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Short-Term Rentals: A Long-Term Legal Debate

By Tom Jarvis
NHBA Staff

Short-term rentals, aka vacation rentals, have been around in New Hampshire for decades, particularly in our Lakes Region. In the days of yore, before the internet, renters relied upon word of mouth. In 1995, when the web became a household commodity, a company called Vacation Rentals by Owner (VRBO) launched an online listing platform to make things easier. However, it wasn't until the advent of newer listing platforms with mobile apps like Airbnb, HomeAway, and FlipKey in the 2010s, that short-term rentals exploded in popularity. And with that explosion, came the legal debates.

While there is currently no controlling definition of a short-term rental (STR), it is generally agreed they are temporary lodgings for less than 30 days, in a building that is otherwise used as a residence. Some of them are owner-occupied for parts of the year and some are not.

The largest issues surrounding STRs lie with the non-owner-occupied rentals, particularly with out-of-state investors buying homes and turning them into income properties.

Attorney Cordell Johnston, formerly of the NH Municipal Association (NHMA), refers to these as "Holiday Inns without the signs."

"If the owner lives there, they have a much stronger interest in keeping problems to a minimum; they don't want to cause trouble in the neighborhood," Johnston says. "Whereas, if it's non-owner-



occupied, it's just an investment; it's just about making money. I think because of Airbnb and similar platforms, people realized there is money to be made."

Some concerns raised with these types of STRs are increased crime, trespassing, violations of noise and parking ordinances, and declining maintenance of properties. Most of these arguments boil down to restrictive zoning and how STRs should be classified. Property owners who rent to vacationers argue that STRs are residential, whereas some municipalities and STR opponents see them as commercial.

"The minute you take money for a room, you are a business," President of the NH Bed and Breakfast Association Heidi Milbrand says. "Airbnb is a scam. They are hurting and undercutting legiti-

mate businesses that have been around for years. A couple years ago, King Sununu was touting that short-term rentals are great, but of course he would say that – his family owns Waterville Valley. They want the money."

Margaret Byrnes, Executive Director of the NHMA, says there has been a steady flow of legislation relative to STR over the last few years, but there have not actually been any changes to what municipalities can do. She notes that based on data from the Office of Planning and Development, only about 30 out of the 234 municipalities in NH have local regulations for STRs.

"In a lot of ways, it reminds me of Uber," Byrnes says. "When they started

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PRACTITIONER PROFILE

Ward Scott II: Practicing Law Internationally and in Conflict Zones

By Kathie Ragsdale

Many New Hampshire attorneys have had the experience of appearing in trial court, but few can claim they did so while an ISIS attack was raging 500 meters away.

But scenes like that are all in a day's work for Ward E. Scott, II, the founder and managing partner of the international commercial law firm, Scott Advocates LLP, with an office in Kabul, Afghanistan.

The firm operates "in places where

there are no other western lawyers, sometimes in a combat environment, either conflict or post-conflict," says Scott, whose work has also taken him to Africa, Iraq, Lebanon, and other war-torn arenas.

His firm helped one major US ally close down its Afghanistan embassies,



handling supply chain issues and contractual matters like claims, leases, and contracts.

Another case involved two Filipino civil engineers who were working in Afghanistan, and whose employer left the country without paying some bills. The two were arrested – essentially as collateral on the debt – and spent a year in detention before an Army colonel brought their plight to Scott's attention.

"We coined a term 'criminalization of

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I Am Thankful to Be a New Hampshire Lawyer

By Jonathan Eck

As I reflect during this season of gratitude, there are so many reasons why I am thankful to be a New Hampshire lawyer and member of the New Hampshire Bar Association.

Close to the top of the list is the civility that most of the members of our Bar practice with on a daily basis. New Hampshire lawyers tend to strongly advocate for their clients while simultaneously maintaining decency and perspective in their approach. Reasonable requests for extensions are granted when there would be no prejudice to the client, and most practitioners show great courtesy and cooperation in scheduling. New Hampshire lawyers typically strive to avoid sharp practices (see the *Litigation Guidelines* and the *Professionalism Creed*). And while not all discovery disputes wind up being resolved by agreement, many are—with fairness and better judgment oftentimes prevailing in the end. I feel fortunate to be a part of a Bar where so many of its members demonstrate and promote professionalism, practice with the highest ethical standards, and maintain collegiality.

I am also extremely thankful for the Association itself. As members, we are fortunate to have such a helpful, skillful, and committed staff. Association staff members understand what lawyers need to serve their clients, and they work to find ways to help meet those needs. Part of what allows the Association to serve its members so effectively is the deep pride that staff members take in providing excellent service to members and those who they interact with as representatives of the Association. That

President's Perspective



By Jonathan M. Eck

Orr & Reno
Concord, NH

member focus is also reflected in the great effort that all the NHBA departments have gone through to identify and provide a broad array of useful member benefits and resources, as I wrote about last month.

I also do not take for granted our knowledgeable and hard-working courts. In New Hampshire, we are fortunate to have strong bench-bar relations. This is apparent through the extensive involvement our judges have with the Bar and their frequent interactions with our members. Our judges here do not merely know a broad range of practitioners, which by itself is a unique and special characteristic, but they are also active in our law-related committees, participants in our events, and broadly contribute in many different ways to advancing the administration of justice in our state and maximizing the functionality of our state and federal courts.

The commitment that our judges bring to our profession and the members of this Association is evidenced on a daily basis, as reflected through the Committee on Cooperation with the Courts, the commitment

to our bench-bar conferences, and the close working relationships between practitioners and judges and judicial branch leadership throughout all Association programs. Many of our members might be surprised to know that one of the justices of the New Hampshire Supreme Court, who attends as a liaison, meaningfully participates in every Board of Governors meeting. The high engagement between the bench and bar in New Hampshire helps the judges hear practitioners' perspectives and suggestions. It also allows the opportunity for judges to understand the pressures and challenges that lawyers face.

In my experience, the New Hampshire Judicial Branch also provides a very useful and efficient Court Information Center, and a functional Odyssey online electronic case access platform. These court resources and tools, when used correctly, allow for efficient access to information and materials. Thankfully, long gone are the days of rummaging through your car for coins, requesting the file at the counter in the clerk's office, and struggling to keep the file in one piece while using the photocopy machine. As technological advances continue, I am excited to become more adept with CaseLines. Having completed the two training sessions, I am confident that with practice, my newly acquired skills will not merely be a requirement for practicing in our state courts, but far beyond that, will help me more effectively and capably represent my clients in court through this systemwide resource that comes at no direct cost to me.

New Hampshire lawyers are also for-

PERSPECTIVE continued on page 4

Kate Mahan Elected New NHBA Vice President

The special election for the Vice President of the Board of Governors concluded on October 25, 2022. Attorney Kathleen Mahan was elected to the position.



Mahan is a litigation partner at Hinckley Allen, where she practices in several intellectual property matters, including trade

secrets, trademarks, and copyrights. She also handles business disputes in relation to corporate governance, non-compete conflicts, contract actions, and other professional disagreements. Prior to working at Hinckley Allen, Kate worked at a boutique business law firm for over 12 years and clerked for the New Hampshire Supreme Court, as well as the New Hampshire Superior Court.

Being active in the Bar is nothing new for Mahan as she's been an active and contributing member for years. She is excited to be involved and to help improve our Bar because of the direct impact it has

on the legal profession.

"My involvement with the Bar stems back a number of years and I see the Bar Association as really playing a critical role in our profession, especially as a mandatory bar," Mahan says. "I really just wanted to be involved with that and understand its inner workings and have a voice about how it operates."

Her hope for her time on the Board of Governors is that she helps foster a sense of community, not just with attorney's but for the state as a whole.



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Undergraduate Students Find a Passion for the Law in Their Studies

By Molly Andrews
NHBA Staff

Looking back, can you remember why you chose to fulfill a career in the legal field? What inspired you to go to law school?

These are the questions that students are asking themselves early on in their undergraduate careers as they begin to navigate what classes they are passionate about. After speaking with two students at the University of New Hampshire, it became clear that no path to law school is the same. However, the interest in the field and the passion to succeed is what drives students to choose the pre-law track.

Gabriella Chianese and Emily Dennison are co-presidents of the UNH Pre-Law Society at the Durham campus. They both found interest in the law differently but are passionate about what the Society has to offer students.

Chianese, from Long Island, New York, is set to graduate in the spring of 2024. She is majoring in biomedical sciences with a concentration in medical microbiology, as well as political science. UNH stuck out to her as an option because of the biomedical sciences major. Here, she was able to take classes that aren't offered at other universities until the graduate level.

Because of her coursework and double major, she has a diverse background in which she was able to combine her passion for both science and the law.

"Even though I am not necessarily in pre-law-designated classes, I feel like I've been rounding out my portfolio a little bit by trying to take the writing intensive courses that are necessary for being in the law profession," Chianese says.

Dennison, a senior from Acton, Massachusetts, picked a more traditional pre-law track, majoring in political science and justice studies. Her interest in the law started in high school when she took a political science class and was surprised at how much she liked it. It was the constitution law course that she took her freshman year that sold her on the idea of being an attorney.

Both Chianese and Dennison feel strongly about the law and have fostered their interest and passion into the Pre-Law Society. The Society is run by five executive officers who are all women. Their goal is to create a community of students who can bond through their interest in the law.

"We are just building a community of people that want to go to law school or are interested in the law because we don't really have a major like that at UNH," says Dennison.

In addition to weekly LSAT preparation before their meetings, the Society also focuses on professional development, which includes resume and interview preparation, networking, and how to brand yourself, to name a few. Besides focusing on professionalism and the law, they also like to have fun and lighten the mood with an occasional movie night.



The five UNH students that make up the Executive Board of the UNH Pre-Law Society.

"We are just building a community of people that want to go to law school or are interested in the law because we don't really have a major like that at UNH."
— Emily Dennison, UNH Student

"We're a student org. We are professional, but we try to have some fun with things too, and build community," Chianese says. "I would argue that it's just as important as the professional development aspects of it."

Chianese and Dennison stress how important it is to make connections, not just with their peers but with attorneys, as well. They welcome lawyers to come to their meetings and give tips on studying and practicing the law.

Attorney Joanne Stella from Durham

Criminal Law attended a Pre-Law Society meeting where she spoke with students about her experiences with law school and how she got to where she is today.

"I've been practicing in Durham for many years, so I feel like I'm part of the UNH community," Stella says.

In addition to sharing her own experiences, Stella was sure to answer the many questions students had that pertained to all things law. She says she finds value in talking with students and answering their questions to help solidify their choice in attending law school.

"Not everybody gets the opportunity to ask an actual lawyer very specific questions that they might have about their career choice or how to get into law school or what law school they should go to,"

UNH continued on page 20

NHBA Welcomes New Sections Coordinator

The New Hampshire Bar Association is pleased to announce that Lazaro Laserna has joined the New Hampshire Bar Association as the new Sections Coordinator. Lazaro comes to us from the Miami branch of the Florida Bar Association. There, he has served in many roles, ranging from lawyer regulation to managing all public records requests. He has an as-



sociate degree in criminal law from Miami Dade College and in his spare time enjoys gardening, soccer, reading, and video games. He used to build movie sets, as well.

"I've traded palm trees for dying trees," Lazaro says about moving to New Hampshire just before the winter. He also says he has never seen snow before—well, he is in for quite a treat later this year!

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Opinion In Response to “The Urgency of the Climate Crisis”

An article from the September 2022 Issue of the *Bar News*.

INTRODUCTION

Climate alarmism is in vogue, and has proved lucrative. Unfortunately, the staggering revenue incident to it – grants, research funding, compliance – has tainted much so-called climate science. Alarmists brand any questioners as “deniers” – akin to clueless bumpkins.

Attorneys Smith and Fish (Attorneys) assert that CO₂ causes global warming, and mankind contributes most of the CO₂. They conclude that (1) such warming will prove disastrous; and (2) massive and expensive measures must be taken to fight it – NOW.

However, science gives little support to their conclusion. My aim is to highlight some failings of their assertion, to outline the science involved, and to offer resources by which citizens can inform themselves on the science rather than falling victim to the shrill cries of “crisis.”

I. CO₂: THE INNOCENT VILLAIN

CO₂ is cast as the villain in the current global warming drama. The theory is simple: the more CO₂ pumped into the atmosphere, the higher the temperature. On this theory hang all the dire predictions of climate disaster.

However, the theory flounders on certain facts: From 1940 to 1975, and again from 1998 to 2014, despite massive doses of CO₂ being pumped into the atmosphere,

there was no warming. Why? Climate alarmists have no explanation.

In fact, CO₂ is a hero of sorts. The verdant New Hampshire forests (and all plants) thrive on CO₂ as we do on oxygen. Yet more, increased CO₂ is a boon to agriculture and, so, to food production. So says the Yale School of Forestry.

II. CRYING WOLF

Climate “crises” are nothing new. For example, in 1975 the prestigious National Academy of Sciences (NAS) claimed a crisis which “presents humankind with the most important social, political, and adaptive challenges we have had to deal with for 110,000 years. Your stake in the decisions we make concerning it are [sic] of ultimate importance: the survival of ourselves, our children, our species.” Sound familiar? The only problem with this doomsday prediction was that it warned of an impending ICE AGE!

The Attorneys’ language is similarly riddled with terrifying words: crisis; threat; dire predictions; devastating changes; catastrophic conditions; perils. Why? The more panic induced in the populace, the more likely they will support the massive taxes and regulations involved. And all this money will go somewhere, like to research institutions and – ahem – law firms that specialize in environmental law. This idea was nicely summed up in another context – war – by Marine General Smedley D. Butler: “Well, it’s a racket all right. A few profit, and the many pay.”

III. SILENCING OPPONENTS TO THE GREENHOUSE GAS THEORY

Of course, the crisis mongers must silence opponents. The Attorneys do so by stating “anthropogenic contributions have been beyond serious question for years;” and by invoking a supposed scientific “consensus” (at least three times) to make any challenger feel foolish. But science is never beyond questioning; and consensus may rule in politics, but not in science. Remember, the consensus in Galileo’s day was geocentrism; and, more recently, consensus held that a lobotomy was the preferred remedy for anxiety.

As but one example of this silencing, the Intergovernmental Panel on Climate Change (IPCC) issued a report in 1995, featuring hand-picked climate experts as consultants. These consultants concluded: “None of the studies has shown clear evidence that we can attribute the observed [climate] changes to the specific cause of increase in greenhouse gases.” Such a strong statement by highly qualified scientists would surely have been included in the report, right? But it ended up on the cutting room floor. It seems the consultants were not singing the song the IPCC wanted to hear.

IV. SEA LEVEL RISE AND BACKFIRING ANECDOTES

An article of faith in the climate crisis crowd is sea level rise. The Attorneys paint a terrifying picture: a “rise in sea level that will inundate coastal zones, and the submerging of major cities.” We have yet to see such catastrophes, though the alarmists assure us (as did the 1975 NAS prediction of a new ice age) it is right around the corner. But evidence for such inundation is scanty. Perhaps the most humorous refutation is this: Barack Obama recently bought a lavish \$12 million estate on Martha’s Vineyard at sea level! Would such a brilliant man do so if he believed rising seas would engulf his dream home?

Next, the Attorneys pose a short anecdote as if it proved anything. Supposedly, New Hampshire recently experienced seven consecutive days over 100 degrees. So? Science does not run on anecdotes any more than consensus. This anecdote may impress the naïve; until we see that a similar run of five days over 100 degrees occurred in 1911! And the hottest day in New Hampshire occurred in 1911! Finally, the hottest year in New Hampshire was 1912! So much for anecdotal evidence – especially when it

is pummeled by further anecdotes.

CONCLUSION

I myself am not a scientist. But I can read the writings of prominent scientists who have no axe to grind. Two books useful in verifying and explaining the points I have made are: *Unstoppable Global Warming* (2007) and *Hot Talk, Cold Science* (1997), both by S. Fred Singer. He received his Ph. D. in physics from Princeton; and his doctoral committee included J. Robert Oppenheimer (think Manhattan Project) and Niels Bohr (think Nobel Prize in physics for 1922). Among many endorsements is that of Richard S. Lindzen: “The highly sensible and well-accepted scientific views in *Hot Talk, Cold Science* deserve the widest possible exposure.” And who is Richard Lindzen? For over three decades he was professor of meteorology and oceanography at MIT.

My point in writing this was not to denigrate the Attorneys. But I have become very concerned that my children will be saddled with the horrendous debt incurred by climate boondoggles, and even more with the vastly decreased standard of living they will be heir to.

William G. Gillespie
Yarmouth Port, Massachusetts

Perspective from page 2

fortunate to have so many well-designed and functional courthouses to practice in. Admittedly, some of the facilities are dated, and those courthouses and the practitioners who use them will eventually benefit from new or improved facilities. However, most of the courthouses in this state show thoughtful design and good planning, extending far beyond reliable and fast WiFi connections, accessible outlets, and functional and attractive spaces.

As we take time to consider what we are most thankful for, please reflect on the numerous benefits of being a New Hampshire lawyer. We can all come up with our own list of reasons why we choose to practice law in New Hampshire and what makes us feel fortunate to be lawyers in this state. I urge you to recognize and express thanks for those aspects of our profession and the practice of law in this great state that help contribute to your satisfaction.

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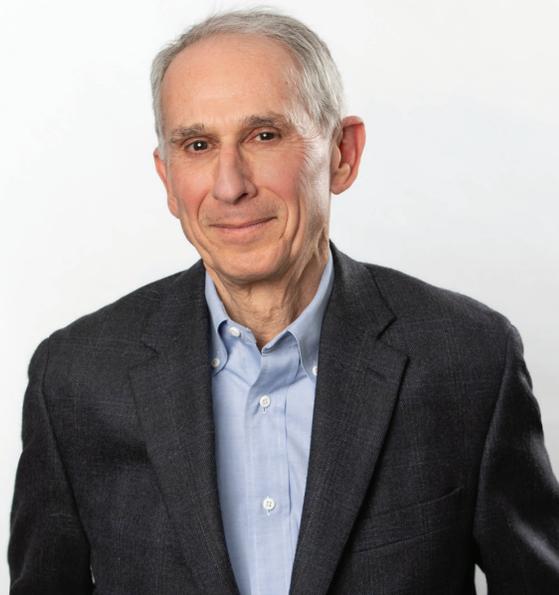
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How the Radonda Vaught Conviction Shows the Troubles in Healthcare

COVID-19 (SARS-CoV-2) exacerbated the shortage of patient care nurses. The criminal conviction of former nurse, Radonda Vaught, could also push more nurses to leave their practice and fewer people choosing nursing as a career. Black's Law Dictionary defines mistake as, "n. (17c) 1. An error, misconception, or misunderstanding; an erroneous belief." Vaught's conduct was held to be more than a mere mistake.

On December 26, 2017, Vaught, a nurse at Vanderbilt University Medical Center (VMC), intravenously administered Vecuronium (a paralytic), instead of Versed (a sedative), to Murphey, resulting in Murphey's death. Principles of safe medication administration are termed "Rights." The Children's Hospital of Philadelphia lists Six Rights of Medication Administration:

- Right Patient
- Right Medication
- Right Indication
- Right Dose
- Right Time
- Right Route

VMC fired Vaught on January 3, 2018, seven days after Murphey's death. Early in 2018, VMC settled the civil suit filed by Murphey's family, reportedly requiring non-disclosure agreements from most of Murphey's family as part of the settlement. On September 27, 2019 (after Vaught was indicted for reckless homicide), the Tennessee Department of Health reversed its prior decision, and initiated proceedings against Vaught.

On March 25, 2022, Vaught's conduct was convicted of criminally negligent homicide. The Tennessee Statute defines criminal negligence as failure to recognize a "substantial and unjustifiable risk" that "constitutes a gross deviation from the standard of care an ordinary person would exercise." The New Hampshire Statute is comparable.

The Tennessee Statute defines reckless culpability as "conduct when the person is aware of but consciously disregards a substantial and unjustifiable risk ..." Vaught was indicted for reckless homicide, but subsequently convicted of criminally negligent homicide.

Negligent medical care can lead to a civil tort claim. But these cases rarely lead to criminal charges. Vaught's conduct resulted in both. In her statement to the Tennessee Bureau of Investigation (TBI),

Vaught admitted Versed was ordered, but she instead gave Vecuronium. To obtain the Vecuronium, Vaught not only ignored multiple warnings from the AcuDose-Rx machine, but she also manually overrode them. In December 2017, VMC used the AcuDose-RX medication dispensing machine. Omnicell and Pyxis are other brands. The devices are essentially locked in storage, requiring ID and password/fingerprint to access. According to Vaught's own statement to TBI, her conduct was reckless. Scientific expert witness testimony was presented to the jury at trial.

The nursing shortage caused by COVID-19 is well known. Hospitals are labeled "full," or "at capacity," even though they have empty beds. However, hospitals often do not have enough nurses to care for more patients in those empty beds. And the available nurses each care for more patients and work more hours.

As a physician and a patient, this case is profoundly disturbing. I am grateful for the physicians and nurses who cared for me when I had spinal fusion surgery last year. I received Rocuronium (a paralytic like Vecuronium) as part of general anesthesia, and Valium (a benzodiazepine like Versed) post-operatively. It is terrifying to think of a nurse giving me Rocuronium and then walking away, leaving me to die.

Businesses like Amazon are financially driven. In the healthcare industry (or to borrow from President Eisenhower, the Healthcare-Government Industrial

Complex), so are hospitals. Patients are *clients*—consumers of goods and services. Physicians and nurses are *providers*, delivering healthcare industry goods and services (but not in blue cargo vans). VMC fired Vaught seven days after Murphey's death but did not report this Unusual Event / Sentinel Event to the County Coroner / Medical Examiner, the State of Tennessee, or the Centers for Medicare and Medicaid Services (CMS). A whistleblower subsequently filed an anonymous complaint to CMS. CMS investigated and:

1. Murphey's cause of death was changed from natural to accidental,
2. The Tennessee Board of Nursing revoked Vaught's license on July 23, 2001,
3. Vaught was convicted of negligent homicide March 25, 2022.

During the COVID-19 lockdown, hospital revenue decreased dramatically. Hospitals in NH have gone bankrupt. Despite the nursing shortage, hospitals need to treat more patients to recover lost revenue. Vaught's conduct is indefensible. But consider the hospital workplace environment and the pressure to generate more revenue. The individuals who generate revenue are the ones with the medication, or syringe, or scalpel in their hands.

Medicine, like law, reflects the values and social norms of a given society. What are our society's values? Vaught was

convicted. However, she subsequently received a deferred judgment-no conviction, three years of probation, and the possibility of having the conviction removed from her record. Reportedly, she will not be able to practice nursing again. That would be some measure of accountability. But what if she applied for a nursing (or other) license again and did not have to disclose the criminal conviction? Most, if not all state nursing license applications require disclosure of any previous suspension or revocation of a nursing license. If she applied in another state, the revocation should also be discovered by a background check – if that background check included Tennessee or the National Practitioner Data Bank.

Sheets of paper with check boxes do not keep patients safe. AcuDose-Rx machines do not keep patients safe. Administrative bureaucracies do not keep patients safe. People keep patients safe. Although safely caring for patients may generate less revenue, the Duty of Care is to the patient, not profit. The Standard of Care is about quality, not quantity.

Richard Steele
Steele Consulting PLLC
Concord

This article along with the references will be posted on Richard Steele's LinkedIn which can be found at [linkedin.com/in/richard-steele-md-esq-26a09a24](https://www.linkedin.com/in/richard-steele-md-esq-26a09a24).



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Domestic Violence: Let's Have a Conversation

By Jill O'Neill

Content warning: content and themes may be distressing to some.

Expanding the Definition

Domestic violence, spousal abuse, battering, or intimate partner violence is the victimization of an individual with whom the abuser has an intimate or romantic relationship. The Centers for Disease Control and Prevention (CDC) defines domestic violence as “physical violence, sexual violence, stalking, and psychological aggression (including coercive acts) by a current or former intimate partner.” Domestic violence is a pattern of abusive behavior that one partner uses to gain or maintain power and control over another intimate partner.

Historically, domestic violence has been conceptualized to be a problem of male perpetrators and female victims. The more recent term ‘intimate partner violence’ is used to differentiate violence between two people involved in a romantic relationship from other types of domestic violence, such as child abuse and elderly abuse. Intimate partners are people who are currently or were previously involved in a romantic relationship,



regardless of whether or not they live in the same household. Bidirectional violence is where one partner may be the primary aggressor while the other is using the violence in self-defense, resistance, or retaliation. It's important to recognize and have an honest discussion about what these relationships look like so that people can receive the proper help and recovery resources.

How Big Is the Problem?

Intimate partner violence (IPV) is common. It affects millions of people in the United States each year. Data from the CDC's National Intimate Partner and Sexual Violence Survey (NISVS) indicates:

- About 41 percent of women and 26 percent of men experienced contact sexual violence, physical violence, and stalking by an intimate partner and reported an IPV-related impact during their lifetime. Injury, posttraumatic stress disorder (PTSD) symptoms, concern for safety, fear, needing help from law enforcement, and missing at least one day of work are common impacts reported.
- Over 61 million women and 53 million men have experienced psychological aggression by an intimate partner in their lifetime.

This violence occurs regardless of age, economic status, sexual orientation, gender, race, religion, or nationality. The CDC states, “Some individuals and communities experi-

ence inequities in risk for violence due to the social and structural conditions in which they live, work, and play. Youth from groups that have been marginalized, such as sexual and gender minority youth, are at greater risk of experiencing sexual and physical dating violence.”

IPV is a significant public health issue with many individual and societal costs. About 75 percent of female IPV survivors and 48 percent of male IPV survivors experience some form of injury related to IPV. IPV can also result in death. Between 2018 and 2019, 67 percent of the domestic violence homicide victims in New Hampshire were killed by an intimate partner, 28 percent were killed by a family member, and five percent were domestic violence-related (NH Domestic Violence Fatality Review Committee, Biennial 2018-2019 Report, pg.7). Firearms were the leading cause of domestic violence homicide during this reporting period, accounting for almost half (NH Domestic Violence Fatality Review Committee, Biennial 2018-2019 Report, pg. 7).

Survivors can experience mental health problems such as depression and PTSD symptoms. They are at higher risk for engaging in behaviors such as smoking, binge drinking, and sexual risk activity. IPV is not simply an “at home” problem. The economic costs associated with IPV include medical bills, court costs, lost productivity from work, or the permanent loss of earnings – as well as career setbacks.

If you are experiencing intimate partner

violence or are a survivor seeking support, the New Hampshire Lawyers Assistance Program is here to offer confidential assistance. We are here to support legal employers, HR Directors, and supervisors by offering free workplace consultations to help share resources for reintegrating survivors of domestic violence into the workplace.

For more information, or to contact the New Hampshire Lawyers Assistance Program confidentially, call (603) 491-0282 or visit www.lapnh.org. ■



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Member Services Resources to Help Your Small or Solo Practice Thrive

By Misty Griffith
NHBA Staff

More than half of the law firms in New Hampshire have four or fewer attorneys, and 70 percent have fewer than 10 attorneys. Small and solo practitioners in New Hampshire are in good company. No matter the size of your firm, there are resources that every firm needs to succeed. NHBA provides a wide array of member services to help meet some of those needs.



NHBA TechConnect

It is important to select the right technology to meet the needs of your practice. However, it is sometimes difficult to know which technology to choose. The NHBA TechConnect benefit offers free 30-minute consultations with an expert consultant from Affinity Consulting Group who specializes 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.

Many NHBA members have already benefitted from free consultations for advice on selecting new or upgrading existing technology, as well as more general law practice management advice. 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."

Clio and MyCase

Firms of all sizes are using law practice management (LPM) software for increased efficiency. 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 had positive feedback about both.

LawPay

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 ABA and IOLTA guidelines. NHBA members receive a free 3-month trial on LawPay. LawPay integrates with both Clio and MyCase

for added efficiency.

Smith.ai

Smith.ai offers a practical solution to provide phone coverage so that you do not miss important calls. Smith.ai receptionists are available 24 hours a day 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**.

RPost

For a high-quality, affordable cybersecurity option, consider RPost. RPost is a well-established global leader in providing secure electronic communications and is a benefit provider for numerous bar associations. RPost offers two convenient cybersecurity 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.

ESQ Sites

According to the results of our 2022 Economics of Law Practice Survey, fewer than half of solo practitioners in NH have a website. Member benefit provider ESQ Sites specializes in web design for small and solo practitioners. ESQ Sites provides domain registration, web design, and hosting services for legal professionals. Members use coupon code NHBA to receive a 25 percent discount on the one-time setup fee.

Fastcase

To help with your legal research needs, your NHBA membership includes free access to Fastcase online legal research library. Fastcase provides comprehensive access to case law, statutes, regulations, court rules, constitutions, and law review articles. Free access to Fastcase is a valuable member benefit which would cost \$995 per year if purchased individually, and other online research platforms are even more expensive.

ABA Books for Bars

If you want build content in your own library, take advantage of the ABA Books for Bars member benefit to receive a discount on ABA publications. NHBA members save

RESOURCES continued on page 9



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Women in the Judiciary Are Crucial to Our Legal System

By Hon. Gary E. Hicks and Lyndsay N. Robinson



Hicks



Robinson

Women and people of color are under-represented as judges in New Hampshire state courts. That much is obvious. The solution, however, is a bit elusive. In June 2022, the New Hampshire Women's Bar Association (NHWBA), the New Hampshire Women's Foundation (NHWF), and the Warren Rudman Center of the University of New Hampshire Franklin Pierce School of Law hosted a discussion on this issue.

The event addressed the data collected from the NHWF and included a panel discussion. Linda Johnson of McLane Middleton, currently Board Chair of the New Hampshire Women's Foundation, moderated. The featured panelists, the Hon. Anna Barbara Hantz Marconi, Associate Justice – NH Supreme Court; Hon. Tina Nadeau, Chief Justice – NH Superior Court; Hon. Jacalyn Colburn – NH Superior Court; Hon. Sawako Gardner – NH Circuit Court; and Hon. Susan Carbon – NH Circuit Court, had

some solid suggestions.

As a country, we are a representative democracy. To fully achieve representative democracy, by definition, there should be equitable gender and racial representation. All states and branches of government struggle with this fundamental premise. In New Hampshire, only 38 percent of all State Court judges are women, with the smallest ratios of women on the Superior Court and Supreme Court. As of this writing, New Hampshire has 22 women serving on the Circuit Court (43 percent), seven women serving on the Superior Court (32 percent), and one woman serving on the Supreme Court (20 percent). There is currently only one person of color serving as a judge at any level of the New Hampshire state judicial system. That person is also the only woman of color.

Compared to the surrounding New England states, the New Hampshire Supreme Court is tied with Rhode Island for the lowest percentage of women justices. The New England states are ranked as follows: Maine and Massachusetts at 43 percent, Vermont at 40 percent, Connecticut at 29 percent, and New Hampshire and Rhode Island at 20 percent.

Although New Hampshire has “come a long way” since Marilla M. Ricker passed the bar exam and won her case against the state to allow women in New Hampshire the right to practice law, there remains a long way to go.

Women's representation in the judiciary is imperative to ensuring that courts represent their citizens, especially those appearing before them as lawyers, litigants, jurors, court

security, clerks, and staff. By their mere presence, women judges promote the legitimacy of the courts. Women judges bring different perspectives and experiences to the bench and enhance both perception and reality. In return, their representation on the bench promotes trust in the judiciary as capable of upholding the rule of law and dignifying human rights while reflecting the society it represents.

As a result of their research, the New Hampshire Women's Foundation made the following policy recommendations:

1. Governors should nominate more women and people of color at a rate that would achieve equity in all levels of the New Hampshire State Judicial Branch, at least comparable with New Hampshire's population.
2. Governors should appoint members with gender and racial diversity to the Judicial Selection Commission.
3. With safeguards to protect the anonymity of the application process, the Judicial Selection Commission should publish the number or percent of women and people of color who have applied for judgeships and the number or percent they recommend to the Governor for each vacancy.
4. The New Hampshire Bar Association should collect and publish the gender and racial diversity of its membership on a regular basis. This data would be the basis to understanding trends in the pipeline to the bench.
5. Women attorneys could benefit from a mentorship program that supports career trajectory and opportunities including judgeship.

When other members of the judiciary were asked about their thoughts on how we can do better, Hon. Susan B. Carbon shared, “There is no question that we have made progress, but the real question is whether we are committed to creating a bench that is reflective of the population. We have a long way to go before women are equitably represented – and by this, I mean at least half the bench. No one flinches when we say men comprise 70 percent of our judgeships. No one should flinch if women comprised 70 percent. Ideally, we'd be closer to a 50/50 split, but the point is, it will be a great day when we no longer have to count numbers; women will be present throughout.”

Hon. Susan B. Carbon believes the entire system could benefit from transparency. She believes it is worth exploring the pro-

portion of men to women who: 1) apply for judgeships; 2) are selected to be interviewed; 3) are recommended to the Governor; 4) are interviewed by the Executive Council; and 5) are confirmed and sworn in.

Hon. Barbara Hantz Marconi of the New Hampshire Supreme Court adds, “Mentorship is a critical support to those contemplating a judicial application. From confirmation of suitable qualifications, to navigating the application process, it is most energizing and supportive to have, in effect, a cheering section at a time when a person can feel most exposed.”

Hon. Susan B. Carbon is a strong proponent of mentorship, as well.

She adds, “I think we should take every opportunity to mentor young women, to support them as they grow in the profession, and celebrate their successes. We can no longer say there is not a pool from which qualified candidates could be selected. We just need to open our eyes.”

This is a good start, but we can do more. Members of the New Hampshire Bar have a long, storied history of problem solving. The remarkably effective Women's Bar Association was born to problem solve and has never faltered in that effort. Lawyers for Justice, (the criminal attorneys), practice groups, list serves, and Inns of Court are all vital resources. Hardly the least element in this quest is our law school, lead by its extraordinary Dean, Megan Carpenter.

What these groups can achieve and are achieving is culture change. All can and do instill the very notions of societal fairness, notions that must intertwine in the fabric of our daily discourse. Then, and only then, is the goal achieved. At that point, equity and diversity become normative, and we are all in a better place.

There are certainly more resources that we have forgotten, but that should be another “good start.” If we, as lawyers, judges, and citizens, simply focus, culture change is at hand. Diversity on the bench is inevitable. Our judiciary could use the talent. New Hampshire will be a better state.

All of this is a good start. Progress, by some... ■

Honorable Gary E. Hicks is the Senior Associate Justice of the New Hampshire Supreme Court and Lyndsay N. Robinson is counsel at Shaheen & Gordon, PA. For more information on the research findings by the New Hampshire Women's Foundation please visit, nhwomensfoundation.org/research-item/gm2022-issue-1-women-in-the-new-hampshire-judiciary.

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“The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England cannot enter – all his force dares not cross the threshold of the ruined tenement!”

– *Miller v. United States*, 357 U. S. 301 (1958).

If only we could use the same Fourth Amendment (and Part I, Art. 19 of the State Constitution) to exclude not only the Crown, but also our annoying relatives who want to talk politics.

Happy Thanksgiving!

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New Lawyers Committee Happenings

By Laurie Young and Stephanie Tymula



Young



Tymula

The New Lawyers Committee (NLC) supports the newest members of our bar through programming, resources, and networking. All members who were sworn in within the last five years are included in the NLC's target audience and receive invitations to NLC events. Even attorneys who may have practiced for years in other jurisdictions, but are new to New Hampshire, are invited to attend events and to get to know the New Hampshire Bar. These events have taken on particular importance with the lack of in-person networking during COVID-19. The NLC welcome helps set the tone for our reputation as a collegial bar. Here are a few highlights of our ongoing programs the NLC has going on:

Dinners with a Judge: The NLC hosts dinners with state and federal judges for new lawyers to attend. These dinners are purposefully kept as a small group to allow a more casual conversation flow. This gives new at-

torneys an opportunity to meet a Judge off the bench, gain practice tips, and learn more about the judiciary in New Hampshire. We host several of these throughout the year with a variety of judges. Most recently, we hosted dinners with Judge Samantha Elliott and Judge William Delker. Plans are in the works for future dinners.

Bench and Bar Meet and Greet All new lawyers are required to attend the Practice Skills Course within two years of swearing in. The "Bench and Bar Meet and Greet" is an evening networking event after a day of sessions at Practical Skills for new lawyers to meet members of the judiciary. This year, it will be on December 13, at 5:00 pm at the Grappone Center in Concord.

Educational Programs – The NLC put together a CLE in September titled *Ethics of Venting*. The NLC is also responsible for the publication of *Traps for The Unwary*, which is series of articles providing the basics of differing practice areas. The NLC will be revising and updating it this year to reflect changes and updates in the law. The prior version can be found at: nhbar.org/traps-for-the-unwary.

The NLC does many more events throughout the year and has regular outreach to new attorneys. We just had a successful Oktoberfest event with NHAJ and NHTLDA. The committee is planning future events in differing regions throughout the year. All attorneys who were sworn in within the last five years receive regular newsletters outlining events and opportunities. The NLC

committee is comprised of volunteer new attorneys and volunteer experienced attorneys that are appointed by the President of the New Hampshire Bar Association in the summer. ■

Laurie Young is Co-Chair of the New Lawyers' Committee. Laurie practices probate law in Dover, NH at Wyskiel, Boc, Tillinghast & Bolduc.

Stephanie Tymula is the other Co-Chair of the New Lawyers' Committee. Stephanie is admitted in NH, MA, VT, CT, and NC and runs a general practice, 1 Client Matters, LLC, based out of Manchester, NH.



Oktoberfest at Concord Craft Brewing on October 18.

15 percent off the general public price on all books and electronic publications available in the American Bar Association web store when using the special discount code: **PA-B8ENHB** at checkout.

NHBA Lawyer Referral Service

Even thriving practices need a steady stream of new client leads to keep it that way. NHBA Lawyer Referral Service can help you generate more clients by providing you a steady source of referrals. In 2021, LRS had a record-breaking number of referrals with more than 6,800 referrals generating over \$2.3 million dollars in total income, and the number of referrals made by LRS continues to increase. For an annual fee of only \$100 and the agreement to remit 10 percent of collected fees to LRS, you will receive pre-screened referrals in practice areas which you select. The LRS application is available online at nhbar.org/join-lawyer-referral-service/.

Bar Center

When you need a place to meet with clients or other attorneys, the Bar Center has conference rooms and small meeting rooms which are available to members at no charge on a space-available basis. Our convenient location at 2 Pillsbury St., Suite 300 in Concord offers plenty of free parking. Contact the front desk at (603) 224-6942 to inquire about availability.

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 Member Services Coordinator Misty Griffith mgriffith@nhbar.org or call (603) 715-3227. ■

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2020	28	8
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2018	33	8
2017	38	5
2016	38	8
2015	50	12
2014	31	6
2013	29	3
2012	26	6
2011	36	5
2010	21	5
2009	22	9
2008	25	8

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

- \$6 MILLION**
Death of transplant recipient from parasitic infection transmitted by donor organ
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- \$5.75 MILLION**
Maternal death after delivery
Andrew C. Meyer, Jr. and Robert M. Higgins
- \$4.8 MILLION**
Anoxic brain injury after patient denied admission with cardiac tamponade
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Birth injury
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Failure to administer anticoagulation results in death
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Failure to recognize fetal distress results in uterine rupture, maternal/fetal deaths
Andrew C. Meyer, Jr. and Krysia J. Syska
- \$2.75 MILLION**
Death from peritonitis following hernia repair
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Failure to properly manage airway post-operatively results in death*
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Delay in diagnosis of prostate cancer*
Andrew C. Meyer, Jr. and Nicholas D. Capiello
- \$1.5 MILLION**
Delay in recognition of cardiopulmonary arrest results in brain damage and death of 9-month-old boy
Andrew C. Meyer, Jr. and Krysia J. Syska
- \$1.5 MILLION**
Necrotizing fasciitis after surgery
Andrew C. Meyer, Jr. and William J. Thompson
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Delay in diagnosis of gleason 9 prostate cancer leads to advanced disease
Andrew C. Meyer, Jr. and Adam R. Satin
- \$1.5 MILLION**
Improper antibiotic use leads to colitis and death of 9-year-old boy
Andrew C. Meyer, Jr. and Adam R. Satin
- \$1.5 MILLION**
Misdiagnosed stroke leads to death
Andrew C. Meyer, Jr. and William J. Thompson
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Death of 19-day-old baby from birth injury
Andrew C. Meyer, Jr. and Robert M. Higgins
- \$1.5 MILLION**
Spinal cord injury following epidural steroid injection for pain management
Andrew C. Meyer, Jr. and William J. Thompson
- \$1.25 MILLION**
Failure to properly manage anticoagulation medication results in debilitating stroke
Andrew C. Meyer, Jr. and Adam R. Satin
- \$1 MILLION**
Failure to test for strep in mother leads to permanent neurologic injury in baby
Andrew C. Meyer, Jr. and Krysia J. Syska
- \$1 MILLION**
Delay in diagnosis and treatment of sepsis results in death of 76-year-old woman
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Delay in diagnosis and treatment of multiple myeloma results in death of 72-year-old man
Andrew C. Meyer, Jr. and Krysia J. Syska
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Medication error leads to death of 90-year-old woman
Andrew C. Meyer, Jr. and Nicholas D. Capiello
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End-Of-Year Giving

The end of the year always brings a sense of generosity. With the holidays approaching and the weather getting cooler, it is always a good time to reflect on how you can give back to your community. There are multiple ways to support the New Hampshire Bar Foundation this season and to help us continue to support the mission of meaningful access to justice. This year, the NHBF is participating in the end-of-year giving, as well as Giving Tuesday.

In 2022 the Bar Foundation:

- Awarded four organizations \$775,000 in IOLTA grants to provide civil legal aid. These organizations include 603 Legal Aid, New Hampshire Legal Assistance, NHBA Lawyer Referral Service-Modest Means, and Disability Rights Center-NH;
- Distributed \$102,250 in Justice Grants to 14 programs to fund civics education and other justice initiatives. The recipients included the NH Historical Society, YWCA, New Hampshire Public Radio, NH Brazilian Council, Guardian Support Services of NH, Manchester NAACP, NH Legal Assistance, UNH Law – Warren B Rudman

Center, NH Bar Association, NH Civics, Bridges: Domestic & Sexual Violence Support Services, and 603 Legal Aid;

- Established the Marilyn Billings McNamara Fund; and
- Established the Vincent A. Weners Jr. Fund to support access to justice and education for workers.
- Published the results of its Diversity and Inclusion Survey, which compiled responses from almost 2,000 New Hampshire Bar Association members. The survey identified opportunities to better recruit, retain, and support a more diverse workforce.

In 2023 the New Hampshire Bar Foundation is committed to supporting more access to justice initiatives in the Granite State. Our members' generosity is what keeps our mission moving forward and we hope that with the season of giving approaching, the Bar Foundation will be in the forefront of your mind.

GIVING TUESDAY

The Bar Foundation will be participating in Giving Tuesday, taking place on Tuesday, November 29. The purpose of Giving Tuesday is to inspire generosity and humanity around the world with the larger goal to make this part of everyday life. Giving Tuesday was established 10 years ago and had inspired millions of people to do good.

The Foundation will be doing social media posts throughout the day to highlight our grantees' work. Donations to the Bar Foundation can be made through the NHBF website at nhbar.org/nh-bar-foundation.

"Giving Tuesday was founded as a way to give back following a Thanksgiving holiday filled with family, food, and shopping. The New Hampshire Bar Foundation is grateful to donors who support access to justice during this holiday season and all year long."

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Strengthening Justice for All



Community Notes

Pastori | Krans is thrilled to announce that *Business NH Magazine* has once again recognized the firm as one of New Hampshire's Top Women-Led Businesses. This is the fourth consecutive year the firm has

made the coveted list, rising several spots to the 61st spot for 2022. With a 21.3 percent three-year average growth rate, the firm is also listed as one of New Hampshire's "20 Fastest Growing Women-Led Businesses."

Coming and Going

Sheehan Phinney is excited to announce the addition of the entire Cook Little legal team, thereby significantly expanding Sheehan's exceptional corporate, transactional, employment, and data privacy practices.

Cook Little Member, Jim Cook, highlights that "joining forces with Sheehan, and

the talents and resources it offers, will be a real plus for our valued technology, start-up, manufacturing, automotive, professional services, hospitality, non-profit, and other clients, and provides a compelling case for others looking to take advantage of our combined business law services."

Section Connection

Trust and Estate Law Section

By **Patience E. Carlier**

The Trust and Estate Law Section held a meeting in October, focused on sharing information, resources, and tips on adding value to long-term client relationships. It was presented by Christine Armstrong and Danene Cronin from Morgan Stanley.

The November 2 meeting was on Cryp-



tocurrency in Estate Planning with Vanessa Woods from Hughes, Hubbard & Reed.

The December meeting with the Judges is always a favorite for the Section and, after much request, will be held in-person.

The Section is open to practitioners and law students alike and we cannot wait to see you at our next meeting.

Patience E. Carlier is an associate at Sulloway & Hollis, PLLC, in the firm's Trusts, Wills, and Estates group. She focuses her practice in the areas of estate planning, tax planning, estate and trust administration, and elder law matters. She also works with clients to navigate the guardianship process.

LawLine Thank You

The NH Bar Association would like to give well-deserved shout out to Ward Law (pictured) and Devine Millimet for co-hosting our October 12th Lawline event! Over 45 calls were taken on a variety of issues including probate matters, landlord/tenant issues, insurance questions, and domestic relations. Thank you again to all our volunteers for participating in this valuable service!

LawLine is a public hotline, hosted by volunteer attorneys, on the second Wednesday of each month from 6:00 pm to 8:00 pm. Join in the fun, assemble a handful of colleagues in your office to take calls, and



we will forward the phone calls from the public. For more information or to volunteer to host a Lawline event for 2023, please contact NHBA Lawline Coordinator Anna Winiarz at awiniarz@nhbar.org.

In Memoriam

Mary Louise Dufault

On October 16, 2022, Mary Louise Dufault, an attorney and longtime resident of New London, New Hampshire, peacefully passed away with her family at her side. She was 85. Mary Lou, as she was known, was born on Mother's Day, May 9, 1937, in Clarion, Pennsylvania, to Mary Elizabeth Meisinger and Ambrose John Selker. The eldest of her two siblings, Ambrose Paul Selker and Thomas Michael Selker, Mary Lou helped her mother, a bank secretary, raise her family after her father's untimely passing in July of 1947.



In 1955, Mary Lou graduated from the Immaculate Conception School in Clarion before attending Indiana State Teachers College, where she earned a Bachelor of Science in Home Economics in 1959. While teaching Home Economics in Carlisle, PA, she met her eventual husband, Larry Bernard Dufault, who was serving nearby at the US Army War College. Hungry for more education and learning opportunities, Mary Lou attended Pennsylvania State University where she earned a Master of Science in Clothing and Textiles in 1962.

Mary Lou and Larry were happily joined in marriage on June 22, 1963, in Clarion. After getting married, Mary Lou became a professor at Juniata College in Huntingdon, PA, where she taught classes in clothing and costume design for eight years. Mary Lou later earned a second master's degree, in Medieval Literature, at the University of Connecticut in 1973.

In August of 1973, Mary Lou and her husband moved to New London, where they both taught at Colby-Sawyer College. In 1980, she earned her juris doctor from Franklin Pierce School of Law. Mary Lou enjoyed law school so much, she convinced her husband to attend. Upon graduating from Franklin Pierce, she established the Law Office of Mary Lou Dufault, and then upon her husband's graduation, they both formed the Dufault & Dufault Law Offices.

Mary Lou was an active member of the New London community, serving for three years on the New London Budget Committee. She was a member of the League of Women Voters, the Ausbon Sargent Land

Preservation Trust, the Garden Club, the Lake Sunapee Wine Society, and the Lake Sunapee Yacht Club. Mary Lou was an avid fan of music, especially jazz, and played piano daily. She had a passion for travel, starting with a trip to Cairo, Egypt with her husband in 1965 and continuing with extensive travels to Asia, the Middle East, and Europe. Mary Lou also loved sailing, tennis, gardening, baking, attending theater, and skiing.

Mary Lou is survived by her husband, Larry, her son, Michael Sean Dufault, his wife Tantra Oo and daughters Ina and Bianca, who reside in Basel, Switzerland, and her daughter, Jaqueline Mara Dufault, her husband Alain Charest and daughters Alycia and Ophelia who live in Lexington, Massachusetts.

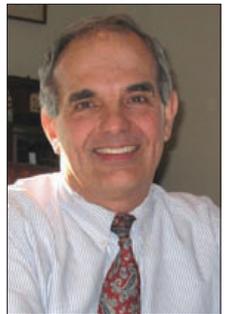
Mary Lou was laid to rest in Clarion, PA, alongside her mother and father. For those who would like to leave a message or share memories of Mary Lou, an online guest book has been set up for the family at www.chadwickfuneralservice.com. Any donations *in memoriam* may be made, at Mary Lou's request, to the Ausbon Sargent Land Preservation Trust at www.ausbon-sargent.org/donate.

Franklin Jones

Franklin C. Jones, of Rochester, NH passed away on October 8, 2022, at age 74. He was born July 2, 1948, in Lebanon, New Hampshire, to Lawrence and Dorothy Jones. At Lebanon High School, he first met Jan, the love of his life and wife for over 59 years. He was a graduate of the University of New Hampshire and the Boston University School of Law.

While he practiced law in the greater Rochester area for over 49 years, the majority spent as the managing partner at Wensley and Jones or as a judge presiding over the Rochester District Court of New Hampshire, his favorite moments were spent either with his family or enjoying nature.

Frank's love of the outdoors extended to both land and sea. He was an avid skier, heading down the East Coast's steepest mountains well into his 70s. He also loved to hike the Presidentials, with a highlight being



IN MEMORIAM *continued on page 23*

Professional Announcements

Samdperil & Welsh, PLLC, announces that:

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McDowell & Morrissette
*is pleased to welcome
 our new associate,*
Brian J. Stankiewicz



Brian joins the firm after graduating from the University of New Hampshire Franklin Pierce School of Law. During his first summer as a law student, Brian gained valuable experience interning with the Saint Anselm College Athletic Department Compliance office. After that, he joined McDowell & Morrissette as a law clerk, working on a wide range of matters, from medical malpractice to workers compensation claims and personal injury claims. While at UNH, he worked with the Criminal Practice Clinic, representing indigent defendants.

Brian received his Juris Doctor with a Sports Law certificate from University of New Hampshire Franklin Pierce School of Law and a B.A., cum laude, in Accounting from St. Anselm College.

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Welcome

Sheehan Phinney welcomes Cassandra O. Rodgers to the firm.



Cassandra Rodgers
 Associate
 603.627.8380
crodgers@sheehan.com
 Business Litigation

Before joining the firm, Cassie served as a judicial intern for the Honorable Anna Barbara Hantz Marconi of the New Hampshire Supreme Court. She also worked as a legal extern for Dana-Farber Cancer Institute's Office of Grants & Contracts and was a legal extern for the City of Portsmouth's Prosecutor Office.

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Upton & Hatfield, LLP is pleased to announce that Madeline K. Osbon joined the firm as an Associate Attorney.



Please join us in welcoming Maddie Osbon to the firm! She is an associate in the labor and employment, human resource management, municipal, school, and business practice groups.

Welcome, Maddie! We're happy to have you on our team.

Maddie graduated from the University of New Hampshire Franklin Pierce School of Law, where she was the Chief Notes Editor of the UNH Law Review. She received a B.A. in Communication and a Master's in Business Administration from the University of New Hampshire.

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Getman, Schulthess, Steere & Poulin, P.A., founded in 1997 by Attorneys Larry Getman, Steve Schulthess and Doug Steere, is pleased to share that the founding partners have retired from the firm and announce that Elizabeth Hurley, Clara Lyons, and Debbie Lorusso Makris have joined Chris Poulin as shareholders of the firm.

Larry, Doug and Steve started this firm 25 years ago as a small insurance defense firm, which has since then flourished into a multifaceted litigation law firm serving clients in New Hampshire, Maine, Vermont, and Massachusetts.

We wish the founding partners well. We are excited to embark on our own new endeavor as we continue to grow our firm.

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Devine Millimet is pleased to welcome William Callif to the firm as a Corporate Associate in our Manchester office. Will is a 2022 graduate of Suffolk University School of Law with a Business Law and Financial Services Concentration.

As a member of the Devine corporate team, he will work on a variety of matters, including mergers and acquisitions, real estate transactions, and general business representation.



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GCG is pleased to welcome Jonathan as a shareholder, director of the firm.

Jonathan's peers have continually selected Jonathan for inclusion in SuperLawyers® as a top medical malpractice defense attorney. In 2023, The Best Lawyers in America® named Jonathan as a Best Lawyer in health care law and litigation.



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Who is Your Favorite Fictional Lawyer?

By Tom Jarvis
NHBA Staff

The feedback on the first article in this new monthly column was overwhelmingly plentiful and positive. Thank you very much for your ongoing participation. A bit of levity can sometimes go a long way. As Denny Crane from the show *Boston Legal* once said, “no matter how hard your day, no matter how tough your choices, how complex your ethical decisions, you always get to choose what you have for lunch.”

A lot of bar members have expressed that legal dramas are cringeworthy due to the inaccuracies. Some even say that’s the very reason why they watch them. With so many characters in countless books, television shows, and movies in the legal genre, it is definitely interesting – and fun – to see who the favorites of NH Lawyers are.

Gar Chiang, Chiang Law Firm

“My favorite was Perry Mason, played by Raymond Burr, whom I met at a Performance Arts conference in New York City. I never forgot [how the show] showcased a pro bono lawyer offering free consultations aside a food truck. He stood with a yellow pad and offered free legal advice two



days a week. I thought about doing the same by having a table at a dim sum restaurant one afternoon a week. If I can figure out how to limit people to sit for no more than 10 minutes, I may implement the idea. NH lawyers love to use the word “collegial,” therefore, it is less dramatic. But we can always have a bit more fun in our legal work while taking our work seriously.”

Peter Hutchins, Law Offices of Peter Hutchins, PLLC

“My favorite in a long list of fictional lawyers is Alan Shore of *Boston Legal*. I admired his passion and dedication to helping his clients. I also admired his intense loyalty and relentless fighting to reach the right and just result, highlighted by the final episode when he argued to the US Supreme Court to allow his friend and mentor, Denny Crane, to have an experimental unapproved Alzheimer’s treatment to save his life. Alan argued ‘the law cannot possibly say that you can look a dying man in the eye and tell him he cannot save himself, and if it does, that law needs to be changed right now, today.’ Alan Shore summed up best why I hope we all went to law school in the first place – to help people and achieve justice for them. And that although many may occasionally lose those sentiments



somewhere along the way, we should always strive, case by case, to keep them in mind and live by them – sometimes regardless of the personal cost. Would Alan do well in a NH courthouse today? I sincerely hope so.”

Ed Philpot

Edward D. Philpot, Jr., PLLC

Vincent Gambini, aka Jerry Gallo, aka Jerry Callo from *My Cousin Vinny*. He was a great example of effective cross examination and trial strategy. He would do pretty good in NH!”



Israel Piedra

Welts, White & Fontaine, PC

“Josh Lyman. I have to shoehorn *The West Wing* into every conversation because it’s my favorite TV show of all time. He’s not an actively practicing lawyer, but he is a Yale Law School graduate and definitely uses his legal skills to navigate the political and legislative challenges in the show. Josh would definitely make some



embarrassing gaffe if he had to appear in [a NH] court, and never hear the end of it from Toby.”

Lyndsay Robinson

Shaheen & Gordon, PA

“This is a tough call! I love Atticus Finch [from *To Kill a Mockingbird*], any prosecutor from *Law & Order SVU*, and Erin Reagan from *Blue Bloods*. They carried themselves with such professionalism. They seemed to always follow the law and fiercely advocate for their clients/side. My guiltiest pleasure is watching TV and movies that have a legal component. Although often not an accurate depiction of the practice of law, I love comparing what would and would not happen in real life. I would like to think we [in NH] would embrace all of these lawyers. I think some lawyers from New York City may struggle in NH. I find NH to be a very collegial bar in comparisons to other states.” ■



If you’d like to share your favorite fictional lawyer, contact NHBA Editorial and Marketing Coordinator Tom Jarvis at tjarvis@nhbar.org. Please include your favorite fictional lawyer, why they are your favorite, and your opinion on how they would fare in a present-day New Hampshire courtroom.

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Cybersecurity for Employee Benefit Plans

By Cameron G. Shilling

The United States is experiencing waves of new cybersecurity regulations. Because cybercrime consistently grows in sophistication, cybersecurity must become a significant concern for all businesses and individuals. Employee benefit plans are no exception.



Employee benefit plans are high value targets. Plans hold liquid assets and possess troves of personal and financial information about participants, sponsors, and the plans themselves. According to Department of Labor (DOL) estimates, about 106 million individuals contribute to over 34 million different private pension plans, which hold over \$9.3 trillion of assets. These plans include multiple interconnected entities – such as plan sponsors, various fiduciaries, and record keepers – that regularly and necessarily exchange personal and financial information about participants and the plans, presenting prime opportunities for hacking. In light of the amount of assets and information held by these entities, even a single limited attack can be devastating.

The Department of Labor has re-

sponded by implementing guidelines for this industry. The guidelines have three components: (1) cybersecurity best practices for plans; (2) safeguards for hiring service providers; and (3) online protections for participants.

Cybersecurity Best Practices

DOL regulations list 12 cybersecurity best practices. They include implementing a formal, robust, and well-documented cybersecurity program with clear written policies; conducting annual risk assessments to identify threats, including hiring an independent third-party to assess the plan's cybersecurity controls; regular cybersecurity awareness training, testing, and retraining when appropriate; encryption of sensitive information both in motion and at rest; and implementing the panoply of currently available technological safeguards needed to protect against sophisticated cyberattacks.

Hiring Service Providers

Since assets and information are only as secure as the weakest link in the chain, the DOL regulations outline the steps for plans to vet service providers. Those steps include scrutinizing the provider's cybersecurity standards, practices, policies, and audit results; inspecting the provider's history, including any past incidents and breaches; reviewing the provider's cybersecurity insurance policies and ensuring that those policies cover the plan in the

event of breach; ensuring that contracts with providers ensure that plan assets and information are appropriately protected, and that liability is appropriately allocated between the parties.

Online Protections

Individuals are often unable to, or just do not, properly protect their online activities. As a result, the DOL guidelines list a series of safeguards for plans to implement to protect their participants against online threats, including requiring truly unique and strong passwords; mandating the use of multi-factor authentication to access the participant's plan information and assets; and internal controls for any changes made to a participant's profile or account information, and for initiating and authorizing certain financial transactions. In addition, the DOL guidelines identify safeguards for individuals to implement to protect themselves, such as hardening home Wi-Fi networks through the use of residential firewalls and virtual private network applications and using advanced threat detection on personal computers.

Cybercriminals are constantly looking for new and valuable targets. The wealth of information and liquid assets held by employee benefits plans presents such an opportunity. As a result, the businesses involved with these plans – including sponsors, fiduciaries, and record keepers – as well as individual participants all need to act promptly to comply with the DOL regulations and protect themselves from becoming a victim of a devastating cyberattack.

I want to recognize and thank Muhammed Usman for his participation in this article. Usman is the newest member of our Cybersecurity and Privacy Practice Group, and we are all very happy to have him as our colleague. ■

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

Book Review

Claremont Boy: My New Hampshire Roots and the Gift of Memory

By Joseph D. Steinfield

Bauhan Publishing, LLC (2014), Softcover, 230 pages

Reviewed by Angelika Wilkerson, 603 Legal Aid Staff



My nephew, an old soul with an appreciation for collecting, began his hobby as a little boy. Whether walking in the park, hiking in the woods, or wandering around the neighborhood, he always returned home with a pocket full of tiny items he collected along the way: rocks, bottle caps, leaves, etc. One by one he would pull the objects out and place them on the table, describing what was neat about them. Without the explanation, one might look at the items on the table and see a pile of random "stuff." However, knowing the story behind each piece and the lens through which they were chosen makes it impossible to see anything other than a treasure more valuable than gold.

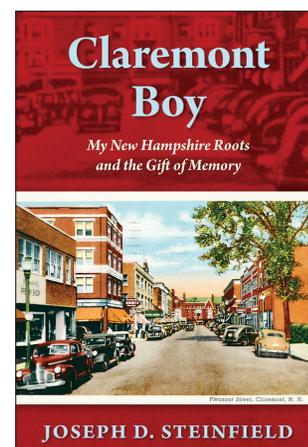
Claremont Boy evokes a similar feeling to the one I imagine my nephew experiences when going on his treasure hunts. Each essay is a new opportunity for the reader to discover what about it resonates with them and how that essay fits in to the bigger collection. The two-part titles of the essays, such as "My Birthmate and the Phenomenon of Email" and "My Cousin's Bar Mitzvah and Dominic DiMaggio" imply this purpose. While reading this book, I found myself collect-

ing factoids (*Did you know the fuzzy stuff on greeting cards is called flock?*), advice (*Don't ask someone to be your valentine on Facebook*), and laughs.

I'm not sure on which shelf in the library you would find this book, because my attempts to put a label on it were futile. What is on the surface one man's memoir, is actually an intricately layered chronical of state, national, and world history. What is portrayed as a set of reflections is actually a charming collection of grandfatherly advice. The result is a beautifully crafted book with themes of the American Dream and the Jewish experience woven throughout.

Of course, the obligatory smattering of "you can't make this [lawyer stuff] up" stories appear throughout the book—I won't spoil what led to Attorney Steinfield being backstage at an Ozzy Osbourne concert in a suit and tie. It seems no book by a lawyer is complete without such stories to remind you that this profession, wrought with conflict and responsibility, also comes with its fair share of comedic relief, and this book is no exception.

Whether you are a history buff, an arts enthusiast, or simply a lawyer who appreciates hearing the experiences of those who paved the way, there is something in this book for you. I encourage you to read *Claremont Boy*. Who knows what kind of little treasures you'll collect along the way. ■



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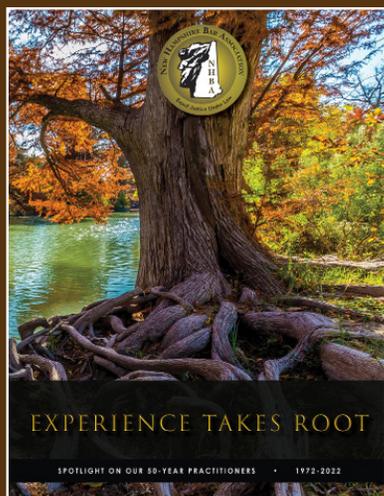
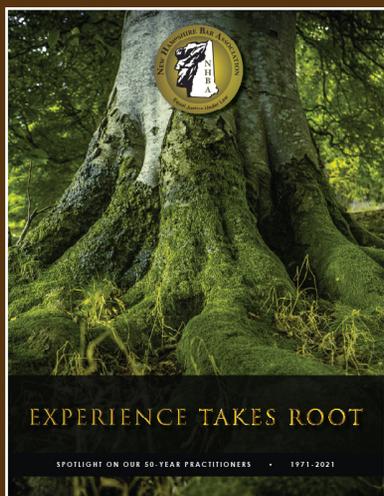
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Rentals from page 1

out, they said, ‘no, we are just some people driving other people around in our vehicles and getting some money for it. We are not taxis; we should not be regulated.’”

Byrnes also indicates that STRs can be rented through the hotel chain, Marriott, on their website. A quick search on Homes & Villas by Marriott International does yield listings of vacation rentals in NH. The page boasts, “New homes added every week. Private homes with the assurances of Marriott.”

“The Marriott website has hundreds of short-term rental listings in New Hampshire,” Cordell Johnston says. “But I don’t think they own those. I think it’s just another platform like Airbnb – privately owned properties advertised on the Marriott site.”

NH Senate Bill 249 is the latest in a line of legislative attempts to address the issues around STRs. In short, the bill was designed to prohibit municipalities from adopting ordinances that ban residential single- and two-family buildings from being used as STRs, while enabling them to enact ordinances in multifamily and non-residential structures. As this article was being written, the House voted to interim study the bill.

Bob Quinn, CEO of the NH Association of Realtors, was one of the architects behind the bill. He says SB 249 aimed to find a balance between the protection of private property rights with the need of municipalities to ensure the safety and quality of life for their residents and visitors.

“There was a misnomer that was attached to the bill that it eliminated all ability for towns to regulate, but that’s not

what the bill said,” Quinn says. “We even had in there that nothing in this paragraph shall limit a municipality’s existing authority to generally regulate parking, noise, safety, health, sanitation, or other related municipal ordinances. All we were saying is that under RSA 674, you can’t ban them [STRs].”

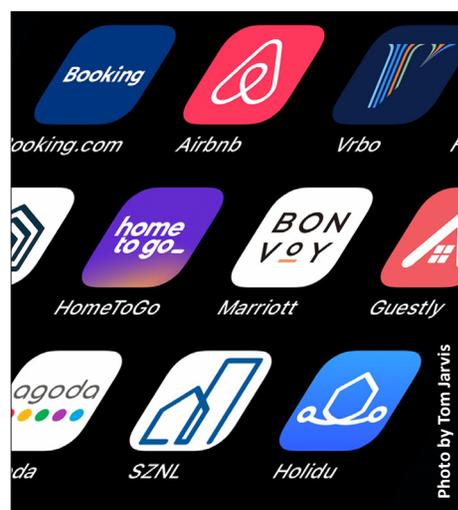
Quinn continues, “we also added new authority so a municipality could require a property owner to register with the town and that if someone – whether the owner or a guest at the house – violated an ordinance two or more times, the town could pull the registration from that property. So, we were looking for a real balance.”

As far as complaints of STRs creating more noise, trash, trespassing, and parking violations, Quinn says, “they [municipalities] already have the ability to go after them [STRs] for those things under RSA 31 and other statutes. Plus, there is no evidence to suggest that short-term rentals are more of a disturbance to the community than long-term rentals. They just say that. In fact, the reality is that most of these houses are kept up better than others in the neighborhood because they want people to rent the house and recommend it to someone else.”

Margaret Byrnes says that the NHMA was opposed to SB 249.

“If municipalities want to regulate short-term rentals, they should take steps to clearly do so under their local regulations,” Byrnes says. “What’s not appropriate is a statewide, one-size-fits-all kind of hammer approach to force deregulation or removal of local authority, simply because one industry is looking to not be subject to local ordinances and local processes.”

Another concern that has been raised in connection with the explosion of STRs



The advent of mobile applications and online platforms have made short-term rentals more accessible and more popular than ever.

is an adverse effect on affordable housing.

“We at NHMA have always seen that to be a logical connection,” Byrnes says. “If investors can buy up single-family homes and use them as profit-generating businesses, that takes those homes off the market to be used as residences. The average person can’t compete with an investor.”

According to a recent article in the Harvard Law and Policy Review called *How Airbnb Short-Term Rentals Exacerbate Los Angeles’ Affordable Housing Crisis*, the theory is that STRs reduce the affordable housing supply by conversion.

“Any housing unit that was previously occupied by a city resident, but is now listed on Airbnb year-round, is a unit that has been removed from the rental market and has essentially been added to the supply of hotel rooms,” the article reads.

“It’s a bit of a smokescreen,” says Bob Quinn. “That Harvard study was done in Los Angeles where there is a large number of apartments and a large number of short-term rentals. That’s not the situation in New Hampshire. And the study even said that at the end of the day, short-term rentals have a nominal impact.”

Quinn continues, “Where you often hear the greatest municipal concern raised about affordable housing from local officials are from communities that do not approve new housing. If some of these communities wanted and were sincere about making housing more affordable, then they would approve projects for multifamily housing.”

There have been a few recent lawsuits between non-owner-occupied STR operators and townships, wherein the language of zoning ordinance came in to play.

In 2019, the New Hampshire Supreme Court upheld the Superior Court’s decision in *Working Stiff Partners, LLC v. City of Portsmouth* that “the plaintiff’s use of its property for short-term rental via websites such as Airbnb was not permitted as a principal use in the zoning district in which the property was located, and that the definition of ‘[d]welling unit’ contained in Portsmouth’s zoning ordinance was not unconstitutionally vague as applied to the plaintiff.”

In January 2022, the Carroll County Superior Court ruled in favor of the defendant in *Town of Conway v. Scott Kudrick*,

wherein Conway sought an order declaring that Conway zoning ordinance does not permit STRs in residential districts that are not owner-occupied.

In her opinion, Judge Amy Ignatius said, “the court must apply the terms of the Ordinance as written...and not rely on uncodified interests of the Town as to what new uses should be prohibited. As outlined above, short-term rentals fit within the Conway Ordinance’s definition of residential/dwelling unit and, thus, need not be owner-occupied in residential districts.”

Conway has appealed this decision to the NHSC, and oral arguments begin on November 15, 2022.

Bob Quinn, who filed an amicus brief in the case, says “the Conway ordinance is written in a manner that prohibits short-term rentals in buildings or structures without kitchens. They wrote that many years ago to deal with the roadside cabins. But now the current planning board is trying to shove a square peg in a round hole. I think that is happening to towns across the state and it’s going to lead to a number of lawsuits. The question has gone to a number of state supreme courts and almost all of them have ruled them residential use, which was in our amicus brief.”

Attorney Nathan Fennessy, who was one of the attorneys who represented Scott Kudrick, says that prior to *Conway v. Kudrick*, there were nearly 200 cease and

desist letters sent to short-term renters in Conway’s neighboring town of Madison. However, once Judge Ignatius issued her opinion, Madison dropped all of the cease and desists.

“For 50 plus years, people have been renting ski houses and lake houses, and we didn’t call them short-term rentals. It has only been in the last few years

“For 50 plus years, people have been renting ski houses and lake houses, and we didn’t call them short-term rentals. It has only been in the last few years, with the advent of technology, that we have decided they are a bad thing.” – Nathan Fennessy

,with the advent of technology, that we have decided they are a bad thing,” Fennessy says. “I’m not sure if towns around Lake Sunapee or Conway would have developed in the same way if visitors only had an option to stay in hotels or motels rather than short-term rentals.”

One thing that some of the parties agree on is that the state may need to step in at some point.

“Towns are going to continue to struggle with it until the state steps in,” Laura Spector-Morgan of Mitchell Municipal Group says. “I’m honestly a little surprised the State hasn’t been more active in stepping in, one way or the other. The legislature seems to not want to take a position on this and it’s resulting in a patchwork of regulations across the state that I think is confusing for a lot of people.”

Bob Quinn echoes the sentiment of the State getting involved.

“We are not 234 nation states; we are the State of New Hampshire. So, the State has a role to play,” Bob Quinn says. “It worked really well with accessory dwelling units. The State said towns can’t prohibit them but gave the towns regulatory authority. That’s the same model we want to use with short-term rentals.” ■

The NHBA held a CLE program on Short-Term Rentals on September 29, 2022. It can be accessed at: nhbar.inreachce.com/Details/Information/f83266e7-21fc-4824-9ea5-2917fb253674.

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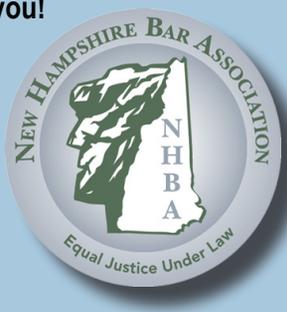


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NH Civics Thanks the New Hampshire Supreme Court for Their Support of *Civics 603!*

By Kaitlin Rocca

Our society thrives when citizens are committed to being of service to their community.

This service may come in many forms, but one of the purest is passing on the skills of how to be a civic-minded citizen to the younger generations. They are the future, and civics is vital for our communities and our state to properly function. We can find unity and understanding of one another with civics, which are the exact lessons we need to be teaching our future leaders.

NH Civics is an institute that works diligently to provide all New Hampshire students access to high-quality civics education. Their tireless efforts have reached students all over New Hampshire. One of NH Civics' programs, *Civics 603!*, engages students from grades five through 12. In the dynamic program, students in grades five through eight work on mock trials with topics like the environment and social media, while students in grades seven to 12 perform mock appellate arguments concerning First and Fourth Amendment issues. The program prides itself on raising issues that can be fairly debated by both sides.

Civics 603! provides in-school preparation by sending a lawyer to the school, who spends an hour with the students getting them ready for the upcoming argument. After a week of preparation, students will travel to the NH Supreme Court and present their arguments in front of lawyers acting as judges. The students are then able to meet with Court staff and a New Hampshire Supreme Court Justice.

"Being in the building was a great learning experience," one Rye Junior High student exclaimed.

To thank the New Hampshire Supreme Court for so generously opening its doors to support *Civics 603!*, NH Civics held a celebration at the Court on October 27, 2022.

Civics 603! creator, Attorney Dina Michael Chaitowitz, heartfully stated, "[NH Civics] couldn't do what [they] do without all members of the Court, who without exception, have embraced this program."

It is humbling to see the highest court in New Hampshire be so committed to public service and take such care in the civics education of our state's youth.

Teaching others about civics is quite rewarding because it unearths a noble quality within us, as we ourselves are engaging in a civic act when doing so. Associate Justice Patrick E. Donovan expressed the joy all the Justices of the Court find when meeting and talking to students who are a part of the program.

Associate Justice Anna Barbra Hantz Marconi furthered these sentiments, calling *Civics 603!* "a highlight of [her] tenure here on the Supreme Court."

The Court has not only generously opened their doors for *Civics 603!*, but has been involved with an intentionality that regards civics with the respect it deserves.

In truth, this is not a new phenomenon. Judicial involvement in civics outreach has been persistent for many years. One of the biggest supporters of *Civics 603!* is Robert J. Lynn, who is currently serving in the New Hampshire House of Represent-

tatives, representing Rockingham 7, and who is a former Chief Justice of the New Hampshire Supreme Court. He attended the celebration and his enthusiasm for the work was readily apparent, and fairly so.

The students involved in the program have learned valuable lessons that will carry with them their entire lives. One sixth grader from Maple Street Middle School passionately told me how she will remember this experience into her 90s.

The program introduces students to advanced topics. They can learn about our judicial branch as they explore what happens in the Supreme Court and how the trials work. Talking to the students, it seemed as though their eyes had been open to a new and exciting world. I was impressed as one student, Will, passionately spoke about how a jury needs to find someone guilty beyond a reasonable doubt in criminal trials.

Trough the work of *Civics 603!*, they are learning about topics typically not even touched upon until high school. Furthermore, they were able to practice important skills like speaking in front of crowds, clearly articulating themselves,



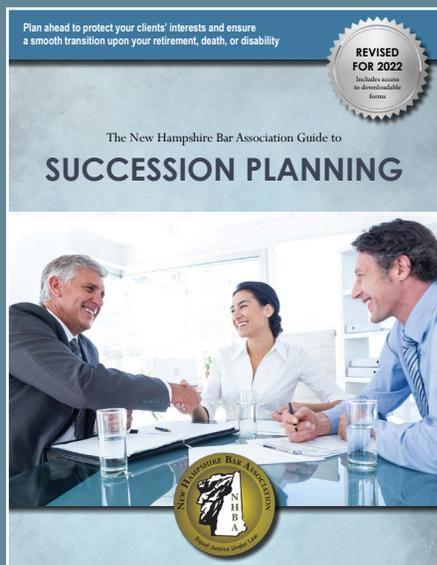
Seventh grade students with their former sixth grade teacher Michelle Bickford from the Maple Street Middle School and the Commissioner of Education. Photo Courtesy of Dina Michael Chaitowitz

and being able to actually listen to somebody with respect. How essential for a country to be able to operate effectively! *Civics 603!* cultivates an environment where New Hampshire youth can learn about the value of civic duty and how to implement the skills they acquired into their daily lives.

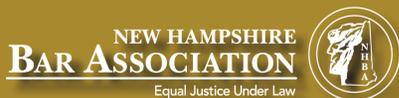
Civics 603! has positively touched the lives of many students. Gjemma, a *Civics 603!* participant, found meeting with the lawyers and other volunteers very helpful, saying how, "It was really inspirational to meet people who have chosen this path." I implore you to reach out and find ways you can become involved. In the words of Senior Associate Justice Gary E. Hicks, "We cannot be lazy about [civics]; it is the future of everything." ■

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Welcome New Admittees



We extend a warm welcome to the 50 new attorneys who were admitted on October 24. Two joint admission ceremonies were held at the NH Supreme Court with Chief Justice Gordon J. MacDonald presiding and Judge Samantha D. Elliott representing the U.S. District Court.

Congratulations to: Sarah H. Acree, Aaron A. Archambault, Shane M. Archambault, Taylor D. Baldwin, Benjamin D. Bernatz, Madeline E. Blackburn, Charlotte M. Boghossian, William M. Callif, Colin P. Carroll, Zachary D. Charland, Peyton M. Cirulli, Leah M. Corson, Jeremy P. DaCruz, Christopher J. Davis, Vanessa B. DeMars, Sophia E. DenUyl, Ava F. DePaulo, Veronica C.

DeSantis, Nicholas A. Downing, Shawn R. Dunphy, Chelsea B. Eddy, Janis M. Emery, Eva R. Fourakis, Matthew D. French, Daniel E. Granfield, Benjamin J. Greenslade, Patrick T. Grene, Griffin M. Kmon, Butch W. Laker, Jonathan C. Lipsitz, Christian J. Masiello, Andrew G. Minerowicz, Taylor A. Moul, Jonathan D. O'Neil, Madeline K. Osbon, Leonard B. Phillips, Kayla M. Pigeon, Richard M. Pizzano, Christopher D. Ryan, Devon J. Sanders, Katherine Sennott, Abigail C. Smith, Brian J. Stankiewicz, Duncan M. E. Taylor, Erica L. Tracewell, Alayna Mi. Trilling, Sara L. Virks, Simone S. Washington, Olivia G. Wheat, Sarah A. Younes

Membership Status Changes

Presented to the Board of Governors October 20, 2022

Active to INACTIVE:

Church, Susan, Cambridge, MA (Sept. 12)
 Roberts, Emily, Chattanooga, TN (Aug. 5)
 Hrbek, Shawn, Bedford, NH (Sept. 1)
 MacKinnon, Amanda, Winchester, MA (Sept. 9)
 Celli, Melissa, Roslindale, MA (Sept. 7)
 Tingle, Brent, Westford, MA (Sept. 12)
 Bluni, Scott, Marblehead, MA (Sept. 19)
 Ringel, Maurice, Needham, MA (Sept. 19)
 Carr, Brian, Norton, MA (Sept. 20)
 Lieberman, David, Grantham, NH (Oct. 5)
 Sheldon, Gary, Durham, CT (Oct. 5)
 Lein, Marlene, Hooksett, NH (Sept. 2)
 Wells, Timothy, Westminister, VT (Sept. 1)
 Rodgers, Ronald, Durham, NH (Sept. 30)
 Harkinson, Daniel, Brewster, MA (Oct. 4)
 Topel, Avery, Scarborough, ME (Sept. 20)

Active to DECEASED:

Daly, Adam, Portsmouth, NH (Sept. 5)
 Jones, Franklin, Rochester, NH (Oct. 8)

Active to FULL-TIME JUDICIAL:

Guptill, Ryan, Contoocook, NH (Oct. 11)

Active to RESIGNED:

Marshall, Keri, Kittery Point, ME (Mar. 21)
 Whitenett, Renee, Rutland, MA (Sept. 1)

Sutton, Blake, Bristol, RI (Sept. 10)
 Fischette, Charles, Windham, NH (Oct. 1)
 Castello, Derek, Attleboro Falls, MA (Oct. 3)

Inactive to ACTIVE:

Bateman, Margaret, Exeter, NH (Sept. 12)
 Utter, Philip, Exeter, NH (Sept. 27)
 Matuszko, Briana, Leverett, MA (Sept. 28)
 Cheng, Hillary, Mission Viego, CA (Sept. 30)
 Reardon, Neil, Hampstead, NH (Oct. 7)
 Koelling, Sarah, Raleigh, NC (Oct. 7)

Inactive to RESIGNED:

Duffy, James, Hanson, MA (Sept. 12)
 Boucher, Monique, Westford, MA (Sept. 20)

Inactive Retired to ACTIVE:

Regan, Allison, Concord, NH (Sept. 12)
 Arruda, Michelle, Contoocook, NH (Oct. 7)

Inactive Retired to RESIGNED:

Vile, Sherry, Rochester, NY (Sept. 1)

Honorary Active to HONORARY INACTIVE:

Prigge, William, Fitzwilliam, NH (Sept. 1)

UNH from page 3

Stella says.

If there is one piece of advice Stella has for students thinking about law school, it is to take time off between college and law school because of the commitment.

Dennison has worked hard to get to where she is and to be a good leader. Besides being a co-president of the Pre-Law Society, she is also Student Body President.

“My experience at UNH has completely changed the person I am. I have become more confident,” Dennison says. “The environments and the major itself has made me more confident in my knowledge of the legal field and understanding of what’s going on. I am very prepared for what’s ahead of me and going to law school with the justice studies major that I’m in.”

Seeing as her graduation date is approaching next semester, she is beginning to think about her law school applications. She feels good about the position she is in and is excited for the future. She is currently interning at the Rochester City Attorney’s office and hopes to go into the public sector.

“I have a lot more to learn, but I feel more confident going into law school,” Dennison says.

Being a Massachusetts native, she is hoping to return home for law school but doesn’t rule out the idea of practicing in New Hampshire in the future.

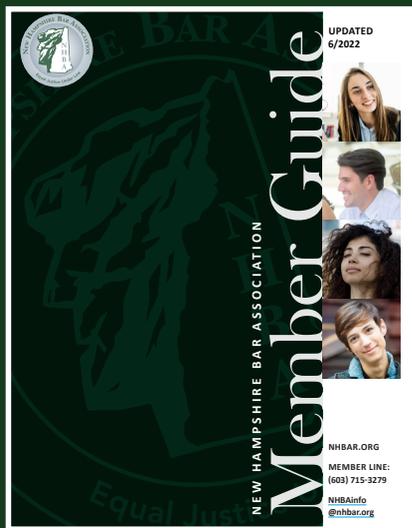
Chianese has a year before she graduates in the spring 2024. Before going to law school, she intends to get her master’s degree in molecular and cellular biotechnology. This puts her on the trajectory to start law school in the fall of 2025. Her goal is to practice intellectual property law, with a focus in patent law for biotechnology and pharmaceuticals.

When asked if she could see herself attending law school or practicing in New Hampshire, she doesn’t rule it out.

“A little too soon to see what the future will hold, but I could definitely see myself attending UNH Law and practicing law in New Hampshire, whether its both or one or the other,” Chianese says.

Chianese and Dennison had different paths to finding their passion with the law, but they are both excited to see what the future brings for them as they continue their paths to becoming attorneys.

Written for New Admittees, But Useful to All Members



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Celebrate *Pro Bono* and Domestic Violence Awareness Month:

By 603 Legal Aid Staff

603 Legal Aid had a tremendously successful October. Not only was it Domestic Violence Awareness Month (DVAM), but we also participated in Celebrate Pro Bono Week. The Domestic Violence Emergency (DOVE) Project and the Pro Bono Department were hard at work all month to bring attention to these two big events.

DOVE is a collaboration between 603 Legal Aid and the domestic violence crisis centers around the state. It provides low-income individuals who are victims of domestic violence with attorneys, at no cost, for their final protective order hearings. The DOVE Project was able to place 31 clients with private attorneys in September and October, with an additional 11 clients receiving representation from New Hampshire Legal Assistance.

We are incredibly grateful to all our volunteers, and the attorneys at NHLA who prioritize assisting these clients at their final hearing; however, we are far from being able to assist every person who needs it. In September 2022 alone, 294 domestic violence petitions were filed in the district court throughout New Hampshire. Data suggests that when victims of intimate partner violence are represented at final protective order hearings, they are far more likely to obtain the final order of protection than if they went to the hearing unrepresented. If you are interested in becoming a DOVE volunteer attorney, please email dove@603legallaid.org for more information.

mation.

In kicking off DVAM, both Elyse McKay, DOVE Project Assistant Coordinator, and Ella McElwaine, our 2L intern from the UNH Franklin Pierce School of Law, were both profiled in interviews posted to the New Hampshire Justice for All social media sites. In these interviews Ella and Elyse, they talked about why and how they got involved in advocacy for individuals who are victims of domestic violence. You can see these videos by following @NHJusticeforAll on Facebook or @nh_justice_for_all on Instagram.

The week of October 24 marked Celebrate Pro Bono Week, which is a national celebration of pro bono, sponsored by the American Bar Association. The theme of this year's celebration was "Law in Everyday Life." The Pro Bono Department at 603 Legal Aid was very busy getting the word out about pro bono and engaging a wide range of people in our legal community. Emma Sisti, Manager of the Pro Bono Department, kicked off the week with an opportunity to welcome newly admitted lawyers at their swearing in ceremony on October 24. With the incredible support of the Court, and Judge Samantha Elliott of the New Hampshire Federal District Court, Emma talked about the importance of pro bono and encouraged the new admittees to improve the life of just one



person by donating five to ten hours of their time a year.

On Tuesday October 25, the UNH Franklin Pierce School of Law and 603 Legal

Aid collaborated on a Pro Bono Referral Marathon, where students, faculty, and even two deans volunteered their time to make calls to members of the Bar to try and place cases on a pro bono basis. This collaboration led to 15 cases being placed in one day. We still have a great need for attorneys willing to accept cases, with our greatest need being in the areas of bankruptcy and general family law.

On October 26, the law school graciously hosted a celebration of the late Bruce Friedman, a pioneering professor at the law school who promoted the ideas of access to justice long before the phrase was part of the lexicon. 603 Legal Aid and the law school presented Donna J. Brown (class of '86) with the Bruce Friedman Award to honor her career-spanning service to low-income individuals.

603 Legal Aid is so grateful to the hundreds of volunteer attorneys and non-legal professionals who allow us to make our mission of connecting low-income people with high quality legal services a reality. Without their dedication, we would not be able to serve the many hundreds of fellow Granite Staters who are trying to escape violent relationships



Emma Sisti of 603 Legal Aid presented Donna Brown with the Bruce Friedman Award. Photo Courtesy of UNH Franklin Pierce School of Law.

or find themselves faced with evictions, IRS tax controversies, bankruptcies, divorces, the need for end-of-life planning, or any number of other civil legal service needs. In 2022 thus far, 162 different members of the Bar have taken 255 cases and have donated over 4,500 hours of their time.

Thank you to every person who has donated their time, energy, and resources to the bring our state closer to closing the Access to Justice gap that looms large. If you want to become a pro bono attorney, please email Emma at esisti@603legallaid.org. ■

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commercial and civil disputes,' a problem that was rampant in Afghanistan where the Afghan claimants were pure extortionists," Scott says. "We parked our practice for a month to get them out."

Born in Manhattan, Scott was raised primarily in West Los Angeles, close to the University of California, Los Angeles (UCLA) campus. There, he developed an early affection for baseball, serving as a bat boy for the UCLA baseball team when the legendary Chris Chambliss was a college player.

He also developed an early love for the law.

"I'd always thought of becoming a lawyer," he says. "The history of the common law and English common law, and how it's developed to current times has always fascinated me...I'm mission oriented. I want to go after a cause that's right and good."

A scholarship to Phillips Exeter Academy landed him in New Hampshire, his adopted state, and after graduation he went on to become a cum laude graduate of the Wharton School of Finance and Commerce of the University of Pennsylvania, where he studied economics with a concentration in international development and trade. From there, it was straight to Villanova University, where he earned his juris doctor.

But the military also tugged at his spirit. The now-retired Marine colonel spent more than 34 years in active and reserve service, starting while he was still at Wharton.

He served a stint in the criminal division of the New Hampshire Attorney



Ward Scott with his paralegal and chief law clerk from the Kabul Team, both of whom are safely resettled in Australia.

General's office and was Grafton County Attorney for a year and a half before leaving to run for Congress in the state's Second District – with no political war chest.

"I do have a habit of jumping on grenades," says Scott, who lost to fellow Republican Charles Bass.

"I have no regrets," he says of the race. "It brought me back to the Marines, my true great passion."

Scott went back into the Marines full-time in 1997, and fought in Afghanistan, where he commanded 300 combat advisors in an 11-province area extending from Kabul to the border with Pakistan and served as an advisor to the 201st Corps Commander of the Afghan National Army. He also earned a Master of



Ward Scott with the ICF Chairman at Tigris River, Baghdad

Arts degree in Strategic Studies from the United States Naval War College in 2003.

"I felt strongly that it's really a duty," he says of his service. "I just felt a sense of obligation, de rigueur, don't stand on the sidelines. Why should somebody else go in my stead?"

Four of his seven children are in the service, two in the Marines and two in the Navy.

His friend, Robert Kilmartin, a fellow retired Marine colonel who met Scott when both were at Villanova Law School, says Scott "is not only one of the finest Marine officers that I ever met or served with, but he is also a brilliant lawyer, and the father of seven highly accomplished and wonderful children. He is a dear friend and has always been an inspiration personally and professionally."

Scott returned to Afghanistan in 2010, when he retired as a colonel and became a NATO senior advisor for parliamentary affairs to the Afghan Minister of the Interior, helping him set up a legislative affairs department.

"While there, I realized there was an unmet need for commercial and corporate lawyers from the West who could assist the US and US-friendly countries in places like Afghanistan," he says. "We offered ourselves up to clients with an on-the-ground presence in Kabul to begin with and our practice grew."

Clients have ranged from NGOs to educational institutions to companies involved in development work to the US Department of Defense.

"So, we have a very broad sweep of clientele," Scott says.

Some of the work has been advisory regarding international sanctions and foreign financial transactions, and others have involved litigation, including the instance when he was in a trial court with the ISIS attack audibly nearby.

"My firm needed counsel in Afghanistan to represent companies servicing the US effort there," says Ed Wilson, a partner at Washington-based Venable LLP, whose practice includes business and regulatory problems, including cross-border transactions. "I called every attorney on the US Embassy's list. Ward stood head and shoulders above the others. We have worked together for years based on that one call. Not only does he negotiate the minefield of Afghan government agencies, but his ethical compass is nailed on true north (a very valuable trait in unsettled parts of the world), and he solves problems quickly."

The pullout of US forces from Afghanistan has affected business, Scott

says, first bringing it to a near-screaming stop, then leaving the firm to deal with such questions as how American firms can get money to staff remaining in Afghanistan without running afoul of sanctions.

"It did not eliminate the work, but shifted it," he says.

Scott chairs the Overseas Security Advisory Council of the American Embassy in Kabul, which provides advice and information to ensure the security of the larger American community in Afghanistan.

"Our firm has devoted great time and financial resources to get our team and others out of Afghanistan," he adds. "That continues as a heavy moral burden which permeates everything and is our sacred duty."

Scott has also tendered his services in New Hampshire, often on a pro bono basis.

One recent case involved the 2016 death of a 31-year-old man, Keaten Gallagher of Ashland, who had multiple medical issues including cystic fibrosis. Gallagher was struck in the head with a beer bottle by a man named Thomas Corliss and died four months later after "never regaining his base state of health," Scott says. When the medical examiner ruled Gallagher died of natural causes, his family turned to Scott, a longtime friend, for help. He reached out to police and the county attorney's office and the result was a conviction for aggravated assault for the assailant.

Gallagher's parents, Nancy and Brian Scothorne, say they were impressed with Scott's patience, persistence, and ability to listen.

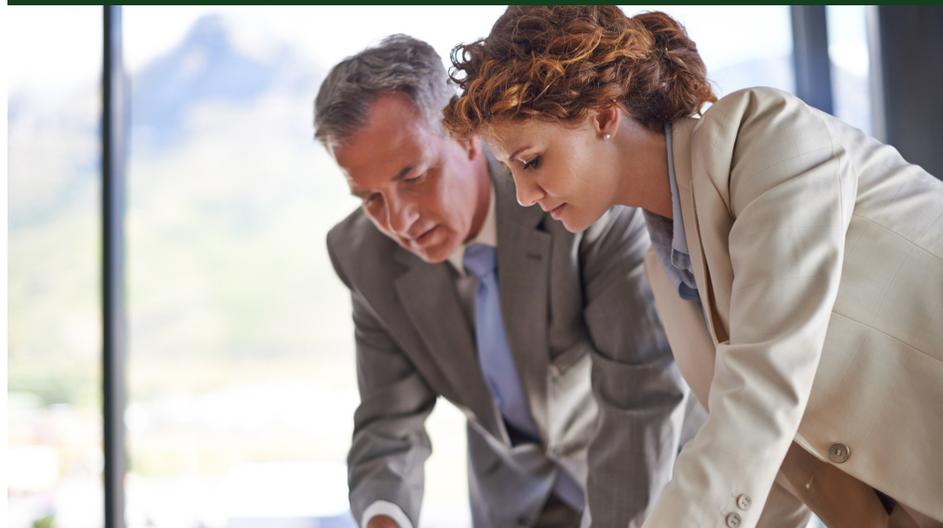
"The Gallagher and Scothorne family will be forever grateful to Mr. Ward Scott and Scott Advocates in the hard work given in finding justice for our son," the couple said in a joint email. "Not only finding justice for us, but at the same time keeping our community safe."

When not working, Scott likes to read, cook, and follow his beloved New York Yankees. He also participates in Durand-Haley Rangers Post 66 American Legion Baseball, which he cofounded in 2006.

He lives in Plymouth with his lawyer wife, Patrice.

"Throughout my time overseas, often in rather dark places, it has always been a matter of great pride and renewal to be able to say, 'my name's Scott and I am an American lawyer from New Hampshire,'" he says. ■

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In Memoriam from page 11

a successful navigation of the Knife's Edge at Katahdin. Frank was an avid kayaker and canoer. On weekends in the summers, he could be found exploring the Casco Bay on his trusty Boston Whaler, Lucky Dog, named in honor of the many dogs that he and Jan shared over the years.

The outdoors was second only in Frank's life to the love he had over his large and always expanding family. Sons Gregory (Anne), Matthew (Kimberly), and Benjamin (Tracy), along with daughter Kathryn (Andrew), kept Frank busy over the years, helping to lay new flooring or hang shingles in Martha's Vineyard or Alton Bay, watching M-Series Racing at Lime Rock, or discovering new restaurants in Philadelphia and Manhattan (and avoiding shellfish, which he was allergic to, in Mt. Desert Island). But his true joys were his 11 grandchildren (with ages ranging from nine to 32 years) and new great granddaughter. Just like with his own children, Frank loved teaching his grandchildren how to live life to the fullest, and perhaps more importantly, how to lick a large ice cream cone from Lagos without letting it drip on the ground. Most of the time, however, Grampy – as he was known – spent his days laughing alongside his grandkids as they regaled him with stories of the many times he bumped his head on a low beam in the house or fell asleep, mouth ajar.

In addition to his work and family, Frank was active in the community. He was currently a board member of Frisbie Memorial Hospital, and former member of the Rochester School Board and Rotary. He truly demonstrated his love for the entire Rochester community through countless hours and unwavering dedication.

Frank is survived by his brother, Albert Jones and he was predeceased by his sister, Kate Meehan. In addition to his four children and their spouses, 11 grandchildren (Victoria, Samuel (Liana), Mark, Tuckerman, Quinn, Maxwell, Zak, Tommy, Margaret, Beatrice, and Teddy), and one great-granddaughter (Eleanora), Frank is also survived by several in-laws, Joanne Meyers, Sonya Shufelt, and Donna Truman, nieces and nephews, and dozens of cousins and friends.

Gerald Prunier

Attorney Gerald Prunier, 81, a longtime resident of Hollis and Nashua, New Hampshire, died peacefully on October 18, 2022, with his family by his side. He passed after suffering from a catastrophic stroke experienced while playing golf at Overlook Country Club, where he owned the first tee time every Saturday morning for over 30 years.

Gerry was born on October 20, 1940, in Worcester, Massachusetts, the son of

the late George and Theresa Prunier. He is survived by Estelle (Dumaine) Prunier, of Nashua, with whom in 1963 after her cousin, Philip Caron arranged a blind date for them. Their love story began then and lasted for 59 years of marriage. Throughout his young life, he worked hard for his uncle's masonry company and helped raise his six brothers and sisters: Denise LeBlanc, George Prunier, Annette Leger, Bernie Caron, Jeannine Voveris, and Robert Prunier. Gerry was the eldest, and he loved them deeply.

After graduating from Assumption Prep School in 1959, Gerry attended the College of the Holy Cross in Worcester, MA, graduating in 1963. After one year of business school at Columbia University Graduate School of Business, he moved on to Boston College Law School earning his juris doctorate in 1967. Gerry began his law career when he was hired by Thomas Leonard in the same year. Many respected attorneys influenced him over his 55-year career, too many to name, but each is remembered in his family's hearts. He eventually opened his own law practice in Nashua offering expertise in land use and real estate development.

Gerry remained loyal to his community until the end. He was elected to the Nashua Board of Education in 1967 and Chairman of the Board in 1971. He was the past President of the Nashua YMCA and past President of the Nashua Chamber of Commerce. Additionally, Gerry served as the Director of the Nashua Children's Home, was a former Trustee of Nashua Memorial Hospital (Southern NH Regional Medical Center), former Director of the Nashua Trust Company, a member of the Bishop Guertin School Board and past President of the Nashua Bar Association. He remained a faithful member of the Rotary Club of Nashua and Nashua Business & Industrial Development Authority (BIDA). He worked his magic in countless deals, throughout numerous courtrooms, and danced his way through myriad Planning and Zoning Board meetings throughout New Hampshire. Gerry was also a longtime member of the Nashua Country Club, where he loved to play golf and dine with Estelle.

Gerry and Estelle raised a family of three children: Rob, Sarah, and Amy. His children grew up watching their parent's love affair continuously grow and strengthen through good and tough times Gerry gave much of himself to his community, but he always put his children first. He showed up



to everything: games, art shows, births, Sunday morning coffee – everything. He taught his children what a kind and loving man is, how to look for one, and how to be one. His grandchildren were often reminded that he was the exemplar and that “we all need to be more like Pepen.”

Bethany (Rob's wife), Sean (Sarah's husband), and Kelsey (Amy's husband) are the extra children Gerry and Estelle always wanted. He treated them like a daughter and sons, and they consider Gerry their second dad. Gerry had nine grandchildren: Caley, Nick, Sam, and Tess (Rob and Bethany); Maisy (Sarah and Sean); Emerson, Jeremy, Jackson, and Tatum (Amy and Kelsey). They were the light of his life; they gave him so much joy and he made sure that each of them knew how special they were to him.

Lincoln Soldati

Lincoln Soldati, former Strafford County Attorney, Mayor of Somersworth, New Hampshire, and US Congressional candidate died Sunday November 6, 2022, at age 73.

Lincoln was born on April 17, 1949, and is the son of Lincoln A. Soldati and Virginia Thomas. A New Hampshire native and veteran, he graduated from Saint Thomas Aquinas High School, the University of Notre Dame, and earned his law degree from Franklin Pierce School of Law).

As one of the state's finest trial lawyers, he spent 40 years as a statewide leader fighting for victim's rights, and as an



advocate for criminal justice reform. Prosecutor, defense attorney, teacher, criminal justice advocate, public speaker, outspoken activist, lifelong feminist and elected public official - Lincoln did it all.

Serving nine successive terms as Strafford County Attorney, he built a stellar reputation by managing a staff of 20 while carrying his own full case load, establishing Strafford County's first Victim Assistance Program, and providing training on criminal justice for judges, attorneys, police, medical personnel, and rape crisis counselors, and educating college and high school students. He authored several sections of NH statutes related to sexual assault, child abuse and neglect, and domestic violence.

A man of political courage, he was the only prosecutor to testify for the repeal of New Hampshire's death penalty.

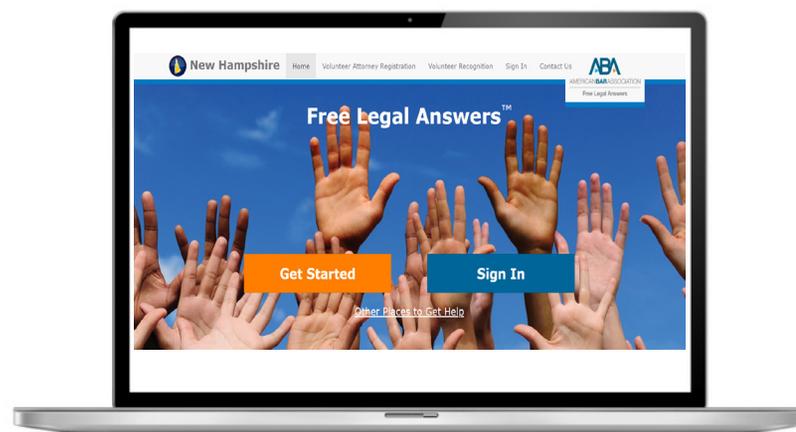
Beyond his work, he was known to family and friends as a Renaissance Man - skilled in various trades including woodworking which he put to good use helping build his son Emmett's two Teatotaler Cafes, building his daughter Gemma's large puppets for her show, and other various projects. He played the drums in two bands with his childhood best friend, Bob Fellows. With his sister Jennifer and often his son, Michael, he climbed most of the 4,000 footers in New Hampshire.

The family is so grateful to the extraordinary teams at Mass General and at Hyder Family Hospice.

In memory of our colleagues, the NHBA Board of Governors has made a contribution to the NH Bar Foundation.

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40th Annual Tax Forum
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TUE, NOV 22 – 12:00 p.m. – 1:00 p.m.
**Breaking Out of the Form:
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• Webcast; 60 NHMCLE min.

DECEMBER 2022

WED, DEC 7 – 12:00 p.m. – 1:00 p.m.
**For What it's Worth-The Decedent's Estate & the
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Darlene Bialowski, Darlene Bialowski Art Services,
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Focus on Family and Children's Law

Supervised Visitation Centers: A Crumbling Infrastructure

By Jessica Morrissey-Jeffery

Over 40 times a month, the Merrimack County Visitation Center provided children an opportunity to visit with their non-residential parent free of violence, harassment, control, or coercion. That Center is now the seventh visitation center to close its doors since these centers were first opened 20 years ago. The only remaining center of its kind is the Strafford County Supervised Visitation Center.



This exposes families and children impacted by domestic violence with few options for safe, structured, professional, and affordable supervised visitation. Parents are forced to seek significantly riskier parenting visits or suspend parenting time entirely. Both options are directly contrary to New Hampshire's Parental Rights and Responsibilities law. A supervised visitation center utilizing state guidance is the only way to mitigate the risk of violence, coercion, and control, while safely fostering the parent-child relationship.

Purpose of Supervised Visitation Center

The purpose of visitation centers like Merrimack County is to provide safe visitation and exchanges for children in domestic violence cases. These centers seek to reduce risks to children and domestic abuse victims and mitigate the effects of such violence on all family members. In 2019, New Hampshire courts saw approximately 4,000 divorces where domestic violence may have been present and at least 1,200 of these cases involved a child, writes Alyssa Dandrea from The Concord Monitor. These numbers do not account for cases involving unmarried parents.

In New Hampshire, domestic violence was a factor in 44 percent of the murder/suicides in 2019, and 100 percent in 2018. Children who have experienced or witnessed domestic violence are more likely



to have physical and mental health struggles throughout their lives. Further, research shows that 30 to 60 percent of the time, child abuse, neglect, and domestic violence are co-occurring.

While New Hampshire law encourages frequent and continuing contact between children and their parents, the statute accounts for ensuring children and victim parents are safe from domestic abuse and its consequences.

The History in New Hampshire

Between 2002 and 2003, a newly created federal grant funded eight supervised visitation centers serving New Hampshire: YWCA in Manchester, Greater Nashua Supervised Visitation Center, Emerge Family Advocates in White River Junction, Merrimack County Visitation Center, Strafford County Visitation Center, Brian's House in Plymouth, Salem Visitation Center, and All R Kids Supervised Visitation Center in Keene (later Jaffrey). In 2015, Waypoint absorbed the need in the White River Junction area, and opened a center in Lebanon.

All grant-funded centers were required to meet certain guiding principles to operate. The six principles included safety, multiculturalism and diversity, understanding domestic violence, respect and fairness, collaboration, and advocacy. These

centers offered sliding-scale fees or free services depending on their grants.

In 2011, the former New Hampshire Governor's Commission on Domestic and Sexual Violence issued a report on supervised visitation in New Hampshire and adopted the national guiding principles. This guidance outlined the safety features required in each center, including separate entrances, separate waiting rooms and parking lots, self-locking doors, security devices, staggered departures and arrivals, trained staff, collaboration with law enforcement agencies, local domestic violence programs, and community social service agencies. <https://www.doj.nh.gov/criminal/victim-assistance/documents/visitation-center-protocol.pdf>.

Dr. Scott Hampton, Project Coordinator of Strafford County Supervised Visitation Center and Director of Ending the Violence, explained that his center takes state guidance a step further.

"Every bag is checked, no one can bring anything into the center, and metal detection upon entry," Hampton says.

During each visit, there is always a sheriff on site and at least three staff members, well-trained in domestic violence. Dover Police can also arrive onsite within minutes of a call.

Around 2014, Emerge closed due to

do mismanagement. That same year, the Manchester visitation center stopped providing these services after the devastating murder-suicide following a lapse in the center's security.

Over the years, the centers struggled to stay afloat. By 2017, six centers closed when federal funds did not come through. Strafford County Supervised Visitation Center is now the only center operating by state guidance.

Hundreds of families each year utilized these services across the state. These visitation centers also served to connect both parents with supports, including counseling, financial support, and other resources.

Today, most courts and parents are left with difficult options such as layperson supervisors, privately hired centers or supervisors, public exchanges, or no supervision at all. Courts are hesitant to bar visits altogether.

Scott Hampton said he often sees court orders requiring exchanges at fast food restaurants or police stations.

"In small town New Hampshire, police station parking lots are often empty. We are leaving a victim alone in a dark parking lot," Hampton says.

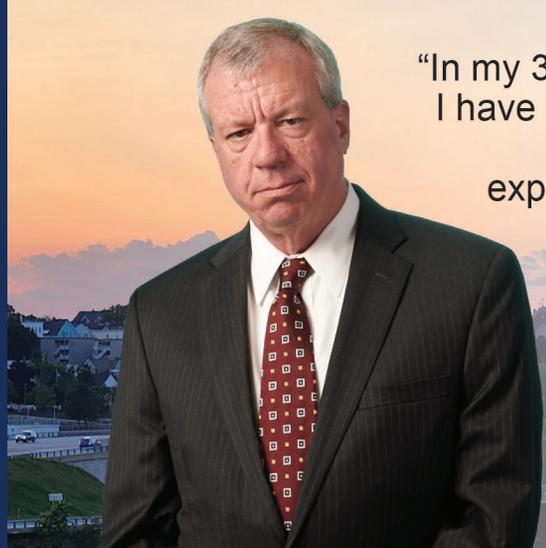
Or, in the alternative, they exchange at a fast-food restaurant.

"Now the 17-year-old working the register may be a bystander, or worse a victim, in an abusive altercation," says Keith Kuenning, Advocacy Attorney at Waypoint.

Privately paid centers, supervisors, and layperson volunteers are likely not following state guidance and carry obvious risks. As we witnessed earlier this year in Sacramento, California, choosing a neutral third party does not subdue the risk either, where a father entered a visit supervised by a religious community leader and murdered the supervisor, the children, and himself.

As a state, we've learned how to provide these programs, but we have not managed to successfully sustain them. Both Hampton and Kuenning agree that we cannot wait for another tragedy.

CENTERS continued on page 36



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Court Deadline to Render Findings on Child Abuse Proceedings Extended in Case Lacking a Showing of Prejudice

By Hannah May & Cory D.N. Greenleaf



May



Greenleaf



In re N.T., decided by the New Hampshire Supreme Court on July 20, 2022, addresses the issue of balancing child and parent liberty interests in the context of extending the district court's 60-day deadline to render findings in abuse and neglect proceedings. In this case, the New Hampshire Division for Children, Youth, and Families (DCYF) filed three petitions alleging abuse and neglect against the mother of a 13-year-old child. Under the New Hampshire Child Protection Act (CPA), the district court must hold an adjudicatory hearing and issue its findings on all DCYF abuse and neglect petitions within 60 days from the date that the petition was filed with the court. However, due to multiple delays and the length of the proceedings, the district court presiding over the matter did not complete the adjudicatory hearing

or issue its findings until after the 60-day limit had passed. The mother filed a motion to dismiss the DCYF petitions with prejudice because the 60-day window had closed. The Court denied the mother's motion and shortly thereafter issued findings that the mother had abused and neglected her child.

On appeal to the Supreme Court, the mother argued that the Court lacked jurisdiction because it missed the 60-day deadline to issue its findings. On the contrary, the Supreme Court determined that the legislature "did not intend that the [district] court be divested of jurisdiction as a consequence of its non-compliance with the deadline." Specifically, the Court looked

to what it identified as the legislature's primary goal of the CPA: "to protect the life, health, and welfare of endangered children." The Court found that construing the 60-day limit as jurisdictional would "frustrate not only the statute's primary purpose of providing protection to children whose life, health, or welfare is endangered" but also the interests of all parties involved, including the child, the parents, and the State.

In its analysis, the Court distinguished the time limits for juvenile delinquency and Children in Need of Services (CHINS) proceedings from DCYF proceedings. The Court reasoned that the timeframes for such proceedings were jurisdictional because

they were "premised upon the juvenile's liberty interest which triggered the need for due process safeguards." Moreover, the Court iterated that "the child's role and constitutional interest in juvenile delinquency and CHINS proceedings are different than they are in abuse and neglect proceedings" because in juvenile and CHINS proceedings, the child is the "perpetrator," whereas in abuse and neglect proceedings, the child is the "victim." Simply put, the statutory due process requirements for an alleged child perpetrator must be strictly adhered to by the courts; whereas, for an alleged child victim, the welfare and safety interests of the child may trump the statutory deadline.

The Court also addressed the CPA's further purpose to "establish a judicial framework to protect the rights of all parties involved," which includes parents' fundamental liberty interest to raise and care for their children. Likewise, the State has an interest in "maintaining the parent-child relationship." The Court recognized that "although these interests may, at times, be in tension, they are all advanced by the swift resolution of adjudicatory proceedings." Here, the parties' interests were in tension, with the mother arguing that she was prejudiced by the district court's delay because she was prohibited from seeing or speaking with her child. The Court,

FINDINGS continued on page 36



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The Impact of Payment Services on Lawyer and Client Obligations in Divorce Under Family Division Rule 1.25-A - Mandatory Disclosure

By Nicole A. Forbes

For divorce lawyers, Rule 1.25-A is as familiar as our way home from work. If you can't recite the entire Rule 1.25-A document list on demand, you likely can quickly outline the key points for each line item.



Familiarity, however, can breed complacency. Just like you may drive the familiar route from work to home and not recall the drive once you get to your driveway, autopiloting the Rule 1.25-A Mandatory Disclosure is easy to do. But just because the mandatory disclosure checklist is the same for every case does not mean the productions will always be manageable on cruise control.

For example, parties often overlook payment services in these productions. Venmo and PayPal are common examples. Payment services are essentially online wallets that can be used by individuals and business owners to send, receive, and hold money. Certain services require the user to accept the money transfer that, until acceptance, is held in a third-party account. So, a user can be owed significant amounts of money but decide to delay acceptance to control when the funds hit the user's account. Although



users can link bank and credit card accounts, Venmo, for example, does issue QR codes, debit cards, and credit cards that allow users to use the funds directly from Venmo to outside vendors without transferring them to a traditional bank account. Small business owners also use these types of accounts as an affordable means to manage their books. They can track and annotate payments by customers, expenses paid, and then pay themselves as appropriate.

These accounts are highly relevant, procedurally and substantively, to a divorce. Substantively, these accounts hold a plethora of information—including spending activity, income, business profits and

expenses, current interests, and current asset values—while also serving as a simple vehicle to hold significant cash funds in the user's account or in a third-party account. They are arguably the tech version of "cash in the mattress" or the "suitcase buried in the backyard" that some divorce clients lose sleep over. Fortunately, they are *much* easier to identify, track, and monitor.

Procedurally, although the term "payment services account" is not expressly found in Rule 1.25-A, these accounts are responsive to the rule in five ways. First, the account balances and any funds held in a third-party account for the party's benefit must be disclosed on that party's financial

affidavit. Second, although not a traditional business accounting system, activity statements for these accounts are clearly business financial statements when used by the business owner as a profit and loss, balance sheet, and/or income statement and thus responsive to Rule 1.25-A, B.1(d). Third, although not traditional bank accounts, these accounts are clearly financial assets and responsive to Rule 1.25-A, B.1(i). Fourth, at least some payment services allow users to establish a credit card account, which is expressly noted in Rule 1.25-A, B.1(k) and, fifth, applications related to same in Rule 1.25-A, B.1(f).

Nonetheless, when parties produce their mandatory disclosure documentation, account activity and statements for these accounts are often missing with no mention of them on financial affidavits. A divorce lawyer may not know the accounts even exist, whether they are owned by the client or the other side, until the lawyer reviews traditional bank account statements that show debits and credits through these services, inquires as to the businessowner's management of the business's revenue and expenses, or, starting this year, reviews tax returns and 1099s.

This failure to disclose payment services accounts is concerning for the parties and lawyers. The parties themselves have discovery obligations, violations of which can

DIVORCE continued on page 35

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13 Things You Need to Know About the Bureau of Child Support Services

By Susan Brisson

1. An Application for Services is necessary. It is not enough for the court and/or parties to check off the "payable through BCSS" box in paragraph five of the Uniform Support Order (USO). One of the parties must apply for BCSS



services. See Standing Order 5B. The BCSS application can be downloaded from the BCSS website. dhhs.nh.gov/programs-services/childcare-parenting-childbirth/child-support-services/apply-child-support

2. Child Support Payors can apply for child support services. BCSS does not just offer services to Child Support Obligees/Payees. Putative fathers can apply for services to bring a case to establish paternity of the child/ren and then establish a child and medical support order. Child Support Obligor can apply for services to have their child support payments collected and disbursed by BCSS. BCSS would then be responsible for keeping the records of accruals and payments.

3. BCSS attorneys represent only the State of New Hampshire, Bureau of Child Support. They do not represent either party or the children in the case. They are an integral part of the BCSS mission to establish



paternity, establish child and medical support orders, enforce child support orders, and locate parents.

4. BCSS can collect alimony and alimony arrears as long as child support payments (either ongoing or arrears) are still being collected. Once the child support debt is paid in full, any remaining alimony award would need to be payable between the parties.

5. Medical Support: NH RSA 461-A:14 IX requires that each child support order include the court's determination and findings relative to healthcare coverage. Paragraphs 10 through 15 are necessary to determine if one or both of the parties will be required to provide private health care for the children. If the State is providing Medicaid to the minor children, the obligee's right to receive medi-

cal support is assigned to the State pursuant to statute. If the USO does not have paragraphs 10 through 15 addressed, BCSS is required to bring the matter forward to address these paragraphs.

6. BCSS cannot not enforce uninsured medical expenses unless the amount has been reduced to a sum certain and a periodic payment amount is set by the Court. If there is not a sum certain, BCSS will advise the parties to return to Court to adjudicate the uninsured medical expenses. Once done, BCSS will enforce in the same manner as the child support or medical support obligation.

7. In cases with more than one child, emancipation of the oldest child does not reduce the amount of child support unless the order is specifically a per child order (unless the court has used the provisions of NH RSA

461-A:14 IV-a to calculate the child support obligation that will be due when the next child emancipates). One of the parties needs to take the case back to court to recalculate child support based upon the substantial change in circumstances, i.e., the emancipation of a child.

8. A child support order can be reviewed by the court for modification if either party asserts that there has been a substantial change in circumstances. Every three years, BCSS provides notice to the parties of child support orders payable through BCSS that they have a right to request a review and, possible adjustment, of the child support order. If one of the parties requests a review, BCSS will facilitate bringing the matter in front of the court but will not represent either party at the hearing. The parties, of course, have the ability to bring forward their case at any time.

9. In cases payable through BCSS, once ongoing child support terminates, if there are child support arrears remaining, the periodic payment toward that arrears will remain at the previous ongoing amount. See Standing Order SO-4D.

10. The age of emancipation in New Hampshire is 18 or graduates of high school (or marries or joins the armed services or is otherwise lawfully emancipated), whichever is later. If the original support order was issued in another state (or country), emancipation will be governed by the law of that state (or country) and cannot be modified in NH.

SERVICES continued on page 36

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Child Support in Equal-Time Parenting Schedules II

By Honey Hastings

What is the appropriate child support in cases where the parents have equal or approximately equal parenting schedules? Under current law, the answer to this question is not known. Last November, I wrote hopefully about three bills being drafted for the 2022 Session of the General Court to answer this question. These bills were introduced, the relevant committees of both houses heard hours of testimony from parents and advocates, committee members were lobbied, amendments drafted and some passed, but the House and Senate could not agree on the answer to the question.



Amid the search for consensus, the promise of yet another federally mandated report on the Support Guidelines by the end of 2022 encouraged delaying a decision until the 2023 session. More information may be helpful, but the key policy questions remain: "Should a child have a similar lifestyle in each parent's home, regardless of the schedule?" and "Should an equal schedule of itself justify a reduction or elimination of support?"

Since the 2005 adoption of the Parental Rights and Responsibilities Act (RSA 461-A), more families have agreed



to equal or approximately equal parenting schedules, meaning that more parents are facing this question. The majority of parents agree on an answer that works for them. However, as the appropriate support is not predictable, there is more litigation than on other issues.

2023 Legislation

I expect that there will be at least two bills on support in equal time parenting cases introduced in January 2023. While publicly released drafting requests from representatives do not mention the topic, there will be more requests to come from newly elected members and from senators. (There are public drafting requests

on "wage garnishments" and "reporting of delinquent support.") Likely the 2023 bills will incorporate one or more of the themes from this year:

- Make support proportionate to the parenting schedule in all cases;
- Use the "net-the-difference" formula when parenting time is equal or close to it;
- Use the "net-the-difference" formula when incomes are similar and parenting time is equal or close to it.

Current Statute

The current NH statutes do not ex-

plicitly tie child support to the parenting schedule. The Guidelines and USO refer to "obligor" and "obligee," defined simply as the person paying or receiving support. The Guidelines child support is presumed to be the correct amount. There is no specific formula for child support when each of the parents have the child or children approximately half of the time. RSA 458-C:5 states that there MAY be an adjustment to the Guidelines support due to an equal time schedule. It says nothing about how much the adjusted support should be. Instead, RSA 458-C:5 specifies that an equal or approximately equal schedule "shall not by itself constitute ground for an adjustment" in the Guidelines. It then gives a three-part test to consider when deciding if the equal time schedule justifies any deviation from the Guidelines:

- Have the parents allocated variable expenses?
- Does the parenting schedule reduce the obligee's fixed costs of child-rearing?
- Can the lower income parent meet the costs of child-rearing in a similar style to the other parent?

2022 legislation

One bill had a presumption that "net the difference" produces the correct support in every equal or approximately equal schedule case (HB228). Another revised

SUPPORT continued on page 35

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New Hampshire's Adaptation to the Evolution of the Family Unit

By Patience E. Carlier

As the definition of family continues to evolve to include same sex couples, cohabitating parents, arranged co-parenting outside a romantic relationship, and more than two parents, the legal rights in many states have not been as quick to adapt. While non-traditional family structures are becoming increasingly common, the rights of children in those families are still tied to laws put in place decades ago. Although those children grow up with a sense of who their parent(s) is/are, it is the law, and not those familial bonds, which determines who has the rights and responsibilities of the "parent" and what rights the child has, from visitation to inheritance. Recently, the New Hampshire legislature amended certain statutes, including RSA 168-B, and expanded the definition of the parent-child relationship and the rights of parents and children. However, individuals in non-traditional structures should consider additional protections to further protect their rights and those of their children.



son's home and openly holds out the child as that person's child." RSA 168-B:2. This is known as the "holding out" presumption. For modern families, where only one adult is biologically related to the child, the "holding out" presumption is often the basis establishing parentage for the non-biological parent. This presumption is rebuttable if the biological parent provides clear and convincing evidence, other than "evidence that the child was conceived by means of assisted reproduction." RSA 168-B:2. The parent-child relationship, and the rights of the child and the non-biological parent, is at risk if the other parent succeeds in rebutting the presumption. As our definition of family continues to evolve, we will likely see more cases involving this rebuttable presumption when relationships end (particularly for co-

habitating individuals), thereby shaping our interpretation of the law regarding parentage and how we advise our clients.

Visitation Rights

The New Hampshire Constitution protects a parent's visitation rights as "natural, essential, and inherent rights." NH Const. pt. 1, art.2. However, the definition of a "parent" under New Hampshire law creates a scenario where a non-biological parentage is subject to a rebuttable presumption and therefore to losing those constitutionally protected rights. If an individual's parentage was rebutted and that person did not adopt the child, they may be able to petition for visitation under RSA 461-A:6 as a stepparent. However, there is no guarantee the stepparent visitation rights will be granted, and

the child's ability and access to continuing that parent-child relationship is uncertain. Despite this, and perhaps to address this situation, the legislature took steps to protect the parent-child relational rights by amending its statutes, including updates to RSA 168-B, as referenced, effective January 1, 2023.

Inheritance Rights of Children

Under RSA 168-B:14, a child can only be the child of their legal parents for the purposes of intestate and testate succession (unless the will or trust provides otherwise). This means that in situations where the parentage presumption is rebutted, that child loses its inheritance rights unless the parent in question amends their will or trust to specifically name that child as an heir or beneficiary. However, recent surveys show that 64 to 78 percent of individuals between the ages of 18 and 52 do not have an estate plan in place¹ thereby leaving the distribution of their estate to the state's intestacy laws. In New Hampshire, those individuals run the risk of inadvertently disinheriting those they consider their children if the children are not biologically theirs.

Confirming Parentage Through Adoption

New Hampshire recognizes the parentage rights of adults who are members of modern families via adoption. Those individuals' parentage rights are then no longer

UNIT continued on page 36

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How Family Law Impacts the First Amendment

By Jay Markell

The First Amendment of the US Constitution provides that Congress shall make no law abridging freedom of speech. Generally, the government lacks authority to restrict communications based on a message's content.



In the family law context, disputes between the parties—especially in the divorce and parenting context—can lead to conflict. This may take place in person, through emails, texts, or in other forums such as social media. Sometimes, the conflict might take place in front of the children.

In an effort to resolve disputes, courts may issue orders that are not reflective of party agreements and may contain content-based restrictions or preclude one or both parties' speech and communications, based on content. Depending on the nature of the case, some may forbid communication at all. These court orders may occur in or outside of a restraining order context and exceed permissible bounds under the First Amendment to the federal constitution.

Prior Restraint: Restrictions on Free Speech

Generally, government-ordered restraints on free speech (prior restraint) are



subject to a rigorous and demanding standard of review. In *Nebraska Press Association v. Stuart* (1976), the US Supreme Court described the test a restriction must pass so as not to violate the First Amendment.

First, one must look at "the nature and extent of the speech in question." Second, is "whether other measures would be likely to mitigate the effects of unrestrained speech," and third, "how effectively a restraining order would operate to prevent the threatened danger."

Thus, prior restraints require "a usually heavy justification under the First Amendment," *New York Times Co., v. United States* (1971).

In the case of *IN re NB and In Re JB* (2016), the NH Supreme Court pointed out that any prior restraint on expression which

"restricts speech rather than merely punishing it after the fact come with a heavy presumption against its constitutional validity." In *Mortgage Specialists v. Implode-Explode Heavy Indus.* (2010), the Court further noted "prior restraints are inherently suspect because they threaten rights of free speech."

Content-Based Restrictions on Free Speech

In *Clyde Reed, et.al v. Town of Gilbert* (2015) The US Supreme Court noted that content-based regulations are subject to strict scrutiny analysis. Therefore, the burden would be on the government to show that "the proposed regulation is narrowly tailored to serve a compelling government interest."

Free Speech Issues in the Family Law Context

In relevant part, RSA 458:16 allows courts to issue restraining orders in divorce cases to prevent harassment, interference with liberty, abuse, or enjoining a party from contacting a party at the other parties' place of school or employment.

Some family division courts have attempted to resolve disputes between parties with children by issuing orders within the context of a civil restraining orders both in and outside of marriage by stating, "All communications between the parents shall be limited to parenting issues."

With no civil restraining order, and absent an agreement or waiver, one family division court amended a parenting plan which, in relevant part, stated: "Each and every communication between the parties shall be, uniformly, and without exception, polite, courteous, non-critical, forward-looking, non-sarcastic, and child-focused."

By applying First Amendment Constitutional standards, these orders appear to be unconstitutional as both involve prior restraint, content-based restrictions. All examples are overbroad because they ban speech which is otherwise protected under the First Amendment. In the second case, the order is also vague as one could only guess as to the meanings.

They not only restrict speech based on content, but may also allow free speech to be punished, which is otherwise harmless as

AMENDMENT continued on page 36



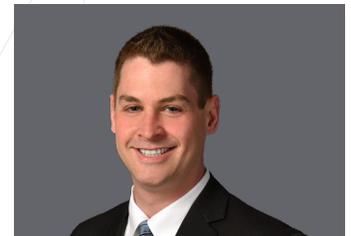
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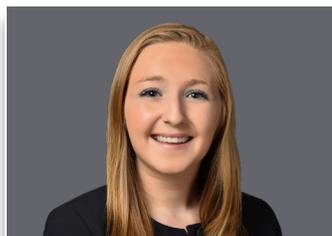
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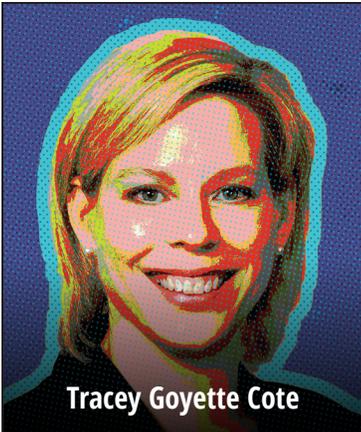
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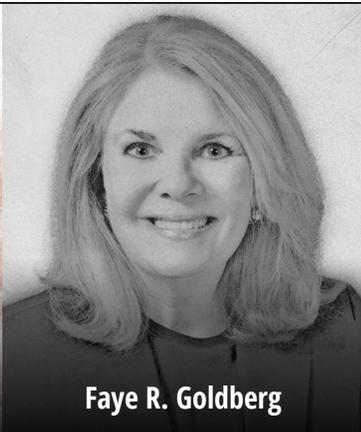
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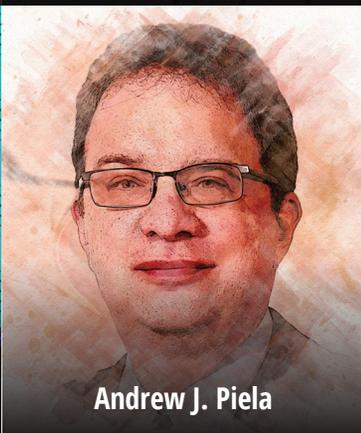
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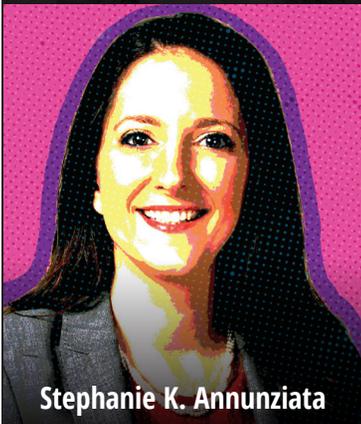
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It's different here

My Spouse Lied . . . I Have the Recording to Prove It

By Jacqueline Leary

We live in a world that is captivated by technology. It is common for people to video tape accidents as well as normal daily activities. It is not surprising that exhibits at a final divorce hearing include Instagram, Facebook, and other social media messages between the parties, their children, and other individuals.



Unfortunately, the expansion of modern technology has made it easier for anyone to intercept telephonic or electronic communications of the other party. There is no "one-party" consent exception in New Hampshire. What do you do when your client informs you that they would like to record the telephone conversation between the other party and the minor child? How do we prevent this from occurring? How do you respond if it already happened?

First, if your client is telling you that they would like to record the other party, it is likely that they do not understand their actions could be unlawful. It is important to remind your client that it is against the law to record a telephonic conversation or disclose its contents without the consent



of all parties. It is also unlawful to record in-person conversations of individuals who have a reasonable expectation that their communications are not being recorded, without first obtaining their consent. Intentional violations could result in a class B felony or misdemeanor charge, as well as monetary damages. You should also explain that the recorded conversations most likely will be excluded from evidence at the divorce trial.

New Hampshire's Wiretapping and Eavesdropping statute, RSA 570-A, protects the individual's right to privacy to a greater degree than many other states and the federal law because unless all parties consent to the interception (said differently, all parties are aware that their conversation

is being recorded), the person who records the conversation is committing a crime.

Second, the above conversation can be prevented if you have a proactive conversation with your client during the initial consultation or shortly thereafter. While you are explaining the wiretapping statute, you should also discuss "hidden cameras." Pursuant to New Hampshire's violation of privacy statute, RSA 644:9, it is a misdemeanor to install or use any device to photograph or record images or sounds in a place where there is a reasonable expectation of privacy. In addition to potential criminal charges, the person installing the hidden cameras could be sued civilly by their spouse. The spouse may also sue for the common law tort of invasion of privacy.

Third, if the recording already happened, one should determine if a violation of the law occurred. Was the recording intentional? Was there an expectation to privacy? Did the recording come from the family camera installed by the other party? You should advise your client of the law, instruct your client not to record any future conversations, explain the potential criminal consequences, discuss the effect their actions had on the case, and alert your client of their right to protect oneself from self-incrimination.

The knowledge of the illegal recording by the party being recorded may be brought up in written discovery questions or at trial. When responding to such questions, it is important to remember that the trier of fact may draw an adverse inference in a civil action against a party who invokes the Fifth Amendment Privilege.

There are lawful ways to obtain information regarding your spouse's behavior that may lead to a fault ground through the discovery process. Before you hit the "record" button, you should contact an attorney. ■

Jacqueline is Vice Chair of McLane Middleton's Family Law Practice Group and a member of the firm's Criminal Law Practice Group. Jacqueline's family law practice is focused on complex divorce and parenting issues for clients with substantial assets and complex cases.



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Divorce from page 28

trigger sanctions; nondisclosure may lead to a future modification action; and, most severely, the failure to disclose these assets and any associated income on a financial affidavit constitutes perjury and may result in a civil action against the client by the other party with the possibility of treble damages and fee shifting under RSA 458:15-b. For lawyers, we have a duty of competence, including knowledge of our field of practice, proper preparation, attention to detail, fact gathering, and keeping abreast of changes not only in the law but in our relevant area of practice. Competence, at a minimum, requires lawyers to be aware of payment ser-

vices accounts to ensure, as best we can, that the financial affidavits and discovery in the case are complete.

Divorce practitioners can easily address this asset type and mitigate the associated legal and ethical pitfalls noted above by simply being mindful of these accounts' existence and incorporating identification mechanisms in their current discovery protocols. Parties are unlikely to recognize these accounts for what they are—assets and/or makeshift business accounting systems—so a divorce practitioner may wish to update current protocols to ensure these accounts do not go undisclosed. This may mean adding specific requests for information and documentation in client questionnaires and formal discovery forms to opposing parties; listing them as specific examples in annotated mandatory disclosure checklists, annotated financial affidavit forms, or other forms used to gather asset, business, and income information from clients; and adding these specific accounts to any document review checklists for productions received from the opposing party to prompt a request to the other side for this information, if needed. These and other appropriate protocols will decrease the harms of autopiloting Rule 1.25-A's mandatory disclosure without intention and thus eliminating RSA 458:15-b issues and ensuring compliance with ethical and discovery obligations. ■

Nicole practices family law at Orr & Reno PA. She has been recognized in The Best Lawyers in America as "One to Watch" for Family Law and named a Rising Star by New England Super Lawyers® in Family Law.

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Also admitted in VT

Support from page 30

the test for adjustment, focusing on the child's interest in a similar lifestyle in both homes, and using "net the difference" only where the parental incomes are similar (SB431). A third would have reduced support for any fraction of time with the paying parent, even one night a month (HB1647).

"Net the Difference"

In the 1990s, some lawyers and marital masters started using a formula called "net the difference." To "net the difference," calculate the Guidelines support that parent A would owe parent B and vice versa, then subtract the smaller amount from the larger. The higher-income parent pays the resulting difference to the other parent. After applying the "net the difference" method to families with various incomes, I concluded that when incomes are substantially different, using it is unfair to children. Specifically, when one parent earns 60 percent or more of the parents' combined gross income, lifestyles in the two homes would be dissimilar and thus not in the child's best interest.

For example, if one parent earns \$7,083 monthly (\$85,000 a year) and the other earns \$3,333 (\$40,000 a year), the higher-income parent earns 68 percent of the combined, total monthly gross income. For one child, the "net the difference" support amount would be \$582. If this method is used in this example, after support is paid and received, the higher-income parent would have \$6,501 in gross monthly

income (62.4 percent of their combined total). The lower-income parent would have \$3,915 (37.6 percent of the combined total). Note that an after-tax analysis would be helpful, but requires filing status, exemption allocation, and other details.

If Guidelines support was agreed or ordered in this scenario, the higher-income parent would still have \$1,550 more in monthly gross income, but the ratio of the parents' income would be 57.4 to 42.6 percent. This is a more equitable difference between parents supporting a child in two separate households.

Case Law

In the 2019 case, *IMO Silva & Silva*, the Supreme Court analyzed RSA 458-C:5 and concluded that the trial court made insufficient findings to justify a Guidelines deviation. Since *Silva*, some parties in contested cases have found deviations harder to come by. Agreements appear to be subject to an easier test, but in contested cases, the shadow of *Silva* has made downward adjustments harder to get.

Practice Tips

- * Review *Silva* and share with your client
- * Compare expenses to income
- * Get an agreement
- * If litigating, draft findings & rulings precisely ■

Honey Hastings retired after practicing family law for 34 years. She continues to advocate for legislation and to present workshops through Amoskeag Continuing Education.

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This training reviews the requirements of attorney-client communication from both an ethical and zealous advocacy frame, and consider how the use of court-appointed family engagement specialists can assist attorneys in providing client-centered and trauma-informed communication while maintaining appropriate boundaries.

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about contributing to the sections.

Findings from page 27

however, found no prejudice as the mother was criminally charged, and, pursuant to her bail orders, could not contact her child until September 2021, more than a month after the district court rendered its findings.

Furthermore, the relief that the mother sought would have gone against the CPA's primary purpose. The mother moved for dismissal of the case with prejudice, which would run the risk of returning a child to a situation that endangers his or her life, health, or welfare. Alternatively, if the case were dismissed without prejudice, then the proceedings would be even further delayed. In its conclusion, the Court explicitly maintained the position that "if an appellant can show prejudice caused by the trial court's delay... [it] will not hesitate to employ an appropriate enforcement mechanism, which may include exercise of [its] supervisory power under RSA 490:4 (2010).

In re N.T. is a prime illustration of substance over form. This case demonstrates a circumstance when strictly adhering to a statutory deadline goes against the parties' interests and the underlying purposes of the law itself. To properly balance child, parent, and State interests, and to execute the CPA's purpose, the Court found that a non-prejudicial delay in the Court's scheduling was insufficient to warrant dismissal. ■

Hanna May and Cory D.N. Greenleaf are Litigation Associates at Devine, Millimet & Branch, PA in Manchester, New Hampshire.

Services from page 29

See NH RSA 546-B:49, III.

11. The jurisdictional requirements of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (NH RSA 458-A) and the Uniform Interstate Family Support Act (UIFSA) (NH RSA 546-B) are different. As a result, it is possible for the issues of child custody and child support to be decided by different states.

12. As required by NH RSA 458-C:6, BCSS is required to review its Child Support Guidelines every four years to determine if the NH Child Support Guidelines result in appropriate child support amounts. This Review is currently underway by a vendor contracted by BCSS. Its findings and recommendations are expected to be released by December 31, 2022.

13. BCSS has 10 attorneys that cover all 32 family division courts in NH. If you have a question about a specific BCSS case, your client will need to submit a release of information form for a representative of BCSS to speak with them. If you have questions about NH child support laws, UIFSA or BCSS, please call the Child Support Legal main number (603) 271- 4429 and ask to speak to an attorney. ■

Susan Brisson is a graduate of Saint Anselm College and Franklin Pierce Law Center. After several years in private practice, she joined the Bureau of Child Support Services, Legal Office in 1999 and was promoted to Chief Staff Attorney in 2021. In her spare time, she makes mixed media art. She lives in Manchester with her husband and too many cats.

Centers from page 26

"While centers may be costly," Hampton explains. "We need to weigh the cost of another tragedy such as Sacramento or Manchester."

Kuenning added that domestic violence remains pervasive, so we must keep working and laying the groundwork for these services.

Practical Tips

In the short-term, and as practitioners, we are likely to rely on third-party supervisors, hired or volunteer. Thus, courts ought to refer parties and practitioners to read and implement the State of New Hampshire *Guidelines for Supervised Visitation: A Lay Person's Guide to Providing Safe Visitation between Children and Parents in Domestic Violence Cases*. It outlines five basic ideas when contemplating a supervisor, safety, time, space, support, and feelings, and provides practical guidance of various considerations for supervisors. <https://fliphtml5.com/jujt/yjgz/basic>.

We must draft safe parenting plans, specific as to exchange locations, times, use of third-party exchanges and communications, and which are readable and unambiguous.

Domestic violence remains a persistent problem in our communities. Supervised visitation centers that operate with existing state guidance are worth revitalizing and supporting with public dollars. While the long-term goal is achieving access to these centers, we need to mitigate the risks in the interim. ■

Jessica Morrissey-Jeffery is a staff attorney at New Hampshire Legal Assistance. She graduated from the University of Maine School of Law in 2019. Her academic and professional background focuses on advocacy for low-income populations.

Unit from page 31

subject to the rebuttable presumption. Until recently, same-sex couples went through stepparent adoptions to confirm the parentage of the non-biological parent, as the presumption was that a child could only have one "mother" and one "father." In 2020, RSA 170-B:4 was amended to replace "husband and wife" with "two adults together," and to additionally allow "an unmarried adult with the assent of at least one of the adoptee's parents," and "person(s) who are parents of a child conceived via assisted reproduction" the ability to adopt a child. RSA 170-B. The updated language allows parents in non-traditional relationships to confirm their parentage, without creating a stepparent relationship, and to protect both their and their child's rights in the parent-child relationship.

Conclusion

While New Hampshire made steps to incorporate the reality of modern families into parenting and inheritance laws, there are some additional steps individuals may want to take to protect their rights. Practitioners should be aware of their clients' family structures and provide guidance regarding their clients' rights as parents and the effect the laws have on their children's rights.

1. Survey: 60 percent of Americans lack will or estate planning AARP (2022), <https://www.aarp.org/money/investing/info-2017/half-of-adults-do-not-have-wills.html> (last visited Oct 25, 2022). ■

Patience E. Carlier is an associate at Sulloway & Hollis, PLLC, in the firm's Trusts, Wills, and Estates group. She focuses her practice in the areas of estate planning, tax planning, estate and trust administration, and elder law matters. She also works with clients to navigate the guardianship process.

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disobedience. In the case of a child communication limitation, mere mention of another event, other than a parenting issue, could subject a party to court sanctions.

Limitations on Free Speech: Parental Disparagement

In family law cases involving minor children, RSA 461-A (aka the Parenting Rights and Responsibilities Act) applies, and the parties are asked to develop parenting plans. Absent party agreement, the act allows courts to develop parenting plans. There is language in parenting plans prohibiting parents from "demeaning or speaking out negatively in any manner that would damage the relationship between either parent and the child and to order each parent to promote a healthy, beneficial relationship between the other parent and the child."

This language may be unconstitutional if applied to a parent who demeans or speaks negatively of a parent outside of a child's presence.

In *Shak v Shak* (2020), the Massachusetts Supreme Judicial Court held that First Amendment rights of free speech applied to non-disparagement orders which were meant to protect the psychological wellbeing of a child; but negative and disparaging comments made on social media, and not in

the actual presence of the child were protected under free-speech principles. Thus, the terms "in any manner" may be held at some point to be a First Amendment violation.

Not All Restraints on Speech Violate Free Speech Rights

Free Speech and the rights under the First Amendment are not absolute. Orders of Protection from Domestic Violence often contain provisions prohibiting a defendant from contacting or communicating with the plaintiff in any manner. Orders of Protection can prohibit all communication, as there is a compelling government objective in protecting victims of abuse and can be necessary to protect victims. They can be narrowly tailored to protect them and there may be no less restrictive way of protecting them under the circumstances.

Conclusion

Violations of court orders may subject a party to contempt findings, awards of attorney fees, and possible incarceration. Family law practitioners and courts can work together and should be aware of their rights under the law so that individual rights are protected, and the ends of justice are served. ■

Jay Markell, Esquire, is a Senior Attorney at Family Legal, PC in Concord, New Hampshire.

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New Hampshire Supreme Court Advisory Committee on Rules Public Hearing Notice

The New Hampshire Supreme Court Advisory Committee on Rules will hold a Public Hearing at 12:30 pm on Friday, December 9, 2022, at the Supreme Court Building on Charles Doe Drive in Concord, to receive the views of any member of the public, the bench, or the bar as the Committee considers whether to recommend that the Supreme Court adopt proposed amendments to several court rules.

Comments on any of the proposed amendments which the Committee is considering for possible recommendation to the Supreme Court may be submitted in writing to the secretary of the Committee at any time on or before December 1, 2022, or may be submitted at the hearing on December 9, 2022. Comments may be emailed to the Committee on or before December 1, 2022, at: rulecomment@courts.state.nh.us.

Comments may also be mailed or de-

livered to the Committee at the following address: NH Supreme Court, Advisory Committee on Rules, 1 Charles Doe Drive, Concord, NH 03301.

Any suggestions for rule amendments other than those set forth below may be submitted in writing to the secretary of the Committee for consideration by the Committee in the future.

The amendments being considered concern the following rules:

I. 2022-006 New Hampshire Rule of Professional Conduct 3.8

(This proposed amendment, submitted by the NHBA Ethics Committee, would “proactively provide guidance to prosecutors regarding their obligations” upon the discovery of “new, credible and material evidence creating a reasonable probability that a convicted defendant did not commit an offense of

which the defendant was convicted.”)

Proposed Action: Amend NH Rule of Professional Conduct 3.8 as set forth in Appendix A.

II. 2022-008 New Hampshire Rule of Criminal Procedure 19

(This proposed amendment makes clear that, unless otherwise allowed by statute or rule, cases and/or proceedings shall not be transferred between the Circuit Court and the Superior Court.)

Proposed Action: Amend New Hampshire Rule of Criminal Procedure 19 as set forth in Appendix B.

III. 2022-011 Supreme Court Rules 53.1, 53.2, and 53.3

(These proposed amendments revise CLE requirements for certain members of the bar.)

Proposed Action: Amend Supreme Court Rules 53.1, 53.2, and 53.3 as set forth in Appendix C.

IV. 2022-012 Supreme Court Rule 53.4

(This proposed amendment, submitted by the Bar Association, “is intended to formalize and align the NHMCLE waiver process for annual NHMCLE requirements with the current waiver process for annual NH Supreme Court fees and Trust Account Compliance filing.”)

Proposed Action: Amend Supreme Court Rule 53.4 as set forth in Appendix D.

New Hampshire Supreme Court
Advisory Committee on Rules
By: Patrick E. Donovan, Chairperson
and Lorrie Platt, Secretary

October 26, 2022

Supreme Court At-A-Glance

October 2022

Civil Law

Lorettann Gascard v. Andrew J. Hall & a., No. 2021-0151
October 20, 2022
Affirmed

- Whether the trial court erred in dismissing the plaintiff’s complaint which alleged a defamatory statement attributed to the defendant and published by the defendant newspaper?

The plaintiff and her son sold twenty-four paintings to the defendant Hall from their art collection. A question of forgery was raised when the paintings were later inspected. The defendant Hall filed a complaint in the United States District Court alleging the plaintiff sold him forged art. Following a five-day jury trial, the defendant Hall received an award of \$465,000 in his case against the plaintiff in the United States District Court. Thereafter, the defendant Concord Monitor published an article online and in print that was titled “Art of deception: Collector awarded \$500,000 after buying fraudulent paintings.” The plaintiff filed a complaint alleging defamation in this case based on the defendant Hall’s statement to the defendant Concord Monitor’s columnist that “he believed Lorettann, an artist herself, had painted the forgeries.” The plaintiff alleged that because the article didn’t disclose the full factual basis underlying defendant Hall’s belief that Lorettann painted the paintings, that the article conveyed defendant Hall’s belief as a statement of fact. After a hearing, the trial court granted the defendants’ motions to dismiss due to the fact that the full quote from the defendant Hall in the article was “Hall had said that he believed Lorettann, an artist herself, had painted the forgeries, but he never knew for sure” which was Hall’s opinion rather than a statement of fact. The Court analyzed the case under New Hampshire law rather than the First Amendment. The Court, quoting *Boyle v. Dwyer*, 172 NH 548 (2019), explained that an opinion is actionable for defamation “when the opinion may reasonably be understood to imply the existence

of defamatory fact as the basis for the opinion.” The Court agreed with the trial court that Hall’s statement that he never knew for sure did not imply that he knew facts that confirmed the truth about the speculations that Lorettann painted the forgeries. The Court found that the trial court did not err in dismissing the plaintiff’s defamation claims against the defendants.

Nikolas Gascard, non-attorney representative appearing by approval of the Supreme Court under Rule 33(2) (on the brief and orally) for the plaintiff. Desmarais Law Group, of Manchester (Debra L. Mayotte on the brief and orally) for the defendant Andrew J. Hall. Orr & Reno, of Concord (William L. Chapman and Elizabeth Velez on the brief and William L. Chapman orally) for defendant Newspapers of New Hampshire, Inc. d/b/a/ Concord Monitor.

Criminal Law

The State of New Hampshire v. Nyok Deng Luwal, No. 2022-0140
October 20, 2022
Reversed

- Whether the trial court erred in ruling that the superior court lacked jurisdiction to review a circuit court order revoking bail?

The defendant was arrested on three counts of domestic violence simple assault and one count of criminal threatening. The defendant was arraigned in the circuit court and was released subject to a no-contact order which prohibited contact with the victim. The defendant was later arrested for violating the no-contact order and thereafter the State filed a motion to revoke the defendant’s bail in the circuit court. The circuit court granted the motion, revoked the defendant’s bail and ordered the defendant to be detained. The defendant appealed the circuit court decision to the superior court and the State moved to dismiss for lack of jurisdiction. The superior court agreed with the State that RSA 597:6-3 does not grant the superior court jurisdiction over an appeal from a circuit court’s order revoking bail and the superior court granted the mo-

At-A-Glance Contributor



Sarah E. Lavoie

Partner at
Burns, Bryant, Cox,
Rockefeller & Durkin
Dover, NH

tion to dismiss. The defendant appealed the superior court order. Thereafter, the State filed a nolle prosequi in the circuit court case and therefore, the defendant was no longer incarcerated. The parties agreed that the defendant’s appeal was not moot because of the pressing public issue presented by his case and because the legal issue was capable of repetition yet evading review. The Court found that RSA 597 does confer jurisdiction to the superior court to review a circuit court order revoking bail and reversed the decision of the trial court.

John M. Formella, Attorney General, and Anthony J. Galdieri, Solicitor General (Anthony J. Galdieri on the memorandum of law), for the State. Christopher M. Johnson, Chief Appellate Defender, of Concord on the brief, for the defendant.

Real Estate Law

Appeal of Eleonora Porobic, No. 2021-0289
October 18, 2022
Affirmed

- Whether the New Hampshire Board of Tax and Land Appeals erred in granting the petitioner only a partial abatement of taxes?

The petitioner, Eleonora Porobic, appealed a decision of the New Hampshire Board of Tax and Land Appeals (BTLA) granting her only a partial abatement of taxes assessed by the respondent, the Town of Bartlett (Town). The petitioner challenged the Town’s 2018 tax assessment of her single-family home

located on .88 acres. In 2017, the property was assessed at \$206,000. After adding an addition to the house, clearing trees to expand a mountain view and following a full update of property values in the Town, the property was assessed at \$408,400 in 2018. The Town denied the petitioner’s request for an abatement, and she appealed to the BTLA. At the appeal hearing, the petitioner objected only to the assessment of the land and not the assessment of the building and improvements thereon. The petitioner’s objection was to the land value allegedly increasing by \$153,000 due to the expanded mountain view. The BTLA found neither party’s valuation to be persuasive. The BTLA found that the petitioner’s appraisal understated the property’s market value and the Town’s assessment overstated it. The BTLA found that the petitioner met her burden to show that the property was assessed a higher percentage of fair market value than the general Town assessment level and that she was therefore paying more than her proportional share of taxes. The BTLA granted petitioner’s request for an abatement and reduced the 2018 assessed value to \$345,400. The petitioner appealed arguing that the BTLA erred in considering the Town’s assessment and comparable sales analysis prepared by Avitar and in considering the Town’s expert’s testimony. The Court noted that determining fair market value is an issue of fact. The Court also noted that the BTLA, as the trier of fact, was not bound by the technical rules of evidence, was free to consider the Town’s assessment and other valuation evidence in determining the property’s fair market value, and was free to accept or reject such portions of the evidence as it found proper including expert witness testimony. The Court held that the petitioner failed to show that the BTLA’s decision was unsupported by the evidence or the result of legal error.

Cooper Cargill Chant, of North Conway (Randall F. Cooper on the brief) for the petitioner. Donahue, Tucker and Ciandella, of Exeter (Brendan A. O’Donnell and Christopher T. Hilson on the brief) for the respondent, Town of Bartlett.

AT-A-GLANCE continued on page 38

Right-To-Know Law

Laura Colquhoun v. City of Nashua, No. 2021-0253
October 26, 2022
Reversed and remanded

- Whether the trial court erred in denying a request for attorney’s fees after finding a violation of the Right-to-Know Law?

The plaintiff filed a complaint against the defendant, City of Nashua, after it denied her request for two months of emails between two City employees. The trial court found that the defendant City of Nashua violated the Right-to-Know Law but denied the plaintiff’s request for attorney’s fees. The Right-to-Know Law provides that fees shall be awarded if there is a court finding that the public body knew or should have known that its conduct violated the Right-to-Know Law. The trial court found that the defendant City of Nashua couldn’t have known it was violating the Right-to-Know law because the limits of a reasonably described request had not been defined by the New Hampshire Supreme Court. The Court explained that it has consistently construed provisions favoring disclosure broadly and has interpreted exemptions restrictively. The Court found that the City’s own actions showed that the plaintiff’s description allowed the City, after the plaintiff filed its lawsuit in the trial court, to find hundreds of responsive documents by searching its files and undermined its argument that the plaintiff’s description failed to sufficiently describe the records. The Court found that the plaintiff’s description reasonably described the documents she was seeking. The Court also disagreed with the City’s argument that it was entitled to refuse to take any search because to search for and locate all of the requested records would have been unduly burdensome. The Court said the City should have known in light of the decision in *ATV Watch v. New Hampshire Department of Transportation* that it was not required to undertake an exhaustive search for documents but rather it was required to undertake a reasonable search. The Court found that the trial court erred in denying the plaintiff’s request for attorney’s fees because the City knew or should have known that its blanket denial violated the Right-to-Know Law.

Lehmann Major List, of Concord (Richard J. Lehmann on the brief and orally) for the plaintiff. Office of Corporation Counsel, of Nashua (Nicole M. Clay, Steven A. Bolton, and Celia K. Leonard on the memorandum of law, and Nicole M. Clay orally) for the defendant. ■

R-2022-0004, In re Suggested Amendments to Supreme Court Rule 50-A

Justice Patrick E. Donovan, Chair of the Advisory Committee on Rules, received a proposal from the New Hampshire Bar Association to amend Supreme Court Rule 50-A to exempt from the trust accounting certification requirement members of the bar who hold military active membership status or those members who hold limited active membership status and meet the criteria set forth in the supreme court’s August 10, 2022 order. Given the technical nature of the proposed amendment, Justice Donovan submitted this item directly to the court for its consideration pursuant to Supreme Court Rule 51(c)(3).

On or before **November 16, 2022**, members of the bench, bar, legislature, executive branch or public may file with the clerk of the supreme court comments on the suggested rule amendment.

In accordance with Rules 3 and 4 of the Supplemental Rules 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-2022-0004**, 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 below.

The language of the suggested amendment to Supreme Court Rule 50-A and its background may be found in docket # 2022-009 on the webpage of the Advisory Committee on Rules, which is available at: <https://www.courts.nh.gov/resources/court-committees/advisory-committee-rules/committee-materials-docket-number/2022>. A copy is also available upon request to the clerk of the supreme court at the N.H. Supreme Court Building, 1 Charles Doe Drive, Concord,

New Hampshire 03301 (Tel. 603-271-2646).

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

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

I. Supreme Court Rule 50-A. Trust Accounting Certification Requirement

This proposal would exempt from the trust accounting certification requirement members of the bar who hold military active membership status or those members who hold limited active membership status and meet the criteria set forth in the supreme court’s August 10, 2022 order.

The language of the proposed amendment to Supreme Court Rule 50-A is set forth in Appendix A.

Date: October 17, 2022

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



R-2022-0006, In re October 5, 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 Supreme Court with a recommendation that they be adopted. On or before **November 21, 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 Supplemental Rules 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-2022-0006**, 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 N.H. Supreme Court Building, 1 Charles Doe Drive, Concord, New Hampshire 03301 (Tel. 603-271-2646).

The language of the proposed rules changes and background regarding the proposals may be found in the October 5, 2022 Report of the Advisory Committee on Rules, which is available at: <https://www.courts.nh.gov/resources/committees/advisory-committee-rules/reports-court>.

Copies of the October 5, 2022 Report of the Advisory Committee on Rules are also available upon request submitted to the clerk of the supreme court at the N.H. Supreme Court Building, 1 Charles Doe Drive, Concord, New Hampshire 03301 (Tel. 603-271-2646).

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

The New Hampshire Supreme Court is requesting comment on recommendations to amend the following rules:

I. Supreme Court Rule 35

This recommendation would strike in its entirety the current language of Supreme Court Rule 35 “Guidelines for the Utilization by Lawyers of the Services of Legal Assistants Under the New Hampshire Rules of Professional Conduct” because it is obsolete. The court anticipates that the language would be replaced by language that would apply to paraprofessionals who provide legal services under a pilot program enacted by the legislature in its 2022 session. See Laws 2022, ch. 194. On September 30, 2022, the court issued an order inviting public comment on the proposed new language of Supreme Court Rule 35. See R-2022-0005.

II. Supreme Court Rule 37(9-A) and 37(9-B)

The proposed amendment addresses immediate suspension by the court of an attorney who engages in serious misconduct that poses an immediate and substantial threat of serious harm to the public.

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

Date: October 21, 2022

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

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**LD-2022-0006, In the Matter of
Byron J. Siegal, Esquire**

On August 16, 2022, the Attorney Discipline Office (ADO) notified this court in writing that Camps for Grownups, LTD., a corporation, had been sentenced in superior court for a felony conviction involving violation of the Consumer Protection Act. See RSA 358-A:2 and :6. With its notification, the ADO stated that Attorney Byron J. Siegal “is the principal stockholder and President of Camp for Grownups,” and the ADO requested that the court “enter an order disbaring Mr. Siegal from the practice of law pursuant to Rule 37(9)(d).”

Rule 37(9)(d) provides in relevant part: “Upon the receipt of a certificate of conviction of an attorney for a ‘serious crime,’ the court may, and shall if suspension has been ordered pursuant to subsection (a) above, institute a formal disciplinary proceeding by issuing an order to the attorney to show cause why the attorney should not be disbarred as a result of the conviction.” (Emphasis added.) The term “serious crime” is defined to include “any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a ‘serious crime.’”

Upon receiving the ADO’s written notification, the court issued an order to Attorney Siegal to show cause why he should not be disbarred as a result of the felony conviction. See Rule 37(9)(d). The show-cause order provided Attorney Siegal 30 days — until September 23, 2022 — to respond. He has not done so.

Based on the information provided to this court by the ADO, the court finds that Attorney Siegal’s immediate suspension from the practice of law is necessary to protect the public and to preserve the integrity of the legal profession. See Rule 37(16)(d) and (f). Accordingly, it is hereby ordered:

(1) In accordance with Rule 37(16)(d) and (f), Attorney Byron J. Siegal is immediately suspended from the practice of law in New Hampshire pending further order of this court.

(2) A copy of this order shall be served on Attorney Siegal by first-class mail at the latest address that Attorney Siegal provided to the New Hampshire Bar Association.

(3) Attorney Siegal is enjoined from transferring, assigning, hypothecating, or

in any manner disposing of or conveying any assets of clients, whether real, personal, beneficial or mixed.

The court declines, at this time, to disbar Attorney Siegal because he was not convicted of a crime under the Consumer Protection Act and, if he had been, the conviction would have been a misdemeanor. See RSA 358-A:6, I. The court remands the matter to the attorney discipline system for such further action as it deems appropriate.

Pursuant to Rule 37(17), the court appoints Attorney Andrea Q. Labonte, ADO Assistant General Counsel, to take immediate possession of the client files and trust and other fiduciary accounts of Attorney Siegal, and to take the following actions:

(1) Attorney Labonte shall notify all banks and other entities where Attorney Siegal has trust or fiduciary accounts and operating accounts of Attorney Siegal’s suspension from the practice of law and of Attorney Labonte’s appointment by the court.

(2) Attorney Labonte shall notify clients of Attorney Siegal of his suspension, inform them of any scheduled hearings, advise them to obtain the services of other lawyers of their choice, and advise them how they or their new attorneys may obtain their files. Attorney Labonte shall not undertake the representation of any of Attorney Siegal’s clients, however.

(3) Attorney Labonte shall notify the courts in which any hearings are scheduled in the near future of Attorney Siegal’s suspension.

(4) Attorney Labonte shall prepare an inventory of Attorney Siegal’s client files and shall file a copy of the inventory with the Supreme Court on or before December 12, 2022, together with a report of her actions taken under this order and recommendations as to what further actions should be taken.

(5) If Attorney Siegal was in possession of any client funds or property, Attorney Labonte may file an appropriate motion requesting authority to distribute them.

Attorney Siegal is ordered to cooperate with Attorney Labonte in performing the tasks as directed by the court. The expenses of Attorney Labonte shall be paid in the first instance from the funds of the Professional Conduct Committee, which may seek reimbursement from Attorney Siegal.

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

DATE: October 26, 2022

ATTEST: Timothy A. Gudas, Clerk

US District Court Decision Listing

September 2022

* Published

CIVIL RIGHTS

9/08/22 *Office of the Public Guardian v. Elliot Hospital, et al.*

Case no. 21-cv-705-LM (D.N.H.), Opinion No. 2022 DNH 110P

Plaintiff, on behalf of its ward, brought claims against Elliot Hospital, a doctor working at Elliot Hospital, and Hillsborough County. With respect to the County, plaintiff alleged that County employees violated the ward’s rights under the Fourteenth Amendment by failing to provide him proper medical care while he was in pretrial confinement. The County moved for judgment on the pleadings, arguing that plaintiff failed to sufficiently plead that the County maintained policies or customs that resulted in its employees’ alleged failure to provide care, as required to establish municipal liability under 42 U.S.C. § 1983. The court disagreed, finding that plaintiff’s allegations that the County’s employees consistently failed to provide medical care over the course of several weeks supported a reasonable inference that they were acting pursuant to the County’s unofficial policies or customs. 23 pages. Chief Judge Landya McCafferty.

COMMERCIAL; DAMAGES

9/27/22 *Planet Fitness Intl Franchise v. JEG-United LLC*

Case no. 20-cv-693-LM (D.N.H.), Opinion No. 2022 DNH 117P

The court granted in part and denied in part Planet Fitness’s motion for summary judgment. Planet Fitness argued that damages would be speculative as to JEG-United’s breach of contract and breach of implied covenant counterclaims and that evidence was insufficient to support counterclaims for tortious interference with prospective contractual relations. The court found that, considering a concession by JEG-United, it was unnecessary to decide whether reliance damages were permissible; that Planet Fitness failed to show damages for lost profits would be speculative as a matter of law; and that insufficient evidence supported claims for tortious interference with prospective contractual relations. 43 pages. Chief Judge Landya McCafferty.

CONSUMER PROTECTION ACT; PRODUCTS LIABILITY

9/08/22 *Guay v. Sig Sauer, Inc.*

Case No. 20-cv-736-LM (D.N.H.), Opinion No. 2022 DNH 109P

After his holstered Sig Sauer P320 pistol discharged into his leg, plaintiff alleged, among other claims, that Sig Sauer violated the New Hampshire Consumer Protection Act, RSA 358-A, V and VII, because Sig Sauer falsely represented that the P320 would not fire unless the user pulled the trigger. After a bench trial, the court agreed with plaintiff that Sig Sauer’s representation was false because the pistol fired without a trigger pull. The court nonetheless ruled in favor of Sig Sauer because plaintiff did not show Sig Sauer knew or should have known its representation was false at the time

plaintiff purchased the pistol and relied on the representation. 19 pages. Chief Judge Landya McCafferty.

TITLE IX

9/30/22 *M.L. v. Concord School, et al.*
Case No. 18-cv-327-PB, Opinion No. 2022 DNH 122

Plaintiff M.L., a former student at Concord High School, sued the Concord School District under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a). M.L. alleged that defendants failed to timely and adequately respond when she reported an incident of peer-on-peer sexual assault and later complained about the alleged perpetrator’s retaliatory behavior. Defendants moved for summary judgment. Because M.L. failed to show that defendants were deliberately indifferent in their handling of her complaints, the court granted the motion. 29 pages. Judge Paul Barbadoro.

FIFTH AMENDMENT

8/30/22 *USA v. Michael J. Wagner*
Case No. 20-cr-105-1-PB, Opinion No. 22 DNH 106

Michael Wagner, a former Captain with the Salem Police Department (SPD), has been indicted for making a false statement in his 2013 income tax return. The government alleges that Wagner inflated his work-related tax deductions and underreported more than \$30,000 he earned by reselling firearms he purchased from Sig Sauer (a firearms manufacturer) using a law enforcement discount. Before becoming a target of a criminal investigation, Wagner was interviewed as part of an internal affairs investigation of the SPD initiated by the Town of Salem. In a recorded interview, Wagner made some limited statements concerning his firearm purchases. The court previously determined that those statements were made under the threat of losing employment and were thus immunized under *Garrity v. New Jersey*, 385 U.S. 493 (1967), which held that Fifth Amendment protections apply to public employees who, under the threat of job loss, are required to make incriminating statements. Wagner’s *Garrity* immunity precludes the government from using his statements or any evidence derived from them when seeking an indictment or a conviction. The government did not use Wagner’s statements in securing a superseding indictment and will not use them at trial. Having settled the immunity question, the court had to decide whether the government has met its “heavy burden” of proof under *Kastigar v. United States*, 406 U.S. 441 (1972), to show that the evidence it proposes to use is derived from a legitimate source entirely independent of Wagner’s compelled statements. The court found that the government has satisfied this burden. In sum, the government has proved that, as part of its ongoing criminal investigation into Wagner, the NHAG’s office would have obtained the Sig Sauer records based on a prior source of the information that Wagner was buying guns from Sig Sauer with a police discount and reselling them for profit. That prior source is entirely independent of what Wagner later said during the Kroll interview. The remaining evidence against Wagner followed from the Sig Sauer records as a matter of course.

LISTING continued on page 40

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21 pages. Judge Paul Barbadoro.

SECTION 1983

9/26/22 *Holloway v. Sununu, et al.*
Case No. 21-cv-865-PB, Opinion No. 22
DNH 097

Pro se plaintiff Dale E. Holloway, Jr. is currently serving a state sentence at the New Hampshire State Prison for assaulting a defense attorney who was representing him in a state prosecution for attempted murder. He filed this lawsuit against twenty-seven individuals whose alleged actions or inactions resulted in his assault conviction and his pending attempted murder charges. The court dismissed the case on preliminary review. Holloway's claims for injunctive relief had to be dismissed based on the Younger abstention doctrine, the doctrine announced in *Heck v. Humphrey*, 512 U.S. 477 (1994), or the exclusivity of the traditional remedy of habeas corpus. Holloway's allegations in support of his claims for damages did not state a viable claim against any defendant. 16 pages. Judge Paul Barbadoro.

COMPASSIONATE RELEASE

9/9/22 *USA v. Walter Williams*
Case No. 12-cr-3-1-PB, Opinion No. 22
DNH 112

Walter Williams received a 204-month sentence for Interference with Commerce by Threat or Violence in violation of 18 U.S.C. § 1951 (two counts) and Bank Rob-

bery in violation of 18 U.S.C. § 2113(a) (one count). His anticipated release date is August 2, 2027. He was before the court on a motion for compassionate release. The court denied the motion because a reduction of Williams' sentence would be inconsistent with the § 3553 sentencing factors. Both his prior criminal record and his current convictions demonstrated that he remains a danger to the public if he is released prematurely. 3 pages. Judge Paul Barbadoro.

EIGHTH AMENDMENT; PRISONER
CIVIL RIGHTS

9/15/22 *Jacob William Johnson v. Celia Englander et al.*
Case No. 20-cv-398-SE, Opinion No. 2022
DNH 113.

Plaintiff asserted violations of his Eighth Amendment right to receive adequate medical care during his incarceration under 42 U.S.C. § 1983. Defendants moved to dismiss two claims as untimely, and a third claim for failing to state facts upon which relief could be granted. While the Court agreed that two of the claims were filed after the applicable three-year statute of limitations expired, it found Plaintiff was entitled to equitable tolling, such that the claims would be deemed timely filed. In a § 1983 action, the court applies the state law limitations period for personal injury actions as well as the state law concerning tolling of that limitations period. In New Hampshire, the three-year limitations period applicable to § 1983 suits is tolled during an administrative proceeding, if such proceeding is a prerequisite to the civil action. Because Plaintiff was required to completely exhaust the administrative grievance procedures

available to him at the New Hampshire Department of Corrections before bringing suit, the Court concluded that Plaintiff was entitled to tolling of the limitations period for the period of time Plaintiff was exhausting those remedies. Accordingly, the Court held the claims were timely filed, and denied Defendants' motions to dismiss to the extent they were based on the untimeliness of the action. The Court denied a third claim, finding that Plaintiff alleged facts sufficient for the Court to reasonably infer that Defendant was aware of Plaintiff's serious medical need and, acting with deliberate indifference to that need, failed to provide adequate care therefor. The Court further found that the pro se incarcerated plaintiff's description of a defendant's actions as "negligent," liberally construed, did not preclude an Eighth Amendment claim based on Plaintiff's failure to properly label the claim. 17 pages. Judge Samantha Elliott.

PRISONER CIVIL RIGHTS

9/27/22 *Gregory Maggi v. Grafton County Department of Corrections, et al.*
Case No. 18-cv-59-LM, Opinion No. 2022
DNH 118

In this § 1983 case, Plaintiff asserted violations of his rights under the U.S. Constitution and the Americans with Disabilities Act (ADA) alleged to have occurred during his pretrial confinement at the Grafton County Department of Corrections (GCDC). Defendants, the GCDC, the Grafton County Commissioners, and certain GCDC employees, moved for summary judgment on all of Plaintiff's claims on the basis that the action was untimely as it was filed after the applicable three-year statute of limitations expired. Plaintiff conceded that his complaint was filed more than three years after the events underlying the suit, but asserted that he was entitled to tolling of the accrual of the limitations period under the discovery rule, and tolling of that period under the doctrines of fraudulent concealment and equitable tolling, to the date Plaintiff was first given access to the law library at the New Hampshire State Prison after he was sentenced and transferred to that facility, as the GCDC law library had been insufficient to allow him to discover whether the defendants' alleged conduct underlying his claims were legally actionable, and find that the complaint was thus timely filed. The Court disagreed, reasoning that the statute of limitations accrues from the date an injury occurs when the injury is not "inherently unknowable," and that the discovery rule did not apply to toll the accrual date, and fraudulent concealment did not apply to toll the limitations period, as Plaintiff failed to demonstrate a genuine issue of material fact as to whether he was aware of the alleged incidents underlying the claims in this case, and that the GCDC defendants' conduct caused the injuries claimed, at the time the injuries occurred, and that the late discovery of legal theories of suit did not entitle him to such tolling. The Court held that Plaintiff failed to demonstrate the existence of a genuine issue of material fact as to whether the GCDC's limited legal research resources, his mental health, and/or his learning disabilities constituted "extraordinary circumstances" impairing his ability to timely file his complaint such that equitable tolling of the limitation period was warranted, and therefore failed to show that there was a triable issue of fact as to whether he possessed the information, legal materials, and mental capacity necessary to provide a "short and plain" statement of claims, in compliance with Fed. R. Civ. P. 8(a), prior to the expiration of the statute of limitations. The Court

thus found that the defendants were entitled to summary judgment in their favor on the issue of timeliness and entered judgment in the defendants' favor. 21 pages. Chief Judge Landya McCafferty.

October 2022

*Published

CIVIL RIGHTS; § 1983

10/19/22 *Martel v. Hillsborough County, et al.*
Case No. 21-cv-880-JL, Opinion No. 2022
DNH 130

In a wrongful death suit by the Estate of a former inmate at the Valley Street Jail, the defendants moved to dismiss the plaintiff's amended complaint, arguing that the allegations in the complaint were insufficient to state claims under § 1983 for deliberately indifferent medical care, Monell liability, and medical negligence under state law. The court granted the motion and dismissed the federal claims, finding that the allegations against the individual defendants showed a disagreement as to the inmate's course of treatment, as opposed to purposeful denial of care, delayed care, lack of care intended to punish, or care so inadequate that it amounted to a refusal of care. Aside from unsupported legal conclusions or speculation, the plaintiff also failed to plead sufficient facts to sustain a deliberate indifference claim against the jail's outside medical provider under theories of supervisory liability or willful blindness. Moreover, absent an underlying constitutional tort or violation by any of the County's employees, the court granted the plaintiff's municipal liability claim against the County. Given the early procedural posture of the case, the court declined to exercise supplemental jurisdiction over the state law negligence claim and dismissed that claim without prejudice to it being re-filed in state court. 35 pages. Judge Joseph N. Laplante.

CONDITIONAL CERTIFICATION OF
FLSA ACTION

10/18/22 *Barber v. Bauer Hockey, LLC*
Case No. 21-cv-742-SE, Opinion No. 2022
DNH 129

Plaintiff Brooks Barber brought a putative class action on behalf of himself and similarly situated employees and former employees against Bauer Hockey, LLC, alleging violation of the Fair Labor Standards Act, 29 U.S.C. § 201, et seq., and New Hampshire state law. Specifically, the plaintiff alleged that the defendant furloughed him and other employees and then directed them to work without pay during their furlough periods. The plaintiff moved for conditional certification of a collective action pursuant to 29 U.S.C. § 216(b) of the FLSA. Because the plaintiff met his light burden to show that the proposed members of the collective were similarly situated enough to receive notice of the action, the court granted the motion. 17 pages. Judge Samantha Elliott.

CONTRACTS

10/7/22 *Mogaji v. Chan, et al.*
Case No. 20-cv-249-JL, Opinion No. 2022
DNH 126

Commercial tenant sued former landlord after being evicted for violating lease provision requiring compliance with local ordinances. Plaintiff claimed that landlord breached lease

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by failing to assist tenant in getting required local permits and later refused to allow tenant to retrieve her possessions following the eviction. Landlord counterclaimed for unpaid rent accrued during eviction proceedings. After bench trial, court ruled in landlord's favor on tenant's claims and on counterclaim. 12 pages. Judge Joseph N. Laplante.

PERSONAL JURISDICTION

10/18/22 Reliant Life Sciences, LLC v. AGC Biologics, Inc. et al. Case No. 22-cv-137-SE, Opinion No. 2022 DNH 136

Plaintiff Reliant Life Sciences LLC brought suit in New Hampshire Superior Court against defendants AGC Biologics, Inc. and Daigle Computer Systems, Inc. The plaintiff alleged that it had arranged a consulting relationship between the two defendants but that both defendants had breached their respective contracts with the plaintiff and formed their own working relationship without the plaintiff's involvement. AGC removed the case to federal court and moved to dismiss the claims against it for lack of personal jurisdiction. The plaintiff, in turn, moved to remand the case back to superior court because Daigle had not consented to removal. The court denied the motion to remand as untimely under 28 U.S.C. § 1447(c) because although removal violated the unanimity rule, that did not affect the subject matter jurisdiction of the court. Therefore, the plaintiff was required to, but did not, move to remand on that basis within 30 days after removal. In addition, because the court determined that AGC did not consent to personal jurisdiction in New

Hampshire in its agreement with the plaintiff and lacked sufficient contacts with New Hampshire, the court granted AGC's motion to dismiss. 18 pages. Judge Samantha Elliott.

SECTION 1983; FOURTEENTH AMENDMENT

10/18/22 *Jafri v. NH Supreme Court Committee on Character and Fitness, et al.* Case No. 22-cv-39-JL, Opinion No. 2022 DNH 127

The pro se plaintiff is a licensed attorney who has applied for membership in the New Hampshire Bar. She asserted 42 U.S.C. § 1983 claims against the New Hampshire Supreme Court Committee on Character and Fitness and the New Hampshire Supreme Court Office of Bar Admissions, as well as the general counsel of the Office of Bar Admissions in her individual and official capacities and seven members of the committee in their individual and official capacities. She alleged that the defendants, who are involved in an ongoing assessment of her application for admission to the New Hampshire Bar, are discriminating against her based on her race and religion and violating her rights under the Fourteenth Amendment Equal Protection and Due Process Clauses. The plaintiff sought damages and injunctive relief. The court granted the defendants' motion to dismiss each of the claims. First, the court determined that it should abstain from entertaining the lawsuit under *Younger v. Harris*, 401 U.S. 37 (1971), in deference to the ongoing state bar admissions proceeding. Accordingly, the court dismissed the plaintiff's claims for

injunctive relief without prejudice. Then, instead of staying the claims for monetary relief, as generally prescribed under *Younger*, the court dismissed the damages claims against each of the defendants because they were barred by two immunity doctrines—state sovereign immunity under the Eleventh Amendment and quasi-judicial immunity. 26 pages. Judge Joseph N. Laplante.

EIGHTH AMENDMENT: PRISONER CIVIL RIGHTS, HABEAS CORPUS

09/15/2022 *Robertson v. FCI Berlin, Warden.* Case No. 22-cv-27-LM, Opinion No. 2022 DNH 114 P

..In this petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging the restrictive conditions of confinement resulting from the implementation of the Federal Bureau of Prison's (BOP) COVID-19 pandemic protocols at FCI Berlin, the respondent Warden moved for summary judgment. Construing the petition as asserting Eighth Amendment claims, the Court focused on the subjective element and determined that no reasonable factfinder could conclude that the COVID-19 protocols were implemented with any subjective awareness of, or deliberate indifference to, any substantial risk of serious harm to the petitioner. The Court thus granted the motion for summary judgment and denied the petition. 8 pages. Chief Judge Landya McCafferty.

IMMIGRATION: DENATURALIZATION

10/25/22 *United States v. Sheikh E. Rahman* Case no. 21-cv-1113-PB (D.N.H.), Opinion no. 2022 DNH 135

The United States sought to denaturalize the defendant pursuant to 8 U.S.C. § 1451(a), claiming that his citizenship was procured illegally and through willful misrepresentations. The government alleged, inter alia, that (1) USCIS lacked jurisdiction to grant the defendant permanent residence because he was subject to an outstanding order of deportation and (2) the defendant falsely claimed that he had never used another name on both his application for permanent residence and his application for naturalization. The court granted the government's motion for summary judgment. The court concluded that the defendant's naturalization was illegally procured because USCIS lacked jurisdiction under 8 C.F.R. § 1245.2 to adjust the defendant's status to that of a permanent resident given the undisputed evidence that he was subject to an outstanding order of deportation at the time. The court further concluded that the defendant knowingly made material misrepresentations on his applications for permanent residence and naturalization by failing to disclose his prior use of an alias, and therefore his naturalization was both procured illegally and through willful misrepresentations. The court rejected the defendant's argument that the misrepresentations were not willful because they were made pursuant to the advice of counsel, concluding that, as a matter of law, the defendant could not have relied on the advice of counsel in a good faith. 35 pages. Judge Paul Barbadoro.

Classifieds

POSITIONS AVAILABLE

EXPERIENCED STAFF ATTORNEY. The Disability Rights Center – New Hampshire (DRC-NH) seeks an experienced attorney to join DRC-NH in protecting and promoting the civil rights of people with disabilities. Attorneys with more than three years of civil and/or criminal litigation experience are encouraged to apply. For a complete job description, visit <https://drcnh.org/get-involved>. Please send cover letter, resume, and a writing sample/brief (not to exceed 30 pages) to hr@drcnh.org.

ATTORNEY – Full or Part-time – MacDonald Law, PC is hiring an additional attorney to join our Hampton Falls team. Preference given to former law enforcement / prosecutors. We are a small law practice specializing in family law and criminal defense. We are seeking an experienced attorney (2 to 3 years preferred) admitted to the NH Bar for a full or part-time in office position. We value an ability to work in a small fast-paced environment while maintaining a sense of humor, empathy, and helpfulness. Pay is based on experience, and all employees enjoy a month of paid time off annually after the first year, gym membership, sabbatical eligibility after three years in addition to all the coffee you can drink. If interested, please send resume and email introduction to mdawson@macdonaldlaw.us (no calls please). We will require three professional references.

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 abelaire@buckleyzopf.com.

STAFF ATTORNEY: New Hampshire Public Defender is seeking an experienced trial attorney. Applicants must have a commitment to indigent criminal defense and extensive practical experience. Applicants must be admitted to the New Hampshire Bar or be eligible for immediate admission by waiver. Interested attorneys should submit a resume, cover letter, and a law school transcript (unofficial acceptable) to our Recruiting Coordinator through the Employment section on our website, www.nhpd.org.

ATTORNEY – Well established, mid-sized, Nashua multi-practice law firm is seeking a family law 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 vhamilton@lawyersnh.com.

LITIGATION ATTORNEY – Getman, Schulthess, 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 cover letter, writing sample, resume and references to Administrator at law@gssp-lawyers.com. All inquiries held in strict confidence.

LITIGATION ASSOCIATE – Laboe & Tasker, PLLC, a small boutique elder law, estate planning, and business planning firm with a state-wide practice located in Concord, NH, seeks an ambitious, extroverted litigator, willing to expand his/her skills into new practice areas. The firm litigates matters directly related to our transactional expertise. The ideal candidate will have 2-6 years of experience in any area of civil litigation, and strong research, writing and communication skills. Excellent interpersonal skills required. Prior involvement with probate and trust law is desirable but not required. Contested probate matters will be the primary focus of this position but will not be the exclusive scope of litigation matters undertaken. Our firm environment is collaborative, collegial, and supportive. Competitive compensation and benefits offered. Please send cover letter and resume to Attorney Kerri S. Tasker at ktasker@laboelaw.com.

SENIOR STAFF ATTORNEY – The Hartford currently has an in-house opportunity for a remote Senior Staff Attorney to litigate cases in New England (Massachusetts, New Hampshire, Maine and Vermont for state/federal courts.) This position is an ideal fit for an experienced Attorney with significant trial and litigation experience in Construction site accidents, Premise Liability, Products Liability and Commercial/Personal Automobile accidents. The Senior Staff Attorney will strive to deliver the best possible result in pending litigation on cases from inception through trial. If interested, please visit our website at: New-Hampshire-Remote/Senior-Attorney-R2210734.

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ASSOCIATE ATTORNEY sought for a busy firm in Keene, NH. This is a benefited full-time position. 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, etc. General litigation projects and support; Legal research and writing. We assist clients in all states in New England as well as in NY. Applicants already admitted into one of the New England (or NY) state bars preferred, but applicants who took the Bar in July 2022 are also encouraged to apply. Demonstrated experience or exposure to employment law is a plus, but not required. Applicants should explain their interest in employment law. This is a FULLY REMOTE position, though travel within New England/NY is required for legal matters. Please email a cover letter and resume to spatriquin@wyattlegalservices.com.

FAMILY LAW ATTORNEY – Devine Millimet, one of Northern New England's largest business and litigation law firms, seeks an Attorney to join our busy Family Law Practice Group in our Manchester, NH office. Admission to the NH Bar and 6+ years of relevant experience required. Admission to Massachusetts and/or Maine Bars a plus. Devine Millimet offers competitive salaries, a formal bonus program for associates, attractive growth opportunities, a comprehensive benefits package, and flexibility for a hybrid work schedule. We are an equal opportunity employer. If you are as passionate about service as we are, we invite you to apply. <https://www.devinemillimet.com/careers/current-openings>.

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PARALEGAL – Beasley & Ferber, PA of Concord has an opening for an Elder Law/Estate Planning paralegal. The position will provide support for two attorneys, with a focus on estate planning, Medicaid applications and probate. Tasks will include preparation of NH and MA Medicaid applications, amendments to estate planning documents, and some NH and MA probate court administration. Prior experience with Medicaid is not required, but prior paralegal experience is. Attention to detail and organizational skills a must, and understanding of estate and trust concepts preferred. We offer competitive salary and benefits package with health insurance and 401k, Fridays off with pay. Small firm with casual work environment. For confidential consideration, email resume to stephanie@beasleyferber.com.

PARALEGAL – Full or Part-time – MacDonald Law, PC is hiring an additional paralegal to join our Hampton Falls team. We are a small law practice specializing in family law and criminal defense. We are seeking an experienced paralegal for a full or part-time in office position. We value an ability to work in a small fast-paced environment while maintaining a sense of humor, empathy, and helpfulness. Pay is based on experience, and all employees enjoy a month of paid time off annually after the first year, gym membership, sabbatical eligibility after three years in addition to all the coffee you can drink. If interested, please send resume and email introduction to mdawson@macdonaldlaw.us (no calls please). We will require three professional references.

CLASSIFIEDS continued on page 42

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

STAFF ATTORNEY

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New Hampshire Legal Assistance (NHLA) seeks a Medical Legal Partnership (MLP) Staff Attorney. The MLP Staff Attorney will be based in our Claremont office with in-person duties in both Claremont and Lebanon.

The MLP Staff Attorney will work with NHLA's partner organizations to provide legal education, legal advice, and representation to clients referred by our two partner organizations: Moms in Recovery in Lebanon and TLC Family Resource Center in Claremont. The MLP Staff Attorney will be part of NHLA's vibrant statewide civil legal aid program and will also work closely with the MLP Project Coordinator for Dartmouth Health. This is an excellent opportunity to work in an innovative multidisciplinary setting.

Full position details at <https://www.nhla.org/support/jobs>.

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Special Victims' Unit Lead

The Hillsborough County Attorney's Office seeks Special Victims' Unit (SVU) Leader

The SVU Lead manages 6 attorneys and oversees the Victim Witness Advocate's Office and associated staff. The successful candidate will also provide advice and counsel to the County Attorney regarding office policies, administrative issues, and issues arising within the unit. The SVU Lead has overall responsibility for assigning cases within the unit to match up skill and ability to caseload. The SVU Lead assigns Child Advocacy Center interviews and reviews such cases for appropriate follow-up.

Training is critical to the success of the office. The successful candidate will identify outside training for the SVU members and develop in house training for attorneys with 0 – 5 years of experience in Sexual Assault and Domestic Violence prosecution and engage in their own professional development in both management and litigation.

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- **Commercial Real Estate Associate** – Commercial real estate associate with 5+ years of experience. Ideally candidates would have experience with purchase and sales, leasing, zoning, titles, closings, and LLC's. Must be admitted to practice in New Hampshire.
- **Real Estate Paralegal** – Real estate paralegal with 3+ years of experience with closings, financing, leasing, title and survey reviews, and zoning. Special projects and additional duties as assigned.

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EMAIL AMANDA@SEKELLALAW.COM

The Division for Children, Youth and Families is seeking Child Protection Attorneys Statewide

The DCYF Legal Team is a dynamic group of experienced child protection attorneys and their legal assistants, stationed around the state, who seek judicial protection for children subjected to abuse or neglect. The focus of our work is on the immediate protection of the child and strengthening, whenever possible, families to eliminate abuse and neglect in the home. The DCYF Legal Team works in partnership with the New Hampshire Attorney General's office. We offer paid training, competitive salaries up to \$84,844.50, and a comprehensive benefits package. **Benefits Summary (nh.gov)**

DCYF Attorney Duties include:

- Litigating multiple cases on behalf of DCYF to protect abused and neglected children and ensure children are provided safe, permanent homes.
- Conducting discovery, legal research and writing, preparing witnesses for trial, negotiating settlements, and presenting evidence and oral argument at court hearings and trials.
- Advising DCYF on its duties and responsibilities.

Requirements: J.D. from an accredited 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. **Recent graduates are encouraged to apply – an exception may be requested for years of experience.**

How to APPLY: Please go to the following website to submit your application electronically through NH First: **Candidate Space (nh.gov)**. Enter Attorney in the Job Title field and apply to the location of your choice. Positions will remain open until filled.

For questions about this position, please contact Attorney Deanna Baker, Legal Director at (603) 271-1220, deanna.baker@dhhs.nh.gov.

KAJKO, WEISMAN & COLASANTI, LLP

KAJKO, WEISMAN & COLASANTI, LLP, is a dynamic, mid-sized, general practice law firm with an emphasis on domestic relations, civil litigation, estate planning, real estate and business law. We are currently growing and looking for motivated associates to join our team in both our Lexington, Massachusetts and Nashua, New Hampshire offices.

We are seeking a **GENERAL LITIGATION ATTORNEY** with 0-6 years of experience to be based in our Lexington office. The ideal candidate will have general experience in civil litigation and/or criminal law, including motion and discovery practice, taking and defending depositions, legal research, and general courtroom presentation.

We are seeking a **GENERAL LITIGATION ATTORNEY** with 0-6 years of experience to be based in our Nashua office. The ideal candidate will have general experience in civil litigation, family practice and/or criminal law, including motion and discovery practice, taking and defending depositions, legal research, and general courtroom presentation.

KWC offers a competitive compensation and benefits package in a collegial, supportive and energetic environment.

Applicants interested in our Massachusetts position, please forward your resumé and cover letter to Peter J. Kajko, Esq., Managing Partner, at pkajko@massfirm.com. Applicants interested in our New Hampshire position, please forward your resumé and cover letter to Nicole J. Schultz-Price, Esq., Management Committee, at nschultzprice@massfirm.com.

Litigation/Construction Attorney

Preti Flaherty is a full-service law firm with more than 100 attorneys and offices in ME, NH, MA and D.C. 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.

PretiFlaherty

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 larger 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, Recruitment Coordinator at: mjohnston@preti.com.

Litigation Associate

Patch & FitzGerald is seeking a full-time attorney to work with our growing personal injury and workers' compensation practice. The successful candidate will have at least two years of personal injury experience and be a member in good standing of the NH Bar. Experience in workers' compensation law is helpful but not required. We are looking for a results-oriented self-starter to work independently and collaboratively with our team. This position offers growth opportunities for the right candidate.

We offer a competitive benefits package including a base salary and bonus schedule, health insurance, flexible spending account, generous paid time off, and 401(k) with employer match. For confidential consideration, please direct your resume to CRoveto@patchfitz.com.

Probate & Trust Paralegal

Laboe & Tasker, PLLC of Concord has an opening for an experienced probate and trust paralegal.

The ideal candidate will have an understanding of fundamental probate and trust concepts, experience administering estates, and be proficient in preparing fiduciary inventories, accountings, court pleadings, and correspondence. Any candidate having some proficiency with accounting practices in any field will be given close consideration. The position involves the management of deadlines and significant direct communication with clients and other parties. Strong organizational skills, people skills, and competency with Microsoft 365 Outlook, Word, and Excel required. Proficiency with QuickBooks is desirable but not required.

Please send cover letter and resume to Attorney Kerri S. Tasker at ktasker@laboelaw.com.



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

CORPORATE ATTORNEY:

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

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Please send letter of interest and resume to Hiring Partner Leslie Leonard at lleonard@coopercargillchant.com. For further information, visit www.coopercargillchant.com

ASSISTANT COÖS COUNTY ATTORNEY

The Office of the Coös County Attorney currently has an opening for a full-time Assistant County Attorney. The Assistant County Attorney is primarily responsible for representing the State in the prosecution of felony crimes in Coös Superior Court. The position may also involve administering a federal grant, discussing legal aspects of cases with staff and police, and counseling law enforcement on legal matters. Trial or jury trial experience is preferred, and experience prosecuting criminal cases and working with victims of crime is a plus. Other responsibilities may include being available to take calls and to provide advice and guidance to local law enforcement during non-office hours.

Minimum Qualifications: Juris Doctor degree and be a member in good standing of the New Hampshire Bar Association.

Application Process: Please send a resume and cover letter to the address below.

John G. McCormick, Coös County Attorney
55 School Street, Suite 141
Lancaster, NH 03584
603-788-5560 (fax)
sue.corrow@cooscountynh.us

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Police Prosecuting Attorney

Applications are being accepted for the position of Police Prosecuting Attorney. Join a progressive law enforcement agency that embraces the philosophy of community policing. We currently employ 51 full-time police officers. Benefits include Medical Insurance, Dental Insurance and earned time. In addition, we offer 11 paid holidays, training, educational benefits, a state pension, and other benefits. Hours are Monday through Friday 0800-1600. Employment application can be found at: <https://www.hudsonnh.gov/police/page/police-department-forms>.

2022 Salary Range Starting at-\$84,458.00 to \$102,771.00 Depends on experience.

Salary includes 11 paid holidays

Candidate Qualifications

1. Must possess a Law School Degree.
2. Must be a licensed Attorney in good standing with the New Hampshire BAR association.
3. Criminal trial experience preferred but not necessary.

Qualified parties should submit a cover letter, application, and resume to Captain Mike Davis at 1 Constitution Dr. Hudson NH, 03051 603-816-2250.



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 sample to: Lauren Irwin, Upton & Hatfield, LLP, P.O. Box 1090, Concord, NH 03302-1090 or lirwin@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 lirwin@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 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 Woodworth, Administrator, Upton & Hatfield, PO Box 1090, Concord, NH 03302-1090 or via email to hr@uptonhatfield.com.

Career Opportunity

ASSOCIATE ATTORNEY with 0-3 years experience needed for 8 lawyer Portsmouth firm handling diverse cases with emphasis on litigation.

Excellent research, writing and communication skills required. Send resume, writing sample and references to: [Deb Garland, Firm Administrator](mailto:Deb.Garland@nhlawfirm.com), 82 Court Street, Portsmouth, NH 03801 dgarland@nhlawfirm.com



Boynton Waldron
Doleac Woodman & Scott, P.A.



Civil Litigation Attorney

Shaheen & Gordon, P.A. is seeking a full-time civil litigation attorney for its office in Concord, NH. The candidate must be licensed to practice in NH and have 4 to 6 years of experience in Federal and State court proceedings. The ideal candidate will have experience with complex litigation, strong analytical, writing, and communication skills and be able to practice independently. We look forward to welcoming an attorney who is hardworking, committed to excellence and dedicated to client service. This is an outstanding opportunity for an experienced lawyer to grow their career and practice in a collaborative, supportive, fast-paced environment.

Shaheen & Gordon is an Equal Opportunity employer and does not discriminate on the basis of race, color, religion, sex (including pregnancy), gender identity or expression, national origin, citizenship, veteran status, age, physical or mental disability, genetic information, marital status, sexual orientation, or any other consideration made unlawful by applicable federal, state or local laws in all aspects of employment, including but not limited to recruitment, hiring, training, evaluation, transfer, promotion, discipline, compensation, termination, and layoff. Shaheen & Gordon is also a non-smoking workplace. We offer a competitive salary and a generous benefits package including health insurance, flexible spending account, health reimbursement, long term disability, life insurance and 401(k) with employer match.

If you want to contribute to a premier and growing law firm, then we want to hear from you. Successful employees at Shaheen & Gordon are confident, respectful, and team-oriented with a high degree of integrity.

Please submit your cover letter and resume to:
careers@shaheengordon.com.



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.

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.

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.

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

ASSISTANT CITY PROSECUTOR CITY OF LACONIA, NH

The City of Laconia is seeking a highly skilled attorney with 3+ years’ experience to fill the position of Assistant City Prosecutor to manage criminal cases in the City Prosecutor’s Office.

Salary Range: \$80,359.60 - \$93,100.80, plus a competitive benefits package

Submit cover letter and resume to:

Laconia Police Department
Attn: Executive Assistant Lori Marsh
126 New Salem St.
Laconia, NH 03246

The position will remain open until filled.

EOE



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: \$68,827.20 - \$96,366.40, dependent on experience.

Status: Full Time/Exempt

Submission Requirements:

Employment application and resume required.

Apply Online:

<https://www.governmentjobs.com/careers/rockinghamnh>

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**Dept. of Environmental Services, Legal Unit - Attorney III
Land Resources Management Attorney
Position #12076 (Job ID 28098)
Concord, NH**

Responsibilities: This position will be responsible for supporting the Land Resources Management Programs (LRM), which include the following areas: Wetlands; Shoreland Protection; Subsurface Systems; and Alteration of Terrain. The duties include researching complex legal issues and providing legal advice on determinations of compliance, proposed permitting decisions, and proposed enforcement actions; drafting new and revising existing administrative rules and rulemaking documents in accordance with RSA 541-A; and providing LRM staff training.

Qualifications: J.D. from a recognized law school; active membership in the NH Bar Association and in good standing; five years' experience in the active practice of law; and a valid driver's license.

How to Apply: Submit your application electronically through the NH 1st: <https://das.nh.gov/jobsearch/employment.aspx>. Please reference position #12076 and/or Job ID 28098. Position will remain open until a qualified candidate is found. EOE

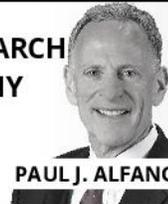
Salary Range: \$64,581-\$92,898.

For questions about this position, please contact Pamela Monroe, Legal Unit Administrator, at 603-271-3137, or pamela.g.monroe@des.nh.gov. Any questions about the application process should be directed to Raymond Wilson, HR Coordinator at 603-271-1496 or raymond.j.wilson@des.nh.gov.



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Senior Counsel

Unitil Service Corp., Hampton, NH

Position Purpose:

Assists in regulatory legal matters and strategy development across applicable utility regulatory jurisdictions (New Hampshire, Maine, Massachusetts and relevant federal agencies). Provides legal counsel and guidance on business legal matters and associated litigation. Provides legal advice, reviews business documents, negotiates business agreements and assists in the understanding of business and regulatory laws. Oversees and represents the company in legal proceedings on an assortment of business and regulatory matters, including general liability claims and litigation. Manages programs and outside service providers to investigate, evaluate and resolve legal

matters and associated litigation.

Qualifications:

- A Juris Doctorate degree and bar admission in New Hampshire is required. The ideal candidate will also be admitted to the bars in Maine and Massachusetts.
- At least seven years experience in a like position demonstrating strong supervisory, organizational, communication, investigative, writing, negotiation and litigation skills. Familiarity with gas and electric utility regulation and operating activities is a plus.

To apply for this position: <https://unitil.com/our-company/careers>

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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!

Please send resume and cover letter to:

Grafton County Human Resources
3855 Dartmouth College Hwy., Box 3 North Haverhill, NH 03774
(Apply online, visit: www.co.grafton.nh.us/employment-opportunities)
E-mail: hr@graftoncountynh.gov
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Jan. 18, 2023	Jan. 2, 2023	Jan. 9, 2023
Feb. 15, 2023	Jan. 30, 2023	Feb. 6, 2023
March 15, 2023	Feb. 27, 2023	March 6, 2023
April 19, 2023	April 3, 2023	April 10, 2023
May 17, 2023	May 1, 2023	May 8, 2023
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