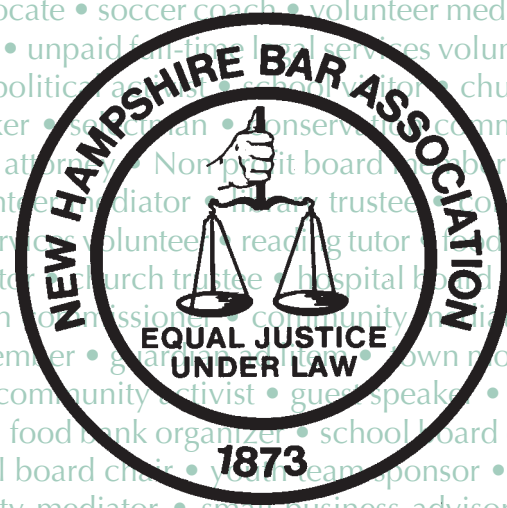


GIVING BACK: A Report on Volunteerism by New Hampshire Lawyers



***...Supporting Members of the Legal Profession
& Their Service to the Public and Justice System***

2002-2003

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Dear Bar Members:

You are holding the realization of a long-sought goal of your Bar Association: to publish a report that begins to catalogue the depth and breadth of Bar members' service to their communities.

New Hampshire's legal profession has a great history of service to the public and the justice system. Each year, the Bar Association recognizes members for service through many Association programs and in other community-based efforts. This year, we began collecting information on attorney volunteerism, through a survey to members published in several issues of *Bar News* and posted on the Web site; through submissions to the "Lawyers in the Community" column in *Bar News*; and through information collected by Bar leaders and staff.

This publication is the first in a series of reports the Bar Association intends to produce to help illustrate the hundreds of ways lawyers and law firms enrich their communities by giving their time, talents and other resources. Because members of the legal profession don't often seek accolades for these efforts (i.e. don't respond to surveys requesting this information), it is impossible to compile a complete picture of attorney volunteerism in New Hampshire. We believe, however, that the compelling examples of generosity contained in this report will reinforce your pride in your profession.

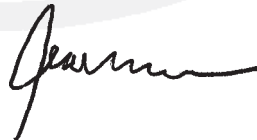
We know you will continue to serve your communities, and we hope you will respond to future surveys, or otherwise share your stories with the NHBA, to help us build a more complete picture of what members of the legal profession "give back." Who else but the Bar Association could tell this story? And we have just begun to scratch the surface.

Thanks for all you do! By the way, did you hear the one about the lawyer who...?

Sincerely,



Marty Van Oot
NHBA President 2002-2003



Jeannine McCoy
NHBA Executive Director

Giving Back through the NH Bar Association

New Hampshire's legal community provides legal services for the needy, educational outreach, and assistance on projects to help the justice system through the New Hampshire Bar Association's (NHBA) programs and committees. The Bar provides administrative support and structure that leverages the time attorneys spend on these efforts to ensure that contributions of attorneys' time and expertise have the greatest possible impact, in line with the Bar's Association's operating motto: "...*Supporting Members of the Legal Profession in their Service to the Public and Justice System.*"

The Bar also provides a valuable and direct public service by answering thousands of calls each year from the public seeking information or orientation about the legal system. The staff of the Lawyer Referral Service answers most of these calls, personally assisting callers with information, directing them to social service or government agencies if appropriate, as well as making referrals to lawyers. LRS administers one of the nation's most active "Reduced-Fee" Referral programs, assisting those legal clients of modest means whose incomes exceed Pro Bono eligibility criteria, but who are unable to afford attorneys' standard fees.

The Bar's Pro Bono and Law-Related Education programs are primarily funded by lawyers through contributions to the New Hampshire Bar Foundation and through its Interest on Lawyers Trust Accounts (IOLTA) program. (IOLTA provides funding for charitable purposes from the interest earned by pooling small or very short-term deposits in lawyers' trust accounts.) Eighty-six percent of all New Hampshire attorneys participate in IOLTA, and this ingenious funding mechanism has raised more than \$15 million for access to justice and legal education causes since 1982. Pro Bono also receives funding through 11 of the state's United Way community campaigns and conducts an annual golf tournament to supplement its funding.

The following details the Bar's legal services and outreach efforts.

Legal Services

Pro Bono Referral Program

Since 1977, the Pro Bono Program has provided low-income families with access to the legal system through referrals to NHBA members who volunteer for the program. Approximately 900 cases are referred annually to participating attorneys, benefiting more than 2,400 adults and children. Each year, volunteer attorneys also serve several hundred families with ongoing cases referred in prior years.

Domestic Violence Emergency Project (DOVE)

Each year, DOVE refers between 150 and 200 survivors of domestic violence to volunteer attorneys for representation at restraining order hearings. Since its inception in 1993, DOVE has served more than 1,120 victims of domestic abuse.

Lawyer Referral Service

The Lawyer Referral Service connects callers with legal problems to lawyers who can help them. More than 3,200 referrals were made in the most recent 12-month period.

Reduced-Fee Referrals

The Reduced-Fee Program provides access to the justice system for families who earn too much to qualify for Pro Bono representation, yet cannot afford to pay market-rate legal fees. The program connects New Hampshire residents of modest means with attorneys who agree to represent them at reduced rates.

Community Campaign for Legal Services

Beyond their contributions of time, members of the New Hampshire legal community have been overwhelmingly generous in supporting the Community Campaign for Legal Services, a joint fundraising campaign managed by the New Hampshire Bar Foundation. The Community Campaign aims to provide ongoing funding for New Hampshire Legal Assistance, the Pro Bono Referral Program, and the Legal Advice & Referral Center that will draw contributions from the legal community and beyond. The campaign, launched in May 2002, nearly reached its three-year, \$750,000 goal in just one year. Because of shrinking aid and increasing needs due to the difficult economy, the campaign's planners are setting a new goal and readying efforts to reach beyond the legal community for support of this worthy cause.

Dispute Resolution Service

To further the mission of serving its members and serving the public, the Bar's Dispute Resolution Committee operates a free and voluntary mediation and arbitration program to help resolve disputes between attorneys and their clients.

Education & Information

Law-Related Education

Each year, tens of thousands of students throughout New Hampshire learn about the legal system and government through the Bar's Law-Related Education programs, including "We the People: The Citizen and the Constitution," the NHBA Mock Trial Competition, and "A Lawyer and Judge in Every School" Day.

Lawline

Once a month, volunteer lawyers staff a toll-free telephone line to answer legal questions from callers. More than 500 callers are assisted annually.

Speaker's Bureau

The Bar Association links attorneys who are willing to make presentations about the law and the legal system with community, civic, educational, business and other groups in search of speakers.

Question of Law

Participating attorneys take turns writing a legal information column published regularly in several of the state's largest newspapers. The questions are archived by topic on the Bar's Web site at www.nhbar.org.

Information Publications

The Bar Association provides legal information to the public by publishing 20 different pamphlets and booklets on various aspects of the law, available in print or on the Web site at www.nhbar.org. Volunteer attorneys working through the Pro Bono Program also wrote the "Pro Se Divorce Guide" to assist litigants with uncontested, simple divorces who plan to proceed without representation. The guide provides detailed information on when it is inadvisable to proceed without a lawyer.

This just in...

Bar Proposes Reduced Dues for Pro Bono-Only Attorneys

At this writing, members of the New Hampshire Bar were being asked to approve a new membership category to encourage non-practicing or retired attorneys to provide *pro bono* services through the Bar's referral program. Dues for members who provide *pro bono* services but are not otherwise actively practicing or employed would be abated to 10 percent of the active dues category. NHBA President Marty Van Oot said the goal is to tap the under-used resource of the many attorneys who are winding down or have recently closed down their practices, or perhaps younger attorneys who have put their careers on hiatus to concentrate on raising their families. "These Bar members are eager to fulfill their *pro bono* obligations, and this new dues structure makes active status affordable for them," she said.

Bar Programs by the Numbers

Number of cases referred each year through the Pro Bono Referral Program: 800-900

Number of adults and children represented through Pro Bono at any one time: approximately 2,400

Average amount of time spent on a Pro Bono case: 20 hours, but varies widely depending on the case

Number of attorneys active in Pro Bono Program: 1,000 (approximately)

Number of survivors of domestic violence assisted by attorneys through Bar's Domestic Violence Emergency Project since 1993: 1,120

Referrals made to clients for attorneys (standard- or reduced-fee referrals) in most recent 12-month period: 4,097

Number of calls from members of the public who were given information or referred to another service/agency by LRS or Pro Bono: 3,250, or more than 12 callers each workday

Lawyers Making a Difference

If you were to believe the punch lines of innumerable jokes, the world would be a better place without lawyers. But think about what our state would be like if all the lawyers disappeared – non-profit boards of directors would be decimated, volunteers for worthy causes would be gone, many political offices would go unfilled, and towns would be left without key members of local governing boards.

The NHBA recently began a survey to try to quantify the community service performed by lawyers each year in New Hampshire. Initial survey responses show that the average attorney devotes 15 hours a month to a wide variety of *pro bono* or community activities. Such contributions, measured by the professional fees that are foregone while attorneys are working on these projects, easily mount into the millions of dollars in donated time.

The following are profiles of a handful of attorneys, representing a cross-section of ages, backgrounds and practice settings, who exemplify the community service ideal of the New Hampshire lawyer, plus a profile of the Waystack & King firm, showing the importance of a firm’s dedication to service as part of its culture. This report also spotlights the recipients of two special awards the Bar regularly presents — the L. Jonathan Ross Award honoring a career-long commitment to representing the disadvantaged, and the Vickie Bunnell Award, presented to a solo or small-firm practitioner in recognition of outstanding community service.

Carolyn Baldwin

Baldwin, Callen, Hogan & Kidd _____

Carolyn Baldwin grew up with a family tradition of community service. Throughout her legal career she has continued the family tradition while practicing municipal, land use and environmental law statewide from her office in Concord.

For many years, Carolyn has been active in local government through positions on the Planning Board and Board of Selectmen in Gilmanton. She worked with the founders of the New Hampshire Lakes Association, helped revive Gilmanton’s Conservation Commission and served as chair of the Lakes Region Planning Commission.

Today, Carolyn is “semi-retired” in an Of Counsel position with Baldwin, Callen & Hogan, P.L.L.C. Her commitment to the community continues through a seat on Gilmanton’s Zoning Board of Adjustment and a position on the Board of Directors of the New Hampshire Main Street Center, a statewide downtown revitalization organization.



“Everybody has an obligation to help make the world a better place, and lawyers are no exception,” she says.

Bradford Cook

Sheehan Phinney, Bass + Green

Brad Cook estimates that he averages 10 to 20 hours of volunteer work per month, doing everything from negotiating contracts between the Manchester School District and surrounding communities to serving on boards of directors of not-for-profit and religious organizations. Throughout his more than 30-year legal career in New Hampshire, Brad has assumed leadership positions for numerous organizations, including the University of New Hampshire Alumni Association, Southern New Hampshire University Board of Trustees, Manchester Bar Association, Easter Seals New Hampshire, Greater Manchester Chamber of Commerce, Manchester Airport Authority, Business and Industry Association of New Hampshire, Concord Community Music School, Leadership Manchester, Manchester School Board, and his local church.

In recognition of his outstanding community service, Brad was named Manchester's 2001 Citizen of the Year. "I have a personal philosophy that I have an obligation to give back to the community, but I think that is true of the legal profession generally. There's a natural connection between service and lawyers," he comments.



Charles Gerhan, Jr.

New Hampshire Legal Assistance

Chuck Gerhan began his law career at a point in his life when most people would be thinking about slowing down. He had served in the U.S. Navy for 28 years and could have retired comfortably in a state known for moderate temperatures. Instead, he went to law school and moved to New Hampshire to join the corporate department at McLane, Graf, Raulerson & Middleton.

In 1993, just three years after he joined McLane, Chuck left to volunteer full-time for New Hampshire Legal Assistance. "I believed in what New Hampshire Legal Assistance was doing, making legal services available to all, and I was glad to be able to volunteer," he says simply.

Chuck served as a full-time volunteer for New Hampshire Legal Assistance for two years before he accepted a part-time, paid position at the organization. Today, he combines his work for New Hampshire Legal Assistance with volunteer service as a board member of the Concord Area Trust for Community Housing, advisory council member of the Interfaith Caregivers Program, and active participant in the Greater Concord Interfaith Council Emergency Shelter Program and the activities of South Church in Concord.



Paul MacDonald

Ransmeier & Spellman

In 1994, Paul MacDonald wanted to celebrate the holiday season by helping someone in need. He put a box in his Concord office to collect food for the Holiday Food Basket Project, a seasonal event run by the Capital Region Food Program. Nearly ten years later, Paul has branched out to collect food for the holiday baskets from law firms and courts in Merrimack County, as well as from the Bar Center. The 2002 Holiday Food Basket Project provided 3,200 boxes of food to 1,600 families.

Paul's good deed in 1994 has led to a position on the Board of Trustees of the Capital Region Food Program, where he helps oversee the distribution of 30 tons of food per year to social service agencies and food partnerships. In addition, he has served on the board of trustees of the Five Rivers Conservation Trust for six years and just completed a two-year term as the Trust's chair.



Jeanmarie Papelian
McLane, Graf, Raulerson & Middleton



While she was still in law school, Jeanmarie Papelian was horrified by the devastation wrought by an earthquake in Armenia. The struggling nation’s problems were further compounded by a war with Azerbaijan that left a trail of ruin in its wake. Jeanmarie graduated from law school determined to help. In 1992, she became involved in the Armenian Children’s Milk Fund, which brings desperately needed infant formula to Armenian babies.

Today Jeanmarie is a director at McLane, Graf, Raulerson & Middleton and the long-time chairperson of the Armenian Children’s Milk Fund. “I’ve stayed with the Milk Fund because it has been so fulfilling. There’s a lot of satisfaction that comes from helping these children,” she explains.

Jeanmarie feels that the training that lawyers receive gives them a unique power to help people. She says the skills that she has acquired as a lawyer have directly contributed to her effectiveness in coordinating efforts to bring formula into Armenia, dealing with formula manufacturers, negotiating for storage space, and communicating the need for U.S. support.

In addition to her work with the Milk Fund, Jeanmarie serves on the boards of the Armenian Missionary Association of America, the Armenian Library and Museum of America, and the Manchester region division of Child & Family Services. She also takes at least one *pro bono* case per year.

Katherine Stearns
Katherine Stearns Law Offices



Before moving to New Hampshire, Katherine Stearns worked at a Boston firm where she focused on employee benefits law. Now she is a solo practitioner in New London, where she does a lot of family law and other “small town law” – including at least 20 hours per month of unpaid legal work. “I was in the corporate world and went the opposite way. My kids call me the ‘not-for-profit lawyer’,” she laughs.

Katherine contributes many hours to the NHBA Pro Bono and DOVE programs. In addition, she participates in the Kearsarge Domestic Violence Council, volunteers for her church and its service programs, is a leader for her daughters’ Girl Scout and Brownie troops, and is a member of her town’s Zoning Board of Adjustment. She has also been known to do some ad hoc *pro bono* work if a client can’t afford her fees.

As a solo practitioner, Katherine has found it difficult to balance paying work with the demands of a full load of *pro bono* cases, but she says that the sacrifices are worth it. “It’s hard to see need day in and day out and not do anything to help. I guess it has been a cause of mine to help people,” she explains.


Partners in Public Service

No matter how public-spirited the individual, the effectiveness of an attorney's involvement depends on the support she receives from her law firm. Many law firms in New Hampshire, both large and small, integrate *pro bono* and community service into their law firm culture, understanding that devotion to these efforts is not just good citizenship and an obligation of the profession, but it is also good for the firm.

Take the example of the law firm of Waystack & King. In most places, a three-attorney firm would be considered small, but the Colebrook-based Waystack & King firm casts a big shadow in its neck of the woods as its attorneys play many roles in their community. In a rural area like the North Country, professionals are scarce and their skills and judgment are in demand. Waystack & King attorneys, like many of their colleagues in firms around the state, have responded by embracing their obligation to use their knowledge, skills and judgment in service to the community.

Phil Waystack has served for many years on the board of the Upper Connecticut Valley Hospital and on the Colebrook School Board, and has also made his presence felt statewide, serving as president of the New Hampshire Bar Association in 1985-86, and currently as a member of the Supreme Court's Professional Conduct Committee. Waystack also is a member of the Judicial Selection Commission appointed by former Gov. Jeanne Shaheen. David King, who also serves as part-time justice of the Coos County Probate Court, has chaired the Upper Connecticut Valley Hospital board for almost 10 years and has participated in various economic development efforts in the North Country. Associate Jonathan Frizzell is currently active on the Colebrook School Board, is Colebrook town moderator, and is a girls' softball coach. Clare Hinkley, who recently left the firm to return to take a post as director of nursing (her former profession), helped retain federal funding for the recruitment of rural physicians by restructuring the Coos County Family Health Center to employ physicians when incentive funding for hospitals was cut off.

“At our firm, we foster community involvement. We want lawyers here who are leaders or have leadership potential. It’s important that we are completely enmeshed in the fabric of our community,”



– Philip Waystack

Pro Bono Service is a Component of the Practice of Law

Community service is an obligation for every New Hampshire lawyer. The following is Rule 6.1 of the New Hampshire Code of Professional Conduct, the ethics rules for lawyers.

Pro Bono Publico Service

A lawyer should, consistent with his or her expertise and interests, render public interest legal services. A preferred means by which this responsibility may be fulfilled is the provision of professional services at no fee or substantially reduced fee to individuals of limited financial means, or to organizations that have as their principal purpose serving the legal needs of individuals of limited financial means. Despite this articulated preference, a lawyer may discharge this responsibility by service in activities for improving the law, the legal profession, or by providing professional legal services at no fee or substantially reduced fee to public service or charitable groups.

Award for Outstanding Commitment to Legal Services for the Poor

Each year, the New Hampshire Bar Association honors New Hampshire Bar members for serving the legal needs of the poor. The following is the list of those honored with the L. Jonathan Ross Award for Outstanding Commitment to Legal Services for the Poor. The list includes primarily attorneys in private practice who have devoted countless hours to representing low-income individuals, as well as to planning and advocating for equal access to justice issues throughout their careers. In addition, Elliott Berry and Robert Gross, staff attorney and former executive director, respectively, of New Hampshire Legal Assistance, were honored for their devotion and hard work in representing the disadvantaged and powerless in society. Supreme Court Chief Justice David A. Brock and then-Superior Court Chief Justice Joseph P. Nadeau also received the Ross Award, recognizing their leadership in underscoring the importance and necessity of *pro bono* service.

2003	Stephanie Bray	1996	Marilyn McNamara
2002	John Norton	1995	Robert Gross
2001	Sanders & McDermott	1994	Chief Justices David Brock and Joseph Nadeau
2000	Phil Rader (posthumous)	1993	Bruce Friedman
1999	Steven Camerino	1992	Nancy Murdock
1998	Donald Hebert	1991	Janine Gawryl
1997	Elliott Berry		

L. Jonathan Ross

Wiggin & Nourie

The NHBA's annual award for *pro bono* service was named the L. Jonathan Ross Award in 1991. The award pays homage to Jon Ross' role in organizing state bar associations to lobby Congress to preserve federal funding for civil legal services for the poor when the program was targeted for extinction by Reagan Administration appointees. Following an NHBA tradition of commitment to legal services for the poor, the Bar became more active and assumed a national leadership role in the effort of state bar associations to advocate for equal access to justice. Jon has continued to work for justice for all through his firm's *pro bono* program, and through his leadership roles in state, regional and national bar associations. He currently is chair of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants.



“I think it is an obligation of all lawyers to give of their time and talent to those who need and cannot afford equal access to justice.”

Lawyer-Mediators Provide Trial Alternative

More than 300 New Hampshire lawyers annually donate their services to the Superior Court Alternative Dispute Resolution Program, which provides free alternative dispute resolution services to all parties who have filed civil actions. Approximately 1,500 cases each year undergo mediation in this program, and more than 60 percent are settled before going to trial, sparing litigants the time, expense and trauma of trials, and producing resolutions that the parties themselves have a hand in devising. These successful mediations also benefit all other litigants, speeding access to justice for those cases that must go to trial.

“The alternative dispute resolution program is both valuable and important, and the volunteers serving in it deserve recognition for their efforts.”

– Superior Court Chief Justice Walter Murphy

The NH Bar's "Country Lawyer" Award

Vickie Bunnell's death in the 1997 shooting spree in Colebrook shook all of New Hampshire. It was especially shocking and ironic that as unassuming and gentle a person as Vickie Bunnell, a lawyer and part-time district court judge, could have been the target of a deranged killer. However, her death did spotlight the kind of lawyer that almost never appears on television dramas or in the headlines. Vickie Bunnell was the kind of lawyer whose unheralded legal work involved protecting children from abuse and neglect, who helped people with everyday problems, and who served her community in many ways, including as a town official — a role that ultimately provoked the lethal ire of her killer.

The following year, the NH Bar Association created an award in Vickie Bunnell's name. The award recognizes solo or small-firm lawyers immersed in their communities who strive to make a positive difference in the lives of their neighbors.

Gerard J. Boyle, of Plymouth, the second Bunnell award recipient, said that he believes there are many potential Bunnell award-winners out there. "The NH Bar in general is full of people who on a daily basis are working to benefit their communities," said Boyle. He believes that it is especially important that lawyers be active in such efforts. "When people see lawyers volunteering their time, it encourages other people to do the same," he said.

To date, five attorneys have received the Bunnell Award. All continue to put their talents and energy to work for their communities, serving as role models and as inspiration to others.



Ignatius MacLellan

Ignatius MacLellan, Concord. Active in affordable-housing issues, Ignatius founded the Concord-based Concord Area Trust for Community Housing as well as the Coalition for Dental Health. He also was a hands-on volunteer for his church's food pantry, and becomes personally involved in helping the individuals and families who come to it for help.

Gerard J. Boyle, Plymouth. A solo criminal defense attorney, Gerry's list of involvements in his community is awe-inspiring. Focusing on youth activities, he is active in Boy Scouting at all levels, serves leadership roles in several athletic leagues, has been a key figure in local American Heart Association programs, and is a leader in his church. An officer in the U.S. Marine Corps Reserve, he is also active in veterans and reserve military groups.



Gerard J. Boyle



Peter Loughlin

Peter Loughlin, Portsmouth. A recognized authority and author on municipal law, Peter, a solo attorney, devotes himself to a diversity of activities in the Portsmouth area, including the Foundation for Seacoast Health, the Pease Development Authority and other community organizations.

Paul Desjardins, Lancaster. A former colleague of Bunnell's as a part-time justice of the Colebrook District Court, Paul, a member of a two-person firm, understands well the role of the lawyer in a small town — a role that requires him to wear many hats. He has been sought in many quarters — serving on municipal budget committees, as town moderator, on the planning board, as a bank director, and as a regular member of Lions and Rotary clubs.



Paul Desjardins

And, in his copious spare time, Paul also has served as varsity soccer coach for the high school.

Vicki S. Roundy, Dover. A general practitioner with a solo practice on the Seacoast, Vicki is a past winner of the Pro Bono Attorney of the Year award for her county, and is active in a number of community activities, including volunteering at a local food pantry and running bingo nights at a homeless shelter. She also mentors disabled youth through a program called "Northeast Passages."

For information about the Bunnell Award or to make a nomination, contact Denice DeStefano at the Bar Center at 224-6942 or e-mail her at ddestefano@nhbar.org. The award is typically presented at either the Midyear Membership Meeting or the Annual Meeting.



Vicki S. Roundy



Lawyers Making a Difference

This report is the kickoff of ongoing efforts to better publicize the community service contributions Bar members make in their communities. Needed are your suggestions or information on your activities or on those of Bar members you know. The intent is not to generate publicity for individuals, but through an accumulation of examples and information, to better acquaint the public with Bar members' positive impact on the Granite State and the wider world. Tell us your story!

Speakers Bureau

Do you know of a group that needs a speaker in the coming year? The Bar Association assists all kinds of nonprofit, educational, community and service groups in locating Bar members with particular expertise to serve as speakers. The more specific the request, the better. Also, let us know if you are a Bar member who would like to be contacted for speaking engagements. E-mail dwise@nhbar.org.

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