

Gender Equality in NH Law: Shards of the Glass Ceiling Remain

By Tom Jarvis

In the spirit of the great Golden Girl, Sophia Petrillo: picture it, New Hampshire, 1978. A young female attorney, unsure of how to best conduct herself in a courtroom, observes her peers – who are all male – and begins to copy their mannerisms, only to be fined by the judge for acting “unlady-like.”

It’s no big secret that women lawyers were treated differently in the past, to say the very least. What surprised me is how recent that past is.

The practice of law began with the all-male orators of ancient Athens around 400 BC. Women weren’t even considered capable of interpreting law at that time. It took over 2,000 years before the first female lawyer ever, Marija Milutinović, began practicing in Serbia in 1847.

The first in the United States wasn’t until 1869, when Arabella Mansfield was admitted to the Iowa Bar. It then took 48 years for New Hampshire to finally

catch up when Agnes Winifred “Winnie” McLaughlin became the first woman admitted to the NH Bar in 1917.

You might think the flood gates would have opened at that time for women to break into the profession that had once been exclusively for men; however, it took another 57 years to reach the 50th female lawyer in NH, which was Linda Stewart Dalianis.

Once admitted to the Bar in 1974, Dalianis smashed through several gender barriers in NH. She was the first woman appointed to the Superior Court in 1980, the first female Chief Justice of the Superior Court, the first female Supreme Court Justice, and finally the first female Chief Justice of the NH Supreme Court (2010 to 2018).

“NH was a very closed legal society in the 70s and even into the early 80s,” Dalianis recalls. “Having lived through them personally, I can tell you that in the early 1970s the idea of female lawyers, in NH at least, was pretty radical.”



Hon. Susan Carbon and Gender Equality Committee Chair Lyndsay Robinson at the Federal Courthouse in Concord, NH. Courtesy Photo

If you dig hard enough, you can find a plethora of fairly recent examples of female practitioners in NH being treated differently or unfairly because of their gender.

“In my first year of law school, the Dean spoke at the opening session and

said words to the effect of ‘we have now reached 25% enrollment of women; we’ve done all we need to do,’” Circuit Court Judge Susan Carbon recalls. “I was just taken aback. It was lip service. It was patronizing. It infuriated a lot of people.”

In 1989, another aspiring NH counselor, who wished to remain anonymous, was asked during her summer clerkship interview, “what’s a pretty little thing like you doing in law school?”

Even as recent as the late 1990s, when Superior Court Judge Jacalyn Colburn was a lawyer representing a client in front of the Parole Board, a male board member prefaced his sentence with, “listen little lady,” during a heated exchange.

“I didn’t address it. I just let it roll and I continued on with my argument, but I thought that was a very demeaning and very gender-specific, derogatory way to address a female lawyer,” she said.

In a pivotal movement, the NHBA

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Robert Hirschfeld, far left, of the Episcopal Diocese of New Hampshire at a State House rally for peace in Ukraine on March 2. Polina Sayess of Lebanon, center, holds a Ukrainian flag. Photo Scott Merrill

Refugees and the War in Ukraine

By Scott Merrill

The UN High Commissioner for Refugees, Filippo Grandi, has called the exodus of refugees from Ukraine into neighboring countries because of the war there the fastest growing refugee crisis in Europe since World War II.

Most of the more than two million

refugees, as of March 8, have sought safety in Eastern European countries such as Poland, Romania, and Moldova.

What this means in terms of Ukrainian refugees entering the United States remains to be seen, as it is unclear how many people will ultimately seek perma-

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2010 Hollman Award Recipient: Jennifer Parent

By Lyndsay Robinson

The New Hampshire Bar Association’s Gender Equality Committee established the Philip S. Hollman Award for Gender Equality when Judge Hollman retired from the Superior Court in 2003. The award is designed to honor his efforts as a stalwart advocate for gender equality in the legal system.

The Gender Equality Committee has chosen an award recipient each year since 2004. A Hollman award recipient is someone who is dedicated to promoting respect and fair treatment towards all members of the judicial system. This recipient acts as a leader, educator, and role model on such issues.

The Gender Equality Committee is interviewing some of the Philip S. Hollman Award Recipients to further highlight their success in the area of gender equality and to see what has changed (or stayed the same) since they received the award.

I had the opportunity to speak to the 2010 Hollman award recipient, Jennifer Parent. After speaking with Jennifer, there is one word I would use to describe her – humble. Jennifer started practicing law in New Hampshire in 1995. In 1998, three years into her practice, Jennifer helped establish the New Hampshire Women’s Bar Association. She eventually went

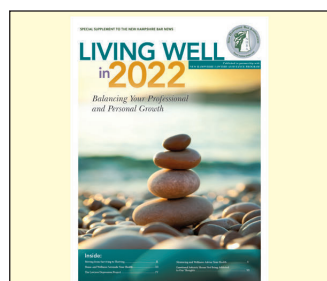
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Attorney Jennifer Parent, speaking at the 100th Anniversary of Women in the New Hampshire Bar event in 2017. Courtesy Photo

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Collaborative Action. Former Administrative Judge for the District Court, Edwin Kelly, who formed the District Court Domestic Violence Protocol Committee puts out a call for collaboration and action on DV issues. **PAGE 5**

Housing. Drug court participants are finding homes through a collaborative new program. **PAGE 15**

Time to Pay. Federal student loan forbearance will end on May 1. Find out what you can do if you’re a borrower. **PAGE 18**

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“The wrenching human loss, destruction of cities and countryside, and the displacement of frightened persons across surrounding borders opens a new epoch in Europe.”

Immigration Law Attorney, George Bruno

nent resettlement.

For Ukrainians in the U.S. already, the Biden administration has granted Temporary Protective Status, a designation that shields them from being deported and allows for 18-month work permits.

In New Hampshire, immigration law attorney and former American Ambassador to Belize in the mid-90s, George Bruno, calls the scenes of destruction and displacement of people from their homes heartbreaking.

“The wrenching human loss, destruction of cities and countryside, and the displacement of frightened persons across surrounding borders opens a new epoch in Europe.”

Enrique Mesa, managing partner at Mesa Law in Manchester, said he has been following the situation in Ukraine very closely and that a lot of his firm’s clients from Ukraine are in the process of becoming citizens.



Mesa

“Some of them have loved ones and want to know what they can do to bring them over,” he said, adding that currently, the only policy that Immigration Services (USCIS) has is a Temporary Protective Status for all Ukrainian nationals who were here in the U.S. before March 1.

Asked about refugees seeking relocation in the United States and political asylum cases, Mesa said the White House has indicated they would entertain bringing refugees here from Ukraine.

“But they also hinted that the European Union is opening the doors for refugees. So, I really don’t know, with respect to numbers, how many the U.S. will be allowing



Beth Galerpin, left, and Monica Cote outside the Concord State House on March 2 for a rally in support of Ukraine. The rally was organized by Protection of the Blessed Virgin Mary Ukrainian Catholic Church in Manchester. Photo Scott Merrill

in.”

Mesa said he has been receiving a lot of calls from people.

“This is a worst-case scenario,” he said. “Just an hour ago, I got off the phone with someone. And I’ve received a lot of emails, as well. What I’m hearing and what people are seeing is that there are a lot of women and children going to Poland and other places, but it’s the men fighting this war.”

Mesa explained that many people, as of March 8, aren’t asking for refugee status or political asylum.

“We’re seeing a lot of family members separated from their family unit, and in their head, they don’t want to ask for refugee status or political asylum because they think that this whole situation is temporary.”

For people who do choose to apply for political asylum status once in the U.S., applicants must be able to show that they will be persecuted based on their political opinions or affiliations.

“If we are going to allow refugees into this country, they will be coming from overseas and they will have already had [refugee] status,” Mesa said. “But let’s say tomorrow there was an influx of Ukrainians coming in with a tourist visa; they would have up to one year inside the U.S. to apply for asylum.”

Once asylum is applied for, the Ukraine national will have an interview within 45-60 days with the USCIS Asylum Office in Boston, Mass.

It may take between 30 days to one year or more for USCIS to review, corroborate the story and make a decision.

Mesa, whose grandmother was from the Ukraine, and who had other family members that fled Cuba during the revolu-

tion, said he is invested in what’s happening there.

“I understand the urge to fight for political freedom and it’s very frustrating to see what’s happening in Russia,” he said. “We’re keeping up with the law and getting our names out there, and we are available for people who are looking for answers.”

On March 2, a rally of approximately 200 people was held outside the State House in Concord to show support for Ukraine.

“I understand the urge to fight for political freedom and it’s very frustrating to see what’s happening in Russia. We are keeping up with the law and getting our name out there, and we are available for people looking for answers.”

Enrique Mesa

Beth Galerpin and Monica Cote attended the rally, organized by members of the Protection of the Blessed Virgin Mary Ukrainian Catholic Church in Manchester, many of whom have friends and relatives living in Ukraine.

“I’m here to show support for the Ukrainian people who are being terrorized by a greedy monster,” she said.

(ISSN 1051-4023)
An official monthly publication of the
New Hampshire Bar Association.

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Subscription price: \$160/year to non-members; members, included in annual dues; \$80/year to students. Advertising rates on request. Periodical postage paid at Concord, New Hampshire 03301. Postmaster: send address changes to New Hampshire Bar News, 2 Pillsbury Street, Suite 300, Concord, NH 03301.

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New Mentor Advice Program Celebrates a Successful Year

By Misty Griffith

The unparalleled collegiality of the New Hampshire legal community is evidenced by the dozens of experienced attorneys from more than 50 firms throughout the state who have volunteered to serve as mentors for the NHBA since the new Mentor Advice Program came into being one year ago. Having so many capable mentors available provides the basis for MAP to successfully pair new attorneys (advisees) with a mentor who fits their individual needs. Whether an advisee seeks a mentor with similar practice areas, one who can provide sound advice about opening a solo practice, or someone to provide tips on networking and engagement within the NHBA, MAP has numerous experienced attorneys ready and willing to provide professional guidance.

During the first few weeks of opening for advisee applications this year, MAP has paired over ten new lawyers with a very compatible mentor who closely aligns with their professional needs. Some of the great matches include:

- New solo lawyer in Littleton matched with a solo practitioner also located in Littleton with over 50 years of practice experience.
- New attorney working as a public defender matched with a retired attorney who has had a noteworthy career as a public defender in New Hampshire.
- 2019 admittee who has opened a solo practice matched with an experienced attorney who has volunteered to show the ropes about opening and managing your own firm.
- 2020 admittee specializing in family law



matched with an experienced family law practitioner who is also very involved in the family law section, committees of the NHBA, and affinity bars.

- Solo attorney seeking networking guidance matched with a young but experienced attorney who is a rising star and very involved in NHBA committees and affinity bars.
- 2020 admittee concentrating on corporate, tax, and real estate law matched with a highly experienced attorney in these practice areas who has an LLM in tax law.
- 2020 admittee who is passionate about intellectual property law, especially trademark and copyright law, matched with an experienced attorney who is an expert in these areas.
- New attorney admitted in both NH and MA with a solo family law-oriented practice in a border town, matched with an experienced attorney from a nearby town actively practicing family law in both states.

MAP is continually introducing new mentoring pairs. Many experienced mentors are looking forward to connecting with an advisee.

If MAP does not have a currently available mentor suitable to an advisee's needs, the coordinator will reach out to experienced practitioners to find a mentor who is a good fit.

Most advisees are matched within two weeks.

New attorneys, take advantage of this exceptional resource provided by the NHBA. Sign up for MAP today so that you can be paired with a mentor who will help you reach your fullest potential professionally.

Applications for both advisees and mentors are available at <https://www.nhbar.org/mentor-advice-program/>. If you have questions, contact Member Services Coordinator Misty Griffith mgriffith@nhbar.org.



NHBA Board of Governors Election Starts April 1

Online balloting will begin April 1 and conclude April 15. An email containing a link and passcode will be sent from electionsonline.us on April 1. Members who have not voted by April 8 will receive an email reminder.

Because the NHBA Board of Governors ballot is sent as a bulk email message from ElectionsOnline, it may end up in your email application's spam filter. To ensure that you receive your ballot, please add vote@electionsonline.com to your "safe senders" list. This address has been the same for the past several years.

If you do not receive your electronic ballot and would like to vote online please send an email to Debbie Hawkins (dhawkins@nhbar.org) and she will assist you in receiving a ballot. Upon request, the Bar will provide a traditional paper ballot.

NHBA 2022 Board Candidates

For full biographical information and candidate statements, please visit www.nhbar.org.

President-Elect

Nomination by Board of Governors in December
Jonathan Eck of Orr & Reno PA

Vice President

Nomination by Petition for 1-year term
Paul Chant of Cooper Cargill Chant PA

Governor-at-Large

Nomination by Petition for 3-year term
Kathleen Mahan of Hinckley Allen

County Governors

Nomination by Petition for 2-year term

Belknap County

Jesse Friedman of Friedman Bresaw PLLC

Carroll County

Leslie Leonard of Cooper Cargill Chant PA

Hillsborough South

Kara Simard of NH Public Defenders Office (Nashua)

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Vanessa Wilson of Division for Children Youth and Families

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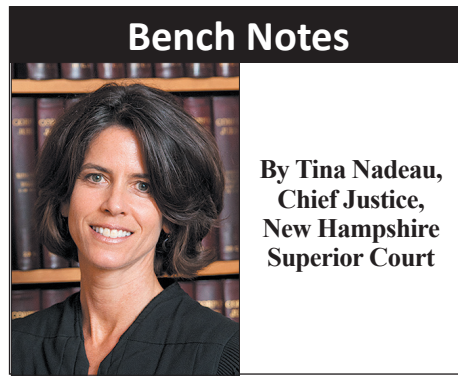
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HOUSING MATTERS

A Collaboration Among the Three Branches of Government Works to Improve Lives

Many of you have heard me speak at conferences, rotaries, and leadership gatherings about the value of drug courts and how they operate to reduce crime, enhance public safety, save money, and return offenders to the community as contributing members. If you have ever been to a drug court graduation, you have seen the success stories first-hand. Before entering drug court, many participants spent time in prison, on probation, or in treatment without improvement in their substance use disorder or criminal behavior. Some began using substances after their parents supplied them their first dose, and then resorted to crime to support their addiction. Others suffered a lifetime of trauma and/or mental illness leading them to numb these conditions with alcohol and/or other drugs. Graduating does not mean those problems go away, but it does mean the participant leaves the program with strengths they never knew they had.

Drug court programs are unique in that they combine the rigors of consistent supervision with the intensity of evidence-based treatment to provide the best opportunity for participants to succeed. Participants in drug court are required to appear regularly in court for status review hearings, submit to random and frequent drug testing, attend weekly case management and probation meetings, and most importantly engage in intensive outpatient or inpatient treatment to address long-standing mental health and substance use issues. A team—including the judge, prosecutor, defense attorney, treatment provider, case manager, proba-



Bench Notes

By Tina Nadeau,
Chief Justice,
New Hampshire
Superior Court

tion officer, peer support, and law enforcement officer—works together to address the individual needs of each participant.

To Stay in Treatment, Participants Need Housing

One of the most significant barriers to a drug court participant's success is the lack of available, affordable housing. Many participants who enter drug court are homeless or live in unsafe conditions where family members or other residents actively use substances. It is difficult and sometimes impossible for participants to remain engaged in treatment and stay focused on recovery when their living arrangements are unstable.

The Governor's Commission on Alcohol and Other Drugs recognizes these challenges for drug court participants and offenders leaving prison after completing their sentence who have been diagnosed with a substance use disorder. As a result, the Commission authorized funding for a Community Housing Program designed to

provide bridge housing opportunities for both these populations.

This well-intended idea initially struggled to take off. The Department of Health and Human Services spent several years attempting to contract with a non-profit substance use service provider to accept the funds and establish the housing program. Those efforts stalled and after two years considering other options, the Judicial Branch, the Department of Corrections, and the Department of Health and Human Services worked together to design a home-grown program. The Judicial Branch hired a program coordinator, Rachel Azotea, who works to place both drug court participants and offenders leaving prison into temporary, affordable housing.

Never before has the state established such a program and its success has been remarkable. Nearly 300 individuals have received housing assistance in the past year alone. Many of those participants had experienced unexpected setbacks that affected their ability to maintain housing. Because we were able to provide temporary support, we ensured those participants stayed engaged in the activities that keep them from reoffending and that keep them actively engaged in their communities.

An additional benefit of the program is the work of the housing coordinator to connect participants with sober living organizations, local property owners, shelters, and other emergency housing options. Through Azotea's active, continuous outreach, important community leaders are learning about the drug court model and evidence-based practices that work to reduce sub-

stance use disorder. For example, several sober living organizations strictly excluded participants who were using medication for addiction treatment. By working with the NH Coalition of Recovery Residences (NHCORR), the coordinator was able to address the barriers that stood between an individual on prescribed substance treatment medication and their access to sober housing. Now, those organizations welcome and support those participants. This collaborative approach created space for dialogue and education around the use of medical treatment for a substance use disorder.

Much can be Achieved Together

This program would not be possible without the coordinated efforts of the Governor's Commission on Alcohol and Other Drugs. The Legislature established the Commission many years ago and it includes members from the executive, legislative, and judicial branches of government; the community college system, the medical society, as well as members of the public with experience in addiction science, treatment, recovery support, law enforcement, and medicine among others.

I have had the privilege of serving on this Commission as a representative of the Judicial Branch and have been continually amazed at the ability of such a disparate group of people to come together in service of shared common goals. They do so with respect and professionalism, regardless of whether their perspectives are in conflict

BENCH NOTES *continued on page 6*

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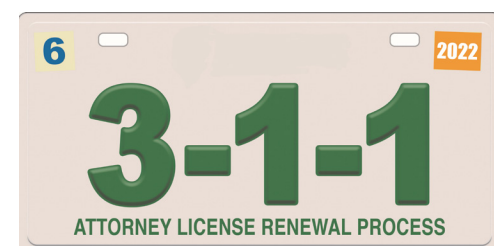
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credits for the year so far.

Complete CLE programs well in advance of June 1, 2022
to be ready to file your NHMCLE affidavit promptly.

Renew Your Membership Status by June 1



June 1, 2022 is the deadline to renew your membership status and NHBA Member Records Coordinator, Michele Gilbert, is here to assist you.

NH Supreme Court Rule 42 requires that NH attorneys update the NH Bar Association whenever their business or residential contact information changes. It is important that NHBA members update their contact information if any changes have occurred since June 1, 2021. Personal information can be updated through the members' online portals. Professional information can be updated using the Firm/Organization Change Form found at www.nhbar.org under Resources/Manage Your Membership section.

Members interested in changing their NHBA membership status prior to the start of the next renewal period on June 1, 2022 can do so by completing the Member Status Change Form found at www.nhbar.org under Resources/Manage Your Membership section.



Members have 60 days from the start of the renewal season on June 1, 2022 to change their status and receive an updated invoice.

For members who have experienced serious financial hardship or financial and medical hardship, the NHBA offers a waiver process by which members can request a partial or full waiver or extension of any or all renewal obligations. The Assistance Program Application is found at www.nhbar.org under Resources/Stay in Compliance section.

Questions? Contact Michele Gilbert, Member Records Coordinator, at MemberRecords@nhbar.org or by calling (603) 715-3208.

Addressing the Problem of Domestic Violence Requires Collaboration and Action

I recently read with great sadness about the senseless violence against a woman who was shot and seriously injured by a man with whom she shared a relationship, covered by New Hampshire's Domestic Violence law. As I continued to read, I learned that this victim of domestic violence had turned to the local crisis center and the courts of our state seeking protection some time before the attack. Although given a temporary order of protection, she was denied a final order after a hearing at which she was neither represented by an attorney nor accompanied by a domestic violence advocate.

Since the date of this attempted murder, which resulted in serious injury to the victim and the suicide of her attacker, victim's advocates and many survivors of domestic violence have spoken publicly and heartbreakingly about their personal and professional experiences with domestic violence. Additionally, our state's Chief Justice, Gordon MacDonald, has created committees to review the court's role in this case, as well as in domestic violence cases in general. Some legislators have also begun to informally discuss various legislative proposals for change to the existing statute. Understandably, there has been a collective venting of anger and disappointment over the perceived failures of our system to protect this victim.

Personally, this awful tragedy brought me back in time to the early 1990s when an-

other case of domestic violence was reported on the front pages of our state's newspapers, and where the outcry was equally strong and understandable. The response of our state at that time was a commitment to address any failures directly, collaboratively, and with unified energy and purpose.

As the Administrative Judge of the District Court at the time, I was proud to form, and serve as chair of, the District Court Domestic Violence Protocol Committee on which representatives of our state and local governments and communities served alongside representatives of the Coalition Against Domestic Violence, victims of domestic violence, representatives of state and local law enforcement, judges, lawyers, and service providers. Our state's Governor at the time, Steve Merrill, also created what was known as the Governor's Commission on Domestic Violence, chaired by the Attorney General. Through these and other sustained collaborative efforts, New Hampshire built a system of laws, protocols, and ongoing channels of communication, collaboration, and education that was the envy of other states across the country for many years. Together, we continued to learn from one another about the social, personal, and psychological factors from which domestic violence takes hold. Importantly, we also became far more aware of the extreme danger domestic violence represents to every victim, and what we as

a society, as well as individual citizens and leaders of state, local, and citizens groups can do to help prevent this social disease from wreaking havoc on our communities and the many victims impacted by it.

I write today after a year of retirement from the bench, as someone who is no longer deeply involved on the front lines of this work, but with the same sense of urgency for our state that I felt 28 years ago when this issue took a prominent place in our state's collective focus. Sadly, and unrelated to the specific issue about which I write here, I have watched the nature of our national and, sometimes, state and local dialogue, devolve over recent years into a din of angry accusations and recriminations that prevent rational social discourse. It is my hope that we can avoid falling into that disrespectful and unproductive trap and instead, once again summon our better angels and commit to working carefully, collaboratively, and respectfully together.

I applaud the immediate response of Chief Justice MacDonald to review, not only the facts of this case, but the broader issue of what needs to change so the opportunity for another such tragedy is, once again, greatly reduced or altogether averted. Over the decades since I chaired the District Court Protocol Committee, literally a generation of knowledge has grown about this scourge. Attitudes have changed due to the hard and

tireless work of advocates, the willingness of law enforcement to implement changes in practice, the commitment of judges to learn new ways of addressing these difficult societal issues, and the courage of so many victims of domestic violence to come forward to help us understand their realities.

As a society, we have become so very much more aware of this pervasive and deadly problem, but it is clear we have more work to do. Our goal ought to be a steady focus on what we can do to continue learning from one another and working together to develop a fuller understanding of domestic violence, in all of its complexities and, wherever necessary, to build stronger, more effective laws, procedures, training, and education to reflect what we have learned over these three decades. Importantly, let us also commit to not allow ourselves to focus our anger and frustration upon those who do their best to prevent domestic violence, nor upon those who try to increase victim's safety.

This work will not be easy, nor will it be accomplished without a long-term and sustained commitment and effort. But, most importantly, it will not be accomplished unless we begin the work immediately and together.

Judge Edwin Kelly

New Hampshire's Prosecutors Are Protecting Our Citizens and Not Engaging in Prosecutorial Misconduct

As the leaders of the federal, state, and county prosecutors in our state, we want to speak out on behalf of the diligent and ethical prosecutors who are working each day to investigate and prosecute crimes, protect civil liberties, and vindicate the rights of victims in the Granite State.

Recently, some members of the defense bar and the public have suggested that there are problems with prosecutorial misconduct in New Hampshire. One defense attorney recently has suggested in the Bar News that there is substantial prosecutorial misconduct in New Hampshire and that there is a need to hold prosecutors accountable for this misconduct. Among her suggestions was that prosecutors should be referred to bar authorities for attorney discipline proceedings when they engage in prosecutorial misconduct. She claims that reforms are necessary to hold prosecutors responsible for breaking the law.

By attacking the integrity of individual prosecutors or referring them for bar discipline for any error, defense attorneys would be turning every criminal case into a game of

"gotcha" where the prosecutor's livelihood is on the line. Allegations of prosecutorial misconduct also could be wielded as a cudgel to pressure prosecutors to drop cases or to get supervisors to re-assign cases from one prosecutor to another. Such scenarios are simply untenable and would deter many talented attorneys from pursuing careers as prosecutors. They also would undermine what traditionally has been a courteous relationship between prosecutors and defense attorneys in New Hampshire.

While we want the prosecutors in our offices to do their jobs perfectly, it is intolerable to suggest that any imperfection in the performance of a prosecutor's duties is unethical conduct that merits discipline. We strive to recruit the best and brightest attorneys to work at our offices. We train them to comply with their constitutional obligations. We also are alert to concerns that our prosecutors are not performing their job well. When such situations arise, we will take appropriate action to ensure that the integrity of our cases does not suffer. While we recognize

the importance of fulfilling our constitutional obligations, our prosecutors should not be viewed as lawbreakers who have engaged in "prosecutorial misconduct" any time they make a mistake.

In *Berger v. United States*, 295 U.S. 78 (1935), the Supreme Court noted that prosecutors have a unique role in the justice system, because our interest is not in winning a case, but ensuring that justice is done. Our duty is "to refrain from improper methods calculated to produce a wrongful conviction" just as much as it is our duty "to use every legitimate means to bring about a just one." *Id.* at 88. This is a legal, moral, and ethical obligation that we take seriously. Each prosecutor in our offices understands the importance of striving to seek a just result, rather than simply to win our cases.

Prosecutors are dedicated public servants who work long hours, often with low pay, because we are dedicated to the cause of justice. Like anyone, we can make a mistake. Vilifying prosecutors, attacking their ethical integrity, and branding every error

as "prosecutorial misconduct" will neither improve the criminal justice system nor will it improve the quality of the attorneys who choose to embark on careers as prosecutors.

There is no widespread prosecutorial misconduct in New Hampshire. We have the utmost faith in the integrity and professionalism of the prosecutors in our offices and we are committed each and every day to fulfilling our constitutional obligations.

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Attorney General of New Hampshire

Thomas P. Velardi
Strafford County Attorney
President, New Hampshire County Attorneys' Association



Heather M. Burns



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Interview from page 1

on to serve as President of the organization two years later. Jennifer reflects that someone gave her the opportunity to help start the NHWBA and that is what opened a door for her. Jennifer is beyond grateful for all of the opportunities that were offered to her. She believes that one opportunity leads to another and because of this, it is her desire to pass on opportunities to others. Jennifer does this every day as she mentors attorneys at McLane Middleton and within the NH Bar Association.

Attorney Alexandra Cote describes Parent as a person who is always willing to offer others her guidance.

“When I first started at McLane, she encouraged me to become more involved in the New Hampshire Bar and the NHWBA and, over the past several years, she has supported my participation in bar and community-based leadership activities – all of which has contributed significantly to my professional development,” she says. “Jennifer believes that attorneys become successful through strong mentoring. It does not need to be a formal relationship, but she appreciates that we owe it to other attorneys to help them grow within the Bar.”

Jennifer started the interview by saying it was an absolute honor to receive the Hollman award because of what it stood for. She believes the award represents not just one person but the collective “we” on creating opportunities for women while taking down barriers. Jennifer also believes that Justice Ruth Bader Ginsburg said it best: “I think about how much we owe to the women who went before us – legions of women, some known but many more unknown. I applaud the bravery and resilience of those who

“When I first started at McLane, she encouraged me to become more involved in the New Hampshire Bar and the NHWBA and, over the past several years, she has supported my participation in bar and community-based leadership activities – all of which has contributed significantly to my professional development.”
Attorney Alexandra Cote

helped all of us – you and me – to be here today.”

Jennifer received the Hollman award the year before she became the NHBA’s 7th female Bar president. During her presidency, Jennifer strived for equality within the Bar. Since she has received the award, Jennifer believes a great deal has been accomplished. Lawyers within the Bar have become more educated on the issues surrounding gender equality and diversity.

Jennifer is especially proud of the 100th Anniversary of Women in the New Hampshire Bar event, which took place on June 1, 2017. The Centennial Celebration was sold out with a room filled with both men and women. The event showcased the amazing women of the judiciary and the Bar and all of their successes and accomplishments over the years.

“The event honored the women pioneers who blazed the trail and celebrated the women leaders in our profession who followed and have piloted us during these last several decades,” Parent says. “That night, we applauded the progress that has been made while also recognizing that there is more to do.”

Jennifer reflects that when the Task

Force on Women in the Bar (precursor to the Gender Equality Committee) was established in 1987, women comprised 19% of the entire Bar. Compare that with 30 years later, as of April 2017, women comprised 34.5% of the active Bar. With the increase in women in the Bar, we have more women as partners and managing partners. Women are holding significant leadership positions in the public sector, in private law firms, the judiciary, and within the Bar Association. Jennifer recognizes this as a significant change. She adds that we could still see more women in these positions.

Although so much progress has been made, Parent believes that we are just getting started. There is more work to be done, and she looks forward to this being accomplished. She explained that we are all benefited by diversity in our Bar and when doors are opened to all members of our profession. Jennifer offers that we have a duty to not just open the door wide, but we need to take the hinges off and remove any barriers. Jennifer dreams of the day when we stop talking about the “first women” to accomplish something and just recognize another individual who excels.

Jennifer encourages other lawyers to become more involved within the Bar and to promote gender equality. She states that we have dedicated men and women working together to ensure equality in our profession, and, in this united effort, we will continue to move forward.

Jennifer has certainly helped pave the way for other female attorneys and has worked tirelessly to ensure we achieve gender equality within the Bar.

Lyndsay Robinson, Esq., chair of the New Hampshire Bar Association’s Gender Equality Committee.

Bench Notes from page 4

with others. Every member participates in difficult discussions without hostility but with openness and an ability to devise ideas that benefit New Hampshire citizens. Being part of this respectful and positive collaboration, and seeing firsthand how drug court recipients have thrived due to our efforts, has been among the most rewarding experiences of my time as a public servant in New Hampshire. With our collective energy and commitment, and now better housing options for participants, we can do so much to improve the lives of those challenged with substance use disorder.

Tina Nadeau
Chief Justice, New Hampshire Superior Court



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LEGAL SERVICES CORPORATION Notice of Grant Funds Available for Calendar Year 2023

The Legal Services Corporation (LSC) announces the availability of grant funds to provide civil legal services to eligible clients during calendar year 2023. In accordance with LSC's multiyear funding policy, grants are available for only specified service areas. The list of service areas (and their descriptions) where grant opportunities are open are available at <https://www.lsc.gov/grants/basic-field-grant/lsc-service-areas/2023-service-areas-subject-competition>. The Request for Proposals (RFP), which includes instructions for preparing the grant pro-

posal, will be published at <https://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant> on or around April 11, 2022. Applicants must file a Pre-Application and the grant application through GrantEase: LSC's grants management system.

Please visit <https://www.lsc.gov/grants/basic-field-grant> for filing dates, applicant eligibility, submission requirements, and updates regarding the LSC grants process. Please email inquiries pertaining to the LSC grants process to LSCGrants@lsc.gov.

Leadership Academy Phone-a-thon For Legal Services



Members of the 2022 Leadership Academy working the phones at the New Hampshire Bar Center March 3. The phone-a-thon is part of the non-profit module for Leadership Academy and is for the purpose of seeking volunteers for 603 Legal Aid, NHBA Modest Means Program, Lawline, and Free Legal Answers. Thanks to all who participated and those who answered the call for volunteers.

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IT Is Not Your Day Job

The Importance of Clarity Between IT and Law Firm Leaders

By Ryan Barton

IT is not your day job. And it shouldn't be.

The problem: IT is complicated and getting more so each year. It impacts every area of the business. IT must be led well, so you have confidence that complexity is being leveraged for your firm, not against it. How to ensure that is true, without becoming technical?

When I started in this industry, clients would tell me "I'm not worried if email goes down, our clients will just fax us," or "do I really need a password on my computer? There's nothing in our systems anyone would care about."

How times change...and there is no sign of technology's growth slowing.

Business leaders must have a firm grasp of IT's risks and opportunities. However, because of the complexity of the landscape, the acronyms, and the rapid changes, business leaders often believe that clarity and confidence in IT requires technical knowledge. Not being technical themselves, they end up settling for a general sense of unease that makes them over-reliant on their technology



staff and partners. This is a bigger problem than they realize.

IT is my day job. My company wrestles with IT complexity so our clients can have justified trust in their IT and a technology experience they enjoy. Last month, we were called by a NH firm after hackers took total control of their systems, threatening to release sensitive data unless an enormous ransom was paid.

The IT people this company relied on were all nice and well-meaning. The only malfeasance was by the hackers – but there was a gap between the business-savvy leaders of the firm, and the tech-savvy of IT support. The business leaders weren't asking the right questions, and the IT people weren't ensuring the firm was well protected.

So how does a (nontechnical) business leader know if IT is being led well? Not by becoming technical, but by understanding three core principles:

1. Expect clarity. Brené Brown famously said, "clear is kind, unclear is unkind." Clarity is the responsibility of the technical team. If they can't provide you with predictions, a roadmap, and context to make good decisions, that is a failure of their leadership – not yours. If you have questions about the cloud, about cybersecurity risk, and about proactive measures that aren't answered with the options, metrics, and detail that gives you exactly what you need to make

a decision, that's a problem.

I am not an attorney but as a business leader, I frequently need legal advice. The role of the attorney is to wrestle with the complexity of the law and to give me good guidance. To give me options and make clear the potential consequences of each option. IT must do the same. If it doesn't, you accept a risk level similar to a business leader crashing through M&A without the benefit of an attorney. Maybe things go well. Maybe?

IT wasn't always this way. But with the cloud, complex cybersecurity layers, interconnected software, large databases, and your staff working from anywhere, your clarity over IT is imperative.

2. Think of technology in four categories. Technology is a big word. If you ran a 1,000-person organization, you'd likely have a high-end technical business leader, called a CIO, who handles all of this. Below that size, the leadership team must simply recognize four different business units (or areas) of technology that require slightly different intentionality:

i. Software. The software you use and the business processes that surround the software. Each industry has their own software – law firms especially – and the way you use the software, train staff, and integrate technology makes a significant difference in the organization. In a less-than-200-person organization, this is usually led by practice (or department) heads and relies heavily on

industry software vendors.

ii. Data & Business Intelligence. The data you have, the databases and folders that house it, and the insights you are gaining from it. BI (Business Intelligence) and Reporting lets you ask questions of your data and drives better decision making. This responsibility is often shared between some internal staff and a software vendor.

iii. IT & Cybersecurity. Your IT Department/partner – tasked with keeping systems stable, fast, and secure. This includes future planning, proactive measures, cybersecurity defenses, monitoring, and response to any issues. In a less-than-500-person organization, this is typically outsourced, as some scale is required.

iv. Information Security & Compliance. This is about the compliance of your whole organization. Security not just of the technology, but of the firm. Legal compliance and protection from data loss both require a dedicated approach to policy, process, manager training, and risk identification. This is the realm of Risk Assessments, System Security Plans, and Information Security Program Managers. This is nearly always outsourced, until an organization is very, very large.

In a healthy organization, all four units work smoothly together, serving the leadership team to leverage technology, support it well, and secure it.

3. Ask questions. Be curious about



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OFFER \$0	Wrongful Death SD 2021 Walgreens cutoff prescription tapering instructions causes death	SETTLEMENT \$5 MILLION
OFFER \$0	Wrongful Death IA 2021 Nonverbal 14-year-old girl died under nonprofit care	SETTLEMENT \$4 MILLION
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the details. For IT, ask at least these eight questions:

i. To your staff: How is your experience with your technology? Is it reliable and fast?

ii To your staff: How is your experience when there is an issue? Is a resolution speedy and the experience enjoyable?

iii. To your leadership team: Are you held back by IT in any areas? And are we at least keeping pace with our industry, in terms of software, data, and risk?

iv. To your IT: What kind of infrastructure are we moving to next, and when and why? If the answer doesn't involve the cloud, ask a lot of questions about why not and ask to see comparisons with pros and cons.

v. To your IT: How many of our systems have 100% of their patches installed? This is a great way to tell if the hard details of IT are being owned properly.

vi. To your IT: Can you please provide me a copy of our Disaster Recovery Plan, asset inventory, and a graphical diagram of our IT systems, and explain each to me? These are the bare minimum of what IT should be documenting, even in a five-person

firm.

vii. To your IT: How much risk do we have in cybersecurity, and what are the next three most cost-effective things we can implement to lower the risk?

viii. To your IT: Do we have Multi-Factor Authentication on all external access, including email, IT access, VPN, and cloud software? If the answer is no, be very worried. Multi-Factor Authentication is incredibly low cost, often free, and without it a breach is simply a matter of time.

How much should you worry about IT? It is a question worth asking. If the answers you receive from the questions above give you clarity and confidence, then sleep well.

If not, then the growing complexity of technology has overwhelmed your current IT structures. And this risk is not one to ignore.

Every organization must have trustworthy IT, led by a technical team they love. And every business leader overseeing IT must have clarity and confidence.

Ryan Barton is the founder and CEO of Mainstay Technologies, based in New Hampshire. You can reach him on LinkedIn or at rbarton@mstech.com.

The *Bar News* has changed the name of this section to Information Technology to recognize and reflect the broad range of technology issues that New Hampshire lawyers face. Cybersecurity and information security, along with many other topics, will continue to be covered extensively in our new section. Contact news@nhbar.org if you would like to contribute an article on critical technology issues.

Award Nominations Sought For 2022 Annual Meeting

The Bar's Annual Meeting provides an opportunity to recognize the outstanding accomplishments of members of the legal community and their contributions to the justice system and the Association.

Please be sure to note the reasons for your nomination, either with the name of the nominee, or to be submitted soon after you have submitted a nominee's name. Your inspiration for making the nomination – why you think a particular individual is especially deserving of the recognition intended by a particular award – will be of great importance as the nominees are considered, and will really help the leadership's choice(s). Often, the thoughtful assessment of a nominee by a nominator becomes the basis for wording used in presentation remarks, if not a presentation piece.

Nominations are sought for the following awards:

Justice William A. Grimes Award For Judicial Professionalism

To honor the memory of Justice William A. Grimes this award is presented to a judge the best fits the following:

"The judges therefore should always be men of learning and experience in the laws, of exemplary morals, great patience, calmness, coolness and attention.

Their minds should not be distracted with jarring interests; they should not be dependent upon any man or body of men."

John Adams, 1776

Distinguished Service to the Legal Profession Award

This award is presented to the nominee who best exhibits service to the legal profession.

E. Donald Dufresne Award for Outstanding Professionalism

To honor the memory of E. Donald Dufresne, this award is presented to an attorney that best fits the following:

"A professional lawyer is an expert in law pursuing a learned art in service to clients and in the spirit of public service; And engaging in these pursuits as part of a common calling to promote justice and public good."

Nominations for any of these awards should be submitted by April 1st to: Isabeau@nhbar.org – or sent to: Lynne Sabean, NHBA Annual Meeting Awards, 2 Pillsbury Street, Suite 300, Concord, NH 03301-3502. The nomination form can be found at <https://www.nhbar.org/nominations-sought-nhba-annual-meeting-awards>.

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2016	38	8
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2013	29	3
2012	26	6
2011	36	5
2010	21	5
2009	22	9
2008	25	8

* As published in *Massachusetts Lawyers Weekly* for years 2008-2019; as submitted to *LW* for years 2020, 2021.

\$6 MILLION

Death of transplant recipient from parasitic infection transmitted by donor organ
Andrew C. Meyer, Jr. and Nicholas D. Cappiello

\$5.75 MILLION

Maternal death after delivery
Andrew C. Meyer, Jr. and Robert M. Higgins

\$4.8 MILLION

Anoxic brain injury after patient denied admission with cardiac tamponade
Andrew C. Meyer, Jr. and William J. Thompson

\$3.9 MILLION

Birth injury
Andrew C. Meyer, Jr. and William J. Thompson

\$3.6 MILLION

Failure to administer anticoagulation results in death
Andrew C. Meyer, Jr. and Nicholas D. Cappiello

\$3.5 MILLION

Failure to diagnose epidural abscess leads to paralysis
Andrew C. Meyer, Jr. and Robert M. Higgins

\$2.95 MILLION

Failure to recognize fetal distress results in uterine rupture, maternal/fetal deaths
Andrew C. Meyer, Jr. and Krysia J. Syska

\$2.75 MILLION

Death from peritonitis following hernia repair
Andrew C. Meyer, Jr. and Robert M. Higgins

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Death from failure to diagnose acute liver failure
Andrew C. Meyer, Jr. and Robert M. Higgins

\$2.45 MILLION

Failure to monitor vital signs during procedure results in death
Andrew C. Meyer, Jr. and Robert M. Higgins

\$2.1 MILLION

Failure to properly manage airway post-operatively results in death*
Andrew C. Meyer, Jr. and Nicholas D. Cappiello

\$2 MILLION

Improper treatment of recurrent bladder cancer results in death
Andrew C. Meyer, Jr. and Adam R. Satin

\$2 MILLION

Brain injury to newborn
Andrew C. Meyer, Jr. and Robert M. Higgins

\$1.8 MILLION

Delay in diagnosis of prostate cancer*
Andrew C. Meyer, Jr. and Nicholas D. Cappiello

\$1.5 MILLION

Delay in recognition of cardiopulmonary arrest results in brain damage and death of 9-month-old boy
Andrew C. Meyer, Jr. and Krysia J. Syska

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Necrotizing fasciitis after surgery
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Delay in diagnosis of gleason 9 prostate cancer leads to advanced disease
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Improper antibiotic use leads to colitis and death of 9-year-old boy
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Misdiagnosed stroke leads to death
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\$1.5 MILLION

Death of 19-day-old baby from birth injury
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Spinal cord injury following epidural steroid injection for pain management
Andrew C. Meyer, Jr. and William J. Thompson

\$1.25 MILLION

Failure to properly manage anticoagulation medication results in debilitating stroke
Andrew C. Meyer, Jr. and Adam R. Satin

\$1 MILLION

Failure to test for strep in mother leads to permanent neurologic injury in baby
Andrew C. Meyer, Jr. and Krysia J. Syska

\$1 MILLION

Delay in diagnosis and treatment of sepsis results in death of 76-year-old woman
Andrew C. Meyer, Jr. and Adam R. Satin

\$1 MILLION

Delay in diagnosis and treatment of multiple myeloma results in death of 72-year-old man
Andrew C. Meyer, Jr. and Krysia J. Syska

\$1 MILLION

Medication error leads to death of 90-year-old woman
Andrew C. Meyer, Jr. and Nicholas D. Cappiello

\$1 MILLION

Failure to diagnose a bowel perforation leads to death
Andrew C. Meyer, Jr. and Robert M. Higgins

\$1 MILLION

Delayed diagnosis of ruptured spleen after car crash
Andrew C. Meyer, Jr. and William J. Thompson

\$1 MILLION

Improperly performed gallbladder surgery requiring reconstructive surgery
Andrew C. Meyer, Jr. and Nicholas D. Cappiello

*Unpublished settlement



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NEW HAMPSHIRE

BAR FOUNDATION NEWS

New Bar Foundation Associate Executive Director

Mystyna Yackel Shappy is the New Hampshire Bar Foundation's new Associate Executive Director.

Ms. Shappy worked at the New Hampshire Food Bank for over five years and in her last position as Agency Relations Manager, she led a team that supported and advocated for the needs of hunger relief for non-profit partners across the Granite State. In her position, she was responsible for food purchase grant management, implementation of the NH Feeding NH program, and the management of the USDA Coronavirus Food Assistance Program's logistics.

Shappy moved to New Hampshire in 2005 to study at Daniel Webster College and currently resides in Milford, NH with her husband and three cats.



Justice Grants Help to Ensure Civil Legal Needs are Met in the Granite State

In early 2021, the NH Access to Justice Commission released its report entitled *Equal Access to Justice: An Assessment of Civil Legal Needs in New Hampshire*, which was covered on the front page of the February 2021 issue of *Bar News*. This report highlighted many issues that the civil legal aid community has known for years, namely that New Hampshire has a shortage of low or no cost legal help. It also explored the link between economic insecurity and civil legal problems, as well as the unique civil legal problems faced by people with disabilities.

This is something that Holly Salois, a 3L at the University of New Hampshire's Franklin Pierce School of Law was able to learn firsthand as a Rudman Summer Fellow. Salois had this to say about her 2021 summer internship at the Disability Rights Center, "Working at the Disability Rights Center this past summer gave me a newfound appreciation for the incredible legal work being done in non-profit organizations across the state. It was inspiring to see so many attorneys all working together to achieve a common mission: advocating for those with disabilities."

In 2020, the University of New Hampshire Franklin Pierce School of Law was awarded a Justice Grant of \$8,000 for their



2021 Rudman Summer Fellows on the front lawn of the law school.

Rudman Summer Fellows Program to support \$4000 stipends to cover living expenses for two law students to work full-time over the summer at organizations that serve underrepresented populations. While we are unable to determine exactly the number of New Hampshire residents impacted by these internships at non-profits and government agencies, it is obvious from the AJC's assessment that the need is there. These internships help reduce stress on the New Hampshire legal system, as well as impress upon participating law students the importance of pro bono work as a part of their professional obligations.

Since 2014, the NH Bar Foundation has awarded Justice Grants biannually to qualified applicants throughout New Hampshire. These are made possible through a

wide range of charitable funds held by the NH Charitable Foundation. In every one of these biannual awards since 2014, a portion of the Hon. William F. Batchelder Fund has been awarded to the UNH Franklin Pierce School of Law to support their Rudman Summer Fellows Program. The Hon. William F. Batchelder Fund was set up with the purpose of supporting legal services for low-income and other disadvantaged people in New Hampshire. Salois wrote in a letter summarizing her experience:

"Your support made my summer work with the Disability Rights Center possible. (It) allowed me to pay my living expenses so that I could work full time without a salary."

The 2022 Justice Grant awards will be announced on the Bar Foundation page of the *Bar News* in the April 2022 issue.

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LawLine Thank You



The NH Bar Association would like to give a huge shout-out and thank you to everyone at Morneau Law who volunteered their time and services for our February 9, 2022 Lawline event. Morneau Law was originally scheduled to host Lawline in March, but due to an unanticipated scheduling issue, Attorneys Katherine Morneau,

Elizabeth Lorschbach, Ryan Correia, Amanda Steenhuis, and Penina McMahon rallied to assist us last minute, as did their staff. We also thank paralegals Alycia Gelin, Letitia Morgan-Sampson, and Abigail Reville, who routed over 45 Lawline calls to the participating attorneys.

Lawline is a public hotline, hosted by volunteer attorneys, on the second Wednesday of each month from 6:00 pm to 8:00 pm. As a Lawline volunteer, you agree to answer the phone calls from the public and provide callers with information. In return, we reimburse you the cost of dinner ordered during the event.

For more information or to volunteer to host a Lawline event, please contact NHBA Lawline Coordinator Anna Winiarz at awiniarz@nhbar.org.

LAWLINE VOLUNTEERS NEEDED: July 13, October 12, and December 14. Please volunteer today.

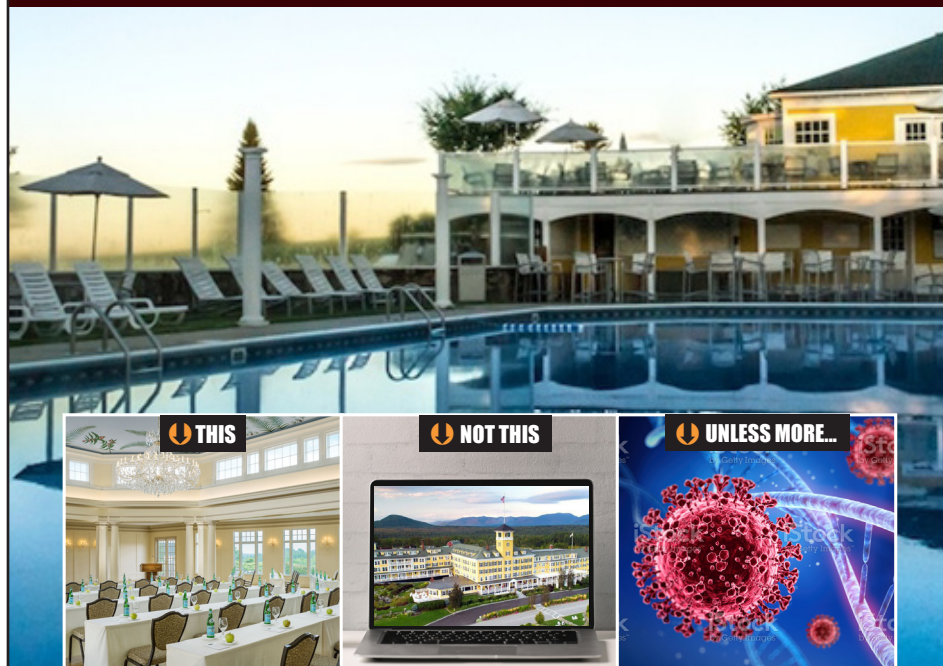
In the News

Community Notes

The New Hampshire Women's Bar Association's Annual Retreat at the Wentworth by the Sea on April 1-2 is fast approaching, and spaces are filling up. To register, go to <https://nhwba.org/event-4457870>. Rooms must be reserved separately.

SAVE THE DATES

JUNE 17-18, 2022



Watch upcoming issues of Bar News and E-Bulletin for details

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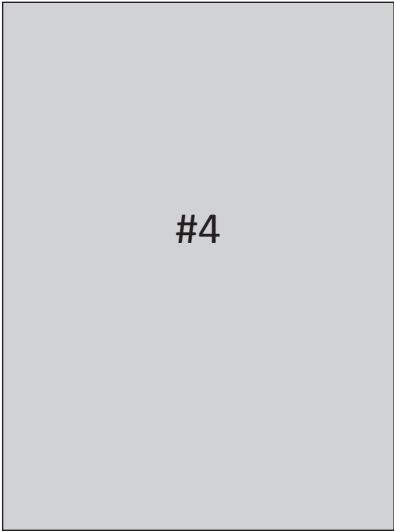
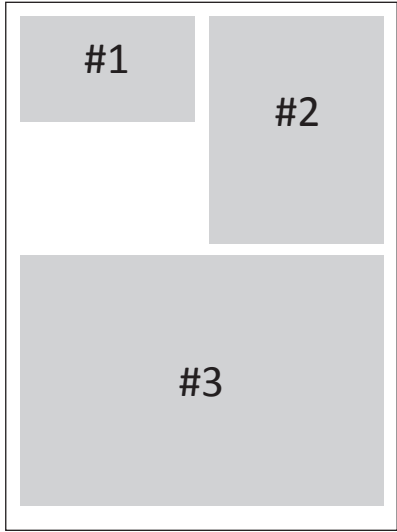
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It’s different here

Gender Equality from page 1

created a task force in 1987, chaired by Susan Carbon, to perform a gender bias study on the status of women in the legal profession. The findings were published in the Summer 1988 issue of the *NH Bar Journal* and showed that sexist language and behaviors existed in the profession, which had a deleterious effect on women lawyers and their ability to do their job. It was also discovered that women comprised only 19% of the entire Bar and occupied only 5% of the judgeships.

Since then, a lot of work has been done to help advance gender equality for the profession in the Granite State.

In 1994, the NHBA created the Gender Equality Committee (GEC) to investigate issues of gender discrimination and equality, and in 1998, the New Hampshire Women's Bar Association (NHWBA) was incorporated by Maureen Raiche Manning, Jennifer Parent, Joy Riddell, Claudia Damon, and Julie Introcaso.



Agnes Winifred "Winnie" McLaughlin, first woman admitted to NHBA. Courtesy Photo

Both entities do wonderful things to recognize the hard work and contributions of female lawyers in NH.

The GEC hosts an annual breakfast each year at the NHBA's Mid-Winter Bar Meeting and gives the Philip S. Hollman Equality Award to someone who promotes gender equality through leadership and educating others, as well as taking initiative in matters of gender equality.

The NHWBA awards the Marilla M. Ricker (first NH woman to become a lawyer, albeit in Washington, DC) Achievement Award at their Annual Fall Reception to female attorneys who have achieved professional excellence and paved the way to success for other women lawyers, or advanced opportunities for women in the legal profession, and/or performed exemplary public service on behalf of women. They also recently launched their SHERO Campaign to honor women heroes of its members.

In addition, the NHWBA, in partnership with UNH Franklin Pierce School of Law, created the Winnie McLaughlin Scholarship, an endowment to support an academic scholarship awarded to a second-year woman law student each year.

Considering the amount of time before female lawyers were commonplace – the 100th wasn't even until 1977 – it certainly seems that gender equality for the practice of law in New Hampshire has certainly progressed a long way in a short time thanks to the tireless work of many female lawyers and judges over the years.

"I was in real estate, and I remember being literally the only woman in the room," Judge Carbon recalls. "Attorneys were male, clients were male, all the surveyors were male. I would go to closings and planning board meetings and everybody in the room was male. Now fast forward, I've had



Former Supreme Court Justice Linda Dalianis speaking at 2017 Centennial Gala. Courtesy Photo

hearings as a judge where there's only one male in the courtroom and he's the father of the kids we're dealing with."

Attorney Cathy Green, the 84th woman lawyer in NH, pondered, "when I think back to when Laura Kahn, Linda Dalianis, and I were the only women in the building, it really is remarkable that we have gotten to the place that we finally are."

"Attorneys were male, clients were male, all the surveyors were male. I would go to closings and planning board meetings and everybody in the room was male. Now fast forward, I've had hearings as a judge where there's only one male in the courtroom and he's the father of the kids we're dealing with."

Judge Susan Carbon

After speaking with a selection of attorneys and judges about the state of gender equality in NH, I could sense a feeling of pride among them in the progress that has been made, but also an overall acknowledgement that there is still room for improvement.

Attorney Lyndsay Robinson, Chair of the GEC and Networking Committee Chair of the NHWBA, says "the profession has come a long way, but we have a long way to go in terms of what we offer women. I would like to see more women in leadership roles and focus on appointing more women to the bench."

One of the main outstanding issues relating to gender equality is the pay gap – the difference between what women and men earn for equal work.

The NHBA's most recent Economics of Law survey in 2014 showed that the average annual income for full-time private practice lawyers was \$108,000 for women and \$150,000 for men, a difference of nearly 40 percent. Although, women running solo offices with one or more associates earned significantly more per year than their male counterparts, with a median income of \$200,000 compared with men at \$152,000.

A new Economics of Law survey is currently in the works and should be finished by spring/summer 2022.

As reported by the US Bureau of Labor, in 2019, female attorneys made on average \$1,878 per week, whereas male attorneys made \$2,202. This means women made 85 cents per \$1 of their male counterparts. In the same vein, a 2020 report published in Business NH Magazine affirmed that the Granite State ranks number 45 nationwide in gender pay equality for all professions.

"How does that even happen?" 2021 recipient of the Bruce Friedman Pro Bono Award, Attorney Kate Morneau asks. "I

think it must be in part that women have to take time off for children. I'd like to believe that a man and a woman start off at the same pay when they walk in the door with no experience. Women should not be punished financially for having a child."



Morneau

She feels that women need to advocate better for their salaries and increases so they get paid the same as their male counterparts, regardless of the time they take for parental leave.

In the 2017 book, "Women Don't Ask: The High Cost of Avoiding Negotiation – and Positive Strategies for Change," Linda Babcock and Sara Laschever illustrate a study by Babcock of master's degree graduates from Carnegie Mellon University, which revealed that male starting salaries were 7.6 percent higher than that of females. However, only seven percent of women negotiated their offer as opposed to the 57 percent of men who asked for more money. Through negotiating alone, starting salaries increased by 7.4 percent on average, which is nearly the same as the gap.

"Because the effect of a starting salary compounds over time," the American Bar Association commenting on the Babcock report, says "professional women could be leaving hundreds of thousands of dollars on the table simply by not negotiating a starting salary."

Whatever the case may be, narrowing the pay gap may be the next logical step in furthering gender equality in NH. Besides more aggressive starting salary negotiation, another way to help achieve this could be more women in leadership.

"I would imagine that more women seeking positions of leadership – whether it's leadership in the Bar Association, the judiciary, or in law schools – and more men in positions of power also encouraging women to seek positions of leadership would help," Judge Colburn posited. "And to the extent that women are not seeking those positions because they feel they aren't worthy or for whatever reason, having support and encouragement by male leadership in the Bar would be a really powerful thing."

Jennifer Parent, former President of both the NHBA and the NHWBA agrees with Colburn.

"There's strength in numbers," she said. "Having more women practicing law makes a difference. Having more women in leadership roles, more women as equity partners in firms, more women on the bench, to have it more adequately represent the percentages in our community."

Listening to these attorneys describe their experiences and their ideas about the work they do in the legal community of New Hampshire has underlined both progress and an ongoing struggle for gender equality. My eyes have certainly been opened. For instance, I was surprised to hear that it wasn't until 1977 that the 100th woman entered the New Hampshire bar, and that a pay gap still exists. I asked myself, why wouldn't women in the legal profession be paid equally? After all, some of the best lawyers I know are women.



Judge Colburn

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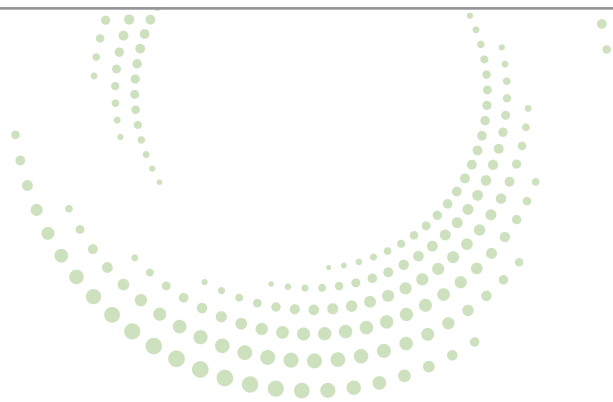
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Writing Corner: Getting to the Point

By Anna L. Elbroch

Most of my legal writing education amounted to “figure it out.” Although, upon my law school graduation twenty years ago, I had a vague sense of how to write persuasively, it was not until much later in my career that I understood the importance of analysis and its structure. Now, we broadcast to 1Ls that analysis is crucial: Analysis is the heart of what lawyers do! Analysis is the filling in the sandwich! The ice cream on the cone! And now, we help law students structure their analysis to (1) get to the point quickly, and (2) chunk the information to help the reader.

The structure of the legal argument is dictated by our audience, the legal issue, and the function of our document. Most lawyers figure out quickly that writing persuasively requires organization: provide your conclusion up front, explain the law, then apply it to the facts of the case. We try to “chunk” this information so each point of law within an argument can be addressed and concluded efficiently for the reader, rather than requiring the court to search for, and locate the law and corresponding application. But that organization can vary based on the legal issue. Specifically, when the law is settled, I will not provide unnecessary explanation to



the court. Instead, I will apply the rule/law directly to the facts of my case. Conversely, when I am arguing a novel approach, I will take the time to walk the court through an explanation of the law before applying it to the facts of my case.

Example (novel argument): I am arguing that my juvenile client’s delinquency petition should be dismissed because his speedy trial rights were violated. Because children do not have a specific speedy trial right in New Hampshire, I must provide detailed examples of persuasive law in other jurisdictions.

Issue/Conclusion: At 14, S.Q. has the right to a speedy trial on his juvenile petition alleging criminal threatening.

Rule/Theory: Due process—and therefore speedy trial rights—apply to juvenile delinquency proceedings. Under due process, juveniles have the right to written notice of the charges and hearings, the right against self-incrimination, the right to counsel, and the right to confront and cross-examine witnesses. By extension, speedy trial rights apply to juvenile proceedings because the juvenile justice system emphasizes swift resolution to maximize rehabilitation of its juvenile participants.

Application: S.Q. was arrested on January 21, 2020, for criminal threatening after making remarks over Instagram to a fellow student. Although the police investigation was complete on January 21st, the police department inexplicably did not file the petition for 10 months resulting in an adjudicatory hearing, or trial, to be scheduled 11

months after the arrest and 13 months after the alleged offense. The police department’s almost one-year delay strips S.Q. of his right to exercise his due process rights and the juvenile justice system’s capacity to effectively rehabilitate him.

Conclusion: This delay from the time of the arrest to the time of adjudication violates S.Q.’s due process rights, and thus, his speedy trial rights.

The conclusion, law, and application are “chunked” for the court to dispose of a point of law efficiently. But what is missing in Example A? We have: Conclusion, Rule, Application, and Conclusion. We do not have any explanation of the rule. When trying to make a novel argument—arguing for a new rule or a novel application of an existing rule—we must show the court how we have made the jump. I cannot assume the court will agree that due process should include speedy trial rights for children. Instead, I need to provide explanations of other courts/jurisdictions who have come to such conclusions, and how. These explanations deliver logical step-by-step support for my analysis. This step-by-step process will also expose weaknesses to address in my analysis, allowing me to refute any gaps or counterpoints. The analytic chunk would instead include Conclusion, Rule, Rule Explanation, Application, and Conclusion.

Specifically, after the Issue/Conclusion and the Rule, the Explanation could look like, for example, in *Commonwealth v. Dallenbach* from Pennsylvania, the court granted speedy trial rights to the juvenile as

an extension of due process where he made three phone calls harassing and threatening a family due to their ethnicity. The petition was filed ten days after the last phone call and a trial was set five months later. The day before the trial, the state requested and was granted a continuance because the victim was not available. One year later, the trial court, with no system to hear contested hearings in a timely fashion, scheduled the new trial date for a total of 18 months after the petition was filed. The “general system breakdown” violated the “fundamental fairness” required in juvenile delinquency proceedings. Fundamental fairness includes a juvenile’s right to speedy trial because the purpose of the juvenile justice system is to provide swift resolutions to maximize rehabilitation of its juvenile participants. The court held the 18-month delay violated the juvenile’s speedy trial rights under due process.

And the Application would include an analogy such as: Similar to the fundamentally unfair 18-month delay in *Dallenbach* that prevented the juvenile from benefitting from a swift rehabilitation plan, here, the police department’s almost one-year delay in filing the petition strips S.Q. of his right to exercise his due process rights and the juvenile justice system’s capacity to effectively rehabilitate him.

In contrast, the more streamlined structure of Conclusion, Rule, Application, and Conclusion is appropriate when the law is settled or clear. Take the following rule as an example: Although the U.S. Supreme Court has refused to quantify a per se length of time that leads to a violation of speedy trial rights, in *Barker v. Wingo*, it listed four factors to be considered in such a determination. This is a clear rule. I do not need to explain how the *Barker* court came up with these factors because it is settled law, and the court hearing my issue has likely heard about the *Barker* factors thousands of times. Why waste my court’s time—and its good will—on something well settled?

Each point of law in my argument will have its own analytic chunk, the more expansive chunk with an explanation of the law, or the more streamlined chunk with direct application to the facts of the case. Varying the organization of the analysis allows me to get to my point quickly while providing adequate, persuasive support for my arguments.

Please provide any thoughts or feedback: <https://forms.gle/wZ8oYNFcdpz9xKtk9>

Anna Elbroch is a professor of legal writing at UNH Franklin Pierce School of Law.

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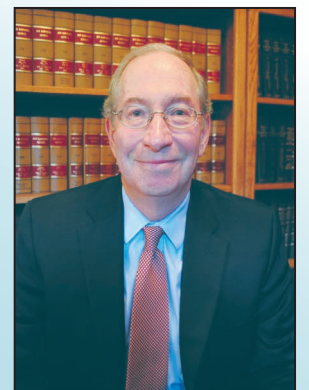
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Student Loans During Covid and What Borrowers Can Do

With May 1 Approaching a Perfect Storm Could be Heading for those with Student Debt

By Richard Gaudreau

There is a perfect storm brewing surrounding the end of federal student loan forbearance on May 1, 2022. Not only have major federal student loan servicers quit during the pandemic, but the financial data for all servicers is likely to be outdated as much of it will predate when the pause began on March 20, 2020. Some suspect the latest extension from February 1 to May 1 was only necessary to give the U.S. Department of Education (USDOE) enough time to deal with the turmoil created by all these changes. If any further extensions occur, it will only delay these difficulties, not eliminate them. Both PHEAA (often known as Fed Loan Servicing) and Granite State Management are severing their ties with USDOE, which will affect approximately ten million borrowers. PHEAA rather infamously has been in the news lately for its abysmal handling of the Public Student Loan Forgiveness program. Like the bulk transfer of mortgage debt, the wholesale transfer of this many loans makes it inevitable information transferred may be outdated or inaccurate. This type of systemic dysfunction is likely to fly under the radar until borrowers notice a problem.

For all qualifying loans, the Cares Act suspended all payments, reduced the interest rate to 0%, and stopped all collection actions. Not all federal loans were covered by the Cares Act. Among the approximately 43.4 federal student loans, there are two types – Direct Loans and Federal Family Education Loans (FFEL). Direct loans, as the name implies, were made directly by USDOE and are all covered by the Cares Act. FFEL loans are a different story. FFEL loans were funded by commercial lenders and guaranteed by USDOE. President Obama discontinued the FFEL program in 2010. Of the approximately 11 million FFEL loans, only 3 million were covered by the Cares Act, an ironic description for the other 8 million borrowers. The only FFEL loans covered were those already in default and owned by the USDOE. Most Perkins loans did not qualify either if they were owned by a college or university. The bottom line is that a federal student loan needed to be owned by the USDOE for it to be covered by the Cares Act.



A Potential Rude Awakening

Borrowers already in default or getting close to it could be in for a rude awakening after May 1. There are about nine million borrowers in default on federal student loan payments at present. Default for student loan purposes requires a borrower to be 270 days behind in monthly payments. Before that, the loan is only delinquent. The distinction is important because when a loan enters default the USDOE can garnish up to 15% of wages merely by sending a notice to an employer. While a borrower has the right to request a hearing, it can be difficult to avoid a garnishment once the notice has been issued. Self-employed or 1099 employees are immune to garnishment, and there are other grounds for objection, but they are fairly limited. Most borrowers in default will only be able to stop a garnishment by curing the default. That occurs in one of two ways:

(1) Rehabilitation Agreement. Rehabilitating a loan out of default requires nine payments in 10 months. Payments are supposed to be “reasonable and affordable,” however, sometimes establishing the amount of payment can be problematic given they are in addition to the amount being garnished. After five months of rehabilitation payments, the garnishment will be released. Once the rehabilitation is complete, the loan will be out of default and once again qualified for things like an Income-Driven Repayment Plan (IDRP). A borrower can only cure a default once through rehabilitation.

(2) Loan consolidation. If there is a garnishment order, consolidating student loans into a Direct loan is not an option. FFEL loans can be consolidated into a Direct loan or multiple Direct loans can be consolidated into

one Direct consolidation loan. This will also cure the default. There are resources at studentaid.gov with more specific advice about consolidation, however, I’d be remiss in my duties if I did not mention that borrowers with Parents Plus loans need to be careful in how they consolidate their student loans as they could become ineligible for the best payment plans. See discussion infra.

There is no statute of limitations for federal student loans, but given the collection powers granted to USDOE, it seldom sues borrowers anyway. Consumer advocates had been concerned that USDOE’s right to seize tax refunds after May 1 would lead to the seizure of benefits like the childcare tax credit. Fifty percent of the childcare tax credit was parsed out to borrowers in 2021; however, the remaining 50% is scheduled to be distributed as part of the tax refunds for 2021. The USDOE has recently announced it will not begin seizing tax refunds again until November 1. The 15% offsets against social security that were occurring for federal loans in default have also been put off until November 1. Borrowers in default should make sure they’ve filed their tax returns on time to avoid that outcome. The USDOE announcement did not mention wage garnishments waiting until November 1, so apparently, those will begin again after May 1, although in such a dynamic situation, that may change. Those in default should consider reaching out to their loan servicer in advance of May 1 to put in motion a process that will resolve the default.

Income-Driven Repayment Plans

When clients first contact a student loan lawyer, they often have trouble stating with any degree of certainty whether their loans

are federal or private. That’s because some servicers like Navient service both types. There is a federal website – studentaid.gov – which will clarify the answer to this question, as only federal loans appear. The site also contains contact information like the current servicer, and a text file containing the history of all of their federal student loans, including the type and the amount. This site will also indicate whether a loan is in default and in danger of resulting in a garnishment after May 1. Borrowers would be well-advised to contact their servicer in advance of the May 1 restart to make sure their records are accurate, and future payments will be based on current financial information. See discussion infra. For borrowers not yet in default and not on an income-driven repayment plan (IDRP), entering into one soon might make sense. The income-driven repayment plans are as follows:

(1) PAYE AND REPAYE, NEW IBR – Best IDRPs but not available for all loans.

For eligible loans, this requires a payment of 10% of discretionary income for 20 years, with the balance forgiven. Discretionary income is income beyond 150% of the poverty level (family of 1 in NH this number would be \$19,120, family of two would be \$26,130). So, for someone with an Adjusted Gross Income of \$100,000 in a family of two with \$150,000 of federal student loans, their payment would be approximately \$615.58. Yearly certifications change the payment each year, so upon retirement, the payment can go down to as low as \$0, depending on what retirement income is available to a borrower.

(2) IBR (Income-Based Repayment). Payment determined by 15% of discretionary income for 25 years. In the above example, the payment would be \$923.38.

(3) ICR (Income Contingent Repayment). Payment determined by 20% of discretionary income for 25 years. In the above example, the payment would be \$1,231.16 per month

The studentaid.gov website contains forms and much more information about IDRPs, as well as a payment calculator to figure out what your payment will be under a particular payment plan. In the above example, for instance, a married couple might consider the possibility of filing taxes separately if this will make the Adjusted Gross line much lower on the tax return that USDOE uses to arrive at an appropriate payment. This doesn’t work for all IDRPs. Student loan law can be a labyrinth of regulations, and servicers often fail to point out obvious solutions to the borrower. One problem I’ve seen on a regular basis is borrowers being told they do not qualify for an IDR because they have Parents Plus loans. That’s true as far as



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it goes, but the simple fix for this problem is to consolidate a Parents Plus loan into a Direct consolidation in order to become eligible for the Income Contingent Repayment plan (ICR). ICR is the least favorable IDR, but it can be a lot better than a standard repayment. One borrower I represented cut his payment in half merely by a consolidation. That being said, there are some traps for the unwary in consolidating Parents Plus loans. Since they are only eligible for ICR, the IDR with the highest payment formula, it is essential that a borrower does not consolidate any other loans like Stafford loans with them as part of the consolidation. If they do, they will make the Stafford loans eligible only for ICR rather than a more favorable payment plan like IBR.

Borrowers who may be out of work as of May 1 may consider asking for a forbearance instead of an IDR. This is generally a bad idea because interest after May 1 will again begin to accrue and, at some point, will get capitalized onto the loan balance. Capitalized interest is one of the more pernicious features of student loans as it causes the loan balances to snowball out of control. Navient and other services have faced complaints that they steer borrowers towards forbearance instead of less expensive alternatives. At least for federal loans, an unemployed borrower is often better served with entering into an income-driven repayment plan. An unemployed borrower may end up with a monthly payment of \$0/month which will count towards the 10-to-25-year IDR payment periods after which forgiveness of the balance occurs.

If a borrower had a loan in a Public Student Loan Forgiveness (PSLF) job when Covid hit, the forbearance period running under the Cares Act counts toward the 10-year PSLF period, as long as a borrower remains in a PSLF occupation. All the months during the Cares Act forbearance will also count for borrowers in an IDR as of March 13, 2020, as if they had been making payments during that time. That's the good news. The bad news is that many borrowers working for a nonprofit or a public sector job found their salary cut during the pandemic. If a borrower begins missing payments, it might jeopardize their ability to continue in the IDR and lose out on the forgiveness that will occur at the end. Borrowers on IDRs are required to submit documentation every year to recalculate their payments based on present income. The USDOE is relaxing this rule until July 31, allowing borrowers to self-certify their income without providing the usual documents. Borrowers with an automatic deduction out of their bank account prior to March 20, 2020, should not assume a servicer will merely continue to take payments. Some servicers will, and some won't. Contacting a servicer in advance of May 1, particularly if it is a new one, is one way to safeguard against getting blindsided by unexpected problems.

Is Consolidation the Right Move?

Borrowers with significant federal student loan debt sometimes ask if it is a good idea to consolidate their federal loans into private loans to lower the interest rate. That is generally a bad idea because a borrower will lose the flexibility of federally mandated IDRs if some life catastrophe befalls them, making the payments untenable. One lawyer I know consolidated his federal loan into a private loan to get a lower interest rate, but it was only for \$12,000, an amount he knew he could pay off quickly. Much larger loan balances requiring much longer repayment periods are a gamble that one could regret. Some private student lenders mimic IDRs, but most do not offer anything but temporary fixes before reverting to the contractually due amount.

Private Student Loan Defaults, Bankruptcy and Disabled Borrowers

Many go to college with stars in their eyes, expecting to qualify for a job that will justify the cost and hard work necessary. Private student loan defaults often end up on the backs of family members who cosigned the loans when a graduate does not obtain the type of employment necessary to pay the loans off. There was a bill submitted to the Senate in 2021 that would forgive student loans in bankruptcy after 10 years. It actually had bipartisan support, but for whatever reason, it has languished in committee, and there's nothing to indicate it is on anybody's priority list. With \$1.7 trillion in student loans hamstringing many borrowers from participating in the economy because none of the traditional safety nets are available to them, something has to give.

Borrowers can sometimes consider filing bankruptcy to tee up an undue hardship complaint, although sometimes the best candidates are often least able to afford the process. Lenders in undue hardship litigation recognize this fact as much as anyone and often initially fight an undue hardship complaint if only to test a debtor's staying power. There are rumblings that USDOE is in the process of making itself over to become a kinder and gentler collector, but that remains to be seen. Disabled borrowers can discharge their federal student loans by submitting the SSDI certification or a physician's certificate. I have noticed that USDOE will agree to discharge federal student loans in an undue hardship complaint even when a borrower is only partially disabled. One client with MS was able to discharge \$300,000 of federal and private student loan debt even though she was able to work full time.

What You Should Know About Student Loan Lawsuits

The narrative preceding a student loan

lawsuit is usually the same. It almost always involves a private student lender insisting on an amount a borrower cannot afford and an unwillingness to offer any other long-term options. I had one borrower tell me he took home \$1300 per month and was being told the only acceptable payment was still \$1500. Some of the saddest situations I see are when a parent has cosigned a private student loan, and it has gone into default. Sometimes the parties are still speaking to each other, but often they are not. Some of these borrowers consider a strategic default recognizing that a periodic payment order in a lawsuit might at least arrive at a reasonable payment amount. It is not unusual for private student lenders to sell large portions of their loan portfolios off years after the loans have gone into default. There are some ways to push back in a student loan lawsuit in this situation. Private student loans are subject to a statute of limitation. New Hampshire's three-year statute of limitation will govern no matter what the choice of law clause in the note says. *Keeton v. Hustler Magazine*, 132 NH 6 (1988) found that the price a plaintiff pays for availing itself of New Hampshire courts is that it is bound by its statutes of limitation. New Hampshire also has favorable standing case law with respect to a jurisdiction that will put the burden of proof on a private student lender who claims to have acquired a student loan in a securitized transaction to prove that it actually owns the loan. *Ossipee Auto Parts v. Ossipee Planning Board*, 134 NH 401 (1991).

I've dismissed a number of cases filed by National Collegiate Student Loan Trust due to its inability to prove its standing to file a lawsuit. Another possible consideration in defending private student loans is using the doctrine of recoupment to file counterclaims based on the deficiency of the TILA notices produced at the inception of the loans. While

federal student loans are not bound by the Truth in Lending Act, private student lenders are required to show, for example, that it clearly and conspicuously disclosed the clause in the note providing for capitalized interest.

A Problem That Is Not Just Going Away

The refusal to adjust payments for borrowers in financial straits is, in my opinion, one of the reasons private student loan debt is the worst debt in America. I don't say that lightly. Any bankruptcy attorney knows it is far easier to get rid of IRS debt in bankruptcy than to discharge a student loan in an undue hardship complaint. The absence of a meaningful safety net has left many borrowers unable to participate in the economy. According to a February 2021 Forbes article, New Hampshire had the highest average student loan debt in the United States at \$39,410 per student. Some states provided relief to borrowers who did not qualify under the Cares Act; however, New Hampshire was not among them. New Hampshire also chose not to participate with the 39 other states who sued Navient so they will not be participating in the \$1.7 billion settlement. On information and belief, the New Hampshire attorney general's office is attempting to become an 11th hour participant in that settlement; however, it is unclear at this point whether that will succeed. With \$1.7 trillion in student loans exceeding the total credit card debt in the United States, this isn't a problem that is just going to go away.

Attorney Gaudreau is a solo practitioner in Salem, NH, representing clients in NH and Mass. in the areas of student loans and bankruptcy.

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THU, MAR 17 – 9:00 a.m. - 4:00 p.m.
Consumer Bankruptcy - A New Hampshire Overview
• Webcast; 370 NHCLE min., incl. 60 ethics/prof.

TUE, MAR 22 – 3:00 – 5:00 p.m.
Unemployment Overpayment Claims & Workers' Compensation Issues Caused by COVID-19
• Webcast; 120 NHCLE min.

WED, MAR 30 – 9:00 a.m. - 4:00 p.m.
What's New in Environmental Law?
• Webcast; 360 NHCLE min.

APRIL 2022

THU, APR 14 – 12:00 – 1:00 p.m.
Embarrassing Mistakes with Definitions Good Lawyers Regularly Make
• Webcast; 60 NHCLE min.

TUE, APR 19 – 12:00 – 1:00 p.m.
Unexpected Ethical Problems Working From Home
• Webcast; 60 NHCLE ethics/prof. min.

THU, APR 21 – 12:00 – 1:00 p.m.
Contract Drafting is Like ... Fortune Telling
• Webcast; 60 NHCLE min.

TUE, APR 26 – 12:00 – 1:00 p.m.
Siri and Alexa are Out to Get You
• Webcast; 60 NHCLE ethics/prof. min.

THU, APR 28 – 12:00 – 1:00 p.m.
The Dirty Dozen: The 12 Most Common Grammar and Writing Errors
• Webcast; 60 NHCLE min.

MAY 2022

THU, MAY 5 – 9:00 a.m. - 4:00 p.m.
Effective and Persuasive Presentation of Damages in a Personal Injury Case
• Webcast; 360 NHCLE min. incl. 30 ethics/prof.



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(if you missed any of the previously held programs,
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• Webcast; 60 NHCLE ethics/prof. min.

THU, MAY 12 – 12:00 – 1:00 p.m.
Better Prose, Better Contract: 5 Ways to Improve Contract Terminology
• Webcast; 60 NHCLE min.

TUE, MAY 17 – 12:00 – 1:00 p.m.
What David Bowie Teaches About Attorney Ethics
• Webcast; 60 NHCLE ethics/prof. min.

WED, MAY 18 – 9:00 a.m. - 1:15 p.m.
Intellectual Property for the General Practitioner
• Webcast; 225 NHCLE min., incl. 30 ethics/prof.

THU, MAY 19 – 12:00 – 1:00 p.m.
To Indemnify, or To Hold Harmless?
• Webcast; 60 NHCLE min.

TUE, MAY 24 - 12:00 – 1:00 p.m.
Killer Correspondence for Lawyers
• Webcast; 60 NHCLE min.

THU, MAY 26 - 8:30 – 10:30 a.m.
16th Annual Ethics Program
• Webcast; 120 NHCLE ethics/prof. min.

JUNE 2022

FRI & SAT, JUNE 17 & 18
2022 Annual Meeting
Mountain View Grand, Whitefield

THU, JUN 30 – 12:00 – 1:30 p.m.
"Please. Do Not Touch That" And Two More Lessons from the World of Museum Law
• Webcast; 90 NHCLE min.

Contract Law Thursdays

with Lenne Espenschied



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Embarrassing Mistakes with Definitions Good Lawyers Regularly Make
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Contract Drafting is Like ... Fortune Telling
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Consumer Bankruptcy

A New Hampshire Overview

Thursday, March 17, 2022 • 9:00 a.m. - 4:00 p.m.
370 NHCLE min., incl. 60 min. ethics/prof.

Trustees, practitioners and the US Trustee's office discuss and explore the ins and outs of consumer bankruptcy in New Hampshire. The program will include an informal discussion with the Hon. Bruce Harwood.

Faculty

Edmond J. Ford, Program Chair/CLE Committee Member, Ford, McDonald, McPartlin & Borden, PA, Portsmouth

Hon. Bruce A. Harwood, Chief Judge, United States Bankruptcy Court, District of New Hampshire, Concord

Michael S. Askenaizer, Law Offices of Michael S. Askenaizer, PLLC, Nashua

Kimberly Bacher, Office of the US Trustee, Concord

Ryan M. Borden, Ford, McDonald, McPartlin & Borden, PA, Portsmouth

Eleanor Wm. Dahar, Dahar Professional Association, Manchester

Ann Marie Dirs, Office of the US Trustee, Concord

William M. Gillen, Law Offices of William M. Gillen, Manchester

Lawrence P. Sumski, Sumski Law Office, Manchester



What's New in Environmental Law?

Wednesday, March 30, 2022 • 9:00 a.m. - 4:00 p.m.
360 NHCLE min.

Join experienced environmental attorneys and professionals to learn what's new in environmental law. What cities and towns are forming stormwater utilities? Will offshore wind blow us away? Are we worried about residual designation authority? Want to meet the new Dept. of Energy? How sunny is the solar forecast? What's going on with environmental justice in the Granite State? Our amazing panelists will answer all of these questions and more.

Faculty

Amy Manzelli, Program Chair/CLE Committee Member, BCM Environmental & Land Law, PLLC, Concord

Kerstin B. Cornell, NH Legal Assistance, Manchester

Adam M. Dumville, McLane Middleton Professional Association, Manchester

Susan S. Geiger, Orr & Reno, PA, Concord

Mark A. Sanborn, NH Dept. of Environmental Services, Concord

James J. Steinkrauss, Rath, Young & Pignatelli, PC, Concord

Heidi H. Trimarco, Conservation Law Foundation, Concord

Rebecca S. Walkley, McLane Middleton Professional Association, Manchester

Additional faculty to be determined.



Effective and Persuasive Presentation of Damages in a Personal Injury Case

Thursday, May 5, 2022 • 9:00 a.m. - 4:00 p.m.
360 NHCLE min., incl. 30 min. ethics/prof.

This program is intended for personal injury lawyers of all experience levels, plaintiff as well as defense. This will be a fast-moving interactive format with a large panel of highly experienced tort practitioners, experts, mediators and sitting judges. The program focuses on effectively developing and presenting damage evidence at all stages of a personal injury case, including the demand and negotiation phase, mediation and ultimately trial. A great way to celebrate Cinco de Mayo with fellow tort attorneys, and a can't miss CLE for any injury lawyer who wants to learn the most effective and persuasive ways to present your client's case.

Faculty

Peter E. Hutchins, Program Chair/CLE Committee Member, Law Offices of Peter E. Hutchins, PLLC, Manchester

Hon. Robert E.K. Morrill, Portsmouth

Hon. David W. Ruoff, NH Superior Court, Concord

Gary M. Burt, Primmer, Piper, Eggleston & Cramer, PC, Manchester

Paul W. Chant, Cooper, Cargill, Chant, PA, North Conway

Christine Friedman, Friedman & Feeney, PLLC, Concord

Holly B. Haines, Abramson, Brown & Dugan, Manchester

Scott H. Harris, McLane Middleton Professional Association, Manchester

Catharine Newick, Business Decision Services, Concord

Neil B. Nicholson, Nicholson Law Firm, PLLC, Concord

Mary E. Tenn, Tenn & Tenn, PA, Manchester



Intellectual Property for the General Practitioner

Wednesday, May 18, 2022 • 9:00 a.m. - 1:15 p.m.
225 NHCLE min., incl. 30 min. ethics/prof.

This half-day seminar is designed to provide an overview of the major areas of IP law, addressing patent law; trade secret law; trademark law; copyright law; contractual issues relating to intellectual property, including licensing agreements and insurance coverage for intellectual property.

Faculty

Arnold Rosenblatt, Program Chair/CLE Committee Member, Hinkley Allen & Snyder, LLP, Manchester

Matthew H. Benson, Cook, Little, Rosenblatt & Manson, pllc, Manchester

Daniel J. Bourque, Preti, Flaherty, Beliveau & Pachios, PLLP, Concord

Doreen F. Connor, Primmer Piper Eggleston & Cramer, PC, Manchester

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Succession Planning for the Family Lakehouse: I'll Take My Estate Plan with a Limited Liability Company on the Side

By Elizabeth Brown

Many New Englanders own second homes that serve as family vacation retreats, and these homes are often the central point of family traditions. These vacation homes may also comprise a significant portion of the family's wealth, so it's understandable that homeowners want to pass their properties and family traditions to future generations. But leaving the property outright to the next generation – if there is more than one child – is often not the best way to go.

Often, joint ownership can lead to family disputes regarding how the home is used, operated, and maintained. Some children may want to continue using the property, while others may want to cash out. When the parent owners attempt to pass joint ownership to the children, squabbles can break out just as they did during family game night, but with higher stakes and no parents around to mend the battle wounds! Furthermore, if New Hampshire resi-



dents own vacation homes in a neighboring state such as Maine, Massachusetts, or Rhode Island, ownership of the real estate at death may subject the decedent's estate to estate taxes in states where the property is located, even if the individual does not have a federally-taxable estate. Sometimes, the neighboring state's estate tax can be avoided through the incorporation of a limited liability company into the New Hampshire estate plan.

Massachusetts generally taxes two types of individuals upon death. The Commonwealth will tax the estate of individuals who die residents of Massachusetts on all of their property, and will tax property with a situs in Massachusetts, owned by nonresident decedents. The Massachusetts estate tax threshold is \$1 million. Massachusetts taxes a nonresident decedent by calculating the Massachusetts estate tax on the entire estate of the decedent, then assessing a tax equal to the proportionate share that the Massachusetts-situs property has to the entire estate. Therefore, even if the value of the Massachusetts-situs property is less than the threshold, it does not mean that the decedent avoids Massachusetts estate tax, where the decedent's entire estate exceeds the threshold.

New Hampshire, however, does not have a state level estate tax. Therefore, to the extent that a New Hampshire resident's Massachusetts property is converted from Massachusetts-situs property, such as real estate, to intangible property, such as stock, it will no longer have a situs in Massachusetts and will not contribute to a Massachusetts estate tax calculation. A note of caution, however, that this is not the case in Maine. Homeowners will need to analyze tax impact on a case-by-case basis.

Organizing an LLC is fairly simple. The organizational documents include a certificate of organization to file with the secretary of state, and an operating agreement. The LLC will also need its own taxpayer identification number.

The operating agreement can be simple or complex, but it should govern the management of the property. It can prevent disputes about who bears responsibility for expenses and maintenance, and can provide a mechanism for a child to cash in on their ownership to other children.

LLC operating agreement provisions for these types of entities often include:

1. Responsibilities for paying operating expenses
2. Procedures for transferring mem-

ber units or interests

3. Duties and responsibilities for regular maintenance, budgeting, and approving property improvements

4. Developing property use schedules

5. Establishing rules for use

While there are some costs to creating an LLC – Massachusetts, for example, has annual filing requirements that carry a fee of \$500 – these expenses may be small compared to the return on investment for avoiding the Massachusetts or Rhode Island estate tax.

Vacation homeownership through an LLC may also offer members personal liability protection from lawsuits, creditors, renters, etc. For instance, if there is an accident at the home that results in personal injury to a third party, LLC owners may be shielded from liability for that injury. Similarly, state laws may prevent creditors from becoming LLC owners or may prevent any asset within the LLC to be sold simply because the creditor has a judgment against an LLC owner. This is particularly important if an LLC owner becomes divorced, files for bankruptcy, or has a large

ESTATE continued on page26

The Beneficiary Deemed Owner Trust – A Creative Estate Planning Strategy

By Whitney A. Gagnon

The “Beneficiary Deemed Owner Trust” (or BDOT) is an innovative technique designed to achieve favorable income tax treatment of trusts, among other purposes.

The Internal Revenue Code (IRC) rules governing the income taxation of trusts are complex but, in general, provide that trusts are either taxed as a “grantor” trust or a “non-grantor” trust. This distinction is important since non-grantor trusts pay federal income tax at the highest rate of 37 percent with taxable income of only \$13,450, while individual



single taxpayers only reach this rate with income over \$539,900. Because of these tax brackets, it could be advantageous to design a trust as a grantor trust, meaning that the grantor will be treated as the trust's “owner” for income tax purposes, and the trust income will be reported on the grantor's personal income tax return.

With a grantor trust, although the income will be included on the grantor's personal income tax return, the assets held in the trust are removed from the grantor's taxable estate, saving federal estate, gift, and possibly Generation Skipping Transfer (GST) taxation.

In some situations, it would be useful for a beneficiary, rather than the grantor, to be treated as the trust's owner for income tax purposes. For example, to enable an elder generation to pay the income taxes on funds gifted to a younger generation, while also utilizing certain family

member's federal gift and estate tax exemption and GST tax exemption amounts. This creative strategy is often referred to as the Beneficiary Deemed Owner Trust.

For an individual other than the grantor to be treated as the substantial owner of a trust for income tax purposes, the requirements of IRC Section 678 must be met. The general rule provides that “[a] person other than the grantor shall be treated as the owner of any portion of a trust with respect to which: (1) such person has a power exercisable solely by himself to vest the corpus or the income therefrom in himself.” Notably, the rule requires a power to vest either the corpus or the income of the trust, which can be achieved by granting a beneficiary the unilateral right to withdraw only the trust income.

The definition of income is crucial. The traditional language granting a ben-

eficiary the right to withdraw net income will only result in the *accounting income* being attributable to the beneficiary. However, if income is defined to include traditional accounting income and net *taxable income* attributable to principal, including capital gains, payable by the trust income or principal, the entire trust income (including the accounting income, distributable net income, and taxable income) should be attributable to the beneficiary.

While the beneficiary needs to have the power to withdraw income to create a BDOT, there is no requirement that the income actually be withdrawn. All trust income not withdrawn would be retained by the trust, allowing the trust assets to grow on an income-tax-free basis within the trust because the beneficiary is paying the income taxes on behalf of the trust.

TRUST continued on page26

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Intellectual Property: The Forgotten Estate Asset

By Amanda Nelson

The beneficiaries despised each other, loathed each other. Siblings refused to acknowledge that they were siblings. Long before my law degree, I was hired as a curatorial consultant by a law firm to catalog the work of a deceased artist. The firm estimated there were between 1,200 and 1,500 paintings. Over the following months, I watched, fly on the wall, as the beneficiaries mired the entire estate in litigation. The artist had left his artwork among his six beneficiaries to divide between themselves. Clearly, none of them would ever agree to anything. The judge finally ordered the entire body of work sold at auction with the proceeds divided evenly among the beneficiaries.

Several years later, I entered law school and learned about copyright law. I learned it was a separate piece of property from the work itself. Under current law, it can only be transferred by a signed writing or by operation of law. My mind went back to that collection and its fate. While the litigation focused on the physical works, not once did anyone talk about the copyright rights—the intellectual property. I now know all the beneficiaries



have undivided interests in the copyright to those work. I can't imagine the fight that will break out if they came to understand this.

Intellectual property such as copyrights, trademarks, and patents are given legal protection, potentially long after the creator has passed away. Patents have the shortest period of protection at just 20 years. However, a patent holder could pass away before this period has expired. Under copyright law, works are protected for 70 years after the author's death. Trademarks have perpetual protection as long as they are used in commerce, potentially far outliving the creator of the mark. As an example, one of the oldest marks still used in commerce is Stella Artois. Their mark, a horn logo, has been used continuously since 1366. While this is a company, many trademarks are owned by individuals and not a business entity. If the beneficiaries choose to continue the business, they continue the trademark.

Despite its longevity, intellectual property is frequently forgotten during the estate planning process. I believe this is because unlike furniture, a house, or other tangible property that can be seen, touched, and moved, intellectual property is intangible property. You can't touch it or pick it up and move it. You can't hold it. It is easily overlooked. Additionally, many clients do not realize that intellectual property rights are a separate property right. For example, the physical painting by a client and the copyright rights

inherent in that painting are two separate property rights. The client may be completely unaware of this and assume that by leaving the painting to a specific person it also means they are leaving the copyright rights to that person, as well. Legally, it doesn't work that way.

In the case discussed at the beginning of this article, the copyright rights of those paintings were never discussed. When a will or other testamentary document is silent on intellectual property rights, the rights will be controlled by the "rest and residue" provision. The outcome of this could be something the testator never intended.

For example:

Marty Musician has a lifetime of musical compositions they have composed. Marty's will states that their compositions will go to their alma mater's library. The will also makes other specific gifts to Marty's children. It is silent on the copyright rights. The rest and residue provision of the will states that the remaining property shall go to Marty's favorite animal shelter. The physical compositions (the papers, the sheet music) are given to the library. The tangible portions of the remaining property are liquidated and the money given to the shelter. The shelter doesn't know it is also now the owner of the copyright rights. Because the library merely owns the tangible compositions and not the copyright rights, they cannot reproduce the music, and, more importantly, they cannot per-

form the music as the performance rights belong to the shelter!

There is also a danger behind template simple wills that only contain the absolute minimum number of provisions making it a legal document. Many of these templates use the phrase "my tangible property." As noted, intellectual property is intangible property. Once again, any intellectual property rights would end up under the rest and residue, and if that provision is omitted, these rights would end up in probate.

The above discussion assumes that patents and trademarks that have been registered with the USPTO are up to date on their renewal filings. But what if they are not? What if the renewal is approaching and the owner dies without discussing ownership of the intellectual property in their will, forcing it into probate? Probate can be a long process, slowed down even more when potential beneficiaries cannot agree as to who inherits what. Copyright only requires the initial application—it does not require a renewal filing to maintain federal protection. Only copyright has the benefit of time in a probate hearing. If a trademark renewal is not filed in time, it will lose federal protection and federal remedies for infringement, but it will still have the benefit of state trademark laws and unfair competition laws. But if a patent renewal is not timely filed, then, except under extremely rare circumstances,

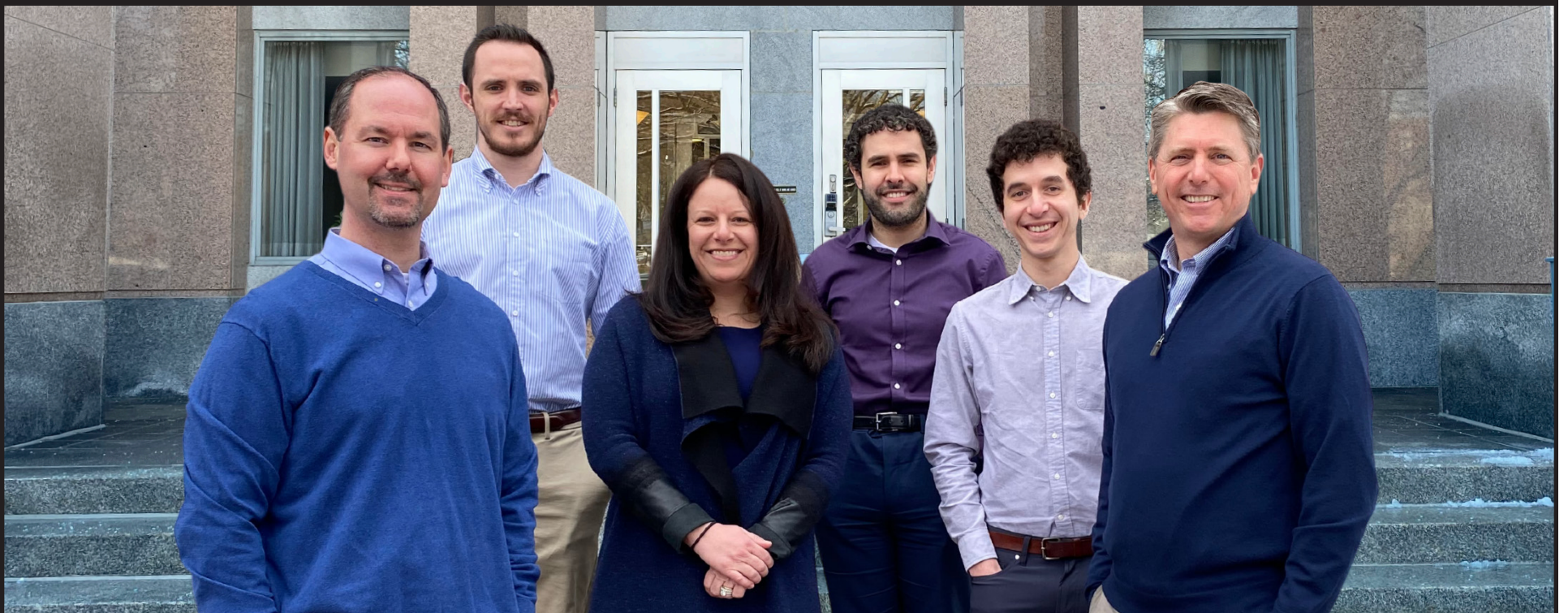
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Asset and Tax Considerations for Florida Snowbirds

By Mae Bradshaw

Estate planning for our New Hampshire clients, if they are also Florida snowbirds, should factor in a number of unique considerations. The probability is good that one or both of the spouses will someday change domicile to take advantage of Florida tax and creditor protection provisions. Florida is not a community property state, except to the extent that the community property is owned by a couple who brought the property with them from a community property jurisdiction. Florida is attractive as a tax haven with no gift, estate, or generation-skipping taxes for its residents or its nonresident property owners. It also has no individual, S-Corporation, or trust income taxes.

Florida does recognize the common law tenancy-by-entirety (TBE), where the husband and wife were considered one and the husband was the one. Now a TBE provides creditor protection where a judgment is against either one of the spouses, no matter what gender. The TBE must be created with the five unities: unity of time, title, interest, possession, and marriage. Both spouses receive title to the property simultaneously in the same instrument of conveyance and have equal control of that property.



An owner and spouse can transfer property into themselves as tenants-by-entirety and protect one spouse from the debts of the other spouse at least during the life of the non-debtor spouse. The TBE ownership interest is not severable by either spouse. However, if both spouses enter into an agreement with a lender, the TBE property is not protected. This type of ownership is not limited to real estate but can be applied to bank accounts, tangible personal property, even Limited Liability Company ownership. The form of ownership is available to couples who are not domiciled in Florida, which can be a real advantage if they file bankruptcy because the TBE is recognized as creditor-protected by Federal Bankruptcy courts who will apply Florida law in that situation. The arrangement is superior to joint tenancy, where a creditor of one spouse can seize the interest of the debtor-spouse. With a TBE, a creditor other than the IRS, the SEC, the FTC, or Department of Justice, can take the property only if both spouses are the debtors. The TBE is terminated by conveyance of an interest in the property to another party. In the event of death or divorce, the ownership interest becomes a tenancy-in-common with each of their shares subject to their own free direction. With the conversion to a tenancy-in-common, a creditor of either spouse can then reach the property. Also, a court can disregard the TBE upon a finding that the arrangement was fraudulently entered into.

Florida also has asset protection from creditors for qualified retirement funds, life insurance proceeds and cash surrender

value, annuity proceeds, disability income, workers compensation, and § 529 Plans. A major planning consideration is Florida's complicated homestead provisions. Homestead property is protected from all liens and debts, except for mortgages, taxes, and mechanics' liens. The central requirement is the owner must be a Florida domiciliary. Domicile and residence are not synonymous but domicile and permanent residence are interchangeable.

Should one or both members of a couple choose to change domicile to Florida, there will be advantages to make the effort worth it. The non-domiciliary spouse will be eligible to be the Personal Representative of the decedent domiciliary. A Florida domiciliary is evidenced by the resident's actions:

- To file a Declaration of Domicile pursuant to Fla. Stat. § 222.17;
- To have a fixed residence and intention to make it permanent;
- To register the Florida property as homestead property;
- To surrender your old license and get a Florida license;
- To re-register your vehicles in Florida;
- To re-register to vote;
- To change your passport;
- To file a final tax return in New Hampshire;
- To spend more than six months in Florida;
- To create a new will declaring your Florida residence;

- To open a Florida bank account;
- To engage a Florida lawyer, doctor, and accountant;
- To change your address for all personal mail to Florida; and
- To change club and organizational memberships to Florida.

During life, the homestead property may not be transferred without the signature of both spouses on the deed. Restrictions on devise also protect the surviving spouse and any minor child, and cannot be avoided even by devising the home to or in trust for the surviving spouse, if there are minor children, because the spouse merely has a right to a life estate. The children are the remaindermen and that is a vested interest. The homestead must be the primary residence on the first January and has the advantage of keeping valuation increases limited to 3% per annum. Florida homestead rights, as well as rights to the thirty percent elective share, the intestate share, family allowance, and preference in being appointed as personal representative, may all be waived before or after marriage in a signed and witnessed contract, where the contract would be effective in the original state of residence as long as the spouses made "fair disclosure" of their respective estates to the other spouse.

The preferred planning for homestead property in Florida is a properly-executed will, which passes the property to a bypass

SNOWBIRDS continued on page 28



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Reimbursement of Income Tax from Grantor Trusts

By James Mulhern

Grantor Trust Basics

The “grantor” trust is an important tool for estate planning practitioners. Where a trust is classified as a grantor trust, the trust’s settlor, rather than the trust itself, is responsible for paying the income tax generated by the trust assets.

Originally, lawmakers established intricate grantor trust rules to address the problem of taxpayers moving income-generating assets to trusts to manipulate marginal tax brackets, while still retaining ultimate control over and enjoyment of these assets. The resulting rules, codified in Internal Revenue Code Sections 672–679, specify the set of powers that, if retained by the trust’s settlor, will shift the trust’s income tax back to the settlor.

In current practice, however, grantor trust status, rather than serving as a pitfall to avoid, is commonly a central objective of clients establishing certain types of trust arrangements. Take the example of a settlor who sets up an irrevocable trust for the settlor’s descendants and then makes a sizeable gift to the trust. The purpose of such a trust is generally to move assets out of the settlor’s ownership to minimize transfer taxes (estate, gift, and generation-skipping). But if the



trust is a properly drafted grantor trust, the settlor can retain just enough power over the trust’s corpus that the settlor continues to be deemed the owner of the corpus for income tax purposes, but not for transfer tax purposes. The settlor has thus given away the assets for transfer tax purposes but is still treated as the owner of the assets for income tax purposes.

The settlor’s ongoing payment of the income tax in the example above serves as additional tax-free gifting to the trust beneficiaries — the trust corpus, which is now outside of the settlor’s taxable estate, can grow tax free, and the settlor’s taxable estate is further reduced by the amount of the income tax payments.

Because these techniques diminish the tax revenue raised by transfer taxes, they have been the target of proposed federal legislative changes as recently as last year. But, for now, they remain a mainstay of modern trust design.

“Toggling Off” Grantor Trust Status

Although it is tax efficient for the settlor to shoulder the trust’s income tax burden, this burden sometimes becomes too heavy. If this happens, the settlor may wish to redirect the tax payments back to the trust.

Accordingly, well-drafted grantor trusts are typically structured with a provision for terminating grantor trust status — a so-called “toggle-off” feature. The settlor’s decision to toggle off grantor trust status (and thereby force the trust to pay its own income taxes) is, however, irreversible. The settlor’s exercise

of a toggle-off therefore results in a permanent loss of the benefits of grantor trust status, even if the need to spare the settlor from the trust’s income tax is only temporary.

A Different Approach: Reimbursement

One way to avoid the need to toggle off grantor trust status is to allow for the trustee to reimburse the settlor for the income tax paid on behalf of the trust. Reimbursement may meet a short-term need of a settlor for tax relief without the permanence of the toggle-off.

New Hampshire is among a small but growing group of states that have augmented their trust laws to permit explicitly a trustee to reimburse the settlor even where the trust instrument is silent on the subject. The New Hampshire Trust Code, RSA 564-B:8-816(c) provides that “[e]xcept as otherwise provided under the terms of the trust, a trustee shall have the discretionary power to reimburse the settlor for the portion of the settlor’s income tax liability attributable to the trust” Whereas practitioners today often expressly authorize reimbursement in the trust instrument, this statute is particularly useful for trusts that lack express terms relating to trustee reimbursement.

Transfer Tax Warning

New Hampshire law provides clear support for trustee reimbursement, but caution is nonetheless warranted. It is crucial that allowing for reimbursement not undermine the fundamental goal of many trusts: keeping

the trust corpus out of the settlor’s taxable estate. In other words, settlors must still “give away” the assets as regards estate, gift, and generation-skipping taxes.

In Revenue Ruling 2004-64, the IRS provided guidance that trustee reimbursement of income taxes will not result in inclusion of the trust corpus in the settlor’s estate so long as certain requirements are met. Fundamentally, the IRS demands that reimbursement not be expressly or implicitly mandatory — the trustee must possess real discretion to reimburse the settlor (or not). All parties, and their advisors, should keep the IRS requirements carefully in mind in both drafting and administering grantor trusts.

Summary

In keeping with our state’s overall embrace of trust law modernization, New Hampshire has been in the vanguard in its approach to trustee reimbursement for income taxes from grantor trusts. Appropriate use of trustee reimbursement can lead to improved tax outcomes for grantor trusts. Attorneys who draft grantor trusts or advise settlors and trustees should be alert to the risk of undesirable transfer tax consequences and take step to avoid them.

James Mulhern is an attorney at Mulhern and Scott PLLC in Portsmouth, New Hampshire, who concentrates on trusts and estates, tax and appellate litigation. He can be reached at 603-436-1211 or james@mulhernlaw.com.

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Trust from page 22

In designing a trust to shift the income taxation to a desired beneficiary, it is important to consider any adverse gift and estate tax consequences to the beneficiary and the beneficiary's estate. Under IRC Section 2041(a), the value of the gross estate includes any property with respect to which the decedent has at the time of his or her death a general power of appointment. Thus, if the beneficiary dies during such time when the beneficiary has the withdrawal right (treated for tax purposes as a general power of appointment), the undistributed income would be includable in the beneficiary's estate for estate tax purposes. Depending on the size of the trust and the net income generated in that year of the beneficiary's death, this may not be a major concern, but by limiting the period of time over which the beneficiary has the withdrawal right, the potential estate tax exposure can be limited. The period of time should be sufficient to uphold IRS scrutiny.

Under IRC 2514(b), the release of a general power of appointment is a transfer subject to gift tax and, in general, a lapse of a power is considered a release for such purposes. To address the gift tax considerations, upon the expiration of the beneficiary's withdrawal right, the beneficiary could be granted a second, springing right to withdraw an amount equal to the income for the prior year that was not withdrawn. The springing withdrawal right could also be limited to a defined pe-

riod of time.

In order to avoid a taxable event upon the expiration of the springing withdrawal right, the beneficiary could be granted a so-called "hanging withdrawal right." Under IRC Section 2514(e), a lapse is not considered a release during any year if the value of the property to which the lapse occurs does not exceed the greater of \$5,000 or five percent of the value of the property out of which the power could have been exercised (the "5-and-5" exception). Thus, the springing withdrawal right could lapse, but only to the extent that it would not be treated as a release of a general power of appointment for gift tax purposes. To the extent the value of the trust income exceeds the above amount, such excess amount will "hang" and be subject to the beneficiary's withdrawal in the following year.

The BDOT concept is derived from the IRC rules as well as treasury regulations and court cases (i.e., Regulation 1.671-3 and *Mallinckrodt v. Nunan*, 146 F.2d 1 (8th Cir. 1945)), and the IRS has not yet issued rulings on trusts of this type. It is believed that with the design of these detailed withdrawal rights, the BDOT can achieve favorable income tax treatment as well as estate and gift tax benefits, among other purposes.

Whitney Gagnon is a director in McLane Middleton's Trusts & Estates Department. She can be reached at (603) 334-6927 or whitney.gagnon@mclane.com.

Estate from page 22

judgment against him or her.

Another significant advantage is that real estate owned by the LLC will not be part of the owner's probate estate. This avoids the need to open ancillary probate in the state where the property is located. Additionally, most states (including New Hampshire) have adopted the Uniform Transfer On Death Security Registration Act (the Act), and the LLC membership interests can be passed along according to the terms of a beneficiary designation and are not controlled by the terms of the owner's will. This means that membership interests pass outside of the probate estate. Under the Act, individuals can also name multiple beneficiaries or contingent beneficiaries.

Vacation homeowners need to plan for what will happen to the property after death. Planning gives peace of mind that unnecessary estate taxes will be avoided, objectives will be met, and creates an opportunity to foster communication among the family regarding their interest and intent for the property. If you own a vacation property, speak with a qualified estate planning attorney to make sure your estate plan properly addresses your goals.

Elizabeth Brown, an attorney at Pierce Atwood, has more than 20 years of experience representing individuals and businesses in estate planning, business succession planning, business formations, commercial transactions, and corporate governance

issues. She assists clients in preserving vacation homes by transferring such real estate to limited liabilities companies and ensures that ownership interests in business entities are incorporated into the client's estate plan. Elizabeth is a frequent speaker on topics including, estate planning, will and trust drafting, legal issues impacting small businesses, and business succession planning.

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it no longer has any protection of any kind. Potentially lucrative income streams could disappear overnight merely because these rights were forgotten in an estate plan and the probate process exceeded filing deadlines.

Intellectual property can be an incredibly valuable asset, often exceeding the value of all other assets in an estate. When doing estate planning, it is critical it is not forgotten.

Amanda Nelson is founder of Artium Amore, PLLC, a law firm dedicated to the unique legal issues of the creative community. Her website is www.artiumamore.com and she can be reached at 603-842-5490 or anelson@artiumamore.com. Special thanks to Sarita Pickett of Patent Negotiator, PLLC for her insights on patent law.

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■ Snowbirds from page 23

trust at death. There is some difference of opinion about whether homestead property retains its protections if it is transferred into a living revocable trust. The deed must be joined in by both spouses placing the property into the trust. The trust must specifically state that the surviving spouse has the right to live in the home, rent free, and the right to sell the home at any time. If the home is put into a living trust, the trust must give the spouse or child a mandatory right to income in order to preserve the homestead protections. Homestead property remains subject to the restrictions on devise because you can-

not defeat the rights of a surviving spouse or minor children even when the homestead is in a trust. The fact that the surviving spouse must maintain the homestead property with life-estate complications of maintaining the property can be burdensome, and that spouse will need the participation of the vested remaindermen to be free of the property.

If a trust is used to hold property and the Trustor wants to discourage a future Trustee from decanting to avoid some of the particular provisions designed to protect the surviving spouse, the rule against perpetuities should be changed from 360 to a 90-year vesting in order to prevent the trust from being modified. If, however, the Trustee has

absolute power as to the principal and is not limited by an ascertainable standard, the Trustee can effectively decant to a new trust with different terms. Florida has the Prudent Investor Act requiring diversification unless it would not be in the best interests of the particular beneficiaries unless the trust provides otherwise. The Trustee may delegate investment functions. It is important to include in the choice of law article of the trust that jurisdiction will be any state with a sufficient nexus to the trust at its creation or during its administration.

If a Florida resident desires to avoid a surviving spouse taking 30% of her assets after her death, as set forth by statute, she may create a special "elective share trust," which she will fund during her lifetime with 37.5 % of the elective estate [the elective share assets will only be valued at 80%]. The trust provides for income and principal for the surviving spouse under the health-education-maintenance-support [HEMS] ascertainable standard, after taking into consideration the surviving spouse's other resources. By statute, the surviving spouse has the right to compel the Trustee to make the property productive. The decedent's child could be a Trustee of the trust. This trust would be created as consideration for a waiver of the elective share and homestead rights, as homestead property is included in the decedent's elective estate unless waived. A downside of homestead property from the perspective of the surviving spouse is the inability to divest himself or herself of the property without the agreement of the descendants holding the vested remainder interest.

Trusts for Florida residents must be executed with the same formalities as wills in Florida, including two witnesses and self-proving provisions with notaries. At the death of the Trustor, the Trustee must file a Notice of Trust with the probate court. Florida deeds require the signature of two witness over their printed names, and addresses, as well as the signatures, printed names and addresses of the Grantors. To be recordable, the signatures must be notarized and the name and address of the preparer also on the document. The name and addresses of the Grantees must also be on the deed. If a married couple takes real estate or a bank account as their names followed by the words "husband and wife," it is presumed that they took title as Tenants-by-Entirety. A deed into a trust should state that the Trustee "has full power and authority pursuant to Florida Statutes § 689.071 to protect, conserve and to sell, lease, encumber or otherwise manage and dispose of the real property described herein." If that language or similar language is on the deed, the trust or a Trustee Certificate need not be recorded. Florida discourages any use of Quitclaim deeds, even in the case of divorce as it interferes with any title insurance.

Mae Bradshaw is a New Hampshire attorney practicing since 1976. She is also licensed in Florida, Maine, and Massachusetts. Her practice, at sklawyers, pllc, is concentrated in Estate and Small Business Planning. She practices in the Cape Coral, Florida office of sklawyers, pllc during the winter months.

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Maximizing Efficiencies:

Changes Ahead for the Attorney Discipline Office and Office of Bar Admissions

This summer, the New Hampshire Supreme Court plans to consolidate the operations of the Attorney Discipline Office (ADO) and the Office of Bar Admissions (OBA) into the Administrative Office of the Courts (AOC). By making changes to the administrative structure and operations of the ADO and OBA, the New Hampshire Judicial Branch hopes to streamline the administrative operations for both programs and allow the staff and volunteers to better focus on their substantive work. This administrative integration will not affect the independent decision-making authority of the Professional Conduct Committee, the Board of Bar Examiners, or the Character and Fitness Committee.

Project overview

To implement the Supreme Court's plan, for the past 10 months, AOC management has worked extensively with ADO/OBA staff and committee members to plan for the administrative transition. The project has been transparent, collaborative, and thoughtfully planned so that the administrative consolidation does not negatively impact the operations of the programs and/or the staff and volunteers who serve those programs. The Supreme Court is appreciative of the ADO and OBA leadership, staff, and volunteers for their ongoing participation and support.

Focusing on the mission, not administrative matters

The ADO, which supports the work of the Professional Conduct Committee (PCC) and the other committees involved in the attorney discipline process, is created by Supreme Court Rule 37. At present, the ADO operates under the supervision of the PCC; Brian Moushegian, the ADO's General Counsel, reports directly to the PCC.

Similarly, the OBA supports the committees involved in the bar admission pro-

cess: the Board of Bar Examiners and the Character and Fitness Committee. It is created by Supreme Court Rule 42, and it operates under the supervision of these committees. Sherry Hieber, the OBA's General Counsel, reports to chairs of these committees.

With the proposed change later this year, the ADO and OBA will become divisions of the New Hampshire Judicial Branch's AOC. The AOC, which provides administrative support to all New Hampshire state courts, will provide the same professional services to the ADO and OBA. This includes support for payroll, human resources, accounting, and information technology. This restructuring is consistent with the administrative structure of attorney discipline bodies and admission authorities in other states.

By relieving the ADO and OBA of these administrative functions, the Judicial Branch will allow staff and committee members to focus their efforts on the work that is their primary charge: reviewing complaints against attorneys or overseeing the bar admissions process.

The integration of the ADO and OBA into the Judicial Branch will also change the status of employees of the ADO and OBA. These individuals will become Judicial Branch employees who will be entitled to the employee benefits provided to Judicial Branch employees.

When the administrative transition is complete, the budgets for the ADO and OBA will be included in the Judicial Branch's overall budget. This is primarily a technical change and will not affect the manner in which the offices are funded. The ADO will continue to be funded by an annual assessment on attorneys, and the OBA will continue to be funded by bar application fees.

Next steps: Rule changes required

Because the ADO and OBA are each

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On December 17, 2021, the Judicial Branch, in conjunction with Administrative Services, held a celebratory event to formally dedicate a courtroom at the Plymouth Circuit Courthouse to our esteemed colleague, Hon. Edwin W. Kelly. Several dozen state legislators and local government officials, judges, court staff, friends, and family attended this event, which honored not only Judge Kelly but also the local community in Plymouth.

Judge Kelly began his career on the bench in Plymouth, served as Administrative Judge of the District and Circuit Courts for more than 30 years and retired in March 2021. His unwavering focus and dedication to best practices in our courts led to significant advances in several complex areas, including domestic violence, child abuse/neglect, and juvenile justice to name just a few.

Judge Kelly ended the event by conveying the importance of judges knowing the communities they serve. His picture now adorns the outside of his namesake Plymouth courtroom along with his lasting message:

It is the responsibility of every judge to be a student of the community served by the court. Put another way, it is incumbent upon judges to under-



stand the lives of the people of those communities: its schools, its services, its strengths, and its weaknesses.

A good judge is not only faithful to the law, but equally as important, must understand and have compassion for the human condition. It is not the job of a judge to judge the people who come before the court, but rather to judge the facts presented.

It should be the purpose of every judge to achieve the twin goals of being respectful to all who come before you seeking justice and committing to 'always doing the right thing' in the exercise of judicial discretion.

established by Supreme Court rule, the rules governing these offices will be amended to reflect the structural change. The changes will not affect the policies or the procedures governing matters handled by the PCC, or the requirements or procedures for admission to the bar. The proposed rule amendments necessary to accomplish the integration are being considered by the

Supreme Court, and are available for public review and comment prior to any adoption. To review the proposed changes, go to <https://www.courts.nh.gov/our-courts/supreme-court/orders-and-opinions/supervisory-orders/2022>. Send public comments on the proposed changes to: rule-scomment@courts.state.nh.us by April 7, 2022.

Supreme Court At-a-Glance

February 2022

Criminal

Petition of The State of New Hampshire, No. 2021-0146
February 4, 2022
Reversed and remanded

- Whether superior court erred by denying the State's request for a protective order relating to police officer personnel files in connection with three separate criminal cases.

The State determined that it was required to produce police personnel files in connection with three separate criminal cases because the information contained therein was potentially exculpatory. Before disclosing the files, the State sought a protective order in each case prohibiting the defendants from sharing or disseminating the files with anyone other than each defendant and their respective attorneys. The State argued that the police officer personnel files were confidential once

At-a-Glance Contributor



Jonathan P. Killeen

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they were disclosed to the defendants pursuant to RSA 105:13-b, entitled "Confidentiality of Personnel Files," which, the State argued, makes police personnel files broadly confidential with limited exceptions. Conversely, the defendants argued that only those portions of a personnel file that are not produced to a defendant are to remain confidential. The trial court denied the State's request for a protective order and reasoned that nothing in RSA 105:13-b requires confidentiality of exculpatory evidence.

The Supreme Court granted the

State's request for certiorari in order to review the superior court's ruling on the protective orders. The Court concluded that the trial court erred in its statutory interpretation of RSA 105:13-b and that the State showed good cause, as a matter of law, for the issuance of a protective order. RSA 105:13-b states, in part, that "[o]nly those portions of the file which the judge determines to be relevant in the case shall be released to be used as evidence in accordance with all applicable rules regarding evidence in criminal cases. The remainder of the file shall be treated as confidential" The Court reasoned that when the statute's language is considered within the context of the statute as a whole, the statute sets forth a procedure for turning over exculpatory evidence to a criminal defendant for any testifying police officer, while maintaining the confidentiality of those files for all other purposes. In reaching this conclusion, the Court highlighted that the title of RSA 105:13-b, "Confidentiality of Personnel Files," demonstrated the legislature's intent that police personnel files start with the presumption of confidentiality. From

there, the Court reasoned that the statute provided limited disclosures of information to specific persons for specific purposes. Specifically, each scenario for the disclosure of police personnel records set forth in RSA 105:13-b is tied to a particular case, and for the explicit purpose of being used as evidence, such that additional dissemination or other uses of the records is not permitted. As a result, the Court reasoned that because material disclosed pursuant to RSA 105:13-b must be done in such a certain way, if the Court interpreted the statute to allow for disclosure or use of personnel file material beyond a specific defendant in a particular criminal case it would contravene the statutory process by which such information is released.

The Court declined to address the defendants' constitutional arguments premised on prior restraint in violation of the First Amendment because they were not presented to the trial court. Nevertheless, the Court provided guidance to the trial court on how to issue a protective order

AT-A-GLANCE continued on page 31

without offending the First Amendment.

John M. Formella, attorney general (Elizabeth Velez, attorney, on the brief, and Samuel R.V. Garland, assistant attorney general, orally), for the State; American Civil Liberties Union of New Hampshire Foundation, of Concord (Gilles R. Bissonnette and Henry R. Klementowicz on the joint brief, and Henry R. Klementowicz orally); R. Peter Decato, of Lebanon, on the joint brief; Albert E. Scherr, of Concord, on the joint brief; and Wadleigh, Starr & Peters of Manchester (Robin D. Melone on the joint brief), for defendant Jeffrey Hallock-Saucier; Law Office of Carl D. Olson, of Londonderry (Carl D. Olson, on the joint brief), for defendant Nicholas Fuchs; Alexander J. Vitale, New Hampshire public defender, of Concord, on the joint brief, for defendant Jacob Johnson.

Guardianship

In Re Guardianship of C.R., No. 2021-0118

February 8, 2022

Affirmed in part, vacate in part, and remand

- Whether the trial court erred in appointing a guardian over the respondent.

The respondent, C.R., suffered from schizoaffective disorder and was involuntarily admitted to the petitioner, New Hampshire Hospital (NHH), for a two-year period beginning in November 2022. NHH obtained emergency treatment authorization to provide C.R. with psychiatric medication without C.R.'s consent. C.R.'s condition improved but the psychiatric medication caused side effects, requiring C.R. to take a reduced dosage. C.R. did not believe that she suffered from mental illness or that she required medication. NHH's emergency treatment authorization expired on January 4, 2021 and, two weeks before a February 2021 guardianship proceeding initiated by NHH, C.R. began exhibiting worsening thoughts giving rise to concerns that her current medication was insufficient. Following a guardianship hearing, the trial court appointed the Office of Public Guardian as the guardian of C.R.'s person.

On appeal, C.R. asserted that NHH failed to prove beyond a reasonable doubt that C.R. was incapacitated and that the trial court's findings of incapacity exceeded the scope of the pleadings and evidence such that she was deprived of notice and an opportunity to be heard.

NHH had the burden of showing, by competent evidence, that C.R. was incapacitated. The Supreme Court stated that pursuant to RSA 464-A:2, XI (2018), the term "incapacity" refers to "any person who has suffered, is suffering, or is likely to suffer substantial harm due to an inability to provide for his [or her] personal needs for food, clothing, shelter, health care or safety or an inability to manage his or her property or financial affairs." The Court concluded that there was sufficient evidence for the trial court to have found, beyond a reasonable doubt, that C.R. was incapacitated based on extensive testimony from C.R.'s psychiatrist who opined at the guardianship proceeding, among other things, that C.R. "needed assistance almost across the board," and that she was "likely [to] suffer substantial harm because she [could not] provide for her basic needs." Likewise, the Court con-

cluded that there was sufficient evidence to support that the guardianship was the least-restrictive means of intervention for C.R., where the psychiatrist testified that a guardianship would be less restrictive than C.R. remaining in the hospital and could possibly lead to independent living.

The Court did agree, however, with C.R.'s argument that she was deprived of notice and an opportunity to be heard relative to various legal rights that were not specified in NHH's petition for guardianship, of which C.R. was nevertheless deprived. Specifically, the Court noted that RSA 464-A is designed to provide procedural and substantive safeguards for a ward's civil liberties and property rights. Pursuant to RSA 464-A:5, a petition for guardianship must provide the ward with adequate notice of the substance of the proceedings, as well as the nature, purpose, and legal effects of the appointment of a guardian, which the Court reasoned included the "legal rights the proposed ward" is deemed "incapable of exercising," in order for the proposed ward to prepare a defense. The Court therefore vacated the guardianship order to the extent it deprived C.R. of these rights.

John M. Formella, attorney general (Laura E. B. Lombardi, senior assistant attorney general, on the memorandum of law), for the petitioner; Amy B. Davidson, of Contoocook, by brief, for the respondent; Tracy M. Culberson, of Concord, for the Office of Public Guardian, filed no brief.

Arbitration

Keene School District v. Keene Education Association, NEA-NH, No. 2021-0061

February 8, 2022

Affirmed

- Whether an arbitrator's award pertaining to early retirement stipend benefits exceeded the scope of the arbitrator's authority or was otherwise plainly mistaken.

Randall Burns and R. Scott Hyde, two teachers that applied from early retirement with the Keene School District (School District), claimed that the School District's delay in paying early retirement benefits violated the collective bargaining agreement (CBA) between the School District and the Keene Education Association (Association). Specifically, until 2011, teachers that availed themselves to an annual stipend through early retirement would retire on July 1 and receive their first stipend payment at the end of August or early September of the same year. The School District did not consider early retirement stipends as "earnable compensation" and, as a result, did not contribute the employer's required 17% contribution to the New Hampshire Retirement System (NHRS) or deduct 7% of the employee's payment to remit to the NHRS. Yet, in 2011, the legislature amended RSA 224:161 such that early retirement benefits, like the stipend, were considered "earnable compensation" for members that vested prior to January 1, 2012. However, payments made 120 days after termination from employment would not be included as earnable compensation. When the two teachers applied for early retirement, the School District informed them that it would make payments 120 days after the effective date of their retirements so that they, and the Board of Education, did not incur additional NHRS wage deductions from their stipends. The

School District subsequently informed one of the two teachers that delaying payments 120 days avoided earnable compensation penalties, but it did not state that by doing so the School District was also avoiding its contribution to NHRS and diminishing the retirees' retirement benefit by more than \$100 per month.

The Association submitted the matter to arbitration. The arbitrator concluded that the matter was arbitrable, the School District's delayed payment violated the CBA, the retirement payments included required contributions to NHRS, and that the teachers could pursue their retirement benefits with the NHRS. Thereafter, the School District petitioned the superior court to modify, correct, or vacate the arbitration award, which the court denied. The School District appealed to the Supreme Court arguing that the arbitrator exceed his powers by concluding that early retirement stipends should include contributions to NHRS or alternatively that the arbitrator was mistaken in interpreting the CBA and in failing to consider the School District's past payment practices.

On appeal, the Supreme Court concluded that the arbitrator acted within the scope of the parties' submissions when he found that the stipends should include contributions to NHRS. The Court reasoned that an arbitrator's jurisdiction over, and interpretation of, the scope of an issue depends upon the voluntary agreement of the parties and the arbitrator is afforded great deference. In this instance, the School District argued that the reason for delaying stipend payments was so that the teachers did not incur additional NHRS wage deductions. As a result, the arbitrator's decision that early retirement stipend payments should include contributions to NHRS was rationally derived from the parties' submission. The Court further reasoned that the arbitrator was not "plainly mistaken" when he interpreted the CBA as not restricting NHRS payments. Lastly, the Court concluded that the arbitrator was not "plainly mistaken" when he concluded that the School District's past practices of delayed stipend payments was at odds with the terms of the CBA and that there was no evidence to suggest that the Association knew, or agreed, to the School District's practice. As a result, there was a lack of mutuality such that the School District's past practice was not binding on the parties.

Soule, Leslie, Kidder, Sayward & Loughman PLLC, of Salem (Peter C. Phillips on the brief and orally), for the plaintiff; Esther Kane Dickinson, of Concord, staff attorney, NEA-New Hampshire, by brief and orally, for the defendant.

Personnel Appeals Board

Appeal of New Hampshire Division of State Police (New Hampshire Personnel Appeals Board), No. 2020-0450

February 11, 2022

Affirmed

- Whether the Personnel Appeals Board unreasonably or unlawfully reinstated a New Hampshire state trooper with alleged integrity issues.

On October 29, 2018, Trooper Thomas Owens (the employee), a state trooper with the The New Hampshire Division of State Police (Division), accepted an extra-duty detail assignment which he believed began at 3:00 p.m. that day but soon realized that the detail was scheduled for

the following day, October 30, 2018. The employee believed that he could arrive at the detail on time the following day, once he completed a morning firearms training. The employee did not change out of his training uniform and into his official uniform before arriving to the detail. When the employee completed his timecard at the end of the week, he realized that between his regular and extra-duty detail shifts, he would exceed the hourly limitations for time worked in a 24-hour period and a 28-day period. In order to avoid a policy violation for exceeding hourly limits and for traveling during a regular shift to an extra-duty assignment, the employee adjusted his hours without consulting a supervisor. A supervisor recognized the October 30, 2018 time discrepancy in the employee's timecards and questioned him in response to which the employee stated that he "mismanaged [his] hours for that day" and had adjusted the timecard to "mitigate the policy violation." Thereafter, the Division filed a formal complaint against the employee and initiated an investigation. The employee was interviewed three times and admitted that he travelled to the extra-duty detail on regular-duty time, wore the wrong uniform, and adjusted his timecard.

The Division subsequently terminated the employee based on his adjustment to his timecard, "making false statements during the course of the investigation into his conduct," and violating the integrity provision of the Division's Professional Standards of Conduct (Integrity Provision). The employee appealed his termination to the New Hampshire Personnel Appeals Board (PAB). The PAB conducted an evidentiary hearing and concluded that the employee met his burden by showing that his dismissal was unwarranted and reinstated him with a twenty-day suspension without pay. The PAB reasoned that while the employee violated rules, engaged in "poor record keeping," and failed to communicate his timekeeping issues to his supervisor, the PAB deemed the employee credible and that his indiscretions did not rise to the level of termination. The Division then appealed to the Supreme Court.

On appeal, the Court stated that the PAB has discretion to reinstate an employee, and its findings of fact are prima facie lawful and reasonable, which would only be vacated and set aside for clear errors of law. The Court held that the Division failed to meet its burden that the PAB's decision was clearly unreasonable or unlawful. Specifically, the Division's arguments were based on its interpretation that the PAB order implicitly found that the employee engaged in dishonest conduct that violated the Integrity Provision. The Court concluded that the Division failed to meet its burden where the Court interpreted the PAB's order as not characterizing the employee's conduct as dishonest or construing the employee's timecard adjustments and statements during the investigation as contrary to the Integrity Provision.

John M. Formella, attorney general (Emily C. Goering, assistant attorney general, and Matthew T. Broadhead, senior assistant attorney general, on the brief, and Emily C. Goering orally), for the New Hampshire Division of State Police; Milner & Krupski, PLLC, of Concord (Marc G. Beaudoin and John S. Krupski on the brief, and Marc G. Beaudoin orally), for Thomas Owens; American Civil Liberties Union of New Hampshire Foundation, of Concord (Gilles R. Bissonnette and Henry

AT-A-GLANCE continued on page 32

In accordance with Rule 58.2(A) and (C), the Supreme Court appoints Attorney Shaun Filiault to the Lawyers Assistance Program (LAP) Commission. Attorney Filiault is appointed to serve a three-year term commencing on March 1, 2022, and expiring on February 28, 2025. Attorney Filiault will succeed Attorney Christopher Nicolopoulos, who is not eligible for reappointment to the LAP Commission on March 1, 2022, because he will have served two successive three-year terms.

Issued: February 18, 2022

ATTEST: Timothy A. Gudas, Clerk of Court
Supreme Court of New Hampshire

In accordance with Rule 53.5, the Supreme Court reappoints the following members of the Minimum Continuing Legal Education Board (MCLE Board) to serve three-year terms commencing February 15,

2022, and expiring February 14, 2025:

1. Supreme Court Associate Justice Patrick E. Donovan is reappointed in accordance with Rule 53.5A(2);

2. Superior Court Associate Justice Martin P. Honigberg is reappointed in accordance with Rule 53.5A(3);

3. Attorney James Shirley is reappointed in accordance with Rule 53.5A(6);

4. Attorney Corey M. Belobrow is reappointed in accordance with Rule 53.5A(6); and

5. Attorney Meghan Glynn, the nominee of the New Hampshire Bar Association President, is reappointed in accordance with Rule 53.5A(5).

The Supreme Court designates Attorney Corey M. Belobrow to serve as chair of the MCLE Board.

Issued: February 18, 2022

ATTEST: Timothy A. Gudas, Clerk of Court
Supreme Court of New Hampshire

LD-2021-0001, *In the Matter of Julie A. Introcaso, Esquire*

On March 24, 2021, the court suspended the respondent, Julie A. Introcaso, on an interim basis from the practice of law as a result of criminal charges that were pending against her. On February 3, 2022, the Attorney Discipline Office (ADO) filed certified copies of the respondent's convictions in *State of New Hampshire v. Julie A. Introcaso*, Hillsborough Superior Court – South docket no. 226-2021-CR-00126, on two misdemeanor counts of RSA 641:7 (Tampering With Public Records or Information) and one misdemeanor count of RSA 641:3 (Unsworn Falsification). With the certified copies, the ADO provided its written recommendation “that the Court enter an order disbaring [the respondent] from the practice of law pursuant to Rule 37(9)(d).” The ADO further stated that it had contacted the respondent, and she “does not object to the

disposition proposed by the Attorney Discipline Office and waives the formal disciplinary process contemplated by Rule 37(9)(d).”

The court concludes that the respondent has been convicted of a “serious crime,” as that term is defined in Supreme Court Rule 37(9)(b). Subparagraph 9(d) of Rule 37 provides that “[u]pon the receipt of a certificate of conviction of an attorney for a ‘serious crime,’ the court may, and shall if suspension has been ordered pursuant to subsection (a) above, institute a formal disciplinary proceeding by issuing an order to the attorney to show cause why the attorney should not be disbarred as result of the conviction.” Because the respondent does not object to the ADO’s recommendation for disbarment, and because the respondent has waived the formal disciplinary process contemplated by Rule 37(9)(d), it is unnecessary.

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R. Klementowicz on the memorandum of law, as *amicus curiae*.

Family Law

In The Matter of Matthew Routhier And Kelly Routhier, Nos. 2021-0032 and 2021-0036

February 15, 2022

Affirmed in part, vacated in part, and remanded

- Cross-appeals concerning final divorce decree and whether trial court erred by: (1) determining it lacked jurisdiction to divide property in which third-parties had an ownership interest; (2) deviating from child support guidelines; (3) denying a request for alimony; (4) ordering the child to attend public school serving the wife’s residence; and (5) dividing the parties’ two firearms.

Kelly Routhier (wife) and Matthew Routhier (husband) were engaged to be married in 2013. Thereafter, the husband and his parents acquired a piece of property in Dunbarton (Dunbarton property) on which the husband intended to build a house. The husband’s parents financed the purchase by securing a home equity line of credit (HELOC) on their home. The husband and the wife married in 2013, had a child together, but eventually filed for divorce in 2018. As part of the divorce proceeding, the trial court awarded joint-decision making authority between the parties, ordered the child to primarily reside with the wife, denied the wife’s request for temporary alimony, and ordered the husband to pay bi-weekly child support. Following a final hearing, the trial court issued a final divorce decree and parenting schedule. In doing so, the trial court awarded the parties joint decision-making authority and approximately equal parenting time, ordered the child to attend public school serving the wife’s residence in Hampstead, and reduced the amount of bi-weekly child support the husband was previously ordered to pay. The trial court also determined that it lacked jurisdiction to distribute the Dunbarton property as part of the marital estate because the

husbands’ parents’ ownership interest in it. Finally, the trial court also divided two of the parties’ firearms. Both parties filed motions to reconsider, which were denied. The parties then cross-appealed the trial court’s final divorce decree.

With regard to the wife’s appeal, the Court concluded that the husband’s ownership interest in the Dunbarton property was marital property and, therefore, the trial court had jurisdiction to distribute the husband’s interest as part of the divorce decree. Although the husband’s parents had concurrent ownership in the Dunbarton property, the Dunbarton property was unencumbered by any promissory note or mortgage owed to the husbands’ parents. As a result, distributing the husband’s ownership interest in the property or affect the parents’ HELOC. The Court also concluded that the trial court erred when it deviated from the child support guidelines by decreasing the husband’s child support obligation without providing an adequate justification. The trial court reached its decision based upon the parties’ equal or approximately equal parenting residential responsibilities, which the Court stated does not by itself constitute special circumstances supporting the downward deviation. The trial court otherwise failed to provide written findings pertaining to any other particular special circumstances justifying the downward adjustment. As a result, the Court vacated the trial court’s child support award and remanded to the trial court for specific findings. The Court likewise concluded that the trial court’s written findings were insufficient to support its decision denying the wife’s request for alimony. In particular, the trial court failed to explain how any of its factual findings supported its decision to deny the requested alimony. As a result, the Court vacated the alimony portion of the trial court’s order and remanded to the trial court.

With regard to the husband’s appeal, the Court concluded that the trial court did not unsustainably exercise its discretion by ordering the child to attend public school serving the wife’s residence in Hampstead because the trial court utilized the best interest standard and its findings provided an objective basis sufficient to sustain its decision. The Court also con-

cluded that the parties’ firearms were properly considered marital property subject to distribution based on a clear and unambiguous interpretation of the term “property” contained in RSA 458:16-a, I.

Matthew Routhier, self-represented party, by brief; Marshall Law Office PLLC, of East Kingston (Keri J. Marshall on the brief), for the respondent; Cullen Col-limore PLLC, of Nashua (Kevin G. Col-limore), for intervenor Elliot Health Systems, filed no brief.

Right-to-Know Law

B&C Management v. New Hampshire Division of Emergency Services, No. 2020-0052

February 23, 2022

Affirmed

- Whether 911 audio recordings are exempt from disclosure under the Right-to-Know Law, RSA 91-A (2013 & Supp. 2021) and whether the court erred in denying request for equitable discovery of 911 audio recordings.

A guest slipped and fell at B&C’s Fireside Inn (B&C). An unidentified person placed a 911 call to the New Hampshire Division of Emergency Services and Communications (Division) to report the incident. The guest’s attorney then sent a letter of representation to B&C indicating an intent to investigate the fall but otherwise did not demand a settlement or indicate that the guest had filed a lawsuit. B&C subsequently submitted a request under the Right-to-Know Law to the Division for the 911 audio recordings, which the Division denied. As a result, B&C initiated a discovery action with the superior court through which it asked the court to exercise its equitable powers and compel the recordings. Following a hearing, the superior court determined that RSA 106-H:14 exempted the 911 audio recordings from the Right-to-Know Law and concluded that B&C was not entitled to equitable discovery.

On appeal, the Supreme Court affirmed the superior court’s decision that RSA 106-H:14 exempts 911 audio recordings from the Right-to-Know Law. There

was no dispute that the 911 audio recordings were considered information created in furtherance of the Division’s official function and thus would be public records. However, RSA 106-H:14 is entitled “Information Not Subject to Right-to-Know Law,” and states, in relevant part, that “[a]ny information or records compiled under this chapter shall not be considered a public record for purposes of RSA 91-A” The Court rejected B&C’s argument that the phrase “under this this chapter” limited the exemption of records to the Right-to-Know Law to a caller’s fixed-location data. In doing so, the Court stated that had the legislature intended to limit the exemption in such a way, it could have expressly stated it within the statute. Rather, the Court stated that the statutory definition of “enhanced 911 system” included the “information provided by the caller,” which the Court reasoned was essential to the functioning of the enhanced 911 system.

The Court also conclude that B&C was not prejudiced, nor did the superior court abuse its discretion, when the superior court denied B&C’s request for equitable discovery. In doing so, the Court rejected B&C’s generalized assertion that it would continue to sustain pre-suit costs. Rather the Court concluded that while a party may need to show that it does not have an available remedy at law in order to obtain equitable relief, such a showing alone is not sufficient because a party must also show that the requested relief is appropriate under the circumstances. The Court found that the superior court properly exercised its discretion when it determined that B&C did not suffer an injury, or financial burden, by virtue of the Division not producing the 911 audio recordings, and that B&C’s position would not change whether the 911 audio recordings were produced or not.

Getman, Schulthess, Steere & Poulin, P.A., of Manchester (Heather S. Ward and Naomi L. Getman on the brief, and Heather S. Ward orally), for the plaintiff; Gordon J. McDonald, attorney general (Matthew T. Broadhead, senior assistant attorney general, on the brief and orally), for the defendant.

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sary to serve the respondent with the ADO's recommendation or to provide her an opportunity to be heard on the recommendation prior to court action. In light of the seriousness of the respondent's misconduct, the court concludes that the respondent should be disbarred.

Therefore, the court orders that Julie A. Introcaso be disbarred from the practice of law in New Hampshire. She is hereby assessed all costs and expenses incurred by the attorney discipline system in the investigation and prosecution of the disciplinary matter.

Bassett, Hantz Marconi, and Donovan, JJ., concurred.

DATE: February 25, 2022

ATTEST: Timothy A. Gudas, Clerk



R-2022-0001, In re Suggested Amendments to Supreme Court Rules 37 and 42

Advisory Committee on Rules Chair, Justice Patrick E. Donovan, recently received suggestions from Dianne Martin, Director, Administrative Office of the Courts, to amend Supreme Court Rules 37 and 42. Justice Donovan referred the suggestions directly to the court pursuant to Supreme Court Rule 51(f) ("Special Cases").

On or before April 7, 2022, members

of the bench, bar, legislature, executive branch, or public may file with the Clerk of the Supreme Court comments on any of the suggested rule amendments. Comments should be submitted through the Supreme Court's electronic filing (e-filing) system into case no. R-2022-0001. The address of the Supreme Court's e-filing system is: <https://ctefile.nhecourt.us/login>. Comments may also be emailed to the court at: rule-scomment@courts.state.nh.us. Persons who are unable to submit their comments electronically may mail or deliver them to the Clerk of the Supreme Court at the address listed on the following page.

The language of the suggested rules amendments and background regarding them may be found in docket # 2022-003 on the webpage of the Advisory Committee on Rules, which is available at: <https://www.courts.nh.gov/resources/court-committees/advisory-committee-rules/committee-materials-docket-number/2022>. The background regarding the suggested amendments may be found on pages 1-2 and 35-36 of the materials in docket # 2022-0003. Copies are also available upon request to the Clerk of the Supreme Court at the N.H. Supreme Court Building, 1 Charles Doe Drive, Concord, New Hampshire 03301 (Tel. 603-271-2646).

The current rules of the New Hampshire state courts are available on the Internet at: <https://www.courts.nh.gov/resources/court-rules>.

The Supreme Court is requesting comment on the suggestions to amend the fol-

lowing rules:

I. Supreme Court Rule 37 – Attorney Discipline System

This proposal is intended to fully integrate the Attorney Discipline Office into the Judicial Branch and streamline its operations. The proposed changes are not intended to affect the policies or the procedures governing the attorney discipline process, or the independent decision-making authority of the PCC and other committees.

The language of the proposed rule changes is set forth in Appendix A.

II. Supreme Court Rule 42 – Admission to the Bar; Board of Bar Examiners; Character and Fitness Committee

This proposal is intended to fully integrate the Office of Bar Admissions into the Judicial Branch and streamline its operations. The proposed changes are not intended to affect the policies or the procedures governing admission to the bar, or the in-

dependent decision-making authority of the Board of Bar Examiners or the Character and Fitness Committee.

The language of the proposed rule changes is set forth in Appendix B.

Date: March 7, 2022

ATTEST: Timothy A. Gudas, Clerk
Supreme Court of New Hampshire



In accordance with Supreme Court Rule 51(d)(1)(A)(iii), the Supreme Court reappoints retired Circuit Court-District Division Judge R. Laurence Cullen to the Advisory Committee on Rules, as of January 1, 2022. Judge Cullen's three-year term shall expire on December 31, 2024.

Issued: March 8, 2022

ATTEST: Timothy A. Gudas, Clerk of Court
Supreme Court of New Hampshire

Bankruptcy Court Opinion Summary

Note: The full text of the opinion below will be available on the Bankruptcy Court's website at www.nhb.uscourts.gov.

Robinson v. Robinson (In re Robinson), 2022 BNH 001, issued March 4, 2022 (Harwood, C.J.) (unpublished) (denying the plaintiff's motion for summary judgment as the findings of the Massachusetts state court special verdict were not sufficient for this court to apply collateral estoppel to find the state court judgment debt nondischargeable under 11 U.S.C. § 523(a)(2)(A), (a)(4), or (a)(6)).

US Court of Appeals for the First Circuit

NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULE 25.0 AND LOCAL RULE 30.0

The United States Court of Appeals for the First Circuit provides notice that it proposes the attached amendments to Local Rules 25.0 and 30.0.

The amendments are made to add a requirement that parties represented by counsel file an electronic version of an appendix and to exempt all pro se filers from the requirement to file an appendix. The amendments also update the format of citations to local rules in Local Rule 25.0.

Additions are noted in *italic* print; deletions are noted in ~~strikeout~~ print.

The court hereby invites public comment on the amendments. Comments should be submitted by March 7, 2022 and addressed to: Office of the Clerk, U.S. Court of Appeals for the First Circuit United States Courthouse, 1 Courthouse Way, Suite 2500 Boston, MA 02210.

February 3, 2022

Maria R. Hamilton, Clerk

Local Rule 25.0. Electronic Case Filing System and Facsimile

(b) **Scope of Electronic Filing.** Unless this court by rule or order prescribes otherwise, all cases will be assigned to the court's electronic filing system. Upon motion and a showing of good cause, the court may exempt an attorney from the provisions of this rule and authorize filing by means other than use of the electronic filing system. Absent an exemption, all documents filed by counsel must be filed electronically using the electronic filing system with the exceptions below, which also apply to pro se litigants who have elected to use the electronic filing system.

(1) **Paper Only Filings.** The following documents must be filed only in paper form:

(A) motions to seal; and

(B) sealed, ex parte, or otherwise non-public documents, including for example, presentence reports and statements of reasons in a judgment of criminal conviction; and

(C) ~~appendices to briefs.~~

(3) **Briefs and Appendices.** Although a briefs (including the addendum, required by ~~ECF~~ *1st Cir.* R. 28.0) and appendices must be filed electronically, paper copies of briefs are still required to be filed. When a brief or appendix is filed electronically, it is deemed tendered. The clerk's office will then review the electronically tendered brief filing and, if the brief it is compliant with federal and local rules, send a notification accepting the brief and/or appendix as filed and requiring the attorney or party filing electronically ("ECF Filer") to file ~~the appropriate number of~~ *the appropriate number of* identical paper copies so that they are received by the court within seven days of the notification. The clerk may shorten the period for filing paper copies of a brief if it becomes necessary in a particular case. At the time a brief or appendix is tendered electronically, it must be served on all other parties, as required by Federal Rules of Appellate Procedure 25(b) and 31(b). See ~~ECF~~ *1st Cir.* R. 25.0(e). Parties do not need to serve the brief or appendix again on the other parties to the case when identical paper copies are filed with the court. ~~Appendices must be filed and served in paper form at the time the electronic version of the brief is tendered for filing.~~

(g) **Attachments and Exhibits to Electronically Filed Documents.** All documents referenced as exhibits or attachments to an electronically filed document must also be filed electronically, unless the court permits or requires paper filing. An ECF Filer must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such.

The court may require parties to file additional excerpts or the complete document. This rule does not apply to appendices to briefs. See Loc. R. 25.0(b)(1).

Local Rule 30.0. Appendix to the Briefs

(a) **Number of Copies.** Pursuant to Fed. R. App. P. 30(a)(3), *when a paper copy deadline is set*, only five (5) copies of the appendix need be filed with the clerk and on motion, for cause shown, parties may be allowed to file even fewer copies.

(d) **In-Form-a-Pauperis Proceeding Pro Se or Under the Criminal Justice Act.**

(1) **Pro Se-Appendices Not Required.** All pro se appeals ~~proceeding in forma pauperis~~ shall be considered on the record on appeal as certified by the clerk of the district court without the necessity of filing an appendix unless otherwise ordered by this court in a specific case. An appendix is required in all other appeals unless the court rules otherwise pursuant to Fed. R. App. P. 30(f).

(2) **CJA Appendices.** Although an appellant may be reimbursed for the cost of preparing an appendix where appellant's counsel is appointed under the Criminal Justice Act, counsel in consolidated multi-defendant appeals should coordinate, to the extent possible, to file a consolidated appendix.

NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULE 22.1(E) AND LOCAL RULE 25.0(D)(1)

The United States Court of Appeals for the First Circuit provides notice that it proposes the attached amendments to Local Rules 22.1(e), and 25.0(d)(1). The amendments update citations to local rules to achieve uniformity throughout the Rulebook.

Additions are noted in *italic* print; deletions are noted in ~~strikeout~~ print.

The court hereby invites public comment on the amendments. Comments should be submitted by March 7, 2022 and addressed to:

Office of the Clerk, U.S. Court of Appeals for the First Circuit, United States Courthouse, 1 Courthouse Way, Suite 2500, Boston, MA 02210.

February 3, 2022

Maria R. Hamilton, Clerk

Local Rule 22.1. Habeas Corpus; Successive Petitions

(e) **Transfer.** If a second or successive § 2254 or § 2255 petition is filed in a district court without the requisite authorization by the court of appeals pursuant to 28 U.S.C. § 2244(b)(3), the district court will transfer the petition to the court of appeals pursuant to 28 U.S.C. § 1631 or dismiss the petition. If the petition is transferred, the petitioner must file a motion meeting the substantive requirements of ~~ECF~~ *1st Cir.* R. 22.1(a) within 45 days of the date of notice from the clerk of the court of appeals that said motion is required. If the motion is not timely filed, the court will enter an order denying authorization for the § 2254 or § 2255 petition.

Local Rule 25.0. Electronic Case Filing System and Facsimile

(d) **Consequences of Electronic Filing.** Electronic transmission of a document via the electronic filing system in compliance with these rules, together with the transmission of a Notice of Docket Activity from the court, constitutes filing of the document under the Federal Rules of Appellate Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. App. P. 36 and 45(b).

(1) **Leave to File.** If leave of court is required to file a document and the document may be filed electronically under ~~ECF~~ *1st Cir.* R. 25.0(b), both the motion and the subject document should be submitted electronically. If leave is granted, an order will issue accepting the filing for docketing.

LATERAL PATENT ATTORNEY

Northern New England's largest business law firm is seeking an experienced patent attorney having a portable book of business and a strong background in chemical/biochemical arts or electrical arts to join our Intellectual Property Group in either our Burlington, Vermont, or our Lebanon, New Hampshire Office.

The ideal candidate will have the following: Six or more years of patent experience, including preparing and prosecuting patent applications in chemical/biochemical arts or electrical arts, or a former U.S. patent examiner in a chemical/biochemical art unit or an electrical art unit, with at least one year of patent experience outside of the U.S. Patent and Trademark Office. The ideal candidate will have a book of business, and be eager to develop new client relationships, and become part of a team of attorneys committed to delivering top-quality service to growing and successful businesses.

This is a unique opportunity to work with a team of sophisticated intellectual property professionals. Burlington is consistently ranked among the best places to live in the U.S. by numerous publications and polls. It provides a vibrant cultural environment, a thriving downtown, a welcoming community, easy access to mountains and lakes, and short commutes. Lebanon is located in the Upper Valley, a region along the New Hampshire-Vermont border that includes Dartmouth College, the Dartmouth-Hitchcock Medical Center, and over 120 tech companies, including biotech, medical tech, and software companies, among others, and provides ready access to the college town of Hanover and a wide variety of outdoor activities.

DRM serves a wide range of local, regional, national, and international clients. Our intellectual property lawyers have worked at some of the largest firms, IP boutiques, and corporations in the U.S., and are now at DRM because they have found they can continue to have sophisticated practices while enjoying the many benefits of living in the Vermont-New Hampshire region.

JUNIOR BUSINESS LAW ASSOCIATE

We are looking for a junior associate to join our dynamic corporate/commercial practice.

The ideal candidate would have a strong interest and aptitude in business transactions. DRM's business law group is engaged in a wide variety of transactions locally, nationally and internationally, including debt and equity financing transactions, sales of businesses, acquisitions, intellectual property transactions and joint ventures. The ideal candidate has 1 to 5 years of experience in a corporate or commercial law practice, and wants to be part of a team of attorneys committed to delivering top-quality service to growing and successful businesses.

LITIGATION ATTORNEY

Downs Rachlin Martin — one of Northern New England's largest law firms — has an exciting opportunity for a litigation attorney in its Lebanon office. The ideal candidate would have experience litigating in New Hampshire courts and an interest in doing sophisticated litigation.

CORPORATE/COMMERCIAL ATTORNEY

We seek an experienced corporate/commercial attorney to join its Lebanon office.

The ideal candidate will be licensed to practice in New Hampshire, have a portable book of business with compatible clients and have a minimum of ten years of experience in corporate/commercial law. The ideal candidate will also be active in the New Hampshire business and civic community and be committed to growing DRM's regional presence. Relevant experience would include the formation of corporations, limited liability companies and other business organizations, commercial loan transactions, equity financings (including private equity and venture capital) and mergers and acquisitions (including sales of stock and assets, management buyouts, recapitalizations and reorganizations). Experience with ESOPs, B-corps or other focused practices would be highly valued.

LABOR & EMPLOYMENT ASSOCIATE

DRM has a great opportunity for a labor and employment attorney in its Burlington, Vermont or Lebanon, New Hampshire office.

Helpful experience includes representing clients before administrative agencies in employment-related claims, litigating on behalf of management, counseling on employment matters and familiarity with traditional labor matters. The ideal candidate has 1 to 3 years of relevant experience, including a clerkship, and wants to be part of a team of attorneys committed to delivering top-quality service to growing and successful businesses. From its offices in Vermont and New Hampshire, DRM's labor and employment law group has a sophisticated regional employment practice and a national labor practice.

DRM is committed to investing in our attorneys' professional growth and development. We offer excellent mentorship and training, as well as leading technology, competitive salary, and a comprehensive benefits package, including paid parental leave and two generous retirement plans.

APPLY HERE: https://www.appone.com/Info.asp?JobCode=121371&L_ID=253260826&As_ID=&A_ID=&S=2&SourceID=&S_ID=824134&Msg=&Lo_ID=149403&PID=419171&B_ID=83&Ad=0&JID=100751&ResumeID=&R_ID=2992304&SM=&AppB_ID=&LinkID=&SkipUpIDoc=&Fid=1&Sta=False

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Excellent verbal and written communication skills; 3+ years of family law experience required.

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PARALEGAL

Shanelaris & Schirch, a small, female owned, Nashua family law firm looking to expand our team with an experienced paralegal. The ideal candidate should have a minimum of 5 years of experience and be able to work independently. Successful candidates must have a strong work ethic, ability to organize and prioritize work, be detail-oriented and possess excellent oral/written communication skill.

Responsibilities will include communicating with clients, counsel and court clerk staff, drafting of various legal documents, organizing discovery and financial documents, working directly with clients and assisting with trial preparation. Must have strong computer skills.

Please send resume and cover letter to Shanelaris & Schirch, PLLC, 35 E. Pearl Street, Nashua, NH 03060; or email to Jane@SandSLawfirm.com; No phone calls please.

Know Someone Who's Looking?



Executive Department Assistant

The Executive Department Assistant is responsible for performing assigned duties in an efficient manner to support the Executive Director and to collaborate with the senior Executive Assistant in providing efficient administration of programs and projects within the Executive Department.

Duties and Responsibilities: Provides program and project support and assistance to the Executive Director, governing boards and committees. This includes, but is not limited to: Meeting coordination, preparation, and scheduling; Providing agendas and minutes for meetings, Communicating with board, committee chairs and members; Cross trained with the senior Executive Assistant on Executive Department functions and responsibilities; Performs various clerical duties such as word processing, calendaring, data entry, typing, photocopying, faxing, mail merges, scanning and collating, and research; Responsible for operating video conference system using various platforms; Types correspondence and memos in the proper format and distributes as assigned; Performs filing duties accurately to include: creating and maintaining filing systems, filing and retrieving records, purging files regularly; Serves as liaison to the NHBA Dispute Resolution Committee; Serves on the NHBA Joint Loss Committee, a/k/a Safety Committee; and Performs other related duties as assigned.

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POSITIONS AVAILABLE

ASSISTANT COUNTY ATTORNEY – The Strafford County Attorney's Office has an opening for an Assistant County Attorney. Must be an admitted member of the NH bar in good standing. Responsibilities include prosecution of misdemeanor crimes in the Circuit Courts. Salary will commensurate with litigation experience. Send cover letter, resume and references to: tvelardi@co.strafford.nh.us.

ASSOCIATE – Portsmouth law firm with business, creditor rights, consumer collection and financial institution defense practice seeks two litigation associates. Massachusetts, Maine, or New Hampshire Bar Admission required. Position requires court appearances, drafting pleadings, working closely with paralegals, regulatory compliance, attention to detail and strong organizational skills. Entry level to 5 years experience. Compensation commensurate with experience. Please send your cover letter and resume electronically to: Randall Pratt, Esq., employment@prattlawpc.com.

ATTORNEY: Partner track opportunity in a well-established Southern VT/NH law firm. Experience preferred, but newly admitted attorneys with a strong work ethic and motivation will be considered too. We are a general practice firm, licensed in NH and VT, with an emphasis on civil litigation, family law, real estate, estate planning, and probate. Competitive pay and benefits offered. Please send your resume and cover letter to: Steve Bonnette, Law Office of Steve J. Bonnette, P.C., 20 Central Square Suite 2A, Keene, NH 03431 or sbonnette@bonnettelaw.com.

ASSOCIATE: Friedman Feeney, PLLC is seeking an associate with 2+ yrs litigation experience to handle discovery, drafting motions, and pretrial preparation, in state and federal courts, for our busy Concord based practice. Candidates should be admitted to practice in NH and MA, and have familiarity with case management in both states. We offer a flexible work environment and competitive benefits. The successful candidate will have an excellent opportunity for career growth. Please send your resume in confidence to: ngetman@friedmanfeeney.com.

ATTORNEY – Manchester firm with north country satellite office seeks attorney for permanent position with partnership potential. We are an established firm providing a variety of services to our long term corporate and government clients. Our attorneys are expected to consult with clients directly on corporate, business and real estate matters. Our attorneys appear in state courts and bankruptcy court for hearings and small litigation matters. Knowledge or interest in probate, estate planning and asset protection is preferred. Our attorneys are expected to have excellent interpersonal skills to be successful in a small office setting. Please send resume and cover letter to cprratt@cda-law.com.

ATTORNEY – Boxer Blake & Moore PLLC, a regional law firm located in Springfield, Vermont, seeks an attorney to join its civil litigation practice. The position requires prior relevant experience and/or exemplary academic credentials, demonstrated research and writing ability, and strong recommendations. Current license to practice law in Vermont or genuine intention and ability to become licensed in Vermont at earliest opportunity are required. Please respond to Boxer Blake & Moore PLLC, c/o Denise M. Smith, P.O. Box 948, Springfield, VT 05156-0948 or via email to dmsmith@boxerblake.com.

GREAT OPPORTUNITY FOR A NH/MA ATTORNEY! The Curtin Law Office is growing and looking for an attorney to join our team. The average tenure level of our current staff is well beyond industry norms and every day our team consistently rises to exceed expectations and meet the day-to-day demands of our thriving, growing practice. We have a highly collegial work environment that is built on teamwork and mutual respect, and in which everyone is keenly focused on client satisfaction. If you are a lawyer who would like to become part of a successful and client-focused firm such as ours, please let us know. This is an exceptional opportunity with a clear path to partnership for right person. Contact: Phil Curtin, Esq., (603) 669-7700, pcurtin@curtinlawoffice.com.

CLINICAL ASSISTANT PROFESSOR – The interdisciplinary Justice Studies Program at the University of New Hampshire (UNH) welcomes applications for a clinical assistant professor in Justice Studies for an initial two-year appointment beginning in August 2022, with the possibility of renewal and promotion to clinical associate professor and clinical professor. UNH is an AA/EEO Employer. UNH is committed to excellence through diversity of its faculty and staff and encourages women and minorities to apply. Candidates should possess terminal degrees in their fields as well as teaching and/or practical experience, if appropriate. The successful candidate will teach introductory to graduate level courses on approaches to and theories of justice studies as well as more specialized classes in American law and society, public law, and other humanities or legal studies courses. The individual will participate in service activities such as supervisory roles in the internship program, advising students, and serving on committees. For more information and details about applying, see the complete job ad at: <https://jobs.usnh.edu/postings/45807>.

GENERAL COUNSEL AND SECRETARY - The University System of New Hampshire seeks an experienced and collaborative leader to serve as its next General Counsel and Secretary to the Corporation. The General Counsel is responsible for managing the system's legal affairs, proactively advising on legal issues relating to students, faculty, and staff, contracts, intellectual property, personnel matters, real estate transactions, Title IX, Cleary Act, FERPA, student conduct, and related legal matters as well as overseeing the attorneys who serve in the Office of General Counsel. The primary work location is at the System Office in Concord, New Hampshire. The General Counsel serves as a member of the system office executive leadership team and as a trusted advisor to the Board of Trustees, the Presidents, and Systems' leadership. This position is responsible for ensuring the Board of Trustees and senior leadership has proper legal advice to conduct the business of the University System. Applicants must apply <https://jobs.usnh.edu/postings/46041>.

HEARINGS EXAMINER/STAFF ATTORNEY FOR THE ENFORCEMENT DIVISION – The New Hampshire Department of Energy is seeking a full-time (37.5 hours/week) hearings examiner/staff attorney for the Enforcement Division. The successful candidate will possess strong legal and analytical skills, effective written and oral communication skills, and the ability to work independently in collaboration with internal staff and in interaction with external parties and stakeholders. The State of New Hampshire offers a competitive salary with excellent benefits. For more information about this position and instructions on how to apply, go to <https://das.nh.gov/jobsearch/employment.aspx> and search for Job I.D. #24087. Potential applicants may contact Paul.G.Kasper@energy.nh.gov, hiring manager, with any questions regarding the position.

HEARINGS EXAMINER/STAFF ATTORNEY – The New Hampshire Department of Energy is seeking a full-time (37.5 hours/week) hearings examiner/staff attorney. The successful candidate will possess strong legal and analytical skills, effective written and oral communication skills, and the ability to work independently in collaboration with internal staff and in interaction with external parties and stakeholders. The State of New Hampshire offers a competitive salary with excellent benefits. For more information about this position and instructions on how to apply, go to <https://das.nh.gov/jobsearch/employment.aspx> and search for Job I.D. #24103. Potential applicants may contact David.K.Wiesner@energy.nh.gov, hiring manager, with any questions regarding the position.

STAFF ATTORNEY. THE DISABILITY RIGHTS CENTER – New Hampshire (DRC-NH) seeks 1-2 enthusiastic, self-motivated attorneys to join us to protect and promote the civil rights of people with disabilities. Recent law school graduates and attorneys with civil and/or criminal litigation experience are encouraged to apply. For a complete job description, visit <https://drcnh.org/wp-content/uploads/2019/06/Staff-Attorney.pdf>. Please send cover letter; resume; and a writing sample/brief (not to exceed 30 pages) to hr@drcnh.org.

ATTORNEY - Manchester-based law firm is presently seeking an attorney to work part time on an as-needed basis for overflow work. The position would be ideal for a retired attorney looking for something to keep busy or a new attorney looking to build experience. The position could evolve into a full time position depending on circumstances. Familiarity with litigation a strong plus. Please submit resume and cover letter to control1086@yahoo.com.

ESTATE PLANNING ASSOCIATE ATTORNEY – Concord firm seeking lawyer with 5+ years' experience handling estate planning. Flexible arrangement available (of-counsel, associate, remote work full or part-time). Health insurance and 401(k) available for full-time employees. Please contact Paul Alfano at paul@alfanolawoffice.com, 4 Park Street, Concord, NH 03301 or 226-1188. **STAFF ATTORNEY:** New Hampshire Public Defender is seeking an experienced criminal defense attorney. Applicants must have a demonstrated commitment to indigent criminal defense and extensive practical experience. Applicants must be admitted to the New Hampshire Bar or be eligible for immediate admission by waiver. Interested attorneys should submit a resume, cover letter, and a law school transcript (unofficial acceptable) to our Recruiting Coordinator through the Employment section on our website, www.nhpd.org.

FAMILY LAW ASSOCIATE – Cordell and Cordell, a national domestic litigation firm with over 100 offices across 38 states, is currently seeking an experienced family law associate for an immediate opening in its Bedford, NH office. The candidate must be licensed to practice law in the state of New Hampshire, have a minimum of 3-5 years of litigation experience with 1st chair family law experience. Cordell and Cordell offers a great working environment, career opportunities and incredible benefits including: employer paid insurance premiums for health, dental, orthodontia, disability and life. The firm also offers 401(k), wellness initiatives, ongoing educational opportunities and more. This is a wonderful opportunity to be part of a large, client and employee-centered firm. To be considered for this opportunity please email cover letter and resume to Executive Recruiter Hamilton Hinton @ hhinton@cordelllaw.com.

FULL-TIME PARALEGAL – Friedman Feeney, PLLC seeks experienced full-time paralegal. Background in litigation required. Successful candidate must have excellent organizational skills with respect to file management, client contact, time entry, and computer skills. Prospect of primarily remote work options after training. Competitive salary and benefits offered. Please send resume and salary requirements to Ngetman@friedmanfeeney.com.

PART-TIME LEGAL ASSISTANT – Civil litigation law firm in Manchester, NH looking for a part-time legal assistant 20 hours a week to assist its paralegal staff. Candidate will be responsible for answering phones, intake calls, and general administrative office support. Must be able to work under pressure, be detail oriented, and have a strong work ethic. A minimum of 3 years of experience working in a law office preferred. Compensation commensurate with experience. Mothers hours available. Please email your resume with cover letter to control1086@yahoo.com.

SECRETARY – Seufert Law Offices, PA, Attorneys at Law is seeking a FT Secretary with 2-5 year's exp. - Franklin Office. The candidate must have ability to work as a team, & independently. Our office is diversified in many aspects of the law, responsibilities include scheduling appointments/ calendaring court dates; organize discovery materials & prepare exhibit packets, prepare general correspondence & legal documents, daily communications with clients & opposing counsel via phone & email. We are looking for a highly organized person, excellent phone skills, interpersonal & organizational skills, excellent typing skills, strong attention to detail, be able to multi-task, & have a professional & friendly attitude. Our firm uses Microsoft Word/Outlook, Excel, PCLaw, BestCase along with Zoom, WebEx and VOIP. Please send resume & salary req. to thoyt@seufertlaw.com.

LEGAL SECRETARY. THE DISABILITY RIGHTS CENTER – New Hampshire (DRC-NH) seeks a legal secretary to join us to protect and promote the civil rights of people with disabilities. Experience in helping to manage complex litigation is a plus. For a complete job description, visit <https://drcnh.org/we-are-hiring/we-are-hiring-legal-secretary/>. Please send cover letter; resume to hr@drcnh.org.

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FULLY FURNISHED 3 ROOM SUITE, minutes from exit 3 off route 93, rent and portion of utilities negotiable. Available 5-1-2022 Call or text 508-423-6341.

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SHARED OFFICE SPACE FOR LEASE/LONDONDERRY CLOCK TOWER COMPLEX: Join an attorney and a realtor in this first floor front suite overlooking the courtyard. Rentals range from \$450 to \$750 per month depending on the size. Gross rent includes an in-unit bathroom, kitchenette and conference room plus lobby/waiting area. Call Real Time Realty, Wilma Willson @603-505-6460 for a showing.

Full-time Attorney Office of Public Guardian

The Covid-19 pandemic has vastly changed the landscape of the practice of law and caused many attorneys to reevaluate whether their current career path is right for them. Attorneys who seek greater fulfillment in their professional lives have found themselves lost in a system that often measures their worth by how many hours they bill instead of how many people they help or lives they change. If this sounds familiar to you, then read on.

The Office of Public Guardian (OPG) is a private, non-profit corporation dedicated to providing guardianship and advocacy services to legally incapacitated adults, including those who may be challenged by developmental disabilities, mental illness, dementia or traumatic brain injury. The organization is unique and the work both challenging and personally and professionally rewarding. Every day, OPG's dedicated staff makes a difference in the lives of some of the state's most vulnerable citizens.

Under the direction of OPG's General Counsel, the legal services department is tasked with supporting OPG's mission by representing the organization and its clients throughout the state. Working alongside guardians, client resource specialists, and estate and trust managers in a collegial environment, OPG attorneys protect the human and legal rights and civil liberties of each individual that we serve.

There is no other job in the legal profession quite like that of an OPG attorney. The work is never routine but is consistently challenging and rewarding. The ideal candidate is experienced in the areas of guardianships, trusts and estates, state and federal benefits (including appeals of denials of benefits), and landlord/tenant law.

Benefits include a competitive salary, 12 paid holidays, work-from-home opportunities, company paid life insurance, health and dental insurance, short term and long term disability, paid time-off, 403(b) retirement plan with employer contributions, travel reimbursement and use of an on-site fitness center.

Starting salary range- \$62,500 - \$70,000

If you are interested in this position, please e-mail your resume and a cover letter to Joanne Ciampanelli at jciampanelli@opgnh.org.

FAMILY LAW ATTORNEY FOR OUR EXETER OFFICE

Growing law firm servicing Central and Southern New Hampshire seeking a family law attorney to work in our Exeter office. We offer a very congenial work environment. This position requires a minimum of 2-3 days per week in office, however, the attorney has the flexibility to adjust their schedule to work remotely the remaining days, if not required to be in Court.

Competitive salary and benefits include health insurance, disability, life insurance and retirement account match.

Email resume to jobs@cohenwinters.com. All inquiries will be confidential.



Probate/Family Law Legal Assistant (Full Time)

The Concord, NH office of Shaheen & Gordon, P.A., is looking for a skilled Legal Assistant to work in the firm's Probate and Family Law Departments. You will be joining a team of staff and attorneys dedicated to providing high-quality legal representation to family law and probate clients. You will provide administrative assistance to our attorneys which will include frequent client communication and collaboration with other staff members. You will also serve an important role in the litigation process and take responsibility for the finalization of pleadings, preparation of exhibits, and scheduling of trial preparation meetings. This position is best suited for someone who thrives on structure, enjoys interacting with people, and prides themselves on attention to detail.

Responsibilities

- Open client files (perform conflict checks, prepare engagement letters, etc.)
- Perform administrative duties (scheduling appointments, calendaring hearings and deadlines, organizing files, finalizing general correspondence and legal documents, etc.)
- Organize discovery materials and prepare exhibit notebooks
- Have experience in complex cases, including trial preparation
- Daily communications with clients, opposing counsel, and the court via phone and email

Requirements

- 2-5 years' experience as a legal assistant in a law firm environment
- Applicable knowledge of motions, discovery, scheduling, deadlines, court rules and procedures for the New Hampshire Circuit Courts, ideally in the Probate and Family divisions
- Highly organized with the ability to manage multiple deadlines and client needs
- Excellent communication and interpersonal skills
- Team-oriented attitude with a passion for the production of high-quality legal work for clients
- Proficiency in standard computer software, including Microsoft Word, Outlook, and Excel Experience with NetDocuments and Centerbase is preferable but not required

Legal Assistant (Full Time)

Shaheen & Gordon, P.A., Attorneys at Law, is seeking a full-time Legal Assistant with 2 - 5 years' experience to work in the firm's Family Law Department in their Dover, NH office. Must have NH experience; Maine experience would be helpful, but not necessary to fill the position. To be successful in this role the candidate must demonstrate the ability to work as a member of a team, in addition to working independently.

Responsibilities

- Open/Close files
- Perform conflict checks
- Accurate filing and copying
- Scheduling appointments/Calendaring court dates
- Organize discovery materials and Prepare exhibit notebooks.
- Prepare general correspondence and legal documents
- Daily communications with clients and opposing counsel via phone and email
- Must have excellent phone skills, interpersonal and organization skills
- Must be highly organized with an ability to prepare case files for attorneys to use at court hearings
- Must have excellent typing skills
- Must have computer skills using Microsoft Word/Outlook, Excel with the ability to adapt to new software programs, specifically NetDocuments and Centerbase
- Must have strong attention to detail and be able to multi-task
- Must be able to meet deadlines
- Have a professional and friendly attitude

Legal Assistant

Shaheen & Gordon, P.A., Attorneys at Law, is seeking a full-time Legal Assistant in their Manchester, NH office responsible for supporting attorneys that practice immigration law.

Contributions and Responsibilities

- Field phone calls in English and Spanish, in addition to other languages
- Conduct basic prospective client intake
- Open and close files
- Manage attorneys' calendars
- Monitor filing deadlines
- Maintain clients' files
- Obtain documents, domestically and internationally
- Draft forms
- Summarize cases
- Translate oral and written communications
- Communicate with clients, agencies, courts, other parties

Qualifications

- Must be fluent in Spanish and English
- Must have excellent communication skills via email, phone, and in person
- Must be highly-organized
- Must pay close attention to detail, have the ability to multi-task, thrive in a fast-paced work environment, and possess strong proofreading skills
- Competency in Microsoft applications including, Word, NetDocuments, Centerbase, Outlook, Excel, Adobe, scanning and maintaining electronic files
- Accurate filing and copying

Applicants must possess a high school diploma or equivalent and a minimum of 1 – 3 years of legal assistant or comparable office experience. The ability to work independently, under time pressure and prioritize multiple tasks is required. We look forward to welcoming someone who takes pride in their work, is enthusiastic and who will thrive in a fast-paced environment. Experience in immigration law is strongly preferred.

Legal Intake Specialist

Shaheen & Gordon is seeking a full-time Intake Specialist to join our team. We are seeking a passionate and energetic person who would enthusiastically connect with people on the phone, show a strong interest in the company they work for, as well as have outstanding customer service skills. The intake specialist is often the first point of contact with our firm, so candidates must be understanding and compassionate.

Job Description

We are looking for a results driven, rising superstar to join our fast moving team of Intake Specialists. The ideal candidate must thrive on people, relationships, and helping others in need of legal services.

When our prospective clients call us for help, they're often going through an emotionally difficult period. Our Intake Specialists provide our potential clients the ultimate experience. It requires the right combination of communication skills, empathy, and ability to ask and clarify the situation.

Required Soft Skills

- Honesty is critical and good ethical character is essential
- Love connecting with people
- Passionate about helping others
- Ability to manage multiple tasks in a fast-paced environment
- Treats a 4:30 call on Friday with the same care and compassion as one on Monday morning
- Exceptional curiosity
- Ownership mindset

Essential Duties and Responsibilities

- Respond to live calls and emails from potential new clients and call back potential new clients.
- Conduct phone and occasional in-person interviews of the potential new client to learn about their situation and provide information about the firm.
- Communicate with attorneys about potential new clients and outside referrals
- Record information received from potential clients

Job Requirements

- Experience in a legal setting preferred, but not required. We are willing to train the right candidate.
- Excellent Communication Skills – written and verbal, with previous telephone customer service experience a plus.
- Prior data entry experience helpful.
- Basic skills and experience with Outlook, Word, Excel and a willingness to learn
- Excellent attention to detail, including spelling
- Highly organized and able to work independently and assure client confidentiality

Legal Intake Specialist (Bilingual Spanish/English)

Shaheen & Gordon is seeking a full-time Intake Specialist to join our team. Must be bilingual in English and Spanish. We are seeking a passionate and energetic person who would enthusiastically connect with people on the phone, show a strong interest in the company they work for, as well as have outstanding customer service skills. The intake specialist is often the first point of contact with our firm, so candidates must be understanding and compassionate.

Job Description

We are looking for a results driven, rising superstar to join our fast moving team of Intake Specialists. The ideal candidate must thrive on people, relationships, and helping others in need of legal services.

When our prospective clients call us for help, they're often going through an emotionally difficult period. Our Intake Specialists provide our potential clients the ultimate experience. It requires the right combination of communication skills, empathy, and ability to ask and clarify the situation.

Required Soft Skills

- Honesty is critical and good ethical character is essential
- Love connecting with people
- Passionate about helping others
- Ability to manage multiple tasks in a fast-paced environment
- Treats a 4:30 call on Friday with the same care and compassion as one on Monday morning
- Exceptional curiosity
- Ownership mindset

Essential Duties and Responsibilities

- Respond to live calls and emails from potential new clients and call back potential new clients.
- Conduct phone and occasional in-person interviews of the potential new client to learn about their situation and provide information about the firm.
- Communicate with attorneys about potential new clients and outside referrals
- Record information received from potential clients

Job Requirements

- Must be bilingual in English and Spanish
- Experience in a legal setting preferred, but not required. We are willing to train the right candidate.
- Excellent Communication Skills – written and verbal, with previous telephone customer service experience a plus.
- Prior data entry experience helpful.
- Basic skills and experience with Outlook, Word, Excel and a willingness to learn
- Excellent attention to detail, including spelling
- Highly organized and able to work independently and assure client confidentiality

Shaheen & Gordon is an Equal Opportunity employer and does not discriminate on the basis of race, color, religion, sex (including pregnancy), gender identity or expression, national origin, citizenship, veteran status, age, physical or mental disability, genetic information, marital status, sexual orientation, or any other consideration made unlawful by applicable federal, state or local laws in all aspects of employment, including but not limited to recruitment, hiring, training, evaluation, transfer, promotion, discipline, compensation, termination, and layoff.

Shaheen & Gordon presents a pleasant, supportive, challenging, non-smoking work environment. Salary commensurate with experience, with excellent benefits including health insurance, flexible spending account, and 401(k) plan employer match. Please submit your cover letter and resume to recruiting@shaheengordon.com.

No phone calls or agencies please.
EOE.

Business/Real Estate/Litigation Legal Assistant

Shaheen & Gordon, P.A. is seeking a full-time Legal Assistant to work in their Concord, NH office in the Business and Litigation Practice Groups.

Responsibilities

- Open and maintain client files
- Preparation and filing of business entity documents with the NH Secretary of State and NH Attorney General Charitable Trusts Unit
- Preparation and filing of real estate documents
- Preparation of basic litigation forms
- Performing Registry and UCC lien searches
- Electronic case filing in federal and state court
- Docketing and following-up on court and matter related deadlines

Requirements

- 2-5 years' experience as a legal assistant in a law firm environment with exposure to business, civil, and real estate law. Experience in bankruptcy law a plus, but not required
- Applicable knowledge of court rules and procedures for the New Hampshire Courts
- Highly organized with the ability to manage multiple deadlines and client needs
- Excellent communication and interpersonal skills
- Team-oriented attitude with a passion for the production of high-quality legal work for clients
- Proficiency in standard computer software, including Microsoft Word, Outlook, and Excel. Experience with NetDocuments and Centerbase is preferable, but not required

Accounting Manager

FLSA Classification: This is a salaried exempt position under the Fair Labor Standards Act and is exempt from overtime compensation.

Direct Reports | Supervisory Responsibility: Managing Director

Summary of Job Function: The Accounting Manager oversees finance team including billing, bookkeeping, payroll/benefits, and accounts payable. The Accounting Manager also advises the firm's management team regarding budgeting, financial performance, and financial planning for the firm.

Job Duties

- Train, manage and provide support to accounting staff
- Supervise billing, bookkeeping, payroll/benefits, and accounts payable functions
- Advise firm management regarding budgeting, financial performance, and firm financial planning
- Prepare GAAP compliant monthly financial statements
- Maintain bank accounts to include funds transfers to and from IOLTA accounts and monthly bank reconciliation
- Manage IOLTA accounts to ensure compliance with regulations
- Research and reconcile any discrepancies in operating and IOLTA accounts
- Co-manage insurance plans for the firm and firm employees
- Perform General Ledger analysis and provide annual financial data to outside accountants/tax preparers
- Oversee 401(k) reporting and funds transfers as required
- Oversee staff handling accounting activities for several real estate holding companies
- Specific financial daily, weekly, and monthly reporting
- Manage firm fixed assets
- Ad Hoc duties as needed

Required Qualifications:

- Ability to manage multiple projects independently and meet deadlines
- Strong attention to detail
- Outstanding oral, written and interpersonal skills
- Thorough knowledge of accounting practices
- Professional and resourceful style; high integrity and sound judgement
- Self-motivated with a positive and professional approach to working independently and manage a team
- Strong supervisory, leadership, analytical and problem-solving skills
- Must be reliable

Special Physical Demands:

- Ability to sit for long periods of time.
- Ability to speak concisely and effectively communicate in person and over the phone

Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Technical Skills

- Accounting Degree and/or CPA;
- At least 5 – 10 years' experience in relevant field(s)
- Excellent written and oral communication skills via email, phone, and in person,
- Ability to work independently
- Supervisory skills and experience
- Understanding of Trust Funding
- High degree of attention to detail and trustworthiness
- Respect for confidential information
- Excellent working knowledge of EXCEL, MS Office Suite and accounting and bookkeeping concepts

MEDICAL MALPRACTICE DEFENSE ATTORNEY

Sulloway & Hollis, PLLC, continues to expand our regional practice, with opportunities for talented attorneys to join our medical malpractice team. We offer a dynamic and sophisticated practice, a collegial and flexible working environment that includes some work from anywhere capacity, and support to our attorneys with mentoring and business development training, together with a competitive compensation package and excellent benefits.

For more than a half-century, our Firm has been a leader in medical malpractice defense, hospital and physician advocacy, and health care litigation. Our lead attorneys in this area have decades of experience representing hospitals, physicians, professional practice groups and other health care providers and medical institutions across New England. We seek associate attorney level candidates to join our team in our Concord, NH location.

If you are interested in joining a great team and a growing practice, please submit a resume and cover letter to:

Jennifer L. Iacopino, Human Resources Manager
jiacopino@sulloway.com

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North Conway NEW HAMPSHIRE

Cooper Cargill Chant, northern NH's largest law firm, serving clients in New Hampshire and Maine, is looking for an attorney to join our vibrant firm. Our firm distinguishes itself by providing sophisticated counsel to a growing local, regional, and national client base, while balancing lifestyle opportunities afforded by our location in the White Mountains. Our lawyers are active members of the communities in which we live, serving on numerous state and local Bar Associations, municipal, and non-profit Boards. We offer a competitive compensation and benefits package.

CORPORATE ATTORNEY:

Cooper Cargill Chant seeks an associate attorney with 1-3 years of corporate and transactional experience to provide counsel to closely held businesses, lenders, and the resort community. The ideal candidate will have strong credentials and an ability to work effectively with clients, colleagues, and the community.

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Leslie Leonard at lleonard@coopercargillchant.com.
For further information, visit www.coopercargillchant.com



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- Can you devise creative strategies that improve long-term results for all stakeholders?

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New Hampshire Ball Bearings, Inc. - Laconia, New Hampshire

Please send resumes for both positions to: nparker@nhbb.com

Associate Attorney – Entry Level Position

JOB PURPOSE:

Contract Review, Compliance Matters



New Hampshire Ball Bearings, Inc.

MinebeaMitsumi Group

KEY RESPONSIBILITIES:

1. Review, revise and draft a broad range of contracts including, but not limited to confidentiality and non-disclosure agreements, purchase and pricing agreements, and sales agreements.
2. Present contract issues and concerns to internal business team and customer/vendors to resolve issues to the mutual satisfaction of both parties within legal requirements.
3. Review, revise and draft other legal documents and correspondence as needed.
4. Facilitate signature process for various legal agreements and other contracts and documents as needed and distributing copies of signed documents to internal clients and to the contract database.
5. Assists with tracking of internal requests for contract review and drafting. This will also include creating a new matter file or confirming file exists.
6. Stay up to date on federal, state, and local legal requirements in assigned areas by studying existing and new legislation; enforcing adherence to requirements; advising management on needed actions.
7. Conduct legal research as needed.

REQUIREMENTS:

- Juris Doctor
- Experience in contract review and negotiation a plus.

MINIMUM EXPERIENCE REQUIRED:

Entry level attorney position.

ADDITIONAL QUALIFICATIONS:

Requires excellent written and verbal communication skills, solid analytical skills, excellent organizational skills, attention to detail, and excellent interpersonal skills, research proficiency and exposure to excel and power point. Capable of working in a fast paced, rapidly changing environment. Ability to handle multiple priorities within tight timeframes. Ability to deal with internal clients and confidential and proprietary information.

Office /Document Retention Leader

Job Summary:

The Office and Document Retention Leader reports to the legal department and will perform a variety of key tasks to facilitate the efficient operation of the legal department, which includes Corporate Compliance and managing the Company's Document Retention Program.

Duties/Responsibilities:

- Manages the day-to-day operations of the office.
- Manages schedules and appointments including trial dates and hearings.
- Manages document retention program.
- Prepares legal correspondence and documentation.
- Participates in strategic planning process with management to identify and accomplish short- and long-term organizational goals.
- Performs or facilitates processing of legal billing, management of reports and contract administration functions.
- Assists with human resource management as needed.
- Works with counsel on special projects.

Required Skills/Abilities:

- Superior written and verbal communication skills.
- Excellent interpersonal and customer service skills.
- Detail-oriented and professional.
- Advanced understanding of office management practices including knowledge of accounting procedures and information systems.
- Ability to organize and prioritize tasks, delegating when appropriate.
- Extremely proficient in Microsoft Office Suite or other similar software program.
- Ability to maintain confidential records.
- Ability to work with and lead employees regarding the document retention program
- Ability to work in a fast paced environment.

Education and Experience:

- Bachelor's degree preferred in Paralegal Studies, Law, or Business.
- 3 years of experience in a similar office leader position.
- Document retention experience, including ARMA certification preferred.

Physical Requirements:

- Prolonged periods sitting at a desk and working on a computer.
- Must be able to lift up to 15 pounds at times.
- Some travel required.

CITY OF MANCHESTER Prosecutor - City Solicitors



Department: City Solicitors - Open Positions: 1
Job Status: Full-Time
Shift: 8:00 AM - 5:00 PM
Days Worked: Mon., Tues., Wed., Thu., Fri.
Hour Per Week: 40
Rate of Pay: \$67,347.38 to 96,021.27 – plus comprehensive benefits package

Job Description: Grade 23 – Prosecutes domestic violence and stalking cases within the 9th Circuit Court – Manchester as a member of the City's Domestic Violence Prosecution Unit, partnering with the Manchester Police Department as a team of prosecutors, victim advocates, administrators, and working with community partners on behalf of survivors of domestic violence.

General Statement of Duties: Provides professional legal representation for the City of Manchester; Performs directly related work as required.

Acceptable Experience and Training: Graduation

from an accredited college or university with a Juris Doctorate degree; and some experience in a municipal law operations, including some prosecutorial experience.

Required Special Qualifications: Admission to the New Hampshire Bar in good standing; New Hampshire driver's license or access to transportation.

Additional Experience/Information related to the position: Prosecutes domestic violence and stalking cases within the 9th Circuit Court – Manchester as a member of the City's Domestic Violence Prosecution Unit, partnering with the Manchester Police Department as a team of prosecutors, victim advocates, administrators, and working with community partners on behalf of survivors of domestic violence.

To apply please visit: www.manchesternh.gov/Departments/Human-Resources/Employment

The City of Manchester is an Equal Employment Opportunity Employer

ATTORNEY

The State of New Hampshire Office of Professional Licensure and Certification (OPLC), Division of Administration seeks a full-time Attorney to provide legal support to OPLC and assigned Boards, Councils and Commissions by conducting legal research, drafting proposed legislation, overseeing rulemaking activities and analyzing and interpreting relevant statutes and regulations. The Attorney, among other things, renders official opinions on state statutes and administrative rules and regulations and advises how to conform activities to the law. Monitors agency-requested legislation, monitors proposed legislation and recommends appropriate course of legal action, evaluates administrative rules, regulations and procedures. Fields inquiries and general questions from legislators, staff and the public to provide guidance and directions on OPLC activities; assists in responding to Right-to Know requests. The ideal candidate will have a Juris Doctorate degree from a recognized college or university and at least four years' experience in the active practice of law. Candidate must be an active member of the New Hampshire Bar Association and in Good Standing.

Please send cover letter and resume to Office of Professional Licensure and Certification, 7 Eagle Square, Concord NH 03301, Attn: Judy Shevlin, Human Resources or via email at judith.a.shevlin@oplc.nh.gov. For a full job description, please visit the State of NH's job postings and search for Job ID # 23478, <http://das.nh.gov/jobsearch/Employment.aspx>

Unemployment Fraud Prosecutor

New Hampshire Department of Justice
 New Hampshire Employment Security
 Counsel \$72,748 - \$101,322
 Unclassified

The New Hampshire Department of Justice and the New Hampshire Department of Employment Security are jointly seeking a full-time attorney to prosecute unemployment compensation fraud. The position is part of the Department of Employment Security but is embedded at the Department of Justice. The position requires a JD. Candidates must have three years of litigation experience. Membership in the NH Bar Association or eligibility to waive in is required. Interested persons should forward a completed resume or State Employment application to:

Richard Lavers, Deputy Commissioner
 New Hampshire Employment Security
 45 South Fruit Street, Concord, NH 03301
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Cooper Cargill Chant, northern NH's largest law firm, serving clients in New Hampshire and Maine, is looking for a Family Law/Litigation Paralegal to join our vibrant firm.

IDEAL CANDIDATES WILL OFFER: Strong attention to detail; excellent technical and interpersonal skills; sound judgment; ability to prioritize and balance several projects simultaneously; solid written and verbal communication skills; prepare and draft motions, pleadings, judgments, statements, documents and correspondence (financial affidavits, child support worksheets, responsive pleadings, etc.); maintain case files, schedule appointments, court appearances, mediation/deposition hearings; prepare trial notebooks and provide assistance in trial settings; prepare and review discovery packages including disclosure statements, answers to interrogatories and production requests; maintain effective communication with clients; and investigate financial documents. Cooper Cargill Chant offers a comprehensive benefits package, excellent salary, and an opportunity to join a terrific, supportive team. The Firm will provide training for less experienced but motivated individuals.

Candidates should submit a resume, with cover letter stating salary requirement, to John Gosnell at jgosnell@coopercargillchant.com.

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