

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Live with Remote Option
Thursday, June 22, 2023
4:00 PM

MINUTES

Present for all or part of the meeting were:

Anthony Naro
Barry C. Shuster
Cathy Shanelaris
Chrissy Hanisco
Christopher T. Regan
James Shepard
Jonathan M. Eck
Joshua Wyatt
Kathleen Mahan
Kristin G. Fields
Kyle D. Robidas
Leslie M. Leonard
Lindsey B. Courtney
Monique M. Schmidt
Paul W. Chant
Paul B. Kleinman
Richard Guerriero

Robert Lucie
Scott J. Whitaker
Susan Aileen Lowry
Vanessa Wilson

Michael J. Iacopino
Derek Lick

George R. Moore
Megg Acquilano
Paula Lewis
Caitlin Dow
Cindy Roberts

A meeting notice reminder, a link to the agenda and related materials were emailed to all governors on June 19, 2023. 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 4:02 p.m.

B. Welcome New Board Members Jonathan Eck

REGULAR BUSINESS – CONSENT ITEMS

C. Membership Status Changes for June 2023 Paula Lewis

D. Minutes of May 18, 2023 Meeting Susan Aileen Lowry

ACTION

On Motion to accept the consent items. Passed

PRESENTATION / DISCUSSION / ACTION ITEMS

E. Treasurer's Report

Chris Regan/ Paula Lewis

Treasurer, Christopher Regan stated that things are behind from what was budgeted for the year principally due to a sharp fall in CLE revenue. He said that it was addressed within the budget for the new year and the issues from this year are being dealt with.

Paula Lewis, Deputy Executive Director, updated the Board on the finances for annual license renewals which takes place over June, July and August. She said the total dues billed this year is \$2,034,402 and this does not include any status changes, waivers and swearing ins during the fiscal year. Assessment for the Attorney Discipline Office/Professional Conduct Committee was \$1,358,745, \$223,540 for the Public Protection Fund and \$232,560 for NH Lawyers Assistance Program. A total of 3,105 of the 8,660 members have fully renewed their license to practice law in the State of New Hampshire. This is 35% of the total membership and is down from last year by 10% at this point in time. Things are picking up with the July 1 deadline, and the expectation is that we will catch up to last year's percentages shortly. In August delinquency fees will be assessed to any members not compliant.

President, Jonathan Eck asked what the revenue number was for CLE's for May and June. Paula Lewis stated that only looking at CLE numbers there was a short of \$300,000 net based on the non final financials which could change. Jonathan asked if the CLE Committee was finalized. George Moore, Executive Director, said that after Annual Meeting Debbie Hawkins will be forwarding the reports to Paul Chant to review. Paul will be assigning specific committees by the later part of July before he leaves for vacation. Jonathan asked the Board if they have any suggestions on new members to add to the CLE Committee to please share the information. Paul Chant concurred that this would be very helpful.

F. Independent Auditor Selection ACTION

Paul Chant

Paul Chant, President-Elect, stated that the Finance Committee received and reviewed proposals from eight auditing firms. He said the Committee reviewed the proposals and narrowed it down to three and met with the three firms. He said all three quotes were very similar from a monetary standpoint and that it is good practice to switch auditors periodically. The recommendation from the Finance Committee was unanimous to go with Nathan Wechsler & Company. This choice was because of the proximity of the firm which is in Concord, and the Bar has had a previous relationship with them. The cost will be \$188,000 over 3 years. He stated that the Committee was looking for an auditor with integrity and with whom the Bar would have a good relationship.

ACTION

On Motion to accept the Auditor selection as presented. Passed

G. Vote to form a Special AI/ChatGPT Committee ACTION

Jonathan Eck

President, Jonathan Eck stated that this is an important matter, and the proposal of a special committee would help assist the Board and members with this new technology. Bob Lucic, Governor-at-Large will head the committee along with Josh Wyatt and Lindsey Courtney will start the process and they can add additional members as needed.

Bob Lucic stated that the committee would spend time gathering information on how the App is being used. There are ethical and privacy issues that need to be considered. He said once a client's information is entered it is no longer confidential. He would like to discuss the issue with the courts and look at the long-term ramifications. He stated that they will gather information and report back to the Board with some recommendations. He stated that he understands that the Ethics Committee is also reviewing this topic and they will be sure to check in with them to see if the recommendations they make can be used by the Ethics Committee. He also wondered if it might warrant a broader discussion for instance as a topic at Mid-Year Meeting or elsewhere.

George Moore, Executive Director, stated that the Ethics Committee is currently drafting an opinion. He suggested that Bob reach out to Stephanie Burnham, Ethic Committee Chair to see where they are in the process with their consideration. He also suggested that the new Committee should research what other Bars are doing. George has forwarded some articles to Bob to review on the topic. George stated that he could see this being a service offered to members and there is a lot of ground to be covered. The committee will be exploring the ramifications of a new technology and the time frame for the Committee can be opened ended until the President decides it is appropriate to end its existence.

Paul Chant, President-Elect asked that the Committee report back to the Board on actions to be taken.

ACTION

On Motion to form a special committee to explore artificial intelligence such as Chat/GPT App and to explore the ramifications. Passed

H. Advertising Contract with NHPR

George Moore/Caitlin Dow

George Moore, Executive Director stated that the Bar is working on expanding its existing relationship with NHPR. The Bar has had limited ads run in previous years and this new contract will expand upon the relationship.

Caitlin Dow, Director of Marketing and Communications stated that the Bar has always had a relationship with NHPR. Previously we spent \$3710 for six months of limited ads. The new contract would be a 35% cost increase for a full year of ads. The cost would be \$5,000 for 147 ten second premium messages and digital impressions banner with 200,000 impressions. In exchange the Bar will run quarter page ad in the Mid Year Meeting Program, vendor directory listing, website ads on our homepage and ads in the Bar News for a year.

Caitlin stated that the Bar will focus on educating the public on various topics that are covered on the Bar Discourse podcasts, and with ads about the We the People program, Project Citizen, Beyond High School and National Judicial Outreach Week. The Bar is also looking to generate goodwill with the Bar Foundation/IOLTA Program and advertising programs like Free Legal Answers, Lawline, Modest Means and Lawyer Referral Service.

George Moore said they have also asked NHPR about the possibility of using their podcast facilities until the Bar's new technology is upgraded in the lower-level seminar room. He said this contract allows us to get advertising for half price with this agreement. It will allow the Bar to get the word out about programs with a more detailed customized message.

Christine Hanisco, Governor-at-Large asked how will we track the return on investment.

Caitlin Dow said we can look into an official way to see how it corresponds to the return on investment.

Anthony Naro, Hillsborough South County Governor, asked if we could have Lawyer Referral Service ask how a caller heard about us. He asked if LRS would be the focus of the advertising because he felt it should be.

Caitlin said they will cycle through numerous programs for the advertising. She commented that LRS sends out a survey after they give out a referral. She suggested that a question could be added to the survey asking how the caller heard about the program. Anthony asked what the response rate is for these surveys. He asked why we couldn't have LRS ask the question when people call in to get better information. George Moore confirmed that LRS uses a written script and that this could be added to the script they use at the time of the call.

Paul Kleinmen, Rockingham County Governor expressed concern asking why we are only focusing on using NHPR and no other advertising sources. George Moore said there is a long-standing relationship with NHPR that the Bar is looking to build on. He said this is a mutually beneficial business relationship that allows the Bar to share topics to be discussed as a unified Bar such as how the justice system works. He said if anyone has any suggestions or contacts for other advertising opportunities, the Bar is more than willing to look at them. He said the Bar has reached out on many occasions to other news organizations asking them to cover events such as the We The People finals and we've received few responses.

I. Executive Director's Report

George Moore

1. Annual Meeting update/Meeting App

George Moore said we have 175 people planning to attend Annual Meeting tomorrow. There is a CLE that Megg coordinated and there will be about 55 people attending. The CLE is with speakers that we don't normally use. George said there is an App that Megg found that will be available for use by attendees. He said it was not available when registration opened but it is now available to access.

2. 50 Year Member Luncheon Success

George stated that the 50 Year Member Luncheon at the BVI was a huge success. There were around 38 members that attended, and Senior Associate Justice Hicks handed out plaques to each member. He said each year the numbers are increasing for 50-year members so the Bar will continue to offer this event separately from Annual Meeting. He said the money was well spent and he encouraged more Board members to attend this great networking event next year.

3. Status of Members Only Area

George stated that the Members Only area is about fifty percent complete. He anticipates that by the third week of August it will be completed. Once completed we will have an opening celebration which would be up to Paul how he would like to coordinate the event. He suggested that the Supreme Court and the Board could be invited.

4. Board Orientation, Sept 21, 2023, Hotel Concord

George said that the Board Orientation will be on Thursday September 21st at the Hotel Concord. He said we had a difficult time scheduling the event for a Friday, so we had to go with a Thursday this year. He suggested that if Bob Lucic was ready to make a report from the newly formed AI Special Committee that they could give an update at this meeting.

- J. President's Report Jonathan Eck
1. End of Year Wrap-up
President, Jonathan Eck closed by thanking everyone on the Board. He said that he feels they have accomplished quite a bit during his year as President. He said as he reflected on his service on the Board that there is the potential for more improvements. He said everyone has been very engaging and has had great energy. He said that he noticed that some of the same issues such as inequality, work life balance and new technologies are still being addressed today but in different ways. He also acknowledged Richard Guerriero's work on the Board over the years and thanked him for his many immense contributions.
- K. President-Elect's Report Paul Chant
1. 2023-24 Board Meeting Schedule
- 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

Robert Lucic, Governor-at-Large reported that he is on the Federal Local Rules Committee. The committee gets together every two years to decide if any rules need to be modified or new rules added. He felt the Board should be aware of a proposed rule the committee is considering. He said currently out of state lawyers practicing in Federal Court to have to be members of the NHBA or have a New Hampshire lawyer as Pro Hac Vice. The proposed change would not require out of state lawyers to become members of the NHBA. The proposed change would not require out of state lawyers to become members of the NHBA nor to affiliate with a NH lawyer. He said he has spoken to members of the Supreme Court, and they are in opposition of this proposal. He agreed that he is also not in favor of this change. He is trying to get a sense of what others think about the proposal so he can report back to the group.

Richard Guerriero, Immediate Past President said he strongly opposes this. He said he didn't think it was fair that he would have to pay for outside counsel in other states. He said he would be ok with this change if it was across the country in all states and not just one state.

George Moore said that although he opposed this as well. He said when he was practicing that he encountered times when having local counsel available was a benefit to the court.

Michael Iacopino, ABA Association Delegate, suggested that he should play devil's advocate and communicated an opposing view. He said he thought if it was across the country, it would be better. He said it would allow access to justice across the country to a large pool needing representation and it would break down barriers. He said a person would be able to hire someone out of their district and it would allow greater access to justice. However, he said if that is the goal then all Federal Courts should make the change. He said that these things don't generally start across the country and that someone has to be the first.

Richard Guerriero suggested that he thought a more formal statement should be put together stating that if it was all Federal Courts across the country the Board would support it but if it was piecemeal, we do not support it.

Christine Hanisco, Governor-at-Large, said we are a small state, and this would open up access to getting counsel. She also said for some lawyers adding another Bar membership may be cost prohibitive. She said she does not work in the Federal Court but posed the question asking the Board if we have a limited view of the proposal.

Chris Regan, Treasurer said that he respects Richard's position but would like to see a position more client centered and allowing more flexibility in hiring counsel.

Kathleen Mahan, Vice-President, suggested rather than submitting a position to the Rules Committee that we wait to see what they are going to do. She said if it goes to the Federal Court Advisory Committee, they will decide whether to send it to the judges or not. She said that way there is an understanding of what the committee will do before having to decide whether to support or oppose its measure.

Bob Lucic said one of the major issues with the proposal is if a lawyer comes into Federal Court and does something inappropriate, the NHSC has no oversight. He said that the Federal Court can sanction for actions within the Court, but under Rule 11, those were limited in nature. He said essentially there will be no remedy in New Hampshire and the person would have to go back to the state the lawyer is a member in. He is only gathering information to present it to the committee. He said the time for the Board of Governors and Bar to comment would be once the proposed rule is out for comment.

Paul Kleinman, Rockingham County Governor, updated the Board on the success of the Rockingham County meeting at the Olde Salt. He said that Judge Pendleton was recognized at this event. He also said they held a celebration for Rainboth, Murphy & Lown to celebrate their 30th anniversary.

Vanessa Wilson, Sullivan County Governor said that Sullivan County is holding their yearly Lake Sunapee boat cruise in July or August. She said if anyone was interested in attending that she can reserve a spot for them as a special guest.

M. INFORMATIONAL ITEMS REQUIRING NO ACTION

- Ethics Corner Article – Paying with Crypto Currency 6-12-2023

N. Adjournment 5:20pm

Respectfully Submitted,

Cynthia Roberts

Cynthia Roberts, for Susan Aileen Lowry, Secretary

Membership Status Changes

Presented to the Board of Governors June 23, 2023

Active to INACTIVE:

270702 Reynolds, Paul, West Lebanon, NH (Effective April 28, 2023)

8827 Prince, Robert, Dracut, MA (Effective March 27, 2023)
 273460 Rudolph, James, Concord, NH (Effective May 19, 2023)
 274372 Metell, Amanda, Concord, NH (Effective May 19, 2023)
 277042 Cooper, Monica, Milford, NH (Effective May 25, 2023)
 19125 Bloomfield, Roger, Wilder, VT (Effective May 25, 2023)
 16268 Tennyson, Jr., Chester, Hull, MA (Effective May 30, 2023)
 20114 Sieck, Casey, Boston, MA (Effective May 26, 2023)
 2880 Rothfelder, Martin, Westfield, NJ (Effective June 1, 2023)
 4039 Chabot, Daniel, Haverhill, MA (Effective May 31, 2023)
 274564 Livi, Matthew, Kings Point, NY (Effective May 24, 2023)
 17302 Mariolis, Constantine, Bolton, MA (Effective April 19, 2023)
 17726 Monica, Linda, Marco Island, FL (Effective June 1, 2023)
 274414 Boyce, Shannon, Southbridge, MA (Effective June 1, 2023)
 17692 McGohey, Elisabeth, Hooksett, NH (Effective May 31, 2023)
 8515 Borovick, Gerald, Sudbury, MA (Effective May 31, 2023)
 273728 Waller, Zachary, Manchester, UK (Effective May 31, 2023)
 256 Campbell, Jeffrey, Nashua, NH (Effective May 31, 2023)
 274123 Torrey, Daniel, North Andover, MA (Effective May 19, 2023)
 270642 Henry, Christopher, Cranston, RI (Effective May 31, 2023)
 19947 Johnson, Steven, Augusta, ME (Effective June 1, 2023)
 272811 Boyle, Christopher, Lincoln, VT (Effective May 31, 2023)
 269305 Rommel, Chelsie, Lynden, WA (Effective May 29, 2023)
 274083 Hyde, Maria, St. Louis, MO (Effective May 31, 2023)
 6920 Worthen, Cynthia, Marblehead, MA (Effective May 31, 2023)
 275010 Bortz, Nicholas, Wakefield, MA (Effective June 2, 2023)
 10230 Fiest, James, Manchester, NH (Effective May 31, 2023)
 267781 Fernandez, Patricia, Galveston, TX (Effective May 31, 2023)

Active to INACTIVE RETIRED:

274914 Mail, Katherine, Portsmouth, NH (Effective May 25, 2023)
 2512 Tamposi, Jr., James, Temple, NH (Effective May 26, 2023)
 975 Govoni, Gregory, Bonita Springs, FL (Effective May 30, 2023)
 1431 LaPointe, Scott, Barrington, NH (Effective May 30, 2023)
 7872 Callanan, Mary Ann, Hooksett, NH (Effective May 30, 2023)
 9442 Houlihan, John, North Andover, MA (Effective May 25, 2023)
 268541 Nerenz, Claire, Sussex, WI (Effective May 24, 2023)

19926 Eastman, Julia, Wilbraham, MA (Effective May 31, 2023)
2216 Hamel, Gretchen, Concord, NH (Effective May 31, 2023)
5547 Karl, Lucy, Hopkinton, NH (Effective June 1, 2023)
1378 Kitchen, John, Gilford, NH (Effective June 1, 2023)
773 Falkenham, Eric, Pinehurst, NC (Effective June 1, 2023)
580 Daniels, Robert, Nashua, NH (Effective May 31, 2023)
12121 Lyons, Ray, Harvard, MA (Effective May 31, 2023)
629 Devine, Catherine, Amherst, NH (Effective May 16, 2023)
610 Deans, Dorcas, Center Conway, NH (Effective May 31, 2023)
7942 Turner, Clydia, Portsmouth, NH (Effective June 1, 2023)
1037 Grossman, Daniel, East Thetford, VT (Effective May 31, 2023)

Active to MILITARY ACTIVE:

276962 Fadley, Andrew, Adams, NY (Effective May 10, 2023)
276346 Taylor, Duncan, North Haverhill, NH (Effective June 9, 2023)

Active to RESIGNED:

16936 Gosselin, John, Belmont, MA (Effective May 31, 2023)
17719 Loureira, Thomas, Portland, ME (Effective June 1, 2023)
2019 Philpot, Jeffrey, Meredith, NH (Effective May 31, 2023)
6839 Hanson, Carl, New London, NH (Effective May 31, 2023)
215 Csatari, Thomas, Hanover, NH (Effective May 16, 2023)

Inactive to INACTIVE RETIRED:

18326 Jobe, Denise, Deering, NH (Effective May 3, 2023)
9382 Sheffer, Mary, Bow, NH (Effective May 19, 2023)
285 Baer, Lisa, Norwich, VT (Effective May 31, 2023)
14377 Eyman, Thomas, West Burke, VT (Effective May 16, 2023)
42 Carlson, David, Gorham, NH (Effective June 1, 2023)
9344 Martin, Kristin, Mount Pleasant, SC (Effective May 31, 2023)

Inactive to MILITARY INACTIVE:

265832 Fraga, Michael, Senoia, GA (Effective May 4, 2023)

Inactive to ACTIVE:

274095 Yoder, Colleen, Lodi, CA (Effective June 1, 2023)

Inactive to RESIGNED:

10996 Harris, William, Elberta, AL (Effective May 19, 2023)
18988 Peterson, Catherine, Glenview, IL (Effective May 15, 2023)
273033 Fuller, Stephen, Charlotte, NC (Effective May 25, 2023)
266188 Morse, Nathaniel, Columbus, OH (Effective June 2, 2023)
1140 Henschel, George, Baltimore, MD (Effective June 6, 2023)

Inactive Retired to ACTIVE:

12173 Werme, Paula, Milford, NH (Effective June 9, 2023)

Inactive Retired to RESIGNED:

347 Allen, Richard, Canton, MA (Effective June 1, 2023)

Full-time Judicial to PART-TIME JUDICIAL:

1536 Lyons, William, Manchester, NH (Effective May 12, 2023)
5628 Yazinski, John, Naples, FL (Effective May 25, 2023)

Honorary Active to HONORARY INACTIVE:

2461 Struckhoff, III, Eugene, May 31, 2023)

Suspended to DISBARRED:

15386 Wellman-Ally, Lisa, Claremont, NH (Effective May 31, 2023)