

REPORT OF
THE NEW HAMPSHIRE SUPREME COURT COMMISSION
ON THE NEW HAMPSHIRE BAR
IN THE TWENTY-FIRST CENTURY

October 30, 2017

Commission on the New Hampshire Bar in the Twenty-First Century

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When this Commission was established, the New Hampshire Supreme Court appointed Attorney Gordon J. MacDonald to serve as chair. As a result of his appointment to be the New Hampshire Attorney General, Attorney MacDonald resigned from the Commission and the New Hampshire Supreme Court subsequently appointed Attorney Daniel Will to be chair. The Commission is grateful for Attorney General MacDonald's leadership and participation in its work during his tenure on the Commission.

October 30, 2017

To: Chief Justice Linda Stewart Dalianis
Senior Associate Justice Gary E. Hicks
Associate Justice Robert J. Lynn
Associate Justice James P. Bassett
Associate Justice Anna Barbara Hantz Marconi

From: Commission on the New Hampshire Bar in the Twenty-First Century
Chair Daniel E. Will

Your Order of July 29, 2016 formed the Commission on the New Hampshire Bar in the Twenty-First Century (“Commission”). *See* Appendix, Tab 1. You charged the Commission to work in collaboration with the New Hampshire Bar Association (“NHBA”) to evaluate current structure, services, initiatives and challenges. Having concluded its review and analysis, the Commission now respectfully submits its final report for your consideration.

The following observations and recommendations are the result of an intensive process of information gathering from all corners of the NHBA, as well as input from the NHBA staff and many other association constituent groups. You populated the Commission with NHBA members from a wide variety of practices, generations and backgrounds. That diverse group brought unique perspectives to bear on the information the Commission gathered, and, as a result, tested and tempered the following observations and recommendations through robust debate and discussion within the Commission as a whole. Now, at the conclusion of our work, we believe that the implementation of the following recommendations will meet the goal stated in your Order: “[t]o ensure that the Bar Association continues its tradition of service, and . . . to make New Hampshire a model of how a unified bar can best serve the profession and the public in the twenty-first century. . . .”

In recent years, the practice of law has undergone tremendous change in economic, technological, and demographic terms. With change comes an opportunity for the NHBA to look ahead and consider how it can remain as relevant to future generations of New Hampshire lawyers as it is to so many of us who comprise current NHBA membership. A unified bar can only remain unified to the extent that it serves each new generation directly and meaningfully. It has been each Commission member’s honor to take part in an effort that will help ensure that New Hampshire’s unique and special bar association continues to provide the connective tissue to NHBA members that helps foster the practice of law in the New Hampshire way.

The Commission would like to thank Margaret Haskett who served as the Commission’s keeper of minutes. Peggy faithfully attended all Commission meetings and, when requested, subcommittee meetings, bar events, and all other functions where her services were needed. Peggy went above and beyond the duties of her assigned role and the Commission is very grateful for her service and dedication to its work.

The Commission would also like to thank the NHBA staff who provided great assistance throughout this project. In particular, the Commission thanks Executive Director Jeannine McCoy, as well as Paula Lewis, Director of Business Operations, and Jennifer Pinckney, Director of Strategic Communications. In order to conduct the comprehensive review you requested, the Commission required extensive documentation and information from the NHBA. The collection and compilation of that information required significant time and effort, and the NHBA staff fulfilled every request in a timely manner. The Commission, or parts of it, also met with Ms. McCoy and Ms. Lewis on multiple occasions to discuss various documents provided as well as to learn their perspective on the NHBA’s current status and future goals. Throughout the Commission process, the NHBA responded promptly to emails, phone calls and meeting requests, and the NHBA also provided great assistance in deploying a member survey on the Commission’s behalf.

Finally, the Commission thanks you, the New Hampshire Supreme Court, for the opportunity to be part of what we all believe to be a meaningful and necessary review of a venerable organization that serves the courts, its members, and the public. The Commission looks forward to your review of this report and any feedback you may have.

I. THE COMMISSION'S OBSERVATIONS

A. The Commission's Overall Observations

As described in detail below and in the Appendix, in the discharge of its duties, the Commission gathered substantial documentary information from the NHBA. *See* Tab 2. The Commission also gathered input from NHBA constituencies through a membership survey and meetings with various NHBA stakeholders, including each of the three courts, current and past NHBA leadership, and NHBA senior staff, all in an effort to ensure that this report reflects as many relevant perspectives as possible.

Through its work, the Commission learned that NHBA membership shares varied perspectives regarding the ideal role of the NHBA, how the NHBA performs, and where the NHBA should focus its resources - staffing and financial - moving forward. These differing views within NHBA membership understandably resulted in divergent opinions, beliefs and even fear about the nature of the Commission's work. Some NHBA members expressed suspicion toward the Commission and its charge while others urged the Commission to "clean house" in the sense of making substantial changes to the organization as a whole. This added challenge to the Commission's work, but in the end, the Commission viewed member passion as positive. Many NHBA members have strong regard for and loyalty to the NHBA and are equally concerned about safeguarding and preserving the NHBA into the future.

Each Commission member brought his or her own experiences as an NHBA member, and, in many cases, experience in NHBA leadership, to the process. However, no member of the Commission brought a conscious bias or prejudice to the process, nor did any person or organization put any pressure on the Commission. As a result, the Commission process focused on the analysis of the information compiled, and, most important, engagement and exchange with one another about what the research and analysis might mean. That process led to the specific recommendations set forth below, but also generated some higher level observations that provide context for the Commission's specific recommendations.

As a result of a combination of its inherent structure and oversight relationships, the NHBA is an organization that, without intending to, appears to lack true accountability. It is important to note that the use of the term accountability throughout this report is intended to refer to programmatic and budgetary oversight and does not imply financial mismanagement of any sort. The stable and predictable revenue stream that unification ensures, insulates the NHBA from market accountability the organization would experience if it had to compete for membership and market share. At the same time, the Board of Governors, a large body of busy practitioners who are expected to exercise oversight, may not be the most effective structure to create true accountability within the NHBA. This is because the Board operates in close contact with NHBA's staff leadership yet its role is largely anonymous to the NHBA membership. The NHBA is a unique nonprofit in that it has two oversight bodies (the Board of Governors and the New Hampshire Supreme Court). In practice, the Board operates more as a protector and advocate for the NHBA rather than a regulator. And it is the Commission's belief that, over time, distance has arisen between the NHBA and the New Hampshire Supreme Court that stymies proper accountability. Finally, the NHBA membership itself does not appear to be sufficiently engaged with the NHBA to create accountability. A small percentage of NHBA

membership votes in bar leadership elections or responds to member surveys or turns out at NHBA meetings. The member survey responses received from just a fraction of the NHBA membership reflected nearly as many “I don’t know” responses about NHBA programming and activities as they did knowledge or awareness of particular programs and activities of the NHBA.

As a result, in many ways the NHBA is accountable only in an immediate sense to whomever of its constituents makes their desires known. The Commission observed, for example, that the NHBA has difficulty terminating programs that lack true member participation. If a small percentage of members clamor for the continuation of a particular program, that program continues. Accountability, however, is important, not just in an oversight sense, but also in terms of helping the NHBA move forward, actively consider what programming to continue and discontinue, and shape itself not just for the present, but for the times yet to come.

A byproduct, in the Commission’s observation, is that the NHBA has become increasingly less transparent to its constituencies - membership, courts and public - and less able to maneuver itself so as to conform and adapt to changing demographics and characteristics within the practice of law in New Hampshire. The Commission completes its review with a concern that the NHBA well serves those segments of membership whom it has always well served, but, perhaps, the NHBA has not focused enough on how to evolve to better serve succeeding generations of New Hampshire lawyers who exhibit less and less of a connection to the organization they are required – and pay – to join. The NHBA budget, for example, has become very difficult for the average practitioner to penetrate and understand. Newer members apparently feel disconnected from the NHBA and, in many instances, feel that NHBA programming and services do not meet their needs. These members participate less in NHBA activity and question more the value they receive for the dues they pay. The Commission is concerned that, absent change, membership over time will find the organization decreasingly relevant to their practice experience, and, some day, will launch a deunification campaign.

The Commission also observed that many positive core attributes are hard at work at the NHBA, and have sustained and will sustain the NHBA as it moves forward into the twenty-first century. These include:

- The NHBA staff are dedicated individuals who work on programs to serve the Supreme Court, NHBA members, and the public, and are well regarded by NHBA membership;
- The NHBA is widely respected throughout the country for the work it performs;
- The NHBA has an annual budget process that includes collaboration with officers and finance committee, is voted upon by the Board of Governors, and made public through the New Hampshire Bar News; and
- The NHBA continues to serve as an important nerve center into which many members continue to plug not just for important services such as CLEs, insurance, conference space and the like, but for fellowship and interaction with one another both social and mission focused. In turn, this fosters the practice of law in the “New Hampshire way,” meaning with collegiality, less formality, professionalism and

avoidance of “sharp-elbowed” practices. This, perhaps, is the NHBA’s most important feature and one of measureless value to the New Hampshire Bar.

The New Hampshire Supreme Court’s Order creating the Commission and its mission was broad in nature and, at times, the Commission wrestled with the overall goal, the scope of the Commission’s authority, and how to discharge the task given to it. By the conclusion of the Commission’s work, however, the Commission came to the following three observations that serve as the basis for its recommendations:

- The NHBA’s autonomy of operations, including from the New Hampshire Supreme Court, has rendered thoughtful review or accountability of programs and expenses difficult;
- The present structure of the NHBA’s budget is oblique in nature and unintentionally results in a lack of transparency regarding staffing, salaries, and substantial expenses; and
- If the NHBA does not take a hard look at itself to examine how it presently exists in terms of governance and programming, it will likely become less relevant to future generations of New Hampshire attorneys.

It became evident to the Commission that the NHBA is not, and cannot be, a one-size-fits-all operation. It serves many functions to many people and, as such, the Commission understands that all of its observations about the NHBA and specific recommendations regarding potential changes in structure or operations will not be universally well-received and/or chosen to be adopted. That said, the Commission believes that the size of the NHBA’s constituency and the varying opinions and views of the constituency in many ways may, inadvertently, act to paralyze the NHBA from making substantial changes by way of efficiencies, services and programming. Thus, while the Commission recognizes that dramatic restructuring should not occur on an expedited basis, it does believe change is possible and necessary in certain areas and, therefore, has framed its recommendations as goals to achieve throughout a multi-year process and reevaluated continuously on a three-year basis by a Commission of this nature with different members.

In conclusion, the Commission believes that the NHBA, with the help of its oversight bodies, can make changes to revitalize the organization and increase its value to its members.

B. The Commission’s Observations From Membership Surveys

As part of its work, the Commission reviewed the NHBA’s 2016 member survey. The Commission also created and disseminated (with the appreciated help of NHBA staff) a survey of its own. A summary of the Commission’s observations related to both surveys are in the Appendix. *See* Tab 3.

At a high level, both surveys reflect interesting and in some ways surprising views and sentiments of NHBA members relative to the present status of the NHBA:

- One-fifth of the respondents to the NHBA survey do not value the NHBA and feel there is not much need for membership;
- Many NHBA survey respondents believe there will be a major shift in the membership ranks as a fifth of members are considering leaving the practice of law -- either through retirement or just doing something else;
- Beyond CLE and Casemaker, many survey respondents could not articulate what services the NHBA performs and they utilize few of those services;
- Many survey respondents do not know what role the NHBA Board of Governors serves.

Interestingly, most survey respondents were not overly critical of the level of the NHBA dues; rather, the sentiments focused on what programs they use, or lack thereof. The survey responses also reflected a need for the NHBA to focus on technology, both in providing CLE programming to its members on the topic, as well as the NHBA's own need to make better use of digital media to connect. Accordingly, the Commission's recommendations work to provide some guidance on how the NHBA can expand its present work in this area to reflect the sentiments expressed in the surveys.

C. The Commission Observations from Meeting with NH Bar Leadership Academy

The Commission came to see one of its primary purposes as offering recommendations geared to revitalize the NHBA so that it serves as a valuable resource for future generations of New Hampshire lawyers. It was clear, upon speaking with NHBA past presidents and even current officers who have practiced for twenty plus years that these individuals take great pride in being NHBA members and would voluntarily join the NHBA even in a de-unified environment. Unfortunately, the survey results and interaction with the current NHBA Leadership Academy Class suggest that younger and future members struggle to feel the same connection.

Although a number of topics were covered at the Leadership Academy meeting, one pervasive theme concerned the financial situation in which many young lawyers find themselves. Perhaps, unlike many current members of the Bar, the newer NHBA members often graduate law school under a significant undergraduate and law school debt load. This, coupled with the somewhat stagnant – or the very least difficult – legal job market, has created an exceptionally difficult dynamic for these young professionals. This is not an insubstantial issue. It is having a very real and significant impact on both their personal and professional lives. Individual attorneys commented on delaying getting married, buying homes, having children, all because of the amount of debt compared to what appear – in the face of this debt – relatively low starting salaries and limited mobility due to a weaker employment market. This theme rang out from private practice and public-sector attorneys alike.

Some public-sector attorneys reflected that loan forgiveness was a significant consideration in choosing his/her job. But those attorneys also felt trapped in their jobs with very little mobility because to leave them would risk creating an obligation to repay what had been forgiven or the financial decisions that had been made on the understanding that the forgiveness would occur. Some private practice attorneys commented on difficulties starting out as a new attorney, describing that the traditional model for private practice has now changed and no longer operates as it may have twenty years ago. As one individual described, while previously one could make partner and reasonably expect upward movement in compensation, making partner today no longer means the same thing; there are more and different requirements, including often times a developed book of business, a task made more difficult by not carrying the “partner” title. And, as these lawyers have observed, the ability to make partner is made more difficult by the fact that more senior partners are practicing longer, reducing the handing down of clients or legal work, which not only limits income but also the ability to develop as lawyers through hands-on experience.

With respect to the NHBA, many expressed that before Leadership Academy, they were not really aware of what the NHBA did, and saw it only as offering relatively inexpensive CLE. These lawyers saw the NHBA as catering primarily to those in private practice, without offering any real support for those in the public sector. Some expressed that it is difficult to see the value in the programs provided in that most are not relevant or useful to them and that they did not see the value in them. Of particular interest was that more than one individual compared New Hampshire to other bar memberships with lower annual dues, such as Massachusetts, and felt more relevant offerings were provided. These themes are particularly timely given the continuing blurring of state borders in New England and elsewhere for the practice of law and the resulting portability of bar membership.

D. The Commission’s Observations of the NHBA in Comparison with Other Bar Associations

As part of its review, the Commission believed that it needed to have a general overview of how other Bar Associations operate to fully assess the NHBA’s budget, staff size, and programming. Therefore, the Commission undertook the task of speaking with Executive Directors from the Bar Associations of Hawaii, Rhode Island, New Mexico, Kansas and Nebraska. These phone interviews resulted in the following Commission observations:

- New Hampshire receives the most grant funding of these bar associations.
- New Hampshire offers the most bar sections of these bar associations.
- New Hampshire has the highest budget (\$4.2 million) of the bar associations.
- New Hampshire’s staff size (40 employees) far exceeds the other bar associations.
- New Hampshire’s bar dues (\$545/year, \$310 of which goes to the NHBA) is the second highest among this group.

- New Hampshire's Executive Director salary (\$162,000/year) is the second highest among this group.

The Commission presented these facts to stakeholder groups and listened to a number of different opinions about these statistics ranging from shock, as to both the staff size and salaries paid, to the adamant objection that it is not fair to compare the NHBA to these bar associations of similar membership numbers, because the NHBA offers more programs. Respectfully, the Commission understands that a straight comparison to these bar associations, or any bar association, should not serve as a major factor when considering recommendations as to the NHBA. The information obtained from other states does support the Commission's observations that the NHBA's budget and programming continue to grow without any outside assessment of whether the NHBA's revenue, of which membership dues make up 46%, is being allocated to its best use to sustain the organization.

Having laid out the Commission's overall, high level observations, as well as those related to some specific input we received, our recommendations will hopefully have more context and will appear grounded in what we took from the material we reviewed and the constituents we canvassed.

II. THE COMMISSION'S RECOMMENDATIONS

Overview of Recommendations:

The Commission began its work by discussing how to approach the task and analyze the NHBA's operations. The Commission is made up of NHBA members, not accountants, and we did not see our role as auditing the budget, nor did we feel competent to undertake a task of that level of specificity and particularized expertise. Rather, we came to the conclusion that the best use of our collective wisdom and experience would be to look at the organization as a whole and offer general observations about obstacles the NHBA faces and recommendations on how to confront and/or overcome them. We did come to understand that we needed some framework from which to develop our recommendations and, because the NHBA is a non-profit organization, the Commission determined that it was appropriate to work with resources that provide guidance as to how to operate effective non-profit organizations and implement best practices.

While there is no single definition of "best practices" for non-profit organizations, there are well recognized ethical standards and accountability practices which make non-profit organizations more effective, competent, and accountable. On a broader platform, however, the purpose of best practices is to set principles that reinforce transparency, accountability, and good governance not only within the organization, but also to the broader membership and public.

The following Commission Recommendations are submitted with these core principles (transparency, accountability, and good governance) in mind.

Recommendation #1: The Commission recommends a refocus on the relationship between the NHBA and the New Hampshire Supreme Court to create more deliberate levels of communications and supervisory oversight.

Overview:

The New Hampshire Constitution vests the New Hampshire Supreme Court with the inherent power to regulate the practice of law. *In Re Chapman*, 128 N.H. 24, 31 (1986). This includes the power to order unification of the Bar and retain continuing supervisory authority over the Bar, the Bar Association, and its activities. *See id.* The New Hampshire Supreme Court exercised that authority in 1972 when it permanently unified the NHBA.¹

Over the course of meetings with NHBA staff, as well as a separate meeting with all five Supreme Court Justices,² the Commission learned that, over time, the NHBA communications with the New Hampshire Supreme Court have evolved to occur through NHBA elected officers only and not NHBA senior staff. As a result, very little communication occurs between the New Hampshire Supreme Court and the individuals whose boots are on the ground day-to-day at the NHBA.

Not only does the Supreme Court have ultimate oversight of the NHBA, but the two organizations support one another in important ways. The Supreme Court facilitates the NHBA's annual programming through encouraging attorneys to attend educational programming and by ensuring no hearing or other proceedings occur in the courts on the days of the mid-winter and summer bar programming. The Supreme Court Justices also attend the programming themselves and are often panelists. Supreme Court representation occurs on some NHBA committees, such as, for example, the Committee on Cooperation with Courts. For its part, the NHBA supports the Supreme Court's administrative duties and manages CLE reporting and other such obligations in a responsible manner. The NHBA also collects a substantial amount of money from members on the Supreme Court's behalf. These are just some examples of the symbiosis between the NHBA and Supreme Court. While mutually supportive of one another, however, the NHBA and the Supreme Court do not directly and deliberately interact on a regular basis at a strategic or governance level.

The Commission strongly believes that regular communications and information exchanges between the New Hampshire Supreme Court and the NHBA will benefit both organizations and, ultimately, provide critical direction, feedback and support to the NHBA that will help the NHBA as it charts a course for the twenty-first century. With that overview as context, the Commission makes the following recommendations specific to enhanced communication between the Supreme Court and the NHBA.

¹ Tab 4 constitutes a historic overview of the NHBA prepared by Commission member Jack Middleton.

² At the time of the meeting, Justice Carol Ann Conboy was an Associate Justice of the New Hampshire Supreme Court.

1a – The NHBA should establish communications with the New Hampshire Supreme Court regarding the NHBA Budget, which should include presenting its proposed annual budget to the New Hampshire Supreme Court for input and analysis, before it is submitted for final approval to the Board of Governors.

In its present configuration, the NHBA budget is difficult to penetrate and, for the average NHBA member, is difficult to review and understand. A successful exchange between the Supreme Court and the NHBA concerning the annual budget would place a premium on the NHBA to provide the New Hampshire Supreme Court with a concise and transparent budget summary that clearly sets forth major expenses such as personnel and other significant components of NHBA expenses and expenditures.

The Commission recommends that the NHBA include, as part of its budget presentation, a comparison to the prior year budget for major items with an explanation of how these changes impact the budget. The NHBA prepares such a comparison report annually for the Board of Governors. A budget comparison report would highlight for the Supreme Court where the NHBA plans and expects to focus its resources in the upcoming year. A comparison budget that includes multiple years allows for a better understanding of where the NHBA operates at a loss or derives a profit and whether the NHBA resources are properly allocated. The Commission recognizes that, just because a member service constitutes an expense, many members, perhaps a majority of members, might find it a service that is worth the expense. A report that clearly shows it as an expense every year to the NHBA, however, will allow the Supreme Court and, then, members generally, to better assess that expense and whether it can or should continue in that format.

The Commission notes that the NHBA publishes its proposed budget annually in the *Bar News* and holds a member forum so that members may ask questions and offer input, but that forum garners very little interest and virtually no attendance. Again, this lack of input from members creates a real challenge to the NHBA in allocating resources. The Commission believes that collaboration with the Supreme Court on its budget and its priorities for the next year will provide the NHBA with some needed insight and direction.

1b – The New Hampshire Supreme Court and the NHBA should collectively establish a New Hampshire Supreme Court liaison position with responsibilities that include attending Board of Governors Meetings and providing the New Hampshire Supreme Court with regular updates on NHBA governance activities. The Commission recommends that one of the New Hampshire Supreme Court Justices serve in this important role.

The Commission recommends that one New Hampshire Supreme Court Justice serve as a liaison to the NHBA. The Supreme Court liaison should actively attend Board of Governors meetings and otherwise interact with NHBA staff as necessary and useful. The NHBA may want to include the liaison as a representative to attend a national conference that it presently budgets to attend so that the Justice can obtain an understanding of what activities are taking place in bar associations throughout the country.

The Commission believes that designating a single justice to serve as a liaison will achieve a number of positive results including: (1) publicly displaying the Court's commitment

to the NHBA and the services it performs for its members; (2) ensuring that the Court is regularly informed on the NHBA's budget, major initiatives, and issues related to membership and programming; (3) providing the NHBA staff and Board of Governors with a direct channel to convey concerns to the Judicial Branch and receive feedback and direction; (4) facilitating collaboration on core issues that impact the practice of law such as legislative initiatives, access to justice, and civics education; and (5) enhancing the NHBA's accountability for the services it performs for the Supreme Court and its members.

The Commission recognizes that some NHBA members may be reluctant to accept this recommendation as they believe that the NHBA and the New Hampshire Supreme Court should operate independently. While the Commission respects this sentiment, it is not consistent with the fact that the NHBA is a unified bar and must operate as one. As a unified bar, the NHBA must be open and transparent to the New Hampshire Supreme Court and respectful of the oversight role it serves for NHBA members.

1c – The Commission recommends that the Executive Director, Director of Business Operations, Bar President, and Treasurer meet quarterly with the Chief Justice of the Supreme Court and the Justice of the Supreme Court who serves as the Bar liaison.

Building better channels of communications does not happen overnight nor can it happen when individuals meet once a year to discuss the budget. The NHBA's operation is a year-round endeavor. While the Commission does not mean to suggest that the Supreme Court, or anyone other than NHBA staff engage itself in the day-to-day management of the Bar or micromanage its activities or budgets, the Commission does conclude that more robust and regular communication between key members of the Court and NHBA staff should occur and therefore makes this recommendation to establish quarterly meetings for the next year to reestablish lines of communication and then determine the appropriate means of communication particularly if the New Hampshire Supreme Court liaison position is established.

Relationships between organizations function as a result of relationships between individuals within those organizations. Even if each quarter does not present a significant or weighty agenda, a regular meeting will help over time build the relationships between individuals that will strengthen the relationships between the organizations. Just getting together regularly will enhance the trust and understanding necessary for a robust exchange between the NHBA and the Supreme Court.

Recommendation #2: The Commission believes that, within the next year, the NHBA should create a Program Review Task Force that develops and implements a process through which NHBA programs are periodically reviewed and evaluated to determine whether they remain viable for continued offering.

It is considered a best practice for a non-profit organization to: collect qualitative and quantitative data about programs and services; report regularly on organizational activities; adopt an evaluation system and method to monitor the quality of programs and services which is regularly reviewed; and identify needs for improvement and methods to improve organizational work.

The NHBA's most financially robust program, as well as the one most valued by members, is CLE programming. The CLE program is one of the only NHBA programs that can succeed solely through competing in the market for continuing legal education, an increasingly crowded field.³ The need to compete for market share requires constant review and modification of the CLE product for it to remain attractive to consumers. In recent years, for example, the CLE programming has been expanded to new delivery platforms such as podcasts and online programming, to better meet the current technology realities and the consumers' demands for alternative educational formats. The NHBA has done a good job of reacting to and remaining competitive in the CLE market.

The Commission notes that, in most of its other services⁴, the NHBA does not need to compete for either revenue or participation and, consequently, the urgency to reflect, reform, and remove services, though desired by NHBA staff, is not a priority because these services are exempt from competition. The NHBA sections serve as one example. The NHBA survey responses and data about participation showcase a wide divergence within the 22 bar sections, with respect to member participation. Some are vibrant; many others experience low participation and membership interest. Through its work, the Commission learned that active Bar sections, such as Family Law that include an active list serv, provide an invaluable resource to members, particularly those in smaller firms, to collaborate and network. By contrast, at one point in time, the Public Member Section of the NHBA was unable to effect a leadership change because it could not gather a quorum of members to do so, yet it still exists today. The Commission believes that through a rigorous program review and evaluation, the NHBA might be empowered to eliminate a failing section rather than feeling compelled to continue to devote resources to it so as not to upset any particular member. It became evident that the NHBA staff, in a well-intentioned effort to serve all members, does not feel empowered to curtail or sunset programs or services if even just a few members insist that they are necessary.

The Commission recommends that the NHBA implement something akin to a Program Review Task Force which could include representatives from NHBA senior staff, the Board of Governors, a Supreme Court liaison, a member from the Young Lawyers Committee, a graduate of the Bar Leadership Academy, as well as two volunteer bar members. This is not meant to be an exhaustive list, but just a suggestion of representation from many different quarters within membership to achieve a true cross section. This group would undertake the task of developing a series of metrics for program and service evaluation that could include participation, cost in dollars and resources, relevance to current and future issues facing association membership, and other criteria the task force would develop. This group would also devise ways in which to obtain member input on programming, whether through surveys or other sources. The metrics would serve as the lenses through which the NHBA could periodically but regularly evaluate its programming array and determine whether to eliminate programs and services, alter them, diminish them, create them or enhance them.

The Commission recommends that the New Hampshire Supreme Court, as the NHBA's oversight body, support the efforts of the Task Force by reviewing, providing input and

³ That competition, however, is muted somewhat by the fact that the guaranteed revenue stream that flows from annual dues allows the NHBA to price its CLE programs extremely competitively in the market.

⁴ A comprehensive listing of NHBA programs and services can be found at Tab 5.

direction, and, ultimately, approving the Task Force's recommendations. Not only will this process give the NHBA the direction and authority it needs to make decisions about programs and services, but it will help the Supreme Court keep abreast of how the NHBA stewards and deploys its resources.

While the Commission leaves to the Task Force to evaluate and review NHBA programs and services through the criteria it devises, the Commission did gain some insights about programming that may be useful to consider. First, the Commission's survey results revealed that, while the membership derives significant benefit from some of the programs and services the NHBA offers, nearly as many respondents do not know what programs and services the association offers at all, nor derive value from any of them. Young lawyers, moreover, indicated that much of the programming is not relevant to them, and had ideas about programming they would like to see and in which they would participate.

Second, members also expressed a desire for programming that is related to expert services outside the legal field and how to navigate IT capabilities with respect to the practice of law, among others.

Third, attorney wellness and satisfaction with the practice of law were two recurring themes that emerged from the Commission's review. Challenges in the practice of law, detailed in other sections of this report, include the financial situation facing many new lawyers with student loan debt, lawyers struggling to keep pace with rapidly changing technology in the legal profession, lawyers dealing with transitioning out of the practice of law, and the proliferation of substance abuse and mental health issues in the legal profession.

The Commission understands that New Hampshire Lawyers Assistance Program, established by Supreme Court Rule 58, offers services to lawyers facing substance abuse and mental health issues; however, as supported within the ABA's National Task Force Report entitled, *The Path to Lawyer Well-Being*, August 2017, there are many ways that lawyers, judges, and bar associations can facilitate, destigmatize and encourage individual well-being within our profession. The ABA Report, for example, recommends providing high-quality educational programs about lawyer distress and well-being that includes, not only programming related to substance abuse which is a substantial factor in attorney misconduct, but also mental health issues such as anxiety, depression, and suicide. The report notes that these topics should be incorporated into broader programming on a more regular basis to both highlight the importance of the topic and to destigmatize discussions of how such issues impact our members. The Report also recommends that the legal community support the transition of older lawyers to include providing education to detect cognitive decline, developing succession plans, and assisting retiring members in planning for retirement.

Finally, in addition to attorney wellness, technology and law firm management, the Commission heard a great deal about the role the NHBA and its members should play in supporting access to justice. The Commission suggests that the task force consider, as a first step, whether the NHBA should restructure its mandatory practical skills program for new members of the Bar to have one of the two days focus on programming that reflect each attorney's ethical obligations to participate in access to justice programs, attorney wellness, law firm management, and an overview of resources for NHBA members to feel more connected to

the profession (American Inns of Court, New Hampshire Women's Bar Association, local bar associations, NHBA leadership opportunities, overview of NHBA sections, etc.).

Recommendation #3: The Commission recommends the reform of various budget related practices at the NHBA so as to present a transparent, concise budget; and the establishment of an independent committee to review salaries and staff size.

Overview:

The NHBA is a complex organization with a large staff and annual budget, and is responsible for many, many programs and services. Over time, NHBA's budget – the roadmap for the NHBA's revenues, operations, and program delivery – has become complex and can be difficult for the average NHBA member to fully understand. The Commission formed a subcommittee to study the NHBA budget, and received significant and appreciated assistance to that end from Bar Staff, in particular, Paula Lewis, the Director of Business Operations.

The NHBA is one of ten unified state bars in the country with membership between 5,000 – 9,999. *See* Tab 6. As of July 2017, the NHBA membership totaled 7,951 members. This includes approximately 3,500 in-state active lawyers and approximately 1,900 out-of-state active lawyers.

The NHBA's budget for FY 2017, ending May 31 is \$4,200,964. The budget is funded as follows:

Membership dues	46%
Registration and fees	25%
Grants/fundraising/foreclosure program	19%
Sales	6%
Bar sections	3%
Interest/other	1%

In Fiscal Year 2014, the total staff was 35.7 full-time equivalents ("FTE"). Three years later staff size grew. In Fiscal Year 2017, the NHBA had 40.350 FTE. Approximately 14 of those positions are wholly or partially grant funded. In Fiscal Year 2017, the total for all salaries and related personnel expenses is \$2,766,495, which is 65.85% of the total budget. The staff is organized as follows:

<u>Department</u>	<u>FTE</u>	<u>Cost (% of budget)</u>
Executive and Member Services	7.425	\$575,436 (14)
Administration	6.450	\$578,163 (14)
CLE/Sections department	7.050	\$482,920 (11.5)
Communications and Publications	5.100	\$344,907 (8)
Law Related Education	.700	\$ 46,024 (1)
N.H. Pro Bono Referral System	6.150	\$539,281 (13)
Lawyer Referral Service—full fee	2.277	\$137,302 (3)
Lawyer Referral Service—reduced fee	1.223	\$ 62,462 (1)
N.H. Minimum CLE	1.425	
NHBA Insurance Agency, Inc.	1.000	
N.H. Bar Foundation	1.550	

Of the ten unified bars our size, the NHBA has a significantly larger staff size than the average staff of 22.51. *See* Tab 6. By way of comparison, in 2014 the Hawaii Bar Association had a staff of 13.75 FTE, the Rhode Island Bar Association had 15 FTE, the Mississippi Bar Association had 21 FTE and the New Mexico Bar Association had 30 FTE. There are eight voluntary bar associations (including Connecticut, Maine and Vermont) with fewer than 10,000 members and an average staff of 12. There are also voluntary bars with between 10,000 – 20,000 members and average staffing of 40.79 FTE. (In that group are Colorado (36.5 FTE); Indiana (18 FTE); Minnesota (31 FTE) and Tennessee (23 FTE)).

In 2008, the ABA, at the request of the NHBA, did an operational survey of our bar association. The survey team consisted of four people. Its report was issued in June 2008. As part of its operational survey process, the team collected data from similarly-sized state bar associations (both voluntary and unified) to benchmark the NHBA against other bars. They selected for their review the Nebraska State Bar, the State Bar of New Mexico, the Kansas Bar Association and the Rhode Island Bar Association.

In its report, the ABA team noted that the NHBA staff of 34 full-time and two part-time employees was “above the norm for Bar Associations of similar membership size and similar budgets.” It attributed the difference to several factors: it observed that the NHBA produced more communications pages over similar size bars, handled in-house functions other bars outsourced and spent considerable time overseeing grants for public service programs that required considerable recordkeeping and “consumed a substantial amount of staff time to administer.”

Because the ABA team benchmarked four bar associations, the Commission felt it advisable to reach out to their Executive Directors to take stock since 2008. In addition, we reached out to the Hawaii Bar Association. Both the NHBA staffing figures and its FY budget continue to be quite a bit larger than the benchmarked bar associations. For example, Rhode Island Bar currently has 14 full-time employees and a 2016-2017 budget of \$2,600,000. Its total membership, both active and inactive, in-state and out-of-state is 6,600. In New Mexico, there are 7,500 active members and 2,000 inactive ones. They have a staff of 36 (16 are paid by the bar foundation) and a 2016 budget of \$2,745,000. In Kansas (a voluntary bar), there are 11,000 active members, a staff of 21 and a 2017 budget of \$2,200,000. Nebraska, which de-unified three years ago, has 5,476 active lawyers, a staff of 14 and a FY budget of \$2,300,000. Finally,

Hawaii, which is a unified bar, has 4,800 active members and 3,000 inactive ones. It has a staff of 15 and an annual budget of \$1,700,000. The referenced bars receive varied amounts of grant money that pay the salaries of some staff.

The salaries of the Executive Directors of the benchmarked bars vary widely. Our Executive Director is currently paid \$162,000 plus benefits. The salaries of the Executive Directors of the benchmarked bars are as follows:

New Hampshire	\$162,000
Nebraska	\$133,000
Kansas	\$ 95,000
New Mexico	\$130,000
Rhode Island	\$185,000

In Hawaii, the Executive Director is paid \$118,000.

The NHBA for years has had an Assistant Executive Director position with a listed salary of \$105,000 plus benefits. Recently, this position was being filled on a part-time basis by an individual who retired. However, the NHBA hired two more individuals to fill the duties from this position and the former part-time Assistant Executive Director has been retained to do projects. The NHBA pays department directors between \$82,000 - \$92,000 and its chief financial officer approximately \$100,000. In its 2008 team review of the NHBA operations, the ABA noted that as of that date NHBA salaries “remain on average 10 – 14% lower than those of other unified bar associations.” The report also suggested that the Executive Director’s salary was in the mainstream of what others are paid.

While the NHBA has a long and proud history and deserves much credit for excellent work and, in some cases, national leadership, the Commission is concerned about staffing levels and the scope of the activities given current-day realities and the challenges for practicing lawyers. According to the NHBA Economics of Law Practice Survey released in 2015, the median income in 2013 for full-time private practice attorneys was \$100,000. This was lower than the national average of \$123,990. Median incomes vary widely. For example, a median income for solo practitioner in a home-based office was \$65,000. The median income for a solo practitioner not based in a home office was \$75,000. The last decade has been challenging for many lawyers in New Hampshire and the Commission believes it is important that transparency exists so that lawyers can appreciate the size of the staff and the compensation of the staff in their unified Bar, whether to agree or disagree.

Recommendation 3A – The Commission recommends that the NHBA revise and simplify how it presents its annual budget:

The Commission’s budget sub-committee received a great deal of material related to the NHBA’s budget. In addition, both Jeannine McCoy and Paula Lewis met with Commission members multiple times and answered follow up questions to provide insight into the budgeting process. Overall, the Commission came away highly impressed with the level and depth of comprehension of NHBA’s budget that both the Executive Director and Finance Director possess.

The two core concerns that the Commission notes from its budgetary review are that: (1) the structure of the budget makes it difficult to understand where resources are allocated; and (2) the NHBA seems to spend up to the limits of its revenue each year rather than looking where to cut costs and/or develop savings that could result in lower dues and/or additional benefits at the present cost of dues (i.e., offering free attendance at one CLE per year with each membership as some states offer).

The Commission has taken the time to review the NHBA budget and supporting documentation in detail. From our vantage point, the Commission has no concerns about the NHBA's controls in place relative to financial resources and how they are managed. It is not the Commission's charge, nor does it have the requisite expertise to opine on whether NHBA revenues and expenses are appropriate for the business it conducts. The Commission does not believe that the NHBA's budget needs a forensic accounting analysis; but rather, a review from a subjective strategic planning standpoint to determine if resources are at appropriate levels annually, and if they are put to the best use.

First, the Commission believes that, if the budget were presented to members in a basic format, it might result in greater accountability that, quite frankly, the NHBA membership has not undertaken. The present structure of the budget published in the *Bar News* consists of 79 different broad categories with no explanation of what operations exist within these categories. See Tab 7. For example, in the budget ending May 31, 2017, the NHBA budgeted \$17,210 for Bar Relations. The Commission learned upon questioning that this expense line includes items such as registration fees at the ABA conference and funding for Past Presidents Dinner. The Commission learned that there are multiple budgetary lines for training, registrations, membership and travel at conferences which makes it difficult to learn the full expense for such items as they are broken into multiple budget lines.

As noted above, the Commission recommends a comparison document which reflects the changes from the prior year's budget. The Commission also recommends a summary of the budget and has attached a sample in the Appendix at Tab 8. The Commission credits the NHBA for publishing the proposed budget in the *Bar News* and for holding a public meeting about it. It is unfortunate that few attorneys take advantage of either of these opportunities but it also reflects the reality of our busy worlds. The Commission believes that the NHBA should consider ways to better bring the budget discussion to its members.

Recommendation 3B – Review of staff size and salary levels on a going forward basis:

The Commission believes that most NHBA members are wholly unaware of the fact that personnel expenses (salaries and benefits) totaling \$2.7 million per year constitute more than half of the NHBA total budget of \$4 million. For those members who do review the NHBA budget, which includes this information, there is no way to discern that the salary expenses reflect a staff size of 40 full-time positions nor would a member know what individuals in specific positions are paid. The Commission requested and received a salary report for the past five years. It reveals seven positions with salaries of over \$80,000 per year.

Second, from the Commission's review, the staff salaries at the NHBA are set with minimal oversight by the Board of Governors. Although there is a 16-person Finance

Committee that participates in setting the budget, our sense was that it is not an activity in which in-depth review occurs and that much deference is given to the staff. Raises for many positions over several years were averaging about 5%, although in the last two years, the average has been reduced to about 2%. Some employees received more than one salary adjustment in a given year. The NHBA Finance Committee makes a recommendation to the Board of Governors regarding a percentage of the Bar's budget to be allocated for staff salary adjustments (other than the Executive Director's salary). Once the Board approves a budget amount, the Executive Director has worked with other professional staff managers to determine the merit, experience, market, and calibration of staff positions and responsibilities that can be used to distribute the adjustment fund. A review of the salaries information would indicate that raises have been given for almost every position annually, from 2011-2016, on average between 3-5% each year, that bonuses are given occasionally, and some employees received more than one salary adjustment in a given year.

In practice, it is a subset of the Board of Governors – the board officers - who oversee the Executive Director. The NHBA officers negotiate the Executive Director's contract, evaluate her performance, and review her compensation. It is thought that having the entire board involved in the process would not be constructive due to the size of the board and because most of the board does not have daily interaction with the Executive Director. The NHBA staff assembles compensation data for salary comparisons for all Bar positions, including the Executive Director position. This document is furnished to the NHBA officers for assistance in evaluating the compensation of the Executive Director. According to the most recent salary comparison, the current salary range information for the Executive Director position is derived from American Bar Association as well as survey data from the National Association of Bar Executives collected in June 2015. Respectfully, the budget subcommittee reviewed this data and questions its comparability to the position at hand. The Commission believes a more comprehensive and independent review of the Executive Director salary is warranted for a position that is presently established at well over \$150,000 per year before benefits.

The Commission recommends the establishment of an independent compensation review board to gather and review salary information data for the Executive Director position as well as any position with a salary in excess of \$50,000 per year. This board would then furnish the information to the Board of Governors for use in its periodic review of Executive Director compensation as well as these other positions. Such an approach would allow for consideration of a broad range of data sources, and the independent nature of the board would serve to engender confidence in the reliability and diversity of the data presented.

Further, we recommend that the staff size be reviewed going forward. This practice has not occurred and, we believe that as a result, the size of the NHBA staff is substantially higher than other bar associations of our size. As transitions occur with staff, particularly with management positions, the Commission believes that, before hiring a replacement or allowing the individual to continue in a part-time capacity, the NHBA should work with the officers and Supreme Court liaison to determine the job responsibilities, proper salary, and whether replacement of position is needed in the first instance. In reviewing job responsibilities, for example, the NHBA may consider whether it is appropriate for the next executive director to have past experience as a NH attorney.

Finally, the demographics of the Bar in our state are changing. Approximately 52% of current active members of the NHBA are 51 years of age or older and approximately 25% of the Bar membership are over 61. In the most recent member survey, many lawyers in their 40s expressed an interest in leaving the profession if other opportunities arose. Given the recent decline in law school enrollments nationwide, the Commission believes that fewer lawyers will be joining our Bar in the near term and perhaps the longer term as well. The Bar staff, expertise, and finances need to be examined closely as it relates to changing demographics.

Recommendation #4: The Commission recommends that the NHBA submit a five-year strategic plan to the New Hampshire Supreme Court. The strategic plan should be ready to be implemented on July 1, 2018 and address, at a minimum, the sustainability of the Bar's current staffing, expenses and programming given the changing demographics of the Bar, its member survey, the reduction of enrollment in law school, and the core initiatives to be accomplished in each of Bar's divisions (marketing, financial, programming, pro bono).

The Commission came to a strong conclusion that the NHBA would benefit from self-evaluation and strategic planning to ensure that it remains relevant and vital to the practice of law in New Hampshire. The NHBA finds itself at a demographic crossroads due to a senior generation departing, a new generation beginning, and four generations of lawyers within the NHBA membership, each of which holds distinct views of what a bar association does, can do, and should do to provide member value. As a result, the NHBA needs to undertake a rigorous effort to examine itself, identify where it needs to go, and plan for how it will remain relevant to its membership in the twenty-first century.

The Commission recommends that the NHBA undergo a five-year strategic planning process, beginning with the formation of a strategic planning committee that includes membership from NHBA staff and the Board of Governors as well as NHBA members outside of these groups. The Committee should specifically address the sustainability of NHBA's current staffing, expenses and programs given the changing demographics of the NHBA, the results of the member survey, the reduction of enrollment in law school, as well as what it anticipates succeeding generations of the NHBA and the public will require in programs and services from the NHBA.

While the NHBA offers a broad array of programs and services, an evaluation of the continued vitality, and in some cases necessity, of these offerings should be undertaken, as the needs of the membership have changed and continue to evolve. In addition, to the extent possible, the NHBA should look into the future and begin to plan to meet the needs of those New Hampshire lawyers at the front end of their careers, both today and as they mature in practice. With a strategic plan in place, the NHBA will be more easily able to evaluate its ongoing performance and make adjustments as needed.

A strategic plan is a time consuming effort for an organization and is only worthwhile if it has tangible goals and ways of being measured. The Commission has suggested a time frame because we believe it should be a priority; however, it is more important that the content of a strategic plan be one to which the NHBA staff and Board of Governors can commit rather than one that is prepared simply to meet the Commission's proposed deadline. In February 2015, the

Board of Governors approved a strategic plan for the NHBA for 2014-2017 that is available on NHBA's website for review. The plan sets forth four broad goals with no clear objectives, no theory of change, and no performance metrics. Candidly, it offers the NHBA staff and members no real insight into what projects will be prioritized, evaluated and/or eliminated. It does not discuss time frames for any projects or provide any analysis into the changing demographics of membership.

Some members of the NHBA senior staff acknowledged to the Commission that the NHBA would benefit from a more detailed long-term planning/analysis and, to some degree, have independently begun to evaluate select topics. The Commission, however, recommends that a more focused, formal plan to address these topics be prepared, specifically focusing upon expenses and offerings in light of the changing demographics of NHBA membership. A formal plan will also allow for better and more focused engagement by the Board of Governors and easier oversight by the New Hampshire Supreme Court.

The Commission suggests as one reference the American Bar Association's Strategic Plan Law Practice Division 2014-2015. *See* Tab 9. In setting forth goals, the ABA specifically identifies First Year Accomplishments and Success Indicators for seven specific goals that were identified as critical to the mission. The Commission also notes that a number of unified bars, such as Pennsylvania and Texas, have strategic plans that identify many of same issues facing the NH Bar, which may also serve as useful references. *See* Tab 9

Integral to strategic planning is the identification of core initiatives to be advanced. In that regard, the Commission recommends the elimination of the long-standing NHBA practice related to the implementation of a NHBA President's initiative. The Commission discussed with the NHBA leadership past and present the tradition of each incoming president launching a new initiative, and, more particularly, how the one-year revolving presidency leaves in place initiatives that often do not find longer term support, but which consume staff time and dues revenue. The Commission proposes that initiatives be developed within the strategic plan that is presented to the New Hampshire Supreme Court so that the focus of the NHBA's time and financial resources better reflects the NHBA membership as a whole, and that bar leadership focus on those initiatives, rather than each new bar president creating a new initiative.

The Commission strongly believes that the NHBA needs a robust strategic plan for the staff, Supreme Court, members, and public to know the critical priorities to be accomplished in the next five years with identifiable measures set each year against which progress can be metered and to which NHBA will be accountable.

Recommendation #5: The Commission recommends an evaluation of the NHBA governance structure, to focus on effectiveness, efficiency, and how the NHBA can best represent membership - both now and in the future.

The NHBA has the necessary framework to ensure good governance. It has a constitution; policies and procedures; a mission statement; a Board of Governors; and proper orientation and education of Board members. The Commission recognizes and appreciates that the Board of Governors (26 members), including the Officers, are voluntary NHBA members

with full-time law practices who serve on the Board because they each believe in the organization's mission.

It is difficult to understand whether the Board of Governors functions efficiently and effectively in its current structure. The Commission recognizes that the Board of Governors does not, cannot and should not oversee the day to day operations of the NHBA. At the same time, the Board of Governors should participate in significant NHBA operational events. The Commission commends, for example, the present and recent past officers who have taken a larger role in major hiring decisions at the NHBA.

We questioned and received input on whether the size of the Board of Governors impacted its ability to operate effectively. In the course of these discussions, and in reviewing the size of Board of Governors of other bar associations, the Commission cannot conclude that the Board's size is unreasonable. Moreover, much like numerous boards that Commission members have been a part of, the Commission learned that there are both active and inactive members but, by and large, the individuals who run and serve on the Board provide divergent views, work collaboratively with the NHBA, understand their fiduciary responsibilities, and overall offer a tangible benefit to the NHBA.

The geographic distribution of lawyers has shifted dramatically in recent years. This raises a legitimate question as to whether the current representational model of the Board of Governors is truly representational and appropriate today. Approximately 50% of the NHBA's active membership practices in Hillsborough, Merrimack and Rockingham Counties. Very small percentages practice in Coos, Sullivan and Grafton Counties. This statistic suggests that a county-based structure for the Board of Governors may not best represent NHBA membership. At the same time, the current representational structure ensures that attorneys in some of the less attorney-populous counties will remain represented on the Board of Governors. Some middle ground might be appropriate, such as moving to representation based on Executive Council districts, for example. The Commission believes that a review of the NHBA's county governor structure is merited.

Regular turnover is healthy for any non-profit board and the Board of Governors is no different. While Board members do term out, they are able to re-join the Board (if elected) after a brief period off of the Board. Some Board members have occupied Board seats – with short hiatuses – for many years. The Commission views board terms and length of service as an issue worthy of study. In particular, the Commission questions the wisdom of the ability of a termed out Board member to so quickly rejoin the Board of Governors. Some member survey respondents accused the Board of consisting of “insiders” or of undertaking Board service for their own gain. The Commission believes that more routine Board turnover might help alleviate those sentiments and create pathways for new membership on the Board. The Commission recognizes that at some points in time it has been a challenge to find members interested in serving but believes addressing this issue is nonetheless warranted.

The membership survey responses also emphasized that a large number of NHBA members do not have any understanding of the Board of Governors' role in the management of the NHBA, or know what Board members do. The Commission believes that the Board should reflect as a group about what this factual finding represents. More active information

dissemination from Board members, such as attendance in their role as NHBA Board representatives at local bar meetings or other legal events held in their districts or rotating articles in the Bar News where each Board of Governors can participate, could help engage Board members, engage NHBA members, and encourage input from membership about what is important to them in their bar association.

Finally, based on input from Board members, the Commission also recommends that the NHBA review and consider having Board of Governors full membership meetings on a less than monthly basis, such as alternating months or quarterly. A core group of governors, such as the existing Executive Committee, could work during alternate periods on consent agenda items or other projects during the interim periods between full Board meetings. The Board meetings consume significant staff time in preparation and attendance, and, therefore, the concept of less frequent meetings may be more productive for both the Board and staff.

Recommendation #6: Establishment of a Commission to Implement These Recommendations

The Commission, through its information gathering, research and review process, identified a series of recommendations above that it believes will assist in shaping the NHBA for the twenty-first century. The Commission's recommendations, however, highlight issues the Commission observed, but do not necessarily offer solutions or specific courses of action. A detailed study of the NHBA staff size and compensation, for example, was beyond the Commission's charge and expertise. Implementation of any of the Commission's recommendations will require further study and the active participation of the NHBA staff and others. The Commission recommends, therefore, that the Supreme Court create a commission tasked with implementing those recommendations with which the Supreme Court agrees. The Commission recommends a diverse group of individuals that could include a justice of the Supreme Court, the Executive Director of the NHBA, a past president of the NHBA selected by the present Bar president, a representative from the University of New Hampshire School of Law school selected by the Dean, an attorney in a solo or small practice, an attorney who practices in-house, and an attorney from a large size firm, all selected by the NH Supreme Court, and a member of the NHBA New Lawyers Committee selected by the present Bar president.

III. CONCLUSION

Any group pulled together to conduct the review our Commission conducted might have attacked the task differently, made different observations, and/or arrived at different recommendations. We expect that some of the NHBA's staff and constituents will applaud some or all of our recommendations, oppose some, object to some of our observations and embrace some. The Commission hopes that this report will trigger conversation, debate, and passion among membership and staff, all aimed at wrestling with the large and unsettling question of how to make NHBA a model association for the twenty-first century. If that is all our report accomplishes, we will have accomplished a lot. Above all else, getting more of the NHBA's constituents engaged in the array of services and programming offered as well as the future strategic direction of the association is the single most important element of ensuring the strength and vitality of the NHBA into the future.

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TAB 1

THE STATE OF NEW HAMPSHIRE
SUPREME COURT OF NEW HAMPSHIRE
O R D E R

Pursuant to its oversight of the unified New Hampshire Bar, this Court requests a report regarding the status of the New Hampshire Bar Association's structure, services, and strategic initiatives. The Court is interested in ensuring efficient delivery of services to the members of the Association and in making certain that the Bar Association is assisting and serving the public and the administration of justice. To ensure that the Bar Association continues its tradition of service, and in an effort to make New Hampshire a model of how a unified bar can best serve the profession and the public in the twenty-first century, the Court hereby appoints the following chairman and members of the Commission on the New Hampshire Bar in the Twenty-First Century to work in collaboration with the Bar Association to evaluate current structure, services, initiatives, and challenges and to report their findings/conclusions/recommendations no later than January 17, 2017:

Attorney Gordon J. MacDonald, Chair
Honorable John T. Broderick, Jr.
Attorney Ellen L. Arnold
Attorney John A. Curran
Attorney Mary Ann Dempsey
Attorney Heather Krans
Attorney Kathleen M. Mahan
Attorney Jack B. Middleton
Attorney Catherine E. Shanelaris
Attorney Daniel E. Will

Issued: July 29, 2016

ATTEST:



Eileen Fox, Clerk of Court
Supreme Court of New Hampshire

TAB 2

DOCUMENTS PROVIDED BY NHBA TO COMMISSION

- 2016 NHBA Board of Governor's Manual
- Spring 2016 NHBA Salary Ranges by Position Category
- NHBA Five Year Salary History Report
- Summary of NHBA Exempt Employee Benefits as of 6/1/16
- Summary of NHBA Non-Exempt Employee Benefits as of 6/1/16
- Summary of NHBA Part-Time, Non-Exempt Employee Benefits as of 6/1/16
- Full-Time Equivalent Projection FYE 5/31/17
- Individual/Positions Allocated to NHBA Administrative Support for Senior Staff
- NHBA Examples of Efficiencies Employed by Staff – Compiled December 2016
- NHBA Staff Numbers Over Ten Years
- NHBA Membership v. Staff Changes
- Out of State Training for NHBA Staff and Officers, Fiscal Year June 2015-May 2016
- Out of State Training for NHBA Staff and Officers, Fiscal Year June 2016-May 2017
- Fall 2014 Personnel Staff Sizes of Unified and Voluntary State Bar Associations
- NHBA Budget Calendar for Fiscal Year June 1, 2016 through May 31, 2017
- NHBA Actual and Budget Five Year History
- NHBA Budget Performance Statement, 5/31/16, Continuing Legal Education
- NHBA Bar News Income Statement for 2016
- NHBA Operating Reserve Policy (last updated 8/3/2015)
- NHBA Operating Reserve Calculations Fiscal Years 2010 through 2015
- NHBA Draft Condominium Reserve Policy (last updated 5/19/2016)
- Public Protection Fund's Annual Report for June 1, 2015 to May 31, 2016
- Public Protection Fund, June 1, 2016 – May 31, 2017
- NHBA Membership Statistics by County 2006-2015
- NHBA Member Licensure Renewal Comparison between 2015 and 2016

- NHBA Concise Description of the Financial Relationship Between NHBA and Affiliates
- NHBA Summary of Ways NHBA Supports Courts
- NHBA Strategic Planning Process, Planned Deliverables for 2016-2017, Executive Member Services & Law related Education Deliverables (Draft)
- NHBA Strategic Planning Process 2015, CLE Deliverables (Draft)
- NHBA Communications Department Deliverables for 2016-2017 (Draft)
- NHBA Strategic Planning Process 2015-2016, Foreclosure Relief Project, includes LRS, Reduced Fee and Pro Bono (Draft)
- NHBA Strategic Planning Process 2016/17, Lawyer Referral Service (Full-Fee) and Reduced Fee Deliverables (Draft)
- NHBA Strategic Planning Process 2015/16, Report for June-December 2015, Pro Bono, DOVE Project Deliverables (Draft)
- Letter from Jeannine McCoy to Judge Edwin Kelly, dated February 2, 2016 re: Request for Information Related to NHBA's work in support of access to justice
- Public Services – Law Related Education
- NHBA Compensation Policy for Executive Director Salary and List of Comparable Salaries for 2013-2014
- Percentage of In State v. Out of State (Active Members Only), 2014-2016
- Percentage of Active Membership Over 60 Years Old, 2014-2016
- New Hampshire By The Numbers August 2016 Retreat

TAB 3

Summary of NH Bar Survey Conducted in 2016

In 2016, the NHBA retained the public relations and consulting firm of Jackson, Jackson & Wagner at a cost of \$60,000 to conduct a member survey (NHBA Survey) on its behalf. An executive summary as well as the full NHBA survey report (146 pages) are located on the NHBA website. The Commission credits the NHBA with wanting to understand its membership needs and solicit input; however, when trying to understand what changes the NHBA has made or plans to make as a result of the member information, the NHBA seemed unable to articulate clear objectives.

The NHBA survey selected a sample of 2,000 NH Bar Association members drawn randomly from the active member list of 5,360 members. The sample was stratified by gender, location and firm size to reflect the current membership and make sure all members were fairly represented. There was a 30% return rate to the survey (601 members). In contrast, the Supreme Court Commission survey was sent to 5,096 members. From that number, 2,680 surveys (52.6%) were opened and 825 people participated.

The NHBA survey was designed to review many of the same topics the Supreme Court Commission's survey addressed such as how the members get their information, what are the most important services the Bar offers, how do they view their role in the Bar and how the Bar can best serve their needs in the future.

It is important to note that the Supreme Court Commission survey, which was candidly unscientific in methodology, and the NHBA survey, with clear criteria, produced very similar responses which indicate that through two different methods, the NHBA members are articulating the same core needs and concerns. In both surveys, the Bar's offering of CLE was a core component of what they do. The NHBA survey revealed that 89.4% stated that professional development and continuing education is the most important work the NHBA performs as it relates to member's work. Casemaker was the second most valuable service noted in the Supreme Court Commission survey and, in the NHBA survey, 53.9% of those surveyed indicated that they use or have used Casemaker. Both surveys also highlighted the value of list serves and more technological communications for new members. Importantly, both surveys also demonstrated the broad spectrum of what members see the Bar's role of being reiterating that concept of there is no one size fits all.

Both surveys highlighted that Bar communications were important to members and that Bar advocacy could be and should be increased. One of the most interesting similarities is that members do not have specific feedback in how the Bar can improve connections among members. Therefore, it becomes incumbent upon the Bar itself to develop ways to transform the manner in which it operates to better connect with members.¹

The NHBA survey indicated that about a fifth of the respondents do not value the NH Bar Association and feel there is not much need for membership. The NHBA survey also indicated "there will be a **major shift in the membership ranks** as a fifth of members are considering leaving the practice of law -- either through retirement or just doing something else."

The NHBA survey evidenced that NHBA's present focus of services and social development is misplaced based on the lack of utilization by those surveyed. It is noted in the NHBA survey that:

Of the long list of NH Bar Association services offered, **half say they have used 'none of them' in the last five years.** Of those who have, 'malpractice insurance' is most utilized. 'Meeting

¹ In the Bar survey, 40.5% of respondents replied that they did not know how the Bar could improve connections. Some noted "social gatherings", either "casual" (13.5%) or "work-related" (14.9%) while other suggested an online resource for connections (12.2%).

space', 'understanding technology' and 'Lawyer Referral Service' follow in importance. Areas for assistance most important to respondents are 'marketing', 'referrals' and 'office technology.' (emphasis added).

The overwhelming majority (84.9%) surveyed believe that continuing education and professional development is the most important work the Bar performs as it relates to them. Over half of those surveyed (55.2%) reported that the Bar's service of keeping members informed is important and, advocacy for the profession (42.9%) was also noted. This survey finding related to advocacy was a sentiment echoed in the Commission's meeting with Past Presidents of the Bar.

TAB 4

NEW HAMPSHIRE BAR ASSOCIATION

INTRODUCTION

The mission of the New Hampshire Bar Association is: “Supporting Members of the Legal Profession and their Service to the Public and Justice System.”

The vision of the Bar Association is: NHBA is a trusted leader and key partner in serving the interests of lawyers, their clients, the public and the justice system through our continuing commitment to sustaining the values of professionalism, excellence, innovation and access to justice.

The New Hampshire Bar Association (“Bar Association”) is incorporated under the laws of the State of New Hampshire and is exempt from federal taxation pursuant to Internal Revenue Code 501(c)(6). The Governance of the Bar Association is guided by its Bylaws, attached as Appendix A and its Constitution, attached as Appendix B.

The Bar Association is a “mandatory membership” organization driven by volunteers and assisted by staff. The volunteers are organized into a Board of Governors who are elected by the members. The Board consists of six officers, five governors-at-large, one public sector governor, one out-of-state governor and eleven county governors, for a total of 24 members. The Board establishes and approves long-term goals, approves a budget and capital purchases, adopts policy for fees and personnel policies, hires, evaluates and approves the compensation for the Executive Director and monitors financial matters. The Board observes Conflict of Interest and Whistleblowers policies. In addition, the Board selects an independent auditor.

ACTIVITIES

The Bar Association is a very active organization and a list of its activities is shown in Appendix C.

COMMITTEES

Much of the work of the Association is done through nine standing committees and four special committees, each supported by staff liaisons. These include the Finance Committee, which oversees the process of selection of an auditor and recommends the auditor to the Board. The standing committees also include Cooperation with the Court, Continuing Legal Education, Delivery of Legal Services, Dispute Resolution, Ethics, Gender Equality, Legislation and New Lawyers.








FINANCES

The income of the Bar Association comes from members' dues and non-dues revenue which are detailed below. The Bar Association also collects fees for the New Hampshire Supreme Court, including fees for professional conduct, LAP and mandatory continuing legal education.

In reporting year about 54% of the income of the Bar Association comes from non-dues revenues. The current dues for members with more than three years in practice is \$310. In addition, members pay \$205 to support the professional conduct program, \$20 to support the NH Lawyers Assistance Program and \$10 for the NH Minimum Continuing Legal Education Rule administration. The Public Protection Fund, which was up to \$20 in past years, was suspended by the Supreme Court in reporting year 2011-2012 and remains suspended in the current year. The average total of mandatory fees and bar dues in the nation is currently \$447 per year.

The NH Bar Association, including its affiliate NH Pro Bono Referral System, operates with a yearly budget. The budget for 2016-17 totals \$4,200,964. Fifty-four percent of that, as noted above, comes from non-dues revenue. For 2016-17, the income was budgeted to increase 2.54% and expenses budgeted to increase 2.37% over 2015-16, with no dues increase.

The expenses are budgeted as follows:

-  Administration - \$766,000, 18% of the budget;
-  Executive and Members Services - \$890,000, 21%;
-  Continuing Legal Education - \$902,000, 22%;
-  Communications \$542,000, 13%;
-  Lawyer Referral - \$186,000, plus Reduced Fee Program - \$88,000, representing 7%;
-  Pro Bono \$766,000, 18%; and
-  Law Related Education - \$59,000, 1%.

While dues represent 46% of the income, registration and fees represent 25%, grants, program funding and fundraising 19%, sales 6%, sections 3% and interest/other 1%.

The NHBA recently received a 96% Program Efficiency Rating (percent of total organization expenses utilized for programs and services), much higher than the benchmark (70%) and real time rating (82%) compiled from data accessed by the independent auditor and comparing NH with other state bar associations and foundations as well as other types of professional societies/associations based on a revenue range of \$1 - \$10M throughout the United States.

STAFF

The work of the volunteers is currently supported by 39 employees, including an executive director and three vacancies at the present time.

The executive director is the chief administrative officer who participates in Board meetings, but does not vote. The executive director recommends and carries out long-term goals, makes management decisions, hires and evaluates staff, approves final salaries of staff.

In addition to regular bar association activities, the Bar Association operates the New Hampshire Bar Association Insurance Agency, Inc., the Supreme Court Minimum CLE Administration, the Pro Bono Referral, the DOVE Program, the Low Income Taxpayer Project,

the Foreclosure Relief Project, and also provides some support to the New Hampshire Bar Foundation (“Bar Foundation”).

THE NEW HAMPSHIRE BAR FOUNDATION

The Bar Foundation is a philanthropic organization (501(c)(3)), which is dedicated to insuring that all people in New Hampshire, especially those of limited means, are able to understand and participate fully in the justice system. The Bar Association and Bar Foundation operate under a “Resolution of Cooperation” dated September 18, 2003, which provides that the By-Laws of the Bar Foundation shall include 11 directors appointed by the Bar Association and 10 directors appointed by the Bar Foundation. The Bar Foundation is operated with oversight by the Executive Director of the Bar Association and Lisha Brosseau, Program Coordinator, and assistance from Dan Wise in Communications and Paula Lewis in Finance.

SECTIONS

In addition to the Association Committees referred to above, the Association has 22 Sections with a total membership of 3,258 of which 3,241 are members of the Association. During the past year, the Sections held 79 meetings and events, including 8 CLE programs. These Sections range in size from 462 (Trust and Estate and Real Property Law) to 15 (Military Law). Of the 79 meetings and events, 52 were held on site at 2 Pillsbury Street.

CONTINUING LEGAL EDUCATION

The Association operates a vigorous Continuing Legal Education program which is an important source of programing enabling members to meet the requirements of Supreme Court Rule 53. The program is overseen by the NHBA Board of Governors and the CLE Committee, which holds monthly meetings, reviews program evaluations, and works to provide high quality and cost effective continuing legal education.

During 2015-16, 3,600 were in attendance at programs, plus 800 participated by Webcast. The pricing of the programs is well below market, but the programs generate non-dues revenue. In addition to live programming, online seminars, live webcast and other non-live programs are provided. These include full day seminars, breakfast forums and half-day programs. Also provided are telephone seminars, as well as law practice management programs. DVDs and audio CDs are available for purchase. The Association also produces and offers twice yearly a Practical Skills Program the Supreme Court requires all members to take within two years of NHBA admission.

COMMUNICATIONS

The Bar Association also produces publications for its members including the monthly *Bar News*, which is sent to over 7,000 members, business leaders and news organizations, and the weekly NHBA e-Bulletin. The publications provide an opportunity for advertising and the Bar Association monitors the advertising. The content of *Bar News* is determined by the *Bar News* Editor in conjunction with Executive Director and the Association leadership. The *Bar News* publishes ethical opinions. In addition, the Bar Association produces the *NH Bar Journal*, which contains more in-depth articles of legal interest. A Communications Advisory Council provides advice and guidance regarding communication vehicles and strategies.

ETHICS

Ethics inquiries are handled by the Bar Association's Ethics Committee which renders opinions and publishes articles for guidance of members. The Committee also proposes amendments to the New Hampshire Rules of Professional Conduct.

MEMBERSHIP

As of November 23, the current membership of the Bar Association is 7,771. 3472 active status members are in New Hampshire, with 1,880 active status out of state members. The geographic distribution of active status members is as follows:

Belknap	122	Hillsborough South	326
Carroll	84	Merrimack	896
Cheshire	105	Rockingham	664
Coos	21	Strafford	173
Grafton	184	Sullivan	40
Hillsborough North	857	Out of state	1,880

Approximately 50% of the active member status category membership practices in Hillsborough, Merrimack and Rockingham Counties.

New Hampshire attorneys primarily practice in a one-person firm, of which there are 1,159, with 33% of the law firms. There are only three law firms with over 50 lawyers and that represents only 6% of the membership.

The age of the active status members is as follows:

24-30 = 5.9%
31-40 = 19.3%
41-50 = 22.3%
51-60 = 27.4%
61-70 = 21.2%
71- = 3.9%

In recent years, many lawyers have been admitted by motion, and at present that number is 1,475 of which 459 are New Hampshire residents. The remainder include 690 from Massachusetts, 118 from Maine and 50 from Vermont.

BAR ASSOCIATION INSURANCE AGENCY

The Bar Association operates the New Hampshire Bar Association Insurance Agency, Inc., which was created in 2002 to exclusively serve New Hampshire Bar Association members. The agency provides professional liability insurance, long term care insurance, annuities, auto, home, disability and life insurance, and court bonds.

REAL ESTATE










The Bar Association owns condominium space at No. 2 Pillsbury Street, Concord for its offices, conference rooms, seminar facility and meeting rooms. The meeting rooms are available for use by Bar Association members at no charge. More than half of the space is dedicated to member use. The seminar facility and conference rooms, in addition, are used for Section meetings and continuing legal education.

MAILING LIST


The Association maintains a mailing list which may be made available for appropriate purposes, and is the official list of the membership of the New Hampshire Bar Association.

PUBLIC BENEFIT PROGRAMS

The Bar Association operates several programs for the benefit of the public. These include:

-  Law Related Education;
-  Dispute Resolution service;
-  Lawyer Referral Service;
-  Reduced Fee Referral program;
-  Law Line;
-  Pro Bono Referral Program;
-  Low Income Taxpayer Project;
-  Foreclosure Relief Program; and
-  DOVE Project (RSA 173-B).

In addition, the Bar Association collaborates with the:

-  Legal Advice and Referral Center;



New Hampshire Legal Assistance;
Disabilities Rights Center; and
UNH School of Law Civil Practice Clinic.

LEGISLATION

The Bar Association's involvement in legislative matters is limited by careful attention to the New Hampshire Supreme Court decision in *Petition of William Chapman*, 128 N.H. 24 (1986). The United States Supreme Court *Keller v. State Bar Association of California* 496 U.S. 1 (1990) also guides Association work.

The Bar Association retains a Legislative representative who reviews each Bill introduced in the Legislature and reports Bills that may be of key importance to the Bar Association to the Legislative Committee. The Committee reviews the Bills referred to it and, if within the guidelines of *Chapman* and *Keller*, recommends to the Board that a position be taken. If a member believes that the NHBA has taken a position on legislation outside the guidelines provided by the NH Supreme Court *Chapman* decision and the US Supreme Court *Keller* decision, a mechanism exists to request a rebate of the portion of mandatory NHBA dues that would have supported lobbying on that particular bill (or bills).

The Bar Association publishes information on its lobbying activities, including a "Legislative Watch."

In addition to the observance of the *Chapman* decision, it should be noted that Article I of the New Hampshire Bar Association's Constitution limits involvement in legislation to "...those matters which are directly related to the administration of justice, the composition and operation of the courts, the practice of law and the legal profession."

The Bar Association provides members with free access to Casemaker, a free legal library benefit.

The Bar Association works closely with the American Bar Association and other professional organizations, including the National Conference of Bar Presidents.

* * * * *

ABA AUDIT

The New Hampshire Bar Association requested and received a comprehensive “audit” of its operations by an operational team consisting of the Executive Director of the New Mexico Bar, the Director of the ABA Division for Bar Services, the Associate Director of the ABA Division for Bar Services and Staff Director for Publication and Marketing of the ABA Division for Bar Services. The report, attached as Appendix D, is 39 pages in length and contains many recommendations, which I have detailed below. In addition, a list of the recommendations and the action of the Association is shown in Appendix E.





The report observes that the then staff of the New Hampshire Bar Association consisted of 34 full-time and 2 part-time members, which the report observes as “above the norm for bar associations of similar membership size,” but went on to note that the New Hampshire Bar Association produces more communications pages, which it handles in-house, as opposed to other bar associations who outsource such activities. It also noted that as a result of the database being antiquated, more staff time was required.

The report also noted that the percentage of the Bar’s budget devoted to salaries and staff is 60% while the average is 49%. The New Hampshire Bar Association staff salaries are on average 10-14% lower than other unified bar associations, but the benefits are comparable.

The ratio of dues revenue of 40% to non-dues revenue of 60% is consistent with other bar associations.

The cost to practice in New Hampshire is \$510. It “is relatively high” compared with other similar sized bar associations.

The report also states:

-  “Overall, the NHBA’s programs and services comport with those of other state bar associations.”
-  “The NHBA’s CLE program is excellent.”
-  “The New Hampshire Bar Association is the only unified state bar association which has an insurance agency as a for-profit subsidiary...The challenge, for the association however, is that the agency is not self-sustaining.”
-  “The New Hampshire Bar Association has a long and distinguished record of public service to the citizens of New Hampshire, indeed to the nation.”

* * * * *

REVIEWS OF OTHER BAR ASSOCIATIONS

A. ARIZONA

A bar association review was accomplished with respect to the Arizona Bar Association. There is a “Report of the Task Force on the Review of the Role and Governance Structure of the State Bar of Arizona” dated September 1, 2015. The report, attached as Appendix F, is 28 pages in length with an 83-page appendix.

The report was prepared by the task force which consisted of Arizona lawyers and consultants and chaired by a Supreme Court Justice. Arizona has an integrated bar supervised by the Arizona Supreme Court. The association’s governance consists of 30 board members, some elected some appointed. The report stated that the number of board members was too large, recommended 15 to 18 and also recommended staggered terms, with term limits.

Arizona has 17,500 active members and the Arizona Bar Association has 100 employees and an annual budget of \$14 million.

Reference was made in the report to an article in the *Hastings Law Journal* entitled “Right-Sizing Bar Association Governance.” There was reference about the United States Supreme Court’s decision in *North Carolina State Board Dental Examiners v. FTC*, 135 S. Ct. 1101 (2015) which held that a professional association which lacks adequate state supervision was not immune from anti-trust claims.

B. MICHIGAN

Activities of the Michigan State Bar were the subject of a review by a task force and it submitted its report in June, 2014. The report, attached as Appendix G, is 18 pages in length. The State Bar of Michigan asked the Michigan Supreme Court to initiate a review of how the State Bar operates within the framework of the United States Supreme Court’s decision in *Keller v. State Bar of California*, 496 US 1 (1990). The *Keller* decision was the major emphasis of the report. The Court looked at several aspects of the bar association, including its governance which is accomplished with a 31-member Board of Commissioners and a 150-member Representative Assembly.

The recommendation was that the association remain a mandatory bar, and that legislative initiatives should be outside of the bar association. The report did not contain a thorough review of staff, budget, and other operational aspects.

TAB 5

BAR ASSOCIATION ACTIVITIES FOR MEMBERS, THE COURT AND THE PUBLIC

FOR MEMBERS:

Award recognitions: For members and judiciary – multiple awards, including:
Distinguished Service to the Legal Profession
Vickie Bunnell Award for Community Service
Outstanding Service in the Public Sector/Public Service
L. Jonathan Ross Award for Outstanding Commitment to Legal Services
for the Poor
Philip Hollman Award for Gender Equality
Special President's Award
Justice William Grimes Award for Judicial Professionalism
E. Donald Dufresne Award for Outstanding Professionalism
Bruce E. Friedman Pro Bono Award
Paralegal Professionalism Award
Pro Bono Rising Star Awards

CLEs: CLE Committee Orientation
Live programing
Webcasts
Online programming – archived
Course materials
E-publications
Lending library of CLE materials to borrow
Monthly CLE bulletin
Downloadable audio podcasts
Self-study DVD and CDs
NH Practice and Procedure Manual (updated bi-yearly)

Bar Sections: Maintain List Serves for all sections
Section Leader Orientation
Alternative Dispute Resolution
Business Litigation
Children's Law
Corporation, Business and Banking Law
Criminal Justice
Elder Law, Estate Planning and Probate Law
Environmental and Natural Resources Law
Family Law
Federal Practice
Health Law
Insurance Law
Intellectual Property Law
International Law
Labor and Employment Law
Mental and Physical Disabilities Law

Military Law
Municipal and Governmental Law
Public Sector Law
Real Property Law
Taxation Law
Telecommunications, Energy and Utility Law
Workers Compensation Law

Bar Committees:

Standing Committees:

Continuing Legal Education Committee
Committee on Cooperation with the Courts
Delivery of Legal Services Committee
Dispute Resolution Committee
Ethics Committee
Finance Committee
Committee on Gender Equality
Legislation Committee
New Lawyers Committee

Special Committees:

Leadership Academy Steering Committee
Communications Advisory Council
Public Protection Fund Committee
Public Sector Award Committee

Board of Governors:

Maintain training and materials manual
Annual board orientation meeting/training
Maintain relationship between Board of Governors and NH Pro Bono Referral System
Maintain relationship between BOG and NH Bar Foundation board
Maintain relationship between BOG and NHBA Insurance Agency board
Maintain relationship between BOG and NHMCLE board

Pro Bono:

Surveying members regarding pro bono CLE programming
Divorce Camp
Foreclosure CLE Camp
Foreclosure Relief Project – seminars, blog, webcasts, list serve
Pro Bono attorney mentoring and support
Malpractice Insurance coverage for pro bono attorneys
Grant writing/obtaining grants to support pro bono such as United Way
DOVE domestic violence training and support
DOVE Rural Access Project
Pro bono attorney trainings
Telephone marathons
Publication of Pro Bono Honor Roll
Pro Bono Month Activities
Exchange of case information with LARC for referrals to Pro Bono Program

Maintain “Swat Teams” with large law firms for landlord/tenant disputes

Communications:

NH Bar News
Advertising
Bar Communications Advisory Council
Website-based activities/documents
E-Bulletin
E-Blasts

Social Media Postings (Website, Facebook, LinkedIn, Twitter)
Traps for the Unwary, publication of the New Lawyers Committee
Solo and Small firms discussion groups
Career/practice development assistance
Admission ceremonies and information
Ethics Opinions
Law practice management resources online

Financial:

Pro Bono Grants and Fundraising accounting
Financial Statement and Budget review and reporting on monthly basis for
NHBA, NHBF, NHBP, NHBA Insurance Agency, PPF and NHMCLE
Work with contract CPA/Auditors for audited
financial statements, federal and state tax return preparation (NHBA,
NHBF, NHBP, NHBA Insurance Agenda)
Accounting and collection for Supreme Court programs
(Attorney Discipline Office/PCC,
NHMCLE, NH Lawyer Referral System, Public Protection Fund,
trust account compliance)
Maintain statistics on payments and compliance for NHBA and courts
Maintain membership database for use by the NHBA and courts
Technical support for NHBA systems used by members and court

Meetings:

Midyear Bar Meeting
Annual Meeting
New Lawyer Social Events
Professionalism Day
Section meetings
Committee meetings
NHBA involvement in other state/regional associations

NHBA Insurance Agency

Practice and Career Development:

Lawyer Referral Service
Reduced Fee Program

Meeting rooms for members
New Lawyer activities

Leadership Academy
Mentoring Program
Statistics regarding bar membership maintained
Continuing Legal Education Programming
Section Meetings

Website:

Advertising
Maintain E-Associate program for online billing, payment, NHMCLE records, Trust compliance and updates
Maintain database of member
Maintenance of Website and content
Maintain content for all bar activities and information including but not limited to:
Bar Admissions information
Award Winners
Board of Governors information
Constitution of the NHBA
Membership
Dues and status
Ethics Opinions
NH Practice Guidelines and materials
Legal publications
Website related Links such as to admission and practice in other states, practice information
NHBA Midyear and Annual Meetings
Support of all programs through administration and technology

FOR THE COURTS:

Advocacy for the courts with rules, legislation and with the public
Bar Leadership monthly meetings with the court administration
Regulatory functions for court such as maintenance of member data base and maintenance of public protection fund
ABA Day
Assistance with input in court rules/court rules committee
Public Protection Fund Committee
Collection of fees for Supreme Court/dues/fees and accounting
Collection of IOLTA trust certificates for Supreme Court/Trust Account Compliance
Administration and accounting
Website, Recordkeeping and Administration for NHMCLE
Judicial Selection Committee
Judicial evaluations
E-Court liaison/cooperation
Bench/Bar meetings
Lawyer Assistance Program
Maintain membership database for use by the NHBA and courts
Technical support for NHBA systems used by members and court

Expedited Security Access for members in Hillsborough North & South Courthouses

FOR THE PUBLIC:

Public Service and public education programs (such as Law Day)

Law related education programs

State Legislature advocacy and outreach

Legislation Committee and Reception

Bar Foundation

Legislation watch website

Bar President involvement in legislative process when situation arises

Bar News Articles online and print

Justice for All Challenge

LawLine

Pro Bono Referral Program

Veteran's Relief Project

Foreclosure Relief Project

Lawyer Referral Service

Reduced Fee Referral Service

Pro Bono Month Activities

Access to Justice Commission Membership and participation by attorneys and bar executive staff

Lawyer fee dispute resolution process

Ongoing projects between NHBA, NHLA and LARC

TAB 6

PERSONNEL - STAFF SIZE

UNIFIED STATE BARS

Unified state bars with over 50,000 members	FTE staff
State Bar of California	544
District of Columbia Bar	160
The Florida Bar	330.52
State Bar of Texas	260
AVERAGES/PERCENTS	323.63

Unified state bars with 20,000-49,999 members	
State Bar of Arizona	109
State Bar of Georgia	87
Louisiana State Bar Association	41
State Bar of Michigan	70
The Missouri Bar	48
North Carolina State Bar	82
Virginia State Bar	100
Washington State Bar Association	140
State Bar of Wisconsin	90
AVERAGES/PERCENTS	85.22

Unified state bars with 10,000-19,999 members	
Alabama State Bar	49
Kentucky Bar Association	48
Oklahoma Bar Association	46
Oregon State Bar	87.3
South Carolina Bar	51
Utah State Bar	39
AVERAGES/PERCENTS	53.38

Unified state bars with 5,000-9,999 members	
Hawaii State Bar Association	13.75
Idaho State Bar	22
The Mississippi Bar	21
State Bar of Montana	10.6
Nebraska State Bar Association	13
State Bar of Nevada	47
New Hampshire Bar Association	35.7
State Bar of New Mexico	30
Rhode Island Bar Association	15
West Virginia State Bar	17
AVERAGES/PERCENTS	22.51

Unified state bars with less than 5,000 members	
Alaska Bar Association	18.5
State Bar Association of North Dakota	5.6
State Bar of South Dakota	3
Wyoming State Bar	7
AVERAGES/PERCENTS	11.32

AVERAGES/PERCENTS FOR ALL UNIFIED STATE BARS	80.03
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PERSONNEL - STAFF SIZE

VOLUNTARY STATE BARS

Voluntary state bars with over 20,000 members	FTE staff
Illinois State Bar Association	50
Maryland State Bar Association	30
New York State Bar Association	115
Ohio State Bar Association	58
Pennsylvania Bar Association	48
AVERAGES/PERCENTS	60.20

Voluntary state bars with 10,000-19,999 members	
Colorado Bar Association	36.5
Indiana State Bar Association	18
Massachusetts Bar Association	40
Minnesota State Bar Association	31
New Jersey State Bar Association	72
North Carolina Bar Association	65
Tennessee Bar Association	23
AVERAGES/PERCENTS	40.79

Voluntary state bars with less than 10,000 members	
Arkansas Bar Association	10
Connecticut Bar Association	15
Delaware State Bar Association	11
The Iowa State Bar Association	16
Kansas Bar Association	17.8
Maine State Bar Association	12
Vermont Bar Association	6
The Virginia Bar Association	8
AVERAGES/PERCENTS	11.98

AVERAGES/PERCENTS FOR ALL VOLUNTARY STATE BARS	34.12
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TAB 7

NEW HAMPSHIRE BAR ASSOCIATION APPROVED BUDGET - FISCAL YEAR ENDED, MAY 31, 2018

BUDGET CATEGORIES	MEMBER SERVICES						PUBLIC SERVICES			
	EXECUTIVE & MEMBER SERVICES	ADMINISTRATION	CONTINUING LEGAL EDUCATION	COMMUNICATIONS & PUBLICATIONS	LAWYER REFERRAL SERVICE		PRO BONO REFERRAL PROGRAM	LAW RELATED EDUCATION	APPROVED BUDGET	
					FULL FEE	REDUCED FEE				
REVENUES										
1 Membership Dues	\$ 585,120	\$ 844,539	\$ 3,979	\$ 440,926	\$ -	\$ 11,243	\$ -	\$ 66,923	\$ 1,952,730	1
2 Section Dues	-	-	113,800	-	-	-	-	-	113,800	2
3 Penalties & Fines	-	10,000	-	-	-	-	-	-	10,000	3
4 Registrations & Fees	-	-	886,518	-	152,497	19,000	4,155	200	1,062,370	4
5 Publications & Merchandise Sales	-	-	4,068	262,750	-	-	-	-	266,818	5
6 LSC Grant (PAI)	-	-	-	-	-	-	55,616	-	55,616	6
7 United Way Grants	-	-	-	-	-	-	37,192	-	37,192	7
8 Miscellaneous Grants	-	-	-	-	-	-	338,207	-	338,207	8
9 IOLTA Grants	-	-	-	-	-	4,000	176,500	-	180,500	9
10 Foreclosure Program Funds	-	-	-	-	23,813	23,812	95,250	-	142,874	10
11 Donations / Community Campaign	-	-	-	-	-	-	20,000	-	20,000	11
12 Other Program Revenue	-	-	-	-	-	-	-	-	-	12
13 Interest	-	3,631	-	-	-	-	448	-	4,079	13
14 Non-Dues Revenue	-	-	-	-	-	-	2,455	-	2,455	14
15 Leadership Academy	-	-	-	-	-	-	-	-	-	15
16 Fund-Raising	-	-	-	-	-	-	38,492	-	38,492	16
17 Rental Income	-	-	-	-	-	-	-	-	-	17
18 Reserve Funds Transfer	-	-	-	-	-	-	-	-	-	18
19 General Support	(11,406)	-	-	-	(11,938)	11,938	11,406	-	-	19
20 Court Program Administration Fees	-	3,000	-	-	-	-	-	-	3,000	20
TOTAL REVENUES	573,714	861,170	1,008,365	703,676	164,372	69,993	779,720	67,123	4,228,132	
EXPENDITURES										
PERSONNEL EXPENSES										
21 Salaries	265,490	419,555	368,370	347,134	91,690	43,224	399,851	45,819	1,981,133	21
22 Benefits	58,156	149,819	135,885	82,866	26,111	11,349	134,650	5,300	604,136	22
23 Payroll Taxes	18,581	33,518	29,445	26,324	7,383	3,516	31,737	3,307	153,811	23
24 Worker's Compensation Insurance	-	-	-	-	-	-	-	-	-	24
Total Personnel Expenses	342,227	602,891	533,700	456,324	125,184	58,089	566,238	54,427	2,739,079	
OVERHEAD EXPENSES										
25 Office Supplies	2,843	1,706	1,236	694	331	138	1,268	79	8,294	25
26 Copier Maintenance & Supplies	3,650	3,172	2,283	1,902	946	360	2,596	267	15,176	26
27 Information Services (DP)	11,300	26,668	33,223	22,224	6,497	2,906	29,563	2,393	134,773	27
28 Postage	2,000	5,400	4,500	35,500	800	300	2,000	100	50,600	28
29 Equipment & Maintenance	668	1,577	1,628	1,315	384	172	11,922	142	17,808	29
30 Telephone	1,280	3,020	3,117	2,517	736	329	2,723	271	13,993	30
31 Insurance	-	4,400	-	-	1,875	625	7,315	-	14,215	31
32 Professional Fees	-	35,100	-	-	-	-	12,880	-	47,980	32
33 Loan Repayments	-	-	-	-	-	-	-	-	-	33
34 Occupancy	33,020	43,579	57,550	23,974	9,008	3,008	31,505	4,734	206,378	34
35 Capital Purchases	-	-	-	-	-	-	-	-	-	35
36 Leasehold Improvements	-	-	-	-	-	-	-	-	-	36
37 Contract Labor	-	8,000	-	15,504	-	-	750	-	24,254	37
38 Hiring	-	200	-	500	-	-	-	-	700	38
39 Dues & Subscriptions	2,865	760	1,241	1,746	38	40	118	85	6,893	39
40 Miscellaneous (incl. Credit Card fees)	3,350	104,048	9,640	-	529	176	275	-	118,018	40
Total Overhead Expenses	60,975	237,630	114,418	105,876	21,143	8,054	102,915	8,072	659,083	
PROGRAM EXPENSES										
41 Program Support	5,300	9,020	3,464	3,000	182	65	2,527	275	23,833	41
42 Program Development & Training	10,580	8,140	14,775	3,400	1,706	-	2,245	150	40,996	42
43 Bar Relations	16,160	-	-	-	-	-	-	-	16,160	43
44 Section Expenses	-	-	27,570	-	-	-	-	-	27,570	44
45 Committee Expenses	9,038	188	12,425	-	-	-	-	-	21,650	45
46 Officers & ABA Delegate Allowance	27,640	-	-	-	-	-	-	-	27,640	46
47 Board Expenses	21,775	-	-	-	-	-	1,194	-	22,969	47
48 Bar Leadership Institute	6,645	-	-	-	-	-	-	-	6,645	48
49 Leadership Academy	-	-	11,950	-	-	-	-	-	11,950	49
50 Annual Meeting	-	-	10,475	-	-	-	-	-	10,475	50
51 Mid-Winter Meeting	-	-	57,384	-	-	-	-	-	57,384	51
52 Facilities & Meals	-	-	54,915	-	-	-	1,160	-	56,075	52
53 Printing & Materials	4,150	100	43,606	42,820	719	248	1,175	-	92,819	53
54 Publicity & Advertising - Bar News Ads	-	-	33,660	(33,660)	-	-	-	-	-	54
55 Publicity & Advertising - Other	-	-	35,082	-	11,687	741	300	-	47,810	55
56 Mail Service	-	-	-	7,200	-	-	-	-	7,200	56
57 Prof. Speakers/Presenters Expenses	-	-	14,100	-	-	-	-	-	14,100	57
58 Practical Skills	-	-	36,853	-	-	-	-	-	36,853	58
59 Video / Audio Systems	-	-	3,987	-	-	-	-	-	3,987	59
60 Litigation Expense Reimbursements	-	-	-	-	-	90	4,000	-	4,090	60
61 Legislation Program	48,600	-	-	-	-	-	-	-	48,600	61
62 Court Relations	-	1,102	-	-	-	-	-	-	1,102	62
63 NHMCLE Fees paid	-	-	-	-	-	-	-	-	-	63
64 Multi-media Equipment (formerly Photocopying)	-	-	-	2,040	-	-	-	-	2,040	64
65 Clipping Service / Website Software	-	-	-	8,668	-	-	-	-	8,668	65
66 Public Information / Law Week	-	-	-	5,000	1,046	-	-	-	6,046	66
67 Attorney Recognition	-	-	-	-	-	-	1,261	-	1,261	67
68 LRE Individual Programs	-	-	-	-	-	-	-	4,200	4,200	68
69 Swearing-In Ceremony	2,000	-	-	-	-	-	-	-	2,000	69
70 Dove Project (Pro Bono)	-	-	-	-	-	-	16,811	-	16,811	70
71 Pro Bono Golf Tournament	-	-	-	-	-	-	14,341	-	14,341	71
72 Casemaker Fees	-	-	-	70,008	-	-	-	-	70,008	72
73 Special Projects & Presidents Awards	18,625	-	-	-	-	-	-	-	18,625	73
74 NHBA MARKETING TEAM EXPENSES	-	-	-	33,000	-	-	-	-	33,000	74
75 IRS-LITC Project (Pro Bono)	-	-	-	-	-	-	4,531	-	4,531	75
76 Foreclosure Program costs (nonpersonnel)	-	-	-	-	2,705	2,705	53,036	-	58,446	76
77 Member Surveys, Outreach & Support	-	2,100	-	-	-	-	-	-	2,100	77
78 Other Grant Program Expenses - PB	-	-	-	-	-	-	7,984	-	7,984	78
Total Program Expenses	170,513	20,650	360,246	141,476	18,045	3,849	110,566	4,625	829,970	
TOTAL EXPENDITURES	573,714	861,170	1,008,365	703,676	164,372	69,993	779,720	67,123	4,228,132	
EXCESS OF REVENUE OVER EXPENSES	\$ 0	\$ 0	\$ (0)	\$ 0	\$ 0	\$ (0)	\$ (0)	\$ 0	\$ 0	

TAB 8

Department	Total <u>Salaries & Benefits</u>	<u>Explanation of Largest Expenditure (Personnel)</u>			Total Salaries & Benefits	FTE	Positions Grant Funded	Expense % of Budget
		<u>2018</u>					<u>2017</u>	
Executive/ Member Services					\$575,436	7.425		14
Administration					578,163	6.45		14
CLE/Sections					482,920	7.05		11.5
Communications & Publications					344,907	5.10		8
Law Related Education					46,024	.70		1
Pro Bono Referral					539,281	6.15		13
Lawyer Referral Full Fee					137,302	2.277		3
Reduced Fee					62,462	1.223		1
Minimum CLE						1.425		
Insurance Agency						1.00		
Bar Foundation						<u>1.55</u>		
TOTALS					2,766,495	40.375		65.5

Summary of Largest Expenditures Excluding Personnel

	<u>2018</u>	<u>2017</u>
<u>Overhead Expenses</u>		
Occupancy (rent, leasehold improvements)		219,821
Information Services (DP)		127,699
Postage		49,950
Professional Fees		46,430
Contract Labor		29,500
Miscellaneous (includes credit card fees)		54,610
<u>Program Expenses</u>		
Foreclosure Program costs (non-personnel)		109,700
Printing and Materials		92,058
Facilities and Meals		87,919
Casemaker Fees		67,763
Program Development and Training		54,326
Legislation Program		48,600
Publicity and Advertising – Other		43,181
Practical Skills		39,805
Publicity and Advertising, Bar News ads		33,660
Officer and ABA Delegate allowance		27,900
Program Support		22,744
Special projects and Presidential Awards		<u>14,525</u>
TOTALS		1,170,191

TAB 9

AMERICAN BAR ASSOCIATION
LAW PRACTICE DIVISION
2014–2015

STRATEGIC PLAN

MISSION:

Helping lawyers practice law effectively and successfully while maintaining the highest standards of the profession.

CORE VALUES

The Core Values of the American Bar Association Law Practice Division collectively define the heart of service in accomplishment of the Division's mission. At least one Core Value is the primary focus of every Division activity, or member product, program, service or benefit.

Career Development and Satisfaction—The Division values enabling its members to seek greater career satisfaction and work-life balance, as well as helping firms and legal organizations in providing means of improving attorney retention through focus on work-life balance, work schedules, and mentoring and management skills.

Client Relationships—The Division values providing valuable training tools and resources focused on helping members: 1) maximize the value of existing client relationships, and 2) understand and carry out a client-centric approach to the practice of law.

Diversity—The Division values social, economic and geographic diversity within its own organization, and strives to promote diversity and provide diversity and inclusion education to its members, and their law firms and legal organizations as an opportunity for them to improve organizational decision-making, increase productivity, and achieve competitive advantage.

Firm Management and Leadership—The Division values adding value to its members and their law firms and legal organizations by helping them understand and implement law firm leadership and management principles, including strategic planning, governance structures and practice group principles.

Practice Development and Marketing—The Division values providing tools and resources to help its members develop new client business, and ethically operate their

STRATEGIC PLAN

practices and law firms as both a business and profession. The focus of this Division value is on: 1) client development, and 2) practice management, including those skills which are not focused on substantive areas of law, but rather the core practice management skills related to finance, management, marketing and technology.

STRATEGIC GOALS

The following Strategic Goals have been identified as critical to fulfilling the Division's Mission and providing its members with programs, services, and benefits that reflect the above Core Values.

1. Developing a Full, Well-Qualified Law Practice Division Staff - The Law Practice Division executive office must have all positions filled, and staff's roles must be defined to provide optimal support to Division volunteers.

First Year Accomplishments

- All staff positions filled, including staff members with specific expertise in:
 - Marketing
 - Social Media
 - Continuing Legal Education
- Staff structure is aligned to accomplishing the Division's strategic goals
- Annual Staff Goals and Objectives are established by Executive Committee
- Effective staff evaluation system implemented

Success Indicators

- All Law Practice Division staff positions filled
- Written document setting forth goals and objectives for Law Practice Division staff
- Documented procedures and general timeline for conducting annual staff reviews
- Completing first set of regular staff reviews using new procedures

2. Expanding Membership of the Law Practice Division - the Division will increase its efforts to attract and cultivate new members from inside and outside the American Bar Association.

First Year Accomplishments

- Established quantifiable goals for new member recruitment and retention
- Strategy developed for keeping young lawyers as members beyond first year

STRATEGIC PLAN

- Increased partnerships with ABA sections and divisions
- Develop outreach program for solo and small firm lawyers, whether in conjunction with ABA or separately
- Establishing and promoting more meaningful resources for larger firm lawyers and law firms

Success Indicators

- Increased number of new members
- Increased number of solo and small firm members
- Reduced number of first-year lawyer Law Practice Division drops
- Increased participation by large law firm lawyers
- Begin long-term relationship with at least two ABA and/or non-ABA entities, through programs, events or projects
- Online library of Law Practice Division core content is available as resource for lawyers of all size firms

3. Increasing Sustainable Member and Non-Member Engagement – the Law Practice Division will improve its engagement with its members, both active and non-active, as well as those who are not presently members of the Division.

First Year Accomplishments

- Determine structure of Division, whether committee-based, core groups, or some other framework
- Enacted innovative programs and leveraged strategic alliances and expertise to improve engagement of members and non-members
- Increased leadership opportunities for Division members
- Greater interactivity among Division and non-Division members throughout the year, via expanded use of forums, listservs, or other innovative use of technology
- Increased outreach to past Law Practice Division actives
- Increased quantity and variety of CLE offerings at Law Practice Division meetings

Success Indicators

- Increased attendance at Law Practice Division meetings due to CLE being offered each time
- Increased participation by past Law Practice Division actives
- Increased participation by non-funded Law Practice Division members
- Increased interaction by and with members of area bars during Law Practice Division meetings

STRATEGIC PLAN

- Law Practice Division members engaging in online forum or mailing lists

4. Clarifying and Solidifying the Law Practice Division's Role Within the Greater

ABA – The Law Practice Division must define its position as an entity within the ABA, so that it may continue to best serve its members and the legal public at large.

First Year Accomplishments

- Strong relationship developed with the ABA Board of Governors Division Liaison, as well as other ABA officers, Board of Governors members, and individuals identified who can assist Law Practice Division in achieving its goals
- Widespread distribution of Law Practice Division content to Board of Governors, House of Delegates and throughout the ABA
- Law Practice Division members appointed to key positions on committees and/or task forces
- Determination of Law Practice Division Publishing future, with ABA or as an independent entity
- Determination of delivery vehicle for Law Practice Division CLE content, through ABA or an independent source

Success Indicators

- Regular attendance at Law Practice Division Meetings of Board of Governors Liaison
- Law Practice Division articles/presentations by active ABA leaders
- Established process for obtaining feedback about Law Practice Division activities from ABA leaders
- Governance Liaison position expectations defined and documented
- Law Practice Division Publishing future determined, and operating successfully
- Law Practice Division CLE structure determined, and operating successfully

5. Maximizing the Law Practice Division Brand as Provider of Superior Practice Management Content

– The Law Practice Division must clarify and establish its brand as the provider of superior practice management content, in order to remain at the forefront of practice management education and programming.

First Year Accomplishments

- Establishing a benchmark understanding of the Law Practice Division's brand through surveys and other means
- New and innovative programs, projects or initiatives aimed at Division non-members

STRATEGIC PLAN

- Expanded engagement of the Law Practice Division community through forums, listservs, or other technologies
- Better communication of the Law Practice Division brand to Division members and non-members
- Development of metrics to determine success of marketing and branding efforts

Success Indicators

- The Division understands how it is perceived by its members, non-members, and others within the Law Practice Division community
- One successfully completed program, project or initiative aimed at non-members
- Enhanced marketing efforts implemented to enhance the Law Practice Division brand
- Sunsetting of marketing efforts that are not effective at establishing the Law Practice Division brand

6. Developing Effective, Efficient Law Practice Division Volunteer Leaders – in order to maintain consistency in the high quality of Law Practice Division leadership, standards must be established that will enable the Division to develop its volunteers to become effective leaders of entities and of the Division itself.

First Year Accomplishments

- Development of a Leadership Development Program for Law Practice Division activities
- Development of the Law Practice Division “Guide” to operations and functions of all Law Practice Division entities, which includes an explanation of volunteer vs. ABA staff responsibilities
- Expanding Law Practice Division awareness of ABA activities through development of communication plan to distribute Division and ABA information to leadership and general Division membership
- Develop method for ensuring accountability of Law Practice Division leaders in carrying out goals and objectives of the Strategic Plan, with recognition for accomplishments made

Success Indicators

- Law Practice Division “Guide to Operations” published and available to all Law Practice Division members
- Leadership Development Program is ready for leadership class of 2012-2013 participation
- Ability to consistently identify effective Division leaders
- Objectives and goals of Strategic Plan are being consistently met

STRATEGIC PLAN

7. Optimizing Use of Technology to Deliver Law Practice Division Services – with its vast technology expertise, Law Practice Division volunteers and staff are well- poised to continually improve delivery of Division content and services through new and emerging technologies, and to make better use of technologies the Division is already using.

First Year Accomplishments

- Expanded engagement of the Law Practice Division community through use of forums or listservs
- Evaluation of new technologies to improve or enhance member development, including lead generation software
- Broader distribution of the digital version of Law Practice magazine
- Creation of Law Practice Division-based library of core content, outside of ABA Publishing
- Expanded sharing of content via social media – Twitter, Facebook, LinkedIn, Martindale Connected, etc.
- Expanding distribution of Law Practice Division content to new forms of media – eBooks, smartphones, etc., and development of content to support new mobile technologies
- Expanded use of collaborative technologies to enhance the way the Law Practice Division volunteers work together on Division business
- Solve issues with spam filters, so Law Practice Division communications successfully reach their target audiences
- Increased delivery of Law Practice Division content through podcasts and webinars
- Give free webinar on “Joining the Law Practice Division and How to Get Involved.”

Success Indicators

- Law Practice Division members engaged in discussions using online media, whether through forums, listservs, Facebook or other source
- Increased distribution of the digital version of Law Practice magazine
- Library of Law Practice Division core content is live and online
- Claim ownership of social media Law Practice Division pages (LinkedIn, Facebook, etc.) and moderate content that exists there

8. Optimizing Use of Technology to Deliver Law Practice Division Services – with its vast technology expertise, Law Practice Division volunteers and staff are well- poised to continually improve delivery of Division content and services through new and emerging technologies, and to make better use of technologies the Division is already using.

STRATEGIC PLAN

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- Claim ownership of social media Law Practice Division pages (LinkedIn, Facebook, etc.) and moderate content that exists there

Pennsylvania Bar Association Strategic Plan

March 2, 2015

Vision: To be a vital, independent organization representative of and for Pennsylvania lawyers to enhance the practice of law and ensure access to justice for all persons.

Mission Statement: To advance the science of jurisprudence; to promote the administration of justice; to see that no one, on account of poverty, is denied his or her legal rights; to secure proper legislation; to encourage a thorough legal education; to uphold the honor and dignity of the bar; to promote diversity throughout the profession; to cultivate cordial intercourse among the lawyers of Pennsylvania; and to perpetuate the history of the profession and the memory of its members. (PBA Articles of Incorporation, July 1895, as amended November 2011)

Introduction: The PBA Planning Committee was tasked with identifying and evaluating strategic goals for the association and implementation strategies for those goals. The work of the Committee shall also promote continuity of leadership and initiatives of the association over time. Following a Planning Retreat in September 2014, six strategic areas were identified. The strategic areas themselves are interconnected, as are the goals under each area. Further, each strategic area and goal is important to the success of the others. The placement of a goal under one strategic area is not a statement that the goal is not important or relative to one or more other strategic areas. The strategic areas are:

- I. Member Services and Growth** – To remain a vital organization that is most representative of the lawyers in Pennsylvania and to meet its members' needs, the PBA must continue to retain and recruit new members. Growth in membership, member benefits, and services is fundamental to the association's future.
- II. Service to the Public** – Priorities of the association include the promotion and support of the delivery of pro bono services to those in need and education of the public, particularly students, about the judicial system and the role of the legal profession in society.
- III. Diversity and Inclusion** – The PBA serves diverse stakeholders and communities across the Commonwealth and, by recognizing the changing diverse population, should be the catalyst for increased engagement and participation.
- IV. Strategic Relationships** – The PBA must have strong relationships with the courts and judiciary, county bar associations, law schools, affinity bar associations and other outside entities in order to grow and succeed.

V. Legislative Initiatives – As the only broad-based legal association with expertise in a wide variety of subject matter areas, PBA must continue to serve as an important resource to legislators and their staffs. PBA's communication with the legislature through its lobbying efforts is an important service to the profession as the association works to increase its voice and presence with Pennsylvania's elected officials.

VI. Branding/Marketing – In order to sustain its position and image in the legal community, the PBA has to communicate to all attorneys that membership in the PBA is essential to practicing law. The PBA also must continue to promote the good work of the association and its members to the general public.

GOALS

I. Member Services and Growth

Goal #1 - Develop a project plan and budget to conduct a comprehensive membership needs survey in 2016 and every five years thereafter.

Goal #2 - Assess technology needs and develop a comprehensive plan to both assist members in their practices and review potential non-dues revenue streams for the association.

Goal #3 - Conduct research on voluntary state bar associations' retention and growth rates to develop realistic goals moving forward.

Goal #4 - Identify strategies for the analysis, enhancement, and engagement of committees and sections.

Goal #5 - Identify strategies for the analysis, enhancement, and engagement of the Young Lawyers Division and law student membership.

Goal #6 - Create a systematic process for the monitoring and collection of data on target market groups to increase membership and participation in the PBA.

Goal #7 - Create professional networking and business opportunities for members.

II. Service to the Public

Goal #1 - Assess the current level of activity and create a strategy to increase participation by attorneys in both pro bono and modest means programs

Goal #2 - Identify opportunities for enhancement of the PBA's educational efforts to the public.

Goal #3 - Promote increased funding for and access to legal services for the disadvantaged.

III. Diversity and Inclusion

Goal #1 - Enhance and promote the diversity and inclusion efforts of the association.

Goal #2 - Support stakeholder organizations in increasing their diversity and inclusion efforts and engagement.

Goal #3 - Ensure the effectiveness of the PBA's Strategic Diversity and Inclusion Plan.

IV. Strategic Relationships

Goal #1 - Create systematic strategies to enhance relationships with the following groups: Pennsylvania Bar Institute; Pennsylvania Bar Foundation; the judiciary; law schools; county bar associations; unit county bar associations; affinity bar associations; the PA State Conference of Trial Judges; and other appropriate organizations.

Goal #2 - Develop and strengthen relationships with stakeholders to create a strategic approach to support and improve community awareness of the PBA's mission.

V. Legislative Initiatives

Goal #1 - Support the PBA's committees and sections in reviewing and developing legislative activity in their substantive legal areas.

Goal #2 - Increase member support to the PABAR PAC to meet the association's legislative goals.

Goal #3 - Enhance participation in the PBA's legislative grass-roots network efforts.

VI. Branding/Marketing

Goal #1 - Create a strategic approach to improve members' and stakeholders' awareness of the association and its benefits.

Goal #2 - Identify trends and developments and analyze their appropriateness for implementation by the association.

Goal #3 - Create a systematic process for benchmarking programs, benefits and services with other state bar associations, and share information with the PBA Membership Development Committee for regular feedback.

The PBA Planning Committee, with the assistance of staff, will annually review and evaluate these goals and make regular reports to the Board of Governors on the association's progress in achieving the stated objectives.

**Approved by the Board of Governors on May 6, 2015*



STATE BAR OF TEXAS STRATEGIC PLAN FY2018 & FY2019

INTRODUCTION

Overview

State Bar Act, Section 81.0215 requires the State Bar to develop a comprehensive, long-range strategic plan. In each even-numbered year, the Bar drafts a plan covering a five-year period beginning with the next odd-numbered year. As further required by the Act, the State Bar adopts performance measures based on the purposes and goals expressed in the strategic plan, and reports performance outcomes.

Plan Operation and Updates

The Strategic Plan will be the guidepost for all decisions and activities of the Board of Directors and of the Bar as a whole and will be reviewed and revised by the Board at least every other year to ensure its relevance and suitability.

All decisions and activities of the Board and the staff of the State Bar must comport with the goals of this Strategic Plan. The annual budget of the State Bar will be developed specifically to advance the State Bar's goals and objectives as expressed herein.

Implementation

The State Bar will be accountable for using its resources to accomplish the goals set forth by the Plan. Performance measures based upon the following goals will be developed and reported. To implement the Strategic Plan, the State Bar will work with and through:

- the State Bar Board of Directors;
- the Texas Young Lawyers Association;
- its extensive network of volunteers, including its 45 sections, three divisions, and 37 volunteer committees;

- programs, activities, and initiatives implemented and executed by its staff and volunteers;
- its relationships and working partnerships with related entities, including local, minority, and specialty bar associations;
- polls and surveys of its members and the public to determine what services are needed and desired and how best to deliver them;
- presentations, speeches, and public forums;
- continuing legal education seminars;
- its annual meeting and other conferences;
- press releases and articles disseminated to and through news media;
- emails, listservs, and facsimiles to its members; and
- websites, including its own (www.texasbar.com, www.texasbarcle.com, www.tyla.org) and those of related entities such as the Texas Access to Justice Commission (www.texasatj.org), the Texas Access to Justice Foundation (www.teajf.org), Law Focused Education, Inc. (www.texaslre.org) and the Texas Center for Legal Ethics (www.txethics.org).

Compliance with the State Bar Act

The State Bar of Texas is governed by the State Bar Act (Texas Government Code, Chapter 81 (“The Act”)). The Act lists the purposes of the State Bar and a number of specific requirements with which the State Bar must comply. The State Bar has implemented policies and procedures to ensure compliance with the Act. Because these requirements are statutory and ongoing, they are not expressly specified in the following strategic goals.

STATE BAR MISSION

The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law, and promote diversity in the administration of justice and the practice of law.

STATE BAR STRATEGIC GOALS

SERVICE TO THE PUBLIC

Statement Of Purpose

The State Bar of Texas serves the public by: 1) educating the public about the Rule of Law and the role of judges, lawyers, and the public in the justice system; 2) helping lawyers provide the

highest quality legal and community service; and 3) working for equitable access and participation in all aspects of the justice system by diverse groups within our society.

Goals

A. Through the distribution of electronic and print publications, in-person presentations, and the use of information technology and social media, increase the public's knowledge and understanding of:

- the Rule of Law,
- the judicial system and its funding needs,
- selection and compensation of members of the judiciary,
- lawyers' professional ethics,
- lawyers' standards of practice,
- attorney discipline procedures,
- the Client-Attorney Assistance Program (CAAP),
- the Lawyer Referral and Information Service (LRIS),
- the importance of jury service and the jury process,
- availability of the client security fund, and
- fee dispute resolution.

B. Promote the development of and participation in programs at all levels of education that encourage a more diverse population to pursue legal careers.

C. Assist in efforts to identify needs of under-served populations and low-income Texans, and develop services and programs to assist them.

D. Expand opportunities for lawyers and judges to be involved in community service and education.

E. Enhance awareness of pro bono and volunteer work provided by lawyers and lawyers' contributions both to the legal community and the public at large. Encourage pro bono reporting by all lawyers.

F. Educate the public about significant areas of the law.

G. Identify and employ new methods and technologies by which pro bono training can be made accessible and available to more Texas lawyers.

H. Increase access to consumer legal information for the public.

I. Actively promote the Lawyer Referral and Information Service.

SERVICE TO MEMBERS

Statement Of Purpose

The State Bar of Texas provides its members superior services (including continuing legal education, online resources, publications, networking and leadership opportunities, and member benefits) to assist them in offering ethical, high quality legal services; in establishing and maintaining efficient, effective, satisfying, and productive law practices; and in serving their communities.

Goals

A. Monitor evolving trends in the legal profession and implement appropriate services to help Texas lawyers adapt to and succeed in their ever-changing legal, technological, and business environment. Adapt the role, function, and services of the State Bar as the legal profession changes.

B. Facilitate increased use of State Bar services by Texas lawyers. Develop strategies to increase participation in State Bar elections.

C. Develop and implement strategies to increase bar association involvement among all attorneys, focusing both on service to the bar and the community and on networking and career opportunities.

D. Continue to monitor and enhance State Bar member benefits and promote their use by members.

E. Increase diversity and inclusion among members of the State Bar, including Sections, Committees, Divisions, and other entities. Continue to publicize and support State Bar diversity programs and initiatives.

F. Monitor the evolving continuing legal education needs of Texas lawyers, and develop new educational programs and resources to address those needs. Increase awareness and use of CLE options available from the State Bar, including low cost and free opportunities. Continue to explore new and innovative methods and media for delivering CLE and other resources to State Bar members.

G. Enhance services to and collaboration and communication with State Bar Sections, local bar associations, minority bar associations, specialty bar associations, and national bar associations in an effort to more effectively provide services to all Texas lawyers.

H. Enhance services to and collaboration with Texas law schools in an effort to improve State Bar outreach to law students. Encourage and support the development of mentoring programs for lawyers and law students by licensed attorneys. Continue to offer State Bar presentations at law schools. Encourage and support State Bar participation in law school programs that encourage diversity in the legal profession.

- I. Survey members periodically on the types of communications and member benefits they would like to receive, and adjust communications and benefits accordingly.
- J. Develop additional member services regarding alternative careers, career counseling, and career development. Where possible, collaborate with law schools on these services.
- K. Continue to educate members about the Texas Lawyers Assistance Program and health insurance options available through the Texas Bar Private Insurance Exchange.
- L. Continue to educate members on law practice management topics and best practices. Foster and share innovative practice tools and business models through the Texas Opportunity and Justice Incubator.
- M. Educate members on financial skills, including law firm and personal finance.

PROTECTION OF THE PUBLIC

Statement of Purpose

The State Bar works to protect the public through its powers to regulate the conduct of lawyers and by promoting high ethical standards and professionalism, which are applied fairly and uniformly throughout the state.

Goals

- A. Increase Texas lawyers' knowledge of and compliance with professional ethical standards and disciplinary rules for Texas attorneys through education and the dissemination of information.
- B. Educate the public and attorneys about the Client-Attorney Assistance Program, a pre-grievance dispute resolution program.
- C. Educate the public and Texas lawyers about the State Bar grievance system and the Client Security Fund, and continue to ensure there are sufficient funds for disbursement.
- D. Review and recommend such improvements as may be necessary to ensure a fair, uniform, and effective disciplinary system and dispute resolution procedure, and continue monitoring the Grievance Referral Program for impaired attorneys.
- E. Educate the public and attorneys regarding unauthorized practice of law (UPL), advertising rules, and barratry issues, and where appropriate support the work of the Unauthorized Practice of Law Committee, local law enforcement, and district attorneys in pursuing these matters.

ACCESS TO JUSTICE

Statement of Purpose

The State Bar of Texas works to ensure access to justice for all.

Goals

A. Augment pro bono services –

- Provide incentives for attorneys who perform pro bono legal services.
- Provide public recognition for law firms and corporations to support pro bono participation.
- Continue to involve the Supreme Court of Texas in efforts to increase pro bono participation. Increase communication and outreach to attorneys and local bar and specialty bar associations regarding pro bono opportunities and available support services such as malpractice insurance for pro bono cases. Promote pro bono opportunities to State Bar sections, local bar associations, law firms, and corporations.
- Educate attorneys regarding the Volunteer Attorney Program.
- Educate attorneys about the mentorship program for pro bono volunteers.
- Identify and pursue methods to increase pro bono opportunities for government and transactional lawyers.
- Explore innovative methods to increase the availability of pro bono legal services in remote areas of the state.
- Promote the use of information technology to increase access to justice and support legal services programs.
- Identify and pursue methods to assist State Bar Sections, local bar associations, and specialty bar associations in creating and expanding pro bono programs and in encouraging their members to provide pro bono services.
- Increase coordination with key partners, including the Texas Access to Justice Commission, the Texas Access to Justice Foundation, and legal services providers, to improve and enhance access to justice in Texas
- Educate attorneys about and promote assistance to legal services programs around the state
- Continue to monitor developments in and approaches to access to justice in other states.

B. Build and support partnerships to enhance delivery of legal services –

- Educate and engage non-legal professionals who can provide relevant resources, such as mediators and accountants.
- Help Texas law schools and universities create and expand clinics, mentorship programs, and other efforts to increase legal services to the poor.
- Collaborate with other agencies that provide legal services.
- Provide local and specialty bar associations and State Bar Sections with jump-start programs, basic toolkits, and mentoring opportunities.

- Continue to help connect legal aid lawyers with local volunteer attorney programs.
- Enhance efforts to assist traditionally underserved or specialty populations.
- Increase available resources for limited English-proficiency, hearing-impaired, and visually-impaired populations.
- Continue to help local bar associations with response teams after natural disasters and other crises.
- Continue to support partners who provide high quality pro se information, education, and support materials for indigent persons.
- Support the work of and help identify pro bono opportunities for participants in the Texas Opportunity and Justice Incubator.

C. Increase the visibility of pro bono efforts and access-to-justice issues

- Educate attorneys regarding the structure and funding of access to justice programs, including explanations of how funds are used, who imposes fees that fund access to justice, and the definition of “pro bono.”
- Improve measurement of and publicity for lawyer volunteer efforts.
- Explore and implement new methods and training opportunities to increase awareness and understanding among Texas lawyers and the public about access to justice issues. (e.g., promote pro bono needs and opportunities at Section and CLE events, and share stories of people being helped).
- Create a fundraising program to allow donors to “adopt” pro bono attorneys, legal clinics, or law students who provide pro bono services.

SOUND ADMINISTRATION & RESOURCES

Statement of Purpose

The activities and services of the State Bar shall be administered at a high level of efficiency and professionalism, in conformance with best practices observed by Texas state agencies and by bar associations of similar size and scope.

Goals

- A. On at least a biennial basis, assess, enhance, develop, and review a plan for the training, mentoring, and retention of State Bar staff.
- B. On at least a five-year basis, review and, if advisable, develop a plan and system for deciding if and when to reapportion State Bar districts to better reflect and represent the geographical distribution of State Bar members, taking into account practice area and firm size.
- C. Review and improve processes for handling and responding to customer service requests and communications, including tracking, analysis, and reporting.

D. Identify and pursue appropriate technological solutions and protections to improve the State Bar's ability to perform its functions.

E. Adapt methods of member communication as warranted (i.e., electronic v. paper), and when possible target communications according to lawyer interests and demographics.

F. Provide for the continued maintenance and improvement of the Texas Law Center and other facilities occupied by the State Bar in conjunction with the implementation of the State Bar's five-year Real Estate Strategic Plan.

G. Continue the emphasis on diversity, quality, efficiency, and professionalism within all levels of the staff of the State Bar.

FINANCIAL MANAGEMENT

Statement of Purpose

The State Bar shall conduct its fiscal affairs in conformance with the best management practices observed by Texas state agencies and by bar associations of similar size and scope.

Goals

A. Safeguard and improve the efficiency and effectiveness of managing the State Bar's financial resources.

B. Conserve and grow State Bar assets by efficiently and effectively delivering the services of the State Bar both to the public and to its members.

C. Continue to develop and maintain a long-term financial plan for the State Bar of Texas to assure adequate reserves for both the general fund and other special capital funds.

D. Ensure financial and internal audits are unqualified, through competent financial administration and thorough Board oversight.

E. Annually review the State Bar's financial and reporting requirements to ensure effective and efficient compliance with the State Bar Act.

F. Improve communication between the State Bar staff and Sections with regard to financial management and reporting.

G. Enhance communication to members regarding the status of State Bar financial management, using graphical illustrations to simplify the presentation of data.

TAB 10

RESOURCE MATERIALS

The Path to Lawyer Well-Being: Practical Recommendations for Positive Change, The National Task Force on Lawyer Well-Being, Aug. 14, 2017

What Makes an Effective Nonprofit, Exponent Philanthropy, 2014

AG Report on Charitable Trusts

State and Local Bar Membership Insights and Trends, ABA Division for Bar Services, April 2014

Report and Recommendations on the Future of Legal Services in Utah, The Futures Commission of the Utah State Bar, July 29, 2015

Report on the Future of Legal Services in the United States, Commission on the Future of Legal Services, American Bar Association, 2016.

2014 State and Local Bar Membership, Administration and Finance Survey

Report of the American Bar Association – Bar Association Operational Survey of the New Hampshire Bar Association, American Bar Association, June 2008.

2014 Economics of Law Practice Survey, New Hampshire Bar Association, March 2015

New Hampshire Bar Association 2016 Member Study, Jackson, Jackson & Wagner, March 2016