

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, December 15, 2022
4:00 p.m.

**LIVE WITH REMOTE OPTION
MINUTES**

Present for all or part of the meeting were:

Barry C. Schuster
Cathy E. Shanelaris
Chrissy M. Hanisco
Christopher T. Regan
James Shepard
Jason B. Dennis
Jonathan M. Eck
Kyle D. Robidas
Leslie M. Leonard
Lindsay B. Courtney
Monique M. Schmidt
Paul B. Kleinman
Paul W. Chant
Richard Guerriero
Robert Lucic

Scott J. Whitaker
Susan Aileen Lowry
Vanessa Wilson

Michael J. Iacopino, ABA Assoc. Delegate

Justice Gary Hicks

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

A meeting notice reminder, a link to the agenda and related materials were emailed to all governors on December 9th. 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 November 2022 Paula Lewis

C. Minutes of November 17, 2022, Meeting Susan Aileen
Lowry

ACTION

On Motion to accept the consent items as presented. Passed with one abstention, Robert Lucic.

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

PRESENTATION / DISCUSSION / ACTION ITEMS

- D. Welcome to new Governor at Large Bob Lucic George Moore

Executive Director George Moore introduced Bob Lucic, senior partner at Sheehan Phinney. When Kate Mahan vacated her Governor at Large seat to run for Vice President, Bob volunteered for the seat, and was appointed by the board at their November meeting. This appointment is through the April 2023 board election. Bob may run for the remaining two years of this term at that time.

President Jonathan Eck commented on the diversity of the current board and that we are fortunate to have him and all board members who are willing to serve.

- E. Member Area Update and Vote George Moore/ Paula Lewis

Executive Director George Moore spoke about the proposal for the member only area. The vacant space left when Pro Bono merged with 603 Legal Aid will be remodeled into a member only area that is available for use by all members of the association. The plan is for part of it to be a social area and part a work area. He described the layout of the area, access to which will be controlled by a fob. There will be open workstation areas as well as private, sound-proofed areas suitable for making phone calls or conducting other confidential business. This area will only be accessed by lawyers; no clients or members of the public will be allowed in the space. Contained in this plan is also an area with a large open table for members that can be used for eating lunch or other non-confidential activities. An area with a coffee machine, tea and soft drinks and snacks available free to members will be nearby. There will be a casual area that is like a living room, with hard copy newspapers and comfortable furniture. George shared that we surveyed some members prior to the undertaking of this project, and there was a high degree of positive interest in the bar creating a member only space. It will be large and airy with lots of windows.

George let the board know that we completed some cost engineering and were able to reduce the cost by 25%. He is convinced the proposal contains all of the essential things for the area.

We will continue to make the conference and meeting rooms off the lobby available to attorneys who seek to meet with clients or hold mediations/depositions and will require reservations, as is the current practice. We are not planning on asking for advance reservations for the use of the member space, but if demand becomes overwhelming, we may require reservations.

George also shared that in the future, a copier/scanner and/or fast charging ports may be added. The technology provided may change to fit member's needs. Conference room usage varies currently, sometimes they are full, and sometimes not. Use has continued to rise since the end of the pandemic.

Board members asked what the ongoing maintenance cost will be for this area. George responded that we haven't really costed that, but don't expect it will be a major additional expense. We own the space, and the current cleaning contract covers this space. The snacks and coffee would be an additional cost.

George went on to discuss options for financing the renovation. We are working with two contractors, and there might still be a slight fluctuation in cost as we are waiting on a few additional costs.

There are a few other things in the budget that need to be finalized, but we expect they will be within the cost range in the memo provided as part of the board materials. We have to look at how we might finance this project. The association is in a strong position to undertake this project, based on our current cash position, as well as our current cash reserves. George outlined the reserves, also discussed in his summary memo supplied to the board in the meeting materials.

George is recommending that the association zero out the board reserve, as it is redundant to the operating reserve, and take the rest from the cash on hand as we anticipate a surplus at the end of the fiscal year. The other option would be to take the balance from the operating reserve instead of the cash on hand surplus. George also shared that we have spoken with the Bank of NH, and they are willing to lend us the money, but that would be at about 7% interest. He feels there is no reason to take that option in light of our strong financial position.

George was asked whether there is a preference for one contractor over the other. He responded that there is a slight preference for one of the contractors, based on reaction time and thoroughness of response to our questions.

George views this as a free service for our members. Other bars charge members, but this is not the NH model in his view.

ACTION

On Motion to authorize Executive Director George Moore and his staff to execute necessary contracts to commence this project and that it be funded as stated by George, which includes the elimination of the board reserve account and cash on hand funds as suggested, not to exceed \$160,000 for the construction and \$60,000 for the equipment. Passed unanimously.

F. Treasurer's Report Chris Regan /Paula Lewis

Chris shared that this report is a continuation of the report shared last month. Revenues are up, expenses are down leading to the associations favorable financial position. He noted that there are also moneys that we collect for other entities that are due to those parties included in the balance sheet as restricted cash. He referred to Paula's narrative report which is not overly technical and is an easy read, and suggested board members review it.

G. Appointment of Anthony Naro for the Hillsborough South board seat to replace Kara Simard Jonathan Eck

H. Appointee for Strafford County board seat to replace Steven Hyde Jonathan Eck

These two appointments will be discussed together. President Jonathan Eck stated the board has had some departures due to job changes of several County Governors. There are some exciting new people who are eager to serve on the board.

Joshua Wyatt is being put forward to fill the Strafford County seat. He is the Dover City attorney and known well by both Executive Director George Moore and President Jonathan Eck.

These appointments are to fill the balance of the first year of a two-year term. The appointee will need to run for the remainder of the term at the next election in April of 2023 if they wish to continue to serve on the board.

Tony Naro is being put forward for the Hillsborough South seat. Immediate Past President Richard Guerriero knows him well. Jonathan shared that he has spoken with Tony, and he is enthusiastic about joining the board.

Executive Director George Moore stated that Josh is an A+ lawyer, a former Daniel Webster Scholar who is very thoughtful and deliberate. Josh formerly worked at Devine Millimet with both Jonathan and George. They feel he will be a great addition to the board. Justice Hicks shared that Josh clerked for him and was one of the best clerks he ever had. Bob Lucic echoed George's points. He is absolutely fantastic and will be a great asset.

Immediate Past President Richard Guerriero spoke about Tony Naro. He is a lawyer who served as a public defender and is now with a firm that does domestic relations and criminal cases. Tony has been a leader in his firm in support of the drug court. He finds ways to give back, and will be a great addition to the board. Cheshire County Governor Monique Schmidt echoed Richard's comments. She is very excited he is willing to join the board.

ACTION

On Motion to approve to approve the appointment of Tony Naro to the Hillsborough County seat until the next board election, held in April 2023. Passed.

ACTION

On Motion to approve the appointment of Joshua Wyatt to the Stafford County seat until the next board election, held in April of 2023. Passed.

I. 150th Anniversary Update

Lynne Sabean

Marcomm Director Lynne Sabean updated the board on the plan. She noted that the actual anniversary is July 2, 1873. The bar will be in our anniversary year in less than 3 weeks. She referenced documents provided in the materials; the four quadrants diagram, editorial calendar, 150th anniversary logo, and overview of the speakers' bureau service project. She shared that the bar is working in tandem with the judicial branch speakers' bureau. Lynne welcomes feedback from the board. We also have some additional articles planned that aren't tied to a particular month. Lynne invites the board to reach out to her if they would like to write for the Bar News.

J. President's Report

Jonathan Eck

1. Potential establishment of a NHBA Award for Civics Engagement

George spoke about the potential establishment of an award to be given by the NHBA for civics engagement. Lynne discovered information in her research for the 150th celebration that led her to suggest this. She suggested the establishment of this award, as we don't currently give out any awards for civics engagement, but we have many lawyers that participate, both as part of our LRE program, and outside of the NHBA civics activities.

We are thinking it is time to create this award and are looking for the board's thoughts on this idea. Feel free to give Lynne a call and express your opinion as well. One board

member suggested that any such award be available for both members and nonmembers. There was support for that idea.

Once the board weighs in on this idea, George will work with Lynne on the details to define and clarify the scope.

Treasurer Chris Regan supports this idea. He feels attorneys should give back to the community and have a duty to do this. As previously mentioned, Out of State Governor Jason Dennis thinks that this is an opportunity to give an award to a non-lawyer and believes this is what the idea should be focused on. Members agreed that the award needs more definition. Others thought the criteria for nomination could be broad, for a lawyer, non-lawyer, or educator. Governor at Large Chrissy Hanisco suggested adding a monetary stipend as well.

George stated the next steps will be to put more thought into the idea, more fully define it, and bring it back as a more concrete proposal for the board's consideration. He will aim to draft something for the January meeting.

2. President Jonathan Eck commented about the Practical Skills reception held this week. He was blown away by the participation of the judiciary. He noted that there were 10-13 Superior Court judges, as well as many Supreme Court justices in attendance. There was good representation from the Circuit Court as well. Jonathan expressed his thanks to the bench for their support.

Jonathan reminded the board that the agenda is theirs and to please contact George, Jonathan or Debbie with any suggested topics.

K. Executive Director's Report

George Moore

1. MYM 2023 update

George stated the planning and promotion for MYM is in full swing. There will be a full-page ad in December Bar news. George spoke about the planned programs. The focus will be on the Rule of Law in the morning. In the early afternoon an hour-long presentation on CaseLines by Superior Court staff is planned. This will not be a training, but essentially an infomercial on the benefits of the system and how it can be helpful to attorneys. Also in the afternoon will be two presentations, one on the most recent term of SCOTUS, and the other on First Amendment principles and speaking to the press. This will be followed by a panel discussion of the ethical issues concerning public statements and the press. This is a good way to get a lot of CLE credit for \$125.

George added that those that sign up early will receive a free copy of *The Words That Made Us: America's Constitutional Conversation, 1760-1840* by Professor Akhil Reed Amar, our morning speaker. He will be available to sign it after the luncheon.

2. Report from Bench/Bar meeting 12/6 at NH Supreme Court

The board officers and the Court met on December 6th. All felt it was a very collegial and productive meeting. A main topic of discussion was the proposed changes to the rules regarding Pro Bono service by attorneys, such as getting CLE credit for taking

cases, as well as eliminating MCLE reporting if an attorney takes the special limited status for the sole purpose of taking Pro Bono cases. There will likely be a rule change setting up voluntary reporting as part of attorney renewal. The Court would like to better track participation. The planning for National Judicial Outreach Week was also discussed by the Court and the officers. Some board members may be asked to team up with judges to do outreach during this event.

Justice Hicks commented that the relationship between the bar and the Court is the best it has ever been. Justice Hicks is currently working with the governor concerning the involvement and timing of the NHBA peer review for nominated judges.

L. 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

- Governor At Large Cathy Shanelaris shared that the Nashua Christmas party was a great event.
- ABA Association Delegate Mike Iacopino asked about NHBA involvement in the Diversity, Equity and Inclusion (DEI) event recently held in Manchester. This is an initiative that the Court has put a lot of resources into. The court intends to include the bar in this initiative. There wasn't a lot of advance notice about this event. Mike thinks the bar should be front and center and a lot of members weren't there. Justice Hicks agrees that the bar should be a primary advocate along with the Court. A discussion followed about the Court partnering and including the bar. President Jonathan Eck did participate via video live stream. He stated the bar would like to participate in any way they can. Executive Director George Moore stated that he received the same email about one week in advance, and he forwarded in on to Talesha Saint-Marc, chair of the bar's DEI committee. That committee has gotten together with the bar's Gender Equality Committee and begun work on a joint organizational effort in conjunction with the New Hampshire Women's Bar Association. The NHBA is looking to work with the Court or on its own to make the bar in NH more diverse. The NHBF has been asked to become a part of a 603 Legal Aid effort to hire a full-time person to do outreach to diverse communities. 603 Legal Aid has also received a grant from the NH Charitable Foundation to help fund this position. They are looking to fund the position for the next two years. The board agreed that the bar should be front and center and Justice Hicks is supportive of that. There will also be an article on the DEI event in the December Bar News.
- President Jonathan Eck also highlighted the February 16th board meeting to be sure members have it on their calendar. It is a dinner meeting at Fratellos Italian Grill in Manchester. This will be an important meeting where it is likely recommendations of the bar's Legislation Committee will be considered by the board.

M. Adjournment

The meeting was adjourned at 5:29.

Respectfully Submitted,

Deborah J. Hawkins

Deborah J. Hawkins for Susan Aileen Lowry, Secretary

Membership Status Changes

Presented to the Board of Governors December 15, 2022

Active to INACTIVE:

- 266165 French, Timothy, Wilmington, MA (Effective November 1, 2022)
- 268082 Smethurst, Kaitlyn, Cambridge, MA (Effective November 6, 2022)
- 736 Eckman, Amy, New York, NY (Effective November 9, 2022)
- 273982 Smith, Kaitlin, Mansfield, MA (Effective November 7, 2022)
- 276442 Walstad, Eleanor, Exeter, NH (Effective November 14, 2022)
- 276433 Edmonds, Brian, Groton, MA (Effective November 14, 2022)
- 276192 Langford, III, Arthur, Hampstead, NH (Effective September 14, 2022)
- 270897 LaRochelle, Lauren, Cumberland, ME (Effective November 28, 2022)
- 299 Albrecht, IV, William, Conway, NH (Effective November 30, 2022)
- 98 Cline, David, Dover, NH (Effective November 30, 2022)
- 8896 Wessler, John, Andover, MA (Effective November 30, 2022)
- 16302 Berman, Pamela, Boston, MA (Effective November 14, 2022)
- 10511 Duffy, Jr., Robert, Waltham, MA (Effective November 22, 2022)
- 20713 Cummings, Angela, Charlotte, NC (Effective November 18, 2022)
- 1172 Holber, Stuart, Andover, MA (Effective November 28, 2022)
- 5511 Butterworth, Kenneth, Haverhill, MA (Effective November 30, 2022)
- 20271 Kennedy, J. Patrick, Rockland, MA (Effective November 30, 2022)

Active to INACTIVE RETIRED:

- 9343 Martin, Glenn, Mt. Pleasant, SC (Effective November 18, 2022)
- 4857 Smith, Maureen, Hopkinton, NH (Effective November 30, 2022)
- 216 Barry, Thomas, Concord, NH (Effective November 30, 2022)
- 105 Brennan, William, Bedford, NH (Effective November 11, 2022)
- 1584 Macoul, John, Salem, NH (Effective November 22, 2022)
- 2581 Tsirimokos, Thomas, Manchester, NH (Effective November 30, 2022)

Active to JUDICIAL:

- 20166 English, Lisa, Weare, NH (Effective September 12, 2022)

Active to SUSPENDED:

- 2883 Sheridan, William, Andover, MA (Effective November 17, 2022)

Active to RESIGNED:

16705 Schowalter, Jr., Michael, Saint Paul, MN (Effective November 2, 2022)
274699 Saul, Jerel, Hackensack, NJ (Effective November 21, 2022)

Inactive to INACTIVE RETIRED:

274417 Moccia, Anthony, Orvieto, Italy (Effective November 1, 2022)

Inactive to ACTIVE:

269663 Dodd, Lindsey, Halfmoon, NY (Effective November 21, 2022)
14602 Richardson, Barbara, Reno, NV (Effective December 2, 2022)

Inactive to RESIGNED:

9395 Sullivan, James, T., Chatham, MA (Effective November 1, 2022)
272620 Hrbek, Shawn, Bedford, NH (Effective November 8, 2022)
273120 Vautour, Alice, South Windsor, CT (Effective November 29, 2022)
17691 Fleming, Dana, Arlington, MA (Effective November 30, 2022)
5525 Dufour, James, Old Town, ME (Effective November 1, 2022)

Inactive to DECEASED:

936 Giovanis, George, Portsmouth, NH (Effective July 25, 2022)

Inactive Retired to DECEASED:

687 Dufault, Mary, New London, NH (Effective October 16, 2022)

Honorary Active to HONORARY INACTIVE:

264670 Cotton, Robert, Hopkinton, MA (Effective November 7, 2022)
2647 Walker, George, Wolfeboro, NH (Effective November 30, 2022)
996 Green, Douglas, Keene, NH (Effective November 28, 2022)

Honorary Inactive to DECEASED:

1995 Pendleton, John, York, ME (Effective September 26, 2022)

Part-Time Judicial to INACTIVE RETIRED:

8196 LeFrancois, David, Manchester, NH (Effective November 19, 2022)

Pro Bono Active to INACTIVE RETIRED:

21086 Walton, Kenneth, Spofford, NH (Effective November 17, 2022)

Military Active to ACTIVE:

13954 Blankenbeker, Lynne, Concord, NH (Effective November 15, 2022)

Resigned to DECEASED:

17108 Soldati, Lincoln, Portsmouth, NH (Effective November 6, 2022)