

## Those Who Love It: Justice Bassett Leads Commemoration of Dartmouth Case

By Kathie Ragsdale

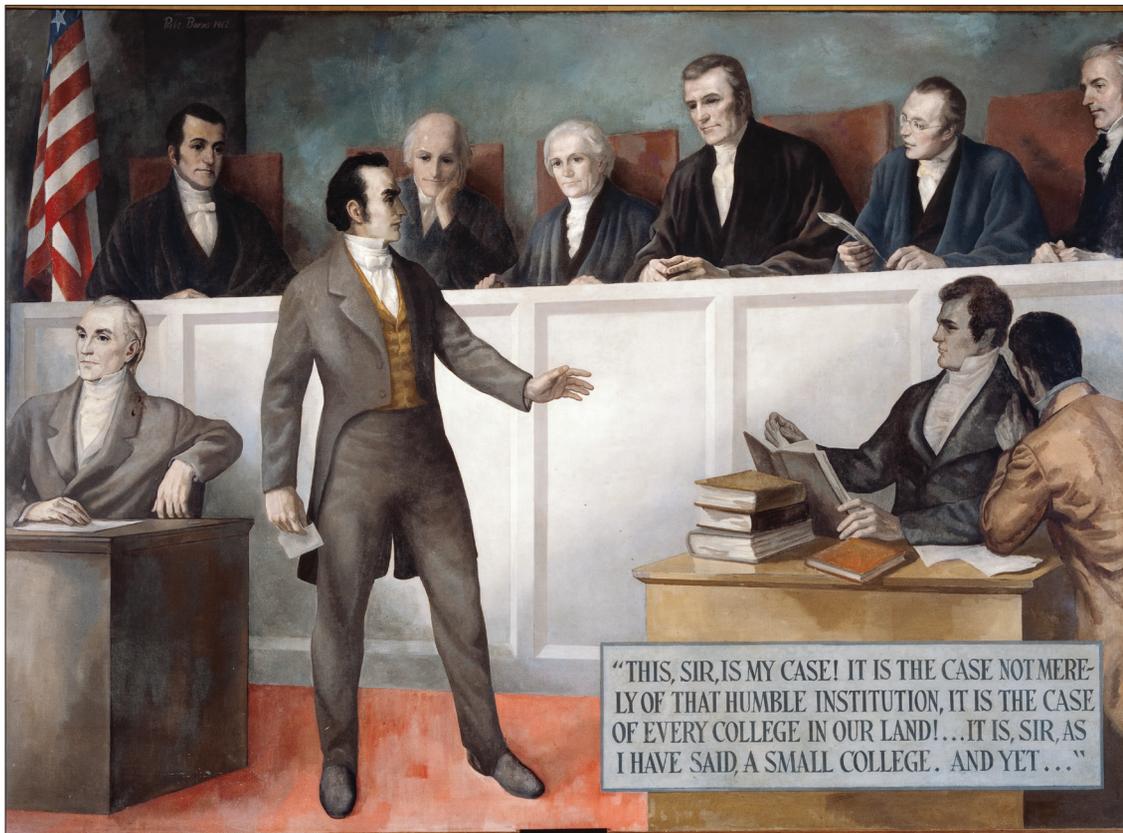
Two hundred years ago this month, Dartmouth alumnus Daniel Webster — widely acclaimed as the greatest orator of his time — argued before the U.S. Supreme Court in a case that resonates to this day.

In *Dartmouth College v. Woodward*, Webster successfully contended that his alma mater, chartered 50 years earlier, should remain a private institution rather than become a state university.

The court's landmark decision, involving application of the contracts clause of the U.S. Constitution, upheld the sanctity of contracts and became a foundation for no less than the American system of free enterprise.

On January 31, the case will be re-argued before current U.S. Supreme Court Chief Justice John Roberts as part of a year-long program of events honoring Dartmouth's 250th anniversary.

WEBSTER continued on page 8



Robert Clayton Burns, *Daniel Webster at the Argument of the Dartmouth College Case*, 1962, oil on canvas. Hood Museum of Art, Dartmouth: Gift of the Estate of Henry N. Teague, Class of 1900; P.962.86.

NEW HAMPSHIRE BAR ASSOCIATION  
**2019 Midyear Meeting**  
February 15, 2019  
DoubleTree by Hilton Manchester Downtown

**From Framers  
To Facebook**

Interesting Times  
for the First Amendment

See pages 16 & 17 for details

### PRACTITIONER PROFILE

## Coaching the Redhawks — and Clients — to Victory

By Kathie Ragsdale

James O'Rourke says it's no coincidence that he is both a criminal defense/family law attorney and assistant coach of a rising high school football team just three years into its varsity program.

"There are so many similarities between football and litigation, it's not funny," says the Hopkinton resident, who helped steer the Hillsboro-Deering-Hopkinton Redhawks to their first playoff win in November.

"You've got to try to win, to give them good advice," he says of both clients and his young players.

Co-owner of Greenblott & O'Rourke, with locations in Contoocook and Plymouth, O'Rourke also draws on his athletic background in his office. Sports, he says, help with "running a business and having employees and making sure people are motivated, being able to communicate with them, being able to work as a team."

He comes by both callings naturally.

The son of a small-town lawyer who originally hailed from Waterford, Ireland, O'Rourke grew up in Constableville, New York — population, less than 1,000 — and



showed athletic promise as a running back, half-back and linebacker on his high school football team.

Though small, he was a natural — so much so that he was named team captain, and he was also an all-star wrestling captain and all-star baseball captain.

He says one man he met in high school helped inform the rest of his life.

"I had a great high school football coach, David McCauley," O'Rourke recalls. "He basically was an alternative role model —

very intense, very old-school. You had to work hard if you wanted to get anywhere."

A nationally celebrated teacher and coach, McCauley died in March 2003 from injuries suffered in a fall.

O'Rourke says his mentor passed along a valuable message about the role of athletics in building qualities that are important far beyond the playing field.

"I think they play a crucial role in kids' development but it has nothing to do with wins and losses," he says. "Arguably you could say kids learn more from losses than

O'ROURKE continued on page 12

### INSIDE

Opinions ..... 4-5  
NHBA News ..... 6-17  
Practice Area Section ..... 18-27

NH Court News ..... 28-33  
Classifieds ..... 34  
NHBA • CLE ..... 35-39

Periodical Postage paid at Concord, NH 03301

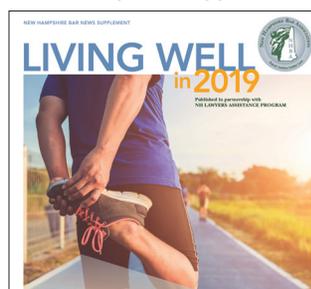
### THE DOCKET

**Honoring Public Service.** Four attorneys, among others, to receive awards at the Midyear Meeting on February 15. **PAGE 2**

**Legal Upheaval.** Attorney Michael Lewis argues that "the People" have flipped the script on the government in a new constitutional amendment. **PAGE 4**

**True or False?** Find out how much you know about stalking during Stalking Awareness Month. **PAGE 6**

### Inside: Special Supplement



### Criminal Law and Health Law

How will the federal sentencing change in 2019? What "dramatic" cuts can hospitals expect? Learn the latest! **PAGES 18-27**

**Bicentennial Celebration.** New Hampshire Supreme Court returns home to Statehouse chambers. **PAGE 28**

**Alimony Update.** Find out more about the new Uniform Alimony Order. **PAGE 28**