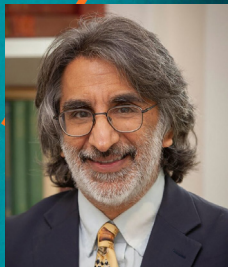


2023 NHBA MIDYEAR MEETING

# *Evolving Issues*

IN THE LEGAL LANDSCAPE



FEBRUARY 17, 2023 • DOUBLETREE BY HILTON • MANCHESTER, NH



# SCHEDULE

7:15 – 8:30 a.m.	Gender Equality Breakfast Honoring Judge Susan Carbon ( <i>pre-registration req.</i> ) Tanna Clews – Speaker. Presented by the NHBA Gender Equality Committee
8:00 – 9:00 a.m.	MYM Registration and Check-In; Continental Breakfast; Exhibitor Showcase
9:00 – 9:15 a.m.	President's Welcome and Housekeeping Notes; In Memoriam Video
9:15 – 10:00 a.m.	CLE: The Importance of the Rule of Law and Present-Day Challenges <i>Prof. Akhil Reed Amar, Sterling Professor of Law at Yale Law School</i>
10:00 – 10:30 a.m.	Refreshment Break, Exhibitor Showcase
10:30 – 11:30 a.m.	CLE: Rule of Law Panel Discussion and Q & A <i>John Greabe (Moderator), Akhil Reed Ahmar, and Dana Remus</i>
11:30 – 11:45 a.m.	Video CLE: Weighted Caseload Study: The Evidence to Support Funding for Additional Judges and Staff <i>NHSC Chief Justice Gordon MacDonald</i>
11:45 a.m. – 1:30 p.m.	Business Meeting; Honors and Awards Luncheon; Dessert in Exhibitor Hall
1:30 - 1:45 p.m.	Professor Amar Book Signing
1:45 – 2:15 p.m.	CLE: The Most Recent Term of SCOTUS <i>Professor David Hudson, Belmont University College of Law</i>
2:15 – 2:45 p.m.	CLE: First Amendment Principles and Attorneys Speaking to the Press <i>Professor David Hudson, Belmont University College of Law</i>
2:45 – 3:00 p.m.	Refreshment Break; Exhibitor Showcase; Professor Amar Book Signing
3:00 – 4:00 p.m.	CaseLines Demonstration by the NH Superior Court
4:00 – 4:45 p.m.	CLE - "Attorneys and the Press – Limits on Speech and Ethical Concerns" Panel Discussion <i>Seth Aframe (moderator), Richard Guerriero, Jane Young, Greg Sullivan</i>
5:00 p.m.	NHBA New Lawyers Committee Social (all are welcome) Strange Brew Tavern, 88 Market St., Manchester, N.H.

\*\*Exact times and presenters are subject to change

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# WELCOME!



## From NHBA President **JONATHAN M. ECK**

Thank you for joining us at this year's Midyear Meeting. We are excited about the impressive slate of speakers who have agreed to share their expertise and experiences with us over the course of the day. This year's program will range from topics that might feel theoretical to some and others that some attendees will view as very practical. Over the course of the day, we will have occasion to consider bedrock principles upon which our justice system is based, as well as changes to the presentation of evidence in state superior court and practical advice for communicating with the press. I hope you will join me in finding great value in all of the day's programming. Also, as in years past, I encourage you to take advantage of the opportunities throughout the day to interact with our fellow members of the Bar. The Midyear Meeting represents one of the best opportunities in the course of the year for New Hampshire lawyers to connect with each other. Please use our breaks and the luncheon today to visit with old friends and make new ones. I hope that you will find the programming and your social interactions today to be gratifying. Year after year, the Midyear Meeting has served as a valuable reminder for me of so many of the great aspects of being a member of the New Hampshire Bar Association. I am excited for this day and look forward to all that it brings and represents.



## From NHBA Executive Director **GEORGE R. MOORE**

Thank you for registering and attending our 2023 Midyear Meeting. We are thrilled to be back live and in person and we have designed an interesting program on both national and New Hampshire legal issues. We have more exhibitors than ever, offering new member services to enhance your practice and deliver value for being a NHBA member. Enjoy the day and thank you again.



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| 1960-'61 .... Fortunat E. Normandin*   | 1999-2000 . George R. Moore              |
| 1961-'62 .... Homer S. Bradley, Sr.*   | 2000-'01 .... Gregory D. Robbins         |
| 1962-'63 .... Joseph A. Millimet*      | 2001-'02 .... Peter E. Hutchins          |
| 1963-'64 .... William E. Nolin*        | 2002-'03 .... Martha Van Oot             |
| 1964-'65 .... Richard F. Upton*        | 2003-'04 .... Russell F. Hilliard        |
| 1965-'66 .... Fred W. Hall, Jr.*       | 2004-'05 .... Hon. James D. Gleason      |
| 1966-'67 .... John J. Sheehan*         | 2005-'06 .... Richard Y. Uchida          |
| 1967-'68 .... William F. Harrington*   | 2006-'07 .... Hon. Richard B. McNamara   |
| 1968-'69 .... John E. Gormley*         | 2007-'08 .... Eleanor Wm. Dahar          |
| 1969-'70 .... Stanley M. Brown*        | 2008-'09 .... Hon. Ellen L. Arnold       |
| 1970-'71 .... Frederic K. Upton*       | 2009-'10 .... James J. Tenn, Jr.         |
| 1971-'72 .... N. Michael Plaut*        | 2010-'11 .... Marilyn Billings McNamara* |
| 1972-'73 .... Donald R. Bryant*        | 2011-'12 .... Jennifer L. Parent         |
| 1973-'74 .... Hon. Shane Devine*       | 2012-'13 .... Lawrence A. Vogelmann      |
| 1974-'75 .... Arnold P. Hanson, Sr.*   | 2013-'14 .... Jaye L. Rancourt           |
| 1975-'76 .... Joseph M. Kerrigan*      | 2014-'15 .... Lisa A. Wellman-Ally       |
| 1976-'77 .... John B. Pendleton*       | 2015-'16 .... Mary Elizabeth Tenn        |
| 1977-'78 .... Robert L. Chiesa*        | 2016-'17 .... —**                        |
| 1978-'79 .... Ernest L. Bell, III*     | 2017-'18 .... Scott H. Harris            |
| 1979-'80 .... Jack B. Middleton        | 2018-'19 .... David W. McGrath           |
| 1980-'81 .... David L. Nixon*          | 2019-'20 .... Edward D. Philpot, Jr.     |
| 1981-'82 .... Paul McEachern*          | 2020-'21 .... Hon. Daniel E. Will        |
| 1982-'83 .... Richard E. Galway, Jr.   | 2021-'22 .... Richard Guerriero          |
| 1983-'84 .... William A. Baker*        |  |
| 1984-'85 .... Walter L. Mitchell       |  |
| 1985-'86 .... L. Jonathan Ross         |  |
| 1986-'87 .... Fred L. Potter           |  |
| 1987-'88 .... Philip R. Waystack, Jr.  |  |
| 1988-'89 .... Stephen L. Tober         |  |
| 1989-'90 .... Thomas H. Richards*      |  |
| 1990-'91 .... John T. Broderick, Jr.   |  |
| 1991-'92 .... Hon. Steven J. McAuliffe |  |
| 1992-'93 .... Patti Blanchette         |  |
| 1993-'94 .... Hon. Susan B. Carbon     |  |
| 1994-'95 .... Jack P. Crisp, Jr.       |  |
| 1995-'96 .... Bruce W. Felmy           |  |
| 1996-'97 .... Michael P. Hall*         |  |
| 1997-'98 .... Patrick T. Hayes         |  |

\*Deceased

\*\*President-Elect David Ruoff resigned to accept an appointment as a Superior Court Judge. The NHBA Board of Governors decided to split the president's duties between Mary Tenn (Immediate Past President) and Scott Harris (President Elect) for the Bar year 2016-'17.



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Thank you to the following organizations for their support of and active presence at the 2023 Midyear Meeting.

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# CLE PRESENTERS, PANELISTS, & PROGRAMS

Your attendance at these CLEs will be recorded in your NHMCLE record within a month after the program. Be sure to check the [Member Portal](#) to ensure that your credits have been properly applied.



## THE IMPORTANCE OF THE RULE OF LAW AND PRESENT-DAY CHALLENGES

*Akhil Reed Amar, Esq.*

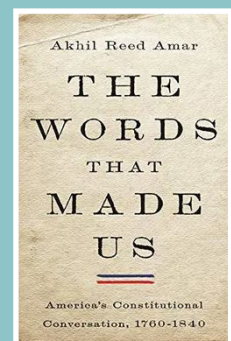
The commitment to the rule of law means that every citizen is ruled by the same laws, applied through a fair and equal judicial process. How are attorneys and courts addressing and defending challenges to this law?

Professor Amar earned his undergraduate degree from Yale University. He then attended Yale Law School and graduated with his JD. Professor Amar went on to clerk for Judge Stephen Breyer of the US Court of Appeals for the First Circuit, who later became a US Supreme Court Justice. Justices across the spectrum on the Supreme Court have cited his work in more than 45 cases. Professor Amar ranks among America's five most-cited mid-career legal scholars.

A distinguished contemporary American legal thinker, Professor Amar holds the position of Sterling Professor of Law and Political Science at Yale University. He is also an adjunct professor of law at Columbia University. Professor Amar is the author of numerous publications and books, most recently, *The Words That Made Us: America's Constitutional Conversation, 1760-1840*.

## EARLY REGISTRANTS: GET YOUR COMPLIMENTARY BOOK SIGNED BY THE AUTHOR, PROF. AMAR!

Visit the NHBA Help Desk in the Assembly Area after lunch to have your copy of *The Words that Made Us: America's Constitutional Conversation, 1760-1840* signed by the author. Must pick up book on-site during the event.





## PANEL DISCUSSIONS WITH STATE AND NATIONAL THOUGHT LEADERS THROUGHOUT THE DAY KEEP THE DIALOGUE GOING

### “RULE OF LAW” PANEL DISCUSSION



**John Greabe, Esq.**  
Moderator



**Akhil Reed Amar, Esq.**



**Dana Remus, Esq.**

The discussion focuses on Professor Amar's presentation, in particular on the extent to which the unwritten constitution and unwritten norms are "law."

**John Greabe** directs the Warren B. Rudman Center for Justice, Leadership & Public Service and is a professor of law at the UNH Franklin Pierce School of Law, where he teaches constitutional law, civil procedure, and related courses. His scholarship focuses on constitutional law, federal courts, and civil rights litigation. He also writes a monthly Constitutional Connections column for the Concord Monitor. Professor Greabe previously taught at Vermont Law School, had an appellate practice, and clerked for 17 years for a number of appeals and district court judges within the United States Court of Appeals for the First Circuit.

**Dana Remus** earned her undergraduate degree from Harvard University and her JD from Yale University. She went on to clerk in the US Court of Appeals for the Third Circuit. She also clerked for Justice Samuel Alito of the US Supreme Court. Originally from New Hampshire, Attorney Remus served as White House Counsel for President Joe Biden. Earlier in her career, she joined the Obama administration, serving as Deputy Assistant to the President and Deputy Counsel for Ethics. After President Obama left office, she joined the Obama Foundation as general counsel, and served as counsel to Michelle Obama. She left the Foundation in 2019 to become general counsel for the Joe Biden 2020 presidential campaign.





## **VIDEO: WEIGHTED CASELOAD STUDY - THE EVIDENCE TO SUPPORT FUNDING FOR ADDITIONAL JUDGES AND STAFF**

*Hon. Gordon J. MacDonald*

The Chief Justice explains results from a recent analysis by the National Center for State Courts that recommended more judges and staff to meet the court system's caseload. The Judicial Branch budget request to the legislature reflects the results of this study.



## **THE MOST RECENT TERM OF SCOTUS**

### **FIRST AMENDMENT PRINCIPLES & ATTORNEYS SPEAKING TO THE PRESS**

*David L. Hudson, Esq.*

Professor Hudson will be leading two CLEs. He earned his undergraduate degree from Duke University and his law degree from Vanderbilt University School of Law. He served as an attorney and scholar at the First Amendment Center in Nashville, TN for 17 years.

Professor Hudson has taught classes at both Vanderbilt Law School and Nashville School of Law. He serves as a Justice Robert H. Jackson Legal Fellow for the Foundation for Individual Rights in Education and a First Amendment Fellow for the Freedom Forum Institute. Professor Hudson holds the position of Assistant Professor of Law at Belmont University Law School. He teaches Legal Information and Communication and is the author, co-author, or co-editor of more than 40 books. For much of his career, he has worked on First Amendment issues. His published works have been cited and relied upon by other scholars and courts.

**WE WELCOME AUDIENCE INPUT DURING THE PANEL DISCUSSIONS.**



## “ATTORNEYS & THE PRESS – LIMITS ON SPEECH & ETHICAL CONCERNS” PANEL DISCUSSION



**Seth Aframe, Esq.**  
Moderator



**Richard Guerriero, Esq.**



**Gregory Sullivan, Esq.**



**Jane Young, Esq.**

This lively discussion of what lawyers have to be aware of when speaking to the press addresses the contours of NHRPC Rule 3.6, how judges address pretrial publicity, the intersection between the limits to attorney speech and the attorney's individual free speech rights, and special issues with regard to prosecution.

**Seth Aframe** is Assistant U.S. Attorney at the U.S. Attorneys Office. He earned his undergraduate degree from Tufts University and his J.D. from Georgetown University.

**Jane Young** served as an assistant county attorney in Hillsborough County Attorney's Office and then served the NHDOJ. She became the acting A.G. after Chief Justice MacDonald joined the N.H. Supreme Court.

**Richard Guerriero** is in private practice at Lothstein Guerriero, PLLC. He served as the Litigation Director at the N.H. Public Defender for twelve years. He recently served as the NHBA's Board President.

**Greg Sullivan** has served as General Counsel for the Union Leader Corporation and serves on the NHSC's Committee on the Judiciary and the Media, and the Committee for Public Access to Courts. He is president of the Hingham, MA-based media law firm Malloy & Sullivan.

## CASELINES DEMONSTRATION

*Presented by the New Hampshire Superior Court*

Efficient handling of evidence results in speedier hearings and reduces workload for all involved. CaseLines is a cloud-based court exhibit and evidence management application. Judges, court staff, attorneys, self-represented litigants (SRLs), and other justice partners use it to upload, submit, and present evidence in the courtroom during trials and evidentiary hearings. This CLE discusses what attorneys appearing before the Superior Court need to know about making the most of this useful tool.



# PRESENTATION OF NHBA PRESIDENT'S AWARDS

## VICKIE M. BUNNELL AWARD FOR COMMUNITY SERVICE



In the early part of her legal career, **Chrissy Hanisco** spent more than a decade at the New Hampshire Public Defender. She left there to develop an assisted reproductive technology practice, an area of New Hampshire law that was in its infancy at that time. In addition to representing individuals looking to expand their families, Chrissy has led numerous advocacy efforts in the New Hampshire Legislature. In 2020, she drafted and advocated for the passage of legislation that modernized New Hampshire's adoption statute by codifying protections for second parent adoption, a provision that offers protections for LGBTQ+ couples to secure parental rights through confirmatory adoption.

In addition to a robust, small-firm practice, Chrissy serves on the NHBA Board of Governors, as Vice President of Resolve New England's Board of Directors, and was former Vice President of the Capital Region Mothers of Multiples. Additionally, she is the Chair of the Grievance Committee for the Society of Ethics in Surrogacy and Egg Donation.

**“Chrissy developed an assisted reproduction practice, in addition to her adoption practice, at a time when that area of the law was in its infancy in New Hampshire.” - JONATHAN M. ECK**

### ABOUT THIS AWARD



*Instituted in 1998 to honor the memory of Vickie M. Bunnell (“A Country Lawyer”) and to applaud the community spirit that is a hallmark of our profession, this award is presented to an attorney from a small firm (four or fewer attorneys) who has exhibited dedication and devotion to community by giving of their time and talents, legal or otherwise.*





## JOIN US IN RECOGNIZING & CONGRATULATING YOUR PEERS

### DISTINGUISHED SERVICE TO THE PUBLIC AWARD



**Sarah T. Blodgett** recently joined the New Hampshire Judicial Branch as a Circuit Court Administrator. She began her legal career at the New Hampshire Public Defender (NHPD) in 2005. She then worked as an Assistant Attorney General handling administrative prosecutions for licensing boards, including the Boards of Medicine and Mental Health Practice.

Sarah continued to work with the licensing boards and was appointed Acting Executive Director of the Office of Professional Licensure and Certification by Governor Hassan in 2016. Later that year, she became Director of the Judicial Council. During that time, she advocated for increased budgets for NHPD, court-appointed counsel, CASA, and New Hampshire Legal Assistance. She also worked tirelessly in her role at the Judicial Council to help secure legal counsel for indigent criminal defendants and has lobbied for more funding and organized trainings for attorneys she has recruited to take on appointed cases.

Sarah has also taught Legal Writing at UNH Franklin Pierce School of Law, serves on the Board of Directors of the New Hampshire Bar Foundation, and is a Bar Foundation Fellow.

**“Sarah was lauded for having ‘extensive subject matter knowledge, relentless diplomacy, and dogged persistence through challenging budget times’ in her role as Executive Director of the Judicial Council.” - JONATHAN M. ECK**

#### ABOUT THIS AWARD

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



# PRESENTATION OF NHBA COMMITTEE AWARD

## AWARD FOR OUTSTANDING SERVICE IN PUBLIC SECTOR/PUBLIC INTEREST LAW



**Melissa L. Davis** joined UNH Frankline Pierce School of Law in August of 2020 to direct the Criminal Practice Clinic. As Director, she supervises students as they represent clients in criminal cases in New Hampshire's Circuit and Superior Courts.

Melissa joined the New Hampshire Public Defender (NHPD) in 2005 as a staff attorney. She practiced in Strafford, Grafton, and Coos Counties, representing indigent clients accused of a range of criminal offenses. In 2017, she became the lead trainer for the New Lawyer Trial Skills Course, a multi-day training in theory-driven trial preparation for new lawyers at the NHPD.

In 2018, she became Managing Attorney for the Littleton office of NHPD. Melissa is a board member of the New Hampshire Association of Criminal Defense Lawyers.

**As Director of the UNH Law's Criminal Practice Clinic, Attorney Davis "responded to the call from the NH Supreme Court, the NH Public Defender, and the NH Judicial Council to take more criminal cases." - ANNA ELBROCH**

### ABOUT THIS AWARD

*This award is presented by the NHBA Public Sector Awards Committee to a member of the NH Bar or an organization employing eligible members, with at least five years of service in government, military, law enforcement, or public interest law services (including prosecution, public defense, legal advocacy in low-income communities or for individuals with disabilities at a nonprofit organization), or at another nonprofit organization.*

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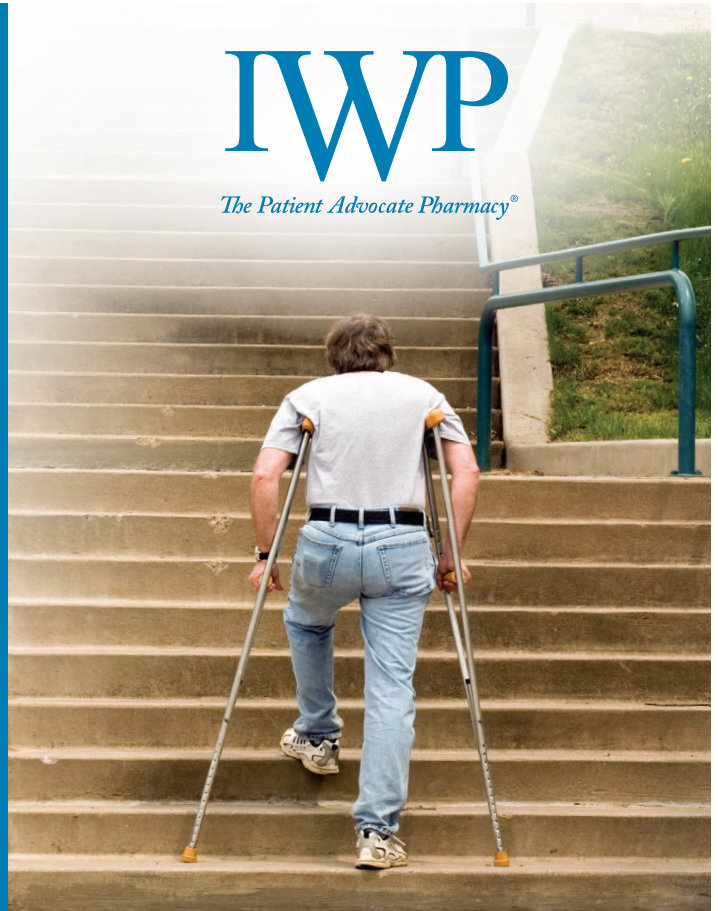
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# PRESENTATION OF PRO BONO AWARDS

These honors, formerly awarded by the NHBA's Pro Bono Program prior to its June 2021 merger with LARC, are now being presented by 603 Legal Aid.

## L. JONATHAN ROSS AWARD FOR OUTSTANDING LEGAL SERVICES



**James Shepard** joined the pro bono volunteer panel in 2010. He has assisted close to 60 different individuals, donating over 285 hours of his time to represent and assist clients. He has also been on the ground floor of projects that Pro Bono has undertaken to expand services throughout New Hampshire. Attorney Shepard was at the ready when Pro Bono initiated a project to serve victims of domestic violence in the underserved North Country and he quickly said yes to providing advice through a virtual clinic in conjunction with the Strafford County Family Justice Center.

Attorney Shepard serves on the NHBA's Board of Governors and served as a member of the Board of Directors for the Pro Bono Referral Program, prior to the formation of 603 Legal Aid in 2021. He also serves on the Domestic Violence Advisory Counsel.

Attorney Shepard's commitment to pro bono is even more impressive when considered in the context that it is done through his solo private practice, which is secondary to his full-time job as a prosecutor for the Department of Safety.

**“He has been on the ground floor of projects that Pro Bono has undertaken to expand services throughout New Hampshire.” - EMMA SISTI**



### ABOUT THIS AWARD

*This award was named for Jon Ross in 1988 to recognize his work on the state and national level to mobilize bar leaders to support civil legal services for the poor along with his unsurpassed leadership and dedication to pro bono legal services.*



## DISTINGUISHED PRO BONO SERVICE AWARDS



In more than 20 years of service, **Joanne Stella** has balanced a busy practice with providing pro bono representation in more than 70 cases. She is a pillar of the DOVE Project in seacoast communities and has provided indefatigable advocacy for low-income litigants in family law cases, landlord-tenant cases, and criminal record annulments. Her compassion, unstinting generosity with her time, extraordinary commitment to pro bono work, wide range of expertise, and willingness to take on complex cases make her a champion.

Since 2020, **Eric MacLeish** has accepted more than 30 DOVE cases in the state's most rural and underserved areas, representing survivors of stalking, domestic violence, and sexual assault. He has achieved national recognition for his work representing victims at private schools and from within the Catholic Church. He is described as a "tireless champion" who "comes through" when no one else is available and whose "compassion is astounding." He also mentors new DOVE volunteers, providing them with support, knowledge, and confidence.

**ABOUT THIS AWARD**

*This award is presented to a person or organization who has provided consistent support to pro bono work over many years. It aims to recognize the unsung heroes of this program.*

## PRO BONO RISING STAR AWARD



**Kayla Turner** of Morrison & Mahoney has demonstrated a commitment to justice since serving as an assistant county attorney. She brings those skills to the DOVE Project, fearlessly jumping into challenging cases on a tight timeframe. She consistently exceeds client expectations and helps her local crisis center meet the high demand for services at Final Protective Order hearings. Her positive outcomes exceed the granting of final protective orders: she often also obtains additional orders providing for housing or financial support for survivors, which in turn gives them the safety net and confidence they need to extricate themselves fully from abusive relationships.

**ABOUT THIS AWARD**

*Rising Stars make valuable contributions during their first five years as attorneys and help ensure that the Pro Bono Program fulfills its commitment to equal justice for the low-income and disadvantaged.*

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# IN MEMORIAM

The following attorneys changed the world one client at a time, improved the New Hampshire legal community, and will be deeply missed. We hope the video during today's event honors their memories; it is also available for viewing on Vimeo.

**David K. Bamford\*** (1946-2022)

**Charles M. Belmer, Jr.** (1949-2022)

**Raymond P. Blanchard** (1939-2022)

**Gerald J. Carney\*** (1941-2023)

**David R. Connell** (1950-2022)

**John P. Cyr** (1944-2022)

**Adam K. Daly** (1970-2022)

**Dom S. D'Ambruoso** (1944-2022)

**Hon. Joseph A. DiClerico Jr.** (1941-2022)

**Mary Lou Dufault** (1937-2022)

**Hon. James E. Duggan** (1942-2022)

**Louis P. Faustini\*** (1925-2022)

**George A. Giovanis** (1958-2022)

**Peter G. Hastings** (1935-2022)

**Hon. Vincent J. Iacopino\*** (1930-2022)

**Hon. Franklin C. Jones** (1948-2022)

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**John B. Pendleton** (1936-2022)

**Gerald R. Prunier** (1940-2022)

**Jennifer K. Reining** (1965-2022)

**Katherine D. Rogers** (1955-2022)

**Lisa A. Rule** (1958-2022)

**John J. Ryan** (1944-2022)

**Sam Silverman** (1925-2022)

**Lincoln T. Soldati** (1949-2022)

**Hon. Robert Taff\*** (1930-2022)

**Eric A. Taussig** (1944-2022)

**Robert B. Welts** (1933-2022)

**James C. Wheat** (1946-2022)

\* = U.S. Veteran

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