this legislation. Michael Iacopino, who chairs the Legislation Committee spoke about the short virtual committee meeting held recently for this purpose. Members of the committee expressed very little concern about a Chapman problem with the legislation. The committee felt support of this legislation is within the bar association's purview and in support of the administration of justice. The Legislation Committee recommended a position of Support to the board.

ACTION

On Motion to approve the letter to be sent to Rep. Chris Pappas in support of Daniel's Law as presented. Passed, with one abstention, Heather Cherniske.

- K. Proposed Bylaw Changes for MYM Business Meeting George Moore

Executive Director Moore spoke about this. These changes will be on the agenda of the MYM business meeting for member approval. The board must approve the changes before they can be brought to the membership for a vote. There are two changes needed. One addresses the change made by the NH Supreme Court Order concerning the NHBA limited active member status. The change will allow lawyers to take this status so they can do indigent criminal defense. It eliminates the TAC filing and MCLE requirements. The other change is regarding special board elections in the case of a vacancy in the top three officer positions. The timeline of 45 days for petition submission and another 45 days to hold an election is too long, so will be shortening both deadlines to 30 days. The exact wording of these revisions will be brought to the board for review and action at the November meeting. The board must approve the changes in time for the business meeting vote to be noticed in the January issue of the Bar News.

L. NHBA 150th Anniversary Celebration

George Moore

This is being brought to the board as a discussion item. 2023 is the 150th anniversary of the NHBA. This occasion can be treated in different ways. Director of Marketing, Communication and Member Services Lynne Sabean has done some research about how other bars have celebrated this milestone. We have located an article in our files by Richard Upton on the history of the first 100 years. We also found that the bar sold cocktail glasses at the celebration of the 100th anniversary.

Many bars tie anniversary celebrations to some important historical societal milestones, and some to a service requirement, and some to fundraising.

Lynne spoke about some of the information she has found. She was very impressed by the Cincinnati Bar's celebration. They broke up the year's activities into 4 quadrants – Gala Events, CLE series, discussion of historical content and context, and lastly service projects. Lynne also spoke about a special exhibit going back in time that was displayed at the NH State library during our 100th anniversary in 1973. Other ideas were updating the Upton article for publication, creating a fundraiser and podcast/social media. Possible service projects could be 150 minutes of giving back, and maybe a speaker's bureau of people that would go into adult organizations such as the Chamber of Commerce to educate them about the Rule of Law. We are interested in knowing how the board thinks we should celebrate.

Steven Hyde and Scott Whitaker exited the meeting at this point.

The board discussed various ideas for a celebration. One thought was to approach it from an access to justice angle. Many liked the service focus. Another suggestion was to talk about the gender change in the last 50 years – which has been large, but the bar should focus on celebrating all our members. George commented on some of these ideas.

George also commented on the next steps. If there is an interested group of board members, they could work with the staff to draft a plan that could be presented to the full board. He stated that it is the board's job to set policy and the staff's job to implement it.

Heather Cherniske, Lyndsay Courtney, Kyle Robidas, and Susanne Gilliam volunteered to work on this project with Lynne and Megg Acquilano, Director of Professional Development.

M. President's Report

Jonathan Eck

Jonathan shared that Executive Director George Moore and Director of Professional Development Megg Acquilano have done an enormous amount of work on developing the program for the upcoming Midyear Meeting.

Jonathan will send an email to the board on the topics that the group is working on in order to solicit speaker ideas.

N. Executive Director's Report

George Moore

1. MYM 2023 update

George noted we are working on the CLE program topics right now. We also give out the following awards during the honors and awards luncheon: the Vickie M. Bunnell Award for Community Service, the Distinguished Service to the Public, Outstanding Service in Public Sector/Public Interest law, and the Phillip S. Hollman Award for Gender Equality. Please submit nominations.

2. Bench Bar Meeting – agenda subjects

The next meeting between the officers' group and the NH Supreme court is scheduled for December 6th. Please let George or Jonathan know if you have ideas about topics.

O. 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

- Grafton County Governor Barry Schuster will be attending the Grafton County Bar meeting on Tuesday, and President Jonathan Eck will be there as well.
- President Eck reminds county board members they should attend the local and county bar meetings to represent the NHBA; this is part of their duty as members of the Board of Governors and a good opportunity to speak with the members they represent.
- Merrimack County Governor Heather Cherniske shared that Lisa Wolford, chair of the Bar Foundation's IOLTA Enhancement Committee asked her if she can speak to the NHBA Board of Governors about the Foundation's recent IOLTA efforts. We will put this on the agenda for the November board meeting.
- Paul Chant spoke about a succession planning information request and reminded the board about the Succession Planning Guide that George wrote. This is a resource that many people don't know exists – we should tell local and county bars and talk it up. It is available in digital form on the NHBA website.

INFORMATIONAL ITEMS REQUIRING NO ACTION

P. NHMCLE September 21, 2022 Minutes

Q. Adjournment- at 5:38 pm

Respectfully Submitted,



Deborah J. Hawkins for Susan Aileen Lowry, Secretary

Membership Status Changes

Presented to the Board of Governors October 20, 2022

Active to INACTIVE:

- 11256 Church, Susan, Cambridge, MA (Effective September 12, 2022)
- 266257 Roberts, Emily, Chattanooga, TN (Effective August 5, 2022)
- 272620 Hrbek, Shawn, Bedford, NH (Effective September 1, 2022)
- 17632 MacKinnon, Amanda, Winchester, MA (Effective September 9, 2022)
- 272816 Celli, Melissa, Roslindale, MA (Effective September 7, 2022)
- 264691 Tingle, Brent, Westford, MA (Effective September 12, 2022)
- 274045 Bluni, Scott, Marblehead, MA (Effective September 19, 2022)
- 16014 Ringel, Maurice, Needham, MA (Effective September 19, 2022)
- 274696 Carr, Brian, Norton, MA (Effective September 20, 2022)
- 276184 Lieberman, David, Grantham, NH (Effective October 5, 2022)
- 265424 Sheldon, Gary, Durham, CT (Effective October 5, 2022)

Active to INACTIVE RETIRED:

- 4832 Lein, Marlene, Hooksett, NH (Effective September 2, 2022)
- 1540 Wells, Timothy, Westminster, VT (Effective September 1, 2022)
- 2183 Rodgers, Ronald, Durham, NH (Effective September 30, 2022)
- 1095 Harkinson, Daniel, Brewster, MA (Effective October 4, 2022)
- 276209 Topel, Avery, Scarborough, ME (Effective September 20, 2022)

Active to DECEASED:

- 17284 Daly, Adam, Portsmouth, NH (Effective September 5, 2022)
- 1282 Jones, Franklin, Rochester, NH (Effective October 8, 2022)

Active to FULL-TIME JUDICIAL:

- 265341 Guptill, Ryan, Contoocook, NH (Effective October 11, 2022)

Active to RESIGNED:

- 4092 Marshall, Keri, Kittery Point, ME (Effective March 21, 2022)
- 272820 Whitenett, Renee, Rutland, MA (Effective September 1, 2022)
- 6561 Sutton, Blake, Bristol, RI (Effective September 10, 2022)

272408 Fischette, Charles, Windham, NH (Effective October 1, 2022)
268941 Castello, Derek, Attleboro Falls, MA (Effective October 3, 2022)

Inactive to ACTIVE:

265392 Bateman, Margaret, Exeter, NH (Effective September 12, 2022)
2603 Utter, Philip, Exeter, NH (Effective September 27, 2022)
269560 Matuszko, Briana, Leverett, MA (Effective September 28, 2022)
266245 Cheng, Hillary, Mission Viego, CA (Effective September 30, 2022)
2115 Reardon, Neil, Hampstead, NH (Effective October 7, 2022)
273693 Koelling, Sarah, Raleigh, NC (Effective October 7, 2022)

Inactive to RESIGNED:

272486 Duffy, James, Hanson, MA (Effective September 12, 2022)
267866 Boucher, Monique, Westford, MA (Effective September 20, 2022)

Inactive Retired to ACTIVE:

272296 Regan, Allison, Concord, NH (Effective September 12, 2022)
11806 Arruda, Michelle, Contoocook, NH (Effective October 7, 2022)

Inactive Retired to RESIGNED:

5621 Vile, Sherry, Rochester, NY (Effective September 1, 2022)

Honorary Active to HONORARY INACTIVE:

2062 Prigge, William, Fitzwilliam, NH (Effective September 1, 2022)