Where Are They Now: Catching Up with Past NH Bar Presidents

By Tom Jarvis
NHBA Staff

In July of this year, the New Hampshire Bar Association turns 150. In observance of our sesquicentennial celebration, and with respect to our rich history as an association, we thought it would be fun to catch up with some past bar presidents to see what they have been doing since they were in office and to ask them how much the bar has changed in that time. However, as bar presidencies last only a year, there are a lot of past bar presidents, and featuring them all would cause this article to take up all 40 pages of the issue. To narrow it down, I decided to talk with the four oldest living past presidents and the first female president.

Patti Blanchette

In 1992, Patti Blanchette became the first female bar president in New Hampshire. She was also the first Franklin Pierce Law Center graduate to become bar president, and at the time, one of only eight women bar presidents in the country. Blanchette was elected to the legislature to represent her hometown of Newmarket and continued doing so for 14 years. In 1980, she received her law degree from Franklin Pierce Law Center and began working part-time for Boynton, Waldron, Doleac, Woodward and Scott so she could continue serving in the legislature.

“ar time, it was fashionable to have a woman lawyer. Not too, not five—just one,” Blanchette says. “It was hard because you’d apply for a place, and they would be like, ‘well, we already have our woman lawyer.’”

However, once she became bar president, that dynamic began to shift. “There was no overt discrimination or anti-female sentiment,” Blanchette says. “It was just who was in the room. Somebody opened the door for me and let me in the room, and I wanted to keep that door open.”

National Judicial Outreach Week: Building Trust in Our Courts

By Laura Kiernan
NH Judicial Branch

Last spring, Chief Justice Gordon MacDonald and Justice Anna Barbara Hantz Marconi met with leaders of the NH Bar Foundation and the NH Bar Association to discuss their concern about public misconceptions of the role of an independent judiciary. Across the country, criticism of judges was rising in intensity, and respect for the role of law was declining. What could be done to build public trust in our courts and in our system of justice?

The meeting participants concluded that confidence increases when judges step out of the courthouse and into their communities to talk about their work and discuss the history and importance of our system of law.

“There is no substitute for reaching out to people directly, explaining what we do and the vital importance of the role of law, as well as listening to their concerns,” Chief Justice MacDonald said recently about the need for public engagement.

With that goal in mind, New Hampshire judges and lawyers will participate in National Judicial Outreach Week (NJOW) from March 1 to March 10, a project initiated by the American Bar Association (ABA) in 2017 to enhance public understanding of the rule of law and a judge’s obligation to be fair and impartial without concern for public opinion or partisan politics. There are no better spokespeople for the judiciary than the judges themselves, the ABA said.

“I think it is important for the public to see that judges are doing a job that is incredibly difficult and essential,” said UNH Franklin Pierce Law School professor emeritus John Garvey, a Bar Foundation board member and co-chair of the Judicial Outreach Week Steering Committee for New Hampshire. “I don’t think people always realize that judges are human and have a tremendous responsibility to equally and fairly apply the rules that we have agreed to as a society.”

According to the ABA, reaching out—for example to students and young people—“is the surest way for the public to see the dedication and integrity of American judges.” Judges, active and retired, are encouraged to be involved “in discussions about liberty, the rule of law, and the preservation of fair and impartial courts.”

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Bar Governance

Prioritizing Attorney Wellness

By Jonathan Eck

Attorney wellness and work-life balance have thankfully become matters of great attention and emphasis. Professional stresses and burnout are common in many industries, and a demanding profession like the law can present these challenges more than many other vocations. Fortunately, a lot has been written on this topic, and members of this Bar have a valuable resource available to them through the New Hampshire Lawyers Assistance Program (NHLAP).

For those who do not already know, NHLAP provides confidential assistance to lawyers, judges, law students, and their families in coping with alcoholism and other addictions, depression, and myriad other personal or professional crises. If you or someone you know is struggling and would benefit from support, please do not wait. NHLAP can provide support and access to numerous resources and tools that can help New Hampshire lawyers overcome challenges and stresses in their professional and personal lives. For more immediate help, challenges and stresses in their professional and personal lives. For more immediate help, one can place a phone call or text 988 to reach the national Suicide & Crisis Lifeline (formerly known as the National Suicide Prevention Lifeline).

Earlier this month, on February 1, judges and staff throughout the New Hampshire state court system participated in a remote professional development session on mental health and wellness. The session featured information about resources that are available to judges and staff for working with individuals experiencing mental illness who come to the courts. According to a recent press release, the New Hampshire Judicial Branch is undertaking an initiative aimed at improving court and community response to mental illness. The Judicial Branch is aware of and attentive to these issues and is taking action to respond to them.

The law can be an extremely rewarding profession. However, there is no denying that it is also a demanding one. In order to best take care of our clients and their needs, we must first take care of ourselves. That means tending to all the basic necessities to healthy living, such as eating a balanced diet, getting regular exercise, ensuring adequate rest, and the like. In our profession, the stakes can be high, the flow of deadlines is constant, and pressure can mount. To be at peak performance for our clients and their matters, we need to bring the best version of ourselves to our work, every day.

Taking care of oneself takes time, which is a precious commodity for all of us. To take adequate care of ourselves requires that each of us prioritizes our own well-being. In order to have sufficient time for that, we need to plan, schedule, prioritize, set boundaries, and be realistic with our expectations for ourselves and those who we work with. During those times when you or someone close to you needs help, please seek it. A career in the law is demanding, stressful, and at times all-consuming. Each of us needs to take a long view and remember that we cannot sprint through our careers but rather must have more of a marathon approach. Just like going full speed for the first mile of a marathon is ill-advised and not likely to result in a successful race, the same can be said for an unsustainable approach to the practice of law. Work on your own, with the support of another appropriate person, or with your colleagues and mentors to design an approach to your practice and lifestyle that will allow you long-term success, fulfillment, and satisfaction.

This issue of the Bar News includes a wellness supplement. Please carefully review it for a broad range of valuable information.

A Bar Like No Other

By George Moore

New Hampshire Executive Director

One of the side effects of the Pro Bono and LARC merger was that Pro Bono vacated their space within the Bar Center and moved to new quarters on North State Street here in Concord as 603 Legal Aid. As part of the NHBA condo, the Bar owns this vacant space and continues to maintain it.

This development has led to a wonderful opportunity. With the support of the Board of Governors, the Bar is redeveloping the space into a “Members Only Area,” which will be totally transformed into an inviting, colorful atmosphere with comfortable seating and, of course, delicious snacks.Snacks.

Adjacent to the lounge area will be a hospitalized environment that law firm staff can use between depositions or hearings.

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By Tom Jarvis  
NHBA Staff  

As part of our 150th anniversary commemoration, the NHBA has been combing through old issues of Bar News – and its predecessor publication Bar Weekly – to find important landmarks in our history. In our search, we found a small article about attorney Christopher Seufert and his appearance before the Supreme Court of the United States (SCOTUS) in 1995. We decided to delve deeper with him for a retrospective look into that memorable experience from nearly 30 years ago.

Attorney Christopher Seufert, a small-firm practitioner from Franklin, NH, is currently working on his 39th year of practicing law. Back in 1987, he took on a case as a favor to a friend from the Knights of Columbus. Little did he know, it would prove to be an arduous adventure lasting several years, that would eventually bring him to the highest court in the land.

“If you were to ask me to take that case now,” Seufert recalls, “I would slam the door in your face and say no way. I put thousands of hours into that, with all the Federal Court appeals, the US Supreme Court, back to Merrimack County Superior Court – oh my God, I lost my shirt on it.”

His clients, William and Norinne Field, had sold a hotel, Mascoma Lake Lodge, to an investor, Philip Mans, who gave them some cash and seller-financed the rest. “In the financing documents,” Seufert says, “it said that Mr. Mans shall convey no equitable or implied interest in the hotel to the Fields, and as a result, the debt should be non-dischargeable. The court disagreed, stating that while it was fraudulent, the plaintiff could have caught it by performing a title search.

“This began a long torturous journey up through the federal court system,” Seufert says. “Finally, the First Circuit said it had to just sign it. We were arguing justifiable reliance under all the circumstances because we had no reason to believe there was fraud.”

As very few cases get accepted on certiorari, Seufert was surprised that the SCOUS kept the quill feather he received from Ruth Bader Ginsburg asking the difference between overt fraud and subversive fraud.” Seufert recalls. “I had written that as a possible question on one of my index cards, and on the back, I had written the words SHELL GAME.”

The words evoked a time when young Seufert was on military leave and lost $10 to a man playing a shell game in Boston Commons.

“I told the story to Ruth Bader Ginsburg,” Seufert says. “The guy has three cups, and he’s got a shell that he’s playing. He pretends to put the shell under the cup, but it’s in his palm. He moves the cups around, and you try to keep track, but there’s no way you can win because there is no shell. That’s overt fraud. And that’s the difference between overt and subversive fraud – the game you can’t win and the game you might be able to win. When I finished the story, she kind of nodded.”

The Court agreed it was justifiable reliance and remanded the case back to the bankruptcy court. “I only had 20 minutes because the US Solicitor General had said they wanted some time to argue on the plaintiff’s side, so I yielded 10 minutes to them. They went in a totally different direction, but my 20 minutes was enough. Although, it felt like an eternity up there.”

After SCOTUS remanded the case, it went on for another few years. The bankruptcy court ruled in favor of the defendant once again, so Seufert appealed to the Federal District Court.

“And then we lost again and had to go to the First Circuit again. It was the fifth trial on the case,” Seufert says. “Finally, the First Circuit had enough of me and said, ‘yeah Chris, you win, just get out of our courtroom.’ They remanded it with a finding in our favor and the bankruptcy judge had it all signed.”

Seufert then filed an action against Mans in Merrimack County Superior Court. “The judge finally gave us a verdict for the balance plus interest and costs,” Seufert says. “And then we had a couple payment hearings where he kept lying about his assets. Finally, someone called me up and told me that Mans was hiding an expensive sports car in his garage, so I went back with an ex parte and told the judge about the sports car.”

With the help of the Sheriff’s office, a tow truck, and a crowbar, they were able to seize the sports car and subsequently auction it off.

“We got paid, but it took us 10 years,” Seufert says. “They were salt-of-the-earth people and Mans just took advantage of them. He was found ‘dishonest’ by the Federal Court.”

After appearing before SCOTUS, Seufert was given a quill feather as a keepsake. He currently has it framed in his reception room with the order on the petition for certiorari.

“They gave me my partner, Attorney [William] Shultz, one of the quill feathers, too,” Seufert says. “He sat at counsel table wiping my brow while I was sweating for that in a heartbeat.”

“Then asked how he would advise someone appearing before SCOTUS today, Seufert jokes around, saying, ‘avoid it. You’re never going to get paid for the time you put in.’

Seufert says he does recall giving someone advice to insurance defense attorney Kate Strickland when a plaintiff’s appeal against her defendant was accepted by SCOTUS 10 years ago.

“Then asked how he got into the US Supreme Court,” Seufert says. “I told her oh, it’s just down I95 South.”

After a round of laughter, I asked Seufert what would happen today if one of his client’s wanted to appeal to SCOTUS. “I would do it again in a heartbeat,” Seufert says. “At a certain point in your career, you only have so many marbles left in the vase to use, and I would use a marble to do that in a heartbeat.”

The only thing not changing with business immigration? Who you want to handle it.

The rules surrounding the coveted 85,000 H visas have changed – starting with a March 1 Lottery Registration. So count on GoffWilson to keep your clients ahead of the game with the most timely, thorough and successful advice on business immigration.

We have decades of experience in quicker, more efficient global immigration service – that just works.

Contact GoffWilson and put our team to work for your clients.
The Case of the Toxic Text: A Powerful Reminder That Misogyny, Toxicity, and Ignorance Are Alive and Well in the Legal Profession

By Charla Bizios Stevens

Every so often, a story strikes the right (or wrong) nerve or captures the mood of a certain segment of the population and then takes on a life of its own. Such is the story of the text message sent by Jon Dileno, now former Senior Attorney of the Cleveland law firm, Zashin & Rich. The message, reprinted in its entirety here, is such a shockingly stark example of ignorance and entitlement that people cannot stop talking and writing about it. The message itself has been shared thousands of times on social media in the past few weeks.

Zashin & Rich is an Ohio-based firm of at least 30 lawyers who concentrate their practices in labor and employment and family law. The firm’s website touts the recognition of numerous firm members as “Best Lawyers” and “Super Lawyers” and the firm itself by Chambers and Partners and CS News and World Report, no fly-by-night operation. Dileno himself represented the City of Cleveland in labor matters. The irony is that he spends his professional time advising employers.

For those who have not seen the post and the ensuing blowback, the premise is simple. A female associate was on a paid parental leave when she received an offer of employment from another law firm. She returned to work at the conclusion of her leave and gave her notice after accepting the new job. What followed was the text message from Dileno, referring to her parental leave as time spent “sitting on her a$$.” He accused her of being morally bankrupt and threatened to derail her career if contacted for a reference. Dileno also admits that he suggested to a senior partner that the associate be fired while on leave if it were confirmed that she indeed had been interviewing for a new job. Luckily, clearer heads prevailed, and the Senior Partner declined.

Although the text is egregious, what happened next demonstrates how ill-prepared the law firm (like many law firms) was to deal with the aftermath. When the text came to light on social media, the firm’s managing partner quickly issued the following statement:

“Recently, I became aware of an inappropriate and unprofessional text that was sent by an employee at our firm to a former employee. That single text was sent in the heat of the moment by an employee upset by the belief that the former colleague while on paid leave sought employment with another law firm. Within days of her return to work, she took that new job. That’s not an excuse for the offending text, which should not have been sent. That single text has prompted some to question our commitment to fair treatment, diversity, and other values that our firm holds dear and believes in fervently. And then…”

I stand on our firm’s record of how we treat our employees. Zashin & Rich prides ourselves on focusing on supporting working parents with modified schedules and other accommodations.

He finally went on to state that the firm had “taken action” and was committed to turning this negative into a positive.

Not surprisingly, the firm was criticized for a response described as tepid, self-serving, and in many respects disingenuous, especially given the fact that the text was anything but an isolated “in the heat of the moment” communication. The text was unquestionably unsolicited and initiated by Dileno. It directly referred to his attempt to have the associate terminated because she was interviewing for another job while on leave. It was sent by an employment attorney who should have known that the associate was entitled to her leave of absence, a benefit she earned. He should also have known that there was no prohibition, legal or moral, against her entertaining offers of employment while still employed by Zashin & Rich.

In the end, the firm pivoted. It announced Dileno’s departure while issuing, for the first time, a lukewarm apology to the former associate.

Although the text is a horrific example of toxic workplace behavior, it is important to focus on the countless number of articles and posts which have ensued, not only in social media, but in the traditional press and elsewhere. Most women and many men commenting confirm that the sentiments in the text are not all that unusual. Many have experienced or witnessed this behavior in their legal careers: resentment of women (or men) taking protected leave, bullying by more senior lawyers and clients, harassment, and discrimination.

We still have work to do to ensure a safe and equitable work environment for all, notwithstanding the words on our websites and our carefully crafted policies. The outcry from the legal community shows us that all law firms, even those who are among the most prestigious when it comes to representing and training employers on workplace culture and behavior, need to engage in independent and sustained review of their own workplaces and the behaviors of their members. The true shame of the toxic text is not that it was sent, but that it conveyed what the sender and probably others were thinking.
Medical Malpractice Group

Medical malpractice is a unique practice area, and our firm has the resources and expertise to handle this type of complex, expensive litigation.

We employ attorneys who concentrate on malpractice litigation. We also have the negotiating experience and judgment to obtain the best possible results for our client.

By Misty Griffith
NHBA Staff

Join us on Friday, March 24, 2023, at noon for “Lunchtime LPM: Technology Tips and Tools for Today’s Firms,” the first webinar in our Lunchtime LPM series. This series of virtual interactive webinars is geared to the needs of the many small firm and solo practitioners among our members. The convenient virtual format will eliminate the burden of travel time, saving valuable billable time, and making it easier to take advantage of this opportunity.

Law practice management (LPM) is not a skill that is typically taught in law school. However, to succeed a firm must also be a successful business. No matter the size of your firm, someone is responsible for running the business aspects of the practice. Most New Hampshire firms have four or fewer attorneys, and 70 percent have fewer than ten attorneys, which means that managing the firm business usually falls upon one of the partners; this is especially true for solo practitioners.

The 2022 Economics of Law Practice Survey results highlighted a large technology use gap between small and solo firms and firms with five or more attorneys. Moreover, smaller firms are unlikely to have a tech person on staff. The NHBA wants to help small and solo firm practitioners bridge that gap by offering educational webinars on related topics. Our first LPM webinar will be in March with more planned for the coming months.

Staying current on LPM software trends and developments can be overwhelming. However, embracing technology can make your practice more efficient. Your NHBA membership provides a wide array of free services and valuable member benefit discounts to help meet some of those needs. On March 24, NHBA Member Services Coordinator Misty Griffith will share an overview of NHBA resources available.

Topics covered will include:

• What is TechConnect, and how can this free member benefit help your firm?
• What is law practice management (LPM) software, does it actually help small firms, and how do you choose from the many options available?
• What benefits does the NHBA offer?

Discover the many free resources your TechConnect benefit has to offer. Learn more about law practice management software providers Smokeball, Clio, and MyCase. Hear more about new legal technology to enhance your practice: LawPay for secure credit card payments, eNotary-Log for remote online notarization, RPost for email and signature cybersecurity, and Smith.ai for remote receptionists. Find out about resources to help with legal research and writing including: Fastcase free legal research, Tracers investigative research database, and WordRake editing software. In addition to a roundup of NHBA member services and benefits, attendees will also have the opportunity to ask questions as part of this interactive webinar.

We hope you will join us on March 24 at noon. You may also register staff members for this free program. Sign up on our website today. To learn more or take advantage of any of these member services visit nhbar.org. If you have any questions, contact NHBA Member Services Coordinator Misty Griffith mgriffith@nhbar.org or call (603) 715-3227.

Lunchtime LPM: Technology Tips and Tools for Today’s Firms

Friday, March 24, 2023 12:00 pm

The first webinar in our new Lunchtime Law Practice Management series.
NHBA Board of Governors 2023 Elections – Open Positions

Active, qualified members may submit a petition for one of the following positions for which nominations are open.

Positions with an asterisk (*) indicate an incumbent governor who is eligible to seek another term.

- Vice President (1-year term, and a 4-year commitment to board leadership track – President-Elect, President and Immediate Past President in subsequent years)
- Governor at Large (two vacancies, 3-year term)
- Governor at Large (nomination by petition for the remaining 2 years of a 3-year term)*
- County Governors (2-year term representing):
  - Cheshire*
  - Coos
  - Merrimack*
  - Rockingham*
- County Governors (2-year term representing): (each of these vacancies is for the remaining year of a 2-year term)
  - Grafton *
  - Hillsborough South*
  - Strafford *
- ABA Association Young Lawyer Delegate NH (This is a 2- year term. The ABA specifies the qualifications that "such delegate was admitted to his or her first bar within the past five years or is less than 36 years old at the beginning of his or her term.")

Submitting a Nomination Petition
No fewer than 10 active member signatures are required for a nomination petition for a governor representing a county; no fewer than 25 active member signatures are required for vice president, governor at large, and Association ABA Delegate. Bar members may sign only one petition for a county position on the Board representing the county where the signer’s principal office is located. Blank petitions can be obtained by contacting NHBA Executive Department Assistant Cindy Roberts at croberts@nhbar.org or 603-715-3267.

Petition Deadline
Petitions for nominations to the NHBA Board of Governors will be accepted no later than March 1, 2023.

Election Information

Online ballots will be accepted from April 1 to until April 15, 2023. Those eligible to vote are active-status members (dues fully paid).

NHBA Board Election – Ensure You Receive Your Ballot

Electronic voting for NHBA Board Election will take place starting at midnight, EST, on April 1, 2023. All Active members are eligible to vote. To ensure you receive your ballot information electronically, please be sure the email address we have on file for you is accurate. If you need to update your email, please log onto the Member Portal, and use the update MyProfile link that is found on the Profile page. Please do this no later than March 15, 2023. If you need assistance updating your email address, please contact MemberRecords@nhbar.org.

Members eligible to vote in the Board election, without an email address on file with the Association, will receive a letter containing instructions on how to vote electronically or, if preferred, how to receive a paper ballot.

THE BEST LAWYERS – YEAR AFTER YEAR

MARK A. ABRAMSON
Medical Malpractice Law – Plaintiffs – Personal Injury litigation – Plaintiffs

NICK ABRAMSON
Medical Malpractice Law – Plaintiffs – Personal Injury litigation – Plaintiffs

EVA H. BLEICH
Medical Malpractice Law - Plaintiffs

KEVIN F. DUGAN
Medical Malpractice Law – Plaintiffs – Personal Injury litigation – Plaintiffs

JARED R. GREEN
Personal Injury Litigation – Plaintiffs and Product Liability Litigation – Plaintiffs

HOLLY B. HAINES
Medical Malpractice Law – Plaintiffs and Personal Injury Litigation – Plaintiffs

“2023 Lawyer of the Year – Personal Injury– Plaintiffs – Manchester, NH”

ELIE MAALOUF
Medical Malpractice Law — Plaintiffs and Personal Injury Litigation – Plaintiffs

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Create Meaningful Change via the “150 Minutes of Giving” Service Project

By Lynne Sabean
NHBA Staff

In last month’s issue of New Hampshire Bar News, NHBA announced its 150th Anniversary Year, as well as how it planned to commemorate this landmark occasion. One of the projects we touched upon was the “150 Minutes of Giving Back” Service Project. This month, we will be providing additional details on how the service project works and how attorneys can submit their time.

NHBA members are known not only for their collegiality, but also for how generously they give of their time and money. The honor rolls in this issue (see page 16) are just the tip of the iceberg. Odds are that you or someone you know serves on one or more committees/task forces, participates as a Lawyer Referral Service panelist or Mentor Advice Program mentor, is a member of the NHBA Board of Governors, and so on. (And that’s only the NHBA activities, not volunteer work performed at other civil legal aid organizations or in the community at large.) This month, we will be honoring some of these generous individuals at Midyear Meeting, but there are hundreds of other unsung heroes.

Through the “150 Minutes of Giving Back” service project, we encourage our members to give an additional 150 minutes of service at any time in the 2023 calendar year. While pro bono legal service is strongly encouraged, any community service counts. Looking for ideas? We started a list at nhba.s3.amazonaws.com/wp-content/uploads/2023/01/04095829/2023-01-04-150th-Anniversary-Volunteer-Ideas.pdf and welcome any additional ideas you might have.

We’ve made it easy for you to report your “150 Minutes of Giving Back” service project hours. Please note that this reporting is very different than the proposed “voluntary reporting of pro bono hours” project discussed by...
Section Connection

Real Property Section and Corporation, Banking, and Business Law Section

By Michelle Radie-Coffin and Stephanie Lee

On January 12, 2023, members of the Real Property Section and the Corporation, Banking, and Business Law Section of the New Hampshire Bar Association met with members of the New Hampshire Society of Certified Public Accountants for a business networking event at the Manchester Historic Association’s Mill Yard Museum in Manchester. The event was planned as a collaboration with the New Hampshire Society of Certified Public Accountants to bring our members together and foster business and social connections.

Attendees enjoyed a catered reception and a guided tour of the galleries by Mill Yard Museum Executive Director, Jeffrey Barraclough, who walked the group through 11,000 years of area history beginning with the Paleo-Indian communities who lived and fished around Amoskeag Falls, the arrival of the European settlers, and the founding of Manchester as a planned city by the Amoskeag Manufacturing Company. Barraclough pointed out museum artifacts along the way such as an 1802 lottery ticket used to fund the canal, an original loom machine, photographs of notable New Hampshire Generals, and the Ashland Number One horse-drawn steam fire engine built by the Amoskeag Manufacturing Company. He described the growth of the Amoskeag Manufacturing Company which once had 17,000 employees at its peak, but went bankrupt in 1935, forcing the city to re-invent itself by selling mill buildings to other industries—a tradition which continued into the 1990s and present day with the refurbishment of the mill buildings and arrival of technology companies. Museum Archivist Daniel Peters remained at the reception to answer questions.

The Real Property Section of the NHBA is made up of over 300 members and provides a variety of opportunities for members to improve their professional knowledge and skills in relation to this area of the law. The section also updates the Title Examination Standards which were first adopted in 1954. Section Officers for the June 1, 2022 – May 31, 2023 member year are Michelle Radie-Coffin, Chair; Laura B. Dodge, Vice Chair; and Elaina L. Hoeppner, Clerk. The Section is planning its next meeting for mid-March.

The Corporation, Banking, and Business Law Section of the New Hampshire Bar Association is an active and growing network of business law professionals in the community, expanding their knowledge in these practice areas, monitoring pending legislation in the areas of business and banking law, and facilitating relationships within the business bar. The Section Officers for the June 1, 2022 – May 31, 2023 member year are Ramey Sylvester, Chair; Amelia Elacqua, Vice-Chair; and John DeWispelaere and Stephanie Lee, Co-Clerks. The Section is planning an ice cream social and CLE event with the Trust and Estate Law Section for the Spring and welcomes ideas and suggestions for future events.

On behalf of the Real Property Section and the Corporation, Banking, and Business Law Section of the NHBA, we would like to thank the new NHBA Sections Coordinator Lazaro Laserna for all of his work and support in planning and carrying out this event, and NHBA Director of Professional Development Megg Acquilano for her help in hosting the event.

Section events and meetings including CLE’s are for section members only. To join a section, visit our website or contact NHBA Sections Coordinator Lazaro Laserna at llaserna@nhbar.org.
Granite Staters take pride in their independence. This is true for New Hampshire attorneys as well; one-third of NH lawyers are solo practitioners. Solo practice brings a unique set of challenges, but also its own special rewards. No one can speak better to this experience than solos themselves.

For our many solo practitioners, as well as those who may be considering flying solo, we are offering a series of articles dedicated to sharing advice from solos for solos. Thank you to this month’s featured attorneys for taking the time to share your words of wisdom. We look forward to sharing sage advice from others in the coming months.

Edward D. Philpot, Jr., PLLC
Laconia, NH
35 years in practice; 19 as a solo

What inspired you to become a solo? More flexibility in the type of work I could do and in the economics of my practice. When I was at a firm, I spent a lot of time managing the business and my practice. That was terrific experience, but I felt that I was working in areas that I was no longer enthusiastic about because of commitments to the business model. Now I get to manage all aspects of the practice, and the business based on my own interests.

Best thing about solo practice: Flexibility and the ability to connect more closely with my community and my clients. I am task oriented, so I can focus on work while I am at work, and I’m getting better at taking time for myself when I need it. The practice of law and the business of law are often at odds. Dealing with that balance is both difficult and rewarding when you get it right. It is extremely stressful and difficult when it gets out of whack.

Hardest thing about solo practice: The pressure to manage caseloads, meet deadlines, and pay the bills don’t go away when you go out on your own. In some respects, they increase. There is no one to pick up the slack or cover hearings, meet pleading deadlines, etc. It makes for long days sometimes. Avoiding the “echo chamber” is also critical, so you must have people you can talk to, run ideas by, or get a reality check. I am blessed to be doing this in New Hampshire, where friends and colleagues will always take my calls or answer an e-mail when I’m stuck or just need a sanity check (the phone is always better by the way). Likewise, I welcome calls from others in the same vein.

Memorable solo experience: Every day is a new challenge and a new adventure!

Advice for new a solo: Do not hesitate and call another lawyer if you get in a situation that is unfamiliar or if you get stuck on something. Don’t let it linger, be proactive. No matter how big the problem looks, chances are somebody out there has had the same issue and will have helpful advice.

Would you advise anyone else to go it alone? It depends. It is not for everyone. The experience that comes from working with others in a firm is invaluable, and if you start out as a solo, you miss a lot. In law school, they teach you a little about the law, but they don’t teach you about the business of the practice of law. There are some hard lessons to be learned if you don’t have a business background. The good news is that there are a lot of resources available these days, and I can’t stress enough how willing New Hampshire lawyers are to help—particularly other solo and small firm practitioners. Of course, the Practical Skills Solo and Small Firm Practitioners presentation by Ed Philpot and Rick Sager is a prime source that keeps on giving!

Kim Peaslee, KPIP Law PLLC
Concord, NH, 13 years in practice, two years as a solo

What inspired you to become a solo? A desire to run a collaborative firm and to provide the best service to my clients.

FLYING SOLO continued on page 25

Introducing the 150th Anniversary Year Fund

As part of NHBA’s 150th Anniversary Year commemoration, we’re asking our members to perform 150 minutes of volunteer services. While that’s just 2.5 hours of engagement, we fully understand that not everyone’s schedule allows them to do so.

The newly-created 150th Anniversary Year Fund, overseen by the New Hampshire Bar Foundation, provides an option for those who believe in giving back, but prefer to do so financially. Proceeds from this fund will be used to support programs and organizations that are dedicated to improving access to justice at both the attorney and court levels, as well as law-related education projects.

Learn more and donate today at nhbar.org/150th-anniversary-year/
Jill O’Neill: NHLAP’s Executive Director Finds Joy in Helping People

By Tom Jarvis

NHBA Staff

New Hampshire Lawyers Assistance Program (NHLAP) Executive Director Jill O’Neill has devoted her entire adult life to helping people. In her current role at NHLAP, she provides assistance to NH lawyers, judges, and law students who experience substance use disorder, depression, or other issues that affect well-being and impair their ability to function and practice law. She also aids in the curtailment of malpractice claims and disciplinary complaints.

O’Neill’s interests in mental health can be traced all the way back to her traumatic childhood. Growing up in Stoneham, MA, she was parentified – where a child takes on the role of parent – at a young age, causing her to assume an enormous amount of responsibility. This resulted in some rebellion throughout high school, but a compassionate guidance counselor helped her back on track and assisted her with applying to Salem State University.

However, during her first semester of college, her family’s house burned down, and they lost everything. Her parents then separated, and she moved into the projects with her father. “I think that was my first true life lesson,” O’Neill says. “You can have everything, and it can be gone in a second. But I grew from that and other unfortunate series of events in my life.”

Having to attend school part-time due to needing to work a full-time job to help support the family caused her to pursue formal education. When I told him I’m not in a financial position to do so, he said then you read, and you educate yourself and make sure you keep up because that’s what I’m expecting. He made us read articles and present on them and would sit in and do evaluations. He was all about quality patient care. And that expectation stuck with me and has become a discipline. So, do I have it – that harsh inner critic was saying ‘you’re not capable, you’re less than’ and always having to prove myself. One of my pivotal points in my whole career is when I started to realize I actually do have value.”

That realization came further to fruition when she was invited to testify on Capitol Hill about how NH is supporting justice-involved veterans. As co-chair of the NH Justice-Involved Veteran’s Task Force, which aims to address veteran needs and building programming for justice-involved veterans from first point of police contact all the way through to community reintegration after incarceration, she was part of piloting the first Veteran’s Behavioral Health Track in the Nashua Circuit Court, a program designed to divert justice-involved veterans experiencing service-related injuries into treatment as an alternative to traditional sentencing.

“One day, I received an invitation from Senator Jeanne Shaheen’s office to testify in Washington about what New Hampshire is doing to support justice-involved veterans,” O’Neill says. “My first instinct was to call someone who is more qualified. I talked to a lot of people who were excited about it but couldn’t make it happen. So, I said I just can’t let the veterans in New Hampshire down and not go. I tried to talk myself out of it – that harsh inner critic was saying ‘you’re not capable, you’re less than’ and always having to prove myself. One of my pivotal points in my whole career is when I started to realize I actually do have value.’”

LUBIN & MEYER

LUBIN & MEYER again dominates Boston magazine’s “Top Lawyers” list as the firm with the most attorneys recognized in areas of personal injury and plaintiffs medical malpractice law.

THE FIRM’S STRENGTH lies in its demonstrated record of consistently obtaining more multi-million-dollar verdicts and settlements in the areas of medical malpractice and catastrophic personal injury law than any other law firm in the region.

Co-founder Andrew C. Meyer, Jr., says, “Year after year, we remain the go-to law firm for medical malpractice and personal injury cases due to our success securing record-setting results that compensate victims, protect the public and inspire change.”

#1 in Verdicts and Settlements

* Verdict settled on appeal

Recent Cases

- Stroke following childbirth verdict* $43,360,000.00
- Laboratory error settlement $14,000,000.00
- Maternal death settlement $12,000,000.00
- Radiology error verdict $11,500,000.00
- Post-surgical infection verdict $10,700,000.00
- Product liability settlement $8,900,000.00
- Birth injury settlement $7,500,000.00
- Construction accident settlement $7,000,000.00
- Surgical error settlement $5,100,000.00
- Prostate cancer settlement $4,500,000.00

We welcome the opportunity to review your client’s case free of charge.
The New Hampshire Bar Foundation (NHBF) is pleased to announce that it has awarded a two-year grant of $25,000 to 603 Legal Aid to provide additional support for their new Multicultural Outreach Project. The bulk of the funding for this project comes from a New Hampshire Charitable Foundation grant of $140,000 that the organization received earlier this year.

The grant funding will be used primarily to hire an outreach coordinator to collaborate with communities and faith-based organizations to provide clear and accurate messaging and educational materials in languages most spoken in those communities, with a goal of closing the access to justice gap among marginalized populations. In addition to these outreach efforts, the project will collaborate with community partners to host legal clinics in several areas of law, which could include family law, criminal record annulment, and federal tax law. Presentations will aim to teach attendees how to handle their cases pro se and will conclude with one-on-one consultations. The consultations may lead to a referral to a private pro bono attorney.

“Equal access to justice demands that the NH civil legal aid network reduce barriers for those most in need of legal assistance to secure, preserve or reinstate those things that provide the basic necessities of life such as housing, income preservation and public benefits, to name a few,” says 603 Legal Aid Executive Director Sonya Bellafant. “To accomplish this task, 603 Legal Aid is committed to increasing the work we do with clients in the communities that they live in. Expanding outreach to focus on multicultural communities is imperative to facilitate this objective.”

The proof of need for this project comes from a comparison of client demographics with those of low-income New Hampshire residents, generally. As stated in the January 2021 report from the New Hampshire Access to Justice Commission, “New Hampshire’s legal aid programs must continue to emphasize anti-racism, cultural competence, language access, and other strategies that promote equity and inclusivity in civil legal work,” and in the executive summary that programs “should increase and better coordinate outreach to potential clients, with an emphasis on reaching people in their own communities.”

The structure for the outreach project will be largely based on the guidance of the Tax Policy Center’s report on expanded Child Tax Credit outreach to marginalized populations in the Boston area.

603 Legal Aid undertook a pilot version of this project starting in 2021, which was jointly funded by the New Hampshire Charitable Foundation and the New Hampshire Housing Finance Authority. While much was accomplished during the pilot, Bellafant shared that the experience “has shown us that a deeper level of commitment to community outreach is necessary to produce lasting results.”

603 Legal Aid has already shown this commitment in their hiring practices, with three staff members who are bilingual or multilingual, use of interpretation and translation services, and providing website availability in eight languages, besides English.

The New Hampshire Bar Foundation grant is being made as part of its commitment to improving equal access to justice. The support of the 603 Legal Aid Multicultural Outreach Project is consistent with two of the pillars of the Powering Justice Propelling Change fundraising campaign that was launched in 2021, which prioritizes supporting civil legal services, civics education, and furthering diversity and inclusion work within the New Hampshire legal community.

“The multicultural outreach program is an important next step in furtherance of the NHBF’s statewide diversity and inclusion survey,” NHBF Board Member Mary Tenn says. “It is gratifying to see the funds raised by the Bar Foundation from New Hampshire lawyers and law firms enabling key partnerships like this one with 603 Legal Aid dedicated to improving access to our courts for those most in need.”

Donations to support the New Hampshire Bar Foundation can be made at nhbarfoundation.org or by calling Mysty Shappy at 603-715-3210.
Coming and Going

Pierce Atwood is pleased to announce that Trusts & Estates attorneys Marla Matthews and Jan Myskowski, along with staff member Sarah Caldwell-Washburn from Myskowski & Matthews, PLLC, have joined the firm.

Marla Matthews has extensive experience in trusts and estate planning, which includes general wealth transfer, gift and estate tax planning, and business succession planning. Marla works closely with individuals and families to help find practical, understandable, and efficient solutions to complex and emotionally charged issues related to transfer of wealth and legacy planning. Marla also has a busy guardianship practice, frequently representing clients who are petitioning for guardianship over an incapacitated person in the probate court and advising clients on their fiduciary duties once they are appointed as guardian.

Jan Myskowski focuses his practice on estate planning, estate and trust administration, non-judicial trust reformations, and contested will and trust administration, non-judicial trust reformations, and contested will and trust disputes. Jan has extensive experience in trusts and estates planning, which includes federal, state, and local level income taxation of trusts, situs considerations such as the mitigation of state income tax liabilities, and charitable planning, and special needs trust planning. Jan also has a business background in state and federal courts in New Hampshire and Massachusetts. Jan represents companies in business litigation involving contracts, tortious interference, unfair competition, shareholder, real estate, tax abatement, eminent domain, leases, misrepresentation, and other business disputes.

Community Notes

Debra Weiss
Ford of national
employment law
firm Jackson Lewis PC has been
elected to Granite State Children’s
Alliance’s (GSCA) Board of Directors,
a non-profit organization that provides
justice, healing, equity, and prevention to all survivors of child abuse in New Hampshire.

Professional Announcements

McDowell & Morissette
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 & Morissette 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.

Katie A. Mosher
Associate
mosher@gcglaw.com
603-545-3668

GCG is pleased to welcome Katie Mosher

Katie’s practice focuses on state and federal litigation, with a focus on civil litigation defense.

Katie graduated cum laude from the University of New Hampshire School of Law, and earned her Bachelor of Arts, magna cum laude from Wheaton College.

IN MEMORIAM

Gerald J. Carney

On Saturday January 21, 2023, the Honorable Gerald J. Carney, loving husband, father, grandfather, and uncle passed away peacefully at the age of 82. Gerald was born on January 6, 1941, in Rockville Centre, New York, to George and Helen Carney. Gerald was a brave and selfless public servant and the fifth generation of a family in the United States Navy. He graduated magna cum laude from Wheaton College. After graduating, he served in the United States Navy, including a tour of duty in Vietnam. He returned to New Hampshire and began his legal career at the University of New Hampshire School of Law, where he served as a professor and associate dean. In recognition of his service to his country and his community, Gerald was awarded the Distinguished Citizen Award by the New Hampshire Bar Association. Gerald was a devoted husband, father, grandfather, and uncle, and will be deeply missed by all who knew him. In lieu of flowers, donations in Gerald’s memory can be made to the Granite State Children’s Alliance, which provides justice, healing, equity, and prevention to all survivors of child abuse in New Hampshire.
Welcome, Deb Bess Urbaitis!

G&O Law is pleased to welcome Deb Bess Urbaitis to the team. With over 20 years of experience, Deb assists clients in the areas of estate planning, trust, probate, business, and family law. She will be practicing primarily out of our Henniker location.

If you would like to place an announcement, email advertise@nhbar.org.

Rates & Sizes

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Jeffrey D. Odland

Jeffrey joined WSP in January 2023. He specializes in state and federal criminal defense as well as civil litigation. Since 2008, Jeff has represented thousands of NH residents during their most difficult and trying times. A skilled trial lawyer, Jeff has brought serious cases to verdict in the New Hampshire Superior Courts resulting in favorable verdicts for his clients. Jeff currently serves as the President of the New Hampshire Association of Criminal Defense Lawyers as well as a member of the Federal Court Advisory Committee.

For Jeffrey’s full bio visit wadleighlaw.com.

Founded in 1899, Wadleigh, Starr & Peters, PLLC offers a full range of legal services to local and national clients. Located in historic Manchester, NH, we are proud of our history and draw on our vast experience and historical perspective to address the ever-shifting demands of the law.

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Dan Schwarz Joins Hess Gehris Solutions

Daniel Schwarz is pleased to announce that he has joined the alternative dispute resolution team at Hess Gehris Solutions as a mediator, arbitrator, and conflict resolution consultant. After 35 years as a trial lawyer in Maine and New Hampshire, Dan is now committed to using his skills as a mediator to help people resolve employment disputes. Since 2012, Dan has been recognized by Best Lawyers of America in Management side Employment and was twice named its Lawyer of the year for the Manchester region. Dan lives with his wife Lisa in Portsmouth.

Dan is available to mediate and arbitrate employment related disputes throughout Maine and New Hampshire and is trained in online mediations using the Zoom platform. For more information, or to schedule a mediation please contact Dan at dschwarz@hessgehris.com.

Hess Gehris Solutions is thrilled to welcome Dan to our team. In addition to employment mediation, Hess Gehris provides experienced civil, family and probate mediation to clients in New Hampshire, Vermont, Maine and throughout New England.
Thoughts on Cybersecurity for Business Leaders

By Ryan Barton

It’s 9:45 am on Thursday. While you’re looking for an important email, you notice messages in your Sent Items you don’t remember sending.

“It won’t happen to us.”

Too often, no one thinks seriously about security until it’s too late. Even small and medium-sized businesses hold sensitive information that is valuable to hackers (and we don’t mean Zero Cool and Acid Burn). Today’s hackers live all around the world, are often professionally organized, use automated tools to hack cheaply at scale, and are motivated solely by money. Those who don’t proactively plan for security risk are their favorite target.

The sheer number of ways they can attack an organization can seem overwhelming, but knowing which ones are most frequently assailing your organization is a helpful first step.

Let’s Get Specific

Two of the most common attack types are phishing and ransomware. These incident types have the potential to severely impact any leader’s ability to meet organizational goals. While you may have seen scare headlines of “60 percent of hacked businesses go under,” thankfully that isn’t true. However, the impact of a successful hack is always painful.

Where to Start

The time to address security posture is now. First, identify the gap between today’s best practices, and your own organization’s security standards. How? It is wise to partner with a mature and innovative information security team like the one we have at Mainstay. We assess, we guide, and then we carry the weight of the responsibility with you. We do this for hundreds of northern New England organizations and are fortunate to experience firsthand the positive impact business leaders experience, after having the right security posture (with a shrewd budget).

Microsoft Defender for Endpoint

is One Example

Recently, one of our client’s employees downloaded what he believed was a legitimate video player application. When the application was opened, it deployed malicious code that attempted to extract his email folders and cached passwords. The code was sophisticated and bypassed normal antivirus scans. Without robust protections, this would have resulted in significant confidential data falling into the hands of a greedy criminal. However, we had deployed a tool called Microsoft Defender for Endpoint which uses advanced AI to detect and block threats in real-time, all at low cost. The user’s machine was separated from the network, all malicious connections were severed, and a trained security professional was investigating within minutes. This turned the potential of a brutal breach into simply a minor inconvenience.

Partnering with Mainstay will give you the confidence and tools to lead your organization’s security strategy. We have brought clarity and confidence to hundreds of business leaders, whether through a risk assessment, ongoing information security services, being the IT department, or helping to make sense to evaluate or increase your organization’s security posture, please contact us today, for a conversation with an experienced leader at Mainstay.

Ryan Barton is the founder and CEO of Mainstay Technologies, an IT and Information Security services firm based in New Hampshire. You can learn more about the company at www.mstech.com or reach Ryan on LinkedIn.

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O’Neill from page 9

you didn’t serve in the military – but I just couldn’t look the task force and the veterans in the face and say I didn’t show up when I had the opportunity to promote this. So, I went.”

Once she got to Washington, DC, she began to feel more intimidated.

“I looked to my left and there was a Korean war general and then to my right I saw the woman president of the post-9/11 Afghan War Organization,” O’Neill recalls. “I was like I am not worthy. I was so intimidated, but I told myself I have a job to do. Like Bill Belichick said: ‘Do your job.’ So, I spoke to what I know. I didn’t pretend to be someone else. Later, in the elevator back, one of the senator’s aides tapped me on the shoulder and told me, ‘You nailed it.’”

O’Neill recently started as an incorporating board member of Veteran’s Legal Justice; the newly reformed program which aims to address gaps in access to justice for veterans and their families.

In addition to helping lawyers and judges in bar roles at NLHAP, she is very involved with UNH Franklin Pierce School of Law. She helps to counsel students and assists with their orientation.

“Jill truly wants to help and set our students up for success to make sure they are positioned to be the best attorney they can be,” UNH Law Assistant Dean for Students Berger says. “She has done a great job as an advocate for students to make sure their well-being is at the center.”

Attorney Chris Hawkins of Donahue, Tucker, and Cialdella says a fair part of his business is representing lawyers in the attorney discipline process, as well as the character and fitness process for attorney applicants, which brings him into contact with O’Neill regularly.

“Jill is a consummate professional,” Hawkins says. “She provides an invaluable service to the bar and to bar applicants. I would recommend without hesitation that any attorney or bar applicant who is experiencing any issues with substance abuse or mental health issues should contact Jill as quickly as you can.”

Being in the field for more than 20 years, O’Neill has seen and helped many individuals and has confronted and come to understand a lot of different barriers to accessing health. She also tries to constantly keep up to date with new innovative treatments. She is very passionate about the work she does for NLHAP and feels that a lot of progress has been made in the past year.

“I’m so glad people are starting to call and be self-referral,” O’Neill says. “The word is getting out that we are not only here to address individuals engaged with the discipline system or individuals struggling with addiction issues. We are here very broadly. There is no wrong-door approach to calling. The important thing is to reach out and call. Don’t suffer in silence.”

When asked what she is most proud of in her career, O’Neill says, “I’m most proud of the lives that I have been able to impact positively. In big and small ways, each person has touched my life. It’s a great honor and privilege to walk alongside a person in their journey.”

[Image: Information Technology Office: 603.886.6100 • www.mcr-ip.com • info@mcr-ip.com]
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The ABA Retirement Funds Program is available through the New Hampshire Bar Association as a member benefit. Please read the Program Annual Disclosure Document (April 2022) carefully before investing. This Disclosure Document contains important information about the Program and investment options. For email inquiries, contact us at joinus@abaretirement.com.

Registered representative of Voya Financial Partners, LLC (member SIPC). Voya Financial Partners is a member of the Voya family of companies ("Voya"). Voya, the ABA Retirement Funds, and the New Hampshire Bar Association are separate, unaffiliated entities, and not responsible for one another’s products and services.

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**Modest Means Honor Roll 2022**

This list represents attorneys who have taken cases for 2022. The list is based on reporting as of 12/31/22.

- Joseph Annutto  Law Office of Joseph Annutto
- Cindy Beaulac  Elliot, Jasper, Shklar, Ranson & Beaulac
- Jared Bedrick  Champions Law
- Sandra Bloomenthal  Bloomenthal Law Office
- Robert Bloomenthal  Bloomenthal Law Office
- Randi Bouchard  Brown & Bouchard
- Cassandra Brown  Brown & Bouchard
- Joseph Caufield  Caufield Law & Mediation Office
- Lisa Cirulli  Cirulli Law Office
- Ryan Correa  Moreau Law Offices
- Amy Driscoll  Driscoll Law Office
- Mercy Frank  Law Office of Frank, Kealy & Walker
- Samuel Harkinson  Seven Rivers Law Office
- Michael Heiner  Law Office of Stark & Heiner
- Juli Heinck  McGrath Law Firm
- Daniel Kristol  Small & Lee
- Carol Kunz  Backus, Meyer & Branch
- Michael Lee  Small & Lee
- Kalie Lydon  Law Offices of Lydon & Richards
- Joseph MacAllister  Gawryl & MacAllister
- Vincent Marconi  Attorney-At-Law
- Katherine Morneau  Morneau Law Offices
- Thomas Neal  Attorney-At-Law
- Gregory Palkon  Palkon Law Office
- Jenny Proulx  Proulx Law Offices
- Alice Ranson  Elliot, Jasper, Shklar, Ranson & Beaulac
- Howard Roeve  Law Office of Howard A. Roeve
- Kimberly Shaughnessy  Shaughnessy Raiche
- James Shephard  Law Offices of James A. Shephard
- Ellen Shin-McGuire  Shimer & Daukszewicz
- Justin St. James  Attorney-At-Law
- Michael St. Louis  Law Office of Michael St. Louis
- Mark Sullivan  Sullivan Law Office
- John Wolkowski  Backus, Meyer & Branch
- Peter Wright  Attorney-At-Law
- Robert Young  The Young Law Firm
- Sheila Zakre  Zakre Law Office

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**Giving from page 6**

Justice Bassett in last month’s Bar News. The hours you report to us in conjunction with the 150th Anniversary Year commemoration will be used solely for determining the overall level of participation, a rough estimate of the numbers of hours donated, and identifying those members who have given most generously. To report your volunteer hours, simply use the convenient form at nhbatech.wufoo.com/forms/q3ll0ai0w2d42f/

While 150 minutes is just 2.5 hours of additional engagement, we fully understand that not everyone’s schedule and outside obligations allow them to do so. The newly created 150th Anniversary Year Fund, overseen by the New Hampshire Bar Foundation, provides an option for those who believe in giving back, but prefer to do so financially. Proceeds from this fund will be used to support programs and organizations that are dedicated to improving access to justice at both the attorney and court levels. This fund also accepts stand-alone donations from the legal and business communities. To learn more about the 150th Anniversary Fund or donate, please visit nhbar.org/150th-anniversary-year.

As part of its annual appeal drive, the bar Foundation feels strongly that this “big” anniversary presents a point in time where members can reflect on how much lawyers have done and how much is left to do to truly provide access to justice for all NH citizens. Challenge your friends, your firms, and yourself to be part of the solution. Thank you in advance for your participation.

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**Attorney John M. Cunningham**

John forms LLCs, converts corporations to LLCs and represents clients in LLC disputes. He chaired the committee that drafted the NH LLC Act, and he is the author of the leading U.S. LLC legal and tax practice manual.

Visit www.llc199a.com to learn more about John’s practice.

2 Kent St., Concord, NH 03301  05. 5. 12 lawjmc@comcast.net

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**Free Legal Answers - NH Honor Roll 2022**

This list represents attorneys who have answered questions on Free Legal Answers for 2022.

- Paul J. Alfano  Alfano Law Office PLLC
- Allison M. Ambrose  Wescott Law, PA
- Stephanie K. Annunziata  Shaheen & Gordon PA
- Cassandra A. Brown  Brown & Bouchard PLLC
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These INDIVIDUAL VOLUNTEERS represent attorneys who took at least one case in 2022. • indicates an attorney took between 2 and 5 cases, • • indicates an attorney took between 6 and 10 cases, and • • • indicates an attorney took more than 10 cases. The list does not include the many cases, and the many attorneys, who took cases which began in 2021 and carried over into 2022. • • • • •

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Kenneth Walton
David Frydmann
Richard C. Oertner Jr.
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Joseph Vrignac
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Lisa Weilinman-All
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Shawna P. Benley

Cassie L. Austen
New Hampshire Bar News
February 15, 2023
17

PRO BONO PROGRAM
HONOR ROLL

These individuals represent NON-ATTORNEY VOLUNTEERS with our Low-Income Tax Program (LITP) who provide substantial services to low-income individuals in need to assistance with IRS controversies and tax preparation services. The LITP relies on these volunteers’ generous support of pro bono work to bring assistance to individuals facing IRS controversies. Each of these volunteers took at least one case in 2022. • indicates an attorney who took between 2 and 5 cases, • • indicates an attorney who took between 6 and 10 cases, and • • • indicates an attorney who took more than 10 cases. The list does not include the many cases, and the many attorneys, who took cases which began in 2021 and carried over into 2022.

Richard J. Sprea, Ph.D
Delia
Mark Anderson
John Warren
Mary Thomas

Nina Similas
Larry Rosenblatt
Scott Rosenblat
Vicki Laffet
Donald David Howard

William Grummet
Timothy Harrington
Brittani Schansorie
Stephanie Antoniastina
Olivia Bringer
Joseph Chemisov
Suzanne Spencer
Amy Ashwood
Arnie Ting
Shane Ardmark
Ashley Scheidan
Christine Hoagland
Kaitlin Murphy
Mark Walden
Developing Professional Identity by Being Authentic

By Anna L. Elbroch

With contributions from Maggie O’Grady and Melissa Christensen, Legal Writing Professors at UNH Franklin Pierce School of Law

We all have different memories of our 1L year. Mine was jarring. Everything was new. I had to relearn how to think, write, and communicate. To add to my discomfort, I, like all 1Ls, didn’t pick my classes 1L year. Instead, I was thrown into classes with seemingly no relation to what I wanted to do after law school. I didn’t understand then that reading contract and property cases provided foundational skills to analyzing the law as a future public defender.

Like all law schools, UNH Franklin Pierce has a mostly prescribed curriculum for its first-year students. At the same core courses I took in law school over twenty years ago. Now, however, the ABA has added the requirement that law schools provide “substantial opportunities” for students to develop their “professional identity.”

Many 1Ls are navigating their first big shift towards independence with a new apartment in a new location. They are figuring out how to balance increasing responsibilities with new academic concepts. Others may be changing direction mid-career. What does it mean to forge a “professional identity” as a lawyer, when so much is in flux and uncertain?

Every discipline defines professional identity in a different way. For example, psychology4u.net defines a psychologist’s professional identity as “an image people use to describe themselves as professionals.” The blog goes on to state that the image “includes many different psychological aspects that affect professional activity: motives, values, beliefs, and personal experience.” According to the BMC Medical Education journal, a doctor’s professional identity is defined as “the attitudes, values, knowledge, beliefs and skills shared with others within a professional group.” In the legal context, the ABA’s guidance for Rule 303(b) in legal education provides:

Professional identity focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society. The development of a professional identity should involve an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice.

Fortunately, our colleagues in the New Hampshire bar helped students think through these concepts and make decisions in their future career. Kat Hedges from Rath, Young, & Pignatelli Enrique Mesa, from Mesa Law, and Talesha Saint-Marc from Bernstein Shur, provided instrumental guidance to 1Ls about this very topic during a panel last semester held on National Day on Writing®. They spoke with students about associating themselves both personally and professionally with organizations that align with what they value. They also discussed how their professional identity can be forged and/or challenged depending on which clients they represent.

Their overarching theme was that a solid, satisfying professional identity will grow from being “authentic.” Authenticity guides lawyers in all sorts of ways – some seemingly small and some much more consequential. Don’t quote movie lines or crack jokes if that is not who you are. Don’t claim expertise in an area you can’t. Always make arguments within the bounds of ethics and the law, but when you feel passionately about something, let it show. Treat everyone with respect, which includes being honest about who you are. Even when working with opposing counsel with whom you vehemently disagree, be authentic.

The good news is that all of us with our varied experiences, personalities, passions, and values, can help students develop their own professional identities by modeling that kind of authenticity.

\[\text{Endnotes}\]

1. Standards and Rules of Procedure for Approval of Law Schools r. 303(b) (Am. Bar Ass’n 2022).

2. psychology4u.net: What is a professional identity (January 26, 2023), https://psychology4u.net/psychology-professional-identity/.


Anna Elbroch is the Director of Legal Writing at UNH Franklin Pierce School of Law. Before joining the law school, she was a criminal defense attorney, specializing in juvenile defense, including being a public defender.

In Memoriam from page 11

be made to the New London Hospital and EMS who provided him with care and compassion. Donations can be made online at newlondonhospital.org/support or mailed to 273 County Road, New London, NH 03257.

Honey C. Hastings

Honey C. Hastings, 79, of Temple, NH, passed away unexpectedly on Saturday, December 10, 2022, at the Catholic Medical Center, Manchester, NH. She was born on March 15, 1943, in San Diego, CA. She was the daughter of the late Sheilah Putnam Sproul and Aaron Hiller Hastings. Honey was a resident of Temple for 22 years, where she was involved in many town organizations and committees. She was the current president of the Temple Historical Society where she spearheaded fundraising efforts to build a home for historic documents, art, and artifacts.

After graduating from Boston University Law School with a JD, Honey moved to New Hampshire and established her own practice as a “plain language” mediator focusing on family law issues. She served as a family mediator for divorce and parental rights cases, and she provided continuing education for attorneys, mediators, and others involved in family law issues. Honey was involved with legal and mediation organizations on a state and national level. She drafted legislation to update NH RSA’s dealing with divorce, alimony, parental rights, and mediation. She was the author of the NH Divorce Handbook, which she updated in 2007. Already retired from her law practice, she planned to retire from mediation cases at the end of 2022.

She is survived by her lifelong love partner, Charles Eshel, of Temple; a sister, Jan McLaughlin, of Londonderry, NH; her brother, James Sproul, IV, and his wife Marilyn, of Arlington, TX; and a cousin, Marjorie Putnam, of TX. As a justice of the peace, she married her nephew, DJ McLaughlin, and his wife, Krista Wepsic, in 2014. She recently returned from the wedding of her niece, Katie McLaughlin, to her husband, Amos Eshel, in Seattle, WA. Other nephews and nieces include James Sproul V and Lise and her husband William McLaughlin.

There are no calling hours. A memorial service will be held on National Day on Writing©. They spoke with students about associating themselves both personally and professionally with organizations that align with what they value. They also discussed how their professional identity can be forged and/or challenged depending on which clients they represent.

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Anna Elbroch is the Director of Legal Writing at UNH Franklin Pierce School of Law. Before joining the law school, she was a criminal defense attorney, specializing in juvenile defense, including being a public defender.
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### MARCH 2023

**WED, MARCH 29 – 9:00 a.m. – 3:30 p.m.**
Domestic Violence
- 300 NHMCLE min., incl. 60 ethics/prof.
- Concord • NHBA Seminar Room/Webcast

**APRIL 2023**

**MON, APR 3 – 12:00 p.m. – 1:00 p.m.**
Modification of Parenting Plans
- Webcast: 60 NHMCLE min.
- Concord • NHBA Seminar Room/Webcast

**TUE, APR 4 – 12:00 p.m. – 1:30 p.m.**
Employee Misclassification: Independent Contractor vs. Employee; Exempt vs. Non-Exempt Status
- Webcast: 90 NHMCLE min.

**WED, APR 5 – 9:00 a.m. – 12:15 p.m.**
Better Legal Writing
- 150 NHMCLE min.
- Concord • NHBA Seminar Room/Webcast

**THU, APR 6 – 12:00 p.m. – 1:30 p.m.**
Intellectual Property Case Law Update
- Webcast: 90 NHMCLE min.

**THU, APR 6 – 2:00 p.m. – 3:30 p.m.**
Article 12
- Webcast: 90 NHMCLE min.

**MAY 2023**

**WED, MAY 3 – 8:30 a.m. – 1:00 p.m.**
Estate Planning 101
- Credits TBD
- Concord • NHBA Seminar Room/Webcast

**THU, MAY 4 – 12:00 p.m. – 1:00 p.m.**
The Sneaky Dozen: 12 Subtle Grammar & Writing Errors w/Lenne Espenchied
- Webcast: 60 NHMCLE min.

**THU, MAY 11 – 9:00 a.m. – 4:30 p.m.**
Medical Malpractice Cases in New Hampshire
- 360 NHMCLE min., incl. 30 ethics/prof.
- Concord • NHBA Seminar Room/Webcast

**MON, MAY 15 – Time TBD**
Real Estate 101
- Credits TBD
- Concord • NHBA Seminar Room/Webcast

**WED, MAY 17 – 9:00 a.m. – 4:30 p.m.**
Statutory Interpretation
- 360 NHMCLE min.
- Concord • NHBA Seminar Room/Webcast

**THU, MAY 18 – 12:00 p.m. – 1:00 p.m.**
Illogic & Ethics w/Lenne Espenchied
- Webcast: 60 NHMCLE ethics min.

**MON, MAY 22 – 9:00 a.m. – 4:30 p.m.**
Bankruptcy Litigation
- Credits TBD
- Location TBD

**WED, MAY 24 – 9:00 a.m. – 4:30 p.m.**
Navigating the Healthcare World
- 365 NHMCLE min.
- Concord • NHBA Seminar Room/Webcast

**THU, MAY 25 – 8:30 a.m. – 10:30 a.m.**
17th Annual Ethics CLE
- 120 NHMCLE ethics min.
- Concord • NHBA Seminar Room/Webcast

### JUNE 2023

**THU, JUN 8 – 12:00 p.m. – 2:00 p.m.**
Survey Says: The Top 5 Drafting Errors in Ambiguous Contract Cases w/Lenne Espenchied
- Webcast: 120 NHMCLE min.

**WED, JUN 14 – 12:00 p.m. – 1:00 p.m.**
Quick Start Guide: 10 Drafting Dos & Don'ts Every Lawyer Should Know about Drafting Contracts w/Lenne Espenchied
- Webcast: 60 NHMCLE min.
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Akhil Reed Amar, Esq., Yale Law School

Dana Remus, Esq., Covington and Burling

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- CosmoLex
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- Fastcase
- Franklin Savings Bank
- I.W. Pharmacy
- LBBiades and Associates / EL Nurse Consulting
- Mountain View Grand Resort & Spa
- New Hampshire Lawyers Assistance Program
- NH Association for Justice
- OurFamilyWizard
- Smokeball
- Soberlink
- State of NH Judicial Branch - CaseLines
- Strategic Caring Solutions
- Tabs3 Software
- Veteran Legal Justice

Midyear Meeting is Made Possible in Part by the Generosity of These Organizations

Schedule-at-a-Glance
(subject to change; we invite you to visit our exhibitors during lunch and designated breaks throughout the day)

- Gender Equality Breakfast: Tanna Clews; CEO & President, New Hampshire Women’s Foundation
- Registration and Check-In / Continental Breakfast / Exhibitor Showcase
- President’s Welcome / In Memoriam Video: Jonathan Eck, Esq.; Orr and Reno
- CLE: The Importance of the Rule of Law and Present-Day Challenges: Akhil Reed Amar, Esq., Sterling Professor of Law at Yale Law School
- CLE: Rule of Law Panel Discussion: Moderated by John Greabe, Esq.; Director, Warren B. Rudman Center for Justice, Leadership & Public Service. Panelists include Dana Remus, Esq., Former White House Counsel to President Biden and Partner, Covington & Burling
- Video: Weighted Caseload Study - The Evidence to Support Funding for Additional Judges and Staff: NHSC Chief Justice Gordon MacDonald
- Business Meeting / Honors and Awards Luncheon / Book Signing
- CLE: The Most Recent Term of SCOTUS: David Hudson, Esq.; Professor at Belmont University College of Law
- CLE: First Amendment Principles and Attorneys Speaking to the Press: David Hudson, Esq.
- CLE: CaseLines Presentation
- CLE: Attorneys and the Press – Limits on Speech and Ethical Concerns: Seth Aframe (moderator), with Jane Young, Richard Guerriero, and Gregory Sullivan
- NHBA New Lawyers Committee Social

Attend all day and earn 285 NHMCLE minutes from our distinguished guest faculty as they discuss relevant & timely legal topics. (We even do the CLE attendance reporting for our NHBA members!)
Domestic Violence

Wednesday 9:00 a.m. - 3:30 p.m.
Mar. 29

This day-long program, a collaboration between the bench and the bar, will include presenters from the judicial branch, the public and private bars, the DOVE program, and victim advocacy organizations. The program will cover everything you need to know about handling both sides of a domestic violence case, including the law, appeals, managing family law cases when domestic violence is involved, the intersection between criminal and civil restraining order cases, and the ethical issues that can arise in domestic violence cases.

Faculty
Jack P. Crisp, Jr., CLE Committee Chair/Program Moderator, Crisp Law Firm, Concord
Gary N. Apfel, Simpson & Mulligan, PLLC, Lebanon
Kristen Barnett, NH Coalition Against Domestic & Sexual Violence, Concord
Doreen F. Connor, Primmer, Piper, Eggleston & Cramer, PC, Manchester
Tracey G. Cote, Shaheen & Gordon, Concord
Alan J. Cronheim, Sist Law Office, Portsmouth
John Garvey, John Burwell Garvey Mediator, New London
Joshua L. Gordon, Law Offices of Joshua L. Gordon, Concord
Hon. Charles L. Greenhalgh, NH 1st Circuit Court-Berlin/3rd Circuit Court-Conway
Richard Guerriero, Lothstein Guerriero, PLLC, Keene
Hon. Anna Barbara Hantz Marconi, NH Supreme Court, Concord
Margaret Huang, NH Judicial Branch, Concord
Robert D. Hunt, Davis/Hunt Law, PLLC, Franklin
Hon. James H. Leary, 9th Circuit Court/District Division, Nashua
Mary Krueger, NH Legal Assistance, Concord
Hon. Erin B. McIntyre, 6th NH Circuit Court, Hillsborough
Elyse McKay, 603 Legal Aid, Concord
Brian R. Moushegian, NH Attorney Discipline Office, Concord
Mariana C. Pastore, Upper Valley Prosecutorial Association, Hanover
Lynda W. Ruel, Attorney General’s Office, Concord
Tina Schumacher, Voices Against Violence, Plymouth
Kirk C. Simoneau, Red Sneaker Law, PLLC, Manchester
Jol Smith, NH Coalition Against Domestic & Sexual Violence, Concord
Kristen I. Vartanian, Rockingham County Attorney’s Office, Kingston
Angelika R. Wilkerson-Martin, 603 Legal Aid, Concord

Learn@ Lunch Webcasts

Modification of Parenting Plans
April 3, 2023 – 12:00 – 1:00 p.m.
60 NHMCLE min.

Employee Misclassification: Independent Contractor vs. Employee; Exempt vs. Non-Exempt Status
April 4, 2023 – 12:00 – 1:30 p.m.
90 NHMCLE min.

Intellectual Property Case Law Update
April 6, 2023 – 12:00 – 1:30 p.m.
90 NHMCLE min.

Article 12
April 6, 2023 – 2:00 p.m. – 3:30 p.m.
90 NHMCLE min.

Better Legal Writing

Wednesday 9:00 a.m. - 12:15 p.m.
Apr. 5

A well-written legal document can distinguish an outstanding attorney from an average one. Judges base their decisions on many factors; how well you’ve thought out and presented your argument on paper is just one of them. Learn techniques that can help give you the edge when it matters most. This CLE is appropriate for any attorney, in any jurisdiction, at any stage of their legal career.

Faculty
Justin S. St. James, CLE Committee Member/Program Chair, Attorney at Law, Andover, MA
M. Holly Vietzke, One Law, LLC, Newton, MA

For more information or to register, visit https://nhbar.inreachce.com
Medical Malpractice Cases in New Hampshire

Thursday 9:00 a.m. - 4:30 p.m.

May 11

360 NHMCLE min.
incl. 30 ethics/prof. min.
NHBA Seminar Room/Live Webcast

This program features some of the most experienced NH practitioners in the area of medical injury and malpractice cases. The full day program will cover the handling of medical malpractice cases from start to finish, including presentations on selecting and commencing a claim, insurance policies and coverage, retaining and examining expert witnesses, the standard of care, special challenges in mediation, physician licensing and the Board of Medicine, pros and cons of screening panels, and proving causation and damages in medical injury cases. The program will also touch on ethical issues confronting counsel handling these cases.

Faculty
Peter E. Hutchins, Program Chair/CLE Committee Member, Law Offices of Peter E. Hutchins, Manchester
Heather M. Burns, Upton & Hatfield, LLP, Concord
Nicholas D. Cappiello, Lubin & Meyer, PC, Boston, MA
Lindsey B. Courtney, NH Office of Professional Licensure & Certification, Concord
Todd J. Hathaway, Wadleigh, Starr & Peters, PLLC, Manchester
Bradley D. Holt, Sulloway & Hollis, PLLC, Concord
Kimberly Kirkland, Reis & Kirkland, PLLC, Manchester
Jonathan A. Lax, Gallagher, Callahan & Grantell, PC, Concord
Michael S. McGrath, Upton & Hatfield, LLP, Concord
Randy J. Reis, Reis & Kirkland, PLLC, Manchester
R. Peter Taylor, Hoepl, Phoenix, Gormley & Roberts, PLLC, Portsmouth

Contract Drafting with Lenne Espenchied – Webcast only

The Sneaky Dozen: 12 Subtle Grammar and Writing Errors
May 4, 2023 – 12:00 - 1:00 p.m.
60 NHMCLE min.

7 Questionable Associations that Cause Contract Litigation, and How to Avoid Them
Date TBD – 12:00 - 1:00 p.m.
60 NHMCLE min.

Illogic and Ethics
May 18, 2023 – 12:00 - 1:00 p.m.
60 NHMCLE ethics min.

Survey Says: The Top 5 Drafting Errors in Ambiguous Contract Cases
June 8, 2023 – 12:00 - 2:00 p.m.
120 NHMCLE min.

Quick Start Guide: 10 Drafting Dos and Don'ts Every Lawyer Should Know about Drafting Contracts
June 22, 2023 – 12:00 - 1:00 p.m.
60 NHMCLE min.

Fast Track Memo Writing for New Deal Lawyers
June 29, 2023 – 12:00 - 1:00 p.m.
60 NHMCLE min.

Navigating the Health Care World

Wednesday 9:00 a.m. - 3:30 p.m.

May 24

365 NHMCLE min.
NHBA Seminar Room/Live Webcast

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

Faculty
Debra Dyleski-Najjar, CLE Committee Member/Program Chair, Najjar Employment Law Group, PC, Andover, MA
Judith F. Albright, Rath, Young & Pignatelli, PC, Concord
Kenneth C. Bartholomew, Rath, Young & Pignatelli, PC, Concord
David R. Craig, David R. Craig & Associates, New Boston
Andrew B. Ellis, Sheehan Phinney Bass & Green, PA, Manchester
Mary Goreham, US Department of Labor, Boston, MA
Lucy C. Hodder, UNH Franklin Pierce School of Law, Concord
Maria M. Proulx, Anthem Blue Cross & Blue Shield of NH, Manchester
Christine Tang-Chin, US Department of Labor, Boston, MA
Lawrence W. Vernaglia, Foley & Lardner, LLP, Boston, MA
Thomas Wright, Turning 65 Workshop, Portland, ME

Upcoming CLE Programs

Further Details Coming Soon!

May 3
Estate Planning 101
May 15
Real Estate 101
May 17
Statutory Interpretation
May 22
Bankruptcy Litigation
June 21
Liability for Directors & Owners
September 21
22nd Annual Labor & Employment Law Update
October 27
Developments in the Law

Watch Bar News or our website as more details are forthcoming.
www.nhbar.org/nhbacle

For more information or to register, visit https://nhbar.inreachce.com
“And as a result, I went on to be active for activities,” Middleton says of his presidency.

In 1971, he became bar president. In 1979, he became bar president.

He also graciously participated in the NHBA sending a lawyer back to law school for a day this past year (see the article in the December 2022 issue).

“The bar has grown enormously since I was bar president,” Middleton says. “When they opened the floodgates to admission on motion, we got a lot more members. One of the results of that is a first-class CLE program that we didn’t have when I was president. We also have publications like the Bar News, that are much better today than they were.”

Middleton strongly encourages other lawyers to get involved in bar governance if they can. “It’s a lot easier to accomplish things – whether it be trials, contracts, or whatever if you know the lawyer on the other side,” Middleton says. “I also encourage people to get out there and get involved in the other bar activities when possible and get to know the other people practicing law in the state.”

Jack Middleton

At 93 years old, Jack Middleton is the oldest living past president. After graduating from Boston University School of Law in 1956, he started at McLane, Graf, and Raulerson, which would eventually become McLane Middleton. While working at McLane, he was appointed as a part-time municipal judge in 1962 and then became Special Justice of Merrimack District Court in 1971. In 1979, he became bar president. “It got me more interested in bar activities,” Middleton says of his presidency. “And as a result, I went on to be active for a number of years in the ABA and the National Conference of Bar Presidents.”

Since his term as bar president, Middleton helped form the IOLTA program in 1982 and continued as a part-time judge until 1986. From 1999 to 2002, he served as the Secretary of the American Bar Association. He was also a two-time chair of the New Hampshire Bar Foundation throughout his entire career, even as a part-time judge, he stayed with McLane, where he remains to this day. He often jokes with people that he has one of the shortest biographies ever.

L. Jonathan Ross

Jonathan Ross graduated from George-town University Law School in 1967 and then spent a year getting his LLM at Harvard Law School. He then moved to NH in 1968 and joined the firm of Wiggin and Nourie. In 1985, he began his term as bar president. As president, he – along with then-Massachusetts bar president Michael Greco and then-Texas bar president Bill Whitehurst – developed Bar Leaders for the Preservation of Legal Services for the Poor, a commitment of bar leaders across the country to preserve the Legal Services Corporation (LSC) and save federal funding for indigent legal services.

“We set out on a mission to get every state bar and every large metropolitan bar to join us in pushing Congress to adequately fund the LSC,” Ross says. “Ultimately, we got all the states and metropolitan bars to join us and funding for legal services has been the number one legislative priority for the ABA for years now. Whitehurst, Greco, and I appeared in Congress and testified, and we would go to LSC board meetings to testify and challenge some of the things they were doing. We were reasonably successful, but the fight continues, and it’s not a race for the short-winded.”

After his term as bar president, Ross continued working at Wiggin and Nourie until they closed in 2012. He then joined Primmer, Piper, Eggleton, and Cramer, where he still practices. He has also continued to be active in governance and committee work, including 20 years representing NH at the New England Bar Association and eight years (three of which he was chair) on the ABA’s Standing Committee on Legal Aid and Indigent Defendants.

When asked what changes he has seen in the NH Bar since his presidency, Ross says it has grown quite a bit. “Part of the fallout of that is that there are fewer lawyers who know each other, which tends to diminish the civility and cooperativeness that was part of this bar association when I joined,” Ross says. “That’s not to say it’s gone, it’s just harder. And, as a consequence of the growth, there are a lot more lawyers who have practiced on their own without mentoring and without the kind of examples that I grew up with as a lawyer in this bar.”

Ross believes that getting involved in bar governance is rewarding and part of a lawyer’s professional obligation. “[Lawyers] should get involved because it’s their profession,” Ross says. “What we do and how we appear to the public and how we give back to the community that gives us a lot of power and the opportunity to make a reasonable living is part of our professional obligation.”

Hon. Richard Galway

In 1970, when he graduated from Boston University Law School, Richard Galway joined the firm of Devine Millimet. He became bar president in 1982 and remembers having to travel from bar association to bar association to make sure attorneys paid a $25 assessment fee to the New Hampshire Supreme Court.

“There was a case that was a real estate scam involving my son for some reason or another it ended up at the New Hampshire Supreme Court,” Galway says. “Chief Justice John Taft ordered an additional assessment of $25 per lawyer. It was my job to go to each bar association to inform them of the reason for the assessment and make sure they paid it.”

Galway says one of the biggest changes in the NH Bar since he was president is the number of NHBA staff. “When I was president, we had only a staff of two at the NHBA, an executive director and a part-time staff assistant,” Galway says.
Galway says, “The lawyers did a lot of the administrative stuff, and there wasn’t much CLE—it wasn’t like what we have now— it was mostly privatized. Most of the services the NHBA offers now weren’t available, either. It was a very small operation, and the president’s office did most of it. We didn’t have a Bar News or anything. Occasionally, there would be a newsletter that would come out from the executive director.”

He also notes that there was a very big social component to the Bar around the time he was president and that the various bar associations would “take over the hotels in the North Country.” Part of the social scene included a sort of young lawyer’s Wii Club, which he changed to the Lawyers’ Spouses Club to be more inclusive when he was bar president.

After his presidential term, he continued working at Devine Millimet until he became a Superior Court judge in 1995. In 2004, he was nominated to the New Hampshire Supreme Court and was a justice for seven years. He later started his own mediation business, Galway Mediation, and worked there until he retired in 2020.

The appointment to the New Hampshire Supreme Court was a great honor for me, Galway says. “The Superior Court was an honor also. It truly was a wonderful experience being a judge in New Hampshire.”

When asked why any lawyer should get involved in bar governance, Galway says it’s a process of giving back and a process of looking forward.

“Participation in the Bar Association is very helpful to your career as a lawyer,” Galway says. “You become more familiar with the judges you are appearing in front of. And it emphasizes the fact that you’re in a profession. And that profession needs the watering of the education, camaraderie, and advice that you can receive from fellow lawyers.”

Best thing about solo practice: Flexibility in the work I do.

Hardest thing about solo practice: Year-end crunch time—true for any small business owner.

Memorable solo experience: Working on a dispute between a client and a very large corporation. The trial was set and went through mediation, where I met a great mediator. We then went to arbitration, where I met another great arbitrator. We went to trial, where I met a great judge, who decided the case on the merits. That’s when I realized that I could make a difference.

Advice for a new solo: Establish your self in your practice area community as someone with skills, integrity, and a collaborative nature. Trust yourself and don’t be afraid to reach out to others.

Would you advise anyone else to go it alone? I do think it is important to have a strong foundation in your practice prior to deciding to work as a solo. In my mind, that is about five-plus years of working in the field. At that point, you will better understand the practice of law, what you want from it, and what you have to offer.

Kirk Simonneau, Red Sneaker Law, PLLC
Amherst, NH, 14 years in practice, two years as a solo

What inspired you to become a solo? Long ago, my grandfather explained to me that a person with a job needs only one person, his boss, to not like him and he’s “out of the money.” If, he said, you run your own business, everybody has to hate you for you to lose. If you’ve got 25 clients and 24 like you, you’d still be in business, and you’ve still got a chance. Even as a solo, that’s a message I can honestly say I love—there is a limitation, usually by committee, on what can be done, and your success still hinges on the mutual success of your partners. One person’s great year can be balanced, negatively, against another person’s horrible year. If everyone has a great year, as was often the case, can any one of the partners know their success was their own? I wanted to see what I could accomplish on my own and whether I’d end up “out of the money.”

Best thing about solo practice: The best thing about solo practice is the ability to practice law as I see fit, unencumbered by how my decisions may affect my partners and how their decisions might affect me. I’m a disabled lawyer who represents a lot of disabled people. The cases don’t often have anything to do the disability, but using an ASL interpreter, for example, during client meetings takes extra time. I’m also a former client myself. I watched a drunk driver kill my pedestrian father, and which is why I became a lawyer—to help people who had been harmed like my family was harmed, but better. Sharing that real empathy with clients also takes extra time. I have the freedom to treat my clients the way I wish my family and I had been treated when my dad was killed. Most practices in the plaintiff’s area have either high volume, high risk, or they focus on a few high value cases. I also have the freedom to turn down cases more readily because I’m not concerned about how that potential revenue will affect my partners. Put more simply, at the end of the day, I’m responsible only for myself. If I succeed, I succeed and know that it’s because I worked too hard, or it’s just some like the challenge of determining whether I’m good enough on my own. Oh, and not having to share the money ain’t bad either.

Hardest thing about solo practice: It’s the flip side of the coin; the loneliness. I came from a practice where I had very experienced partners, and we were all close. That meant we’d share even the smallest victories and failures, support one another, and good advice was plentiful. While I still have that, it isn’t as immediate. I can’t just pop into someone’s office and tell them about some pain in the bottom adjuster, a great new case, ask a question, or talk through an issue.

Memorable solo experience: Normally, I’d share some funny story, but, truthfully, the most memorable experience for me is a simple note from a client. Hopefully, we all get these from time to time; a thank you note from a happy client. I’ve gotten them from clients, I’ve been thanked by other attorneys for the artwork clients have created for me, but this note, though, specifically thanked me for taking so much extra time and for “being a human.” I don’t know how the client knew I took “extra” time, and my kids would tell me I’m only occasionally human, but that note aligning with my mission meant a lot. Would it be funnier if I mentioned the case had to do with a faulty rubber chicken?

Advice for a new solo: It’s a business. Even if you are a great lawyer, you can’t succeed as a solo if you don’t understand you are running a business which means you need to know how to run a business. Most practices in the plaintiff’s arena are not an actual business, so educate yourself about business, marketing, accounting, health insurance, solo 401K’s, phone systems, and about everything else that goes into a business. Maybe even hire a business coach. Whatever you do, don’t think that because you are a good lawyer, you’ll be a successful solo. You need to be a good businessperson to succeed as a solo. Being a good lawyer helps, but it isn’t the key factor.

Would you advise anyone else to go it alone? At the end of the day, you need to know yourself. Not everyone is an entrepreneur, just as not everyone can fit a solo practice into their career. I was interviewing at the “big” firms and a hiring manager was describing their firm’s process of treating down new associates. “And build them up in the ‘right’ mold.” He told me he wasn’t sure I would let them tear me down or build me up. He wondered whether I could fit the mold and said I was a “wild horse and wild horses are hard to ride.” I didn’t get that job. You have to ask yourself, are you a wild horse? 

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FEBRUARY 15, 2023

Related

In three instances, past bar presidents have been family: Robert Upton (1939-1940) and his two sons, Richard Upton, Jr. (1964-1965) and Frederic Upton (1970-1972). Walter Upton (1970-1972) and George Moore, Jr. (1982-1989), and James Tenn, Jr. (2009-2010) and his sister Mary Tenn (2015-2016).

Judicial Appointments

In February 2016, President Elect David Rauff resigned to accept an appointment as a Superior Court judge, leaving a vacancy for the 2016-2017 year. The Board of Governors decided to split the president’s duties between Immediate Past President Mary Tenn and President Elect Scott Harris. This also prompted the Board of Governors to update its succession policy. This change came in handy in 2022, when President Sandra Cabrera resigned to become a Circuit Court judge. Under the new succession policy, President Elect Jonathan Eick became President, Vice President Paul Chant became President Elect, and Kathleen Mahan was later elected as Vice President.
Focus on Tax Law

The Purple Book: The National Taxpayer Advocate’s Yearly Legislative Recommendations

By Barbara Heggie

It is the rare tax practitioner who can’t rattle off a long list of problems with the administration of our tax system. Few, however, have a list as comprehensive and data-driven as the one found in the National Taxpayer Advocate (NTA)’s Annual Report to Congress. This report, required by law, includes what the NTA views as the “Most Serious Problems” (MSPs) currently encountered by taxpayers.

A quick read through the headings will strike a chord in most practitioners. MSP number one, for example, is “Paper Backlogs Caused Refund Delays for Millions of Taxpayers” – not a shocker. The NTA details this issue and its causes, offers several specific recommendations to the IRS, and then sums up as follows: “the IRS must leave the era of the Flintstones and advance to the era of the Jetsons and beyond.” The remaining MSPs offer similarly blunt advice and meticulous analysis.

According to the NTA, it’s not just the IRS that needs to clean house and fix the roof, though. It’s Congress, too, and for many years, the NTA has sent them numerous, specific legislative recommendations. Since 2017, those recommendations have been compiled into the annual “Purple Book,” spelling out how, in the NTA’s eyes, our tax system can be improved by legislative action.

Some of the recommendations have appeared in the Purple Book for several years now. These include:

- Treat Electronically Submitted Tax Payments and Documents as Timely If Submitted Before the Applicable Deadline
- Require Written Managerial Approval Before Assessing the Accuracy Related Penalty for ‘Negligence’
- Adjust Individual Estimated Tax Payment Deadlines to Occur Quarterly

Others no longer appear in the compilation because they’ve been enacted into law. The Taxpayer First Act of 2019 contains several of these, including:

- Provide Victims with Notice of Suspected Identity Theft
- Give All Taxpayers the Option to Receive and Use an Identity Protection Personal Identification Number
- Provide Identity Theft Victims with a Single Point of Contact at the IRS

As for the current list of recommendations, here’s a small sampling, with a summary quote from the Purple Book’s for each:

- Authorize the IRS to Establish Minimum Competency Standards for Federal Tax Return Preparers
  Solution: The majority of paid tax return preparers are non-credentialed, and some have no training or experience. Taxpayers are harmed when incompetent tax return preparers make errors that cause them to pay too much tax, deprive them of receiving certain tax benefits, or subject them to IRS tax adjustments and penalties for understating their tax.

- Restructure the Earned Income Tax Credit (EITC) to Make It Simpler for Taxpayers and Reduce Improper Payments
  Problem: The Earned Income Tax Credit is one of the federal government’s largest anti-poverty programs, but its eligibility requirements are complex. As a result, millions of eligible taxpayers fail to claim the EITC, while other taxpayers claim amounts for which they are not eligible, leading to a high “improper payments” rate.
  Solution: Simplify the EITC by breaking it out into a “worker credit” and a “child credit,” revising the definition of a “qualifying child,” and making certain other structural changes.

- Make Standard Mileage Rates Consistent
  Problem: The IRC authorizes taxpayers to deduct the costs of operating an automobile for several purposes. In combination with administrative guidance, however, it authorizes different standard mileage rates for each purpose. This is illogical and confusing to taxpayers, tax professionals, and IRS employees alike.
  Solution: Provide a single mileage deduction rate for all purposes.

- Promote Consistency with the Supreme Court’s Boccher Decision by Making the Time Limits for Filing Failure to Pay the Taxes Litigation Subject to Equitable Judicial Doctrines
  Problem: The US Supreme Court has held that the US Tax Court may waive the 30-day deadline for filing a petition in a collection due process (CDP) case when it is equitable to do so (e.g., if a taxpayer misses a filing deadline because he has had a heart attack and is temporarily incapacitated). Other provisions of the IRC also contain filing deadlines, but it is not clear whether courts have the authority to waive those deadlines on equitable grounds.
  Solution: Clarify that federal courts may waive filing deadlines when it is equitable to do so.

- Expand the Tax Court’s Jurisdiction to Hear Refund Cases
  Problem: For most taxpayers, the US Tax Court is the optimal court in which to challenge an adverse IRS decision, as payment is not a requirement for jurisdiction.

PURPLE BOOK continued on page 29

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What Non-Tax Lawyers Should Know About LLC Tax

By John M. Cunningham

It is critical that individuals who are forming New Hampshire LLCs, whether these are single-member or multi-member LLCs, be aware of the federal and New Hampshire tax issues relevant to their LLCs, and that they ensure that these issues are correctly addressed in their certificates of formation and operating agreements.

Thus, if you are a New Hampshire lawyer who helps clients form LLCs, but you lack tax expertise, you have a stringent ethical duty to advise your clients of this lack and to help them find LLC tax experts who can assist them.

However, even if you lack tax expertise and you so advise your LLC formation clients, you can provide a major service to these clients if you advise them about what you understand to be the main tax issues likely to be important to them. The five main LLC tax issues that, in my view, are likely to be relevant to founders of New Hampshire LLCs are outlined below in this article. You may want to give your New Hampshire LLC formation clients a copy of the article.

Tax choice of entity—single-member LLCs
Most single-member LLCs should be subject to federal taxation as tax sole proprietorships. However, a small number of them should instead be taxable as S corporations or even as C corporations. The often-complex task of choosing among these three federal tax regimens for a single-member LLC in formation is called “tax choice of entity.” No LLC founders should form single-member LLCs without first having a tax expert provide them with a tax choice of entity.

Social Security Tax liabilities
As partners of a tax partnership, many members of multi-member LLCs may be subject to major federal tax liabilities on their shares of LLC income under the federal Social Security tax known as the Self-Employment Tax (SET). For 2023, the rate of the SET to which these individuals may be subject on the first $160,200 of this income will be 12.4 percent, and the rate of the Medicare Tax they will owe on it will be 2.9 percent, for an aggregate tax rate of 15.3 percent and an aggregate 2023 SET and Medicare Tax liability of $24,511.38. However, a little-known but powerful proposed IRS regulation designated Prop. Reg. § 1.1402(a)-2 (Prop. Reg.) can enable individuals who are members of multi-member LLCs taxable as partnerships to greatly reduce their SET liability on their LLC income. These individuals should consult with a tax professional with Prop. Reg. expertise on how to structure their operating agreements to take full advantage of this regulation.

Social Security Tax liabilities

Social Security Tax liabilities

Social Security Tax liabilities

Internal Revenue Code Section 199A
In 2017, then President Trump signed into law a major federal tax bill entitled the Tax Cuts and Jobs Act of 2017 (TCJA). The TCJA was designed mainly to benefit large state-law business corporations taxable as C corporations. However, TCJA Section 199A also provides a remarkable 20 percent annual federal income tax deduction to individuals who earn income from “pass-through businesses”—i.e., state-law sole proprietorships, LLCs and other businesses taxable as S corporations, and LLCs and other businesses taxable as partnerships. Section 199A is arguably the most complex provision in the TCJA, and, for many LLCs, maximizing the Section 199A deduction may require substantial tax expertise. For example, to achieve this maximization, individuals who are members of multi-member LLCs taxable as partnerships should not pay themselves for their services in the form of “guaranteed payments” (the partnership tax term for payments). Rather, counterintuitively, they LLCs continued on page 29
By Catherine H. Hines and John E. Rich, Jr.

Business owners frequently use nonqualified deferred compensation (NQDC) plans to attract, retain, and incentivize key employees. An NQDC plan, unlike a 401(k) plan or other qualified plan, cannot be funded by dedicated accounts owned by plan participants, so NQDC plan sponsors must find other ways to pay the promised benefits. In some cases, life insurance may be used. This article will describe some (but not all) of the federal income tax considerations of which attorneys should be aware.

Any NQDC plan is a plan under which an employee or other service provider has a legal right to receive an unfunded benefit. In some cases, an employee may not be certain as to when or how much of the promised benefit will be paid. A life insurance policy can be the answer to assure plan participants that there is a willingness to fulfill its obligations. One way to assure plan participants is for the employer to purchase and pay premiums on a permanent life insurance policy owned by the employer who is also the beneficiary. The employee has no rights in the policy.

**Tax Considerations**

Although an employer’s premium payments are not tax deductible, as long as certain conditions are met, life insurance has several federal income tax advantages (i) deferral of income taxation of deposits into policies and earnings thereon; (ii) a tax-free policy death benefit (assuming no transfer “for value” issue or state law insurable interest problem); (iii) deductible plan benefit payments; and (iv) tax-free withdrawal of policy value (as a return of basis or loans) to pay the benefit. Depending on the design of the NQDC plan and the performance of the investment portion of the policy, the employer may be able to recover the costs of the plan payment on payment of the policy death benefit.

A life insurance policy funding an NQDC plan will typically be an “employee-owned life insurance contract” (EOLI) as defined in Code Section 101(j)(4). If an employer chooses to receive the life insurance death benefit proceeds free of federal income tax, the notice and consent requirements of Section 101(j)(4) must be met. The requirements of Code Section 101(j)(4) are that the insured (i) was an employee any time within 12 months of death, or, at the time of policy issue, was insured; (ii) provided written consent to being insured; (iii) was issued, was a director, “highly compensated employee,” or “highly compensated individual;” (iv) receives notice of the contract before it is issued and of the maximum face amount for which the employee could be insured; (v) provides written consent to being insured and that the coverage may continue after the insured terminates employment; and (vi) provides written consent to the employer being designated as the beneficiary of policy death proceeds. Annual reporting of EOLI policies to the IRS is also required.

The death benefit is not tax-free to the employer if the policy in question is transferred “for value” as provided in Code Section 101(j)(2). In such case, a portion of the death benefit will be included in the employer’s taxable income. Treasury Regulation § 1.101-1(c) should be consulted in connection with the purchase of an employer with an EOLI and upon any sale or other transfer of a policy.

The advantageous tax treatment of policy withdrawals is lost if the EOLI is treated as a modified endowment contract (MEC) under Code Section 7702A. A policy will be treated as a MEC if premiums paid during the first seven contract years exceed certain standards. In addition, an additional 10% income tax is imposed on certain distributions from a MEC to the extent that the amounts received are includible in gross income. If the employee has any ownership rights in the insurance policy (e.g., a right under the policy itself to designate a beneficiary), Treasury Regulations § 1.662-2(j) must be consulted to determine whether the arrangement is a split dollar arrangement. If so, the taxation of the employer and employee are determined under these regulations rather than under the rules described above. The definition of a split dollar arrangement is surprisingly broad and includes many premium sharing or lending arrangements.
\textbf{Copyright} from page 26

diction and the judges possess special-
ized tax expertise. Under current law,
however, taxpayers generally may lit-
gate in Tax Court only if the IRS deter-
mines they owe more tax, and it issues a
notice of deficiency. When taxpayers
are solely seeking a refund because they
believe they overpaid their tax, they are
bared from the Tax Court and must litigate
in other, less user-friendly, and more
costly federal courts.

\textbf{Solution:} Expand the Tax Court’s jurisdic-
tion to determine tax liabilities and
refunds in refund cases.

In all, the 2023 Purple Book contains
65 legislative recommendations, and you
can read them all at: taxpayeradvocate-
irs.gov/reports/2022-annual-report-to-
congress/national-taxpayer-advocate-
2023-purple-book/#ReadPurpleBook

You may support many of them en-
thusiastically; others may provoke the op-
posite reaction. Either way, contact your
Congressional delegation to make your
views known. And if you have any other
ideas for improving the Tax Code, let them
know that, too. The IRS has a lot of fixing
up to do, but it can’t fix everything.

Barbara Heggie is a staff attorney at
Greater Boston Legal Services. Formerly,
she was a supervising attorney at 603 Le-
gal Aid, directing its Low-Income Taxpay-
er Project.

\textbf{LLCs from page 27}

should do so through income distributions;
their operating agreements should so pro-
vide; and they should take advantage of the
extremely flexibility of IRS Section 76(c)
to make annual retroactive adjustments of
these distributions. No one should form a
multi-member LLC taxable as a partnership
without first making sure that the governing
operating agreement maximizes his or her
Section 199A deductions. Maximizing the
Section 199A deduction on real estate rental
income can be particularly challenging.

\textbf{New Hampshire taxes;}
the I&D Tax and the
Real Estate Transfer Tax

The main New Hampshire taxes to
which members of single-member and
multi-member LLCs are likely to be subject
are the Business Profits Tax, the Business
Enterprise Tax, the Interest and Dividends
Tax (I&D Tax), and the Real Estate Transfer
Tax (RETT). Every New Hampshire LLC
should be structured to minimize all four of
these taxes. For example, individuals who
reside in New Hampshire and who are LLC
members can avoid the I&D Tax on LLC
distributions to them by including in their
operating agreements a consent or dissolu-
tion provision that meets the requirements
of the relevant New Hampshire Department
of Revenue Administration I&D Tax regula-
tions.

However, the New Hampshire tax pos-
ging the greatest risk for many New Hamp-
shire LLC members is the RETT. The pur-
pose of many New Hampshire LLCs is to
acquire and maintain New Hampshire real
estate and to rent this real estate to ten-
ants. The RETT applies to transfers of New
Hampshire real estate at a harsh aggregate
rate of 1.5 percent of the current fair market
value of the transferred property.

Many New Hampshire real estate own-
ers already own their real estate before they
form LLCs to hold it. If they don’t follow
proper procedures in contributing this real
estate to their LLCs after their formation,
they may face a brutal RETT liability. How-
ever, the RETT statute contains numerous
exemptions, of which those most likely to
be available to most New Hampshire LLC
members are likely to be the RETT exemp-
tions called the “testamentary transfer” ex-
emption and the “same owners after as be-
fore” exemption. Your LLC clients should
never transfer real estate into LLCs without
first consulting with an RETT expert and
taking full advantage of applicable RETT
exemptions.

A final note: Even if you do not form
LLCs for your clients but do occasionally
assist them in handling post-formation is-
ues, you should advise them about the
above tax issues and, unless they have al-
ready done so, you should advise them to
consult with tax professionals to ensure that
they are addressing these issues correctly.

John Cunningham is the principal of the
Law Offices of John M. Cunningham, PLLC,
and he is of counsel to McLane Middleton,
PA. His practice is focused on LLC forma-
tions and other matters involving LLC law
and tax.

\textbf{Insurance from page 28}

\textbf{Other Considerations}

State “insurable interest” laws should
always be carefully considered prior to the
use of life insurance. Generally, such laws
require that the party purchasing a life in-
surance policy have an economic interest in
the life of the insured. Many states have en-
acted legislation or have a body of case law
specifying the circumstances and conditions
under which an insurable interest will and
will not be deemed to exist.

In summary, life insurance can be a
valuable funding mechanism for a nonqual-
ified deferred compensation plan but there
are important federal income tax require-
ments that must be met in order to ensure
that the taxation of the policy is consistent
with the employer’s expectations.

\textbf{Endnote}

1 All references to the Code herein are to
the Internal Revenue Code of 1986, as
amended, and regulations thereunder.

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Department at McLane Middleton, Pro-
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NEW HAMPSHIRE BAR NEWS www.nhbar.org FEBRUARY 15, 2023 29
Some Things Are Not What They Seem: Title Insurance vs. Attorney Opinion Letters

By Leigh S. Willey

Title insurance was born out of the practical need for a more complete means of title assurance, one that covers risks beyond those matters set forth in the normal title abstract and title opinion. A lender’s title insurance policy protects the lender’s security interest in a property by ensuring that its mortgage has priority over others and is enforceable. Unlike an opinion-based product, title insurance goes beyond a public records search to provide much more comprehensive coverage.

Title insurance was being promoted as a less expensive alternative to title insurance in an effort to reduce costs and make loan transactions more affordable for the consumer. This is an admirable goal, especially as fluctuating interest rates, inflation, and layoffs continue to dominate the national news cycle. Opinion-based products are a problematic solution, however, because they do not provide the same protections as title insurance and leave lenders and borrowers at risk of going uninsured against common title defects.

From a strictly dollars and cents perspective, depending on the nature of the transaction, title insurance policy premiums may be less expensive than opinion-based products. Premium rates are set by title insurance companies with oversight by the New Hampshire Insurance Department. Most companies use a “rate per thousand” formula to calculate one-time insurance premiums, which are generally based on the loan amount for lender’s policies and the purchase price for owner’s policies.

Title insurance premiums are not affected by the results of the title examination. For example, if a search reveals undiscovered mortgages or defective assignments in the chain, the title insurance premiums remain the same, even though additional work by the attorney or settlement agent is required to close the transaction. To compete with this established rate structure, attorneys may have to forego their hourly rates and charge a flat fee to issue an Opinion Letter. If the title is straightforward, there likely will be no issue. But if the title is unusually complicated or incomplete, the attorney may have to spend several additional hours addressing each issue to the lender’s and underwriter’s satisfaction. This is time for which he or she may not be compensated. Further, under certain circumstances, title insurance companies are authorized to discount premiums or negotiate rates, resulting in additional savings.

Against this backdrop, the American Land Title Association, the national trade association for the abstract and title insurance industry, has urged lenders to approach using Opinion Letters in place of title insurance with caution...
Unlike other states, the Granite State Plan is a voluntary program and does not involve an increase in employment tax revenue. Instead, the program creates a viable market with an advantageously priced PFML insurance product for all New Hampshire employers and workers to access if they choose. New Hampshire accomplished this by 1) combining the contract for PFML insurance for state employees with a contract to make the same coverage available statewide, 2) acting as a premium aggregator for small employers and an individual risk pool, and 3) offering a Business Enterprise Tax (BET) credit for employers that elect to sponsor and pay all or part of the premium for employees. In July 2022, the State contracted with Metropolitan Life Insurance Company (MetLife), a carrier with extensive PFML experience, to provide the insurance and plan administration.

Every New Hampshire employer, regardless of size, now has the option to include PFML coverage in its benefits package, much like health, disability, accident, and cancer-only coverage offerings. Having this unique coverage in their benefit profile can help New Hampshire employers stay competitive in the labor market. As an incentive to participate and decrease the cost, RSA 77-E:3-e extends a BET credit to a sponsoring employer “in an amount equal to 50 percent of the premium paid.”

The tax credit applies not to the total premium cost, but rather to that portion of the PFML premium paid by the employer. If an employer chooses not to sponsor the benefit, an employer can purchase PFML coverage through the State individual risk pool, which MetLife administers on behalf of the Department of Employment Security. Only individuals whose employer does not offer PFML insurance, or an equivalent benefit, may purchase coverage through the State. Individuals are responsible for paying the premium, which is capped at $5 per week. MetLife collects premium directly from individuals unless the person works for an employer with 50 or more employees. In that case, the employer is required to deduct the premium from the worker’s paycheck with remittance to MetLife. PFML insurance provides wage replacement benefits in the event of an absence from work due to a qualifying event during a 12-month benefit period. RSA 21-I:102, III and Ins 8001.03 set minimum benefits at six weeks leave with payment of 60 percent of the employee’s average weekly wage (up to the Social Security wage cap). Leave may be continuous or on an intermittent basis. While MetLife also offers employer groups a policy providing 12 weeks of benefits, individual coverage is limited to six weeks. For employer groups, a waiting period of up to seven months, during which there is payment of premium but no benefits yet available, is permitted. An employer may also elect to have an elimination period of up to one week. Employers may use these plan elements to customize their benefit structure. Individuals purchasing insurance through the State are subject to both a seven-month waiting period and one week elimination period.

There are differences between the Granite State Plan and FMLA. One such difference is the definition of family member. For example, state law includes grandparents, whereas FMLA does not. Additionally, because this is a voluntary program intended to create a viable insurance market, the insurance regulations permit flexibility in policy design to meet consumer demand and foster competition. Pursuant to Ins 8001.02(n), an insurer may include other relatives, such as a sibling or cousin, within the definition, so long as this is reflected in the policy language.

As with other regulated insurance, there are exclusions. (See Ins 8001.05) PFML insurance is prohibited from providing benefits for the employee’s own medical leave that arises from a work-related illness or injury or their own disability for which they receive disability income benefits.

Also noteworthy, an employer’s decision to grant leave from work does not guarantee benefits under a policy. Nor does the granting of benefits necessarily guarantee any right to continued employment or job protection. The fact that an insured person terminated for taking an otherwise qualifying leave of absence is not grounds for denying benefits under the policy. Labor and employment practitioners should be aware of the new state family and medical leave job protections afforded employees that work for large employers (50 or more employees) that sponsor PFML insurance and how it compares to FMLA. (See RSA 275:37-d)

Businesses began enrolling in December and may enroll at any time throughout the year. The individual pool enrollment deadline is January 1, 2023. More information about the program is available at paidfamilymedicalleave.nh.gov.

Roni Karnis is an attorney at the Insurance Security oversees the program, while the Insurance Department approves the insurance forms and rates. The program helps address two employment issues that have been persistent in the labor market for some time. For employers, the issue is attracting and retaining workers while maintaining workplace stability and productivity. For employees, there has been a growing concern nationally to be able to take care of their families when serious health problems arise or to bond with children after childbirth or adoption. No doubt, the pandemic emphasized these concerns.

The federal Family and Medical Leave Act of 1993 (FMLA/Act) guarantees certain employees who work for large employers up to 12 weeks leave of absence for qualifying events. The Act, however, does not apply to all employment situations, particularly in New Hampshire where many employers are not subject to FMLA. The Act also does not mandate payment of wages while on leave and many families cannot afford to take leave without pay.

To address the challenges unaddressed by federal law, some states, including MA and CT, have enacted statutes requiring employers to participate in a state regulated PFML program, which is typically funded through employment taxes. Vermont announced a program resembling NH’s last December.

Unlike other states, the Granite State Paid Family and Medical Leave Program was enacted by HB2 in June 2021. It is codified in RSA 21-I:99, et seq., RSA 282-B and RSA 77-E:3-e and supplemented by administrative rules, Ins 8000 (adopted on Nov. 20, 2022). The law required the program to be operational by January 1, 2023. The Departments of Administrative Services and Employment Security oversee the program, while the Insurance Department approves the insurance forms and rates.

The program helps address two employment issues that have been persistent in the labor market for some time. For employers, the issue is attracting and retaining workers while maintaining workplace stability and productivity. For employees, there has been a growing concern nationally to be able to take care of their families when serious health problems arise or to bond with children after childbirth or adoption. No doubt, the pandemic emphasized these concerns.

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By Hon. N. William Delker and Hon. Michael Garner

One of the fundamental principles of a criminal trial is that a defendant being judged on the strength of the specific allegations against him or her and not based on the person’s character. Nearly 30 years ago, in State v. McGee, 139 N.H. 505 (1995), the New Hampshire Supreme Court exercised its supervisory authority to guide trial courts in applying this precept in the context of New Hampshire Rule of Evidence 404(b). That rule is designed to ensure that a person is not judged on his or her propensity to act in a certain way, but that evidence of other crimes or bad acts may be admitted when it has a bearing on the merits of the case. To ensure these goals are met, the NH Supreme Court requires trial courts make specific findings of fact and rulings of law to support the admissibility of the other bad act evidence.

In the intervening decades, litigants and trial courts have continued to struggle with the application of Rule 404(b). To facilitate the resolution of the complex calculus of whether to admit Rule 404(b) evidence, the rules of criminal procedure established deadlines for the prosecution to provide notice of its intent to rely on other bad act evidence. Under existing rules of criminal procedure, Rule 12 sets the deadline 14 days before trial in Circuit Court and 45 days after arraignment in Superior Court. This rule has not always been rigidly followed, and however, are often illusory because they impose no specific content for the notice or obligation to litigate the issue before trial. Under current practice, some prosecution counsels send a letter simply notifying defense counsel that the State intends to rely on Rule 404(b) evidence contained in discovery. That notice does not identify the particular evidence or explain its admissible purpose. Given these shortcomings, trial courts are often faced with making complex evidentiary rulings relating to Rule 404(b) evidence late in the trial process.

On December 22, 2022, the NH Supreme Court adopted substitute amendments to the notice obligations. Those changes go into effect on March 1, 2023. We write today to highlight the important new procedures adopted by these rule changes, but Rule 404(b) is not limited to prior bad act evidence offered against a defendant. In other words, when a defendant intends to rely on Rule 404(b) evidence to impeach a prosecution witness, the trial court must still make necessary rulings on the admissibility of the other act evidence. The notice requirements for Rule 404(b) evidence are based on the amendments to Rule 12 of the Rules of Criminal Procedure now apply to both the prosecution and defense. In Circuit Court, a litigant must provide the opposing party with written notice of the intent to rely on Rule 404(b) evidence at least 14 days before trial. That notice must include the particulars by which the proponent intends to offer the evidence and the reasoning that supports the purpose.” In Superior Court, the same written notice is required 60 days before jury trial. Under Circuit and Superior Court, the written notice must be accompanied by “[a]ll statements, reports or other materials that the proponent of Rule 404(b) evidence will rely on to prove the commission of such other crimes, wrongs, or acts.” Given the more specific notice requirements in the amended rule, the practice of generically referencing any and all bad act evidence contained in discovery will no longer suffice.

The procedure for litigating Rule 404(b) evidence even more substantially altered for Superior Court practice. Written notice 60 days before jury selection allows the parties to meet and confer on the admissibility of evidence as required by Rule of Criminal Procedure 35(1)(j) before formal motion practice. In the event the parties cannot reach agreement, Rule 12(b)(4)(A)(ii) requires the proponent file a formal motion, which articulates the legal basis for the introduction of Rule 404(b) evidence. This motion must be filed on or before the date the opposing party has been notified under sub-paragraph (i) or (ii).

It is not uncommon for a proponent of Rule 404(b) evidence to argue that the evidence is not evidence of other bad actions, but rather intrinsically to the charged crime. In this situation, the proponent reasonably could take the position that notice and a motion are not required under sub-paragraph (i) or (ii) because the challenged evidence is admissible under a theory other than Rule 404(b). If the opposing party disagrees and believes that challenged evidence falls under Rule 404(b), the party seeking to exclude the evidence must file a motion 30 days before jury selection to resolve the issue. The motion to exclude cannot generically seek to exclude “all Rule 404(b) evidence.” Rather, the motion must specifically identify the evidence the party believes should be excluded as Rule 404(b) evidence.

The trial court can then determine if the challenged evidence is, in fact, intrinsic to the charges. If the trial court concludes that the disputed facts actually fall under Rule 404(b), the court may exclude the evidence on the ground that the proponent did not comply with the notice and motion requirements of (i) and (ii).

The less complex amendment to the existing rule for Circuit Court allows the opponent time to challenge the notice, but also reflects that Circuit Court practice often leaves resolution of the issues to the day of trial. Notice requirements imposed by the amendments to Rule 12 may be waived in both Circuit and Superior Court for “good cause shown.” In deciding whether to exclude Rule 404(b) evidence based on the proponent’s failure to comply with the notice and motion requirements, the court may consider the strength of the argument that the evidence is intrinsic, whether the proponent of the evidence sought to shift the burden of filing a motion to exclude evidence to the opponent, and any other relevant factor.

New Hampshire is not alone in its struggle with establishing a meaningful procedural framework for litigating Rule 404(b) evidence. Federal courts have

**RULES continued on page 33**
The Defendant was convicted at trial, which was upheld on appeal. In 2015, the Defendant moved for a new trial based on ineffective assistance of counsel; arguing that (1) defense counsel failed to present certain witnesses, (2) defense counsel failed to present certain evidence, and (3) defense counsel failed to present certain legal arguments. The trial court denied the motion for a new trial.

In 2020, the Defendant petitioned the trial court for a writ of habeas corpus, primarily arguing that by describing him as a big, menacing black guy on cross exam, his defense counsel deprived him of effective assistance of counsel. The trial court dismissed the petition, stating that the claim was procedurally barred. The Supreme Court reversed, holding that the trial court erred in dismissing the petition without a hearing.

In the instant case, the Single Referee found that the trial court erred in dismissing the petition without a hearing. The Supreme Court reversed the trial court’s decision, holding that the Defendant was entitled to a hearing on his petition for habeas corpus.

In re G.F., No. 2022-0228
January 20, 2023
Reversed

The Supreme Court held that the trial court erred in dismissing the Defendant’s petition for habeas corpus. The Supreme Court reversed the trial court’s decision, holding that the Defendant was entitled to a hearing on his petition for habeas corpus.

The Supreme Court held that the trial court erred in dismissing the Defendant’s petition for habeas corpus. The Supreme Court reversed the trial court’s decision, holding that the Defendant was entitled to a hearing on his petition for habeas corpus.

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The Supreme Court reappoints Attorney Connie L. Rakowsky and Attorney Steven B. Scudder to the Access to Justice Commission (Commission), which was established by Supreme Court order dated January 12, 2007. Attorney Rakowsky is reappointed to serve a three-year term beginning January 31, 2023, and expiring on January 30, 2026. Attorney Scudder is reappointed to serve a three-year term beginning January 31, 2023, and expiring on March 30, 2026.

The Supreme Court appoints the Honorable Elizabeth M. Leonard and Attorney Richard E. Samperli to the Commission. Judge Leonard and Attorney Samperli are appointed to serve three-year terms beginning January 31, 2023, and expiring on January 30, 2026.

The Supreme Court has received notification that the following Commission members have resigned: Honorable David W. Ruoff; Attorney Pamela Phelan; Attorney Gina Belmont; and Attorney Sarah Blodgett.

Issued: January 27, 2023
ATTEST: Timothy A. Gudas, Clerk of Court
Supreme Court of New Hampshire

In accordance with Rule 42(I)(a), the Supreme Court appoints Attorney Eric R. Wilson to serve as the Professional Conduct Committee member of the Committee on Character and Fitness. Attorney Wilson’s term as a member of the Committee on Character and Fitness shall commence on February 1, 2023, and shall expire on December 31, 2024.

Issued: January 30, 2023
ATTEST: Timothy A. Gudas, Clerk
Supreme Court of New Hampshire

Public Safety and Welfare
Petition of the State of New Hampshire, No. 2021-0462
January 31, 2023
Reversed and remanded

- Whether the superior court erred in conducting an appellate review of the circuit court’s competency hearing in a juvenile delinquency matter.

In 2019, the State filed a delinquency petition alleging Juvenile was not competent to proceed, and the Superior Court denied Juvenile’s motion to dismiss, finding Juvenile was not competent. Juvenile filed a habeas petition in superior court challenging the competency finding. Juvenile had failed to file an interlocutory appeal of the competency finding, so the superior court denied the petition. The circuit court granted the transfer to superior court after considering the factors set forth in RSA 169-B:24, I(a)(b).

The superior court subsequently determined that competency was not a transfer factor the superior court may consider under RSA 169-B:24, but is a separate and distinct issue addressed in RSA 169-B:20.

The Superior Court agreed with the state, finding that the superior court erroneously considered competency in evaluating the transfer. Turning to the statute, the Supreme Court held that RSA 169-B:24 grants discretion to the circuit court in matters of transfer to the superior court for adult prosecution. The statute provides eight factors to guide the circuit court’s discretion, but made vague assertions to support the claim, and the Supreme Court held the town failed to demonstrate any error. The Supreme Court affirmed.

Cronin, Bisson & Zalinsky, Manchester (Christopher B. Drescher, on the brief and orally), for the petitioner.
Prunier & Prolman, Nashua (Gerald R. Prunier, on the brief and orally), for the respondents.

ISSUED: February 3, 2023
ATTEST: Timothy A. Gudas, Clerk of Court
Supreme Court of New Hampshire

NH Supreme Court Orders
In advance of Ian Freeman’s jury trial on several counts, including operating an unlicensed money transmitting business, money laundering, and tax evasion, the court issued oral and written orders resolving the parties’ motions in limine seeking to exclude certain evidence from trial. The court granted the prosecution’s motion seeking to preclude evidence or argument encouraging jury nullification, but allowed (subject to limiting instructions) the defendant to present evidence of his alleged knowledge and compliance with state money transmitting business laws, including an opinion letter from his attorney. The court also denied the defendant’s motion to exclude evidence of bank and wire fraud because that evidence was intrinsic to the remaining crimes charged, relevant to the conspiracy charges, and admissible to prove intent, plan, preparation, knowledge, absence of mistake, or lack of accident. Any risk of unfair prejudice from the evidence did not substantially outweigh its probative value. 3 pages. Judge Joseph N. Laplante.

DECEMBER 2022

PATENT LAW; AMENDING INVALIDITY CONTENTIONS
Ocado Innovation Ltd., et al v AutoStore AS, et al
Civil No. 21-cv-41-JL, Written order – no opinion number

The court denied the plaintiffs’ motion to strike four allegedly untimely prior art references from the defendants’ preliminary invalidity contentsions. While the local patent rules do not reference amended invalidity contentions or provide deadlines to serve such documents, the court borrowed from Rule 16 of the Federal Rules of Civil Procedure and applied a “good cause” standard to consider the untimely disclosure. If found that the new prior art – while available to the defendants earlier in the case – did not become relevant to the defendants’ invalidity arguments therefore acted diligently in disclosing the new art. Moreover, because of the procedural posture of the case (particularly the fact that the court had not yet issued its claim construction order), the plaintiffs would not be prejudiced by the belated disclosure of new prior art. 6 pages. Judge Joseph N. Laplante.

TRUSTS
1/4/2023 Gray v Gray Case No. 18-cv-522, Opinion No. 2023 DNH 001

After a bench trial the court found the defendant trustee liable for a $170 personal legal expense improperly paid from trust property to himself. The court held that the plaintiff, a trust beneficiary and co-trustee of a related trust, had failed to prove his claims by a preponderance of the evidence, including claims that defendant breached fiduciary duties by imprudently failing to invest trust property and by failing to timely provide an accurate trust account. The court also found that plaintiff failed to show that removal of defendant as co-trustee of a related trust was warranted. 43 pages. Judge Joseph N. Laplante.

TRUTH IN LENDING; NEGLIGENCE

In this suit brought by a pro se borrower against her mortgagee, the court granted the defendant’s motion to dismiss in part and denied it in part. After liberally construing the complaint, the court dismissed the plaintiff’s negligence claims because her relationship with the mortgagee was “too tenuous” to demonstrate that the defendant undertook duties beyond those of a normal lender or loan servicer. The court also dismissed the plaintiff’s claim under the Truth in Lending Act because the defendant’s conduct, as alleged, did not violate the applicable regulation. As for the plaintiff’s RUSPA claim, however, the court found the defendant’s motion without prejudice and gave the plaintiff the opportunity to amend that claim to add factual support and allegations of damages suffered as a result of the alleged violation. 43 pages. Judge Joseph N. Laplante.

FIRST AMENDMENT; DUE PROCESS
1/12/23 Local 8027 AFTE-NH v Edelblat Case No. 21-cv-1077-PB, Opinion No. 2023 NH 005

The plaintiffs in this action are public school teachers, administrators, and teachers’ associations who challenge the constitutionality of several recent amendments to New Hampshire’s education and antidiscrimination laws that restrict what public school teachers can say to their students about how to use cannabis to prevent, and reduce, discrimination in our society. Several of the plaintiffs contend that the new amendments violate their First Amendment right to free speech. They all argue that the amendments unconstitutionally vague. The defendants moved to dismiss for failure to state a claim. The court denied their motion in part and granted it in part. The court agreed with the defendants that the First Amendment does not protect the curricular speech of primary and secondary school teachers, because they speak for the government rather than as private citizens. The plaintiffs’ ancillary claim that the amendments unconstitutionally restrict teachers’ extracurricular speech stated a plausible claim for relief because this type of speech is not government speech. The court also concluded that the plaintiffs have pleaded a plausible claim that the amendments are unconstitutionally vague in violation of the Fourteenth Amendment’s Due Process Clause, because the amendments’ vague terminology, their lack of a scienter requirement, and the possibility that teachers could be found liable for teaching a banned concept by implication, leave both teachers and enforcers to guess at what speech is and is not prohibited. 33 pages. Judge Paul Barbadoro.
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.

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, Union 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.aspx?R_ID=4440732&B_ID=83&fid=1&Adid=0&ssbgcolor=17143A&Sear chScreenID=2521&CountryID=3&LanguageID=2

Litigation Attorney

DOUGLAS, LEONARD & GARVEY, P.C.

Douglas, Leonard & Garvey, P.C. seeks an attorney with 3 - 5 years experience in litigation. Ideal candidate will have experience with any combination of employment litigation, personal injury, civil rights and criminal law.

Please send your resume to mail@nlawoffice.com. All inquiries held in strict confidence.

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.

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.

Labor and Employment Attorney

Drummond Woodsum’s Manchester, NH office is seeking an attorney to join our labor and employment law practice group. We are a tight-knit team that provides counsel to public and private sector employers, as well as tribal nations. Our team provides labor and employment counseling on all aspects of the employer/employee relationship, including collective bargaining, grievance administration, workplace discrimination, ADA compliance, state and federal wage and hour laws, and workplace misconduct. We also represent clients in state and federal courts, before federal and state agencies, and in labor arbitration. Our team is frequently called upon to provide clients with workplace training.

This position is open to qualified applicants who have excellent academic credentials, research, writing, and analytical skills, and who are highly motivated to learn. We are seeking a candidate who has strong interpersonal skills, and who is able to balance client advocacy with compassion and understanding. Applicants with 1 - 3 years of prior litigation or employment/labor experience are preferred, but applicants without prior experience are encouraged to apply, including recent law school graduates. We are invested in the success of all our associates and will provide training, mentoring, and resources to support your development as a labor and employment practitioner. New Hampshire bar admission is not required, but strongly preferred.

At Drummond Woodsum, we have created a firm culture that emphasizes devotion to serving our clients, collaboration and collegiality, and a respect for work-life balance. In addition to the firm being a great place to work, we are also fortunate to be based in northern New England, one of the most beautiful areas of the country.

Drummond Woodsum offers a competitive compensation and benefits package, including competitive medical and dental insurance, a generous profit-sharing retirement contribution, paid parental leave, contributions to your HSA, STD/LTD, and professional development. We are committed to diversity and inclusion in our hiring practice and encourage qualified candidates of all backgrounds to apply for the position. To apply, please send your cover letter and resume to hr@dwmlaw.com. All inquiries are held in the strictest confidence. No phone calls, please.
We are a small group of 6 delightful individuals. Our attorneys love to practice law and earn a substantial income working 4 days a week.

An appropriate candidate could be: An experienced attorney who no longer wishes to run a business; A state employee looking for a challenge; Or an employee of Big Law with too many billables to count. We will also consider newly admitted attorneys. Only attorneys, who wish to live in beautiful northern New Hampshire, need apply.

We are located in Plymouth NH. Contact Ora at oralaw@gmail.com.
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.

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.

ESSENTIAL JOB FUNCTIONS:
Juris Doctor from accredited law school.
Must be admitted into the New Hampshire Bar Association.

REQUIRED EDUCATION AND EXPERIENCE
Status: Full Time/Exempt
Submission Requirements: Employment application and resume required.
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**ASSISTANT COUNTY ATTORNEY**

**TITLE:** ASSISTANT COUNTY ATTORNEY

**LOCATION:** Strafford County Attorney’s Office at the Justice & Administration Building, 259 County Farm Road, Dover, NH 03820

**QUALIFICATIONS:** Juris Doctor from an accredited law school. Must be a member in good standing of the New Hampshire Bar Association.

**JOB DESCRIPTION:**
- Under the general direction of the County Attorney, the Assistant County Attorney will draft indictments, complaints, and pleadings.
- Researching pertinent case law, decisions, and legislations.
- Present investigations and cases to the Grand Jury, conduct Bench trials, jury trials and all required hearings related to the assigned caseload in the Superior and/or District Courts.
- Must be able to handle multiple tasks, meet deadlines, be organized, have communication skills, and be able to negotiate. Must be an effective team member.
- Have a working knowledge of principles and rules of criminal law and the New Hampshire criminal justice system.
- Mandatory criminal record check is required for all new employees.
- Salary will commensurate with litigation experience.

**Benefits:** Medical, Dental, Life Insurance, Holiday & Sick Time, Longevity Pay, Short Term Disability, NH Retirement System

Please send over cover letter, resume, and references to County Attorney Tom Velardi at tvelardi@co.strafford.nh.us

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**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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Candidates with, or willing and able to get, admission to MA bar will be considered, prior medical malpractice experience a plus.

Send resume and cover letter, in confidence, to thright@hmdrslaw.com.

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**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.

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