

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS DINNER MEETING  
Fratellos Italian Grill  
Manchester, New NH  
Thursday, February 16, 2023  
4:00 p.m.

**MINUTES**

Present for all or part of the meeting were:

Anthony Naro  
Barry C. Schuster  
Cathy E. Shanelaris  
Chrissy M. Hanisco  
Christopher T. Regan  
Heather Cherniske  
James Shepard  
Jason B. Dennis  
Jonathan M. Eck  
Joshua Wyatt  
Kathleen Mahan  
Kristin Fields  
Kyle D. Robidas  
Leslie M. Leonard  
Lindsay B. Courtney  
Monique M. Schmidt  
Paul B. Kleinman  
Paul W. Chant

Richard Guerriero  
Robert Lucic  
Susan Aileen Lowry  
Vanessa Wilson

Michael J. Iacopino, ABA Assoc. Delegate  
Susan Gilliam, ABA Assoc. Young Lawyer  
Delegate  
Justice Gary Hicks

George R. Moore  
Megg Acquilano  
Paula Lewis  
Deborah Hawkins

A meeting notice reminder, a link to the agenda and related materials were emailed to all governors on February 10<sup>th</sup>. 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 Eck called meeting to order at 4:15 pm.

**REGULAR BUSINESS – CONSENT ITEMS**

B. Membership Status Changes for January 2023

Paula Lewis

The status changes will be attached as a permanent part of these minutes.

C. Minutes of January 19, 2023 Meeting

Susan Aileen Lowry

**ACTION**

On motion to approve consent items. Passed.

## **PRESENTATION / DISCUSSION / ACTION ITEMS**

### **D. Committee on Cooperation with the Courts Initiative**

Derek Lick, Chair

President Jonathan Eck introduced Derek Lick, the chair of the Committee on Cooperation with the Courts. This committee has been asked to conduct advocacy at the legislature for increased judicial branch funding in the state budget. The judicial branch budget request was based on a weighted caseload study that was conducted by the National Center for State Courts. They are asking for more clerical and clerk staffing, as well as more judges. Derek shares that he will be submitting an article to the Bar News on this topic. He is here to ask the Board of Governors for their permission for the Committee on Cooperation with the Courts to engage in this advocacy work, and to make sure the board is aware.

Tomorrow at the NHBA Midyear Meeting, Derek will give a one-minute pitch to members, after the pre-recorded video of Chief Justice MacDonald is played. On the video, the Chief discusses the weighted caseload study and the need for increased funding for the Judicial Branch. Chair Lick will be asking members to contact their legislators and advocate for support of the judicial budget request. Derek spoke about the weighted caseload study and what it entailed. He shared that Chief Justice MacDonald has also presented it to the legislature. The Judicial Branch is asking for funding for 7 more Circuit Court judges – the study's findings recommended 17. In addition they are asking for 1 more Superior Court judge – the study recommended 3. They are also asking for 35 more non-judicial positions statewide.

The role of the Committee on Cooperation with the Courts both (CWC) is to assist with relations between the bar and bench. They see this as being a way they can help the courts and the members of the bar.

Derek was asked exactly what he is looking for from the Board of Governors. The request is for the CWC to advocate on behalf of the bar. Individual bar members have the right to speak on their own behalf, but who can speak on behalf of the bar is a bit more complicated. He is looking for a sense of whether generally the board approves of this activity on the part of the CWC. The House budget committee will be starting its work any day, and the Committee on Cooperation with the Courts would like to start its advocacy work now. Derek suggests that maybe he would come back to the board in a month or two and take the next step in the process of advocacy, as the budget process is long.

Treasurer Chris Regan suggested that the talking points should be sent out quickly. There was discussion about the relationship between the Governor's proposed budget and that of the legislature. They are two different budget processes. Executive Director George Moore added there must be the strong advocacy before the House Finance Committee to get these requests in the budget, and to convince the Governor that more money is needed for the judicial branch to accomplish its constitutional responsibilities.

George adds that the bar has a policy that only the President and the Board of Governors speaks for the bar association. That is why Derek is here and consulting with the board. We need to be sure this advocacy work doesn't run afoul of the Chapman decision which governs the bar's activities before the General Court. As this is advocating for something that affects the administration of justice and the operation of the courts, it doesn't appear to have any Chapman problems.

Derek adds that they have a list of finance committee representatives and would like the board to contact attorneys to request they contact these specific legislators. He plans to get a list of attorneys sorted by geographical area from the NHBA to make this process simple.

There was also discussion about other parts of the judicial branch budget, such as its technology needs.

Debbie Hawkins, staff liaison to the NHBA's Legislation Committee, added that Derek should work with the bar's lobbyist, Kathy Fox of Bernstein Shur, as a resource. Kathy added that she would be happy to assist in any way she can.

#### E. Treasurers Report

Chris Regan

Treasurer Chris Regan stated that all is proceeding as reported last month with the association's financial status. He spoke about the budget process for the upcoming year, which is now under way. The budget for FY 2024 (June 1, 2023 – May 31, 2024) will be brought before the board for approval at the May meeting. NHBA Managers have been meeting with Paula about their needs for the upcoming year. Finance committee members will be paired up with a particular department to work on their portion of the budget. These subcommittee members are known as "budget buddies". They will meet with managers and discuss any proposed changes, from March 9 through the end of March. Then there are more internal meetings to make any needed adjustments, and by first week in April there will be a proposed budget that will be reviewed for the first time by the full Finance Committee. Any further changes recommended by the committee will then be made, and the budget will come back to Finance Committee on May 18<sup>th</sup> for a final vote, which coincides with the May board meeting. The President-Elect is always the chair of the Finance Committee, as the budget they are working on is for their year as President. Paul Chant will chair the committee this year.

#### F. Judicial Nomination Process

Jonathan Eck

Jonathan shared information about the most recent nomination process and there was a general discussion by the board.

#### G. Board Election Procedure and Openings

George Moore

George discussed this – we have some interest in the open slots. Some incumbents have confirmed they will be running. We have a lead on a possible nominee for the open seat in Coos County. Governor at Large Chrissy Hanisco has identified an interested person for the ABA Association Young Lawyer Delegate seat- Lyndsay Robinson. There is also an opening for the Merrimack County seat. Petitions are due March 1<sup>st</sup>.

#### H. Legislation Committee Recommendations – **ACTION ITEM**

Michael Iacopino, Chair

Chair Iacopino spoke about the committee year. The committee worked quickly and reviewed all the bills of interest to the bar association, approximately 75 this year. He reviewed the bills that the committee felt the bar should oppose. Many have been voted Inexpedient to Legislate (ITL) by the house subcommittee reviewing them. Mike summarized the bills. A chart was provided to the board with this information as well.

HB 218 required rules for family court transcripts that removed the judge's discretion. HB 289 was very bad for lawyers; it would make it a crime for certain people to retain an attorney. This bill has been

killed by the House Judiciary Committee. Hb 292 created a criminal penalty for theft by a public servant. The committee felt this had vague and conflicting language. It was also found ITL by the House Criminal Justice and Public Safety Committee. Hb 471 required a final disposition hearing date be set at the first hearing date of a divorce proceeding. The committee felt this was a bad idea for many reasons. There was a common concern by the Legislation Committee that the legislature was attempting to make arbitrary rules because certain legislators or constituents were unhappy with the outcome of their perceived legal case or one of their friends or constituents. This theme ran through many of the bills. HB 545 was a bill to amend the victims bill of rights and was opposed by both defense counsel and prosecutors on the committee. This bill was also found ITL by the House Criminal Justice and Public Safety Committee. HB 635 concerning court ordered counseling in parenting plans was opposed as it limited the courts discretion and attempted to impose strict deadlines that were impossible for the court to meet. This bill was also found ITL by the House Children and Family Law Committee.

Chair Iacopino reported the Legislation Committee recommended a position of Support for three bills. HB 85 inserted gender-neutral language in antenuptial agreements and was voted Ought to Pass by the House Children and Family Law Committee. HB 584, a bill relative the Uniform Commercial Code's article on controllable electronic records was supported by committee members that practice in this area. It is designed to deal with crypto currency issues and has bipartisan support. SB 129 provides a process for indigent persons to access some funding to pay for mediation. The Legislation Committee voted unanimously to recommend the above positions of opposition or support.

Many of the other bills where the committee recommended an information negative position were ones that the committee found that the legislature was trying to increase the court's workload without any additional funding.

Mike also spoke about the many bills addressing bail commissioner duties. Bail reform is the hot topic this year. There were also a lot of family court bills.

### **ACTION**

On motion to approve the Legislation Committee's recommendations. Passed unanimously, with one abstention, Heather Cherniske.

#### **I. President's Report**

Jonathan Eck

1. Jonathan had no formal report, other than to ask the board to be sure to look at the two informational items - no formal action is needed.

#### **J. Executive Director's Report**

George Moore

1. MYM 2023 Update

George noted that MYM is tomorrow. For administrative staff, the production of this has been a mammoth task. He is looking forward to a great program.

#### **K. 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

- It was noted that the longtime Merrimack County Circuit Court clerk is retiring.

- Cathy Shanelaris shared that the Nashua Bar axe throwing event has been rescheduled and all are welcome.

**L. INFORMATIONAL ITEMS REQUIRING NO ACTION**

- Ethics Corner – Ethics of Working Remotely
- 150th Anniversary Media Schedule

**M. Adjournment**

The meeting was adjourned at 6:00 p.m.

Respectfully Submitted,

*Deborah J. Hawkins*

Deborah J. Hawkins for Susan Aileen Lowry, Secretary

## **Membership Status Changes**

Presented to the Board of Governors February 16, 2023

### **Active to INACTIVE:**

268693 Kulp, Heather, Concord, NH (Effective January 10, 2023)  
266267 Subach, Serge, Arlington, MA (Effective November 28, 2022)  
265407 Licciardi, Michelle, Wakefield, MA (Effective January 19, 2023)  
13814 Koegler, Carolyn, Hopkinton, NH (Effective January 30, 2023)

### **Active to INACTIVE RETIRED:**

14392 Polgrean, John, Bedford, NH (Effective January 23, 2023)

### **Active to FULL-TIME JUDICIAL:**

20094 Hersh, Justin, Concord, NH (Effective August 15, 2022)

### **Active to LIMITED ACTIVE:**

2608 Van Dorn, Jr., Edward, Hebron, NH (Effective January 18, 2023)  
21195 Newhall, Jeremiah, Rochester, NY (Effective August 5, 2022)

### **Active to MILITARY ACTIVE:**

273709 Neumann, Jesse, Nashua, NH (Effective November 10, 2021)

### **Active to RESIGNED:**

16465 Lacoste, Laurie, Salem, NH (Effective January 2, 2023)  
8527 Coughlin, Timothy, Portsmouth, NH (Effective January 31, 2023)

### **Inactive to INACTIVE RETIRED:**

2397 Solomon, Robert, Orlando, FL (Effective January 6, 2023)  
8566 MacMillan, Douglas, Salem, NH (Effective January 10, 2023)

### **Inactive to ACTIVE:**

18709 Jones, Blair, Portland, ME (Effective January 4, 2023)  
17659 Burkhard, Elizabeth, Boston, MA (Effective January 31, 2023)  
20123 Mitchell, Ryan, Manchester, NH (Effective January 27, 2023)

### **Inactive to RESIGNED:**

639 DiCosola, Gyda, Albuquerque, NM (Effective January 30, 2023)

**Suspended to ACTIVE:**

11892 Whitney, Mark M., Marblehead, MA (Effective February 3, 2023)

**Suspended to DISBARRED:**

11257 Clark, Steven, Portsmouth, NH (Effective January 5, 2023)

**Honorary Inactive to DECEASED:**

46 Carney, Gerald, New London, NH (Effective January 21, 2023)

1410 Laflamme, W. Jean, Candia, NH (Effective January 23, 2023)

**Military Active to ACTIVE:**

272081 Miller, Michael, Saco, ME (Effective February 3, 2023)