

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Live with Remote Option
Thursday, May 18, 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
Jason B. Dennis
Jonathan M. Eck
Kyle D. Robidas
Leslie M. Leonard
Monique M. Schmidt
Paul Chant
Paul B. Kleinman
Richard Guerriero

Robert Lucic
Scott J. Whitaker
Susan Aileen Lowry
Vanessa Wilson

Justice Gary E. Hicks

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

Guest: Sarah Rothman, Director, NH Public
Defender Program

A meeting notice reminder, a link to the agenda and related materials were emailed to all governors on May 12. 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 4:01 p.m.

REGULAR BUSINESS – CONSENT ITEMS

B. Membership Status Changes for May

Paula Lewis

C. Minutes of April 26, 2023 Meeting

Susan Aileen Lowry

ACTION

On Motion to accept the consent items. Passed with three abstentions – Barry Schuster, Chrissy Hanisco, and Jim Shepard.

PRESENTATION / DISCUSSION / ACTION ITEMS

D. Approval of Public Defender Contract ACTION

Sarah Rothman, Executive Director,
NH Public Defender Office

RSA 604-B:4 calls for NHBA approval of any Public Defender Program with which the state intends to contract. Statute Excerpt:

604-B:4 Contract. – The state of New Hampshire, by the judicial council and with the approval of governor and council, shall contract with an organization or group of attorneys approved by the board of governors of the New Hampshire Bar Association to operate the public defender program and provide public defender representation as provided in RSA 604-B:2 and 3.

The Board of Governors of the New Hampshire Bar Association gives its formal approval of the New Hampshire Public Defender as an organization created and operated to provide defense representation to indigent defendants in criminal cases, to indigent respondents against sexually violent predator petitions, to indigent defendants in capital-murder cases, and to indigent juveniles in delinquency proceedings, in the State of New Hampshire, for the period July 1, 2023 through June 30, 2025.

President Jonathan Eck introduced Sarah Rothman, Executive Director of the NH Public Defender Office. She spoke about her background and the Public Defender Program. She is here asking the board to pass the resolution given to the board, approving the organization, as noted above.

Director Rothman spoke about the requested increase in the NH Public Defender budget. They struggle with attrition as pay for their attorneys isn't competitive with neighboring states and with other state jobs and the caseloads per attorney are higher. They have been able to hire some attorneys to help with the understaffing. She spoke about other issues that are affecting their practice. The explosion of electronic discovery is having a large impact. The Judicial Council, and governor are supportive of their budget request. As of today's meeting, the budget has passed the House, but the Senate has voted to cut 5 million dollars from their budget. This would mean their appropriation is less than their past budget. The Senate did say that the Judicial Council could request funds during the biennium to supplement – but this doesn't help the Public Defender program. Richard Samdperil, Director of the Judicial Council and Nina Gardner, Chair of the Judicial Council Board of Directors are hopeful that the budget can be restored before it leaves the Senate Finance Committee.

Sarah stated that she may reach out to the Board of Governors for support and advocacy if the Senate doesn't restore the funding. There was a general discussion about the resolution and the budget issues. She said we should know next week about the status of the budget request. Members of the Board of Governors were generally supportive of the Public Defender's office and the need for more funding.

ACTION

On Motion to approve the resolution as presented. Passed with three abstentions, Richard Guerriero, Kyle Robidas, and Monique Schmidt.

- E. Treasurer's Report Chris Regan /Paula Lewis

Chris Regan spoke about the Treasurer's Report, which contains information through March 31, 2023. The association is still running ahead of budget. Paula added that things are running about the same for April and May.

- F. Budget Presentation and Approval **ACTION** Paul Chant/Chris Regan
Paula Lewis

President-Elect Paul Chant spoke about the proposed 2023/2024 budget, including additional revenue sources expected, as well as the expense budget. He outlined the changes from the FY 23 budget and urged the board to refer to the handout in the packet. Executive Director George Moore pointed out that we are budgeting for national speakers at MYM 2024. Paul also noted that the CLE revenue is budgeted to be about \$1000 less than the current year, which saw a large drop in revenue.

The board discussed about a planned refocus on different types of CLEs that are more in demand. There was also a discussion of CLE Committee leadership and membership.

There was a question about dues revenue increase caused by increased membership. Deputy Executive Director Paula Lewis noted that we've had an unanticipated uptick in member numbers and expect it will continue in the near future. She does, however, expect we will see a leveling off in the upcoming years due to the aging of the bar. We look at member statistics and use this to forecast future dues revenue.

President Jonathan Eck asked about the Registration and Fees line in the budget. Paula outlined what makes up this number; most of it is CLE.

ACTION

On Motion to approve budget as proposed. Passed.

Paul Chant then spoke about the capital budget. Many of these items were approved in prior year capital budgets, but since the projects were delayed, the funding was carried over. Funding is taken from our cash surplus. This allows us to upgrade some systems that are needed and to add others, like a document management system, which we haven't previously had.

ACTION

On Motion to approve the capital budget as proposed. Passed.

Executive Director George Moore introduced two new board members that are in attendance today, Vice President Derek Lick, and Coos County Governor Leonard Harden.

G. Legislative Study Committee – Family Court

Cathy Shanelaris/George Moore

Executive Director George Moore spoke about this committee. The legislature requested a special committee be set up to examine some of the perceived issues with the family court system. We received a formal invitation from the chair to testify on this topic. George suggested to Jonathan that we ask one of the family lawyers on the board to do this. Governor at Large Cathy Shanelaris agreed to do so. Our lobbyist Kathy Fox guided Cathy through this process. George also reached out to Judge King so that we could coordinate our response with the Judicial Branch.

Cathy appeared before the committee and gave testimony, and George received a report that she was very effective.

Cathy spoke about the experience. She appreciated being able to do this. The special committee's charge was daunting- their mandate was broad. The committee members intend to visit some of the family courts and their clerk's offices. The committee was quite respectful. She shared the struggle the courts have due to lack of judges and staff. She also addressed the use of the rules of evidence by judges, as well as barriers to justice, and how the system works. She spent a long time talking about resources for pro se litigants that often aren't accessed. Cathy noted that the special committee had a lot of questions.

The committee seems to have a lack of direction or purpose. Report is due in November. They are gathering a lot of information.

George thanked Cathy for her work on this.

H. Review of CLE Status

Megg Aquilano

President Jonathan Eck introduced Director of Professional Development Megg Aquilano and asked her to discuss the documents supplied to the board about demographics and scheduled CLE programs.

The CLE schedule report breaks down number of minutes, who was chair, the number of live and webcast participants. The numbers have begun to improve. The demographic report helps the CLE staff understand how different segments of the Bar are participating in CLE programming. She stated that next year there are 6 full day programs scheduled, and we are budgeted for 8.

Megg stated that they are also looking at holding shorter remote programs, as there is higher demand for these. She also shared that Sections memberships are increasing. In addition, Member Services Coordinator Misty Griffith is also helping to plan programming for solo practitioners.

Jonathan asked Megg about her takeaways. We have seen an increase in demand for "CLE to Go" as well as webcasts. It is felt that live in-person programs are very important to the Bar and

we are working to encourage in-person attendance. Megg stated that members are very thankful for live programming.

Executive Director George Moore asked Megg for more long-term trends. He would like her to go back and look at pre-pandemic participation numbers. This data would help us to draw some conclusions about how things in the CLE market have changed.

Megg shared numbers from 2014-15 and 2017-18 and 2018-19, and 2021-2022.

Jonathan added that it would be helpful to have some trend data that is more than a 12-month lookback- and the percentage changes. The raw head count data is hard to draw any conclusions from.

We can expect the webcast numbers to be high. It would also be helpful to look at the percentage of the age groups as compared to total membership in that category, and how they are participating.

Megg feels that the topics and faculty are one reason attendance is down. We need to look at who is presenting programs and on what topics.

George adds that we will be doing a deep dive into CLE and what our market should be, along with looking at new topics and how we can increase participation.

I. Members Only Area Construction George Moore

George updated the group on the progress. Construction is currently underway, and we are looking at 60 days to completion. He expects we will probably have the opening sometime this summer. There is a full pull out supplement planned in the Bar News announcing the addition of this member service.

J. Executive Director's Report George Moore

1. Annual Meeting 2023 – We have a great one-day program planned, with a live CLE on Friday a.m.
2. Plans for June Board meeting and business meeting – This meeting is planned for Thursday, June 22, and will be the usual hybrid format beginning at 4 p.m. due to the shortened Annual Meeting. The Annual Business meeting is scheduled for the same day, June 22 starting at 3. There will be a bylaws change to be voted on.
3. June 1st 50-Year Member Luncheon will take place at the Bedford Village Inn. Justice Hicks will be helping to hand out the framed certificates. There is a special supplement in the May Bar News that lists the 50-year members.

K. New Business

Governor at Large Bob Lucic raised the issue of AI and stated that we need to start thinking about it and the impact on the legal system. There are huge issues. The ethics committee is currently working on an opinion. Bob is wondering if we should put this topic on an upcoming agenda. Professional Development Director Megg Acquilano added that there is a CLE in the works on this topic.

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

Paul Kleinman announced that the Rockingham County Bar Association Annual Meeting is planned for May 23 at the Old Salt. All are invited. They will present the Loyal Order of the Rock to Judge John Pendleton.

Jonathan Eck shared the names of those chosen for the Annual Meeting awards.

M. **INFORMATIONAL ITEMS REQUIRING NO ACTION**

- December 7, 2022, NHMCLE Board Meeting Minutes
- Ethics Committee Corner Article: Identifying the Client in Estate Planning Matters

N. Adjournment- at 5:49 p.m.

Respectfully Submitted,



Deborah J. Hawkins, for Susan Aileen Lowry, Secretary

Membership Status Changes

Presented to the Board of Governors May 18, 2023

Active to INACTIVE:

- 15606 Roche, Deborah, Portsmouth, NH (Effective April 7, 2023)
- 17156 Roberge, Benjamin, Bedford, NH (Effective April 3, 2023)
- 1575 MacAllister, Joseph, Nashua, NH (Effective April 1, 2023)
- 274156 Howe, Caroline, Somerville, MA (Effective March 30, 2023)
- 20104 Kovalenko, Viktoriya, Lebanon, NH (Effective March 15, 2023)
- 17543 McInerney, Michael, Manchester, NH (Effective March 10, 2023)
- 15584 Hennessey, Christopher, Pittsfield, MA (Effective March 6, 2023)

1426 Lange, Bjorn, Concord, NH (Effective April 25, 2023)
275276 Greenleaf, Cory, Austin, TX (Effective April 13, 2023)
272326 Gilbert, Elizabeth, Washington, DC (Effective May 2, 2023)

Active to INACTIVE RETIRED:

11817 Chenelle, David, Townsend, MA (Effective April 15, 2023)
206 Arnold, Ellen, Rye, NH (Effective March 31, 2023)
12870 Harlan, Thomas, Manchester, NH (Effective April 17, 2023)
7881 DiCrocce, Michael, Fremont, NH (Effective February 7, 2023)
10030 Michaud, Elaine, Manchester, NH (Effective April 20, 2023)

Active to DECEASED:

17320 Wanner, Scott, Portsmouth, NH (Effective April 6, 2023)
465 Colella, Paul, Woburn, MA (Effective April 15, 2023)

Inactive to ACTIVE:

14369 Cheng, Sam, Nashua, NH (Effective April 11, 2023)
19476 Cohen, Jack, Whispering Pine, NC (Effective April 21, 2023)
15170 Seggie, Brad, Candia, NH (Effective May 5, 2023)

Inactive to RESIGNED:

19369 DiBlasi, Joseph, North Reading, MA (Effective March 24, 2023)
16440 Duval, Marie-Josée, Colebrook, NH (Effective April 1, 2023)
271947 Saxe, Victoria, Austin, TX (Effective May 2, 2023)

Judicial to INACTIVE RETIRED:

2103 Rappa, Jr., Thomas, Bath, NH (Effective April 30, 2023)

Honorary Inactive to DECEASED:

2421 Stahl, Norman, Needham, MA (Effective April 8, 2023)

Suspended to RESIGNED:

19566 Martin, Matthew, Danvers, MA (Effective April 19, 2023)