Recent New Hampshire Supreme Court Order May Assist With Defense Attorney Shortage for Indigent Criminal Defendants

By Tom Jarvis

On August 10, 2022, the New Hampshire Supreme Court issued an order designed to help alleviate the backlog of indigent criminal defense cases in the Granite State. The order waives mandatory continuing legal education requirements and the filing of a Trust Account Compliance form for Inactive Status attorneys who elect Limited Active Status with the New Hampshire Bar Association, making it less cumbersome to accept these cases.

Currently, there are over 900 low-income New Hampshire citizens that are entitled to court-appointed counsel but have been waiting for months for a lawyer to take their case. Due to a variety of factors such as the pandemic and its subsequent “great resignation,” the New Hampshire Public Defender’s Office has lost a lot of lawyers, causing the remaining lawyers’ already-high caseloads to increase further. As a result, several of them are unable to accept new cases without compromising their ability to provide competent and diligent representation.

The order is intended to entice inactive attorneys to accept indigent criminal defense cases without the burden of fulfilling active member requirements. The only caveat is that an attorney must take at least three such cases per year.

“Our goal is to clear the backlog and resume opening every case we are appointed to,” says Sarah Rothman, Executive Director of New Hampshire Public Defender. “But we need to be able to provide zeal advocacy to every client. We cannot allow the quality of our representation to suffer due to unmanageable caseloads, and we cannot continue to overburden our attorneys, investigators, and support staff. We have faced staggering staff attrition. And as staff leave, remaining staff is strained even further, leading to further attrition. It’s a vicious cycle that leaves indigent defendants without an attorney.

Prior to the order, if an inactive attorney wished to accept an indigent criminal defense case or a civil pro bono case, they would not only need to switch to Limited Active Status with the NHBA, but pay higher Court fees and NHBA dues, file a Trust Account Compliance form, and take at least 720 minutes of minimum continuing legal education. The Court has now removed those barriers under this order.

Now, inactive attorneys who would like to help only need to change their membership to Limited Active Status in an effort to address the backlog of indigent criminal defense cases, the New Hampshire Supreme Court issued an order making it less cumbersome for inactive attorneys to volunteer.

The words active and inactive take on a different meaning with respect to membership of a unified bar. Because membership is mandatory, the terms do not refer to a lawyer’s membership standing. Instead, they refer to the status of a member’s law practice.

An active attorney is one who is currently engaged in the practice of law in New Hampshire within the membership year. Conversely, an inactive member is one who is not, for whatever reason, practicing law in the Granite State. This could be an attorney who is retired, working in some other capacity such as a

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PRACTITIONER PROFILE

Nicholas Wright’s Advocacy Doesn’t End With His Law Firm Clients

By Kathie Ragsdale

Nicholas Wright is a lead trial attorney for Bouchard Kleinman & Wright, PA. He is also the author of a prize-winning novel whose main characters are meant to inspire at-risk children like the ones he used to counsel before becoming a lawyer.

“I’ve known kids and thought, what do they have for a possible role model in their life?” Wright says. “They get to be the hero of this story, maybe for one minute of brief escapism.”

While Wright has represented clients in cases ranging from wrongful death to landlord-tenant matters, he has taken training in the cause and origin of fires and has developed a specialty in fire litigation.

He may also be the only New Hampshire Bar member who can recount how he survived an attack by a rabid animal.

Born in England, Wright and his family emigrated to the United States when he was eight or nine years old. He grew up primarily in New Hampshire and went on to Grinnell College in Iowa, where he majored in English literature and history. During a semester abroad, he found himself working as a research assistant in the British House of Commons, where Wright, a history lover, has a vivid memory of standing next to a plaque commemorating the spot where Charles I was arrested before his execution in 1649.

Post-college, and wanting to see the world, he took a job with the Belfast Education and Library Board in Belfast, Northern Ireland.

During a break from his three-year stint there, he took a 10-day sail through the Hebrides on a 22-foot ship with peo--

WRIGHT continued on page 14
Keeping Abreast of the Ethics Rules

By Jonathan M. Eck
Orr & Reno
Concord, NH

President's Perspective

It feels like every summer, while the workdays remain busy and full, there is also a broad understanding and recognition that many of us tend to take time out of the office for vacation, either to travel, enjoy any number of the wonderful recreational opportunities here in New Hampshire, or just to relax at home and bask in the carefree days of summer. As out-of-office automatic reply emails bounce back into our inbox, we acknowledge the rhythm of the season and stay mindful of the need to be patient and understanding of others' out-of-office plans.

However, once the temperatures start to dip and the buses resume their neighborhood routes, New Hampshire students and lawyers alike return to the schedule and structure that is typical of the majority of the year. As we complete the transition from the summer vacation and travel season to the fall, and the return to our normal schedules, lawyers would be wise to revisit the ethics rules for the practice of law in New Hampshire and the related advisory guidelines. The practice of law is a busy and demanding profession, and as the intensity of practice oftentimes ratchets back up after the summer months, we must stay fully mindful of the ethics rules and responsibilities that come with the privilege of practicing law in our great state. Just as students settling into their classrooms and schools must learn and refresh their knowledge of the rules of the classroom and their schools as they go about their studies, practicing lawyers need to stay mindful and fully aware of the ethics rules that govern the practice of law here, and related guidance that helps lawyers both comply with the rules and understand their responsibilities and duties as practicing lawyers.

The New Hampshire Bar Association provides numerous resources to help lawyers understand their responsibilities and to practice with the highest degree of ethics. Many of those resources are the product of the strong effort of the NHBA Ethics Committee, which issues opinions to analyze and apply the New Hampshire Rules of Professional Conduct to specific situational inquiries that are submitted to the Committee. The Ethics Committee also issues Ethics Corner articles, which are published in the Bar News and where-in the Committee analyzes and applies the Rules to provide helpful guidance on issues or situations that the Committee identifies as being of general interest to the Bar. Prior to publication, both the formal opinions and the Ethics Corner articles, which represent the work product of the full Committee, and not merely individual members, are reviewed and approved by the NHBA Board of Governors. NHBA members should keep in mind that the opportunity exists to reach out to the Ethics Committee in real time for opinions on certain qualifying matters. The details of what types of issues are appropriate for an opinion from the Committee and information on how to submit such an inquiry is available at this website – https://www.nhbar.org/resources/ethics-obtain-answers.

The NHBA also helps improve the practice of law in New Hampshire through certain advisory guidelines. The details of what types of issues are appropriate for an opinion from the Committee and information on how to submit such an inquiry is available at this website – https://www.nhbar.org/resources/obtain-answers.

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From the Editor

I will never forget the time at kindergarten graduation when we were asked what we wanted to be when we grew up. Our families all sat in the auditorium awaiting the answers patiently. Some kids said astronauts, others said rockstars, a few said doctors or lawyers – but not me. I said, loudly and proudly, “I want to be a stay-at-home mom.” Looking back on it now, I chuckle as I think about how surprised and caught off guard most of the adults were to hear my answer. Little has changed though, as I still surprise myself and the people around me every day.

Although I have yet to live up to my kindergarten dream job, I have found that my life thus far has gone in a different direction which aligns more directly with my current passions. I feel as though every person has a story to tell and it is my job to make sure that their voice and vision comes to life. These ideas came to me as soon as I sat in my first-year composition course and have followed me through my time as an editor for my college publication and will continue to motivate me in my new role as Publications Editor for the New Hampshire Bar Association.

It is overwhelming to take on a new job, but I have always strived in new environments. Being from New Hampshire, I was very much used to the closeness of everything. It was comforting to know I was about an hour away from the mountains, the beach, or even a big city.

I decided to step out of my comfort zone as I moved to Grand Forks, North Dakota for my undergraduate degree. There, I learned that I was landlocked and very much isolated from all the things I was accustomed to. Besides devoting much of my time to my studies, I found an outlet in writing for the Dakota Student, which fostered my interest in telling stories and learning about the surrounding community. Without that leap of faith, I would not be where I am today. As much as I miss the time I spent in the Midwest, I do not miss the negative 30-degree weather. Therefore, I am extremely grateful to be given the opportunity to work at the New Hampshire Bar Association.

I am beyond excited to start my journey here and to help shape the future of the New Hampshire Bar News. I have such a knowledgeable and talented team to work with that have been nothing but welcoming and kind. Their patience with me as I try to navigate the legal field and community has been greatly appreciated. I look forward to meeting and working with our members to uphold the integrity of our publication.

Please do not hesitate to reach out and introduce yourself or send suggestions on what you would like to see in the Bar News. I can be reached at mrandrews@nhbar.org.
By Tom Jarvis

On Saturday, August 13, 2022, retired New Hampshire Supreme Court Justice, James Edward Duggan, passed away after a period of declining health. He was 79 years old.

Justice Duggan was born in Laconia, New Hampshire on August 26, 1942, and subsequently moved to Mamaroneck, New York. In 1964, after obtaining his undergraduate degree from Georgetown University in Washington, DC, he served in the Peace Corps for two years. He then worked as an investigator for the District of Columbia’s Public Defender Service while attending Georgetown Law School and was subsequently hired as a staff attorney there once he received his law degree in 1969.

In 1974, Duggan moved to New Hampshire to open and run a Public Defender office in Manchester at the request of his friend, Attorney Paul Semple. Semple had previously moved to Concord to become the first full-time public defender in the Granite State.

“Jim had compassion for the people he was dealing with,” Semple says of his friend of more than 50 years. “He was a very caring and gentle person with a great sense of humor. He always had the right comment about whatever was going on.”

Three years later, Duggan began teaching at Franklin Pierce Law Center. While there, he helped to expand the Public Defender’s office statewide and founded the Appellate Defender Office, which represents indigent defendants appealing their convictions to the New Hampshire Supreme Court.

“He was probably one of the most genuine, straightforward people I’ve ever met. And he was that way as a law professor, which made him the best teacher in our school,” Attorney Mitch Simon says. Simon met Duggan in the late 1970s and they subsequently worked together at the law school for 25 years.

“He was an incredible person,” Simon continues. “He didn’t put on airs. He never needed to prove that he was the smartest guy in the room, even though he often was.”

As chief appellate defender, Duggan argued hundreds of cases, building a reputation as a trusted advocate who worked hard and stuck to the facts.

“Jim was committed to instilling respect for the constitutional mandate of defending the accused,” Duggan’s former law student, Attorney Cathly Green says. “At a time when there were only a handful of public defenders in the state, he earned the respect of all branches of government. His work was critical to establishing the New Hampshire Public Defender Program as a premier organization.”

Green continues, “He was the most influential person in my career, but I am not alone. He was the mentor and inspiration to literally hundreds of young lawyers and law students, changing the track of their careers.”

In 2011, he was nominated for a seat on the state Supreme Court by then New Hampshire Governor, Jeanne Shaheen, who is now a US Senator.

“He committed to the law & justice for all was unwavering,” Shaheen said on Twitter. “I was honored to appoint him to the state Supreme Court back in 2001. His legacy of distinction lives on through the court & NH’s public defender system.”

As a judge, Duggan led the Court’s Access to Justice Commission and was a member of the American Bar Association’s Standing Committee on Legal Aid and Indigent Defense.

He served on the New Hampshire Supreme Court from 2001 until 2011, when he retired.

Retired New Hampshire Supreme Court Chief Justice Linda Dalianis, who refers to Duggan as an “intellectual anchor,” says once he became her colleague on the Supreme Court, she understood why his reputation was as excellent as it had been reported to be.

“We all depended upon his analysis in reaching our decisions,” Dalianis says. “When he was forced to retire by an age limit set in the 1700s, the Court lost an exceptional Justice. And when he passed on, I lost an exceptional friend.”

According to Senior Assistant Attorney General Jill Perlow, who clerked for Duggan, he continued to be a teacher and mentor even from the bench.

“He was very patient and interested in helping our careers beyond clerkship,” Perlow says. “He was always extremely engaged in the process, often drafting opinions along with us. He was very passionate about the work and the role he had there.”

Outside of his professional life, Duggan was an avid reader, a talented acrylic painter, and a gardener. He also spoke fluent French and would write poems for family and friends on special occasions.

Golf, however, was one of his biggest hobbies. He began playing as a teenager when he was a caddie at the 1959 US Open at the Winged Foot Golf Club in Mamaroneck, New York. Throughout his life, he continued to play, most often with his close friends Paul Semple, Mitch Simon, and retired New Hampshire Superior Court Judge David Garfunkel, who Duggan hired as the first director of the Public Defender Program in 1979.

“Jim was loved and respected by many throughout his remarkable life. He was an exceptional teacher, an effective and caring advocate, and a thoughtful jurist who cared deeply about justice and fairness for everyone,” Garfunkel says. “He leaves behind a loving family and many students and colleagues who admired and respected him. For me personally, he was my friend for over 40 years, and I will miss him.”

He is survived by his wife, Helen Hartman, whom he married in 1978, and his two sons, Brian Duggan of Philadelphia, Pennsylvania and Brendan Duggan of Denver, Colorado.

A reception to honor the life and work of Justice Duggan will be held on Saturday, September 24, 2022, at 1:00 pm, at the Boys and Girls Club of Souhegan Valley, 56 Mont Vernon Street, Milford, New Hampshire.
The NHBA Welcomes Two New Staff Members

The New Hampshire Bar Association is pleased to announce the addition of two new staff members, Tricia Brannen and Molly Andrews.

Tricia Brannen joined the New Hampshire Bar Association as a Human Resources Generalist. In this newly designed position, Brannen handles payroll, benefits, staff training, staff events, and all other human resource needs. Immediately prior to joining the NHBA, she managed all human resources functions, logistics functions, and business operations at Satcom Global.

“I am very excited to be in an HR-exclusive position,” Brannen says. “HR has been a part of what I do for years, but I wore many hats in addition to that. I’m happy to be able to make HR my sole focus now, and I am looking forward to being a positive support and resource for the NHBA employees.”

Brannen possesses a bachelor’s degree in business management and a master’s degree in educational counseling and has held positions involving human resource responsibilities for more than 18 years. Earlier in her career, she was a guidance counselor at Hollis Brookline High School.

Molly Andrews joined the NHBA as the new Publications Editor. She holds a master’s degree in literary studies with a perfect 4.0 average from Southern New Hampshire University. Prior to joining the NHBA, she was managing editor for her undergrad degree in communications.

“The work the Bar News does has such an impact, which is inspiring to me as the new publications editor,” Andrews says. “I am ready to jump right in and start working and growing with the publication, as well as the legal community.”

The New Hampshire Bar Association is pleased to announce the addition of two new staff members, Tricia Brannen and Molly Andrews.

By Tom Jarvis

Winning a lot of money in the lottery is a dream shared by many. Even as I write this, I am fantasizing about buying my own island and naming it the Isle of Style. One thing that is not shared by everyone, though, is an opinion on anonymity for the winner. Some winners don’t mind their names being released, while others prefer discretion. In New Hampshire, you have the ability to choose anonymity – as long as you don’t sign the ticket with your actual name.

So far in 2022, there have been three lottery tickets with prizes of $1 million or more sold in New Hampshire. In all three instances, the winners chose to have their names publicized. The most recent was Patricia LaPlante of Concord, who bought a $1 million Powerball ticket in August at Kwik Stop on Loudon Road in Concord.

Based on statistics from the New Hampshire Lottery Commission (NH Lottery), most winners in the Granite State claim their prize with their real name.

“In looking back over a dozen prizes of $1 million and greater,” says NH Lottery’s Director of Marketing, Maura Cann, “About 20 percent have claimed in the name of Style. One thing that is not shared by everyone, though, is an opinion on anonymity for the winner. Some winners don’t mind their names being released, while others prefer discretion. In New Hampshire, you have the ability to choose anonymity – as long as you don’t sign the ticket with your actual name.”

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Based on statistics from the New Hampshire Lottery Commission (NH Lottery), most winners in the Granite State claim their prize with their real name.
By Misty Griffith

Time is a precious resource and there never seems to be enough to accomplish everything that needs to be done. The expression time is money is especially true for attorneys who bill by the hour, often distilled down to six-minute incremental tenths of an hour. One way to increase efficiency, thereby saving time and increasing productivity, is to embrace law practice management (LPM) technology. Your New Hampshire Bar Association membership offers member benefit discounts for a variety of LPM technologies that will help modernize your practice and streamline workflow.

Using good LPM software helps organize client information, documents, and case files; streamlines calendaring and time tracking; and provides for more efficient billing. Cloud-based LPM software makes it easy to access, update, manage, and maintain your firm information securely from any location. The NHBA offers members a discount on the two practice management software providers that are most highly rated by Capterra – Clio and MyCase. Both providers offer a 10 percent discount to NHBA members who sign up through our website. Many firms around the state, including small and solo practices, are using Clio or MyCase, and we have received positive feedback from attorneys about both providers.

Getting paid is essential for any firm. Taking credit card payments securely makes it easier to collect payments from clients. LawPay provides attorneys with a simple, secure way to accept online credit card and eCheck payments from clients. Designed specifically for the legal industry, LawPay guarantees your firm accepts payments in compliance with IOLTA guidelines. NHBA members receive a free 3-month trial on LawPay. As an example of how your member benefits work synergistically, LawPay integrates with both Clio and MyCase for added efficiency.

Recognizing the ever-increasing need for secure electronic communications, in 2021 NHBA added a new member benefit – RPost to offer members a high-quality, affordable option. RPost is a well-established global leader in providing secure electronic communications and is a benefit provider for numerous bar associations. RPost specializes in two products, RMail and RSign providing simple-to-use compliant email encryption, legal electronic signatures, and secure large file transfers. RMail provides convenient email encryption at the click of a button and requires no special software for recipients. RSign is a web-based process that provides a quick and intuitive way to prepare and send documents for electronic signature. NHBA members receive a 20 percent discount on RMail and Rsign software services when signing up via our website.

Finding good support staff can be a challenge. One practical solution for phone coverage so that you do not miss important calls is to use a virtual receptionist service. Smith.ai, the newest NHBA member benefit, provides 24/7 receptionists, all of whom are based in North America, to answer calls, screen leads, and schedule appointments. The round the clock availability of their receptionists is a cost-effective way to capture leads on potential new clients no matter when they call since you only pay for calls received. Smith.ai charges per call with no charge for spam, telemarketers, or wrong numbers. This eliminates money wasted paying for a dedicated receptionist during quiet times when there are few calls. Smith.ai integrates with many software applications including other member benefit discount providers Clio, MyCase, and LawPay. NHBA members receive $100 off their first month of calls and chats with code NHBAR100.

Most lawyers are not tech wizards, so deciding which technology is right for your firm can be daunting. To help with this process, your NHBA TechConnect benefit offers free 30-minute consultations with expert consultants from Affinity Consulting Group who specialize in legal technology and law practice management solutions for law firms of all sizes. The free 30-minute consultations extend to any member of an attorney’s staff, and follow-up consultations are also free. It is easy to schedule a consultation. Just go to nhbar.org/resources/member-services/benefits/ and click on TechConnect then click on “Schedule a Consultation.” Many NHBA members have already benefited from free consultations for advice about selecting the best technology for their firm’s needs.

If you have technology in place but need some training to use it more efficiently and gain the most benefit, take advantage of the hundreds of training videos available from Affinity Insight. As part of the TechConnect benefit, NHBA members and their staff have free access to this extensive library of legal tech and software training video tutorials. Sign up for your free Affinity Insight account through our website.

Embracing technology can help your firm increase productivity and keep up in today’s tech-oriented culture. To take advantage of any of these member services visit nhbar.org/resources/member-services-benefits/. If you have any questions about how we can help your firm, contact NHBA Member Services Coordinator Misty Griffith mgriffith@nhbar.org or call (603) 715-3227.
Stephani Roundy Knights: “Superhuman” Law Clerk by Day, Zumba Instructor by Night, Mom Always

By Tom Jarvis

For New Hampshire Superior Court Law Clerk Supervisor Stephani Roundy Knights, limitations are laughable, and marked multitasking is a matter of course. Alliterations aside, Roundy Knights has generally never let obstacles stand in the way of her goals, and even if she doesn’t achieve those goals the way she originally intended, she finds another way. Case in point, she wanted to be two things when she was a child: a lawyer and a dance teacher. And now she is both.

The daughter of Vicki Roundy, the first female partner at Boynton Waldron, and Edward “Kim” Roundy, Vice President and Treasurer of the University of New Hampshire Foundation, Stephani Roundy Knights grew up in Strafford County. She fast-tracked her way through school, skipping the third grade and later finishing her undergraduate at UNH in just three years.

Growing up in her mother’s law office, law school was always on the horizon. Each day after school, she would pretend for now. A giant box of old maps and said, “figure it out where the lot line is.” Roundy Knights says, “And yet I came back for more.”

Stephani’s first-grade teacher thought she was so advanced that she announced to her, ‘Your rates are too low, Stephani,’ but I don’t think that’s what the teacher wanted me to say.”

Roundy Knights kept busy throughout her youth, playing field hockey, ice hockey, and taking dance lessons. She loved dance so much that she became determined to pursue the career of a dance instructor.

“My mom tried not to squash that dream,” Roundy Knights says. “But suggested I continue with my plan of going to law school, so I’d have a law degree to fall back on if that dance teacher idea didn’t pan out.”

After earning her undergraduate degree from UNH in 2005, she began law school at George Washington University in Washington, DC. Aspirations of becoming a dance teacher were in the rearview mirror, for now.

In the summer of her first year, she got her first taste of clerking as a summer intern at the Rockingham County Superior Court. “I’ll never forget when they handed me a giant box of old maps and said, “figure out where the lot line is.” Roundy Knights says, “And yet I came back for more.”

And she kept going back to the Superior Court throughout her career — twice.

During her second summer in law school, she interned at the New Hampshire Public Defender, but when she graduated law school in 2008, she returned to the Superior Court for a second time, working as a term law clerk.

Once her two-year term was over, she entered private practice at Roundy Law Offices with her mother and her brother, Attorney Christopher Roundy. Although she practiced at the family firm for six years, she still missed some aspects of clerking.

“I loved the work we were doing [at Roundy Law Offices], serving often low-income people, but there was that legal analysis puzzle piece that was missing,” Roundy Knights says. “[workers’] compensation and personal injury are fact-driven and don’t really lend themselves to a lot of analysis of the law. I had no plans to go anywhere, but if the right opportunity came up, I would be interested in flexing more of those legal analysis muscles.”

Opportunity knocked in 2016, when Superior Court Judge Diane Nicolosi sent Roundy Knights a job posting for the somewhat vague position of Law for Justice Counselor, which was created a couple of years prior. There was just one problem: she was very pregnant.

When Roundy Knights submitted her application, she made no mention of being almost 38 weeks pregnant, as she wasn’t sure how that would factor. Two days before her interview was scheduled, her doctor induced labor.

“An hour and a half prior to the interview, I said ‘now listen, the first priority is the health of the baby and second is my health, but the third priority is efficiency because I have somewhere to be,’” Roundy Knights says.

Every time the nurses changed shifts, she would remind them that the paperwork better not hold her up when it was time to leave. Two days after giving birth, she made it to the interview.

“Edward turned 48 hours old during my interview,” Roundy Knights recalls. “That’s how badly I wanted the job. I knew how much I loved clerking and pulled out all the stops to get back.”

And so began her return to the Superior Court for the third time.

“I recall learning of her coming in for an interview within days of giving birth and thinking she must be superhuman. I was right. She is,” Senior Superior Court Justice Marguerite Wageling says. “[She] is also by far one of the most intelligent and hard working of the outstanding law clerks who have worked for the Superior Court. The New Hampshire Judicial Branch is lucky to have her in its employ.”

As Law Clerk Supervisor, Roundy Knights manages and doles out the workloads of 14 law clerks that are assigned to each of the 11 Superior Courts in New Hampshire.

“She has an incredibly difficult position and manages it superbly,” Superior Court Judge Martin Honigberg says. “She does Roundy Knights continued on page 16
By Tom Jarvis

From August 8 through August 10, 2022, the New Hampshire Bar Association’s Law Related Education (LRE) program organized the first New Hampshire-based We the People professional development for teachers. With support from the New Hampshire Bar Foundation’s Advancement of Justice, Advancement of Justice Restricted, and Frederic K. Upton funds, LRE was able to bring the innovative civics education program, We the People: The Citizen and the Constitution, to more New Hampshire teachers.

The three-day training consisted of two days of lecture and discussion from acclaimed civics scholars and one day of simulated congressional hearings in the same vein as the curriculum the educators will use with their students. The first day began with remarks from NHBA president, Jonathan Eck, followed by a lecture from Susan M. Leeson, Senior Justice of the Oregon Supreme Court and former professor of political science at Willamette University.

The second day included a lecture from David L. Hudson, Jr., Assistant Professor of Law at Belmont University College of Law and author of The Constitution Explained: A Guide for Every American. The final day consisted of simulated congressional hearings, where teachers presented oral arguments to attorney judges in a mock congressional hearing on the same vein as the curriculum the educators will use with their students.

Throughout each day, teacher mentors, Dan Marcus of John Stark Regional High School, and Trevor Duval of Hollis Brookline High School, facilitated the hands-on training, lesson planning, and guidance through the curriculum. In the past few years, however, there have been no training sessions.

Tasked with growing more participation in the We the People program, LRE Coordinator Robin E. Knippers organized the training here in New Hampshire at the Bar Center in Concord.

“This was a true highlight of my career at the Bar Association,” says Knippers. “It is the first time we’ve ever done a We the People training from start to finish. It was so exciting to see the teachers engaged and studying and working together to reach the end goal. I took the model that I was taught by Mike Trofi and it was hugely successful.”

One of the teachers in attendance was Laura Dwyer of Steams Junior Senior High School in Millinocket, Maine. She indicated that Maine does not have funding for this type of teacher education, so she was very happy to be able to attend.

“Kudos to [the NHBA] for this incredible opportunity for teachers,” Dwyer says. “It is the first time we’ve ever done a We the People training from start to finish. It was so exciting to see the teachers engaged and studying and working together to reach the end goal. I took the model that I was taught by Mike Trofi and it was hugely successful.”

This reflects very positively on the Bar Association for their acknowledgement of the importance of civics education—especially for this kind of quality, with all the resources and scholars who were so passionate. The program hits all the standards and is very easy to implement. I can’t see why every teacher isn’t using it.”

Amy Cohen of Londonderry High School, another teacher in attendance, says of the class, “I have learned an entirely new way to teach civics. The [mock congressional] hearing was invaluable. Let’s do it again next year.”

Knippers is hopeful that LRE will be able to offer the training again next year to even more teachers. Her overall goal is to eventually get the We the People program into every school in New Hampshire.

For more information on We the People, or to volunteer for any LRE programs, contact Robin E. Knippers at reknippers@nhbar.org.
Cyber Insurance Renewals Are Anything but Routine

By Cameron G. Shilling

Ten years ago, most businesses did not know that cyber insurance existed. Five years ago, still many had not yet purchased it. Now, every business knows, or should know, that it needs cyber insurance. Risk-conscious individuals would never leave their driveways without auto insurance or operate a professional services firm without malpractice coverage. Likewise, risk-conscious businesses cannot operate in a digital world without good cyber insurance.

Similarly, five years ago, cyber insurance was cheap and easy to acquire. Carriers asked few, if any, questions, and premiums were low and largely dependent on just the size and industry of the business. Two years ago, businesses still could easily renew their existing cyber insurance policies with their existing carriers without tremendous effort or premium increases. But then, Texas froze, carriers without tremendous effort or pre-preparedness questionnaires could easily renew their existing cyber insurance policies, and the world plummeted into a global health pandemic. Insurance underwriting was flipped upside-down in 2020.

Carriers became desperate to shed risk and increase premiums for all coverages, particularly cyber, in order to offset losses and restore profits. As a result, premium increases of 50 percent to 200 percent have become common for cyber renewals, even for security-conscious businesses that have never experienced a breach. For companies victimized by breach, premium increases of up to 400 percent are not uncommon, if those businesses can secure coverage at all. Indeed, carriers are simply refusing to renew coverage for breach victims, as well as small businesses with low premiums, leaving them without cyber insurance altogether. Additionally, the policies being offered often trim the coverages provided by significantly decreasing deductibles, significantly decreasing sub-limits, and excluding coverage for certain losses entirely.

As if all that were not bad enough, businesses facing a cyber insurance renewal must now clear another major hurdle in the form of a detailed application questionnaire. Whereas carriers previously asked few, if any, questions about a business’s security preparedness before issuing cyber insurance (admittedly, poor risk management), carriers have now reversed course. These questionnaires include pointed inquiries to assess if a business has implemented very specific cybersecurity safeguards such as multi-factor authentication, device and data encryption, virtual private networks, advanced threat detection and prevention applications, elevated privilege controls, duplicative and encrypted backups, and so on.

Even businesses that have previously addressed cybersecurity can struggle to answer all these questions in the manner carriers want. A failure to do so often results in large premium increases or flat non-renewal. Thus, the consequences of this process can be severe. Two steps are critical to properly prepare to secure cyber insurance or a renewal of it.

First, businesses should start working with their insurance agent and a cybersecurity attorney at least six months before the anticipated date for submitting the applications for cyber insurance or a renewal of it. The agent and counsel should review the application questionnaires from the carriers that the business plans to apply to in order to determine the specific safeguards required by those carriers. Such advance planning is necessary because months are often needed for the business to implement measures that it may be lacking. Additionally, working with a cybersecurity attorney will help ensure that the application is completed appropriately and that the process is protected by the attorney-client privilege.

Second, if a business has experienced a breach or even just a lesser security incident within the past several years, it will need to work with its insurance agent and a cybersecurity attorney months in advance of the application process to design a strategy to address the breach or incident during that process. Such a strategy will likely include determining which carriers may be willing to consider issuing coverage despite the breach or incident, and the likely premium increase for such insurance. Such a strategy also necessitates ensuring that all actual and potential vulnerabilities that caused or may have caused the breach or incident have been fully remediated, and that the business is able to tangibly demonstrate that it has significantly improved its cybersecurity safeguards generally after the breach or incident and that it complies with an industry accepted cybersecurity standard.

Cyber insurance renewals are anything but routine. Businesses that fail to prepare – starting months in advance of that process – are likely to be unhappily surprised by either a staggering premium increase or outright non-renewal.

Cam Shilling founded and chairs McLane Middleton’s Cybersecurity and Privacy Practice Group. The group of four attorneys and one technology paralegal assists businesses and private clients to improve their information privacy and security compliance and address any security incidents or breaches that may occur.

All appellate litigators know the scope of our inquiry is limited – we cannot argue facts outside the record of the case. But can we rely on a fact from the record of a prior case? This can be important when the prior decision is vague as to critical factual details that the new case may turn on.

At least in the 1st Circuit, the answer is yes (or at least, “sometimes”). In United States v. Moore-Bush (1st Cir. 2020), appellant argued that the government’s installation of a “pole camera” pointed at the defendant’s house violated her 4th Amendment rights, where the camera could be viewed live and also recorded its footage 24/7. The court rejected this argument, on the basis of stare decisis – a prior panel of the same court, a decade earlier, had rejected this argument. USA v. Bucci (2009).

To show that the Bucci case was not factually distinguishable, the court reached back into the record of the prior case decision: “We take judicial notice that the record in the Bucci case makes clear that the pole camera’s footage there also could be viewed live and was recorded.”

Do the rules of NH appellate practice allow for this type of argument?

Bring your appellate practice questions to the CLE Committee’s October 14, 2022 Appellate Advocacy CLE!
By Amy Wood, Psy.D.

Most attorneys who come to me for coaching are not new to the concept of tending to their personal and professional improvement. After all, attorneys are ambitious people, and they understand that they are responsible for reducing stress, achieving goals, and becoming more fulfilled at work and home. The problem is that, as a completely exasperated new client of mine recently put it, “I listen to self-help podcasts, watch motivational videos, try all the strategies—and nothing is working.”

I always tell my clients who are stuck that there is no shortage of personal and professional growth advice out there, but most of it is simplistic and idealistic. Everywhere we look—the internet, the bookstore, the grocery store—there is a line carefully crafted headlines fight to sell us on the implausible yet tempting idea that we can have, be, and do whatever we want if we just apply “these three secrets” or “those five easy steps.” We fall for it because, even though we know better, we want to believe in quick fixes and instant gratification.

Thankfully, the solution here is not to give up on empty transformation and reinvention rhetoric but to take it with a grain of salt and give up on empty transformation and reinvention rhetoric but to take it with a grain of

Real help: Imagining along will not make things happen, but it can help. Picturing a promotion when you’re not applying yourself won’t get you very far. But ask any successful athlete, and they will tell you that they win more than they lose because they deliberately visualize the results they want as they train. If you focus your mind on what you desire and work hard to bring your goal to fruition, you are more likely to be successful.

The hype: You can catapult yourself to the next level by talking ‘as if’ you are already there.

Real help: Saying affirmations—telling yourself you are capable and confident in this or that area when you don’t feel that way—will indeed move you steadily toward what you want to go. But here’s the catch: your affirmations can’t be too big a stretch. If you’re up to your ears in debt, your brain will reject “I am swimming in money” but “My financial decisions are improving” will likely bring about new spending habits.

Likewise, “I’m learning to enjoy moving my body” will be more motivating than “I love working out six days a week” if you’ve just decided to get off the couch and exercise.

The hype: Positive thinking makes life pain-free.

Real help: There is no question that glass half-full people have it made. It follows that those who complain less than others are more fun to be around and attract better opportunities. But let’s be clear: optimism will make you more resilient in the face of failure, disappointment, and heartache, but not immune to the curveballs all adults—and particularly highly stressed attorneys—are dealt. Optimism is about taking in the whole picture, embracing the good and the bad, and choosing to focus on what’s going well over what’s wrong. Whether you’re sizing up a tough case, your shot at partnership, or a half-baked self-improvement suggestion, you’re bound to fare better if you practice a hopeful perspective.

LUBIN & MEYER consistently obtains more multi-million dollar results in the areas of medical malpractice and personal injury law than any other firm in the region. Despite the pandemic, Lubin & Meyer continues to deliver results, securing over 150 settlements totaling over $200,000,000.00 for its clients in New Hampshire, Massachusetts and Rhode Island.

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Lubin & Meyer works on a referral fee basis.
The New Hampshire Bar Foundation (NHBF) is pleased to announce the rollout of its newly enhanced Interest on Lawyer’s Trust Accounts (IOLTA) Leadership Institution Program. This program was last updated in 2011, changing the interest rate requirements for Leadership institutions to reflect the pandemic interest rate environment.

The history of IOLTA is a relatively recent one. In the 1960s and 1970s, IOLTA programs were first established in Australia and Canada to generate funds for legal services for the poor. In 1982, New Hampshire was the second state in the nation, following Florida, to operate an IOLTA program, through the establishment of New Hampshire Supreme Court Rule 50 (Rule 50). Today, IOLTA programs operate in all 50 states, as well as US territories, and throughout Canada. A video developed by the National Association of IOLTA Organizations (NAIOT), which gives an overview of the history of IOLTA in North America, can be viewed on the NHBF website.

In 2011, Rule 50, which lays out the guidelines for both attorneys and financial institutions, was amended to make IOLTA a mandatory program for all New Hampshire attorneys, as well as to add an interest rate comparability requirement for financial institutions. The rule states, “The rate of interest payable on any interest-bearing trust account shall be the same rate of interest paid by the depository institution for all other holders of similar accounts.”

The revenue received through the NH IOLTA program is primarily used to support civil legal aid at four organizations in New Hampshire: New Hampshire Legal Assistance, 603 Legal Aid, the Disability Rights Center-NH, and the New Hampshire Bar Association’s Modest Means program. Most of the funding that these organizations receive is in the form of government grants; they are typically restricted to specific purposes and have detailed reporting requirements. The IOLTA grant awards that these organizations receive are a source of much needed unrestricted funding to fill in the civil legal aid gaps that cannot be funded from other sources. In the 40 years of the NH IOLTA program, more than $36 million has been granted to support civil legal aid.

In the current rising interest rate environment, the Bar Foundation is grateful to our banking partners that remain committed to paying an interest rate above or equal to the higher of 65 percent of the Federal Funds Target Rate or 1 percent. With that in mind, the Bar Foundation has developed a formalized list of benefits for Leadership Institutions, which include increased coverage in NHBF and NBHA publications and social media posts, local community recognition events, data and language to support Community Reinvestment Act Credit, as well as automatic compliance with the Rule 50 interest rate comparability requirement. The Bar Foundation is happy to be able to offer these benefits to our financial partners, and to ensure the future success of IOLTA in our state.

For more information on the IOLTA program, or to view our current list of Leadership institutions, please visit the New Hampshire Bar Foundation’s website at www.nhbarfoundation.org.

IOLTA Grants Support the Delivery of Legal Aid to Clients With Disabilities

People with disabilities face unique civil legal problems, such as being taken advantage of while they are receiving services, also experiencing some civil legal problems more frequently than people without disabilities.


Each year, IOLTA grant funding helps attorneys; disability rights advocates; Center on Disability Rights-NH (DCRN-NH; dcrn.org) provide legal advice and assistance to more people with disabilities on critical disability issues: special education, access to services, discrimination, and accessibility. The flexibility of the IOLTA funding is especially important, as it helps DRC-NH address unexpected needs more quickly and easily. IOLTA funding allows DRC-NH to help people like Toni, a patient at New Hampshire Hospital (NHH) who was hospitalized for more than 20 years and could not access appropriate supports to be discharged into the community. The DRC-NH attorney met with Toni, who clearly wanted to return to the community, and the attorney began advocating on her behalf. Toni’s case was complicated, and there were several attempts at discharge, which had to be overcome. It was clear that there was no longer any medical or clinical need for her to remain in NHH. She needed appropriate community-based supports to help her make a successful transition to a community setting. Finally, after many years of advocacy by DRC-NH, her guardian, and several other agencies, Toni was discharged to a small residential community home. She loves her new home in the community.

The funding also allowed DRC-NH to help Enas, the guardian of her father, an elderly man with dementia and physical disabilities. She called DRC-NH on a Friday morning with an urgent request for help. Her father was in the hospital, and hospital staff sent a notice that he would be discharged on Monday, just three days before discharge. DRC-NH had no time to arrange the discharge to be filed first thing on Monday morning. With support from the DRC-NH attorney, Enas was able to negotiate with the hospital to get enough services in place so that her father could go home safely.

DRC-NH also used IOLTA funds to help families with pandemic-related issues. For example, the parents of a young teenager with developmental disabilities contacted DRC-NH for help advocating for their child who was unable to go to school and further behind in school since returning to in-person learning after the COVID-19 pandemic. The DRC-NH attorney investigated the situation and provided extensive individualized advice and assistance to help them advocate on their child’s behalf, resulting in increased services. Additionally, a woman with physical disabilities and a compromised immune system called DRC-NH for help after requesting an accommodation that she be allowed to continue to work from home. The DRC-NH attorney advised her about her rights under employment discrimination law and how to file a complaint if she did not receive the accommodations she needed.

About the IOLTA Grant Program:

The New Hampshire Supreme Court adopted Rule 50 in 1982 to establish the Interest on Lawyers Trust Accounts (IOLTA) Program in New Hampshire. Through IOLTA, interest earned on lawyers’ trust accounts that are either too nominal or held for too short a time period to warrant establishment of a separate client account is forwarded to the New Hampshire Bar Foundation to be used for charitable purposes. Attorney participation in IOLTA supports the statewide IOLTA Program. IOLTA grants fund nonprofit organizations that provide free or reduced-fee civil legal services to our most disadvantaged residents and/or educational programs about the law and the courts. To learn more about the IOLTA grant program or to make a donation to the New Hampshire Bar Foundation, visit nhbar.org/nh-bar-foundation.
is Pleased to Welcome
Brittney Millay, Esq.

Attorney Brittney Millay is a New Hampshire native. She completed her undergraduate degree at Southern Vermont College. She then went on to obtain her Juris Doctor degree from New England Law | Boston where she worked on the New England Journal on Criminal and Civil Confinement. She is admitted to practice law in New Hampshire and Massachusetts. Brittney has experience in civil litigation where she has worked on a variety of employment and business law matters. Brittney also worked as a public defender in Concord, New Hampshire focusing on criminal defense and representing indigent defendants. Brittney brings valuable litigation and trial experience to our firm.

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is Pleased to Welcome
Benjamin Winer and Cory D.N. Greenleaf
to the firm!

Benjamin Winer joins the firm as a Corporate Associate. Ben is a Daniel Webster Scholar Honors Program Graduate. As a part of the corporate team, Ben will support a variety of practice groups, including mergers and acquisitions, real estate, and other corporate and transactional matters.

Cory Greenleaf joins the firm as a Litigation Associate. Cory is a Daniel Webster Scholar Honors Program Graduate. As a member of the litigation team, Cory will represent clients in a wide range of civil matters, including medical malpractice and personal injury defense, commercial disputes, probate, and domestic relations.

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Pastori|Krans is pleased to recognize five of its attorneys, selected by their peers for inclusion in Best Lawyers® 2023.

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- Attorney Terri Pastori
  Peer selected for inclusion in Best Lawyers® practicing in Employment Law – Individuals, Employment Law – Management, and Litigation – Labor & Employment

- Attorney Heather Krans
  Peer selected for inclusion in Best Lawyers® practicing in Family Law

- Attorney Beth Deragon
  Peer selected for inclusion in Best Lawyers® practicing in Employment Law – Management

- Attorney Ashley Taylor
  Peer selected for inclusion as a “Ones to Watch” Practicing in Family Law, Labor and Employment Law – Employer, Labor and Employment Law – Management, Litigation – Labor & Employment

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NEW HAMPSHIRE BAR NEWS
www.nhbar.org
SEPTEMBER 21, 2022 11
The Law Offices of Lydon & Richards would like to congratulate Ed Richards on his retirement. Ed practiced law in New Hampshire for over 48 YEARS. He prided himself on the many relationships he forged with clients, professionals and lawyers, earning their respect and trust. We wish Ed all the best in his retirement.

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Orr & Reno Welcomes Our Newest Trusts and Estates Colleagues

Orr & Reno is pleased to announce the addition of esteemed trust and estate lawyers, Ann Meissner Flood, Virginia Symmes Sheehan, Laura E. Tobin, and Marcia Hennelly Moran, formerly of Flood, Sheehan & Tobin, PLLC. Each of these attorneys possesses more than 30 years of experience in the areas of estate planning, and estate and trust administration. Attorneys Flood, Sheehan and Tobin join Orr & Reno as shareholders. They will continue to serve clients in the areas of estate planning, estate (probate) and trust administration, succession planning for family businesses, gift, estate and generation-skipping transfer tax planning, guardianships, special needs trusts, and elder law. Attorney Moran, who works primarily on trust administration, largely in the charitable grant-making area, joins the firm as “Of Counsel.”
Sheehan Phinney welcomes Kaitlin P. Murphy to the firm.

Kaitlin P. Murphy
Associate
603.627.8299
kmurphy@sheehan.com

Healthcare  Corporate Law

Kaitlin represents health care clients on compliance matters and assists business clients with mergers, acquisitions, and other transactional matters. She previously served as a judicial extern with the Honorable Anna Barbara Hantz Marconi of the New Hampshire Supreme Court and was an intern at the New Hampshire Commission for Human Rights.

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Welcome Back!
Senior Associate Attorney
Jessica L. Mendes

SekellaLaw, PLLC is excited to announce that Attorney Jessica L. Mendes has returned to our Firm as a Senior Associate Attorney. She took a brief time off from family law to work in real estate but returned in mid-August to continue her family law practice. Attorney Mendes has over 14 years of experience and her practice has consisted of family law, real estate, bankruptcy, and estate planning. Over the years Jessica has maintained a reputation of excellence not only with her clients and peers, but with colleagues and the Court.
ple from all over Europe. Wright enjoyed exploring an island that had not been inhabited since the 1970s but was still grazed by sheep, as well as an abandoned island whose ruined castle tugged at the romantic historian in him.

“It probably had been a beacon system to warn others far away,” he says of the derelict structure. “I tried to see what it looked like when I was about 30 years old,” Wright remembers. “I tried to paint a picture of what it might look like now.”

While Wright has handled a variety of cases, he took interest in the ones containing fire.

“By chance I started getting these fire cases and I found I enjoyed them,” he says. “They’re an interesting challenge for a lawyer because they destroy evidence and sometimes I use Wright as a sounding board.”

“The Omicron Sir is a young adult science fiction novel, written under his pen name, Endy Wright, and published in 2020 by Koehler Books. It has won several awards and was named “book of the year” by Author’s Circle, a division of Acord Publishing.

Its central characters are Cooper Calis, a native of the United States who hired Wright, and Coupe Dashelle, the victim of horrific abuse, who discover they have superhuman powers when they join on a path of self-discovery.

“They actually deal a lot with the population I used to work with,” says Wright, who adds that a child with autism or a survivor of abuse might relate to the characters and take vicarious pride in their successes.

Wright spent summers at a farm in Skowhegan, Maine, and drew on happy memories of family life to create a farm setting in his book.

“I tried to paint a picture of what it looks like at the farm where everybody is safe,” he says.

The book’s sequel, Blood for the Fisher King, was recently published and draws on Arthurian legend – and Wright’s courtroom experience – to advance the tale of the two friends.

Wright had to undergo rabies shots, but the skunk proved to be rabid, and Wright’s courtroom experience – to warn others far away,” he says of the derelict structure. “I tried to see what it looked like when I was about 30 years old,” Wright remembers. “I tried to paint a picture of what it might look like now.”
On August 11, 2022, the New Hampshire Campaign for Legal Services revived the Quid Pro Bono Golf Tournament to benefit civil legal aid. Eighty golfers joined in the fun, including NH Supreme Court Senior Associate Justice Gary Hicks, seen here with teammates Sam Garland, Ryan Garrette, and Petar Leonard. The foursome finished second place overall. Garland also claimed the longest drive and closest to the pin prizes for the men. Jane Schirch had the closest to the pin among the women and Miranda Chalmers had the women’s longest drive. Chris Abboud, Katie Dodge, Todd Jacobson, and Steve Lyette, representing US Insurance and Patrons Oxford Insurance, won the first place overall. Vera Buck and Lucas Leo won the putting contest. Kaitlin O’Neil of Normandin, Cheney, and O’Neil, a board member of 603 Legal Aid, chaired the event committee.

The NH Bar Association would like to thank the attorneys at Wescott Law for their participation in the LawLine event on Wednesday, August 10, 2022. We appreciate your ongoing support and participation in this valuable service!

LawLine is held on the second Wednesday of each month from 6:00 pm to 8:00 pm. LawLine hosts are currently needed for December 14 and a few dates for 2023. For more information or to volunteer to host a LawLine event, please contact NHBA Intake & Referral Specialist, Anna Winiarz at awiniarz@nhbar.org.

LawLine Thank You

Community Notes

As approved by local members of the national plaintiff (AAJ) and defense (DRI) bar associations*

Fast Track Appointment Scheduling - visit our free Available Date Calendars

* The National Academy of Distinguished Neutrals (www.NADN.org) is an invitation-only professional association of over 1000 litigator-rated mediators & arbitrators throughout the US and a proud partner of the AAJ and DRI. For more info, please visit www.NADN.org/about

Section Connection

Returning to the Bar News

Section Connection is the best place for section members to stay informed as they pursue upcoming meetings, events, election results, and new officer elections. The most recent information related to all the sections will be featured here.

Section membership and activity is important to maintaining growth and knowledge about the law and the various impending changes that may occur. Sections also offer the opportunity for networking, conversation, and collegiality. You may even make a friend or two! Your clients will be able to benefit from your up-to-date knowledge of the most important aspects of the law for which you practice. Stay engaged, encourage involvement, and spread the word to other attorneys that may not be a member of one of the New Hampshire Bar Association’s 19 current sections to join.

Another benefit is that each section has its own online forum. This makes it easy and efficient to connect and share information with other members in your section. The Section Coordinator is eager, willing, and ready to fill the calendar months for the membership year with Section activities. They do this by creating the announcements for membership distribution. The coordinator is also able to plan, research, and reserve rooms, whether at the Bar Center or at other venues, with dates and times requested. This makes planning and executing section meetings simple. These tasks are just a few of many that this position assumes.

Section Calendar

Not a section member? Join now! Just navigate to www.nhbar.org/sections (login and password required) to read about each section and make your selection. Please contact your Section Coordinator at nhbasections@nhbar.org if you have any questions.

Don’t miss out on these upcoming meetings for September and October:

Municipal & Government Law – September 21, 2022, from 4:30 pm to 6:00 pm (Virtual)
Public Sector Law – September 22, 2022, from 12:00 pm to 1:00 pm (Virtual)
Condo Law – September 27, 2022, from 3:30 pm to 5:00 pm, NH Bar Center (Hybrid)
Criminal Justice Law – September 28, 2022, from 5:00 pm to 7:00 pm (In-Person Offsite)

Corporation, Banking & Business Law/ Business Litigation Law Joint Meeting

– October 5, 2022, from 5:00 pm to 7 pm (In-Person Offsite)
Health Law Section – October 19, 2022, from 12:00 pm to 1:00 pm (Virtual)
Insurance Law Section – October 20, 2022, from 12:00 pm to 1:00 pm (Virtual)
Taxation Law Section – October 21, 2022, from 12:00 pm to 1:00 pm (Virtual)
Family Law Section – October 27, 2022, from 5:00 pm to 7:00 pm (In-Person Offsite)
an amazing job of dealing with multiple constituencies. She works with more than 20 Superior Court judges, all of whom are different, as well as all the law clerks – who all come into the process knowing very little about what to expect – and she turns them into a functioning team of clerks.”

In addition to supervising the law clerks across the state, Roundy Knights clerks for Superior Court judges out of her Rockingham County Superior Court office. She has a lot to 70 percent caseload in addition to managing all the law clerks,” Wisconsin Supreme Court law clerk Doug Bruno says. Bruno worked as a law clerk under Roundy Knights in New Hampshire from 2020 to 2022. “I have no idea how she does it. She really is a modern-day Her-
cules. She is the glue that holds the Su-
perior Court together.”

About 10 years ago, Roundy Knights began teaching Zumba classes at her local YMCA – an activity that would eventually lead her to fulfilling her second childhood as-
piration. After Roundy Knights filled in for her favorite instructor a few times, she was encouraged to get her instructor’s license.

“Zumba is great for my physical and mental health,” Roundy Knights says. “It’s so different from the legal job and a differ-
cent part of my personality. It checks a lot of boxes at once and now that I’m teaching it, I get to give that to other people.”

She says that some of her classmates used to lightheartedly tease her and call her “extra” for using two-pound hand weights while she dances.

“I’ll never be someone who goes to the gym to lift weights,” she says. “So, with the hand weights, I can get some ton-
ing in while I dance. I’m a big multitasker.

Even when I’m driving. If it’s more than 15 minutes, I’m listening to Zumba music and choreographing. Please don’t see me car-
dancing; it’s embarrassing.”

Of accomplishing her goal of finally becoming a dance teacher like she intended as a child, Roundy Knights says, “I al-
ways say, know your limitations and work around them – or within them – depending on the circumstances. You can often get where you want to go, if perhaps in a dif-
ferent way than you might have originally envisioned.”

She attributes this outlook to the strong mentors that she has had throughout her life and career, including her mother and father, as well as the Superior Court judges that she works with or has worked with in her previ-
ous stints as a law clerk. An entirely separ-
ate article could be filled with the wonder-
ful things she has to say about the judges she has worked with and how they have all made such a positive impact on her life.

In one instance, she talks about how Superior Court Chief Justice Tina Nadeau inspired her.

Several years ago, during a few days of non-stop rain, Nadeau kayaked down the river to higher ground, where someone from the court picked her up.

“That has always stayed with me be-
cause it demonstrates such a commitment, the attitude that this is not an unsolvable prob-
lem – let’s think outside the box and get it done,” Roundy Knights says. “It’s a very similar mentality that my mother has instilled in me. I like to think I’ve incorpo-
rated that into my outlook.”

Roundy Knights continues, “Everyone has challenges in life and there are some things that no matter how hard you try, it’s just not in the cards for you. But there are a lot of things I have found that if you look at them a different way or take a different path, sometimes you can get there in an-
other way you didn’t think you would. Like kayaking to work.”

In July 2022, Roundy Knights celebr-
eted her 15th wedding anniversary with her husband, Mark Knights, a partner at Nixon Peabody, LLP. She met Knights on-
line while in undergrad at UNH, “before meeting online was cool.” Together, they have three children, Sophie, Evelyn, and Edward. When she’s not working or teach-
ing Zumba, she spends her time coaching field hockey or hiking and skiing with the whole family.

“My family is very invested in skating. Mark is a snowboarder, but I married him anyway,” Roundy Knights says jokingly.

Interestingly, Roundy Knights’ fam-
ily consists of several lawyers. Not only are she, her husband Mark, and her mother Vickei lawyers, but her brother Christopher Roundy, his wife Jaime Gillis, and their daughter Sydney Gillis are as well.

Roundy Knights recalls observing a recent swearing-in ceremony for the New Hampshire Bar wherein a joke was made about how family who supported the new admitttees through law school could now seek some recompense in the form of free legal advice.

She says requests for legal advice within her family rarely occur since most of them have legal training. Rather, her broth-
er Nick, who is a software engineer, and his wife Jess, a family nurse practitioner, get all the requests for help at family gatherings.

“The truth is that being in a family full of lawyers rarely impacts our day-to-day interactions,” Roundy Knights says. “May-
be that’s because we each devote so many work hours to analyzing complex legal is-
scues. Or maybe we just don’t want to run the risk of getting into dintertime disagree-
ments about the law with people who are also trained to argue for a living.”

Please Respond by Friday November 11

Call for NHBA Awards Nominations

Each year, the New Hampshire Bar Association presents awards at its Midyear Member Meeting to recognize outstanding achievement and service among Granite State attorneys. We encourage you to nominate your peers for the following awards.

VICKIE M. BUNNELL AWARD FOR COMMUNITY SERVICE

This award honors the memory of Vickie M. Bunnell, “A Country Lawyer,” and applauds the community spirit that is a hallmark of our profession. It is presented annually to an attorney from a small firm (four or fewer attorneys) who has exhibited dedication and devotion to community by giving of their time and talents, legal or otherwise.

DISTINGUISHED SERVICE TO THE PUBLIC AWARD

This award is presented to the nominee who best exhibits service to the public on behalf of the administration of justice.

OUTSTANDING SERVICE IN PUBLIC SECTOR / PUBLIC INTEREST LAW AWARD

This award is presented to a NHBA member (or an organization employing NHBA members) who has at least five years of service in government service, military service, law enforcement, public interest law services, or at a 501(c)(3) non-profit organization.

PHILIP S. HOLLMAN AWARD FOR GENDER EQUALITY

This award is presented by our Gender Equality Committee and honors Judge Hollman’s efforts as a stalwart advocate for gender equality in the legal system. Award recipients are those who:

• exhibit dedication to promoting respect and fair treatment toward all members of the judicial system
• seek to promote gender equality through leadership and educating others
• have taken initiatives in matters of gender equality and been a role model in this area

Details and full requirements for each award, as well as a list of past recipients, can be found at nhbar.org/bar-awards/

Submit nominations by November 11, 2022 to NHBA MYM Awards, 2 Pillsbury St., Suite 300, Concord, NH 03301-3502 or email Sarah Smart at ssmart@nhbar.org.

Mark Your Calendars!

Awards to be presented at NHBA’s Midyear Member Meeting on Friday, February 17, 2023

(Left) Stephani Roundy Knights and her mother, Vicki Roundy, who was the first female partner at Boynton Waldron before starting her own firm, Roundy Law Offices. (Right) Roundy Knights with her husband, Mark Knights, and their children, Sophie, Evelyn, and Edward at the top of Blue Job Mountain after a family hike. Courtesy Photos.

NOMINATIONS

www.nhbar.org NEW HAMPSHIRE BAR NEWS
**Dom S. D’Ambruoso**

Dom S. D’Ambruoso, formerly of Bow, New Hampshire, died on August 4, 2022, after a long neurodegenerative illness at the age of 78. He passed peacefully with his family by his side. Dom was born in New Haven, Connecticut, the son of Dominic C. and Philomena (Carrangello) D’Ambruoso. Dom attended Fairfield Preparatory School, Boston College, and Suffolk University Law School. He moved to New Hampshire in 1970 to begin his career in law. He served as executive director and secretary of the Public Utility Commission, where he developed the expertise for his future law practice. He was a director at the law firm of Ransmeier and Spellman, where his practice concentrated on public utility issues until his retirement in 2006.

Dom served his community in many ways. He was elected as the Bow School District Moderator, serving 24 years; president of the Bow Rotary Club, receiving the Paul Harris Award; and a trustee at the Derryfield School. He was also a soccer coach for many years and was involved in numerous organizations.

His interest in politics led him to his successful election as a delegate to the 1984 NH Constitutional Convention. He served two terms as chairman of the Merrimack County Republican Committee and was the recipient of the Norris Cotton Republican of the Year award for both county and state.

He was well known as an outdoor enthusiast, having organized an outing club and their numerous adventures over the past 35 years. These included skiing, summer and winter hiking, bicycling, dog sledding, kayaking, rafting, sailing, fishing, and golfing. Dom shared this same enthusiasm with his family and friends in his beloved White Mountains, including the 48 highest peaks. He also enjoyed planning and taking the family on many trips throughout the country and Europe.

In his waning years, he battled a progressive degenerative illness that gradually robbed him of the quality of life that he so richly deserved. He fought this disease with fortitude and dignity. His love of family was central to his very being, and it was his inspiration that motivated those around him to enjoy life with a passion.

He is survived by his wife of 54 years, Angelyn (Horn) D’Ambruoso, and three beloved children, daughter Kristen (Michael) Scappaticci of Danbury, Connecticut, son Mark (Tami) of Glenville, New York, and daughter Lisa (Joseph) Demers of Bedford, New Hampshire. He also leaves six grandchildren, Alyssa, Ryan, Leyna and Maya Scappaticci, and Wyatt and Levi Demers, and a sister, Jeanne Perone of Swansboro, North Carolina.

There will be no calling hours. Family and friends are invited to join in a festive memorial service to celebrate Dom’s life, to be held at the Barn at Bull Meadow on Wednesday, September 7, 2022, from 5 pm to 7 pm. In lieu of flowers, donations may be made to the Granite VNA, 30 Pillsbury Street, Concord, NH 03301.

The family would like to thank the wonderful staff at the Birches in Concord for their dedicated and loving care given to Dom over the past six years.

**John J. Ryan**

John J. Ryan, age 77, long-time member of the New Hampshire Bar Association, died of complications from diabetes and heart disease on Tuesday, August 23, 2022. John was born in Boston on October 31, 1944, to John Julian Ryan and Mary Perkins Ryan. John received his undergraduate degree from St John’s University in Collegeville, Minnesota, before attending the University of Maine for law school. John later obtained his Master of Laws (LLM) in taxation from Boston University.

John was admitted to practice before the New Hampshire Supreme Court in 1970. He would go on to be admitted before the US District Court for the District of New Hampshire, the US Court of Appeals for the First Circuit.

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**Order** from page 1

A teacher or writer, or only practicing law in a different state.

Active lawyers pay higher Court fees and NHBA dues and must fulfill the aforementioned requirements each year. Inactive lawyers pay lower fees and dues and have no filing requirements. There are several different types of statuses within the active and inactive designations at the NHBA, such as Judicial Active Status (for judges), Inactive Retired, and Honorary Active/Inactive Status.

Limited Active Status has historically been only for lawyers who exclusively take cases assigned from 603 Legal Aid, NH Legal Assistance, and Disability Rights Center-NH, wherein they receive no compensation (pro bono). The status was formerly called Pro Bono Active Status but was renamed to reflect the change in status system from the Pro Bono Referral Program, then housed at the NHBA.

“The New Hampshire Judicial Council created the status of somewhere between 15 and 20 attorneys that have retired or are on Inactive Active Status, that are interested in helping out with the unrepresented indigent criminal cases in New Hampshire,” NHSC Justice Patrick Donavan says. “So, we tried to fashion a method to entice attorneys who are no longer practicing to help address this severe problem we have with not having enough attorneys available to represent people who are charged with class A misdemeanors and above, and who are indigent.

Justice Donovan continues, “We are at the point right now where in the Circuit Courts, people are being told that they need to come back and be arraigned in four months because we can’t find an attorney to represent them. Many attorneys in the Public Defender’s office are no longer taking cases, so this is an effort to bring those 15 to 20 — or maybe more — attorneys into the system,”

Sarah Blodgett, the executive director of the New Hampshire Judicial Council, says she has had some inactive attorneys reach out to her over the past several months to say they would be willing to help, but it was too burdensome to go through the process of becoming active just to take a few cases.

“I think the order is going to be a big help,” Blodgett says. “It is a piece of a really comprehensive approach stake holders have taken to try to address our attorney shortage. It is hopefully going to result in retired attorneys, former public defenders and prosecutors, and former defense attorneys being willing to take cases to help us out of this crisis. Certainly, [the order] won’t resolve the crisis on its own, but it’s an important piece of our effort.

Blodgett also mentions that another piece of their approach to get through the crisis is a recent New Hampshire Supreme Court ruling under seeking inclusion in the Pro Bono Referral Program, a proposal to increase the Public Defender reimbursement rate from $60 to $90 per hour, or $100 to $125 per hour for more serious felonies. She indicated that the rates have not increased since 1993.

“Private attorneys have stepped up to help during this crisis and this is an opportunity for inactive attorneys to take some cases and get back in the courtroom,” Blodgett says. “We are really hopeful that people will take advantage of this opportunity and we will be grateful for any help.”

The order also waives the requirements for Limited Active Status attorneys who volunteer for pro bono civil legal services through organizations such as 603 Legal Aid, NH Legal Assistance, and Disability Rights Center-NH. According to the order, “[those attorneys] are strongly encouraged to volunteer to provide zealous advocacy to every client. We cannot allow the quality of our representation to suffer due to unmanageable caseloads, and we cannot continue to overburden our attorneys, investigators, and support staff.” – Sarah Rothman, Executive Director of New Hampshire Public Defender

**Perspective** from page 2


The aspirational Litigation Guidelines do not have the force of law or court rule, but the Board of Governors is asking New Hampshire lawyers and judges to make the guidelines part of their expectations of attorneys’ conduct in New Hampshire. The New Hampshire Lawyered Professionalism Creed recognizes New Hampshire lawyers as “custodians of the ‘rule of law,’ responsible for the maintenance and improvement of just and efficient legal institutions,” and calls on New Hampshire lawyers to be “honest, competent, civil, and ethical in providing prompt, cost-effective and independent counsel to their clients.” Practitioners would do well to review those resources to ensure they are thoroughly employing the same tools used in the course of client representation.

As you wind down your warm-weather recreation and transition back to your regular routine, I encourage you to make time to re-familiarize yourself with the ethics rules and related resources. Doing so will help ensure that you are practicing law in accordance with our professional obligations, and with the honor and high decorum that is at the core of our noble and learned profession.

**Lottery** from page 4

to release the names and hometowns of winners of lottery prizes.” The ticket does not advise winners of the option to claim through a trust, but it is detailed on the NH Lottery website.

Concerned about privacy, Jane Doe contacted an attorney who advised her that she could create a trust to collect her winnings anonymously. However, NH Lottery would not allow her to white-out her name, as they believed she was legally obligated to release her name under the state’s Right-to-Know law. Doe then filed a complaint at the Supreme Court.

The ensuing case boiled down to whether Jane Doe’s right to privacy outweighed NH Lottery’s government proceedings and the public’s right to transparency.

Through her lawyers, William Shaheen and Steven Gordon of Shaheen and Gordon, Doe recounted a long lineage of famous athletes, artists, and other distinguished New Hampshire residents.

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By the time Doe’s appeal was heard, the issue of whether the ticket with her name was subject to disclosure under RSA 91-A.1 was settled.

You can surmise by my continued usage of the name Jane Doe, the court ruled in her favor. Superior Court Judge Charles Temple ruled that she can keep her identity private — by claiming her winnings through a trust — but not her hometown.

Temple said Doe had met her burden of showing that her privacy outweighed the public’s interest in disclosing her name and that he had “no doubts whatsoever that should Ms. Doe’s identity be revealed, she will be subject to an alarming amount of harassment, solicitation, and other unwanted communications.”

Doe ended up establishing the Good Karma Family Trust of 2018, with Shaheen and Gordon as the trustees, to claim her winnings.

There are many reasons why a winner might choose to be anonymous, even if it’s just to avoid nagging phone calls from old friends and distant relatives who suddenly think you are the cat’s pajamas.

I just know one thing: I will be purchasing a Powerball ticket tonight, and if I end up winning…you’ll never know.

**In Memoriam** from page 17

peals for the First Circuit, and the United States Supreme Court. John began his legal career at the McLane, Graf, Raulerson, and Thomas Law Firm in Manchester. After a few years in Manchester, John moved to Hampton and began practicing with Al Casassa and Ryan. Never one for change, John went on to practice at Casassa and Ryan for more than 45 years until poor health forced him to retire. Even after all these years together, John still considered Al to be a mentor and cherished friend. He never forgot that Al gave him a chance when he was just a young lawyer with so much to learn.

While John would describe himself as a general practitioner, his true passion lay in real estate and land use law. He designed his career to developing and preserving real estate in New Hampshire. From decades spent representing and protecting the Wentworth by the Sea hotel, to evolving the use of conservation and easements to preserve the beauty of his beloved Granite State, John’s impeccable reputation is well known and his impact on New Hampshire real estate law will continue for years to come. John’s clients often became lifelong friends and he worked tirelessly to help his clients pursue their goals. In addition to serving his clients, John served his fellow bar members by volunteering for many years as a presenter at CLE courses across the state.

John was married to the love of his life, Barbara Ann, who he met on a blind date in Minneapolis while on Easter break from college. They married in 1969 and together they raised two incredibly lucky children, Meagan and Al. Theirs was a home full of love and tradition. John’s curmudgeonly exterior barely concealed a generous heart and great sense of humor. The homes of his family and friends are full of things he made—with calligraphy and woodworking of all kinds. He had endless knowledge of pens, inks, al phabets, woods, hand tools, power tools, sandpaper, stais, and the finer points of mortise and tenon joinery.

He is preceded in death by his wife, Barbara Ann, who he met on a blind date in Minneapolis while on Easter break from college. They married in 1969 and together they raised two incredibly lucky children, Meagan and Al. Theirs was a home full of love and tradition. John’s curmudgeonly exterior barely concealed a generous heart and great sense of humor. The homes of his family and friends are full of things he made—with calligraphy and woodworking of all kinds. He had endless knowledge of pens, inks, alphabets, woods, hand tools, power tools, sandpaper, stais, and the finer points of mortise and tenon joinery.

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High Quality, Cost-Effective CLE for the New Hampshire Legal Community

Have an idea for a CLE? Reach out to the Professional Development team or a member of the CLE Committee.

SEPTEMBER 2022

WED, SEP 21 – 9:00 a.m. – 4:00 p.m.
Chapter 11 Bankruptcy Practice in NH
• Webcast: 370 NHMCLE min., incl. 60 ethics

FRI, SEP 23 – 12:00 – 1:00 p.m.
The Ethics of Venting
• Webcast: 60 NHMCLE ethics min.

TUE, SEP 27 – 8:30 a.m. – 4:30 p.m.
2022 Emerging Leaders Summit
• Manchester • Institute of Politics, St. Anselm

WED, SEP 28 – 12:00 – 1:30 p.m.
At the Intersection of Law & Technology w/James Casey
• Webcast: 90 NHMCLE min.

THU, SEP 29 – 9:00 a.m. – 12:45 p.m.
The Long-Term Implications of Short-Term Rentals
• Webcast: 210 NHMCLE min.
• Concord • NHBA Seminar Room

OCTOBER 2022

FRI, OCT 14 – 8:30 a.m. – 1:30 p.m.
Appellate Advocacy 2022
• 255 NHMCLE min., incl. 60 ethics min.
• Concord • NHBA Seminar Room

TUE, OCT 18 – 12:00 – 1:00 p.m.
No More Eyes Wide Shut: Ethical Times Have Changed
• Webcast: 60 NHMCLE ethics min.

TUE, OCT 25 – 12:00 – 1:00 p.m.
Can a Lawyer...? What a Google Search Teaches about Ethics
• Webcast: 60 NHMCLE ethics min.

MON, OCT 31 – 9:00 a.m. – 4:30 p.m.
21st Annual Labor & Employment Law Update
• 360 NHMCLE min., incl. 60 ethics
• Concord • NHBA Seminar Room

NOVEMBER 2022

MON, NOV 7 – 9:00 a.m. – 4:30 p.m.
Federal Tax Update
Data Security
National Legislative Update/How to Work with the IRS
International Taxation
State & Multi-State Update
Section 678 BDOTs
Estate Planning Update & Multi-State Considerations
Register Now at www.nhscpa.org

TUE, NOV 8 – 12:00 – 1:00 p.m.
What “A Letter From a Birmingham Jail” Teaches about Inclusion in the Law
• Webcast: 60 NHMCLE min.

WED, NOV 9 – 9:00 a.m. – 12:30 p.m.
Bankruptcy & Municipalities in NH
• Webcast: 195 NHMCLE min.

WED, NOV 16 – 9:00 a.m. – 4:30 p.m.
Navigating the Healthcare World
• Concord • NHBA Seminar Room

Upcoming Webcasts

The Ethics of Venting
Friday, September 23, 2022 – 12:00 – 1:00 p.m. – 60 NHMCLE ethics min.
Talking about cases, clients, and the scope of your work as an attorney can have ethical ramifications. Attorneys from the Attorney Discipline Office and the NHBA’s Ethics Committee will discuss some of the Professional Rules tied to discussing your work with others, while providing tips to prevent disclosure and protect client confidences.

At the Intersection of Law & Technology w/James Casey
Wednesday, September 28, 2022 – 12:00 – 1:30 p.m. – 90 NHMCLE min.
This webinar covers legal and non-legal dimensions at the law/technology interface, including the U.S. Bill of Rights, algorithms, human choice and consent, and impacts upon broader American society.

Navigating the Healthcare World: Understanding the New Laws & Complex Healthcare System

Wednesday, November 16, 2022
9:00 a.m. – 4:30 p.m.
365 NHMCLE min.
NHBA Seminar Room, Concord

This full day seminar will address cutting edge developments in the health system focusing on recent changes that impact access to and delivery of care for both insured and uninsured patients. The program is geared for the non-healthcare lawyer who needs to understand and navigate the health care system to advocate for themselves, their families, and their clients.

Debra Dyleski-Najjar, Program Chair/CLE Committee Member, Najjar Employment Group, PC, North Andover, MA

Go to https://nhbar.inreachce.com/ for more details.

Co-sponsored with the NH Society of CPAs

40th Annual Tax Forum

Monday, November 21, 2022
8:00 a.m. – 4:15 p.m.
Grappone Conference Center, Concord

Federal Tax Update
Data Security
National Legislative Update/How to Work with the IRS
International Taxation
State & Multi-State Update
Section 678 BDOTs
Estate Planning Update & Multi-State Considerations

Register Now at www.nhscpa.org

LUNCH

LEARN

NEW HAMPSHIRE BAR NEWS

www.nhbar.org

SEPTEMBER 21, 2022
The Long-Term Implications of Short-Term Rentals

Short-term rentals are a controversial topic in most towns, especially small and resort communities. There are several ways to address this use, however, we have little guidance from the courts or the legislature to date. We will review what case law exists, as well as legislative acts and failures to act on the topic.

Who Should Attend?
Municipal and land use lawyers, as well as town officials interested in the topic.

Faculty
Laura Spector-Morgan, Program Chair/CLE Committee Member, Mitchell Municipal Group, PA, Laconia
Margaret M.L. Byrnes, NH Municipal Association, Concord
Jason D. Reimers, BCM Environmental & Land Law, PLLC, Concord

Chapter 11 Bankruptcy Practice in New Hampshire

Chapter 11 bankruptcy practice in New Hampshire from beginning to end, including the business problem, counseling the client, the new Sub-V cases, use of the 11 to sell a business, ethical issues, first day orders, plan confirmation, traps for the unwary and a discussion with Bankruptcy Judge Bruce A. Harwood and retired Bankruptcy Judge J. Michael Deasy.

Faculty
Edmond J. Ford, Program Chair/CLE Committee Member, Ford, McDonald, McPartlin & Borden, PA, Portsmouth
Christopher M. Candon, Sheehan Phinney Bass & Green, PA, Manchester
Eleanor Wm. Dahar, Dahar Law Firm, Manchester
Hon. J. Michael Deasy, US Bankruptcy Court (ret.)
Ann Marie Dirsa, Office of the US Trustee, Concord
Jeremy R. Fischer, Drummond Woodsum, Portland, ME
William S. Gannon, William S. Gannon, PLLC, Manchester
Hon. Bruce A. Harwood, Chief Judge, US Bankruptcy Court
James S. LaMontagne, Sheehan Phinney Bass & Green, Portsmouth
Jason Mills, BCM Advisory Group, Portland, ME
Lindsay Zahradka Milne, Bernstein Shur Sawyer & Nelson, PA, Portland, ME
Michael K. O’Neil, Rath, Young & Pignatelli, PC, Concord

Tuesdays with Stuart Teicher, The CLE Performer

No More Eyes Wide Shut: Ethical Times Have Changed
Tuesday, October 18, 2022 – 12:00 – 1:00 p.m. – 60 NHMCLE ethics/prof. min.
In this intriguing program, Stuart Teicher, Esq. (the CLE Performer) tells a tale involving drug dealers, money launderers, the ABA’s recent Opinion 491, the EU’s 6th Anti-Money Laundering Directive, and international corruption. In the end you’ll learn about the newly created responsibility for lawyers to ask questions about our client’s bad deeds.

Can a Lawyer…? What a Google Search Teaches about Ethics
Tuesday, October 25, 2022 – 12:00 – 1:00 p.m. – 60 NHMCLE ethics/prof. min.
Join Stuart Teicher as he explores the propriety of lawyer behavior as recommended by the recommendations of the Google search engine. Topics include: - Can a lawyer criticize a judge? Rule 8.2 - Can a lawyer represent a family member? Rule 1.7 - Can a lawyer drop a client? Rule 1.16.

What “A Letter from a Birmingham Jail” Teaches about Inclusion in the Law
Tuesday, November 8, 2022 – 12:00 – 1:00 p.m. – 60 NHMCLE min.
In 1963, Dr. Martin Luther King, Jr. was arrested in Birmingham, Alabama for violating the States’ law against mass public demonstrations. From his jail cell, Dr. King penned an important response to clergy-people who criticized the protest that got him arrested. Join the CLE Performer, Stuart Teicher, Esq., as he evaluates the text of that letter and explains how the content of that critical piece of correspondence can help lawyers improve inclusion in the practice of law.

For more information or to register, visit https://nhbar.inreachce.com
Developments in the Law 2022

This annual CLE seminar is a must for all practicing New Hampshire attorneys! This program offers a complete survey of important legal developments affecting New Hampshire practice.

Faculty
Corey M. Belobrow, Program Chair, Friedman Feeney, PLLC (of counsel), Concord
Tracey G. Cote, Shaheen & Gordon, PA, Concord
Thomas M. Closson, Jackson Lewis, PC, Portsmouth
Alyssa G. Garrigan, Ansell & Anderson, PA, Bedford
Timothy A. Gudas, Clerk of Court, New Hampshire Supreme Court, Concord
Christopher M. Johnson, NH Appellate Defender Program, Concord
Gregory A. Moffett, Preti Flaherty Beliveau & Pachios, PLLP, Concord
Thomas J. Pappas, Primmer Piper Eggleston & Cramer, PC, Manchester
William C. Saturley, Preti Flaherty Beliveau & Pachios, PLLP, Concord
Gregory A. Moffett, Preti Flaherty Beliveau & Pachios, PLLP, Concord

APPELLATE ADVOCACY 2022

Whether you regularly appear before the NH Supreme Court, or only occasionally handle an appeal in that Court, this is a must-see seminar. Program highlights will include a topical panel discussion and Q&A session featuring all five members of the New Hampshire Supreme Court, including Chief Justice Gordon J. MacDonald, Senior Associate Justice Gary E. Hicks, and Justices James P. Bassett, Patrick E. Donovan, and Anna Barbara Hantz Marconi.

Hear the latest insights on brief preparation, oral argument, motions practice, and the best practices for preservation of issues in lower courts from faculty members who, together, have briefed and argued hundreds of appeals, along with the Clerk of the Supreme Court.

Who Should Attend?
Attorneys in civil or criminal practice who regularly appear before the NH Supreme Court or only occasionally handle appeals will benefit. Even litigators who don’t do appeals will benefit from insights into best practices for preservation of issues. This program is not offered annually – it was last presented in 2019 – so don’t miss this rare opportunity.

For more information or to register, visit https://nhbar.inreachce.com

21st Annual Labor & Employment Law Update

This year’s seminar will address cutting edge developments in employment law over the past year focusing on recent agency and court decisions, new laws, and COVID’s impact on the workplace, benefit programs, and how we litigate. The program will address the latest developments in the law, including trends and developments which may have quietly gone under the radar, that confront workplaces as we emerge from the pandemic and the new administration has been working for two years on new agendas with new appointments. All faculty members have extensive practical and teaching experience in the labor, employment and benefits law fields and are members of the New Hampshire Bar. This fast-paced advanced program is designed as an update for attorneys with knowledge of labor, employment and benefits law.

Faculty
Debra Dyleski-Najjar, Program Chair/CLE Committee Member, Najjar Employment Law Group, PC, Andover, MA
Alexandra H. Claus, Downes Raschlin Martin, PLLC, Burlington, VT
Brooke L. Lovett Shilo, Upton & Hatfield, Concord
Jennifer Shea Moeckel, Cook Little, plc, Manchester
Julie A. Moore, CLE Committee, Employment Practices Group, Wellesley, MA
Jennifer L. Parent, McLane Middleton Professional Association, Manchester
James P. Reidy, Sheehan Phinney Bass & Green, Manchester
Nancy Richards-Stower, Law Offices of Nancy Richards-Stower, Yarmouth, ME
Talesha L. Saint-Marc, Bernstein, Shur, Sawyer & Nelson, PA, Manchester
K. Joshua Scott, Jackson Lewis, PC, Portsmouth
Kevin W. Stuart, Bernard & Merrill, Manchester
Mark M. Whitney, Whitney Law Group, LLC, Marblehead, MA

NH SUPREME COURT
Hon. Gordon J. MacDonald, Chief Justice
Hon. Gary E. Hicks, Senior Associate Justice
Hon. James P. Bassett, Associate Justice
Hon. Anna Barbara Hantz Marconi, Associate Justice
Hon. Patrick E. Donovan, Associate Justice

Doreen F. Connor, Program Co-Chair, Primmer Piper Eggleston & Cramer, Manchester
Theodore M. Lothstein, Program Co-Chair/CLE Committee Member, Lothstein Guerriero, PLLC, Concord
Jack P. Crisp, Jr., Program Co-Chair/CLE Committee Member, The Crisp Law Firm, PLLC, Concord
Anthony J. Galdieri, Solicitor General, NH Attorney General’s Office, Concord
Timothy A. Gudas, Clerk of Court, NH Supreme Court
Stephanie C. Hausman, NH Appellate Defender Program, Concord
Laura B. Lombardi, NH Attorney General’s Office, Concord
Laura Spector-Morgan, Mitchell Municipal Law Group, PA, Laconia
Elizabeth C. Woodcock, NH Attorney General’s Office, Concord

For more information or to register, visit https://nhbar.inreachce.com
Solar developers have much to gain, bees, farmers, and, of course, pollinators. This vegetation can benefit various groups, including solar developers, had no incentive to make the transition, but there are plenty of reasons to make the switch.

As its name suggests, pollinator-friendly solar is especially beneficial for pollinators. When populated with native vegetation, the land underneath a solar installation can become habitat and/or forage for pollinating insects, birds, and other small species. These pollinators, in turn, can help farmers by increasing pollination in the area leading to higher crop yields. Native vegetation can also keep topsoil in place and improve its health over time, which could be a huge asset to farmers if they decide to farm the land after the solar installation reaches the end of its life.

What is more, farmers and developers who decide to have pollinator-friendly solar installed on their farms can use it as a marketing opportunity. New Hampshire can support its pollinators and farmers in one action simply by providing support for pollinator-friendly solar.

New Hampshire would not be alone in rallying behind pollinator-friendly solar via legislation or other means. According to Fresh Energy, eight states have pollinator-friendly solar scorecards codified in state law: Illinois, Maryland, Michigan, Minnesota, Missouri, New York, South Carolina, and Vermont. Seven additional states—Indiana, Massachusetts, North Carolina, Ohio, California, Oregon, and Virginia—have published scorecards that are not state law. New Hampshire can look to these states, namely neighbors like Vermont and Massachusetts, for inspiration in crafting its own pollinator-friendly solar initiative.

Ideally, New Hampshire could pass legislation adopting a scorecard that would allow solar installations to be certified as pollinator-friendly. This would allow solar owners and operators to get official certifications from the state which they could then use for marketing. Plus, the state could prevent owners and operators from claiming to be pollinator-friendly without meeting certain standards. Aside from legislation, there are multiple avenues by which the Granite State could advance pollinator-friendly solar. A toolkit could be developed with best practices specific to New Hampshire, including information like favored and disfavored plant species. New Hampshire universities could also play a major role. For example, the University of New Hampshire Extension currently has a “Pollinator Garden Certification” that allows gardeners and landowners to certify their gardens as pollinator-friendly. A similar program could be developed for pollinator-friendly solar.

Local governments, nonprofits, and independent organizations could also start their own initiatives encouraging pollinator-friendly solar. Even attorneys who are regularly involved with solar projects can make a difference by learning about pollinator-friendly solar and passing information on to clients. The best way to advance pollinator-friendly solar in New Hampshire is through collaboration between the legislature, state agencies, universities, municipal governments, non-profits, independent organizations, attorneys, farmers, agriculturalists, scientists, activists, and other interested parties who see the value in combining solar power and pollinator power.

Solar is on the rise with approximately two million acres of utility-scale solar expected in the United States by 2030. In New Hampshire specifically, solar has grown significantly in the past decade and is expected to continue to do so going forward. Meanwhile, pollinator populations in the state are on the decline. In fact, recent research by the University of New Hampshire found a “drastic decline” in 14 New Hampshire wild bee species. Now—before solar truly takes off in the state—is the time to push for pollinator-friendly solar. In a small state like New Hampshire, maximizing land use is critical and pollinator-friendly solar provides the perfect opportunity to put land to more than one productive use at the same time.

Amy Manzelli and Timothy Kopczynski are attorneys at BCM Environmental and Land Law, PLLC, where they practice out of the Concord, NH office. The legal team at BCM practices environmental, conservation, and land law throughout New Hampshire and Maine.

By Amy Manzelli and Timothy Kopczynski

Bees have become an unofficial mascot for the environment. With “Save the Bees” coming into widespread use, people are looking beyond the stinger to appreciate the important work the tiny yellow insects do for agriculture and the environment. Likewise, solar panels dot more of the landscape and rooftops. At first blush, solar panels and bees appear to have little in common. Pollinator-friendly solar, however, creates a symbiotic relationship between ground-mounted solar panels and pollinators and can help to further multiple environmental aims at once. Many states have already passed legislation encouraging pollinator-friendly solar and several others have supported the trend by other means. Given its rich environmental and agricultural resources, New Hampshire is a perfect candidate to join the pollinator-friendly solar movement.

Standing alone, solar panels provide one environmental win; they produce renewable energy and thereby reduce greenhouse gas emissions. There is no reason to stop there when multiple concurrent wins can be achieved by simply utilizing the untapped potential underlying solar panels. Normally, when ground-mounted solar panels are installed, the land beneath the panels is cleared and replaced with gravel or turf grass. With pollinator-friendly solar, the topsoil is maintained, and native vegetation is seeded or planted after the panels are erected. According to the United States Department of Energy’s Solar Energy Technologies Office, “studies have shown how native plants can thrive under and near solar installations,” namely low-height species. This vegetation can benefit various groups, including solar developers, farmers, and, of course, pollinators.

Solar developers have much to gain by leaving behind gravel and turf grass for native vegetation. For example, the plants can help the panels produce more energy. Solar panels operate more efficiently in cooler conditions which native vegetation can create via ground shading and increased evaporation. Dust and soiling that reduce the productivity of solar panels can also be mitigated by underlying vegetation anchoring the soil in place. Additionally, opting for native vegetation can create cost savings for developers. Initial costs decline because the topsoil does not need to be removed from the site and ongoing maintenance costs can be reduced because native vegetation typically does not require as much mowing or spraying. Pollinator-friendly solar could have trouble getting off the ground in New Hampshire if solar developers had no incentive to make the transition, but there are plenty of reasons to make the switch.

As its name suggests, pollinator-friendly solar is especially beneficial for pollinators. When populated with native vegetation, the land underneath a solar installation can become habitat and/or forage for pollinating insects, birds, and other small species. These pollinators, in turn, can help farmers by increasing pollination in the area leading to higher crop yields. Native vegetation can also keep topsoil in place and improve its health over time, which could be a huge asset to farmers if they decide to farm the land after the solar installation reaches the end of its life.

What is more, farmers and developers who decide to have pollinator-friendly solar installed on their farms can use it as a marketing opportunity. New Hampshire can support its pollinators and farmers in one action simply by providing support for pollinator-friendly solar.

New Hampshire would not be alone in rallying behind pollinator-friendly solar via legislation or other means. According to Fresh Energy, eight states have pollinator-friendly solar scorecards codified in state law: Illinois, Maryland, Michigan, Minnesota, Missouri, New York, South Carolina, and Vermont. Seven additional states—Indiana, Massachusetts, North Carolina, Ohio, California, Oregon, and Virginia—have published scorecards that are not state law. New Hampshire can look to these states, namely neighbors like Vermont and Massachusetts, for inspiration in crafting its own pollinator-friendly solar initiative.

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The Urgency of the Climate Crisis

By Gregory H. Smith and Vigo C. Fish

The importance of climate change – its causes and effects – has been the subject of serious public discussion for at least three decades. During that time, our ability to measure and model climate change, and evaluate and predict its consequences, has produced an increasingly clearer understanding of the existential threat it presents to life as we know it on this planet. Although unacceptable, anthropogenic contributions to what looks increasingly like a “slow-motion train wreck” have been beyond serious question for years. The urgent necessity of a collective effort on an unprecedented scale to regard the overwhelming scientific consensus that puts this necessity beyond dispute. The Kyoto Protocols in 1992 set the nations of the world on the path of essential cooperation. Since then, 18 nations have met those Kyoto targets. However, the long-term repetition of warnings has numbed some to the enormity of this problem and its associated dire predictions.

In 2015, nearly every country, including the United States, joined the Paris Climate Accords. Since then, greenhouse gas (GHG) emissions that cause global warming have increased significantly, although the rate of increase was lower between 2010 and 2019 than the previous decade. Consider that the global emissions of CO₂ in 2021 were approximately 40 gigatons (Gt). A gigaton is one billion tons. On our current path, the worldwide total GHG emissions will be 50 percent greater, or 60 Gt per year. If we do not more to restrain the generation of CO₂ and other GHGs that result primarily from combustion of fossil fuels and emissions by industry, transportation, forestry, agriculture, and land use changes, we can expect increasingly devastating changes in the climate. These events include highly destructive flooding and drought, crop failures including the destruction of food supply, rise in sea level that will inundate coastal zones, and the submerging of major cities. This would cause a mass migration of an estimated 140 million people, with concomitant violence, political instability, and conflict. Indeed, in December 2021, the US Department of Defense published its plan for dealing with these unacceptable threats to national security. Department of Defense Climate Risk Analysis, October 2021.

The average surface temperature of the earth has increased about 1°C since the beginning of the Industrial Revolution in 1850. There is a worldwide scientific consensus supporting the conclusion that we must take steps immediately to prevent that increase rising above 1.5 - 2°C. If we continue to do as we have, global warming is projected to reach or overshoot 3.2°C resulting in catastrophic conditions for the natural environment, humanity, and civilization.

In Massachusetts et al. v. Environmental Protection Agency, et al., 549, U.S. 497 (2007), the Court recognized that the federal Clean Air Act authorizes the US EPA to regulate carbon dioxide and other GHGs. The scientific community and the federal government had “reached a ‘strong consensus’ that global warming threatens (among other things) a precipitate rise in sea levels by the end of the century…” Somewhat ironically, the Court has gone out of its way to reject the EPA’s use of a vital, widely accepted tool to protect human health and the environment from climate change. This amounts to an advisory ruling on the 2015 Clean Power Plan (CPP) regulations that never went into effect and are being replaced by the current administration. The Court injected itself into this highly technical subject delegated by Congress to an agency equipped to handle it by issuing a stay immediately after the CPP adoption seven years ago. This was before a challenge to it had been heard by the lower courts, something the Court had never done before. The CPP will never be enforced and is undergoing a fulsome revision by the EPA. Yet, the Court announced a new doctrine to alter the settled standard of administrative review that should have caused the Court to defer until the agency had an opportunity to complete its work on such an enormously important matter. But, despite the Court’s activism displacing the Congress and Executive Branch by making itself the decision maker on the existential threat of climate change, progress is being made.

We know what must be done about climate change and why, but an effective action-producing consensus has been too slow to develop in our country and only now seems to be gaining traction. The Inflation Reduction Act signed by the President this month is by far the largest, most comprehensive effort ever adopted in this country to confront the perils of climate change. It will accelerate the transformation already underway in our economy from fossil fuel energy production to low and zero emission technologies, such as battery, solar, and wind systems, and stimulate development of essential new technologies. It also amended the Clean Air Act granting additional authority to the EPA to address the crisis.

In the face of this problem of unique scale and effect, requiring concerted action around the globe, it is understandable that the prospect is daunting to individual citizens left to wonder what they can do about it. Yet, in several ways this crisis is producing both recognition and reaction at the
New Federal Law Addressing Climate Change May Help Reduce NH Energy Costs

By Thomas S. Burack

On August 16, 2022, President Biden signed into law the Inflation Reduction Act, Public Law No. 117-169, which includes a full battery of financial incentives and direct financial support designed to hasten the nation’s transition to a clean energy economy. The guiding vision of the Act is to reduce the use of fossil fuels such as natural gas, coal, and oil for electrical generation and transportation by increasing the supply of renewable energy and incentivizing the electrification of the nation’s cars and trucks, homes, offices, and factories.

Many of the law’s provisions will sunset after approximately a decade, in the expectation that by that time both energy producers and consumers will be moving inexorably toward greener practices. In New Hampshire, where homeowners and businesses currently face some of the nation’s highest electricity costs, these provisions are expected to be of particular import. The state’s entire Congressional delegation supported the legislation and touted the potential for its clean energy incentives to help Granite State homeowners, communities, businesses, and nonprofits lower their energy costs. Because wind and solar power are already often the most efficient. A handy summary and calculator of the law’s impact on our climate and energy-intensive products such as steel, cement, and chemicals could be eligible for a new $6 billion program to help reduce their reliance on imported clean energy technologies. The law provides production tax credits for the construction of domestic manufacturing facilities for clean energy generation technologies, the law provides production tax credits of $4,000 for low- and middle-income consumers to purchase used electric vehicles (EVs), and $7,500 for the purchase of new EVs. New grant and loan programs aim to help businesses cut their vehicle fleet emissions by transitioning to electric and fuel-cell powered vehicles, and include $1 billion for clean heavy-duty vehicles, such as school and transit buses, and garbage trucks. The US Postal Service will receive $3 billion to purchase zero-emission mail delivery vehicles. To help boost US domestic manufacturing of EVs, $2 billion in grants will be given to help retain existing vehicle manufacturing plants to produce EVs, and $20 billion in loans attempt to incentivize the construction of new plants to build EVs in the United States. Other grants and tax credits will support the development of domestic biofuels for aviation use.

To promote a rapid increase in the supply of electricity generated by clean sources, as well as utility-scale battery systems to store electricity for use during peak demand times, the law replaces existing energy tax credit programs with new clean electricity production and investment tax credit programs. For example, wind and solar energy projects will be eligible for 30 percent investment tax credits, with bonuses for projects located on brownfield sites or in low-income communities. The law also provides $30 billion in grants and loans to states and electric utilities to accelerate the transition to clean electricity. This includes transmission system upgrades that will make it easier to move electricity long distances, from mid-continent wind farms or desert-based solar farms to the cities and industries where it is needed.

Additionally, to help prevent overreliance on imported clean energy technologies, the law provides production tax credits of $30 billion to accelerate domestic manufacturing of solar panels, wind turbines, batteries, and critical mineral processing (including lithium). To help promote construction of domestic manufacturing facilities for clean energy generation and storage equipment, the law provides investment tax credits totaling $10 billion.

Existing US-based plants producing energy-intensive products such as steel, cement, and chemicals will be eligible for new $6 billion program to help reduce their greenhouse gas emissions. The law also provides $27 billion for a clean energy deployment accelerator to support emissions reductions technologies, especially in disadvantaged communities. Grants, such as the $3 billion program to reduce air emissions at the nation’s ports, were introduced to help reduce pollution and associated health impacts in neighboring communities. A methane emissions reduction program aims to reduce leaks from natural gas production and distribution systems.

The law also provides incentives for resource management techniques that will sequester carbon, including $20 billion to promote the adoption of climate-smart agricultural practices, no-till farming (and drip irrigation), and $5 billion in grants to support healthy, fire-resilient forests, forest conservation, and urban tree planting. Another $2.6 billion in grant money will go toward conserving and preserving coastal habitats and increasing climate resilience in coastal communities.

Aiming to bolster the EPA’s legal authority to address climate change, the law amends the Clean Air Act by adding new sections on clean vehicles, greenhouse gas emissions, and port pollution. Importantly, the term “greenhouse gas” now effectively falls within the Clean Air Act’s definition of an “air pollutant” and includes carbon dioxide, methane, nitrous oxide, and three manmade industrial chemicals known to contribute to global warming.

Taken together, over the course of the next 10 years, if these major investments and incentives work as envisioned by their authors, New Hampshire’s greenhouse gas emissions will have been reduced substantially and Granite State taxpayers will be saving on their monthly energy bills. The full extent of the law’s impact on our climate and energy prices remains to be seen. Granite Staters’ willingness to take advantage of this new funding and adopt clean energy sources and technologies in their homes, workplaces, and means of travel will no doubt have an impact on the law’s success in the state. Lawyers will have important roles to play as advisors to those seeking to heed this call. enactment of this landmark law represents a pivotal moment in the nation’s and the world’s attempt to transition to a clean energy economy. Now the vital work of implementation begins.

Tom Burack is a member of the Environmental and Energy Law Practice Group at Sheehan, Phinney, Bass, and Green, and serves as Commissioner of the NH Department of Environmental Services from 2006 through 2016.


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New Hampshire BAR News

September 21, 2022

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What’s New in Environmental Law

Offshore Wind: It’s Coming...Probably?
Annie Rpeeik, Spectrum News
Mark Sanborn, Assistant Commissioner; NH Department of Environmental Services
Attorney Rebecca S. Walkley, McLane Middleton, Professional Association

New England Process 2019 to Now:
In January 2019, Governor Chris Sununu requested the Gulf of Maine Intergovernmental Renewable Energy Task Force be established by the Bureau of Ocean Energy Management (BOEM). It includes New Hampshire, Massachusetts, Maine, and all federally recognized Tribes in the Gulf of Maine Region. In March 2021, the Biden Administration announced their commitment to use federal funding and its federal regulatory authority to support their call for the deployment of 30 gigawatts (GW) of offshore wind in the United States by 2030. In February of this year, the NH Department of Environmental Services and the NH Department of Energy released a report on greenhouse gas emissions and port and transmission infrastructure in New Hampshire as it relates to the potential for offshore wind in the Gulf of Maine. Currently, relevant NH state agencies are conducting a six-month stakeholder engagement effort to discuss their questions, priorities, and concerns as it relates to BOEM’s siting and leasing process for the Gulf of Maine and the mapping efforts that are part of this process. Nationally, BOEM is developing compensatory mitigation guidance and engaging with Special Initiative on Offshore Wind, a non-profit organization focused on supporting efforts to develop offshore wind in the United States.

For the most part, onshore wind in New Hampshire has been subject to review by the New Hampshire Site Evaluation Committee (SEC) pursuant to RSA 162-H and the implementing regulations, including Granite Reliable Wind Farm, Groton Wind, Lempster Wind, and Antrim Wind.

Environmental Justice: Lead as a Case Study
Attorney Kerstin B. Cornell, NH Legal Assistance
Attorney Heidi H. Trimarco, Conservation Law Foundation

Lead poisoning is the top environmental health hazard for children in the United States. Children in New Hampshire are at a particularly high risk due to the age of the housing stock in the state. Over 62 percent of homes were built before the interior use of lead paint was banned in 1978. Though lead in water often gets more attention, at least in part due to the Flint water crisis, most children in the Granite State are poisoned by lead in homes. Sometimes this is because of families doing renovations without using proper lead paint controls, sometimes this is because of families doing renovations without using proper lead paint controls, and sometimes this is because of families doing renovations without using proper lead paint controls.

WHAT’S NEW continued on page 27
The UNH Environmental Law Society is Growing and Seeks Participation

By Brandon Latham

New Hampshire is known for its ski slopes and fall foliage. Two of its major industries are agriculture and tourism. It has extensive freshwater systems and an ocean coastline. It is nearly one-third federal public land, most of that being White Mountain National Forest, and is the second-most forested state in the country. According to some, it houses the second-most hiked mountain in the country. All the while, it is becoming a destination for our members, speakers for our classes, and training exercises. This practice resulted in substantial quantities of AFFF spread across the ground at these sites, allowing the PFAS in the product to enter the soil, surface water, and eventually, the groundwater.

Multidistrict Litigation Suit for PFAS Contamination Gains Momentum

By Ashley B. Campbell

Bellwether Trial Date Set for April 2023

Injured parties across the United States have joined a multidistrict litigation (MDL) seeking recovery for harm caused by per- and poly-fluoroalkyl substances (PFAS) from aqueous film-forming foam (AFFF). These chemicals have been used to extinguish chemical or petroleum fires at thousands of locations across the country, such as military bases, airports, and industrial facilities. By and large, these cases have emerged, to a large extent, from contamination resulted from using AFFF to fight actual oil or chemical fires. Instead, most of the plaintiffs in the MDL trace the contamination to the repeated use of AFFF by firefighters and military personnel to conduct training exercises. This practice resulted in substantial quantities of AFFF spread across the ground at these sites, allowing the PFAS in the product to enter the soil, surface water, and eventually, the groundwater.

Regulatory Changes are Tightening the Exposure Levels to PFAS

Federal interest in more stringently regulating PFAS has increased significantly over the past year. On October 18, 2022, the Environmental Protection Agency (EPA) released its PFAS Strategic Roadmap, which sets timelines to take specific actions for regulating 29 PFAS substances. On June 15, 2022, the EPA announced new health advisories for the two most commonly found forms of PFAS, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), to 0.004 parts per trillion (ppt) and 0.02 ppt, respectively. The updated advisory levels (previously 70 ppt for PFOA and PFOS) are based on new science recognizing health risks associated with exposure to PFOA or PFOS in drinking water at near-zero concentrations. Considering that these chemicals bioaccumulate, meaning the body’s tissue absorbs the substance faster than it is eliminated, the continued effect over time is troubling. Health concerns over PFAS exposure are by no means new. In 2006, for example, an independent science panel that had spent six years studying the effects of PFOA linked the chemical to kidney cancer, testicular cancer, thyroid disease, high cholesterol, ulcerative colitis, and precancerous skin tumors. Such and other PFAS-related health issues have continued to be bolstered by more recent research. New EPA studies published in 2022 indicated that children with previously considered low levels of PFAS in their blood were not responding to sovereign childhood vaccinations. So, it is not entirely surprising that the new advisories set a safer level of PFOA by more than 17,000 times.

A health advisory is not an enforceable regulation, unlike a maximum contaminant level (MCL). However, the EPA itself has announced its plan to issue proposed national MCLs for PFOA and PFOS by the end of 2022, and to finalize those MCLs by the end of 2023. These national MCLs would apply more broadly and take precedence over the higher MCLs that have been set by individual states. Water systems that exceed a regulatory limit are required to install treatment measures to reduce contaminant concentration below the MCL.

Bellwethers Selected and Trial Date is Set

The MDL was formed in December 2018 and is being heard in the Federal District Court for the District of South Carolina. As of April 2022, approximately 2,500 cases were pending. Such a large number of cases is the result of PFAS-related health issues have continued to be bolstered by more recent research. New EPA studies published in 2022 indicated that children with previously considered low levels of PFAS in their blood were not responding to sovereign childhood vaccinations. So, it is not entirely surprising that the new advisories set a safer level of PFOA by more than 17,000 times.

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The court has selected the water provider cases as bellwether cases, meaning those cases will be tried first, as test cases, assessing liability theories against these manufacturers and establishing a method of damages calculation. A pool of 10 bellwether water provider cases were originally identified, and they were whittled down to three most representative cases through negotiation between the parties. Those three municipalities are: Ayer, Massachusetts; Sioux Falls, South Dakota; and Stuart, Florida. The bellwether water provider cases are now in the expert discovery phase, with expert witness deposition orders underway and pretrial motions to begin in the fall. A trial date is currently scheduled for April 2023.

Current Issues in MDL-2873

One of the key issues pending before the MDL court is whether manufacturing defendants are entitled to rely on the government contractor defense, which allows non-governmental defendants to utilize government defense motions for partial summary judgment. The court expected to rule on the defendants’ government contractor defense, but the bellwether cases are scheduled to be heard. These important cases are all happening at a time when the public’s understanding of the adverse health effects of PFAS exposure is increasing every day, and government regulations of the chemicals is tightening.

Conclusion

After several years of extensive pretrial litigation, the next few months are likely to be significant for the MDL and the thousands of cases consolidated there. Not only is the court expected to rule on the defendants’ government contractor defense, but the bellwether cases are scheduled to be heard. These important cases are all happening at a time when the public’s understanding of the adverse health effects of PFAS exposure is increasing every day, and government regulations of the chemicals is tightening.

Ashley Campbell is an attorney at SL Environmental, Telecomm, Utilities & Energy Law Group and is representing 80 water providers, property owners, personal injury plaintiffs, and the sovereigns (states, territories, and tribes).

Gregory H. Smith is chair of McLane Middleton’s Administrative Law Department and Environmental Practice Group. He has over 40 years’ experience in environmental and regulatory law and litigation involving federal and local governments. His practice involves representation of our clients in permitting, enforcement and litigation matters arising under all the major federal and State environmental laws.

Viggo C. Fish is a member of McLane Middleton’s Administrative Law Department where he maintains a diverse environmental and energy regulatory and litigation practice. His practice involves representation of clients in energy and environmental permitting, including permitting of energy facilities before the New Hampshire Site Evaluation Committee, environmental enforcement and litigation, and energy counseling involving the broad range of State, federal, and local environmental laws.

Climate from page 23

Regional and local level. For too long, land use planning has failed to account for climate change, and has allowed the proliferation of unconsidered, impervious surfaces exacerbating the risks. Now, regional land use planning, policy, and its implementation are adjusting. An adaptation framework that hardens the infrastructure is being hardened against extreme flooding events and that effort is underway. The New Hampshire Municipal Association is disseminating guidance for this challenge to New Hampshire’s 234 cities and towns.

It has been noted by others that the recent seven consecutive dry years in New Hampshire are the hottest in recorded history over 100°F may be regarded 20 years from now as “the good old days.”

What will be the answer when those who will ask us what we did about the impending climate crisis was before it too late?
Children's blood lead levels (BLL) are covered by insurance to same as “any other injury or illness, consistent with the childbirth across the state,” or a parent can choose to opt out of having their child tested. Testing for elevated blood lead levels (EBLL) that exceeds five micrograms per deciliter (mcg/dL) triggers an investigation by DHHS. RSA 130-A:6-a, II (a). The law sets forth specific protections for tenants, but they come with limits.

**Drinking water:** Though second-ary to lead paint, lead in drinking water still contributes to lead poisoning. Public data is widely available for lead in drinking water for schools and childcare programs. See the following link for testing data. [https://www.des.nh.gov/water/drinking-water/lead/schools-and-child-care-programs/view-results](https://www.des.nh.gov/water/drinking-water/lead/schools-and-child-care-programs/view-results).

**Stormwater Utility:**

**What, Why, and How?**

**Renewable Energy Facility Siting**

4/30/2021 – 60 NHMCLE min. This program provides a general overview of state and local requirements for siting renewable energy facilities in New Hampshire and demonstrates permitting paths through case studies of recently approved solar energy projects.

**OSHA & Environmental Compliance Inspections – Now & Later**

5/8/2020 – 60 NHMCLE min. This program provides general guidance and practice tips on minimizing employer liability as it relates to health, safety and environmental compliance resulting from government inspections, along with relevant regulatory updates on COVID-19.

**The Importance of the State-Owned & Private Oil Sector for Successfully Implementing the Energy Transition**

7/19/21 – 60 NHMCLE min. This discussion addresses the general challenges and potential policy, financial, and legal strategies to overcome them, including modernizing fiscal regimes, fostering private investment, and enhancing job creation, among others. (from the Rocky Mountain Mineral Law Foundation).

**Climate Change & the Voiceless: Protecting Future Generations, Wildlife & Natural Resources**

2/25/21 – 90 NHMCLE min. This program identifies the common vulnerabilities of the voiceless in the Anthropocene era and demonstrates how the law, by incorporating principles of sustainable development, can evolve to protect their interests more effectively. (From the State Bar of Arizona)
Circuit Court Judge Susan B. Carbon was recently appointed by the American Bar Association (ABA) President, Debo rah Enix-Ross, to serve on the ABA Commission on Domestic and Sexual Violence for 2022-23. This appointment follows Judge Carbon’s 30-year career working to improve how court systems and communities respond to cases involving domestic violence, sexual violence, and stalking in New Hampshire, across the country, and internationally.

First appointed to the New Hampshire bench in 1990, Judge Carbon led the New Hampshire Bar Association (NHBA) as President from 1993 to 1994. During her tenure, she chaired the state’s first Multidisciplinary Conference on Domestic Violence. This partnership between the Bar Association, the court system, and the New Hampshire Bar Foundation, was recognized when New Hampshire received the ABA’s Partnership Award for Public Service in 1995. Also in 1995, Judge Carbon was invited to provide testimony to the ABA Commission on Domestic and Sexual Violence at their inaugural meeting, along with then-Senator Joe Biden. She presented on the results of the first series of public hearings held in New Hampshire when the Governor’s Commission on Domestic Violence, Sexual Assault, and Stalking was created.

In 2010, Judge Carbon was appointed by President Barack Obama to the role of Director of the Office of Violence Against Women (OVW) at the US Department of Justice. After serving for two years, she returned to the bench in New Hampshire and was reappointed to the bench.

Judge Carbon is currently a member of the Firearms Technical Assistance Project, a partnership between the OVW and the National Council of Juvenile and Family Court Judges. The project provides consultation to six national jurisdictions on the handling of firearms issues that are related to domestic violence. In 2020, Judge Carbon received the ABA Commission’s Honorable Judith Kaye Award for Judicial Excellence for her contributions to the field of domestic violence.

“We are delighted to have such an esteemed jurist on the commission,” said Maricarmen Garza, Chair of the ABA Commission on Domestic and Sexual Violence.

Bernard & Merrill of Manchester (Gary S. Harding on the brief and orally), for the plaintiff. John M. Formella, attorney general and Anthony Gallieri, solicitor general (John F. Brown, attorney, on the brief and orally) for the State.

NEW HAMPSHIRE BAR NEWS

Insurance Liquidation

In the Matter of the Liquidation of The Home Insurance Company, No. 2021-0211

Affirmed and Remanded

• Whether the Superior Court acted in its discretion in granting the Liquidator’s Motion for the Claim Amendment Deadline

This interlocutory appeal challenged the superior court’s discretion in granting the motion of the Insurance Commissioner of the State of New Hampshire, as Liquidator (Liquidator) of the Home Insurance Company (Home), for the Claim Amendment Deadline. Appellant, Zurich Insurance plc German Branch, opposed the motion amending the Claim Amendment Deadline. Policyholders Bridgestone Americas Tire Operations, LLC, Eli Lilly and Company, ViacomCBS Inc., and the Archdiocese of Saint Paul and Minneapolis Settlement Trust (Policyholders) submitted a brief in favor of the Claim Amendment Deadline.

Home is a New Hampshire insurance company which wrote domestic and international insurance and reinsurance policies. Home experienced financial difficulties and stopped writing new lines of personal and business insurance in the 90s. By 1995, Home had stopped writing almost all lines. In 2003, Home was declared insolvent and the Liquidator was appointed to administer and collect Home’s assets for distribution to Home’s creditors. The Order of Liquidation established a 2004 deadline for filing claims. Claimants may update such proofs of claim after the June 13, 2004, deadline until the date of the Claim Amendment Deadline, which the Liquidator proposes to be established 150 days after the date of the last publication of the claim amendment notice.
from the trial court's final order. Home held memberships and various agreements whereby it reinsured certain insurance companies' risks, including appellant Zueich.

In August 2019, the Liquidator moved for approval of the Claim Amendment Deadline for the submission or amendment of claims. The effect would be to require claimants to identify all claims so that they may be determined, after which the final distribution percentage can be calculated and the final distribution paid. Claims not identified by the Claim Amendment Deadline will be barred. The Liquidator contended that this was necessary to move the proceeding to closure and protect the interests of creditors with certain allowed claims. The Liquidator contended that this was supported by five factors. Zurich objected and argued that the proposed deadline fails to strike the "reasonable balance" required by RSA 402-C:46, 1. Zurich further argued that this would cut off Zurich's ability to submit claims that were previously incurred but not yet reported and that the Liquidator should be estopped from imposing the deadline because it was at odds with other deadlines under the Member-ship agreement, Zurich's settlement with Home, and the Scheme of Arrangement entered into to implement the membership agreement.

The Court upheld the trial court's decision and noted that the record established an objective basis to sustain the trial court's discretionary judgment that the Claim Amendment Deadline assures a reasonable balance between the expeditious completion of the liquidation and the protection of the unliquidated and undetermined claims as required by statute.

McLane Middleton, of Manchester (Mark C. Rouvalis and Viggo C. Fish, on the brief), and Freeborn & Peters, of Chicago, Illinois (Joseph T. McCullough, IV, on the brief and Peter B. Stieffen on the brief and orally), for the appellant. John M. For-
mella, attorney general (J. Christopher Marshall, assistant attorney general, on the brief), and Rachmann, Sawyer & Brew-
ster, of Beverly, MA (Eric A. Smith and Marshall C. Fitzgerald, on the brief), for the State. Anthony J. Naro, assistant appel-
late counsel to represent indigent parties in cases (pro se), that the

Supreme Court Orders

In an effort to address the lack of available
counsel to represent indigent parties in cases
templated by Supreme Court Rules 47 and 48, the Supreme Court authorizes inactive sta-
tus attorneys who elect a status with the New Hampshire Bar Association of Limited Active to accept assigned, contract and pro bono cases for the purpose of representing such indigent parties, provided that the attorney's license to practice law has not been suspended. Any court rule, Rule of Professional Conduct, or provision of the New Hampshire Bar Associa-
tion’s Constitution or Bylaws regulating the unauthorized practice of law shall not apply to such representations while this Order remains in effect.

The Bar then, for attorneys who limit
their practice of law to the performance of this service pursuant to this Order will remain at the Limited Active rate and any mandatory continuing legal education (NHMCLE) and Trust Account Certificate requirements shall be waived in any year during which a practition-
er has accepted no less than three indigent client cases. The Judicial Council and the trial courts will administer the appointment of such attorneys to califying criminal cases and the Judicial Council shall identify and report the names of each participating practitioner as they enter the panel, but no later than April 1 of each year, to the Bar Association’s Member Records Coordinator.

To address the lack of counsel in the provision of civil legal services, the Supreme Court authorizes the waiver of mandatory

ORDERS continued on page 30
Evidence was the fruit of an illegal seizure. The defendant argued, and the State did not counter, that he was seized at the very least when the passenger was ordered to exit the vehicle. The defendant argued that at that point, no reasonable person would have felt that they were free to leave. Further, the Court noted that in this case the defendant did not seize the argument of the defendant’s seizure, but they did not set forth reasonable, articulable suspicion to justify such a seizure. Instead, the State argued that the investigatory stop was not impermissibly expanded or prolonged. The State argued that the police asked the defendant about the rifle case based on their reasonable and articulable suspicion that he was a felon in possession of a deadly weapon.

On appeal, the defendant argued that the trial court erred by ruling that the defendant was not seized before the police observed the rifle case. The Court agreed and observed that the circumstances surrounding the incident objectively communicated to the defendant that his compliance with the officer’s request was compelled. The Court noted that the officer possessed reasonable and articulable suspicion that he was an armed individual with a deadly weapon.

The State filed three juvenile delinquency petitions against the respondent in the family division, charging him with one count of pattern aggravated felonious sexual assault, one count of felonious sexual assault, and one count of indecent exposure. At the time of the filing of the petitions, the alleged victim was six years old, and the respondent was thirty-one years old. The respondent is presently twenty years old. After the filing, the State petitioned to certify the respondent as an adult and transfer the case to the superior court. The family division granted this petition after an evidentiary hearing and transferred the case to the superior court. The family division found that the juvenile petition was supported by a preponderance of the evidence that transfer was appropriate. The State then petitioned the superior court to accept the transfer which was ultimately denied after COVID-19 delays.

The superior court remanded the matter to the family division for rehearing and ruled that there was no probable cause to support the State’s petition and the family division committed plain error in applying the presumption in favor of transfer of the record. On remand, the respondent disputed the jurisdiction of the family division to reconsider the certification issue. Ultimately, the family division accepted jurisdiction, and the respondent filed an interlocutory appeal challenging the family division’s jurisdictional order. Thereafter, pursuant to Supreme Court Rule 11, the State petitioned this court for a writ of certiorari to review the superior court’s denial of transfer. The respondent objected, arguing that the State’s petition was untimely.

The Court concluded that the State’s Rule 11 Petition for Original Jurisdiction was timely and observed that it must be filed within a reasonable period of time following the superior court’s decision.

The Court further noted that the State had shared the reservations expressed by the superior court regarding the lack of probable cause for the AFSA petition, however, it observed that a hearing conducted pursuant to RSA 169-B:24, must be limited to the question of transfer to the superior court and may not be adjudicatory.

The Court concluded that the record supports, by a preponderance of the evidence, the family division’s finding that, on balance, the factors listed in RSA 169-B:24-I, favored transfer.

John M. Formella, attorney general (Anthony J. Galdieri, solicitor general, on the brief and orally), for the State. Kirsten B. Wilson, of Portsmouth, for the respondent.

Orders from page 29

Orders from page 29 continuing legal education (NHICLE) and Trust Account Certificate requirements for those attorneys with Limited Active status who volunteer pro bono service through 603 Legal Aid, NH Legal Assistance (NHLA), and Disabilities Right Center-NH (DRC). Those attorneys are strongly encouraged to volunteer for approved civil legal services through one of the above-named legal services agencies for a minimum of 40 hours annually. The Executive Director of each legal services provider will report the names of all qualifying attorneys by the April 1 deadline.

Issued: August 10, 2022 ATTEST: Timothy A. Gudas, Clerk Supreme Court of New Hampshire

R-2022-0002, In re Suggested Amendments to Supreme Court Rules 47, 48, and 48-A Advisory Committee on Rules Chair, Justice Patrick E. Donovan, received a proposal from the Judicial Council to amend Supreme Court Rule 47 to increase the maximum counsel fees and expenses in which assigned counsel is appointed to represent indigent criminal defendants. Justice Donovan referred the proposal directly to the supreme court pursuant to Supreme Court Rule 51(f) (Special Cases). Upon review of the proposal, the court sought additional input from the Judicial Council to determine whether Supreme Court Rules 48 and 48-A should be amended to reflect similar increases.

On or before September 15, 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-2022-0002. 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: rulescomment@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 amendment to Supreme Court Rule 47 and its background may be found in docket # 2022-0002 on the webpage of the Advisory Committee on Rules, which is available at: https://www.courts.nh.gov/resources/court-rules. The supreme court is requesting comment on the suggestions to amend the following rules:

I. Supreme Court Rule 47 – Counsel Fees and Expenses—Indigent Criminal Cases

This proposal applies for and proceedings in all courts in which assigned counsel is appointed to represent indigent criminal defendants. It would increase the maximum compensation and expense reimbursement that may be approved by the court in cases in which counsel is appointed to represent indigent persons, other than criminal defendants, indigent witnesses in appropriate circumstances, and minors (whether or not indigent) in parental notification cases under RSA 132:34.

The supreme court is requesting comment on the suggestions to amend the following rules:

II. Supreme Court Rule 48 – Counsel Fees and Expenses—One-Time Indigent Cases and Parental Notification Cases

This proposal would increase the maximum compensation and expense reimbursement that may be approved by the court in cases in which counsel is appointed to represent indigent persons, other than criminal defendants, indigent witnesses in appropriate circumstances, and minors (whether or not indigent) in parental notification cases under RSA 132:34. This rule refers to, but is not limited to, juvenile cases in the circuit court, guardianships under RSA chapter 464-A, termination of parental rights cases under RSA chapter 170-C, and involuntary admissions under RSA chapter 155-C.

The language of the proposed amendments to Supreme Court Rule 48 is set forth in Appendix A.

III. Supreme Court Rule 48-A – Guardians Ad Litem Fees—Indigent Cases and Parental Notification Cases

This proposal would increase the maximum compensation that may be approved by the court in cases within the original jurisdiction of the circuit court in which guardians ad litem are appointed and the party responsible for payment is indigent, and also parental notification cases under RSA 132:34. The language of the proposed amendments to Rule 48-A is set forth in Appendix C.

Date: August 16, 2022 ATTEST: Timothy A. Gudas, Clerk Supreme Court of New Hampshire

R-2022-0003, In re August 1, 2022 Report of the Advisory Committee on Rules

The New Hampshire Supreme Court Advisory Committee on Rules (committee) has reported proposed rule amendments to the New Hampshire Judicial Branch and E-Filing, and now requests a recommendation that they be adopted. On or before November 1, 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 proposed rule amendments.

In accordance with Rules 3 and 4 of the Supreme Court of New Hampshire for Electronic Filing, comments should be submitted through the supreme court’s electronic filing (e-filing) system into existing case no. R-2022-0003, using “Rules Docket Entries” as the Filing Type and “Comment on Rule” as the Filing Subtype. The address of the supreme court’s e-filing system is: https://ctefile.nhecourt.us/login. The e-filing system is also accessible through the Electronic Services page of the New Hampshire Judicial Branch website: https://www.courts.nh.gov/resources/electronic-services/supreme-court/attorneys SELF-represented-parties-and-other-non. Prior to registering with the e-filing system, attorneys should review the Quick Guide – Registering as an Attorney E-Filer; nonlawyers should review the Quick Guide – Registering as a Nonlawyer E-Filer. The Quick Guides are available on the Electronic Services page.

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.
II. New Hampshire Rule of Criminal Procedure 12 – Discovery; Evidence of Other Crimes, Wrongs or Acts

This proposal establishes separate requirements for the introduction of Rule 404(b) evidence in Circuit Court cases and in Superior Court cases. The proposal would not change the current deadline of 14 days before trial in the Circuit Court for notice of intent to introduce Rule 404(b) evidence. It would establish that notice requirements apply to both parties and that notice must be in writing and must articulate the permitted purpose for which the proponent intends to offer the evidence and the reasoning that supports that purpose. The proponent must provide the opposing party with access to all materials the proponent will rely on to prove the commission of the alleged other crimes, wrongs, or acts.

In the Superior Court, the proposal sets deadlines in relation to jury selection and is structured with the intent to provide sufficient notice so that issues related to Rule 404(b) evidence are resolved prior to the final pretrial conference.

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

III. New Hampshire Rule of Criminal Procedure 12 – Discovery; Evidence of Other Crimes, Wrongs or Acts

The language of the proposed amendment is set forth in Appendix C.

IV. Supreme Court Rule 40- Procedural Rules of Committee on Judicial Conduct: Deferred Discipline

The proposed amendments would allow the Judicial Conduct Committee to vote to hold a matter in abeyance at any stage of the proceedings for “good cause,” and would add language to include as “good cause” a deferment to provide an opportunity for the judge to submit to a confidential evaluation under the supervision of the New Hampshire Lawyers Assistance Program.

The language of the proposed amendments is set forth in Appendix D.

V. Supreme Court Rule 37(8)

This proposed amendment would give the Attorney Discipline Office reciprocal subpoena power, allowing it to issue a subpoena in this jurisdiction when a subpoena has been duly approved under the law of another disciplinary jurisdiction.

The language of the proposed rule change is set forth in Appendix E.

VI. Supreme Court Rule 37(14)(b)(2)(B)

This proposed amendment addresses the procedure to be followed by attorneys who seek reinstatement following a suspension of more than six months and requires that any applicant seeking reinstatement take and pass the Multistate Professional Responsibility Examination (MPRE) within one year of the filing of the petition for reinstatement.

The language of this proposed rule change is set forth in Appendix F.

VII. Supreme Court Rule 37(20)

This proposed amendment would clarify which records of the Attorney Discipline Office are public, authorize members of the public to obtain copies of public records at their expense, and permit disclosure of relevant confidential information to the New Hampshire Public Protection Fund.

This language of this proposed amendment is set forth in Appendix G.

VIII. Supreme Court Rule 37(21)

This proposal would repeal Rule 37(21) which the Attorney Discipline Office believes

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The language of this proposed amendment is set forth in Appendix I.

In accordance with Rule 42(f)(a), the Supreme Court reappoints Attorney Ryan Guphilt and Attorney Benjamin LeDuc to the Committee on Character and Fitness (committee), whose term expires on October 1, 2024. The Supreme Court designates Attorney Guphilt to continue to serve as chair of the committee.

Issued: September 8, 2022
ATTEST: Timothy A. Gudas, Clerk
Supreme Court of New Hampshire

LITIGATION ATTORNEY – Getman, Schultheis, Steere & Poulin, P.A., seeks a full time attorney with preferably 2 years of litigation experience, and insurance defense familiarity helpful. Must be admitted to the NH Bar with admission to the Maine, Massachusetts or Vermont Bar a plus. Please e-mail resume, cover letter and references to Administrator at law@gsp-lawyers.com. All inquiries held in strict confidence.

ATTORNEY – Well established, mid-sized, Nashua multi-practice law firm is seeking an attorney to work with our family law team in its growing practice. A minimum of two years of experience in family law is preferred. Candidates should be admitted to practice in New Hampshire or be admitted in a reciprocal state. Excellent benefits package and competitive salary. Email resume and salary requirements to Veronica Hamilton at shamil@lawyerandco.com.

JUNIOR ASSOCIATE – Full time Junior Associate sought for busy firm in Keene, NH. The Law Offices of Wyatt & Associates represents employees whose rights have been violated in the workplace. Responsibilities include: Client interviewing and intake; Drafting discrimination charges; court complaints; discovery documents, motions, etc; General litigation projects and support; Legal research and writing. We assist clients in all states as New England as well as NY. Applicants already admitted into one of the New England (or NY) state bars preferred, but applicants taking the Bar in July 2022 are also encouraged to apply. Demonstrated experience or exposure to employment law is a plus, but not required. We are currently on a hybrid schedule of 1 day per week in office (otherwise remote, except for travel to clients). We require email a cover letter and resume to spatriquin@wyattlegalservices.com.

ASSOCIATE – Wiborg Law Office, PLLC is seeking an attorney with 2+ yrs experience for felony and criminal defense and personal injury practice. Must be admitted to practice in NH. Unique fast track to partnership for the right candidate. Please send your resume to trish@wiborglawoffice.com.

CAREER SERVICES DIRECTOR at UNH Franklin Pierce School of Law will advise students and conduct employer outreach. Specific focus will be on mid-career professionals including JD students with an intellectual property focus, graduate law students, and law school alumni. To apply, please click here: https://jobs.unh.edu/postings/48939.

CLASSIFIEDS continued on page 33
ASSOCIATE ATTORNEY – Well established Claremont, New Hampshire law firm is seeking a motivated associate attorney. Buckley & Zopf is a busy general practice firm which has been serving the Sullivan County/Upper Valley area for over 75 years. We offer a small firm atmosphere with a fast track to partnership for the right candidate. Reply to aleabriel@buckleyzopf.com.

FULL OR PART TIME TRUST & ESTATE PARALEGAL: Robinius, Stamm, Senf, Daly, P.A., a small Parsonage law firm, is seeking a Trust & Estate Administration Paralegal. Position will support multiple attorneys with a primary focus in, trust creation, probate and estate administration. Prior probate or trust administration experience MANDATORY. Flexible schedule. Salary based on experience. Remote Hybrid available. Reply to Karen Lindom at klindom@robiniuslaw.com.

INVESTIGATIVE PARALEGAL – The Department of Justice, Consumer Protection and Anti-Trust Bureau, seeks a full-time, in-person, Investigative Paralegal to assist investigators and attorneys with the review and analysis of investigations and prosecutions by performing litigation-related tasks. Interested applicants are encouraged to view the job tasks and apply online through the State of New Hampshire website https://www.das.nh.gov/observe/

PARALEGAL – Laboe & Tasker, PLLC of Concord has an opening for a Medicaid/Elder Law paralegal. The individual will provide direct support to our senior Medicaid/Elder Law paralegal and attorney. Tasks include collection and organization of documentation for Medicaid applications, meeting with clients and family members regarding document preparation, telephone communication with financial and other companies, management of Medicaid applications and probate court administration. The ideal candidate will be detail-oriented, focused, and willing to learn. Prior paralegal or similar experience, or education beyond high school, is preferred. Prior experience working with Medicaid is not required. Must be flexible and willing to work collaboratively. Please send cover letter and resume to Attorney Kerri S. Tasker at kerri.tasker@laboetasker.com.

PARALEGAL – Getman, Schulthess, Stier & Poulin, P.A. Manchester, NH law firm seeks a full time Paralegal with 3-5 years’ legal experience. Must be detail-oriented and have the ability to work independently. We offer a competitive salary and benefits which include medical, dental, disability and life insurance, 401(k), paid vacation, sick leave, and holidays. Potential for remote work options. Send resume via email to law@gssp-lawyers.com.

FULL-TIME LEGAL ASSISTANT – Getman, Schulthess, Stier & Poulin, P.A. Manchester, NH law firm seeks a full time legal assistant with 3-5 years’ legal experience. Must be detail-oriented and have the ability to work independently. We offer a competitive salary and benefits which include medical, dental, disability and life insurance, 401(k), paid vacation, sick leave, and holidays. Potential for remote work options. Send resume via email to law@gssp-lawyers.com.

ADMINISTRATIVE ASSISTANT – Manchester office of New Hampshire Legal Assistance (NHLA) seeks a full time Administrative Assistant to provide essential administrative support within our nonprofit law firm. Fluency in a second language widely spoken in New Hampshire. In addition to English, strongly preferred.  Proficiency in Microsoft Office and Adobe. Ability to travel regularly to provide coverage in NHLA’s Portsmouth and Concord offices. Commitment to serving people with low income and older adults and learn about poverty law, knowledge of New Hampshire social services a plus. For more information visit https://www.nhla.org/support/ jobs.

LITIGATION/CONSTRUCTION ATTORNEY

Preti Flaherty & Fry is a full-service law firm with more than 100 attorneys and offices in ME, NH, MA and DC. We are seeking a mid-level or senior associate to work in our Construction and Litigation Practice Groups in either of the firm’s Boston, MA or Concord, NH offices.

The ideal candidate will have:

• Experience in a sophisticated litigation practice;
• An excellent academic record and exceptional written and oral communication skills;
• Construction litigation and/or experience in Massachusetts is desirable, but not required;
• Practical experience in construction and/or engineering is also desirable, but not required.

The position offers an excellent opportunity to assume significant responsibility and hands-on experience in a collaborative, sophisticated and team-oriented work environment. We are looking for someone who is highly motivated and has the ability to work both independently and as part of a large legal team.

Preti Flaherty offers a competitive salary, incentive bonuses, a generous benefits package, and a collegial working environment. Please email cover letter and resume to Mary Johnston, Recruiting Coordinator at mjohnston@preti.com.

ADMINISTRATIVE ASSISTANT – Manchester, NH law firm seeks a full-time administrative assistant for busy estate planning, trust administration and litigation attorney. Candidate should have experience in estate planning and administration matters, probate court filings and related matters. Must have excellent organizational and communication skills, ability to work independently and be detail oriented. We offer a flexible working environment. Pay based on experience. Submit cover letter and resume to ksaulnier@rogersmanville.com.

ACCOUNTANT – Established Nashua law firm seeking full-time accountant. Must have minimum of 3-5 years experience preferably in a law firm setting. This is a non-supervisory position. Responsible for all accounting functions including financial reports & analysis, client trust, payroll, and employee benefits administration which include 401(k) administration. In addition, you will oversee accounting assistants and work with our management team in guiding the firm’s strategic financial planning. Proficiency in Microsoft Excel, QuickBooks, and strong attention to detail required. Knowledge of Juris software or similar software is a plus but not required. The successful candidate will be a team player with a positive attitude. Bachelor’s degree or equivalent experience in accounting or related field required. Salary commensurate with experience. We offer a comprehensive benefit package. Please send cover letter and resume to Veronica Hamilton, vhamilton@lawyersnh.com. No phone calls please.

FULL-TIME FAMILY/Criminal LAW PARALEGAL

Connelly Law, PLLC, with offices in Exeter and Manchester, is seeking a paralegal with at least two years of experience in the areas of Criminal and Family Law. The right candidate will be organized, personable and a good team-player. This is an in-person position that requires commute between the two office locations. Pay commensurate with experience. Please send a cover letter and resume to amy@familylnhlaw.com.

APPPOINTMENT OF CHAPTER 13 STANDING TRUSTEE – TWO OPEN POSITIONS

The United States Trustee seeks resumes from persons wishing to be considered for appointment as a standing trustee to administer cases filed under chapter 13 of title 11 of the United States Code (Bankruptcy Code). The appointments are as follows: (1) One appointment is located in Worcester, Massachusetts, for cases filed in the United States Bankruptcy Court for the District of Massachusetts, Central District Division. (2) One appointment is located in Providence, Rhode Island, for cases filed in the United States Bankruptcy Court for the District of Rhode Island. Standing trustees receive compensation pursuant to 28 U.S.C. § 536(e)(1)(A). Standing trustees are not federal government employees. Although trustees are not federal employees, appointments are made consistent with Federal Equal Opportunity policies, which prohibit discrimination in employment.

For additional information, qualification requirements, and application procedures go to http://www.justice.gov/ust/es/private_trustee/vacancies/13ad.htm.
ATTORNEY – Upton & Hatfield seeks an attorney with 5+ years’ experience for its Concord location to concentrate in the areas of estate planning, probate, trust, business, and real estate law. The right candidate would have an excellent work ethic, strong communication and interpersonal skills, and a willingness to learn. Community involvement is important. Competitive benefit and compensation package. Please submit resume with writing samples to: Lauren Irwin, Upton & Hatfield, LLP, PO. Box 1090, Concord, NH 03302-1090 or hr@uptonhatfield.com. All inquiries will be held in strict confidence.

BUSINESS ATTORNEY – Upton & Hatfield, LLP seeks a business and real estate associate for our Concord office. Candidates should have a strong academic background, be self-motivated with strong verbal and writing skills, and be interested in participating in the Concord business community. Competitive benefit and compensation package. Please forward resume with writing samples to Lauren Simon Irwin, Esquire, Upton & Hatfield, LLP, PO Box 1090, Concord, NH 03302-1090, or via email to hr@uptonhatfield.com. All inquiries will be held in strict confidence.

MUNICIPAL ATTORNEY - Upton & Hatfield, LLP seeks an attorney to work in the municipal group. Candidates should have a strong academic background, be self-motivated with strong verbal and writing skills, and be interested in participating in the Concord business community. Competitive benefit and compensation package. Please forward resume to writing samples to Lauren Simon Irwin, Esquire, Upton & Hatfield, LLP, PO Box 1090, Concord, NH 03302-1090, or via email to hr@uptonhatfield.com. All inquiries will be held in strict confidence.

PROBATE PARALEGAL - Upton & Hatfield, LLP seeks a full-time paralegal to assist with trust/probate administration. Applicant should have a proven work history including experience with probate, account administration, estates, trusts, including statement reconciliations, financial reporting, preparation of tax information for outside tax preparer. Excellent organizational, time management, communication, and writing skills are essential. The successful candidate will be professional, accountable, and able to prioritize work and deadlines. Bookkeeping experience is a plus. A minimum of 5 – 7 years of experience is preferred. This is a full-time position. Competitive benefit and compensation package. Please forward resume to Pamela Woodward, Administrator, Upton & Hatfield, PO Box 1090, Concord, NH 03302-1090 or via email to hr@uptonhatfield.com.

LITIGATION PARALEGAL - Upton & Hatfield, LLP seeks a full-time paralegal for our Concord office. Applicant should have a general background with a proven work history to include experience with personal injury, employment, workers compensation and other general litigation as well as experience in drafting documents, summarizing transcripts, interviewing witnesses, and assisting attorneys with trial preparation and research. We are looking for an individual with an attention to detail who can work both independently and cooperatively with attorneys and staff in a general practice firm. Experience with Lexis or other ESI management software is a plus. This is a full-time position. Competitive benefit and compensation package. Please forward resume to Pamela Woodward, Administrator, Upton & Hatfield, PO Box 1090, Concord, NH 03302-1090 or via email to hr@uptonhatfield.com.

RATH, Young and Pignatelli, P.C. seeks an attorney with experience as a corporate lawyer involved in real estate transactions, entity formations and structuring, mergers and acquisitions, bank lending, contract drafting and negotiation, and other skills normally expected of a corporate/transactional associate. Visit our website at www.rathlaw.com for a more detailed description of the position. Send resume, letter of interest and writing sample to Susan O’Donnell, Director of Operations, at slo@rathlaw.com. The firm will not accept the submission of candidate resumes from search firms without a signed fee agreement.

NIXON PEABODY

Labor & Employment Department Attorney

Our Labor & Employment Practice Group is seeking to hire a Department Attorney to join our Boston, Providence or Manchester office. The ideal candidate will have at least four years of experience in employment litigation and other aspects of labor and employment law. Massachusetts Bar admission is required.

At Nixon Peabody, our priority is to attract, retain, and promote talented individuals from a wide range of racial, ethnic, social, economic, religious, and personal backgrounds, genders and sexual orientations. We encourage all qualified individuals to apply.

Our full-service L&E practice delivers creative, specialized, and real-world solutions to keep our clients’ businesses moving forward. Our diverse team of more than 60 labor and employment attorneys cover every angle of the workplace: from safety regulations to employee use of social media. Whether it’s a routine hire gone awry, wage and hour class actions, or a precedent-setting labor dispute, Nixon Peabody has it covered.

A career at Nixon Peabody is the opportunity to do work that matters. It’s a chance to use your knowledge to shape what’s ahead, to innovate, to learn at a firm that taps into the power of collaboration and collective thinking.

Please visit our website at www.nixonpeabody.com/careers to view and apply. Nixon Peabody LLP is an Equal Opportunity / Affirmative Action Employer. Disability / Female / Gender Identity / Minority / Sexual Orientation / Veteran.
Alfano Law provides a wide variety of legal services to business and individual clients. It’s major practice areas include real estate, commercial litigation, tax law, estate planning, probate. The firm’s offices are located in Concord, Exeter and Keene, NH. We are currently looking to hire for the following positions:

- **Litigation Associate** – Seeking a litigation associate with 3+ years trial experience. The candidate should have a background that includes drafting and arguing motions and taking defending depositions. Experience in the area of real estate is a plus! Should process exceptional oral and written advocacy skills with strong academic credentials. Must be admitted to the New Hampshire Bar.

- **Commercial Real Estate Associate** – Seeking a commercial real estate associate with 3-5+ years of experience. Must have experience in the area of commercial real estate, commercial loan transactions and corporate law. Candidates must be admitted to practice in New Hampshire. The candidate must have familiarity with title insurance, commercial closings, and real estate development. Must have excellent research and writing abilities, and strong organizational and computer skills.

We offer a flexible/hybrid office schedule.

Benefits include:

- Health Insurance (Full-Time) + 401K (Full-Time)
- 14 Paid Holidays (Full-Time)

Inquiries, please reach out to Deb Alfano at dalfano@alfanowoffice.com or phone 603.333.2210.

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Drummond Woodsum offers a competitive compensation and benefits package, including competitive medical and dental insurance; a generous profit sharing contribution, paid parental leave, contributions to your HSA, STD/LTD, and professional development. We are committed to diversity and inclusion in our hiring practice, and encourage qualified candidates of all backgrounds to apply for the position. To apply, please submit your cover letter and resume to Jess Garretson, HR Manager, at jgarretson@dwmlaw.com. All inquiries held in the strictest confidence. No phone calls, please.

800.727.1941 | dwmlaw.com | Manchester & Lebanon, NH

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**Prosecutor**

The Town of Derry is seeking a part-time Prosecutor for 25 hours per week to represent the Derry Police Department in all prosecutorial matters.

Reporting to the Prosecutor Supervisor, the Prosecutor represents the Derry Police Department in Circuit Court, conducts arraignments, prepares and tries misdemeanor, violation and juvenile cases, represents the State at ALS hearings, prepares felony cases for transmittal to the Rockingham County Attorney’s Office, and performs related work.

Membership in good standing in the NH Bar Association and excellent organizational and communication skills are essential. Three years of prosecutorial experience is preferred.

Hourly range is $36.74 – $47.67. Interested candidates should submit a cover letter and résumé to humanresources@derrynh.org. Submissions will be accepted until the position is filled. The successful candidate must pass an extensive background check.

For questions about the position, please contact Deputy Chief George Foele at (603) 845-5623.

The Town of Derry is an Equal Opportunity Employer.

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**Legal Assistant**

Manchester, New Hampshire law firm is seeking a full-time Legal Assistant responsible for supporting our attorneys with a varied caseload of civil cases in State and Federal Court.

**Contributions and Responsibilities**

- Manage attorney’s calendar and monitor deadlines Management of attorney’s calendar
- Preparation of general correspondence Schedule and coordinate depositions
- Serve and file pleadings in the correct court and familiar with electronic filing systems in both State and Federal Court
- Must have excellent communication skills via email, phone and in-person with clients, court staff and opposing counsel
- Must be highly organized
- Strong computer skills, Microsoft Office, Outlook, One Drive, Excel, Adobe, scanning and maintaining electronic files
- Accurate filing and copying

Applications must possess a high school diploma or equivalent and a minimum of 1 – 3 years of legal assistant experience. The ability to work independently, under time pressure and prioritize multiple tasks is required. Attention to detail and proofreading skills are required. Must be a team player. Experience in civil litigation is required.

Salary commensurate with experience, health insurance offered.

Please email your resume, cover letter (including salary requirements) and references to ctрубей@bkwlawyers.com.

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**Assistant County Attorney**

**Sullivan County**

The Sullivan County Attorney’s Office is currently seeking an innovative and creative attorney with an interest in public service and a desire to serve their community.

**Essential Job Responsibilities Include:**

- Working with law enforcement to support the investigation of criminal cases and prosecuting criminal cases in both the 5th Circuit-District Divisions and Sullivan Superior Court.
- Works closely with the Office of Victim Witness Coordinator to ensure that all victims/witnesses are properly informed, prepared for hearings, and supported throughout the pendancy of the criminal process
- Provides advice and guidance to local law enforcement during non-office hours
- Acts as counsel for the State at hearings and addresses post-trial/conviction motions
- Prepare and present investigations and cases to the Grand Jury
- Communicates with news media when appropriate

**Starting Salary:** $83,000

**Status:** Full time/Exempt, Benefits

**Submission Requirements:** Employment application, resume and writing sample required.

**Email Applications:** shersom@sullivancountynh.gov

**Mail Applications:** 14 Main St, Newport, NH 03773

Equal employment opportunity.

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**Special Education Attorney**

Drummond Woodsum’s Manchester, NH office is looking for an experienced attorney to join our school law practice representing public school districts with a focus on special education.

Our special education practice serves schools throughout the State of New Hampshire, but also works closely with our Maine special education practice. Our practice includes advising school clients on their special education duties and other student rights issues, as well as conflict resolution and litigation of special education disputes. Our school law team also regularly conducts lively presentations and trainings for our clients and school officials, both in person and via online platforms.

The ideal candidate for this position is an attorney with at least 3-5 years of legal experience and a desire to practice law using a team based approach. While experience in the world of special education is desirable, it is more important that the right candidate have excellent academic credentials, research, writing, and analytical skills, and be highly motivated to learn.

We are looking for a candidate who has effective interpersonal skills and high emotional intelligence, who will be able to balance top-notch client advocacy with compassion and understanding. The right candidate will also be committed to conducting trainings for school leaders and members of the education community, advising school superintendents and special education directors, and handling litigation before administrative tribunals and courts.

At Drummond Woodsum, we have intentionally created a collegial firm culture that emphasizes devotion to serving our clients, collaboration, and mutual respect. We offer an environment where personal and professional growth are fostered through thoughtful mentorship and a respect for work-life balance.

In addition to the firm being a tremendous place to work, we’re also fortunate to be based in southern New England, one of the most beautiful areas of the country. New Hampshire offers a quality of life that is unsurpassed in the nation, with easy access to the mountains, the ocean, and the countryside.

Drummond Woodsum offers a competitive compensation and benefits package, including competitive medical and dental insurance; a generous profit sharing contribution, paid parental leave, contributions to your HSA, STD/LTD, and professional development. We are committed to diversity and inclusion in our hiring practice, and encourage qualified candidates of all backgrounds to apply for the position. To apply, please submit your cover letter and resume to Jess Garretson, HR Manager, at jgarretson@dwmlaw.com. All inquiries held in the strictest confidence. No phone calls, please.

800.727.1941 | dwmlaw.com | Manchester & Lebanon, NH

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**DCYF – Attorney II**

**Concord & Rochester**

The N.H. Department of Health and Human Services, under the supervision of the N.H. Department of Justice, currently has three full time attorney positions available representing the Division for Children, Youth and Families. The positions available are:

- #40098 – Full time in the Rochester District Office
- #44560 – Full time in the Concord District Office
- #40088 – Full time in the Concord District Office

**Starting Salary Range:** $59,319.00 to $84,844.50

**Duties include:**
- Representation of the Division for Children, Youth and Families in litigation involving the Division’s child protection program.
- Litigation activities include drafting pleadings and motions, conducting discovery, legal research and writing, preparing witnesses for trial, negotiating settlements, and presenting evidence and oral argument at court hearings and trials.

**Requirements:**
- J.D. from a recognized law school, N.H. Bar membership, a driver’s license and/or access to transportation for statewide travel and four years’ experience in the practice of law, preferably in the area of abuse and neglect or family law.

**How to apply:**
- Visit the following website to submit your application electronically through NH 1st: [http://das.nh.gov/jobssearch/employment.aspx](http://das.nh.gov/jobssearch/employment.aspx).
- Please reference the position number that you are applying for. Position will remain open until a qualified candidate is found. EOE.

For questions about this position please contact Attorney Deanna Baker, Legal Director at (603) 271-1220.

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**NH Liquor Commission – Attorney IV**

**Position # 44226 – Concord Office**

**Salary Range:** $70,726.50 – $101,283.00

See “Total Compensation Information at the bottom of this advertisement.”

**The Duties Include:**
- Reviews documents, contracts, and relevant issues on behalf of the Commission and its three divisions and provides legal advice regarding them.
- Assists with agency legislative issues, formulates strategy, and represents agency as required.
- Serves as an advisor to the NHLC senior management team by effectively communicating legal advice. Assists with legal hearings and prepares legal hearings Orders and Decisions.
- Represents Commission and manages lawsuits and legal proceedings, including criminal matters and appeals.
- Oversees compliance issues, interfacing with relevant State and Federal Agencies.
- Conducts legal programs and initiatives to ensure efficiency and consistency in application of Commission objectives and recommends corrective action.
- Works with the NH Department of Justice on legal matters as needed.
- Represents Commission at state and out of state conferences and seminars and prepares and presents legal training and presentations as required.
- Supervises personnel, including disciplining employees, solving personnel problems, developing work methods and writing evaluations.

**Requirements:**
- A.J.D. from an American Bar Association recognized law school, active member of the New Hampshire Bar Association and in Good Standing, five years’ experience in the active practice of law, and a valid driver’s license and/or access to transportation for statewide travel.

The Attorney IV is a confidential position.

**TOTAL COMPENSATION INFORMATION**

- The State of NH total compensation package features an outstanding set of employee benefits, including:
  - HMO or POS Medical and Prescription Drug Benefits
  - See this link for details on State-paid health benefits: [https://das.nh.gov/hr/benefits.html](https://das.nh.gov/hr/benefits.html)
  - Value of State’s share of Employee’s Retirement: 12.15% of pay
  - Other Benefits:
    - Dental Plan at minimal cost for employees and their families ($500-$1800 value)
    - Flexible Spending Healthcare and childcare reimbursement accounts
    - State defined benefit retirement plan and Defined Compensation 45(b) plan
    - Paid holidays and generous leave plan
    - $50,000 state-paid life insurance plus additional low cost group life insurance
    - Incentive-based Wellness Program (ability to earn up to $500)

**Total Compensation Statement Worksheet:**

https://das.nh.gov/documents/hr/docs/FINAL_TOTAL_COMP_STATEMENT_ISSUE.xlsx

Want the specifics? Explore the Benefits of State Employment on our website:

https://das.nh.gov/hr/documents/hrbenefits.pdf

https://das.nh.gov/hr/compens.html

**How to apply:**
- Please go to the following website to submit your application electronically through NH First:
  - A paper application may be sent to: New Hampshire Liquor Commission, 50 Storrs St., Concord, NH 03301, Attention: Karen Garneau. A paper application may be emailed to NHLIQUOR.NH.GOV.EOE.
The University of New Hampshire Franklin Pierce School of Law (UNH Franklin Pierce), a national leader in legal education with a commitment to inclusion, diversity, and quality engagement for all, is pleased to announce that it is currently seeking applicants for a Director of the Legal Residency Program. This position is a faculty appointment in which the successful candidate is on an alternate security line (similar to clinical tenured) and is also a Program Director responsible for the following: counseling and supervising student externs; developing and maintaining school year legal residencies; teaching clinical externship courses; recruiting and supervising adjunct externship supervisors and teachers; and supervising the development and expansion of external field clinical programs in cooperation with the law school’s existing clinical offerings. As a member of the senior administration and working closely with the Office of Career Services, the Director will be responsible for legal residency and field clinical programs that provide opportunities in the context of the “real world” to develop the skills, values and knowledge to be successful lawyers and to make connections that will lead to post-graduation opportunities in a variety of fields.

UNH Franklin Pierce School of Law is committed to experiential education and specifically to allowing students opportunities to work in public service, government, in-house, law firm and judicial settings while earning academic credit. The school has a top-ranked Intellectual Property program and is uniquely situated as the only law school in New Hampshire. As a result, practitioners in all fields are interested and eager to supervise students. Our students extern part-time or full-time across the country and sometimes internationally.

Applicants must apply at https://jobs.unh.edu/postings/49651

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Experienced Trust and Estate Attorney

Orr & Reno PA is seeking an experienced (6-9 years) Trust and Estate attorney. The right candidate will be experienced in estate planning, and trust administration, including federal gift, estate, GST, and fiduciary income taxes. Business succession planning is a plus. The candidate would join our expanded Trusts and Estates practice area, strengthened by the addition by merger of Flood, Sheehan & Tobin, PLLC, a well-established estate planning law firm.

Orr & Reno prides itself on its market-competitive compensation and comprehensive benefits, its team-based approach to practice, excellent employee and attorney retention, and demonstrated commitment to fostering a fun, friendly, and positive work culture.

Please submit a cover letter and resume to:
Orr & Reno PA,
Attention: HR Coordinator
PO Box 3550, Concord, NH 03302-3550
Fax: 603 223-9060
Email: resumes@orr-reno.com

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Estate and Trust Administration Paralegal

McDonald & Kanyuk, PLLC, a boutique estate planning firm with offices in Concord, New Hampshire and Wellesley, Massachusetts, has an excellent opportunity for a full time estate and trust administration paralegal.

Ideal candidate must have a broad base of estate and trust administration experience, be able to work with multiple attorneys, and have experience working directly with clients. The position requires an understanding of estate and trust concepts, and experience administering estates and trusts. Knowledge of drafting estate planning documents and tax preparation experience would be a plus. Must be well-versed in Microsoft Office, particularly Word, Excel and Outlook. This is full time, in-office position for our Concord, New Hampshire office, and we would consider flexible working arrangements for the right candidate.

Please submit resume, letter and salary requirements to Lisa Roy, Office Manager at lroy@mckan.com

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TAX ATTORNEY
(BURLINGTON, VT)

Downs Rachlin Martin PLLC – one of Northern New England’s largest law firms – is seeking an attorney with at least three years of experience to join its tax practice at its Burlington, Vermont office.

Qualified candidates should have substantial experience addressing complex commercial transactions, with a strong background in partnership and corporate tax matters. Experience should include structuring mergers and acquisitions, business formations, debt and equity financings, workouts, private equity and venture capital transactions. Experience with executive compensation, New Markets and other tax credit issues would be valuable in this position. Our practice includes controversy representation across a wide range of state and local tax matters necessitating excellent research, writing and verbal skills. There is an opportunity to succeed to an established tax practice.

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LITIGATION ASSOCIATE
(BURLINGTON, VT)

Downs Rachlin Martin PLLC – one of Northern New England’s largest law firms – has a great opportunity for a litigation associate in its Burlington office.

The ideal candidate will have one to three years of relevant experience, excellent academic credentials and strong research and writing skills. DRM’s litigation group is engaged in white collar defense and criminal and civil government enforcement matters, internal investigations, complex litigation including antitrust, securities and class actions, health care fraud, medical malpractice defense and professional licensing and in a wide variety of sophisticated commercial litigation. We are looking for a candidate that wants to be part of a team of attorneys committed to delivering top-quality service to individuals, institutions and growing and successful businesses.

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CORPORATE/COMMERCIAL ATTORNEY
(BURLINGTON, VT)

Downs Rachlin Martin PLLC – one of Northern New England’s largest law firms – has an opportunity for a corporate/commercial attorney to practice within its dynamic business law group in Burlington, Vermont.

The ideal candidate will have over six years of relevant experience working with colleagues and clients on matters involving venture capital transactions (entity formation, seed financings, capitalization tables, portfolio management), mergers and acquisitions (asset and stock purchases, mergers, due diligence) and debt and equity financings (mortgages, Uniform Commercial Code, promissory notes and loan agreements). The firm’s business law group is engaged in wide a variety of transactions locally, nationally and internationally. A partial book of business is preferred. This is an opportunity to become part of a team of attorneys committed to delivering top-quality service to growing and successful businesses.

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COMMERCIAL AND BUSINESS LAW ATTORNEY
(BURLINGTON, VT)

Downs Rachlin Martin PLLC - one of Northern New England’s largest law firms - has an opportunity for a junior corporate/commercial attorney to practice within its dynamic business law group in Burlington, Vermont.

The ideal candidate will have over two years of relevant experience involving corporate and entity formation, mergers and acquisitions (asset and stock purchases, mergers, due diligence) and debt and equity financings (mortgages, Uniform Commercial Code, promissory notes and loan agreements). Experience with captive insurance matters a plus, but not required. The firm’s business law group is engaged in wide a variety of transactions locally, nationally, and internationally. This is an opportunity to become part of a team of attorneys committed to delivering top-quality service to growing and successful businesses.

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 industry-leading paid parental leave and two generous retirement plans.

Please submit a cover letter and transcript along with resume for consideration. APPLY HERE: https://www.appone.com/MainInfoReq.asp?R_ID=4440732&B_ID=83&fid=1 &Adid=0&ssbgcolor=17143A&SearchScreenID=2521&CountryID=3&LanguageID=2
BUSINESS DEVELOPMENT MANAGER
(INTELLECTUAL PROPERTY LAW) – $10K SIGNING BONUS

Impactful Position with a Wonderful Team!

Offices
Boston, New York, Washington, D.C.

Reporting to the Director of Business Development, this Business Development Manager plays a critical role in providing strategic direction and managing the tactical delivery of business development initiatives for the dynamic practices in the Intellectual Property Law department. This department consists of the following practices: patent prosecution, patent disputes, patent post-grant proceedings, advertising and marketing and trademark, copyright and unfair competition. This highly visible team member will develop and support initiatives that help the firm increase our legal solutions for our clients and prospects and foster a culture of collaboration and cross-selling.

In addition to supporting the department and practices listed above, this role may include additional practice areas or firm initiatives to be determined as needed.

Responsibilities
• Leveraging related business plans, develop formal marketing and business development initiatives aimed at realizing plan goals. As appropriate, assist attorneys with development of individual business plans that support the practice and department plans.
• Responsible for having a robust understanding of all the practice areas supported including services, attorney and group experience as well as clients served.
• Lead pre-pitch assessment, material development and RFP support.
• Responsible for overall department and practice messaging in sales collateral, marketing materials, external website and legal rankings and surveys.
• Act as a strategic advisor to supported department and practice area leaders and individual attorneys in connection with all business development activities including, identifying business development opportunities with new and existing clients and identifying opportunities.
• Provide continuous assessment of existing business development plans and tracking ROI of initiatives to ensure funding and time investments are appropriately allocated.
• Through collaboration with industry group chairs and other Managers, work to ensure that supported attorneys are meaningfully engaged in industry-focused initiatives.
• Responsible for ensuring a timely flow of information on matters and expertise that can be leveraged for internal knowledge and external PR purposes, content marketing and thought leadership opportunities.
• Leveraging the firm’s research resources, provide actionable business intelligence which may include prospect research, industry or geographic research and competitive analysis at the practice area level.
• Develop target audience strategy for external communications developed by the supported groups. In conjunction with this, responsible for acting as an ambassador to the supported practices on the strategic importance of CRM to the firm’s business development initiatives.
• Develop and maintain relationships with external organizations that are strategically relevant. Where the external relationship includes a financial commitment to sponsor the organization, ensure that we are leveraging the sponsorship to its maximum capacity, monitor and report on ROI and provide recommendations for future investments.
• Other duties and responsibilities as assigned.

Requirements
• Project Management: 7+ years marketing or business development experience, with significant and demonstrable project management experience.
• Client service: Ability to manage multiple projects at once and respond quickly to inquiries so as to serve as an ambassador of superior internal client service. This role requires hands on abilities with limited support in a team environment. Ability to motivate attorneys while prioritizing work load is essential.
• Budgetary: Hands-on experience in managing both project-based and contributing to longer-term marketing and communications budgets.
• Communication skills: Demonstrated ability to effectively communicate in both verbal and written formats, and, in conjunction with the Communication Manager, leverage established tone and message for all internal and externally facing materials.
• Work style: Ability to prioritize competing stakeholders and deadlines with a pleasant and professional demeanor.
• Education and prior service: A Bachelor’s Degree is required, preferably in marketing, communications or a related field. Experience in a law firm and/or professional services industry is preferred but not required.

How to Apply
Please apply now through the firm’s website at: https://foleyhoag.com/careers/current-openings/business-development-manager-intellectual-property-law

PARALEGAL – IP LITIGATION:
10K SIGNING BONUS!

Offices
Boston (preferred), New York

We are currently seeking a paralegal to support the IP Litigation attorneys in our Boston and New York offices. This position requires a flexible individual with IP litigation or general commercial litigation experience working on complex matters in a large firm environment. The paralegal will work closely with associates, staff attorneys, contract attorneys, paralegals, and partners as part of our case teams. The paralegal will play a central role in discovery matters including document collection, review, production; assist with deposition preparation; support case filings; and work with case teams on various aspects of trial preparation and trial support.

The successful candidate must have hands-on experience with Relativity and familiarity working with litigation technology and in-house and outside litigation support professionals. The paralegal must have exceptional client service skills, strong communication skills, attention to detail/accuracy, and the ability to consistently meet deadlines in a fast-paced environment working on multiple matters.

Responsibilities
• Assist with preparation for depositions, court hearings and trial.
• Read and analyze case documents and assisting with preparation of time lines.
• Assist with document collection and production.
• Maintain and organize electronic and hard copy case files and workrooms.
• Assist with preparation and electronic filing of court documents.
• Coordinate the translation of documents.
• Monitor the status of court and agency proceedings.
• Utilize Word, Excel, PowerPoint and dedicated litigation support software and technology.
• Perform discrete research projects and additional tasks as requested by legal team.
• Other tasks as assigned.

Requirements
Education, Skills & Experience:
• 7+ years of litigation experience in a major U.S. law firm.
• Prior experience with patents/IP Lit preferred.
• Bachelor’s degree.
• Strong hands-on knowledge of Relativity and citation checking
• Strong attention to detail and accuracy.
• Demonstrated organizational, writing and communication skills.
• Ability to collaborate effectively with legal and business services staff at all levels.

Other:
• Flexibility to work outside standard business hours as needed, including weekends and holidays.
• Ability to work independently and consistently meet deadlines.

How to Apply
Please apply now through the firm’s website at: https://foleyhoag.com/careers/current-openings/paralegal-ip-litigation

At Foley Hoag, we welcome, develop, and celebrate talented and diverse individuals in an innovative, mutually respectful, and intellectually rigorous community, and bring unique perspectives to collaborative teams that deliver exceptional advice and craft bespoke legal solutions for our clients and our world. Foley Hoag LLP is an equal opportunity employer. This means that Foley Hoag LLP considers applicants for employment, and makes employment decisions without unlawful regard to sex, race, color, religion, citizenship, national origin, ancestry, sexual orientation, gender identity, age, marital or domestic partner/civil union status, military service, socioeconomic status or veteran status, disability, and any other characteristic covered by applicable federal, state or local nondiscrimination laws. We value each person for their talents, expertise, experience, and perspective.
Assistant County Attorney - Belknap County

The Belknap County Attorney’s Office is seeking a prosecutor to work in a team environment as a full-time Assistant County Attorney. Under the general supervision of the Belknap County Attorney, the Assistant County Attorneys enforce the laws of the State of New Hampshire by preparing charges for the Grand Jury, meeting and interviewing witnesses and victims, seeking indictments and prosecuting felony crimes and misdemeanor appeals in the Superior Court. Other responsibilities may include “on-call” duties and providing advice and guidance to local law enforcement. For further information visit our website listed below.

Salary Range: $63,814 – $89,520 commensurate with experience along with a competitive benefits program.

ASSISTANT COUNTY ATTORNEY

SCORSE POSITION

Seeks justice with professionalism, excellence and pride, consistent with the New Hampshire Rules of Professional Conduct, American Bar Association and National District Attorney’s Association guidelines, as a criminal prosecutor with a concentration in Superior Court.

ESSENTIAL JOB FUNCTIONS:

• Acts as counsel for the State of New Hampshire in criminal matters.
• Works closely with Victim/Witness Coordinators to ensure that all witnesses/victims are properly informed, prepared and supported throughout the prosecution process.
• Presents investigations and cases to the Grand Jury.

REQUIRED EDUCATION AND EXPERIENCE:

• Juris Doctor from accredited law school.
• Must be admitted into the New Hampshire Bar.


Status: Full Time/Exempt

Submission Requirements:
Employment application and resume required.

Apply Online:
https://www.governmentjobs.com/careers/rockingham

Equal Employment Opportunity

ASSISTANT COUNTY ATTORNEY

SCOPE OF POSITION

Seeks justice with professionalism, excellence and pride, consistent with the New Hampshire Rules of Professional Conduct, American Bar Association and National District Attorney’s Association guidelines, as a criminal prosecutor with a concentration in Superior Court.

ESSENTIAL JOB FUNCTIONS:

• Acts as counsel for the State of New Hampshire in criminal matters.
• Works closely with Victim/Witness Coordinators to ensure that all witnesses/victims are properly informed, prepared and supported throughout the prosecution process.
• Presents investigations and cases to the Grand Jury.

REQUIRED EDUCATION AND EXPERIENCE:

• Juris Doctor from accredited law school.
• Must be admitted into the New Hampshire Bar Association.

Salary Range: $68,993–$96,574

Grafton County offers an exceptional benefit package including NH Retirement System, Low Deductible Health Insurance plans, 12 Paid Holidays, Generous Earned Time Package and much more!

Please send resume and cover letter to:
Grafton County Human Resources
3855 Dartmouth College Hwy., Box 3 North Haverhill, NH 03774
(Apply online, visit: http://www.co.grafton.nh.us/employment-opportunities)
E-mail: hr@graftoncounty.nh.gov
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ASSISTANT COUNTY ATTORNEY

(_COUNTY ATTORNEY’S OFFICE)

The Office of the Grafton County Attorney currently has a full-time position available for a highly motivated attorney. The Assistant County Attorney is primarily responsible for the prosecution of cases in the Superior Court with a focus on early case resolutions and alternative sentencing options. Other responsibilities include discussing legal aspects of criminal cases with police, community relations and program development. Applicant must have Juris Doctor Degree and be a member in good standing of the NH Bar. Flexibility with some telework options may be considered.

COME JOIN OUR TEAM!
Salary range $68,993–$96,574
Grafton County offers an exceptional benefit package including NH Retirement System, Low Deductible Health Insurance plans, 12 Paid Holidays, Generous Earned Time Package and much more!

Doreen Connor

dconnor@primer.com

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